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An Examination of the Effects of Workgroup Characteristics on
Criminal Case Processing & Case Outcomes

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ABSTRACT

The court communities and inhabited institutions perspectives posit that courts should be examined through a lens that considers the complex and collaborative process that court actors (e.g., judges, prosecutors, and defense counsels), collectively referred to as the courtroom workgroup, engage in during case processing. However, empirical research infrequently examines such intricacies and devotes little attention to how the characteristics of workgroup members influence courtroom interactions, the efficiency they process cases, and ultimately case decisions. This omission is notable because theory asserts that the dynamics of the workgroup are at least in part driven by the characteristics of its members.

This dissertation attempts to bridge the disconnect between theory and theory testing by centering its attention on courtroom workgroups and courtroom processes. Using observational data on a sample of pre-trial detention hearing cases (N = 330) processed virtually in a New Jersey courtroom, I examine how race and gender similarities among workgroup members and defense counsel type (private versus public defender) influences courtroom efficiency. I focus on three components of efficiency: communication, cooperation, and coordination. Second, I examine how these workgroup characteristics as well as the gender and racial composition of the workgroup are related to whether a defendant is ordered detained. Finally, I explore the potential mediating effects of courtroom efficiency on the relationships between workgroup characteristics (race and gender similarities and defense counsel type) and case decisions.

Results show that although race and gender similarities do not significantly influence courtroom efficiency, defense counsel type plays a critical role — cases involving public defenders are more efficiently disposed of by the court. This study

also finds that the characteristics of the workgroup examined do not directly or indirectly (through courtroom efficiency) influence case decisions. These results may better help to understand how the court process may be influenced by the characteristics of the workgroup members and collectively the workgroup, as well as how it may (or may not) affect case decisions. It also provides important insights into case processing and outcomes in a new judicial landscape of bail reform and virtual courts. Implications and future research are also discussed.

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CHAPTER I: INTRODUCTION

In late 2020, 1.25 million and 633,200 persons in the United States were incarcerated in state and federal prisons and jails, respectively, corresponding to an incarceration rate of 549 per 100,000 residents (Kang-Brown et al., 2021). That same year, of the total number of those jailed, nearly three-quarters were persons awaiting trial who had yet to be convicted of any crimes. Pre-trial detention jail populations have continued to grow over the past 20 years and play a significant role in driving the growth of jail populations (Liu et al., 2018; Wagner & Bertram, 2020). In light of these alarming figures, politicians and policy makers have devoted considerable attention to identifying and implementing ways to alleviate the country's carceral concerns (Alexander, 2011; Clear, 2021; Wagner & Bertram, 2020). Research spanning the criminal justice systems — from policing to courts to corrections — has played a crucial role in shaping these conversations and guiding policymaking (Porter, 2016). Particularly valuable to these conversations has been the extensive body of literature centering courtrooms, court actors, court decision-making, and judicial discretion – as the court system plays a pivotal gatekeeping role that bridges policing and corrections.

The "courtroom workgroup," a term used to describe the collective group of actors (primarily referring to judges, prosecutors, and defense counsels) that “inhabit” courtrooms and participate in the court process, features heavily in court literature (Eisenstein et al., 1988; Eisenstein & Jacob, 1977; Ulmer, 2019). These workgroups, composed of members with varying amounts of agency and power, coalesce within the organizational structure of courts to engage in a collaborative sense-making process characterized by cooperation, and that prioritizes efficiency and certainty (Blumberg, 1967; Eisenstein & Jacob, 1977; Eisenstein et al., 1988; Flemming et al.,

1992). The dynamics of the courtroom workgroup, shaped by, for example, the individual characteristics and the respective roles that each of its members play within the overarching court organization, combine to dictate how the "law on the books" is interpreted and results in the entrenchment of localized norms and strategies that help facilitate and expedite the court process and decision-making (i.e., "law in action") (Eisenstein & Jacob, 1977; Smith et al., 2022; Ulmer, 2019).¹ The uniqueness of localized sense-making by courtroom workgroups, among other factors (e.g., sentencing guidelines), has helped provide an explanation as to the prevailing disparities in judicial decision-making, particularly at the sentencing phase (e.g., Steffensmeier et al., 1998 and Ulmer & Johnson, 2004).

Despite theoretical emphases on the inhabited nature of courts and the complex interplay between workgroup members during case processing, quantitative research seldomly considers such intricacies (Lynch, 2019; Ulmer, 2019).^{2,3} Rather, research routinely overlooks the importance of workgroups by primarily examining sentencing decisions (e.g., sentence length) and employing the "modal approach," meaning they use similar theoretical frameworks and methodologies, and large administrative datasets to estimate the effects of numerous legal (e.g., nature and the total number of charges) and non-legal (e.g., defendant's race and gender) factors on case decisions using advanced regression analyses (Baumer, 2013; Spohn, 2015).

¹ The focal concerns perspective (Steffensmeier et al., 1998) and Feeley's (1979) concept of "going rates" are examples of strategies developed and adopted by courtroom workgroups. These ideas are discussed later in more detail.

² The lack of research examining the effects of courtroom workgroup characteristics on case decisions may be due to a lack of appropriate available data. For example, as Lynch (2019:1160) argues, the public and "most complete, detailed, and well-curated criminal courts-related dataset" (referring to the United States Sentencing Commission dataset) excludes information on workgroup members' characteristics, a feature she argues is common in other available administrative court datasets.

³ Typically, case processing is a term used to describe the movement of matters through the various stages of the legal system. However, in the current study, the term is used to refer to the case-level courtroom processes/occurrences taking place within a single stage of the court system, specifically during pre-trial detention hearings.

These studies often attribute sentencing decisions solely to a single workgroup member (i.e., judges) and thus overlook the important role of other workgroup members (e.g., prosecutors and defense counsels) (Baumer, 2013; Johnson, 2006; Spohn, 1990a, 1990b, 2015; Welch et al., 1988; Williams, 2013, 2017; Yang, 2014).⁴ For instance, prosecutors make important decisions throughout the judicial process that directly impact the trajectory of cases, including the decisions on whether to formally file charges and what charges to file, engage in plea bargaining, and provide sentencing recommendations (Kutateladze et al., 2014).

Ulmer (2019:509) argues that prevailing theoretical perspectives (e.g., court communities, inhabited institutions, and focal concerns) “emphasize court communities, workgroup interactions, sense-making, focal concerns, attributions, and bounded rationality” (Albonetti, 1991; Alschuler, 1975; Eisenstein and Jacob, 1977; Eisenstein et al., 1988; Flemming et al., 1992; Steffensmeier et al., 1998). However, he argues, current prevailing research practices (e.g., modal approach) misinterpret and oversimplify the complexity of these ideas, resulting in a disconnect between theory and theory testing. Lynch (2019:1165) echoes Ulmer (2019) and asserts that “when the predominant empirical methods for examining criminal sentencing uses secondary case outcome data...courts are easily treated as uninhabited, missing out on the dynamic, variegated life that happens within them.”

In light of these limitations, Lynch (2019) and Ulmer (2019) provide direction for future research by proposing that researchers diverge from traditional methodologies and instead use diverse data and methods (e.g., court ethnographies)

⁴ Some research examines how the different dyads of judges and prosecutors influence federal sentencing decisions. For example, Kim et al. (2015) find that the length of federal sentences varies by judges, prosecutors, and judge-prosecutor dyads, as well as across the examined study sites. However, the authors do not inquire as to how the characteristics (e.g., race) of the individual workgroup members influences decisions.

that more adequately help capture the interactively complex and inhabited nature of courts and the court process. Ultimately, such shifts in approaches allow for the "fleshing out" of courts' inhabited nature and may help provide a more nuanced understanding of courtroom workgroups, court processes, and decision-making (Ulmer, 2019:509). While a limited body of research has considered the inhabited nature of courts by accounting for the characteristics of workgroups, few have departed far from conventional statistical analyses. For example, Metcalfe (2016) uses case-level administrative data to examine how race and gender similarities between judges, prosecutors, and public defenders influences the efficiency of case disposition. Primarily, the author draws on existing research that finds that similarities in characteristics between interacting persons induces higher levels of cooperation and more effective forms of communication. As a result, she hypothesizes that cases involving workgroup members with similar characteristics should be disposed of more efficiently (e.g., shorter amounts of total days to case disposition) than those involving dissimilar members. Ultimately, she finds support for the notion that similarities between courtroom workgroup members induces higher levels of cooperation and more effective forms of communication, and promotes courtroom efficiency (Metcalfe, 2016). Other studies have examined the effects of the general racial composition and representation of workgroups and found evidence to signal the importance of considering the characteristics of courtroom workgroups and its members, particularly in relation to the characteristics of defendants, when examining judicial decisions (King et al., 2010; Ward et al., 2009). Together, the results of these studies suggest that more attention should be devoted towards courtroom workgroups and the characteristics of its members.

Prior examinations have also inquired as to how the actions and behaviors of specific workgroup members, particularly those of defense counsels, play a role in the court process and case decisions (e.g., Alschuler, 1975; Bibas, 2004; Van Cleve, 2016). Qualitative research contends that public defenders, compared to private counsels, are more tightly embedded within the local courtroom culture and behave in accordance with the local court's informal and formal case processing norms and strategies to maximize its efficiency and certainty (Albonetti, 1991; Eisenstein et al., 1988; Flemming et al., 1992; Steffensmeier et al., 1998). It has been inferred that because of this insider role, their heightened levels of familiarity, cooperation, and consideration for the needs of the court and workgroup members, public defenders are sometimes able to secure more favorable (i.e., less punitive) case decisions for their clients than their privately retained peers (Champion, 1989; Skolnick, 1966; Stover & Eckhart, 1974). Although not without its limitations, quantitative research examining the effects of defense counsel type on case decisions sometimes finds the opposite effect, raising important questions regarding the relationship between defense counsel type, case processing, and case decisions (e.g., Nagel & Hagan, 1983; Swigert & Farrell, 1977; Williams, 2013).

Combined, however, these studies do not directly attend to the intervening mechanisms linking workgroup characteristics (e.g., workgroup member similarities, workgroup composition, and defense counsel type), case processes, and case decisions. In other words, these studies do not explore as to how the characteristics of workgroups influence case-level processes that are important to examine to provide a more complete understanding of courtroom processes. Such inquiries not only help provide insight into the court process, but also allow for examinations of how these courtroom occurrences may influence case decisions since existing literature signals

the potential implications of the court process on case decisions (e.g., Van Cleve, 2016). Combined, research points to the importance of examining courtroom processes and judicial decision-making through an inhabited institutional lens and of accounting for the uniqueness of courtroom workgroups and their dynamics by, for example, considering the characteristics of its members.

CURRENT STUDY

To flesh out the inhabited nature of courts and gain a more comprehensive understanding of courtroom workgroups, the current study examines how various workgroup characteristics influence the way cases are processed and decided. The current study also explores the link between workgroup characteristics, case processing, and case decisions to examine whether the court process mediates the relationships between the examined workgroup characteristics and case decisions. This examination focuses on three characteristics of courtroom workgroups – race and gender similarities between workgroup members, race and gender composition of the workgroup, and defense counsel type.

First, the current study considers how similarities in race and gender between the various combinations of workgroup members (judges, prosecutors, and defense counsels, judges and prosecutors, judges and defense counsels, and prosecutors and defense counsels) influence the court process. Prior literature contends that similarities among persons induces higher levels of cooperation, more effective forms of communication and coordination, thus similarities among workgroup members may play some role in how efficiently the courtroom disposes of cases (Eisenstein & Jacob, 1977; Eisenstein et al., 1988; Haynes et al., 2010; Hinds et al., 2000; Katovich & Couch, 1992; Lazarsfeld & Merton, 1954; Ulmer, 1995; Wimmer & Lewis, 2010). When examining the court process, the current study focuses on three aspects —

communication, cooperation, and coordination — that individually and combined may signal how efficiently cases are processed by the court (courtroom efficiency). Indicators of communication include occurrences such as admonishments and interruptions of prosecutors and defense counsels by presiding judges, whereas measures of cooperation include actions by defense counsels, including objecting to one or more of a prosecutor's submitted exhibits, submitting at least one exhibit, and not stipulating to probable cause. Coordination in the courtroom setting is captured using measures that capture whether prosecutors and defense counsels appear to have paperwork that is either missing or unorganized during the hearing of a case. The number of times off-record and duration of hearings are measures that are also used that more generally signal courtroom efficiency.

The current study also examines how defense counsel type influences the three described aspects of the court process and more generally courtroom efficiency. Literature contends that the actions and behaviors displayed by defense counsels during case processing vary by type of counsel (public defender or private counsel), and thus it is an important workgroup characteristic to consider, as it may dictate how efficiently cases are processed and decided (Alschuler, 1975; Bibas, 2004; Van Cleve, 2016). The court process, specifically, the associated efficiency in which cases are processed, is an important area of study as it may also influence a defendant's perception of the legitimacy and professionalism of the legal system and its actors (e.g., Clair, 2020).

Second, this examination examines how various race and gender compositions of workgroups (e.g., all white, majority white, all male, and majority white and male workgroup members), race and gender similarities between judges and prosecutors, as well as judges and defense counsels, and defense counsel type influence case

decisions. The examinations of the effects of race and gender similarities and workgroup composition are both informed by the bodies of literature (e.g., focal concerns perspective) that contend that judicial decision-making is, at least in part, influenced by the characteristics (e.g., race and gender) of defendants (Albonetti, 1991; Steffensmeier et al., 1998). Last, it explores how courtroom efficiency may mediate the relationships between the workgroup characteristics examined and case decisions. As organizations, courts seek to maximize efficiency and certainty during the court process and decision-making, and the actions and behaviors of workgroup members that impede the court from achieving such goals may have an influence on case decisions, therefore it is an important aspect to explore as there may be an existing meaningful link between workgroup characteristics, courtroom efficiency, and case decisions (Albonetti, 1986, 1991; Eisenstein & Jacob, 1977; Feeley, 1979).

To attend to these lines of inquiry, the current study utilizes a unique sample of pre-trial detention hearing cases (N = 330) observationally collected in a New Jersey Superior Court courtroom from April 14th of 2020 to April 27th of 2021. The sample is composed of cases involving indictable (i.e., felony) offenses that were processed virtually due to the COVID-19 pandemic.⁵ In other words, each of the workgroup members and the defendant remained physically isolated from one another during case processing and were brought together via a virtual courtroom using video-conferencing technology. Using a field instrument specifically developed to capture detention hearing occurrences, data were virtually collected and include each case's legal (e.g., nature of top charges, the total number of charges, defendant's criminal history, Public Safety Assessment [PSA] recommendations) and non-legal factors

⁵ The state of New Jersey discontinued in-person proceedings on March 15th, 2020. See <https://www.njcourts.gov/pressrel/2020/pr031520a.pdf?c=q4G> for more.

(e.g., race and gender of defendants, defense counsel type), the race and gender characteristics of workgroup members (judges, prosecutors, and defense counsels), dynamic measures of case processing (e.g., number of times off-record, duration of cases, admonishments and interruptions of workgroup members by judges, and the actions and behaviors of defense counsels more generally), and subsequent case decisions (i.e., whether a defendant is held pre-trial).

Following New Jersey's 2017 bail reform, courts ceased their widespread use of monetary bail as a condition of pre-trial release and altered the layout of their pre-trial process to include two types of hearings — initial and detention hearings.⁶ Detention hearings are held for cases in which prosecutors determine that the risk posed by the defendant warrants pre-trial detention, leading them to file detention motions for the court to make a pre-trial detention determination. If no detention motion is filed, pre-trial release determinations are made during initial hearings. In general, during detention hearing cases, defense counsels (private or public) and prosecutors present their arguments to the court against and for, respectively, the pre-trial detention of the defendant. Following initial presentations and any necessary subsequent argumentations between counsels or additional case related inquiries by the court, the judge assesses the appropriate case factors and makes its final pre-trial determination on whether to release or detain the defendant pre-trial. Due to the multi-staged detention hearing process that requires the constant dialogue between all participating workgroup members, the case-level information collected allow for a unique examination of courtroom workgroups, court processes, and decision-making.

⁶ See <https://www.njcourts.gov/courts/assets/criminal/cjrlegislation.pdf?c=akm> for more on New Jersey's bail reform.

The current examination contributes to the body of knowledge surrounding courtroom processes and courtrooms in general in several ways. First, the study focuses on an early part of the judicial process (pre-trial) that, compared to sentencing, receives little empirical attention despite its importance. Additionally, it uses data of pre-trial hearing cases collected in the state of New Jersey – one of the few states in the country that has discontinued its widespread use of monetary bail as a condition of pre-trial release and adopted the use of PSAs to help guide judicial decision-making. The use of monetary bail as a condition of pre-trial release and a defendant’s inability to afford bail amount (resulting in pre-trial detention) has been found to negatively impact defendants and the trajectory of their legal cases. For example, research finds that pre-trial detention threatens a defendant’s employment, economic security, housing, and weakens their family and local community ties (Criminal Justice Policy Program, 2016; Irwin, 1985; LaFree, 1985; Mitchell, 2020). Pre-trial detention also increases a defendant’s likelihood of pleading guilty, receiving a prison sentence, receiving a longer sentence length, and reduces their likelihood of receiving downward departures in sentencing decisions (Albonetti, 1991; Ares et al., 1963; Phillips, 2008; Spohn, 2008; Stevenson, 2018; Sutton, 2013; Tartaro & Sedelmaier, 2009; Williams, 2017). Additionally, being detained pre-trial also increases a defendant’s likelihood of committing future (when and if released) new crimes and failing to appear in court when required (Foote et al., 1954; Goldkamp, 1979; Heaton et al., 2017; Lowenkamp et al., 2013). Further research also finds that minority defendants receive higher bail amounts, are more likely to be held pre-trial, and then are more likely to receive harsher sentencing decisions (Kutateladze et al., 2014; Stolzenberg et al., 2013).⁷

⁷ See Kurlychek & Johnson (2019) for a review of the literature on cumulative disadvantage.

Relatedly, this research informs the body of knowledge pertaining to the court's use of risk assessment tools (e.g., PSA). Due to the recency of the enacted bail reform legislation in the state of New Jersey, few studies have considered how risk assessment tools (e.g., PSAs) are utilized not only by judges to assess the risk posed by defendants and formulate pre-trial detention decisions, but also by prosecutors when making pre-trial detention motion filing decisions. Although the sample of cases used here were collected in a single pre-trial courtroom, the study's findings have implications for how PSAs are being used by courts and workgroup members at the pre-trial phase in a state that abolished monetary bail as well as more broadly by courts who employ PSAs or other risk assessment tools to formulate case decisions.

The current study also utilizes a unique sample of cases that were processed in a fully virtual manner (i.e., workgroup members and defendants appear on video and are physically isolated from one another). There is little research on how workgroup dynamics, case processing, and case decisions may be shaped by fully virtual settings; the bulk of empirical court research utilizes samples of cases that are processed in the traditional in-person manner (i.e., workgroup members and defendants are physically present in the courtroom) and less frequently so, use sample of cases processed in a hybrid virtual manner (i.e., the defendant appears virtually while workgroup members are physically present in the courtroom). However, since video-conferencing technology has been used by courts to some capacity since the 1990s (and recently amplified by the COVID-19 pandemic), there is existing research that have explored its effects in the courtroom context (Bannon & Adelstein, 2020; Bridenback, 2016; Muigua, 2020; Turner, 2020). Prior research examining the effects of video-conferencing in the courtroom setting finds that although the use of such modality to process cases has its benefits (e.g., reduced time spent incarcerated, increased access

to courts and safety) (Garvin et al., 2011; Kenniston, 2016; Lynch, 2015; Zorza, 2007), it also influences the outcomes of cases by enhancing punishment (Eagly, 2014; Diamond et al., 2010; TRAC Immigration, 2020; Walsh & Walsh, 2008). Studies also find that video-conferencing use may also infringe on the rights of defendants and damage the legitimacy and professionalism of the court (Angelleli, 2009; Berman & Woods, 1994; Gourdet et al., 2020; Philadelphia Bail Fund, 2018).

Additionally, video-conferencing may also play a crucial role in how effectively workgroup members communicate with one another and the workgroup member's assessments of the defendant's credibility, as sometimes important non-verbal forms of communication (e.g., eye contact and body language) are either misinterpreted or altogether missed (Landström et al., 2015; Mehbrabian, 2008, 2017; Timony, 1999; Vavonese et al., 2020; Walsh & Walsh, 2008). The identified negative effects of hybrid virtual settings in the courtroom setting may also be exacerbated by the added complexity of fully virtual courtrooms, as all participants are physically isolated and appear remotely. Although the current study is unable to directly attend to how the different case processing modalities (traditional in-person, hybrid and fully virtual) influence the examined outcomes, it adds to the existing limited body of knowledge pertaining to fully virtual courtrooms.

DISSERTATION LAYOUT

The remainder of the dissertation includes six chapters. Chapter 2 presents the theoretical backdrop for the current study and includes a review of the literature surrounding the different characteristics of workgroups that influence case processing, as well the factors found to influence judicial decision-making. In Chapter 2, the theoretical connection between case processing and case decisions is also discussed. At the end of Chapter 2, the current study's hypotheses are presented. In Chapter 3,

the study's study site and its characteristics are discussed, followed by the study's variables of interest. The study's analytic strategy and limitations of the data are also discussed.

In Chapters 4, 5, and 6, the study's findings are presented. In Chapter 4, the effects of workgroup characteristics (race and gender similarities between workgroup members and defense counsel type) on case processing measures are discussed. Chapter 5 presents the findings related to the effects of workgroup characteristics on case decisions, and Chapter 6 discusses the findings related to the exploration of the potentially mediating effects of case processing on workgroup characteristics and case decisions. In the final chapter (Chapter 7), the presented results, implications of the current research, and directions for future research are discussed.

CHAPTER II: BACKGROUND

The courtroom workgroup is explicitly or implicitly at the center of a variety of theoretical traditions related to sentencing and the broader study of punishment. The current chapter discusses these frameworks to situate the current study's various lines of inquiry. This study first examines how race and gender workgroup member similarities and defense counsel type influences case processing. Second, it examines how race and gender workgroup member similarities, the race and gender composition of workgroups, and defense counsel type influences case decisions. Lastly, it explores the potentially mediating effects of case processing on the relationships between workgroup characteristics and case decisions.

Due to the multiple lines of inquiry, this study draws on various but related perspectives, frameworks, and concepts to theoretically contextualize the study and inform its distinct avenues of research to help explain how and why each of the examined workgroup characteristics are expected to influence case processing and or case decisions. Altogether, the current study draws on the court communities and inhabited institution perspectives, attribution and group threat theory, as well as the focal concerns decision-making framework (Albonetti, 1991; Blalock, 1967; Bridges & Steen, 1998; Johnson & King, 2017; Liska, 1992; Lofland, 1969; Myers, 1987; Eisenstein & Jacob, 1977; Eisenstein et al., 1988; Flemming et al., 1992; Steffensmeier et al., 1998; Ulmer, 2019). The current study also draws on organizational theory and social psychology research (DiMaggio & Powell, 1983; Fligstein & McAdam, 2011; Martin, 2003; Morrill & McKee, 1993; Scott, 2008; Metcalfe, 2016; Haynes et al., 2010).

The current chapter is organized as follows. First, the court communities and inhabited institution perspectives are discussed to contextualize the environment

within which courtroom workgroup members function. Second, a brief overview of organizational theory is provided to help further explain the relationship between workgroup members, their roles and objectives, and the organizational structure and constraints of the court. Next, a discussion of the literature related to defense counsels and how their goals and objectives vary by counsel type is presented to help explain as to why defense counsel type is expected to influence case processing and case decisions. Following the discussion on defense counsel type, the literature on the effects of similarities on communication, cooperation, coordination, and trust are discussed. Last, the current chapter discusses the focal concerns perspective, as well as other less complex frameworks (attribution and group threat theory) to help explain as to why workgroup composition is expected to influence case decisions.

THE COURT COMMUNITIES PERSPECTIVE

Theoretical Underpinnings

Since the 1960s, researchers have highlighted the importance of viewing and examining courts and courtroom workgroups through an organizational lens. In an early study, Blumberg (1967:24) finds that workgroups engaged in a court process characterized by “reasonable” cooperation rather than by “fierce” conflict. Blumberg (1967) asserts that such non-adversarial approaches adopted by workgroups during case processing are best understood when viewed through an organizational lens. Accordingly, the court organization possesses a “thrust, purpose, and direction of its own” and is grounded in “pragmatic values” and “bureaucratic priorities” (Blumberg, 1967:19). Most important to the court, he argues, are the goals of efficiency and reduced uncertainty (Blumberg, 1967). Court efficiency is characterized by the number of cases it disposes of, as courts have large caseloads of defendants it must process despite having limited resources (e.g., time and personnel). When disposing

of cases, decisions must be made in a way that reduces uncertainty. Specifically, they must be made in a way that reduces the likelihood of future scrutiny and reprisal from appellate courts, who may, for instance, overturn earlier court rulings, as well as from public and private entities who may use the media and other platforms to paint the court in a negative light.

To ensure that the “higher claims” of the court are met, courtroom workgroups abide by the organizational goals of the court and cooperate with one another to facilitate case processing (Blumberg, 1967). This is particularly true for defense counsels, especially public defenders, who must do so to maintain stable, close, and continuing relationships with other workgroup members, as the state of these relationships have the potential to play an essential role in guiding how present and future cases are processed and resolved (discussed later in more detail). These professional, economic, and intellectual ties to the court then supersede in importance the ties that defense counsels have to their own clients – “organizational goals and discipline impose a set of demands and conditions of practice on the respective professions in the criminal court, to which [defense counsels] respond by abandoning their ideological and professional commitments to the accused client, in the service of these higher claims of the court organization” (Blumberg, 1967:19). In sum, Blumberg (1967:39) concludes, “Courts, like many other modern large-scale organizations possess a monstrous appetite for the cooptation of entire professional groups as well as individuals. Almost all those who come within the ambit of organizational authority, find that their definitions, perceptions and values have been refurbished, largely in terms favorable to the particular organization and its goals.”

Court Communities and Inhabited Institutions

Blumberg's (1967) seminal research laid the groundwork for the court communities perspective which contends that courts are inhabited by individual workgroup members, with varying levels of agency, who represent agencies with differing sets of goals, objectives, and who converge under a shared environment to participate in case processing and formulate decisions (Eisenstein & Jacob, 1977; Eisenstein et al., 1988; Flemming et al., 1992). This view further posits that case processing and decision-making are not only influenced by the court's overarching informal and formal organizational rules set forth via statutes, sentencing guidelines, administrative rules, and policy and political influences, but also by interorganizational relationships and the dynamics of the workgroup. The workgroup dynamics are shaped by, for example, the characteristics and values of individual workgroup members, the composition and stability of the workgroup, and the familiarity among its members.

While constrained by the overarching organizational rules, workgroups engage in a collaborative sense-making process that results in the emergence of localized organizational cultures that dictate case processing norms and practices (e.g., see Dixon, 1995; Kautt, 2002; Ulmer, 2005). Courtroom workgroups utilize and members conform to these developed localized norms and practices (e.g., "going rates," discussed later) to facilitate and expedite case processing in addition to reducing the levels of uncertainty associated with complex court decision-making (Albonetti, 1986, 1991; Eisenstein & Jacob, 1977; Feeley, 1979). In other words, due to the informal and formal rules of the court organization and the constant pressure exerted on workgroups to ensure that the court's higher claims of efficiency and reduced

uncertainty are met, workgroups engage in a process characterized by collaboration and cooperation (Blumberg, 1967).

However, the pressures exerted on workgroup members by the court and the balancing of such pressures with their own needs and those of their respective individual organizations varies by workgroup member. For instance, prosecutors balance the needs set forth by the Prosecutor's Office to expeditiously process large caseloads and guarantee defendants' convictions with the needs of the court (efficiency and certainty) (Dhami, 2002; Ebbesen & Konecni, 1975; Hessick III & Saujani, 2002; Suffet, 1966; Varma, 2002). One notable pattern that has persisted due to this balance of needs is the large number of cases disposed of via plea deals. Specifically, prosecutors' desire to achieve high conviction rates, coupled with both the courts' and prosecutors' need for cases to be resolved efficiently and with certainty results in an overwhelming majority of criminal convictions obtained via plea deals (Engen & Steen, 2000). Compared to cases resolved by plea deals, cases disposed of via bench and jury trials require a larger share of courts' and prosecutors' limited resources (e.g., time). Additionally, cases resolved at trial are associated with higher levels of uncertainty, as defendants may not be convicted by the judge or jury. Therefore, compared to trials, convictions obtained via plea agreements are a more efficient mode of disposing of cases for both the courts and prosecutors.

On the other hand, defense counsels must balance the needs of the court, their clients, and those of the prosecutor. To satisfy the courts' and prosecutors' need for efficiency, defense counsels must effectively represent their clients while also moving cases towards a swift resolution. Doing so, for example, aids in evading reprisals that may result if a defense counsel is perceived to be unnecessarily extending the length of judicial cases (Alschuler, 1975; Bibas, 2004; Hessick III & Saujani, 2002). Defense

counsels also pay close attention to their interactions with surrounding workgroup members during case processing as these interactions have implications for present and future cases. For example, to ensure the court's needs of efficiency and certainty are met and increase the likelihood that their clients receive favorable case decisions, defense counsels may cooperate and engage in a non-adversarial form of case processing. However, differences exist across the balancing of needs by public defenders and private counsels. These differences, which will be discussed later in more detail, have implications for how cases are processed and decided.

In sum, effective forms of communication and cooperation between workgroup members during case processing plays a crucial role in ensuring the court's higher claims of efficiency and certainty are met. Therefore, any actions or behaviors of workgroup members that may be characterized as instances of miscommunication and a lack of cooperation signal courtroom inefficiency. In detention hearing cases, a lack of cooperation by defense counsels may be displayed through their decisions to object to an exhibit submitted by the prosecutor, by submitting exhibits on their client's behalf, and by declining to stipulate to probable cause to one or more charges. All three of these decisions by the defense counsel obstructs the speedy processing of cases as they often require additional legal argumentations, as well as judicial reviews and decisions. During detention hearing cases, instances of miscommunication may be displayed through admonishments and interruptions of workgroup members by judges. For example, a judge may decide to interrupt and or admonish workgroup members for not following the appropriate established informal or formal practices of the courtroom. These occurrences not only slow down the efficient processing of cases but may also prompt reprisals by judges via their case decisions.

Court Communities Through an Organizational Lens

Drawing directly from organizational theory helps further contextualize the importance of workgroup dynamics, the balancing of needs by workgroup members, and the emergence of localized court cultures (DiMaggio & Powell, 1983). DiMaggio and Powell (1983:147) posit that courts can be considered institutional fields, or “highly structured organizational fields [that] provide a context in which individual efforts to deal rationally with uncertainty and constraint often lead, in the aggregate, to homogeneity in structure, culture, and output” (Fligstein & McAdam, 2011; Martin, 2003; Morrill & McKee, 1993; Scott, 2008). Furthermore, the authors contend that the different organizations or “agencies” which individual workgroup members represent can also be considered unique institutional fields (DiMaggio & Powell, 1983).

Each of the individual institutional fields that workgroup members represent exert their own sets of pressures on their respective members, as each agency (similar to the court’s) has its unique sets of organizational goals, objectives, and informal and formal rules. For example, public defenders, private defense counsels, and prosecutors represent their individual institutional fields during case processing — Public Defender's Office, private firms, and Prosecutor's Office, respectively.⁸ These individual institutional fields converge and interact within the context of the larger overarching institutional field of the court during case processing. As a result of this interplay, court's and individual workgroup member's goals, objectives, formal and informal constraints, and case processing norms and strategies (i.e., court culture)

⁸ Eisenstein and Jacob (1977) refer to the respective institutional fields that workgroup members represent as “sponsoring organizations.”

emerge; a process referred to as “isomorphism” (DiMaggio & Powell, 1983; Morrill & McKee, 1993; Scott, 2008).

DiMaggio and Powell (1983) identify three distinct mechanisms of institutional isomorphic change — coercive, mimetic, and normative isomorphism. Coercive isomorphism results from "formal and informal pressures exerted on organizations by other organizations upon which they are dependent and by cultural expectations in the society within which organizations function" (DiMaggio & Powell, 1983:150). Examples of formal pressures are organizational mandates and laws whereas informal pressures may come by way of informal conversations among organizational members. With regards to the court's institutional field, this form of isomorphism results from pressure exerted on the court and its staff (e.g., judges) by courts administrators or other interacting institutional fields (e.g., local, state, and federal governments, and corrections) that play a role in guiding the court's goals and objectives.

