



## Bureau of Justice Statistics Bulletin

January 1997, NCJ-163391

# Felony Sentences in State Courts, 1994

By Patrick A. Langan, Ph.D.  
and Jodi M. Brown  
BJS Statisticians

In 1994 State courts convicted over 870,000 adults of a felony. Forty-five percent of convicted felons were sentenced to a State prison, and 26% were sentenced to a local jail (usually for a year or less). The remaining 29% were sentenced to straight probation with no jail or prison time to serve. These findings come from a survey that is done every 2 years and that provides the only detailed description of the sentences felons receive in State courts nationwide.

### National Judicial Reporting Program

The National Judicial Reporting Program (NJRP) compiles detailed information on the sentences and characteristics of convicted felons. Previous surveys of felony sentencing in State courts were conducted in 1986, 1988, 1990, and 1992.<sup>1</sup>

<sup>1</sup>See *Felony Sentences in State Courts, 1986*, NCJ-115210, February 1989; *Felony Sentences in State Courts, 1988*, NCJ-126923, December 1990; *Felony Sentences in State Courts, 1990*, NCJ-140186, March 1993; and *Felony Sentences in State Courts, 1992*, NCJ-151167, January 1995.

## Highlights

- State courts convicted 872,217 adults of a felony in 1994.
- The decline in the number of convictions from 1992 (893,630 convictions) to 1994 (872,217 convictions) reverses the upward trend after 1988.
- In 1994 the average time from arrest to sentencing was just under 6½ months, indicating that despite the increased volume of work, courts actually processed cases a little faster in 1994 (872,217 cases) than they did in 1988 (667,366 cases), when the typical convicted felon was sentenced 7 months after arrest.
- The proportion of felons sentenced to incarceration or probation in 1994 was generally unchanged from 1988. Prison sentences accounted for just under half of felony sentences in both years.
- Drug traffickers (19%) and drug possessors (12.5%) together made up 31.4% of felons convicted in State courts in 1994. Violent offenders — consisting of murderers (1.4%), rapists (2.3%), robbers (5.3%), assaulters (7.5%), and others convicted of a violent crime (2.4%) — made up 18.9%. Burglars (11.2%) and larcenists (13%) made up most of the rest.
- State courts sentenced 45% of convicted felons to a State prison, 26% to a local jail, and 29% to straight probation with no jail or prison time to serve.
- Felons sentenced to a State prison in 1994 had an average sentence of 6 years but were likely to serve roughly a third of that sentence — or about 2 years — before release, assuming that 1994 release policies continue in effect.
- The average sentence to local jail was 6 months. The average probation sentence was just over 3 years. In addition, a fine was imposed on 21% of convicted felons, restitution on 18%, community service on 7%, and treatment was ordered for 7%.
- Of the total number of convicted felons in 1994, 89% had pleaded guilty to their crime. The remaining 11% had been found guilty at trial.
- Nationally, of the felons convicted in 1994, 51% were white, 48% were black, and 1% were of other races.

The 1994 survey was based on a sample of 300 counties selected to be nationally representative. All but 1 of the 300 were in the 1988, 1990, and 1992 surveys. The 300 include the District of Columbia and at least 1 county from every State except, by chance, Vermont. Among the 300 sampled counties, 1 sentenced no felons during 1994. The 1994 survey excluded Federal courts and those State or local courts that did not adjudicate adult felony cases.

**Table 1. Estimated number of felony convictions in State courts, 1994**

Most serious conviction offense	Felony convictions	
	Number	Percent
<b>All offenses</b>	872,217	100.0%
<b>Violent offenses</b>	164,583	18.9%
Murder/manslaughter	12,007	1.4
Murder	8,924	1.0
Manslaughter <sup>a</sup>	3,083	.3
Rape	20,068	2.3
Robbery	46,028	5.3
Armed	13,319	1.5
Unarmed	14,801	1.7
Unspecified	17,907	2.1
Aggravated assault	65,174	7.5
Other violent <sup>b</sup>	21,307	2.4
<b>Property offenses</b>	275,198	31.6%
Burglary	98,109	11.2
Residential	13,300	1.5
Nonresidential	34,152	3.9
Unspecified	50,657	5.8
Larceny	113,026	13.0
Motor vehicle theft	21,049	2.4
Other theft <sup>c</sup>	91,977	10.5
Fraud/forgery <sup>d</sup>	64,063	7.3
Fraud <sup>d</sup>	28,268	3.2
Forgery	35,796	4.1
<b>Drug offenses</b>	274,245	31.4%
Possession	108,815	12.5
Trafficking	165,430	19.0
Marijuana	15,931	1.8
Other	104,181	11.9
Unspecified	45,318	5.2
<b>Weapons offenses</b>	31,010	3.6%
<b>Other offenses<sup>e</sup></b>	127,180	14.6%

Note: Detail may not sum to total because of rounding. Data specifying the conviction offense were available for 872,217 cases.

<sup>a</sup>Manslaughter is defined as nonnegligent manslaughter only. A small number of cases were classified as nonnegligent manslaughter when it was unclear if the conviction offense was murder or nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnapping.

<sup>c</sup>Includes a small number of convictions with unspecified offenses.

<sup>d</sup>Includes embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and vandalism.

According to the BJS Federal Justice Statistics Program, Federal courts convicted 44,170 persons of a felony in calendar year 1994.<sup>2</sup> That number represents 5% of the combined State and Federal total number of felony convictions during 1994.

The 1994 survey included only of-fenses that State penal codes defined as felonies. Felonies are widely defined as crimes that have the potential of being punished by more than 1 year in prison.

### Felony conviction offenses

A total of 872,200 persons were convicted of a felony in State courts in 1994, including 164,600 (or 18.9% of the total) for a violent felony; 275,200 (31.6%) for the property offenses of burglary, larceny, fraud, and forgery; 274,200 (31.4%) for drug

<sup>2</sup>In 1994 the State court in 1 county, Los Angeles, accounted for nearly 48,000 felony convictions, more than in all the Nation's Federal courts combined.

offenses; and 31,000 (3.6%) for weapons offenses (table 1). The remaining 127,200 (14.6%) consisted of persons convicted of nonviolent offenses such as receiving stolen property and escaping custody. Marijuana trafficking convictions were 1.8% of the conviction total, and marijuana possession convictions were 1.3% of the total.

### Sentences for felonies

In 1994, 71% of all convicted felons were sentenced to a period of confinement — 45% to State prisons and 26% to local jails (table 2). Jail sentences are for short-term confinement (usually for a year or less) in a county or city facility, while prison sentences are for long-term confinement (usually for over a year) in a State facility.

An estimated 29% of all convicted felons were sentenced to straight probation with no jail or prison time to serve.

**Table 2. Types of felony sentences imposed by State courts, by offense, 1994**

Most serious conviction offense	Total	Percent of felons sentenced to —			
		Incarceration			
		Total	Prison	Jail	Probation
<b>All offenses</b>	100%	71%	45%	26%	29%
<b>Violent offenses</b>	100%	82%	62%	20%	18%
Murder <sup>a</sup>	100	97	95	2	3
Rape	100	88	71	17	12
Robbery	100	88	77	11	12
Aggravated assault	100	75	48	27	25
Other violent <sup>b</sup>	100	75	45	30	25
<b>Property offenses</b>	100%	68%	42%	26%	32%
Burglary	100	75	53	22	25
Larceny <sup>c</sup>	100	66	38	28	34
Fraud <sup>d</sup>	100	60	32	28	40
<b>Drug offenses</b>	100%	69%	42%	27%	31%
Possession	100	66	34	32	34
Trafficking	100	71	48	23	29
<b>Weapons offenses</b>	100%	69%	42%	27%	31%
<b>Other offenses<sup>e</sup></b>	100%	66%	36%	30%	34%

Note: For persons receiving a combination of sentences, the sentence designation came from the most severe penalty imposed — prison being the most severe, followed by jail, then probation. Prison includes death sentences. Data on sentence type were available for 867,709 cases.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnapping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and vandalism.

