COURT PROCESS

in

PLAINFIELD

CPS

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INTRODUCTION

Analyses of court processing have typically focused on final
outcomes, such as dispositions and sentences. In the present paper we
propose to look at each of these court decisions separately but will
also focus on the less often studied process of plea bargaining.

The variables included in this study were selected both on
conceptual and expedient grounds. On one hand we defined dimensions
important to the investigation of court processing, and such definition
was based both on the ideal premises of the justice model and the most
common sources of its erosion. To operationalize and test the justice
model we needed indicators of <u>evidence</u>, <u>offense and defendant
characteristics</u>; to investigate deviations from such model we needed
indicators of personal power (<u>background</u> characteristics) as well as of
differential <u>process</u> patterns. That is, the first three dimensions are
supposed to have an impact on outcomes within a justice model, the later
two should not. Furthermore, the first three dimensions are expected to
have different weight depending on the decision. For example, if
dispositions are being looked at within a justice model evidence should
be the major determinant, if sentencing, then we would expect offense
and defendant characteristics to weight most.

While the selection of the dimensions followed in the conceptual
and empirical tradition of court studies, the selection of indicators,
as is true with any secondary data analysis, was constrained by the
available information. In another part of the report we will discuss
the strength and weakness of the PROMIS data in this respect.

The following analysis is based on the PROMIS data for all the
cases processed and closed in a criminal court of a midwestern city of
about 800,000 inhabitants during a calendar year (1979). There were a
total of 1661 cases, ninety-one percent of which were of males.

DISPOSITIONS

Bivariate Analysis

This section of the report will focus on dispositions in terms of
guilty/nonguilty outcomes. In Table 1 the distributions of all
evidence, offense, defendant, process, and personal indicators by
disposition is given for the total sample and for males and females
separately. Inspection of the bivariate associations reveal the
following patterns:

Evidence. The probability of convictions increases with evidence. That
is, being caught at the scene of the crime and having more than three
witnesses is significantly associated with being found guilty. This
same association exists for both genders but is only significant for
males.[1]

Offense. Defendants, males and females, charged with property offenses
are the most likely to be convicted. However, while the conviction rate

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[1]This and other subsequent differences in significance of
associations for the male and female subsamples is understandable as a
function of each sample size.

of males for person and other[2] (victimless) offenses is almost
identical, women are considerably less often convicted for victimless
crimes but more for person crimes. These associations are significant
for both males and females.

- Table 1 about here -

The association between offense seriousness (as measured by the
midpoint criteria) and conviction is curvilinear. Men charged with
committing crimes for which the prescribed penalty is five to eight
years are the most likely to be found guilty (83%). But male defendants
with the most serious charges (thirteen-+twenty-five years) are less
often convicted than those charged with less serious offenses (midpoint
of three years or less). Except for the very serious crimes (+twenty-
five years), there is a direct nonsignificant association between
seriousness of female charges and rate of convictions. The presence of
a weapon decreases the chances of conviction for both genders, as do
other indirect indicators of seriousness, such as injuries and threats.

Plurality of charges appears to increase the probability of
convictions for males but not for females. These associations are,
however, nonsignificant.

Defendant. Having a prior arrest does not affect the probability of
conviction, but having a prior conviction does, although this
association does not reach significance.

Process. Juries appear to be more prone to convict, but the effect is
nonsignificant. Contrary to expectation, the greater number of
continuances a case goes through, the greater the likelihood that it

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[2]Over 90% of the offenses included in this category are
victimless.

TABLE 1

DISPOSITIONS BY EVIDENCE, OFFENSE, DEFENDANT, PROCESS, AND PERSONAL INDICATORS

		Not Guilty			Guilty			Number		Sig. Lev*	
		T	M(24)	F(31)	T	M(76)	F(68)	M	F	M	F
Evidence											
No. of Witnesses	(1-3)	35%	35%	38%	65%	65%	62%	1512	148	S	-
	(4-5)	26	26	33	74	74	67				
	(6-7)	21	20	27	79	80	73				
	(8+)	21	20	32	78	79	68				
Scene of Crime-Yes		22	21	30	78	79	70	1452	147	S	-
	No	29	28	36	71	72	64				
Offense											
Type: Person		28	29	25	71	71	75	1509	147	S	S
Property		18	18	17	82	82	83				
Other		33	30	44	67	70	56				
Midpoints	(3-4)	24	23	33	76	77	67	1467	145	S	-
	(5-8)	18	17	27	82	83	73				
	(13-15)	30	30	18	70	70	82				
	(+25)	31	29	57	69	70	43				
Weapon-Yes		30	29	41	70	70	59	1499	148	S	-
No		23	22	30	77	78	70				
Injury-Yes		34	32	48	66	68	52	1505	143	-	-
No		23	22	28	77	78	72				
Threats-Yes		31	30	37	69	70	63	1503	144	S	-
No		22	21	30	78	79	70				
$ Property Value	(-10)	34	33	44	66	67	56	1335	147	S	-
	(10-25)	20	20	17	80	80	83				
	(25+)	21	21	12	79	78	87				
No. of Charges	(+1)	22	21	34	78	79	66	1512	143	-	-
	(1)	27	26	29	73	73	71				
Defendant											
No. Prior Arrest	(0)	23	22	30	77	78	69	1442	145	-	-
	(1-2)	26	25	38	73	74	62				
	(+2)	25	25	31	75	75	69				
Convictions Rec-none		25	27	50	75	73	50	1313	126	-	-
old (+54)		28	25	29	72	75	71				
recent (-54)		25	24	32	75	76	68				
Process											
Jury-Yes		21	21	19	79	79	81	974	85	-	-
No		23	22	30	27	77	70				
Def. Attorney - Private		26	26	30	74	74	70	1033	131	S	-
Public		19	18	30	81	82	70				
No. Continuances	(1-3)	42	41	52	58	59	48	1511	143	S	S
	(4-6)	22	21	26	78	79	74				
	(7-8)	18	18	24	82	82	76				
	(+9)	17	17	19	82	83	81				
Personal											
Race - Black		25	24	31	75	76	69	1512	143	-	-
White		25	24	32	75	76	68				
Age - 16-20		20	20	24	80	80	76	1498	148	-	-
21-24		21	22	20	79	78	80				
25-30		26	25	34	73	74	66				
+30		31	30	47	68	70	53				
Occupation - Employed		25	23	46	75	76	54	1061	104	-	-
Unemployed		25	24	33	75	76	67				

*chi square significance level ≤.01

will receive a guilty verdict. This association is significant both for males and females. Access to a private attorney appears to significantly facilitate nonguilty dispositions for males but has no effect on female cases dispositions.

Personal. No significant association is found between race of the defendants and convictions. While younger men (twenty-five years old or younger) appear to be convicted more often than their older counterparts, this association does not reach significance. On the other hand, unemployed women are more often found guilty than employed women, but for men, employment status seems irrelevant for the disposition outcome.

In reviewing Table 1, one should be aware that on the whole, women are proportionally less often convicted than men (68% vs. 76%). It is also noteworthy that women constitute only 9% of the cases going to trial.

From the bivariate analysis we have found that in Plainfield personal and defendant characteristics do not seem to affect independently dispositions. On the other hand, evidence, offense, and process indicators show significant associations with convictions. Both evidence indicators are associated with dispositions in the expected direction. That is, the greater the number of witnesses and being caught at the scene of the crime enhance the probability of being found guilty.

The associations between offense indicators and process indicators with dispositions is less clear cut. It appears that the more serious the crime (in terms of midpoints, presence of a weapon, injury, and threats), the greater the likelihood of receiving a nonguilty verdict.

However, the amount of property loss resulting from the offense is significantly and directly associated with convictions. While victimless offenses are the less often convicted, property cases end more often in a conviction than cases involving person offenses. This reinforces the seriousness/disposition association since 92% of crimes with midpoints of 25 years or more are person offenses, and 92% of the least serious are either property of victimless. Also, 80% of offenses involving weapons, 80% involving injury, and 86% involving threats are classified as person offenses. However, 65% of the offenses involving property loss fall under property offense. Again, these associations reinforce the finding that a guilty verdict is more likely to occur for cases of property rather than person offenses.

It could be argued that evidence is easier to gather for property than person offenses. Tables 2 and 3 do not fully support such argument. In fact, it can be seen that 71% of violent crimes have more than five witnesses as compared to 60% of the property crimes. On the other hand, property offenders are more often caught at the scene of the crime (63%) than person offenders (39%). The joint effect of evidence, seriousness, and type of offense will be assessed later through multivariate analysis.

- Tables 2 and 3 about here -

Number of continuances is directly and significantly associated with guilty dispositions. Since only 12% of the nonguilty cases went to trial in this court, it could be that this association reflects mostly high dismissal rates at earlier process stages. Table 4 proves this to be the case. Almost half of the dismissed cases had less than three continuances as compared with 18% of the guilty cases. In short, the

TABLE 2

TYPE OF OFFENSE BY NUMBER OF WITNESSES

	Less Than Four	Five	Six-Seven	More Than Eight	N
Violent	11.2%	17.3%	25.2%	46.3%	555
Property	14.8	25.6	36.9	22.8	861
Other	39.2	17.6	27.5	15.8	495

T = 1911   Chi-Square = 258.99   Sig. = 0.   Conting. Coeff. = .3455

TABLE 3

TYPE OF OFFENSE BY APPREHENSION
AT THE SCENE OF CRIME

	Yes	No	N
Violent	39.4%	60.6%	540
Property	62.6	37.4	840
Other	64.1	35.9	493

T = 1873   Chi-Square = 88.185   Sig. = 0.   Conting. Coeff. = .2121

association between continuances and convictions is a function of the

inclusion of dismissed cases in the category of nonguilty.

- Table 4 about here -

As expected, on the whole, the presence of a private lawyer appears

to be conducive to nonguilty disposition. In fact, as shown in Table 5,

private lawyers seem to be especially successful in getting a case

dismissed. It follows that the influence of private lawyers would be

underrated if only trial outcomes were examined.

- Table 5 about here -

Multivariate Analysis

In the subsequent multivariate analysis we were forced to drop two

variables because of their high level of missing data (over 20%). Those

variables are jury and defendant's occupation. Since jury and

defendant's occupation showed weak and nonsignificant associations with

dispositions, it is expected that their exclusion will not distort the

results of the analysis. As in previous analysis, we will be using

MCA,[3] a method analagous to regression analysis but which allows for

the use of nominal level predictors.

Disposition Based on Evidence and Other Dimensions.

As argued elsewhere[4] the criteria for disposition in a Justice

Model is expected to be based on evidence. The decision being made

should not at this point be based on the nature of the offense or the

reputation of the defendant, but simply on the proof of guilt beyond

reasonable doubt. While limited, the two indicators of evidence

[3]See the Methodological Appendix for a more detailed discussion of
the MCA.

[4]See theoretical discussion of the Washington Report.

TABLE 4

NUMBER OF CONTINUANCES BY TYPE OF DISPOSITION

No. of Continuances	Dismissed	Found Not Guilty	Found Guilty	Pled Guilty	Total
1-3	45% (162)	11% (6)	16% (28)	18% (201)	(397)
4-5	24 (86)	29 (15)	21 (35)	30 (330)	(466)
6-8	14 (53)	31 (16)	18 (31)	25 (275)	(375)
9+	15 (57)	27 (14)	45 (71)	25 (278)	(420)
	(358)	(51)	(165)	(1084)	

TABLE 5

PROCESS INDICATORS BY TYPE OF DISPOSITION

	Dismissed	Found Not Guilty	Found Guilty	Pled Guilty	Total
Private Lawyer	66% (153)	58% (18)	54% (60)	55% (421)	(352)
Public Lawyer	33 (77)	41 (13)	45 (50)	44 (339)	(479)
	(230)	(31)	(110)	(760)	

available in this data set are traditionally used in criminal courts. The assumptions made about those indicators are : 1) that a defendant caught at the scene of the crime can be more easily linked to the act, and 2) that the greater the number of witnesses testifying, the greater the likelihood of the strength and completeness of incriminating evidence.

The regression of the two evidence indicators on dispositions produced a very low R^2 (.02) and it further shows that only number of witnesses varied in the expected direction. It could, however, be argued that some offense characteristics might make the assessment of guilt easier than others and furthermore, that some types of crime might call for a more thorough investigation than others, which in turn could lead to more convictions. The argument could be made, for example, that it is easier to get evidence for crimes involving victims than for victimless offenses. Also, plurality of charges, apprehension of weapon, and verification of threats could, in principle, be taken as incriminating evidence.

On the other hand, serious crimes (crimes for which the law prescribes severe punishment because of high consensus about how heinous or dangerous to society they are), as well as those involving injury or high property loss, are expected to be more thoroughly investigated. This in turn should decrease the probability of quick dismissal and increase the probability of trials and consequently, of convictions. In sum, an argument can be made that offense characteristics might affect the quality of evidence.

Offense indicators by themselves explain only about 4% of the variance in dispositions ($R^2 = .044$) and amount of property loss, type of

offense and seriousness (midpoint) are the only offense predictors showing Beta values above .10. The association of type of offense and amount of property loss with dispositions are in the direction predicted. That is, defendants charged with person or property offenses, and offenses involving property loss are more often found guilty than defendants charged with victimless offenses or offenses involving no property loss. Seriousness (midpoint), however, shows a curvilinear relationship with dispositions with cases in the medium-high category (midpoints in the range of thirteen-fifteen years) having the least likelihood of conviction.

Together, evidence and offense have an almost direct additive effect on dispositions ($R^2 = .062$), showing the same variables with Betas over .10 (property loss value, type and seriousness of offense, and number of witnesses) and maintaining the same direction of associations.

While, in principle, defendants' prior record should not have any influence on the assessment of their guilt, it is possible that the existence of past records might give access to information leading to conviction through direct or circumstantial evidence. However, the inclusion of defendants' past arrest and conviction record in the MCA equation add very little to the explanatory power of the previous model (1%), and neither of the Betas of the new predictors reaches .10.

Thus far we have attempted to argue that the inclusion of offense and defendant indicators in a justice model of dispositions could be justified to the extent that offense and defendant characteristics could indirectly reinforce evidence. Similar arguments cannot be made within reason for process and personal characteristics. Consequently, any impact that these variables might have on dispositions have to be

interpreted as evidence of deviance from the justice model. The results

of the MCA including the indicators[5] of the five dimensions (evidence,

offense, defendant, process, and personal) is shown in Table 6. The

inclusion of process and background variables did not improve the total

explained variance of dispositions ($R^2=.064$). Weak as it is, we see

that in this model offense variables are the stronger and background

variables rather irrelevant. In fact, together all the seven variables

showing Betas below .10 contributed less than 1% to the total variance

explained by the model, while the eight variables with Betas above .10

explained slightly over 5% of the total variance. The direction of the

association of these later variables with disposition is shown in Table

7. In four instances the associations are not in line with the

predictions based on the justice model. There is a slightly higher

probability of being found not guilty if charges involved serious

offense, with injury and defendants with a previous record. While the

association with type of defense attorney was in the expected direction,

in a justice model type of defense attorney should not affect the

disposition outcome.

- Tables 6 and 7 about here -

In sum, while the dimensions included in the model were expected to

affect the disposition decision we find that they explain very little of

the outcomes. With the exception of type of attorney, there is,

however, no evidence of any systematic bias in the system. In fact, we

have to conclude that either there is a lot of randomness in the

decision process, or that we are missing important dimensions, or still

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[5]Jury and defendant's occupation as indicated previously were
omitted due to high levels of missing data.

TABLE 6

MULTIPLE CLASSIFICATION $\quad$ *N=824*
ANALYSIS $\qquad$ Multiple $R^2=.064$

Dep. Variable: Dispositions - 0 Not Guilty
$\qquad\qquad\qquad\qquad\qquad\qquad\quad$ 1 Guilty

Predictors	Betas
Type of Offense	.17
Midpoint	.16
Property Loss	.14
Injury	.13
Prior Arrests	.13
Defense Attorney	.11
Number of Continuances	.11
Number of Witnesses	.10
Threats	.06
Race	.06
No. of Charges	.06
Age	.05
Weapon	.04
Conviction Record	.02
Scene of Offense	.01

TABLE 7

ADJUSTED MEANS

SELECTED PREDICTORS OF CONVICTIONS

		Adjusted Means	Beta
Type of Offense	N		.17
Person	278	1.8	
Property	350	1.7	
Victimless	196	1.7	
Property Loss	N		.14
None	308	1.7	
Medium	362	1.8	
High	154	1.8	
No. of Witnesses	N		.10
1-3	124	1.6	
4-5	164	1.7	
6-7	288	1.7	
8+	248	1.8	
Defense Attorney	N		.11
Private	473	1.7	
Public	351	1.8	
Midpoint	N		.16
3-4	306	1.8	
5-8	211	1.8	
13-15	226	1.6	
+25	81	1.8	
Injury	N		.13
Yes	155	1.6	
No	669	1.8	
Prior Arrest	N		.13
0	367	1.8	
1	212	1.7	
+1	245	1.7	
No. of Continuances	N		.11
1-3	166	1.6	
4-6	232	1.7	
7-8	194	1.8	
+9	232	1.8	

that while our dimensions are the relevant ones, their operationalization is incomplete. If we accept the explanation of random processing, we automatically have to conclude that the justice model is not being followed. If, on the other hand, our conceptualization is at fault and we omitted important dimensions then the whole field of criminal court studies has been in the wrong track since our conceptualization has been based on those studies. Finally, if we accept the explanation of operationalization shortcomings which were imposed by the information available in the PROMIS system, this raises serious questions about the utility of this information system to monitor and evaluate criminal court processing (the major rationale for the development of PROMIS).[*]

Gender Differences in Convictions

Because males are eleven times more represented in the sample than females, the above analysis is naturally more representative of the male than the female subsample. Furthermore, while the two subsamples have similar distributions for number of witnesses, jury involvement, number of charges, number of continuances, and race, they vary significantly as to the other variables, as shown in Table 8. Women are much less often charged with victimless crimes than males. Also, the offenses they are charged with are on the whole much less serious than males' charges and are less likely to involve threats, use of a weapon, and property loss. Women are also more likely to be first offenders, older than men, and have more access to private lawyers.

