

The Pennsylvania State University

The Graduate School

College of the Liberal Arts

**GENDER DIFFERENCES IN NEW YORK CASE PROCESSING:  
AN EXPLORATION INTO CASE DISMISSALS AND CHARGE REDUCTIONS**

A Thesis in

Crime, Law, and Justice

by

Kimberly L. Gold

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Submitted in Partial Fulfillment  
of the Requirements  
for the Degree of

Master of Arts

August 2011

The thesis of Kimberly L. Gold was reviewed and approved\* by the following:

Darrell Steffensmeier  
Professor of Sociology and Crime, Law, and Justice  
Thesis Adviser

John Kramer  
Professor of Sociology and Crime, Law, and Justice

Jeremy Staff  
Associate Professor of Sociology and Crime, Law, and Justice

John Iceland  
Department Head; Professor of Sociology and Demography

\*Signatures are on file in the Graduate School.

## **Abstract**

*Research on gender disparities in the stages between arrest and conviction is sparse. The present study contributes to this neglected area of research by examining gender disparities in case dismissals and charge reductions. While previous gender and sentencing research has found women receive more lenient treatment in sentencing decisions, research concerning gender disparities at the charge reduction phase has produced mixed results. Furthermore, samples in prior literature are often outdated with small female samples. The current study overcomes these limitations by using a more recent and relatively large sample of female offenders. Additionally, the focal concerns theory, which has been used to explain decision-making processes at the sentencing stage, is further extended in this paper to apply to decisions made at the prosecutorial level.*

*All arrests in the state of New York in the year 2000 are included in the dataset. The dataset is unique in its ability to track individual arrestees over an extended period of time. Information is given on both defendants' initial arrest charges and final charges. The charges are rank-ordered by grade levels according to New York's penal law system, allowing for a comprehensive comparison as to whether charges were reduced, remained the same, raised, or dismissed between these two stages.*

*The New York data provide a diverse, as well as large sample of female and male offenders ( $N=93,593$ , and  $N=395,647$  respectively). We hypothesize that the leniency found in prior sentencing literature for female defendants will again be observed in case dismissal and charge reduction outcomes. To test our hypotheses, we run separate logistic regressions for case dismissal and charge reduction controlling for the defendant's gender, race, age, and grade level of their initial arrest. We then run separate logistic regressions for each grade level to further examine whether the gender effect may vary across arrest grade levels. Finally, we conduct supplemental analyses to explore how a defendant's prior criminality may impact case dismissal and charge reduction outcomes, as well as how the gender effect may vary across specific statutes.*

*The results of the analyses partially support the overall hypothesis. Women are consistently more likely than men to have their charges dismissed. The gender effect is significant for four of the eight grade levels for case dismissal. However, gender is not found to be a significant predictor of charge reduction. A closer examination of charge reduction by grade level reveals, however, that gender is in fact a significant predictor for four of the seven arrest grade levels. The gender effect is favorable for women for three of the grade levels and favorable for men for one of the grade levels. When the defendant's prior criminal history is included as a control in the models, any leniency previously extended to female defendants in case dismissal and charge reduction is attenuated. Thus, controlling for prior criminality results in a smaller favorable effect for women in case dismissal and a slight advantage to males in charge reduction. The findings from the study thus provide support that a gender effect exists in case dismissal and charge reduction for some grade level offenses (notably, more serious offenses). However, female defendants are also more likely to be penalized for their criminal records in case dismissal and charge reduction than male defendants are.*

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## **Acknowledgements**

I would first and foremost like to thank my advisor, Darrell Steffensmeier, for his continued support and guidance. I would also like to give a special thanks to John Kramer and Jeremy Staff for their assistance on both the substantive and methodological aspects of the paper.

Finally, I would also like to give a special acknowledgement to my mother, father, sister, and Chenyu Zhu who have always supported and encouraged me in my numerous endeavors.

## Chapter 1. INTRODUCTION

Due to the discretionary nature of the criminal justice process, criminologists have long been concerned with examining whether extra-legal factors play a role in the outcome of criminal cases. The defendant's gender has represented a historically important and socially relevant variable of interest as gender inequalities have been shown to exist in a number of social, economic, and political realms. Most of what criminologists have learned on gender disparities in the criminal justice system has resulted from studying a later stage in the criminal justice process: sentencing. The current study aims to fill a void in gender and decision-making research by studying an earlier discretionary stage in the criminal justice process: case dismissals and charge reductions.

The primary focus of the current study is whether or not women are treated more leniently than men through the process of case dismissal and charge reduction. The study's database allows for a unique window into this relatively understudied area. The study utilizes an arrest database collected in the state of New York in the year 2000 (N=93,593 female defendants and N=395,640 male defendants). The database includes the defendants' initial arrest charges and final charges, thus allowing for comparisons in charge reduction and case dismissal.

Both case dismissal and charge reduction represent important areas of discretionary decision-making. More serious final charges will ultimately result in more severe punishment if the defendant is convicted, while lowered final charges will represent a chance for more lenient handling. In the state of New York, offenses are organized into three different categories indicating their level of seriousness: felonies,

misdemeanors, and violations (New York State Unified Court System, 2009). Felonies are considered the most serious category of offenses while violations are considered the least serious. Each main category is further divided into sub-classes according to the severity of the offense. Plea-negotiations may reduce charges to a lower severity sub-category grade level, or even move the offense to a different main category and thus severity level.

The charge a defendant initially receives at arrest can differ in significant ways from the charge formally processed. According to the New York State Unified Court System (2009), following the arrest, the prosecuting attorney consults with the police regarding the appropriate charge to process, taking into consideration the particular offense and case evidence. The defendant is then formally charged at an arraignment before a magistrate judge, during which time charges may be negotiated. Prosecutors may ask the defendant to plead guilty in exchange for a more lenient sentence recommendation to the judge (New York State Unified Court System, 2009). Defendants may also have the opportunity to plead guilty to a less serious offense at this stage, which would also reduce their potential sentence (Figueira-McDonough, 1985). Judges must approve of any charge bargains, and the charge bargaining may continue up to and even during trial. Likewise, charges against the defendant may be dismissed at any point during the process (New York State Unified Court System, 2009).

For felony cases in New York, defendants must appear before a grand jury to determine if there is enough evidence for an indictment (New York State Unified Court System, 2009). If the grand jury votes for an indictment, the case is then transferred from

Criminal Court to the Supreme Court for an arraignment. At any point during or after the arraignment, charges may be negotiated or cases dismissed.<sup>1</sup>

Plea negotiations and case dismissals may occur for several reasons.

Recommendations for charge reductions and case dismissals can be made by prosecutors, defense attorneys, or judges. Weak case evidence or overloaded courtroom calendars are two reasons that have been proposed for why charges are negotiated or cases dropped (Rosett & Cressey, 1976). Charge reductions and case dismissals have been argued as an invaluable tool for court actors to perform justice, allowing court actors to ensure that appropriate punishments will be meted out for deserving defendants (Rosett & Cressey, 1976). According to Rosett & Cressey (1976), "...in practice, most cases are disposed of in cooperative agreements reaching a consensus on facts and therefore, on appropriate punishment" (pg 105). Charge reductions may therefore reflect a more just way of handling minor cases or a more severe processing of serious ones. If cases involving female defendants are disproportionately viewed as less serious than male defendants' cases, we would expect to find more leniencies afforded to female defendants through case dismissal and charge reduction decisions.

Charge reductions and case dismissals represent decisions with direct consequences for the defendant. Lowered charges will ultimately result in more lenient handling in sentencing decisions. Furthermore, researchers have argued that early criminal charges ultimately impact the trajectory of the case, even if the charges later change (Frenzel & Ball, 2007). In a 2004 study, Wilmot and Spohn argued that the number of counts originally filed by the prosecutor later affected sentence severity,

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<sup>1</sup> Information regarding the criminal justice process in the state of New York was taken the New York State Unified Court System. For more information, please see the Criminal Justice system Handbook at <http://www.nycourts.gov/litigants/crimjusticesyshandbk.shtml#anchor750944>

despite the fact that some of these earlier charges were dismissed during the plea-bargaining process. Despite such findings, minimal research currently exists on decisions occurring between arrests and conviction (Demuth & Steffensmeier, 2004; Ball, 2006). The current study adds to this sparse, but important, area of criminological research.

The issue of whether gender differences exist in case process decision-making is addressed by two different questions. First, we examine whether males or females are more likely to have their case dismissed. Then, we explore whether there is a gender difference in the likelihood of receiving a charge reduction. By analyzing the two different outcomes, we stand to gain a more comprehensive view of how women are treated relative to men in the earlier stages of the criminal justice process.

## Chapter 2. LITERATURE REVIEW

The bulk of research on gender disparities has been on sentencing decisions. The focus on sentencing is partly due to the higher visibility aspect of sentencing, the availability of relevant data, and the increased regulations imposed at the sentencing stage (Demuth & Steffensmeier, 2004). Decisions made at the sentencing stage result in direct and quantifiable forms of punishment, unlike decisions at earlier stages which may affect later sentencing outcomes only indirectly.

The effects of gender on case processing have been shown to vary from stage to stage, signifying the need for research to study the different decision points (Nagel & Hagan, 1983; Steffensmeier, Kramer, & Streifel, 1993; Daly & Tonry, 1997; Alozie & Johnston, 2000). A few studies have expanded on gender disparity research by examining decisions made at earlier stages of the criminal justice process, most notably pretrial release, charge reduction, and case dismissal. The limitations of prior research, however, are notable, as the majority of studies have utilized older databases with small female samples. The studies have furthermore varied significantly in the measurements used to assess gender disparities.

While sentencing research has primarily focused on judicial decision-making, research on earlier case processing examines another important player in the criminal justice system- prosecutors. Prosecutors have been recognized as key players in the criminal justice process, endowed with a great amount of discretion, particularly in earlier stages (Albonetti, 1987). Over 90% of cases in most jurisdictions in the United States result in guilty pleas, a large number of which are plea agreements negotiated with prosecutors (Ulmer et. al., 2007). Furthermore, screening and plea-bargaining, two

aspects under which prosecutors exercise discretion, have been argued to represent the most important decisions made in the criminal justice process as they affect the largest number of cases (Figueira, 1985).

Prosecutorial decisions have profound impacts on the defendant's case as charges filed or negotiated by prosecutors influence the sentencing outcome. Many researchers have argued that the implementation of sentencing guidelines and mandatory minimums designed to control the discretion of the judges has in fact placed more power in the hands of prosecutors (Wilmot & Spohn, 2004) .

Prosecutors are responsible with making a number of influential decisions, the most important being 1) whether a criminal charge will be formally filed, 2) the number and the severity of the charges filed, and 3) whether to dismiss or divert charges (Albonetti, 1987; Franklin, 2010). The current study investigates prosecutor's decisions to reduce charge severity through case dismissals and charge reductions.

We begin by reviewing research on both stages of the criminal justice process and identifying the current gaps in knowledge and research. First, we present an overview of relevant gender studies addressing sentencing decisions that has constituted the majority of gender disparity research. Next, we review prior research examining gender disparities at earlier stages of the criminal justice process (i.e. pretrial release, charge reduction, and case dismissal). While much of our knowledge on how gender effects case processing has derived from sentencing literature, as explained above, both areas of research are imperative for a full understanding of how gender affects case processing.

## Sentencing Research

Women have been and continue to be underrepresented in arrest, court, and prison populations (Daly & Tonry, 1997). In response to the disproportionate numbers of women in prison relative to their population size, researchers have questioned whether men and women are treated differently during sentencing. Concern among researchers and policy-makers that women may be subject to more lenient treatment has prompted a number of investigations into the subject matter.

Gender effects have been found more frequently than race effects in sentencing studies (Daly & Bordt, 1995) and have shown to be larger in sentencing outcomes than in case dismissals and convictions (Steffensmeier et. al., 1998). While there is a long history of studying gender effects in sentencing outcomes, Steffensmeier et. al. (1993) and Daly and Bordt (1995) provide two comprehensive reviews of the more robust statistical analyses in the years prior to the mid 1990s. Following a description of their reviews, we then focus on the gender and sentencing literature in the last 15 years.

Daly and Bordt's (1995) analysis of statistical gender effect research showed gender to be a relevant factor in sentencing decisions. Analyzing 50 gender studies, the authors found gender effects favoring women in half of the included studies. One-quarter of the reviewed studies further showed mixed effects while the remaining one-quarter showed no effects. The authors noted that while the introduction of better controls may have reduced the size of the gender effects in the studies, the gender effects would remain robust (Daly & Bordt, 1995).

In a different literature review including post-1960 studies of gender effects on sentencing, Steffensmeier et. al. (1993) reached similar conclusions. Including only

studies that had controls for legally relevant variables, the authors found that the majority of articles concluded female defendants were less likely to be incarcerated than male defendants. Steffensmeier et. al. (1993) noted small offense and case samples, as well as weak controls for defendants' prior record and offense seriousness, as being some of the major limitations of the reviewed studies. As discussed below, some of these problems have continued to plague the sentencing research.

In the last 15 years, researchers have continued to explore the prevalence of gender disparities in sentencing outcomes while incorporating more rigorous controls. Table 1 provides a quick summary of the empirical articles since 1998 addressing sentencing outcomes and gender disparities. All ten of the multivariate statistical studies include some measure of criminal history and controls for the type of offense and offense severity. Small female sample sizes, however, continue to be a persistent problem in the literature. Four of the ten studies reviewed utilize databases with female samples of less than 1,000 defendants. The smallest subsample of female defendants had a mere 239 female cases when analyzing imprisonment decisions, while the largest subsample had 25,261 female defendants (Griffin & Woolredge, 2006 ; Johnson, 2006 respectively). Larger sample sizes are apt to draw more reliable results, underlining the importance of larger female sample sizes in gender disparity research.

All of the studies listed in Table 1 included either a dichotomous in/out measurement (i.e. whether or not the defendant was incarcerated) or a measure of sentence length, with a significant number of studies utilizing both. The reliability of the findings is enhanced through this standardization of measurement.

Table 1. Multivariate Statistical Studies of Gender Effects on Sentencing since 1998

Study (Data Period)	Sample Size: Total (No. Females)	Data Source	Prior Record	Offense Severity	Gender Effects		
					In/out	Sentence Length	Direction
Steffensmeier, Ulmer, & Kramer 1998 (1989-1992)	138,916 (19,201)	Pennsylvania Commission on Sentencing (PCS).	Criminal History (weighted 7 point scale of prior convictions)	Offense type (15 offense dummy variables), Offense Severity (10 point scale)	Female defendants less likely to be incarcerated relative to males (across race).	Females received shorter sentences than males (across race).	Favorable for women at both stages; extent of gender effect differs by race.
Spohn & Beichner 2000 (1993-1994)	7,070 (734)	Random sample of offenders convicted in Chicago, Miami, Kansas City	Mean # of prior felony convictions	Offense Type (Violent, Property, Drug Felony) and Class of Most Serious Conviction Charge <sup>a</sup>	Gender effect in all 3 jurisdictions studied; gender not conditioned by race (except in one jurisdiction) <sup>b</sup> .	N/A	Favorable for women (across race).
Mustard 2001 (1991-1994)	77,236 (12,916)	Federal sentencing data, cases received by the USSC	Criminal history score as calculated by the US Sentencing Commission (1-6)	Offense level (1-43+) and offense type as calculated by the US Sentencing	Female defendants less likely to be assigned to prison term.	Females received fewer months than males.	Favorable for women at both stage, most gender differences result from departures from guidelines.
Koons-Witt 2002 (1977-1978, 1980-1984, 1994)	3,015 (896)	Minnesota before and after introduction of sentencing guidelines	Prior Misd. (0-6) Prior Felony (0-6)	Offense Type (Drug vs. Property Felony Offenses) & Severity Level (1-8)	No effect at any time period, expect for women with dependent children.	N/A	Favorable for women with dependent children only.
Griffin & Woolredge 2006 (1995-1997)	indictments: 5,472 (1,069) convictions: 3,951 (761) imprisonments: 1963 (239)	Felony defendants from sample of Ohio counties.	Felony conviction, # Prior Prison terms and Juvenile Incarcerations.	Offense Type (Drug, Property, Violent Felony). Charge Severity (Felony 1- Felony 3)	Female defendants less likely to be sent to prison (across race).	No main sex effect found.	Favorable for women (regardless of race) for imprisonment decision only.
Steffensmeier & Demuth 2006 (1990, 1992, 1994, 1996)	24,254 (3,729)	State Court Processing Statistics (nation's most populous counties)	Criminal history measured in 3 different ways <sup>c</sup>	Set of 10 dummy variables representing the offense type of the most serious conviction charge	Female defendants less likely to be incarcerated than male defendants (across all racial-ethnic groups).	Females received shorter sentences than male defendants (across all racial-ethnic groups).	Favorable for women; size of gender difference is conditioned by race/ethnicity of the defendant.

