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CHOICE OF DISPOSITION MODES IN THE CRIMINAL PROCESS:

AN ORGANIZATIONAL PERSPECTIVE

Albert R. Matheny
Department of Political Science
University of Florida
Gainesville, Florida

Pamela Richards
Department of Sociology
University of Florida
Gainesville, Florida

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Case processing in the criminal justice system has received a good
deal of both empirical and theoretical attention in the past decade.
Authors have attempted to explain patterns in processing according to
defendant characteristics (Oaks and Lehman, 1968; Bernstein, et al,
1977; Hagan, 1974), case characteristics (Mather, 1974; Landes, 1971), and
organizational characteristics (Feeley, 1973; Carter, 1974; Eisenstein
and Jacob, 1977). Yet attempts at generalizing or synthesizing these
various approaches have met with mixed success (Hagan, 1974; Forst and
Brosi, 1977; Shin, 1973). In part, this may be due to the different
research strategies found in the literature. Much of the important theo-
retical work on case processing draws its inspiration from qualitative case
studies of single jurisdictions (e.g., Buckle and Buckle, 1977), prosecutor
offices (Carter, 1974), or police departments (Littrell, 1979), while
much of the quantitative empirical work relies on large scale data sets
drawn from official court or prosecution records about individual cases
(e.g., Rhodes, 1978).

But differing definitions and operationalizations of case processing
may also make synthesis difficult. Some authors focus on choice of
disposition mode, seeking to understand patterns in the way that cases are
routed through the criminal justice system (Mather, 1979; Mohr, 1976).
Studies of "plea bargaining" are especially common in this group. Other
authors concentrate on questions of case outcome, examining patterns in
both the type and seriousness of sanctions imposed in various cases

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(Dawson, 1969; Greenwood, et al., 1976; Levin, 1977). Research has generally focused on one or the other of these issues, neglecting the potential overlap between the two. Generalizations about case processing as a whole have been hindered by this dichotomy in research.

A few authors have remarked on this, suggesting that rigid distinctions between disposition and outcome may be artificial for most cases that survive dismissal. Instead, the question of suitable sanction (what Heumann, 1978, calls "time/no time") may be the main issue facing defendants and case processors, with choice of disposition mode assuming an ancillary role. The argument is as follows: when actors agree about desired case outcome, they will choose the disposition mode most likely to achieve that outcome. In this sense, then, the choice of disposition mode may follow directly from decisions about the type or degree of sanction to impose. This presumes, of course, that there is substantial agreement about desired case outcome. In instances of disagreement, when appropriate outcome is uncertain, the choice of disposition mode is central to the determination of case outcome. In either case, choice of disposition mode is conditioned by the agreement or disagreement over case outcomes. Identifying the issues relevant to determining case outcome, specifying situations of likely agreement or disagreement over outcome, and articulating the role played by disposition mode are essential steps in understanding the relationship between dispositional choice and outcome in case processing. This paper suggests an organizational framework for addressing these issues.

A Theory of Case Processing

There is nothing new in the suggestion that the criminal justice system operates as a complex organization, but we have found contingency

theory (Thompson, 1967) particularly useful in understanding decision-making in criminal processing. By conceptualizing criminal courts as "open systems" that adapt to uncertainty, we can appreciate what they actually do to defendants and how processing decisions are made.[1]

Using contingency theory, case processing can be seen as an "intensive technology"—an organizational strategy for treating "input objects."[2] The distinctive feature of an intensive technology is that appropriate treatments cannot be specified without reference to the nature of the input itself. Initial treatment depends on the way in which the input object is characterized (or "diagnosed"), and subsequent treatments depend on initial outcomes and feedback from the input object. Thompson argues that effetive decision-making in an intensive technology is more likely to be achieved in radically decentralized organizations whose actors have a good deal of autonomy in close association with the relevant input. This allows them to develop expertise and exercise discretion in devising appropriate treatment strategies. It also enables them to monitor the input in a way that facilitates diagnosis on the basis of feedback. Such an arrangement enables this type of technology to achieve a "bounded rationality" (Thompson, 1967: 76-77) which maintains and enhances the predictability of an organization's technical operations by insulating them from uncertainty.[3]

. Case processing takes on some interesting characteristics when seen in these terms. Decision-makers initially diagnose or label defendants by filing appropriate charges based upon the nature of the alleged criminal act and the nature of the accused. Processors then assemble evidence (subsequent treatments) in order to support or challenge these

charges, and feedback from these treatments is used to devise further treatment strategies, leading ultimately to a determination of desired outcome.

Thompson argues that an intensive technology strives to achieve bounded rationality by reducing uncertainty in the organization's operations. Achieving bounded rationality in criminal case processing is complicated by the fact that the formally prescribed processing strategy (adversarial contesting of cases) necessarily introduces an element of uncertainty into the work of organizational actors. Within a due process strategy, decisions cannot be made unilaterally and are always subject to challenge. This reduces the autonomy of organizational actors and makes it difficult for them to monitor cases effectively.

