

**PERCEPTIONS AND PROCESS IN LEGAL DECISION-MAKING:
RACIAL AND ETHNIC DIFFERENCES IN THE PRE-TRIAL
ASSESSMENT OF CRIMINAL DEFENDANTS**

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ABSTRACT

This study focuses on how defendants' race or ethnicity influence the formation of court officials' perceptions and assessments. In particular, our study moves beyond black/white differences, by including other racial and ethnic groups. Our analysis combines information from pre-trial screeners' written accounts and administrative data for a sample of adult pre-trial decisions. This study finds that the mechanisms mediating the influence of race and ethnicity on negative assessments of criminal defendants varies depending on the defendant's racial or ethnic group. Most interestingly, we found that "being Hispanic" had an independent, direct effect. We discuss the implications of this finding with brief qualitative excerpts from interviews with pre-trial screeners.

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The classification and treatment of clients has been a central question across a variety of disciplines—no more so than in the study of criminal courts and legal decision-making. The process of classification connects treatment decisions to professionals' perceptions and assessments of the characteristics of clients and their problems. In other words, perceptions influence treatment decisions through the classification of clients into meaningful diagnostic categories (Bridges and Steen 1998; Gilboy 1991; Heimer and Staffen 1995; Roth, 1972; Sudnow 1965; Swigert and Farrell 1977). The process of classification is critical to our understanding of legal processes and decision-making. Organizational demands to process large numbers of defendants and their cases may foster the routine use of this classification process (Albonetti 1991; Farrell and Holmes 1991; Farrell and Swigert 1978). High case loads promote an organizational need to classify or evaluate defendants quickly. Through formal and informal socialization experiences, officials learn how to identify and classify defendants (Kelly 1996), and what characteristics and explanations are salient. These shared classification processes allow officials to routinize their decision-making (Farrell and Holmes 1991; Rubington and Weinberg 1973), and promote the timely handling of cases (Kelly 1996; Scheff, 1966; Sudnow 1965).

Much of the work of court officials involves distinguishing between defendants, according to their backgrounds and the perceived risk of future offending (Emerson 1969;

Sudnow 1965). When making recommendations and decisions, court officials rely, in part, on perceptions and typifications of the defendant's dangerousness, blameworthiness and future behavior. Traditional analyses of legal decision-making are often restricted to the objective characteristics of defendants and their crimes, and thus overlook how these characteristics are transformed into judgments of "dangerous," "blameworthy," or "untreatable." Yet ethnographies of courts have repeatedly shown that the subjective assessments of criminal defendants by court officials shape the outcomes of criminal cases (e.g. Cicourel 1968; Emerson 1969; Sudnow 1965). Thus, obtaining information about criminal defendants and their backgrounds and cases becomes a search for meaning about the characters of defendants, the causes of their behavior and the prospects of re-offending.

As court officials interact with criminal defendants, they develop mental images of the types of clients and the likely causes of their problems and behaviors. The resulting typifications then influence the way defendants are processed and treated. Some studies argue that the classification of defendants is often based on similarities to other defendants that officials have processed in the past (Albonetti 1991; Albonetti and Hepburn 1996; Emerson 1969, 1983, 1991; Sudnow 1965). Other research indicates that professionals attribute meanings to past and future behavior consistent with stereotypes associated with membership in particular social categories (Fountain and Emily 1978).

Because this categorization of defendants determines the type of treatment outcome, officials' perceptions and judgments of defendants become theoretically and substantively important. Differential perceptions may result in different diagnoses and treatments, even for individuals with similar problems and needs (Bridges and Steen

1998; Heimer and Staffen 1995). Accordingly, inequalities in classifying what “kind” of defendant and problem is involved may foster inequities in punishment outcomes (Bridges and Steen 1998). This suggests that by examining these perceptions and categories, we may better understand how patterns of inequality in the larger community are reproduced in legal institutions (Bridges and Steen 1998; Farrell and Holmes 1991).

