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Prison Sentences and Time Served for Violence

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Since the mid-1970's, legislatures around the Nation have sought to reduce discretion in both the sentencing process and the determination of when the conditions of a sentence have been satisfied. Determinate sentencing, use of mandatory minimums, and guidelines-based sentencing are illustrations of approaches that limit discretion and increase the predictability of penalties.

A majority of State prisoners today serve presumptive sentences — 90% of State inmates can estimate their probable release date, and their discharge from prison is less likely than in the past to be determined by a parole board decision. In 1977, 72% of those released from State prisons had served an indeterminate sentence, and a parole board decided their release. In 1992, by contrast, less than 40% of prison releases were determined by a parole board.

Interest in truth-in-sentencing reflects continued attention to discretion and to the relation between sentences and time served. Truth-in-sentencing is generally meant to describe a close correspondence between the sentence imposed upon those sent to prison and the time actually served prior to prison release.

Data collected from States by the Bureau of Justice Statistics (BJS) indicate that violent offenders released from State prisons in 1992 served 48% of the sentence they had received — an average of 43 months in confinement, both jail and prison, on an average sentence of 89 months. The

Violent offenders are persons convicted of homicide, kidnaping, forcible rape, sexual assault, robbery, assault, or other crimes involving the threat or imposition of harm upon the victim, including extortion, intimidation, reckless endangerment, hit-and-run driving with injury, or child abuse.

finding that just under half the sentence will be served in confinement was confirmed through analysis of self-reports of a national sample of State prisoners. An examination of prison release practices for violent offenders in 31 States reveals wide disparity across the States in sentence length but substantially less disparity and greater consensus on the duration of time spent in confinement.

These findings are drawn from BJS data collection programs, including the annual National Corrections Reporting Program (NCRP) and the 1991 sample survey of State prisoners. (See **Sources of data**, page 3.)

Admissions, releases, and prisoners present

Prison releases

Participating NCRP States, representing about 8 out of 10 violent offenders released from prisons nationwide in 1992, provided sufficient information to examine the relationship between the sentence received and time served prior to first release.

Released violent offenders in 1992 served 48% of their sentence

Type of offense	Average sentence	Average time served*	Percent of sentence served
All violent	89 months	43 months	48%
Homicide	149	71	48
Rape	117	65	56
Kidnaping	104	52	50
Robbery	95	44	46
Sexual assault	72	35	49
Assault	61	29	48
Other	60	28	47

*Includes jail credit and prison time.

Little variability was found in the percentage of sentence served for different types of violent crimes. For most violent crimes, offenders served just under half of the sentence imposed. Those convicted of rape were found to serve the highest percentage of their sentences, 56%.

Years	Prison releases		
	Average sentence	Average time served	Percent of sentence served
1988	95 months	41 months	43%
1989	91	42	46
1990	94	44	47
1991	92	44	48
1992	89	43	48

During the most recent 5-year period, data for released violent offenders indicated that the percentage of their sentence spent in prison remained relatively stable.

Prison admissions

Another measure of the time served relative to a sentence is derived from those admitted to prison. NCRP obtains estimates of the minimum time to be served by those admitted to State prisons. From 1988 to 1992, sentences received and preliminary estimates of length of stay for violent offenders admitted to State prisons have shown a consistent percentage of the sentence to be served:

Years	Prison admissions		
	Average sentence	Average time to be served	Percent of sentence to be served
1988	113 months	66 months	58%
1989	107	65	61
1990	105	63	60
1991	105	64	61
1992	104	62	60

Admissions in 1992 had average sentences of 104 months, and correctional authorities predicted that they would stay for 60% of that time. Releases that same year had average sentences that were 15 months shorter and their length of stay was 19 months less; releases served 48% of the sentences they received.

Estimated percentage of sentence served or to be served by admitted, current, and released prisoners

Prisoner self-reports and records obtained for those released from prison tell a similar story — just under half the sentence received will be served in confinement. Estimates for admissions, however, may differ from the other estimates for two reasons: admissions reflect current policies and legislation affecting the use of prison, and less is known at admission about how long inmates will actually

serve. During the course of a prison stay, various credits against a sentence may be earned (such as good time) or reductions in sentence length may occur (such as sentence rollbacks in crowding emergencies), changing the percentage of sentence actually served.

