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THE IMPACT OF OHIO'S SENATE BILL 2 ON SENTENCING DISPARITIES

Project Report Submitted to the National Institute of Justice

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FINAL REPORT

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Executive Summary

Sentencing disparities based on the extra-legal characteristics of defendants (such as race) violate the premise of due process and hinder the goal of proportionality in punishment (Crew, 1991). One goal of recent truth in sentencing policies has been to reduce such disparities through the use of fairly rigid determinate sentencing schemes, which appear to have been effective in Florida and Minnesota (Bales, 1997; Stolzenberg and D'Allessio, 1994). However, Ohio's reforms (through Senate Bill 2, SB2) involved the implementation of a set of guidelines that are less rigid than typical determinate sentencing schemes such as those used in Florida and Minnesota. A research partnership between the Ohio Sentencing Commission and the Division of Criminal Justice at the University of Cincinnati examined whether the impact of extra-legal characteristics on the case outcomes of indicted felons has been reduced significantly under Ohio's new scheme. The research team also investigated whether particular legal and extra-legal influences on case outcomes operate differently between race/ethnic groups, and whether such differences were reduced significantly after the implementation of SB2. Given that other aspects of case processing may have also changed under the new guidelines as a consequence of court participants anticipating case outcomes, other stages of case processing were also examined (e.g., dropped charges and charge reductions). Support for the effectiveness of such a sentencing scheme would be encouraging since court participants may view less rigid sentencing reforms more favorably.

Unlike other sentencing reform efforts around the country, Ohio does not use a matrix style grid to guide judges in felony sentences. Instead, it uses presumptions, factors, required findings, and other guidance to steer judges within fairly broad ranges. While there are presumptive disposition decisions based on the offense and prior record, and presumptive sentence lengths for particular

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levels of offense, the guidelines enable judges to consider multiple goals of sentencing and depart from guideline requirements if good reason can be documented.

Ohio's crowded prison system and rapidly increasing prison population influenced the sentencing reforms under SB2, in part. For example, SB2 made changes in offenses that carry mandatory prison sentences. Where a mandatory was retained, judges have latitude to choose the appropriate duration within the sentencing ranges. Under SB2, the old mandatory prison terms for high-level drug offenses and firearms were adjusted to fit the Commission's structure and to establish proportionality.

This report compares the experiences of two groups of individuals: those indicted on felony charges *before* the implementation of Senate Bill 2, and those indicted on felony charges *after* the implementation of SB2. Since SB2 became effective on July 1, 1996, we targeted persons indicted between July 1, 1995 and June 30, 1996 (pre-SB2) as well as persons indicted between January 1, 1997 and December 31, 1997 (post-SB2). The analyses described here include 5,648 persons indicted in 24 Ohio counties during the two time periods. These counties include the six most urban counties in the state in addition to a cross-section of other counties based on population, geographic location, and the intake rate into the Ohio Department of Rehabilitation and Correction. We drew a 5 percent sample of indictments from the six largest Ohio counties during the two time periods, a 15 percent sample from the next six largest counties in the sample, and a 35 percent sample from the twelve rural counties. All information for the study was gathered from prosecutors' and felony probation offices.

The effects of legal and extra-legal characteristics were examined for the following case dispositions: whether a case was successfully diverted from the system after indictment, whether an indicted case was dismissed for any other reason (subsequently dropped charges, trial acquittals),

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whether a fully prosecuted defendant was convicted, the magnitude of charge reductions between indictment and conviction for a convicted defendant, whether a convicted defendant was sent to prison, whether a convicted defendant was sent to jail, and the number of months an imprisoned defendant was sentenced for.

Findings

The reform appears to have been successful in reducing prison incarceration rates while the length of prison terms remained comparable (i.e., the proportion of convicted persons going to prison dropped from .44 to .38 after the implementation of SB2). Comparing the pre- and post-SB2 samples also reveals no *substantive* changes in the proportions of successful diversions, other dropped charges/trial acquittals, convictions, jail sentences, and magnitude of charge reductions. Therefore, prison incarceration rates were reduced without substantive changes in other disposition likelihoods.

Consistent with the decline in imprisonment rates is the dramatic increase in the proportion of persons convicted on felony 5's due to a re-classification of offenses under the Bill. When considering the *most* serious offense level a defendant was convicted on, the proportion of both felony 4 and felony 5 convictions rose from 43.4 to 53.9 between the two periods. This 10 percent increase in probationable offenses coincided with a 6 percent drop in prison sentences. It is possible that the drop in imprisonment was due solely to the re-classification of felonies under SB2.

Examination of the *main* effects involving the legal/extra-legal predictors revealed the following:

1. The legal and extra-legal measures examined are weak predictors of diversions, other dropped charges, and convictions, suggesting that they may be relevant only for our understanding of charge reductions and sentencing.

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2. Case characteristics are, by far, much more important for predicting charge reductions (for convicted defendants) and the length of imprisonment (for persons sentenced to prison) when compared to defendant characteristics. It also appears that, within the pool of legally relevant measures, indictment/conviction levels are superior in prediction to the more specific characteristics of the offenses examined (e.g., whether a weapon was involved, whether the case involved a male victimizing a female, etc.). Overall, defendant characteristics are largely irrelevant for predicting these two outcomes with any degree of precision.

3. The model of charge reductions is most efficient in terms of prediction, with 72 percent of the variation explained. The models of imprisonment likelihoods and prison sentence length are less efficient although fairly strong, with over 40 percent of each outcome explained by the predictors. The model predicting jail sentences is considerably weaker (under 30 percent of the variation explained), followed by diversions, other dropped charges, and convictions (8 to 18 percent of explained variation across the three outcomes).

4. Few differences in the magnitude of relationships between the two periods exist in these data, suggesting that SB2 had a minor impact on the *direct* effects of both legal and extra-legal factors. Exceptions to this observation include: court appointed attorneys had less of an influence on dropped charges and convictions after the implementation of SB2; the number of indicted specifications had more of an impact on charge reductions post-SB2; and cases involving males victimizing females had a stronger effect on prison likelihoods post-SB2.

5. The absence of significant differences in extra-legal influences on case outcomes between the two periods could reflect the weak effects of these characteristics *pre*-SB2. The

implementation of SB2 would have had negligible effects on these relationships simply because the relationships were either weak (even when statistically significant) or non-existent to begin with.

The analyses of *interaction* effects (i.e., how legal and extra-legal influences differed between race/ethnic groups) led to the following observations:

1. Jurisdiction differences exist in some of the disposition likelihoods for non-white versus white defendants. These differences include likelihoods of dismissals and jail sentences as well as the magnitude of charge reductions between indictment and conviction. However, there is no clear disadvantage for a specific race/ethnic group either before or after the implementation of SB2.

2. Pre-SB2 differences in treatment between race/ethnic groups did not exist for the post-SB2 period *only* in the models predicting diversions. For every other model examined, significant differences in treatment between the two groups were most often qualitatively different between the two periods examined. Very few significant differences persisted across both periods even though the absolute numbers of significant differences were similar. These observations suggest that SB2 may have only had a random effect (if any) on differences in the treatment of non-white and white suspects.

3. Exceptions to the last observation include pre-SB2 disadvantages for (a) non-whites with more children and their lower likelihoods of diversion, (b) non-whites with drug/alcohol addictions and their lower magnitudes of charge reductions, (c) non-whites with drug/alcohol addictions and their higher imprisonment likelihoods, and (d) non-white males victimizing females and their significantly longer prison sentences (11 months longer than white males victimizing females, on average). None of these differences existed post-SB2.

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4. Findings for post-SB2 differences related to higher imprisonment likelihoods for non-whites who are males or unemployed reinforce a recent body of empirical evidence in support of these interactions.

5. With the exception of imprisonment likelihoods, most of the race/ethnic group differences found here involve differences in how legal factors were considered for non-whites versus whites, either pre- or post-SB2. Overall, legal factors do a better job at predicting case dispositions for whites relative to non-whites. An important caveat to that observation is that *extra*-legal factors perform equally (overall) for each group, and their contributions to explained variation in any of the outcome measures is weak to modest at best.

Generally speaking, our analysis does not provide evidence that SB2 has maintained "strong" influences on case processing in Ohio Courts of Common Pleas, with the exception that the imprisonment rates of convicted defendants dropped by 6 percent post-SB2. For both periods examined, the evidence indicates that legal factors were much more important for predicting case dispositions when compared to extra-legal factors, particularly when predicting charge reductions and the types and lengths of sentences. Within the pool of legally-relevant measures, more general case characteristics such as indictment/conviction levels are superior in prediction to the more specific characteristics of the offenses examined such as whether a weapon was involved, whether the case involved a male victimizing a female, and so on. Overall, *extra*-legal factors are largely irrelevant for predicting *anything* prior to sentencing, and they add (at best) very modest explanatory power to the models predicting actual sentences.

An important qualification to these conclusions is that we are generalizing across the 24 counties examined. Several of the findings indicate some very strong county-level differences in disposition rates. In addition, jurisdiction differences exist in some of the disposition likelihoods for

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non-white versus white defendants. These differences include likelihoods of dismissals and jail sentences as well as the magnitude of charge reductions between indictment and conviction.

Considering the broader issue of racial and ethnic disparities in case processing (with or without SB2), our study provides empirical evidence that interaction effects involving a defendant's race/ethnicity might be more important than main effects when predicting case outcomes. We have also extended this body of research by focusing on stages of case processing aside from the imprisonment decision. Not only does this support more recent empirical evidence on the topic of racial and ethnic disparities in sentencing (as described by Spohn, 2000 and Zatz, 2000), it may provide insight into why the effects of SB2 were limited in strength. Efforts to generate more equity in treatment between specific groups throughout the court system may not be very successful when these groups differ on other characteristics that also influence case processing. The problem is potentially compounded when levels of discrimination (existing in the broader *society*) vary by social context, possibly generating a tighter correspondence between race and these "other" characteristics across environments of lower tolerance. In other words, an understanding of how to reduce disparity between groups requires an understanding of their individual-level differences (e.g., official criminal records, education, employment) as well as *contextual* differences between the social climates in which they are processed. A state-level reform will be limited in its impact when it cannot address these types of individual-level (x) aggregate-level interaction effects on case processing.

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Introduction

Sentencing disparities based on the extra-legal characteristics of defendants (race, gender, income, etc.) pose significant barriers to the goals of due process and proportionality in punishment. Especially under indeterminate sentencing schemes, there is always the potential that judicial discretion may result in higher rates of imprisonment for defendants with particular extra-legal characteristics (Zatz, 1987). The truth in sentencing reforms of recent years were developed, in part, to elevate the importance of legally relevant factors (i.e., severity of offense and criminal history) and reduce the influence of extra-legal factors on sentencing decisions. However, there is very little research on the actual impact of such reforms on sentencing disparity (Bales, 1997; Moore and Miethe, 1985; Stolzenberg and D'Allessio, 1994).

The limited research to date has yielded support for the idea that sentencing disparities have been reduced with truth in sentencing reforms in Florida (Bales, 1997) and Minnesota (Moore and Miethe, 1986). However, the impact of such reforms in Ohio has yet to be examined. Unlike those implemented in other states, Ohio's Senate Bill 2 (SB2) implemented a set of guidelines that are less rigid than typical determinate sentencing schemes. An examination of the impact of SB2 on sentencing disparities provides the opportunity to examine whether a less rigid scheme (relative to those used in Florida and Minnesota) has a direct effect on sentencing disparity, as well as any indirect effects on other aspects of case processing (resulting from prosecutors and defense attorneys anticipating case outcomes under the new guidelines). Sentencing reforms that provide greater flexibility in decision-making may be met with less resilience by court participants, suggesting that empirical support for the effectiveness of Ohio's new sentencing scheme would be encouraging.

A research team consisting of Ohio Sentencing Commission staff and the Division of Criminal Justice at the University of Cincinnati conducted the study described here. This team compared a representative sample of persons indicted on felony charges in Ohio before the implementation of SB2 with a representative sample of persons indicted in Ohio after SB2 in order to examine whether legal characteristics have become more important and extra-legal characteristics have become less important in decisions related to (a) diversions, (b) other dismissals, (c) guilty pleas, (d) convictions, (e) reduced levels of charges, (f) reduced numbers of charges, (g) prison sentences, (h) jail sentences, and (i) prison sentence lengths. Redundancies in some of these analyses led to our focus here on (a), (b), (d), (e), (g), (h), and (i). Given the interest in how various legal and extra-legal factors might be considered differently for non-white defendants versus white defendants, we also examined many of these empirical relationships for non-whites (African-Americans and Mexican-Americans) and whites separately in order to compare differences in treatment across the two groups.

Reducing Disparate Treatment with Truth in Sentencing

State-level changes in sentencing policies from indeterminate to determinate/presumptive sentencing schemes over the last three decades have been driven by the growing interest in "getting tough" with criminals as well as the belief that determinate sentencing can overcome the problem of unwarranted disparities in sentencing that often beset the indeterminate sentencing model. More recent determinate sentencing models have included the "Truth in Sentencing" (TIS) statutes adopted by the federal government and followed by a growing number of states. Under TIS, an imprisoned offender will presumably serve exactly (or very nearly so) the length of time specified by a sentence.

Fairly rigid determinate sentencing grids have resulted from the goals mentioned above. The federal government adopted a rigid, determinate sentencing scheme in the 1984 Sentence Reform Act. Presumptions for prison and probation ("zero months imprisonment") and prison sentence length were mechanically derived from a two-dimensional grid based on the nature of the offense and prior criminal history, with strict limitations on departures (U.S. Sentencing Commission, 1992). However, this type of scheme has been widely criticized by judges and attorneys as being inflexible and unwieldy, often mandating outrageously severe sanctions that defy common sensibilities about fairness (Diroll, 1989; National Council on Crime and Delinquency, 1982; Tonry, 1996).

The resistance on the part of court participants towards rigid sentencing schemes has implications for other stages of case processing aside from sentencing. Some researchers have suggested that judges are able to circumvent legal policies that constrain their exercise of discretion (Heumann and Loftin, 1979). For example, judges in states with mandatory prison terms for particular felonies may be more favorable to plea agreements struck between attorneys in order to reduce more serious charges and avoid imprisonment for first-time offenders. This has implications for prosecutors' decisions regarding subsequently dropped charges, charge reductions (in level and number), and whether to pursue guilty pleas. In short, sentencing policies could potentially influence the magnitude of disparities based on the extra-legal characteristics of defendants that exist within other stages of case processing aside from sentencing.

The apparent shortcomings of rigid determinate sentencing schemes have led some state sentencing commissions to reject such models in favor of somewhat more flexible presumptive guidelines. A question, however, is whether more flexible schemes can still achieve reductions in

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sentencing disparity based on extra-legal characteristics while simultaneously increasing the importance of legal characteristics in shaping case outcomes.

Ohio's Senate Bill 2

Presumptive sentencing guidelines with truth in sentencing were enacted in Ohio on July 1, 1996 under Senate Bill 2 (SB2). This sentencing reform was the result of recommendations made to the Ohio General Assembly by the Ohio Criminal Sentencing Commission. Unlike other sentencing reform efforts around the country, Ohio does not use a matrix style grid to guide judges in felony sentences. Instead, it uses presumptions, factors, required findings, and other guidance to steer judges within fairly broad ranges (Ohio Criminal Sentencing Commission, 1993). While there are presumptive disposition decisions based on the offense and prior record, and presumptive sentence lengths for particular levels of offense, the guidelines enable judges to consider multiple goals of sentencing and depart from guideline requirements if good reason can be documented (Ohio Criminal Sentencing Commission, 1996).

Ohio's felony sentencing law (SB2) came out of recommendations made by the Ohio Criminal Sentencing Commission. The Commission began its work in February, 1991. Its first goal was to develop a plan for felony sentencing in Ohio. On July 1, 1993, the plan was completed and formally submitted to the Ohio General Assembly. It was introduced in 1994 and passed the legislature in June of 1995. It was signed by Gov. George Voinovich in August of 1995.[1]

Origins of Reform Efforts

Before SB2, the last major rewrite of Ohio's criminal code had been in 1974, based on the Model Penal Code.[2] It retained indeterminate sentencing, with the judge selecting the minimum term from a range set by statute for each of four felony levels. After serving the minimum term set

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[1] *Amended Substitute Senate Bill No. 2*, 121st General Assembly of Ohio.
[2] Fritz Rauschenberg, *Federal Sentencing Reporter*, Volume 6, Number 3, November/December 1993.

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by the judge (reduced by "good time"), the offender would appear before the Parole Board, who would determine whether the offender could be released.

In 1983, the legislature enacted Senate Bill 199, creating three new "aggravated felony" ranges, along with three separate ranges for "repeat aggravated felonies". The new ranges bore mandatory minimum prison terms for many crimes. The act also set up two non-mandatory determinate prison sentence ranges for low-level non-violent felons, and a three-year mandatory sentence for having a gun while committing a felony.[3] Determinate sentencing had not been used for felons in Ohio since 1913.[4] This added eight new prison sentence ranges to the original four ranges from the 1974 criminal code.

A committee studying Ohio prison crowding recommended establishing a state sentencing commission in 1990.[5] When considering legislation on drug policy during 1989, the General Assembly wrestled with the desire to increase drug penalties in the wake of a widely publicized cocaine epidemic, along with the prospect of paying for a much larger prison system. In August of 1990, the legislature inserted language creating the Sentencing Commission and scrapped proposed dramatic increases in drug offense penalties.[6] It was responding to four concerns:[7]

1. Prison population and cost. The July 1, 1974 population of Ohio's eight prisons was 10,707.[8] By July 1, 1983, the population had risen to 18,030. A war on drugs, 16 new prisons (with five more scheduled to come on line in the following ten years), and two prison crowding task forces later, the prison population on July 1, 1990 stood at 28,484.

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[3] Ibid.
[4] Thomas Swisher, *Sentencing in Ohio*, Ohio State Bar Foundation, 1978.
[5] Ohio Office of Criminal Justice Services, *Final Report*, Governor's Committee on Prison and Jail Crowding (1990).
[6] *Amended Substitute Senate Bill No. 258*, 118th General Assembly of Ohio.
[7] *Federal Sentencing Reporter*.
[8] The numbers regarding prisoners and budgets come from various reports of the Ohio Department of Rehabilitation and Correction and the Ohio Legislative Services Commission's fiscal office.

The state had spend $850 million on prison construction during the 1980s, and the annual operating cost of the Department of Rehabilitation and Correction was about $750 million. It is currently about $1.48 billion.

2. Complexity in Sentencing Laws. The four felony ranges had expanded into twelve in 1983. Also, the drug sentencing laws had grown more complicated. There were other oddities in Ohio's felony law. For example the offense of "Felonious Assault" was an "Aggravated Felony", while "Aggravated Assault" was not. Also there were confusing determinate and indeterminate ranges for lower-level felonies. Drug sentencing laws fit into the four basic felony levels, but had specified mandatory prison terms of "Actual Incarceration" that add to the complexity of the system.[9]

3. Racial Disparity. African Americans, who constitute 11 percent of the general population, made up over half of Ohio's prison inmates. A blue ribbon panel studying the condition of Ohio's African-American males had recommended the creation of the sentencing commission.[10]

4. Lack of Judicial Discretion. There were frequent complaints by judges against mandatory sentences, the ability of the Department of Rehabilitation and Correction and Parole Authority to alter sentences with their broad parole discretion, and the various release mechanisms such as furlough and shock parole.[11]

The Ohio Criminal Sentencing Commission was (and still is) chaired by the Chief Justice of the Ohio Supreme Court. At the time it included five other judges, four legislators, three law enforcement members (a sheriff, police chief, and superintendent of the Ohio Highway Patrol), a

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[9] Ibid.
[10] *Ohio's African-American Males: A Call to Action*, Vol. Two Education, Health, Employment, and Criminal Justice, Report of The Governor's Commission on Socially Disadvantaged Black Males, (June, 1990).
[11] *Federal Sentencing Reporter*.

prosecutor, a defense attorney, the State Public Defender, and a crime victim. The staff included an Executive Director, an attorney, a researcher, and a secretary. Interns supplemented the staff, assisting on specific projects.

The Commission was created as a permanent body in Ohio statute.[12] It was charged with developing sentencing policy and a comprehensive sentencing structure that is mindful of public safety and proportionality, promotes uniformity across the state, retains reasonable judicial discretion, makes use of a full range of criminal sanctions, and matches criminal penalties to available correction resources. Policy is proposed in the form of recommendations to the General Assembly.

The Commission's first report, a recommended overhaul of felony sentencing, was completed on July 1, 1993. The Commission has continued to recommend changes in the criminal and juvenile codes, monitor those changes and any others that are made, and assess their impact.

Early on, the Commission decided against the matrix-style grid recommended by sentencing commissions in other states and the federal system, in favor of a determinate system based on presumptions, judicial discretion and truth in sentencing.[13] The approach was designed to be a more flexible and just way to achieve many of the same goals that matrix style grids can achieve.

Overriding Purpose

SB2 provides a statement of the purposes of the felony sentencing system in Ohio, an unusual step in the Ohio Revise Code:

> The overriding purposes for imposing a sentence on an offender are to protect the public from future crime by the offender and others and to punish the offender. To achieve these purposes, the sentencing court shall consider the need for incapacitating the offender,

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[12] Ohio Revised Code §181.21.
[13] *Federal Sentencing Reporter.*

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deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both.[14]

Determinate Sentencing Guidance

Felons are imprisoned under a determinate sentence called a "stated prison term"[15] chosen by the judge from a fairly broad range (see table). The law guides the judge on the imprisonment decision (prison versus community)[16] and on the length of any prison term[17] via a series of factors and presumptions. The sentence stated in court would be the actual time served. Indeterminate prison sentences were limited to life sentences.

Very serious offenders are eligible for an additional 1 to 10 years if they are "Repeat violent offenders" (i.e. if they hurt someone, went to prison, came out, and hurt someone again).[18] The Ohio Adult Parole Authority continues to supervise offenders upon their release (called "Post-Release Control"), and has limited authority to violate offenders back to prison.[19] "Good Time", which had been in existence in Ohio since 1856,[20] was abolished.

As a disincentive for misbehavior in prison, there would be "bad time". The Ohio Parole Board upon recommendation of the prison's warden could add bad time to a prisoner's sentence. It could only be imposed for behavior that would be a crime outside prison. The statute allows the Parole Board to assess bad time in increments of 15 to 90 days per incident, up to a maximum of 50 percent of the offender's stated prison term.[21]

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[14] Ohio Revised Code §2929.11.
[15] "Stated prison term" is defined in Ohio Revised Code §2929.01.
[16] Ohio Revised Code §2929.13.
[17] Ohio Revised Code §2929.14.
[18] The precise definition of "Repeat Violent Offender" is in Ohio Revised Code §2929.01.
[19] Ohio Revised Code §2967.28.
[20] Swisher.
[21] Ohio Revised Code §2967.11.