In this study, we focus on how defendants’ race or ethnicity influence the formation of court officials’ perceptions and assessments, as reflected in short written narratives. Using data from bail decisions for a sample of adult criminal defendants, this analysis explores the relationship between the race or ethnicity of defendants, and officials’ perceptions about their behaviors. Pre-trial decisions are particularly important—although often overlooked—stage of legal processing. Research has shown that decisions made at this early stage have a strong and persuasive influence on subsequent decisions and outcomes, especially case disposition. Defendants who are detained pre-trial are more likely to receive severe sentences, particularly imprisonment (e.g., Frazier and Cochrane 1986; Landes 1974; Wheeler and Wheeler 1980). These findings highlight the importance of understanding how race and ethnicity influence officials’ perceptions at these early processing stages.

RACE, ETHNICITY AND THE ASSESSMENT OF DEFENDANTS

Previous studies have explored how a defendant’s social standing influences the severity of punishments imposed by the courts. Findings, however, have been mixed. In particular, research on racial disparities in criminal dispositions reveals inconsistent results. (For a recent review, see Sampson and Lauritsen 1997). At the same time,

sociological theories of law and social control rely (often implicitly) on the notion of racial and ethnic stereotypes in explaining racial disparities in the disposition of criminal defendants. If minority defendants are seen as dangerous or habitual offenders, they “are seen as more villainous and therefore as deserving of more severe penalties” (Peterson and Hagan 1984, p.67). By incorporating how court officials perceive and respond to the defendants they process, our theories of law and social control may more effectively identify how race and other defendant characteristics are linked to court responses.

Race and ethnicity are markers that many scholars believe directly influence how officials evaluate defendants and their cases. For example, Cicourel’s (1968) analysis of juvenile courts suggested that minorities were more likely than whites to be seen as disrespectful of authority and, more importantly, disrespectful of court officials. Tittle and Curran (1988) argued that officials may be reacting (either through resentment or fear) to traits stereotypically associated with minority youth, such as aggressiveness and lack of discipline. Bridges and Steen (1998) found that probation officers more frequently attributed black youths’ offending to negative attitudinal and personality traits, while stressing environmental explanations for the offending of white youths. Other analyses provide anecdotal evidence that minority defendants, despite similar offenses and criminal histories, are seen differently than whites, often as more dangerous and threatening (Bridges and Conley 1995; Bridges, Crutchfield and Simpson 1987; Farrell and Swigert 1978; Peterson and Hagan 1984; Tonry 1995).

Although research suggests that court officials use the defendant’s attitude as an aggravating or mitigating factor in determining an appropriate recommendation or sentence, the relationship between race and ethnicity, and attitudinal typifications remains

largely unexplored (Ulmer and Kramer 1996). Few studies offer a rigorous comparison of racial and ethnic differences in officials' perceptions or typifications. In this study, we address two issues about racial and ethnic differences in officials' perceptions that, to date, remain unresolved.

First, are racial and ethnic differences mediated through case and other legal characteristics? Overall, there is limited evidence available to disentangle the effects of race and ethnicity independent of offense seriousness and prior offending history on officials' perceptions (cf. Bridges and Steen 1998; Drass and Spencer 1987). However, research indicates that minority defendants have increased contacts with the legal system (for a variety of reasons, such as differential arrest practices and differential access to educational and legal resources), and often face more serious charges. If prior criminal history and offense seriousness are integral to perceptions of risk and danger, then we would anticipate more negative perceptions and judgments of minority defendants, their cases and motivations.

Second, is the relationship between race/ethnicity and officials' perceptions similar across racial and ethnic groups? Most research has focused primarily on black/white differences, neglecting how different racial and ethnic groups may result in differential types of attributions about their characters and behavior. We cannot necessarily assume, for example, that the effect of being an African-American defendant is the same as the effect of being a Hispanic defendant. Some recent research suggests that being Hispanic may increase perceptions of risk and "threat" by officials (Steffensmeier and Demuth 2000). There are two particular reasons for hypothesizing that Hispanic defendants may be perceived differently by court officials than African-

