

AD-A061 452

AIR FORCE INST OF TECH WRIGHT-PATERSON AFB OHIO  
A REPLICATION STUDY OF SENTENCE DISPOSITIONS IN A RURAL UNIVERS--ETC(U)  
1978 J F KENNEY

F/G 5/10

UNCLASSIFIED

NL

| OF |  
AD  
A061452

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
46	47	48	49	50	51	52	53	54	55	56	57	58	59	60

END  
DATE  
FILMED  
2 -79  
DDC

AD A061452

DDC FILE COPY

P

78-1121

6

A REPLICATION STUDY OF SENTENCE DISPOSITIONS  
IN A RURAL UNIVERSITY COMMUNITY.

LEVEL II

DDC  
NOV 22 1978

10

By

JOHN FRANCIS KENNEY

9

Master's thesis,

A thesis submitted in partial fulfillment of  
the requirements for the degree of

MASTER OF ARTS

WASHINGTON STATE UNIVERSITY  
Department of Criminal Justice

11 1978

12 45p.

This document has been approved  
for public release and sale; its  
distribution is unlimited.

012 200

78 11 21 008 LB

UNCLASSIFIED

SECURITY CLASSIFICATION OF THIS PAGE (When Data Entered)

REPORT DOCUMENTATION PAGE		READ INSTRUCTIONS BEFORE COMPLETING FORM
1. REPORT NUMBER CI 78-117T	2. GOVT ACCESSION NO.	3. RECIPIENT'S CATALOG NUMBER
4. TITLE (and Subtitle) A Replication Study of Sentence Dispositions in a Rural University Community	5. TYPE OF REPORT & PERIOD COVERED Thesis	
	6. PERFORMING ORG. REPORT NUMBER	
7. AUTHOR(s) John Francis Kenney	8. CONTRACT OR GRANT NUMBER(s)	
9. PERFORMING ORGANIZATION NAME AND ADDRESS AFIT Student at Washington State University	10. PROGRAM ELEMENT, PROJECT, TASK AREA & WORK UNIT NUMBERS	
11. CONTROLLING OFFICE NAME AND ADDRESS AFIT/CI WPAFB OH 45433	12. REPORT DATE 1978	
	13. NUMBER OF PAGES 37	
14. MONITORING AGENCY NAME & ADDRESS (if different from Controlling Office)	15. SECURITY CLASS. (of this report) UNCLASSIFIED	
	15a. DECLASSIFICATION/DOWNGRADING SCHEDULE	
16. DISTRIBUTION STATEMENT (of this Report) Approved for Public Release, Distribution Unlimited		
17. DISTRIBUTION STATEMENT (of the abstract entered in Block 20, if different from Report)		
18. SUPPLEMENTARY NOTES APPROVED FOR PUBLIC RELEASE AFR 190-17. JOSEPH P. HIPPS, Major, USAF Director of Information, AFIT NOV 9 1978		
19. KEY WORDS (Continue on reverse side if necessary and identify by block number)		
20. ABSTRACT (Continue on reverse side if necessary and identify by block number)		

ACCESS TO	
NTIS	W. Section <input checked="" type="checkbox"/>
DDC	B. Section <input type="checkbox"/>
UNANNOUNCED	<input type="checkbox"/>
JUSTIFICATION	
BY	
DISTRIBUTION/AVAILABILITY CODES	
Dist.	AVAIL. <input type="checkbox"/> or SPECIAL <input type="checkbox"/>
A	

To the Faculty of Washington State University:

The members of the Committee appointed to examine the thesis of JOHN FRANCIS KENNEY find it satisfactory and recommend that it be accepted.

Thomas A. [Signature]  
Chairman

Raymond A. [Signature]

Merwin J. [Signature]



## ACKNOWLEDGMENTS

The author wishes to express his sincere thanks and gratitude to the Pullman Department of Public Safety for their help and assistance in researching the data necessary for this study.

Appreciation is also extended to the members of my thesis committee for all they contributed. Special thanks are extended to my chairman, Dr. Thomas A. Johnson, for his assistance and encouragement and to Dr. Mervin F. White and Raymond Fjetland.

A special word of appreciation to Mr. Ray Miller who took time from his busy schedule to discuss confusing points and helped clarify the methodology.

Finally, I wish to thank my family, Diane, John, and T. J. who had to cope with a student in the family and for their support and encouragement.

## A REPLICATION STUDY OF SENTENCE DISPOSITIONS

## IN A RURAL UNIVERSITY COMMUNITY

## ABSTRACT

by John Francis Kenney, M.A.  
Washington State University, 1978

Chairman: Thomas A. Johnson

✓  
A two-year (1975-76) case file study of 74 students and 81 non-students was researched for this study. Two categories of misdemeanor offenses were used for research, shoplifting and driving while under the influence of alcohol and/or drugs. The purpose of this study was to replicate a study completed by Raymond L. Miller at Washington State University to determine if there was variation in sentencing by reference to student, non-student status. Seven categories of sentencing were studied: (1) hard time (time actually served), (2) fine (monies paid), (3) community service (hours spent working for the city), (4) probation time, (5) deferred prosecution (prosecution not pursued if a person sought treatment and did not recidivate for a specified period of time), (6) suspended hard time, (7) suspended fine. The hypothesis used was developed by Miller, that the sentencing of the student population of the community would be consistent with the sentencing of the non-student population of the community for the two categories of crime selected for research. A weighted scale was devised for each sentence category and a proportion that represented the actual sentence was obtained. A two-sample t test was run to compare the means obtained for each sentence category.

✓

The research findings supported the hypothesis advanced for study. Slightly stronger findings for the crime of shoplifting and much stronger findings for the crime of driving while under the influence of alcohol and/or drugs were found in this study compared to the previous study that was replicated.

## TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS . . . . .	iii
ABSTRACT . . . . .	iv
LIST OF TABLES . . . . .	vii
Chapter	
1. STATEMENT OF THE PROBLEM . . . . .	1
The Intent of the Study . . . . .	4
Development of the Hypothesis . . . . .	7
2. RESEARCH METHODS AND PROCEDURES . . . . .	8
Description of Data Collected . . . . .	8
Sample . . . . .	9
Plan of Analysis . . . . .	11
Independent and Dependent Variables: Student, Non- Student, and Sentence . . . . .	14
The Validity and Reliability of the Methodology . . . . .	14
3. FINDINGS . . . . .	15
Sentence Dispositions . . . . .	15
Shoplifting . . . . .	16
Driving While Intoxicated . . . . .	18
Total Sentence . . . . .	21
4. CONCLUSIONS AND SUMMARY . . . . .	26
Conclusions . . . . .	26
Summary . . . . .	28
REFERENCES . . . . .	29
APPENDIX	
A. PULLMAN MUNICIPAL CODE FOR SHOPLIFTING AND WASHINGTON STATE CODE FOR DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS . . . . .	31
B. COMPLAINT FORM, PERSONAL HISTORY FORM, AND DATA SHEET . . . . .	34

## LIST OF TABLES

Table	Page
1. Total Sample Age Categories . . . . .	10
2. Shoplifting Age Categories . . . . .	10
3. Driving While Intoxicated Categories . . . . .	11
4. Shoplifting Scores . . . . .	17
5. Driving While Intoxicated . . . . .	19
6. Sentence Options . . . . .	23
7. Shoplifting . . . . .	25
8. Driving While Intoxicated . . . . .	25



## CHAPTER 1

## STATEMENT OF THE PROBLEM

Despite the presence of disparity throughout the criminal justice system, public discussion has focused primarily upon sentence disparity-- unjustifiable differences in the use of probation and the lengths of prison sentences. (Dawson, 1969:215). "Many critics have characterized the sentencing decisions of both judges and juries as arbitrary and ineffective" (Kalmanoff, 1976:300). A study that was completed in the Second Circuit Federal Court in New York concluded that disparity was "a serious problem in a substantial proportion of Second Circuit cases" (Partridge et al., 1974:14). Sentencing is of crucial importance to the criminal justice system. Cole finds that "sentencing, the specification of the sanction, may be viewed as both the beginning and the end of the criminal justice system" (Cole, 1975: 353). Yet, despite the crucial importance of the sentencing process sentencing procedures vary widely from state to state. Some states prescribing almost no sentencing procedures to state with complex systems. "Moreover, the President's Commission on Law Enforcement and the Administration of Justice has found that this area of court responsibility is in worse condition and more understaffed and ill-equipped than any other court function (Mueller, 1977:12). The decisions of judges strongly influence the entire criminal justice system. Of the many actors in the criminal justice process it is the judge who is perceived as holding the greatest amount of leverage and influence over the system. Decisions of the police, defense attorneys

and prosecutor are greatly affected by the judges' rulings and sentencing practices (Cole, 1975:315). It is the judge who decides what the sentence will be. Most legislatures provide limits within which a judge must operate.

In most jurisdictions, the trial judge has broad discretion in sentencing the convicted offender. Most sentences are in fact a series of discretionary decisions made by the trial judge: choosing between incarceration and probation; selecting the maximum or minimum sentence, or both, when a prison commitment is imposed; selecting, in some instances the institution to which the offender will be committed; imposing probation conditions such as restitution or a period of incarceration in a local jail; and setting the length of the probation period. In addition, the trial judge usually has broad discretion in revoking probation. (Dawson, 1969:379)

It is within these general guide lines that judges exercise discretion that can lead to sentence disparity. Numerous examples abound that demonstrate the disparity in sentencing practices. Geographical differences, particularly when they involve federal crimes, offend one's sense of justice. A prime example can be seen when one looks at the liquor laws. "In Nevada the average liquor-law sentence was two months . . . and in Northern Alabama, twenty-five months" (Gaylin, 1974:8). Another example of sentencing disparity is seen with war resisters. "In Oregon, of thirty-three convicted Selective Service violators, eighteen were put on probation; in southern Texas, of sixteen violators, none were put on probation" (Gaylin, 1974:6).

Defendants can receive dramatically different dispositions even in the same jurisdiction depending on the judge involved. In a New York magistrate court one study showed interesting dispositions involving two judges and the crime of public intoxication. "Of 566 persons arraigned before Judge Naumer, only one was discharged as not guilty. Judge Corrigan, on the other hand, discharged 531 of the 673 persons (nearly 79 percent) brought before him" (Gaylin, 1974:9). It is a common practice for attorney's to

attempt to have certain judges try their cases. Bonsignore et al., report on how a prosecuting attorney and a defense attorney in Chicago jockeyed over the selection of a judge to try a particular case. The prosecutor only objected to one of twenty-eight Cook County judges, while the defense lawyer had comments and objections on most of the judges with comments such as: "How about this one; no he decided a case a couple of weeks ago in a way that I didn't like, and I don't want him to use my client as a means to get back to a state of virtue" (Bonsignore, 1974:74). Blumberg offers a statistical analysis of a metropolitan court that included eight judges who handled 4,363 cases during 1962. More than sixty-five percent (65.2) of the cases were handled by just two of the presiding judges (Blumberg, 1967).

Selection of judges varies throughout the country between election in some jurisdictions to appointment in others. Nagel's (1975) comprehensive study could find no evidence that favored one selection process from the other (Nagel, 1975).

Many variables have been identified as factors which contribute to sentence disparity. Several studies have pointed to racial discrimination as a factor to consider in sentence disparity (Bullock, 1961; Cargan and Coates, 1974; Kalmanoff, 1976, and Bonsignore et al., 1974). However, Green's (1961) study indicates that other variables than hidden prejudice explain the differences in penalties. Green found that prior record tended to explain the sentence disparity. Jaros et al.(1967) found that judges were influenced more by "role considerations" than by personal factors. In their study of the Detroit Traffic Court they found the most important consideration was the "respect and deference shown the court." Wallick et al. (1975) in their studies determined that socio-economic class effected

sentencing. In cases involving prosecution for homosexual acts little support was found for the proposition that lower-class defendants received harsher judicial disposition than comparable defendants of a higher class. Hagan (1974) suggests that an "alternative view of sentencing, which attends to factors emphasized in official normative descriptions" should be utilized. He stresses that it is a defendant's prior conviction record, nature of the crime, and number of charges against a defendant that most influence the judicial outcome.

