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Sentencing and Time Served in the District of Columbia Prior to 'Truth-in-Sentencing'

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FINAL REPORT

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The Urban Institute
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William J. Sabol served as Principal Investigator and James P. Lynch as Co-Principal Investigator. Other authors and contributors from The Urban Institute include Avinash Bhati, Mary Shelley, Christine Arriola, Shannon Cavanagh, David Kirk, Kamala Mallik-Kane, Ojmarrah Mitchell, Barbara Parthasarathy, John Roman, Doug Wissoker, and Yan Yuan. Graphics and layout were done by David Williams and O. Jay Arwood.

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The members of the District of Columbia Advisory Commission on Sentencing provided valuable input into this report about the sentencing processes in the District of Columbia. Members include Hon. Frederick H. Weisberg (Chairman); Hon. Harold Brazil; Hon. Harold L. Cushenberry; J. William Erhardt, Esq.; Linda Harllee; Patrick Hyde, Esq.; Ramsey Johnson, Esq.; Robert Rigsby, Esq.; Audrey Rowe; Earl J. Silbert, Esq.; Hon. Mary Gooden Terrell; Charles F. Wellford, Ph.D.; Robert Wilkins, Esq.; Sharon Gervasoni, Esq.; Nola Joyce; Thomas R. Kane, Ph.D.; Gregory Jackson, Esq.; and Kim S. Hunt (Director). Particular thanks to the Hon. Frederick H. Weisberg and Kim S. Hunt, who responded to the draft version of this report with insightful comments about length of stay, and to William Erhardt, who greatly assisted the process of reviewing and improving length of stay data.

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Chapter 1

Background, Scope and Summary of Key Findings of the Report

Introduction

This report provides descriptive information and statistical analysis on felony sentencing practices in the District of Columbia during the period from 1993 to 1998. Data are provided on

- the characteristics of felons sentenced by the District of Columbia Superior Court (DCSC),
- the types, lengths, and variations of sentences imposed,
- the length of stay served in prison by those committed into the DC Department of Corrections (DCDOC),
- parole release decisions, and
- the potential effects of new sentencing practices implemented in response to the National Capital Revitalization and Self-Government Improvement Act of 1997.[1]

The Urban Institute undertook this study under a National Institute of Justice grant #NIJ 98-CE-VX-0006. As part of its effort, the Urban Institute constructed a database of felony case processing in the District during the 1993-1998 period. Data were obtained from several DC criminal justice agencies, including DC Superior Court, the Pretrial Services Agency, the DC Department of Corrections, and the DC Parole Commission. The records of individual defendants were linked across these databases to the extent possible, and an integrated database on felony case processing in the District was created and used in the analysis reported herein.

Structure and Content of Report

Chapter 1 (This chapter) provides the background for this report and summarizes its key findings.

Chapter 2 Describes the characteristics of felony defendants, including socioeconomic characteristics such as age, race, sex, and education, as well as measures of defendants' criminal history.

Chapter 3 Describes the types of sentences, i.e., prison, probation, and others, and lengths of prison terms imposed on felony defendants convicted in D.C. between 1993 and 1998.

Chapter 4 Provides explanations for variations in sentencing outcomes.

Chapter 5 Presents data on length of stay in prison as it relates to the imposed prison sentence and discusses methods of using this quantity to inform sentencing policy.

Chapter 6 Describes and provides data on parole release decisions.

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[1] Title XI of Pub.L. 105-33, 111 Stat. 712 (August 5, 1997), *amended* Pub. L. 105-274, 111 Stat. 2419 (October, 21, 1998). Among other things, this law required that the District replace its sentencing system for selected felony offenses from an indeterminate system of minimum and maximum prison terms with parole release to a determinate system with a single prison term imposed, at least 85% of which the defendant would be required to serve in prison.

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Chapter 7 Contains a fairly detailed discussion of the methodology used to create the database upon which this report is based.

Reasons for This Report

On September 30, 1999, the District of Columbia Advisory Commission on Sentencing (DCACS) released its report to the District of Columbia Council on sentencing practices in the District. The Urban Institute provided the DCACS with the data tables and a large portion of the text that the DCACS used in chapters 3 through 6 of their report.

As reported in the initial chapter of the DCACS report, the background to this report is as follows:[2]

In 1997, the United States Congress enacted the National Capital Revitalization and Self-Government Improvement Act of 1997 (the "Revitalization Act").[3] This legislation set the stage for major changes to the District's criminal justice system. To begin implementation of the new law, the Revitalization Act established the District of Columbia Truth in Sentencing Commission ("TIS Commission"), and directed it to make recommendations to the Council of the District of Columbia for amendments to the District of Columbia Code with respect to the sentences to be imposed for felonies committed on or after August 5, 2000.[4]

Thirty-five felonies were identified in subsection (h) of section 11212 of the Revitalization Act[5] such that any TIS Commission recommendations had to meet the truth-in-sentencing standards of section 20104(a)(1) of the Violent Crime Control and Law Enforcement Act of 1994.[6]

The principal effect of these changes was to convert the District's sentencing system for all subsection (h) felonies from an indeterminate system of minimum and maximum prison terms, with parole, to a

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[2] The following section is quoted from the DCACS report in whole.

[3] P.L. 105-33, 111 Stat. 712 (August 5, 1997), amended P.L. 105-274, 111 Stat. 2419 (October 21, 1998). Among other things, the Revitalization Act mandated the following:

- Transfer of responsibility for housing felony offenders from the District of Columbia Department of Corrections to the Federal Bureau of Prisons.
- Closure of the Lorton Correctional Complex, and the transfer of its felony population to penal or correctional facilities operated or private facilities contracted by the Federal Bureau of Prisons.
- Appointment of a Corrections Trustee, an independent officer of the District of Columbia government, to oversee the financial operations of the DC Department of Corrections until Lorton's felony population is transferred to Federal of Bureau of Prisons control.
- Appointment of a Court Services and Offender Supervision Trustee.
- Transfer from the District of Columbia Board of Parole to the United States Parole Commission the jurisdiction and authority to grant and deny parole, to impose conditions upon an order of parole, and to revoke or modify conditions of parole.
- Abolition of the Board of Parole upon the establishment of the Court Services and Offender Supervision Agency.
- Establishment of the District of Columbia Truth in Sentencing Commission.

Other major provisions of the Revitalization Act dealt with the District's liability for pension benefits, the creation of the National Capital Revitalization Corporation for economic development, and funding the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

[4] 111 Stat. 741, Pub. L. 105-33, § 11212; DC Code § 24-1212(a).

[5] A complete list of subsection (h) offenses is provided in the Appendix.

[6] § 11212(b)(1); DC Code § 24-1212(b)(1).

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determinate system with a single prison term imposed, at least 85% of which the defendant would be required to serve.

The Act required the TIS Commission to make recommendations about sentencing: (1) an offender's sentence reflect the seriousness of the offense committed and the offender's criminal history, and provide for just punishment, adequate deterrence, and appropriate education, vocational training, medical care and other correctional treatment; (2) good time credit be calculated pursuant to section 3624 of title 18 of the United States Code; and (3) an adequate period of supervised release follow release from imprisonment.[7]

The Revitalization Act also provided that the TIS Commission recommendations should maximize the effectiveness of the drug court program in the Superior Court of the District of Columbia ("Superior Court"), and ensure that any changes to sentencing be neutral as to an offender's race, sex, marital status, ethnic origin, religious affiliation, national origin, creed, socio-economic status, and sexual orientation.[8] The TIS Commission had no authority to recommend the death penalty for any offense. Nor could the TIS Commission recommend that an established mandatory minimum sentence be reduced or eliminated[9].

The TIS Commission proceeded from the premise that the Council of the District of Columbia should be the body to decide significant changes to sentencing policy in all areas where Congress did not mandate TIS Commission action. For this reason, the TIS Commission limited its proposed legislation to the absolute minimum necessary to comply with the Revitalization Act, leaving a number of important issues for ultimate resolution by the Council. On February 1, 1998, the TIS Commission submitted its recommendation to the Council of the District of Columbia in the form of proposed legislation. The Council ultimately adopted this proposal, known as the Truth in Sentencing Amendment Act of 1998. In a second submission to the Council, the TIS Commission generally described outstanding issues and recommended the creation of an entity within the District government to serve as an advisory body to assist the Council in addressing these issues. In response, the Council enacted the Advisory Commission on Sentencing Establishment Act of 1998, establishing the Advisory Commission on Sentencing ("Commission") and delineating its role.

The Council's legislative mandate to the Commission was to make recommendations that would:

- Ensure that, for all felonies, the sentence imposed on an offender reflect the seriousness of the offense and the offender's criminal history; provide for just punishment; afford adequate deterrence to any offender; provide the offender with needed educational or vocational training, medical care and other correctional treatment;
- Provide for the use of intermediate sanctions in appropriate cases;
- Conduct an annual review of sentencing data, policies, and practices in the District of Columbia; and
- Make such other recommendations appropriate to enhance the fairness and effectiveness of criminal sentencing policies and practices in the District of Columbia.

The Council directed the Commission to submit two reports. No later than September 30, 1999, the Commission must submit a comprehensive study of criminal sentencing practices in the District of Columbia, specifically addressing the following matters:

- The length of sentences imposed;

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[7] § 12112(b)(2); DC Code § 24-1212(b)(2).

[8] § 12112(d); DC Code § 24-1212(d).

[9] § 12112(c); DC Code § 24-1212(c).

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- The length of sentences served;
- The proportion of offenders released upon their first parole eligibility date; and
- An assessment of the impact on sentence length and sentencing disparities likely to result from the implementation of DC Law 12-165, the Truth in Sentencing Amendment Act of 1998.

No later than April 5, 2000, the Commission must submit a report and recommendations to the Council on the following matters:

- Report on sentencing and release practices in the District of Columbia;
- Recommend whether the new truth-in-sentencing sentencing structure should apply to offenses other than subsection (h) offenses, for which it was mandated;
- Recommend appropriate limits and conditions of supervised release;
- Project the impact, if any, on the size of the District's populations of incarcerated offenders and offenders on supervised release if any Commission recommendation is implemented;
- Recommend an appropriate length of a life sentence in a determinate sentencing scheme for all "life" offenses;
- Assess intermediate sanctions currently available;
- Recommend intermediate sanctions, which may include alternatives to incarceration, that should be made available, estimate the cost of such programs, and recommend rules or principles to guide a judge in imposing intermediate sanctions;
- Recommend whether multiple sentences should run concurrently or consecutively, and what guidance, if any, should be provided to judges in imposing consecutive sentences.

If the Commission recommends a system of sentencing guidelines as part of the April report, any such recommendations shall:

- Specify whether and under what circumstances to impose probation, imprisonment and a fine, and the length or amount of each;
- Provide for the application of intermediate sanctions in appropriate cases;
- Include provisions for appeal rights considered appropriate or constitutionally required.

Any recommendation must take into consideration the impact on existing correctional or offender supervisory resources, and on the size of the correctional or supervised offender population. Further, the Commission must assess the cost of any recommendation.[10]

Summary of Key Findings

Characteristics of sentenced felons

Between 1993 and 1998, judges in DC Superior Court sentenced 17,332 felony defendants. Ninety-five percent of these defendants were black; 91% were men; most were young (46% were under 30 years of age). More than three-fourths (77%) were single at the time that they were sentenced. Two-thirds of defendants had at least one child at the time of sentencing; of those with children, almost two-thirds (64%) did not live with their children; of those not living with their children, 93% were men. Collectively, 9,614 felony

[10] This ends the selection from the DCACS September 30, 1999 report to the DC Council.

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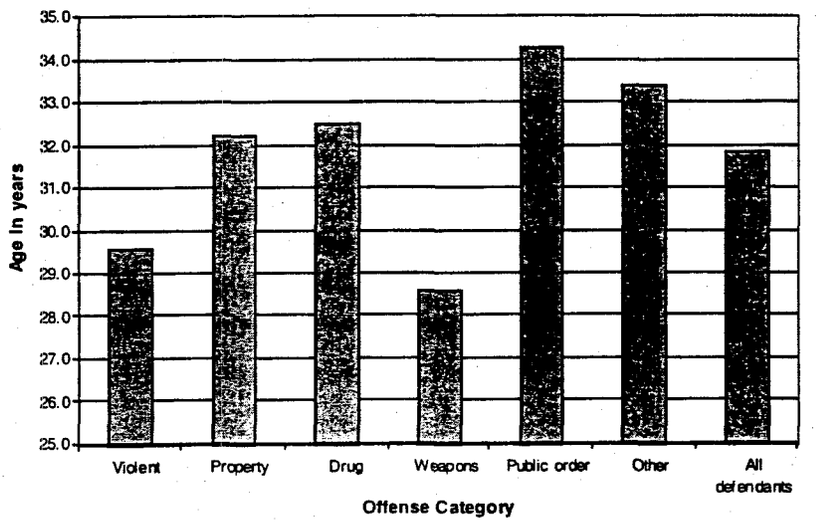
defendants had a total of 21,158 children. More than half (52%) of the defendants sentenced had at least one prior felony conviction. One-third had at least one-prior felony prison commitment.[11]

Figure I. Average age of defendant at sentencing, by major offense category.



A smaller percentage of the defendants sentenced for violent and weapons[12] crimes had a prior criminal history[13] than the defendants convicted of other crimes (Figure II). About 30% of defendants sentenced for homicide offenses had some prior felony convictions; by comparison, 68% of the defendants convicted of burglary had at least one prior felony conviction. Slightly less than half (about 46%) of the defendants convicted of drug offenses had at least one prior felony conviction.

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[11] See Chapter 2.

[12] Weapons offenses in Figure II refer to possession or distribution of weapons. The District of Columbia criminal code also has a charge "possession of a weapon during a dangerous or violent crime." Defendants with this as their most serious charge were classified in the "violent" offense category.

[13] Criminal history in this report was limited to adult criminal, and two measures of criminal history were constructed: (a) the number of prior adult felony convictions, and (b) the number of prior felony prison commitments. These measures were selected based on both the assessment of judges on the DCACS that prior felony convictions and prior prison sentences were among the most important pieces of information about criminal history that they used in making sentencing decisions and upon available data.

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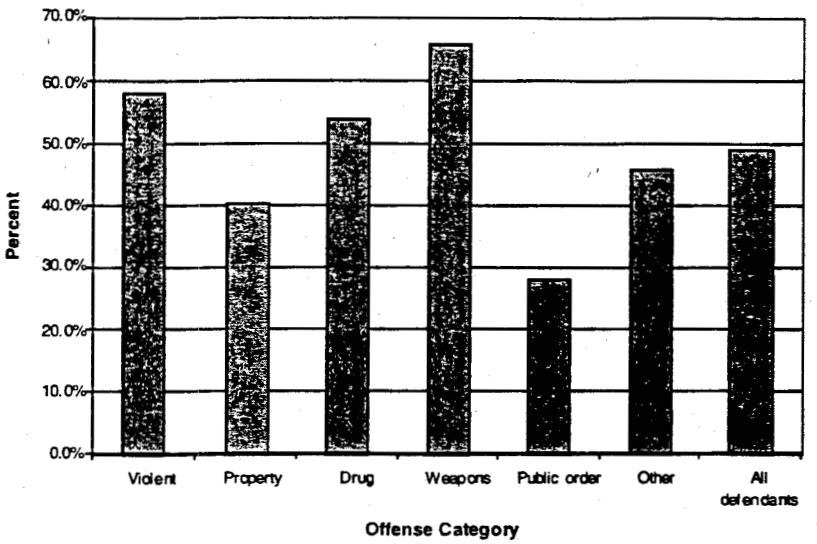
Figure II. Percent of defendants with no prior adult felony convictions, by major offense category.



Distribution of offenses of convicted defendants

Defendants were classified according to the most serious offense of conviction. The most serious offense of conviction for defendants who were sentenced on more than one charge was based upon statutory maximum penalties. Overall, about 70% of defendants were sentenced on one charge, but almost half (47%) of the defendants convicted of violent offenses were sentenced for multiple charges.[14]

Seventy-eight percent of the 17,332 felony defendants were sentenced for an offense other than a violent crime. Defendants sentenced for drug offenses comprised the modal, or most commonly sentenced category of offenses, as 39% of defendants were sentenced for drug crimes. Escapes — including prison breach and Bail Reform violations — were the most serious offense for 16% of defendants. The data used in this study do not report on the details of the escapes, but conversations with personnel of the Court Services and Offender Supervision Agency suggest that many of the crimes reported as prison breach occur when offenders leave halfway houses or fail to return from some temporary form of release. Twenty-two percent of defendants were convicted for violent offenses such as murder, manslaughter, sex abuse (rape), and robbery.

[14] See Chapter 3.

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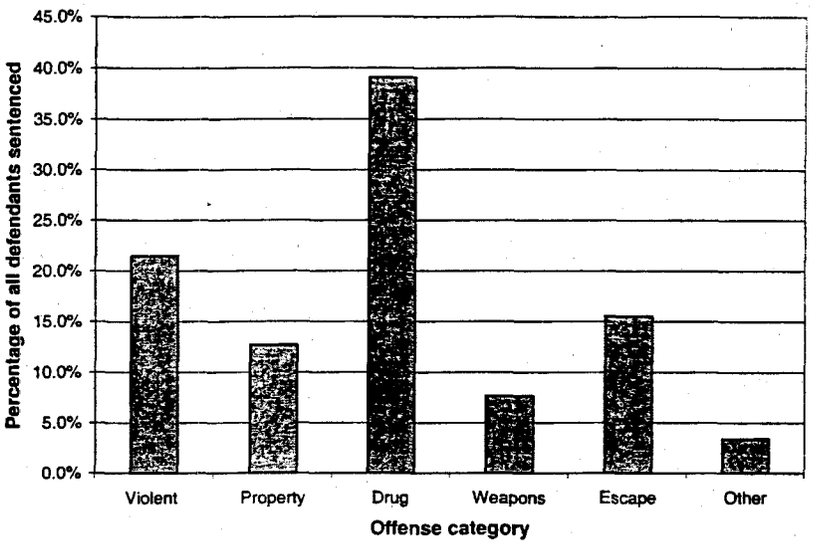
Figure III. Distribution of convicted defendants, by major offense category.



The total number of defendants sentenced decreased from 3,378 in 1993 to its nadir of 2,435 in 1996 before increasing slightly to 2,982 in 1998. As the number of defendants sentenced for drug offenses decreased throughout this period -- drug distribution cases decreased from 1,089 in 1993 to 271 in 1998 (or by 75%), while the number of Possession With Intent to Distribute (PWID) cases decreased from 612 to 570 — the number of defendants convicted of other than drug offenses increased from 1,676 in 1993 to 2,112 in 1998.