American (and other) defendants. First, according to conflict perspectives of legal decision-making, the growth of the Hispanic population in our communities represents an increasing threat to elites' economic and cultural interests (Bridges, Crutchfield and Simpson 1987; Engen, Steen and Bridges 2002; Hawkins 1987; Liska 1992; Tittle and Curran 1988).¹ Second, cultural and linguistic differences, combined with social and economic problems such as unemployment and poverty, may mean that Hispanic defendants are particularly disadvantaged in the legal system (Steffensmeier and Demuth 2000). In our study jurisdiction, a significant proportion of Hispanics are temporary seasonal workers, who are "wintering" in more urban areas. Together, these conditions suggest that Hispanics will be increasingly viewed as "risks" and "threats" (Liska and Yu 1992; Steffensmeier and Demuth 2000), and in turn, as more unreliable and prone to violence.

STUDY DESIGN

The current study focuses on pre-trial (or bail) assessments of 803 felony cases processed in King County, Washington between the years of 1994 and 1996. These cases represent a sub-sample of a larger sample of pre-trial cases (see Bridges 1997).² The initial sample of 1,658, stratified by sex and race (African-American/white/other), was selected from the administrative tracking database maintained by the King County Prosecuting Attorney's office.³ Of these pre-trial cases, 803 (or 48.4%) were processed through the jail and had completed pre-trial interviews.⁴ The remaining 591 cases were initiated by the filing of charges and the issuance of a summons. Not surprisingly, those

cases in our sub-sample were more likely to be minorities, male, held for more serious offenses, and arrested for drug or violent incidents.

The primary source of data was the pre-trial interview sheets completed by pre-trial screeners for the court for bail hearings. The role of the pre-trial screeners is to collect and summarize information about defendants, and thus provide reliable information for judges making decisions about release and bail. The interview summaries are completed after the screener interviews the defendant, and attempts to verify address, employment and family information with defendant-supplied references. These summaries supply information about defendants' ties to the community, and typically conclude with the screener's assessment of the defendants' stability and his/her recommendation regarding pre-trial release. We drew demographic and case information from court files and from the administrative database maintained by the prosecutor's office. In addition, transcribed interviews of 20 court officials, including pre-trial interviewers and prosecutors, were used to supplement our interpretation of the statistical analyses.

CHARACTERISTICS OF THE OFFENSE

Four characteristics of the presenting offense were included in our analysis. The *seriousness of the presenting offense* was measured using the severity score of the offense as outlined by the Washington State Sentencing Reform Act. Severity scores may range from one to fifteen, with higher values indicating the more serious offenses. The *type of offense* and the *presence of multiple incidents* or charges were included as dichotomous

variables (1 = the presenting offense is a violent offense; 1 = the presenting offense is a drug offense; 1 = more than one charge is present in the defendant's file).

CHARACTERISTICS OF THE DEFENDANT

Demographic variables included are the defendant's *sex*, *age* and *race/ethnicity*. To extend the analysis beyond the traditional black/white dichotomy, we included dummy variables for African-American, Hispanic⁵ and Native American in our analysis. As such, the reference category is white, Asian and other unspecified ethnic groups. In addition, we included measures of the defendant's prior legal history. The defendant's *prior criminal history* and *previous failures to appear* at a scheduled court hearing were included as dichotomous variables (1 = has a prior criminal history; 1 = has previously failed to appear for a court hearing).

Finally, Washington state law specifies that a defendant's *ties to the community* are an important factor in determining conditions of pre-trial release and bail. Pre-trial interviews are designed to collect information about defendants' backgrounds and community ties, so that the court has a reliable foundation for its decision. In particular, pre-trial interviewers are asked to indicate whether each defendant has a stable residence and/or employment. Each of these items was coded as 1 (yes) or 0 (no). The items were then added together to create the community ties index (Cronbach's $\alpha=0.59$). Thus, scores may range from 0 (the defendant has neither residential nor employment ties) to 2 (the defendant has both residential and employment ties in the area).

