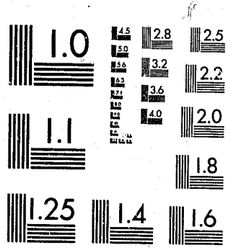

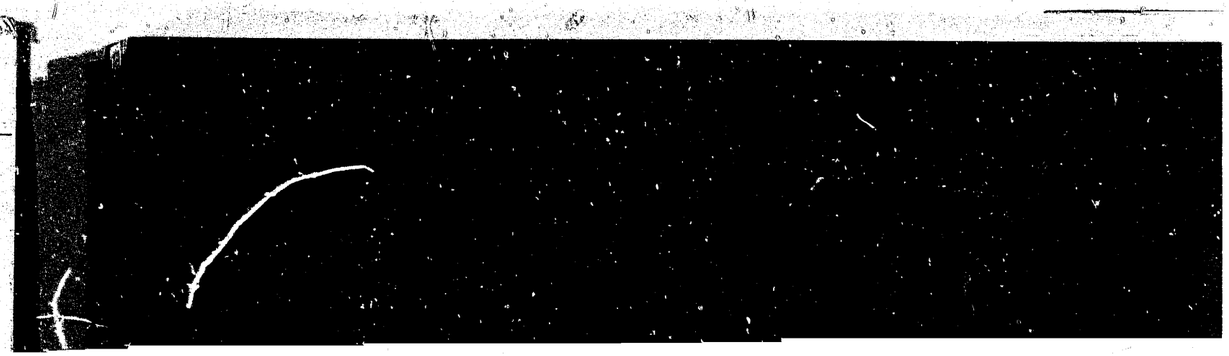

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FELONY SENTENCING UNDER ALASKA'S NEW CRIMINAL CODE

1980 OFFENSES

ALASKA JUDICIAL COUNCIL

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INTRODUCTION

This report constitutes the third major statistical study of Alaska felony offense dispositions and sentences conducted by the Alaska Judicial Council. The Council's first study--analyzing the effects of the abolition of plea bargaining in Alaska superior courts and covering convictions rendered from August, 1974 through August, 1976--collaterally found significant patterns of apparent racial disparities in sentences among many classes of felony offenses. A follow-up study, including convictions between August, 1976 and August, 1979, reveal that racially disproportionate sentencing outcomes have been largely eliminated. In addition to these findings both studies provided a definitive statistical and descriptive analysis of sentencing outcomes that proved extremely valuable to Alaska's legislature and court system in the administration of criminal justice.

The current study includes all felony offenses committed in calendar year 1980, that resulted in conviction. In addition to exploring racial disparity, the study provides the first statistically comprehensive analysis of dispositional and sentence outcomes rendered under Alaska's new criminal code, which became effective January 1, 1980.

The methodologies for data collection and analysis are provided in Part I of the report. Part II begins with a review of Alaska's new criminal code and its unique sentencing provisions. This section is largely devoted to a statistical description of urban Alaskan sentencing practices and includes a discussion of significant relationships discerned in the analysis. It also notes major changes that have occurred since the Council's last studies. Finaly, Part III describes findings of rural Alaskan sentencing patterns and presents signficant relationships discerned among these court location cases.

PART I

RESEARCH DESIGN, ANALYTICAL AND STATISTICAL METHODOLOGIES

A: Data Collection Methodology

This section of the report describes the processes and dynamics by which cases were selected and information gathered on felony defendants, their cases and sentences.

The data collection methodology employed in this study is in part different from that used in earlier Council studies of felony sentencing, due primarily to Alaska's new criminal code which became effective January 1, 1980. Despite such differences in the collection methods, however, limited comparisons with findings of past studies may still be validly and reliably entertained. The nature and extent of these changes will be discussed where applicable, including caveats and limitations appropriate to comparisons with earlier findings.

1: Case Selection

The data base for this study includes virtually all cases in which the offense was committed between January 1 and December 31, 1980. The offense must originally have been charged as a felony, resulted in a conviction of any type (felony or misdemeanor) and have been sentenced. Sentencing for felony offenses is typically not imposed for a period of approximately two months following conviction or acceptance of a guilty plea. In an effort to capture the universe of 1980 felony offense convictions, cases were coded through August 1981. According to this procedure, a very few number of

otherwise acceptable cases were not captured in the data base due to appeals or extended delays.

The final data base of 1980 felony offenses includes 853 cases--481 from the urban courts (Anchorage, Fairbanks & Juneau) and 372 from the rural courts (all other locations). All eleven superior court locations are represented in the study, including: Anchorage, Fairbanks, Juneau, Ketchikan, Sitka, Kenai, Kodiak, Bethel, Barrow, Nome and Kotzebue.

Cases were identified by checking file numbers against computer print-outs listing cases that met the above criteria and provided by the Alaska Court System. All other 1980 offense files were then checked in an effort to identify any additional cases not identified by the court system. This process resulted in our finding many such additional cases.

The Judicial Council's earlier studies of felony sentencing patterns (Effects of the Official Prohibition of Plea-Bargaining on the Disposition of Felony Cases and Alaska Felony Sentences: 1976-1979) used a different case selection procedure than that employed for this analysis. The earlier studies included all cases convicted between the earliest and latest dates defining the temporal scope of the study. As noted, cases were included in this study if the offense was committed in calendar year 1980 and resulted in a conviction, even if the conviction was not entered until 1981. The primary reason for this change in the logical definition of the data

base concerns the new criminal code which became effective in January, 1980. The present 1980 data base facilitates an exclusive analysis of new criminal code offenses. In addition, problems associated with the mid-year cut-off points for data collection in earlier studies have been resolved in favor of a calendar year approach.

It is anticipated that future Council studies of felony sentencing practices will incorporate this revised data collection procedure thus assuring maximum comparability of future findings.

2: Design of Forms

The data sources and collection instruments used in the present study were very similar to those used in the Judicial Council's previous felony studies. Court case files and pre-sentence reports were the primary data sources. For cases resulting in a misdemeanor conviction, the Department of Public Safety's fingerprint files were also considered.

The original coding instrument was divided into one section devoted to information regarding the defendant and one concerning information regarding the offense(s) committed. Coders recorded an array of information legally, administratively and/or hypothetically relevant to sentence and other dispositional outcomes including, for example, the defendant's prior criminal history, demographic and socioeconomic characteristics, the nature and severity of the offense and the type of disposition and sentence outcomes.

3: Coders and Coding

Five coders with backgrounds in criminal justice research and/or experience in data collection were selected by the Judicial Council to collect the data. Coders spent their first month (February, 1981) in Anchorage, training for two weeks on actual court case files. Data collection in Anchorage was three-quarters completed by the end of March and the coders were sent to the other locations for April through mid-July. They then returned to Anchorage to complete work there. Each coder spent approximately an hour and one-half with the case file and pre-sentence report, recording answers to questions on the coding form. A second coder then independently checked through the coding forms, case file and pre-sentence report for errors. Because some of the variables being collected required discretionary judgment, any disagreement concerning a coding decision was resolved by the Judicial Council permanent staff who supervised the work. The coding supervisor checked each coding form a second time for errors in offense codes, discrepancies in sentence and prior record variables and missing data.

4: Final Processing

Completed coding forms were assigned a unique number by the coding supervisor at the completion of the project so that defendants' names would not appear on the final computerized data tape. This procedure facilitated maximum

confidentiality as to each defendant and also provided a means for the Judicial Council staff to identify individual cases for later error or ambiguity corrections.

Keypunching, the intermediate step between data collection and computer based analysis, was performed by Superior Business Services of San Francisco. This firm was chosen for keypunching because of its sophisticated technology (which reduced the likelihood of errors), its price and its guarantee of a low maximum error rate (3/4 of 1% maximum). The data was punched directly from the coding forms to magnetic tape, eliminating the problems and errors typically associated with IBM cards, and each form was checked by an independent verification of the original recording of the data.

B: Statistical Methodology

The primary dependent or outcome variable analyzed in this study is sentence length, defined as the length of the active prison time imposed by the court for the conviction. Suspended time was subtracted from the sentence in determining "active" time. If no active time was imposed or if the entire sentence was suspended, sentence length is treated as zero. A secondary outcome variable considered in the study concerns the proportionate likelihood of receiving a straight probationary, or zero, sentence length. These defendants may also have been placed directly on probation under the terms of a suspended imposition of sentence (SIS).

For purposes of maintaining comparability of our new data with previous felony studies, the unit of analysis is a single felony charge against a defendant that resulted in a conviction of any type (felony or misdemeanor). Accordingly, each one of a series of multiple charges against a defendant appears as a unique case in the study.

The Judicial Council's 1980 data base includes N=853 cases and N=671 defendants from Alaska's eleven superior court locations. Following the analytical design of earlier Council studies, offenses were organized into six broad groups or classes on the basis of generic substantive similarities. The six offense classes include: (1) Murder and Kidnapping (2% of all cases); (2) Violent Felonies (35%), including rape, robbery, assaults and manslaughter; (3) Property Offenses (41%), including burglaries and theft offenses; (4) Fraud Offenses (5%), including bad check and forgery; (5) Drug Offenses (14%); and (6) "Other" Offenses (3%), including sexual abuse of minors and prostitution offenses.

1: Analytical Objectives and Statistical Procedures

In a study of this scope, with many important factors potentially affecting sentence variation (including length and likelihood of receiving probation), the statistical and analytical methods have two primary objectives: The first is to identify the factors which most significantly contribute to

increases or decreases in sentence length or the likelihood of receiving a straight probationary sentence. Having identified these factors, a second goal is to "explain" sentencing by estimating the degree to which each of the most significant factors affects sentence outcomes while statistically controlling (or adjusting) for variation among the other factors.

In an effort to best coordinate and assess the impact of the broad range of factors which may affect sentence outcomes, all variables were first grouped into six categories based on substantive similarities and shared temporal and casual characteristics. The six groups of independent variables whose impact on sentencing were examined in this study include: (1) Offender demographic and socioeconomic variables (e.g., age, sex, race, employment and financial status and history of chemical addiction; (2) Prior criminal record variables (e.g., number of prior felony and misdemeanor convictions and whether the defendant was on probation or parole at the time of the offense); (3) Offense variables (e.g., specific offense at conviction, number of contemporaneous charges, victim harm, use of alcohol/drugs at the time of the offense); (4) Process variables (e.g., custodial or bail status of defendant, type of final disposition, type of attorney, judge at sentencing); (5) Pre-Sentence report variables (e.g., PSR recommendation and

characterization of the defendant); and (6) Sentence outcome variables (including type of sentence, net active period of incarceration, sentence conditions, fine).

The analysis relied upon two separate statistical procedures in testing for the effects of these variables on sentence outcomes. Each independent variable was initially screened through one-way analysis of variance. This statistical procedure assesses the impact of each variable on sentence length by calculating and comparing the mean values for each category of a variable and testing the differences for statistical significance. The procedure eliminates from further analytic consideration factors that exhibit little or no statistically significant association with sentence length. The shortcoming of this procedure is its inability to handle many factors simultaneously. This process was replicated for each variable within the six groups of independent variables against sentence outcomes imposed for cases in each of six classes of offense for both urban and rural offenses.

Factors which survived the analysis of variance screening in offense classes of sufficient size were then subjected to a two-stage stepwise multiple regression analysis, which can simultaneously analyze the impact of many factors on sentence variation. In general, multiple regression identifies the most significant factors from a potential pool of many and provides an index of the relative independent contribution of

each factor while adjusting for differences among the others. The final product of multiple regression analysis includes identification of a set of factors with the greatest explanatory power and indication of the independent contribution of each to sentence length.

Due to limitations in the numbers of cases in each class of offense, multiple regression, which requires at least n=50 cases per class in a study of this type, could not be performed within each offense class. For those classes in which regression analysis could not be applied we relied upon an analysis of subpopulations to analyze and describe sentence variation. This method facilitates a comparison of sentence length and likelihood of receiving probation (expressed as a percentage) among various subpopulations defined by those variables identified as most significantly associated with sentence outcomes. Because of the intuitive ease of interpreting subpopulation analysis results, the analysis was also performed for all factors included in the regression models (where performed).

PART II

URBAN ALASKAN SENTENCING PATTERNS

A: Introduction

This section of our report describes felony sentencing patterns for 1980 offenses committed under Alaska's new criminal code for Alaska's three urban court locations--Anchorage, Fairbanks and Juneau. The section begins with some general descriptive statistics summarizing the distribution of 1980 offenses according to court location, offense class and class of felony initially charged.

This study constitutes the first comprehensive statistical analysis of felony dispositions and sentence outcomes under the state's new criminal code. Accordingly, before proceeding to discuss the statistical analysis we present an overview of the revisions and classification scheme adopted by the new code, including its new presumptive sentencing provisions for repeat felony offenders.

After presenting and discussing the statistical-sentencing models and analysis of outcomes for each of six generic classes of offense, we have devoted a subsection to a discussion of some of the more significant relationships discerned in the analysis of these urban offenses. Finally, we compare the major outcome findings of the present study with those of prior Judicial Council felony sentencing studies--including the plea bargaining study (August, 1974 through August, 1976 convictions) and the 1976-1979 study.

With the exception of changes in data base parameters, the definition of offense classes and new sentencing related variables occasioned by the new criminal code, the methods of analysis employed were virtually identical to those used in the earlier studies. Sentencing was analyzed (modeled) for each of the six classes of offense described in Part I with the exception of those offense classes containing too few cases. Within each class, the most significant factors associated with increases or decreases in a typical sentence have been identified and the magnitude of their impact estimated. The result was a set of the best predictors of sentence length variation for each class. (These sentencing models are represented by the multiple regression tables appearing in the appendix to this report.)

The most significant factors in each class were further subjected to a subpopulation analysis in which sentence outcomes were computed for each value of the variables. This analysis was conducted to assist the reader in empirically interpreting differences and effects indicated by the multiple regression analysis.

B: Description of Data Base: Court Locations, Offense Classes and Class of Felony Initially Charged

The data base for this analysis includes 481 convictions rendered from offenses committed in 1980 and

originally charged as felonies in Anchorage, Fairbanks and Juneau.

Table I, below, summarizes the frequency distribution of 1980 cases according to court location. Table II, which follows, indicates the distribution of cases according to the six classes of offense described in Part I.

TABLE I

Distribution of 1980 Urban Data Base By Court Location

Court Location:	n of Cases		% of Total N
Anchorage	242		50.3%
Fairbanks	190		39.5%
Juneau	49		10.2%
	N=481	=	100%

TABLE II

Distribution of 1980 Urban Data Base By Six Offense Classes

Class of Offense:	n of Cases		% of N
(1) Murder/Kidnapping	14		2.9%
(2) Violent Felonies	151		31.4%
(3) Property Offenses	199		41.4%
(4) Fraud Offenses	26		5.4%
(5) Drug Offenses	82		17.1%
(6) "Other" Offenses	9		1.9%
	N=481	=	100%

As these distributions reveal, Anchorage courts disposed of slightly over half of all urban 1980 offenses while Fairbanks courts handled about 40% and Juneau courts handled only about 10%. Overall, property offenses (Class 3) were most common (41.4% of all offenses) followed by violent felonies (31.4%) and drug offenses (17.1%).

As will be more fully discussed in the next subsection, the new criminal code classified offenses according to degrees of severity. Table III summarizes the distribution of the 481 offenses according to the class of felony originally charged. (Drug offenses were not classified under the criminal code revision and were thus unaffected by this scheme.)

TABLE III

Distribution of New Criminal Code Classified Offenses As Originally Charged (1980 Urban Offenses)

Offense Classification:	n of Cases		% of N
Unclassified Felonies	13		2.7%
A Felonies	59		12.3%
B Felonies	117		24.3%
C Felonies	210		43.7%
Drug Felonies	82		17.0%
	N=481	=	100%

C: Summary of New Criminal Code Classification of Offenses and Sentencing

In 1975, the Ninth Alaska Legislature spearheaded an effort to revise Alaska's criminal laws through the establishment of the Criminal Code Revision Committee. After considerable effort by the Committee, and later by the Alaska House and Senate Judiciary Committees, the revised criminal code became law when it was signed by Governor Hammond on July 22, 1978, with an effective date of January 1, 1980.

This section of the report summarizes the classification and consolidation of most offenses in the new code and outlines the new sentencing scheme adopted to accompany the substantive revisions.

All criminal offenses in the new code, with the exception of murder and kidnapping, were classified on the basis of their seriousness as Class A, B or C felonies or as Class A or B misdemeanors. Uniform penalty provisions, which are discussed, infra, apply to the five classes of crime.

The sentencing provisions of the new code left judicial discretion intact for the sentencing of misdemeanants and most first time felony offenders. However, judicial discretion was substantially restricted by the adoption of presumptive sentences for repeat felony offenders.

The code provides the following statutory maximum sentences, regardless of whether the defendant is a repeat offender:

A Felony -- 20 years
B Felony -- 10 years
C Felony -- 5 years
A misdemeanor -- 1 year
B misdemeanor -- 90 days

All repeat felons whose prior felony was committed less than seven years prior to the offense for which the defendant is to be sentenced and a limited number of first-time Class A felons are subject to presumptive sentencing. A presumptive sentence is a legislative determination of the term of imprisonment that the typical defendant convicted of an offense should be sentenced to, absent the presence of legislatively prescribed factors in aggravation or mitgation or extraordinary circumstances. A person sentenced presumptively may not be placed on probation and is not eligible for suspended imposition of sentence or parole.

The new code specifies the following presumptive terms for repeat felons:

Class of Felony Offense:	Second Felony Conviction	Third Felony Conviction
Class A	10 Years	15 Years
Class B	4 Years	6 Years
Class C	2 Years	3 Years

In addition, first offenders convicted of a Class A felony are subject to a presumptive sentence of six years if the defendant used or possessed a firearm during the commission of the offense or caused serious bodily injury. (Manslaughter is excluded from this six year presumptive term due to the wide range of conduct included within the definition of that offense.)

As noted above, the code includes legislatively prescribed aggravating and mitigating factors whose presence may be considered by the sentencing judge. Presumptive sentences of four years or less may be decreased by the judge by an amount as great as the presumptive term for factors in mitigation and increased up to the maximum term of imprisonment for that class of offense for factors in aggravation. Presumptive terms more than four years may be decreased by an amount up to 50% of the presumptive term for factors in mitigation and increased up to the maximum term of imprisonment for that class of offense for factors in aggravation.

Finally, in unusual situations imposition of a presumptive sentence may result in manifest injustice to the defendant or to the public as a result of the presence of an aggravating or mitigating factor not specifically listed in the code. Where a sentencing court finds that manifest injustice would result from imposition of the presumptive term, its findings are transmitted to a three judge panel for sentencing.

