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Document Title: Offender Race and Case Outcomes: Do Crime Seriousness and Strength of Evidence Matter? Final Activities Report

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Document No.: 184774

Date Received: 11/02/2000

Award Number: 96-IJ-CX-0036

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OFFENDER RACE AND CASE OUTCOMES:
DO CRIME SERIOUSNESS AND STRENGTH OF EVIDENCE MATTER?

FINAL ACTIVITIES REPORT
SUBMITTED TO THE NATIONAL INSTITUTE OF JUSTICE

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This project was supported by Grant No. 96-IJ-CX-0036 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

INTRODUCTION

Although well over one hundred studies have addressed the question of the effect of race on sentencing, an answer to the question remains elusive. Some researchers conclude that black offenders are sentenced more harshly than white offenders, while others conclude either that there are no significant racial differences or that blacks are sentenced more leniently than whites. Some studies find evidence of direct racial discrimination; other studies demonstrate that race interacts with other variables and affects sentence severity only in some types of cases or for some types of defendants.

The purpose of this study is not simply to add another voice to the debate over the existence of racial discrimination in sentencing. Although we will examine the relationship between race and sentencing, we also will test a specific hypothesis concerning the nature of that relationship. We will explore the possibility that racial discrimination in sentencing is confined to less serious criminal cases. Building on Kalven and Zeisel's (1966) "liberation hypothesis," we argue that in more serious cases the appropriate sentence is strongly determined by the seriousness of the crime and by the defendant's prior criminal record. In these types of case, a severe sentence is clearly called for; judges therefore have relatively little discretion and thus few opportunities to consider legally irrelevant factors such as race. In less serious cases, on the other hand, the appropriate sentence

is not clearly indicated by features of the crime or by the defendant's criminal record, leaving judges more disposed to bring extralegal factors to bear on the sentencing decision.

We also propose to broaden the discussion by comparing the treatment of white offenders and black offenders at several stages of the criminal justice process and by testing the liberation hypothesis at each of these stages. Most research examining the effect of race on case outcomes has focused on sentencing and all studies testing the liberation hypothesis have examined either the sentencing decision or, in the case of the capital sentencing process, the prosecutor's decision to seek the death penalty. A number of researchers have questioned the validity of studies that ignore presentence charging and plea bargaining decisions (Miethe and Moore 1986; Petersilia 1983; Thomson and Zingraff 1981). These researchers argue that sentence severity is significantly affected by charge reductions and sentence concessions, and that failure to consider interactions between race, plea bargaining decisions, and sentencing decisions will produce misleading conclusions concerning the impact of race on sentencing. To address these concerns, we explore the effect of race on a series of charging, convicting, and sentencing decisions.

The data used in this study were originally collected by Stevens Clarke for his study of "Felony Prosecution and Sentencing in North Carolina, 1981-82" (Clarke 1991). The data file includes detailed information on the offender, the victim (in cases

involving a victim), and the case. It includes a number of variables measuring the seriousness of the offenses, as well as a number of measures of the strength of evidence in the case. It also includes information on a series of charging, convicting, and sentencing outcomes. These data will be used to examine the effect of race on case processing decisions and to test the hypothesis that racial discrimination is confined to less serious or weaker cases.

PREVIOUS RESEARCH

Research investigating the relationship between the defendant's race and sentence severity has not consistently supported the conflict perspective's contention that blacks will be sentenced more harshly than whites. Although a number of studies have uncovered such a link (Petersilia 1983; Spohn, Gruhl and Welch 1981-82; Zatz 1984), others have found either that there are no significant racial differences (Klein, Petersilia and Turner 1990) or that blacks are sentenced more leniently than whites (Bernstein, Kelly and Doyle 1977; Gibson 1978; Levin 1972).

The failure of research to produce uniform findings of racial discrimination in sentencing has led to conflicting conclusions. Some researchers (Hagan 1974; Kleck 1981; Pruitt and Wilson 1983) assert that racial discrimination in sentencing has declined over time and contend that the predictive power of race, once relevant legal factors are taken into account, is quite low. Others

(Klepper, Nagin and Tierney 1983; Zatz 1987) claim that discrimination has not declined or disappeared but simply has become more subtle and difficult to detect. These researchers argue that race affects sentence severity *indirectly* through its effect on variables such as bail status (LaFree 1985b; Lizotte 1978), type of attorney (Spohn, et al. 1981-82) or type of disposition (LaFree 1985a; Spohn, 1992; Uhlman and Walker, 1980), or that race *interacts* with other variables and affects sentence severity only in some types of cases (Barnett 1985; Spohn and Cederblom 1991), in some types of settings (Hawkins 1987; Kleck 1981; Myers and Talarico 1986) or for some types of defendants (Chiricos and Bales 1991; LaFree 1989; Peterson and Hagan 1984; Spohn 1994; Walsh 1987).

A number of scholars have recently argued that the inconsistent findings of research on race and sentencing reflect both specification error and an overly simplistic view of conflict theory. These scholars have called for research designed to delineate more precisely the conditions under which defendant race influences judges' sentencing decisions. Zatz (1987, p. 83), for example, contends that models of the relationship between race and sentencing that exclude indirect or interactive effects are misspecified. She asserts that ". . . research that tests only for main effects (i.e., overt bias) and does not investigate all of the possible manifestations of discrimination may erroneously

conclude that discrimination does not exist when, in fact, it does."

Hawkins (1987, p. 721) presents an analogous but somewhat different argument. He argues that many of the so-called "anomalies or inconsistencies" in sentencing research reflect "oversimplification" of conflict theory. He contends that the work of early conflict theorists such as Quinney (1970) and Chambliss and Seidman (1971) does not support the proposition that "blacks or other nonwhites will receive more severe punishment than whites for all crimes, under all conditions, and at similar levels of disproportion over time" (Hawkins 1987, p. 724). Hawkins proposes a revision of the conflict perspective on race and sentencing to account for the possibility of interaction between defendant race and other predictors of sentence severity, and especially between defendant race, victim race, and the type of crime committed by the offender.

Race, Sentencing, and the Liberation Hypothesis

Researchers have begun to heed these recommendations. There is a growing body of literature demonstrating that the relationship between race and sentencing is nonlinear and nonadditive. Researchers have shown that the effect of race is mediated by the race composition of the offender/victim dyad (e.g., Baldus, Woodworth and Pulaski 1985; Keil and Vito 1989; LaFree 1989; Spohn 1994; Walsh 1987), by the type of conviction charge (Burke and Turk

1975; Spohn 1994), by the relationship between the victim and the offender (Spohn 1994), and by the employment status of the offender (Chiricos and Bales 1991).

