



Bureau of Justice Statistics

State Court Sentencing of Convicted Felons, 1996

In State courts

Trends in felony sentencing 1988-96

Felony sentencing

Felons sentenced to probation

Felony case processing

Juveniles transferred to adult court



State Court Sentencing of Convicted Felons, 1996

By David J. Levin
Statistician

Patrick A. Langan, Ph.D.
Statistician

and

Jodi M. Brown
Statistician
Bureau of Justice Statistics

February 2000, NCJ 175708

U.S. Department of Justice
Bureau of Justice Statistics

Jan M. Chaiken, Ph.D.
Director

This report was prepared by David J. Levin, Patrick A. Langan, and Jodi M. Brown of the Bureau of Justice Statistics. Matthew Durose assisted with verification. Yvonne Boston edited and produced the report, assisted by Tom Hester and Tina Dorsey. Jayne Robinson prepared the report for printing.

Data collection and processing were done by the staff of the U.S. Bureau of the Census. That staff included Terri L. Carter and Carma Hogue of the Economic Statistical Methods and Programming Division and Latrice Brogsdale-Davis, Victoria Campbell, Martha Greene, Martha Haselbush, Henrietta Herrin and Patricia Torreyson under the supervision of Stephanie Brown of the Governments 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, 1996 ICPSR #2660.

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

Prior to 1986, there were no statistics collected on the sentences convicted felons received in State courts nationwide. To close that gap, the Bureau of Justice Statistics initiated the National Judicial Reporting Program (NJRP). A pilot study was conducted in 1986. Afterwards, full-scale surveys were conducted in 1988, 1990, 1992, 1994, and 1996. The NJRP compiles information on the sentences that felons receive in State courts nationwide and on characteristics of the felons.

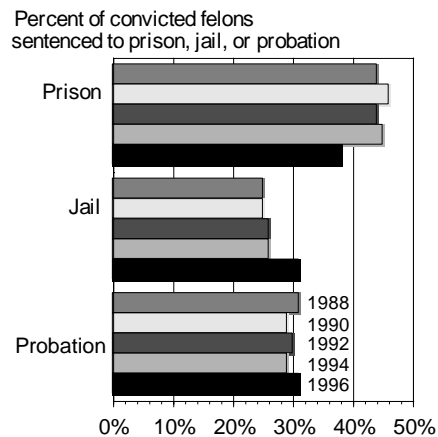
Trends in felony sentencing in State courts nationwide

State courts convicted 997,970 adults of a felony in 1996. That total represents an average growth of approximately 5% every year since 1988 (667,366) (page 50).

- Cases took longer for courts to process in 1996 than in 1988. The average length of time from arrest to sentencing was 219 days in 1996, or 11 days longer than in 1988 (page 50).

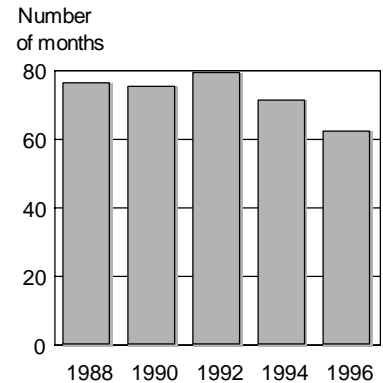
- Persons age 30 or older comprised 40% of persons convicted in 1988 but 50% in 1996. The median age of convicted felons was 27 years in 1988 but 30 years in 1996 (page 50).

- The proportion of felons sentenced to prison in 1996 (38%) is lower than in any previous year (1988 44%; 1990 46%; 1992 44%; 1994 45%) (page 50).



- Prison sentences imposed by State courts are becoming shorter on average. In 1992 the average prison sentence length was 79 months; in 1996, 62 months (page 51).

Average sentence length (in months)



Juveniles transferred to adult court

In 1996, 997,970 persons were convicted of a felony in State courts. Some of them were juveniles who had been transferred to adult courts. These transfers occurred in one of two ways: either the case was excluded by statute from the jurisdiction of the juvenile court (because of the serious charge against the defendant or because of the defendant's lengthy prior record), or the juvenile was transferred at the discretion of the juvenile court or the prosecutor.

- Transferred juveniles differed from other convicted felons in terms of conviction offenses. Fifty-three percent of transferred juveniles had a violent offense as their conviction offense (table 5.1). That compares to 17% among adults convicted of a felony in State courts in 1996.
- Compared to convicted adults, transferred juveniles received either longer or shorter prison sentences on average, depending on the offense (table 5.3). The average prison sentence for murder was about 23 years among transferred juveniles and 21 years among adults. The average prison sentence for sexual assault was 1 year longer for adults (9 years and 9 months) than for transferred juveniles (8 years and 9 months).

