



**Fourth Judicial District of Minnesota  
Adult Disposition Study**

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## Executive Summary

### BACKGROUND:

- Like some other states, Minnesota has a third dispositional alternative situated between dismissals/acquittals on the one hand and convictions on the other. Called “interim dispositions,” these middle-ground dispositions give defendants the chance to have the original criminal charges dropped if they adhere to certain conditions. Defendants disobeying interim disposition conditions, in contrast, face a full-blown conviction and the resulting criminal sanctions. To the best of our knowledge there has been no prior study examining the determinants of dispositional outcomes when interim dispositions are added to the traditional dispositional dichotomy. This study looks at whether criminal dispositions—and interim dispositions more specifically—are given in an impartial, unbiased manner.

### RESEARCH DESIGN:

- Employing data for all criminal cases that were disposed in Minnesota’s Fourth Judicial District between July 2010 and June 2011, we use multinomial logistical regression analysis to examine the factors associated with all criminal disposition types, paying particular attention to the determinants of interim dispositions relative to acquittals/dismissals and convictions, respectively. We include a battery of “legally relevant” variables, such as the severity of the charged offense, the number of charges an offender is facing, and a defendant’s criminal history, as well as several “extralegal” indicators, such as race, ethnicity, gender, age, and whether the defendant was arrested in an urban or suburban jurisdiction.

### MAIN RESULTS:

- African American defendants are much more likely to have their cases acquitted/dismissed relative to the other dispositional options. While this may seem like these individuals are receiving lenient treatment, it is highly likely that police are arresting African Americans more often on charges that cannot stand up in court. Given the long-term consequences of having an arrest on one’s record, an acquittal/dismissal is a far less optimal outcome than no arrest.
- All else equal, having a prior conviction greatly reduces a defendant’s chances of receiving an interim disposition, suggesting that prosecutors prefer to reserve interim dispositions for those without a criminal record. However, there are important differences by race for defendants with and without prior convictions. Specifically, Native Americans with and without prior convictions, respectively, are much less likely to

receive interim dispositions than White defendants with and without a criminal history, respectively.

- When looking at all offense levels (misdemeanor, gross misdemeanor, and felony), African American defendants are more likely to get an interim disposition than a conviction. However, when we limit the analysis to only felony level offenses, African Americans are less likely to receive an interim disposition than White defendants. As a result, it appears that prosecutors tend to give African Americans interim dispositions more for lower-level charges than for felony level offenses.
- In general, males are much less likely than females to receive interim dispositions, even when controlling for other legally relevant criteria. However, when looking at all offense types (misdemeanors, gross misdemeanors, and felonies) Native American females and males, respectively, are far less likely than White females and males, respectively, to receive an interim disposition. When we only examine felony level offenses, African American females and males, respectively, are far less likely than White females and males, respectively, to receive an interim disposition; however, African American females stand a better chance of getting an interim disposition than White males, regardless of the charge level.
- Native Americans appear to be the group that is the least likely to receive interim dispositions, even when controlling for legally-relevant criteria.
- There is not much difference between Hispanic and non-Hispanic defendants in interim dispositions, suggesting that ethnicity is a less salient predictor of these dispositions than race.

#### **RECOMMENDATIONS:**

- In order to reduce the high number of criminal cases against African Americans that end up dismissed, prosecutors should work with police officers to ensure that when police make arrests, there is sufficient evidence to get a conviction if a defendant is culpable.
- In order to diminish the racial disparities for who receives an interim disposition between White defendants and non-White defendants—and Native American and African Americans in particular—prosecutors should develop clear criteria for who is and is not eligible for an interim disposition based upon legally relevant criteria, such as the type and severity of the current offense and a defendant’s criminal history.
- The Fourth Judicial Research Department will conduct a follow-up study to see which defendants are successful on their interim dispositions in order to help prosecutors discern the profile of the defendant who is least likely to fail interim disposition conditions.

## INTRODUCTION

Like some other states, Minnesota has a third dispositional alternative situated between dismissals/acquittals<sup>1</sup> on the one hand and convictions on the other. Called “interim dispositions,” these middle-ground dispositions give defendants the chance to have the original criminal charges dropped if they adhere to certain conditions. Defendants disobeying interim disposition conditions, in contrast, face a full-blown conviction and the resulting criminal sanctions. Interim dispositions are thus tantamount to a second chance, potentially allowing defendants to avoid the negative long-term consequences of a criminal conviction. Although the decision to offer an interim disposition should be based upon legally relevant criteria—like the severity of the current offense or criminal history—previous research strongly suggests that criminal justice outcomes are often driven by extralegal factors, such as race, ethnicity, or gender.

However, much of the extant literature is primarily concerned with how legal and extralegal variables influence post-conviction outcomes, such as decisions about whether to imprison convicted offenders or the factors accounting for the variation of criminal sentence lengths. In contrast, the present study is primarily concerned with determining if the major findings of the criminal justice literature hold up when examining a different dependent variable that is potentially subject to the influence of implicit bias and extralegal variables.

Given the gap in our understanding regarding the determinants of dispositional alternatives when interim dispositions are involved, the main questions addressed below center on the conditions under which prosecutors offer interim dispositions to defendants. More

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<sup>1</sup> Throughout the paper, we will use the term “dismissal” as a catchall category for cases that resulted in an acquittal or dismissal. Although there are qualitative differences between these two dispositions, the end result of both is that the case is no longer under court jurisdiction.

directly, do defendants receiving these dispositions have similar profiles, or do extralegal variables explain dispositional differences among similarly situated defendants? That is, are the differences between those who do and do not receive interim dispositions attributable to legally relevant characteristics or does bias—based on extralegal variables—exist? Do the same determinants of criminal sanctions identified by prior scholarship apply to the less-studied realm of interim dispositions?

This study will attempt to answer these questions by analyzing criminal court data from Minnesota’s Fourth Judicial District, which is composed solely of Hennepin County, Minnesota’s most populous and diverse county. Employing data for all criminal cases that were disposed in Minnesota’s Fourth Judicial District between July 2010 and June 2011, we use multinomial logistical regression analysis to examine the factors associated with all criminal disposition types, paying particular attention to the determinants of interim dispositions relative to dismissals and convictions, respectively. Using data from a large and diverse urban court is ideal for analyzing these outcomes because it allows us to capture abundant legal and extralegal information for tens of thousands of defendants. Running a series of regression analyses uncovers evidence that while interim dispositions are associated with many legally relevant variables, there is strong evidence that extralegal variables—and race in particular—strongly influence who receives this second chance. Thus, bias manifests itself in the criminal justice system well before it appears in the post-conviction outcomes that the previous literature has identified.

This research project unfolds as follows. We first review the extant research on the effects that legal and extralegal variables have on post-conviction decisions. We also expound

upon interim dispositions and explain the process of receiving an interim disposition in Minnesota. Second, we explain our data, dependent and independent variables, and the statistical models we use to analyze the determinants of dispositional outcomes. Third, we unveil the results of our statistical analysis and discuss the findings in depth. We conclude with policy recommendations and considerations for future research.

### **FINDINGS OF THE PREVIOUS LITERATURE**

The principle of equality before the law is the foundation on which the legitimacy of the court system in the United States rests. If bias exists systematically in the legal system, it could undermine one of the United States' key societal institutions. Given the importance of impartiality in the legal system on the one hand and the stratification of the United States across many levels—for example, racial, ethnic, gender, and income—on the other, understanding if court decisions are biased for or against defendants with certain profiles is extremely salient.

Whether criminal justice outcomes are biased or not hangs on the distinction between “legal” and “extralegal” defendant characteristics. Factual differences between individuals—taking the form of “legally relevant” variables such as the severity of the charged offense, the number of charges an offender is facing, and a defendant’s criminal history—can justify disparate treatment. Indeed, courtroom actors should look at an offender with a long line of violent convictions facing a murder charge differently than a first-time defendant booked on a non-violent misdemeanor. These legally relevant differences (or similarities) between defendants should account for differences (or similarities) in criminal justice outcomes.<sup>2</sup> However, a large

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<sup>2</sup> It is also important to consider the differences in legal outcomes caused by “Disparity” on the one hand and “Discrimination” on the other. “Disparity” can result in different treatment for similar outcomes, but are non-discriminatory. For example, two similar defendants guilty of murder can have extremely disparate fates if one is sentenced in a state that has the death penalty while the other is not. Thus, the difference in sentencing outcomes

body of scholarly evidence maintains that criminal sanctions are not immune to bias via “extralegal variables,” which can be rooted in race, gender, or age, among other things. Considering these dynamics, it is unsurprising that many criminologists and sociologists have spent careers addressing whether criminal justice outcomes are biased or not (see Zatz 2000; Spohn 2000; Ulmer 2012).

A primary way in which scholars have examined whether or not criminal court outcomes are biased is by looking at the length of criminal sentences. This outcome allows researchers to easily discern whether similarly situated offenders convicted of similar crimes receive uniform terms of incarceration, and to determine how much of the variation in sentence length is attributable to different legal and extralegal characteristics. Another common dependent variable of the relevant research is imprisonment decisions—specifically, whether convicted defendants end up incarcerated or not—which scholars analyze to determine if judges reach similar incarceration decisions for defendants with similar profiles.

Previous research demonstrates that legally relevant variables are often some of the strongest predictors of criminal justice outcomes, whereby defendants with longer criminal histories and more severe current offenses end up incarcerated more frequently and tend to receive longer sentences than defendants with lesser records facing minor offenses (Kleck 1981). That said, an abundance of research convincingly demonstrates that extralegal variables also influence criminal sanctions. Despite some scattered evidence suggesting that White defendants are not treated favorably by the criminal justice system (e.g. Kleck 1981; Hagan 1974), being non-White appears to negatively affect post-conviction outcomes. Specifically, there is

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could be due to local laws instead of discrimination (see Spohn 2000: 432). As explained in more depth below, discrimination is another way of saying that implicit bias exists.

“evidence that African Americans are treated worse than similarly situated whites in sentencing,” whereby “federal Black defendants receive 12% longer sentences under the Sentencing Reform Act of 1984” (Kang et al. 2012: 1148). Other scholars have found that additional extralegal variables, such as gender (Steffensmeier and Demuth 2006), age (Wu and Spohn 2009), or various combinations of these attributes, impact incarceration decisions and sentence lengths even after controlling for legally relevant variables (Spohn 2000; Ulmer 2012). The impact of extralegal variables thus appears to cast a shadow over the criminal justice system.