For example, institutional fields such as local jails, of whose detained populations are largely dependent on and driven by the decisions made by the courts, may exert pressure on courts to alter their decision-making to help reduce its population due to overcrowding (i.e., limited bed space) (Lara-Millán & Van Cleve, 2017). Similarly, judges, public defenders, and prosecutors may be forced to rapidly dispose of cases to process lengthy caseloads via the pressure exerted on them by not only the court but also the individual institutional fields for which they represent. For example, judges, prosecutors, and defense counsels, and particularly public defenders, are pressured by the needs of their individual institutions to efficiently dispose of cases to maximize the use of their limited quantities of resources. In sum, change occurs and cultures emerge as institutional fields and their representatives interpret

and conform to the formal and informal regulations posed by surrounding interacting fields to meet the set expectations.

Change may also occur via mimetic isomorphism. Mimetic isomorphism refers to the process where individual actors and organizations mimic the actions and behaviors of surrounding successful organizations. DiMaggio and Powell (1983) posit that this form of change occurs as organizations attempt to increase efficiency and deal with the uncertainty associated with decision-making. Due to these pressures, the mimicking organization replicates the actions and behaviors of other perceived successful and legitimate "model organizations," and may be "diffused unintentionally, [and] indirectly through employee transfer or turnover" (DiMaggio & Powell, 1983:151). For example, a Public Defender's Office may mimic the practices of other successful offices, such as strategies that help alleviate caseload concerns and increase case processing efficiency.

Lastly, normative isomorphism refers to change resulting primarily from professionalization, which is defined as the "...collective struggle of members of an occupation to define the conditions and methods of their work, to control "the production of producers" (DiMaggio & Powell, 1983:152; Larson, 1977). Normative isomorphism is transferred via formal education (e.g., law school) and informally through professional networks. Furthermore, DiMaggio and Powell (1983:152) argue that such mechanisms (formal educations & professional networks) "create a pool of almost interchangeable people who occupy similar positions across a range of organizations and possess a similarity of orientation and disposition that may override variations in tradition and control that might otherwise shape organizational behavior." Put more simply, normative isomorphism results from the development of

cultures and strategies that persist over time and are learned and passed on to new workgroup members through informal and formal avenues.

By drawing directly from organizational theory, we can better understand the pressures exerted on individual workgroup members by the different institutional fields, the interactive relationships between the distinct organizations, and how the exerted pressures on workgroups and its members may result in the emergence of court culture that influences case processing.

DEFENSE COUNSEL TYPE

Case Processing

Research finds that the balancing of needs by defense counsels and the constraints and pressures exerted on them by the court organization differ across defense counsel type.⁹ Compared to private counsels, public defenders typically have larger caseloads and more limited resources, and thus must consider and balance such factors when determining the appropriate course of action during case processing (American Bar Association, 2004, 2009; Hessick III & Saujani, 2002; Spangenburg Group, 2009; Weitzer, 1996).¹⁰ Public defenders are also considered “repeat players,” as counsels who due to their assignment to specific courts and courtrooms repeatedly engage during case processing with the same workgroup members and become highly familiarized with the established local case processing norms and strategies (Blumberg, 1967; Bibas, 2004; Eisenstein & Jacob, 1977; Galanter, 1974).¹¹ On the

⁹ In the state of New Jersey, adult and juvenile defendants who are charged with criminal and juvenile offenses that cannot afford a private attorney are represented by public defender’s staffed by the state’s Office of the Public Defender (NJOPD). See <https://www.nj.gov/defender/apply/index.shtml>.

¹⁰ Public defenders include defense lawyers who are assigned to cases to represent indigent defendants and who are either paid fixed salaries or who are private lawyers appointed by the court for either a low fixed or hourly rate. In the current study, all observed public defenders were considered full time staff (i.e., paid fixed salaries) by New Jersey’s Office of the Public Defender (NJOPD).

¹¹ Workgroups that repeatedly interact with no turnover in members are considered stable. Stability of workgroups determines the familiarity between workgroup members (Goodman & Leyden, 1991; Katz, 1982).

other hand, private counsels are considered “one-shotters,” meaning, counsels who have limited experience functioning within the given courtroom and who may only occasionally interact with its workgroup members.¹² These public defender characteristics (heightened familiarity, limited resources, and large caseloads) and their necessity of ensuring that their own and the court’s needs of efficiency are met combine to result in public defenders developing close working relationships with workgroup members and adopting the court’s established formal and informal strategies for disposing of cases (Blumberg, 1967).

As a result, compared to private counsels, public defenders participate in a form of case processing that is characterized by higher levels of cooperation and that is generally less adversarial in nature; this in turn facilitates communication and negotiations, and has the potential to influence the case decisions of indigent defendants (Champion, 1989; Stover & Eckhart, 1974; Wice, 1985). The relationships between workgroup communication, cooperation and efficiency, and their effects on case decisions are evident, particularly during the plea-bargaining process. Wice (1985) argues that the high familiarity with the localized case processing norms and strategies and the cooperative natured approach adopted by public defenders facilitates communication with prosecutors during the plea-bargaining process (Skolnick, 1966). Such communications are important as they allow for the transmission of crucial information that may be useful to public defenders to better position themselves during negotiations and help better mitigate the punishment imposed on their clients (Wice, 1985). Wice (1985:65) asserts that this non-

¹² It is important to acknowledge that private attorneys who consistently interact with specific locales can also reach the level of familiarity reached by public defenders. However, in the current study, each of the four primary public defenders in the sample participated in case processing in many more cases than any single private attorney, and thus can be considered as being more familiar and a repeat player.

adversarial form of case processing is “necessary to grease the squeaky wheel of justice” because it facilitates case processing and helps ensure courtroom efficiency.

Although the adoption of such a non-adversarial approach benefits the court and sometimes defendants, it also tarnishes the reputation of public defenders and their profession. Specifically, public defenders are sometimes viewed as “double agents,” or as defense counsels who, although advocating for their clients, cooperate with workgroup members to such an extent that they are perceived as state actors (Blumberg, 1967; Uphoff, 1992; Worden, 1991). This perception of public defenders as double agents is evident in research that examines the dynamics of the relationships between public defenders and their clients (Casper, 1972; Clair, 2020). For example, Clair (2020) examines differences in case processing and the defendant's perceptions of counsels depending on defense counsel type. Most notably, he finds that, compared to defendants represented by private counsels, indigent defendants are more likely to attempt to intervene during case processing and take a more active approach during the processing of their cases (Clair, 2020). This increase in defendant activity is attributed to their beliefs of public defenders' role as double agents, resulting in an attorney-client relationship fractured by mistrust. Privileged defendants (i.e., those represented by private counsels) on the other hand, are more likely to delegate authority to their counsels and defer to judges during case processing. Clair (2020) also finds that defendants who delegate authority to their defense counsels, which tend to be those represented by private counsel, are rewarded with more favorable case decisions.

On other hand, a lack of cooperation and miscommunication by defense counsels may be perceived by the court and workgroup members as a threat to their ability to meet their organizational needs and negatively influence case decisions. In

her ethnography, Van Cleve (2016) found that defendants received harsher formal punishment from judges and prosecutors for the adversarial actions of their counsels during case processing, including instances in which defense counsels were merely exercising due process rights. Specifically, Van Cleve (2016:83) observes that “there were dire consequences for fighting too hard, pursuing too many motions and trials, or pushing due process necessities beyond the absolute minimum.” Like defendants, defense counsels themselves were also punished, although more informally. For instance, defense counsels who violated the court’s localized norms and strategies and whose actions either intentionally or unintentionally extended the length of judicial cases were classified as “mope lovers,” referring to someone who fails to prioritize the court’s needs and those of other workgroup members over their ideological and professional commitment to their clients (Blumberg, 1967; Van Cleve, 2016). As discussed, cooperation and communication between workgroup members influences the nature of interactions between members in the courtroom setting and has the potential to influence how efficiently cases are processed and decided.

Case Decisions

Research has examined the effects of defense counsel type on case decisions. Generally, these findings are mixed and suggest that defense counsel type matters in some contexts, while not in others. For example, some sentencing research finds that defense counsel type does not affect a defendant's likelihood of receiving probation, the likelihood of incarceration, or sentence length (Hanson et al., 1992; Hartley et al., 2010; Spohn & Holleran, 2001; Taylor et al., 1972; Nardulli, 1986; Walker et al., 2004; Wheeler & Wheeler, 1980; Williams; 2002; Willison, 1984). Although Wheeler and Wheeler (1980) find that defendants represented by private counsels are more

likely to receive non-custodial prison sentences, this relationship becomes statistically insignificant when controlling for the defendant's pre-trial status.

Other studies find that defendants with private counsels are less likely to be convicted, incarcerated, and receive shorter sentence terms (Gitelman, 1971; Hoffman et al., 2005; Nagel & Hagan, 1983; National Center for State Courts, 1992; Silverstein, 1965; Williams, 2013). Using administrative court data, Harlow (2001) finds that defendants with private counsels are less likely to be incarcerated than those with public defenders, but defendants with public defenders are more likely to receive shorter sentences when convicted. And, when examining the effect of defense counsel type on capital murder case decisions, Beck and Shumsky (1997) find that defendants represented by private counsels are less likely to receive the death sentence. Overall, when providing an explanation for the inconsistency in findings related to effects of defense counsel type on case decisions, Hartley et al. (2010) suggest that private counsels may have as good a relationship with the local courtroom workgroups as public defenders do in some places, while not in others, resulting in the mixed findings discussed before.

In general, research examining the effects of defense counsel type on pre-trial decisions finds that defendants represented by private counsel receive more favorable case decisions, although this is not always the case. Defendants represented by private counsel are, for instance, more likely than those represented by public defenders to secure pre-trial release and receive lower bail amounts (Holmes et al., 1996; Swigert & Farrell, 1977; Turner & Johnson, 2003, 2005; Williams, 2013, 2017). Consistent with these findings, Williams (2013) also finds that defendants with public defenders are more likely to be denied bail and less likely to be released than defendants with private attorneys. In contrast, and in line with the notion that public defenders develop

informal relationships with surrounding workgroup members that may help mitigate the punishment imposed on defendants, she also finds that public defenders are more successful than private counsels in securing lower bail amounts and non-financial release options (Wice, 1985; Williams, 2013). This finding is comparable to Harlow's (2001) sentencing study, where the author finds that defendants with public defenders are more likely to receive shorter sentences when convicted.

Altogether, research examining pre-trial and sentencing decisions find that defense counsel type has mixed effects on case decisions. In the context of the court organization and workgroups, these findings suggest that although public defenders cooperate with workgroup members more so than their privately retained peers during case processing, they are unable to consistently secure more favorable and less punitive case decisions for their clients, as would be expected. However, in decisions involving more discretion (e.g., bail amount and sentence length), research generally finds that public defenders fare better than private counsels in securing more favorable decisions for their clients (i.e., lower bail amounts and shorter sentence lengths) (Harlow, 2001; Williams, 2014).

WORKGROUP SIMILARITIES, CASE PROCESSING, AND CASE DECISIONS

As has been discussed, courts may be considered as organizations with set goals and objectives — primarily efficiency and certainty — that are inhabited by workgroup members with varying levels of agency and power (Eisenstein & Jacob, 1977; Eisenstein et al., 1988; Flemming et al., 1992). Workgroups, with each of its members having their own sets of goals that are set forth by their representatives, coalesce and engage in an interactive non-adversarial court process that relies on cooperation and effective forms of communication to efficiently dispose of cases (Albonetti, 1986, 1991; Blumberg, 1967; Eisenstein & Jacob, 1977; Skolnick, 1966;

Thompson, 1967). Research in other areas of study identify factors, such as similarities in race and gender between persons, that shape the dynamic of interactions by facilitating communication and cooperation. This literature is discussed here, as similarities have implications for shaping workgroup dynamics and ultimately courtroom efficiency and case decisions.

Research finds that persons are increasingly attracted to others with “common pasts,” or to those with similar visible characteristics such as race, age, and gender as well as those with similar beliefs and attitudes, particularly when under conditions of high risk and uncertainty (Ulmer, 1995). This process is referred to as “homophily” (Byrne, 1971; Coleman, 1990; Lazarsfeld & Merton, 1954; Newcomb, 1961).

Homophily results from a higher propensity to trust others who are alike and a greater overall positive perception (Brewer, 1999; Carley, 1991; Mullen et al., 1992; Newton et al., 2018; Perdue et al., 1990). Research also finds that persons with similar characteristics are also more likely to share similar outward beliefs (e.g., about others and issues in general) (Cartwright & Harary, 1956; Heider, 1946; Rawlings & Friedkin, 2017). Interactions among similar persons are associated with increased levels of cooperation because people more so value the contributions of similar others (Hinds et al., 2000; Haynes et al., 2010; Melamed et al., 2020; Romano et al., 2017; Simpson et al., 2007). These heightened levels of trust and cooperation facilitate coordination, induce more effective forms of communication, and help alleviate uncertainties associated with interactions and decision-making (Eisenstein & Jacob, 1977; Eisenstein et al., 1988; Haynes et al., 2010; Hinds et al., 2000; Katovich & Couch, 1992; Lazarsfeld & Merton, 1954; Ulmer, 1995; Wimmer & Lewis, 2010).

Although similarities in characteristics are found to influence the dynamics of interactions between persons, research examining how such similarities may shape the

nature of courtroom workgroup member interactions, and particularly how it may influence courtroom efficiency and case decisions, is limited. However, the existing work that does examine such relationships finds that shared characteristics among courtroom workgroup members does play a role in how cases are processed and decided.

For example, Haynes et al. (2010) utilize county-level administrative data from the Pennsylvania Commission on Sentencing (PCS) for the years 1990 through 2000 to examine how similarities in race, age, gender, political affiliation, and the location of college and law school between judges and district attorneys influences sentencing decisions, particularly those involving discretion. Specifically, the authors examine how such similarities influence a defendant's likelihood of being incarcerated, having a fine imposed, and or being ordered to pay restitution. Although the authors do not explicitly provide directionality as to the expected effect, they hypothesize that similarities between judges and district attorneys should influence case decisions as the literature in this area contends that people with common pasts are more like one another and more likely to also share similar outward beliefs. The study finds that defendants are more likely to be incarcerated in counties with less gender, age, law school, and political affiliation similarities.

Haynes et al. (2010) also finds that similarities across colleges increase the likelihood of incarceration and ordering of fines. For example, compared to counties with the lowest level of similarities in the college attended by workgroup members, counties with the highest levels of college similarities are 49 percent more likely to impose a fine. Additionally, they find the odds of a workgroup ordering restitution increase in counties when there is more variability in law school attended by the workgroup members (Haynes et al., 2010). Overall, Haynes et al. (2010) do not

provide much insight related to the workgroup similarities and their findings, other than stating that these findings were consistent with the idea that the examined characteristics influenced the dynamics of the workgroup, ultimately influencing case decisions. However, when explaining the findings related to increased punitiveness based on college similarities, Haynes et al. (2010) posit that this effect may be due to both workgroup members having attended colleges within the state of Pennsylvania and thus have stronger ties to their state and beliefs more reflective of their communities.

Utilizing case-level administrative data extracted from public defender case files in one large county in the state of Florida between 2002 and 2010, Metcalfe (2016) examines the effects of similarities in law school, race, gender, and years of experience across judges, prosecutors, and defense counsels on plea decisions (mode of disposition and time to disposition). Because the data used by this study were extracted from public defender case files, the examination is limited only to cases involving public defenders and does not include cases involving private counsels. The author examines the effects of similarities between all workgroup members (judges, prosecutors, and defense counsels), but also other possible combinations of workgroup members (prosecutor-defense counsel and prosecutor-judge). Generally, Metcalfe (2016) proposes that similarities among workgroup members will induce higher levels of cooperation and facilitate negotiations, and therefore cases involving similar members will be disposed of more efficiently. The author posits that more efficient cases will be disposed of through guilty pleas or no contests, rather than by bench or jury trials, and will be disposed of in a more expeditious manner (i.e., fewer days from arrest to disposition).

When examining the effects of similarities of the entire workgroup, the author finds that similarities in gender affect the mode of disposition and time to disposition. More specifically, the study finds that cases involving all workgroup members of the same gender (i.e., all male or all female) are more likely to be resolved by a plea of guilty or no contest and are resolved quicker. Put differently, the study finds that cases involving dissimilar workgroup members are more likely to proceed to trial and take significantly longer time to resolve.

Similar to the effects of gender similarities among the entire workgroup on plea decisions, Metcalfe (2016) finds that similarities in gender between prosecutors and defense counsels increase the odds of a plea disposition and decrease the time to disposition. Additionally, the study also suggested that cases involving prosecutors and judges with large differences in years of experiences (i.e., dissimilar years of experience) were disposed of less efficiently, and more specifically, they had lower odds of being disposed of via guilty pleas or no contests. Also related to judges and prosecutors, the study finds that dissimilarities across all of the examined characteristics combined decreases the odds of a guilty plea by 45 percent. Overall, Metcalfe (2016) explains that workgroup similarities, particularly commonalities in gender, influence how efficiently cases are disposed of, and thus finds support for the idea that similarities in the courtroom setting induce greater levels of cooperation between workgroup members, facilitates negotiations, and increases the court's efficiency when disposing of cases.

SECTION SUMMARY

The court communities perspective contends that courts are inhabited by workgroup members with varying levels of agency and power, and whose goals, objectives, and needs are dictated by the organization that they each represent

(Eisenstein & Jacob, 1977; Eisenstein et al., 1988; Flemming et al., 1992). However, when coalescing within the courtroom setting to participate in case processing and decision-making, workgroup members also balance the court's organizational needs, particularly the needs for efficiency and certainty.

In order to ensure that the court's needs are met, workgroup members often engage in a court process that is characterized by collaboration, cooperation, and effective communication, and that is non-adversarial in nature. The levels of cooperation displayed by workgroup members varies, particularly by defense counsel type, as the pressures exerted on them by the court and their respective organizations they represent differ (American Bar Association, 2004, 2009; DiMaggio & Powell, 1983; Hessick III & Saujani, 2002; Spangenburg Group, 2009; Weitzer, 1996). For example, because public defenders are more tightly embedded within the local court culture (i.e., high familiarity) and have larger caseloads and limited resources than their privately retained peers, they more so consider the needs of the court and other workgroup members to ensure that their needs are met. Additionally, and attributable to the prospect of future interactions (repeat-players) and the heightened familiarity with the court and its localized case processing norms and strategies, public defenders engage in a process that (compared to privately retained counsels) is characterized by increased levels of cooperation and is less adversarial in nature and results in more efficient case processing (Galanter, 1974). Overall, public defenders adopt a less adversarial approach during case processing that helps ensure that the court's and surrounding workgroup members' needs are met, minimizes the potential for informal and formal reprisals from workgroup members, and that, when involving discretionary decisions (e.g., plea negotiations), has the potential to benefit their clients by way of more favorable case decisions (Champion, 1989; Stover & Eckhart,

1975; Wice, 1985). Despite the associated benefits, research finds that private counsels more consistently secure favorable outcomes for their clients compared to public defenders (Gitelman, 1971; Hoffman et al., 2005; Nagel, 1983; National Center for State Courts, 1992; Silverstein, 1965; Williams, 2013). Therefore, the relationship between defense counsel types, communication, cooperation, courtroom efficiency, and case decision is unclear.

A different area of research finds that persons are more attracted to others with common pasts, particularly under conditions involving high risk and uncertainty (Byrne, 1971; Coleman, 1990; Lazarsfeld & Merton, 1954; Newcomb, 1961; Ulmer, 1995). Related research also contends that interactions between similar persons, compared to when dissimilar, are associated with increased levels of trust, cooperation, coordination, and effective forms of communication; these are all characteristics that play an important role in the courtroom setting that help facilitate the efficient processing of cases (Hinds et al., 2000; Haynes et al., 2010; Melamed et al., 2020; Romano et al., 2017; Simpson et al., 2007). Despite the important implications of workgroup member similarities on case processing, minimal research has examined the effects of such similarities in the courtroom context. The limited research that has focused on these relationships finds that similarities do play a significant role in how efficiently cases are disposed of (Haynes et al., 2010; Metcalfe, 2016).

Combined, the discussed perspectives inform the current study. First, these perspectives inform the current study's examination of the effects of defense counsel type and race and gender similarities on case processing. Due to the effects of defense counsel type on case processing as well as to the effects of common pasts, cases involving public defenders and workgroup members of similar races and genders are

expected to be processed more efficiently. Second, this literature informs the examination of the effects of similarities on case decisions. Because similarities are found to induce higher trust between persons, judges who share characteristics with either the participating prosecutor or defense counsel may be more inclined to decide in favor of the similar other, compared to when dissimilar. These literatures also inform the study's exploration of the mediating effects of case processing on similarities and case decisions, as some research finds that courtroom efficiency influences case decisions.

In the next section, group threat, attribution, and the focal concerns framework are discussed. Together, these frameworks help inform as to why the race and gender compositions of workgroups, in relation to the race and gender characteristics of defendants, may influence case decisions.

FOCAL CONCERNS, GROUP THREAT, AND ATTRIBUTION THEORY

Like the court communities perspective, the focal concerns perspective highlights the importance of the organizational structure of courts, the constraints associated with such structures, and its subsequent effects on court decision-making (Albonetti, 1991; Steffensmeier et al., 1998). Specifically, the focal concerns perspective posits that while constrained by the organizational structure of the court and due to the court's pursuit of efficiency, workgroups utilize decision-making shortcuts that enable them to expedite case processing (Eisenstein & Jacob, 1977; Nardulli et al., 1988). Some shortcuts, however, are informed by the personal characteristics of defendants (e.g., their race and gender) and their associated stereotypes, which results in disparities in court decision-making. To further elaborate on the mechanisms within the focal concerns perspective, I briefly discuss attribution and group threat theory (Albonetti, 1991; Blalock, 1967; Bridges & Steen, 1998;

Steffensmeier et al., 1998). By drawing on attribution and group threat theory, I outline the process whereby decision-makers utilize visible characteristics (e.g., race) and associated stereotypes to inform decisions, and how this process is influenced by the characteristics of the decision-maker and collective groups (e.g., courtroom workgroups). Combined, these perspectives help explain why the race and gender composition of workgroups, in relation to the race and gender characteristics of defendants, may influence judicial decision-making.

Group Threat

Group threat theory posits that the majority group (white people) are threatened by the economic and political growth of minority groups (e.g., Black and Latinx people) (Blalock, 1967; Liska, 1992; Lofland, 1969; Myers, 1987). As minority group populations increase, so do the majority groups' level of prejudice (Bobo & Hutchings, 1996; Liska et al., 1998; Taylor, 1998), their fear of crime (Chiricos et al., 1997; Chiricos et al., 2001; Liska et al., 1982), and concerns over the availability of resources (King & Wheelock, 2007). To attend to these concerns, majority groups rely on tactics, such as racialized decision-making in official settings (e.g., courts) to control minority groups and preserve power (Blumer, 1958; Liska & Chamlin, 1984; Quillian, 1995; Turk, 1969). Specifically in the courtroom setting, group threat theory suggests that minority group members (e.g., Black and Latinx) will receive more punitive court decisions (e.g., bail amount, pre-trial detention, incarceration, and sentence length) than majority group members (e.g., white).

Quantitative studies find mixed evidence in support of this theory. Generally, this work finds that for minority group members, increases in minority group populations increase the likelihood of judges sentencing the defendant to incarceration and assigning longer sentence lengths (e.g., Bontrager et al., 2005; Bridges &

Crutchfield, 1988; Johnson, 2006; Myers & Talarico, 1986; Ulmer & Johnson, 2004; Wang & Mears, 2010). Other studies find that white people are more likely to receive a sentence of incarceration in mostly Black counties (Talarico, 1986), whereas Crawford et al. (1998) similarly find that Black people are treated more punitively in counties with small Black populations.

Altogether, these findings signal racialized decision-making in the courtroom setting and suggest that workgroups and the subsequent court decision may be influenced by the racial composition of the workgroup. For example, workgroups composed of all or majority white group members may decide on cases involving minority group defendants more punitively, compared to cases involving white defendants. And although the findings previously presented involve decisions at the sentencing stage, these mechanisms may be at play even more so during the pre-trial phase due to the heightened levels of discretion associated with pre-trial decisions (Hagan, 1974; Steffensmeier, 1980).¹³

Attribution Theory

Attribution theory posits that decision-makers are influenced by the stereotypes associated with defendant's characteristics (e.g., their race and gender) (Albonetti, 1991; Bridges & Steen, 1998; Johnson & King, 2017; Steffensmeier et al., 1998; Steffensmeier, 1980, 1993). For example, Black men are portrayed as aggressive, criminogenic, and dangerous (King & Wheelock, 2007; Hurtwitz & Peffley, 1998; Tittle & Curran, 1988), whereas Latinos are characterized as lazy and involved with the drug trade (Delgado et al., 2017). And both groups are viewed as

¹³ Although the current study relies on a sample of cases in which the court and the workgroup members utilized PSAs to inform decision-making, judges still hold much discretion when deciding cases. In other words, PSAs are only intended to provide recommendations and inform decision-making, and judges are not bound to such recommendations in their decision-making. Additionally, research finds that judges routinely depart from PSA recommendations and some rarely utilize them to inform their case decisions (see DeMichelle et al., 2019; Rengifo et al., 2021; & Stevenson, 2018).

threatening, disrespectful of authority, and generally more criminogenic (Bridges & Steen, 1998; Hagan & Palloni, 1999; Spohn & Beichner, 2000; Swigert & Farrell, 1976).

Similarly, research finds that judges perceive women as less threatening, having stronger ties to the community and conventional institutions, and less of a risk to the community and/or a flight risk (Daly & Bordt, 1995; Steffensmeier et al., 1993) than males. Ultimately, these characteristics and their associated stereotypes are used to inform court decision-making. Similar to group threat, attribution theory is embedded within the focal concerns perspective. Specifically, workgroup members' perception of defendants and their associated characteristics and stereotypes are utilized as decision-making shortcuts (or "perceptual shorthands") to efficiently dispose of cases.

There is some evidence to support attribution theory when applied to bail decisions. For example, Schlesinger (2005) uses a large representative sample of state felony cases filed between 1990 and 2000 to examine the effects of defendant's racial and ethnic characteristics and the associated charges on bail decisions. Specifically, Latino defendants are treated more harshly than Black defendants when accused of drug-related crimes — Latinos have lower odds of being granted non-financial release and receive higher bail amounts. On the other hand, Black defendants are treated more harshly than Latino defendants when accused of violent crimes — Black defendants have higher odds of being denied bail. Schlesinger attributes these findings to the application of stereotypes related to race and dangerousness by judges.¹⁴

¹⁴ Although one explicit example is provided here, most studies (some of which are presented throughout) examining defendant-level factors such as race and gender on subsequent court decisions employ the focal concerns framework, and thus although not explicitly stated, indirectly draw from attribution theory.

Using a large sample of felony cases from 1990 to 1996 representing the nation's 75 most populated counties for 1990–1996, Demuth and Steffensmeier (2004) examine the individual and interactive effects of the defendant's race, ethnicity, and gender on pre-trial detention decisions (pre-trial detention or release, denial of bail, type of bail, and bail amount). The authors find that female defendants are more likely to be released pre-trial compared to males. When accounting for the interaction of the defendant's race and gender, they find that white women are the group most likely to be released pre-trial (i.e., lowest odds of pre-trial detention). Demuth and Steffensmeier also find that Hispanic and Black defendants, compared to white people, are more likely to be detained pre-trial, with Hispanic males being the most likely to be detained pre-trial out of all gender-race-ethnicity groups examined. Using administrative data, other research similarly finds that women receive more favorable and less punitive pre-trial decisions, thus finding support for attribution theory and the use of defendant's characteristics and associated stereotypes in court decision-making (e.g., Bickle & Peterson, 1991; Kruttschmitt, 1984; Nagel, 1983; Patterson & Lynch, 1991).

Focal Concerns Perspective

Most drawn upon by court decision-making researchers, the focal concerns perspective, which builds on the attribution and group threat theory, is the most complex and complete court-specific theoretical framework (Albonetti, 1991; Blalock, 1967; Bridges & Steen, 1998; Steffensmeier et al., 1998). This perspective posits that judicial decision-makers consider three factors when making case decisions: blameworthiness, protection of the community, and organizational constraints and practical consequences (Albonetti, 1986, 1991; Steffensmeier et al., 1998). The blameworthiness factor is an assessment of the level of the defendant's

culpability, based on the severity of the defendant's charges(s), their criminal history, prior victimization (mitigating factor), and their specific role in the offense. The second component, protection of the community, consists of an assessment of the danger posed by defendants and their likelihood of engaging in new criminal activity if out in the community (i.e., not incarcerated). Thirdly, organizational constraints and practical consequences, such as the overcrowding of local jails and prisons, fiscal restraints, and court efficiency, are also considered (Steffensmeier et al., 1998). This third component generally resembles and aligns with what is posited by the court communities perspective — court actors actively consider and are influenced by the organizational needs of the court, its constraints, and surrounding institutional fields (Ulmer & Johnson, 2004).

Additionally, the focal concerns perspective posits that while decision-makers consider these three components, they are under constant pressure to ensure the efficiency of the court by maintaining a constant flow of cases. As a result of the combination of these factors (coupled with workgroup courtrooms functioning with “bounded rationality”) (i.e., limited information regarding defendant’s dangerousness), workgroups employ “perceptual shorthands” or “going rates” that help in expediting and simplifying decision-making (Albonetti, 1991; Bowen, 2009; Feeley, 1979; March & Simon, 1958; Maynard, 1984; Steffensmeier et al., 1998). Feeley’s (1979) “going rates” refers to the standardization of punishment based on the worthiness or characteristics of the given case. These tactics also allow decision-makers to reduce the levels of uncertainty associated with decisions. Although perceptual shorthands used by workgroup members are largely based on legally relevant case-level factors (e.g., nature and seriousness of charges and prior record),

they are also influenced by non-legal factors (e.g., defendant's race and gender) and the stereotypes associated with such characteristics (Albonetti, 1991).

Although quantitative research examining court decisions finds that decisions are largely driven by case-level legally relevant factors, some find that non-legal factors, such as the defendant's race, influence court decisions (Baumer, 2013; Johnson, 2006; MacDonald & Donnelly, 2019; Wooldredge, 2012). At the pre-trial stage, the effects of a defendant's race on judicial decisions are also mixed — some studies find a defendant's race does not influence decision-making after controlling for legal-relevant factors (e.g., offense seriousness and prior record) (Pinchevsky & Steiner, 2016; Stolzenberg et al., 2004; Wooldredge, 2012), while others find racial disparities in decisions even after accounting for legal-relevant factors (Demuth, 2003; Demuth & Steffensmeier, 2004; Kutateladze, 2018). For example, Bushway and Gelbach (2010) finds that compared to white men, Black and Hispanic men receive bail amounts 35 and 19 percent higher, respectively, even when controlling for relevant legal factors such as crime severity and prior criminal history.

Using presentence data of felony cases collected from an urban county in Michigan from 2006 (N = 2,635), one study examines the effects of defendant's race, age, and gender on pre-trial decisions (detain or release pre-trial) and finds that defendants who are female (both Black and white) and younger are less likely to be detained (i.e., more likely to be released on own recognizance [ROR]) (Freiburger & Hilinski, 2010). Other studies examining the effects of age on the likelihood of ROR pre-trial release decisions find that the older the defendant, the more likely they are to be ROR'ed (Nagel, 1983; Pinchevsky & Steiner, 2016; Williams, 2017). A defendant's employment status has also been found to influence pre-trial decisions. Specifically, research finds that defendants who are employed at the time of arrest are

more likely to be ROR'ed, compared to unemployed defendants (Demuth, 2003; Holmes et al., 1996; Swigert & Farrell, 1977; Turner et al., 2003; Williams, 2013).