OUTCOME VARIABLE

This study focuses on the negative assessment of the defendant made by the pre-trial screener. In addition to noting the presence or absence of community ties, interviewers also wrote short summaries or narratives about the defendant's character. Table 1 provides some examples of the types of accounts provided by the interviewers. Some narratives are characterizations of defendants as "unstable" and bad risks; others are ambivalent descriptions of community ties and booking histories. Only by looking at these narratives do we get a complete picture of the interviewer's perception of the defendant. For example, a screener might make a positive comment about the defendant's employment (i.e. "He's looking really hard for a job"), even if he did not have a job. Likewise, a defendant could have a job, but receive a negative comment (e.g. "He switches jobs often"). In other words, a given characteristic (or lack of) may be interpreted positively or negatively. Thus from these narratives, we can gain a measure of the screener's perception of the defendant.⁶

[TABLE 1 ABOUT HERE]

For each defendant, comments about five categories of social ties—residence, employment, income, family and general ties to the area—were coded as either negative (-1), neutral (0), or positive (+1). The absence of a comment for a category was treated as indicating that it was not considered an important factor in assessing the defendant (i.e. neutral).⁷ The scores for each category were then summed to create an overall score.

This final score was multiplied by -1, such that *higher* scores equate to *more negative* assessments of the defendant (Cronbach's $\alpha = 0.56$).

ANALYSIS AND RESULTS

We examine the relationship between race and ethnicity and negative typifications, adjusting for legal and other status characteristics. Our concern is to explain how race and ethnicity influence pre-trial interviewers' assessments of defendants' crimes and backgrounds. The analysis of pre-trial interviewer narratives reveals racial and ethnic differences in their assessments. Table 2 provides descriptive statistics by race/ethnicity for all variables included in the analysis. Interestingly, there were significant racial and ethnic differences in legal characteristics of defendants' cases (except for multiple charges). Native American defendants were more likely to have a record of failures-to-appear for court hearings (22.6%) and be held for violent incidents (30.2%); Hispanic defendants were more likely to be arrested for drug-related incidents (63.2%). African-American (41.7%) and Native American (43.4%) defendants were more likely to have a prior criminal history. There were also racial and ethnic differences in community ties, with Hispanic and Native American defendants having the lowest mean scores (0.44 and 0.36 respectively). However, all defendants had few ties to the community, regardless of race or ethnicity. Finally, officials' *negative* assessments of defendants differed significantly by race and ethnicity. Hispanic defendants had the highest mean score on negative typifications (1.0), while the reference category (white/Asian/other) had the lowest (-0.1).⁸

[TABLE 2 ABOUT HERE]

To identify the role of race/ethnicity in generating officials' negative assessments about defendants and their backgrounds, we conducted three sets of regression analyses.⁹ The first model adjusted for the influence of other status characteristics (namely, age and sex). The second model added case and legal characteristics, including the nature of the offense and the extent of prior contacts with the criminal courts. The final model includes the community ties index. Table 3 shows the results of the regression analyses of officials' negative typifications on defendants' demographic backgrounds and legal characteristics.

[TABLE 3 ABOUT HERE]

Three findings are particularly noteworthy. First, the effect of race and ethnicity on officials' negative assessments is in part mediated by case and other legal characteristics. Model 1 shows that after adjusting for sex and age, being black, Hispanic or Native American¹⁰ significantly increases negative assessments by pre-trial interviewers. Of these, being Hispanic (in comparison to defendants of white, Asian and other unspecified ethnic background) was the strongest predictor of a negative typification ($\beta_1=0.145$).¹¹ However, these effects are *reduced* or *disappear* when case and other legal characteristics were added to the model (see models 2 and 3 in Table 3), indicating that the influence of race and ethnicity on negative assessments is, completely or partially, indirect. Perhaps the more striking finding is that these mediating

mechanisms vary by the defendant's race/ethnicity. The effect of being a black defendant disappears in model 2 with the inclusion of measures for the seriousness and nature of the offense and prior legal history ($b_1=0.281$, $p_1<0.05$; $b_2=0.144$, n.s.). The effect of being Native American also disappears, but only after we control for defendants' ties to the community in model 3 ($b_1=0.749$, $p_1<0.01$; $b_2=0.665$, $p_2<0.01$; $b_3=0.305$, n.s.).¹² Of particular interest is the finding of a *direct effect* for being a Hispanic defendant. Although the size of the estimated coefficient is almost halved (model 3 compared to model 1), being Hispanic significantly increases negative assessments by pre-trial interviewers, even after adjusting for legal factors, the extent of community ties, and other demographic attributes. Clearly, there is something meaningful about "being Hispanic," beyond the measured characteristics in our model.