While this line of research has uncovered extremely important findings, these types of dependent variables suffer from a problem of selection bias whereby they only examine convicted defendants. Problematically, “it has long been recognized that sentencing is conditioned by selection processes in earlier justice system decisions” (Ulmer 2012). Because bias can influence decisions throughout the entire criminal court process—beginning as early as arrest—(Smith 1986), these factors will likely impact who is and is not convicted, which is a necessary precondition of post-conviction decisions.

Some scholars have recently expanded the array of criminal justice outcomes under examination. Instead of only analyzing whether defendants do or do not receive a prison term, King and Johnson (Forthcoming) categorize imprisonment decisions. These authors differentiate by 1) whether the sentence was imposed and executed, 2) whether the defendant received a stay of execution (whereby a defendant only serves the sentence if probation terms are violated), or 3) whether the defendant receives a stay of imposition (which means the court stays the imposition of sentence on condition the defendant complies with court orders). King and Johnson’s (Forthcoming: 11) examination of the differences between stayed executions and stayed

impositions is significant given that “little prior work has empirically examined these distinctions.” Similar to previous research, these authors found that race has an influence over who receives these sentencing alternatives, whereby Black offenders receive more punitive sentencing decisions. Yet despite the important recognition of additional sentencing outcomes, King and Johnson’s sample is still limited to convicted defendants.

Pursuing a different path that has been “largely neglected” by scholars, Vîlcică (2012) examined dismissals of criminal cases as a primary outcome, and whether a previous dismissal had any impact on subsequent contact with the criminal justice system. While understanding dismissals is extremely important given the preponderance of attention paid to post-conviction outcomes, we still do not adequately understand the determinants of dismissals vis-à-vis other dispositional outcomes.

The present study expands on these recent developments. Instead of limiting the analysis to a subset of offenders or outcomes, we investigate the full range of dispositional alternatives available in Minnesota: convictions, dismissals, and “interim dispositions.” The latter category is an important addition to the traditional dispositional dichotomy. Interim dispositions allow defendants to avoid a conviction when they satisfy specified conditions. As the term “interim” would suggest, these dispositions are not the final outcome of a defendant’s case. Rather, they exist to give the defendant an opportunity to remain law abiding or succeed in court-ordered programming. Adhering to the terms of the interim disposition can lead to a dismissal of the case, whereas violating these terms can ultimately lead to a conviction. Given the significant long-term consequences of being saddled with a criminal conviction (Uggen, Behrens, and

Marzan 2005; Wakefield and Uggan 2010), this dispositional alternative has the potential to radically transform a defendant's life. In short, interim dispositions are akin to a second chance.

Before we analyze the determinants of dispositional outcomes in Minnesota, we first expound upon the process for receiving an interim disposition. Per Minnesota criminal law, an interim disposition can come from one of three different individual dispositions. The first interim disposition in Minnesota is a "Stay of Adjudication," whereby a defendant pleads guilty or is found guilty of an offense but the court does not formally adjudicate guilt. Instead, the court "stays" the adjudication for a designated period with conditions. If the defendant complies with the conditions for the specified time, the case is dismissed without a conviction. If the defendant violates a condition, the court may adjudicate guilt based on the prior guilty plea or guilty verdict, and sentence the defendant or stay imposition of sentence. At this point, there is a conviction.<sup>3</sup> Because obtaining a conviction is an executive branch function, a court is without authority to stay adjudication of guilt in the absence of a prosecutor's agreement (Minn. Stat. § 609.095(b)). There is one exception to this rule, however: the court has inherent authority to stay adjudication of guilt without a prosecutor's agreement if the court finds that staying adjudication of guilt is necessary to avoid an injustice resulting from the prosecutor's clear abuse of discretion in exercising the charging function (see *State v. Krotzker*, 548 N.W.2d 252 Minn. 1996).

The second interim disposition is a "Statutory Stay of Adjudication," which is related to specific offense types written into Minnesota statute. With respect to certain controlled substance offenses (Minn. Stat. § 152.18) and for the offense of non-support of a spouse or a child (Minn. Stat. § 609.3751), the Minnesota legislature has authorized courts to stay adjudication of guilt

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<sup>3</sup> A conviction in Minnesota occurs when there has been a plea of guilty or a verdict of guilty followed by the court's formal adjudication of guilt (Minn. Stat. § 609.02, subd. 5; *State v. Hoelzel*, 639 N.W.2d 605, 609 Minn. 2002) ,

without a prosecutor’s agreement. Once again, defendants receiving this disposition must adhere to court-imposed conditions to avoid a conviction.

The final type of interim disposition under Minnesota law is a “Continuance for Dismissal,” which is similar to a stay of adjudication except that there is no guilty plea or guilty verdict. Under this disposition, a case is continued before trial for a designated time with conditions to which the defendant must adhere to avoid a conviction. As a condition of the continuance, the defendant may be required to make an out of court statement admitting guilt that can be used at trial against the defendant in the event the prosecution is resumed.<sup>4</sup> Like stays of adjudication, a court is without authority to continue a case for dismissal in the absence of a prosecutor’s agreement, and there are no statutory or inherent authority exceptions to this rule (Minn. Stat. § 609.132).

With the exceptions mentioned above—i.e. the offenses falling under the two Minnesota statutes or prosecutorial overreach—prosecutors are largely the gatekeepers of interim dispositions and wield significant power over who does and does not receive this second chance. Beyond the offense types that can be considered for interim dispositions via Minnesota law, there is no publicly available criteria guiding who is eligible for an interim disposition. As a result, there is potential that bias—via extralegal variables—can influence which defendants receive this second chance, which this study addresses.

Although interim dispositions represent this study’s principal innovation, we also examine the other two dispositional alternatives—dismissals and convictions—relative to interim dispositions to get a full understanding of the degree to which legal and extralegal variables

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<sup>4</sup> The Minnesota Rules of Criminal Procedure do not recognize the phrase “continuance for dismissal.” Instead, the rules refer to “diversion agreements” or agreements to “suspend prosecution” (Minn. R. Cr. P. 27.05). All of these phrases describe the same thing.

influence all criminal dispositions in Minnesota. By looking at the determinants of all of these different dispositional alternatives, we will be able to determine whether defendants with similar criminal histories facing similar charges have their cases disposed in a similar manner, effectively answering the question of whether extralegal variables influence the type of disposition defendant's receive. As a result, we will be able to ascertain whether the findings of the previous literature apply to a different set of criminal justice outcomes.

**DATA, VARIABLES, AND METHOD:**

The sample consists of the population of all adult criminal cases that were disposed between July 2010 and June 2011 in Minnesota's Fourth Judicial District. This district comprises all of Hennepin County, which is the largest and most diverse county in the state of Minnesota, home to almost a quarter of Minnesota's residents. We removed payable offenses (e.g. traffic or parking citations) and petty misdemeanors from the sample, leaving misdemeanor, gross misdemeanor, and felony level offenses (we begin by estimating the full array of case types, but we truncate the sample to felony level cases in subsequent models).

Since our sample window stretched for an entire year, many defendants received dispositions on multiple cases during this period. We opted to include individuals only once in the sample. When defendants received multiple dispositions during this window, we took the case that was disposed closest to July 2010. That is, if a judge handed down a disposition to a defendant in August 2010 and then the defendant subsequently received another disposition on a more serious charge in January 2011, we include the only the August 2010 case. Information about criminal cases and defendants came from Minnesota's statewide court management

information system (MNCIS), which contains abundant information about criminal cases in Hennepin County and throughout Minnesota.

Restricting the analysis to Minnesota’s Fourth Judicial District—or Hennepin County—has several advantages. First, Hennepin County contains a plurality of the state’s racial and ethnic minorities, ensuring that there are enough non-White defendants in the analysis (see below for more information about race and ethnicity). Second, Hennepin County accounts for more charged offenses than any other jurisdiction in Minnesota, which enabled us to draw a very large sample of defendants. Third, because we are analyzing cases from a single judicial district, our results are not confounded by the effects of socio-political differences that researchers must account for when analyzing outcomes across multiple jurisdictions (see Helms and Costanza 2010).

**Dependent Variable:**

As indicated above, our dependent variable consists of the three dispositional alternatives available to judges in Minnesota: convictions, interim dispositions, and dismissals.

Defendants falling in to the “conviction” category are those who the court finds guilty of the charge(s) leveled against them. Convictions can come from several different processes, such as jury trial, a bench trial, or a plea bargain. Regardless of the mode of conviction, the defendant will have a conviction on their criminal record unless it qualifies for expungement in the future. As Table A2 in the Appendix demonstrates, about 57% of the cases in the sample resulted in a conviction (see Tables A1 and A2 for descriptive statistics of all variables used in the analysis).

“Interim dispositions” are the second value of the dependent variable, which represents the main innovation of this study.<sup>5</sup> As mentioned above, the benefit of an interim disposition is that it allows defendants to avoid a conviction when they satisfy specified conditions. Given the long-term consequences of having a conviction on a criminal record (Uggen, Behrens, and Manza 2005; Wakefield and Uggen 2010), this dispositional alternative has the potential to radically transform a defendant’s life. As mentioned above several individual dispositions qualify as interim, but the common thread is that they do not result in either an initial conviction or an initial dismissal/acquittal when pronounced from the bench. As Table A1 shows, interim dispositions occurred about 22.2% of the time.

The final category of the dependent variable is “acquit/dismiss,” which consists of numerous individual dispositions.<sup>6</sup> Although there are qualitative differences between acquittals on the one hand and dismissals on the other, including both in the same category is sensible given that defendants face no additional criminal court action from these outcomes, which is an entirely different result than the other two values of the dependent variable. Indeed, for acquittals and dismissals, defendants do not have to worry about further criminal court action. Dismissals represented about 21% of the dispositions that occurred during the sample window.

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<sup>5</sup> To the best of our knowledge, this study is unique in its inclusion of interim dispositions as a separate dispositional category situated between convictions on the one hand and dismissals on the other.

<sup>6</sup>Specifically, the individual dispositions in this category are: “acquitted” (The court finds or jury returns a verdict of Not Guilty Court grants motion for judgment of acquittal), “acquitted by reason of mental deficiency” (Person has plead or been found guilty of the offense but the court finds or jury returns a verdict of not guilty by reason of mental deficiency.), “acquitted by reason of mental illness” (Person has plead or been found guilty of the offense but the court finds or jury returns a verdict of not guilty by reason of mental illness.), “dismissed” (The charge is dismissed by prosecutor or court without further court action), “dismissed due to mental illness” (The court orders dismissal on grounds the person is incompetent to proceed with the case due to mental illness. The court finds person is incompetent to proceed and suspends the proceedings, upon expiration of suspension period), and “dismissed due to mental deficiency” (The court orders dismissal on grounds the person is incompetent to proceed with the case due to mental deficiency. The court finds person is incompetent to proceed and suspends the proceedings, upon expiration of suspension period.)

