

FACTORS THAT AFFECT PLEA BARGAINING IN TEXAS

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A handwritten signature in black ink, appearing to read 'Charles A. Johnson', written over a horizontal line.

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ABSTRACT

This study tests the relationship between factors in the criminal justice system and rates of plea bargaining. Four concepts are used in the analysis--case characteristics, work group characteristics, system capacity, and demographic characteristics. The sample for the study is drawn from county level data on district court dispositions for all counties in Texas. In order to gain a full understanding of criminal case disposition, two methods for measuring plea bargaining are taken into consideration as well as a total nontrial rate. A Pearson's r correlation is used to test the relationships. None of the hypothesized relationships presented in this study are supported. Reasons for the negligible results may be inaccurate measures and a need to consider more complex theories.

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FACTORS THAT AFFECT LEVELS OF PLEA BARGAINING IN TEXAS

The criminal justice system in the United States is much like other American institutions--it is highly decentralized. Not only is there a fundamental division between federal and state systems, but also each state system is independent and different. Moreover, within each state there are typically variations from one local court to another. These local differences may be structural, they may concern personnel and organizational routines, or they may involve different environmental pressures. There is also considerable evidence that the outcomes of cases passing through these different systems vary from state to state and even from one jurisdiction to another within each state. The question addressed in this study is whether these different outcomes are related to some of the differences associated with local courts. The paper proceeds in four parts. First, the nature of criminal outcomes and how they vary from one jurisdiction to another is discussed. Second, hypotheses relating features of local courts to outcomes are discussed along with relevant literature. Third, the research design employing all counties in Texas and methods of analysis are discussed briefly. Finally, the results of the analysis are presented along with some discussion of the implications.

Criminal Justice Outcomes

Criminal trials as a method of disposing of cases have become the exception rather than the rule in most jurisdictions. Plea Bargaining, the process by which a defendant agrees to relinquish his right to go to trial in exchange for a reduction of charge and/or sentence, has become the most widely used method of disposing of cases. This method has even

been given official sanction by the U. S. Supreme Court. In Santobello v. New York (1981), Chief Justice Burger said in the majority opinion:

The disposition of criminal charges by agreement between the prosecutor and the accused, sometimes loosely referred to as 'plea bargaining' is an essential component of the administration of justice. Properly administered it is to be encouraged. 404 U.S. 257.

By most reports, 90 percent of all criminal justice cases in the U. S. are disposed of by a plea bargained agreement. This general figure, or any general figure on the extent to which cases are plea bargained, hides considerable variation in the proportion of cases handled through plea bargains. Data reported in Table 1 give some indication of the extent to which criminal justice systems vary in their treatment of criminal cases. In Baltimore, for example, a substantial percentage (63%) of the 8000 felony arrests end in contested non-jury trials while much smaller percentages are either dismissed (16%) or end in guilty pleas (11%). Baltimore contrasts dramatically with the processing of cases in Houston where the number of felony arrests are double that in Baltimore, but the number of jury trials is ten to eleven times less. In Houston, unlike Baltimore, a large percentage of the cases are subject to prosecutor screening or dismissal at the preliminary hearing state; and those cases remaining usually end in guilty pleas. Similar differences may be noted for the other metropolitan areas listed in Table 1 about when large numbers of cases are terminated and the manner by which cases surviving preliminary screening are ended.

This research project focuses on the criminal outcomes in the state of Texas. One might expect some uniformity within the state since all of the jurisdictions are administering the same law in roughly similar political and social environments. However, a brief examination of the

Table 1
Major Dispositional Points in Felony Cases

	Cook County (Chicago) Population 5,500,000	Los Angeles County Population 7,200,000	King's County (Brooklyn) Population 2,600,000	City of Detroit Population 1,700,000	City of Baltimore Population 900,000	Harris County (Houston) Population 1,800,000
Number of Felony Arrests	22,000	69,000	15,000	20,000	8,000	16,000
Prosecutor Screening	0%	50%	*	30%	*	25%
Preliminary Hearing	80%	10%	65%	*	*	25%
Guilty pleas	10%	14%	16%	24%	11%	34%
Dismissals	6%	2%	1%	2%	15%	3%
Contested Non Jury	3%	14%	.5%	3%	53%	.4%
Contested Jury	1%	1%	1%	2%	2%	2%