Second, the influence of offense and other legal characteristics on negative typifications generally conformed to our expectations (see model 3). As the seriousness of the offense increases, assessments become increasingly negative ($b_3=0.055$, $p_3<0.05$). On average, defendants with a criminal history receive more negative assessments than defendants without a known prior history of offending ($b_3=0.319$, $p_3<0.01$). Perhaps most surprising is the unexpected direction of the estimated coefficient for being held for a violent offense on negative assessments by pre-trial interviewers. On average, defendants with violent offenses had lower negative typifications scores, in comparison to defendants arrested for non-drug property incidents. To some extent, this reflects the difficulty of partialling out the effects of violence, independent of charge seriousness. As the legislative-based seriousness score increases, so does the likelihood that the offense involved violence. Specifically, about one-third of cases involving violent offenses had

charge seriousness scores that are only available for violent offenses. However, we also believe that the mix of minor and serious violence in this measure compounds the problem. This could result in two possibilities. If minor incidents of violence (e.g. a drunken fight among friends outside a bar) are generally perceived as excusable, but premeditated assaults on a stranger are seen as threatening, then the different directions of these effects may result an anomalous finding for violence. Or, pre-trial screeners may provide fewer justifications in cases of violence. Cases of serious violence may mean less discretion is involved, and thus, decisions do not require strong justification or support; however, in cases of minor violence, there may be more ambiguity over the appropriate outcome, which results in stronger and more explicit assessments about the defendant.

Third, the most influential factor on negative assessments by pre-trial interviewers is the presence of ties to the community ($\beta_3 = -0.538$).¹³ As the primary function of the interviewers is to collect and assess ties to the community, it is not surprising that a defendant's community ties is the most important factor in explaining pre-trial interviewers' assessments of defendants. This suggests that the appearance of "transience" or "instability" is crucial to understanding pre-trial assessments of defendants. As the presence of community ties are differentially distributed by race/ethnicity, differential access to socio-economic resources and cultural differences in lifestyle may become important to explaining racial and ethnic differences in assessments and pre-trial outcomes.

DISCUSSION AND CONCLUSIONS

This study demonstrates that there are significant racial and ethnic differences in the pre-trial assessments of criminal defendants made by court officials. More importantly, these results show interesting differences in the ways race and ethnicity influence the legal decision-making process. The mechanism mediating the influence of race and ethnicity on negative assessments varies depending on the defendant's racial or ethnic group. The assessments of black defendants may be attributable to their case characteristics, such as the nature of the offense and prior legal history. In contrast, Native American defendants have generally "weaker" community ties, which in turn, leads to differences in pre-trial assessments. Most interesting was the case of Hispanic defendants. The results showed that the effect of being Hispanic remained, independent of other social and legal factors.

Interviews with court officials, conducted during the course of this research, suggest a plausible interpretation of these findings. From the perspective of many officials, race and ethnicity was seen as strongly correlated with instability and transience. However, one particular group—Hispanics—was frequently identified as problematic defendants. For instance, although officials often began their responses in terms of the crimes and backgrounds of minorities in general, their examples tended to focus predominantly on Hispanic defendants and their problems. The following two excerpts illustrate this issue:

Well this is one of the things about these sheets—the court services interview sheets. If you look through, say, a week's worth, you'll find the Hispanics may have been in the state only a relatively short time. I've had cases where the defendant had been in Seattle one day when he was arrested. You'll find one day, one week, one month. Naturally, they don't know their address. They can

tell you they stay at the Salvation Army, but, they just came here. Now how are you going to release somebody like that? And they will all be Hispanics.

