

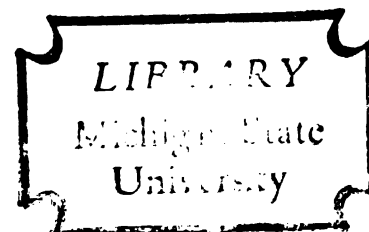
FACTORS AFFECTING THE SEVERITY OF THE  
SENTENCES OF FEMALE OFFENDERS

Thesis for the Degree of M. A.

MICHIGAN STATE UNIVERSITY

LINDA BETH GORNITSKY

1977



LIBRARY  
Michigan State  
University

M-075

PICKUP FAL 1983

10/10/83  
200  
CG 100 A  
200:1.57

10/10/83

200:1.57

G104041





## ABSTRACT

### FACTORS AFFECTING THE SEVERITY OF THE SENTENCES OF FEMALE OFFENDERS

By

Linda Beth Gornitsky

This study examined the effect of certain factors, extracted from presentence reports, on the severity of the sentences received by female offenders. It also investigated the effect of the recommendation of the probation officer on the judicial outcome. The research was carried out in a county probation office in a midwestern state. Seven students coded the information contained in the 376 presentence reports, which dated from 1969 to 1976, according to an established rating schedule. Two different types of designs were used: the first one was a description of the decision-making process and the variables included, and the second was a multivariate predictive one. The two multiple predictive techniques employed were multiple regression and discriminant function. In conjunction with these, two data reduction procedures, representing a rational and an empirical approach, were used to insure that the variables were orthogonal.

The major finding was that the principal determinant of the sentence was the recommendation of the probation officer contained in the presentence report that he/she had prepared. Other variables which had a significant ( $p < .05$ ) impact on the judicial outcome were

the severity of the charge, the previous criminal history, the disposition mode, and the defendant's living situation. From a methodological perspective, it appeared that the rational approach was more predictive than the empirical one and that the multiple regression and discriminant function equations were identical in both content and predictive abilities.

FACTORS AFFECTING THE SEVERITY OF THE  
SENTENCES OF FEMALE OFFENDERS

By

Linda Beth Gornitsky

A THESIS

Submitted to  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of

MASTERS OF ARTS

Department of Psychology

1977

Copyright  
LINDA BETH GORNITSKY  
1977

To Harvey,  
    who provided me with an infinite amount of love,  
    support, and advice,  
  
    and

To my parents,  
    who were always there when I needed them.

## TABLE OF CONTENTS

	Page
INTRODUCTION . . . . .	1
Disparity . . . . .	7
Predispositions of Judges . . . . .	8
Judicial Characteristics . . . . .	8
Judicial Prejudices . . . . .	11
Other Precipitants of Disparity . . . . .	16
The Presentence Report . . . . .	26
Rationale for the Present Research . . . . .	27
METHOD . . . . .	31
Setting . . . . .	31
Subjects . . . . .	31
Design . . . . .	32
Procedure . . . . .	33
Instrument . . . . .	33
Data Collection Procedures . . . . .	47
RESULTS . . . . .	54
Part I--Presentation of Data . . . . .	54
Part II--Data Reduction and Decision Prediction . . . . .	68
DISCUSSION . . . . .	112
Part I--Summary of the Descriptive Results . . . . .	112
Part II--The Decision Model and Its Implications . . . . .	115
Part III--Where Do We Go From Here? . . . . .	124
APPENDICES . . . . .	130
1 . . . . .	130
2 . . . . .	131
3 . . . . .	135
4 . . . . .	137
REFERENCES . . . . .	149

## LIST OF TABLES

Table		Page
1	Studies Relating the Race of the Offender to Judicial Sentencing . . . . .	15
2	Predictors of the Decision Criteria . . . . .	32
3	Original Variables Contained in the Instrument . . . . .	35
4	Criminal Offenses and Statutory Sentence Lengths . . . . .	38
5	Time Chart . . . . .	52
6	Coding Changes . . . . .	55
7	Final Set of Variables Used in the Analyses . . . . .	58
8	Absolute and Relative Frequences of Variables in the Circumstances of the Present Offense and Previous Criminal History Categories . . . . .	60
9	Absolute and Relative Frequencies of Variables in the Defendant's Characteristics Category . . . . .	62
10	The Absolute and Relative Frequencies of Variables in the Presentence Report and Court Proceedings Categories . . . . .	63
11	Contingency Table of Sentence by Recommendation of the Presentence Report . . . . .	65
12	Contingency Table of Maximum Sentence by Recommendation of the Presentence Report . . . . .	67
13	Contingency Table of Sentence by Charge . . . . .	69
14	Eigenvalues and Percent of Variance Accounted for by the 17 Empirical Factors . . . . .	72
15	Factor Loadings of Variables when Severity of Sentence was the Dependent Variable . . . . .	73
16	Variables Contained in Each of the 17 Factors and Their Respective Factor Loadings when Severity of Sentence was the Dependent Variable . . . . .	75



## LIST OF TABLES

Table		Page
1	Studies Relating the Race of the Offender to Judicial Sentencing . . . . .	15
2	Predictors of the Decision Criteria . . . . .	32
3	Original Variables Contained in the Instrument . . . . .	35
4	Criminal Offenses and Statutory Sentence Lengths . . . . .	38
5	Time Chart . . . . .	52
6	Coding Changes . . . . .	55
7	Final Set of Variables Used in the Analyses . . . . .	58
8	Absolute and Relative Frequences of Variables in the Circumstances of the Present Offense and Previous Criminal History Categories . . . . .	60
9	Absolute and Relative Frequencies of Variables in the Defendant's Characteristics Category . . . . .	62
10	The Absolute and Relative Frequencies of Variables in the Presentence Report and Court Proceedings Categories . . . . .	63
11	Contingency Table of Sentence by Recommendation of the Presentence Report . . . . .	65
12	Contingency Table of Maximum Sentence by Recommendation of the Presentence Report . . . . .	67
13	Contingency Table of Sentence by Charge . . . . .	69
14	Eigenvalues and Percent of Variance Accounted for by the 17 Empirical Factors . . . . .	72
15	Factor Loadings of Variables when Severity of Sentence was the Dependent Variable . . . . .	73
16	Variables Contained in Each of the 17 Factors and Their Respective Factor Loadings when Severity of Sentence was the Dependent Variable . . . . .	75

Table		Page
17	The Rational Factors . . . . .	76
18	Eigenvalues and Percent of Variance Accounted for by the 16 Empirical Factors . . . . .	80
19	Factor Loadings of Variables when Recommendation of Presentence Report was the Dependent Variable . . . .	81
20	Variables Contained in Each of the 16 Factors and Their Respective Factor Loadings when Recommendation of the Presentence Report was the Dependent Variable .	83
21	A Comparison of the R-Square Values for the Complete and Reduced Multiple Regression Equations when Severity of Sentence was the Dependent Variable . . .	86
22	The Empirical Multiple Regression Solution when Severity of Sentence was the Dependent Variable . . .	87
23	The Rational Multiple Regression Solution when Severity of Sentence was the Dependent Variable . . .	89
24	A Comparison of the Variables Forming the Two Regression Equations when Severity of Sentence was the Dependent Variable . . . . .	90
25	A Comparison of the Adjusted R-Square Values for the Two Multiple Regression Equations when Severity of Sentence was the Dependent Variable . . . . .	92
26	Empirical Multiple Regression Solution when Recom- mendation of the Presentence Report was the Dependent Variable . . . . .	94
27	Rational Multiple Regression Solution When Recommen- dation of the Presentence Report was the Dependent Variable . . . . .	96
28	A Comparison of the Variables Forming the Two Regres- sion Equations when Recommendation of the Presentence Report was the Dependent Variable . . . . .	97
29	A Comparison of the Adjusted R-Square Values for the Two Multiple Regression Equations when Recommendation of the Presentence Report was the Dependent Variable .	98
30	Wilks Lambda and Raos V Scores for the Variables in the Empirical Discriminant Function . . . . .	102
31	The Discriminating Capabilities of the Empirical Discriminant Function . . . . .	103

Table		Page
32	Wilks Lambda and Raos V Scores for the Variables in the Rational Discriminant Function . . . . .	104
33	The Predictive Ability of the Rational Discriminant Function . . . . .	106
34	A Comparison of the Variables in the Two Discriminant Functions . . . . .	106
35	A Comparison of the Squared Canonical Correlations of the Two Discriminant Functions . . . . .	107

## INTRODUCTION

The crime problem in recent years has become increasingly salient and increasingly difficult to solve. From 1960 to 1972, the number of reported offenses and crime rates have continued to climb. During this 12 year period, the rate for murder and non-negligent manslaughter increased 70%, whereas the rates for forcible rape, robbery, aggravated assault, and burglary more than doubled (A National Strategy to Reduce Crime, 1973, p. 12). This augmentation in illegal activity is apparently felt in many walks of life. People of all ages and of both sexes are scared to walk alone at night (Hindelang, 1975) and citizen groups have begun to lobby for better street lighting and other community improvements, and have organized neighborhood security programs. In a 1970 survey, 70% of the white respondents and 53% of the black ones felt that the system of law enforcement did not discourage people from committing crime. Thus a circular situation seems to have emerged--on account of the continually increasing crime rate and ineffectual efforts to halt it, citizens have become disenchanted with the correctional system and have begun to take precautionary measures on their own. However, this lack of confidence in political institutions (Election Time Series Analysis of Attitudes of Trust in Government, 1971) may have contributed to law-breaking because citizens do not recognize the legitimacy of the country's political institutions. Perhaps what all this is implying is that the criminal justice system is plagued with problems and as a result, is unable to maintain order.

This review is concerned with two areas of the justice system which have attracted considerable attention. These are female offenders and the sentencing process. The first topic is of major concern because the arrest rate is rising dramatically for women. In the same 12 year period considered earlier, the arrest rate among women rose nearly three times faster than it did for men (Adler, 1976). The sentencing process has also surfaced as an area of interest because as the backbone of the correctional process, it should be operating swiftly and fairly, yet, in fact, it "has broken down under the burden of increased business" (A National Strategy to Reduce Crime, 1973, p. 93). Each of these topics will be discussed in greater detail.

As we stated previously, there has been a dramatic increase in the number and types of offenses committed by women. According to the Uniform Crime Reports, in 1953, of the women arrested, 1 out of 12.8 were arrested for a serious crime. By 1973, the ratio had changed to 1 out of 4 women (Simon, 1975, p. 38). An interesting factor is that this increase in serious crimes was due almost wholly to a greater participation in property crimes such as larceny. In 1953, about 1 in every 20 arrests for women was for larceny, whereas by 1972, the ratio had shifted to 1 in every 5 (Simon, 1975, p. 41). The greatest increases in Type II offenses were for embezzlement and fraud and for forgery and counterfeiting. The offenses with the most dramatic differences between 1960 and 1972, were embezzlement (up 280% for women and 50% for men), larceny (up 303% for women and 82% for men) and burglary (up 168% for women, and 63% for men) (Adler, 1976, p. 16). This same pattern was reflected in the 1974 Uniform Crime Report for

the State of Michigan. Of the women arrested in that year, for index crimes, 16.4% had committed murders, 6.1% robberies, and 58% larcenies. In Ingham county alone, in 1969, only 10 women committed felonies whereas 46 women were arrested for felonies in the first 6 months of 1976 (Statistics from Ingham County Probation Office). Thus, the most obvious conclusion which can be deduced from these statistics is that women are becoming active in crime, in general, and in white collar ones in particular.

The second topic of concern is the criminal court system of the United States. This has become the focus of much criticism recently because of its inability to function adequately. Specific faults which have been delineated by the National Advisory Committee on Criminal Justice Standards and Goals are: 1) inconsistency in the processing of criminal defendants, 2) uncertainty as to the results attained, 3) unacceptable delays, and 4) alienation of the community (A National Strategy to Reduce Crime, 1973, p. 93). The first weakness is partially due to plea bargaining, a non-trial procedure which has been used inconsistently and has helped perpetuate sentencing disparities. Alienation of the public has occurred largely because the processes followed by court officials are not visible to the public. There is a definite lack of communication between the outside and the court which has led to a cynical attitude on the part of citizens. According to a Gallup Poll conducted for Newsweek magazine (March, 1971), many American do not have much faith in their courts. Citizen groups actively criticize the justice system for it's failure to be 'just' in it's treatment of criminals. This has resulted in a two-sided argument. Some groups claim that judges are too lenient and that this allows dangerous

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

individuals to roam the streets and commit additional offenses. In contrast, more liberal thinkers argue that incarceration is not "the" answer and that it, in fact, perpetuates criminality. They insist that locking people up with no provisions for occupational and educational improvement is a temporary and "harmful" solution because once convicts are freed they are certainly no better off than before and are forced to return to their anti-social supportive patterns. In 1975, in Washington D.C., two out of three persons arrested for serious crimes were not convicted. Six out of ten persons who were arrested for felonies had prior criminal records. In Detroit, in 1975, of the total number of persons arrested on felony charges, 58% were convicted and of these only 20% were eventually sent to jail or to prison. Therefore more than half were returned to the community after being fined or placed on probationary status (U.S. News and World Report, May, 1976).

One of the reasons why the courts seem to be operating in this state of confusion or mismanagement is that many different individuals act as sources of input thereby influencing the final decision reached. Thus the offender is channelled through a filtering system of sorts and at any branch in this network, a decision could be reached which would dismiss the person or affect her eventual charge. For example, the suspect's initial encounter with the criminal justice process probably occurs when she is arrested by a police officer who is suspicious of her behavior or possesses evidence suggesting her involvement in a particular crime. The police have the choice of either invoking criminal proceedings or of dismissing the case. Thus a wrong decision may result in liberating a guilty individual or



detaining an innocent one.

Another decision-affecter is the prosecutor who, as society's representative in the court, is primarily responsible for determining the public's interests in each case and for charging the offender accordingly (Knudten, 1970). Thus he may decide to prosecute or not to prosecute depending on the circumstances of the case and depending on his workload. According to a recent publication of U.S. News and World Report (May, 1976) on the average, at least 24% of the prosecutor's cases are dismissed because witnesses cannot be found and/or prosecutors do not feel they have ample evidence to prove that the defendant is legally and factually guilty.

It is only at this point that the accused, if they have not been previously dismissed, is confronted by the judge who has the ultimate decision as to the length of the sentence. However this Power is reduced considerably because of the former actions undertaken by the police and prosecuting attorney.

There are two other groups which influence the magistrate and help structure his judgments. The first is the legislature, or law-making body, which has priority in establishing the sentencing structure and penalties for crimes in every state, thus limiting judicial discretion. In Michigan, the legislature establishes the overall sentencing structure by:

- 1) prescribing the maximum penalties for criminal offenses;
- 2) establishing a partially indeterminate sentencing structure granting judges certain flexibility such as the power to suspend sentences;

3) establishing probation and parole services and giving the parole board the ability to determine the actual length of incarceration after the minimum has been set by the judge; and

4) ruling that all minimum sentences be within two-thirds of the legislatively set maximum (Palmer and Zalman, 1975).

The second "modifier" is the probation officer who conducts the presentence investigation, a procedure required by a Michigan statute in all felony cases. The information collected is then used to prepare the presentence report which is later reviewed by the judge and serves as a guide for determining the disposition of cases.

Thus it would seem that the timeless proverb "Too many cooks spoil the broth" is particularly applicable to the judicial process where the variety of officials, each with their own responsibilities and decision-making capabilities, has resulted in a fairly incomprehensible and unorthodox fashion of sentencing.

In summary, two major areas of the criminal justice system have been briefly examined. The first which concerned women offenders, revealed a definite and continuing trend in the increase in female participation in serious and white collar crimes. The second, which concerned the judicial system, exposed the courts as inefficient and plagued with uncertainty, inconsistency, and delay. These two seemingly unrelated issues are connected by a crucial stepping stone which is that the sentencing practices of the courts determine the outcome of an offender, and the effectiveness of corrections. Thus, this study proposes to bridge these two areas by studying the factors which lead to severity of sentence in order to differentiate the effect of certain court practices, such as plea bargaining, on the

defendants. Although this will not address the immediate problem of why the crime rate is escalating for females; it will provide some much needed demographic information on female offenders and will reveal sentencing practices as they relate to women.

The review will now look at three of the major issues involved in sentencing. The first one, alluded to earlier, is disparity or inconsistency in sentencing practices within and between judges. The second is plea bargaining, a procedure whereby the defendant and prosecution negotiate the charge and sentence in a process of mutual advantage-taking. Finally, the third topic is the presentence report, a document prepared by the probation officer and given to the judge prior to the trial, or hearing. It must be stressed that since there are no studies specifically concerned with sentencing and its relation to women defendants, and in order to understand the global operation of the criminal justice system, the relevant issues will be addressed by looking at their interaction with male offenders.

### Disparity

The disparity issue focuses on the existence of, and explanations for, inconsistencies in sentencing. Unfortunately the exact causes for this situation are in dispute, and much controversy has developed over this issue (A National Strategy to Reduce Crime, 1973). Some of the factors responsible for disparity might be the previous experiences and social values of the judge, such as his prejudices, and the roles of the other court administrators. Each of these alternatives will be examined separately. These will be followed by an examination of previous disparity-oriented studies which attempted

to assess the prevalence of inconsistent sentencing in U.S. courts.

Predispositions of Judges. It has been proposed that the decision-making process is affected by the attitudes an individual has previously acquired (Hogarth, 1971). If this is so, then it would seem likely that a person who is appointed to the position of judge has already formulated certain opinions and beliefs concerning the world and his relation to it. In effect, he has developed broad dispositions that serve as potentials for specific judicial attitudes that he will form in the future. The implication is that a judge, with middle-class conservative values, would react negatively to female offenders, in general, because they have violated his assumptions about the role and social behaviors of women, and especially to ones who had other undesirable traits, such as numerous divorces or illegitimate children. In other words, what were considered desirable attributes by magistrates was governed by their upbringing and the values they had had instilled in them. Following this reasoning, it would seem useful to examine the backgrounds of judges to see what type of attitudes they might have had and, as an extension of this, the biases that might have influenced their decision-making processes.

Judicial Characteristics. There were two contrasting theories articulated by Haines (1922), which represented the two dominant beliefs about the place and function of the judge. The first, known as the mechanical theory, proposed that the judge studied the facts of each case and formulated his opinion solely on the basis of the information he had. Thus the judgment was not subject to any biases or idiosyncracies. The second, or theory of free legal decision, proposed that decision-making was a normative and subjective process.

The judge's conclusion was expected to be influenced by the data at hand as well as by his previous experiences and beliefs, and by extraneous conditions. These two theories, although coined some 50 years ago, still exist today (see for example, Karos and Mendelsohn, 1967) which may act as an indication of the pervasiveness of this state of controversy and of sentencing inconsistency. Proponents of the latter hypothesis of free legal decision have studied the backgrounds of judges in order to demonstrate that variables such as age, ethnic and religious affiliations, parental occupation, party membership, and education affected the decisions made by the subjects. One of the earliest investigations into the experiences of magistrates was J. Schmidhauser's (1959) Collective Portrait of the Justices. He divided the years between 1789 and 1957 into six periods by following the general designation accorded each era by historians and then looked at the biographical data of the 91 judges who served on the Supreme Court during these time periods. In an attempt to determine the social status of these judges, he recorded the following variables-- paternal occupation, patterns of occupational heredity, ethnic origin, religious affiliation, educational background, and political party. The portrait he formed after collecting the data was that the typical Supreme court justice had been white Protestants from socially prestigious and politically active families whose ethnic stock originated in the British Isles. In addition, they all had received law training prior to their appointment and many had attended Ivy League schools where they completed their university and law degrees. This information needs to be regarded as descriptive and perhaps even a bit tentative since it was extracted from biographical expositions on

these men. No mention was made of exactly which sources served as references, nor of how the data was collected, or who collected it.

The significance of Schmidhauser's (1959) report must not be underestimated because his findings enabled theorists who were concerned with sentencing decisions and disparity to speculate on the probable environments judges were exposed to, and thus the attitudes they might have been expected to develop. The next step was to see whether or not these values affected the decisional propensities of the judges. One of the most important studies in this area was conducted by Nagel (1962). The sample consisted of 313 state and federal supreme court judges listed in the 1955 Director of American Judges. Background characteristics were determined by consulting four sources: The Director of American Judges, Who's Who In America the Martindale-Hubbell Law Directory, and the governmental directories published by the state. The factors extracted from these references were political party affiliation, pressure group affiliation, education, age, geographical location, religion, and pre-judicial occupations. Judges were given a decision score which represented the proportion of times he voted for the defense out of all the decisions he made on the full court criminal cases he heard in 1955. This score was then matched with the attributes of each judge. Thus the major findings were that judges with higher decision scores tended to be Catholics, Democrats, and unaffiliated with the American Bar Association. Based on these three factors, the author concluded that "there will probably always be some correlation between judicial characteristics and judicial decision-making." (p. 339). Once again this statement must be regarded as conditional because of the numerous methodological

shortcomings. Like in the previous study by Schmidhauser (1959), there was no mention of how the data was collected, or by whom, or if any reliability measures were determined. In other words, how reliable was the information gathered on each subject? From a more computational perspective, a major flaw was that each variable was considered in isolation. Thus if education on it's own did not lead to a low decision score, it was assumed that it did not affect the judicial outcome. However, it's effect may have been masked or confounded by a third extraneous variable. One possible solution to this problem would have been a multivariate predictive technique. Such an approach was assumed by Bowen (1965) who replicated most of Nagel's (1962) results and then subjected them to a multiple regression analysis. It was discovered that the maximum amount of variance among Judges accounted for by any single background factor was 16%.

Judicial Prejudices. Previous researchers considered the background characteristics of judges from a descriptive viewpoint (e.g., Schmidhauser, 1959) and/or from a decision-making perspective (Goldman, 1965; Nagel, 1962; Schmidhauser, 1961). Some studies have narrowed the focus of their investigation by considering the effect of socialization on one aspect of the judge's personality, namely his prejudices. This is an area of concern, and of controversy, because theorists such as Chambliss (1969), Sutherland and Cressey (1970), and Burke and Turk (1975) have claimed that socially disadvantaged persons, defined as those having low SES or a minority racial or ethnic membership, were more likely to be severely penalized upon conviction. If this were so, then proponents of the existence of disparity would have some support for their case.

Martin (1934) studied the relationship between the social traits of 10% of the felony cases disposed of in the district courts of Texas in 1930 and the judicial outcome. He found that the courts favored native Americans over Negroes, Mexicans, and others, those engaged in trade over those in lower-grade occupational categories such as mechanical and domestic services, property owners over nonproperty owners, married men over single men, and fathers over childless men. Age, sex, education, and presence or absence of parents did not affect the sentence. Martin's conclusion that outcome was biased by racial prejudice was not substantiated by his data. Besides for the serious **flaw** that no precautions were taken to insure that his data was **reliably** collected, no attention was paid to the legal factors such **as** the circumstances of the crime or the criminal history of the **defendant**. Since members of the ethnic minority groups in Martin's **sample** committed the more serious offenses, the fact that they also **received** the harsher sentences does not reflect racial prejudice. **Finally**, the limited number of factors considered by the study **as possible** determinants of the outcome also restricted the impact of **the** conclusions. These same shortcomings surfaced in Lemert and Rosberg's (1948) investigation of the differences of penalties dealt **out** to white, Negro, and Mexican offenders in the Superior Court of Los Angeles, in 1948. The authors concluded that the judges were **biased** because whites received milder sentences than either of the **other** racial groups. Once again, no controls existed for the degree of recidivism. The researchers themselves demonstrated the seriousness of this particular omission in a later study, where, when a control was imposed for previous offenses, the differences in penalties



turned out to be nonsignificant. It must be stated that other controls, such as for the circumstances of the offense, defendant's characteristics, and court-related procedures, should have been enforced.

Bullock (1961), in 1958, gathered information on inmates in the Texas State Prison in Huntsville from the Prison Classification and Identification Department. The sample consisted of 3,644 white and black inmates who had been convicted of burglary, rape, and murder. The six variables which were considered were: race, type of offense, number of previous felonies, disposition mode, county from which he was committed, and the sentence. He found that the correlation between race and length of sentence remained strong regardless of any of the other variables studied. Type of offense, guilty plea, and area of residence also had a significant effect on the length of the disposition. It must be noted that although Bullock is commonly referenced when discussing studies concerned with racial prejudice, the decision-maker was a jury and not a judge. In this way, it is unlike its predecessors. However, this work is like its predecessors in that it did not specify how the sample was selected, who recorded the data, and how it was recorded. In addition, by simply constructing dichotomous tables and chi-squares on the data, he could not study the interaction of the variables on the dependent one. Once again, a multivariate approach would have accomplished this.

The three studies just presented by Martin (1934), Lemert and Rosberg (1948), and Bullock (1961) all concluded that racial prejudice was a significant factor affecting the severity of sentence. However Green's (1964) research which controlled for some of the items

neglected by the previous three experimenters, found no differences in the length of sentences according to racial denomination. Green selected 118 cases of robbery and 291 cases of burglary from a possible sample of 1437 consecutive cases disposed of by conviction in a criminal court in Philadelphia. He noticed a definite discrepancy between the type of crimes, number of previous offenses, and seriousness of prior record for Negro and white offenders. When these differences were controlled, by holding a particular variable constant and looking at only those criminals who possessed that variable, the seemingly discriminatory sentencing pattern disappeared. For example, if Negro and white defendants convicted of burglary and having no prior felony charges were compared, then distribution of sentence severity was negligible ( $p > .80$ ). Similarly, when the number of prior convictions were controlled for other crimes, the results showed no traces of racial discrimination in sentencing. The overall conclusion reached was that this particular court did not differentiate the seriousness of the crime according to the race of the offender. This work had the same methodological faults as all the other ones in that the data collection procedures were ignored. Only three independent variables were considered which were type of robbery and burglary (armed vs unarmed), number of bills of indictment, and prior convictions. Finally, the only statistical analysis used was percentages. No chi-square or measure of association was done to determine whether the differences were statistically significant.

To review, three out of four studies delineated concluded that one of the causes of disparity was racial prejudice (see Table 1 for a comparison of the four studies). However they all shared similar

TABLE 1

Studies Relating the Race of the Offender to Judicial Sentencing

Study	Primary Sample	Dependent Variable	Independent Variables	Controlled Variables	Statistical Analyses
Martin (1934)	927 cases Texas, 1930	Sentence	Race, age, occupation, marital status, education, presence of parents, number of children	None	Percentages
Lemert et al (1948)	914 cases Los Angeles	Sentence	Race	None	Chi-square
Bullock (1961)	3,644 Texas prison inmates	Sentence	Race, offense type, previous felonies, disposition mode, county	Offense type, previous felonies, county, disposition mode	Chi-square, measure of association
Green (1964)	118 robbery 291 burglary Philadelphia	Sentence	Type of offense, bills of indictment, prior convictions	All	Percentages

methodological and statistical problems which seriously question the accuracy of their results. Briefly, these were: 1) unreliable data since no reliability checks were done to insure that there was consistent interpretation of the data; 2) poor data sources; 3) no, or limited, consideration of the effects of other variables on the dependent variable and on the independent variable of interest; and 4) no consideration of the effect of the predictor variable on the criterion in isolation of other confounding factors.

Thus far, two possible contributors to disparity were examined.

These were the background characteristics of the judge and judicial Prejudices. However, disparity may be perpetuated by other factors, such as individualized sentencing, plea bargaining, and the presentence report. Each of these will be briefly considered within the context of disparity. The latter two will then be explored in more depth in the last two sections of the review which are devoted to the topics of Plea bargaining and the presentence report.

Other Precipitants of Disparity. It is unfair to place the onus of the disparity problem on the judge alone, since often he is forced to deal with inconsistencies in the procedural aspects of sentencing and in the decisions made by other court administrators. For example, a popular notion in some areas is individualized sentencing which dictates that the judge sentence according to the circumstances of the Particular case and the defendant's history. Since this demands that the judge use his own discretion, and since no two individuals think alike, it is to be expected that a certain amount of guesswork and ambiguity will evolve. The disparity resulting is a function of the system and not the magistrate.

Plea bargaining is also felt to contribute to inconsistent outcomes because this procedure involves a negotiation between the two attorneys which is devoid of any judicial input. The judge is then practically (though not legally) required to adhere to the decision if the utility of this procedure is to materialize. This suggests that in some circumstances the sentences decreed by judges are not their own, thus accounting for some discrepancies in decisions.

There is some research evidence from both England and the United States that the courts tend to "follow" the recommendations of the probation officer in the presentence report (Carter and Wilkins, 1967; Hood, 1966). In addition, many judges have publicly admitted that the presentence report is an essential document without which an adequate decision would be impossible (Hogarth, 1971). These two facts imply that if the presentence report is not prepared properly, or if the officer makes a hasty suggestion as to the severity of sentence an offender deserves, there may be variations in the decisions formed on the part of the judge.