In the only major court challenges to SB2, the Ohio Supreme Court struck down bad time[22], but upheld post-release control.[23]

Presumptions

Ohio's law has a rebuttable presumption in favor of imprisonment for first and second degree felons[24] (a second time first or second degree felon is a mandatory prison term) and guidance against prison for certain fourth and fifth degree felons.[25] Third degree felonies carry no guidance.[26] For prison bound offenders, judges are presumed to use the minimum for a first trip to prison[27] and presumed to avoid the maximum term, except for the most serious cases.[28] In applying the presumptions, judges are to rely on factors, which are laid out in statute.[29] There are also presumptions regarding consecutive prison terms, with concurring terms favored except in the most serious cases.

There is appellate review of sentencing to make sure judges follow the guidance provisions or have valid reasons to depart from them.[30] Defendants can appeal in cases where a judge imprisoned a person against the law's guidance or at the top of the sentencing range. Similarly, the state can appeal if a judge imposed a non-prison sentence for a crime that carried a presumptive prison term.

The range of penalties for the new felony levels as proposed by the Commission is presented below. The judges would select a prison term from the range and the time selected would be the

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[22] *State Ex Rel. Bray v. Russell* (2000), 00 Ohio St.3d 132.
[23] *State Ex Rel. Woods v. Telb* (2000), 89 Ohio St.3d 504.
[24] Ohio Revised Code §2929.13.
[25] Ibid.
[26] Ibid.
[27] Ohio Revised Code §2929.14.
[28] Ibid.
[29] Ohio Revised Code §2929.12.
[30] Ohio Revised Code §2953.08.

time served. The Parole Authority would determine the length and intensity of post-release supervision.

Felony Level	Range of Basic Prison Terms	Increments	Maximum Post-Release Control	Repeat Violent Offender Enhancement
1st Degree	3 to 10 Yrs	1 Yr	5 Yrs	1 to 10 Yrs
2nd Degree	2 to 8 Yrs	1 Yr	4 Yrs	1 to 10 Yrs
3rd Degree	1 to 5 Yrs	1 Yr	1 Yr	None
4th Degree	6 to 18 Mos	1 Mo	1 Yr	None
5th Degree	6 to 12 Mos	1 Mo	1 Yr	None

To illustrate these features, a convicted aggravated (1st Degree Felony) robber would face a sentence of between three and ten years, selected by the judge, plus a mandatory three years for using the gun. The offender could be supervised by the Parole Authority for up to five more years. If the judge sentenced the offender to 10 years, the decision would be subject to appellate review. If the judge sentenced the offender to a non-prison sanction, the state could appeal.

At the other end of the scale, a first offender convicted of possession of less than one gram of crack cocaine (fifth degree felony) would face guidance toward community sanctions and likely would be placed in a non-prison sanction. If imprisoned, there would be another presumption in favor of the minimum term of three months. The Parole Authority could supervise the offender for up to one year after release.

Even with the presumptions, judges have much wider discretion than in other states with structured sentencing. For example, under the prototypical Minnesota Sentencing Guidelines Grid, a first offender who uses a gun to commit robbery would have a presumed sentence of 48 months. The judge would have discretion within a range of 44 to 52 months. Anything outside the range, or a non-prison sanction, would be a "departure".

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In sentencing that same armed robber under Ohio's template, the judge has a range of 3 to 10 years. There are factors to guide the judge toward a stated prison term within the range, but the judge still has broad discretion across the range. A Minnesota judge has a range on nine months; an Ohio judge has a range of seven years.

Ohio's ranges, factors, and presumptions give judges more discretion than the rigid sentencing grids. The determinate scheme gives judges more control over sentence lengths than under Ohio's old indeterminate scheme where the unelected parole board, meeting in private, ultimately determined how long an offender stayed in prison.

The sentencing court also has more control over shock incarceration (boot camp) and furlough programs by being able to veto the placement of an offender. Early release from prison for non-mandatory sentences is possible under "judicial release", which expands the historic notion of shock probation into a judicially controlled paroling mechanism.

Judicial Release

For prisoners, the paroling mechanism has been replaced by a judicial release system, where many offenders under certain conditions can apply to the sentencing court for early release. Unlike the former parole system, the release hearing takes place in open court, with opportunities for any interested person to participate.

Mandatory Prison Terms

SB2 made changes in offenses that carry mandatory prison sentences. Where a mandatory was retained, judges have latitude to choose the appropriate duration within the sentencing ranges. Under prior law, there were specified mandatory terms for high-level drug offenses. Under SB2, the mandatory prison terms for drug offenses and firearms were adjusted to fit the Commission's structure and to establish proportionality.

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Intermediate Sanctions

A full range of criminal sanctions, including day reporting and day fines, was enacted. These sanctions were not specifically authorized in prior Ohio law. Any offender who is not subject to a mandatory prison term is eligible (subject to the presumptions discussed earlier) for any of the sanctions. As SB2 was enacted, the state budget dramatically increased funding for community based intermediate sanctions.

Theft Offenses

Low-level felony theft offenses were converted to misdemeanors. Under prior law, the threshold for felony theft was $300, or any second time theft conviction. SB2 raised the threshold to $500 and removed the enhancement for multiple thefts of under $500. This change affects about 2,500 prison-bound offenders annually.

Victims

Keeping them informed during the critical steps in the case and allowing them more opportunity for both oral and written statements at sentencing expanded the statutory role of victims in the sentencing process.

Correction System Capacity

Since SB2 went into effect, there have been several changes to Ohio justice and corrections system. On July 1, 1993, Ohio's 39,396 prisoners occupied space designed for 21,738 (about 181 percent of capacity). There were also 5,394 offenders on parole, and an estimated 45,000 on probation. During FY 1994, Ohio's budget distributed just under $38.8 million for community-based corrections.

On July 1, 2001, there were 45,160 prisoners in a system with a design capacity of 39,650 (about 114 percent of capacity). The current annual state budget for community corrections is

$105.4 million. So, along with SB2, came an 83 percent increase in prison capacity, and a 172 percent increase in funding for community corrections.

Given the goals in establishing the Sentencing Commission, the cost of the prison system, and the political effort to enact and implement SB2, it makes sense to conduct a rigorous, empirical evaluation of the law.

Research on the Link Between Sentencing Reform and Sentencing Disparity

Although research on the issue of disparity in criminal case processing is vast [see Zatz (2000) for a review of this literature], studies of the effects of sentencing reform on disparity are strikingly rare. Methodologically rigorous, independent evaluations are even more rare (e.g., Miethe and Moore, 1985). This is ironic, given that concerns over equity have powerfully driven the move towards sentencing guidelines.

State-level, internal evaluations of the more rigid sentencing schemes have rendered the general conclusion that guidelines have successfully reduced disparities in Florida, Oregon, Minnesota, and Washington (Bales, 1997; Bureau of Justice Assistance, 1996; National Institute of Justice, 1996). A recent and illustrative example of this research comes from Florida. Florida enacted guidelines in 1983 that were significantly changed in 1994 and 1995. Under the new laws, sentences are guided by a point system that considers primary and secondary offenses, criminal history, and a host of "enhancements" based on other legally relevant variables. Uniformity and neutrality in sentencing are stated goals of these sentencing guidelines. One early study had shown that pre-guideline, parole-based sentencing in Florida was racially biased, even after controlling for legally relevant variables (Sentencing Study Committee, 1979). In contrast, research from the Florida Department of Corrections on post-guideline imprisonment rates found that higher imprisonment rates and sentence lengths for blacks were a function of offense severity and prior record, not racial bias

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(Bales, 1997). However, the findings from the Florida Department of Corrections are limited because the data used to analyze post-guideline cases were not available for pre-guideline cases.

Analysis of sentencing outcomes under determinate sentencing in California has shown little race effect in sentencing (Petersilia and Turner, 1985). Moore and Miethe (1986) found that, under Minnesota's sentencing guidelines, the strongest determinants of dispositions were legal variables such as offense severity and criminal history, while extra-legal variables such as race, sex, employment and education history were nonsignificant. However, the authors made the very pertinent qualification that departures from presumptive sentences were apparently biased in favor of whites and females. Similarly, the use of guideline departures in Pennsylvania also seemed to favor whites and females (Kramer and Ulmer, 1996). Provisions for guideline departures are necessary to ensure proportionality in presumptive sentencing schemes, but also carry the potential to foil the purpose of increased uniformity in sentencing because they introduce greater discretion in the sentencing process (Moore and Miethe, 1986; Tonry, 1996).

In their study of disparity and sentencing in Pennsylvania, Kramer and Steffensmeier (1993) found that race and gender were very weak predictors of case outcomes in statewide sentencing decisions while the most powerful factors included severity of offense and criminal history. Their study is of particular relevance to our study because Pennsylvania's sentencing laws are similar to Ohio's, granting substantial flexibility to judges within the guidelines. It should be noted, however, that a later analysis by Ulmer and Kramer (1996) revealed that contextual variables such as race, sex, type of plea, and jurisdiction all interacted in determining disposition and duration outcomes under Pennsylvania's guidelines.

Regarding state-level sentencing schemes, we are aware of only two studies that attempt to directly measure the difference in disparity between pre-guideline and post-guideline cases. Both

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studies involved analyses of Minnesota. In one study, Miethe and Moore (1985) found that, with few exceptions, the importance of legally relevant variables increased while the importance of extra-legal variables diminished after the implementation of guidelines. The second study involving a time-series impact assessment revealed that extra-legal variables composed a smaller proportion of the explained variation in sentencing outcomes immediately after the implementation of Minnesota's guidelines, although this pattern appeared to gradually reverse with time (Stolzenberg and D'Allessio, 1994).

In Ohio, disparity in sentencing has been an issue of interest to the Ohio Criminal Sentencing Commission for some time. An internal committee compared outcomes for non-whites at four phases of the criminal justice system: arrest, indictment, conviction, and imprisonment. They found that most of the variation in imprisonment rates could be explained by arrest rates (Ohio Criminal Sentencing Commission, 1993). However, the Commission researchers (including co-author Fritz Rauschenberg) noted that greater disparity might have occurred in sentencing outcomes for less serious offenses.

Research on Extra-legal Disparities in Case Processing

As mentioned above, most empirical studies of extra-legal disparities in case processing have not focused on how changes in sentencing policies might influence such disparities. Nonetheless, it is important to briefly describe our current understanding of extra-legal disparities based on this research in order to place our research focus and findings in their proper context.

Earlier studies of extra-legal disparities focused predominantly on sentencing and a defendant's race (as summarized in Nobiling et al., 1998; Sampson and Lauritsen, 1997; Steffensmeier et al., 1998; Wooldredge, 1998). Anomalous findings for the main effects of race were produced from these studies, prompting discussions of whether the mixed results were due to analyses of different social settings (e.g., Peterson and Hagan, 1984) or differences in methodological rigor between

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studies (e.g., Zatz, 1987). Falling into the latter discussion are issues related to sample selection bias, model specification and estimation techniques, limitations of focusing on only one stage of case processing, and analyses of the conditioned (interaction) effects of a defendant's race. Although these discussions are on-going, scholars were quick to respond to these issues (e.g., Albonetti, 1990; Albonetti et al., 1989; Myers and Talarico, 1986; Spohn and Cederblom, 1991; Zatz, 1987; Zatz and Hagan, 1985), and we have seen additional improvements in this research over the past few years (e.g., Britt, 2000; Engen and Gainey, 2000; Nobiling et al., 1998; Spohn and Holleran, 2000; Steffensmeier et al., 1998; Ulmer, 2000; Wooldredge 1998). Perhaps not surprisingly, we have also seen more consistency across studies in the idea that interaction effects involving a defendant's race are more prevalent than main effects. A general theme emerging from this body of research is that defendants are more likely to face harsher treatment at various stages throughout a court system when they possess particular combinations of extra-legal characteristics reflecting greater social and economic disadvantage (e.g., minority race/ethnic status in conjunction with being unemployed) (Albonetti et al., 1989; Nobiling et al., 1998; Spohn and Holleran, 2000; Steffensmeier et al., 1998).

Hawkins (1981) and Steffensmeier et al. (1998) discuss how judges often have limited information available to them when determining the sentences for convicted defendants and, in cases where sentences are not necessarily clear-cut; they may consider their own images of offenders at higher risk of recidivism. This "perceptual shorthand" (Hawkins, 1981:230) might include demographic and social characteristics that are over-represented among apprehended offenders relative to the distribution of these characteristics in the general population. These characteristics coincide with those more common to groups with lower socio-economic status (ses) such as, for example, minority race and ethnic groups and the unemployed (Albonetti et al., 1989;

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Nobiling et al., 1998; Spohn and Holleran, 2000; Steffensmeier et al., 1998).

Persons of lower ses may include members of particular race and ethnic groups (depending on the geographic area), unemployed persons, and less educated persons (Lizotte, 1978; Nobiling et al., 1998; Silver, 1967; Skolnick, 1967). As stated above, earlier studies of the topic focused only on a defendant's race. As noted by Kramer and Steffensmeier (1993) and echoed more recently by the Bureau of Justice Statistics (2000), African-Americans are grossly over-represented in the United States' prison population relative to their existence in the general population by a ratio of nearly 4:1. This blatant discrepancy leads to questions of racial discrimination in treatment, contributing to the pervasive research focus on a defendant's race. However, recent research findings underscore the importance of examining race in conjunction with other class attributes (such as unemployment) in order to understand the relative importance of different extra-legal characteristics as well as how these characteristics might interact to generate harsher dispositions for particular demographic and economic sub-groups of defendants.

Combining this understanding of racial/ethnic disparities in treatment with the aspects of SB2 designed to reduce such disparities, we might expect SB2 to have reduced both the main effects *and* the (more prevalent) interaction effects of a defendant's race on case dispositions.

Research Questions and Goals of the Study

As mentioned previously, changes in sentencing policies may influence stages of case processing aside from sentencing if court participants anticipate judge's decisions, or judges themselves encourage certain types of plea agreements in order to circumvent the restrictions placed on their discretion. Therefore, other stages of case processing in addition to sentencing were examined for the study. These have been incorporated into the research questions presented below.

1a. With the implementation of SB2, have legal characteristics become more important for predicting whether an individual's charge(s) is/are subsequently dropped due to successful diversion?

1b. With the implementation of SB2, have *extra*-legal characteristics become *less* important for predicting whether an individual's charge(s) is/are subsequently dropped due to successful diversion?

1c. With the implementation of SB2, do legal and other extra-legal characteristics have more equal effects across race/ethnic groups on whether an individual's charge(s) is/are subsequently dropped due to successful diversion?

2a. Have legal characteristics become more important for predicting whether an indicted felony defendant's charge(s) is/are subsequently dropped for reasons other than successful diversion (e.g., lack of evidence, trial acquittals)?

2b. Have *extra*-legal characteristics become *less* important for predicting whether an indicted felony defendant's charge(s) is/are subsequently dropped for reasons other than successful diversion?

2c. Do legal and other extra-legal characteristics have more equal effects across race/ethnic groups on whether an indicted felony defendant's charge(s) is/are subsequently dropped for reasons other than successful diversion?

3a. Have legal characteristics become more important for predicting whether a fully prosecuted defendant is convicted?

3b. Have *extra*-legal characteristics become *less* important for predicting whether a fully prosecuted defendant is convicted?

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3c. Do legal and other extra-legal characteristics have more equal effects across race/ethnic groups on whether a fully prosecuted defendant is convicted?

4a. Have legal characteristics become more important for predicting the magnitude of charge reductions for convicted defendants (between indictment and conviction)?

4b. Have *extra*-legal characteristics become *less* important for predicting the magnitude of charge reductions for convicted defendants?

4c. Do legal and other extra-legal characteristics have more equal effects across race/ethnic groups on the magnitude of charge reductions for convicted defendants?

5a. Have legal characteristics become more important for predicting the likelihood of a prison sentence for convicted felons?

5b. Have *extra*-legal characteristics become *less* important for predicting the likelihood of a prison sentence for convicted felons?

5c. Do legal and other extra-legal characteristics have more equal effects across race/ethnic groups on the likelihood of a prison sentence for convicted felons?

6a. Have legal characteristics become more important for predicting the likelihood of a jail sentence for convicted defendants?

6b. Have *extra*-legal characteristics become *less* important for predicting the likelihood of a jail sentence for convicted defendants?

6c. Do legal and other extra-legal characteristics have more equal effects across race/ethnic groups on the likelihood of a jail sentence for convicted defendants?

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7a. Have legal characteristics become more important for predicting the length of incarceration for convicted felons sentenced to prison?

7b. Have *extra*-legal characteristics become *less* important for predicting the length of incarceration for convicted felons sentenced to prison?

7c. Do legal and other extra-legal characteristics have more equal effects across race/ethnic groups on the length of incarceration for convicted felons sentenced to prison?

Two other case dispositions were explored in the study, including whether a defendant pled guilty or went to trial, and the number of charge reductions between indictment and conviction. Results for the first outcome measure were identical to those for conviction likelihoods because of the small percentage of trials in the sample. Results for the second outcome measure were very similar to those for the magnitude of charge reductions. Therefore, these two outcomes were dropped from this presentation.

The specific research questions presented above were examined empirically in order to answer the following broader inquiries: (a) whether legal characteristics have become more important (stronger) predictors of case dispositions under Ohio's Senate Bill 2, (b) whether disparities in case processing on the basis of extra-legal characteristics of individuals have been reduced significantly under SB2, and (c) whether case dispositions for different race/ethnic groups are influenced by the same types of considerations (both legal and extra-legal) and to the same degree.

Methods

In order to answer the research questions, it was necessary to compare the experiences of two groups of individuals: those indicted on felony charges *before* the implementation of Senate Bill 2 (SB2), and those indicted on felony charges *after* the implementation of SB2. Since SB2 became

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effective on July 1, 1996, we targeted persons indicted between July 1, 1995 and June 30, 1996 (pre-SB2) as well as persons indicted between January 1, 1997 and December 31, 1997 (post-SB2). Rather than targeting persons indicted immediately after the implementation of SB2 (for the post-SB2 sample), we selected indictments beginning six months after implementation to reduce the odds of capturing cases where court participants were still learning the nuances of the Bill. Although about 25 percent of the felony indictments that occurred during fiscal year 1995-96 (pre-SB2) were disposed of after the implementation of SB2, these cases were not subject to the new guidelines. Further, the cut-off of December 31, 1997 permitted an examination of all case dispositions for the post-SB2 group of indicted felons, given that all of these cases have since been disposed.

Research Design

Our goal was to draw two separate cross-sections of indicted suspects reflecting the pre- and post-SB2 populations of suspects in order to estimate two sets of multivariate models predicting cases outcomes for each group separately. These models would then be compared for each outcome to see if relationships involving legal predictors (e.g., offense seriousness, specifications) became significantly stronger post-SB2 while relationships involving *extra*-legal predictors (e.g., sex, race) became significantly *weaker* post-SB2. This focus involves analyses of *main* effects only. These models would be further specified by defendants' race/ethnicity in order to examine differences in how legal and other extra-legal characteristics might be considered for each group, and whether any differences in such considerations became weaker post-SB2. This focus involves analyses of *interaction* effects only.

Once these types of models are estimated, it is necessary to conduct tests of significant differences in relationships for the two periods (and race/ethnic groups) examined. For the analysis

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of main effects, this involves testing whether the magnitude of a regression coefficient (for a specific predictor) differs significantly between the pre- and post- models. For the analysis of interaction effects, this involves testing whether the magnitude of a regression coefficient (for a specific predictor) differs significantly between race/ethnic groups *within* each time period, and then comparing these differences between the two periods to see how the differences change (whether they become narrower or broader over time). Tests for differences over time and across race groups would control statistically for all other legal and extra-legal variables in the full models examined.

The test for the equality of coefficients is designed for non-independent samples because the pre- and post-SB2 samples were both drawn from the same counties in Ohio. The test used here was introduced by Clogg, Petkova, and Haritou (1995) for samples larger than 120. The formula divides the difference between two coefficients by the square root of the sum of each coefficient's variance minus 2 (x) the covariance between the two coefficients (all denominator terms under the radical). These scores follow a normal (z) distribution. Paternoster et al. (1998) demonstrated the applicability of the Clogg formula for independent samples (without the covariance term) to maximum likelihood coefficients.

An estimate of the covariance between coefficients derived from non-independent samples (Theil, 1971, p. 303) is $\sigma_{12}(\mathbf{X_1'X_1})^{-1}\mathbf{X_1'X_2}(\mathbf{X_2'X_2})^{-1}$, where

σ_{12} = the error covariance between the samples being compared,

$\mathbf{X_1}$ = the data matrix of predictors for each pre-SB2 model or each group of non-whites, and

$\mathbf{X_2}$ = the data matrix of predictors for each post-SB2 model or each group of whites.

Sample

Our goal was to select two samples of persons indicted on felony charges during the two periods of interest that are representative of the populations of such persons from all counties in Ohio. To accomplish this, we initially drew a sample of roughly 6,500 persons indicted on felony charges from 24 counties in the state. (The analyses described here include up to 5,648 persons due to absconders, deaths, transfers to federal courts, suspects becoming informants for federal investigations, and inconsistent case numbers in the Cuyahoga County disposition data base which made it impossible to locate sentencing information for some cases). These counties include the six most urban counties in the state in addition to a cross-section of other counties based on population, geographic location, and the intake rate into the Ohio Department of Rehabilitation and Correction (per 100,000 persons in the population).

We drew a 5 percent sample of indictments from the six largest counties during the two time periods, a 15 percent sample from the next six largest counties, and a 35 percent sample from the last twelve counties. Twice as many rural counties were selected to ensure enough cases for a reliable analysis (given the number of variables in the study). Most of the rural counties in Ohio process anywhere from 130 to 290 felony cases each per year. Following is a brief description of the counties selected for the study and the numbers of cases (included in these analyses) drawn from each.

County	Population (1990)	Geography	Intake into DRC per 100,000 pop. (1996)	Sample N
Largest Urban				
Cuyahoga	1,412,140	northeast	342.18	1,135
Franklin	961,437	central	180.46	649
Hamilton	866,228	southwest	289.65	693

County	Population (1990)	Geography	Intake into DRC per 100,000 pop. (1996)	Sample N
Montgomery	573,809	southwest	147.61	344
Summit	514,990	northeast	236.51	301
Lucas	462,361	northwest	172.59	248
Urban/Medium				
Lorain	271,126	north	232.73	323
Greene	136,731	southwest	151.39	133
Wood	113,269	northwest	85.64	65
Allen	109,755	west	119.36	88
Columbiana	108,276	east	71.11	90
Wayne	101,461	northeast	71.95	141
Rural				
Muskingum	82,068	east	134.04	125
Scioto	80,327	south	135.70	149
Ross	69,330	south	135.70	167
Washington	62,254	southeast	101.20	125
Seneca	59,733	north	110.49	197
Athens	59,549	southeast	92.36	118
Ashland	47,507	north	84.20	85
Shelby	44,915	west	102.42	128
Auglaize	44,585	west	186.16	106
Defiance	39,350	northwest	218.55	118
Adams	27,749	central	75.68	57

County	Population (1990)	Geography	Intake into DRC per 100,000 pop. (1996)	Sample N
Paulding	20,488	northwest	118.27	63

The 24 county samples were drawn at the study sites. For the large- and medium-sized counties, a systematic sampling method (using prosecuting attorneys' case files) were used to ensure proportionate representation by case year within each county. Given that case files were sampled, only the first codefendant listed on any case file with multiple defendants was selected (since the unit of analysis is the individual). This procedure yielded a representative sample of indicted felons.