Felony sentences in State courts

- Drug offenders were 35% of felons convicted in State courts in 1996. Property offenders made up 30%; violent offenders 17%; those convicted of weapons offenses and other crimes made up the rest (18%) (table 1.1).
- In 1996 State courts sentenced 38% of convicted felons to a State prison, 31% were sentenced to a local jail, and 31% to straight probation with no jail or prison time to serve (table 1.2).
- State courts sentenced to State prison 57% of felons convicted of a violent offense, 34% convicted of a property offense, 35% convicted of a drug offense, and 40% convicted of a weapons offense in 1996 (table 1.2).

Felons sentenced to probation

- In 1996, 29% of convicted felons were sentenced to straight probation with no jail or prison time to serve. The 29% sentenced to straight probation plus the 29% sentenced to probation with jail or prison time totals 58% receiving probation (table 3.2).

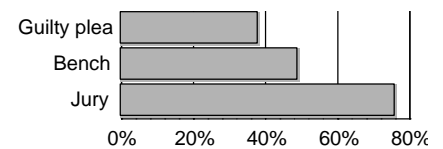
Profile of felons convicted

- In 1996 men comprised 84% of persons convicted of a felony (table 2.1). An estimated 41% of males received a State prison sentence, compared to 24% of females (table 2.4).
- Nationally, of the felons convicted in 1996, 54% were white (including white Hispanics), 44% were black (including black Hispanics), and 2% were other races. The average age of felons convicted in State courts in 1996 was 31 (tables 2.1 and 2.3).

Felony case processing

- An estimated 76% of felons convicted by a jury received a prison sentence, compared to 49% of those convicted by a judge and 38% of those who pleaded guilty (table 4.4).
- Prison sentences were longer for felons convicted by a jury trial (12.5 years) than for felons who pleaded guilty (4.5 years) or were convicted at trial by a judge (5 years, 10 months) (table 4.5).

Percent of convicted felons sentenced to prison, by trial type



- In 36% of jury trial convictions nationwide, felons were found guilty of multiple offenses. Twenty-six percent of the guilty pleas and 23% of the bench trial convictions involved multiple offenses (table 4.7).
- Average elapsed time from date of arrest to date of felony conviction was about 6 months (182 days). Jury cases took the longest time (over 9 months). Guilty plea cases took just under 6 months and bench trials took about 6 months. The longest average time was for murder or nonnegligent manslaughter, about 11½ months (table 4.9).

- Cases decided by juries had an average elapsed time from arrest to sentencing of just under 12 months; those disposed by bench trial had an average of just under 7 months; those disposed by guilty plea had an average of just under 8 months (table 4.11).

Contents

	Page
Highlights	iii
National Judicial Reporting Program	1
I. Felony sentences in State courts, 1996	2
II. Profile of felons convicted in State courts, 1996	8
III. Felons sentenced to probation in State courts, 1996	22
IV. Felony case processing in State courts, 1996	34
V. Juveniles transferred to adult court, 1996	46
VI. Trends in incarceration and sentence length in State courts	50
Methodology	53
Figures	
Violent offenders sentenced to prison had an average sentence of about 8¾ years but were likely to serve 51% of that sentence, or about 4½ years, before release	2
Of drug offenders convicted in State courts in 1996, 53% were black and 45% were white	8
The average sentence to prison imposed by State courts was nearly the same for both whites and blacks in 1996	8
Of felons sentenced to probation, about 44% of the women versus 27% of the men were convicted of a property offense	22
Prison was the result of 61% of the sentences imposed following a trial versus 38% of the sentences following a guilty plea	34
On average, felons convicted of a violent offense following trial received a prison sentence twice the length of the sentence of those who pleaded guilty	34
Percent of convicted felons sentenced to prison, jail, or probation	50
Percent of convicted felons who receive a prison sentence	51
Percent of felons sentenced to State prison	52
Number of sentences to State prison	52
Average imposed State prison sentence length, all offenses	52

Tables

Section I

Page

Felony sentences in State courts, 1996

1.1	Estimated number of felony convictions in State courts, 1996	3
1.2	Type of felony sentences imposed by State courts, by offense, 1996	3
1.3	Length of felony sentence imposed by State courts, by offense and type of sentence, 1996	4
1.4	Estimated percent of felons sentenced to life in prison, by offense, 1996	4
1.5	Estimated time to be served in State prison, by offense, 1996	5
1.6	Number of offenses for felons convicted and sentenced in State courts, by most serious felony conviction offense, 1996	5
1.7	Convicted felons sentenced to prison by State courts, by number of conviction offenses, 1996	6
1.8	Mean sentence lengths for felony sentences imposed, by the number and category of the conviction offense, 1996	6
1.9	Felons sentenced to an additional penalty by State courts, by offense, 1996	7

