

3-18-2022

Bench vs. Jury Trials Convictions and Sentencing Outcomes for Arrested Officers, 2005-2016

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Sager, Bethany R.; Stinson, Philip M.; and Wentzlof, Chloe A., "Bench vs. Jury Trials Convictions and Sentencing Outcomes for Arrested Officers, 2005-2016" (2022). *Criminal Justice Faculty Publications*. 125.

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Bench vs. Jury Trials Convictions and Sentencing Outcomes for Arrested Officers, 2005-2016

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Las Vegas, NV

March 18, 2021

Support for this project was provided by the Wallace Action Fund of Tides Foundation. This research was also supported in part by the Center for Family and Demographic Research, Bowling Green State University, which has core funding from the Eunice Kennedy Shriver National Institute of Child Health and Human Development (P2CHD050959).

Background

- The federal government does not collect, analyze, nor disseminate data concerning crimes perpetrated by the police.
 - **George Floyd Justice in Policing Act** – “This bill addresses a wide range of policies and issues regarding policing practices and law enforcement accountability. It increases accountability for law enforcement misconduct, restricts the use of certain policing practices, **enhances transparency and data collection**, and establishes best practices and training requirements” (H.R. 7120).
 - The legislation stalled in the Senate – No immediate plans of data collection by federal government
- Previous research is heavily reliant on special commissions, observational data, and is often limited to one jurisdiction or city.
- The public’s understanding is conditional on investigative journalism and sensationalized cases. The true breadth and depth of police crime may be misunderstood.
- Other independent entities such as Mapping Police Violence, Fatal Encounters, and the Washington Post collect and disseminate data about police encounters but these measures do not necessarily capture police *crime*.

Henry A. Wallace Police Crime Database

Purpose

The purpose of the Henry A. Wallace Police Crime Database is to **improve policing** and **inform the public** about crimes committed by nonfederal sworn law enforcement officers across the United States.

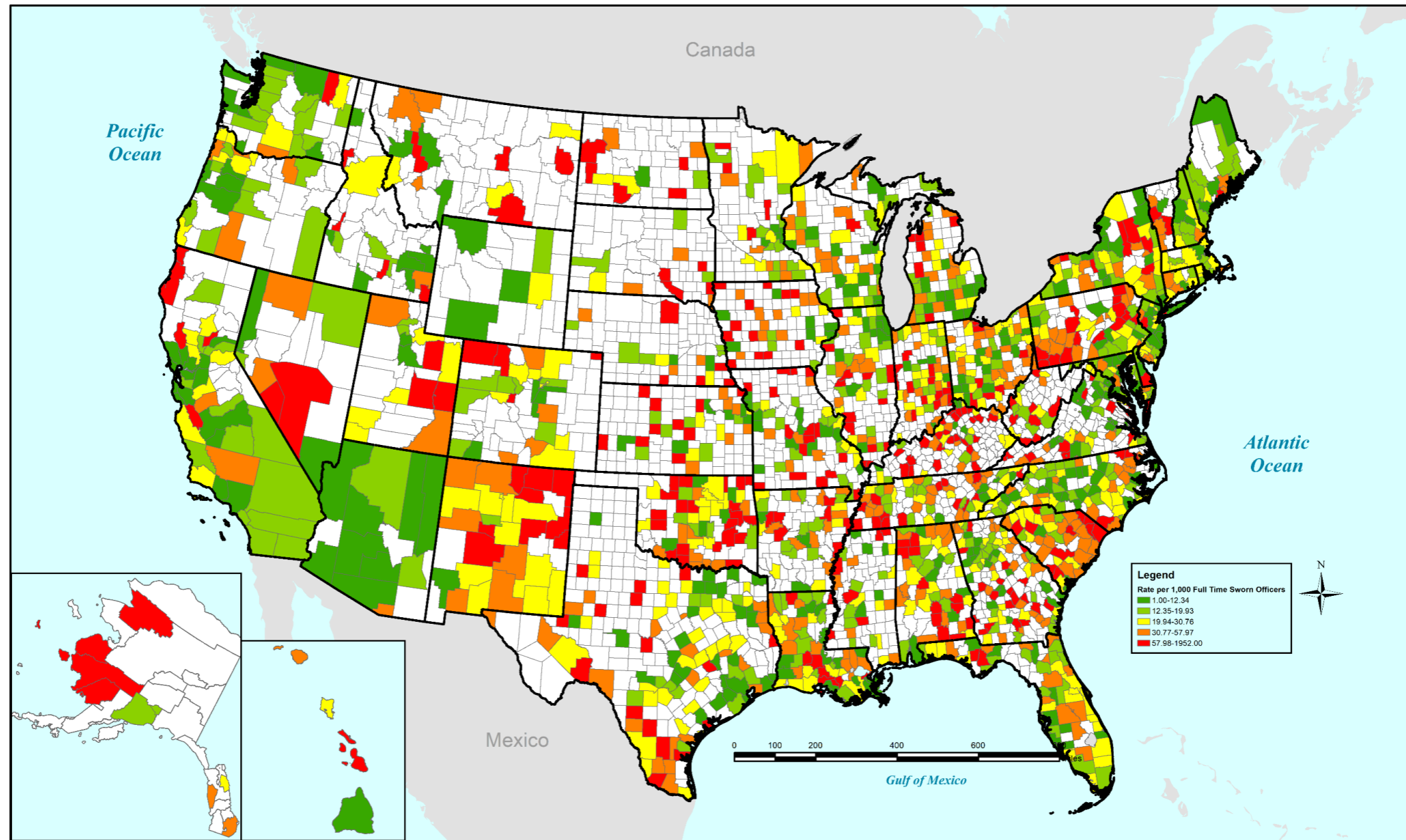
About Us

The Henry A. Wallace Police Crime Database is a research project of **Philip Stinson** and the **Police Integrity Research Group at Bowling Green State University**. The database provides summary information that is not otherwise aggregated or publicly available for approximately 13,000 criminal arrest cases of nonfederal sworn law enforcement officers (e.g., police officers, state troopers, deputy sheriffs) from the years 2005-2016.



policecrime.bgsu.edu

Rates of Police Crime Cases per 100,000 Population (N = 13, 214)



The Henry A. Wallace Police Crime Database currently includes summary information on **13,214 criminal arrest cases** from the years **2005-2016** involving **10,901 individual nonfederal sworn law enforcement officers**, each of whom were charged with one or more crimes. The arrested officers were employed by **4,104 state, local, and special law enforcement agencies** located in **1,648 counties** and independent cities in **all 50 states** and the District of Columbia.

The Search by Location feature allows users to search the Henry A. Wallace Police Crime Database using the interactive heat map below. This feature includes summary information on 13,214 criminal arrest cases from the years 2005-2016 involving 10,901 individual nonfederal sworn law enforcement officers. Each arrest case was coded for the most serious offense charged (pursuant to the UCR hierarchy of crime seriousness) as well as for every criminal offense charged against the arrested officer. The heat map provides users with the ability to search various crimes based on crime type, crimes charged, criminal case disposition, final adverse employment outcome, and year of arrest by location.

