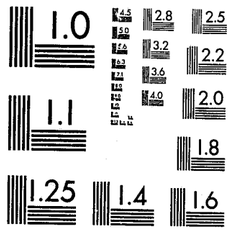

THE FEMALE OFFENDER IN WASHINGTON, D.C.
REVISITED

CPS

CENTER FOR POLITICAL STUDIES

INSTITUTE FOR SOCIAL RESEARCH
THE UNIVERSITY OF MICHIGAN
ANN ARBOR, MICHIGAN

With the advent of the "discovery" of women as social actors in their own right, women and crime emerged as a legitimate field of social investigation. Considerable interest and controversy have developed around issues of actual incidence of female criminal behavior, criminal specialization by gender and change over time. Parallel to this, questions about the treatment that female, as compared to male, offenders receive in the criminal justice system have been increasingly the focus of scholarly investigation. Specifically, the question of whether women offenders are more likely than men to receive preferential or punitive treatment from the courts has been the subject of this research.[1]

The evidence accumulated by this type of research is fragmented, contradictory and focused more on juvenile rather than adult offenders. Among this group of studies one can find support for divergent conclusions: (1) females are treated more harshly than males;[2] (2) males are treated more harshly than females;[3] (3) for certain types of crimes, females are treated more harshly than males but the reverse is true for other types of crimes;[4] (4) the treatment for males and females is the same but the offenses receive sex-typed labels;[5] (5) both males and females are treated equally by crime control agencies;[6] and (6) black females are treated more harshly than males or white females.[7]

In general, the available research on sex differences in criminal justice outcomes is characterized by four princple shortcomings: (1) the studies often fail to control for several variables which are known to be correlated with outcomes, such as prior criminal record and seriousness of charge. (2) Even studies controlling for such variables as prior record or seriousness of charge do not include in their analysis a number of other important variables, such as type of involvement in the offense.

probably the most complete study of its type to date. The second part of the paper will explore different strategies to test the hypothesis that Simon advanced in her paper. It will also aim at correcting some methdological deficiencies apparent in their study. The final section of this paper will address processual issues that expand the analysis beyond sentence outcomes.

REPLCATION OF THE SIMON AND SHARMA STUDY

The evidence from official crime statistics leaves no doubt about two distinct characteristics of female crime: (1) females have a lower official crime rate than males; (2) there are significant differences in the incidence of male/female crime by type of offense. The historical and cross-cultural evidence of these differences in official crime have been subject to various interpretations. Some studies, implicitly assuming that crime indices reflect actual behavior, offer explanations based on the feminine nature and the role of women in society. They argue that the "normal" feminine nature is non-criminal and/or female roles less crimogenic.[9] Alternatively other studies argue that discrepancies in official crime reflect social definitions of female roles which are reinforced through the justice system.[10] From this perspective females will be selectively prosecuted for "moral" crimes and crimes consistent with their gender roles.

In recent years there has been a proliferation of popular and scientific writing on the extent to which patterns and levels of female crime have been changing, and the impact of the women's movement and changing sex roles on criminal behavior.[11] A common theme of these writings representative of Simon and Sharma's approach is that the criminal activities of women are coming to resemble those of men in kind

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(3) The studies fail to control adequately for type of offense. All the existing studies rely on broad offense categories, as defined in the state penal code and as reflected in the court records. The problem with using these broad categories for research purposes is that a variety of specific kinds of offenses for which persons are arrested and ajudicated are more likely to be included in the broad categories. The category of larceny, for example, includes offenses ranging from property thefts of large monetary values (e.g., cargo thefts) to petty thefts (e.g., shoplifting, theft of services, and so on). The use of broad offense categories does not allow for the precision in controlling for type of offense that is necessary to determine whether sex-biased differences in criminal justice outcomes do indeed exist. The general finding that women defendants receive preferential treatment may be attributable, as some evidence suggests, to females being involved in the less serious offenses within the broad categories.[8]

A related limitation of all the existing research is that the analysis is confined to a small number of offenses, and usually to relatively serious offenses. Offenses such as homicide, assault, robbery, and burglary are commonly included. On the other hand, less serious offenses, such as passing bad checks, shoplifting, credit card fraud, and disorderly conduct, are not included. Since the overwhelming majority of women (and even men) are arrested and processed for minor kinds of crimes, the outcomes for the largest number of defendants remain unexplored. A final limitation of past studies centers in their methodology which is for the most part inappropriate for the substantive questions being researched.

The first part of the present study will attempt to replicate sections of Simon and Sharma's study of "The Female Defendant in Washington, D.C.,"

probably the most complete study of its type to date. The second part of the paper will explore different strategies to test the hypothesis that Simon advanced in her paper. It will also aim at correcting some methdological deficiencies apparent in their study. The final section of this paper will address processual issues that expand the analysis beyond sentence outcomes.

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and degree as convergence in role expectations and access to illegitimate opportunities increases. Supposedly women are committing more crimes, catching up with their male counterparts, and, increasingly engaging in traditionally male-dominated crimes.

Some analysts of female crime have attributed the large number of women committing property crimes to changing patterns of women's roles and to the women's movement. Others have demonstrated that increases in arrests of females for larceny and fraud/embezzlement represents extensions of traditional female activities rather than new role patterns. The increase in larceny reflects greater female participation in the traditional female crime of shoplifting, together with recent changes in opportunities for, and surveillance of shoplifting.[12]

Increases in arrests for fraud/embezzlement have also been attributed to changing female roles. It is argued that as more women enter the labor force, largely in white-collar jobs, they have more opportunities to embezzle and defraud. Linking the rise in fraud/embezzlement to the women's movement and to increased white-collar employment opportunities for women suggests that female criminals are becoming more manlike in their criminal activities.[13] Alternative explanations of the increase in fraud/embezzlement arrests exist which are consistent with traditional roles under new circumstances. On one hand the increasing number of female headed households mean that more and more women are managers of the family financial activities. On the other hand the expansion of the indirect monetary exchange system, through checks and credit cards vastly increased the opportunities and temptations for fraudulent activities such as passing bad checks, illegal use of credit cards and welfare fraud. None of these activities depend on access to white-collar

jobs[14] as confirmed by the available evidence that the majority of such offenders are lower class and minority women.

Basically our paper is an attempt at clarifying this controversy.

The data used in Simon and Sharma study consists of PROMIS arrest data for Washington, D.C. for the years 1974 and 1975. Our own data consists of all the females and every 7th male on the 1974 Washington PROMIS data whose cases were closed as of 1975 (total N=2467 females and 2500 males). A comparison of descriptive statistics from Simon's study to our own data illustrates the comparability across samples. For example, of all the women arrested in Washington, D.C. in 1974, 83.1 percent were nonwhite and 59 percent were local residents. Our female sample includes 83.4 percent nonwhite and 58.2 percent local residents. For men, 87.6 percent of the 1974 arrestees were nonwhite and 58.7 percent were local residents. Our selected sample of men includes 87.5 percent nonwhite and 57 percent local residents.

A replication of Simon's offense categories proved impossible due to the fact that she does not indicate how she obtained her percentages. An attempt to recreate these categories using the crime code for first offense record as well as for most serious crime produced laregly discrepant percentages. The most notable difference being in the category of economic crimes where Simon categorizes 25 percent of her female sample, we were able to find only 5.7 percent (see Table 1).

--Table 1 about here--

Using Simon's global categorization of offenses one may be erroneously led to believe that males and females are more similar in the crimes they commit than is actually the case. Our replication of Simon's categorization scheme places 32.2 percent of the men and 30.7

Table 1.

