

Data description for judge shopping

Can Wang

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1 Data

The data includes information for 17,671 offender sentencing events, which are from the criminal cases sentenced in South Carolina Circuit Courts (the courts of general jurisdiction) for the fiscal year 2001. The offenders included in the dataset are convicted of a felony or serious misdemeanor carrying a maximum of a year or more in prison. For each sentencing event, there are 32 variables in the data. The names and meanings of the variables are listed below (Question marks mean that I'm not sure or don't know).

Variable	Meaning	Example
date	Date of the sentence (?)	2001-06-25
county	County where the sentence was decided	Charleston
circuit	Circuit where the sentence was decided	9
judge	The judge who decided the sentence	4
statute	The law that the offender broke (?)	16-09-0420
offdescr	Description of the offense	Aiding Escape from Custody of Officers
counts	?	2
statute_first	The law that the first offense of the offender broke (?), actually same as statute in the dataset	16-09-0420
offdescr_first	The description of the first offense of the offender	Aiding Escape from Custody of Officers
sgc_offcode	?	4
of_hom	Indicator variable for the offense type being homicide	0
of_rape	Indicator variable for the offense type being rape	0
of_rob	Indicator variable for the offense type being robbery	0

of.asslt	Indicator variable for the offense type being aggravated assault	0
of.burg	Indicator variable for the offense type being burglary	0
of.dstrb	Indicator variable for the offense type being drug distribution	0
of.possn	Indicator variable for the offense type being drug possession	0
of.theft	Indicator variable for the offense type being theft	0
of.fraud	Indicator variable for the offense type being fraud	0
of.other	Indicator variable for the offense type being other	0
offtypeLibHyp	Categorical offense type: {1-Violent, 2-Drug, 3-Property, 4-Other}	Other
offser	Offense seriousness: {1-Misdemeanors, 2-Class F Felonies, 3- Class E Felonies, 4-Class D Felonies, 5-Class A Felonies, 6-Class B Felonies, 7-Class C Felonies, 8-Unclassified Felonies.}	1
ccpnts	?	2
ccpts99	?	2
trial	Whether a court trial happened (the opposite side is a plea of guilty)	0
incarc	Whether the sentence includes incarceration	yes
crimhist	Criminal history of the offender (none<minimal<moderate<extensive<voluminous)	moderate
ppoints	?	8
male	Whether the offender is male	1
age	Age of the offender	42
black	Whether the offender is black	1
sentence	The sentence length (in month?)	18

Table 1: Variables related to each sentencing event

2 Basic analysis of the data

2.1 Circuit-county-judge relationship

There are 47 counties, 16 circuits. The composition of each circuit is listed below.

Ignoring the 1551 records with missing dates, the minimum date is 2000-07-07 and the maximum date is 2001-06-29 in the data. I tried to build a calendar that shows how the judges rotates among different circuits. But I saw records with the same date and judge but different counties and circuits (see the second and third highlighted lines in the excel

Table 2: County composition of circuits

Circuits	Counties
1	Calhoun, Dorchester, Orangeburg
2	Aiken, Bamberg, Barnwell
3	Clarendon, Lee, Sumter, Williamsburg
4	Chesterfield, Darlington, Dillon, Marlboro
5	Kershaw, Richland
6	Chester, Fairfield, Lancaster
7	Cherokee, Spartanburg
8	Abbeville, Greenwood, Laurens, Newberry
9	Berkeley, Charleston
10	Anderson, Oconee
11	Edgefield, Lexington, McCormick, Saluda
12	Florence, Marion
13	Greenville, Pickens
14	Allendale, Beaufort, Colleton, Hampton, Horry, Jasper
15	Georgetown, Horry
16	Union, York

file). I don't know why that can happen. Do we misunderstand the meaning of the variable “date” or do judges travel to different counties within a day?

Besides, I see that the judge sometimes move to different counties or circuits within a week (Monday to Friday). But I thought a term of court in one rotation is one week?