Minorities might be a little more transient. Seems like maybe they're moving around more and we have trouble pinning them down. Especially the Hispanic population. You know there's probably a pretty high figure there. And they are, as a group, quite transient.

This classification of Hispanics as problem defendants is also complicated by language difficulties. Language barriers make it difficult to obtain clear information about defendants' backgrounds, which in turn enables these perceptions of transience and instability to remain unquestioned.

Further, the examples provided by some officials suggest that Hispanic defendants as a group were perceived as "tainted by illegality." The image of Hispanic defendants is colored by perceptions that these defendants may be transient, living off small street drug sales and perhaps be illegal immigrants. In other words, their very identities may be questioned. For example:

And I think [stability] varies in terms of minorities. To me, it did not make a difference what a person's race was, but in terms of, for example, Hispanics, the likelihood that they are not from the area, that they have come here from another country, that they are not in the country legally, that there is some question as to their identity, and the fact that they often moved to the area from some other location outside the United States and are selling drugs to support themselves for which the penalties are severe. That clearly impacts the number of Hispanics that are in jail—limited local ties, if any, questionable legality in the country, and they are doing crime obviously to support themselves on the street that [sic] offers severe penalties in prison.

Our conclusions based on these interviews are limited. We are not able to determine how representative these perceptions are among officials within the criminal

justice system. However, these interviews provide some evidence that Hispanic defendants may be typified in a way that is fundamentally different from other racial and ethnic groups.

The results of our study demonstrate the importance of disentangling the influences of different racial and ethnic groups, and not relying on a blanket “minority” category. The effect of being a black defendant is significantly different than the effects of being Hispanic, at least at the pre-trial stage. There is a complex interplay of direct and indirect effects through different mediating factors in the relationship between race/ethnicity, case and legal characteristics and officials’ assessments. However, this study does not address two issues that deserve further attentions. First, are there racial and ethnic differences in the *types* of assessments made by officials? Our analysis treats all negative typifications as similar: that is, we do not consider whether negative accounts cluster around particular characteristics. For instance, some narratives might refer primarily to case characteristics such as severity of offense (the notion of “threat”); others may focus on weak community ties (the notion of “instability”). There is some research that suggests that these differences may also be related to the defendant’s race or ethnicity (e.g. Bridges and Steen 1998). Second, do court officials, in the formation of their assessments, evaluate background and case characteristics differently depending on the defendant’s race? Some studies indicate that race may condition the relationship between case characteristics and dispositional outcomes, arguing that legal factors work differently across racial and ethnic groups, even in the absence of direct main effects (e.g., Albonetti 1990; Miethe and Moore 1986). For instance, prior criminal history and charge seriousness may be more salient for African-American defendants than other

defendants; while failures-to-appear and other measures of instability may be more important for assessing Hispanic defendants.

Equally important is the role of jurisdictional and court context on perceptions and response to defendants. Although our analyses found a particular pattern of racial and ethnic differences in officials' pre-trial assessments of defendants, these perceptions may be the result of the specific organizational and community context. More research is needed on how variations in the structure, ideology and practices of courts may influence individual assessments and perceptions. For example, do larger courts located in urban settings promote or limit the development of professional ideologies about crime and criminal defendants? At a minimum, future research needs to consider the relationship between communities, courts and the practices of officials.