### **Independent Variables:**

We include a battery of legally relevant and extralegal variables that the existing literature identifies as being integral to understanding criminal justice outcomes. Starting with legally relevant variables, we include the type and severity of the offense facing the defendant, which we refer to as the “instant offense.” Previous research has demonstrated that the type and severity of the instant offense are among the “best predictors of legal decisions” (Steffensmeier and Demuth 2006: 249), whereby person-based crimes and higher-level offenses are correlated with harsher sanctions. As we alluded to above, we define the instant offense as a defendant’s first case disposed in Hennepin County between July 2010 and June 2011. We use the final charging statute<sup>7</sup> to categorize the charges into a series of variables for the type and level of instant offense.

In order of severity, we include felony, gross misdemeanor, and misdemeanor charges, the latter of which is the most common offense in the sample. Ideally, we would break down these broad offense categories into numerous sub-categories (e.g. Homicide, Sex Crimes, Weapons, etc.), but there are insufficient observations across the three values of the dependent variable when parsing out the specific offense types under felonies, gross misdemeanors, and misdemeanors. Instead, we code the instant offense variables into four categories: felony drug offenses, other felony offenses, non-felony person offenses, and other non-felonies (which is the base category).<sup>8</sup> Although breaking down the severity and type of the instant offense in this manner does not allow us to determine how certain types of offenses are disposed (e.g. sex

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<sup>7</sup> This is different from the initial charging statute, which can change between prosecution and disposition.

<sup>8</sup> In a model that is not included in the tables below, we structured the instant offense variable by whether it was a felony, gross misdemeanor, or misdemeanor. The results of this model did not differ from Table 1 below. We opted to code the instant offenses as we did because, as the results below demonstrate, drug felonies were disposed of differently than non-drug felonies.

crimes), it does allow us to distinguish the impact of different offense severities on dispositional alternatives.

We also investigate additional ways to categorize the type and severity of the instant offense. In Table 3 below, we structure the instant offense as a scale from the least to most severe (misdemeanor, gross misdemeanor, and felony). In addition, in Table 2 we exclude misdemeanor and gross misdemeanor offenses to examine dispositional outcomes for defendants charged with felony level offenses exclusively. To capture additional information about the instant offense case, we include a variable in all of our models for the total number of charges each defendant is facing.

In addition to the offense type, prior research has consistently demonstrated that a defendant's criminal record affects criminal justice outcomes, especially sentencing decisions. Criminal history is likely to be vitally important to a defendant's disposition because prosecutors and judges must consider public safety when offering deals and deciding case outcomes. Prior criminal activity acts as a window in to an offender's risk to the community, which is an important consideration for courtroom personnel (see Steffensmeier, Ulmer, and Kramer 1998; Kramer and Ulmer 2009). Indeed, prosecutors might be hesitant to give defendants with prior criminal convictions interim dispositions, preferring instead to press for a full conviction to keep these individuals off the street. In contrast, prosecutors might see defendants without a history of criminal activity as better candidates for interim dispositions.

We define criminal history as any conviction received by a defendant throughout the entire state of Minnesota between July 2007 and the date of the instant offense.<sup>9</sup> Similar to our instant offense variable, petty misdemeanors, traffic offenses, and parking violations are not included as prior criminal activity. We code criminal history by including several variables for whether or not a defendant was previously convicted on the following offenses: felony person offenses, other felony offenses, non-felony person offenses, and other non-felony offenses (the reference category is no prior convictions).

We also include different ways to conceptualize criminal history. In Table 4, we define criminal history as the total number of all convictions garnered between July 2007 and the date of the instant offense, without consideration for the type and severity of the prior conviction. In Table 5, we include a variable for whether or not the defendant had any prior conviction between July 2007 and the instant offense date. Table 6 includes a scale that weighs prior convictions according to their severity, whereby we attribute 4 points to prior person felonies, 3 points to other felonies, 2 points to non-felony person offenses, and 1 point to other non-felonies.<sup>10</sup>

In all of the models, we include a variable for whether the defendant failed to appear (FTA) at a hearing in front of a judge between July 2007 and the date of the instant offense, following the convention of Demuth and Steffensmeier (2004).<sup>11</sup> In essence, this represents the defendant's history of failure to appear for court appearances.

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<sup>9</sup> While we would prefer to look at the entire criminal records to every defendant to include convictions prior to July 2007, the Minnesota court management information system does not have reliable case data that can be extracted electronically before 2007.

<sup>10</sup> Because some defendants had more than one previous conviction, the range for the criminal history scale used in Table 6 was 0-10.

<sup>11</sup> A correlation table available from the authors shows that prior failures to appear are not highly correlated with the criminal history variables in the model so the concern about multicollinearity does not exist.

The final legally relevant variable in all of the models below is time to disposition. Because the range for the number of days to disposition is too wide, we chose to create a scale for this variable.<sup>12</sup>

In addition to these legally relevant variables, we consider a host of extralegal variables identified by the previous literature. Our first extralegal variable is the defendant's age in years at the time of the disposition. While the effect of age itself on criminal justice outcomes is somewhat ambiguous—principally because there tends not to be a direct, linear relationship between age and criminal sanctions—scholars have found that age becomes a salient predictor of sentencing duration when interacted with other extralegal variables, such as race and gender (Steffensmeier and Kramer 1995). To control for the potential non-linear relationship between age and disposition type, we also include a squared value of age.<sup>13</sup>

As in previous literature, we include gender in all of the models below, and we expect males to receive fewer interim dispositions than females.

In order to control for the effect that differences in geography have on dispositional outcomes, we include a variable for whether an urban police agent or an officer of one of Hennepin County's myriad suburban law agencies arrested the defendant.<sup>14</sup>

The best-studied extralegal variable in previous scholarship is race. Despite some scattered research suggesting that non-White defendants do not receive harsher sentences (e.g. Kleck 1981; Hagan 1974), the preponderance of the scholarly evidence strongly suggests that

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<sup>12</sup> The values for each unit of the time to disposition scale are: 0-15 days, 16-30 days, 31-60 days, 61-75 days, 76-90 days, 91-120 days, 121-150 days, 151-180 days, 181-365 days, and 366+ days.

<sup>13</sup> Per the convention of the literature, our age-squared variable is mean-centered and orthogonal to the linear age variable.

<sup>14</sup> The "urban" police agencies are those that operate primarily in Minneapolis: Minneapolis Police Department, the Metro Transit Commission Police Department, the Minneapolis Park Police Department, and the University of Minnesota Police Department-Minneapolis.

non-white defendants are at a disadvantage, even after considering legally relevant variables (Spohn 2000: 428-29; see Spohn 2000 and Ulmer 2012 for excellent reviews on the links between race and criminal sanctions). In order to model the effect of race on disposition type, we include a series of variables to identify several non-White racial categories. Procedurally, defendants self-report their race. At first appearance, court personnel ask defendants to complete a demographic questionnaire. If the defendant does not complete this field, the defendant's race is marked as "Unknown." Unfortunately, almost 20% of the defendants in the original sample—or 6,838 individuals—had "Unknown" as their race in MNCIS. After careful consideration and examination of the "Unknown" racial group contrasted with the other racial categories, we removed these defendants from the sample.<sup>15</sup>

African Americans represent the first racial category included in our study. Our second category is Native American. Data from Canada suggests that Native Americans receive harsher sentences than Whites do (Tonry and Frase 2001), which this variable allows us to test. The remaining racial categories included in the study are Asian, Multi Race (for defendants who reported being of more than one racial category, and Other Race (for defendants whose race was not among the available options on the demographic form). White is the base category for all of the race variables, except in Tables A3 and A4 in the Appendix, where we include a White variable (with non-White as the reference category) that allows us to isolate dispositional outcomes for White defendants.

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<sup>15</sup> We thoroughly compared the "Unknown" race group to the other race categories using statistical tests to discern similarities and differences. With the lone exception of gender, we found that the "Unknown" race group had statistically significant different values on all of the variables included in the study when compared to the other racial groups individually. Thus, we believe that the "Unknown" race group was comprised of many individuals from the other racial groups included in the study, and its inclusion in the models below would obscure impact of the other race variables included in the study. In addition, removing these defendants from the sample did not show any systematic differences in any other analyses.

Furthermore, studies beginning in the 1980s and 1990s demonstrate the importance of including variables to capture race *and* ethnicity, instead of the traditional White/non-White or White-Black dichotomy (Zatz 2000: 530). Previous research suggests that “Hispanics were more likely than Whites to be sentenced to prison, even after taking crime seriousness and prior criminal record into account” (Spohn 2000, 475). Thus, failure to separate Hispanic from non-Hispanic defendants “produces biased racial findings that considerably misrepresent Black-White sentencing differences,” thereby confounding the effects of race on criminal sanctions (Demuth and Steffensmeier 2004: 1008-09). In order to control for the effects of ethnicity on dispositional outcomes, we include a variable for whether the defendant self-identified as being Hispanic on the same demographic form where defendants reported their race.

The effects of race and ethnicity on criminal justice sanctions might also be indirect. In order to tease out the more subtle effects that race and ethnicity have on dispositional decisions, Table 7 contains a series of models with interaction terms between race and ethnicity on the one hand, and other legal and extralegal variables on the other. Looking at these interaction effects will allow us to determine not just whether race and ethnicity matter, but how race and ethnicity affect the dispositions defendants receive.

This battery of legal and extralegal variables will allow us to analyze the most salient determinants of different dispositional outcomes. Tables A1 and A2 in the Appendix contain descriptive statistics for all of the variables identified above and used in the models below.

**Method:**

Given that we are examining a dependent variable with three categorical values—conviction, interim dispositions, and dismissal—multinomial logistical regression is the ideal

method to estimate the models. Multinomial logistical regression requires that analysts define a base category from the different values of the dependent variable. This base category is used to compare the remaining values of the dependent variable via a series of simultaneous equations. For example, if a dependent variable consists of values A, B, and C, setting “A” as the base category will result in two sets of results in the output, “B” relative to “A” and “C” relative to “A.”

Since we are primarily interested in the determinants of interim disposition, we use interim dispositions as our base category. As a result, the tables below contain two columns: Dismissals relative to Interim Dispositions in the left column and Convictions relative to Interim Dispositions in the right column. Positive coefficients indicate that a particular variable is more likely to result in a dismissal or conviction relative to an interim disposition. Negative coefficients signify that a particular variable is more likely to yield an interim disposition relative to a dismissal or conviction. The results in the tables below include the coefficient, robust standard error, and relative risk ratio<sup>16</sup> for each variable.

## **RESULTS AND DISCUSSION**

Table 1 displays the results of the base model, which contain some extremely interesting findings regarding the determinants of disposition types.