Decision-makers typically avoid the essential uncertainty in adversarial processing and achieve bounded rationality in their work by shifting toward negotiative settlement of criminal cases (i.e., plea bargaining). Negotiation provides an apparent incentive for the defendant to cooperate with the permanent participants in the criminal process. This "incorporates" the defendant into the process, making it easier for processors to monitor the case and devise appropriate treatment strategies that avoid the inherent uncertainty in trial (adversarial processing). Front-line processors do the active negotiation, which makes it easier to coordinate decision-making, and, because negotiated settlements cannot be appealed, processors have greater control over case outcomes.

Perhaps more importantly, negotiative processing strategies can enhance the various processors' abilities to establish "proper" case outcome, and "proper" case disposition strategies. Negotiative decision-

making is interdependent decision-making. To be effective, it requires that the decisions made by one participant be consistent with the expectations and reactions of the others. Extensive negotiation can help processors develop a relatively stable set of expectations about each other's behavior in response to a variety of cases. In other words, it may enhance their collective capacity for "organizational learning" (Cyert and March, 1963). Shared understandings about the character and proper processing of commonly encountered cases develop out of past experiences (what Sudnow, 1965, refers to as "normal crimes"). These shared understandings are important because they reduce the uncertainty in case processing and increase the actors' ability to control the treatment process, thereby supplying bounded rationality for intensive decision-making. This has the cumulative effect of enhancing the overall predictability of the criminal justice system's operations.

Obviously, certain organizational arrangements are more amenable to negotiative case processing than others (i.e., those that are decentralized, those that allow processors a good deal of autonomy for exercising discretion in making decisions about cases). For example, the courtroom workgroups described by Eisenstein and Jacob (1977) are autonomous, self-sufficient, localized decision-making units whose characteristics affect their ability to use intensive technologies in case processing. Stable workgroups (those whose members associate with one another over long periods of time in a variety of situations) may be able to establish the shared expectations on which negotiation both depends and helps define. Unstable workgroups may find this much more difficult. By implication, stable workgroups should be more likely to use negotiative strategies in

case processing, while unstable workgroups, lacking shared definitions, should be more likely to employ adversarial processing strategies by default.

Overall, contingency theory predicts that case processing should tend toward negotiative rather than adversarial strategies. But organizational characteristics should intervene in this general tendency, resulting in different configurations of dispositional modes in different organizational contexts. These configurations should at least partly reflect members' ability to agree about proper case outcome and its implication for suitable treatment. This means that to understand case processing and its variation, one must focus on the nature of the organizational context within which it occurs.

Earlier we noted that alternative theoretical frameworks attempt to account for case processing by reference to defendant and/or case characteristics. Contingency theory implies that organizational characteristics are more important in processing than are defendant or case characteristics per se. This does not mean that case and defendant characteristics are irrelevant. Instead, these characteristics are dimensions that organizational actors can use to establish the proper outcome for a case, or to specify its proper disposition. In other words, they are salient components of a case's normality or abnormality. If so, the configuration of individual and case characteristics describing modes of disposition and case outcome should vary with the organizational context of the courtroom workgroup. Our analysis is designed to discuss what these differences might be, and to analyze data relevant to the organizational framework on case processing outlined so far.

Methodology

Sample and Data

Our data are drawn from a well-known study of criminal case processing in Chicago, Detroit, and Baltimore. Detailed descriptions of these jurisdictions, initial sampling procedures, and the structure of the data sets are available elsewhere (see Eisenstein and Jacob, 1977). We will be using two subsets of these data in each jurisdiction: 1) all post-indictment or post-information felony cases (cases where the most serious charge against a defendant was a felony), and 2) all post-indictment or post-information felony cases that were routed to either guilty plea, bench trial, or jury trial (dismissals excluded). These represent purposive samples of felony cases processed by the three jurisdictions in 1972. While they are not random or probability samples, they should be representative of case processing during that period. Data on the cases we will analyze were collected from court and prosecutor files, and we will concentrate on the variables outlined below.

Dependent Variables

We have used three dependent variables in this analysis. The first reflects the decision to dismiss a case or to prosecute it fully (DISMISS), the second examines disposition patterns in those cases that were not dismissed (DISPOSITION), and the third examines case outcome for fully prosecuted cases (PRISON). Table 1 presents the full frequency distributions of the disposition and sentencing variables from which these measures are computed, as well as the distribution (and N size) of the measures themselves. The N for disposition and case outcome is smaller than the

total N because dismissed cases have been excluded from these variables. Baltimore has the highest proportion of dismissals (32%), followed by Detroit (21%), and Chicago (14%). Relative distributions of the three disposition modes indicate rather different patterns in each jurisdiction. Guilty pleas are the modal disposition in Chicago and Detroit, while bench trials are the most common in Baltimore. The probability of receiving a prison sentence also differs between the three jurisdictions. Excluding defendants whose cases were dismissed, 75% of the Baltimore defendants received a prison sentence compared to 61% of those in Chicago, and 43% of those in Detroit.

