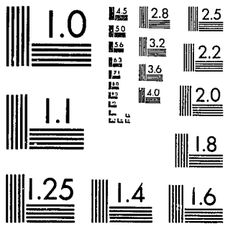

Dispositions, Pleas and Sentencing

in Suncity

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INTRODUCTION

The court processes to be analyzed in this report refer to all cases processed during two calendar years in a southern criminal court. Like in the other courts studied this one processed only felony offenses and had jurisdiction over a city of about 150,000 inhabitants. All cases that entered the court in 1978, 1979 and were closed by 1980 (N = 2043) were included in the study.

This study proposes to examine how evidence, offense, defendant, process and personal dimensions affect dispositions, pleas and sentencing in different courts. To operationalize these dimensions we have selected indicators available within each PROMIS data set. Two principles guided this selection: 1) validity of operationalization and 2) cross court comparability of indicators.

In Table 1 all indicators of four of the five dimensions available in the Suncity PROMIS are listed. Missing are indicators of defendant characteristics such as past criminal record and offender risk indicator. Considering that the emergence of PROMIS came at a period in which the predominant belief was that most crimes were committed by career criminals and that information systems would help in the control of this criminal group.* The absence of this information is rather preplexing.

(Table 1 about here)

DISPOSITIONS

1. Forty percent of all cases processed in Suncity court were found not guilty. This includes cases dismissed before trial, dismissed and found innocent at trial. Sixty percent, a somewhat lower proportion than in most other courts were found guilty. In Table 2 the bivariate associations

*See as an example President Ford's S-1 Bill proposal, 1974.

TABLE 1

EVIDENCE, OFFENSE, PROCESS AND PERSONAL INDICATORS BY GENDER

			M (85)	F (15)	* SIG L	N
			%	%		2043
Evidence						
No. of Witnesses	1	(21)	21	21	S	
	2-5	(27)	26	35		
	6-7	(24)	24	25		
	+7	(27)	29	19		
						1091
Type of Evidence						
Police		(4)	5	3	NS	
Lay		(2)	2	3		
Police/Lay		(73)	73	71		
Police/Per.		(7)	7	6		
Other			13	17		
						1902
Offense						
Type						
Person		(21)	22	14	S	
Property		(59)	57	67		
Victimless		(20)	21	19		
						1886
Midpoint						
1 Low		(47)	43	68		
2 Med		(22)	23	20		
3 High		(30)	33	13	S	
No. of Charges	1	(98)	97	99	NS	
	+1	(2)	2	1		
No. of Codef.	0	(74)	74	74	NS	1877
	+1	(25)	25	26		
Process						
Jury						
Yes		(17)	17	19	NS	
No		(83)	83	81		
						2107
Defense Att.						
Private		(31)	31	32	NS	
Public		(69)	69	68		
No. of Cont.	1	(23)	23	23	NS	2043
	2	(47)	47	48		
	+2	(30)	30	28		
						1615
Prosecutor Load						
Hi		(71)				
Lo		(29)				
						1467
Release Type						
Bond		(64)	60	86	S	
Detention		(36)	40	14		
						1379
Judge Load						
Hi		(60)	60	58	NS	
Lo		(40)	40	42		
						2025
Personal						
Race						
White		(40)	40	36	NS	
Nonwhite		(60)	60	64		
Age	-20	(23)	23	17	S	1926
	21-24	(26)	27	24		
	25-30	(25)	25	23		
	+30	(26)	25	35		
Disposition						
Guilty		(60)	60	60	NS	2043
Not Guilty		(40)	40	40		
Pleas						1285
Guilty		(71)	72	64		
Bargain		(10)	8	23	S	
Innocent		(19)	20	13		
Sentence						1166
Probation		(15)	11	33		
Short Com.		(19)	16	34		
2 year Com.		(23)	25	17		
2-5 year		(26)	28	9		
+5 years		(18)	19	7	S	

* In this report significance is established at $p \leq .01$.

of the various indicators with dispositions is given. Two of the evidence indicators (number and type of witnesses) vary significantly with dispositions. Both police evidence and large number of witnesses seems to increase the probability of conviction. Of the offense indicators significant associations occur between offense seriousness and number of codefendants with dispositions. The more serious the offense and presence of co-defendants the greater the chance of a guilty verdict. With the exception of prosecutor load, all other process indicators show significant associations with dispositions. The likelihood of convictions is significantly higher for cases that did not have a jury trial, had public counsel, many continuances and were detained. Nonwhite and older offenders are also overrepresented among the convicted defendants.

(Table 2 about here)

In sum only five of the fifteen indicators did not show significant associations with dispositions. The associations with the evidence and offense indicators are in the expected direction. That is, they can be interpreted as consistent with the justice model. However the strong associations with process and personal variables, specially defense attorney, race and age, suggest the possibility of biased decision making. That is, decisions that discriminate against the less powerful groups: nonwhites, young, and those that cannot afford private attorneys.

2. Two of the indicators listed in Table 1 were excluded from the multivariate analysis because of their very skewed distribution: number of charges and use of jury trial. Inclusion of all the other predictors in the multiple classification analysis reduces our sample by 2/3 due to uneven distribution of missing data. Furthermore, this selective sample underrepresented the not guilty population, showing a .80 probability of

Table 2

Dispositions by Evidence, Offense, Process and Personal Indicators

		Not Guilty T(40) %	Guilty T(60) %	Sign.L.	N
Evidence					
No. of Witnesses					
1		77	23	S	2043
2-5		37	63		
6-7		30	70		
7+		24	75		
Type of Evidence					
Police		20	80	S	1054
Lay		37	63		
Police/Lay		25	75		
Police/Exp.		28	72		
Other		36	64		
Offense					
Type					
Person		39	61	NS	1902
Property		38	62		
Victimless		44	56		
Midpoint					
1 Low		39	61	S	1829
2 Med		46	54		
3 High		31	69		
No. of Charges					
1	(98)	40	60	NS	2031
+1	(2)	42	58		
No. of Codefendants					
0	(75)	42	58	S	1877
1+	(25)	34	66		
Process					
Jury					
Yes		71	29		
No		34	66	S	2043
Release Type					
Bond		34	66	S	1418
Detention		14	85		
Def. Attorney					
Private		69	31		
Public		27	73	S	
No. of Continuances					
1	(23)	83	17	S	2043
2	(48)	26	74		
2+	(28)	30	70		
Prosecutor's Load					
High	(71)	28	72	NS	1564
Low	(29)	26	74		
Personal					
Gender					
Male		40	60	NS	2043
Female		40	60		
Race					
White	(39)	50	50	S	2025
Nonwhite	(61)	33	67		
Age					
-20	(23)	48	52	S	1926
21-24	(26)	34	66		
25-30	(25)	33	67		
30+	(26)	42	57		

convictions. This indicates that more complete information exists for cases found guilty than those disposed as not guilty.

From Table 1 we can identify the variables with the largest amounts of missing data as type of evidence, prosecutor load, and release type. The skewed distribution of type of witness makes its exclusion almost necessary irrelevant of the incompleteness of the information.* On the other hand, given that most non guilty cases are in fact dismissed, it appears that the lack of information on the prosecutor and release type might be due to the fact that prosecutors were not assigned to cases quickly dismissed and that the question of conditional release was irrelevant for those cases. There is some support for this speculation in Table 3. Over half of the cases processed quickly had missing data on type of release (54%) and prosecutor (65%). The proportion of missing information for those cases processed quickly and that were dismissed was in both instances over 80%.

(Table 3 about here)

Excluding these variables, we have complete information for over 1,550 cases, that is, nearly 80% of the original sample. Furthermore, the proportion of convictions for these cases is identical to the proportion among all cases (.60).

As shown in Table 4 the association between continuances and disposition is rather strong. This raises the conceptual issue of causal ordering. Are dispositions a function of continuances or the reverse? Since continuances are an indicator of process and have been conceptualized in this study as a strategy of the defense, to clarify the point we looked at its association with the other process variable: type of defense attorney. As

*The association between type of witness and disposition seems to indicate that it is the presence of a police witness that makes the difference. Over 84% of the cases have a police witness.

Table 3

Missing Data on Release Type by Length of Time

in Court and Dismissals

	% Dismissed	% All Cases Dismissed
Time 1*- 54.4%	84% (287)	45.9
Time 2 - 11.4	56 (40)	6.4
Time 3 - 4.8	55 (30)	4.0
Time 4 - 9.1	50 (57)	9.1
		70%

Missing Data on Prosecutor by Length of Time

in Court and Dismissals

	% Dismissed	% All Cases Dismissed
Time 1 (311) 64.9	87.4% (272)	56.7
Time 2 (46) 9.6	73.9 (34)	7.1
Time 3 (33) 6.9	69.6 (23)	4.8
Time 4 (60) 12.5	75.0 (45)	12.5
		82%

*Less than 2 months

can be seen in Table 4 the association between the two variables is very strong. On the basis of these two considerations we decided to include in the following multivariate analysis defense attorney and exclude number of continuances.*

(Table 4 about here)

The results of the multivariate classification analysis using the eight selected predictors are presented in Table 5. Twenty seven percent of the variance is explained, almost totally by 6 of the eight predictors: number of witnesses, defense attorney, age, race, midpoint and type of offense. With the exception of the offense indicators the adjusted means indicate linear associations with dispositions. The probability of convictions is higher for nonwhite, older defendants, with a public attorney and with many witnesses to her/his case. Seriousness of offense has a curvilinear relationship with dispositions, the highest probability of conviction being for medium serious crimes and the lowest for least serious crimes. Also defendants charged with property crimes are more often convicted than those charged with either person or victimless crimes.** The similarity between these results and those of the bivariate analysis suggests that the effect of these predictors on convictions are fairly independent.