#### The Intent of the Study

In 1977 Raymond L. Miller completed a Comparison Study of Sentence Dispositions in a Rural University Community. He completed a two year case file study of two misdemeanor offenses, shoplifting and driving under the influence of alcohol and/or drugs. The purpose of his study was to explain variation in sentencing by reference to student, non-student status. Miller's hypothesis was that sentencing of the student population of the community would be consistent with the sentencing of the non-student population of the community for the two categories of crime selected for research. Miller collected his data from case files located in the Moscow, Idaho Police Department. He researched a total of 189 cases for his study, 100 cases involved driving under the influence of alcohol and/or drugs and 89 cases consisted of shoplifting. He devised a rank order for the six possible categories of sentencing. The face validity of the rank order was inferred by his perception of the hierarchy of severity of possible sentences. His ranking arrangement was as follows: (1) hard time (time actually served), (2) fine (monies paid), (3) probation time, (4) suspended probation, (5) suspended hard time, (6) suspended fine. He then assigned weights to



each sentence category. In developing his weighting process he made the assumption that an actual hard time sentence was 10 times as severe as a suspended hard time sentence. The sentence weights he devised are as follows:

- 1. Hard time                    1000
- 2. Fine                            750
- 3. Probation                    600
- 4. Suspended Probation = 00<sup>1</sup>
- 5. Suspended Hard Time = 100
- 6. Suspended Fine            = 75

Miller then devised a proportion (P) that represented the actual sentence received in each category in relation to the maximum sentence for each sentence category. The proportion (P) created are as follows:

- 1. Hard Time                     $\frac{X}{365}$  days
- 2. Fine                             $\frac{X}{\$300}$
- 3. Probation                     $\frac{X}{12}$  months
- 4. Suspended Probation        $\frac{X}{12}$  months
- 5. Suspended Hard Time        $\frac{X}{365}$  days
- 6. Suspended Time               $\frac{X}{\$300}$

---

<sup>1</sup>Category 4, suspended probation, was never given as a sentence by the court and therefore was assigned 0 weight for his study.



After establishing his proportions he next multiplied each proportion obtained for each sentence category for each individual by the weight for the sentence category.

1. Hard Time  $\frac{X}{365}$  X 1000
2. Fine  $\frac{X}{\$300}$  X 750
3. Probation  $\frac{X}{12}$  X 600
4. Suspended Probation  $\frac{X}{12}$  X 00
5. Suspended Hard Time  $\frac{X}{365}$  X 100
6. Suspended Fine  $\frac{X}{\$300}$  X 75

The total sentence score is summed for each individual by multiplying the proportionate scores by the weights for each sentence category. Comparisons of these sums are for possible student, non-student categories. Miller conducted two sample t tests for each sentence category to compare the means of the two respondent categories.

Miller's research findings supported in general his hypothesis which was that he did find an indication that for the total additive sentencing scores students received slightly more severe sentences than non-students for shoplifting. He attributed the slightly heavier trend in sentencing student shoplifters to the variable of age, with younger offenders receiving slightly heavier sentences due to longer periods of probation. He also found that for the category of driving under the influence of alcohol and/or drugs non-students received more severe sentences than did the student group. He concluded that heavier sentences given to the non-students could be attributed to the presence of conviction of prior offenses among the non-student.

My research will involve a replication study of sentence disposition utilizing the methods employed by Miller. The community selected for study is Pullman, Washington.

The intent of this research is to replicate the study completed by Miller (1977), using a different rural university community. The results of this study will then be compared with Miller's to determine whether or not the results are similar or if differences are indicated.

#### Development of the Hypothesis

The hypothesis that will be used in this research is the same hypothesis developed by Miller: The sentencing of the student population of the community will be consistent with the sentencing of the non-student population of the community for the two categories of crime selected for research.

## CHAPTER 2

### RESEARCH METHODS AND PROCEDURES

#### Description of Data Collected

This chapter is concerned with the basic methods used to collect the data for this research. All data for this research were taken directly from the files of the Pullman, Washington Police Department. Due to the Federal Privacy Act restrictions it was necessary to be appointed as an unpaid intern with the Pullman Police Department so as to have access to the appropriate records. The information required for this study was extracted from the 1975 and 1976 case files for shoplifting and driving while under the influence of alcohol and/or drugs. These were the two categories of offenses selected by Miller with the anticipation of obtaining a reasonable balance numerically between students and non-students. The main focus of the study entailed collection of data to examine the variation in sentencing by reference to the student and non-student status (Babbi, 1977:324) of defendants and their effect on the dependent variable, the sentence handed down by the Municipal Court of Pullman.

As a complaint is made with the Pullman Police Department the demographic information is entered on the top of the complaint form (see Appendix B). The complaint form has several copies, the yellow copy is maintained in a central file and is used to record categories of crime on a yearly basis. If the complaint is valid, the white copy goes into an arrest jacket and is filed with all the information relating to the complaint. It was necessary to

9

research all arrest jackets to gain the demographic data necessary for identification of the independent variables used in this study. When an individual is charged with a crime (in addition to the complaint form) a personal history record (see Appendix B) is established. Thus it was also necessary to check each personal history card to verify whether or not an individual had a history of prior offenses. If after consulting the arrest jacket and the personal history record information was missing, a check of the University directories for student data was helpful.

A data sheet similar to that used by Miller was utilized to record all pertinent data for the study (see Appendix B). All information was first recorded on the data sheet to simplify the coding process. After the data sheets were coded, the information was transferred to data cards for analysis utilizing the computer.