Finally, before leaving the issue of disparity, it is necessary to do two things: 1) examine those studies which consider disparity, and 2) consider what effect any of the possible contributors to disparity suggested earlier, such as judicial personalities or plea bargaining, would have on the sentence if they were all included in the design.

Perhaps one of the earliest studies addressing the first goal was Everson's (1919) comparison of the sentencing records of 42 New York Magistrates sitting in rotation in 28 courts in the year 1914. The Committee on Criminal Courts went over the records of approximately 155,000 cases of summary violations or local ordinances and the results

collected led Everson to conclude that "justice is a very personal thing." (p. 98). This result was unfounded for many reasons. For one, there was no verification of the types of offenders each magistrate saw. Thus one may have had a disproportionate number of offenders who had committed serious or nonserious crimes thus explaining the unequal distribution of sentences. Secondly, no information was supplied about the Committee on Criminal Courts nor the methodology utilized. In fact, the report was so general that the exact number of cases recorded was not specified. Finally, the outcomes were considered without attending to any other variables such as the previous criminal history of the subject which conceivably might have affected the sentence. Thus it would seem that very little could be concluded from this article.

Interestingly, one of the most widely cited and influential of all American studies of disparity sentencing was Gaudet's research of 1938 (according to Green, 1961) which was also susceptible to the same faults as Everson's (1919) earlier work. The data was extracted by a law student from the records of the Court of Common Pleas of one county in New Jersey over an anonymous 10-year period. The information collected on each subject was the disposition mode (jury vs. nonjury), the name of the sentencing judge, the charge, the plea, the sentencing date, and the sentence imposed. The prisoners who were to be sentenced were assigned to judges by the prosecutor on a rotation basis. All offenses were divided into four categories--sex crimes, property with violence, property, and violation of state liquor laws. Gaudet insured that there was proportionately equal distribution of these four groups among the six judges, and then made the assumption that the cases heard by the magistrates were of similar gravity. Based upon this reasoning, he

then concluded that the discrepancies in sentences which appeared were caused by the personalities of the judges.

Gaudet made a number of serious methodological errors and certainly overstated his case. For one, he assumed that the caseloads of the judges were about the same with respect to the proportion of serious and minor crimes and the proportions of first offenders and recidivists, an assumption which was not verified nor likely to have transpired. For another, the time factor greatly confounded the results. There was no indication of how long each judge served nor what proportion of the cases seen corresponded to each year served. The number of individuals sentenced by four of the judges was approximately 3-5 times greater than those sentenced by the remaining two judges. This is important because significance of results varies with the size of the sample. The impact of the temporal factor was suggested in the study itself, because when the type of offense and year were held constant, the sentencing patterns of the judges were no longer distinguishable. The fact that this was a longitudinal study also necessitated that certain confounding external variables be controlled, or at least documented. For example, sentencing may have become more or less lenient within certain periods over the 10-year time span due to public reactions or historical events. Essentially, this points to the importance of studying the effect of numerous influences on the outcome and of not assuming a restrictive unidimensional perspective. Gaudet did record certain legalistic variables but did not include them in his analysis. Finally, there was no connection whatever between the data and the conclusion that personality variables were accounting for the discrepant outcomes. He failed to show that disparity existed and he had no measures of the judge's

characteristics or background. The statistical analyses employed also did not allow for causation conclusions because Gaudet simply compared the percentage of sentence types chosen by each judge.

Two of the more recent studies (Baab and Furgeson, 1967; Green, 1961) addressed the second issue of what effect do the extra-legal characteristics of the offender, the legalities of the case, and the other factors mentioned such as the presentence report, have on the outcome? These last studies were of particular interest because they assumed a more multidimensional approach which was also followed by this research. For this reason, they were examined in considerable depth.

In Green's (1961) study, the sample consisted of 1,437 convictions recorded in a non-jury prison court of the Philadelphia Court of Quarter Sessions, within a 17-month period during the years 1956-57. The data was derived from court and police records of the city of Philadelphia. The variables looked at were divided into three sets: Legal factors, legally irrelevant factors, and factors in criminal Prosecution. The first group consisted of 1) the type of crime Committed, 2) the number of current charges, 3) the prior criminal history, 4) the recommendations of auxiliary agencies of the court. Legally irrelevant factors were composed of demographic characteristics such as 1) sex, 2) age, 3) race, and 4) place of birth. The last area Concerned the personnel participating in the trial--i.e., the judge and prosecuting attorney--and the type of plea entered by the defendant. The statistical analyses used to test the hypothesis that two or more groups differed significantly with respect to the distribution of penalties imposed was the chi-square test. The variables of the first



group tended to have a significant effect on the sentence imposed. The number of current charges and especially prior convictions of felonies had a striking effect on the severity of sentences ( $p < .001$ ). However, as the cases mounted in severity, the effect of the previous criminal history declined and the offense itself became the foremost determinant of the judicial outcome. In the non-legal factor category, he found that youthful offenders were favored over older ones and whites over Negroes. Finally, neither the court officials nor the disposition mode had any significant effect on the sentence. Green concluded that judges tried to comply with the mandates of the law while accommodating the various factors which they regarded as important. Although this work was a significant improvement over the earlier ones in scope and comprehensiveness, it was restricted to looking at single variables or variables with one other factor controlled. No attempt was made to see how all the variables affected the dependent one or which one(s) accounted for the most variance. Again, no information was provided concerning the data collection technique thus rendering the accuracy of the information questionable.

The last study which was reviewed in depth was the one by Baab and Furgeson (1967) because it also assumed a plural approach. The information was collected from 27 courts from July-September of 1966. The courts were located in counties of various sizes which represented different median income levels, racial and ethnic mixtures, and economic capacities. The dispositions were recorded in each chosen district court every other month and the final sample consisted of 1,720 felony cases. The factors that represented the elements in the administration of the criminal justice system were pretrial freedom, type of defense

counsel, and disposition mode. Of these, only the first two proved statistically significant implying that offenders who were granted bond and who had retained defense attorneys were more likely to receive lenient sentences. The second set of factors related to the individual characteristics of the offenders. These included the type of offense, previous felony and misdemeanor convictions, age, marital status, educational level, sex, and race. It was found that only the severity of the offense and the number of prior felony convictions influenced the judicial outcome. The methodology used in this study was multiple regression, thus making it one of the first pieces of sentencing-related research to use it. However, no analytical results, such as regression equations were supplied. The authors specified .02 as the significance level, but they did not delineate what this applied to. Did they use a step-wise or a direct regression procedure? What were the R-square values? No mention was made of which variables accounted for the most variance and, in fact, the results were presented as if a univariate method, rather than a multivariate one, had been employed. Finally, the same methodological flaws existed in this work since questions regarding the source of the data and the collection procedure were left unanswered. For example, no information was provided about the specifics of the communities where the data was gathered, such as the approximate size, location, ethnic mixture, and income level. Thus it would be impossible to replicate or evaluate this study.

To quickly review the issue of disparity, studies have explored the possibility that background variables and prejudices of judges, court administration elements, and extra-legal factors of the offender

might act as predictors of the severity of sentence. It was believed that this multitude of factors impinging on the judge would lead to discrepant sentencing patterns, especially if individualized sentencing was operative in that court. It was also pointed out that many of the conclusions developed by these works could not be accepted conclusively because of the numerous methodological and statistical problems. To repeat, the common flaws were: a failure to adequately describe the data source and the data collection techniques; a restricted number of independent variables; a failure to consider the impact of a number of variables on the criterion; and a failure to partial out the effect of extraneous variables.

The review will now turn to a consideration of plea bargaining.

It must be mentioned from the outstart that no research is cited in this section or the preceeding one on the presentence report. This is because no studies, other than the few just reviewed, have discussed these topics from the sentencing perspective.

### Plea Bargaining

Plea bargaining has become, in recent years, an indispensable part of the justice system. An indication of its relative importance was the fact that in New York County, in the late 1950s, literally thousands of pleas of guilty, or compromises were effected each year on felony indictments. Ninety to 95% of the cases were disposed of by a guilty plea or by some other sort of compromise in order to avoid a completely unmanageable backing-up of the case load (Fay, 1968). The three types of plea arrangements currently being used by the courts are: 1) a recommendation in which the prosecutor

suggests a term of years, which has been negotiated with, and accepted by, the defendant, to the judge; 2) the dismissal of certain criminal allegations in the charging papers; and 3) a suggestion that the court accept a guilty plea to a lesser offense included in the offense actually charged (Vertr, 1964). It is the judge's responsibility to insure that the guilty plea has been ascertained according to the general standards articulated in Rule 11 of the Federal Rules of Criminal Procedure in which it states that a plea must be made "voluntarily with an understanding of the nature of the charge." Often, however, this is not done because there is no clear definition of voluntariness by which to judge the nature of the act.

Plea bargaining has provoked a lot of controversy because many experts argue that it is unconstitutional and unethical (Vertr, 1964). Often a defendant will plead guilty to avoid languishing in jails for months awaiting trial and/or to avoid jury trials which are reputed to be more severe than judges. In addition, many offenders are threatened to plead guilty. In a survey conducted in 1972, in the States of California, Michigan, New Jersey, and Texas, 38% of more than 3,400 criminal justice practitioners agreed that it was very Probable or somewhat probable that most defense attorneys in plea bargaining negotiations "pressure clients into entering a plea that [the] client feels is unsatisfactory" (Project STAR, 1972, p. 243). This tends to contradict the notion that plea bargaining provides an opportunity to mitigate the harshness of the criminal code and to formulate a disposition based on an assessment of the individual factors of each crime. Finally, some citizens feel that the process is unethical because professional criminals, who are capable of using the bargaining

opportunity to its fullest, are treated too leniently.

However, the possible benefits of plea bargaining should not be overlooked. Probably its major advantages are the administrative benefits, such as a reduction in the number of trials and court expenses which naturally accompany trials, and an acceleration in the processing of criminals. If used properly, plea bargaining allows for individualized sentencing and consequently fairer treatment of the offender.

To review, plea bargaining is an important topic for two principle reasons. The first is that it is a necessary tool in the justice system and it will have a direct impact on the severity of sentence. It also has a secondary effect on the outcome because of its impression on the judge. Judges seem to react to plea bargaining in a number of ways, the most common ones being:

1. neutrality, i.e., they are unaffected by the plea (substantiated by Baab and Furgeson (1967) and Jacob and Eisenstein (1974));

2. leniency, i.e., defendants who pleaded guilty were treated more leniently because their admission was a sign of repentance and/or because they avoided the expense of a trial (Carter, 1967).

Thus the attitude of the presiding judge will greatly determine the importance of this procedure.

The second reason plea bargaining is an issue, is because it contributes to the existence of disparity. Sentences will differ as a result of the negotiating process between the two attorneys and because judges react differently to this procedure.

The last major area which will be covered, and which affects the magistrates decision, is the information in the presentence report.

Once again there is no research that can be cited.

### The Presentence Report

As a judge approaches the decision as to sentence, certainly he ought to have before him facts concerning the prior record, the personality, the employment background, the family structure, and the future prospects of the offender . . . . Of all the administrative aids available to the judge an adequate, comprehensive, and complete presentence investigation is the best guide to intelligent sentencing (Judge W. J. Campbell, 1968).

The presentence investigation has become the keystone of the sentencing structure. Since 80-90% of all criminal cases are disposed of without a trial, this document provides the major source of information describing the background of the defendant (Newman, 1956). It also aids the court in the verification of guilty pleas (if they in fact check the validity of the defendants plea) as they can insure that the prosecutor's reasoning in reducing or altering the original charge is consistent with the details reported in the document prepared by the probation officer.

The contents of the report will vary according to the purpose of the investigation, the time the probation officer has to collect the necessary facts and prepare an informative statement (which is in part a function of his caseload), and its completeness. Hogarth (1971) realizing the importance of the presentence report, suggested that it pass four tests: reliability, validity, relevance, and efficiency. Reliability demands that the contents be reproducible by different people over different periods of time. It should be valid in that the information should represent what it purports to represent, and efficient in the sense of not duplicating the contribution of other information already received. Finally what is transcribed should be

relevant to the objectives of the court and the alternatives available in law (Hogarth, 1971).

The presentence report is thus another potential influence on the decision finally reached by the judge and the accuracy and specificity of its general partitions, such as offender characteristics, circumstances of the offense, judicial personnel involved, and others may have a substantial effect on the judge's assessment of the defendant's case.

### Rationale for the Present Research

The three focal points of this review were disparity, plea bargaining, and the information in the presentence report. It was suggested that all three had the ability to act as potential determinants of the length of sentence. To briefly recapitulate the major arguments of each topic, it was believed by theorists who were alarmed by the variations in outcomes, that this was due to the background and prejudices of the magistrates, and to other factors such as plea bargaining and the content matter of the presentence report. The few studies which have tried to differentiate those factors responsible for discrepant outcomes, all selected previous criminal history and the present offense as determinants. There was some controversy over the effect of race, disposition mode, and court officials, with some studies arguing that they had a significant impact on the sentence (e.g., Green, 1961) and others claiming the opposite (e.g., Baab and Furgeson, 1967). It was implied that some of the reasons for this discrepancy were the poor methodological and statistical procedures used. What this translated into were unexplained data collection techniques and univariate statistical

analyses which did not consider the effect of a multitude of items. Another possible explanation was the limited number of independent variables studied. Although no research was cited which directly concentrated on the effects of the presentence report on the sentence, because very few such studies existed, it was proposed that this factor also influenced the judicial outcome.

The present research intended to discern those factors which were responsible for the disposition of female offenders. The information was extracted from presentence reports. This source was used because it was felt that this was the major reference upon which the judge formulated his decision. Some of the important methodological errors were avoided by doing repeated reliability checks on the trained raters removing the information. The other major disadvantages of the previous works were the limited number of variables which were considered and the univariate designs. To combat the first problem, not only did this research examine the effect of those items used by previous investigators such as the circumstances of the present offense, previous criminal history, demographics, and court proceedings, but it included some novel ones such as specific information on the victim and the extent of the violence inflicted, questions on the physical, emotional, and familial stability of the individual, and the effect of the presentence report itself. In addition, each of the former areas was much more comprehensive than those in the earlier works. But perhaps the most innovative aspect of this work was not the variables per se but the fact that these variables were measuring the characteristics of female offenders, because the relationship between women defendants and the sentencing process has never before been examined in any depth.



To combat the second problem of relying solely on univariate designs, two multivariate predictive techniques were employed. The first, called multiple regression, produced a linear equation which listed, in decreasing predictive ability, those variables which could account for the variance inherent in the criterion. In other words, this method allowed for the simultaneous consideration of many variables with the effect of the extraneous ones partialled out. The second technique used was discriminant function analysis. This also generated an equation, however this time, the variables contained in it were the ones which were best able to differentiate those women who received a sentence of probation from those who did not. The reason both these methods were used was because it was unclear which one would result in the most predictive equation. Since no studies could be referred to for guidance, a comparison of these two predictive techniques was carried out..

This exploratory approach was repeated for another aspect of the analysis. Since so many variables were considered in the initial Phase, it became necessary to condense the quantity of items in order to facilitate the final analysis. In addition, the predictive analyses discussed earlier required that the variables be as independent as possible. Although data reduction seemed to be a viable solution, it was once again, unclear which form of this method should be employed. At least two different approaches presently exist in the literature--empirical and rational--but the relative superiority of each is in dispute. Since no precedents existed, and it was not sure which one, if either, was the technique of choice, both were used and the results were then placed in the predictive equations. In effect then,

two methods of data reduction and two multivariate predictive procedures were employed in order to determine which variables were the determinants of the severity of sentence.

In conclusion, this research was valuable in many respects. First, and foremost, it was the first one to be conducted exclusively on a female sample. This would provide some much needed information on female offenders in general, such as demographics and the nature of their criminal activities, and on their relationship to the sentencing process. In terms of its implications for sentencing, the research was the first one to:

- 1) consider the simultaneous effect of a wide range of possible determinants on the judicial outcome;
- 2) focus on the effect of the presentence report as an instrument in decision making;
- 3) explore the prevalence of disparity in the sentencing of women; and
- 4) suggest a decision model to account for the sentencing of female offenders.

## METHOD

### Setting

The research was carried out in the Circuit Court Probation Office of a county, numbering approximately 250,000 in population, located in a mid-western state, in the United States. There were 16 probation officers on staff, 10 of which were male, as well as 6 female clerical employees. The office handled all adult probationers residing in the county at the time of their arrest which translated into an average caseload of approximately 714-725 clients per month.

### Subjects

The presentence reports of all women who were processed by the County Circuit Court between January, 1969 and April, 1976, were obtained from the County Probation Office. In effect, all the existing folders on female offenders kept in this office, or 376 different sentencing decisions were reviewed. In reality, this amounted to only 300 subjects because some women had committed multiple offenses.

The subjects examined ranged from 17 to 50 years in age with the mean age being 24 years. There was approximately equal representation of whites and non-whites. Although the majority of the women were single, over 70% had at least one child. Finally, the offenders tended to reflect the national statistics in that the two most commonly committed felonies were larceny and uttering and publishing.

### Design

There were essentially two different designs utilized in the study. The first aimed at describing the decision-making process and the variables included. The second was a multivariate predictive design which examined the sentencing decision as predicted by 48 variables. The predictor variables were divided into the following six categories:

- 1) circumstances of the present offense;
- 2) previous criminal history;
- 3) the victim;
- 4) the offender;
- 5) court proceedings; and
- 6) the presentence report.

These same variables also served as multiple predictors of a second dependent variable, namely the recommendation of the presentence report (Table 2).

TABLE 2  
Predictors of the Decision Criteria

Decision Criteria	Predictor Categories
1. Severity of Sentence	1. Circumstances of the Present Offense
	2. Previous Criminal History
2. Recommendation of the Presentence Report	3. Victim
	4. Demographic Characteristics
	5. Court Proceedings
	6. The Presentence Report

## Procedure

### Administrative Agreements

The principal researcher contacted Mr. Edward C. Schoenfeld, the State Department of Corrections Representative in the County Circuit Court Probation Office and reviewed with him the objectives and feasibility of the proposed study. Some of the issues discussed were confidentiality, and spatial and temporal requirements. The probation office agreed to furnish the researcher with all available presentence reports (376) and to provide an area which could accomodate approximately eight raters for the duration of the project which was estimated to continue for five weeks. In return, the researcher promised not to record or publish the names of any women reviewed, to keep all information confidential, and to provide Mr. Schoenfeld with a written report of the results found once the data was analyzed and interpreted. All of these agreements were then rewritten in the form of a contract which was signed by both parties (Appendix A).

## Instrument

### Pilot Study

A pilot study was conducted prior to devising the instrument in order to determine which variables could be obtained from the majority of presentence reports read. Approximately 25 files dating from 1970-1975 were randomly chosen by a Department of Corrections employee. From amongst these, 10 were selected on a random basis by the researcher, and their contents were carefully scrutinized. A temporary instrument was designed after reviewing the first few and this served as a guideline for studying the subsequent reports. Only those items which

appeared in virtually all the reports were considered for inclusion in the final questionnaire.

### Instrument Construction

The items forming the questionnaire were rationally chosen by the researcher after conducting an intensive review of the literature pertaining to sentencing and after carrying out a pilot study in order to determine which variables could be reliably extracted from the pre-sentence report. In addition, persons in the State Department of Corrections and faculty members of Michigan State University offered suggestions as to which variables might prove pertinent. All data which could be collected from a majority of the documents and which intuitively seemed important or was shown to be predictive of severity of sentence in previous research, was included. The variables which were contained in the final version of the rating schedule were divided into 10 categories for ease of presentation. They are listed in Table 3 and subdivided into their general category headings. In describing the final rating categories, the following format will be used:

- 1) the global areas formed by the items will be delineated succeeded by a brief description; and
- 2) below each global area the specific variables it encompassed will be listed along with a rationale for their inclusion.

Circumstances of the Present Offense. This section considered those details relating to the offense with which the defendant was charged. It was anticipated that the variables falling within this category would prove to be vital predictors of the severity of sentence,

TABLE 3  
ORIGINAL VARIABLES CONTAINED IN THE INSTRUMENT

Category	Description	Variable	Code
Circumstances of the Present Offense	Detection	Mode of Detection	Outsider called police Victim called police Detected by police Other
	Charge	Number of Accomplices Crime Charged with Statutory Maximum Number of Current Charges Cooperation with Police Court Status - on probation/parole when arrested	Number Code Number Number of Years Number Yes, No Yes, No
	Previous Arrests	Previous Non-Traffic Arrests Previous Juvenile Misdemeanor Arrests Previous Juvenile Felony Arrests Previous Juvenile Status Arrests	Number Number Number Number
Past Criminal History	Previous Court Dispositions	Previous Arrests that were Dismissed Previous Serious Misdemeanors - 90 Days or More in Jail Previous Nonserious Misdemeanors - Less than 90 Days in Jail Previous Felonies Yielding a Sentence of Probation Previous Felonies Ending in a Jail Term Previous Felonies Ending in a Jail Term Followed by Probation Previous Felonies Leading to Incarceration	Number Number Number Number Number Number Number
The Victim	Type of Offense	Property Offense	Yes, No
	Degree of Violence	Number of victims of bodily harm Extent of injury Manner in which violence threatened or used	Number None, minor injury, Needed medical attention Hospitalized, killed No violence, verbal abuse, Physical abuse, weapon implied, Weapon displayed
	Demographic Information	Race of Principle Victim Sex of Principle Victim Relation of Defendant's Victim	White, nonwhite Male, female None, immediate family, relative boyfriend, close friend, casual friend, stranger
Demographic Information	Demographic Information	Age at the time of Arrest Race Year of Presentence Report Educational Level	Actual years White, nonwhite Year Grade Level
	Employment	Occupation Number of Jobs in Three Years Prior to Arrest Length of Last Job in One Year Prior to Arrest Employed at Time of Arrest	Hollingshead's SES Scale Number Number of months Yes, No
	Marital Information	Marital Status Total Number of Marriages Age at Time of First Marriage	Single, married, divorced, separated, common law, widowed Number Actual age

TABLE 3 (Cont'd)

Category	Description	Variable	Code
Number of Children		Total Number of Children Children Under 5 Years Children Between 6 and 12 Years Children Between 13 and 17 Years Children Living with Defendant at Time of Arrest	Number Number Number Number Number
Stability of the Home Life		Father of Defendant Alive Father's Occupation Mother Alive Marital Status of Parents Number of Siblings Defendant's Relationship with Parents	Yes, No Yes, No  Gets along with both parents Conflicts with father only Conflicts with mother only Conflicts with both parents
Living Arrangements		Living Arrangements  Spouse or Male Friend Living with Defendant had a Criminal Record	Alone, parents, spouse and Children Spouse, children, friend, boyfriend, relatives, parents and children Boyfriend and children, other Yes, No
Personal Problems	Emotional and Physical Problems	Had Physical Handicaps Was Committed to a Mental Institution Used Psychiatric Outpatient Services	Yes, No Yes, No Yes, No
	Substance Abuse	Had an Alcohol Problem Had a History of Non-Alcohol Drug Abuse Used Drugs Harsher than Marijuana	Yes, No Yes, No Yes, No
Presentence Report	Recommendation	Recommendation of Presentence Report	None, probation, probation and jail, jail, prison
	Quality of Information	Number of Persons Approached by Probation Officer Most Detailed Area of Presentence Report  Second Most Detailed Area of Presentence Report	Number Criminal history, family history, education, occupation, marital history, health, finances  Criminal history, family history, education, occupation, marital history, health, finances
Court Proceedings	Procedures	Type of Defense Attorney Disposition Mode  Bond Granted	Court Appointed, Retained, None Guilty Plea, Court Trial, Jury Trial Yes, No
	Participants	Name of Presiding Judge Name of Prosecuting Attorney Name of Probation Officer Name of Defense Attorney	Name Name Name Name



because research conducted by both Baab and Furgeson (1967) and Green (1961) had shown that the number of previous offenses and the seriousness of the act were the foremost determinants of the disposition. Other factors, such as the number of accomplices also affected the judge's decision. Hogarth (1971) found that two-thirds of the magistrates interviewed paid particular attention to this information because they believed crimes which involved many persons were premeditated and therefore more serious.

Detection mode-- Four categories tapped the possible manners in which the defendant could have been detected. These were:

- the victim called the police;
- an outsider called the police;
- the offender was caught by the police; and
- an "other" category for any other alternative.

Number of Accomplices-- An accomplice was defined as any associate participating in the activity. Crimes involving two or more persons generally signified that some type of coordination of efforts had occurred and therefore the behavior was more likely to have been premeditated.

Type of Offense-- The possible offenses which an offender could have been guilty of ranged from first degree murder to misdemeanors and were listed in a table called "Criminal Offenses and Statutory Sentence Lengths." (Table 4.) These were taken from a publication released by the State Department of Corrections which denoted all the offenses committed in 1974. Raters simply recorded the code number beside the offense of interest on the coding sheets.

Statutory Maximum-- This was set by the state legislature. It increased along with the seriousness of the crime.

Number of Current Charges-- This acted as an indication of the number of faults or simultaneous counts the woman was charged with. These were often reduced during plea bargaining.

Cooperation with the Police-- This provided information about the defendant's willingness to cooperate with the police at the time of her apprehension. To be coded as positive, the presentence report had to specifically state that the woman was cooperative.

TABLE 4

## Criminal Offenses and Statutory Sentence Lengths

Code	Offense	Tanner Minimum	Statutory Maximum	Explanation of Offenses
1	Murder, 1st degree		Life	Premeditated, intentional killing.
2	Murder, 2nd degree		Life or any term of years less than life	Murder not premeditated, e.g., bar-room brawls.
3	Attempted murder			Assault with intent to do great bodily harm.
4	Assault with intent to commit murder			
5	Robbery armed		Life or any term of years	
6	Assault to rob, armed		"	
7	Rape		"	
8	Kidnapping		"	
9	Conspiracy		"	
10	Bank safe or vault robbery			
11	Narcotics, unlawful sale, distrib., manufacturing	13.3 yrs.	20 yrs.	
12	Burning a dwelling house	13.3 yrs.	20 yrs.	Threatening a person with injury in order to obtain property.
13	Extortion	13.3 yrs.	20 yrs.	
14	Accept earnings of a prostitute pandering	13.3 yrs.	20 yrs.	Pimping.
15	Robbery, unarmed	10 yrs.	15 yrs.	
16	Assault to rob	10 yrs.	15 yrs.	
17	Manslaughter	10 yrs.	15 yrs.	Killing but offender was provoked. Retaliation.
18	Breaking and entering an occupied dwelling	10 yrs.	15 yrs.	
19	Sodomy	10 yrs.	15 yrs.	Sexual assault (not violent).
20	Perjury	10 yrs.	15 yrs.	Lying in a situation when you're under oath to tell the truth.
21	Place explosive by property with intent to discharge	10 yrs.	15 yrs.	
22	Firearm, cause death w/o malice	10 yrs.	15 yrs.	e.g., gun goes off by mistake and someone is killed.
23	Uttering and publishing	9.3 yrs.	14 yrs.	Passing a bad check.
24	Forgery of records	9.3 yrs.	14 yrs.	
25	Breaking and entering	6.66 yrs.	10 yrs.	
26	Possession of burglary tools	6.6 yrs.	10 yrs.	
27	Larceny from a person	6.6 yrs.	10 yrs.	Stealing from a person, e.g., purse snatching. Bargained down robbery.
28	Assault less than murder	6.6 yrs.	10 yrs.	
29	Assault committing rape, sodomy, or gross indecency	6.6 yrs.	10 yrs.	
30	Assault to commit a felony	6.6 yrs.	10 yrs.	Assault with a dangerous weapon, without intent to commit murder, and without intent to inflict great bodily harm, i.e., less than murder.
31	False pretense to defraud	6.6 yrs.	10 yrs.	Falsely obtaining money, goods, or services from an individual. No theft because given articles voluntarily.
32	Indecent liberties with child	6.6 yrs.	10 yrs.	
33	Burning other real property	6.6 yrs.	10 yrs.	
34	Drunk driving-third offense	6.6 yrs.	10 yrs.	
35	Possession of a stolen auto	6.6 yrs.	10 yrs.	
36	Incest	6.6 yrs.	10 yrs.	
37	Non-narcotic drug, illegal sale, distribution	4.66 yrs.	7 yrs.	
38	Hallucinogens, sales, distr., and manufacturing	4.66 yrs.	7 yrs.	
39	Escape from prison	3.33 yrs.	5 yrs.	
40	Carrying a concealed weapon	3.3 yrs.	5 yrs.	
41	Receiving stolen property	3.3 yrs.	5 yrs.	
42	Entering without breaking	3.3 yrs.	5 yrs.	Commonly called attempted B&E. Usually bargained down from B&E.
43	Unlawful driving away auto	3.3 yrs.	5 yrs.	
44	Larceny over \$100	3.3 yrs.	5 yrs.	
45	Larceny from motor vehicle	3.3 yrs.	5 yrs.	
46	Larceny by conversion over \$100	3.3 yrs.	5 yrs.	Receiving money, goods, or other property and wrongfully applying it to a purpose other than that for which it was delivered to him. e.g., defendant given funds to buy stock for someone but uses money to buy himself a car.