### **Determinants of Dismissals Relative to Interim Dispositions**

The coefficients in the left column of Table 1 represent the likelihood of having a case dismissed relative to an interim disposition. Many of the legal and extralegal variables rise to statistical significance in this model. Beginning with the type of offense, defendants facing

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<sup>16</sup> The relative risk ratio represents the likelihood that a variable will result in one value of the dependent variable relative to the base category.

felony drug charges are more likely to receive an interim disposition relative to an acquittal. Given that this offense category contains crimes that can be considered for interim dispositions by Minnesota statute, this result is hardly surprising. In contrast, non-drug felonies do not have a statistically significant relationship on this side of the equation while non-felony person offenses are more likely to result in a dismissal relative to an interim disposition. Interestingly, each additional charge facing a defendant makes it 25% more likely the case will result in a dismissal relative to an interim disposition, which could indicate that prosecutors give interim dispositions to defendants with fewer charges.

**Table 1: Baseline Regression Model: Determinants of Disposition**

	Acquittal/Dismissal Relative to Interim Disposition			Conviction Relative to Interim Disposition		
	Coef.	SE	RRR	Coef.	SE	RRR
Felony Drug Charge	-1.933 ***	0.149	0.145	-1.098 ***	0.102	0.333
Other Felony Charge	-0.188	0.103	0.828	0.526 ***	0.080	1.692
Non-Felony Person Offense	0.628 ***	0.073	1.875	-0.676 ***	0.076	0.509
Number of Charges	0.223 ***	0.024	1.250	0.382 ***	0.023	1.466
Prior Person Felony	1.368 ***	0.165	3.928	1.386 ***	0.156	4.000
Prior Other Felony	1.108 ***	0.119	3.028	1.130 ***	0.111	3.095
Prior Person Non-Felony	0.329 *	0.141	1.389	1.151 ***	0.135	3.161
Prior Other Non-Felony	0.365 ***	0.044	1.441	1.398 ***	0.036	4.046
Prior Failure to Appear	0.120 **	0.045	1.127	-0.036	0.039	0.965
Time to Disposition	-0.075 ***	0.008	0.928	-0.024 ***	0.007	0.976
Age	0.050 ***	0.010	1.051	0.033 **	0.007	1.034
Age Squared	-0.001 ***	0.000	0.999	0.000 **	0.000	1.000
Male	0.319 ***	0.044	1.375	0.279 ***	0.036	1.321
Urban	1.487 ***	0.043	4.425	0.727 ***	0.038	2.069
Hispanic	0.087	0.087	1.090	0.061	0.068	1.063
Black	0.289 ***	0.045	1.335	-0.283 ***	0.038	0.753
Native American	0.370 **	0.132	1.448	0.336 **	0.117	1.400
Asian	0.003	0.126	1.003	0.044	0.094	1.045
Multi Race	0.401	0.281	1.494	0.050	0.241	1.052
Other Race	0.293	0.153	1.341	-0.198	0.132	0.821
<i>N</i>		26839			26839	

\*p<.05; \*\*p<.01; \*\*\*p<.001; RRR = Relative Risk Ratio; Standard Errors are Robust

Defendants with any type of criminal history are more likely to have their cases dismissed than to receive an interim disposition, regardless of the type and severity of the prior conviction. This finding suggests that prosecutors often withhold interim dispositions from offenders with prior convictions. In addition, defendants with a prior failure to appear are about 13% less likely to receive an interim disposition relative to a conviction. Finally, the longer a case goes on, the more likely it is that a defendant receives an interim disposition relative to a dismissal.

Many extralegal variables rise to statistical significance on this side of the equation. Older defendants, male defendants, and defendants arrested in an urban area are all more likely to have their cases dismissed relative to receiving an interim disposition.

Not surprisingly, race plays a salient role in dispositional outcomes, too. Specifically, African American defendants and Native American defendants are both *more* likely to have their cases result in a dismissal relative to an interim disposition. When we replace the individual race categories with a variable for Whites (see Table A3 in the Appendix), White defendants are significantly more likely to receive an interim disposition relative to a dismissal. That is, when looking at the differences between dismissals and interim dispositions, White defendants are more likely to have their cases remain under court jurisdiction via an interim disposition, while Black and Native American defendants are more prone to have the charges against them dropped. While these results might be interpreted as being contrary to the argument that the criminal justice system treat non-White defendants more harshly than Whites, it could simply be that police arrest Blacks and Native Americans on flimsier charges with less evidence against

them more often, which leads to prosecutors dropping the cases.<sup>17</sup> Indeed, when we analyze the results in more detail below, it becomes clear that non-White defendants tend to receive harsher dispositions than White defendants do. Thus, the results suggest that the legal system treats African American and Native American defendants differently than Whites at the earliest stages of the criminal justice process.

### **Determinants of Interim Dispositions Relative to Convictions**

There are some similarities and key differences when looking at the determinants of convictions relative to interim dispositions in Table 1. Once again, defendants facing felony drug charges are less likely to receive a conviction than an interim disposition, which has its roots in the statutory stay of adjudication allowing some drug offenders to receive an interim disposition per Minnesota statute. This also holds for defendants charged with non-felony person offenses. In contrast, defendants charged with a non-drug felony offense are about 70% more likely to receive a conviction relative to an interim disposition, which suggests that prosecutors prefer to prosecute offense types that do not qualify for interim dispositions by law. Facing a greater number of charges on a case makes an interim disposition less likely than a conviction.

Not surprisingly, having any type of prior conviction reduces the likelihood of a defendant receiving an interim disposition relative to a conviction. This held regardless of the type or severity of the prior conviction, although the finding was strongest for those with prior person felony offenses, who were four times more likely to be convicted than to receive an interim disposition when compared to defendants with no criminal record. It thus appears that

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<sup>17</sup> We ran a model examining the determinants of dismissals relative to convictions—the results of which we did not include in the tables—and found that Black defendants were significantly more likely than Whites to have their cases dismissed than convicted. Thus, regardless of the base category used, African American defendants are more likely to have their cases dismissed.

prosecutors view prior criminal activity as a disqualifier for interim dispositions. Cases that take longer to dispose are more likely to result in an interim disposition relative to a conviction.

Once again, older defendants, male defendants, and those defendants arrested in an urban location were less likely to receive an interim disposition, meaning that these attributes are more likely to lead to a conviction.

The race variables yielded interesting results. Specifically, compared to Whites, African American defendants were more likely to receive an interim disposition relative to a conviction. This somewhat counterintuitive result is explored in greater depth in Tables 8-12 below. In contrast, Native American defendants were more likely than Whites to receive a conviction relative to an interim disposition. In the end, whereas dispositions for African Americans were somewhat nuanced and demand further exploration, the criminal justice system appears to treat Native Americans harshly on a consistent basis.

### **Additional Specifications of the Base Model**

The results of the base model clearly demonstrate that both legal and extralegal indicators are significant predictors of dispositional outcomes. In order to ensure that these results do not change when we code our key legally relevant variables differently or examine a subset of defendants, we run several additional models below.

### ***No Gross Misdemeanor or Misdemeanor Instant Offenses***

In Table 2, we only consider felony level instant offenses, which is common in the criminal justice literature. Dropping gross misdemeanors and misdemeanors greatly reduced the number of observations. Nevertheless, many of the base model's findings remained unchanged, although some variables took on different relationships with the dispositional alternatives.

**Table 2: Alternative Specification 1: Only Felony level Instant Offenses**

	Acquittal/Dismissal Relative to Interim Disposition			Conviction Relative to Interim Disposition		
	Coef.	SE	RRR	Coef.	SE	RRR
Felony Drug Charge	-1.821 ***	0.174	0.162	-1.777 ***	0.135	0.169
Number of Charges	0.123 **	0.047	1.130	0.218 ***	0.038	1.244
Prior Person Felony	2.294 ***	0.544	9.918	3.758 ***	0.521	42.875
Prior Other Felony	2.443 ***	0.357	11.502	3.944 ***	0.334	51.620
Prior Person Non-Felony	0.603	0.390	1.827	0.653	0.359	1.922
Prior Other Non-Felony	0.087	0.158	1.091	-0.013	0.132	0.987
Prior Failure to Appear	-0.104	0.155	0.901	-0.053	0.129	0.948
Time to Disposition	0.065 *	0.031	1.068	0.195 ***	0.025	1.215
Age	0.181 ***	0.037	1.198	0.178 ***	0.029	1.195
Age Squared	-0.002 ***	0.000	0.998	-0.002 ***	0.000	0.998
Male	1.094 ***	0.185	2.986	1.131 ***	0.146	3.099
Urban	0.493 **	0.156	1.637	0.453 ***	0.128	1.573
Hispanic	0.322	0.359	1.380	0.360	0.284	1.434
Black	0.673 ***	0.171	1.960	0.324 *	0.139	1.383
Native American	1.114 **	0.357	3.048	0.720 *	0.319	2.055
Asian	0.467	0.445	1.596	0.578	0.350	1.782
Multi Race	0.442	0.893	1.557	0.306	0.683	1.358
Other Race	-0.045	0.560	0.956	-0.270	0.431	0.763
<i>N</i>		2977			2977	

\*p<.05; \*\*p<.01; \*\*\*p<.001; RRR = Relative Risk Ratio; Standard Errors are Robust

Beginning with dismissals relative to interim dispositions, defendants facing felony level drug charges are more likely to receive an interim disposition than a dismissal, whereas other charges are more likely to result in a conviction, which corroborates the findings of the base model. The previous model’s trend of prior criminal activity precluding interim dispositions only holds for felony level offenses. Likewise, facing a greater number of charges makes an interim disposition less likely than a dismissal. In a turnaround from the original model, dismissals are now more likely when cases take longer to reach a disposition.

Looking at extralegal factors, older defendants, male defendants, and those arrested in an urban jurisdiction were more likely to have their cases dismissed relative to an interim disposition, which mirrors the findings of the base model. In particular, males are almost three times less likely to receive an interim disposition relative to a dismissal compared to female defendants.

Race is a salient predictor of dispositional outcomes once again. African Americans were about two times more likely to get a dismissal relative to an interim disposition, while Native American defendants were three times more likely to have their cases dismissed than to receive an interim disposition. White defendants, in contrast, were about half as likely to have their cases result in a dismissal relative to an interim disposition (see Table A4 in the Appendix).

When examining convictions relative to interim dispositions, defendants facing felony level drug charges are still more likely to receive an interim disposition than a conviction, in accordance with the statutes governing interim dispositions. Put another way, individuals charged with a felony drug offense are about 85% less likely to receive a conviction than an interim disposition. Having any type of prior felony conviction rendered an interim disposition much less likely than a conviction, as did facing additional charges and having a case that took longer to dispose.