Data and Measures

The information for the study was gathered from prosecutors' and felony probation offices. Prosecuting attorneys' case files provided much of the information pertaining to the general characteristics of cases (e.g., types of offenses, felony levels indicted/convicted on, type of attorney, number of co-defendants, type of adjudication, sentence, etc.) as well as some more specific case characteristics (e.g., the use of weapons, victim injury, the victim's race, the type and amount of drug in possession at the time of arrest, type and value of property stolen, etc). Police reports are an important part of the prosecutors' files. Probation office files provided data on the characteristics of defendants, mainly from pre-sentence investigation reports (PSIs) (e.g., criminal histories, punishment histories, marital status, family status, length of residence, employment status, history of substance abuse, etc.).

A list of all measures considered for the analysis is displayed in the Appendix as a "file information" printout from the original SPSS system file. This file is actually an abridged file containing only the measures created for the analysis. The (much) larger file includes all of the information from which these measures were derived. Whereas the Appendix includes all of the

outcomes and predictors explored for *possible* inclusion, the measures described in table 1 are the variables actually used in the analysis presented here. The criteria used for purposes of data reduction included (a) redundancy in findings (i.e., whether multiple outcomes produced the same results for the predictors), (b) multicollinearity in the full models (i.e., highly correlated predictors that generated biased estimates when included simultaneously in the same model), and (c) a complete lack of statistically significant zero-order relationships involving one predictor with *any* outcome examined. When forced to choose between measures to include/not include in an analysis, we tried to select the more theoretically relevant predictors to include. The best example of this is a suspect's age, which is noticeably absent from the analysis despite multiple age measures in the Appendix (age at arrest, age at indictment, age at adjudication, etc.). Over 60 percent of the variation in a suspect's age could be predicted by knowing several other things about them, such as prior history of incarceration, whether the offense involved drugs, number of children living with the suspect, and so on. Including age created many problems with estimation whereas dropping age resulted in more stable estimates for the other predictors with a significant loss in explained variation across the models.

The measures described in table 1 are divided into three groups: outcome measures (dependent variables), measures of case characteristics, and measures of defendant characteristics. These measures are described separately for indictments, full prosecutions, convictions, and imprisonments based on the outcomes examined. For example, analysis of prison sentence length is relevant only for persons sent to prison, so the sub-sample of imprisonments constitute the cases used for that segment of the analysis. Table 1 displayed univariate descriptive statistics for the pre- and post-SB2 samples combined (the "pooled" samples), and tables 2 and 3 display these statistics for the pre- and post- samples separately (and respectively).

The outcome measures include whether a case was successfully diverted from the system after indictment, whether an indicted case was dismissed for any other reason (subsequently dropped charges, trial acquittals), whether a fully prosecuted defendant was convicted, the magnitude of charge reductions between indictment and conviction for a convicted defendant, whether a convicted defendant was sent to prison, whether a convicted defendant was sent to jail, and the number of months an imprisoned defendant was sentenced for.

Although an analysis of conviction likelihoods might seem redundant with an analysis of other dropped charges (second outcome in table 1), it is unique because the outcomes of diversions and other dropped charges constitute two separate groups of "dismissed" cases. If we had only examined one outcome called "dismissed" (i.e., the likelihood of not being convicted for *any* reason), then the results for the likelihood of being convicted would be redundant with such an outcome.

Table 1. Univariate Descriptive Statistics for the Pooled Samples[*]

Measures	Indictments	Prosecutions	Convictions	Imprisonments
Pre- and Post-SB2 Samples				
Outcomes				
Successful diversion; charges dropped	X=.03; s=.18			
Charges subsequently dropped or acquitted	X=.11; s=.32			
Convicted		X=.89; s=.31		
Magnitude of charge reductions			X=2.2; s=4.9	
Prison sentence			X=.41; s=.49	
Jail sentence			X=.12; s=.33	
Months sent to prison				X=31.7; s=225.9
Case Characteristics				
Senate Bill 2 in effect	X=.48; s=.50	X=.48; s=.50	X=.48; s=.50	X=.44; s=.50
Public defender/court appointed attorney	X=.41; s=.49	X=.41; s=.49	X=.43; s=.50	X=.46; s=.50
Felony 1 indictment	X=.08; s=.28	X=.08; s=.28	X=.08; s=.27	
Felony 2 indictment	X=.14; s=.35	X=.15; s=.35	X=.14; s=.35	
Felony 5 indictment	X=.27; s=.44	X=.27; s=.44	X=.27; s=.44	
Misdemeanor indictment	X=.07; s=.26	X=.07; s=.26	X=.08; s=.26	
Sum of indictment levels	X=6.1; s=6.4	X=6.1; s=6.4	X=6.2; s=6.5	
# indicted specifications	X=.20; s=.74	X=.20; s=.75	X=.20; s=.73	
Felony 1 conviction			X=.04; s=.18	X=.08; s=.27
Felony 2 conviction			X=.07; s=.25	X=.13; s=.33
Felony 5 conviction			X=.22; s=.42	X=.22; s=.41
Misdemeanor conviction			X=.22; s=.42	X=.07; s=.27
Sum of conviction levels			X=3.9; s=3.6	X=5.2; s=4.4
# convicted specifications			X=.03; s=.23	X=.06; s=.32
Minor accessory to crime	X=.01; s=.09	X=.01; s=.09	X=.01; s=.09	X=.004; s=.06
Crack cocaine involved	X=.20; s=.40	X=.21; s=.40	X=.21; s=.41	X=.22; s=.41
Drug trafficking involved	X=.09; s=.29	X=.10; s=.29	X=.09; s=.30	X=.11; s=.32
Cash stolen	X=.14; s=.35	X=.14; s=.35	X=.14; s=.35	X=.11; s=.32
Weapon involved	X=.12; s=.33	X=.12; s=.33	X=.12; s=.32	X=.15; s=.36
Victimized juvenile	X=.04; s=.20	X=.04; s=.20	X=.04; s=.20	X=.06; s=.24
Male victimized female	X=.10; s=.30	X=.10; s=.30	X=.09; s=.29	X=.13; s=.33
Non-white victimized white	X=.02; s=.15	X=.03; s=.16	X=.02; s=.15	X=.04; s=.19
Pled guilty			X=.98; s=.15	X=.96; s=.20

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Table 1. (Continued)

Measures	Samples			
	Indictments	**Prosecutions**	**Convictions**	**Imprisonments**
Defendant Characteristics				
Male	X=.81; s=.40	X=.81; s=.39	X=.81; s=.39	X=.88; s=.33
African-American or Mexican-American	X=.51; s=.50	X=.52; s=.50	X=.52; s=.50	X=.57; s=.50
# children living with def.	X=.53; s=1.0	X=.53; s=1.0	X=.54; s=1.0	X=.43; s=.96
No high school degree	X=.53; s=.50	X=.54; s=.50	X=.54; s=.50	X=.62; s=.49
Employed	X=.49; s=.50	X=.49; s=.50	X=.49; s=.50	X=.39; s=.49
Drug/alcohol addiction	X=.67; s=.47	X=.67; s=.47	X=.66; s=.47	X=.75; s=.43
Sent to DYS as juvenile	X=.13; s=.34	X=.13; s=.34	X=.13; s=.34	X=.19; s=.39
# prior prison terms	X=.62; s=1.3	X=.63; s=1.4	X=.63; s=1.4	X=1.04; s=1.7
N	5,648	5,461	4,875	2,019

* All measures dummy coded (0=no; 1=yes) except the magnitude of charge reductions, months sent to prison, sum of indictment/conviction levels, # indicted/convicted specifications, # children living with defendant, and # prior prison terms.

Table 2. Univariate Descriptive Statistics for the Pre-Senate Bill 2 Samples[*]

Measures	Pre-SB2 Samples			
	Indictments	Prosecutions	Convictions	Imprisonments
Outcomes				
Successful diversion; charges dropped	X=.03; s=.17			
Charges subsequently dropped or acquitted	X=.11; s=.31			
Convicted		X=.90; s=.30		
Magnitude of charge reductions			X=2.4; s=5.4	
Prison sentence			X=.44; s=.50	
Jail sentence			X=.11; s=.31	
Months sent to prison				X=30.6; s=49.4
Case Characteristics				
Public defender/court appointed attorney	X=.40; s=.49	X=.41; s=.49	X=.43; s=.50	X=.46; s=.50
Felony 1 indictment	X=.09; s=.28	X=.09; s=.28	X=.09; s=.28	
Felony 2 indictment	X=.14; s=.35	X=.14; s=.35	X=.13; s=.34	
Felony 5 indictment	X=.04; s=.18	X=.04; s=.18	X=.04; s=.19	
Misdemeanor indictment	X=.06; s=.25	X=.07; s=.25	X=.07; s=.25	
Sum of indictment levels	X=6.6; s=6.8	X=6.6; s=6.9	X=6.7; s=6.9	
# indicted specifications	X=.29; s=.83	X=.29; s=.84	X=.30; s=.82	
Felony 1 conviction			X=.04; s=.19	X=.07; s=.26
Felony 2 conviction			X=.07; s=.26	X=.12; s=.33
Felony 5 conviction			X=.02; s=.13	X=.02; s=.14
Misdemeanor conviction			X=.21; s=.41	X=.07; s=.25
Sum of conviction levels			X=4.3; s=3.8	X=5.5; s=4.5
# convicted specifications			X=.04; s=.27	X=.08; s=.37
Minor accessory to crime	X=.01; s=.10	X=.01; s=.10	X=.01; s=.10	X=.005; s=.07
Crack cocaine involved	X=.19; s=.39	X=.19; s=.39	X=.20; s=.40	X=.20; s=.40
Drug trafficking involved	X=.11; s=.31	X=.11; s=.31	X=.11; s=.31	X=.13; s=.33
Cash stolen	X=.15; s=.36	X=.14; s=.35	X=.15; s=.35	X=.11; s=.32
Weapon involved	X=.12; s=.33	X=.12; s=.33	X=.12; s=.32	X=.14; s=.35
Victimized juvenile	X=.04; s=.19	X=.04; s=.19	X=.04; s=.19	X=.06; s=.23
Male victimized female	X=.10; s=.29	X=.10; s=.30	X=.09; s=.29	X=.12; s=.33
Non-white victimized white	X=.02; s=.15	X=.03; s=.16	X=.02; s=.15	X=.04; s=.19
Pled guilty			X=.97; s=.16	X=.95; s=.21

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Table 2. (Continued)

Measures	Pre-SB2 Samples			
	Indictments	Prosecutions	Convictions	Imprisonments
Defendant Characteristics				
Male	X=.81; s=.39	X=.81; s=.39	X=.81; s=.39	X=.87; s=.34
African-American or Mexican-American	X=.52; s=.50	X=.53; s=.49	X=.53; s=.50	X=.57; s=.49
# children living with def.	X=.52; s=1.0	X=.52; s=1.0	X=.52; s=1.0	X=.39; s=.93
No high school degree	X=.54; s=.50	X=.54; s=.50	X=.53; s=.50	X=.60; s=.49
Employed	X=.48; s=.50	X=.48; s=.50	X=.48; s=.50	X=.38; s=.49
Drug/alcohol addiction	X=.65; s=.48	X=.64; s=.48	X=.64; s=.48	X=.73; s=.44
Sent to DYS as juvenile	X=.12 s=.33	X=.12; s=.33	X=.12; s=.32	X=.18; s=.38
# prior prison terms	X=.63; s=1.3	X=.63; s=1.3	X=.64; s=1.3	X=1.02; s=1.6
N	2,920	2,828	2,537	1,122

[*] All measures dummy coded (0=no; 1=yes) except the magnitude of charge reductions, months sent to prison, sum of indictment/conviction levels, # indicted/convicted specifications, # children living with defendant, and # prior prison terms.

Table 3. Univariate Descriptive Statistics for the Post-Senate Bill 2 Samples[*]

Measures	Indictments	Prosecutions	Convictions	Imprisonments
Outcomes				
Diversion with charges dropped	X=.03; s=.18			
Charges subsequently dropped/trial acquittal	X=.12; s=.32			
Convicted		X=.89; s=.32		
Magnitude of charge reductions			X=2.1; s=4.3	
Prison sentence			X=.38; s=.49	
Jail sentence			X=.14; s=.35	
Months sent to prison				X=33.1; s=334.4
Case Characteristics				
Public defender/court appointed attorney	X=.41; s=.49	X=.42; s=.49	X=.44; s=.50	X=.46; s=.50
Felony 1 indictment	X=.08; s=.27	X=.08; s=.27	X=.07; s=.26	
Felony 2 indictment	X=.15; s=.36	X=.15; s=.36	X=.15; s=.36	
Felony 5 indictment	X=.52; s=.50	X=.52; s=.50	X=.52; s=.50	
Misdemeanor indictment	X=.08; s=.27	X=.08; s=.28	X=.08; s=.28	
Sum of indictment levels	X=5.5; s=5.8	X=5.6; s=5.8	X=5.6; s=5.9	
# indicted specifications	X=.10; s=.61	X=.10; s=.62	X=.10; s=.59	
Felony 1 conviction			X=.03; s=.18	X=.08; s=.27
Felony 2 conviction			X=.06; s=.24	X=.13; s=.33
Felony 5 conviction			X=.44; s=.49	X=.46; s=.50
Misdemeanor conviction			X=.23; s=.42	X=.09; s=.29
Sum of conviction levels			X=3.5; s=3.4	X=4.8; s=4.1
# convicted specifications			X=.02; s=.17	X=.04; s=.25
Minor accessory to crime	X=.005; s=.07	X=.005; s=.07	X=.005; s=.07	X=.002; s=.05
Crack cocaine involved	X=.22; s=.42	X=.22; s=.42	X=.23; s=.42	X=.24; s=.43
Drug trafficking involved	X=.08; s=.27	X=.08; s=.28	X=.08; s=.28	X=.09; s=.30
Cash stolen	X=.13; s=.34	X=.13; s=.34	X=.14; s=.34	X=.11; s=.32
Weapon involved	X=.12; s=.33	X=.13; s=.33	X=.12; s=.33	X=.16; s=.37
Victimized juvenile	X=.05; s=.21	X=.05; s=.21	X=.05; s=.21	X=.07; s=.25
Male victimized female	X=.10; s=.30	X=.10; s=.30	X=.09; s=.29	X=.13; s=.34
Non-white victimized white	X=.02; s=.15	X=.03; s=.16	X=.02; s=.16	X=.04; s=.20
Pled guilty			X=.97; s=.16	X=.97; s=.18

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Table 3. (Continued)

Measures	Post-SB2 Samples			
	Indictments	Prosecutions	Convictions	Imprisonments
Defendant Characteristics				
Male	X=.80; s=.40	X=.81; s=.39	X=.80; s=.40	X=.89; s=.31
African-American or Mexican-American	X=.51; s=.50	X=.51; s=.50	X=.51; s=.50	X=.56; s=.50
# children living with def.	X=.53; s=1.0	X=.54; s=1.0	X=.55; s=1.0	X=.47; s=1.0
No high school degree	X=.53; s=.50	X=.54; s=.50	X=.54; s=.50	X=.63; s=.48
Employed	X=.50; s=.50	X=.50; s=.50	X=.50; s=.50	X=.40; s=.49
Drug/alcohol addiction	X=.69; s=.46	X=.69; s=.46	X=.68; s=.46	X=.78; s=.42
Sent to DYS as juvenile	X=.14 s=.35	X=.14; s=.35	X=.14; s=.35	X=.20; s=.40
# prior prison terms	X=.62; s=1.4	X=.63; s=1.4	X=.63; s=1.4	X=1.07; s=1.9
N	2,728	2,633	2,338	897

[*] All measures dummy coded (0=no; 1=yes) except the magnitude of charge reductions, months sent to prison, sum of indictment/conviction levels, # indicted/convicted specifications, # children living with defendant, and # prior prison terms.

The magnitude of charge reductions for a convicted defendant was computed as a difference in the "weight" of charges between indictment and conviction. To create the measure, we first created a scale of offense seriousness based on felony levels for each indicted/convicted offense. These scores were as follows: 1 = misdemeanor of any level; 2 = felony 5; 3 = felony 4; 4 = felony 3; 5 = felony 2; 6 = felony 1. Second, we multiplied each score by the number of counts associated with that particular offense (e.g., 2 counts of felony 1's = 2 x 6 = 12). Third, we summed these products for all different offenses indicted/convicted on. Finally, we subtracted the weight at conviction *from* the weight at indictment. Although the typical defendant had a smaller weight upon conviction relative to indictment, a handful of cases received negative scores on the measure if they escaped or attempted to escape from jail prior to adjudication and had an extra charge filed against them.

For the outcomes of prison and jail sentences, it must be noted that convicted defendants who received suspended prison or jail sentences were *not* treated as receiving a prison or jail sentence. Only defendants who actually went to prison or jail were treated as such. The same holds for the analysis of length of imprisonment, where only the convicted felons who went to prison were considered for the analysis.

Although we have grouped all of the predictors into "case characteristics" and "defendant characteristics" in all subsequent tables, this is not the same as a distinction between "legal" versus "extra-legal" characteristics. For example, a defendant's history of prior imprisonment is a legally relevant consideration in sentencing decisions whereas whether the victim of a crime is white and the offender non-white is not legally relevant. Our decision to group the measures in this fashion is based on two considerations. First, the analysis includes statistical control measures that cannot (technically) be labeled as "legal" or "extra-legal" because they refer to a jurisdiction or the probability of reaching a specific stage of case processing. Second, there are only two other

measures in the group of "case characteristics" that are not legally relevant (male victimized female and non-white victimized white), and only two measures in the group of "defendant characteristics" that *are* legally relevant (sent to DYS as a juvenile and the number of prior prison terms served).

A final observation related to the measure of a defendant's race/ethnicity is also warranted. This measure compares African-Americans and Mexican-Americans grouped *together* versus all other groups. African-Americans and Mexican-Americans are the two largest minority groups in Ohio, and our sample includes only 102 Mexican-Americans. The two groups are treated as one because the experiences of the Mexican-American defendants were much more similar (identical in most cases) to those for the African-American defendants.

Steps in the Analysis

There are four stages of our presentation. The first stage involves a brief description of the samples to provide a feel for differences in disposition rates before versus after the implementation of SB2. The second stage focuses on the zero-order relationships between each predictor and each outcome in order to examine our ability to simply predict variation in case dispositions by knowing specific case or defendant characteristics. It is also important to examine these correlations both pre- and post-SB2 in order to see whether *overall* levels of association might have changed under the Bill. The third stage focuses on results for the full models predicting case dispositions both pre- and post-SB2. This stage is central for answering the research questions designated (a) and (b) above. The relationships examined at this stage are much more likely to reflect the "direct" effects of the predictors on the outcomes (compared to the zero-order correlations) because each estimated relationship controls for all other predictors in a model. Finally, the fourth stage of the analysis focuses on the full models specified by the two-race/ethnic groups (African- and Mexican-

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American defendants compared to whites). This segment of the analysis will answer the research questions designated (c) above.

For the third and fourth stages of the analysis, the dichotomous outcome measures will be examined using logistic regression (diversions, other dropped charges, convictions, prison sentences, and jail sentences). The ratio outcome measures will be examined using ordinary least squares regression (magnitude of charge reductions and length of imprisonment). Several outliers on prison sentence length created a potential problem for the analysis because the vast majority of prison-bound felons received no more than 180 months (15 years) in prison whereas about 40 defendants received well over this amount (some receiving several consecutive life terms). To adjust for the problems related to non-random error that these cases created, we collapsed all cases greater than 180 months into the category of 180 months. (Please note, however, that we did *not* do this for the first two stages of the analysis in order to preserve the true range of the data.) No such problems existed for the analysis of the magnitude of charge reductions.

The analysis of zero-order correlations focuses solely on Pearson correlation coefficients even though most of the outcomes and predictors are dichotomous. We originally estimated Spearman R's for correlations between the ratio predictors and dichotomous outcomes as well as Pearson's contingency coefficients for correlations between the dichotomous predictors and dichotomous outcomes. These correlations were very similar in magnitude to the Pearson R's for the same relationships. Considering the purpose of this segment of the analysis (to identify the *general* relationships involving the predictors with the outcomes), we present the Pearson R's only. For bivariate relationships between two dichotomous measures, the value of Pearson's R reflects the actual percentage difference in dispositions between the two groups being compared.

Specific Analytical Issues

Previous studies of sentencing disparity have been plagued with methodological shortcomings that must be corrected to produce valid results (Crutchfield, Bridges, and Pitchford, 1994; Wooldredge, 1998; Zatz, 1987). Researchers have noted ways to improve the analytical rigor of such studies, including corrections for sample bias (Berk and Ray, 1982; Garber, Klepper, and Nagin, 1983; Kleinbaum and Kupper, 1978; Zatz and Hagan, 1985; Zatz, 1987), measures of prior record and offense seriousness that maximize "explained" variation in the outcome measures (Kleck, 1981; Pruitt and Wilson, 1983; Welch, Gruhl, and Spohn, 1984), and more rigorous tests for determining the relative importance of interactions involving a defendant's race/ethnicity (Wooldredge, 1998).

Corrections for Sample Bias

Our analysis technically involves somewhat different groups of defendants across the various outcome measures. For example, we examine the likelihood of prison sentences for convicted defendants only. Yet a sample of convicted defendants may not be representative of all defendants, so relationships between a defendant's race and sentencing may be biased if an unmeasured variable affects both conviction likelihoods and sentence type (Klepper, Nagin, and Tierney, 1983; Zatz and Hagan, 1985; Myers and Talarico, 1986). To correct sample bias, the likelihood of being either prosecuted, convicted, or sentenced to prison can be calculated (depending on the disposition examined) and then entered as a control variable in the model predicting the disposition. As an example, researchers of sentence length have estimated a defendant's probability of being sentenced to prison and then entered this probability into models predicting incarceration length for convicted defendants sentenced to prison (e.g., Myers, 1987; Myers and Talarico, 1986; Peterson and Hagan,

1984; Spohn and Cederblom, 1991). Therefore, the following "hazard rates" (probabilities) were created and used as control variables in the full models: the probability of being fully prosecuted (included in the models predicting convictions), the probability of being convicted (for the models of charge reductions, prison sentences, and jail sentences), and the probability of receiving a prison sentence (for the model of prison sentence length).