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[*]For instance, it is puzzling that, in spite of dispositions being a crucial decision in criminal courts and the principle that they be based on evidence, so little information on evidence is gathered in PROMIS.

- Table 8 about here -

To assess if dispositions are based on the same criteria for men

and women at this court, the structural and size difference of the two

subsamples have to be taken in consideration. Accordingly, we will

subsequently analyze disposition separately for each subsample and use

the AID Alogarithm which is essentially designed to detect structural

effects.[7] The results of the AID analysis are shown in Figures 1 and

2.

- Figures 1 and 2 about here -

The predictors selected by the program explain 11% of the variance

of dispositions for males. Examining Figure 1, we find that, on the

whole, defendant past record is the greater contributor to the variance

explained (3.3%), followed by process indicators (type of defense

attorney and number of continuances). It is noteworthy that evidence

and offense predictors contribute little to the overall explanation of

the model (respectively, 1.4% and 2.4%). Finally, only one background

indicator (age) shows any, if minor, effect on male dispositions

(.9%).[8]

Comparing the final groups in Figure 1, it can be seen that the

interaction of the variables selected can produce probabilities of

conviction that vary from 26% to 89%. In these groups, with two

exceptions, (G19, G16), the presence of a private lawyer produces lower

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[7]For a more detailed discussion of the AID program see the
Methodological Appendix.

[8]These results are somewhat different from the additive analysis
(MCA) of the whole sample, which showed offense indicators as the most
important predictors. There is, nonetheless, a considerable overlap
between the variables selected by AID and those showing high Betas in
the MCA analysis.

TABLE 8

DISTRIBUTION OF PREDICTORS SHOWING

SIGNIFICANT (<.01) GENDER DIFFERENCES

	Male	Female
% Apprehended at the scene of crime	55	69
% Person Offenses	30	15
% Property Offenses	46	39
% Victimless Offenses	24	46
Midpoint (+5y)	61	33
Use of Weapon	26	15
Value Prop. – none	40	56
Threats	30	89
Prior Arrests – none	42	60
Convictions Record – none	67	82
Def. Attorney – private	56	69
Age –– 16-20	27	13

FIGURE 1

Convictions of Males

AID Analysis

0 - No Conviction
1 - Conviction
N = 738
Variation Explained 11%

$\bar{x} = .75$ | 738

1.2

2
Def. Att.
Priv. .71 | 406

3
Def. Att.
Publ. .81 | 332

1.7

.8

4
No. Cont.
-3 .55 | 74

5
No. Cont.
+3 +.75 | 342

*8
Arr.
0 .88 | 128

9
Arr. 1.76
1+ .76 | 204

.9

1.4

.9

12
Age
-24 .67 | 40

13
Age
25+ .41 | 34

6
No. Witn
-3 .58 | 55

7
No. Witn
+3 +.78 | 287

*10
Pers +
Prop +.79 | 183

11
Other
+.58 | 33

1.5

2.7

14
Midp.
-8 +.70 | 42

15*
Midp.
13+ +.26 | 23

*18
Arr.
01 +.86 | 35

*19
Arr.
+1.31 | 33

16
Arr
0 +.88 | 23

17*
Arr
1+ +.54 | 23
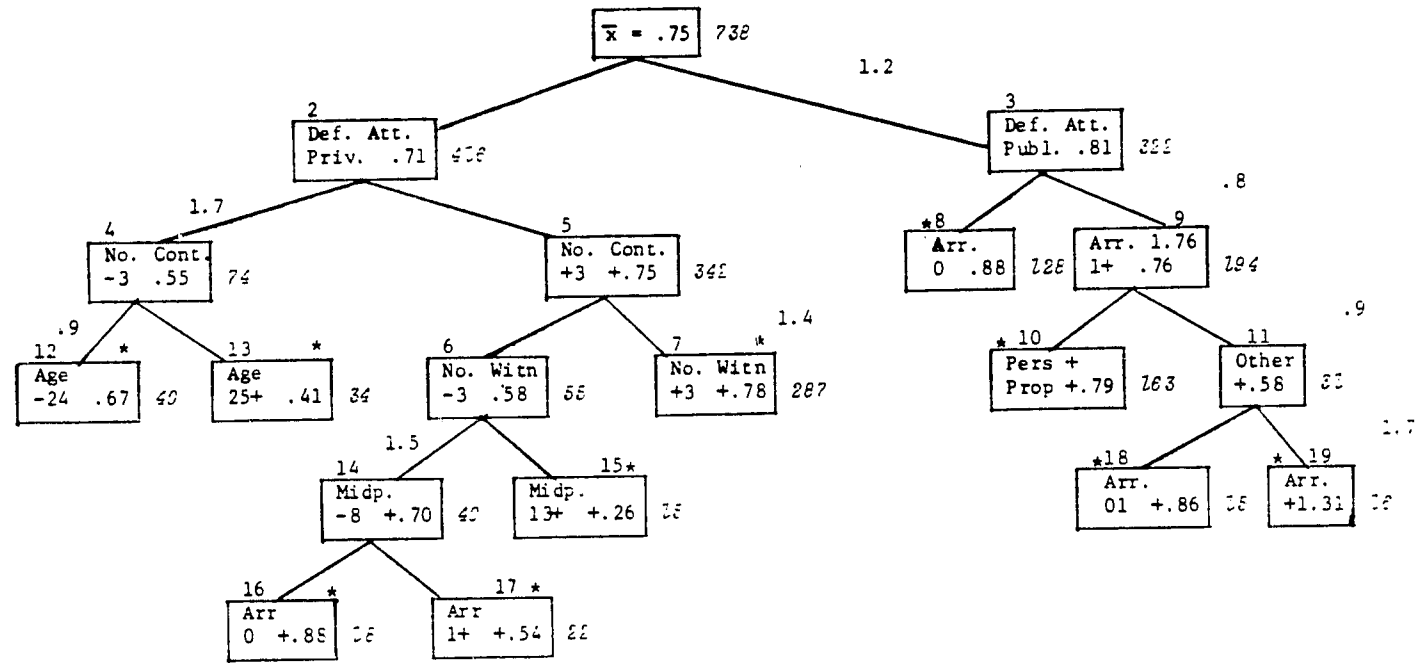
Final Groups	Probability of Conviction	N
G15 Priv. Att., +Cont, -Witn, HSer	.26	23
G19 Pub. Att., +Arr., Victless	.31	23
G13 Priv. Att., -Cont, Old	.41	34
G17 Priv. Att., +Cont, -Witn, LSer, +Arr.	.54	23
G12 Priv. Att., -Cont, Young	.67	40
G7 Priv. Att, +Cont, +Witn	.78	287
G10 Pub. Att., +Arr, Pers/Prop	.79	183
G18 Pub. Att., +Arr., Victmless	.86	35
G8 Pub. Att., -Arr.	.88	128
G16 Priv. Att., +Cont, -Witn, LSer, -Arr.	.89	23

FIGURE 2

Convictions of Females

AID Analysis

Convictions 0 - No
1 - Yes

N = 122
% Explained = 19%

.68 | 122

9.8

2
Pers/Prop
.82 | 62

3
Victimless
.53 | 60

3.8

3.0

*8
-3 Cont
.63 | 19

9 *
+3 Cont
.91 | 43

*4
-3 Cont
.33 | 15

5
+3 Cont
.59 | 45

1.5

6
Arr - 0
.66 | 30

7 *
Arr - 1+
.46 | 15

1.0

* 10
Age -24
.74 | 19

11 *
Age 25+
.54 | 11
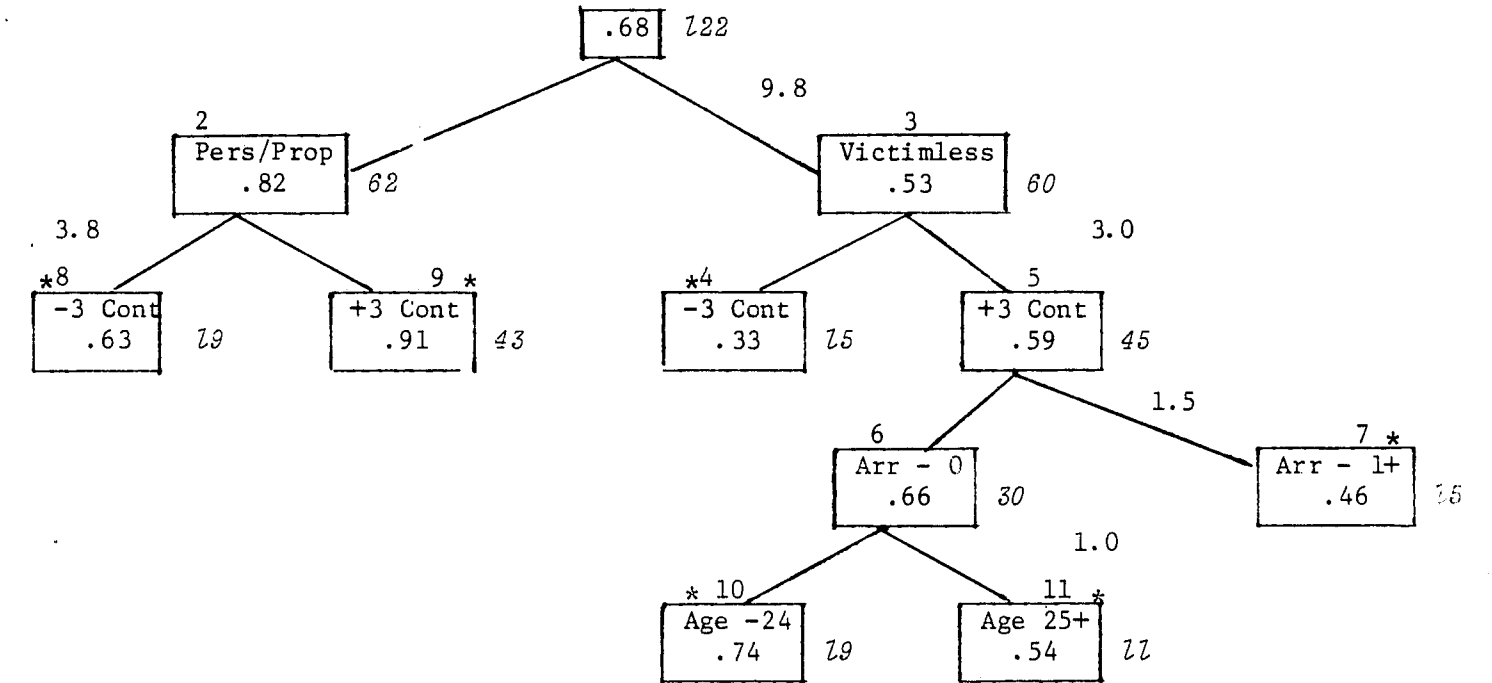
Final Groups	Probability of Conviction	N
G4 Victimless, LoCont	.33	15
G7 Vict., HighCont, +Arr.	.46	15
G11 Vict., HighCont, -Arr., Old	.54	11
G8 Prop/Pers, LoCont	.63	19
G10 Vict., HighCont, -Arr., Young	.73	19
G9 Prop/Pers, HighCont	.90	43

conviction rates as compared to a public defender. Also, among all cases handled by public counsel, defendants with no prior arrest have a higher risk of conviction (.88, G8) than those with a past record (.76, G9). This association is stronger for victimless crimes (G19=.31; G18=.86). The same effect occurs in cases of low seriousness, few witnesses, handled by private attorneys, and having gone through many continuances. For cases sharing these characteristics, the existence of a past arrest record decreases the probability of conviction from .89 (G16) to .54 (G17). This is not the only counter-intuitive finding; seriousness also seems to decrease the probability of conviction in cases with private attorney, many continuances, and few witnesses (G15=.26; G14=.70). Even under positive conditions (private attorney and few continuances) younger defendants have a higher risk of conviction than older ones (G12=.67; G13=.41).

In sum, this analysis, on the whole, confirms the associations found in the additive analysis for the whole sample. The probability of conviction is higher than average for male defendants who have public counsel, have been charged with person or property offenses, for which there are many witnesses, and which cases have gone through many continuances. However, defendants with an arrest record, as well as those charged with serious offenses, have a lower than average chance of conviction. That is, while evidence and type of offense affect conviction in the expected direction, defendant characteristics and offense seriousness show an effect reverse to the expected. This is especially conspicuous in the comparison between groups 14 and 15 in Figure 1. These groups share process and evidence characteristics and differ solely on offense seriousness. The group including the less

serious offenses has as .70 probability of conviction, while the group with the more serious offenses only .26.

The results of the AID analysis of convictions for females are shown in Figure 2. The variables selected by the program explain 19% of the variance.' The most important predictor of female convictions is type of offense, which accounts for more than half of all the variance explained (9.8%). Next in importance is number of continuances (3%), followed by defendant record (1.5%) and lastly, age (1%).

It is noteworthy that evidence, seriousness, and defense attorney do not emerge as having an impact on women's probability of being convicted. Not only were those variables significant in predicting males' convictions, but also their distribution in both samples were similar, giving stronger credibility to the finding that criteria of convictions differ by gender. In relation to type of offense, prior arrest and age (significant predictors in Figure 2), the two data sets showed significant differences (see Table 8). However, this set of variables emerge in both Figure 1 and 2 as affecting dispositions in the same direction. That is, the probability of conviction for females as was true for males is higher for those charged with property and person rather than victimless offenses and decreases with arrests and age.

In the female subsample, within the same type of offenses (person/ property and victimless) high number of continuances increases the probabilities of convictions by about 25% (G8/G9; G4/G5). It is also noteworthy that although there are proportionately considerably fewer

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'It should be kept in mind that in spite of the very small size of this sample, it constitutes the universe of women processed in the Plainfield Court for the time period under study. Under these circumstances, inferences are not an issue, and the small N is not problematic.

females with prior arrest and younger (below 25 years of age), the effects of those variables on convictions is in the same direction as for males. Among female defendants charged with victimless offense and going through many continuances, absence of a past record increases the probability of conviction by 20% (G6 vs. G7). And within this subgroup without a past record being less than twenty-five years of age increases further the probability of conviction by 20% over older defendants.

In sum, the most important differences between the results shown in Figure 1 and 2 are: 1) the lack of effect of defense attorneys, witnesses, and midpoints on female convictions; 2) the much more powerful impact of offense type on women than male convictions (9.6% vs. .9%). While the second difference may be the result of the preponderance of victimless offenses among women defendants, the first appears to reflect real differences in processing. Since, proportionately, number of witnesses, midpoints, and access to private attorney is similarly distributed across the two samples, the results of the AID analysis clearly show that lack of evidence, presence of a private lawyer, and seriousness are criteria favoring nonconviction only for males. For females the only criteria evident are type of charge and length of the process.

TYPES OF PLEAS

We found in the previous section that evidence, offense, defendant, process and background indicators did very little to explain convictions. This cannot be taken as proof that decisions to convict are made randomly. As mentioned previously, the lack of explanatory power of our model can be due to the constraints of available PROMIS information which might have hampered the validity of the

operationalization of the major dimensions. On the other hand our model might be inadequate in as much as it might be missing the core of criminal processing. While undoubtedly the determination of guilt is the major function of the criminal court, it is well documented that disposition decisions are not computationally made on the basis of standard criteria[10], but overwhelmingly the outcome of the defendants willingness to plead guilty. Consequently, it would appear that in spite of the rhetoric about dispositions the crucial decision in court is the type of plea the defendant decides on.[11] Nationwide pleas of guilt account for 90% of all convictions and in Plainfield the pattern is similar (85.4%).

A detailed discussion on the importance of pleas in the criminal justice system can be found in the Washington report where the literature on plea bargaining was reviewed and discussed. Also dimensions characterizing different explanations of plea decisions were identified. In short we concluded that there were four types of distinct explanations of plea decisions: 1) the _evidence_ model, in which the prosecutor is seen as the major decision-maker, argued that, with the purpose of expediting the criminal process, defendants are pushed

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[10]There has been a trend in recent times toward achieving greater standardization of processing in American courts. The pull for determinate sentences and sentence guidelines is a manifestation of such a trend. The development of PROMIS itself had as one of its purposes the identification and utilization of process standards. The development of crime and defendant scores in PROMIS is probably the clearest indication of this effort. Conversely the verified irrelevance of these measures in our study indicate the lack of success of this specific strategy.

[11]In terms of disposition outcomes, most of the defendants who are not convicted have their cases dismissed, while most who are found guilty, pled guilty. These two decisions (dismissal and guilty plea) account for over 90% of all dispositions in the courts studied.

towards pleas in cases of unambiguous guilt. Alternatively the argument

is also made that prosecutors attempt, through guilty pleas, to ensure

convictions of weak cases, that is, cases likely to be dismissed or

receive a non-guilty disposition at trial. 2) The _case pressure_ model

constitutes by far the most commonly accepted explanation of guilty

pleas. It emphasizes the expedient nature of guilty pleas and proposes

that its incidence is a direct response to court overcrowding.

Consequently, it assumes a direct relationship between case pressure and

incidence of guilty pleas. 3) The _defense strategy_ explanation proposes

that defense attorneys and defendants use pleas as settlements

beneficial to them, allowing for either charge reduction in serious

cases or speedy process in non-serious. 4) The _offense_ related

explanation proposes that guilty plea is an informal process reserved

for less serious offenses so that more serious offenses will receive the

benefit of full trials.

These four types of explanation are not necessarily mutually

exclusive but in order to be tested they have different operational

requirements. Accordingly from the PROMIS data available we grouped the

various indicators by reference to those requirements as shown in Table

9.

