



Bureau of Justice Statistics

State Court Sentencing of Convicted Felons, 1992

In State courts:

Felony sentencing

Felons convicted

Felons sentenced to probation

Felony case processing

*Regional variation in
adjudication and sentencing*

Trends in drug trafficking



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May 1996, NCJ-152696

U.S. Department of Justice

Bureau of Justice Statistics

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Data collection and processing were done by Mark Cunniff and Robert Cushman of the National Association of Criminal Justice Planners and by the staff of the U.S. Bureau of the Census. That staff included Latrice Brogsdale-Davis, Charlene Sebold, Martha Greene, Henrietta Herrin, and Victoria Campbell, under the supervision of Stephanie Brown, of the Governments Division; Denise Turner of the Field Division; and Carma Hogue of the Economic Statistical Methods and Procedures Division.

Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The data sets are archived as the National Judicial Reporting Program, 1992 ICPSR #6509.

The data and the report, as well as others from the Bureau of Justice Statistics, are available through the Internet —

<http://www.ojp.usdoj.gov/bjs/>

Highlights

Trends in felony sentencing in the United States

From 1988 to 1992 the volume of felony convictions rose 34%. The greatest increases in the number of convictions were for aggravated assault (up 57%) and drug trafficking (up 53%). The number of convictions for murder, rape, and robbery each rose about 39% (page 2).

Despite the relatively large increase in convictions, processing was not slower in 1992 than in 1988. In both years average elapsed time from arrest to sentencing was around 7 months (page 2).

The proportions of felons sentenced to incarceration or probation in 1992 were generally unchanged from 1988. Prison sentences accounted for 44% of felony sentences in both years (page 2).

Trends in drug trafficking

In 1986 drug traffickers accounted for 11% of all entries to State prisons. In 1988 that number grew to 16% and in 1990 to 22%. In 1992 it stayed at about that level, 21% (table 6.2).

In 1986 drug traffickers were 1 in every 8 persons entering prison and in 1992, 1 in every 5 (table 6.2).

From 1986 to 1990 a growing percentage of convicted drug traffickers received a prison sentence. Since then, the percentage has risen only slightly.

Felony sentences in State courts

- In 1992 State courts convicted 894,000 persons of murder, rape, robbery, drug trafficking, and other felony offenses (table 1.1). Courts sentenced 44% of them to prison, 26% to jail (usually for a year or less), and 30% to probation (table 1.2).

- Drug traffickers (19%) and drug possessors (12%) together made up 31% of felons convicted in State courts in 1992. Violent offenders — murderers (1%), rapists (2%), robbers (6%), assaulters (7%), and others convicted of a violent crime (2%) — together made up 18%. Burglars (13%) and larcenists (13%) made up most of the rest (table 1.1).

- State courts sentenced to State prison 60% of the felons convicted of a violent offense, 42% convicted of a property offense, 42% convicted of a drug offense, and 40% of those felons convicted of a weapons offense in 1992 (table 1.2).

Regional variation in adjudication and sentencing

- State courts in the South sentenced to a State prison 57% of the felons they convicted in 1992. That compares to 41% in State courts elsewhere (table 5.2).

- Felony prison sentences were longer on average in the South than elsewhere. The average State prison sentence in the South in 1992 was 94 months (about 8 years), compared to 57 months (about 5 years) outside the South (table 5.3).

Felons sentenced to probation

- State courts sentenced to probation an estimated 494,000 convicted felons (table 3.1).

- Nationwide, probation sentences had an average length of about 3¾ years (table 3.3).

Profile of felons convicted

- The average age of felons convicted in 1992 was 30 years (table 2.3).

- Of the approximately 894,000 felons convicted in State courts nationwide, 777,000 (87%) were men, and 116,000 (13%) were women (table 2.2). Approximately 20% of the men and 10% of the women were convicted of a violent felony that year (table 2.2).

- Among all felons convicted nationwide, about 465,000 (52%) were white, 420,000 (47%) were black, and an estimated 9,000 (1%) were of other races (American Indian, Alaska Native, Asian, or Pacific Islander) (table 2.1).

Felony case processing

- An estimated 75% of felons convicted by a jury received a prison sentence, compared to 48% of those convicted by a judge and 44% of those who pleaded guilty (table 4.4).

- Prison sentences were much longer for felons convicted by a jury trial (190 months) than for felons who pleaded guilty (72 months) or were convicted by a judge (88 months) (table 4.5).

- In 43% of jury trial convictions nationwide, felons were found guilty of multiple offenses. Twenty-three percent of the guilty pleas and 17% of the bench trial convictions involved multiple offenses (table 4.7).

- The average time from arrest to conviction was less than 6 months. The longest average time was for murder or nonnegligent manslaughter, about 10½ months, and the shortest, almost 5 months, for burglary and larceny (table 4.9).

- Cases decided by juries had a mean elapsed time of about 10 months; those disposed by guilty plea or a bench trial, a mean of 6¾ months (table 4.11).

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The National Judicial Reporting Program

The National Judicial Reporting Program (NJRP), a biennial sample survey, compiles information on the sentences that felons receive in State courts nationwide and on the characteristics of the felons. Surveys of felony sentencing in State courts were previously conducted in 1986 (see *Felony Sentences in State Courts, 1986*, BJS Bulletin, NCJ-115210, February 1989), 1988 (see *Felony Sentences in State Courts, 1988*, BJS Bulletin, NCJ-126923, December 1990), 1990 (see *Felony Sentences in State Courts, 1990*, BJS Bulletin, NCJ-140186, March 1993), and in 1992 (see *Felony Sentences in State Courts, 1992*, BJS Bulletin, NCJ-151167, January 1995).

The 1992 survey was based on a sample of 300 counties selected to be nationally representative. The sample consisted of the same jurisdictions as in the 1990 survey and included the District of Columbia and at least one county from every State except, by chance, Vermont. Among sampled counties, two sentenced no felons during 1992. The 1992 survey excluded Federal courts and those State or local courts that did not adjudicate felony cases. Federal courts convicted 41,673 persons of a felony offense in 1992. That number represents about 5% of the combined State and Federal total number of felony convictions during 1992.

The 1992 survey included only offenses that State penal codes defined as felonies. Felony offenses are widely defined as crimes that have the potential of being punished by more than 1 year in prison. States usually designate specific courts to try felony offenses, although in some counties more than one court may handle such cases.

The term "felony" is not uniform in either its usage or definition in the United States. Two jurisdictions (Maine and New Jersey) do not use the term to classify their criminal offenses, and six others offer no explicit definition of the term, even though they use it as a criminal designation. In the 43 States that use and define *felony*, common elements do exist. With few exceptions, criminal codes define felonies by reference to place of imprisonment. Most often, felony definitions identify the place of imprisonment but not the duration, as

in Idaho, where a felony is a "crime punishable by death or by imprisonment in the State prison." Nearly as frequent is a definition that specifies the duration of imprisonment but not the place, as in Georgia, where a felony is a "crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months."

This publication summarizes results from the 1992 survey. Each of the sections addresses a different aspect of felony convictions in State courts during 1992.