(Table 5 about here)

*The results of multivariate analysis including continuances are given in the appendix. Comparison between the tables reveals very similar results with the expected differences: that is, inclusion of number of continuances obliterates the effect of defense attorney and weakens the effect of the other predictors.

**We further know that 91% of the least serious crimes are property offenses, while 69% of the medium serious are victimless. The analysis of types of pleas will throw some light on the above association between offense characteristics and convictions.

Table 4

Continuances by Disposition

	Not Guilty	Guilty
One Continuance	83	17
More than One Continuance	27	73

N=2043

Cramer's Phi=.47

Signl 0.

Continuances by Defense Attorney

	One Continuance	More Than One Continuance
Private Attorney	75	25
Public Attorney	1	99

N=2107
Cramer's Phi=.82
Signl 0.

Table 5

MCA Dispositions
(Excluding Continuances)

N=1,554
Mult. R^2 Adj.=.27

Not Guilty = 0
Guilty = 1

Variables	Betas
Number of Witnesses	.27
Defense Attorney	.26
Age	.14
Race	.10
Midpoint	.10
Type of Offense	.09
No. of Codefendants	.04
Gender	.04

	Adjusted Means
Number of Witnesses	
1 (1)	.37
2 (2-5)	.68
3 (6-7)	.70
4 (7+)	.70
Defense Attorney	
Private	.44
Public	.72
Age	
1 (-20)	.51
2 (20-24)	.65
3 (25-30)	.69
4 (30+)	.68
Race	
White	.56
Nonwhite	.67
Midpoint	
1 Low	.60
2 Med	.54
3 High	.67
Type of Offense	
Person	.59
Property	.62
Victimless	.59

In sum we can conclude that the decision model for dispositions in the Suncity court is mixed. That is, on one hand convictions appear to be the function of evidence as fitting the justice model. On the other hand however, type of attorney appears to weight almost equally in the final outcome. Since avoidance of conviction is almost twice as likely for those defendants that can afford a private attorney, this suggests a bias in favor of the better off defendants. Also nonwhites, even when charged with similar offenses and confronting the same type of evidence, have a greater chance of conviction. This is compounded by the fact that although nonwhites constitute 33% of the Suncity population they make up 60% of the cases processed by the court. The system appears also to be more tolerant of younger than older offenders.

3. While in the additive analysis gender had a nonsignificant effect on dispositions, this could easily be due to the very skewed distribution of this variable (males = 85%, females = 15%). Furthermore as argued previously, in the additive analysis we might also miss structural differences between the male and female subsample.

In Table 1 the distribution by gender of all the indicators of evidence, offense, process and personal dimensions is given. It can be verified that out of the fifteen original indicators, only five show significant differences by gender: number of witnesses, type and seriousness of offense, release type and age. Proportionally there are more witnesses in male than female cases, men are charged with more serious offenses than women, being more often involved in person and less oten in property offenses and much more often detained. On the average the women processed in the Suncity court are older than the men. It is then probable that the differences in number of witnesses, seriousness of offense and age (all significant predictors in the additive analysis) will produce different outcomes in the

separate analysis of the male and female subsample.

The results of the AID analysis of the male subsample are given in Figure 1. Thirty percent of the variance is explained by four predictors. Those are the same predictors that emerged in the additive analysis for the whole sample and the order of strength is the same. Number of witnesses alone contribute to more than half of the explained variance (18.8%), followed by type of defense attorney (7.9%). Age and race make minimal contributions.

(Figure 1 about here)

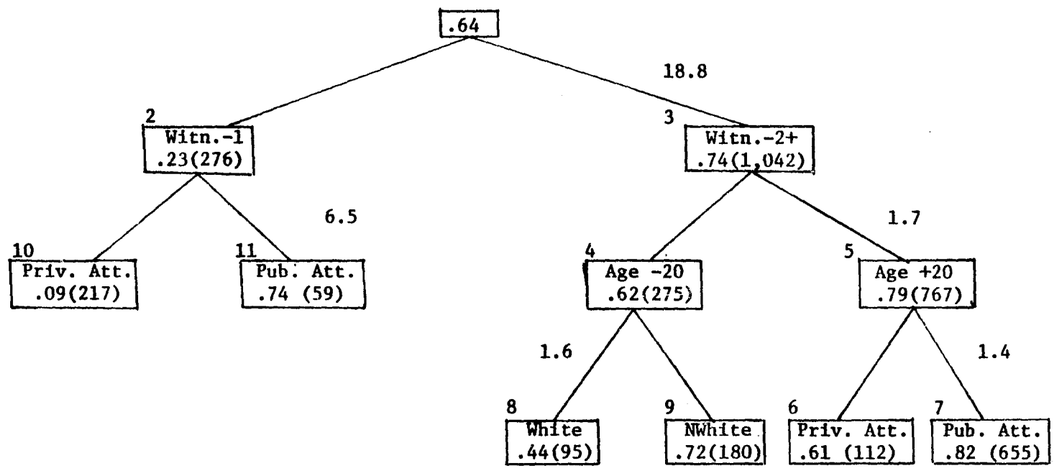
Evidence emerges again as the most important factor in male dispositions. The existence of more than one witness increases the probability of convictions by more than 3 times (G1 and G2). Defendants for which case only one witness exists or is available, and having access to a private attorney have over a 90% chance of not being convicted (G10). However a defendant with only one witness but a public attorney has only a 26% chance of the same outcome (G11). In fact a defendant in these circumstances faces the same probability of conviction as a defendant in which case several witnesses are present (G2). For defendants against which more than one witness exists, the highest probability of conviction occurs if they are over 20 years of age and are defended by a public attorney (G7; 82% convicted). Among those with more than one witness, the least convicted are young and white (G8; 44% convicted). It would appear that for cases with strong evidence younger and older defendants are treated differently. Race stereotypes have a greater effect on the outcome of younger defendants and type of the defense on the older. It is important to underline however that both in the legally easier (cases with only one

Figure 1

AID

Dispositions-Males

N = 1,318
% Var. Explained D = 30%
Disposit.: 0 - Not Guilty
1 - Guilty



Final Groups

	Prob. Conv.	N
6 More 1 Witn., more 20 yr., Priv. Att.	.61	112
7 More 1 Witn., more 20 yr., Pub. Att.	.82	655
8 More 1 Witn., less 20 yr., White	.44	95
9 More 1 Witn., less 20 yr., Nonwhite	.72	80
10 One Witn., Priv. Att.	.09	217
11 One Witn., Pub. Att.	.74	59

witness) and the tougher cases (cases of older defendants* with more than one witness) the type of attorney can change the final outcome (G10, 11; G6, 7). The impact is however most dramatic in the easier cases.

The results of the interactive analysis with the female subsample (see Figure 2) are fairly similar to that of the men's reflecting, however, the structural differences mentioned previously. That is, number of witnesses is a less important predictor for females than males and age a stronger one. Three variables (defense attorney, number of witnesses and age) explain 40% of the variance in dispositions of women. Type of attorney is the most important predictor contributing to over half of the explained variance. Next in importance is age (10.2%) and finally number of witnesses (8.1%).

(Figure 2 about here)

While the relative strength of the effect of these variables on dispositions of men and women are different, the direction is the same. Again the combination of private attorney and one witness almost guarantees non conviction (G8 = .09) and the combination of public attorney, many witnesses for older defendants leads to an almost certain conviction G11 = .92). That is, the probability of convictions for both males and females increases the more witnesses in the case, the older the defendant and his/her lack of access to private counsel.

Still the varying strength of these factors in determining dispositions for men and women indicates a much greater weight of the "biased" model over the justice model for females. That is while the evidence indicator

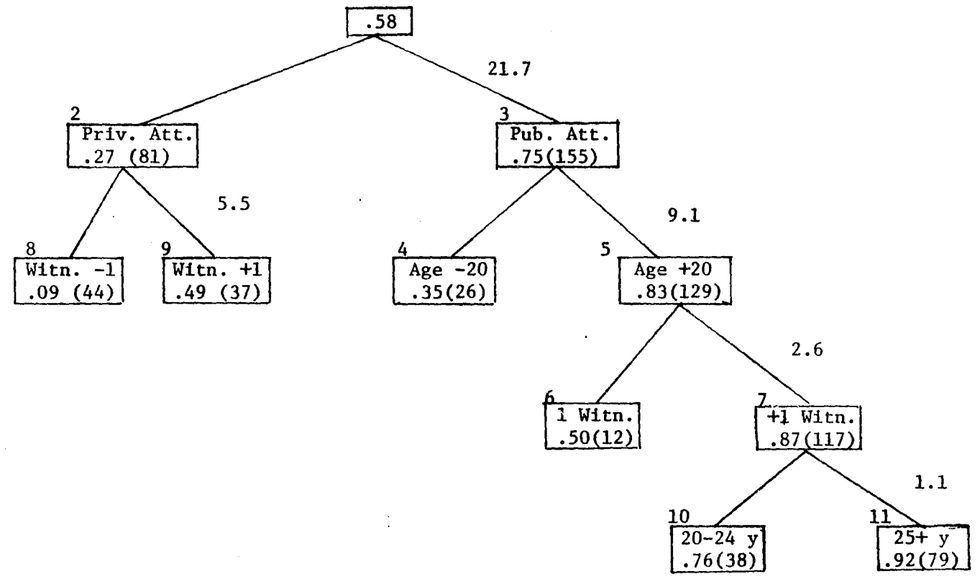
*As Chiricos and al. (1972) have argued the lesser convictions of younger defendants might reflect the judges attitude of giving these defendants another chance. The age differentials in dispositions might also reflect the fact that the older the defendant the greater the chance of existence of past criminal record.

