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Racial Disparities in Imprisonment Rates in Nebraska: A Case Study of Panhandle County

by Ed A. Muñoz, Ph.D.
Iowa State University

Research Report No. 22
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Abstract

A racial/ethnic analysis of total adult male admissions in six Nebraska Department of Correctional Services (DCS) facilities for a 5-year period, from 1987 to 1991, shows Latino admissions almost doubling. Interestingly, the majority of Latino males sentenced to Nebraska penal facilities enter the system from Panhandle County, a sparsely populated rural agricultural county. Census data indicate that Latino prison admissions in Nebraska and, even more so, in Panhandle County are highly disproportionate to respective 1990 state and county population figures. In addition, a comparison of Latino imprisonment rates in eight counties with Latino populations of 1,000 or more shows Latinos entering the prison system at higher rates from smaller rural counties. Finally, bivariate and multivariate analyses of Panhandle County district court records point to a double standard of justice in Panhandle County favoring Anglos over Latinos and Native Americans.

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Dr. Muñoz, a faculty member of Iowa State University's expanding Latino Studies Program, refers to himself as a "Nebrasqueno" — a Chicano born and raised in the heartland state of Nebraska. He earned his B.A., M.A., and Ph.D. in sociology and is an assistant professor at ISU.

Dr. Muñoz currently teaches courses in race and ethnic relations, criminology and deviance, and social science research techniques. His primary area of research focuses on the racial/ethnic bias in the Midwest's rural criminal justice system, and the sentencing dispositions of Latinos within those systems.

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The Julian Samora Research Institute is committed to the generation, transmission, and application of knowledge to serve the needs of Latino communities in the Midwest. To this end, it has organized a number of publication initiatives to facilitate the timely dissemination of current research and information relevant to Latinos. The Julian Samora Research Institute Research Report Series (RR) publishes monograph length reports of original empirical research on Latinos in the nation conducted by the Institute's faculty affiliates and research associates, and/or projects funded by grants to the Institute.

Racial Disparities in Imprisonment Rates in Nebraska: A Case Study of Panhandle County

Table of Contents

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There is increasing concern over the growing crime rate that threatens the well being of all citizens in this country. Yet the incidence of crime varies from region to region, making it the task of researchers to locate high crime areas in order to ameliorate the underlying factors. Nevertheless, there is considerable methodological debate as to defining the best measure of criminal activity. Pope reminds us that studies using:

> …official crime data are based upon differential selection of criminal events. Selection bias may be associated with changes in penal laws, administrative leadership, citizen's reporting patterns, or the deployment of law enforcement personnel; *or there may be overt discrimination in the enforcement and application of criminal sanctions.*
>
> (1979, p. 352; emphasis mine)

Undoubtedly, a major issue in the study of crime is the disproportionate representation of non-White racial/ethnic minorities in official crime statistics. Some feel this is a result of racial bias in the criminal justice system, despite inconsistent empirical evidence for this phenomenon (Georges-Abeyie, 1989, 1992; Hagan, 1974; Kleck, 1981; Zatz, 1987).

Indeed the dichotomization of race has been a questionable phenomenon in criminal justice research (e.g. Georges-Abeyie, 1989, 1992; Perry, 1980; Kleck, 1981; Gordon, et al. 1987; Zatz, 1987). For the majority of criminological studies it is unclear whether "Black" includes other non-White racial/ethnic groups such as Latinos[1], Native Americans, or Asians. To further complicate matters, Latinos are as varied in terms of ethnic identification as racial identification. Mexicans, Puerto Ricans, Cubans, and other Central and South Americans can and do racially identify as White, Black, Asian, and Native American according to U.S. Census data (U.S. Bureau of the Census, 1990). This Black/White racial dichotomy continues to blur ethnic distinctions between and within groups questioning the validity of previous research on race and crime (Georges-Abeyie, 1989, 1992).

Researchers must also focus more on situation and interaction variables, or the context-specific nature of crime, along with individual variables such as race, sex, age, and class to explain differential crime statistics (Georges-Abeyie, 1989; Jefferson, 1988; Tagaki, 1981). Particularly important is the socio-historical relationship between non-White racial/ethnic groups and the U.S. legal system. For instance, Acuña (1981) documents how law enforcement authorities, such as the Texas Rangers, brutally tortured and killed Chicanos along the imposed U.S.-Mexico border in the latter part of the 19th Century and the early part of the 20th Century. This produced a deep lasting mistrust of law enforcement officials, which negatively influenced, and continues to negatively influence, relations between Anglos and Chicanos in this area to this very day (Escobar, 1988; Mazón, 1984; Mirande, 1987; Morales, 1972).

Bridges and Crutchfield (1988) further posit that social, economic, and legal characteristics of states contribute to racial disparities in imprisonment rates. Their national study found the greatest Black/White disparity in imprisonment rates in the predominantly White, agricultural North Central region of the country, small wonder considering previous research results indicating that a county's structural characteristics affect White and non-White imprisonment rates. Bridges, Crutchfield, and Simpson specifically argue that:

> Oppressed racial minorities [in rural areas] may be especially threatening to the political hegemony of Whites, and the legal process may be used selectively to punish and incapacitate the most volatile segments of the large minority population… Bureaucratic pressures for efficiency and consistency [in urban courts] demand uniformity in case processing, and thereby limit the discretion of individual officials to deviate from court policies… [Hence] capricious decision-making [in sentencing patterns] against non-whites is more likely to occur in rural than in urban areas. (1987, p. 347; in brackets my comments)

Therefore, when other factors are equal, non-Whites are more likely to be sentenced to prison terms in non-urbanized counties, particularly if the non-White population is relatively large. Given this Urban/ Rural disparity, it seems apparent that research on race and crime would produce more fruitful results if counties were used as units of analysis, because there may be large intra-state variations in percentages of minority populations (Hawkins and Hardy, 1989).