Some studies have considered the characteristics of workgroup members, particularly those of judges, in relation to the characteristics of defendants, to examine its combined effects on case decisions. Although the findings of these studies are mixed, some research finds that case decisions are influenced by the judges' race, in relation to that of the defendants. For example, using administrative data of sentenced defendants in 1997 in the state of Pennsylvania, Johnson (2006) finds that Black and Hispanic judges (vs. white) are less likely to incarcerate all defendants, but particularly less so Black and Hispanic defendants (vs. white) and when sentencing, sentences tend to be on average shorter than those imposed by white judges. Oppositely, using similar Pennsylvania sentencing data from 1991 to 1994, Steffensmeier and Britt (2001) find that Black judges are more likely than white judges to sentence both Black and white defendants to prison (i.e., incarcerate). Earlier research finds that, compared to white judges, Black judges are less likely to incarcerate Black defendants (vs. white) and overall more severely sentence defendants, although differences are minimal (Uhlman, 1978). Spohn (1990a) finds that Black judges are less likely than white judges to incarcerate (i.e., impose prison sentence) both Black and white defendants, but when examining sentence length, she finds that both judges (Black & white) more harshly sentence Black defendants (vs. white). And Holmes et al. (1993) find that white (vs. Hispanic) judges sentence non-Hispanic defendants less harshly than Hispanics, and that the defendant's race does not influence the decisions made by Hispanic judges (also see Welch et al., 1988).

Research also finds that judges' gender plays a role in case decisions — female judges sentence defendants more harshly than male judges (i.e., more likely to

incarcerate & longer sentences), and more so when defendants are Black repeat offenders (vs. white) (Steffensmeier & Hebert, 1999). Spohn (1990b) also finds that female judges sentence defendants to longer sentence terms than male judges. Johnson (2006) finds that male judges sentence female defendants less harshly. Using a large administrative sample of felony cases, Gruhl et al. (1981) find no effect of judge's gender on the decisions to incarcerate and sentence length but find that female judges are more likely to sentence female defendants to a prison sentence, compared to male judges.

Section Summary

The presented perspectives shed light on how the characteristics of workgroup members may interact with the characteristics of defendants to influence case decisions. For example, related to race, workgroups composed of all white members may adopt common misconceptions and stereotypes associated with, for instance, Black people, and apply these stereotypes during case processing and influence case decisions. Therefore, it is expected for cases involving minority defendants (Black and Latinx) processed by, for example, majority white workgroups, to receive more punitive case decisions, compared to cases involving white defendants. Similarly, due to females being generally perceived as less dangerous than males, it may be expected that cases involving female defendants processed by workgroups composed of all male workgroup members will receive less punitive case decisions than male defendants.

OVERALL SUMMARY OF LITERATURE

Judicial decisions are a product of a complex and interactive joint effort involving multiple workgroup members with varying levels of agency, discretion, and power (Ulmer, 2019; Lynch, 2019). This complexity complicates the study of courts

and court decision-making, and as can be inferred by many of the empirical examinations presented throughout this chapter (whose findings are sometimes unexplainably inconsistent with other similar inquiries), that we have yet to fully grasp an accurate understanding of court decision-making.

However, several patterns and themes in the court literature and research have emerged and persisted over time. For example, numerous works have touched on the importance of courtroom communication, cooperation and efficiency, the important implications of case processing on case decisions, and the differences in the roles, objectives, and behaviors of public and private defense counsels. They have also highlighted the key roles of the personal characteristics of both decision-makers and defendants in the decision-making process. Together, they signal the intricacy and complexity of courts, court processes, and judicial decision-making. Despite this, little empirical research has been conducted that attempts to account for a combination of these factors in a single study to provide a more complete depiction of the decision-making environment, the court process, and case outcomes.

THE PRESENT STUDY: RESEARCH QUESTIONS AND HYPOTHESES

Utilizing a sample of pre-trial detention hearing cases and the court communities perspective as its primary theoretical backdrop, the current study examines how various characteristics of courtroom workgroups influence how efficiently cases are processed (case processing) and case decisions. The current study also explores if and how case processing mediates the relationships between workgroup characteristics and case decisions. The explicit research questions examined here are the following: 1) How do workgroup characteristics affect case processing?, 2) How do workgroup characteristics affect case decisions?, and 3) If

and how does case processing mediate the effects of workgroup characteristics on case decisions?

Case Processing

Effective forms of communication, cooperation, coordination, and courtroom efficiency are aspects of case processing that may be influenced by the characteristics of courtroom workgroups, particularly by similarities in race and gender as well as defense counsel type. The current study examines how these workgroup characteristics influence communication between different combinations of workgroup members, the cooperation displayed by defense counsels throughout case processing, coordination, and more generally courtroom efficiency. Indicators of communication include occurrences such as admonishments and interruptions of prosecutors and defense counsels by presiding judges, whereas measures of cooperation include actions by defense counsels, including objecting to one or more of a prosecutor's submitted exhibits, submitting at least one exhibit, and not stipulating to probable cause. Coordination in the courtroom setting is captured using measures that capture whether prosecutors and defense counsels appear to have paperwork that is either missing or unorganized during the hearing of a case. The number of times off-record and duration of hearings are used as measures that more generally signal courtroom efficiency. Combined, these occurrences throughout case processing signal to the overall efficiency of the courtroom. In other words, cases in which these occurrences take place (as well more times off record and longer hearing duration) are characterized as being less efficiently processed by the court, as these occurrences impede the rapid and smooth processing of cases.

First, because research finds that persons who share similar characteristics (e.g., race and gender) communicate more effectively, it is hypothesized that:

Hypothesis 1: Judges and prosecutors of the same a) race, b) gender, and c) race and gender will communicate more effectively during case processing (prosecutors will be less likely to be admonished and interrupted by the presiding judge).

Hypothesis 2: Judges and defense counsels of the same a) race, b) gender, and c) race and gender will communicate more effectively during case processing (defense counsels will be less likely to be admonished and interrupted by the presiding judge).

In addition to the identified effects of similarities on communication, research also finds that similarities influence cooperation and coordination. Therefore, cases involving prosecutors and defense counsels, as well as judges, prosecutors, and defense counsels of similar race and gender characteristics are expected to result in more effective forms of communication, cooperation, coordination, and greater courtroom efficiency. The following hypotheses are posited:

Hypothesis 3: Prosecutors and defense counsels of the same a) race, b) gender, and c) race and gender will communicate more effectively (prosecutors and defense counsels will be less likely to be admonished and interrupted by the presiding judge), there will be more cooperation by defense counsels (less likely to object to a submitted exhibit, submit an exhibit, and to not stipulate to probable cause), higher coordination (less likely to have paperwork that is either missing or unorganized), and cases will be shorter in length and include less off-record occurrences.

Hypothesis 4: Judges, prosecutors and defense counsels of the same a) race, b) gender, and c) race and gender will communicate more effectively (prosecutors and defense counsels will be less likely to be admonished and interrupted by the presiding judge), there will be more cooperation by defense counsels (less likely to object to a submitted exhibit, submit an exhibit, and to not stipulate to probable cause), higher coordination (less likely to have paperwork that is either missing or unorganized), and cases will be shorter in length and include less off-record occurrences.

Similarly, due to the identified effects of defense counsel type on case processing, particularly the effects on communication, cooperation, and coordination, cases involving public defenders are expected to be processed more efficiently. It is hypothesized that:

Hypothesis 5: Public defenders will communicate more effectively (prosecutors and defense counsels will be less likely to be admonished and interrupted by the presiding judge), there will be more cooperation by defense counsels (less likely to object to a submitted exhibit, submit an exhibit, and to not stipulate to probable cause), higher coordination (less likely to have paperwork that is either missing or unorganized), and cases will be shorter in length and include less off-record occurrences.

Case Decisions

The study's second line of inquiry examines the effects of workgroup member race and gender similarities, the race and gender composition of the workgroup, and defense counsel type on case decisions. During detention hearing cases, prosecutors seek to have the presiding judge order the defendant detained pre-trial, whereas a defense counsel's main objective is to secure their client's release. Ultimately, based on the arguments provided by prosecutors and defense counsels, the judge makes the final case decision (release or detain the defendant pre-trial). Due to differing goals of workgroup members and the discussed effects of similarities on trust and communication, the following hypotheses are posited:

Hypothesis 6: Cases involving judges and prosecutors of the same a) race, b) gender, and c) race and gender will result in increased odds of the defendant being detained pre-trial.

Hypothesis 7: Cases involving judges and defense counsels of the same a) race, b) gender, and c) race and gender will result in decreased odds of the defendant being detained pre-trial.

Related to workgroup composition and informed by the focal concerns perspective previously discussed, the following hypotheses are posited:

Hypothesis 8: Cases involving workgroups composed of a) all white and b) majority white members will result in increased odds of detention for minority (Black and Latinx) defendants.

Hypothesis 9: Cases involving workgroups composed of a) all male members and b) majority male members will result in increased odds of detention for male defendants.

Hypothesis 10: Cases involving workgroups composed of a) majority white and male and b) majority white and female members will result in increased odds of detention for male minority (Black and Latinx) defendants.

Lastly, because some research finds that public defenders secure less favorable case decisions for their clients, it is hypothesized that:

Hypothesis 9: Cases involving public defenders will result in increased odds of detention for defendants.

Workgroup Characteristics, Case Processing, and Case Decisions

The link between case processing and subsequent case decisions has seldom been examined. However, some evidence suggests that how efficiently cases are processed may influence case decisions. Therefore, without directionality regarding the expected effect, it is hypothesized that:

Hypothesis 10: Case processing will mediate the effects of the relationships between workgroup characteristics and case decisions.

In the next chapter, the study site is discussed, the variables of interest are presented, as well as outlines the analytic strategy and the numerous limitations associated with the data used.

CHAPTER III: DATA & METHODS

This dissertation draws on case-level observational data of detention hearing cases ($N = 330$) that were collected in a single New Jersey County Superior Court courtroom (hereafter NJSC) from April 14th of 2020 to April 27th of 2021.^{15,16} The observed courtroom is responsible for making pre-trial detention determinations (release or detention) in cases involving indictable (i.e., felony) offenses, such as kidnapping, robbery, arson, and criminal mischief. Due to the COVID-19 pandemic and the court's statewide shift from in-person to virtual proceedings to limit human contact, the collected sample is of cases processed by NJSC in a fully virtual manner. In other words, all participating workgroup members (primarily judges, prosecutors, and defense counsels) and defendants appeared virtually during the proceedings.

Pre-trial detention proceedings were initiated as a result of New Jersey's 2017 bail reform, which ended the state's widespread use of monetary bail as a condition of pre-trial release and adopted the use of a risk assessment-based tool, specifically the Public Safety Assessment (PSA), to help better assess the risk posed by defendants and inform judicial decision-making. The enacted legislation also altered the layout of the state's pre-trial process. Pre-bail reform, courts made pre-trial detention determinations (primarily monetary based bail) during initial hearings/appearances. Following the reform, the pre-trial process was bifurcated into two separate types of court proceedings – initial and detention. Whether a case is handled by way of an

¹⁵ Two-thirds ($n = 660$) of the total sample of cases collected ($N = 990$) are excluded from this study's analytic sample, including adjournment requests ($n = 528$), detention motion withdrawals ($n = 87$), detention hearings that were subsequently adjourned ($n = 22$), consents to pre-trial detention by the defense ($n = 16$), and cases categorized as Other and were not of interest to the researcher ($n = 7$). During the processing of the excluded sample of cases, case-level information relevant to this study's analyses (e.g., charges, defendant's criminal history, etc.) were not systematically disclosed. As a result, the current study's analytic sample is composed of the subset of cases in which the presiding judge makes a pre-trial detention determination (release or detention) following legal argumentations by prosecutors and defense counsels.

¹⁶ Data were collected on 193 separate days and, including the subsample of cases excluded from the analytic sample, totaled 395 hours of court observations.

initial or detention hearing is dependent on the prosecutor's assessment of the defendant's risk following their initial arrest. Ultimately, bail reform granted prosecutors the discretion to file detention motions in cases where they determine that the risk posed by the defendant warrants pre-trial detention.

If no detention motion is filed, judges make pre-trial *release only* determinations during initial hearings. In cases where detention motions are filed, the matters are handled via a detention hearing. During detention hearings, judges assess the defendant's risk and determine whether pre-trial *detention* is required to offset the risk posed by the defendant. If judges determine that pre-trial detention is not required, they make pre-trial release determinations (appropriate pre-trial monitoring release level [PML] and conditions). Defendants may be released on Own Recognizance (OR), which does not require of defendants to report to Pre-Trial Services pre-trial or involve any other release conditions, or one of four distinct PMLs (1, 2, 3, or 3+), each with increasing levels in intensity of monitoring and release conditions. Overall, compared to initial hearings, the detention hearing process is more complex and involves a more stringent review of cases by judges, as the potential consequences of decisions for defendants are more severe.¹⁷

During NJSC detention hearing cases, the defendant, the defendant's counsel (public or private), and a prosecutor and judge are present. Typically, prosecutors first present to the court their arguments in support of having filed a detention motion and

¹⁷ In 2020, the last year such statistics were reported, a total of 32,896 defendants were arrested and charged on a complaint warrant in the state of New Jersey. Of the total arrested and charged on a warrant, prosecutors filed for detention motions in over 46 percent (or n = 15,267) of cases, whereas the rest of the cases (n = 17,540) were either resolved and/or defendants were released at the initial appearance. Of the 15,267 cases where detention motions were filed, defendants were ordered detained pre-trial by the court in 43 percent (n = 6,604) of the cases, released on some PML (39.6 percent or n = 6,047), or motions were withdrawn or dismissed (n = 2,616). Of the total sample of defendants arrested in 2020, 20.1 percent were ultimately detained, and 79.7 percent were released pre-trial. See <https://www.njcourts.gov/courts/assets/criminal/cjrreport2020.pdf?c=kgQ> for more.

request the judge to order pre-trial detention. Following the prosecutor's presentation, the defense counsel presents their own arguments and may take the opportunity to respond directly to the arguments presented by the prosecutor. Ultimately, defense counsels argue against the pre-trial detention of their client and in favor of pre-trial release. If necessary, judges may allow subsequent argumentations among all workgroup members to better assess the defendant's risk.

During initial presentations and subsequent argumentations, prosecutors and defense counsels rely on similar sources of information, particularly the information provided in PSAs. In addition to providing pre-trial recommendations that range from ROR to one of the PMLs to pre-trial detention, PSA reports prepared by the court's Pre-Trial Services staff also provides workgroup members with valuable information (e.g., defendant's criminal history, educational and employment history) that is used throughout proceedings to guide argumentations and ultimately judge's decision-making.^{18,19} Although PSAs are intended to assist and guide decision-making, they do not limit a workgroup member's discretionary power, primarily that of judges and prosecutors. For example, prosecutors can depart from a PSA recommendation of pre-trial release and choose to file a detention motion. Likewise, judges can choose to

¹⁸ The Pre-Trial Services Unit is also responsible for monitoring defendants who are released pre-trial. See https://www.njcourts.gov/forms/12088_cjr_pretrial_svcs_brochure.pdf for more.

¹⁹ PSAs utilize case characteristics (e.g., defendant's age, number of indictable offenses and failures to appear on record) to generate two separate numeric values (or "scores") ranging from 1 through 6 (1 = low risk, 6 = high risk) that predict the defendant's risk. The "Risk of Failure to Appear" (FTA) score captures the likelihood that a defendant will fail to appear in future court proceedings. The second score, "Risk of New Criminal Activity" (NCA) quantifies the likelihood that a defendant will commit a new criminal offense(s) if released pre-trial. The PSA's third component, the "New Violent Criminal Activity Flag" (NVCA) signals whether (Yes or No) the defendant has prior violent convictions on their record or if any of the current offenses are violent in nature. Overall, the higher the calculated FTA and NCA scores, the more punitive the generated recommendation. For example, if an FTA score of 6 and NCA scores ranging from 4 through 6 are generated, then the PSA generates pre-trial recommendations of detention. The combinations of any FTA and NCA scores of 5 or lower generates recommendations that range from ROR through PML3+. See <https://www.njcourts.gov/courts/assets/criminal/decmakframework.pdf> for more on PSAs pre-trial recommendation decision-making framework.

detain defendants pre-trial despite a generated PSA recommendation of release. Following presentations and subsequent argumentations, the presiding judge makes a pre-trial detention determination.

All in all, detention hearings involve a multi-step process including numerous decision-making points and demands constant communication between all participating workgroup members. To collect all key decisions during detention hearings, as well as the occurrences taking place in-between the decision-making points, an instrument specifically developed to capture virtual detention hearings processed by NJSC was developed. This instrument was used to collect information pivotal to the current study's lines of inquiry, including the demographic characteristics (race and gender) of workgroup members and defendants, legally relevant case factors (e.g., criminal history of defendant), and virtual hearing technological related issues (e.g., disconnections of workgroup members). Additionally, data were collected on all key decision-making points of cases, as well as the actions and behaviors displayed by workgroup members throughout the proceedings.

STUDY SITE

Site Selection

The current study's site was selected for various logistical reasons. First, and most important, the selected site consistently processed the types of hearings (detention) that were of interest to the researcher. The court also processed detention hearings daily and maintained a set schedule throughout the data collection period, which allowed for the consistent collection of data. Other visited sites either fluctuated in the types of hearings it processed and or experienced significant delays between cases. NJSC was also chosen as the study's data collection site because it

would typically not mute the audio that was relayed to court observers during times in which the court was off the record or in between cases. This was crucial, as oftentimes important information was disseminated by way of conversations between judges, court administrators, and attorneys. For example, prior to the start of each docket, presiding judges in NJSC would coordinate with the court administrator and the attorneys present to determine an order in which cases would be heard by the court. Often, judges would also provide these attorneys with specific time slots in which their cases would be heard. This provided information facilitated data collection by helping the researcher establish a schedule of the cases for a given day.

NJSC was also selected as the study's final site because of the court's virtual meeting layout. Specifically, because NJSC used "Gallery view" during their hearings, all persons present in meetings were visible at all times, regardless of their speaking status. Several of the other observed sites used "Speaker view," which primarily focuses on the person who is actively speaking by enlarging their video window and minimizing the windows of other participants. NJSC's use of Gallery view allowed the researcher to collect non-verbal occurrences by meeting participants, particularly those involving defendants. Typically while on the record, defendants were muted and so relied on non-verbal forms of communication (e.g., waving hands up in the air) to gain the attention of the court. The researcher would have been unable to capture such defendant-specific occurrences, as the defendant would have not appeared on the meeting screen. Taken together, these logistical considerations led to NJSC being chosen as the study's final site.

Site Characteristics

The current section contextualizes the study's site by presenting demographic characteristics of the surrounding area (county and city), and related crime and pre-

trial court statistics. The administrative court data presented provides insight into the caseload of pre-trial matters handled by NJSC in 2020, as well as into how such matters were resolved by the court.²⁰ Race differences between the current study's sample of defendants and that of the surrounding areas are also discussed.

The county where NJSC is located lies in the central region of the state of New Jersey, borders Philadelphia's Metropolitan area to its west, and is made up of twelve (12) individual municipalities. According to 2021 US Census population estimates, the observed county is the 12th most populous in the state (out of 21 total counties) with a population of 385,898 persons. The county's population is 48.2 percent white alone (not Hispanic or Latino), 21.5 percent Black or African American alone, 18.5 percent Hispanic or Latino, and 11.9 percent Asian alone (US Census, 2021).²¹ Approximately 9.5 percent of persons living within the county live in poverty, a figure slightly higher than that of the state, but lower than that of the country (9.4 and 11.4 percent, respectively). At the county level, the median household income is \$83,306 (US Dollars). The city where NJSC is located accounts for nearly one-quarter (90,871) of the county's total population (387,340) and its population is majority Black or African American alone (48.7 percent), Hispanic or Latino (37.2 percent), and 13.5 percent white alone (not Hispanic or Latino) persons.²²

²⁰ The detention hearing related information from NJSC presented in this section was retrieved from New Jersey Court's administrative data and covers a one-year period (2020), therefore overlaps with the current study's sample of cases (from April 14th of 2020 and December 31st, 2020). This overlap provides an avenue through which to assess the accuracy of the current study's sample. See <https://www.njcourts.gov/courts/assets/criminal/cjrreport2020.pdf?c=kgQ>.

²¹ The race/origin make-up of the state of New Jersey in 2021 is the following: 54.6 percent white alone (not Hispanic or Latino), 15.1 percent Black or African American alone, 20.9 percent Hispanic or Latino, and 10 percent Asian.

²² Population totals provided are figures from 2020 – more recent population estimates (2021) were not available at the city-level.

Compared to the 2021 US Census city- and county-level demographic data provided, the racial characteristics of defendants in the current study's sample differed. In this study's sample, of the 327 defendants in which race characteristics were collected, 71.9 percent were coded as Black, 15.9 percent as Latinx, 11.6 percent white, and less than one percent Asian and or other.²³ Related to Black persons, defendants in the sample are not only overrepresented when compared to the percentage of Black persons in the city wherein NJSC is located (48.7 percent), but even more so when compared to the county (21.5 percent). Latinx persons in the sample are underrepresented when compared to both the racial make-up of the city (37.2 percent) and county (18.5 percent). Similar to Latinx persons, white persons were underrepresented; making up 11.6 percent of the sample, but 13.5 and 48.2 percent of the city and county, respectively.

According to Uniform Crime Reports (UCR) data provided by New Jersey State Police (NJSP), a total of 6,465 index crimes were committed within the county of interest in 2020 — a rate of 1,745 offenses per 100,000 residents.²⁴ As expected, the county's overall index crime rate was largely driven by offenses committed within the city where NJSC is located. The city alone accounted for nearly 42 percent of the total number of index offenses committed within the county (2,702), a rate of 3,226 offenses per 100,000 residents. For example, the murder rate in the city was 47.8 per 100,000 people (compared to 11.1 at the county level), and 40 out of 41 such offenses were committed within the city boundaries. The rates of all other (6) index crimes committed within the city also exceeded those of the counties.

²³ Information on defendant's race was missing in 3 cases.

²⁴ UCR index crimes include murder, rape, robbery, assault, burglary, larceny, and auto theft. UCR reports can be accessed at <https://nj.gov/njsp/ucr/uniform-crime-reports.shtml>.

Based on reported New Jersey Courts county-level data from January 1st through December 31st of 2020, NJSC was responsible for making pre-trial determinations either via initial or detention hearings in a combined total of 2,533 individual cases. This number represented the fifth highest in the state among counties and accounted for nearly 8 percent of the state's total (32,896) for the given year. Of the 2,533 total cases, prosecutors filed detention motions in 800 of the cases, or in nearly 32 percent of cases.²⁵ However, detention motions were later withdrawn by prosecutors and cases were dismissed in 216 of the cases, resulting in NJSC having to render detention decisions in 584 cases.^{26,27} At the state level, a total of 15,267 detention motions were filed across a total number of 32,896 complaint-warrant arrests. In NJSC, of the total number of cases where detention motions were filed and detention hearings were held (and cases were not dismissed), nearly half (49.7 percent or 290) of the defendants were ordered detained by the court, while the other half (50.3 percent or 294) were released pre-trial on ROR or some PML.^{28,29} Compared to

²⁵ These figures include cases in which the state filed a detention motion that was later withdrawn or dismissed (n = 216).

²⁶ Although detention hearing cases in which the prosecutor ultimately withdrew its detention motion (n = 87) are excluded from this study's analytic sample, the percentage of motion withdrawals reported by New Jersey Courts (27 percent of cases in which a detention motion was filed) and this study's data are comparable (20.9 percent).

²⁷ In total, the current study's analytic sample of detention hearing cases (excluding withdrawals) captures 252 out of the 584 the detention hearings included in the New Jersey Courts administrative data provided. This figure was calculated by limiting the study's analytic sample of cases to reflect the period covered by the administrative data.

²⁸ Data on the number of defendants who were released during detention hearings by specific levels was not reported. However, the release levels of cases decided during both initial and detention hearings combined were reported. Of the defendants released, 422 were ROR'ed, 463 were released on PML1, 304 on PML2, 612 on PML3, and 349 on PML3+.

²⁹ Of the 330 total cases included in the study's analytic sample, 58.8 percent (n = 194) of defendants were released on ROR or some PML and 41.2 percent (n = 136) were detained pre-trial. The percentage of defendants detained pre-trial did not vary when considering only the subset of cases that overlapped with a sample of cases included in the administrative data (n = 252). Aside from the differences in data, a plausible explanation for the nearly 8 percent difference in defendants detained is that the sample of cases used in this study were all of cases processed during COVID-19. During the pandemic, jails were ordered to reduce their populations and courts were asked to detain only the defendants who posed the highest of risks. In other words, the threshold for judges to order detention may have been higher during the pandemic.

the state's average (52.2 percent), NJSC is less likely to order pre-trial detention during detention hearings. In general, NJSC ordered pre-trial detention in 11 percent of the county's complaint-warrant arrests in 2020, a figure that was the lowest among all counties in the state and well below the state's average (20.1 percent).

Accessing NJSC's Virtual Courtroom

Typically, detention hearings were held in an NJSC virtual courtroom and began promptly at 10:00 AM Eastern on weekdays (Monday through Friday). Before COVID-19, NJSC held detention hearings in-person, where all parties involved, including defendants, were physically present inside the designated courtroom. However, to continue the processing of legal matters during the pandemic, New Jersey courts shifted from in-person proceedings to virtual settings by adopting the use of video-conferencing technology platforms (e.g., *SCOPIA*, *Zoom*, and *Microsoft Team Meetings*). During COVID-19, workgroup members appeared in the virtual courtroom from their homes or offices, whereas defendants appeared from the county's jail booth that was equipped with the equipment necessary for two-way video and audio communication. As a result, the current study site is a virtual courtroom – specifically, live broadcasts of detention hearing proceedings that were transmitted to the public by NJSC court administrators via the Internet.

For courtroom workgroup members, virtual courtrooms were accessed directly through the court's preferred platform and with the appropriate credentials. For example, in instances where the *Zoom* platform was used, court actors were instructed to access the virtual courtroom through a meeting invitation and an associated PIN that was previously sent to them by a court administrator. Unlike workgroup members, non-participating viewers (e.g., court observers) were unable to access the meeting directly through the meeting platform, as no credentials were provided to the

public.³⁰ Rather, non-participants indirectly accessed NJSC's virtual courtroom through live broadcasts of a court administrator's sharing of their view of the ongoing meeting (i.e., screen-sharing). However, identifying the appropriate webpage wherein the live broadcast would be shown to the public on any given day to conduct observations was difficult – the webpages showing the live broadcasts differed depending on the platform being used on the given day, and the platform used depended on the personal preferences of the participating judge. Throughout data collection, the court broadcasted virtual hearings across three distinct webpages. To identify the appropriate site to conduct observations on a given day, two of the three webpages were repeatedly refreshed before the courtroom's scheduled start time, as they did not do so automatically following the start of a broadcast.³¹ Once the appropriate broadcast was identified, data collection would begin and continue until the court stopped processing cases for the day. In the next section, information related to the development of the instrument used throughout the data collection effort, as well as an explanation of the different components of the final instrument are presented.

DATA COLLECTION INSTRUMENT

Prior to NJSC being selected as the study's final data collection site (see Site Selection), multiple courtrooms processing detention hearings throughout New Jersey were observed virtually. During these early court observations, detailed notes were taken that outlined the general detention hearing process of the specific court and the

³⁰ Because non-participants were unable to access the virtual meeting directly through the platform, there was no way for the court to monitor who, if at all, was viewing the court's broadcast at any given time.

³¹ Depending on the platform used, this process would have to be repeated following instances in which the court went off-record, as broadcasts stopped transmitting altogether. Because some webpages did not refresh automatically, there was no other way to identify when the court resumed its case (i.e., went back on the record).

key decision-making points involving detention hearings. Simultaneously, through observations and by drawing from similar observational research conducted in the courtroom setting (e.g., see Rengifo et al., 2021), an initial version of the data collection instrument was developed to quantitatively capture using a series of checkboxes general information relevant to empirical examinations of court decision-making (e.g., a defendant's race and gender, the nature and number of charges, and defense counsel type), and also detention hearing-specific occurrences (e.g., prosecutor's grounds for detention and entered exhibits) (see Appendix A.1 for final data collection instrument and A.2 for detailed description of all instrument items). Once an early version of the instrument was developed, it was pilot tested across each of previously observed courtrooms to assure that all critical aspects of detention hearing cases were being captured. Throughout the pilot testing period lasting several days, the instrument was occasionally amended to reflect observed occurrences that were not being systematically captured by earlier versions.

Once the content included in the instrument was finalized and NJSC was selected as the study's final study site (see Site Selection), the instrument was amended once more, and its content was rearranged to best reflect the chronological order in which the presiding judge in NJSC processed cases. Although all the observed detention hearing judges across the multiple courtrooms followed a similar general process and involved the same key decision-making points, these changes were made for the purposes of facilitating and streamlining data collection.

The final instrument allowed for the systematic collection of information critical to this dissertation, including the demographic characteristics (race, age, and gender) of defendants and workgroup members, defense counsel type (private or public), length of individual cases, and case's legally-relevant factors (PSA's

recommendation, active monitoring status [parole, probation, and PML], pending cases, prior criminal history, nature of top charges and total number of charges, whether case was burden-shifting and whether the detention motion was accompanied by violation of monitoring or pre-trial revocation motion, and detention decision). Additionally, it allowed for the collection of data unique to observational studies, including occurrences such as admonishments and interruptions of prosecutors and defense counsels by judges, paperwork of counsels appearing to be missing, the number of times the court went off-record throughout the entirety of a case, and legal decisions by defense counsels that influence the path detention hearings cases follow (e.g., objecting to a submitted exhibit, submitting own exhibit, and not stipulating to probable cause).

In the next section, a detailed discussion of NJSC's detention hearing process is provided, highlighting the information (i.e., measures) collected that are most important to this study. Following the explanation of the NJSC detention hearing process, the study's measures and descriptive statistics are provided.

NJSC's DETENTION HEARING PROCESS

In the state of New Jersey, the judicial route cases follow after a person's arrest is dependent on the prosecutor's detention motion filing decision. In cases where prosecutors do not file a detention motion, a defendant's appropriate release level and conditions are determined by the court within 48 hours of the arrest and during an initial hearing. In cases involving the filing of detention motions, the court makes pre-trial detention determinations (pre-trial release or detention) during detention hearings. Detention hearings must take place within 72 hours from the time the detention motion is filed. Prosecutors file detention motions in cases where it is determined that the defendant should be detained pre-trial pending subsequent court

proceedings. Such motions may be filed if it is determined that there is a serious risk that the defendant: a) will not appear in court as required, b) poses a danger to any other person(s) or the community, and or c) will obstruct or attempt to obstruct the criminal justice process. Ultimately, in cases where a detention motion is filed, a defendant's first contact with the court for the alleged offense(s) occurs by way of a detention hearing appearance, rather than an initial hearing. See Figure 3.1 below for an overview of the pre-trial process.

During detention hearing cases, prosecutors and defense counsels present their arguments for and against pre-trial detention to the court, and the presiding judge makes the final pre-trial detention determination. Having filed the detention motion, prosecutors provide arguments in support of pre-trial detention, whereas defense counsels argue in support of their client's release and against pre-trial detention. Unless considered a burden shifting case, the burden of proof falls on prosecutors to clearly and convincingly demonstrate to the court that no PML with or without conditions are appropriate and that pre-trial detention is required, as there is a presumption of defendant's pre-trial release during non-burden shifting cases. However, during burden shifting cases, the burden of proof shifts to the defense, as there is a presumption of detention based on the seriousness of the alleged offense(s) (e.g., murder) and the potential for an ordinary or extended term of life imprisonment if convicted.³² Whenever necessary, other courtroom workgroup members (e.g., court interpreters and Pre-Trial Services staff) also participate during the proceedings.

³² In the current study's sample, 9.1 percent of cases (n = 30) were considered burden shifting. Due to the heightened seriousness of the charges associated with burden shifting cases, such cases are controlled for in the statistical models. See <https://www.njcourts.gov/attorneys/assets/rules/r3-4a.pdf> for more information on burden shifting cases.

At any point during the processing of such cases, the judge may direct the court administrator to pause the court record.³³ The court record may also be paused at the request of a prosecutor or defense counsel. Typically, the court goes off-record to discuss information that could otherwise not be discussed publicly. For example, a defense counsel may ask for the judge to pause the record to allow for an opportunity for them to communicate with their client off the record or to directly speak with them privately in a virtual break room. In instances where defense counsels request for a private break room to privately discuss matters and the court record is paused, the court administrator is responsible for setting up the break room and directing the movement of workgroup members from meeting to meeting. Once these private discussions end and both parties (i.e., defense counsel and defendant) rejoin the primary meeting room, the judge directs the court administrator to go back on the court record, and the hearing resumes. The court record may also be paused by the court at the defense counsel's request due to occurrences such as their client acting unruly (e.g., by walking out of jail booth or if not muted, by interrupting workgroup members during the hearing) or having been disconnected from the virtual meeting.