Offense Categories by Gender

Offense	Property[a]	N	Economic[b]	N	Violent[c]	N	Robbery	N	Simple Assault	N	Victimless[d]	N	Total	N
Male	32.2%	806	3.3%	82	14.0%	355	12.4%	308	3.7%	91	34.0%	850	100%	2492
Female	30.7	754	5.7	141	14.8	362	4.1	103	1.7	42	43.1	1048	100%	2450

Created from First Charge Record.

[a]Property: Destruction of Property; Burglary; Stolen Goods; Arson; Larceny

[b]Economic: Forgery; Fraud; Embezzlement

[c]Victimless: Drugs; Consensual Sex Crimes; Obscentiy: Family Offenses; Gambling; Obstruction; Bribery; Possession of Weapon; Other

percent of the women in the property offense category; 3.3 percent of the men and 5.7 percent of the women in the Economic category; 14 percent of the men and 14.8 percent of the women in the Violent category; 12.4 percent of the men and 4.1 percent of the women under Robbery; 3.7 percent of the men and 43.1 percent of the women under Victimless crimes.

An initial look at these numbers would suggest that men and women are very similar in regards to Property crimes. A closer look at this category will, however, reveal major differences. Of the 806 men arrested for Property crimes, 259 were arrested for Burglary (10.4% of all male crimes) while only 97 women (3.9% of all female crimes) were arrested for Burglary. In contrast, 153 women (6.2%) were arrested for shoplifting compared to 33 (1.3%) of the men (See Table 2). It is also important to note that all sex offenses refer to commercial sex and that this is by far the single category with a larger number of women. Twenty percent of all women processed by the justice system in Washington, D.C. in 1974 were charged with a commercial sex offense. Thus far the evidence conforms to the traditional pattern.

--Table 2 about here--

The argument that women's criminal behavior is converging with men's has often been accompanied by the prediction that the formal control system will become tougher on women, that is, it will treat them like men. The untested assumption is obviously that in the past women received a more benevolent treatment.

Simon and Sharma use multiple regression models to examine if factors important in determining decisions at different points of judicial processing differ by gender.

The variables they included in the regression models were primarily

Table 2.

Detailed Offense Categories for Most Common Crimes by Gender

Offense	Male	N	Female	N
Homicide Willful Kill	.6%	16	1.2%	30
Homicide-Neg. Manslaughter	.9	23	.6	15
Sexual Assault	1.7	44	--	--
Robbery Armed	5.3	129	.6	15
Robbery Unarmed	1.5	35	.1	2
Assault Simple	3.7	91	1.7	42
Assault Aggravated	1.3	34	3.0	73
Burglary Forc. Entry	1.4	35	.5	13
Burglary Other	9.0	224	3.4	84

Offense	Male	N	Female	N
Larceny Shoplifting	1.3%	33	6.2%	153
Larceny Car Theft	3.9	98	1.5	37
Fraud Insuf. Funds	.5	13	.5	13
Fraud-Ill. Use Cred. Card	.9	22	2.0	50
Destruction Property	1.8	45	1.0	24
Stolen Goods	4.0	100	2.8	68
Sex Commercial	4.9	122	20.9	513
Drugs-Hard Possession	.5	13	.4	10
Drugs-Hard Sale	1.8	44	1.6	39
Drugs-Poss. Not Hard	10.9	272	7.8	190

of two types: characterstics of the defendant and circumstances of the arrest. For each year they analyzed the major offense categories separately and all of them in aggregate. Simon and Sharma's findings suggest that it is difficult to predict the outcome of a case resulting from an arrest. The availability of witness is an important consideration at the screening stage; other evidence-related factors play a small role at screening, as well as at some of the later case-processing stages. The model they use is acceptably predictive at the screening stage, but beyond this stage, the information they have provides little help in understanding the outcome of a case. From their analysis, it seems that the system tends not to distinguish between types of offenses nor sex of defendant (except for consensual sex crimes) but that procedural issues ultimately determine the outcome of a case.

In analyzing the additive or interactive effects of sex as a predictor, the dependent variable is court decisions. Because the judicial process is characterized by multiple and sequentially ordered decision stages, a simple criterion of severity of decisions at each level is by itself inadequate to assess possible sex biases in the system. In final instance, processual analysis will be required. That is, one should begin with the number of cases screened by the prosecutor and analyze the effect on the probability of the case moving to preliminary hearing. Then, for the cases that reach preliminary hearing, one should proceed to ascertain the probability of a grand jury proceeding, and henceforward. A preliminary form of this analysis is presented in the last section of this paper. Because of its salience we will however begin by concentrating on the last stage--the sentencing stage.

Simon's final regression equation has sentence as the dependent

variable.[15] Her predictor variables were defendant's sex, his/her arrest record, the seriousness of the crime committed, race, whether weapons were used, the relationship to the victim, whether the defendant was a local resident, and whether he or she was employed.

--Table 3 about here--

In replicating Simon's analysis of sentencing we included the variables listed above except employment, a variable not available in PROMIS. Table 3 lists these predictors together with the results of the MCA analysis. While we were only able to account for 13% of the variance, Simon's results show a R^2 of .19. However, the order of the variables in terms of contribution to total variance were the same confirming Simon's conclusion that sex was of practically no predictive value. The most important variable in determining which defendants were sentenced to prison was, in both studies, the seriousness of the offense and the second most important factor was the defendant's arrest record. Three possible explanations for the difference in total variance explained come to mind: First, it appears that Simon limits her analysis to those cases which pleaded guilty. It is, however, unclear how she went about doing this as she includes neither variable names nor total N's. Second, Simon is working with a sample with a different gender composition. By selecting only 1/7 of all males we attempted to get a gender balanced sample, while by taking all the male cases Simon's sample is automatically much larger and has a different male/female ratio. Third, their study covers two years (1974 and 1975) while ours concentrates on closed cases entered in 1974. Any or all of these factors may have contributed to the observed differences.

Table 3.

Multiple Classification Analysis--Variables Affecting the Decision to Incarcerate Versus Probation or Fine

Variable	Beta
Crime Seriousness	0.25
Defendant's Arrest Record	0.19
Race	0.06
Sex	0.06
Weapon	0.01
Local Resident	0.01
Relation to Victim	0.01

Multiple R^2 = .13

N = 1025

A CLOSER LOOK AT SENTENCING

In this second part of the paper we propose to investigate more systematically the relative impact of distinct groups of predictors on sentence type. In testing for additive effects of the independent variables on sentencing, we will be using the Multivariate Classification Analysis (MCA) which is more appropriate than multiple regression for the type of data at hand and for the type of substantive questions addressed here.

The Multiple Classification Analysis is a technique for examining the interrelationships of nominal predictors and an interval scaled or dichotomous dependent variable within the context of an additive model. Weak measurement (including nominal scales), correlated predictors and non linear relationships are conditions which MCA is designed to handle. While in essence it is based on multiple regression using dummy variables, it has the advantage over the conventional dummy variable regression of being able to handle predictors with multiple categories and on focusing on the extent and direction of the adjustments made for correlations among the sets of predictors.[16]

The Justice Model: Predicting Sentence from Offense and Defendant Characteristics

The most parsimonious model of prediction of sentences, in a justice system (not influenced by invidious criteria) attempts to explain sentence variation in terms of offense characteristics and defendant characteristics relevant to criminal behavior. In other words, in this model severity of sentence is expected to vary with offense seriousness and with defendant's past record. In the PROMIS data set of Washington, D.C., two summary indicators of offense seriousness and of defendant recidivism expectancy were available: the Wolfgan-Sellin scale of seriousness of

offense and Godfredson's scale of recidivism expectancy based on defendant's prior record. Both indices were used to predict a basic sentencing decision: whether to incarcerate (the IN decision) or not (the OUT decision).

