Disparities in Jury Outcomes:
Baltimore City vs. Three Surrounding Jurisdictions – An Empirical Examination

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Executive Summary

Do juries in Baltimore City convict defendants at different rates than juries in other jurisdictions? This is the question answered by the current study, which examined 293 cases from a pool of 1,624 unique cases – a random sample of cases from Baltimore City of all cases where a jury trial was prayed or scheduled in fiscal year 2006 (July 1, 2005 to June 30, 2006) and all cases disposed by jury trial in Anne Arundel, Baltimore and Howard Counties from July 1, 2005 through December 31, 2006. To answer the question of jurisdictional disparity, jury verdicts were compared between Baltimore City and the three jurisdictions combined, and Baltimore City in comparison to Anne Arundel and Baltimore counties individually, (there were too few cases available from Howard County to conduct an individual analysis of verdicts in that jurisdiction).

The four jurisdictions exhibit somewhat different patterns in relation to defendant characteristics, as well as legally relevant factors including the type and severity of offenses for which defendants are charged, the presence of a weapon and the macro-level measure of socioeconomic disadvantage. Specifically, defendants in Baltimore City are younger than the comparison jurisdictions (29 years old versus 36 in Anne Arundel, 34 in Howard and 31 in Baltimore counties), and are more likely to be non-white (92% versus 54%, 69%, and 58% respectively). Those in Baltimore City are about as equally likely as those in Anne Arundel County (55% and 58%) to have a public defender, and are more likely than those in Baltimore (35%) and Howard (44%) counties to be represented by the public defender.[1] In terms of severity of offense, Baltimore City juries consider more serious crimes — 40% of cases tried are murder, attempted murder, robbery and aggravated assault cases, while in Baltimore County these offenses make up 34% of cases, in Anne Arundel 23% of these types of cases and 24% of cases in Howard County. Baltimore City is also more likely to pursue a drug case to a jury verdict – 29% of cases compared to 13% in Anne Arundel, 16% in Howard and 6% in Baltimore counties. Defendants in Baltimore City were also more likely to be charged with a weapons offense than the comparison communities (56% versus 38% in Baltimore County, 28% in Anne Arundel, or 19% in Howard County). Finally, observing census data, those in Baltimore City experience more socio-economic disadvantage and higher crime rates overall when compared to the three comparison jurisdictions. Citizens have substantially higher rates of poverty, fewer have graduated high school or received a GED, fewer are home owners, and a greater proportion is non-white (69% compared to 21% in Anne Arundel and 32% in both Baltimore and Howard counties). Overall crime rates are commensurate with these indicators of disadvantage indicating substantially higher rates of crime per 100,000 people in Baltimore City when compared to the other jurisdictions. These socio-economic factors are important indicators of differences in the levels of social disorganization and resource allocation among the jurisdictions considered in this study, including the workloads of the respective courts and the relative amount of attention law enforcement can pay to individual cases.

In this examination of jury verdicts, three outcomes were observed (1) whether or not defendants were convicted of one or more charges; (2) whether or not the defendant was found guilty of the most serious charge; and (3) of those defendants found not guilty of the most serious charge, whether convicted of a lesser charge. These outcomes were explored descriptively and while controlling for relevant factors including the race and age of the defendant, the seriousness and type of offense, presence of a weapon, number of charges disposed by *nolle prosse*, and the number of charges where the jury rendered a not guilty verdict. The method of analysis was logistic regression, providing a predicted probability of the outcome and is calculated based on all of the factors in the regression model. These results indicate the following:

- Observing the outcome of defendants found guilty of one or more charges by offense seriousness, juries in Baltimore City were less likely to convict defendants of one or more charges. However, the differences in conviction rates between Baltimore City and the comparison jurisdictions were statistically significant on only four measures of offense seriousness, all of which were less serious crime categories (misdemeanor, drug, and Type V and VII offenses).

- Accounting for offense, case, and offender characteristics, the probability that a jury in Baltimore City will convict defendants on one or more charges is .73 compared to .83 in the comparison jurisdictions.

- The starkest difference between the jurisdictions is the second outcome – the probability of convicting an offender of the most serious offense in Baltimore City is .02, in the comparison jurisdictions it is .63.

- However, of those found not guilty of the most serious charge, the predicted probability of a Baltimore City jury convicting a defendant of a less serious charge is .61 compared to .28 in the comparison jurisdictions.

- Looking to the comparison jurisdictions individually, Anne Arundel has the highest probability of convicting a defendant of one or more charges (.92) and on the most serious charge (.84).

- In Baltimore County the predicted probability of finding the defendant guilty of one or more charges is .83, while convicting the defendant of the most serious charge is .57.

- For all outcomes, the race, age and gender of the defendant and type of representation (private attorney or public defender) were not statistically significant predictors in determining a verdict of guilt or innocence.

- Across all jurisdictions, the seriousness of the offense predicted conviction – the more serious the offense, the more likely the defendant would be found guilty.

In the process of conducting this study, certain data accessibility and information sharing issues came to light. Given these experiences, and these results confirming a disparity among these jurisdictions, policy options include the following:

- The Administrative Office of the Courts should maintain and report descriptive data on the number and dispositions of jury trial cases in the State of Maryland.

- The viability and cost-effectiveness of a regional criminal justice system similar to the Federal District Court which selects jury trial participants from a cross section of the state should be explored in order to ameliorate the potential impact of witness and juror intimidation and to increase the jury pool to include a greater number of individuals who may be less likely to have negative perceptions of the criminal justice system.

- Future research efforts should seek out additional explanations for the disparity in these results by reviewing a select number of trial transcripts to ascertain the presence (or absence) of factors known to influence jury decision making.

- For ease of information sharing, the JIS system should be linked among the 22 of 24 counties who use the system. Currently the Circuit Courts who use the JIS system function independently, and the only way to access the data of another jurisdiction is by connecting to the other system through a dial-up query.

This study finds there is disparity when one examines jury outcomes in Baltimore City versus the three comparison jurisdictions. These differences are evident with regard to probability of a conviction for all the three outcomes of interest, but are particularly stark when the likelihood of a conviction of the most serious offense is examined. This may be the result of a range of explanations including prosecutorial discretion, caseload differences necessitating standardization of procedures, and variations in the economic, demographic and attitudinal differences among those in the eligible jury pool in these jurisdictions. Overall, however, the legally relevant factors that should matter to Maryland juries – offender and offense seriousness – are shown to be consistent predictors of defendant convictions. Nonetheless, questions remain, and further exploration is warranted.

Chapter I: Introduction

Do juries in Baltimore City convict defendants at different rates than juries in other jurisdictions? This is the question answered by the current study, which examined a total of 293 cases – a random sample of 98 cases from Baltimore City of all cases where a jury trial was prayed or scheduled in fiscal year 2006 (July 1, 2005 to June 30, 2006) and all cases disposed by jury trial in Anne Arundel (85 cases), Baltimore (78 cases) and Howard Counties (32 cases) from July 1, 2005 through December 31, 2006.[2] The first step was to determine the prevalence of jury trials and the rates of disposition (guilty versus not guilty) within the counties of interest. The Maryland Judiciary Administrative Office of the Courts (AOC), which maintains state wide court records for most of the counties in Maryland, advised dispositions by jury trials were not available.[3] However, the AOC is "in the process of planning for the development and eventual implementation of a new statewide case management system [and at] that time, we will be in position to provide the type of data you are seeking …that system is still several years away" (F. Gaskin, AOC, personal communication, February 26, 2007).

While dispositions of jury trials are not available, several other sources provide estimates of the number of jury trials conducted annually in Maryland – the Maryland Judiciary, the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) and the U.S. Sentencing Commission (USSC). The Maryland Judicial Annual Statistical Abstract reports that jury trials make up approximately 2 to 2.5% of dispositions (Maryland Judiciary, 2005). Data from MSCCSP only include cases that meet the threshold to be categorized as a "guidelines offense" (subject to incarceration for more than one year), where the jury convicted the defendant and the court completed and submitted a sentencing worksheet. Thus, these data do not include cases where the penalty calls for more than 90 days, but less than one year, incarcerated. Upon request, MSCCSP provided data by jurisdiction (Baltimore City, Baltimore County, Anne Arundel, and Howard counties) and catalogued cases by person, property and drug offenses. USSC sentencing information is less detailed. First, the USSC does not differentiate between jury and bench trials in their analysis. Second, the information does not differentiate between the two Federal courts in Maryland (Baltimore City and Greenbelt) and third, the information provided does not separate the types of offenses tried. Nonetheless, the information provided from these sentencing agencies indicates that jury trials comprise a small percentage of all cases where the defendant is convicted. In fiscal year 2006, 3.9% of all convicted cases in Maryland were decided by a jury (MSCCSP Annual Report, 2006) and 9.4% of Federal cases were found guilty by either a Judge or jury (K. Blackwell, personal communication, January 9, 2007). While this information provides a perspective of the level of trial activity in the Circuit and U.S. District courts in Maryland, without knowing specifically the number and case characteristics of defendants found not guilty by a jury and/or Judge, this information is marginally useful.

In an attempt to overcome this deficiency and estimate the rates of disposition of jury cases in the counties of interest, all of the cases considered for this study were examined. These cases were identified through the Administrative Office of the Courts and through the Jury Commissioner offices in the counties of interest and case information was obtained through the Maryland Judiciary Case Search website at http://casesearch.courts.state.md.us/inquiry/inquiry-index.jsp. This website allows one to pull up criminal and civil cases by name or by jurisdiction and docket number. Upon request, the AOC provided a list of docket numbers for the four jurisdictions (Baltimore City, Anne Arundel, Baltimore County and Howard County) by fiscal year. In addition, the Jury Commissioners of Anne Arundel, Baltimore and Howard counties provided the docket numbers of cases that went to a jury trial during the 2006 calendar year.[4] Using these lists, each case was examined on-line and the name of the defendant and outcome of the case were recorded, and a determination was made regarding the eligibility of the case to be included in this study.   Eligible cases were then explored in depth, data were compiled, and analyses conducted.

Three outcomes were explored – (1) whether or not the defendant was found guilty of one or more charges, (2) whether or not the defendant was found guilty of the most serious charge; and (3) of those found not guilty of the most serious charge, whether or not the defendant was found guilty of a less serious charge. These outcomes were explored while accounting for hypothesized relevant factors including the race and age of the defendant, the seriousness and type of the offense, the presence of a weapon, the number of charges disposed *nolle prosse* and the number of charges whereby the jury rendered a not guilty verdict.

A description of the sample, information related to the types of offenses for which defendants were charged, and the results of this examination follow in chapter II. Overall, this study finds there is disparity when one examines jury outcomes in Baltimore City versus the three comparison jurisdictions both when combined, and when Anne Arundel and Baltimore Counties are examined individually. These differences are evident with regard to probability of a conviction for the three outcomes of interest, but are particularly stark when the likelihood of a conviction of the most serious offense is examined. Chapter III provides a discussion of these results, including limitations of the study, policy options, and a brief conclusion. The methodology of this effort is explicated in Appendix A and provides descriptions, overall and by jurisdiction, of defendant and case characteristics. Appendix B contains the regression tables, and Appendix C provides correlation matrices of the variables explored in this study.

Chapter II: Study Sample and Results
Description of Sample

While Appendix A provides the methodology of the study accompanied by detailed tables related to all of the variables of interest, Table 1 describes the defendants in this study of 293 cases disposed by jury trial from Baltimore City, Anne Arundel, Baltimore, and Howard Counties from July 1, 2005 through December 31, 2006.

On average, defendants are 32 years old at the time of their offense, the majority (69%) are non-white males with slightly less than half represented by a public defender. These defendants differ somewhat by jurisdiction. For instance, in Baltimore City, defendants are several years younger (28 years old in Baltimore City compared to 32 years old in the comparison counties), and overwhelmingly non-white (92% versus 69% overall) than the comparison jurisdictions. Howard county has more women in the sample than the other counties (16% versus 7% overall and 5% in Baltimore City). Anne Arundel and Baltimore Counties are similar in terms of race (54% and 58% non-white respectively), while the age of defendants in these two counties differ. Defendants in Anne Arundel are 36 years old (ranging in age from 18 to 77) compared to 31 years old (age 18 to 54) in Baltimore County.

Note also the dissimilarity between these counties on attorney representation. In Baltimore and Howard counties the majority (59% and 53%) has private counsel or panel attorneys (private counsel appointed by the court) while 35% of Anne Arundel and 42% of Baltimore City defendants employ private/panel counsel.

Table 1. Descriptives of Sample

	All Jurisdictions N=293		Baltimore City N=98		Anne Arundel County N=85		Baltimore County N=78		Howard County N=32	
Defendant Characteristics										
	Range	Mean (SD)	Range	Mean (SD)	Range	Mean (SD)	Range	Mean (SD)	Range	Mean (SD)
Age of Defendants at Time of Offense	15 to 77	31.92 (10.6)	15 to 52	28.6 (9.2)	18 to 77	36.1 (12.1)	18 to 54	30.8 (8.6)	18 to 55	33.8 (11.4)
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Non-White	203	69%	90	92%	46	54%	45	58%	22	69%
White	78	27%	8	7%	39	46%	24	31%	8	25%
Missing Data	12	4%	1	1%	0	0	9	11%	2	6%
Male	270	92%	93	95%	76	89%	74	95%	27	84%
Female	22	7%	5	5%	9	11%	3	4%	5	16%
Missing Data	1	<1%	0	0	0	0	1	1%	0	0
Representation										
Public Defender or Self	144	49%	54	55%	49	58%	27	35%	14	44%
Private/Panel Attorney	134	46%	41	42%	30	35%	46	59%	17	53%
Missing Data	15	5%	3	3%	6	7%	5	6%	1	3%

A snapshot of the type of offenses, based on the most serious offense, for which these 293 defendants were charged is illustrated in Figure 1. Juries considered cases where over half (55%) of the defendants were charged with a person/violent crime (e.g., murder, assault, abuse of minor, sex crimes, robbery), while the remaining were charged with weapons (8%), CDS or drug offenses (17%), property offenses such as theft/burglary/fraud (12%) and other crimes (motor vehicle and other) (8%).
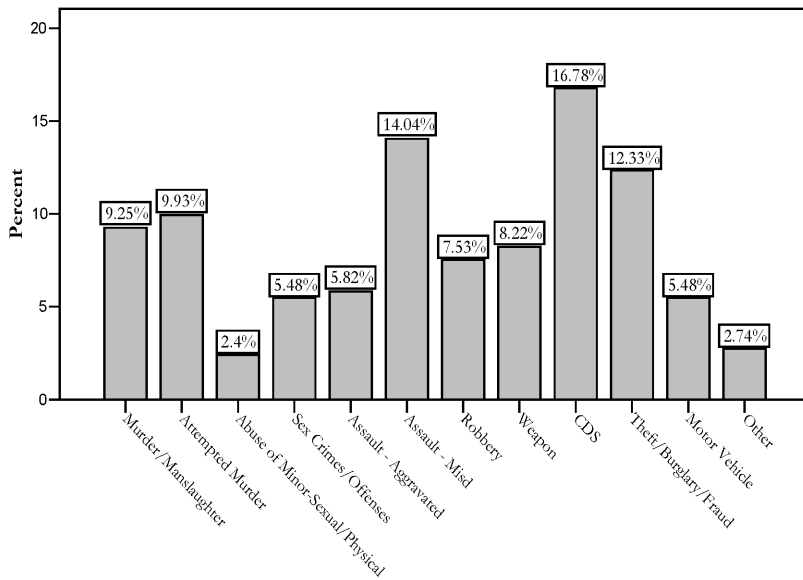
Figure 1. Type of Offenses in Sample N=293

Description of Trial Outcomes

Table 2 provides both a summary and a detailed description of the verdicts rendered in trial cases for the sample. Of the 293 cases, verdicts were summarized into three categories — those found guilty (38%), those found not guilty (32%), and a combination verdict whereby defendants were found guilty of one or more charges and not guilty of one or more charges (30%). The verdicts of guilty and not guilty were broken down further to highlight those cases were the defendant was found guilty (or not guilty) of all charges versus guilty (or not guilty) of all charges that were not discharged through *nolle prosse*, dismissal or other disposition. Looking at jury outcomes by jurisdiction, we see there are substantially fewer guilty verdicts in Baltimore City – 23% of cases in Baltimore City versus 53% in Anne Arundel, 41% in Howard and 40% in Baltimore County. Likewise, we see more not guilty verdicts in Baltimore City (43%) versus the other three counties (27%, 28% and 26% respectively). This pattern changes somewhat with regard to combination verdicts. Here Baltimore City juries found defendants guilty of some charges and not guilty of other charges in 34% of cases, similar to juries in Baltimore County (at 34%) and Howard County (31%), whereas in Anne Arundel, juries delivered a combination

verdict in only 20% of cases. Turning to the breakdown of those found guilty (or not guilty) either of all charges or of all charges not otherwise disposed, Baltimore City differs most from the other jurisdictions in terms of the percentage of cases where the jury rendered a not guilty of all charges – 74% of defendants compared to 61% in Anne Arundel, 44% in Howard, and 35% in Baltimore County. While this may indicate a difference among juries by jurisdiction, this should be viewed cautiously given the small number of cases in the breakdown of each jurisdiction.