A number of studies have demonstrated that the effect of race is confined to less serious criminal cases. Most of these studies test, either explicitly or implicitly, the so-called "liberation hypothesis," which was first articulated by Kalven and Zeisel (1966) in their landmark study of jury behavior. Kalven and Zeisel argued that jurors deviated from their fact-finding mission in cases where the evidence against the defendant was weak or contradictory. Jurors' doubts about the evidence, in other words, liberated them from the constraints imposed by the law and freed them to consider their own "sentiments" or values. In examining rape cases, for example, Kalven and Zeisel distinguished between aggravated and simple rapes. They defined an aggravated rape as one in which there was evidence of extrinsic violence or multiple assailants or in which the victim and the defendant were strangers; a simple rape was one with none of these aggravating conditions. In support of their liberation hypothesis, Kalven and Zeisel found that jurors' beliefs about the victim's behavior at the time of the incident were much more likely to influence the verdict in simple than in aggravated rape cases.

A number of researchers have attempted to test the liberation hypothesis in other settings and at other decision points. Much of this research has focused on the capital sentencing process.

Barnett (1985), for example, argued that the likelihood of a death sentence is determined by the seriousness of the homicide. Barnett categorized homicides into three levels of seriousness based on the certainty that the defendant was a deliberate killer, the relationship between the victim and the offender, and the heinousness of the crime. He then applied the scale to a sample of homicides from the state of Georgia and found that the index predicted death sentences successfully. Barnett also found that the race of the defendant and the race of the victim had significant effects only in the middle range of the seriousness scale--that is, in cases where jurors were unsure whether or not the defendant deserved a death sentence.

Baldus, Woodworth, and Pulaski (1985) performed a similar type of analysis on the Georgia data, but they used different procedures to create a seriousness scale. The authors identified the 18 factors that predicted a death sentence most accurately and then used these factors to create a six-point case culpability index. Like Barnett (1985), they found that their index was related to the likelihood of the death sentence. Baldus and his colleagues also found that the victim's race was a predictor of the decision to sentence the defendant to death primarily in the middle range of the seriousness scale. They concluded that "the appearance of racial discrimination in the mid-range of cases is consistent with prior research and with the so-called 'liberation hypothesis'" (1985: 1402).

Keil and Vito, on the other hand, found no support for the liberation hypothesis in Kentucky. They applied the Barnett scale to the prosecutor's decision to request the death penalty and to the jury's decision to impose the death penalty. They found that regardless of the seriousness of the homicide, Kentucky prosecutors and jurors were most likely to recommend a death sentence for blacks who killed whites. The authors concluded that consideration of the race of the accused and of the victim was not confined to "situations of uncertainty" and that the liberation hypothesis failed "to explain the manner in which homicide offenders in Kentucky are sentenced to death" (1989: 527).

These findings can be contrasted to those of Paternoster (1984), who analyzed the effect of race on the likelihood of a prosecutorial request for the death penalty in homicides of varying degrees of seriousness. Paternoster found that the victim's race was a statistically significant predictor of a death penalty request when there was only one aggravating felony but not in the more serious homicides with multiple felonies. To explain this finding, Paternoster suggested that murders involving multiple felonies were regarded as more heinous than murders accompanied by a single felony. Consequently, prosecutors were left "with the feeling that, once revulsion reaches a certain level, they have little choice but to seek the death penalty . . . once a threshold of heinousness that has nothing to do with race is passed, the

death penalty will inevitably be requested" (Paternoster 1984: 472).

Other researchers have applied the liberation hypothesis to the felony sentencing process. Spohn and Cederblom (1991) compared the sentences imposed on black and on white male offenders convicted of violent felonies in Detroit. Consistent with the liberation hypothesis, the authors found that offender race had a significant effect on the likelihood of incarceration only when the conviction charge was assault rather than a more serious felony. The effect of race also was confined to cases in which the offender had no prior felony convictions, victimized an acquaintance rather than a stranger, and did not use a gun to commit the crime. Spohn and Cederblom (1991: 323) concluded that judges confronted with offenders convicted of serious crimes or with prior convictions for serious crimes "have relatively little latitude in deciding whether or not to sentence the defendant to prison." The appropriate sentence for offenders convicted of less serious crimes, on the other hand, is not necessarily obvious. Thus, "judges are liberated from the constraints imposed by the law, by other members of the courtroom work group, and by public opinion, and are free to take into account extralegal considerations such as race."

Unnever and Hembroff (1987) also concluded that the effect of race on sentencing is conditioned by the nature of the case. They tested Hembroff's (1982) theory of status characteristics and expectation states, arguing that the defendant's race/ethnicity

influences the sentence "depending on the degree of dispositional certainty or uncertainty the case generates" (1987: 57). They argued that the sentence would be most certain where all of the relevant case attributes (e.g., the seriousness of the offense, the number of charges against the defendant, the defendant's prior criminal record and employment status) pointed consistently toward either incarceration or probation; conversely, the sentence would be least certain where some of the case attributes pointed toward incarceration and others toward probation. Their analysis of sentences imposed on drug offenders in Miami provided support for their theory. They found that the effect of race increased as the case attributes became increasingly inconsistent.

The studies conducted thus far generally support the liberation hypothesis. With the exception of research conducted by Keil and Vito (1989) on capital sentencing in Kentucky, the studies suggest that the effect of extralegal factors is conditioned by the nature of the case. More to the point, the evidence suggests that the effect of the defendant's race on sentencing is confined to less serious, weaker, or inconsistent cases.

The generalizability of these findings is limited, however, because most studies examined only one type of crime and because the studies as a whole covered only a few types of crimes--sexual assault, homicide, and drug offenses. Moreover, the one study that did examine sentences imposed for a variety of felony offenses (Spohn and Cederblom 1991) only included offenders convicted of

violent felonies, which are by definition "serious crimes." The generalizeability of the conclusions is further limited by the fact that most studies focused exclusively on the sentencing decision. There is a clear need for additional research designed to test the liberation hypothesis using a greater variety of crimes and more sophisticated techniques for differentiating between cases of varying degrees of seriousness.

As noted earlier, there also is a need for research that tests the liberation hypothesis at stages in the process prior to the imposition of the sentence. Although Paternoster (1984) examined the prosecutor's decision to seek the death penalty, all of the other studies testing the liberation hypothesis focused on sentencing. It is certainly possible that the effect of race on charging and convicting decisions is similarly conditioned by the seriousness or strength of the case.