For comparability purposes with later parts of this study, the multiple classification analysis (MCA) was used. The findings are reported in Table 4 and indicate that either the scales are useless or that the sentencing decision is made independent of offense seriousness and defendant's criminal history considerations. Together the two variables explain 7% of the variance in sentencing with the defendant's scale being the strongest predictor of the two. As weak as their explanatory power is, they contribute more for the sentencing of males (9%) than of females (2%).

--Table 4 about here--

It is possible that the poor showing of these variables might be related to their inadequacy in measuring adult crime seriousness and criminal history of adult defendants, since both scales were built with reference to a juvenile population and subsequently tested in that context. The conclusion we can draw from the above analysis is that such scales are not being used as intended by the architects of PROMIS that is, both as guides for judicial decisions and as criteria to evaluate such decisions.[17] This obviously does not indicate that judicial decisions are not based on crime seriousness and offender's record but simply that the elements included in the determination of offense seriousness and defendant risk do not correspond and/or are not weighted as in the Wolfgan-Sellin and Godfredson's scales.

To explore this possiblity, all variables that could characterize

Table 4.

Multiple Classification Analysis

Dep. Var. = Sentence

1. Out (Noncommitment)

2. In (Commitment)

	All Cases N=1170 R^2=.07	Male N=628 R^2=.09	Female N=542 R^2=.02
Predictors	Betas	Betas	Betas
Defendant Score	.25	.29	.15
Offense Score	.12	.10	.10

offense seriousness and defendant risk of recidivism were identified for further analysis. Related to offense seriousness, the following variables were identified: FBI offense classification, use of weapon, value of property damaged or stolen, injury to victim[18] and number of charges. To characterize the defendant only information on past record was available. This information was trichotomized in: (1) no record; (2) old record (no record of offense in past 5 years); and (3) recent record (with at least one offense in the last 5 years). Other variables were included in our model, that although not directly related to seriousness of offense, have to do with circumstantial factors that may affect the evaluation of responsibility and subsequently of seriousness. Those are: number of witnesses, number of codefendants, offender caught at the scene of offense, evidence recovered and relation to the victim.

The use of these variables as predictors of sentence proved more satisfactory than the previous scales, while still indicating that offense and defendant characteristics weigh little in the decision to incarcerate or not. Together the 12 independent variables included in the multivariate analysis of sentence explain 15% of the variance. The results summarized in Table 5 show that the most important contributors are defendant's record, type of offense, number of codefendants, number of charges and property value. When the analysis is performed separately for male and females, we find a repetition of the previous pattern. That is, offense and offender variables are somewhat better predictors for males' than females' sentences. We also find that for women the number of charges has a greater effect on sentencing than past record.

--Table 5 about here--

Selecting only the 7 variables with betas above .10 in the above

-11a-

Table 5.

Multiple Classification Analysis

Dep.V.=Sentence 1. Out 2. In

Predictors	All Cases N=515 R^2=.15 Betas	Female N=236* R^2=.13 Betas	Male N=277* R^2=.15 Betas
Record	.24	.26	.25
FBI	.20	.17	.22
Codefendents	.16	.19	.22
No. of Charges	.13	.34	.05
$ Amount	.10	.09	.15
Rel. to Victim	.07	.12	.12
Witness	.06	.07	.10
Caught at Scene	.05	.05	.03
Evid. Recovered	.05	.01	.09
Weapon	.05	.12	.04
Corrob.	.00	.06	.07
Exculp. Evid.	.00	.05	.03

*Drug Cases not included.

analysis and repeating the analysis, we lose about .2% in explanatory power indicating how irrelevant the remaining five variables are. Of the seven stronger predictors past records, property value, number of codefendants and number of charges have a direct linear association with sentence. That is, the "in" decision occurred more often for offenders with past records, when greater property value was involved, when the offense was done with others and involved breaking of several legal statutes. These associations are consistent with the justice model.

In three instances, however, the interpretation of the associations is not so straightforward. The adjusted means for offense classification, relation to victim and weapon are shown in Table 6. The offense classification followed the FBI general ranking on seriousness. Property offenses were broken down in three subtypes (property, larceny and fraud) without altering the seriousness ordering. It would then have been expected that the adjusted means would have been highest for violent crimes (indicating higher incidence of commitment) and then decrease along the order of the crime categories. Such is, however, not the case. Sex offenders receive stiffer sentences than expected for both genders. Larceny appears by sentence criteria to be considered the least serious of the male offenses and the most serious of the female offenses. While males receive overall more severe sentences, this is not so in the case of larceny, for which they tend to receive slightly lower sentences than females. Finally, women found guilty of larceny and sex offenses appear to be as likely to be committed as women charged with violent crimes. In examining these differences, one should keep in mind that the adjusted means reflect controls for all the other variables, such as evidence,

number of charges and value of property.

--Table 6 about here--

It is also noteworthy that when the vitim is a relative, everything else equal (e.g., seriousness of of the offense, evidence, value of damage, etc.), the male offender is more likely to receive a lighter sentence than if the victim is a nonrelative. On the other hand, female offenses are more severely punished if the victim is a relative or an acquaintance.

Finally, there is no evidence that use of a gun makes the offenders a target of stiffer sentences in the courts of the capital of the nation.

The Biased Model: The Impact of Attributes and Process on Sentence

In the previous section, the assumption was made that a sentence of commitment should be associated with the seriousness of the offense, the evidence of guilt and the offender's prior record. We found, however, a large amount of unexplained variation in sentence decision, that is, variation that is not explained by offense and offender variables. In such instances, when there is a large amount of variance left unexplained by plausible and relevant offense and offender criteria, it can be said that we are dealing with a problem of sentence disparity. In its most general sense, sentence disparity is taken to mean that differences in sentencing outcomes are associated with invidious criteria.[19] Invidious criteria have mostly been operationalized in terms of personal attributes socially devalued, such as nonwhite race[20] and low socioeconomic status.[21] Disparity has also been detected in the fact that sentencing outcomes are associated with aspects of the processing of criminal cases.[22] In all these instances, the impact of those variables on sentencing create a sense

Table 6.

Adjusted Means of Selected Independent Variables From

the Multiple Classification Analysis of Sentence

(Justice Model)

Offense*	Violent	Property (Burglary Receiv. Stol. Goods)	Larceny	Fraud	Sex	Other
Total	1.37	1.20	1.19	1.15	1.16	1.34
Female	1.19	1.03	1.20	1.02	1.18	1.11
Male	1.44	1.30	1.10	1.18	1.24	1.46

Relation to Victim	Family	Friend of Acquaintance	Stranger
Total	1.11	1.25	1.28
Famale	1.24	1.25	1.14
Male	1.03	1.32	1.37

Use of Weapon	Gun	Other Weapon	No Weapon
Total	1.18	1.13	1.22
Female	1.13	1.07	1.15
Male	1.34	1.27	1.35

*The category of drugs was dropped from the analysis because the number of cases became too small for cross gender comparisons.

Table 7.

Multiple Classification Analysis

Dep.V.=Sentence 1. Out 2. In

Predictors	All Cases N=575 R^2=.245 Betas	Female N=254* R^2=.236 Betas	Male N=308* R^2=.219 Betas
Time in Justice System	.22	.38	.22
Past Record	.21	.24	.20
No. of Continuances	.19	.14	.20
FBI	.16	.16	.18
$ Amount	.13	.07	.16
No. of Charges	.10	.22	.06
Gender	.09	--	--
Codefendants	.08	.04	.13
Residence	.06	.05	.04
Age	.04	.07	.11
Race	.02	.05	.01
Rel. to Victim	.01	.08	.04

*Drug Cases not included.

continuances have a direct linear association with sentence. The likelihood of receiving an "IN" sentence is higher for offenders with a past record, a plurality of charges and those whose case went through a greater number of continuances. The adjusted means for the variables that do not vary in the expected direction are shown in Table 8.