In a similar manner, prosecutors may also request for the court record to be paused. Prosecutors typically request for the court record to be paused to, for example, allow them more time to review case related files, speak with other prosecutors regarding the matter, or to communicate with the defense counsel in a less formal manner. Often, the court record was also paused because prosecutors or defense counsels were either missing paperwork (e.g., case files) relevant to the case or could not locate the appropriate paperwork during the hearing and necessitated

³³ In NJSC, the court administrator plays the role of virtual meeting moderator. Specifically, they are responsible for the logistics of the meetings (e.g., muting persons, setting up virtual rooms for private conferences, etc.).

more time to retrieve such information. Ultimately, although sometimes necessary, the pausing of the court record delays the processing of cases by the court, particularly when resulting from occurrences not directly related to the legal matter in question (e.g., disconnections of defendants or workgroup members during the hearing, missing or unorganized paperwork, etc.). In turn, the necessary and unnecessary delays result in cases taking longer to resolve by the court, which may limit the court's ability to resolve other scheduled matters in the given day and reduce its efficiency.

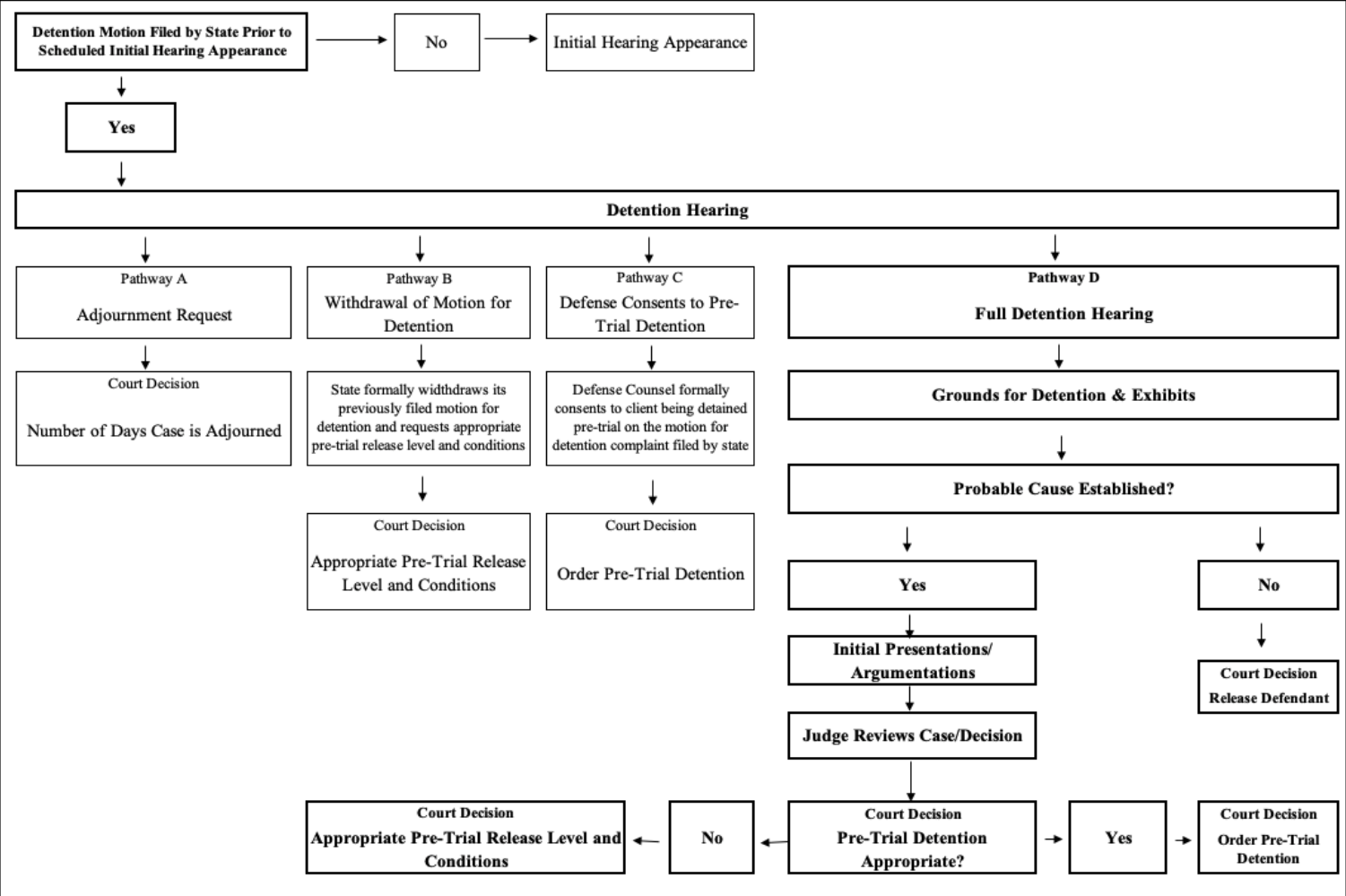
Throughout the entirety of detention hearing cases, defendants typically remain muted by court administrators. Defendants are unmuted in instances in which they are either directly addressed to by the court, need to be unmuted for their responses to be captured on the court's record, or are communicating with a courtroom workgroup member. However, in NJSC, defendants are routinely unmuted on two separate occasions. First, when defendants are read their rights at the beginning of the proceeding, they are unmuted for the court's record to verbally capture their acknowledgement that they were a) read their legal rights during detention hearings and b) that they understand them. Defendants are also unmuted at the end of hearings (following the judge's pre-trial detention decision) and are given an opportunity to ask the judge questions, for example, regarding their detention hearing decision, the next steps of the legal process, or any other general question regarding their matter. On occasions where defendants wish to communicate with the court without first having been prompted by any of the workgroup members, they typically gained the court's attention by, for example, waving their arms in the air or placing their fist alongside their heads with the thumb and pinky fingers extended, a hand gesture commonly used to signal the need to speak. During cases, such gestures

by defendants were commonly either ignored or altogether missed by workgroups. Similar to off record occurrences, a defendant's intervention in the legal process delays the processing of their case by the court and reduces its efficiency. See Figure 3.1 for an overview of the pre-trial process.

Grounds for Detention

Once the prosecutors' and defense counsels' appearances are entered on the record, the prosecutor provides to the court the grounds for which they filed the detention motion (failure to appear, danger to others and or the community, and or obstruction of the criminal justice process). The state may also mention that the defendant poses a significant risk to a specific victim(s) when seeking pre-trial detention on the grounds of danger to others and/or the community. Once ground(s) for detention are entered on the record, the judge briefly reviews with defendants their constitutional detention hearing rights and confirms that they: 1) understand the rights that were just explained to them by the court and that 2) these rights were previously presented to them and discussed with defense counsel before the start of the hearing. If a defendant acknowledges understanding their rights and does not have further questions, the court then shifts its focus to the issue of probable cause. In cases where defendants raise concerns regarding their constitutional rights, the court may then either directly engage with defendants more openly to address their concerns or ask for defense counsel to privately address their client's concerns. If the court determines that a private discussion between defense counsel and client is more appropriate, the judge may pause the record to allow for a private conference.

Figure 3.1. Overview of The Pre-trial Process



Note: The bolded (Pathway D) is the path followed by the cases included in the sample.

After defendants acknowledge understanding their constitutional rights, the issue of probable cause is addressed. Probable cause — or the relatively low standard of proof indicating that there is *more than reasonable suspicion* to believe that 1) an offense was committed, and 2) that the offense was committed by the defendant — must be established by the court before making its pre-trial detention determinations. To file a detention motion, the state must have enough case evidence to which it can provide and prove to the court that it meets the relatively low standard of proof of probable cause. In other words, by filing for a detention motion, the state signals to the court that they have sufficient evidence in support of probable cause and that it can prove to the court that 1) an offense was committed and 2) the defendant committed them, and that pre-trial detention is warranted.

Before the court can make its final determination on probable cause, it inquires with defense counsel as to their stance on the issue of probable cause. Defense counsel may either 1) stipulate to probable cause on all offenses/charges outlined in the complaint, 2) not stipulate to any of the offenses, or 3) stipulate to some of the offenses, but not others. If the defense counsel stipulates to all charges in the complaint, the court then formally finds and establishes probable cause, and the process continues to the submission of exhibits by counsels. If the defense counsel does not stipulate to probable cause on *any* (or all) of the charges, the court continues to the exhibits submission stage, and it reserves its probable cause decision until after subsequent argumentation by the state and defense counsel regarding probable cause (probable cause argumentation discussed later). If the defense stipulates to *some* but not *all* the charges, then the state only provides probable cause argumentations associated with the charges not stipulated to by the defense counsel. Probable cause argumentations occur after exhibits are submitted by counsels and entered as evidence

by the court and before detention argumentations (if necessary). If the court finds that the state failed to establish probable cause on all the charges outlined in the complaint, then the defendant is subsequently released.

Ultimately, not stipulating to some or all charges listed in the complaint by the defense counsel slows down the processing of cases by the court, as it requires additional argumentations and judicial decisions. Although defense counsels hold the legal right not to stipulate to probable cause, the court routinely finds probable cause during subsequent argumentations in a large majority of cases, as the standard of proof is considerably low. Furthermore, in cases where probable cause is stipulated to, the court considers the weight of the case's evidence when formulating their final pre-trial decision. In other words, the weight of the evidence against the defendant is assessed and considered by the presiding judge whether probable cause is stipulated to or not by the defense counsel, meaning that not stipulating to probable cause may be perceived by workgroup members as an unnecessary action that prevents the efficient processing of cases.

Exhibits & Probable Cause Argumentation

Whether or not some or all charges are stipulated to by the defense counsel, prosecutors and defense counsel subsequently formally submit exhibits into evidence. Defense counsels are not required to submit *any* exhibits into evidence and may simply rely on those entered by the state during argumentations. These exhibits are documents submitted by prosecutors and defense counsels to the court that are used in support of their respected arguments during the proceeding. Exhibits entered by the state are typically documents such as complaint warrants, affidavits of probable cause, supplemental and investigation reports from arresting officer(s), COVID-19 certifications from the jail, and pre-trial release orders (if the defendant is on pre-trial

release at the time of the hearing). The exhibits submitted by defense counsels typically involve documents speaking to the defendant's character (e.g., reference letters) provided by the defendant's family members and or employers and physical or mental health evaluations of defendants by medical providers. Although prosecutors and defense counsels formally submit their respected exhibits during this stage, typically, they would have had already been more informally shared among all workgroup members and reviewed by all parties involved before the start of the hearing.

Either party (prosecutor or defense counsel) can formally object to any of their adversaries' submitted exhibits. If either party objects to a submitted exhibit, they provide their reasonings for doing so and a subsequent discussion takes place regarding the admissibility of the exhibit(s) in question. Ultimately, the court makes the final decision as to the admissibility of the submitted exhibits from both counsels for the purposes of the detention hearing. If all exhibits are deemed admissible, then the court formally enters them into evidence and counsels may reference them in support of their respected arguments. However, if an exhibit is deemed inadmissible by the court, counsels may not reference information outlined in that specific exhibit when supporting their probable cause (if some or all charges are not stipulated to) and or detention argument (if probable cause is established by the court). Similar to no stipulation occurrences, objections to submitted exhibits warrants the court's time and reduces the efficiency of the court. Once exhibits are formally entered into evidence by the court, the court then takes judicial notice of the PSA report produced by Pre-Trial Services. The judge does so by confirming with both the prosecutor and defense counsel the specific date and time in which the PSA report was generated by Pre-Trial Services staff.

Once exhibits are formally entered into evidence by the court and defense counsel stipulated to all the charges included in the complaint (and probable cause subsequently established by the court), then the hearing continues to the detention argumentation stage. However, if probable cause has not been established on some or all the charges following the submission of exhibits, counsels present their arguments in support and against probable cause. The duration of these presentations and argumentations related to probable cause vary by the number of offenses in which the defense counsel did not stipulate to, the complexity of the offenses outlined in the complaint, and the quantity of previously entered exhibits in which counsels must reference to successfully support their respected arguments.

In cases where defense counsel does not stipulate to probable cause to *some* of the charges, and the court subsequently rules that probable cause has not been established by the state on the charges in question (i.e., siding with defense counsel), then the hearing may proceed on to the detention argumentation stage since probable cause was established and stipulated to by the defense on the remaining charges. In cases where the court does not find probable cause to the main charges (i.e., the most serious) that the state was seeking detention on, then the state may choose to simply withdraw its detention motion if they believe that the remaining charges in question for which probable cause was established for are not serious enough to require pre-trial detention. If the court determines that probable cause was not established by the state for all the alleged charges, the defendant is subsequently released. In sum, once probable cause is established by the court, the proceeding then continues to the detention argumentation portion.

Initial Presentations/Argumentations

Once probable cause is established by the court, prosecutors and defense counsels provide to the court their arguments related to the appropriateness of pre-trial release and detention. During non-burden shifting cases, prosecutors present their arguments in support of pre-trial detention first. During burden-shifting cases, because the burden shifts to the defense to argue against the presumption of pre-trial detention, defense counsels present their arguments against pre-trial detention first.

During detention argumentations involving non-burden-shifting cases, prosecutors typically outline the facts surrounding the current case (e.g., types and nature of offense(s) and defendant's role in the offense(s) allegedly committed), defendant's criminal history, and provide any other related information that helps support their decision for having filed the motion for detention based on the specified ground(s). For example, if the state seeks detention on the grounds of failure to appear, the state relies on arguments such as a high risk of failure to appear score generated by the PSA and quantity and recency of prior failures to appear on the defendant's record and whether the defendant has ties to the local community. If, for example, the state seeks detention on the grounds of danger to others/community, the state may point to the nature and seriousness of the current or any pending offenses, the risk of new criminal activity score, and the presence of the new violent activity flag, and overall points to any other factors that may point to defendants heightened risk of danger to the community at large or specific person/victim(s). Lastly, when seeking to detain defendants on the grounds of obstruction of justice, the state may mention any prior instances in which the defendant failed to abide by court orders (e.g., violated temporary restraining order ["TROs"] or did not abide by pre-trial release orders) or was previously charged with offenses such as witness tampering.

Once prosecutors provide their arguments in support of pre-trial detention, the court then allows for defense counsel to present their respected arguments in support of pre-trial release and respond to prosecutors' arguments. Overall, defense counsels must argue to the court, depending on the ground(s) by which the state filed for its motion for detention, that pre-trial detention is not required to ensure the defendant's appearance in future court proceedings, that the defendant does not pose a significant risk to others or the community at large or may try to obstruct the criminal justice process.

Once initial presentations are provided by both counsels, the court then allows each workgroup member to directly respond to the other's arguments. Additional arguments or responses may be provided if either side intervenes and wishes to respond to other arguments or if the court deems necessary. Throughout this process, interactions between prosecutors and defense counsels may become more adversarial in nature as argumentations may intensify. Sometimes, to de-escalate the adversarial nature of these interactions, presiding judges may interrupt and or admonish either workgroup members. Ultimately, these actions by judges ensures that workgroup members cooperate with one another in a non-adversarial way so that cases may be more efficiently processed. Once detention argumentations conclude, the court assesses arguments presented by counsels and makes a pre-trial detention determination.

Judge's Decision

Once detention argumentations have concluded, and while on the record, the judge reviews the facts of the case, the defendant's characteristics, and based on the arguments presented by both sides, decides on the magnitude of the risk posed by the defendant to others or the community (e.g., minimum, considerable, or serious).

During the review of the case, the judge also explicitly states on the record the individual scores and recommendation generated by the PSA. Once all related evidence and characteristics are reviewed, the court makes its pre-trial detention decision.

When making its pre-trial detention decision, the court first decides whether pre-trial detention or pre-trial release is more appropriate. If the court determines that pre-trial release is more appropriate (vs. detention), it must then determine the appropriate release level and conditions to help alleviate the state's concerns while the defendant is out in the community throughout the pre-trial process. If the court orders for the defendant to be released on some PML, it will subsequently enter on the record the appropriate pre-trial release conditions (e.g., report weekly to pre-trial services, home detention, no excessive use of alcohol, and no use of controlled dangerous substance [CDS]). Once PML and conditions are provided by the court, the judge may then discuss with workgroup members the appropriateness of the presented conditions or any other additional release conditions. At this time, prosecutors and defense counsels may weigh in on release conditions. Once this process is completed, the judge then provides the defendant with the next event type (typically Pre-Indictment Conferences or Grand Jury) and date. If the judge orders for the defendant to be detained pre-trial, the judge reads to defendants their appeal rights and provides the next event date.

In summary, detention proceedings involve the active participation of adversaries (prosecutors and defense counsels) during case processing and are composed of a multitude of different key decision-making points on which presiding judges must make decisions. For example, judges make key formal/legal decisions regarding probable cause, the admissibility of submitted exhibits, case decisions (pre-

trial release or detention), and appropriate release conditions, while also making less formal decisions such as allowing for defendants to speak openly in court during proceedings, guiding argumentations, pausing the record whenever deemed necessary, and ultimately controlling how cases are processed (e.g., by admonishing or interrupting others whenever necessary).

Throughout the entirety of detention hearings, there are a multitude of measures that can be considered as markers for courtroom efficiency. For example, the longer the case and the more the number of times the court spends off-record may signal the court's inability to efficiently process cases. Similarly, cases involving interruptions and admonishments of counsels by judges, as well as cases with defense counsels who take a more active and adversarial approach during case processing (i.e., not stipulating to probable cause, objecting to submitted exhibits, and submitting exhibits on behalf of defense) may also be used as proxies for courtroom efficiency, as the presence of these occurrences also impedes efficient case processing.

In the following section, the characteristics of workgroup members are discussed. The discussion is followed by a discussion on the current study's variables of interest, analytic strategy, and data limitations.

RACE AND GENDER CHARACTERISTICS OF NJSC's WORKGROUP MEMBERS

The demographic information of workgroup members (race/ethnicity, age, and gender) were collected observationally, though verbal cues during proceedings facilitated the process.^{34,35} When determining a workgroup member's race, the observer relied primarily on the person's physical characteristics (e.g., skin color), but also on other cues (e.g., communicating in Spanish with a defendant) whenever possible to determine ethnicity. Similarly, when capturing gender, the observer relied on the workgroup members physical appearance. Additionally, close attention was given to the use of common pronouns (e.g., he, him, his) by workgroup members when communicating with one another during case processing, as such information facilitated coding. Although not of interest to this study's analyses, the age of workgroup members was estimated and captured using five age categories (18–25, 26–35, 36–45, 46–55, and >56 years of age).

In addition to personal characteristics, information was collected regarding defense counsels' type (public defender or private counsel). Public defenders were primarily identified with the aid of verbal cues provided during case processing. For example, during case processing involving public defenders, judges, prosecutors, and defense counsels themselves would often make comments or statements during case processing that allowed for their classification as public defenders.³⁶ Private defense

³⁴ The coding of race and ethnicity in observational studies is not without limitations as they rely on observer's perceptions. However, research finds that administrative data suffer from similar limitations (e.g., see Goodman [2008] and race making by prison authorities). Regarding the capturing of age, research finds that observers are generally accurate in estimating the ages of others (George & Hole, 1995).

³⁵ A similar strategy was used to capture the race/ethnicity and gender of defendants. However, a defendant's age was systematically verbally disclosed during detention hearings by workgroup members.

³⁶ Examples of such comments/statements include prosecutors stating on the record that they would be willing to work closely with the Public Defender's Office to resolve a specific issue or public defenders stating that the given defendant would be represented by a "colleague in the Public Defender's Office."

counsels and their respective offices (private firms) were identified via the search of their names (as provided on the record) on the World Wide Web. For example, the employing private firm would be listed on court actor’s personal accounts such as in LinkedIn, Facebook, or in the private firm’s website.

Overall, the study’s sample is composed of a combined total of 81 individual workgroup members: 3 judges, 33 prosecutors, and 45 defense counsels (10 public defenders and 35 private). Below, the case-level race and gender characteristics of these workgroup members are discussed (see Table 3.1 below).

Table 3.1. Case-level Race and Gender of Workgroup Members (N = 330)

	Judges	Prosecutors	Defense Counsels	
			Public Defenders	Private Counsel
Race				
Black	294 (89.1%)	101 (30.6%)	1 (0.3%)	26 (7.9%)
White	36 (10.9%)	224 (67.9%)	239 (72.4%)	51 (15.5%)
Latinx	-	2 (0.6%)	-	13 (3.9%)
Asian	-	3 (0.9%)	-	-
Other	-	-	-	-
Gender				
Male	328 (99.4%)	176 (53.3%)	64 (19.4%)	59 (17.9%)
Female	2 (0.9%)	154 (46.7%)	176 (53.3%)	31 (9.4%)
Race and Gender				
Black and Male	292 (88.5%)	32 (9.7%)	-	15 (4.5%)
Black and Female	2 (0.6%)	69 (20.9%)	1 (0.3%)	11 (3.3%)
White and Male	36 (10.9%)	140 (42.4%)	64 (19.4%)	39 (11.8%)
White and Female	-	84 (25.5%)	175 (53.0%)	12 (3.6%)
Latinx and Male	-	2 (0.6%)	-	5 (1.5%)
Latinx and Female	-	-	-	8 (2.4%)
Asian and Male	-	2 (0.6%)	-	-
Asian and Female	-	1 (0.3%)	-	-
Note: In parentheses are the percent of cases out of the total sample size.				

Judges

In total, the collected data captures three individual judges. However, a single judge presided over a large majority of cases captured in the sample; presiding over 88.5 percent or 292 out of the 330 cases in the sample. This main presiding judge was coded as a Black male. Of the remaining 38 cases (11.5 percent of the sample), 36 were decided by a white male judge and 2 by a Black female judge. The limitations

associated with the lack of variability across judges' race and gender are discussed later (see Data Limitations).

Prosecutors

In majority of cases in the sample (67.9 percent), prosecutors were coded as white. Prosecutors were also coded as Black in nearly a third of cases (30.6 percent). Related to gender, male prosecutors were involved in 53.3 percent of cases. Considering both race and gender, most prosecutors were coded as white males (42.4 percent), white females (25.5 percent), Black females (20.9 percent), and Black males (9.7 percent). In less than 2 percent of cases in the sample combined, prosecutors were coded as Latinx male, Asian male, and Asian female. On average, each prosecutor participated in 10.0 cases (SD: 12.6, Min: 1, Max: 54). However, 9 out of the 33 prosecutors captured in the data accounted for nearly three-quarter (71.8 percent) of total cases. On average, each of these 9 prosecutors participated in 26.3 cases (SD: 13.6, Min: 15, Max: 54).³⁷

Defense Counsels

Defense counsels (private and public) were mostly coded as white (87.9 percent), but also Black (8.2 percent) and Latinx (3.9 percent). In nearly two-thirds of cases (62.7 percent), defense counsels were coded as females. When considering the combination of race and gender, defense counsels were mostly white females (56.7 percent), white males (31.2 percent), Black males (4.5 percent), Black females (3.6 percent), Latinx females (2.4 percent), and Latinx males (1.5 percent). Although discussed later in more detail, it is important to note here that in nearly three-quarter (72.7) percent of cases, defendants were represented by public defenders who were

³⁷ See Appendix A.3 for race and gender characteristics by individual workgroup members.

predominantly white and female. There was considerable variability across race and gender by defense counsel type. These differences are discussed in more detail below.

Public Defenders

Out of the total 240 cases involving public defenders, nearly all were counsels coded as white (n = 239). In nearly three-quarter (73.3 percent) of public defender cases, counsels were coded as female. Therefore, cases involving defense counsels whom were public were mostly white females and white males. On average, each of the 10 total public defenders participated in 24 cases (SD: 29.9, Min: 1, Max: 63). However, this figure is driven by four of the ten public defenders that represented most cases in the sample. Specifically, these four public defenders accounted for 97.5 percent of cases represented by public defenders. Each of the four public defenders averaged 58.5 cases (SD: 5.4, Min: 58, Max: 63). Put differently, the remaining six public defenders participated in a single case each.

Private Attorneys

Compared to public defenders, there was much more variability with regards to race – out of the 90 total cases involving private attorneys, over half (56.7 percent) involved a private attorney coded as white, 28.9 percent Black, and 14.4 percent Latinx. The breakdown of gender also differed from that of public defenders – in nearly two-thirds of cases (65.6 percent) involving private attorneys, they were coded as male (vs. three-quarters of public defenders were coded as female). With regards to the intersectionality of race and gender, private attorneys were mostly coded as white males (n = 39), Black males (n = 15), white females (n = 12), Black females (n = 11), Latinx females (n = 8), and Latinx males (n = 5). On average, each of the 35 private attorneys participated in 2.6 cases (SD: 3.1, Min: 1, Max: 13). However, 24 of the 35 private attorneys participated in a single case. Excluding the total number of private

attorneys who participated in a single case, the remaining 11 private attorneys were responsible for 66 of the remaining private attorney cases (M: 6, SD: 3.6, Min: 2, Max: 13). Furthermore, two of the private attorneys participated in 11 and 13 of the cases each.

DATA

The current study examines the effects of workgroup member similarities (race and gender) and defense counsel type on measures capturing the court process, as well as race and gender workgroup member similarities, workgroup composition, and defense counsel type on case decisions. This section discusses the study's variables of interest.

Dependent Variables

Case Processing

A total of 11 unique measures are used to measure case processing inefficiency (see Table 3.2 for descriptive statistics of case processing measures). An additional 5 additive measures (scores) are generated utilizing the individual measures to capture different aspects of inefficiency (miscommunication, lack of cooperation and coordination), some of which are tied to specific workgroup members.³⁸ Combined, these measures capture the inefficiency of the courtroom during the processing of detention hearing cases. In general, the presence of an occurrence and the higher the values of the generated scores, the higher the associated inefficiency. These measures are discussed in more detail below.

The first two dichotomous (1 = Yes, 0 = No) measures (admonishments and interruptions of prosecutors and defense counsels by judges) capture instances of

³⁸ Utilizing *Stata 16.1* factor command, I explored how the unique measures loaded on to unique factors. Results show that the (10) measures load on to four distinct factors, each accounting for approximately .20 to .30 proportion of the variance and the measures do not load in any way that is theoretically supported.

miscommunication between workgroup members. Admonishment occurrences were instances in which the presiding judge reprimanded workgroup members for, for example, appearing late to the hearing or for being unprepared for the hearing. The second measure, interruptions of workgroup members by presiding judges, captures instances in which the prosecutor or defense counsel were interrupted by the judge while actively speaking on the record or were interrupted before concluding relaying their intended messages. Combined, these measures capture instances of miscommunication between the respective workgroup members and signal courtroom inefficiency, as they are unnecessary occurrences that slow down case processing.

Table 3.2 Descriptive Statistics of Case Processing Measures (N = 330)

	Mean	Std. Dev.	Min	Max
<i>courtroom inefficiency score (0 – 10)</i>	2.97	1.70	0	9
<i>prosecutor miscommunication score (0 – 2)</i>	0.58	0.65	0	2
<i>prosecutor's admonished by judge</i>	0.11	-	0	1
<i>prosecutor's interrupted by judge</i>	0.47	-	0	1
<i>defense counsel miscommunication score (0 – 2)</i>	0.55	0.63	0	2
<i>defense counsel's admonished by judge</i>	0.08	-	0	1
<i>defense counsel's interrupted by judge</i>	0.47	-	0	1
<i>defense counsel's activity score (0 – 3)</i>	0.42	0.59	0	2
<i>defense counsel objects to one or more submitted exhibits</i>	0.05	-	0	1
<i>defense counsel submits at least one exhibit</i>	0.08	-	0	1
<i>defense counsel does not stipulate to one or more charges</i>	0.28	-	0	1
<i>missing/unorganized paperwork score (0 – 2)</i>	0.70	0.73	0	2
<i>prosecutor's paperwork missing/unorganized</i>	0.39	-	0	1
<i>defense counsel's paperwork missing/unorganized</i>	0.30	-	0	1
<i>one or more times off-record</i>	0.72	-	0	1
<i>duration of hearing (in minutes)</i>	61.70	25.40	20	209
<i>Case Outcome (detention)</i>	0.41	-	0	1

Note: The additive measures (scores) are bolded.

Of the total sample of cases, prosecutors and defense counsels were admonished by presiding judges in 11 and 8 percent of cases. Both prosecutors and defense counsels were interrupted in a similar percent of cases (47). Using the individual admonishment and interruption measures, additive score measures are generated for prosecutors (*prosecutor miscommunication score*) and defense counsels (*defense counsel miscommunication score*). The generated scores for prosecutors and

defense counsels are similar, values of 0.58 (SD: 0.65, Min: 0, Max: 2) and 0.55 (SD: 0.63, Min: 0, Max: 2), respectively, signifying nearly equal amounts in lack of miscommunication during cases.

An additional dichotomous (1 = Yes, 0 = No) measure captures occurrences in which the prosecutor's and defense counsel's paperwork appeared to be either missing and or unorganized during hearing of cases. These occurrences were coded as such when, for example, the workgroup members verbally expressed missing case-related paperwork and or asked for time from the court to either organize or find the appropriate case-related paperwork. Instances in which there were significant time lapse in case processing because of counsels sifting through paperwork were also coded as such. Ultimately, being unprepared for case hearings generally signals a potential lack of coordination by the workgroup member and courtroom inefficiency, as such occurrences result in unnecessary delays during case processing. The paperwork of prosecutors and defense counsels appeared to be either missing and or unorganized in 39 and 30 percent of cases, respectively. Two individual measures capturing such occurrences by prosecutors and defense counsels are combined to generate an additive measure, *missing/unorganized paperwork score*, that captures courtroom inefficiency more generally. The value generated by the combined score is 0.70 (SD: 0.73, Min: 0, Max: 2). The paperwork of both prosecutors and defense counsels appeared missing in 16 percent of cases and did not in 47 percent of cases (see Appendix A.4 for the distributions of the score measures).

A fourth additive score, *defense counsel's activity score*, is generated using three individual items that capture specific actions of defense counsels during hearings and signals a lack of cooperation in the part of defense counsels during case processing (M: 0.42, SD: 0.59, Min: 0, Max: 2). The additive measure is composed of

three individual dichotomous measures that capture whether the defense counsel (1 = Yes, 0 = No): objected to one or more of the prosecutor's submitted exhibits, submitted one or more exhibits, and did not stipulate to one or more of the charges in the complaint. Individually, each of these decisions by defense counsels prevents the streamlining of cases, as each occurrence prompts subsequent argumentations between counsels and requires a judicial review and formal decision. Although defense counsels objected to one or more of the prosecutor's exhibits and submitted one or more of their own in a small percentage of cases, 5.5 and 8.5 percent, respectively, they did not stipulate to probable cause in over a quarter of the observed cases (28 percent). In most cases in the sample (64 percent), neither of the three behaviors were present, one in 31 percent of cases, and two in less than 6 percent of cases. Not once were all three occurrences present during a case.

Additionally, a dichotomous measure captures whether (1 = Yes, 0 = No) the court went off-record on one or more occasions during the processing of a case (*one or more times off-record*). During off-record occurrences, the court's record was paused, and the given case was no longer being processed, thus hindering the court's ability to rapidly dispose of cases signaling inefficiency during case processing. An additional continuous variable captures the length (in minutes) of individual cases (*duration of hearing*). Both measures (*one or more times off-record* and *duration of hearing*) are used as proxies for courtroom inefficiency — in net of all legal and non-legal relevant factors, the more time a case requires to be processed and the more times off-record, the less efficiently the case is processed by the given workgroup. On average, each detention hearing case lasted approximately 62 minutes (SD: 25.4, Min:

20, Max: 209) and in nearly three-quarters (72 percent) of the observed cases, the record was paused on one or more occasion.³⁹

Utilizing the four generated scores and the dichotomous variable capturing the number of times off-record, an additive measure (*courtroom inefficiency score*) is generated. This single measure provides a single score of courtroom inefficiency. Overall, the average courtroom inefficiency score is 2.97 (SD: 1.7, Min: 0, Max: 9).