D: Analysis of Sentencing Outcomes By Class

(1) Class 2: Violent Felonies Other Than Murder And Kidnapping*

Table II-2 (Appendix A) reflects the charge at final disposition of the 151 cases initially charged as a Class 2 offense. One third of these charges (n=51) were reduced to misdemeanors at final disposition, while all felony convictions remained Class 2 offenses. Since the judge may consider the nature of both the original and final offenses at sentencing, use of this procedure facilitates maintaining as much of the information about both charges as possible.

* The offenses making up Class 2 range from sexual assault I and II (AS 11.41.410/210), Assault I, II and III (AS 11.41.200/210/220). Robbery I and II (AS 11.41.500/510). Arson I and II (AS 11.46.400/410). Escape I, II and III (AS 11.56.300/310/320), criminally negligent homicide (AS 11.41.130) to misconduct involving weapons I (AS 11.61.200).

This table also provides the number of cases, mean and median active sentence and a sentence distribution for each of the specific offenses at conviction. Considerable variation in sentence length is indicated for many specific offenses. For example, 16.7% of Assault I convictions resulted in a straight probationary sentence (zero active sentence) while 33.3% resulted in sentences over 60 months. As would be expected, sentences imposed for offenses reduced to misdemeanors are clustered at the low end of the distribution, with most cases resulting in a sentence of six months or less.

Most Significant Factors Affecting Sentence Length

Tables II-3 and II-4 (Appendix A) list seven factors that survived both of the initial screening procedures and which were identified by multiple regression analysis as most significantly associated with variation in sentence length. They include:

1. A Pre-Sentence Report recommendation of substantial time to serve;
2. Conviction of a Class A felony;
3. Imposition of a presumptive sentence;
4. The specific offense at final disposition;
5. Characterization of the defendant by the pre-sentence report as a professional or habitual criminal;

6. Defendant was jailed pending disposition of his/her case (i.e., defendant did not make bail or release on his/her own recognizance);
7. The defendant was convicted after a jury trial (rather than from entering a plea of guilty).

Table II-3 of the report represents a descriptive summary of the sentence outcomes (mean active jail imposed and likelihood of receiving a straight probationary sentence) for each of the categories of variables identified as most significant in Class 2 sentencing. It is included in an effort to facilitate a more empirically meaningful understanding of the impact of each of the seven factors by comparing their outcomes against those of the other categories.

Thus, for example, the proportionate likelihood of receiving probation and the mean active sentence imposed for the n=30 cases in which the pre-sentence report recommended "substantial time to serve" (6.7% and 71.25 months, respectively) can easily be compared with the outcomes for cases resulting in other pre-sentence report recommendations. The mean sentence values indicated in this table should not be confused with the estimated (multiple regression) contributions of each factor noted in Table II-4. The latter coefficient values represent the estimated independent contribution of each factor to sentence length while statistically adjusting for the impact of all other significant factors.

The statistics underlying each group of comparisons denotes the level of statistical significance of the outcome differences. For example, where p=.010, there is only one chance out of one hundred that the empirical differences are due to chance or accident. The minimum accepted level of statistical significance generally relied upon in studies of this type is .05, indicating that 95 times out of 100, the noted differences would not be due to chance.

Table II-4 provides the estimated contribution of each of the seven factors to sentence length, independent of the effects of all other factors. The factors are listed in the order of their relative ability to explain (or account for) linear variation in sentence length. The sum total of the variation explained by the set of factors (also referred to as the "model") is represented by the statistic R^2, which in this table is 65%.

The statistical effect of a factor on a typical sentence is expressed with a plus sign (associated with an anticipated increase in sentence length) or a minus sign (associated with a decrease). The figures following these signs indicate the magnitude, in months, of the estimated increase or decrease. For example, the sentence for cases in which the pre-sentence report recommends substantial time to serve would be 14.1 months longer than cases where more favorable recommendations were made, other things being equal.

Comparison and Explanation of Most Significant Factors In the Class 2 Sentencing Model

While most of the factors identified in Table II-4 would be intuitively expected to demonstrate a significant impact on sentence length, others raise interesting if not problematical issues. The single most significant factor was a pre-sentence report recommendation of "substantial time to serve". Sentences imposed on cases with this recommendation were 14.1 months longer than those with more favorable recommendations. Similarly, conviction of sexual assault I resulted in the greatest magnitude of impact on sentence length, 52 months. In addition, conviction of a Class A felony resulted in an estimated increase of nearly 18 months to typical sentence length in comparison with sentences imposed on other classes of offense. Since the model's coefficients are additive, the total actual estimated increase in sentence length for a sexual assault I conviction, which is a Class A felony, is nearly 70 months.

On the basis of the findings of the Judicial Council's last felony study (1976-1979) and the staff's review of hundreds of pre-sentence reports, we included variables regarding the pre-sentence report which is typically prepared prior to sentencing for all felony convictions. We hypothesized that both the sentence recommendation of the probation officer preparing the report as well as his/her

characterization of the defendant would play a significant role in sentencing. This hypothesis was confirmed by the findings. Both of these pre-sentence report variables have proven to be especially significant. In addition to the impact of an adverse sentence recommendation ("substantial time to serve") discussed above, we found that the report writer's characterization of the defendant as a "professional or habitual criminal" significantly increased sentence length (by 29.6 months) even after taking into account other factors regarding the nature of the offense and the defendant's background. Cases in which the pre-sentence report both characterized the defendant as a habitual criminal and recommended substantial time to serve could expect their sentences to be nearly 44 months longer than most other combinations of recommendations and characterizations.

The impact of cases sentenced presumptively is interesting. On the one hand, this factor is a proxy for prior felony convictions since, with the exception of some first offenders convicted of Class A felonies, presumptive sentencing only applies to repeat offenders whose prior conviction is less than seven years old, excluding periods of incarceration and probation. Thus, one would expect presumptively sentenced cases to result in significantly longer sentences than those imposed on first offenders or offenders with prior misdemeanors or felonies over seven years old. However, the results of a

detailed analysis considering various combinations of this factor and prior record factors strongly indicated that presumptively sentenced cases resulted in sentences longer than the variation accounted for by an offender's prior criminal history. Two explanations appear to account for this fact. The first concerns the magnitude of the legislatively prescribed terms for offenders sentenced presumptively. The second concerns the fact that a great proportion of presumtively sentenced cases result in a sentence aggravated above the presumptive term.

Sentence length increased by 13.3 months if the defendant was jailed pending disposition of his case (i.e., he/she did not make bail or release on his/her own recognizance). While one would expect such cases to involve more serious offenses, it must be remembered that the contribution of this factor to sentence length is independent of the effects of such other (including offense-severity) factors.

Finally, convictions after jury trial resulted in sentences 10.5 months longer than those imposed for pleas of guilty. This is a finding that has been observed in prior Judicial Council studies. Due to the problematical nature of this plea-trial sentence differential and the possible constitutional issues it raises it will be more fully discussed, infra.

(2) Class 3: Property Offenses: Burglary and Theft*

Table II-5 (Appendix) reflects the charge at final disposition of the n=199 offenses originally charged as a Class 3 offense. In comparison with Class 2 sentences the Class 3 offense and sentence distribution table indicates a higher concentration of sentences at the lower end of the scale. Over 27% of all Class 3 convictions resulted in straight probation (no active prison time) while an additional 38% received jail sentences less than six months.

Sentence length varied widely among the offenses that constitute Class 3. Convictions for burglary I resulted in both the longest average sentence (30.4 months) and evidenced the greatest variability (from 28.9% receiving porobation to 10.5% receiving a sentence of over 60 months). Burglary I and II and Theft II were the most typical Class 3 offenses at final disposition (n=38, 39 and 49 cases, respectively).

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* Class 3 comprises 199 charges including burglary I and II (AS 11.46.300/310), theft I and II (AS 11.46.120/130), theft by receiving I and II (AS 11.46.190) and criminal trespass I and II (AS 11.46.320/330).

Comparison and Explanation of Most Significant Factors In The Class 3 Sentencing Model

Eight factors survived the statistical screening and were identified by stepwise multiple regression as having the most significant impact on sentencing variation. The results of the multiple regression analysis including the unique contribution of each factor to sentence length are provided in Table II-7 while Table II-6 (both in Appendix A) provides a descriptive summary of the sentencing outcomes (mean active period of incarceration and proportionate likelihood of receiving a probationary sentence) for each of the categories of eight variables identified as most significant. The eight factors include:

1. Imposition of a presumptive sentence;
2. Defendant was jailed pending disposition of his/her case (i.e., defendant did not make bail or release on own recognizance);
3. Physical injury of some form to the victim was occasioned by the offense;
4. A pre-sentence report characterization of the defendant as a professional or habitual criminal;
5. The offense at final disposition was reduced to a Class A or B misdemeanor;
6. The pre-sentence report recommended probation or probation and a "taste of jail";

7. The court ordered a psychological examination of the defendant; and
8. The defendant was employed at the time of arrest.

The most significant factor identified by the multiple regression analysis in "explaining" sentence length variation was the imposition of a presumptive sentence. Cases subject to presumptive sentencing resulted in a sentence 22.2 months longer than those not sentenced presumptively, other things being equal. The descriptive outcomes noted in Table II-6 indicate that the 25 presumptively sentenced Class 3 cases resulted in a mean active sentence of 41.3 months and zero percent likelihood of straight probation compared with outcomes of 8.9 months and 31.6% probation among the 174 non-presumptively sentenced cases. As noted in the discussion of Class 2 sentencing, above, this phenomenon will be more fully discussed, infra.

Cases in which the defendant was jailed prior to final disposition of his/her case were associated with an estimated increase of 5.5 months to sentence length. These 79 cases involved situations in which the defendant did not make bail or release on his/her own recognizance. Table II-6 further indicates that such offenders were least likely to receive a probationary sentence. The very few cases in which some physical harm to the victim was occasioned by the offense

resulted in a sentence length increase estimated to be 29.9 months.

Two pre-sentence report factors were identified as significant in the Class 3 sentencing model. A pre-sentence report that characterized the defendant as a professional or habitual criminal resulted in a sentence nearly 12 months longer than other characterizations. In addition, a favorable pre-sentence report recommendation (probation or probation and a "taste of jail") resulted in an estimated decrease of 4.7 months to sentence length. (A more complete discussion of the effects of the pre-sentence report variables on variation in sentence outcomes is presented in a later section of the report.)

Cases reduced from the original felony charge to Class A or B misdemeanors were associated with decreases of 7.5 months to typical sentence length, a finding whose direction, if not magnitude, would be anticipated. Comparison of mean active sentences imposed according to class of the offense at final disposition (Table II-6) would suggest a greater magnitude of impact. The variance is likely explained by the interaction of other factors in the model.

Sentence length increased by an estimated 4.3 months for cases in which a psychological exam was ordered by the court. Finally, cases in which the defendant was employed at the time of arrest were identified as resulting in a decrease

of 4.3 months to sentence length. The descriptive statistics provided in Table II-6 indicate that these offenders were substantially more likely than those unemployed to receive a probationary sentence.

(3) Class 5: Drug Offenses*

Table II-9 (Appendix A) summarizes the offenses and sentence distributions for the 82 offenses initially charged as felony drug offenses. Convictions for sale of a narcotic were the most frequent offense at final disposition (n=42) followed by those for possession of narcotics (n=20). It is interesting to note that the sentence outcomes for the narcotic offenses were actually less severe than those imposed for HDS (hallucinogenic/depressant/stimulant) offenses. Thus, while the mean active sentence for possession and sale of narcotic offenses was 7.1 and 14.0 months, respectively, it was 30.0 and 17.8 months, respectively, for possession for sale and sale of HDS. Despite analysis of these differences we could find no statistical explanation for the result.

Overall, over 20% of all offenses resulted in a straight probationary sentence while a total of over 63% resulted in a sentence of less than 6 months. Only 3.7% (n=3)

* The offenses making up Class 5 included possession and sale of narcotics, possession for sale and sale of hallucinogenics, depressants and/or stimulants, fraud or deceit in obtaining a narcotic and disposal to a minor (AS 17.10.010;200(a),(b),(c)).

of the 82 Class 5 offenses resulted in a sentence greater than sixty months. Active sentences showed much less internal variability within specific offenses than was documented for offenses in other classes. Further, as noted in our 1976-1979 felony study, there were no instances of conviction for possession of a narcotic for sale.

Before turning to a discussion of the Class 5 sentencing model we should point out that Title 17 criminal drug offenses were <u>not</u> included in the otherwise comprehensive revision and classification of offenses accomplished by Alaska's new criminal code. The offenses represented in this analysis are predicated upon the same substantive laws and sentencing procedures as earlier studies. Accordingly, offenses are not classified according to level of severity and presumptive sentencing of repeat offenders is not applicable. In the spring of 1982, however, Alaska's legislature passed and Governor Hammond signed into law a revision and classification of Title 17 drug offenses that parallels the classification and sentencing structure of the new criminal code.

<u>Most Significant Factors Affecting Sentence Length</u>

Tables II-10 and II-11 (Appendix A) include seven factors which survived screening and were analytically identified as contributing most significantly to the length of drug sentences. These factors include:

1. Defendant was jailed pending disposition of his/her case (i.e., defendant did not make bail or release on own recognizance);
2. Defendant was on formal probation or parole at the time of commission of the present offense;
3. The number of prior juvenile misdemeanor convictions of the defendant;
4. The judge at sentencing was "lenient";
5. Defendant's formal probation or parole was revoked as a result of the current offense;
6. The defendant used an alias in the commission of the offense; and
7. The pre-sentence report characterized the defendant as cooperative.

Table II-11 provides the estimated independent contribution of each factor to sentence length while Table II-10 represents a descriptive summary of sentence outcomes--proportionate likelihood of receiving a straight probationary sentence and mean active period of incarceration--for each of the categories of variables identified as most significant in Class 5 sentencing.

As found in our analysis of Class 2 and Class 3 sentencing, cases in which the defendant remained in custody pending disposition of the case were associated with an

estimated increase (13.2 months) in sentence length. Table II-10 further indicates that none of the 13 cases in which the defendant remained jailed resulted in a probationary sentence.

Two of the seven factors identified as most significantly associated with sentence variation concern the probation/parole status of the defendant. Cases in which the offender was on formal probation or parole at the time of the offense resulted in an additional 19.6 months to sentence length. Moreover, where probation or parole were revoked because of the (current) offense, sentence length increased by an additional 33.1 months. The descriptive statistics provided in Table II-10 indicate that 8 cases included defendants who were on probation/parole at the time of the offense. Probation/parole were revoked in 2 of these 38 cases.

Sentence length increased an estimated 6.0 months for each prior juvenile misdemeanor conviction. A comparison of sentence outcomes for this variable in Table II-10 empririically confirms this finding.

Judges were categorized as "strict", "lenient", or "other" following the analytic procedure we used in two earlier studies. The sentencing patterns of individual judges cannot be determined because most sentenced too few cases of any specific offense to provide meaningful, valid and reliable comparisons. However, this does not prevent a consideration of the effect of a group of judges in the offense class as a whole.

Those judges that imposed sentences in the 82 Class 5 cases whose mean sentences were 50% or more above the overall mean sentence for the class were termed "strict". If a judge's mean sentence length was 50% or more below the typical mean, he was termed "lenient". All others, including those whose sentences were closer to the overall mean, were designated "other". Only judges who had imposed sentences in at least five cases were considered.

Our model of Class 5 sentencing reveals that the effect on sentence length was significant among judges categorized as "lenient". Cases sentenced by "lenient" judges received sentences 7.5 months <u>shorter</u> than those sentenced by either "strict" or "other" judges, independent of any other factors significantly associated with sentence. (We must stress that these judges were "lenient" only in the sense that their combined sentences were relatively shorter than those of other judges sentencing Class 5 cases.)

Cases in which the defendant used an alias in commission of the offense resulted in an estimated 17.3 month increase in sentence. Four of the five cases fitting this pattern involved fraud in obtaining offenses. None of the cases resulted in a probationary sentence.

Finally, a pre-sentence report characterization of the defendant as cooperative resulted in a 7.7 month decrease in

typical sentence length. Table II-10 indicates that 55 of the 82 Class 5 offenses received a cooperative characterization and empirically confirms this finding.

(4) Class 1: Murder and Kidnapping;* Class 4: Fraud Offenses, and Class 6: "Other" Offenses*

Class 1 consists of 14 cases originally charged as murder or kidnapping, Class 4 includes 26 offenses originally charged as fraud offenses and Class 6 includes 9 offenses originally charged as "Other" offenses. As noted in the introduction, none of these offense classes has a sufficient number of cases for a multivariate analysis such as that conducted for the other classes. Consequently, our analysis relies on detailed descriptive statistics concerning offenses and sentence distributions and notation of those factors and variables identified by one-way analysis of variance as most significantly associated with sentence variation. The limited

* Class 1 includes offenses originally charged as murder in the first degree (AS 11.41.100), murder in the second degree (AS 11.41.110) and kidnapping (AS 11.41.300).
Class 4 includes cases originally charged as issuing a bad check I and II (AS 11.46.280(d)(1)/(2)), forgery I and II (AS 11.46.500/505), scheme to defraud (AS 11.46.600), bribery and receiving a bribe (AS 11.56.100/110) and fraudulent use of a credit card (AS 11.46.285(b)(1)).
Class 6 includes cases charged as sexual abuse of a minor (AS 11.41.440), incest (AS 11.41.450) and prostitution offenses (AS 11.66.110/120). Class 6 offenses in past studies were referred to as "morals" offenses. Due to changes in the constitution of specific offenses comprising this class occasioned by the new criminal code and in an effort to avoid possible qualitative interpretations as to the relative severity of these offenses, they are simply referred to as "other" in the present study.

analysis conducted for these offenses classes does not consider the possible effects of other factors on outcomes. Accordingly, statistics presented in this section should be interpreted with these analytical caveats in mind.

(a) Class 1: Murder and Kidnapping

Table II-1 provides offense and sentence distribution information on the final dispositions of n=14 Class 1 offenses. Five of these cases were reduced to lesser severity (Class 2) offenses upon final disposition. The sentence outcomes for murder in the first and second degrees and kidnapping correspond to what one would intuitively expect. All but one of the eight murder/kidnapping offenses resulted in sentences of over 60 months. No cases, including those resulting in reduced offense convictions, resulted in a probationary sentence although the single conviction of coercion resulted in a sentence of only 1.6 months.

