

SENTENCING IN MONTGOMERY COUNTY -- JUNE 23, 2005

INTRODUCTION.

At the request of the Montgomery County Criminal Justice Coordinating Commission, the Maryland Justice Analysis Center of the University of Maryland conducted an analysis of the sentences given in Circuit Court for the period 1995-2003. In the analysis special attention was given to the issue of the degree to which racial and ethnic characteristics of defendants were associated with the decision to incarcerate and the length of sentences for those incarcerated¹.

This analysis is limited to those variables in the database maintained by the Maryland Commission on Criminal Sentencing Policy. Therefore, all conclusions must be tempered by the fact that not all factors that might influence a judge's decision are included in the analysis. To truly understand sentencing in Montgomery County a more in depth study would need to be conducted. Still the results of the analysis, which were previously presented to the CCJC, should be useful in directing further study of sentencing in this jurisdiction.

FINDINGS.

The major findings from the analysis of the data for the period 1995-2003 were:

¹ Data for this analysis were provided by the Maryland Commission on Criminal Sentencing Policy. For a discussion of these data and the variables available for this analysis see the Maryland Sentencing Guidelines Manual at www.mccsp.umd.edu.

1. During this period there were no changes in sentencing patterns. The consistency of sentencing distributions suggested no major shifts in the use of incarceration or the length of sentences.
2. Sentencing patterns were consistent with those in the state data in that violent offenses were the most likely to result in incarceration and drug offenses the least likely.
3. The average sentence length for those incarcerated was similar to that in the statewide data. The proportion incarcerated was also similar to the statewide level despite the fact that the proportion of violent crimes was greater in Montgomery County than in the state.
4. Compliance with sentencing guidelines was slightly below the goal of two-thirds. It should be noted that since 2001 when the MCCSP redefined compliance the levels in Montgomery County have been considerably above the goal of two-thirds within guidelines.
5. Even controlling for case and other offender characteristics, gender is strongly associated with the decision to incarcerate and the length of sentence.
6. Controlling for case and other offender characteristics, the race of the offender is not associated with the decision to incarcerate or the length of sentence.
7. Hispanics represented only 8% of the cases in the sample. In the analysis, being Hispanic was not statistically associated with the decision to incarcerate or the length of sentence. However, the

direction of these statistically insignificant findings suggested that more study of the sentencing of Hispanics should be undertaken.

RECOMMENDATIONS.

Our review of the results of the analysis of sentencing in Montgomery County suggests the following:

1. The CJCC should continue to monitor sentencing and to compare sentencing in the County to statewide results. Especially as data becomes more available to the public it will be important to be able to offer the public the best forms of analysis and objective interpretation of results.
2. Gender differences are real and substantial. The CJCC should review these and determine if this continues to be appropriate.
3. The suggestion of differential sentencing for Hispanics should be further studied further. As the population in the County changes it will be even more important to better understand how this segment of the population is being treated in the criminal justice system.
4. While compliance with guidelines does not appear to be a problem it should be continually monitored. Current levels of compliance are in part due to the use of ABA plea bargains which are always subject to administrative decisions.

5. The broader question of whether the sentencing patterns in Montgomery County are achieving the goals of crime prevention and control was not addressed in this review. Now that there is evidence that the system is working fairly it may be time to consider this difficult but important issue.