Bivariate Analysis

As discussed previously we differentiate between those defendants

that plead to the original charge and those who plead to a reduced

charge. In terms of the ensuing discussion we will refer to the first

as simple guilty pleas and to the second as plea bargaining. The

rationale for this differentiation is based on the assumption that

different mechanisms lead to each of these types of plea and that they

TABLE 9

EVIDENCE, CASE PRESSURE, DEFENSE AND OFFENSE INDICATORS

Evidence

No. of Witnesses
Caught at Scene of Crime
Weapon
Codefendants
Criminal Record
Threats

Case Pressure

Prosecutor Caseload
Career/Non-Career Prosecutor

Defense Strategy

No. of Charges
No. of Continuances
Type of Defense Attorney

Offense

Type
Seriousness (Midpoint)
Injury
Amount of Property Loss

generally produce different outcomes for the defendant. The dependent
variable in the following analysis is type of plea (guilty, bargain,
innocent). The purpose of the analysis is to identify which factors
(evidence, case pressure, defense and offenses) increase or decrease the
probability of a defendant entering a specific type of plea. The
distribution of the independent variables by type of plea is shown in
Table 10.

--Table 10 about here--

The association of evidence indicators with type of pleas is rather
mixed. While being caught at the scene of the crime appears to
encourage pleas of guilt and plea bargaining, the possession of a
weapon, use of threats and prior record are inversely associated with
simple guilty pleas but directly associated with bargaining.
Furthermore weapon possession and threats are also directly associated
with innocent pleas. On the other hand number of witnesses show no
significant covariation with type of pleas. In sum, only two of the
evidence indicators (being caught at the scene of the crime and past
record) appear to facilitate guilty pleas. That is defendants caught
red handed plead guilty more often than those who were not and
defendants with a past record engage more often than first offenders in
plea bargaining. Those who used threats and were caught with a weapon
appear to tend to opt either for bargaining or innocent pleas.

The associations between defense indicators and types of plea are
also not uniform. Number of charges appear to facilitate simple pleas
of guilt but to decrease the probability of bargaining. Number of
continuances is directly associated with pleas of guilt up to a point;
cases with the highest number of continuances (9 or more) are

TABLE 10

EVIDENCE, DEFENSE, OFFENSE AND CASE PRESSURE
INDICATORS BY TYPE OF PLEA

			1 Plea Guilty (66%)			2 Plea Barg. (17%)			3 Plea Innoc. (17%)			Sign 1 $p \leq .01$		
			T	M	F	T	M	F	T	M	F	T	M	F
Evidence														
No. Witn.	1-2		70	71	63	14	13	26	15	15	10	(1300)	(1195)	(105)
	4-5		67	66	83	17	17	17	16	17	--			
	6-7		70	68	90	15	16	3	15	16	8			
	8+		59	59	65	21	21	17	20	20	17			
Scene of	Yes		70	68	85	15	15	10	15	16	5	S	-	-
Crime	No		62	62	60	19	19	23	18	19	17	(1274)	(1171)	(103)
Weapon	Yes		53	52	69	22	23	15	24	25	15	S	S	-
	No		71	70	78	15	15	13	14	15	9	(1290)	(1185)	(105)
Threats	Yes		52	52	55	23	24	20	24	24	25	S	S	S
	No		72	71	82	14	14	12	13	14	6	(1293)	(1188)	(105)
Codefend.	None		68	67	54	16	16	19	16	16	9	-	-	-
	Any		63	60	80	18	20	6	19	19	13	(1300)	(1195)	(105)
Prior Arr.	0		68	67	73	20	21	12	12	12	15	S	S	-
	1-2		66	65	86	18	18	14	16	17	--	(1244)	(1143)	(10?)
	+2		64	62	85	12	13	10	24	25	5			
Convic.	None		60	59	77	12	12	11	28	29	12	S	S	-
Rec.	Old		68	68	100	10	10	--	22	23	--	(1121)	(1032)	(89)
	Recent		67	66	80	20	21	10	13	13	10			
Defense														
No. Chrgs.	1		57	56	70	25	25	25	18	19	4	S	S	S
	+1		77	77	82	7	8	5	15	16	13	(1300)	(1195)	(105)
No. Cont.	1-3		67	65	85	19	19	10	14	15	5	S	S	-
	4-6		68	68	69	19	18	28	13	14	3	(1300)	(1195)	(105)
	7-8		69	68	81	16	18	4	15	14	15			
	9+		62	61	78	14	15	7	23	24	15			
Def. Att.	Priv.		67	6.	84	17	18	8	16	16	8	-	-	-
	Publ.		66	65	86	18	18	9	16	16	5	(901)	(829)	(72)
Offense														
Type	Person		52	51	61	26	25	28	22	23	11	S	S	S
	Prop.		69	68	79	17	17	18	14	15	2	(1296)	(1192)	(104?)
	Vict.		80	80	81	6	6	2	14	14	17			
Midpoint	3 y		76	75	77	11	11	12	13	14	11	S	S	S
	5-8		72	71	83	15	15	12	13	14	4	(1258)	(1157)	(10?)
	13-15		56	55	79	23	23	22	20	21	--			
	25+		33	33	33	36	36	33	30	30	33			
$ Prop.	0-10		67	66	78	14	15	6	19	19	16	- - -		S
Loss	11-25		67	65	90	17	18	7	16	16	3	(1147)	(1044)	(103)
	+25		69	70	64	18	16	32	13	14	4			
Injury	Yes		54	55	43	22	22	21	24	23	36	S	S	S
	No		69	68	82	16	16	12	15	16	5	(1296)	(1191)	(103?)
Case	1(+50)		64	63	73	17	17	27	19	20	-	-	-	-
Pressure	2(40)		64	61	100	16	17	-	20	21	-	(1049)	(908)	(83)
(Prosec.	3(30)		60	58	72	28	28	22	13	13	6			
case load)	4(20)		71	71	73	15	15	10	14	13	17			
	5(10)		62	60	100	20	20	-	18	19	-			
	6(-10)		69	68	78	12	12	11	19	20	11			
Career	Yes		64	64	73	19	19	19	17	17	9	S	S	-
Prosec.	No		73	71	86	10	11	3	17	1?	11	(1288)	(1163)	(105)
Personal														
Race	White		69	69	68	18	18	20	13	13	11	S	S	S
	Nonwhite		63	61	86	17	16	6	21	22	8	(1300)	(1195)	(105)
Age	16-20		66	66	69	19	19	25	15	16	6	-	-	-
	21-24		69	67	83	15	15	11	16	18	7	(1290)	(1185)	(105)
	25-30		66	65	71	18	18	17	16	17	11			
	+30		65	63	83	16	17	-	19	19	17			
Occupation	Emp.		71	70	75	18	18	12	11	11	12	-	-	-
	Not Emp.		68	66	80	15	15	9	18	18	11	(914)	(841)	(73)

disproportionately represented among those who plead innocent.[12]
Finally type of defense attorney is not significantly associated with
type of plea.

Examining the offense indicators we find an inverse relationship
between seriousness (midpoints) and simple pleas and a direct
relationship with bargaining and pleas of innocence. Simple pleas of
guilty also occur more often in cases not involving injury.
Consistently defendants charged with victimless crimes are
overwhelmingly represented in the plea guilty category, followed by
property offenders. The value of property loss is also directly
associated with simply guilty pleas. Defendants charged with person
crimes are the least likely to plead guilty and the most likely to
bargain. On the whole it would appear that low seriousness is
associated with simple guilty pleas and that greater crime seriousness
can lead equally to bargaining or innocent pleas. Defendants charged
with person crimes chose more often to bargain.

Multivariate Analysis

To investigate the joint effect of the various indicators on choice
of plea we will use the Multivariate Nominal Scale Analysis (MNA).[13]
The inclusion of all the predictors in the multivariate analysis reduced

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[12]It could be that this association might be a function of the
expected greater length and more complex processing required by full
trials. This would then mean that the numbers of continuances is a
consequence of pleading innocent rather than the reverse. However, more
than half of the cases pleading innocent do not go through so many
continuances (56%) and about 3 times as many cases that plead guilty had
as many continuances. The argument that continuances can be taken as
an indicator of defense strategy is further reinforced by the fact that
proportionally more of those who plead innocent have a private attorney
(29%) than those who plead guilty (18%) or bargained (14%).

[13]See Methodological Appendix for an explanation of MNA.

substantially the number of cases because of varying distribution of
missing data. As compared to all cases the subsample having complete
information included proportionally more defendants who pled guilty (68%
vs 65%) and slightly less who pled innocent (15% vs 17%). Table 11
gives the summary statistics of the MNA. About 20% of the plea choice
in this reduced sample is explained by the predictors included in the
model. Examination of the Beta weights show that the offense indicators
are the strongest predictors and the personal indicators the weakest.
More precisely offense indicators contribute 7% to the total variance
explained, evidence and defense indicators 5% each and prosecutor case
load as well as personal indicators only about 1%.[14]

--Table 11 about here--

To increase the size of the sample the above analysis was repeated
excluding two variables with the largest amount of missing data: type of
defense attorney and defendant's occupation. Both indicators showed no
significant association with types of plea, neither in the bivariate nor
in the multivariate analysis, so that their exclusion is not expected to
affect comparability with the larger sample.

The results of the MNA excluding these two variables are given also
in Table 11 in parenthesis. We find that the predictors explained less
of the variance in this larger sample (17%) but that in terms of the

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[14]To determine the contribution of each independent variable to the
overall explanation power of the model one simply excludes that variable
from the MNA equation and subtracts this result from the original one
which included the variable. It is noteworthy that with two exceptions
the results of the bivariate and multivariate analysis coincides. That
is variables showing significant bivariate associations with pleas have
higher Beta weights in the multivariate analysis than variables showing
non-significant associations. Two evidence indicators (weapon and
threats) that showed significant bivariate associations had however very
low Beta weights in MNA. As shown in Table A-1 of the Appendix this is
due to strong associations (multiculinearity) with type of offense.

TABLE 11

MNA - TYPES OF PLEA

N = 415 · % Exp. = 19.6

(N = 730) (% Exp. = 16.6)

	Plea	Barg.	Innoc.
B^2 R^2 Adj.	.14 (.14)	.15 (.12)	.05 (.05)
Evid.			
No. of Witn.	.008 (.002)	.010 (.002)	.006 (.000)
Scene	.004 (.001)	.002 (.000)	.001 (.000)
Weapon	.007 (.000)	.025 (.000)	.004 (.001)
Codef.	.008 (.006)	.005 (.000)	.002 (.007)
Prior Arr.	.013 (.002)	.001 (.003)	.026 (.003)
Conv. Rec.	.002 (.001)	.018 (.009)	.013 (.010)
Threats	.002 (.001)	.000 (.000)	.005 (.002)
Defense			
No. Charges	.064 (.055)	.061 (.063)	.005 (.002)
No. Cont.	.006 (.008)	.011 (.003)	.013 (.020)
Def. Att.	.003	.000	.003
Offense			
Off.	.003 (.030)	.035 (.022)	.022 (.014)
Midp.	.087 (.043)	.078 (.044)	.010 (.004)
$ Prop. Loss	.018 (.027)	.016 (.003)	.003 (.023)
Injury	.021 (.001)	.028 (.003)	.000 (.000)
Prosec			
Load	.026 (.013)	.010 (.008)	.019 (.010)
Type Career	.004 (.004)	.000 (.001)	.011 (.001)
Background			
Sex	.005 (.002)	.003 (.000)	.001 (.000)
Race	.000 (.000)	.014 (.006)	.009 (.006)
Age	.001 (.001)	.021 (.004)	.013 (.005)
Occupation	.000	.000	.002

dependent variable this sample is more representative.[15] On the whole the Beta strength of the predictors show a similar hierarchy. Of the 18 predictors included in this last analysis, 8 explain most of the variance (13%): number of prior arrests, number of charges, number of continuances, type of offense, midpoint, value of property loss, injury and prosecutors caseload. Again offense indicators emerge as the strongest predictors of type of pleas and as before the model is more useful in explaining pleas of guilt and plea bargaining (R^2 adjusted = .14 and .12) than innocent pleas (R^2 adjusted = .05).

As shown in Table 12, number of charges, type of offense and midpoint are associated with pleas in the expected direction. That is, defendants with a plurality of non-serious charges are more likely to enter simple guilty pleas while defendants receiving only one charge of serious nature (person and high midpoint) are overrepresented in plea bargaining. Prior arrest, number of continuances and prosecutor case load tend to have a curvilinear relationship with pleas. That is, primary offenders and offenders with few continuances tend to bargain, while offenders with a long past record and many continuances are overrepresented among those who plead innocent; those in between plead more often guilty.

--Table 12 about here--

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[15]Distribution of types of pleas in different samples is as follows:

	N	Guilty Plea	Barg	Innoc Plea
All Cases	1,300	65%	17%	17%
Sample Including all Predictors	415	68%	17%	15%
Sample Excluding Defense Attorney and Defendant's Occupation	739	65%	17%	17%

TABLE 12

MNA RESULTS FOR STRONGER PREDICTORS

	Plea Guilty	Plea Barg.	Plea Innoc.	N = 856 % Exp. = 13%
	65.1	17.8	16.9	
R^2 Adj.	.14	.12	.04	
No. Prior Arr.				
Eta^2	.002	.009	.019	
$Beta^2$	.001	.012	.017	
Adj.% 0	64.6	22.2	13.2	42.6 (365)
1	67.6	17.3	15.0	28.9 (247)
+1	63.6	11.9	24.5	28.5 (244)
No. of Charges				
Eta^2	.048	.061	.000	
$Beta^2$	.046	.059	.000	
Adj.% 1	56.0	26.3	17.7	55.3 (473)
+1	76.6	7.5	15.9	44.7 (383)
No. of Cont.				
Eta^2	.007	.003	.018	
$Beta^2$	.006	.002	.011	
Adj.% (1-3)	65.0	20.9	14.1	18.5 (159)
(4-6)	69.8	15.9	14.2	27.0 (231)
(7-8)	66.4	18.7	14.7	25.7 (220)
(9+)	59.8	17.0	23.2	28.9
Offense Type				
Eta^2	.054	.039	.009	
$Beta^2$	.024	.015	.005	
Adj.% Pers.	59.1	22.4	18.5	35.4 (303)
Prop.	63.9	18.0	18.0	45.8 (392)
Oth.	79.7	9.0	11.3	18.8 (161)
Midpoint				
Eta^2	.077	.050	.016	
$Beta^2$	.048	.036	.009	
Adj.% -34	71.7	14.1	14.2	35.4 (303)
5-8	73.0	12.7	14.3	27.8 (238)
13-15	57.6	21.3	21.1	25.6 (236)
25+	39.2	37.8	22.9	9.2 (79)
Prop. Loss				
Eta^2	.003	.000	.004	
$Beta^2$	.023	.007	.014	
Adj. % 0	54.9	21.8	23.3	32.9 (282)
-25	71.1	14.7	14.2	47.4 (406)
+25	68.2	18.9	12.9	19.6 (168)
Injury				
Eta^2	.014	.007	.004	
$Beta^2$	.001	.001	.000	
Adj.% Yes	67.6	15.0	17.4	18.6 (159)
No	64.6	18.5	16.8	81.4 (697)
Pros. Load				
Eta^2	.008	.009	.008	
$Beta^2$	.011	.008	.011	
Adj.% +50	63.8	17.5	18.6	18.8 (161)
40-49	56.2	18.1	25.7	12.0 (103)
30-39	61.1	23.7	15.2	16.7 (143)
20-29	71.4	15.1	13.4	30.1 (258)
10-19	64.5	20.2	15.3	14.7 (126)
1-9	68.4	11.7	19.9	7.6 (65)

On the whole number of charges (a defense indicator) and offense indicators (type of offense and midpoint) are important in predicting the likelihood of a defendant to plead guilty or to bargain, but contribute little to nothing in explaining innocent pleas. Cases combining certain characteristics--high evidence (prior arrest) and high defense (number of continuances) show the highest incidence of innocent pleas. It is noteworthy that this pattern of association is quite similar to the one identified in the bivariate analysis, which suggest that these predictors are fairly independent from each other.

Gender Differences in Choice Of Pleas

Inspection of Table 10 shows that the internal structure of the male and female subsamples of defendants who engaged in pleas, is clearly distinct. Consequently as it was true for dispositions we are justified in examining this stage of criminal processing for each subpopulation through separate analysis. Furthermore since females constitute only 8% of the total sample, the findings for the total sample most closely reflect what happens to the men. In fact the bivariate associations shown in Table 10 are almost identical for the total sample and the male subsample. While the difference on the significance level of the bivariate associations for the male and female subsamples are overwhelmingly the function of the disparity in size, differences on the direction of the associations are also present, as referred below.

Type of offense - Men charged with person offenses show a greater probability of pleading innocent or bargaining as compared with men charged with other offenses. Women similarly charged predominantly

plead guilty and much less often plead innocent than their male

counterparts.

Injury and threats - Both males and females charged with offenses involving injuries and threats tend to bargain and plead innocent more often than those whose charges involve neither. Women, however, will more often plead innocent than bargain while men show an equal probability of doing either.

Number of charges - Males with a single charge are more likely to bargain than those with a variety of charges. This later group has a greater than average probability of simple guilty pleas. While the same association is true for females a higher proportion of those with more than one charge plead guilty.

On the whole women plead guilty proportionally more than men (77% vs 65%), bargain less (13% vs 17%) and plead innocent even less (9% vs 17%).

With the purpose of exploring combined effects of the independent variables on types of pleas in each of the structurally distinct subsets of data we used the THAID alogarithm.[16] This type of analysis will permit the identification of how the different sample structures might allow for different interaction of the predictors which maximize differences in the choice of pleas.

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[16]THAID is analogous to AID but it is based on different statistics permitting the handling of nominal dependent variables. For an explanation of THAID properties, see the Methodological Appendix.