Type of sentence imposed

Felony sentences in the District were, during the study period, indeterminate sentences to prison. Probation sentences are used when a confinement is suspended and community supervision is imposed. During the 5 years between 1993 and 1998, some confinement was ordered for 69% of convicted felony defendants. A larger percentage of the defendants convicted of violent offenses were sentenced to prison (about 84%) than property (71%) or drug (58%) defendants.[15]

The percentage of defendants sentenced to some confinement increased from 67% in 1993 to 73% in 1996 before declining to 65% in 1998. For some types of defendants – such as those convicted of burglary – the use of prison generally declined throughout the period. For other types of defendants – such as those convicted of robbery and drug distribution – the trend in the use of imprisonment was similar to the overall trend; that is, it increased between 1993 and 1996 before decreasing in 1998.

There were 622 defendants that received a maximum sentence of life. Of these, 609 were convicted of a violent offense such as homicide. About 81% of persons convicted of murder (1st or 2nd degree) received a maximum sentence of life.

A variety of factors may be associated with the decision to imprison. Some factors, such as the severity of the offense and a defendant's criminal history, are considered to be the factors that should determine the severity of punishment. For example, the Revitalization Act required of the DC TIS Commission that its

[15] See Chapter 3.

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recommendations to the Council of the District of Columbia reflect the seriousness of the offense and the criminal history of the offender.[16] Further, the Council legislatively mandated that to the DCACS make recommendations to ensure that the sentence imposed reflect the seriousness of the offense and the offender's criminal history.[17] Other factors, such as a defendant's race or gender, generally are proscribed from entering sentencing decisions.

Logistic regressions were used to estimate the probability or chance that defendant received a confinement sentence. Factors used to predict the sentencing decision included the type of offense, the severity of the offense (such as whether it was committed while armed or whether it was an attempt), case processing outcomes (such as the number of charges of conviction), criminal history, the sentencing judge, and the personal characteristics of defendants (such as age, race, and gender). Descriptors of personal attributes were included because of the DC Council's interest in sentencing disparities that are likely to result from the implementation of the truth-in-sentencing reforms.[18]

The seriousness of the offense of conviction and prior criminal history had the largest impact on the decision to sentence a defendant to confinement. Across four different model specifications, the same five variables were the most important predictors of the decision to imprison. Four of these measured either the severity of the offense or criminal history (whether a defendant was convicted of a homicide charge, the number of prior felony convictions, the number of charges sentenced in the current case, and the number of prior prison admissions); the fifth related to case processing variable, (whether a defendant was convicted at trial or by plea).

There was an independent effect of the sentencing judge on the decision to imprison. Sentencing judges were grouped into 12 categories based on the length of sentences imposed. All but one of these "judge category" variables were statistically significant in the models. Some of the judge category variables had relatively large effects on the decision to imprison while others had comparatively smaller effects.

Older defendants were less likely to receive a prison sentence than younger defendants, controlling for the effects of other variables in the model. Female defendants were less likely than their male counterparts to be imprisoned. Finally, black defendants were more likely than whites to receive a prison term.

The effect of criminal history was comparatively large, and each additional prior felony conviction increased the probability of imprisonment by more than 5 percent. Defendants with both a prior felony conviction and a prior prison sentence were 12% more likely to go to prison than those with neither.

A 30-year old had an estimated 5% lower chance of receiving a prison term than did a 20 year old Women faced an 11% lower chance of imprisonment than men (64% vs. 75%). And blacks had an 8% higher chance of imprisonment than non-blacks.

Lengths of sentences imposed

For the 11,881 defendants that received some confinement, the average minimum confinement term imposed was 51 months. Violent offenders received an average minimum term of 131 months (including the violent offenders who received life as a maximum sentence); this was four times the minimum imposed on drug offenders (32 months) and more than five times that imposed on property offenders (25 months).

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[16] 111 Stat. 741, Pub. L. 105-33, § 11212; DC Code § 24-1212(a).

[17] Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (DC Law 12-167; DC Code § 2-4201).

[18] See Chapter 4.

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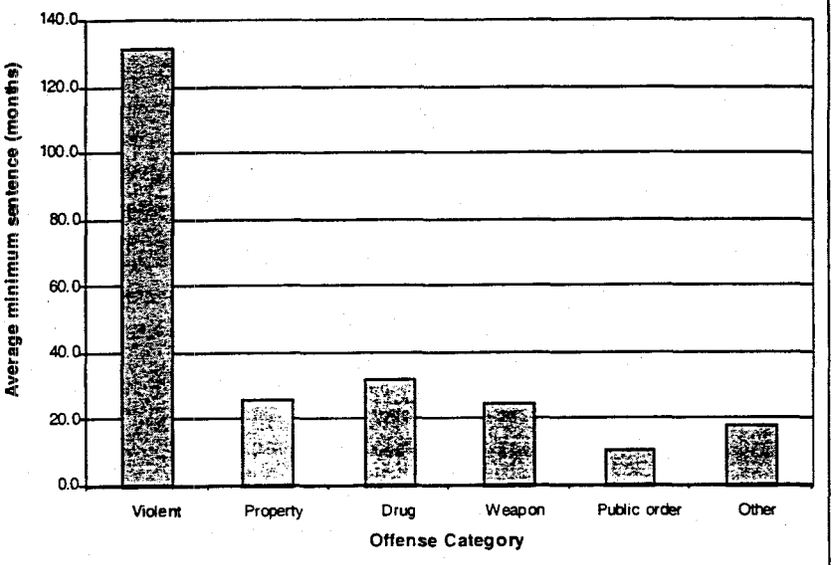
For violent offenders convicted of murder, the mean of the minimum confinement period imposed was more than 550 months for first degree murder and more than 210 months for second degree murder.[19]

Between 1993 and 1998, the mean length of minimum confinement imposed generally decreased. However, for most offense categories, the length of confinement increased between 1993 and 1995 before declining. For example, the mean minimum imposed on violent offenders increased from 124 months in 1993 to 146 months in 1995 before decreasing to 119 months in 1998. Drug defendants, who received a mean minimum sentence of 30 months in 1993 and 1994, saw their mean minimum confinement period increase to 47 months in 1995 before decreasing to 23 months in 1998.

The distributions of minimum sentences imposed on incarcerated defendants exhibited skew.[20] Half of all defendants convicted of violent offenses received minimum confinement terms of 60 or fewer months, but the mean sentence imposed on violent offenders was 131 months, or more than twice the median. Twenty-five percent of violent offenders received sentences of more than 144 months. Within other offense categories, the distribution of sentences imposed followed a similar pattern. For defendants convicted of drug offenses, the skew was least severe among all five major offense categories.

Figure IV. Average months of minimum sentence imposed, by major offense category.



Of concern is whether the variability in sentences is related to the personal attributes of defendants, such as their age, race, gender, marital status, or other factors that generally are proscribed from entering into sentencing decisions. To explain the variation in sentences imposed, the number of months of (minimum) confinement imposed were estimated as a function of a set of explanatory factors. These variables included measures of the severity of offense (such as the number of charges, whether the offense was committed

[19] See Chapter 3.

[20] Skew is a statistical concept that refers to the shape of the distribution. Essentially, it means that the distribution has long tail or is characterized by a comparatively few (many) cases that have comparatively large (small) values.

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while armed, and the offense category), criminal history, case processing variables (such as mode of conviction and year of conviction), the sentencing judge, and the personal characteristics of defendants.[21]

The factors described above explained 60% of the variation in sentences. A single measure, the number of charges sentenced, explains the 43% of the variation in the length of sentence imposed. Conviction for a homicide offense explains 9%. The remaining variables combined explain the remaining 9% of the explained variation in sentence lengths. Criminal history, number of prior felony convictions and incarcerators, which was important in predicting whether a defendant was sentenced to prison, explained less than 1% of the variation in sentence lengths. However, criminal history was more important in explaining variation in sentences imposed for defendants convicted of violent offenses than it was in explaining variation in sentences imposed for defendants convicted of non-violent offenses.

Personal attributes such as age, race, and gender, which also were important in predicting whether a defendants was sentenced to prison, were not significant predictors of the length of sentence imposed. Using this limited set of variables that should not factor into the sentencing decision, there appear to be no disparities in the length of sentence imposed.

In the analysis conducted and described above, inter-judge disparity in sentencing was statistically eliminated by including judge category codes that were based on the clustering of sentences imposed by judges. However, to further investigate the impact of the "judge" in explaining variation in sentences imposed, analysis of variance methods were employed. Overall, the "judge-effect" significantly increased the variation explained by the model. That is, in addition to knowing defendant and case characteristics, knowing who the judge was significantly increased the predictive accuracy of the model.[22]

Proportion of Imposed Sentence Served in Prison

Almost half (44%) of all offenders committed into prison between 1993 and 1998 were still in prison at the end of 1998. The proportion "still in" prison varied among offense categories: 94% of homicide offenders were still in, while 25% of drug distribution offenders were. This "censoring" of the data on time served led to the use of several alternate measures of the proportion of sentence served in prison.[23]

Data on time served for the most serious violent offenders – such as those committed into prison for murder, assault with intent to kill, carjacking, kidnapping, and several sex offenses – were severely limited. Relatively few serious violent offenders were sentenced to minimum confinement periods of fewer than 48 or 60 months, lengths that would have allowed them to be released from prison during the study period. Those serious violent offenders that were sentenced to these shorter sentences were not representative of the majority of serious violent offenders who were committed into prison during this period. On the other hand, data on time served for offenders sentenced to shorter terms, up to about 5 years, can be used with more confidence to measure actual time served in prison and to support estimation of time served for censored cases.

Hence, data and estimates of time served for offenses such as robbery, burglary, assault, weapons, drug distribution, possession with intent to distribute, unauthorized use of a motor vehicle, forgery, fraud, larceny, and the remaining property offenses were measured with a greater degree of reliability. These offenses constitute about 80% of the commitments into the DC-DOC in the study period.

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[21] See Chapter 4.

[22] See Chapter 4.

[23] Censoring refers to the termination of the study period prior to the release of some offender thereby rendering their computed time served (from conviction to the end of the study period) a biased estimate of true time served. See Chapter 4.

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The actual and, for censored cases, estimated proportion of the minimum confinement term served in prison suggest that the majority of offenders served time in excess of the minimum confinement term. Across several samples of commitments (e.g., all commitments between 1993 and 1998; commitments on a single felony between 1993 and 1998; all commitments between 1995 and 1998 (to control for the change in sentencing rules); and commitments on a single felony between 1995 and 1998) more than half, and in some cases about 75% of commitments either served or were estimated to serve more than the minimum confinement period before their release from prison. Although the proportion of sentence served varied somewhat among offense categories, it was only among the most serious violent offense categories that the median proportion of sentence served was less than 100 percent. The estimates for the most serious violent offenses, however, were the least reliable estimates given the censoring problem identified above.

For offenders committed into prison after June 1994, 75% were estimated to serve more than the minimum term. Similarly, for offenders committed to prison on a single felony charge, over 75% were estimated to serve more than the minimum confinement term. Proportion of minimum sentence served varied across offense categories, but for the offense categories with less censoring, the actuals and estimates generally show larger proportions of offenders serving more than the minimum term imposed than for those categories where data were more limited.

The analysis of data on the proportion of sentence served suggest that if sentences imposed under the new determinate system are about equal to the minimum confinement terms currently imposed, time served in prison under the new system will probably decrease for most offense categories.[24] The amount by which time served would be estimated to decrease under this scenario is given by the range expressed by two ratios: (1) 0.85 ÷ proportion served under the old system, and (2) 1.00 ÷ proportion served under the old system. This also means that in order to keep time served under the new system at about the same as that under the existing system, sentences imposed (for similarly situated defendants) would generally have to increase above the currently imposed minimum confinement periods.

Parole Release Decisions

The Board of Parole decided on 9,998 initial considerations during the period under study (1993-1998). Of these, 40.3% resulted in a decision to grant parole at the eligibility date and 52% resulted in denials. 61.4% of reconsiderations resulted in grants. The Board decided to rescind about 40% of previously approved grants that were considered for work release or institutional violations. About 70% of alleged institutional violations resulted in a confirmation of the parole grant (with or without amended conditions of release).

Violent offenders, such as those sentenced for homicide and sex-related offenses, served the longest estimated times before being released on parole while those sentenced on fraud and forgery spent the shortest estimated times in prison prior to release to parole.

Between 1993 and 1998, the estimated time served before release on parole rose for all offense types. Estimated time served in prison after the final parole eligibility date rose for all offenders between 1993 and 1995. From 1996 to 1998, however, it dropped for most offenders with the exception of violent offenders. For offenders charged with violent offenses, time served beyond the final parole eligibility date also rose sharply between 1993 and 1998. At the same time, the aggregated maximum sentences offenders were serving prison terms for were also rising between 1993 and 1998. Therefore, the rise in time served by offenders before a release onto parole may be attributable to rising longer sentences as well as longer stays in prison after the final parole eligibility dates.

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[24] This generalization does not apply to the most serious violent offenses, such as first degree murder, because of the data limitations mentioned previously. First degree murderers can expect to serve the 30-year mandatory minimum sentence.

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Chapter 2

Demographic Characteristics of Felony Defendants Sentenced in D.C. Superior Court

Introduction

This chapter describes the personal characteristics of the 17,332 defendants sentenced on felony charges between 1993 and 1998. We have analyzed three types of personal information. The next section provides basic demographic information about the offender population such as age, race, and sex. The final section describes other personal characteristics of the defendant. These include data on offenders' familial ties (e.g., marriage and children) as well as information on offenders' socioeconomic status (e.g., education and employment). Section IV presents information on offenders' criminal history, including the number and types of prior convictions.

Key findings

The average age of the 17,332 felony defendants was about 32 years; the average age for persons convicted of homicide was 26 years. Most defendants (90%) were men, and although men comprised the vast majority of defendants within each offense category, the offense distributions of men and women differed. Drug offenses were the predominant offenses for which both men and women were sentenced, but a higher proportion of women were sentenced for drug distribution (32%) than men (17%). Most defendants (95%) were black. A higher percentage of whites were convicted of assault (12.5%) and weapons offenses (10.4%) than blacks (6.8% and 7.1%, respectively), while a higher percentage of blacks were convicted of drug distribution and possession with intent to distribute (21% and 19%) as compared to whites (13% and 12%).

Defendants had an average of 11.2 years of education. Nearly half (47%) did not complete high school. Most defendants (89%) were unmarried. This was true for both females and males. Still, two-thirds of the defendants sentenced had children, and one-quarter lived with their children. The defendants who were parents had, on average, about 2 children. A greater proportion of women than men had children (79% versus 65%) and among the defendants with children, women lived with their children more often than men (61% versus 32%). Though there was some variation, these basic patterns held true across major offense types.

One-half of defendants had at least one prior felony conviction, and one-third had a prior prison commitment. The extent of defendant criminal history varied considerably by offense category. Public order and property offenders had the most extensive criminal history while violent and weapons offenders had the least. Drug offenders fell in the middle, with 46% having at least one prior felony conviction; in most of these cases, at least one of the prior offenses was a felony drug charge. About one quarter (24%) of the drug offenders sentenced had a prior felony drug conviction; the truth-in-sentencing provisions of the Revitalization Act are potentially applicable to these offenders.

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Figure 2.1. Age distribution of felony defendants sentenced between 1993-1998, by age category

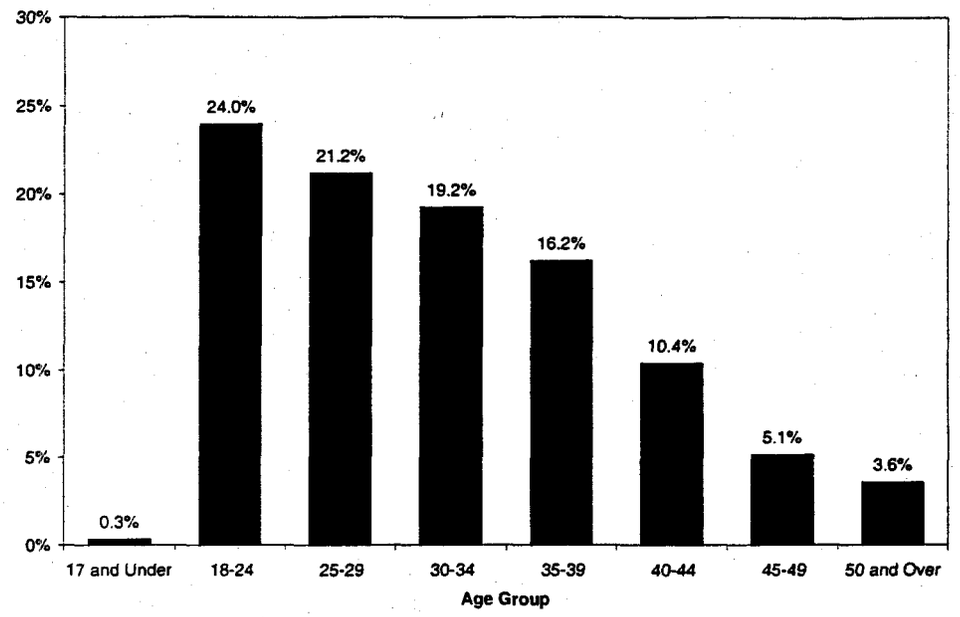
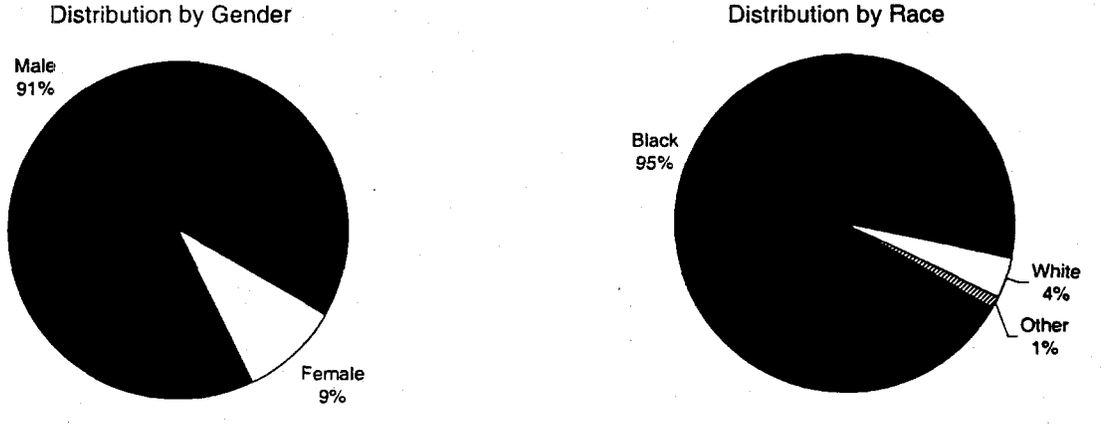


Figure 2.2. Demographic characteristics of sentenced felony defendants, 1993-1998



There are other personal characteristics of interest that could not be analyzed. Employment data could not be analyzed and information on criminal justice status at the time of the offense was not readily available. Also, data on drug use were incomplete; the Urban Institute only had data available on the small proportion of offenders who were diverted to drug court. It is our understanding that voluntary drug testing is offered to all defendants and that the Pretrial Services Agency (PSA) maintains data on the drug test results of all defendants who either test voluntarily or as the result of a court order. Results of subsequent weekly monitoring tests are also available. The utility of these data will be further evaluated. If it is feasible to use these data, analyses of defendants' drug use will be included in future reports.