OBJECTIVES AND HYPOTHESES

The primary object of this study is to provide a more comprehensive test of the liberation hypothesis by, first, examining the effect of race on a *series of case processing decisions* and, second, comparing case outcomes for black offenders and for white offenders charged with a *variety of felonies*. As noted above, previous studies testing the hypothesis generally have focused on sentencing decisions for violent offenders. The data

file' used in this study includes information on charging, convicting, and sentencing decisions for offenders charged with violent crimes, property crimes, and drug offenses. We will use these data to test the hypothesis that racial discrimination in case processing decisions is confined to less serious or weaker cases.

The second major objective of this project is to develop more precise measures of case seriousness and more sophisticated techniques for differentiating between more and less serious cases. Although researchers examining the effect of race on the capital sentencing process (e.g., Baldus, et al. 1985; Barnett 1985) have developed scales and indices designed to measure case seriousness, studies of sentencing decisions in other types of cases typically have tested for interaction between race, individual measures of case seriousness, and sentence severity. The data set being used for this project includes a number of measures of the strength of evidence in the case, as well as detailed information on case seriousness. We will use these data to develop indices of case seriousness/case strength; these indices will be used to test the hypothesis that race will affect case outcomes only in less serious or weaker cases.

RESEARCH DESIGN AND METHODS

Data

The data for this study were collected by Stevens Clarke for his analysis of the impact of a determinate sentencing statute in North Carolina. The data file includes information on 1,378 defendants charged with felonies in 1978 and 1,280 defendants charged with felonies in 1981 in twelve counties in North Carolina. Because the sentencing system changed in 1981, we limit our analysis to defendants processed in the post-reform era.

Dependent Variables

We explore the effect of race on eight different case outcomes--three pretrial decisions, two convicting outcomes, and three sentencing decisions. With the exception of sentence length, all of the dependent variables are dichotomous measures indicating whether the defendant received the outcome (coded "1") or not (coded "0"). The first dependent variable--pretrial detention--measures whether the defendant was detained in jail prior to trial or received some form of pretrial release (released on bond or on a written promise to appear). The second pretrial variable indicates whether the "principal charge"¹ filed in the case was dismissed, either by the prosecutor or the judge in district court (the court of limited jurisdiction), by the grand jury, or by the prosecutor or judge in superior court (the court of general

jurisdiction. The third pretrial variable indicates whether the district attorney agreed to reduce any offense as part of a written plea bargain.

Two of the dependent variables are measures of conviction. The first indicates whether the defendant was convicted (of any offense) or not; cases in which all charges were dismissed or in which the defendant was acquitted at trial were coded "0." The second variable measures whether, among defendants who were convicted, the most serious conviction charge was a felony (coded "1") or a misdemeanor (coded "0"). Although all defendants in the sample were originally charged with felonies, and 732 (57.7%) were convicted, only 363 (49.6%) of those who were convicted were convicted of felonies.

The final three dependent variables are measures of sentence severity. The first two are dichotomous variables indicating whether the defendant was incarcerated (in jail or prison) or not and whether the defendant was sentenced to prison or not. Of the 732 convicted offenders, 271 (37.0%) were sentenced to prison, 69 (9.4%) were sentenced to jail, and 392 (53.6%) were given probation or some other alternative to incarceration. The final dependent variable measures the maximum jail/prison sentence (in months) imposed on offenders who were incarcerated.

The frequencies for the eight dependent variables are presented in Table 1. We present separate data for black offenders and white offenders.

(Table 1 About Here)

Independent Variables

The independent variables included in the analysis are displayed in Table 2. We include controls for offender characteristics, for the seriousness of the offense and the strength of evidence in the case, and for a number of case processing characteristics. We control for the offender's race, gender, age at arrest and employment status; we also control for whether the offender was a local resident or not. We include two measures of prior criminal record: whether the offender was on probation or parole at the time of his/her arrest for the current offense; and the number of prior convictions (misdemeanor or felony, but not including traffic offenses). Because the data file includes defendants processed in twelve North Carolina counties, we also control for the county in which the case was adjudicated.

(Table 2 About Here)

We control for several indicators of the seriousness of the offense. In analyzing the charging and convicting variables, we control for the number of felony charges filed in the case, the seriousness of the principal charge, and the statutory maximum sentence for the principal charge. As shown in Table 2, the seriousness of the original charge is a nine-category variable; in all of the multivariate analyses, murder/manslaughter is the reference category. In analyzing the three sentencing outcomes, we control for the seriousness of the conviction charge, the statutory

maximum sentence for the conviction charge, and for whether the offender had companion convictions. The seriousness of the conviction charge is measured by a 15-category variable that incorporates both felonies and misdemeanors; murder/manslaughter is the reference category. We also control for two other measures of offenses seriousness: whether the offender used a firearm during the crime and whether the offender used a weapon other than a firearm during the crime.

The four measures of the strength of evidence in the case include whether a police officer witnessed the crime, whether there was an eyewitness to the crime (other than a police officer) who would be available to testify, whether the defendant made a confession or incriminating statement, and whether there was identifiable physical evidence other than stolen property (fingerprints, hair sample, weapon) that could connect the defendant to the crime. Each of these four variables is a dichotomous variable indicating whether the evidence was present or not.

We also control for a number of case characteristics identified by previous research as significant predictors of case outcomes. In analyzing the likelihood of pretrial detention, we control for the amount of bail imposed; in analyzing the two conviction decisions and the three sentencing decisions we control for the defendant's pretrial status (released = 1; detained = 0). In all of the analyses we control for the type of attorney (private

attorney = 1; public defender = 0) and the mode of disposition (bench or jury trial = 1; plea = 0).

Analytic Procedures

We analyze the data using both ordinary least squares (OLS) regression and logistic regression. Two different analytical procedures are required because of differences in the dependent variables. We use OLS regression to analyze the length of the jail/prison sentence, which is an interval-level measure. Because OLS regression is inappropriate for the analysis of dichotomous dependent variables, we use logistic regression in examining the other seven dependent variables.

We use a two-stage analytic procedure to explore the relationship between the race of the defendant and case outcomes. We first estimate the additive effects of race on each of the case outcomes, controlling for the offender and case characteristics listed in Table 2. At this stage in the analysis, we test the hypothesis that offender race has a direct effect on case processing decisions.