Table 2: Descriptives of Trial Outcomes

	All Jurisdictions N=293		Baltimore City N=98		Anne Arundel County N=85		Baltimore County N=78		Howard County N=32	
	Freq	*%*	*Freq*	*%*	*Freq*	*%*	*Freq*	*%*	*Freq*	*%*
Number of Defendants Found:										
Guilty	112	38%	23	23%	45	53%	31	40%	13	41%
Not Guilty	94	32%	42	43%	23	27%	20	26%	9	28%
Combination Verdict – Found both Guilty and Not Guilty	87	30%	33	34%	17	20%	27	34%	10	31%
Of Those Found Guilty	112		23		45		31		13	
Guilty of All Charges	48	43%	12	52%	18	40%	12	39%	6	46%
Guilty of All Charges not otherwise discharged	64	57%	11	48%	27	60%	19	61%	7	54%
Of Those Found Not Guilty	94		42		23		20		9	
Not Guilty of All Charges	56	60%	31	74%	14	61%	7	35%	4	44%
Not Guilty of All Charges not otherwise discharged.	38	40%	11	26%	9	39%	13	65%	5	56%

Table 3 presents details of the outcomes first by the most serious charge, and for those found not guilty of the most serious charge, the verdict for the less serious charge. In viewing these verdicts for all jurisdictions combined, defendants are equally likely to be found guilty of the most serious charge (44%) versus not guilty of the most serious charge (47%), with the most serious charge for the remaining cases disposed by *nolle prosse*, mistrial, PBJ or other disposition. Looking at the jurisdictions individually, Baltimore County is consistent with this pattern, but in Anne Arundel and Howard counties juries are more likely to convict defendants of the most serious charge (58% and 50% respectively) than in Baltimore City — whereby only 28% of defendants are found guilty of the most serious offense.

In the 138 cases were the defendant was found not guilty of the most serious charge, 40% were found guilty of a lesser charge and 37% were found not guilty, while the remaining cases had no other charges to consider because the most serious charge was the sole charge, or the remaining charges were disposed by *nolle prosse* or other disposition. The differences among the jurisdictions are most evident in comparing the verdicts to the disposition of other charges. For example, while Baltimore City and Baltimore County appear similar in the disposition of lesser charges (guilty versus

not guilty – 40% and 37% in Baltimore City compared to 46% and 46% in Baltimore County) the presence of additional charges and/or the disposition of charges other than the most serious charge differs — 23% in Baltimore City versus 8% in Baltimore County. Anne Arundel and Howard counties appear more similar than dissimilar with regard to these outcomes — approximately 25% of defendants found not guilty of the most serious charge are convicted of a lesser charge, while approximately 40% are found not guilty, and the remaining had no additional charges to consider and/or the charges were otherwise disposed.

Table 3: Descriptives of Trial Outcomes – Most Serious and Less Serious Charges

	All Jurisdictions N=293		Baltimore City N=98		Anne Arundel County N=85		Baltimore County N=78		Howard County N=32	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Disposition of Most Serious Charge										
Guilty	130	44%	27	28%	49	58%	38	49%	16	50%
Not Guilty	138	47%	65	66%	26	31%	35	45%	12	38%
Nolle prosse	10	4%	0	0	2	2%	5	6%	3	9%
Mistrial	3	1%	0	0	3	3%	0	0	0	0
Probation Before Judgment	6	2%	0	0	5	6%	0	0	1	3%
CJOC/Not Sent to Jury/Lesser Included	6	2%	6	6%	NA	NA	NA	NA	NA	NA
Of The Defendants Found <u>Not Guilty</u> of Most Serious Charge, Disposition of Remaining or Less Serious Charges ...										
	All Jurisdictions N=138		Baltimore City N=65		Anne Arundel County N=26		Baltimore County N=35		Howard County N=12	
Guilty of a Lesser Charge	55	40%	26	40%	6	23%	16	46%	3	25%
Not Guilty of a Lesser Charge	51	37%	24	37%	10	38%	16	46%	5	42%
No Other Charges to Consider (Most Serious was sole charge, or other charges were *Nolle prosse*, and/or Other Disposition)	32	23%	15	23%	10	38%	3	8%	4	33%

In summary, Tables 2 and 3 provide what appear to be differences among the jurisdictions in jury verdicts both in the overall distribution of defendant outcomes, and by most serious and less serious charges. The next step is to determine if there are statistically significant differences between Baltimore City and the comparison jurisdictions. Data from Anne Arundel, Howard and Baltimore counties were combined to provide a sufficient number of cases to have confidence in the findings, and were compared to the cases in Baltimore City. The results of these analyses are detailed below.

Mean Differences

The question is whether or not there are differences in jury outcomes of defendants tried in Baltimore City versus the three combined comparison jurisdictions. The first step was to examine the breakdown of those found guilty of one or more charges by three measures of offense seriousness: (1) offense level (felony versus misdemeanor); (2) offense category (person, property, or drug offense); and (3) by the offense seriousness category from Type I (most serious) to Type VII (least serious) in accordance with Maryland State statutes.[5] Table 4 indicates that while juries in Baltimore City are less likely to convict defendants of one of more charges, in only four instances are differences in convictions between Baltimore City and the comparison jurisdictions statistically significant, all for less serious crime categories. For example, while there is a 9% difference in finding a defendant guilty of one or more charges for felony trials, a 12% difference for offenders charged with person or violent offenses, and a 23% difference for those charged with the most serious crimes (e.g., murder, rape), these differences are not statistically significant. In contrast, there are significant differences in defendants convicted for misdemeanor offenses (27% difference between Baltimore City and the comparison jurisdictions), drug offenses (a difference in conviction rates by 38%), and Type V and VII cases (33% and 42% respectively) considered by the jury. Type V and VII are less serious offense types (e.g., Type V include second degree assault, possession of a handgun with a felony conviction, theft over $500, and driving under the influence, Type VII include possession of controlled substances, possession, wear, or carry of a handgun and motor vehicle offenses including driving while impaired or with a suspended or revoked license).

Table 4: Descriptives of Defendants Guilty of One or More Charges by Offense Seriousness

Offense Seriousness Based on Most Serious Charge	All Jurisdictions N=287[6]			Baltimore City N=98			All Other Jurisdictions: Anne Arundel, Baltimore, and Howard Counties N=189			Mean Difference Baltimore City vs. All Others
	N	N Guilty	% Guilty	N	N Guilty	% Guilty	N	N Guilty	% Guilty	
Offense Level										
Felony	198	147	74%	66	45	68%	132	102	77%	-9%
Misdemeanor	89	46	52%	32	11	34%	57	35	61%	-27%*
Offense Category										
Person Offense	195	126	65%	65	37	57%	130	89	69%	-12%
Property Offense	44	32	73%	5	3	60%	39	29	74%	-14%
Drug Offense	48	35	73%	28	16	57%	20	19	95%	-38%**
Offense Seriousness Category										
Type I (Most Serious)	24	20	83%	10	7	70%	14	13	93%	-23%
Type II	46	34	74%	22	15	68%	24	19	80%	-12%
Type III	72	52	72%	23	17	74%	49	35	71%	3%
Type IV	29	24	83%	7	5	71%	22	19	86%	-15%
Type V	77	44	57%	16	5	31%	61	39	64%	-33%*
Type VI	15	6	40%	8	3	38%	7	3	43%	-5%
Type VII (Least Serious)	24	13	54%	12	4	33%	12	9	75%	-42%*

* Significant at p<.05
** Significant at p<.01

The second step to determine if the differences between Baltimore City and comparison jurisdictions are significant was to conduct a t-test which compares the means on the three outcomes: (1) those found guilty of one of more charges, (2) those found guilty of the most serious charge and (3) of those found not guilty of the most serious charge, those defendants found guilty of a lesser charge.

Table 5 indicates that there is a statistically significant difference between the groups on the first two outcomes. On average, Baltimore City juries convict defendants of one or more charges 57% of the time compared to 72% of defendants convicted in other jurisdictions – a significant difference of 15% (p<.05). Similarly, Baltimore City juries are 29% less likely to find defendants guilty of the most serious offense (p<.01) than the other jurisdictions.

Table 5: T-Test of Between Group Differences by Outcome

	Baltimore City		All Other Jurisdictions: Anne Arundel, Baltimore, and Howard Counties		Difference Between Groups
Defendants Found Guilty ... N=287	N	Mean (SD)	N	Mean (SD)	Mean
Outcome 1: Of One or More Charges	98	.57 (.50)	189	.72 (.45)	-.15*
Outcome 2: Of the Most Serious Charge	92	.29 (.46)	176	.59 (.49)	-.29**
Outcome 3: Of those Not Guilty of Most Serious Charge, Defendants Guilty of a Less Serious Charge	50	.52 (.51)	56	.45 (.50)	.07

* Significant at p<.05

** Significant at p<.01

This t-test of differences among means informs us that there are significant differences between the groups on the first two outcomes of the proportion of defendants found guilty of one or more charges and proportion of defendants found guilty of the most serious charge. However, we do not know which of the jurisdictions statistically differ from the other. Thus, the second step is to conduct an analysis of variance (ANOVA) test between the groups (Table 6) by looking at the jury outcomes in Baltimore City as compared to those in Anne Arundel and Baltimore counties.[7]

Table 6: ANOVA Test of Between Group Differences by Outcome and by Jurisdiction

	Baltimore City		Anne Arundel County		Baltimore County		Variation Explained by Group Differences
Defendants Found Guilty ...	N	Mean (SD)	N	Mean (SD)	N	Mean (SD)	Eta[2] [8]
Of One or More Charges	98	.57*a (.50)	79	.71 (.46)	78	.74*a (.44)	2.63%
Of the Most Serious Charge	92	.29**b (.46)	75	.65**b (.48)	73	.52**b (.50)	9.31%

* Significant at p<.05

** Significant at p<.01

[a] Baltimore City significantly different from Baltimore County

[b] Baltimore City significantly different from Anne Arundel and Baltimore County

As noted in Table 6, the number of defendants found guilty of one or more charges in Baltimore City is significantly different from Baltimore County (p<.05). On average, juries in Baltimore City convict 57% of defendants of one or more charges compared to Baltimore County juries who convict 74% of defendants. Anne Arundel juries do not differ significantly from either Baltimore County or Baltimore City on this outcome. Observing the second outcome of interest – the number of defendants found guilty of the most serious charge, there are strong significant differences (p<.01) between Baltimore City and both Anne Arundel and Baltimore Counties, but no difference between Anne Arundel and Baltimore Counties. Juries in Baltimore City convict defendants of the most serious charge far less (29%) than in either Baltimore County (52%) or Anne Arundel (65%). In addition to testing for the differences between these groups, the last column in Table 6 provides a measure of association (Eta^2) which enumerates the strength of the relationship between the dependent variable (the outcomes of guilty of one or more charges and guilty of most serious charge) and the independent variable (the jurisdiction where the verdict was rendered) as indicated by the amount of variance explained by comparing two variables. Eta^2 scores fall between 0 and 1 and those between 0 and .20 generally indicate a weak relationship. The Eta^2 scores for both outcomes (.0263 indicating that only 2.63% of the variation of defendants found guilty of one or more charges was explained by the jurisdiction where the verdict was rendered, and .0931 or 9.31% of the variation explained for those found guilty of most serious charge) indicates a weak association between the outcomes and the jurisdictions. While these relationships may be weak, it is important to note that these are merely preliminary analyses conducted to establish the existence of a difference between the jurisdictions, and to set the stage for the third step of the analysis — to conduct regression analyses incorporating variables which may influence the jury verdicts in these jurisdictions.

Regression
It is suggested the reader refer to Appendix A for a detailed explication of the methodology of this study including descriptions of the related variables of interest and data collection and analytic procedures. However, it is important to briefly note that in any attempt to discern differences among a set of groups or behaviors, one must include measures which serve as descriptors or proxies of factors (e.g., defendant and case characteristics) which one may reasonably expect to influence the outcome. Moreover, inclusion of such factors helps to ensure that comparisons between groups are equivalent; that one is comparing proverbial apples to apples. In the case of jury trials generally, certain legal factors such as the seriousness of the offense for which the defendant was charged, whether or not the defendant had a weapon, and the type of case (e.g., drug, person, property or motor vehicle) are important factors to consider when observing differences among these jurisdictions. For this study specifically, observing that the jurisdictions differ in the number of

charges dismissed *nolle prosse*, hypothetically, this could be an indicator of prosecutorial discretion through the number of initial charges filed and subsequent dismissal of those charges prior to the jury verdict; thus this factor was included in the analysis. In addition, the number of charges where the jury rendered a not guilty verdict could be an indicator that the jury compromised in their verdict possibly due to strength of the evidence, availability of witnesses and/or other court or procedural issues. As some of these factors may be influenced by the courtroom workload, and given the differences in the number of cases processed in these jurisdictions, this factor – number of charges found not guilty - was added to the model.