### Sample

#### Total Sample Characteristics

The sample utilized in the present study may be described as follows: A total of 155 cases was recorded with males comprising 89.6 percent (139) of the sample, and females 10.4 percent (16). Age was grouped into four separate categories (see Table 1) with 56.1 percent (87) being between 18 and 24 years of age. Caucasians comprised 94.2 percent (146) compared with only 5.8 percent (9) for blacks, native Americans, orientals and others. Of the total sample, 47.7 percent (74) were students, and 52.3 percent (81) were non-students.



Table 1  
Total Sample Age Categories

Age	Frequency	Percent
18 - 24	87	56.1
25 - 34	38	24.5
35 - 44	12	7.8
45 or older	18	11.6
Total	155	100.6

#### Shoplifting Sample Characteristics

All those arrested for shoplifting were cited under the Pullman Municipal Code. Males comprised 84 percent (42) of those arrested, while females totaled 16 percent (8). Age was grouped into four separate categories (see Table 2) with a majority of 80 percent (40) falling into the 18-24 year old bracket. Caucasians comprised 91 percent (45) of those charged compared to 10 percent (5) for all other ethnic groups. For shoplifting, 70 percent (35) students were sentenced, while 30 percent (15) non-students received sentences during the two years studied.

Table 2  
Shoplifting Age Categories

Age	Frequency	Percent
18 - 24	31	62.0
25 - 34	11	22.0
35 - 44	4	8.0
45 or older	4	8.0
Total	50	100.0



### Driving While Intoxicated Sample Characteristics

Of those arrested for driving while intoxicated, 92.4 percent (97) were male, while 7.5 (8) were female. Age was grouped into four separate categories (see Table 3) with 44.8 percent (47) falling into the 18-24 year old bracket, 29.5 percent (31) falling into the 25-34 year old bracket, 10.5 percent (11) falling into the 35-44 year old bracket, and 15.2 percent (16) falling into the 45 and older bracket. Caucasians comprised 96.2 percent (101) of those charged compared to only 3.8 percent (4) for all other ethnic groups. For driving while intoxicated, 37.1 percent (39) students were sentenced, while 62.9 percent (66) non-students received sentences during the two years studied.

Table 3

#### Driving While Intoxicated Categories

Age	Frequency	Percent
18 - 24	47	44.8
25 - 34	31	29.5
35 - 44	11	10.5
45 and older	16	15.2
Total	105	100.0

#### Plan of Analysis

A total of 155 cases were researched for this study. Of these, 50 were charged with shoplifting and 105 with driving while under the influence of intoxicating liquor or drugs. A rank ordering of the seven possible categories of sentencing utilized by the court was devised. The ordering was constructed following the procedure developed by Miller. The rank order

attempts to operationalize the hierarchy of severity of possible sentences. Two new categories of sentencing were added to the hierarchy of sentences because of their use in the court jurisdiction under study. These were ordered according to my judgment of their severity. The ranking alignment is as follows: (1) hard time (time actually served), (2) fine (monies paid), (3) community service (hours spent working for the city), (4) probation time, (5) deferred prosecution (prosecution not pursued if a person sought treatment and did not recidivate for a specified period of time), (6) suspended hard time, (7) suspended fine. After this rank order was devised, weights were assigned to each sentence category in a like manner. The weighting process makes the assumption that an actual hard time sentence is 10 times as severe as a suspended hard time sentence. The sentencing weights are as follows:

- |                         |        |
|-------------------------|--------|
| 1. Hard Time            | = 1000 |
| 2. Fine                 | = 750  |
| 3. Community Service    | = 750  |
| 4. Probation            | = 600  |
| 5. Deferred Prosecution | = 300  |
| 6. Suspended Hard Time  | = 100  |
| 7. Suspended Fine       | = 75   |

Equal weights were assigned to fine and community service because the court used community service in lieu of a fine when it felt a person could not pay the fine. Deferred prosecution received the weight it did because of the formal entry into an alcohol/drug rehabilitation program at the defendant's expense and the period of supervision by that agency, but avoided a criminal record if successfully completed.

As in Miller's study, it was necessary to create a proportion (P) that represented the actual sentence received in each category in relation to the maximum sentence possible for each sentence category.

- 1. Hard Time  $\frac{X}{365}$  days
- 2. Fine  $\frac{X}{\$300}$  or  $\frac{X^2}{\$500}$
- 3. Community Service  $\frac{X}{75}$  hours or  $\frac{X^2}{125}$  hours
- 4. Probation  $\frac{X}{12}$  months
- 5. Deferred Prosecution  $\frac{X}{24}$  months
- 6. Suspended Hard Time  $\frac{X}{365}$  days
- 7. Suspended Fine  $\frac{X}{\$300}$  or  $\frac{X^2}{\$500}$

The next step is to multiply each proportion obtained for each sentence category for each individual by the weights for the sentence category.

- 1. Hard Time  $\frac{X}{365}$  days x 1000
- 2. Fine  $\frac{X}{\$300}$  or  $\frac{X}{\$500}$  x 750
- 3. Community Service  $\frac{X}{25}$  hours or  $\frac{X}{125}$  hours x 750
- 4. Probation  $\frac{X}{12}$  months x 600

<sup>2</sup>Categories 2, "fine," 3, "community service," and 7, "suspended fine," required different dollar amounts for shoplifting and driving while intoxicated.

5. Deferred Prosecution  $\frac{X}{24 \text{ months}}$  x 300
6. Suspended Hard Time  $\frac{X}{365 \text{ days}}$  x 100
7. Suspended Fine  $\frac{X}{\$300}$  or  $\frac{X}{\$500}$  x 75

A total sentence score is created by summing, for each individual, the products obtained by multiplying the proportionate scores by weights for each sentence category. Once these scores are derived it is then possible to compare these sums for the student, non-student categories of sentenced defendants. Two sample t tests are conducted for each sentence category to compare the means.