TABLE 4-Continued

Code	Offense	Tanner Minimum	Statutory Maximum	Explanation of Offenses
47	Attempted gross indecency between male and female	3.3 yrs.	5 yrs.	
48	Carrying weapon w/unlawful intent	3.3 yrs.	5 yrs.	
49	Possession of forged notes	3.3 yrs.	5 yrs.	
50	Transport drugs into prison	3.3 yrs.	5 yrs.	
51	Mfg. or poss. illegal weapon	3.3 yrs.	5 yrs.	
52	Possession of bomb	3.3 yrs.	5 yrs.	
53	Common law offense	3.3 yrs.	5 yrs.	
54	Gross indecency between females	3.3 yrs.	5 yrs.	
55	Larceny from a building	2.6 yrs.	4 yrs.	
56	Felonious assault	2.6 yrs.	4 yrs.	Hitting a person.
57	Narcotic drugs, possession of	2.6 yrs.	4 yrs.	
58	Intent to sell or use credit cards	2.6 yrs.	4 yrs.	
59	Marijuana, illeg. sale, distr., mfg.	2.6 yrs.	4 yrs.	
60	Mal. dest. property over \$100	2.6 yrs.	4 yrs.	
61	Burning of personal property	2.6 yrs.	4 yrs.	
62	Prepare to burn property over \$50	2.6 yrs.	4 yrs.	
63	Sale or use of credit cards	2.6 yrs.	4 yrs.	
64	Cruelty to children	2.6 yrs.	4 yrs.	
65	Mal. dest. house, barn, other bldg.	2.6 yrs.	4 yrs.	
66	False statement to obtain relief over \$500	2.6 yrs.	4 yrs.	
67	Larceny of livestock	2.6 yrs.	4 yrs.	
68	Theft of credit cards	2.6 yrs.	4 yrs.	
69	Absconding or forfeiting bond	2.6 yrs.	4 yrs.	
70	U.D.A.A. w/o intent to steal	1.3 yrs.	2 yrs.	Joy-riding.
71	Checks w/o account or suff. funds	1.3 yrs.	2 yrs.	Checks that bounce.
72	Non-narcotic drug possession	1.3 yrs.	2 yrs.	
73	Resisting or obstructing officer	1.3 yrs.	2 yrs.	
74	Negligent homicide	1.3 yrs.	2 yrs.	Death due to reckless driving.
75	Careless use of firearms	1.3 yrs.	2 yrs.	
76	Larceny of rented motor vehicle under \$100	1.3 yrs.	2 yrs.	
77	Felonious driving	1.3 yrs.	2 yrs.	
78	Misdemeanor	.66 yrs.	1 yr.	

Court Status When Arrested-- If the defendant was on a probationary status when she committed her most recent crime, this acted as a demonstration that she was not able to handle the freedom granted her.

Previous Criminal History. Previous investigations (Baab and Furgeson, 1967; and Green, 1961) have shown that variables describing the past involvement of the individual in crime, such as the number of previous offenses and the type of offense committed as an adult, were determinants of the disposition reached. In this research, it was decided to take this one step further by breaking the previous adult nontraffic arrests firstly into two categories of seriousness (i.e., misdemeanors vs. felonies) and then by distinguishing the crimes falling under each of these according to judicial outcome.

Number of Previous Arrests-- This provided an overall indication of the defendant's previous participation in illegal activities.

Number of Previous Misdemeanors-- These were classified as serious or nonserious depending on the sentence they received. The former was defined as a county jail term of 90 days or more, whereas the latter was an offense receiving a sentence of less than 90 days in jail.

Number of Previous Felonies-- These were also distinguished according to the severity of the sentence. The possible outcomes ranged from probation, to county jail, to county jail followed by probation, to incarceration.

Age at Time of First Arrest-- This documented the age at which offenders became involved in crime.

Number and Type of Juvenile Arrests-- This provided an indication of the number of women who had criminal histories dating back to their childhood years and the seriousness of the crimes.

The Victim. Research by Green (1961) and Baab and Furgeson (1967) had shown the importance of this area in the decision-making processes of the judge. Both of these studies concluded that the race of the victim and the type of offense interacted with the race of the

defendant to form a highly influential factor. It was also suggested by Jacob and Eisenstein (1974) that the age and sex of the victim, as well as his/her relationship to the offender and the amount of bodily harm inflicted, were determinants of the sentence imposed.

Property Crime-- This was defined as 1) passing a bad check (either NSF or forgery) or as 2) robbing a store or building without inflicting harm on any individual. Crimes, such as carrying a concealed weapon or possession of narcotics, were considered person offenses.

Number of Victims of Bodily Harm-- Bodily harm was explained as any assault on the person.

Extent of Injury-- The degree of harm inflicted was noted by choosing one of the five alternatives provided which were:  
 no injury;  
 minor injury, such as a cut, slap, or punch;  
 an injury which required treatment from a nurse or physician;  
 an injury necessitating hospitalization; and  
 death.

Race of the Principle Victim-- Since it did not seem useful to record the race of all the victims (assuming there were more than one) only that of the principle victim was coded. The principle victim was an individual who fell into any of these categories:  
 the head of a household if a home was burglarized;  
 a man solicited by a prostitute;  
 an owner of a small entrepreneurial shop (such as a corner grocery store); and  
 a person whose credit card was stolen or whose name was forged on a check.

The race was denoted as either white or nonwhite.

Sex of the Principle Victim-- The two possible responses were male or female. Both the race and the sex had to be specifically mentioned in the presentence report for the information to be coded. Otherwise the data was reported as missing.

Manner of Violence Used-- This provided another indication of the forcefulness of the attacker and the seriousness of the incident. Five degrees of violence were delineated:  
 no violence was used;  
 verbal abuse, such as threats, insults;  
 physical abuse, such as hitting, punching;  
 weapon implied although not visible; and  
 weapon displayed.

Relation of Victim to Defendant-- Six possible associations were denoted in the rating schedule:

- immediate family (parents, siblings);
- relatives (cousin, aunt, uncle, grandparents);
- boyfriend; male friend with whom the defendant was living;
- close friend (male or female);
- casual friend or social acquaintance; and
- stranger.

Demographic Characteristics. The items encompassed in this section included the usual ones such as age, (Green, 1961) race, (Bullock, 1961; Green, 1961; and Martin, 1934) education, (Judson, et al., 1969) and occupation, (Burke and Turk, 1974; Judson, et al., 1969) all of which have been shown to have an effect on the sentence chosen by the judge.

Age at Time of Arrest-- The age stated on the Face sheet was the one used.

Race-- Two possibilities of race, either white or non-white, were included.

Year of Presentence Report-- This noted the recency of the documents.

Educational Level-- The number of full years completed was recorded.

Occupation-- A standardized SES test, developed by Hollingshead and Redlick (1958) and called the Two-Factor Index of Social Position was employed. Although it provided for the determination of an individual's position, only the occupational scale was used. This grouped jobs into seven molar categories ranging from higher executives and major professionals to unskilled employees. An eighth one was then added to account for the unemployed (Appendix 2).

Number of Jobs Held in Three Years Prior to Arrest-- Defendant had to work longer than one week for the placement to be considered.

Length of Last Job (in months) in One Year Prior to Arrest-- The last two questions acted as indications of the occupational stability of the individual.

Employment at Time of Arrest-- This specified whether the woman had a job and, by implication, a source of income.

The response was coded dichotomously.

Marital Status-- The defendant's marital status at the time of her arrest was recorded by selecting one of the options provided. These were:

single, married, divorced, separated, common law, and widowed, with common law being defined as having lived with the male companion for at least one year prior to the apprehension.

Total Number of Marriages-- This described the marital fluctuations of the defendant.

Age at Time of First Marriage--

Number of Children. Since most of the previous studies on defendant characteristics and their relationship to the outcome have been conducted on exclusively male samples, this area of concern has been all but neglected. However, it seemed applicable for females, especially since they usually assumed custody of the children when there was a divorce or separation, or when they were illegitimate. In addition, some literature (Zalba, 1964) has suggested that judges sentenced more leniently when the woman had young dependents. To siphon out the effect of varying age groups, the youngsters were divided into three age denominations, which roughly paralleled those found at each of the three major steps in the child's schooling process.

Total Number of Children-- This provided an indication of the total number of children belonging to the woman.

Children Under 5 Years Old-- The three questions regarding the ages of the children reflected the dependencies of the youngsters. During early childhood, children were most reliant on their mothers and least able to care for themselves.

Children Between 6-12 Years-- Children in elementary school, or in middle childhood, were still in their formative years and required the presence of their mother.

Children Between 13-17 Years-- During adolescence, the teenagers were better able to cope on their own and therefore needed their mothers less. Thus they were the least dependent group.

Stability of the Home Life. The judges Hogarth (1971) studied specified family background as a vital part of the framework upon which their sentencing decisions were constructed. It was suggested that this information helped the judge formulate an assessment of the individual as a person.

Father of the Defendant Was Alive-- This was coded as a dichotomous variable.

Father's Occupation-- The score was taken from Hollingshead and Redlick's (1958) SES scale and acted as a measure of the family's social status.

Mother Was Alive-- This indicated whether there was maternal support for the defendant and a possible custodian for her children if she was incarcerated.

Marital Status of Parents-- Again this provided some insight into the stability of the home life. The parents were recorded as having been married, divorced, separated, widowed, or having a common law marriage at the time of their daughter's arrest.

Relationship with Parents-- This variable acted on an indicant of the climate in the household by denoting whether the defendant conflicted with her parents, and if so, which one(s) in particular.

Living Arrangements. The person with whom the defendant was living may have affected the judge's decision either in a positive or negative direction. The former was likely if she was residing with her parents, spouse or other supportive individuals, whereas the latter was likely if she had moved in with a boyfriend or a delinquent peer (Carter and Wilkins, 1967).



Living Arrangements at Time of Arrest-- This question encompassed 11 possible alternatives ranging from living alone, to living with various other adults, to living with children and others, to living with non-supportive others.

The Spouse or Male Friend with Whom the Defendant was Living Had a Criminal Record-- This specified whether the woman was living with a male who had been previously, or was at that time, involved with the law. The response was coded dichotomously.

Personal Problems. It was unclear what effect some of the items falling into this category, such as past involvement with a mental institution or psychiatric outpatient services, would have on the disposition. However, previous investigations which monitored the effect of substance abuse found that recommendations for imprisonment increased when offenders exhibited characteristics such as alcohol involvement and drug usage (Carter and Wilkins, 1967).

Defendant Had Physical Handicaps-- If there were any physical disabilities, such as deafness or blindness, these were stated on the Face sheet. The response was coded dichotomously.

Defendant was Committed to a Mental Institution-- This was coded dichotomously.

Defendant Had Used Psychiatric Outpatient Services-- This was coded dichotomously.

Defendant Had an Alcohol Problem-- This was coded dichotomously.

Defendant Had a History of Non-alcohol Drug Use-- All individuals who had used any type of non-alcohol drug with regularity were included in this item. Again, the response was coded dichotomously.

Defendant Used Drugs Harsher than Marijuana-- This differentiated those women with habits, or those with a history of heavy drug usage, from the more casual users of marijuana. The two alternatives replies were yes and no.

The Presentence Report. Since various literary sources (Carter and Wilkins, 1967; Hogarth, 1971) continually alluded to the importance of the presentence report for the judge when formulating his decision,

certain of its characteristics needed to be investigated such as the recommendation, the most detailed areas, and the number of outside sources the probation officer contacted. For example, Carter and Wilkins (1967) concluded that the recommendation of probation officers and the dispositions of judges tended to be in high agreement and that both these court officials applied approximately equal significance to similar factors.

Recommendation of the Presentence Report-- This was the probation officer's judgement of the seriousness of the crime committed. There were four possible recommendations which were: probation, probation and jail, county jail, and incarceration.

Number of People Approached by Probation Officer-- The number of outside sources contacted by the probation officer preparing the presentence report provided a partial measure of the reliability and credibility of the information it contained.

The Most Detailed Area-- The student read over the pre-sentence report and counted the novel bits of information contained in each of these 7 sections: previous criminal history, family history, education, occupation, marital history, health, and finances. The one having the greatest number of facts was selected as the most detailed area.

The Second Most Detailed Area-- The same procedure was repeated for this question.

Court Proceedings. Research conducted by Baab and Furgeson (1967) and Green (1961) demonstrated that the ability of offenders to obtain pretrial freedom by personal recognizance or by making bond significantly affected the predicted severity of the sentence. In addition, it was concluded that appointed counsel were less successful than retained ones in reducing sentence severity and that pleading guilty rather than undergoing a jury trial did not significantly reduce the length of sentence. Thus the defense attorney, and how he was obtained, as well as the disposition mode and the granting of bail

were all included as items in the instrument.

Type of Defense Attorney-- There were three possible paths a defendant could follow when choosing her defense attorney. She could elect not to have any one represent her, or she could hire a defense attorney, or she could request that the court appoint her a lawyer because she was unable to afford one on her own. This acted as a measure of the quality of the defense received by the client.

Disposition Mode-- The three alternatives encompassed by this variable were guilty plea, court trial, and jury trial, since these were the options available to any defendant. Basically this variable noted the occurrence of plea bargaining.

Bond Was Granted-- This indicated whether or not the defendant was released on bond prior to her court date. The response was coded as yes or no.

Names of the Court Officials-- To be able to detect any sentencing patterns within an individual (e.g., a judge) or between members of the same role (e.g., disparity between judges), or inter-relationships between court officials (e.g., prosecuting attorney and judge) the names of each official involved in a case were recorded.

### Data Collection Procedures

#### Selection of Raters

The raters were undergraduate students enrolled in Michigan State University who were participating in the research in order to fulfill credit requirements. The selection of the raters was essentially quite arbitrary. The only prerequisites they were required to have was an interest in the subject matter and sufficient free time to allow them to work four hours a day, five days a week for the duration of the project. Seven students were finally selected, two of which were males. All the students participating in the project, except for one woman who was a junior, were in their final year. Two of the raters, one male and one female, had a major other than psychology. The first was graduating in communication and the second had a joint major of

psychology and social work. The span of ages was quite large considering the restrictive population from which the raters were chosen because they ranged from 20 to 37 years. In addition, an eighth student, a black male master's candidate, was hired as a work-study student.

### Training of Raters

All interested students met with Dr. W. Davidson and the researcher at 9:00 a.m. on June 21, 1976 in room 35 of Baker Hall on the campus of Michigan State University. The specific duties of the raters were outlined and questions concerning course credit and grading were answered. Students were asked to indicate whether they preferred to work in the morning or in the afternoon. The importance of confidentiality was stressed and students who still wanted to participate in the project signed a prepared contract stating their duties as well as those of the investigator (Appendix 3). A list was formed of all those who accepted to work on the project.

An orientation meeting was scheduled to commence immediately after the preliminary gathering on June 21, during which time the raters were acquainted with the material they were required to rate and the format of the research. The session was divided into three sections. The first part concentrated on the presentence report, the second addressed the questionnaire, and the third comprised a type of practicum. Each one is considered in more detail.

It was essential that the raters understand the purpose of, and general layout of, the presentence report. The format of a typical report and the order of the general topics to be discussed were outlined on a blackboard. Supplementing this pictorial description was

a brief lecture given by the researcher. All this material was also summarized in a manual which was devised by the investigator and distributed to the students (Appendix 4). As soon as it became clear that the raters conceptually understood the rationale behind the presentence report as an instrument and its contents, the second part of the meeting began.

Copies of the questionnaire that was to be used by the raters in analyzing the reports were distributed. The manner in which the instrument was formed and the reasons for including the variables was explained. The students were asked to read each one carefully and to indicate which items, if any, seemed ambiguous or ill-defined. All questions were answered by the researcher. It was explained that the six general sections of the measure paralleled those in the presentence report in content and order. After this, Fortran sheets were given out and the way in which they needed to be completed was reviewed. Once the raters were sufficiently familiarized with the items, where the appropriate information was located in the report, and how it was to be coded on the Fortran sheets, they were handed a sample file and asked to fill out the rating schedule on the basis of the material contained within the practice report. The replies were compared. Reasons for discrepancies were discussed and any unclear items were clarified. The students were then instructed to keep both the presentence report and completed form and to study them during the two-hour lunch break prior to the commencement of the training session in order to acquaint themselves with the questions.

At 1:00 p.m. of the same day (June 21, 1976) all the raters assembled in room 128 of the Psychology Research Building to begin

the training session which continued into the next day. A xerox copy of 10 randomly chosen presentence reports of male offenders with all names removed, were obtained from the County Probation Office. Replications of these were distributed one by one to all the students. After the first report was read by each individual, and its contents recorded on Fortran sheets, the "correct" replies were written on the blackboard by the researcher and the number of students having different answers was tabulated and placed beside the item. Any necessary clarifications or explanations were made as each response was reviewed.

During the first few trials only parts of the instrument were rated. For example, the section dealing with crime was concentrated on until reliability was greater than or equal to .95. This simplified detecting those items which were confusing. Necessary alterations in wording or explanations were made and then the next area was considered. This was repeated until all individual parts had been reviewed and discussed. Finally the entire questionnaire was completed and the correlation calculated. This continued until inter-rater reliability was greater than .95 for three consecutive comparisons.

### Data Collection

An agreement had been made with the County Circuit Court Probation Office which allowed eight raters plus the investigator to read and record the information contained within the selected files. The raters were given a large table in the office of Mr. D. Schmitt, on the sixth floor of the County Building, to which they reported each day at the appropriate time.

A pile of folders was placed by each seat in the morning. Upon

completion of these files, they were returned to the researcher and were replaced with a new set. In this way loss or mutilation of the documents was avoided.

Inter-rater reliability checks were staggered throughout the rating process. The researcher chose a report which had been coded by a student and discretely placed it in the pile of another one. This was done for each rater on a daily basis. A sheet denoting the files which had been read twice, the date, the names of the raters, and the reliability coefficient was kept by the researcher. No raters were paired twice until all of the grouping combinations had been exhausted. If either the overall reliability or an item reliability dropped below .90, the first part of the next session was spent in rater retraining on how to interpret the question that was causing the difficulties. In addition, the last half hour of every second or third meeting was devoted to a general discussion of the raters' progress and performance.

A summary of the major procedural steps taken can be obtained from the Time Chart (Table 5).

#### Reliability for Time and Raters

Reliability was constantly monitored across raters and across time. The procedure which was followed in order to determine the first type of reliability was described previously. A similar process was used to obtain the second reliability coefficient. Approximately once every second day raters were given a report that they had coded at an earlier session and the number of inconsistent responses was calculated by the researcher. If the replies from these two sessions differed greatly (i.e., the reliability dropped below .90), then rater

TABLE 5

## Time Chart

Task	Time Began	Expected Date of Completion	Individual(s) Responsible	Purpose of Activity
1. Pilot Study	Feb. 27, 1976	Feb. 27, 1976	Researcher	a) To become familiar with the format of presentence reports used by the State Dept. of Corrections from 1970-1975. b) To distinguish those variables which can be found in a majority of presentence reports.
2. Recruit Raters	May 3, 1976	June 10, 1976	Researcher	a) To find students interested in participating in the research.
3. Preliminary Meeting	June 21, 1976	June 21, 1976	Researcher, Dr. W. Davidson	a) To acquaint raters with their duties. b) To answer questions about the project. c) To choose the raters to be used and to sign contracts.
4. Orientation Meeting	June 21, 1976	June 21, 1976	Researcher	a) To familiarize raters with contents and format of presentence reports. b) To discuss the questionnaire to be used. c) To practice recording information on Fortran Sheets.
5. Training	June 21, 1976	June 22, 1976	Researcher & Raters	a) To practice recording the contents of the presentence reports on Fortran Sheets.
6. Collecting Data	June 23, 1976	July 9, 1976	Researcher & Raters	
7. Analyzing Data	Sept. 25, 1976	April 15, 1977	Researcher	
8. Writing up Results	April 16, 1976	May 25, 1977	Researcher	



retraining took place. A sheet similar to the one used for inter-rater reliability was devised and filled out by the investigator. Both reliability coefficients were measured by calculating the percent agreement between raters. The range of inter-rater reliability scores was from .76 to .96 with a mean score of .86. Similarly, the reliability scores over time varied from a high of .97 to a low of .85 with the average around .93.

## RESULTS

Due to the complexity and quantity of analyses employed in this research, the results section will be divided into two general categories. The first one, termed "presentation of data" will begin by briefly describing the alterations made in order to prepare the data for future analytical procedures. It will then go on to discuss the descriptive findings that were uncovered and will conclude by presenting the results obtained by the cross-tabs technique. Since the contingency tables produced essentially provided only descriptive information, it seemed appropriate to include this procedure in the first section. Part II will consider the data reduction strategies followed and the multi-variate prediction analyses utilized.

### Part I--Presentation of Data

#### Coding Changes

In order to successfully use the two methods which are discussed, some of the data had to be restructured or eliminated. Changes were made according to a set of pre-established rules. Any variable which had over 5% of its data missing was removed. This meant that the items cooperation with police, race of principle victim, number of jobs in last three years prior to arrest, occupation of defendant's father, spouse or male friend had criminal record, most detailed area of presentence report was defendant's occupation, health, and finances, type of defense attorney, and names of court officials were all dismissed (Table 6).

TABLE 6  
Coding Changes

Coding Change	Variable Name
Variables removed because more than 5% of the data was missing	Cooperation with police Jobs in 3 years prior to arrest Length of last job in 1 year prior to arrest Father's occupation Male friend or spouse had criminal record Detailed area of presentence report (P.R.) - occupation Detailed area of P.R. - health Type of defense attorney used Names of court officials
Eliminated because experimentally dependent on certain of the retained variables	Charge <sup>1</sup> Victims of bodily harm <sup>2</sup> Extent of injury to victim <sup>2</sup> Violence used <sup>2</sup> Number of children <sup>3</sup> Non-alcohol drug abuse <sup>4</sup>
Alternative responses were combined to form groups with larger frequencies of endorsement	Defendant's marital status Parent's marital status Defendant's relationships with parents Living arrangements
Seriousness of arrest coded from 1-7	Previous dismissed arrests Previous misdemeanors receiving probation, fine, or jail term under 90 days Previous misdemeanors receiving a jail term of 90 days or more Previous felonies--probation Previous felonies--county jail term Previous felonies--county jail and probation Previous felonies--incarceration

<sup>1</sup>Information retained by Statutory maximum sentence.

<sup>2</sup>Information retained by victim crime.

<sup>3</sup>Information retained by number of children in each age category--under 5 years, between 6 and 12 years, between 13 and 17 years.

<sup>4</sup>Information retained by defendant's using drugs harsher than marijuana.

To successfully utilize the factor analysis procedure, which was one type of data reduction, variables which seemed experimentally dependent (e.g., forced-choice alternatives to the same question), needed to be eliminated. The reason for this was that the intention of this method was to investigate "natural" correlations among variables, "not the correlations that were found through experimental dependence" (Nunally, 1967, p. 370). As a result, the following variables were removed: charge, number of victims of bodily harm, extent of injury to victim, sex of principle victim, violence used, number of children, history of non-alcohol drug abuse. Table 6 presents the variables that were eliminated because they were redundant, as well as those variables which replaced them.

Some of the variables had been broken down into artificial or dummy variables in order to get as accurate a picture as possible about the information contained in that variable. Often, however, less than 5% of the subjects were accounted for at this more specific level which meant that these items had to be recombined. For example, defendant's marital status was divided into seven alternatives, but the last two options (common law and widowed) had frequencies of 1.9 and 0.8. Therefore, they were united with separated and divorced to form the "disrupted marriages" option. The same rationale was used for combining divorced, separated, common law, and widowed in the question regarding the marital status of the parents. The living arrangements variable also consisted of many alternative responses which were collapsed into four possible choices: 1) living alone; 2) living with supportive adults; 3) living with children and other adults; and 4) living with non-supportive others. Finally, the

variable measuring the defendant's relationship with her parents was restructured to form two alternatives: gets along with parents, and conflicts with one or both parents. Questions concerning the number of previous arrests (differentiated according to seriousness and judicial outcome) a defendant had committed, were altered to form a scale measuring the seriousness of the offense (Table 6).

One final problem which had to be contended with was the varying amounts of missing data. Since each variable had a different number of cases missing, it was impossible to use listwise deletion in the analyses because virtually all the variables would have been eliminated. Pairwise deletion was an unsatisfactory alternative because it is known to produce serious problems when used in a multiple regression analysis. The solution finally agreed upon was to add the missing data of each variable to the response with the largest frequency of endorsement, thus producing more conservative results. This procedure was applied to 31 of the variables. Although this may not have been the ideal technique, it seemed to be the best one available.

After all the coding changes had been made, the number of variables had been reduced from approximately 113 to 48. The final ones employed in the analyses are listed in Table 7.

### Descriptive Findings

General information concerning female offenders has been lacking in the literature, and so, in an effort to add to this void of knowledge, this section presents the findings uncovered about the women in this particular sample. The data that was collected is discussed by considering the six divisions composing the rating schedule.

TABLE 7  
Final Set of Variables Used in the Analyses

Category Name	Variable Name	Coding
Circumstances of Present Offense	Detection Mode  Statutory Maximum Sentence Current Charges	Outsider called police Victim called police Other Number of years Dismissal to prison term of 13 years Number
Previous Criminal History	Previous Non-Traffic Arrests Most Serious Previous Disposition Court Status - Probation, Parole Age at Time of First Arrest Previous Juvenile Misdemeanor Arrests Previous Juvenile Felony Arrests Previous Juvenile Status Arrests	Number Scaled from 1-7 Yes, no Age in whole years Number Number Number
Victim	Property Crime Victim Crime	Yes, no Yes, no
Demographic Characteristics	Age at Time of Arrest Race Year of Presentence Report (P.R.) Educational Level Occupation Employment When Arrested Marital Status	Age in whole years White, nonwhite  Last full year completed Hollingshead's SES scale Yes, no Single, married, disrupted marriages
Number of Children	Children under 5 Years Children Between 6 and 12 Years Children Between 13 and 17 Years Children Living with Defendant When Arrested	Number Number Number Number
Stability of the Homelife	Father Alive Mother Alive Marital Status of Parents Number of Siblings	Yes, no Yes, no Married, other
Living Arrangements	Living Arrangements at Time of Arrest	Alone, with supportive adults, with children and adults, with nonsupportive adults
Personal Problems	Defendant had Physical Handicaps Defendant had been Committed to a Mental Institution Defendant had Used Psychiatric Outpatient Services Defendant had an Alcohol Problem Defendant Used Non-Alcohol Drugs Harsher than Marijuana	Yes, no Yes, no Yes, no Yes, no Yes, no
Presentence Report	Recommendation in Presentence Report People Approached by Probation Officer Detailed Areas of Presentence Report	None, probation, probation and jail, county jail, incarceration Number Previous criminal history, family history, education, marital history
Court Proceedings	Disposition Mode Bond Granted	Guilty plea, court trial or jury trial Yes, no

Circumstances of the Present Offense. In keeping with the statistics cited in the first part of this thesis, the two felonies committed most often were uttering and publishing or forgery, (16.2%) and larceny from a building (15.7%). In addition, 29% of the sample were simply arrested for misdemeanors and not for the more serious offenses. Perhaps it was for this reason that approximately 76% received a sentence of probation and just over 2% were given prison sentences with a minimum term over three years in length (Table 8).

Previous Criminal History. The relative uninvolvedness of women with the law was substantiated by the fact that 46% had no previous arrests and 74% had two or less. When the severity of the crimes these women had committed was analyzed (with severity defined according to the seriousness and court disposition of the offense), it was found that the ones engaged in most often were:

nonserious misdemeanors (14.6%);

felonies yielding a sentence of probation (11.4%); and

prison terms (8%).

Thus for approximately 62% of the sample, the most serious crime ever committed was either no crime at all or a nonserious misdemeanor, i.e., one which resulted in a sentence of fine, probation, or a county jail term of less than 90 days. In keeping with this "non-dangerous" profile, only a minimal number of juvenile offenses were transacted, with approximately 90% having had no juvenile record at all (Table 8).