Although none of the individual case processing measures are moderately or highly correlated, there are some relationships worth noting (see Appendix A.5 for correlation matrix of case processing measures). Specifically, increases in the duration of hearings is associated with admonishments ($r = 0.16$) and interruptions of prosecutors by judges, interruptions of defense counsels by judges ($r = 0.17$). Duration of hearings is also associated with no stipulations by defense counsels ($r = 0.19$), submitting of exhibits by defense counsels ($r = 0.20$), and off record occurrences ($r = 0.25$).

Case Decisions

The measure, *detention decision*, captures the judge's final pre-trial decision (1 = pre-trial detention, 0 = pre-trial release). Of the total number of cases in the sample (N = 330), pre-trial detention was ordered in 41.2 percent of cases (n = 136) and ROR or some PML in nearly 59 percent of cases combined (n = 194). When released, large majority of defendants were released on the highest PML (3+) (n = 166 or 50.3 percent of the total sample) or PML3 (n = 20 or 6.1 percent of the total sample). Due to the lack of variability across PMLs, this measure is limited to a decision of pre-trial detention or release (ROR through PML3+).

³⁹ On average, the court record was paused 1.5 times per case (SD: 1.4, Min: 0, Max: 8) (not presented).

Key Independent Variables

Workgroup Similarities

Measures that capture workgroup member race and gender similarities, regardless of the specific race or gender, are independently created for the following combinations of workgroup members: judges and prosecutors, judges and defense counsels, prosecutors and defense counsels, and judges, prosecutors, and defense counsels (see Table 3.3 for descriptive statistics of workgroup race and gender similarities by workgroup member combination). For example, for the workgroup involving all three members (judge, prosecutor, and defense counsel), the race similarity measure captures whether (1 = Yes, 0 = No) all workgroup members are of the same race (e.g., all Black, all white, etc...). A similar approach is taken when creating the remaining (3) race and (4) gender similarity measures. Additionally, four measures are created that capture instances in which there are both race *and* gender similarities across the four possible combinations of workgroup members (e.g., all workgroup members are white males or both judges and prosecutors are Black males). In total, 12 similarity measures are created.

Table 3.3. Descriptive Statistics of Workgroup Race and Gender Similarities by Workgroup Combination (N = 330)

	Frequency	Percent
Judge and Prosecutor		
Race	117	35.5
Gender	176	53.3
Race and Gender	46	13.9
Judge and Defense Counsel		
Race	58	17.6
Gender	125	37.9
Race and Gender	23	7.0
Prosecutor and Defense Counsel		
Race	212	64.2
Gender	169	51.2
Race and Gender	109	33.0
Judge, Prosecutor, and Defense Counsel		
Race	35	10.6
Gender	70	21.2
Race and Gender	7	2.1

In nearly 36 percent of observed cases, judges and prosecutors were of the same race and of the same gender in over half of the sample (53.3 percent). When considering similarities across both race and gender, judges and prosecutors shared these characteristics in approximately 14 percent of cases. Concerning similarities among judges and defense counsels, the workgroup members shared similar race in over 17 percent of cases, gender in 37.9 percent of cases, and both race and gender in 7 percent of cases. Overall, prosecutors and defense counsels were the most similar. Specifically, prosecutors and defense counsels were coded as being of similar race in 64.2 percent of cases, similar gender in 51.2 percent of cases, and similar race and gender in nearly a third (33 percent) of cases in the sample. As expected, similarities among all three workgroup members were the least frequent. All three workgroup members coded as being of the same race in 10.6 percent of the observed cases and the same gender in 21.2 percent of cases. In only 2.1 percent of cases in the sample were all three workgroup members of the same race and gender.

Workgroup Composition

To examine the effects of workgroup composition on detention decisions, while considering all three workgroup members, individual measures are created that capture the general racial and gender composition of workgroups. This is done in two ways – by accounting for the racial or gender composition of each of the three workgroup members (e.g., all three workgroup members are white, or all three workgroup members are male) and by considering the racial and gender characteristics of majority (2 or more workgroup members) of the workgroup members. For example, if two of the three workgroup members are white or male,

then the workgroup is classified as, respectively, majority white and majority male.⁴⁰ Similar measures are created that capture both the racial and gender composition of majority and full workgroups (see Table 3.4 below for race and gender workgroup composition and defense counsel type descriptive statistics). However, due to the lack of variability in the sample across judge’s race and gender (mostly Black and male) and the more racial and gender diverse group of prosecutors and defense counsels, the current study is limited to the examination of the following composition measures: *full-white* workgroup, *majority-white* workgroup, *full-male* workgroup, and *majority-male* workgroup. Additionally, to examine the effects of the intersectionality of workgroup members’ race and gender on case decisions, two measures are created that capture instances in which workgroup members are *majority-white-male* and *majority-white-female*.⁴¹

Table 3.4. Descriptive Statistics of Race and Gender Composition and Defense Counsel Type (N = 330)

	Frequency	Percent
Workgroup Composition		
<i>full-white</i>	23	7.0
<i>majority-white</i>	213	64.6
<i>full-male</i>	69	20.9
<i>majority-male</i>	229	69.4
<i>majority-white-male</i>	61	18.5
<i>majority-white-female</i>	55	16.7
Defense Counsel Type		
<i>public defender</i>	240	72.7

In 7 percent of the observed cases, the workgroup was composed of workgroup members that were all coded as white. Workgroups were composed of majority-white members in over 64 percent of cases. Related to gender, workgroups

⁴⁰ See Appendix A.6 for the racial breakdown of groups for each possible combination of workgroup members.

⁴¹ Although not presented, workgroups were composed of all Black members in 3.6 percent of cases (n = 12), all female members in a single case, all white-male in 1.5 percent of cases (n = 5), and all Black-male in 2 cases. Regarding majority workgroup composition: Black in nearly 32 percent of cases (n = 104), female in 31 percent (n = 101), Black-male (12.7 percent of cases; n = 42), and Black-female (1.8 percent; n = 6).

were composed of all male members in approximately 21 percent of cases, and majority male in 69.4 percent of cases. Considering the racial and gender composition of workgroups, in nearly 19 and 17 percent of cases, workgroups were composed of majority-white-male and majority-white-female members, respectively.

Defense Counsel Type

To explore the effects of defense counsel type, a dichotomous (1 = public defender, 0 = private counsel) variable (*public defender*) was created to capture cases in which the defendant was represented by a public defender.⁴² Defendants were represented by public defenders in 72.7 percent of the observed cases.

Control Variables

The current study controls for several different legal and non-legal case-related factors consistent with prior court research. All case-level legal relevant information was verbally disclosed throughout the processing of the individual case by workgroup members (see Table 3.5 for descriptive statistics and A.7 for correlation matrix of control measures). These legal-relevant case-level measures include the following dichotomous variables (1 = Yes, 0 = No): PSA recommendation of pre-trial detention/no release (*PSA detention recommendation*), release on some level of pre-trial monitoring (*currently on PML*) or probation or parole (*currently on probation or parole*), whether the defendant has any pending cases (*currently has pending cases*), and if the case is considered as a burden-shifting case (*burden shifting*). The following dichotomous variables (1 = Yes, 0 = No) capture the nature of the top/most serious charge associated with the complaint: *person, property, drug, weapon, and other*.^{43,44}

⁴² See Race and Gender Characteristics of Workgroup Members for discussion on how defense counsels were coded during data collection.

⁴³ Top/most serious charges for a given complaint were identified using UCR's Hierarchy Rule. See https://ucr.fbi.gov/additional-ucr-publications/ucr_handbook.pdf for more.

⁴⁴ Person offenses include violent offenses such as murder, assault (simple, aggravated, sexual), and robbery. Property includes offenses such as burglary, arson, and theft. Drug offenses include

Related to associated charges, the *total number of current charges* captures the total number of charges (count variable) associated with the complaint. To account for the defendant's criminal history, I use *prior criminal history* (1 = Yes, 0 = No).⁴⁵

The analysis also considers the following defendant demographic factors.⁴⁶ Using dichotomous variables (1 = Yes, 0 = No), the range of defendants' ages are considered: between the ages of 18 and 35 (*age 18-35*) and 36 years of age or older (*age > 36*).⁴⁷ Defendant's gender and race are accounted for by using the following set of dichotomous variables (1 = Yes, 0 = No): *male* captures whether the defendant was coded as male and *Black, Latinx, White, and Other* captures whether the defendant was coded as Black, Latinx, white, or as Other, respectively. The study also accounts for instances in which (1 = Yes, 0 = No) a violation of monitoring (VOM) or pre-trial revocation (RVK) motion was filed, and the court made both a detention and VOM/RVK decision (*VOM/RVK flag*). VOM/RVK hearings are important to account for in the models for several reasons. First, hearings involving VOM/RVK, on average, lasted approximately 20 more minutes than cases solely involving detention decisions. Second, such motions may potentially influence the judge's decisions on the initially filed motion for detention. Although the *public defender* measure is employed as a main independent variable (see discussion on independent variables)

possession and distribution of Controlled Dangerous Substances (CDS), weapon-related offenses include unlawful possessions of handguns, and Other generally includes contempt charges (e.g., violations of restraining order & failing to register as a sex offender).

⁴⁵ Prior criminal history captures whether there is mention of the defendant ever being arrested in the sample, including both juvenile and adult arrests, as well as ever being charged with a crime, or for example, ever serving a jail or prison sentence.

⁴⁶ See Race and Gender Characteristics of Workgroup Members for discussion on how race, gender, and age of workgroup members and defendants were captured during data collection.

⁴⁷ Although more exact measures capturing defendant's age (18–25, 26–35, 36–45, 46–55, and > 56) are available, the defendant's age is found not to influence these study's results. Therefore, to minimize the number of control variables in the models, age categories are combined.

and *duration of hearing* as one of the dependent variables when examining process, they are also used as control measures when appropriate.

Table 3.5. Descriptive Statistics of Control Variables (N = 330)

	Percent/Mean	Standard Deviation	Min	Max
Legal Factors				
<i>PSA detention recommendation</i>	76.4		0	1
<i>prior criminal history</i>	79.6		0	1
<i>currently on a PML</i>	38		0	1
<i>currently on probation or parole</i>	20.3		0	1
<i>currently has pending cases</i>	67.2		0	1
<i>total number of current charges</i>	4.9	3.4	1	18
<i>nature of top charge</i>				
<i>person*</i>	47		0	1
<i>property</i>	9.1		0	1
<i>drug</i>	7.3		0	1
<i>weapon</i>	32.1		0	1
<i>other</i>	4.6		0	1
<i>burden shifting</i>	9.1		0	1
Defendant Personal Characteristics				
<i>Age</i>				
<i>18-35</i>	71.5		0	1
<i>> 36*</i>	28.5		0	1
<i>Gender</i>				
<i>male</i>	91.8		0	1
<i>Race/Ethnicity</i>				
<i>Black</i>	71.2		0	1
<i>Latinx</i>	15.8		0	1
<i>White*</i>	11.5		0	1
<i>Other*</i>	1.5		0	1
Other				
<i>public defender</i>	72.7		0	1
<i>duration of hearing</i>	61.7	25.4	20	209
<i>VOM/RVK flag</i>	13.6		0	1
Note: * = reference category				

A large majority of defendants captured in the sample were coded as Black (71.2 percent), male (91.8 percent), and between the ages of 18 and 35 (71.5 percent) — 35.2 percent were between 18 and 25, and 36.4 percent were between the ages of 26 and 35. Defendants categorized as Latinx made up nearly 16 percent of the sample, while whites accounted for 11.5 percent. In nearly 14 percent of cases a VOM/RVK decision was made by the court.

In nearly 80 percent of cases, defendants had a prior criminal history and in a similar percent the PSA report recommended for defendants to be detained pre-trial

(i.e., no release was recommended). In 67.2 percent of the cases observed, defendants had at least one pending complaint. Defendants were already on some level of pre-trial monitoring at the time of the detention hearing in 38 percent of cases and either on probation or parole in 20.3 percent of cases. The nature of the top charges were mostly (47 percent) violent offenses against persons, followed by weapons (32.1 percent), property (9.1 percent), drug (7.3 percent), and other (4.6 percent). On average, defendants were charged with nearly 5 offenses (M: 4.9, SD: 3.4, Max: 18). Over 9 percent of cases were classified as burden-shifting. On average, hearings lasted approximately 62 minutes (SD = 25.4, Min: 20, Max: 209).

ANALYTIC STRATEGY

The analyses unfold over several stages. First, to examine the effects of race and gender similarities and defense counsel type on case processing, the current study employs a series of Logit and Poisson regression models using *STATA* 16.1. Logit regression models are used to estimate the effects of workgroup characteristics on binary case processing outcome measures, whereas Poisson models are used to estimate the effects on discrete count measures. For each of the relationships examined that involves discrete count measures as outcomes, it was determined that Poisson regression models were more appropriate than other modeling strategies (Negative Binomial Regressions) because there was no evidence of overdispersion, meaning that these measure's means were roughly equal to their variance.⁴⁸ A multitude of regression models were estimated in which each workgroup

⁴⁸ Although Poisson were determined to be most appropriate modeling strategy, the relationships were also examined using Negative Binomial regressions. The results across the two modeling strategies were identical (not shown).

characteristic of interest were independently regressed on each of the outcome measures, while controlling for all theoretically relevant factors across all models.⁴⁹

Second, Logit regression models are also used to estimate the effects of workgroup similarity and defense counsel type on the binary measure, detention. Again, measures of workgroup characteristics are entered one at a time into the model. Because the effect of workgroup composition on case outcome depends on the defendant gender and race, models assessing these relationships include multiplicative interaction terms that capture the intersection of workgroup composition and defendant characteristics.

The third goal of the study is to assess if case processing mediates the effect of workgroup characteristics on case decisions. To start, I follow the guidance of Baron and Kenny (1986) to explore whether the basic requirements of mediation are met using basic regression techniques. Specifically, I assess whether: 1) the main independent variables (workgroup characteristics) significantly influence the dependent variable (case decision), 2) the main independent variables significantly influence the mediator (case processing), and 3) the mediator influences case decisions. While path models offer an additional method for assessing mediation, these basic analyses ruled out the possibility of mediation because there was no significant relationship between the mediators (i.e., process) and case decisions (detention); therefore, the more complex path models were not estimated.

DATA LIMITATIONS

The current data and study have several limitations that need to be addressed. There are several limitations associated with the sample of observed judges. First, of

⁴⁹ Due to the explorative nature of the study and the large quantities of relationships examined, some significant findings may be due to chance. However, all the relationships examined are theoretically driven.

the three total judges captured in the data, a single judge presided over a large majority of cases in the sample (88.5 percent). This is important, as judges presiding over pre-trial detention hearings dictate how cases are processed, and although other workgroup members also play a part in shaping case decisions, judges are the workgroup members solely responsible for making the formal final pre-trial decisions. Second and relatedly, the study is limited to a sample of cases that were primarily presided over by a single Black male judge. This limited variability has implications for the study's inquiry regarding the race and gender similarities between workgroup members measures, particularly those involving judges. Specifically, although similarities are expected to influence case processing no matter the specific race or gender of the workgroup examined, most cases were processed by a single judge with distinct characteristics. Put differently, workgroups and workgroup combinations involving judges are synonymous with workgroups composed of Black and male workgroup members. Also related to similarities, cases involving workgroup members of the same race and gender were few ($n = 7$), therefore any examinations predicting the effects of race and gender similarities should be carefully interpreted.

Similar to judges, the study's sample is also limited by the collected sample of public defenders and their distinct race and gender characteristics. In the sample, most cases involving public defenders were processed by counsels who were white and female, including the four primary public defenders who were all coded as white and three of which who were coded as females. Additionally, because most defendants (nearly 92 percent) in the sample were coded as male, the study lacks variability across defendant's gender. Combined, these limitations signal for the study results to be interpreted cautiously. The concerns of the current limitations may be mitigated by future research (discussed in Chapter 7).

CHAPTER IV: RESULTS – CASE PROCESSING

The current chapter discusses the findings of the effects of workgroup member's race and gender similarities and defense counsel type on case processing measures (see Table 4.1 below for hypotheses and summary of findings). The findings related to the effects of workgroup member race and gender similarities are presented separately by workgroup member combination (judge and prosecutor, judge and defense counsel, prosecutor and defense counsel, and judge, prosecutor, and defense counsel).

Race and gender similarities among workgroup members are expected to influence how efficiently cases are processed because research finds that commonalities between persons induces higher levels of communication, cooperation, and coordination. Therefore, similarities between judges and prosecutors, as well as judges and defense counsels are expected to reduce miscommunications between the two respective members. For example, cases involving judges and prosecutors of the same race are expected to, compared to cases involving dissimilar workgroup members, reduce miscommunications between the two workgroup members (i.e., decline in interruptions and admonishments of prosecutors by judges). Similarities between prosecutors and defense counsels, as well as similarities between all three workgroup members are also expected to reduce miscommunications, increase cooperation by defense counsels and coordination, and overall result in a decline in courtroom inefficiency. Following the discussion on workgroup member similarities, the results of the effects of defense counsel type on case processing are presented. Due to the previously discussed effects of defense counsel type on case processing, compared to private counsels, cases involving public defenders are expected to result

in cases being processed with less miscommunication, more cooperation by defense counsels and coordination, and overall, with less courtroom inefficiency.

Table. 4.1. Summary of Effects of Workgroup Similarities and Defense Counsel Type on Process

Hypotheses		Supported?
Race and Gender Workgroup Similarities		
Judge and Prosecutor		
<i>Race</i>	Decline in prosecutor's miscommunication score.	No
<i>Gender</i>		Yes
<i>Race and Gender</i>		No
Judge and Defense Counsel		
<i>Race</i>	Decline in defense counsel's miscommunication score.	No
<i>Gender</i>		No
<i>Race and Gender</i>		No
Prosecutor and Defense Counsel		
<i>Race</i>	(a) Decline in prosecutor's miscommunication score. (b) Decline in defense counsel's miscommunication score. (c) Decrease defense counsel's activity score.	(a) No (b) No (c) No (d) No (e) No (f) No (g) No
<i>Gender</i>	(d) Decrease the odds of prosecutor's and defense counsel's paperwork unorganized (<i>p_dc_paper_count</i>). (e) Reduce the odds of going off-record one or more times.	(a) No (b) No (c) No (d) No (e) No (f) No (g) No
<i>Race and Gender</i>	(f) Decrease duration of cases (in minutes). (g) Reduce courtroom's inefficiency score.	(a) No (b) No (c) No (d) No (e) No (f) No (g) No
Judge, Prosecutor, and Defense Counsel		
<i>Race</i>	(a) Decline in prosecutor's miscommunication score. (b) Decline in defense counsel's miscommunication score. (c) Decrease defense counsel's activity score.	(a) No (b) No (c) No (d) No (e) Yes (f) No (g) No
<i>Gender</i>	(d) Decrease the odds of prosecutor's and defense counsel's paperwork unorganized (<i>p_dc_paper_count</i>). (e) Reduce the odds of going off-record one or more times.	(a) No (b) No (c) No (d) No (e) No (f) No (g) No
<i>Race and Gender</i>	(f) Decrease duration of cases (in minutes). (g) Reduce courtroom's inefficiency score.	(a) No (b) No (c) No (d) No (e) No (f) Yes (g) No
Defense Counsel Type		
	Decline in prosecutor's miscommunication score.	No
	Decline in defense counsel's miscommunication score.	Yes
	Decrease defense counsel's activity score.	Yes
<i>Public Defender</i>	Reduce the odds of going off-record one or more times.	Yes
	Decrease the odds of prosecutor's and defense counsel's paperwork unorganized (<i>p_dc_paper_count</i>).	No
	Decrease duration of cases (in minutes).	Yes
	Reduce courtroom's inefficiency score.	Yes

SIMILARITIES

Judge and Prosecutor

At the bivariate level, judge and prosecutor race, as well as the combinations of race and gender similarities are not significantly associated with the prosecutor's

miscommunication score or either one of the two measures composing the score (admonishments and interruptions of prosecutors by judges) (see Appendix A.8 for bivariate relationships of similarities, defense counsel type, and case processing). The multivariate models show similar results (see Table 4.2 for multivariate results). Across all multivariate models predicting the effects of race and both race and gender similarities on the process measures, case duration remains significant — it increases the odds of a prosecutor being admonished and interrupted by the judge, as well as the prosecutor's miscommunication score.

Although gender similarities do not significantly influence the likelihood of a prosecutor being admonished or interrupted, results show that gender similarities have a significant effect on the prosecutor's miscommunication score. At the bivariate level, as hypothesized, compared to cases involving judges and prosecutors of different genders, cases involving judges and prosecutors of similar gender are associated with a decline in the prosecutor's miscommunication score (IRR = 0.78, $p < .05$). The multivariate models show similar results. Specifically, as hypothesized, gender similarities between judges and prosecutors significantly reduces the prosecutor's miscommunication score (IRR = 0.77, $p < .05$). In other words, compared to cases involving dissimilar judges and prosecutors, cases involving judges and prosecutors of the same gender are processed with less instances of miscommunication. The multivariate models predicting the effects of gender similarities also show that the nature of the top charge and case duration significantly predict the prosecutor's miscommunication score. Specifically, compared to cases involving person top charges, cases involving drug top charges results in an increase in prosecutor's communication score (IRR = 1.53, $p < .05$). The duration of a case

significantly increases the prosecutor's miscommunication score (IRR = 1.01, $p < .001$).

Judge and Defense Counsel

At the bivariate level, judge and defense counsel race similarities are significantly related to defense counsel's miscommunication score and the two components of this score; however, contrary to the presented hypotheses, judge and defense counsel race similarities are associated with an increase in the odds of the defense counsel being admonished (OR = 3.33, $p < .01$) and interrupted (2.27, $p < .01$) by the judge, and defense counsel's miscommunication score (IRR = 1.63, $p < .001$). These bivariate model results suggest that cases involving judges and defense counsels of different races are processed with more miscommunication than those in which these two actors are the same race. The multivariate results provide somewhat similar results. Race similarities between judges and defense counsels increase the odds of the defense counsel being admonished (OR = 1.95, $p < .01$) and defense counsel's miscommunication score (IRR = 1.44, $p < .05$). The relationship between the variable capturing race similarities and interruptions is no longer statistically significant when considering other relevant factors.

Gender similarities between judges and defense counsels is related to interruptions of defense counsels by judges and defense counsel's miscommunication score. Contrary to the posited hypotheses, similarities in gender between the two workgroup members increases the odds of a defense counsel being interrupted (OR = 1.59, $p < .05$) and defense counsel's miscommunication score (IRR = 1.32, $p < .05$). However, at the multivariate level, these relationships are no longer significant.

Model results show then when judges and defense counsels are both the same race and gender, there is no significant effect on the odds of the defense counsel being

admonished or interrupted by the judge, or on defense counsel's miscommunication score. However, consistent with the previous model results, the predictors controlling for case duration and public defender have similar effects on admonishments, interruptions, and defense counsel's miscommunication score. Specifically, in all three models, case duration significantly increases the odds of a defense counsel being admonished, interrupted, and defense counsel's miscommunication score.

Additionally, cases with public defenders are more efficiently processed.

Prosecutor and Defense Counsel

At the bivariate level, race similarities is significantly related to the defense counsel objecting to one or more of the prosecutor's submitted exhibits and case duration, but in the opposite direction of what was predicted. Specifically, when the prosecutor and defense counsel are the same race, the odds of the defense counsel objecting to one or more exhibits is higher (OR = 10.2, $p < .05$) and cases are longer in duration (Coef. = 5.92, $p < .05$). Gender similarities is also associated with the number of times off-record (OR = 1.69, $p < .01$), whereas race and gender similarities (combined) are associated with the defense counsel being interrupted by the judge (OR = 1.78, $p < .05$), defense counsel's miscommunication score (IRR = 1.27, $p < .05$), and number of times off-record (OR = 2.10, $p < .01$).

Multivariate results are generally consistent with the bivariate findings. Specifically, when the prosecutor and defense counsel are the same race, the odds of the defense counsel objecting to one or more of a prosecutor's submitted exhibit is higher (OR = 9.93, $p < .05$). Moreover, gender similarities increase the odds of the court going off-record (OR = 1.78, $p < .05$), and similarities in both race and gender increases the odds of the defense counsel being interrupted by the judge (OR = 1.66, $p < .05$) and the odds of the court going off-record (OR = 2.13, $p < .05$).

Table 4.2. Multivariate Effects of Similarities and Defense Counsel Type on Case Processing

	prosecutor's admonished by judge		prosecutor's interrupted by judge		prosecutor miscommunication score		defense counsel's admonished by judge		defense counsel's interrupted by judge		defense counsel miscommunication score		defense counsel stipulate to one or more charges		defense counsel does not stipulate to one or more charges		defense counsel objects to one or more submitted exhibits		
	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	IRR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	IRR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR	
Judge and Prosecutor																			
Race	0.22 (0.40)	1.25	0.10 (0.26)	1.10	0.07 (0.13)	1.07	-	-	-	-	-	-	-	-	-	-	-	-	
Gender	-0.59 (0.39)	0.55	-0.43 (0.25)	0.65	-0.26 (0.12)	0.77*	-	-	-	-	-	-	-	-	-	-	-	-	
Race & Gender	-0.35 (0.62)	0.71	0.05 (0.36)	1.05	0.04 (0.19)	0.96	-	-	-	-	-	-	-	-	-	-	-	-	
Judge and Defense Counsel																			
Race	-	-	-	-	-	-	0.95 (0.58)	2.58	0.67 (0.34)	1.95*	0.36 (0.15)	1.44*	-	-	-	-	-	-	
Gender	-	-	-	-	-	-	0.06 (0.55)	1.10	0.14 (0.27)	1.13	0.06 (0.13)	1.06	-	-	-	-	-	-	
Race & Gender	-	-	-	-	-	-	0.80 (0.68)	2.22	-0.09 (0.54)	0.91	0.08 (0.22)	1.08	-	-	-	-	-	-	
Prosecutor and Defense Counsel																			
Race	0.30 (0.43)	1.35	0.02 (0.27)	1.02	0.07 (0.14)	1.07	0.08 (0.50)	1.08	0.24 (0.27)	0.79	-0.10 (0.14)	0.91	0.29 (0.33)	0.75	2.30 (1.05)	9.93*	-	-	
Gender	0.24 (0.39)	0.71	-0.07 (0.24)	1.34	-0.01 (0.12)	1.07	0.33 (0.50)	1.27	0.29 (0.24)	0.94	0.07 (0.12)	1.01	0.30 (0.31)	1.34	-0.78 (0.59)	0.46	-	-	
Race & Gender	0.35 (0.40)	1.42	-0.09 (0.26)	0.91	0.03 (0.12)	1.03	-0.13 (0.54)	0.88	0.51 (0.26)	1.66*	0.17 (0.12)	1.19	-0.21 (0.33)	0.81	0.04 (0.57)	1.04	-	-	
Judge, Prosecutor, and Defense Counsel																			
Race	1.04 (0.55)	2.82	0.22 (0.41)	1.25	0.24 (0.18)	1.27	1.28 (0.64)	3.61*	1.01 (0.44)	2.74*	0.53 (0.16)	1.69***	0.83 (0.52)	0.44	0.71 (0.84)	2.03	-	-	
Gender	0.41 (0.58)	0.67	0.56 (0.32)	0.57	-0.27 (0.17)	0.76	-0.19 (0.69)	0.83	0.24 (0.33)	1.27	0.05 (0.15)	1.05	-0.32 (0.36)	0.73	-1.92 (1.57)	0.15	-	-	
Race & Gender	1.90 (0.87)	6.67*	0.09 (0.81)	1.09	0.39 (0.40)	1.48	0.72 (1.18)	2.06	-0.35 (0.88)	0.70	0.00 (0.48)	1.00	-0.62 (0.95)	0.54	-	omitted	-	-	
Counsel Type																			
public defender	1.12 (0.50)	3.07*	0.12 (0.28)	1.13	0.17 (0.14)	1.18	-1.43 (0.50)	0.24**	-1.17 (0.29)	0.31***	-0.62 (0.13)	0.54***	-2.23 (0.33)	0.11***	0.99 (0.74)	2.69	-	-	

Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$

Table 4.2. Multivariate Effects of Similarities and Defense Counsel Type on Case Processing, cont'd

	defense counsel submits at least one exhibit		defense counsel's activity score		prosecutor's paperwork missing/unorganized		defense counsel's paperwork missing/unorganized		missing/unorganized paperwork score		one or more times off-record		duration of hearing	courtroom inefficiency score	
	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	IRR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	IRR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	<i>b</i> (RSE)	IRR
Judge and Prosecutor															
Race		-		-		-		-		-		-		-	-
Gender		-		-		-		-		-		-		-	-
Race & Gender		-		-		-		-		-		-		-	-
Judge and Defense Counsel															
Race		-		-		-		-		-		-		-	-
Gender		-		-		-		-		-		-		-	-
Race & Gender		-		-		-		-		-		-		-	-
Prosecutor and Defense Counsel															
Race	0.31 (0.57)	1.36	0.11 (0.15)	1.12	-0.47 (0.28)	0.62	0.10 (0.29)	1.10	-0.12 (0.13)	0.89	0.27 (0.28)	1.30	-0.16 (2.80)	0.00 (0.06)	1.00
Gender	0.22 (0.52)	1.24	0.08 (0.15)	1.08	0.03 (0.24)	1.03	0.15 (0.25)	1.16	0.05 (0.11)	1.05	0.57 (0.27)	1.78*	1.56	0.07 (0.06)	1.07
Race & Gender	0.36 (0.54)	1.43	0.04 (0.15)	1.05	-0.49 (0.28)	0.61	-0.05 (0.28)	0.95	-0.16 (0.13)	0.85	0.76 (0.31)	2.13*	0.56	0.05 (0.06)	1.05
Judge, Prosecutor, and Defense Counsel															
Race	-2.21 (1.44)	0.11	-0.37 (0.24)	0.69	-0.52 (0.40)	0.59	-0.74 (0.46)	0.48	-0.36 (0.20)	0.70	-1.52 (0.46)	0.22**	-4.44	-0.03 (0.09)	0.97
Gender	-0.56 (0.55)	0.57	-0.29 (0.15)	0.75	-0.14 (0.35)	0.87	-0.07 (0.32)	0.93	-0.08 (0.15)	0.92	0.80 (0.41)	2.23*	1.75	-0.07 (0.07)	0.93
Race & Gender	-	omitted	-0.52 (0.47)	0.58	-	omitted	-0.11 (0.93)	0.89	-0.84 (0.62)	0.43	-1.44 (0.81)	0.24	-9.98*	-0.26 (0.23)	0.77
Defense Counsel Type															
public defender	-2.62 (0.55)	0.07***	-1.14 (0.14)	0.32***	0.41 (0.29)	1.51	-0.12 (0.29)	0.88	0.07 (0.14)	1.07	-0.82 (0.33)	0.44*	-6.52*	-0.29 (0.06)	0.75***

Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$

Judge, Prosecutor, and Defense Counsel

At the bivariate level, similarities in race between judges, prosecutors, and defense counsels is significantly related to the process measures but again in the opposite direction of what was expected. Specifically, race similarities increase the odds of admonishments (OR = 4.56, $p < .001$) and interruptions (OR = 2.69, $p < .01$) of defense counsels by judges, as well as defense counsel's miscommunication score (IRR = 1.80, $p < .05$). However, race similarities among all three workgroup members is related to fewer off-record occurrences (OR = 0.40, $p < .01$), as predicted. Gender similarities are also associated with defense counsels being interrupted by judges (OR = 1.78, $p < .01$), defense counsel's miscommunication score (IRR = 1.33, $p < .05$), and off-record occurrences (OR = 2.38, $p < .01$). At the bivariate level, race and gender similarities are not significantly related to any of the examined process measures.

The multivariate results show that contrary to hypotheses, similarities in race between all three workgroup members significantly increases the odds of the defense counsel being admonished (OR = 3.61, $p < .05$) and interrupted (OR = 2.74, $p < .05$) by the presiding judge. Moreover, race similarities significantly increase defense counsel's miscommunication score (IRR = 1.69, $p < .001$). As hypothesized, race similarities significantly decrease the odds of the court going off-record (OR = 0.22, $p < .01$); however, in contrast to expectations, gender similarities increase such odds (OR = 2.23, $p < .05$). Lastly, consistent with the posited hypothesis, the model results show that race and gender similarities between all workgroup member significantly decreases the duration of cases (Coef. = -9.98, $p < .05$).

