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FELONY OFFENSES IN DOUGLAS COUNTY DISTRICT COURT, 2001

**Final Report
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EXECUTIVE SUMMARY

The purpose of this report is describe the offender and case characteristics and the outcomes of all felony cases (N = 2,663) bound over for trial in Douglas County (Nebraska) District Court in 2001.¹ We present descriptive data on these cases, focusing on defendants' background characteristics and prior criminal record, the nature and seriousness of the charges for which the defendant was bound over to District Court, the disposition of the case, and case processing time. We also examine case dispositions and sentences for 15 different types of felony offenses and present descriptive data and case outcome data for defendants who were held in custody prior to trial and for non-violent defendants who were charged with property crimes (burglary, theft, fraud, and forgery). In the final section of the report we provide information on case characteristics and case outcomes for white and black defendants and for male and female defendants.

The major findings of the felony case analysis are:

1. In terms of **defendant characteristics**, most of the defendants bound over to Douglas County District Court in 2001 were male (79.0%) and over 95 percent of them were either white (56.7%) or African American (38.9%). The mean age of these defendants was 33.7. Most of them did not have a serious prior criminal record; over one third (35.4%) had no prior felony arrests, more than half (56.7%) had no previous felony convictions, only 17.3 percent had a prior felony drug conviction, and only 10 percent had a prior violent felony conviction.
2. Most defendants were **charged with and convicted** of property crimes and drug offenses; only 11.7 percent of the defendants (312 of 2663) were charged with a violent crime or a weapons offense and only 11.5 percent (199 of 1724) were convicted of a crime of violence or a weapons offense. Among offenders charged with a drug offense, 46.5 percent (449 of 966) were charged with an offense involving methamphetamine, 23.6 percent (228 of 966) were charged with an offense involving crack cocaine, and 10.8 percent (104 of 966) were charged with an offense involving powder cocaine.
3. In terms of **case outcomes**, 1,601 defendants pled guilty and 48 were found guilty at trial, for an overall conviction rate of 61.9 percent. About 24 percent of the defendants had all of the charges against them dismissed and 10 percent were assigned to Drug Court. There were 42 jury trials; 33 of these resulted in a guilty verdict and the remaining nine resulted in a not guilty verdict. Over two-thirds of

¹The data for this project were collected during the summer of 2003. We analyze cases bound over in 2001 rather than a more recent year because we collected recidivism data on a sample of the offenders (i.e., offenders diverted to the Douglas County Drug Court and a sample of traditionally adjudicated offenders) and we wanted to ensure at least a 12-month follow-up period for these offenders.

the convicted offenders were sentenced to jail (28.2%) or prison (32.8%).² Among offenders sentenced to prison, the mean minimum prison sentence was about three years. Case outcomes, however, varied by offense type. Cases in which the most serious charge was a violent offense had a substantially lower likelihood of being dismissed than cases involving drug offenses and property crimes. Compared to drug or property offenders, offenders convicted of violent crimes were significantly more likely to be incarcerated; they also received longer sentences.

4. **Case processing times** also varied by the type of offense; generally, case processing times were longer for defendants charged with violent crimes or drug offenses than for those charged with property crimes. For all offenses, the median time from arrest to case disposition was 165 days; the median time from arrest to sentencing (for those who were convicted) was 217 days. The typical defendant was bound over for trial about 30 days after arrest. Nearly two-thirds of the cases were disposed of at the first District Court Appearance; most of these cases were disposed of by guilty plea.
5. **Defendants who were detained in jail prior to trial** because they were unable to secure release on bail did not differ dramatically from the general pool of defendants who were bound over for trial. The background characteristics of the two groups were very similar, but the pretrial detainees' criminal histories and conviction charges were somewhat more serious. The typical pretrial detainee, however, was not a violent offender with a serious criminal history. Eighty-six percent of the pretrial detainees did not have a prior conviction for a violent felony and nearly half (48.6%) had no prior felony convictions at all. Moreover, less than a fourth of the detainees were charged with a violent crime and in nearly a third of the cases all of the charges were dismissed.
6. The **non-violent property crime defendants**, who comprised nearly a third (30.3%) of all defendants bound over for trial in Douglas County District Court in 2001, were neither career criminals nor likely recidivists. By definition, these offenders did not have a prior conviction for a violent crime and more than half of them had no prior felony convictions at all. In fact, 75 percent of these defendants had no more than one prior felony conviction. The recidivism rates of these offenders also were relatively low. Less than a third had a new misdemeanor conviction and less than a fifth had a new felony conviction in the 12-month follow-up period.
7. Multivariate analyses of **the predictors of case outcomes** revealed that all of the case outcomes were affected by legally relevant factors. Both the likelihood of

²Nebraska Statutes (§28-105; §28-106) specify that sentences of imprisonment for Class IA, IB, IC, ID, II, and III felonies and sentences of one year or more for Class IIIA and IV felonies are to be served in institutions under the jurisdiction of the Department of Correctional Services. With few exceptions, sentences of less than one year are to be served in the county jail.

pretrial detention and the likelihood that all charges would be dismissed were affected by the defendant's prior record and by the number and seriousness of charges that the defendant was facing. The likelihood that the offender would be sentenced to prison was affected by prior criminal record, pretrial detention, the number of conviction charges, and the type of conviction charge. Offenders with more prior felony convictions or with a prior conviction for a drug felony were more likely to be sentenced to prison, as were offenders who were held in pretrial detention, offenders convicted of multiple charges, and offenders convicted of violent offenses and drug offenses. The length of the prison sentence, on the other hand, was not affected by the offender's prior criminal record. Instead, sentences were longer for offenders convicted of multiple charges and for offenders convicted of violent crimes or drug offenses rather than property crimes. Offenders who pled guilty also received substantially shorter sentences than those who were tried.

8. Analyses of **the effect of the defendant's race and gender** on pretrial detention, charge dismissal, and sentence severity revealed that gender had a statistically significant effect on all but one of these case outcomes. Even after controlling for crime seriousness and criminal history, male defendants were more likely than female defendants to be in custody following arraignment and to be sentenced to prison; male defendants also were less likely than female defendants to have all of the charges against them dismissed. There were, on the other hand, no differences in the length of the prison sentence imposed on male and female defendants. The effect of the defendant's race varied among these case outcomes. Race had no effect on pretrial detention, but white defendants were more likely than African American defendants to have all of their charges dismissed. However, white offenders also were more likely than African American offenders to be sentenced to prison and the prison sentences imposed on whites were 12.2 months longer than those imposed on African Americans.

It is important to point out that all of the case outcomes were affected by legally relevant factors; in fact, the legally relevant factors were stronger predictors of these outcomes than were the offender's race or gender. It also is important to point out that the statistically significant effects of gender and race on case outcomes reflect *disparity* in the treatment of males and females and in the treatment of African Americans and whites; they do not necessarily reflect *discrimination* against African Americans (charge dismissal) or whites (sentence severity) or *discrimination* in favor of females. Although we controlled for many of the legally relevant variables identified by prior research as predictors of these outcomes, we were not able to control for such things as the defendant's employment status or education, the defendant's marital status or responsibility for dependent children, whether the offender used a weapon during the commission of the crime, the amount of drugs possessed or the value of property stolen, or the characteristics of the victim.

INTRODUCTION

This report summarizes the offender and case characteristics and the outcomes of all felony cases (N = 2,663) bound over for trial in Douglas County (Nebraska) District Court in 2001. The data for this project were collected during the summer of 2003. We analyze cases bound over in 2001 rather than a more recent year because we collected recidivism data on a sample of the offenders (i.e., offenders diverted to the Douglas County Drug Court and a sample of traditionally adjudicated offenders) and we wanted to ensure at least a 12-month follow-up period for these offenders.

We first present descriptive data on these cases, focusing on defendants' background characteristics and prior criminal record, the nature and seriousness of the charges for which the defendant was bound over to District Court, the disposition of the case, and case processing time. In section two, we examine case dispositions and sentences for 15 different types of felony offenses. In section three, we present descriptive data and case outcome data for defendants who were held in custody prior to trial and for non-violent defendants who were charged with property crimes (burglary, theft, fraud, and forgery). In the final section of the report, we provide information on case characteristics and case outcomes for white and black defendants and for male and female defendants. In this section we present the results of multivariate analyses designed to isolate the effects of race and gender while controlling for legally relevant case characteristics.

**SECTION I—CASE CHARACTERISTICS AND CASE OUTCOMES:
ALL FELONY OFFENSES**

The background characteristics and the prior criminal record of defendants bound over for trial in 2001 are presented in Table 1. The typical defendant was a 34-year-old white male who had 2.78 previous felony arrests and one prior felony conviction. With respect to race/ethnicity, over 95 percent of the defendants were either white (57.6%) or African American (38.9%); there were only 60 Hispanics, 24 Native Americans, and two Asians in the defendant pool. Over three fourths of the defendants were male. In fact, three fourths of the defendants were either white (44.2%) or African American (31.5%) males. White females comprised 13.3 percent of the defendant population and African American females comprised 7.4 percent. The modal age category was 21 to 25; very few defendants were under 21 (5.0%) or over 50 (5.6%).