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Demographics

Age

Overview. The average age of sentenced felons was 31.8 years (table 2.1). The median age 31, indicates that half of the defendants sentenced were 31 and younger, and the 25th percentile indicates that a quarter of the defendants sentenced were 25 and younger. Figure 2.1 shows how the age distribution peaks in the 18-24 category and gradually declines as defendants get older.

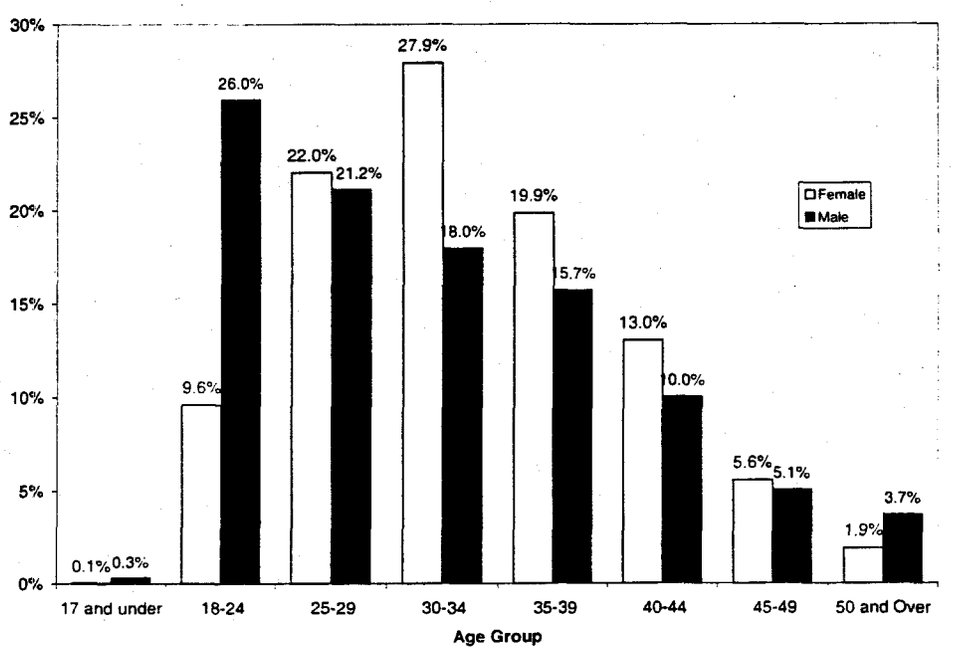
Table 2.1. Age of defendants sentenced between 1993-1998, by sentencing year

Sentencing year	Number of defendants	Mean	Standard deviation	25th %tile	Median	75th %tile	95th %tile	Mode
1993	3,378	31.2	8.5	25	30	37	46	26
1994	3,286	31.7	8.5	25	30	37	47	23
1995	2,571	32.0	8.9	25	31	38	47	23
1996	2,435	32.0	9.0	25	31	38	48	27
1997	2,680	32.1	9.2	25	31	38	48	25
1998	2,982	32.3	9.4	24	31	38	49	23
Total	**17,332**	**31.8**	**8.9**	**25**	**31**	**37**	**48**	**23**

Note: Data on age were missing from 87 records.

Trends by other demographics. The age distribution was not uniform across all demographic subgroups in the population. Figure 2.3 shows that male defendants tended to be younger than females. For men, the age distribution peaks in the 18 to 24 group and declines steadily thereafter; 26% of male defendants were under age 25. However, the age distribution for women does not peak until the 30 to 34 age group; 28% of female defendants are in this group. The overall age distribution presented in Figure 2.1 strongly reflects the trend among males because males formed the vast majority of the defendent population.

Figure 2.3. Age distribution of defendants sentenced between 1993-1998, by gender



This figure was based on data in table 2.A4 in the Chapter 2 Appendix.

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Trends over time. The age distribution of this population remained fairly stable during the 1993 to 1998 study period; most indicators of the age distribution stayed about the same over the five-year period (see Table 2.1). The average age ranged from 31.2 to 32.2 years. The median age ranged from 30 to 31 years. Similarly, age at the 25th and 75th percentiles did not vary by more than one year. However, there was some variation at the 95th percentile, with age increasing from 46 to 49 years. This means that although the overall age structure of the population was stable, the older end of the spectrum seemed to be getting older from 1993 to 1998.

Trends by offense type. There was considerable variation in the age of defendants when they were classified into the types of offenses for which they were convicted. In general, offenders convicted of violent and weapons crimes tended to be on the younger end of the age spectrum (median ages 28 and 26 years, respectively) whereas public order offenders were among the older defendants, with a median age of 34. Drug offenders fell in the middle of the spectrum, with a median age of 31. (see Table 2.2).

Table 2.2. Age of felony defendants sentenced between 1993-1998, by major offense category

Major offense category	Number of records	Mean	Standard deviation	25th %tile	Median	75th %tile	95th %tile	Mode
Violent	3,724	29.5	8.9	23	28	35	46	23
Property	2,204	32.2	8.1	26	32	38	46	30
Drug	6,770	32.5	9.2	25	31	38	49	23
Weapons	1,327	28.6	8.9	23	26	32	47	23
Public order	2,887	34.3	7.9	29	34	39	48	35
Other	420	33.4	9.1	26	33	39	47	24
Total	**17,332**	**31.8**	**8.9**	**25**	**31**	**37**	**48**	**23**

Note: Data on age were missing from 87 records.
For data on age of defendants at the offense category level, see table 2.A1 in the Chapter 2 Appendix.

As a group, violent and weapons offenders were the youngest. One-quarter of violent offenders and one quarter of weapons offenders were age 23 or under. Homicide defendants were among the youngest in this population; the average age was 26, but 50% were age 23 or younger and 75% were under 30 years of age (see Appendix, Table 2.A1). Table 2.3 shows how involvement in violent and weapons crimes decreased with age. Thirty-three percent of violent offenders and 41% of weapons offenders were between the ages of 18 and 24, but in the 30 to 34 group, these proportions fell off to 18% and 13%, respectively.

Table 2.3. Age distribution for each major offense category, for felony defendants sentenced between 1993-1998, by age category

	Violent		Property		Drug		Weapons		Public order		Other	
Age category	Number	Age distribution	Number	Age distribution	Number	Age distribution	Number	Age distribution	Number	Age distribution	Number	Age distribution
17 and under	46	1.2%	2	0.1%	3	0.0%	3	0.2%	0	0.0%	1	0.2%
18-24	1,253	33.8%	444	20.3%	1,517	22.5%	541	41.0%	302	10.6%	75	18.2%
25-29	799	21.5%	402	18.3%	1,481	21.9%	344	26.0%	551	19.3%	75	18.2%
30-34	680	18.3%	483	22.0%	1,232	18.2%	176	13.3%	660	23.1%	86	20.9%
35-39	460	12.4%	444	20.3%	1,056	15.6%	102	7.7%	658	23.0%	75	18.2%
40-44	243	6.6%	277	12.6%	751	11.1%	65	4.9%	395	13.8%	60	14.6%
45-49	124	3.3%	96	4.4%	408	6.0%	41	3.1%	194	6.8%	23	5.6%
50 and over	103	2.8%	44	2.0%	306	4.5%	49	3.7%	99	3.5%	16	3.9%
Total	**3,724**		**2,204**		**6,770**		**1,327**		**2,887**		**420**	

Note: Sum of age groups does not match to total because data on age were missing for 87 defendants.

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Defendants with felony drug charges fell in the middle of the age spectrum. The average age for offenders found guilty of distribution or possession with intent to distribute was about 32. Defendants with other felony drug charges (e.g., violation of a drug-free zone) were slightly older, with an average age of 34 (see Appendix, Table A2-1). As Table 2.3 shows, the distribution of drug offenses stayed somewhat stable through ages 18 to 34, then began to drop off in the older age groups. Public order defendants were the oldest, peaking between the ages of 30 and 39.

Gender

Overview. Between 1993 and 1998, there were 17,332 defendants sentenced on felony charges. As Figure 2.2 shows, the vast majority (91%) of defendants were male. Females comprised only 9% of the defendants sentenced during this period.

Table 2.4. Gender distribution of felony defendants sentenced between 1993-1998, by sentencing year

	Defendants	Female		Male	
Sentencing year	sentenced	Number	Percent	Number	Percent
1993	3,378	369	11.9%	2,733	88.1%
1994	3,286	278	9.1%	2,789	90.9%
1995	2,571	187	7.7%	2,234	92.3%
1996	2,435	181	7.9%	2,113	92.1%
1997	2,680	201	8.0%	2,324	92.0%
1998	2,982	297	10.6%	2,509	89.4%
Total	**17,332**	**1,513**	**9.3%**	**14,702**	**90.7%**

Note: The number of male and female defendants may not add up to the total number sentenced because 1,117 defendants were missing data on gender.

Trends over time. The pool of defendants was predominantly male during the study period, but there was some fluctuation in the gender distribution across years. Female defendants comprised nearly 12% of the total in 1993. This proportion declined to about 8% in 1995, but rose back to 11% by 1998 (see Table 2.4).

Trends by other demographics. As discussed above and shown in Figure 2.3, male defendants tended to be younger than female defendents. The average age for male defendants was 31.6 years, while female defendants were, on average, about 2 years older. An even greater difference can be seen in the mode, or the most frequent observation. The most commonly occurring age for men was 23; for women, it was 32 (see Table 2.5).

Table 2.5. Age of felony defendants sentenced between 1993-1998, by gender

Gender	Number of records	Mean	Standard deviation	25th %tile	Median	75th %tile	95th %tile	Mode
Female	1,513	33.5	7.4	28	33	38	46	32
Male	14,702	31.6	9.1	24	30	37	48	23
Total	**17,332**	**31.8**	**8.9**	**25**	**31**	**37**	**48**	**23**

Notes: The number of males and females does not sum to the total, as 1,117 records were missing data on gender. An additional 40 records were missing information on age.

Trends by offense type. Men and women also differed by the types of offenses for which they were convicted (see Figure 2.4). Drug crimes constituted the most common offense for both men and women, but a much greater proportion of women (52%) was convicted of a drug crime compared to men (38%). Drug distribution and possession with intent to distribute were the most common crimes for both sexes, but 61% of women with a drug felony were sentenced on distribution compared to 46% of men (see Appendix, Table

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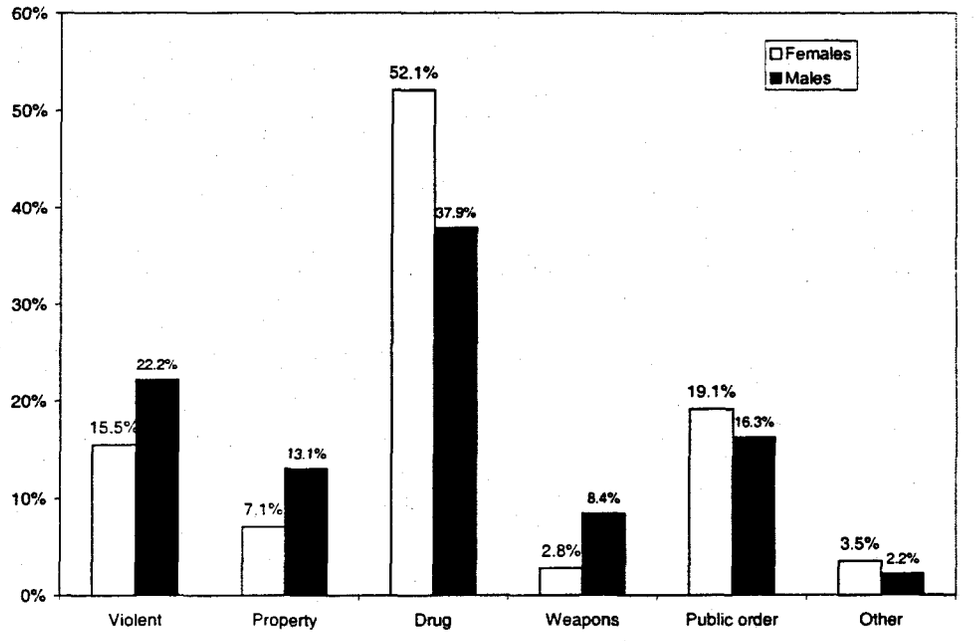
A2-2). Violent offenses were the second most common type of crime for men (22%) but they were less frequent among women (15%). Similarly, weapons convictions were more common among men (8%) than women (3%).

Figure 2.4. Offense distribution of felony defendants sentenced between 1993-1998, by gender



This figure was based on data in table 2.A2 in the Chapter 2 Appendix.

Race

Overview and trends over time. The population of defendants sentenced between 1993 and 1998 was predominantly (95%) black (see Figure 2.2). White offenders made up about 4% of the total population, and defendants with other racial background comprised the remaining 1%. The racial distribution was very stable across the time period of the study, with black offenders constituting 94 to 96% of the population (see Table 2.6).

Table 2.6. Racial distribution of felony defendants sentenced between 1993-1998, by sentencing year

	Defendants	Black		White		Other	
Sentencing year	sentenced	Number	Percent	Number	Percent	Number	Percent
1993	3,378	2,955	95.7%	84	2.7%	48	1.6%
1994	3,286	2,892	95.1%	109	3.6%	40	1.3%
1995	2,571	2,292	95.2%	81	3.4%	35	1.5%
1996	2,435	2,171	94.8%	84	3.7%	35	1.5%
1997	2,680	2,369	94.0%	128	5.1%	22	0.9%
1998	2,982	2,643	94.6%	138	4.9%	13	0.5%
Total	**17,332**	**15,322**	**94.9%**	**624**	**3.9%**	**193**	**1.2%**

Note: The number of defendants in each race group may not add up to the total number sentenced because 1,193 defendants were missing data on race.

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Trends by other demographics. There were no appreciable differences in age across different racial groups. The mean age for black defendants was 31.8 years, compared to 30.8 for whites and 30.7 for other races (see Table 2.7). The median ages were also close. One-half of the black defendants sentenced were age 31 or under, while half of the white defendants sentenced were age 29 or under.

Table 2.7. Age of felony defendants sentenced between 1993-1998, by race

Race	Number of records	Mean	Standard deviation	25th %tile	Median	75th %tile	95th %tile	Mode
Black	15,322	31.8	8.9	25	31	37	47	23
White	624	30.7	9.1	24	29	36	47	24
Other	193	30.8	10.1	23	28	36	47	23
Total	**17,332**	**31.8**	**8.9**	**25**	**31**	**37**	**48**	**23**

Note: The numbers presented do not add to the total because of missing data.
Race information was missing from 47 records. An additional 40 records did not have data on age.

Trends by offense type. The types of offenses committed were similar for blacks, whites, and other defendants, but the distributions were different. The most frequent offense types were, in order, drug crimes, violent crimes, and public order offenses (Table 2.8). However, there were racial differences in the proportion of defendants involved in each type of crime. Though drug crimes were the most frequent type of conviction for both blacks and non-blacks, a far greater proportion of black defendants (40%) had a drug conviction compared to 29% of non-blacks (see Figure 2.5). A slightly larger proportion of non-blacks were convicted for violent crimes (25% vs. 21% of blacks). Racial differences were minimal for other classes of crimes (see also Appendix, Table 2.A5).

Table 2.8. Major offense sentenced, for felony defendants sentenced between 1993-1998, by race

	Black		White		Other		Total non-black		Total for all races	
Major offense category	Number	Percent distribution	Number	Percent distribution	Number	Percent distribution	Number	Percent distribution	Number	Percent distribution
Violent	3,271	21.4%	155	24.8%	49	25.4%	204	25.0%	3,724	21.5%
Property	1,895	12.4%	106	17.0%	18	9.3%	124	15.2%	2,204	12.7%
Drug	6,102	39.8%	156	25.0%	77	39.9%	233	28.5%	6,770	39.1%
Weapons	1,198	7.8%	68	10.9%	16	8.3%	84	10.3%	1,327	7.7%
Public order	2,529	16.5%	99	15.9%	26	13.5%	125	15.3%	2,887	16.7%
Other	327	2.1%	40	6.4%	7	3.6%	47	5.8%	420	2.4%

Note: The numbers within the table do not sum to the total because 1,193 records were missing data on race.
For data on race of defendants at the offense category level, see table 2.A5 in the Chapter 2 Appendix.

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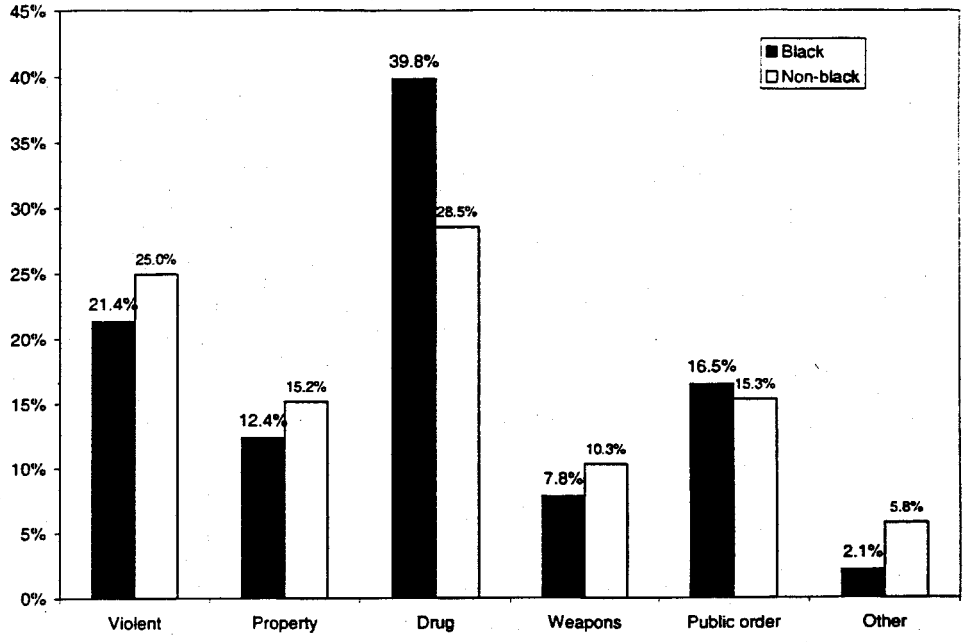
Figure 2.5. Offense distribution by race, for felony defendants sentenced between 1993-1998



Other personal attributes

Marital status

Overview. Over three-quarters (76%) of the defendants sentenced between 1993 and 1998 were single. 12% were married at the time when their case was disposed and another 12% had been married before, but were divorced, separated, or widowed (see Figure 2.6). Therefor, a total of 88% of defendants were unmarried.