* Indicates figures not available

Source: Donald M. McIntyre and David Loggman, "Prosecutors and Early Disposition of Felony Cases," American Bar Association Journal, LVI (1970), 1156-1157.

outcomes of criminal cases in the state's district courts shows some variation. Data illustrating this variation are presented in Table 2. It can be seen from Table 2 that whether plea bargaining or dismissals are used a majority of the cases do not reach the trial stage. In fact, in three of the counties 100 percent of the cases are disposed on before they reach the trial stage.

In explaining variation in criminal justice outcomes, social scientists usually work on two levels of analysis. At one level, the individual level, researchers emphasize the influence of such factors as the race or socio-economic status of the defendant, the stage at which the case is terminated, the judge or prosecutor handling the case, the bail status of the defendant, and the criminal record of the suspect. The other level of analysis is the organizational level which emphasizes the influence of features of criminal justice systems. Such features include the political or legal climate of the local court, the prevailing routines of workgroups within the local court system, and pressures from the environment such as case load or public attention given to the criminal justice system. The variations in criminal justice outputs from one court to another are probably best explained by a combination of both individual level and organizational level factors. However, for both theoretical and practical reasons, hypotheses are evaluated in this study which relate organizational level variables to criminal justice outcomes.

A major reason for focusing on organizational level attributes is that there are few analyses testing hypotheses at this level. Many of the studies of criminal justice outcomes are of one court in one city and thus contain little or no variation in organizational level variables since the system itself is a constant. Moreover, the few studies compar-

Table 2
Methods of Case Disposition in 6 Texas Counties

	County					
	<u>Archer</u>	<u>Culberson</u>	<u>Hall</u>	<u>Zapata</u>	<u>Titus</u>	<u>Refugio</u>
Guilty Pleas	7%	10%	12%	83%	94%	97%
Dismissals	87%	90%	88%	0%	6%	0%
Nontrial	93%	100%	100%	83%	100%	97%
Trial	7%	0%	0%	17%	0%	3%

ing the outcomes of lower courts usually include a small number of jurisdictions. The Eisenstein and Jacob (1977) study mentioned frequently in the discipline included only three cities, Chicago, Detroit, and Baltimore; the study by Levine (1974) included only two cities, St. Paul and Pittsburgh. Most of these studies suggest that organizational variables make a difference in the levels of plea bargaining or some other outcome measure, but the small number of jurisdictions used in their analysis means that hypotheses cannot be tested systematically. This study corrects this shortcoming in the literature by analyzing outcomes in 254 Texas counties.

A second reason for emphasizing organizational level variables is that individual level variables are not likely to have a substantial impact on aggregate level statistics on outcomes. Unless there is some reason to suspect that one or more courts process a particular type of criminal suspect and other courts process a different type of criminal suspect, then one might reasonably assume that suspect characteristics are randomly distributed among all courts in the analysis. Thus, these individual attributes are not likely to have a substantial effect on the variations in outcomes from one court to another.

Focusing on organizational level variables in accounting for variations among courts is also recommended because measuring outcomes in the aggregate as is done in this analysis conceives of the process as a collective activity with particular routines which may be related to some other system characteristic. In many ways this analysis is similar to the comparative state analyses one finds in the political science literature using organizational variables such as political party competition to account for policy differences among states. Essentially, it makes

more theoretical sense to explain differences in organizational level output with other organizational level variables.

A practical reason for focusing on organizational level variables is that individual level variables are very difficult to collect. Whether the individual level variables concern characteristics of criminal suspects, their victims, the crime, or the personnel involved in the case, these data are extremely difficult to assemble from several courts. Even a sampling procedure for ten counties would involve thousands of cases. While a thorough analysis should include data from both levels such as was done by Eisenstein and Jacob for Baltimore, Chicago, and Detroit, such an effort is simply not possible given current resources.