Figure 2

AID

Dispositions-Females

N = 236
% of Var. Explained = 40%



Final Groups

4	Pub. Att., Less 20 yr.	.35
6	Pub. Att., More 20 yr., 1 Witn.	.50
8	Priv. Att., 1 Witn.	.09
10	Pub. Att., 20-24 yr., +1 Witn.	.87
11	Pub. Att., 25+ yr., +1 Witn.	.92

accounts for about 19% of the variance in males' dispositions, it accounts only for 8% in females'. Conversely while personal and process indicators account for 32% of the variance in females' dispositions, they account only for 9% in the males'.

TYPES OF PLEAS

1. As discussed in the Washington and Plainfield report, arguments about choice of types of plea fall in four groups emphacizing respectively the importance of evidence, defense strategies, offense seriousness and case pressure. In Table 6 the results of the bivariate analysis of indicators of each of these dimensions with types of plea is given. Included are also personal variables (gender, race, and age).

Most of the cases not dismissed plead guilty to the same charges (71%) and only a few bargain (10%). The remainder (19%) plead innocent. Of the twelve independent variables as shown in Table 6, only two, case pressure and race, are not significantly associated with type of plea. The significant associations are not for the most part straightforward Defendants with the least number of witnesses* (1) plead overwhelmingly guilty (89%) and those with the most number of witnesses are overrepresented among those who plead innocent. However, those with a medium number of witnesses (2-7) show a mixed pattern. They either tend to plead guilty slightly more frequently (6-7) or to plea bargain more often (2-5) than the average. Type of witness also shows an unclear pattern of association that defeats interpretation. It is clear however that the existence of codefendants appears to reinforce pleas of guilt, while its absence, pleas of innocence.

*This category contains only 5% of all cases, since many of those with only one witness were dismissed.

(Table 6 about here)

The associations of defense indicators with types of pleas indicate that defendants with few number of continuances, public counsel and having been detained, overwhelmingly plead guilty, while defendants with opposite characteristics are overrepresented among those who either bargain or choose to go for a full trial. There is an inverse relationship between offense seriousness and pleas of guilt. Also defendants charged with person and victimless crimes tend to plead innocent more often than those charged with property offenses, who more often than any others plead guilty. The younger the defendant the greater the likelihood that he/she will plead guilty while older defendants will opt more often for plea bargains and still more often for pleas of innocence. Contrary to what was found in other courts not only men in Suncity plea guilty more frequently than women, but women bargain proportionally three times more than men.

Tentatively from this analysis it could be suggested that simple pleas of guilt are not a strategy of defense nor a result of case pressure in Suncity. It does seem to be used mostly for weak non serious crimes committed by younger males.

2. The results of the multivariate analysis as shown in Table 7 are much more modest. All the variables together explain 17% of the variance in pleas and as the adjusted R^2 indicate it is pleas of guilt and pleas of innocence that are best explained. Inspection of the $Beta^2$ show that type of release and type of offense are the stronger contributors to the variance explained, followed by midpoint and age and to a small extent by evidence and race. The other variables are practically irrelevant.

(Table 7 about here)

Examining the adjusted percentages and coefficients of the stronger predictors of pleas helps to establish the pattern of association of each

Table 6

Types of Pleas by Evidence, Offense, Defense, Offense Seriousness and Case Pressure Indicators

	Plea Guilty (71)	Plea Bargain (10)	Plea Innocent (19)	Sigl.	N
Evidence	%	%	%		
No. of Witnesses					
1	89	2	9	S	1285
2-5	67	16	17		
6-7	75	12	14		
7+	66	7	27		
Codefendants					
No	68	11	21	S	1183
Yes	77	10	13		
Defense					
No. of Continuances					
1	91	5	4		
2	70	11	19	S	1285
3+	69	10	22		
Defense Attorney					
Private	81	8	10		
Public	69	11	20		
Type of Release					
Surety	59	17	23	S	1098
Detention	81	3	16		
Offense Seriousness					
Type of Offense					
Person	54	10	36	S	1214
Property	78	12	10		
Victimless	67	8	25		
Midpoint					
1 Low	76	14	9	S	1184
2 Med	70	9	20		
3 High	67	5	27		
Case Pressure					
Prosecutor Case Load					
Hi	69	10	21	NS	1198
Lo	67	13	18		
Personal					
Age					
-20	88	3	10	S	1230
20-24	77	11	12		
25-30	65	13	22		
30+	59	13	28		
Race					
White	72	9	19	NS	1281
Nonwhite	70	11	19		
Gender					
Male	72	8	20	S	1285
Female	64	23	13		

Table 7

MNA - Type of Pleas

N=893 Multivariate R^2 Adjusted .17	Plea Guilty (69)	Plea Bargain (12)	Plea Innocent (19)
R^2 Adjusted	.17	.09	.17
B^2			
Evidence			
No. of Witnesses	.007	.014	.009
Codefendants	.002	.002	.008
Defense			
No. of Continuances	.003	.000	.006
Defense Attorney	.000	.000	.002
Type of Release	.064	.047	.014
Offense			
Type of Offense	.052	.018	.060
Midpoint	.014	.007	.041
Case Pressure			
Prosecutor Load	.000	.005	.001
Personal			
Age	.047	.00-	.004
Race	.013	.002	.008
Gender	.000	.004	.005

MNA Adjusted Percentages and Coefficients of Stronger Predictors

		Plea Guilty (69)		Plea Barg. (12)		Plea Innoc. (19)	
No. of Witnesses							
1-4	(32)	69	(0)	18	(5)	15	(-2)
5-6	(30)	71	(2)	12	(0)	17	(-2)
7+	(38)	68	(-1)	9	(-3)	23	(4)
Type of Release							
Surety	(58)	59	(-10)	18	(6)	23	(4)
Detention	(42)	83	(14)	4	(8)	13	(-5)
Type of Offense							
Person	(25)	51	(-18)	17	(5)	32	(12)
Property	(59)	76	(7)	12	(0)	11	(-7)
Victimless	(16)	70	(1)	3	(-8)	27	(8)
Midpoint							
L	(43)	69	(0)	14	(2)	16	(-2)
M	(20)	79	(9)	14	(2)	7	(-12)
H	(37)	63	(-6)	8	(-4)	28	(9)
Age							
-20	(19)	84	(15)	7	(-5)	9	(-10)
20-24	(30)	76	(7)	12	(0)	12	(-7)
25-30	(27)	61	(-7)	15	(3)	25	(5)
30+	(24)	59	(-11)	13	(1)	29	(10)
Race							
White	(29)	77	(8)	9	(-3)	13	(-6)
Nonwhite	(71)	66	(-3)	13	(1)	21	(2)

( ) = Coefficients

independent variable with the dependent variables. We see for example that number of witnesses has little impact on pleas of guilt but an inverse impact on plea bargain and pleas of innocence. That is, of those defendants that do not plead guilty, those with few witnesses will tend to bargain while those with many witnesses will chance more often a full trial. All other predictors affect the incidence of guilty pleas. For example, defendants that are detained plead guilty more often than those who are not, so do younger and white defendants. Conversely older, nonwhite defendants and those not detained both bargain and plead innocent more often than their counterparts. The adjusted association between the offense indicators and types of pleas is more complex. Defendants charged with person and victimless as well as with very serious and nonserious offenses plead innocent more often than defendants charged with other types of offenses. The probability of pleading guilty is highest among people charged with property as well as medium serious offenses.*

On the whole it then appears that some evidence exists that pleas of guilt in Suncity are not used as an expedient way to deal with case pressure, neither are they based on the legal strength or weakness, seriousness or nonseriousness of the case. Furthermore, while on one hand choide of guilty pleas appears to denote lack of effective defense (e.g., defendants detained plead guilty more often than those not detained). On the other hand, this type of plea (guilty to the same offense) is also more often chosen by population groups favorably treated at disposition (white and young defendants).

From this analysis we could draw the profile of the defendant most

*It should be noted that type and seriousness of offense are fairly strongly associated (Cramer's Phi = .62) but not in the direction implied above. See Table A-3 in appendix.

likely to plead guilty: white, young, charged with a medium serious property offense and who was detained. Conversely the defendant most likely to plead innocent is nonwhite, older, charged with a very serious person offense who was not detained. Those who bargain in Suncity court share few common characteristics.

3. As was done with dispositions and for the same reasons, the female and male subsample were analyzed separately. The results of the THAID given in Figures 3 and 4 show how certain predictors interactively affect the pleas respectively of male and female defendants.

(Figure 3 about here)

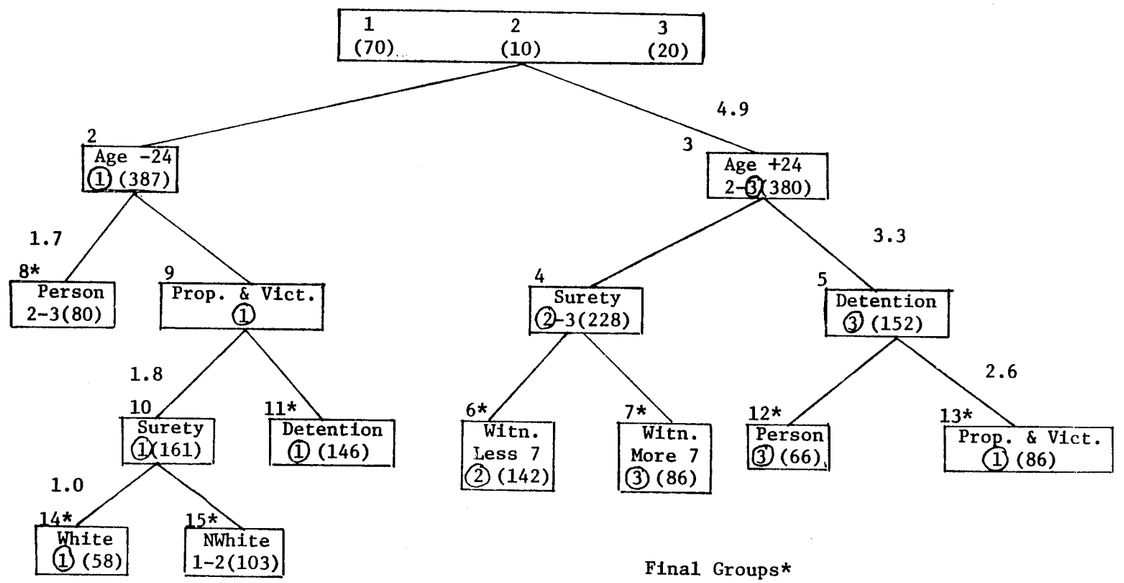
The amount of male plea variance explained by the selected predictors is the same as the amount of variance explained by the additive model for the total sample (17%). Furthermore, with the exception of offense seriousness the variables selected by THAID were also the stronger predictors in the multiple nominal analysis. Age, type of offense, and type of release contribute about equally to the total variance explained (about 5%), number of witnesses and race are weaker predictors.