Defendant's Characteristics. It can be assumed that the greatest proportion of the women forming the sample were quite young when they were arrested, since the majority of offenders (54%) ranged from 17

TABLE 8

Absolute and Relative Frequencies of Variables in the  
Circumstances of the Present Offense and Previous  
Criminal History Categories

Variable	Code	Absolute Frequency	Relative Frequency (Percent)
Charge	Uttering and Publishing	61	16.2
	Larceny from a Building	59	15.7
	Sell, Use, or Theft of Credit Cards	24	6.4
	Misdemeanors	110	29.3
	Other Categories	112	29.7
Sentence	Dismissal		
	Fine	6	1.6
	Probation	230	61.2
	Probation and Fine	46	12.2
	Jail Term	36	9.6
	1 Year Prison	12	3.2
	2 Years Prison	26	6.9
	Other Categories	20	5.0
Previous Arrests	0	172	45.7
	1	69	18.4
	2	34	9.0
	3	22	5.9
	Other Categories	79	21.0
Most Serious Previous Disposition	None	189	50.3
	Dismissal	11	2.9
	Nonserious misdemeanor	55	14.6
	Serious misdemeanor	16	4.3
	Felony--Probation	43	11.4
	Felony--Jail Term	15	4.0
	Felony--Jail Term and Probation	17	4.5
	Felony--Incarceration	30	8.0
Previous Juvenile Misdemeanor Arrests	0	347	92.3
	Other Categories	29	7.7
Juvenile Felony Arrests	0	349	92.8
	Other Categories	27	7.2
Juvenile Status Arrests	0	318	84.6
	1	31	8.2
	2	27	7.2



to 22 years of age. The two racial denominations, whites and non-whites, were approximately evenly represented. The offenders were fairly well educated because the largest single proportion was for those women who had completed high school (25%). A large number (80%) of women were either unemployed or had no marketable skills and were consequently classified as unskilled laborers. The most common marital status was single (56.6%), again perhaps reflecting their age, whereas 25% were married and the remainder either divorced or separated. As far as the relative stability of the defendant's parental homelife, the majority seemed to come from fairly cohesive families. Eighty-five percent had both their parents alive and the families tended to range in size from 1 to 5 children. Few women had either been institutionalized in a mental hospital (7.7%), or used any type of psychiatric outpatient services (14.1%). Another interesting finding was that although few women had claimed to have had an alcohol problem (5.1%), a fair number (39.4%) were reported to have used drugs such as heroine or cocaine (Table 9).

The Presentence Report. By far the most common recommendation made by the probation officer was probation (58%), whereas the next most popular one was the opposite extreme or incarceration (18%). The officers tended to get most of their information from the defendant alone and 39% verified the report with outside sources. The area of the presentence report which was accorded the most attention and contained the most details was the one concerning the defendant's family history, whereas the defendant's marital history was considered the second most detailed area in a majority of the documents (Table 10).

TABLE 9

Absolute and Relative Frequencies of Variables  
in the Defendant's Characteristics Category

Variable	Code	Absolute Frequency	Relative Frequency (Percent)
Age at Time of Arrest	17 years	19	5.1
	19 years	43	11.4
	20 years	41	10.9
	21 years	48	12.8
	22 years	34	9.0
	23 years	28	7.4
	24 years	24	6.4
	25 years	19	5.1
	Other Categories	20	5.3
Race	White	198	52.7
	Nonwhite	178	47.3
Educational Level	Grade 9	51	13.6
	Grade 10	82	21.8
	Grade 11	87	23.1
	Grade 12	92	24.5
	Other Categories	64	17.0
Occupation	Unemployed	268	71.3
	Unskilled	43	11.4
	Machine Operators, Semi-skilled	23	6.1
	Clerical, Saleswomen	26	6.9
	Other Categories	16	4.2
Marital Status	Single	213	56.6
	Married	95	25.3
	Other	68	18.1
Father Alive	Yes	307	81.6
	No	69	18.4
Mother Alive	Yes	332	88.3
	No	44	11.7
Number of Siblings	0	30	8.0
	1	50	13.3
	2	92	24.5
	3	57	15.2
	Other Categories	147	39.1
Physical Handicaps	Yes	13	3.5
	No	363	96.5
Mental Institution	Yes	29	7.7
	No	347	92.3
Outpatient Services	Yes	53	14.1
	No	323	85.9
Alcohol Problem	Yes	19	5.1
	No	357	94.9
Harsh Drugs	Yes	148	39.4
	No	228	60.6

TABLE 10

The Absolute and Relative Frequencies of Variables in the  
Presentence Report and Court Proceedings Categories

Variable	Code	Absolute Frequency	Relative Frequency (Percent)
Recommendation of Presentence Report	None	27	7.2
	Probation	217	57.7
	Probation and Jail	38	10.1
	County Jail	28	7.4
	Incarceration	66	17.6
People Probation Officer Approached	0	229	60.9
	1	85	22.6
	2 or more	62	16.5
Area in P.R.-- Previous Criminal History	Not detailed	233	62.0
	Most detailed area	89	23.7
	Second most detailed	54	14.4
Area in P.R.-- Family History	Not detailed	83	22.1
	Most detailed area	209	55.6
	Second most detailed	84	22.3
Area in P.R.-- Education	Not detailed	312	83.0
	Most detailed area	10	2.7
	Second most detailed	54	14.4
Area in P.R.-- Marital History	Not detailed	246	65.4
	Most detailed area	35	9.3
	Second most detailed	95	25.3
Bond Granted	Yes	310	82.4
	No	66	17.6
Disposition Mode	Guilty Plea	355	93.9
	Court Trial	4	1.1
	Jury Trial	17	4.5

Court Proceedings. The great majority of defendants (94%) pleaded guilty to a reduced charge rather than executing their option of having a court or jury trial. In addition, 82% were released on bond or personal recognizance while they were awaiting their court date (Table 10).

#### Contingency Table Analysis

Cross tabulations, a statistical procedure of a fairly descriptive nature, was used to provide a closer scrutiny of the sets of relationships existing between some of the variables. Since there were an ad finitum number of relationships that could have been studied, it was decided to limit the investigation to a few pertinent ones, which addressed the major issues of the study such as disparity and the effect of the presentence report.

Perhaps the relationship of prime interest was the one between severity of sentence and the recommendation of the presentence report. This was done to determine whether the judgement of the magistrate paralleled the recommendation of the probation officer. Since it was discovered by this study that this suggestion was the foremost determinant of the severity of the sentence, it was necessary to verify the extent of the congruency between these two decisions. The overall results, presented in Table 11, were significant at greater than the .01 level, thus suggesting that the recommendation did vary according to the judicial outcome and visa versa. An evident display of this occurred when probation was recommended by the officer, because 93% of the time this suggestion was heeded by the judge. Similarly, 70% of the offenders were incarcerated when this was advised. The only

TABLE 11

Contingency Table of Sentence by Recommendation of the Presentence Report

Recommendation of Presentence Report	Fine	Probation	Probation and Fine	Jail	1 Year	2 Years	3 Years	4 Years	5 Years	8 Years	10 Years	Row Totals
None	0	15	7	1	1	3	0	0	0	0	0	27 7.3%
Probation	3	171	27	10	0	1	0	0	0	1	0	213 57.3%
Probation and Jail	0	19	7	8	1	1	1	0	1	0	0	38 10.2%
Jail	0	11	1	11	4	1	0	0	0	0	0	28 7.5%
Prison	1	13	3	6	6	20	11	2	3	0	1	66 17.7%
Column Totals	4 1.1	229 61.6	45 12.1	36 9.7	12 3.2	26 7.0	12 3.2	2 .5	4 1.1	1 .3	1 .3	372 100.0%

Raw Chi-Square = 245.26012 with 40 degrees of freedom. Significance = 0

Cramer's V = .40599

Kendall's Tau C = .32551. Significance = .0

Gamma = .59242

Somers's D (Asymmetric) = .42048 with Variable 9 Dependent

Somers's D (Symmetric) = .43074

time there was a definite deviation in this pattern was when the officer felt the defendant should be jailed. In this case, only 39% received this sentence whereas 43% were placed on probation and 18% were imprisoned.

The second contingency table investigated the relationship between the maximum sentence and the recommendation of the presentence report. Previous research (Green, 1961) had suggested that the seriousness of the charge, which in this case was indicated by the statutory maximum sentence, was the major determinant of the sentence. Yet the findings uncovered did not support this conclusion. Thus it seemed necessary to examine the correspondance between the probation officer's impression of the severity of the crime and the legislature's impression. If the two did not concur, then the officers were using their own guidelines for making a recommendation which the judges seemed to find satisfactory. Table 12 indicates that approximately 43% of the probation suggestions were for maximum sentences of two years or less and 34% were for maximum sentences of five years. Thus these recommendations seemed quite appropriate. However, in 9% of the cases which had a maximum sentence of two years or less, prison was suggested and in 11% a jail term was believed the correct outcome. Crimes with a maximum sentence of 14 years seemed to present some difficulty for the officers. Whereas 47% recommended probation, 41% suggested that the defendant spend a specific period of time in jail or prison. On a rational level, the results seemed to imply that the recommendation was made without considering the maximum sentence for that crime established by law, or that the officer's judgement of the seriousness of the crime differed from the statutory one. This was

TABLE 12  
Contingency Table of Maximum Sentence by Recommendation of the Presentence Report

Recommendation of Presentence Report	Maximum Sentence (Years)									Row Totals
	2 or Less	4	5	7	10	14	15	20	80	
None	9	0	12	0	1	5	0	0	0	27
	91	2	72	4	12	22	8	1	1	7.3% 213
Probation and Jail	9	0	18	0	2	6	2	1	0	57.3% 38
	15	0	9	0	2	2	0	0	0	10.2% 28
Prison	12	1	31	0	4	11	4	2	1	7.5% 66
										17.7%
Column Totals	136 36.6	3 .8	142 38.2	4 1.1	21 5.6	46 12.4	14 3.8	4 1.1	2 .5	372 100.0%

Raw Chi-Square = 33.57300 with 32 degrees of freedom. Significance = .3910

Cramer's V = .15021

Kendall's Tau C = .09121. Significance = .0065

Gamma = .16635

Somers' D (Asymmetric) = .10418 with item 43 Dependent

Somers' D (Symmetric) = .11059

confirmed empirically by the chi-square score which was found to be not statistically significant ( $\chi^2 = 33.57$ , d.f. = 32,  $p = .39$ ).

The final table (Table 13) considered the prevalence of disparity in sentencing by looking at the sentences given for each charge. In the case of robbery, there was an even split with two defendants getting a disposition of probation and two getting incarceration. There was more consistency with uttering and publishing in that 64% were placed on probation. However, it was interesting that there were some women in each of the more "severe punishment" categories which ranged from county jail to a minimum of 8 years imprisonment. The general conclusion that was made based on this contingency table, was that the judges seemed to be following fairly consistent sentencing patterns. No large discrepancies in disposition appeared. The chi-square was highly significant ( $p < .001$ ), suggesting that sentence leniency varied inversely with the seriousness of the offense. However, this was a very tentative finding because the number of cases in each cell was generally very small and thus did not provide substantial data on which to postulate the existence of a trend.

#### Part II--Data Reduction and Decision Prediction

The first technique used was data reduction, which has as its two principle options the ability:

- 1) to reduce the number of variables, so fewer need to be entered into the subsequent multivariate predictive analyses; and
- 2) to prevent multicollinearity which occurs when some or all of the independent variables are highly correlated.

There are at least two different methods currently being used to



TABLE 13  
Contingency Table of Sentence by Charge

Offenses	Sentence											Row Totals
	Fine	Probation	Probation and Fine	Jail	Years in Prison							
					1	2	3	4	5	8	10	
Armed Robbery	0	1	0	0	0	0	1	0	0	0	1	3 .8%
Narcotics, Unlawful Sale, Distrib., Mfg	0	6	3	2	0	3	0	0	0	0	0	14 3.7%
Robbery Unarmed	0	3	1	0	0	0	2	0	2	0	0	8 2.1%
Manslaughter	0	3	0	0	0	0	0	0	0	0	0	3 .8%
Breaking and Entering an Occupied Dwelling	0	4	1	0	0	0	0	0	0	0	0	5 1.3%
Firearm	0	1	0	0	0	0	0	0	0	0	0	1 .3%
Uttering and Publishing	0	39	4	4	3	5	2	1	2	1	0	61 16.2%
Breaking and Entering	0	2	2	2	0	0	0	0	0	0	0	6 1.6%
Larceny from a Person	0	4	0	0	0	1	1	0	0	0	0	6 1.6%
Assault	0	1	0	0	0	0	0	0	0	0	0	1 .3%
Pretense to Defraud	0	4	1	0	0	0	0	0	0	0	0	5 1.3%
Embezzlement	0	1	1	1	0	0	0	0	0	0	0	3 .8%
Non-narcotic Drug Sale, Distribution	0	4	0	0	0	0	0	0	0	0	0	4 1.1%
Carrying a Concealed Weapon	3	5	0	0	0	1	1	0	0	0	0	10 2.7%
Receiving Stolen Property	0	1	0	0	0	1	0	0	0	0	0	2 .5%
Entering without Breaking	0	1	0	0	0	0	1	0	0	0	0	2 .5%
Unlawful Driving Away Auto	0	0	1	0	0	0	0	0	0	0	0	1 .3%
Larceny	0	3	2	0	0	1	0	0	0	0	0	6 1.6%
Carrying Weapon	0	5	1	0	1	1	0	0	0	0	0	8 2.1%
Larceny from a Building	0	25	10	10	2	7	4	1	0	0	0	59 15.7%
Felonious Assault	0	4	1	1	0	0	0	0	0	0	0	6 1.6%
Narcotic Drugs, Possession of	0	10	1	0	0	0	0	0	0	0	0	11 2.9%
Sale or Use of Credit Cards	0	15	4	1	2	2	0	0	0	0	0	24 6.4%
Checks without Account or Sufficient Funds	0	9	1	1	1	0	0	0	0	0	0	12 3.2%
Non-narcotic Drug Possession	0	3	0	0	0	0	0	0	0	0	0	3 .8%
Larceny of Rented Motor Vehicle Under \$100	0	2	0	0	0	0	0	0	0	0	0	2 .5%
Misdemeanor	3	74	12	14	3	4	0	0	0	0	0	110 29.3%
Column Totals	6 1.6	230 61.2	46 12.2	36 9.6	12 3.2	26 6.9	12 3.2	2 .5	4 1.1	1 .3	1 .3	

Raw Chi-Square = 372.34038 with 260 degrees of freedom. Significance = .0000  
 Cramer's V = .31469  
 Kendall's Tau C = -.09472. Significance = .0018  
 Gamma = -.16843  
 Sommers's D (Asymmetric) = -.10099 with Variable 9 Dependent  
 Sommers's D (Symmetric) = -.11901

reduce data, which are commonly referred to as the empirical (or factor analysis) and rational approaches.

The major contention of the "dust bowl empiricists" was that a factor must be an observable variable (Hunter, Note 1). These theorists were concerned with the amount of variance in the original variables accounted for by the factors and were relatively unconcerned with the content of the variables. As a result, they expected mathematical formulations to produce the "ideal" solution. The second view, which was essentially at the opposite end of the continuum, was assumed by the rationalist, who had certain preconceived notions of how the variables should be combined and formed factors based upon these beliefs. Since this research was assuming an exploratory framework from a conceptual basis (i.e., no hypotheses were proposed because no previous work had been done in this area), it was decided to maintain this approach methodologically. As there were no conclusive demonstrations that one type of data reduction was better than another, both approaches (empirical and rational) were used. Both of the approaches were then placed in the predictive analyses in order to see which of the analytic techniques, if any, generated a more predictive equation.

The discussion will first consider the factors formed by each data reduction process when severity of sentence was the dependent variable and then when the recommendation of the presentence report was the criterion.

### Empirical Approach

The factor program of SPSS (Statistical Package for the Social Sciences, 1975) was used to separate the 48 variables into factors.

The method of factoring specified was principle factoring without iteration, followed by varimax rotation. Selection of the number of factors to be considered was determined by Kaiser's criterion. In accordance with this criterion, 17 factors were considered. These accounted for approximately 66% of the variance (Table 14).

Additional cut-off points had to be established to help decide which variables were to be included in each factor. One had to be cautious not to overinterpret the meaning of the factor loading, especially the small ones, i.e., those below 0.40. For this reason, only those variables with a loading of .40 or more were considered members of that factor. The scores of all the variables forming a factor (i.e., those with loadings of .40 or more) were standardized and then combined using the unity weightings procedure to form factor scores. This standardization procedure adjusted for the measurement scales and variability of the original variables and allowed for a comparison between factor scores. However, even with the .40 restriction, all the variables except for three, educational level, history of alcoholic abuse, and drug history, were contained in a factor. The remaining ones were placed in the predictive equations as separate items (Table 15). A listing of the 17 factors, their names, and the variables they encompassed is presented in Table 16. Factors were named according to content, or if this was impossible, according to the marker(s), which was the variable with the highest factor leading.

TABLE 14

Eigenvalues and Percent of Variance Accounted  
for by the 17 Empirical Factors

Factor	Eigenvalue	Percent Variance	Cumulative Percent
1	4.3404	9.2	9.2
2	4.0440	8.6	17.8
3	2.6216	5.6	23.4
4	2.0909	4.4	27.9
5	1.9279	4.1	32.0
6	1.7706	3.8	35.7
7	1.7501	3.7	39.5
8	1.5531	3.3	42.8
9	1.4667	3.1	45.9
10	1.3912	3.0	48.8
11	1.2563	2.7	51.5
12	1.2017	2.6	54.1
13	1.1724	2.5	56.6
14	1.1263	2.4	59.0
15	1.0631	2.3	61.2
16	1.0487	2.2	63.5
17	1.0046	2.1	65.6

TABLE 15  
Factor Loadings of Variables When Severity of Sentence was the Dependent Variable

Variables	Factor Loadings									
	Factor 1	Factor 2	Factor 3	Factor 4	Factor 5	Factor 6	Factor 7	Factor 8	Factor 9	Factor 10
Other Detection Mode	-.03927	-.08839	-.04481	.05059	-.01923	-.06996	.00396	-.18084	.04070	-.00431
Victim Called Police	.14446	.08726	-.10598	-.08625	.10139	-.10764	.06501	.28531	-.12355	-.03366
Outside Called Police	-.00995	.00351	.01645	-.01356	.04989	-.02600	-.01366	-.23607	-.06868	.10476
Number of Accomplices	-.18708	-.03525	.20114	-.06942	-.03123	-.01138	-.03094	-.14470	-.04745	.09137
Statutory Maximum	.04581	-.17241	.07892	-.03060	-.04120	-.03902	.11774	.58048	-.00047	.08160
Number of Current Charges	.13685	.16820	-.09165	-.03786	-.13306	.06967	.48007	.13404	-.00213	.14651
Previous Arrests	.66437	.29518	.06398	.04464	.04464	.15620	.10411	.11981	-.02672	-.00027
Most Serious Disposition	.81680	.14552	.11907	-.05225	.05225	-.00746	.01731	-.04770	-.03445	-.04169
Court Status	.61905	-.81846	.12010	-.00254	-.10482	-.06163	.03480	.02031	-.11521	.02039
Age at First Arrest	-.25972	.48911	-.46780	.09948	-.04352	.17923	.10931	.07171	.08765	-.22628
Property Offense	.17489	.86479	.04151	.03007	.02614	-.09759	.27853	-.55673	-.15359	.15670
Victim Crime	.02775	.04434	.00877	.00381	.08981	-.03737	.08832	.73517	-.06817	.04173
Age	.11843	.75272	-.16847	.07936	-.04223	.32709	.12196	.00415	.09362	-.19231
Race	-.20164	-.08068	.10174	-.17850	-.07897	.12932	-.07591	-.01652	.08691	.00927
Year of P. R.	.08473	-.07366	-.06561	-.02639	-.03937	.02545	.10432	-.03434	-.05303	.08839
Educational Level	-.05859	.34019	-.21166	-.09169	.01076	-.11399	-.32400	-.04219	.34132	-.16219
Occupation	-.08047	-.01431	-.09837	-.02898	.14577	.00685	.03200	-.03377	.64951	.00836
Employed when Arrested	-.10995	.09929	-.01454	-.04073	-.06223	-.01748	-.04107	.05259	.75766	-.00856
Single	-.07934	-.24473	.10681	-.11561	-.03511	-.78960	-.06445	.02326	.00083	.04813
Married	-.05755	.01627	.04717	.03437	-.10298	.72658	-.11470	.04183	.07143	.11520
Children Under 5 Years	.03405	-.18923	.09148	.67950	.07733	.10317	.05884	.04935	-.19984	.11776
Children Between 6 and 12	.18294	.44816	.02377	.14640	-.04931	.15757	.06140	.04097	-.13062	.02613
Children Between 13 and 17	.02984	.75087	-.01238	.12326	.07170	.14643	.02659	-.02872	.05102	.02286
Children Living with Defendant	-.07546	.27019	.00532	.79891	-.05122	.13874	.03115	-.06268	-.02769	.08045
Father Alive	.13248	.67445	.03247	-.01159	-.13358	.14292	.03442	.08502	.04299	-.17850
Mother Alive	.04693	-.29279	.05530	-.01286	.07188	-.09825	-.61591	.06485	.07846	.17268
Parents Married	-.04637	.23620	.18551	.15090	-.23279	.24207	.43318	.07887	-.00844	-.05942
Number of Siblings	.16525	.20894	.05604	.11950	-.07686	.16100	.45471	.06834	.28265	.19282
Living Alone	.03101	-.07793	.01372	.18941	.02109	-.03390	.07218	-.02633	.03349	.79566
Living with Adults	.01890	-.15976	-.01805	.58222	-.11808	.10227	.03130	.03625	-.01186	.55258
Living with Children and Adults	.09976	.14231	-.01974	.82853	-.05866	.05946	.04434	-.04582	.08653	.04420
Had Physical Handicaps	-.11836	.07178	-.00709	.11110	.65301	-.02912	-.06985	.05067	.21476	.19875
Committed to Mental Institution	.08478	-.01313	-.07138	.03587	.77711	-.03271	-.06122	.04059	.14350	.03726
Used Outpatient Services	.20473	.13233	.02135	.07432	.58966	.13582	.21884	-.02865	.20436	.09986
Alcohol Usage	.12174	-.20991	-.08285	.10011	.33067	.12484	.07984	.06941	.20559	-.14971
Drug History	.29663	.16698	-.01633	.14606	.17713	-.07637	.16798	-.01668	-.07757	.15946
Recommendation of P. R.	.67358	.00697	.22798	-.02904	.08075	-.08731	-.05952	.05644	.07230	-.04473
People Approached by Officer	-.17764	.17434	.00846	-.13599	-.00972	.05758	.06561	-.06314	.06750	.14387
Most Detailed Area-Criminal History	.40866	-.06938	.14715	-.03680	-.05688	-.15445	-.02095	.07051	.04780	-.07942
Most Detailed Area-Family History	-.22152	-.10066	-.04594	.00755	-.11472	-.14818	.09188	-.02523	-.04925	-.03913
Most Detailed Area-Education	.13780	-.05834	-.00446	-.09952	-.05419	-.24229	-.11095	.00247	.03758	.00411
Most Detailed Area-Marital History	-.23037	.17829	.01611	.23964	.58025	.58025	.09652	.10271	.17354	-.01398
Guilty Plea	-.03507	.07899	-.04000	-.02203	.10462	-.03063	.03917	.07405	.14428	.01512
Bond Granted	-.47369	.05344	-.05455	-.02985	-.02985	-.02985	.07970	.18884	.15368	-.16649
Juvenile Misdemeanor Arrests	.04959	-.04408	.24575	-.03532	-.02305	-.01139	-.05109	-.04616	-.00364	-.08948
Juvenile Felony Arrests	.09977	-.03503	.84143	-.03483	-.04464	-.04417	-.04398	-.00377	-.00398	-.02811
Juvenile Status Arrests	.08768	-.03531	.65288	.19740	-.00412	.04314	.12620	.11395	.13636	.09541

TABLE 15 - Continued

Variables	Factor Loadings							Communality
	Factor 11	Factor 12	Factor 13	Factor 14	Factor 15	Factor 16	Factor 17	
Other Detection Mode Victim Called Police Outsider Called Police Number of Accomplishes Statutory Maximum Number of Current Charges Previous Arrests Most Serious Disposition Court Status Age at First Arrest Property Offense Victim Crime Age Race Year of P. R. Educational Level Occupation Employed when Arrested Single Married	-.67465	-.21721	-.07126	-.05066	-.05428	-.12082	-.10624	.5923
	-.13550	-.66278	-.01815	-.05439	-.08963	-.10132	-.09668	.6596
	.79594	-.31498	-.08873	-.03069	.00207	.01214	-.05329	.8197
	.05599	.67190	.04746	-.04671	.00797	.02461	-.11220	.5873
	.05816	.01227	.02917	.13945	.34264	-.12492	-.04261	.5596
	-.08668	-.10893	.33098	-.21445	.05323	.18952	.10405	.5738
	-.06662	-.00320	-.31662	-.04593	.10495	.10139	.14876	.7457
	-.04200	.00109	-.03899	.13077	-.03065	.18331	-.07400	.7712
	.03400	.05295	.33646	.30583	-.04801	.16105	-.03215	.6678
	.13131	-.04001	.13914	.13683	-.02256	.02081	-.15924	.7286
	.13309	.04735	.13741	.07794	.04079	-.00317	.05760	.5331
	.02497	.05951	.05563	-.05486	-.03091	.08647	.04468	.5876
	.03124	.02069	-.08785	.10332	.05972	.07166	.01165	.8133
	-.01975	.06082	.71343	-.11440	-.01049	-.09276	.01663	.6509
	-.05525	.03389	-.02390	.09893	.11157	.80905	-.01179	.7242
	-.02805	-.12418	.12108	.16084	-.09603	-.09670	.21194	.5552
	-.06523	-.07023	.16754	.10162	-.11537	-.02433	.03550	.5350
-.02399	-.02928	.27260	-.08076	-.03059	.04077	-.06319	.6954	
Children Under 5 years Children Between 6 and 12 Children Between 13 and 17 Children Living with Defendant Father Alive Mother Alive Parents Married Number of Siblings Living Alone Living with Adults Living with Children and Adults Had Physical Handicaps Committed to Mental Institution Used Outpatient Services Alcohol Usage Drug History Recommendation of P. R. People Approached by Officer Most Detailed Area-Criminal History Most Detailed Area-Family History Most Detailed Area-Education Most Detailed Area-Marital Status Guilty Plea Bond Granted Juvenile Misdemeanor Arrests Juvenile Felony Arrests Juvenile Status Arrests	.03462	.03096	-.07394	.03783	-.01650	.06870	.03309	.7378
	-.00149	.05138	-.00400	.04765	.08056	.01314	-.18007	.6228
	-.11288	-.14817	.01942	.02873	-.04121	.04217	-.05986	.6263
	.06442	.11757	-.16026	.27946	-.18368	.08299	.20099	.5095
	.08177	-.00448	-.08033	.02199	-.07288	.03193	.03245	.6322
	-.07228	.02352	.13949	-.03003	-.07812	.02955	.06467	.7882
	.08946	.04697	.12528	.12769	.03764	.06058	.13754	.6202
	-.03019	-.07617	.22217	.03570	-.04274	.00140	.07449	.5902
	.13371	-.02840	.10113	.10474	.15009	-.03517	.30503	.6376
	-.04468	.05513	-.06604	.29867	.12319	.08945	.03948	.5720
	.09619	-.07389	-.02001	-.05451	-.02627	.05180	.03439	.7074
	-.05163	.02733	-.01515	.04676	-.09271	.08559	.05227	.7218
	.10696	-.01582	-.05748	-.01640	.07209	.05735	-.08270	.7681
	-.17306	.05662	.05612	.04800	-.08741	.07114	-.15681	.6278
	.14571	.04427	-.01041	.05778	.20782	.00377	.03731	.7174
	.08632	.09298	.02641	-.01127	.02786	-.27124	.24009	.6807
	.27521	.33472	-.18427	-.27569	-.03475	.14832	-.19545	.6357
Drug History Recommendation of P. R. People Approached by Officer Most Detailed Area-Criminal History Most Detailed Area-Family History Most Detailed Area-Education Most Detailed Area-Marital Status Guilty Plea Bond Granted Juvenile Misdemeanor Arrests Juvenile Felony Arrests Juvenile Status Arrests	-.16250	-.04641	-.30446	.26034	.32554	.09633	.06732	.5434
	.03511	-.04298	.11172	.11404	.12916	-.05078	-.08923	.5904
	.03713	.08264	.05003	-.09867	.10581	-.66473	-.10684	.6023
	-.00279	.06094	-.09774	.59791	.14092	.10550	-.32680	.7444
	-.01832	.04925	.09829	-.71897	.06167	-.17726	-.05959	.6775
	.03620	-.05022	-.01518	-.05147	.00907	.08677	.71882	.6387
	-.06755	-.21171	.11328	.04570	-.22103	.05700	.02790	.6707
	.04100	.05504	.01573	.04776	.78503	-.02761	-.00996	.6754
	.02714	.18364	.14416	.10997	.27089	.04801	.29947	.5884
	.00034	.07020	-.00920	.09978	-.04468	-.00199	.00264	.7513
	-.00899	-.04515	.00117	.05490	.00086	-.03663	-.10002	.7435
	.09511	.06443	.02658	-.05680	.10720	-.04176	.05887	.6065

TABLE 16

Variables Contained in Each of the 17 Factors and Their Respective Factor Loadings When Severity of Sentence was the Dependent Variable

Factor	Variables	Factor Loadings	Factor	Variables	Factor Loadings
Factor 1	Criminal History and Recommendation of the Presentence Report (P.R.)		Factor 8	Seriousness of Charge	
	Most serious previous disposition	.817		Victim crime	.735
	Recommendation of the P.R.	.674		Statutory maximum sentence	.580
	Previous arrests	.664	Factor 9	Property offense	-.557
	Court status	.619		Employed	
	Bond not granted	.474		Employed when arrested	.758
	Most detailed area of P.R.--criminal history	.409		Occupation	.650
Factor 2	Older Mothers Without Fathers		Factor 10	Living with Supportive Adults	
	Age	.753		Not living alone	.796
	Children between 13 and 17 years	.751		Living with supportive adults	.553
	Father not alive	.674	Factor 11	Outsider Called Police	
	Age at first arrest	.489		Outsider called police	.796
Factor 3	Children between 6 and 12 years	.448		Other mode of detection	-.675
	Juvenile Arrests		Factor 12	Number of Accomplices/Victim Called Police	
	Juvenile misdemeanor arrests	.846		Number of accomplices	.672
	Juvenile felony arrests	.841		Victim called police	.663
	Juvenile status arrests	.683	Factor 13	Race (white)	.713
	Age at first arrest	-.468			
Factor 4	Living with Young Children and Adults		Factor 14	Criminal History in the P.R.	
	Living with children and adults	.829		Most detailed area--family history	-.719
	Children living with defendant	.800		Most detailed area--criminal history	.598
	Children under 5 years	.680	Factor 15	Plea of not Guilty	.786
Factor 5	Not living with supportive adults	.582			
	Personal Problems		Factor 16	Recency of the P.R.	
	Committed to a mental institution	.777		Year of P.R.	.809
	Had physical disabilities	.653		People approached by probation officer	.665
Factor 6	Used psychiatric outpatient services	.590	Factor 17	Most Detailed Area of P.R.--Education	.719
	Married				
	Not single	.790			
	Married	.727			
	Most detailed area of P.R.--marital history	.580			
Factor 7	Broken Family				
	Mother not alive	.616			
	Parents not married	.49			
	Number of current charges	.480			
	Number of siblings	-.455			

### Rational Approach

The principal investigator and an advisor logically combined items which seemed to share an underlying theme or construct. The four rational scales which were derived are presented in Table 17.