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- ¹ For example, while the general Washington state population has increased by 21% from 1990 to 2000, the Hispanic/Latino population has more than doubled in the same period: 214,570 in 1990 to 441,509 in 2000 (source: <http://factfinder.census.gov>).
- ² Although this is a sample of cases (not individual defendants), preliminary analyses did not reveal any repeat defendants in this sub-sample.
- ³ There were 27,597 cases handled by the prosecutor's office between 1994 and 1996.
- ⁴ There were 264 (or 15.9%) cases with arrest dates that could not be matched with records in the jail database. Although the causes of this discrepancy are unknown, we suspect that in some of these cases, defendants were arrested on investigation, held for a few hours in the jail, and then released before an interview could be completed. To check for any systematic differences, we ran a logistic regression of "failure to be interviewed" on age, race/ethnicity, sex, charge seriousness and drug offense. This analysis revealed no statistically significant differences between those booked but not interviewed and our sub-sample, except for sex. On average, female defendants were more likely to have been booked but not interviewed than males.
- ⁵ Only race categories were available from the prosecutor's database. Hispanic defendants in the sample were coded primarily from court file information.
- ⁶ These written narratives are prepared in part to explain the recommendations that pre-trial interviewers make about the suitability of defendants for release on their own recognizance. Thus, there is an issue of the causal sequence between perceptions and outcomes (Bridges and Steen 1998). Do these assessments *precede* recommendations and decisions? Or, are they simply routine *rationalizations* of already-taken decisions? Since the interviews are the mechanism by which required information is collected, we argue that this encourages assessments to be made prior to a recommendation. Nonetheless, the possibility exists that some officials may shape their written narratives to a desired outcome.
- ⁷ Coders were asked to code the overall "tone" of the comments made about each category of community ties. Multiple coders were used. Approximately 10% of the interview sheet summaries

were double-coded to check for inter-coder reliability. Pearson's correlation coefficients between coders ranged from 0.73 to 0.88.

- ⁸ The grand mean of the negative typifications scales was 0.2 (out of a possible range of -5 to +5), indicating that overall officials' typical assessment is slightly negative.
- ⁹ Two technical issues should be noted. The first issue relates to the non-inclusion of estimates of selection bias in our models. As the criminal justice system consists of a series of screening decisions, selectivity is a potential problem for models of legal decision-making. It was not possible to control for selection in these models, as the data on a sample at the preceding stage was very limited. However, selection may not be an issue for two reasons: (1) bail decisions occurs very early in the process, thus minimizing potential selection effects (Patterson and Lynch 1991); and (2) prior studies of bail have found estimates of selection bias to be statistically insignificant (see Albonetti 1989). Corrections may also not be successful due to high levels of collinearity between the selection hazard rate and the independent variables in the substantive model (Benson and Walker 1988; Steffensmeier et al. 1993). If bias exists, research on police decisions suggests that arrestees are more likely to be younger, nonwhite and male than the population of police contacts (Visher 1983). The second technical issue is that weighted analyses could not be performed. Hispanic defendants were coded after the sample was drawn primarily from court file information. Thus, the size of the population on which to base weight calculations is not known. However, other analyses of this data have shown few differences between weighted and unweighted analyses.
- ¹⁰ In this analysis, the omitted category is white, Asian or other unspecified ethnic group.
- ¹¹ The subscripts refer to the model (e.g. b_1 =model 1), and "n.s." indicates the coefficient was not statistically significant at $p<0.05$.
- ¹² This result should be interpreted with some caution, as the low numbers of Native American and Hispanic defendants in the sample may mean larger estimated standard errors.
- ¹³ When the items in the community ties index were entered separately, both had a statistically significant effect on negative typifications. However, residence ($\beta=-0.422$) had a greater impact than employment ($\beta=-0.206$).

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Table 1. Selected Examples of Pre-Trial Interviewer Assessments (King County, Washington State, 1994-1996)

“Def [defendant] reports a transient lifestyle, has no apparent means of support or area ties, and there is evidence of substance abuse problems” (case #39).

“The def. [defendant] was not candid about his residence, is currently unemployed, and may be involved with narcotics” (case #92).

“Although def [defendant] has verified stable address to which def may return, [has] limited booking history and ties to the area, def is currently unemployed” (case #150).

“Lack of deonstrated [sic] stability in the community” (case #169).

“Def [defendant] has a verified living address. Employment verified. No prior KC [King County] booking/s found. Residential stability” (case #391).