Location and Year of Arrest ▾

State*
Ohio ▾

County
Wood County ▾

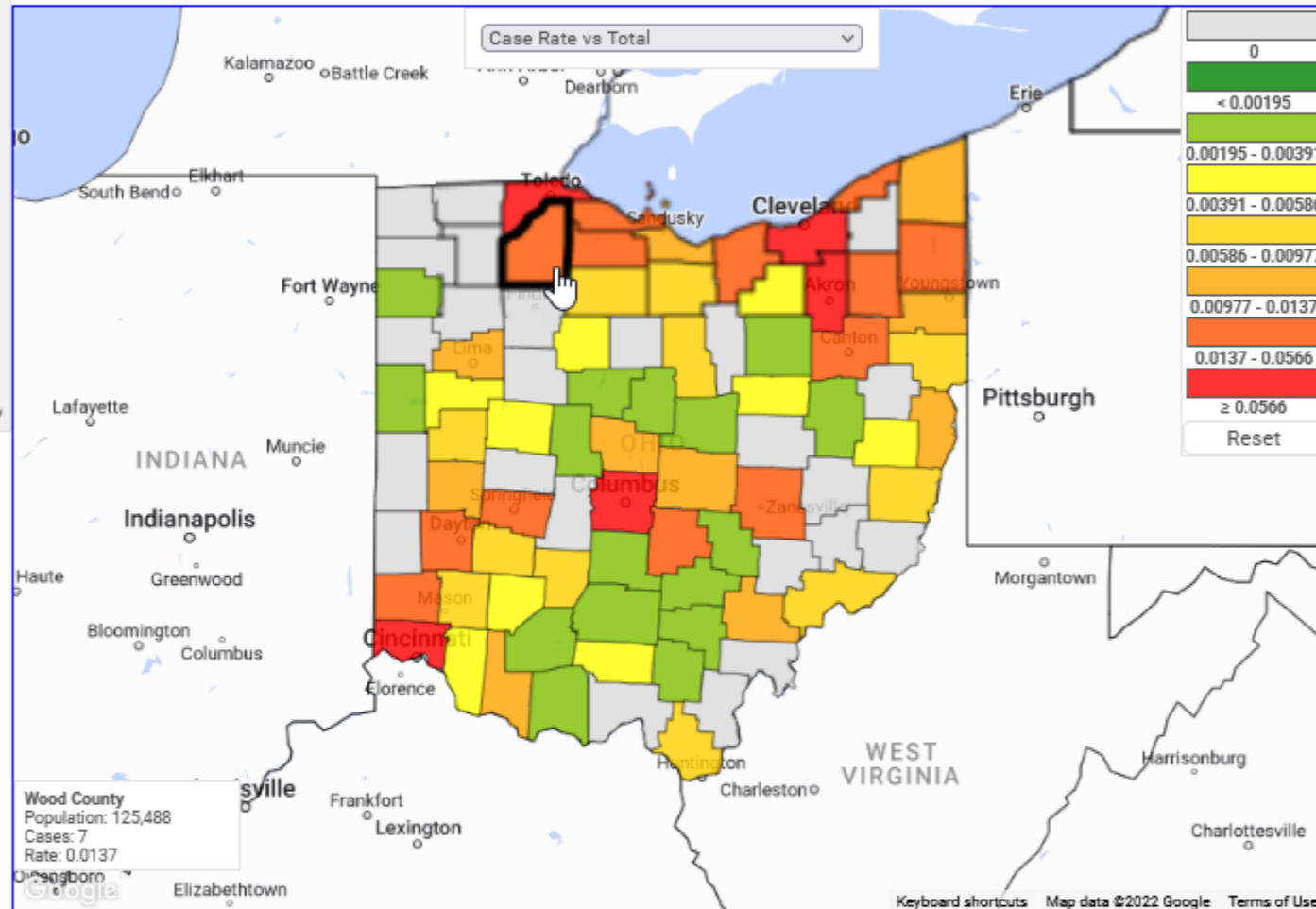
Year of Arrest
▾

Crime Type ▸

Crimes Charged ▸

Outcome ▸

Reset search



- Alcohol-Related
- Sex-Related
- Violence-Related
- Profit-Motivated
- Drug-Related
- Other
- Wood County
- Ohio

Details

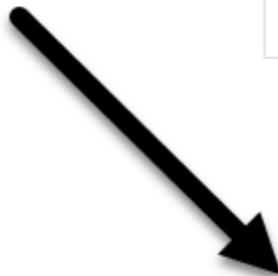
Show

10 ▾

entries

Search:

ID	Date	County	Agency	Drug Related	Alcohol-Related	Sex-Related	Violence-Related	Profit-Motivated	Other
00489N01922	04/15/2005	Wood County	Perrysburg Police Department				✓		



High Contrast

Arrested Officer Information:

Arrested Officer:	00489N01922
Age:	24
Years of Service:	0
Sex:	M
Arrested Officer Ethnicity:	Unknown
Arrested Officer Race:	Unknown
Rank:	Officer/Deputy/Trooper

Arrested Officer's Employer:

Employing Agency:	Perrysburg Police Department
Agency ID:	12424120
City:	Perrysburg
County:	Wood County
State:	OH
Type of Agency:	Municipal Police Department

Case Information:

Date of Arrest:	4/15/2005
Most Serious Offense Charged:	Weapons law violation
Type of Crime:	Violence-Related
Officer's Duty Status During Crime:	Off Duty
Officer's Capacity During Crime:	This crime was committed by officer in their individual capacity
Arresting Agency:	Arresting agency is not officer's employer

Case Status:

Adverse Employment Outcome:	Officer was suspended for a period of time Officer's employment was terminated
Criminal Case Disposition:	Unknown
Pre Trial Release:	Unknown



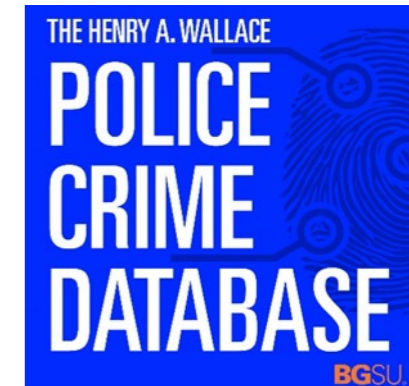
Database v.012122.0842

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Support for the Henry A. Wallace Police Crime Database was provided by the Wallace Action Fund of Tides Foundation on the recommendation of Randall Wallace.

Methods

- Publically available data can be found on the **Henry A. Wallace Police Crime Database** (<https://policecrime.bgsu.edu>)
- The **Police Integrity Research Group** at Bowling Green State University is the only known research group with collects and disseminates data about police crime which occurs throughout the United States.



The Henry A. Wallace Police Crime Database

Police Integrity Research for the Public Good

The Police Crime Database includes summary information on 13,214 criminal arrest cases from the years 2005-2016 involving 10,901 individual nonfederal sworn law enforcement officers, each of whom were charged with one or more crimes. The arrested officers were employed by 4,104 state, local, and special law enforcement agencies located in 1,648 counties and independent cities in all 50 states and the District of Columbia.

Search by Location



Search by Crime



Search by Victim



Methods

- We aim to capture criminal arrest cases of nonfederal sworn law enforcement officers within the United States since 2005.
 - Although we never claim to capture all cases, we do believe our methods capture the overall phenomenon of police crime.
- The Police Integrity Research Group utilizes Google Alerts™ which constantly crawl the Google News™ search engine to find cases of police crime.
- **Inclusion Criteria:**
 - The individual must be employed as a sworn nonfederal law enforcement officer:
 - At the time of their arrest and/or
 - At the time of commission of the crime(s)
 - The officer was arrested on/after January 1, 2005
- Once an officer/arrest has been identified, additional Google Alerts™ will be created to track the specific officer.
- Primary Unit of Analysis: Criminal Arrest Case

Identifying a Case

- Google Alerts and Google News Search Engine are utilized to identify a criminal arrest cases.
- News articles are printed and checked against our inclusion criteria for relevancy.
- This starts the beginning process of coding variables such as full name, officer's employing agency, city, county, state, and date of arrest.
- Once approved by a supervisor, our research assistants will enter this criminal arrest case into our internal object-relational database system.
- Additional Google Alerts are created to track that specific officer and criminal arrest case.

Offender Name (Last, First) _____	
Offender's Employer / Agency _____	
City (County) & State _____	COUNTY FIPS: _____
Case # _____	NEW CASE LOGGED IN BY: _____
Case Ref: _____ (i.e., Victim #, Arrest #)	TODAY'S DATE: _____
Date of Arrest _____ (mm/dd/yyyy)	APPROVED BY: _____
N-Number _____	DATA ENTERED INTO ONBASE BY: _____
	CASE FILES SCANNED INTO ONBASE BY: _____

NEW CASE LOG-IN SHEET

_____ MEETS CASE ELIGIBILITY CRITERIA (SEE BELOW CRITERIA)

_____ CHECKED NAME/ARREST AGAINST EXISTING BOOKING SHEET DATABASE

_____ *THIS IS A "NEW" OFFICER NOT FOUND IN OUR DATABASE*
OR
_____ *THIS IS AN OFFICER WHO IS ALREADY IN OUR DATASET FOR A DIFFERENT ARREST/CASE AND HIS/HER EXISTING N-NUMBER IS INDICATED IN THE BOX ABOVE*

_____ VERIFIED AGENCY, COUNTY, STATE & FIPS ON CSLLEA 2008 DATA SET

Case Eligibility Criteria:

(1) The person was employed as a sworn nonfederal law enforcement officer:
 a. at the time of their arrest *and/or*
 b. at the time of commission of the crime(s) for which they were arrested.

(2) The term "officer" includes sworn law enforcement officers with general powers of arrest and includes officers, troopers, deputies, constables, etc. An "officer" includes all ranks (e.g., officers, detectives, investigators, corporals, sergeants, lieutenants, captains, majors, colonels, inspectors, deputy chiefs, chief deputies, chiefs, sheriffs, commissioners, etc.).

(3) The officer was arrested on or after January 1, 2005.

(4) The officer's employing nonfederal law enforcement agency must be located within the United States (limited to those areas within and/or inclusive of the fifty states and the District of Columbia).

(5) "Officer" includes those who are employed full-time and/or part-time, as well as officers who are auxiliary or reserve officers.

(6) "Arrests" include arrests, indictments, charge by criminal information, charge by summons, etc. for criminal offenses. Traffic tickets alone do not meet the criteria for inclusion as a "case" in this research study.

(7) Use FIPS code for the county where the arrested officer's employing agency is located. For officers employed by a state or multi-county agency, use the FIPS code for the county where the officer regularly works (*not* where the agency HQ is located).

Continuously Tracking Cases

- After a case is identified, we track the case through the criminal courts process.
- Using Google Alerts, we gather Google News articles about the officer and criminal arrest cases and store these documents with our internal object-relational database.
- Court records and news videos are also obtained and stored.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

VERSUS

KENNETH BOWEN
ROBERT GISEVIUS
ROBERT FAULCON
ANTHONY VILLAVASO
ARTHUR KAUFMAN
GERARD DUGUE

Judge tentatively sets August trial for former Fort Worth officer charged with murder


BY EMERSON CLARRIDGE
OCTOBER 27, 2020 03:49 PM, UPDATED OCTOBER 27, 2020 06:20 PM

A state district judge on Tuesday set a tentative window for the trial for a former Fort Worth police officer indicted on a murder charge in the death of a woman he shot as he and another officer handled an open structure call.