--Table 8, about here--

With respect to the type of offense a pattern, very similar to the one discussed in the previous section, emerges again. The adjusted means of the time variable suggest that even controlling for offense, number of charges, number of codefendants, past record and number of continuances, defendants sentenced in the first two weeks tend to receive stiffer sentences than at any later time. This is especially true for women. In fact, for men the probability of being committed reaches the same high level only after 6 months. The association between time in the system and severity of sentence is fairly direct for males but curvilinear for females.

Although offenses not involving property loss appear to receive less severe sentences than those involving some loss, the amount of loss is not directly associated with the severity of the sentence. For males there is no difference between minor value and the highest category and for females those causing a loss of less than 10 dollars are more likely than any others to be committed to prison. This variable is, however, a very weak predictor of female sentences (Table 7). The involvement of one accomplice appears to result in a stiffer sentence, while the presence of various codefendants increases the changes of an "OUT" decision. This is more pronounced for the male subsample.

Table 8.

Adjusted Means of Selected Independent Variables From the Multiple Classification Analysis of Sentence

(Biased Model)

Offense	Violent	Burglary & Recev. Stol.Goods	Larceny	Fraud	Sex	Other
All	1.34	1.13	1.25	1.17	1.20	1.33
Females	1.23	1.10	1.18	1.02	1.19	1.17
Males	1.40	1.21	1.32	1.33	1.36	1.54

Time	Less Than Two Weeks	2 Weeks-1 Month	1-2 Months	2-3 Months	3-6 Months	4-6 Months
All	1.46	1.28	1.16	1.20	1.26	1.38
Females	1.47	1.17	1.09	1.03	1.14	1.28
Males	1.29	1.36	1.22	1.35	1.36	1.48

Value of Property	None	Less $10	$10-250	+$250
All	1.23	1.38	1.28	1.40
Females	1.17	1.27	1.16	1.19
Males	1.28	1.46	1.39	1.49

No. of Codefendants	None	One	More than one
All	1.25	1.36	1.24
Females	1.17	1.22	1.17
Males	1.33	1.48	1.31

The Judicial Factor

The issue of predetermined sentences and the mushrooming of sentence guidelines has emerged as a response to a sense of injustice that has grown in relation to the indeterminate sentence and judicial discretion.[24] Operationalized in terms of this report, the judicial factor refers to the variation of sentences among judges that cannot be explained by offense or defendant characteristics but rather to the fact that judges utilize sentencing alternatives differently. This is what Everson[25] called the human element in justice. There is quite a bit of evidence indicating that the judges' personal formulation of sentencing policy is a significant factor in sentencing over and above offense and offender variables.[26]

As indicated in the Appendix, there are several constraints to the use of judge as a predictor in this data set. First, information on judge is extremely incomplete. The inclusion of this variable in the analysis reduces the number of cases to 372. Second, the sentence distribution gets very asymmetrical, the IN decision being reduced to less than 10%. Third, only two judges can be clearly identified. Those judges handle 81% of all cases with judge information (identified as Judge 1 and Judge 2). The remaining 19% were distributed among a large variety of judges and had to be aggregated together (under the label of Judge 3) for analytic purposes. Finally, we also know that offenses are not randomly distributed by judge (see Table A-3 and A-4 in the Appendix) but that Judge 3, the residual judge category, handles proportionally more serious crimes and more women.

The results of the following analysis, which include the seven variables identified in Table 7 (time in the justice system, past record,

Table 9.

Multiple Classification Analysis

Dep. V.=Sentence 1. Out 2. In

Predictors	All Cases N=372 R^2=.19 Betas	Female N=189 R^2=.26 Betas	Male N=183 R^2=.26 Betas
Judge	.25	.35	.17
Record	.22	.14	.27
$ Amount	.20	.25	.08
Codefendants	.16	.09	.01
Time	.10	.03	.16
Off. V/Pe.	.07	.09	.05
Gender	.04	--	--
No. of Charges	.03	.06	.11

Table 10.

Adjusted Means for Selected Predictors in

the MCA Analysis Including Judge

Type of Judge	Judge 1	Judge 2	Judge 3
All	1.06	1.05	1.25
Females	1.07	1.07	1.25
Males	1.04	1.07	1.30

Time in the Justice System	Less 1 Month	1-3 Months	More than 3 months
All	1.14	1.06	1.09
Females	1.15	1.06	1.05
Males	1.09	1.07	1.12

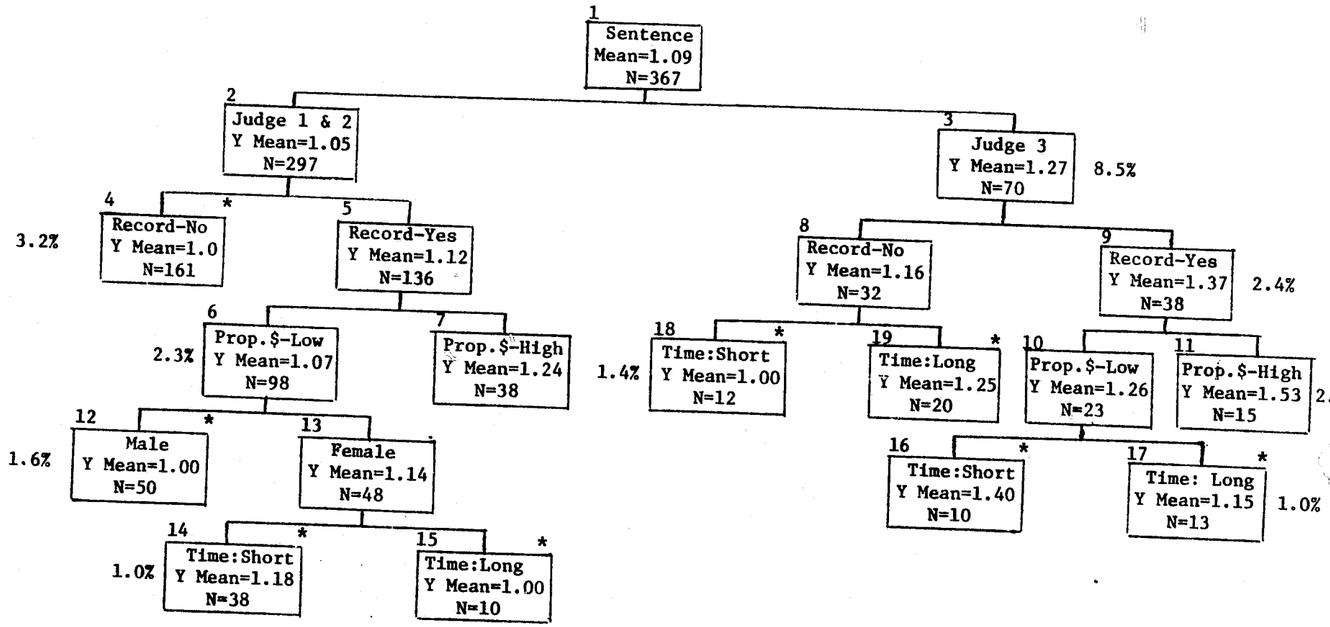
that is, to investigate the possibility that Judge 1 and Judge 2 use different decision criteria from the other judges, we used the Automatic Interaction Detector algorithm (AID). The purpose of this program is to identify the variables that maximize our ability to predict the probability of the cases processed (with judge information) to be sentenced more (IN) or less (OUT) severely. It does this through the following set of procedures: (a) The program selects for each variable the maximum variance it can explain if the sample were split into two nonoverlapping groups on that variable; (b) it then splits the sample into subgroups on the single variable which is the best predictor of the defendants' sentence; (c) for each subgroup, the program repeats steps (a) and (b) using all the predictors. The same independent and dependent variables were used. The program stopped splitting when the amount of variance explained became negligible (less than 1%). The results of the AID analysis are shown in Figure 1.