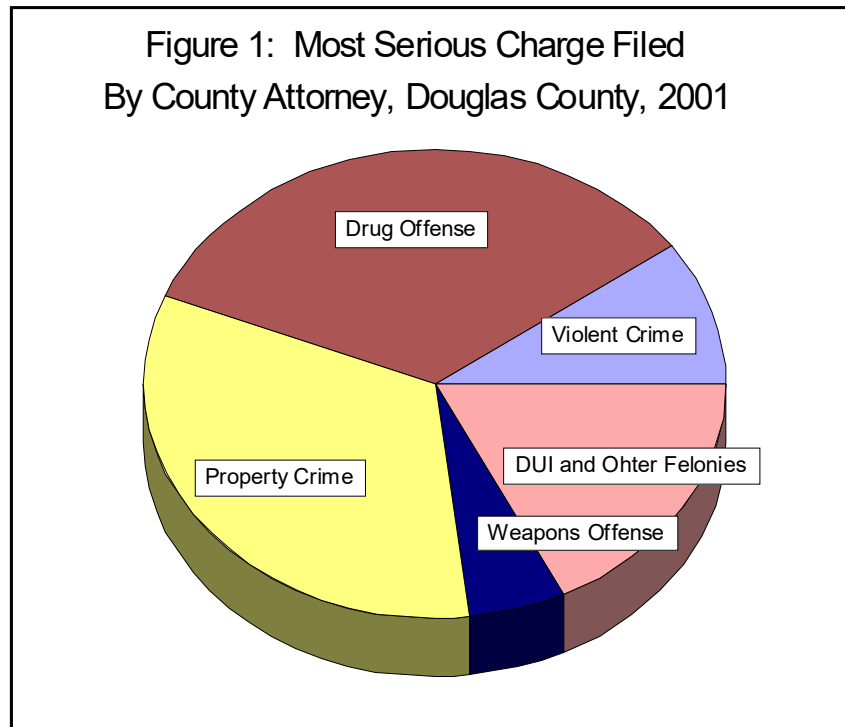
Most of the defendants bound over for trial in 2001 did not have serious or extensive prior criminal histories. Over a third had no prior felony arrests, more than half had no previous felony convictions, only 17.3 percent had a prior felony drug conviction, and only 10 percent had a prior violent felony conviction. Among these defendants, only 378 (23.9%) had more than two prior felony convictions.

Table 1. Offender Characteristics: Cases Bound Over to Douglas County District Court, 2001

	N	%
<u>Demographic Characteristics</u>		
Race./Ethnicity		
White	1533	57.6
African American	1035	38.9
Hispanic	60	2.3
Native American	24	0.9
Asian	2	0.1
Other	8	0.3
Gender		
Female	558	21.0
Male	2105	79.0
Race and Gender		
White Male	1178	44.2
African American Male	838	31.5
Hispanic Male	60	2.3
Native American Male	21	0.8
Asian Male	2	0.1
Other Male	6	0.2
White Female	355	13.3
African American Female	197	7.4
Hispanic Female	1	0.0
Native American Female	3	0.1
Asian Female	0	0.0
Other Female	2	0.1
Age (Mean = 33.70)		
17-20	133	5.0
21-25	594	22.3
26-30	438	16.4
31-35	404	15.2
36-40	378	14.2
41-45	361	13.6
46-50	205	7.7
51 and over	150	5.6
<u>Prior Criminal Record</u>		
Number of Prior Felony Arrests (Mean = 2.78)		
0	942	35.4
1	455	17.1
2	293	11.0
3	203	7.6
4	164	6.2
5	139	5.2
6	122	4.6
7 or more	345	13.0
Number of Prior Felony Convictions (Mean = 0.99)		
0	1510	56.7
1	516	19.4
2	259	9.7
3	187	7.0
4	72	2.7
5	55	2.1
6	22	0.8
7 or more	42	1.6
Prior Violent Felony Conviction (% yes)	267	10.0
Prior Felony Drug Conviction (% yes)	460	17.3

Case Characteristics

As shown in Table 2 and Figure 1, most felony defendants in Douglas County District Court were charged with and convicted of property crimes and drug offenses, rather than violent crimes. One third of the defendants (33.8%) were bound over on drug charges and another third (33.1%) faced charges for burglary, larceny/theft (including theft of a motor vehicle), or fraud/forgery. There was a similar pattern of results for defendants who were convicted; 28.4 percent were convicted of drug offenses and over a third (36.1%) were convicted of burglary, larceny/theft, or fraud/forgery. Only 312 (11.7%) of the defendants were charged with a violent crime (murder, manslaughter, rape, robbery, assault, or a weapons offense); among those who were convicted, 199 (11.5%) were convicted of one of these violent offenses.



Although most defendants were charged with only one (34.2%) or two (25.8%) crimes, over 15 percent were charged with five or more crimes. In contrast, 92 percent of the defendants were convicted of only one (73.0%) or two (19.0%) crimes. This disparity is reflected in the mean number of charges; the typical defendant was bound over on nearly three separate charges (mean = 2.78), but was convicted of 1.4 charges. Just under half of the defendants were detained prior to trial, typically because they were unable to make bail. A fourth of the defendants were released on their own recognizance and 30 percent were released after posting bail.

Table 2 also displays the type of drug involved in cases in which the most serious charge was a drug offense. Over three quarters of these defendants were charged with an offense involving methamphetamine (46.5%), crack cocaine (23.6%), or powder cocaine (10.8%). Among defendants charged with possession of narcotics with intent to deliver or manufacture (data not shown), 51.5 percent were charged with offenses involving methamphetamine, 23.2 percent with offenses involving crack cocaine, and 17.4 percent with offenses involving power cocaine.

Table 2. Case Characteristics: Douglas County District Court, 2001

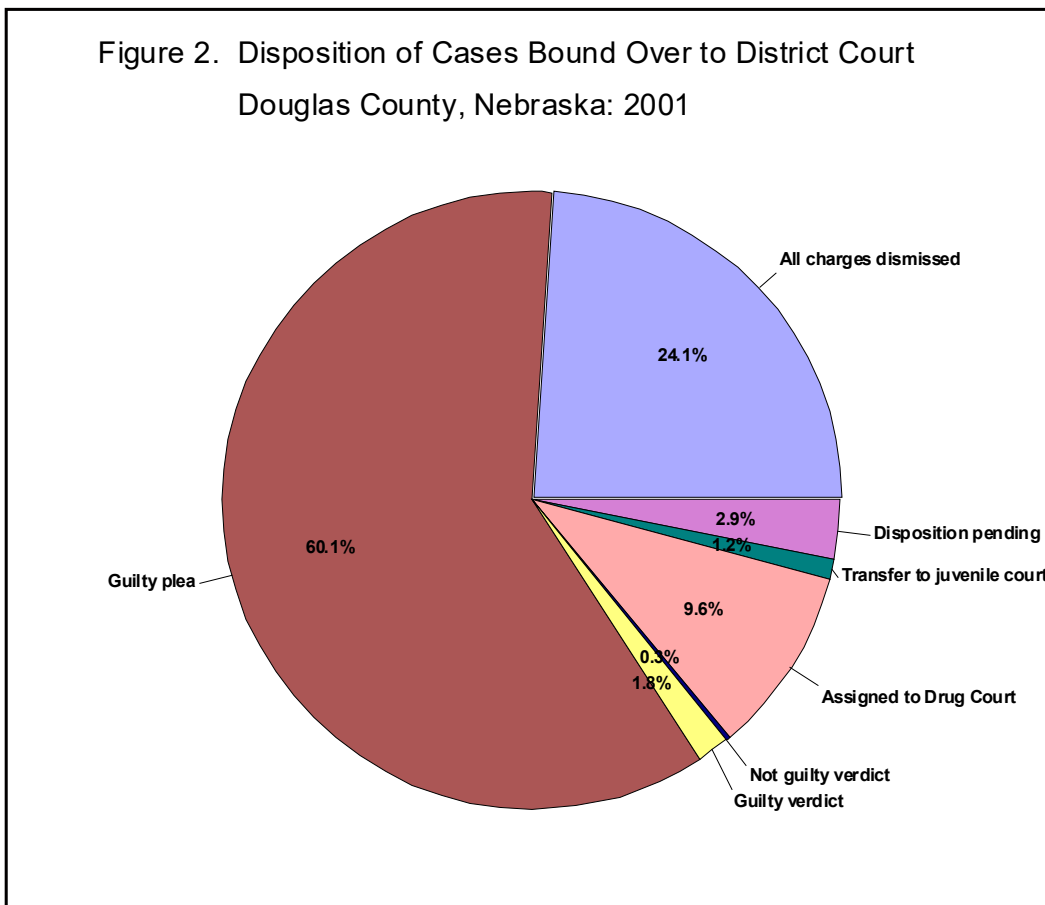
	N	%
<u>Case Characteristics</u>		
Most Serious Charged Filed by County Attorney		
Murder or Manslaughter	21	0.8
Forcible Rape	48	1.8
Robbery and Use of a Weapon	44	1.7
Robbery	64	2.4
Assault	98	3.7
Burglary	117	4.4
Larceny or Theft	529	19.9
Weapons Offense	135	5.1
Possess Narcotics with Intent	334	12.5
Possess Narcotics	510	19.2
Possess Marijuana with Intent	55	2.1
Fraud or Forgery	234	8.8
All Other Felonies	474	17.8
Total	2,663	
Number of Charges Filed (Mean = 2.76)		
1	911	34.2
2	686	25.8
3	409	15.4
4	247	9.3
5	143	5.4
6	105	3.9
7	52	2.0
8	37	1.4
9	19	0.7
10	14	0.5
11 or more	39	1.5
Most Serious Conviction Charge (Convicted Offenders Only)		
Murder or Manslaughter	12	0.7
Forcible Rape	36	2.1
Robbery and Use of a Weapon	29	1.7
Robbery	49	2.8
Assault	69	4.0
Burglary	75	4.4
Larceny or Theft	333	19.3
Weapons Offense	73	4.2
Possess Narcotics with Intent	169	9.8
Possess Narcotics	294	17.1
Possess Marijuana with Intent	25	1.5
Fraud or Forgery	165	9.6
All Other Felonies	395	22.9
Total	1,724	
Number of Conviction Charges (Mean = 1.41)		
1	1252	73.0
2	325	19.0
3	85	5.0
4	29	1.7
5 or more	23	1.4