Independent Variables

Due to the exploratory nature of our work, we examined a wide range of potentially interesting independent variables in the initial stages of our analysis. These were largely indicators of defendant character- istics and case characteristics. Organizational indicators consistent with our framework are still being developed with these data. As a result, we will draw heavily on the descriptions of organizational context provided by Eisenstein and Jacob. A list of independent variables selected for further study is presented in Table 1.

Tables 1a and 1b about here

We examined a number of defendant characteristics in our preliminary analyses (i.e. age, race, sex, employment status, drug use, prior arrest and conviction record). The only one to show meaningful, systematic patterns with case processing or outcome is prior arrest record (PRIOR ARRESTS). Means are somewhat higher in Chicago than the other cities,

but, overall, the mean number of prior arrests is quite similar for defendants in all three jurisdictions. Of the case characteristics available to us, the number of defense motions (DEFENSE MOTIONS), number of eyewitnesses (# WITNESSES), detention status (DETENTION--whether a defendant made bail), and charge seriousness (CHARGE SERIOUSNESS) play a meaningful role in this analysis.

The coding scheme for charge seriousness requires some comment. We identified the most serious charge in each case and assigned cases a seriousness ranking according to seriousness scales modified from those originally developed by Eisenstein and Jacob.[4] These scales are somewhat unique to each jurisdiction, since the relative seriousness of charges varies between jurisdictions. So do charge classifications themselves. Modifications to the original scales were introduced because we found it difficult to locate some charges along these scales. These tended to be atypical or infrequent charges, or crimes of ambiguous seriousness (e.g. heroin dealing). Rather than risk inaccurate or arbitrary decisions that could invalidate an ordinal ranking of charge seriousness, we excluded these cases from our analysis or relocated them along the original charge seriousness scale. This is a conservative procedure, but could have an impact on our findings since the exclusions limit our analysis to mundane, familiar, common types of criminal charges. To the extent that atypical cases receive different types of processing (and it is difficult to predict what these might be), we will necessarily miss this in our analyses.

Analysis

We have used discriminant function analysis on these data since this is a particularly useful technique when dealing with categorical dependent (discriminant) variables and categorical and/or interval independent (discriminating) variables. (See Nunnally, 1967, for details about the suitability and requirements of discriminant function analysis.)[5] The technique develops discriminant functions that distinguish among categories of a discriminant variable on the basis of variation in the discriminating variables. These functions are linear combinations of the discriminating variables and have variable coefficients that are analogous to factor loadings in a factor analysis. Coefficients are derived through a process of maximizing differences among discriminant scores (produced by the functions) for groups of cases in each category of the discriminant variable.

Our discussion will concentrate on the nature of the functions that are statistically significant discriminators between categories of the discriminant (dependent) variables. Wilks' Lambda (Wilks' L) with a x^2 test of significance will be used to indicate the significance of a function. Each discriminating variable's significant contribution to the overall function is reflected in the change it produces in Rao's V; variables with high positive or negative standardized discriminant coefficients are used to define the substantive nature of the function in question. The group centroids locate the categories of the discriminant (dependent) variables in discriminant space.[6]

Our desire for comparability between the three data sets complicated the process by which we selected suitable discriminating variables for

use in this analysis. We were limited to independent variables that were identified and coded in a comparable fashion across all jurisdictions. From this pool of comparable variables, we selected those with the most systematic zero order correlations with case disposition and outcome and used them in the discriminant function analysis reported here.

Statement and Discussion of Empirical Findings

Discriminant function analysis reveals interesting patterns of decision-making in each jurisdiction studied. Before discussing these patterns, it may be helpful to comment on the organizational context of each jurisdiction, and then to place the analysis within a contingency theory framework by detailing expected relationships between case and defendant characteristics and patterns of case disposition and outcome.

According to Eisenstein and Jacob (1977: 244-252) courtroom workgroups are the crucial organizational unit of interest in these three jurisdictions. The workgroups contain three categories of actors (judges, prosecutors, and defense attorneys) whose relationships vary depending on the jurisdiction in question. In Baltimore there was a high turnover rate among prosecutors; judges served one year rotations through given courtrooms, and public defenders were assigned directly to defendants rather than to specific courtrooms. In contrast, Chicago's prosecutors held office for longer periods and were assigned indefinitely to particular courtrooms. So were judges and public defenders. Retained counsel were able to direct cases to courtrooms with which they were familiar. In Detroit, judges and prosecutors had fairly long tenure in the same courtrooms, while defense attorneys (both public and private) rotated from courtroom to courtroom following their clients. (Clients were routed to

courtrooms on the basis of a random draw.) Two additional factors were important in Detroit workgroup relations. First, the physical layout of the courthouse and the generally close associations among members of the defense bar facilitated information sharing among Detroit's defense attorneys. Second, all parties to dispositions could rely on a formalized pretrial conference, thus encouraging the exchange of information even among participants unfamiliar with one another. In short, the organizational arrangements in the three jurisdictions led Eisenstein and Jacob to characterize Chicago workgroups as most stable, Detroit workgroups as slightly less stable, and Baltimore workgroups as by far the least stable of the three (1977: 247).