Turning to the extralegal variables, we see once again that older defendants, males, and defendants arrested in an urban area are more likely to receive a conviction than an interim disposition. In an important reversal from the base model, African Americans facing felony level charges are now more likely to receive a conviction than an interim disposition, suggesting that prosecutors appear to offer interim dispositions to African Americans more often when these

individuals are not charged with a felony level offense. In contrast, White defendants are more likely to receive interim dispositions than convictions in this felony-only model, which is also a change from Table 1 where all offense types were included. Thus, when looking at the most serious degree of instant offenses (felonies), similarly situated Whites and African Americans have their cases disposed of differently, even when controlling for other legally relevant criteria. In a similarity from the base model, Native Americans were about twice as likely as White defendants to have their cases result in a conviction relative to an interim disposition. Regardless of the charge level, Native Americans are less likely to secure interim dispositions.

### ***Different Measures for the Instant Offense and Criminal History***

In order to test Kleck's (1981) assertion that the impact of extralegal variables will likely dissipate when legally-relevant variables are properly modeled, we run a series of regressions where our principal legally relevant variables—instant offense and criminal history—are coded differently.

The model in Table 3 is the same as Table 1, except that we replace the individual instant offense variables with a scale going from the least severe offense level (misdemeanor) to the most serious instant offense level (felony). When looking at dismissals relative to convictions, the negative coefficient for the instant offense scale suggests that as a defendant's instant offense charge increases in severity, it is less likely that the case results in a dismissal relative to an interim disposition. The fact that more serious instant offenses are associated with interim dispositions is due to the felony level drug charges linked to statutory stays of adjudication. All of the other findings from the base model are unchanged on this side of the equation in Table 3,

with the most apparent similarity being that Black and Native American defendants are still more likely to receive a dismissal relative to an interim disposition.

**Table 3: Alternative Specification 2: Instant Offense Scale**

	Acquittal/Dismissal Relative to Interim Disposition			Conviction Relative to Interim Disposition		
	Coef.	SE	RRR	Coef.	SE	RRR
Instant Offense Scale	-0.367 **	0.041	0.693	0.261 ***	0.032	1.299
Number of Charges	0.244 ***	0.024	1.276	0.372 ***	0.023	1.451
Prior Person Felony	1.524 ***	0.164	4.590	1.417 ***	0.155	4.126
Prior Other Felony	0.961 ***	0.111	2.614	0.921 ***	0.102	2.511
Prior Person Non-Felony	0.593 ***	0.133	1.810	0.928 ***	0.124	2.528
Prior Other Non-Felony	0.335 ***	0.043	1.398	1.423 ***	0.036	4.147
Prior Failure to Appear	0.092 *	0.045	1.097	-0.008	0.039	0.992
Time to Disposition	-0.077 ***	0.008	0.926	-0.036 ***	0.007	0.964
Age	0.051 ***	0.010	1.053	0.026 ***	0.007	1.026
Age Squared	-0.001 ***	0.000	0.999	0.000 **	0.000	1.000
Male	0.314 ***	0.044	1.368	0.247 ***	0.036	1.281
Urban	1.417 ***	0.043	4.125	0.695 ***	0.038	2.005
Hispanic	0.057	0.086	1.058	0.067	0.068	1.069
Black	0.290 ***	0.045	1.336	-0.273 ***	0.038	0.761
Native American	0.397 **	0.132	1.487	0.339 **	0.118	1.403
Asian	-0.009	0.124	0.991	0.063	0.093	1.065
Multi Race	0.437	0.276	1.549	0.059	0.241	1.060
Other Race	0.299 *	0.152	1.349	-0.206	0.131	0.814
	<i>N</i>	26839			26839	

\*p<.05; \*\*p<.01; \*\*\*p<.001; RRR = Relative Risk Ratio; Standard Errors are Robust

When examining convictions relative to interim dispositions, the instant offense scale has a positive coefficient, suggesting that as a defendant’s charge is more severe, it is more likely that this individual will face a conviction, which does not adequately account for the tendency of many defendants facing felony level drug charges to receive an interim disposition. Nevertheless, almost every other variable that reached statistical significance in Table 1 is statistically

significant on this side of the equation, suggesting that the results of the base model are indeed robust.

**Table 4: Alternative Specification 3: Criminal History Using Total Prior Convictions**

	Acquittal/Dismissal Relative to Interim Disposition			Conviction Relative to Interim Disposition		
	Coef.	SE	RRR	Coef.	SE	RRR
Felony Drug Charge	-1.799 ***	0.141	0.166	-1.082 ***	0.092	0.339
Other Felony Charge	-0.013	0.093	0.987	0.527 ***	0.073	1.694
Non-Felony Person Offense	0.637 ***	0.069	1.892	-0.594 ***	0.068	0.552
Number of Charges	0.218 ***	0.025	1.244	0.389 ***	0.023	1.475
Number of Previous Convictions	0.421 ***	0.028	1.523	0.599 ***	0.027	1.821
Prior Failure to Appear	0.048	0.045	1.049	-0.059	0.038	0.942
Time to Disposition	-0.073 ***	0.008	0.929	-0.028 ***	0.007	0.972
Age	0.047 ***	0.010	1.048	0.041 ***	0.007	1.042
Age Squared	-0.001 ***	0.000	0.999	0.000 **	0.000	1.000
Male	0.314 ***	0.044	1.368	0.299 ***	0.035	1.349
Urban	1.498 ***	0.043	4.474	0.723 ***	0.037	2.060
Hispanic	0.083	0.087	1.086	0.052	0.066	1.054
Black	0.309 ***	0.045	1.362	-0.291 ***	0.037	0.747
Native American	0.357 **	0.133	1.428	0.320 **	0.116	1.376
Asian	0.016	0.125	1.016	0.028	0.090	1.029
Multi Race	0.405	0.283	1.499	0.079	0.229	1.082
Other Race	0.295	0.154	1.343	-0.205	0.129	0.815
<i>N</i>		26839			26839	

\*p<.05; \*\*p<.01; \*\*\*p<.001; RRR = Relative Risk Ratio; Standard Errors are Robust

Tables 4, 5, and 6 examine whether different definitions of criminal history alter the results of the base model (Table 1). In Table 4, the four prior conviction types are replaced with a continuous variable that counts a defendant's total number of prior convictions garnered between July 2007 and the instant offense date. Table 5 is similar except that instead of calculating the total number of prior convictions, it only is concerned with whether or not the defendant had at least one prior conviction between July 2007 and the instant offense. Since not all prior convictions are equal, we include a criminal history variable that weighs previous convictions in

Table 6. Indeed, because higher-level convictions are more likely to count against a defendant, we give more weight to higher-level offenses in this scale.

**Table 5: Alternative Specification 4: Whether or not Defendant had any Prior Conviction**

	Acquittal/Dismissal Relative to Interim Disposition			Conviction Relative to Interim Disposition		
	Coef.	SE	RRR	Coef.	SE	RRR
Felony Drug Charge	-1.716 ***	0.139	0.180	-1.010 ***	0.093	0.364
Other Felony Charge	0.058	0.093	1.060	0.578 ***	0.074	1.782
Non-Felony Person Offense	0.648 ***	0.068	1.912	-0.606 ***	0.070	0.546
Number of Charges	0.222 ***	0.024	1.249	0.385 ***	0.022	1.469
Prior Conviction	0.468 ***	0.042	1.597	1.632 ***	0.036	5.114
Prior FTA	0.159 ***	0.044	1.172	0.014	0.039	1.014
Time to Disposition	-0.076 ***	0.008	0.927	-0.025 ***	0.007	0.975
Age	0.051 ***	0.010	1.052	0.033 ***	0.007	1.033
Age Squared	-0.001 ***	0.000	0.999	0.000 ***	0.000	1.000
Male	0.346 ***	0.044	1.413	0.296 ***	0.036	1.344
Urban	1.497 ***	0.043	4.467	0.730 ***	0.038	2.074
Hispanic	0.078	0.087	1.081	0.057	0.069	1.059
Black	0.315 ***	0.045	1.371	-0.266 ***	0.038	0.767
Native American	0.383 **	0.132	1.467	0.354 **	0.117	1.425
Asian	0.007	0.126	1.007	0.049	0.096	1.050
Multi Race	0.418	0.281	1.519	0.058	0.241	1.060
Other Race	0.276	0.153	1.317	-0.209	0.133	0.811
<i>N</i>		26839			26839	

\*p<.05; \*\*p<.01; \*\*\*p<.001; RRR = Relative Risk Ratio; Standard Errors are Robust

Interestingly, Tables 4, 5, and 6 were almost identical to Table 1 on both sides to the equation in terms of the variables that reached statistical significance and the direction of the coefficients for the legally relevant and extralegal variables. All told, coding the instant offense and criminal history differently hardly alters the findings of the base model, suggesting that the results in Table 1 are extremely robust, whereby many legal and extralegal variables are salient determinants of dispositional alternatives.

**Table 6: Alternative Specification 4: Prior Conviction Scale**

	Acquittal/Dismissal Relative to Interim Disposition			Conviction Relative to Interim Disposition		
	Coef.	SE	RRR	Coef.	SE	RRR
Felony Drug Charge	-1.900 ***	0.144	0.150	-1.338 ***	0.098	0.262
Other Felony Charge	-0.101	0.096	0.904	0.221 **	0.076	1.247
Non-Felony Person Offense	0.580 ***	0.069	1.786	-0.775 ***	0.070	0.461
Number of Charges	0.223 ***	0.025	1.249	0.412 ***	0.023	1.510
Prior Conviction Scale	0.499 ***	0.032	1.648	0.717 ***	0.030	2.048
Prior FTA	0.083	0.045	1.086	0.041	0.037	1.042
Time to Disposition	-0.072 ***	0.008	0.930	-0.029 ***	0.007	0.971
Age	0.045 ***	0.010	1.046	0.038 ***	0.007	1.039
Age Squared	0.000 ***	0.000	1.000	0.000 ***	0.000	1.000
Male	0.313 ***	0.044	1.367	0.276 ***	0.035	1.317
Urban	1.494 ***	0.043	4.456	0.712 ***	0.038	2.038
Hispanic	0.075	0.087	1.078	0.044	0.066	1.045
Black	0.300 ***	0.045	1.349	-0.325 ***	0.037	0.722
Native American	0.357 **	0.131	1.430	0.347 **	0.115	1.415
Asian	0.012	0.126	1.012	0.014	0.091	1.015
Multi Race	0.353	0.281	1.424	-0.005	0.231	0.995
Other Race	0.296	0.153	1.344	-0.199	0.129	0.819
<i>N</i>		26839			26839	

\*p<.05; \*\*p<.01; \*\*\*p<.001; RRR = Relative Risk Ratio; Standard Errors are Robust

***Interaction Effects***

The previous models illustrate many important findings. However, it is also necessary to consider the more nuanced effects of our legal and extralegal variables. Indeed, while scholars have long found that indicators like race are important determinants of criminal justice sanctions, many argue that it is more pertinent to examine how extralegal and legal variables intersect to influence case outcomes (Spohn 2000: 480). By examining interactions between race/ethnicity and other variables, we can supplement the findings of the base model with a more thorough analysis of how legal and extralegal variables affect the type of disposition received.

