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# Bench vs. Jury Trials: Sentencing and Conviction Outcomes for Criminally Charged Police Officers

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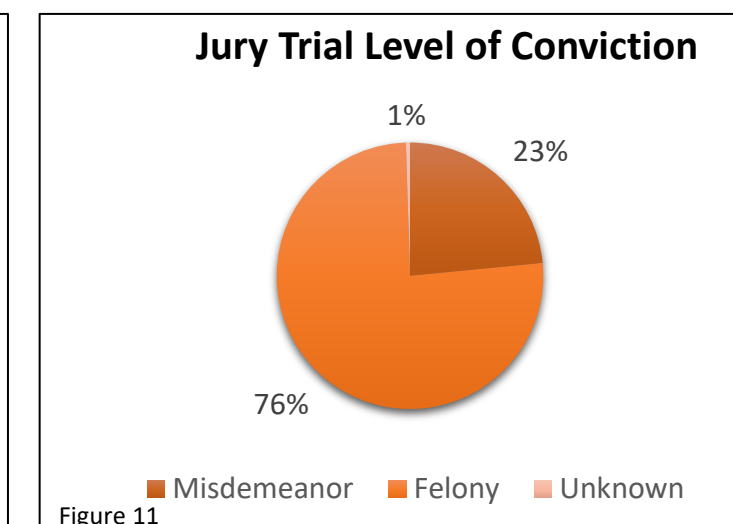
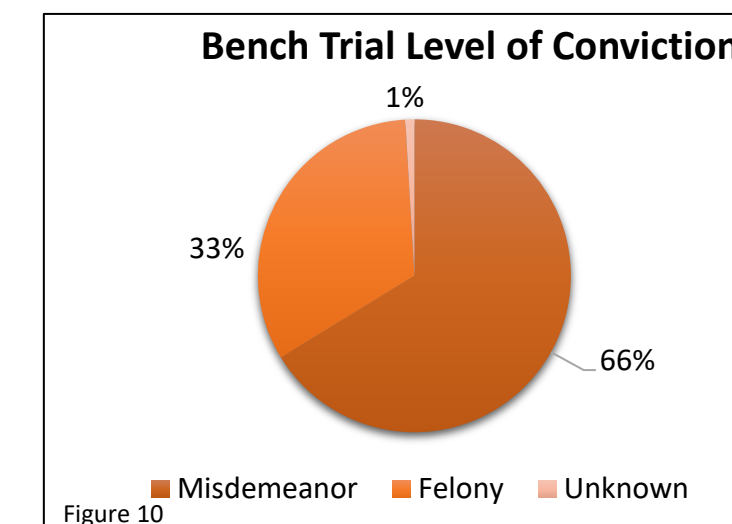
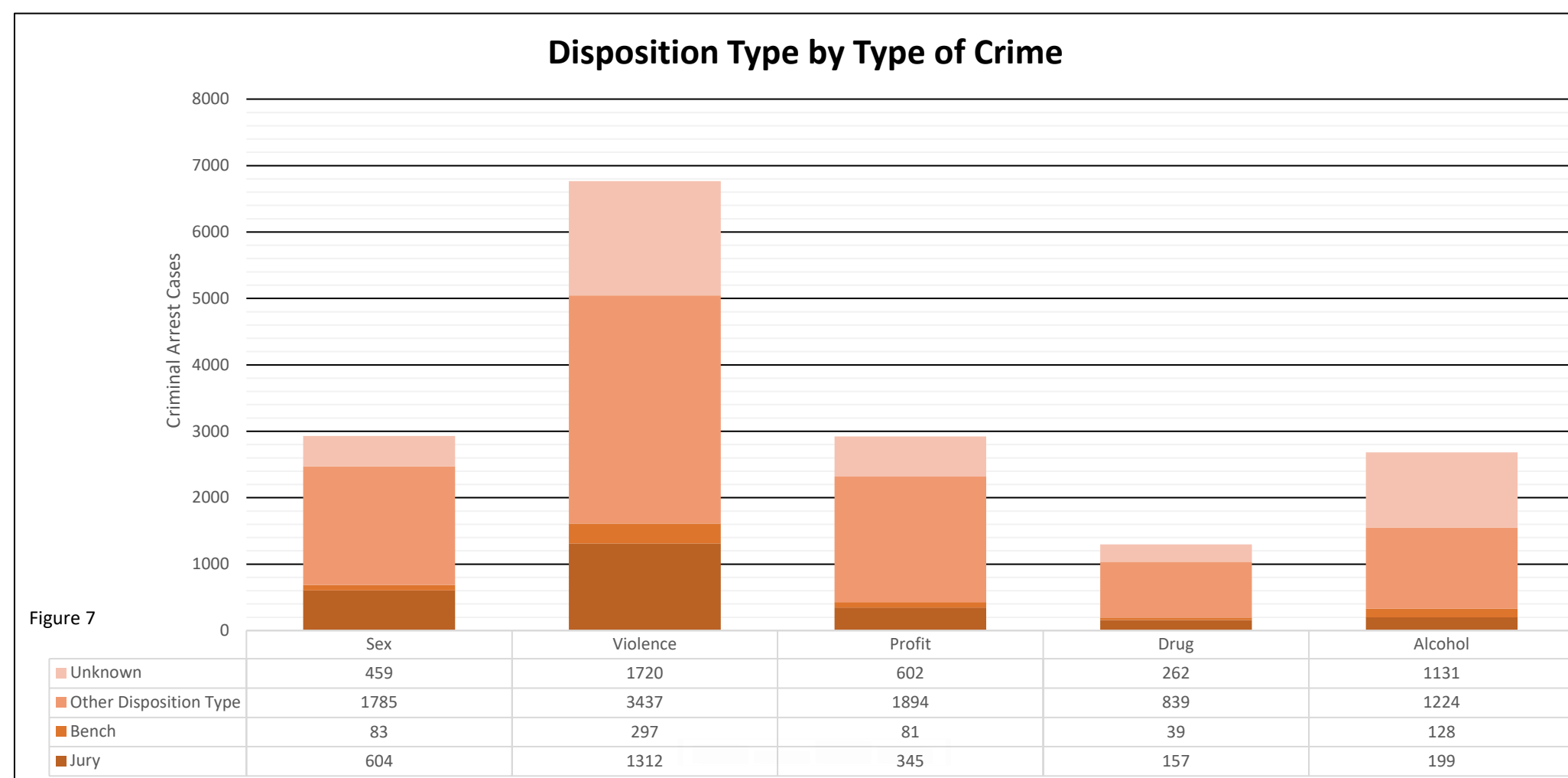
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## ABSTRACT