SECTION "N" (1)

ORDER AND REASONS

Before the Court is the Motion for New Trial (Rec. Doc. 963) originally urged by defendant Arthur Kaufman, and joined in by the other defendants in this matter who were tried and convicted in 2011 (hereinafter referred to as "Defendants" or "the defendants").¹ The government opposes this motion. (Rec. Doc. 1007.) The Court heard oral argument on the defendants' motion on June 13, 2012 (Rec. Doc. 1020). A detailed recounting of subsequent events is set forth in this Court's Order and Reasons dated November 26, 2012 (Rec. Doc. 1070). As an expected result of that Order, the



Judge denies Nouman Raja's sentence reconsideration | WPEC <https://cbs12.com/news/local/judge-denies-nouman->

Judge denies Nouman Raja's sentence reconsideration

by Sabrina Lolo
Thursday, February 27th 2020

WEST PALM BEACH, Fla. (CBS12) — A judge denied a sentence reconsideration request from a former Palm Beach Gardens police officer **convicted of killing a local church drummer**. Nouman Raja's request was denied Tuesday.

Raja was found guilty last year of attempted first-degree murder and manslaughter for the death of Corey Jones in 2015. He was **sentenced to 25 years** in prison.

Raja's attorneys had **filed a motion** back in January to correct "a sentencing error," claiming that neither the jury's verdict nor the evidence in the case were enough to support his 25-year sentence.

However, prosecutors said in a later court filing that Raja's request was "flawed" and the claims are "legally unsound."

6:03 45° CBS 4



CHAUVIN SENTENCED TO 22.5 YEARS FOR GEORGE FLOYD'S DEATH TODAY

Coding a Case

- Once sufficient time has passed for the majority of cases to be concluded, we code each case on over 270 variables.
 - Variables include but are not limited to:
 - Offense variables, types of crime, criminal case outcomes and sentencing, employment outcome, officer and victim demographic, and agency characteristics
- We utilize a data collection instrument (Unicom Intelligence Interviewer software) to code these cases. We have customized the survey instrument by building in logic and integrating it with our internal object-relational database system.
- Cases are coded by year of arrest. Once a full year is complete, inner-coder reliability and data cleaning processes are used to check for accuracy and consistency between coders.
- The year's worth of criminal arrest cases are then added to our master dataset and made publically available through the Henry A. Wallace Police Crime Database.
- Currently, information about 2005 through 2016 criminal arrest cases are publically available and we are working on coding 2017 criminal arrest cases.

Strengths and Limitations

- Limitations:

- Only captures criminal arrest cases – cases of police *misconduct* which do *not* result in a criminal charge are *not* included.
- Our knowledge of these cases are limited to *publically available* information, news articles, and court records.
- Using Google Alerts requires real-time data collection.

- Strengths:

- There are no other comprehensive, nationally representative datasets of police crime within the United States.
- Descriptive summary data which can inform the public of the breadth and depth of the problem.
- Our data lend itself well to more advanced quantitative data analysis techniques such as, logistic regression, CHAID and CART decision trees algorithms, and other predictive models.
- Using Google Alerts we have identified more cases than other more traditional methods.

Methods

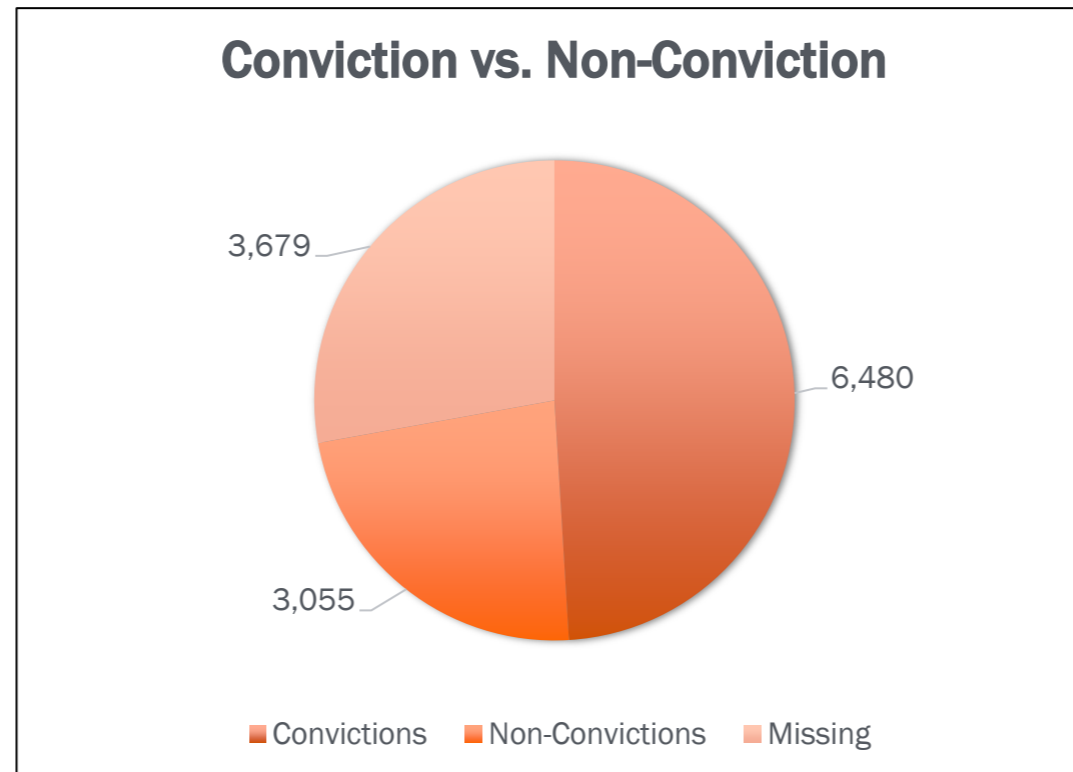
- Inclusion criteria for larger research project:
 - Individual was a sworn nonfederal law enforcement officer within the United States at the time of arrest and/or the commission of the crime
 - Officer was arrested on or after January 1, 2005
 - Officer was arrested and/or criminally charged
 - Primary Unit of Analysis: Criminal Arrest Case
- Inclusion criteria for this study:
 - Meets all the criteria for larger research project
 - Officer was convicted by bench trial, jury trial, or plea deal
 - For the purpose of this presentation, data was limited to years 2005-2016
 - Primary unit of Analysis: Criminal Arrest Case