--Figure 1 about here--

As expected, "judge" emerges again as the most important variable explaining 8.5% of the variance. The effects of the subsequent criteria variables (up to group 11) is parallel for both groups of judges (Judge 1 and 2; others). This pattern indicates that their decisions are similarly affected by the defendant's past record and the amount of property loss caused by the offense. We can further observe that both sets of judges tend to sentence more severely offenders with a past record and involved in offenses related to a greater loss of property. However, all the cases handled by Judge 3 received more severe sentences as comparisons between the following groups will clearly show: 4/8; 5/9; 6/10; 7/11.

Figure 1.

Aid Tree



N=367
Variance Exp.: 23.7%
Dep. Var.=Sentence
1 - Out
2 - In
*Final Groups

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Since it does not appear that the judges differ on their criteria of what is important in making sentencing decisions, the difference in the level of severity seems to indicate that Judge 1 and Judge 2 are just personally more benevolent than the other judges.

The other point of interest revealed by this analysis is some evidence of "traditional" gender biases among the more benevolent judges. That is, in instances when the offenders had a record and were involved in petty property offenses, females are shown to have a higher probability than males of receiving an "IN" decision (Groups 13 and 12). It should be noted, however, that the "nonappearance" of this bias for the other judges might just be the function of a small N and that, consequently, no association can be concluded between judge benevolence and traditional sex bias.

FELONY CASE PROCESSING IN WASHINGTON

One advantage of the PROMIS data is the chance it gives to examine case processing in full detail. After arrest everyone is processed, that is, there are decisions made, things happen to the individual, the individual is given different labels and statuses. In this instance everyone was "papered", which means an arrest and an initial decision to prosecute. While papered the individual was formally arrested and interrogated, and later he/she may have been put in jail or released on bond or their own recognizance. Beyond the papering however the individual cases diverged widely. Some were quickly dismissed before any trial. Others were dismissed immediately at trial. Of those who went to trial, many pled guilty and went on to sentencing. Those who pled innocent went through a full trial process, with or without jury, and were ultimately found innocent or guilty. To simplify this

description even further we can say that case processing consists of one entrance- papering, but different exits, dismissal or trial.

In actual practice each court system shows elaborations of this simple model, for example, grand jury hearings, multi-stage guilty pleas, and preliminary hearings. As a first approximation (and to aid in comparing the differnt cities processing systems included in the larger study), we developed a general model with five basic exits. Arranged in rough sequential order of case disposal, these are:

1) dismissed before trial
2) dismissed at trial
3) pled guilty
4) pled innocent, found guilty
5) pled innocent, found innocent

While superficially very simple, the grouping of cases into these five types is very important. For one thing, they allow legitimate comparison of processing with other judicial systems. For example, we have discovered that different systems define papering in slightly different ways. This means that a comparison of the percentage found innocent to all those papered may produce spurious differences. Using our typology we are able to compare those found innocent or pleading guilty knowing we are making valid comparisons. Another problem solved by the use of these types is making legitimate intra-system comparisons. Comparisons of the length of time for complete processing, for example, cannot be interpreted without taking these general outcomes into account. Someone going through a full trial and found innocent can be expected to take somewhat longer than someone being dismissed. The different types developed, then, represent truly different types of cases that need to

be kept separate for analytic purposes. This is illustrated clearly by a problem we had in first preparing the data for analysis. We were told the data would not be useful because there was "lots of missing data." We found that indeed some variables had 75% missing data. Looking more closely however we found that for example, we only had information on the sentencing in 25% of the cases because only 25% of those papered were found guilty. Consequently it turned out that the missing data problem disappeared when the information was interpreted in the context of the process.

One point to note is that these types do not represent standard legal definitions. They are different results of bureaucratic processing by the prosecutor's office. They reflect realistically what actually happens to people who are brought into the system. As we will see in Washington over 65% of individuals papered are dismissed and therefore legally found innocent. Yet these people were arrested, interrogated, and usually had other involvement with the prosecutor's office, but never went to trial. A majority of the cases were "suffering" processing to some degree but ultimately found innocent.

General Distributions

In general, as shown in Table 11, nearly 70% of all papered cases were dismissed either pre-trial or at trial. After a trial, less than 4% were found innocent while less than 6% were found guilty. Roughly 24% pled guilty to some charge. This figure does not reflect the extent to which pleas were to lesser charges than the original charge, but a common sense interpretation is that they are a result of plea bargaining. Phrased another way, by far the most likely result of an arrest was a

--Table 11 about here--

Table 11.

Distribution of Case Disposal by

Race and Gender

(In Percentages)

Race and Gender	Dismissed Before Trial	Dismissed At Trial	Pled Guilty	Pled Innocent/ Found Guilty	Pled Innocent/ Found Guilty	
Whites						
Males N=249	30%	39%	21%	6%	4%	100%
Females N=324	31	43	20	3	3	100
Non-Whites						
Males N=2053	38	25	26	8	4	100
Females N=1883	33	35	23	6	4	100
Total N=4509	35%	32%	24%	6%	4%	100%

dismissal. The second most likely result was a guilty plea. These two results alone accounted for nearly 90% of the papered cases in Washington. Clearly contrary to popular conception trials were relatively rare phenomena and innocence or guilt were much more likely determined by a prosecutor than a court action.

Grouping dismissed and found innocent cases together shows that more than 70% of all cases processed result in an official not guilty outcome. Only a small fraction (less than 30%) of those who have been processed were actually found guilty. Typically, however, it is this "found guilty" group that gets the most attention. In part this greater attention is because these individuals do not exit the processing system. They go on to sentencing and possible probation or prison. Clearly, however, the most common experience with the legal process is to be found innocent and in particular to have the case dismissed.

The distributions in Table 11 show roughly equal percentages for whites and non-whites and for males and females. That is, in most groups, more cases were dismissed at trial than at pre-trial and dismissals represented a majority of all papered cases. The percentage found innocent was particularly consistent at about 4%.

There were two interesting differences among racial and gender groups. First, 38% of non-white males were dismissed before trial and only 25% dismissed at trial. This was the highest pre-trial dismissal rate and the lowest trial dismissal rate among the groups and the only group where pre-trial dismissals exceeded trial dismissals. Non-white males also had the highest pled guilty rates (26%) though only marginally higher than the rate for non-white females (23%). All these numbers mean that non-white males were more likely to be dismissed pre-trial, but if not dismissed before trial they were much more likely to plead guilty. Second,

white females were much less likely to be found guilty after pleading innocent (3%). Among those people who pled innocent at a trial white females were the group with more people found innocent than guilty. White females also had the highest overall dismissal rate. Altogether more than 77% of white females were dismissed or found innocent, which was the highest not guilty rate (white males were next with 72% dismissed or found innocent).

Unfortunatly, we cannot examine the relation of race, gender and offense together. The numbers of whites in any particular category are too small for accurate results. Therefore, the remaining tables group whites and non-whites together.

Dismissals

Looking first at the distributions for the total groups in Table 12, males were more likely to have pre-trial (54%) than trial dismissals (46%). On the other hand, females were just the reverse. They were less likely to have pre-trial (45%) than trial dismissals (55%). By dividing these dismissals into their offense categories we can see some of the reasons for these overall differences. Simply put, the tendency of males to have more pre-trial dismissal was a result of their heavy preponderance in violent and property crimes. These two charge groups accounted for 53% of the males' charges and only 35% of the females' charges. In both those categories men and women were more likely to have pre-trial dismissals and in fact cases for females showed a stronger tendency in this direction. Women however were more likely to be charged with larceny, sex, and drug offenses (59% of all female charges) which showed tendencies for trial dismissals.