The purpose of this study is to compare conviction and sentencing outcomes between bench and jury trials for nonfederal sworn officers arrested from 2005-2016. Using Stinson's (2021) data set for police officers arrested across the United States, the sample consists of 538 cases where police officers were tried by bench trial and 1,890 cases where police officers were tried before a jury. Data are presented on details of the arrested officers, criminal case disposition, crime type, and sentencing outcome.

## METHODS

The data for this project were collected as part of a larger research project on police crime. The data were compiled from multiple news sources and court documents from the years 2005-2016. The news sources used for this project were primarily discovered through Google News™ search engine and Google Alerts™ email update service. For this project, we narrowed the data from all nonfederal sworn law enforcement officers charged with any crime to solely sworn law enforcement officers who were tried by either a bench or jury trial.



## RESULTS

- Of the 13,214 criminal arrest cases, we have identified 6,480 convictions (Figure 1).
- Of the 13,214 criminal arrest cases, there were 1,890 cases where the officer was tried before a jury and 538 cases which resulted from a bench trial (Figure 2).
- Bench trials resulted in a conviction for 60% of cases (Figure 5) and jury trials resulted in a conviction for 64% of cases (Figure 6).
- For each type of crime, jury and bench trials make up less than half of all dispositions (Figure 7).
- Officers were more likely to be convicted by a jury trial than a bench trial for all crime types except sex-related crimes (Figure 8).
- Following conviction after bench trial, officers were most likely to be sentenced to probation. Following conviction by jury trial, officers were most likely to be sentenced to prison (Figure 9).
- The type of crime with the highest average sentence length was drug-related for jury trials and profit-motivated for bench trials. The crime type with the lowest average sentence length was profit-motivated for jury trials and alcohol-related for bench trials (Table 1).
- For all types of crime the average sentence length for jury trials is higher than the average sentence length for bench trials (Table 1).