Contingency theory indicates that the stability of courtroom workgroups should affect: (1) the ability of criminal justice decision-makers to agree about the proper outcome of a criminal case; and (2) the overall predictability of outcomes that are related to these agreement patterns in a jurisdiction. Decision-making patterns at different points in case processing should tell us about the strength and nature of workgroup agreement over desired case outcomes, and about the selection of case disposition modes in a jurisdiction. If our earlier argument is correct, the nature of agreement and disagreement should in part revolve around specific defendant and case characteristics. Patterns in case and defendant characteristics should indicate whether workgroups agree or disagree about (1) case outcomes and (2) the choice of appropriate disposition modes. In addition, these patterns should reveal something about the nature of this agreement or disagreement.

We have examined three crucial aspects of case processing: the decision to dismiss a case, the choice of disposition mode, and case outcome (incarceration). The first two refer to the ability of participants to agree about the nature of a case and its proper processing strategy, and the third refers to the relationship between that agreement and the predictability of case outcome (incarceration). Jurisdiction-wide patterns of decision-making at the dismissal stage should indicate whether courtroom workgroups agree about the kinds of cases worthy of sanction, and should help us understand the nature of that agreement.[7] Weak or non-existent dismissal patterns should indicate an essential disagreement about sanctionable cases, reflecting the workgroup's inability to screen out those that are not worth prosecuting. Stronger dismissal patterns should reveal general agreement about appropriate dismissals, as well as the substantive character of that agreement.

Jurisdiction-wide patterns of dispositional choice should tell us something different. Recall that contingency theory suggests a general tendency toward negotiation in all cases, while other, more adversary, modes are chosen only in the event of disagreement over proper case outcome. Where courtroom workgroups tend to agree, we would expect to find most cases settled by guilty pleas with only a limited number of cases going to bench or jury trial. Disagreement within workgroups should mean that many more cases are routed to adversarial modes of disposition, substituting official adjudication for the failure of informal agreement. If patterns of disagreement exist, we would expect to find systematic reliance on alternate modes of disposition for particular types of cases, defined by case and defendant characteristics. The characteristics

related to dispositional choice would then reveal something about the nature of the disagreement.

Finally, the existence of jurisdiction-wide patterns in outcomes of incarceration should indicate the predictability of case outcomes. As argued previously, this is the crucial aspect in a jurisdiction's ability to establish bounded rationality in its operations. Given the assumptions of contingency theory, predictability of case outcome is an aggregate measure of the extent to which courtroom workgroups have come to agree on case outcomes through the process of organizational learning suggested above. Jurisdictions with organizational contexts that hinder the stability of courtroom workgroups should also hinder organizational learning within these workgroups, reducing the predictability of case outcomes. In contrast, jurisdictions with contexts encouraging workgroup stability should have more predictable case outcomes. The individual and case characteristics revealed in patterns of prison and non-prison sentencing should enable us to see whether the same factors relevant to earlier decisions about dismissal are also relevant at sentencing.

Discriminant function analyses of dismissal, disposition, and outcome patterns in each jurisdiction shed some light on the issues outlined above. The discriminating abilities of functions related to these dependent variables allow us to make some preliminary comments about differential processing and outcome in the three organizational contexts. For example, our analysis of dismissals produced significant discriminant functions in Chicago and Detroit, but failed to do so in Baltimore. These results, while not particularly powerful, are consistent with the connection between worgroup stability and patterns of decision-making about dismissals

implicit in our contingency theory approach. In Chicago, detention, or the failure to gain pretrial release, and charge seriousness are key elements in the dismissal decisions included in this analysis. The negative relationship between charge seriousness and non-dismissal may be related to the fact that less serious crimes are more likely to be dismissed prior to indictment in Chicago than in the the other juris- dictions. This means that a major portion of dismissals between indictment and disposition are of more serious charges (Eisenstein and Jacob, 1977: 208-214). Our charge seriousness scale generally ranks personal crimes higher than property crimes. Given that victims frequently refuse to prosecute in personal crimes (say, when the accused is a relative, friend, or acquaintance), dismissal rates may be high. This could produce a negative relationship between seriousness and dismissal like the one that appears here. In Detroit, increases in charge serious- ness and in the number of defense motions enhance the likelihood of non-dismissal. In Baltimore, dismissals and non-dismissals cannot be statistically distinguished with the discriminating variables included in this analysis. Eisenstein and Jacob warn that dismissals are not likely to occur prior to indictment in Baltimore (1977: 214-219). Apparently, when they do occur after indictment and in considerable number, they are not systematic with respect to any variables available to us, or with respect to variables that do discriminate in other jurisdictions. This suggests that Baltimore has a poor or ineffectual initial case screening process, perhaps due to workgroup members' inability to agree about sanctionable cases.