Other key factors to include in any study of criminal populations are age, race and gender because of consistent differences by these factors in arrest, conviction and sentencing histories, as evidenced by numerous studies (i..e., Blumstein, 1993; Gendreau, Little & Goggin, 1996; Hubbard & Pratt, 2002; Petersilia & Turner, 1987; Smith & Visher, 1981; Steffensmeier, Ulmer & Kramer, 1998). These studies assert that, in general, offenders are more likely to be young than old, black than white, and male rather than female; and that these differences carry through many of the stages of criminal processing. In addition, prior research in jury decision making indicates that while a defendant's race does not necessarily predict trial outcomes, there is evidence of a "jury-defendant similarity bias" (Devine, Clayton, Dunford, Seying, & Pryce, 2001, p. 674). This is an interaction between the race of the juror and the race of the defendant whereby, based on the strength of the evidence, juries convict those of the same race more harshly when the evidence is strong, and more leniently when the evidence is weak. While the present study does not have the data necessary to control for jury-defendant bias, it remains important to include demographic characteristics to control for these factors among the defendants. Thus, these models include race and age of the defendant at the time of the offense.[9]

In addition, given that race and economic class are highly correlated[10] (Tonry, 1987) and as there is clear economic disparity between Baltimore City and the other jurisdictions in this study, a scale was created to capture those differences. This macro-level disadvantage scale ("disadvantage scale") was the average of four variables obtained from the 2006 U.S. Census for each jurisdiction — percent of the county population non-white, families living below the poverty line, those without a high school diploma or General Equivalence Diploma (GED) and percent of renter-occupied homes (see Table 15 in Appendix A for descriptives of these measures).

Appendix B contains the logistic regression results while Tables 6 and 7 summarize these results by providing both the predicted probability of achieving the outcome of interest and listing the variables which are statistically significant. Table 7 summarizes the regression results for each of the three outcomes examined in the difference in group means tests – (1) those found guilty of one of more charges, (2) those found

guilty of the most serious charge, and (3) of those found not guilty of the most serious charge, those defendants found guilty of a lesser charge.[11] Recall that in the regression analyses, the model includes variables to statistically control for the number of charges with a not guilty verdict, the number of charges disposed by *nolle prosse*, the age and race of the offender (white versus non-white), whether the defendant was charged with a weapon, the seriousness category of the most serious offense, and the disadvantage scale. There were also three dichotomous measures to indicate the type of offender based on the most serious charge. First, whether the most serious charge was a motor vehicle offense; second, whether the most serious charge was a drug offense (in which the defendant was cataloged as a drug offender); or if the charge was a property crime (and the defendant was typed as a property offender). In the later two measures (drug and property offender), there was a third type – the person offender – wherein the defendant was charged with a violent or person offense as the most serious offense. The person offender was considered the "reference" category in the model. In other words, when reviewing the results, the odds of a drug offender being found guilty by the jury of one of more charges was in comparison to a violent/person offender.[12]

Observing outcome 1 (defendants found guilty of one or more charges) in Table 7, for all jurisdictions combined (N=274), the results indicate that after controlling for the number of charges found not guilty, number of charges disposed *nolle prosse*, jurisdiction-level socio-economic disadvantage, demographic and case characteristics, the predicted probability of the jury rendering a defendant guilty of one or more charges is .76. In this model, six of these variables were statistically significant contributors. Those charged with more serious offenses were more likely to be found guilty than those charged with less serious crimes (significant at p<.01); drug offenders were significantly (p<.05) more likely to be found guilty of one or more charges than a person offender; and property offenders were also more likely than a person offender to be found guilty (p<.10). In addition, defendants with a weapons charge were significantly more likely to be found guilty on one or more charges (p<.01). Two variables were negatively related (as indicated by the italicized text in the table) to the finding of a guilty verdict of one or more charges – defendants with a higher number of charges with a finding of not guilty were less likely to be convicted of one or more charges; and those in jurisdictions with higher scores on the disadvantage scale were significantly less likely to be found guilty of one or more charges.

Next, note the difference between Baltimore City (N=97) and the comparison jurisdictions (N=177) on this first outcome – the probability of a defendant being convicted of one or more charges by a jury in Baltimore City is .73, while in the comparison jurisdictions it is .83 — a difference of .10 after statistically accounting for factors believed to impact this outcome. Note also the difference in the significant

factors when the jurisdictions are examined separately. While the seriousness category of the most serious offense and the number of charges the jury found not guilty remain significant, the number of charges disposed by *nolle prosse* is now significant and positively related to the finding of a guilty verdict in Baltimore City. In other words, the higher number of charges disposed *nolle prosse*, the more likely the jury will render a guilty verdict (p<.10). None of the other factors (type of offender, presence of a weapon, or the disadvantage scale) remained significant when only looking at jury verdicts rendered in Baltimore City. For the comparison jurisdictions, again, the number of charges the jury rendered as not guilty and seriousness categories remained significant, but in those cases, drug offenders (p<.05), when compared to person offenders, and those who had a weapons charge (p<.01) were both more likely to be found guilty of one or more charges. The remaining factors which were significant when viewing all of the jurisdictions combined were no longer important contributory factors to the guilty finding in these comparison jurisdictions.

In the second outcome, overall, the probability of defendants found guilty of the most serious charge was .45 (N=256) with seriousness category (p<.05), number of charges not guilty, presence of a weapon and the disadvantage scale (all at p<.01) significant factors in the model. It is in this outcome where there is a stark contrast between Baltimore City (N=91) and the comparison jurisdictions (N=165). The probability of a Baltimore City jury finding the defendant guilty of the most serious offense is .02 compared to .63 in the comparison jurisdiction. The influential factors in Baltimore City are again the number of charges not guilty (this factor is significant in all outcomes and all models and always a negative relationship with the outcome) and seriousness category of the offense. In the comparison jurisdiction, again, the significant variables are charges not guilty and the presence of a weapon (p<.01) which is positively related to the outcome. Those charged with a weapon were significantly more likely to be found guilty of the most serious charge.

Finally, for outcome 3, of the 106 defendants found not guilty of the most serious offense, the probability that defendants will be found guilty of a less serious charge is .45, with number of charges not guilty, seriousness of offense, and presence of a weapon as significant factors. In Baltimore City (N=50) the probability of a conviction of a lesser charge jumps to .61, and consistent with other outcomes, charges not guilty and seriousness of offense are significant. In the remaining jurisdictions (N=56) the probability is .28 with the presence of a weapon positively related to the outcome, and the number of charges *nolle prosse* negatively related (the more charges disposed *nolle prosse*, the less likely the defendant will be found guilty of a lesser charge); both of which are significant (p<.05).

Table 7: Summary of Regression Results by Outcome

	All Jurisdictions		Baltimore City		Anne Arundel, Baltimore, And Howard Counties	
Outcome 1: Defendants Found Guilty Of One or More Charges						
Predicted Probability Guilty Verdict	.76	N=274	.73	N=97	.83	N=177
Significant Variables[1]	*Charges Not Guilty*** Drug Offender* Property Offender+ Weapon Charge** Seriousness Category** *Disadvantage Scale**		*Charges Not Guilty*** Charges Nolle prosse+ Seriousness Category**		*Charges Not Guilty*** Drug Offender* Weapon Charge** Seriousness Category**	
Outcome 2: Defendants Found Guilty Of the Most Serious Charge						
Predicted Probability Guilty Verdict	.45	N=256	.02	N=91	.63	N=165
Significant Variables[1]	*Charges Not Guilty*** Weapon Charge** Seriousness Category** *Disadvantage Scale***		*Charges Not Guilty*** Seriousness Category+		*Charges Not Guilty*** Weapon Charge**	
Outcome 3: Of those Not Guilty of the Most Serious Charge, Guilty of Less Serious Charge						
Predicted Probability Guilty Verdict	.45	N=106	.61	N=50	.28	N=56
Significant Variables[1]	*Charges Not Guilty*** Weapon Charge* Seriousness Category**		*Charges Not Guilty*** Seriousness Category+		*Charges Not Guilty*** *Charges Nolle prosse** Weapon Charge* Seriousness Category*	

+ Significant at p<.10

* Significant at p<.05

** Significant at p<.01

Variables that are italicized indicate a negative association between that variable and the outcome

[1] The regression model included variables to control for the number of charges with a not guilty verdict, the number of charges *nolle prosse*, the age and race of the offender (white versus non-white), if the most serious offense was a drug offense, property offense, whether the defendant was charged with a weapon, the seriousness category of the most serious offense, whether the case was a motor vehicle trial, and the disadvantage scale.

Turning to Table 8,[13] as the results for Baltimore City are duplicated from Table 7, we examine the differences between Anne Arundel and Baltimore counties, as individual jurisdictions compared to Baltimore City for the first two outcomes.[14] Juries in Anne Arundel County (N=79) are highly likely to render a guilty verdict for one or more charges while accounting for all of the factors examined in the model; the probability of a conviction is .92. Baltimore County juries (N=69) are also likely to convict with a probability of .83; in both counties charges not guilty are negatively and significantly related to a conviction of one or more charges, as is seriousness category of the most serious offense. In addition, presence of a weapon is a significant factor in Anne

Arundel (at p<.05). In the second outcome – those found guilty of the most serious charge, Anne Arundel (N=75) again has a high likelihood of conviction at .84, with motor vehicle cases positively related to this finding (at p<.10). Defendants in motor vehicle cases are significantly more likely to be convicted in jury trials in Anne Arundel County. The predicted probability of Baltimore county (N=65) juries convicting defendants on the most serious charge is more than half of the time (57%), with no significant variables in that model.

In summary, these results indicate that there are disparities between the jurisdictions on the probability of a jury convicting a defendant on one or more charges, on the most serious offense, and on a lesser charge. Possible reasons for these findings and policy options are discussed in the following chapter.

Table 8: Summary of Regression Results by Outcome and by Jurisdiction

	Baltimore City		Anne Arundel		Baltimore County	
Outcome 1: Defendants Found Guilty Of One or More Charges						
Predicted Probability Guilty Verdict	.73	N=97	.92	N=79	.83	N=69
Significant Variables[1]	*Charges Not Guilty*** Charges Nolle prosse+ Seriousness Category**		*Charges Not Guilty*** Weapon Charge* Seriousness Category**		*Charges Not Guilty*+ Seriousness Category+	
Outcome 2: Defendants Found Guilty Of the Most Serious Charge						
Predicted Probability Guilty Verdict	.02	N=91	.84	N=75	.57	N=65
Significant Variables[1]	*Charges Not Guilty*** Seriousness Category+		*Charges Not Guilty*** Weapon Charge* Seriousness Category* Motor Vehicle Case+		None	
Outcome 3: Of those Not Guilty of the Most Serious Charge, Guilty of Less Serious Charge[2]						

+ Significant at p<.10
* Significant at p<.05
** Significant at p<.01

Variables that are italicized indicate a negative association between that variable and the outcome

Note: Howard County was dropped as there were insufficient cases to reliably conduct the analysis

[1] The regression model included variables to control for the number of charges with a not guilty verdict, the number of charges *nolle prosse*, the age and race of the offender (white versus non-white), if the most serious offense was a drug offense, property offense, whether the defendant was charged with a weapon, the seriousness category of the most serious offense, whether the case was a motor vehicle trial, and the disadvantage scale.

[2] There were an insufficient number of cases within each jurisdiction to run this analysis.

Chapter III: Discussion, Policy Options, and Conclusion

Discussion & Limitations

To review the findings overall, there is a significant difference among the jurisdictions in the three conviction outcomes. Accounting for offense, case, and offender characteristics, the predicted probability that a jury in Baltimore City will convict defendants on one or more charges is .73 compared to .83 in the combined comparison jurisdictions. The starkest difference between the jurisdictions is the second outcome – the probability of convicting an offender of the most serious offense in the comparison jurisdictions is .63; compared to .02 in Baltimore City. This impact is ameliorated by the willingness of Baltimore City juries to convict a defendant of a lesser charge compared to the other three jurisdictions combined – .61 compared to .28. Looking to the comparison again of the jurisdictions individually, Anne Arundel has the highest probability of conviction on the first two outcomes (.92 and .84 respectively) while in Baltimore County the predicted probability of finding the defendant guilty of one or more charges is .83, while convicting the defendant of the most serious charge is .57. In terms of the most serious charge results – this may well reflect divergent prosecutorial discretion policies. It is possible that the State's Attorney office in Baltimore City charges more aggressively than other jurisdictions, choosing to pursue the highest charge possible and allowing either the jury or the plea bargaining process to find the balancing point that would equalize the punishment of the defendant to fit the crime.

Observing the statistically significant factors in the regression model with the first outcome (defendants found guilty of one or more offenses) a drug offender, when compared to a violent offender, was more likely to be convicted. Further, in Anne Arundel County, those charged with a motor vehicle offense were significantly more likely to be found guilty of the most serious charge, (although at a lower level of $p < .10$). This may seem counter-intuitive, but there are several plausible explanations for these findings. First, it is possible that these cases were the more serious of these types of offenses and the defendant may have felt more comfortable taking their chances with the jury rather than plea. Second, prosecutors may be more likely to push the violent offenses forward to trial if they are unable to secure an acceptable plea (because of the harm to the victim and the risk to the community by violent offenders), even in those instances where the case may not have been as strong as desired. In addition, because penalties associated with violent crimes are generally more severe than property or other crime types, the defendant may be less likely to negotiate a plea.

Other key factors that were consistent throughout the regression findings were that the more serious the offense and/or the presence of a weapon, the more likely the jury would be to find the defendant guilty. The seriousness of offense and offender dangerousness are legally relevant factors that should influence the jury to a finding of guilty in a criminal trial. Then there is the significance of the number of charges the jury declared not guilty – which has a corresponding negative relationship with the

likelihood of conviction. One could reasonably assert that this is an indication that jurors are deliberative and the jury process appears to be working as prescribed.

A review of the literature on the topic of jury decision making reveals that through studies of both actual and mock juries, researchers indicate four broad categories of influence — procedural characteristics, participant characteristics, case characteristics and deliberation characteristics (Devine et al., 2001). Among these categories, "numerous factors were found to have consistent effects on jury decisions: definitions of key legal terms … jury personality composition related to authoritarianism/dogmatism … defendant criminal history, evidence strength … case type" (p. 622). Devine et al., (2001) conducted a review of the literature produced over a 45 year period and summarized the key findings in that period. Some of the key findings include:

- Juries who heard testimony from eyewitnesses were more likely to convict;

- Juries convict defendants more often if the "defendant or accomplice testified, [if a] weapon [is] recovered … [if there is a] less serious charge, [if the] defendant [is] unemployed, or had [a] prior conviction" (p. 651);

- Missing witnesses did not impact the probability of a conviction if the prosecution did not mention that a witness was missing;

- Cases with strong evidence are more likely to be found guilty by the jury;

- A defendant's past criminal record influenced the likelihood of a guilty verdict by impacting the "content of deliberation and increased the salience of negative evidence" (p. 650);

- Juries that had higher average "prestige scores" (based on socio-economic status) were more likely to convict a defendant; the larger the difference between the defendant's status and the juror's status, the more likely they were to convict;

- Juries composed of those who were anti-authoritarian were less likely to convict overall and were also less likely to convict on more severe charges.