--Table 12 about here--

Table 12.

Dismissal Types by Gender and Offense

(In Percentages)

Gender and Offense	N	Dismissal Types: Dismissed Before Trial	Dismissal Types: Dismissed At Trial		Dismissed: % Dismissed of all Papered
Violent					
Males	473	63%	43%	100%	62%
Females	368	71	29	100	73
Property					
Males	200	57	43	100	60
Females	110	65	35	100	71
Larceny					
Males	236	59	41	100	60
Females	399	31	69	100	74
Fraud					
Males	45	64	36	100	76
Females	85	45	55	100	67
Drugs					
Males	227	42	58	100	76
Females	178	35	65	100	78
Sex					
Males	89	17	83	100	76
Females	239	28	72	100	55
Total					
Males	1270	54%	46%	100%	64%
Females	1379	45%	55%	100%	70%

Overall the patterns of dismissals in each offense category for males and females were roughly similar. However there were important differences. Larceny, which represents nearly 30% of female offenses, showed a remarkable reversal of the male pattern of dismissal. 70% of women had trial dismissals compared with only 41% of the males. Larcenies, therefore, were doubly interesting. One, they are the largest single category of female offenses and two, they showed a huge difference in male and female processing. Fraud showed a similar pattern of male-female distribution, but they accounted for far less cases overall.

When we group all dismissals together and compare them to the number of people papered, we find females were more likely to be dismissed for all offenses except sex and fraud. Sex was a particularly important offense category since women were disproportionately represented. The 55% rate shown by women charged with sex crimes was the lowest dismissal rate for any offense. The female sex offenders also showed an extremely low tendency (28%) to be dismissed at the pre-trial stage. Again, it is interesting to note that the offense category with the greatest gender differences was the category dominated by females.

Precisely what the differences in case pre-trial and trial dismissal rates mean cannot yet be determined. Certainly they reflect the degree to which a case was seen by prosecutors as worth pursuing, either because the case was serious or the evidence clear cut. In other words, pre-trial dismissal may mean the case was very weak and a trial dismissal that the case was weak, but deserved a bit more pursuing. It is also possible that the degree to which police arrest on weak evidence was an important factor in dismissals. Such weak arrests may have resulted in quick dismissals. A high dismissal rate then, rather than reflecting leniency of prosecutors, may reflect severity of police. In this sense the

overrepresentation of dismissals for a certain racial or gender group might just indicate that they were more vulnerable to police harassment. Looked at this way, low dismissal rates for non-white males (Table 11) and the female sex offenders (Table 12) may mean non-white males and all females in Washington are arrested with less provocation than white males for certain offenses.

Trials

Table 13 looks at cases that have reached trial. Clearly the most common outcome was a guilty plea. This was the result for nearly 70% of cases that went to trial. In fact, overall, the percentage found innocent for males or females was only about 11%. The distributions for the total groups were remarkably similar and even after dividing up into offense categories, a guilty plea was the most likely outcome, followed by found guilty and last by found innocent. One interesting note is that the standard argument about women's sentences is not supported. Women typically show more severe sentences than men for the same offense. The argument is then made that women plead guilty more often and are in fact sentenced more severely for charges that are only apparently less severe. As can be seen in Table 13 women are only more likely to plead guilty for sex and drug offenses, but for other offenses the two genders are quite similar in their plead guilty rates.

Males and females had almost identical patterns of trials for violent and property crimes. They both had high rates of more than 70% for guilty pleas in property crimes. The rates for females (63%) and males (64%) pleading guilty for violent crimes were the lowest rates for a major category. This means of course that a larger percent pleaded innocent for violent crimes than almost any other offense. This is

--Table 13 about here--

Table 13.

Trial Types by Gender and Offense

(In Percentages)

		Trial Types			
Gender and Offense	N	Pled Guilty	Pled Innocent/ Found Guilty	Pled Innocent/ Found Guilty	
Violent					
Males	289	64%	25%	11%	100%
Females	135	63	24	13	100
Property					
Males	134	72	18	10	100
Females	46	74	17	9	100
Larceny					
Males	158	72	20	8	100
Females	140	79	13	8	100
Fraud					
Males	24	92	8	0	100
Females	42	79	14	7	100
Drugs					
Males	71	70	17	13	100
Females	48	85	2	13	100
Sex					
Males	28	46	29	25	100
Females	191	68	19	13	100
Total					
Males	704	68%	21%	11%	100%
Females	602	72%	17%	11%	100%

generally interpreted as the result of a defense strategy. Sentences for violent crimes are severe and even after plea bargaining are not very desirable. The defendant is more likely to take a risk on a trial. Interestingly the strategy to plead innocent did not appear to yield very high results for violent crimes since the overall rate of found innocent was still only around 10%.

The offense categories where males and females show the greatest differences were for drugs and sex. 85% of the women charged with drugs pleaded guilty compared to only 70% of the males. Even more startling, only 2% of the women were found guilty after pleading innocent to drug charges. The small percentage of women who did plead innocent to these charges were very likely to be found innocent. This was the only category where an individual who pleaded not guilty was more likely to be found innocent than found guilty. The distribution here was very clearcut. If there was a chance of being found innocent, then most women pleaded innocent and risked a trial. If there was little chance then they pleaded guilty. For sex crimes on the other hand, males were much more likely to be found innocent (25%) than females (13%). When males pleaded innocent they were still more likely to be found guilty, but the chances of being found innocent were good. The male sex offender rate of pleading guilty was the lowest for any category. For females, sex crimes are treated more or less like property crimes in terms of distribution of trial results. The implication is that sex crimes were treated as serious crimes for females but not for males.

Since larceny is such an important category for females it deserves special attention even though the male-female distribution is fairly similar. Women had a higher tendency to plead guilty (79% for females versus 70% for males). The found innocent rates were virtually identical

for males and females. When men took a chance on a trial they were very likely to be found guilty. In other words, men and women were found guilty in roughly similar proportions, but men risk trials more often than women.

In conclusion, the gross distributions for males and females were similar. There were very important differences, however, for larceny and even stronger differences for sex crimes. If males and females are analyzed by their treatment for violent and property crimes they are essentially identical. This is interesting. Those who argue that men and women are being treated in increasingly similar ways are accurate if they are talking about violent and property crimes, which are typically crimes where males predominated. If however one looks at crimes where females predominate there are great differences in treatment. For example, comparing women to men for larceny, women were 1) much more likely to be dismissed, 2) much more likely to have a trial dismissal instead of a pre-trial dismissal, 3) more likely to plead guilty, and 4) much more likely to be found innocent if they plead innocent. For sex crimes, women were 1) much less likely to be dismissed, 2) less likely to have a trial dismissal instead of a pre-trial dismissal, 3) much more likely to plead guilty, and 4) overall less likely to be found innocent.

One explanation for this may be that since men are more than 80% of the cases they are treated more systematically, more bureaucratically, and therefore crime areas where males predominate were treated in a more consistent fashion. Female crime areas, such as sex offenses and larceny, are handled more idiosyncratically. The assumed convergence of male and female processing treatment,[27] then, could simply be a result

of women being charged more often with male dominated crimes such as violent and property offenses. Changes of the treatment of women would therefore not be a result of changes in the way the system thinks about women. Rather it would be a result of women being put in crime categories that are already treated more consistently.

This is, of course, a very preliminary explanation. Unlike Simon's theory, however, which would require attitudinal measures to fully verify, we will be able to test the consistency of treatment of different offenses with the PROMIS data.