With these issues in mind, this study will explore the nature and scope of male racial/ethnic disparities in imprisonment rates in Nebraska.[2] In addition, case study analysis of criminal court data in Panhandle County will provide insight as to whether, and to what degree, such disparities are due to differential arrest rates, processing, and/or sentencing practices by criminal justice officials. The study will emphasize the Latino criminal justice experience for two reasons: with the continued growth of the Latino population (Garcia and Montgomery, 1991) in the United States — demographic forecasters predict that the Latino population will surpass the Black population as the largest minority population early in the next century — research dealing with Latina/os can no longer be ignored; most important, however, this exploratory analysis will determine if "gringo justice," or a double standard of justice favoring Anglos over Chicanos (Mirande, 1987), is evident in the rural heartland of Nebraska.

Prison Admissions in Nebraska

Even though Pope (1979) warns of the selection bias in official crime data statistics, prison admission rates are one of the most reliable indicators of criminal activities, and even more so, of criminal justice system activities. In order to be admitted into a state correctional facility, an individual must have been convicted of a crime in a district court. Therefore, an analysis of the racial composition of adult male admissions in six Nebraska Department of Correctional Services (DCS) facilities for the fiscal years 1987-1991 was performed to determine the character of racial/ethnic disparity in imprisonment. In addition, 1990 Nebraska census data is employed to determine extent of racial/ethnic disproportionality. Latino county population figures are then used to ascertain the existence of gringo justice.

Percentages of the racial/ethnic composition of total adult male admissions in six Nebraska Department of Correctional Services facilities during a 5-year period from 1987 to 1991 are shown in Table 1. Black admissions rose from 22.23% to 27.5% of the total; Latino admissions rose from 3.5% to 6.11%; Native American admissions declined from 4.51% to 3.88%; and Anglo admissions declined from 69.19% to 62.01%. Latino admissions witnessed the greatest proportional increase, nearly doubling in five years.

Table 1: Percent Male Admission Rates into Nebraska Department of Correctional Services by Race/Ethnicity for Fiscal Years 1987-1991

Race	*1987*	*1988*	*1989*	*1990*	*1991*
Black	22.23	23.81	26.26	32.02	27.50
Latino	3.50	4.51	4.81	6.01	6.11
Native Amer.	4.51	4.18	3.35	4.21	3.88
Other	0.56	0.56	0.63	0.34	0.50
White	69.19	66.93	64.96	57.42	62.01
Total	**100.00**	**100.00**	**100.00**	**100.00**	**100.00**
N	*(886)*	*(886)*	*(956)*	*(1165)*	*(1211)*

Source: Nebraska Department of Correctional Services Fiscal Year Data, 1987-1991.

These figures are striking when examining 1990 Nebraska population percentages by race/ethnicity in Table 2. A word of caution concerning the classification of race in official statistics is in order. The United States census data categorizes race as White, Black, Native American, Asian, and "Other" in their statistical reports, and includes a separate designation for people of Spanish Origin within these five categories. Nevertheless, in Nebraska, Whites constitute 93.8% of the total Nebraska population, Blacks 3.6%, Native Americans 0.8%, and Asians/Other 1.8%. Within the total population of Nebraska, people of Spanish origin constitute 2.3% of the population.

Table 2: 1990 Nebraska Population Percentages by Race/Ethnicity

White	*1,480,558*	*93.8%*
Black	*57,404*	*3.6%*
Native American	*12,410*	*0.8%*
Asian/Other	*28,043*	*1.8%*
Total	***1,578,385***	***100.0%***
Spanish Origin*	*36,969*	*2.3%*

**Can be of any race*

Source: 1990 Nebraska Census Data, Nebraska Natural Resources Commission

Table 3: Percentage of Latino Male Admissions into DCS by County with 1,000+ Latino Population by Fiscal Years 1987-1991

County	*1987*	*1988*	*1989*	*1990*	*1991*
Buffalo	3.23	5.00	2.17	2.86	5.41
Dakota		2.50	2.17	5.71	8.11
Douglas	6.45	7.50	19.57	18.57	22.97
Hall	6.45	10.00	10.87	11.43	8.11
Lancaster	6.45	12.50	8.70	8.57	9.46
Lincoln	16.13	12.50	4.35	7.14	5.41
Panhandle	22.58	37.50	26.09	30.00	21.62
Sarpy	6.45			2.86	1.35
N	(31)	(40)	(46)	(70)	(74)

Source: 1990 Nebraska Census Data, Nebraska Natural Resources Commission

The state of Nebraska is divided into 93 counties with almost half of the total state population living in the counties of Douglas, Lancaster, and Sarpy. (Nebraska Natural Resources Commission, 1990) During the 5-year period under investigation, 33 different counties had at least one Latino male sentenced to a DCS facility. Table 3 contains data on Latino male admissions for eight counties with a Latino population of 1,000 or more persons. Table 4 shows selected population characteristics for these eight counties.

Table 4: Percentage of County That Identifies as Latinos with 1,000+ Latinos in 1990

County	*Population**	*Latino Origin**	*%Latino**	*Latino Males 18+***
Buffalo	36,430	1,023	2.8%	344
Dakota	15,481	1,016	6.6	338
Douglas	359,438	11,388	3.2	3820
Hall	47,263	2,116	4.5	723
Lancaster	202,663	3,938	1.9	1312
Lincoln	31,354	1,623	5.2	463
Panhandle	32,822	5,237	16.0	1475
Sarpy	93,712	3,383	3.6	1030

*Source: 1990 Nebraska Census Data Nebraska Natural Resources Commission
** Source US Government Documents 1990 Census of Population and Housing

In 1990, the proportion of the population that was Latino in Panhandle County was 16%. This figure is well below the percentage of Latino admissions for each of the five years observed in Table 3. The data also reveals that Panhandle County had the highest percentage of Latino admissions in the state by far for four out of the five years: in 1987, the Latino admission percentage for Panhandle County was 22.58% with Lincoln County next at 16.13%; in the peak year of 1988, Panhandle County led all other counties with 37.5% followed by Lancaster and Lincoln Counties with 12.5% each; in 1989, Panhandle County admissions for Latinos decreased to 26.09% followed by Douglas County with 19.57%. However, in 1990, Panhandle admissions climbed back to 30.0% followed by Douglas once again with 18.57%; finally, in 1991 Panhandle County's 21.62% Latino male admission percentage was narrowly surpassed by Douglas County's 22.97%.