Study (Data Period)	Sample Size: Total (No.)	Data Source	Prior Record	Offense Severity	Gender Effects		
					In/out	Sentence Length	Direction
Rodriguez, Curry, & Lee 2006 (1991)	6,130 (908)	Random sample of felony defendants in seven largest Texas metro counties	# of prior misdemeanor and felony convictions	Offense type (violent, property, and drug felonies) and Disposition seriousness (first, second, third degree felonies)	Female defendants less likely to be incarcerated relative to males but, dependent upon offense type <sup>d</sup> .	Females received shorter sentences than males for all offense types studied.	Favorable for women at both stages; extent of gender effect differs by offense type.
Johnson 2006 (1999-2000)	148,590 (25,261)	Pennsylvania Commission on Sentencing	Prior Criminality	Offense Severity and Offense Type (Violent, Property, Drug, Other)	Female defendants less likely to be incarcerated relative to males.	Females received shorter sentences than males.	Favorable for women at both stages.

Sentencing Cases Examining Departures.

Study (Data Period)	Sample Size: Total (No.)	Data Source	Prior Record	Offense Severity	Gender Effects		
					Received downward departure	Magnitude of downward departure	Direction
Kramer & Ulmer 1996. (1985-1987, 1989-1991)	51,007 (4,370)	Pennsylvania Commission on Sentencing	Criminal history score (0-7), including number and severity of past convictions	Offense severity and offense type as calculated by the PA Sentencing Commission	Female defendants more likely to receive dispositional departures. <sup>e</sup>	Little to no sex effect on the durational departure <sup>f</sup>	Favorable for women in the decision to depart from guidelines when it involves incarceration.
Engen et. al. 2003 (1989-1992)	46,552 (7,449)	Washington State Sentencing Guidelines Commission	Criminal history score (0-9)	Offense Seriousness Level (1-14), Type of Offense (Violent, Drug, Sex, Property)	Female defendants more likely to receive downward departures and sentencing	N/A	Favorable for women in the decision to receive downward departures and sentencing

<sup>a</sup>Type of class charge dependent on jurisdiction (included several).

<sup>b</sup>Included analyses of prison vs. jail instead of in/out for some jurisdictions.

<sup>c</sup>Included a measure of prior contact with the criminal justice system, whether if the defendant ever failed to appear in court in the past, and a variable indicating the criminal justice status of the defendant at the time of the most recent arrest.

<sup>d</sup>Female defendants less likely to be sentenced to prison for property and drug offenses, but not violent.

<sup>e</sup>Dispositional departures are defined as when an offender receives no jail time when the guidelines call for either county jail or state prison incarceration.

<sup>f</sup>Durational departure is a measurement that assesses the extent to which a sentence is below the minimum sentence from the applicable standard range minimum.

Notably, all of the sentencing studies since 1998 found favorable treatment for female defendants in sentencing, with gender effects more prevalent in the in/out decision than sentence length. The two studies examining downward departures found favorable effects for women in the decision to depart from guidelines. While all studies found female defendants less likely to be incarcerated relative to male defendants, the size of the gender effects were small and subject to other considerations such as offense type. Furthermore, studies analyzing sentence length had mixed results concerning whether or not a gender effect existed.

Based on the sentencing literature, we expect to find a small but significant gender effect in the charge reduction stage. Furthermore, our reading of the literature suggests that the gender effect remains across White, Black, and Hispanic defendants.

#### Earlier Stages of the Criminal Justice Process

Gender disparities at earlier stages of the criminal justice process have received significantly less attention than sentencing decisions. Because earlier case decisions are less visible and formal than sentencing, presentencing decisions have the potential to contain even greater gender and racial biases than the sentencing phase (Spohn, Gruhl, & Welch, 1987; Free, 2002). Researchers who ignore earlier biases may therefore reach misleading conclusions about the effects of offender characteristics such as gender when analyzing the sentencing phase (Katz & Spohn, 1995; Free 2002). Earlier stages also contain a larger pool of defendants compared to the sentencing stage and the pools of defendants may differ in significant ways between the two stages (Katz & Spohn, 1995). Whether or not gender differences are found can therefore partly depend on the processing stage at which the database is collected (Free, 2002).

Many of the earlier case decisions are not made in isolation. Bail and pretrial release decisions are often made in conjunction with the judge and the prosecutor. Prosecutors' decision to accept a case, whether to dismiss a case, and what to formally charge a defendant with can be made, and frequently are, in consultation with police officers and require approval from judges. Plea-bargaining has additionally been recognized as a process that begins immediately after arrest and involves a number of decisions, made by different officials, over an extended period of time (Walker, 1993). While we recognize the complex interplay of criminal justice actors in these earlier decisions, for the sake of parsimony we focus solely on the role of prosecutors in these earlier decisions.

Research on prosecutorial decision-making has varied in approaches, measurements, and controls. Table 2 provides a summary of the key studies on prosecutorial discretion. For the purposes of the study, we present a review of the literature on prosecutorial discretion that dealt specifically with the effects of the defendants' gender on case processing.

The studies summarized in Table 2 all included controls for legally relevant variables, most notably controlling for the defendant's prior record and the severity of the offense. While some articles choose to focus on particular types of cases (i.e. violent felonies, drug cases, or domestic violence cases), most of the studies limited their sample to felony cases. By focusing on one type of offense or particular severity level, the results may under-estimate, or even over-estimate, the amount of charge reduction taking place. As seen previously in the sentencing literature, many of the studies utilize older databases with small female sample sizes. Of the nine multivariate studies reviewed in Table 2, six

Table 2. Multivariate Statistical Studies of Gender Effects concerning Pretrial release, Case Dismissal, and Charge Reduction

Study (Data Period)	Sample Size: Total (No. Females)	Data Source	Stage in Case Processing	Dependent Variable	Offense Severity & Controls	Gender Effects	
						Outcome	Direction
Bishop & Frazier 1984 (1972-1975)	250 (72)	One six-county judicial district in Florida	Charge Reduction	Three measurements comparing the charge initially filed by prosecutor to conviction charge.	Both felony and misdemeanors. Controlled for offense type, criminal history, amount of bond and length of detention.	Found no evidence females treated more leniently than males in plea negotiations.	No gender effect.
Figueira-McDonough 1985 (1974)	421 (950)	PROMIS data from Washington D.C. (closed cases in DC)	Charge Reductions and Sentence Outcomes by type of plea	Types of charge pleas (innocent plea, guilty plea to original charge, guilty plea to lesser charge) and Sentence Severity (fine, probation, <1 yr commitment, >1 yr commitment).	Controlled for offense type, level of seriousness, strength of evidence, prior record, defense resources.	Females plea bargain less than males (less opportunity to) and when both plea to original charge, males receive more lenient sentences.	Unfavorable for females in charge and sentence reductions.
Spohn, Gruhl, & Welch 1987 (1977-1980)	Rejected 33,332 (3,693) Dismissed 17,709 (1,482)	Random sample from PROMIS data from L.A. county	Decision to reject/dismiss case	Decision to prosecute or not (Reject vs. not reject) and decision to dismiss after charge filed (Dismiss vs. not dismiss).	Felony cases. Controlled for prior criminal record, seriousness of charge, weapon.	Females more likely to have charges against them rejected and to have filed charges dismissed (across all races).	Favorable for females in both the decision to reject charges and the decision to dismiss a case.
Katz & Spohn 1995 (1976-1978)	6,625 (533)	Violent felonies in Detroit Recorder's Court.	Pretrial release (Bail Outcomes)	Dichotomous variable of whether defendant was released prior to trial and second variable regarding amount of bail.	Violent felonies. Controlled for seriousness of charge, criminal history, whether "good risk", and other case characteristics.	Female defendants more likely to be released pending trial, no significant gender differences in amount of bail.	Favorable for females in likelihood to be released before trial.

<u>Study (Data Period)</u>	<u>Sample Size: Total</u>	<u>Data Source</u>	<u>Stage in Case Processing</u>	<u>Dependent Variable</u>	<u>Offense Severity &amp; Controls</u>	<u>Gender Effects</u>	
						<u>Outcome</u>	<u>Direction</u>
Alozie & Johnston 2000 (1989-1991)	5,715 (1,038)	Drug possession charges from one-county jurisdiction in Arizona	Pretrial Diversion	Dichotomous diversion outcome variable (Diverted or not).	Only drug cases. Controlled for drug charge, # of charges, prior arrests.	Females more likely to have their case diverted (varies by race/ethnicity).	Favorable for females in likelihood of case diversion.
Demuth & Steffensmeier 2004 (even years 1990-1996)	39,435 (6,120)	Sample of felony defendants from nation's 75 most populated counties	Pretrial release (decisions and outcomes)	Dichotomous variable indicating whether defendant was detained or released before trial, as well as 4 other dependent variables measuring series of decisions	Felony cases only. Controlled for offense severity and criminal history.	Females more likely to receive favorable pretrial release decisions (i.e. nonfinancial release options, lower bail amounts) and more likely to gain pretrial release.	Favorable for females in pretrial release decisions and outcomes.
Ball 2006 (1993)	2,578 (243)	Formally charged felony cases in Cook County (Chicago)	Charge reduction	Dichotomous variable indicating whether number of counts reduced from initial charge.	Only defendants who pled guilty to a felony. Controlled for offense severity, criminal history, and other case/offender characteristics.	No gender effect found for decision to reduce the number of charges.	No gender effect.
Worrall, Ross, & McCord 2006 (2003)	215 (46)	crime reports from police dept. in Southern CA and info from county district attorney's office	Decision to prosecute	Dichotomous variable on decision to prosecute (yes vs. no) and on type of charge (felony vs. misdemeanor)	Domestic violence cases. Severity and nature of the case as well as past domestic violence history.	Females less likely to be charged with domestic violence. Not significant for type of charge.	Favorable for females for less likely to be charged with domestic violence case.

<u>Study (Data Period)</u>	<u>Sample Size: Total</u>	<u>Data Source</u>	<u>Stage in Case Processing</u>	<u>Dependent Variable</u>	<u>Offense Severity &amp; Controls</u>	<u>Gender Effects</u>	
						<u>Outcome</u>	<u>Direction</u>
Frenzel & Ball 2007 (1998)	3,255 (340)	data from Pennsylvania Commission on Sentencing in one metropolitan country in PA	Charge reduction	Two-category dependent variable (negotiated pleas vs. non-negotiated pleas) and three-category dependent variable (negotiated pleas, non-negotiated pleas, and bench/jury trial)	Felony offenses. Controlled for type and severity of offense, criminal history, and other case/offender characteristics.	No gender differences for receiving negotiated vs. non-negotiated plea. Females also more likely to go to trial.	Unfavorable for females as more likely to go to trial.

of the studies have female sample sizes of less than 1,000 offenders. In order to have a complete and accurate picture of gender disparities in earlier case processing, more recent data and larger female samples are needed.

Unlike the relatively standardized measurements seen in the sentencing literature, the studies in earlier case processing employed a number of different measurements to assess gender disparities. Only four of the nine studies directly examined charge reduction. More importantly, the measurements employed for these four studies varied significantly. Two of the studies analyzed whether the defendant pled guilty to either the original charge or a negotiated lower charge, or pled innocent and went to trial (Figueira-McDonough, 1985; Frenzel & Ball, 2007). Another study only assessed whether the number of counts a defendant was charged with reduced from their initial charge count (Ball, 2006). Finally, the last study used three different measurements to compare the defendant's initial charge to their final conviction charge (Bishop & Frazier, 1984). The three measurements used were designed to test the amount a charge was reduced. Our study most closely mirrors the Bishop & Frazier (1984) study as we will be comparing the initial arrest charge to the final charge. The inconsistent measurements between studies illustrate the need for more standardized handling of charge reduction research.

Compared to the overall trend found in the sentencing literature, research regarding gender disparities in charge reduction is more mixed. Two of the studies measuring charge reduction found no gender effect (Bishop & Frazier, 1984; Ball, 2006), while the remaining two studies found unfavorable results for females, with females having less opportunity to plea bargain than males (Figueira-McDonough, 1985; Frenzel

& Ball, 2007). The mixed results combined with the lack of research highlights a need for further study into charge reduction.

The five remaining studies examined different aspects of the prosecutorial decision-making, notably the decision to reject/dismiss a case (or prosecute), pretrial release and pretrial diversion. As Table 2 shows, the above mentioned studies found favorable effects for female defendants. Female defendants were more likely to have their case rejected or dismissed (or less likely to be prosecuted), more likely to be released before trial, and more likely to have their case diverted. While these studies reflect findings in sentencing research that female defendants receive more lenient treatment than male defendants in case processing, they also stand in stark contrast to the findings in charge reduction research. Sentencing and case dismissal decisions both represent finite decisions with direct consequences, which may help explain the similarity in gender effects between the two areas of research. Charge reductions, on the other hand, are still subject to further changes and sentencing decisions. Gender may therefore operate differently in the decision to dismiss or reject a case, compared to charge reduction decisions. Further research is needed in the area to determine how gender operates in these decision-making processes.

### Chapter 3. THE CURRENT STUDY

There exist major gaps in the current empirical work on gender disparities in criminal case processing. As discussed above, the bulk of prior literature has utilized older databases that include small female sample sizes. Furthermore, scarce research exists on charge reduction and case dismissal in general. The current study contributes to the field of gender disparity research by expanding on prior literature and overcoming some of the limitations of older research.

Using New York arrest data from the year 2000, the current study assesses whether there are gender differences in case dismissal and charge reduction decisions. The study allows for a broader view of gender disparities by including both misdemeanor and felony cases and including all relevant offenses. The sample is expansive in the area covered and overcomes limitations regarding small female sample sizes by including over 90,000 female arrests. For these reasons, the study stands to contribute to a relatively underexplored area of criminal justice research.

## Chapter 4. THEORETICAL FRAMEWORK

A number of theoretical perspectives have been used to examine case-processing decisions. One of the most prominent theories in current literature has been the focal concerns framework (Steffensmeier, 1980; Steffensmeier et. al., 1993; Steffensmeier et. al, 1998). The focal concerns theory has been applied to a wide range of discretionary decisions in the criminal justice process, including parole decision-making (Huebner & Bynum, 2006). The current study applies the focal concerns perspective to case dismissal and charge reduction decisions.

### *Focal concerns*

Steffensmeier (1980) originally suggested five factors that cause gender differences in case processing: chivalry, naiveté, practicality, defendant's perceived future criminality, and the perceived danger of the defendant. Of these factors, Steffensmeier argued there was more evidential support that gender differences in sentencing result from judges considering how dangerous they believed the defendant to be and the likelihood of the defendant engaging in future criminal activities. Chivalry, or the generally protective attitude afforded to females, was argued to be the least significant factor contributing to gender disparities in sentencing. These factors were later modified and developed into the focal concerns theory.

The focal concerns theory asserts that judges and other decision-makers focus primarily on three areas of the defendant's case when making decisions (Steffensmeier et. al., 1998). These areas include the offender's blameworthiness and the harm done to the victim, protection of the community, and practical implications of the sentencing decisions. The focal concerns theory compliments findings in research that the severity of

the offense and the defendant's prior criminal history will be important predictors of case-processing decisions. The theory also provides an explanation as to why there may be differences in case processing decisions based on extra-legal factors, such as the defendant's gender, race, and age. This combination and consideration for both legal and extra-legal factors in case processing has made focal concerns an adaptable and widely used theory.

In assessing the defendant's "blameworthiness", court actors are said to be judging the seriousness of the offense and how responsible the defendant was for the event occurring. Steffensmeier et. al. (1998) argues that increased perception of offender culpability and injury to the victim lead to harsher punishment. This perspective aligns with findings in sentencing research identifying seriousness of the offense as the most significant factor in sentencing (Steffensmeier et. al, 1993; Steffensmeier et al, 1998).