Independent and Dependent Variables: Student,  
Non-Student, and Sentence

The only indicator to classify student or non-student status is the question on the personal history record marked "occupation." For this study, anyone listed as a student on the personal history record is considered a student and all others are considered non-students. The dependent variable for this study will be the sentence handed down by the court.

The Validity and Reliability of the Methodology

The author is aware of the limitations of the methodology used by Miller. However, in order to replicate Miller's study in a different community and make a meaningful comparison of the two studies, it is felt that this can best be accomplished by utilizing Miller's methodology.

Chapter 3 contains the sentence dispositions and t test results for each separate sentence category for shoplifting and driving while intoxicated. The additive process that produces a total sentence will also be discussed.



## CHAPTER 3

### FINDINGS

#### Sentence Dispositions

Sentence dispositions for shoplifting and driving while intoxicated will be examined in this chapter. The first section will examine the relationship between the independent variable of student and non-student status for each rank ordered sentence category. The second section will look at variations in total sentence that are brought about through the additive process.

The sample consisted of a total of 73 students and 82 non-students. The null hypothesis postulated is that no relationship will be found between the student and non-student and the sentence given by the Pullman Municipal Court. The alternative hypothesis is that students will receive more severe sentences than the non-students in the selected categories of crime. The specific null hypothesis to be tested is that the specific and total sentences assigned to the two groups do not differ, on the average. The level of significance used by Miller and also in this research is .05 and the probability of any statistical test that is less than this figure will be deemed within the region of rejection and as such will suggest the possibility that sentencing variation can be attributed to the effects of the independent variable, i.e., student or non-student status.



### Shoplifting

A perusal of Table 4 shows the means, t scores, and probabilities for the comparisons of ranked sentence categories for the crime of shoplifting. The first category (hard time) was not used as a sentence option for the crime of shoplifting by the Pullman Municipal Court.

The second category shows the weighted fine scores for both groups. A mean score of 214.29 for the student group and a mean score of 183.33 for the non-student group was obtained. The one-tailed test of the difference between the means reflects a t value of 0.93 which has a probability of .180 which is greater than the .05 level. The data suggest that there are small differences in the direction predicted by the alternative hypothesis. The mean scores for this sentence category suggest differential treatment of students, to their disadvantage, does occur with this sentence option. However, these differences are small and could have occurred by chance.

The categories of community service and suspended hard time were never used as a sentence option for non-students. Three students were given community service in lieu of fines and one student was given suspended hard time in lieu of probation.

The fourth category (probation) shows a mean score of 497.14 for students and 440.00 for non-students. The one-tailed test of the difference between these means shows a t value of 0.71 which has a probability of .244 and cannot be considered statistically significant for this data, these findings support the null hypothesis of no difference in sentencing for the two groups.

Deferred prosecution and suspended fine were not used as sentence options for the crime of shoplifting. Thus, no test could be conducted with these dispositions.

Table 4  
Shoplifting Scores

Shoplifting (Rank Order)	Number of Cases	Mean	Standard Deviation	Standard Error	t Value	Variance Degrees of Freedom	Estimate 1-Tail Probability
<u>Hard Time</u>							
Student	35	0.0	0.0	0.0			
Non-Student	15	0.0	0.0	0.0			
<u>Fine</u>							
Student	35	214.2857	88.759	15.003	0.93	21.56	0.180
Non-Student	15	183.3333	114.434	29.547			
<u>Community Service</u>							
Student	35	22.0000	74.668	12.621	1.74	34.00	0.045
Non-Student	15	0.0	0.0	0.0			
<u>Probation</u>							
Student	35	497.1428	229.431	38.781	0.71	22.79	0.244
Non-Student	15	440.0000	274.643	70.912			
<u>Deferred Prosecution</u>							
Student	35	0.0	0.0	0.0			
Non-Student	15	0.0	0.0	0.0			
<u>Suspended Hard Time</u>							
Student	35	3.0000	16.899	2.857	1.05	34.00	0.151
Non-Student	15	0.0	0.0	0.0			
<u>Suspended Fine</u>							
Student	35	0.0	0.0	0.0			
Non-Student	15	0.0	0.0	0.0			

A review of the data indicates that 80 percent (40) of the 50 subjects sentenced for shoplifting fell into the 18-24 year old age bracket. Of the 50 subjects sentenced for shoplifting, 28 students received probation and a fine as their sentences. Of the students sentenced, 30 were in the 18-24 year old age group, and none had prior records. Of the non-students sentenced 9 were in the 18-24 year old age bracket, and none had prior records. The large proportion of those sentenced for shoplifting falling into the 18-24 year old age bracket may account for the tendency of the court to levy a heavy penalty. The rationale being that as young adults, a one year period of probation and a fine would deter future criminal acts. Therefore, students being younger would have a higher mean score than non-students.

A comparison of the shoplifting category for the Pullman Municipal Court and the Moscow City Court indicates that a defendant is not given a hard time sentence in the Pullman Municipal Court where it is a common practice in the Twin Cities Court. However, a defendant is more likely to receive a stiffer fine and a longer period of probation in the Pullman Municipal Court than in the Moscow City Court.

#### Driving While Intoxicated

Table 5 depicts the results of the t test for driving while intoxicated by sentence category. Only two defendants received hard time as a sentence. Both cases involved non-students with extensive criminal records. Because of the infrequent use of this sentence category the author does not believe that a comparison to student/non-student would be meaningful to this study.