Due to the very high crystallization of sentences at the high end of the spectrum for the murder/kidnapping convictions and the few numbers of cases, analysis of variance was not performed.

(b) Class 4: Fraud Offenses

Table II-8 (Appendix A) represents offense and sentence distribution statistics for 26 Class 4 offenses. While many of these offenses at final disposition represent reductions from the offense charged, all remain Class 4

offenses. Three of the twenty-six total cases were reduced to misdemeanors. By far the most typical specific offense was forgery II (n=18 cases).

Overall, 30.8% of the Class 4 cases resulted in a probationary sentence while a total of over 65% of the cases resulted in sentences of less than six months. Factors identified as most significantly associated with sentence variation, while not controlling for the effects of other factors, included: the defendant's prior criminal history, the defendant was on formal probation or parole at the time of the (current) offense, the pre-sentence report characterization of the defendant and the categorization of the judge as "strict" or "lenient".

(c) Class 6: "Other" Offenses

The distribution of offenses and sentence outcomes for the nine cases originally charged as Class 6 offenses are presented in Table II-12 (Appendix A). Sexual abuse of a minor was the most common offense (n=5) and only one case resulted in a reduced misdemeanor conviction.

Overall, 66.7% of the cases (including 80% of the sexual abuse of minor offenses) resulted in straight probation, while nearly 90% of all cases resulted in a sentence of one year or less.

D: Significant Relationships and Effects Among Urban 1980 Felony Sentencing Practices

The statistical sentencing models presented and discussed in the last section reveal systematic patterns in the types of factors affecting sentence variation that deserve further discussion. Perhaps the most significant overall result of the models is the lack of statistically independent impact of defendant and offense related factors. The majority of factors identified as most significantly associated with sentence outcomes included the impact of the pre-sentence report, the defendant's custodial status pending disposition of the case, the class of offense and type of sentence (presumptive or non-presumptive) imposed. A more detailed descriptive analysis of the association of these variables with sentence outcomes follows.

(1) Impact of Pre-Sentence Report Factors

In addition to the facts about the offender, offense and processing of cases, we collected two items of information uniquely available from the pre-sentence report: (1) the report writer's sentence recommendation, and (2) the report's characterization of the defendant. Recommendations for sentences were summarized as "probation", "taste of jail" (60 days or less), "time to serve" and "substantial time to serve" (2 years or more). Characterizations were summarized by terms

we found to be frequently used in pre-sentence reports, including "cooperative", "anti-social", "hostile", "apathetic/indifferent", "disturbed/unable to control behavior", and "professional or habitual criminal". This information was captured in the Judicial Council's last felony study (1976-1979 convictions) where it was found to be strongly associated with sentencing outcomes and was thus included in the present study.

The present analysis reveals that these factors again had a significant and substantial independent effect on length of sentence and likelihood of receiving a probationary sentence. An adverse characterization of the defendant by the pre-sentence report writer was associated with increases in a typical sentence, other things being equal, among violent felony and property offenses (Classes 2 and 3, respectively). A positive characterization was associated with decreased sentence length among drug offenses (Class 5). Similarly, an "adverse" recommendation by the reporter independently contributed to increased sentence length among violent felony offenses (Class 2) while a "positive" recommendation was associated with decreased sentence length among property offenses (Class 3). Moreover, these pre-sentence report factors demonstrated significant (one-way) relationships with sentence length even among those offense classes not subjected to multivariate analysis (Class 4 fraud offenses and Class 6 "other" offenses).

These findings indicate that the pre-sentence report, apart from the objective information that it conveys, plays a very significant role in affecting sentence outcomes. Moreover, the magnitude of the impact of its characterization of the defendant and sentence recommendation is quite substantial in comparison with other relevant factors. For example, among violent felony offenses (Class 2) the impact of an adverse characterization is greater than nearly all other factors found to be most significantly associated with sentence length, including the class of offense. A similar outcome was discerned in the context of our property offense (Class 3) sentencing model.

Unlike the findings of our earlier (1976-1979) study, however, favorable pre-sentence report characterizations and recommendations appear to mitigate sentence length in some contexts. Thus, a favorable recommendation among property offense cases and a positive characterization among drug cases were found to be associated with decreased sentence length. Nevertheless, these findings demonstrate that the overall impact of the report writer's perception of the defendant and sentence recommendation account for more independent outcome variation than any other single variable considered in the study.

(2) Impact of Presumptive Sentencing And Its Relationship to Prior Criminal Record

Cases resulting in a presumptive sentence were identified as strongly associated with increases in typical sentences among violent felonies and property offenses (Classes 2 and 3). This result appears to confirm intuitive expectations given the definition of cases subject to presumptive sentencing, which include offenders with a prior felony conviction less than seven years old and some Class A felony first offenders. In large measure the imposition of a presumptive sentence is a proxy for a prior felony record, which also explains the absence of this (later) factor from the models presented in the earlier analysis. In other words, there is a very significant intercorrelation between prior felony record and presumptively sentenced cases.

Further analysis of this relationship strongly suggests, however, that the application of the presumptive sentencing provisions of the new code had a further independent effect on sentence outcomes over and above the impact of prior felonies. Thus, when both factors were "forced" into our multiple regression models, presumptive sentencing prevailed as a factor explaining considerably more sentence variation than prior felony record.

Tables IV and V, which follow, are included to facilitate an empirically meaningful description of differences in presumptive and non-presumptive outcomes. Table IV represents the proportionate number of cases subject to presumptive sentencing in each offense class, while Table V indicates the likelihood of receiving a probationary sentence and mean active sentence imposed upon presumptive and non-presumptive cases for three offense classes (violent, property and fraud offenses, Classes 2, 3 and 4, respectively).

TABLE IV

Type of Sentence for Six Classes of Offense (In Percent)

Class of Offense:	Presumptively Sentenced %	Presumptively Sentenced (n)	Non-Presumptively Sentenced %	Non-Presumptively Sentenced (n)
(1) Murder/Kidnapping	7.0%	(1)	93.0%	(13)
(2) Violent Felonies	19.9%	(30)	79.1%	(121)
(3) Property Offenses	12.6%	(25)	87.3%	(174)
(4) Fraud Offenses	34.6%	(9)	65.4%	(17)
(5) Drug Offenses	0%	(0)	100.0%	(82)
(6) "Other" Offenses	0%	(0)	100.0%	(9)

TABLE V

Comparison of Sentence
Outcomes For Presumptive
And Non-Presumptive Sentences
For Three Classes of Offense

Class of Offense:	Presumptive		Non-Presumptive	
	% prob	Mean Sentence	% prob	Mean Sentence
Violent Felonies Class 2	3.3%	67.7	25.6%	16.8
Property Offenses Class 3	0%	41.3	31.6%	8.9
Fraud Offenses Class 4	0%	33.3	47.1%	1.9

Table IV demonstrates that fraud offense convictions were proportionately most likely to be sentenced presumptively (34.6%), followed by violent felonies (19.9%) and property offenses (12.6%). Murder/kidnapping (n=13) and "morals" offenses (n=9) had extremely small percentages of presumptively sentenced cases (7% and 0%, respectively). Title 17 drug offenses, as noted in our discussion of Class 5 sentencing supra, were not subject to the revision and classification of offenses in the new criminal code and presumptive sentencing in 1980.

Table V compares sentence outcomes for presumptive and non-presumptive Class 2, 3 and 4 offenses. The table confirms that presumptively sentenced cases received substantially longer periods of active incarceration and less likelihood of a probationary sentence than non-presumptively sentenced cases.

Further analysis conducted upon the presumptively sentenced cases revealed that a very significant proportion received a sentenced aggravated above the applicable presumptive term. It would appear that this fact helps explain the significant contribution of presumptive sentencing (over and above the effect of prior criminal record) in our sentencing models.

(3) Effect of Defendant's Custodial Status Pending Disposition of the Case

One of the most consistent factors present in the sentencing models discussed earlier concerns the impact on sentence outcomes of cases in which the offender was jailed pending final disposition of the case. In these cases the offender was not released on monetary bail or his/her own recognizance pending disposition of the charge against them. Table VI, below, descriptively summarizes the sentence outcomes--both proportionate likelihood of receiving a probationary sentence and mean active sentence for those offenders going to jail--by the different categories of pre-trial custodial status of the defendant. The analysis includes outcomes for the three major classes of offense; violent felonies (Class 2), property offenses (Class 3) and drug offenses (Class 5).

Table VI
Comparison of Sentence Outcomes
By Pre-Trial Custodial Status
Of Defendant For Three Classes Of
Offense
(Classes 2, 3 and 5)
(1980 Urban Offenses)

	Violent Felonies (Class 2)		Property Offenses (Class 3)		Drug Offenses (Class 5)	
Def.'s Custodial Status	% Prob.	Mean Sent.	% Prob.	Mean Sent.	% Prob.	Mean Sent.
Own Recognizance	32.4%	7.5	37.8%	5.6	17.4%	4.6
Bail Release	27.7%	15.2	23.5%	7.9	28.9%	10.7
Jailed	8.3%	49.3	12.7%	23.4	0%	40.2
Other Custody	30.0%	11.0	72.7%	6.5	33.3%	60.0
Statistical Significance	p=.01		p=.000		p=.15	p=.000

This table confirms the multiple regression results discussed earlier for each of the three offense classes. Offenders who were incarcerated pending disposition of their cases consistently received the longest mean sentences and were least likely to receive a straight probationary sentence in comparison with those released on bail or their own recognizance. The magnitude of the differences in both outcomes is quite substantial. For example, among violent felony offenses, cases in which the offender was jailed resulted in a mean sentence of 49.3 months compared to 7.5 and 15.2 months, respectively, for those released on their own

recognizance or bail. Similarly, only 8.3% of the cases in which the offender was jailed resulted in a probationary sentence compared with 32.4% and 27.7%, respectively, of those released on their own recognizance and bail.

While it would be easy to hypothesize that jailed offenders had the worst criminal backgrounds or cases against them, the multiple regression results control for differences among many such variables and represent the independent effect of having been incarcerated on sentence length. Outcomes such as these have been noted in the analysis of some offense classes in prior studies. However, these findings represent the most consistent pattern of effect ever noted.

(4) Impact of Trials Compared With Guilty Pleas

The multiple regression analysis model of violent felony offenses (Class 2) indicated that conviction after trial resulted in a sentence 10.5 months longer than those based upon a plea of guilty. In addition, during the first step of analytic screening a significant relationship between going to trial and longer sentences appeared among many offense classes. The effect of going to trial apparently dropped out of significance in these other classes during stepwise multiple regression analysis, suggesting that among those offense classes the variation in sentence length was better explained by other factors. Nevertheless, this original finding,

encouraged us to more closely consider empirical differences in sentence outcomes between guilty pleas and trials. Table VII summarizes overall mean sentences for cases disposed of by guilty pleas and convictions after trial for all classes of offense.

TABLE VII

Mean Sentences For Six Offense Classes
For Pleas And Trials
(Urban Courts--1980)
(In Months)[1]

Class of Offense:	PLEAS Mean Sent. (n)	TRIALS Mean Sent. (n)	Significance
1. Murder/Kidnapping[2]	52.5 (3)	589.2 (10)	None
2. Violent Felonies[3]	17.4(113)	40.6 (34)	.01
3. Property Offenses[4]	9.7(181)	19.8 (15)	.05
4. Fraud Offenses	13.2 (24)	0.6 (2)	None
5. Drug Offenses[5]	10.1 (68)	29.1 (13)	.01
6. "Other" Offenses[6]	0.0 (5)	24.0 (2)	.05

1 Probationary (zero) sentences are included in this analysis.
2 (1 missing case)
3 (4 missing cases)
4 (3 missing cases)
5 (1 missing cases)
6 (2 missing cases)

As this table reveals, a substantial differential exists between (mean) sentence outcomes based on pleas of guilty and those resulting from cases that went to trial. The differences indicated in this table may, however, be explained by other legally relevant factors such as the criminal history of the defendant or specific offense(s) involved. That is, more serious offenses or worse offenders may have gone to trial which would help explain the apparent overall differential. However, the regression analysis results for Class 2 violent felony offenses adjusted for differences in such other factors, indicating that even if other factors explain the plea-trial sentence outcome differentials among other offense classes, they are not so explained in the context of violent felony sentencing.

(5) Relationship of Alcohol and Drug Use to Criminal Behavior

Although its impact on sentence outcomes did not survive the multiple regression analysis performed for offense Classes 2, 3 and 5, one further area worthy of discussion concerns the relationship of alcohol/or drug use to crime. The variables we collected and considered concerning alcohol/drug use in this analysis revealed a strong relationship to criminal behavior itself (as opposed to sentence outcomes) among most offense classes.

As found in the Judicial Council's last felony sentencing study, use of alcohol and/or drugs and criminal behavior are closely associated in two distinct ways. Many offenses (including most murder/kidnapping, violent felonies and property offenses) are committed under the influence of alcohol and/or drugs. Additionally, known alcohol/drug histories are strongly associated with prior criminal histories.

Table VIII compares the proportion of cases within each offense class that were known to be committed under the influence of alcohol, drugs or both in combination.

TABLE VIII

Frequency Of Use Of Drugs And/OR Alcohol
At Time Of Offense For Five Offense Classes*
(Urban Courts--1980)

Class of Offense:	Total Cases	Used Drugs	Used Drugs & Alcohol	Used Alcohol
1. Murder/Kidnapping	(n=14)	-----	21.4%	78.6%
		-----	(3)	(11)
2. Violent Felonies[1]	(n=142)	2.1%	4.2%	65.5%
		(3)	(6)	(93)
3. Property Offenses[2]	(n=195)	2.6%	2.6%	46.2%
		(5)	(5)	(90)
4. Fraud Offenses[3]	(n=24)	-----	12.5%	12.5%
		-----	(3)	(3)
6. "Other" Offenses	(n=9)	11.1%	-----	22.2%
		(1)	-----	(2)

* Percents indicate proportion of all cases within class.

1 (9 missing cases)
2 (4 missing cases)
3 (2 missing cases)

As the distributions in the above table reveal, alcohol use is substantially more closely associated with criminal behavior than is drug use. The magnitude of offenses committed under the influence of alcohol is staggering. Thus, 78.6% of murder/kidnapping offenses, 65.5% of violent felonies and 46.2% of property offenses were known to have been committed under the influence of alcohol. Additional cases in all these groups were committed under the combined use of alcohol and drugs. Very few cases were known to be committed under the influence of drugs (2.1% of violent felonies and 2.6% of property offenses). However, the relative difficulty of detecting drug intoxication vis-a-vis alcohol use most likely accounts for at least some portion of the difference.

Table IX summarizes the relationship between severity of offenders' criminal records and known alcohol/drug histories. Offenders with no known chemical histories and offenders with known drug addiction histories were quite likely to be first offenders. Slightly over 50% of offenders with no substance histories were first offenders, while 32% and 18%, respectively, had misdemeanor and felony records. Nearly 40% of the offenders with drug addiction histories were first offenders, 32% had misdemeanor records and the remaining 28% had felony records. Finally, only 16% of those with known alcohol addiction histories were first offenders while 36% had misdemeanor records and 48% felony records. These findings very strongly suggest that alcohol addiction problems are closely associated with criminal recidivism.

TABLE IX

Severity Of Prior Criminal Record
By Drug/Alcohol History
(Urban Courts--1980)

Severity of Prior Record	Neither	Alcohol Addiction History	Drug Addiction History
No Priors	50.3% (86)	15.8% (34)	39.6% (21)
Misdemeanors Only	31.6% (54)	36.3% (78)	32.1% (17)
One Prior Felony	13.5% (23)	34.0% (73)	20.8% (11)
Two/More Prior Felonies	4.7% (8)	14.0% (30)	7.5% (4)
	100%	100%	100%
TOTALS	(171)	(215)	(53)

E: Comparison of Major 1980 Offense Outcomes With Past Study Periods

This section of our report compares major outcomes of 1980 offenses with those studied by the Judicial Council in its two prior felony sentencing studies, including the plea bargaining study (covering offense convictions rendered between August, 1974 and August, 1976) and the follow-up to this study (covering offenses during the August, 1976 to August, 1979 period). Since the first (plea bargaining) study included convictions only for the major urban centers of Alaska--Anchorage, Fairbanks and Juneau--the present comparison is limited to cases among these courts. The data used in this analysis includes 1,443 convictions during the 1974-1976 study, 1,346 convictions from the 1976-1979 study and the 481 1980 offense convictions.

As discussed earlier in the report, comparisons of this data base with those of prior studies are subject to limitations occasioned by a shift in the parameter definition of the 1980 data base. Unlike prior studies, whose data bases were defined by conviction dates from August to August, the 1980 data was based upon offense commission dates falling within calendar year 1980. Despite these discrepancies we are confident that the patterns and trends represented in this section facilitate valid general comparisons of empirical distributions, effects and sentence outcomes over the six years represented in the Judicial Council's aggregate data base.

(1) Offense Classes

The number and proportion of convicted cases within each class of offense for each of the six years is represented in Table X. The 1974-1976 period includes data collected for the plea bargaining study, the 1976-1979 period includes data from the follow-up study and the 1980 data represents the data presented in this study. Since this data represents the great proportion of all cases that began as felonies and resulted in a conviction (with the exception of cases from August-December, 1979), it constitutes a very reliable sample of felony convictions for the six year period.

TABLE X

Distribution of Convicted Offenses
By Six Classes of Offense
For Three Study Periods

Class of Offense:	1974-76 Period		1976-79 Period		1980 Study	
	%	n	%	n	%	n
Murder/Kidnapping Class 1	1.7%	(25)	3.6%	(49)	2.9%	(14)
Violent Felonies Class 2	29.4%	(420)	27.1%	(365)	31.4%	(151)
Property Offenses Class 3	34.8%	(499)	35.7%	(481)	41.4%	(199)
Fraud Offenses Class 4	13.6%	(195)	15.2%	(204)	5.4%	(26)
Drug Offenses Class 5	17.8%	(255)	14.3%	(192)	17.0%	(82)
"Other" Offenses Class 6	2.7%	(39)	4.1%	(55)	1.9%	(9)
Totals	100.0%	(1433)	100.0%	(1366)	100.0%	(481)

The most notable changes among the proportion of cases within each class of offense over this period concerns the very substantial decrease in Class 4 fraud offenses and increase among Class 3 property offenses in the 1980 period. The proportion of fraud offenses among the 1980 data represents a decrease of nearly 10% from the last study period (1976-1979). This decrease may be due to the Department of Law's Pre-Trial Intervention Project begun in mid 1978 which allows district attorneys to divert "appropriate" cases into a diversionary system that functions as an alternative to traditional case disposition. Bad check and forgery offenses are typical examples of offenses diverted through the program. Conversely, property offenses (Class 3) increased from approximately 35% of all cases in the preceding study periods to over 41% of 1980 offenses. Finally, the proportion of "other" offenses (Class 6) dropped among 1980 offenses as compared with prior study periods. In general, the distributions among the other felony classes have remained relatively stable over the three study periods.