The results of the THAID analysis of men's pleas is presented in Figure 1.[17]

These findings are consistent with those reported in Tables 11 and 12. With the exception of race, all the variables selected by THAID were also the stronger predictors in MNA for the total sample. Comparing the final groups it can be seen that for white defendants, with only one charge of low seriousness, the probability of pleading guilty is 30% above average if the offense was victimless (G11 - 92% vs 63%) while the probability of plea bargain increases by 17% for other types of offenses (G10 - 21% vs 4%). For those defendants with a plurality of charges, having no prior arrest increases the probability of pleading guilty by 12% (G6), while having a prior arrest increases the probability of pleading innocent by 11% (G7). The group least likely to plead guilty and most likely to bargain is made up of defendants with only one, but serious charge (G5). If the charge is, however, non serious the likelihood of pleading guilty almost doubles (G5 - 36%; G4 - 67%). It appears that in instances of a single charge, offense seriousness is an important factor in the decision to plead guilty or either bargain or plead innocent. For defendants with a plurality of charges, the defendant's past record affects the probability of pleading guilty or innocent. In either instance, less serious cases (in terms of offense and defendant characteristics - G4, G6) plead guilty more often than more serious cases (G5, G7). For

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[17]The distribution of three of the predictors for women who engaged in pleas, was such that one of the categories was over 85% and consequently fairly useless for this analysis (e.g., no weapon, no injury and no past convictions record). Since those predictors were very weak in the previous multivariate analysis (which was of a predominantly male sample), we dropped them from the present analysis, expecting no distortion in the results for either sample.

whites this association is further reinforced since those charged with

victimless offenses plead guilty in 92% of the cases (G11) while those

charged with property or person offenses only in 63% of the cases (G10).

While this association between non seriousness and guilty pleas was

already discernible in the previous analysis (MNA) the results reported

in Figure 3 reveal an exception. That is nonwhite male defendants

charged with one, non serious charge plead guilty less often and plead

innocent more often than white defendants.

- Figure 3 about here -

The non seriousness/guilty plea association is consistent with

Rhodes (1978) proposition that as a result of perceived low risk of

severe punishment, defendants charged with non serious offenses are more

willing to plead guilty. Why should nonwhites charged with non serious

offenses opt so much more often than whites for pleas of innocent (W -

6%; NW - 25%) is not clear. Since the probability of being found guilty

for both whites and blacks is the same (4%) it is unlikely that avoiding

conviction would motivate blacks to plead innocent and not whites. Also

there is almost no racial difference in pleading innocent for serious

charges (W - 22%, NW - 23%). It could be argued that past experience

with the court might be different for each racial group, possibly

leading the most experienced group to conclude that there was no real

advantage in pleading guilty. If this were so past experience rather

than race would account for the different choice in pleas. Controlling

for past record we find however that nonwhites charged with non serious

offenses still plead innocent twice as often as whites (W past record -

9%; NW past record 22%; W first offense 8%; NW first offense - 16%).

Possible, if untestable interpretations could range from a greater

FIGURE 3

THAID

N = 939
% Explained = 11%

PLEAS - MALES
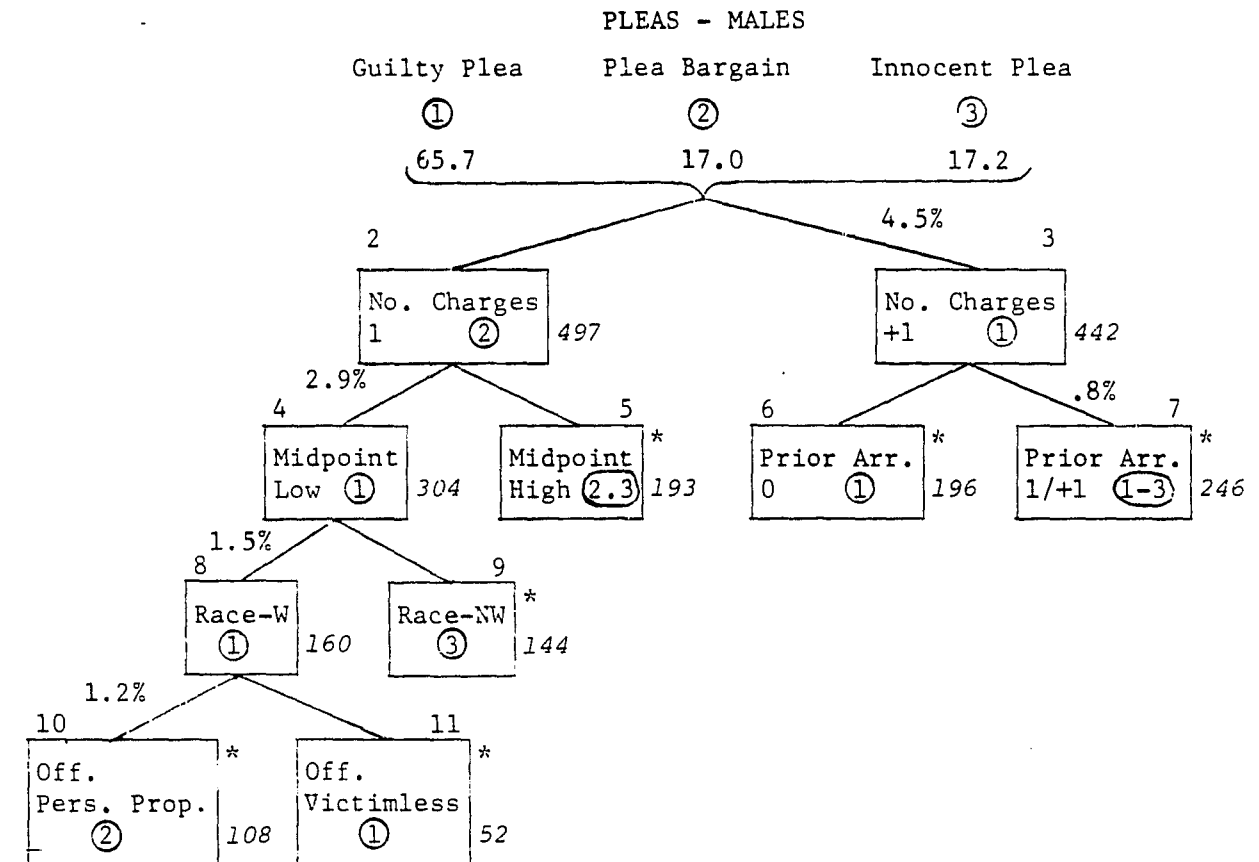
Final Groups		Plea Guilty	Plea Barg	Plea Innoc	*N*
		65.7	17.0	17.2	939
G11	-1 Charge, Lo Ser., Whites, Vict.	92.3	3.8	3.8	52
G6	+1 Charge, No Prior Arr.	84.2	7.6	8.2	196
G7	+1 Charge, Prior Arr.	72.8	6.5	20.7	246
G10	-1 Charge, Lo Ser., Whit., P. + Prop.	62.9	29.6	7.4	108
G9	-1 Charge, Lo Ser., NW	61.1	13.9	25.0	144
G5	-1 Charge, Serious	35.7	38.9	25.4	193

mistrust of the plea guilty process by nonwhites to lesser opportunities given to them for advantageous plea guilty as compared to whites.

In Figure 4 we can examine the results of the THAID analysis of pleas for the female subsample. In spite of the constraints put on this analysis by the small number of cases, a much larger proportion of the variance in pleas is explained for females than males (34% vs 11%).[18] In the female sample the range of variation is maximized by groups 6 (with 63% of the cases pleading guilty) and group 9 (100% of guilty pleas). The type of plea women opt for seems to be to a large extent explained by an offense characteristic (property loss). While in either instance the probability of pleading guilty is the same (80%), in cases involving property loss all the other cases bargain (19%) while in the absence of property loss the remaining cases are more likely to plead innocent (17%). Among cases with no property loss and few continuances the choice of guilty plea is almost unanimous (94%) but the probability of pleading innocent increase with the number of continuances (from 7% to 19%). Over one third of white females (G6 - 37%) whose charges include property loss bargain, while almost all nonwhite females with the same type of charges (G7 - 93%) plead guilty. Number of witnesses can change this choice for nonwhite women. A larger number of witnesses makes plea guilty the universal choice (G9), but the presence of only a few witnesses encourages some plea bargaining (G8).
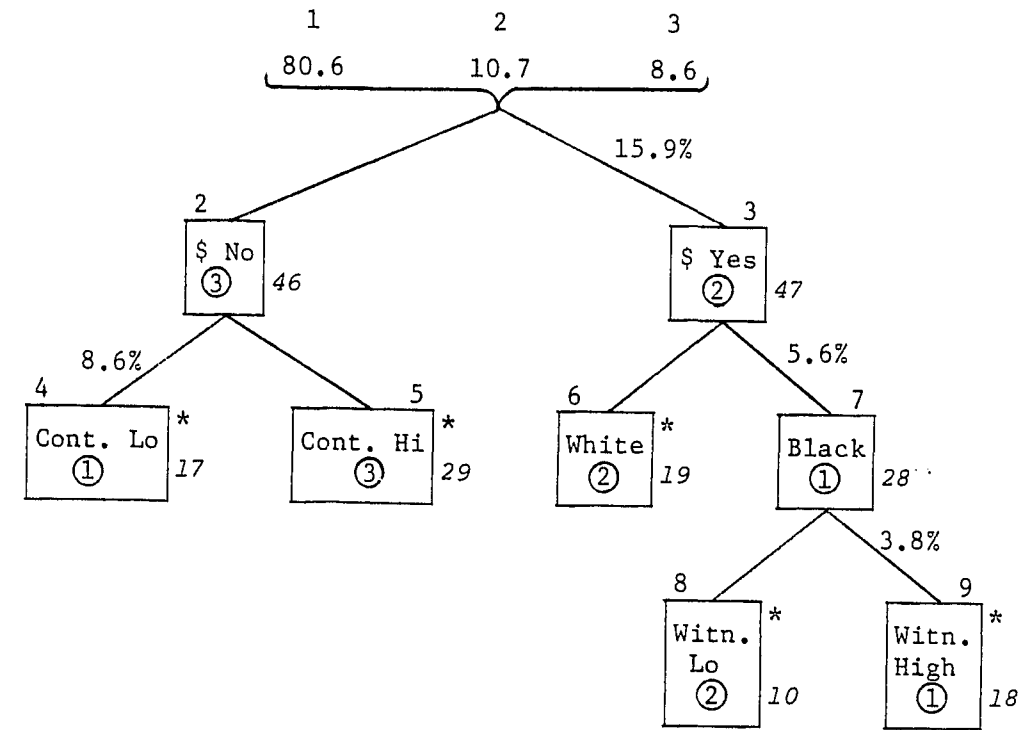
- Figure 4 about here -

In sum, for the sample as a whole offense indicators appear to be more important in predicting the type of plea a defendant will opt for

---

[18]This is of course also a function of the total variance in each sample. The distribution of pleas show a much lesser variance among women than among men.

FIGURE 4

THAID - FEMALES

N = 93
% Explained = 34%

Final Groups	Plea Guilty	Plea Barg.	Plea Innoc.	*N*
	80.6	10.7	8.6	93
G9 Prop. Loss, Black, H. Witn.	100.0	0.0	0.0	18
G4 No Prop. Loss, Lo Cont.	94.1	6.0	0.0	17
G8 Prop. Loss, Black, Lo Witn.	80.0	20.0	0.0	10
G5 No Prop. Loss, Hi Cont.	72.4	0.0	27.6	29
G6 Prop. Loss, White	63.2	36.8	0.0	19

than any of the other four dimensions (defendant, evidence, case
pressure or personal). More specifically, number of charges, offense
type, midpoint and property loss show the strongest association with
pleas in the multivariate analysis. Together they explain about 12% of
the total variance (see Tables 11 and 12). The least serious cases (in
terms of crime type and midpoint) tend to plead guilty while seriousness
of charge increases the probability of plea bargaining. The effect of
property loss and number of charges on pleas is, however, the reverse.
That is, plurality of charges and property loss (assumed to indicate
greater seriousness) appears to facilitate guilty pleas, while single
charges not involving property loss (assumed to imply less seriousness)
lead to increases in bargaining. All these variables contribute little
to the understanding of the choice to plead innocent.

Looking at the male and female subsample separately the most
striking finding is that women plead guilty much more often than men
(81% vs 66%). Also the model used explains a greater proportion of the
variance in pleas for females than males (34% vs 11%). The stronger
predictors of males' pleas are almost identical to those for the total
sample (a predictable outcome considering that 92% of the total sample
are males). In the interactive analysis however race emerges as a new
significant factor. Non white men, charged with a single, non serious
offense, are less likely to plead guilty and more likely to opt for a
full trial (innocent plea) than white defendants similarly charged.

Variables selected by THAID as accounting best for variance in
females' choice of pleas are different from the ones that emerged in the
analysis of the male subsample. In fact only "property loss" overlaps
with the significant predictors for the total sample. The other

variables are indicators of process (number of continuances), evidence
(number of witnesses) and personal dimensions (race). In short, women
defendants plead guilty much more often than men defendants, also the
factors affecting the choice of pleas is more varied, and explain more
the variance for females than males.

Since we insured fairly normal distributions of the predictors
included in THAID (by excluding those variables with very skewed
distributions) these distinct results cannot be taken to be an artifact
of extreme differences in the data structure. We can therefore conclude
that men's choice of pleas is (with respect to the predictors included)
predominantly based on offense characteristics. Women's choice,
however, appears to be based on a greater variety of factors of which
only property loss was an offense indicator.[19] Although those factors
explain more of the choice this has to be interpreted in the context of
very limited variance. It is noteworthy that, contrary to the results
of the additive analysis, the interactive analysis for both subsamples
revealed race as a significant factor.

Reduction of Charges

The comparison of the most serious offense a defendant was charged
with the most serious charge that received a disposition, yields a more
exact measure of charge reduction during early stages of the criminal

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[19]Arrest and correctional data consistently show that women are
proportionally over represented in property offenses. The importance of
"property loss" in the analysis represented in Table 4 might be related
to a definition of seriousness in female crime that evolved by reference
to female normative crime (property crime).

process than the one derived for the PROMIS records of pleas.[20]

Inspection of Table 13 shows that almost half (46%) of the cases originally classified as having pled to the same charge went in fact through some type of charge reduction. Most conspicuous is the fact that most of the cases for which charges are dropped (84%) were classified as pleading to the original charge. Also of interest is the verification that almost 1/3 of the cases pleading innocent had their original charges modified in nature or number. All cases reported to have pled to another reduced charge (bargain) show in fact evidence of charge reduction or dropping of charges.

- Table 13 about here -

The bivariate associations between the indicators of evidence, defense, offense, case pressure and background with types of charge reduction are shown in Table 14. Only 9 of the 20 indicators show significant associations with charge reduction. In fact, these same variables (weapons, threats, prior arrests, convictions record, number of charges, type of offense, midpoint, injury and career prosecutor) had been found significantly associated with type of plea. Comparing Table 10 and Table 14 we can furthermore verify that the associations are in the same direction, that is the association with no charge change and plea to the same charge on one hand and charge reduction and plea to a lesser charge on the other coincide. Pleas to lesser charges and charge

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[20]See the report on types of pleas in Washington for a discussion of the limitations of the charge reduction measures. While the above measure is straightforward for people receiving only one charge it is somewhat more problematic in cases with multiple charges. In these later instances we might be comparing different charges. However since we are dealing only with closed cases and consider only the most serious charge at disposition the measure adopted will still logically indicate charge reduction.

TABLE 13

CHARGE REDUCTION BY TYPES OF PLEA

TYPES OF PLEAS

Types of Charge Reduction	1 Pled Same Charge (Plea Guilty)	2 Pled to Other (Less Serious) Charge (Plea Bargain)	3 Pled Innocent	N
No Charge Change	79.7 (53.2)*	—	20.3 (70.4)	553(45.8)
Charge Reduction	4.5 (1.1)	89.1 (91.8)	6.4 (8.2)	202(16.7)
Drop of Charge	83.7 (45.7)	8.8 (18.2)	7.5 (21.4)	453(37.5)
TOTAL N	829 (68.6)	220 (18.2)	159 (13.2)	1208

* Numbers in parenthesis indicate column percentages

reduction are more likely to occur in cases involving weapons, threats, and more serious offenses. The probability of having charges dropped increases in cases with the opposite characteristics. Defendants with past records appear to be more able to negotiate plea bargain and charge reductions than first offenders. As would have been expected, number of charges is strongly associated with dropping of charges, that is 82% of all cases with more than one charge have had at least one charge dropped.[21]

- Table 14 about here -

To avoid a large loss of cases due to missing data we excluded defense attorney from the subsequent multivariate analysis. Given the lack of association in the bivariate analysis, it is unlikely that this will affect the results of the analysis.[22] As shown in Table 15, including number of charges as a predictor in the MNA we obtained a multiple R^2 of .46 but excluding number of charges only 11% of the variance was explained. That is, number of charges alone accounted for 35% of the total explained variance in the first instance. More than half of the remaining 11% is attributable to type and seriousness of offense (6%). Observation of the adjusted percentages resulting from the two MNA's (including and excluding number of charges) indicates that there is an interaction between number of charges and type of offense (Table 16). Since most of the other variables show a minimal impact in charge reduction this interaction deserves further investigation.

- Tables 15 and 16 about here -

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[21]The Cramers PHI for this association is .84. The inclusion of this variable in the multivariate model is therefore questionable.

[22]In a run including defense attorney 3/4 of all cases were excluded and the beta[2] for defense attorneys was .0000.