Table 2, continued		
	N	%
Type of Drug for Defendants Arrested for Drug Offenses		
Marijuana	77	8.0
Cocaine-powder	104	10.8
Cocaine-crack	228	23.6
Heroin	3	0.3
Methamphetamine	449	46.5
Other Drug	4	0.4
Multiple Drugs	7	0.7
Unknown	94	9.7
Total	966	
Defendant's Pretrial Status		
Held Without Bail	7	0.3
Not Required to Post Bail (ROR)	687	25.9
Bail Set, Offender Released	789	29.8
Bail Set, Offender in Custody	1168	43.9

Over half of the defendants who were bound over for trial were released pending trial, either because they were not required to post bail (25.9%) or because the judge set bail and the defendant was able to secure his/her release (29.8%). Among defendants who were detained pending trial, only seven were held because the judge denied bail. The remaining defendants (43.9%) were held in pretrial detention because they were unable to make bail.

Case Dispositions and Sentences Imposed

The disposition of each case and the sentence imposed on defendants who were convicted are shown in Table 3 and Figure 2. Of the 2,663 defendants bound over to District Court, 1,601 (60.1%) pled guilty; an additional 48 defendants were found guilty at trial, for an overall conviction rate of 61.9 percent. Of the remaining defendants, 24.1 percent had all charges dismissed, 9.6 percent were assigned to Drug Court, and 1.2 percent were transferred to juvenile court. There were only 42 jury trials; 33 defendants were found guilty and nine defendants were found not guilty at trial.



Over two thirds of the offenders who were convicted were sentenced to jail (28.2%) or prison (32.8%).³ Among these offenders, the mean minimum sentence was just under two years (23.77 months); the mean maximum sentence was about three years (37.16 months). For offenders who were sentenced to prison (data not shown), the mean minimum sentence was three years (36.17 months) and the mean maximum sentence was five years (59.20 months). Only 62 offenders were ordered to serve a minimum sentence of more than five years. Among offenders who were sentenced to probation, the average sentence was 27.54 months.

³ ²Nebraska Statutes (§28-105; §28-106) specify that sentences of imprisonment for Class IA, IB, IC, ID, II, and III felonies and sentences of one year or more for Class IIIA and IV felonies are to be served in institutions under the jurisdiction of the Department of Correctional Services. With few exceptions, sentences of less than one year are to be served in the county jail.

Table 3. Case Disposition and Sentences Imposed: Douglas County District Court, 2001

	N	%
<u>Case Disposition</u>		
Disposition Pending	78	2.9
All Charges Dismissed	641	24.1
Guilty Plea	1601	60.1
Guilty Verdict by Jury	33	1.2
Guilty Verdict by Judge	15	0.6
Not Guilty Verdict by Jury	9	0.3
Assigned to Drug Court	255	9.6
Transferred to Juvenile Court	31	1.2
Defendant Eligible for Drug Court (% yes)	256	9.6
Defendant Diverted to Drug Court (% yes)	255	9.5
<u>Sentence Imposed (Convicted Offenders Only)</u>		
Type of Sentence		
Probation	559	32.8
Jail	481	28.2
Prison	651	38.2
Fine, Other Sentence	12	0.7
Probation Sentence (Mean = 27.54)		
1-12 Months	67	12.0
13-24 Months	309	55.5
25-36 Months	135	24.2
37-48 Months	16	2.9
48-60 Months	30	5.4
Minimum Jail/Prison Sentence (Mean = 23.77)		
1-12 Months	599	53.1
13-24 Months	317	28.1
25-36 Months	74	6.6
37-48 Months	48	4.3
48-60 Months	28	2.5
60-72 Months	14	1.2
73-84 Months	1	0.1
85-96 Months	11	1.0
96-108 Months	3	0.3
109-120 Months	10	0.9
More than 10 years	23	2.0
Maximum Jail/Prison Sentence (Mean = 37.16)		
1-12 Months	479	42.4
13-24 Months	202	17.9
25-36 Months	109	9.6
37-48 Months	90	8.0
48-60 Months	125	11.1
61-72 Months	27	2.4
73-84 Months	13	1.1
85-96 Months	14	1.2
96-108 Months	4	0.4
109-120 Months	24	2.1
More than 10 years	93	3.8

Case Processing Time

The lengths of time it took District Court cases to move from one stage in the process to another are displayed in Table 4 and Figure 3. Because there were a few cases with exceptionally long case processing times (which skewed the mean), we present both the mean and the median time in days from arrest to bindover, from bindover to the first District Court appearance, from first District Court appearance to disposition, and from disposition to sentencing. We also present two indicators of overall case processing time: the number of days from arrest to disposition and the number of days from arrest to sentencing. These data are provided for all cases and for thirteen categories of felonies.

The average time between arrest and bindover was about 30 days. The average time from bindover to the first District Court appearance was about three months, but the median time was only 43 days. The longer mean case processing time reflects the fact that about five percent of the defendants had their first District Court appearance from one to two years after they were bound over for trial. However, the frequency distribution (not shown) revealed that for 85 percent of the defendants the first appearance took place within six months of bindover to District Court. There also was a disparity between the mean (77.85 days) and median (0.0 days) time from the first District Court appearance to disposition. The median time was zero days due to the fact that nearly two thirds (60.3%) of the cases were disposed of by a guilty plea at the first appearance. The amount of time from a guilty plea or guilty verdict to sentencing was about two months. The median time from arrest to case disposition was 165 days; the median time from arrest to sentencing (for offenders who were convicted) was 217 days.

Table 4. Case Processing Time, Douglas County District Court, 2001

	Number of Days From					
	Arrest to Bindover	Bindover to First DCA ^a	First DCA to Disposition	Disposition to Sentencing	Arrest to Disposition	Arrest to Sentencing
All Cases^b						
Mean	30.92	92.79	77.85	60.84	204.32	238.60
Median	28.00	43.00	00.0 ^c	62.00	165.00	217.00
By Most Serious Charge Filed By County Attorney						
Murder or Manslaughter						
Mean	37.29	80.16	163.53	82.64	283.06	366.27
Median	37.00	7.00	77.00	85.00	212.50	298.00
Forcible Rape						
Mean	32.56	135.63	45.30	90.61	218.30	282.29
Median	33.00	116.00	00.00	83.00	178.00	246.00
Robbery and Use of a Weapon						
Mean	36.70	131.79	80.95	59.21	245.77	298.24
Median	29.50	95.00	00.00	65.00	227.50	284.00
Robbery						
Mean	31.86	120.62	54.68	67.22	204.53	257.02
Median	31.50	98.00	00.00	70.00	176.50	245.00
Assault						
Mean	32.65	110.26	81.03	66.25	227.33	277.32
Median	30.00	82.50	00.00	66.50	194.00	262.00
Burglary						
Mean	30.31	67.09	55.96	68.64	153.73	201.72
Median	27.00	37.00	00.00	58.00	131.00	176.00
Larceny or Theft						
Mean	35.52	70.81	75.07	55.04	183.43	202.17
Median	29.00	30.00	00.00	42.50	147.00	185.00
Weapons Offense						
Mean	32.56	98.05	80.89	61.64	209.82	263.43
Median	30.00	62.00	00.00	61.00	188.00	230.00
Possess Narcotics with Intent						
Mean	32.96	107.88	64.02	69.13	214.46	275.14
Median	30.00	78.00	0.00	69.50	182.00	254.00
Possess Narcotics						
Mean	21.92	109.41	124.51	52.92	265.05	280.46
Median	5.00	17.50	00.00	41.00	211.00	245.50
Possess Marijuana with Intent						
Mean	30.51	116.02	73.83	39.53	221.05	229.61
Median	30.00	87.00	00.00	00.00	211.00	212.00
Fraud or Forgery						
Mean	44.87	78.83	69.93	48.29	179.53	184.56
Median	27.00	39.00	00.00	55.00	148.00	171.00
All Other Felonies						
Mean	25.41	84.92	56.34	66.68	169.04	222.44
Median	28.00	61.00	00.00	69.00	146.00	215.00