(2) Sentence Outcomes

The findings of our 1976-1979 felony study revealed that the average length of active sentences for that period represented a dramatic increase over those discerned from the earlier plea bargaining (1974-76) study. Mean active sentences imposed for violent felonies and property offenses had nearly doubled while all offense classes--with the exception of drug

felonies--demonstrated significant and substantial increases. In addition, the 1976-79 study findings indicated that a defendant's chances of receiving a probationary sentence decreased in comparison with findings from the earlier plea bargaining study.

Table XI represents mean active sentences for each offense class over the Judicial Council's three felony study periods.

TABLE XI

MEAN ACTIVE SENTENCES FOR SIX OFFENSE CLASSES FOR THREE STUDY PERIODS (IN MONTHS) (n of cases in parenthesis)

Class of Offense:	1974-76 Period	1976-79 Period	1980 Study
Murder/Kidnapping Class 1	231.4 (22)	356.1 (49)	434.7 (14)
Violent Felonies Class 2	36.5 (274)	66.3 (293)	29.2 (119)
Property Offenses Class 3	10.4 (257)	20.0 (283)	14.6 (144)
Fraud Offenses Class 4	16.4 (99)	19.9 (136)	17.6 (18)
Drug Offenses Class 5	33.1 (120)	27.3 (110)	16.3 (65)
"Other" Offenses Class 6	38.4 (22)	44.0 (37)	16.7 (3)

Table XI reveals that 1980 mean active sentence lengths have decreased substantially from the 1976-1979 study period. The decrease is greatest among "other" offenses (62% decrease), violent felonies (56% decrease) and drug offenses (40% decrease). In fact, the average sentences for many 1980 offense classes are lower than those discerned from the 1974-76 period. Only sentences for Class 1 (Murder/Kidnapping), which are largely a function of the number of reduced charges among these offenses, exhibited an increase over the 1976-1979 period.

Table XII represents the proportionate likelihood of receiving a straight probationary sentence for each class of offense over the three study periods.

TABLE XII
Proportion of Cases Receiving Probation for Six Offense Classes For Three Study Periods (In Percent)*

Class of Offense:	1974-76 Period	1976-79 Period	1980 Study
Murder/Kidnapping Class 1	12%	0%	0%
Violent Felonies Class 2	35%	20%	21%
Property Offenses Class 3	48%	41%	28%
Fraud Offenses Class 4	49%	33%	31%
Drug Offenses Class 5	53%	43%	21%
"Other" Offenses Class 6	44%	33%	67%

*Percentages rounded to nearest whole number

These distributions reveal that the proportion of cases resulting in a straight probationary sentence has decreased among most 1980 offense classes. Thus, the proportion of Class 3 property offenses resulting in probation decreased from 41% in the 1976-1979 period to 28% in the 1980 period. Drug offenses resulting in straight probation decreased from 43% to 21% over this same period. Only "other" offense convictions--which included only 9 1980 cases--exhibited an increase in the likelihood of receiving a probationary sentence.

An overall pattern in comparing the figures provided in these two tables emerges: proportionately more offenders are being sentenced to periods of incarceration while average incarceration terms have decreased substantially.

(3) Trials

The Judicial Council's 1976-1979 felony study indicated that the proportion of caes resulting in conviction that went to trial increased substantially over the 1974-1976 study period. Overall, the proportion of cases that went to trial during the 1974-1976 period was 11.8% compared with 21.9% for the later study period. The Judicial Council's 1976-1979 felony sentencing study final report suggested that this substantial increase may have been associated with the Attorney General's August, 1975 ban on plea bargaining.

As Table XIII, below, indicates, the overall proportion of 1980 convicted offenses that went to trial has decreased significantly to 15.8%. In fact, the 1980 trial rate for convicted offenses nearly approximates that for the 1974-1976 study period.

TABLE XIII

Proportion of Convicted Cases That Went to Trial By Class Of Offense* For Three Study Periods

Class of Offense:	1974-76 Period	1976-79 Period	1980 Study
Violent Felonies Class 2	20.7%	33.7%	22.5%
Property Offenses Class 3	6.8%	13.5%	7.5%
Fraud Offenses Class 4	5.7%	16.2%	7.7%
Drug Offenses Class 5	11.8%	26.6%	15.8%
All Cases	11.8%	21.9%	15.8%

*Classes 1 and 6 excluded due to small number of cases.

This pattern of marked reduction in the number of cases that went to trial exists among all classes of offense. The decrease was most substantially among fraud offenses (Class

4) and property offenses (Class 3). Whether this change is due to the changing policies of district attorneys, defense counsel or the new criminal code is beyond the scope of this study. Nevertheless, the findings are significant and substantial.

(4) Elimination of Earlier Problematical Outcomes

(a) Racial Disparity Eliminated

Our analysis of the 1974-1976 plea bargaining data found that Blacks and Natives convicted of property offenses (Class 3) and fraud offenses (Class 4) as well as Blacks convicted of drug offenses (Class 5) received sentences disproportionate to those of Whites convicted of the same offenses. Analysis of the 1976-1979 data indicated dramatic reduction in sentencing disparity by race. That study found that the disparate sentences of Blacks convicted of drug offenses persisted and its magnitude remained unchanged. These findings persisted even when severity of the offender's prior criminal history, severity of the offense and other legally relevant factors were statistically controlled.

The present analysis of 1980 offenses reveals that racially disproportionate sentencing outcomes have been totally eliminated. Many factors likely played a role in the reduction and subsequent elimination of these problematical outcomes. First and foremost among these would have to be the identification of the problem by the Judicial Council's plea

bargaining study. In addition, the efforts of the Sentencing Guidelines Committee established by Alaska's Supreme Court and other court system action, including critical and conscious attention by Alaska's judges, all worked to eliminate this invidious problem.

(b) Elimination of Sentence Outcomes by Type of Defense Attorney

Our analysis of 1976-1979 felony sentencing outcomes revealed substantial and significant differences in sentence outcomes according to the type of defense attorney representing defendants. Cases represented by court-appointed attorneys resulted in substantially longer mean sentences among all classes of offense. After exhaustive analysis of these differences we could not identify any factor or set of factors that would account for the differential outcomes.

Largely as a result of these findings the Alaska Court System established a new contract procedure for court-appointed counsel. This system was based on the premise that experienced defense counsel could better represent public defender conflict cases (which constitute the majority of court-appointed cases) and do so at an overall lesser cost to the state.

Our analysis of 1980 felony sentencing reveals that the earlier attorney-type outcome differences have been completely eliminated. Differences in sentence outcomes according to type of defense attorney did not survive screening in any class of offense, strongly suggesting that the Court System's response eliminated the problem.

PART III

RURAL ALASKA SENTENCING PATTERNS

A. Introduction

The Judicial Council's 1980 data base includes cases rendered in all eleven Alaska Superior Court locations. The purpose of this section of the report is to summarize findings of sentencing patterns among the eight "rural" locations not discussed in Part II. These eight court locations include Barrow, Nome, Bethel, Kodiak, Kenai, Sitka, Ketchikan and Kotzebue, which became a Superior Court location in late 1979.

There were a total of 372 rural cases originally charged as a felony that resulted in conviction (either misdemeanor or felony). Tables XIV and XV, below, represent a frequency distribution of these cases by court location and the offense classification scheme discussed earlier.

TABLE XIV

Distribution of 1980 Rural Convictions
By Location

Location	n of Cases		% of N
Barrow	17		4.6
Nome	33		8.9
Bethel	97		26.1
Kodiak	47		12.6
Kenai	78		21.0
Sitka	36		9.7
Ketchikan	47		12.6
Kotzebue	17		4.6
TOTALS	N=372	=	100%

TABLE XV

Distribution of 1980 Rural Convictions
By Class of Offense

Class of Offense:	n of Cases	% of N
1. Murder/Kidnapping	4	1.1
2. Violent Felonies	146	39.3
3. Property Offenses	155	41.7
4. Fraud Offenses	17	4.6
5. Drug Offenses	37	10.0
6. "Other" Offenses	13	3.5
TOTALS	N=372 =	100%

The majority of rural convictions were rendered in Bethel (n=97), Kenai (n=78), Kodiak and Ketchikan (n=47 each). Nearly three quarters (72.3%) of all rural cases are represented by these four locations. The number of Kenai, Bethel and Sitka cases is surprisingly high in comparison with past distributions and their relative population sizes, suggesting a substantial increase in criminal activity or charging practices in these locations.

Table XV reveals that property offenses (Class 2) constitute the most typical rural offenses (41.7% and 39.3%, respectively). A comparison of these distributions with those discerned in the Judicial Council's first rural sentencing analysis (covering the 1976-1979 period) indicates that the proportion of violent felonies have increased substantially (from 28.7% in the earlier study to 39.3%).

B: Analysis of Sentence Outcomes By Class

The statistical methods employed in analyzing sentencing outcomes among these rural offenses is essentially identical to those used in Part II of the report. Analysis of variance screening was conducted for all groups of variables within each offense class in an effort to identify the total pool of factors exhibiting a significant association with sentence variation. Multiple regression screening and subsequent stepwise modeling was conducted for violent felonies (Class 2) and property offenses (Class 3) in order to determine the most significant set of explanatory factors associated with sentence length. Due to the very small numbers of murder/kidnapping (Class 1), fraud (Class 4), drug (Class 5) and "other" (Class 6) offenses, very little statistical analysis of these offense classes was possible. Nevertheless, descriptive summaries of offense and sentence outcomes were prepared for these offense classes.

(1) Class 2: Violent Felonies

Table III-2 (Appendix B) represents the offense at final disposition and sentence outcomes for the 146 rural offenses originally charged as Class 2 violent felonies. As this table reveals, assault IV (n=36) was the single most common final disposition among Class 2 offenses, followed by assault III (n=21), assault II (n=17), sexual assault I (n=12)

and misconduct involving a weapon II (n=15). Nearly half (46% or n=68) of the 146 Class 2 offenses resulted in a misdemeanor conviction at final disposition. This constitutes a substantial and dramatic increase in the number of offenses reduced to misdemeanors in comparison with the findings of the last (1976-1979) study, where 33.8% of Class 2 offenses were reduced to misdemeanors.

Sexual assault I and II convictions resulted in the most severe sentence outcomes--47.5 and 39.6 (mean) months, respectively, with zero likelihood of receiving a probationary sentence for either offense--while the sentence distributions among most offenses reveals wide variability in outcomes.

Identification and Discussion of Factors Most Significantly Associated With Sentence Outcomes

Five factors survived initial screening and were subsequently identified by multiple regression analysis as most significantly associated with sentence variation. They include:

1. An adverse pre-sentence report recommendation;
2. Reduction of the initial charge to a misdemeanor at final disposition;
3. The number of prior adult felony convictions;
4. Conviction of Sexual Assault I; and
5. The number of contemporaneous convictions.

Table III-4 indicates the estimated independent contribution of each of these factors to sentence length in the

order of their ability to explain variation in sentence length and Table III-3 (both in Appendix B) descriptively summarizes the number of cases, likelihood of receiving probation and mean active sentence for each category of the variables represented by the factors in Table III-4.

A pre-sentence report recommendation of substantial time to serve, independent of the effects of other offender and offense factors, had the single greatest impact on sentence length, adding as estimated 34.6 months to typical sentence length. The descriptive statistics provided in Table III-3 facilitate a better empirical understanding of this outcome. None of the fifteen offenders receiving this recommendation received probation while their mean active sentence was 54.4 months, many times greater than those with other recommendations.

Reduction of the original felony charge to a misdemeanor at final disposition was associated with an 8.6 month decrease in typical sentence length. As noted above, 68 cases or 46.6% of all Class 2 offenses were reduced to misdemeanors. If the offense at final disposition was sexual assault I, however, the model estimates a 16.7 month addition to sentence length.

The severity of an offender's prior felony record increased sentence length. The magnitude of the contribution of each prior adult felony conviction was 15.3 months. Thus,

cases in which the offender had three prior adult felonies would result in an estimated 45.9 months addition to sentence length. The descriptive outcome summaries in Table III-3 reveal a strong positive linear relationship between severity of prior record and sentence length. Thus, cases in which the defendant was a first offender had the lowest mean sentence (12.02 months) followed by those in which the offender had one prior felony (25.26 months) and cases in which they had two prior felony convictions (54 months).

Finally, each contemporaneous conviction increased sentence length by 4.6 months. Table III-3 indicates that this variable also has a strong positive linear relationship with sentence length. Thus, (mean) sentence length increases according to increases in the number of contemporaneous convictions.

(2) Class 3: Property Offenses

Table III-5 (Appendix B) summarizes offense and sentence outcome information regarding the final disposition of 155 rural Class 3 property offenses. The burglary offenses (burglary I and II) were the most common offenses at final disposition (n=25 and n=50, respectively), followed by theft II (n=18). Nearly a third (n=50 or 32%) of all Class 3 cases were reduced to misdemeanors at conviction, with theft III the most common (misdemeanor) disposition.

The sentences imposed on these offenses exhibit less variability than those of other offense classes, with the majority of all cases (72.3%) resulting in a sentence of six months or less. Only two of the 50 misdemeanor dispositions resulted in a sentence over six months. Convictions for burglary I resulted in the highest (mean) active sentence (21.7 months), followed by theft receiving II and burglary II (12 months each).

Identification And Discussion of Factors Most Significantly Associated With Sentence Outcomes

Seven factors survived screening and were identified by multiple regression as having the most significant independent impact on sentence variation. They include:

1. The imposition of a presumptive sentence;
2. The number of contemporaneous convictions;
3. The number of prior juvenile felony convictions;
4. Release of the offender on his/her own recognizance pending final disposition of the case;
5. An alcohol (or combined alcohol and drug) addiction history of the offender;
6. An employment history indicating frequent change of jobs and/or employers; and
7. Reduction of the original felony charge to a misdemeanor at final disposition.

Table III-7 provides the estimated independent contribution of each factor to sentence length while Table III-6 (both in Appendix B) provides a descriptive summary of sentence outcomes--likelihood of receiving a probationary sentence and mean active sentence--for all categories of the variables for factors identified in Table III-7.

Imposition of a presumptive (vis-a-vis a non-presumptive) sentence was associated with a 19.5 month increase in typical sentence length, other factors being equal. Table III-6 indicates that only 5.3% of the n=19 presumptively sentenced cases resulted in a probationary sentence compared to 26.5% of the 136 non-presumptively sentenced cases. In addition, comparison of mean active sentence outcomes reveals that the presumptively sentenced cases resulted in an average sentence many times greater than non-presumtpively sentences (34.7 months and 5.6 months, respectively).

Sentence length was estimated to increase by 3.6 months for each contemporaneous conviction and 2.3 months for each prior juvenile felony conviction. The summary outcome statistics provided in Table III-6 reveal strong positive linear associations between both of the variables and sentence outcomes such that likelihood of probation decreases and (mean) sentence length increases as number of companion convictions and juvenile felonies increase.

Cases in which the offender had a known alcohol (or combined alcohol and drug) addiction history resulted in a 2.9 month increase to sentence length. This represents the only context in which the offender's alcohol or durg addiction history was found significantly associated with sentence outcomes in analysis of the 1980 offenses.

Finally, the three remaining factors in the rural Class 3 sentencing model were associated with decreases in typical sentence length. Cases in which the offender was released on his/her own recognizance pending final disposition of the case were associated with a 4.4 month decrease in typical sentence length. Reference to the summary outcome statistics provided in Table III-6 emprirically confirms this finding and reveals that these offenders were substantially more likely than those with other pre-disposition custodial statuses to receive a probationary sentence. An employment history indicating frequent change in jobs and/or employers ("oddjobbers" and "jobhoppers" in the terminology of the study) was also associated with a decrease in sentence length (2.8 months). Cases reduced to misdemeanors at final disposition resulted in a sentence 3.2 months shorter, other things being equal, than those resulting in a felony conviction.

(3) Class 1, Murder/Kidnapping, Class 4, Fraud Offenses, Class 5, Drug Offenses and Class 6, "Other" Offenses

As discussed in the introduction to this section of the report, rigorous multivariate statistical analysis of rural offense Classes 1, 4, 5 and 6 were not possible owing to the very few numbers of offenses in each class (n=4, n=17, n=37 and n=13 cases each, respectively). However, detailed descriptive offense and sentence outcome information was prepared for each of these four offense classes and will be discussed below.

Offense and sentence outcomes for the four rural Class 1 murder/kidnapping offenses is provided in Table III-1 (Appendix B). All cases resulted in a sentence of over sixty months. There were no convictions for murder in the first degree, two for murder in the second degree and one each for kidnapping and manslaughter.

Table III-8 (Appendix B) provides offense and sentence distribution information for the 17 rural Class 4 fraud offenses. The most common offenses at final disposition were bad check II (a misdemeanor) and forgery II (a felony) with frequencies of n=6 and n=5, repsectively. Nearly half (47%) of the 17 cases were reduced to misdemeanors. Overall, 41.2% of all rural Class 4 offenses resulted in straight probation while a total of 94.1% received a sentence of six months or less. In fact, only one of the seventeen cases resulted in a sentence over six months.

Table III-9 represents the offense and sentence outcomes of 37 rural Class 5 drug offenses. Possession of a narcotic and sale of a hallucinogenic/stimulant/depressant (HDS) were the most common offenses (n=8 cases each), followed by sale of a narcotic (n=7) and possession for sale of HDS (n=6). Only 5 of the 37 Class 5 offenses (14%) resulted in misdemeanor convictions. Two cases of disposal to a minor resulted in the most severe (mean) sentence (24 months) while, overall, 45.9% of all offenses resulted in a probationary sentence.

Finally, Table III-10 represents the offense and sentence outcomes for 13 rural Class 6 "other" offenses. The most common offense at final disposition was sexual abuse of a minor (n=7) while all other final offense outcomes had one case each. Overall, 38.5% of the Class 6 offenses resulted in straight probation while a total of 61.6% resulted in a sentence of six months or less.

C: Significant Relationships In 1980 Rural Sentencing/ Comparison of Major Outcomes With Urban Cases

The purpose of this section is to note significant relationships discerned in our analysis of rural 1980 sentencing outcomes and to compare major outcomes with those revealed in our analysis of urban offenses discussed in Part II.