Women not only engage in less serious forms of crime, but they may also be perceived as less responsible for their actions. Thus, the criminal activities of women are more likely to be attributed to external factors; such as poor or criminogenic environments and "bad" male companionship (Steffensmeier, 1980). In the example of violent crime, women engage in less serious violent crime than men as well as tend to serve less culpable roles in the violent crimes they commit. Furthermore, the females' violent acts tend to be situation specific, generally occurring in private settings and with an intimate (Steffensmeier et. al, 2009). Thus, decision-makers may view female offenders as victims, either coerced by male offenders, drugs, or other negative or situational influences. Stereotypes regarding women as more dependent than men and more easily influenced may work to their benefit in criminal justice decisions.

The focal concerns theory additionally argues that court actors take into account the protection of the community. Consideration is given as to how dangerous the offender is and the risk that the offender may recidivate. Due to the historically lower and less serious involvement of women in crime, female offenders may be viewed as better candidates for rehabilitation and less likely to commit future crimes, making them a lower risk (Steffensmeier, 1980). Definitions typically associated with male roles, such as aggressiveness and autonomy, and the greater physical strength of males further serve to strengthen the perception of male offenders as more dangerous than female offenders (Steffensmeier, 1980; Steffensmeier & Kramer, 1980). Such perceptions of males as being more dangerous than females and of women as being more responsive to rehabilitation efforts may serve to benefit women in the decision-making process as well.

Finally, practical implications of sentencing are also argued to influence the decision-making process. Steffensmeier et. al. (1998) argued that judges might be hesitant to impose harsher punishments that involve jail time to female offenders due to concerns about possible physical or sexual exploitation. Judges may also perceive female offenders as having more responsibilities within their family and community. By having stronger community ties and more family responsibilities, judges may consider the burden that harsher sanctions would impose on members of their family and community. In 2002, Koons-Witt found that women with dependent children were more likely to receive more lenient sentences than women without dependent children. Stronger social ties may therefore be influential in judges' sentencing decisions for female, but not male, offenders.

Most importantly, the focal concerns theory argues that the seriousness of the offense and the defendant's prior record will be the largest determinants in the outcome of the case. As discussed above, the seriousness of the offense and the offender's prior record can both influence how blameworthy and dangerous the court actor views the offender and whether it would be safe to release the defendant into the community. In the current study, defendants with more serious felony charges as defined by the New York Penal code are expected to be viewed, and therefore treated, as more serious (and dangerous) offenders. Additionally, defendants with a prior felony or misdemeanor conviction record are likewise expected to be treated as more dangerous offenders and receive harsher treatment. Using this model, the current study applies the focal concerns perspective to prosecutor's decision to dismiss or reduce charges.

## Chapter 5. MAJOR AIMS AND HYPOTHESES

The issue of whether gender differences exist in these earlier stages of case processing is addressed by two separate research questions described below.

- Do women have a greater likelihood of having their case dismissed? Does the gender effect on case dismissal vary by the severity of the offense?
- Do women have a greater likelihood of experiencing charge reduction between their initial arrest and final charge? Does the gender effect on charge reduction vary by the severity of the offense?

The database used for the current study is unique in its ability to address these questions. Based on our review of the sentencing literature, we expect to find favorable effects for female defendants in case dismissal and charge reduction decisions.

## Chapter 6. DATA AND METHODS

The New York State Division of Criminal Justice Services collected the database used in the current study. The dataset is unique in its ability to address the study's primary questions as well as overcome many limitations of prior gender disparity research. The dataset in particular, and New York in general, represent ideal choices to address case dismissal and charge reduction decisions for a variety of reasons which we discuss below.

One of the key features of the current dataset is its ability to track individual arrestees over an extended period of time. Information is given on both the defendant's initial arrest charge and a later final disposition charge, which allows for analyses into charge reduction and case dismissal. Furthermore, the dataset includes all arrests in the state of New York for the year 2000, allowing for more recent analyses into charge reduction decisions. The dataset includes individuals arrested in both urban and rural settings, as well as for all types of crimes. Unlike many prior studies, the dataset includes a substantial number of female defendants, including over 90,000 female arrest charges.

New York is well suited for the research for several reasons. First, New York has long been recognized as a melting pot for different racial and ethnic groups. The race percentages in the state of New York closely match that of the entire United States, with slightly higher percentages for Black and Hispanic persons (17.3% vs. 12.8% Black and 16.7% vs. 15.4% Hispanic).<sup>2</sup> New York also has an even gender distribution with 51.5% of the population being female. Moreover, New York represents approximately 6.36% of the entire US population according to the US Census. Due to the large and diverse population of the state, New York is an ideal state to study gender trends.

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<sup>2</sup> Statistics taken from the US Census Bureau, 2008.

The ranked ordering of grade level offenses in the New York Penal System allows for easy comparison as to whether charge reductions have in fact occurred. As discussed earlier, criminal offenses are divided into three main categories: violations, misdemeanors, and felonies. Within each of these categories, the offenses are further subdivided by levels indicating the seriousness of the offense. The ranked ordering allows for an objective comparison as to whether a reduction in charge severity occurred between the initial arrest and final charge.

All persons arrested in the state of New York in 2000 were included in the dataset. The original dataset included information on 585,480 arrests for both juvenile and adult offenders. We decided to use only adult offenders in the current study since juvenile offenders are subject to a juvenile court system, which may have affected how the individual's charges were handled earlier in the process.<sup>3</sup> Cases that included missing information on arrest or final charges, were categorized as having a "both" gender, or received an arrest charge lower in severity than a violation or received an A-1 felony at the arrest stage were removed from the analyses<sup>4</sup>. Besides these exemptions, all crimes were used in the analyses as it was hypothesized that the type of crime and the initial severity of the charge would affect whether charge reduction or case dismissal occurred. The final sample included 489,233 adult offenders.

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<sup>3</sup> The original dataset included 58,585 juvenile offenders that were dropped from the analyses.

<sup>4</sup> Of the adult cases, approximately 1.3% of the cases were listed as having "both" genders (N=6,759). Local law felonies (n=4) and local law misdemeanors (n=4) were dropped from the analyses as they represented a minority of the population (Total N= 8) and the grade categories did not appear in the final charges. Due to the small frequency of cases, cases whose initial arrest charge was classified as an infraction (N=7) or a A-1 felony (N=2,501) were also dropped but not excluded for final charges. Cases that had missing arrest charge information (N= 3) or final charge information (N= 28,600 or 5.5% of the sample) were also dropped. The cases that had missing final charge information appeared to be missing at random. Analyses were conducted excluding those cases whose final charges appeared to be missing, and then re-run including them as "dismissed" cases. Excluding the cases whose final charges appeared to be missing did not significantly alter the findings and thus were excluded from all analyses.

## Demographics

Since the primary question concerned gender, it was critical to have a dataset with a large female offender sample. The New York dataset included a substantial number of female offender cases. Adult females in the current study represented slightly less than 20% of the total cases (Females N=93,593; Males N=395,640).

The breakdown of race and ethnicity for adults arrested in 2000 was slightly different from the New York population as a whole. According to the US Census Bureau, White persons represented 73.4% of the New York population but only 32.26% of the adult arrests. Black persons were overrepresented in the arrest data, accounting for only 17.3% of the New York population but 38.99% of the adult arrests. Hispanic persons were likewise overrepresented in the arrestee population, with Hispanic persons constituting 16.7% of the New York population and 26.74% of the adult arrests.

## *Variables*

Two variables were essential in developing the measurements for case dismissal and charge reduction. These two variables, the grade level of the initial arrest and final charge, were a unique component of the dataset and permitted observation into a relatively understudied area of case processing.

The grade levels for the defendants' arrest charges and final charges were critical for developing the dependent measures (see x28 and x38 in Appendix A.1). As discussed earlier, the New York grade levels are ranked in order of the severity of the offense and thus penalty if convicted. Therefore, while both the initial arrest and final charge had additional information on the specific statute the defendant was charged with (ex. PL 19005012297), the grade levels corresponding to the statutes provided a more

parsimonious analyses of the severity of the charge.<sup>5</sup> To illustrate, we take the statute above, PL 19005012297, which identifies issuing a bad check. This particular crime is considered a class B misdemeanor (grade level) and would result in a maximum imprisonment sentence of 3 months. For a detailed list of the grade levels and associated punishments if convicted, see Table 3.

All defendants fell into one of eight distinct grade levels at their initial arrest charge. The grade levels at arrest include (from least severe to most severe): violation, class B misdemeanor, class A misdemeanor, Class E felony, class D felony, Class C felony, class B felony, and A-2 felony.<sup>6</sup> At the final charge disposition, defendants could also be charged with an infraction (the least severe category), an A-1 felony (the most severe category) or simply have their charges dismissed.<sup>7</sup>

The grade levels can be grouped into three distinct categories; infractions and violations, misdemeanors, and felonies. A felony is a crime that carries a sentence of imprisonment exceeding one year, or a sentence of death for murder in the first degree (New York State Unified Court System, 2009). The subclasses of felony offenses, in order of severity, are A-1, A-2, B, C, D, and E felonies. A misdemeanor charge represents a lower severity offense and the maximum penalty is a jail sentence of one

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<sup>5</sup> There were over 900 distinct statutes at the arrest level (for variables see x27 and x37 in Appendix 1).

<sup>6</sup> All cases had initially fallen into 15 distinct categories at the arrest level (please see x28 in the Appendix for the variables). Modifications were made to the original dataset by collapsing similar categories. A-1 felony non-reducibles (N=1,542) were combined with A-1 felony reducibles (N=959) to create a single A-1 grade level category. Furthermore, unclassified misdemeanors (N=39,924), which were lower in severity than Class B misdemeanors, were combined with Class B misdemeanors (N=82,110) to create a single grade level category (Class B misdemeanors). The modifications were made to create a more parsimonious group of grade levels and because there were no discernable differences in grade levels between the collapsed categories.

<sup>7</sup> All cases had initially fallen into 15 distinct categories at the final arrest level as well (again, please see x38 in the Appendix for the variables). Modifications were made to the original dataset by collapsing similar categories. A-1 felony non-reducibles (N=342) were combined with A-1 felony reducibles (N=357) to create a single A-1 grade level category. Furthermore, A-3 felonies (N=5) were combined with A-2 felonies (671) to create a single A-2 grade level category. Finally, unclassified misdemeanors (N=19,415) were combined with Class B misdemeanors (N=65,791) to create a single Class B misdemeanor grade level category. The modifications were made to create a more parsimonious groups of grade levels and because there were no discernable differences in grade levels between the collapsed categories.

Table 3. Modified Grade Level Categories for Arrest and Final Charges for Adult Offenders

Grade Severity Charge (Most Lenient to Most Severe)	Maximum Imprisonment if Convicted for 1st time offenders	Example of Common Offenses	Arrest Counts <sup>a</sup>	Final Charge Counts <sup>a</sup>
Infraction		Operating a vehicle under the influence	N/A	23,387
Violation	15 days	Loitering, marihuana possession	37	114,731
Class B Misdemeanor	3 months	Marihuana possession, criminal trespass	115,217	85,189
Class A Misdemeanor	1 year	Criminal possession of a controlled substance, petit larceny	225,776	179,662
Class E Felony	4 years	Criminal mischief, grand larceny, criminal contempt	38,459	15,502
Class D Felony	7 years	Assault, grand larceny, criminal poss. of a forged instrument	51,017	20,551
Class C felony	15 years	Burglary, robbery	14,406	10,670
Class B Felony	25 years	Criminal sale/ poss. of a controlled substance	43,044	12,703
A-2 Felony	Life Sentence (minimum 3 years)	Criminal sale/ poss. of a controlled substance	1,277	256
A-1 Felony	Life Sentence (minimum 15 years)	Criminal poss. of a controlled substance, kidnapping	N/A	75

Note: The examples chosen for common offenses represent some of the most frequent charges at arrest and final charge. Criminal sale and possession of a controlled substance appears for multiple grade levels indicating the large number of drug offenses and their range of severity. The punishment ranges for felonies are listed as would be applied to first time offender.

<sup>a</sup>These counts adjust for cases that were dropped for various reasons.

year or less (New York State Unified Court System, 2009). The misdemeanors are further divided into class A and B misdemeanors. Finally, infractions and violations represent the least serious offenses, with penalties not exceeding a fifteen-day jail sentence (New York State Unified Court System, 2009). For more detailed information on the types of offense in each grade level and maximum punishments if convicted, see Table 3.

The majority of defendants received a misdemeanor charge at both the arrest stage and final stage. Class A misdemeanors and class B misdemeanors made up the largest percent of grade levels at arrest, with 23.55% of offenders receiving a class B misdemeanor and 46.15% receiving a class A misdemeanor. This indicates that the majority of charges included in the sample were for less serious offenses, and thus the offenders were facing a less serious penalty if convicted.

There was significant shift in grade levels between the defendant's initial arrest and final charge. Table 4 details the percentage of cases at each arrest grade level and the subsequent shift in grade levels at the final charge. The bold represents the percentage of cases in each category that remained consistent in grade levels between their initial arrest and final charge. To the left of the bold numbers are the percent of cases that experienced a reduction in grade level at their final charge. To the right of the bold numbers are the percent of cases that ended in a final grade level more severe than their initial arrest grade level. As Table 4 illustrates, the percent of cases that maintained a consistent grade level ranged from 14.80% (A-2 felonies) to 57.24% (Class A misdemeanors). For misdemeanor cases, a majority of charges did not change grade levels, with 54.57% of class B misdemeanors and 57.24% of class A misdemeanors remaining consistent. Overall, if change did occur, it appears that majority of change was in the direction of

Table 4. Initial Arrest Charge by Final Charge

		Final Charge (Grade Severity)											Total	
		Dismissed	Infraction	Violation	Class B misdem.	Class A misdem.	Class E felony	Class D felony	Class C felony	Class B felony	A-II felony	A-I Felony		
Arrest Charge (Grade Severity)	Violation	Count	(2)	(0)	(14)	(11)	(10)	(0)	(0)	(0)	(0)	(0)	(0)	(37)
	% within AC	5.41%	0.00%	<b>37.84%</b>	29.73%	27.03%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
	% of Total	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.01%
	Class B misdem.	Count	(3246)	(20288)	(26038)	(62875)	(1706)	(852)	(184)	(17)	(9)	(2)	(0)	(115217)
	% within AC	2.82%	17.61%	22.60%	<b>54.57%</b>	1.48%	0.74%	0.16%	0.01%	0.01%	0.01%	0.00%	0.00%	100.00%
	% of Total	0.66%	4.15%	5.32%	12.85%	0.35%	0.17%	0.04%	0.00%	0.00%	0.00%	0.00%	0.00%	23.55%
	Class A misdem.	Count	(12196)	(1552)	(68341)	(13355)	(129236)	(500)	(402)	(97)	(90)	(2)	(5)	(225776)
	% within AC	5.40%	0.69%	30.27%	5.92%	<b>57.24%</b>	0.22%	0.18%	0.04%	0.04%	0.04%	0.00%	0.00%	100.00%
	% of Total	2.49%	0.32%	13.97%	2.73%	26.42%	0.10%	0.08%	0.02%	0.02%	0.02%	0.00%	0.00%	46.15%
	Class E felony	Count	(2403)	(875)	(6352)	(4557)	(14507)	(8598)	(1048)	(76)	(42)	(0)	(1)	(38459)
	% within AC	6.25%	2.28%	16.52%	11.85%	37.72%	<b>22.36%</b>	2.72%	0.20%	0.11%	0.00%	0.00%	0.00%	100.00%
	% of Total	0.49%	0.18%	1.30%	0.93%	2.97%	1.76%	0.21%	0.02%	0.01%	0.00%	0.00%	0.00%	7.86%
	Class D felony	Count	(3896)	(579)	(8600)	(2863)	(20118)	(3476)	(10620)	(513)	(341)	(5)	(6)	(51017)
	% within AC	7.64%	1.13%	16.86%	5.61%	39.43%	6.81%	<b>20.82%</b>	1.01%	0.67%	0.01%	0.01%	0.01%	100.00%
	% of Total	0.80%	0.12%	1.76%	0.59%	4.11%	0.71%	2.17%	0.10%	0.07%	0.00%	0.00%	0.00%	10.43%
	Class C felony	Count	(1199)	(57)	(1592)	(511)	(4233)	(891)	(2682)	(2950)	(282)	(5)	(4)	(14406)
	% within AC	8.32%	0.40%	11.05%	3.55%	29.38%	6.18%	18.62%	<b>20.48%</b>	1.96%	0.03%	0.03%	0.03%	100.00%
	% of Total	0.25%	0.01%	0.33%	0.10%	0.87%	0.18%	0.55%	0.60%	0.06%	0.00%	0.00%	0.00%	2.94%
	Class B felony	Count	(3461)	(34)	(3746)	(996)	(9722)	(1157)	(5531)	(6739)	(11562)	(53)	(43)	(43044)
	% within AC	8.04%	0.08%	8.70%	2.31%	22.59%	2.69%	12.85%	15.66%	<b>26.86%</b>	0.12%	0.10%	0.10%	100.00%
% of Total	0.71%	0.01%	0.77%	0.20%	1.99%	0.24%	1.13%	1.38%	2.36%	0.01%	0.01%	0.01%	8.80%	
A-II felony	Count	(104)	(2)	(48)	(21)	(130)	(28)	(84)	(278)	(377)	(189)	(16)	(1277)	
% within AC	8.14%	0.16%	3.76%	1.64%	10.18%	2.19%	6.58%	21.77%	29.52%	<b>14.80%</b>	1.25%	0.00%	100.00%	
% of Total	0.02%	0.00%	0.01%	0.00%	0.03%	0.01%	0.02%	0.06%	0.08%	0.04%	0.00%	0.00%	0.26%	
Total	Count	(26507)	(23387)	(114731)	(85189)	(179662)	(15502)	(20551)	(10670)	(12703)	(256)	(75)	(489233)	
% within AC	5.42%	4.78%	23.45%	17.41%	36.72%	3.17%	4.20%	2.18%	2.60%	0.05%	0.02%	0.02%	100.00%	
% of Total	5.42%	4.78%	23.45%	17.41%	36.72%	3.17%	4.20%	2.18%	2.60%	0.05%	0.02%	0.02%	100.00%	

charge reduction. Focusing specifically on the two largest categories, we see that 40.21% of class B misdemeanors and 36.19% of class A misdemeanors lowered between 1 and 2 grade levels. Across all cases, it seems that the general trend is to remain the same grade level, or lower in severity, with very few cases increasing in grade level. Thus, it appears that our question of whether charge reduction is more likely for men than women is especially pertinent given the large number of cases whose grade level lowers in severity.