TABLE 14

EVIDENCE, DEFENSE, OFFENSE, CASE PRESSURE
AND BACKGROUND INDICATORS BY TYPES OF CHARGE REDUCTION

		1 No Change (45.8)	2 Charge Reduction (16.7)	3 Charge Dropped (37.5)	N	S
Evidence						
No. of Witnesses	(-4)	51.3	14.5	34.2	1216	-
	(5-6)	48.2	16.1	35.7		
	(7-8)	47.0	14.5	38.6		
	(9+)	38.5	20.7	40.9		
Scene of Crime - Yes		43.8	15.3	40.9	1193	-
	No	48.6	17.5	33.9		
Weapon - Yes		42.9	23.4	33.7		
	No	46.5	14.5	39.0	1206	S
Codefendent - No		67.5	16.1	16.4	1193	-
	Yes	0.5	20.1	19.5		
No. Prior Arrests	(0)	37.1	20.1	42.8	1919	S
	(1)	47.8	15.9	36.3		
	(+)	54.0	12.6	33.4	1163	S
Conviction Record - None		49.3	11.1	39.6		
	Recent	57.0	10.8	32.3	1044	S
	Old	40.6	19.3	40.1		
Threats - Yes		45.0	24.9	30.2	1217	S
	No	45.9	13.3	40.8		
Defense						
No. of Charges	(1)	70.8	28.9	.3	1216	S
	(+1)	16.0	2.3	81.7		
No. of Continuances	(-4)	52.9	18.7	28.4		
	(5-6)	45.8	16.5	37.7	1216	-
	(7-8)	40.2	17.9	41.9		
	(9+)	44.8	23.8	29.9		
Defense Attorney - Private		43.7	17.1	39.2	850	-
	Public	48.3	17.2	34.5		
Offense						
Type - Person		42.6	27.0	30.5	1215	S
	Property	47.4	16.0	36.6		
	Other	44.7	4.3	51.0		
Midpoint	(3)	51.8	10.4	37.8	1163	S
	(5-8)	48.4	15.1	36.5		
	(13-15)	40.9	21.5	37.6		
	(+25)	27.5	41.8	30.8		
$ Prop. Loss - None		42.9	13.8	43.4	1070	-
	Low	46.0	17.2	36.8		
	High	40.4	18.2	41.4		
Injury - Yes		37.0	23.2	39.8	1213	-
	No	47.1	15.5	37.4		
Case Pressure					988	-
Case Load	(+50)	51.9	18.0	30.2		
	(40-49)	41.3	15.7	43.0		
	(30-39)	42.1	25.1	32.7		
	(20-29)	50.4	15.2	34.4		
	(10-19)	45.8	19.8	34.6		
	(-10)	52.6	10.3	37.2		
Career Prospects - Yes		46.8	18.8	34.3		
	No	39.4	8.8	51.8	1204	S
Background						
Race - White		41.5	18.0	40.5	1216	-
	Black	50.0	15.0	35.0		
Age	(16-20)	45.0	19.0	36.0	1211	-
	(21-24)	44.8	14.6	40.5		
	(25-30)	46.9	16.8	36.2		
	(+30)	44.3	15.8	39.8		
Gender - Male		46.0	16.9	37.1	1216	-
	Female	40.0	13.0	47.0		

TABLE 15

MNA RESULTS - CHARGE REDUCTION

WITH/WITHOUT NO. OF CHARGES

$N = 702 \ (702)$ Multiple $R^2 = .46$ (.11)

	1 No Change	2 Charge Reduction	3 Charge Dropped
R^2 Adjust.	.31 (.07)	.21 (.09)	.69 (.06)
No. of Witnesses	.002 (.002)	.001 (.005)	.002 (.009)
Scene	.000 (.000)	.000 (.000)	.000 (.000)
Weapon	.001 (.001)	.000 (.000)	.000 (.000)
Codefendants	.000 (.000)	.002 (.003)	.001 (.002)
Prior Arrest	.016 (.027)	.012 (.008)	.002 (.011)
Convictions	.005 (.006)	.009 (.005)	.002 (.021)
Threats	.008 (.004)	.000 (.000)	.010 (.005)
No. of Charges	.263	.134	.680
No. of Continuances	.004 (.007)	.003 (.006)	.003 (.014)
Type of Offense	.05 (.)	.047 (.067)	.005 (.030)
Midpoint	. 7 (.)	.039 (.044)	.002 (.006)
Property Loss	.008 (.005)	.006 (.008)	.001 (.001)
Injury	.004 (.003)	.003 (.018)	.001 (.028)
Caseload	.010 (.016)	.007 (.003)	.003 (.010)
Career	.005 (.031)	.002 (.001)	.001 (.040)
Race	.009 (.012)	.006 (.005)	.001 (.004)
Age	.001 (.002)	.002 (.002)	.001 (.003)
Gender	.001 (.000)	.002 (.003)	.000 (.002)

( ) = Results excluding No. of Charges

TABLE 16

ADJUSTED PERCENTAGES OF TYPE OF OFFENSE

BY TYPE OF REDUCTION

	1 No Change	2 Charge Reduction	3 Charge Dropped
Person	36.0 (51.9)	24.0 (24.7)	39.9 (23.3)
Property	44.2 (42.9)	20.2 (17.4)	38.7 (39.6)
Victimless	68.9 (42.8)	1.0 (4.6)	30.1 (52.5)

Percentages in parentheses refer to MNA results excluding number of charges

A greater proportion of victimless crimes have a plurality of charges (57%) than property (41%) or person offenses (32%). The highest incidence of multiple charges is, however, in property offenses (41%), the most common of all offenses to be processed in the Plainfield court (57%). From Table 17 we learn that more serious offenses on the whole receive more than one charge. While this association is stronger within property and victimless crimes, it is reversed for person crimes. A greater proportion of less serious person crimes have a plurality of charges as compared with more serious person crimes. Examining number of charges by a detailed breakdown of offense types (Table 18) we see that the greatest proportion of multiple charges are concentrated in forgery and drugs. Single charges occur more often for assault, robbery and most of all larceny. If plurality of charges allows greater flexibility in getting charges reduced, because they offer the possibility of choice, then single charges could be considered disadvantageous reducing the chances of negotiation. From this perspective larceny offenders have a much lesser chance to negotiate favorable deals than forgery offenders.

- Tables 17 and 18 about here -

On the whole, the results from the multivariate analysis of charge reduction corroborate the results from the pleas analysis. In both cases offense characteristics emerge as the stronger predictors and explain about the same amount of the variance. However number of charges is much more strongly associated with charge reduction than plea bargaining.

TABLE 17

TYPE AND SERIOUSNESS OF CRIME

BY NUMBER OF CHARGES

% With More Than One Charge

	Low Seriousness	High Seriousness
Person	42.4 (61)	38.3 (157)
Property	35.7 (238)	56.8 (108)
Victimless	50.7 (204)	70.3 (26)
TOTAL	41.5 (503)	45.7 (291)

TABLE 18

NUMBER OF CHARGES BY OFFENSE TYPE AND SERIOUSNESS

% More Than One Charge

|	SERIOUSNESS							
	LOW				HIGH			
	All	Men	Women		All	Men	Women	
Person	42.4	42.2 (57)	44.4 (4)	NS	38.3	38.5 (151)	33.3 (6)	NS
Property	35.7	34.6 (208)	46.9 (30)	.06	56.8	56.7 (106)	66.7 (2)	NS
Victimless	50.7	48.9 (160)	58.7 (44)	NS	70.3	69.4 (25)	100.0 (1)	NS
	(1064)		(148)		(615)		(22)	

Gender Differences in Charge Reduction

As shown in Table 15, although proportionally more women than men
have their charges reduced or dropped, the gender difference is not
significant even if number of charges is controlled for. Gender did not
emerge in the multivariate analysis as a significant predictor, however
considering the very skewed gender distribution and the many other
predictors included in the analysis those results cannot be taken as a
guarantee that males and females receive the same treatment with respect
to charge reduction.

Since there is a clear association between types of offense and
number of charges and we know that women and men are charged with
different types of offenses one way of assessing if gender affects the
probabilities of charge reduction is to examine gender variations by
number of charges controlling by type of offense. The results of this
analysis as shown in Table 18 shows no significant gender differences.
Since the difference approached significance for non serious property
offenses we looked at the same associations using a more detailed
offense breakdown. From Table 19 we can verify that only in two
instances are the gender differences significant. Men tend to receive
multiple charges for homicides much more often than females, while the
reverse is true for larceny. From this it would appear that for more
serious crimes and crimes where women are underrepresented, they (female
defendants) receive only one charge and for less serious crimes and
those where they are overrepresented they receive more than one charge.
Since charge reduction is highly associated with number of charges it
would appear that the more traditional female offenders (e.g. those

FIGURE 5

CHARGE REDUCTION
(Males)

N = 880
% Expl. = 45.2%
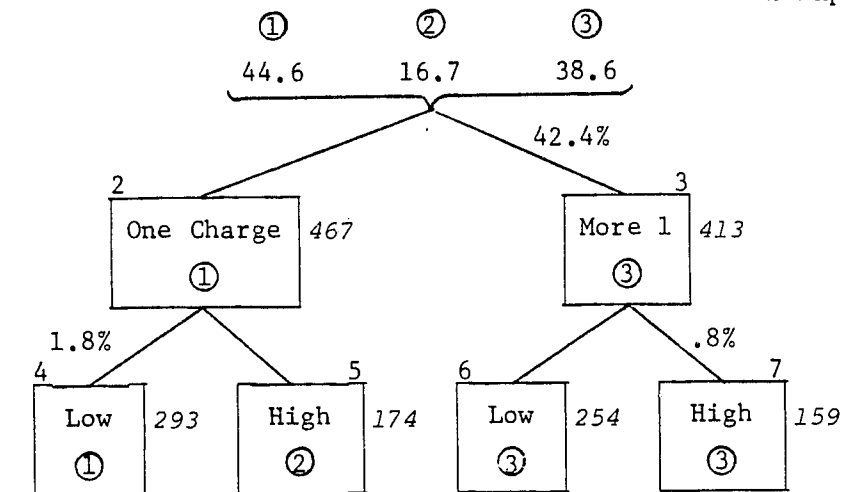
Final Groups

		1 No Change	2 Charge Red.	3 Charge Dropped
G4	One Charge, Low Midpoint	79.5	20.5	6.0
G5	One Charge, High Midpoint	54.6	44.2	1.1
G6	More Than 1 Charge, Low Midpoint	10.6	1.6	87.8
G7	More Than 1 Charge, High Midpoint	23.9	3.8	72.3

TABLE 19

TYPE OF OFFENSE BY NUMBER OF CHARGES

FOR ALL DEFENDANTS AND FOR MALES AND FEMALES

% With More Than 1 Charge

FBI Classifications	All	Males	Females	Sign.
Homicide	44.1 (42)	47.2 (50)	16.7 (2)	.03
Sexual Assault	47.3 (35)	ONLY MALES	—	—
Robbery	36.5 (116)	35.7 (110)	60.0 (6)	—
Assault	33.3 (15)	32.5 (13)	40.0 (2)	—
Burglary	47.2 (194)	47.3 (190)	44.4 (4)	—
Larceny	28.4 (104)	26.7 (87)	42.5 (17)	.04
Forgery	65.3 (47)	66.7 (36)	61.1 (11)	—
Other Property	41.7 (5)	36.4 (4)	100.0 (1)	—
Weapons	88.9 (8)	ONLY MALES	—	—
Sex Offense	50.0 (1)	ONLY MALES	—	—
Drugs	60.1 (170)	60.6 (132)	58.5 (38)	—
Other	50.7 (102)	48.9 (91)	73.3 (11)	—

involved in larceny) have a greater chance of having their charges reduced or dropped.

- Tables 19 here -

Structural analysis of the male and female subsample including all the predictors is, however, a more direct way of assessing gender differentials. The results of the Thaid analysis are shown in Figures 5 and 6 and for the most part are consistent with the earlier analyses. For both males and females number of charges is by far the strongest predictor, accounting for 43% of the variance in charge reduction in the first group and 47% in the second. However, while for males the other predictors add almost nothing to the total explanation (the only exception is the midpoint contribution of 2.6%), for females, selected offense, evidence and background indicators contribute to an added 16% of the total variance (62%).

- Figures 5 and 6 here -

The Thaid results for men are pretty straightforward. It appears that in cases of single charge, the seriousness of the charge increases the probability of charge reduction. Plurality of charges is, of course, highly associated with dropping of charges but is somewhat more so for offenses of lesser seriousness. Although the strength of the association between number of charges and charge reduction is much stronger than with pleas the direction of the associations is the same for males (compare Figures 3 and 5).

For women, the number of charges is also an extremely important predictor of charge reduction but other offense characteristics (type and property loss) contribute significantly to the total variance

FIGURE 6

CHARGE REDUCTION
(Females)