Measuring Prior Record and Current Charges

Prior record and current charges are often the most powerful predictors of dispositions in related studies, but the choice of measures can influence the results (Kleck, 1981; Pruitt and Wilson, 1983; Welch, Gruhl, and Spohn, 1984). Welch et al. (1984) found that the effects of eleven measures of prior record on ratio and dichotomous measures of sentence severity differed significantly between the measures and between race groups. The strongest predictor of both measures of sentence severity for each race group was whether a defendant had ever received a prison sentence of more than one year. We explored many possible measures for inclusion and found two measures that prevailed in strength across the outcomes. First, consistent with Welch et al., is a measure of the number of prior prison terms. The second measure involves whether a defendant had ever been institutionalized (sent to the Department of Youth Services, or DYS) as a juvenile. Both measures are included in the full models. All other measures explored can be identified throughout the Appendix.

Regarding the charges indicted/convicted on, we explored several "general" measures (e.g., felony levels of indictments/convictions, most serious felony charged with/convicted on, etc.) as well as measures of more specific offense characteristics (e.g., felony murder, rape, drug trafficking, weapon involved, victim injury, etc.). The measures with the strongest correlations, either positive or negative, included a series of variables tapping whether a defendant was

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indicted/convicted on (a) felony 1's, (b) felony 2's, (c) felony 5's, and (d) misdemeanors

(defendants could have been indicted/convicted on more than one of these types); the total number

of specifications indicted/convicted on (both gun and offender specifications combined); the sum of

indictment/conviction levels (see the description of how the magnitude of charge reductions was

measured); and a series of measures tapping whether the offense involved (a) crack cocaine, (b)

drug trafficking, (c) stolen cash, (d) a weapon, (e) a juvenile victim, (f) a male victimizing a female,

and (g) a non-white suspect and a white victim. Table 1 describes these measures for all cases

examined. As with the analysis of the prior record measures, other measures explored for the

analysis are displayed throughout the Appendix.

Tests for Interactions

As previously discussed, we are also interested in examining whether legal and other extra-legal

influences on case outcomes operate differently across race/ethnic groups, and whether these

differences (if any) changed after the implementation of SB2. In other words, does a defendant's

race/ethnicity *condition* the effects of these other influences on case outcomes? One method of

testing for such interactions involves adding them as predictors in a model [e.g., race (x) level of

indictment]. However, this poses the potential for multicollinearity when the interactions are highly

correlated with their components (Farnworth and Horan, 1980; Hanushek and Jackson, 1977). To

avoid this, the effects of legal and extra-legal variables can be estimated separately for each

race/ethnic group (e.g., the effect of the level of indictment on the likelihood of imprisonment for

white defendants only), and the differences in these effects between race/ethnic groups can be

tested. This is the strategy we adopted for the analysis, and we used the Clogg test for the equality

of coefficients (described previously in the Research Design).

Results and Discussion

As noted above, tables 1 through 3 display means and standard deviations for all measures in the analyses presented here. Table 1 describes the pooled samples (both pre- and post-SB2 cases) of indictments, prosecutions, convictions, and imprisonments. Tables 2 and 3 describe the pre- and post-SB2 samples, respectively. These statistics can be used to evaluate how the implementation of SB2 might have changed the composition of caseloads and, in turn, the aggregate-level disposition rates (e.g., proportions of diversions, convictions, prison sentences, etc.). The mean of a dummy measure coded 0 and 1 is the proportion of cases falling into category 1 (the label of the dummy measure). The standard deviation of a dummy measure is the square root of the product p_0 (x) p_1, where p_0 and p_1 are the proportions of cases falling into dummy categories 0 and 1, respectively.

Comparing the pre- and post-SB2 mean scores for the outcome measures reveals no *substantive* changes in the proportions of successful diversions (.03), other dropped charges/trial acquittals (.11 v. .12), convictions (.90 v. .89), jail sentences (.11 v. .14), and magnitude of charge reductions (2.4 v. 2.1). (Subsequent analyses indicated that the pre- and post-differences for jail sentences and charge reductions are statistically significant, owing to the relatively large samples examined, but the differences themselves are modest.) However, the proportion of convicted persons going to prison dropped from .44 to .38 after the implementation of SB2, and the average sentence length for convicted felons sent to prison rose from 30 months to 33 months. The significantly higher standard deviation for length of imprisonment during the post-SB2 period suggests that the mean value is being pulled up by a larger number of extreme sentences during this period. Further analysis reveals a handful of post-SB2 felons sent to prison for very long periods (more than 80 years), whereas there is no such pool of cases pre-SB2. Collapsing categories equal to and beyond 180 months (15 years) produces more similar descriptives for the two periods (mean for both

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periods = 20 months; standard deviation = 30 months). These findings suggest that SB2 was successful for reducing incarceration rates (in prison), and the increase in average sentence length should not significantly offset this reduction down the road because the increase can be attributed to less than one-tenth of one percent of the entire sample. Even more encouraging is the finding that SB2 did not result in any substantive *un*intended consequences for the remaining outcomes examined.

Consistent with the decline in imprisonment rates is the dramatic increase in the proportion of persons convicted on felony 5's (.02 pre-SB2 versus .44 post-SB2). The increase in felony 5 indictments is comparable over the two periods (.04 versus .52), which might suggest why the magnitude of felony charge reductions declined slightly over time (i.e., the magnitude of reductions is more restricted when suspects are indicted on lesser felonies to begin with). However, keep in mind that this measure reflects whether *any* of the counts a suspect was indicted/convicted on consisted of a felony 5. This means that one person could also have been convicted on a felony 1. When considering the *most* serious offense level convicted on, the proportion of both felony 4 and felony 5 convictions rises from 43.4 to 53.9 between the two periods. This 10 percent increase in probationable offenses coincides more closely with the 6 percent drop in prison sentences. In light of the fact that some of these offenders could still go to prison, under the circumstances described earlier, it is possible that the drop in imprisonment was due solely to the re-classification of felonies under SB2.

Other changes in the composition of caseloads between the two periods could also account for the drop in imprisonment. Note the 3 percent drop in cases involving drug trafficking, in addition to the 2 percent drop in convicted specifications (including gun specs.). However, these are the only other measures that changed "significantly" (although not substantively) between the two periods.

The compositions of specific crime types as well as the composition of suspects look very similar over time.

Zero-order Relationships

Although zero-order correlations can be spurious in terms of a variable's causal influence on another (due to lack of controls), they do reflect the overall ability of one variable to simply predict change in another. For this reason it is important to examine these correlations both pre- and post-SB2 in order to see whether overall levels of association might have changed (e.g., whether any relationship between convicted specifications and imprisonment likelihoods became stronger under SB2 while any relationship between a defendant's race/ethnicity and prison became weaker).

Tables 4 through 10 present zero-order Pearson correlation coefficients for all predictors in the full models. Each table displays correlations for a specific outcome measure, and these correlations are displayed for (a) the pooled sample (both pre- and post-SB2 cases combined), (b) the pre-SB2 sample, and (c) the post-SB2 sample. This allows consideration of how the bivariate relationships changed, if at all, over time. The last two columns of each table (pre- and post- samples) are based on much smaller N's compared to the first column (pooled sample), so comparable correlation coefficients may be significant for the pooled sample yet non-significant (or less powerful) for the smaller samples. This observation also applies across the tables as the sub-samples decrease in size when moving from indictments to prosecutions to convictions to imprisonments. Given the relatively large numbers of cases involved in any one sample (except for pre- and post-imprisonments), statistical significance does not necessarily indicate a close correspondence between a predictor and an outcome. Therefore, the actual values of the correlations should be examined in order to determine the magnitude of each significant relationship.

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Table 4. Zero-order Relationships Predicting Diversion with Charges Dropped (Sample: Indictments; Pearson Correlations Reported)

	Pooled Sample	Pre-SB2 Sample	Post-SB2 Sample
Measures			
Case Characteristics			
Senate Bill 2 in effect	.009	-----	-----
Public defender/court appointed attorney	-.077[**]	-.088[**]	-.066[**]
Felony 1 indictment	-.013	-.010	-.018
Felony 2 indictment	-.039[**]	-.027	-.051[**]
Felony 5 indictment	.024[*]	-.003	.035[*]
Misdemeanor indictment	-.025[*]	-.040[*]	-.013
Sum of indictment levels	-.042[**]	-.040[*]	-.045[*]
# indicted specifications	-.025[*]	-.032[*]	-.014
Minor accessory to crime	.006	.000	.016
Crack cocaine involved	-.010	-.031[*]	.009
Drug trafficking involved	-.046[**]	-.049[*]	-.042[*]
Cash stolen	.033[*]	.083[**]	-.020
Weapon involved	-.030[*]	-.025	-.036[*]
Victimized juvenile	-.014	.005	-.032[*]
Male victimized female	-.024[*]	-.025	-.023
Non-white victimized white	-.029[*]	-.028	-.030
Defendant Characteristics			
Male	-.047[**]	-.042[*]	-.052[*]
African-American or Mexican-American	-.062[**]	-.051[**]	-.073[**]
# children living with def.	.003	.028	-.018
No high school degree	-.031[*]	.010	-.063[**]
Employed	.001	-.015	.012
Drug/alcohol addiction	.081[*]	.088[**]	.074[**]
Sent to DYS as juvenile	-.011	.032	-.045[*]
# prior prison terms	-.041[**]	-.038[*]	-.043[*]
N	5,648	2,920	2,728

[**] $p \leq .01$; [*] $p \leq .05$

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Table 5. Zero-order Relationships Predicting Subsequently Dropped Charges/Trial Acquittals (Sample: Indictments; Pearson Correlations Reported)

	Pooled Sample	Pre-SB2 Sample	Post-SB2 Sample
Measures			
Case Characteristics			
Senate Bill 2 in effect	.016	-----	-----
Public defender/court appointed attorney	-.119[**]	-.113[**]	-.126[**]
Felony 1 indictment	.037[**]	.018	.058[**]
Felony 2 indictment	-.050[**]	.066[**]	.032[*]
Felony 5 indictment	-.029[*]	-.019	-.061[**]
Misdemeanor indictment	-.014	-.007	-.022
Sum of indictment levels	-.022[*]	-.023	-.019
# indicted specifications	-.002	-.016	.022
Minor accessory to crime	-.019	-.025	-.009
Crack cocaine involved	-.045[**]	-.051[*]	-.040[*]
Drug trafficking involved	-.019	-.026	-.008
Cash stolen	-.035[**]	-.013	-.057[**]
Weapon involved	.044[**]	.058[**]	.030
Victimized juvenile	-.024[*]	.035[*]	.014
Male victimized female	.079[**]	.063[**]	.095[**]
Non-white victimized white	.023[*]	.045[**]	.001
Defendant Characteristics			
Male	.032[**]	.017	.048[*]
African-American or Mexican-American	-.006	-.004	-.007
# children living with def.	-.028	-.014	-.041[*]
No high school degree	.001	.046[*]	-.038
Employed	-.010	-.013	-.009
Drug/alcohol addiction	.054[**]	.064[**]	.043[*]
Sent to DYS as juvenile	.041[**]	.056[**]	.028
# prior prison terms	-.001	-.016	.011
N	5,461	2,920	2,728

[**] p ≤ .01; [*] p ≤ .05

Table 6. Zero-order Relationships Predicting Convictions (Sample: Prosecutions; Pearson Correlations Reported)

	Pooled Sample	Pre-SB2 Sample	Post-SB2 Sample
Measures			
Case Characteristics			
Senate Bill 2 in effect	-.015	-----	-----
Public defender/court appointed attorney	.112**	.106**	.118**
Felony 1 indictment	-.030*	-.015	-.047**
Felony 2 indictment	-.050**	-.072**	-.027
Felony 5 indictment	.027*	.021	.055**
Misdemeanor indictment	.013	.002	.023
Sum of indictment levels	.022	.020	.022
# indicted specifications	.003	.014	-.018
Minor accessory to crime	.017	.024	.006
Crack cocaine involved	.039**	.045**	.033*
Drug trafficking involved	.013	.021	.002
Cash stolen	.031*	.014	.049**
Weapon involved	-.041**	-.055**	-.027*
Victimized juvenile	-.022	-.030	-.013
Male victimized female	-.077**	-.066**	-.089**
Non-white victimized white	-.027*	-.050**	-.004
Defendant Characteristics			
Male	-.024*	-.008	-.041*
African-American or Mexican-American	.002	.004	.000
# children living with def.	.003	.025	.043*
No high school degree	.034*	-.032	.036*
Employed	.003	.008	-.002
Drug/alcohol addiction	-.050**	-.060**	-.039*
Sent to DYS as juvenile	-.035*	-.043*	-.026
# prior prison terms	.003	.015	-.007
N	5,461	2,828	2,633

** p ≤ .01; * p ≤ .05

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Table 7. Zero-order Relationships Predicting the Magnitude of Charge Reductions (Sample: Convictions; Pearson Correlations Reported)

	Pooled Sample	Pre-SB2 Sample	Post-SB2 Sample
Measures			
Case Characteristics			
Senate Bill 2 in effect	-.030*	-----	-----
Public defender/court appointed attorney	-.020	-.044*	.014
Felony 1 indictment	.308**	.284**	.345**
Felony 2 indictment	.170**	.139**	.216**
Felony 5 indictment	-.035**	.074**	-.078**
Misdemeanor indictment	-.014	-.015	-.011
Sum of indictment levels	.831**	.836**	.824**
# indicted specifications	.223**	.168**	.322**
Minor accessory to crime	.011	.013	.002
Crack cocaine involved	-.093**	-.072**	-.120**
Drug trafficking involved	.024*	.039*	-.002
Cash stolen	.057**	.047**	.072**
Weapon involved	.091**	.057**	.140**
Victimized juvenile	.111**	.092**	.139**
Male victimized female	.131**	.136**	.127**
Non-white victimized white	.073**	.059**	.094**
Defendant Characteristics			
Male	.008	.021	-.010
African-American or Mexican-American	-.003	-.014	.011
# children living with def.	.003	.024	.019
No high school degree	-.010	-.020	.002
Employed	.038*	.038*	.038*
Drug/alcohol addiction	-.056**	-.008	-.109**
Sent to DYS as juvenile	.012	.029	-.004
# prior prison terms	.023	.034	.012
N	4,875	2,537	2,338

** $p \leq .01$; * $p \leq .05$

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Table 8. Zero-order Relationships Predicting Incarceration in Prison (Sample: Convictions; Pearson Correlations Reported)

	Pooled Sample	Pre-SB2 Sample	Post-SB2 Sample
Measures			
Case Characteristics			
Senate Bill 2 in effect	-.059**	-----	-----
Public defender/court appointed attorney	.044**	.049**	.040*
Pled guilty	-.094**	-.130**	-.052**
Felony 1 conviction	.191**	.170**	.214**
Felony 2 conviction	.192**	.174**	.211**
Felony 5 conviction	-.013	.024	.025
Misdemeanor conviction	-.219**	-.314**	-.266**
Sum of conviction levels	.290**	.283**	.289**
# convicted specifications	.107**	.107**	.107**
Minor accessory to crime	-.040**	-.051**	-.029
Crack cocaine involved	.016	.006	.031*
Drug trafficking involved	.047**	.042*	.046*
Cash stolen	-.067**	-.082**	-.052**
Weapon involved	.075**	.062**	.090**
Victimized juvenile	.085**	.097**	.078**
Male victimized female	.107**	.103**	.111**
Non-white victimized white	.076**	.079**	.075**
Defendant Characteristics			
Male	.154**	.134**	.175**
African-American or Mexican-American	.082**	.084**	.079**
# children living with def.	-.086**	-.112**	-.058*
No high school degree	.134**	.128**	.142**
Employed	-.159**	-.173**	-.144**
Drug/alcohol addiction	.166**	.177**	.161**
Sent to DYS as juvenile	.146**	.169**	.128**
# prior prison terms	.259**	.273**	.247**
N	4,875	2,537	2,338

** $p \le .01$; * $p \le .05$

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Table 9. Zero-order Relationships Predicting Incarceration in Jail (Sample: Convictions; Pearson Correlations Reported)

	Pooled Sample	Pre-SB2 Sample	Post-SB2 Sample
Measures			
Case Characteristics			
Senate Bill 2 in effect	.047**	-----	-----
Public defender/court appointed attorney	.053**	.060**	.045*
Pled guilty	.015	.040*	-.011
Felony 1 conviction	-.058**	-.048**	-.067**
Felony 2 conviction	-.037**	-.021	-.053**
Felony 5 conviction	-.019	-.025	-.065**
Misdemeanor conviction	.210**	.254**	.167**
Sum of conviction levels	-.126**	-.137**	-.107**
# convicted specifications	-.026*	-.023	-.029
Minor accessory to crime	.035**	.034*	.044*
Crack cocaine involved	-.065**	-.045*	-.088**
Drug trafficking involved	.001	-.006	.013
Cash stolen	-.021	-.002	-.039*
Weapon involved	-.046**	-.043*	-.050**
Victimized juvenile	-.004	.007	-.017
Male victimized female	.007	.026	-.012
Non-white victimized white	-.026*	-.027	-.025
Defendant Characteristics			
Male	.011	.134**	.002
African-American or Mexican-American	-.123**	.084**	-.115**
# children living with def.	-.005	-.112**	-.002
No high school degree	-.026	.128**	.008
Employed	.046**	-.173**	.007
Drug/alcohol addiction	-.029	.177**	-.016
Sent to DYS as juvenile	-.041**	-.082**	-.008
# prior prison terms	-.073**	-.080**	-.068**
N	4,875	2,537	2,338

** $p \leq .01$; * $p \leq .05$

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Table 10. Zero-order Relationships Predicting Months of Imprisonment (Sample: Imprisonments; Pearson Correlations Reported)

Measures	Pooled Sample	Pre-SB2 Sample	Post-SB2 Sample
Case Characteristics			
Senate Bill 2 in effect	.005	-----	-----
Public defender/court appointed attorney	.027	.026	.035
Pled guilty	-.035	-.225**	-.010
Felony 1 conviction	.175**	.546**	.162**
Felony 2 conviction	.035*	.230**	.011
Felony 5 conviction	-.044*	-.024	-.058**
Misdemeanor conviction	-.015	-.044	-.014
Sum of conviction levels	.071**	.329**	.048*
# convicted specifications	.036*	.212**	.013
Minor accessory to crime	-.035*	-.008	-.001
Crack cocaine involved	-.036*	-.121**	-.033
Drug trafficking involved	-.016	-.052*	-.014
Cash stolen	-.019	-.060*	-.018
Weapon involved	.091**	.221**	.095**
Victimized juvenile	.021	.109**	.012
Male victimized female	.029	.193**	.009
Non-white victimized white	.012	.107**	-.001
Defendant Characteristics			
Male	.018	.050*	.018
African-American or Mexican-American	.005	-.062*	.019
# children living with def.	-.003	.000	.003
No high school degree	-.009	.022	-.052
Employed	.022	.019	.033
Drug/alcohol addiction	-.029	-.009	-.049
Sent to DYS as juvenile	.018	.023	.015
# prior prison terms	-.075**	-.078*	-.080*
N	2,018	1,121	897

** $p \leq .01$; * $p \leq .05$

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Case Characteristics

As mentioned above, the implementation of Senate Bill 2 coincided with significantly lower incarceration rates in prison ($p < .01$; table 8). The Bill also corresponds with significantly *higher* incarceration rates in jail ($p < .01$; table 9), and fewer charge reductions between indictment and conviction ($p < .05$; table 7). However, as noted in tables 2 and 3, the magnitudes of the changes for jail incarceration rates and charge reductions are quite modest (e.g., a 2 percent rise in jail incarceration post-SB2), and only the drop in imprisonment (6 percent) appears substantive.

Whether defendants had court appointed attorneys coincided with a lower likelihood of receiving diversion, a lower likelihood of having charges subsequently dropped altogether (including trial acquittals), a higher likelihood of conviction, and higher likelihoods of incarceration in *either* prison or jail ($p < .01$ for all relationships). Moreover, these relationships hold for both the pre- and post-SB2 samples and the relationships do not vary much in magnitude between the two periods. While this suggests that type of attorney has implications for outcomes at several stages of case processing, these relationships are extremely modest and explain only about 1 percent of the variation in each of these outcomes.

The levels of indictments/convictions, the number of counts indicted/convicted on, and the number of specifications indicted/convicted on vary dramatically in their influences across the outcome measures. Despite the statistical significance of a number of these measures for predicting diversions, dropped charges, and convictions, the magnitudes of these correlations are all weak (less than 1 percent of the variation explained in each of these outcomes). Of greater interest are the correlations with charge reductions and sentencing. The sum of indictment levels *alone* accounts for over 65 percent of the variation in charge reductions, whereby suspects indicted on more counts of more serious charges receive significantly larger reductions upon conviction. Less dramatic is

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the role of specifications, accounting for anywhere from 4 to 6 percent of the variation in charge reductions for pre- and post-SB2 cases. Indictments on Felony 1's and 2's also coincide with substantive reductions, with F1's yielding the largest impact (roughly 9 percent of the variation in reductions accounted for across the two periods).

Levels of *convictions* are more modest in effect when predicting likelihoods of prison and jail sentences. Convictions on either F1's or F2's account for about 2 percent of the variation in the likelihood of a prison sentence, and less than 1 percent of the variation in the likelihood of going to jail. The sum of conviction levels fares much better for predicting prison sentences, explaining nearly 9 percent of the variation in this outcome. The same measure performs more poorly, however, when predicting jail sentences (less than 2 percent across the board). Finally, the number of specifications convicted on accounts for only 1 percent of the variation in prison likelihoods.

The impact of these measures on the length of prison sentences is actually stronger (in some respects) compared to the likelihood of going to prison, but these results are specific to the pre-SB2 sample. Interestingly, convictions on Felony 1's account for nearly 30 percent of the variation in sentence length pre-SB2, yet only 3 percent post-SB2. Similarly, convictions on Felony 2's explain 5 percent of the variation pre-SB2 while being nonsignificant post-SB2. Also note similar patterns for the sum of conviction levels, number of convicted specifications, and whether a defendant pled guilty. In short, based only on the zero-order correlations, it appears as if legal factors were actually better predictors of prison sentence length *prior* to the implementation of SB2.

Turning to the specific characteristics of offenses indicted/convicted on, all of the statistically significant predictors of the outcomes examined coincide with weak relationships (< 1 percent variation explained in each outcome), with only a few exceptions for the length of imprisonment. Nonetheless, it is worthwhile to point out that the specific characteristics examined are *consistently*

significant when predicting charge reductions and the likelihood of a prison sentence. Note that every measure examined in this group is a significant predictor of charge reductions, and all but the measure of whether crack cocaine was involved are significant predictors of prison sentences. On the other hand, these measures perform poorly when predicting jail sentences, and they perform well only for the pre-SB2 sample when predicting the length of imprisonment. This observation is consistent with the one above regarding the irrelevance of conviction levels for predicting the length of prison sentences post-SB2. For example, all of these measures are significant predictors of time in prison for the pre-SB2 sample, yet only the measure of whether a weapon was involved is pertinent for the post-SB2 sample. Even then, the use of a weapon accounts for about 5 percent of the variation pre-SB2 versus less than 1 percent post-SB2.