Moreover, after converting the admissions and population data into rates in Table 5, results show considerable support for the previous work by Bridges, Crutchfield, and Simpson (1987) who found that county structural characteristics affect White and non-White imprisonment rates. As alluded to earlier, Douglas, Lancaster, and Sarpy Counties located in the southeastern part of the state, are the three most populous counties, and for that matter are also the most urban. In fact, Omaha, the largest metropolitan area in the state with a total population over 300,000, is situated in Douglas County. (United States Bureau of the Census, 1990) The rates for Latino male admissions from these three counties range from 0.0 to 5.3 per 1,000 Latino males for the 5-year period. In comparison, not one of the other five counties listed has a total population of 50,000. And when focusing on Panhandle County, a predominantly agricultural, rural area in the western part of the state, the Latino admission rate ranges from 4.7 (in 1987) to 14.2 (in 1989 and 1990) per 1,000 Latino males during the five-year period. In addition, Dakota — the county with the second highest percentage of Latinos in the state seems to be experiencing a similar increase in Latino admissions with a rate of 0.0 in 1987 and 17.8 in 1991.

Table 5: Latino Admission Rates into DCS for Fiscal Years 1987-1991 for Counties with 1,000+ Latino Population

County	1987	1988	1989	1990	1991
Buffalo	3.0	5.8	2.9	5.8	11.6
Dakota	0.0	3.0	3.0	11.8	17.8
Douglas	0.5	0.8	2.4	3.4	4.5
Hall	2.8	5.5	6.9	11.1	8.3
Lancaster	1.5	3.8	3.0	4.6	5.3
Lincoln	10.8	10.8	4.3	10.8	8.6
Panhandle	4.7	10.2	14.2	14.2	10.8
Sarpy	1.9	0.0	0.0	1.9	1.0

*Rate= (Number of Latino Admissions ÷ Number of Latino Males 18 Years or Older) x 1,000.
U.S. Bureaus of the Census, 1990. DCS Fy Reports 1987-91

Reported city crime figures obtained from the Nebraska Crime Commission Uniform Crime Reports (1988-90) show that the city of Panhandle in Panhandle County, with a population of 14,308 in 1988, had the highest crime rate of 79 offenses per 1,000 population. In 1989, South Sioux City in Dakota County, with a population of 9,773, was first with a crime rate of 70 offenses per 1,000 population. The city of Panhandle tied for fourth at 65 per 1,000 population. But once again in 1990, Panhandle led the crime rate with 79 offenses per 1,000 population. Could racial disparities in imprisonment rates be due to the fact that some areas are just simply high crime areas? But with all things being "equal," would not logically then, male admission percentages into DCS very closely resemble population percentages of males 18 years or older for a county?

This is far from the case when isolating Panhandle County individually. Data for the 5-year period in Table 6 shows that White males accounted for 82.5% of the total male population 18 years and older, but only accounted for 50.7% of admissions into DCS. In contrast, Latino males accounted for 10.8% of the male population 18 years and older, however, they accounted for 35.9% of male admissions into DCS. This pattern is consistent for all other minority populations in the county. Finally, after once again converting the data into rates, the disparities are even more pronounced. The White admission rate is 9.8 per 1,000 White adult males, while the Latino admission rate is 52.9 per 1,000 Latino males. An interesting finding to note in the data is the Native American admission rate of 171.2 per 1,000 adult Native American males in Panhandle County!

Table 6: Imprisonment Rates by Race/Ethnicity for Panhandle County

Panhandle County 1990 Male Population 18+ Years by Race/Ethnicity*

White	Black	Native Am.	Latino	Other	Total
11,248	27	146	1,475	740	13,636
82.5%	0.2%	1.1%	10.8%	5.4%	100.0%

Total DCS Male Admissions 1987-1991 from Panhandle County by Race/Ethnicity**

	White	Black	Native Am.	Latino	Other	N
n	110	2	25	78	2	217
%	50.7%	1.0%	11.5%	35.9%	1.0%	100.0%

Admission Rate per 1000 by Race/Ethnicity for Panhandle County***

White	Black	Native Am.	Latino	Other
9.8	74.1	171.2	52.9	2.7

* Source: US Government Documents, 1990 Census of Population and Housing.
** DCS Fy Reports 1981-1991.
*** Rate = (# of Category Admissions ÷ # of Category Males 18 Years or Older) x 1,000.

The fact that male admissions to the Department of Correctional Services are racially disproportionate in Panhandle County, and the significant size of the Latino population in Panhandle County, raise important questions regarding whether the criminal justice system has provided all convicted offenders a "fair trial?" On the one hand, it is impossible to determine the "true" crime rate due to undetected and/or unreported criminal activity. On the other hand, one can determine if racial differences in criminal justice processing occur. In order to answer this question, data from criminal court records were collected in order to determine whether or not there are differential practices by race/ethnicity of offender in court processing and sentencing.

Data and Measurements

Data for the second part of this study were collected from the Panhandle District Court criminal case records by the author during the fall of 1991 and the winter of 1992. As these data are public information in the state of Nebraska, they were easily accessible by making a phone request to the Clerk of the District Court Office. Felony criminal cases tried by the District Court during the 5-year period 1987-1991 were necessarily chosen as units of analysis on the basis that only convicted felons are admitted to DCS.