Table 2 about here

Analysis of dispositional choice produces intriguing results in each jurisdiction. Given our discriminating variables, no pattern of dispositional choice appeared in Detroit. This lends credence to the argument that more stable workgroups should resolve disagreement about case outcome and thus reduce their systematic use of non-negotiative disposition modes. Contrary to expectations, Chicago (with even more stable workgroups than Detroit) shows a statistically significant pattern of dispositional choice. Its discriminant function is composed primarily of the number of defense motions and level of charge seriousness. This function neatly separates guilty pleas, bench trials, and jury trials in ascending order along a dimension defined by these two variables. Charge seriousness and the number of defense motions also define a function for patterns of dispositional choice in Baltimore. In addition, a second significant function, defined exclusively by number of witnesses, runs orthogonal to the initial function. Positioning the group centroids on these two functions indicates that less serious cases, involving both fewer motions and fewer witnesses, are routed to bench trial rather than guilty plea. It would appear that cases similar to those handled by guilty pleas in Chicago are handled by the more adversarial mode of bench trial in Baltimore. The analysis also suggests that disagreement over evidence (as reflected in the # witness dimension) may be an important factor in that jurisdiction's reliance on bench trials.

Table 3 about here

Our information about the predictability of case outcome is also consistent with the contingency theory arguments presented earlier,

although patterns in the discriminant analysis are rather weak. It is possible to distinguish between prison and non-prison outcomes somewhat better in Chicago and Detroit (jurisdictions with the more stable work-group structures) than in Baltimore, as our contingency framework suggests. This is not simply an artifact of the greater number of guilty pleas (and consequent certainty of conviction) in Chicago and Detroit, since bench trials in Baltimore with acquittals included produced a higher rate of prison incarceration than do guilty pleas in Chicago and Detroit.[8] As was the case with dismissals, detention is a key variable in discriminating between outcomes in Chicago.[9] Prior arrests and charge seriousness distinguish prison from non-prison outcomes in Detroit, while # witnesses is once again the most important discriminating variable in Baltimore sentencing.

Table 4 about here

Conclusion

Our analysis of case processing in three jurisdictions suggests that a contingency framework can offer some insight into differential patterns in case processing decisions. We can note pattern differences across jurisdictions that are usually consistent with those predicted by this approach. Obviously, the fit is not perfect, and the nature of our data urges caution in any conclusions made on the basis of these findings.

At least two interrelated methodological problems confront our analysis. First, it would be clearly preferable to develop explicit indicators of the organizational variables referred to in our discussion. The degree of workgroup stability should be measured rather than simply inferred from past descriptions.[10] Second, shifting attention from jurisdiction-wide workgroup patterns to individual workgroup structure

is essential for a clear evaluation of a contingency theory approach
(as well as other organizational models). The consistently low canonical
correlations reported here may reflect the fact that intra-jurisdiction
variation in workgroup structure is as great as or greater than
between-jurisdiction variation. Were we able to specify organizational
variables, we might be able to evaluate this possibility and understand
more of the untapped variation that remains.

There are some apparent anomalies in our findings that deserve
comment, particularly in the case of Chicago disposition modes. According
to contingency theory logic, we expected to find few patterns in disposi-
tional choice in Chicago. Since Chicago had more stable workgroups than
other jurisdictions, disposition choices should have reflected the kind
of agreement that promotes informal handling of cases. Thus, most cases
should have been resolved through guilty pleas, leaving only a few non-
systematic cases for bench or jury trial disposition. The clear pattern
of dispositional choice in Chicago contradicted those expectations.
An alternative interpretation is suggested by what might loosely be called
the "cybernetic" approach to dispositional choice (Mather, 1974; Mohr,
1976; Landes, 1971). Advocates of the cybernetic approach argue that
cases are routinely marked for trial or negotiation early in the process
on the basis of characteristics inherent in the cases and/or defendants
themselves. Of these cybernetic approaches, Landes' economic model of
dispositional choice seems to fit Chicago disposition patterns most
closely. He posits that increases in charge severity on the one hand,
and greater commitment of defense resources on the other, should lead to
adversary rather than negotiative dispositions. However, his predictions

are not borne out in the Detroit and Baltimore disposition patterns
analyzed here. This is a problem if cybernetic models are intended
to apply to case processing in general (as most discussions imply), since
this means that similar disposition patterns should appear regardless
of jurisdiction. (Of course, other factors such as routine prosecutorial
policies about charging decisions unreported in the Eisenstein and Jacob
[1977] study might account for some of the anomalies confronting both
contingency and cybernetic explanations in these three jurisdictions.)
We prefer contingency theory because it attempts to account for diversity
in disposition patterns. And diversity rather than uniformity more truly
reflects the dominant character of dispositional patterns in jurisdictions
throughout the U.S. (Brosi, 1979). Cybernetic formulations aim at the
uniformities and hit the mark in single case studies, but their limited
applicability reduces their appeal as general (and generalizable) theories
of case processing.

