



ICPSR 22642

Assessing Consistency and Fairness in Sentencing in Michigan, Minnesota, and Virginia, 2001-2002, 2004

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User Guide



National Institute of Justice
Data Resources Program

ICPSR

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Bibliographic Description

ICPSR Study No.: 22642

Title: Assessing Consistency and Fairness in Sentencing in Michigan, Minnesota, and Virginia, 2001-2002, 2004

Principal Investigator(s): Brian J. Ostrom, National Center for State Courts

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Scope of Study

Summary: The purpose of the study was to evaluate the integrity of sentencing outcomes under alternative state guideline systems and to investigate how this variation in structure impacted actual sentencing practice. The research team sought to address the question, to what extent do sentencing guidelines contribute to the goals of consistency, proportionality, and a lack of discrimination. The National Center for State Courts conducted an examination of sentencing patterns in three states with substantially different guidelines systems: Minnesota, Michigan, and Virginia. The three states vary along critical dimensions of the presumptive versus voluntary nature of guidelines as well as basic mechanics. There are differences in the formal design, administration, and statutory framework of the Michigan, Minnesota, and Virginia sentencing systems. For the 2004 Michigan Sentencing Outcomes Data (Part 1), the Michigan Department of Corrections Offender Management Network Information System (OMNI) provided sentencing guideline data for 32,754 individual offenders sentenced during calendar year 2004. For the 2002 Minnesota Sentencing Outcomes Data (Part 2), the Minnesota Sentencing Commission provided data for 12,978 individual offenders sentenced in calendar year 2002. The Virginia Sentencing Commission provided the Fiscal Year 2002 Virginia Assault Sentencing Outcomes Data (Part 3) and the Fiscal Year 2002 Virginia Burglary Sentencing Outcomes Data (Part 4). The Assault and Burglary/Dwelling crime groups have 1,614 and 1,743 observations, respectively. Variables in the four datasets are classified into the broad categories of conviction

offense severity, prior record, offense seriousness, grid cell type, habitual/modifiers, departure, and extra guideline variables.

Subject Term(s): correctional classification, discrimination, imprisonment, judicial decisions, offenders, offenders sentencing, offense classification, offenses, prison inmates, sentencing, sentencing guidelines

Smallest Geographic Unit: Part 1, Part 3, and Part 4: circuit. Part 2: district.

Geographic Coverage: Michigan, Minnesota, United States, Virginia

Time Period: 2002, Part 2; 2004, Part 1; July 1, 2001 - June 30, 2002, Part 3, Fiscal Year 2002; July 1, 2001 - June 30, 2002, Part 4, Fiscal Year 2002

Date(s) of Collection: 2002, Part 2; 2004, Part 1; July 1, 2001 - June 30, 2002, Part 3, Fiscal Year 2002; July 1, 2001 - June 30, 2002, Part 4, Fiscal Year 2002

Unit of Observation: individual

Universe: Part 1: All offenders sentenced during calendar year 2004 in Michigan.

Part 2: All offenders sentenced during calendar year 2002 in Minnesota.

Part 3: All offenders convicted of assault during fiscal year 2002 in Virginia.

Part 4: All offenders convicted of burglary/dwelling crimes during fiscal year 2002 in Virginia.

Data Type: administrative records data

Data Collection Notes: Users should be aware that while the final sample for Part 4 included all offenders convicted of burglary/dwelling crimes during fiscal year 2002 in Virginia, resulting in a sample size of 1,743 offenders, there are 75 cases with "Blank" values in all variables in the dataset except for the 31 dichotomous variables that represent each circuit in Virginia. When one accounts for these 75 cases with considerable missing data, the Part 4 sample size becomes 1,668 cases, which is the case count that the principal investigators use in their final report listed in the related publications section for this study.

Methodology

Purpose of the Study: The purpose of the study was to evaluate the integrity of sentencing outcomes under alternative state guideline systems and to investigate how this variation in structure impacted actual sentencing practice.