Figure 2.6. Marital status of felony defendants sentenced between 1993-1998

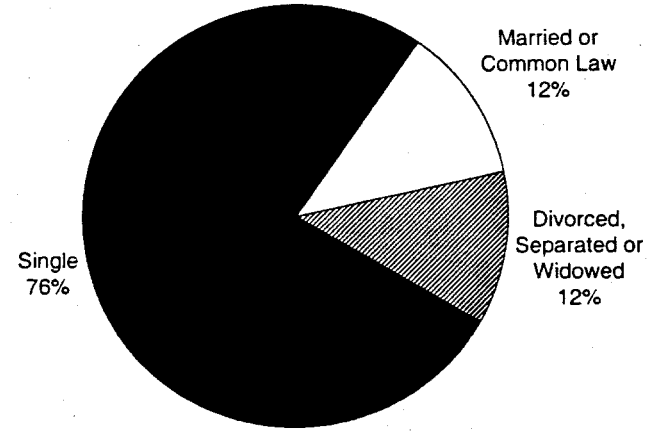


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Table 2.9. Marital status of felony defendants sentenced between 1993-1998, by gender

	Single		Married or Common Law		Divorced, separated, or widowed	
Gender	Number	Percent	Number	Percent	Number	Percent
Female	1,075	78.2%	98	7.1%	201	14.6%
Male	10,257	76.5%	1,655	12.3%	1,502	11.2%

Notes: 2,087 defendant records were missing data on marital status. Another 457 were missing data on gender.

Table 2.10. Marital status of felony defendants sentenced between 1993-1998, by race

	Single		Married or Common Law		Divorced, separated, or widowed	
Race	Number	Percent	Number	Percent	Number	Percent
Black	10,774	77.1%	1,595	11.4%	1,610	11.5%
Non-Black	517	69.8%	148	20.0%	76	10.3%

Notes: 2,087 defendant records were missing data on marital status.
Another 525 were missing information on race.

Trends by other demographics. Table 2.9 shows that 76% of men and 78% of women were single. However, fewer women than men were married at the time when their case was disposed (7% versus 12%). More black defendants (77%) were single than non-black defendants (70%). 20% of non-black defendants were currently married compared to 11% of black defendants (see Table 2.10).

Table 2.11. Marital status of felony defendants sentenced between 1993-1998, by major offense category

	Single		Married or Common Law		Divorced, separated, or widowed	
Major offense category	Number	Percent	Number	Percent	Number	Percent
Violent	2,544	79.5%	364	11.4%	290	9.1%
Property	1,467	75.9%	211	10.9%	255	13.2%
Drug	4,450	79.7%	715	12.8%	719	12.9%
Weapons	957	79.7%	162	13.5%	82	6.8%
Public order	1,996	75.0%	303	11.4%	362	13.6%
Other	258	70.1%	54	14.7%	56	15.2%
Total	11,672	[redacted]	1,809	[redacted]	1,764	[redacted]

Notes: 2,087 defendant records were missing data on marital status.
For data on marital status of defendants at the offense category level, see table 2.A7 in the Chapter 2 Appendix.

Trends by offense. There was slight variation in marital status when comparing different offense types (see Table 2.11). The violent, weapons, and drug categories had the highest proportion of single offenders (80%). Public order and property offenders fell in the middle, with 75 and 76% of the defendants being single, while the "other" offense category had the lowest proportion of single defendants (70%).

Children

Overview. Two-thirds of the defendants sentenced—9,614 individuals—had children and about one-quarter (24%) of all defendants lived with their children (see Figure 2.7). Collectively, defendants had 21,158 children, an average of 2.2 children for those who had children (see Table 2.12). Among the

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defendants with children, the majority (70%) had either one or two children; another 16% had three children. About one-third (36%) of the defendants who had children lived with their children.

Figure 2.7. Defendants with children, for felony defendants sentenced between 1993-1998

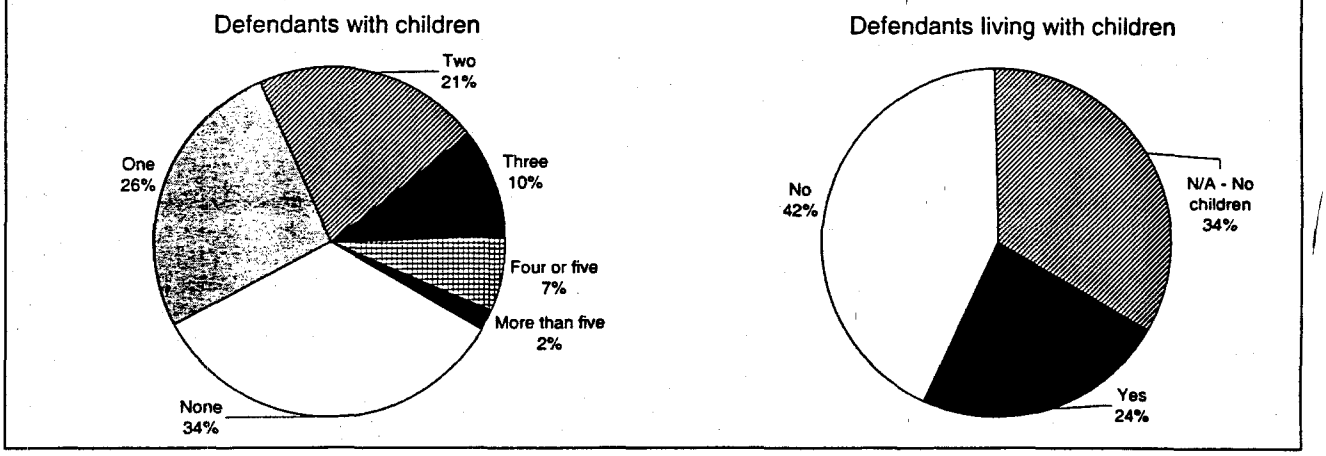

Table 2.12. Number of children of felony defendants sentenced between 1993-1998, by gender

Gender	Number of records	Mean	Standard deviation	25th %tile	Median	75th %tile	95th %tile	Mode
Female	1,085	2.5	1.5	1	2	3	5	2
Male	8,584	2.2	1.5	1	2	3	5	1
Total defendants with children	**9,967**	**2.2**	**1.5**	**1**	**2**	**3**	**5**	**1**

Note: Number of males and females does not sum to total because of missing data.
298 records were missing data on gender

Table 2.13. Defendants with children, for felony defendants sentenced between 1993-1998, by gender

	Female		Male		Total	
	Number	Percent	Number	Percent	Number	Percent
Defendants with no children	282	20.6%	4,627	35.0%	5,062	33.7%
Defendants with children	1,085	79.4%	8,584	65.0%	9,967	66.3%
Total	1,367		13,211		15,029	

Note: Numbers do not add to totals because of missing data.
2,754 records were missing data on gender or on number of children.

Table 2.14. Defendants living with children, for felony defendants sentenced between 1993-1998, by gender

			Have children					
	No children		Total defendants with children		Live with children		Live apart from children	
Gender	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Female	282	20.6%	1,084	79.4%	660	48.3%	424	31.0%
Male	4,627	35.0%	8,575	65.0%	2,783	21.1%	5,792	43.9%
Total	4,909		9,659		3,443		6,216	

Note: 2,764 records were missing data on gender or on dependent children.

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Table 2.15. Defendants living with children, for felony defendants sentenced between 1993-1998, by race

			Have children			
	No children		Live with children		Live apart from children	
Race	Number	Percent	Number	Percent	Number	Percent
Black	4,520	32.8%	3,277	23.8%	5,984	43.4%
Non-Black	381	52.9%	146	20.3%	193	26.8%
Total	4,901		3,423		6,177	

Note: 2,831 records were missing data on race or dependent children.

Trends by other demographics. A greater proportion of female defendants (79%) had children compared to men (65%) and, among defendants who were parents, women had more children than men (see Tables 2.12 and 2.13). On average, women with children had 2.5 while men had 2.1. In addition, a greater proportion of women than men lived with their children (see Table 2.14). Nearly half (48%) of all the women sentenced – including those without children – lived with their children versus 21% of all the men. Analyzing only those defendants who were parents, we observed that 61% of the women lived with their children compared to 32% of the men (see Figure 2.8).

Table 2.16. Defendants with children, for felony defendants sentenced between 1993-1998, by marital status

	Single		Married or Common Law		Divorced, separated, or widowed	
	Number	Percent	Number	Percent	Number	Percent
Defendants with no children	4,662	92.1%	223	4.4%	177	3.5%
Defendants with children	6,806	68.3%	1,579	15.8%	1,582	15.9%
Total	11,468		1,802		1,759	

Note: 2,302 defendant records were missing data on marriage and children.

The proportion of defendants who were parents also differed by race. Table 2.15 shows that 67% of black defendants had children compared to 47% of non-black defendants. However, among defendants with children, a smaller proportion of black defendants (35%) lived with their children than non-black defendants (43%) (see Figure 2.8).

Most (84%) of the defendants with children were unmarried (see Table 2.16). 68% of all defendants with children were single, and another 16% were either divorced, separated, or widowed. Similarly, the majority of defendants who lived with their children were unmarried (69%), with 60% being single and another 9% either divorced, separated or widowed. Unmarried defendants with children constituted 56% of all defendants sentenced, and unmarried defendants living with their children made up 16% of all defendants sentenced (see Table 2.17).

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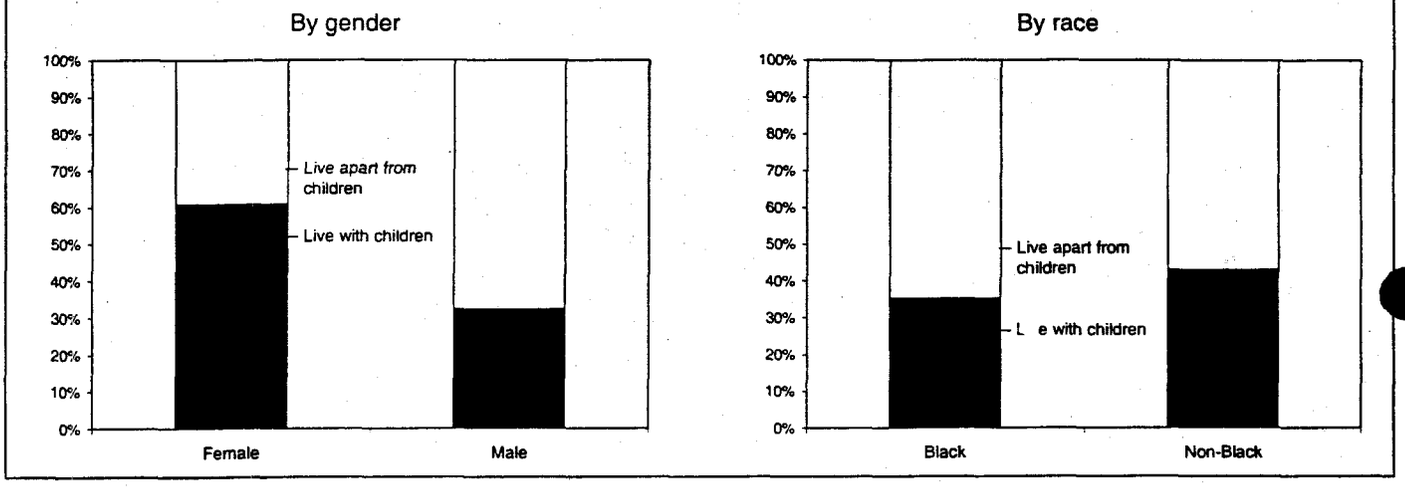
Table 2.17. Defendants with children and living with children, for felony defendants sentenced between 1993-1998, by marital status

Have children?	Live with children?	Marital status	Number	Percent of all defendants	Percent of defendants with children	Percent of defendants living with children
No	n/a	Single	4,662	31.0%	n/a	n/a
No	n/a	Married or Common Law	223	1.5%	n/a	n/a
No	n/a	Divorced, separated, or widowed	177	1.2%	n/a	n/a
Yes	No	Single	4,667	31.1%	46.9%	n/a
Yes	No	Married or Common Law	495	3.3%	5.0%	n/a
Yes	No	Divorced, separated, or widowed	1,256	8.4%	12.6%	n/a
Yes	Yes	Single	2,132	14.2%	21.4%	60.2%
Yes	Yes	Married or Common Law	1,083	7.2%	10.9%	30.6%
Yes	Yes	Divorced, separated, or widowed	324	2.2%	3.3%	9.2%

Figure 2.8. Defendants living with children, for felony defendants sentenced between 1993-1998



Trends by offense. Table 2.18 shows that there was some variation by offense type in the percentage of defendants who were parents. 71% of drug offenders had children; this was the offense category with the highest proportion of parents. The violent offense category had the smallest proportion of defendants with children, 60%. Similarly, 27% of all drug offenders lived with their children, again the category with the highest proportion. 26% of weapons offenders also lived with their children. Again, the violent offense category had the smallest proportion of defendants who lived with their children, 20%.

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Table 2.18. Defendants living with children, for felony defendants sentenced between 1993-1998, by major offense category

			Have children			
	No children		Live with children		Live apart from children	
Major offense category	Number	Percent	Number	Percent	Number	Percent
Violent	1,260	40.0%	635	20.1%	1,257	39.9%
Property	721	37.9%	403	21.2%	779	40.9%
Drug	1,699	29.1%	1,563	26.8%	2,568	44.0%
Weapons	410	34.7%	312	26.4%	461	39.0%
Public order	847	32.7%	549	21.2%	1,197	46.2%
Other	125	34.9%	77	21.5%	156	43.6%
Total	5,062	[redacted]	3,539	[redacted]	6,418	[redacted]

For data on children of defendants at the offense category level, see table 2.A9 in the Chapter 2 Appendix.

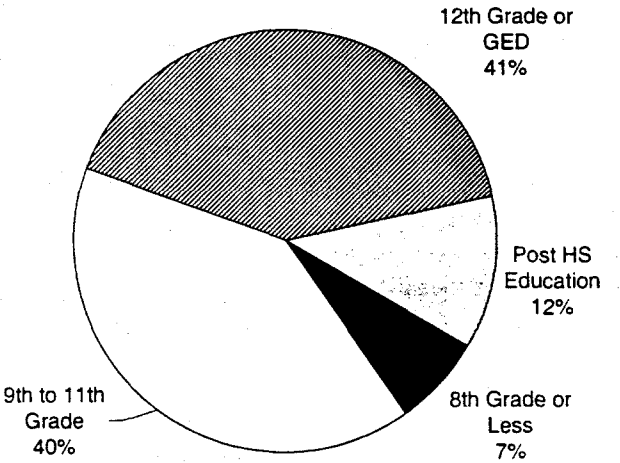
Years of education

Overview. Defendants had an average of 11.2 years of education (see Table 2.19). As shown in Figure 2.9, 41% of defendants graduated from high school or completed a GED and another 12% had some post secondary education. However, nearly half (47%) of the defendants sentenced did not complete high school.

Table 2.19. Years of education of felony defendants sentenced between 1993-1998

Number of defendants	Mean	Standard deviation	25th %tile	Median	75th %tile	95th %tile	Mode
17,332	11.3	4.4	10	12	12	14	12

Figure 2.9. Educational attainment of felony defendants sentenced between 1993-1998



Trends by other demographics. There was little difference in the educational attainment of male and female defendants. Table 2.20 shows that the differences between men and women were within about 3 percentage points.

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Table 2.20. Educational attainment of felony defendants sentenced between 1993-1998, by gender

	8th grade or less		9th to 11th grade		12th grade or GED		Post HS Education	
Gender	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Females	72	5.3%	517	37.7%	607	44.3%	175	12.8%
Males	944	7.1%	5,435	40.7%	5,449	40.8%	1,534	11.5%
Total	1,016		5,952		6,056		1,709	

Note: 2,599 records were missing data on either education or gender.

Trends by offense. There was slight variation in educational attainment between defendents with different offense types. Table 2.21 shows that the average number of years of education ranged from 11.0 for violent offenders to 11.5 for defendants with other offenses. In most of the offense categories, the largest proportion of defendants had completed high school, but 9th to 11th grade was the most common for violent offenders (see Table 2.22). Variation by offense type was greatest at the upper end of the spectrum; 19% of defendants in the other offense category had some post-secondary education compared to about 11% of violent, drug and public-order offenders.

Table 2.21. Years of education of felony defendants sentenced between 1993-1998, by major offense category

Major offense category	Number of defendants	Mean	Standard deviation	25th %tile	Median	75th %tile	95th %tile	Mode
Violent	3,724	11.0	3.5	10	11	12	14	12
Property	2,204	11.5	3.0	11	12	12	15	12
Drug	6,770	11.3	3.8	10	12	12	14	12
Weapons	1,327	11.4	6.0	11	12	12	14	12
Public order	2,887	11.3	6.3	10	12	12	14	12
Other	420	11.5	2.4	11	12	12	14	12

Note: For data on educational attainment of defendants at the offense category level, see table 2.A11 in the Chapter 2 Appendix.

Table 2.22. Educational attainment of felony defendants sentenced between 1993-1998, by major offense category

	8th grade or less		9th to 11th grade		12th grade or GED		Post HS education	
Major offense category	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Violent	266	8.3%	1395	43.8%	1182	37.1%	345	10.8%
Property	120	6.2%	700	36.4%	826	42.9%	278	14.4%
Drug	337	5.7%	2416	41.1%	2503	42.6%	616	10.5%
Weapons	76	6.3%	435	36.3%	531	44.3%	156	13.0%
Public Order	223	8.4%	1065	40.3%	1058	40.1%	295	11.2%
Other	19	5.2%	129	35.2%	148	40.4%	70	19.1%
Total	1,041		6,140		6,248		1,760	

Criminal history of felony defendants, 1993-1998

Definition of prior convictions

For the purposes of this report, a "prior felony conviction" is simply defined as any felony conviction which was sentenced in a preceding calendar year, but was not sentenced more than fifteen years prior to the

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instant offense.[1] Thus, if a person was convicted of multiple separate offenses in the same calendar year, all of these convictions would have the same number of prior convictions. That is, since prior convictions are defined as convictions occurring in a calendar year prior to the instant offense, all convictions occurring in the same calendar year as the instant offense have the same number of prior convictions. (See the Methodology section for a description the criminal history data source utilized in this analysis.)