Section II

Profile of felons convicted in State courts, 1996

2.1	Demographic characteristics of persons convicted of felonies by State courts, by offense, 1996	9
2.2	Gender, race, and age of felons convicted in State courts, by offense, 1996	10
2.3	Average age of convicted felons in State courts, by offense, 1996	11
2.4	Offense and gender of felons, by type of sentence imposed, 1996	12
2.5	Offense and race of felons, by type of sentence imposed, 1996	13
2.6	Mean length of felony State court sentences imposed, by offense and gender of felons, 1996	14
2.7	Mean length of felony State court sentence imposed, by offense and race of felons, 1996	15
2.8	Gender and race of felons sentenced to incarceration or prison by State courts, by offense, 1996	16
2.9	Gender and race of felons sentenced to jail or probation by State courts, by offense, 1996	17
2.10	Percent of convicted felons sentenced by State courts to incarceration or prison, by gender, race, and offense, 1996	18
2.11	Percent of convicted felons sentenced by State courts to jail or probation, by gender, race, and offense, 1996	19
2.12	Mean length of State felony incarceration and prison sentence, by gender and race of felons, 1996	20
2.13	Mean length of State felony sentences to jail and probation, by gender and race of felons, 1996	21

Section III

Felons sentenced to probation in State courts, 1996

Table	Page
3.1 Estimated number of felony convictions in State courts, by whether sentenced to probation and by offense, 1996	23
3.2 Felony convictions in State courts, by type of sentence to probation or incarceration and offense, 1996	24
3.3 Average probation sentence of felons convicted in State courts, by offense, 1996	25
3.4 Average State court sentence to incarceration for felons receiving sentences with or without probation, by offense, 1996	26
3.5 Percent of conviction offenses for felons sentenced to probation in State courts, by offense, 1996	27
3.6 Gender of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1996	28
3.7 Offense of felons sentenced to probation or to incarceration without probation in State courts, by gender, 1996	29
3.8 Offense of felons sentenced to probation or to incarceration without probation in State courts, by race, 1996	30
3.9 Race of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1996	31
3.10 Average age of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1996	32
3.11 Felons sentenced to probation in State courts, by offense and age at sentencing, 1996	33

Section IV

Felony case processing in State courts, 1996

4.1 Number of felony convictions in State courts, by offense and type of conviction, 1996	35
4.2 Percent of felons convicted in State courts, by offense and type of conviction, 1996	36
4.3 Type of conviction of felons convicted in State courts, by offense, 1996	36
4.4 Offense of felons convicted in State courts, by the type of conviction and type of sentence imposed, 1996	37
4.5 Average felony sentence length in State courts, by the type of conviction, type of sentence imposed, and offense, 1996	39
4.6 Type of conviction in State courts, by the type of sentence imposed on felons convicted of murder or nonnegligent manslaughter, 1996	41
4.7 Type of conviction in State courts, by number of felony conviction offenses, 1996	41
4.8 Percent of conviction offenses of felons convicted in State courts, by type of conviction and type of sentence imposed, 1996	42
4.9 Average number of days between arrest and conviction for felony cases in State courts, by type of conviction, 1996	43
4.10 Average number of days between conviction and sentencing for felony cases in State courts, by type of conviction, 1996	44
4.11 Mean and median number of days between arrest and sentencing for felony cases disposed by State courts, 1996	45

Section V

Juveniles transferred to adult court, 1996

Table	Page
5.1 Transferred juveniles compared to adults by State definition: most serious offense of felons convicted in State courts, 1996	47
5.2 Transferred juveniles compared to adults by State definition: most serious offense, by the type of felony sentence imposed in State courts, 1996	48
5.3 Transferred juveniles compared to adults by State definition: mean length of felony sentence imposed in State courts, by the type of sentence and most serious offense, 1996	49

Section VI

Trends in incarceration and sentence length in State courts	50
Comparing measures	52
Methodology	53

National Judicial Reporting Program

National Judicial Reporting Program (NJRP), a biennial sample survey, compiles information on the sentences that felons receive in State courts nationwide and on characteristics of the felons. Surveys of felony sentencing in State courts were previously conducted in 1986 (see *Felony Sentences in State Courts, 1986*, BJS, NCJ 115210, February 1989), 1988 (see *Felony Sentences in State Courts, 1988*, BJS, NCJ 126923, December 1990), 1990 (see *Felony Sentences in State Courts, 1990*, BJS, NCJ 149077, September 1994), 1992 (see *Felony Sentences in State Courts, 1992*, BJS, NCJ 151167, January 1995), and in 1994 (see *Felony Sentences in State Courts 1994*, BJS, NCJ 163391, January 1997).