Explaining Criminal Justice Outcomes: Hypotheses and Relevant Literature

The basic dependent variable or the outcome to be explained in this study is the rate of plea bargaining in Texas district courts. This variable manifests considerable variation as one can see from Table 3. All hypotheses are derived from explanations of plea bargaining rates since that is the focus of much of the literature in that area. In many respects, focusing exclusively on plea bargaining rates ignores another major method of disposing of criminal cases, namely dismissals. However, since there is little or no literature about dismissal rates and since rates of guilty pleas and dismissal rates are inversely related (see discussion section), narrowing our interest to only one outcome seems warranted.

Explanations of differing guilty plea rates tend to emphasize one of four sets of factors: (1) characteristics of the cases handled by the court, (2) workgroup characteristics, (3) the capacity of the court sys-

Table 3

Comparison of Means For Dependent Variables

	Percent Guilty Pleas I	Percent Guilty Pleas II	Percent Nontrial	Propensity
Mean	54.596%	86.057	91.213%	17.979%
Standard Deviation	20.579	16.323	12.181	39.282

tem to process cases, and (4) the demographic characteristics of the area served by the court. The influence of each of these factors on plea bargaining rates is discussed below and hypotheses tested in the study are highlighted.

Characteristics of the Court's Cases. Two characteristics of cases appear to have an affect on the way they are disposed. The characteristics are seriousness of the crime and representation by appointed attorney. Blumberg (1979) reports that more serious crimes are less often plea bargained. Blumberg found that when all crimes misdemeanors and felonies, are combined, the guilty plea rate may be as high as 95 percent; but when felonies alone are considered, the guilty plea rate drops to a range of 70 percent to 85 percent. At the individual level, Mather (1979) also found a relationship between seriousness of the offense and frequency of trial in her study of plea bargaining in Los Angeles County. In that county serious crimes were more difficult to settle by plea bargaining because prosecutors often insist on taking these cases to trial since the evidence is in their favor. Based on these findings our first hypothesis is: The greater the percentage of serious crimes in a county, the lower the rate of plea bargaining.

The second characteristic of cases handled by a court is the degree to which appointed attorneys are used in the court. Because appointed attorneys deal more regularly with the court, they find it easier to negotiate with the prosecutor's office than many private attorneys. Jacob (1978) suggests that since a public defender regularly works in the courtroom and knows the informal routine of the judges and prosecutors, he is able to gain an optimum disposition for his client. Private attorneys, on the other hand, more frequently send their cases to trial because oth-

er members of the courtroom cannot readily negotiate with them. Blumberg (1979) also argues that legal aid attorneys often negotiate quite reasonable pleas for a defendant because of their close relations with the prosecutor's office. Still another reason given by Blumberg for more pleas among appointed attorneys is that private attorneys will usually receive more money by taking a case all the way to trial. This is not necessarily the case with appointed attorneys. The second hypothesis tested is: The greater the percentage of cases with appointed attorneys in a county, the higher the rate of plea bargaining.

Workgroup Characteristics. In order for a group to be considered a workgroup, Clynch and Neubaumer (1981) suggest that three elements must be present. First, the group must be working toward a common objective; second, the members of the group must interact with one another on a continuing basis to accomplish their objective; and third, the members must perceive themselves as part of a group. The presence of these elements serves to define workgroup familiarity. Eisenstein and Jacob (1977) argue that the definition and structure of courtroom workgroups has a direct effect on the incidence and character of plea bargaining in the system. Two factors emphasized in their work relating to workgroup characteristics are considered here: stability of the workgroup and size of the workgroup.

Some studies suggest that participant stability is related to workgroup cohesiveness and this in turn can affect the method of case disposition in a court system. Jacob (1978) suggests that lower courts have distinctive workgroups. The longer these same people work together, the more cohesive the workgroup becomes. Workgroups then develop standard operating procedures for processing their common workload. Clynch and

Neubauber (1981) also suggest that participant stability affects the degree of cohesiveness of a workgroup which in turn affects the group output. Working together results in operating rules to increase the predictability of the system. Plea bargaining helps to increase predictability and as such, rules develop about how bargains are struck. These operating rules become norms which members of the workgroup are expected to follow. However, many times new members disrupt the routine since they must first learn the rules. If the workgroup stability is low, then the rules may be in a constant state of flux or they may go unlearned. Thus our third hypothesis is: The greater the degree of workgroup stability in a county, the higher the rate of plea bargaining.