## Sentence length

An offender convicted of multiple offenses receives a sentence for each offense. If multiple prison sentences are imposed, the court then decides whether the convicted felon will serve the sentences concurrently (at the same time) or consecutively (one after another). For persons with consecutive sentences, the total time is the sum of the sentence lengths, and for persons with concurrent sentences,

the total time is the same as the longest sentence. For persons convicted of a single offense, the total time refers simply to the sentence for that offense. Whenever an offender received a prison sentence range, such as 5 to 10 years, the total time refers to the maximum.

For the Nation in 1994, the mean felony sentence to incarceration (prison or jail) was 4 years and 1 month; the median was 2 years (table 3).

## Prison sentences

In 1994 the mean length of sentences to State prison was almost 6 years; the median term was 4 years. The mean prison sentence for murder and non-negligent manslaughter was 22½ years; the median was 25 years.

Life sentences are rare among convicted felons, whether measured as a percentage of all sentences (0.5%) or as a percentage just of prison sentences (1.1%). Among persons convicted of murder or nonnegligent manslaughter, 24% were sentenced to life in prison, and 2% were sentenced to death. Among persons convicted of murder or nonnegligent manslaughter *and* sentenced to prison, 25% were sentenced to life in prison, and 2% were sentenced to death. When considering those convicted of murder specifically (not including nonnegligent manslaughter), 31% were sentenced to life, and 2% were sentenced to death. Again, among those convicted of murder specifically *and* sentenced to prison, 32% were sentenced to life in prison, and 2% were sentenced to death.<sup>3</sup>

Life sentences in 1994 were —

	Life sentences as a percent of —	
	All sentences	All prison sentences
<b>All offenses</b>	.5%	1.1%
Murder	23.7	25.2
Rape	1.6	2.2
Robbery	.9	1.1
Aggravated assault	.2	.4
Other violent	.4	.8
Burglary	.2	.4
Larceny	--	--
Fraud	0	0
Drug possession	.1	.3
Drug trafficking	.2	.3
Weapons	.2	.3
Other	--	--

--Less than 0.05%.

<sup>3</sup>Not all persons convicted of murder were subject to the death penalty. Thirty-seven States authorized the death penalty in 1994. Within those 37, only certain types of murder were capital offenses.

**Table 3. Lengths of felony sentences imposed by State courts, by offense and type of sentence, 1994**

Most serious conviction offense	Maximum sentence length (in months) for felons sentenced to —			
	Incarceration			Probation
	Total	Prison	Jail	
<b>Mean</b>				
<b>All offenses</b>	49 mo	71 mo	6 mo	40 mo
<b>Violent offenses</b>	93 mo	118 mo	6 mo	45 mo
Murder <sup>a</sup>	262	269	7	59
Rape	133	158	7	60
Robbery	104	116	9	51
Aggravated assault	54	79	6	42
Other violent <sup>b</sup>	47	70	6	43
<b>Property offenses</b>	39 mo	57 mo	6 mo	42 mo
Burglary	52	69	7	47
Larceny <sup>c</sup>	29	45	6	40
Fraud <sup>d</sup>	32	51	5	41
<b>Drug offenses</b>	40 mo	61 mo	6 mo	38 mo
Possession	28	50	4	37
Trafficking	48	66	7	40
<b>Weapons offenses</b>	31 mo	47 mo	5 mo	32 mo
<b>Other offenses<sup>e</sup></b>	26 mo	41 mo	5 mo	36 mo
<b>Median</b>				
<b>All offenses</b>	24 mo	48 mo	4 mo	36 mo
<b>Violent offenses</b>	60 mo	72 mo	6 mo	36 mo
Murder <sup>a</sup>	300	300	6	60
Rape	84	120	6	48
Robbery	72	84	9	48
Aggravated assault	36	54	4	36
Other violent <sup>b</sup>	24	48	5	36
<b>Property offenses</b>	24 mo	42 mo	4 mo	36 mo
Burglary	36	49	6	36
Larceny <sup>c</sup>	16	36	4	36
Fraud <sup>d</sup>	23	36	3	36
<b>Drug offenses</b>	24 mo	48 mo	4 mo	30 mo
Possession	12	36	3	24
Trafficking	36	48	6	36
<b>Weapons offenses</b>	18 mo	36 mo	4 mo	24 mo
<b>Other offenses<sup>e</sup></b>	12 mo	30 mo	3 mo	30 mo

Note: See note on table 2. Means exclude sentences to death or to life in prison. Sentence length data were available for 834,124 incarceration and probation sentences.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property, and vandalism.

## Jail and probation sentences

Among felons who received a sentence to local jail in 1994, the mean sentence was 6 months, and the median was 4 months. Probation sentences had a mean length of just over 3 years and a median of 3 years.

## Estimated prison time to be served

The amount of time felons actually serve in prison is typically a fraction of the total sentence received.

Two primary reasons explain the difference between sentences received and time served:

- In States that impose indeterminate sentences, a judge specifies the minimum and/or maximum sentence length, but a parole board decides when the prisoner will actually be released.
- In most but not all States, prisoners gain early release through time credits that they receive automatically or that are granted them for good behavior or special achievements — provisions

that are intended to help correctional officials manage institutional populations.

For both types of sentence reduction, released offenders usually serve the remaining portion of their sentences under supervision in the community. To calculate time to be served by felons sentenced in 1994, the fraction of their sentence they might reasonably be expected to serve was obtained from records of inmates released from prison in a recent year. Life sentences were excluded because it is not possible to specify the percentage served. The percentage of the sentence that released inmates had served was applied to felons sentenced to prison in 1994.

Based on data collected by BJS in its National Corrections Reporting Program, inmates released from prisons in 1993 had served an average of 38% of their total sentence in prison (table 4). The percentage of sentence served ranged from a high of 54% for those convicted of rape to a low of 32% for those convicted of drug trafficking. Applying these percentages to State prison sentences received in 1994, it is estimated that felons sentenced in 1994 would serve about 2¼ years, or 38% of their average 6-year prison sentence.

Since life sentences are rare for most types of crimes, this method gives reasonably sound estimates of time to be served for most offenses (assuming prison release policies applicable to persons sentenced in 1994 are not markedly different from those governing recent releases). However, life sentences are not rare for murder, though they are rare for nonnegligent manslaughter. Consequently, time to be served shown for “murder and nonnegligent manslaughter” perhaps substantially underestimates the amount of time all persons convicted of these offenses are likely to serve since the time only applies to persons not receiving a life sentence.

**Table 4. Estimated time to be served in State prison, 1994**

Most serious conviction offense	Mean prison sentence	Estimated percent of sentence to be served in prison <sup>a</sup>	Estimated time to be served in prison <sup>b</sup>
<b>All offenses</b>	71 mo	38%	27 mo
<b>Violent offenses</b>	118 mo	46%	54 mo
Murder <sup>c</sup>	269	47	127
Rape	158	54	85
Robbery	116	44	51
Aggravated assault	79	46	36
Other violent <sup>d</sup>	70	47	33
<b>Property offenses</b>	57 mo	36%	20 mo
Burglary	69	35	24
Larceny <sup>e</sup>	45	37	17
Fraud <sup>f</sup>	51	33	17
<b>Drug offenses</b>	61 mo	33%	20 mo
Possession	50	34	17
Trafficking	66	32	21
<b>Weapons offenses</b>	47 mo	45%	21 mo
<b>Other offenses<sup>g</sup></b>	41 mo	42%	17 mo

Note: Means and sentence-served percentages exclude sentences to death or to life in prison.

<sup>a</sup>Percentages are based on data from 222,526 persons released from State prisons in 1993 (National Corrections Reporting Program, 1993; tables 2-8 and 2-12). These percentages included credited jail time.

<sup>b</sup>Derived by multiplying the percentage of sentence to be served by the mean sentence imposed.

<sup>c</sup>Includes nonnegligent manslaughter.