Similarly, a "prior prison commitment" is defined as any felony conviction that was sentenced in an earlier calendar year than the instant offense, in which a defendant was sentenced to some term of post-sentencing incarceration. However, prior prison commitments occurring before 1978 were not included in this measure.

It is important to note that more detailed analyses of prior convictions could be conducted. Data are available which can disaggregate prior felony convictions by type of offenses (e.g., weapons, violent, etc.). In the interests of timeliness, these analyses have been omitted.

Analysis of defendant criminal history

Of the 17,332 defendants sentenced on felony charges in D.C. Superior Court between 1993 and 1998, criminal history information was located for 17,160 (or 99% of) defendants. During this period, 49.5% of these defendants had no prior felony convictions, another 38.8% had one or two previous felony convictions, and 11.7% had three or more prior felony convictions. Furthermore, 67% of these defendants had no prior prison commitments, 29.4% had one or two prior prison commitments, and 3.6% had three of more prior commitments.

The overall level of defendant criminal history has decreased modestly between the period 1993 to 1998 for both measures of criminal history (see Tables 2.23 to 2.26, and Figure 2.10). In 1993, 49.3% of defendants had no prior felony convictions. This proportion fell 2.1% in 1994 to 47.2%. Since that time, the percentage of defendants with no prior felony convictions has grown steadily at a modest rate; by the end of the period of study 53.4% of defendants had no previous felonies. Similarly, a larger percentage of defendants sentenced in 1998 (72.4%) had no previous prison commitments and a smaller proportion of defendants had three or more prior prison incarcerations (2.8%) than defendants sentenced in 1993 (65.7% and 3.6%, respectively).

Table 2.23. Number of prior felony convictions, for felony defendants sentenced between 1993-1998, by year of disposition

	Number	Total number of felony priors			
Disposition year	sentenced	No priors	1-2	3 or more	Missing
1993	3,378	1,636	1,358	326	58
1994	3,286	1,539	1,298	427	22
1995	2,571	1,207	1,016	321	27
1996	2,435	1,161	973	281	20
1997	2,680	1,378	985	295	22
1998	2,982	1,581	1,020	358	23
Total	**17,332**	**8,502**	**6,650**	**2,008**	**172**

Table 2.24. Percent of prior felony convictions, for felony defendants sentenced between 1993-1998, by year of disposition

	Percent of felony priors		
Disposition year	No priors	1-2	3 or more
1993	49.3%	40.9%	9.8%
1994	47.2%	39.8%	13.1%
1995	47.4%	39.9%	12.6%
1996	48.1%	40.3%	11.6%
1997	51.8%	37.1%	11.1%
1998	53.4%	34.5%	12.1%

[1] However, convictions committed outside of D.C. dating back to 1978 were included in the following analyses. Thus, a few prior felony convictions more than 15 years old are included in the analyses.

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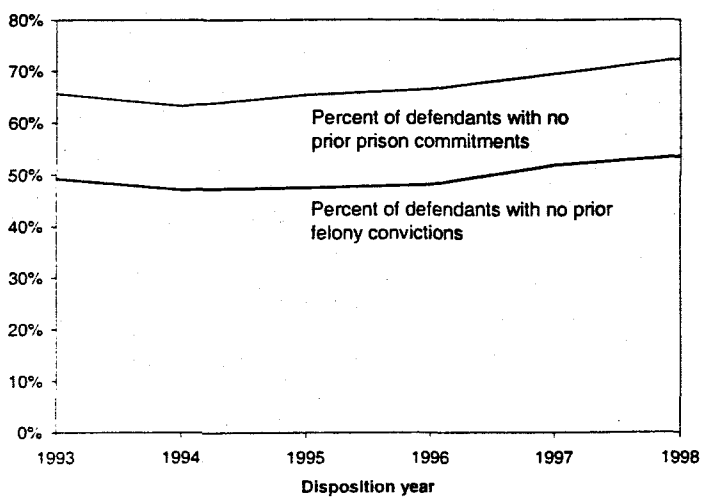
Table 2.25. Number of prior prison commitments, for felony defendants sentenced between 1993-1998, by year of disposition

Disposition year	Number sentenced	Total number of prior prison commitments			
		No priors	1-2	3 or more	Missing
1993	3,378	2,180	1,019	121	58
1994	3,286	2,066	1,040	158	22
1995	2,571	1,663	773	108	27
1996	2,435	1,605	736	74	20
1997	2,680	1,846	741	71	22
1998	2,982	2,141	735	83	23
Total	**17,332**	**11,501**	**5,044**	**615**	**172**

Table 2.26. Percent of prior prison commitments, for felony defendants sentenced between 1993-1998, by year of disposition

Disposition year	Percent of prior prison commitments		
	No priors	1-2	3 or more
1993	65.7%	30.7%	3.6%
1994	63.3%	31.9%	4.8%
1995	65.4%	30.4%	4.3%
1996	66.5%	30.5%	3.1%
1997	69.5%	27.9%	2.7%
1998	72.4%	24.8%	2.8%

Figure 2.10. Percent of felony defendants sentenced between 1993-1998 with no prior felonies and those with no prior prison commitments



A larger percentage of defendants sentenced in 1998 had three or more convictions than those offenders sentenced in 1993. Approximately 10% of defendants sentenced in 1993 had three or more convictions. This figure grew in 1994 to 13.1%, the highest level of prior criminality in the period of analysis. While the proportion of defendants without any prior felony convictions grew steadily after 1994, contemporaneously the proportion of offenders sentenced with three or more prior felonies remained fairly stable, averaging approximately 12% (see Figure 2.11).

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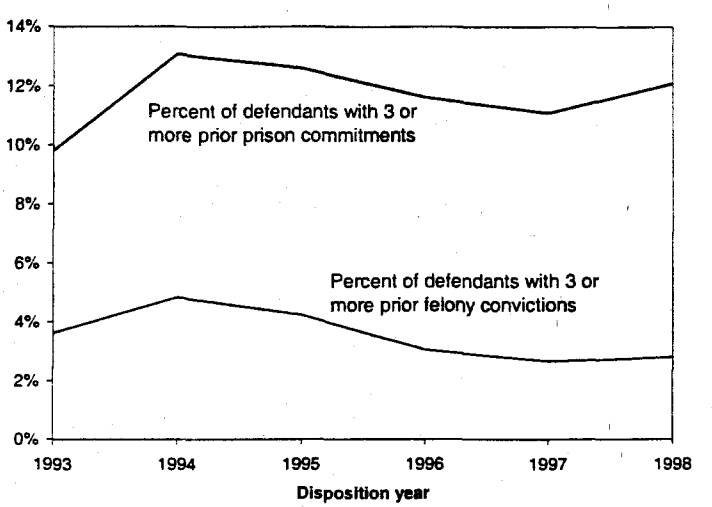
Figure 2.11. Percent of felony defendants sentenced between 1993-1998 with 3 or more prior felonies and those with 3 or more 3 or more prior prison commitments



Level of criminal history by major offense categories

The level of defendant criminal history varied considerably by offense category between 1993 and 1998. Defendants sentenced for public order offenses were most likely to have at least one prior felony conviction (72%) or prior prison commitment (59.4%) (see Tables 2.27 to 2.30, and Figure 2.12). Likewise, public order offenders were also most likely to have three or more prior felonies and most likely to have three or more prison incarcerations. This finding is due to the fact that public order defendants were primarily escapees and bail violators, who, by definition, have been previously involved in some aspect of the criminal justice system.

Table 2.27. Number of prior felony convictions, for felony defendants sentenced between 1993-1998, by major offense category

Major offense category	Number sentenced	Total number of prior felonies			
		No priors	1-2	3 or more	Missing
Violent	3,724	2,127	1,206	324	67
Property	2,204	887	922	379	16
Drug	6,770	3,636	2,505	598	31
Weapons	1,327	866	376	75	10
Public order	2,887	798	1,471	580	38
Other	420	188	170	52	10
Total	17,332	8,502	6,650	2,008	172

Table 2.28. Percent of prior felony convictions, for felony defendants sentenced between 1993-1998, by major offense category

Major offense category	Percent of prior felonies		
	No priors	1-2	3 or more
Violent	58.2%	33.0%	8.9%
Property	40.5%	42.1%	17.3%
Drug	54.0%	37.2%	8.9%
Weapons	65.8%	28.6%	5.7%
Public order	28.0%	51.6%	20.4%
Other	45.9%	41.5%	12.7%

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Table 2.29. Number of prior prison commitments, for felony defendants sentenced between 1993-1998, by major offense category

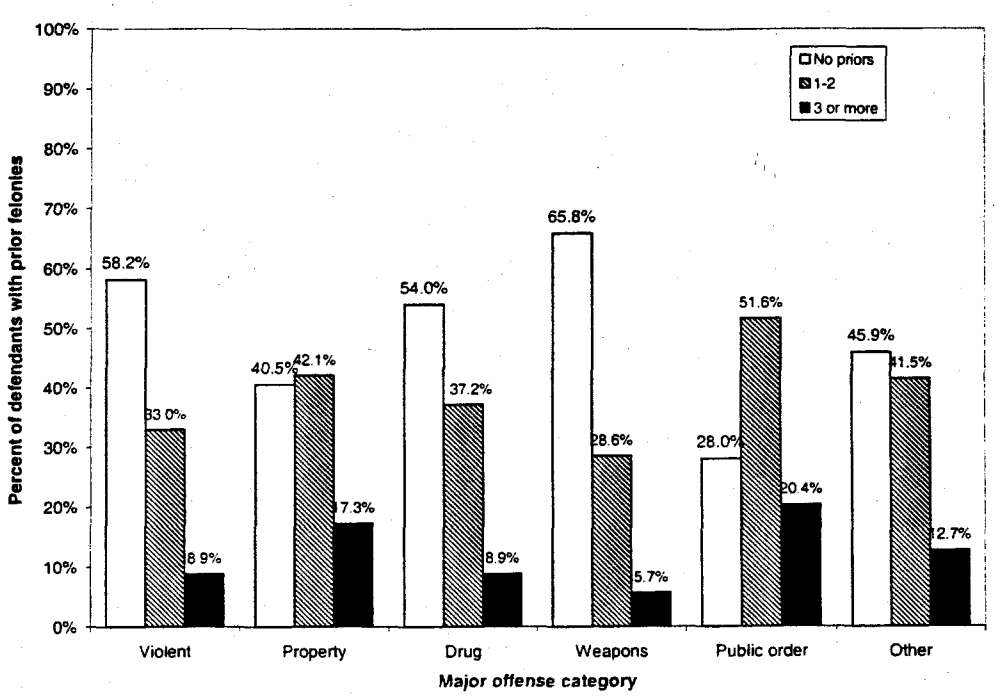
Major offense category	Number sentenced	Total number of prior prison commitments			
		No priors	1-2	3 or more	Missing
Violent	3,724	2,762	809	86	67
Property	2,204	1,457	633	98	16
Drug	6,770	4,785	1,764	190	31
Weapons	1,327	1,097	197	23	10
Public order	2,887	1,156	1,498	195	38
Other	420	244	143	23	10
Total	**17,332**	**11,501**	**5,044**	**615**	**172**

Table 2.30. Percent of prior prison commitments, for felony defendants sentenced between 1993-1998, by major offense category

Major offense category	Percent of prior prison commitments		
	No priors	1-2	3 or more
Other	59.5%	34.9%	5.6%
Property	66.6%	28.9%	4.5%
Weapons	83.3%	15.0%	1.8%
Drug	71.0%	26.2%	2.8%
Violent	75.5%	22.1%	2.4%
Public order	40.6%	52.6%	6.8%

Excluding public order offenders, defendants convicted of property offenses were most likely to have been previously convicted of a felony (59.5%), and 33.4% of these defendants had at least one prior prison commitment. Violent offenders were somewhat less likely than property offenders to have a prior felony conviction (41.8%) or a prior prison incarceration (24.5%). Defendants sentenced for weapons offenses were least likely to have any prior felonies (34.2%) or prison commitments (16.7%).

Figure 2.12. Percent of prior felony convictions, for felony defendants sentenced between 1993-1998, by major offense category



Level of criminal history by offense category

Further disaggregation of the level of defendant criminal history by offense category reveals many of the same trends as the analysis of criminal history at the major offense category level. Defendants convicted of escape, due to the nature of the offense, were most likely to have been previously convicted of a felony (74.9%) and were mostly likely to have been sentenced to term of imprisonment prior to the instant offense (62.2%) (see Tables 2.31 to 2.34). Disregarding offenders convicted of escape, the group of defendants most likely to have been previously convicted of a felony or sentenced to an incarcerative sentence were

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defendants convicted of an assortment of property offenses including burglary, motor vehicle theft, larceny, stolen property, and other property crimes.

Table 2.31. Number of prior felony convictions of felony defendants sentenced between 1993-1998, by offense category

Offense category	Number sentenced	Total number of prior felonies		
		No priors	1-2	3 or more
Homicide	780	526	193	32
Sex—child	132	93	28	3
Sex—abuse	161	96	47	13
Assault with Intent to Kill	96	68	23	3
Assault	964	611	264	63
Kidnapping	34	21	11	1
Robbery	1,490	667	604	201
Carjacking	32	20	8	3
Weapon During Crime	98	69	19	7
Weapon	1,217	782	353	66
Burglary	904	284	445	165
Arson	21	11	9	1
Obstruction of Justice	46	27	16	1
Escape/Bail Reform Act	2,700	670	1,426	572
Drug—distribution	3,291	1,761	1,223	288
Drug—PWID	3,430	1,853	1,263	302
Drug—violation of drug free zone	39	17	15	6
Unauthorized Use of an Automobile	602	282	221	98
Forgery	117	66	34	13
Fraud	23	10	6	2
Larceny	220	91	88	37
Property	167	73	60	31
Stolen Property	181	82	63	32
Other	586	292	217	65
Total	**17,332**	**8,472**	**6,636**	**2,005**

Note: Values do not sum to totals because 218 records were missing data on prior convictions.

Sixty percent of burglars had at least one prior felony conviction, and 41.4% of burglars had received at least one prior incarcerative sentence. Moreover, defendants convicted of burglary were over 60% more likely to have three or more prior felonies (19%) than the overall population of defendants sentenced between 1993 and 1998 (11.7%).

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Table 2.32. Percent of prior felony convictions of felony defendants sentenced between 1993-1998, by offense category

Offense category	Percent of prior felonies		
	No priors	1-2	3 or more
Homicide	70.0%	25.7%	4.3%
Sex—child	75.0%	22.6%	2.4%
Sex—abuse	61.5%	30.1%	8.3%
Assault with Intent to Kill	72.3%	24.5%	3.2%
Assault	65.1%	28.1%	6.7%
Kidnapping	63.6%	33.3%	3.0%
Robbery	45.3%	41.0%	13.7%
Carjacking	64.5%	25.8%	9.7%
Weapon During Crime	72.6%	20.0%	7.4%
Weapon	65.1%	29.4%	5.5%
Burglary	31.8%	49.8%	18.5%
Arson	52.4%	42.9%	4.8%
Obstruction of Justice	61.4%	36.4%	2.3%
Escape/Bail Reform Act	25.1%	53.4%	21.4%
Drug—distribution	53.8%	37.4%	8.8%
Drug—PWID	54.2%	37.0%	8.8%
Drug—violation of drug free zone	44.7%	39.5%	15.8%
Unauthorized Use of an Automobile	46.9%	36.8%	16.3%
Forgery	58.4%	30.1%	11.5%
Fraud	55.6%	33.3%	11.1%
Larceny	42.1%	40.7%	17.1%
Property	44.5%	36.6%	18.9%
Stolen Property	46.3%	35.6%	18.1%
Other	50.9%	37.8%	11.3%
Total	**49.5%**	**38.8%**	**11.7%**

Note: 218 records were missing data on prior felony convictions.

The majority (approximately 55%) of defendants convicted of motor vehicle theft, larceny, stolen property, other property, and drug offenses had been previously convicted of a felony. Of this group of property offenders, roughly 15% had three or more felony convictions.

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Table 2.33. Number of prior prison commitments of felony defendants sentenced between 1993-1998, by offense category

Offense category	Number sentenced	Total number of prior prison commitments		
		No priors	1-2	3 or more
Homicide	780	618	125	8
Sex—child	132	108	14	2
Sex—abuse	161	121	30	5
Assault with Intent to Kill	96	80	14	0
Assault	964	759	158	21
Kidnapping	34	24	8	1
Robbery	1,490	979	444	49
Carjacking	32	26	4	1
Weapon During Crime	98	84	10	1
Weapon	1,217	996	184	21
Burglary	904	533	321	40
Arson	21	15	6	0
Obstruction of Justice	46	36	7	1
Escape/Bail Reform Act	2,700	1,008	1,468	192
Drug—distribution	3,291	2,289	879	104
Drug—PWID	3,430	2,466	868	84
Drug—violation of drug free zone	39	22	15	1
Unauthorized Use of an Automobile	602	445	126	30
Forgery	117	90	21	2
Fraud	23	14	2	2
Larceny	220	140	68	8
Property	167	110	46	8
Stolen Property	181	123	46	8
Other	586	377	172	25
Total	**17,332**	**11,463**	**5,036**	**614**

Note: Values do not sum to totals because 218 records were missing data on prior prison commitments.

Defendants convicted of robbery and carjacking were the groups of violent offenders most likely to have been previously convicted of felony offense. Approximately 54% of defendants convicted of robbery and carjacking were recidivists; roughly 39% of these defendants had one or two prior felony convictions, and an additional 15% of these defendants had three or more prior felonies.