Table 7 lists the results of numerous interaction terms that allow us to better understand how the cases associated with certain groupings of independent variables are disposed. Each line

in Table 7 represents a separate regression model<sup>18</sup>, the results of which are suppressed save for the interaction term.<sup>19</sup>

**Table 7: Interaction Terms between Race and Felony level Person Instant Offenses†**

	Acquittal/Dismissal Relative to Interim Disposition			Conviction Relative to Interim Disposition		
	Coef.	SE	RRR	Coef.	SE	RRR
1a Black * Felony Offense	0.110	0.154	-	0.579 ***	0.116	1.785
1b White * Felony Offense	-0.104	0.161	-	-0.498 ***	0.102	0.608
2a Black * Felony Drug Charge	-0.213	0.279	-	0.509 **	0.194	1.663
2b White * Felony Drug Charge	0.156	0.292	-	-0.524 ***	0.197	0.592
3a Black * Prior Drug Conviction	-0.359	0.372	-	-0.274	0.330	-
3b White * Prior Drug Conviction	-0.306	0.413	-	-0.084	0.359	-
4a Black * Male	0.231 **	0.088	1.259	0.190 **	0.073	1.209
4b Hispanic * Male	0.136	0.141	-	0.414 **	0.141	1.513
4c White * Male	-0.199 *	0.090	0.819	-0.225 **	0.071	0.799

\*p<.05; \*\*p<.01; \*\*\*p<.001; RRR = Relative Risk Ratio; Standard Errors are Robust

† Each line represents a separate regression model, the remaining results of these models are repressed

We first consider Zatz’s (2000) proposition that race does not matter for defendants charged with the most heinous crimes. Lines 1a and 1b in Table 7 examine the interaction of race and the highest offense level: felonies. Looking at the results on the right side of the table, African American defendants charged with a felony offense are 79% more likely to receive a conviction relative to an interim disposition. This finding is noteworthy because when examined independently, African Americans are more likely to receive an interim disposition relative to a conviction; however, being Black *and* charged with a felony decreases the likelihood of an interim disposition, which corroborates the results of the felony-only model in Table 2. In

<sup>18</sup> As a result, the individual coefficients of these interaction terms cannot necessarily be compared to others in this table.

<sup>19</sup> Although we ran many more interaction models than are displayed in Table 6, we only include the results of models where at least one of the interaction terms rose to statistical significance.

contrast, White defendants charged with a felony offense are more likely to receive an interim disposition relative to a conviction.

A similar pattern holds when we look at the interaction effects of race and felony drug charges in lines 2a and 2b in Table 7. Specifically, African American defendants charged with a felony drug offense are 66% more likely than Whites to receive a conviction relative to an interim disposition. This outcome is somewhat troubling given that one of the offense categories for a statutory stay of adjudication—which is an interim disposition—is a felony level drug charge. Furthermore, in the base model, felony-drug charges were more likely to result in interim dispositions relative to convictions, but Black defendants facing these charges appear to be excluded from this trend. This provides further evidence that, on average, prosecutors appear to offer African Americans interim dispositions at a lower rate when these defendants are facing felony level charges.

We reveal some race neutral findings when examining the interaction of race and prior convictions in more depth in lines 3a and 3b. Specifically, prior drug convictions are supposed to render defendants ineligible for interim dispositions on subsequent felony drug charges. Indeed, the results bear out this stipulation and show that there is no discernible effect on disposition type when we examine the interaction of race and prior drug convictions.

Finally, we examine the intersection of race and gender in determining dispositional outcomes in rows 4a-4c of Table 7. As the right column indicates, there are statistically significant interaction effects for convictions relative to interim dispositions, whereby Black males and Hispanic males are more likely to be convicted than to secure an interim disposition. In contrast, the combination of being White and male makes defendants more likely to receive an

interim disposition relative to a conviction. Furthermore, Black males are about 26% more likely to have their cases dismissed relative to an interim disposition, whereas White males are more likely to receive an interim disposition than a conviction.

Thus, when looking at the determinants of dispositional alternatives in more detail, extralegal variables appear to influence which defendants prosecutors decide are eligible for interim dispositions.

### **A Closer Look at the Determinants of Interim Dispositions**

To this point, we have examined interim dispositions relative to dismissals and convictions, respectively. However, because one of the main questions we set out to answer is the determinants of interim dispositions, it is instructive to look at how each independent variable in the base model—along with certain groupings of these variables—predict getting an interim disposition. This is exactly what Tables 8 through 12 display. Starting in Table 8 below, the left column looks at the marginal probability of each independent variable on receiving an interim disposition from the base model estimated in Table 1, while the right column contains the felony level model estimated in Table 2. The coefficients represent the increased or decreased marginal probability of receiving an interim disposition for each independent variable. More directly, the positive coefficient of .223 for felony drug charge on the left side of the table suggests that being charged with this offense *increases* the probability of getting an interim disposition by 22.3%. Immediately below this, the negative .047 coefficient for other felony charges suggests that these charges *decrease* the likelihood of getting an interim disposition by 4.7%. Looking at the remaining coefficients on the left half of Table 8, all of the marginal probabilities for prior criminal activity are statistically significant and negative, meaning they

decrease the probability of getting an interim disposition, as do previous failures to appear and facing a greater number of charges.

The extralegal variables that the previous models have identified as salient predictors of dispositional alternatives continue to rise to statistical significance. Specifically, being older, male, and arrested in an urban area all decrease the probability of getting an interim disposition. In addition, Native Americans are 4.7% less likely than Whites are to receive an interim disposition. In contrast, African American defendants are actually slightly more likely than Whites to receive an interim disposition in the full model.

When we look at felony-only charges on the right side of Table 8, most of the same results from the previous models hold when looking at the legally relevant variables. More directly, being charged with a felony level drug offense increases the probability of receiving an interim disposition by 20.4%. Furthermore, almost all types of prior criminal activity—and previous felony convictions in particular—decrease the likelihood of getting an interim disposition, as does facing additional charges.

On the extralegal front, defendants that were older, male, and arrested in an urban area were all less likely to get an interim disposition, which has been a constant pattern throughout this analysis. The race variables demonstrate the nuanced differences between the full model and the felony model. Whereas Black defendants were more likely to get an interim disposition when we look at all charged offense types, the right side of Table 8 shows that African Americans have a diminished likelihood of securing an interim disposition when we restrict the analysis to felony level offenses. In concert with all previous models, Native American defendants are less likely to receive an interim disposition regardless of the severity of the instant offense.

**Table 8: Marginal Probabilities of Each Independent Variable on Interim Dispositions**

	Full Model		Felony Only Model	
	Average Marginal Effect	SE	Average Marginal Effect	SE
Felony Drug Charge	0.223 ***	0.018	0.204 ***	0.015
Other Felony Charge	-0.047 ***	0.010	-	-
Non-Felony Person Offense	0.021 *	0.010	-	-
Number of Charges	-0.049 ***	0.003	-0.019 ***	0.004
Prior Person Felony	-0.147 ***	0.011	-0.207 ***	0.011
Prior Other Felony	-0.129 ***	0.009	-0.245 ***	0.010
Prior Person Non-Felony	-0.113 ***	0.012	-0.059 *	0.030
Prior Other Non-Felony	-0.164 ***	0.005	-0.001	0.013
Prior Failure to Appear	-0.002	0.005	0.007	0.012
Time to Disposition	0.006 ***	0.001	-0.016 ***	0.002
Age	-0.006 ***	0.001	-0.018 ***	0.003
Age Squared	0.000 ***	0.000	0.000 ***	0.000
Male	-0.043 ***	0.005	-0.122 ***	0.016
Urban	-0.138 ***	0.005	-0.046 ***	0.012
Hispanic	-0.010	0.009	-0.034	0.025
Black	0.015 **	0.005	-0.042 **	0.013
Native American	-0.047 ***	0.014	-0.075 ***	0.023
Asian	-0.005	0.013	-0.051	0.028
Multi Race	-0.024	0.031	-0.033	0.060
Other Race	0.004	0.018	0.021	0.044
	<i>n</i> = 26839		<i>n</i> = 2977	

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

In Table 9 below, we examine the probability of receiving an interim disposition in more depth. Each coefficient represents the likelihood of receiving an interim disposition. More directly, on the left hand side of the table, the .216 coefficient for White can be interpreted as White defendants having a 21.6% probability of getting an interim disposition while the .232 coefficient for Black can be interpreted as Black defendants having a 23.2% probability of getting an interim disposition. Thus, when looking at all offense types, Black defendants actually have a higher likelihood of getting an interim disposition than Whites, as Table 8 showed.

**Table 9: Marginal Probability of Receiving an Interim Disposition by Race and Ethnicity**

		Full Model		Felony Only	
		Marginal Probability	SE	Marginal Probability	SE
<b>Black vs. White</b>					
	White	0.216 ***	0.003	0.217 ***	0.009
	Black	0.232 ***	0.004	0.175 ***	0.009
<b>Native American vs. White</b>					
	White	0.223 ***	0.002	0.201 ***	0.006
	Native American	0.176 ***	0.014	0.126 ***	0.022
<b>Asian vs. White</b>					
	White	0.222 ***	0.002	0.199 ***	0.006
	Asian	0.217 ***	0.013	0.148 ***	0.028
<b>Hispanic vs. White</b>					
	White	0.222 ***	0.002	0.200 ***	0.006
	Hispanic	0.212 ***	0.009	0.166 ***	0.024
<b>Male vs. Female</b>					
	Female	0.252 ***	0.004	0.292 ***	0.014
	Male	0.208 ***	0.003	0.170 ***	0.006
<b>Prior Conviction vs. No Priors</b>					
	No Prior Conviction	0.321 ***	0.004	0.309 ***	0.012
	Prior Conviction	0.122 ***	0.003	0.118 ***	0.007
<b>Prior Drug Conviction vs. No Priors</b>					
	No Prior Drug Conviction	0.226 ***	0.002	0.221 ***	0.007
	Prior Drug Conviction	0.066 ***	0.010	0.020 *	0.008
	<i>N</i>	26839		2977	

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

When looking exclusively at felony level offenses on the right side of Table 9, we see that African American defendants are less likely than Whites to receive an interim disposition (17.5% vs. 21.7%). The same pattern holds when comparing Asian defendants and White defendants, but to a lesser degree; that is Asians are as likely as Whites to receive an interim disposition when looking at all offense types, but less likely to get an interim disposition when only examining felony level offenses. Native Americans, however, were much less likely than Whites to receive an interim disposition on both sides of the table, suggesting that Native

American defendants are less likely to get an interim disposition across the board. Table 9 also demonstrates that female defendants are more likely to receive an interim disposition than male defendants are (25.8% compared to 20.7%), especially when only looking at felony level offenses (29.5% for females compared with 15.8% for males). Finally, in concert with Table 5, a prior conviction made defendants much less likely to receive an interim disposition compared to those with no criminal record. Finally, as we would expect, having a prior drug conviction made an interim disposition extremely difficult to secure, especially when looking at felony level offenses. Indeed, prior drug convictions render defendants ineligible for statutory stays of adjudication on current felony drug charges.