<sup>d</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>e</sup>Includes motor vehicle theft.

<sup>f</sup>Includes forgery and embezzlement.

<sup>g</sup>Composed of nonviolent offenses such as receiving stolen property and vandalism.

**Convicted felon populations:  
Sex, race, and age**

In 1994 men comprised 48% of the adult U.S. population but 85%

of persons convicted of a felony and 92% of persons convicted of a violent felony (table 5). Whites were 85% of the adult U.S. population but 51% of persons convicted of a felony and

48% of the persons convicted of a violent felony. Corresponding figures for blacks were 11% of the adult U.S. population but 48% of convicted felons and 51% of felons convicted of a

**Table 5. Demographic characteristics of persons convicted of felonies by State courts, 1994**

Most serious conviction offense	Percent of convicted felons													
	Total	Sex		Race			Age at sentencing						Mean	Median
		Male	Female	White	Black	Other	13-19	20-29	30-39	40-49	50-59	60+		
<b>All offenses</b>	100%	85%	15%	51%	48%	1%	10%	43%	31%	12%	3%	1%	30 yrs	29 yrs
<b>Violent offenses</b>	100%	92%	8%	48%	51%	1%	14%	44%	27%	10%	3%	2%	29 yrs	27 yrs
Murder <sup>a</sup>	100	89	11	37	62	1	18	45	22	10	4	1	28	25
Rape	100	97	3	64	35	1	7	34	33	16	6	4	34	32
Robbery	100	94	6	28	71	1	23	51	21	5	--	--	26	24
Aggravated assault	100	89	11	53	46	1	11	44	29	11	4	1	30	28
Other violent <sup>b</sup>	100	89	11	73	26	1	6	40	31	15	5	3	33	31
<b>Property offenses</b>	100%	81%	19%	59%	40%	1%	11%	44%	31%	11%	2%	1%	30 yrs	28 yrs
Burglary	100	93	7	59	40	1	15	47	29	8	1	--	28	26
Larceny <sup>c</sup>	100	80	20	59	40	1	11	43	30	12	3	1	30	28
Fraud <sup>d</sup>	100	61	39	61	38	1	4	41	37	14	3	1	32	30
<b>Drug offenses</b>	100%	83%	17%	41%	59%	--	7%	43%	34%	12%	3%	1%	30 yrs	29 yrs
Possession	100	81	19	46	53	1	7	41	37	12	2	1	31	30
Trafficking	100	84	16	37	63	--	7	45	32	12	3	1	30	29
<b>Weapons offenses</b>	100%	95%	5%	37%	62%	1%	14%	50%	23%	9%	3%	1%	28 yrs	26 yrs
<b>Other offenses<sup>e</sup></b>	100%	87%	13%	67%	31%	2%	6%	39%	36%	14%	4%	1%	32 yrs	31 yrs

Note: Data on sex were available for 616,160 cases; on race, 490,838; and on age, 710,795. --Less than 0.5%.  
<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.  
<sup>c</sup>Includes motor vehicle theft.  
<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and vandalism.

**Felony convictions and sentences relative to the number of arrests, 1994**

Using data from the NJRP and the FBI's Uniform Crime Reports (UCR) on offenses and arrests, the number of felony convictions in 1994 was compared with the number of crimes reported to police for offenses likely to be felonies and the number of arrests made for these crimes in 1994. These numbers are aggregates and should not be interpreted as representing the disposition of individual cases tracked across processing

stages of the criminal justice system. In fact, a person arrested for a specific offense may be convicted of a different crime. Nevertheless, the comparisons illustrate the approximate odds of conviction and a prison sentence, given an arrest for a felony.

For example, the FBI reports that in 1994 about 18,387 adults were arrested for murder (including non-negligent manslaughter). NJRP data

show that 12,007 persons were convicted of murder and 11,282 murderers received a prison sentence. Together the data show that for every 100 persons arrested for murder in the United States in 1994, 65 were convicted of murder, and 61 were sentenced to prison for that offense. Corresponding figures for drug traffickers were 52 convictions and 25 prison sentences for every 100 arrests for drug trafficking.

Offense	Uniform Crime Reports			For 100 arrests				
	Number of crimes reported to police	Number of adults arrested	Number of felony convictions	Number of felony sentences		Number of felony convictions	Number of felony sentences	
				Incarceration	Prison		Incarceration	Prison
Murder*	23,310	18,387	12,007	11,537	11,282	65	63	61
Robbery	618,820	117,157	46,028	40,284	35,339	39	34	30
Aggravated assault	1,119,950	462,309	65,174	48,856	31,562	14	11	7
Burglary	2,712,200	252,712	98,109	73,156	51,976	39	29	21
Motor vehicle theft	1,539,100	111,912	21,049	15,578	8,404	19	14	8
Drug trafficking	...	318,607	165,430	116,938	78,762	52	37	25

Note: The offenses selected have the greatest comparability across reporting series and are widely defined across the States as felonies. The offense designations in convictions and sentences came from the most serious offense.

...Data not available.  
<sup>\*</sup>Includes nonnegligent manslaughter.

Source of data on crime and arrests: *Crime in the United States, 1994* (FBI, 1995).

violent crime. The other races (American Indians, Alaska Natives, Asians, and Pacific Islanders) represented 4% of the U.S. population but 1% of convicted felons and 1% of those convicted of a violent crime.

Persons in their twenties represented about 20% of the adult U.S. population but 43% of convicted felons. The mean or average age of felons was 30 years; the median was 29.

### Number of felony conviction offenses

At time of sentencing, the vast majority of felons sentenced in 1994 (81%) were sentenced for a single felony offense (table 6). An estimated 14% were sentenced for two felony offenses, and the remaining 5% were sentenced for three or more. The number of offenses totals about 1 million felony conviction offenses for which

872,200 felons were convicted and sentenced in 1994.<sup>4</sup>

The greater the number of felony conviction offenses, the more severe was the sentence. The likelihood of a prison sentence rose from 43% for those convicted of one felony to 52% for two felonies and 58% for three or more (table 7).

<sup>4</sup>Note that the 1 million figure pertains to current convictions, not past convictions.

**Table 6. Number of offenses for felons convicted and sentenced in 1994 in State courts, by most serious felony conviction offense, 1994**

Most serious conviction offense	Percent of convicted felons with —			
	Total	One felony conviction	Two felony convictions	Three or more felony convictions
<b>All offenses</b>	100%	81%	14%	5%
<b>Violent offenses</b>	100%	73%	19%	8%
Murder <sup>a</sup>	100	66	22	12
Rape	100	68	19	13
Robbery	100	71	21	8
Aggravated assault	100	77	18	5
Other violent <sup>b</sup>	100	79	14	7
<b>Property offenses</b>	100%	79%	16%	5%
Burglary	100	73	21	6
Larceny <sup>c</sup>	100	86	11	3
Fraud <sup>d</sup>	100	74	17	9
<b>Drug offenses</b>	100%	84%	12%	4%
Possession	100	91	7	2
Trafficking	100	79	16	5
<b>Weapons offenses</b>	100%	79%	16%	5%
<b>Other offenses<sup>e</sup></b>	100%	89%	9%	2%

Note: Data on number of convictions were available for 852,796 cases. Number of convictions pertains to current convictions, not past convictions.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving

**Table 7. Convicted felons sentenced to prison by State courts, by number of conviction offenses, 1994**

Most serious conviction offense	Percent of convicted felons sentenced to prison with —		
	One felony conviction	Two felony convictions	Three or more felony convictions
<b>All offenses</b>	43%	52%	58%
<b>Violent offenses</b>	57%	69%	79%
Murder <sup>a</sup>	93	97	98
Rape	68	71	82
Robbery	73	83	91
Aggravated assault	44	56	65
Other violent <sup>b</sup>	42	52	54
<b>Property offenses</b>	40%	46%	51%
Burglary	52	53	63
Larceny <sup>c</sup>	36	41	47
Fraud <sup>d</sup>	30	37	42
<b>Drug offenses</b>	41%	50%	48%
Possession	34	40	26
Trafficking	46	53	54
<b>Weapons offenses</b>	40%	52%	43%
<b>Other offenses<sup>e</sup></b>	36%	35%	44%

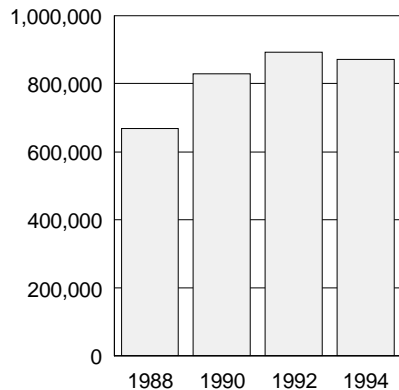
Note: See note on table 2. Data on number of felony conviction offenses were available for 848,763 cases. Number of convictions pertains to current convictions, not past convictions.