Sentencing guidelines are a relatively new reform effort to encourage judges to take specific legally relevant elements into account in a fair and consistent way when deciding whether a convicted offender should be imprisoned, and if so, for what length of time. A common concern of state policymakers for limiting sentencing disparity under indeterminate sentencing laws is a fundamental rationale for the adoption of guidelines. For this reason, most states make explicit reference in their statement of purpose to achieving the goals of consistency (predictability and proportionality) and fairness (nondiscrimination) in sentencing. The research team sought to address the question, to what extent do sentencing guidelines contribute to the goals of: consistency -- like cases are treated alike; proportionality -- more serious offenders are punished more severely; and a lack of discrimination -- age, gender, and race are insignificant in who goes to prison and for how long.

Study Design: The National Center for State Courts conducted an examination of sentencing patterns in three states with substantially different guidelines systems:

- Minnesota, which has a relatively strict system,
- Michigan, whose guidelines offer more judicial discretion, and
- Virginia, where compliance with the sentence recommendations is completely voluntary.

The three states vary along critical dimensions of the presumptive versus voluntary nature of guidelines as well as basic mechanics. There are differences in the formal design, administration, and statutory framework of the Michigan, Minnesota, and Virginia sentencing systems. Minnesota, for example, tends to have tighter ranges on recommended sentences for similarly situated offenders than Michigan and Virginia, and Virginia employs a list-style scoring system to determine appropriate offender punishment in contrast to the use of sentencing grids in Minnesota and Michigan.

For the 2004 Michigan Sentencing Outcomes Data (Part 1), the Michigan Department of Corrections Offender Management Network Information System (OMNI) provided sentencing guideline data for 32,754 individual offenders sentenced during calendar year 2004. For the 2002 Minnesota Sentencing Outcomes Data (Part 2), the Minnesota Sentencing Commission provided data for 12,978 individual offenders sentenced in calendar year 2002. The Virginia Sentencing Commission provided the Fiscal Year 2002 Virginia Assault Sentencing Outcomes Data (Part 3) and the Fiscal Year 2002 Virginia Burglary Sentencing Outcomes Data (Part 4). The Assault and Burglary/Dwelling crime groups have 1,614 and 1,743 observations, respectively.

Sample: The National Center for State Courts examined and classified all states with sentencing guidelines along a voluntary-mandatory continuum and selected three state systems as representative of alternative ways of configuring the control of judicial discretion: Michigan, Minnesota, and Virginia. Minnesota is the most mandatory system, followed by Michigan; Virginia is the least mandatory of the three.

The final sample for Part 1 included all offenders sentenced during calendar year 2004 in Michigan, resulting in a sample size of 32,754 individual offenders. The final sample for Part 2 included all offenders sentenced during calendar year 2002 in Minnesota, resulting in a sample size of 12,978 individual offenders. The final sample for Part 3 included all offenders convicted of assault during fiscal year 2002 in Virginia, resulting in a sample size of 1,614 individual offenders. The final sample for Part 4 included all offenders convicted of burglary/dwelling crimes during fiscal year 2002 in Virginia, resulting in a sample size of 1,743 individual offenders.

Weight: none

Sources of Information: Part 1: Michigan Department of Corrections Offender Management Network Information System (OMNI)

Part 2: Minnesota Sentencing Commission

Part 3 and Part 4: Virginia Sentencing Commission

Mode of Data Collection: record abstracts

Description of Variables: Variables in the four datasets are classified into the broad categories of conviction offense severity, prior record, offense seriousness, grid cell type, habitual/modifiers, departure, and extra guideline variables.

The 2004 Michigan Sentencing Outcomes Data (Part 1) contains a total of 118 variables including type of disposition, prison sentence, length of prison sentence, log of prison length, statutory maximum, log of statutory maximum, 6 prior record level variables (Level A-Level F), 6 offense level variables (Level I-VI), 8 crime class variables (Class A-Class H), straddle cell, prison cell, 3 habitual offender variables (2nd, 3rd, and 4th), 6 crime group variables (property, person, controlled substance, public safety, public order, and public trust), departure, 18 dichotomous extra guideline variables (non-White, female, education, employed, assets, income, single, dependents, drug use, alcohol use, non-United States citizen, honorable discharge, mental health, young Black male, young drug user, private attorney, convicted at trial, and high volume judge), 4 categorical age variables (age less than 19, age 20-29, age

30-39, and age 40-49), and 57 dichotomous variables that represent each circuit court in Michigan.