**Table 10: Marginal Probability of Receiving an Interim Disposition for African Americans**

	Full Model		Felony Only	
	Marginal Probability	SE	Marginal Probability	SE
<b>Black * Male</b>				
White Females	0.245 ***	0.005	0.315 ***	0.016
Black Females	0.263 ***	0.006	0.266 ***	0.017
White Males	0.203 ***	0.003	0.188 ***	0.009
Black Males	0.218 ***	0.004	0.149 ***	0.009
<b>Black * Prior Conviction</b>				
White with no Prior Conviction	0.318 ***	0.005	0.352 ***	0.017
Black with no Prior Conviction	0.326 ***	0.006	0.267 ***	0.015
White with a Prior Conviction	0.116 ***	0.003	0.137 ***	0.010
Black with a Prior Conviction	0.133 ***	0.004	0.097 ***	0.008
<b>Black * Prior Drug Conviction</b>				
White with no Prior Conviction	0.220 ***	0.003	0.251 ***	0.010
Black with no Prior Conviction	0.234 ***	0.004	0.203 ***	0.010
White with a Prior Drug Conviction	0.077 ***	0.012	0.014 *	0.006
Black with a Prior Drug Conviction	0.085 ***	0.013	0.010 *	0.004
<i>N</i>	26839		2977	

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

Tables 10, 11, and 12 break down the marginal probability of getting an interim disposition when looking at individual racial and ethnic categories in combination with other variables. Table 10 looks at the likelihood of receiving interim dispositions for African American defendants. The first set of results shows the marginal probabilities of all four combinations of black/white and male/female. In the full model, Black females and Black males were actually more likely to get interim dispositions than White females and White males, respectively. Interestingly, these results demonstrate that Black females are more likely than White males to receive an interim disposition, suggesting that gender trumps race in certain cases. When looking at felony level offenses, Black males end up far less likely than any other grouping to receiving an interim disposition; indeed, there is a yawning gap between White females and Black males. Black females also end up less likely than White females to get an interim disposition (but still more likely than White males). Table 10 also looks at the marginal impact for getting an interim disposition for Black or White defendants that do or do not have a prior conviction. Looking at the full model, there are no dramatic differences in receiving an interim disposition between Black and White defendants when looking at criminal history. However, when looking only at defendants charged with felony level offenses, Black defendants with and without a prior conviction, respectively, are less likely to get an interim disposition than White defendants with and without a prior conviction, respectively. Substantively, for every 100 individuals who get an interim disposition, there will be four more White defendants with criminal records than Black defendants with a prior conviction. Regardless of race, prior drug convictions essentially preclude an interim disposition when looking only at felony level offenses.<sup>20</sup>

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<sup>20</sup> We only examine prior drug convictions for Black and White defendants, as there were not enough observations to examine these variables for our other racial and ethnic categories.

**Table 11: Marginal Probability of Receiving an Interim Disposition for Native Americans**

	Full Model		Felony Only	
	Marginal Probability	SE	Marginal Probability	SE
<b><i>Native American * Male</i></b>				
White Females	0.253 ***	0.004	0.295 ***	0.015
Native American Females	0.201 ***	0.016	0.201 ***	0.032
White Males	0.209 ***	0.003	0.173 ***	0.007
Native American Males	0.164 ***	0.014	0.103 ***	0.020
<b><i>Native American * Prior Conviction</i></b>				
White with no Prior Conviction	0.323 ***	0.004	0.313 ***	0.012
Native American with no Prior Conviction	0.255 ***	0.019	0.219 ***	0.039
White with a Prior Conviction	0.123 ***	0.003	0.120 ***	0.007
Native American with a Prior Conviction	0.091 ***	0.009	0.080 ***	0.019
<i>N</i>	26839		2977	

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

Table 11 looks at Native Americans in contrast to White defendants. As the uppermost grouping of results indicates, White females are the likeliest group to get an interim disposition regardless of the charge level. In the full model, Native American women are actually slightly less likely than White males to get an interim disposition; although when restricting the analysis to felony level offenses, White males become less likely than Native American women to receive an interim disposition. Regardless of the offense type and controlling for all other legally relevant and extralegal variables, Native American men are the least likely group to receive an interim disposition. There are also clear differences between Native Americans and Whites when examining the impact of prior convictions. Native Americans with and without prior convictions, respectively, are much less likely to receive interim dispositions than similarly situated White defendants who do and do not have prior convictions, respectively. It thus appears that the criminal justice system treats Native American defendants more harshly than Whites.

**Table 12: Marginal Probability of Receiving an Interim Disposition for Hispanics**

	Full Model		Felony Only	
	Marginal Probability	SE	Marginal Probability	SE
<b><i>Hispanic * Male</i></b>				
White Females	0.252 ***	0.005	0.294 ***	0.014
Hispanic Females	0.242 ***	0.011	0.253 ***	0.033
White Males	0.209 ***	0.003	0.172 ***	0.007
Hispanic Males	0.199 ***	0.009	0.140 ***	0.023
<b><i>Hispanic * Prior Conviction</i></b>				
White with no Prior Conviction	0.321 ***	0.004	0.313 ***	0.012
Hispanic with no Prior Conviction	0.309 ***	0.013	0.240 ***	0.037
White with a Prior Conviction	0.123 ***	0.003	0.121 ***	0.008
Hispanic with a Prior Conviction	0.117 ***	0.007	0.083 ***	0.017
<i>N</i>	26839		2977	

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

Finally, Table 12 shows that there are some differences in the marginal probabilities for receiving an interim disposition between Hispanic and Non-Hispanic defendants. Non-Hispanic females were the likeliest group to get an interim disposition and Hispanic males the least likely, which was more pronounced in the felony-only model. In the full model, there were slight differences when examining the likelihood of receiving an interim disposition between defendants with and without a criminal history, whereby Hispanic defendants with and without criminal records, respectively, were a bit less likely to get an interim disposition compared to non-Hispanic defendants with and without prior convictions, respectively. Restricting the analysis to felony charges exacerbated these differences.

All told, it is clear that there are differences in who does and does not receive an interim disposition based upon extralegal factors. In particular, Black and Native American defendants—and especially males within these groups—appear to be less likely than similarly situated White defendants to receive a second chance via interim dispositions.

## **CONCLUSION, POLICY RECOMMENDATIONS, AND DIRECTIONS FOR FUTURE RESEARCH**

This study examined the full array of dispositional alternatives received by defendants in a large urban court. By focusing on outcomes occurring before post-conviction decisions, we were able to uncover the ways in which legal variables, extralegal variables, and combinations of these indicators influence convictions, interim dispositions, and dismissals. Similar to the previous research we found that extralegal variables are strong predictors of case outcomes, indicating that implicit bias affects dispositions in Minnesota’s Fourth Judicial District.

A first key finding was that Black and Native American defendants are more likely to have their cases dismissed relative to getting an interim disposition. Although this may appear at first glance that these defendants are “getting off easy” compared to Whites, the more convincing explanation for the large amount of dismissals among Black and Native American defendants is that they are being arrested at higher rates and that the cases brought against them are often weak. Indeed several recent analyses have demonstrated that there is a large gap in arrest rates in Minneapolis (which is located in Hennepin County) based upon race (see ACLU 2014, Heath 2014, and Stuckey 2008), especially for lower-level offenses like vagrancy and disorderly conduct.

Although many charges leveled against Black and Native American defendants are not strong enough to stand up in court, receiving a dismissal is not an optimal outcome; rather, the ideal circumstance would have been no arrest in the first place. Indeed, anyone can access arrest records in Minnesota “for many years,” which can negatively affect individuals trying to secure employment, housing, and other services (Stuckey 2008: 336). Moreover, arrests may cause defendants to miss work—running the risk of losing their job—or important family events, creating large opportunity costs for these individual even when these cases do not result in

convictions. Thus, for the defendant arrested on feeble pretenses, a dismissal is hardly a get out of jail free card. More broadly, arrests and subsequent dismissals take up valuable court resources and are a poor use of tax dollars.

We recommend trying to rectify this imbalance where the problem starts: the police. One possible way forward is for prosecutors to train police on what evidence needs to be collected for certain crimes to pass muster in court (similar to the Quincy Model that was successfully employed to enhance conviction rates for domestic violence). Police officers should avoid making arrests if the necessary evidence is unavailable.<sup>21</sup>

The racial disparity in dispositional outcomes for Black and White defendants facing felony drug charges must also be addressed. Recall from Table 6 that Black defendants booked on felony drug offenses are less likely to be dismissed than convicted, and are less likely to receive an interim disposition than a conviction. The exact opposite was the case with similarly situated White defendants. These results were even more problematic given that in the non-interactive models, defendants facing felony drug charges were more likely to receive interim dispositions than convictions. These findings strongly suggest that implicit bias is playing a role in prosecutorial decisions for felony drug offenders, which the criminal justice system must address.

Additionally, whereas African American defendants were only less likely to get interim dispositions when the analysis was restricted to felony offenses, Native Americans received

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<sup>21</sup> One potential argument from the police perspective regarding the disproportionate number of dismissals against Black defendants is that the police are simply unable to convince potential witnesses in the Black community to provide officers with key evidence against individuals the police have arrested. While it is impossible to know how often this actually happens, it is incumbent on police departments to take the initiative and build trust and rapport with communities of color, which should be a priority for the police agencies within Hennepin County. In the meantime, advertising the Minneapolis Police Department's anonymous tip line could help uncover important evidence; such initiatives appear to have paid dividends for some metro police departments in the US (Boston Police Department).

fewer interim dispositions across all case types. Indeed, the data strongly suggests that Native American defendants receive the most stringent dispositions, even after controlling for legally relevant case information.