Defendant Characteristics

Considering the first three outcome measures (tables 4, 5 and 6), the zero-order correlations involving the measures of defendant characteristics follow a similar pattern of weak relationships as the correlations for the measures of case characteristics. However, unlike the first set of measures, defendant characteristics are also consistently weak predictors of charge reductions (table 7) and length of imprisonment (table 10). In short, defendant characteristics appear substantive only for predicting prison and jail likelihoods, and even then this observation does not hold for a defendant's race/ethnicity (the measure of primary focus in this group).

Regarding a defendant's race/ethnicity, African- and Mexican-Americans were significantly less likely to be given diversion ($p < .01$), more likely to receive prison sentences ($p < .01$), more likely to receive jail sentences pre-SB2 yet *less* likely post-SB2 ($p < .01$), and they received significantly *shorter* prison sentences pre-SB2 only ($p < .05$). However, the percentage of variation explained in these particular outcomes by a defendant's race/ethnicity ranges only from .25 to 1.5 percent. Also,

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race/ethnicity is non-significant altogether for predicting other dismissals, convictions, and charge reductions.

Given the substantive importance of race/ethnicity to these analyses, it is important to note that the only correlations that are significantly different in magnitude between the pre- and post-SB2 samples are the correlations with jail sentences, so the implementation of SB2 did *not* alter the magnitude of the zero-order relationship between race/ethnicity and imprisonment. By contrast, minority defendants were significantly more likely to go to jail pre-SB2, yet they were significantly *less* likely to be sent to jail post-SB2. This difference cannot be explained by differences in likelihoods of prison sentences since the significant correlations of race/ethnicity with imprisonment are in identical directions and of the same magnitude for the two periods examined. Further analysis reveals that minority defendants were more likely to receive community control (supervision) post-SB2, with the requirement of participation in a substance abuse program. In other words, minority defendants were over-represented in crimes involving substance abuse (both pre- and post-SB2), and the re-classification of some drug crimes and drug amounts to lesser offenses under SB2 might explain this trend.

The correlations for a defendant's sex are somewhat surprising in the *lack* of consistency in statistical significance across the outcome measures. Males were less likely to be diverted and more likely to go to prison both pre- and post-SB2 (as expected), but they received longer prison sentences and were more likely to be sent to jail pre-SB2 only. They were also *more* likely to have their charges subsequently dismissed and *less* likely to be convicted post-SB2 only. Moreover, the only correlations of any substance are those for imprisonment (3 percent explained variation) and jail sentences (2 percent explained, pre-SB2 only).

Living with children had no substantive impact on any of the outcome measures, although it (technically) coincided with lower likelihoods of a prison sentence for both periods (as expected), as well as an expected inverse relationship with jail likelihoods pre-SB2 only. However, living with children actually coincided with lower likelihoods of diversion pre-SB2, lower likelihoods of dropped charges post-SB2, and higher likelihoods of conviction post-SB2 (opposite to expectations).

Not having graduated from high school was associated with higher likelihoods of imprisonment for both periods, lower likelihoods of diversion post-SB2, *higher* likelihoods of dropped charges pre-SB2, higher likelihoods of convictions post-SB2, and higher likelihoods of a jail sentence pre-SB2. Yet only the relationship with imprisonment is substantive, explaining 2 percent of the variation for each period.

Being employed coincided with more charge reductions and lower likelihoods of imprisonment for both periods, and lower jail likelihoods pre-SB2. The correlations with prison and jail account for about 3 percent of the variation in each outcome measure.

Defendants with drug/alcohol addictions were more likely to (a) be diverted (into substance abuse programs), (b) have their charges subsequently dismissed, (c) not be convicted at trial, (d) more likely to go to prison upon conviction, and (e) more likely to go to jail upon conviction (pre-SB2 only). They also received lower levels of charge reductions post-SB2. Even so, these significant correlations account for less than 1 percent of the variation in all outcomes except prison and jail sentences (3 percent each).

Even when considering prior histories of institutionalization as juveniles and adults, the relationships are consistently weak except for prison likelihoods (3 percent explained by juvenile institutionalization and 7 percent explained by the number of prior prison terms). Aside from prison

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and jail sentences, prior institutionalization as a juvenile coincides with lower likelihoods of diversion (post-SB2), but *higher* likelihoods of dropped charges (pre-SB2) as well as *lower* likelihoods of conviction and jail sentences (both pre-SB2). Prior imprisonment as an adult also coincides with lower likelihoods of diversion (as expected), but *shorter* prison sentences (not expected).

Overall, the roles of defendant characteristics appear substantive *only* for predicting prison sentences and, to a lesser extent, jail sentences (tables 8 and 9). All of the measures in this group are significant for the imprisonment decision, although the best predictor of prison terms is the number of prior prison terms served by a defendant, explaining roughly 6 to 7 percent of the variation in this decision both pre- and post-SB2. The measures of no high school degree, employment status, drug/alcohol addiction, and history of institutionalization as a juvenile each account for about 2 percent of the prison decision (in the expected directions), whereas the number of children living with a defendant and a defendant's race/ethnicity account for 1 percent or less of the decision (still in the predicted directions). Most noteworthy about these correlations is that they do not change significantly before and after the implementation of SB2.

By contrast, the significant measures of defendant characteristics in table 9 (jail sentences) are restricted primarily to the pre-SB2 sample. A defendant's race/ethnicity and number of prior prison sentences are the only significant predictors post-SB2, each accounting for no more than 1 percent of the variation in jail sentences. Moreover, African-Americans and Mexican-Americans were *less* likely to receive jail sentences post-SB2, as were defendants who previously served more prior prison sentences (although this could simply reflect the higher likelihood of each group receiving prison sentences). It appears that defendant attributes were more important for predicting jail sentences prior to the implementation of SB2, with employment status and drug/alcohol addiction

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each accounting for roughly 3 percent of the variation in this outcome, followed by no high school degree and number of children (about 1.5 percent each), and prior records and race/ethnicity (less than 1 percent). Aside from the difference in statistical significance between the two periods examined, also note the difference in the sign of the relationship for a defendant's race/ethnicity between these periods (keeping in mind that these correlations are weak). African-Americans and Mexican-Americans were more likely to receive jail terms pre-SB2, yet less likely post-SB2. The full model predicting jail sentences provides insight into these differences between the two time periods examined.

As previously noted, defendant characteristics perform very poorly when predicting the length of imprisonment, and the correlations in table 10 underscore an important difference between this outcome and all other outcomes examined: The differences in strength between the measures of case characteristics and the measures of defendant characteristics are most dramatic in table 10. Convictions levels can be considered strong predictors of the outcome (with a single measure accounting for 30 percent of the variation in sentence length), whereas the "strongest" measure of defendant characteristics explains one-half of one percent of total variation. Moreover, prior history of imprisonment is the only defendant characteristic that is significant both pre- and post-SB2, indicating that the length of imprisonment is influenced overwhelmingly by case and criminal history characteristics and (virtually) not at all by a defendant's social class attributes. Even the one significant correlation for a defendant's race/ethnicity (pre-SB2) is opposite in direction to the one expected, with African- and Mexican-Americans receiving shorter prison terms.

Comparing the Magnitudes of Correlations Pre- Versus Post-SB2

Differences in the magnitudes of relationships between the two periods examined could reflect the change in sentencing laws under SB2. However, comparisons of these relationships reveal

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relatively few differences. Note that just because a correlation for a specific measure might be non-significant for one period yet significant for the other does not necessarily mean that the *strength* of the relationship is different. Examining differences in strength produce some very different conclusions regarding the impact of SB2 on case processing.

Using the test for significantly different correlations (described in the Methods section), the following case characteristics became *stronger* predictors after the implementation of SB2:

1. Indictments on felony 5's were more likely to result in diversions whereas victimizations of juveniles were less likely to result in diversions.

2. Offenses involving stolen cash were more likely to result in subsequently dropped charges aside from diversions.

3. Indictments on felony 1's and felony 2's, more specifications indicted on, and offenses involving crack cocaine or weapons all coincided with larger magnitudes of charge reductions.

4. Convictions on felony 1's and 2's coincided with higher likelihoods of a prison sentence.

5. Offenses involving crack cocaine coincided with lower likelihoods of jail sentences.

On the other hand, the following case characteristics became *weaker* predictors post-SB2:

1. Offenses involving stolen cash were more likely to result in diversions.

2. Non-whites suspected of victimizing whites were *more* likely to have their charges subsequently dropped.

3. Non-whites suspected of victimizing whites were *less* likely to be convicted.

4. Drug trafficking cases coincided with greater charge reductions.

5. Pleading guilty was associated with lower likelihoods of imprisonment.

6. Misdemeanor convictions were associated with higher likelihoods of jail sentences.

7. Guilty pleas and offenses involving either crack cocaine or stolen cash coincided with *shorter* prison terms; longer terms were associated with convictions on felony 1's and 2's, larger numbers of more serious charges or specifications convicted on, use of a weapon, adults victimizing juveniles, males victimizing females, and non-white offenders victimizing whites.

Overall, the only changes that fit with the prediction that case characteristics would become stronger predictors (in the expected directions) post-SB2 include felony 1 and 2 convictions predicting imprisonment and offenses involving crack predicting jail sentences.

Only two correlations involving the measures of defendant characteristics became significantly stronger post-SB2, including lower likelihoods of diversion for suspects with no high school degrees, and fewer charge reductions for persons with drug/alcohol addictions. In other words, SB2 cannot be "blamed" for giving greater weight to defendant attributes in case processing decisions. As a matter of fact, a much larger number of defendant characteristics maintained stronger relationships with case outcomes pre-SB2, suggesting that the Bill might have succeeded in reducing such considerations. Specifically, the number of children living with a defendant was a stronger predictor of imprisonment; jail likelihoods were higher for males, non-whites, individuals with more children at home, high school dropouts, the unemployed, and persons with drug/alcohol addictions; and prison sentences were significantly *shorter* for non-whites.

General Observations

The analysis of zero-order correlations produces several important observations:

6. Both sets of measures of case and defendant characteristics are extremely weak predictors of case dispositions prior to sentencing, suggesting that they may be largely irrelevant for studies of case processing aside from charge reductions and sentencing.

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7. The finding that having a court appointed attorney was the "best" predictor of diversions, subsequently dropped charges, and convictions underscores the usefulness of considering such a measure in related research (with the important caveat that this difference in type of legal representation may still be a weak predictor overall).

8. Considering the first three outcome measures (tables 4 through 6), there is complete consistency in the magnitude of all correlations for the two time periods examined. None of these relationships differ significantly in strength; a finding that likely reflects the weakness of the relationships examined.

9. Case characteristics are, by far, much more important for predicting charge reductions (for convicted defendants) and the length of imprisonment (for persons sentenced to prison) when compared to defendant characteristics. It also appears that, within the pool of legally relevant measures, indictment/conviction levels are superior in prediction to the more specific characteristics of the offenses examined (e.g., whether a weapon was involved, whether the case involved a male victimizing a female, etc.). Overall, defendant characteristics are largely irrelevant for predicting these two outcomes with any degree of precision.

10. When predicting prison and jail sentences, the strength of several correlations involving measures of defendant characteristics became significantly weaker with the implementation of SB2.

Multivariate Models Pooled Across Race/Ethnic Groups

Estimating the higher-order relationships for the measures of case and defendant characteristics involves placing all measures simultaneously in a model predicting each outcome. These results are more important than the zero-order correlations for delineating the non-spurious *direct* effect of

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each predictor on an outcome due to (a) estimating each bivariate relationship while simultaneously controlling for other possible influences, and (b) adjusting for selection bias within the sub-samples by controlling for the probability of reaching a particular stage of case processing beyond indictment.

Four aspects of this segment of the analysis are important for interpreting the findings. First, due to missing data on some of the measures, the full models are based on fewer cases than many of the zero-order relationships. This situation could generate a lack of significance for some of the higher-order relationships even though the corresponding zero-order relationships are significant. Second, it is important to control for county-level differences in case processing in the full models because of compositional differences in caseloads and defendant pools across the jurisdictions. Entering a long list of dummy variables in order to accomplish this can interfere with obtaining valid estimates for the variables of interest. To solve this problem, we created two measures of "county groups" that maintained either significant *positive* (zero-order) relationships with each outcome or significant *negative* relationships. These are simply dummy measures placing, for example, all counties with higher likelihoods of imprisonment in one group and all other counties in another. Each "group 1" measure in the tables reflects counties with significantly higher likelihoods of an outcome, and each "group 2" measure reflects counties with significantly lower likelihoods. Third, given the sheer number of predictors involved, slightly different sets of predictors were used for different outcomes due to problems with multicolinearity. We had to drop "problematic" predictors because of this, although most of the time these predictors maintained non-significant zero-order relationships with the outcomes. The most blatant omissions include whether a defendant was a minor accessory to the crime, whether the offense involved drug trafficking, and whether the case involved a non-white defendant accused of victimizing a white. These measures had to be

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eliminated in every model because they were too highly wrapped up in either the levels of felony indictments/convictions or whether a weapon was involved. Finally, these models focus only on the *main* effects of the predictors examined and they do not include analyses of interactions (i.e., how the effects of case characteristics and other defendant characteristics might differ by a defendant's race/ethnicity).

Tables 11 through 17 displays the higher-order relationships from the full models pooled across race/ethnic groups. Each table displays a set of models for a specific outcome measure, and these models are displayed for (a) the pooled sample (both pre- and post-SB2 cases combined), (b) the pre-SB2 sample, and (c) the post-SB2 sample. This allows consideration of how the relationships for each measure changed, if at all, over time. As with the tables of zero-order correlations, the last two columns of each table (pre- and post- samples) are based on much smaller N's compared to the first column (pooled sample), so comparable coefficients may be significant for the pooled sample yet non-significant (or less powerful) for the smaller samples. This situation is exaggerated for the full models because each model can only be estimated for the cases with non-missing data on all measures in each model. The numbers of cases used for the estimations are displayed at the base of each model.

Diversions, Other Dropped Charges, and Convictions for Indicted/Prosecuted Suspects

Consistent with the weak zero-order correlations with the outcome measures of diversions, other dropped charges, and convictions, the overall strength of the models predicting these outcomes are weak (tables 11, 12 and 13). On average (across the two periods examined), these models account for 18 percent of the variation in diversions, 10 percent of the variation in other dropped charges, and only 8 percent of the variation in convictions. Only the models predicting diversions seem to differ significantly in strength between the two periods (13 percent versus 27 percent of the

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Table 11. Logistic Models Predicting Diversion with Charges Dropped (Sample: Indictments; Logistic Coefficients Reported with Standard Errors in Parentheses)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
Measures						
Constant	-2.88		-2.77		-2.18	
Case Characteristics						
Senate Bill 2 in effect	.71**	(.28)	-----	-----	-----	-----
County group 1	1.07**	(.30)	.42	(.56)	1.47**	(.38)
County group 2	-1.69**	(.52)	-1.22*	(.66)	-2.70**	(1.07)
Public defender/court appointed attorney	-.47*	(.28)	-.64	(.49)	-.31	(.36)
Sum of indictment levels	-.07*	(.03)	-.24*	(.10)	-.03	(.04)
# indicted specifications	.40*	(.23)	.60*	(.36)	.33	(.39)
Crack cocaine involved	.63*	(.32)	.53	(.53)	.71*	(.42)
Cash stolen	-1.27*	(.62)	-.37	(.80)	-2.16*	(1.04)
Weapon involved	-.37	(.46)	-1.03	(1.07)	-.14	(.52)
Male victimized female	.09	(.52)	.38	(.81)	-.15	(.71)
Defendant Characteristics						
Male	-.58*	(.32)	-.19	(.55)	-.81*	(.40)
African-American or Mexican-American	-.25	(.29)	.34	(.48)	-.54	(.39)
# children living with def.	-.13	(.14)	.09	(.21)	-.27	(.19)
No high school degree	-.36	(.28)	.10	(.46)	-.56	(.36)
Employed	-.01	(.28)	.10	(.46)	-.04	(.35)
Sent to DYS as juvenile	-.18	(.50)	.55	(.68)	-.80	(.76)
# prior prison terms	-.40*	(.20)	-.62*	(.35)	-.30	(.24)
Nagelkerke R^2	.18		.13		.27	
N	2929		1459		1470	

** $p \le .01$; * $p \le .05$

Table 12. Logistic Models Predicting Subsequently Dropped Charges/Trial Acquittals (Sample: Indictments; Logistic Coefficients Reported with Standard Errors in Parentheses)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
Measures						
Constant	-3.27		-3.42		-2.75	
Case Characteristics						
Senate Bill 2 in effect	.40*	(.21)	-----	-----	-----	-----
County group 1	.57**	(.23)	.29	(.36)	.80**	(.31)
County group 2	-.60**	(.25)	-.83*	(.40)	-.49	(.33)
Public defender/court Appointed attorney	-.65**	(.20)	-1.31**	(.36)	-.23	(.34)
Felony 1 indictment	.004	(.37)	-.31	(.53)	.24	(.53)
Felony 2 indictment	.53*	(.24)	.67*	(.34)	.40	(.34)
Sum of indictment levels	-.04*	(.02)	-.01	(.03)	-.08*	(.04)
# indicted specifications	.15	(.13)	.06	(.20)	.35*	(.18)
Crack cocaine involved	-.24	(.26)	-.25	(.42)	-.28	(.33)
Cash stolen	-.77*	(.38)	-.87	(.63)	-.77	(.49)
Weapon involved	-.07	(.26)	.08	(.41)	-.16	(.35)
Male victimized female	.37	(.29)	.34	(.46)	.43	(.38)
Defendant Characteristics						
Male	.29	(.29)	.12	(.45)	.43	(.39)
African-American or Mexican-American	.38*	(.20)	.47	(.32)	.35	(.27)
# children living with def.	-.12	(.10)	-.08	(.17)	-.16	(.14)
No high school degree	-.12	(.19)	.45	(.32)	-.54*	(.24)
Employed	-.08	(.19)	-.08	(.31)	-.09	(.25)
Drug/alcohol addiction	.44*	(.21)	.64*	(.34)	.29	(.28)
Sent to DYS as juvenile	.41*	(.23)	.67*	(.37)	.25	(.31)
# prior prison terms	-.08	(.08)	-.32*	(.17)	.03	(.09)
Nagelkerke R^2	.10		.14		.10	
N	2735		1354		1381	

** $p \leq .01$; * $p \leq .05$

Table 13. Logistic Models Predicting Convictions (Sample: Prosecutions; Logistic Coefficients Reported with Standard Errors in Parentheses)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
Measures						
Constant	1.80		5.56		-.41	
Probability of full prosecution	1.51	(1.98)	-2.54	(3.84)	3.47	(2.29)
Case Characteristics						
Senate Bill 2 in effect	-.35*	(.19)	-----	-----	-----	-----
County group 1	.62**	(.22)	.89**	(.35)	.49*	(.30)
County group 2	-.75**	(.27)	-.46	(.44)	-.90**	(.37)
Public defender/court Appointed attorney	.66**	(.22)	1.43**	(.39)	.14	(.28)
Felony 1 indictment	.16	(.40)	.17	(.54)	.27	(.64)
Felony 2 indictment	-.60**	(.25)	-.78*	(.35)	-.44	(.37)
Sum of indictment levels	.03	(.02)	.01	(.03)	.06	(.04)
# indicted specifications	-.10	(.14)	-.02	(.21)	-.31	(.20)
Crack cocaine involved	.11	(.27)	-.01	(.43)	.23	(.35)
Cash stolen	.70*	(.39)	.75	(.64)	.72	(.51)
Weapon involved	.11	(.29)	-.004	(.43)	.25	(.40)
Male victimized female	-.44	(.30)	-.46	(.46)	-.47	(.41)
Defendant Characteristics						
Male	-.20	(.30)	.11	(.46)	-.42	(.41)
African-American or Mexican-American	-.56**	(.22)	-.46	(.34)	-.64*	(.30)
# children living with def.	.16	(.11)	.15	(.18)	.21	(.15)
No high school degree	.13	(.20)	-.28	(.33)	.48*	(.26)
Employed	.02	(.20)	.11	(.32)	-.03	(.26)
Drug/alcohol addiction	-.30	(.23)	-.57	(.36)	-.09	(.30)
Sent to DYS as juvenile	-.36	(.25)	-.56	(.39)	-.24	(.34)
# prior prison terms	.07	(.08)	.29*	(.18)	-.05	(.09)
Nagelkerke R^2	.08		.13		.08	
N	2674		1333		1341	

** $p \leq .01$; * $p \leq .05$

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Table 14. Ordinary Least Squares Regression Models Predicting Charge Reductions (Sample: Convictions; Unstandardized Coefficients Reported with Standard Errors in Parentheses)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
Measures						
Constant	3.94		4.82		3.34	
Probability of conviction	-6.78**	(1.02)	-7.88**	(1.61)	-5.44**	(1.24)
Case Characteristics						
Senate Bill 2 in effect	.38**	(.10)	-----	-----	-----	-----
County group 1	1.16**	(.13)	1.10**	(.21)	1.26**	(.16)
County group 2	-.56**	(.14)	-.63**	(.21)	-.47**	(.17)
Public defender/court Appointed attorney	.53**	(.13)	.54**	(.21)	.49**	(.17)
Felony 1 indictment	-.92**	(.21)	-1.09**	(.31)	-.71**	(.27)
Felony 2 indictment	-.59**	(.16)	-.68**	(.24)	-.42*	(.19)
Sum of indictment levels	.67**	(.01)	.70**	(.01)	.61**	(.01)
# indicted specifications	.08	(.07)	-.10	(.10)	.50**	(.11)
Crack cocaine involved	.05	(.14)	.04	(.22)	.02	(.17)
Cash stolen	-.22	(.15)	-.54	(.23)	.14	(.19)
Weapon involved	.02	(.16)	-.09	(.26)	.12	(.20)
Male victimized female	-.23	(.19)	-.24	(.30)	-.24	(.23)
Defendant Characteristics						
Male	.08	(.14)	.11	(.22)	.05	(.17)
African-American or Mexican-American	-.12	(.11)	-.18	(.17)	-.03	(.14)
# children living with def.	.10*	(.05)	.05	(.08)	.15	(.06)
No high school degree	.02	(.10)	.02	(.16)	-.04	(.13)
Employed	.01	(.10)	.10	(.16)	-.11	(.13)
Drug/alcohol addiction	-.66**	(.12)	-.61**	(.18)	-.66**	(.15)
Sent to DYS as juvenile	-.13	(.15)	.02	(.24)	-.24	(.18)
# prior prison terms	.02	(.04)	.03	(.06)	.02	(.04)
Pearson Adjusted R^2	.72		.72		.72	
N	2822		1420		1402	

