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Effects of Prior Record in Sentencing
Research in a Large Northeastern City,
1968-1979: [United States]

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Susan Welch and Cassia Spohn

ICPSR 8929

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EFFECTS OF PRIOR RECORD IN SENTENCING RESEARCH
IN A LARGE NORTHEASTERN CITY, 1968-1979

(ICPSR 8929)

Principal Investigators

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ACQUISITIONS

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Susan Welch and Cassia Spohn

EFFECTS OF PRIOR RECORD IN SENTENCING RESEARCH IN A LARGE
NORTHEASTERN CITY, 1968-1979 (ICPSR 8929)

SUMMARY: This data collection examines the impact of defendants' prior criminal records on the sentencing of male and female defendants committing violent and non-violent crimes. Also examined was which types of prior records most influenced the sentencing judges. Variables deal specifically with the defendant, the judge and the characteristics of the current case. Only cases that fell into one of 14 categories of common offenses were included. These offenses were murder, manslaughter, rape, robbery, assault, minor assault, burglary, auto theft, embezzlement, receiving stolen property, forgery, sex offenses other than rape, drug possession, and driving while intoxicated. CLASS IV

UNIVERSE: All defendants in felony cases heard between 1968 and 1979 in a large northeastern city of the United States.

SAMPLING: Random sample of convicted defendants selected from a larger sample. The sample was stratified by the gender of the judge with sampling fractions of .2 for male judges and 1.0 for female judges, yielding a large number of female judges in the final sample.

EXTENT OF COLLECTION: 1 data file

DATA FORMAT: Card Image

FILE STRUCTURE: rectangular

CASES: 5,562

VARIABLES: 19

RECORD LENGTH: 80

RECORDS PER CASE: 1

RELATED PUBLICATIONS:

Gruhl, J., C. Spohn, and S. Welch. "Women as Policymakers: The Case of Trial Judges." AMERICAN JOURNAL OF POLITICAL SCIENCE 25 (1981), 308-322.

Spohn, C., and S. Welch. "The Effect of Prior Record in Sentencing Research: An Examination of the Assumption That Any Measure is Adequate." JUSTICE QUARTERLY 4 (1987), 287-302. RELATED.PUBS = Uhlman, Thomas, M. "The Impact of Defendant Race in Trial-Court Sanctioning Decisions," in John A. Gardiner (ed.), PUBLIC LAW AND PUBLIC POLICY. New York: Praeger, 1977.

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ABSTRACT

Susan Welch and Cassia Spohn

The Effect of Prior Record in Sentencing Research: An Examination of the Assumption That Any Measure is Adequate

University of Nebraska

84-IJ-CX-0035

Purpose of the Study

Data were collected to: (1) examine the impact of several measures of prior record on the sentences imposed on male and female defendants and defendants of violent and non-violent crimes; (2) identify the measure or measures of prior record that are most influential to the sentencing judge; and (3) emphasize how the choice of a measure of prior record can affect conclusions in sentencing research, particularly research concerning the disparity of the sentencing process of male and female defendants.

Methodology

Sources of information:

Court records

Sample:

The data for this project are a random sample (n=5562) of convicted defendants selected from a larger sample used in a previous study (Gruhl, Spohn, and Welch 1981).

The original sample (n=approximately 50,000) consisted of felony cases heard between 1968 and 1979 in a large Northeastern city. The sample was stratified by the gender of the judge with sampling fractions of .2 for male judges and 1.0 for female judges. Only cases where the maximum charge was one of the fourteen most common offenses are included. These are murder, manslaughter, rape, robbery, assault, minor assault, burglary, auto theft, embezzlement, receiving stolen property, forgery, sex offenses other than rape, drug possession, and driving while intoxicated.

Dates of data collection:

Not available.

Summary of Contents

Special characteristics of the study:

This data set is unusual because of the large number of female judges and the amount of information about the prior criminal record of defendants.

Description of variables:

Nineteen variables characterize the defendant, the judge, and the characteristics of the current case.

Defendant variables are: number of arrests, number of misdemeanor arrests, number of felony arrests, any prior convictions, number of times sentenced to a prison term; the number of times sentenced to term of more than one year, a six-point summary scale of prior record, age, sex, and race. (The summary scale gives one point for any prior convictions, any prior arrests, any prior arrests on a felony charge, any prior term of incarceration, and any prior term of incarceration for more than one year, and any misdemeanor arrests.)