TABLE 17  
The Rational Factors

Factor Name	Variables Included in the Factor
Seriousness of the Offense	Statutory maximum sentence Number of current charges Victim crime Bond granted
Criminal History	Previous non-traffic arrests Most serious previous disposition Court status Juvenile misdemeanor arrests Juvenile felony arrests Juvenile status arrests
Social Support System	Race Education level Occupation Employed at time of arrest Married Children under 5 years Children between 6 and 12 years Children between 13 and 17 years Father alive Mother alive Parents married Living with supportive adults
Personal Problems	Physical handicaps Committed to a mental institution Alcohol abuse Drug history Used psychiatric outpatient services

The first scale, seriousness of the offense, contained those variables which described the seriousness of the present offense.



The first three variables (i.e., the statutory maximum, the number of current charges, and whether there was a victim) provided basic information about the crime whereas the last one (bond granted) reflected the judge's perception of the seriousness of the action. This scale, was formed because the variables had certain similarities and because it was demonstrated, in previous works such as Baab and Furgeson (1967), that this concept was one of the foremost predictors of the severity of sentence.

Criminal history, the second scale, combined those variables which described different aspects of the defendant's involvement in crime. It was composed of delinquent activities committed as both a juvenile and/or adult. Again, the number and seriousness of the previous offenses had proven to be indicative of the judicial outcome (Green, 1961).

The third scale, called social support system, was a conglomeration of items which reflected the stability of the defendant. The educational and occupation level provided a measure of the individual's social status. Whether or not she was employed at the time of her arrest elaborated on the picture being formed by the first two variables by alluding to her financial status. Women who were working would probably have been in a more stable economic position because they would have had a continual source of income. The defendant's marital state and the number of children she had in each of the three age groups indicated whether or not there was a mate available to help share the parental responsibilities which varied according to the number of children residing with the defendant. The final four variables described the home conditions and the living arrangements

of the offender. If the parents were alive, and living together, they may have provided some sustenance to their daughter. The same was true if the woman was residing with supportive adults such as her parents, spouse, or relatives.

The fourth scale, personal problems, contained variables which referred to the physical and emotional problems of the person. As was mentioned earlier, some of these (such as drug usage and alcohol consumption) have been shown to have a negative effect on the recommendation contained in the presentence report (Carter and Wilkins, 1967).

The four combinations just delineated accounted for all but the following variables:

detection mode, number of accomplices, age at time of first arrest, age when arrested, property crime, year of P.R., marital status--single, number of children living with defendant, number of siblings, living arrangements--alone, with children and adults, recommendation of presentence report, people approached by probation officer, detailed areas of presentence report, and disposition mode.

#### Recommendation of the Presentence Report as the Dependent Variable

It was mentioned previously that the variables predicting the recommendation of the presentence report were also examined. For the same reasons given previously--i.e., data reduction and avoidance of multicollinearity--factor analysis and the rational approach were the necessary precursors to the multivariate predictive techniques. New factors had to be generated by SPSS because the first group (i.e.,

when severity of sentence was the dependent variable) had the recommendation included as an independent variable. Sixteen factors were extracted, in similar fashion to the former group, which accounted for approximately 64% of the variance (Table 18).

Once again, only those variables with factor loadings of .40 or more were considered members of a factor, which meant that all but variables educational level, parents married, alcohol problems, and bond granted, were included in a factor (Table 19). To repeat, these four items were submitted as individual variables to the predictive equations, and thus were not dismissed. Finally, the same method of forming factor scores--i.e., unity weighting with standardized scores--was employed.

A listing of the factors, their names, and the variables they included is contained in Table 20. Once again, factors were labeled on the basis of content. However, in those few cases where the items seemed to have no logical connection, the marker, or the variable with the highest factor loading, was used to name the group.

### Multiple Regression

One of the two multivariate predictive analyses used was multiple regression, a general statistical technique which analyzed the relationship between a criterion variable and a set of predictor variables. This method was employed because of its ability to generate linear prediction equations and to control for other confounding variables in order to evaluate the contribution of a specific variable or set of variables. Thus it was a viable technique for this study which had, as one of its principle goals, the discovery of those variables, which

TABLE 18  
Eigenvalues and Percent of Variance  
Accounted for by the 16 Empirical  
Factors

Factor	Eigenvalue	Percent Variance	Cumulative Percent
1	4.2730	9.3	9.3
2	3.7009	8.0	17.3
3	2.6216	5.7	23.0
4	2.0836	4.5	27.6
5	1.9261	4.2	31.8
6	1.7704	3.8	35.6
7	1.7463	3.8	39.4
8	1.5531	3.4	42.8
9	1.4624	3.2	46.0
10	1.3767	3.0	48.9
11	1.2554	2.7	51.7
12	1.1938	2.6	54.3
13	1.1549	2.5	56.8
14	1.1263	2.4	59.2
15	1.0609	2.3	61.5
16	1.0453	2.3	63.8

TABLE 19  
Factor Loadings of Variables When Recommendation of Presentence Report was the Dependent Variable

Variables	Factor Loadings									
	Factor 1	Factor 2	Factor 3	Factor 4	Factor 5	Factor 6	Factor 7	Factor 8	Factor 9	Factor 10
Other Detection Mode	-.10556	.03780	-.05086	.06751	-.06771	.07798	-.66562	-.20923	.03617	-.05280
Victim Called Police	.14337	.06745	-.07837	-.14710	.14658	.15520	-.14250	.35034	-.10754	.09689
Outsider Called Police	-.02334	-.01382	.00283	.04892	.06177	.01543	-.79322	-.26802	-.08440	.03827
Number of Accomplishes	-.04579	-.09305	.16681	-.04835	-.04649	.02198	.02594	-.12611	-.04579	.06507
Statutory Maximum	-.13773	.02019	.10523	-.05943	.01379	-.03544	.06930	.60371	-.00229	.14890
Number of Counts	-.08480	.09371	-.05929	-.06288	-.04613	.03456	-.06651	.11258	.01929	.09460
Previous Arrests	.36147	.33986	.12343	-.16961	.16154	.07575	-.04721	-.10423	.00589	-.04394
Most Serious Disposition	.19911	.64031	.19016	-.08263	.14448	-.06835	-.02837	-.02713	.00080	-.05955
Court Status	.05180	.16528	-.03916	-.10288	-.02258	.10074	.06253	.03222	-.05417	.10712
Age at First Arrest	.48764	-.03619	-.49198	.12978	-.10994	.20474	.11503	.06760	.06902	-.17071
Property Crime	.13390	.15452	.07964	-.02026	.08884	.13137	.15057	-.52668	-.14676	.20371
Victim Crime	.04900	.03921	.00643	.01957	.08164	-.04184	.01211	-.71940	-.07364	-.02844
Age	.78237	.13091	-.16359	-.07373	-.03651	.30484	.02313	.00816	.09986	-.16312
Race	-.08864	-.10955	.00785	-.20261	.07085	.12340	-.01145	-.00229	.11855	.04853
Year of P. R.	-.11372	.54617	-.10977	.07821	-.11135	.08577	-.10395	-.10755	-.08896	-.12425
Educational Level	-.36694	.03219	-.20300	-.12293	.01638	.09053	-.02881	-.01676	.33379	-.04601
Occupation	-.01497	-.04164	-.11184	-.01238	.02159	.02716	-.05186	-.05186	.56467	.05678
Employed when Arrested	.06747	-.03254	-.03454	-.01946	-.00095	.02680	-.04163	.03146	.76439	-.03838
Single	-.29589	.02366	-.07482	-.08581	.08153	.75213	.01880	-.00852	-.02245	.01874
Married	.00512	-.00183	.03615	.04270	-.08937	.73813	.00225	-.04368	.09957	.10435
Children Under 5 Years	-.17076	.06554	.10705	.66399	.07627	.10328	-.10173	.05036	-.20273	.12058
Children Between 6 and 12	.48926	.27096	.05181	.11570	-.02422	.14105	.06357	-.01141	-.13460	.08862
Children Between 13 and 17	.74139	.02359	-.02396	.13707	-.07466	.13766	.06992	.04399	.05430	.02793
Children Living with Defendant	.27755	-.05869	.00419	.79656	.03677	.12766	-.06753	-.05757	-.01525	.10014
Father Alive	-.63950	-.00658	.03905	-.01563	-.10180	.16942	.09465	.11005	.04292	-.12448
Mother Alive	-.39665	.12433	.03937	-.01690	.04928	-.06210	-.04196	-.07624	.08488	.18369
Parents Married	-.28304	.04285	-.17845	.18200	-.21347	.25914	.15708	.11306	.06202	.04934
Number of Siblings	.12197	.00472	.03840	.13206	.10572	.14268	-.03200	.04284	.21020	.09415
Living Alone	-.03520	-.00897	.02910	-.20284	-.03528	-.05735	-.08009	.00142	-.01945	-.76825
Living with Supportive Adults	-.18041	.08159	-.02803	-.55509	-.09240	.12443	-.05440	-.07040	-.02070	.46535
Had Physical Handicaps	.12441	-.02221	.03165	.84080	.04612	.06837	.10346	.04718	.10212	.05705
Committed to a Mental Institution	.03545	.00171	-.05144	-.05789	.49196	.00459	-.23279	.01216	-.33933	-.28861
Used Outpatient Services	-.01860	.08085	-.08238	.04085	.78038	-.03584	.08463	.03733	.02924	-.04127
Alcohol Problem	-.19255	-.00531	.10054	-.01616	-.73833	.06488	.07613	.02127	.14341	.13775
Drug History	.11953	.29054	.01511	.12426	.37576	.09620	.23820	.05681	.17410	-.30754
People Approached by Officer	-.12595	-.53015	.04256	-.16883	.22591	.07761	-.17574	.00495	-.13176	.15899
Most Detailed Area-Criminal History	-.05539	.61977	.18979	-.07000	-.03400	.01455	.08324	.00244	-.03548	.29558
Most Detailed Area-Family History	-.11347	-.59702	-.07315	.02641	.03877	.18828	-.00350	-.02583	.05310	.14821
Most Detailed Area-Education	.06512	-.07924	.00410	-.10446	-.01928	-.24843	.00212	-.06185	.00768	.12263
Most Detailed Area-Marital History	.18711	-.08605	-.00979	.18855	.16284	.60581	-.09066	.06376	-.24276	-.01933
Guilty Plea	-.07038	.01191	.04097	-.02030	.10455	-.02313	-.03986	-.08445	.12440	.01795
Bond Granted	.06733	.36730	.17742	.19393	.04003	.00566	.01842	.14726	.15589	.07355
Juvenile Misdemeanor Arrest	-.04658	.05496	.84405	-.03225	.03387	.00056	-.00809	.00485	-.00816	-.08034
Juvenile Felony Arrest	-.04588	.04442	.84293	-.03061	-.05329	-.03437	-.01001	.01341	-.00115	-.01743
Juvenile Status Arrest	-.00185	-.03069	.69610	.17932	.03877	.02515	.10030	.11732	-.12093	.09038

TABLE 19-Continued

Variables	Factor Loadings						Communalities
	Factor 11	Factor 12	Factor 13	Factor 14	Factor 15	Factor 16	
Other Detection Mode	.07637	-.20766	-.08732	-.08137	.05390	.06682	.5918
Victim Called Police	-.02177	-.57974	-.00538	-.04994	.06595	-.12259	.6209
Outsider Called Police	-.02267	-.25253	-.02030	-.04105	.00081	-.01567	.7834
Number of Accomplices	-.04366	-.72143	-.03317	-.10779	-.00862	-.00862	.6060
Statutory Maximum	.05770	-.02455	-.08742	-.05131	-.13098	.31196	.5555
Number of Counts	.72108	-.08703	.02724	.09473	-.06035	-.01909	.5659
Previous Arrests	.12110	-.08059	-.01832	-.51013	.35773	.05742	.7500
Most Serious Disposition	.06865	-.09195	-.22114	-.25478	.32532	-.05631	.7592
Court Status	.10605	-.04269	-.15826	.08795	.12273	-.05416	.5789
Age at First Arrest	-.05562	-.01412	-.08092	.20726	-.28365	.00791	.7370
Property Crime	.20847	.04962	-.04126	-.01318	-.09730	.03207	.4951
Victim Crime	.16179	.03364	.03243	.04333	.05146	-.04117	.5712
Age	-.03087	.00245	-.02320	-.11389	-.02535	.05926	.8115
Age	.13763	.05312	.02052	.71281	.00891	.01451	.6283
Race	.31685	.15088	.19549	-.07044	-.06068	.14321	.6054
Year of P.R.	.29383	-.16838	.24121	.15606	.06132	-.10125	.5263
Educational Level	-.09775	-.06884	.11628	-.13727	.22487	-.14879	.5170
Occupation	.05611	-.02653	-.01446	.29058	.04998	-.02895	.6882
Employed when Arrested	-.08348	.05476	.10138	-.01322	-.09891	-.00386	.7049
Single	-.06015	.07498	-.14182	.01661	.07775	.08987	.6224
Married	.09478	-.15109	-.08968	-.01480	.01720	-.04138	.6128
Children Under 5 years	-.11185	.07473	.15625	-.21739	.03167	-.19310	.5075
Children Between 6 and 12	-.05200	.00152	.05419	-.05367	.04491	.07290	.6205
Children Between 13 and 17	-.00584	.02381	.06008	.12046	.04940	-.08401	.7790
Children Living with Defendant	.00402	.06927	.16897	-.16660	-.22633	.02340	.6011
Father Alive	-.33817	-.09178	.16480	.32857	.30104	-.02868	.5787
Mother Alive	.29897	-.06381	.35620	.13090	.20321	.15366	.6057
Parents Married	-.10573	.04697	.07965	.01025	.63925	.13079	.5668
Number of Siblings	-.03412	-.10336	.01571	.03169	-.09112	-.00483	.6510
Living Alone	.15515	.06519	-.06877	-.05602	.02616	-.10133	.6441
Living with Supportive Adults	-.04399	.00525	-.03862	-.01658	.02119	.07652	.7673
Living with Children and Adults	-.15963	-.02679	-.07070	.22026	.11008	.05121	.5965
Had Physical Handicaps	-.13742	.02424	-.04621	.04918	.00847	.19811	.7010
Committed to a Mental Institution	.09876	.00605	.02996	-.09555	-.02599	-.03517	.6277
Used Outpatient Services	.12895	.35714	-.19602	-.17550	.13375	-.05603	.6323
Alcohol Problem	.03271	-.06775	.01015	.43165	.10926	.29138	.5469
Drug History	-.09488	.02151	-.27552	.04656	-.04309	.07980	.5389
People Approached by Officer	-.26212	.00656	-.36128	-.20129	.14625	.16031	.7588
Most Detailed Area-Criminal History	.35582	.10297	-.06772	.13892	.24226	.04105	.6631
Most Detailed Area-Family History	.01541	-.06721	.72588	-.02459	.05074	-.00831	.6244
Most Detailed Area-Education	.07681	-.16437	.08221	.18391	-.15690	-.20553	.6834
Most Detailed Area-Marital History	-.02688	.05397	-.02138	.04491	.11002	-.78438	.6766
Guilty Plea	-.02481	.21606	.18132	.33247	-.28811	-.5523	.5523
Bond Granted	-.11600	.08155	.01964	.01272	-.03681	.7514	.7514
Juvenile Misdemeanor Arrest	-.07908	-.03594	-.09880	.01859	.01859	.01009	.7391
Juvenile Felony Arrest	.14556	.07108	.00676	-.03190	.04406	.08823	.6034
Juvenile Status Arrest							

TABLE 20  
Variables Contained in Each of the 16 Factors and Their Respective Factor Loadings  
When Recommendation of the Presentence Report Was the Dependent Variable

Factor	Variables	Factor Loadings	Factor	Variables	Factor Loadings
Factor 1	Older Mothers Without Parents Present age Children between 13 and 17 Father not alive Children between 6 and 12 Age when first arrested Mother not alive	.782 .741 .640 .489 .488 .397	Factor 8	Seriousness of Charge Victim crime Statutory maximum sentence Property crime	.719 .604 .527
Factor 2	Criminal History Court status Most serious disposition Most detailed area of P.R.--criminal history Most detailed area of P.R.--family history Year of P.R. People Approached by Probation Officer	.686 .640 .620 .597 .564 .530	Factor 9	Employed Employed when arrested Occupation	.764 .565
Factor 3	Juvenile Arrests Juvenile misdemeanor arrests Juvenile felony arrests Juvenile status arrests Age when first arrested	.844 .843 .696 .492	Factor 10	Living with Supportive Adults Not living alone Living with supportive adults	.758 .465
Factor 4	Living with Young Children and Adults Living with children and adults Children living with the defendant Children under 5 years Not living with supportive adults	.841 .797 .664 .555	Factor 11	Number of Current Charges	.701
Factor 5	Personal Problems Committed to a mental institution Used psychiatric outpatient services Had physical disabilities	.781 .738 .492	Factor 12	Number of Accomplices/Victim Called Police Number of accomplices Victim called police	.721 .580
Factor 6	Married Not single Married Most detailed area--marital history	.752 .738 .606	Factor 13	Most detailed area of P.R.--education	.726
Factor 7	Outsider Called Police Outsider called police Other mode of detection	.793 .666	Factor 14	White Offenders with Few Previous Arrests Race (white) Previous arrests No drug history	.713 .510 .432
			Factor 15	Number of Siblings	.640
			Factor 16	Plea of Not Guilty	.784

determined the severity of sentence for female offenders. In addition, it allowed for the simultaneous consideration of many variables with the effect of extraneous variables partialled out. Each of the two data reduction solutions discussed previously was placed in the regression program. This resulted in the formation of two different sets of two equations, one for each of the two dependent variables, which were severity of sentence and recommendation of the presentence report.

The second predictive technique used was discriminant function analysis, a procedure which statistically distinguished between two or more groups of cases. Although this method will be discussed in detail in the next section, it is mentioned here to inform the reader that two predictive computational analyses were employed. The reason for this was the same one that prompted the use of the two factoring approaches. It was not known which of the two types--multiple regression or discriminant function--would generate the most predictive equation, because they were set up differently. Multiple regression assumed that the predictor was continuous and tried to predict the spaces in between the points on the regression line, even though it did not make sense to do so in this study. This may have resulted in over- or under-estimating the predictive ability of the variables in the equation generated. In contrast, discriminant function treated the groups as discrete and formulated equations which differentiated between the categories. The drawback to this approach was that it did not consider the multitude of levels inherent in the dependent variable. Once again, an exploratory framework demanded that the two alternatives be investigated. Thus, from a methodological standpoint,



two conditions were being studied:

- 1) consistency within and across methods--i.e., did the two predictive models, using the independent variables in two different ways (corresponding to the two dependent variables) contain the same independent variables in their respective prediction equations?
- 2) predictability within and across methods--i.e., did one data reduction approach produce a more predictive equation than the other, and did multiple regression produce a more predictive equation than discriminant function analysis?

These questions were answered by comparing the results obtained from each procedure.

Severity of Sentence as the Dependent Variable. The factors resulting from each of the two methods of data reduction were used in the stepwise multiple regression program available in SPSS. Two different predictive formulas were generated. Once again, certain arbitrary rules were established to aid in the interpretation of the results. It was decided by the researcher that only those variables whose F to enter or to be removed from the equation was significant at the .05 level or greater were to be included in the equation. This was concluded after having carefully studied all the entries in the equation and noticing that the predictive ability increased negligibly after this point (Table 21). Thus, the differences in the R square values for the complete equation versus the reduced one for each of the solutions were not significant.

When the empirically-derived factors and singlets were placed in the regression formula, an equation was developed which consisted of 19 different steps or variables, and a R square of .3269 (Table 22). However, as can be seen in Table 21, only the first 6 items were within the F to enter or remove .05 boundary. Therefore, the predictive

TABLE 21

A Comparison of the R Square Values for the Complete and Reduced Multiple Regression Equations when Severity of Sentence was the Dependent Variable

Function	<u>R</u> Square Values		
	Complete Equation	Reduced Equation	Difference
Empirical	.326	.290	.036
Rational	.415	.368	.129

equation consisted of criminal history and recommendation of the presentence report, number of accomplices/victim called police, race, older mothers without fathers, educational level, and guilty plea. This accounted for 29% of the variance and 16 of the original 48 variables. In essence, what this model was claiming was that women who:

- 1) committed more serious crimes and had a recommendation of incarceration;
- 2) had been reported to the police by the victim of their act and had been accompanied by accomplices;
- 3) were black;
- 4) were younger and had a father;
- 5) were uneducated; and
- 6) did not plea bargain

were more likely to get harsh sentences. It must be remembered that the overall accuracy of the prediction equation was .29, indicating that only 29% of the variation in the outcome could be explained by these six factors operating jointly.

TABLE 22

The Empirical Multiple Regression Solution when Severity of Sentence was the Dependent Variable

Variables	F to Enter or Remove	Significance	Multiple R	R-Square	R-Square Change	Simple R
Criminal History and Recommendation of Presentence Report	107.35867	.000	.47226	.22303	.22303	.47226
Victim Called Police/Number of Accomplices	11.61836	.001	.49649	.24650	.02347	.14900
Race	6.91548	.009	.51015	.26025	.01375	-.22729
Older Mothers Without Fathers	5.42826	.020	.52050	.27092	.01067	-.04378
Educational Level	5.40888	.021	.53050	.28143	.01050	-.17234
Guilty Plea	4.40828	.036	.53843	.28991	.00848	-.15899
Seriousness of Charge	3.36195	.068	.54437	.29634	.00643	.17797
Recency of P.R.	3.42003	.065	.55030	.30284	.00650	-.06032
Living With Supportive Adults	2.92210	.088	.55530	.30836	.00552	.06601
Drug History	2.14629	.144	.55893	.31240	.00404	.25968
Personal Problems	2.15011	.143	.56253	.31644	.00404	-.01280
Juvenile Arrests	1.87527	.172	.56564	.31995	.00351	.12746
Living with Young Children and Adults	1.22862	.268	.56767	.32225	.00230	-.06390
Married	.91153	.340	.56917	.32396	.00171	-.06909
Alcohol Abuse	.53389	.465	.57005	.32496	.00100	.03526
Broken Family	.33655	.562	.57061	.32559	.00063	-.02186
Most Detailed Area of P.R.-Education	.20089	.654	.57094	.32597	.00038	-.08436
Criminal History in P.R.	.10692	.744	.57111	.32617	.00020	.15036
Occupational Status	.07425	.785	.57124	.32631	.00014	-.14841

The equation which would be used to predict the severity of the sentence was:

$$\hat{y} = 1.337 \text{ Criminal History} + .330 \text{ Number of Accomplices} \\ - .445 \text{ Race} - .383 \text{ Older Mothers} - .102 \text{ Educational Level} \\ - .712 \text{ Guilty Plea.}$$

The rationally-formed factors generated a predictive equation consisting of 15 entries, only five of which fulfilled the .05 significance level requirement (Table 23). The variables it included were a recommendation of prison, most detailed area of presentence report-criminal history, previous criminal history, victim called police, and guilty plea. This reduced equation had an R-square of .386 in comparison to .415 for the original equation with 16 variables. According to this model, more severe dispositions were given to offenders who:

- 1) received a recommendation of incarceration;
- 2) had a detailed criminal history in their presentence report;
- 3) had a more serious previous history;
- 4) had their victim notify the police; and
- 5) did not plead guilty.

The equation which would be employed to predict the criterion was:

$$\hat{y} = .603 \text{ Recommendation of the P.R.} + .485 \text{ Criminal History} \\ + .688 \text{ Victim Called Police} - .664 \text{ Guilty Plea} \\ + .188 \text{ Most Detailed Area-Criminal History.}$$

This solution, on an intuitive level, seemed to be more predictive

TABLE 23

The Rational Multiple Regression Solution when Severity of Sentence was the Dependent Variable

Variable	F to Enter or Remove	Significance	Multiple R	R-Square	R-Square Change	Simple R
Recommendation of the Presentence Report	179.05165	.000	.56899	.32375	.32375	.56899
Criminal History	15.64622	.000	.59243	.35098	.02722	.44289
Victim Called Police	12.56191	.000	.61006	.37218	.02120	.18738
Plea of Not Guilty	4.39746	.037	.61606	.37953	.00735	-.15899
Most Detailed Area-Criminal History	3.97882	.047	.62140	.38613	.00660	.31676
Other Mode of Detection	3.36102	.068	.62584	.39167	.00554	.04569
Social Support System	3.07557	.080	.62985	.39672	.00504	-.19627
Living with Children and Adults	3.15986	.076	.63393	.40187	.00515	-.13173
Personal Problems	1.59732	.207	.63598	.40446	.00260	.09196
Property Crime	1.43521	.232	.63781	.40680	.00233	.04874
Living Alone	1.15328	.284	.63927	.40867	.00187	-.01837
Number of Accomplices	.75450	.386	.64023	.40990	.00123	.03921
Single	.48839	.485	.64085	.41069	.00080	.09126
Age When Arrested	.93185	.335	.64204	.41221	.00152	.04518
Age at Time of First Arrest	1.29891	.255	.64368	.41432	.00211	-.21542
Most Detailed Area-Marital History	.21740	.641	.64395	.41468	.00035	-.13153

than the empirical one because it could account for 39%, instead of only 29%, of the variation in judicial outcomes. There was also some consistency in determinants across the methods because previous criminal history, recommendation of presentence report, plea bargaining, and mode of detection surfaced in both equations (Table 24).

TABLE 24

A Comparison of the Variables Forming the Two Regression Equations when Severity of Sentence was the Dependent Variable

Empirical Solution	Rational Solution
Criminal History and the Recommendation of the P.R.	Recommendation of the P.R.
Number of Accomplices/Victim Called Police	Number of Accomplices/Victim Called Police
Race (Black)	Criminal History
Older Mothers Without Fathers	Most Detailed Area of P.R.-- Criminal History
Educational Level	Plea of Not Guilty
Plea of Not Guilty	

This suggests that certain variables were strong enough predictors that they would enter the equation regardless of the data reduction technique employed. Criminal history and the recommendation of the presentence report, the first entry in the empirical solution, accounted for 22% of the variance whereas the first entry in the rational equation, the recommendation by itself, accounted for 32%, or an increase of 10%, of the variance. This implies that the first factor diluted the power of the recommendation variable. Perhaps

this blanketing effect accounted for the fact that the rational equation could explain nearly 10% more of the deviations. In fact, the recommendation of the presentence report alone explained 32% of the variance, whereas the entire equation had a predictive ability of only .39. In other words, the subsequent four entries increased the R-square by only .07.