The second stage of our analysis involves a test of the liberation hypothesis. Building on the procedures used by Baldus and his colleagues (1985) to estimate the effect of race on the capital sentencing process, we create three categories of offense seriousness/offender culpability and then test the hypothesis that

the effect of race on case outcomes will be confined to less serious or weaker cases. The procedures used to test the liberation hypothesis are described in detail below.

FINDINGS

The bivariate relationships between defendant race and case processing decisions, presented in Table 1, reveal that race has a significant effect on six of the eight case outcomes. Black defendants were more likely than white defendants to be detained prior to trial, to have the principal charge in the case dismissed, to be convicted of a felony rather than a misdemeanor, and to be incarcerated. Black offenders also received longer sentences than white offenders. These differences obviously could reflect racial differences in case seriousness, prior criminal record, and other legal predictors of case outcomes. In fact, as shown in Table 2, black defendants had more serious prior records than white offenders; they also were charged with and convicted of more serious crimes (as measured by the statutory maximum sentence for the principal charge and use of a weapon other than a firearm).

The results of the logistic regression analyses for the three pretrial decisions are displayed in Table 3. Defendant race had no effect on any of these case outcomes once controls for legal and extralegal factors were taken into consideration. Not surprisingly, the odds of pretrial detention were determined by the amount of bail imposed by the judge and by offender characteristics

reflecting either community ties (local residence, employment status) or risk of recidivism (number of prior convictions). The likelihood of charge dismissal was affected by the strength of evidence in the case, the seriousness of the charge, and the number of charges; dismissal was less likely if there was a witness, if the defendant confessed, or if the charges were more seriousness. The district attorney's decision to recommend a charge reduction was influenced by the offender's prior record, the seriousness of the charge, and whether the offender confessed to the crime. Both charging decisions also were affected by the defendant's gender; females faced greater odds of charge dismissal but lower odds of charge reduction than males.

(Table 3 About Here)

As shown in Table 4, the race of the defendant had a significant effect on one of the two conviction variables. Although black defendants were not more likely than white defendants to be convicted of any crime, they did face greater odds of conviction for a felony rather than a misdemeanor. Conviction also was more likely if the defendant confessed, was charged with more than one offense, or was charged with a more serious offense. A number of extralegal characteristics affected the overall likelihood of conviction. Conviction was less likely if the offender was female; it was more likely if the offender was unemployed, retained a private attorney, or was detained prior to trial.

(Table 4 About Here)

The results of the analyses of the three sentencing decisions are presented in Tables 5 (the in/out decisions) and 6 (length of sentence.) The race of the offender had no effect on any of these measures of sentence severity. With only two exceptions, the determinants of each outcome were factors of explicit legal relevance--the offender's prior criminal record, the seriousness of the offense, and the number of conviction charges. The two extralegal determinants of sentence severity were the offender's pretrial status and the mode of disposition in the case. Offenders who secured pretrial release were substantially less likely than those detained in jail prior to trial to be incarcerated; they also received sentences that averaged about 33 months less than those imposed on offenders who were in custody. Offenders who insisted on a trial also paid a double penalty at sentencing; they were more likely to be incarcerated and they received sentences nearly six years longer than those imposed on offenders who pled guilty.

(Tables 5 and 6 About Here)

Considered together, the results of the multivariate analyses provide very little support for the hypothesis that racial minorities are treated more harshly than whites at various stages in the criminal justice process. The race of the offender affected only one of the eight case outcomes examined--the decision to convict the offender of a felony rather than a misdemeanor. Moreover, the primary determinants of each of the case processing

decisions were, with few exceptions, legally relevant factors such as offense seriousness, prior criminal record, and the strength of evidence in the case.

Testing the Liberation Hypothesis

The fact that the race of the defendant did not affect seven of the eight case outcomes does not necessarily mean that case processing decisions in these North Carolina counties are racially neutral. As studies testing the liberation hypothesis have shown (Baldus et al. 1990; Barnett 1985; Spohn and Cederblom 1991), racial discrimination may be confined to less serious or weaker cases where the appropriate outcome is not clearly dictated by the seriousness of the offense, the strength of evidence in the case, or the fact that the offender has a lengthy record of prior violent convictions. Similarly, as Unnever and Hembroff (1987) argue, the defendant's race may influence case outcomes only in situations of "dispositional uncertainty."

To explore this possibility, we create three categories of offense seriousness/offender culpability and then test the hypothesis that the effect of race on case outcomes will be confined to less serious or weaker cases. In the sections that follow we describe the procedures used to differentiate among cases and discuss the results of our test of the liberation hypothesis.

Measuring Case Seriousness. Researchers have used a variety of techniques to differentiate between more and less serious cases. Baldus and his colleagues (1990: 47) suggest that there "are two basic approaches to classifying cases as similar or dissimilar--the *a priori* and the empirical." A researcher using the *a priori* approach categorizes cases based on criteria that he/she believes *should* determine the outcome of the case. Thus, Spohn and Cederblom (1991) used five legally relevant variables (the most serious conviction charge, the offender's prior criminal record, the relationship between the offender and victim, whether the offender used a gun, and the degree of injury to the victim) to separate more serious from less serious cases. Similarly, Paternoster (1984) distinguished among cases based on the number of statutorily authorized aggravating circumstances present in the case.

The empirical approach also differentiates among cases based on the presence or absence of legitimate case characteristics, but the procedures used to identify these characteristics are different. Rather than relying on the researcher's conclusions concerning the characteristics that should influence the case outcome, the empirical approach identifies the legally relevant factors that actually do affect the outcome--that is, those factors that are statistically significant predictors of the outcome in question. Baldus and his colleagues (1990: 55), for example, used

this approach "to determine the relative culpability of different defendants based on the case characteristics that, on a statistical basis, best explained which defendants actually received death sentences."

We used a modified version of the procedures used by Baldus et al. (1990) to create a three-category case seriousness/defendant culpability index. Using the results of the multivariate analyses presented in Tables 3 through 5, we first identified the legal variables that had a significant relationship ($P \leq .05$) with the dependent variable (because of the small number of cases that resulted in incarceration, we could not use these procedures to examine the length of the sentence). We then analyzed each dependent variable using only these significant legal factors and, for each case in the analysis, calculated the predicted probability that the case would result in this outcome. The next step was to examine the frequency distributions for the predicted values and to divide these values into three categories with approximately equal numbers of offenders in each category. Cases with high predicted probabilities were classified as "high culpability/most serious," cases with low predicted probabilities were classified as "low culpability/least serious," and cases between these two extremes were categorized as "mid-culpability/mid-seriousness." The final step was to run separate analyses on the dependent variables for each category of culpability/seriousness, controlling for defendant race and the other variables listed in Tables 3 through 5.