Inspection of the criminal court index, an approximately two-by-three foot binder, provided the volume and page number of felony criminal court cases referenced in appearance dockets. Appearance dockets then provided case file numbers for felony court proceedings on offenses such as murder, sex, drugs, assault, property violations, and a myriad of other crimes. Female felony convictions were omitted to their near absence in number. This selection process generated 453 individual cases for a 5-year period.

Case files provided detailed information on types of offenses and number of charges for each specific offense; the type and amount of bond; whether the accused was represented by a private lawyer or public defender; whether the amount of bond had increased or decreased; the initial plea of the accused at arraignment; whether or not plea bargaining had

occurred between the state and the defendant, and if so, the stipulations of the plea agreement; whether or not the case was forwarded to a jury; the final court verdict; whether or not a pre-sentence had been ordered by the court; and finally, terms of the sentence delivered. Unfortunately, previous criminal records of accused individuals were not available from the data. All the variables were readily recognizable through documents contained in the court files. The variable, race of the offender, was largely determined by the author and requires elaboration.

The only official indication of race of an offender was found in an often difficult to read duplicate copy of a document stipulating the terms of the sentence found in the latter section of the case file. Whites and Latinos were categorized with either a "W" or a "C," meaning White or Caucasian in the court records. "B" was used for the very few Blacks involved, and "I" for Native Americans. It is important to note that this document, with the indicator of race, was not used in the year 1987, but was placed in use sometime in 1988. Therefore, the first criterion used by the author to categorize race was an offender's surname. Obvious Spanish surnames (e.g., Muñiz, Rivera) were categorized as Latino. In addition, individuals with traditional Native American names (e.g., Dances With Wolves, Spotted Owl) were categorized as Native American.

As one might expect, surnames are not the most reliable indicator of race. Omission of proper accent marks could easily give a Spanish surname the appearance and subsequent resonance of an Anglo surname (Tarin vs. Tarín). In addition, other European surnames are very likely to be products of past and present biracial conjugal relationships, and as well, past attempts of forced assimilation of Native Americans by Whites. To compensate for these ambiguities, attention was given to other names listed in documents, particularly witness lists. If a witness list contained a considerable number of traditional Spanish or Native American surnames, then it was assumed that the offender was of Latino or Native American heritage.

After the first day of data collection, the author devised a columnar tally sheet to aid in recording of data. Appendix A shows the coding scheme for the variables derived from the raw data. Upon completion of data collection, the raw data were then transformed into computer readable form for analysis. The data file includes 20 independent variables and seven dependent variables for analysis. For the sake of simplicity in interpreting results, Appendix B lists the variables under analysis after data transformation, and reflects the collapsing of selected continuous and/or categorical variables.

Grouping the 199 total possible charges derived from the raw data into six offense types created categories for the independent variables most serious offense (MSERIOUS) and next most serious offense (NSERIOUS). The category "other crimes," consisting of charges dealing with insufficient funds, forgery, carrying a concealed weapon, stolen cattle, etc., is coded 1. The category "property offense" is coded 2, "assault and other personal offense" is 3, "drug offense" is 4, "sexual offense" is 5, and, finally, "murder" is 6. There may be some issue as to the rank of severity assigned to the categories. Choices were subjectively based upon which crimes would more likely result in admittance into one of the six DCS male facilities, and the severity of the crime for the victim and/or the accused. Lizotte (1978, p. 569) argues that judges' perceptions are influenced by the seriousness of the crime which:

> …is considered to have two aspects. The first is the magnitude of the crime. The second involves the circumstances of the case: defendant's resisting arrest, number of defendants, sobriety of the defendant at arrest, defendant's sex, victim's race and sex, injury to the victim, and dollar amount of goods taken.

For example, murder and sexual crimes are severely damaging to the physical wellbeing of the victim, hence, a need for harsher sentencing for the accused if found guilty. Drug offenses, while "victimless" crimes, have an enormous potential for physical damage and, within the current "War on Drugs" campaigns, are perceived by society as the leading contributor to violent crimes. Assault and property crimes are evaluated by severity depending on the amount of physical and financial damage incurred.

Assuming that the total number of offenses will have an effect on sentencing, and in order to limit confusion among variables, a total number of charges (TOTOFF) variable was created by adding COUNTS1, COUNTS2, and COUNTS3 from the

raw data, and then collapsing the resulting numbers into four categories. NBNDAMT and NCREDIT are collapsed continuous variables respectively for bond amount and for days credit for time served. Values for TOTOFF, NBNDAMT, NCREDIT, and the remaining independent categorical variables (RACE, BOND, BONDCHGE, PLEA, NEWDEAL, and JUDGE) are listed in Appendix B.[4]

A final note concerning the reporting of race for the study is necessary. The author chose to expand the scope to include analyses of Native American sentencing patterns because of the extraordinarily high Native American imprisonment rate in Panhandle County (see Table 6). After collecting and tabulating racial data from Panhandle District Court criminal cases, Native Americans constituted almost 10% of the cases. The extremely minimal number of cases involving Blacks and Asians were included in the Native American and White categories, respectively.[5]

Dummy variables for whether or not an interpreter was employed (BILING), whether or not a plea bargain was negotiated (BARGAIN), whether or not the case was tried by jury (JURY), and whether or not a pre-sentence investigation was ordered by the court (EVAL), were coded 0 = Yes and 1 = No. This was based on the assumptions that having an interpreter (if necessary), entering into plea negotiations, having a jury trial, and having a pre-sentence evaluation conducted, would lessen chances of incarceration, as well as the severity of the sentence. Along similar reasoning, final verdict (FINAL), was coded 0 = Not Guilty and 1 = Guilty, while defense attorney (ATTORNEY) was coded 0 = Private Lawyer and 1 = Public Defender.