### Dependent Variables

To address whether female defendants were more likely to have their charges dismissed and receive charge reductions, two dependent variables were created. Both outcome measures were developed using the grade level variables discussed previously.

#### *Quantifying Case Dismissal*

The first dependent variable, *case dismissal*, was developed to address whether women were more likely than men to have their case dismissed. Case dismissal was determined by examining the defendant's final charge. Approximately 5.4% of the cases in the sample were dismissed.<sup>8</sup> A dichotomous variable was created where all cases in the sample were either designated as being 'dismissed' or 'not dismissed'. Cases whose grade levels lowered between the initial arrest and final charge, stayed the same, or raised were included in the 'not dismissed' category.

#### *Quantifying Charge Reduction*

The second dependent variable, *charge reduction*, was created to address whether females were more likely than males to have their charges reduced. Only cases whose

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<sup>8</sup> Some of the cases that were coded as being dismissed or missing final charges may have been cases that were diverted. While this recognizes a very important and distinct process, with the current data set I am unable to tell if cases were diverted or not. Some of the supplemental analyses will address this issue by analyzing drug cases separately.

charges were lowered or remained consistent between the initial arrest and final charge were considered in this part of the analyses. As Table 4 illustrates, the vast majority of cases either had their grade level remain consistent or reduced between their initial arrest and final charge. Very few cases experienced a raise in grade levels. More specifically, only 1.3% of all defendants had their charges raised (N=6,329).<sup>9</sup> Thus, due to the small number of cases that had their charges raised, these cases were excluded.

Whether the defendant's charges were lowered or remained the same was calculated by examining the grade level corresponding with the defendant's initial arrest and the grade level corresponding to their final charge. If the defendant's final grade level was lower than their initial grade level, the defendant's charges were calculated as being lowered. Individuals were categorized as their grade staying the same if their arrest grade level matched their final grade level.

When the sample was reduced to include only cases whose charges had been lowered or remained the same, the number of cases that had received a Violation at arrest dropped substantially (from N=37 to N=14). The number of cases who had received a Violation at the arrest stage was therefore too small to include in the charge reduction analyses and was thus excluded.

Table 5 gives a description of the grade level sample and dependent variables for the dismissal and charge reduction analyses. While the samples differ between the two dependent measures, the percent of cases that fell into each of the grade levels at arrest remained nearly identical. As discussed earlier, the majority of arrest charges were classified as a misdemeanor, a less serious offense. Approximately 69.7% of the arrest

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<sup>9</sup> The small amount of charge increases is consistent with prior research on departures above the standard range (Engen et. al, 2003).

Table 5. Description of Dependent Variable and Sample Characteristics

Variables Used to Construct Dependent	Dismissed Sample <sup>a</sup>		Charge Reduction Sample <sup>b</sup>		Maximum Imprisonment if Convicted for 1st time offenders
	<i>n</i>	Percentage	<i>n</i>	Percentage	
<i>Grade Severity Levels</i> <sup>c</sup>	Sample Size N= (489,233)		Sample Size N= (456,390)		
No Charge (Dismissed)	-	-	-	-	N/A
Infraction (1)	-	-	-	-	
Violation(2)	37	0.01	-	-	15 days
Class B misdemeanor (3)	115,217	23.55	109,201	23.93	3 months
Class A misdemeanor (4)	225,776	46.15	212,484	46.56	1 year
Class E felony (5)	38,459	7.86	34,889	7.64	4 years
Class D felony (6)	51,017	10.43	46,256	10.14	7 years
Class C felony (7)	14,406	2.94	12,916	2.83	15 years
Class B felony (8)	43,044	8.80	39,487	8.65	25 years
Class A-2 felony (9)	1,277	0.26	1,157	0.25	Life Sentence (minimum 3 years)
Dependent Variable	Dismissed Sample <sup>a</sup>		Charge Reduction Sample <sup>b</sup>		Definition of Variable (Change Occurring between AC and FC) <sup>d</sup>
	<i>n</i>	Percentage	<i>n</i>	Percentage	
Dismissed	Sample Size (N=489,233)		Sample Size N= (456,390)		
Not Dismissed (0)	462,726	94.58			Grade levels lowered, stayed the same, or raised
Dismissed (1)	26,507	5.42			Charges were dismissed by FC
Charge Reduction					
Not Reduced (0)			226,030	49.53	Grade levels remained consistent
Reduced (1)			230,360	50.47	Grade levels lowered

<sup>a</sup>Excluded from the Full Sample include cases that were juveniles, had "both" listed as gender, or were categorized as a no arrest, infraction, or A-1 felony at the arrest stage.

<sup>b</sup>Excluded from the Lowered/Stayed Same Sample include cases that were juveniles, had "both" listed as gender, were categorized as a no arrest, infraction, violation, or A-1 felony at the arrest stage, or cases whose charges were dismissed or raised at the final stage.

<sup>c</sup>The grade severity levels are in order from least severe to most severe.

<sup>d</sup>AC refers to the Arrest Charge while FC refers to the final charge.

charges were classified as misdemeanors in the dismissal sample and 70.5% of the arrest charges were classified as misdemeanors in the charge reduction sample.

### Independent Variables

The main variable of interest in both analyses is gender. Fortunately, no missing data for gender were found and only adult cases that were listed as being either male or female were included in the analyses.

Table 6 presents the percentage of male and female defendants arrested in each grade level. There is some variation between the percent of males and females arrested in each grade level. Again, focusing on the two largest categories, only 21.33% of females compared to 24.07% of males are charged with a class B misdemeanor at arrest. However, 52.891% of females compared to only 44.55% of males are charged with a class A misdemeanor at arrest. It is important to note that for all offenses higher in severity than a misdemeanor, males have higher percentages at arrest. Therefore, it appears that males may be more likely to be charged with more severe crimes at their initial arrest.

### *Controls*

Defendant's race was included in the analyses, as prior research has shown support for a defendant's race influencing sentencing and earlier case processing (Steffensmeier et al., 1998; Schlesinger, 2005). The arrest population was divided into four categories: non-Hispanic White, non-Hispanic Black, Hispanics, and Others. White defendants represented 32.26% of the cases, Black defendants 38.99%, Hispanic defendants 26.74%, and "other" defendants 2.01%.

Table 6. Description of Variables

Independent Variable	Description
<b>Offender Characteristics</b>	
Gender	Female=1, Male=0
Race	Black=1, Hispanic=2, Other=3, White=0
Age	In years, dummy coded groups (see text)
<b>Criminal History</b>	
Prior Misdemeanor Convictions	1-9 (9 includes 9+)
Prior Felony Convictions	1-9 (9 includes 9+)
Dependent Variable	Description
Dismissed	0= Not Dismissed (i.e. grade levels lowered, consistent, raised) 1= Dismissed
Charge Reduction	0= Grade Levels Not Reduced (i.e. grade levels consistent) 1= Grade Levels Reduced

Only adult cases were included in the analyses, or those individuals who were 18 or over at the time of the arrest. Age blocks were created to capture the effects of age on case dismissal and charge reduction. Offenders were grouped into 18-29, 30-39, 40-49 and over 50. The age categories represented 46.5%, 29.4%, 17.6%, and 6.5% of the adult defendants respectively.

The data included several legal variables that were predicted to have an impact on the individual's case processing. In order to assess the offense severity of the defendant's initial arrest charge, dummy variables were created for the arrest grade levels. Thus, dummy variables were included for Violations, B misdemeanors, A misdemeanors, and felonies E through A-2.

A count of the defendants' prior felony arrests and convictions and prior misdemeanor arrests and convictions were given for each individual. To avoid multicollinearity issues in the analyses, only defendants' prior misdemeanor and felony convictions were included in the models. Convictions were chosen, as opposed to arrests, as they arguably represent the most serious criminal history variables. The number of prior misdemeanor convictions ranged from 0 to more than 90. Approximately 94.3% of

all defendants, however, had 9 or less prior misdemeanor convictions. Thus, we included a variable allowing for a range of 0 to 9 or more misdemeanor convictions. The range for the number of prior felony convictions was much smaller, ranging only from 0 to 22 prior convictions. Again, approximately 99% of all defendants had 9 or less felony convictions. The variable for felony convictions thus allowed for 0 to 9 or more felony convictions. For a complete description of the independent variables and summary characteristics for each sample, please see Table 7.

### Analyses

The analyses were conducted in three separate stages. First, descriptive analyses were conducted to assess overall case dismissal and charge reduction trends across gender and arrest grade levels. Three separate tables were constructed for each question that assessed the percentage of cases that were dismissed or reduced according to the defendant's gender, race, or age and across arrest grade levels.

The second stage involved running a logistic regression by gender for each research question, controlling for all demographic information and relevant grade level categories. The logistic regressions give an overall picture of whether women are more likely than men to have their cases dismissed or charges reduced, net of controls.

The third stage more specifically addressed how the gender effect may vary depending on the initial arrest grade level. Separate logistic regressions were run at each arrest grade level to assess the gender effect across offense severity levels. Eight logistic regressions were run for case dismissal and seven logistic regressions were run for charge reduction. As discussed earlier, due to the reduced sample size, charge reduction analyses excluded cases whose initial arrest was classified as a Violation. Gender is the only

Table 7. Description of Independent Variables and Sample Characteristics

Independent Variable	Dismissed Sample <sup>a</sup>		Charge Reduction Sample <sup>b</sup>			
	<i>n</i>	Percentage	<i>n</i>	Percentage		
<i>Offender Characteristics</i>						
Sample Size N= (489,233)                      Sample Size N= (456,390)						
<b>Gender</b>						
Male (0)	395,640	80.87	369,048	80.86		
Female (1)	93,593	19.13	87,342	19.14		
<b>Age</b>						
18-29 (0)	227,478	46.50	211,670	46.38		
30-39 (1)	143,768	29.39	134,395	29.45		
40-49 (2)	86,316	17.64	80,731	17.69		
50+ (3)	31,671	6.47	29,594	6.48		
<b>Race</b>						
White (0)	157,842	32.26	150,827	33.05		
Black (1)	190,751	38.99	176,642	38.70		
Hispanic (2)	130,798	26.74	120,083	26.31		
Other (3)	9,842	2.01	8,838	1.94		
<hr/>						
Prior Record	Dismissed Sample <sup>a</sup>			Charge Reduction Sample <sup>b</sup>		
	<i>Mean</i>	<i>SD</i>	<i>Range</i>	<i>Mean</i>	<i>SD</i>	<i>Range</i>
Sample Size N= (489,233)                      Sample Size N= (456,390)						
Prior Misdem. Convictions	1.63	2.71	0-9	1.66	2.73	0-9
Prior Felony Convictions	0.53	1.03	0-9	0.53	1.03	0-9

<sup>a</sup>Excluded from the Full Sample include cases that were juveniles, had "both" listed as gender, or were categorized as a no arrest, infraction, or A-1 felony at the arrest stage.

<sup>b</sup>Excluded from the Lowered/Stayed Same Sample include cases that were juveniles, had "both" listed as gender, were categorized as a no arrest, infraction, violation, or A-1 felony at the arrest stage, or cases whose charges were dismissed or raised at the final stage.

variable included in these models due to the reduced sample size and thus power of the model. Furthermore, the offense severity level is inherently controlled for as each model only includes those cases that were classified under that each grade level at arrest.

Finally, supplemental analyses were conducted to further explore the role gender plays in case dismissal and charge reduction decisions once the defendant's prior criminal record is included as a control. Prior criminal history has been shown to be a powerful predictor of sentencing outcomes (Steffensmeier et. al., 1998). Prosecutorial decisions on case dismissals and charge reductions may likewise be influenced by the defendant's prior criminal record. Prosecutors may evaluate cases as more serious when the defendant

has a more serious criminal background, and thus be less likely to charge bargain (Figueira-McDonough, 1985). The analyses from the second and third stages were therefore re-run including controls for the defendant's prior criminal history.

The case dismissal and charge reduction analyses were designed to address the two ways in which female defendants may receive preferential treatment during the case processing stage. Based on prior literature, we hypothesize that female defendants will be treated more leniently than similarly situated male defendants. More specifically, we hypothesize that female defendants will be more likely to have their case dismissed and will be more likely to receive charge reductions between their initial arrest and final charge.

In the following section, we first address the question of gender disparities in case dismissal by presenting the findings from the first three stages of analyses for case dismissal. Then, we repeat the first three stages of analyses for charge reduction. Finally, both questions are then reexamined through the supplemental analyses by controlling for the defendant's prior criminal history.

## Chapter 7. RESULTS

### Dismissal

The most favorable outcome for all defendants is a complete dismissal of their arrest charges. A small but significant number of the arrestees experienced case dismissal, with approximately 5.4% of all defendants having their charges dismissed (see Table 8). This percentage, however, varied considerably across gender, race, and age and the offense grade level (see Appendix. B.1. and B.2.)