DEFENSE COUNSEL TYPE

At the bivariate level, public defenders are less likely than private attorneys to be admonished (OR = 0.29, $p < .01$) and interrupted (OR = 0.36, $p < .001$) by the judge, and have lower miscommunication scores (IRR = 0.56, $p < .001$). Public defenders are also less likely than private defense counsel to not stipulate to probable cause (OR = 0.14, $p < .001$) and less likely to submit an exhibit (OR = 0.10, $p < .001$). Compared to private counsels, public defenders also have lower activity scores (IRR = 0.31, $p < .001$), fewer times off-record (OR = 0.52, $p < .05$), and have lower courtroom inefficiency scores (IRR = 0.74, $p < .001$).

Consistent with the posited hypotheses, compared to private counsels, public defenders have lower odds of being admonished (OR = 0.24, $p < .01$) and interrupted (OR = 0.31, $p < .001$) by presiding judges. The defense counsel's miscommunication score is also lower in cases involving public defenders (IRR = 0.54, $p < .001$). Also consistent with the hypotheses, public defenders are less likely to not stipulate to probable cause (OR = 0.11, $p < .001$) and submit an exhibit (OR = 0.07, $p < .001$), and have lower defense counsel activity scores (IRR = 0.32, $p < .001$). Also consistent with the predictions, the odds of the court going off-record and the courtroom's inefficiency score are lower in cases involving public defenders compared to private attorneys (OR = 0.44, $p < .05$ and IRR = 0.75, $p < .001$, respectively). Although not significant at the bivariate level, multivariate results show that cases involving public defenders are shorter in duration (Coef. = -6.52, $p < .05$) than those involving private counsel and have a higher odds of the prosecutor being admonished by the presiding judge (OR = 3.07, $p < .05$).

SUMMARY OF FINDINGS

Overall, this study finds that although race and gender similarities between workgroup members do not have a robust relationship with how efficiently cases are processed, defense counsel type does. For example, compared to cases involving private attorneys, cases involving public defenders are resolved more quickly and with fewer times off-record. Compared to private attorneys, public defenders are also less likely to be interrupted and admonished by the presiding judge as well take a more cooperative and less adversarial approach during case processing, as suggested by the decrease in odds of defense counsel's activity score and the courtroom's inefficiency score.

CHAPTER V: RESULTS - CASE DECISIONS

The current chapter presents the findings related to the effects of workgroup characteristics (similarities, composition, and defense counsel type) on case decisions (see Table 5.1 below for hypotheses and summary of findings). Additionally, because similar sets of control variables are found to significantly influence detention decisions across most models, these results are presented together following the discussions of the effects between the main variables of interest.

Table 5.1. Summary of Effects of Workgroup Similarities, Composition, and Defense Counsel Type on Case Decisions		
	Hypotheses	Supported?
Race and Gender Workgroup Similarities		
Judge and Prosecutor		
<i>Race</i>	Increase odds of detention.	No
<i>Gender</i>	Increase odds of detention.	No
<i>Race and Gender</i>	Increase odds of detention.	No
Judge and Defense Counsel		
<i>Race</i>	Decrease odds of detention.	Yes
<i>Gender</i>	Decrease odds of detention.	No
<i>Race and Gender</i>	Decrease odds of detention.	No
Race and Gender Workgroup Composition		
Race		
<i>full-white</i>	Increase odds of detention for minority (Black and Latinx) defendants.	No
<i>majority-white</i>	Increase odds of detention for minority (Black and Latinx) defendants.	No
Gender		
<i>full-male</i>	Increase odds of detention for male defendants.	No
<i>majority-male</i>	Increase odds of detention for male defendants.	No
Race and Gender		
<i>majority-white-male</i>	Increase odds of detention for male minority (Black and Latinx) defendants.	No
<i>majority-white-female</i>	Increase odds of detention for male minority (Black and Latinx) defendants.	No
Defense Counsel Type		
<i>Public Defender</i>	Increased odds of detention.	No

SIMILARITIES

At the bivariate level, only similarities in race between judges and prosecutors (OR = 0.56, $p < .05$) and judges and defense counsels (OR = 0.39, $p < .01$) are significantly associated with detention case decisions (see Appendix A.9 for bivariate results). The multivariate model results (see Table 5.2 below) show that the effect of

race similarities between judges and prosecutors is no longer significant when controlling for legal and non-legal relevant factors. However, as hypothesized, compared to cases involving judges and defense counsels of different races, cases involving judges and defense counsels of similar race significantly decrease the odds of a detention case decision (OR = 0.40, $p < .05$) (see Table 5.2, Model 4). In other words, compared to cases involving dissimilar judges and defense counsels, in cases where judges and defense counsels were the same race, the judges were more likely to trust and align with the intended goals of the defense counsel (securing client's release).

Table 5.2. Multivariate Effects of Race and Gender Similarities on Case Decisions

	Model 1		Model 2		Model 3		Model 4		Model 5		Model 6	
	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR	<i>b</i> (RSE)	OR
Judge and Prosecutor												
Race	-0.16 (0.30)	0.85	-	-	-	-	-	-	-	-	-	-
Gender	-	-	-0.06 (0.27)	0.94	-	-	-	-	-	-	-	-
Race & Gender	-	-	-	-	0.54 (0.39)	1.71	-	-	-	-	-	-
Judge and Defense Counsel												
Race	-	-	-	-	-	-	-0.92 (0.40)	0.40*	-	-	-	-
Gender	-	-	-	-	-	-	-	-	0.20 (0.31)	1.22	-	-
Race & Gender	-	-	-	-	-	-	-	-	-	-	-0.47 (0.62)	0.62
PSA detention recommendation	1.17 (0.47)	3.22*	1.20 (0.47)	3.31*	1.24 (0.49)	3.45*	1.16 (0.46)	3.20*	1.18 (0.47)	3.25*	1.20 (0.46)	3.33**
prior criminal history	0.16 (0.43)	1.71	0.13 (0.43)	1.14	0.08 (0.45)	1.09	0.15 (0.43)	1.16	0.11 (0.44)	1.12	0.16 (0.44)	1.18
currently on a PML	0.74 (0.36)	2.10*	0.75 (0.36)	2.11*	0.82 (0.37)	2.28*	0.78 (0.36)	2.18*	0.76 (0.36)	2.14*	0.77 (0.36)	2.17*
currently on probation or parole	0.36 (0.33)	1.43	0.35 (0.33)	1.41	0.37 (0.33)	1.44	0.36 (0.33)	1.44	0.34 (0.33)	1.41	0.38 (0.33)	1.46
currently has pending cases	0.08 (0.38)	1.09	0.08 (0.38)	1.09	0.09 (0.38)	1.09	0.11 (0.39)	1.11	0.08 (0.38)	1.08	0.06 (0.38)	1.06
total number of charges	0.16 (0.05)	1.17**	0.16 (0.05)	1.17**	0.16 (0.05)	1.17**	0.15 (0.05)	1.16**	0.16 (0.05)	1.17**	0.16 (0.05)	1.17**
nature of top charge (property)	-0.31 (0.52)	0.74	-0.32 (0.51)	0.73	-0.34 (0.52)	0.71	-0.39 (0.53)	0.68	-0.31 (0.52)	0.73	-0.33 (0.52)	0.72
nature of top charge (drug)	-0.99 (0.56)	0.37	-1.00 (0.57)	0.37	-1.09 (0.58)	0.34	-1.17 (0.56)	0.31*	-1.00 (0.57)	0.37	-1.05 (0.56)	0.35
nature of top charge (weapon)	-1.25 (0.42)	0.29**	-1.26 (0.41)	0.28**	-1.32 (0.41)	0.27**	-1.31 (0.42)	0.27**	-1.24 (0.42)	0.29**	-1.26 (0.42)	0.28**
nature of top charge (other)	-0.99 (0.76)	0.37	-1.02 (0.76)	0.36	-1.00 (0.76)	0.37	-0.96 (0.80)	0.38	1.05 (0.77)	0.35	-0.95 (0.78)	0.39
burden shifting	2.52 (0.66)	12.39***	2.52 (0.66)	12.37***	2.59 (0.67)	13.34***	2.56 (0.66)	12.88***	2.49 (0.66)	12.1***	2.56 (0.66)	12.97***
defendant age (18-35)	-0.26 (0.32)	0.77	-0.28 (0.32)	0.76	-0.29 (0.32)	0.75	-0.27 (0.33)	0.76	-0.27 (0.32)	0.76	-0.28 (0.32)	0.76
defendant gender (male)	2.26 (0.93)	9.58*	2.29 (0.93)	9.90*	2.31 (0.95)	10.08*	2.30 (0.92)	10.02*	2.29 (0.92)	9.89*	2.29 (0.93)	9.87*
defendant Black	-0.37 (0.52)	0.69	-0.39 (0.52)	0.68	-0.40 (0.54)	0.67	-0.29 (0.53)	0.74	-0.37 (0.52)	0.69	-0.36 (0.53)	0.70
defendant Latinx	0.08 (0.57)	1.09	0.08 (0.57)	1.08	0.05 (0.58)	1.05	0.03 (0.58)	1.03	0.06 (0.57)	1.06	0.07 (0.58)	1.07
public defender	0.35 (0.31)	1.41	0.34 (0.31)	1.41	0.33 (0.31)	1.38	0.14 (0.32)	1.14	0.43 (0.35)	1.54	0.24 (0.33)	1.27
VOM/RVK flag	0.60 (0.51)	1.83	0.62 (0.51)	1.85	0.57 (0.51)	1.77	0.64 (0.52)	1.89	0.59 (0.52)	1.80	0.62 (0.51)	1.87
duration of hearing	0.00 (0.01)	1.00	0.00 (0.01)	1.00	0.00 (0.01)	1.00	-0.00 (0.01)	1.00	0.00 (0.01)	1.00	0.00 (0.01)	1.00

Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$

COMPOSITION AND DEFENSE COUNSEL TYPE

The bivariate model results show that neither workgroup race nor gender workgroup composition are significantly related to case decisions (see Appendix A.10 for bivariate relationships of workgroup compositions, defense counsel type, and case decisions). Similarly, bivariate results also show that the interactions between workgroup compositions and defendant race and gender characteristics are not significantly related to case decisions. Table 5.3 displays the multivariate results of the effects of workgroup composition on case decisions. For each of the relationships examined, Models A displays the main effects, whereas Models B present the effects of the interactions between workgroup composition and defendant characteristics. The multivariate model results show that, not considering the interaction between workgroup composition and defendant characteristics, only workgroups composed of all white workgroup members significantly decrease the odds of a detention decision (OR = 0.34, $p < .05$) (see Table 5.3, Model 1A). However, Model B results show that the interactions between workgroup composition and defendant characteristics do not significantly affect the odds of a detention decision.

Table 5.3. Multivariate Effects of Workgroup Composition on Case Decisions

	Model 1: full-white				Model 2: majority-white				Model 3: full-male			
	A		B		A		B		A		B	
	OR	RSE	OR	RSE	OR	RSE	OR	RSE	OR	RSE	OR	RSE
full-white	0.34*	0.19	1.65	2.72	-	-	-	-	-	-	-	-
full-white X defendant Black	-	-	0.07	0.13	-	-	-	-	-	-	-	-
full-white X defendant Latinx	-	-	1.21	2.45	-	-	-	-	-	-	-	-
majority-white	-	-	-	-	0.75	0.25	0.45	0.54	-	-	-	-
majority-white X defendant Black	-	-	-	-	-	-	1.69	2.07	-	-	-	-
majority-white X defendant Latinx	-	-	-	-	-	-	2.20	3.08	-	-	-	-
full-male	-	-	-	-	-	-	-	-	0.92	0.31	8.97	14
full-male X defendant male	-	-	-	-	-	-	-	-	-	-	0.09	0.15
majority-male	-	-	-	-	-	-	-	-	-	-	-	-
majority-male X defendant male	-	-	-	-	-	-	-	-	-	-	-	-
majority-White-male	-	-	-	-	-	-	-	-	-	-	-	-
majority-white-male X defendant male & Black	-	-	-	-	-	-	-	-	-	-	-	-
majority-white-male X defendant male & Latinx	-	-	-	-	-	-	-	-	-	-	-	-
majority-White-female	-	-	-	-	-	-	-	-	-	-	-	-
majority-white-female X defendant male & Black	-	-	-	-	-	-	-	-	-	-	-	-
majority-white-female X defendant male & Latinx	-	-	-	-	-	-	-	-	-	-	-	-
PSA detention recommendation	3.08*	1.46	3.02*	1.43	3.42**	1.61	3.40**	1.62	3.33*	1.56	3.36*	1.60
prior criminal history	1.17	0.50	1.10	0.48	1.10	0.49	1.11	0.49	1.15	0.50	1.14	0.49
currently on a PML	2.20*	0.79	2.10*	0.76	2.16*	0.78	2.18	0.79	2.12*	0.76	2.09*	0.75
currently on probation or parole	1.42	0.47	1.33	0.44	1.38	0.46	1.39	0.47	1.42	0.46	1.44	0.47
currently has pending cases	1.11	0.43	1.16	0.44	1.08	0.41	1.07	0.41	1.08	0.41	1.08	0.42
total number of charges	1.17**	0.06	1.18**	0.06	1.17**	0.06	1.17**	0.06	1.17**	0.06	1.18**	0.06
nature of top charge (property)	0.70	0.36	0.76	0.40	0.71	0.36	0.69	0.35	0.72	0.37	0.75	0.39
nature of top charge (drug)	0.35	0.20	0.35	0.20	0.34	0.20	0.34	0.20	0.36	0.20	0.37	0.20
nature of top charge (weapon)	0.27**	0.11	0.27**	0.12	0.27**	0.11**	0.27**	0.11	0.28**	0.12	0.28**	0.12
nature of top charge (other)	0.41	0.33	0.44	0.34	0.39	0.30	0.40	0.31	0.37	0.28	0.39	0.30
burden shifting	12.46***	8.25	13.66***	9.34	12.29***	8.10	11.97***	7.84	12.38***	8.20	13.12***	8.75
defendant age (18-35)	0.78	0.25	0.78	0.25	0.74	0.24	0.76	0.24	0.76	0.24	0.74	0.24
defendant gender (male)	10.00*	9.41	9.81*	9.55	10.58*	10.26	11.45*	11.64	9.85*	9.22	15.82*	19.1
defendant Black	0.68	0.36	0.84	0.47	0.69	0.36	0.45	0.48	0.68	0.36	0.70	0.36
defendant Latinx	1.06	0.61	1.15	0.69	1.09	0.63	0.60	0.73	1.10	0.63	1.15	0.65
public defender	1.48	0.46	1.46	0.46	1.53	0.50	1.52	0.50	1.39	0.44	1.42	0.46
VOM/RVK flag	1.89	0.99	2.04	1.10	1.94	1.00	1.96	1.01	1.86	0.95	1.87	0.94
duration of hearing	1.00	0.01	1.10	0.01	1.00	0.01	1.00	0.01	1.00	0.01	1.00	0.01

Note: * = p < .05, ** = p < .01, *** = p < .001

Table 5.3. Multivariate Effects of Workgroup Composition on Case Decisions, cont'd.

	Model 4: majority-male					Model 5: majority-white-male					Model 6: majority-white-female				
	A		B			A		B			A		B		
	OR	RSE	OR	RSE	OR	RSE	OR	RSE	OR	RSE	OR	RSE	OR	RSE	
full-white	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
full-white X defendant Black	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
full-white X defendant Latinx	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
majority-white	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
majority-white X defendant Black	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
majority-white X defendant Latinx	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
full-male	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
full-male X defendant male	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
majority-male	1.19	0.37	1.51	2.88	-	-	-	-	-	-	-	-	-	-	
majority-male X defendant male	-	-	0.78	1.53	-	-	-	-	-	-	-	-	-	-	
majority-White-male	-	-	-	-	0.73	0.25	2.88	2.57	-	-	-	-	-	-	
majority-white-male X defendant male & Black	-	-	-	-	-	-	0.18	0.17	-	-	-	-	-	-	
majority-white-male X defendant male & Latinx	-	-	-	-	-	-	0.23	0.25	-	-	-	-	-	-	
majority-White-female	-	-	-	-	-	-	-	-	1.25	-	0.45	1.49	1.21	-	
majority-white-female X defendant male & Black	-	-	-	-	-	-	-	-	-	-	-	0.92	0.84	-	
majority-white-female X defendant male & Latinx	-	-	-	-	-	-	-	-	-	-	-	0.24	0.32	-	
def_male_black	-	-	-	-	2.01	0.91	2.74*	1.40	1.98	-	0.88	2.04	1.08	-	
def_male_hispanic	-	-	-	-	3.10*	1.67	4.23*	2.65	3.01*	-	1.60	3.54*	2.17	-	
PSA detention recommendation	3.27*	1.54	3.27*	1.54	3.18*	1.43	3.25*	1.51	3.13*	-	1.41	3.15*	1.43	-	
prior criminal history	1.14	0.50	1.13	0.49	1.03	0.45	0.98	0.43	1.04	-	0.47	1.03	0.46	-	
currently on a PML	2.16*	0.78	2.16*	0.78	2.10*	0.72	2.10*	0.73	2.08*	-	0.71	2.12*	0.73	-	
currently on probation or parole	1.42	0.46	1.43	0.46	1.37	0.44	1.40	0.47	1.36	-	0.44	1.37	0.44	-	
currently has pending cases	1.07	0.41	1.07	0.40	1.04	0.38	1.07	0.40	1.07	-	0.39	1.08	0.40	-	
total number of charges	1.17**	0.06	1.17**	0.06	1.15**	0.06	1.16**	0.06	1.15**	-	0.06	1.15**	0.06	-	
nature of top charge (property)	0.72	0.38	0.72	0.37	0.75	0.36	0.80	0.40	0.76	-	0.37	0.81	0.40	-	
nature of top charge (drug)	0.36	0.20	0.36	0.20	0.35	0.20	0.35	0.20	0.36	-	0.21	0.37	0.21	-	
nature of top charge (weapon)	0.28**	0.12	0.28**	0.12	0.28**	0.12	0.27**	0.12	0.29**	-	0.12	0.29**	0.12	-	
nature of top charge (other)	0.37	0.28	0.37	0.28	0.49	0.37	0.40	0.29	0.46	-	0.35	0.51	0.37	-	
burden shifting	12.19***	8.08	12.09***	7.86	11.04***	7.49	11.39***	7.77	11.63***	-	7.90	11.49***	7.87	-	
defendant age (18-35)	0.76	0.24	0.76	0.24	0.67	0.20	0.63	0.19	0.66	-	0.20	0.66	0.20	-	
defendant gender (male)	9.72*	9.04	11.37	17.76	-	-	-	-	-	-	-	-	-	-	
defendant Black	0.70	0.36	0.71	0.36	-	-	-	-	-	-	-	-	-	-	
defendant Latinx	1.09	0.62	1.10	0.62	-	-	-	-	-	-	-	-	-	-	
public defender	1.48	0.93	1.48	0.49	1.30	0.41	1.30	0.41	1.29	-	0.41	1.30	0.41	-	
VOM/RVK flag	1.82	0.93	1.82	0.95	1.75	0.91	1.72	0.89	1.66	-	0.84	1.60	0.82	-	
duration of hearing	1.00	0.01	1.00	0.01	1.00	0.01	1.00	0.01	1.00	-	0.01	1.00	0.01	-	

Note: * = p < .05, ** = p < .01, *** = p < .001

Model results show that defense counsel type is not significantly related to case decisions. The multivariate results also show that defense counsel type does not significantly predict case decisions (see Table 5.4 below).

Table 5.4. Multivariate Effects of Defense Counsel Type on Case Decisions

	<i>b</i>	RSE	OR
public defender	0.35	0.31	1.42
PSA detention recommendation	1.19	0.47	3.30*
prior criminal history	0.13	0.43	1.14
currently on PML	0.75	0.36	2.12*
currently on probation or parole	0.35	0.33	1.42
currently has pending cases	0.08	0.38	1.09
total number of charges	0.16	0.05	1.17**
nature of top charge (property)	-0.32	0.52	0.73
nature of top charge (drug)	-1.01	0.56	0.36
nature of top charge (weapon)	-1.27	0.42	0.28**
nature of top charge (other)	-1.00	0.76	0.37
burden shifting	2.52	0.66	12.44***
defendant age (18-35)	-0.28	0.32	0.76
defendant gender (male)	2.28	0.93	9.80*
defendant Black	-0.38	0.53	0.69
defendant Latinx	0.08	0.57	1.08
duration of hearing	0.00	0.01	1.00
VOM/RVK flag	0.61	0.51	1.85

Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$

CONTROL VARIABLES

At the bivariate level, a PSA recommendation of detention (OR = 7.79, $p < .001$), being on pre-trial monitoring at the time of the detention hearing (OR = 2.31, $p < .001$), pending cases (OR = 1.62, $p < .05$), increases in the total number of charges (OR = 1.09, $p < .05$), burden shifting cases (OR = 15.77, $p < .001$), and cases with an associated VOM/RVK (OR = 1.96, $p < .05$) are related to increases in the odds of a detention decision (see Appendix A.11). Compared to cases involving person top charges, weapon charges are associated with a decrease in the odds of a detention decision (OR = 0.31, $p < .001$). Cases involving male defendants and are longer in

duration are also related to increases in odds of detention (OR = 3.35, $p < .05$ and OR = 1.01, $p < .01$).

Across most multivariate models predicting the effects of workgroup characteristics on case decisions, a similar set of predictors significantly predict a detention decision. In most models, cases involving a PSA recommendation of detention, the defendant being on pre-trial monitoring, increases in the total number of charges, and cases being considered burden shifting significantly increase the odds of a detention decision (e.g., see Table 5.4). Additionally, compared to cases involving person-natured top charges, cases with weapon related charges significantly decrease the odds of detention decisions. Lastly, compared to female defendants, male defendants have significantly greater odds of being detained pre-trial.

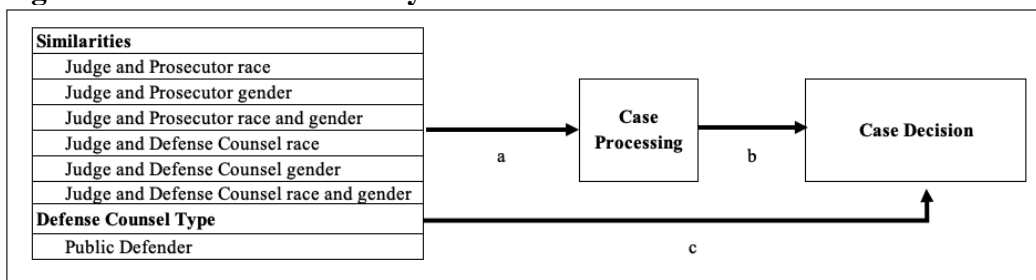
SUMMARY OF FINDINGS

Overall, the study finds no evidence to suggest that similarities (except for race similarities between judges and defense counsels), workgroup composition, and defense counsel significantly affects case decisions. However, the model results do find that pre-trial case decisions are largely driven by case's legal relevant factors. For example, as expected, cases involving PSA recommendations of detention, the defendant already being on pre-trial monitoring at the time of the detention hearing, increase in total number of charges, and the case being considered more serious (burden shifting) significantly increases the odds of a defendant being ordered detained pre-trial.

CHAPTER VI: RESULTS – WORKGROUP CHARACTERISTICS, CASE PROCESSING, AND CASE DECISIONS

This chapter examines whether the process measures mediate the relationships between workgroup characteristics (similarity and defense counsel type) and case decisions (see Figure 6.1 for examined mediation pathways). For mediation to occur, there must be significant relationships between (a) workgroup characteristics and process (Pathway A) (b) process and case decisions (Pathway B), and (c) workgroup characteristics and case decisions (Pathway C). Pathway models provide another way to estimate mediation effects, however, as described below, none of the process measures are related to the case decisions (Pathway B), which precludes the need for more complex models.

Figure 6.1. Examined Pathways



Results for Pathway A and Pathway C are presented in Chapters 4 and 5, respectively, and they are briefly summarized below (see Table 6.1 below for summary of findings). The multivariate results show that only two of the examined similarity measures — gender similarities between judges and prosecutors and race similarities between judges and defense counsels — are significantly related to any of the process measures (see Table 4.2 for model results). With regard to the effects of defense counsel type on the process, the majority (10 out of 11) of the relationships examined are significant.

Table 6.1. Summary of Significant Pathways

	OR/IRR/Coef.
Pathway A: Similarities and Defense Counsel Type and Case Processing	
Judge and Prosecutor gender X prosecutor miscommunication score	0.77*
Judge and Defense Counsel race X defense counsel's interrupted by judge	1.95*
Judge and Defense Counsel race X defense counsel's miscommunication score	1.44*
public defender X prosecutor's admonished by judge	3.07*
public defender X defense counsel's admonished by judge	0.24**
public defender X defense counsel's interrupted by judge	0.31***
public defender X defense counsel's miscommunication score	0.54***
public defender X defense counsel does not stipulate to one or more charges	0.11***
public defender X defense counsel submits at least one exhibit	0.07***
public defender X defense counsel's activity score	0.32***
public defender X one or more times off-record	0.44*
public defender X duration of hearing	-6.52*
public defender X courtroom inefficiency score	0.75***
Pathway B: Case Processing and Case Decisions	
-	-
Pathway C: Similarities and Defense Counsel Type and Case Decisions	
Judge and Defense Counsel race	0.40*
Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$	

When examining the effects of similarities and defense counsel type on case decisions (Pathway C), the multivariate results show that only race similarities between judges and defense counsels statistically predicts case decisions (see Table 5.2 for model results).

To examine the relationship between the process measures and outcome, a series of bivariate logistic regression models were first estimated. In the bivariate models, results show that only the number of times off-record and duration of hearing was significantly related to the likelihood of detention (see Table 6.2). Specifically, in cases in which the court went off-record on one or more occasions and that were longer in duration, defendants were more likely to be ordered detained pre-trial (OR = 1.85, $p < .05$ and OR = 1.01, $p < .01$, respectively).

Table 6.2. Bivariate Effects of Case Processing on Case Decisions

	<i>b</i>	(RSE)	OR
prosecutor's admonished by judge	-0.16	0.36	0.85
prosecutor's interrupted by judge	0.19	0.22	1.20
prosecutor miscommunication score	0.07	0.17	1.08
defense counsel's admonished by judge	-0.49	0.44	0.61
defense counsel's interrupted by judge	0.14	0.22	1.15
defense counsel's miscommunication score	-0.00	0.18	1.00
defense counsel does not stipulate to one or more charges	0.16	0.25	1.17
defense counsel objects to one or more submitted exhibits	-0.10	0.50	0.90
defense counsel submits at least one exhibit	0.07	0.40	1.08
defense counsel's activity score	0.09	0.19	1.09
prosecutor's paperwork missing/unorganized	0.28	0.23	1.33
defense counsel's paperwork missing/unorganized	0.28	0.24	1.33
missing/unorganized paperwork score	0.24	0.15	1.27
one or more times off-record	0.62	0.26	1.85*
duration of hearing	0.01	0.00	1.01**
courtroom inefficiency score	0.10	0.06	1.11

Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$

Next, control variables were added to the model. Results from these multivariate models indicate that none of the process measures were significantly related to case decisions once case characteristics were taken into account (see Table 6.3) for multivariate effects of process on case decisions).

An examination of the correlation among the case processing variables (specifically duration and times off-record) and the control variables help to explain why the bivariate relationships are not significant in the full models (see A.7 and A.12 for correlation matrix). Specifically, these correlations indicate that duration and times off-record have moderate correlations with several control variables. This suggests that duration and times off record are tightly coupled with case characteristics that have a strong relationship with case outcome and also case complexity. Thus, once these factors are controlled for, the relationships between duration and times off record and case outcome are rendered non-significant.

Table 6.3. Multivariate Effects of Case Processing on Case Decisions

	<i>b</i>	(RSE)	OR
prosecutor's admonished by judge	-0.27	0.46	0.77
prosecutor's interrupted by judge	0.06	0.29	1.07
prosecutor miscommunication score	-0.03	0.23	0.97
defense counsel's admonished by judge	-0.75	0.63	0.47
defense counsel's interrupted by judge	0.17	0.29	1.19
defense counsel's miscommunication score	-0.02	0.24	0.98
defense counsel does not stipulate to one or more charges	-0.25	0.38	0.78
defense counsel objects to one or more submitted exhibits	-0.44	0.72	0.64
defense counsel submits at least one exhibit	-0.10	0.54	0.90
defense counsel's activity score	-0.26	0.29	0.77
prosecutor's paperwork missing/unorganized	0.21	0.30	1.23
defense counsel's paperwork missing/unorganized	0.31	0.30	1.36
missing/unorganized paperwork score	0.22	0.20	1.25
one or more times off-record	0.34	0.31	1.40
duration of hearing	0.00	0.01	1.00
courtroom inefficiency score	0.04	0.09	1.04
Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$			

SUMMARY OF FINDINGS

The examined pathways find case processing does not mediate the relationship of the workgroup characteristics examined and case decisions. These results then suggest (contrary to some of the related literature that contends that how efficiently cases are processed influences judicial decision-making) that efficiency as it is operationalized in the current study does not influence judicial decision-making.

CHAPTER VII: DISCUSSION

The research utilizes a unique sample of judicial detention hearing cases to examine how various characteristics of courtroom workgroups influence the processing of cases and judicial decision-making, as well as to explore the complex relationships among workgroup characteristics, case processing, and case decisions. Specifically, using data collected from one year of observations from one virtual court that handles detention hearings, I address several related lines of inquiry. First, how do similarities in race and gender between the various combinations of workgroup members (judges, prosecutors, and defense counsels, judges and prosecutors, judges and defense counsels, and prosecutors and defense counsels) and defense counsel type influence the court process and detention decisions? Second, how do various race and gender compositions of workgroups (e.g., all white, majority white, all male, and majority white and male workgroup members) influence case decisions? And finally, how do factors that contribute to the efficient processing of cases — such as effective communication, cooperation, and coordination—affect detention decisions?

By centering attention on courtroom workgroups and the individual workgroup members and their respective characteristics and roles, the current study more directly attends to the inhabited nature of courts and the dynamic and variegated life within the courtroom setting (Eisenstein et al., 1988; Eisenstein & Jacob, 1977; Lynch, 2019; Ulmer, 2019). This study also departs from methodologies commonly adopted by court scholars to explore how factors beyond the legal and non-legal factors typically considered by court studies influence the court process and case decisions. This allows for a more in-depth understanding of complex courtroom processes and workgroup functions. Altogether, the research also attempts to unpack

the complex relationships between workgroup members and fill the existing gap in court research that links the court process and subsequent case decisions.

DISCUSSION OF FINDINGS

Research contends that efficiency and reduced uncertainty in case processing are the two most important objectives of the court organization (Albonetti, 1986, 1991; Blumberg, 1967; Eisenstein & Jacob, 1977; Feeley, 1979). Due to outlined goals of the court and the pressures exerted on each of the workgroup members to meet those goals, workgroup members engage in a court process that is generally characterized as non-adversarial in nature (Blumberg, 1967). The interactive complex case processing process benefits from and is streamlined by the use of effective forms of communication, as well as high levels of cooperation and coordination between workgroup members (Blumberg, 1967). Combined, these factors facilitate and expedite case processing and help ensure that the court's objectives are successfully met. Prior research focusing on interactions between persons in and outside of the courtroom setting finds that similarities in visible characteristics such as race and gender between interacting persons promotes more effective forms of communication, and higher levels of cooperation and coordination (Eisenstein & Jacob, 1977; Eisenstein et al., 1988; Haynes et al., 2010; Hinds et al., 2000; Katovich & Couch, 1992; Lazarsfeld & Merton, 1954; Ulmer, 1995; Wimmer & Lewis, 2010). Therefore, similarities in such characteristics among workgroup members are an important factor to consider in court studies, as they may play an influential role in shaping the court process and decision-making.

Despite the effects of similarities identified in previous studies, the current study finds no consistent evidence to suggest that similarities in race and gender among courtroom workgroup members play a significant role in shaping the court

process. Specifically, of the many examined relationships predicting the effects of workgroup member similarities on case processing, few were significant. And of those relationships that yielded significant results, only a select few were consistent with the study's posited hypotheses. Before discussing these findings, it is important to note that although all presented hypotheses and examined relationships were theoretically driven, the possibility exists that some of the findings were due to chance as a large number of relationships were examined. Therefore, the findings discussed below should be interpreted cautiously.