The second workgroup characteristic is the size of the workgroup. The study and arguments presented above suggest that the more people there are in a workgroup, the less routine interaction there will be in a workgroup (Clyne and Neubauber, 1981). A decrease in interaction between members could disrupt group norms and decrease the predictability of the system. Members who do not interact with each other as much will not readily negotiate with each other to settle a case. This could decrease the plea bargaining that occurs in the system. It is also possible that if the workgroup is larger, there will be more people to handle the caseload. If more attention can be given to each case, members may be more likely to follow the traditional adversary model and take the case to trial. In regard to workgroup size the fourth hypothesis is: The greater the number of people there are in each workgroup, the lower the rate of plea bargaining.

System Capacity to Process Cases. The third concept this study examines is the capacity of the court system to process its cases. The two

factors considered here are case pressure and capability of the system to process the cases.

Much of the criminal justice literature attempts to relate plea bargaining to case pressure because caseloads present very real administrative problems to the courts. In the previously mentioned case, Santobello v. New York, Chief Justice Burger stated, "If every criminal charge were subject to a full scale trial, the States and Federal government would need to multiply by many times the number of judges and court facilities" (p. 242). A concurring opinion of Justice Douglas states, "They [plea negotiations] serve an important role in the disposition of today's heavy calendars" (p. 243). Feeley (1979) suggests that, among other things, caseloads are responsible for the infrequency of trials and the great reliance on plea bargaining. An article in the Harvard Law Review (1970) states that one of the main reasons for the development of plea bargaining by prosecutors is the extreme administrative pressure from overwhelming caseloads. Finally, Blumberg suggests that jury trials are discouraged because they are "time consuming, expensive, and introduce an altogether cumbersome dimension" into the criminal justice system (1979: 173). While there is some evidence countering these claims, our fifth hypothesis is: The greater the number of cases in the county, the higher the rate of plea bargaining.

The second factor considered concerning system capacity is the capability of the court system to handle the cases. In Texas, depending upon the need, some counties have more than one district court and some district courts serve more than one county. One judge is assigned to each district. The number of cases per judge is likely to have an effect on the manner in which the cases are disposed. The more cases a judge

must handle a day puts him under greater administrative pressure to dispose of them. The sixth hypothesis drawn from these observations is: The more cases heard per judge per day, the higher the rate of plea bargaining.

Demographic Characteristics. The final set of factors considered is demographic characteristics. These characteristics are measured on a county wide basis and apply to the county as a whole. The three factors that are considered are race, income, and population size.

Studies have shown that minorities comprise a greater portion of the criminal population and that there is potential discrimination against minorities in the court system (Jacob, 1963; Cole, 1972). The tendency for the criminal justice system to discriminate against minorities is apparent although the nature or reasons for the discrimination are unclear (Jacob, 1977). Some argue that because of discrimination, minorities are more likely to plead guilty to their charges in order to get out of the system faster. Others suggest that many minorities are not able to afford bail or an attorney and will plea bargain as an easy way to dispose of their case. Finally, some of the minority defendants are repeat offenders who know the system better and know how to plea bargain for a good deal. Regardless of the reasons, rates of guilty pleas may vary among counties due to a variation in the minority population. Thus, the seventh hypothesis is: The greater the percentage of minorities in the county, the higher the rate of plea bargaining.

It is generally assumed that criminal courts are institutions for the poor. Jacob (1978) reports that evidence indicates that criminal courts are against the poor. The crimes that attract police are more often committed by poor people. Because more of the criminal population is

poor and because they do not have the resources (time and money) to go through the system, poorer defendants are more likely to plea bargain their cases in order to be released more quickly. Poorer defendants may resort to plea bargaining because they cannot afford bail and, thus, are forced to stay in jail (Eisenstein and Jacob, 1977). While in jail these defendants are incurring losses by being away from their jobs and families. Plea bargaining is seen as a viable alternative to jail. Finally, crimes committed by poorer people are usually crimes with more routine circumstances (Jacob, 1978). For all of these reasons plea bargaining may be used more frequently by poorer defendants. The eighth hypothesis tested is: The higher the average income for the county, the lower the rate of plea bargaining.