Of primary interest was whether female defendants had higher rates of case dismissals compared to male defendants. As expected, female defendants have a higher than average percentage of case dismissals, with 5.7% of female defendants having their charges dismissed compared to 5.3% of male defendants. As illustrated in Table 8, women in fact had a higher percentage of case dismissals compared to men for the vast majority of grade levels. Interestingly, for every grade level with the exception of class B misdemeanors, female defendants have a higher percentage of case dismissals relative to men. Even for those cases that were classified as a class B misdemeanor at arrest, men's percentage of case dismissals is only .10% higher compared to women. The largest gender difference occurred for defendants whose arrest charge was classified as an A-2 felony, the most serious grade level at arrest. Approximately 15.6% of female defendants who were charged with an A-2 felony at arrest had their charges dismissed, compared to the much smaller percentage of 6.9% of male cases. For the remainder of grade levels categories, male and female case dismissal percentages differed between 0 and 2%. For class A misdemeanor cases in particular, which constituted the largest grade level category, the percentage of female cases dismissed was 5.7% compared to 5.3% for male

Table 8. Dismissal by Grade Levels for Males and Females

Grade Levels	Total	Male	Female	Dismissed					
				% Total		% Males		% Female	
Violation	37	19	18	5.40	(2)	5.30	(1)	5.60	(1)
Class B misdemeanor	115,217	95,250	19,967	2.80	(3,246)	2.80	(2,704)	2.70	(542)
Class A misdemeanor	225,776	176,253	49,523	5.40	(12,196)	5.30	(9,382)	5.70	(2,814)
Class E felony	38,459	32,008	6,451	6.20	(2,403)	6.20	(1,981)	6.50	(422)
Class D felony	51,017	41,435	9,582	7.60	(3,896)	7.40	(3,078)	8.50	(818)
Class C felony	14,406	12,537	1,869	8.30	(1,199)	8.20	(1,034)	8.80	(165)
Class B felony	43,044	37,047	5,997	8.00	(3,461)	7.80	(2,894)	9.50	(567)
A-2 felony	1,277	1,091	186	8.10	(104)	6.90	(75)	15.60	(29)
Total	489,233	395,640	93,593	5.40	(26,507)	5.30	(21,149)	5.70	(5,358)

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Violation (15 days), Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years).

defendants. The fact that female defendants consistently had higher percentages of case dismissals compared to men points to evidence of a gender effect.

Besides gender, it is also worth noting there were race and age differences in case dismissal rates. While prior research has found that minority defendants are treated more harshly than white defendants in sentencing outcomes, the opposite trend emerged for case dismissals in the present analysis (Steffensmeier et. al., 1998). Minority defendants had higher rates of case dismissal compared to White defendants. The magnitude of these racial differences varied across grade levels. Black and Hispanic defendants had the most similar case dismissal rates, with differences not exceeding more than 1 to 2% points across the majority of grade levels. Defendants categorized as “Other” experienced the highest rates of case dismissal while also constituting the smallest group of defendants. Surprisingly, White defendants experienced a lower than average rate of case dismissal, with all minority groups exceeding their rates. These differences in case dismissals between races and ethnicities provide further support for race constituting an important source of disparity as well as provides further reason for including race as a control variable in the analyses. For a complete description of case dismissal by race and grade level, reference Appendix B.1.

Age differences in case dismissal were less pronounced than racial differences. The youngest category of defendants, those who were 18 to 29-years old at the time of arrest, had the highest overall rates of case dismissals compared to every other age-category. The three older categories of defendants (30-39, 40-49, and 50+) experienced more similar rates of case dismissals. As was observed with race, the magnitude of the differences varied across grade levels. The age of the defendant at the time of arrest was

thus included as a control variable in the following analyses. For a complete table of case dismissal by age and grade level, see Appendix B.2.

It appears that differences exist in the rates of case dismissal across gender, race, and age. Female defendants appear to have a greater percentage of their cases dismissed compared to males, as do minority defendants and defendants who were 18 to 29 years-old at the time of arrest. While such differences vary considerably according to the seriousness of the arrest charge, a general trend of leniency appears to be emerging for these groups. The next two stages of the analyses were run to test whether the findings from our bivariate models remained after we controlled for the offense grade levels.

#### *Multivariate*

Table 9 shows the results from the first logistic regression model assessing whether the defendant's gender impacts the likelihood of having a case dismissed, net of controls. As mentioned earlier, the overall likelihood of having a case dismissed is relatively low, with 5.4% of all cases experiencing a case dismissal (N= 26,507). However, there appears to be a significant gender effect for the cases that are dismissed. As predicted, women are more likely than men to have their case dismissed. The odds of a woman receiving a case dismissal are 13.5% greater than the odds of a man receiving a case dismissal ( $p < .001$ ).

The model in Table 9 further identifies race and age as being important predictors of case dismissal. Minority defendants (i.e. Black, Hispanic, and Other) have greater odds of having their case dismissed compared to White defendants, net of controls ( $p < .001$ ). Moreover, the youngest defendants (those 18 to 29 years old at the time of arrest) have greater odds of case dismissal compared to every other age group, net of controls

Table 9. Results from Logistic Regression for Dismissed by Gender (net of controls)

	MODEL 1		
	Coeff.	Std. Error	Odds Ratio
<i>N</i> =489,233			
Female	0.13	0.02	1.135***
Black	0.67	0.02	1.956***
Hispanic	0.78	0.02	2.186***
Other	1.05	0.04	2.867***
30-39	-0.16	0.02	0.851***
40-49	-0.15	0.02	0.863***
50+	-0.07	0.03	0.928**
Violation	-0.15	0.73	0.857
B misdem.	-0.64	0.02	0.528***
E felony	0.20	0.02	1.226***
D felony	0.33	0.02	1.396***
C felony	0.42	0.03	1.515***
B felony	0.29	0.02	1.343***
A-2 felony	0.37	0.10	1.449***

\**p* < .05. \*\**p* < .01. \*\*\**p* < .001.

Reference Categories were: Male, White, Age 18-29, and Class A misdemeanors.

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Violation (15 days), Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years). Cases whose charges were an Infraction at the initial arrest charge were excluded (N=7).

(*p*<.001, *p*<.01 for 50+). These results are surprising given finding from prior research that identify minority and young defendants as receiving harsher treatment in sentencing (Steffensmeier et. al., 1998).

The model additionally shows that the likelihood of having a case dismissed may increase as the severity of the grade level increases. This finding substantiates earlier expectations that the seriousness of the arrest offense will have an impact on case dismissal decisions. As the focal concerns theory notes, the two strongest considerations

for court actors will be the offense severity and the defendant's prior criminality. As expected, the grade level of the initial arrest does appear to have a significant effect on the likelihood of a case being dismissed. The results in Table 9 show that cases that were classified as a Class E felony or higher at arrest had a greater likelihood of having their case dismissed compared to cases that were classified as a Class A misdemeanor ( $p < .001$ ). Alternatively, cases that were classified as a Class B misdemeanors, which are lower in severity than Class A misdemeanors, had a lower likelihood of having their case dismissed ( $p < .001$ ).

#### *Grade Level Analyses*

While women had greater likelihoods of having their case dismissed net of controls, the gender effect also appeared to be grade dependent. Logistic regressions were run for each of the eight grade level categories, exploring the gender effect for cases that were classified as a violation, class B misdemeanor, class A misdemeanor, class E felony, class D felony, class C felony, class B felony, or an A-2 felony.<sup>10</sup> Table 10 gives the results from the eight different logistic regressions. While the previous model in Table 9 showed a significant gender effect, net of controls, Table 10 shows that the magnitude of the gender effect varies across the different grade levels.

With the exception of class B misdemeanors, female defendants are more likely than male defendants to have their case dismissed for every other grade level. For cases that were classified as a class B misdemeanor at arrest, males are more likely than females to have their case dismissed. However, this gender effect is non-significant ( $p > .05$ ). The gender effect is found to be statistically significant for only four out of the

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<sup>10</sup> As noted previously, cases that were categorized as an infraction at the time of arrest were excluded from the logistic regression model when analyzing case dismissal due to their relatively small size. These cases are thus again excluded from the individual logistic regressions.

Table 10. Results from Logistic Regression for Dismissed by Gender within Categories

	Model N	Coefficient	Std. Error	Odds Ratio
Model 1: Violation	37			
<i>Gender</i>		0.06	1.45	1.059
Model 2: Class B misdemeanor	115,217			
<i>Gender</i>		-0.05	0.05	0.955
Model 3: Class A misdemeanor	225,776			
<i>Gender</i>		0.07	0.02	1.072**
Model 4: Class E felony	38,459			
<i>Gender</i>		0.06	0.06	1.061
Model 5: Class D felony	51,017			
<i>Gender</i>		0.15	0.04	1.163***
Model 6: Class C felony	14,406			
<i>Gender</i>		0.07	0.09	1.077
Model 7: Class B felony	43,044			
<i>Gender</i>		0.21	0.05	1.232***
Model 8: Class A-2	1,277			
<i>Gender</i>		0.92	0.23	2.502***

\*p<.05. \*\*p<.01. \*\*\*p<.001

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Violation (15 days), Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years). Cases whose charges were an Infraction at the initial arrest charge were excluded (N=7).

eight models. Females whose initial arrest was classified as a Class A misdemeanor, a Class D felony, a class B felony, or a class A-2 felony appear more likely than their male counterparts in the same grade level to have their case dismissed (p<.01 for class A misdemeanors, p<.001 for all other listed offenses). The largest gender difference occurred for cases that were classified at the most serious grade level at arrest (A-2 felony). The odds of receiving a case dismissal when the arrest charge was an A-2 felony were approximately 150% greater for women compared to men (p<.001). Thus, while women are more likely than men to have their cases dismissed, the gender effect does vary across grade levels. The most significant gender effect occurs for the most serious grade level charges.

The main conclusion from these analyses is that gender has a significant and persistent effect on case dismissal. Even after the severity of the initial arrest charge is controlled for, females remain more likely than males to have their case dismissed. Separate logistic regressions including the sub-population of each grade level offense revealed that the gender effect varied by offense seriousness. For seven out of the eight grade levels, the gender effect was in the expected direction, with females more likely than males to have their case dismissed. Furthermore, four of the gender effects favoring women were statistically significant at the .01 significance level. Thus, female offenders appear to be treated more leniently in case dismissals.

### Charge Reduction

Case dismissal represents only part of the charge reduction story since case dismissals represented a small percentage of all final outcomes (5.4%). A vast majority of the cases either had their grade levels lowered between their initial arrest and final charge (47.09%) or their grade levels remained the same (46.20%). Since these outcomes constitute a majority of the case outcomes, the second question addresses whether female offenders were more likely than male offenders to have their charges reduced in severity compared to staying consistent.

Overall, a little over fifty percent of cases had their charges reduced.<sup>11</sup> In other words, the overall percentage of cases whose charges were reduced in severity compared to staying consistent was almost even, with slightly more cases receiving charge reductions.

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<sup>11</sup> It is important to note that the Charge Reduction question excludes cases whose final charges were dismissed or raised. Dismissed cases were addressed in the first question and may represent a different type of leniency afforded to defendants than does charge reduction. Cases whose charges were raised were excluded as they represented a small sample of all cases (1.29%, N=6,329).

Surprisingly, the overall percentage of female cases that experienced a charge reduction in severity were slightly below the overall average at 48.60% while male cases were very slightly above average at 50.90% (see Table 11) This is in direct contrast to the leniency extended to female defendants in case dismissals. The trend of leniency afforded to male offenders, however, is *not* consistent across individual grade levels. In fact, male offenders have a higher percentage of charge reductions in only two of the seven grade level categories analyzed.

The overall higher percentage of charge reductions for male defendants is mainly driven by two categories: class B misdemeanors and A-2 felonies. Class B misdemeanors is an important category for male defendants for two reasons. First, class B misdemeanor cases represent the second largest grade level category. Second, and equally important, male defendants had a much higher rate of charge reduction for cases that were classified as a class B misdemeanor at arrest. For cases whose initial charge was a class B misdemeanor, 43.60% of males compared to 36.90% of females experienced a charge reduction. The percentage difference of 6.7% is significant considering the size of the grade level. Male offenders were also more likely than females to receive charge reductions for the most serious grade levels, A-2 felonies (50.90% vs. 48.60%).

Female defendants, however, actually enjoyed higher rates of charge reduction for the remaining five grade levels. Female defendants had higher percentages of charge reduction for cases ranging in severity from a Class A misdemeanor through a Class B felony (differences between males and females ranging between .3 and 6.6%). For the single largest grade level category, class A misdemeanors, the percentage of female and male cases receiving a charge reduction were almost identical, with females actually

Table 11. Charge Reduction by Grade Levels for Males and Females

Grade Levels	Total	Male	Female	Charges Reduced		
				% Total	% Males	% Female
Class B misdemeanor	109,201	90,248	18,953	42.40 (46,326)	43.60 (39,337)	36.90 (6,989)
Class A misdemeanor	212,484	165,913	46,571	39.20 (83,248)	39.10 (64,876)	39.40 (18,372)
Class E felony	34,889	28,974	5,915	75.40 (26,291)	74.30 (21,538)	80.40 (4,753)
Class D felony	46,256	37,593	8,663	77.00 (35,636)	76.80 (28,854)	78.30 (6,782)
Class C felony	12,916	11,250	1,666	77.20 (9,966)	77.10 (8,677)	77.40 (1,289)
Class B felony	39,487	34,067	5,420	70.70 (27,925)	69.80 (23,782)	76.40 (4,143)
A-2 felony	1,157	1,003	154	83.70 (968)	84.10 (844)	80.50 (124)
Total	456,390	369,048	87,342	50.50 (230,360)	50.90 (187,908)	48.60 (42,452)

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. Cases whose charges were raised or dismissed between their initial arrest and final charge were excluded in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years).

having a .3 higher percentage of charge reductions. Thus, the overall higher percentage of male offenders experiencing charge reductions does not hold true for the majority of grade levels.

The racial patterns for charge reduction do not mirror what was observed in case dismissals. While minority defendants had the overall highest rates of case dismissal, Black defendants actually had the lowest rates of charge reduction compared to every other race category. “Other” defendants enjoyed the highest rates of charge reduction, while composing the smallest category of defendants (2%). When only White, Black, and Hispanic defendants were compared, it appears that for a majority of the grade levels, White defendants had the highest rates of charge reduction. Again, this is in direct contrast to what was observed in case dismissals, where White defendants had the lowest rates. The race effect is again contingent upon the grade level of the arrest charge. The variation in rates of charge reduction lends support to controlling for race in the charge reduction model. For a complete table of charge reduction by race and grade level, see Appendix C.1.

As was observed with case dismissals, the youngest category of defendants (18 to 29 year olds) is afforded the most leniencies in charge reductions. All other age categories appear to have a lower than average charge reduction rate. This trend, however, does not hold across all grade levels. The percentage of cases that receive charge reduction for each age group seems to vary considerably according to the grade level and thus will be controlled for in the charge reduction models. For a complete table of charge reduction by age and grade level, see Appendix C.2.

Table 12. Results from Logistic Regression for Charge Reduction by Gender (net of controls)

	MODEL 1		
	Coeff.	Std. Error	Odds Ratio
<i>N</i> =456,390			
Female	-0.02	0.01	0.9847
Black	-0.19	0.01	0.829***
Hispanic	-0.14	0.01	0.872***
Other	0.13	0.02	1.143***
30-39	-0.14	0.01	0.867***
40-49	-0.13	0.01	0.877***
50+	-0.08	0.01	0.926***
B misdemean.	0.10	0.01	1.107***
E felony	1.54	0.01	4.680***
D felony	1.65	0.01	5.192***
C felony	1.65	0.02	5.188***
B felony	1.35	0.01	3.860***
A-2 felony	2.06	0.08	7.817***

\**p* < .05. \*\**p* < .01. \*\*\**p* < .001.

Reference Categories were: Male, White, Age 18-29, and Class A misdemeanors.

NOTE: All cases that received one of the following grade levels at their initial arrest and whose charges were reduced or stayed the same are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years). Cases whose charges were a Violation were excluded (*N*=14).

### *Multivariate*

Next, we tested whether the patterns in our bivariate models held when controls were introduced for the offense grade level. We find that the logistic regression in Table 12 does *not* provide support for the hypothesis that gender would have a significant effect on charge reduction, net of demographic and grade level controls (*p*>.05). Surprisingly, once the grade levels of the initial arrest are controlled for, men and women do not differ in their likelihood of charge reduction.

The defendant's race and age are found to be significant predictors of the defendant's likelihood of charge reduction compared to charges remaining the same. Black and Hispanic defendants are less likely than White defendants to experience a charge reduction, net of controls ( $p < .001$ ). However, the odds of "Other" defendants are actually greater than the odds of a White defendant ( $p < .001$ ). Age was also found to be an important predictor as well, where greater leniency was extended to the youngest group of defendants (18 to 29 year olds) compared to all other age groups, net of controls ( $p < .001$ ).

The grade level of the initial arrest charge seems to have a significant impact on the likelihood of a defendant's charge being reduced compared to remaining the same. All grade levels were significantly more likely to have their charges reduced compared to charges that were classified as a class A misdemeanor at arrest (the largest grade level category;  $p < .001$ ). In general, the more severe the grade levels at arrest, the higher the likelihood of a charge being reduced. For example, defendants who were charged with the most severe grade level at arrest, an A-2 felony, had 681.7% greater odds of having their charges reduced compared with defendants who were charged with a class A misdemeanor at arrest ( $p < .001$ ). The large variation in magnitude and odds of charge reduction seen across grade levels provides further support for analyzing the gender effect at each grade level.