As hypothesized, cases involving similarly gendered judges and prosecutors fostered more effective forms of communication between the two respective members, as suggested by the decline in the prosecutor's miscommunication score. As predicted, the study also finds that cases involving judges, prosecutors, and defense counsels of the same race were processed more efficiently, as signaled by the decline in the number of off-record occurrences. Likewise, results also show that cases involving all workgroup members of both the same race and gender resulted in cases being processed more rapidly (decline in duration of hearings), suggesting that workgroup members may have communicated more effectively during case processing and were able to expedite case processing.

However, in other instances, similarities in characteristics between workgroup members had an inverse effect of what was predicted. For example, race similarities between judges and defense counsels impeded the respective members from effectively communicating during case processing — race similarities between judges and defense counsels increased the odds of the defense counsel being interrupted by the judge and the defense counsel's miscommunication score. Also contrary to the posited hypotheses, gender and both race and gender similarities between all three

workgroup members increased the number of off-record occurrences (i.e., reduced efficiency) and the odds of the prosecutor being admonished by the judge (i.e., impeded effective forms of communication), respectively.

Together, the study finds no consistent evidence to suggest that race and gender similarities between workgroup members play a role in how effectively workgroup members communicate, cooperate, and coordinate during case processing – very few of the relationships examined were significant or consistent with the hypotheses (Byrne, 1971; Coleman, 1990; Lazarsfeld & Merton, 1954; Newcomb, 1961; Ulmer, 1995). In other words, the court process and the nature of interactions between workgroup members, at least in the context of the observed courtroom and as measured, were not systematically influenced by the visible characteristics of workgroup members. However, the possibility remains that workgroup members with similar characteristics may have still experienced more positive interactions, compared to when interacting with dissimilar others. Previous literature in this area contends that individuals with common pasts, or who share similar beliefs, attitudes, and visible characteristics (e.g., race, age, and gender) are increasingly attracted to one another (through the process of homophily) and more so trust and value the interactions and contributions of similar others, particularly when under conditions of high risk and uncertainty such as the one found in courtroom settings (Brewer, 1999; Byrne, 1971; Carley, 1991; Coleman, 1990; Lazarsfeld & Merton, 1954; Mullen et al., 1992; Newcomb, 1961; Newton et al., 2018; Perdue et al., 1990; Ulmer, 1995). These influential effects of similarities on interacting similar persons may have been displayed during case processing through some unmeasurable avenue and or not captured in the data. For example, research consistently finds that non-verbal forms of communication such as body language (e.g., gestures and facial expressions) and

voice tone account for approximately 90 percent of a person's intended message (Mehrabian, 2008, 2017). These important non-verbal forms of communication were not captured in the data.

Although the study finds that similarities do not consistently influence the court process, the findings suggest that defense counsel type does play an influential role in guiding the process. Overall, compared to privately retained counsels, public defenders engage in a less adversarial form of case processing, as they cooperate to a higher degree during cases. Specifically, the study finds that compared to private counsels, public defenders are less likely to make decisions that slow down the processing of cases (not stipulating to probable cause and submitting exhibits on the defense's behalf). Ultimately, the occurrences of adversarial actions by defense counsels impede the court from efficiently disposing of cases, as they both require additional argumentations, as well as judicial reviews and decisions. For example, when probable cause is not stipulated to by the defense, the court must then listen to presentations and any necessary subsequent argumentations by and between counsels to determine whether enough evidence exists to support probable cause. Following this process, judges must then review all relevant information while on the record and formulate a probable cause decision. On the other hand, when probable cause is stipulated to by the defense counsel, case processing is expedited as the court evades having to make probable cause determinations. Although defense counsels have the constitutional right not to stipulate to probable cause on behalf of their client, it is a decision that slows down the proceedings and which ultimately often results in the court establishing probable cause, as the standard of proof is considerably low. The decision not to stipulate to probable cause by the defense counsel may also be perceived by the court as an unnecessary one, as whether it is established or not by the

court, the presiding judge considers the weight of the evidence against the defendant when formulating its final pre-trial decision. Similarly, the submission of additional exhibits by defense counsels impedes the efficient processing of cases. Additional time is required for the defense counsel to submit its exhibits, for all workgroup members to review them (if they had not already been shared by the defense counsel before the start of the hearing), and for the presiding judge to assess their weight when formulating the final pre-trial decision.

In addition to cooperating more so during case processing than private counsels, the current study also finds that public defenders more effectively communicated (lower odds of being admonished and interrupted by the judge) and their cases were processed more efficiently, signaled by the decline in the number of off-record occurrences, case duration, and the courtroom's inefficiency score. Combined, these findings are consistent with prior research. Research contends that, as repeat-players who are more so constrained by their respective sponsoring organization (e.g., via larger caseloads and more limited resources) and by the court than their privately retained peers, public defenders adopt a less adversarial and more cooperative approach to facilitate and streamline case processing (American Bar Association, 2004, 2009; Bibas, 2004; Blumberg, 1967; Eisenstein & Jacob, 1977; Galanter, 1974; Hessick III & Saujani, 2002; Spangenburg Group, 2009; Weitzer, 1996). Related research also finds that because, compared to private attorneys, public defenders are more familiar with the local court's formal and informal case processing norms and strategies, they are better positioned to more efficiently navigate the court process by, for example, not only avoiding unnecessary actions and behaviors that delay the processing of cases (e.g., not stipulating to probable cause, submitting exhibits on the defense's behalf, admonishments and interruptions by judges) but also

utilizing learned informal case processing shortcuts. In the current study, the decline in the number of off-record occurrences and case duration of cases involving public defenders may also be interpreted as indirect evidence signaling the use of case processing shortcuts utilized by public defenders to maximize not only their case processing efficiency but also that of the courts and prosecutors. As repeat players who are highly familiarized and in close proximity to the local workgroup culture and its members, compared to private counsels, public defenders more heavily consider the shared need for case processing efficiency of judges and prosecutors when making case-related determinations and so may rely on these shortcuts to ensure that all members' goals are met (Bibas, 2004; Blumberg, 1967; Clair, 2020; Eisenstein & Jacob, 1977; Galanter, 1974; Uphoff, 1992; Van Cleve, 2016; Worden, 1991). As will be discussed later, the public defender's close proximity and familiarity to the local court culture has implications for how they are viewed by indigent defendants and the legitimacy of the criminal justice system.

The findings related to the examination of the effects of workgroup member characteristics (race and gender similarities and defense counsel type) on case processing suggest that workgroup member's role (i.e., private or public defense counsel) takes precedence over the visible characteristics of workgroup members in shaping courtroom processes. This finding has implications for future research and theory, particularly the most commonly adopted theoretical frameworks by court studies (referring primarily to focal concerns, but also court communities and inhabited institutions perspectives) that borrow from organizational theory to highlight the importance of the complex interplay between interacting entities-and the emergence of local cultures that ultimately dictate case processing and decision-making (DiMaggio & Powell, 1983; Eisenstein & Jacob, 1977; Fligstein & McAdam,

2011; Martin, 2003; Morrill & McKee, 1993; Scott, 2008). These perspectives, combined, signal a complex court process in which numerous workgroup members who represent individual agencies with differing goals and objectives converge under the courtroom setting and while together making sense of the countless organizational constraints and formal rules develop court culture specific to the locale and its members (Fligstein & McAdam, 2011; Martin, 2003; Morrill & McKee, 1993; Scott, 2008). Although these court perspectives highlight the importance of constraints and pressures exerted on individual workgroup members, the study's consistent finding of the influential role of defense counsel type (and not race and gender similarities) on case processing suggests that more of an emphasis should be placed on organizations (e.g., court, Public Defender's Office, etc.), their overarching goals and objectives, and most notably the emergence of local culture that molds individual member's perception of their roles as members of the organization, rather than on the individual and interchangeable members themselves and their characteristics. This suggests the need for more qualitative natured research, particularly ethnographies, that focus on organizations as a whole.

The study's findings related to the public defender's overall non-adversarial approach adopted during case processing also have implications for how they and more generally their profession is viewed by the public, particularly so by indigent defendants. Research consistently finds that due to the public defender's proximity to and familiarity with the local court culture, they are often viewed as "double agents" by defendants; meaning, that although they are assigned to effectively represent and zealously advocate for their clients in court, public defenders actively and in a friendly manner engage within and outside of open court with workgroup members believed to be by defendants as adversaries (e.g., judges and prosecutors) (Blumberg,

1967; Clair, 2020; Uphoff, 1992; Van Cleve, 2016; Worden, 1991). Recently, Clair (2020) finds that this negative perception of public defenders as double agents is so entrenched in the beliefs of indigent defendants that some defendants opt to intervene during open court, resulting from the belief that they can more effectively represent themselves than can the public defender represent them. On the other hand, the attorney-client relationship of defendants and privately retained counsels were characterized by higher levels of trust, and therefore defendants more freely delegated authority to their counsels during case processing. This view of public defenders and court-appointed defense counsels more generally as actors with conflicting roles erodes the public's trust in and the legitimacy of the criminal justice system, particularly so when a large percentage of defendants rely on the legal services provided by state-funded public counsels.

Research also contends that the adoption of non-adversarial approaches by defense counsels not only helps facilitate and expedite the court process (helping to ensure its intended goals of efficiency and certainty are met) but also helps to mitigate the potential punishment imposed on their clients (Skolnick, 1966; Van Cleve, 2016; Wice, 1985). For example, Van Cleve (2016) finds that defendants who were represented by defense counsels who more actively represented their clients by, for instance, filing for motions that delayed the court process, were more severely punished by judges via their case decisions. Consistent with these findings, Clair (2020) finds that defendants who delegated authority to counsels during case processing and did not either attempt to or intervened during case processing were rewarded with more favorable judicial decisions, compared to defendants who intervened and slowed down the processing of cases.

Following Van Cleve's (2016) rationale linking case processing and case decision, it was then expected that defendants whose defense counsels adopted a more cooperative approach during case processing to receive more favorable judicial decisions. Consistent with the perceptions of the defendants in Clair's (2020) study, compared to privately retained counsels, public defenders adopted a more cooperative approach; however, contrary to the findings by Van Cleve (2016), this study finds no evidence to suggest that case processing directly influenced judicial case decisions. For example, it finds no evidence to suggest that defendants were more harshly formally punished via case decisions by judges due to their counsel's unwillingness to cooperate during case processing.

These findings have implications for policy and theory. Related to theory, theoretical court frameworks contend that courts prioritize their necessity for case processing efficiency and reduced uncertainty over all other goals, as well as use perceptual shorthand's sometimes rooted in bias to achieve efficiency (Albonetti, 1986, 1991; Blumberg, 1967; Eisenstein & Jacob, 1977; Feeley, 1979). However, contrary to these frameworks, the current study finds that case processing efficiency does not significantly influence case decisions. After controlling for relevant factors, none of the case processing measures examined directly influenced judicial case decisions. In other words, the efficiency in which cases were processed did not influence the pre-trial detention decisions. This suggests that theoretical frameworks may overstate the court's concerns for case processing and ultimately organizational efficiency. The identified disconnect between efficiency and judicial decisions also have policy implications. For example, if efficiency is in fact a primary concern of the court as is detailed by theory, then this study's findings suggest that courts and workgroup members may continue to identify ways to further enhance their

efficiency, as it finds that case processing efficiency does not significantly influence case decisions.

The study finds no evidence to suggest that workgroup member similarity, defense counsel type, and the race and gender composition of workgroups in relation to the characteristics of defendants influence case decisions. Rather, the study finds that judicial case decisions are largely and consistently driven by relevant case-level legal factors. For instance, defendants whose cases were considered burden-shifting, who were charged with a higher number of offenses, and who were already on pre-trial monitoring for previous offenses had higher odds of being detained pre-trial. The study also consistently finds that defendants accused of weapon charges had lower odds of being detained pre-trial compared to top charges involving persons.

The study also finds that case decisions are significantly guided by pre-trial recommendations formulated and provided by risk assessments. Specifically, PSA generated recommendations of pre-trial detention consistently significantly increased the odds of a defendant being ordered detained pre-trial. Following New Jersey's 2017 bail reform, courts adopted the use of PSAs to more objectively and accurately assess the risk posed by defendants and to help assist prosecutors and judges when filing pre-trial detention motions and formulating pre-trial decisions, respectively. Although PSA pre-trial detention recommendations significantly increased the defendant's likelihood of pre-trial detention, over three-quarters of defendants in the total sample (n = 252) received a recommendation of pre-trial detention and only approximately 41 percent (n = 136) of defendants out of the entire sample were ultimately detained pre-trial. This considerable gap suggests judges continue to utilize their discretion when formulating case decisions following the state's adoption of PSAs. When more closely examining the judicial decisions of cases exclusively

involving PSA recommendations of pre-trial detention, it is evident that although judges continue to use their discretionary power to depart from PSA-generated recommendations, they do so almost exclusively to the highest and most restrictive level of pre-trial monitoring (PML3+). Specifically, out of the 252 total defendants who received a recommendation of pre-trial detention, 50.4 percent (n = 127) were detained and 47.2 percent (n = 119) were released on PML3+.

These findings have policy implications. First, judges continue to utilize their discretionary power to depart from PSA recommendations in a sizeable share of cases, suggesting that, for example, PSAs are either not being utilized as intended or their recommendations are altogether being ignored, or drastic differences exist as to which and how factors are being considered by judges and PSAs when assessing a defendant's risk. If the use of risk assessments by courts to help determine risk continues to grow, more attention and resources should be devoted to gathering a better understanding of the causes of the disparities between recommendations provided by PSAs and judges' discretionary case decisions. Second, when releasing defendants pre-trial, the court almost exclusively relied on the most restrictive monitoring level, despite other less restrictive levels of pre-trial monitoring and ROR being available. This may suggest that judges are restricting their pre-trial decision options solely to decisions of PML3+ release or detention, rather than considering other available options. The release of large quantities of defendants exclusively on PML3+ greatly increases the caseload of PTS staff, as they are responsible for routinely monitoring defendants while on pre-trial release and so other pre-trial release options should be explored to determine their effectiveness.

FUTURE RESEARCH

Although this study helps advance the body of knowledge related to courtrooms, courtroom processes, workgroups, and judicial decision-making, it raises new, interesting questions that may be addressed by future research. For example, the current study examines case processing by solely accounting for courtroom efficiency (communication, cooperation, and coordination). If possible, future research should consider other aspects of courtrooms that may be influenced by the characteristics of workgroups to also examine if and how they may influence case decisions. For example, Clair (2020) focuses on how the defendants themselves shape the court process and how their actions sometimes guide judicial decision-making. Relatedly, future research should explore how other characteristics of workgroups, aside from those examined here (similarities in race and gender and defense counsel type) and in other studies (e.g., the political affiliation of workgroup members), may influence case processing and case decisions (e.g., Haynes et al., 2010). For example, recent research has borrowed from the psychology literature to explore how decision fatigue, a factor seldomly considered in the court study context, shapes courtroom processes and ultimately judicial decision-making (Danziger et al., 2011; Torres & Williams, 2022).

As also suggested by Ulmer (2019) and Lynch (2019), future research should continue to move beyond the modal approach in court research. The current study's examination of case processing would have not been possible without the collection of observational data. This data allowed for a more micro-level examination of courtroom processes that provides a more complete depiction of the courtroom context. Although the current study is limited by its sample size and lack of variability across judges and their characteristics, the collection of data that overcomes these

challenges may help provide a more in-depth examination of court processes and decision-making.

Relatedly, future studies would benefit not only from data that overcomes the challenges associated with the lack of variability of workgroup members within one specific courtroom but also from data that captures different jurisdictions. Theory posits and research consistently finds jurisdictional differences in court processes and decision-making, therefore it is an important aspect to account for when examining the effects of workgroup characteristics across place. Lastly, future research should also explore the relationships between workgroup characteristics, case processing, and case decisions across proceeding modalities, as it may play an influential role.

CONCLUSION

Criminal courts, similar to other organizations that have structure, rules, norms, regulations, and whose members share a common purpose and goal may be considered as inhabited institutions. Within these structures, institutional members share a common environment and engage in a collaborative process to achieve the intended goals of their respective organizations. The complex interactive process that occurs within all organizations is then the fundamental piece to examine, as it helps bridge the gap between organizations, organizational members, and resultant decisions. However, unlike all other organizations, criminal courts play a particularly unique and significant role in American society — on any given year, it limits the freedoms of millions of persons by placing them behind bars and affects the lives of countless others through various other means of control. Therefore, the study of courts and the influencing role that workgroup members play in guiding courtroom processes and decisions is fundamental to advancing our understanding of a system that alters the lives of many.

By building on previous scholarly work, the current examination shifts away from conventional research methodologies to begin to unpack the complex relationships among workgroup members, case processing, and case decisions. Although it finds no evidence to suggest that, for example, race and gender workgroup member similarities influence courtroom efficiency or that such similarities influence case decisions, it uniquely contributes to various bodies of knowledge by exploring relationships and ideas not previously examined. For example, it finds that case processing efficiency plays no role in shaping judicial case decisions, an idea that is more commonly discussed in qualitative works. It also finds that similarities in characteristics of workgroup members, specifically their races and genders, does not play a role in guiding courtroom efficiency, despite such factors being found to influence human interactions in other contexts. And although the findings associated with the effects of defense counsel type on case processing are also consistent with prior research, they signal to the importance that roles have, more so than characteristics of workgroup members themselves in shaping courtroom processes. Altogether, this study was an attempt to explore, by drawing on previous work and other disciplines, relationships and ideas seldomly considered to the body of knowledge surrounding courts.

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APPENDIX

A.1. Data Collection Instrument

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A.1. Data Collection Instrument, cont'd

DETENTION ARGUMENT	
State	Defense Counsel
<p>Current Offense Related</p> <ul style="list-style-type: none"> Refers to PSA recommendation Seriousness of current offense Strength of evidence Danger to Victim Danger to Community (Moderate/Consid./Subs./Siz./Serious) Obstruction Flight Risk/FTA Violent offense <p>History</p> <ul style="list-style-type: none"> Previous violent offense(s) Is/Was on Parole Is/Was on Probation Is/Was on pre-trial release/monitoring Previous failures to appear (FTA) Failures to abide by judicial orders History of committing similarly natured crimes Pending Charges Open Warrants Prior arrests Prior indictables Seriousness of past offenses Juvenile Record <p>Personal</p> <ul style="list-style-type: none"> Substance Abuse Homeless No steady housing <p>COVID-19 Related</p> <ul style="list-style-type: none"> Proper precautions are being taken by correctional facilities to ensure the safety of defendants 	<p>Current Offense Related</p> <ul style="list-style-type: none"> Pre-trial release and conditions appropriate Downplays seriousness of offense Weakness of evidence Not a danger to victim Not a danger to Community Not a Flight Risk/FTA Defendant denies current allegations <p>History</p> <ul style="list-style-type: none"> Defendant denies pending allegations No Previous Violent Offense(s) No prior criminal history No prior indictables Justifications for previous FTA(s) No prior FTA(s) No history of committing similarly natured crimes <p>Personal</p> <ul style="list-style-type: none"> Ties to community Attending school/Seeking enrollment Employed/Actively seeking employment Family Provider Veteran Health related issues Steady housing No substance abuse Client actively seeking/currently participating in drug program/counseling <p>COVID-19 Related</p> <ul style="list-style-type: none"> Pandemic poses profound risk to individuals in correctional settings Inmates unable to follow recommended CDC guidelines in correctional facilities <p>Other</p> <ul style="list-style-type: none"> PSA recommendation not accurate PSA recommendation only one factor <i>If detained-defendant may lose housing, job, etc.</i>
9	10
<p>Judge allows state to respond to argument presented by defense counsel? Y N</p> <p>If Yes, summarize: _____</p>	<p>Judge allows defense counsel to respond to counter-argument presented by state? Y N</p> <p>If Yes, summarize: _____</p>
11	11
OUTCOME	
<p>Adjourment: Yes No</p> <p>1-Day 2-Day 3-Day 4-Day 5-Day Other</p> <p>Requested by: Court State Defense</p> <p>Reason: Discovery Substitution of attorney</p> <p>Medical reasons Other pending matters</p> <p>Other: _____</p> <p>Disagreement on adj. request? Y N</p> <p>If Yes, explain: _____</p> <p>If VOM, court finds violation? Y N</p> <p>PML modified? Y N To?</p> <p>Notes:</p> <p>Next Hearing Type: DET PIC GJ MC Other: _____ Next Hearing Date: / / TBD End Time: EST</p>	<p>Court Decision Withdrawal? Y N Consent to Det? Y N</p> <p>ROR PML1 PML2 PML3 PML3+ Detention Required</p> <p>Release Conditions: <input type="checkbox"/> Home detention <input type="checkbox"/> No new offenses <input type="checkbox"/> Report ___wk/month via phone/person</p> <p><input type="checkbox"/> Refrain from poss. weapons, excessive use of alcohol, or any CDS <input type="checkbox"/> Restricted from _____</p> <p><input type="checkbox"/> No contact with co-defendants and/or victim <input type="checkbox"/> Undergo/Seek/Continue treatment</p> <p><input type="checkbox"/> Remain in custody of a designated person <input type="checkbox"/> Other: _____</p> <p>Reason(s) for decision by court: _____</p> <p>Does counsel request additional release condition(s)? Y N</p> <p>Condition(s) requested (& by who)? _____</p> <p>Counsel oppose to additional condition(s) request? Y N</p> <p>Does court add additionally requested release condition(s)? Y N</p> <p>If detention required, does J explain to def. appeal rights? Y N</p> <p>Defendant confused regarding outcome of case? Y N Why?</p>
12	13
14	

A.2. Description of Data Collection Instrument Items

Section	Item	Description
1	Case ID	Unique numerical identifiers given to individual hearing using the following format: MONTH/DAY/YEAR/HEARING NUMBER. For example, the second case processed by the court on March 22, 2020 would receive the following CASE ID: 03222002.
	Date	The date of the hearing (MM/DD/YR).
	Start Time	The time at the start of the hearing (Eastern Time Zone). Start time is signaled by the court going on the record.
	Hearing Type	The type of hearing captured.
	Court Interpreter	Whether a court interpreter was sworn in at beginning or during the processing of the hearing.
	Court Interpreter Language	If interpreter was sworn in, the language translated.
	Interpreter Mode	The mode of interpretations used by the court interpreter. Interpreters may either translate in a "synchronous" manner--translating to defendant as the hearing progress or "asynchronous"--court actors pausing throughout hearing to allow for language translations.
2	C#	Specific complaint number(s) provided by the court at the start of the proceeding. Defendant names were used in instances in which complaint number(s) were not captured. Complaint numbers and or defendant numbers were used to link cases from adjournments to detention decisions.
	Appearance waived	Whether defendants' appearance was waived for the purposes of the proceeding.
	Appearance waived by	Court actor (judge or defense counsel) that waived defendants' appearance.
	Sex	The sex of defendant (male or female). Captured observationally, but also relied on commonly used pronouns (e.g., he, him, his) by court actors when referring to the defendant during the proceeding.
	Age (gender)	The age bracket of defendants. Age brackets were the following: 18-25, 26-35, 36-45, 46-55, and 56 years of age or older. The specific age of defendants was typically provided by court actors during case processing, particularly during full detention hearings. However, during other types of hearings (e.g., withdrawals of detention), exact age of defendants was not provided, thus ranges of ages were used to approximate their age.
	Race/Ethnicity	The race/ethnicity of defendants. Categories include Black, Hispanic, white, Asian, and Other. Race was determined using defendants' appearance and characteristics (e.g., skin color), but also and whenever possible, using cues provided during case processing. For example, in instances in which the defendant appeared White, but because the services of a Spanish court interpreter were provided during case processing, were categorized as Hispanic.
	Unique Identifier	Unique numerical identifiers were given to each participating court actor (judge, prosecutor, & defense counsels) as data collection progressed using their names entered on the record and personal characteristics (race, age, and gender). During data collection, the compiled list was used, and unique identifiers were listed on the instrument depending on who were participating. If a given court actor had not already been given a unique identifier, they were provided one.

	<p>Appearance Type</p> <p>Substituting</p> <p>Substituting for</p> <p>Defense Counsel Type</p>	<p>Whether court actors (judge, prosecutor, and defense counsel) participated in case processing in a video-conferencing manner (video) or telephonically connected to the meeting (audio only).</p> <p>Whether the prosecutor or defense counsel expressed that they were substituting for a different actor for the processing of the hearing.</p> <p>If prosecutor or defense counsel expressed that they were substituting, the unique numerical identifier of the actor for which they were substituting in for.</p> <p>Whether defense counsel was a public defender or privately retained counsel. The different in counsel type were easily identified because 1) the court relied for the most part on the same group of public defenders during data collection, and 2) during the entering of appearances at the beginning of hearings, private attorneys would, along with their names enter the private firms for which they represented.</p>
<p>3</p>	<p>Off-record/pauses of court functions</p> <p>Engaged defendant off regular script</p> <p>Made visual contact with defendant</p> <p>Asked if defendant understood process</p> <p>Asked if defendant understood decision</p> <p>Explain penalty for noncompliance</p> <p>Judge expressed interest in def. success</p> <p>Explained justice more generally</p> <p>Interrupts defendant</p> <p>Starts talking before defendant is ready</p> <p>Raises voice/yells when talking to def.</p> <p>Prompted to talk by judge</p> <p>Intervened on record</p> <p>Admonished by judge</p>	<p>The number of instances in which the court record was paused by the judge and or at the request of other court actors.</p> <p>Judge engaged with defendants off of their regular script. Because of high familiarity with the respected court, I was able to identify which interactions were "on-script," from those who were more off-script.</p> <p>Although visual contact is difficult to capture during <i>virtual</i> (vs. in person) hearings, this item captures whether judge made contact (looked directly at the camera) while addressing the defendant.</p> <p>Judge outright asks defendant if he understood what was explicitly going on at different stages of the hearing.</p> <p>Judge outright asks defendant if he understood his decisions. Not solely pertaining to case outcome (detention or not), but also across other decision points (e.g., probable cause).</p> <p>Judge explained to the defendant the penalties associated for not complying with the court orders. This mainly applies to instances in which defendants were released on a PML, where judges would typically inquire with defendant as to their understanding of the release conditions ordered by the court.</p> <p>Judge expressed (verbally) interest in defendants' success. Examples were instances in which the judge wished defendants good luck with drug treatment, advised them more generally ("You are young, must change things around").</p> <p>Judge more generally explained to defendant the rationale for their decisions & how justice was "served."</p> <p>Judge interrupted defendant.</p> <p>Judge begins the processing of case or talking on the record regarding case-relevant/specific information while defendant is visibly not read (standing up, speaking to officer in booth, etc.)</p> <p>Judge raises his voice when speaking to defendant.</p> <p>Prosecutors/Defense counsels were prompted to speak by the judge.</p> <p>Prosecutors/Defense counsels intervened out of order.</p> <p>Prosecutors/Defense counsels were admonished/reprimanded by the judge. Examples:</p>

	<p>Paperwork is missing/organized</p> <p>Interrupted by judge</p> <p>Clerk intervened on record</p> <p>Number of times intervened</p> <p>If Clerk intervenes, related to issues with tech?</p> <p>Lost connection to jail during hearing?</p> <p>Asks court actors to address tech issues?</p> <p>Issues with meeting platform?</p> <p>Court actors lost conn. to court?</p> <p>Other reason(s)</p>	<p>Reprimands by judge for appearing late to the hearing or being ill-prepared for the hearing.</p> <p>Prosecutors/Defense counsels verbally expressed either missing case-related paperwork or asked for time to organize or find case information while going through paperwork during case processing. Instances in which there were significant time lapse in case processing because of counsels sifting through paperwork were also coded as such. Prosecutors/Defense counsels were interrupted by the judge. These were instances in which either counsel was speaking and the judge interrupted them out of order, or before counsels had concluded relaying their intended message.</p> <p>Whether the clerk (i.e., court administrator) intervened on the record.</p> <p>The total number of times in which the clerk (i.e., court administrator) intervened on the record.</p> <p>If clerk intervened on the record, were any of these reasons related to the use of technology.</p> <p>Clerk intervened because the jail lost connection to the jail.</p> <p>Clerk intervened to ask court actors to address/fix technology related issues (e.g., problems with audio, spotty internet connection, etc.)</p> <p>Clerk intervened due to issues with video-conferencing platform. For example, expressing have issues with providing access to counsel or using some of the platform features (e.g., breakout rooms).</p> <p>Clerk intervened due to one of the participating actors losing connection to the meeting (i.e., court).</p> <p>Any other reason(s) for which the clerk intervened not related to technology.</p>
<p>4</p>	<p>Defendant behavior</p> <p>Sought to speak off-turn/address judge</p> <p>Was able to speak off-turn/address judge:</p> <p>Mention of conf. w/ def. prior to hearing or had conf. during?</p> <p>Made explicit complaint (volume/noise, treatment, etc.)</p>	<p>The behavior displayed by defendant during case processing. Behaviors include normal, disrespectful, non-compliant, and crying. Disrespectful were instances in which the defendant cursed at participating actors or made gestures such as giving actors the middle finger. Non-compliant were instances in which the defendant left the booth, refused altogether to enter the booth, or were muted after being admonished by counsels or judge. Crying were instances in which defendants were visibly crying during the hearing. Instances where defendants sat in the booth and answered questions when directed to do so were coded as Normal.</p> <p>Defendant attempted intervene off-turn and address the court/judge while on the record (either verbally while not muted or non-verbally through hand gestures [primarily by raising hand]).</p> <p>Defendant was able/allowed to speak off-turn and address the court/judge after verbally intervening/interrupting or non-verbally (e.g., through hand gestures).</p> <p>Defendant expressed having had a discussion with defense counsel prior to the start of the hearing OR had a private conference with defense counsel during the hearing.</p> <p>Defendant expressed having troubles with video and or audio during case processing or made more general comments/complaints regarding their perceived treatment by the court.</p>

	<p>Interrupted by defense counsel</p> <p>Defendant expressed difficulties contacting family & friends regarding whereabouts?</p> <p>Defendant expressed difficulties/concerns contacting defense counsel?</p> <p>Defense counsel expressed difficulties communicating with defendant?</p> <p>Court actor(s) expressed or had visible problems or difficulties related to the use of tech.?</p> <p>Court actor(s) expressed difficulties exchanging case related information prior to hearing?</p> <p>Court lost connection to jail during hearing?</p>	<p>Defendants were interrupted by defense counsel at any point during the proceeding.</p> <p>Defendant expressed difficulties letting family/friends of their whereabouts following arrest and while in jail. NOTE: During the height of COVID-19, jails limited human interactions by being on constant "lockdown," reducing the opportunities for defendants to make calls.</p> <p>Defendant expressed difficulties or raised concerns regarding their ability to communicate with defense counsel.</p> <p>Defense counsel expressed difficulties or raised concerns regarding their ability to contact and communicate with their client.</p> <p>Court actors (judges, prosecutors, or defense counsels) either verbally expressed having issues with the use of technology during case processing (e.g., problems connecting to platform) OR if not verbally expressed, visibly experienced problems during it (e.g., lost connection during hearing).</p> <p>Court actors (judges, prosecutors, or defense counsels) expressed having issues when exchanging case related information prior to hearing (e.g., exchanging discovery).</p> <p>The court lost connection to the jail at any point during the hearing.</p>
5	<p>Burden shifting case?</p> <p>Weapons flag?</p> <p>Arrest Date</p> <p>Charges</p> <p>Total # charges</p> <p>Prior Criminal History?</p> <p>On Pre-Trial release?</p> <p>Active Pre-Trial Release Level</p> <p>On Parole?</p> <p>On Probation?</p> <p>Pending cases?</p> <p>Open Warrants?</p>	<p>Was the case classified by the court as a burden shifting? Did any of the offenses, as outlined by the complaint, involve the <i>use</i> OR possession of a weapon (firearm, knife, etc.)</p> <p>The date (MM/DD/YR) in which the defendant was arrested for the current complaint. For cases in which the arrest date was not provided during the hearing, the date in which the PSA was generated was collected. During all detention hearing proceedings, the date in which the PSA report was generated is entered on the record.</p> <p>The specific charges of which the defendant is accused of. The total number of charges of which the defendant is accused of.</p> <p>Mention of defendant's criminal history was mentioned during hearing.</p> <p>Mention of defendant being on pre-trial monitoring at the time of the hearing.</p> <p>If defendant already on pre-trial monitoring on different complaint, the specific pre-trial monitoring level for which they were placed on?</p> <p>Mention of defendant being on parole at the time of the hearing.</p> <p>Mention of defendant being on probation at the time of the hearing.</p> <p>Mention of defendant having other pending cases at the time of the hearing.</p> <p>Mention of defendant having open warrants.</p>
6	<p>Grounds for detention</p>	<p>The specific ground(s) for which the state filed its motion for detention. A motion for detention may be filed on any of the following individual or combinations of grounds:</p>