$N = 89$
% Expl. $= 62.8\%$


```
                    1        2       3
                  (40.4)   (10.1)  (49.4)
                              |
                           47.4%
              2                              3
        ┌──────────┐                   ┌──────────────┐
        │One Charge│ 36                │ More 1 Charge│ 53
        │    ⑦     │                   │      ③       │
        └──────────┘                   └──────────────┘
  5.7%                                       3.3%
      8              9              4                  5
  ┌─────────┐  ┌─────────┐   * ┌─────────┐     ┌──────────┐
  │Prop. +  │23│Victiml. │13   │Few Witn.│13   │Many Witn.│40
  │Pers.    │  │   ①     │     │   ③     │     │    ③     │
  │ 1 - ②   │  └─────────┘     └─────────┘     └──────────┘
  └─────────┘                                  1.6%
 1.7%                                   6                 7
    10          11                 ┌──────────┐   * ┌──────────┐
 * ┌─────┐ * ┌─────────┐           │Scene - Yes│27  │Scene - No│13
   │White│13 │Non White│10         │    ③     │     │  1 - ③   │
   │ ②  │   │  ① - 2  │           └──────────┘     └──────────┘
   └─────┘   └─────────┘             12        13   3.1%
                                * ┌─────┐ * ┌─────┐
                                  │No $ │12 │  $  │15
                                  │ ③ │    │ ③  │
                                  └─────┘   └─────┘
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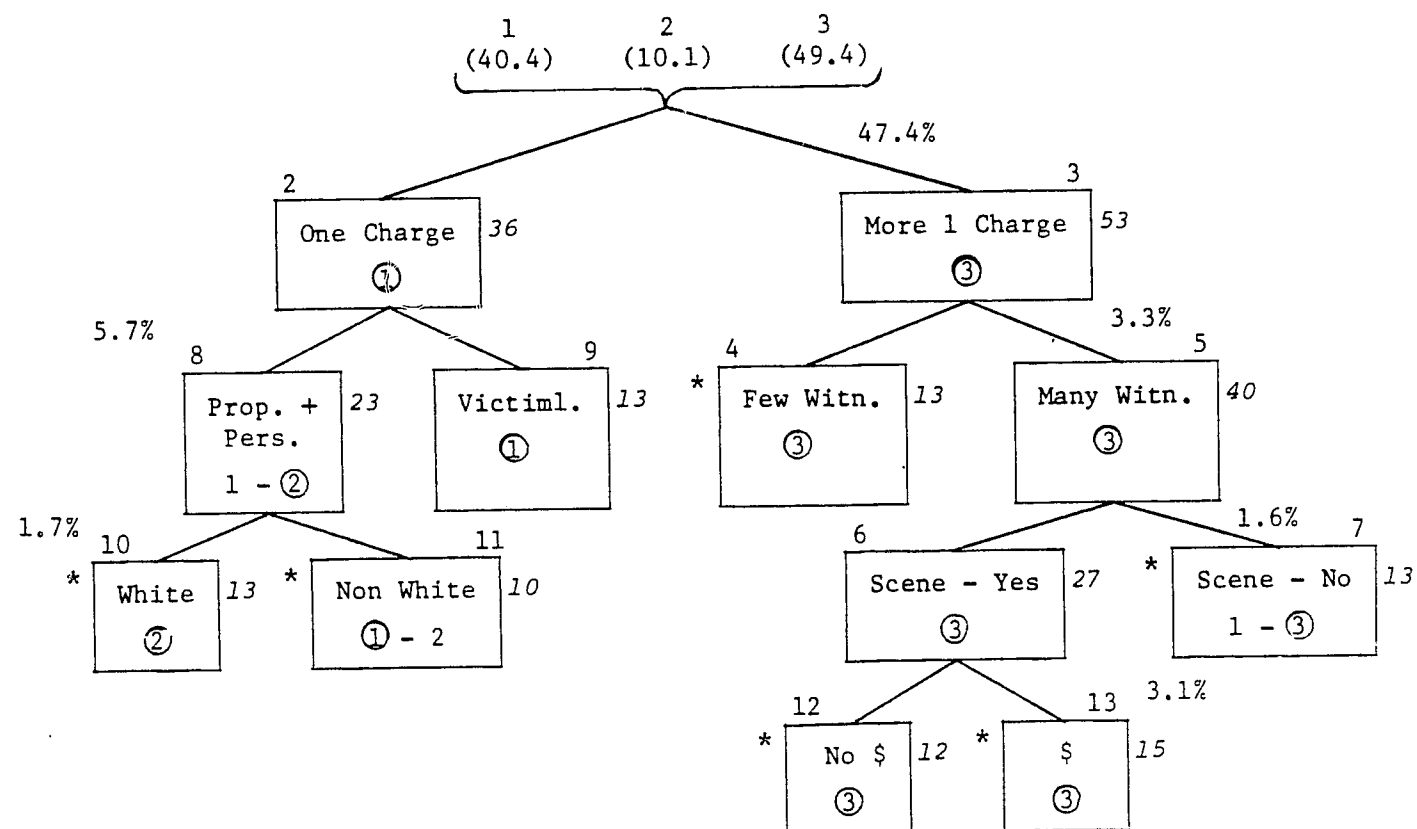
* Final Groups

		1 No Change	2 Charge Red.	3 Charge Dropped
G9	One Charge, Victimless	100.0	—	—
G11	One Charge, Pers. + Prop., NWhite	80.0	20.0	—
G10	One Charge, Pers. + Prop., White	46.1	53.8	—
G7	+1 Charge, Many Witn., Not Caught Scene	38.5	—	61.5
G13	+1 Charge, Many Witn., At Scene, Money	26.7	—	73.3
G12	+1 Charge, Many Witn., At Scene, No Money	—	—	100.0
G4	+1 Charge, Few Witn.	—	—	100.0

explained.[23] The narrower variance on seriousness in female crimes could be the reason why other offense criteria (rather than midpoint) emerge as criteria in charge reduction decisions. The direction of the associations are the same as for males: greater seriousness of the offense (person and property and involving property loss) in instances of only one charge increases the probability of charge reduction (G8) while under plurality of charges it decreases slightly the probability of charge dropping (G13). The puzzling finding is, however, that while a narrower range in offense seriousness exists in the female than in the male subsample, indicators of seriousness explain more of the variance of charge reduction for females than males.

Evidence variables affect charge reduction for females who have received various charges. The effect varies with type of evidence and is rather inconsistent. Low evidence as measured by few witnesses is conducive to dropping of charges (G4), however the opposite situation of many witnesses, reinforced with being caught at the scene of the offense is also predominantly conducive to charge dropping (G6), while not being caught at the scene of the offense produces over 1/3 of "no change". Finally white females charged with only one offense have a better chance of having that charge reduced (G10) than nonwhites under the same circumstances (G11).

Comparing Figure 4 with Figure 6 we can see that some of the predictors of charge reduction are also predictors of plea bargain and that their effects are in the same direction. The important difference is that while number of charges is the predominant factor in explaining

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[23]This might be due to the fact that proportionally many more men are charged with serious offenses (37%) than women (13%).

charge reductions, it seemed irrelevant in explaining plea choice among females.

In conclusion, the comparisons between the results of the analysis of plea choices and charge reduction clearly show that we are dealing with different albeit overlapping processes. Since 41% of cases who pled to the same charge, had in fact had a charge dropped or reduced previous to the plea process, the study of pleas does not fully cover all charge negotiations that might occur in the court. Furthermore, while both strategies (charge reduction, and plea bargain) might predominantly have the same purpose of expediting court process, they occur at different points and appear to be based on different criteria. Charge reduction appears to be based on a principle of simplification[24] as evidenced by the strong association with number of charges. Pleas on the other hand seem to be more the result of a defense strategy (bargaining varying directly with continuances) but also a form of transforming serious crimes into less serious.[25] Given these two different criteria it is then understandable that females fare similarly to males in charge reduction but worse than men in plea bargaining. That is the probability of plurality of charges as we observed in Table 19 does not discriminate much between male dominated and female dominated offenses. On the other hand, proportionally many more males fall in more serious offenses than females and consequently the male probability of bargaining will be higher.

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[24]Processing will be greatly simplified the more cases with multiple charges become transformed in cases with a single charge.

[25]If we assume that more serious cases are more complex and difficult to handle, then, again, plea bargaining can be interpreted as a process of simplification.

It is interesting that the analytic models explain better charge reduction and plea choice of females than males.[26] Based on the larger amount of unexplained variance for males it would appear that they are subject to lesser standardized processing than females.

SENTENCE

Type of Pleas and Sentence Reduction

As discussed previously, plea bargaining might result in charge reduction or sentence reduction. In the previous section we focused on charge reduction. However, it is possible that defendants who pled to the original charge and for which there is no evidence of charge reduction might have gotten a favorable deal on sentence (e.g. sentence reduction). It is furthermore possible that some defendants get both reduction of charges and sentence reduction. To explore these possibilities we looked at the association between type of plea and sentence within each type of offense. The expectation was that defendants who pled innocent and consequently did not enter the bargaining process, if found guilty, would receive the sentence fitting the crime, while in cases of guilty plea reductions of sentence were more likely to occur. Also, if we assume that some type of inducement is required to convince a defendant to plea guilty, then it would appear that sentence reduction would be the most common strategy for those pleading to the same charge.

As shown in Table 20, we found that in fact for all types of offense those who pled innocent and were found guilty received the most

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[26]For pleas this might be a direct result of the narrower range of variation among females, the same is not true for males.

severe sentences. Conversely, for all types of person and property offenses, those defendants that bargained on charges also got the lighter sentences. These differences are further accentuated if we look not only at probabilities of commitment, but long commitment (over 5 years). Because only a small number of defendants convicted of victimless crimes get committed investigation of sentence reduction for this type of offense requires a more detailed measure of sentence severity than simple probability of commitments. With the more detailed sentence variable the same pattern of association emerges for victimless offenses. As shown in Table 21, offenders that bargain get the less severe sentences and those who plead innocent and are found guilty, the most severe.[27]

- Tables 20 and 21 about here -

In sum, these associations confirm our expectations that sentences would be less severe for defendants that pled guilty than for those that were found guilty. However, it seems that those who plea bargain have the best deal, not only do they get their original charge(s) reduced but also they have the highest probability of having less severe sentences for the same type of offense. Since we know that women are underrepresented in plea bargaining and over represented in plea guilty; this suggests that on the whole they get less favorable deals in both charge reduction and sentence reduction.

Bivariate Analysis of Sentence

The distribution of all indicators of offense, defendant, process, evidence and background by type of sentence is given in Table 22. The

[27]The associations with charge reduction are in the same direction although less strong. See tables in the Appendix.

TABLE 20

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

Type of Offense*		PERCENT COMMITTED			
	T	Pled Guilty	Bargainned	Pled Innocent/ Found Guilty	Sig. Lev.
Person Serious	87	89(69)**	79(23)	98(89)	p .000
Person Non Serious	60	60 (7)	50 (0)	80(20)	.04
Property Serious	75	79(49)	60 (0)	86(64)	.001
Property Non Serious	70	70 (1)	59 (0)	85 (6)	.000
Victimless	46	41 (3)	45 (0)	80(13)	.003
N	970	624	201	145	

* The Classification of serious/non serious was made within each type of offense on the basis of the midpoint criteria.

** Percentages in parenthesis refer to commitments for 5 or more years.

TABLE 21

TYPE OF PLEA BY TYPE OF SENTENCE
FOR VICTIMLESS OFFENDERS

Type of Pleas	Type of Sentence						Sign. L.
	PROB <1y	PROB >1y	COMM <2y	COMM 2y	COMM 2-5y	COMM +5y	
Plea Guilty	36	19	21	18	2	3	
Plea Bargain	44	11	33	11	--	--	p .003
Plea Innoc./ Found Guilty	20	--	10	35	20	43	

dimensions are ordered in accordance to the expectation of their effect on sentence assuming the justice model. At this stage, seriousness of the offense should be the major determinant of severity of sentence. Complementary to the offense criteria, as discussed previously, is defendant characteristics considered relevant in assessing risk of recidivism. Since the sentencing can only occur after conviction, evidence should be irrelevant for this final outcome. Process variables, as discussed in the previous section, are expected to affect sentencing specially via the plea process.[28] Finally background (personal) variables should not affect sentencing in a justice model.

- Table 22 about here -

In sum, we expect that the more serious the offense and the greater the past criminal involvement of the offender (high risk) the more severe the sentence. Almost all the distributions of the offense indicators by sentence support this proposition. With the exception of number of charges the more serious offense types and offenses with the higher midpoints receive more severe sentences and vice versa. Defendants with single charges tend, however, to be more severely treated than those with multiple charges.[29] Defendant indicators of past criminal involvement (prior arrests and prior convictions) are also directly and significantly associated with sentence severity. Number of defendants, as was true in relation to dispositions, emerges as an attenuation of seriousness rather than a reinforcer.

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[28] It is noteworthy, however, that the existence of pleas is counter a pure justice model. For a more detailed discussion of this point see the Report on Types of Pleas in Washington, D. C.

[29] Since we have found that multiple charges are strongly associated with dropping of charges this finding is not surprising. That is, at the sentencing stage number of initial charges might be irrelevant.

TABLE 22

OFFENSE, DEFENDANT, PROCESS, EVIDENCE
AND BACKGROUND INDICATORS BY SENTENCE

		%	PROB -1y	PROB +1y	COMM -2y	COMM 2y	COMM -5y	COMM +5y	s
			(17.0)	(11.7)	(16.3)	(21.0)	(15.1)	(18.8)	
Offense									
Type	Person	31.0	9.7	9.7	8.3	14.0	14.0	44.3	950
	Property	50.0	15.9	10.7	19.7	26.2	19.5	8.0	⟨.000
	Other	19.0	32.9	17.9	20.8	18.5	5.2	4.6	
Midpoint	(34)	41.0	27.6	10.8	25.2	26.2	10.2	0.0	936
	(5-84)	25.0	14.8	14.8	13.9	23.6	27.4	5.5	⟨.000
	(13-154)	25.0	7.9	10.8	6.6	14.1	12.0	48.5	
	(+254)	8.0	2.6	5.2	7.8	11.7	10.4	62.3	
Prop. Loss	(0)	34.0	26.6	14.0	18.7	17.3	9.0	14.4	818
	(-$25)	47.0	10.2	9.7	12.3	19.9	22.3	25.6	⟨.000
	(+$25)	18.0	22.8	11.4	12.1	23.5	9.4	20.8	
Injury	Yes	15.0	13.7	4.8	11.6	14.4	14.4	41.1	948
	No	85.0	17.6	13.0	17.2	22.3	15.3	14.6	⟨.000
Threats	Yes	30.0	7.9	8.6	7.6	14.1	13.1	47.8	947
	No	70.0	21.2	12.7	20.3	24.1	16.0	5.6	⟨.000
Weapons	Yes	25.0	7.5	6.7	7.1	13.8	12.9	52.1	945
	No	75.0	20.3	13.5	19.4	23.5	15.7	7.5	⟨.000
No. of Charges	(+1)	66.0	17.7	12.4	19.1	20.7	15.6	14.5	951
	(1)	34.0	15.8	10.2	10.8	21.7	14.2	27.2	⟨.000
Defendant									
Prior Arrest	(0)	42.0	26.6	16.8	15.4	16.0	9.5	15.7	910
	(1-2)	27.0	12.1	13.3	20.7	22.7	12.1	19.1	⟨.000
	(+2)	31.0	7.4	3.2	14.0	27.0	25.6	22.8	
Convictions	None	66.0	24.1	16.4	16.4	18.3	9.9	14.9	811
	Old	14.0	4.3	2.6	12.8	21.4	28.2	30.8	⟨.000
	Recent	19.0	2.5	4.4	18.4	24.7	24.1	25.9	
Codef.	(0)	72.0	15.1	12.6	16.1	22.8	16.1	17.4	951
	(1+)	28.0	22.1	9.4	16.9	15.5	12.7	22.5	.01
Process									
Pleas	Guilty	65.0	17.8	13.9	13.7	22.5	15.2	17.0	946
	Bargain	21.0	21.5	11.3	31.3	17.9	9.2	8.7	⟨.000
	Innoc.	15.0	7.2	2.9	7.2	18.8	23.9	39.9	
Charge Red.	None	56.0	15.1	12.7	12.7	21.6	17.2	20.7	951
	Reduction	20.0	19.4	11.4	31.9	18.3	9.9	9.4	⟨.000
	Dropped	24.0	19.6	19.8	11.6	21.9	14.7	22.3	
Continuances	(-3)		15.2	9.6	20.8	24.7	17.4	12.4	
	(4-6)		20.8	10.2	19.7	20.8	12.3	16.2	951
	(7-8)		16.7	13.9	14.4	17.1	15.7	22.2	.01
	(+9)		14.7	12.8	11.4	22.0	16.1	23.1	
Defense Attorney	Public	54.0	19.8	16.5	15.4	16.5	12.9	18.7	667
	Private	45.0	15.5	8.2	15.1	21.7	17.1	22.4	⟨.01
Career Prosec.	Yes		14.6	11.1	16.7	22.8	16.0	18.8	941
	No		28.0	14.5	15.1	14.0	10.2	18.3	.0001
Prosec. Load	(+50)	19.8	11.3	12.6	17.0	21.4	14.5	23.3	804
	(40-49)	10.9	22.7	12.5	14.8	15.9	13.6	20.5	.06
	(30-39)	17.3	16.5	7.2	20.1	20.9	18.7	16.5	
	(20-29)	28.7	21.6	13.9	11.7	24.2	14.7	13.9	
	(10-19)	14.9	10.0	8.3	18.3	20.0	20.8	22.5	
	(-10)	8.3	19.4	14.9	9.0	22.4	16.4	17.9	
Jury	Yes	19.0	22.1	13.9	18.0	23.0	11.5	11.5	639
	No	81.0	13.9	9.5	15.7	23.0	16.2	21.7	.02

TABLE 22
(continued)

		%	PROB -1y	PROB +1y	COMM -2y	COMM 2y	COMM -5y	COMM +5y	S
Evidence									
No. of Witnesses									
	(1-3)	16.2	28.8	14.4	22.9	17.6	11.8	4.6	951
	(4-5)	21.3	13.1	11.1	20.7	25.3	13.6	16.2	<.000
	(6-7)	33.0	16.8	14.3	15.9	22.2	16.2	14.6	
	(8+)	29.0	13.7	7.7	10.2	18.6	16.8	33.0	
Scene of Crime									
	Yes	60.0	17.9	12.2	17.2	23.9	17.7	11.0	929
	No	40.0	15.2	10.7	14.7	17.3	11.8	30.4	<.000
Background									
Race	White	52.0	22.8	15.1	16.7	21.4	11.4	12.6	951
	Non White	48.0	10.9	8.0	15.9	20.7	19.1	25.4	<.000
Age	(16-20)	29.0	15.9	10.7	17.0	21.0	12.9	22.5	948
	(21-24)	26.0	16.2	14.6	18.6	21.7	10.3	18.6	.04
	(25-30)	26.0	18.0	9.0	17.2	20.5	21.3	13.9	
	(+30)	19.0	18.3	11.7	11.1	21.1	17.2	20.6	
Occupation	Employed	13.4	35.2	16.5	9.9	15.4	6.6	16.5	677
	Non Emp.	86.6	13.1	10.9	16.2	23.4	17.4	18.9	<.000
Gender	Male	92.0	15.6	11.5	15.9	21.3	15.4	20.3	951
	Female	8.0	34.2	13.7	20.5	17.8	12.3	1.4	<.000

Almost all process indicators are associated with sentence in the predicted direction, although the strength of the associations vary. Pleas and charge reduction show the clearest and strongest associations. As found in the previous section, defendants that were found guilty as well as those whose initial charges were not changed got more severe sentences than those who pled guilty or had some charge reduction. Defendants having a public defender, who did not go through a jury trial, and prosecuted by a career prosecutor received harsher sentences than those with access to private attorneys, jury trial and whose case was handled by a non career prosecutor.

The pattern of association between number of continuances[30] and prosecutor load with sentence is both weaker and less clear.

Evidence indicators show contradictory associations. While cases with a high number of witnesses receive more severe sentences, defendants caught at the scene of the offense are treated more lightly than those who were not. It is possible that the likelihood of being caught at the scene of the offense varies with type of offense (e.g. greater for less serious crimes) justifying the above association. In fact, there is a significant negative correlation between being caught at the scene of the crime and offense seriousness. Thirty-six percent of serious person offenders were caught at the scene of the crime, as compared with about 50% of the non serious person (51%) and the serious property offenders (53%) and over 65% of the non-serious property (65%) and the victimless offenders (69%).

[30]This might be in part a consequence of the association between a large number of continuances and very serious crimes. Thirty-four percent of serious person crimes had more than nine continuances as compared to less than 27% of the other types of crimes.

All background variables are significantly associated with sentence showing that men, blacks, the young and the unemployed are dealt with more punitively than women, whites, older and employed defendants.

On the whole, the bivariate analysis reported in this study show the strongest associations to be between the independent variables and sentence and the weakest associations between the independent variables and disposition.

Multivariate Analysis

The MNA Analysis including all predictors explain 41% of the variance in sentencing but excludes almost 9/10 of all cases sentenced in the Plainfield Court during the period under study. Comparing the distribution of types of sentence in the whole sample with the distribution of the cases included in this analysis the most striking difference is the underrepresentation of cases sentenced to more than five years of incarceration among the smaller group.[31]

- Table 23 about here -