** $p \leq .01$; * $p \leq .05$

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Table 15. Logistic Models Predicting Incarceration in Prison (Sample: Convictions; Logistic Coefficients Reported with Standard Errors in Parentheses)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
Measures						
Constant	-1.08		1.36		-3.59	
Probability of conviction	.19	(.87)	-1.70	(1.28)	1.97	(1.31)
Case Characteristics						
Senate Bill 2 in effect	-.13	(.10)	-----	-----	-----	-----
County group 1	.23*	(.11)	.03	(.16)	.41**	(.16)
County group 2	-.91**	(.14)	-1.01**	(.19)	-.82**	(.20)
Public defender/court Appointed attorney	.05	(.12)	.21	(.17)	-.11	(.17)
Pled guilty	-.99**	(.34)	-1.43**	(.56)	-.65	(.48)
Felony 1 conviction	1.93**	(.37)	1.60**	(.54)	2.73**	(.78)
Felony 2 conviction	.94**	(.20)	.85**	(.35)	1.11**	(.31)
Misdemeanor conviction	-1.19**	(.15)	-1.51**	(.24)	-.91**	(.20)
Sum of conviction levels	.14**	(.02)	.11**	(.02)	.19**	(.03)
# convicted specifications	.73**	(.27)	.66*	(.32)	1.05*	(.51)
Crack cocaine involved	.22*	(.13)	.02	(.19)	.46**	(.19)
Cash stolen	-.05	(.15)	-.24	(.21)	.22	(.22)
Weapon involved	.21	(.15)	-.13	(.22)	.56**	(.22)
Male victimized female	.60**	(.18)	.28	(.26)	.93**	(.27)
Defendant Characteristics						
Male	.49**	(.14)	.41*	(.19)	.55**	(.20)
African-American or Mexican-American	.01	(.11)	.03	(.15)	.03	(.16)
# children living with def.	-.06	(.05)	-.11	(.07)	.01	(.07)
No high school degree	.28**	(.10)	.34**	(.15)	.22	(.15)
Employed	-.54**	(.10)	-.48**	(.14)	-.62**	(.15)
Drug/alcohol addiction	.49**	(.12)	.42**	(.16)	.61**	(.18)
Sent to DYS as juvenile	.54**	(.14)	.76**	(.22)	.39*	(.20)
# prior prison terms	.51**	(.05)	.58**	(.07)	.44**	(.07)
Nagelkerke R^2	.39		.41		.40	
N	2553		1283		1270	

** $p \leq .01$; * $p \leq .05$

Table 16. Logistic Models Predicting Incarceration in Jail (Sample: Convictions; Logistic Coefficients Reported with Standard Errors in Parentheses)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
Measures						
Constant	-1.10		-5.11		1.97	
Probability of conviction	-.62	(1.05)	2.94	(1.89)	-3.06*	(1.33)
Case Characteristics						
Senate Bill 2 in effect	.32**	(.13)	-----	-----	-----	-----
County group 1	.87**	(.18)	1.25**	(.28)	.54*	(.25)
County group 2	-.81**	(.18)	-.60*	(.28)	-.99**	(.23)
Public defender/court Appointed attorney	.22	(.17)	-.01	(.27)	.40*	(.23)
Pled guilty	-.32	(.39)	.25	(.78)	-.61	(.48)
Misdemeanor conviction	.97**	(.15)	1.13**	(.23)	.77**	(.20)
Sum of conviction levels	-.12**	(.03)	-.13**	(.04)	-.12**	(.04)
# convicted specifications	-.09	(.41)	-.09	(.52)	-.14	(.75)
Crack cocaine involved	.29	(.21)	.36	(.32)	-.72**	(.27)
Cash stolen	-.09	(.19)	.24	(.29)	-.39	(.25)
Weapon involved	-.44*	(.21)	-.17	(.33)	-.71**	(.30)
Male victimized female	-.26	(.26)	.35	(.38)	-.78*	(.37)
Defendant Characteristics						
Male	.19	(.18)	.44	(.29)	.003	(.23)
African-American or Mexican-American	-.19	(.16)	-.60*	(.25)	.08	(.20)
# children living with def.	-.02	(.07)	-.09	(.11)	.02	(.09)
No high school degree	.04	(.14)	-.19	(.21)	.22	(.18)
Employed	.27*	(.14)	.43*	(.21)	.07	(.18)
Drug/alcohol addiction	.04	(.15)	.14	(.23)	-.06	(.20)
Sent to DYS as juvenile	-.44*	(.23)	-1.17*	(.50)	-.19	(.27)
# prior prison terms	-.22**	(.08)	-.37**	(.15)	-.14	(.09)
Nagelkerke R^2	.21		.27		.20	
N	2553		1283		1270	

** $p \leq .01$; * $p \leq .05$

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Table 17. Ordinary Least Squares Regression Models Predicting Months of Incarceration in Prison (Sample: Imprisonments; Unstandardized Coefficients Reported with Standard Errors in Parentheses)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
Measures						
Constant	31.89		33.03		23.54	
Probability of imprisonment	11.05*	(5.36)	8.07	(5.36)	17.75**	(6.61)
Case Characteristics						
Senate Bill 2 in effect	-6.11**	(1.46)	-----	-----	-----	-----
Cuyahoga County	-2.68	(1.88)	-3.55	(2.89)	-.78	(2.32)
Public defender/court Appointed attorney	-.69	(1.45)	-1.38	(2.23)	-.60	(1.80)
Pled guilty	-16.44**	(3.68)	-18.7**	(5.27)	-12.9**	(5.07)
Felony 1 conviction	57.18**	(3.28)	65.44**	(5.04)	46.44**	(4.08)
Felony 2 conviction	24.18**	(2.45)	28.87**	(3.68)	16.44**	(3.12)
Sum of conviction levels	.41*	(.21)	.27	(.31)	.61*	(.29)
# convicted specifications	7.09**	(2.30)	7.87**	(3.08)	6.60*	(3.69)
Crack cocaine involved	-1.79	(1.95)	-1.47	(3.04)	-2.04	(2.38)
Cash stolen	-1.26	(2.39)	-.31	(3.64)	-2.31	(3.00)
Weapon involved	2.80	(2.16)	2.19	(3.43)	2.84	(2.59)
Male victimized female	8.60**	(2.33)	8.96**	(3.55)	6.92**	(2.90)
Defendant Characteristics						
Male	-2.34	(2.42)	-2.36	(3.56)	-2.34	(3.16)
African-American or Mexican-American	-1.78	(1.57)	-.84	(2.38)	-3.18	(1.96)
# children living with def.	.12	(.77)	.01	(1.21)	.36	(.94)
No high school degree	-1.04	(1.52)	.99	(2.34)	-3.54*	(1.88)
Employed	-.03	(1.56)	.76	(2.41)	-.71	(1.92)
Drug/alcohol addiction	.34	(1.75)	1.26	(2.58)	-1.12	(2.26)
Sent to DYS as juvenile	-.88	(1.92)	-.11	(2.98)	-2.42	(2.33)
# prior prison terms	-.74	(.53)	-.79	(.87)	-.90	(.61)
Pearson Adjusted R^2	.47		.45		.49	
N	1139		611		528	

** p ≤ .01; * p ≤ .05

variation explained for pre- versus post-SB2, respectively), but this is attributable only to the stronger effects of the county group measures post-SB2.

Aside from the controls for jurisdiction, the statistically significant predictors of diversions are different between the two periods. However, the equality of coefficients tests revealed that *none* of the relationships displayed in table 11 differed significantly in strength across the two periods, with the exception of the measure of county group #1 (stronger post-SB2). Note that the only significant relationship involving defendant characteristics post-SB2 involves a defendant's sex (males less likely to be diverted), versus the six significant zero-order correlations for these measures in table 4. We attribute this to the smaller sample examined in the full models in conjunction with the weak magnitudes of the zero-order correlations. Strong to moderate relationships are more likely to remain significant even with a drop in sample size whereas weak relationships quickly become non-significant with a decrease in the numbers of cases examined.

Similar patterns emerge for the models predicting other dropped charges and convictions: Different sets of significant predictors for each time period, (virtually) no differences in the magnitudes of relationships between the two periods, and fewer statistically significant relationships involving defendant characteristics when compared to the zero-order relationships. Two other important themes are common to the models predicting other dropped charges and convictions. First, within the group of case characteristics, it is the more general characteristics (e.g., levels and numbers of indictments) that are relevant and *not* the more specific case characteristics examined. Second, court appointed attorneys had stronger influences on these outcomes during the pre-SB2 period (i.e., court appointed attorneys are associated with significantly lower likelihoods of dropped charges and significantly higher likelihoods of convictions before the implementation of SB2).

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The findings for these three outcomes underscore the earlier observation that the measures examined are weak to moderate predictors of outcomes prior to sentencing. Moreover, defendant characteristics are virtually irrelevant to these models, with the "strongest" influences coming from the most general characteristics of cases (e.g., indictment levels and type of attorney) as opposed to more specific case characteristics.

Charge Reductions for Convicted Defendants

The models predicting charge reductions for convicted defendants (table 14) are much more efficient than the first three sets, with 72 percent of the variation in charge reductions accounted for regardless of the period examined. However, two of the basic themes for the first three outcomes described above also apply here. First and foremost, the vast majority of the explained variation in charge reductions is wrapped up in indictment levels, type of attorney, and the controls for county groups (and, unique to this model, the control for selection bias). Perhaps not surprisingly, the largest main effects involve the sum of indictment levels followed by the jurisdiction that a case was processed in. This is not necessarily surprising because differences in charging practices between jurisdictions are quite common, and "over"-charging at indictment provides more bargaining power for prosecutors.

The second theme that is consistent with predicting the first three outcomes is the virtual absence of significant defendant characteristics. However, unlike the other outcomes, the measures of defendant characteristics performed poorly at the zero-order as well when predicting charge reductions (table 7). Whether a defendant had a drug/alcohol addiction is significant at both the zero- and higher orders, although keep in mind that this measure accounts for no more than 1 percent of the variation in charge reductions (versus 65 percent explained by the sum of indictment levels).

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One interesting difference exists between the higher-order relationships for indictments on felony 1's and 2's versus the zero-order relationships involving these measures. Once the sum of indictment levels is controlled, being indicted on a felony 1 or a felony 2 coincides with significantly *lower* magnitudes of charge reductions. This is an important qualification to the significant positive zero-order correlations for these measures because it indicates that over-charging in the number of counts and *not* the seriousness of any one count is what drives charge reductions. On the contrary, indictments on more serious felonies coincide with less dramatic charge reductions. Even so, these significant negative relationships for felony 1's and 2's account for less than 5 percent of the total variation in reductions.

Only one relationship in table 14 differs significantly between the two periods examined. It appears that being indicted on a larger number of specifications coincided with more dramatic charge reductions post-SB2. Given the non-significant (and negative) correlation pre-SB2, this suggests that prosecutors were more "generous" with charge reductions for defendants indicted on more specifications. The longer mandatory prison terms for gun specifications post-SB2 could have contributed to this, with prosecutors being driven towards offering more dramatic reductions in order to persuade prison-bound defendants to plead guilty.

Prison Sentences for Convicted Defendants

Although less efficient than the models predicting charge reductions, the models of imprisonment likelihoods are relatively strong with roughly 40 percent of the variation in the outcome explained across the two periods (table 15). Interestingly, defendant characteristics continue to maintain significant relationships with imprisonment despite controls for case characteristics. However, consistent with the weak zero-order correlations for this group of measures, further analysis revealed that defendant characteristics account for only an additional 4

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percent of the variation in imprisonment likelihoods after the group of case measures are controlled. Also note the absence of significance for a defendant's race/ethnicity, which in these data can be attributed to controls for felony 1 and felony 2 convictions, offenses involving crack cocaine, and having a drug/alcohol addition (all significantly correlated with the race/ethnicity of defendants while maintaining an overall stronger group effect on imprisonment).

For both periods examined, by far the strongest effects on prison sentences involve conviction levels and county groups. (The probability of conviction is non-significant in both models despite significance at the zero-order, a finding that can be attributed to the controls for county groups in the full models. The much lower conviction likelihoods for county group #2 appear to be overriding the importance of the hazard rate itself.) The only substantive difference between the two periods involves the greater relevance of more specific case characteristics for predicting imprisonment post-SB2 (crack cocaine, weapon involved, and males victimizing females). However, the *only* relationship that changed significantly in strength over time was the relationship involving males victimizing females, which became significantly stronger post-SB2.

If SB2 was designed to reduce the role of defendant characteristics in sentencing decisions, these results indicate that the Bill was not successful in this regard. Yet such an observation must be tempered with the understanding that the role of defendant characteristics were very weak predictors of prison sentences to begin with, at least in Ohio. It is impossible to obtain significant reductions in effects that null to begin with, and it is difficult to obtain reductions in effects that are initially very weak (albeit significant).

Jail Sentences for Convicted Defendants

The predictors examined perform less well when predicting jail sentences compared to prison sentences, explaining from 20 to 27 percent of the variation in jail likelihoods post- versus pre-SB2,

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respectively (table 16). Unlike the model predicting imprisonment, however, the implementation of SB2 coincided with a complete lack of significance for any of the defendant characteristics examined versus the significance of four of these measures pre-SB2. Again, the overall effects of defendant characteristics are relatively weak even before SB2, and this group of measures accounts only for an additional 2 percent of explained variation in jail likelihoods after controlling for the measures of case characteristics. Moreover, none of the relationships in table 16 changed significantly in strength across the two periods. A previously significant relationship for a defendant's race/ethnicity became non-significant after SB2 was implemented although the pre-SB2 relationship indicates *lower* likelihoods of jail sentences for convicted African- and Mexican-Americans.

Similar to the models of imprisonment, the strongest predictors of jail sentences for both periods include conviction levels and jurisdictions where the cases were processed. Also similar are the findings for the measures of specific case characteristics, becoming significant post-SB2 (crack cocaine, weapon involved, and males victimizing females). The opposite signs of the significant coefficients for these three measures between tables 15 and 16 simply reflect a situation where persons more likely to go to prison are (naturally) less likely to go to jail, given the circumstances of the specific offenses.

Length of Imprisonment for Convicted Defendants Sent to Prison

Unlike the other models with controls for county groups, the only county significantly related to the length of imprisonment is Cuyahoga County. Therefore, the models of prison sentence length include a dummy measure for whether cases were processed in Cuyahoga (table 17).

Roughly 47 percent of the variation in prison sentence length is explained by the predictors, with the vast amount accounted for by convictions on felony 1's and 2's both pre- and post-SB2.

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The effects of felony 1 and felony 2 convictions become significantly weaker post-SB2, but this can be explained by the strength of the hazard rate (probability of imprisonment) which increases dramatically post-SB2. This occurred because felony 1 and felony 2 convictions are more efficient predictors of imprisonment post-SB2 (see table 15), so controlling for the likelihood of imprisonment in table 17 serves to weaken the effects of felony 1 and felony 2 convictions on the length of prison sentences. In other words, we attribute these differences solely to sampling error rather than any substantive changes in the effects of felony 1 and felony 2 convictions on sentence length.

Defendant characteristics again play minor roles in predicting the length of imprisonment, with no high school degree being the only significant predictor (post-SB2 only). Consistent with the zero-order correlations for length of imprisonment, the differences in relationships between the measures of case characteristics versus the measures of defendant characteristics are most dramatic for this outcome measure. Excluding the measures of defendant characteristics from these models actually produces *higher* values for the adjusted R-square, indicating that these measures add absolutely nothing to the models of imprisonment length.

General Observations

Examination of the higher-order main effects leads to the following observations:

1. Both sets of measures of case and defendant characteristics are weaker predictors of case dispositions prior to sentencing, and variation that is explained in any of these outcomes is accounted for by more general case characteristics (e.g., indictment levels) as opposed to more specific case characteristics (e.g., weapon involved) as well as any of the defendant characteristics considered.

2. The vast amount of explained variation in charge reductions and sentencing is accounted for by case characteristics, with defendant characteristics adding very little (or nothing) once measures of case characteristics are controlled.

3. The model of charge reductions is most efficient in terms of prediction, with 72 percent of the variation explained. The models of imprisonment likelihoods and prison sentence length are less efficient although fairly strong, with over 40 percent of each outcome explained by the predictors. The model predicting jail sentences is considerably weaker (under 30 percent of the variation explained), followed by diversions, other dropped charges, and convictions (8 to 18 percent of explained variation across the three sets of models).

4. Few differences in the magnitude of relationships between the two periods exist in these data, suggesting that SB2 had a minor impact on the direct effects of case and defendant characteristics on case processing. Exceptions to this observation include: court appointed attorneys had less of an influence on dropped charges and convictions after the implementation of SB2; the number of indicted specifications had more of an impact on charge reductions post-SB2; and cases involving males victimizing females had a stronger effect on prison likelihoods post-SB2.

5. The absence of significant differences in the relationships involving defendant characteristics between the two periods could reflect the weak effects of these characteristics pre-SB2. The implementation of SB2 would have had negligible effects on these relationships simply because the relationships were either weak (even when statistically significant) or non-existent to begin with.

Multivariate Models Specified by Race/Ethnic Groups

This segment of the analysis focuses on whether the main effects of various case and defendant characteristics on case outcomes differ significantly by a defendant's race/ethnicity. Such an analysis of *interactions* is important for understanding whether African- and Mexican-American defendants are treated differently from white defendants, and whether the implementation of SB2 resulted in more equal treatment of the two groups of defendants.

As in the analysis of the pooled models, the models specified by race/ethnicity differ in terms of the number of predictors used for each outcome. The smaller sub-samples examined create additional problems with multicollinearity, so these models differ more dramatically in terms of the numbers of predictors included. Nonetheless, they clearly establish the differences (or lack thereof) in the treatment of these groups.

Tables 18 through 24 display the models of case dispositions specified by a defendant's race/ethnicity. Each column labeled "A.A. and M.A." reflects a model for African-Americans and Mexican-Americans. Recall that the small number of Mexican-Americans in the total sample (100) in conjunction with their similar treatment to African-Americans led to our decision to combine these two groups. Due to the heavy focus on race/ethnicity throughout this discussion, African- and Mexican-American defendants are termed "non-white" defendants hereafter although readers should recognize that the term refers only to these two specific groups.

Due to the estimation of six models per outcome, the standard errors of the regression coefficients are not displayed in the tables although the discussion that follows includes their consideration when describing significant differences in the strength of relationships. These differences are the primary focus for the analysis of interactions. Although the absolute statistical significance of particular measures is described, readers must keep in mind that the much smaller

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Table 18. Race-Specific Logistic Models Predicting Diversion with Charges Dropped (Sample: Indictments; Logistic Coefficients Reported)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
	A.A. and M.A.	White	A.A. and M.A.	White	A.A. and M.A.	White
Measures						
Constant	-2.45	-3.56	-1.98	-3.31	-2.93	-2.26
Case Characteristics						
Senate Bill 2 in effect	.06*	1.05**	-----	-----	-----	-----
County group 1	.27	1.47**	-.21	1.12	.81	1.62
County group 2	-1.89**	-2.28*	-1.34*	-.99	-2.72*	-7.45*
Public defender/court appointed attorney	-.22	-.66*	-1.04	-.14	.52	-.88*
Sum of indictment levels	-.14*	-.06	-.14	-.45*	-.15	-.02
# indicted specifications	.27	.48*	.07	1.19**	.82	.23
Crack cocaine involved	1.02**	.68	.55	.74	1.43*	.63
Defendant Characteristics						
Male	-.62	.40	-.42	.24	-.90	-.62
# children living with def.	-.20	-.06	-.35	.49*	-.13	-.37
No high school degree	-.21	-.52	.14	-.08	-.69	-.69
Employed	.25	.36	.01	.10	.41	-.32
# prior prison terms	-.39	-.38	-.61	-.76	-.23	-.36
Nagelkerke R^2	.16	.21	.12	.20	.27	.25
N	1429	1504	720	741	709	763

** $p \leq .01$; * $p \leq .05$

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Table 19. Race-Specific Logistic Models Predicting Subsequently Dropped Charges/Trial Acquittals (Sample: Indictments; Logistic Coefficients Reported)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
	A.A. and M.A.	White	A.A. and M.A.	White	A.A. and M.A.	White
Measures						
Constant	-2.23	-3.35	-2.49	-3.37	-1.67	-3.21
Case Characteristics						
Senate Bill 2 in effect	.41	.34	-----	-----	-----	-----
County group 1	-.44	1.15**	-.06	.51	-.65	1.68**
County group 2	-1.08**	-.48	-.88	-1.30*	-1.25**	.07
Public defender/court appointed attorney	-.79**	-.63*	-1.48**	-1.26**	-.37	-.28
Felony 2 indictment	.82**	.49	1.20**	.71	.65	.24
Sum of indictment levels	.01	-.18**	.02	-.24**	-.02	-.15*
# indicted specifications	.09	.25	-.14	.40	.40*	.25
Cash stolen	-.35	-1.11*	-.19	-.91	-.30	-1.20
Weapon involved	.14	-.22	.05	-.001	.22	-.43
Male victimized female	-.06	.77*	-.20	.83	.12	.70
Defendant Characteristics						
Male	.05	.57	-.48	.97	.44	.41
# children living with def.	-.18	-.13	-.39	.18	-.08	-.37
No high school degree	-.39	.13	.19	.80	-.93**	-.23
Employed	.002	-.17	-.15	.03	.09	-.28
Drug/alcohol addiction	.23	.51	.80	.21	-.15	.60
Sent to DYS as juvenile	.14	.70*	.28	1.08*	.06	.50
# prior prison terms	-.05	-.16	-.30	-.42	.07	.003
Nagelkerke R^2	.09	.18	.17	.23	.10	.19
N	1325	1410	660	694	665	716

** $p \leq .01$; * $p \leq .05$

Table 20. Race-Specific Logistic Models Predicting Convictions (Sample: Prosecutions; Logistic Coefficients Reported)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
	A.A. and M.A.	White	A.A. and M.A.	White	A.A. and M.A.	White
Measures						
Constant	13.38	-.15	12.81	3.71	15.82	-2.23
Case Characteristics						
Probability of prosecution	-11.02**	3.00	-10.83	-.97	-13.66	4.95*
Senate Bill 2 in effect	-.39	-.21	-----	-----	-----	-----
County group 1	.63*	.66*	.83*	1.34*	.59	.34
County group 2	-.66	-.66*	-.49	-.43	-.88	-.76*
Public defender/court appointed attorney	.90**	.57*	1.54**	1.52**	.55	-.04
Felony 2 indictment	-.86**	-.51	-1.19**	-.81	-.71	-.15
Sum of indictment levels	-.003	.21**	-.01	.23**	.02	.20**
Cash stolen	.03	1.17*	-.004	1.03	-.07	1.38*
Weapon involved	-.12	.52	-.03	.36	-.18	.66
Male victimized female	-.03	-.83*	.18	-1.04*	-.30	-.67
Defendant Characteristics						
Male	.07	-.47	.87	-.82	-.50	-.35
# children living with def.	.23	.14	.41	-.07	.18	.35
No high school degree	.54*	-.23	.10	-.72	.95**	.14
Employed	.06	.04	.19	.15	-.06	.01
Drug/alcohol addiction	-.43	-.26	-.84*	-.18	-.12	-.27
Sent to DYS as juvenile	-.25	-.50	-.50	-.60	-.13	-.47
# prior prison terms	.07	.12	.28	.36	-.03	-.04
Nagelkerke R^2	.10	.15	.18	.20	.09	.16
N	1300	1374	648	685	652	689