### Conviction vs. Non-Conviction

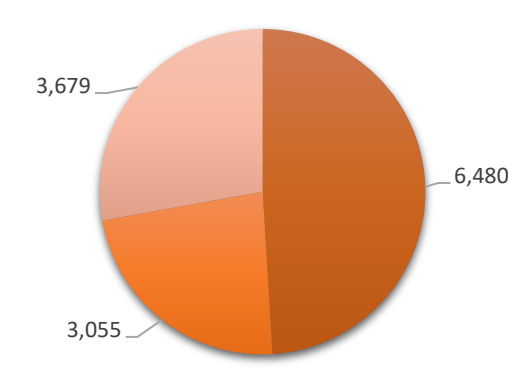


Figure 1

### Disposition Types

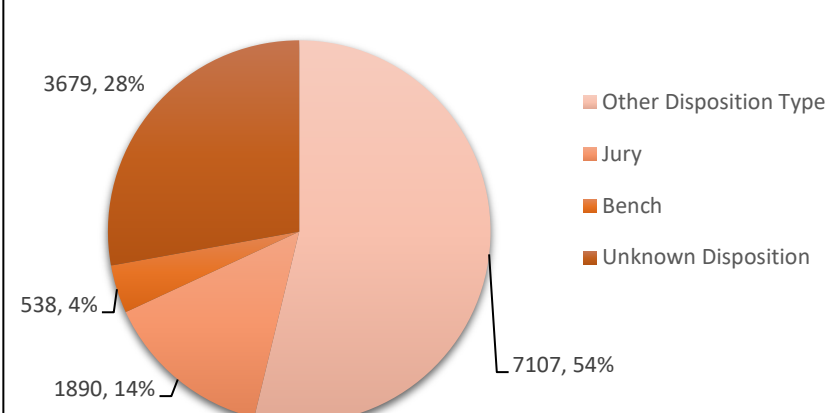


Figure 2

### Type for Non-Conviction

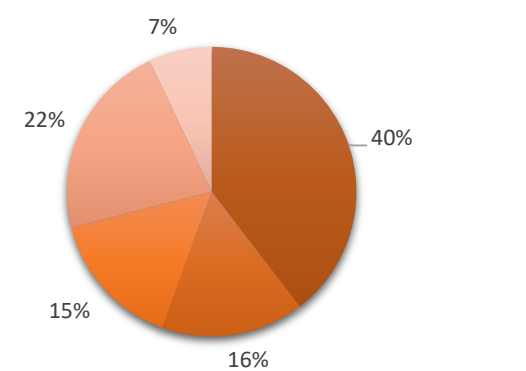


Figure 3

### Type for Conviction

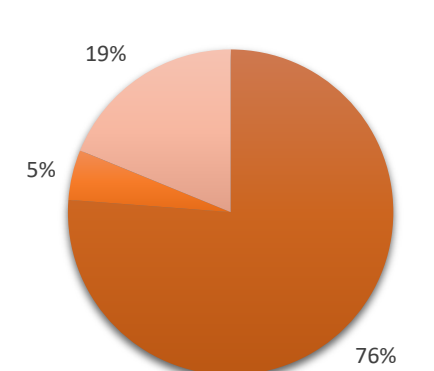


Figure 4

### Bench Trial Convictions

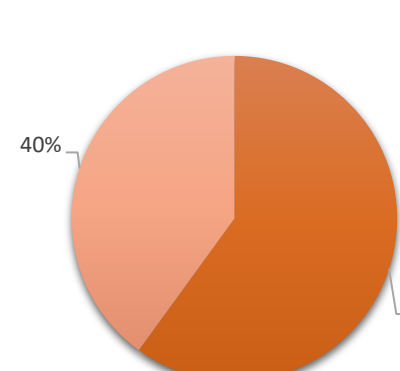


Figure 5

### Jury Trial Convictions

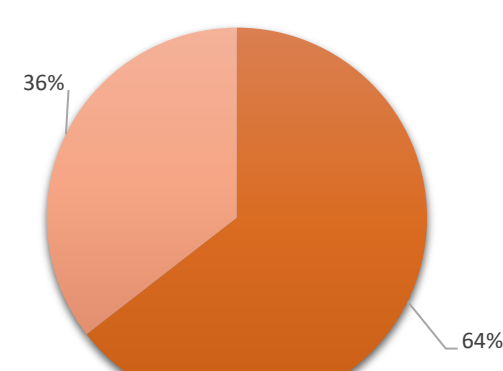


Figure 6

### Conviction Rates by Type of Crime

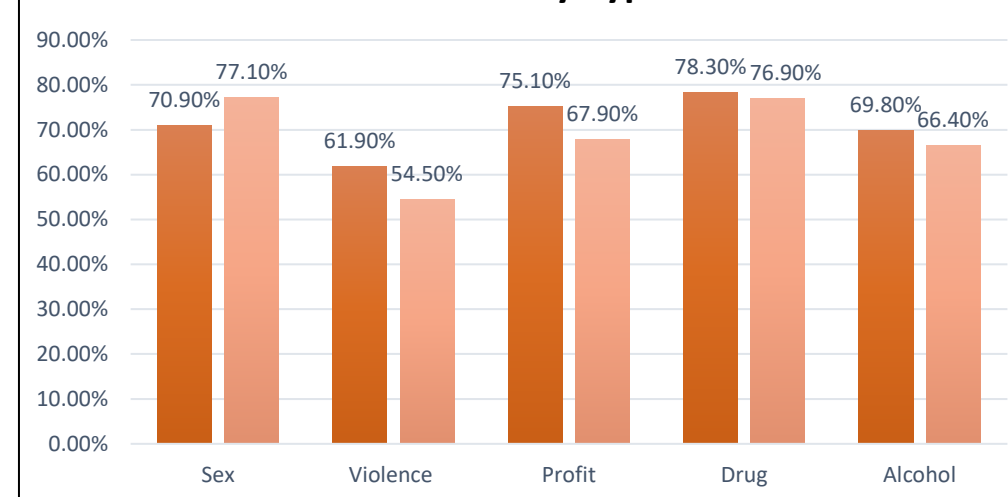


Figure 8

### Sentence Types

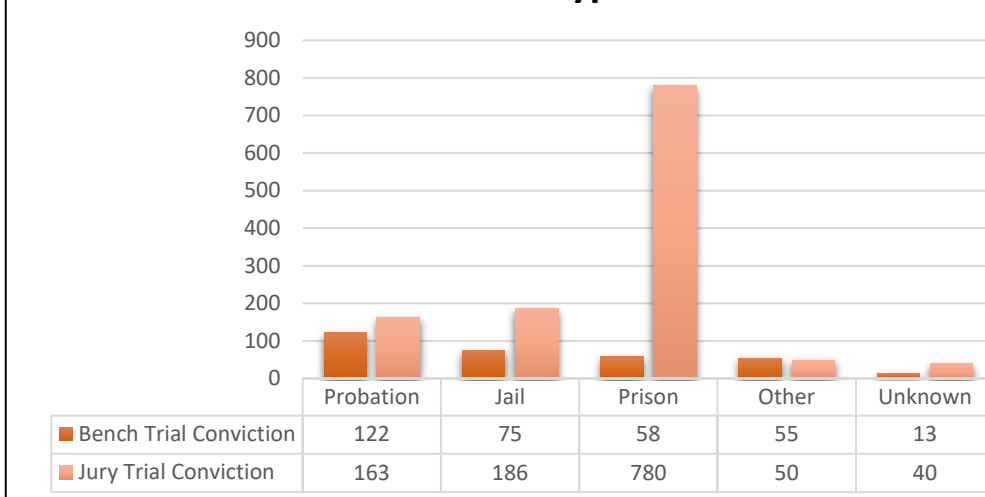


Figure 9

Table 1. Average Sentence Length (in Months) by Type of Crime

		<i>n</i>	<i>Median</i>	$\bar{x}$	<i>Std. Dev.</i>
Sex-Related	Jury Trial	391	120.0	287.2	353.4
	Bench Trial	36	17.5	44.5	62.3
Violence-Related	Jury Trial	674	120.0	245.6	338.7
	Bench Trial	70	12.0	57.4	104.9
Profit-Motivated	Jury Trial	214	48.0	150.4	320.9
	Bench Trial	32	30.0	114.6	162.3
Drug-Related	Jury Trial	109	151.0	301.6	462.8
	Bench Trial	20	9.0	61.0	112.9
Alcohol-Related	Jury Trial	95	102.0	218.7	317.1
	Bench Trial	28	1.5	21.4	47.3

Table 1

## DISCUSSION AND DIRECTIONS FOR FUTURE RESEARCH

- A selection bias appears to be present within these data. Bench trials are often limited to misdemeanor cases or particularly gruesome cases in which the offender may wish for a judge to serve as the trier of fact.
- The majority of sentences from bench trials are related to misdemeanor convictions whereas the majority of sentences from jury trials are related to felony convictions.
- A few convicted law enforcement officers with lengthy sentences might skew the sentence lengths. Any interpretation of these values should account for this bias. Further research should account for these outliers and limit the data to only felony convictions.
- Regional differences in convictions and sentencing could be explored in future research.
- To further account for differences in sentence lengths between jury and bench trials, it may be useful to explore the impact of officer demographics, such as race and sex, as well as criminal history, and number of charges on which an officer is convicted.