It is important that our analysis not only identifies different
patterns in decision-making across jurisdictions, but also between
different types of processing decisions. While it is not surprising that
patterns in dispositional choice are different from those related to
case outcome, theories of case processing tend to focus on one or the
other of these issues, seldom linking them in a satisfying way. Theories
of case processing broad enough to deal with both disposition and outcome
decisions, and their interrelationship, are needed in order to synthesize
the seemingly diverse literature on case processing. Since organization
theories deal specifically with the relationship between decision-making
processes and institutional outcomes, they are particularly attractive

candidates for effecting such a synthesis. By focusing on the relation-
ship between disposition mode and case outcome, and by introducing
contingency theory as a means for understanding that relationship, we have
taken a tentative first step toward closing this gap in the literature.
Our attempt at building an integrated theory of case processing and
its empirical applicability demonstrates the need to incorporate organi-
zational factors along with traditional defendant and case variables in
studies of case processing.

TABLE 1A: VARIABLES, VARIABLE CODING, AND FREQUENCIES FOR VARIABLES IN CHICAGO, DETROIT, AND BALTIMORE (FREQUENCIES IN PERCENT)

Variable	Coding	Chicago (N=551)*	Detroit (N=1165)*	Baltimore (N=963)*
Case Disposition Mode (full frequencies)	dismissal = 0	13.8	20.9	32.2
	guilty plea = 1	59.3	64.7	18.3
	bench trial = 2	18.0	6.6	41.3
	jury trial = 3	5.6	7.8	8.1
Dismiss	not dismissed = 0	86.2	79.1	67.8
	dismissed = 1	13.8	20.9	32.2
Disposition	guilty plea = 1	68.8	81.6	27.0
	bench trial = 2	23.7	8.3	61.0
	jury trial = 3	7.4 (N=417)	10.1 (N=751)	11.9 (N=603)
Case Outcome				
Prison (excl. dismissals)	no sentence, suspended, probation=0	39.3	57.5	25.2
	prison sentence = 1	60.7 (N=417)	42.5 (N=751)	74.8 (N=603)
Prior Arrests	actual number 1-7 (7=7 or more)	$\bar{X}$ = 3.22 (SD=3.06)	$\bar{X}$ = 2.65 (SD=2.98)	$\bar{X}$ = 2.75 (SD=2.69)
Defense Motions	actual number 1-7 (7=7 or more)	$\bar{X}$ = 1.71 (SD=1.68)	$\bar{X}$ = .61 (SD=.50)	$\bar{X}$ = .78 (SD=.96)
# Witnesses (eyewitnesses)	actual number 1-7 (7=7 or more)	$\bar{X}$ = 1.29 (SD=.98)	$\bar{X}$ = 2.33 (SD=1.58)	$\bar{X}$ = 3.46 SD=1.63)
Detention (bail status)	made bail = 0	53.7	91.7	38.1
	did not make bail=1	46.3	8.2	61.9

*N for computing frequency distributions unless otherwise noted.

TABLE 1B: VARIABLES, VARIABLE CODING, AND FREQUENCIES FOR VARIABLES IN CHICAGO, DETROIT, AND BALTIMORE (FREQUENCIES IN PERCENT)

VARIABLE	Coding - Chicago (N=551)*		Coding - Detroit (N=1165)*		Coding - Baltimore (N=963)*	
Charge Seriousness (seriousness of most serious charge)	Larceny = 1	3.8	Larceny = 1	7.7	Weapon = 1	3.5
	Burglary = 2	12.9	Weapon = 2	17.7	Larceny = 2	11.9
	Weapon = 3	3.4	Heroin dealer=3	1.8	Burglary = 3	4.5
	Assault = 4	8.7	Burglary = 4	11.1	Robbery = 4	4.2
	Robbery = 5	6.9	Assault = 5	5.6	Heroin dealer=5	2.6
	Heroin dealer = 6	5.1	Robbery = 6	3.1	Aggr. Assault = 6	10.8
	Rape = 7	6.2	Aggr. Assault = 7	1.5	Rape = 7	2.2
	Armed Robbery = 8	26.5	Armed Robbery = 8	10.5	Armed Robbery = 8	19.2
	Murder II = 9	1.6	Rape = 9	1.5	Murder II = 9	0.0
	Murder I = 10	11.8	Murder II = 10	1.5	Murder I = 10	4.5
	Missing or unclassified case = 99	13.1	Murder I = 11	2.5	Missing or unclassified case = 99	36.7
			Missing or unclassified case = 99	35.5		

*N for computing frequency distributions unless otherwise noted.