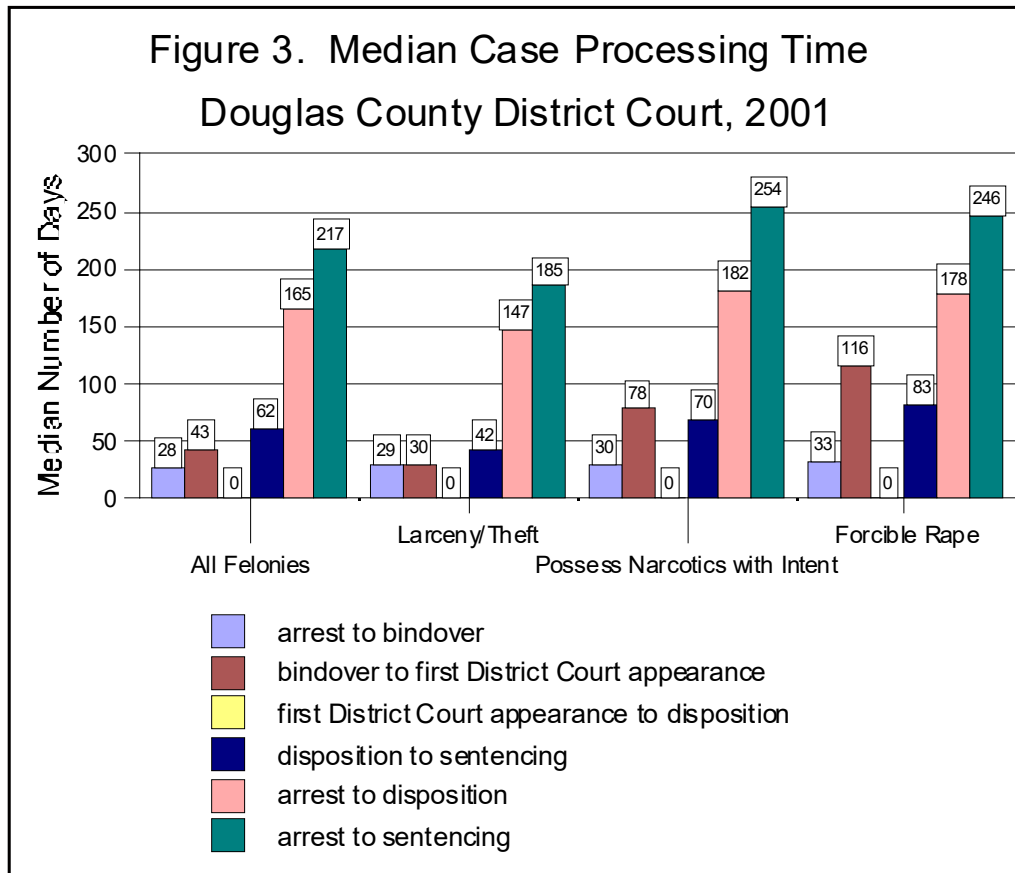
^aFirst DCA “ is the defendant’s first Distret Court appearance.

^bWe present both the mean and the median case processing time because there were a few cases that had exceptionally long case processing times. This was particularly true for the time from bindover to first District Court appearance.

^cThe median time from the first District Court appearance to disposition of zero days reflects the fact that half of the defendants pled guilty at the first District Court appearance.

Not surprisingly, total case processing times were longer for defendants charged with violent crimes or drug offenses than for defendants charged with property crimes. Murder/manslaughter cases (of which there were only 21) had the longest median case processing time (298 days), followed by robbery and use of a weapon⁴ (284 days), possession of narcotics with intent (254 days), and assault (262 days). Fraud/forgery (171 days), burglary (176 days), and larceny/theft (185 days) had the shortest overall case processing times. Although cases involving violent crimes and drug offenses generally moved more slowly than cases involving property offenses through the entire District Court process, the most noticeable difference was from bindover to the first District Court appearance. The median times from bindover to first District Court appearance for defendants charged with violent crimes and possession of narcotics with intent ranged from about two and a half months (possession with intent) to nearly four months (forcible rape). In contrast, the first appearance for defendants charged with property crimes took place within one month of being bound over for trial.

⁴ Nebraska does not have a separate crime of “armed robbery.” NE Stat. Rev. §28-1205(3) states that using a deadly weapon to commit a felony is a separate and distinct felony from the felony crime of robbery. Thus, we differentiate between the single crime of robbery and the two crimes of robbery and use of a weapon during the commission of a robbery.



These differences are illustrated more clearly by the data displayed in Figure 3, which presents the median case processing time for all felonies, larceny/theft, possession of narcotics with intent, and forcible rape. Although the median times from arrest to bindover (about 30 days) and from first District Court appearance to disposition (zero days) did not vary by offense type, cases involving serious drug offenses and forcible rape cases took substantially longer than larceny/theft cases to move from bindover to first District Court appearance and from disposition to sentencing. As a result, the overall length of time that it took the case to move through the system was substantially longer for narcotics and rape cases than for larceny/theft cases.

SECTION II--CASE DISPOSITIONS AND SENTENCES BY TYPE OF OFFENSE

In the previous section, we presented summary data on case dispositions and sentences. In this section, we examine case outcomes for each of the 15 types of offenses. Because of the small number of offenders charged with first degree murder (N=12) or second degree murder/manslaughter (N=9), the figures for these offenses should be interpreted with caution.

Case Dispositions

As shown in Table 5, 641 (24.1%) of the cases bound over to Douglas County District Court in 2001 were dismissed; in these cases, in other words, all of the charges against the defendant were dismissed. About 400 of these cases involved offenders charged with larceny/theft, drug offenses, or weapons offenses. The dismissal rate was 35.6 percent for weapons offenses, 29.9 percent for possession of narcotics with intent, 28.4 percent for larceny/theft, and 19.6 percent for possession of narcotics. Cases in which the most serious charge was a violent offense had substantially lower likelihoods of dismissal. Only 4 of the 48 forcible rape cases and 7 of the 34 cases in which the defendant was charged with both robbery and use of a weapon were dismissed.

Table 5. Case Disposition, by Most Serious Charge Filed by County Attorney: Douglas County District Court, 2001

	Disposition Pending		All Charges Dismissed		Assigned to Drug Court		Transferred to Juvenile Court		Guilty Plea		Guilty Verdict		Not Guilty Verdict	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
First Degree Murder	2	15.4	4	30.8	0	0.0	0	0.0	2	15.4	3	23.1	2	15.4
Second Degree Murder and Manslaughter	1	12.5	1	12.5	0	0.0	0	0.0	4	50.0	2	25.0	0	0.0
Forcible Rape	2	4.2	4	8.3	0	0.0	0	0.0	39	81.3	3	6.3	0	0.0
Robbery & Weapon	0	0.0	7	15.9	0	0.0	4	9.1	29	65.9	4	9.1	0	0.0
Robbery	0	0.0	9	14.1	0	0.0	2	3.1	52	81.3	1	1.6	0	0.0
Assault	3	3.1	19	19.4	1	1.0	7	7.1	61	62.2	7	7.1	0	0.0
Arson	1	5.6	5	27.8	0	0.0	2	11.1	10	55.6	0	0.0	0	0.0
Burglary	1	0.9	28	23.9	2	1.7	3	2.6	82	70.1	1	0.9	0	0.0
Larceny Theft	21	4.0	150	28.4	24	4.5	9	1.7	321	60.7	4	0.8	0	0.0
Weapons Offense	3	2.2	48	35.6	1	.7	1	0.7	79	58.5	2	1.5	1	0.7
Possess Narcotics with Intent	9	2.7	100	29.9	19	5.7	2	0.6	200	59.9	4	1.2	0	0.0
Possess Narcotics	15	2.9	100	19.6	190	37.3	0	0.0	196	38.4	6	1.2	3	0.6
Possess Marijuana with Intent	0	0.0	14	25.5	3	5.5	0	0.0	38	69.1	0	0.0	0	0.0
Fraud or Forgery	11	4.7	59	25.2	13	5.6	0	0.0	149	63.7	1	0.4	1	0.4
Other Felony	9	2.0	93	20.4	2	0.1	1	0.0	338	74.3	10	2.2	2	0.1
All Cases	78	2.9	641	24.1	255	9.6	31	1.2	1601	60.1	33	1.2	9	0.3

There are other offense-specific differences in dispositions. Over three quarters of the robbery and forcible rape cases were disposed of by guilty plea; defendants charged with burglary, possession of marijuana with intent, robbery and use of a weapon, and assault also pled guilty at a rate that exceeded the mean for all cases (60.1%). In contrast, only 38.4 percent of the cases involving possession of narcotics were disposed of by guilty plea. This is due to the fact that over a third (37.3%) of the defendants charged with possession of narcotics were assigned to the drug court; as noted above, an additional 19.6% of these defendants had all of the charges against them dismissed.

Sentences Imposed

The sentences imposed on offenders convicted of different types of felonies are shown in Table 6 (type of sentence) and Table 7 (length of incarceration). As expected, judges imposed harsher sentences on offenders convicted of violent crimes than on offenders convicted of drug offenses and property crimes. The imprisonment rate ranged from a low of 18.7 percent for offenders convicted of possession of narcotics to a high of 90.9 percent for offenders convicted of murder or manslaughter. Most offenders convicted of forcible rape or robbery plus use of a weapon received a prison sentence. In contrast, most offenders convicted of possession of marijuana with intent or possession of narcotics received either probation or a jail sentence.