These particular factors are noted because these are issues that cannot be measured with information available on-line through Maryland Case Search. A review of the trial transcript is required to ascertain if any or all of these issues have an influence on the jury outcomes examined in this study. Such a review would reveal the instructions provided to the jury (including how legal terms were defined); whether or not there was an eyewitness and/or an accomplice who testified at trial; whether the jury was advised of a missing witness; and the particulars of the case including the strength of

the evidence, the heinousness of the crime, and whether or not the defendant testified on their own behalf (which may open the door to introducing their prior criminal record).

Thus although differences remain after controlling for relevant factors hypothesized to influence jury verdicts, there are a number of alternative explanations for these findings of disparity that are unaccounted for in this study. In addition to those cited above, other explanations include jurisdictional differences in the number of cases processed, (which could impact the practice of prosecutorial discretion and the level of preparation by the both the defense counsel and the prosecutor), possible differences in the operational processes of the court (i.e., voir dire); and in the composition of the available jury pool. Unfortunately, data were not available to include measures of these factors in the present study, thus this is a limitation to these findings. These issues are discussed more in depth below.

This study did not account for case workload differences – and there are major differences among these jurisdictions. Observing census data, those in Baltimore City experience more socio-economic disadvantage and higher crime rates overall when compared to the three comparison jurisdictions. Citizens have substantially higher rates of poverty, fewer have graduated high school or received a GED, fewer are home owners, and a greater proportion is non-white (69% compared to 21% in Anne Arundel and 32% in both Baltimore and Howard counties). Overall crime rates are commensurate with these indicators of disadvantage indicating substantially higher rates of crime per 100,000 people in Baltimore City when compared to the other jurisdictions. These socio-economic factors are important indicators of differences in resource allocation among the jurisdictions considered in this study and may impact both the workloads of the respective courts and the relative amount of attention law enforcement can pay to individual cases. In turn, this could have indirect and direct effect on the outcomes in this study.

For example, in Baltimore City there are approximately 80,000 people arrested and processed through Central Booking annually and according to court personnel, the number of cases processed in Baltimore City in half a day equal the number of cases processed in the other jurisdictions in a week (R. Ortiz, personal communication, January 18, 2007). This is also reflected in the crime rates (Table 15); Baltimore City had 43 murders per 100,000 people in 2006, while Anne Arundel and Baltimore counties had 4.5 murders per 100,000 people. While there is greater parity when other types of crimes are examined (e.g., a 3 fold difference in motor vehicle theft among the jurisdictions as opposed to this 10 fold difference in murder) disparity still remains. Accordingly, it is likely that court operations also differ to effectively process their respective workloads; one example is with respect to jury selection. One informant advised that the voir dire process in Baltimore City Circuit Court is conducted primarily by the judge using formulaic questions chosen by the Defense

and State's Attorneys; it is routine, perhaps standardized. While standardization expedites the process, it may also leave the impression that jury selection is considered a minor part of the adjudication procedure. In contrast, jury selection in other locales may be quite involved. While the use of jury experts conducting research may be more likely associated with high profile trials, there remains the possibility that courts that have fewer trials may have the opportunity to vet their jury more strenuously and individualistically.

Other factors which may be relevant to jury verdicts are the jurisdictional differences in the composition of the jury pool. One difference may be the willingness of jurors to serve, and a recent study by the Baltimore City Grand Jury states that "more citizens are ignoring their summons than there are citizens reporting for jury duty" (Murphy, Bowman, Cooper, Cox, Daniels, Draughn, Pierce, Romingo, Vines, & Young, 2006, p. 6). However, Murphy et al., 2006 also state that many of the issues related to lack of jury participation are administrative and involve updating and purging records from the jury selection database, mechanical issues ("mailings are prone to jamming in the automatic mail processing equipment" (p.12)), examining the processing of jurors, and providing adequate facilities for jurors who report for service. The report also cited reasons jurors fail to participate in the system, and while anecdotal, noted that one reason was the juror(s) "did not believe the judicial system worked; did not want to serve" (Murphy, et al., 2006, p. 37). Another study of juror activity in Baltimore City revealed a failure to appear rate of 37% (Munsterman, Connelly, & Hall 2006), where in Baltimore County "the failure to appear rate is 10 percent" (Murphy, et al., 2006, p. 42). By this measure, there appears to be substantial differences in jury service in Baltimore City when compared to other counties.

There are additional factors related to the compositional differences in the jury pool amongst the jurisdictions based primarily on the county level indicators obtained from the U.S. Census and on crime rates per 100,000 (Table 15). There are clear differences in population characteristics and socio-economic factors among these jurisdictions which likely impacts the pool of eligible jurors to serve on criminal court trials. Generally speaking, citizens in the three comparison jurisdictions tend to be more advantaged in all respects than those in Baltimore City – they are better educated, are wealthier and are more likely to own their homes. Prospective jurors in Anne Arundel, Howard and Baltimore counties, relative to Baltimore City, are also less likely to suffer from the structural disadvantage and social disorganization[15] which often results in higher incidence of crime, and victimization from crime (Sampson & Wilson, 1995). This is exacerbated by the geographic clustering of criminal offenders, a particularly salient point in Baltimore City where a third of offenders returning from state prison come home to one of six Baltimore City neighborhoods (LaVigne & Kachnowski, 2003). Criminal clustering also occurs socially – studies reveal a strong peer association between criminal offenders (Warr, 2002) and convicted offenders often form intimate partner relationships, resulting in families where there is a

consequent familial transmission of criminal behavior patterns from parent to child (Farrington, Jolliffe, Loeber, Stouthamer-Loeber & Kalb, 2001). In sum, individuals eligible to serve on a jury in Baltimore City are more likely to have a family member, partner, and/or friend that have been involved with the criminal justice system. Further, studies of police indicate that members of minority race and ethnic groups express "much more negative attitudes about the police and having lower trust and confidence in institutions of social control" (Sunshine & Tyler, 2003, p. 515). Judge-in-Charge of Criminal Docket Associate Judge John Glynn stated in an article about witness intimidation in Baltimore City that "[t]here's a price to pay when a large segment of the community has been criminalized. They feel alienated and unwilling to participate" (Bykowicz, 2007). Further, in a media report on jury nullification, Judge Glynn stated "[h]ere the jurors are highly skeptical of the police, based on their experiences … and [they are] highly skeptical of the system as a whole" (Buist, 2007). Both the exposure to the criminal justice system and the disproportionate representation of minorities in Baltimore City likely influence the juror's perceived legitimacy of those working within the system and of criminal justice overall.

A Baltimore City Grand Jury explored the issue of public perception of legitimacy in law enforcement and found this to be a concern (Anderson, Briggs, Colleton, Marks, Parham & Womack (2006)). The report asserts that issues of witness intimidation,[16] illegal activities of a former Police Commissioner, and reports in the media concerning "incredulous acts demonstrated by officers who represent the Baltimore City Police Department" including perjury, robbery, and possession of stolen property, all degrade citizen confidence in law enforcement (Anderson et al., 2006, p. 2). Further, the Grand Jury assessed arrest records for a one year period in Baltimore City and compared them to eight jurisdictions and found a disproportionate number of Baltimore City citizens arrested but not formally charged — termed "arrests without merit" (p. 5). The Grand Jury also expressed concern that Baltimore City police officers were unfamiliar with the communities in which they patrolled, engaged in stereotyping (particularly with regard to stop and frisk activities), and consequently citizens may feel more harassed than served by local law enforcement.

The stark difference in economic advantage and in the plausible difference in perceptions of the legitimacy of authority figures between Baltimore City and the comparison jurisdictions may in turn influence jury outcomes. Two factors cited from the Devine et al., (2001) literature review of jury decision making indicated that 1) "prestige" or socio economic status and 2) anti-authoritarian attitudes may both be related jury verdicts. If these are salient factors, juries in the comparison districts, which are more economically advantaged and having a lower concentration of crime and criminals, are likely to be more pro-social, and thus would be commensurately more likely to convict defendants than juries in Baltimore City.

Policy Options

The following policy options are provided based on the experiences of conducting this effort, and the findings and limitations of this study. First, the differences in the eligible jury pool may be obviated by moving to a regional criminal justice system[17] similar to the Federal District Court system, whose juries are pulled from a cross-section of the state population. One advantage of this proposed expansion of the judiciary system (and thus expanding the jury pool) would be to ameliorate concerns related to intimidation, as jurors would be less likely to be from the same communities as the defendants. Another advantage would be to increase the diversity of the jury pool to seek out those who may have had fewer direct experiences with law enforcement, and thus are less likely to view the criminal justice system with suspicion.

There are clear challenges to this policy option. First is the cost – conceivably, asking those who live a fair distance from Baltimore City, and likewise, asking those who live in Baltimore City at a fair distance from surrounding jurisdictions, to serve as a juror on a regional trial may increase the costs for jury participants – including possibly a higher stipend than is provided to jurors in the individual jurisdictions. Currently, the Federal Court pays jurors $40.00 a day and some jurors also receive both meal and travel allowances (Office of Judges Program, 2003). In contrast, jurors in Baltimore City are currently provided a stipend of $15.00 a day, which generally covers the cost of parking at participating facilities near the courthouse.[18] While a regional criminal justice system would encourage shared resources, fiscal constraints may hinder the ability to implement such a system. Another challenge to this recommendation may be the question of constitutionality and the idea of being judged by a jury of one's peers. Modeling the Federal Court system of selection of a jury from a pool of individuals living in the region diminish these concerns, however, the issue of inequitable representation of minorities[19] on Federal juries has been subject to debate and court rulings in recent years (Dreiling, 2006). Further, in state courts, the issue of impaneling a representative cross-section of the populace has been the subject of discussion for many years (Harvard Law Review Association, 2003; King, 1993, 1999).[20] These issues would have to be fully investigated, and one way to begin the discussion would be to conduct a focus group with both Federal and Maryland Circuit Court attorneys to determine the viability, desirability and cost-effectiveness of a regional criminal justice system. While this may be an area worth exploring further, given the previously stated possible competing explanations for these findings, it is important that future research efforts include gathering information from the trial transcripts to contextualize the jury's verdict. Thus an exploration of a regional criminal justice system should be either in conjunction with, or after completion of, further efforts to exhaust alternative explanations for the disparity found in this study.

Another policy option is related to the difficulty in obtaining data about jury trial

outcomes in the State of Maryland. The choices between gathering the data required for this study by utilizing the Maryland Case Search website, searching each individual docket and/or case number and then coding the data into a dataset, versus paying the estimated fee of $20,000 to the Administrative Office of the Courts were both bleak options. While heartened by assurances from the AOC staff that jury trial outcome data will be available from the system within the next several years, it was surprising that the court does not retain these statistics as a matter of course. It would seem to be elemental to have such court descriptives, but the current state of the Judicial Information System (JIS) (e.g., antiquated and non-relational) renders that impossible to accomplish easily. Finally, in my conversations with those in the field, several noted the desire to link the JIS system among the 22 of 24 counties who use the system, similar to the current practice in the District Court. The Circuit Courts which use the JIS system function independently, and the only way to access the data of another jurisdiction is by connecting to the other system through a dial-up query. This is in contrast to the District Court data system which is unified and can be accessed easily by courts in other jurisdictions.

Conclusion

This study of jury trial outcomes in the state of Maryland reveals the disparity among the four jurisdictions of interest. By controlling for expected case, defendant and county-level socio-economic characteristics, these findings indicate that juries in Baltimore City are significantly less likely to convict a defendant than the comparison jurisdictions. Possible explanations for these results range from prosecutorial discretion, caseload differences necessitating standardization of procedures, and variations in the economic, demographic and attitudinal differences among those in the eligible jury pool in these jurisdictions. Overall, however, the legally relevant factors that should matter to a jury – offender and offense seriousness – are shown here to be consistent predictors of defendant convictions. Questions remain and further exploration of the disparity is warranted.

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Appendix A: Methodology

Methodology

Research Question
The question to be answered in this study is do juries in Baltimore City convict defendants at different rates than juries in other jurisdictions? To answer this question, this study examined a total of 293 cases – a random sample of 98 cases from all cases where a jury trial was prayed or scheduled in Baltimore City in fiscal year 2006 (July 1, 2005 to June 30, 2006) and all cases disposed by jury trial in Anne Arundel (85 cases), Baltimore (78 cases) and Howard Counties (32 cases) from July 1, 2005 through December 31, 2006.

Research Design
This study examined three outcomes using the same analytic model for each outcome. The three dependent variables were (1) those found guilty of one of more charges, (2) those found guilty of the most serious charge and (3) of those found not guilty of the most serious charge, those defendants found guilty of a lesser charge. Independent variables included in each model were the age of the offender at the time of the offense (calculated from the date of birth and offense date), the race[21] of the offender (non-white coded as 1, white coded as 0), whether or not the offender was charged with a weapons offense and whether the most serious offense was a motor vehicle case (coded 1 for yes, 0 for no). The offender was coded to type (e.g., person, property, drug) of the most serious offense, class (felony (coded as 1), or misdemeanor (coded as 0)) and the offense seriousness category from I (most serious) to VII (least serious) (which was reverse coded so that a higher value indicated a more serious crime) in accordance with Maryland State statutes.[22] For example, a charge of theft under $500 was coded as a misdemeanor, property offense, with a seriousness category of VII; while a charge of second degree rape was coded as a felony, person offense, category II. In coding the most serious charge, person offenses were privileged over property, drug, and violation of probation offenses in deciding which charge was the most serious offense. Thereafter, seriousness was determined based on the specific charges in accordance with the State of Maryland criminal law statutes. In addition, a macro-level disadvantage scale ("disadvantage scale") was created from the average of four variables obtained from the 2006 U.S. Census estimate for each jurisdiction – percent of the population non-white, percent of families living below the poverty line, percent of those without a high school diploma or General Equivalence Diploma (GED) and percent of renter-occupied homes (see Table 15 below for descriptives of these and other measures considered for this scale). The scale with these 4 measures had a mean of 98.61, standard deviation of 44.66, retained all 293 cases, and had a reliability (measured by cronbach's alpha) of .91.[23] Finally, all case information (e.g., case dispositions and specific case details including the number of charges the jury found

not guilty and the number of charges disposed by *nolle prosse*) were obtained through the Maryland Judiciary Case Search website at http://casesearch.courts.state.md.us/inquiry/inquiry-index.jsp by looking up each individual case and coding these into an SPSS database. The decision to extract the case information data from this website was not the first choice, but ultimately, it was the most expeditious and cost effective means of conducting this project, the reasons for which are explained in detail below.