A first way to deal with this issue of race being a salient predictor of who receives an interim disposition is through continually training prosecutors on how to identify implicit bias in order to help them decide case outcomes based on objective, legally relevant variables.

In addition, it might be beneficial for prosecutors in Hennepin County to develop some publicly accessible guidelines for offering interim dispositions to ensure these decisions are rooted in legally relevant criteria. Indeed, apart from the two types of offenses eligible for a statutory stay of adjudication, prosecutors appear to have wide discretion in determining who receives an interim disposition. For example, while prior convictions appeared to reduce a defendant's chances of getting an interim disposition, the data analysis showed that race in combination with criminal history mattered for who received an interim disposition. Developing more stringent criteria—based upon legally relevant variables—for who qualifies for an interim disposition could help eliminate this bias. Such an initiative would also help address the findings in this study that Native Americans and Black males were less likely to receive interim dispositions when all other legally relevant indicators are controlled, thereby helping to make the criminal justice system more equitable.

Furthermore, individual prosecution agencies might benefit from periodic reports of how they are offering interim dispositions, with breakdowns by the type of legal and extralegal variables used in this study. Minnesota is well suited to undertake such an initiative, given its robust court management information system.

Finally, while this study answered many questions, it also suggests several avenues for future research. First, it would be fruitful to examine the outcomes of those who received interim dispositions to determine the profile of the offender who was most likely to “succeed” on an interim disposition. In fact, providing more information about who is and is not compliant with the terms of an interim disposition could help prosecutors offer interim dispositions in a more impartial manner going forward to ensure that defendants given a second chance are the right fit.

It would also be interesting to examine the outcomes for those who fail on interim dispositions. Specifically, are the criminal sentences for offenders who fail on interim dispositions the same or different from similarly situated convicted defendants? Is there a penalty paid by defendants who do not take advantage of their second chance? Or are these defendants still treated more leniently because prosecutors saw them as less threatening to public safety in the first place? Furthermore, do extralegal variables influence the sentence type and length of defendants who fail on interim dispositions?

Finally, do any of the three dispositions analyzed in this study lead to higher rates of recidivism in the years following the outcome of the instant offense? Indeed, while the literature suggests that many convicted offenders will commit future crimes (Durose et al 2014), what are the criminogenic trajectories of the other dispositions in comparison? Do interim dispositions teach defendants a lesson, helping them stay law abiding in the future? Are dismissals the final contact defendants have with the legal system, or is there a likelihood of recidivism among their ranks as Vîlcică (2012) suggests?

Answering these questions should provide pertinent information to help eradicate the disparities in dispositional outcomes that we found in this study. Indeed, if equality before the

law is a concept to which the legal system wants to adhere, important changes will need to be made in order to ensure that bias—especially on the basis of race—does not undermine this fundamental ideal.

## Appendix

**Table A1: Descriptive Statistics of Variables Included in the Model by Disposition Type**

	<b>Acquittal/ Dismissal</b>	<b>Interim Disposition</b>	<b>Convictions</b>	<b>All Outcomes</b>
	<i>N=5,588 (20.8%)</i>	<i>N=5,968 (22.2%)</i>	<i>N=15,359 (57.1%)</i>	<i>N=26915 (100%)</i>
<i>Independent Variables</i>	<i># or mean</i>	<i># or mean</i>	<i># or mean</i>	<i># or mean</i>
Felony Drug Charge	77	313	417	807
Other Felony Charge	302	275	1596	2173
Non-Felony Person Charge	765	425	712	1902
Other Non-Felony Charge	4439	4986	12626	22051
Average Number of Charges	1.96	1.56	2.53	2.03
Prior Person Felony Conviction	280	50	956	1286
Prior Other Felony Conviction	429	137	1583	2149
Prior Non-Felony Person Conviction	250	87	1073	1410
Prior Other Non-Felony Conviction	2033	1464	9626	13123
No Prior Convictions	3262	4394	4726	12382
Any Prior Conviction	2326	1574	10633	14533
Average # of Prior Convictions	1.02	0.45	1.62	1.24
Prior Failure to Appear	1800	1786	6648	10234
Average Age at Disposition	33.24	32.59	32.91	32.91
Male	4180	3813	11433	19426
Female	1396	2134	3886	7416
Urban	3378	1462	6453	11293
Suburban	2120	4506	8906	15622
Hispanic	316	378	1048	1742
White	1747	2727	6717	11191
Black	3099	2435	6257	11791
Native American	180	101	600	881
Asian	122	205	454	781
Multi Race	29	27	80	136
Other Race	95	95	203	393

**Table A2: Descriptive Statistics: Case Outcome, Legal Variables, and Extralegal Variables Broken by Race/Ethnicity**

	<b>White</b> <i>N=11191</i> % or Mean	<b>Black</b> <i>N=11880</i> % or Mean	<b>Native American</b> <i>N=925</i> % or Mean	<b>Asian</b> <i>N=785</i> % or Mean	<b>Multi Race</b> <i>N=152</i> % or Mean	<b>Other Race</b> <i>N=1117</i> % or Mean	<b>Hispanic</b> <i>N=1742</i> % or Mean
<i><u>Case Outcome</u></i>							
Dismissal/Acquittal	15.61%	26.28%	20.43%	15.62%	21.32%	24.17%	18.14%
Interim Disposition	24.37%	20.65%	11.46%	26.25%	19.85%	24.17%	21.70%
Conviction	60.02%	53.07%	68.10%	58.13%	58.82%	51.65%	60.16%
<i><u>Instant Offense Type</u></i>							
Felony Drug Charge	2.72%	3.27%	2.72%	2.05%	1.47%	3.82%	3.44%
Other Felony Charge	6.72%	9.61%	10.44%	7.17%	10.29%	8.14%	5.40%
Non-Felony Person Charge	6.08%	8.37%	7.38%	4.74%	8.82%	7.89%	5.17%
Other Non-Felony Charge	84.48%	78.75%	79.46%	86.04%	79.42%	80.15%	85.99%
<i><u>Number of Charges</u></i>							
Average Number of Charges	2.00	2.42	2.58	1.80	2.30	2.07	1.99
<i><u>Criminal History</u></i>							
Prior Person Felony Conviction	2.52%	7.15%	8.51%	1.92%	6.62%	3.31%	2.76%
Prior Other Felony Conviction	5.64%	10.87%	9.88%	5.63%	6.62%	4.83%	4.42%
Prior Non-Felony Person Conviction	3.32%	7.12%	9.56%	2.05%	7.35%	4.07%	4.08%
Prior Other Non-Felony Conviction	48.18%	49.06%	62.88%	41.61%	50.00%	44.78%	47.24%
No Prior Convictions	40.34%	25.80%	9.17%	48.79%	29.41%	43.01%	41.50%
Prior Failure to Appear	27.25%	48.79%	61.18%	21.90%	44.12%	36.39%	29.74%
<i><u>Extralegal Variables</u></i>							
Average Age at Disposition	34.42	31.96	33.14	31.31	27.91	31.87	30.79
Male	70.67%	74.29%	60.46%	73.99%	67.65%	75.70%	75.27%
Urban	28.84%	53.01%	69.69%	27.40%	41.17%	45.29%	43.28%

**Table A3: Baseline Regression Model: Determinants of Disposition with White/Non-White Race Variable**

	Acquittal/Dismissal Relative to Interim Disposition			Conviction Relative to Interim Disposition		
	Coef.	SE	RRR	Coef.	SE	RRR
Felony Drug Charge	-1.933 ***	0.149	0.145	-1.096 ***	0.101	0.334
Other Felony Charge	-0.185	0.103	0.831	0.522 ***	0.080	1.685
Non-Felony Person Offense	0.636 ***	0.073	1.889	-0.682 ***	0.076	0.505
Number of Charges	0.225 ***	0.024	1.253	0.380 ***	0.023	1.462
Prior Person Felony	1.380 ***	0.165	3.975	1.370 ***	0.157	3.935
Prior Other Felony	1.122 ***	0.119	3.070	1.116 ***	0.111	3.053
Prior Person Non-Felony	0.331 *	0.141	1.392	1.147 ***	0.135	3.147
Prior Other Non-Felony	0.364 ***	0.044	1.439	1.403 ***	0.036	4.065
Prior Failure to Appear	0.132 **	0.044	1.141	-0.050	0.038	0.952
Time to Disposition	-0.075 ***	0.008	0.928	-0.024 ***	0.007	0.976
Age	0.049 ***	0.010	1.050	0.034 ***	0.007	1.034
Age Squared	-0.001 ***	0.000	0.999	0.000 ***	0.000	1.000
Male	0.319 ***	0.044	1.375	0.273 ***	0.036	1.314
Urban	1.495 ***	0.043	4.460	0.726 ***	0.038	2.066
White	-0.262 ***	0.043	0.770	0.184 ***	0.035	1.202
<i>N</i>		26839			26839	

\*p<.05; \*\*p<.01; \*\*\*p<.001; RRR = Relative Risk Ratio; Standard Errors are Robust

**Table A4: Only Felony level Instant Offenses with White/Non-White Race Variable**

	Acquittal/Dismissal Relative to Interim Disposition			Conviction Relative to Interim Disposition			
	Coef.	SE	RRR	Coef.	SE	RRR	
Felony Drug Charge	-1.832 ***	0.173	0.160	-1.776 ***	0.134	0.169	
Number of Charges	0.124 **	0.047	1.132	0.216 ***	0.038	1.241	
Prior Person Felony	2.272 ***	0.540	9.696	3.724 ***	0.516	41.413	
Prior Other Felony	2.433 ***	0.356	11.392	3.933 ***	0.333	51.055	
Prior Person Non-Felony	0.597	0.388	1.817	0.642	0.356	1.900	
Prior Other Non-Felony	0.113	0.158	1.120	0.005	0.132	1.005	
Prior Failure to Appear	-0.084	0.155	0.919	-0.050	0.129	0.952	
Time to Disposition	0.064 *	0.031	1.066	0.194 ***	0.025	1.214	
Age	0.179 ***	0.037	1.195	0.176 ***	0.029	1.193	
Age Squared	-0.002 ***	0.000	0.998	-0.002 ***	0.000	0.998	
Male	1.072 ***	0.184	2.922	1.112 ***	0.144	3.042	
Urban	0.512 ***	0.153	1.669	0.446 ***	0.126	1.562	
White	-0.642 ***	0.162	0.526	-0.348 **	0.130	0.706	
	<i>N</i>	2977			2977		

\*p<.05; \*\*p<.01; \*\*\*p<.001; RRR = Relative Risk Ratio; Standard Errors are Robust

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