<sup>a</sup>Includes nonnegligent manslaughter.

## Trends in the United States: 1988 to 1994

**Number of convictions** Felony convictions in State courts have fluctuated over the years. The decline from 1992 to 1994 reverses the upward trend after 1988.

Number of felony convictions



1988 667,366      1992 893,630  
1990 829,344      1994 872,217

**Likelihood of arrest leading to conviction** The likelihood of a felony arrest leading to a felony conviction is approximated by dividing the number of adult felony convictions in a year by the number of adult felony arrests that year. In 1994, for example, robbery convictions totaled 46,028, and robbery arrests totaled 117,157, indicating a likelihood of conviction of about 39% for robbery.

Approximate likelihood of felony arrest leading to felony conviction

	1988	1990	1992	1994
Murder	48%	55%	65%	65%
Robbery	32	37	41	39
Aggravated assault	10	13	14	14
Burglary	33	38	41	39
Drug trafficking	39	53	55	52

Although the Nation's annual arrest statistics do not distinguish felony from misdemeanor arrests, this method for estimating the likelihood of conviction from aggregate statistics is still valid for certain crimes — such as robbery — that are always or nearly always defined in State law as felonies.

Conviction rates for these crimes have generally shown similar trends over time. Conviction rates rose from 1988 to 1992 and then fell slightly from 1992 to 1994.

**Case processing time** Though 1994 had considerably more convictions than 1988, there were indications that courts were able to keep up with the increased workload. One measure of how well courts keep pace is the amount of time taken to dispose of a case. In 1988 the typical convicted felon was sentenced 7 months after being arrested. In 1994 it took just under 6½ months, indicating that, despite the increased volume of work, courts actually processed cases a little faster in 1994 than they did in 1988.

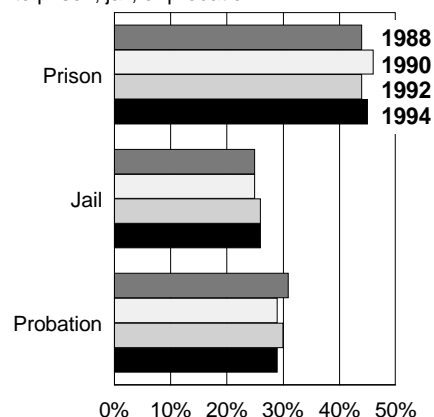
**Guilty pleas** An indirect measure of how well courts keep pace with a growing workload is the percentage of cases disposed by guilty plea. Since guilty pleas take less time than trials, a rising workload might exert pressure on prosecutors and judges to dispose of more cases by plea rather than trial. While that would help courts to keep pace, a check of the data did not uncover evidence of more guilty pleas. In 1988 guilty pleas accounted for 91% of all felony convictions, and trials accounted for the remaining 9%. Corresponding figures for 1994 were 89% guilty pleas and 11% trials. Guilty pleas are a declining rather than a rising percentage of the total.

**Age of convicted felons** The average age of the American population is rising, a trend reflected in the changing ages of convicted felons. Persons age 30 or older comprised 40% of persons convicted in 1988 but 47% in 1994. The median age of convicted felons was 27 years in 1988 but 29 years in 1994. A notable exception to the trend is the younger age of convicted murderers. Teenagers accounted for 10% of convicted murderers in 1988 but 18% in 1994.

**Race of convicted felons** In 1988 blacks were 41% of persons convicted of a felony. In 1994 they were 48%. Part of the increase is attributable to large numbers of persons convicted of drug trafficking, 63% of whom were black.

**Prison sentences** The year 1994 was not significantly different from 1988 in terms of the overall percentage of convicted felons who received a sentence of prison confinement (as opposed to either jail confinement or probation): 44% in 1988 and 45% in 1994. Nevertheless, from 1988 to 1994 percentages of convicted felons with a prison sentence rose for four crime categories: murder, robbery, aggravated assault, and drug trafficking.

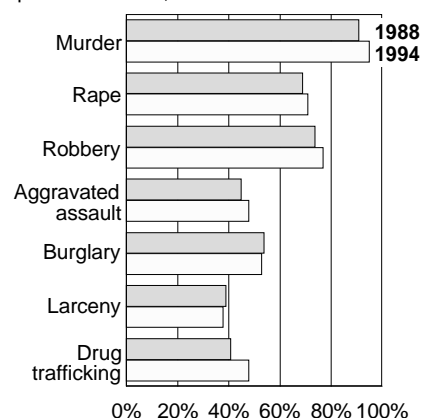
Percent of convicted felons sentenced to prison, jail, or probation



Percent of convicted felons who received a prison sentence

	1988	1990	1992	1994
<b>All offenses</b>	44%	46%	44%	45%
Murder	91	91	93	95
Rape	69	67	68	71
Robbery	75	73	74	77
Aggravated assault	45	45	44	48
Burglary	54	54	52	53
Larceny	39	40	38	38
Drug trafficking	41	49	48	48

Percent of convicted felons who received a prison sentence, 1988 versus 1994



The mean sentence to prison also increased from just over 5 years for those convicted of one felony to just under 8 years for those convicted of two or more (table 8).

### Method of conviction

Of the 872,200 convicted felons, the vast majority — nearly 773,400, repre-

senting 89% of those sentenced for a felony in 1994 — pleaded guilty. The rest were found guilty either by a jury or by a judge in a bench trial (tables 9 and 10). Persons convicted of murder were the least likely to have pleaded guilty (58%) and the most likely to have been convicted by a jury (35%). Contrary to popular belief, however, neither murder nor violent crime

generally accounts for most jury trials. Of all jury trial felony convictions in 1994, 45% (23,088 cases) were for violent crime; 55% (28,772 cases) were for nonviolent crime. The single felony category most frequently decided by juries was aggravated assault (7,394 cases, or 14% of all jury convictions), not murder (4,211 cases, or 8%).