The 2002 Minnesota Sentencing Outcomes Data (Part 2) contains a total of 55 variables including whether a prison sentence was executed, log of length of prison sentence, 7 prior criminal history points variables, 11 offense severity level variables (Level 1-11), 3 crime type variables (crime against person, crime against property, drug crime), 3 weapon modifier variables, attempt modifier, conspiracy modifier, grid cell type, 3 subsequent modifier variables (weapon, sex, and drug), 8 dichotomous extra guideline variables (solicit juvenile, gang related, trial, Black, non-White, female, young offender, and young Black male), 2 departure variables (above and below), 2 age variables (age and age squared), and 10 dichotomous variables that represent each district in Minnesota.

The 2002 Virginia Assault Sentencing Outcomes Data (Part 3) contains a total of 113 variables including prison sentence, length of prison sentence, log of prison length, Section C primary offense, log of base, 6 dichotomous extra guideline variables (Black, female, trial, Black male, Black female, White female), 2 departure variables (above and below), 3 categorical age variables (age less than 19, age 19-29, age 30-39), 6 region variables, 6 primary offense points variables, 11 additional counts points variables, 13 additional offenses points variables, 2 weapons variables (simulated weapon, firearm), serious victim injury, 8 prior convictions points variables, prior incarcerations, prior juvenile, 4 legal restraint variables, assault and battery, other person felony, 3 weapon used points variables, 4 victim injury points variables, 3 prior felony person points variables, and 31 dichotomous variables that represent each circuit in Virginia.

The 2002 Virginia Burglary Sentencing Outcomes Data (Part 4) contains a total of 118 variables including prison sentence, length of prison sentence, log of prison length, Section C primary offense in months, log of base, 6 dichotomous extra guideline variables (Black, female, trial, Black male, Black female, White female), 3 categorical age variables (age less than 19, age 19-29, age 30-39), 6 region variables, 2 departure variables (above and below), 6 primary offense points variables, 7 additional counts points variables, 8 additional offenses points variables, 5 weapons variables (mandatory firearm conviction, simulated weapon, knife, firearm, knife or firearm), 5 prior convictions points variables, 4 prior property convictions points variables, 3 prior juvenile property convictions points variables, 5 prior misdemeanor convictions points variables, prior incarceration, prior revocations, prior juvenile, 2 legal restraint variables, physical injury, 4 prior felony conviction points variables, 6 prior felony burglary convictions points variables, 4 prior felony conviction person points variables, post release supervision, and 31 dichotomous variables that represent each circuit in Virginia.

Response Rates: Not applicable.

Presence of Common Scales: none

Extent of Processing: Created variable labels and/or value labels.

Standardized missing values.

Checked for undocumented or out-of-range codes.

Access and Availability

Note: A list of the data formats available for this study can be found in the [summary of holdings](#). Detailed file-level information (such as record length, case count, and variable count) is listed in the [file manifest](#).

Restrictions: The data are restricted from general dissemination. Users interested in obtaining these data must complete a Restricted Data Use Agreement form and specify the reasons for the request. A copy of the Restricted Data Use Agreement form can be requested by calling 800-999-0960. Researchers can also download this form as a Portable Document Format (PDF) file from the download page associated with this dataset. Completed forms should be returned to: Director, National Archive of Criminal Justice Data, Inter-university Consortium for Political and Social Research, Institute for Social Research, P.O. Box 1248, University of Michigan, Ann Arbor, MI 48106-1248, or by fax: 734-647-8200.

Original ICPSR Release: 2009

Dataset(s):

- DS1: 2004 Michigan Sentencing Outcomes Data
- DS2: 2002 Minnesota Sentencing Outcomes Data
- DS3: Fiscal Year 2002 Virginia Assault Sentencing Outcomes Data
- DS4: Fiscal Year 2002 Virginia Burglary Sentencing Outcomes Data

Publications

Final Reports and Other Publication Resources: A list of publications related to, or based on, this data collection can be accessed from the study's download page on the NACJD Web site or through the ICPSR Bibliography of Data-Related Literature at <http://www.icpsr.umich.edu/ICPSR/citations/index.html>. The list of citations includes links to abstracts and publications in Portable Document Format (PDF) files or text files when available.