Examining the adjusted R^2 in Table 23, it can be verified that the sentences better explained by the predictors included in the model are the least severe of all (short probation, ADJ R^2 = .24), the most severe (very long commitments, ADJ R^2 = .44), as well as short commitments (adjusted R^2 = .44). Looking at the B^2 we can identify the predictors that contribute most to each of these sentences. Offense predictors are the most important in explaining short probation and very long

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[31]This in fact means that proportionally there is more missing data for the cases most severely treated by the court, a rather puzzling finding. From the results of the separate MNA for each dimension given in Table 23, we can further conclude that the missing data most responsible for this underrepresentation comes from offense related indicators.

MNA RESULTS
EFFECTS OF OFFENSE, DEFENDANT, PROCESS, EVIDENCE
AND BACKGROUND VARIABLES ON SENTENCE

	1	2	3	4	5	6	GR^2	N
Offense	22.5 (18.5)	11.9 (12.6)	17.2 (15.9)	21.8 (20.0)	16.7 (16.8)	10.0 (10.0)	9.6 (41.2)	582 (119)
R^2 Adj.	.06 (.24)	.02 (.09)	.02 (.38)	.01 (.10)	.06 (.15)	.45 (.44)		
Type - $Beta^2$	.005 (.061)	.032 (.123)	.007 (.404)	.009 (.111)	.025 (.045)	.011 (.064)		
Midpoint - $Beta^2$	.062 (.111)	.008 (.012)	.012 (.054)	.009 (.070)	.036 (.042)	.389 (.319)		
Money - $Beta^2$	.006 (.114)	.000 (.024)	.002 (.022)	.000 (.000)	.001 (.016)	.018 (.073)		
Injury - $Beta^2$	.000 (.051)	.027 (.020)	.006 (.005)	.002 (.012)	.016 (.000)	.001 (.042)		
Threats - $Beta^2$	.002 (.022)	.000 (.016)	.001 (.025)	.001 (.053)	.000 (.111)	.012 (.05..)		
No. of Charges - $Beta^2$	.001 (.001)	.001 (.000)	.010 (.162)	.010 (.052)	.000 (.001)	.001 (.007)		
Defendant	16.9	12.0	16.3	20.0	15.3	19.4	3.8	809
R^2 Adj.	.07	.04	.00	.01	.04	.02		
Prior Arrests - $Beta^2$	.013 (.008)	.013 (.059)	.008 (.011)	.024 (.024)	.010 (.020)	.001 (.021)		
Convictions - $Beta^2$	.033 (.062)	.013 (.005)	.000 (.156)	.004 (.05.)	.021 (.092)	.032 (.01..)		
Codefendants - $Beta^2$	.002 (.007)	.005 (.004)	.000 (.026)	.006 (.038)	.000 (.000)	.005 (.000)		
Process	15.5	11.9	14.7	20.9	14.7	22.3	6.5	354
R^2 Adj.	.013	.032	.13	.01	.00	.06		
Case Pressure - $Beta^2$	.002 (.00..)	.000 (.013)	.006 (.000)	.002 (.000)	.000 (.005)	.000 (.011)		
Career - $Beta^2$	.003 (.002)	.003 (.045)	.035 (.223)	.000 (.004)	.006 (.007)	.000 (.175)		
Jury - $Beta^2$	.000 (.000)	.005 (.001)	.000 (.027)	.006 (.003)	.002 (.030)	.010 (.009)		
Charge Red. - $Beta^2$	.021 (.054)	.012 (.024)	.010 (.223)	.023 (.029)	.012 (.026)	.000 (.007)		
Pleas - $Beta^2$	.001 (.041)	.017 (.000)	.202 (.034)	.057 (.024)	.007 (.002)	.06. (.13.)		
Continuance - $Beta^2$	.001 (.011)	.000 (.004)	.002 (.047)	.000 (.001)	.000 (.004)	.003 (.00..)		
Def. Attorney - $Beta^2$	.005 (.020)	.023 (.020)	.003 (.000)	.007 (.000)	.000 (.000)	.001 (.000)		
Evidence	16.8	11.6	16.1	21.2	15.3	18.9	.000	929
R^2 Adj.	.00	.00	.00	.00	.00	.01		
No. of Witnesses - $Beta^2$	.016 (.013)	.008 (.021)	.017 (.078)	.004 (.065)	.002 (.003)	.061 (.04.)		
Caught at Scene - $Beta^2$	.000 (.02.)	.000 (.000)	.002 (.002)	.007 (.021)	.007 (.020)	.057 (.070)		
Person Background	16.1	11.7	15.4	22.3	15.9	18.6	3.7	877
R^2 Adj.	.08	.01	.00	.00	.02	.06		
Race - $Beta^2$	.020 (.050)	.015 (.009)	.001 (.006)	.000 (.048)	.004 (.007)	.042 (.00.)		
Age - $Beta^2$	.001 (.045)	.001 (.012)	.004 (.020)	.000 (.000)	.016 (.002)	.008 (.00.)		
Sex - $Beta^2$	.024 (.002)	.002 (.029)	.000 (.003)	.002 (.010)	.000 (.004)	.021 (.017)		
Occupation - $Beta^2$	.035 (.035)	.002 (.002)	.004 (.029)	.004 (.000)	.009 (.004)	.000 (.0148)		

NOTE: () Refers to results including all predictors simultaneously.

Sentence Types

1 - Short Probation (-1y)
2 - Long Probation (+1y)
3 - Short Commitment (-2y)
4 - Medium Commitment (2y)
5 - Long Commitment (2-5y)
6 - Very Long Commitment (+5y)

commitments. That is offense seriousness, amount of property loss and injury contribute most to the explanation of the extréme sentences. The most serious offenses and those involving both property loss and injury are more likely to receive the longest commitment sentence while the least serious offenses involving neither property loss nor injury have a higher probability of receiving short probation. On the other hand, type of offense, past convictions, type of prosecutor and charge reduction explain best short commitments. That is those who receive such a sentence are predominantly victimless offenders with a convictions record, who had some charges dropped and were prosecuted by a career prosecutor. In this instance it would almost appear that commitment was decided on the basis of the defendant's past record and the determination of the prosecutor in spite of a non serious offense.[32]

To identify clearly which predictors had higher amounts of missing data as well as assess their predictive importance we ran separate MNA's using the indicators of each dimension. The results of these are also presented in Table 23.

Five variables were identified as causing most of caseloss while contributing little to the overall explanation of the dependent variable: defense attorney, offender occupation, number of codefendants, number of charges and prosecutor case load. These variables were dropped from the subsequent analysis.

- Table 24 about here -

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[32]This pattern seems to fit with the results of a recent study of women's commitments that showed a sizable proportion of the women as having been committed for victimless or non serious crimes. Many of these women had a past record and were sentenced for less than 2 years. See Figueira-McDonough et al., 1981.

TABLE 24

EFFECTS OF SELECTED INDICATORS OF OFFENSE, DEFENDANT, EVIDENCE AND BACKGROUND ON SENTENCE

$GR^2 = .21$
$N = 468$

	1	2	3	4	5	6
	22	13	17	20	16	11
R^2 Adjusted	.19	.08	.08	.04	.18	.52
Offense						
Type - Beta^2	.013	.013	.006	.014	.001	.001
Midpoint - Beta^2	.079	.007	.030	.006	.047	.342
Injury - Beta^2	.002	.018	.009	.015	.018	.001
Threats - Beta^2	.000	.000	.000	.009	.015	.006
Money - Beta^2	.004	.000	.011	.002	.002	.013
Defendant						
Prior Arrests - Beta^2	.020	.020	.002	.029	.004	.000
Convictions - Beta^2	.045	.013	.014	.000	.060	.000
Charge Reduction - Beta^2	.003	.012	.049	.007	.029	.002
Pleas - Beta^2	.033	.041	.008	.001	.013	.027
Process						
Career - Beta^2	.039	.003	.001	.065	.009	.026
Cont. - Beta^2	.000	.008	.011	.001	.000	.000
Evidence						
No. of Witnesses - Beta^2	.006	.018	.002	.001	.010	.002
Scene - Beta^2	.004	.000	.000	.023	.001	.020
Background						
Sex - Beta^2	.005	.000	.000	.001	.000	.001
Age - Beta^2	.004	.005	.015	.002	.010	.004
Race - Beta^2	.002	.000	.001	.000	.003	.002

As it was already indicated by the results of the separate MNA's, the analysis including a larger number of cases (468) has more modest results but is more representative of the sentence distribution for all cases (see Table 24).[33] While the total amount of variance explained dropped to 21 percent, the type of sentences better explained by the variables included in the analysis are still the extremes. Adjusted R^2 for short probation, long and very long commitments are respectively .19, .18 and .52. Offense seriousness, past criminal record, type of plea, type of apprehension, and type of prosecutor emerge as the stronger criteria. Examination of Table 25 further indicates that the association between offense seriousness and sentence severity is direct, that is, offenders convicted of the most serious offenses tend to receive long commitment sentences and vice versa. However, both defendants receiving the most benevolent and the most severe sentences tend to be prosecuted by non career prosecutors, to have been caught at the scene of the offense and to plead innocent. It would appear that these characteristics, contingent on the seriousness of the offense are conducive to extreme sentences.

- Table 25 about here -

Since this model explains better the extreme types of sentence and it is hard to interpret the in between categories, in the subsequent analysis we will focus on the decision to commit offenders (in decision) or not to commit them (out decision). We will then be dealing with a

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[33]Sentence distributions are as follows.

	1	2	3	4	5	6
All cases	17%	12%	17%	21%	15%	19%
Small Sample (119)	18	13	16	26	17	10
Large Sample (468)	22	13	17	20	16	11

TABLE 25

MNA COEFFICIENTS FOR THE
STRONGER PREDICTORS

	1 Short Prob	2 Long Prob	3 Short Comm	4 Med Comm	5 Long Comm	6 Very Long Comm
Adjusted %	21.8	12.6	17.5	20.5	16.2	11.3
Midpoint						
Low	9.7	-2.6	6.0	1.6	-5.7	-9.0
Med	-4.4	1.9	-4.1	1.0	10.6	-4.6
High	-2.9	17.4	5.7	12.4	8.9	58.5
Past Arrest						
None	5.7	3.2	-1.9	-6.1	-0.2	-0.7
Old	-1.3	2.9	2.3	-0.6	-3.5	0.2
Recent	-7.7	-7.2	1.1	9.8	3.0	1.0
Past Conviction						
No	6.7	2.8	-3.2	0.7	-6.6	0.0
Yes	-12.1	-5.3	6.2	-1.3	12.5	0.0
Types of Pleas						
Guilty	-3.7	4.4	1.4	0.9	-2.8	-0.1
Barg.	16.1	-12.7	1.2	-1.8	4.9	-7.8
Innoc.	19.4	7.4	9.0	18.3	23.8	22.1
Type of Prosec.						
Career	-4.9	-1.1	0.8	6.2	2.1	-3.1
Non Career	13.6	3.1	-2.3	-17.2	-5.8	8.6
Type of Apprehension						
Not at the Scene	-1.9	0.2	-0.5	4.7	1.0	-3.5
At the Scene	-3.3	-0.4	0.8	-7.9	-1.7	5.8

simplified dummy sentence variable and will accordingly be able to use

the multivariate classification analysis.

The MCA results are shown in Table 26. As expected, the same

variables that emerged as stronger predictors in the multivariate

nominal analysis show higher Beta weights in the present MCA. The total

variance explained is also similar ($R^2 = .28$). The direction of the

impact of the major predictors (with Beta weights of .10 or above) on

sentence is in the expected direction. That is _in_ sentences increase

with seriousness of offense, past criminal record and number of

witnesses. Younger offenders as well as offenders handled by non career

prosecutors are also more likely to be committed. With multiple

controls we still find that the probability of non commitment increases

for defendants that had their most serious original charge reduced,

while having had charges dropped does not improve their chances of an

out decision. These variables (prior record, offense seriousness,

charge reduction, age, type of prosecutor and number of witnesses)

account for 26% of the variance explained in the MCA, that is the

remaining ten variables account together for a negligible 1%.

- Table 26 about here -

In conclusion, defendant characteristics (past arrests and

convictions), appear to be the most important factors in the decision to

commit or not an offender, when controlling for all the other variables.

Seriousness of offense, but not type of offense, is also a significant

predictor of commitments. These three criteria are consistent with

expectations based on the justice model, since it has been argued that

sentence severity would vary directly with the seriousness of the

offense (just deserts) and with the risk of recidivism. The impact of

TABLE 26

MCA RESULTS
DECISION TO COMMIT

% Explained = 28%
Mean = .63
N = 489

Variable Name	Adj. Mean	Beta
Prior Convictions		.26
Yes	.81	
No	.54	
Prior Arrests		.23
None	.53	
Old	.63	
Recent	.79	
Career Prosecutor		.19
Yes	.68	
No	.48	
Midpoint		.16
Lo	.57	
Med	.66	
Hi	.81	
Charge Reduction		.11
None	.65	
Reduction	.52	
Drop	.68	
Age		.11
Young	.68	
Old	.58	
No. of Witnesses		.09
1	.60	
2	.60	
3	.61	
4	.70	
Pleas		.07
Continuances		.07
Race		.06
$ Value Prop.		.06
Sex		.05
Type of Offense		.05
Scene of Crime		.01
Threats		.01
Injury		.00

the other four variables do not quite support the justice model. There
seems to be a status inference that younger offenders constitute a
greater risk of recidivism or deserve more severe punishment than their
older counterparts. Since the age effect is significant even when
comparing individuals with the same past records and convicted for
similar offenses, it indicates discriminatory treatment of younger
offenders. Also the impact of process variables, such as type of
prosecutor and evidence is unwarranted in a justice model of sentencing.
Nonetheless, these extraneous variables contribute together only 5% to
the total variance explained by the analysis. Defendant
characteristics, on the other hand, contribute 17% and offense
seriousness 3%.

Therefore, the results of the analysis are still for the most part
consistent with the justice model. It is nonetheless remarkable the
finding that defendant characteristics affect so much more the decision
to commit than offense seriousness does.[34] It has been argued that this
tendency to weight more defendant past record than offense seriousness
is one of the contributors to prison overcrowding. There is evidence
that a large proportion of women prison populations is constituted of
petty offenders, who circulate in and out of the correctional system.[35]
In fact, one strategy proposed to cope with prison overcrowding[36] has
been a reversal of the weighting identified in Plainsville, that is to

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[34]The very low correlation between offense seriousness and past
arrest (.02) or past convictions (-.03) clearly indicates that
multiculinearity is not a factor in this variable ordering.

[35]See Josefina Figueira-McDonough et al., 1981.

[36]See Minnesota Sentencing Guidelines.

base the decision to commit more on the seriousness of the offense than
on the defendant's past record.

Gender Differences in Sentencing

Women offenders receive significantly less severe sentences than
male offenders: seventy percent of the males convicted are committed to
prison as compared to fifty percent of the women. Furthermore women
tend to receive proportionally shorter probation and shorter commitment
sentences. Fifty-eight percent of the men who got probation were given
less than one year but seventy-one percent of the women fell in that
category. Also seventy-four percent of the women committed received
sentences of 2 years or less but only fifty-one percent of the committed
men received such short sentences.

Obviously this of itself does not indicate a bias of the court in
favor of women. Since defendant characteristics and offense seriousness
are theoretically and empirically the most relevant criteria in
sentencing, the above results could just reflect that women might be
more often first offenders and or be typically convicted of less serious
offenses than males. The hypothesis then would be that males and
females with similar criminal records and convicted of offenses of
similar seriousness would receive comparable sentences. If this is
found to be true then we can conclude that the above association between
gender and sentence is spurious. In Table 27 we show the results of
sentence comparisons by gender controlling alternatively for seriousness
of the offense, past arrest and conviction record of the offender.

- Table 27 about here -

Inspection of Table 27 reveals that significant differences between
the genders persist for medium serious offenses, for offenders with no

TABLE 27

SENTENCE BY GENDER
CONTROLLING FOR OFFENSE SERIOUSNESS
AND DEFENDANT RECORD

	Sentence*		
	OUT	IN	Sign. Level
Midpoint 1 M *(353)*	40	60	Non Sign.
F *(48)*	48	52	
Midpoint 2 M *(229)*	30	70	.01
F *(17)*	59	41	
Midpoint 3 M *(76)*	8	92	
F *(3)*	33	67	Non Sign.
No Conviction M *(513)*	41	59	.002
F *(49)*	63	37	
Conviction M *(267)*	8	92	Non Sign.
F *(12)*	--	100	
No Prior Arrest M *(340)*	44	56	.003
F *(66)*	68	32	
One/Two Arrest M *(242)*	24	76	.009
F *(22)*	53	47	
More Than 2 M *(273)*	12	89	Non Sign.
F *(16)*		100	

* The results in relation to the more detailed sentence
  classification are identical.

past convictions and with none or few arrests. That is, men and women seem to be treated equally both for very serious and trivial offenses, and when their past record indicates greater criminal involvement.

To investigate the joint impact of these variables on the commitment of men and women we run separate least square regressions. In both instances offender past record emerges as the most relevant predictors but it is considerably more important for females (explaining 31 percent of commitments) than for males (accounting only for 11%). Offense seriousness added only 3% to the total sentence variance explained for women and 6% for males.

These results together with the bivariate analysis help us to understand why past record is a better predictor of severity of sentence for women than men. Women without past record are treated more benevolently than men, while the ones with a record are treated with equal severity as their male counterparts. In fact, this appears to be true even when seriousness of offense is controlled for.

To further explore gender differences we looked for interactive effects of the predictors included in the previous section on sentencing in the female and male subsamples. The results of the AID analysis are presented in Figures 7 and 8. While the differences in the total amount of variation explained is fairly similar the variables selected as the most powerful predictors are quite different. For men the results are consistent with those from the previous additive analysis (compare Table 24 and Figure 7). Past conviction emerges as the predominant criteria contributing to more than half of the total explanation of the model. In fact, the probability of being committed to prison increases by 4C% for offenders with a conviction record as compared to those without (G2

- G3). However other factors interact with the status of having no

prior convictions to increase or decrease the overall fifty percent

chance of commitment. In no instance does the probability of commitment

among offenders with no past conviction reach the level of those with

past convictions. Among those with no past convictions, the chances of

commitment are highest (.87) for offenders convicted of the most serious

crimes (G5). Offenders convicted of crimes of medium or low seriousness

have an average commitment rate (.52) if their case is handled by a

career prosecutor, or well below average (.28) if handled by a non

career prosecutor (G6, G7). Career prosecutors appear to use offense

seriousness criteria in recommending sentences (G8 and G9) while non

career prosecutors appear to be more influenced by the type of plea (G12

and 13).

- Figure 7 about here -

Age is the only background indicator that shows any impact in this