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Table 2.34. Percent of prior prison commitments of felony defendants sentenced between 1993-1998, by offense category

Offense category	Percent of prior prison commitments		
	No priors	1-2	3 or more
Homicide	82.3%	16.6%	1.1%
Sex—child	87.1%	11.3%	1.6%
Sex—abuse	77.6%	19.2%	3.2%
Assault with Intent to Kill	85.1%	14.9%	0.0%
Assault	80.9%	16.8%	2.2%
Kidnapping	72.7%	24.2%	3.0%
Robbery	66.5%	30.2%	3.3%
Carjacking	83.9%	12.9%	3.2%
Weapon During Crime	88.4%	10.5%	1.1%
Weapon	82.9%	15.3%	1.7%
Burglary	59.6%	35.9%	4.5%
Arson	71.4%	28.6%	0.0%
Obstruction of Justice	81.8%	15.9%	2.3%
Escape/Bail Reform Act	37.8%	55.0%	7.2%
Drug—distribution	70.0%	26.9%	3.2%
Drug—PWID	72.1%	25.4%	2.5%
Drug—violation of drug free zone	57.9%	39.5%	2.6%
Unauthorized Use of an Automobile	74.0%	21.0%	5.0%
Forgery	79.6%	18.6%	1.8%
Fraud	77.8%	11.1%	11.1%
Larceny	64.8%	31.5%	3.7%
Property	67.1%	28.0%	4.9%
Stolen Property	69.5%	26.0%	4.5%
Other	65.7%	30.0%	4.4%
Total	**67.0%**	**29.4%**	**3.6%**

Note: 218 records were missing data on prior prison commitments.

Approximately 45% of defendants convicted of distribution of drugs, possession with intent to distribute drugs, arson, and fraud had at least one prior felony conviction. Among this group of defendants, those most likely to have three or more prior felony convictions were offenders convicted of larceny (11.1%) and drug offenders (roughly 9%).

Prior drug convictions of drug offenders

The prior drug convictions of drug offenders were analyzed for the purpose of estimating the number of drug felony offenders that could fall into the subsection h class of drug offenders, as defined by the Revitalization Act of 1997. Subsection h of section 11211 identifies the felonies that are applicable to the truth-in-sentencing provisions of the Act. Drug offenses (D.C. Code, sec. 33-541) are included, but only in the case of a second or subsequent violation.

During the period of study, 24% of defendants with a drug offense as their most serious charge of conviction had at least one prior felony drug conviction. Twenty-three percent of these offenders had one or two prior drug offenses, and 1% had three or more prior felony drug convictions. These rates did not vary substantially by year of disposition (not shown). Overall, 29% of drug offenders had a prior felony conviction for any offense. Thus, 83% of drug offenders with a prior conviction had been convicted of a drug offense.

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Methodological notes for chapter 2

How to read the tables

Two kinds of data tables about defendent characteristics appear throughout this chapter. Some tables show statistics such as means and medians. Another shows the frequencies for certain characteristics; for example, the percent of males versus females sentenced in a given year. Two features apply to all tables. First, the data presented are for felony defendants sentenced between 1993 and 1998. This means that an individual can be counted more than once if he or she was sentenced in more than one case during the study period. Second, statistics have been calculated by excluding defendant records with missing data on the characteristic of interest: as a result, the numbers within tables will not always sum to the total number of records.

Using Table 2.1 (Age of Defendants by Sentencing Year) as an example of the summary statistics, here is a description of how to interpret the different statistics that were generated. Column 1 lists the characteristic of interest – in this case, the year of sentencing. Each row of statistics describes cases sentenced in a particular year. Columns 2-4 describe the number of cases. Column 2 is the total number of cases sentenced in 1993. Column 3 gives the mean, or average, age. The standard deviation in column 4 indicates the amount of variation there is in age. Columns 5 though 8 show age at different percentiles. Looking at column 5, for example, the 25th percentile was 25 in 1993. These means that in 25% of the cases sentenced in 1993, the defendant was aged 25 or less. The median in column 6 represents the 50th percentile. Therefore in 50% of the cases sentenced in 1993, the defendant was aged 30 or younger. The last statistic shown is the mode, in column 9 indicating the most frequently occurring age in a particular sentencing year.

Using Table 2.3 (Age Distribution for Each Major Offense Category) as an example of the frequency tables, one would read that there were 48 defendants aged 17 and under who were sentenced for a violent felony. These 48 offenders represent 1.2% of the violent offenders sentenced between 1993 and 1998. That is, 1.2% of violent offenders were aged 17 and under.

Sources of data on offenders' personal characteristics and criminal history

Data were obtained from the DC Pretrial Services Agency (PSA). This analysis is based on a subset of person-cases from the DC Superior Court files, representing all dockets with at least one felony charge sentenced between 1993 and 1998. Demographic data from PSA were matched to the court data using defendants' Metropolitan Police Department's ID numbers (PDIDs) and their dates of birth. Nearly all (98%) of the person-cases in the court file were matched to PSA data on gender, race, and age. Personal information that changes over time (e.g., marital status, number of children, educational attainment) was also matched to the court data. These data were obtained from PSA, and they were added to the court records if a defendant's personal information had been updated within the two years preceding the case disposition date. 92% of the court records were successfully matched to PSA personal information; most matched either within the same year as the case disposition (50%) or the previous year (24%). Information on defendants' criminal history was obtained from two sources. Records of prior convictions in Washington, D.C. were contained in the DC Superior Court's automated database and text descriptions of prior convictions in other jurisdictions were available in the PSA database. The PSA text descriptions were manually coded and combined into a database with the DC Superior Court data for statistical analysis.

Validation of the criminal history data

Information on the criminal history of defendants is essential for understanding sentencing practices, because a person's prior record is taken into account in sentencing. The problem confronting the research was gathering criminal history data that corresponded to the criminal history information that judges used when sentencing. At sentencing, judges generally receive presentence investigation reports. These are

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prepared by probation officers, and, among other things, contain criminal history information collected both for offenses committed in the District and in other jurisctions. Presentence investigation reports were the logical source of data on criminal history. However, they were available only in hard copy, and they were not stored in a single location. Therefore, collecting data from them would be extremely time consuming and expensive.

The criminal history data that were most readily available for the study came from the Pretrial Services Agency (PSA) database. It contained two types of criminal history: (1) prior sentences in DC Superior Court; and (2) text descriptions of criminal history from jurisdictions outside of the District. The problem was that it was not known if these two sources of data in the PSA database provided criminal history data that was comparable to the information that judges received in presentence investigation reports. If the PSA data on criminal history were comparable to the criminal history reported in presentence investigation reports, then the data collection costs for criminal history data could be reduced dramatically, and it would be feasible to include criminal history information in the study.

The first type of criminal history in the PSA database was automated records of all prior convictions in DC Superior Court for persons who are charged with felonies in the District of Columbia. This information is believed to be complete for records of defendants convicted and sentenced in DC Superior Court after 1978. The data on felony court dispositions are incorporated in the PSA database by a direct download from the DC Superior Court data files.

The second type of criminal history information in the PSA database were text string descriptions of offenses and convictions in other jurisdictions and offenses committed in the District prior to 1978. These text string descriptions appeared in a form that did not permit statistical manipulation. Consequently, if these written records were to be used, a data collection instrument would have to be developed, data from these records would have to be collected manually, coded in a form that could be used in statistical analysis, and entered into a computer file before analysis could be undertaken. However, this would incur costs, so before undertaking this effort, a test was conducted on a sample of cases to determine if the combined information on criminal history in PSA database corresponded with criminal history in the presentence investigation reports.

To test this, we compared criminal history data from a sample of PSA records to the criminal history information in their matched PSI reports. Both data sources may be in error because they may not include the actual number of offenses or convictions for a given offender, but this error is irrelevant for the sentencing decision.

Comparisons between the PSA data and the PSI data were restricted to convictions. Arrests, court hearings, and other contacts with the criminal justice system were also excluded from comparisons on the recommendation of judges on the Commission. Discussions with judges at meetings of the DCACS revealed that the judges felt that information on events other than convictions were too unreliable to be considered in sentencing.

The comparisons of criminal history also excluded information on juvenile records since this information was not included in the PSA data. When an offender had a juvenile record a note was often entered into the PSA database but no details of the offense were included.

A sample of 58 cases were randomly selected from the PSA database. This sample size was chosen because it was large enough to provide information (although not large enough to detect statistical significance) on the quality of the data, however, it was also small enough to allow for quick analysis.

Court Services and Offender Supervision Agency staff obtained the PSIs for the selected cases. Urban Institute staff coded the information from the PSA listing and the information from the PSI. All events prior to the disposition date of a case (as defined by a specific docket number) were considered eligible for the

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criminal history for that case. Convictions were selected, and information about the conviction, such as offense severity level (felony vs. misdemeanor), dates, charges, sentences, and jurisdiction were recorded.

Two standards were used to determine whether cases matched. If the counts of prior convictions from PSA data matched those from the PSI data, the cases matched: (a) the number of prior convictions reported in the PSA and PSIs match exactly for a given individual; and (b) the range of priors matched, where the ranges were 0 prior convictions, 1 prior conviction, 2 to 3 prior convictions and more than 3 prior convictions.

Using the stricter match criterion 58 cases, 36 (66%) matched, i.e., the PSI and the PSA data are identical in the total number of convictions. Twenty (20) pairs were a mismatch. Of the 20 mismatch pairs, 12 of these pairs are off by 1 conviction (i.e., either the PSA or the PSI has one more than the other data source), generally the PSI's have more convictions. Of the remaining 8 pairs, 5 pairs are off by 2 priors, and 3 pairs are off by 3 or more priors. Of the 38 pairs with at least one prior conviction reported in either the PSA or PSI, there are 18 exact matches (47%). Overall, the PSI's report a mean of 2.43 priors, while the PSA's report a mean of 2.24 (this difference is non-significant, p=0.74).

Most of the difference in the number of priors between the two data sources is due to a difference in the number of prior convictions occurring in DC prior to 1986 or those that occurred in other jurisdictions. PSI mean for these offenses is .93 and the PSA mean was 1.33. The difference in the DC post 1986 offenses is smaller with the PSI mean equal to 1.50 and the PSA mean at 1.21.

When the less restrictive definition of match is used, i.e. the number of prior convictions is re-coded into the following categories: 0, 1, 2-3, 3+, the number of mismatches drops from 20 to 10. This means that in about 83 percent of the cases, the offenders criminal history would be similarly characterized using the PSA data as the PSI data.

On the basis of these findings, we determined that the PSA automated data was adequate for use in our study of sentencing practices. We also concluded that it would be beneficial to code the text data included in the PSA data base, since almost 40 percent of the total criminal history data is obtained from this source. Omitting this information would substantially under-estimate the nature of criminal history information considered in sentencing.

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Chapter 2 Appendix. Tables

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Table 2.A1. Age of felony defendants sentenced between 1993-1998, by offense category

Offense category	Number of records	Mean	Standard deviation	25th %tile	Median	75th %tile	95th %tile	Mode
Homicide	780	26.3	8.5	21	23	29	44	21
Sex—child	132	34.5	12.1	26	32	41	57	32
Sex—abuse	161	32.6	9.7	24	31	39	50	23
Assault with intent to kill	96	27.1	9.6	21	23	31	49	22
Assault	964	30.8	9.9	23	29	36	50	23
Kidnapping	34	30.1	7.5	25	28	35	45	27
Robbery	1,490	30.2	7.5	24	30	35	44	33
Carjacking	32	25.6	7.1	20	25	29	40	20
Weapon during crime	98	24.7	7.5	20	22	27	41	20
Weapon	1,217	28.9	8.9	23	26	32	47	23
Burglary	904	34.4	6.9	30	34	39	46	35
Arson	21	36.8	11.0	27	37	43	54	22
Obstruction of justice	46	28.9	10.2	22	26	32	50	21
Escape/Bail Reform Act	2,700	34.3	7.6	29	34	39	47	35
Drug—distribution	3,291	32.9	8.5	26	32	38	48	32
Drug—PWID	3,430	32.0	9.7	24	30	38	50	23
Drug—violation of drug-free zone	39	33.6	13.0	24	31	40	58	22
Unauthorized use of an auto	602	28.1	7.8	22	26	34	42	20
Forgery	117	34.9	8.5	29	34	41	49	31
Fraud	23	37.9	10.3	32.5	37	43	58	35
Larceny	220	33.7	8.6	27	33	38	48	33
Property	167	30.9	8.1	24	31	36	46	32
Stolen property	181	31.4	7.4	25	30	37.5	44	30
Other	586	32.9	9.1	25	32	39	47	24
Total	**17,332**	**31.8**	**8.9**	**25**	**31**	**37**	**48**	**23**

Note: Data on age were missing in 87 records.
For data on age of defendants at the major offense level, see table 2.2.

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Table 2.A2. Distribution of major offense categories, for felony defendants sentenced between 1993-1998, by gender

	Females		Males		Total	
Major offense category	Number	Percent distribution	Number	Percent distribution	Number	Percent distribution
Violent	234	15.5%	3,256	22.1%	3,724	21.5%
Property	107	7.1%	1,918	13.0%	2,204	12.7%
Drug	788	52.1%	5,573	37.9%	6,770	39.1%
Weapons	42	2.8%	1,241	8.4%	1,327	7.7%
Public order	289	19.1%	2,389	16.2%	2,887	16.7%
Other	53	3.5%	325	2.2%	420	2.4%
Total	**1,513**	**100.0%**	**14,702**	**100.0%**	**17,332**	**100.0%**

Note: Data on gender were missing in 1,117 records.
For data on gender of defendants shown graphically, see figure 2.4

Table 2.A3. Distribution of offense categories, for felony defendants sentenced between 1993-1998, by gender

	Female		Male		Total	
Offense category	Number	Percent distribution	Number	Percent distribution	Number	Percent distribution
Homicide	36	2.4%	691	4.7%	780	4.5%
Sex—child	3	0.2%	117	0.8%	132	0.8%
Sex—abuse	0	0.0%	151	1.0%	161	0.9%
Assault with intent to kill	2	0.1%	88	0.6%	96	0.6%
Assault	102	6.7%	810	5.5%	964	5.6%
Kidnapping	2	0.1%	29	0.2%	34	0.2%
Robbery	83	5.5%	1,305	8.9%	1,490	8.6%
Carjacking	0	0.0%	31	0.2%	32	0.2%
Weapon during crime	1	0.1%	94	0.6%	98	0.6%
Weapon	41	2.7%	1,136	7.7%	1,217	7.0%
Burglary	22	1.5%	810	5.5%	904	5.2%
Arson	5	0.3%	15	0.1%	21	0.1%
Obstruction of justice	1	0.1%	40	0.3%	46	0.3%
Escape/Bail Reform Act	280	18.5%	2,225	15.1%	2,700	15.6%
Drug—distribution	480	31.7%	2,562	17.4%	3,291	19.0%
Drug—PWID	305	20.2%	2,968	20.2%	3,430	19.8%
Drug—violation of drug-free zone	0	0.0%	36	0.2%	39	0.2%
Unauthorized use of an auto	22	1.5%	550	3.7%	602	3.5%
Forgery	23	1.5%	74	0.5%	117	0.7%
Fraud	3	0.2%	10	0.1%	23	0.1%
Larceny	18	1.2%	181	1.2%	220	1.3%
Property	6	0.4%	153	1.0%	167	1.0%
Stolen property	9	0.6%	154	1.0%	181	1.0%
Other	69	4.6%	471	3.2%	586	3.4%
Total	**1,513**	**100.0%**	**14,701**	**100.0%**	**17,332**	**100.0%**

Note: Data on gender were missing in 1,117 records.

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Table 2.A4. Age distribution of felony defendants sentenced between 1993-1998, by gender

	Females		Males		Total	
Age group	Number	Percent distribution	Number	Percent distribution	Number	Percent distribution
17 and under	1	0.1%	51	0.3%	55	0.3%
18-24	145	9.6%	3,809	26.0%	4,132	24.0%
25-29	333	22.0%	3,103	21.2%	3,652	21.2%
30-34	422	27.9%	2,638	18.0%	3,317	19.2%
35-39	300	19.9%	2,306	15.7%	2,795	16.2%
40-44	197	13.0%	1,472	10.0%	1,791	10.4%
45-49	84	5.6%	741	5.1%	886	5.1%
50 and over	29	1.9%	544	3.7%	617	3.6%
Total	**1,513**	**100.0%**	**14,702**	**100.0%**	**17,332**	**100.0%**

Note: Data on gender were missing in 1,117 records. Data on age were missing from another 40 records.
For these data shown graphically, see figure 2.3.

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Table 2.A5. Distribution of offenses of felony defendants sentenced between 1993-1998, by race and offense category

	Black		White		Other		Total Non-Black		Total All Races	
Offense category	Number	Percent with this offense	Number	Percent with this offense	Number	Percent with this offense	Number	Percent with this offense	Number	Percent with this offense
Homicide	701	4.6%	18	2.9%	7	3.6%	25	3.1%	780	4.5%
Sex—child	109	0.7%	10	1.6%	1	0.5%	11	1.3%	132	0.8%
Sex—abuse	142	0.9%	9	1.4%	0	0.0%	9	1.1%	161	0.9%
Assault with intent to kill	88	0.6%	1	0.2%	1	0.5%	2	0.2%	96	0.6%
Assault	813	5.3%	73	11.7%	23	11.9%	96	11.8%	964	5.6%
Kidnapping	25	0.2%	2	0.3%	1	0.5%	3	0.4%	34	0.2%
Robbery	1,324	8.6%	42	6.7%	14	7.3%	56	6.9%	1,490	8.6%
Carjacking	31	0.2%	0	0.0%	0	0.0%	0	0.0%	32	0.2%
Weapon during crime	92	0.6%	3	0.5%	0	0.0%	3	0.4%	98	0.6%
Weapon	1,095	7.1%	65	10.4%	16	8.3%	81	9.9%	1,217	7.0%
Burglary	806	5.3%	23	3.7%	2	1.0%	25	3.1%	904	5.2%
Arson	18	0.1%	1	0.2%	0	0.0%	1	0.1%	21	0.1%
Obstruction of justice	41	0.3%	0	0.0%	0	0.0%	0	0.0%	46	0.3%
Escape/Bail Reform Act	2,366	15.4%	90	14.4%	25	13.0%	115	14.1%	2,700	15.6%
Drug—distribution	2,921	19.1%	72	11.5%	40	20.7%	112	13.7%	3,291	19.0%
Drug—PWID	3,141	20.5%	78	12.5%	37	19.2%	115	14.1%	3,430	19.8%
Drug—violation of drug-free zone	34	0.2%	2	0.3%	0	0.0%	2	0.2%	39	0.2%
Unauthorized use of an auto	537	3.5%	24	3.8%	10	5.2%	34	4.2%	602	3.5%
Forgery	75	0.5%	19	3.0%	1	0.5%	20	2.4%	117	0.7%
Fraud	13	0.1%	0	0.0%	0	0.0%	0	0.0%	23	0.1%
Larceny	177	1.2%	20	3.2%	1	0.5%	21	2.6%	220	1.3%
Property	145	0.9%	10	1.6%	4	2.1%	14	1.7%	167	1.0%
Stolen property	150	1.0%	12	1.9%	1	0.5%	13	1.6%	181	1.0%
Other	477	3.1%	50	8.0%	9	4.7%	59	7.2%	586	3.4%
Total	**15,321**	**100.0%**	**624**	**100.0%**	**193**	**100.0%**	**817**	**100.0%**	**17,332**	**100.0%**

Note: Data on race were missing in 1,193 records.
For data on race of defendants at the major offense level, see table 2.8.