To illustrate this process, we describe the procedures used to test the liberation hypothesis on the decision to incarcerate the offender (jail or prison) or not. We first identified (see Table 5) four legal variables that were significant predictors of the decision to incarcerate: whether the offender was on probation or parole at the time of the crime; the offender's number of prior convictions; the seriousness of the conviction charge; and whether a police officer witnessed the crime. We then ran the logistic² regression analysis using these four variables only and calculated the predicted probability of incarceration for each case. We used these predicted values to create the three culpability/seriousness categories and then used logistic regression analysis to analyze the decision to incarcerate or not separately for each of the three categories.

Results of the Analysis. Building on Kalven and Zeisel's (1966) liberation hypothesis and on previous empirical research testing the hypothesis, we hypothesized that the effect of race on criminal justice case processing decisions would be confined to less serious cases and to cases with weaker evidence. More to the point, we hypothesized that the race of the defendant would affect case outcomes only in the low culpability/least serious and mid-culpability/mid-seriousness categories. Based on the findings of Barnett(1985) and Baldus et al. (1990), who also used a multi-category index of case culpability and who found that race effects

were concentrated in the midaggravation range of cases, we expect that the defendant's race will be most likely to affect case outcomes in the middle category. Like previous researchers, we argue that the appropriate outcome is less obvious in these "borderline" cases than in cases at either end of the continuum; as a result, criminal justice officials have more discretion and thus more opportunities to consider legally irrelevant factors like defendant race.

(Table 7 About Here)

The results of our analyses, which are summarized in Table 7, provide limited support for the liberation hypothesis. As predicted, the effect of race, with one exception, is confined to cases in the mid-culpability/mid-seriousness category, but this effect is found for only three of the seven dependent variables. Relative to their white counterparts, black defendants in the middle category are more likely to be detained, more likely to be convicted of a felony, and more likely to be sentenced to prison. Contrary to our hypothesis, black defendants in the high culpability/most serious category also are more likely than white defendants in this category to be detained prior to trial.

SUMMARY AND DISCUSSION

Our analysis of charging, convicting and sentencing decisions in North Carolina during 1981 and 1982 uncovered no evidence of systematic racial discrimination (Walker et al. 1996). We found

that race directly affected only one of the eight dependent variables we examined. Although black defendants were more likely than white defendants to be convicted of a felony rather than a misdemeanor, they did not face significantly higher or lower odds of pretrial detention, conviction on any charge, incarceration, or imprisonment; the sentences imposed on blacks and whites who were incarcerated also were similar.

We did, on the other hand, find evidence of contextual discrimination. Consistent with previous research on the capital sentencing process, we found that race effects, when they did surface, tended to be confined to cases in the middle category of our culpability/seriousness scale. Race had no effect on the likelihood of pretrial detention for cases generally, but did affect the odds of detention among defendants clustered in the middle category (and, surprisingly, among defendants clustered in the most serious category). Similarly, race did not influence the decision to incarcerate or not for all defendants, but did enhance the odds of incarceration for defendants in the middle category. And the effect of race on the likelihood of a felony conviction, which was significant in the original analysis, also was found to be confined to cases in the middle category of our scale. Our tests for interaction between defendant race and defendant culpability/case seriousness, in other words, revealed two race effects that were masked in the additive analysis and demonstrated

that an effect that did appear in the additive analysis did not hold for all cases.

These results provide support both for the liberation hypothesis and for Hawkins' (1987:724) contention that conflict theory does not necessarily predict that blacks will be treated more harshly than whites "for all crimes, under all conditions, and at similar levels of disproportion over time." Kalven and Zeisel's (1966) liberation hypothesis posits that jurors are most likely to consider legally irrelevant case characteristics in close cases where the evidence of guilt is ambiguous; they are unlikely to allow these legally irrelevant considerations to influence their decision when the evidence is either so weak that an acquittal is clearly the appropriate outcome or so strong that conviction is assured. In accord with this, we found that race effects did not appear in the least serious or weakest cases involving defendants with minimal or no prior records or, with one exception, in the most serious or strongest cases involving defendants with longer criminal histories. Instead, race affected case outcomes only in the ambiguous, borderline cases where the appropriate outcome was not clearly dictated by the seriousness of the crime, the strength of evidence against the defendant, or the defendant's degree of culpability.

It thus appears that ambiguity enhances discretion and provides criminal justice officials with more opportunities to bring extralegal factors to bear on case processing decisions. The

first-time offender who assaults an acquaintance with a weapon other than a gun, for example, may or may not "deserve" to be convicted of a felony or sentenced to prison. In borderline cases like this, criminal justice officials have greater discretion in determining case outcomes, and their biases and stereotyped attitudes toward racial minorities may come into play. Prosecutors and judges who are prejudiced against racial minorities may be motivated by that prejudice to treat black first-time offenders more harshly than white first-time offenders.

Although, as noted earlier, we did not find that defendant race had a consistent effect on case outcomes, our findings do signal the presence of what Bishop and Frazier (1988:243) refer to as "cumulative effects." Their study investigating the influence of race on juvenile justice processing found that race had small, but statistically significant, effects at several stages in the process. We similarly found that among the cases comprising the middle category of our culpability/seriousness index, blacks were treated more harshly than whites at three critical stages in the process. Blacks faced substantially higher odds of pretrial detention, felony conviction, and imprisonment than did whites.

This pattern of cumulative disadvantage has two implications. First, had we focused exclusively on sentencing, we obviously would have missed the evidence of racial discrimination at earlier stages in the process. In fact, the results of our additive analysis of sentencing would have led to a finding of no discrimination.

Clearly, this would have been misleading. Second, the fact that blacks in more ambiguous cases faced significantly greater odds of pretrial detention than whites in these types of cases is particularly important given the fact that pretrial detention was itself a strong predictor of the decision to sentence the offender to prison.³ Thus, blacks are more likely than whites to be held in jail prior to trial; they are more likely than whites to be sentenced to prison both because of their race and because of their pretrial status. These results are consistent with Bishop and Frazier's (1988: 258) conclusion that, "The cumulative effect of differential treatment deserves special emphasis because small differences at individual stages can translate into sizable incremental differences that place [blacks] at a substantial disadvantage relative to whites."