Final reports and other publications describing research conducted on a variety of criminal justice topics are available from the National Criminal Justice Reference Service (NCJRS). NCJRS was established in 1972 by the National Institute of Justice (NIJ), an agency of the U.S. Department of Justice, to provide research findings to criminal justice professionals and researchers. NCJRS operates specialized clearinghouses that are staffed by information specialists who supply a range of reference, referral, and distribution services. Publications can be obtained from NCJRS at NIJ/NCJRS, Box 6000, Rockville, MD, 20849-6000, 800-851-3420 or 301-519-5500. TTY Service for the Hearing Impaired is 877-712-9279 (toll-free) or 301-947-8374 (local). The URL for the NCJRS Web site is:

<http://www.ncjrs.org/>

NIJ Data Resources Program

About the DRP: The National Institute of Justice Data Resources Program (DRP) makes datasets from NIJ-funded research and evaluation projects available to the research community and sponsors research and training activities devoted to secondary data analysis. Datasets are archived by the National Archive of Criminal Justice Data (NACJD) at the Inter-university Consortium for Political and Social Research (ICPSR) at the University of Michigan.

The NACJD maintains a World Wide Web site with instructions for transferring files and sending messages. Criminal justice data funded by the Department of Justice are available via the Internet at this site at no charge to the user. NACJD may be contacted at NACJD/ICPSR, P.O. Box 1248, Ann Arbor, MI, 48106-1248, 800-999-0960. The URL for the NACJD Web site is:

<http://www.icpsr.umich.edu/NACJD/>

Data Completeness Report

Notes: (1) Variables are individually listed only if they have greater than 5% missing data. These variables are listed under the appropriate percentage category in the order in which they appear in the data file. (2) The Data Completeness Report only captures information about system missing or other values that are declared missing. Codes that have a label implying that they are missing but that are not declared missing values are not reflected in this report. Data users should consult the codebook for more specific information about missing values. (3) Some variables that have 100% missing data may have been blanked by ICPSR to protect respondent confidentiality. Data users should consult the codebook for more specific information about blanked variables. (4) Data do not contain skip patterns or skip patterns are not reflected in the data as coded.

Table 1: Distribution of Variables by Percentage of Missing Values--2004 Michigan Sentencing Outcomes Data

Variable Name and Label (Total Cases = 32754)	Percent of Cases with Missing Values	
97.5% (115 of 118 variables)	have 0% Missing Values	
0.8% (1 of 118 variables)	have 0% - 1% Missing Values	
0.0% (0 of 118 variables)	have 1% - 3% Missing Values	
0.0% (0 of 118 variables)	have 3% - 5% Missing Values	
0.0% (0 of 118 variables)	have 5% - 10% Missing Values	
0.0% (0 of 118 variables)	have 10% - 20% Missing Values	
0.0% (0 of 118 variables)	have 20% - 40% Missing Values	
1.7% (2 of 118 variables)	have 40% - 99% Missing Values	
PRISLEN	LENGTH OF PRISON SENTENCE	84.1%
LPRISLEN	LOG OF PRISON LENGTH	84.1%
0.0% (0 of 118 variables)	have 100% missing values	

Data Completeness Report

Notes: (1) Variables are individually listed only if they have greater than 5% missing data. These variables are listed under the appropriate percentage category in the order in which they appear in the data file. (2) The Data Completeness Report only captures information about system missing or other values that are declared missing. Codes that have a label implying that they are missing but that are not declared missing values are not reflected in this report. Data users should consult the codebook for more specific information about missing values. (3) Some variables that have 100% missing data may have been blanked by ICPSR to protect respondent confidentiality. Data users should consult the codebook for more specific information about blanked variables. (4) Data do not contain skip patterns or skip patterns are not reflected in the data as coded.