Younger defendants charged with property and victimless offenses who were detained constitute the group that most often pleads guilty (97%). Even if not detained, among young white defendants charged with the same type of offenses, the rate of guilty pleas is almost as high (93%). Nonwhites under the same circumstances will plead guilty less often and bargain more (G15). Older defendants detained and with charges of property or victimless offenses plead guilty more often than any other older defendants (G13 - 87%) but less often than their younger counterparts (G11 - 96%). Individuals charged with person offenses tend to avoid pleas of guilty (G8, G12). Among younger defendants those so charged plead

Figure 3

THAID-Males Pleas

N = 767
% Var. Explained = 17%



Final Groups*

	Pled Guilty (70)	Bargain (10)	Pled Inn. (20)	N
G11 - Young, Prop/Vict., Det.	96	1	3	146
G14 - Young, Prop/Vict., Surey, W	93	3	3	58
G13 - Older, Det, Prop/Vict.	87	2	10	86
G15 - Young, Prop/Vict., Surety, NW	72	12	16	103
G 8 - Young, Person	64	12	24	80
G 6 - Older, Surety, Few Witn.	53	27	20	142
G12 - Older, Detention, Person	47	1	51	66
G 7 - Older, Surety, Many Witn.	39	14	46	86

least guilty (64%), among older defendants, even among those detained only 47% (G12) of those charged with person offenses plead guilty as compared to 87% (G13) of those charged with other offenses. High number of witnesses for those older defendants who were not detained increased the probability of pleading innocent, while few witnesses the probability of bargaining. Since older defendants tend to bargain or ask for a full trial more often than younger defendants, witnesses and type of offense appear to influence which of these two alternatives is chosen. Clearly for person offenses and in cases with many witnesses, pleas of innocent are favored (G12, Innoc. = 51%, G7, Innoc. = 47%). On the other hand the presence of few witnesses appears to facilitate bargaining (G6, Bargain = 27%). A tentative interpretation of this pattern would suggest that older defendants may take more calculated risks because they are more knowledgeable about how the system works. In person offenses with many witnesses, it might be that the possibilities of an advantageous bargain are limited and consequently the risk of a trial worthwhile. Defense strategies might be more workable in cases with few witnesses for non detained defendants. For example, deals with a small number of witnesses are more feasible and so advantageous bargains can more easily be worked out.

In Suncity women plead guilty and innocent less often than men (64 vs 70%; 12 vs 20%) but bargain proportionally more often (24 vs 10%). Comparing Figures 4 and 3 we see that out of the factors selected by THAID three are common to males and females: type of charge, age and race. That is, in each gender sample these variables have an effect on type of plea. However, while the strength of the impact of age and race are similar, type of offense is much more important for female pleas (13.7%) than for male pleas (4.3%). Detention and number of witnesses do not appear to affect female pleas, but continuances, a defense indicator, does. Type of

offense, number of continuances, age and race explain about 24% of the variance in female pleas.

(Figure 4 about here)

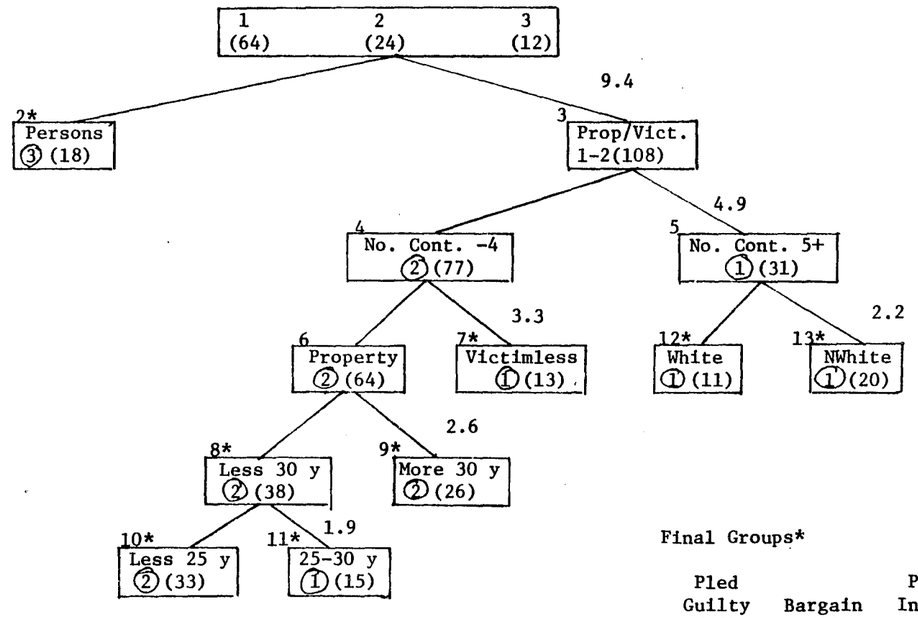
As was true for men defendants, women charged with person crimes plead guilty less often than any others and go through a full trial most often (G2). Female defendants charged with victimless offenses and having gone through few continuances plead overwhelmingly guilty, however if charged with property offenses, their choice of plea varies with their age. The youngest group bargains most, the middle group pleads guilty, and the oldest group pleads innocent more than the other two. The incidence of bargaining for the youngest age group contradicts the assumption that the most sophisticated defendants would more likely get involved in bargaining. It could reflect a greater willingness on the part of the court in going easy with younger women, possibly first offenders, by giving them a greater opportunity to plead to a lesser charge. It is noteworthy that younger males charged with the severe type of offenses bargained proportionally 10 times less than females. In fact the incidence of guilty pleas of women aged 25-30 is similar to that of men aged less than 24 (around 80%). The pattern of the oldest group of women (over 30) is similar to that of men over 24, although proportionally more males than females choose a full trial. All white women charged with property or victimless crimes and going through many continuances plead guilty as compared to 75% of the nonwhites (G12, 13). This pattern is comparable to what was found for males.

In sum there are some commonalities on the basis of plea choice among males and females. In both samples defendants charged with person offenses plead innocent more often than defendants otherwise charged, also older defendants tend to plead guilty less often than younger defendants and white defendants plead more often guilty than nonwhite. Longer involvement with

Figure 4

THAID-Females Pleas

N = 126
% Var. Explained = 24.3



Final Groups*

	Pled Guilty (64)	Bargain (24)	Pled Innoc. (12)	N
G12 - Prop/Vict., Many Cont., White	[100]	--	--	11
G 7 - Vict., Few Cont.	[92]	8	--	13
G11 - Prop., Few Cont., 25-30 y	[80]	20	--	15
G13 - Prop/Vict., Many Cont., NWhite	[75]	10	15	20
G 9 - Prop., Few Cont., +30 y	50	[39]	11	26
G10 - Prop., Few Cont., -25 y	48	[52]	--	23
G 2 - Persons	39	11	[50]	18

the court (either in terms of detention or continuances) appears to be conducive to higher incidence of guilty pleas for both genders than shorter involvement.

As it was true in the additive analysis, the lack of effect of case pressure indicates in these samples, lack of support for the argument that pleas of guilt are simply used as an expedient strategy to move heavy caseloads, nor is there a direct indication that the criteria on which pleas are chosen is offense seriousness (lack of effect of midpoint). Evidence is also an unimportant factor. That is, it does not appear that pleas are used predominantly either in cases of assured guilt or in weak cases. Still type of offense is significant for both males and females and defendants charged with person offenses avoid simple guilty pleas and favor more than any others pleas of innocence. Of the two indicators of defense (type of release and number of continuances) one behaves in the expected way but the other does not. We had expected that avoidance of detention being a sign of effective defense would be associated to plea bargaining as it is for males. We had also expected the same outcome the higher the number of continuances. However as we indicated previously, for females, bargaining occurs more often in cases with few continuances. Finally, race and age do have an impact on both males and females: whites and younger defendants plead guilty more often than their counterparts.

While these findings for the most part reinforce the additive analysis, this is more true for the male than female samples. The major differences between male and female pleas are: that type of offense is a much more important predictor of female pleas, that continuances are important only for females and do not seem an effective strategy of defense and that young female defendants bargain much more often than young male defendants.

Most striking in comparison with other courts is the relative high incidence of bargaining among women. However, this does not seem to occur as a function of a defense strategy since the women who bargain go through few continuances and are not more likely than others to have a defense attorney nor to be different in terms of evidence available.*

SENTENCING

1. Plea bargaining has been defined in this study in terms of charge reduction and/or sentence reduction. This is based on the argument that an inducement is needed to motivate defendants to admit guilt. Consequently the study of pleas is incomplete without investigating the possibility of sentence reduction. From this prespective we would expect that, for the same types of offense, cases that pled guilty would receive lesser sentences than cases that went through full trial.