(1) Increased Numbers of Rural Cases

As mentioned in the introduction to this section, perhaps the most significant overall finding discerned in our analysis of rural 1980 felony offenses concerns the rather dramatic increase in the numbers of cases processed by these court locations in comparison with our last study covering the 1976-1979 period. The earlier study, which included data from seven "rural" court locations, included 537 cases resulting in conviction between August, 1976 and August, 1979. While the 1980 data base is not strictly comparable due to changes in the definition and parameters of its data base, the number of 1980 offenses resulting in a conviction strongly suggests an increase in either criminal activity, charging practices or conviction rates since the last study period. Table XVI, below, compares the number of cases included in the data base of both the 1976-1979 and 1980 studies.

TABLE XVI

Distribution of Rural Convictions
By Location For Two
Study Periods
(1976-1979 and 1980 Offenses)

Location:	1976-1979 Period		1980 Period	
	n of cases	% of n	n of cases	% of n
Barrow	42	7.8%	17	4.6%
Nome	69	12.8%	33	8.9%
Bethel	116	21.6%	97	26.1%
Kodiak	95	17.7%	47	12.6%
Kenai	77	14.3%	78	21.0%
Sitka	36	6.7%	36	9.7%
Ketchikan	102	19.0%	47	12.6%
Kotzebue*	---	----	--	----
	n=537	n=100%	n=372	n=100%

* Became a superior court location in late 1979.

As the above distributions reveal, the actual number of Kenai and Sitka cases included in the 1980 data base equal or surpass those included in the 1976-1979 period, despite the substantial difference in temporal parameters between the two study periods. The relative proportion of all cases represented by these two court locations is greater in the 1980 study period. In addition, both the actual number of cases and relative proportion of Bethel offenses suggests substantial increases in the Superior Court criminal caseload for these court locations.

Barrow and Nome court cases reflect a decrease in relative proportionality of total cases in the 1980 period. However, the additional cases handled by the new Superior Court in Kotzebue probably account for this decrease.

(2) Factors in Sentencing Models

Many of the factors identified in the sentencing models presented for rural Class 2 and 3 offenses were also identified as significant among urban offense classes. A noteable exception concerns the impact of contemporaneous convictions, which were associated with increased sentence length among violent felony (Class 2) and property offense (Class 3) outcomes. Each contemporaneous conviction increased a Class 2 sentence by 4.6 months and a Class 3 sentence by 3.6 months.

Reduction of the original felony charge to a misdemeanor at final disposition was associated with a decrease in typical sentence length among both (Class 2 and 3) rural multivariate sentencing models. A misdemeanor disposition was associated wih an 8.6 month decrease in a typical Class 2 sentence and a 3.2 month decrease in a typical Class 3 sentence. We will examine the numbers of cases reduced to misdemeanors in more detail, infra.

(3) Relationship of Alcohol and Drugs to Criminal Behavior

We noted the same strong association between alcohol/drug use and crime in our analysis of the 1980 rural offenses as reported for urban 1980 offenses in Part II. First, the vast majority of rural offenses were found to have been committed under the influence of alcohol, drugs or both in combination. In addition, we found a significant and substantial association between offenders' known alcohol and drug addiction histories and their prior criminal records.

Table XVII represents the frequency of rural offenses known to have been committed under the influence of alcohol, drugs or both in combination for each class of offense.

TABLE XVII

Frequency Of Use Of Drugs And Alcohol
At Time Of Offense For Five Offense Classes*
(Rural Courts--1980)

Class of Offense:	Total Cases	Used Drugs	Used Drugs & Alcohol	Used Alcohol
1. Murder/Kidnapping	(n=4)	-----	-----	100.0%
		-----	-----	(4)
2. Violent Felonies[1]	(n=142)	1.4%	4.9%	80.1%
		(2)	(7)	(113)
3. Property Offenses[2]	(n=151)	2.6%	5.3%	55.6%
		(4)	(8)	(84)
4. Fraud Offenses[3]	(n=16)	-----	-----	6.3%
		-----	-----	(1)
6. "Other" Offenses	(n=13)	-----	15.4%	46.2%
		-----	(2)	(6)

* Percents indicate proportion of all cases within class. Drug offenses omitted from this analysis.

1 (4 missing cases)
2 (4 missing cases)
3 (1 missing case)

As these distributions reveal, alcohol was associated with the commission of all Class 1 offenses, 85% of Class 2 offenses and over 60% of Class 3 and Class 4 offenses. Thus, the proportion of cases known to have been committed under the influence of alcohol is considerably more substantial among rural than urban offenses.

Table XVIII summarizes the relationship between alcohol/drug addiction histories of offenders and the level of severity of their prior criminal records.

TABLE XVIII

Severity Of Prior Criminal Record
By Drug/Alcohol History
(Rural Courts--1980)

Severity of Prior Record	Neither	Alcohol Addiction History	Drug Addiction History
No Priors	61.7%	26.9%	18.2%
	(58)	(54)	(2)
Misdemeanors Only	23.4%	52.2%	27.3%
	(22)	(105)	(3)
One Prior Felony	10.6%	14.4%	54.5%
	(10)	(29)	(6)
Two/More Prior Felonies	4.3%	6.5%	-----
	(4)	(13)	-----
	100%	100%	100%
Totals	(94)	(201)	(11)

CONTINUED

1 OF 2

TABLE XVII

Frequency Of Use Of Drugs And Alcohol
At Time Of Offense For Five Offense Classes*
(Rural Courts--1980)

Class of Offense:	Total Cases	Used Drugs	Used Drugs & Alcohol	Used Alcohol
1. Murder/Kidnapping	(n=4)	-----	-----	100.0%
		-----	-----	(4)
2. Violent Felonies[1]	(n=142)	1.4%	4.9%	80.1%
		(2)	(7)	(113)
3. Property Offenses[2]	(n=151)	2.6%	5.3%	55.6%
		(4)	(8)	(84)
4. Fraud Offenses[3]	(n=16)	-----	-----	6.3%
		-----	-----	(1)
6. "Other" Offenses	(n=13)	-----	15.4%	46.2%
		-----	(2)	(6)

* Percents indicate proportion of all cases within class. Drug offenses omitted from this analysis.

1 (4 missing cases)
2 (4 missing cases)
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As these distributions reveal, alcohol was associated with the commission of all Class 1 offenses, 85% of Class 2 offenses and over 60% of Class 3 and Class 4 offenses. Thus, the proportion of cases known to have been committed under the influence of alcohol is considerably more substantial among rural than urban offenses.

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TABLE XVIII

Severity Of Prior Criminal Record
By Drug/Alcohol History
(Rural Courts--1980)

Severity of Prior Record	Neither	Alcohol Addiction History	Drug Addiction History
No Priors	61.7% (58)	26.9% (54)	18.2% (2)
Misdemeanors Only	23.4% (22)	52.2% (105)	27.3% (3)
One Prior Felony	10.6% (10)	14.4% (29)	54.5% (6)
Two/More Prior Felonies	4.3% (4)	6.5% (13)	-----
	100%	100%	100%
Totals	(94)	(201)	(11)

While nearly 62% of those offenders with no known substance addiction histories were first offenders, this was the case for only 27% and 18%, respectively, of those with known alcohol and drug addiction histories. The majority (52.2%) of offenders with past alcohol histories had a misdemeanor record while the majority of offenders with drug addiction histories had a felony record. By comparison, only 23.4% of those with no substance histories had misdemeanor records while slightly less than 15% had felony records. The magnitude of these findings suggest that alcohol abuse is among the most significant problems in Alaska's criminal justice system.

(4) Comparison of Major Urban-Rural Outcome Differences

(a) Proportion of Cases Reduced to Misdemeanors

As noted earlier, the impact of a reduction of the original felony charge to a misdemeanor at final disposition was identified in both (Classes 2 and 3) rural sentencing models as associated with decreased sentence length. Our report of 1976-1979 felony sentencing patterns indicated that rural convictions were consistently more likely to be reduced to misdemeanors than urban cases. Table XIX, below, compares this outcome for urban and rural 1980 offenses.

TABLE XIX

Proportion Of Urban And Rural Cases Reduced To Misdemeanors For Six Classes Of Offense*

Class of Offense:	Urban Locations	Rural Locations
2. Violent Felonies	33.8%	46.6%
3. Property Offenses	26.6%	32.3%
4. Fraud Offenses	11.5%	47.1%
5. Drug Offenses	2.4%	13.5%
6. "Other" Offenses	11.1%	30.8%

* Class 1 omitted (no cases reduced to misdemeanors).

As the above table reveals, rural felony offense cases were substantially more likely to result in a misdemeanor conviction than urban cases among every class of offense. Moreover, the proportion of rural Class 2, 4 and 6 cases reduced to misdemeanors is greater than the proportion comparably identified in the 1976-1979 study while the proportion of Class 3 and 5 cases thus reduced is lower than the last study period.

(b) Urban-Rural Sentence Length Differences

Table XX compares the two major sentence outcomes which were the focus of this study--likelihood of receiving a probationary sentence and mean active sentence length--for urban and rural courts for each class of offense.

TABLE XX

Comparison of Mean Active Sentences
And Likelihood of Receiving Probation
For Urban and Rural Courts
By Six Offense Classes*

Class Of Offense:	Urban Courts % Probation	Urban Courts Mean Sentence	Rural Courts % Probation	Rural Courts Mean Sentence
1. Murder/Kidnapping	0.0%	434.7	0.0%	144.0
2. Violent Felonies	21.2%	29.2	15.8%	13.2
3. Property Offenses	27.6%	14.6	23.9%	10.0
4. Fraud Offenses	30.8%	17.6	41.2%	4.7
5. Drug Offenses	20.7%	16.3	45.9%	8.9
6. "Other" Offenses	66.7%	16.7	38.5%	13.8

* Mean Sentences expressed in months.

As these figures indicate, average (mean) urban sentence lengths were substantially longer than rural sentences among all offense classes. Class 2 urban (mean) sentences were more than twice as long as comparable rural offense sentences while urban fraud sentences were many times longer than the rural cases. We should note, however, that the greater proportion of rural cases reduced to misdemeanors--and the corresponding lower sentence lengths imposed on misdemeanor convictions--undoubtedly accounts for some proportion of these differences.

Urban cases, however, were more likely to have resulted in a probationary outcome among Class 2 violent felonies, Class 3 property offenses and Class 6 "other" offenses. Conversley, rural Class 4 and Class 5 (fraud and drug offenses, respectively) were proportionately more likely to receive a probationary sentence than comparable urban cases.

These findings indicate a marked change in the outcome patterns discerned in our 1976-1979 study in which rural cases were consistently more likely to result in a probationary outcome than urban cases. Urban offenses continue to receive longer (mean) sentence lengths among offenders sentenced to a period of incarceration.

APPENDIX I

TABLE II-1

Offenses and Sentence Distribution
--Class 1, Murder Kidnapping--
--1980 Offenses--
(Urban Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Murder 1	5	35.7	1046.4	(5)	1099.5	----	----	----	----	----	----	----	----	----	----	100.0	(5)
Murder 2	3	21.4	92.0	(3)	96.0	----	----	----	----	----	----	----	----	33.3	(1)	66.7	(2)
Kidnapping	1	7.1	360.0	(1)	360.0	----	----	----	----	----	----	----	----	----	----	100.0	(1)
Manslaughter	3	21.4	64.0	(3)	57.0	----	----	----	----	----	----	----	----	66.7	(2)	33.3	(1)
Coercion	1	7.1	1.6	(1)	1.6	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Assault 3	1	7.1	24.0	(1)	24.0	----	----	----	----	----	----	100.0	(1)	----	----	----	----
TOTALS	14	100%		(14)				7.1	(1)			7.1	(1)	21.4	(3)	64.3	(9)

p=.002 p=.004

TABLE II-2

Offenses And Sentence Distribution
--Class 2, Violent Felonies--
--1980 Offenses--
(Urban Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Assault 1	6	4.0	36.1	(5)	14.9	16.7	(1)	16.7	(1)	33.3	(2)	----	----	----	----	33.3	(2)
Sexual Assault 1	10	6.6	106.0	(9)	60.0	10.0	(1)	----	----	----	----	20.0	(2)	30.0	(3)	40.0	(4)
Attempt Sex. Assault 1	2	1.3	21.0	(2)	21.0	----	----	----	----	----	----	100.0	(2)	----	----	----	----
Robbery 1	13	8.6	70.0	(12)	63.0	7.7	(1)	7.7	(1)	----	----	7.7	(1)	30.8	(4)	46.2	(6)
Attempt Robbery 1	1	0.7	30.0	(1)	30.0	----	----	----	----	----	----	----	----	100.0	(1)	----	----
Assault 2	23	15.2	25.5	(19)	12.0	17.4	(4)	30.4	(7)	13.0	(3)	8.7	(2)	26.1	(6)	4.3	(1)
Sexual Assault 2	1	0.7	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
Robbery 2	8	5.3	36.0	(7)	33.0	12.5	(1)	----	----	12.5	(1)	25.0	(2)	37.5	(3)	12.5	(1)
Crim.Negligent Homicide	1	0.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Arson 1	1	0.7	4.0	(1)	4.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Attempt Arson 2	1	0.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Escape 2	5	3.3	33.6	(5)	42.0	----	----	20.0	(1)	----	----	20.0	(1)	60.0	(3)	----	----

TABLE II-2

Offenses And Sentence Distribution (Cont'd)
--Class 2, Violent Felonies--
--1980 Offenses--
(Urban Courts)

OFFENSE	n	% of N	X̄ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Fail to Aid Injured Person	1	0.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Misconduct Weapon 1	5	3.3	27.0	(4)	26.0	20.0	(1)	----	----	----	----	60.0	(3)	20.0	(1)	----	----
Assault 3	22	14.6	17.3	(17)	7.7	22.7	(5)	45.5	(10)	4.5	(1)	14.0	(3)	14.0	(3)	----	----
Misdemeanors:																	
Reckless Endangerment	7	4.6	3.3	(2)	3.3	71.4	(5)	28.6	(2)	----	----	----	----	----	----	----	----
Criminally Negligent Burning	2	1.3	0.3	(1)	0.3	50.0	(1)	50.0	(1)	----	----	----	----	----	----	----	----
Theft 4	1	0.7	1.0	(1)	1.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Contribute to delinquency of a Minor	2	1.3	2.0	(1)	2.0	50.0	(1)	50.0	(1)	----	----	----	----	----	----	----	----
Evasion 1	2	1.3	8.0	(2)	8.0	----	----	50.0	(1)	50.0	(1)	----	----	----	----	----	----
D.W.I.	2	1.3	6.1	(2)	6.1	----	----	50.0	(1)	50.0	(1)	----	----	----	----	----	----
Misconduct Weapon 2	2	1.3	1.0	(2)	1.0	----	----	100.0	(2)	----	----	----	----	----	----	----	----

TABLE II-2

Offenses And Sentence Distribution (Cont'd)
--Class 2, Violent Felonies--
--1980 Offenses--
(Urban Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Disorderly Conduct	1	0.7	0.2	(1)	0.2	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Misconduct Weapon 3	1	0.7	0.03	(1)	0.03	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Assault 4*	31	20.5	2.9	(23)	0.9	25.8	(8)	64.5	(20)	9.7	(3)	----	----	----	----	----	----
TOTALS	151	100%		(119)		21.2	(32)	34.4	(52)	8.6	(13)	10.6	(16)	15.9	(24)	9.3	(14)

p=.000 p=.000

* Includes n=10 Assault in the third degree convictions prior to June, 1980 when Assault 3 was a misdemeanor.

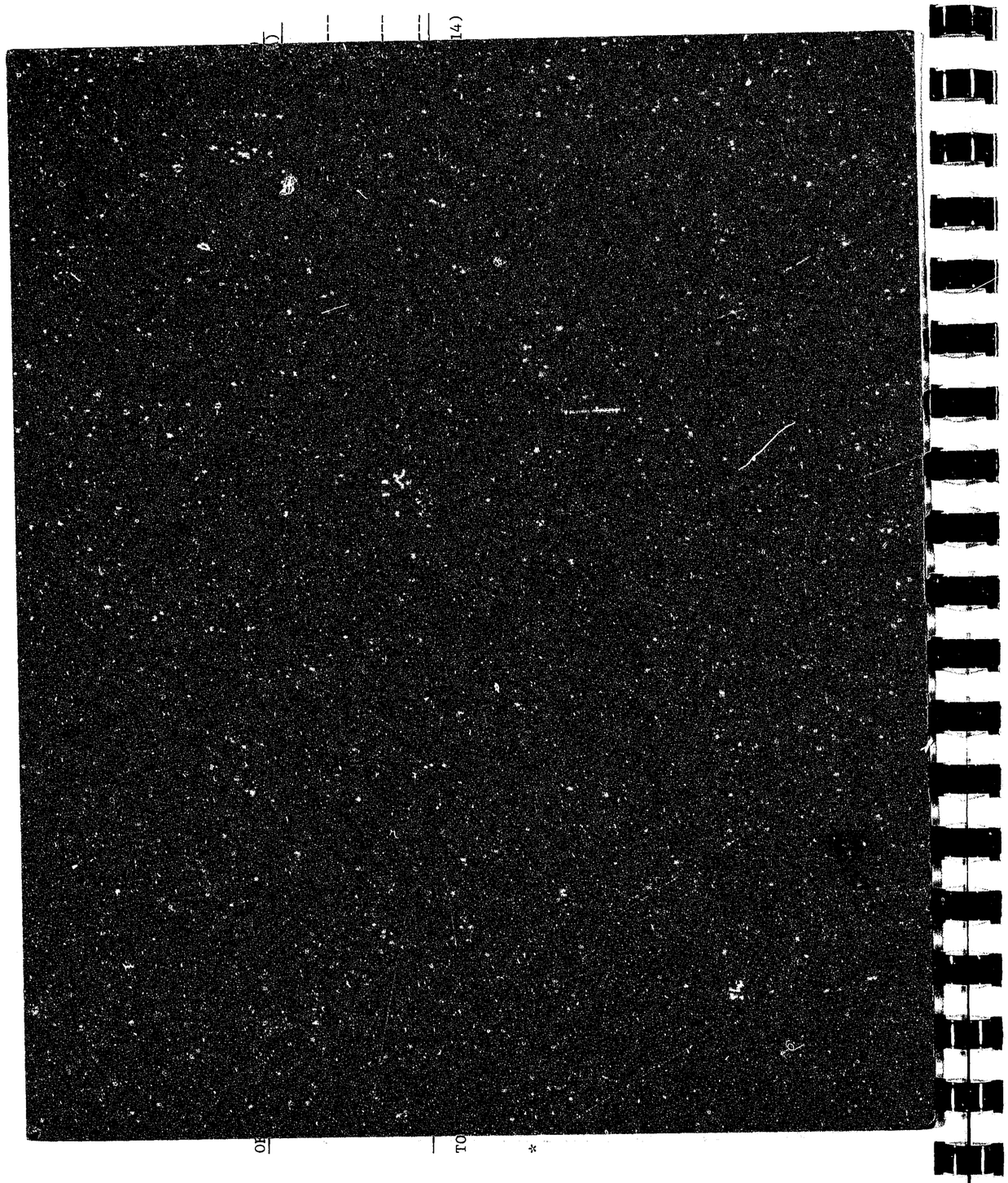

TABLE II-3

Proportion Of Cases Receiving Probation And Mean Sentence Length By Significant Factors --Class 2, Violent Felonies-- --Urban--