Dependent variables for the study were operationalized and ranked by the type and severity of the punishment delivered by the two judges of the Panhandle District Court. For instance, if probation (SENTI) was the only type of punishment delivered, then the length of probation in years is reported. Next, assuming that having to pay a fine and/or restitution would be more serious than only probation, NSENTII is categorized by amount of fine and/or restitution in dollars. A sentence of intensive probation constituted the next dependent variable SENTIII. As with SENTI, SENTIII is reported as duration of probation in years. However, the difference is that SENTIII involves a combination of probation, fine and/or restitution, community service, and/or electronic monitoring.

In addition to these three dependent variables, four more sentencing possibilities dealing with type and length of incarceration were determined: if sentencing involved incarceration in Panhandle County Jail, then the length of time in months is reported as SENTIV. However, if the offender was convicted on multiple charges and subsequently received multiple sentences to serve in the county jail consecutively, the total length of time was calculated and reported in months as SENTV. The same criteria was used in reporting length of time sentenced to DCS as NSENTVI, and length of time consecutively sentenced to DCS as NSENTVII.

Finally, in order to interpret bivariate crosstabulations more easily, ALBOTE, JAIL, and PRISON were created by whether or not SENTIV, SENTV, NSENTVI, and NSENTVII were meted out as punishment. If jail time (SENTIV or SENTV) or prison (NSENTVI or NSENTVII) are reported, then ALBOTE, or incarceration to either county jail or Department of Correctional Services (DCS), is recorded as "yes." If, however, only incarceration into Panhandle County Jail (SENTIV or SENTV) is reported, then JAIL is "yes." Similarly, if incarceration into DCS (NSENTVI or NSENTVII) is reported, then PRISON is recorded as "yes."

Bivariate Findings and Discussion

Bivariate crosstabular analyses were performed on various combinations of the variables described above. Significant relationships were found between the extra-legal variable race and six of the legal variables. Results in Table 7 show that Whites have higher proportions of individuals being charged with multiple offenses ($p < .05$). In fact, over 56% of White felony defendants were originally charged with two or more offenses, compared to 45% of Latino defendants and 39.1% of Native American defendants ($p < .05$). This finding fails to support the contention of racial/ethnic bias in arrest procedures. However, Latinos (51%) have a significantly higher combined proportion ($p < .05$) of individuals charged with crimes more serious than "other," and property crimes, in comparison to Whites (36.7%) and Native Americans (26.1%). Perhaps the seemingly high Latino involvement in drug related activity is an indication of limited economic opportunity. Nonetheless, with the current "War On Drugs" campaign throughout the nation, this could be a major contributor to the dramatic increase of Latino admissions into DCS.

Table 7: Race/Ethnicity by Selected Case Characteristics

	Race/Ethnicity				
Multiple	%White Amer.	%Latino	%Native	ChiSq	Sigp
No	43.8%	55.0%	60.9%	7.58	.022**
Yes	56.3	45.0	39.1		
n	(256)	(151)	(46)		
MSerious					
Other	18.4	13.9	15.2	22.87	.011**
Property	44.9	35.1	58.7		
Assault	8.2	14.6	8.7		
Drugs	16.8	23.8	6.5		
Sex	9.8	12.6	6.5		
Murder	2.0	0.0	4.3		
n	(256)	(151)	(46)		
TOTOFF					
1 Charge	43.8	55.0	60.9	15.60	.016**
2 Charges	23.4	27.2	23.9		
3 Charges	17.2	11.3	8.7		
4 Or More	15.6	6.6	6.5		
n	(256)	(151)	(46)		
Jury					
Yes	8.7	17.6	0.0	21.34	.000***
No	91.3	82.4	100.0		
n	(230)	(136)	(41)		
Attorney					
Private	31.0	25.2	0.0	19.56	.000***
Public	69.0	74.8	100.0		
n	(255)	(151)	(46)		
Plea					
Not Guilty	79.0	84.7	71.1	7.90	.095*
No Contest	0.8	2.1	4.4		
Guilty	20.2	13.2	24.4		
n	(252)	(144)	(45)		

** p ≤ .10 ** p ≤ .05 *** p ≤ .001*

An alarming picture is portrayed by the data in regards to Native Americans and the criminal justice system. Not one Native American arraigned on felony criminal charges in Panhandle County District Court had a jury trial or a private attorney for their defense ($p < .001$). Furthermore, about one-fourth of the Native Americans processed in the 5-year period entered a plea of guilty at arraignment ($p < .10$). While this information may suggest a state of hopelessness for Native Americans, it surely suggests the lack of economic resources for the best legal defense possible. Not surprisingly, Whites (31%) have better economic resources for legal defense, as indicated by the high proportion of individuals employing private attornies. Interestingly, Latinos have the highest proportions of individuals choosing jury trials (17.6%) and pleading not guilty at arraignment (84.7%).

Regardless, Latinos have the highest proportion of individuals receiving jail or prison sentences (68.9%) as shown by the variable ALBOTE in Table 8. But when disaggregating county JAIL sentences from PRISON sentences, Native Americans (50%) have the highest proportion of individuals receiving county jail sentences, while Latinos (39.1%) have the highest proportion of individuals receiving prison sentences. Thus far, support for a double standard of justice in Panhandle County based on race/ethnicity is moderately strong. Let us turn to multivariate regression analyses to more appropriately determine the strength and direction of statistical associations.