**Table 8. Mean sentence lengths for felony sentences imposed, by the number and category of the conviction offense, 1994**

Most serious conviction offense	Mean maximum sentence length (in months) for felons sentenced to —			
	Incarceration			
	Total	Prison	Jail	Probation
<b>One conviction offense</b>				
<b>All offenses</b>	42 mo	64 mo	6 mo	39 mo
<b>Violent offenses</b>	76 mo	102 mo	6 mo	45 mo
Murder <sup>a</sup>	232	240	7	63
Rape	105	129	6	57
Robbery	88	101	9	50
Aggravated assault	43	67	6	41
Other violent <sup>b</sup>	44	67	6	43
<b>Property offenses</b>	36 mo	55 mo	6 mo	41 mo
Burglary	50	67	7	46
Larceny <sup>c</sup>	28	44	6	39
Fraud <sup>d</sup>	29	49	5	40
<b>Drug offenses</b>	38 mo	59 mo	6 mo	38 mo
Possession	28	49	4	37
Trafficking	46	64	7	39
<b>Weapons offenses</b>	28 mo	43 mo	5 mo	33 mo
<b>Other offenses<sup>e</sup></b>	25 mo	40 mo	5 mo	36 mo
<b>Two or more conviction offenses</b>				
<b>All offenses</b>	70 mo	93 mo	6 mo	44 mo
<b>Violent offenses</b>	129 mo	152 mo	7 mo	49 mo
Murder <sup>a</sup>	325	330	8	37
Rape	184	207	8	71
Robbery	127	134	10	55
Aggravated assault	85	113	6	45
Other violent <sup>b</sup>	52	70	5	42
<b>Property offenses</b>	47 mo	64 mo	7 mo	47 mo
Burglary	58	73	8	48
Larceny <sup>c</sup>	37	54	6	48
Fraud <sup>d</sup>	37	55	5	46
<b>Drug offenses</b>	51 mo	69 mo	6 mo	42 mo
Possession	33	58	4	37
Trafficking	56	72	7	44
<b>Weapons offenses</b>	43 mo	58 mo	6 mo	30 mo
<b>Other offenses<sup>e</sup></b>	32 mo	53 mo	5 mo	41 mo

Note: See note on tables 2 and 3. Means exclude sentences to death or life imprisonment. Sentence length data were available for 566,179 cases. The number of convictions pertains to current convictions, not past convictions.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

**Table 9. Number of felony convictions in State courts, by offense and type of conviction, 1994**

Most serious conviction offense	Total	Number of felons convicted by —			Guilty plea
		Trial		Bench	
		Total	Jury		
<b>All offenses</b>	872,217	98,833	51,860	46,973	773,384
<b>Violent offenses</b>	164,584	33,258	23,088	10,170	131,326
Murder <sup>a</sup>	12,007	5,091	4,211	880	6,916
Rape	20,068	5,081	3,910	1,171	14,987
Robbery	46,028	6,742	4,303	2,439	39,286
Aggravated assault	65,174	11,560	7,394	4,166	53,614
Other violent <sup>b</sup>	21,307	4,784	3,270	1,514	16,523
<b>Property offenses</b>	275,198	26,971	13,175	13,796	248,227
Burglary	98,109	10,436	5,369	5,067	87,673
Larceny <sup>c</sup>	113,026	11,050	4,819	6,231	101,976
Fraud <sup>d</sup>	64,063	5,485	2,987	2,498	58,578
<b>Drug offenses</b>	274,245	22,643	8,236	14,407	251,602
Possession	108,815	6,859	1,610	5,249	101,956
Trafficking	165,430	15,784	6,626	9,158	149,646
<b>Weapons offenses</b>	31,010	2,973	1,426	1,547	28,037
<b>Other offenses<sup>e</sup></b>	127,180	12,987	5,935	7,052	114,193

Note: Detail may not sum to total because of rounding. Data on type of conviction were available for 676,809 cases. Table figures include estimates for cases missing a designation on type of conviction.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and vandalism.



Murderers convicted by a jury were the most likely to have received a life sentence (41%) or the death penalty (4%).

Type of conviction	Type of sentence for murder or nonnegligent manslaughter			
	Total	Life	Death	Other
Total		25%	2%	73%
Trial	100	38	3	59
Jury	100	41	4	55
Bench	100	11	0	89
Guilty plea	100	17	1	

Juries accounted for 35% of murder convictions but 59% of life and death sentences for murder.<sup>5</sup>

### Case processing time

Mean time from arrest to sentencing in 1994 was just over 6 months (table 11). Median time was slightly under 5 months. Jury trial cases took the most

<sup>5</sup>Juries seldom impose a sentence on those they convict. With rare exception, sentencing following a jury trial is the responsibility of the judge, not the jury.

**Table 10. Offense of felons convicted in State courts, by type of conviction, 1994**

Most serious conviction offense	Percent of felons convicted by —				
	Total	Trial			Guilty plea
<b>All offenses</b>	100%	11%	6%	5%	89%
<b>Violent offenses</b>	100%	20%	14%	6%	80%
Murder <sup>a</sup>	100	42	35	7	58
Rape	100	25	19	6	75
Robbery	100	15	10	5	85
Aggravated assault	100	18	11	7	82
Other violent <sup>b</sup>	100	22	15	7	78
<b>Property offenses</b>	100%	10%	5%	5%	90%
Burglary	100	11	6	5	89
Larceny <sup>c</sup>	100	10	4	6	90
Fraud <sup>d</sup>	100	9	5	4	91
<b>Drug offenses</b>	100%	8%	3%	5%	92%
Possession	100	6	1	5	94
Trafficking	100	10	4	6	90
<b>Weapons offenses</b>	100%	10%	5%	5%	90%
<b>Other offenses<sup>e</sup></b>	100%	10%	5%	5%	90%

Note: Data on conviction type were available for 676,809 cases.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and vandalism.

time — 10 months on average from arrest to sentencing. Cases disposed by guilty plea took the least amount of time — a little over 6 months on average.

### Additional penalties

Besides being sentenced to incarceration or probation, 41% or more of convicted felons also were ordered to pay a fine, pay victim restitution, receive

treatment, perform community service, or comply with some other additional penalty (for example, undergo house arrest or appear periodically for drug testing). A fine was imposed on at least 21% of convicted felons (table 12).

Conservative estimates of percentages for other penalties are 18% restitution, 7% some form of treatment, and 7% community service.

**Table 11. Mean and median number of days between arrest and sentencing for felony cases disposed by State courts, 1994**

Most serious conviction offense	Number of days between arrest and sentencing for cases disposed by —				
	Total	Trial			Guilty plea
<b>Mean</b>					
<b>All offenses</b>	190 days	269 days	302 days	257 days	190 days
<b>Violent offenses</b>	226 days	290 days	311 days	266 days	219 days
Murder <sup>a</sup>	344	380	378	405	316
Rape	245	316	306	355	225
Robbery	206	253	275	234	206
Aggravated assault	218	261	282	229	220
Other violent <sup>b</sup>	210	300	383	276	201
<b>Property offenses</b>	179 days	250 days	274 days	251 days	181 days
Burglary	173	252	286	246	173
Larceny <sup>c</sup>	177	239	231	246	179
Fraud <sup>d</sup>	193	285	357	280	193
<b>Drug offenses</b>	180 days	263 days	310 days	252 days	185 days
Possession	165	239	294	237	166
Trafficking	192	278	315	263	197
<b>Weapons offenses</b>	180 days	270 days	303 days	240 days	182 days
<b>Other offenses<sup>e</sup></b>	188 days	266 days	267 days	269 days	186 days
<b>Median</b>					
<b>All offenses</b>	143 days	201 days	251 days	184 days	136 days
<b>Violent offenses</b>	174 days	228 days	260 days	207 days	163 days
Murder <sup>a</sup>	281	325	324	368	265
Rape	191	260	264	270	170
Robbery	170	199	238	178	165
Aggravated assault	168	184	197	169	157
Other violent <sup>b</sup>	161	242	371	227	143
<b>Property offenses</b>	132 days	177 days	239 days	173 days	128 days
Burglary	130	182	248	168	126
Larceny <sup>c</sup>	133	173	198	175	128
Fraud <sup>d</sup>	133	168	291	167	131
<b>Drug offenses</b>	138 days	189 days	232 days	183 days	133 days
Possession	123	167	278	169	118
Trafficking	149	206	232	196	142
<b>Weapons offenses</b>	143 days	202 days	207 days	173 days	136 days
<b>Other offenses<sup>e</sup></b>	132 days	208 days	240 days	212 days	127 days

Note: Grand total includes all cases, whether or not conviction type was known. Data on time to dispose of felonies were available for 376,086 cases.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and vandalism.

## Methodology

### Sampling

Except for 1 county (replaced by another county), the sample of 300 counties drawn for the 1988 survey was also used in the 1994 survey. Every county in the Nation had a nonzero chance of being in the sample. In general, the more felony cases a county had, the more likely it was to be in the sample.