The third demographic characteristic is population. In an urban setting there are more people and along with that the potential for more crime. Cole (1973) observes that the extent of plea bargaining is closely related to the degree of urbanization in a district. The traditional small town roles and values are diminishing and along with that the traditional method of case disposition--the adversary trial. Levine (1972) argues that people are more mobile and are living in metropolitan areas. People are dealing more with strangers to get things done. This leads to a routinized, instead of a personalized, delivery of services. Because plea bargaining is more routine and less personal, it would become the norm in a more populated area. The ninth hypothesis tested is: The greater the population of the county, the higher the rate of plea bargaining.

Research Design

The sample for this study is drawn from county level data on district court dispositions for all counties in Texas. The district court is the major court in the Texas judicial system processing felony cases and major misdemeanors. Limiting the research to only one state has some disadvantages namely that the ability to generalize the findings is somewhat limited. However, this disadvantage is outweighed by the controls it introduces regarding the enforcement of the same criminal statutes, the same methods for selection of personnel and the same precedents. Each of these variables is likely to be different from one state to another and their introduction at this point needlessly complicates our research task.

Data for this study are from several sources. Information on case characteristics and system capacity is from the Texas Judicial Council and Office of Court Administration Annual Report--Calendar Year 1980. Information on workgroup characteristics is from the Directory of Texas Prosecutors and Investigators. Information on demographic characteristics is from the 1980 census and the Texas Almanac (1980).

A total of nine hypotheses are to be tested. The dependent variable in each of the hypotheses is the rate of plea bargaining. Plea bargaining is defined as the number of guilty pleas with no jury as given in the 1980 Office of Court Administration Report. Operationalizing the rate of plea bargaining is not a straightforward matter when dealing with aggregate level data. Plea bargains may be defined as bargain struck between the state and a criminal defendant resulting in a reduced charge and/or fine. This definition assumes that plea bargaining occurs only in cases which end in a plea of guilty. However, one might imagine a plea bargain

which ended in a dismissal of all charges and a promise by the defendant to stay out of trouble. Hence, some dismissals may also be the products of a plea bargained agreement. Another problem in calculating plea bargaining rates is whether to calculate the rate as a percentage of all dispositions (guilty pleas plus dismissals plus trial cases) or as a percentage of only cases not dismissed by the state. Including or eliminating dismissals in the calculations may give an entirely different view of plea bargaining rates since dismissals are quite frequent in some counties and very rare in others, even when the total number of guilty pleas and total number of cases on the docket are roughly the same (see Table 2 for examples from Texas counties).

Given that measuring plea bargaining rates is not straightforward and since there is little or no discussion of which measures researchers ought to use in cross jurisdictional studies, several indicators of plea bargaining rates are used here. First, the rate of plea bargaining (% Guilty Plea I) will be determined by using the number of guilty pleas with no jury divided by the total number of dispositions for the county. This measure counts dismissals as part of the denominator. Second, the percentage of plea bargains (% Guilty Plea II) will be calculated by dividing the number of guilty pleas with no jury by the total number of dispositions excluding the number of dismissals. Third, since dismissals may also be the result of some type of bargain, the percentage of non-trial outcomes (% nontrial) is calculated by dividing the total number of guilty pleas with no jury plus the number of dismissals by the total number of dispositions. Finally, the propensity (Propensity) of a county to dispose of cases by guilty pleas or by dismissals is measured by subtracting the percentage of dismissals (calculated by using total dispo-

sitions in the denominator) from the percentage of guilty pleas with no jury (calculated by using total dispositions in the denominator). Thus, the four measures of plea bargaining rates are:

$$\begin{aligned} \text{\% Guilty Pleas I} &= \frac{\text{Number of guilty pleas-no jury}}{\text{Total number of dispositions}} \\ \text{(all dispositions)} & \\ \text{\% Guilty Pleas II} &= \frac{\text{Number of guilty pleas-no jury}}{\text{Total number of dispositions}} \\ \text{(all non-dismissal)} &= \frac{\text{Number of guilty pleas-no jury}}{\text{Total number of dispositions}} \\ \text{dispositions} &= \frac{\text{Number of guilty pleas-no jury}}{\text{Total number of dispositions}} \\ \text{excluding dismissals} & \\ \text{\% Non-trial} &= \frac{\text{Number of guilty pleas-no jury}}{\text{Total number of dispositions}} \\ \text{Outcomes} &= \frac{\text{Number of guilty pleas-no jury}}{\text{Total number of dispositions}} \\ &+ \frac{\text{Number of dismissals}}{\text{Total number of dispositions}} \\ \text{Propensity of} &= \text{\% Guilty Pleas I minus } \frac{\text{number of dismissals}}{\text{total dispositions}} \\ \text{Outcomes} & \end{aligned}$$

For each of the measures, the greater the percentage, the greater the amount of plea bargaining for the county.

The independent variables relating to case characteristics are the amount of serious crimes processed by appointed attorneys. Serious crimes is measured as a percentage of all crimes in each county. Serious crimes are defined as personal crimes and include capital murder, murder or voluntary manslaughter, assault or attempted murder, rape, and sexual abuse or rape of a child. The percentage of attorneys appointed in criminal cases is used to measure representation by appointed attorneys. To obtain this percentage the number of appointed attorneys is divided by the total number of cases for each county.

The independent variables concerning workgroup characteristics are stability of the workgroup and size of the workgroup. Stability of the workgroup is expressed as a percentage of turnover among district attorneys and assistant district attorneys during a four year span of time from 1977 to 1980. The percentage is determined by calculating the number of district attorneys and assistant district attorneys employed in 1977 and

the number of employees remaining in 1980. The lower the percentage during this period, the more stable the workgroup. The size of the workgroup is also a factor under consideration. This is measured by determining the number of district attorneys and assistant district attorneys in each county for 1980.

Case pressure and capability of the system are used to measure system capacity. Case pressure is measured by the total number of cases on the docket in each county for 1980. Capability of the system is measured by calculating the number of cases per judge per day in each district.

The variables to be measured under demographic characteristics are race, income, and population size. Race is measured as a percentage of minorities in the population. Minority population is the size of the nonwhite population as it is listed in the 1980 census figures. Income is measured by determining the average per person income for each county. Population is measured by obtaining the population size of each county.

Data Analysis

The means and standard deviations for the different measures of plea bargaining are presented in Table 3. Several points should be made about the figures in this table. First, like most reports about court processes elsewhere, the use of trials to dispose of cases is infrequent in Texas. On the average only one case in ten ends up in a trial in this state. A second point deserving some discussion, however, is the difference in estimates of how much plea bargaining is done in Texas district courts when dismissals are or are not counted as dispositions. If dismissed cases are counted as a form of disposition, then the percentage of cases ending in a guilty plea is substantially below the percentage

usually discussed in the criminal justice literature--55 percent versus 90 percent. However, if dismissals are excluded, then the percentage of guilty pleas is much higher--86 percent. Third, the propensity average of +18 percent indicates that on the average more cases end in guilty pleas than end in dismissals in Texas counties. Finally, the lack of uniformity in levels of plea bargaining, however it is measured, is revealed in the substantial standard deviations also reported in the table. Evidently, different jurisdictions process cases differently. Our task is to test some of the prevailing explanations for those variations. Table 4 reports the results of the correlation analysis using a Pearson's r correlation. Each of the variables measuring plea bargaining rates is correlated with each independent variable. The table shows that none of the relationships are very strong and very few are statistically significant.

For case characteristics, the percentage of serious crimes does not correlate with any of the plea bargaining measures. Thus, the proportion of serious crimes on a court's docket appears to have little effect on plea bargaining rates. The percent of cases represented by appointed attorneys, however, is significantly related to % Guilty Pleas I ($r = .20$) and Propensity ($r = .23$), although the coefficients are not very strong. These correlations seem to indicate that plea bargaining increases as the percentage of cases with appointed attorneys increases. Thus, the percentage of cases with appointed attorneys appears to have an impact on the way in which cases are disposed in relation to percent guilty pleas and the propensity to plead guilty.