Table 8: Race/Ethnicity by Selected Sentencing Variables

	Race/Ethnicity				
	%White	%Latino	%Native Am.	ChiSq	sigp
ALBOTE					
No	41.0%	31.1%	34.8%	4.10	.13
Yes	59.0	68.9	65.2		
n	(256)	(151)	(46)		
JAIL					
No	71.9	66.2	50.0	8.79	.12**
Yes	28.1	33.8	50.0		
n	(256)	(151)	(46)		
PRISON					
No	65.2	60.9	78.3	4.67	.10*
Yes	34.8	39.1	21.7		
n	(256)	(151)	(46)		

* p ≤ .10 ** p ≤ .05 *** p≤ .001

Regression Results and Discussion

Previous research has found that the race/ethnicity of an accused, the judge, the seriousness of the crime, the type of attorney (public defender vs. private lawyer), and the amount of bail affect the length of sentencing given to convicted offenders (Lizotte, 1978). I propose that the total number of offenses a person is charged with could also have an effect on the perceived seriousness of the crime, thereby affecting incarceration and length of sentence. For the purpose of this study, race of an offender was transformed into two dummy variables LATINO and NATIVE AMERICAN (0 = no; 1 = yes) with White offenders excluded as the comparison group. The Latino population in Panhandle County is relatively large and a number of cases indicated the use of an interpreter designated by the variable BILING. Hence, the independent variables BILING, LATINO, NATIVE AMERICAN, JUDGE, TOTOFF (total offenses), MSERIOUS (crime type), ATTORNEY, JURY, and NBNDAMT (bond amount) were entered into regression models.

Because the focus is on imprisonment, whether or not an accused receives incarceration into either the county jail or prison (ALBOTE) is the first dependent variable selected for analysis. In addition, the length of sentence into the county jail (SENTIV), and the length of sentence into prison (NSENTVI) will also be used as dependent variables for the equations. ALBOTE is a dichotomous dependent variable, and… "When the probability of falling to either of the two groups represented by the values of the dependent variable lies within the range of .25 to .75, the relationship between the log-odds and probability is approximately linear and a linear function yields reliable information concerning the relative importance of predictor variables" (Cleary and Angel 1984, p. 343). The frequency distribution for ALBOTE is 37.1% "no" and 62.9% "yes."

As shown in Table 9, Latinos are significantly more likely to receive a sentence of incarceration (ALBOTE) for the conviction of a felony offense in comparison to Whites or Native Americans ($p \leq .005$). Having Judge Y (coded 2) rather than Judge X (coded 1) hear your case significantly decreases the chances for incarceration ($p < .01$). Having a public defender for defense in criminal court significantly increases the likelihood for incarceration ($p < .05$). Interestingly, not having your case tried by a jury significantly increases the likelihood of incarceration ($p < .05$). In addition, as the seriousness of the crime increases the likelihood of incarceration decreases ($p < .05$). Plea-bargaining may be mediating these two paradoxical findings.

Table 9: Regression of Independent Variables on ALBOTE

B	*BETA*	*SIG T*	
NATIVE AMER.	.009	.006	.91
BILING	.173	.066	.19
JUDGE	-.121	-.132	.01**
TOTOFF	.018	.042	.41
MSERIOUS	-.040	-.113	.03*
ATTORNEY	.114	.109	.03*
JURY	.185	.128	.01*
LATINO	.150	.155	.03***
NBNDAMT	.028	.059	.28
R-SQUARE=.08	*p≤.05	**p≤.01	***p≤.055

Table 10 shows the effects of independent variables on the length of county jail time (SENTIV). Only plea-bargaining can account for the significantly longer jail sentences in non-jury cases ($p \leq .005$). Defendants in Panhandle County must view county jail time as less severe than prison time, which could lend to a more cooperative adjudication process — plead guilty and don't do prison time. Consistent with findings on incarceration, having Judge Y hear your case decreases the length of jail time ($p < .05$). However, Native Americans receive significantly longer jail sentences than both Latinos and Whites ($p \leq .005$), though Latinos receive significantly longer jail sentences than Whites ($p \leq .005$).

Table 10: Regression of Independent Variables on SENTIV

	B	BETA	SIG T
NATIVE AMER.	.349	.147	.00***
BILING	-.154	-.039	.45
JUDGE	-.169	-.111	.02*
TOTOFF	-.065	-.097	.06
MSERIOUS	-.051	-.093	.07
ATTORNEY	-.064	-.039	.43**
JURY	.383	.169	.00***
LATINO	.155	.103	.05*
NBNDAMT	-.027	-.037	.49
R-Square=.10	*p≤.05	**p≤.01	***p≤.005

In contrast, race variables have no significant effects on the length of prison time as depicted in Table 11. Also in contrast to previous results, having Judge Y hear your case significantly increases the length of a prison sentence ($p < .005$). However, the amount of bond (NBNDAMT) has the strongest significant effect (beta = .235, $p < .005$) on length of prison time, implicating the severity of crimes punished. Further support for this contention manifests in significantly increased prison sentences for more serious crimes (MSERIOUS $p < .005$). Earlier plea-bargaining arguments can also explain less prison time for non-jury cases ($p \leq .01$). And just as having a public defender for legal defense significantly increases the chance of incarceration, it also significantly increases prison time ($p \leq .01$).

Table 11: Regression of Independent Variables on NSENTVI

B	*BETA*	*SIG T*	
NATIVE AMER.	-.043	-.009	.85
BILING	.059	.007	.88
JUDGE	.500	.172	.00***
TOTOFF	-.107	-.079	.11
MSERIOUS	.118	.106	.04*
ATTORNEY	.373	.112	.01**
JURY	-.621	-.135	.01**
LATINO	-.002	-.001	.99
NBNDAMT	.354	.235	.00***
R-Square = .16	**p ≤ .05*	***p ≤ .01*	****p ≤. 005*

Conclusion

Previous sentencing research shows that criminal adjudication may be more capricious for non-White racial/ethnic minorities in non-urbanized counties where they comprise a relatively large proportion of the population (Bridges and Crutchfield 1988; Bridges, Crutchfield, and Simpson 1987; Hawkins and Hardy 1989). Nebraska Department of Correctional Services data for the years 1987-1991 provide support for this contention, as Latinos from sparsely populated non-urban counties account for the majority of Latino prison admissions in the state. In addition, 1990 Nebraska census figures demonstrate a high degree of disproportionality with respect to Latino prison admissions and their total state and county male populations.