The survey used a two-stage, stratified cluster sampling design. In the first stage the Nation's 3,109 counties or county equivalents were divided into 8 strata. Strata 1 and 2 consisted solely of the 75 largest counties in the United States as defined by the 1985 resident population. Strata 3 through 8 consisted of the remaining 3,034 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.

Stratum 1 consisted of the 19 counties with the largest number of felony convictions in 1985, plus 12 counties whose participation in the survey had been prearranged. Every county in stratum 1 was selected for the sample. Stratum 2 consisted of the 44 most populous counties that were not in stratum 1. The 44 were ordered by their number of felony convictions in 1985, and then approximately every other county was selected. Stratum 2 thus contributed 23 counties to the sample. Altogether, 54 out of the 75 largest counties were sampled.

Data on 1985 felony convictions were obtained from a mail survey described in *State Felony Courts and Felony Laws* (NCJ-106273) and Census of State Felony Courts, 1985 (codebook for ICPSR 8667). The 54 sampled

counties in the 1994 NJRP survey were the same 54 as in the 1986 and 1988 surveys. The 3,034 counties not among the 75 largest were placed into 6 strata defined by the total number of felony convictions in 1985 and then arrayed within stratum by region, and within region from largest to smallest on felony conviction totals. Sampling specifications for each stratum are given in appendix table 1 on page 16.

The final sample thus included 246 counties from among the 3,034 counties outside the 75 largest. One of the 246 did not participate. That county was then replaced by another in the same stratum. Case-level data were successfully obtained on convicted felons sentenced in 1994 from these 300 counties. (One of the 300 had no felony convictions during the survey period.)

The 60 sampled counties in strata 1 and 3 were self-representing only, and their sampled cases therefore had a first-stage sampling weight of 1. The remaining 240 counties sampled from strata 2 and 4 through 8 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, rape, 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 85,191 cases. Of these, 59,152 cases were in the 75 largest counties.

Rates at which cases were sampled varied by stratum and crime type (appendix table 2, page 16). In smaller counties every felony case was taken. In larger counties all murder cases and rape cases were typically included, but other offense categories were sampled.

**Table 12. Felons sentenced to an additional penalty by State courts, by offense, 1994**

Most serious conviction offense	Percent of felons with an additional penalty of —				
	Fine	Restitution	Treatment	Community service	Other
<b>All offenses</b>	21%	18%	7%	7%	8%
<b>Violent offenses</b>	16%	17%	6%	4%	6%
Murder <sup>a</sup>	9	9	1	1	4
Rape	17	14	7	3	4
Robbery	12	13	2	2	4
Aggravated assault	19	20	8	5	6
Other violent <sup>b</sup>	23	20	12	8	12
<b>Property offenses</b>	19%	29%	5%	8%	7%
Burglary	17	27	5	6	6
Larceny <sup>c</sup>	20	26	5	8	9
Fraud <sup>d</sup>	21	38	5	10	7
<b>Drug offenses</b>	24%	11%	10%	6%	7%
Possession	23	8	12	8	10
Trafficking	25	14	9	5	6
<b>Weapons offenses</b>	16%	9%	4%	6%	6%
<b>Other offenses<sup>e</sup></b>	28%	14%	9%	10%	14%

Note: Where the data indicated affirmatively that a particular additional penalty was imposed, the case was coded accordingly. Where the data did not indicate affirmatively or negatively, the case was treated as not having an additional penalty. These procedures provide a conservative estimate of the prevalence of additional penalties. Note also that a person receiving more than one kind of additional penalty appears under more than one table heading. Data on additional penalty were available for 872,217 cases.

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes offenses such as negligent manslaughter, sexual assault, and kidnaping.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of nonviolent offenses such as receiving stolen property and vandalism.

Before the sample of cases was drawn, each felon sentenced in the sampled county in 1994 was placed into 1 of the 11 offense categories identified above. If the felon was convicted of more than one felony offense, the offense category was the most serious offense. The hierarchy from most to least serious offense was murder, rape, robbery, aggravated assault, burglary, drug trafficking, weapons, forgery/fraud/embezzlement, larceny/motor vehicle theft, drug possession, and all other felonies. The hierarchy was determined from an analysis of two factors that reflect how seriously the justice system treats different offenses: the sentence length imposed and the time actually served in prison before release. In general, the higher the offense is in the hierarchy, the more serious it is in terms of the two factors.

Sample selection procedures gave each sentenced felon a single chance to be in the sample. However, felons who appeared in court on more than 1 day for different offenses and received a sentence at each reappearance had more than a single chance.

At the data analysis stage, cases were aggregated according to their offense designation at the time of sampling, with the single exception of "other violent." "Other violent" is a category shown in the report's tables, but it was not a category at sampling. The "other violent" category was formed from the sampling category "other felonies." That is, after sampling, sampled cases designated "other felonies" were coded "violent," "nonviolent," or "not ascertained," based on data available on them. Cases coded "not ascertained" were rare. For data analysis, cases coded "other violent" were removed from the "other felonies" category and shown separately in the report's tables.

## 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%. Standard errors for each table in the report are on pages 12 through 15.

## Sources of data

State courts were the source of NJRP data for about 85% of the 300 counties sampled. For other counties, sources included prosecutors' offices, sentencing commissions, and statistical agencies. Individual-level NJRP records were obtained through a variety of collection methods, including magnetic tape (64% of the counties) and field collection (9%).

Photocopies of official documents and survey questionnaires completed by court officials were additional data sources (27%).

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

## Targeted population

The survey targeted and recorded initial sentences imposed in 1994. 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 1994 but not sentenced until 1994.

In a few counties where it was impractical to target sentences in 1994, the target was felons convicted in 1994. Hence, in some of the cases the data pertain to sentences imposed after 1994.

## 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:* forcible intercourse (vaginal, anal, or oral) with a female or male. Includes forcible sodomy or penetration with a foreign object (which are 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.

*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 excluding murder and nonnegligent manslaughter, rape, robbery, and aggravated assault. Includes offenses such as sexual assault, 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 and motor vehicle theft:** Larceny is the unlawful taking of property other than a motor vehicle from the possession of another, by stealth, without force or deceit. Includes pocket picking, 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 is 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 as well as unauthorized use of a vehicle (joyriding). Includes attempts.

**Fraud, forgery, and embezzlement:** using deceit or intentional misrepresentation to unlawfully deprive a

person 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, or "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 statutory rape, incest, pornography offenses, pimping, prostitution). Includes attempts.

Most serious conviction offense	Error in felony convictions	
	Number	Percent
<b>All offenses</b>	24,809	
<b>Violent offenses</b>	4,545	0.3%
Murder/manslaughter	445	0.1
Murder	368	--
Manslaughter	221	--
Rape	992	0.1
Robbery	1,244	0.1
Armed	700	0.1
Unarmed	759	0.1
Unspecified	1,000	0.1
Aggravated assault	2,381	0.2
Other violent	1,290	0.1
<b>Property offenses</b>	8,477	0.4%
Burglary	3,122	0.2
Residential	1,186	0.1
Nonresidential	2,191	0.2
Unspecified	2,752	0.3
Larceny	3,901	0.2
Motor vehicle theft	1,310	0.1
Other theft	3,233	0.2
Fraud/forgery	2,617	0.2
Fraud	1,748	0.2
Forgery	1,423	0.1
<b>Drug offenses</b>	8,381	0.5%
Possession	4,960	0.4
Trafficking	4,561	0.4
Marijuana	1,245	0.1
Other	3,974	0.5
Unspecified	2,546	0.3
<b>Weapons offenses</b>	1,350	0.1%
<b>Other offenses</b>	7,139	0.6%

--Less than 0.05%.