#### *Grade Level Analyses*

A closer look reveals that gender does have a significant effect depending on the grade level of the initial arrest charge. Table 13 shows the logistic regressions for each grade level. For five of the seven grade levels, the direction of the gender effect is

Table 13. Results from Logistic Regression for Charge Reduction by Gender within Categories

	Model N	Coefficient	Std. Error	Odds Ratio
Model 1: Class B misdemeanor	109,201			
<i>Gender</i>		-0.28	0.02	0.756***
Model 2: Class A misdemeanor	212,484			
<i>Gender</i>		0.01	0.01	1.015
Model 3: Class E felony	34,889			
<i>Gender</i>		0.35	0.04	1.412***
Model 4: Class D felony	46,256			
<i>Gender</i>		0.09	0.03	1.092**
Model 5: Class C felony	12,916			
<i>Gender</i>		0.01	0.06	1.014
Model 6: Class B felony	39,487			
<i>Gender</i>		0.34	0.03	1.403***
Model 7: Class A-2	1,157			
<i>Gender</i>		-0.25	0.22	0.779

\*p<.05. \*\*p<.01. \*\*\*p<.001

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Violation (15 days), Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years). Cases whose charges were an Infraction at the initial arrest charge were excluded (N=7).

actually in the direction hypothesized, where female defendants are more likely than male defendants to have their charges reduced. The direction is significant for three of these grade level categories. Female defendants are more likely than male defendants to have their charges reduced when their initial arrest charge is a class E felony, a class D felony, or a Class B felony (p<.001, p<.01, p<.001, respectively). More specifically, the odds of women experiencing charge reduction are 41.2% greater than men for cases that were initially classified as a class E felony, 9.2% greater for class D felonies, and 40.3% greater for class B felonies (p<.001, p<.01, p<.001, respectively). Thus, it appears that gender does have a significant effect depending on the arrest grade level, with women having greater likelihoods of charge reduction for three of the grade levels.

Findings also showed that male defendants were more likely than female defendants to have their charge reduced for two of the seven grade levels. Males were

more likely than females to have their charges reduced when the initial arrest charge was a class B misdemeanor or an A-2 felony (the least severe and most severe grade level categories). The gender effect, however, was only statistically significant for class B misdemeanors ( $p < .001$ ). This finding is significant as class B misdemeanors constituted the second largest grade level category. For class B misdemeanors, women's odds of having a charge reduced are 24.4% lower than their male counterparts ( $p < .001$ ). Therefore, while gender does *not* have a significant effect on charge reduction overall, gender is a significant predictor depending on the grade level of the initial arrest. Furthermore, for three of the seven grade levels, women are in fact more likely than men to experience charge reductions, thus partially supporting our hypothesis.

#### Supplemental Analyses: Criminal History

Legal variables, including offense severity and criminal history, have been identified as the best predictors of court decisions (Demuth & Steffensmeier, 2004). Our previous analyses included controls for the severity of the offense. The supplemental analyses further include a control for the defendant's criminal history record. We hypothesize that including the defendant's criminal history will attenuate the gender effects for both case dismissal and charge reduction, but there will remain a significant gender effect.

#### *Case Dismissal*

All analyses were re-run including the defendant's criminal history. Table 14 gives the results from the first logistic model exploring case dismissal (model 1) and the model repeated with the inclusion of criminal history variables (model 2). As expected, the inclusion of criminal history variables significantly attenuates the gender effect

Table 14. Results from Logistic Regression for Dismissed by Gender (net of controls) including Criminal History

	Model 1			Model 2		
	Coeff.	Std. Error	Odds Ratio	Coeff.	Std. Error	Odds Ratio
<i>N</i> =489,233						
Female	0.13	0.02	1.135***	0.05	0.02	1.054**
Black	0.67	0.02	1.956***	0.78	0.02	2.171***
Hispanic	0.78	0.02	2.186***	0.86	0.02	2.363***
Other	1.05	0.04	2.867***	0.95	0.04	2.589***
30-39	-0.16	0.02	0.851***	0.02	0.02	1.025
40-49	-0.15	0.02	0.863***	0.07	0.02	1.070***
50+	-0.07	0.03	0.928**	0.05	0.03	1.053
Violation	-0.15	0.73	0.857	0.10	0.73	1.108
B misdem.	-0.64	0.02	0.528***	-0.72	0.02	0.488***
E felony	0.20	0.02	1.226***	0.18	0.02	1.203***
D felony	0.33	0.02	1.396***	0.29	0.02	1.335***
C felony	0.42	0.03	1.515***	0.40	0.03	1.492***
B felony	0.29	0.02	1.343***	0.31	0.02	1.360***
A-2 felony	0.37	0.10	1.449***	0.26	0.10	1.301*
# of Misdem. Convictions	-	-	-	-0.13	0.00	0.875***
# of Felony Convictions	-	-	-	-0.04	0.01	0.963***

\*p < .05. \*\*p < .01. \*\*\*p < .001.

Reference Categories were: Male, White, Age 18-29, and Class A misdemeanors.

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Violation (15 days), Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years). Cases whose charges were an Infraction at the initial arrest charge were excluded (N=7).

observed in the first model. In the criminal history inclusive model, the odds of having a case dismissed are only 5.4% greater for women than they are for men ( $p < .001$ ), compared to the previous odds of 13.5% greater ( $p < .001$ ). Thus, it appears that less leniency is extended to female defendants once defendants' prior criminal histories are controlled for.

One possible reason for the decreased gender effects may be that female defendants are more penalized than male defendants for their prior criminal involvement. As the focal concerns theory argues, decision-makers may be more apt to view male

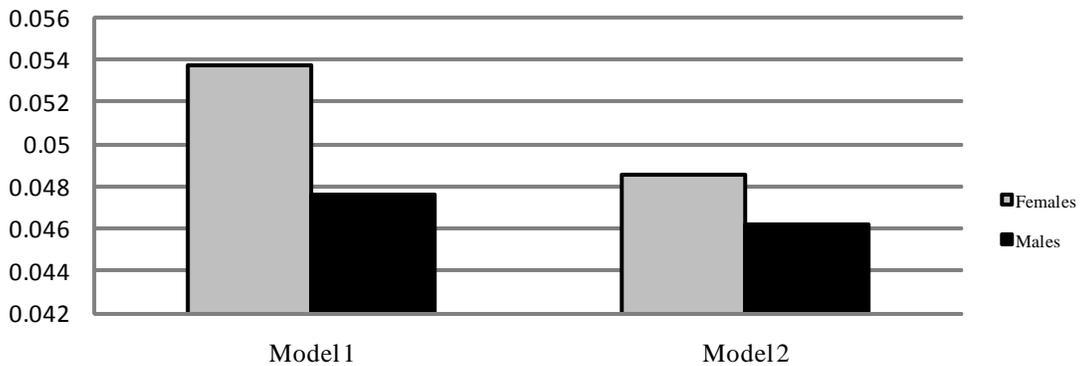
offenders as dangerous and serious offenders, and thus more likely to have a prior criminal record. Therefore, prior convictions may have less of an impact on case decisions when the defendant is male, since court actors already expected male defendants would have a criminal past. Female defendants, however, may be assumed less likely to have a criminal past and thus prior convictions may be judged more harshly with women.

Descriptives of the defendants' criminal histories support past findings that female defendants have less extensive criminal histories compared to males. Male defendants have a higher mean number of both prior misdemeanor and felony convictions. While women have an average of 1.35 prior misdemeanor convictions, men have an average of 1.70 prior misdemeanor convictions ( $SD = 2.64$  and  $2.73$  respectively). Similarly, women have the very low average of .21 prior felony convictions, compared to men's higher average of .61 felony convictions ( $SD = .62$  and  $1.0$  respectively). In summary, when the defendant's prior criminality is controlled for, the leniency previously extended to women in case dismissals is minimized. We hypothesize this may be due to women being judged or treated harsher for their criminal record.

Figure 1 graphs the predicted probabilities of males and females for receiving a case dismissal across the two models. As Figure 1 illustrates, female defendants consistently have a higher predicted probability of having their case dismissed than male defendants. However, the predicted probabilities for both genders minimize once the defendant's prior criminality is taken into account. Once prior criminality is controlled for, males' and females' predicted probabilities for case dismissal become more similar.

Figure 1.

## Predicted Probabilities for Case Dismissal



NOTE: Model 1 includes the gender, race, and age category of the defendant as well as the dummy categories for the grade levels. Model 2 includes the same demographic information, the dummy categories for the grade level, and the controls for the criminal history.

The next step was to re-run the individual logistic regressions including criminal history to further explore how the gender effects may have varied across offense severity. Table 15 gives the results from the previous model and the new model controlling for prior criminality. When prior criminality was not controlled for, seven of the eight models were in the expected direction, with women more likely than men to receive a case dismissal. However, after controlling for prior criminality, only four of the eight models are in the expected direction. All four of the models in which women are more likely to have their case dismissed than men are for serious offenses (class D felonies and above). Moreover, only two of the models showing a female advantage are statistically significant ( $p < .001$ ). No model showing a male advantage is significant ( $p > .05$ ). For the two most serious offenses, class B felonies and A-2 felonies, women are more likely than men to have their case dismissed ( $p < .001$ ). For cases that received a class B felony at arrest, the odds of having their case dismissed are 21.2% greater for female defendants

Table 15. Results from Logistic Regression for Dismissed by Gender within Categories including Criminal History

	Model N	Without Criminal History			With Criminal History		
		Coefficient	Std. Error	Odds Ratio	Coefficient	Std. Error	Odds Ratio
Model 1: Violation	37						
<i>Gender</i>		0.06	1.45	1.059	-0.46	1.55	0.632
<i># of Misdem. Convictions</i>		-	-	-	0.03	0.22	1.026
<i># of Felony Convictions</i>		-	-	-	-	-	-
Model 2: Class B misdemeanor	115,217						
<i>Gender</i>		-0.05	0.05	0.955	-0.01	0.05	0.989
<i># of Misdem. Convictions</i>		-	-	-	-0.07	0.01	0.936***
<i># of Felony Convictions</i>		-	-	-	0.09	0.02	1.090***
Model 3: Class A misdemeanor	225,776						
<i>Gender</i>		0.07	0.02	1.072**	-0.01	0.02	0.992
<i># of Misdem. Convictions</i>		-	-	-	-0.17	0.01	0.845***
<i># of Felony Convictions</i>		-	-	-	0.01	0.01	1.0148
Model 4: Class E felony	38,459						
<i>Gender</i>		0.06	0.06	1.061	-0.01	0.06	0.993
<i># of Misdem. Convictions</i>		-	-	-	-0.13	0.01	0.876***
<i># of Felony Convictions</i>		-	-	-	0.07	0.02	1.078**
Model 5: Class D felony	51,017						
<i>Gender</i>		0.15	0.04	1.163***	0.08	0.04	1.078
<i># of Misdem. Convictions</i>		-	-	-	-0.13	0.01	0.878***
<i># of Felony Convictions</i>		-	-	-	0.01	0.02	1.0084
Model 6: Class C felony	14,406						
<i>Gender</i>		0.07	0.09	1.077	0.02	0.09	1.017
<i># of Misdem. Convictions</i>		-	-	-	-0.10	0.02	0.901***
<i># of Felony Convictions</i>		-	-	-	-0.02	0.03	0.9805
Model 7: Class B felony	43,044						
<i>Gender</i>		0.21	0.05	1.232***	0.19	0.05	1.212***
<i># of Misdem. Convictions</i>		-	-	-	-0.05	0.01	0.949***
<i># of Felony Convictions</i>		-	-	-	-0.05	0.02	0.954**
Model 8: Class A-2	1,277						
<i>Gender</i>		0.92	0.23	2.502***	0.87	0.24	2.376***
<i># of Misdem. Convictions</i>		-	-	-	0.05	0.07	1.048
<i># of Felony Convictions</i>		-	-	-	-0.21	0.16	0.812

\*p<.05. \*\*p<.01. \*\*\*p<.001

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Violation (15 days), Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years). Cases whose charges were an Infraction at the initial arrest charge were excluded (N=7).

compared to males, net of controls (p<.001). For cases that received an A-2 felony at arrest, the odds of having a case dismissed are 137.6% greater for female defendants compared to males, net of controls (p<.001). Therefore, even after controlling for prior criminality, women are more likely than men to have their charges dismissed for the two most serious offenses.

It appears that women experience significantly less leniency when prior criminality is included as a control. This may be due to court actors showing less preferential treatment to a female defendant when she has a prior criminal record. Prior

criminal history may not affect males in the same way as court actors may expect male defendants to have a prior criminal record and thus not treat them differently as a result.

### *Charge Reduction*

Including criminal history variables into the charge reduction analyses produced interesting results. While in the original model gender was not a significant predictor of a defendant's charges being reduced, gender became a significant predictor after including criminal history variables in the model. Table 16 shows the results from the previous model (Model 1) and the new model that controls for the defendant's criminal history (Model 2). The findings show that men are in fact more likely than women to receive a charge reduction; the opposite of what was originally hypothesized ( $p < .001$ ). This finding also stands in contrast to the leniency afforded to females in case dismissals.

Prior to controlling for criminal history, there was no significant gender difference in the likelihood of receiving a charge reduction. However, as was observed in case dismissals, it appears that female defendants (but not male defendants) were penalized for having a criminal past. Stated another way, men actually received more lenient treatment when prior criminality was controlled for. Model 2 in Table 16 show the results from including the defendant's demographic variables, arrest grade level, and prior criminality. The odds of female defendants receiving a charge reduction are 6.9% lower than male defendants ( $p < .001$ ). As discussed earlier, this finding may be due to the fact that court actors may be more inclined to punish female defendants (but not male defendants) when they have a criminal past.

Figure 2 displays the predicted probabilities of receiving a charge reduction for male and female defendants across both models. Women consistently have lower

Table 16. Results from Logistic Regression for Charge Reduction by Gender (net of controls) including Criminal History

	MODEL 1			MODEL 2		
	Coeff.	Std. Error	Odds Ratio	Coeff.	Std. Error	Odds Ratio
<i>N=456,390</i>						
Female	-0.02	0.01	0.9847	-0.07	0.01	0.931***
Black	-0.19	0.01	0.829***	-0.06	0.01	0.938***
Hispanic	-0.14	0.01	0.872***	-0.04	0.01	0.959***
Other	0.13	0.02	1.143***	0.03	0.02	1.029
30-39	-0.14	0.01	0.867***	0.05	0.01	1.050***
40-49	-0.13	0.01	0.877***	0.09	0.01	1.097***
50+	-0.08	0.01	0.926***	0.05	0.01	1.053***
B misdemeanor	0.10	0.01	1.107***	0.01	0.01	1.006
E felony	1.54	0.01	4.680***	1.56	0.01	4.761***
D felony	1.65	0.01	5.192***	1.64	0.01	5.132***
C felony	1.65	0.02	5.188***	1.66	0.02	5.283***
B felony	1.35	0.01	3.860***	1.39	0.01	4.013***
A-2 felony	2.06	0.08	7.817***	1.95	0.08	7.007***
# of Misdem. Convictions	-	-	-	-0.13	0.00	0.879***
# of Felony Convictions	-	-	-	-0.01	0.00	0.987***

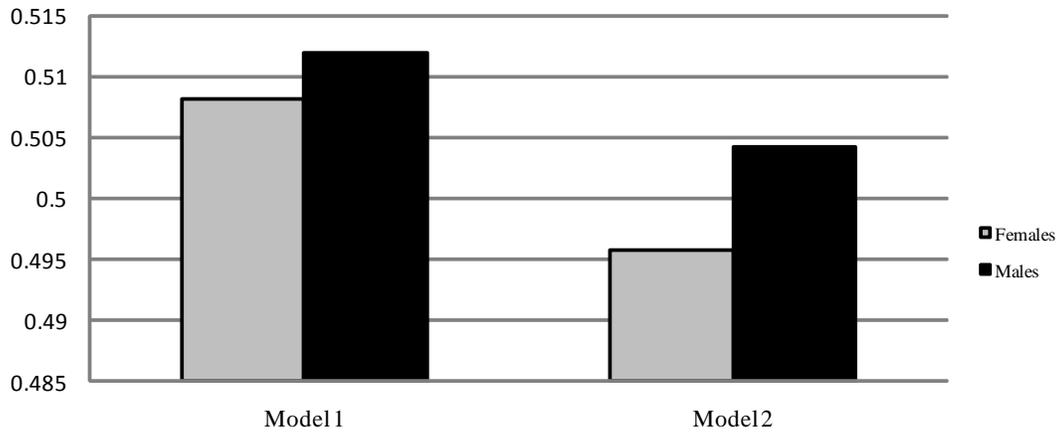
\*p < .05. \*\*p < .01. \*\*\*p < .001.