Background

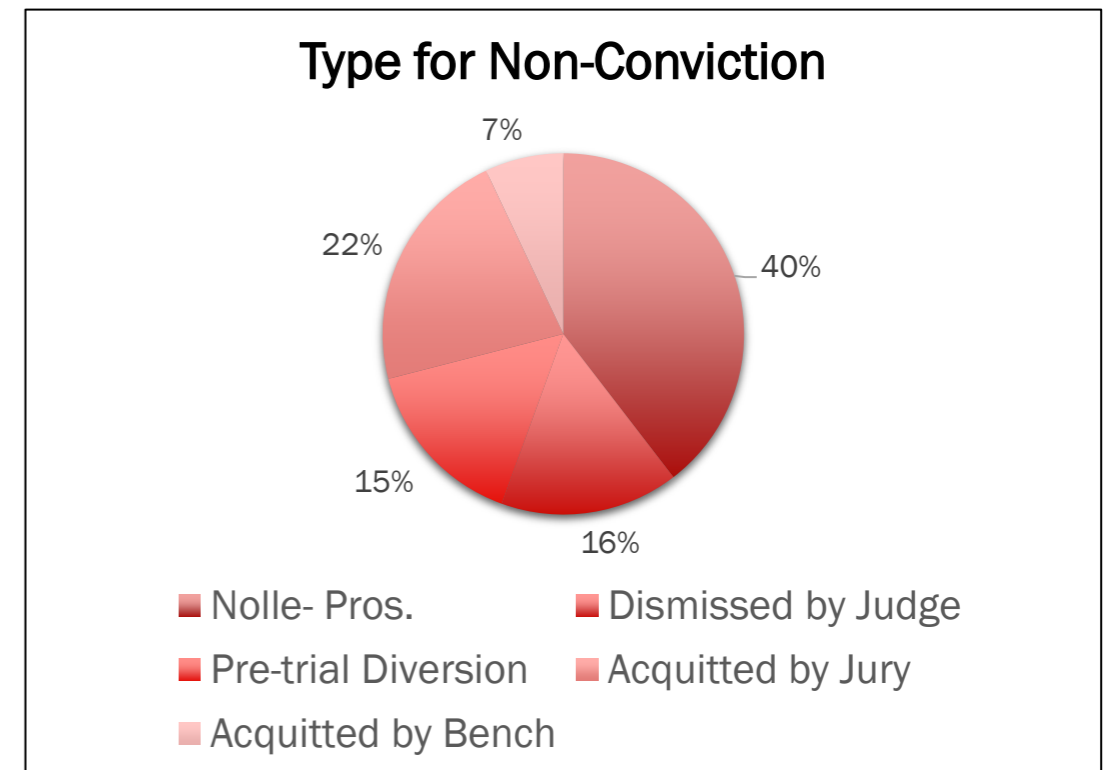
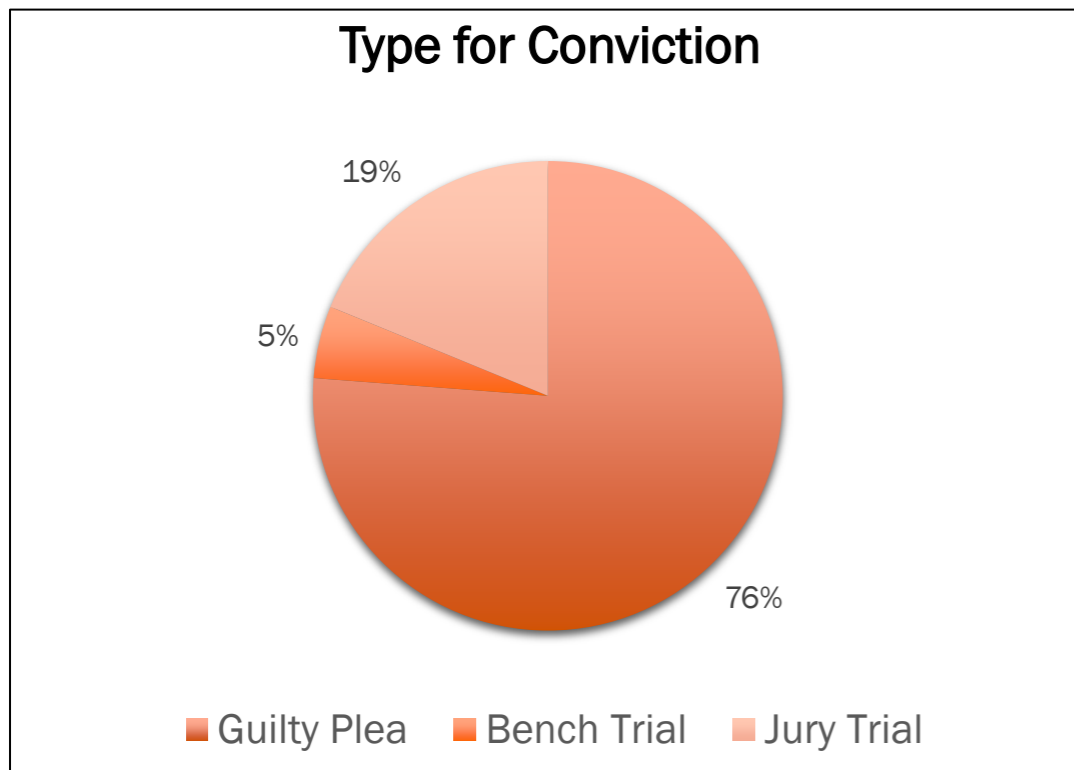
- Of the 13,214 criminal arrest cases in our dataset, we have identified 6,480 convictions. Of the 6,480 convictions identified, there were 1,890 cases where the officer was tried by a jury and 538 cases which resulted from a bench trial.
- The five types of crime analyzed as part of this study are profit-motivated, drug-related, alcohol-related, violence-related, and sex-related. These are not mutually exclusive.
- The five sentencing types we study in this dataset are probation, jail, prison, other, and unknown.
- This study compares the differences in both felony and misdemeanor convictions between bench and jury trials.
- The types of non-convictions measured in this data set are Nolle prosequi, dismissed by judge, pre-trial diversion, acquitted by judge, and acquitted by jury.

Conviction vs. Non-Conviction

Conviction status was unknown/missing for 3,479 of the 13,214 criminal arrest cases



76% of convictions resulted from plea deals



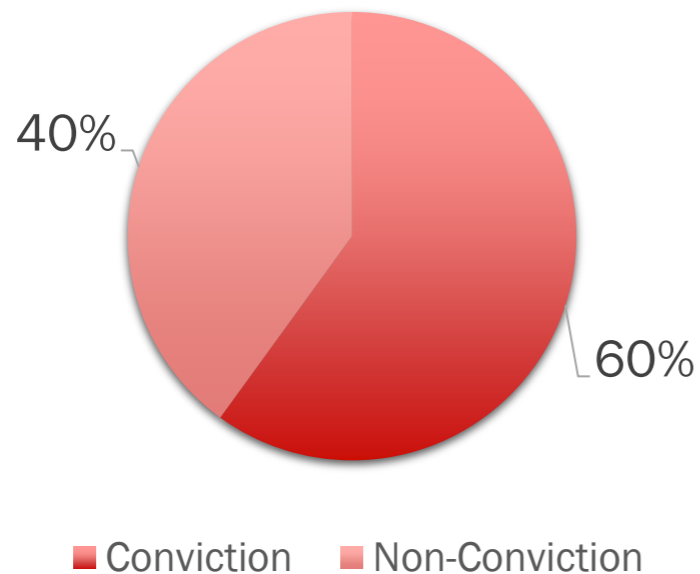
Bench vs. Jury Trial Convictions

BGSU.