Table 6. Type of Sentence, by Most Serious Conviction Charge: Douglas County District Court, 2001

	Convicted and Sentenced to Probation		Convicted and Sentenced to Jail		Convicted and Sentenced to Prison	
	N	%	N	%	N	%
Murder or Manslaughter	1	9.1	0	0.0	10	90.9
Forcible Rape	5	14.7	2	5.9	27	79.4
Robbery & Use of a Weapon	3	10.3	1	3.4	25	86.2
Robbery	15	30.6	2	4.1	32	65.3
Assault	16	23.9	11	16.4	40	59.7
Burglary	27	36.0	13	17.3	35	46.7
Larceny Theft	106	32.6	115	35.4	104	32.0
Weapons Offense	17	23.6	10	13.9	45	62.5
Possess Narcotics with Intent	69	41.3	21	12.6	77	46.1
Possess Narcotics	110	38.7	121	42.6	53	18.7
Possess Marijuana with Intent	11	44.0	9	36.0	5	20.0
Fraud or Forgery	59	36.9	40	25.0	61	38.1
Other Felony	120	30.5	136	34.6	137	34.9
All Cases	559	33.1	481	28.4	651	38.4

The minimum and maximum terms of imprisonment also varied by offense type, with offenders imprisoned for violent offenses receiving substantially longer sentences than offenders imprisoned for property crimes or drug offenses. The average minimum sentence was more than seven years for offenders convicted of forcible rape or robbery plus use of a weapon and was more than four years for offenders convicted of robbery or assault. Offenders convicted of weapons offenses and possession of narcotics with intent were sentenced to prison for about three years (average minimum sentence). In contrast,

the average minimum sentence for offenders convicted of property crimes was two years or less. Offenders convicted of possession of narcotics received the shortest minimum prison sentence (17.09 months).

Table 7. Minimum and Maximum Term of Imprisonment (Offenders Sentenced to Prison Only), by Most Serious Conviction Charge: Douglas County District Court, 2001

	Minimum Sentence (Mean)	Maximum Sentence (Mean)
First Degree Murder (N = 3)	life	life
Second Degree Murder and Manslaughter (N = 7)	204.00	303.43
Forcible Rape (N = 29)	86.59	130.67
Robbery and Use of a Weapon (N = 26)	89.88	130.96
Robbery (N = 34)	51.59	76.31
Assault (N = 51)	49.35	73.78
Arson (N = 5)	41.00	78.00
Burglary(N = 48)	26.46	48.51
Larceny Theft (N = 220)	22.39	40.11
Weapons Offense (N = 55)	35.96	61.00
Possess Narcotics with Intent (N = 97)	30.88	48.74
Possess Narcotics (N = 174)	17.09	32.55
Possess Marijuana with Intent (N = 14)	22.00	31.00
Fraud or Forgery (N = 101)	27.33	44.08
Other Felony (N = 250)	27.49	51.06

SECTION III—PRETRIAL DETAINEES AND NON-VIOLENT PROPERTY CRIME OFFENDERS

In this section of the report we focus on two subgroups of offenders: those who were detained in jail prior to trial (i.e., pretrial detainees) and those who were charged with a property crime (burglary, theft, fraud, or forgery) and who did not have a prior violent felony conviction. We present descriptive data on offenders and their cases.

Pretrial Detainees

Of the 2,663 defendants included in this study, 1,175 (44.3%) were held in jail prior to the disposition of the case. Of these defendants, 1,168 were held in pretrial detention because they were unable to make bail; only seven defendants were detained because bail was denied. Six of these seven defendants were charged with murder or manslaughter and one was charged with forcible rape.

The characteristics of the 1,168 pretrial detainees who were in custody because they were unable to make bail are displayed in Table 8. In terms of background characteristics, the typical pretrial detainee was very similar to the typical offender who was bound over for trial—that is, a 33-year-old white male. Relative to their proportion in the general defendant population, African Americans were slightly overrepresented among pretrial detainees (38.9% in general population versus 42.2% in population of pretrial detainees), while whites were slightly underrepresented (57.6% versus 53.2%). The prior records of the pretrial detainees also were somewhat more serious. For all defendants, the mean number of prior felony arrests was 2.78 and the mean number of prior felony convictions was 0.99; the comparable figures for the pretrial detainees were 3.49 (felony arrests) and 1.29 (felony convictions). Twenty percent of the pretrial

detainees had a prior conviction for a felony drug offense and 14 percent had a prior violent felony conviction.

Over half of the defendants who were held in pretrial detention were charged with property crimes or driving while under the influence of alcohol or drugs. Of the remaining defendants, 27.4 percent were charged with a drug offense; only 22.3 percent were charged with a violent crime. In a substantial number of these cases (28.2%), all of the charges against the defendant eventually were dismissed. Two-thirds of the pretrial detainees were convicted as a result of a guilty plea (63.9%) or a guilty verdict (2.4%); only four defendants were found not guilty at trial. The remaining defendants were either assigned to drug court (N = 26), transferred to juvenile court (N = 23), or awaiting disposition of the case (N = 13).

Most of the pretrial detainees were convicted of driving while intoxicated or property crimes, especially larceny/theft (19.9%) and fraud/forgery (8.6%). Less than 20 percent of the detainees were convicted of violent crimes; among the 790 pretrial detainees who were convicted, there were nine convictions for murder/manslaughter, 25 convictions for forcible rape, 62 convictions for robbery, and 41 convictions for assault. The percentage of the pretrial detainees who were convicted of violent crimes was, however, larger than the percentage of the overall defendant pool convicted of these offenses. Just over half (50.3%) of the convicted pretrial detainees were sentenced to prison; the remaining offenders received either a jail (31.1%) or a probation (18.7%) sentence. The mean minimum jail/prison sentence was 29.22 months; the mean maximum sentence was 44.81 months.

Table 8. Offender and Case Characteristics: Pretrial Detainees, Douglas County District Court, 2001

	N	%
<u>Demographic Characteristics</u>		
Race/Ethnicity		
White	621	53.2
African American	493	42.2
Hispanic	36	3.1
Native American	14	1.2
Asian	2	0.2
Other	2	0.2
Gender		
Female	179	15.3
Male	989	84.7
Age (Mean = 33.35)		
17-20	61	5.2
21-25	267	22.9
26-30	199	17.0
31-35	173	14.8
36-40	182	15.6
41-45	142	12.2
46-50	81	6.9
51 and over	63	5.4
<u>Prior Criminal Record</u>		
Number of Prior Felony Arrests (Mean = 3.49)		
0	341	29.2
1	169	14.5
2	118	10.1
3	108	9.2
4	88	7.5
5	72	6.2
6	66	5.7
7 or more	206	17.6
Number of Prior Felony Convictions (Mean = 1.29)		
0	568	48.6
1	242	20.7
2	137	11.7
3	98	8.4
4	43	3.7
5	32	2.7
6	18	1.5
7 or more	30	2.6
Prior Violent Felony Conviction (% yes)	163	14.0
Prior Felony Drug Conviction (% yes)	236	20.2
<u>Case Characteristics</u>		
Type of Charge Filed		
Violent Crime	261	22.3
Drug Offense	320	27.4
Property Crime/DUI	587	50.3
Disposition of Case		
All Charges Dismissed	329	28.2
Assigned to Drug Court	26	2.2
Transferred to Juvenile Court	23	2.0
Guilty Plea	751	63.9
Guilty Verdict	29	2.4
Not Guilty Verdict	4	0.3
Disposition Pending	13	1.1

Table 8, continued	N	%
Most Serious Conviction Charge (N= 790)		
Murder, Manslaughter	9	1.1
Forcible Rape	25	3.2
Robbery	62	7.9
Assault	41	5.2
Burglary	41	5.2
Larceny or Theft	157	19.9
Weapons Offense	42	5.3
Possess Narcotics or Marijuana with intent	82	10.4
Possess Narcotics	98	12.4
Fraud or Forgery	68	8.6
DUI or Other Felony	165	20.9
Type of Sentence Imposed		
Probation	146	18.7
Jail	243	31.1
Prison	393	50.3
Length of Sentence (Means)		
Probation	28.97	
Minimum Jail/Prison Sentence	29.22	
Maximum Jail/Prison Sentence	44.81	

In summary, defendants who were detained in jail prior to trial because they were unable to secure release on bail did not differ dramatically from the general pool of defendants who were bound over for trial. The background characteristics of the two groups were very similar, but the pretrial detainees' criminal histories and conviction charges were somewhat more serious. The typical pretrial detainee, however, was not a violent offender with a serious criminal history. Eighty-six percent of the pretrial detainees did not have a prior conviction for a violent felony and nearly half (48.6%) had no prior felony convictions at all. Moreover, less than a fourth of the detainees were charged with a violent crime and in nearly a third of the cases all of the charges were dismissed.

Non-Violent Property Offenders

The second group of defendants focused on this section of the report is non-violent property offenders: that is, offenders who were bound over for trial on charges of burglary, larceny/theft, motor vehicle theft, fraud, or forgery and who did not have a prior violent felony conviction. The characteristics of these offenders (N = 807) are displayed in Table 9.