The second category (fine) shows a mean score of 233.08 for students and a mean score of 201.23 for non-students. The one-tailed test of the

Table 5  
Driving While Intoxicated  
(t Scores)

Driving while Intoxicated	Number of Cases	Mean	Standard Deviation	Standard Error	t Value	Variance Degrees of Freedom	Estimate 1-Tail Probability
<u>Hard Time</u>							
Student	39	0.0	0.0	0.0			
Non-Student	66	3.7879	22.650	2.788	-1.36	65.00	0.090
<u>Fine</u>							
Student	39	233.0769	100.512	16.095			
Non-Student	66	201.2273	129.156	15.898	1.41	95.29	0.081
<u>Community Service</u>							
Student	39	6.1795	38.591	6.179			
Non-Student	66	0.0	0.0	0.0	1.00	38.00	0.162
<u>Probation</u>							
Student	39	23.0769	106.281	17.018			
Non-Student	66	36.3636	144.261	17.757	-0.54	97.93	0.295
<u>Deferred Prosecution</u>							
Student	39	13.4615	54.061	8.657			
Non-Student	66	56.8182	110.901	13.651	-2.68	100.10	0.005
<u>Suspended Hard Time</u>							
Student	39	1.1026	1.231	0.197			
Non-Student	66	0.8788	1.387	0.171	0.86	87.58	0.197
<u>Suspended Fine</u>							
Student	39	7.8205	6.365	1.019			
Non-Student	66	7.1364	10.928	1.345	0.41	102.99	0.343



difference between the means reflects a t value of 1.41 which has a probability of .081 which is greater than the .05 level. The data suggest that there are small differences in the direction predicted by the alternate hypothesis. The mean score for this sentence category suggests differential treatment of students, to their disadvantage, does occur with this sentence option. However, these differences could have occurred by chance.

The category of community service was only used in sentencing one student. As explained earlier in this study this option was only used when the court believed that if a fine had been levied that it could not have been paid.

The fourth category (probation) shows a mean score of 23.08 for the student group which included 2 defendants compared to a mean score of 36.36 for the non-student group which included 4 defendants. The one-tailed test of the difference between the means reflects a t value of -0.54 which has a probability of .295 which cannot be considered statistically significant for this data. These findings support the null hypothesis of no difference in sentencing for the two groups.

The deferred prosecution category shows a mean score of 13.46 for students and a mean score of 56.82 for non-students. The one-tailed test of the difference between the means reflects a t value of -2.68 which has a probability of .005 which exceeds the .05 region of rejection. The mean score for this sentence category indicate differential treatment of students, to their disadvantage, does occur with this disposition option.

The suspended hard time category shows a mean score of 1.10 for the student group and a mean score of 0.88 for the non-student group. The one-tailed test of the difference between the means reflects a t value of 0.86 which has a probability of .197 which is greater than the .05 level. The

data suggest that there are small differences in the direction predicted by the alternative hypothesis. The mean score for this sentence category suggest differential treatment of students, to their disadvantage, does occur with this sentence option. However, these differences are small and could have occurred by chance.

The suspended fine category shows a mean score of 7.82 for the student group and a mean score of 7.14 for the non-student group. The one-tailed test of the difference between the means reflects a t value of 0.41 which has a probability of .343 which cannot be considered significant for this data and supports the null hypothesis of no difference in sentencing for the two groups.

A comparison of the findings of this study of the Pullman Municipal Court and the Moscow City Court indicate that for the driving while intoxicated category there was a tendency for a more consistent sentencing between students and non-students in the Pullman Municipal Court. Hard time was only used in sentencing two defendants in the Pullman Municipal Court, while in the Twin Cities Court it was a much more common practice. Higher fines and longer periods of probation were more prevalent in the Moscow City Court than in the Pullman Municipal Court. The data indicate harsher treatment for the driving while intoxicated category was used in the Moscow City Court than in the Pullman Municipal Court.

#### Total Sentence

As Miller did in his study a total sentence score was based on the additive process for sentencing that a judge had at his disposal. A judge through the additive process may impose a variety of sentences simultaneously on a defendant. A frequent example in this study occurred for the crime of shoplifting. The most frequent sentence given being a fine and probation.

It is in the additive process where a judge has the discretionary power that can lead to sentence disparity.

A sentence generally requires use of public resources; space taken in a jail or prison, the expense and time required by probation officers, or expensive treatment at specialized treatment facilities. The choice among options can be, which promises equal benefit for the least cost (Galvin et al., 1977). Yet, it is the area of sentencing that Blumberg finds "that judges show their greatest ambivalence and inconsistency" (Blumberg, 1967:136). He found that judges tended to lean on elaborate probation and psychiatric reports in deciding difficult or politically explosive cases. Gaylin (1974: 28) maintains that many studies indicate "that personal bias and motive are introduced into the sentencing process". The judge is a human being and cannot divorce himself from his background, his age, race, religion, education, social class, and previous employment experience.

If favoritism becomes evident there may be justification for controlling the discretionary powers of judges. A search was made of this study's data to determine if the additive process yielded any specific trends in the sentencing process of the Pullman Municipal Court. Of the options available to a defendant convicted of shoplifting (see Table 6), the combination of a fine and probation was the overwhelming choice. This sentence was given in 39 out of the 50 cases, adjudicated.

For the crime of driving while intoxicated the sentence used most frequently was a fine, some fine suspended, and a suspended hard time sentence. The second sentence option most often used involved two options used an equal number of times. Fine with hard time suspended and deferred prosecution were each used 19 times. The use of these three sentence options accounted for 84 percent of the cases adjudicated.

Table 6  
Sentence Options

Additive Process	Shoplifting Number Sentenced	Driving While Intoxicated Number Sentenced	Total
1. Fine only	0	1	1
2. Fine, hard time, with fine suspended	0	1	1
3. Fine with hard time suspended	2	19	21
4. Fine and probation	39	3	42
5. Fine, probation, suspended hard time	0	1	1
6. Fine, some fine suspended, probation	0	2	2
7. Fine, some fine suspended, hard time suspended	0	54	54
8. Fine, hard time, some fine suspended	0	1	1
9. Community service	2	0	2
10. Community service and probation	1	0	1
11. Deferred prosecution	0	19	19
12. Deferred prosecution and fine	0	1	1
13. Acquittal	6	3	9
Total	50	105	155



Table 7 shows the total additive scores for the student and non-student groups for the shoplifting category. The student group totaled 35 cases while the non-student group totaled 15 cases. Weighting, multiplying, and summing each sentence category resulted in a total sum for all sentences for the crime of shoplifting for both the student and non-student groups. A two sample t test was run to compare the mean scores obtained.