CONCLUSION

Simon and Sharma in their study of The Female Defendant in Washington, D.C. set out to investigate propositions about the convergence of male and female offenses as well as the hypothesis that, as a result of such convergence and the spread of a more sex-equalitarian ideology, women have come to be treated the same as men in the judicial system. This theoretical position contrasts with past evidence that shows women concentrated in certain offenses and more recent analysis deomonstrating that involvement in new economic crimes still reflects traditional female roles. It also contradicts studies that have found women to be more severely treated than males for certain offenses, especially larceny and sex offenses.

Simon and Sharma found confirmation of their hypothesis to the extent that: 1) broad offense categories were shown to have fairly similar distributions within each gender group, and 2) that gender did not emerge as a relevant independent predictor of sentence. These findings cannot, however, be taken as conclusive because of certain limitations in the strategy of analysis: 1) the offense categories used were too broad and could possibly hide important differences between male and female offenses;

2) multiple regression analysis was an inappropriate method to deal with predictors often measured at the nominal level; 3) the strategy of process analysis was diluted because it dealt with the decision stages in a discontinuous rather than a continuous fashion.

Disagreement in these areas prompted us to replicate the study correcting for its limitations. Our findings differ from theirs in various respects. They, in fact, show evidence indicating the persistence of traditional patterns of offense distribution by gender as well as differential treatment of "female" offenses by the judicial system.

Looking at the offenses, we found that there are considerable male/female differences in offense distribution when a detailed categorization is used. Those differences are especially evident in property offenses with males overrepresented in the burglary categories and females in the shoplifting category. The striking overrepresentation of women in commercial sex within victimless crimes further reinforces the traditional picture of female offense specialization.

Looking at sentences, we found:

1) that purely legal criteria (offense seriousness and offender past record) are weaker predictors of sentence for females than males;
2) that although, overall, males tend to receive stiffer sentences than females, the reverse is true for larceny, an offense category with high female concentration. In fact, for women, controlling for past record, attributes such as race, age, place of residence, and process time length, the probability of severe sentences for larceny and sex offenses is nearly the same as for violent offenses.
3) that family and friendship ties to the victim increases the probability of incarceration for females, while family ties

has the opposite effect for males.

4) that while process variables are more important than attributes as sentence predictors for both genders, their effect is stronger for females. Furthermore, the association between time in the system and sentence severity is direct for males but reverse for females.

5) that the association between value of property loss and sentence severity is direct for males, while the probability of females receiving an IN decision is highest for offenses involving very low property values. This differential treatment of petty property crimes is evident even among the most benevolent judges.

Looking at process, we found that there were no gender differences in male-dominated offenses (violence and property) but significant differences in female-dominated offenses (larceny and commercial sex). Those differences indicated more severe treatment of women.

More analysis will be necessary to identify the sources within the judicial systems of the observed differentials in the treatment of male and female offenders.

APPENDIX

CHARACTERISTICS OF THE VARIOUS SAMPLES

To enter all the variables of interest into multivariate models of analysis, a considerable number of cases is lost. This loss is expecially critical if one includes judge as a predictor of sentence, since the missing data on judge identification is very large. All the variables included in the analytic models have, however, been found to affect sentence in previous studies and hence, it would be inappropriate to disregard them in the present research. Instead, we compared the various samples used in the analyses to assess if availability of information is systematically biased in terms of the most important variables in this study, that is: sentence, offense and gender.

Table 1 gives the distribution of sentences across the universe of cases and by gender as well as for the cases with judge information and with defense attorney information. Also shown is the sentence distribution for cases with complete information in offender and offense scores and on detailed offense/offender variables, attributes and process variables and finally, on all these plus judge and plus defense attorney data.

--Table A-1 about here--

The various samples are remarkably similar in sentence distribution except when judge and defense attorney information is introduced. One should also keep in mind that for the universe of cases, the probability of commitment is almost twice as high for males than females.

In Table A-2, the total distribution of offenses* by gender for all

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*In cases of multiple offenses, only the most serious was used.

Table A-1.

Distribution of Sentences Across

Various Samples

		Sentences	
	N	Probation and Fines (Out)	Commitments (In)
All Cases	1173	76.8%	23.2%
Females	543	93.3	16.7
Males	630	71.3	28.7
Cases with Judge Inf.	689	74.1	25.9
Cases with Def. Att. Inf.	496	71.3	28.6
Cases Included in Multivariate Analysis:			
Def/Off. Scores	1170	72.9	27.1
Justice Model	515	73.4	26.6
Biased Model	595	72.6	27.4
Judge	372	90.3	9.7
Def. Att.	150	87.6	12.4

cases, for cases sentenced and those included in the justice, biased and judge models of analysis is shown. There is little difference between the distribution of offenses in the universe of cases and those sentenced. The cross gender fluctuations are of interest. In the male subsample most offenses are slightly underrepresented at sentence except for the "other" category and to a minimal extent for fraud and larceny. The overrepresentation in the female subsample at sentencing is for fraud and sex offenses as well as "other."

--Tabel A-2 about here--

There are hardly any differences between the samples used in the justice and biased model as to the distribution of offense categories for either gender. However, in relation to all cases sentenced, we notice that for both genders, we lose the drugs cases, have proportionally less "other" offenses and an overrepresentation of violent offenses. Otherwise, the percentual differences are minimal. In the analysis including the judge variable, we use a simple offense dichotomy: violent/nonviolent crimes. From Table A-2 we see that there is proportionally a great drop of violent crimes in this sample. On the other hand, the male/female offense distribution is very similar.

Finally, in Table 3 and 4, we further probe if there is any selectivity by gender and offense of cases assigned to different judges. Judge 1 and Judge 2 appear to have similar loads in terms of offenses and gender of offenders. The other judges (3) handle proportionately much more violent offenses and considerably more females, especially the ones charged with violent and property offenses.

Table A-2.

Distribution of Types of Offenses

by Gender Across the Various Samples

	Males					Females				
Type of Offense	All	Sent.	Offense, Offender	Attrib. Process	Judge	All	Sent.	Offense, Offender	Attrib. Process	Judge
Violent	33.1	31.7	46.6	47.1	18.0	21.6	19.6	27.1	29.9	15.3
Property	14.4	14.2	15.6	16.2		6.7	6.3	5.5	6.3	
Larceny	16.9	19.6	21.1	21.4		23.3	19.8	21.2	19.3	
Fraud	2.9	3.0	5.2	4.9	82.0	1.6	6.7	10.2	10.2	84.7
Drugs	12.5	9.2	0.0	0.0		9.7	7.0	1.7	0.0	
Sex	4.9	2.9	3.8	3.6		20.8	28.5	25.4	25.2	
Other	14.9	19.4	8.0	6.8		11.7	12.2	8.9	9.1	
N	(2495)	(628)	(289)	(308)		(2456)	(541)	(245)	(254)	

Table A-3.

Types of Offenses by Judge

	Types of Offenses							
Judges	Violent	Property	Larceny	Fraud	Drugs	Sex	Other	N
Judge 1	10.9	7.5	25.3	2.4	14.9	24.9	14.7	707
Judge 2	6.4	6.4	28.7	4.8	18.1	23.9	11.7	188
Other J. (3)	43.2	12.3	16.0	5.7	4.7	7.1	10.4	212

Table A-4.