Factor:	n	% of N	Probation n (%)	Mean Active Sentence (In Months)	(n) Active
1. Presentence Report Recommendation					
No Recommendation	14	9.3	2 (14.3)	38.75	(12)
Probation	13	8.6	9 (69.2)	6.75	(12)
Probation + taste of Jail	9	6.0	4 (44.4)	4.97	(5)
Time to Serve	39	25.8	3 (7.7)	24.15	(36)
Substantial Time to Serve*	30	19.9	2 (6.7)	71.25	(28)
No PSR	46	30.5	12 (26.1)	2.78	(34)
			p=.000	p=.000	
2. Class of Offense:					
A Felony*	30	19.9	3 (10.0)	73.27	(27)
B Felony	41	27.2	6 (14.6)	28.23	(35)
C Felony	31	20.5	8 (25.8)	18.04	(23)
A Misdmr.	46	30.5	15 (32.6)	3.01	(31)
B Misdmr.	3	2.0	0 (0.0)	0.40	(3)
			p=.088	p=.000	
3. Sentence Type:					
Presumptive*	30	19.9	1 (3.3)	67.66	(29)
Traditional	121	80.1	31 (25.6)	16.82	(90)
			p=.015	p=.000	
4. Specific Offense at Conviction:					
Assault 1	6	4.0	1 (16 7)	36.05	(5)
Sex. Assault 1*	10	6.6	1 (10.0)	106.00	(9)
Att. Sex. Asslt 1	2	1.3	0 (0.0)	21.00	(2)
Robbery 1	13	8.6	1 (7.7)	70.00	(12)
Att. Robbery 1	1	0.7	0 (0.0)	30.00	(1)
Assault 2	23	15.2	4 (17.4)	25.48	(19)
Sex. Asslt 2	1	0.7	0 (0.0)	12.00	(1)
Robbery 2	8	5.3	1 (12.5)	36.00	(7)
Crim. Neg. Hom.	1	0.7	1 (100.0)	------	(0)
Arson 1	1	0.7	0 (0.0)	4.00	(1)
Att. Arson 2	1	0.7	1 (100.0)	------	(0)
Escape 2	5	3.3	0 (0.0)	33.60	(5)

*Denotes specific factors identified as most significantly associated with variation in sentence length.

TABLE II-3

Proportion Of Cases Receiving Probation And Mean Sentence Length By Significant Factors
--Class 2, Violent Felonies--
--Urban--
(CONT'D)

Factor:	n	% of N	Probation n (%)	Mean Act Sentence	(n) Active
Fail to Aid Injured Person	1	0.7	1 (100.0)	------	(0)
Misconduct Weapon 1	5	3.3	1 (20.0)	27.00	(4)
Assault 3 (Fel.)	22	14.6	5 (22.7)	17.35	(17)
Misdemeanors	51	33.8	15 (29.4)	2.96	(36)
			p=.225	p=.000	
5. PSR Characterization[1] of Defendant:					
Cooperative	46	30.5	12 (26.1)	30.86	(34)
Antisocial/Hositle	4	2.6	0 (0.0)	23.26	(4)
Apathetic/Indif.	6	4.0	0 (0.0)	46.00	(6)
Disturbed	27	17.9	5 (18.5)	46.36	(22)
Prof/Hab. Criminal*	8	5.3	0 (0.0)	91.50	(8)
Immature	14	9.3	3 (21.4)	19.18	(11)
			p=.329	p=.010	
6. Custodial Status of Defendant:					
Own Recognizance	34	22.5	11 (32.4)	7.50	(23)
Bail	47	31.1	13 (27.7)	15.21	(34)
Jailed*	60	39.7	5 (8.3)	49.26	(55)
Other Custody	10	6.6	3 (30.0)	10.99	(7)
			p=.018	p=.000	
7. Type of Disposition:					
Guilty Plea	113	74.8	30 (26.5)	23.63	(83)
Plea Bargain	4	2.6	0 (0.0)	33.00	(4)
Jury Trial*	34	22.5	2 (5.9)	43.19	(32)
			p=.020	p=.087	

*Denotes specific factors identified as most significantly associated with variation in sentence length.

1 (46 missing cases)

TABLE II-4

Estimated Contribution Of Factors To Sentence Length
--Class 2, Violent Felonies--
--Urban--

Factor:	Estimated Increase/Decrease In Typical Sentence (In Months) When Factor Present:1	
1. Presentence Report Recommendation	+14.1	If Substantial Time to Serve
2. Class of Offense	+17.9	If "A" Felony
3. Sentence Type	+28.1	If Presumptive
4. Specific Offense at Conviction	+52.0	If Sexual Assault 1
5. PSR Characterization of Defendant	+29.6	If Professional or Habitual Criminal
6. Custodial Status of Defendant	+13.3	If Jailed
7. Type of Disposition	+10.5	If Jury Trial

R^2=65%

1 All numbers with plus or minus signs are multiple regression coefficients significant at (at least) the .05 level.

TABLE II-5

Offenses and Sentence Distribution
--Class 3, Property Offenses--
--1980 Offenses--
(Urban Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Theft 1	1	0.5	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Burglary 1	38	19.1	30.4	(27)	24.0	28.9	(11)	21.1	(8)	5.3	(2)	15.8	(6)	18.4	(7)	10.5	(4)
Attempt Burglary 1	1	0.5	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Theft 2	49	24.6	14.2	(34)	12.0	30.6	(15)	32.7	(16)	8.2	(4)	24.5	(12)	4.1	(2)	----	----
Theft Receiving 2	2	1.0	21.0	(2)	21.0	----	----	50.0	(1)	----	----	----	----	50.0	(1)	----	----
Conceal Merchandise 1	1	0.5	0.2	(1)	0.2	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Burglary 2	39	19.6	16.7	(27)	12.8	30.8	(12)	20.5	(8)	15.4	(6)	28.2	(11)	2.6	(1)	2.6	(1)
Criminal Mischief 2	14	7.0	17.8	(11)	23.2	21.4	(3)	21.4	(3)	7.1	(1)	42.9	(6)	7.1	(1)	----	----
Criminal Trespass 2	1	0.5	1.0	(1)	1.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----

TABLE II-5

Offenses and Sentence Distribution (Cont'd)
--Class 3, Property Offenses--
--1980 Offenses--
(Urban Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Misdemeanors:																	
Criminal Mischief 2	1	0.5	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Theft 3	19	9.5	2.7	(14)	1.0	26.3	(5)	63.2	(12)	10.5	(2)	----	----	----	----	----	----
Theft Receiving 3	1	0.5	1.0	(1)	1.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Concealing Merchandise	1	0.5	0.3	(1)	0.3	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Criminal Trespass 1	13	6.5	3.4	(9)	2.1	30.8	(4)	61.5	(8)	7.7	(1)	----	----	----	----	----	----
Criminal Mischief 3	7	3.5	2.1	(6)	0.9	14.3	(1)	85.7	(6)	----	----	----	----	----	----	----	----
Theft 4	2	1.0	0.2	(1)	0.2	50.0	(1)	50.0	(1)	----	----	----	----	----	----	----	----
Criminal Trespass 2	6	3.0	1.9	(6)	1.8	----	----	100.0	(6)	----	----	----	----	----	----	----	----
Criminal Mischief 4	3	1.5	0.3	(1)	0.3	66.7	(2)	33.3	(1)	----	----	----	----	----	----	----	----
TOTALS	199	100%		(144)		27.6	(55)	38.2	(76)	8.0	(16)	17.6	(35)	6.0	(12)	2.5	(5)

p=.000 p=.193

TABLE II-6

Proportion Of Cases Receiving Probation And Mean Sentence Length By Significant Variables --Class 3, Property Offenses-- --Urban--

Factor:	n	% of N	Probation n (%)	Mean Active Sentence (In Months)	(n) Active
1. Sentence Type:					
Presumptive*	25	12.6	0 (0.0)	41.28	(25)
Non-Presumptive	174	87.4	55 (31.6)	8.97	(119)
			p=.002	p=.000	
2. Custodial Status[1] of Defendant:					
Own Recognizance	74	37.2	28 (37.8)	5.59	(46)
Bail	34	17.1	8 (23.5)	7.88	(26)
Jailed*	79	39.7	10 (12.7)	23.44	(69)
Other Custody	11	5.5	8 (72.7)	6.51	(3)
			p=.000	p=.000	
3. Victim Harm:					
Property Loss Only	186	93.5	53 (28.5)	13.23	(133)
Other Injury*	3	1.5	1 (33.3)	84.00	(2)
No Harm	10	5.0	1 (10.0)	18.99	(9)
			p=.433	p=.000	
4. PSR Characterization:[2]					
Cooperative	67	33.7	29 (43.3)	12.60	(38)
Antisocial/Hostile	11	5.5	1 (9.1)	17.10	(10)
Apathetic/Indifferent	21	10.6	1 (4.8)	17.45	(20)
Disturbed	20	10.1	7 (35.0)	27.00	(13)
Professional/Habitual Criminal*	13	6.5	1 (7.7)	36.00	(12)
Immature	22	11.1	3 (13.6)	11.92	(19)
			p=.001	p=.001	
5. Class of Offense:					
B Felony	39	19.6	11 (28.2)	29.54	(28)
C Felony	107	53.8	31 (29.0)	15.48	(76)
A/B Misdmr.*	53	26.6	13 (24.5)	2.39	(40)
			p=.836	p=.000	

* Denotes specific factors identifed as most significantly associated with variation in sentence length.

1 (1 missing case)
2 (55 missing cases)

TABLE II-6

Proportion Of Cases Receiving Probation And Mean Sentence Length By Significant Variables --Class 3, Property Offenses-- --Urban-- (CONT'D)

Factor:	n	% of N	Probation n (%)	Mean Active Sentence (In Months)	(n) Active
6. PSR Recommendation:					
No Recommendation	6	3.0	0 (0.0)	35.50	(6)
Probat. or Probat. + Taste of Jail*	48	24.1	28 (58.3)	3.59	(20)
Time to Serve	76	38.2	12 (15.8)	16.15	(64)
Substantial Time to Serve	24	12.1	2 (8.3)	31.36	(22)
No PSR	45	22.6	13 (28.9)	2.83	(32)
			p=.000	p=.000	
7. Psychiatric Exam:[3]					
No Exam Ordered	152	76.4	44 (28.9)	10.84	(108)
Exam Ordered*	46	23.1	11 (23.9)	26.41	(35)
			p=.660	p=.000	
8. Unemployment Status:[4]					
Unemployed Due to Arrest	27	13.6	5 (18.5)	17.09	(22)
Unemployed 1 mon. or less Before Arrest	27	13.6	4 (14.8)	26.63	(23)
Unemployed 6 mon. or less Before Arrest	45	22.6	12 (26.7)	16.45	(33)
Unemployed More than 6 mon Before Arrest	33	16.6	9 (27.3)	16.45	(24)
Employed	40	20.1	19 (47.5)	6.28	(21)
			p=.027	p=.008	

* Denotes specific factors identified as most significantly associated with variation in sentence length.

3 (1 missing case)
4 (27 missing cases)

TABLE II-7

Estimated Contribution Of Factors To
Sentence Length
--Class 3, Property Offenses--
--Urban--

Factor:	Estimated Increase/Decrease[1] In Typical Sentence (In Months) When Factor Present:	
1. Sentence Type	+22.2	If Presumptive
2. Custodial Status of Defendant	+ 5.5	If Jailed
3. Victim Harm	+29.9	If Injury
4. PSR Characterization of Defendant	+11.9	If Professional or Habitual Criminal
5. Class of Offense	- 7.5	If "A" or "B" Misdemeanor
6. PSR Recomendation	- 4.7	If Probation or Probation Plus Taste of Jail
7. Psychiatric Exam	+ 4.3	If Exam Ordered
8. Unemployment Status	- 4.3	If Employed

R^2=70%

1 All numbers with plus or minus signs are multiple regression coefficients significant at at least the .05 level.

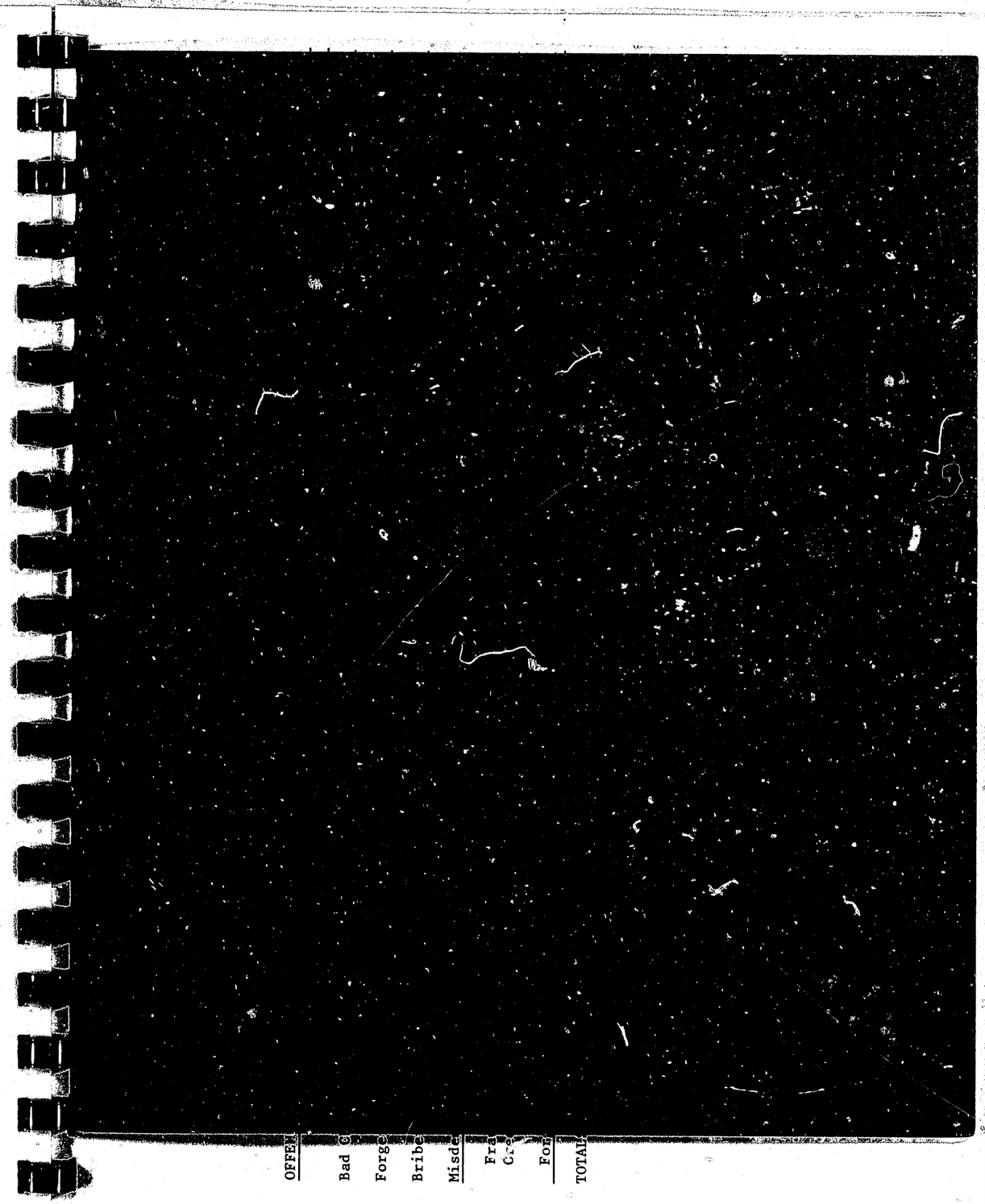

TABLE II-8

Offenses and Sentence Distribution
--Class 4, Fraud Offenses--
--1980 Offenses--
(Urban Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Bad Check 2	4	15.4	36.0	(1)	36.0	75.0	(3)	----	----	----	----	----	----	25.0	(1)	----	----
Forgery 2	18	69.2	20.0	(14)	24.0	22.2	(4)	33.3	(6)	----	----	11.1	(2)	33.3	(6)	----	----
Bribery	1	3.8	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Misdemeanors:																	
Fraudulent Use Credit Card 2	1	3.8	1.0	(1)	1.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Forgery 3	2	7.7	0.2	(2)	0.2	----	----	100.0	(2)	----	----	----	----	----	----	----	----
TOTALS	26	100%		(18)		30.8	(8)	34.6	(9)			7.7	(2)	26.9	(7)		

p=.198

p=.359

TABLE II-9

Offenses and Sentence Distribution
--Class 5, Drug Offenses--
--1980 Offenses--
(Urban Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Possession Narcotic	20	24.4	7.1	(12)	2.3	40.0	(8)	35.0	(7)	15.0	(3)	10.0	(2)	----	----	----	----
Sale Narcotic	42	51.2	14.0	(36)	6.2	14.3	(6)	52.4	(22)	9.5	(4)	9.5	(4)	9.5	(4)	4.8	(2)
Fraud/Deceit Obtain Narcotic	4	4.9	30.5	(4)	30.5	----	----	50.0	(2)	----	----	----	----	50.0	(2)	----	----
Possess for Sale HDS	3	3.7	30.0	(2)	30.0	33.3	(1)	----	----	33.3	(1)	----	----	33.3	(1)	----	----
Sale HDS	10	12.2	17.8	(9)	12.0	10.0	(1)	40.0	(4)	10.0	(1)	20.0	(2)	20.0	(2)	----	----
Disposal to Minor	1	1.2	120.0	(1)	120.0	----	----	----	----	----	----	----	----	----	----	100.0	(1)
Misdemeanors:																	
Other Violations 17.12	1	1.2	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Possession HDS	1	1.2	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
TOTALS	82	100%		(65)		(20.7)	(17)	42.7	(35)	12.2	(10)	9.8	(8)	11.0	(9)	3.7	(3)