Our findings also confirm the importance of using an interactive rather than an additive model in research exploring the relationship between race and case outcomes. Researchers who assume that the relationship between race and case processing decisions is additive might overestimate the effect of race by concluding that a significant effect in the aggregate signals racial discrimination in all types of cases. These researchers also might underestimate the effect of race by concluding that the absence of a racial effect overall means that criminal justice officials do not discriminate in any cases.

As noted earlier, our purpose in this study was not simply to add to the debate surrounding the issue of racial discrimination in case processing decisions. Rather, our purpose was to broaden the debate by examining the effect of race on a series of case processing decisions and by applying the liberation hypothesis to offenders charged with a variety of felonies. Our results, while not entirely consistent with our hypotheses, add to a growing body of evidence that racial discrimination in the criminal justice system is contextual rather than systematic. Future research should continue to search for the "contexts in which race may be important" (Chiricos and Crawford 1995:301).

NOTES

1. According to Clarke and Kurtz (1983: 478), the principal charge was emphasized during data collection, but some information on companion charges was collected. As they explain, "The principal charge was the charge on which the defendant received the longest active (unsuspended) prison sentence; if acquitted, the principal charge was that with the longest statutory maximum sentence." Most (72.5%; N = 919) defendants were charged with only one offense; an additional 199 defendants (15.7%) were charged with two felonies; the remaining defendants (11.8%) had more than two felony charges.
2. For each dependent variable, we also examined the means (for the dependent variable) for each of the three categories. As expected, the likelihood that cases would result in the particular case outcome varied among the three categories. These "case outcome rates" are displayed below:

	<u>LIKELIHOOD OF CASE OUTCOME</u>		
	Case Culpability/Seriousness		
	Low	Medium	High
Detained	.08	.17	.49
Case Dismissed	.19	.33	.55
Charge Reduced	.12	.18	.31
Convicted	.46	.55	.72
Convicted of			
Felony	.37	.57	.76
Incarcerated	.20	.46	.85
Prison Sentence	.12	.46	.87

3. In the middle category of cases, defendants who were released prior to trial were significantly less likely than those who were detained to be sentenced to prison ($b = -1.26$; $SE = .46$; odds ratio = 0.28).

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Table 1. Dependent Variables: Codes and Frequencies for Black Defendants and White Defendants

Variable	Code	Frequencies by Race of the Defendant				
		Black (N=600)		White (N=668)		
		N	%	N	%	
Defendant Detained Prior to Trial	1=yes	202	34.4	119	18.2	**
	0=no	385	65.6	535	81.8	
Principal Charge Dismissed	1=yes	236	39.3	222	33.2	*
	0=no	364	60.7	446	66.8	
Recommendation to Reduce any Charge as part of a Plea Bargain	1=yes	127	21.2	131	19.6	
	0=no	473	78.8	537	80.4	
Convicted ^b	1=yes	333	55.5	399	59.7	
	0=no	267	44.5	269	40.3	
Convicted of a Felony ^c	1=yes	182	54.7	181	45.4	*
	0=no	151	45.3	218	54.6	
Sentenced to Jail or Prison	1=yes	176	52.9	164	41.1	*
	0=no	157	47.1	232	58.9	
Sentenced to Prison	1=yes	147	44.1	124	31.1	*
	0=no	186	55.9	275	68.9	
Maximum Sentence (months)	Mean	53.72		35.61		*

^aWe used one-way analysis of variance to test the hypothesis that there were no differences among the two racial groups and to identify the pairs of means that were significantly different.

^bCases involving defendants who were convicted of a felony or misdemeanor were coded "1"; if all charges were dismissed or if the defendant was acquitted at trial, the case was coded "0."

^cincludes only defendants who were convicted; cases in which all charges were dismissed or the defendant was acquitted at trial are excluded.

Table 2. Independent Variables: Codes and Frequencies for Black Defendants and White Defendants

Variable	Code	Frequencies by Race of the Defendant				
		Black (N=600)		White (N=668)		
		N	%	N	%	
Offender Characteristics						
Gender	1=female	76	12.7	88	13.2	
	0=male	524	87.3	580	86.8	
Age at Arrest	Mean	26.43		26.57		
Local Resident	1=yes	547	91.2	525	78.6	**
	0=no	53	8.8	143	21.4	
Employment Status	1=unemployed	207	34.5	183	27.4	*
	0=employed	393	65.5	485	72.6	
Offender on probation/parole	1=yes	128	21.3	81	12.1	*
	0=no	472	78.7	587	87.9	
Number of Prior Convictions	Mean	2.27		1.67		*
Measures of Case Seriousness						
Number of felony Charges	Mean	1.51		1.49		
Seriousness of Original Charge						
Murder/Manslaughter		17	2.8	15	2.2	
Assault		77	12.8	70	10.0	
Robbery		48	8.0	19	2.8	
Other Violent Felony		30	4.9	39	5.8	
Burglary		224	37.3	207	30.9	
Larceny		89	14.9	99	14.8	
Sale of Drugs		20	3.3	54	8.1	
Possess Drugs		35	5.8	96	14.4	
Other Felony		60	10.1	69	10.3	
Statutory Maximum Sentence for Original Charge (mean)	Months	227.98		165.52		*
Seriousness of Conviction Charge						
Murder/Manslaughter		13	3.9	7	1.8	
Assault		9	2.7	8	2.0	
Robbery		25	7.5	7	1.8	
Other Violent Felony		6	1.8	12	3.0	
Burglary		69	20.7	54	13.5	
Larceny		24	7.2	25	6.3	
Sale of Drugs		12	3.6	14	3.5	
Possess Drugs		7	2.1	35	8.8	

Table 2, continued

Variable	Code	Frequencies by Race of the Defendant			
		Black (N=600)		White (N=668)	
		N	%	N	%
Other Felony		17	5.1	19	4.8
Misdemeanor Assault		27	8.1	29	7.3
Misdemeanor Breaking & Entering		38	11.4	29	7.3
Misdemeanor Larceny		34	10.2	46	11.5
Misdemeanor Fraud		22	6.6	23	5.8
Misdemeanor Drug		13	3.9	49	12.3
Other Misdemeanor		17	5.1	27	6.8
Statutory Maximum Sentence for Conviction Charge (mean)	Months	118.83		71.46	*
Offender had Companion Convictions	1=yes 0=no	62 538	10.3 89.7	75 593	11.2 88.8
Offender used Firearm	1=yes 0=no	59 541	9.8 90.2	56 612	8.4 91.6
Offender used other Weapon	1=yes 0=no	74 526	12.3 87.7	53 615	7.9 92.1
Measures of Strength of Evidence					
Police Officer Witnessed the Crime	1=yes 0=no	162 438	27.0 73.0	242 426	36.2 63.8
Eyewitness Other than Police Officer	1=yes 0=no	447 153	74.5 25.5	484 184	72.5 27.5
Defendant Confessed	1=yes 0=no	229 371	38.2 61.8	205 463	30.7 69.3
Physical Evidence	1=yes 0=no	258 342	43.0 57.0	330 338	49.4 50.6
Case Characteristics					
Amount of Bail (dollars)	Mean	3368		3186	
Pretrial Status	1=released 0=detained	145 185	43.9 56.1	102 192	25.9 74.1
Type of Attorney	1=private 0=public	129 471	21.5 78.5	303 365	45.4 54.6
Mode of Disposition	1=trial 0=plea	27 314	7.9 92.1	21 384	5.2 94.8