Consistent with the results for the general felony defendant population, the typical non-violent property defendant was a 33-year-old male who was either white (58.1%) or African American (40.6%). Whereas only 21 percent of the defendants in the overall defendant pool were female, nearly 30 percent of the defendants charged with property crimes were female. These defendants had relatively minor criminal histories. Although two-thirds of them had at least one prior felony arrest (and 15.4% had seven or more prior arrests), more than half of them had no prior felony convictions and an additional fifth had only one prior conviction. None of them (by definition) had a prior conviction for a violent felony and only 13.5 percent had a prior conviction for a felony drug offense.

Table 9. Offender & Case Characteristics: Non-Violent Property Offenders , Douglas Co. District Court, 2001

	N	%
<u>Demographic Characteristics</u>		
Race./Ethnicity		
White	469	58.1
African American	328	40.6
Hispanic	4	0.5
Native American	3	0.4
Asian	1	0.1
Other	2	0.2
Gender		
Female	236	29.2
Male	571	70.8
Age (Mean = 33.15)		
17-20	50	6.2
21-25	194	24.0
26-30	119	14.7
31-35	123	15.2
36-40	110	13.6
41-45	112	13.9
46-50	61	7.6
51 and over	38	4.7
<u>Prior Criminal Record</u>		
Number of Prior Felony Arrests (Mean = 3.16)		
0	241	29.9
1	140	17.3
2	101	12.5
3	69	8.6
4	52	6.4
5	44	5.5
6	37	4.6
7 or more	123	15.2
Number of Prior Felony Convictions (Mean = 1.09)		
0	450	55.8
1	159	19.7
2	66	8.2
3	60	7.4
4	25	3.1
5	15	1.9
6	12	1.5
7 or more	20	2.4
Prior Felony Drug Conviction (% yes)	109	13.5
<u>Case Characteristics</u>		
Most Serious Charge Filed by County Attorney		
Burglary	104	12.9
Larceny or Theft (including motor vehicle theft)	485	60.1
Fraud or Forgery	218	27.0
Disposition of Case		
All Charges Dismissed	221	27.4
Assigned to Drug Court	39	4.8
Transferred to Juvenile Court	12	1.5
Guilty Plea	496	61.5
Guilty Verdict	6	0.7
Not Guilty Verdict	0	0.0
Disposition Pending	33	4.1

Table 9, continued	N	%
Most Serious Conviction Charge (N= 502)		
Burglary	66	12.9
Larceny or Theft	292	57.0
Possess Narcotics	2	0.4
Fraud or Forgery	145	28.3
DUI or Other Felony	7	1.4
Type of Sentence Imposed		
Probation	185	36.8
Jail	150	29.8
Prison	168	33.4
Length of Sentence (Means)		
Probation	29.27	
Minimum Jail/Prison Sentence	16.63	
Maximum Jail/Prison Sentence	26.53	
<u>Recidivism</u>		
New Misdemeanor Arrest (% yes)	366	45.4
New Misdemeanor Conviction (% yes)	239	29.6
New Felony Arrest (% yes)	383	47.5
New Felony Conviction (% yes)	141	17.5

Most of the non-violent property defendants were bound over to Douglas County District Court on charges of larceny/theft (60.1%) or fraud/forgery (27.0); only 12.9 percent were charged with burglary. Nearly two-thirds of the defendants were convicted after a guilty plea (61.5%) or a guilty verdict (0.7%) and all of the charges were dismissed in 27.4 percent of the cases. Of the 502 offenders who were convicted, 292 (57.0%) were convicted of larceny/theft, 145 (28.3%) were convicted of fraud/forgery, 66 (12.9%) were convicted of burglary, and nine (1.8%) were convicted of possession of narcotics, DIU, or another felony. Similar percentages of these offenders were sentenced to probation (36.8%), prison (33.4%), and jail (29.8%). The average minimum sentence for those who were sentenced to jail or prison was 16.63 months.

The recidivism rates for these offenders also are presented in Table 9. Although approximately half of the property offenders were rearrested for a misdemeanor (45.4%) or a felony (47.5%) in the 12-months following the disposition of their case, only 29.6 percent were convicted of a new misdemeanor and only 17.5 percent had a new felony conviction.

The data presented in Table 9 suggest that the non-violent property defendants, who comprised nearly a third (30.3%) of all defendants bound over for trial in Douglas County District Court in 2001, were neither career criminals nor likely recidivists. By definition, these offenders did not have a prior conviction for a violent crime and more than half of them had no prior felony convictions at all. In fact, 75 percent of these defendants had no more than one prior felony conviction. The recidivism rates of these offenders also were relatively low. Less than a third had a new misdemeanor conviction and less than a fifth had a new felony conviction in the 12-month follow-up period.

SECTION IV–RACE, GENDER, AND CASE OUTCOMES

Critics of the American criminal justice system contend that case processing decisions are based on legally irrelevant factors, such as the offender’s race, ethnicity, gender, and age. More to the point, they contend that black and Hispanic defendants are treated more harshly than similarly situated white defendants, that female defendants receive more lenient treatment than male defendants, and that very young and very old defendants are treated more leniently than offenders in other age groups. Those on the other side of the debate contend that apparent racial/ethnic and gender differences in case outcomes can be attributed to the effect of legal factors such as crime seriousness and prior criminal history. That is, they assert that the harsher treatment of racial/ethnic minorities can be attributed to the fact that blacks and Hispanics are charged with more serious crimes and have more extensive criminal histories than whites. Similarly, the more lenient treatment of female defendants reflects the fact that their crimes and criminal records are less serious than those of male defendants.

The data presented in Table 10, which displays case characteristics and case outcomes by the race and gender of the offender, suggest that both of these explanations are plausible. [Note: there were too few Hispanics defendants to include in the analysis.] The outcomes examined are (1) whether the defendant was in custody (typically because he/she was unable to make bail) prior to trial; (2) whether all charges against the defendant were dismissed; (3) whether the defendant was convicted by plea or by trial; (4) the type of sentence imposed on defendants who were convicted; and (5) the length of the sentence imposed on offenders who were sentenced to prison.

Table 10. Offender and Case Characteristics, Case Outcomes, and Sentences: By Race and Gender, Douglas County District Court, 2001

	RACE		GENDER	
	White	African American	Male	Female
	Mean	Mean	Mean	Mean
<u>Case Outcomes</u>				
Defendant in custody	.41	.48*	.47	.32*
All charges dismissed ^a	.30	.24*	.26	.36*
Defendant convicted ^b	.69	.75*	.73	.64*
Defendant convicted and sentenced to prison	.37	.39	.41	.25*
Minimum prison sentence	37.14	21.68*	28.74	21.76
<u>Crime Seriousness and Prior Record</u>				
Charged with a violent crime	.11	.21*	.17	.07*
Number of prior felony convictions	.73	1.42*	1.08	.76*
Prior violent felony conviction	.06	.16*	.12	.02*
Prior felony drug conviction	.15	.21*	.19	.14*

^aExcludes defendants who were assigned to Drug Court and defendants whose cases were still pending.

^bExcludes defendants who were assigned to Drug Court, defendants whose cases were still pending, and defendants who were transferred to Juvenile Court.

* $P \leq .05$; T-test for differences between white and black defendants and for differences between male and female defendants.

These data reveal that race did not have a consistent effect on case outcomes. For example, African Americans were significantly *more likely* than whites to be detained prior to trial or to be convicted; they were significantly *less likely* than whites to have all of the charges against them dismissed. On the other hand, there were no racial differences in the likelihood of a prison sentence and, among those who were sentenced to prison, *whites* received significantly *longer sentences* than African Americans. The

pattern was more consistent for male and female defendants. With the exception of the length of the prison sentence, where the female/male difference was not statistically significant, female defendants received more lenient treatment than male defendants at each stage in the process. Females were less likely than males to be in custody prior to trial, were more likely than males to have all charges dismissed, and were less likely than males to be convicted or sentenced to prison

Although these results are suggestive, they do not prove that there is discrimination against African American defendants or discrimination in favor of female defendants. In fact, the data presented in the bottom panel of Table 10 provide an alternative explanation. African American defendants were significantly more likely than white defendants to be charged with a violent crime (murder, rape, robbery, assault, or a weapons offense); they also had more serious prior records than whites. Conversely, female defendants were charged with violent crimes significantly less often than male defendants. Female defendants also had less extensive and less serious criminal histories than male defendants. The racial and gender differences in case outcomes, then, might be due to these differences in crime seriousness and prior criminal record.

To determine if this was the case, we used multivariate statistical techniques to analyze four case outcomes. Use of these techniques allowed us to isolate the effects of the defendant's race and gender, controlling for the defendant's age, the defendant's criminal history, the seriousness of the crime for which the defendant was charged or convicted, and the number of charges. In analyzing the likelihood that the case would be dismissed, we also controlled for whether the defendant was in custody following arraignment. We included this variable, as well as whether the case was settled by plea or by trial, in the analysis of the two sentencing decisions.