TABLE 2: DISCRIMINANT FUNCTIONS FOR COMPARATIVE DISPOSITION PATTERNS: DISMISSALS VS. ALL OTHER MODES OF DISPOSITION

A. Chicago (N=342)

Rao's V = 14.70

$CC^2 = .04$
Wilks' L = 0.96*
$X^2 = 14.29$
df = 5

Discriminating Variables

	Contribution to Rao's V (%)	Function
prior arrests	3.3	-.18
defense motions	22.4	.66
detention	35.0*	.73
charge seriousness	39.1*	-.69
# witnesses	0.2	.05
	100.0%	

Group Centroids

	Function
dismissals	-.50
other dispositions	.09

B. Detroit (N=481)

Rao's V = 15.88

$CC^2 = .03$
Wilks' L = .97*
$X^2 = 15.54$
df = 5

Discriminating Variables

	Contribution to Rao's V (%)	Function
prior arrests	0.4	.07
defense motions	32.1*	-.57
detention	1.3	-.14
charge seriousness	60.5*	-.74
# witnesses	5.6	=.22
	99.9%	

Group Centroids

	Function
dismissals	.37
other dispositions	-.09

Table 2 (continued)

C. Baltimore (N=442)

		$CC^2 = .02$
Rao's V = 11.43		Wilks' L = .98
		$X^2 = 11.26$
		df = 5

Discriminating Variables

	Contribution to Rao's V (%)	Function
prior arrests	0.0	-.02
defense motions	39.4	-.59
detention	57.2	-.66
charge seriousness	3.2	-.17
# witnesses	0.2	-.05
	100.0%	

Group Centroids

	Function
dismissals	.26
other dispositions	-.08

*Significant at p = .05

TABLE 3: DISCRIMINANT FUNCTIONS FOR COMPARATIVE DISPOSITION PATTERNS: PLEAS, BENCH TRIALS, AND JURY TRIALS

A. Chicago (N=342)

		$CC^2 = .18$
Rao's V = 69.88		Wilks' L = .802*
		$X^2 = 63.18$
		df = 10

Discriminating Variables

	Contribution to Rao's V (%)	Function 1
prior arrests	.8	.01
defense motions	61.1*	-.72
detention	11.1*	.27
charge seriousness	25.4*	-.57
# witnesses	1.6	.10
	100%	

Group centroids

	Function
pleas	.27
bench trials	-.44
jury trials	-1.29

B. Detroit (N=388)

		$CC^2 = .03$
Rao's V = 17.16		Wilks' L = .96
		$X^2 = 16.86$
		df = 10

Discriminating Variables

	Contribution to Rao's V (%)	Function (NS)
prior arrests	8.7	-.34
defense motions	38.0	.73
detention	1.5	-.16
charge seriousness	21.1	-.43
# witnesses	30.7	.16
	100.0%	

Group Centroids

pleas	.068
bench trials	-.080
jury trials	-.502

Table 3 (continued)

C. Baltimore (N=439)

Total CC^2 = .25

		Wilks' L = .86*	Wilks' L = .97*
	Rao's V = 67.54	X^2 = 63.92	X^2 = 12.95
		df = 10	df = 4

Discriminating Variables

	Contribution to Rao's V (%)	Function 1**	Function 2**
prior assets	0.0	.01	-.04
defense motions	27.3*	.62	-.06
detention	5.8	.16	.24
charge seriousness	18.5*	.64	-.28
# witnesses	48.3*	-.07	1.00
	99.9%		

Group Centroids

	Function 1	Function 2
pleas	.07	.36
bench trials	-.19	-.20
jury trials	.73	.17

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*Significant at p = .05

**Standardized discriminant function coefficient obtained through varimax rotation

TABLE 4: DISCRIMINANT FUNCTIONS FOR COMPARATIVE CASE OUTCOME PATTERNS: PRISON SENTENCE IMPOSED VS. NO PRISON SENTENCE IMPOSED

A. Chicago (N=292)

	Rao's V = 32.85	CC^2 = .10
		Wilks' L = .90*
		X^2 = 30.8
		df = 5

Discriminating Variables

	Contribution to Rao's V (%)	Function
prior assets	7.4	-.34
defense motions	12.1*	-.26
detention	50.0*	-.71
charge seriousness	7.7	-.30
# witnesses	22.8*	-.52
	100.0%	

Group Centroids

	Function
no prison	.45
prison	-.25

B. Detroit (N=377)

	Rao's V = 35.66	CC^2 = .09
		Wilks' L = .91*
		X^2 = 33.84
		df = 5

Discriminating Variables

	Contribution to Rao's V (%)	Function
prior arrests	43.0*	-.68
defense motions	5.8	-.24
detention	0.8	.11
charge seriousness	47.9*	-.79
# witnesses	2.5	-.17
	100.0%	

Group Centroids

	Function 1
no prison	.30
prison	-.31

Table 4 (continued)

C. Baltimore (N=439)

Rao's V = 26.98 $CC^2 = .06$
Wilks' L = .94*
$X^2 = 26.03$
df = 5

Discriminating Variables

	Contribution to Rao's V (%)	Function 1
prior arrests	3.8	.21
defense motions	1.1	-.11
detention	15.4*	.48
charge seriousness	17.0*	-.42
# witnesses	62.6*	.92
	99.9%	