Table 1: Distribution of Variables by Percentage of Missing Values--2002 Minnesota Sentencing Outcomes Data

Variable Name and Label (Total Cases = 12978)	Percent of Cases with Missing Values
98.2% (54 of 55 variables)	have 0% Missing Values
0.0% (0 of 55 variables)	have 0% - 1% Missing Values
0.0% (0 of 55 variables)	have 1% - 3% Missing Values
0.0% (0 of 55 variables)	have 3% - 5% Missing Values
0.0% (0 of 55 variables)	have 5% - 10% Missing Values
0.0% (0 of 55 variables)	have 10% - 20% Missing Values
0.0% (0 of 55 variables)	have 20% - 40% Missing Values
1.8% (1 of 55 variables)	have 40% - 99% Missing Values
LPRISLEN	LOG OF LENGTH OF PRISON SENTENCE
0.0% (0 of 55 variables)	76.4%
	have 100% missing values

Data Completeness Report

Notes: (1) Variables are individually listed only if they have greater than 5% missing data. These variables are listed under the appropriate percentage category in the order in which they appear in the data file. (2) The Data Completeness Report only captures information about system missing or other values that are declared missing. Codes that have a label implying that they are missing but that are not declared missing values are not reflected in this report. Data users should consult the codebook for more specific information about missing values. (3) Some variables that have 100% missing data may have been blanked by ICPSR to protect respondent confidentiality. Data users should consult the codebook for more specific information about blanked variables. (4) Data do not contain skip patterns or skip patterns are not reflected in the data as coded.

Table 1: Distribution of Variables by Percentage of Missing Values--Fiscal Year 2002 Virginia Assault Sentencing Outcomes Data

Variable Name and Label (Total Cases = 1614)	Percent of Cases with Missing Values	
98.2% (111 of 113 variables)	have 0% Missing Values	
0.0% (0 of 113 variables)	have 0% - 1% Missing Values	
0.0% (0 of 113 variables)	have 1% - 3% Missing Values	
0.0% (0 of 113 variables)	have 3% - 5% Missing Values	
0.0% (0 of 113 variables)	have 5% - 10% Missing Values	
1.8% (2 of 113 variables)	have 10% - 20% Missing Values	
PRISLEN	LENGTH OF PRISON SENTENCE	19.9%
LPRISLEN	LOG OF PRISLEN	19.9%
0.0% (0 of 113 variables)	have 20% - 40% Missing Values	
0.0% (0 of 113 variables)	have 40% - 99% Missing Values	
0.0% (0 of 113 variables)	have 100% missing values	

Data Completeness Report

Notes: (1) Variables are individually listed only if they have greater than 5% missing data. These variables are listed under the appropriate percentage category in the order in which they appear in the data file. (2) The Data Completeness Report only captures information about system missing or other values that are declared missing. Codes that have a label implying that they are missing but that are not declared missing values are not reflected in this report. Data users should consult the codebook for more specific information about missing values. (3) Some variables that have 100% missing data may have been blanked by ICPSR to protect respondent confidentiality. Data users should consult the codebook for more specific information about blanked variables. (4) Data do not contain skip patterns or skip patterns are not reflected in the data as coded.

Table 1: Distribution of Variables by Percentage of Missing Values--Fiscal Year 2002 Virginia Burglary Sentencing Outcomes Data

Variable Name and Label (Total Cases = 1743)	Percent of Cases with Missing Values
27.1% (32 of 118 variables)	have 0% Missing Values
0.0% (0 of 118 variables)	have 0% - 1% Missing Values
0.0% (0 of 118 variables)	have 1% - 3% Missing Values
70.3% (83 of 118 variables)	have 3% - 5% Missing Values
0.0% (0 of 118 variables)	have 5% - 10% Missing Values
0.8% (1 of 118 variables)	have 10% - 20% Missing Values
BASE	SCHEDULE C PRIMARY OFFENSE IN MONTHS
	11.2%
0.0% (0 of 118 variables)	have 20% - 40% Missing Values
1.7% (2 of 118 variables)	have 40% - 99% Missing Values
PRISLEN	LENGTH OF PRISON SENTENCE
	43.0%
LPRISLEN	LOG OF PRISLEN
	43.0%
0.0% (0 of 118 variables)	have 100% missing values