Initially, it appeared that the equation formed when using the rational factors was better able to predict the severity of sentence. To insure that this was so, the adjusted R-squares of the equations were compared by using the following formula which tested for differences in population correlation coefficients ( $\rho_{01} - \rho_{02}$ ) when the values were based on dependent samples, i.e., when the R-square values were correlated:

$$Z = \frac{\sqrt{n} [(r_{01}-r_{02}) - (\rho_{01}-\rho_{02})]}{\sqrt{(1-r_{01}^2)^2 + (1-r_{02}^2)^2 - 2r_{12}^2 + (2r_{12}-r_{01}-r_{02})(1-r_{01}^2-r_{02}^2-r_{12}^2)}}$$

(Olkin, 1967).

The adjusted, rather than the unadjusted R-squares, were employed to take into account the fact that the equations did not contain the same number of variables. The empirical adjusted R-square was .278 whereas the rational one was .378. Since the size of the R-square value varied with the number of items, R-square may have been artificially high in some of the equations. This statistic controlled for the amount of variables included in the equation and it made the standard error larger, thus producing a more conservative test. In order to utilize the formula, the correlations between the adjusted

R-square values were calculated. The correlation between the empirical and rational predictors ( $\hat{y}$ ) was .778. The z score was then determined using the adjusted R-square values for  $r_{01}^2$  and  $r_{02}^2$  in the above formula, and the square of the correlation between these for the  $r_{12}^2$  (Table 25).

TABLE 25

A Comparison of the Adjusted R-Square Values for the Two Multiple Regression Equations when Severity of Sentence was the Dependent Variable

Factor Type	Adjusted R-Square	<u>z</u>
Empirical	.2784	Not Calculable
Rational	.3778	

No standard score for the comparison of the rational and empirical adjusted R-squares was determined because the formula was unable to calculate one. It seemed that whenever the two  $\hat{y}$ 's of the respective equations had a high correlation (i.e., one that was greater than .7000), the denominator became undefinable. Thus the conclusion reached was that this equation was not robust for high inter- $\hat{y}$  correlations. Nevertheless, simply from an intuitive perspective, the difference between the rational and empirical adjusted R-squares appeared significant because the former solution was able to account for approximately 10% more of the variance.



Recommendation of the Presentence Report as the Dependent Variable. The same rule which guided the inclusion of variables in an equation when severity of sentence was the dependent variable, was used. Only items with an F to enter or to remove which had a significance level of .05 or better were considered. Thus, in the case of the empirical regression solution, only six of the 19 entries fulfilled this requirement. They accounted for 28% of the variance in comparison to 30% when all items were included (Table 26).

The factors composing the equation were:

criminal history (most serious previous disposition, on probation/parole when arrested, year of presentence report, number of people approached by probation officer, most detailed areas of presentence report were previous criminal history and family history);

juvenile arrests (age at time of first arrest, previous juvenile misdemeanor arrests, previous juvenile felony arrests, previous juvenile status arrests);

white offenders with few previous arrests (number of previous arrests, race, drug history);

personal problems (committed to a mental institution, used psychiatric outpatient services, alcohol consumption); and

plea of not guilty.

Thus, if a women was not released on bond, had not plea bargained, had personal problems, a juvenile record, and any of the variables included in the factor criminal history, she was more likely to get a harsher recommendation. This model involved 18 of the possible 48 variables and left over 70% of the variance in the recommendations undefined.

The equation which would be used to predict the severity of sentence was:

TABLE 26  
Empirical Multiple Regression Solution when Recommendation  
of the Presentence Report was the Dependent Variable

Variables	F to Enter or Remove	Significance	Multiple R	R-Square	R-Square Change	Simple R
Criminal History	60.84908	.000	.37407	.13993	.13993	.37407
Bond Granted	28.49460	.000	.44830	.20097	.06104	-.32801
Juvenile Arrests	15.71705	.000	.48308	.23336	.03239	.20516
White Offenders with Few Previous Arrests	14.23092	.000	.51155	.26168	.02832	.28744
Personal Problems	4.32181	.038	.51981	.27021	.00852	.11352
Plea of Not Guilty	3.76782	.053	.52686	.27758	.00738	-.12264
Married	3.53232	.061	.53334	.28445	.00687	-.13832
Employed	1.99122	.159	.53695	.28831	.00386	-.16037
Educational Level	1.92743	.166	.54041	.29204	.00373	-.07060
Living with Supportive Adults	2.14261	.144	.54422	.29617	.00413	-.02600
Older Mothers Without Parents	1.19412	.275	.54633	.29847	.00230	-.00835
Living with Young Children and Adults	1.05419	.305	.54818	.30051	.00203	-.08363
Number of Current Charges	.68328	.409	.54939	.30182	.00132	-.01328
Most Detailed Area of P.R.- Education	.57522	.449	.55039	.30293	.00111	-.13069
Seriousness of Charge	.50404	.478	.55128	.30391	.00097	.13798
Alcohol Abuse	.10469	.746	.55146	.30411	.00020	.02541
Victim Called Police/Number of Accomplices	.09840	.754	.55164	.30430	.00019	.02278
Parents Married	.10588	.745	.55182	.30451	.00021	-.06960
Number of Siblings	.06541	.798	.55194	.30464	.00013	.06731

$$\hat{y} = .798 \text{ Criminal History} - .769 \text{ Bond Granted} + .430 \text{ Juvenile Arrests} + .353 \text{ White Offenders} + .152 \text{ Personal Problems} - .473 \text{ Plea of Not Guilty.}$$

The complete rational result contained 18 entries with an R-square of .358 whereas the reduced version contained only three variable with an R-square of .325 (Table 27). Thus the predictive ability of the shortened one was diminished by an insignificant .033. The items comprising the equation were:

previous criminal history (number of previous arrests, most serious previous disposition, court status, juvenile misdemeanor arrests, juvenile felony arrests, juvenile status arrests);

personal problems (committed to a mental institution, used psychiatric outpatient services, physical disabilities, alcohol consumption, drug history);

most detailed area of presentence report - previous criminal history.

Thus, probation officers were negatively influenced by defendants who had a more serious criminal history which was detailed in the presentence report, and who had personal problems.

The equation which would be used to predict the criterion was:

$$\hat{y} = .962 \text{ Criminal History} + .310 \text{ Personal Problems} + .213 \text{ Most Detailed Area-Criminal History.}$$

The variables contained in both the regression equations are listed in Table 28.

According to Table 28, there were quite a few variables which acted as predictors of the recommendation regardless of the data reduction approach utilized. These were: previous arrests and the most serious previous disposition, court status, previous juvenile

TABLE 27

Rational Multiple Regression Solution When Recommendation of the Presentence Report was the Dependent Variable

Variables	F to Enter or Remove	Significance	Multiple R	R-Square	R-Square Change	Simple R
Criminal History	148.41908	.000	.53301	.28410	.28410	.53301
Personal Problems	12.76823	.000	.55479	.30779	.02369	.19874
Most Detailed Area-Criminal History	9.51438	.002	.57014	.32506	.01726	.34821
Other Mode of Detection	3.52250	.061	.57568	.33141	.00635	-.10512
Plea of Not Guilty	2.29089	.131	.57924	.33552	.00411	-.12264
Seriousness of the Offense	1.71951	.191	.58189	.33860	.00308	-.09766
Social Support System	1.51310	.219	.58422	.34131	.00271	-.15477
People Approached by Probation Officer	1.42197	.234	.58639	.34385	.00254	-.13009
Most Detailed Area-Education	1.08024	.299	.58803	.34578	.00193	-.13069
Most Detailed Area-Marital History	1.48774	.223	.59029	.34844	.00266	-.14370
Age When Arrested	1.09120	.297	.59193	.35039	.00195	.05665
Age at First Arrest	.95949	.328	.59338	.35210	.00171	-.22283
Number of Accomplices	.83844	.360	.59464	.35360	.00150	-.03943
Living Alone	.76750	.382	.59579	.35497	.00137	-.01298
Victim Called Police	.41771	.518	.59642	.35571	.00075	.07407
Outsider Called Police	.48632	.486	.59715	.35659	.00087	.02755
Single	.38134	.537	.59772	.35727	.00068	.05218
Most Detailed Area-Family History	.16890	.681	.59798	.35758	.00030	-.19582

TABLE 28

A Comparison of the Variables Forming the Two Regression  
Equations when Recommendation of the Presentence  
Report was the Dependent Variable

Empirical Solution	Rational Solution
Criminal History	Criminal History
No Bond Granted	Personal Problems
Juvenile Arrests	Most Detailed Area of P.R.- Criminal History
White Offenders with Few Previous Arrests	
Personal Problems	
Plea of Not Guilty	

misdemeanor arrests, previous juvenile felony arrests, previous juvenile status arrests, drug history, the most detailed area of the presentence report was previous criminal history, committed to a mental institution, used psychiatric outpatient services, and alcohol abuse.

In order to judge the predictive ability of the two equations, the same formula devised by Olkin (1967) and used previously when severity of sentence was the criterion, was employed.

$$Z = \frac{\sqrt{n} [(r_{01}-r_{02}) - (\rho_{01}-\rho_{02})]}{\sqrt{(1-r_{01}^2)^2 + (1-r_{02}^2)^2 - 2r_{12}^2 + (2r_{12}-r_{01}-r_{02})(1-r_{01}^2-r_{02}^2-r_{12}^2)}}$$

The adjusted R-square for the empirical solution was .266 whereas the adjusted R-square for the rational one was .3196. The correlation

between the adjusted R-squares of the two equations was calculated to be .6532. The solution generated by the formula was 3.154, which was significant at greater than the .01 level (Table 29). This implied that the rational result was significantly more predictive than the empirical one.

TABLE 29

A Comparison of the Adjusted R-Square  
Values for the Two Multiple Regression  
Equations when Recommendation of the  
Presentence Report was the Dependent  
Variable

Factor Type	Adjusted <u>R</u> -Square	<u>Z</u>
Empirical	.2658	3.154**
Rational	.3196	

\*\* $p < .01$

At this point, it is necessary to stop and look at the predictive equations developed using the two alternative dependent variables, i.e., severity of sentence and recommendation of the presentence report. Each of the equations derived for the two different dependent variables were compared as to content. The two results based upon the empirical factors were not all that alike although they both began and concluded with similar entries. The four items inbetween did not have much overlap. This might lead one to presume that the judges and the probation officers considered different criteria when they were forming their decisions.

In contrast with this, the equations resulting from the rational

factors showed a fair amount of resemblance. They both contained the variables criminal history and the most detailed area of the P.R.-- criminal history. Some of the shared items were entered into the hierarchy at different levels, but, nevertheless, they were still included in the equations. The three variables that were distinct to a particular model were number of accomplices/victim called police, plea of not guilty, and personal problems, with the first two associated with the solution developed when severity of sentence was the dependent variable.

The results were also compared for predictability, and it was found that the rational equation was the more predictive when recommendation of the presentence report was the dependent variable. It was postulated that this did not occur when severity of sentence was the criterion because of the high intercorrelation between the predicted scores ( $\hat{y}$ ). However, it was also stated that, from a visual perspective, the rational adjusted R-square appeared more predictive than the empirical one (.378 versus .278). One final observation was that the rational equation developed when severity of sentence was the criterion was able to account for more variance than the one developed when recommendation of the presentence report was the dependent variable. The adjusted R-square of the former was .378 whereas it was only .320 for the latter solution.

#### Discriminant Function Analysis

It was unclear which predictive technique would produce the most predictive equation since both had their weaknesses, and thus both multiple regression and discriminant function analyses were

employed. This latter method had, as one of its objectives, the ability to discern those variables which could differentiate between two or more groups. This capability was applicable to this study because the dependent variable naturally divided into two factions--offenders released on probation and those incarcerated either in the county jail or state prison. The technique would determine those variables which best discriminated the members of the two groups. This then, was an alternative mode for discovering those variables which were used by judges when deciding the outcome of a female offender. The same sets of factors and scales used in the multiple regression analysis when severity of sentence was the dependent variable were employed because this technique also required the variables to be as uncorrelated with each other as possible. The discriminating variables were entered into the analysis through a stepwise method which, by selecting the next best discriminator at each step from amongst the remaining variables, attempted to produce the "best" set of discriminating variables. The criterion by which independent variables were selected for inclusion was specified as Wilks lambda. This test considered the difference between the group centroids and the cohesion within the group. Ideally, one desired two distinct groups which were very different from each other yet homogeneous within themselves.

As in the earlier analyses done, rules were devised to guide the interpretation of the printout. It was decided that only those variables which caused a change in the Raos V statistic that was greater than or equal to the .05 significance level would be included in the discriminant function. Once again, the amount of variance



left unaccounted for by choosing this cut-off point rather than considering the entire equation was negligible.

The 17 empirically-derived factors and three singlets were placed in the program and an equation consisting of 20 items was developed by the computer (Table 30). Of these entries, only six had a significance level above the stipulated .05 one. These were:

criminal history and recommendation of the presentence report (number of previous offenses, most serious previous disposition, court status, recommendation of presentence report, most detailed area of presentence report was previous criminal history, bond not granted);

race;

drug history;

older mothers without fathers (age at time of first arrest, age at time of arrest, children between 6 and 12 years, children between 13 and 17 years, father not alive);

educational level; and

plea of not guilty.

The predictive function which would be employed according to this model to determine the sentence of the offender was:

$$\hat{y} = .889 \text{ Criminal History and the Recommendation of the Presentence Report} - .307 \text{ Race} + .203 \text{ Drug History} - .166 \text{ Older Mothers Without Fathers} - .205 \text{ Educational Level} - .161 \text{ Plea of Not Guilty.}^*$$

\*independent variables were in standard score form.

The ability of this function to correctly classify individuals as probationers or non-probationers was 80.3% (Table 31). Thus women were more likely to get incarcerated if they had a serious criminal history, were black, had a drug history, were younger, were not well

TABLE 30

Wilks Lambda and Raos V Scores for the Variables in the Empirical Discriminant Function

Variable	F to Enter or Remove	Number Included	Wilks Lambda	Significance	Raos V	Change in Raos V	Significance
Criminal History and Recommendation of Presentence Report	126.67586	1	.74699	.000	126.67586	126.67586	.000
Race	8.18602	2	.73095	.000	137.66391	10.98805	.001
Drug History	6.02305	3	.71930	.000	145.94826	8.28434	.004
Older Mothers Without Fathers	3.70237	4	.71220	.000	151.13705	5.18880	.023
Educational Level	4.66787	5	.70332	.000	157.76212	6.62506	.010
Plea of Not Guilty	2.83954	6	.69795	.000	161.85414	4.09203	.043
Living with Young Children and Adults	1.80135	7	.69455	.000	164.47713	2.62299	.105
Recency of P.R.	1.45606	8	.69181	.000	166.61352	2.13639	.144
Victim Called Police/Number of Accomplices	1.57776	9	.68884	.000	168.94401	2.33049	.127
Personal Problems	1.38500	10	.68623	.000	171.00422	2.06022	.151
Broken Family	.81154	11	.68471	.000	172.21931	1.21509	.270
Married	.72008	12	.68335	.000	173.30284	1.08352	.298
Criminal History in P.R.	.87971	13	.68169	.000	174.63286	1.33002	.249
Living with Supportive Adults	.71226	14	.68035	.000	175.71533	1.08247	.298
Most Detailed Area of P.R.- Education	.64133	15	.67914	.000	176.69463	.97931	.322
Outsider Called Police	.16661	16	.67883	.000	176.95020	.25557	.613
Alcohol Abuse	.17873	17	.67849	.000	177.22527	.27507	.600
Juvenile Arrests	.13287	18	.67824	.000	177.43043	.20516	.651
Seriousness of Charge	.01833	19	.67820	.000	177.45883	.02840	.866
Employed	.01503	20	.67817	.000	177.48217	.02334	.879
Eigenvalue	Canonical Correlation	Percent of Trace	Wilks Lambda	Chi-Square	D.F.	Significance	
.47455	.56730	100.0	.67817	141.74911	20	.000	

TABLE 31

The Discriminating Capabilities of the  
Empirical Discriminant Function

Actual Group Membership	Predicted Group Membership		
	1	2	
1	234 (80.3%)	48 (17.0%)	282
2	26 (27.7%)	68 (72.3%)	94
	260	116	376

$$\chi^2 = 138.255$$

$$p < .001$$

educated, and did not plead guilty to the charge. In addition, one could predict the likelihood of the judicial outcome with 80% certainty.

This same procedure was repeated for the rational factors. This time there were 22 entries, only seven of which were above the .05 cut-off point (Table 32). The entries making up the equation were:

the recommendation of the presentence report;

criminal history (number of previous offenses, most serious previous disposition, court status, previous juvenile misdemeanor arrests, previous juvenile felony arrests, previous juvenile status arrests);

plea of not guilty;

seriousness of the offense (maximum sentence, number of current charges, victim crime, bond granted);

victim called police;

other mode of detection; and

living with children and adults.

TABLE 32

Wilks Lambda and Raos V Scores for the Variables in the Rational Discriminant Function

Variables	F to Enter or Remove	Number Included	Wilks Lambda	Significance	Raos V	Change in Raos V	Significance
Recommendation of Presentence Report	199.75914	1	.65184	.000	199.75914	199.75914	.000
Criminal History	9.27540	2	.63603	.000	214.02682	14.26767	.000
Seriousness of the Offense	4.32308	3	.62872	.000	220.86039	6.83357	.009
Plea of Not Guilty	5.28745	4	.61988	.000	229.33828	8.47789	.004
Victim Called Police	4.46686	5	.61249	.000	236.62213	7.28386	.007
Other Mode of Detection	3.84432	6	.60617	.000	242.98372	6.36159	.012
Living with Children and Adults	2.18530	7	.60260	.000	246.64756	3.66384	.056
Most Detailed Area-Criminal History	1.70727	8	.59981	.000	249.53479	2.88723	.089
Social Support System	1.78539	9	.59689	.000	252.57646	3.04167	.081
Most Detailed Area-Education	1.65335	10	.59420	.000	255.41467	2.83821	.092
Age When Arrested	2.08199	11	.59082	.000	259.01478	3.60010	.058
Most Detailed Area-Family History	1.62469	12	.58819	.000	261.84797	2.83320	.092
Age at Time of First Arrest	.57861	13	.58725	.000	262.86430	1.01632	.313
Personal Problems	.58269	14	.58631	.000	263.89226	1.02796	.311
Living Alone	.44927	15	.58558	.000	264.68833	.79607	.372
Outsider Called Police	.38223	16	.58495	.000	265.36835	.68002	.410
Number of Accomplices	.16825	17	.58468	.000	265.66884	.30048	.584
Children Living with Defendant	.12892	18	.58447	.000	265.89984	.23101	.631
Property Offense	.06552	19	.58436	.000	266.01762	.11777	.731
People Approached by Probation Officer	.04338	20	.58429	.000	266.09582	.07820	.780
Most Detailed Area-Marital History	.02500	21	.58425	.000	266.14101	.04520	.832
Single	.02963	22	.58420	.000	266.19475	.05373	.817
Eigenvalue	Canonical Correlation	Percent of Trace	Wilks Lambda	Chi-Square	D.F.	Significance	
.71175	.64483	100.0	.58420	195.65605	22	0	

The eigenvalue, canonical correlation, and Wilks lambda of the original function, consisting of 22 items were .712, .645, and .584, respectively. The chi-square score calculated was highly significant,  $\chi^2 = 195.656$ , d.f. = 22,  $p < .01$ .

The discriminant function which would be used to correctly classify offenders (according to this approach) was:

$$\hat{y} = -.953 \text{ Recommendation of the Presentence Report} - .178 \text{ Criminal History} + .210 \text{ Seriousness of the Offense} + .177 \text{ Plea of Not Guilty} - .156 \text{ Victim Called Police} - .156 \text{ Other Detection Mode} + .123 \text{ Living with Children and Adults.}^*$$

\*independent variables were in standard score form.

Once again, the predictive ability of this function was measured by seeing how many of the original subjects it could classify as probationers or nonprobationers. This time 84.6% of the known cases were classified, an improvement of 4.3% over the empirical function (Table 33). In other words, judges were negatively disposed to women who had a recommendation of incarceration, a more serious criminal history, had committed a more severe offense (present charge), did not plead guilty, were reported to the police by the victim of the crime, and were not living with their children and other adults.

The variables which both functions shared and which therefore seemed to be the best discriminators were the recommendation of the presentence report, bond granted, number of previous arrests, most serious previous disposition, and court status (Table 34). Once again, the recommendation of the presentence report proved to be the most powerful discriminator in that it had a Wilks lambda value of .652,

TABLE 33

## The Predictive Ability of the Rational Discriminant Function

Actual Group Membership	Predicted Group Membership		
	1	2	
1	248 (87.9%)	34 (12.1%)	282
2	24 (25.5%)	70 (74.5%)	94
	272	104	376

$$\chi^2 = 179.787$$

$$p < .001$$

TABLE 34

## A Comparison of the Variables in the Two Discriminant Functions

Empirical Solution	Rational Solution
Criminal History and the Recommendation of the P.R.	Recommendation of the P.R.
Race (Black)	Criminal History
Drug History	Seriousness of the Offense
Older Mothers Without Fathers	Plea of Not Guilty
Educational Level	Victim Called Police
Plea of Not Guilty	Other Detection Mode
	Living with Children and Adults

whereas the Wilks lambda value after the seventh and last step was .603. This meant that the discriminating power of the complete function improved only .049 over that of the recommendation alone.

In order to determine if the predictive ability of one function was statistically more significant than that of another, the same formula used previously for the multiple regression equations, was employed.

$$\underline{z} = \frac{\sqrt{n} [(r_{01}-r_{02}) - (\rho_{01}-\rho_{02})]}{\sqrt{(1-r_{01}^2)^2 + (1-r_{02}^2)^2 - 2r_{12}^2 + (2r_{12}-r_{01}-r_{02})(1-r_{01}^2-r_{02}^2-r_{12}^2)}} .$$

This time, however, the squared canonical correlation values were used because the adjusted R-squares had not been computed by the program. The correlations calculated between the squared canonical correlations using the Pearson correlation program was -.6192.

This value was then used to calculate the z score which is reported in Table 35 as z = 3.169.

TABLE 35

A Comparison of the Squared Canonical Correlations  
of the Two Discriminant Functions

Factor Type	Canonical Correlation Squared	<u>z</u>
Empirical	.3218	3.169**
Rational	.4158	

\*\* $\rho < .01$

As before, the rational solution was significantly more predictive ( $p < .01$ ) than the empirical one.

### Summary of the Major Methodological Findings

Due to the usage of two different statistical techniques, and two approaches to data reduction, a variety of results were reported. These will now be summarized by considering the following issues: consistency of content within and across method, and predictability within and across method.

Consistency of Content Within and Across Methods. When the dependent variable was severity of sentence, there was some consistency in content within all solutions in that each one chose recommendation of the presentence report, number of previous offenses, the most serious previous disposition, number of accomplices/victim called police, court status, and plea of not guilty as determinants of the judicial outcome. Similarly, when recommendation of the presentence report was the criterion, the same common variables which appeared when severity of sentence was the dependent variable reappeared (except for the recommendation one and the detection mode). In addition to these, there were new ones: juvenile misdemeanor arrests, juvenile felony arrests, juvenile status arrests, drug history, most detailed area of the P.R.--criminal history, committed to a mental institution, used psychiatric outpatient services, and had an alcohol problem. The common discriminators for the discriminant functions were recommendation of the presentence report, number of previous offenses, most serious previous disposition, court status, bond granted, and plea of not guilty.



When the comparison was made across methods, both predictive techniques seemed to include the same variables for the empirical solution, except the multiple regression one contained the variable number of accomplices/victim called police. For all practical purposes, the two solutions were identical. This same conclusion was reached for the rational solutions which shared the variables recommendation of the presentence report, plea of not guilty, criminal history, and victim called the police. The only entries which differed were seriousness of the offense, which was specific to the discriminant function, and most detailed area of the P.R.--criminal history, which was included in the multiple regression equation. Since the regression equations and discriminant functions approximated each other as far as content was concerned, it was concluded that there was homogeneity of content across methods. It was harder to discern consistency within methods because the similarity between equations within the predictive method varied with the dependent variable and data reduction technique. In other words, no definite pattern surfaced. It was interesting though, that regardless of factoring approach, dependent variable, or predictive technique, number of previous offenses, most serious previous disposition, plea of not guilty, court status, and recommendation of the presentence report, (when appropriate) generally surfaced as determinants of the criterion.

Predictability Within and Across Methods. When severity of sentence was the dependent variable, the rational equation was the most predictive solution ( $p < .01$ ). It was suggested that this was due to the powerful effect of the variable recommendation of the presentence report. However, when recommendation of the presentence

report was removed (because it was now the criterion variable) the rational approach once again accounted for the most variance. This pattern surfaced in the case of the discriminant function as well. The rational function was best able to classify defendants as probationers or non-probationers. When the rational solutions for each method were compared, it was discovered that the complete regression equation could account for 41% of the variance ( $R\text{-square} = .41471$ ) whereas the discriminant function could account for 42% of the variance (canonical correlation squared = .4158). Thus it would seem that the two techniques generated equations with identical predictive abilities. This was consistent with the previous finding that the content values of the two rational solutions were comparable. This would also be expected as long as the data was fairly continuous.

One additional benefit of using two different multivariate predictive procedures was the opportunity to compare the utility and ease of interpretation of the two. Since they both had equal predictive abilities, it would seem logical to use the more useful one in future analyses where the two are interchangeable. The findings of this research seemed to indicate that discriminant function is the analysis of choice because:

it did not make the false assumption about the continuity of the criterion variable which multiple regression did; and

the prediction tables printed in the output allowed for easy interpretation of the results.

The disadvantage of this approach is that the analysis becomes difficult to comprehend as the number of groups increases above two. Thus, in a multigroup situation, the researcher may be better off returning to a multiple regression or a similar technique.

To summarize, the major findings were that the rational predictive equations accounted for the most variance within and across methods and that the two multivariate predictive techniques were equally capable of predicting the severity of sentence (although discriminant function appeared to be the more useful tool). Some consistency of content within and across methods was evident, but an exact amount could not be determined. To complicate matters even further, it was discovered that there seemed to be a great deal of homogeneity when the arbitrary .05 limit was extended to encompass the next few entries. The exact number included depended on when the radical decline in the significance level occurred. For example, when seriousness of charge, recency of the presentence report, and living with supportive adults were added to the empirical multiple regression equation when severity of sentence was the dependent variable, and social support system and living with children and adults were added to the rational solution, then the two equations were almost identical. The same thing happened when most detailed area of the presentence report--criminal history, social support system, most detailed area of the presentence report--education and family history, and age when arrested were included in the rational discriminant function. In effect, by extending the inclusion boundary to .092 from .05, the empirical and rational discriminant function solutions virtually duplicated each other. This pattern did not surface when recommendation of the presentence report was the dependent variable.

## DISCUSSION

This research concentrated on the two principal topic areas of female offenders and sentencing, and then considered some of the issues encompassed by each one. In order to deal with the multitude of matters raised, the discussion section will be divided into three parts. The first one will surmise the information obtained on the demographic characteristics of the women and their relationship to the sentencing process. The second division will first present the decision model which evolved from the data, and will then consider the implication of this model for the court officials, such as the judge and probation officer, and for the major issues, such as disparity. The final section will reflect on the limitations of the present work and suggest some possible directions for future endeavors.

### Part I--Summary of the Descriptive Results

#### Female Offenders

Characteristics. One of the principal goals of this research was to document the characteristics of the sample studied because there is a lack of information on this target population. It was discovered that these women reflected the crime trend previously reported by investigators such as Simon (1975) in that the most commonly committed offenses were uttering and publishing and larcenies. Few of them had extensive criminal histories and most had not committed any serious offenses. The fact that there were equal numbers of blacks and whites indicated that blacks were more apt to be arrested

because they were a minority in the county sampled. Most women had at least a grade 9 education and few of them were employed. Finally, virtually none of the women had physical or emotional problems and, unlike their male counterparts, alcoholism was essentially nonexistent. A crucial finding was that less than half used harsh drugs. This is important because criminal justice practitioners tend to accredit the increased crime rate among women to their greater involvement with, and usage of, drugs. In fact, one of the chief probation officers, who worked in the office where the data for this study was collected, estimated that over 80% of the women who resorted to illegal behaviors did so in order to support their expensive habits. This supposition was not supported by these results, thus suggesting that additional factors, other than drugs, may have motivated the women to commit felonies.

There was not much variation in the court procedures followed by these women. The great majority were granted pre-trial freedom and pleaded guilty. In addition, their cases seemed to have been dealt with fairly consistently by both the probation officer and the judge. Over half the presentence reports contained a recommendation of probation and almost all defendants were released on probation. Essentially, this finding limited the predictive ability of the equations developed by multiple regression and discriminant function analysis. If one were to predict the sentence of the offender by simply guessing that in each case probation was the sentence received, one would be correct 94% of the time, thus questioning the necessity of the predictive models.