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Table 2.A6. Marital status of felony defendants sentenced between 1993-1998

	Number	Percent
Single	11,672	76.6%
Married	1,275	8.4%
Common Law	534	3.5%
Divorced	617	4.0%
Separated	1,064	7.0%
Widowed	83	0.5%

Note: Data on marital status were missing in 2,087 records.
For these data shown graphically, see figure 2.6.

Table 2.A7. Marital status of felony defendants sentenced between 1993-1998, by offense category

		Single		Married or Common Law		Divorced, separated, or widowed	
Offense category	Defendants sentenced	Number	Percent	Number	Percent	Number	Percent
Homicide	780	528	67.7%	57	7.3%	34	4.4%
Sex—child	132	65	49.2%	22	16.7%	20	15.2%
Sex—abuse	161	100	62.1%	21	13.0%	15	9.3%
Assault with intent to kill	96	69	71.9%	7	7.3%	10	10.4%
Assault	964	649	67.3%	112	11.6%	92	9.5%
Kidnapping	34	20	58.8%	3	8.8%	2	5.9%
Robbery	1,490	1,040	69.8%	141	9.5%	122	8.2%
Carjacking	32	24	75.0%	1	3.1%	2	6.3%
Weapon during crime	98	70	71.4%	11	11.2%	2	2.0%
Weapon	1,217	878	72.1%	150	12.3%	79	6.5%
Burglary	904	595	65.8%	86	9.5%	116	12.8%
Arson	21	11	52.4%	3	14.3%	5	23.8%
Obstruction of justice	46	26	56.5%	8	17.4%	3	6.5%
Escape/Bail Reform Act	2,700	1,901	70.4%	275	10.2%	337	12.5%
Drug—distribution	3,291	2,086	63.4%	312	9.5%	366	11.1%
Drug—PWID	3,430	2,334	68.0%	393	11.5%	348	10.1%
Drug—violation of drug-free zone	39	25	64.1%	9	23.1%	2	5.1%
Unauthorized use of an auto	602	459	76.2%	54	9.0%	49	8.1%
Forgery	117	48	41.0%	10	8.5%	21	17.9%
Fraud	23	10	43.5%	2	8.7%	2	8.7%
Larceny	220	128	58.2%	29	13.2%	29	13.2%
Property	167	122	73.1%	15	9.0%	12	7.2%
Stolen property	181	112	61.9%	15	8.3%	24	13.3%
Other	586	371	63.3%	73	12.5%	72	12.3%
Total	**17,332**	**11,671**	**67.3%**	**1,809**	**10.4%**	**1,764**	**10.2%**

Note: Data on marital status were missing in 2,087 records.
For data on marital status of defendants at the major offense level, see table 2.11.

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Table 2.A8. Defendants living with children, for defendants sentenced between 1993-1998

	Number	Percent
Lives with children	3,539	23.6%
Lives apart from children	6,418	42.7%
N/A - No children	5,062	33.7%

Note: Data on children were missing in 2,313 records.
For these data shown graphically, see figure 2.7.

Table 2.A9. Defendants with children, for felony defendants sentenced between 1993-1998, by offense category

				Has children			
	Defendants	Has no children		Lives apart from children		Lives with children	
Offense category	sentenced	Number	Percent	Number	Percent	Number	Percent
Homicide	780	265	43.5%	224	36.8%	120	19.7%
Sex—child	132	29	27.6%	48	45.7%	28	26.7%
Sex—abuse	161	52	39.7%	51	38.9%	28	21.4%
Assault with intent to kill	96	36	42.4%	35	41.2%	14	16.5%
Assault	964	300	35.5%	347	41.1%	197	23.3%
Kidnapping	34	13	54.2%	9	37.5%	2	8.3%
Robbery	1,490	524	40.8%	524	40.8%	235	18.3%
Carjacking	32	12	46.2%	12	46.2%	2	7.7%
Weapon during crime	98	29	35.8%	36	44.4%	16	19.8%
Weapon	1,217	379	34.7%	420	38.5%	293	26.8%
Burglary	904	300	38.2%	363	46.2%	122	15.5%
Arson	21	7	36.8%	8	42.1%	4	21.1%
Obstruction of justice	46	8	22.9%	17	48.6%	10	28.6%
Escape/Bail Reform Act	2,700	816	33.3%	1,132	46.2%	502	20.5%
Drug—distribution	3,291	787	28.7%	1,254	45.8%	698	25.5%
Drug—PWID	3,430	900	29.5%	1,291	42.4%	855	28.1%
Drug—violation of drug-free zone	39	9	25.0%	19	52.8%	8	22.2%
Unauthorized use of an auto	602	217	39.3%	199	36.1%	136	24.6%
Forgery	117	26	32.9%	26	32.9%	27	34.2%
Fraud	23	6	42.9%	6	42.9%	2	14.3%
Larceny	220	71	38.8%	67	36.6%	45	24.6%
Property	167	67	45.6%	48	32.7%	32	21.8%
Stolen property	181	41	27.7%	65	43.9%	42	28.4%
Other	586	168	33.3%	216	42.8%	121	24.0%
Total	**17,332**	**5,062**	**33.7%**	**6,417**	**42.7%**	**3,539**	**23.6%**

Note: Data on children of defendants were missing in 2,313 records.
For data on children of defendants at the major offense level, see table 2.18.

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Table 2.A10. Years of education of felony defendants sentenced between 1993-1998

	Number	Percent
8th Grade or less	1,041	6.9%
9th to 11th Grade	6,140	40.4%
12th Grade or GED	6,248	41.1%
Post HS education	1,760	11.6%

Note: Data on educational attainment were missing in 2,143 records.
For these data shown graphically, see figure 2.9.

Table 2.A11. Educational attainment of felony defendants sentenced between 1993-1998, by offense category

		8th Grade or less		9th - 11th Grade		12th Grade or GED		Post HS	
Offense category	Defendants sentenced	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Homicide	780	56	9.1%	338	54.8%	183	29.7%	40	6.5%
Sex—child	132	12	11.2%	39	36.4%	40	37.4%	16	15.0%
Sex—abuse	161	10	7.5%	56	41.8%	51	38.1%	17	12.7%
Assault with intent to kill	96	7	8.1%	50	58.1%	23	26.7%	6	7.0%
Assault	964	81	9.5%	335	39.4%	328	38.6%	106	12.5%
Kidnapping	34	3	12.0%	8	32.0%	13	52.0%	1	4.0%
Robbery	1,490	95	7.3%	546	42.0%	508	39.1%	151	11.6%
Carjacking	32	4	14.8%	11	40.7%	12	44.4%	0	0.0%
Weapon during crime	98	10	12.0%	46	55.4%	25	30.1%	2	2.4%
Weapon	1,217	63	5.7%	384	34.8%	503	45.6%	154	13.9%
Burglary	904	57	7.2%	270	34.0%	366	46.1%	101	12.7%
Arson	21	1	5.3%	9	47.4%	6	31.6%	3	15.8%
Obstruction of justice	46	5	13.5%	15	40.5%	14	37.8%	3	8.1%
Escape/Bail Reform Act	2,700	210	8.4%	1,008	40.4%	1,000	40.1%	276	11.1%
Drug—distribution	3,291	161	5.8%	1,135	41.1%	1,152	41.7%	312	11.3%
Drug—PWID	3,430	173	5.6%	1,261	41.1%	1,333	43.5%	300	9.8%
Drug—violation of drug-free zone	39	3	8.3%	16	44.4%	17	47.2%	0	0.0%
Unauthorized use of an auto	602	28	5.0%	255	45.5%	229	40.8%	49	8.7%
Forgery	117	5	6.3%	11	13.9%	28	35.4%	35	44.3%
Fraud	23	0	0.0%	2	15.4%	6	46.2%	5	38.5%
Larceny	220	17	9.2%	50	27.2%	78	42.4%	39	21.2%
Property	167	7	4.7%	57	38.5%	60	40.5%	24	16.2%
Stolen property	181	8	5.4%	55	36.9%	61	40.9%	25	16.8%
Other	586	25	4.9%	182	35.4%	212	41.2%	95	18.5%
Total	17,332	1,041	6.9%	6,139	40.4%	6,248	41.1%	1,760	11.6%

Note: Data on educational attainment were missing in 2,143 records.
For data on educational attainment of defendants at the major offense level, see table 2.21.

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Chapter 3

Overview of Felony Sentencing and Sentencing Outcomes in DC Superior Court

Introduction

This chapter provides a brief overview of sentencing practices in the District of Columbia. It then describes trends in the types of felony sentences imposed and for those receiving confinement, trends in the length of confinement sentences imposed. The trends in sentencing are described for six major offense groups: violent, property, drug, weapons, public order, and other. Chapter appendices contain tables that show data on sentencing outcomes for more a detailed grouping of 24 offense categories.

Key Findings

During 1993-1998, 17,332 felony defendants were sentenced, of whom 68% received prison, 29% received probation, and 3% recevied another sentence. Drug defendants were the largest category (39%) of all defendants sentenced, and 58% of these drug defendants were sentenced to prison. The remainder were sentenced to probation or another sentence. Violent defendants comprised the second largest category (21%) of all defendants sentenced, and 84% of them were sentenced to prison—the highest imprisonment rate.

During 1993-1998, the number of sentenced felons decreased: from 3,378 in 1993 to 2,982 in 1998. After reaching 2,435 felons in 1996, the lowest point in the time period, the number rose. The overall decrease was driven by the decrease in drug felons, who dropped from 1,702 in 1993 to 870 in 1998. The number of felons sentenced on violent, property, weapons, and public order offenses increased during the time period.

Violent felons received the longest average minimum sentence length (almost 11 years) and the longest average maximum sentence length (16.5 years). The average minimum sentence length for all offenses increased from 1993 to 1995, then declined. The average minimum sentence given to drug felons started at 2.5 years in 1993, rose to almost 4 years in 1995, then dropped to almost 2 years in 1998.

Most felony defendants were sentenced on a single felony charge (73%), who, when compared with felons sentenced on multiple charges, were less likely to receive prison, and when they did, received shorter sentences. Of felons with a single charge, 66% received prison compared with 76% of felons with multiple charges. Violent felons sentenced on a single charge received an average minimum sentence of 3.5 years in 1998, and violent felons sentenced on multiple charges received an average minimum of 18 years during the same year.

Overview of Sentencing in the District of Columbia

This section describes briefly certain elements of criminal procedure and District of Columbia law regarding the imposition and structure of criminal sentences[1].

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[1] This section on sentencing in the District is replicated from the DCACS September 30, 1999 study.

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The charging document in a felony case, called the indictment, may contain a single criminal charge or multiple criminal charges in separate counts, which may arise out of a single act or transaction or multiple acts joined together in a single indictment. For example, an indictment charging an armed robbery with a gun will typically also charge, in separate counts, Possession of a Firearm During a Crime of Violence[2], Carrying a Pistol Without a License, Possession of an Unregistered Firearm and, if the gun was loaded, Unlawful Possession of Ammunition. If the defendant robbed two victims simultaneously, the indictment would charge armed robbery in two counts, each alleging armed robbery of a separate victim. If the indictment charged the defendant with two separate armed robberies occurring at different times, the indictment would typically include two counts of armed robbery and two counts of each of the corresponding weapons and ammunition charges.

The defendant is informed of the charges against him and receives a copy of the indictment at an initial proceeding called an arraignment[3]. Between the arraignment and trial, the prosecutor and defense counsel will often engage in plea negotiations as the parties exchange information about the case in a process called "discovery." The overwhelming majority of defendants enter a plea of "not guilty" at arraignment, and the case is then set for trial on one of the Superior Court's felony trial calendars.

If the parties reach a plea agreement, the defendant waives his or her right to a trial and enters a plea of guilty to one or more charges. The plea may be to one count of the indictment or to more than one count. In some cases, the defendant may plead guilty to a reduced charge included within one of the more serious charges of the indictment. For example, in the armed robbery example described above, the defendant may be permitted to plead guilty to unarmed robbery, or to unarmed robbery and carrying a pistol without a license. Had that defendant been convicted of armed robbery after trial, he would have faced a maximum sentence of up to life in prison. Under his plea, the defendant would face a maximum sentence of 15 years for robbery and a maximum sentence of 5 additional years if the plea included carrying a pistol without a license.

Plea agreements come in a wide variety of configurations and may benefit both sides for many different reasons. In general, the prosecution bargains for the certainty of conviction, and the defendant bargains for the possibility of a reduced sentence.

In Superior Court, the vast majority of felony criminal cases (89%) are resolved with the entry of a guilty plea[4]. Judges accept the defendant's plea in a formal proceeding in court, where the judge carefully advises the defendant of his or her rights and the defendant agrees to waive them. Judges do not participate in any way in plea negotiations or in the agreement. There can be no agreement as to what sentence the defendant will receive for his or her plea, except that the defendant knows he or she can not receive more than the maximum sentence allowed by law for the charge or charges to which he or she pleads guilty.

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[2] Under District of Columbia law, a "crime of violence" means the commission or attempt to commit any of the following crimes: murder, manslaughter, first or second degree sexual abuse, child sexual abuse, mayhem, malicious disfigurement, abduction, kidnapping, burglary, robbery, assault with intent to kill ("AWIK"), assault with a dangerous weapon ("ADW"), assault with intent to commit any offense punishable by imprisonment, arson, and extortion or blackmail accompanied by threats of violence or aggravated assault. DC Code § 22-3201(f).

[3] In some cases, called "grand jury originals," the arraignment is the defendant's first appearance in court. In most cases, however, the defendant is arrested and charged by a complaint before the case is presented to the grand jury. Under the bail laws, some defendants may be held without bond pending indictment, though the majority is released on various conditions (such as drug testing and treatment or placement in a halfway house on work release).

[4] Chapter 4 of this report provides data on the disposition of felony cases by guilty plea.

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Whether the defendant pleads guilty or is convicted after a trial, the judge must determine the appropriate sentence[5]. Judges have broad discretion in fashioning a criminal sentence. The District of Columbia currently has an indeterminate sentencing system for all felony offenses. The judge must impose a maximum sentence that does not exceed the maximum sentence fixed by law, and a minimum sentence that cannot exceed one-third of the maximum sentence imposed[6]. Any person so sentenced may be released on parole after having served the minimum sentence[7]. Where the maximum sentence imposed is life imprisonment, the minimum sentence shall not exceed 15 years imprisonment, with two notable exceptions. For second degree murder, the minimum term can be up to 20 years, and for first degree murder, the minimum sentence *must* be 30 years[8].

There are several offenses for which District law limits the judge's discretion in setting a minimum sentence. These are called "mandatory minimum" sentences. For example, a person convicted of a crime of violence while armed with a pistol must receive a sentence with a minimum term of not less than 5 years, or, if convicted of a second such offense, not less than 10 years. There are many other examples of mandatory minimum sentences throughout the DC Code[9].

In addition to mandatory minimum sentences, District law sets out situations under which the judge may impose an enhanced sentence beyond what would ordinarily be the statutory maximum sentence. These provisions are permissive. Common circumstances triggering such sentencing enhancements are: (1) the commission of an offense while on release; (2) a criminal history which reflects prior conviction(s) for the same offense, or another felony offense; and (3) the commission of certain crimes of violence or dangerous crimes while armed with any dangerous or deadly weapon[10].

In many cases a defendant is sentenced on more than one conviction at a single sentencing proceeding. This occurs, for example, when a plea agreement includes a guilty plea to more than one charge or when a defendant is convicted on multiple counts at a trial. A separate sentence must be imposed for each offense of conviction. In such cases the sentencing judge generally has the discretion to order each sentence to be served concurrently or consecutively with each of the other sentences or, where there are more than two

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[5] In felony cases, the judge will usually order a pre-sentence investigation and report that a probation officer prepares. The report includes a defendant' s prior criminal record, family background, financial condition, employment, military history, substance abuse, facts of the current offense, and circumstances affecting his behavior. Its contents come from several sources, including an interview with the defendant and criminal records. At the sentencing hearing itself, the judge usually will hear from the defendant and his or her lawyer, from the prosecutor, and perhaps from the victim or from friends or family members on one side or the other.

[6] DC Code § 24-203(a).

[7] Further discussion on parole is included in Chapter 6.

[8] DC Code § 22-2404.

[9] Until 1995, persons convicted of certain felony drug offenses faced stiff mandatory sentences. In 1995, those mandatory sentence were repealed, and a judge sentencing a defendant for a felony drug offense committed after the repeal now has discretion to impose any sentence up to a maximum of thirty years (or sixty years for repeat offenders or offenses committed in designated Drug Free Zones), which may include probation.

[10] The term "dangerous crime" means the distribution of or possession with intent to distribute ("PWID") a controlled substance, if the offense is punishable by a term of imprisonment exceeding one year. DC Code § 22-3201(g). Examples of controlled substances include cocaine and heroin. DC Code § 33-501 *et seq*. Common dangerous or deadly weapons include guns and knives. DC Code §§ 22-3202(a).

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convictions, partially concurrent and partially consecutive[11]. The same choice is presented where the judge is sentencing a defendant who is already serving another sentence. The judge can order that the new sentence be served concurrently or consecutively to the old sentence.

These decisions can have a major impact on the total sentence an offender must serve. However, the choice of concurrent or consecutive sentences does not always have such an effect on an aggregate sentence. For example, if a judge were sentencing a defendant for a conviction of armed robbery and for a conviction of robbery, *concurrent* sentences of 6 to 18 years for armed robbery and 4 to 12 years for robbery would be, as a practical matter, equivalent to *consecutive* sentences of 4 to 12 years for armed robbery, and 2 to 6 years for robbery. In both cases, the sentences would be aggregated to a total sentence of 6 to 18 years, with parole eligibility at the end of the 6 year minimum term. The judge's discretion to impose concurrent or consecutive sentences often turns on the number of separate or discrete criminal acts encompassed by the multiple convictions, with separate crimes generally receiving consecutive sentences. Whether the judge elects to order concurrent or consecutive sentences, the judge will always consider the total sentence the offender will be required to serve after all sentences are aggregated.