I was planning to find out which circuit/county is a judge's home circuit/county by counting the time he spent in each circuit/county after building the calendar (though it hasn't worked because of the “date” problem), but do judges spend most of their time in there home circuits/counties for sure? Do we have information about which circuits/counties are home circuits/counties for the judges?

Since the data only contains the “final” results of judge shopping and cannot show how the defendants delay the court dates and choose between different judges, I think we need to recover the calendar and suppose the defendants can choose between the judge showing up in the same county within several days around the true court date.

2.2 Trial/plea/sentence vs. number of cases for each judge

In Hester's Criminology paper [1], there are two figures that imply the existence of “judge shopping”. I recovered the figure of relationship between “judges' incarceration rate” and “number of offenders sentenced” (Figure 1) but cannot recover the figure of

relationship between “judges’ mean expected minimum prison length imposed” and “number of offenders sentenced” since I don’t know how to get the “expected minimum prison length imposed” from the data. Figure 2 shows the relationship between the value of the variable “sentence”, which I think is the length of sentence, and the “number of offenders sentenced”. But it is different from Figure 2 in Hester’s paper [1].

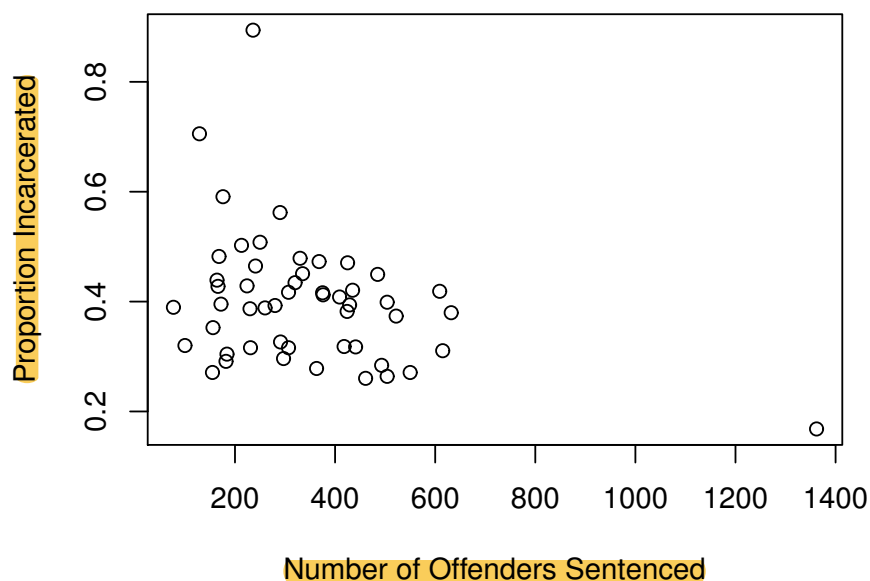


Figure 1: relationship between judges’ incarceration rate and number of offenders sentenced

3 Questions for Hester

1. What does the “date” mean? Is it when the judge announce the sentence in the court?
2. Why are some dates missing?
3. Do we have the information about which county/circuit is a judge’s home county/circuit?
4. Do we have any information about how the defendant realize the “judge shopping” by delaying/not pleading guilty/etc.? It seems like the data only contains information