It has been speculated by Simon (1975) that one of the reasons

for the increase in the arrest rate of women was a reduction in the prominence of the chivalry factor. If this were so, then police would be less reluctant to apprehend and process female offenders and judges would be more likely to sentence them harshly. Perhaps some partial support for the latter part of this proposition was supplied by the evidence that sentences tended to become more severe as the cases became more recent, even though the seriousness of the offenses committed remained fairly constant ( $r = -.005$ ).

One rather interesting result was that very little emphasis was devoted to either the victim of the crime or employment. Although there were numerous questions in the original rating schedule which tried to extract implicit details about the victim and the extent of the discomfort inflicted upon him/her, most of these items were eliminated in the final analysis because of too much missing data or dependence. This may suggest that women committed nonviolent victimless crimes, a fact which was actually substantiated by the data. Similarly, so little data describing the employment history of the client was contained in the presentence report, that many of the questions were eliminated from the final analysis. It seems that employment was not deemed very important for women. A possible explanation for this is that women have traditionally not been expected to work and consequently these women were not penalized for adhering to their role model. These were, perhaps, the two principal areas in which women seemed to differ from male criminals, because in the case of the latter group, a great deal of attention was often devoted to a description of the victim and the job history. In fact, the inter-relationship between the race of the offender and that of the victim was a major determinant of the

severity of sentence in Green's (1964) and Bullock's (1961) studies.

## Part II--The Decision Model and Its Implications

### The Decision Model

One of the fundamental goals of this study was to detect those variables which influenced the judge's sentence and, based upon this discovery, to formulate a model of decision-making. The first step in forming this model was to review the variables which were selected by the rational solution of both multivariate predictive techniques. Only the rational equations were considered because they accounted for a significantly greater proportion of the variance than the empirical ones, and because they were better able to predict the judicial outcome. The regression equation and discriminant function contained four common variables which were automatically entered into the model. The shared predictors were recommendation of the presentence report, criminal history, a plea of not guilty, and victim called police. The three nonoverlapping items were the most detailed area of the presentence report--criminal history (in the regression equation), the seriousness of the offense, and living with children and adults (in the discriminant function). It was decided to include all of these variables because it was reasoned that they would increase the accuracy of the model. Thus the final model consisted of the following seven variables:

- 1) recommendation of the presentence report;
- 2) criminal history;
- 3) victim called police/number of accomplices;
- 4) seriousness of the offense;
- 5) most detailed area of the P.R.--criminal history;

- 6) plea of not guilty; and
- 7) living with children and friends.

To review, the functions of the decision model were twofold:

- 1) to help formulate a decision which would provide sufficient punishment for the criminal behavior(s) committed; and
- 2) to guide a decision which is concerned with the future of the defendant.

These two purposes were accommodated by the model since it was composed of variables which depicted both the past history and present circumstances of the defendant. For example, the previous criminal history and seriousness of the present charge items provided an indication of the client's involvement with the law and alluded to her future participation in illegal activities. It was interesting that the variable living with children and adults influenced the decision-making process of the magistrate because the living situation of the defendant was rarely given much consideration in earlier studies which concentrated on male offenders. This indicated that mothers who were residing with their children were treated less harshly, and suggested that the futures of these women were not affected as much by their illegal behaviors as were the futures of childless defendants. In other words, judges, when formulating their sentence, had to consider not only the impact of the decision on the defendant, but also its impact on her children. Perhaps a final manner in which the model aided the magistrate in reaching a decision was by offering the opinion of another court official, namely the probation officer. In this way, the judge could compare his impressions with those of the agent. Presumably, if the feelings of the two varied, the case was discussed or at least,



reconsidered.

Once again, to summarize, it seemed that judges who adhered to the model developed by this research would sentence his client more severely if she had a recommendation of incarceration, had a lengthy and involved criminal history, had committed a serious offense, did not plead guilty, and was not living with children and other adults.

For comparison purposes, it might be noted that the decision-model utilized by the probation officer, once again according to the rational regression equation, contained only three entries. These were:

- 1) criminal history;
- 2) personal problems; and
- 3) most detailed area of the P.R.--criminal history.

Thus a recommendation of a sentence for the client could be made by considering only these three delineated pieces of information. Essentially then, it seems as if the judge considered more factors when formulating a decision than did the probation agent. This leads to a number of interesting questions, not answered by this study, which are: 1) which of these two officials determined the more appropriate decision by applying the more efficient decision-model? 2) was the probation officer influencing the judge or was the reverse occurring? and 3) what were the causal linkages of this model?, i.e., which items caused the judge or probation agent to select the sentence that he did? (Carter and Wilkins, 1967).

Now that the decision-making model used by judges in sentencing women has been delineated, it is vital to consider what this means. To be specific, what are the implications of this formulation for the

issues and problems raised earlier, such as court proceedings and disparity? This will be addressed in the subsequent section.

### The Implications of the Decision-Model for Major Issues

By far the most startling discovery of this research was that the major determinant of severity of sentence was the recommendation of the presentence report and not the actual charge which was reported in earlier works (e.g., Green, 1961). It alone accounted for virtually all the variance in the rational regression equation and discriminant function. For this reason, it was decided to see which variables influenced the probation officer's decision because these, by acting through the agent, would indirectly have an effect on the sentence.

The Probation Officer. The major predictors of the probation officer's decision were the number and severity of the previous adult and juvenile offenses. An intriguing finding was that these agents placed a great deal of emphasis on the personal problems of the client. In particular, it would seem that they were sensitive to the admission of a drug problem. This, along with the fact that race was a prominent variable in the empirical regression equation and discriminant function, might suggest that the agents' decisions were affected by such extraneous factors as their backgrounds, attitudes, prejudices, educational level, and others. In other words, they may have been reaching discrepant decisions for the same reasons commonly attributed to judges.

The Judge. The decision model suggested that the extent of the previous adult and juvenile criminal histories was a major determinant of the final outcome. The court proceedings, i.e., bond granted and

pleaded guilty, also figured prominently in the model. The first variable suggested that women who were allowed to remain in society until their court date were probably considered less dangerous by the judge and were thus sentenced accordingly. This theory can be given some support by examining those variables which correlated significantly ( $p < .05$ ) with the granting of bond. Women who were black, had committed many serious previous offenses as adults and/or juveniles, had a drug history, and had a harsh recommendation in the presentence report were less likely to be released on bond. Interestingly, offenders who were living with their children and were employed at the time of their arrest, were generally freed until their court date. One speculation at this point is that cognitive inconsistency was partially accounting for this effect. That is to say, by the time the judge had made his decision about whether or not the woman deserved to be set free before she was sentenced, he had already formed a preliminary opinion of the relative seriousness of her act. In order to maintain cognitive consistency, the judge had to sentence the offender more leniently, thus upholding his original impression of the situation.

The second court related item was the disposition mode. According to the decision model, a plea of not guilty resulted in a lighter sentence. Interestingly, the correlation between the seriousness of the charge (i.e., the minimum sentence) and the plea was negative and highly significant ( $p < .002$ ). This implies that women who had committed less serious crimes were more likely to plead guilty. More important, this also suggests that women who did not plea bargain were more "dangerous" and might have deserved the harsher outcomes. Thus, the crucial point is that although plea bargaining did result in a

lenient judicial verdict, it did so because the women who pleaded merited lighter punishments. This work, then, did not support the claim made by theorists that this process was unethical.

. The Presentence Report. One of the novel aspects of this research was that it rated the quality of the information provided in the presentence report by determining which topic area was the most detailed and the number of outside sources the probation officer contacted. Generally, the portion of the report which acted as a determinant of the sentence according to the decision model, was the previous criminal history. In effect, this meant that those women who had committed numerous offenses or whose criminal past was a focal point in the document, were apt to be treated more harshly. Unfortunately, the accuracy of the data is in question because the great majority of agents relied solely on the defendant's version of her past rather than verifying her accounts by contacting references. It should be mentioned that the offender's previous criminal history was generally not provided by the client but was removed from the F.B.I. rap sheet, a document listing the defendant's past charges and dispositions.

At this point it is necessary to reflect on these findings and consider their significance. The major implication is that the recommendation provided by the probation officers had a greater effect on the judges than was generally believed to be the case. A possible drawback to this situation is that the suggestions may have been formulated on faulty information. In the majority of cases, the sole data source for the reports (other than the rap sheet) was the client herself. Since offenders are known for "misrepresenting their past" or for playing the "con game," one cannot help but question the accuracy

of the information upon which first the probation officer, and then the judge, based his/her decision. This, in turn, may have resulted in disparity, because the judge's sentence was influenced by invalid statements and an inappropriate recommendation. There were other variables in the decision model which may have introduced disparity into the sentencing process besides for the recommendation of the presentence report. These other possible contributors, as well as the more global issue of the prevalence of disparity, will now be considered.

Disparity. It was discovered that race did not enter into the decision-model, thus partially supporting the previous claims of Green (1961, 1964) and others that black defendants were not treated more harshly than their white counterparts. It cannot be stated unequivocally that judges were not affected by racial prejudice because when the .05 inclusion boundary was extended to .09, race did enter into the regression equation and discriminant function. Thus all that can be concluded is that the effect of race in this research, as in many of its predecessors, was unclear.

Plea bargaining was originally presented as a possible determinant of disparity because the sentence or charge which was negotiated was devoid of judicial input. Thus disparity could have resulted from different attorneys deciding on different arrangements for similar offenses. Since virtually all the women in the sample pleaded guilty, any disparity which appeared might have been contributed to by this procedure.

The final possible donator to inconsistent input was the probation officer. It was already pointed out that the recommendation played a

substantial part in the decision-making process. Thus, if the agent based his/her decision on unreliable data, and the judge adhered to this recommendation, then discrepant sentences might have arisen. In these latter two instances, it was the decision-affectors who were responsible for disparity and not the judge thus supporting the original position of the review that it is not fair to place all the blame for variations in the outcome on the magistrate. Interestingly enough, with all these possible sources of discrepancies, very little disparity seemed to exist. According to the contingency table (Table 13), the sentencing practices within and between judges remained fairly constant. However, this study may not have been a fair test of disparity per se, because the majority of the defendants were released on probation. On the other hand, if this sample was a fair representation of women offenders in general (which it seemed to have been from a demographic standpoint) then one might be able to make the argument that disparity was not a salient issue for female offenders at this point in time. One final comment is that the reasons for this apparent lack of inconsistent outcomes were not discerned. Was it due to a uniformity in

- 1) the plea bargaining procedures established by the prosecutors, or
- 2) the recommendations contained in the presentence reports, or
- 3) the sentencing patterns followed by the magistrates?

To summarize, there were two contrasting hypotheses concerning the functions of a judge and the decision models they used. The first, called the mechanical theory, postulated that magistrates formed objective decisions and were not influenced by extraneous variables such as attitudes, upbringing, education, and value systems. This theory was in part substantiated by this study because three of

the components of the decision-model concerned information specifically related to the charge or describing the defendant's past criminal history. The second postulate, or the theory of free legal decision, contended that judges were not entirely objective and may have developed idiosyncratic sentencing patterns. Proponents of individualized sentencing endorsed this latter perspective because they argued that judges needed to be able to evaluate the circumstances surrounding each situation and to formulate a decision based on the particulars of that case. The judges, in this sample, also conformed to the subjective approach. They were not entirely impartial since they did consider the disposition mode and the recommendation of the presentence report. Thus, according to the decision model developed in this study, what was required was an intermediary position which hypothesized that judges placed considerable importance on those variables describing the criminal behavior of the defendant, but which also acknowledged certain extra-legal factors.

The research was not able to determine which decision model, (i.e., mechanical or free legal decision) if any, was adhered to by the judges, and it was equally unsuccessful in detecting the prevalence of disparity in the sentencing decisions of the judges sampled. However, one conclusion which was formulated quite readily was that disparity was a complex issue which requires future study. It was mentioned that plea bargaining and the recommendation of the presentence report may have encouraged the frequency of inconsistent sentencing. In contrast, it was also stated that sentencing patterns, on the whole, seemed to be fairly consistent within and between judges. Once again, perhaps the only definitive inferences which could be reached were

that disparity did not seem to be as vital an issue for female offenders as it has been shown to be for men, and that perhaps other, unexplored variables, were affecting the prevalence of disparity. In a sense, what this work did was raise a number of issues and suggest some areas of future research, which will be expanded upon in the succeeding part.

### Part III--Where Do We Go From Here?

#### Limitations of the Present Research

The scope of this research was limited by a number of factors. Probably the most significant one was that the data was removed from archival sources. This in itself produced numerous difficulties because the information gathered by the raters was restricted to that previously recorded by the probation officer. As was mentioned earlier, there was no way of controlling or verifying the accuracy of the information contained in it. One argument which can be made for using the report, even with these obvious shortcomings, is that this is what the judge based his decision on. Thus, if little information was included within it, or if the data was unreliable, one might suppose that the magistrate was as handicapped as the researcher in extracting sufficient accurate details from it. The major flaw in this formulation, however, is that the judge may have acquired additional information from extraneous sources which the researchers were unable to tap. Another limitation was that factors which were not included in the presentence report, but which could have been potential determinants of the sentence, could not be studied. For example, the physical appearance or mannerisms of the defendant may have had a positive or negative effect on the judge. Similarly, certain relationships



between the court officials were not considered. In other words, the fact that magistrates adhered to the recommendation of the probation officer may have signified some type of arrangement between them. If the probation officer knew which judge was responsible for the case he was preparing, he might have deliberately recommended a sentence which was congruent with the judge's pattern of sentencing. Many of these subtleties went unnoticed by this research because this information was not contained in the data source.

A final consideration is just how meaningful are the predictive equations? The most predictive solutions were able to account for approximately 45% of the variance but with 94% getting probation as a sentence, how informative is this equation? One would probably be better off simply guessing that the outcome was probation rather than applying the formula and trying to scientifically determine the decision.

#### Future Direction and Policy Implications

This research suggested studies which could be done as follow-ups in both the areas of female offenders and sentencing. Perhaps a major criticism which could be levied against this work was its exclusive consideration of women. A necessary piece of research would be one which had a sample of defendants consisting of both sexes and which compared the treatment each group received. In other words, for similar charges did males and females receive similar sentences? Again, no definitive conclusion would probably result if judges practiced individualized sentencing. Perhaps it would be informative to see whether those variables which predicted severity of sentence for women also did so for men, or did judges use different criteria when

evaluating the severity of an offense for each sex? Another interesting study would be a comparison of the attitudes of male versus female judges towards female offenders and the effect these dispositions have on their sentencing practices.

The major finding that the recommendation of the probation officer was the foremost predictor of the sentence suggests that some additional information about these decision-affectors should be collected. For example, perhaps a descriptive report of their backgrounds would reveal their particular value systems and the biases that were operating. It was already pointed out in this study that their recommendations were tainted by racial prejudice and the personal problems of the client. Other important factors, such as educational level and SES might have greatly influenced the agent's decision process and even the way the information was collected, reported, and interpreted.

Another area of concern is the interrelationships between the court officials. What is really happening when a plea is negotiated? Are there standard pleas for similar offenses, thus negating one of the functions of this process, or perhaps standard compromises between attorneys? Similarly, do probation officers tailor their reports and recommendations to comply with the sentencing habits and beliefs of the presiding judge? A look at these processes would unveil some of the intricacies of the court system and make them visible to the public (thereby helping to bridge the communication gap discussed earlier) and might even uncover some rather corrupt practices.

This issue of the relationships between court officials is

further confounded by process variables. Due to the longitudinal nature of this study, many extraneous variables, such as political or historical events occurring within this time frame, might have affected the relationships of the actors and consequently, the sentences proclaimed. Two such changes occurred around 1973. The first one, which was a result of the decision of People versus Tanner, stipulated that the most severe minimum sentence could not exceed two-thirds of the maximum. It would be necessary, in future studies, to analyze the impact of Tanner on the major issues addressed by this work, namely disparity, plea bargaining, individualized sentencing, and the influence of the decision-affectors. The second change was the introduction of the Release on Recognizance (R.O.R.) program, which began on a volunteer basis in November 1973, and was finally formalized as a permanent county-funded program in March 1977. This service interviewed offenders, generally prior to their arraignment, in order to formulate an impression of the stability of the individual. If the person seemed to have numerous contacts in the community and was likely to remain in the vicinity until their court date, then release on recognizance was recommended. The institution of this program may have affected the sentence because, as was speculated earlier, once the judge had formulated an impression of the dangerousness of the defendant, he was likely to adhere to it. Thus, if the woman was granted bond, she was usually sentenced less severely. Future studies should investigate the effect of this program on judicial outcomes by seeing whether the number of women released on personal recognizance increased or decreased after 1973 and whether the severity of sentences changed accordingly.

This consideration of process variables points to the utility and necessity of doing replication studies on similar populations, in similar locations, over similar time periods. These pieces of research would provide some measure of the generalizability of the results and would allude to the impact of certain extraneous variables which were specific to this study (e.g., Tanner and the R.O.R. program).

A necessary follow-up to this research would be one which looked at the accuracy of the judge's decision. Now that a decision model has been determined, it would seem useful to evaluate the appropriateness of the decisions stemming from it. Two alternate methods of accomplishing this would be to formulate some type of "dangerous classification" or to study the recidivism rates of the sentenced female offenders. In other words, were women who were placed on probation really deserving of this sentence, or should they have been treated differently? This would also reflect on the decision-making capabilities of the judges, something which has not been addressed directly in previous works.

It is difficult to discuss the implication of this study for sentencing practices because so few definitive results were found. Some of the recommendations generally associated with the two issues of plea bargaining and disparity are the abolition of plea bargaining (A National Strategy to Reduce Crime, 1973) and the establishment of sentencing institutes (Baab and Furgeson, 1967; D'Esposito, Jr., 1969). However, since the extent of the influence of these two practices on the sentences reached was unclear, it would seem inappropriate to make any suggestions along these lines. Perhaps, the two most instructive recommendations that could be made, would be: 1) to

regulate the format of the presentence report, and 2) to insist that a minimum number of references be contacted by the probation officer to insure that at least some of the content was verified.

In conclusion, the United States court system combined a variety of individuals and procedures into a highly complex, and perhaps poorly understood, organization. In an attempt to discover the variables governing a judge's decision when sentencing female defendants, a number of issues were raised, many of which were not explained with any certainty. It was recommended that future studies be conducted which considered both men and women, additional variables, and the appropriateness of the judicial decision-making model, in order to get a clearer notion of the treatment of female offenders by the criminal court process.

## APPENDICES

# APPENDIX I

June 3, 1976

I, \_\_\_\_\_ (name of Probation officer), agree to allow Linda Gornitsky and five student raters accompanying her to code information contained in the presentence reports of all female offenders processed by the courts from 1965-1975. The data which will be extracted from these reports will cover the following topics--the offender herself, the offense, and the court proceedings. This project will last approximately four weeks, during which raters will code from 9 A.M.-5P.M., five days a week. *STARTING JUNE 21, 1976.*

In return, all data collected will be held in strict confidence. No names of women will be recorded nor released to any party. Once the project is completed, (approximately December, 1976) a report will be submitted to the above named probation officer. This document will contain all the findings of the study. All results which are published will not mention any of the names read in the presentence reports. In addition, the prepared report will be <sup>APPROVED BY</sup> ~~shown to~~ the probation officer before it is submitted for publication. *I WILL NOT TRANSCRIBE ANY OF NAMES LISTED IN THE PRESENTENCE REPORT.*

Name of the Probation Officer

Signature of the Probation Officer

Date:

6-11-76

Name of the Researcher

Signature of the Researcher

Date:

6-11-76

## APPENDIX 2

## Hollingshead's Two Factor Index of Social Position

## The Occupational Scale

- 
1. Higher Executives, Proprietors of Large Concerns, and Major Professionals
- a. Higher Executives  
 Bank Presidents; Vice-Presidents  
 Judges (Superior Courts)  
 Large Business, e.g., Directors, Presidents,  
 Vice Presidents, Assistant Vice-Presidents,  
 Executive Secretary, Treasurer.  
 Military, Commissioned Officers, Major and above,  
 Officials of the Executive Branch of Government  
 Federal, State, Local, e.g., Mayor, City Manager,  
 City Plan Director, Internal Revenue Directors  
 Research Directors, Large Firms
  - b. Large Proprietors (Value over \$100,000)<sup>1</sup>  
 Brokers  
 Contractors  
 Dairy Owners  
 Lumber Dealers
  - c. Major Professionals  
 Accountants (C.P.A.)  
 Actuaries  
 Agronomists  
 Architects  
 Artists, Portrait  
 Astronomers  
 Auditors  
 Bacteriologists  
 Chemical Engineers  
 Chemists  
 Clergyman (Professionally Trained)  
 Dentists  
 Economists  
 Engineers (College Graduates)  
 Foresters  
 Geologists  
 Lawyers  
 Metallurgists  
 Physicians  
 Physicists, Research  
 Psychologists, Practicing  
 Symphony Conductor  
 Teachers, University, College  
 Veterinarians (Veterinary Surgeons)
2. Business Managers, Proprietors of Medium Sized Businesses, and Lesser Professionals
- a. Business Managers in Large Concerns  
 Advertising Directors  
 Branch Managers  
 Brokerage Salesmen  
 District Managers  
 Executive Assistants  
 Executive Managers, Govt. Officials,  
 minor, e.g., Internal Revenue Agents  
 Farm Managers  
 Office Managers  
 Personnel Managers  
 Police Chief, Sheriff  
 Postmaster  
 Production Managers  
 Sales Engineers  
 Sales Managers, National Concerns  
 Sales Managers (Over \$100,000)
  - b. Proprietors of Medium Businesses (Value \$35,000-\$100,000)  
 Advertising Owners (\$100,000)  
 Clothing Store Owners (\$100,000)  
 Contractors (\$100,000)  
 Express Company Owners (\$100,000)  
 Fruits, Wholesale (\$100,000)  
 Furniture Business (\$100,000)  
 Jewelers (\$100,000)  
 Labor Relations Consultants  
 Manufacturer's Representatives  
 Poultry Business (\$100,000)  
 Purchasing Managers  
 Real Estate Brokers (\$100,000)  
 Rug Business (\$100,000)  
 Store Owners (\$100,000)  
 Theater Owners (\$100,000)
  - c. Lesser Professionals  
 Accountants (Not C.P.A.)  
 Chiropodists  
 Chiropractors  
 Correction Officers  
 Director of Community House  
 Engineers (Not College Graduate)  
 Finance Writers  
 Health Educators  
 Librarians  
 Military, Commissioned Officers, Lts., Captains  
 Musicians (Symphony Orchestra)  
 Nurses  
 Opticians  
 Pharmacists  
 Public Health Officers (M.P.H.)  
 Research Assistants, University (Full-time)  
 Social Workers  
 Teachers (Elementary and High)
3. Administrative Personnel, Small Independent Businesses, and Minor Professionals
- a. Administrative Personnel  
 Adjusters, Insurance  
 Advertising Agents  
 Chief Clerks  
 Credit Managers  
 Insurance Agents  
 Managers, Department Stores  
 Passenger Agents--R.R.  
 Private Secretaries  
 Purchasing Agents  
 Sales Representatives  
 Section Heads, Federal, State, and Local Govern-  
 ment Offices  
 Section Heads, Large Businesses and Industries  
 Service Managers  
 Shop Managers  
 Store Managers (Chain)  
 Traffic Managers
  - b. Small Business Owners (\$6,000-\$35,000)  
 Art Gallery  
 Auto Accessories  
 Awnings  
 Bakery  
 Beauty Shop



## APPENDIX 2-Continued

## The Occupational Scale

b. Small Business Owners (Continued)

Boatyard  
 Brokerage, Insurance  
 Car Dealers  
 Cattle Dealers  
 Cigarette Machines  
 Cleaning Shops  
 Clothing  
 Coal Businesses  
 Convalescent Homes  
 Decorating  
 Dog Supplies  
 Dry Goods  
 Electrical Contractors  
 Engraving Business  
 Feed  
 Finance Company, Local  
 Fire Extinguishers  
 5 and 10  
 Florist  
 Food Equipment  
 Food Products  
 Foundry  
 Funeral Directors  
 Furniture  
 Garage  
 Gas Station  
 Glassware  
 Grocery-General  
 Hotel Proprietors  
 Inst of Music  
 Jewelry  
 Machinery Brokers  
 Manufacturing  
 Monuments  
 Package Store (Liquor)  
 Painting Contracting  
 Plumbing  
 Poultry Producers  
 Publicity & Public Relations  
 Real Estate  
 Records and Radios  
 Restaurant  
 Roofing Contractor  
 Shoe  
 Shoe Repairs  
 Signs  
 Tavern  
 Taxi Company  
 Tire Shop  
 Trucking  
 Trucks and Tractors  
 Upholstery  
 Wholesale Outlets  
 Window Shades

c. Semi-Professionals

Actors and Showmen  
 Army M/Sgt; Navy C.P.O.  
 Artists, Commercial  
 Appraisers (Estimators)  
 Clergymen (Not Professionally Trained)  
 Concern Managers  
 Deputy Sheriffs  
 Dispatchers, R.R. Train  
 I.B.M. Programmers  
 Interior Decorators  
 Interpreters, Court  
 Laboratory Assistants  
 Landscape Planners

c. Semi-Professionals (Continued)

Morticians  
 Oral Hygienists  
 Photographers  
 Physio-therapists  
 Piano Teachers  
 Radio, T.V. Announcers  
 Reporters, Court  
 Reporters, Newspaper  
 Surveyors  
 Title Searchers  
 Tool Designers  
 Travel Agents  
 Yard Masters, R.R.

d. Farmers

Farm Owners (\$25,000-\$35,000)

4. Clerical and Sales Workers, Technicians, and Owners of Little Businesses. (Value under \$6,000)a. Clerical and Sales Workers

Bank Clerks and Tellers  
 Bill Collectors  
 Bookkeepers  
 Business Machine Operators, Offices  
 Claims Examiners  
 Clerical or Stenographic  
 Employment Interviewers  
 Factory Storekeeper  
 Factory Supervisor  
 Post Office Clerks  
 Route Managers (Salesmen)  
 Sales Clerks  
 Shipping Clerks  
 Supervisors, Utilities, Factories  
 Warehouse Clerks

b. Technicians

Camp Counselors  
 Dental Technicians  
 Draftsmen  
 Driving Teachers  
 Expeditor, Factory  
 Experimental Tester  
 Instructors, Telephone Co., Factory  
 Inspectors, Weights, Sanitary Inspectors, R.R.,  
 Factory  
 Investigators  
 Laboratory Technicians  
 Locomotive Engineers  
 Operators, P.B.X.  
 Proofreaders  
 Safety Supervisors  
 Supervisors of Maintenance  
 Technical Assistants  
 Telephone Co. Supervisors  
 Time Keepers  
 Tower Operators, R.R.  
 Truck Dispatchers  
 Window Trimmers (Store)

c. Owners of Little Businesses

Flower Shop (\$3,000-\$6,000)  
 Newsstand (\$3000-\$6,000)  
 Tailor Shop (\$3,000-\$6,000)

d. Farmers

Owners (\$10,000-\$20,000)

## APPENDIX 2-Continued

## The Occupational Scale

5. Skilled Manual Employees

Adjusters, Typewriter  
 Auto Body Repairers  
 Bakers  
 Barbers  
 Blacksmiths  
 Bookbinders  
 Boilermakers  
 Brakemen, R.R.  
 Brewers  
 Bulldozer Operators  
 Butchers  
 Cabinet Makers  
 Carpenters  
 Casters (Founders)  
 Cement Finishers  
 Cheese Makers  
 Chefs  
 Compositors  
 Diemakers  
 Diesel Engine Repair & Maintenance (Trained)  
 Diesel Shovel Operators  
 Electricians  
 Electrotypists  
 Engravers  
 Exterminators  
 Fitters, Gas, Steam  
 Firemen, City  
 Firemen, R.R.  
 Foremen, Construction  
 Glassblowers  
 Glaziers  
 Gunsmiths  
 Gauge Makers  
 Hair Stylists  
 Heat Treaters  
 Horticulturists  
 Lineman, Utility  
 Linoleum Layers (Trained)  
 Linotype Operators  
 Lithographers  
 Locksmiths  
 Loom Fixers  
 Lumberjacks  
 Machinists (Trained)  
 Maintenance Foremen  
 Installers, Electrical Appliances  
 Masons  
 Masseurs  
 Mechanics (Trained)  
 Millwrights  
 Moulders (Trained)  
 Painters  
 Paper Hangers  
 Patrolmen, R.R.  
 Pattern and Model Makers  
 Piano Builders  
 Piano Tuners  
 Plumbers  
 Policemen  
 Postmen  
 Printers  
 Radio, T.V., Maintenance  
 Repairmen, Home Appliances  
 Riggers  
 Rope Splicers  
 Sheetmetal Workers (Trained)  
 Shipsmiths  
 Shoe Repairmen (Trained)  
 Stationary Engineers (Licensed)  
 Stewards, Club  
 Switchmen, R.R.  
 Tailors (Trained)  
 Teletype Operators  
 Toolmakers  
 Track Supervisors, R.R.  
 Tractor-Trailer Trans.  
 Typographers

5. Skilled Manual Employees (Continued)

Upholsterers (Trained)  
 Watchmakers  
 Weavers  
 Welders  
 Yard Supervisors, R.R.  
 Small Farmers  
 Owners (under \$10,000)  
 Tenants who own farm equipment

6. Machine Operators and Semi-Skilled Employees

Aides, Hospital  
 Apprentices, Electricians, Printers, Steamfitters,  
 Toolmakers  
 Assembly Line Workers  
 Bartenders  
 Bingo Tenders  
 Building Superintendents (Cust.)  
 Bus Drivers  
 Checkers  
 Clay Cutters  
 Coin Machine Fillers  
 Cooks, Short Order  
 Delivery Men  
 Dress makers, Machine  
 Drill Press Operators  
 Duplicator Machine Operators  
 Elevator Operators  
 Enlisted Men, Military Services  
 Filers, Benders, Buffers  
 Foundry Workers  
 Guards, Doorkeepers, Watchmen  
 Hairdressers  
 Housekeepers  
 Meat Cutters and Packers  
 Meter Readers  
 Operators, Factory Machines  
 Oiler, R.R.  
 Paper Rolling Machine Operators  
 Photostat Machine Operators  
 Practical Nurses  
 Pressers, Clothing  
 Pump Operators  
 Receivers and Checkers  
 Roofers  
 Set-up Men, Factories  
 Shapers  
 Signalmen, R.R.  
 Solderers, Factory  
 Sprayers, Pain  
 Steelworkers (Not Skilled)  
 Stranders, Wire Machines  
 Strippers, Rubber Factory  
 Taxi Drivers  
 Testers  
 Timers  
 Tire Moulders  
 Trainmen, R.R.  
 Truck Drivers, General  
 Waiters-Waitresses ("Better Places")  
 Weighers  
 Welders, Spot  
 Winders, Machine  
 Wiredrawers, Machine  
 Wine Bottlers  
 Wood Workers, Machine  
 Wrappers, Stores and Factories

7. Unskilled Employees

Amusement Park Workers (Bowling Alleys, Pool Rooms)  
 Ash Removers  
 Attendants, Parking Lots  
 Cafeteria Workers  
 Car Cleaners, R.R.  
 Car Helpers, R.R.  
 Carriers, Coal  
 Countermen

## APPENDIX 2-Continued

The Occupational Scale	
7. <u>Unskilled Employees</u> (Continued)	
Dairy Workers	Peddlers
Deck Hands	Porters
Domesitcs	Roofer's Helpers
Farm Helpers	Shirt Folders
Fishermen (Clam Diggers)	Shoe Shiners
Freight Handlers	Sorters, Rag and Salvage
Garbage Collectors	Stagehands
Grave Diggers	Stevedores
Hod Carriers	Stock Handlers
Hog Killers	Street Cleaners
Hospital Workers, Unspecified	Unskilled Factory Workers
Hostlers, R.R.	Truckmen, R.R.
Janitors, Sweepers	Waitresses--"Hash Houses"
Laborers, Construction	Washers, Cars
Laborers, Unspecified	Window Cleaners
Laundry Workers	Woodchoppers
Messengers	8. <u>Unemployed</u>
Platform Men, R.R.	Relief, Public, Private

<sup>1</sup>The value of businesses is based upon the rating of financial strength in Dun and Bradstreet's Manual.