The 1996 survey was based on a sample of 344 counties selected to be nationally representative. Ninety-eight of the 344 were in the 1988, 1990, 1992, and 1994 surveys. The 344 included the District of Columbia and at least one county from every State except, by chance, Delaware, Montana, and Wyoming. Among sampled counties, three sentenced no felons during 1996. The 1996 survey excluded Federal courts and those State or local courts that did not adjudicate felony cases.

According to the BJS Federal Justice Statistics Program, Federal Courts convicted 43,839 persons of a felony offense in 1996. That number represents about 4% of the combined State and Federal total number of felony convictions during 1996.

The 1996 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 the term *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 1996 survey. Each of the sections addresses a different aspect of felony convictions in State courts during 1996.

Methodology

Sampling

The survey used a two-stage, stratified cluster sampling design. In the first stage the Nation's 3,195 counties or county equivalents were divided into 14 strata. Strata 0, 11, 12, 31, 51, and 52 consisted solely of the 75 largest counties in the United States as defined by the 1995 resident population. Strata 111, 112, 113, 311, 312, 511, 512, and 513 consisted of the remaining 3,120 counties.

Because the 75 largest counties account for a disproportionately large amount of serious crime in the Nation, they were given a greater chance of being selected than the remaining counties. The 75 largest counties were placed into 6 strata defined by how their State submitted their 1994 NJRP data (electronically or centrally, electronically but required manual processing time, manually collected through site visits or not centrally) and by the 1995 population of the county.

Stratum 0 consisted of the 19 counties with the largest population in 1995. Every county in stratum 0 was selected for the sample.

Altogether, 45 out of the 75 largest counties were sampled. Thirty-two of the 45 sampled counties in the 1996 NJRP survey were also included in the 1994 survey. The 3,120 counties not among the 75 largest were placed into 8 strata defined (similar to the largest 75 counties) by how their 1994 NJRP data were submitted and by their 1995 population.

The final sample thus included 344 counties from among the 3,120 counties outside the 75 largest. None of the counties refused to participate. Case-level data were successfully obtained on convicted felons sentenced in 1996 from these 344 counties. (Three of the 344 had no felony convictions during the survey period.)

The 19 sampled counties in stratum 0 were self-representing only, and their sampled cases therefore had a first-stage sampling weight of 1. The remaining 325 counties sampled from the remaining strata were selected to represent their respective strata so that the felony conviction cases sampled had first-stage weights greater than 1.

At the second stage of sampling, a systematic sample of felons sentenced for murder/nonnegligent manslaughter, sexual assaults, robbery aggravated assault, burglary, felony larceny/motor vehicle theft, fraud/forgery/embezzlement, drug trafficking, drug possession, weapons offenses, and other offenses was selected from each county's official records. The total sample numbered 414,969 cases. Of these, 270,104 cases were in the 75 largest counties.

Rates at which cases were sampled varied by how the data were submitted, by stratum and by crime type. In larger counties all murder cases and rape cases were typically included, but other offense categories were sampled.

Sampling error

NJRP data were obtained from a sample and not from a complete enumeration; consequently, they are subject to sampling error. A standard error, which is a measure of sampling error, is associated with each number in the report. In general, if the difference between two numbers is at least twice the standard error of that difference (the criterion used in this report), there is at least 95% confidence that the two numbers do in fact differ; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population.

National estimates of the number of convictions for individual crime categories and for the aggregate total had a coefficient of variation of 3.7%.

Missing data

Unless otherwise stated, computations of statistics shown in the report's tables excluded sample cases that were missing data for the particular variables being tabulated.

Hispanic origin

This report does not analyze Hispanics as a separate category. Hispanic origin is rarely recorded in court records that the NJRP is based on.

Sources of data

State courts were the source of NJRP data for about 73% of the 344 counties sampled. For other counties, sources included statistical agencies, sentencing commissions, department of public safety, probation departments, State police departments, and department of corrections. Individual-level NJRP records were obtained through a variety of collection methods, including electronically (86% of the counties) and manually (14%).