** $p \leq .01$; * $p \leq .05$

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Table 21. Race-Specific OLS Regression Models Predicting Charge Reductions (Sample: Convictions; Unstandardized Coefficients Reported)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
	A.A. and M.A.	White	A.A. and M.A.	White	A.A. and M.A.	White
Measures						
Constant	3.63	4.21	2.20	5.09	5.68	3.26
Case Characteristics						
Probability of conviction	-6.35^{**}	-7.42^{**}	-4.04	-8.83^{**}	-8.86^{**}	-5.17^{**}
Senate Bill 2 in effect	$.42^{**}$	$.36^{**}$	-----	-----	-----	-----
County group 1	1.20^{**}	1.24^{**}	$.88^{**}$	1.28^{**}	1.54^{**}	1.22^{**}
County group 2	$-.34$	$-.62^{**}$	$-.74^{**}$	$-.68^{*}$	$.09$	$-.65^{**}$
Public defender/court appointed attorney	$.48^{**}$	$.58^{**}$	$.19$	$.66^{*}$	$.78^{**}$	$.47^{*}$
Felony 1 indictment	$.02$	-1.81^{**}	$.19$	-2.09^{**}	$-.41$	-1.09^{**}
Felony 2 indictment	$-.40^{*}$	$-.77^{**}$	$-.30$	$-.81^{*}$	$-.54^{*}$	$-.41$
Sum of indictment levels	$.60^{**}$	$.72^{**}$	$.56^{**}$	$.77^{**}$	$.62^{**}$	$.61^{**}$
# indicted specifications	$-.05$	$.42^{**}$	$-.26^{**}$	$.30$	$.41^{**}$	$.58^{**}$
Crack cocaine involved	$.09$	$.16$	$.03$	$.13$	$.17$	$.08$
Cash stolen	$.22$	$-.48^{*}$	$.18$	$-.88^{**}$	$.29$	$.01$
Weapon involved	$.21$	$-.21$	$.29$	$-.38$	$.20$	$-.04$
Male victimized female	$.13$	$-.59^{*}$	$.32$	$-.70$	$-.07$	$-.50$
Defendant Characteristics						
Male	$.19$	$.01$	$.22$	$-.06$	$.18$	$.03$
# children living with def.	$.16^{**}$	$.08$	$.11$	$-.03$	$.24^{**}$	$.12$
No high school degree	$.005$	$-.002$	$-.14$	$.06$	$.10$	$-.07$
Employed	$-.05$	$.04$	$-.16$	$.28$	$-.04$	$-.17$
Drug/alcohol addiction	$-.89^{**}$	$-.44^{**}$	$-.73^{**}$	$-.24$	$-.99^{**}$	$-.52^{**}$
Sent to DYS as juvenile	$.06$	$-.43^{*}$	$.47^{*}$	$-.63$	$-.28$	$-.29$
# prior prison terms	$.03$	$.06$	$.06$	$.04$	$.04$	$.07$
Pearson Adjusted R^2	$.71$	$.75$	$.66$	$.78$	$.76$	$.68$
N	1314	1379	660	689	654	690

** $p \leq .01$; * $p \leq .05$

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Table 22. Race-Specific Logistic Models Predicting Incarceration in Prison (Sample: Convictions; Logistic Coefficients Reported)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
	A.A. and M.A.	White	A.A. and M.A.	White	A.A. and M.A.	White
Measures						
Constant	-1.16	-.51	2.17	1.67	-4.70	-2.44
Case Characteristics						
Probability of conviction	.80	-.16	-1.74	-2.00	3.47	1.31
Senate Bill 2 in effect	-.08	-.19	-----	-----	-----	-----
County group 1	.24	.24	.17	-.07	.34	.51*
County group 2	-.97**	-.88**	-1.10**	-1.08**	-.86**	-.74**
Public defender/court appointed attorney	.05	-.002	.43	-.02	-.33	.04
Pled guilty	-1.78**	-.86*	-2.55**	-1.10	-1.10	-.93*
Felony 1 conviction	1.40**	2.49**	.94	2.24**	2.40*	3.04**
Felony 2 conviction	.61*	1.12**	.43	1.01**	.86*	1.16**
Misdemeanor conviction	-1.04**	-1.49**	-1.35**	-1.89**	-.76*	-1.22**
Sum of conviction levels	.20**	.10**	.18**	.07*	.24**	.17**
Cash stolen	-.10	.22	-.38	-.22	.26	.08
Weapon involved	.32	.14	.18	-.40	.51	.68*
Male victimized female	.64*	.71**	.12	.50	1.05**	.96**
Defendant Characteristics						
Male	.56**	.44*	.37	.50*	.75**	.36
# children living with def.	.01	-.16*	-.06	-.19*	.08	-.12
No high school degree	.14	.37**	.07	.56**	.18	.22
Employed	-.28*	-.76**	-.32	-.63**	-.24	-.94**
Drug/alcohol addiction	.60**	.34*	.64**	.16	.62**	.57*
Sent to DYS as juvenile	.36*	.76**	.61*	.93**	.23	.65*
# prior prison terms	.41**	.76**	.51**	.75**	.34**	.73**
Nagelkerke R^2	.37	.42	.40	.44	.38	.44
N	1236	1317	621	662	615	655

$**$ $p \le .01$; $*$ $p \le .05$

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Table 23. Race-Specific Logistic Models Predicting Incarceration in Jail (Sample: Convictions; Logistic Coefficients Reported)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
	A.A. and M.A.	White	A.A. and M.A.	White	A.A. and M.A.	White
Measures						
Constant	-.08	-2.23	-4.97	-5.65	3.32	.20
Case Characteristics						
Probability of conviction	-2.40	.11	2.02	3.79*	-5.07*	-2.17
Senate Bill 2 in effect	.63**	.19	-----	-----	-----	-----
County group 1	-.34	1.30**	-.04	1.67**	-.39	.94**
County group 2	-.97**	-.71**	-1.10**	-.31	-.90**	-1.17**
Public defender/court appointed attorney	.37	.12	.08	-.05	.52	.29
Misdemeanor conviction	1.10**	.89**	1.88**	.80**	.69*	.94**
Sum of conviction levels	-.13*	-.11**	-.07	-.15**	-.15*	-.09*
# conviction specifications	.40	-.43	.21	-.36	1.13	-.60
Crack cocaine involved	-.44	-.09	-.16	.81*	-.54*	-1.08*
Cash stolen	-.01	-.10	-.08	.30	.06	-.51*
Weapon involved	-.38	.49*	-.13	-.32	-.63	-.76*
Male victimized female	-.34*	-.26	.61	.28	-.93	-.80*
Defendant Characteristics						
Male	.14	.26	.54	.52	-.08	.10
# children living with def.	.02	-.04	.06	-.16	.02	.06
No high school degree	.34	-.10	.22	-.33	.48	.11
Employed	-.06	.42**	.17	.49*	-.24	.28
Drug/alcohol addiction	-.07	.13	.18	.08	-.28	.14
Sent to DYS as juvenile	.17	-.98**	.18	-2.06**	.19	-.58
# prior prison terms	-.15	-.32**	-.43*	-.31*	-.08	-.28
Nagelkerke R^2	.15	.24	.21	.28	.13	.26
N	1236	1317	621	662	615	655

** $p \leq .01$; * $p \leq .05$

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Table 24. Race-Specific OLS Models Predicting Months of Incarceration in Prison (Sample: Imprisonments; Unstandardized Coefficients Reported)

	Pooled Sample		Pre-SB2 Sample		Post-SB2 Sample	
	A.A. and M.A.	White	A.A. and M.A.	White	A.A. and M.A.	White
Measures						
Constant	29.38	32.40	33.30	27.38	9.65	30.16
Case Characteristics						
Probability of imprisonment	8.16	15.61*	19.90	-5.22	-3.34	43.19**
Senate Bill 2 in effect	-7.10**	-5.17*	-----	-----	-----	-----
Cuyahoga County	-3.62*	-.51	-4.94	-1.54	-1.02	2.40
Public defender/court appointed attorney	1.28	- 3.67	-.44	- 4.18	1.30	- 5.48*
Pled guilty	-13.65**	-18.7**	-19.0**	-14.7*	-2.28	-20.8**
Felony 1 conviction	56.27**	56.01**	62.88**	68.73**	49.77**	44.08**
Felony 2 conviction	29.12**	19.35**	33.03**	25.72**	20.15**	11.52**
Sum of conviction levels	.27	.49	-.44	1.17**	1.49**	-.48
# conviction specifications	4.83*	13.01**	4.91	15.90**	5.11	5.23
Crack cocaine involved	-1.53	-2.25	-.38	-2.50	-3.67	-.84
Cash stolen	-1.19	-1.19	1.80	-1.60	-4.82	1.52
Weapon involved	1.43	3.69	-.12	3.39	1.89	3.72
Male victimized female	10.82**	6.08*	14.34**	3.59	4.36	7.43*
Defendant Characteristics						
Male	-4.08	.67	-6.48	3.77	-.47	-2.55
# children living with def.	.11	.23	.81	-.11	-.25	.82
No high school degree	-.34	-2.45	-.13	1.17	-.03	-7.10**
Employed	.28	-1.21	3.64	-3.76	-2.72	2.75
Drug/alcohol addiction	1.81	-1.56	.79	2.32	3.91	-5.04
Sent to DYS as juvenile	-1.78	.17	-4.46	4.46	-.16	-4.27
# prior prison terms	-.83	-.82	-1.76	.30	.02	-2.81*
Pearson Adjusted R^2	.46	.47	.44	.46	.49	.49
N	590	524	310	279	280	245

** p ≤ .01; * p ≤ .05

sub-samples necessarily make it more difficult to reach statistical significance for weak effects. In other words, given the weakness of so many of the relationships that were statistically significant in the pooled models, we should expect many of the weak relationships to not reach significance with samples that are only half as large.

From the analysis of diversions (table 18), the equality of coefficients tests reveal only two relationships that differ significantly in strength between the race/ethnic groups. Both differences characterize the pre-SB2 samples only. First, white suspects indicted on more specifications were actually *more* likely to be diverted whereas specifications had no impact on diversions for African- and Mexican-Americans. Second, white suspects with more children living with them were more likely to be diverted whereas minority suspects with more children were less likely to be diverted (although the latter effect is non-significant). Both of these differences disappear after the implementation of SB2, so these particular case and defendant characteristics no longer provide white suspects with an advantage relative to non-whites. None of the relationships displayed for the post-SB2 samples differ significantly by the race/ethnicity of defendants.

The analysis of other dropped charges (table 19) reveals significant differences in the strength of three relationships, but this time these differences exist only for the *post*-SB2 samples. Specifically, not having a high school degree coincided with much lower odds of dropped charges for non-white suspects whereas there was no effect for white suspects, indicating a disadvantage for non-whites relative to whites. The two measures of county groups also maintain different relationships by race/ethnicity post-SB2, where white suspects processed in county group #1 benefited from higher dismissal rates (while non-white suspects in these jurisdictions did not), and non-white suspects processed in county group #2 suffered from lower dismissal rates (while white suspects in these jurisdictions did not). This last observation is very important because it indicates a pervasive

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disadvantage for non-white defendants based on the jurisdictions they reside in. However, focusing on the role of SB2 in this regard, it is unlikely that the Bill would have "caused" these disadvantages for non-whites that are unique to specific jurisdictions. A multi-level analysis of these data with counties as the aggregate units will provide more insight into these interactions, although such cross-level interactions move beyond our focus here.

Consistent with the analysis of other dropped charges, the models predicting conviction likelihoods (table 20) reveal that not having a high school degree constitutes a stronger disadvantage for non-whites compared to whites post-SB2. Non-whites with no high school degrees have significantly higher conviction likelihoods whereas there is no such relationship for whites. Unlike the analysis of other dropped charges, there are no other significant differences for this period.

On the other hand, two other significant differences exist for the pre-SB2 sample that do not exist post-SB2. First, non-whites indicted on felony 2's were *less* likely to be convicted whereas these indictments had no effect on conviction likelihoods for whites. Second, larger sums of indictment levels coincided with higher conviction likelihoods for whites but *not* for non-whites. These two differences actually served as disadvantages for white defendants relative to non-whites, although these differences disappeared post-SB2.

The general finding that race/ethnic differences in treatment are sparse when examining diversions, other dropped charges, and convictions is not too surprising given the general weaknesses found in the pooled models described previously. In other words, when most relationships are virtually null to begin with, differences between race/ethnic groups in those relationships will also be null.

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By contrast, the models predicting charge reductions include several differences across race/ethnic groups (table 21). Prior to the implementation of SB2, felony 1 indictments coincided with lower magnitudes of charge reductions for white defendants only (with no significant relationship for non-whites). Another unique disadvantage for whites pre-SB2 involved lower magnitudes of charge reductions for cases involving stolen cash. On the other hand, non-white defendants were at a greater disadvantage when indicted on larger numbers of specifications and when they had drug/alcohol addictions. Both non-white and white defendants had significantly more charge reductions when their cases were processed in jurisdictions falling in county group #2, but the positive relationship was stronger for whites.

Of all these differences pre-SB2, only the difference in felony 1 indictments holds post-SB2 (which disadvantaged whites relative to non-whites). White defendants falling into county group #2 were also significantly disadvantaged relative to non-white defendants post-SB2 only. Therefore, the only differences in charge reductions examined post-SB2 served to disadvantage whites relative to non-whites.

The models predicting imprisonment likelihoods include the largest number of differences between race/ethnic groups (table 22), with most of these differences involving measures of defendant characteristics. Before proceeding, note that this model is most relevant to the body of recent empirical research uncovering significant interactions involving African-Americans and Mexican-Americans and their odds of going to prison relative to whites. Consistent with the recent research discussed previously, empirical support is found here for significant differences in prison sentences between non-white males versus white males, and unemployed non-whites versus unemployed whites. These differences characterize the post-SB2 period only and they involve

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significantly higher imprisonment likelihoods for non-white males relative to white males, and significantly lower imprisonment likelihoods for employed whites relative to employed non-whites. By contrast, white defendants who served more prior prison terms and those convicted on felony 1's are at a stronger *dis*advantage than non-whites with these characteristics (post-SB2 only), although the relationships are still significant for non-whites.

The pre-SB2 differences are more likely to disadvantage whites relative to non-whites, with higher imprisonment likelihoods for whites convicted on either felony 1's or 2's, those with no high school degrees, and those who were institutionalized as juveniles. Non-white defendants with drug/alcohol addictions were disadvantaged relative to whites pre-SB2, but this was the only difference identified that served as a disadvantage to non-whites during this period. Perhaps the most important theme uncovered here, however, is the more recent disadvantage for non-white males and unemployed non-whites. Note how these results, derived from sentencing data from 1997 and 1998, coincide with other researchers' similar findings when examining sentencing data from the late 1990's.

The models predicting the likelihood of a jail sentence reveal two significant differences in the treatment of race/ethnic groups by jurisdiction (table 23). However, these differences actually disadvantaged white defendants relative to non-whites prior to the implementation. First, white suspects processed in county group #1 endured higher incarceration rates in jail (while non-white suspects in these jurisdictions did not) during both periods examined. Second, prior to the implementation of SB2, non-white suspects processed in county group #2 benefited from lower jail incarceration rates (while white suspects in these jurisdictions did not). These findings underscore the relevance of jurisdiction differences in the treatment of race/ethnic groups, although our findings suggest that these differences do *not* always disadvantage minority defendants.

There is also a significant difference between the two groups in the effect of misdemeanor convictions on jail likelihoods pre-SB2. This relationship is significantly stronger for non-whites compared to whites, although both relationships are significantly positive. By contrast, during the pre-SB2 period, a history of being institutionalized as a juvenile resulted in significantly lower jail likelihoods for whites even though there was no significant relationship for non-whites. This last relationship might be explained by the significantly stronger *positive* relationship between institutionalization and prison sentences for whites pre-SB2. If white defendants are more likely to go to prison if they had a history of incarceration as a juvenile, then these same defendants might automatically be much less likely to go to jail (given that the only options available for convicted defendants are prison, jail, and community supervision/treatment). Even so, of the four differences between the race/ethnic groups identified in table 23, only the difference involving county group #1 still existed after the implementation of SB2.

The differences between race/ethnic groups emerging from the models predicting prison sentence length are substantively different between the two periods examined, although one of the pre-SB2 differences stands above the rest in its importance (table 24). Specifically, whether the offender was a male convicted of victimizing a female coincided with significantly longer sentences for non-whites whereas there was no significant relationship for whites. This difference disappears post-SB2 even though there is a statistically significant (but considerably weaker) relationship for white males victimizing females ($p < .05$).

The other pre-SB2 difference involves the stronger positive relationship for whites involving the number of specifications convicted on and prison sentence length. These specifications had no significant effect on sentence length for non-whites, but the relationship is quite strong for whites. This difference also disappears post-SB2.

Although felony 2 convictions were more closely tied to longer prison sentences for non-whites post-SB2, this measure is a relatively strong predictor of sentence length for both groups. Nonetheless, a felony 2 conviction coincided with an average 20-month increase in sentence length for non-whites versus an 11-month average increase for whites. Also during the post-SB2 period, white defendants with no high school degrees were more likely to receive significantly *shorter* prison sentences (by an average of 7 months) than non-white defendants. Relatively greater leniency was also shown to white defendants with drug/alcohol addictions during this period. These defendants' sentences were 5 months shorter on average, versus non-white drug/alcohol addicts who served an average of 4 months more. Although the coefficients for drug/alcohol addiction are not statistically significant for either race/ethnic groups, the Clogg test reveals a statistically significant difference in strength between the two. We attribute this to the opposite signs of the two relationships. This scenario prevents either coefficient from falling within the 95 percent confidence interval for the other, despite the non-significance of each coefficient separately.

Overriding any of the race/ethnic group differences in table 24 in terms of its magnitude is the much stronger positive effect of the probability of imprisonment for whites. White defendants with higher likelihoods of going to prison to begin with have much longer prison sentences compared to non-whites. This finding suggests that while non-whites and whites do not maintain significant differences in the likelihood of imprisonment overall (controlling for other factors), white felons who end up in prison are much more likely to serve longer sentences. The difference in the constants between the two post-SB2 models also raises this possibility. These constants can be interpreted as an adjusted mean on the outcome measure for each race/ethnic group ("adjusted" for all other predictors in the models). On average, controlling for all other legal and extra-legal factors, the average prison sentence is 30 months for white felons versus 10 months for non-white

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felons. Compare these figures to the pre-SB2 adjusted averages of 33 months for non-whites versus 27 months for whites. The dramatic drop for non-whites indicates more leniencies for this group post-SB2.

General Observations

The analyses of full models specified by the two-race/ethnic groups lead to the following observations:

6. Jurisdiction differences exist in some of the disposition likelihoods for non-white versus white defendants. These differences include likelihoods of dismissals and jail sentences as well as the magnitude of charge reductions between indictment and conviction. However, there is no clear disadvantage for a specific race/ethnic group either before or after the implementation of SB2.

7. Pre-SB2 differences in treatment between race/ethnic groups did not exist for the post-SB2 period examined *only* in the models predicting diversions. For every other model examined, significant differences in treatment between the two groups were most often substantively different between the two periods examined. Very few significant differences persisted across both periods even though the absolute numbers of significant differences were similar. These observations suggest that SB2 may have only had a random effect (if any) on differences in the treatment of non-white and white suspects.

8. Exceptions to the last observation might include the pre-SB2 disadvantages found for (a) non-whites with more children and their lower likelihoods of diversion, (b) non-whites with drug/alcohol addictions and their lower magnitudes of charge reductions *and* their higher imprisonment likelihoods, and (c) non-white males victimizing females and their

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significantly longer prison sentences (11 months longer than whites, on average). None of these differences existed post-SB2.

9. Findings for the post-SB2 differences revealing higher imprisonment likelihoods for non-whites who are males or unemployed reinforces the recent body of empirical evidence in support of these interactions.

10. With the exception of imprisonment likelihoods, most of the race/ethnic group differences found here involve differences in how legal factors were considered for non-whites versus whites, either pre- or post-SB2. Overall, legal factors do a better job at predicting case dispositions for whites relative to non-whites. An important caveat to that observation is that extra-legal factors perform equally (overall) for each group, and their contributions to explained variation in any of the outcome measures is weak to modest at best.

Conclusions and Implications

As previously discussed, Ohio's truth in sentencing reforms represent a more flexible sentencing scheme compared to similar guidelines implemented in other states. Ohio's scheme is an appealing alternative to more rigid schemes because it still permits a fair amount of discretion in decision-making. However, it remains to be seen whether such a scheme can achieve significant reductions in sentencing disparity while simultaneously increasing the importance of legal characteristics of suspects and their cases for determining sentences. The findings of this study provide insight into this issue, in addition to providing insight into the possible ramifications of this type of scheme for other aspects of case processing (i.e., dropped charges, convictions, and charge reductions). Support for the effectiveness of this scheme would suggest the possibility of pursuing such guidelines in other states since court participants may regard them more favorably. On the other hand, if sentencing disparities are somehow enhanced under the new scheme or if reductions in

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sentencing disparities have occurred while disparities in other aspects of case processing have increased, this would suggest that the aspects of the new guidelines designed to reduce disparities need to be revisited.

The significant findings uncovered here, which are consistent with the goals of increasing the relevance of legal factors and decreasing the relevance of extra-legal factors, include the following:

1. Rates of incarceration in prison dropped significantly (by 6 percent) after the implementation of SB2.

2. Convictions on felony 1's and 2's coincided with higher likelihoods of a prison sentence post-SB2.

3. Cases involving males victimizing females had a stronger effect on prison likelihoods post-SB2.

4. Court appointed attorneys had less of an influence on dropped charges and convictions after the implementation of SB2.

5. The number of indicted specifications had more of an impact on charge reductions post-SB2.

6. Pre-SB2 differences in treatment between race/ethnic groups did not exist for the post-SB2 period examined in the models predicting diversions.

7. Non-whites with more children had lower likelihoods of diversion before the implementation of SB2.

8. Non-whites with drug/alcohol addictions had lower magnitudes of charge reductions prior to SB2.

9. Non-whites with drug/alcohol addictions had higher imprisonment likelihoods before SB2.

10. Non-white males victimizing females received significantly longer prison sentences (11 months longer than whites, on average) pre-SB2.