Table 12: Regression of Independent Variables on SENTIV

VARIABLES	B	BETA	SIG T
NATIVE AMER.	.349	.147	.004***
BILING	-.154	-.039	.450
JUDGE	-.169	-.111	.015*
TOTOFF	-.065	-.097	.056
MSERIOUS	-.051	-.093	.074
ATTORNEY	-.064	-.039	.431
JURY	.383	.169	.001***
LATINO	.155	.103	.047*
NBNDAMT	-.027	-.037	.488

R-Square = .10104 **p ≤ .05*
***p ≤ .01* ****p ≤. 005*

To further illustrate these findings, let us consider a few characteristics of the state. The population of the state is almost 95% White, with Blacks and Latinos constituting the two largest minority groups in the state. However, their population distribution within the state is very different: the majority of the Black population is concentrated in Omaha, the largest urban center in the state, with a smaller concentration in Lincoln, the capital and home of the University of Nebraska. Other than these two eastern cities in Nebraska, the Black population is sparse throughout the rest of the state. Naturally, Black admissions are almost exclusively from these large urbanized counties.

Table 13: Regression of Independent Variables on NSENTVI

VARIABLES	B	BETA	SIG T
NATIVE AMER.	-.043	-.009	.854
BILING	.059	.007	.884
JUDGE	.500	.172	.000***
TOTOFF	-.107	-.079	.110
MSERIOUS	.118	.106	.036*
ATTORNEY	.373	.112	.006**
JURY	-.621	-.135	.006**
LATINO	-.002	-.001	.992
NBNDAMT	.354	.235	.000***

R-Square = .16052 **p ≤ .05*
***p ≤ .01* ****p ≤. 001*

In contrast, Latinos are more dispersed throughout the state. They are more likely to be visible in rural areas due to the fact that Nebraska, for the most part, has an agriculturally based economy. There is a great deal of seasonal farm work, along with livestock producing and processing, occupations often filled by Latinos. There are certain pockets in the state where many Latino families settled after years in the migrant farm labor stream and through employment with railroad companies. This is the case for Panhandle County, where the highest proportion of Latinos resides. Peculiar, however, is the high crime rate per 1,000 population during a portion of the time period investigated (Nebraska Crime Commission, 1988-1990), which could in part account for the exorbitantly high proportion of Latino prison admissions from the county.

However, case study analysis of Panhandle District Court records suggest bias in criminal sentencing decisions. Although Latinos were arraigned on a fewer number of charges than their White counterparts, the types of offenses were more severe. Of special interest is the higher proportion of Latinos pleading not guilty at arraignment and choosing to have their case heard by a jury, rather than plea-bargaining. Yet Latinos have higher proportions of individuals receiving a sentence of incarceration, and more specifically, state prison rather than county jail sentences, when convicted of felony charges. Multivariate regression analyses provide a clearer picture of sentencing processes.

That Latinos were significantly more likely to receive a sentence of incarceration rather than probation when convicted on felony charges, even when controlling for a number of legal variables supports the contention of a double standard of justice for Latinos and Anglos. However, Native Americans received significantly longer county jail sentences than Latinos or Whites. Race did not factor significantly in the length of prison sentences. Regression

results also showed that there are significant differences in sentencing decisions between judges and that having a private lawyer significantly decreased punishment severity. The seriousness of the crime had significant positive effects on the length of prison sentences, as one expects. What seems to be at issue and worthy of more attention in sentencing decisions is the plea-bargaining process. Findings indicate that having a jury trial is disadvantageous in the adjudication process, suggesting that an accused should cooperate during criminal processing in order to insure leniency in punishment (i.e., plead guilty and/or provide information to investigators for leniency).

Although case study results cannot be generalized to represent the overall criminal justice experience, they do provide a stepping point for future research. Namely the respecification of regression models to better account for the variance in sentencing decisions. Logistic regression models should also include controls for plea-bargaining in order to determine the risk of incarceration for those found guilty of felony offenses. The same can be said of ordinary least square regression models on length of sentence variables. Models should also test for interaction effects between ethnicity and type of offense variables. It could be that Latinos are specifically targeted for crimes that warrant severe punishment.

Perhaps, in the long run, Bridges, Crutchfield, and Simpson (1987) are right in arguing that Latinos are starting to pose a threat to the political and economic hegemony of the dominant White population in some areas. Given the nature of the numbers uncovered in this project, it seems logical to speculate that if this is so, Native Americans compound this threat even more. If Latinos and Native Americans are perceived to be a threat in Panhandle County, are criminal justice officials using the courts to keep Latinos and Native Americans in their place? In-depth interviews with male prison inmates from Panhandle County would perhaps be a good place to look for insights into the context-specific nature of Panhandle County criminal justice.

Endnotes

1. Unless otherwise specified, Latino and Latinos will be used interchangeably with Hispanic and Hispanics. They are umbrella terms for individuals of Mexican, Cuban, Puerto Rican, and other Latin American heritages. Likewise, Chicano and Chicanos will be used interchangeably with Mexican and Mexican Americans. Feminine forms of these nouns (i.e., Latina, Chicana, etc.) will be used when appropriate.

2. While crime by females is a growing concern, their omission from the study is based on their low numbers of admissions into the Nebraska Department of Correctional Services (DCS) institutions. DCS admissions data show only 20 females were admitted from Panhandle County for the fiscal years 1987-1991.