Table 2, continued

Variable	Frequencies by Race of the Defendant			
	Black (N=600)		White (N=668)	
	N	%	N	%
<u>County Where Case Adjudicated</u>				
Anson	29	4.8	4	0.6
Buncombe	51	8.5	138	20.7
Cherokee	0	0.0	11	1.6
Craven	41	6.8	59	8.8
Granville	24	4.0	20	3.0
Harnett	39	6.5	22	3.3
Mecklenburg	300	50.0	146	21.9
New Hanover	48	8.0	114	17.1
Pasquotank	27	4.5	22	3.3
Rockingham	32	5.3	57	8.5
Rutherford	9	1.5	61	9.1
Yancey	0	0.0	14	2.1

^aWe used one-way analysis of variance to test the hypothesis that there were no differences among the two racial groups and to identify the pairs of means that were significant different.

TABLE 3. LOGISTIC REGRESSION MODELS OF PRETRIAL DECISIONS

Variable	Detained Prior to Trial			Case Dismissed			Charge Reduced		
	b	SE	Odds	b	SE	Odds	b	SE	Odds
<u>Offender Characteristics</u>									
Race (Black=1)	.38	.20	1.46	.10	.16	1.11	.09	.18	1.09
Gender (Female=1)	-.43	.33	0.65	.72	.21	2.05*	-.89	.28	0.41*
Age at Arrest	.01	.01	1.01	.00	.01	1.00	.00	.01	1.00
Local Resident	-.99	.27	0.37*	-.03	.21	1.03	.00	.25	0.99
Unemployed	.65	.19	1.91*	-.17	.16	0.84	.31	.18	1.36
On Probation/Parole	.43	.23	1.54	-.21	.21	0.81	.19	.23	1.20
No. of Prior Convictions	.12	.03	1.13*	-.03	.03	0.97	-.08	.04	0.93*
<u>Measures of Case Seriousness</u>									
No. of Felony Charges	.11	.10	1.11	-.56	.11	0.57*	-.11	.10	0.89
Block of 9 Charge Dummy Variables ^a	NS			*			*		
Statutory Maximum Sentence	.00	.00	1.00	.00	.00	1.00	.00	.00	1.00
Firearm Used	.75	.97	2.13	.96	.57	2.61	-.78	.63	0.46
Other Weapon Used	.75	.99	2.12	.56	.57	1.76	-.27	.64	0.77
<u>Strength of Evidence</u>									
Cop Witnessed Crime	-.01	.27	0.99	-.69	.23	0.50*	.38	.26	1.46
Other Eyewitness to Crime	-.13	.23	0.88	-.43	.18	0.65*	.15	.21	1.17
Defendant Confessed	.08	.19	1.08	-.83	.16	0.44*	.55	.17	1.74*
Physical Evidence	-.64	.23	0.53*	-.13	.18	0.88	-.25	.20	0.78
<u>Case Characteristics</u>									
Amount of Bail	.002	.00	1.02*	NA			NA		
Private Attorney	-2.24	.32	0.11*	-.24	.16	0.79	.30	.19	1.34
Block of 12 County Dummy Variables ^b	*			*			*		
Constant	-.68 1.48			.98 1.02			-1.59 1.11		
N of Cases	1199			1201			1201		

^aThe charge categories are murder/manslaughter, assault, robbery, other violent felony, burglary, larceny, sale of drugs, possession of drugs, and other felony. Murder is the reference category in the analysis. The block of charge variables had a statistically significant effect on the decision to dismiss the charges and on the decision to reduce the severity of the primary charge, but did not affect the decision to detain the defendant prior to trial.

^bWe included a block of variables measuring the 12 counties included in the study. Mecklenburg County is the reference category. The county where the case was adjudicated was a significant predictor of all three case outcomes.

TABLE 4. LOGISTIC REGRESSION MODELS OF CONVICTION DECISIONS

Variable	Conviction Versus Dismissal/Acquittal ^a			Felony Conviction Versus Misdemeanor Conviction ^b		
	b	SE	Odds	b	Se	Odds
<u>Offender Characteristics</u>						
Race (Black=1)	-.09	.15	0.92	.49	.22	1.63*
Gender (Female=1)	-.71	.21	0.49*	.00	.34	0.99
Age at Arrest	-.01	.01	0.99	-.01	.01	0.99
Local Resident	.21	.19	1.24	-.69	.29	0.50*
Unemployed	.34	.15	1.40*	.02	.22	1.02
On Probation/Parole	.04	.20	1.04	.41	.28	1.51
No. of Prior Convictions	.03	.03	1.03	.17	.04	1.18*
<u>Measures of Case Seriousness</u>						
No. of Felony Charges	.40	.09	1.49*	.86	.12	2.36*
Block of 9 Charge Dummy Variables ^c		*			*	
Statutory Maximum Sentence	.00	.00	1.00	.006	.002	1.006*
Firearm Used	-.80	.51	1.45	1.93	1.00	6.93
Other Weapon Used	-.52	.51	0.60	1.43	1.00	4.19
<u>Strength of Evidence</u>						
Cop Witnessed Crime	.65	.22	1.92*	.04	.32	1.04
Other Eyewitness to Crime	.17	.18	1.19	.13	.28	1.14
Defendant Confessed	.96	.16	2.61*	.88	.22	2.40*
Physical Evidence	.21	.17	1.23	.03	.25	1.03
<u>Case Characteristics</u>						
Private Attorney	.38	.16	1.47*	.09	.23	1.09
Detained Prior to Trial	.65	.18	1.91*	.37	.25	1.44
Block of 12 County Dummy Variables ^d		*			*	
Constant	-1.31	.98		-5.17	1.93	
N of Cases		1234			720	

^aCases in which the defendant pled guilty or was convicted are coded 1; cases in which all charges against the defendant were dismissed or in which the defendant was acquitted at trial are coded 0.