Presiding judge variables are: length of time on the bench, race, and sex.

Case Variables are: maximum charge, sentence for the maximum charge, plea, year of the case, the type of attorney (public or private), whether current charge resulted in a prison sentence

Unit of observation:

Felony cases.

Geographic coverage

A large Northeastern city.

File structure

Data files:	1
Unit:	Felony cases
Variables:	19
Cases:	5562

Reports and Publications

- J. Gruhl, C. Spohn, and S. Welch (1981). "Women as Policymakers: The Case of Trial Judges." *American Journal of Political Science*, 25(2): 308-322.
- C. Spohn and S. Welch (1987) "The Effect of Prior Record in Sentencing Research: An Examination of the Assumption That Any Measure is Adequate." *Justice Quarterly*, 4(2):287-302.

Information on the Data from Project # 84-IJ-CX-0035
Development and Validation of an Index of Criminal History
Susan Welch, Principal Investigator

1. Nineteen variables were written using an IBM PC. Variables were written in four column fields, beginning with column 1 and ending with column 76.
2. There are a total of 5562 cases. Each case represents the record of one defendant's case (that is, some people may have been arrested and tried on different occasions for different sets of crimes; they would be in the file more than once. However, a defendant charged with multiple offenses for the same activity would have only one record).
3. The variables are listed in the following order:
 1. Defendant's race: 1=Caucasian
 2=black
 3=other
 9=missing
 2. Maximum charge See attached frequency distribution for labels
 3. Sentence for maximum charge. Scale of 1 to 93 with 93 being most severe. * See attached sheet.
 4. Plea: 1=Guilty plea
 0=Not guilty plea
 5. Sex of judge: 1=Female
 0=Male
 6. Prior Conviction 1=Yes
 9=No
 7. Year of Case Range from 68 to 79
 8. Number of previous arrests (variables 8 through are coded as 9 if 9 or more)
 9. Number of previous felony arrests (coded as 9 if 9 or more)
 10. Number of times previously sentenced to prison
 11. Number of times previously sentenced to prison for one year or more
 12. Number of previous misdemeanor arrests
 13. Year of defendant's birth
 14. Sex of defendant 1=Male
 0=Female

15. Attorney 1=Private
 0=Other
16. Prior record scale Range from 1 to 6. One point given for each of
the records indicated in 6 and 8 through 12.
17. Race of the judge 1=Black
 0=White and other
18. Prison sentence 1=Sentenced to prison on current charge
 0=Not sentenced to prison on current charge
19. Length of time judge has been on bench (blanks equal 9 or more years
with 99 as missing data)

* This variable is a 93-point sentence scale which ranges from a suspended sentence to life imprisonment. For a more detailed description see:

Uhlman, Thomas M. (1977) "The Impact of Defendant Race in Trial-Court Sanctioning Decisions," in John A. Gardiner (ed.), Public Law and Public Policy. New York: Praeger.

MAXCH MAXIMUM CHARGE

Males only

VALUE LABEL	VALUE	FREQUENCY	PERCENT	VALID PERCENT	CUM PERCENT
MURDER	100	227	4.5	4.5	4.5
MAVSL	150	75	1.5	1.5	5.9
RAPE	199	157	3.1	3.1	9.0
ROBBERY	200	906	17.8	17.8	26.8
ASSAULT	300	443	8.7	8.7	35.5
MINOR ASBLT	370	242	4.7	4.7	40.2
BURGLARY	400	1086	21.3	21.3	61.5
AUTO THEFT	530	75	1.5	1.5	63.0
EMBEZZ	550	48	.9	.9	63.9
STOL PROP	530	815	16.0	16.0	79.9
FORGERY	600	94	1.8	1.8	81.8
SEX OFFENSE	750	52	1.0	1.0	82.8
DRUG POSS	800	820	16.1	16.1	98.9
DWI	840	57	1.1	1.1	100.0
TOTAL		5097	100.0	100.0	

MEAN 439.742 STD DEV 219.451 MINIMUM 100.000
MAXIMUM 840.000

VALID CASES 5097 MISSING CASES 0