The results of the logistic regression analyses of the three dichotomous dependent variables are summarized in Table 11; complete results are presented in Table A1 and Table A2 of the Appendix. The results of the analyses reveal that gender had a statistically significant effect on all three case outcomes. Even after controlling for crime seriousness and criminal history, male defendants were more likely than female defendants to be in custody following arraignment and to be sentenced to prison; male defendants also were less likely than female defendants to have all of the charges against them dismissed. The effect of the defendant's race, on the other hand, varied among these case outcomes. Race had no effect on pretrial detention, but white defendants were more likely than African American defendants to have all of their charges dismissed. However, white offenders also were more likely than African American offenders to be sentenced to prison. Depending upon the outcome being examined, then, whites either were treated no differently, more leniently, or more harshly than African Americans.

Table 11. The Likelihood of Pretrial Detention, Case Dismissal, and a Prison Sentence: Results of the Logistic Regression Analysis

	Statistically Significant Predictors		
	Defendant in Custody	All Charges Dismissed	Convicted and Sentenced to Prison
Offender Characteristics			
Race = White	Not Significant	* (+)	* (+)
Gender = Male	* (+)	* (-)	* (+)
Age	Not Significant	Not Significant	Not Significant
Number of prior felony convictions	* (+)	* (-)	* (+)
Prior violent felony conviction	Not Significant	Not Significant	Not Significant
Prior felony drug conviction	Not Significant	Not Significant	* (+)
Case Characteristics			
Defendant in custody	Not Applicable	* (-)	* (+)
Guilty plea	Not Applicable	Not Significant	* (+)
Number of charges filed	* (-)	* (-)	Not Applicable
Number of conviction charges	Not Applicable	Not Applicable	* (+)
Most serious charge ^a			
Murder or manslaughter	Not Applicable	Not Significant	* (+)
Forcible rape	* (+)	Not Significant	* (+)
Robbery & use of a weapon	* (+)	Not Significant	* (+)
Robbery	* (+)	Not Significant	* (+)
Assault	* (+)	Not Significant	* (+)
Burglary	* (+)	Not Significant	Not Significant
Larceny or theft	Not Significant	* (+)	* (-)
Weapons offense	Not Significant	* (+)	* (+)
Possess narcotics with intent	Not Significant	* (+)	* (+)
Possess narcotics	* (-)	* (+)	* (-)
Possess marijuana with intent	* (+)	Not Significant	Not Significant
Fraud or forgery	Not Significant	Not Significant	Not Significant
Other felonies (reference category)			

^aThe most serious charge filed by the county attorney was used for the analysis of custody and charge dismissal; the most serious conviction charge was used in the analysis of the likelihood of prison. Murder/manslaughter was excluded from the analysis of pretrial detention because all of these defendants were detained in jail prior to trial.

* P ≤ .05

Because the results produced by logistic regression are not intuitively meaningful, we used the logistic regression coefficients presented in Tables A1 and A2 to estimate the probability of pretrial detention, charge dismissal, and incarceration for a “typical” offender in each group (Hanushek and Jackson 1977; Lichter 1989).⁵ We calculated these predicted probabilities for white males, black males, African American males, and African American females with the following characteristics:

- 33 years old
- one prior felony conviction
- no prior violent felony convictions
- no prior felony drug convictions
- charged with/convicted of larceny/theft or possession of narcotics with intent
- 3 filed charges (analysis of pretrial detention and charge dismissal)
- one conviction charge (analysis of prison sentence only)
- guilty plea (analysis of prison sentence only)
- not held in pretrial detention (analysis of prison sentence only)

In essence, then, the predicted probabilities control for (or hold constant) the offender’s age, prior criminal record, and the case characteristics outlined above.

The predicted probabilities of pretrial detention are presented in Figure 4. Consistent with the results displayed in Table 11, the estimated probabilities of pretrial detention are very similar for white and African American males and for white and African American females. There are, on the other hand, more substantial differences between males and females for both types of crime. For example, among offenders charged with possession of narcotics with intent, the estimated likelihood of pretrial detention ranged from 38.5 percent for whites females and 41.3 percent for African American females to 49.6 percent for African American males and 50.1 percent for white males.

⁵ The formula used to calculate the probabilities was $P_1 = \exp(Z_1) / (1 + \exp(Z_1))$ where

$$Z_1 = \sum_k B_k X_{ik}$$

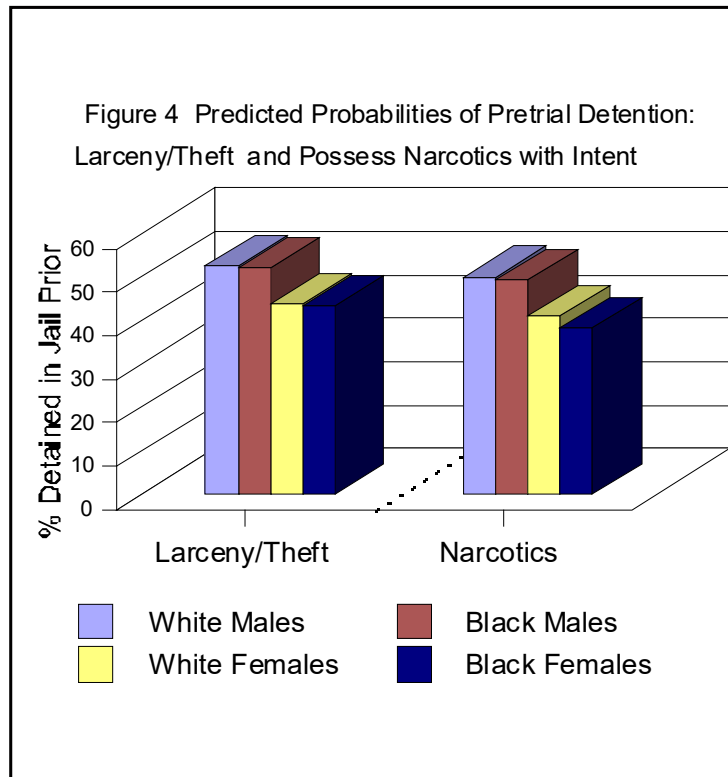
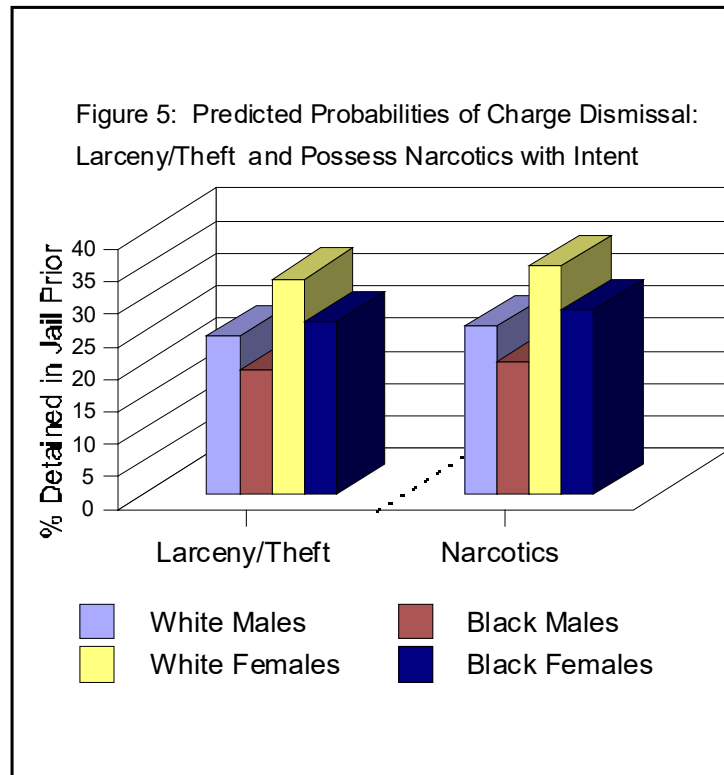
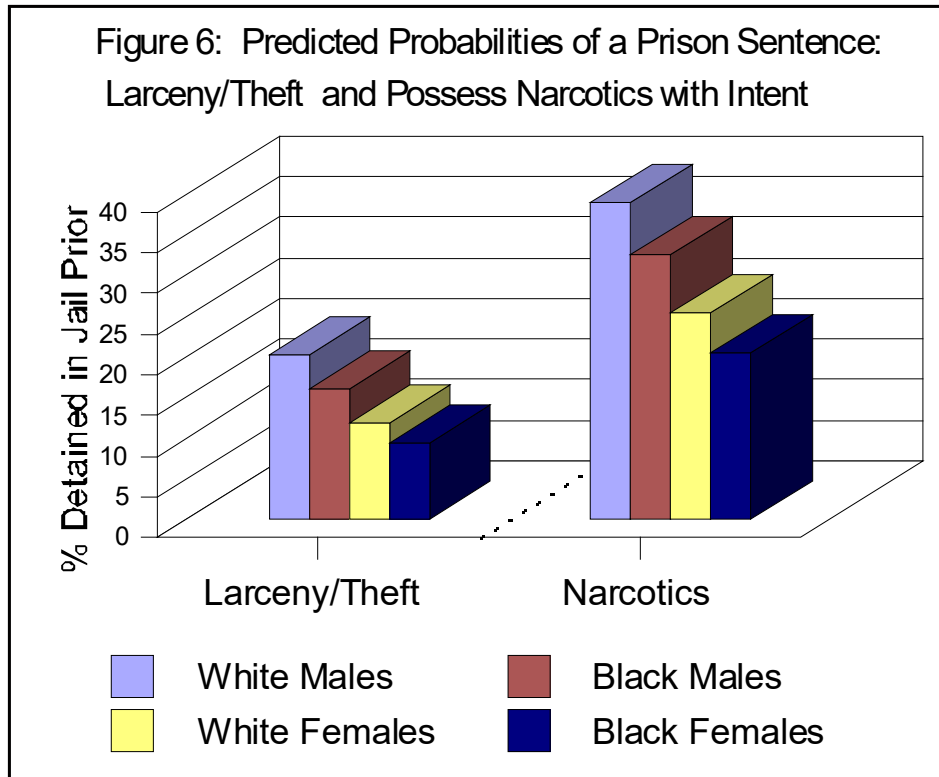