Types of Offenses by Gender and Judges

	Violent		Property		Other		
Judges	Male	Female	Male	Female	Male	Female	N
Judge 1	4.1	6.7	20.1	15.1	33.4	20.5	707
Judge 2	1.6	4.8	27.4	12.9	27.9	25.2	186
Other J. (3)	17.2	26.1	11.7	22.8	10.3	11.7	214

NOTES

1. Examples of this approach include Meda Chesney-Lind, "Judicial Paternalism and the Female Status Offender," Crime and Delinquency, 23:2(April, 1977):121-130 and "Judicial Enforcement of the Female Sex Role," Issues in Criminology, 8(fall, 1974):51-59. Allan Conway and Carol Bogdan, "Sexual Delinquency: The Persistence of a Double Standard," Crime and Delinquency, 23:2(April, 1977):131-135. R.C. Sarri, "Juvenile Law: How it Penalizes Females," in L. Crites, ed., The Female Offender, Lexington: Lexington Books, 1976 and "Crime and the Female Offender," in E. Gomberg and V. Franks, eds., Gender and Disordered Behavior, New York: Brunner-Mazel, 1979. R. Arditi, et al., "The Sexual Segregation of American Prisoners," Yale Law Journal, 82:6(November):1229-1273.

2. See Chesney-Lind, op. cit., Sarri, op. cit., S. Datesman, F. Scarpitti and R. Stephenson, "Female Delinquency: An Application of Self and Opportunity Theories," Journal of Research in Crime and Delinquency, July(1975):107-123.

3. See D. Elliott and H. Voss, Delinquency and Dropout, Lexington: Lexington Books, 1974 and S. Nagel and L. Wietzman, "Double Standard of American Justice," Transaction, 9(March, 1972):20.

4. See A.W. McEachern and R. Bauser, "Factors Related to Disposition in Juvenile Police Contact,: in M. Klein, ed., Juvenile Gangs in Context, Englewood Cliffs, N.J.: Prentice Hall, 1967. Gordon Baker and William Adams, "Comparisons of the Delinquencies of Boys and Girls," Journal of Criminal Law Criminology and Police Science, 53(1962):470-475. Don Gibbons and Manzer Griswold, "Sex Differences Among Juvenile Court Referrals," Sociology and Social Research, 43(1957):106-110.

5. See J. Williams and M. Gold, "From Delinquent Behavior to Official Delinquency," Social Problems, 20(1972):209-229, and A.J. Reiss, "Sex Offenses: The Marginal Status of the Adolescent," Law and Contemporary Problems, 25(spring, 1960):309-324. Martin Gold and David J. Reimer, "Changing Patterns of Delinquent Behavior Among Americans 13 through 16 Years Old: 1967-1972," Crime and Delinquency Literature, 7(December, 1975) Nancy B. Green and T.C. Esselstyn, "The Beyond Control Girl," Juvenile Justice, 2:3(November, 1972).

6. See R. Simon, Women and Crime, Lexington: Lexington Books, 1975, and R. Simon and N. Sharma, The Female Defendant in Washington, D.C.: 1974 and 1975, Washington, D.C.: INSLAW, 1978.

7. See A. Igelhart, "Differences in Black and White Female Criminality," University of Michigan, Publication Forthcoming, 1979.

8. Some evidence of this is found in a recent study on women committed to the Michigan Corrections System. See Rosemary Sarri, Josefina Figueira-McDonough, et al. Women in Prison in Michigan: 1968-1978, Ann Arbor, University of Michigan, 1981.

9. For an excellent discussion of this perspective see Carol Smart, Women, Crime and Criminology, London: Routledge Kegan and Paul, 1976.

10. See Chesney-Lind, op. cit.; Sarri, op. cit.; Conway and Bogdan, op. cit.

11. See Freda Adler, Sisters in Crime, New York: McGraw-Hill, 1975. Bruck,"Women Against the Law," Human Behavior, 4(Dec.):24-33. Rita Simon, "The Contemporary Woman and Crime," Crime and Delinquency Issues: A Monograph Series, Rockville, MD: National Institute of Mental Health, 1975. Rita Simon, "American Woman and Crime," Annals, AAPSS, 423(January):31-46. Rosenblatt and Greenland, "Female Crimes of Violence," Canadian Journal of Criminology and Corrections, 16(April, 1974):173-180.

12. Steffensmeier's work is representative of this position. See, for example, Darrel Steffensmeier, "Crime and the Contemporary Woman: An Analysis of Changing Levels of Female Property Crime, 1960-1975," Social Forces, December(1978)566-584 and "Assessing the Impact of Women's Movement on Sex Based Differences in the Handling of Adult Criminal Defendants," Crime and Delinquency, 26, 3(July, 1980):344-357.

13. This is basically Simon's, op. cit., and Adler's argument. For a critique of these propositions see Josefina Figueira-McDonough and Elaine Selo,"A Reformulation of the 'Equal Opportunity' Explanation of Female Delinquency," Crime and Delinquency, 26(July, 1980):333-343.

14. H. Ross and A. MacIntosh, "The Emergence of Households Headed by Women," Working Paper 776-01, Washington: The Urban Institute.

15. The Simon and Sharma study referred to here is the following: The Female Defendant in Washington, D.C.: 1974 and 1975, Washington, D.C.: INSLAW, 1979.

16. For a detailed description see Frank M. Andrews, James N. Morgan, John A. Lonquist and Laura Klein, Multiple Classification Analysis, Ann Arbor Institute for Social Research, 1973.

17. For a discussion of the goals of PROMIS see David Weimer, "Improving Prosecution: The Inducement and Implementation of Innovations for Prosecution Management," Unpublished Ph.D. Dissertation. California: Berkley, 1978.

18. Injury was later dropped because in 95% of the cases it was associated with violent crimes and consequently redunant with the offense classification.

19. See Marvin Zalman, Charles W. Ostrom, Jr., Phillip Guilliams and Garret Peaslee, Sentencing in Michigan, Report of the Michigan Felony Sentencing Project, Lansing, MI: State Court Administrative Office, 1979.

20. M. Wolfgang and M. Riedel, "Race, Judicial Discretion and the Death Penalty," Annals of American Academy of Political and Social Sciences, 119(1973):407-410.

21. S. Clarke and G. Koch, "The Influence of Income and Other Factors on Whether Criminal Defendants Go to Prison," Law and Society Review, 57(1976):11-18.

22. S. Talarico, "Judicial Decisions and Sanction Patterns in Criminal Justice," Journal of Criminal Law and Criminology, 117(1979):70-78. Josefina Figueira-McDonough,"Delinquency in Two Cities: A Cross-Cultural Comparison," Journal of Research in Crime and Delinquency, 16, 1(January, 1979).

23. For example, some studies find definitive racial biasis such as: M. Hindelang, "Equality Under the Law," Journal of Criminal Law, Criminology and Police Science, 60(1969):306-316; Bullock, "Significance of the Racial Factor in the Lengths of Prison Sentence," Journal of Criminal Law, Criminology and Criminal Justice, 52(1961):411-419; Garfinkle, "Research Notes on Inter and Intra Racial Homicides," Social Forces, 27(1949):369-373. On the other hand, a few other studies question the validity of these findings. See, for example, J. Hagen, "Extra-Legal Attributes and Criminal Sentencing: An Assessment of the Sociological Viewpoint," Law and Society Review, 8(1974):357-365 and E. Green, "Inter and Intra Racial Crime Relative to Sentencing," Journal of Criminal Law, Criminology and Police Science, 55(1964):348-353.

24. For a good discussion on this topic see Talman, op. cit., pp. 1-46.

25. G. Everson, "The Human Element in Justice," Journal of Criminal Law and Criminology, 10(1920):90-96.

26. See F. Gandet, G. Harris and C. St. John, "Individual Differences in the Sentencing Tendencies of Judges," Journal of Criminal Law and Criminology, 23(1933):811-820; Edward Grein, Judicial Attitudes in Sentencing, 1961; John Hogarth, Sentencing as a Human Process; J. Gibson, "Race as a Determinant of Criminal Sentences: A Methodological Critique and a Case Study," Law and Society Review, 12(1978):455-469.

27. This is implied both in the work of Adler and Simon.

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