Prisoner status	Average sentence	Average time served	Percent of sentence
Admissions, 1992	104 months	62 months	60%
Prisoners, 1991	216	100	46
Releases, 1992	89	43	48

Estimating hypothetical impacts of changing the percentage of sentence served

Thinking about truth-in-sentencing requires at least the knowledge of two numbers — sentence length and the actual or predicted length of stay. Since the desired goal of truth-in-sentencing is to increase the percentage of sentence served over current practice, it is possible to estimate what sentences and what time served would be necessary to achieve increased correspondence between the two. Such estimates would, of course, be speculative because policies or practices implemented by jurisdictions seeking to change the percentage of sentence served may simultaneously modify both sentence length and time served.

If the current average sentence remained the same for violent offenders and a policy were adopted requiring that 85% of the current sentence should be served, the predicted time served would increase the current length of stay—

- for admissions, 26 months
- for prisoners present, 84 months
- for releases, an average 33 months longer in prison.

Based upon current sentences, what would time served in prison be if violent offenders served higher percentages of the sentences they had received?

Percent of sentence served	Estimated time to serve		
	Prison admissions	Prisoners present	Prison releases
Current	62 months	100 months	43 months
65%	68	140	58
70%	73	151	62
75%	78	162	67
80%	83	173	71
85%	88	184	76
90%	94	194	80
95%	99	205	85
100%	104	216	89

Based upon current time served in prison, what would sentences need to be to achieve higher percentages of sentence served?

Percent of sentence served	Estimated sentence		
	Prison admissions	Prisoners present	Prison releases
Current	104 months	216 months	89 months
65%	95	154	66
70%	89	143	61
75%	83	133	57
80%	78	125	54
85%	73	118	51
90%	69	111	48
95%	65	105	45
100%	62	100	43

An alternate approach would be to hold constant the current average lengths of stay and change sentence lengths, attempting to ensure a particular ratio of time served to sentence. As shown above, by setting the sentence as 85% of the current time served, estimated sentence lengths would decrease —

- for admissions, 31 months
- for prisoners present, 98 months
- for releases, an average 38 months.

How States differ in the percentage of sentence served

Among the NCRP States, released violent offenders in 1992 had an average sentence of 89 months and an average time served of 43 months; these violent prisoners had served 48% of their sentence prior to discharge from prison. The reporting jurisdictions can be divided into three groups according to whether they were above, at, or below the national average percentage of sentence served.

Above average About 40% of releasees were in States that had percentages of sentence served that were at least 10% (5 percentage points) above the national average of 48%. For these States, the average sentence was 72 months and average time served was 44 months, or 61% of the imposed sentence.

Average Just under 30% of releasees were in States that had approximately the national ratio of time served to sentence with average sentences of 102 months and time served of 47 months, or 46% of the sentence.

Below average The remaining 30% of releasees were in States that provided release records in which the percent of sentence served fell at least 10% (5 percentage points) below the national average with sentences averaging 125 months and time served of 42 months. Discharged violent offenders in these States had served 34% of the sentence they had received.

States with a percent of sentence served —	Prison releases		
	Average sentence	Average time served	Percent of sentence served
Above average	72 months	44 months	61%
Average	102	47	46
Below average	125	42	34

These data indicate that all three groupings of States had similar time served among violent offenders released from prison regardless of the sentence received or the percentage of sentence served. In other words, States have a much greater consensus on the duration of incarceration for violent crime than could be inferred from simply examining the sentences imposed or the percentage of sentence served.

Sources of data

In 1992, 38 States and the District of Columbia participated in the National Corrections Reporting Program, covering 93% of State prison admissions nationwide (431,000 records) and 86% of State prison releases (348,000 records). While the length of the sentence received was gathered for both groups of prisoners, time served (including jail credits) was only obtainable for those released from prison. For those admitted to prisons in 1992, States provided a prediction of the expected minimum time to be served.

In 1991 BJS conducted a representative sample survey of State prisoners and obtained estimates from prisoners of the likely time to be served. Approximately 14,000 inmate interviews were conducted in 45 States.

The categorization of violent offenses is the same for both the NCRP and the survey of State prisoners. Beginning in 1982, a three-digit offense coding system was devised by BJS, in consultation with State departments of corrections, to provide a uniform approach. A user's guide provided to the States indicated how BJS categorized particular offenses.

NCRP datasets, available for public use through the National Archive of Criminal Justice Data, preserve the original source offense codes as well as the assigned BJS offense codes. BJS has expanded its codes over the years to take into account groups of offenses entering common use and to provide increased detail on other offenses. These revisions have been provided to the participating States.

Most analyses in this report used data on sentence length, jail credits, and time served in prison from published BJS reports. The analysis comparing States on the percent of sentence served used individual-level records supplied by the States. Differences in the methods used may introduce small differences in the estimates.