3. Judy Eggers, data programming specialist at the Nebraska Department of Correctional Services (DCS) central office, provided admissions data from the six DCS male facilities for the fiscal years 1987-1991.

4. PLEA is a defendant's plea at arraignment, while NEWDEAL is the outcome of plea negotiations.

5. If an error was made in categorizing, it would be in favor of Whites and diminish the impact of results found for Latinos and Native Americans.

6. ALBOTE is a Spanish contraction (a el bote) which literally means to the can. Figuratively, ALBOTE means to go to jail or prison.

7. See Lizotte (1978) also for a discussion on operationalization of variables.

8. Whether an accused chose to plea bargain (BARGAIN) was left out of the equation because of the high correlation whith JURY (-0.686).

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Appendix A
Raw Data Variables

MULTIPLE	'Multiple Offenses'	0=no 1=yes
SERIOUS1	'Most Serious Offense'	3-digit Number
COUNTS1	'No. Counts for SERIOUS1'	2-digit Number
SERIOUS2	'Next Most Serious Offense'	3-digit Number
COUNTS2	'No. Counts for SERIOUS2'	2-digit Number
COUNTS3	'No. Counts Other Offenses'	2-digit Number
RACE	'Race of Offender'	0=White/Asian 1=Latino 2=Native Amer./Black
BOND	'Type of Bond'	1=Own Recognizance 2=Money 3=No Bond
BONDAMT	'Bond in Thousands of $'	5-digit Number
JUDGE	'Which Judge?'	1=Judge X 2=Judge Y
ATTORNEY	'Private/Public?'	1=Private Lawyer 2=Public Defender

Appendix A
Raw Data Variables (continued)

BILING	'Interpreter?'	0=yes 1=no
BONDCHGE	'Bond Change?'	1=Reduced 2=No Change 3=Increased
PLEA	'Preliminary Plea'	1=Not Guilty 2=No Contest 3=Guilty
BARGAIN	'Plea Bargain'	0=yes 1=no
JURY	'Jury Trial'	0=yes 1=no
NEWDEAL	'Outcome of Plea Bargain'	1=Case Dismissed 2=Charges Dismiss 3=Charges Reduced 4=Reduce/Dismiss 5=No Extra Charges 6=Chge Plea NC 7=Chge Plea Guilty 8=Add Charges
FINAL	'Final Court Verdict'	0=Not Guilty 1=Guilty
EVAL	'Pre-sentence Investigation'	0=yes 1=no
CREDIT	'Days Credit Time Served'	3-digit Number
SENTI	'Probation in Mos.'	2-digit Number
SENTII	'Fine and/or Restitution $'	5-digit Number
SENTIII	'Intensive Probation in Mos.'	2-digit Number
SENTIV	'County Jail in Mos.'	2-digit Number
SENTV	'Consecutive Jail in Mos.'	2-digit Number
SENTVI	'DCS in Mos.'	3-digit Number
SENTVII	'Consecutive DCS in Mos.'	3-digit Number

Appendix B
Variables After Data Transformation

MULTIPLE	'Multiple Offenses'	0=no 1=yes
MSERIOUS NSERIOUS	'Most Serious Offense' 'Next Most Serious Offense'	1=Other 2=Property 3=Assault 4=Drugs 5=Sex 6=Murder
TOTOFF	'Total Number of Charges'	1=One Charge 2=Two Charges 3=Three Charges 4=> Four Charges
RACE	'Race of Offender'	0=White 1=Latino 2=Native Amer./Black
BOND	'Type of Bond'	1=Own Recognizance 2=Money 3=No Bond
NBNDAMT	'Bond Amt. in Thousands $	1= 1 - 10 2= 11 - 25 3= 26 - 50 4= 51 - HI 5=No Bond
JUDGE	'Which Judge?'	1=Judge X 2=Judge Y
ATTORNEY	'Private/Public?'	0=Private Lawyer 1=Public Defender
BILING	'Interpreter'	0=yes 1=no
BONDCHGE	'Bond Change'	1=Reduced 2=No Change 3=Increased
PLEA	'Preliminary Plea'	1=Not Guilty 2=No Contest 3=Guilty
BARGAIN	'Plea Bargain'	0=yes 1=no
JURY	'Jury Trial'	0=yes 1=no
NEWDEAL	'Outcome of Plea Bargain'	1=Case Dismissed 2=Charges Dismiss 3=Charges Reduced 4=Reduce/Dismiss 5=No Extra Charges 6=Chge Plea NC 7=Chge Plea Guilty 8=Add Charges

FINAL	'Final Court Verdict'	0=Not Guilty 1=Guilty
EVAL	'Pre-sentence Investigation'	0=yes 1=no
NCREDIT	'Days Credit Time Served'	1= 0 - 60 2= 61 - 120 3= 121 - 180 4= 181 or More Days
SENTI	'Probation in Years'	1=One Year 2=Two Years 3=Three Years 4=Four Years
NSENTII	'Rest. and/or Fine in $'	1= LO - 500 2= 501 - 1000 3= 1001 - 1500 4= 1501 - HI
SENTIII	'Intensive Probation in Yrs.'	1=One Year 2=Two Years 3=Three Years 4=Four Years
SENTIV	'County Jail in Mos.'	1= LO - 3 2= 4 - 6 3= 7 - 9 4= 10 ñ 12
SENTV	'Consecutive Jail in Mos.'	1= LO - 3 2= 4 - 6 3= 7 - 9
NSENTVI	'DCS in Years'	1=One Year 2=Two Years 3=Three Years 4=Four Years 5=> Five Yrs.
NSENTVII	'Consecutive DCS in Years'	1= LO - 2 Years 2= 3 - 4 Years 3= 4 or More Years
ALBOTE	'Incarceration'	0=no 1=yes
JAIL	'Incarceration County Jail'	0=no 1=yes
PRISON	'Incarceration DCS'	0=no 1=yes