Group Centroids

	Function 1
no prison	-.46
prison	.13

*Significant at p = .05

NOTES

1. As defined in contingency theory, organizational uncertainty is an organization's inability to bring "system-closure" to its operations and is the product of the following conditions:

(a) inadequate linkage in causal sequence of all variables relevant to the processing of input through the organization;

(b) unpredictable behavior of elements within the organization's environment—elements which vitally affect the organization's operations;

(c) ambiguous standards of evaluation for judging the "quality" of the organization's operations and output vis-a-vis some stated abstract objective; and

(d) incomplete decision-premises surrounding the roles of individual decision-makers within the organization, such that organizational incentives are incompatible with individual rationality in decision-making.

2. Basically, an organization's technology is a process of transformation derived from a theory of cause-and-effect relationships which makes assertions of predictability about the organization's output, given certain knowledge about its input. There are three basic varieties of technology: the long-linked technology used in assembly-line mass production processes; the mediating technology used in organizations which "pool" resources for the purpose of connecting suppliers and consumers; and the intensive technology. In general, organizations employing an

intensive technology determine "the selection, combination, and order of application" of elements in the process of transforming input into output on the basis of "feedback" from the input object itself. It is a customized technology (Thompson, 1967: 17).

3. Thompson develops propositions that specify the structural adaptations that intensive organizations make in response to different types of uncertainty. He argues that, in general, intensive organizations faced with uncertainty:

1) seek to expand their domains by incorporating the object worked upon;

2) attempt to monitor a variable and unstable task environment by organizing decision-making in localized, "boundary-spanning" units;

3) attempt to reduce coordination costs by arranging decision-makers in conditionally autonomous and self-sufficient clusters; and

4) seek to meet ambiguous standards of evaluation with extrinsic (quantitative) rather than intrinsic (qualitative) measures of effectiveness.

The purpose of these organizational adaptations is to enable and encourage individual decision-makers to exercise the discretion necessary to overcome the various contingencies posed by uncertainty.

4. Eisenstein and Jacob's ranking of charge seriousness in Baltimore and Chicago are found on page 188, footnote 3. Modifications to this scale were made on the basis of evaluation of statutory charge seriousness and patterns in the actual sentences imposed for given crimes in each jurisdiction. Substantively, this means that simple drug possession was

designated unclassifiable, and that weapon crimes were given a lower seriousness charge than in Eisenstein and Jacob's analysis, because they were assumed to represent lesser included offenses. It is important to note that the charge seriousness scale is used here both to determine the most serious charge against each defendant and to place the case along a dimension of charge seriousness for subsequent analysis.

5. Discriminant function analysis assumes that the discriminating (independent) variables have a multivariate normal distribution and equal variance-covariance matrices within each category of the discriminant variable. While our discriminating variables do not always meet these assumptions precisely, discriminant function analysis is sufficiently robust to allow the bending of the requirements that these data represent. (For detail see Nunnally, 1967.)

6. We have also included information on canonical correlations squared (CC^2) to indicate the strength of the overall relationships between the discriminant scores and the various discriminating variables. We pay relatively little attention to these in our narrative since we are primarily interested in the configuration of the discriminant functions themselves. Thus we report the significance of Wilk's Lambda which indicates the discriminating power in the independent variables that can be accounted for by creating the function in question. We also compare standardized discriminant coefficients for each variable in a function and evaluate their contribution to the function through the change they represent in Rao's V. Rao's V is a measure of how well each discriminating variable separates the discriminant scores of cases in different categories of the discriminant variable.

We used a stepwise technique in the discriminant function analysis that enters the "best" discriminating variable (as determined by Rao's V) first, followed by the second best variable, etc. until all the independent variables were ranked and included.

7. It should be noted that we are focusing only on dismissal after indictment or information, thus excluding the sometimes substantial number of perfunctory dismissals that occur earlier in the criminal process.

8. Baltimore bench trials result in a 72% incarceration rate, compared with 68% and 43% following guilty pleas in Chicago and Detroit respectively.

9. The persistent importance of detention in the Chicago analysis deserves some additional comment. Failure to gain pretrial release may be a function of one's inability to afford bail because of indigency, or it may be a function of charge severity with bail denied or set impossibly high by a preliminary magistrate. Detention has a moderately positive zero-order correlation with both indigency and charge seriousness. However, Suffet's (1966) study indicates that the level of bail is a good initial indicator of case seriousness. Thus, it may be plausibly linked with our concern in understanding agreement over sanctionable cases and the predictability of case outcome.

10. We were somewhat reluctant to use Eisenstein and Jacob's "identity of courtroom" variable (177" 183-184) since it was unclear whether this really captures the essence of workgroup stability. For the admittedly exploratory purposes of this paper, we felt that it was enough to deal initially with defendant and case characteristics before attempting to develop and assess potential organizational indicators.

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