p=.000

p=.004

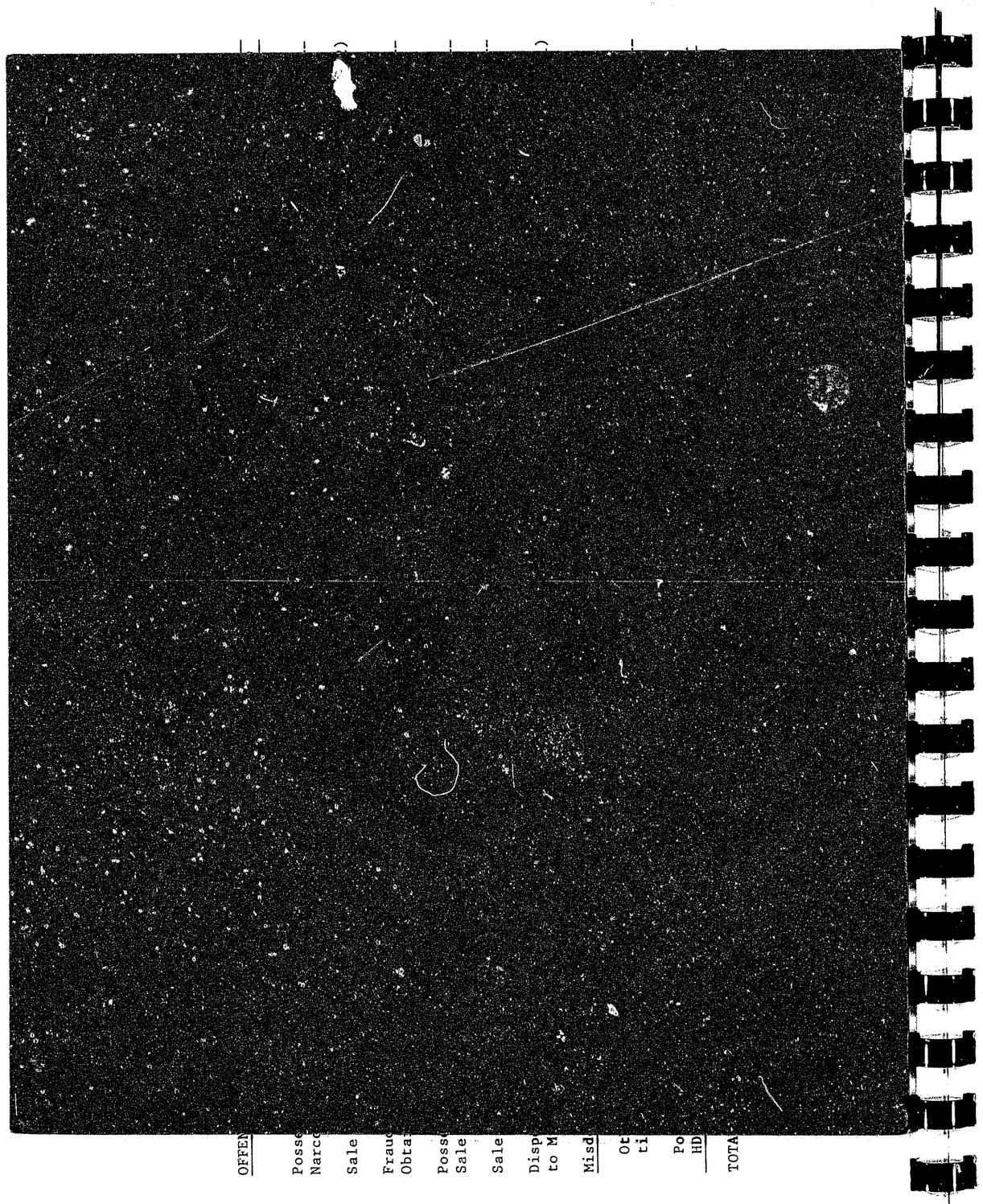

TABLE II-10

Proportion Of Cases Receiving
Probation And Mean Sentence
Length By Significant Variables
--Class 5, Drug Offenses--
--Urban--

Factor:	n	% of N	Probation n (%)	Mean Active Sentence (In Months)	(n) Active
1. Custodial Status of Defendant:					
Own Recognizance	23	28.0	4 (17.4)	4.61	(19)
Bail	43	52.4	12 (27.9)	10.72	(31)
Jailed*	13	15.9	0 (0.0)	40.15	(13)
Other Custody	3	3.7	1 (33.3)	60.00	(2)
			p=.158	p=.000	
2. Defendant on Probation/Parole:					
Yes*	8	9.8	0 (0.0)	48.75	(8)
No	74	90.2	17 (23.0)	11.79	(57)
			p=.288	p=.000	
3. Juvenile Misdmr[1] Convictions:					
0	71	87.7	16 (22.5)	13.40	(55)
1	2	2.5	0 (0.0)	12.50	(2)
2	6	7.4	0 (0.0)	28.00	(6)
4 or more	2	2.5	0 (0.0)	66.00	(2)
			p=.422	p=.005	
4. Judge Rating:					
Strict	32	39.0	1 (3.1)	22.46	(31)
Lenient*	32	39.0	11 (34.4)	5.67	(21)
Other	18	22.0	5 (27.8)	18.97	(13)
			p=.006	p=.026	
5. Probation/Parole[2] Revoked:					
Yes*	2	2.5	0 (0.0)	72.00	(2)
No	77	97.5	17 (22.1)	12.70	(60)
			p=.453	p=.000	

* Denotes specific factors identified as most significantly associated with variation in sentence length.

1 (1 missing case)
2 (3 missing cases)

TABLE II-10

Proportion Of Cases Receiving
Probation And Mean Sentence
Length By Significant Variables
--Class 5, Drug Offenses--
--Urban--
(CONT'D)

Factor:	n	% of N	Probation n (%)	Mean Active Sentence (In Months)	(n) Active
6. Defendant Used Alias:					
Yes*	5	6.1	0 (0.0)	50.60	(5)
No	77	93.9	17 (22.1)	13.48	(60)
			p=.541	p=.000	
7. Presentence Report[3] Characterization:					
Cooperative*	55	67.9	14 (25.5)	9.17	(41)
Antisocial/Hostile	6	7.4	0 (0.0)	28.00	(6)
Apathetic/Indifferent	16	19.8	1 (6.3)	25.73	(15)
Disturbed	1	1.2	1 (100.0)	36.00	(0)
Prof/Hab Criminal	1	1.2	0 (0.0)	------	(1)
Immature	2	2.5	0 (0.0)	48.00	(2)
			p=.100	p=.008	

* Denotes specific factors identified as most significantly associated with variation in sentence length.

3 (1 missing case)

TABLE II-11

Estimated Contribution Of Factors
To Sentence Length
--Class 5, Drug Offenses--
--Urban--

Factor:	Estimated Increase/Decrease In Typical Sentence (In Months) When Factor Present:1	
1. Custodial Status of Defendant	+13.2	If Jailed
2. On Probation or Parole at Time of Offense	+19.6	
3. For Each Juvenile Misdemeanor Conviction	+ 6.0	
4. Judge Rating	- 7.5	If Lenient
5. Probation or Parole Revoked	+33.1	
6. Defendant Used Alias	+17.3	
7. PSR Characterization of Defendant	- 7.7	If Cooperative

R^2=71%

1 All numbers with plus or minus signs are multiple regression coefficients significant at at least the .05 level.

TABLE II-12

Offenses and Sentence Distribution
--Class 6, Moral Offenses--
--1980 Offenses--
(Urban Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Sex Abuse Minor	5	55.6	2.0	(1)	2.0	80.0	(4)	20.0	(1)	----	----	----	----	----	----	----	----
Incest	1	11.1	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Promote Prostitution 1	1	11.1	36.0	(1)	36.0	----	----	----	----	----	----	----	----	100.0	(1)	----	----
Promote Prostitution 2	1	11.1	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
Misdemeanors:																	
Contribute to Delinquency of Minor	1	11.1	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
TOTALS	9	100%		(3)		66.7	(6)	11.1	(1)	11.1	(1)			11.1	(1)		

p=.099

APPENDIX II

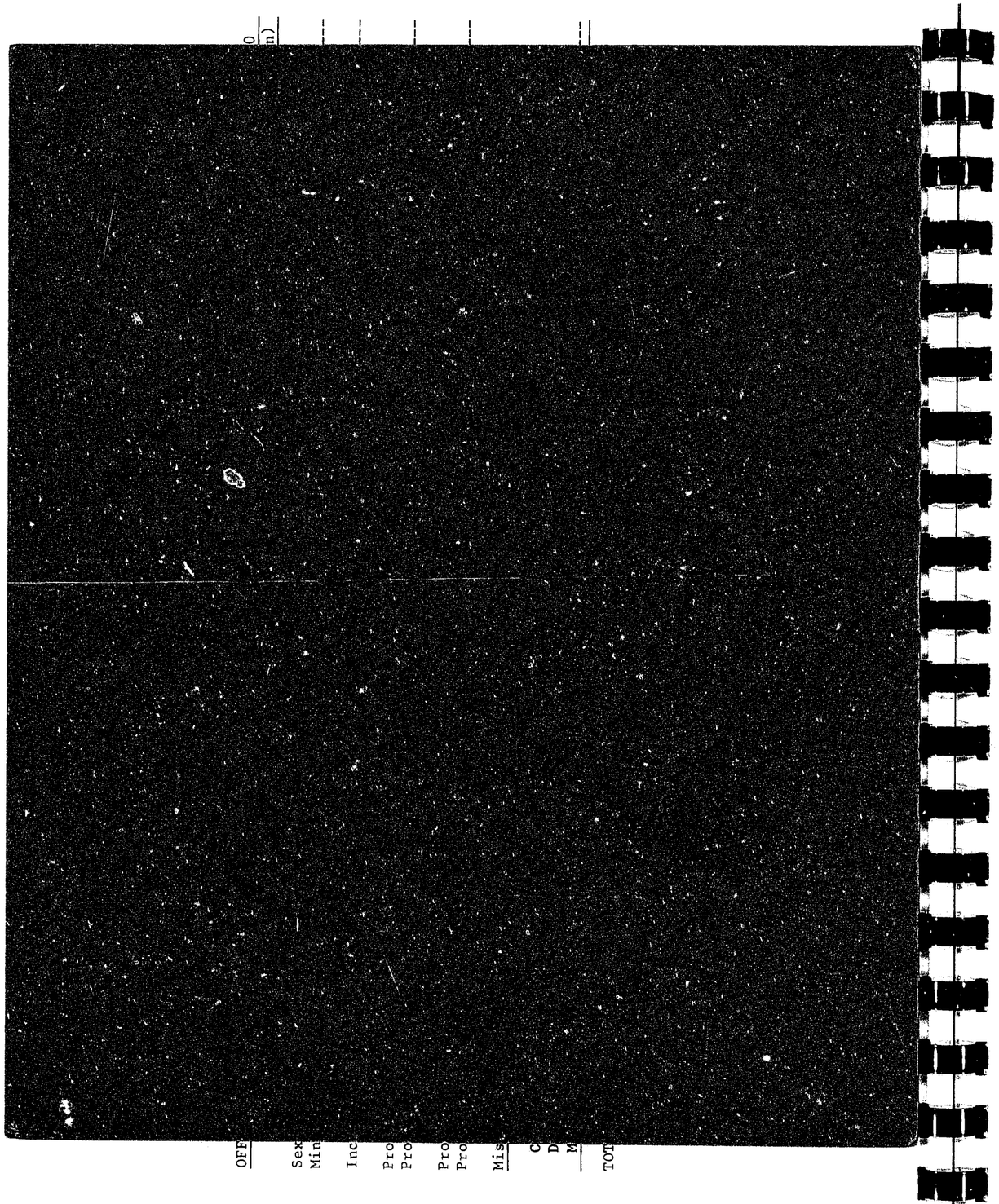

TABLE III-1

Offenses and Sentence Distribution
--Class 1, Murder Kidnapping--
--1980 Offenses--
(Rural Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Murder 2	2	50.0	150.0	(2)	150.0	----	----	----	----	----	----	----	----	----	----	100.0	(2)
Kidnapping	1	25.0	180.0	(1)	180.0	----	----	----	----	----	----	----	----	----	----	100.0	(1)
Manslaughter	1	25.0	96.0	(1)	96.0	----	----	----	----	----	----	----	----	----	----	100.0	(1)
TOTALS	4	100%		(4)												100%	(4)

p=.574 (no test of significance)

TABLE III-2

Offenses and Sentence Distribution
--Class 2, Violent Felonies--
--1980 Offenses--
(Rural Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Assault 1	1	0.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Attempted Assault 1	1	0.7	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
Sexual Assault 1	12	8.2	47.5	(12)	39.0	----	----	8.3	(1)	8.3	(1)	8.3	(1)	66.7	(8)	8.3	(1)
Attempt. Sex. Assault 1	5	3.4	20.4	(5)	22.0	----	----	----	----	20.0	(1)	80.0	(4)	----	----	----	----
Robbery 1	1	0.7	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
Assault 2	17	11.6	30.5	(11)	23.9	35.3	(6)	23.5	(4)	5.9	(1)	11.8	(2)	11.8	(2)	11.8	(2)
Sexual Assault 2	5	3.4	39.6	(5)	36.0	----	----	----	----	----	----	40.0	(2)	60.0	(3)	----	----
Robbery 2	3	2.1	9.0	(2)	9.0	33.3	(1)	33.3	(1)	33.3	(1)	----	----	----	----	----	----
Sexual Assault 3	2	1.4	6.0	(2)	6.0	----	----	100.0	(2)	----	----	----	----	----	----	----	----
Sex. Abuse Minor	4	2.7	12.0	(3)	9.0	25.0	(1)	25.0	(1)	25.0	(1)	25.0	(1)	----	----	----	----
Theft 2	1	0.7	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----

TABLE III-2

Offenses and Sentence Distribution (Cont'd)
--Class 2, Violent Felonies--
--1980 Offenses--
(Rural Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Attempted Escape 2	1	0.7	24.0	(1)	24.0	----	----	----	----	----	----	100.0	(1)	----	----	----	----
Misconduct Weapon 1	3	2.1	19.5	(2)	19.5	33.3	(1)	33.3	(1)	----	----	----	----	33.3	(1)	----	----
Assault 3	21	14.4	10.2	(18)	6.3	14.3	(3)	42.9	(9)	28.6	(6)	9.5	(2)	4.8	(1)	----	----
Criminally Neg. Homicide	1	0.7	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Misdemeanors:																	
Reckless Endangerment	8	5.5	0.6	(6)	0.1	25.0	(2)	75.0	(6)	----	----	----	----	----	----	----	----
Criminal Mischief 4	1	0.7	3.0	(1)	3.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Escape 4	2	1.4	0.6	(2)	0.6	----	----	100.0	(2)	----	----	----	----	----	----	----	----
Resist Arrest	1	0.7	0.3	(1)	0.3	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Make False Report	1	0.7	0.3	(1)	0.3	----	----	100.0	(1)	----	----	----	----	----	----	----	----
DWI	2	1.4	0.2	(2)	0.2	----	----	100.0	(2)	----	----	----	----	----	----	----	----

TABLE III-2

Offenses and Sentence Distribution (Cont'd)
--Class 2, Violent Felonies--
--1980 Offenses--
(Rural Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Misconduct Weapon 2	15	10.3	0.9	(10)	0.7	33.3	(5)	66.7	(10)	----	----	----	----	----	----	----	----
Harassment	1	0.7	0.3	(1)	0.3	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Misconduct Weapon 3	1	0.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Assault 4*	36	24.7	1.4	(34)	0.4	5.6	(2)	91.7	(33)	2.8	(1)	----	----	----	----	----	----
TOTALS	146	100%		(123)		15.8	(23)	53.4	(78)	9.6	(14)	8.9	(13)	10.3	(15)	2.1	(3)

p=.000 p=.000

* Includes n=11 Assault in the third degree convictions prior to June, 1980 when Assault 3 was a misdemeanor.