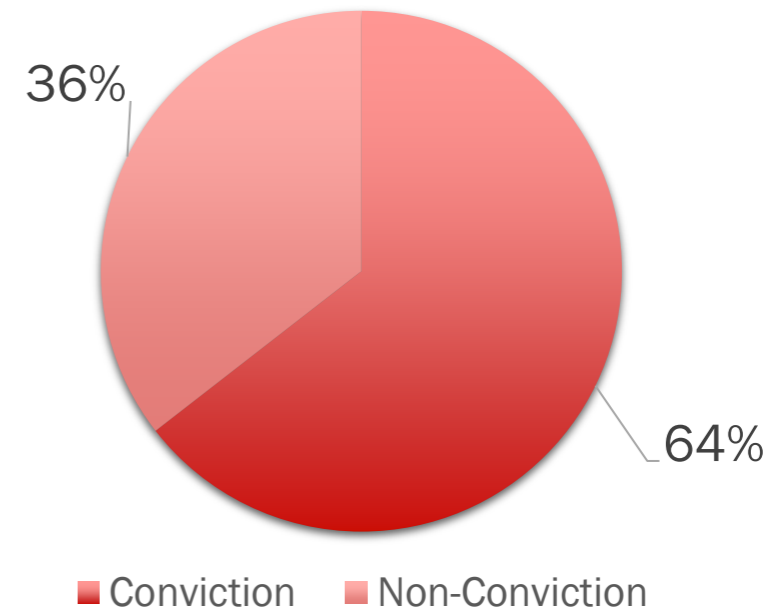
POLICE INTEGRITY
RESEARCH GROUP

BOWLING GREEN STATE UNIVERSITY

Bench Trial Convictions

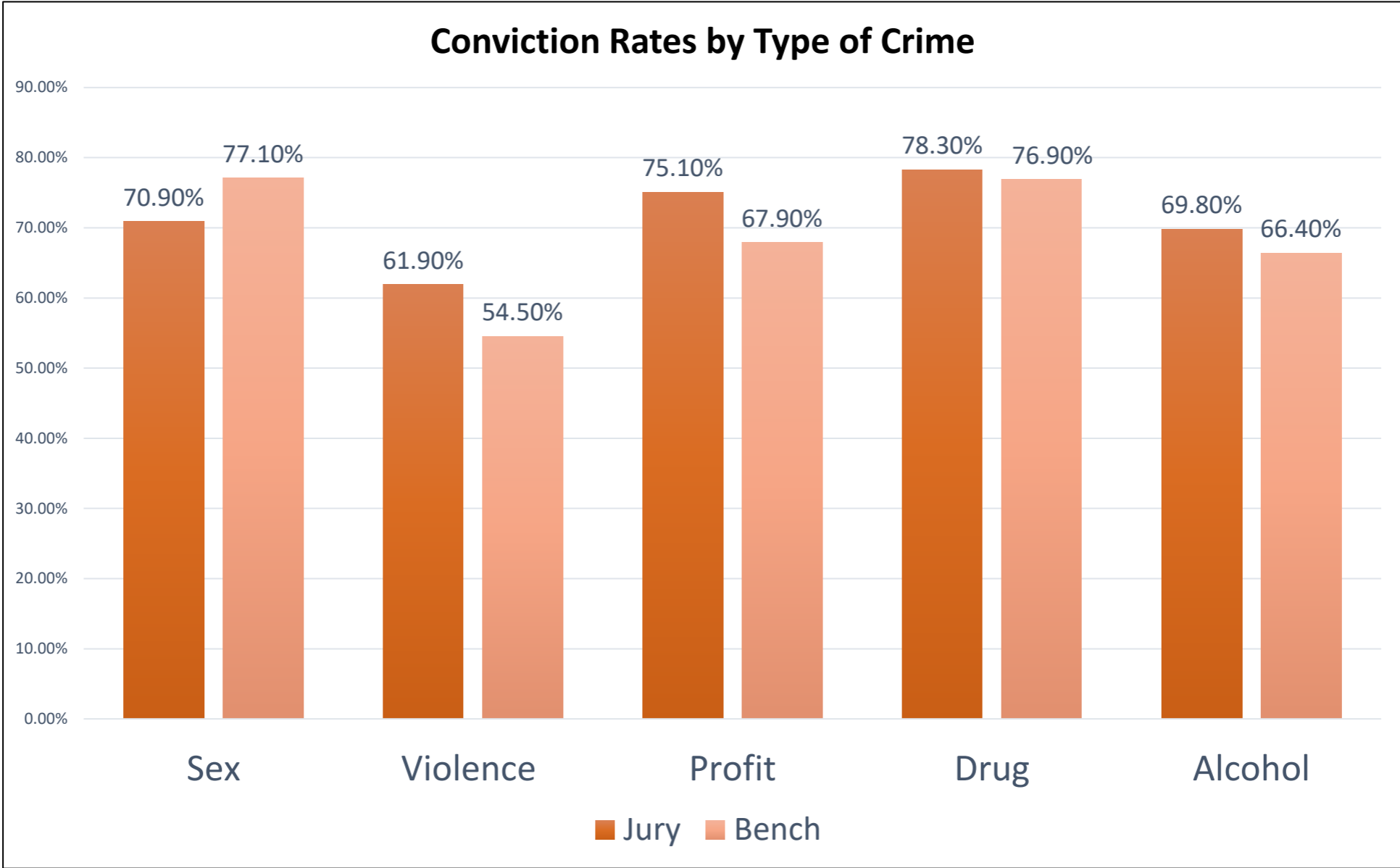


Jury Trial Convictions



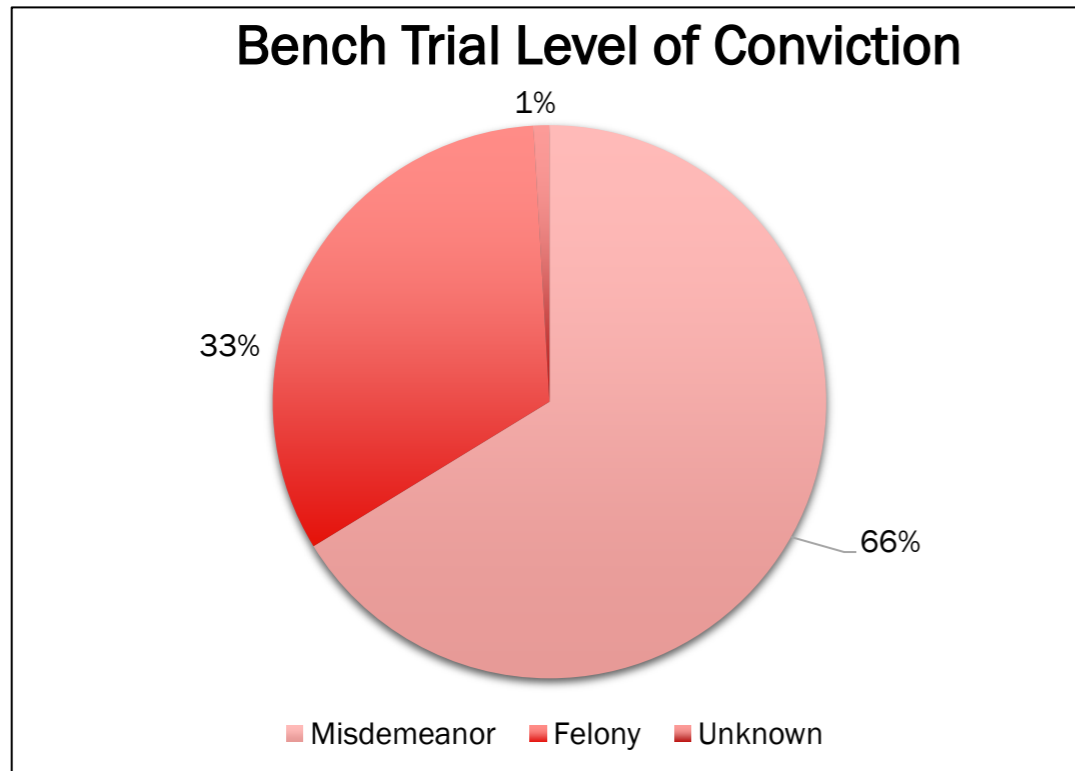
- 60% of cases that went before a bench resulted in a conviction
- 64% of cases that were tried by a jury resulted in a conviction

Conviction Rates by Crime Type



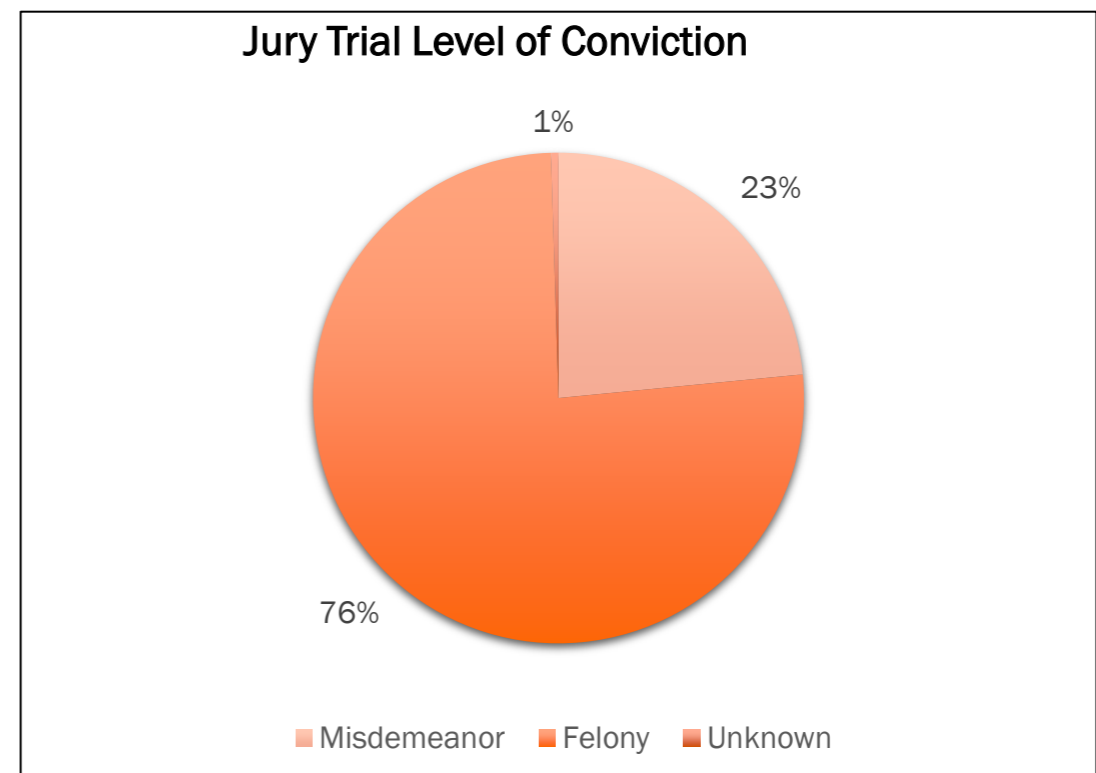
Officers were more likely to be convicted following a jury trial for all crime types except sex-related.