analysis: young offenders without a convictions record convicted of

medium serious offense and handled by career prosecutors have a higher

probability of commitments (.69) than their older counterparts (.47; see

G10 and G11). For women, however, a single background variable -- race

-- contributes to 2/3 of the variance explained in commitments (see

Figure 8). Non white women are twice as likely to be committed than

white women. While the very low number of women that reach this process

stage impose serious limitations to the usefulness of this analysis, it

should be kept in mind that the distribution of the predictors in the

male and female sentenced population are very similar and that

consequently the selection of different factors is not a result of

different data structure. Furthermore, as small as the numbers are they

FIGURE 7

AID-SENTENCE*
(Males)

* Sentence 0 – Out(Non Commitme.
       I – In(Commitment)
% Explained = 30%
N = 440
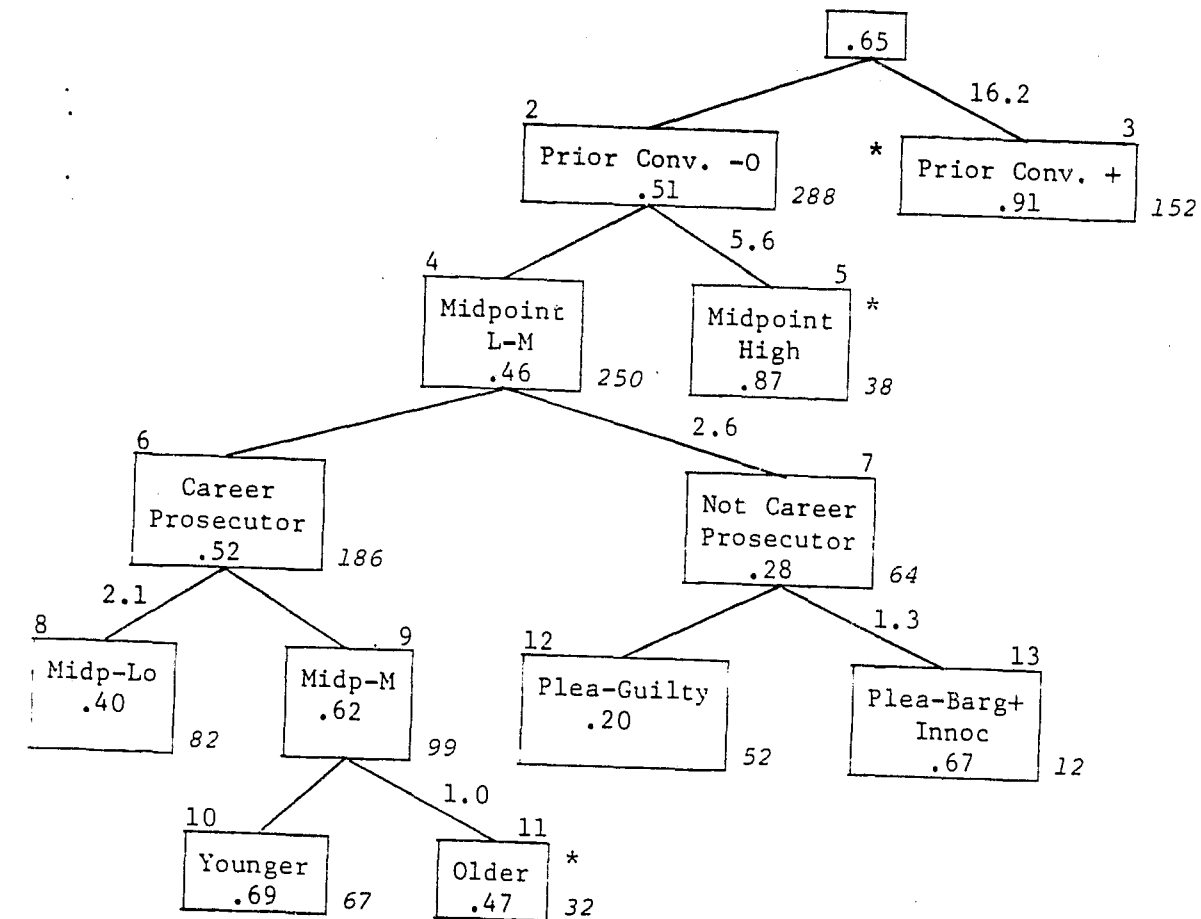
	FINAL GROUPS	COMMIT	N
G3	Prior Conviction	.91	152
G5	No Conviction + Very Serious	.86	38
G10	No Conviction, Career Pro. Med. Serious, Young	.69	67
G13	No Conviction, Not Career Pros., Plea B/Guilty	.67	12
G11	No Convict., Career Pros., Med. Serious - Old	.47	32
G8	No Convict., Career Pros., Low Seriousness	.40	82
G12	No Convict., L-M Seriousness, Not Career Pros., Plea Guilty	.20	12

represent the total population sentenced in Plainsville at the time of

the study. It follows that it is descriptively accurate to say that the

group of men that accounted for the highest rate of commitment where

those with a past conviction record, while the group of women most

committed where non whites. Because of the low number of women it is

not possible to investigate conclusively which other offense, career or

process characteristics make non white women more vulnerable to

commitments.

- Figure 8 about here -

Of all women processed through the Plainsville Court 49% were white

and 51% non whites. This of itself represents a wide over

representation of non whites since non whites constitute only 11% of

this city's population. There is, however, not much difference on crime

seriousness between these groups. Seventy-seven percent of the whites

are charged with non serious crimes as compared with 69% of the non

whites and the rates of conviction are similar, 66.6% for whites and

67.6% for non whites. In spite of this ¨0.5% of non whites are

committed to prison while only 29.4% of the white women are so

sentenced. Looking at the type of crimes for which they are sentenced

one finds that the tendency to commit non whites more than whites holds

across levels of offense seriousness. (See Table 28)

- Table 28 about here -

It is worth noting that of all white women convicted only 9.5% had

a previous conviction and more than two arrests as compared to 29.5% of

convicted non whites with past convictions and 36.4% with more than two

arrests. From this it would appear that non white women are committed

FIGURE 8

FEMALES SENTENCE

PROBABILITY OF COMMITMENT

% Explained = 25%
N = 54
O = Out
I = In
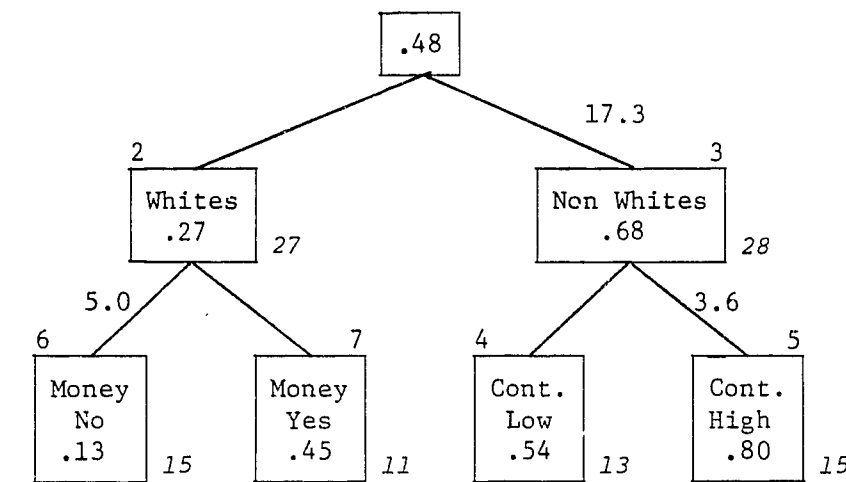
	FINAL GROUPS	COMMIT.	N
G5	Non Whit., High No. Cont.	.80	15
G4	Non Whit., Low No. Cont.	.53	13
G7	Whites, Off. Involving Prop. Loss	.45	15
G6	Whites, No Prop. Loss	.13	11

TABLE 28

SENTENCES OF WHITE
AND NON WHITE WOMEN
BY OFFENSE SERIOUSNESS

	White			Non White		
	OUT	IN	N	OUT	IN	N
Low Ser	66.3	33.3	24	29.2	70.8	24
Middle Ser	87.5	12.5	8	33.3	66.7	9
Hi Ser	50.0	50.0	2	--	100.0	1

at similar rates as men and that past record plays an equally important role in sentencing.

In a recent study of a state correctional system[37] it was found that non white women were proportionally more often committed to prison than non white men. It was further found that these non white women had been convicted proportionally more of non serious offenses than the white women, but had more often a past record. This seems to fit with the previous sets of findings that more non whites are committed and also that past record accounts for most explained variance in the in/out decision than offense seriousness.

It has been advanced[38] that control agencies might be reticent in arresting and processing white women because of gender stereotypes but that such "paternalism" or "chivalry" are not extended to non white women. If this were the case one would expect white women to be arrested and referred to court for more serious crimes while non white women for a much greater range of crimes. Furthermore, once in court the probability of convictions would follow the same pattern. In turn the probability of past convictions for women referred to court should be higher for non white women and consequently more would end in prison given the use of the criteria of past convictions for commitments.

CONCLUSION

The purpose of this study was to investigate the criteria used in three major judicial decisions: dispositions, pleas and sentencing. The two formal decisions: dispositions and sentencing were evaluated by

[37]Figueira-McDonough et al., 1981.

[38]Inglehart, 1979.

reference to an ideal justice model, which sets evidence as the major
determinant of guilt and offense seriousness as the major determinant of
sentence severity. Pleas, on the other hand, being an outcome of
informal negotiation between prosecutor and defense agents , were
investigated by reference to a variety of interpretative propositions.

The analysis attempted not only to identify the criteria for these
decisions but also to investigate differences in criteria used for cases
of male and female defendants. The following is a summary of the
findings:

Dispositions

Contrary to expectations based on the justice model dispositions do
not appear to be based on evidence. Evidence indicators explain only 2%
of the variance in dispositions (guilty/not guilty). Of the other
indicators of the dimensions included in this study (offense, defendant,
process and personal characteristics) only offense adds some to the
explanation of dispositions (4%). While we cannot conclude from these
results the existence of any systematic bias in disposition decisions we
are left with so much unexplained variance (94%) that the most fitting
interpretation is that of a random decision making process.

Separate examination of the male and female subsample and search
for interaction effects improve our ability to explain dispositions.
This by itself indicates a somewhat greater homogeneity of criteria
within each group. Males have a higher probability of conviction (.75)
than females (.68). Eleven percent of the variance in dispositions for
males can be explained by our model. The probability of conviction is
higher than average for male defendants who have public counsel, have
been charged for a person or property offense, have gone through many

continuances and with many witnesses. However, male defendants with an
arrest record, as well as those charged with serious offenses have a
lower than average chance of conviction. That is, while evidence and
type of offense affect dispositions in the expected direction, defendant
past record and offense seriousness have a reverse effect. For females,
some of the same explanatory variables emerge (type of offense, number
of continuances and past record) and affect dispositions in the same
direction. However, more of the overall variance is explained (19%) and
type of offense is a stronger predictor of females than males
dispositions. In sum, the most important differences between
disposition criteria for males and females are: 1) that type of
attorney, number of witnesses and offense seriousness affect
dispositions for males but not for females, 2) that type of offense is a
stronger determinant of convictions for females (9.6%) than for males
(0.9%). We can then conclude that more criteria appear to be used in
the decision to convict or not convict males than females. While
simpler (e.g. considering fewer factors) the criteria for women appears
to be more consistently used. Evidence, however, emerged again in this
analysis by gender as a weak (males) or irrelevant (females) criteria in
disposition decisions.

Informal Decisions: Pleas, Charge Reduction and Sentence Reduction

Pleas. While our model explains better pleas (13%) than it did
dispositions (6%), the results are still quite modest. On the whole
number of charges and offense indicators (type and seriousness of the
offense) are the most important predictors of guilty pleas and plea
bargaining but contribute little or nothing to the explanation of

innocent pleas. That is, plurality of charges and non seriousness of
offense are associated with pleas of guilt (to the same charge) while
single serious charges with bargaining (to lesser charges). Cases
combining prior arrest and high number of continuances show the highest
incidence of innocent pleas. These results are identical for the male
subsample. Women, however, plead guilty much more often than males (81%
vs 66%) and a greater proposition of the plea variance (36%) is
explained by the model. Furthermore predictors of females' plea choice
are different and more varied than for males (property loss, number of
continuances, number of witnesses and race) while men's choices was
found to be predominantly based on offense characteristics. In the
interaction analysis, however, race emerges as a new significant factor
for both genders. Under conditions of non serious offenses white men
will tend to plead guilty while non white men are more likely to opt for
full trial in spite of similar risks in being found guilty. Non white
females charged with serious offenses tend to plead guilty more often
than their white counterparts.

Charge Reduction

The analysis of the more inclusive decision of charge reduction
yielded results for the most part similar to the plea analysis. However,
the single most powerful association is between number of charges and
charge reduction. Excluding number of charges, as was true in the
analysis of pleas, offense characteristics emerge as the stronger
predictors and they explain about the same amount of variance.

Also the results for the male sample are identical to the total
sample. For women, however, even though the importance of number of
charges is as important in determining charge reduction as for males,

offense characteristics add considerably more to the total variance
explained (25% vs 3%).

In conclusion, the comparisons between the results of the analysis
of plea choices and charge reduction clearly show that we are dealing
with different albeit overlapping processes. Since 41% of cases who
pled to the same charge, had in fact had a charge dropped or reduced
previous to the plea process, the study of pleas does not fully cover
all charge negotiations that might occur in the court. Furthermore,
while both strategies (charge reduction, and plea bargain) might
predominantly have the same purpose of expediting court process, they
occur at different points and appear to be based on different criteria.
Charge reduction appears to be based on a principle of simplification[39]
as evidenced by the strong association with number of charges. Pleas on
the other hand seem to be more the result of a defense strategy
(bargaining varying directly with continuances) but also a form of
transforming serious crimes into less serious.[40] Given these two
different criteria it is then understandable that females fare similarly
to males in charge reduction but worse than men in plea bargaining
because the probability of plurality of charges does not discriminate
between male dominated and female dominated offenses. On the other
hand, proportionally many more males fall in more serious offenses than
females and consequently the male probability of bargaining will be
higher.

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[39]Processing will be greatly simplified the more cases with
multiple charges become transformed in cases with a single charge.

[40]If we assume that more serious cases are more complex and
difficult to handle, then, again, plea bargaining can be interpreted as
a process of simplification.

Sentence Reduction

Because the bargaining process in court can involve deals on charges or on sentences we expected that defendants who pled innocent and consequently "burdened" the system would be more severely punished than defendants entering pleas of guilt. We found this to be true. However, <u>we also found that defendants who plea bargain get the best of all deals; not only do they get their original charge(s) reduced but they also have the highest probability of receiving less severe offenses for the same type of offense. Since we know that women are underrepresented in plea bargaining and overrepresented in plea guilty this suggests that on the whole they are less likely to get advantageous deals in charge reduction or in sentence reduction.</u>.

SENTENCE

At first look the findings support the justice model in relation to sentences. That is, the more serious the offense and the greater the past criminal involvement of the offender the more severe the sentence. However, looking at the impact of each of these independent variables on sentence we find that <u>past record is much more important in determining sentence than offense seriousness</u> (17% vs 3%). Furthermore, these two effects are quite independent. It is interesting that <u>some recent studies on prison overcrowding have argued that this is due to the general tendency to base decisions to commit more on defendants' past record rather than simply on offense seriousness</u>. In a recent study of women's prison we found confirmation of this. A large proportion of the prison population was constituted of petty offenders who circulated in and out of the correctional system. The recently approved sentencing guidelines of the State of Minnesota purposefully attempt to reverse

this weighting as an explicit strategy to contain the growth of the prison population.

<u>Women offenders receive significantly less severe sentences than male offenders</u>: seventy percent of the males convicted are committed to prison as compared to fifty percent of the women. Furthermore women tend to receive proportionally shorter probation and shorter commitment sentences. Fifty-eight percent of the men who got probation were given less than one year but seventy-one percent of the women fell in that category. Also seventy-four percent of the women committed received sentences of 2 years or less but only fifty-one percent of the committed men received such short sentences. We found however that <u>this differential benevolence in favor of women is conditional on non existence of past record. Women with past record are treated as severely as their male counterparts, holding offense constant</u>.

<u>The interactive analysis of the male subsample yielded similar results to the additive analysis</u> for the total sample in terms of amount of variance explained (30%) and most important predictors (past record and offense seriousness). <u>For women however race emerges as the most important independent variable</u>. Not only 51% of all women processed through the court are non white, while they represent about 11% of all female population in Plainsville, but <u>non white women are committed two and a half times as often as white women</u>. <u>Non white women are committed at comparable rates as males</u>. Comparison between white and non white female offenders reveals past record as the only significant difference between the two groups.

In a recent study of a state correctional system it was found that non white women were proportionally more often committed to prison than

non white men. It was further found that these non white women had been
convicted proportionally more of non serious offenses than the white
women, but had more often a past record. This seems to fit with the
previous set of findings that more non whites are committed and also
that past record accounts for most explained variance in the in/out
decision than offense seriousness.

It has been advanced that control agencies might be reticent in
arresting and processing white women because of gender stereotypes but
that such "paternalism" or "chivalry" are not extended to non white
women. It would then follow that white women would more likely be
arrested and referred to court for more serious crimes while non white
women for a much greater range of crimes. Furthermore, once in court
the probability of convictions would follow the same pattern. This
would automatically create a higher incidence of past record for non
white women. Since we found that past record is the most important
criteria on which the decision to commit is based, non white women are
caught in a self perpetuating and ever expanding circle.

Finally it is important to note that the earlier decisions of pleas
and dispositions emerge as much more ambiguous than the later decision
of sentencing. Because sentencing has been the judicial decision more
often studied the findings have been taken to represent court
functioning. This, as we have shown in this study, is a seriously
inappropriate and distorted generalization.

APPENDIX

Table A-1

WEAPONS AND THREATS BY TYPE OF OFFENSE

		Person	Property	Victimless
Weapon	Yes	80.1	5.6	14.3
	No	12.2	57.9	29.9

Cramers Phi = .65

		Person	Property	Victimless
Threats	Yes	86.0	3.9	10.1
	No	5.2	62.2	32.6

Cramers Phi = .71

TABLE A-2

CHARGE REDUCTION BY SENTENCE SEVERITY (COMMITMENTS)

CONTROLLING FOR OFFENSE SEVERITY

PERCENT COMMITTED

Type of Offense	T	No Change	Charges Reduced	Charges Dropped	Sign. Level
Person Serious	87	93(78)	79(25)	89(66)	<.000
Person Non Serious	60	59 (9)	50 --	71(10)	.02
Property Serious	75	78(47)	64 --	80(67)	.06
Property Non Serious	70	72 (2)	58 --	75 (0)	<.000
Victimless	46	50 (5)	64 (7)	33 (4)	NS
N	*970*	*546*	*200*	*224*	

(%) = Committed to more than 5y.

TABLE A-3

CHARGE REDUCTION BY TYPE OF SENTENCE

FOR VICTIMLESS CRIMES

Charge Reduction		Type of Sentence					Sign. L.
	PROB <1y	PROB >1y	COMM <2y	COMM 2y	COMM 2-5y	COMM +5y	
No Change	30	16	23	20	5	5	
Reduced	27	18	36	18	--	--	NS
Dropped	46	17	10	19	4	4	

END