The total additive mean score for the student group was 736.43 and for the non-student group it was 623.33. The one-tailed test of the difference between the means reflects a t value of 1.03 which has a probability of .158 which is greater than the .05 level of significance; although the .158 figure approaches the level of significance a trend in sentencing is indicated. The trend seems to indicate that students receive slightly heavier sentences for the crime of shoplifting than do non-students for the period studied. Again, it should be emphasized that these differences are small enough to have occurred by chance.

The same procedure was performed for the weighted sentence scores for the driving while intoxicated total additive scores. Sixty-six (66) were adjudicated for the non-student group and thirty-nine (39) cases for the student group. The non-student group obtained a mean score of 306.21 compared to a mean score of 284.72 for the student group. The one-tailed test of the difference between the means shows a t value of -0.75 which has a probability of .227 and cannot be considered statistically significant for this data and supports the null hypothesis of consistent sentencing for both groups (see Table 8).

Table 7  
 Shoplifting  
 (Total Additive Score; t Test)

Shoplifting	Number of Cases	Mean	Standard Deviation	Standard Error	t Value	Variance Degrees of Freedom	Estimate 1-Tail Probability
Student	35	736.4285	259.556	43.873			
Non-Student	15	623.3333	389.077	100.459	1.03	19.56	0.158

Table 8  
 Driving While Intoxicated  
 (Total Additive Score; t Test)

Driving While Intoxicated	Number of Cases	Mean	Standard Deviation	Standard Error	t Value	Variance Degrees of Freedom	Estimate 1-Tail Probability
Student	39	284.7178	127.644	20.439			
Non-Student	66	306.2119	162.526	20.006	-0.75	94.81	0.227

## CHAPTER 4

### CONCLUSIONS AND SUMMARY

#### Conclusions

Consistent with Miller's previous research this study found that at no time was our level of significance reached in the rank ordered sentence categories for shoplifting. This was also true for the total additive score for sentencing of the student and non-student for shoplifting. This study found slightly greater support for this null hypothesis than did Miller's study for the shoplifting category. This study found a one-tailed probability score of .158 compared to Miller's one-tailed probability score of .108.

For the crime of driving while intoxicated the level of significance was exceeded for only one sentence category, deferred prosecution. A total of nineteen defendants received a sentence of deferred prosecution. Of this total seventeen were non-students or 89.5 percent of those sentenced in this category. The philosophical background underlying the deferred prosecution disposition is to have those with an alcohol or drug problem receive professional treatment to aid in preventing future occurrences of this problem. Of those receiving a disposition of deferred prosecution, 78.9 percent (15) were in age categories greater than twenty-five, and all were non-students. Only four students received a disposition of deferred prosecution. Therefore this is an obvious disparity between student and non-student, to the disadvantage of the students. The court had a strong tendency to give deferred prosecution dispositions to older defendants who were non-students.

None of the other sentence categories for driving while intoxicated approached the level of significance. The total one-tailed probability score of .227 showed greater support for the null hypothesis than did Miller's study. This study had a one-tailed probability score of .227 compared to Miller's one-tailed probability score of .082.

My conclusion is that the sentencing practices of the Pullman Municipal Court is found to be in concurrence with the null hypothesis postulated for this study. The sentencing of students in the Pullman Municipal Court is consistent with non-students in the two categories of crime selected for research.

Although not a direct topic of research or a consideration of this study, one important factor emerged which merits comment. That factor is that there was a much greater propensity of the Moscow magistrate court to sentence individuals to periods of hard time than was present in the Pullman municipal court. A total of 40 individuals received some hard time as part of their sentence in the Moscow magistrate court compared to only two individuals receiving hard time as part of their sentence in the Pullman municipal court. A rationale to explain this disparity in hard time sentencing practices between two bordering jurisdictions escapes this author but it does add "grist to the mill" in the area of sentence disparity.

An important difference between the Pullman and Moscow courts emerges when one looks at the additive process. With the inclusion of two new sentencing options, community service and deferred prosecution, the Pullman court used only thirteen different sentencing additive combinations. While with two less sentencing options the Moscow court used nineteen different sentencing additive combinations. One reason to explain the greater variety



of sentencing options used in the Moscow court may be that several judges are involved in the Moscow court while only one judge is assigned to the Pullman Municipal court.

The Pullman Municipal court appears to be seeking newer and more innovative approaches in dealing with shoplifting and driving while intoxicated. The use of community service in lieu of fines or time spent in jail if the fine can't be paid, demonstrates a sensitivity to the needs of defendants and not simply a fine or jail sentence. The use of deferred prosecution as a disposition indicates a willingness on the part of the Pullman Municipal court to see professional help for those afflicted with an alcohol or drug problem as a viable alternative to judicial proceedings.

#### Summary

I have attempted in this thesis to determine if students and non-students are sentenced consistently in the two categories of crime selected for research. Previous research by Miller had indicated that sentencing between students and non-students had been consistent in the community he selected for research. The findings of this study confirmed Miller's findings.