In Table 8 the variation of sentence by type of plea within each type of offense is shown. It is clear that defendants who pled to a lesser charge got the best deal in sentences. This is true for any type of offense. However the expected association between simple pleas of guilt and sentence occurred only for certain offenses: the most serious within each category. It appears, however, that even within these types, sentence reduction might be a more valid inducement for victimless and property offenders than for person offenders. For the latter, the advantage of pleading guilty over

*Suncity court data had no information on the original charge so that comparisons between that charge and court charge as a way of assessing charge reduction was not feasible. These are indications in the code book that charges are expected to be reduced for expediency (See Appendix, p. 53). It might then be that most of the plea guilty cases have in fact had their charges reduced modifying the interpretation of simple pleas of guilt as distinct from plea bargaining.

going to full trial and being found guilty is minimal in terms of sentence outcome. The greatest advantage seems to be for those with rather serious victimless offenses. It appears that prosecutors and judges are more willing to make sentence concessions for the sake of expediency in crimes without victims than in other instances, specially not in cases involving murder, rape, or robbery. The fact that less of these cases than any others plead guilty (52%) either reflects the reaction of the defendants to insufficient inducements and/or the preference of prosecutors to process these cases through full trial.* This later point would support the proposition that prosecutors use pleas of guilt in such a way as to reserve the time consuming and expensive full trials for the most serious crimes.

(Table 8 about here)

The pattern of sentence differences between pleas of guilt and found guilty for the least serious crimes of any type seems to indicate that sentence is not used as an inducement for pleas. It is then not very clear why defendants so charged choose to forego a trial, since many who plead guilty end up in prison. It is possible that some of these choices might be the result of a calculated risk which include the strength of the evidence available and the offender's past record. In the next section we will look at the impact of pleas on sentencing in the context of the other independent variables.

2. In Table 9 the variation of evidence, offense, process and personal indicators by type of sentence is shown. Only two variables, defense attorney and prosecutor load are not significantly associated with sentence.

*It is noteworthy that defendants charged with serious person offenses have also a low rate of dismissal (25%). This seems to reinforce the interpretation that with such cases the prosecutors want to avoid a type I error, that is, the risk of dismissing guilty defendants.

TABLE 8

SENTENCE BY TYPE OF PLEA
FOR EACH TYPE OF OFFENSE

	PROB.	SHORT COMM	LONG COMM	N	P
Person Midserious*				54	.0001
Plea Guilty (67)	6	28	68		
Plea Barg (15)	50	50	-		
Plea Inn (18)	50	20	30		
Person Very Serious				168	.001
Plea Guilty (52)	1	10	88		
Plea Barg (9)	19	44	37		
Plea Inn (39)	1	6	92		
Property Nonserious				441	0.
Plea Guilty (78)	10	54	35		
Plea Barg (15)	57	43	-		
Plea Inn (7)	17	48	34		
Property Very Serious				205	.0002
Plea Guilty (85)	6	38	56		
Plea Barg (4)	37	62	-		
Plea Inn (11)	13	13	74		
Victimless Nonserious				24	NS
Plea Guilty (96)	13	52	35		
Plea Barg (0)	-	-	-		
Plea Inn (4)	-	100	-		
Victimless Midserious				161	.000
Plea Guilty (77)	18	54	27		
Plea Barg (7)	58	42	-		
Plea Inn (15)	8	16	76		

*Too few cases fell in the categories nonserious person (13), Midserious property (4) and Very Serious Victimless (0) to permit analysis.

In general, the greater number of witnesses, the more serious the crime (against persons and with high midpoint) and the existence of codefendants, the more severe the sentence. Defendants who were detained, pled innocent and were found guilty and sentenced by a judge with a low case load also received harsher punishment. Finally men, blacks and younger individuals tended to be committed more often than women, whites and older offenders and for longer periods of time.

(Table 9 about here)

The basic tenet of a justice model in relation to sentence is that the punishment should fit the offense. Consequently the expectation would be a covariation of offense seriousness and sentence severity, as confirmed above. The remaining associations of evidence, process and personal characteristics with sentence do not fit this model. That is, degree of evidence should be relevant in determining dispositions but not in subsequent decisions. Also, unless detention is used selectively for more serious crimes, and judges who handle these types of crimes given smaller loads, the associations between these process indicators and sentencing cannot be interpreted within the justice model. Neither can the finding that more blacks, men and older people receive more severe sentences. Checking for the association of the above variables with offense seriousness we find that all, but with race, are significant and in the exptected direction. In all instances, however, the degree of association is fairly low.*

In Table 10 we show the bivariate results with a more detailed categorization of offenses. The results are similar. The only differences are that 1) the associations of seriousness within type of offense with judge load is non significant; 2) race is associated with offense seriousness

*Cramer's Phi values were as follows: evidence = .25; release type = .30; judge load = .18; race = .07; age = .16; gender = .20.

TABLE 9

EVIDENCE, OFFENSE, PROCESS AND PERSONAL INDICATORS BY SENTENCE

	PROB	COMM -6m	COMM 6m-2y	COMM 2-5y	COMM +5y	SIG	N
Evidence							
Number of Witnesses							
1(8)	20	16	17	33	13	S	1166
2-5(27)	22	27	25	19	7		
6-7(29)	13	20	26	31	9		
+ 7(36)	9	12	21	25	34		
Type of Witnesses							
Police (5)	10	8	15	33	33	S	752
Lay (2)	6	6	62	12	12		
Police + Lay (75)	10	15	25	30	20		
Police + Exp. (6)	17	23	19	19	23		
Other (11)	12	22	15	16	35		
Offense							
Type							
Person (21)	7	8	9	19	56	S	1112
Property (61)	15	20	27	30	7		
Victimless (18)	19	22	26	22	10		
Midpoint							
1 (46)	17	22	31	26	4	S	1116
2 (20)	20	22	21	22	15		
3 (34)	6	10	15	29	39		
No. of Codef.							
0 (71)	17	20	25	22	16	S	1071
1+ (29)	10	17	20	32	21		
Process							
Def. Att.							
Private (15)	11	15	29	32	13	NS	1166
Public (85)	15	19	22	24	18		
No. of Cont.							
1 (7)	10	10	30	35	14	S	1166
2 (60)	17	20	22	23	17		
3 (33)	11	17	24	29	19		
Prosecutor Load							
Hi (70)	14	20	24	25	17	NS	1086
Lo (30)	17	16	20	26	21		
Release Type							
Surety (56)	24	29	23	15	8	S	1002
Detention (44)	4	6	23	37	30		
Type of Pleas							
Guilty (75)	10	17	28	29	14	S	1161
Bargain (10)	49	40	6	2	2		
Innocent (14)	11	10	11	22	45		
Judge Load							
Hi (59)	14	21	26	28	11	S	1030
Lo (41)	17	15	20	20	27		
Personal							
Race							
White (32)	18	22	25	22	12	S	1163
Nonwhite (68)	13	17	23	27	20		
Age							
-20 (20)	5	11	31	39	14	S	1117
21-24 (28)	11	24	26	24	14		
25-30 (28)	18	17	20	24	20		
+ 30 (23)	22	17	19	19	22		
Gender							
M (85)	11	16	25	28	19	S	1166
F (14)	33	34	17	9	7		

only for person offenses and gender only for property offenses; 3) for victimless offenses the association of seriousness with number of witnesses is nonsignificant. It is noteworthy that the overrepresentation of non-whites among serious offenders holds only for person offenders. Also female offenders while proportionally less involved in serious person offenses and victimless offenses are similarly involved in serious property offenses (e.g., burglary).

(Table 10 about here)

The strength of association did not improve with this more detailed analysis. So while offense seriousness might account partly for the associations of these variables with severity of sentence, there is no evidence of multiculinearity and all variables will be included in the subsequent multivariate analysis.

3. The results of the Multiple Nominal Analysis, presented in Table 11, show that the predictors included explain best the least severe (probation) and the most severe sentences (commitment over 2 years). Twenty seven percent of the total variance in sentence is explained mostly by offense (type and seriousness) and process indicators (pleas and release type). Of the personal indicators gender is the most significant. From the inspection of the betas[2] we can see that offense type and seriousness as well as release type explain best long commitments while gender and type of plea have a greater impact on probation. Only the process indicators have any impact on short commitments.

(Table 11 about here)

The adjusted percentages and the coefficients shown in Table 12 indicate a clear association between release type and gender with type of sentence. That is, detained offenders and males are overrepresented in the long commitments. For the offense indicators the picture is less

TABLE 10

SELECTED VARIABLES BY OFFENSE TYPE
AND SERIOUSNESS FOR CASES CONVICTED

	Person L Ser	Person M Ser	Person H Ser	SL	Prop L Ser	Prop M Ser	Prop H Ser	SL	Vict L S	Vict M S	SL
Witnesses											
(1-4)	-	32	68		80	1	18		10	90	
(5-6)	12	37	50	S	68	-	31		8	92	
(7+)	5	18	76		51	-	49	S	27	73	NS
Release											
Surety	11	37	52	S	75	1	24		8	92	
Detained	3	16	81		57	1	42	S	21	79	NS
Judge Load											
H	9	21	70	NS	69	-	31		15	84	
L	2	24	74		63	1	35	NS	11	89	NS
Race											
White	21	19	60	S	62	-	38		15	84	NS
Nonwhite	1	24	75		71	1	29	NS	11	89	
Age											
-20	-	7	93		66	-	33		-	100	
20-24	4	20	76		56	-	43		8	91	
25-30	-	25	75		74	1	24		15	85	
+30	15	31	53	S	78	-	22	S	15	85	NS
Gender											
Male	6	23	71		63	-	37		12	88	
Female	-	20	80	NS	95	1	4	S	70	80	NS
N =		(220-236)				(550-650)				(156-186)	

TABLE 10

MNA RESULTS*

SENTENCE

N = 830
GR^2 = .27

	1 PROB (16)	2 SHORT COMM (-2y) (40)	3 LONG COMM (+2y) (44)
R^2 Adjusted	.21	.15	.37
β^2			
No. of Witnesses	.004	.002	.000
Type of Offense	.006	.011	.025
Midpoint	.015	.008	.023
No. of Codef.	.000	.007	.009
Defense Att.	.000	.000	.000
Continuances	.004	.000	.004
Prosecutor Load	.004	.005	.000
Release Type	.009	.064	.103
Type of Plea	.084	.020	.045
Judge Load	.000	.005	.002
Race	.003	.001	.005
Age	.005	.006	.001
Gender	.022	.000	.013

*The MNA results using the more detailed sentence variable were very similar to the above. As indicated by the adjusted R^2 shown below, the independent variables explain best the extreme sentences. The stronger predictors are exactly the same in both analyses.