Misdemeanors vs. Felonies

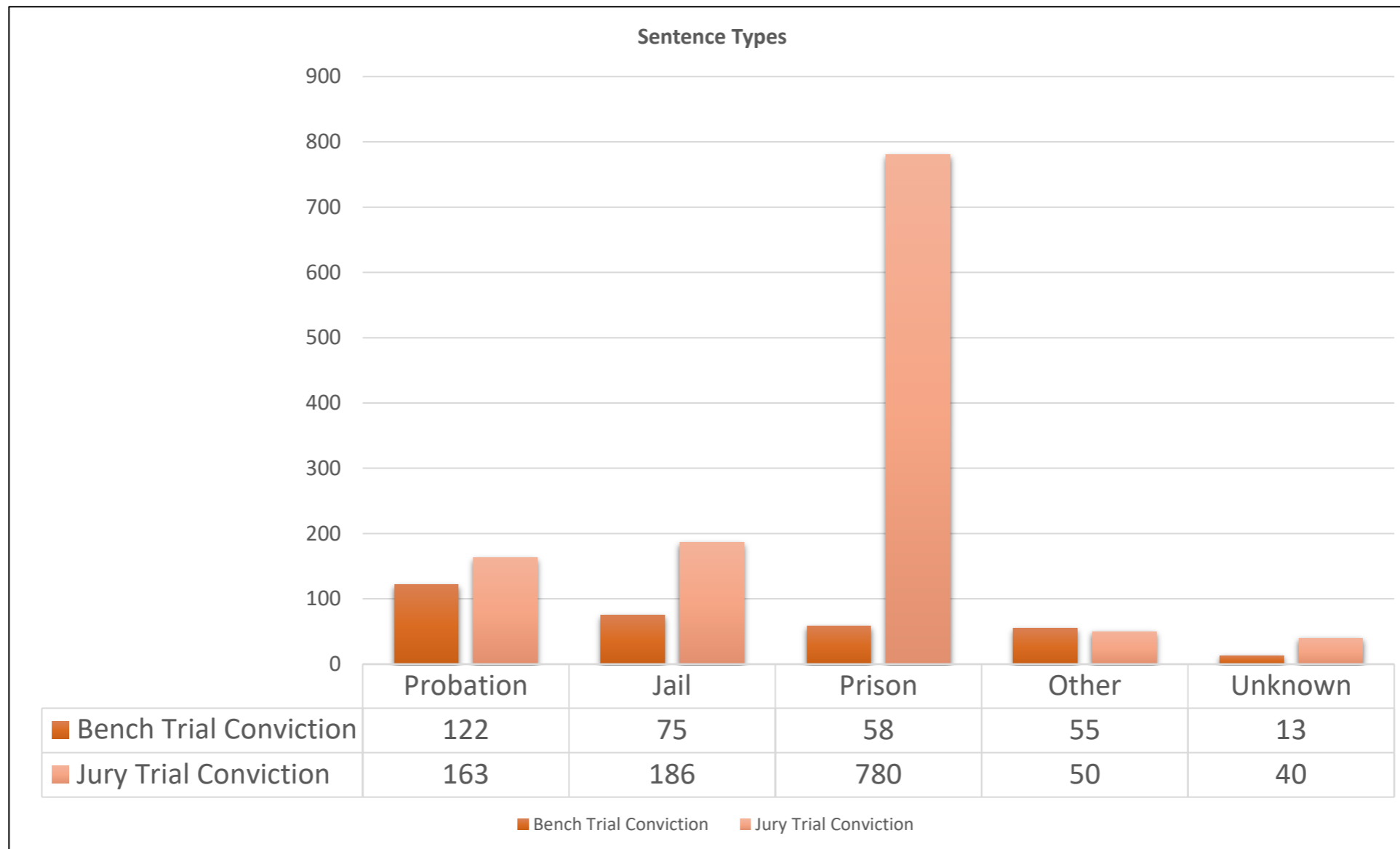


The majority of bench trial convictions resulted from misdemeanor.

The majority of jury trial convictions resulted from felonies.



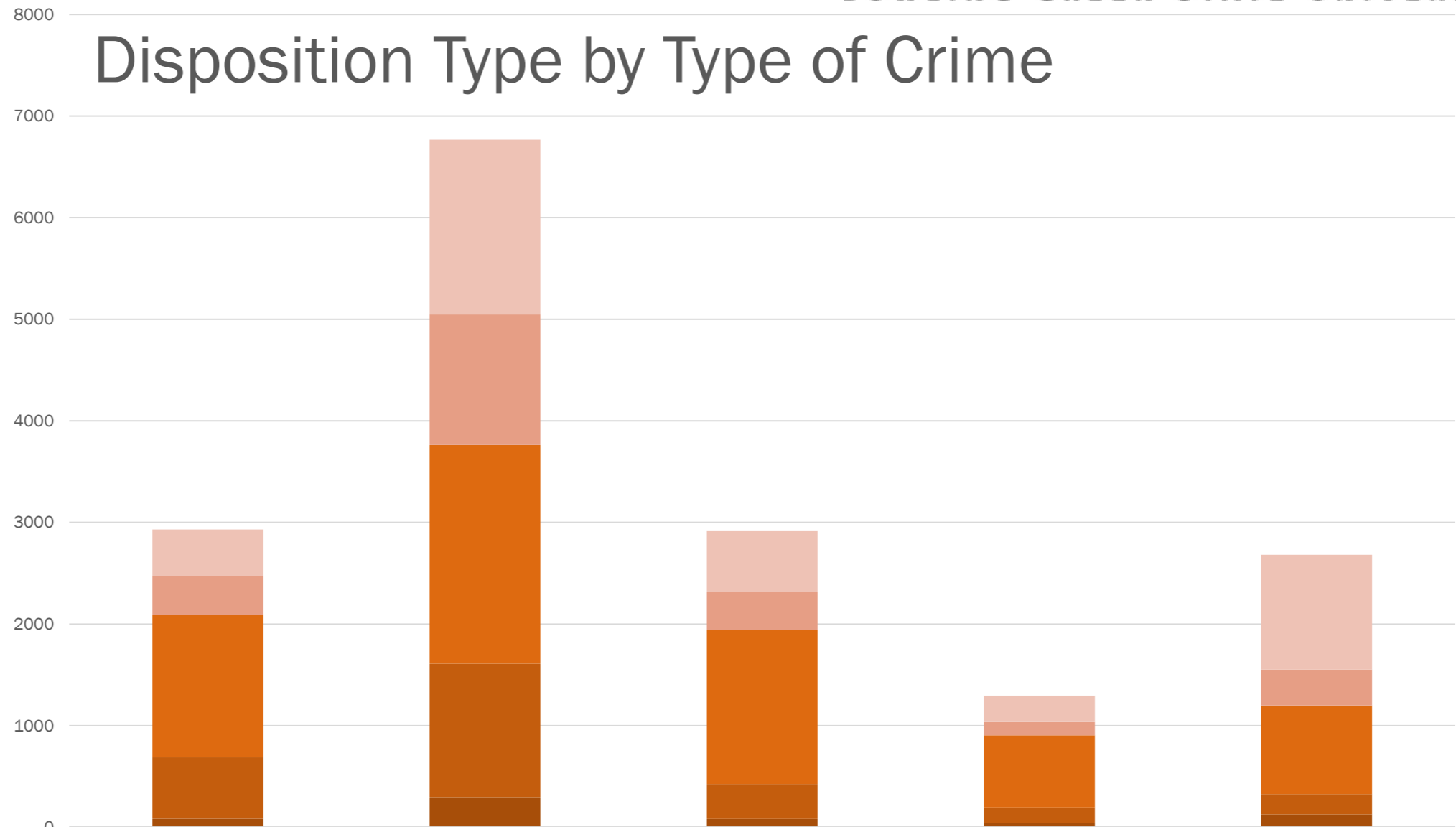
Sentencing Types



- The sentence type most common following conviction by jury trial was prison (780).
- The sentence type most common following conviction by bench trial was probation (122).

Plea Deals

Disposition



Disposition Type by Type of Crime

	Sex	Violence	Profit	Drug	Alcohol
Unknown	459	1720	602	262	1131
Other Disposition Type	383	1283	379	130	353
Plea Deal	1402	2154	1515	709	871
Jury Trial	604	1312	345	157	199
Bench Trial	83	297	81	39	128

Misdemeanors

Incarceration Sentence Lengths for Misdemeanor Convictions (in months)