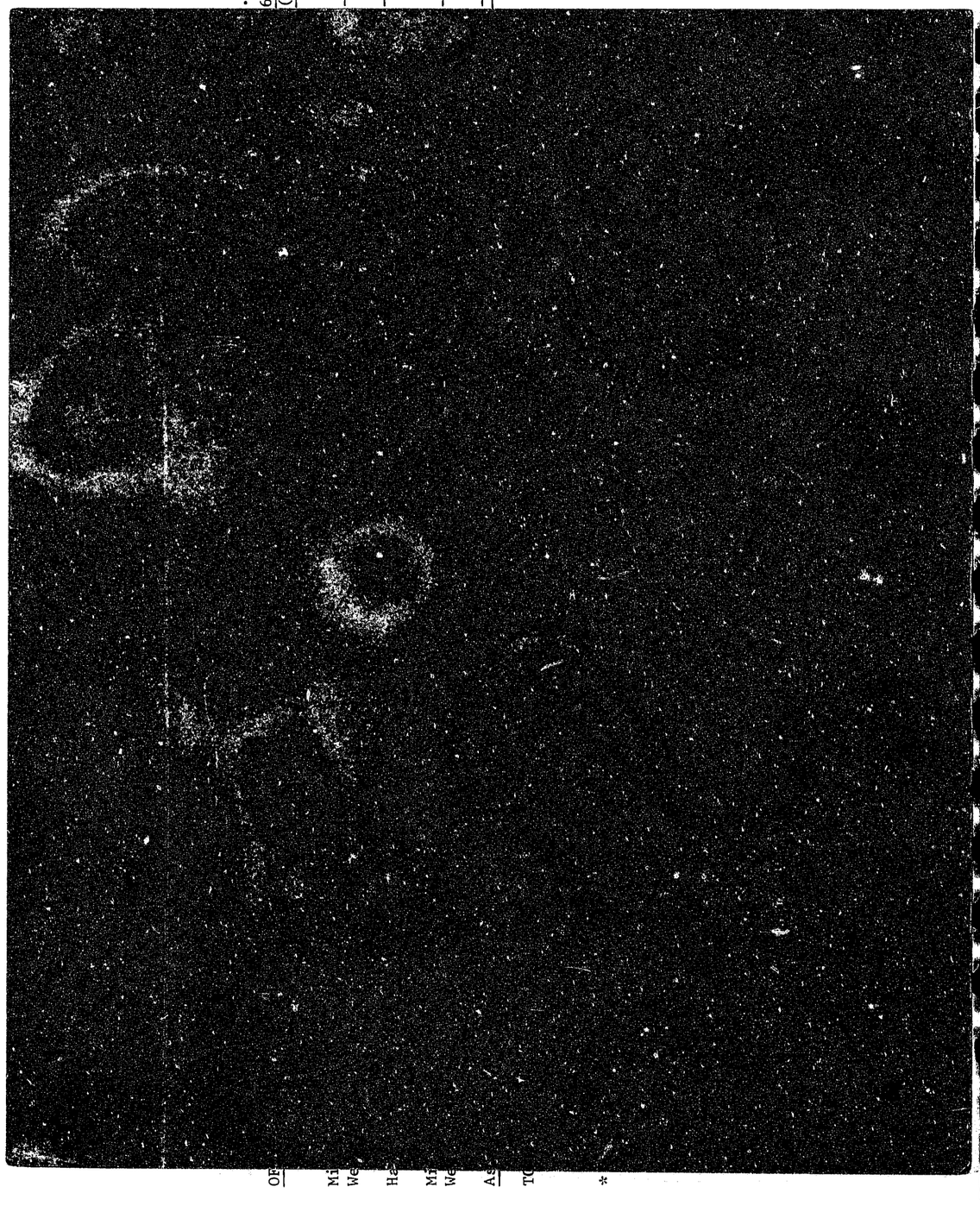

TABLE III-3

Proportion Of Cases Receiving
Probation And Mean Sentence
Length By Significant Variables
--Class 2, Violent Felonies--
-- Rural --

Factor:	n	% of N	Probation n (%)	Mean Active Sentence (In Months)	(n) Active
1. Presentence Report Recommendation					
No Recommendation	7	4.8	0 (0.0)	25.22	(7)
Probation	15	10.3	8 (53.3)	3.53	(7)
Probation + taste of Jail	6	4.1	2 (33.3)	2.00	(4)
Time to Serve	42	28.8	4 (9.5)	14.64	(38)
Substantial Time to Serve*	15	10.3	0 (0.0)	54.40	(15)
No PSR	61	41.8	9 (14.8)	0.75	(52)
			p=.000	p=.000	
2. Specific Offense At Conviction:					
Assault 1	1	0.7	1 (100.0)	------	(0)
Att. Assault 1	1	0.7	0 (0.0)	12.00	(1)
Sex. Assault 1*	12	8.2	0 (0.0)	47.50	(12)
Att. Sex. Asslt 1	5	3.4	0 (0.0)	20.40	(5)
Robbery 1	1	0.7	0 (0.0)	12.00	(1)
Assault 2	17	11.6	6 (35.3)	30.49	(11)
Sex. Assault 2	5	3.4	0 (0.0)	39.60	(5)
Robbery 2	3	2.1	1 (33.3)	9.00	(2)
Criminally Neg. Homicide	1	0.7	0 (0.0)	6.00	(1)
Sex. Assault 3	2	1.4	0 (0.0)	6.00	(2)
Sex. Abuse-Minor	4	2.7	1 (25.0)	12.00	(3)
Theft 2	1	0.7	0 (0.0)	6.00	(1)
Att. Escape 2	1	0.7	0 (0.0)	24.00	(1)
Misconduct Weapon 1	3	2.1	1 (33.3)	19.50	(2)
Assault 3 (fel.)	21	14.4	3 (14.3)	10.21	(18)
Misdemeanors*	68	46.6	10 (14.7)	1.15	(58)
			p=.295	p=.000	

* Denotes specific factors identified as most significantly associated with variation in sentence length.

TABLE III-3

Proportion Of Cases Receiving
Probation And Mean Sentence
Length By Significant Variables (Cont'd)
--Class 2, Violent Felonies--
-- Rural --

Factor:	n	% of N	Probation n	Probation (%)	Mean Active Sentence (In Months)	(n) Active
3. Prior Adult Felony Convictions:[1]						
None	135	94.4	22	(16.3)	12.02	(113)
One	6	4.2	0	(0.0)	25.26	(6)
Two	2	1.4	0	(0.0)	54.00	(2)
				p=.463	p=.006	
4. Total Other Offenses:						
None	99	67.8	17	(17.2)	11.43	(82)
One	41	28.1	6	(14.6)	12.91	(35)
Two	6	4.1	0	(0.0)	38.50	(6)
				p=.519	p=.008	

* Denotes specific factors identified as most signficantly associated with variation in sentence length.

1 (3 missing cases)

TABLE III-4

Estimated Contribution Of Factors
To Sentence Length
--Class 2, Violent Felonies--
--Rural--

Factor:	Estimated Increase/Decrease In Typical Sentence (In Months) When Factor Present:[1]	
1. PSR Recommendation	+34.6	If Substantial Time to Serve
2. Specific Offense at Conviction	- 8.6	If Misdemeanor
	+16.7	If Sexual Assault
3. For Each Prior Adult Felony Conviction	+15.3	
4. For Each Companion Conviction	+ 4.6	

R^2=73%

1 All numbers with plus or minus signs are multiple regression coefficients significant at at least the .05 level.

TABLE III-5

Offenses and Sentence Distribution
--Class 3, Property Offenses--
--1980 Offenses--
(Rural Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Burglary 1	25	16.1	21.7	(19)	23.8	24.0	(6)	28.0	(7)	4.0	(1)	24.0	(6)	16.0	(4)	4.0	(1)
Theft 2	18	11.6	9.7	(13)	11.6	27.8	(5)	33.3	(6)	27.8	(5)	5.6	(1)	5.6	(1)	----	----
Theft-Receiving 2	1	0.6	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
Remove Identification 1	1	0.6	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Burglary 2	50	32.3	12.0	(40)	6.0	20.0	(10)	42.0	(21)	12.0	(6)	16.0	(8)	10.0	(5)	----	----
Criminal Mischief 2	10	6.5	10.4	(7)	6.6	30.0	(3)	50.0	(5)	10.0	(1)	----	----	10.0	(1)	----	----
Misdemeanors:																	
Theft 3	16	10.3	1.8	(13)	0.4	18.8	(3)	81.3	(13)	----	----	----	----	----	----	----	----
Criminal Trespass 1	12	7.7	2.0	(7)	0.4	41.7	(5)	50.0	(6)	8.3	(1)	----	----	----	----	----	----
Criminal Mischief 3	12	7.7	2.6	(10)	1.1	16.7	(2)	75.0	(9)	8.3	(1)	----	----	----	----	----	----
Theft 4	2	1.3	1.3	(2)	1.3	----	----	100.0	(2)	----	----	----	----	----	----	----	----

TABLE III-5

Offenses and Sentence Distribution (Cont'd)
--Class 3, Property Offenses--
--1980 Offenses--
(Rural Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Criminal Trespass 2	7	4.5	2.0	(4)	1.6	42.9	(3)	57.1	(4)	----	----	----	----	----	----	----	----
Criminal Mischief 4	1	0.6	1.3	(1)	1.3	----	----	100.0	(1)	----	----	----	----	----	----	----	----
TOTALS	155	100%		(118)		23.9	(37)	48.4	(75)	10.3	(16)	9.7	(15)	7.1	(11)	0.6	(1)

p=.002 p=.311

TABLE III-6

Proportion Of Cases Receiving Probation And Mean Sentence Length By Significant Variables --Class 3, Property Offenses-- --Rural--

Factor:	n	% of N	Probation n (%)	Mean Active Sentence (In Months)	(n) Active
1. Sentence Type:					
Presumptive*	19	12.3	1 (5.3)	34.67	(18)
Traditional	136	87.7	36 (26.5)	5.59	(100)
			p=.081	p=.000	
2. Total Other Offenses:					
None	103	66.5	27 (26.2)	7.58	(76)
One	44	28.4	9 (20.5)	12.72	(35)
Two	8	5.2	1 (12.5)	23.14	(7)
			p=.559	p=.006	
3. Juvenile Felony[1] Convictions:					
0	99	85.3	20 (20.2)	10.96	(79)
1	11	9.5	4 (34.6)	8.79	(7)
2	1	0.9	1 (100.0)	------	(0)
3	2	1.7	-- -------	24.00	(2)
4 or more	3	2.6	-- -------	28.00	(3)
			p=.162	p=.031	
4. Custodial Status[2] of Defendant:					
Own Recognizance*	61	39.6	24 (39.3)	3.67	(37)
Bail	15	9.7	4 (26.7)	10.72	(11)
Jailed	73	47.4	8 (11.0)	13.68	(65)
Other Custody	5	3.2	-- -------	8.00	(5)
			p=.001	p=.005	
5. Past Alcohol[3] and Drug Abuse:					
No Evidence of Either	43	32.6	17 (39.5)	6.02	(26)
Alcohol Problem or Both Alc & Drugs*	84	63.6	17 (20.2)	14.13	(67)

* Denotes specific factors identified as most signifcantly associated with variation in sentence length.

1 (39 missing cases)
2 (1 missing case)
3 (23 missing cases)

TABLE III-6

Proportion Of Cases Receiving Probation And Mean Sentence Length By Significant Variables --Class 3, Property Offenses-- --Rural-- (CONT'D)

Factor:	n	% of N	Probation n (%)	Mean Active Sentence (In Months)	(n) Active
Other Drug Addic.	2	1.5	-- -------	1.50	(2)
Heavy Drug Use	3	2.3	1 (33.3)	7.82	(2)
			p=.101	p=.064	
6. Employment History:[4]					
Steady Work	7	6.1	5 (71.4)	3.17	(2)
Seasonal	27	23.7	12 (44.4)	12.62	(15)
Oddjobber or jobhopper*	44	38.6	11 (25.0)	10.19	(33)
Unemployed	3	2.6	-- -------	14.00	(3)
Public Assistance	11	9.6	-- -------	30.04	(11)
Supported by Family	18	15.8	2 (11.1)	9.09	(16)
Student	4	3.5	-- -------	1.65	(4)
			p=.002	p=.001	
7. Specific Offense at Conviction:					
Burglary 1	25	16.1	6 (24.0)	21.74	(19)
Theft 2	18	11.6	5 (27.8)	9.68	(13)
Theft-Receiving 2	1	0.6	-- -------	12.00	(1)
Remove Identific. 1	1	0.6	-- -------	6.00	(1)
Burglary 2	50	32.3	10 (20.0)	11.96	(40)
Criminal Mischeif 2	10	6.5	3 (30.0)	10.43	(7)
Misdemeanors*	50	32.3	13 (26.0)	2.03	(37)
			p=.958	p=.000	

* Denotes specific factors identified as most significantly associated with variation in sentence length.

4 (41 missing cases)

TABLE III-7

Estimated Contribution Of Factors
To Sentence LEngth
--Class 3, Property Offenses--
--Rural--

Factor:	Estimated Increase/Decrease In Typical Sentence (In Months) When Factor Present:1	
1. Sentence Type	+19.5	If Presumptive
2. For Each Companion Conviction	+ 3.6	
3. For Each Juvenile Felony Conviction	+ 2.3	
4. Custodial Status of Defendant	- 4.4	If Placed On Own Recognizance
5. Past Alcohol and Drug Use	+ 2.9	If Alochol Problem or both alcohol and drug problem
6. Employment History	- 2.8	If oddjobber or jobhopper
7. Specific Offense at Conviction	- 3.2	If Misdemeanor

R^2=73%

1 All numbers with plus or minus signs are multiple regression coefficients significant at at least the .05 level.

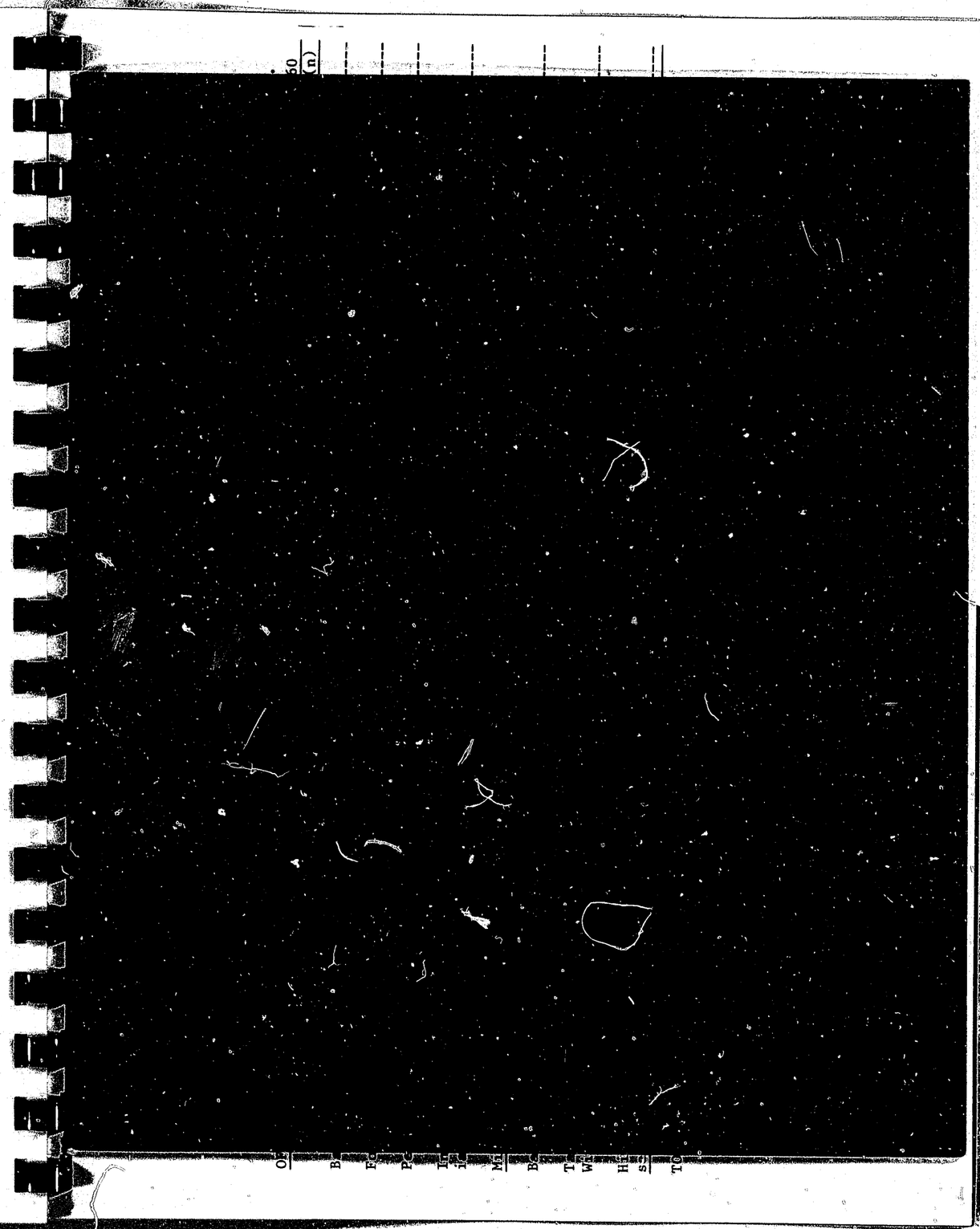

TABLE III-8

Offenses and Sentence Distribution
--Class 4, Fraud Offenses--
--1980 Offenses--
(Rural Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Bad Check 2	2	11.8	0.1	(1)	0.1	50.0	(1)	50.0	(1)	----	----	----	----	----	----	----	----
Forgery 2	5	29.4	7.7	(5)	3.1	----	----	80.0	(4)	----	----	20.0	(1)	----	----	----	----
Perjury	1	5.9	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Interfere official Proceedings	1	5.9	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Misdemeanors:																	
Bad Check 2	6	35.3	0.7	(3)	0.7	50.0	(3)	50.0	(3)	----	----	----	----	----	----	----	----
Tamper with Witness	1	5.9	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Hinder Prosecution 2	1	5.9	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
TOTALS	17	100%		(10)		41.2	(7)	52.9	(9)			6.0	(1)				

p=.587 p=.594

TABLE III-9

Offenses and Sentence Distribution
--Class 5, Drug Offenses--
--1980 Offenses--
(Rural Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Possess Narcotic	8	21.6	4.8	(3)	2.0	62.5	(5)	25.0	(2)	12.5	(1)	----	----	----	----	----	----
Possess for Sale--Narc.	1	2.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Sale Narcotic	7	18.9	6.5	(6)	6.0	14.3	(1)	71.4	(5)	14.3	(1)	----	----	----	----	----	----
Possess for Sale--HDS	6	16.2	10.3	(4)	3.5	33.3	(2)	33.3	(2)	16.7	(1)	16.7	(1)	----	----	----	----
Sale of HDS	8	21.6	7.3	(5)	3.0	37.5	(3)	50.0	(4)	----	----	12.5	(1)	----	----	----	----
Disposal to Minor	2	5.4	24.0	(2)	24.0	----	----	----	----	----	----	100.0	(2)	----	----	----	----
Misdemeanors:																	
Possession HDS	2	5.4	----	----	----	100.0	(2)	----	----	----	----	----	----	----	----	----	----
DWI	1	2.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Other Violations 17.12	2	5.4	----	----	----	100.0	(2)	----	----	----	----	----	----	----	----	----	----
TOTALS	37	100%		(20)		45.9	(17)	35.1	(13)	8.1	(3)	10.8	(4)				

p=.075

p=.108

TABLE III-10

Offenses and Sentence Distribution
--Class 6, Other Offenses--
--1980 Offenses--
(Rural Courts)

OFFENSE	n	% of N	$\bar{X}$ Act Sent	(n) Active	Med Active	Active Time: Prob. %	Prob. (n)	1-6 Mo. %	1-6 Mo. (n)	7-12 %	7-12 (n)	13-24 %	13-24 (n)	25-60 %	25-60 (n)	Over 60 %	Over 60 (n)
Sexual Abuse Minor	7	53.8	16.8	(5)	22.0	28.6	(2)	14.3	(1)	14.3	(1)	42.9	(3)	----	----	----	----
Coercion	1	7.7	24.0	(1)	24.0	----	----	----	----	----	----	100.0	(1)	----	----	----	----
Possess Gamble Records 1	1	7.7	0.03	(1)	0.03	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Misdemeanors:																	
Attempt Sexual Abuse--Minor	1	7.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Contribute to Delinq. Minor	1	7.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Promote Contraband 2	1	7.7	2.5	(1)	2.5	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Possess Gamble Records 2	1	7.7	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
TOTALS	13	100%		(8)		38.5	(5)	23.1	(3)	7.7	(1)	30.8	(4)				

p=.337

p=.672

END