Data

Jurisdictional Differences

The Baltimore City Office of the Courts operates differently from the other jurisdictions in several important ways. The first is that in Baltimore City a defendant will often have more than one case number — they are assigned different docket numbers for each multiple, or series of multiple charges. One must be sure to include all of the related docket numbers to accurately reflect the charges in the entire case. In contrast, the other jurisdictions in this study utilize a single case number which incorporates all of the charges under consideration. Baltimore City also differs from other jurisdictions in their use of a mainframe computer system to collect court case information. This mainframe system, the Judicial Information Systems (JIS), was described as "generations removed from (Microsoft) Excel or other relational databases" (M. Burns, Baltimore City State's Attorney office, personal communication, January 18, 2007). The primary problem is the JIS system is not a relational database. Court Clerks enter information into fields containing the defendant's name and address, the case number, tracking number, State ID number, race, sex, and date of birth, while all remaining information (e.g., charges, dates, dispositions) are contained in "notes"— a narrative field in the database. In contrast, data stored in a relational database can be sorted on a particular field (e.g., name, case number) and then cases can be selected according to how the information was sorted. While data can be extracted from the JIS system through the Administrative Office of the Courts (AOC), it requires a computer programmer to conduct the query, and it must be done through a special request (R. Ortiz, Baltimore City Administrative Office of the Courts, personal communication, January 18, 2007).

Accordingly, a special request was made to the AOC for the data needed to conduct this study, and they agreed to provide the data, contingent on payment of an initial estimated fee of $19,182, based on our initial request to include three years of data in the study. However, the AOC was faced with a heavy workload and were unsure as to when the request could be processed (S. Rankin, AOC, personal communication, March 15, 2007). As both the cost and the timeline were prohibitive, the strategy of obtaining the data on a case by case basis through on-line web search was implemented. As noted in Table 9 — 2,111 case or docket numbers were reviewed for this project. These reflect defendants who requested or prayed for a jury trial, cases where the jury commissioner called for a jury (although some cases were

disposed prior to a verdict) and/or were disposed of by a jury trial from July 1, 2005 to December 31, 2006. Of these 2,111 cases, once omitting 39 cases with invalid case/docket numbers, 1,569 were unique individuals with a single case (although the case may have had multiple docket numbers reflecting multiple charges).[24] The remaining 55 individuals had more than one case in the same time period considered in this study, but as the cases were unrelated, they were considered "unique cases", for a total of 1,624 cases.

Table 9: Breakdown of Individuals and Number of Cases Considered

	All Jurisdictions	Baltimore City	Anne Arundel County	Baltimore County	Howard County
Total Cases Considered	2,111	1,788	113	95	108
Number of Unique Individuals	1,569	1,264	112	91	102
Number of Unique Cases	1,624	1,319	112	91	102
Invalid Case Number	39	22	7	4	6

Case dispositions for all cases examined are provided in Table 10. Of the 1,624 cases, 343 defendants (or 21%) were found guilty of one or more charges, 211 (13%) were found not guilty, and most of the remaining cases were disposed by guilty pleas (33%), *nolle prosse* (19%) and stet docket (9%). A few cases were still active or were disposed by Probation Before Judgment (PBJ), dismissal, or bench trial. In examining these dispositions by jurisdiction, it is important to note that the way cases from Anne Arundel, Howard, and Baltimore Counties were selected for review in this study likely biases these disposition distributions. For instance, in extracting the Baltimore City cases, the JIS system selected all cases where there were was a code[25] in the notes indicating the defendant motioned for a jury trial or a jury trial was scheduled – regardless of whether or not the case was finally disposed by a jury trial or other outcome (e.g., guilty plea, *nolle prosse*, Stet). However, in the comparison jurisdictions which do not utilize the mainframe coding system and Court Clerks enter case activity differently, it may be that the AOC system primarily selected cases where the jury rendered a verdict, rather than capturing all cases were a jury trial was requested at some point in the case. As the majority of the docket numbers from Anne Arundel, Howard and Baltimore counties came from the individual Jury Commissioner offices and not from the AOC, it is possible that these cases were more likely to be resolved through a jury trial than perhaps many of the Baltimore City cases. As such, the distribution of dispositions, particularly with regard to those cases disposed by guilty plea, *nolle prosse*, and stet docket, should be viewed as merely informational and not as evidence of disparities between the jurisdictions.

Table 10: Disposition of Unique Cases

	All Jurisdictions N=1,624		Baltimore City N=1,319		Anne Arundel County N=112		Baltimore County N=91		Howard County N=102	
	Freq.	*%*	*Freq.*	*%*	*Freq.*	*%*	*Freq.*	*%*	*Freq.*	*%*
Guilty of One or More Charges	343	21%	164	12%	65	58%	59	65%	55	54%
Not Guilty	211	13%	155	12%	23	20%	20	22%	13	12%
Pled Guilty	542	33%	508	38%	15	13%	2	2%	17	17%
PBJ	8	<1%	1	<1%	0	0	2	2%	5	5%
Nolle prosse	301	19%	288	22%	4	4%	4	4%	5	5%
Stet Docket	152	9%	147	11%	0	0	0	0	5	5%
Case Dismissed	7	<1%	6	<1%	0	0	1	1%	0	0
Bench Trial	13	1%	12	1%	0	0	0	0	1	1%
Case Active	38	2%	36	3%	1	1%	1	1%	0	0
Other	9	<1%	2	<1%	4	4%	0	0%	1	1%

Sample Selection

A total of 293 cases were included in this study from the pool of 1,624 unique cases (Table 11); cases from Baltimore City were randomly sampled from a pool of 253 eligible cases, while in the comparison jurisdictions all cases within the time period were selected. Cases were excluded from consideration if disposed by guilty plea, *nolle prosse*, probation before judgment (PBJ), Stet docket, dismissed, was a bench (not jury) trial, was still active at the time of the case review, or was disposed before June 30, 2005 or after December 31, 2006. Further, as most of the jury cases in Anne Arundel, Howard and Baltimore Counties involved a sole defendant, all cases with co-defendants were excluded. A few other cases were excluded for other reasons – seven cases were dropped because there was no disposition or other case information available on-line, two cases were dropped because the defendants were companies charged with corporate crimes and one case was abated by the defendant's death.

Table 11: Eligibility Criteria for Study – All Unique Cases in Sample

	All Jurisdictions N=1,624		Baltimore City N=1,319		Anne Arundel County N=112		Baltimore County N=91		Howard County N=102	
	Freq.	*%*	*Freq.*	*%*	*Freq.*	*%*	*Freq.*	*%*	*Freq.*	*%*
Pled Guilty	477	29%	453	34%	15	13%	2	2%	7	7%
PBJ, *Nolle prosse*, Stet Docket, Dismissed	403	25%	389	29%	4	4%	5	5%	5	5%
Bench Trial	13	1%	12	1%	0	0%	0	0%	1	1%
Case Still Active	38	2%	37	3%	1	1%	0	0%	0	0%
Verdict Rendered before or after Eligible Time Period	68	4%	6	<1%	1	1%	4	4%	57	56%
Co-Defendants	180	11%	179	14%	1	1%	0	0%	0	0%
Other: Case Data Not Available	7	0%	1	<1%	4	4%	2	2%	0	0%
Other: Corporate Crime Not Individual	2	0%	1	<1%	1	1%	0	0%	0	0%
Other: Abated by Defendant Death	1	0%	1	<1%	0	0%	0	0%	0	0%
Total Cases Ineligible for Study	1189	73%	1079	82%	27	24%	13	14%	70	69%
Jury Cases Eligible For Selection	435	27%	240	18%	85	76%	78	86%	32	31%
Of Eligible Cases, Number Selected	*293*	*67%*	*98*	*41%*	*85*	*100%*	*78*	*100%*	*32*	*100%*

Statistical Testing

The decision to include a random sample of the Baltimore City cases, and all of the eligible cases in the comparison jurisdictions impacts the interpretation of the statistical tests in this study. The very nature of inferential statistics is the assumption that the sample is considered to be representative of a greater population of individuals who share something in common (Kerlinger & Lee, 2000). It is unusual to include the population of interest in a study (Bachman & Paternoster, 1997). While rare, this study measures the population parameter of jury trials in the comparison jurisdictions; consequently eliminating the need to make inferences about the population characteristics. Nonetheless, statistical tests will be reported in this study for several reasons. First, while the results for the comparison jurisdictions are not estimates, but are actual values, statistical tests provide guidance in asserting whether or not differences, if they exist, are meaningful. Second, while this study speaks to the actual trial outcomes in Anne Arundel, Baltimore and Howard counties in the time period of interest, these results can possibly be generalized to other jury trials in these jurisdictions in the recent past or in the future. Thus these populations of jury trials in these counties are a hypothetical sample of past and future cases.

Case Descriptives

Table 12 provides details of the number of charges filed against defendants, and of those charges, the number disposed by a jury trial, *nolle prosse*, and other outcomes for all jurisdictions and then by Baltimore City, Anne Arundel, Howard and Baltimore counties. Overall, defendants were charged on average with a little over 5 offenses, of which 3 are decided by jury verdict.[26]

Table 12: Descriptives of Charges Filed Against Defendants

	All Jurisdictions N=293		Baltimore City N=98		Anne Arundel County N=85		Baltimore County N=78		Howard County N=32	
	Range	*Mean (SD)*	*Range*	*Mean (SD)*	*Range*	*Mean (SD)*	*Range*	*Mean (SD)*	*Range*	*Mean (SD)*
Number of Charges	1 to 39	5.26 (5.1)	1 to 21	5.10 (4.1)	1 to 29	4.47 (5.1)	1 to 27	6.15 (5.2)	1 to 39	5.13 (6.9)
Number of Charges Decided by Jury Verdict	0 to 29	3.45 (3.3)	1 to 14	4.03 (3.2)	0 to 9	2.59 (2.3)	1 to 18	3.69 (3.2)	1 to 29	3.38 (4.9)
Number of Charges *Nolle prosse*	0 to 22	.97 (2.5)	0 to 10	.27 (1.3)	0 to 11	.60 (1.9)	0 to 22	2.14 (3.6)	0 to 4	1.00 (1.2)
Number of Charges Dismissed, Merged, PBJ, Jeopardy or Other Conviction	0 to 21	.69 (2.1)	0 to 8	.49 (1.4)	0 to 12	1.28 (3.2)	0 to 5	.28 (.8)	0 to 7	.75 (1.7)
Number of Charges where the Verdict was Not Rendered or Not Sent to Jury	Baltimore City Only		0 to 12	.39 (1.4)	N/A		N/A		N/A	

Tables 13 and 14 provide detailed information about the types of offenses for which these defendants were charged, overall and by jurisdiction. Table 13 details the number of cases where a defendant was charged with a weapons offense; which was included as a proxy of the offender's dangerousness. Overall, 178 (61%) defendants were not charged with a weapons offense, but of the 115 charged, the majority (63%) were charged with firearms offenses. By jurisdiction, defendants in Baltimore City were more likely to be charged with a weapons offense than the comparison communities (56% versus 38% in Baltimore County, 28% in Anne Arundel, or 19% in Howard County). This pattern differs with respect to the type of weapon – while 63% of those Baltimore City charged with a weapon had a firearms offense, in Anne Arundel and Baltimore County the type of weapons charge appears evenly split between firearms and other weapons. In contrast, in Howard County, 83% of those charged with a weapons offense were charged with a firearm; however, with only 6 cases available for observation, this may be merely coincidental rather than indicative of a particular prosecutorial or policing policy.

Table 13: Descriptives of Weapons Charges

	All Jurisdictions N=293		Baltimore City N=98		Anne Arundel County N=85		Baltimore County N=78		Howard County N=32	
Cases where there is ANY charge for Weapons Crime, regardless of outcome (including *Nolle prosse*, Dismissed, etc); Weapons charge not necessarily considered by the Jury										
	Freq.	*%*	*Freq.*	*%*	*Freq.*	*%*	*Freq.*	*%*	*Freq.*	*%*
Defendants Not Charged with a Weapons Offense	178	61%	43	44%	61	72%	48	62%	26	81%
Charged with a Weapons Offense	115	39%	55	56%	24	28%	30	38%	6	19%
Of Those With Weapon Charges, Breakdown By Type of Weapon										
Firearm	73	63%	43	78%	10	42%	15	50%	5	83%
Weapon Other than Firearm	42	37%	12	22%	14	58%	15	50%	1	17%

Table 14 provides detailed information about the most serious offense for which these defendants were charged. For all jurisdictions, two-thirds of the cases considered by the jury were violent or person offenses and felony cases. In terms of severity of offense, there appear to be distinct patterns between the jurisdictions. For instance, in Baltimore City, juries consider more serious crimes (e.g., murder and attempted murder consist of 31% of cases, with robbery and aggravated assault comprising another 9% of cases). In Baltimore County, 18% of cases are murder or attempted murder, 16% of cases with the most serious offense of robbery and aggravated assault. In both Baltimore City and Baltimore County, almost a third of cases (26% and 29% respectively) involved less serious offenses of second degree assault and theft/burglary or fraud. In contrast, in Anne Arundel and Howard Counties, there were fewer serious crimes (23% of cases in Anne Arundel are murder, attempted murder, robbery and aggravated assault cases, while 24% of cases in Howard consist of these serious person crimes). The bulk of the remaining cases were misdemeanor assault and property crimes (39% and 38% respectively). Juries in Anne Arundel consider motor vehicle offenses more than any other jurisdiction (10% of their cases compared 6% or less in the remaining jurisdictions. Note that of the motor vehicle offenses, the number of cases is too small to extrapolate firm conclusions, but is provided as a matter of interest. In terms of drug offenses, Baltimore City is more likely to try a drug case than any other jurisdiction – 29% compared to 13% in Anne Arundel, 16% in Howard and 6% in Baltimore counties. This is not surprising, given the volume of drug trade in Baltimore City.