APPENDIX 3

June 1, 1976

CONTRACT

I \_\_\_\_\_ (Student's name) agree to participate in this 490 course being offered by Dr. William Davidson and Linda Gornitsky. In return for four credits I shall:

1. Attend an orientation meeting to be held on June 21;
2. Participate in training sessions; (time and place to be arranged);
3. Work every day beginning June 21, 1976 for four hours (either 9 a.m.-1 p.m. or 1 p.m. - 5 p.m.) Monday-Friday until the end of the project (approximately three weeks);
4. Hold in strict confidence all information read in the presentence report.

I am aware that I shall receive a grade of 4.0 unless:

1. I am absent or late for a session in which case my grade will be depleted by one mark (e.g., 4.0 to 3.0);
2. I reveal any information read in the presentence report in which case a grade of 1.0 (or an F) will be given.

I will arrange my own transportation to the setting where the coding will be done.

Student's Name (Print) \_\_\_\_\_

Student's Signature \_\_\_\_\_

Date: \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_

Date: \_\_\_\_\_

## DEMOGRAPHIC INFORMATION

It would be appreciated if you would supply the following  
information:

Name (Print) \_\_\_\_\_

Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Major: \_\_\_\_\_

Grade Level (i.e., Freshman) \_\_\_\_\_

Present Address:

Present Phone No.

Permanent Address:

## APPENDIX 4

### CODING INSTRUCTIONS

1. The columns in which the answer for each item should be placed are listed after each item.  
e.g., the answer to item 1 should be in columns 10-11.
2. If an item is allotted 2 columns, but the answer needs only 1 column, put the answer in the second column and leave the first one blank.
3. Columns 1-6 are reserved for the offender's I.D. number.
4. Column 7 is left blank.
5. Write the card number in column 8. (Note: there are 3 cards per subject.)
6. Leave column 9 blank. Start coding in column 10.
7. Blank columns will be interspersed in the instrument and on the Fortran sheets to aid in coding.
8. Skip a line between each subject.  
e.g., if a subject uses 3 cards, every fourth line will be left blank.
9. Important: If there is insufficient or no data and you cannot answer an item use "9." If 2 columns have been left for an answer, put a 9 in each column.  
e.g., Number of siblings Columns 1-2 Put a "9" in columns 1 and 2.

## GLOSSARY

### Definition of Some Common Terms

1. Bail, Bond

A person is released from legal custody on his honor or after paying a set fee and is required to appear in court on his court date.

2. Defendant

The person being charged with a criminal act, i.e., the person defending or denying.

3. Defense Attorney

The court official who counsels and conducts the defense of the person charged with a crime. A court-appointed defense attorney is an attorney who is supplied by the court because the defendant cannot afford to hire a private attorney.

4. Felony

A crime of a graver or more atrocious nature than those designated as misdemeanors. Generally an offense punishable by imprisonment.

5. Misdemeanor

An offense lower than a felony and generally those punishable by fine or imprisonment.

6. Parole

Release of a convict from imprisonment on certain conditions to be observed by him and suspension of his sentence during the liberty thus granted.

7. Probation

An act of clemency granted by the trial court which suspends the sentence and allows the defendant to go at large under the supervision of a probation officer.

8. Probation Officer

Supervises defendants on probation; prepares presentence reports after conducting the presentence investigation.

## 9. Prosecuting Attorney

Prosecutes the defendant for a crime in the name of the government. Accuses the defendant of a crime when it is suspected that he is guilty. Responsible for plea bargaining.

## 10. Plea Bargaining

Defendant pleads guilty in return for a reduced charge. This charge is usually negotiated by the prosecuting attorney and defense attorney.

## 11. Indeterminate Sentence

The prisoner is periodically evaluated by the parole board and his sentence can be modified according to the offender's behavior.



## PRESENTENCE REPORT

NAME:	John Jones	DATE:	October 14, 1964
ADDRESS:	1234 Beach Street Detroit, Michigan 48201	DOCKET NO.	56971
LEGAL RESIDENCE:	Same	OFFENSE:	Possession of Distilled Spirits 26 U.S.C. 5686(b)
AGE:	38	DATE OF BIRTH	8-25-26 (ver.)
SEX:	Male	RACE:	White
CITIZENSHIP:	United States	PLEA:	Guilty, 2-14-64
EDUCATION:	High School	VERDICT:	
MARITAL STATUS:	Married	CUSTODY:	Personal Bond
DEPENDENTS:	Four (wife and three children)	ASST. U.S. ATTY.	James E. Carver
SOC. SEC. NO.	000-11-2222	DEFENSE COUNSEL:	Thomas Flanigan 781 Cadillac Tower (Court Appointed)
FBI NO.	678910		
DETAINERS OR CHARGES PENDING:	None		

CODEFENDANTS (Disposition) Case of Robert Allen pending

## OFFENSE:

Official Version. The records of the Federal Alcohol and Tobacco Tax Unit reflect that the Ferndale, Michigan, Police Department received an anonymous call that two men were dealing in illegal whisky. Acting on this information, officers of the police department on February 8, 1964, trailed the defendant from the parking lot of his place of employment to the parking lot of a nearby market. He was observed using a telephone in an outdoor booth. Shortly afterwards he ran back to his parked car where he was joined by the codefendant, Robert Allen, who parked his car next to that of the defendant.

The police officers converged on the two parked cars and found in the defendant's car--the trunk of which was still open--a carton containing four 1-gallon jugs of illegal whisky and 12 empty pint-size whisky bottles. In the codefendant's car were found two empty jugs, both of which had the smell of alcohol. The men were taken into custody and later turned over to federal authorities.

An Alcohol Tax Unit officer stated that his agency had previous knowledge of the operations of these two men. Unconfirmed reports had been received that the illicit whisky originated from a still located on a farm owned by the codefendant's mother. A small quantity of illicit distilled spirits was seized by the police at the codefendant's place of business (a restaurant) following his arrest in the instant case. The agent considers the defendant to be the less culpable in that he was purchasing the illegal whisky from the codefendant for resale and is not believed to have had any part in the ownership or operation of the illicit distillery.

The defendant and codefendant were arraigned on a complaint and warrant on February 8, 1964, the day of their arrest. Both were released on a \$1,000 personal bond.

A one-count information was filed by the U. S. Attorney on February 14, 1964, charging that on or about February 8, 1964, the defendant and the codefendant did unlawfully possess certain property intended for use and used in violation of Chapter 51 of Title 26, Internal Revenue Code, to wit: distilled spirits for beverage purposes, in violation of 26 U.S.C. 5686(b). They were arraigned on the information on February 14, 1964. They were represented by counsel and entered pleas of guilty. Sentences were deferred pending a report from the Probation Department. The \$1,000 personal bond was continued.

Statement of Codefendant. The codefendant, Robert Allen, related to the ATTU agents that a few days prior to his arrest a customer in his restaurant asked him to deliver a package for him. He was given \$5 and a gallon of illegal whisky with instructions to deliver the package to the defendant at a prearranged place. He said he knew the defendant casually as a customer in his restaurant.

The codefendant denied emphatically that he knew the source of the

illegal whisky or the identity of the person giving it to him. He did admit, however, that he knew it was illegal, but was willing to take the chance to make a few extra dollars. He asserts that he was caught and arrested the first time he attempted to deliver any illicit distilled spirits and denies that he was ever previously involved in any activity of this nature.

#### DEFENDANT'S VERSION OF OFFENSE:

The defendant related to the probation officer that approximately 2 months before his arrest he had met the codefendant, Robert Allen, at the coffee shop operated by Allen and members of his family. This was the start of a casual acquaintance. About 5 weeks prior to the arrest in the present offense, the codefendant said he could get illegal whisky for him and gave him several samples. The defendant took the samples to his place of employment. His fellow workers liked it and were interested in making purchases.

The defendant then purchased, on two different occasions, about 8 gallons of distilled spirits from the codefendant, paying \$9 per gallon. He resold it to his fellow employees for \$11 per gallon. The defendant insists he did not know from where the codefendant procured the illegal whisky. He stated, moreover, that he was making his third purchase of illegal whisky from the codefendant when he was arrested. He would call the codefendant whenever he wanted the illegal whisky and would arrange to meet him, during his lunch hour, at a parking lot near the defendant's place of employment.

The defendant regarded his sale of illegal whisky as a chance "to make a few extra bucks." He realized he might be caught, but was willing to take the chance. He made no attempt to minimize the offense and expressed annoyance for being involved in the "stupid" venture. He said he was glad he was caught when he was, before getting too deeply involved.

He insisted that the codefendant's account of the offense is "completely false," that his account is correct, and that he bought the illegal whisky from the codefendant. (Note: It has been corroborated that the defendant's account is substantially correct.)

#### PRIOR RECORD:

##### Juvenile

<u>7-2-40</u> (Age 13)	<u>Offense</u>	<u>Place</u>	<u>Disposition</u>
	Petty theft	Detroit	1 yr. probation

While in the 9th grade at junior high school the defendant and a classmate, age 15, each took a bicycle from the school's bicycle stand. They were arrested the following day and brought to the Wayne County Juvenile Court. Both were placed on probation for 1 year. According to the

Juvenile Court, the defendant completed his probation satisfactorily.

Adult

4-14-55 (Age 28)	Conspiracy to steal and receive stolen property	Detroit	3 yrs. probation and \$150 costs
---------------------	---	---------	-------------------------------------

The defendant was convicted in the Wayne County Recorder's Court of the theft of approximately 3,000 pounds of body solder from the Ford Motor Company (value \$614). As a truck driver for a parts manufacturing company, the defendant made frequent trips to the Ford Motor Company. It was through his contacts there that the solder was loaded on his truck. Later, attempts were made to sell it to scrap metal dealers. He was involved with three other men, including a Detroit police sergeant who was the defendant's brother-in-law. On 10-31-55 he was placed on probation for 3 years and ordered to pay \$150 costs. He was discharged from probation 10-31-58 "with improvement" (varified by Recorder's Court).

FAMILY HISTORY:

Defendant. The defendant was born 8-25-26 at White Bear Lake, Minnesota, of native born white parents. He is the oldest of three children. According to the mother, he was treated with affection by both parents. He was not a disciplinary problem in his childhood and youth, although he was involved with juvenile authorities. The father provided adequately for the family. The defendant came to Detroit when he was 9 years old and lived with his parents until he married at age 21. He maintains a close relationship with his mother and sees her frequently.

Parents and Siblings.

Father. Donald Jones, died in 1958 from a heart attack at age 52. For 17 years prior to his death he worked as a cook at various restaurants.

Mother. Violet (nee Thomas) Conrad, 54, lives at 1928 Chestnut Street, Detroit, with her second husband, Noel Conrad, a factory worker. She is employed as a cook at a bar and restaurant.

Brother. William Jones, 35, 423 Elm Street, Ann Arbor, Michigan, is married, has two children, and is employed in his own business as a house painter. He has not been seen by the defendant in 5 years. They are distant in their relationship.

Sister. Mary Louise Jones, 32, 5127 Foster Avenue, Detroit, single, is a saleslady with the Hudson Department Store. The defendant has always maintained close ties with his sister. She visits the defendant's family every other week.

MARITAL HISTORY:

The defendant was married 3-27-48, in Detroit, to Vera Barnett, then

age 18, a native of Michigan. This is the first marriage for each of them. She is presently employed (see EMPLOYMENT).

There are three children: John, Jr., 13; Ricky, 7; and Dawn, 16 months. All three are in the home and according to the mother are in good health. The two boys, she states, attend school, are well disciplined, and seem to be making normal progress. She indicated that both she and her husband have a close attachment to the children and that the marriage has been congenial. Neighbors reported to the probation officer that both the defendant and his wife display an interest in the welfare of their children and that there seems to be family solidarity.

The defendant's wife states that she and her husband have never been separated, but like the average family have experienced occasional differences. She did confide to the probation officer that she was quite upset with the defendant's present offense and actually thought about asking him to leave the home. But after considering all circumstances she realized she was wrong in even thinking about breaking up the home. She is confident that her husband will not again embarrass himself or his family by further law violations.

#### HOME AND NEIGHBORHOOD:

The defendant and his family occupy a 5-room brick and frame house which they purchased in 1962 for \$12,500. It is located in a large housing development of similar middle-class homes in the North Woodward area of Detroit. The house is in good repair and the yard well maintained. The home is comfortably and neatly furnished.

The housing development consists largely of American-born families, most of whom are employed in industry. In general, the area has a good reputation. The Jones family has a number of close friends in the immediate area.

The home is the third the family has occupied in the last 10 years and is in keeping with the defendant's desire to provide the best possible home and environment for his family.

#### EDUCATION:

The defendant graduated from Eastern High School, Detroit, at age 17 (verified). He was rated "good" in attendance, "average" in behavior and cooperativeness, and "poor" in scholastic standing. On an IQ test he scored 98 (average). A general adjustment test administered by the school reflected that he did not perform up to his full potential.

In the fall of 1944 the defendant entered Wayne State University, but left in January 1945, before the semester ended, to enter military service. Since September 1963 he has attended the Detroit College of Applied Science where he is studying mathematics and metal processing. He attends 4 hours weekly. On 1-6-64 he started a 40-week course of study in mechanical drafting under the Manpower Development and Training Act, attending 2 nights a week for a total of 6 hours.

## RELIGION:

The defendant was brought up in the Protestant faith but neither he nor his wife has attended church since 1953, 5 years after their marriage. At the time of their marriage the defendant joined the church in which his wife had membership. They attended quite regularly the first year, and then gradually lost interest. The children have no Sunday School affiliation.

## INTERESTS AND LEISURE-TIME ACTIVITIES:

The defendant is skillful with tools and does all the maintenance work on the house and in the yard. He has a work bench in the basement, enjoys working with wood, and did a fine job in panelling the basement. The defendant has gotten his older son interested in woodcraft. During the summer he is actively engaged with his two sons in Little League Baseball, coaches a team, and occasionally umpires.

While the defendant formerly gambled and occasionally went to bars, his spare-time interests are now centered in the home.

## HEALTH:

Physical. The defendant is 6' tall and weights 215 pounds. He has hazel eyes, dark brown hair, and a fair complexion. He is of athletic build and has good posture. He has a 1-inch scar on his right cheek, the result of a childhood accident. He states that he has never suffered any disabling illnesses or injuries. He considers his present health as "very good." He has never been an excessive drinker. The last company physical examination found him to be in "good" health (verified). His attendance record on the job has been "very good."

Mental and Emotional. During high school the defendant scored average on an IQ test. He impresses the probation officer, however, as possessing above-average intelligence. This is reflected in both his general social and job adjustment. He has a good vocabulary and good speech production. He seems to be well adjusted socially and also in his emotional makeup. He gets along well with his fellow employees (verified). From what both he and his wife report, there is a good relationship among all the family members. His wife says he is generally well-controlled emotionally and is not easily irritated. He has a desire to improve himself personally and on the job. He wants to provide his children with every opportunity he can give them.

During the investigation the defendant was cooperative. He was frank in admitting his complicity in the offense and manifested a sense of disgust and remorse for getting involved as he did. He admits that he was "stupid" in trying to get "some easy money" through unlawful activities. He wants to increase his earning capacity and, as has been pointed out, is furthering his occupational training.

## EMPLOYMENT:

September 1950 to April 1955 (4 years, 7 months). The defendant was employed at the Fitzsimmons Manufacturing Company, 3775 E. Outer Drive, Detroit, as a semi-truck driver at \$2 per hour (verified). Employment was terminated when he was arrested 4-10-55 for involvement in theft of material from the Ford Motor Company (see PRIOR RECORD).

May 1955 to February 1963 (7 years, 7 months). Employed at the Acme Manufacturing Company, 1400 E. Nine Mile Road, Ferndale, Michigan, as a stock handler and crib attendant at \$2.94 per hour (verified). The firm's records show that employment was terminated because of the defendant's arrest in the present case, that he had violated a shop rule by leaving the premises during the lunch period, and had failed to punch out or notify his foreman. When he returned to work 2 days later he was notified of his dismissal.

April 1963 to February 1964 (10 months). Employed as a toolmaker's helper at the Broaching Specialities, Inc., 1500 E. Eleven Mile Road, Madison Heights, Michigan, at \$2 per hour. According to the company he was a satisfactory employee and left voluntarily to accept a better-paying job.

February 1964 to present (9 months). Employed at the Vulcan Engineering Company, 222 Conner Street, Detroit, as a bench hand helper at \$2.49 per hour. His supervisor describes him as a dependable employee and believes he has the potential for advancing to a higher-skilled and better-paying job. His employer knows about his present offense.

The defendant's wife is employed as a saleslady at the Hudson Department Store where the defendant's sister is also employed. Her earnings are \$52 a week.

## MILITARY SERVICE:

According to the Army Records Center at St. Louis the defendant was inducted into the United States Army 1-19-45 (Serial No. 12 345 678). He was discharged honorably 11-14-46 with the rank of private first class. His military record reflects that he served 1 year, 2 months, 6 days in the Pacific Theater where he was assigned to the Military Police. He has no record of service disabilities. He has no court martial. The defendant considers his military service as a worthwhile experience. He is grateful, he says, that he returned home safely.

## FINANCIAL CONDITION:

Assets. The defendant has the following assets (all verified):

A \$1,400 equity in a home purchased 10-11-62 in joint ownership with his wife for \$12,500

A 1960 Ford car, paid in full

Two paid-up \$500 life insurance policies with the Metropolitan Life Insurance Company

A \$3,500 policy with the Metropolitan Life Insurance Company  
 A \$5,500 life insurance policy at place of employment  
 A \$5,000 Government Life Insurance Policy (Veterans  
 Administration)

A savings account of \$105 and a checking account of \$83.27 at  
 the Wayne Oakland Bank, Stephenson Branch (both accounts as of  
 10-3-64)

Financial Obligations. There is a balance of \$11,100 on the home,  
 payable at the rate of \$91 per month to the Frank A. Bowden Company, 410  
 Lafayette Building, Detroit. The defendant owes the Household Finance the  
 amount of \$950 for a loan to purchase new furniture payable at the rate of  
 \$36 a month. There are no other obligations, according to both the defend-  
 and and his wife. The defendant's credit rating with the Detroit Credit  
 Bureau reflects no problems in financial management.

#### EVALUATIVE SUMMARY:

The defendant, 38, is a white, married American-born male who entered  
 a plea of guilty to the possession of illicit distilled spirits. The  
 police and the ATTU agents in the case state that he was not involved in  
 the manufacture of illegal whisky, but rather was purchasing it from the  
 codefendant whose case is still pending. He is believed by the investigat-  
 ing officers as well as the probation officer, to be a minor offender and  
 less culpable than his associate.

A native of Minnesota, he has lived in the Detroit area since he was  
 9. He is the oldest of three children and remained in what appeared to be  
 a desirable family situation until he left home at 21. He has lived with  
 his wife without separation since their marriage in 1948. They have three  
 children, the oldest 13. There appears to be a wholesome family relation-  
 ship. The defendant is genuinely interested in his family and is making a  
 conscientious effort to provide better for them. He is considered an asset  
 in the community and has many friends.

He completed high school and is presently taking evening courses in  
 mathematics, metal processing, and mechanical drafting. He has a good em-  
 ployment record, a good job at present, and never encountered difficulty  
 in locating suitable employment.

At 13 he was arrested for taking a bicycle without permission and was  
 placed on probation in the juvenile court. In 1955, at age 28, he had a  
 previous conviction for conspiracy to steal and receive stolen property.  
 He was placed on probation for 3 years and completed it satisfactorily.  
 At that time and in the present offense he had minor financial problems  
 and seized an opportunity to make some easy money.

Although poor judgment is evident in his two convictions, it is not  
 indicated in his family and community relationships and on the job. He  
 realizes the futility of his act and is annoyed by what he has done. He  
 is convinced it will not happen again.



The defendant was completely cooperative during the entire investigation.

RECOMMENDATION:

In view of his remorseful attitude toward his offense, his constructive plans and hopeful outlook for the future, the efforts he is making to better himself, the favorable relationships he has with his family and the neighborhood, his good adjustment on his present job, and his willingness to receive counsel and help, it is recommended that the defendant be placed on probation with a small fine as a condition of probation.

Respectfully submitted,

GEORGE P. ADAMS  
U. S. Probation Officer

October 14, 1964

GFA:BJF

aja

## REFERENCES

## REFERENCES

- Adler, F. Sisters in crime: The rise of the new female criminal. New York: McGraw Hill Book Co., 1975.
- Bowen, M. The explanation of judicial voting behavior from sociological characteristics of judges. Unpublished Ph.D. dissertation, Yale University, 1965.
- Bullock, H. A. Significance of the racial factors in the length of prison sentences. Journal of Criminal Law, Criminology, and Police Science, 1961, 52, 411-417.
- Burke, D. T. and Turk, A. J. Factors affecting postarrest dispositions: A model for analysis. Social Problems, 1975, 27, 313-332.
- Campbell, Judge, W. J. U.S. district court for the northern district of Illinois. Criminal Law Quarterly, 1968, 6, 199.
- Carter, R. M. The presentence report and the decision-making process. Journal of Research in Crime and Delinquency, 1967, 4, 203-11.
- \_\_\_\_\_ and Wilkins, L. T. Some factors in sentencing policy. Journal of Criminal Law, Criminology, and Police Science, 1967, 58 (4), 503-513.
- Chambliss, W. J. Crime and the legal processes. New York: McGraw Hill Book Co., 1969.
- Everson, G. The human element in justice. Journal of American Institute of Criminal Law and Criminology, 1919, 10, 90-99.
- Fay, E. D. The "bargained for" guilty plea. Criminal Law Bulletin, 1968, 4 (5), 265-272.
- Gaudet, F. J. Individual differences in the sentencing tendencies of judges. Archives of Psychology, 1938, 32, 1-59.
- Goldman, L. Politics, judges, and the administration of justice. Unpublished Ph.D. dissertation, Harvard University, 1965.
- Green, E. Judicial attitudes in sentencing. New York: MacMillan and Co., Ltd., 1961.

- \_\_\_\_\_. Inter-and-intra racial crime relative to sentencing. Journal of Criminal Law, Criminology, and Police Science, 1964, 55, 348-358.
- Hindelang, M. J. Public opinion regarding crime, criminal justice, and other related topics (Utilization of Criminal Justice Statistics Project, SD-AR-1). Washington D.C.: U.S. Government Printing Office, 1975.
- Hogarth, J. Sentencing as a human process. Toronto: Toronto University Press, 1971.
- Hollingshead, A. B. and Redlick, F. C. Social class and mental illness. New York: John Wiley and Sons, 1958.
- Hood, R. C. A study of the effectiveness of the presentence investigations. British Journal of Criminology, 1966, 6, 303-310.
- Jacob, H. and Eisenstein, J. Sentences and other sanctions imposed on felony defendants in Baltimore, Chicago and Detroit. Revision of a paper presented at the 1974 meetings of the American Political Science Association, Chicago, August 31, 1974.
- Judson, C. J., Pandell, J. J., Owens, J. B., McIntosh, J. L., and Matschullat, D. L. A study of the California penalty jury in first degree murder cases. Stanford Law Review, 1969, 21, 1297-1497.
- Karos, D. and Mendelsohn, A. I. The judicial role and sentencing behavior. Midwest Journal of Political Science, 1967, 11, 471-88.
- Knudten, R. A. Crime in a complex society: An introduction to criminology. Homewood, Illinois: The Dorsey Press, 1970.
- Lement, E. M. and Rosberg, J. The administration of justice to minority groups in L.A. County. University of California Publications in Culture and Society, 1948, 2 (1), 1-28.
- Martin, R. The defendant and criminal justice. University of Texas Bulletin No. 3437. Bureau of Research in the Social Sciences Study, No. 9, 1934.
- Nagel, S. S. Judicial backgrounds and criminal cases. Journal of Criminal Law, Criminology, and Police Science, 1962, 53, 333-339.
- National Advisory Commission on Criminal Justice Standards and Goals. A national strategy to reduce crime. (Service Publication No. 0-507-114). Washington D.C.: U.S. Government Printing Office, 1973.

- Newman, D. J. Pleading guilty for considerations: A study of bargain justice. Journal of Criminal Law, Criminology, and Police Science, 1956, 46, 780-95.
- Nie, N. H. SPSS: Statistical package for the social sciences. New York: McGraw Hill, Inc., 1975.
- Olkin, I. Correlations revisited. In J. Stanley (ed.), Improving experimental design and statistical analysis. Chicago: Rand McNally and Co., 1967.
- Palmer, J. and Zalman, M. The distribution of power in sentencing: Concepts and consequences. Unpublished paper, Michigan State University, 1975.
- Project STAR. Survey of role perceptions for operational criminal justice personnel data summary. California Department of Justice, 1972.
- Revolving door justice: Why criminals go free. U.S. News and World Report, May 10, 1976, 36-42.
- Schmidhauser, J. The justices of the supreme court: A collective portrait. Midwest Journal of Political Sciences, 1959, 3 (1), 1-57.
- Simon, R. The contemporary woman and crime. (Crime and Delinquency Issues Monography, DHEW Publication No. 75-161). Washington D.C.: U.S. Government Printing Office, 1975.
- Sutherland, E. H. and Cressey, D. R. Criminology. New York: J.B. Lippincott Co., 1970.
- Vertr, D. R. Guilty plea bargaining compromises by prosecutors to secure guilty pleas. University of Pennsylvania Law Review, 1964, 112, 865-908.
- Zalba, S. R. Women prisoners and their families (monograph). Los Angeles: Delmar Publishing Co., Inc., 1964.

#### Notes

Hunter, J. Personal communication, 1976.

MICHIGAN STATE UNIV. LIBRARIES



31293107615449