	1 PROB (16)	2 COMM -6m (18)	3 COMM 6m-2y (22)	4 COMM 2-5y (22)	5 COMM +5y (19)
ADJ R^2	.21	.13	.08	.14	.42

straightforward. Person offenders are overrepresented among those receiving most severe sentences and property offenders slightly underrepresented. Serious offenders also receive proportionally more severe sentences but it is the medium serious offenders rather than the least serious offenders that proportionally are put more often on probation (the most benevolent sentence). Since 76% of medium serious offenses are drug offenses this just might indicate that in Suncity such offenses are not a major concern of the court. Punishment of drug offenses has been found to be quite volatile historically and geographically. The association between types of pleas and sentence, controlling for all other predictors, is more in the expected direction than when only type and seriousness of the offense were held constant (compare with Table 8). That is, offenders who not only committed the same offenses but also shared the same type of release and belonged to the same gender received significantly more severe sentences if they went through a full trial rather than pleading guilty. Again offenders who bargained got off with the lightest sentences.

(Table 12 about here)

In sum the male offender found guilty of a serious person offense, who had been detained and pled innocent has the highest probability of being committed for a long time. On the other hand, medium serious property female offenders who bargained and were not detained have the highest chance of being put on probation. Offenders receiving short commitments do not share many characteristics. It is clear from the inspection of the coefficients and Betas[2] that type of release has the highest independent effect on severity of the sentence. That is, for offenders of the same gender, found guilty the same way, for similar offenses, having been

TABLE 12

MNA-SENTENCE
ADJUSTED % AND COEFFICIENTS

	PROBATION (16)	SHORT COMM (40)	LONG COMM (44)
Type of Offense			
Person	11 (-4)	31 (-9)	57 (14)
Property	18 (2)	44 (3)	38 (-5)
Victimless	14 (-2)	42 (1)	44 (0)
Midpoint			
Low	15 (-1)	44 (4)	40 (-4)
Medium	24 (8)	41 (1)	34 (-10)
High	12 (-4)	35 (-6)	53 (9)
Release Type			
Surety	19 (3)	51 (11)	30 (-14)
Detention	12 (-4)	26 (-14)	62 (18)
Type of Plea			
Guilty	11 (-4)	44 (4)	44 (0)
Bargain	44 (29)	35 (-5)	20 (-24)
Innocent	14 (2)	25 (-15)	61 (17)
Gender			
Male	14 (-2)	40 (0)	46 (2)
Female	29 (13)	41 (1)	30 (-14)

( ) = Coefficient

detained increases their probability of long commitments by about 9%.

4. In the additive analysis gender was found to have an effect on sentence in spite of its very skewed distribution. Women appeared to fare better than men. That is, for the same type of crime, release and plea women have a twice higher probability of getting probation than men. There are, however, significant differences in the distribution by gender of the most important independent variables as shown in Table 13. Cases against women have less evidence than against men, women are proportionally more often convicted of property and less serious offenses than men and the reverse is true for person offenses. Finally, there are clear differences in how offenders of each gender are processed. Females are only rarely detained as compared to half of the males, also, proportionally, more men plead guilty and innocent than women, who more often engage in bargaining.

(Table 13 about here)

It is clear that convicted women get considerably lighter sentences than convicted men in the Suncity court.* Given that females' offense, process and evidence characteristics differ significantly from males, we have to analyze each subsample separately to investigate the criteria for differential treatment between genders.

As in the previous section, we used THAID to explore the interactive effects of the selected predictors on sentence. The results of the interactive analyses are presented in Figures 5 and 6. A greater percentage

*The distribution is as follows:

	Prob.	Short Comm.	Long Comm.
M (891)	11	40	49
W (174)	33	51	16

TABLE 13

SIGNIFICANT DIFFERENCES IN INDICATORS FOR CONVICTED MEN AND WOMEN

	MEN	WOMEN	N	CRAMERS PHI	
Witnesses					
-4	33	48		.11	S
5+	66	52	1166		
Type of Offense					
Person	23	12			
Property	59	71			
Victimless	18	16	1112	.09	S
Midpoint					
Low	42	69			
Med/High	58	31	1166	.19	S
Release Type					
Not Detained	51	82			
Detained	48	18	1002	.22	S
Type of Plea					
Guilty	77	67			
Bargain	8	22			
Innocent	15	11	1161	.16	S

of the variance of sentences of women (29%) than men is explained (20%).* The results for the male subsample (Figure 5) are very similar to those of the additive analysis. That is, release type is the stronger predictor of sentence (11.2%) followed by types of plea (6.0%). Type of offense makes the least contribution (2.3%).

(Figure 5 about here)

Examining the final groups we find that for men the highest probability of probation is for offenders who were not dtained and who bargained (.51) and the highest probability of long commitment befell to those offenders who were detained and guilty of a person offense (.90). Inspection of the other final groups clearly show that detained male offenders are consistently overrepresented among those receiving large commitments regardless of type of offense (G9, 8). While a plea of innocence among offenders that were not detained will maximize the probability of longer commitment (.60) this is still lower than for offenders that were detained (.63, .90).

For women release type does not emerge as a relevant criteria for sentencing (Figure 6). This might be simply because very few women are detained. The most important criteria in terms of female sentencing is by far type of offense. This variable alone contributes to more than 2/3 of all the variance explained by the THAID analysis. Women convicted of persom offenses have the highest probability (.60) of receiving the most severe sentences (long commitments). The majority of women (85%)

*The association between type of offense and offense seriousness within each subsample was for men Cramer's Phi = .63 and for women .79. To avoid multiculinearity we dropped offense seriousness from this analysis. The results of THAID using either offense seriousness or offense type are identical for men but explain more of the variance of female sentences (+5%). Based on this we opted for the use of offense type. The reader should keep in mind that for females 80% of person offenses are very serious, 80% victimless offenses, medium serious and 95% property offenses, low serious.

Figure 5

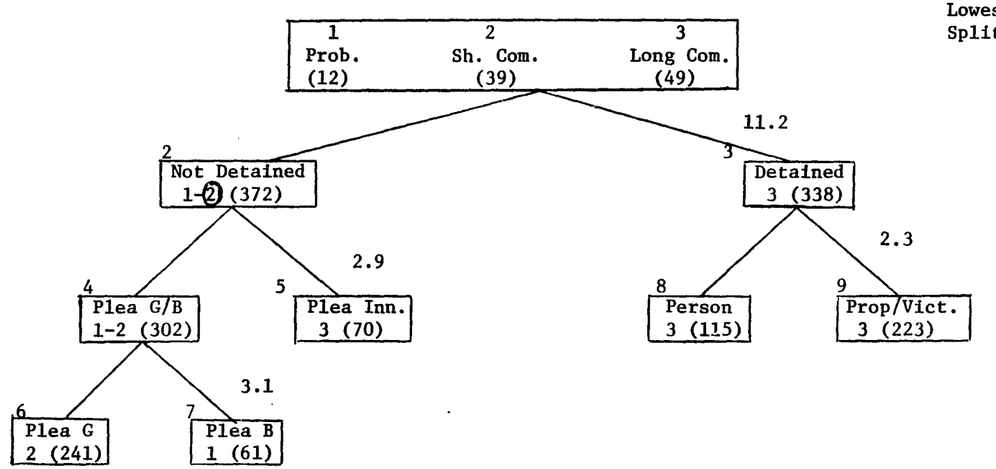
THAID

Sentence Males

N = 709

% explained = 20

Lowest Criteria for Splits set at 2%



Final Groups

	1 Prob.	2 Short Comm.	3 Long Comm.	N
G7 - Not Detained, Plea B.	[51]	46	3	61
G6 - Not Detained, Plea G.	14	[61]	25	241
G5 - Not Detained, Plea Inn.	13	27	[60]	70
G9 - Detained, Prop/Vict.	5	32	[63]	223
G8 - Detained, Person	1	9	[90]	115

however, are convicted of property or victimless offenses and none of these receive commitments longer than 2 years. For these, type of plea is important in differentiating the chances between probation and short commitment. Pleas of bargain and pleas of innocence show more favorable outcomes (63% probation) than pleas of guilt (61% short commitments). However the outcome of pleas of guilt vary by offense, property offenders having a much higher probability of being committed (.68%) than victimless offenders (39%). Prosecutor load affects the outcome for offenders that bargain or choose to go to trial. If the prosecutor load is low they will be assured of probation (100%) but these changes are reduced by more than half if the prosecutor load is high.

(Figure 6 about here)

The strong effect of type of offense on sentence outcomes for women seems to indicate that women are treated more justly than men. That is, while prior process (detention) is the stronger determinant of sentence for males, offense seriousness appear to be the major criteria in sentencing decisions for females. However, the THAID results in Figure 5 reveal one deviation from this. Women who pled guilty of property offenses (the least serious* and most common offense) have the highest probability of imprisonment of all non-person offenders.