Table 14: Descriptives of the Most Serious Offense

	All Jurisdictions N=293		Baltimore City N=98		Anne Arundel County N=85		Baltimore County N=78		Howard County N=32	
	Freq.	*%*	*Freq.*	*%*	*Freq.*	*%*	*Freq.*	*%*	*Freq.*	*%*
Offense Level										
Felony	198	68%	66	67%	42	49%	66	84%	24	75%
Misdemeanor	95	32%	32	33%	43	51%	12	16%	8	25%
Offense Category										
Violent/Person Offense	200	68%	65	66%	59	69%	57	73%	19	60%
Property Offense	44	15%	5	5%	15	13%	16	21%	8	25%
Drug Offense	49	17%	28	29%	11	18%	5	6%	5	15%
Offense Seriousness Category										
Type I (Most Serious)	24	8%	10	10%	5	6%	9	12%	1	3%
Type II	46	16%	22	22%	5	6%	17	22%	2	6%
Type III	72	25%	23	24%	19	22%	21	27%	9	28%
Type IV	30	10%	7	7%	6	7%	9	11%	7	22%
Type V	79	27%	16	16%	35	41%	18	23%	10	31%
Type VI	16	5%	8	8%	5	6%	1	1%	2	6%
Type VII (Least Serious)	26	9%	12	12%	10	12%	3	4%	1	3%
Offenses – Selected Types (will not total 100%)										
Murder	26	9%	11	11%	8	9%	6	8%	1	3%
Attempted Murder	30	10%	20	20%	0	0	8	10%	2	6%
Robbery	22	7%	3	3%	7	8%	9	11%	3	9%
Assault – Aggravated (First Degree)	17	6%	6	6%	5	6%	4	5%	2	6%
Assault – Misdemeanor (Second Degree)	41	14%	7	7%	23	27%	6	8%	5	16%
Theft/Burglary/Fraud	35	12%	2	2%	10	12%	16	21%	7	22%
Drug Offenses										
N/A - Drug Offense not Most Serious Offense	244	83%	70	71%	74	87%	73	94%	27	84%
Drug Offense	49	17%	28	29%	11	13%	5	6%	5	16%
Of Those With Drug Offenses, Breakdown By Type of Drug										
Narcotic	23	47%	14	50%	5	45%	3	60%	1	20%
Other (Non-Marijuana)	16	33%	10	36%	3	27%	0	0	3	60%
Marijuana	6	12%	1	4%	3	27%	1	20%	1	20%
Fake/Look-alike/Other	4	8%	3	11%	0	0	1	20%	0	0
Motor Vehicle Offenses										
N/A – MV Offense not Most Serious	277	94%	94	96%	77	90%	76	97%	30	94%
Motor Vehicle	16	6%	4	4%	8	10%	2	3%	2	6%
Motor Vehicle Offenses – By Type of Offense										
DWI/DUI	8	50%	1	25%	4	50%	1	50%	2	100%
Other Traffic Violation	8	50%	3	75%	4	50%	1	50%	0	0%

Table 15 contains descriptives of the data obtained from the U.S. Census and criminal offending rates in each of the jurisdictions to control for county level socio-economic and crime rate differences among these jurisdictions. Higher scores on these measures indicate more disadvantaged communities. Baltimore City has substantially higher rates of poverty, citizens are less educated, fewer are home owners, and a greater proportion is non-white (69% compared to 32% in Baltimore and Howard and 21% in Anne Arundel). Crime rates are commensurate with these indicators of disadvantage indicating substantially higher rates of all crime per 100,000 people in Baltimore City when compared to the other jurisdictions.

Table 15: County Level Indicators — Disadvantage and Crime Rates

	Baltimore City	Anne Arundel County	Baltimore County	Howard County
Population Characteristics				
Population by County[27]	631,366	509,300	787,384	272,452
Percent Male	46.55%	49.58%	47.50%	49.13%
Percent Non-White[+]	69.11%	21.34%	31.27%	31.72%
Percent without High School Diploma or GED[+]	25.80%	9.70%	11.90%	6.20%
Family Poverty Rate[+]	15.80%	2.70%	5.50%	3.20%
Renter Occupancy Rate[+]	49.30%	22.40%	33.10%	23.30%
[+]Averaged to create Disadvantage Scale	22.90	8.75	12.70	8.25
Crime Rates per 100,000[28]				
Murder	43.71	4.52	4.45	1.84
Robbery	674.73	185.16	265.44	102.40
Aggravated Assault	981.36	410.56	437.52	109.38
Motor Vehicle Theft	994.04	324.76	439.81	240.78
Violent Crime[29]	1721.82	621.83	725.57	229.03
Property Crime[30]	5192.87	3395.05	3382.34	2627.99

Method of Analysis

The three outcomes in this study are binary, and thus the most appropriate analytical method is multivariate logistic regression. Logistic regression calculates the impact of the independent variable on the dependent variable (actually the natural log of the odds of it occurring) and these parameter estimates can be converted to probabilities (Long, 1997; Marowitz, 1998). In other words, it is an analytic tool that allows one to predict the odds (or the probability) of one outcome occurring (guilty) over another (not guilty).[31] Further, an odds ratio is a measure of association and an odds ratio higher than 1 will increase as the independent variable increases (thus signifying a positive relationship) while an odds ratio of less than 1 decreases the odds of the event occurring, signifying a negative association (Menard, 1995).

Data Analysis

Prior to running the analytic models, three correlation matrices were estimated —
one for each outcome examined (see Appendix C). This was to confirm that the
variables of interest are related in the anticipated direction and that the independent
variables were not highly collinear, as suspected by a correlation .70 and above.
Highly collinear variables are often dropped automatically from the model. Each of
the three matrices looks at the relationships between the variables included in the
final model, as well capturing whether the case was in Baltimore City versus other
jurisdictions. The matrices also incorporated additional defendant characteristics
(gender and attorney representation) including whether the most serious offense was
a person/violent offense.

The correlation matrices overall are as expected – relationships are in directions one
would hypothesize given the study parameters and are related in predictable
patterns. For instance, looking at all three matrices, the disadvantage scale is
positively and almost perfectly correlated (over .96) with jurisdiction – Baltimore City
versus all others; this is consistent with the descriptives in Table 15. Other examples
include race – non-white offenders are positively and significantly correlated with
those charged with drug offenses, have weapons charges and cases tried in Baltimore
City (p<.01). Other variables provide additional information with regard to gender –
men are more likely to be drug offenders, while women are more likely to be
property offenders. The negative correlation with male and private attorney (p<.05)
indicates that women are significantly more likely to be represented by a public
defender.[32]

Another set of correlations that may be of interest is the number of charges the jury
found not guilty – it is significantly and negatively correlated with the finding of a
guilty verdict of one or more charges (p<.01) as well as age at time of offense,
whether the defendant is a drug or property offender, and if the case was a motor
vehicle case. It is positively correlated to jurisdiction, person offender, weapons
charges and the macro disadvantage scale. Interpreting this, juries rendered more
individual charges (not the entire case; just individual charges) with a not-guilty
verdict if the offender was from a young offender in Baltimore City charged with
violent offense as the most serious charge, and if a weapon were present. Juries were
less likely to render individual charges with a not guilty verdict if the offender was
older, was from another jurisdiction, was charged as a drug or property offender, or if
the case was a motor vehicle offense.

The relationships for these variables are the same for the first two matrices – what
differs are the two outcomes. In terms of the outcomes of guilty of one or more
charges and guilty of the most serious charge, juries are significantly less likely to
render a guilty verdict in Baltimore City (p<.01) for either outcome, and in cases of a
guilty verdict, juries render fewer not guilty verdicts on individual charges (p<.01).

Those found guilty are also significantly more likely to be represented by a public defender as indicated by the significant (p<.05) negative association between the outcomes and private attorney (coded as 1). In terms of the third matrix, for those found not guilty of the most serious charge, the correlations of the remaining 106 defendants found guilty of a lesser crime; of interest may be the relationship between drug offender and person offender – these are highly collinear in the negative direction (correlation of -.723) those charged with a drug offense as the most serious offense are significantly less likely to be a person offenders. Those found guilty of a lesser crime are also significantly less likely to have been charged with a weapon (p<.05) and are non-white (p<.01). The outcome of guilty of a lesser charge is not associated with most of the variables – the gender, age, type of attorney, type of offender, etc., are not significantly related to this outcome; the exception is number of charges found not guilty – this is negatively related (p<.01) at -.377. Those who are found guilty of a lesser charge are less likely to have the jury render individual charges as not guilty. Generally, these correlations are consistent with the final results of this study.

Finally, collinearity diagnostics were run to determine if any of the variables were subject to near- or multi-collinearity, and thus would erroneously fail to reach statistical significance (Allison, 1999). Multi-collinearity is indicated with commonly used cut-off points of a tolerance statistic lower than .40 or a Variance Inflation Factor (VIF) greater than 2.50. When considering whether to include person offender or property offender in the final regression model, the tolerance statistic for person offender was very near-collinearity (TOL of .412 and VIF of 2.427). As a result, property offender is included in the regression analysis, with person offender as the reference category.

In summary, this is a study of disparity in jury trial outcomes in Baltimore City versus Anne Arundel, Howard and Baltimore Counties both in total and individually. Randomly selecting cases from the pool of eligible cases in Baltimore City, utilizing the universe of cases in the comparison jurisdictions, incorporating measures of offense seriousness, case and defendant characteristics, and by including measures of socio-economic disadvantage and employing the appropriate statistical techniques, provides a rigorous examination of the research question posed in this study.

Appendix B: Logistic Regression Tables

Table 16: Logistic Regression: Defendants Guilty of One or More Charges

Odds Ratios and z
Statistic

	All Jurisdictions	Baltimore City	Anne Arundel, Baltimore and Howard County
Charges – Not Guilty	0.530	0.462	0.520
	(5.92)**	(4.00)**	(4.36)**
Charges – *Nolle prosse*	1.023	8.346	0.946
	(0.26)	(1.74)+	(0.70)
Age of Offender	1.017	1.028	1.017
	(1.10)	(0.81)	(0.92)
Non-White	0.973	4.455	1.027
	(0.07)	(1.15)	(0.06)
Drug Offender[a]	3.896	1.184	10.399
	(2.51)*	(0.15)	(2.08)*
Property Offender[a]	2.434	9.461	2.082
	(1.88)+	(1.30)	(1.45)
Weapon Charge	8.547	3.343	11.400
	(4.09)**	(1.00)	(3.27)**
Seriousness Category (I - VII)	1.956	2.567	1.653
	(5.19)**	(4.02)**	(2.69)**
Motor Vehicle Case	3.139	0.327	4.173
	(1.63)	(0.57)	(1.54)
Disadvantage Scale[b]	0.956		1.073
	(2.55)*		(0.91)
Observations	274	97	177
Pseudo R-Square	.2874	.3743	.2728
Predicted Probability	.7624	.7325	.8296
Log Likelihood	-122.029	-41.519	-72.970

a Person Offenders is reference category due to near-collinearity issue
b Dropped from Model due to Multi-collinearity

+ Significant at p<.10
* Significant at p<.05
** Significant at p<.01

Table 17: Logistic Regression: Defendants Guilty of One or More Charges by Jurisdiction++

Odds Ratios and z Statistic

	Baltimore City	Anne Arundel	Baltimore County
Charges – Not Guilty	0.462	0.102	0.744
	(4.00)**	(3.49)**	(1.84)+
Charges – *Nolle prosse*	8.346	1.258	0.957
	(1.74)+	(0.82)	(0.49)
Age of Offender	1.028	1.016	0.973
	(0.81)	(0.53)	(0.66)
Non-White	4.455	0.423	0.768
	(1.15)	(1.09)	(0.34)
Drug Offender[a,b]	1.184		1.318
	(0.15)		(0.18)
Property Offender[a]	9.461	1.570	2.698
	(1.30)	(0.51)	(1.10)
Weapon Charge	3.343	353.440	4.044
	(1.00)	(2.38)*	(1.57)
Seriousness Category (I - VII)	2.567	3.405	1.583
	(4.02)**	(2.61)**	(1.84)+
Motor Vehicle Case[b]	0.327	3.834	
	(0.57)	(1.04)	
Disadvantage Scale[b]			
Observations	97	79	69
Pseudo R-Square	.3743	.5027	.1633
Predicted Probability	.7325	.9183	.8290
Log Likelihood	-41.519	-23.697	-30.227

a Person Offenders is reference category due to near-collinearity issue
b Dropped from Model(s) due to Multi-collinearity

+ Significant at p<.10
* Significant at p<.05
** Significant at p<.01

++Howard County was dropped as there were insufficient cases to reliably conduct the analysis

Table 18: Logistic Regression: Defendants Guilty of Most Serious Charge

	All Jurisdictions	Baltimore City	Anne Arundel, Baltimore and Howard County
Charges – Not Guilty	0.466	0.067	0.591
	(6.10)**	(3.92)**	(4.17)**
Charges – *Nolle prosse*	1.036	1.042	1.030
	(0.47)	(0.16)	(0.38)
Age of Offender	1.013	1.048	1.007
	(0.88)	(1.05)	(0.43)
Non-White	1.148	0.982	1.344
	(0.36)	(0.01)	(0.75)
Drug Offender[a]	1.839	0.685	1.521
	(1.21)	(0.26)	(0.66)
Property Offender[a]	1.789	0.780	1.622
	(1.26)	(0.14)	(1.03)
Weapon Charge	3.940	1.860	4.203
	(3.00)**	(0.42)	(2.76)**
Seriousness Category (I - VII)	1.344	1.531	1.244
	(2.62)**	(1.74)+	(1.42)
Motor Vehicle Case	3.185	1.545	3.635
	(1.50)	(0.18)	(1.44)
Disadvantage Scale[b]	0.939		0.926
	(3.72)**		(1.14)
Observations	256	91	165
Pseudo R-Square	.2926	.5853	.1751
Predicted Probability	.4482	.0118	.6305
Log Likelihood	-125.518	-22.575	-90.891

a Person Offenders is reference category due to near-collinearity issue

b Dropped from Model due to Multi-collinearity

+ Significant at p<.10

* Significant at p<.05

** Significant at p<.01

Table 19: Logistic Regression: Defendants Guilty of Most Serious Charge by Jurisdiction++

Odds Ratio and z Statistic

	Baltimore City	Anne Arundel	Baltimore County
Charges – Not Guilty	0.067	0.128	0.817
	(3.92)**	(3.77)**	(1.46)
Charges – *Nolle prosse*	1.042	1.264	1.056
	(0.16)	(0.26)	(0.66)
Age of Offender	1.048	1.026	0.943
	(1.05)	(0.91)	(1.63)
Non-White	0.982	1.489	0.709
	(0.01)	(0.51)	(0.51)
Drug Offender[a,b]	0.685		0.241
	(0.26)		(1.05)
Property Offender[a]	0.780	1.074	2.101
	(0.14)	(0.08)	(0.92)
Weapon Charge	1.860	82.172	1.553
	(0.42)	(2.20)*	(0.62)
Seriousness Category (I - VII)	1.531	2.579	1.117
	(1.74)+	(2.00)*	(0.54)
Motor Vehicle Case[b]	1.545	26.850	
	(0.18)	(1.92)+	
Disadvantage Scale[b]			
Observations	91	75	65
Pseudo R-Square	.5853	.5241	.1147
Predicted Probability	.0118	.8375	.5746
Log Likelihood	-22.575	-23.036	-39.333

a Person Offenders is reference category due to near-collinearity issue
b Dropped from Model due to Multi-collinearity

+ Significant at p<.10
* Significant at p<.05
** Significant at p<.01

++Howard County was dropped as there were insufficient cases to reliably conduct the analysis

Table 20: Logistic Regression: Defendants Guilty of Less Serious Charge

	All Jurisdictions	Baltimore City	Anne Arundel, Baltimore and Howard County
Charges – Not Guilty	0.457	0.545	0.115
	(4.28)**	(2.75)**	(3.13)**
Charges – *Nolle prosse*	0.801	5.863	0.530
	(1.56)	(1.44)	(2.16)*
Age of Offender	1.014	1.015	1.029
	(0.57)	(0.41)	(0.68)
Weapon Charge	4.666	2.365	86.165
	(2.49)*	(1.08)	(2.50)*
Seriousness Category (I - VII)	1.926	1.665	3.627
	(3.08)**	(1.92)+	(2.52)*
Disadvantage Scale[b]	1.018		1.142
	(0.73)		(.86)
Non-White[b]			
Drug Offender[a,b]			
Property Offender[a,b]			
Motor Vehicle Case[b]			
Observations	106	50	56
Pseudo R-Square	.2762	.2286	.4947
Predicted Probability	.4515	.6125	.2772
Log Likelihood	-53.125	-26.702	-19.450

a Person Offenders is reference category due to near-collinearity issue
b Dropped from Model due to Multi-collinearity or Predicted Outcome Perfectly