Reference Categories were: Male, White, Age 18-29, and Class A misdemeanors.

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years). Cases whose charges were an Infraction at the initial arrest charge were excluded (N=7).

Figure 2

## Predicted Probabilities for Charge Reduction



NOTE: Model 1 includes the gender, race, and age category of the defendant as well as the dummy categories for the grade levels. Model 2 includes the same demographic information, the dummy categories for the grade level, and the controls for the criminal history.

predicted probabilities of receiving a charge reduction compared to men. As noted earlier, the predicted probabilities between genders are most similar when prior criminal history is not taken into account. When criminal history is controlled for, the differences in predicted probabilities grow between males and females, but both male and female predicted probabilities reduce in size.

A closer examination of how the gender effect varied across grade levels reveals that male defendants are not consistently treated more leniently than female defendants in charge reductions. Table 17 shows the individual logistic regressions for each grade level before and after controlling for criminal history. Before prior criminality was controlled for, five of the seven logistic regressions were in the expected direction, where females were more likely than males to have their charges reduced (only 3 of which were significant at the .01 level). However, when prior criminality is included as a control, only three of the seven logistic regressions are in the expected direction, where females

Table 17. Results from Logistic Regression for Charge Reduction by Gender within Categories including Criminal History

	Without Criminal History			With Criminal History			
	Model N	Coefficient	Std. Error	Odds Ratio	Coefficient	Std. Error	Odds Ratio
Model 1: Class B misdemeanor	109,201						
<i>Gender</i>		-0.28	0.02	0.756***	-0.21	0.02	0.812***
<i># of Misdem. Convictions</i>		-	-	-	-0.17	0.00	0.842***
<i># of Felony Convictions</i>		-	-	-	0.15	0.01	1.163***
Model 2: Class A misdemeanor	212,484						
<i>Gender</i>		0.01	0.01	1.015	-0.11	0.01	0.892***
<i># of Misdem. Convictions</i>		-	-	-	-0.20	0.00	0.819***
<i># of Felony Convictions</i>		-	-	-	-0.04	0.01	0.957***
Model 3: Class E felony	34,889						
<i>Gender</i>		0.35	0.04	1.412***	0.28	0.04	1.320***
<i># of Misdem. Convictions</i>		-	-	-	-0.05	0.01	0.948***
<i># of Felony Convictions</i>		-	-	-	-0.05	0.01	0.955***
Model 4: Class D felony	46,256						
<i>Gender</i>		0.09	0.03	1.092**	0.04	0.03	1.046
<i># of Misdem. Convictions</i>		-	-	-	0.02	0.00	1.022***
<i># of Felony Convictions</i>		-	-	-	-0.12	0.01	0.890***
Model 5: Class C felony	12,916						
<i>Gender</i>		0.01	0.06	1.014	-0.02	0.06	0.984
<i># of Misdem. Convictions</i>		-	-	-	0.04	0.01	1.040***
<i># of Felony Convictions</i>		-	-	-	-0.11	0.02	0.897***
Model 6: Class B felony	39,487						
<i>Gender</i>		0.34	0.03	1.403***	0.31	0.03	1.365***
<i># of Misdem. Convictions</i>		-	-	-	0.06	0.00	1.067***
<i># of Felony Convictions</i>		-	-	-	-0.05	0.01	0.954***
Model 7: Class A-2	1,157						
<i>Gender</i>		-0.25	0.22	0.779	-0.29	0.22	0.748
<i># of Misdem. Convictions</i>		-	-	-	-0.05	0.05	0.956
<i># of Felony Convictions</i>		-	-	-	-0.08	0.09	0.926

\*p<.05. \*\*p<.01. \*\*\*p<.001

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years). Cases whose charges were an Infraction at the initial arrest charge were excluded (N=7).

are more likely than males to have their charges reduced (only 2 of which are significant at the .001 level). These findings reveal that the gender effect does vary significantly by grade level, and female defendants are more likely to have their charges reduced for certain grade levels. The odds of having a charge reduced were 32% greater for females for class E felonies and 36.5% greater for females for class B felonies ( $p < .001$ ).

After controlling for defendants' criminal records, men were more likely than women to have their charges reduced for the two largest grade level categories, class B and A misdemeanors. The odds of female defendants having their charges reduced were 18.8% lower than male defendants for class B misdemeanors and 10.8% lower than males for class A misdemeanors ( $p < .001$ ). Thus, it appears that prior criminal history actually penalizes female defendants more than it does male defendants.

The above findings show that controlling for prior criminal history may in fact reduce any leniency afforded to female defendants in both case dismissal and charge reduction. Additionally, whether a gender effect exists and the magnitude of the gender effect is dependent on the initial arrest grade level. To further examine how an arrest charge may impact gender differences in case dismissal and charge reduction, we analyzed the four largest arrest offenses in the data separately.

#### *Statute Analyses*

There were over 900 distinct arrest statutes. We choose to do additional analyses on the four most common arrest statutes, as each statute constituted over 5% of the data: two drug possession charges, petit larceny, and assault. The first two statutes, PL 220.03 and PL 221.10 are both drug possession charges and comprised 9.8% and 9.5% of all

arrest charges respectively.<sup>12</sup> The first drug statute is considered a class A misdemeanor, while the second statute is considered a class B misdemeanor (Dubber, 2008). The third statute, PL 155.25, is a petit larceny charge and comprised 6.6% of the data.<sup>13</sup> Petit larceny is considered a class A misdemeanor by the state of New York (Dubber, 2008). Finally, PL 120.00 or assault in the third degree made up 6.2% of all arrest charges. In New York, assault in the third degree is considered a class A misdemeanor (Dubber, 2008).<sup>14</sup>

For each of the statutes, we ran a logistic regression including all demographic, relevant grade level, and prior criminal history controls. Two logistic regressions were run for each statute to address case dismissal and charge reduction. While all statutes were listed according to the New York Penal Law Book (2008) as having one grade classification, many of the statutes also had some cases that were classified as an adjacent grade level. In other words, all of the statutes were listed as being either a class A or B misdemeanor. However, many times, some of the cases included in the statute fell into the other misdemeanor category. Therefore, we were able to include misdemeanor grade levels as a control.

It appears that the gender effect on *case dismissal* is heavily dependent on the statute being analyzed. Table 18 shows the results from each model for case dismissal. Significant gender differences in case dismissal are only found for charges that began as an assault in the third degree. For this particular offense, the odds of a female defendant

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<sup>12</sup> PL 220.03 is “Criminal possession of a controlled substance in the seventh degree”. The total number of cases that were classified as a PL 200.03 was 47,809, with N=10,761 female defendants and N=37,048 male defendants. PL 221.10 is “Criminal possession of marihuana in the fifth degree”. The total number of cases that were classified as a PL 221.10 was 46,432 with N=3,726 female defendants and N=42,706 male defendants.

<sup>13</sup> The total number of cases that were classified as a PL 155.25 was 32, 485, with N=12,430 female defendants and N=20,055 male defendants.

<sup>14</sup> The total number of cases that were classified as a PL 120.00 was 30,195, with N=5,424 female defendants and N=24,771 male defendants.

Table 18. Results from Logistic Regression for Dismissed by Gender (net of controls) for Individual Statutes

	<b>Model 1 (Drugs- Possession of Controlled Substance)</b>			<b>Model 2 (Drugs- Possession of Marihuana)</b>			<b>Model 3 (Petit Larceny)</b>			<b>Model 4 (Assault in the 3rd degree)</b>		
	Coeff.	Std. Error	Odds Ratio	Coeff.	Std. Error	Odds Ratio	Coeff.	Std. Error	Odds Ratio	Coeff.	Std. Error	Odds Ratio
	<i>Sample Size = 47,809</i>			<i>Sample Size=46,432</i>			<i>Sample Size=32,485</i>			<i>Sample Size=30,195</i>		
Female	0.00	0.06	1.001	0.11	0.09	1.121	-0.10	0.07	0.906	0.31	0.05	1.361***
Black	0.15	0.07	1.158*	-0.42	0.07	0.656***	0.49	0.08	1.628***	0.48	0.05	1.613***
Hispanic	0.21	0.07	1.236	-0.49	0.08	0.612***	0.93	0.09	2.538***	0.59	0.05	1.809***
Other	-0.60	0.46	0.549**	-0.57	0.28	0.564*	0.54	0.18	1.710**	0.50	0.11	1.644***
30-39	-0.02	0.07	0.981	-0.23	0.07	0.794**	0.20	0.08	1.222*	0.06	0.05	1.0661
40-49	0.12	0.07	1.127	-0.28	0.11	0.753**	0.42	0.10	1.524***	0.27	0.06	1.308***
50+	0.15	0.09	1.157	-0.30	0.19	0.739	0.31	0.14	1.363*	0.21	0.09	1.231*
B misdemeanor	0.05	0.39	1.053	-	-	-	0.60	0.33	1.817	-0.32	0.27	0.723
# of Misdem. Convictions	-0.11	0.01	0.892***	-0.03	0.02	0.969	-0.18	0.02	0.836***	-0.09	0.01	0.915***
# of Felony Convictions	-0.02	0.02	0.978	-0.05	0.04	0.950	-0.08	0.05	0.927	0.02	0.03	1.021

\*p < .05. \*\*p < .01. \*\*\*p < .001.

Reference Categories were: Male, White, Age 18-29, and Class A misdemeanors.

NOTE: Cases that were classified as being charged with one of the following statues at arrest were included in the individual models: PL 220.03 (Criminal possession of a controlled substance in the seventh degree), PL 221.10 (Criminal possession of marihuana in the fifth degree), PL 155.25 (Petit larceny), and PL 120.00 (Assault in the third degree).

having her case dismissed are 36.1% higher than male defendants, net of controls ( $p < .001$ ). However, no gender differences in case dismissals are found for the remaining three offenses.

Similarly, gender differences in *charge reduction* appeared to vary substantially depending on the offense. Table 19 shows the models from all four offenses. Gender differences are more prevalent across the four offenses in charge reduction compared to case dismissal, with three of the four models showing significant gender differences. Women were less likely to have their charges reduced compared to staying the same for both drug offenses and for assault in the third degree. The magnitude of these differences varied greatly. For possession of a controlled substance, females' odds of having a charge reduction were 16% lower than males, but for the use of marijuana in public, females' odds were 52.9% lower than males ( $p < .001$ ). Despite both of these offenses being drug related, the likelihood of having a charge reduced varied significantly. Finally, for assault in the third degree, females' odds of having a charge reduction were 27.3% lower than males ( $p < .001$ ).

All four of the statutes chosen for the additional analyses were relatively similar in grade levels, with all of the statutes being classified as a misdemeanor in the state of New York. As was previously seen in the grade level analyses, the gender effect for case dismissal and charge reduction decisions varied significantly depending on the individual offense. While earlier analyses showed women were more likely than men to receive case dismissals across a wide range of grade levels, analyses of individual statutes produced different results. The individual offense analyses for charge reduction provided further support for women having a lower likelihood of receiving a charge reduction compared

Table 19. Results from Logistic Regression for Charge Reduction by Gender (net of controls) for Individual Statutes

	Model 1 (Drugs- Possession of Controlled Substance)			Model 2 (Drugs- Possession of Marihuana)			Model 3 (Petit Larceny)			Model 4 (Assault in the 3rd degree)		
	Coeff.	Std. Error	Odds Ratio	Coeff.	Std. Error	Odds Ratio	Coeff.	Std. Error	Odds Ratio	Coeff.	Std. Error	Odds Ratio
<i>N=456,390</i>	<i>Sample Size = 47,809</i>			<i>Sample Size=46,432</i>			<i>Sample Size=32,485</i>			<i>Sample Size=30,195</i>		
Female	-0.17	0.03	0.840***	-0.75	0.05	0.471***	0.04	0.03	1.046	-0.32	0.04	0.727***
Black	-0.12	0.03	0.889***	0.67	0.04	1.959***	0.29	0.03	1.334***	-0.25	0.03	0.780***
Hispanic	-0.05	0.03	0.951	0.63	0.04	1.886***	0.29	0.04	1.337***	0.00	0.03	1.004
Other	-0.13	0.15	0.8796	-0.10	0.13	0.905	0.32	0.07	1.377***	0.13	0.07	1.141
30-39	0.18	0.03	1.194***	-0.12	0.03	0.885***	-0.02	0.03	0.979	-0.11	0.03	0.893***
40-49	0.17	0.03	1.188***	-0.14	0.04	0.870***	0.05	0.04	1.047	-0.23	0.04	0.797***
50+	0.14	0.04	1.145**	-0.18	0.07	0.832**	-0.14	0.05	0.868**	-0.28	0.06	0.757***
B misdemeanor	-0.29	0.20	0.748	-	-	-	0.63	0.17	1.876***	0.00	0.16	0.999
# of Misdem. Convictions	-0.35	0.00	0.705***	-0.07	0.01	0.930***	-0.26	0.01	0.770***	-0.01	0.01	0.987
# of Felony Convictions	-0.15	0.01	0.860***	0.41	0.01	1.505***	-0.14	0.02	0.873***	-0.04	0.02	0.966*

\*p < .05. \*\*p < .01. \*\*\*p < .001.

Reference Categories were: Male, White, Age 18-29, and Class A misdemeanors.

NOTE: Cases that were classified as being charged with one of the following statues at arrest were included in the individual models: PL 220.03 (Criminal possession of a controlled substance in the seventh degree), PL 221.10 (Criminal possession of marihuana in the fifth degree), PL 155.25 (Petit larceny), and PL 120.00 (Assault in the third degree).

to men, however, analyses conducted at the grade level showed this may vary substantially depending on the grade level of the initial arrest charge.

## Chapter 8. DISCUSSION

This study contributes to a neglected area of gender research. While gender differences have been found in sentencing decisions, few studies have examined gender disparities in case dismissal and charge reduction outcomes. Consistent with findings in the sentencing literature, we find offense severity to be an important predictor for case processing decisions. Importantly, we also find the defendants' gender to be a significant predictor of case dismissal and charge reduction outcomes (net of controls) for some types of misdemeanor and felony charges.

Across all offenses, the defendant's gender (net of controls) has a significant and independent effect on case dismissal, but not on charge reduction. This finding and subsequent analyses show the importance of taking the severity of the offense into consideration when examining case processing decisions. This study was able to investigate case-processing decisions further by making use of the New York State arrest data. The New York Penal System divides all misdemeanor and felony charges into sub-categories that are rank ordered according to their severity level. These "grade levels" provide a more in-depth view into how gender disparities may change across offense severities. Although gender was not a significant predictor for charge reduction decisions when all grade levels were considered together, examining grade levels individually revealed that gender is a significant predictor for charge reduction decisions for some grade levels as well as case dismissal decisions.

Our findings on case dismissal are consistent with prior research. As previous studies have found, female defendants are more likely than male defendants to have their charges dismissed (Spohn, Gruhl, & Welch, 1987; Worrall, Ross, & McCord, 2006). The

current study, however, also finds that gender differences in case dismissals do not exist across all grade levels. Women are significantly more likely than men to have their case dismissed for half of the grade levels analyzed. More specifically, women are treated more leniently than men for one type of misdemeanor grade level and three types of felony grade levels.<sup>15</sup> These gender effects, while weak, vary considerably across grade levels. Furthermore, no significant gender differences are found for the remaining half of the grade levels. Thus, while gender differences do exist, they are not persistent across severity levels.