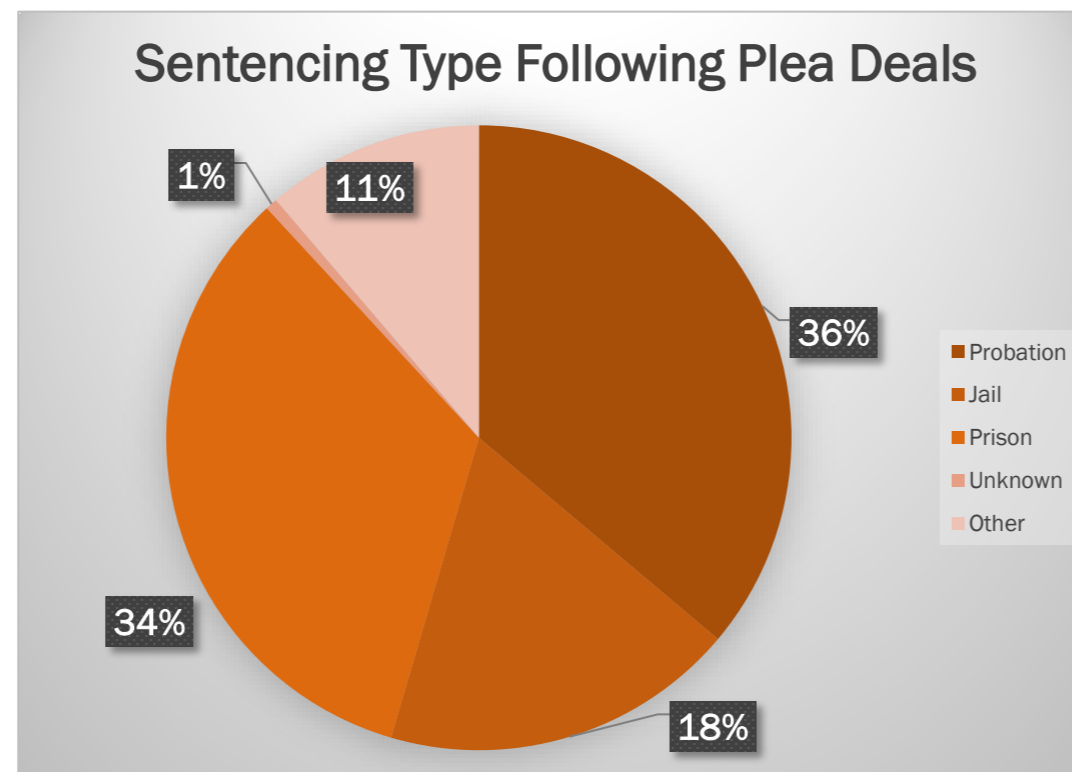
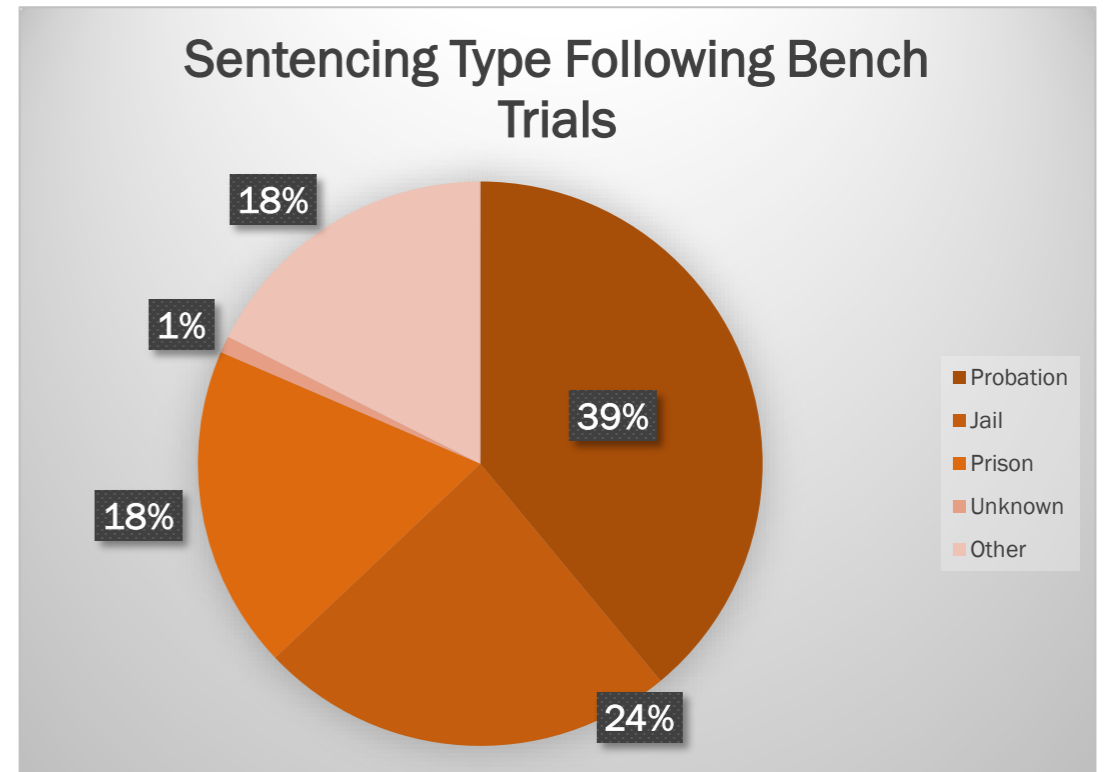
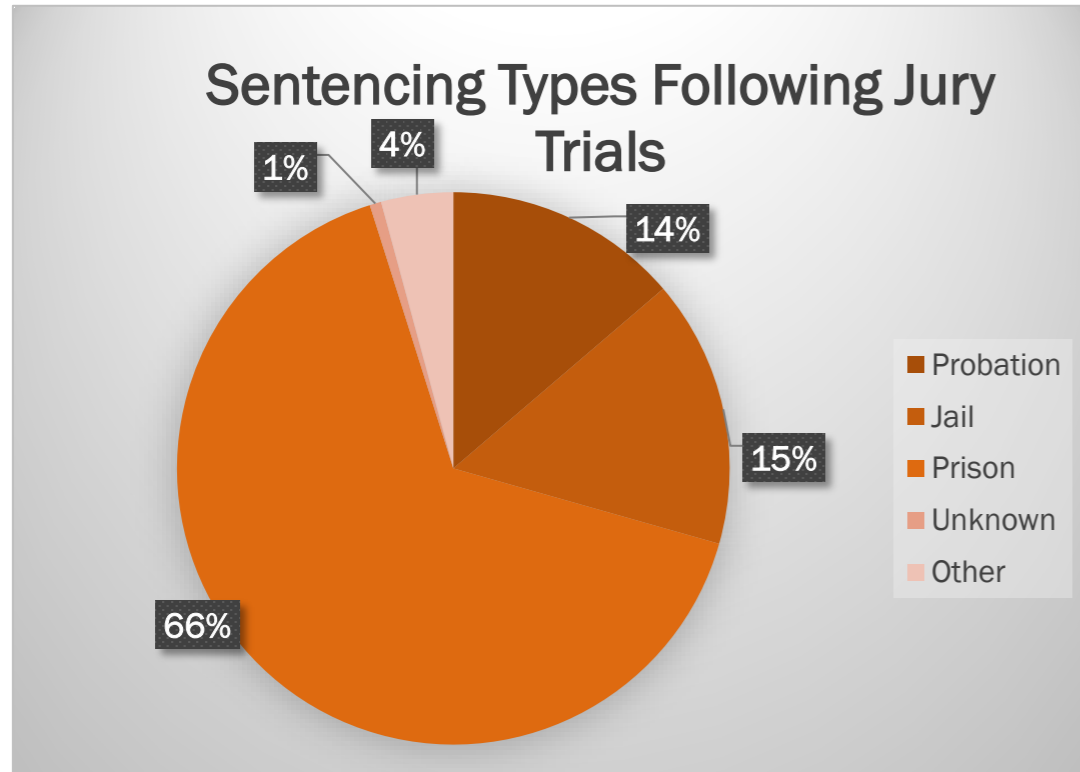
		<i>n</i>	<i>Median</i>	<i>X</i>	<i>Std. Dev.</i>
Drug-Related	Jury Trial	3	6.0	6.67	1.15
	Bench Trial	7	3.0	3.09	2.60
	Plea Deal	40	3.0	8.01	12.07
Alcohol-Related	Jury Trial	22	2.8	3.82	3.75
	Bench Trial	30	1.0	1.57	3.00
	Plea Deal	121	0.3	2.25	1.22
Sex-Related	Jury Trial	26	8.0	11.89	19.56
	Bench Trial	13	6.0	8.85	8.90
	Plea Deal	152	6.0	10.29	13.93
Violence-Related	Jury Trial	78	3.5	8.78	27.07
	Bench Trial	26	1.5	4.92	7.56
	Plea Deal	244	6.0	7.94	12.17
Profit-Motivated	Jury Trial	17	6.0	15.38	18.92
	Bench Trial	6	3.2	4.22	2.83
	Plea Deal	92	6.6	7.18	10.17

Felonies

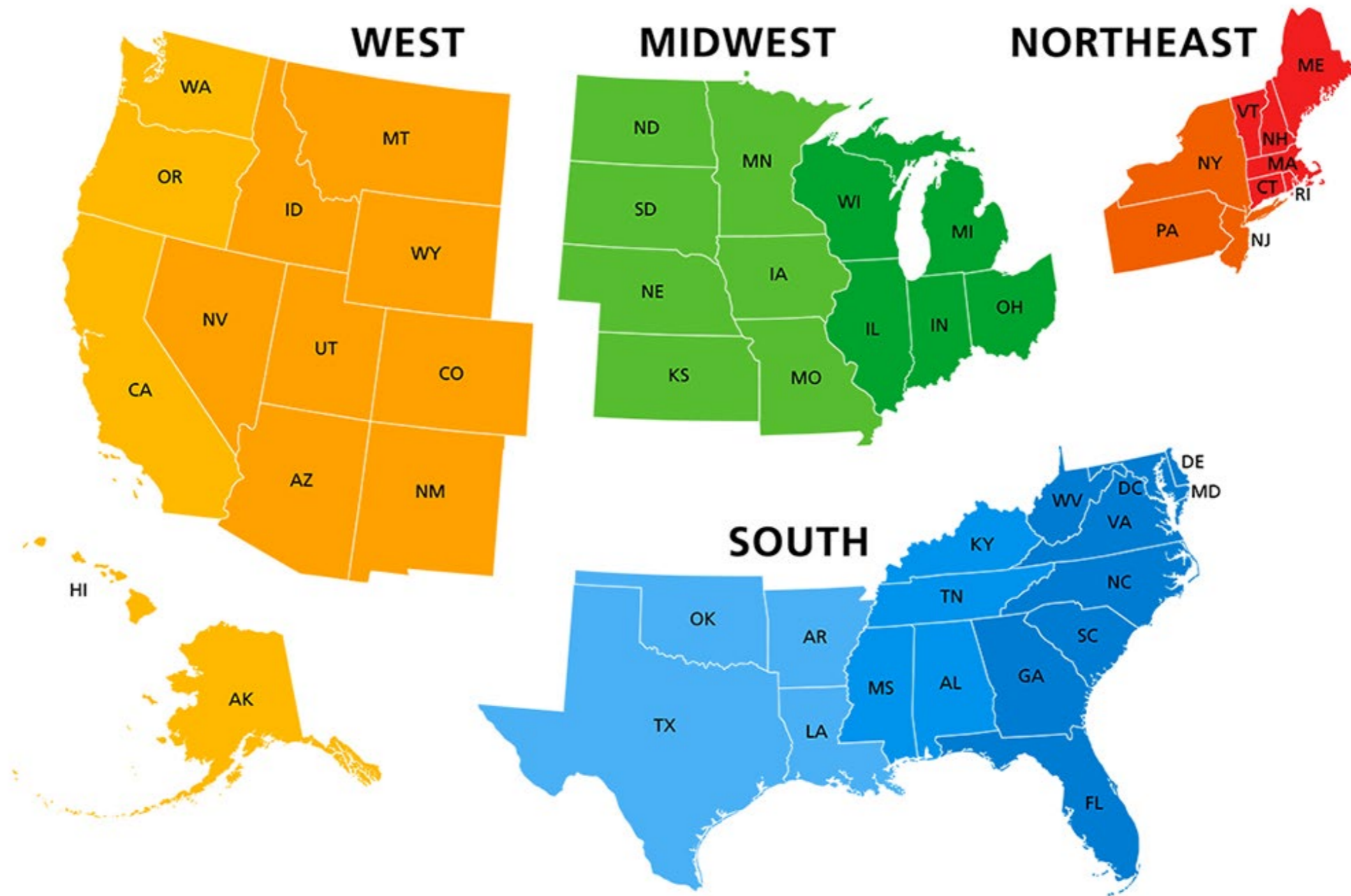
Incarceration Sentence Lengths for Felony Convictions (in months)