+ Significant at p<.10
* Significant at p<.05
** Significant at p<.01

Appendix C: Correlation Matrices of Variables in Analysis by Outcome

- Outcome 1 – Guilty of One or More Charges
- Outcome 2 – Guilty of Most Serious Charge
- Outcome 3 – Of Those Not Guilty of Most Serious Charge, Guilty of Lesser Charge

Outcome 1 – Guilty of One or More Charges

Correlations

Variable	Statistic	Guilty or Not Guilty (Combo coded as guilty)	Baltimore City vs Everyone Else	Charges # Not Guilty	Chages # Nolle Pros	Age at time of Offense	Non-White	Male	Private Atty	Drug Offenses	Property Offenses	Person Offenses	Weapon	Motor Vehicle Trial?	Macro level Variables Scale
Guilty or Not Guilty (Combo coded as guilty)	Pearson Correlation	1	-.155**	-.365**	.074	.034	.023	.049	-.138*	.054	.050	-.082	.096	-.014	-.142*
	Sig. (2-tailed)		.009	.000	.211	.562	.702	.405	.023	.361	.402	.168	.104	.819	.016
	N	287	287	287	287	286	275	286	272	287	287	287	287	287	287
Baltimore City vs Everyone Else	Pearson Correlation	-.155**	1	.173**	-.201**	-.222**	.333**	.065	-.073	.225**	-.197**	-.029	.245**	-.052	.964**
	Sig. (2-tailed)	.009		.003	.001	.000	.000	.265	.227	.000	.001	.616	.000	.374	.000
	N	287	293	293	293	292	281	292	278	293	293	293	293	293	293
Charges # Not Guilty	Pearson Correlation	-.365**	.173**	1	-.008	-.136*	.085	.055	.100	-.125*	-.115*	.189**	.277**	-.126*	.196**
	Sig. (2-tailed)	.000	.003		.889	.020	.154	.348	.095	.033	.049	.001	.000	.031	.001
	N	287	293	293	293	292	281	292	278	293	293	293	293	293	293
Chages # Nolle Pros	Pearson Correlation	.074	-.201**	-.008	1	-.042	.064	.007	.076	-.053	-.072	.098	.109	-.038	-.137*
	Sig. (2-tailed)	.211	.001	.889		.477	.286	.901	.209	.362	.220	.094	.063	.515	.019
	N	287	293	293	293	292	281	292	278	293	293	293	293	293	293
Age at time of Offense	Pearson Correlation	.034	-.222**	-.136*	-.042	1	-.287**	-.064	-.075	-.090	.103	-.007	-.226**	.030	-.259**
	Sig. (2-tailed)	.562	.000	.020	.477		.000	.274	.210	.127	.078	.900	.000	.610	.000
	N	286	292	292	292	292	280	291	277	292	292	292	292	292	292
Non-White	Pearson Correlation	.023	.333**	.085	.064	-.287**	1	.045	-.062	.218**	-.112	-.089	.269**	-.122*	.333**
	Sig. (2-tailed)	.702	.000	.154	.286	.000		.455	.314	.000	.061	.135	.000	.041	.000
	N	275	281	281	281	280	281	281	266	281	281	281	281	281	281
Male	Pearson Correlation	.049	.065	.055	.007	-.064	.045	1	-.123*	.128*	-.242**	.083	.069	-.095	.096
	Sig. (2-tailed)	.405	.265	.348	.901	.274	.455		.041	.029	.000	.155	.241	.104	.100
	N	286	292	292	292	291	281	292	277	292	292	292	292	292	292
Private Atty	Pearson Correlation	-.138*	-.073	.100	.076	-.075	-.062	-.123*	1	-.079	.087	-.001	-.043	.152*	-.030
	Sig. (2-tailed)	.023	.227	.095	.209	.210	.314	.041		.190	.148	.987	.473	.011	.616
	N	272	278	278	278	277	266	277	278	278	278	278	278	278	278
Drug Offenses	Pearson Correlation	.054	.225**	-.125*	-.053	-.090	.218**	.128*	-.079	1	-.188**	-.657**	-.285**	-.111	.196**
	Sig. (2-tailed)	.361	.000	.033	.362	.127	.000	.029	.190		.001	.000	.000	.057	.001
	N	287	293	293	293	292	281	292	278	293	293	293	293	293	293
Property Offenses	Pearson Correlation	.050	-.197**	-.115*	-.072	.103	-.112	-.242**	.087	-.188**	1	-.616**	-.338**	.223**	-.189**
	Sig. (2-tailed)	.402	.001	.049	.220	.078	.061	.000	.148	.001		.000	.000	.000	.001
	N	287	293	293	293	292	281	292	278	293	293	293	293	293	293
Person Offenses	Pearson Correlation	-.082	-.029	.189**	.098	-.007	-.089	.083	-.001	-.657**	-.616**	1	.488**	-.082	-.012
	Sig. (2-tailed)	.168	.616	.001	.094	.900	.135	.155	.987	.000	.000		.000	.163	.832
	N	287	293	293	293	292	281	292	278	293	293	293	293	293	293
Weapon	Pearson Correlation	.096	.245**	.277**	.109	-.226**	.269**	.069	-.043	-.285**	-.338**	.488**	1	-.199**	.265**
	Sig. (2-tailed)	.104	.000	.000	.063	.000	.000	.241	.473	.000	.000	.000		.001	.000
	N	287	293	293	293	292	281	292	278	293	293	293	293	293	293
Motor Vehicle Trial?	Pearson Correlation	-.014	-.052	-.126*	-.038	.030	-.122*	-.095	.152*	-.111	.223**	-.082	-.199**	1	-.071
	Sig. (2-tailed)	.819	.374	.031	.515	.610	.041	.104	.011	.057	.000	.163	.001		.228
	N	287	293	293	293	292	281	292	278	293	293	293	293	293	293
Macro level Variables Scale	Pearson Correlation	-.142*	.964**	.196**	-.137*	-.259**	.333**	.096	-.030	.196**	-.189**	-.012	.265**	-.071	1
	Sig. (2-tailed)	.016	.000	.001	.019	.000	.000	.100	.616	.001	.001	.832	.000	.228	
	N	287	293	293	293	292	281	292	278	293	293	293	293	293	293

**. Correlation is significant at the 0.01 level (2-tailed).

*. Correlation is significant at the 0.05 level (2-tailed).

Outcome 2 – Guilty of Most Serious Charge

Correlations

		Verdict Most Serious (recoded drop other)	Baltimore City vs Everyone Else	Charges # Not Guilty	Chages # Nolle Pros	Age at time of Offense	Non-White	Male	Private Atty	Drug Offenses	Property Offenses	Person Offenses	Weapon	Motor Vehicle Trial?	Macro level Variables Scale
Verdict Most Serious (recoded drop other)	Pearson Correlation	1	-.277**	-.435**	.096	.091	-.051	-.049	-.136*	-.037	.116	-.061	-.006	.088	-.290**
	Sig. (2-tailed)		.000	.000	.119	.137	.418	.421	.030	.552	.059	.323	.917	.149	.000
	N	268	268	268	268	267	257	267	254	268	268	268	268	268	268
Baltimore City vs Everyone Else	Pearson Correlation	-.277**	1	.173**	-.201**	-.222**	.333**	.065	-.073	.225**	-.197**	-.029	.245**	-.052	.964**
	Sig. (2-tailed)	.000		.003	.001	.000	.000	.265	.227	.000	.001	.616	.000	.374	.000
	N	268	293	293	293	292	281	292	278	293	293	293	293	293	293
Charges # Not Guilty	Pearson Correlation	-.435**	.173**	1	-.008	-.136*	.085	.055	.100	-.125*	-.115*	.189**	.277**	-.126*	.196**
	Sig. (2-tailed)	.000	.003		.889	.020	.154	.348	.085	.033	.049	.001	.000	.031	.001
	N	268	293	293	293	292	281	292	278	293	293	293	293	293	293
Chages # Nolle Pros	Pearson Correlation	.096	-.201**	-.008	1	-.042	.064	.007	.076	-.053	-.072	.098	.109	-.038	-.137*
	Sig. (2-tailed)	.119	.001	.889		.477	.286	.901	.209	.362	.220	.094	.063	.515	.019
	N	268	293	293	293	292	281	292	278	293	293	293	293	293	293
Age at time of Offense	Pearson Correlation	.091	-.222**	-.136*	-.042	1	-.287**	-.064	-.075	-.090	.103	-.007	-.226**	.030	-.259**
	Sig. (2-tailed)	.137	.000	.020	.477		.000	.274	.210	.127	.078	.900	.000	.610	.000
	N	267	292	292	292	292	280	291	277	292	292	292	292	292	292
Non-White	Pearson Correlation	-.051	.333**	.085	.064	-.287**	1	.045	-.062	.218**	-.112	-.089	.269**	-.122*	.333**
	Sig. (2-tailed)	.418	.000	.154	.286	.000		.455	.314	.000	.061	.135	.000	.041	.000
	N	257	281	281	281	280	281	281	266	281	281	281	281	281	281
Male	Pearson Correlation	-.049	.065	.055	.007	-.064	.045	1	-.123*	.128*	-.242**	.083	.069	-.095	.096
	Sig. (2-tailed)	.421	.265	.348	.901	.274	.455		.041	.029	.000	.155	.241	.104	.100
	N	267	292	292	292	291	281	292	277	292	292	292	292	292	292
Private Atty	Pearson Correlation	-.136*	-.073	.100	.076	-.075	-.062	-.123*	1	-.079	.087	-.001	-.043	.152*	-.030
	Sig. (2-tailed)	.030	.227	.095	.209	.210	.314	.041		.190	.148	.987	.473	.011	.616
	N	254	278	278	278	277	266	277	278	278	278	278	278	278	278
Drug Offenses	Pearson Correlation	-.037	.225**	-.125*	-.053	-.090	.218**	.128*	-.079	1	-.188**	-.657**	-.285**	-.111	.196**
	Sig. (2-tailed)	.552	.000	.033	.362	.127	.000	.029	.190		.001	.000	.000	.057	.001
	N	268	293	293	293	292	281	292	278	293	293	293	293	293	293
Property Offenses	Pearson Correlation	.116	-.197**	-.115*	-.072	.103	-.112	-.242**	.087	-.188**	1	-.616**	-.338**	.223**	-.189**
	Sig. (2-tailed)	.059	.001	.049	.220	.078	.061	.000	.148	.001		.000	.000	.000	.001
	N	268	293	293	293	292	281	292	278	293	293	293	293	293	293
Person Offenses	Pearson Correlation	-.061	-.029	.189**	.098	-.007	-.089	.083	-.001	-.657**	-.616**	1	.488**	-.082	-.012
	Sig. (2-tailed)	.323	.616	.001	.094	.900	.135	.155	.987	.000	.000		.000	.163	.832
	N	268	293	293	293	292	281	292	278	293	293	293	293	293	293
Weapon	Pearson Correlation	-.006	.245**	.277**	.109	-.226**	.269**	.069	-.043	-.285**	-.338**	.488**	1	-.199**	.265**
	Sig. (2-tailed)	.917	.000	.000	.063	.000	.000	.241	.473	.000	.000	.000		.001	.000
	N	268	293	293	293	292	281	292	278	293	293	293	293	293	293
Motor Vehicle Trial?	Pearson Correlation	.088	-.052	-.126*	-.038	.030	-.122*	-.095	.152*	-.111	.223**	-.082	-.199**	1	-.071
	Sig. (2-tailed)	.149	.374	.031	.515	.610	.041	.104	.011	.057	.000	.163	.001		.228
	N	268	293	293	293	292	281	292	278	293	293	293	293	293	293
Macro level Variables Scale	Pearson Correlation	-.290**	.964**	.196**	-.137*	-.259**	.333**	.096	-.030	.196**	-.189**	-.012	.265**	-.071	1
	Sig. (2-tailed)	.000	.000	.001	.019	.000	.000	.100	.616	.001	.001	.832	.000	.228	
	N	268	293	293	293	292	281	292	278	293	293	293	293	293	293