Most serious conviction offense	Error in percent of felons sentenced to —		
	Incarceration Prison	Jail	Pro- bation
<b>All offenses</b>	1.0%	1.2%	1.2%
<b>Violent offenses</b>	1.0%	1.0%	0.7%
Murder	0.6	0.3	0.4
Rape	1.5	1.5	0.9
Robbery	0.8	0.6	0.6
Aggravated assault	1.2	1.3	1.1
Other violent	2.0	2.3	1.6
<b>Property offenses</b>	1.2%	1.2%	1.3%
Burglary	1.3	1.2	1.2
Larceny	1.2	1.3	1.5
Fraud	1.6	1.7	1.7
<b>Drug offenses</b>	1.1%	1.5%	1.2%
Possession	1.2	2.1	1.8
Trafficking	1.1	1.3	1.1
<b>Weapons offenses</b>	1.1%	1.4%	1.7%
<b>Other offenses</b>	1.9%	1.7%	2.3%

Most serious conviction offense	Error in maximum sentence length in months for felons sentenced to —		
	Incarceration Prison	Jail	Pro- bation
<b>Mean</b>			
<b>All offenses</b>	1.5 mo	0.3 mo	1.3 mo
<b>Violent offenses</b>	2.8 mo	0.3 mo	1.5 mo
Murder	10.1	0.8	4.4
Rape	6.5	0.4	3.1
Robbery	3.2	0.4	2.1
Aggravated assault	3.4	0.3	1.6
Other violent	4.2	0.5	2.0
<b>Property offenses</b>	1.5 mo	0.3 mo	1.5 mo
Burglary	2.3	0.4	2.0
Larceny	1.4	0.3	1.7
Fraud	1.4	0.4	1.6
<b>Drug offenses</b>	1.7 mo	0.3 mo	1.4 mo
Possession	2.1	0.2	2.1
Trafficking	1.9	0.4	1.2
<b>Weapons offenses</b>	1.4 mo	0.2 mo	1.3 mo
<b>Other offenses</b>	1.6 mo	0.3 mo	1.6 mo

**Estimate of 1 standard error for table 5**

Most serious conviction offense	Error in percent of convicted felons										
	Sex		Race			Age at sentencing					
	Male	Female	White	Black	Other	13-19	20-29	30-39	40-49	50-59	60+
<b>All offenses</b>	0.7%	0.7%	1.4%	0.1%	0.3%	0.3%	0.2%	0.1%	0.1%	0.1%	0.1%
<b>Violent offenses</b>	0.7%	0.7%	1.4%	0.1%	0.5%	0.5%	0.3%	0.2%	0.1%	0.2%	0.1%
Murder	1.0	1.0	1.9	0.2	1.1	1.0	0.9	0.5	0.2	0.5	0.2
Rape	0.8	0.8	2.0	0.2	0.5	1.0	0.8	0.5	0.4	0.5	0.4
Robbery	0.4	0.4	1.3	0.1	1.0	0.7	0.3	0.1	0.1	0.1	0.1
Aggravated assault	0.9	0.9	1.8	0.2	0.7	0.9	0.4	0.5	0.1	0.5	0.1
Other violent	1.7	1.7	2.1	0.3	0.9	1.5	1.4	0.8	0.7	0.8	0.7
<b>Property offenses</b>	0.7%	0.7%	1.3%	0.1%	0.4%	0.5%	0.3%	0.1%	0.1%	0.1%	0.1%
Burglary	0.6	0.6	1.6	0.2	0.8	0.7	0.4	0.2	0.1	0.2	0.1
Larceny	0.8	0.8	1.5	0.2	0.5	0.7	0.5	0.2	0.1	0.2	0.1
Fraud	1.0	1.0	1.5	0.1	0.3	0.7	0.5	0.3	0.1	0.3	0.1
<b>Drug offenses</b>	0.8%	0.8%	1.7%	0.1%	0.3%	0.5%	0.3%	0.2%	0.1%	0.2%	0.1%
Possession	1.2	1.2	2.3	0.2	0.4	0.9	0.5	0.2	0.1	0.2	0.1
Trafficking	0.7	0.7	1.7	0.1	0.4	0.6	0.4	0.2	0.1	0.2	0.1
<b>Weapons offenses</b>	0.3%	0.3%	2.4%	0.2%	0.7%	0.7%	0.4%	0.2%	0.1%	0.2%	0.1%
<b>Other offenses</b>	1.0%	1.0%	1.9%	0.4%	0.4%	0.8%	0.6%	0.3%	0.2%	0.3%	0.2%

**Estimate of 1 standard error for table 6**

Most serious conviction offense	Error in percent of convicted felons with —		
	One felony conviction	Two felony convictions	Three or more felony convictions
<b>All offenses</b>	0.6%	0.4%	0.3%
<b>Violent offenses</b>	0.8%	0.6%	0.4%
Murder	1.6	1.2	1.0
Rape	2.0	1.3	1.1
Robbery	1.1	1.0	0.5
Aggravated assault	0.9	0.7	0.4
Other violent	1.8	1.2	1.2
<b>Property offenses</b>	0.8%	0.6%	0.4%
Burglary	1.2	1.0	0.5
Larceny	0.8	0.7	0.3
Fraud	1.0	0.7	0.7
<b>Drug offenses</b>	0.7%	0.5%	0.4%
Possession	0.7	0.5	0.4
Trafficking	0.9	0.7	0.4
<b>Weapons offenses</b>	1.1%	0.6%	0.9%
<b>Other offenses</b>	0.8%	0.7%	0.3%

**Estimate of 1 standard error for table 7**

Most serious conviction offense	Error in percent of convicted felons sentenced to prison with —		
	One felony conviction	Two felony convictions	Three or more felony convictions
<b>All offenses</b>	1.0%	1.4%	2.7%
<b>Violent offenses</b>	1.0%	1.4%	2.0%
Murder	0.9	0.5	0.6
Rape	1.9	3.2	2.6
Robbery	0.9	1.4	1.6
Aggravated assault	1.2	2.1	2.9
Other violent	2.0	4.7	8.0
<b>Property offenses</b>	1.2%	1.8%	2.5%
Burglary	1.4	2.0	3.2
Larceny	1.2	2.6	5.3
Fraud	1.8	2.3	3.0
<b>Drug offenses</b>	1.6%	1.6%	3.2%
Possession	1.2	3.1	6.7
Trafficking	1.2	1.7	4.3
<b>Weapons offenses</b>	1.1%	1.7%	8.1%
<b>Other offenses</b>	1.9%	3.2%	5.9%

<b>Estimate of 1 standard error for table 8</b>			
Most serious conviction offense	Error in mean maximum sentence length (in months) for felons sentenced to —		
	Incarceration		
	Prison	Jail	Probation
<b>One conviction offense</b>			
<b>All offenses</b>	1.5 mo	0.2 mo	1.3 mo
<b>Violent offenses</b>	2.4 mo	0.3 mo	1.5 mo
Murder	9.9	1.0	4.9
Rape	7.0	0.4	3.3
Robbery	2.6	0.4	2.1
Aggravated assault	2.1	0.3	1.6
Other violent	4.7	0.6	2.1
<b>Property offenses</b>	1.7 mo	0.3 mo	1.6 mo
Burglary	2.8	0.4	2.4
Larceny	1.3	0.3	1.7
Fraud	1.4	0.4	1.5
<b>Drug offenses</b>	1.8 mo	0.3 mo	1.4 mo
Possession	2.1	0.2	2.1
Trafficking	2.0	0.4	1.1
<b>Weapons offenses</b>	1.3 mo	0.2 mo	1.0 mo
<b>Other offenses</b>	1.7 mo	0.3 mo	1.7 mo
<b>Two or more conviction offenses</b>			
<b>All offenses</b>	2.9 mo	0.4 mo	2.2 mo
<b>Violent offenses</b>	6.4 mo	0.5 mo	2.9 mo
Murder	18.0	1.5	3.4
Rape	13.5	1.2	6.4
Robbery	7.2	1.2	5.9
Aggravated assault	9.5	0.6	3.2
Other violent	6.8	0.7	7.1
<b>Property offenses</b>	2.2 mo	0.5 mo	2.3 mo
Burglary	2.9	0.9	2.4
Larceny	4.2	0.7	4.6
Fraud	2.6	0.4	3.4
<b>Drug offenses</b>	2.9 mo	0.5 mo	3.3 mo
Possession	4.1	0.5	3.6
Trafficking	3.3	0.5	3.6
<b>Weapons offenses</b>	3.3 mo	0.5 mo	3.3 mo
<b>Other offenses</b>	3.2 mo	0.7 mo	3.1 mo