In sum, preceding process stages are the strongest determinants of sentence for males. Detention is the strongest predictor of sentence severity for males, a finding common to many other studies. Since as shown in Table 10 there is no evidence that the decision to detain is based on offense seriousness** this appears to be a clear example of process bias. The impact of pleas is as predicted

*Ninety five percent of female property offenses are of low seriousness

**Only half of the cases detained fall in the very serious category and only 34% are of person offenses.

Figure 6

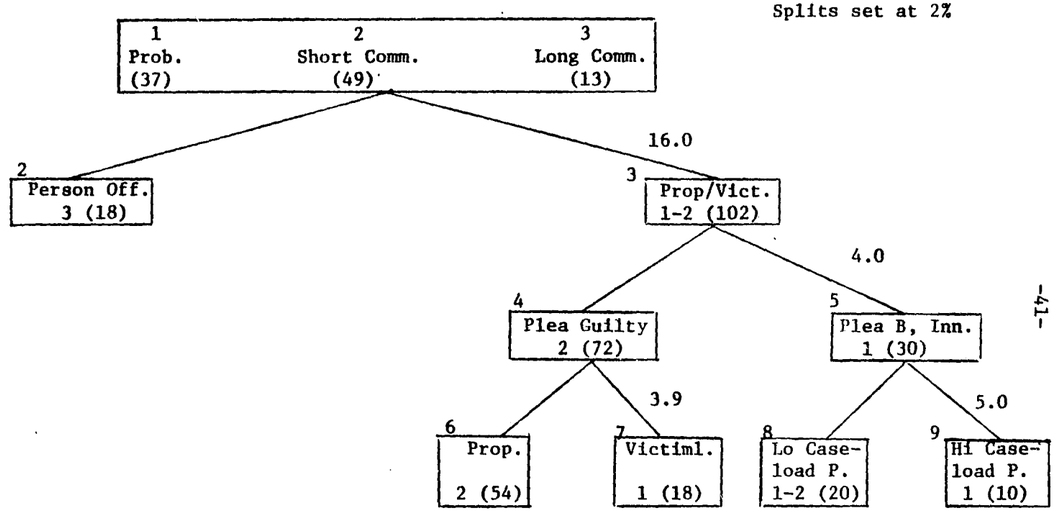
THAID

Sentence Females

N = 120

% Explained = 30

Lowest Criteria for Splits set at 2%



Final Groups

	Prob.	Short Comm.	Long Comm.	N
G9 - Prop/Vict., Plea B/I, Hi Pros. L.	100.0	--	--	10
G7 - Vict., Plea G	61	39	--	18
G8 - Prop/Vict., Plea B/I, Lo Pros. L.	45	55	--	20
G6 - Prop., Plea G	26	68	--	54
G2 - Person	11	22	67	

in the beginning of this section, with sentence severity increasing from plea bargain, to guilty plea, to plea of innocence. For women the relation between severity of sentence and offense seriousness appears to be curvilinear.. Very serious offenses (person) tend to receive the harshest punishment (long commitment) but the least severe offense (property) under similar plea circumstances is treated more severely* than middle severe offenses (victimless).

It is possible that males with a past record are more often detained and also that females convicted of property offenses also have a past history of criminal involvement. If both hypothesis were true then it could be argued that the justice model applies to Suncity. However, if past record was such a decisive criteria, its exclusion from the court's information system would be paradoxical.

CONCLUSION

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

*Property offenders constitute also half of the women detained, while person offenders make up 34% and victimless 15%.

DISPOSITIONS

Sixty percent of all defendants processed by the Suncity court are convicted. The decision model for dispositions in this court is mixed. That is, on one hand convictions appear to be partly a function of extent of evidence (number of witnesses) as fitting the justice model. On the other hand, however, type of attorney appears to weight almost equally in the final disposition. Since avoidance of conviction is almost twice as likely for those defendants that can afford a private attorney, this suggests a bias in favor of the better off defendants. Also nonwhites, even when charged with similar offenses and confronting the same type of evidence, have a greater chance of conviction (NW = .67; W = .56). This is compounded by the fact that although nonwhites constitute 33% of the Suncity population, they make up 60% of the cases processed by the court. The system appears also to be more tolerant of younger than older defendants. Under the same circumstances a defendant over 30 has a 17% higher chance of conviction than one under 20. So in balance over half of the variance of dispositions explained (27%) results from factors not related to evidence (defense effectiveness and personal traits).

Separate examination of the male and female subsample and search for interaction effects show similar results but improve the ability to explain dispositions (M = 30%, W = 40%). In both subsamples number of witnesses, type of attorney and age are the stronger explanatory variables. However, the evidence indicator is a much stronger factor in male dispositions (accounting for 63% of the explained variance) than in female dispositions (accounting for 20% of the explained variance). The reverse is true for type of defense, which accounts for more than half of the explained variance of female dispositions as compared to one fourth of the males.

In short, males dispositions are more strongly based on evidence than female's and consequently closer to a justice model. Furthermore, while personal and process indicators account for 32% of the variance in females' dispositions, they account only for 9% in the males.

INFORMAL PROCESS: PLEAS AND SENTENCE REDUCTION

Pleas

Contrary to what was found in other courts our model explains less the variation in pleas (17%) than in dispositions (27%). Pleas of guilt and of innocence are better explained (17%) than plea bargaining (9%) and the two stronger predictors are type of release and type of offense. Defendants who were detained plead much more often than those who were not (83% vs. 42%) even if they shared all the other characteristics. So do those charged with property (76%) and medium serious offenses (79%) as compared with person (51%), victimless (70%), very serious (69%) and non serious (63%) offenders. The defendant most likely to plead guilty was white, young, had been detained, and charged with a medium serious property offense. Conversely the defendant most likely to plead innocent had the opposite characteristics. Those who bargained in Suncity shared few characteristics.

From this we can conclude that pleas of guilty in Suncity are not used as an expedient way to deal with case pressure, neither are they based on considerations of the type of evidence available in the case and/or seriousness of offense. While on one hand choice of guilty pleas appears to reflect lack of effective defense (e.g., inability to avoid detention), on the other hand it is also more often opted by groups favorably treated at disposition (white and young defendants). The most interesting finding in comparing male's and female's choice of pleas is

the greater use of bargaining and lesser use of plea guilty by women than men defendants. This is the reverse of what was found in the other study sites. For both genders, type of offense, age and race are significant predictors of pleas, however type of offense is a much stronger predictor of female pleas (13.7%) than male pleas (4.3%). Different process indicators affect male and female pleas. For men type of release is a significant factor while for women it is number of continuances. They both indicate that continuous involvement with the court (either in terms of detention or many continuances) is conducive to higher incidence of guilty pleas.

These findings for the most part reinforce the additive analysis, but this is more true for males than females. The major differences between male and female pleas is that type of offense is much more important for the latter than the former. Also the youngest group of female defendants bargain much more often than young male defendants. This does not seem to occur however as a result of a defense strategy since these women are involved in very few continuances. No support for a case-pressure explanation of pleas nor of the use of legal criteria as (offense seriousness and degree of evidence) a basis for plea choise is found in the separate analyses by gender. As was true in other courts, person offenders avoid pleas of guilt supporting Rhodes (1978) proposition that anticipation of severe punishment is a deterrent to guilty pleas. The greater incidence of plea bargain for women than men, and its dissociation from defense indicators appear to suggest that in Suncity plea bargain is more of a one sided transaction reflecting the court's willingness to make coneessions to a group perceived as less dangerous--young women.

Sentence reduction

Because the bargaining process in court can involve deals on charges and/or sentences we expected that defendants who pled innocent and consequently "burdened" the system would be more securely punished than defendants entering pleas of guilt. We found this to be true specially for the most serious offenses within each type. However, sentence reduction as an inducement to plead guilty for serious offenses appears to be much more used for victimless and even property offenses than person offenses. It seems that in cases of murder, rape and robbery sentence reduction is not part of the deal in pleas of guilt. The fact that less of these cases than any others plead guilty (52%) either reflects the reaction of defendants to insufficient inducements and/or the preference of prosectuors to take these cases through full trial. This later point would support the proposition that prosecutors tend to use pleas of guilt in such a way as to reserve the time consuming and expensive full trials for the most serious crimes. This apparent tendency to thorough processing of serious cases against persons is also reinforced by the relative low proportions of dismissals of such cases (25% vs. 34% for other offenses). Sentence reduction does not appear to be an inducement much used for pleas of guilt of less serious crimes. Since defendants so charged do not plea bargain very often either, this appears to confirm again Rhodes proposition that defendants anticipating light sentences will more readily plead guilty.

SENTENCE

From a justice model perspective we would expect sentence severity to vary directly with offense seriousness. That is, the punishment should fit the offense. In Suncity offense has a significant impact on sentence

and in the expected direction (person and more serious offenses get the most severe sentences) but the impact of process variables (type of release and pleas) is stronger, even when offense is controlled for. In fact, release type accounts for 1/3 of the total variance explained (27%). That is, for offenders of the same gender, found guilty the same way, and for similar offenses, having been detained increases their probability of long commitments by nearly 10%. Women receive considerably lighter sentences than men being put on probation three times more often than men. Conversely men receive long prison sentences three times more often than women. For males type of release remains the most important predictor accounting for over half of the explained sentence variance (20%). For females, however, the strongest factor, contributing to half of the explained sentence variance (30%) is type of offense. That is, detained male and female person offenders have within each sample the highest probability of receiving long commitment sentences. Since offense explains 16% of female sentences and only 2% of males', it would appear that women offenders are handled more justly than men offenders. This is reinforced by the fact that there is no evidence that the decision to detain is based on offense seriousness. However, the relation between offense seriousness and sentence seriousness for females is curvilinear. Very serious person offenses tend to receive the harshest sentence (long commitment) but the least serious offenses and those in which women are predominantly (property) involved receive more severe punishment (short commitment) than medium serious offenses under similar plea conditions. This pattern is consistent with findings from studies of women prisons which show that the highest proportion of commitments are short (2 years or less) and for non serious property crimes.*

*See Figueira-McDonough and al., 1981.