^bIncludes only cases that resulted in a conviction. Cases that resulted in a felony conviction are coded 1; cases that resulted in a misdemeanor conviction are coded 0.

^cThe charge categories are murder/manslaughter, assault, robbery, other violent felony, burglary, larceny, sale of drugs, possession of drugs, and other felony. Murder is the reference category in the analysis. The block of charge variables had a statistically significant effect on both of the dependent variables.

^dWe included a block of variables measuring the 12 counties included in the study. Mecklenburg County is the reference category. The county where the case was adjudicated was a significant predictor of both case outcomes.

TABLE 5. LOGISTIC REGRESSION MODELS OF SENTENCING DECISIONS

Variable	Sentenced to Jail or Prison			Sentenced to Prison		
	b	SE	Odds	b	SE	Odds
<u>Offender Characteristics</u>						
Race (Black=1)	-.27	.23	0.76	-.04	.27	0.96
Gender (Female=1)	-.52	.37	0.60	-.81	.46	0.44
Age at Arrest	-.01	.01	0.99	-.01	.01	0.99
Local Resident	.07	.31	1.07	.01	.35	1.01
Unemployed	.05	.22	1.05	.22	.25	1.25
On Probation/Parole	1.17	.30	3.22*	1.42	.31	4.15*
No. of Prior Convictions	.17	.04	1.19*	.18	.05	1.20*
<u>Measures of Case Seriousness</u>						
Companion Convictions	.50	.29	1.65	.80	.31	2.23*
Block of 15 Charge Dummy Variables ^a		*			*	
Statutory Maximum Sentence	.003	.003	1.00	.001	.002	1.00
Firearm Used	1.01	.67	2.73	1.45	.84	4.28
Other Weapon Used	.08	.68	1.08	.62	.83	1.86
<u>Strength of Evidence</u>						
Cop Witnessed Crime	.88	.32	2.41*	.47	.37	1.60
Other Eyewitness to Crime	.51	.28	1.67	.36	.32	1.43
Defendant Confessed	-.39	.23	0.67	-.44	.25	0.65
Physical Evidence	-.24	.26	0.79	-.24	.30	0.79
<u>Case Characteristics</u>						
Defendant Released Prior to Trial	-1.44	.25	0.24*	-1.47	.28	0.23*
Private Attorney	-.26	.26	0.79	-.30	.30	0.79
Bench/Jury Trial	1.39	.57	4.03*	1.29	.60	3.62*
Block of 12 County Dummy Variables ^b		*			*	
Constant	1.64	1.24		1.71	1.24	
N of Cases		722			722	

^aThe charge categories are murder, assault, robbery, other violent felony, burglary, larceny, sale of drugs, possession of drugs, other felony, misdemeanor assault, misdemeanor breaking and entering, misdemeanor larceny, misdemeanor fraud, misdemeanor drugs, and other misdemeanor. Murder is the reference category in the analysis. The block of charge variables had a statistically significant effect on both of the dependent variables.

^bWe included a block of variables measuring the 12 counties included in the study. Mecklenburg County is the reference category. The county where the case was adjudicated was a significant predictor of both case outcomes.

* P ≤ .05

TABLE 6. OLS REGRESSION MODEL OF SENTENCE LENGTH

Variable	B	Beta	T
<u>Offender Characteristics</u>			
Race (Black=1)	8.55	.06	1.26
Gender (Female=1)	-6.71	-.02	0.47
Age at Arrest	0.17	.02	0.47
Local Resident	2.20	.01	0.23
Unemployed	7.00	.05	1.01
On Probation/Parole	-3.74	-.02	0.49
No. of Prior Convictions	1.48	.07	1.33
<u>Measures of Case Seriousness</u>			
Conviction Charge^a			
Murder	118.40	.37	6.12*
Robbery	49.11	.28	2.94*
Other Violent Felony	34.77	.12	2.31*
Burglary	28.72	.17	3.00*
Larceny	21.98	.09	1.80
Drug Offenses	31.05	.11	1.96
Other Felony	-6.39	-.02	0.39
Firearm Used	50.22	.23	3.42*
Other Weapon Used	-7.84	-.03	0.53
<u>Strength of Evidence</u>			
Cop Witnessed Crime	-0.61	.00	0.06
Other Eyewitness to Crime	-0.21	.00	0.25
Defendant Confessed	-3.35	-.02	0.47
Physical Evidence	13.12	.09	1.68
<u>Case Characteristics</u>			
Defendant Released Prior to Trial	-33.98	-.23	4.47*
Private Attorney	15.34	.09	1.77
Bench/Jury Trial	70.58	.26	5.02*
Small County ^b	-8.61	-.05	1.03
		R²	.48
		N of Cases	309

^a Conviction for a misdemeanor offense is the reference category.

^b Because of the small number of cases, we could not use each of the 12 counties as a control. Instead, we used a variable measuring the size of the county.

* $P \leq .05$

TABLE 7. THE EFFECT OF RACE ON CASE OUTCOMES, CONTROLLING FOR OFFENDER CULPABILITY/CASE SERIOUSNESS*

Dependent Variables	Low Culpability/ Least Serious			Mid-Culpability/ Mid-Seriousness			High Culpability/ Most Serious		
	B	SE	Odds	B	SE	Odds	B	SE	Odds
Detained Prior to Trial	.52	.42	1.68	1.11	.35	3.03*	.94	.27	2.55*
Charges Dismissed	.26	.28	1.29	.20	.26	1.22	.38	.23	1.46
Principal Charge Reduced	.28	.35	1.32	-.08	.29	0.92	-.04	.23	0.96
Convicted	-.41	.26	0.66	-.20	.22	0.82	-.36	.27	0.70
Convicted of a Felony	-.38	.46	0.68	1.39	.37	4.02*	.20	.33	1.23
Sentenced to Jail/Prison	-.09	.35	0.91	-.34	.36	0.71	.28	.54	1.33
Sentenced to Prison	.66	.40	1.93	.97	.42	2.62*	.40	.63	1.89

*The procedures used to define the three levels of culpability/seriousness are described in the text. We ran separate analyses on cases in each category, controlling for the race of the defendant and for the other independent variables listed in Tables 3 through 5. Because blacks are coded "1" and whites are coded "0," a positive coefficient indicates that blacks are more likely than whites to receive the particular outcome.

* $P \leq .05$

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