Table 2. Descriptive Statistics on Study Sample (King County, Washington State, 1994-1996, N=803)

	African-American		Hispanic		Native American		White/Asian/Other		Test statistic ^a
	Mean	S.D. ^b	Mean	S.D.	Mean	S.D.	Mean	S.D.	
Age ^c	29.66	9.08	28.72	6.76	31.91	9.54	31.26	10.29	2.62 [#]
Male ^d	57.62%	---	84.21%	---	39.62%	---	53.71%	---	25.33 ^{**}
Charge seriousness ^e	3.22	2.57	4.67	2.55	3.56	2.82	2.94	2.72	7.31 ^{**}
Drug offense ^f	43.38%	---	63.16%	---	30.19%	---	19.44%	---	71.51 ^{**}
Violent offense ^f	14.57%	---	19.30%	---	30.19%	---	16.88%	---	7.99 [*]
Multiple charges ^f	9.27%	---	8.77%	---	13.21%	---	13.30%	---	3.30
Prior history ^f	41.72%	---	28.07%	---	43.40%	---	23.79%	---	28.74 ^{**}
Prior failures-to-appear ^f	18.21%	---	5.26%	---	22.64%	---	10.23%	---	16.20 ^{**}
Community ties ^g	0.55	0.72	0.44	0.71	0.36	0.56	0.65	0.77	3.64 [*]
Negative typifications ^h	0.21	1.64	1.00	1.79	0.60	1.52	-0.08	1.69	8.86 ^{**}
Number of cases	302		57		53		391		

p ≤ 0.10; * p ≤ 0.05; ** p ≤ 0.01

^a Chi-square statistic (with d.f.=3) was calculated for the dichotomous variables; for all other variables, a multiple F-test (with d.f.=3) was performed.

^b Percentages of each racial and ethnic group are reported for dichotomous variables.

^c In years, calculated as at 1997. The mean value was substituted for three missing cases.

^d 0 = Female; 1 = Male

^e Coded from the sentencing guidelines for Washington State. Range of 1 to 15, with higher values indicating more serious offenses. The mean value was substituted for three missing cases.

^f 0 = No (or not known); 1 = Yes

^g Additive score consisting of the defendant's residential and employment status. Range of 0 to 2, with higher scores indicating more ties to the community.

^h Additive score consisting of pre-trial interviews' assessments of the defendant's character and ties to the community. Range of possible values -5 to +5, with higher scores indicating negative assessments.

Table 3. OLS Regression of Negative Typifications on Offense Characteristics and Defendant Characteristics (King County, Washington State, N=803)

	Negative Typifications					
	Model 1		Model 2		Model 3	
	b ^a	β ^b	b	β	b	β
Age ^d	0.008 (0.006) ^c	0.047	0.009 (0.006)	0.053	0.010 [#] (0.005)	0.054
Male	0.489** (0.120)	0.143	0.399** (0.122)	0.117	0.318** (0.102)	0.093
Black	0.281* (0.127)	0.081	0.144 (0.131)	0.041	0.055 (0.109)	0.016
Hispanic	0.954** (0.237)	0.145	0.742** (0.244)	0.113	0.563** (0.203)	0.085
Native American	0.749** (0.242)	0.110	0.665** (0.243)	0.098	0.305 (0.203)	0.045
Charge seriousness ^d			0.080** (0.027)	0.127	0.055* (0.022)	0.087
Drug offense			0.231 (0.145)	0.064	0.200 [#] (0.121)	0.055
Violent offense			-0.470* (0.198)	-0.105	-0.321 [#] (0.165)	-0.071
Multiple charges			0.071 (0.188)	0.013	0.172 (0.157)	0.032
Prior history			0.343* (0.138)	0.094	0.319** (0.115)	0.088
Prior failures-to-appear			-0.059 (0.183)	-0.012	-0.115 (0.152)	-0.023
Community ties					-1.234** (0.066)	-0.538
Intercept	-0.606** (0.221)	---	-0.872** (0.229)		0.018 (0.196)	---
Adjusted R ²	0.05		0.07		0.36	

p ≤ 0.10; * p ≤ 0.05; ** p ≤ 0.01

^a Unstandardized coefficient.

^b Standardized coefficient.

^c Numbers in parentheses are standard errors.

^d Dummy indicator for imputed missing values was not significant, and thus was deleted from this analysis.