Appendices

Table A-1

MCA

Dispositions

(including continuances as a predictor)

N = 1554
Multiple R^2 Adjusted = .31

	Beta
Number of Continuances	.43
Number of Witnesses	.14
Age	.14
Midpoint	.11
Race	.10
Offense Type	.08
Number of Codefendants	.04
Gender	.03
Defense Attorney	.03

	Adjusted Means
Number of Continuances	
1	.24
2	.75
3+	.73
Number of Witnesses	
1	.50
2-5	.64
6-7	.66
7+	.68
Age	
-20	.52
21-24	.64
25-30	.67
30+	
Midpoint	
1	.65
2	.53
3	.67
Race	
White	.56
Nonwhite	.66

Table A -2

Distribution of Selected Predictors by Disposition

Controlling for Number of Continuances

	One Cont. NG	One Cont. G	S.L.	More Than One Cont. N	More Than One Cont. NG	More Than One Cont. G	S
No. of Witnesses N = 474				1569			
1	92	8	S		30	70	S
2-5	73	27			32	68	
6-7	56	44			28	72	
7+	56	44			22	78	
Type of Offense N = 420				1482			
Person	95	5	S		20	80	S
Property	76	23			27	73	
Victimless	86	14			33	67	
Midpoint N = 418				1411			
1	76	24	S		26	73	NS
2	95	5			27	73	
3	79	20			21	79	
No. of Codefendants N = 448				1429			
0	86	14	NS		27	72	
1+	79	20			23	77	NS
Defense Attorney N = 474				1569			
Private	83	17	NS		29	71	NS
Public	2	9			27	73	
Race N = 466				1559			
White	88	12	S		34	66	S
Nonwhite	77	23			23	77	
Age N = 420				1506			
-20	81	19	NS		39	61	S
20-24	84	16			23	77	
25-30	80	20			22	78	
30+	82	17			26	74	
Gender N = 474							
Male	83	17	NS		28	72	NS
Female	83	17			26	74	

Table A-3

Type of Offenses by Seriousness

(Cases with Pleas)

	Lo Seriouness	Med. Seriousness	Hi Seriousness	
Person	5.4	23.0	71.6	257
Property	68.3	.6	31.1	681
Victimless	13.4	86.6	--	202

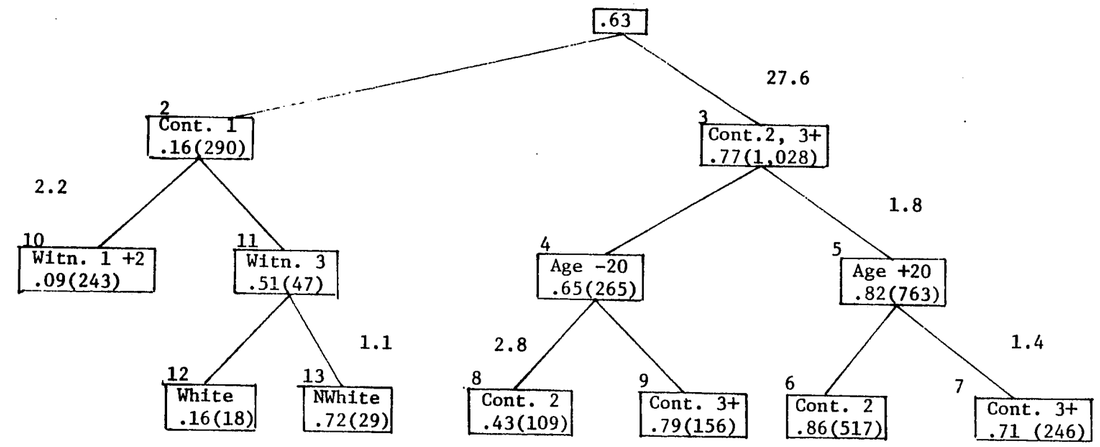
Figure A-1

AID

Males-Disposition

(including continuances as a predictor)

N = 1,319
% Var. Explained = 37%



Final Groups

	Prob. Conviction	N
6 Older, 2 Cont.	.86	517
7 Older, 3+ Cont.	.71	246
8 Younger, 2 Cont.	.43	109
9 Younger, 3+ Cont.	.79	156
10 1 Cont., Few Witn.	.09	243
12 1 Cont., many Witn., White	.16	18
13 1 Cont., Many Witn., Nonwhite	.72	29

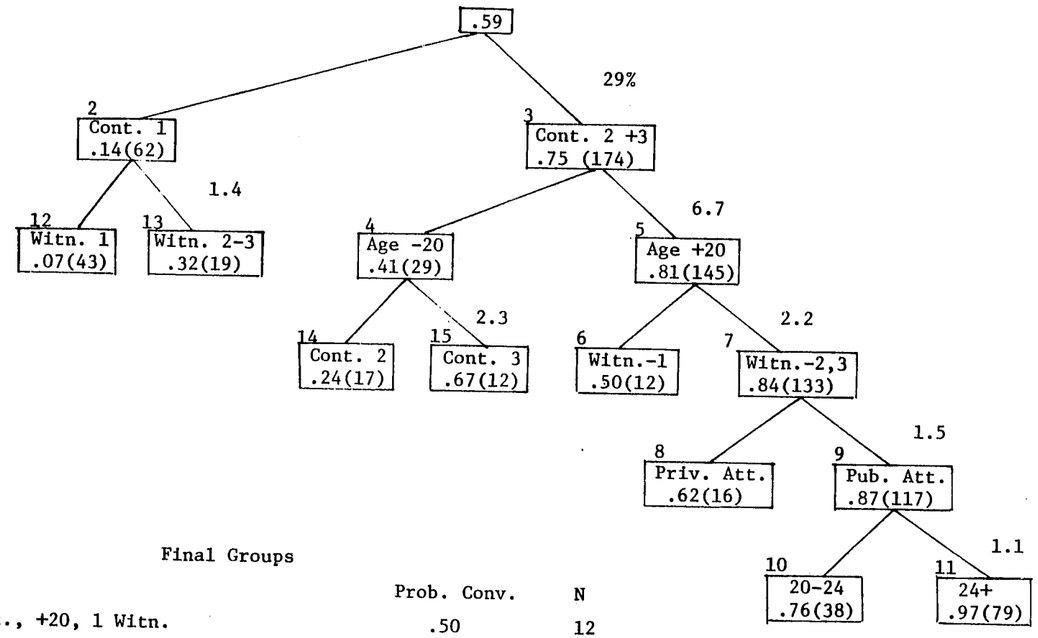
Figure A-2

AID

Females-Disposition

(including continuances as a predictor)

N = 239
% Var. Explained = 44.4%



Final Groups

		Prob. Conv.	N
6	2+ Cont., +20, 1 Witn.	.50	12
8	2+ Cont., +20, +1 Witn. Priv. Att.	.62	16
10	2+ Cont., 20-24, +1 Witn., Pub. Att.	.76	38
11	2+ Cont., 24+, +1 Witn., Pub. Att.	.97	79
12	1 Cont., 1 Witn.	.07	43
13	1 Cont., +1 Witn.	.32	19
14	2 Cont., -20	.24	17
15	3+ Cont., -20	.67	12

From PROMIS Codebook of Suncity

106 NO-PAPER REASONS
--A MAXIMUM OF FOUR CODES REPRESENTING THE REASONS FOR THE NO-PAPERING (REJECTING) OF A CHARGE. THERE ARE THREE GENERAL CASES WHERE A CHARGE IS NO-PAPERED:
1. A POLICE CHARGE WHICH THE PROSECUTOR DECIDES TO NO-PAPER PERMANENTLY.
2. A POLICE CHARGE FOR WHICH THE PROSECUTOR DECIDES TO SUBSTITUTE A DIFFERENT CHARGE.
3. ONLY ONE OF SEVERAL FELONY CHARGES IS PAPERED TO CONSERVE TIME IN A PRELIMINARY HEARING. THE ADDITIONAL FELONY CHARGES ARE PICKED UP LATER BY THE GRAND JURY

107 CHARGE CODE NCIC
--A CODE DESCRIBING THE CHARGE BASED ON THE CODING SYSTEM DEVELOPED AND USED BY SEARCH

108 MPD CHARGE CODE
--THE CHARGED BASED ON THE CODING SYSTEM DEVELOPED AND USED BY THE METROPOLITAN POLICE DEPARTMENT OF WASHINGTON D.C.

109 COURT CHARGE CODE
--A CODE DESCRIBING THE CHARGE BASED ON THE LOCAL PENAL STATUTES (SEE APPENDIX).

110 FINAL ACTION DATE
--THE DATE ON WHICH THE FINAL COURT DISPOSITION ACTION OCCURRED

111 FINAL ACTION REASON
--THE REASON FOR THE FINAL DISPOSITION COURT ACTION (SEE APPENDIX)

112 FINAL ACTION PROCEEDING
--THE POINT AT WHICH THE FINAL ACTION OCCURRED
2 = ARRAIGNMENT (MISDEMEANOR)
3 = PRESENTMENT (FELONY)
4 = PRELIMINARY HEARING (FELONY)
5 = GRAND JURY (FELONY CASES BOUND OVER TO A GRAND JURY OR IN WHICH THE DEFENDANT WAIVED PRELIMINARY HEARING AND WHICH WERE SUBSEQUENTLY INDICTED, NOLLED, OR IGNORED)
6 = POST INDICTMENT ARRAIGNMENT (FELONY)
7 = MOTIONS COURT (FELONY OR MISDEMEANOR)
8 = STATUS CALL (FELONY)
9 = PRETRIAL (INCLUDING DAY BEFORE TRIAL)
10 = TRIAL (DAY OF)
0 = OTHER PROCEEDINGS

113 FINAL PROSECUTOR
--THE PROSECUTOR PRESENT AT THE FINAL DISPOSITION COURT ACTION.

114 FINAL JUDGE

END