11. Overall, extra-legal factors perform more equally for each race/ethnic group after the implementation of SB2, and their contributions to explained variation in *any* of the outcome measures is weak to modest at best.

Yet, despite these significant differences between the two periods examined, our study does not provide evidence that SB2 has maintained "strong" influences on case processing in Ohio Courts of Common Pleas. Although significant influences appear in our data, these effects are substantively weak to modest at best. However, it is essential to point out that the absence of strong differences in the relationships involving defendant characteristics between the two periods could reflect the weak effects of these characteristics even prior to the implementation of SB2. Any sentencing reform strategy would have had negligible effects on these relationships simply because the relationships were either weak (even when statistically significant) or non-existent to begin with. An analogy can be drawn to economies of scale, where raising productivity initially produces considerable economic gains up to a point, after which each unit increase in productivity yields smaller and smaller returns. In the court system, sentencing reforms may have a greater impact on reducing extra-legal disparities in jurisdictions with gross inequities. If minority defendants had a 50 percent higher likelihood of going to prison compared to whites, a 10 percent reduction in this likelihood would be considered strong (and probably more realistic under sentencing reforms in these types of jurisdictions). However, in the counties examined, the likelihood of imprisonment for convicted non-whites was 8 percent higher before SB2 (49 percent for non-whites versus 41 percent for whites). This difference did not change after SB2 was implemented, although the incarceration rates for *both* race/ethnic groups decreased (43 percent for non-whites versus 35 percent for whites

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post-SB2). Add to this the fact that these are zero-order differences (not controlling for any other differences between race groups that might also generate differences in outcomes), the odds of imprisonment for each race/ethnic group are more likely to *not* be significantly different when other intervening influences are held constant. For example, consider the non-significant higher order relationship for race/ethnicity in the *pre*-SB2 model. Technically speaking, the magnitude of the race/prison relationship decreased even further post-SB2, but *both* relationships are so weak that we should treat them as null.

A subtler example of this situation is reflected in the results for extra-legal measures in the model predicting jail sentences (table 16). Note that there are four significant relationships involving extra-legal measures pre-SB2, yet none post-SB2. One might conclude that these effects post-SB2 are much weaker, but that is not the case because the relationships were weak to begin with (as we described in the discussion of these zero-order relationships with jail sentences).

For both periods examined, the evidence indicates that case characteristics are much more important for predicting case dispositions when compared to defendant characteristics, particularly charge reductions and the types and lengths of sentences. It also appears that, within the pool of legally-relevant measures, more general case characteristics such as indictment/conviction levels are superior in prediction to the more specific characteristics of the offenses examined such as whether a weapon was involved, whether the case involved a male victimizing a female, and so on. Overall, defendant characteristics are largely irrelevant for predicting *anything* prior to sentencing, and they add (at best) very modest explanatory power to the models predicting actual sentences.

An important qualification to these conclusions is that we are generalizing across the 24 counties examined. Results from the pooled logistic models and the models specified by race/ethnicity indicate some very strong county-level differences in disposition rates. In addition,

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jurisdiction differences exist in some of the disposition likelihoods for non-white versus white defendants. These differences include likelihoods of dismissals and jail sentences as well as the magnitude of charge reductions between indictment and conviction. More specific county-by-county analyses of these data will ultimately reveal the magnitude of SB2's effect on case processing for each specific county in the sample. Models specified by county would necessarily be more parsimonious than the ones examined here due to the more restricted numbers of cases within each county, although zero-order correlations for the relationships of interest might provide a feel for county-level differences. Moreover, multi-level modeling would permit an examination of how the individual-level influences on case processing might vary by certain aggregate-level characteristics of counties such as population density (more versus less "urban"), geographic location (north versus south), racial composition of the population (ratio of non-white to white, etc.).

Aside from offering an evaluation of the general effects of Senate Bill 2, our study provides empirical evidence that interaction effects involving a defendant's race/ethnicity might be more important than main effects when predicting case outcomes. We have also extended this body of research by focusing on stages of case processing aside from the imprisonment decision. Not only does this support more recent empirical evidence on the topic of racial and ethnic disparities in sentencing (as described by Spohn, 2000 and Zatz, 2000), it may provide insight into why the effects of SB2 were limited in strength. Efforts to generate more equity in treatment between specific groups throughout the court system may not be very successful when these groups differ on other characteristics that also influence case processing. The problem is potentially compounded when levels of discrimination vary by social context because the magnitude of differences in these "other" characteristics may also vary across these contexts. In other words, an understanding of

how to reduce disparity between groups requires an understanding of their individual-level

differences (e.g., official criminal records, education, employment) as well as *contextual*

differences between the social climates in which they are processed. A state-level reform will be

limited in its impact when it cannot address these types of individual-level (x) aggregate-level

interaction effects on case processing.

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Name   **Position**

SB2   CASE PROCESSED UNDER SENATE BILL 2   1
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

              0   NO
              1   YES

CASEYR95   1995 CASE   2
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

              0   NO
              1   YES

CASEYR96   1996 CASE   3
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

              0   NO
              1   YES

CASEYR97   1997 CASE   4
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

              0   NO
              1   YES

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```
CASEYR98   1998 CASE                                                  5
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

              0     NO
              1     YES


MALE       MALE DEFENDANT                                             6
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

              0     NO
              1     YES


AFAMER     AFRICAN-AMERICAN DEFENDANT                                 7
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

              0     NO
              1     YES


AAMA       AFRICAN-AMER. OR MEXICAN-AMER. DEFENDANT                   8
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

              0     NO
              1     YES
```

```
AGEOFF      DEFENDANT'S AGE AT OFFENSE                              9
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2


AGEARR      DEFENDANT'S AGE AT ARREST                              10
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2


AGEIND      DEFENDANT'S AGE AT INDICTMENT                          11
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2


AGEADJ      DEFENDANT'S AGE AT ADJUDICATION                        12
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2


AGESENT     DEFENDANT'S AGE AT SENTENCING                          13
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2


MARRIED     MARRIED                                                14
            Measurement Level: Ordinal
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value     Label

               0      NO
               1      YES


CHILD       # CHILDREN LIVING WITH DEFENDANT                       15
            Measurement Level: Ordinal
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2
```

```
MIL         MILITARY EXPERIENCE                                    16
            Measurement Level: Ordinal
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value    Label

               0     NO
               1     YES


NOHSDEG     NO HIGH SCHOOL DEGREE                                  17
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value    Label

               0     NO
               1     YES


COLLEGE     COLLEGE DEGREE                                         18
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value    Label

               0     NO
               1     YES


EMPLOYED    EMPLOYED AT SENTENCING                                 19
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value    Label

               0     NO
               1     YES
```

```
ANINCOME   ANNUAL INCOME                                                    20
           Measurement Level: Scale
           Column Width: 8   Alignment: Right
           Print Format: F8
           Write Format: F8


RESLNTH    MONTHS AT CURRENT RESIDENCE                                      21
           Measurement Level: Scale
           Column Width: 8   Alignment: Right
           Print Format: F2
           Write Format: F2


PUBASS     ON PUBLIC ASSISTANCE                                            22
           Measurement Level: Scale
           Column Width: 8   Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES


OTHSUPP    SUPPORTED OTHER THAN BY JOB OR PUBLIC ASSISTANCE               23
           Measurement Level: Scale
           Column Width: 8   Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES


ADDICT     DRUG OR ALCOHOL ADDICT                                         24
           Measurement Level: Scale
           Column Width: 8   Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES
```

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DRUGADD   CURRENT DRUG ADDICTION   25
             Measurement Level: Ordinal
             Column Width: 8 Alignment: Right
             Print Format: F2
             Write Format: F2

             Value   Label

                 0   NO
                 1   YES

ALCADD   CURRENT ALCOHOL ADDICTION   26
             Measurement Level: Ordinal
             Column Width: 8 Alignment: Right
             Print Format: F2
             Write Format: F2

             Value   Label

                 0   NO
                 1   YES

JUVPRISC   JUVENILE PRIORS CONSIDERED IN SENTENCING   27
             Measurement Level: Scale
             Column Width: 8 Alignment: Right
             Print Format: F2
             Write Format: F2

             Value   Label

                 0   NO
                 1   YES

DYS   SENT TO DYS AS JUVENILE   28
             Measurement Level: Ordinal
             Column Width: 8 Alignment: Right
             Print Format: F2
             Write Format: F2

             Value   Label

                 0   NO
                 1   YES

```
FELARR      # PRIOR FELONY ARRESTS                                29
            Measurement Level: Ordinal
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2


MISARR      # PRIOR MISDEMEANOR ARRESTS                           30
            Measurement Level: Ordinal
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2


ARRESTS     TOTAL PRIOR ARRESTS                                   31
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2


FELCON      # PRIOR FELONY CONVICTIONS                            32
            Measurement Level: Ordinal
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2


MISCON      # PRIOR MISDEMEANOR CONVICTIONS                       33
            Measurement Level: Ordinal
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2


CONVICTS    TOTAL PRIOR CONVICTIONS                               34
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2


PRISLT2     # PRISON TERMS < 2 YEARS                              35
            Measurement Level: Ordinal
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2


PRISGE2     # PRISON TERMS >= 2 YEARS                             36
            Measurement Level: Ordinal
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2
```

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```
PRISTRMS   TOTAL PRIOR PRISON TERMS                           37
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


JAILLE30   # JAIL TERMS <= 30 DAYS                            38
           Measurement Level: Ordinal
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


JAILGT30   # JAIL TERMS > 30 DAYS                             39
           Measurement Level: Ordinal
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


JAILTRMS   TOTAL PRIOR JAIL TERMS                             40
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


INSTTRMS   TOTAL PRIOR PRISON/JAIL TERMS                      41
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


PRISUP     # PRIOR COMM. SUPERVISIONS                         42
           Measurement Level: Ordinal
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


IFEL1      INDICTED ON FELONY 1                               43
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value      Label

               0      NO
               1      YES
```

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IFEL2   INDICTED ON FELONY 2   44
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   NO
                1   YES

IFEL3   INDICTED ON FELONY 3   45
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   NO
                1   YES

IFEL4   INDICTED ON FELONY 4   46
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   NO
                1   YES

IFEL5   INDICTED ON FELONY 5   47
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   NO
                1   YES

IMIS   INDICTED ON MISDEMEANOR   48
              Measurement Level: Scale
              Column Width: 8 Alignment: Right
              Print Format: F2
              Write Format: F2

              Value   Label

                 0   NO
                 1   YES

CFEL1   CONVICTED OF FELONY 1   49
              Measurement Level: Scale
              Column Width: 8 Alignment: Right
              Print Format: F2
              Write Format: F2

              Value   Label

                 0   NO
                 1   YES

CFEL2   CONVICTED OF FELONY 2   50
              Measurement Level: Scale
              Column Width: 8 Alignment: Right
              Print Format: F2
              Write Format: F2

              Value   Label

                 0   NO
                 1   YES

CFEL3   CONVICTED OF FELONY 3   51
              Measurement Level: Scale
              Column Width: 8 Alignment: Right
              Print Format: F2
              Write Format: F2

              Value   Label

                 0   NO
                 1   YES

```
CFEL4        CONVICTED OF FELONY 4                                    52
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value     Label

                0      NO
                1      YES


CFEL5        CONVICTED OF FELONY 5                                    53
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value     Label

                0      NO
                1      YES


CMIS         CONVICTED OF MISDEMEANOR                                 54
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value     Label

                0      NO
                1      YES


INDCTS       # COUNTS INDICTED ON                                     55
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2


CONCTS       # COUNTS CONVICTED ON                                    56
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2


INDLEVEL     SUM OF INDICTMENT LEVELS                                 57
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F4
             Write Format: F4
```

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CONLEVEL   SUM OF CONVICTION LEVELS   58
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F4
            Write Format: F4

IGUNSPCS   # GUN SPECS. IN INDICTMENT   59
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

IOTHSPCS   # OTHER SPECS. IN INDICTMENT   60
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

ITOTSPCS   # TOTAL SPECS. INDICTMENT   61
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

CGUNSPCS   # GUN SPECS. IN CONVICTION   62
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

COTHSPCS   # OTHER SPECS. IN CONVICTION   63
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

CTOTSPCS   # TOTAL SPECS. CONVICTION   64
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

MV   STOLEN MOTOR VEHICLE INVOLVED   65
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   NO
                1   YES

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```
FELMURD    FELONY MURDER CASE                                        66
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES


OFFRAPE    RAPE                                                      67
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES


PERSONAL   PERSONAL CRIME                                            68
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES


NVICVIO    # OF VICTIMS-PERSONAL CRIMES                              69
           Measurement Level: Ordinal
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


WEAPON     WEAPON INVOLVED                                           70
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES
```

116

```
GUN           GUN INVOLVED                                              71
              Measurement Level: Scale
              Column Width: 8   Alignment: Right
              Print Format: F2
              Write Format: F2

              Value     Label

                 0      NO
                 1      YES


USEWEAP       WEAPON USED DURING OFFENSE                                72
              Measurement Level: Scale
              Column Width: 8   Alignment: Right
              Print Format: F2
              Write Format: F2

              Value     Label

                 0      NO
                 1      YES


STRANGER      VICTIMIZED A STRANGER                                     73
              Measurement Level: Scale
              Column Width: 8   Alignment: Right
              Print Format: F2
              Write Format: F2

              Value     Label

                 0      NO
                 1      YES


JUVVIC        VICTIMIZED A JUVENILE                                     74
              Measurement Level: Scale
              Column Width: 8   Alignment: Right
              Print Format: F2
              Write Format: F2

              Value     Label

                 0      NO
                 1      YES
```

```
MVICFEM      MALE VICTIMIZED A FEMALE                                    75
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value     Label

                 0     NO
                 1     YES


NWOWV        NON-WHITE VICTIMIZED WHITE                                  76
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value     Label

                 0     NO
                 1     YES


WONWV        WHITE   VICTIMIZED NON-WHITE                                77
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value     Label

                 0     NO
                 1     YES


NOVICINV     NO VICTIM PROVOCATION                                       78
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value     Label

                 0     NO
                 1     YES
```

118

```
INJURY       INJURY TO VICTIM                                         79
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value    Label

                 0    NO
                 1    YES


SERVIC       VICTIM HOSPITALIZED                                      80
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value    Label

                 0    NO
                 1    YES


DRUGTRAF     DRUG TRAFFICKING CASE                                    81
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value    Label

                 0    NO
                 1    YES


DRUGPOSS     DRUG POSSESSION CASE                                     82
             Measurement Level: Scale
             Column Width: 8  Alignment: Right
             Print Format: F2
             Write Format: F2

             Value    Label

                 0    NO
                 1    YES
```

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```
DRUGS       ANY DRUG-RELATED CASE                                          83
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value     Label

               0      NO
               1      YES


CRACK       CRACK-RELATED OFFENSE                                          84
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value     Label

               0      NO
               1      YES


CMDRUGS     CRACK OR MARIJUANA INVOLVED                                    85
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value     Label

               0      NO
               1      YES


DRUGAMT     GRAMS OF DRUG                                                  86
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F8.2
            Write Format: F8.2


DRUGALC     UNDER INFLUENCE OF DRUGS/ALC. AT TIME OF OFFENSE              87
            Measurement Level: Ordinal
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value     Label

               0      NO
               1      YES
```

```
DRUGPAR    DRUG PARAPHERNALIA                                          88
           Measurement Level: Ordinal
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES


STOLCASH   STOLEN CASH                                                 89
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES


STOLVICE   STOLEN WEAPON OR DRUGS                                      90
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES


VALUE      TOTAL $$ VALUE STOLEN PROPERTY                              91
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F8.2
           Write Format: F8.2


LEADER     LEADER IN OFFENSE                                           92
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2

           Value     Label

               0     NO
               1     YES
```

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MINORACC   MINOR ACCESSORY TO OFFENSE   93
           Measurement Level: Scale
           Column Width: 8 Alignment: Right
           Print Format: F2
           Write Format: F2

           Value   Label

              0   NO
              1   YES

CODEFS   # CODEFENDANTS   94
           Measurement Level: Ordinal
           Column Width: 8 Alignment: Right
           Print Format: F2
           Write Format: F2

PD   PUBLIC DEFENDER/COURT APPOINTED ATTORNEY   95
           Measurement Level: Scale
           Column Width: 8 Alignment: Right
           Print Format: F2
           Write Format: F2

           Value   Label

              0   NO
              1   YES

DIVRSION   GRANTED DIVERSION   96
           Measurement Level: Scale
           Column Width: 8 Alignment: Right
           Print Format: F2
           Write Format: F2

           Value   Label

              0   NO
              1   YES

OTHDROPC   OTHER DROPPED CHARGES   97
           Measurement Level: Scale
           Column Width: 8 Alignment: Right
           Print Format: F2
           Write Format: F2

           Value   Label

              0   NO
              1   YES

122

CONVICT   CONVICTED   98
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

               0   NO
               1   YES

GP   PLED GUILTY   99
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

               0   NO
               1   YES

CHGRED   MAGNITUDE OF CHARGE REDUCTIONS BY CONVICTION   100
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F3
            Write Format: F3

CTSRED   NUMBER OF COUNTS REDUCED BY CONVICTION   101
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

GUNSPRED   GUN SPECS. REDUCED ON CONVICTION   102
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

SPECSRED   TOTAL SPECS REDUCED ON CONVICTION   103
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

PRISON   PRISON SENTENCE (SUSPENDED+NOT SUSP.)   104
            Measurement Level: Scale
            Column Width: 8   Alignment: Right
            Print Format: F2
            Write Format: F2

123

```
          Value     Label

             0     NO
             1     YES


ACTPRIS    PRISON SENTENCE (NOT SUSPENDED)                        105
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


           Value     Label

             0     NO
             1     YES


PRISTIME   MONTHS IN PRISON W/O JAIL CREDIT TALLIED              106
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F4
           Write Format: F4


ACTPRTM    MONTHS IN PRISON WITH JAIL CREDIT TALLIED             107
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F4
           Write Format: F4


JAIL       JAIL SENTENCE (SUSPENDED+NOT SUSP.)                   108
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


           Value     Label

             0     NO
             1     YES


ACTJAIL    JAIL SENTENCE (NOT SUSPENDED)                         109
           Measurement Level: Scale
           Column Width: 8  Alignment: Right
           Print Format: F2
           Write Format: F2


           Value     Label

             0     NO
             1     YES
```

124

```
JAILTIME    DAYS IN JAIL W/O CREDIT TALLIED                         110
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F3
            Write Format: F3


ACTJATM     DAYS IN JAIL WITH CREDIT TALLIED                        111
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F3
            Write Format: F3


TOTFR       FINE+RESTITUTION $$$                                    112
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F8.2
            Write Format: F8.2


CRP         SENT TO COMMUNITY RESIDENTIAL PROGRAM                   113
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2


            Value     Label


                0     NO
                1     YES


PROGRAM     SENT TO RESIDENTIAL OR NON-RES. PROGRAM                 114
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2


            Value     Label


                0     NO
                1     YES


SUPRVISE    COMMUNITY SUPERVISION (ANY TYPE)                        115
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2


            Value     Label


                0     NO
                1     YES
```

125

```
BASIC       BASIC SUPERVISION                                    116
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value     Label

               0      NO
               1      YES


SHOCK       SHOCK PROBATION                                      117
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value     Label

               0      NO
               1      YES


SUPERMOS    LENGTH OF COMMUNITY SUPERVISION-MONTHS               118
            Measurement Level: Ordinal
            Column Width: 8  Alignment: Right
            Print Format: F4
            Write Format: F4


PRISREC     PSI RECOMMENDS PRISON                                119
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value     Label

               0      NO
               1      YES


CNTYDIV1    COUNTY CONTROLS FOR DIVERSIONS (+)                   120
            Measurement Level: Scale
            Column Width: 8  Alignment: Right
            Print Format: F2
            Write Format: F2

            Value     Label

               0      ALL OTHERS
               1      > AVG. DIVERSION RATES
```

126

CNTYDIV2   COUNTY CONTROLS FOR DIVERSIONS (-)   121
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   ALL OTHERS
                1   < AVG. DIVERSION RATES

CNTYODC1   COUNTY CONTROLS FOR OTHER DROPPED CHARGES (+)   122
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   ALL OTHERS
                1   > AVG. ODC RATES

CNTYODC2   COUNTY CONTROLS FOR OTHER DROPPED CHARGES (-)   123
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   ALL OTHERS
                1   < AVG. ODC RATES

CNTYCON1   COUNTY CONTROLS FOR CONVICTIONS (+)   124
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   ALL OTHERS
                1   > AVG. CONVICTION RATES

CNTYCON2   COUNTY CONTROLS FOR CONVICTIONS (-)   125
           Measurement Level: Scale
           Column Width: 8 Alignment: Right
           Print Format: F2
           Write Format: F2

           Value   Label

               0   ALL OTHERS
               1   < AVG. CONVICTION RATES

CNTYRED1   COUNTY CONTROLS FOR REDUCED CHARGES (+)   126
           Measurement Level: Scale
           Column Width: 8 Alignment: Right
           Print Format: F2
           Write Format: F2

           Value   Label

               0   ALL OTHERS
               1   > AVG. CHARGE REDUCTIONS

CNTYRED2   COUNTY CONTROLS FOR REDUCED CHARGES (-)   127
           Measurement Level: Scale
           Column Width: 8 Alignment: Right
           Print Format: F2
           Write Format: F2

           Value   Label

               0   ALL OTHERS
               1   < AVG. CHARGE REDUCTIONS

CNTYPRI1   COUNTY CONTROLS FOR PRISON SENTENCES (+)   128
           Measurement Level: Scale
           Column Width: 8 Alignment: Right
           Print Format: F2
           Write Format: F2

           Value   Label

               0   ALL OTHERS
               1   > AVG. IMPRISONMENT RATES

CNTYPRI2   COUNTY CONTROLS FOR PRISON SENTENCES (-)   129
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   ALL OTHERS
                1   < AVG. IMPRISONMENT RATES

CNTYJAI1   COUNTY CONTROLS FOR JAIL SENTENCES (+)   130
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   ALL OTHERS
                1   > AVG. JAIL RATES

CNTYJAI2   COUNTY CONTROLS FOR JAIL SENTENCES (-)   131
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F2
            Write Format: F2

            Value   Label

                0   ALL OTHERS
                1   < AVG. JAIL RATES

PROBPROS   PROBABILITY OF FULL PROSECUTION   132
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F8.5
            Write Format: F8.5

PROBCON   PROBABILITY OF CONVICTION   133
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F8.5
            Write Format: F8.5

PROBPRIS   PROBABILITY OF IMPRISONMENT   134
            Measurement Level: Scale
            Column Width: 8 Alignment: Right
            Print Format: F8.5
            Write Format: F8.5