## REFERENCES

- Babbie, Earl  
1975 The Practice of Social Research. Belmont, California: Wadsworth Publishing Company, Inc.
- Blumberg, Abraham S.  
1967 Criminal Justice. Chicago: Quadrangle Books.
- Bonsignore, John J., Ethan Katsh, Peter d'Errico, Ronald M. Pipkin, and Stephen Arons  
1974 Before the Law: An Introduction to the Legal Process. Boston: Houghton Mifflin Company.
- Bullock, Henery  
1961 "Significance of the racial factor in the length of prison sentences." Journal of Criminal Law, Driminology, and Police Science 52:411-417.
- Cargan, Leonard and Mary A. Coates  
1974 "The indeterminate sentence and judicial bias." Crime and Delinquency 20:144-156.
- Cole, George F.  
1975 The American System of Criminal Justice. North Scituate, Massachusetts: Duxbury Press.
- Dawson, Robert O.  
1969 The Report of the American Bar Foundation's Survey of the Administration of Criminal Justice in the United States. Boston: Little Brown and Company.
- Galvin, John J., Walter H. Busher, William Greene, Gary Kemp, Nora Harlow, and Kathleen Hoffman  
1977 Sentencing the Misdemeanant. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice. Washington, D. C.: U.S. Govt. Printing Office.
- Gaylin, Willard  
1974 Partial Justice. New York: Alfred A. Knopf.
- Green, Edward  
1961 Judicial Attitudes in Sentencing. London: Macmillan.

Hagan, John

- 1974 "Extra-legal attributes and criminal sentencing: An assessment of a sociological viewpoint." *Law and Society Review* 8:357-383.

Jaros, Dean and Robert I. Mendelson

- 1967 "The judicial role and sentencing behavior." *Midwest Journal of Political Science* 11:471-488.

Kalmanoff, Alan

- 1976 *Enforcement and Administration*. Boston: Little, Brown and Company.

Miller, Raymond L.

- 1977 *A Comparison Study of Sentence Dispositions in a Rural University Community*. Masters Thesis. Washington State University.

Mueller, Gerhard O. W.

- 1977 *Sentencing Process and Purpose*. Springfield, Illinois: Charles C. Thomas.

Nagel, Stuart S.

- 1975 *Improving the Legal Process*. Lexington, Massachusetts: Lexington, Books.

Partridge, Anthony and William B. Eldridge

- 1974 "The second circuit sentencing study: A report to the judges of the second circuit." Washington, D. C.: U. S. Govt. Printing Office.

Wallick, Daniel H., Gehlker Gretchen, and Anita McFarland Watts

- 1975 "Social class as a factor affecting judicial disposition: Defendants charged with criminal homosexual acts." *Criminology* 13:57-77.

APPENDIX A

PULLMAN MUNICIPAL CODE FOR SHOPLIFTING AND WASHINGTON STATE  
CODE FOR DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL  
AND/OR DRUGS



## SHOPLIFTING

## Pullman Municipal Code

Sections:

8.68.010 Shoplifting prohibited.

8.68.020 Penalty for violation.

8.68.010 Shoplifting prohibited. It is unlawful for any person to wilfully take possession of any goods, wares and merchandise offered for sale by any wholesale or retail store or other mercantile establishment located within the city of Pullman, without the consent of the seller, with the intention of converting the goods, wares or merchandise, to his or her use without having first paid the purchase price thereof. Such taking shall be known as shoplifting. (Ord. A-666 \*1; January 17, 1967).

8.68.020 Penalty for violation. Any person who violates this chapter shall be guilty of a misdemeanor. Upon a conviction thereof, he may be punished by a fine not exceeding three hundred dollars or by imprisonment not to exceed thirty days in the city jail, or by both such fine and imprisonment. (Ord. A-666 \*2; January 17, 1967).

DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING  
LIQUOR OR DRUGS

Washington Code

RCW 46.61.506

Persons under influence of intoxicating liquor or drugs:

It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any drug to drive or be in actual physical control of a vehicle within this state.

RCW 46.61.515

Driving while under the influence of intoxicating liquor or drugs--Penalty:

(1) Every person who is convicted of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

**APPENDIX B**

**COMPLAINT FORM, PERSONAL HISTORY FORM, AND DATA SHEET**

REPORTING PARTY - LAST, FIRST, MIDDLE		ADDRESS		PHONE NO	COMPLAINT NO
LOCATION		DISTRICT NO.		OFFICER ASSIGNED	
DATE - TIME RECEIVED	DATE - TIME DISPATCHED	DATE - TIME ARRIVED	DATE - TIME CLEARED		
RECEIVED BY	HOW RECEIVED	DISPATCHED BY	CLASSIFICATION		
<input type="checkbox"/> AMBULANCE TIME ENROUTE/S TIME OUT/S TIME ENROUTE/M TIME OUT/M <input type="checkbox"/> REPORT <input type="checkbox"/> NO REPORT					
DATE - TIME OF OCCURRENCE		SEX - RACE - AGE OF PERSON ARRESTED		TOTAL VALUE	
REFERRED TO	BY	DATE	REFERRED TO	BY	DATE
FINAL DISPOSITION		PROPERTY		DAMAGE	
		CLEARED		BY ARREST <input type="checkbox"/>	
		YES		NO	
		BY EXCEPTION <input type="checkbox"/>			
BY _____ DATE _____					
<b>COMPLAINT FORM — PULLMAN DEPARTMENT OF PUBLIC SAFETY</b>					





DATA SHEET

STATUTE NO. \_\_\_\_\_

STUDENT ( )

DATE OF ARREST \_\_\_\_\_

NON-STUDENT ( )

Caucasian: Yes \_\_\_\_\_

No \_\_\_\_\_

If No Indicate Race \_\_\_\_\_ Age: 18 - 24 \_\_\_\_\_

25 - 34 \_\_\_\_\_

Sex: M \_\_\_\_\_

35 - 44 \_\_\_\_\_

F \_\_\_\_\_

45+ \_\_\_\_\_

Prior Record: Yes \_\_\_\_\_

No \_\_\_\_\_

Prior Record of

Same Offense: Yes \_\_\_\_\_

Plea: Guilty \_\_\_\_\_

No \_\_\_\_\_

Not-Guilty \_\_\_\_\_

Disposition: Hard Time (amount) \_\_\_\_\_

Fine Expressed \_\_\_\_\_

Probation Sent. \_\_\_\_\_

Suspended Sent. \_\_\_\_\_

Acquittal \_\_\_\_\_

to Other Agency: \_\_\_\_\_

Other \_\_\_\_\_