**. Correlation is significant at the 0.01 level (2-tailed).
*. Correlation is significant at the 0.05 level (2-tailed).

Outcome 3 – Of Those Not Guilty of Most Serious Charge, Guilty of Lesser Charge

Correlations

		Of those with NG, Outcome of Most serious (dropped no lesser to consider)	Baltimore City vs Everyone Else	Charges # Not Guilty	Chages # Nolle Pros	Age at time of Offense	Non-White	Male	Private Atty	Drug Offenses	Property Offenses	Person Offenses	Weapon	Motor Vehicle Trial?	Macro level Variables Scale
Of those with NG, Outcome of Most serious (dropped no lesser to consider)	Pearson Correlation	1	.074	-.377**	-.089	.000	.066	.090	-.082	.168	-.072	-.087	.092	.005	.093
	Sig. (2-tailed)		.454	.000	.366	.998	.515	.361	.411	.085	.462	.378	.349	.958	.343
	N	106	106	106	106	106	99	105	103	106	106	106	106	106	106
Baltimore City vs Everyone Else	Pearson Correlation	.074	1	.179*	-.237**	-.273**	.442**	.016	-.151	.310**	-.251**	-.085	.329**	-.028	.972**
	Sig. (2-tailed)	.454		.036	.005	.001	.000	.853	.085	.000	.003	.319	.000	.748	.000
	N	106	138	138	138	137	130	137	130	138	138	138	138	138	138
Charges # Not Guilty	Pearson Correlation	-.377**	.179*	1	.067	-.156	.181*	.006	.101	-.210*	-.133	.271**	.429**	-.133	.185*
	Sig. (2-tailed)	.000	.036		.433	.068	.039	.942	.254	.013	.119	.001	.000	.121	.030
	N	106	138	138	138	137	130	137	130	138	138	138	138	138	138
Chages # Nolle Pros	Pearson Correlation	-.089	-.237**	.067	1	-.008	.064	.038	.084	-.172*	-.040	.173*	.080	-.010	-.176*
	Sig. (2-tailed)	.366	.005	.433		.930	.466	.661	.341	.044	.645	.043	.348	.904	.039
	N	106	138	138	138	137	130	137	130	138	138	138	138	138	138
Age at time of Offense	Pearson Correlation	.000	-.273**	-.156	-.008	1	-.417**	-.044	-.115	-.080	.004	.065	-.176*	-.065	-.274**
	Sig. (2-tailed)	.998	.001	.068	.930		.000	.615	.196	.350	.967	.448	.040	.447	.001
	N	106	137	137	137	137	129	136	129	137	137	137	137	137	137
Non-White	Pearson Correlation	.066	.442**	.181*	.064	-.417**	1	.071	.057	.240**	-.158	-.092	.288**	-.067	.458**
	Sig. (2-tailed)	.515	.000	.039	.466	.000		.420	.534	.006	.072	.300	.001	.448	.000
	N	99	130	130	130	129	130	130	122	130	130	130	130	130	130
Male	Pearson Correlation	.090	.016	.006	.038	-.044	.071	1	-.115	.125	-.179*	.020	.033	-.106	.041
	Sig. (2-tailed)	.361	.853	.942	.661	.615	.420		.195	.145	.037	.819	.702	.220	.636
	N	105	137	137	137	136	130	137	129	137	137	137	137	137	137
Private Atty	Pearson Correlation	-.082	-.151	.101	.084	-.115	.057	-.115	1	-.109	.118	.008	-.083	.168	-.104
	Sig. (2-tailed)	.411	.085	.254	.341	.196	.534	.195		.218	.182	.931	.346	.057	.239
	N	103	130	130	130	129	122	129	130	130	130	130	130	130	130
Drug Offenses	Pearson Correlation	.168	.310**	-.210*	-.172*	-.080	.240**	.125	-.109	1	-.170*	-.723**	-.383**	-.091	.308**
	Sig. (2-tailed)	.085	.000	.013	.044	.350	.006	.145	.218		.046	.000	.000	.287	.000
	N	106	138	138	138	137	130	137	130	138	138	130	138	138	138
Property Offenses	Pearson Correlation	-.072	-.251**	-.133	-.040	.004	-.158	-.179*	.118	-.170*	1	-.557**	-.295**	.051	-.255**
	Sig. (2-tailed)	.462	.003	.119	.645	.967	.072	.037	.182	.046		.000	.000	.553	.003
	N	106	138	138	138	137	130	137	130	138	138	138	138	138	138
Person Offenses	Pearson Correlation	-.087	-.085	.271**	.173*	.065	-.092	.020	.008	-.723**	-.557**	1	.529**	.041	-.081
	Sig. (2-tailed)	.378	.319	.001	.043	.448	.300	.819	.931	.000	.000		.000	.631	.346
	N	106	138	138	138	137	130	137	130	130	138	138	138	138	138
Weapon	Pearson Correlation	.092	.329**	.429**	.080	-.176*	.288**	.033	-.083	-.383**	-.295**	.529**	1	-.158	.353**
	Sig. (2-tailed)	.349	.000	.000	.348	.040	.001	.702	.346	.000	.000	.000		.064	.000
	N	106	138	138	138	137	130	137	130	138	138	138	138	138	138
Motor Vehicle Trial?	Pearson Correlation	.005	-.028	-.133	-.010	-.065	-.067	-.106	.168	-.091	.051	.041	-.158	1	-.039
	Sig. (2-tailed)	.958	.748	.121	.904	.447	.448	.220	.057	.287	.553	.631	.064		.650
	N	106	138	138	138	137	130	137	130	138	138	138	138	138	138
Macro level Variables Scale	Pearson Correlation	.093	.972**	.185*	-.176*	-.274**	.458**	.041	-.104	.308**	-.255**	-.081	.353**	-.039	1
	Sig. (2-tailed)	.343	.000	.030	.039	.001	.000	.636	.239	.000	.003	.346	.000	.650	
	N	106	138	138	138	137	130	137	130	138	138	138	138	138	138

**. Correlation is significant at the 0.01 level (2-tailed).

*. Correlation is significant at the 0.05 level (2-tailed).

Footnotes

[1] It is important to note that the type of representation (private or panel attorney versus Public Defender) was not a significant factor in determining outcomes and was excluded from the final analysis.

[2] See Appendix A for a detailed explanation of the methodology of this study, including the rationale for this sample selection.

[3] Attempts to obtain jury trial outcome data from three other state courts — Philadelphia, PA, New York, NY and Washington DC were likewise unsuccessful. While all the courts maintain statistics and produce annual reports, only the New York annual report provides information on the number of acquittals and convictions. In 2005, New York City (excluding the boroughs of Kings, Queens and Richmond) juries disposed of 87 cases, of which 66% were convicted. A request was made to obtain specific information on these cases, but officials at the New York court advised they do not retain such data. Statistics were also obtained on-line from the Philadelphia Courts (http://fjd.phila.gov/index.html) and indicated that approximately 4% of the cases disposed in 2005 were by jury trial, but there was no disposition data provided. Further, a request for additional information was refused because the court was reluctant to share data with the public. Finally, in Washington DC, the annual report provides the number of cases adjudicated by jury or court trial, and provide this information by felony versus misdemeanor offenses; however, similar to Philadelphia, there was no final disposition information (e.g., the number of convictions or acquittals).

[4] This was limited by availability – Baltimore City does not retain a list of cases that go to jury trial separate from the JIS system so the only source of information was the list of docket numbers provided by AOC. In Baltimore County they had records for the end of 2005 through 2006, in Anne Arundel trial information was available from September 2005 through December 2006, and in Howard county case information was available for January through December 2006.

[5] Analysis was also conducted excluding motor vehicle trials which could be either person or property and felony or misdemeanor crimes depending on the charge, and the results were substantively similar. These results are available from the author upon request.

[6] Six cases from Anne Arundel County were dropped because the jury never reached a verdict on any of the charges.

[7] Cases from Howard County were dropped from the jurisdiction specific analysis as there were insufficient cases to reliably conduct the analyses.

[8] Given the smaller sample size, the more conservative unbiased Eta^2 was calculated

[9] Gender was also included in the model but later dropped as it was not a statistically significant factor. In addition to gender, a few other variables were initially considered, but then later dropped including the type of representation (Private attorney or Public Defender), whether the offense was a felony or misdemeanor, and the number of charges.

[10] Prior research suggests that the racial differences in crime rates are a result of structural disadvantage (Sampson & Laub, 1993, Sampson & Wilson, 1995). Sampson & Wilson (1985) examined variations in the crime rate by race and found that the sources of violent crime are based on differences in social-economic status (poorer, more socially disorganized neighborhoods have higher rates of crime) and family organization (e.g., single headed households equates to less supervision of youth) rather than race per se.

[11] Table 7 corresponds to the Logistic Regression Tables 16, 18 and 20 in Appendix B

[12] The person offender was chosen as the reference category due in part to issues of near-collinearity, whereby the person offender measure was automatically excluded from the analysis because it was too closely associated with other measures in the model.

[13] Table 8 corresponds to Logistic Regression Tables 17 and 19 in Appendix B

[14] There were not a sufficient number of cases to assess those found guilty of a lesser charge; nor were there sufficient cases to reliably examine Howard County individually for any outcome.

[15] Criminological researchers have long held that urban environments with greater levels of poverty, ethnic heterogeneity and residential mobility have less social cohesion and control due to differing social and cultural norms, resulting in higher crime rates (Sampson & Raudenbush, 1997; Shaw & McKay, 1969). Further, economically depressed neighborhoods typically lack substantial tax bases, resulting in schools with fewer resources and a lack of community programs, which when available, generally engender social control through the formation of social networks. In turn, the establishment and utilization of social networks results in "collective efficacy" (the ability of community members to trust and informally assist one another) which is a crucial component in socially organized communities (Sampson & Raudenbush, 1997). However, research by Smith & Jarjoura (1988) indicates that it is not simply the existence of poverty and residential mobility that dictates social disorganization, but the interaction of these measures in neighborhoods which matter. Thus, neighborhoods which are both highly transient and experience high levels of poverty have fewer social networks, less collective efficacy and are more likely to be socially disorganized.

[16] The issue of witness intimidation is a serious one and can lead to tragic consequences, as evidenced by the 2002 murders of seven members of the Dawson family targeted by a drug dealer because they had reported criminal activity (Hurley, 2005; Kahn, 2007). The Baltimore City Grand Jury examined this issue in 2005 and found that witness intimidation is an issue involving many different types of defendants and cases, that intimidation is on the rise and is "not being done in a secretive manner" and that often the police are "powerless to help"(Albright, Angel, Briscoe, Douglas, Goodman, Hamilton, Jones, Keeton, Lee, Liggins, McGrew, Morgan, Price, Ricks, Robertson-Jacobs, Siegel, Tatum & Taylor, 2006, p. 9). More disturbingly, the report indicates that in Baltimore City intimidation is a major problem – "witness intimidation permeates nearly all of the 300 non-fatal shooting cases and 120 murder cases" prosecuted each year (p. 10). Witness intimidation influences the criminal justice process in several ways, including witnesses who refuse to testify and thus hamper the efforts of the prosecution; "giving evidence in court is crucial to the success of criminal prosecutions" (Fyfe & McKay, 2000,p. 675) and through "an atmosphere of fear and no cooperation" (Albright, et al., 2006, p. 6). Oftentimes, witnesses who do come forward are felons themselves testifying in exchange for leniency or a reduction of their own charges, and their credibility is often questioned (Kahn, 2007). Threats and intimidation impact jurors as well as witnesses – from directly confronting jurors by defendants, family members or friends of defendants (Bykowicz, 2005, 2007; Kahn, 2007) to concerns of disapproval from community members and neighbors upon voting for an acquittal (Minnesota Public Radio, 2005). A thorough discussion of this issue goes beyond the scope of this study, but is noted as a limitation to the findings, as there are no measures to capture the prevalence or impact of witness intimidation in these data.

[17] Beyond emulating the Federal District Court system, the idea of a combined/collaborative judiciary is not without basis, however tangential. One example is the work of criminal justice coordinating councils which seek to improve the administration of criminal justice through cooperation and coordination among stakeholders, although more policy focused rather than operationally driven. In addition, the establishment of regional correctional facilities which manage adult and juveniles from multiple jurisdictions (for example the Western Maryland Children's Center, a juvenile detention facility which serves juveniles from Garrett, Allegany, Washington, Frederick, and Montgomery Counties). Finally, recent events including the terrorism attacks on 9-11, the sniper shootings, and natural disasters such as Hurricane Katrina, all of which had no regard for legislated jurisdictional boundaries, have brought the issue of regional coordination of public safety services to the forefront (Foster, 2006). "Regionalizing efforts is one way for public safety providers to share responsibilities and resources, improve operations and meet … future demands. In short, "thinking regionally" is much more than an abstract concept for public safety officials today; it's the

new way of doing business" (Foster, 2006, p. 12). While not without conceptual precedent, expanding the judiciary to encapsulate concomitant jurisdictions would be challenging, and numerous issues would arise with respect to logistics including but not limited to determination of authority, responsibility and resource allocation. Further, this type of joint effort would require unprecedented commitment to collaboration and cooperation among the jurisdictions. Nonetheless, it is included here as a policy option to encourage further discussion of these issues.

[18] Of note is that in 2006, the Baltimore City Grand Jury recommended that to increase jury participation, fees for juror service should be raised to $20 per day plus the provision of a Maryland Transportation Authority voucher (Murphy et al., 2006). To date, these recommendations have not been instituted, perhaps due to fiscal constraints.

[19] The disproportionality of the jury pool is related to the process in which a potential juror is selected; "Procedures at each phase of jury selection continue to exclude greater percentages of minorities than whites" (King, 1993, p. 712). One of those key procedures is the process of creating the source list from which potential jurors are selected. Generally jurisdictions sample from existing lists (e.g., voter registers, Department of Motor Vehicle records and residency lists). Thus, in order to be considered for selection onto a jury, one must be included on an existing list; however, many individuals are excluded for a variety of reasons including those who do not vote, those without a state issued identification card, and/or those who move frequently, thereby making it difficult to retain an updated residency list (Dreiling, 2006; King 1999, 1993). One suggested option is to combine multiple lists (residency, DMV and voter lists, as well as tax records and welfare enrollment lists) into a single jury pool list, but this can raise privacy issues particularly with reference to people culled from unemployment and welfare records (Stephenson, 2005). Multiple lists would also render duplicative records, an operational issue which would need to be resolved to ensure that all have an equal chance of being selected into the jury pool (Stephenson, 2005). However, even using multiple lists from which to select a jury pool, problems remain. In Manhattan, New York, jury pools are selected from an economically and racially diverse cross-section of individuals, utilizing multiple lists including "voter registration, driver's licenses, nondriver identification cards, state tax rolls and welfare enrollments" to ensure as many individuals are included as possible (Hartocollis 2007, p. 5). Yet a recent survey of "14,000 prospective jurors confirmed that people of color and Hispanics were substantially underrepresented … [and] whites were substantially overrepresented" (Cohen & Rosales, 2007, p. i). See also King, 1999 and King, 1993 for discussions of other factors related to the composition of a jury pool including use of preemptory challenge, "constitutional regulations of the voir dire process" and attempts by jurisdictions to "racially balance the jury pool" (King, 1999, p. 41).

[20] See also Yale Law Journal, 1980 for an alternative interpretation of the 1975 Supreme Court decision in Taylor v. Louisiana 419 U.S. 522 which "equates jury impartiality with cross-sectional representation" (p. 1177).

[21] In those cases where race was not listed in the case record, where available, the name of the defendant was searched and their race was coded from the Victim Information and Notification Everyday website https://www.vinelink.com/vinelink/initMap.do

[22] Sources for statute classification information were from the Maryland State Commission on Criminal Sentencing Guidelines Manual Guidelines Offense Table Appendix A, updated February 2006

[23] Generally speaking, scales with an alpha level of .70 or higher are considered adequate (Kerlinger & Lee, 2000).

[24] To determine which cases were unique individuals with unique cases required reviewing each of the docket numbers for Baltimore City cases and collecting the names of each case, and comparing the records of those with the same names. If unsure whether the case represented the same or a different individual (esp. names that were common) the date of birth, race of defendant, and street

address were compared. If these matched, the case was coded as a unique individual with multiple charges. To distinguish whether these multiple charges were associated with a unique case or multiple cases, the docket numbers were reviewed and if the docket numbers of the defendant were sequential or close to sequential, these were coded as a unique individual with a single case. If the docket numbers were out of sequence and/or very different, then each case with the same name was reviewed, and if the verdict was rendered on the same day as the other docket numbers, then they were coded as part of a single case; otherwise the case was coded as the same individual, but with more than one case under consideration of the court during the period of interest.

[25] The AOC provided a copy of the JIS Edit Tables – the key describing the codes used in the JIS system.

[26] Overall, there do not appear to be substantial differences in charges by jurisdiction, although Howard County appears to charge defendants with a high range of charges (1 to 39). This is likely an artifact of a single case where the defendant was charged with 39 offenses. Removing that case from the equation reveals that Howard County charges defendants within a much more modest range – 1 to 13 offenses, and charging each defendant with an average of 4 offenses. Likewise, the number of charges decided by a jury verdict drops to 2.55 (standard deviation of 1.75). These results are available from the author upon request.

[27] 2006 Census

[28] 2006 Data Central Records Division GOCCP website

[29] Sum of all murder, rape, robbery & aggravated assault 2006 charges per 100,000 people

[30] Sum of all breaking & entering, larceny theft & motor vehicle theft 2006 Charges per 100,000 people

[31] Coefficients generated through logistic regression are not "functionally" equivalent to Ordinary Least Squares regression coefficients because the value of the dependent variable is "the same regardless of the current value of" the independent variables (Long, 1997, p. 9). Consequently, results are reported as odds ratios and predicted probabilities.

[32] However, as noted previously, type of representation, when combined with other factors in the regression analysis, was not a significant factor and thus was not included in the final model.