Workgroup characteristics include workgroup stability and workgroup size. None of these variables are significantly correlated with plea

Table 4

Pearson's Correlations Between Methods of Case Disposition and Case Characteristics, Workgroup Characteristics, System Characteristics, and Demographic Characteristics for 248 Texas Counties, 1980 *

	Percent Guilty Pleas I	Percent Guilty Pleas II	Percent Nontrial	Propensity
<u>Case Characteristics</u>				
Serious Crimes	.0141	-.0731	-.1066	.0478
Representation by Appointed Attorneys	.1996 **	.0174	-.0528	.2256 **
<u>Workgroup Characteristics</u>				
Workgroup Stability	-.0197	.0320	.0557	-.0379
Workgroup Size	.0652	.0296	.0132	.0642
<u>System Capacity</u>				
Case Pressure	.0352	.0513	.0376	.0252
Capability of the System	-.0585	.1505	.1493	-.1177
<u>Demographic Characteristics</u>				
Race	.0688	.0998	.0609	.0532
Income	.0444	-.0119	.0062	.0446
Population	.0591	.0403	.0247	.0543

* No data were reported for 5 Texas counties
 ** Indicates significance at the .001 level

bargaining rates. These results suggest that the workgroup characteristics tested in this study do not play as important a role in case disposition as some of the literature has theorized (Eisenstein and Jacob, 1977; Clynch and Neubauber, 1981).

The system capacity variables also do not relate strongly to plea bargaining rates. The capability of the system, which is measured by the number of cases handled per judge per day is weakly related to Guilty Pleas II ($r = .15$) and percent Non-trial ($r = .15$), but these correlations are not significant at the .01 level. Although the correlations are weak, they suggest that as the number of cases per judge increases, the number of non-trial dispositions, especially as measured by % Guilty Pleas II, also increases.

Case pressure is the explanation most commonly given for the great percentage of plea bargained cases. This variable, which is measured by the number of cases on the docket in each county, does not correlate highly with any of the measures of plea bargaining.

The demographic characteristics of race, income, and population are not correlated with any of the plea bargaining measures. So, when taken together demographic characteristics do not have an effect on plea bargaining rates.

Discussion and Conclusion

The findings of this study do not support the widely discussed explanations for criminal justice outcomes. Some possible explanations for this may be that the criminal justice system in Texas counties responds to different factors than reported elsewhere. However, there is no evidence to suggest that this is the case. In fact, the sample used in this study

provides a greater number of court systems to test than many previous studies such as Mather's study of Los Angeles County (1979) and Eisenstein and Jacob's study of Baltimore, Detroit, and Chicago (1977). Another possible explanation for the negligible results of this study may be that the measures are inappropriate. The data used are reported on a county basis when in fact, Texas courts operate on a district basis. There are times when districts overlap into more than one county and this could lead to a distortion of some of the figures used. Since prior research has not attempted to test organizational factors empirically, there were no prior measures on which to rely. The measures were based on the most reliable source available.

The results of this study may indicate a need to rethink the reasons commonly given for the varying rates of plea bargaining. The theories may need to be more complex. For instance, since most workgroups in Texas counties are small, the workgroup characteristics tested in this study may not apply. The organizational factors that affect plea bargaining may be more subtle. For example, socialization in workgroups may be different for each county. Each workgroup may interact differently and be influenced by different members. The relations with the local defense bar may also play a major role in the manner cases are processed. This variable was not used in this study because no data were available. The theories regarding case pressure and capability of the system to process the cases may also need to be revised. The number of cases on the docket may not provide an explanation for rates of plea bargaining. The cases may be disposed according to the preferences of local judges or the district attorneys. Plea bargaining and nontrial rates may simply be a re-

sult of the way the judge or district attorney is inclined to dispose of cases in his court.

The results of this study are negligible, but important since widely discussed explanations for rates of plea bargaining are tested. Clearly the results of this study indicate a need to reconsider some of these widely accepted theories and the manner by which their explanations may be tested.

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