Fewer leniencies for women are found in charge reduction decisions. Women are significantly more likely than men to have their charges reduced for three of the seven grade levels analyzed. More specifically, women are treated more leniently in charge reduction decisions for three felony grade levels<sup>16</sup>. However, for cases that fall into the second largest grade level offense category, Class B misdemeanors, men are significantly more likely than women to have their charges reduced. Again, the gender effects were relatively weak and varied considerably across grade levels. Findings in previous research have also been mixed. Some studies have found no significant gender differences in charge reduction while other studies have found favorable effects for male defendants (Bishop & Frazier, 1984; Figueira-McDonough, 1985; Ball, 2006; Frenzel & Ball, 2007). The current study helps to reconcile the two findings by showing that gender effects are variable across grade levels. Unlike earlier studies, the current study also finds

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<sup>15</sup> Women are more likely than men to have their case dismissed for Class A misdemeanors, Class D felonies, Class B felonies, and Class A-2 felonies. For examples of common offenses that fall into each of the categories and the maximum imprisonment term if convicted, please see Table 3.

<sup>16</sup> Women are more likely than men to have their charges reduced for Class E felonies, Class D felonies, and Class B felonies. For examples of common offenses that fall into each of the categories and the maximum imprisonment term if convicted, please see Table 3.

that female defendants do receive more lenient treatment in charge reduction for certain grade level offenses (notably felony offenses).

Supplemental analyses provide further clarification. When the defendants' criminal histories are included in the models, female defendants are shown considerably less leniency in both case dismissal and charge reduction decisions. Both male and female defendants' predicted probabilities of receiving either a case dismissal or charge reduction are reduced when their prior criminal histories are controlled. However, females' predicted probabilities are reduced more substantially than males' predicted probabilities are for both outcomes. Thus, it appears that female defendants are being more heavily penalized for their prior criminal involvement.

The focal concerns framework helps account for why female defendants are observed to be treated less leniently once criminal history variables are considered. Due to males' higher criminal involvement as well as perceptions of males as more dangerous offenders, criminal justice actors may be less inclined to punish men for their criminal history since it is expected or typical for the male offender. For females who are generally viewed as less "criminal" than their male counterparts, any prior criminal involvement may serve to reverse this perception and penalize them in case dismissal and charge reduction decisions.

Finally, separate analyses using the most frequent arrest charges in New York State confirm that gender differences vary across offenses. Women are significantly more likely than males (net of all controls, including criminal history) to have their charges dismissed for third degree assault charges, however no observable gender differences are found for two drug-related charges and petit larceny. This finding is particularly

interesting given the nature of the crimes. Female involvement in violent crimes has traditionally been low, while female involvement in illicit drugs and minor property crimes has been shown to be increasing (Steffensmeier & Allan, 1996). Thus, the findings provide further evidence that whether or not women are more likely than men to have their case dismissed depends on the type of charge being analyzed as well as its severity.

Again, much less leniency was afforded to female defendants in charge reduction decisions. In fact, women are found to be less likely than men to have their charges reduced for the two drug related offenses and assault in the third degree. No significant gender differences are found in charge reduction for petit larceny. Again, this finding illustrates that gender differences, and the direction of the gender differences, can vary considerably depending on the type and severity of the offense. Moreover, the supplemental analyses included criminal history variables, which as discussed earlier, appear to penalize female defendants more than they do male defendants.

The generalizability of our findings is improved by analyzing all arrest offenses in the state of New York in the year 2000. Prior research on gender differences in case dismissal and charge reduction decisions utilized older datasets with small female sample sizes. The current dataset included over 90,000 female offenders. Furthermore, by including both misdemeanor and felony cases, we were able to assess how gender differences varied across offense severity levels. The further subdivision of felony and misdemeanor charges permitted more in depth analyses into gender differences across grade levels.

In order to fully understand gender differences in case dismissal and charge reduction outcomes, it is imperative to consider the severity level of the initial arrest offense. Broad categories, like felony and misdemeanor charges, may cover more subtle gender differences at a smaller scale. Gender differences do exist depending on the offense level being analyzed. Research that fails to consider gender effects at individual grade levels may over-generalize or underestimate gender differences in case dismissal and charge reduction outcomes.

## Chapter 9. CONCLUSION

Our research demonstrates that gender differences do exist in the earlier stages of case processing. In addition to the strong effects of offense severity and prior criminal record, gender was found to be an important predictor in case dismissal and charge reduction outcomes. The magnitude and direction of the gender effect was found to vary significantly across subcategories for misdemeanor and felony offenses (i.e. “grade levels”). Finally, prior criminality was found to penalize female defendants more than it does male defendants in case dismissal and charge reduction decisions.

The following findings represent important contributions to gender disparity research, particularly in earlier case processing decisions. Net of controls,

1. Female defendants are more likely than male defendants to have their cases dismissed. This finding persists for half of the grade levels analyzed and included both misdemeanor and felony offenses.
2. Gender was found to be a significant predictor of charge reduction for certain grade level offenses, although the effect varied across grade levels.
  - a. Female defendants are more likely than male defendants to have their charges reduced for three of the seven grade levels analyzed (all felonies).
  - b. Male defendants are more likely than female defendants to have their charges reduced for one of the grade levels (a misdemeanor).
3. Including defendants’ prior criminality more severely penalizes female defendants than male defendants for both case dismissal and charge reduction decisions. Once prior criminality is included as a control,

- a. Female defendants are more likely than male defendants to have their cases dismissed for only the two most severe grade levels (both felonies).<sup>17</sup>
- b. Female defendants are more likely than male defendants to have their charges reduced for only two felony grade level offenses. Male defendants are more likely than female defendants to have their charges reduced for both misdemeanor grade level offenses.<sup>18</sup>

The findings for case dismissal are consistent with the focal concerns framework and partially support our hypothesis. The findings for charge reduction, however, only partially support our hypothesis. Offense severity and prior criminality are shown to be important predictors of case dismissal and charge reduction outcomes. Additionally, gender is shown to have an independent effect on case dismissal and charge reduction decisions depending on the grade level of the offense.

The findings provide direction for future gender disparity research. The presence of gender disparities in case dismissal and charge reduction outcomes appears to be highly dependent on the severity and type of the offense. Additionally, more evidential support exists for preferential treatment for women in case dismissals than in charge reduction outcomes. While gender differences do exist in charge reductions, depending on the grade level being analyzed, either men or women may have the advantage. Our

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<sup>17</sup> After including prior criminality as a control, women are significantly more likely than men to have their charges dismissed for only Class B and Class A-2 felonies. For examples of common offenses that fall into each of the categories and the maximum imprisonment term if convicted, please see Table 3.

<sup>18</sup> After including prior criminality as a control, women are significantly more likely than men to have their charges reduced for only Class E and Class B felonies. Additionally, women are significantly less likely to have their charges reduced for Class B and Class A misdemeanors. For examples of common offenses that fall into each of the categories and the maximum imprisonment term if convicted, please see Table 3.

findings set the stage for further research on how such gender differences may vary across different types of offenses, including violent, drug, and property crimes.

Furthermore, our study only investigates gender differences at pre-sentencing stages. For a complete picture of how gender influences case processing, cases should be followed through their final sentencing decisions to determine whether charge reduction outcomes have a substantive impact on case processing. Researchers who simply examine gender differences in case dismissal and charge reduction outcomes at broad categories, such as felony or misdemeanor, may miss the more subtle differences that can occur at individual grade levels and across offenses. Gender is an important predictor of case processing outcomes and needs further exploration into where such gender differences are most prevalent.

## Appendix A. Codebook

### Appendix A.1. Excerpt from New York Data Codebook

Variable Name	Description	Values
<i>TOP ARREST CHARGE INFORMATION</i>		
X28	Class/Category	0 = general homicide 1 = local law felony 2 = local law misdemeanor 3 = violation 4 = infraction 7 = NCIC 9 = unspecified 11= A-I felony non-reducible 21= A-II felony 31= A-III felony 41= A-I felony reduc. 42 = A misdem 51= B felony 52 = B misdem 61= C felony 71= D felony 81= E felony 92= Unclass misdem 99 = missing arrest charge
<i>TOP DISPOSITION AND CHARGE</i>		
X38	Class/Category	0 = general homicide 1 = local law felony 2 = local law misdemeanor 3 = violation 4 = infraction 7 = NCIC 9 = unspecified 11= A-I felony non-reducible 21= A-II felony 31= A-III felony 41= A-I felony reduc. 42 = A misdem 51= B felony 52 = B misdem 61= C felony 71= D felony 81= E felony 92= Unclass misdem 98 = no dispo charges 99 = no final dispo

## Appendix B. Dismissal by Grade Levels by Race and Age

### Appendix B.1. Dismissal by Grade Levels by Race

Grade Levels	Total	White	Black	Hispanic	Other	Dismissed				
						% Total	% White	% Black	% Hispanic	% Other
Violation	37	5	19	13	0	5.40 (2)	20.00 (1)	5.30 (1)	0.00 (0)	0.00 (0)
Class B misdemeanor	115,217	47,752	36,700	28,671	2,094	2.80 (3,246)	1.50 (736)	3.70 (1,357)	3.60 (1,040)	5.40 (113)
Class A misdemeanor	225,776	72,243	90,706	58,179	4,648	5.40 (12,196)	3.70 (2,657)	5.60 (5,106)	6.90 (4,006)	9.20 (427)
Class E felony	38,459	15,340	12,934	9,074	1,111	6.20 (2,403)	2.70 (416)	8.60 (1,116)	8.60 (776)	8.60 (95)
Class D felony	51,017	14,221	21,504	13,921	1,371	7.60 (3,896)	4.00 (565)	8.70 (1,876)	9.40 (1,302)	11.20 (153)
Class C felony	14,406	3,733	6,542	3,839	292	8.30 (1,199)	3.90 (144)	9.80 (640)	9.80 (375)	13.70 (40)
Class B felony	43,044	4,228	21,921	16,580	315	8.00 (3,461)	6.00 (252)	8.00 (1,760)	8.60 (1,418)	9.80 (31)
A-2 felony	1,277	320	425	521	11	8.10 (104)	5.90 (19)	13.60 (58)	5.20 (27)	0.00 (0)
<b>Total</b>	<b>489,233</b>	<b>157,842</b>	<b>190,751</b>	<b>130,798</b>	<b>9,842</b>	<b>5.40 (26,507)</b>	<b>3.00 (4,790)</b>	<b>6.20 (11,914)</b>	<b>6.80 (8,944)</b>	<b>8.70 (859)</b>

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Violation (15 days), Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years).

Appendix B.2. Dismissal by Grade Levels by Age

Grade Levels	Total	(18-29)	(30-39)	(40-49)	(50+)	Dismissed									
						% Total		% (18-29)		% (30-39)		% (40-49)		% (50+)	
Violation	37	20	11	4	2	5.40	(2)	0.00	(0)	9.10	(1)	0.00	(0)	50.00	(1)
Class B misdemeanor	115,217	61,041	29,761	17,160	7,255	2.80	(3,246)	3.10	(1,891)	2.70	(789)	2.20	(379)	2.60	(187)
Class A misdemeanor	225,776	93,340	71,328	45,180	15,928	5.40	(12,196)	5.80	(5,414)	5.00	(3,579)	5.20	(2,338)	5.40	(865)
Class E felony	38,459	15,993	12,420	7,293	2,753	6.20	(2,403)	7.20	(1,145)	5.60	(700)	5.50	(404)	5.60	(154)
Class D felony	51,017	25,666	14,659	7,799	2,893	7.60	(3,896)	8.20	(2,097)	7.10	(1,042)	7.00	(547)	7.30	(210)
Class C felony	14,406	8,665	3,522	1,710	509	8.30	(1,199)	9.00	(778)	7.20	(253)	7.80	(133)	6.90	(35)
Class B felony	43,044	21,977	11,783	7,028	2,256	8.00	(3,461)	8.10	(1,782)	7.80	(918)	8.30	(586)	7.80	(175)
A-2 felony	1,277	776	284	142	75	8.10	(104)	6.30	(49)	10.60	(30)	8.50	(12)	17.30	(13)
<b>Total</b>	<b>489,233</b>	<b>227,478</b>	<b>143,768</b>	<b>86,316</b>	<b>31,671</b>	<b>5.40</b>	<b>(26,507)</b>	<b>5.80</b>	<b>(13,156)</b>	<b>5.10</b>	<b>(7,312)</b>	<b>5.10</b>	<b>(4,399)</b>	<b>5.20</b>	<b>(1,640)</b>

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Violation (15 days), Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years).

## Appendix C. Charge Reduction by Grade Levels by Race and Age

### Appendix C.1. Charge Reduction by Grade Levels by Race

Grade Levels	Total	White	Black	Hispanic	Other	Charges Reduced				
						% Total	% White	% Black	% Hispanic	% Other
Class B misdemeanor	109,201	45,879	34,515	26,896	1,911	42.40 (46,326)	49.50 (22,702)	36.70 (12,673)	37.40 (10,064)	46.40 (1,024)
Class A misdemeanor	212,484	69,245	85,161	53,882	4,196	39.20 (83,248)	40.60 (28,133)	37.30 (31,771)	39.90 (21,486)	44.30 (1,858)
Class E felony	34,889	14,341	11,491	8,059	998	75.40 (26,291)	67.40 (9,663)	80.20 (9,211)	81.40 (6,560)	85.90 (857)
Class D felony	46,256	13,528	19,238	12,290	1,200	77.00 (35,636)	76.90 (10,402)	76.70 (14,747)	77.20 (9,487)	83.30 (1,000)
Class C felony	12,916	3,569	5,753	3,354	240	77.20 (9,966)	80.40 (2,870)	76.30 (4,390)	74.90 (2,513)	80.40 (193)
Class B felony	39,487	3,966	20,126	15,113	282	70.70 (27,925)	77.40 (3,069)	70.30 (14,157)	69.60 (10,516)	64.90 (183)
A-2 felony	1,157	299	358	489	11	83.70 (968)	87.60 (262)	81.80 (293)	82.60 (404)	81.80 (9)
Total	456,390	150,827	176,642	120,083	8,838	50.50 (230,360)	51.10 (77,101)	49.40 (87,242)	50.80 (61,030)	56.40 (4,987)

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. Cases whose charges were raised between their initial arrest and final charge were excluded in the table. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years).

Appendix C.2. Charge Reduction by Grade Levels by Age

Grade Levels	Total	(18-29)	(30-39)	(40-49)	(50+)	Dismissed				
						% Total	% (18-29)	% (30-39)	% (40-49)	% (50+)
Class B misdemeanor	109,201	58,119	28,033	16,209	6,840	42.40 (46,326)	41.90 (24,326)	41.40 (11,608)	44.00 (7,130)	47.70 (3,262)
Class A misdemeanor	212,484	87,455	67,404	42,636	14,989	39.20 (83,248)	43.60 (38,109)	36.40 (24,522)	35.50 (15,116)	36.70 (5,501)
Class E felony	34,889	14,451	11,286	6,626	2,526	75.40 (26,291)	78.90 (11,397)	72.60 (8,198)	72.80 (4,827)	74.00 (1,869)
Class D felony	46,256	23,078	13,384	7,155	2,639	77.00 (35,636)	76.30 (17,610)	77.40 (10,364)	78.90 (5,648)	76.30 (2,014)
Class C felony	12,916	7,712	3,195	1,544	465	77.20 (9,966)	76.70 (5,916)	78.00 (2,491)	77.50 (1,197)	77.80 (362)
Class B felony	39,487	20,134	10,843	6,435	2,075	70.70 (27,925)	68.20 (13,724)	72.40 (7,855)	74.50 (4,793)	74.80 (1,553)
A-2 felony	1,157	721	250	126	60	83.70 (968)	83.60 (603)	79.60 (199)	90.50 (114)	86.70 (52)
Total	456,390	211,670	134,395	80,731	29,594	50.50 (230,360)	52.80 (111,685)	48.50 (65,237)	48.10 (38,825)	49.40 (14,613)

NOTE: All cases that received one of the following grade levels at their initial arrest are included in the table. Cases whose charges were raised between their initial arrest and final charge were excluded in the table. Infraction refers to traffic infractions that carry a maximum fine of \$150 or imprisonment of not more than 15 days or both for 1st time offenders. The maximum imprisonment if convicted for 1st time offenders for each grade level category are as follows: Class B misdemeanor (3 months), Class A misdemeanor (1 year), Class E felony (4 years), Class D felony (7 years), Class C felony (15 years), Class B felony (25 years), Class A-2 felony (Life sentence, with a minimum of 3 years).

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