<b>Estimate of 1 standard error for table 9</b>			
Most serious conviction offense	Error in number of felons convicted by —		
	Trial		Guilty plea
	Jury	Bench	
<b>All offenses</b>	5,198	4,465	22,290
<b>Violent offenses</b>	1,463	901	3,758
Murder	199	74	316
Rape	410	120	732
Robbery	307	164	1,100
Aggravated assault	645	434	2,010
Other violent	492	338	900
<b>Property offenses</b>	2,338	1,988	7,925
Burglary	1,012	821	2,922
Larceny	864	873	3,462
Fraud	614	526	2,295
<b>Drug offenses</b>	860	926	6,940
Possession	200	300	3,946
Trafficking	736	721	4,066
<b>Weapons offenses</b>	154	61	1,189
<b>Other offenses</b>	818	911	6,025

<b>Estimate of 1 standard error for table 10</b>			
Most serious conviction offense	Error in percent of felons convicted by —		
	Trial		Guilty plea
	Jury	Bench	
<b>All offenses</b>	0.8%	0.7%	1.0%
<b>Violent offenses</b>	1.0%	0.7%	1.2%
Murder	1.6	0.8	1.8
Rape	2.3	0.8	2.2
Robbery	0.8	0.5	0.9
Aggravated assault	1.2	0.8	1.5
Other violent	2.7	2.0	3.0
<b>Property offenses</b>	1.1%	0.9%	1.4%
Burglary	1.3	1.0	1.6
Larceny	1.0	1.0	1.4
Fraud	1.2	1.0	1.6
<b>Drug offenses</b>	0.4%	0.5%	0.7%
Possession	0.3	0.4	0.6
Trafficking	0.5	0.6	0.8
<b>Weapons offenses</b>	0.6%	0.3%	0.8%
<b>Other offenses</b>	0.9%	1.0%	1.3%

**Estimate of 1 standard error for table 11**

Most serious conviction offense	Error in number of days between arrest and sentencing for cases disposed by —				
	Total	Trial			Guilty plea
		Total	Jury	Bench	
<b>Mean</b>					
<b>All offenses</b>	5 days	7 days	14 days	6 days	6 days
<b>Violent offenses</b>	6 days	12 days days	17 days	15 days	7 days
Murder	10	12	13	35	16
Rape	9	15	16	27	11
Robbery	6	13	17	19	8
Aggravated assault	9	22	34	15	12
Other violent	10	22	55	18	13
<b>Property offenses</b>	5 days	12 days	19 days	15 days	6 days
Burglary	6	22	21	28	7
Larceny	6	12	31	14	7
Fraud	8	25	61	29	9
<b>Drug offenses</b>	6 days	18 days	29 days	24 days	7 days
Possession	6	17	50	16	9
Trafficking	7	24	34	33	7
<b>Weapons offenses</b>	6 days	15 days	27 days	12 days	7 days
<b>Other offenses</b>	6 days	12 days	28 days	16 days	8 days

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Bulletins present the first release of findings from permanent data collection programs. This Bulletin was written by Patrick A. Langan and Jodi M. Brown of the Bureau of Justice Statistics. Dorothea Proctor assisted with verification. Rhonda C. Keith produced and Tom Hester edited the report. Marilyn Marbrook administered final report production, assisted by Yvonne Boston and Jayne Robinson.

Data collection and processing were done by the staff of the U.S. Bureau of the Census, including Latrice Brogsdale-Davis, Hugh Cameron, Victoria Campbell, Martha Greene, Martha Haselbush, and Henrietta Herrin, under the supervision of Stephanie Brown of the Governments Division; and including Jennifer Jones of the Field Division.

January 1997, NCJ-163391

**Estimate of 1 standard error for table 12**

Most serious conviction offense	Error in percent of felons with an additional penalty of —				
	Fine	Resti-tution	Treat-ment	Community service	Other
<b>All offenses</b>	1.1%	1.1%	0.6%	0.7%	1.5%
<b>Violent offenses</b>	1.1%	1.2%	0.6%	0.4%	0.8%
Murder	1.1	0.9	0.3	0.3	0.9
Rape	2.1	2.1	1.2	0.6	0.7
Robbery	0.7	0.8	0.3	0.3	0.7
Aggravated assault	1.2	1.6	0.8	0.6	0.9
Other violent	2.6	2.5	1.8	1.2	1.9
<b>Property offenses</b>	1.3%	1.4%	0.5%	0.8%	1.5%
Burglary	1.3	1.4	0.5	0.8	1.3
Larceny	1.4	1.4	0.6	1.0	1.7
Fraud	1.9	2.0	0.6	0.9	1.5
<b>Drug offenses</b>	1.1%	1.0%	0.9%	0.6%	1.0%
Possession	1.4	1.4	1.2	0.8	1.5
Trafficking	1.3	1.0	0.8	0.5	0.8
<b>Weapons offenses</b>	1.1%	1.1%	0.8%	0.9%	1.3%
<b>Other offenses</b>	2.2%	1.3%	1.1%	1.3%	3.5%

**Appendix table 1. NJRP first-stage sampling design, 1988-94**

Stratum	Total number of counties in stratum	Defining characteristics of each county in this stratum	Approximate sampling rate	Number of counties sampled
1	31*	a. 1 of 75 most populous counties in 1985 b. Largest volume of felony convictions in 1985	1 in 1	31
2	44	a. 1 of 75 most populous counties in 1985 b. Not in stratum 1	1 in 2	23
3	29 <sup>†</sup>	a. Not 1 of 75 most populous counties in 1985 b. 2,000 or more felony convictions in 1985	1 in 1	29
4	71	a. Not 1 of 75 most populous counties in 1985 b. 950-1,999 felony convictions in 1985	1 in 2	34
5	165	a. Not 1 of 75 most populous counties in 1985 b. 450-949 felony convictions in 1985	1 in 4	38
6	315	a. Not 1 of 75 most populous counties in 1985 b. 210-449 felony convictions in 1985	1 in 8	39
7	824	a. Not 1 of 75 most populous counties in 1985 b. 70-209 felony convictions in 1985	1 in 16	50
8	1,630	a. Not 1 of 75 most populous counties in 1985 b. 0-69 felony convictions in 1985	1 in 29	56

\*Includes 12 counties whose participation had been prearranged.

<sup>†</sup>Includes 2 counties with an unknown number of convictions in 1985.

**Appendix table 2. NJRP second-stage sampling design, 1990-94**

Stratum	One in every —										
	Murder <sup>a</sup>	Rape	Robbery	Aggravated assault <sup>b</sup>	Burglary	Larceny <sup>c</sup>	Fraud <sup>d</sup>	Drug possession	Drug trafficking	Weapons offenses	Other offenses <sup>e</sup>
1	2	2	6	4	8	9	4	11	12	2	9
2	1	1	3	2	4	4	2	6	6	1	4
3	8	5	14	11	28	28	14	38	32	6	30
4	4	2	6	5	13	13	7	18	15	3	16
5	1	1	3	2	6	6	3	8	7	1	7
6	1	1	1	1	3	3	1	4	4	1	4
7	1	1	1	1	1	1	1	1	1	1	1
8	1	1	1	1	1	1	1	1	1	1	1

<sup>a</sup>Includes nonnegligent manslaughter.

<sup>b</sup>Includes attempted murder.

<sup>c</sup>Includes motor vehicle theft.

<sup>d</sup>Includes forgery and embezzlement.

<sup>e</sup>Composed of violent offenses such as negligent manslaughter, sexual assault, and kidnaping; and includes nonviolent offenses such as receiving stolen property and vandalism.