		<i>n</i>	<i>Median</i>	<i>X</i>	<i>Std. Dev.</i>
Drug-Related	Jury Trial	106	153.5	309.93	466.61
	Bench Trial	13	28.0	92.12	131.08
	Plea Deal	433	42.0	64.92	68.26
Alcohol-Related	Jury Trial	73	120.0	283.42	336.06
	Bench Trial	8	44.0	71.13	68.25
	Plea Deal	103	36.0	70.66	124.47
Sex-Related	Jury Trial	365	144.0	306.80	357.80
	Bench Trial	23	48.0	64.65	70.38
	Plea Deal	775	60.0	99.44	122.67
Violence-Related	Jury Trial	596	144.0	276.58	348.32
	Bench Trial	43	36.0	90.24	123.28
	Plea Deal	881	54.0	96.99	121.37
Profit-Motivated	Jury Trial	196	60.0	162.80	332.60
	Bench Trial	26	54.0	140.10	170.45
	Plea Deal	840	34.0	56.00	69.24

Sentencing Type



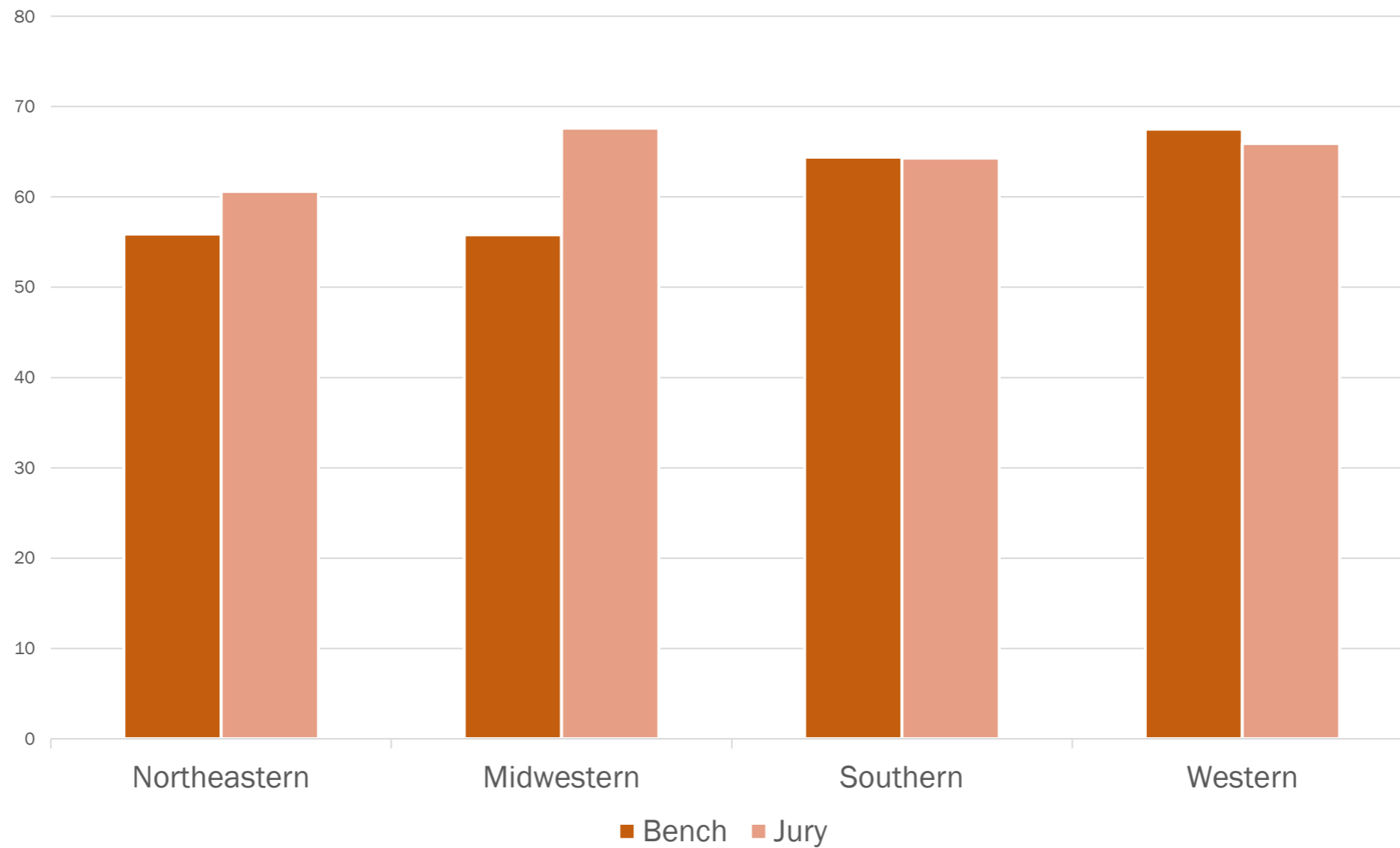
Regions



UNITED STATES CENSUS REGIONS

Regions

Conviction Rates by Region



Disposition by Regions

Case disposition by Region

		<i>Convicted</i>	<i>Not Convicted</i>	<i>Rate</i>	<i>Total</i>
Northeastern	Jury Trial	234	152	60.6	386
	Bench Trial	85	67	55.9	152
	Plea Deal	961	0	100.0	961
Midwestern	Jury Trial	229	110	67.5	339
	Bench Trial	77	61	55.7	138
	Plea Deal	1,247	0	100.0	1247
Southern	Jury Trial	487	270	64.3	757
	Bench Trial	134	74	64.4	208
	Plea Deal	1,910	0	100.0	1910
Western	Jury Trial	269	139	65.9	408
	Bench Trial	27	13	67.5	40
	Plea Deal	820	0	100.0	820

Future Research

- A selection bias appears to be present within these data. Bench trials are often limited to misdemeanor cases or particularly gruesome cases in which the offender may wish for a judge to serve as the trier of fact.
- A few convicted law enforcement officers with lengthy sentences might skew the sentence lengths. Any interpretation of these values should account for this bias.
- To further account for differences in sentence lengths between jury trials, bench trials, and plea deals, it may be useful to explore the impact of officer demographics, such as race and sex, as well as criminal history, and number of charges on which an officer is convicted.
- The interpretations of these findings are limited by the sample size.

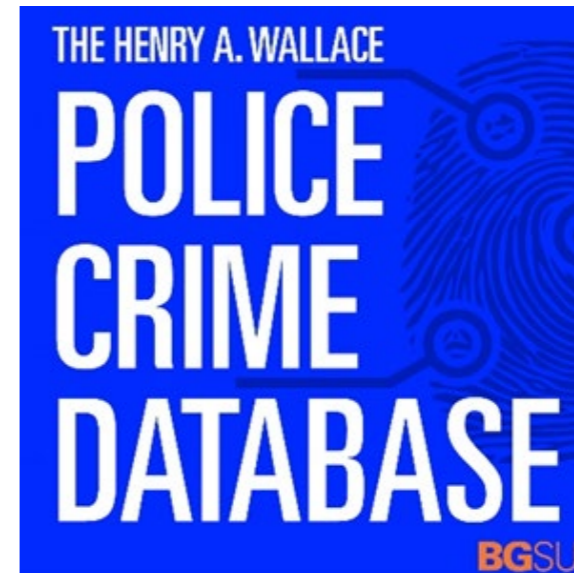
Key Takeaways from Our Data

- There are no noticeable differences in conviction rates for bench and jury trials between regions.
- For all five crime types, sentence lengths were highest following jury trial convictions, as compared to bench trial convictions.
- Following convictions by jury trial, officers were 68% likely to be sentenced to prison; following plea deal convictions, officers were 34% likely to be sentenced to prison; following bench trial convictions, officers were only 18% likely to receive a prison sentence.
- For all five crime types for both felonies and misdemeanors, officers were most likely to be convicted by plea deal. In this study, 76% of the criminal arrest cases resulted from plea deal convictions.
- Following felony bench trial convictions, sex-related crimes had the lowest average sentence length. Following felony plea deal and jury trial convictions, profit-motivated crimes had the lowest-average sentence length.

Thank you!

Henry A. Wallace Public
Police Crime Database

<https://policecrime.bgsu.edu/>



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