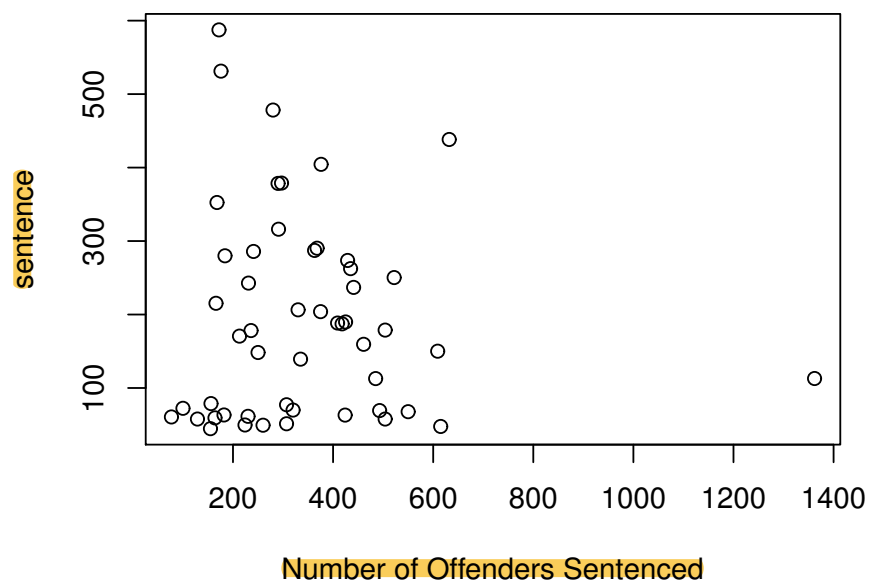


Figure 2: relationship between judges' sentence length (the variable "sentence" in the data) and number of offenders sentenced

about what the shopping results are.

5. Some “offdescr” are not the same as “offdescr_first” but all the statute are the same as “statute_first”? Why? What’s the meaning of “statute” and “first”?
6. What does “count” mean?
7. I guess “ccpnts”, “ccpts99” and “ppoints” are some point systems in South Carolina? What are they? By the way, most records have the same “ccpnts” and “ccpts99” (only 153 are different and all “ccpnts” \geq “ccpts99”).
8. What’s the relationship between the indicators and the categorical variable for the offense type? Intuitively I think they should be related in the following way.

Table 3: Correspondence of the categorical variable and indicators for the offense type

Categorical variable (“offtypeLibHyp”)	Indicators
Violent	hom, rape, rob, asslt
Drug	dstrb, possn
Property	burg, theft, fraud
Other	other

But actually some records with ‘of_hom, of_rob, of_theft’ or ‘of_fraud’ being 1 also have the value of “offtypeLibHyp” being “Other”. Besides, when “of_other” is 1, “offtypeLibHyp” may be any of the four values.

The summary of the offense types for the 17,671 sentences are as follows.

Table 4: Summary of offense types (in terms of both the categorical variable and indicators)

Categorical variable (“offtypeLibHyp”)	Indicators
3098 Violent	226 hom, 286 rape, 597 rob, 1811 asslt, 178 other
5528 Drug	2967 dstrb, 2538 possn, 23 other
5858 Property	2066 burg, 1214 theft, 2013 fraud, 565 other
3187 Other	48 hom, 1 rob, 62 theft, 42 fraud, 3033 other

Note that $48 + 1 + 62 + 42 + 3033 = 3186 \neq 3187$ because we have one record with all indicators being 0 but the “offtypeLibHyp” being “Other”. Besides, the summary statistics here are different from Table 1 in Hester’s another paper [2], in which it seems like the “dstrb” offenses are counted as “Violent” instead of “Drug”.

9. In Table 1 in Hester’s another paper [2], there are some variables I don’t know how to get from the data: Prison term, Commitment score and Mandatory minimum.
10. This is possibly a typo in the data. The offense-type indicator variables for the first sentence record are all 0 but the “offtypeLibHyp” is “Other”. Which indicator for the first record should be 1?

References

- [1] Hester, Rhys. "JUDICIAL ROTATION AS CENTRIPETAL FORCE: SENTENCING IN THE COURT COMMUNITIES OF SOUTH CAROLINA." *Criminology* 55.1 (2017): 205-235.
- [2] Hester, Rhys, and Todd K. Hartman. "Conditional race disparities in criminal sentencing: a test of the liberation hypothesis from a non-guidelines state." *Journal of quantitative criminology* 33.1 (2017): 77-100.