Electronic methods of data submission included: diskette, magnetic tape, and transmission over the Internet. Manual methods included photocopies of official documents, survey questionnaires completed by court officials, and on-site collections by Census Bureau staff.

All data were collected by the U.S. Bureau of the Census.

Targeted population

The survey targeted and recorded initial sentences imposed in 1996. If a sentence was imposed on one date and then modified at a later date, the revision was ignored. The survey recorded sentences that were actually executed and excluded suspended sentences.

Because the year of conviction was not a defining characteristic, some cases in the sample were of persons convicted before 1996 but not sentenced until 1996.

In a few counties where it was impractical to target sentences in 1996, the target was felons convicted in 1996. Hence, in some of the cases the data pertain to sentences imposed after 1996.

Crime definitions

Murder and nonnegligent manslaughter: Murder is (1) intentionally causing the death of another person without extreme provocation or legal justification or (2) causing the death of another while committing or attempting to commit another crime. Nonnegligent (or voluntary) manslaughter is intentionally and without legal justification causing the death of another when acting under extreme provocation. The combined category of murder and nonnegligent manslaughter excludes involuntary or negligent manslaughter, conspiracies to commit murder, solicitation of murder, and attempted murder.

Rape/Sexual assault: Rape includes forcible intercourse (vaginal, anal, or oral) with a female or male. Includes forcible sodomy or penetration with a foreign object (sometimes called "deviate sexual assault"); excludes statutory rape or any other nonforcible sexual acts with a minor or with someone unable to give legal or factual consent. Includes attempts.

Other sexual assault includes (1) forcible or violent sexual acts not involving intercourse with an adult or minor, (2) nonforcible sexual acts with a minor (such as statutory rape or incest with a minor), and (3) nonforcible sexual acts with someone unable to give legal or factual consent because of mental or physical defect or intoxication. Includes attempts.

Robbery: the unlawful taking of property that is in the immediate possession of another, by force or the threat of force. Includes forcible purse snatching, but excludes nonforcible purse snatching, which is classified as larceny/theft. Includes attempts.

Aggravated assault: (1) intentionally and without legal justification causing serious bodily injury, with or without a deadly weapon or (2) using a deadly or dangerous weapon to threaten, attempt, or cause bodily injury, regardless of the degree of injury, if any. Includes attempted murder, aggravated battery, felonious assault, and assault with a deadly weapon.

Other violent: violent offenses excluded are murder and nonnegligent manslaughter, rape and sexual assault, robbery, and aggravated assault. Includes offenses such as kidnaping, extortion, and negligent manslaughter. Includes attempts.

Burglary: the unlawful entry of a fixed structure used for regular residence, industry, or business, with or without the use of force, to commit a felony or theft. Includes attempts.

Larceny: the unlawful taking of property other than a motor vehicle from the possession of another, by stealth, without force or deceit. Includes pocketpicking, nonforcible purse snatching, shoplifting, and thefts from motor vehicles. Excludes receiving and/or reselling stolen property (fencing), and thefts through fraud or deceit. Includes attempts.

Motor vehicle theft: the unlawful taking of a self-propelled road vehicle owned by another. Includes the theft of automobiles, trucks, and motorcycles, but not the theft of boats, aircraft, or farm equipment (classified as larceny/theft). Also includes receiving, possessing, stripping, transporting, and reselling stolen vehicles, and unauthorized use

of a vehicle (joyriding). Includes attempts.

Fraud, forgery, and embezzlement: using deceit or intentional misrepresentation to unlawfully deprive a persons of his or her property or legal rights. Includes offenses such as check fraud, confidence game, counterfeiting, and credit card fraud. Includes attempts.

Drug trafficking: includes manufacturing, distributing, selling, smuggling, and possession with intent to sell. Includes attempts.

Drug possession: includes possession of an illegal drug, but excludes possession with intent to sell. Includes attempts.

Weapons offenses: the unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly or dangerous weapon or accessory.

Other felonies: all felony offenses not listed above. Includes receiving stolen property, driving while intoxicated or other traffic offenses, bribery, obstructing justice, escaping from custody, family offenses (such as child neglect, contributing to the delinquency of a minor, nonpayment of child support), and nonviolent sexual offenses (such as incest, pornography offenses, pimping, prostitution). Includes attempts.

NJRP data consistent with other national data

Chapter VI, *Trends in incarceration and sentence length in State Courts*, compares trends in sentencing based on NJRP data and trends based on other sources of national data. Results indicate a close correspondence between alternative sources of data. Additional information on this topic is contained in the BJS publication *Assessing the Accuracy of State Prison Statistics* (NCJ 173413).