Figure 5 displays the predicted probabilities that all of the charges against the defendant would be dismissed prior to trial. For both types of offenses, the estimated probability of charge dismissal is highest for white females and lowest for African American males; the probabilities of charge dismissal for whites males and African American females fall in the middle. Among defendants charged with larceny or theft, for instance, the probabilities are 33.1 percent for white females, 26.6 percent for African American females, 24.3 percent for white males, and 19.1 percent for African American males. For this case outcome, in other words, both race and gender affected the predicted probabilities; African Americans were treated more harshly than whites and males were treated more harshly than females.



A different pattern of results characterizes the predicted probabilities of incarceration, which are presented in Figure 6. Both race and gender affected the estimated probability that an offender would be sentenced to prison and the effect of gender was similar to its effect on the probability of charge dismissal: that is, males had a higher probability of being sentenced to prison than females. The effect of race, on the other hand, was in the opposite direction; net of the other offender and case characteristics included in the model, the predicted probability of incarceration was higher for whites than for African Americans. The probabilities for offenders convicted of possession of narcotics with intent are 38.7 percent for white males, 32.3 percent for

African American males, 25.2 percent for white females, and 20.3 percent for African American females. Stated another way, white males' probability of incarceration was nearly twice the probability for African American females.



The results of the OLS regression analysis of the length of the prison sentence are summarized in Table 12; complete results are presented in Table A3 of the Appendix. These results indicate that race—but not gender—had a statistically significant effect on sentence length. Consistent with the results for the likelihood of imprisonment, white offenders received *longer* sentences than African American offenders. As indicated by the B value (see Table A3), the prison sentences imposed on whites were 12.2 months

longer than the sentences imposed on African Americans. Thus, white offenders were more likely than African Americans to be sentenced to prison and, among those who were imprisoned, they received sentences that were about a year longer than the sentences imposed on African Americans.

Table 12. The Length of the Prison Sentence: Results of the OLS Regression Analysis

	Statistically Significant Predictors
Offender Characteristics Race = White Gender = Male Age Number of prior felony convictions Prior violent felony conviction Prior felony drug conviction	* (+) Not Significant Not Significant Not Significant Not Significant Not Significant
Case Characteristics Defendant in custody Guilty plea Number of conviction charges	Not Significant * (+) * (+)
Type of Conviction Charge Violent Crime (reference category) Drug Offense Property Crime	 * (-) * (-)

* $P \leq .05$

It is important to point out that all of the case outcomes were affected by legally relevant factors; in fact, the legally relevant factors were stronger predictors of these outcomes than were the offender's race or gender. The likelihood of pretrial detention, for example, increased as the defendant's number of prior felony convictions increased and as the number of charges filed against the defendant increased. The odds of pretrial detention also varied depending upon the most serious charge filed by the county attorney. A similar pattern of results was found for the likelihood of charge dismissal, which declined as the number of prior felony convictions and the number of filed charges

increased. Charge dismissal also was less likely if the defendant was in custody following arraignment but was more likely if the defendant had a prior felony drug conviction. The likelihood that the offender would be sentenced to prison was affected by prior criminal record, pretrial detention, the number of conviction charges, and the type of conviction charge. Offenders with more prior felony convictions or with a prior conviction for a drug felony were more likely to be sentenced to prison, as were offenders who were held in pretrial detention, offenders convicted of multiple charges, and offenders convicted of violent offenses and drug offenses. The length of the prison sentence, on the other hand, was not affected by the offender's prior criminal record. Instead, sentences were longer for offenders convicted of multiple charges and for offenders convicted of violent crimes or drug offenses rather than property crimes. Consistent with other research, offenders who pled guilty received substantially shorter sentences (18.96 months) than those who were tried.

It also is important to point out that the statistically significant effects of gender and race on case outcomes reflect *disparity* in the treatment of males and females and in the treatment of African Americans and whites; they do not necessarily reflect *discrimination* against African Americans (charge dismissal) or whites (sentence severity) or *discrimination* in favor of females. Although we controlled for many of the legally relevant variables identified by prior research as predictors of these outcomes, we were not able to control for such things as the defendant's employment status or education, the defendant's marital status or responsibility for dependent children, whether the offender used a weapon during the commission of the crime, the amount of drugs possessed or the value of property stolen, or the characteristics of the victim.

APPENDIX

COMPLETE RESULTS OF THE MULTIVARIATE ANALYSES

Table A1. The Likelihood of Pretrial Detention and Case Dismissal: Results of the Logistic Regression Analysis

	Defendant in Custody			All Charges Dismissed		
	B	SE	Odds ^a	B	SE	Odds
Offender Characteristics						
Race = White	.01	.09		.31*	.10	1.37
Gender = Male	.36*	.11	1.44	-.43*	.12	0.65
Age	-.01	.00		-.00	.00	
No. of prior felony convictions	.19*	.03	1.20	-.07*	.03	0.93
Prior violent felony conviction	.14	.16		-.08	.18	
Prior felony drug conviction	.08	.13		.44	.14	1.55
Case Characteristics						
Defendant in custody				-.71*	.26	1.42
Number of charges filed	.11*	.02	1.12	.19*	.03	0.83
Most serious charge filed^b						
Murder or manslaughter				-.06	.67	
Forcible rape	.77*	.33	2.16	-1.00	.54	
Robbery & use of a weapon	2.07*	.49	7.89	-.06	.44	
Robbery	1.30*	.32	3.65	-.62	.41	
Assault	.71*	.25	2.03	-.03	.31	
Burglary	.59*	.22	1.80	.08	.26	
Larceny or theft	.08	.14		.43*	.16	1.54
Weapons offense	.30	.21		.94*	.23	2.56
Possess narcotics with intent	-.02	.16		.52*	.18	1.68
Possess narcotics	-.55*	.14	0.58	.58*	.18	1.79
Possess marijuana with intent	.78*	.31	2.18	.27	.35	
Fraud or forgery	-.24	.18		.34	.20	
Other felonies (reference category)						

^aOdds ratios presented for statistically significant variables only.

^bThe most serious charge filed by the county attorney was used for the analysis of custody and charge dismissal; the most serious conviction charge was used in the analysis of the likelihood of prison.

* P ≤ .05

Table A2. The Likelihood of a Prison Sentence: Results of the Logistic Regression Analysis

	Defendant Convicted and Sentenced to Prison		
	B	SE	Odds ^a
Offender Characteristics			
Race = White	.28*	.12	1.32
Gender = Male	.63*	.17	1.87
Age	.00	.00	
No. of prior felony convictions	.27*	.04	1.31
Prior violent felony conviction	.32	.20	
Prior felony drug conviction	.34*	.17	1.40
Case Characteristics			
Defendant in custody	.60*	.12	1.82
Guilty plea	.28	.21	
Number of conviction charges	.58*	.08	1.78
Most serious charge^b			
Murder or manslaughter	2.87*	1.12	17.72
Forcible rape	1.89*	.47	6.67
Robbery & use of a weapon	1.95*	.66	7.03
Robbery	1.28*	.37	3.60
Assault	.88*	.32	2.41
Burglary	.38	.28	
Larceny or theft	-.38*	.18	0.69
Weapons offense	.97*	.29	2.64
Possess narcotics with intent	.54*	.22	1.71
Possess narcotics	-.72*	.21	0.49
Possess marijuana with intent	-.84	.60	
Fraud or forgery	-.02	.23	
Other felonies (reference category)			

^aOdds ratios presented for statistically significant variables only.

^bThe most serious charge filed by the county attorney was used for the analysis of custody and charge dismissal; the most serious conviction charge was used in the analysis of the likelihood of prison.

* $P \leq .05$

Table A3. The Length of the Prison Sentence: Results of the OLS Regression Analysis

	B	Beta	T-value
Offender Characteristics			
Race = White	12.20	.13	4.18*
Gender = Male	3.51	.02	0.84
Age	-.01	-.00	-.04
Number of prior felony convictions	1.40	.06	1.65
Prior violent felony conviction	7.48	.06	1.91
Prior felony drug conviction	-4.93	-.04	-1.34
Case Characteristics			
Defendant in custody	3.32	.04	1.15
Guilty plea	-18.96	-.12	3.92*
Number of conviction charges	11.03	.26	8.31*
Type of Conviction Charge			
Violent crime (reference category)			
Drug offense	-31.50	-.28	-7.22*
Property crime	-36.09	-.39	-9.89*
* P ≤ .05			