	<p>Mention of danger to specific victim?</p> <p>Did judge read def. his/her rights?</p> <p>Does defense stipulate as to probable cause on all charges?</p> <p>If no, which charge(s) not stipulated?</p> <p>Other Reasoning?</p> <p>Does court find probable cause on all charges?</p> <p>If no, which charge(s)?</p> <p>Other/reasoning</p>	<p>Failure to Appear (FTA), Danger to others/community, and or Obstruction.</p> <p>The state mentions defendant posing a risk to a specific victim/person during hearing.</p> <p>The judge reads and explains defendant his detention hearing rights.</p> <p>Defense counsel stipulates to probable cause on all charge(s) outlined in the complaint.</p> <p>If defense counsel does not stipulate to probable cause on all charge(s) outlined in the complaint, which of the charges were not stipulated to?</p> <p>Explicit reason(s) provided by defense counsel for not stipulating to the charge(s).</p> <p>The court (i.e., judge) establish/find probable cause on all the charges outlined in the complaint.</p> <p>If the court does not establish/find probable cause on all the charges outlined in the complaint, the list of charges for which it did not find probable cause for.</p> <p>Explicit reason(s) provided by the judge for probable cause decision. For example, the reason for the court finding probable cause for the charges not stipulated to by defense counsel (if any).</p>
7	<p>Exhibits entered by state</p> <p>Other</p> <p>Total exhibits submitted by state</p> <p>Def. counsel objects to any submitted exhibits?</p> <p>If Yes, which?</p> <p>Does defense submit own exhibit(s)?</p> <p>If Yes, explain (+ total #)</p> <p>Court admits all submitted exhibit(s)?</p> <p>If No, which not admitted?</p> <p>Total exhibits admitted by court?</p> <p>Any submitted exhibit(s) COVID-19 related?</p> <p>If Yes, explain</p>	<p>The types of exhibits or evidence entered by the state used to establish probable cause and when supplementing detention argumentations (e.g., complaint, affidavits of probable cause, investigation reports, media, etc.).</p> <p>The total number of exhibits submitted to the court by the state.</p> <p>Defense counsel objected to at least one of the exhibits submitted by the state.</p> <p>If defense counsel objected to at least one of the states submitted exhibits, which of exhibits were objected to.</p> <p>Defense counsel submitted own exhibits into evidence.</p> <p>If defense counsel submitted own exhibits, the types and total number of defense exhibits.</p> <p>The court admitted or formally entered all submitted exhibits by state and defense counsel (if any were entered by defense counsel) into evidence.</p> <p>If the court does not admit or formally enter all submitted exhibits by state and defense counsel, list of the exhibit(s) that were deemed inadmissible.</p> <p>The total number of exhibits formally entered into evidence by the state and defense counsel combined.</p> <p>Were any of the exhibits entered by either the state or defense counsel related to COVID-19 (e.g., warden certifications).</p> <p>Brief description of the type of COVID-19 related exhibit entered as evidence & summary of the content of the exhibit.</p>
8	<p>Risk of Failure to Appear Score</p>	<p>PSA generated Risk of Failure to Appear score. Scores range from numeric values of 1 (lowest risk) to 6 (highest risk).</p>

	Risk of New Criminal Activity Score New Violent Criminal Activity Flag PSA Recommendation	PSA generated New Criminal Activity score. Scores range from numeric values of 1 (lowest risk) to 6 (highest risk). PSA generated New Violent Criminal Activity Flag (Yes/No). The final PSA generated recommendation. PSA may generate recommendations of Release on Own Recognizance (ROR), monitoring levels (PMLs) 1, 2, 3, and 3+, and detention (RNR = release not recommended).
9	State Detention Argumentations	Arguments provided by state in support of pre-trial detention.
10	Defense Counsel Detention Argumentations	Arguments provided by defense counsel in support of pre-trial release.
11	Detention Responses/Additional Arguments	Summary of arguments/responses provided by the state and defense counsel during detention argumentations and following their initial presentations/arguments (#9 & #10).
12	Adjournment Requested by Reason Other Disagreement on adj. request? If VOM, court finds violation? PML modified? To?	Was the hearing ultimately adjourned to a later date and if so, the total amounts of days for which the court adjourned the case for. If the hearing was adjourned to a later date, who formally requested for the hearing to be adjourned. The explicit reason provided by the court actor for requesting for the hearing to be adjourned. Did judge, prosecutor, or defense counsel object/disagree to other court actors' adjournment request or the date for which the adjournment request would carry the matter to. If a violation of monitoring (VOM) was filed by the state (in addition to the detention motion), does the court find that the defendant violated his conditions of pre-trial release (i.e., finds VOM). If the court finds that defendant violated conditions of monitoring, does the court modify the level of pre-trial on VOM complaint. If the court finds VOM & modifies release level, to what was the PML modified to.
13	Withdrawal? Consent to Det? Case outcome If released, release conditions Reason(s) for decision by court Does counsel request additional release condition(s)? Condition(s) requested (& by who)? Counsel oppose to additional condition(s) request?	The state formally withdrew its motion for detention. Defense counsel consented to client being detained pre-trial. The outcome of the case. Possible case outcomes of detention hearings are ROR, PML1, PML2, PML3, PML3+, and Detention Required. If court determines that pre-trial release is appropriate, the list of release conditions placed on defendants by the court. The explicit reason(s) provided by the court for their final detention decision. If court determines that pre-trial release is appropriate and orders specific pre-trial release conditions, do either counsel subsequently request for additional release condition(s) to be added as conditions of release. The list of additional release conditions requested by either counsel and the actor (defense counsel or prosecutor) who requested the additional release conditions. Does either counsel object to the others request for additional release condition(s) to be imposed on defendant.

	<p>Does court add additionally requested release condition(s)?</p> <p>If detention required, does J explain to def. appeal rights?</p> <p>Defendant confused regarding outcome of case?</p> <p>Why?</p>	<p>If additional release conditions are requested, does the court accept the request and formally imposes the additionally requested release conditions OR does the court objects to the request.</p> <p>If the court orders for defendant to be detained pre-trial, does the judge read and explain to the defendant his rights to appeal the detention decisions.</p> <p>Does the defendant express not fully understanding the decision made by the court OR asks the court question(s) that leads observer to believe that they are confused about the court decision.</p> <p>The explicit reason provided by the defendant for the confusion OR the reason why the observer believed the defendant to be confused.</p>
14	<p>Note(s)</p> <p>Next Hearing Type</p> <p>Next Hearing Date</p> <p>End Time</p>	<p>Notes taken throughout the entirety of the hearing.</p> <p>The type of hearing for which the defendant is scheduled to appear for following the conclusion of the current hearing.</p> <p>The date provided by the court for next event (MM/DD/YR).</p> <p>The time at the end of the hearing (Eastern Time Zone). End of hearing is signaled by the court by the dismissal of the defendant and ending the court record.</p>

A.3. Race and Gender Characteristics by Workgroup Member

	Unique Identifier	Total number of appearances	Race	Gender
Judges	1	292	Black	Male
	2	36	White	Male
	3	2	Black	Female
Prosecutors	1	32	Black	Male
	2	1	White	Male
	3	16	White	Male
	4	15	White	Female
	5	54	Black	Female
	6	22	White	Female
	7	24	White	Female
	8	4	White	Male
	9	4	White	Female
	10	11	White	Male
	11	18	White	Male
	12	2	White	Male
	13	4	White	Female
	14	8	White	Male
	16	4	Black	Female
	17	2	Asian	Male
	18	5	White	Female
	19	1	White	Female
	20	1	Asian	Female
	21	3	White	Male
	22	1	White	Female
	23	2	White	Male
	24	4	White	Female
	25	4	White	Male
	27	2	Latinx	Male
	28	15	White	Male
	29	41	White	Male
	30	2	White	Male
	32	13	White	Male
	33	11	Black	Female
	34	2	White	Female
	36	1	White	Female
	37	1	White	Female

A.3. Race and Gender Characteristics by Workgroup Member, cont'd

	Unique Identifier	Total number of appearances	Race	Gender
Defense Counsels	1*	62	White	Female
	2*	51	White	Female
	3*	58	White	Female
	4*	63	White	Male
	5	1	White	Male
	6	1	White	Male
	7	11	Black	Female
	8	7	White	Female
	9	5	White	Male
	10	8	Latinx	Female
	12	6	White	Male
	13	1	Latinx	Male
	14	13	Black	Male
	15	2	White	Male
	16	1	White	Male
	17*	2	White	Female
	18*	1	White	Female
	20	1	Latinx	Male
	21*	1	Black	Female
	22*	1	White	Female
	23*	1	White	Male
	24*	1	White	Female
	25	2	White	Male
	26	2	White	Male
	27	1	White	Female
	30	4	White	Male
	31	1	White	Male
	32	1	White	Female
	33	1	Latinx	Male
	34	1	White	Male
	37	6	White	Male
	39	1	White	Male
	40	1	White	Male
	41	1	White	Female
	42	1	White	Male
	46	1	Latinx	Male
47	1	White	Male	
50	1	White	Male	
51	1	White	Male	
52	1	Black	Male	
56	1	Black	Male	
57	1	White	Female	
59	1	Latinx	Male	
60	1	White	Male	

Note: * = public defender

A.4. Distributions of Additive (Score) Measures

	<i>prosecutor miscommunication (0 – 2)</i>	<i>defense counsel miscommunication (0 – 2)</i>	<i>defense counsel's activity (0 – 3)</i>	<i>missing/un organized paperwork (0 – 2)</i>	<i>courtroom inefficiency (0 – 10)</i>
0	166 (50.3%)	173 (52.4%)	211 (63.9%)	154 (46.7%)	18 (5.5%)
1	135 (40.9%)	132 (40.0%)	101 (30.6%)	122 (37.0%)	53 (16.1%)
2	29 (8.8%)	25 (7.6%)	18 (5.5%)	54 (16.4%)	67 (20.3%)
3	-	-	0 (0%)	-	70 (21.2%)
4	-	-	-	-	61 (18.5%)
5	-	-	-	-	36 (10.9%)
6	-	-	-	-	17 (5.2%)
7	-	-	-	-	7 (2.1%)
8	-	-	-	-	0 (0%)
9	-	-	-	-	1 (0.3%)
10	-	-	-	-	0 (0%)

A.5. Correlation Matrix of Case Processing Measures

	prosecutor's admonished by judge	prosecutor's interrupted by judge	defense counsel's admonished by judge	defense counsel's interrupted by judge	defense counsel objects to one or more submitted exhibits	defense counsel submits at least one exhibit	defense counsel does not stipulate to one or more charges	prosecutor's paperwork missing/un- organized	defense counsel's paperwork missing/unorganized	one or more times off- record	duration of hearing (in minutes)
prosecutor's admonished by judge	-										
prosecutor's interrupted by judge	0.2214	-									
defense counsel's admonished by judge	0.0743	0.0836	-								
defense counsel's interrupted by judge	-0.0287	0.149	0.2863	-							
defense counsel objects to one or more submitted exhibits	-0.0473	0.0541	0.1467	0.1492	-						
defense counsel submits at least one exhibit	0.2107	0.0398	0.0288	0.0666	-0.0885	-					
defense counsel does not stipulate to one or more charges	-0.0737	0.0384	-0.0083	0.082	0.1771	-0.0252	-				
prosecutor's paperwork missing/unorganized	0.1066	0.1931	-0.0056	0.1186	0.1548	0.0521	0.1329	-			
defense counsel's paperwork missing/unorganized	0.0374	0.1153	-0.0215	0.1153	0.1538	0.0449	0.0595	0.1971	-		
one or more times off- record	0.0044	-0.0405	0.0294	0.1225	0.0621	-0.0011	0.1149	0.0673	0.1118	-	
duration of hearing (in minutes)	0.1632	0.2338	0.1105	0.1671	0.1858	0.1178	0.203	0.229	0.1808	0.2502	-

A.6. Race Breakdown of Workgroups by Workgroup Member Combinations

	Freq.	%
Black Judge and Black Prosecutor	91	27.6
Black Judge and Latinx Prosecutor	2	0.6
Black Judge and White Prosecutor	198	60
Black Judge and Asian Prosecutor	3	0.9
White Judge and Black Prosecutor	10	3.0
White Judge and Latinx Prosecutor	-	-
White Judge and White Prosecutor	26	7.9
White Judge and Asian Prosecutor	-	-
Black Judge and Black Defense Counsel	25	7.6
Black Judge and Latinx Defense Counsel	12	3.6
Black Judge and White Defense Counsel	257	77.9
White Judge and Black Defense Counsel	2	0.6
White Judge and Latinx Defense Counsel	1	0.3
White Judge and White Defense Counsel	33	10.0
Black Prosecutor and Black Defense Counsel	12	3.6
Black Prosecutor and Latinx Defense Counsel	3	0.9
Black Prosecutor and White Defense Counsel	86	26.1
Latinx Prosecutor and Black Defense Counsel	0	0
Latinx Prosecutor and Latinx Defense Counsel	0	0
Latinx Prosecutor and White Defense Counsel	2	0.6
White Prosecutor and Black Defense Counsel	14	4.2
White Prosecutor and Latinx Defense Counsel	10	3.0
White Prosecutor and White Defense Counsel	200	60.6
Asian Prosecutor and Black Defense Counsel	1	0.3
Asian Prosecutor and Latinx Defense Counsel	-	-
Asian Prosecutor and White Defense Counsel	2	0.6
Black Judge, Black Prosecutor, and Black Defense Counsel	12	3.6
Black Judge, Black Prosecutor, and Latinx Defense Counsel	3	0.9
Black Judge, Black Prosecutor, and White Defense Counsel	76	23.0
Black Judge, Latinx Prosecutor, and Black Defense Counsel	-	-
Black Judge, Latinx Prosecutor, and Latinx Defense Counsel	-	-
Black Judge, Latinx Prosecutor, and White Defense Counsel	2	0.6
Black Judge, White Prosecutor, and Black Defense Counsel	12	3.6
Black Judge, White Prosecutor, and Latinx Defense Counsel	9	2.7
Black Judge, White Prosecutor, and White Defense Counsel	177	53.6
Black Judge, Asian Prosecutor, and Black Defense Counsel	1	0.3
Black Judge, Asian Prosecutor, and Latinx Defense Counsel	-	-
Black Judge, Asian Prosecutor, and White Defense Counsel	2	0.6
White Judge, Black Prosecutor, and Black Defense Counsel	-	-
White Judge, Black Prosecutor, and Latinx Defense Counsel	-	-
White Judge, Black Prosecutor, and White Defense Counsel	10	3.0
White Judge, Latinx Prosecutor, and Black Defense Counsel	-	-
White Judge, Latinx Prosecutor, and Latinx Defense Counsel	-	-
White Judge, Latinx Prosecutor, and White Defense Counsel	-	-
White Judge, White Prosecutor, and Black Defense Counsel	2	0.6
White Judge, White Prosecutor, and Latinx Defense Counsel	1	0.3
White Judge, White Prosecutor, and White Defense Counsel	23	7.0
White Judge, Asian Prosecutor, and Black Defense Counsel	-	-
White Judge, Asian Prosecutor, and Latinx Defense Counsel	-	-
White Judge, Asian Prosecutor, and White Defense Counsel	-	-

Appendix A.7. Correlation Matrix of Control Variables

	PSA detention recommendation	prior criminal history	currently on a PML	currently on probation or parole	currently has pending cases	total number of charges	nature of top charge (person)	nature of top charge (property)	nature of top charge (drug)
PSA detention recommendation	-								
prior criminal history	0.2321	-							
currently on a PML	0.3173	0.2391	-						
currently on probation or parole	0.1764	0.2192	-0.0363	-					
currently has pending cases	0.3401	0.3852	0.5463	0.1297	-				
total number of charges	0.0758	0.0131	0.0191	0.0811	0.0163	-			
nature of top charge (person)	0.2529	-0.0385	-0.0154	-0.0524	-0.0948	-0.1369	-		
nature of top charge (property)	-0.0531	0.0246	0.1115	-0.0246	0.1039	-0.1271	-0.293	-	
nature of top charge (drug)	-0.118	0.0262	0.0707	0.0319	0.0474	0.1825	-0.2643	-0.0875	-
nature of top charge (weapon)	-0.1806	-0.0218	-0.1354	0.0541	-0.043	0.2249	-0.6501	-0.2152	-0.1942
nature of top charge (other)	0.0194	0.0747	0.1002	-0.0023	0.1223	-0.2312	-0.2059	-0.0682	-0.0615
burden shifting	0.174	-0.1352	-0.1321	-0.0512	-0.1703	-0.0029	0.288	-0.097	-0.0875
defendant age (18-35)	-0.0531	-0.0703	-0.0064	-0.0134	0.015	0.0999	-0.1063	-0.0401	0.0227
defendant age (> 36)	0.0531	0.0703	0.0064	0.0134	-0.015	-0.0999	0.1063	0.0401	-0.0227
defendant male	0.0482	0.0473	-0.0505	0.0087	-0.0135	-0.0093	0.0273	-0.0279	-0.0476
defendant Black	0.0935	0.2349	0.0999	0.0838	0.1926	0.1767	-0.113	-0.0424	0.0469
defendant Latinx	-0.0516	-0.1942	-0.1146	0.0078	-0.1755	-0.0605	0.1269	-0.047	0.0063
defendant White	-0.033	-0.0882	0.0078	-0.1537	-0.0653	-0.1509	0.0214	0.0281	-0.0612
public defender	0.0296	0.116	0.0516	-0.048	0.0393	-0.1007	0.052	0.1176	-0.1708
duration of hearing	0.2228	0.0399	0.1866	-0.0156	0.0613	0.0498	0.2699	-0.0343	-0.005
VOM/RVK flag	0.1187	0.0482	0.5115	-0.0921	0.2794	-0.0715	-0.0555	0.1567	0.1262

Appendix A.7. Correlation Matrix of Control Variables, cont'd

	nature of top charge (weapon)	nature of top charge (other)	burden shifting	defendant age (18-35)	defendant age (> 36)	defendant male	defendant Black	defendant Latinx	defendant white	public defender	duration of hearing	VOM/RVK flag
nature of top charge (weapon)	-											
nature of top charge (other)	-0.1513	-										
burden shifting	-0.1693	-	-									
defendant age (18-35)	0.2073	0.0682	-0.0164	-								
defendant age (> 36)	-0.2073	0.184	0.0164	-1	-							
defendant male	0.0338	0.0438	0.0119	-0.0362	0.0362	-						
defendant Black	0.1888	0.1537	-0.09	0.1249	-0.1249	-0.0344	-					
defendant Latinx	-0.1215	0.0249	0.1294	0.0351	-0.0351	0.0965	-0.69	-				
defendant White	-0.0966	0.2033	-0.0063	-0.2089	0.2089	-0.0775	-0.5582	-0.1524	-			
public defender	-0.0621	0.0679	-0.0273	-0.1138	0.1138	-0.0522	-0.0188	-0.0918	0.1046	-		
duration of hearing	-0.2768	0.0276	0.0599	-0.0339	0.0339	-0.0696	-0.0459	0.0688	-0.0133	-0.0952	-	
VOM/RVK flag	-0.124	0.04	-0.0618	0.0568	-0.0568	-0.1126	0.0542	-0.076	0.0301	-0.0157	0.2697	-

A.8. Bivariate Effects of Similarities and Defense Counsel Type on Case Processing

	prosecutor's admonished by judge	prosecutor's interrupted by judge	prosecutor miscommunication score	defense counsel's admonished by judge	defense counsel's interrupted by judge	defense counsel miscommunication score	defense counsel does not stipulate to one or more charges	defense counsel objects to one or more submitted exhibits
	OR	OR	IRR	OR	OR	IRR	OR	OR
Judge and Prosecutor								
Race	1.28	0.93	1.01	-	-	-	-	-
Gender	0.63	0.67	0.78*	-	-	-	-	-
Race & Gender	0.96	0.84	0.92	-	-	-	-	-
Judge and Defense Counsel								
Race	-	-	-	3.33**	2.27**	1.63***	-	-
Gender	-	-	-	1.71	1.59*	1.32*	-	-
Race & Gender	-	-	-	2.73	1.81	1.47	-	-
Prosecutor and Defense Counsel								
Race	1.18	1.22	1.12	0.88	0.94	0.96	0.66	10.2*
Gender	1.29	1.01	1.05	0.80	1.41	1.14	1.16	0.75
Race & Gender	1.44	1.08	1.10	0.89	1.78*	1.27*	0.75	1.67
Judge, Prosecutor, and Defense Counsel								
Race	1.76	1.20	1.20	4.56***	2.69**	1.80*	0.90	1.75
Gender	0.69	0.74	0.82	1.41	1.78*	1.33*	1.50	0.21
Race & Gender	3.29	0.83	1.23	1.99	0.83	1.04	1.05	-
Defense Counsel Type								
public defender	2.08	0.97	1.10	0.29**	0.36***	0.56***	0.14***	3.14

Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$

A.8. Bivariate Effects of Similarities and Defense Counsel Type on Case Processing, cont'd

	defense counsel submits at least one exhibit OR	defense counsel's activity score IRR	prosecutor's paperwork missing/unorganized OR	defense counsel's paperwork missing/unorganized OR	missing/unorganized paperwork score IRR	one or more times off-record OR	duration of hearing <i>b</i>	courtroom inefficiency score IRR
Judge and Prosecutor								
Race	-	-	-	-	-	-	-	-
Gender	-	-	-	-	-	-	-	-
Race & Gender	-	-	-	-	-	-	-	-
Judge and Defense Counsel								
Race	-	-	-	-	-	-	-	-
Gender	-	-	-	-	-	-	-	-
Race & Gender	-	-	-	-	-	-	-	-
Prosecutor and Defense Counsel								
Race	1.19	1.00	0.87	1.27	1.02	1.62	5.92*	1.05
Gender	1.30	1.09	1.02	1.17	1.06	1.69*	2.78	1.10
Race & Gender	1.34	0.99	0.71	1.06	0.91	2.10**	4.32	1.09
Judge, Prosecutor, and Defense Counsel								
Race	0.29	0.88	0.78	0.65	0.80	0.40**	-0.65	1.04
Gender	1.55	1.18	0.82	1.07	0.95	2.38**	6.46	1.09
Race & Gender	-	0.68	-	0.92	0.40	0.28	-9.20	0.77
Defense Counsel Type								
public defender	0.10***	0.31***	1.34	0.88	1.06	0.52*	-5.40	0.74***

Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$

A.9. Bivariate Effects of Similarities on Case Decisions

	<i>b</i>	RSE	OR
Judge and Prosecutor			
Race	-0.57	0.24	0.56*
Gender	-0.08	0.22	0.93
Race & Gender	-0.21	0.33	0.81
Judge and Defense Counsel			
Race	-0.94	0.33	0.39**
Gender	0.40	0.23	1.49
Race & Gender	-0.29	0.45	0.75

Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$

A.10. Bivariate Effects of Workgroup Composition and Defense Counsel Type on Case Decisions

	<i>b</i>	<i>RSE</i>	<i>OR</i>
full-white	-0.99	0.52	0.37
majority-white	0.29	0.24	1.33
full-male	0.12	0.27	1.12
majority-male	0.28	0.25	1.32
majority-white-male	-0.10	0.29	0.91
majority-white-female	0.21	0.30	1.23
full-white and Black defendant	-1.88	1.14	0.15
full-white and Latinx defendant	1.09	1.55	2.98
majority-white and Black defendant	-0.05	0.53	0.95
majority-white and Latinx defendant	0.25	0.64	1.28
full-male and male defendant	-0.01	1.28	0.99
majority-male and male defendant	-0.80	1.23	0.45
majority-white-male and Black male defendant	-0.71	0.59	0.49
majority-white-male and Latinx male defendant	0.37	0.70	1.45
majority-white-female and Black male defendant	0.60	0.68	1.83
majority-white-female and Latinx male defendant	-1.61	1.23	0.20

Note: * = $p < .05$, ** = $p < .01$, *** = $p < .001$

A.11. Bivariate Effects of Control Measures on Case Decisions

	<i>b</i>	RSE	OR
PSA detention recommendation	2.05	0.38	7.79***
prior criminal history	0.28	0.28	1.32
currently on a PML	0.84	0.23	2.31***
currently on probation or parole	0.33	0.28	1.40
currently has pending cases	0.48	0.25	1.62*
total number of charges	0.08	0.03	1.09*
nature of top charge (property)	-0.06	0.39	0.95
nature of top charge (drug)	-0.36	0.45	0.70
nature of top charge (weapon)	-1.16	0.27	-1.16***
nature of top charge (other)	-0.68	0.60	0.50
burden shifting	2.76	0.62	15.77***
defendant age (18-35)	-0.38	0.25	0.68
defendant male	1.21	0.51	3.35*
defendant Black	-0.23	0.25	0.79
defendant Latinx	0.42	0.30	1.53
public defender	0.20	0.25	1.22
duration of hearing	0.01	0.00	1.01**
VOM/RVK flag	0.67	0.32	1.96*

Note: * = p < .05, ** = p < .01, *** = p < .001

A.12. Correlation Matrix of Case Processing and Control Measures

	prosecutor's admonished by judge	prosecutor's interrupted by judge	defense counsel's admonished by judge	defense counsel's interrupted by judge	defense counsel does not stipulate to one or more charges	defense counsel objects to one or more submitted exhibits	defense counsel submits at least one exhibit	prosecutor's paperwork missing/unorganized	defense counsel's paperwork missing/unorganized	one or more times off-record	duration of hearing (in minutes)	PSA detention recommendation	prior criminal history	currently on a PML
prosecutor's admonished by judge	-													
prosecutor's interrupted by judge	0.22	-												
defense counsel's admonished by judge	0.0737	0.0821	-											
defense counsel's interrupted by judge	-0.0287	0.1502	0.2874	-										
defense counsel does not stipulate to one or more charges	-0.0442	0.0641	0.1509	0.1503	-									
defense counsel objects to one or more submitted exhibits	0.2103	0.0386	0.0284	0.0669	-0.0868	-								
defense counsel submits at least one exhibit	-0.0744	0.0368	-0.0089	0.0824	0.1816	-0.0257	-							
prosecutor's paperwork missing/unorganized	0.1075	0.1955	-0.0052	0.1255	0.1544	0.0526	0.1337	-						
defense counsel's paperwork missing/unorganized	0.0385	0.1186	-0.0208	0.1226	0.1514	0.0457	0.0606	0.1912	-					
one or more times off-record	0.0057	-0.0371	0.0306	0.1228	0.0565	-0.0002	0.1162	0.0668	0.1108	-				
duration of hearing (in minutes)	0.1642	0.2368	0.1112	0.1689	0.1836	0.1184	0.2039	0.2281	0.1792	0.2492	-			
PSA detention recommendation	0.0407	0.0157	-0.0747	0.041	0.1154	0.0717	0.1194	0.0099	0.0709	0.1497	0.2228	-		
prior criminal history	0.0611	-0.0172	-0.0473	-0.0051	0.0881	0.0225	-0.0076	0.0054	0.0366	-0.0099	0.0399	0.2321	-	
currently on a PML	0.0201	0.1262	-0.1357	0.0932	0.0757	0.1158	-0.0132	0.0931	0.09	0.0618	0.1866	0.3173	0.2391	-
currently on probation or parole	0.0823	0.002	-0.0367	-0.01	0.0139	0.1435	-0.0195	0.041	-0.0037	-0.0745	-0.0156	0.1764	0.2192	-0.0363
currently has pending cases	0.1063	0.1087	-0.1066	0.0005	0.092	0.0264	-0.0413	0.0727	0.0791	-0.0284	0.0613	0.3401	0.3852	0.5463
total number of charges	0.0199	-0.0604	-0.0476	-0.0371	0.0966	-0.0599	0.0517	-0.0301	-0.1013	-0.0257	0.0498	0.0758	0.0131	0.0191
nature of top charge (property)	0.0587	0.026	-0.0119	-0.1012	-0.0693	-0.0279	-0.0183	-0.0089	-0.041	-0.0709	-0.0343	-0.0531	0.0246	0.1115
nature of top charge (drug)	0.0848	0.0841	-0.0824	0.0154	0.1445	-0.0163	-0.002	-0.0585	0.0193	-0.0874	-0.005	-0.118	0.0262	0.0707
nature of top charge (weapon)	-0.0609	-0.1751	-0.058	-0.0926	-0.0112	-0.0806	-0.0245	-0.0225	-0.0709	-0.1105	-0.2768	-0.1806	-0.0218	-0.1354
nature of top charge (other)	-0.0781	0.113	-0.0642	0.0851	-0.0351	0.0113	-0.0669	0.1524	-0.0168	0.0379	0.0276	0.0194	0.0747	0.1002
burden shifting	-0.0771	0.0475	0.0676	-0.0367	0.1722	-0.075	0.0202	0.079	-0.0176	0.121	0.0599	0.174	-0.1352	-0.1321
defendant age (18-35)	0.0981	0.0231	-0.0137	-0.1024	0.0683	-0.0249	0.0247	-0.0418	-0.0533	-0.0464	-0.0339	-0.0531	-0.0703	-0.0064
defendant male	-0.1094	-0.0595	0.0861	-0.0161	0.0014	-0.078	0.0493	-0.0641	0.0208	0.0198	-0.0696	0.0482	0.0473	-0.0505
defendant Black	0.0105	-0.051	0.0093	-0.0007	0.1557	0.0031	0.0469	-0.0059	0.0305	-0.0272	-0.0459	0.0935	0.2349	0.0999
defendant LatinX	0.0299	0.0546	0.0889	-0.0263	-0.0959	0.0054	-0.043	0.0094	-0.0308	-0.0293	0.0688	-0.0516	-0.1942	-0.1146
public defender	0.0876	-0.0092	-0.1763	-0.2189	-0.414	0.0868	-0.3289	0.0562	-0.0319	-0.1178	-0.0952	0.0296	0.116	0.0516
VOM/RVK flag	0.0819	0.0638	-0.0186	0.013	0.0157	0.0596	-0.0267	0.078	0.1046	0.069	0.2697	0.1187	0.0482	0.5115

A.12. Correlation Matrix of Case Processing and Control Measures, cont'd

	currently on probation or parole	currently has pending cases	total number of charges	nature of top charge (property)	nature of top charge (drug)	nature of top charge (weapon)	nature of top charge (other)	burden shifting	defendant age (18-35)	defendant male	defendant Black	defendant LatinX	public defender	VOM/RVK flag
currently on probation or parole	-													
currently has pending cases	0.1297	-												
total number of charges	0.0811	0.0163	-											
nature of top charge (property)	-0.0246	0.1039	-0.1271	-										
nature of top charge (drug)	0.0319	0.0474	0.1825	-0.0875	-									
nature of top charge (weapon)	0.0541	-0.043	0.2249	-0.2152	-0.1942	-								
nature of top charge (other)	-0.0023	0.1223	-0.2312	-0.0682	-0.0615	-0.1513	-							
burden shifting	-0.0512	-0.1703	-0.0029	-0.097	-0.0875	-0.1693	-0.0682	-						
defendant age (18-35)	-0.0134	0.015	0.0999	-0.0401	0.0227	0.2073	-0.184	-0.0164	-					
defendant male	0.0087	-0.0135	-0.0093	-0.0279	-0.0476	0.0338	-0.0438	0.0119	-0.0362	-				
defendant Black	0.0838	0.1926	0.1767	-0.0424	0.0469	0.1888	-0.1537	-0.09	0.1249	-0.0344	-			
defendant LatinX	0.0078	-0.1755	-0.0605	-0.047	0.0063	-0.1215	0.0249	0.1294	0.0351	0.0965	-0.69	-		
public defender	-0.048	0.0393	-0.1007	0.1176	-0.1708	-0.0621	0.0679	-0.0273	-0.1138	-0.0522	-0.0188	-0.0918	-	
VOM/RVK flag	-0.0921	0.2794	-0.0715	0.1567	0.1262	-0.124	0.04	-0.0618	0.0568	-0.1126	0.0542	-0.076	-0.0157	-