After serving the minimum term of his or her sentence, less any good time credit awarded, offender may be granted release on parole on appropriate terms and conditions. An offender convicted of a crime of violence cannot be granted parole until he or she has served 85% of the minimum sentence imposed, provided that he or she remains incarcerated for the entire length of a mandatory minimum sentence[12]. While on parole status, the parolee remains under supervision until the expiration of the maximum of the term specified in his or her sentence without regard to good time allowance[13].

The judge may determine that an offender need not be incarcerated for all or part of his or her sentence. To this end, the judge may impose a sentence of probation in one of two ways. The judge may suspend the imposition of a criminal sentence altogether ("ISS" or imposition of sentence suspended). The offender is released from custody upon specified conditions, and no prison sentence is imposed unless the offender is found to have violated a condition of his or her probation. If the judge revokes probation, the judge may then impose any sentence up to the maximum sentence allowed by law. Alternatively, the judge may impose a sentence and then order that its execution be suspended ("ESS" or execution of sentence suspended). The offender is released from custody upon specified conditions. If he or she violates a condition of probation, the judge may execute and require the offender to serve the prison sentence that initially had been imposed and suspended, or the judge may impose a new, lower sentence. These options are not available if the offense of conviction carries a mandatory minimum sentence. The judge may also impose a sentence and suspend all but a portion of it (a "split sentence"). If a split sentence is imposed, the judge may order probation to follow the term of incarceration. A split sentence may be imposed if a mandatory minimum applies, provided that the term imposed equals or exceeds the applicable mandatory minimum. No term of probation may exceed 5 years[14]. Common conditions of probation are: that the convicted person refrain from criminal activity, that he abstain from the us of illegal drugs, that he notify his probation officer of any change in address, and that he seek permission to leave the District of

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[11] DC Code § 23-112; Super. Ct. Crim. R. 32(c)(2).

[12] DC Code § 24-208(b).

[13] For further discussion on good time, see Chapter 6 of this report.

[14] DC Code § 16-710(a).

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Columbia. The judge may modify conditions at any time during the period of probation, generally following a hearing[15].

Number and Types of Sentences Imposed in DC Superior Court, 1993-98

Between 1993 and 1998, 17,332 defendants were sentenced on felony charges in DC Superior Court (Table 3.1). Of these, 11,881 (or 68.5%, Table 3.2) were sentenced to some confinement, including 1,080 (6.2%) who received split sentences including both prison and probation. Of those sentenced to prison, 622 defendants (3.6% of all sentenced felony defendants) received a sentence with a maximum term of life. Probation — in lieu of confinement — was imposed on 4,978 (28.7%) of defendants.

Table 3.1. Number and type of sentences imposed on felony defendants sentenced between 1993-1998, by major offense category

	Total sentenced		Prison					Maximum
Major offense category	Number	Percent distribution	Total prison	Prison only	Prison & probation	Probation	Other sentence	sentence of life
Violent	3,724	21.5%	3,113	2,823	290	513	98	609
Property	2,204	12.7%	1,565	1,402	163	583	56	5
Drug	6,770	39.1%	3,955	3,566	389	2,639	176	1
Weapons	1,327	7.7%	786	676	110	470	71	1
Public order	2,887	16.7%	2,213	2,098	115	618	56	2
Other	420	2.4%	249	236	13	155	16	4
Total	**17,332**	**100%**	**11,881**	**10,801**	**1,080**	**4,978**	**473**	**622**

Notes: Source for tables and figures in chapter 3 is the Urban Institute analysis of data from the District of Columbia Sentencing Commission.
For data on the type of sentences imposed at the 24-category level, see Table 3.A1 in the Chapter 3 Appendix. For these data at the 140 specific charge level, see Table 3.A11.

Drug offenses comprised the single largest category of offenses among defendants sentenced (Table 3.1), and 39% of felony defendants had as their most serious charge a drug offense (mostly drug distribution or possession with intent to distribute). Twenty-one percent of defendants were sentenced for violent offenses, while public order and property offenses were the most serious offenses sentenced for 17% and 13%, respectively, of felony defendants. Defendants convicted of public-order offenses comprised about 19% of all felony defendants sentenced; these public-order offenses consisted primarily of escapes, and about 94% of all public-order offenses were escapees from institutions or bail reform act violators. Weapons offenses account for about 8% of the offenses sentenced, and the majority of these weapons offenses (75%) were possession of a weapon or carrying concealed weapons.

[15] DC Code § 24-104; Super. Ct. Crim. R. 32.1(b).

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Table 3.2. Percent of type of sentences imposed on felony defendants sentenced between 1993-1998, by major offense category

Major offense category	Total sentenced	Prison: Total prison	Prison: Prison only	Prison: Prison & probation	Probation	Other sentence	Maximum sentence of life
Violent	3,724	83.6%	75.8%	7.8%	13.8%	2.6%	16.4%
Property	2,204	71.0%	63.6%	7.4%	26.5%	2.5%	0.2%
Drug	6,770	58.4%	52.7%	5.7%	39.0%	2.6%	0.0%
Weapons	1,327	59.2%	50.9%	8.3%	35.4%	5.4%	0.1%
Public order	2,887	76.7%	72.7%	4.0%	21.4%	1.9%	0.1%
Other	420	59.3%	56.2%	3.1%	36.9%	3.8%	1.0%
Total	**17,332**	**68.5%**	**62.3%**	**6.2%**	**28.7%**	**2.7%**	**3.6%**

Note: For data on percent of type of sentences imposed presented graphically, see Figures 3.A1 and 3.A2 in the Chapter 3 Appendix. For these data at the 140 specific charge level, see Table 3.A12.

Defendants sentenced for drug offenses comprised a third of all defendants sentenced to prison, and they comprised more than half of all defendants who received probation (Table 3.1). By comparison, defendants sentenced for violent offenses comprised 26% of all who received prison, which was larger than their share of all defendants (22%), but they comprised only 10% of defendants who received probation.

Eighty-four percent of defendants sentenced for violent offenses were sentenced to prison, the highest imprisonment rate for any major offense category (Table 3.2). The imprisonment rates for both public order (77%) and property offenses (71%) exceeded that of drug offenses (58%).

Imprisonment and probation rates are inversely related, and violent offenders received probation at the lowest rate of any major offense category (14%), while 39% of drug defendants and 35% of weapons offenders were given some form of probation, the majority of which was probation in lieu of suspended prison sentences.

Yearly Trends in the Types of Sentences Imposed

Between 1993 and 1998, the number of felony defendants sentenced decreased from 3,378 (in 1993) to 2,435 (in 1996) before increasing to 2,982 (in 1998, Table 3.3). A closer examination of the first 4 years of this period reveals that 28% fewer defendants were sentenced in 1996 as compared to 1993. Despite the reversal of the decline in the annual number of defendants sentenced, the 2,982 sentenced in 1998 was 88% of the number sentenced in 1993.

Table 3.3. Number and type of sentences imposed on felony defendants sentenced between 1993-1998, by year of sentencing

Disposition year	Total sentenced	Prison: Total prison	Prison: Prison only	Prison: Prison & probation	Probation	Other sentence
1993	3,378	2,259	2,206	53	960	159
1994	3,286	2,237	2,181	56	902	147
1995	2,571	1,871	1,740	131	641	59
1996	2,435	1,777	1,595	182	614	44
1997	2,680	1,811	1,501	310	833	36
1998	2,982	1,926	1,578	348	1,028	28
Total	**17,332**	**11,881**	**10,801**	**1,080**	**4,978**	**473**

The general pattern of decline and increase also applies to the number of defendants given probation, with the exception that the 1,028 probation sentences in 1998 exceeds the 960 given in 1993. However, the number of defendants receiving sentences to prison tends to decrease throughout the period, as for example,

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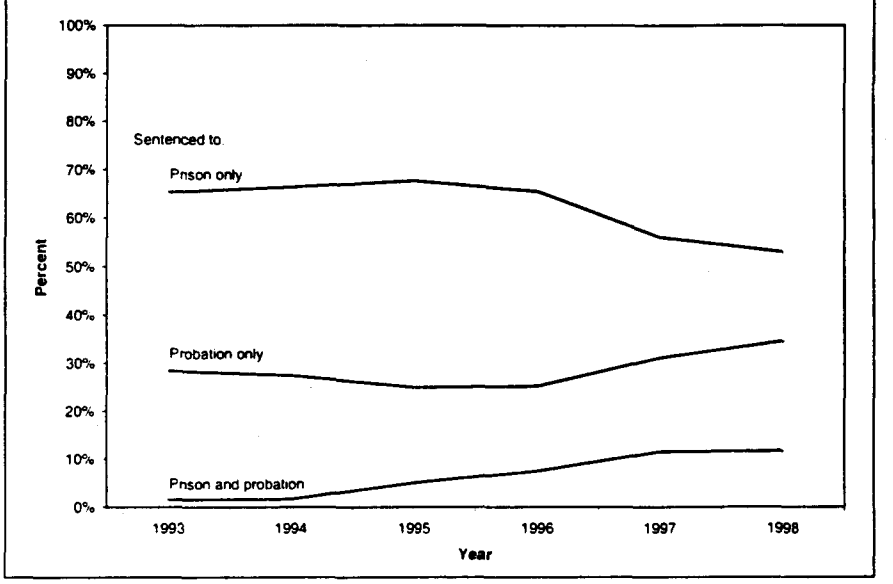
there were 1/3 fewer defendants sentenced to prison in 1997 as compared to 1993, with only a slight increase in 1998. The number of defendants sentenced to a split prison/probation sentence tends to increase throughout the period, from 53 (in 1993) to 348 in 1998, but the total number of those sentenced remained relatively small.

The percentage of defendants sentenced to prison increased during the first 4 years of the period, from about 67% in 1993 to 73% in 1996, before decreasing to 65% in 1998 (Figure 3.1). The percentage sentenced to prison only generally declined between 1993 and 1998 (with minor increases in between), from about 65% to 53%, while the percentage receiving split sentences of prison and probation increased from less than 2% in 1993 to almost 12% in 1998.

The pattern of sentencing for probation-only mirrors the overall sentencing pattern; the annual percentage of defendants receiving probation decreased between 1993 and 1995, from 28% to 25%, before increasing to 35% in 1998. The increase in probation use during 1997 and 1998 comes from increases in the use of both forms of suspension of sentences (either the execution or the imposition), but during 1997 and 1998, there was an increase in the rate at which the execution of sentences were suspended and a decrease in the use of suspension of the imposition of sentences. By 1998, more than 30% of all defendants received a probation sentence with a specified suspended sentence.

Figure 3.1. Percent of felony defendants sentenced to prison, probation, and both, by year, 1993-1998



Trends in the Offenses of Defendants Sentenced

The overall decrease in the number of defendants sentenced (Table 3.1) was caused largely by a decrease in the number of defendants sentenced for drug offenses (as their most serious offense of conviction). The number of drug defendants decreased from 1,702 in 1993 to 870 in 1998, or from slightly more than 50% of the total number of felony defendants sentenced in 1993 to 29% of the defendants sentenced in 1998 (Table 3.4). The decrease in the number of drug defendants sentenced occurred between 1993 and 1995, as the number of dropped from 1,702 to 947, before continuing at a slower rate of decline to 870. This decrease in the number of drug defendants sentenced coincided with the repeal of mandatory sentences for drug offenses in 1995. While the number of drug defendants continues to decline slowly after 1995 (Figure 3.2), the trend in the number of non-drug offenders sentenced increases over this period, as does the overall number of defendants.

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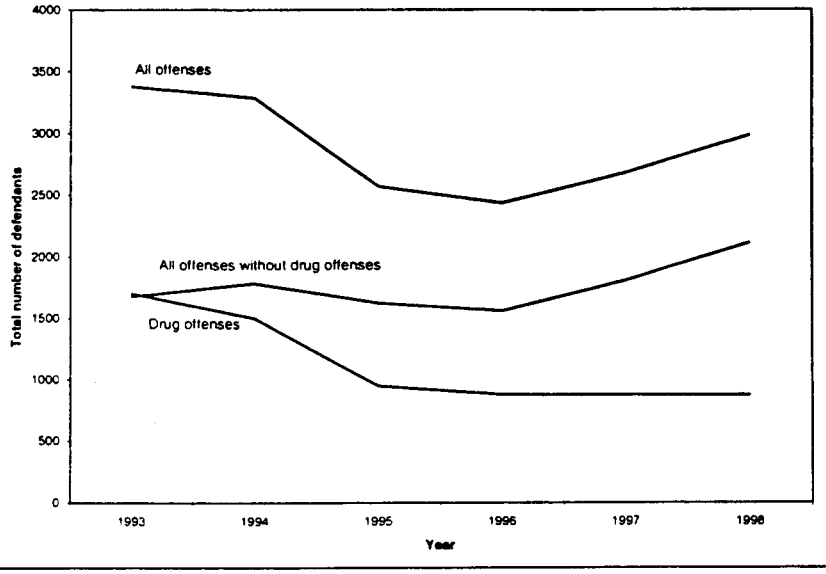
The number of defendants sentenced for violent offenses increased from 627 in 1993 to 699 in 1998, or from about 19% to 23% of the total number of defendants sentenced. Public order offenses increased from about 16% of all sentenced defendants in 1996 to 21% of all defendants in 1998, and the majority of this increase came from the increase in the number of defendants sentenced for escape, which increased by about 50% from 373 in 1996 to 589 in 1998. The increase in the number of defendants sentenced for property offenses was due largely to the increase in the number sentenced for burglary and motor vehicle theft.

Table 3.4. Distribution of offenses of felony defendants sentenced between 1993-1998, by major offense category

	Total sentenced		Year of sentencing					
Major offense category	Number	Percent distribution	1993	1994	1995	1996	1997	1998
Violent	3,724	21.5%	627	668	539	560	631	699
Property	2,204	12.7%	319	273	341	358	399	514
Drug	6,770	39.1%	1,702	1,501	947	877	873	870
Weapons	1,327	7.7%	182	218	245	203	243	236
Public order	2,887	16.7%	427	508	429	401	510	612
Other	420	2.4%	121	118	70	36	24	51
All defendants	**17,332**	**100.0%**	**3,378**	**3,286**	**2,571**	**2,435**	**2,680**	**2,982**

Figure 3.2. Total number of defendants, with or without drug offenses, by year, 1993-1998



Trends in the Offenses of Defendants Sentenced to Prison, Probation, and Both

During the period between 1993 and 1998, a little more than a third of all felony defendants were sentenced to probation (including those sentenced to split sentences), and slightly more than two-thirds received some prison (again including splits, Table 3.2). During the first three years of the period, the distribution of prison and probation remained relatively constant (Figure 3.2). Between 1996 and 1998, however, the probability of a defendant receiving prison declined. The percentage of defendants receiving some form of probation increased from 33% to 46%, and the percentage receiving some form of prison decreased from 73% to 65%.

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Prison only

For violent offenses, the number of sentences to prison remained relatively constant over time (Table 3.5). For example, in 1993, there were 468 defendants charged with violent crimes sentenced to prison, and 465 in 1998. However, for weapons and drug offenses, there were fewer prison sentences in 1998 then in 1993, 50% fewer weapons prison sentences 36% as many prison sentences for drugs in 1998 as compared to 1993.

Table 3.5. Distribution of offenses of felony defendants sentenced between 1993-1998, by major offense category: Number of defendants sentenced to prison only

Major offense category of most serious offense of sentencing	Year of sentencing					
	1993	1994	1995	1996	1997	1998
Violent	468	542	432	449	467	465
Property	215	207	248	235	216	281
Drugs	980	784	562	496	391	353
Weapons	126	142	122	102	103	81
Public order	330	431	341	299	315	382
Other	87	75	35	14	9	16
All defendants	**2,206**	**2,181**	**1,740**	**1,595**	**1,501**	**1,578**

In percentage terms, however, there were marked declines for each type of crime, especially in the last two years of the period (Figure 3.3). Overall, the number of defendants sentenced to prison-only fell from a range of 67-70% of defendants in 1993-1996, to 53% in 1998. The violent sentence category fell almost 20% in this period, with the other categories showing even larger declines: property by 23%, public order offenses by 24%, and drugs by 32%. The percentage of prison-only sentences for weapons violations declined the most of any category (51%).

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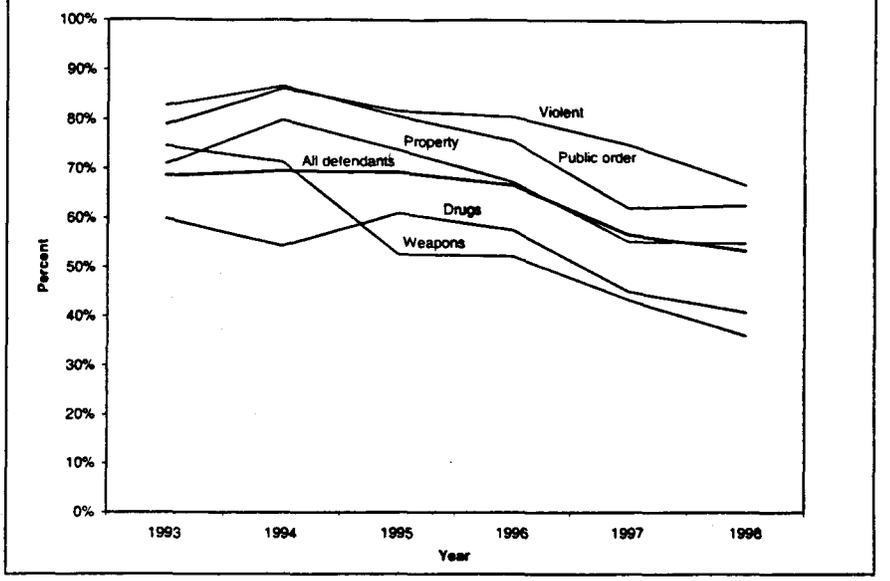
Figure 3.3. Percent of convicted felony defendants sentenced to *prison only*, by year, 1993-1998



Probation only

Between 1993 and 1998, 28% of all defendants were sentenced to some form of probation (Table 3.2). About 10% of those sentenced for violent, property, weapons and public order offenses were also sentenced to probation-only. In general, trends in probation sentencing exhibit the same trends as sentences overall, for the period of 1993-1998. The number of defendants sentenced to probation decreased markedly in 1995, and increased throughout the remainder of the period, with more defendants sentenced to probation in 1998 (1,028) than in 1993 (960). In addition, the percentage of defendants sentenced to probation only declined from about 28% in 1993, to slightly less than a quarter in 1995, and increased to more than one-third of defendants by 1998 (Table 3.3).

During this period, the distribution of probation sentences by type of crime also changes, as the percentage of probation-only sentences received by drug offenders declined from two-thirds of all probation sentences to 40% (not shown in a figure). At the same time, the percentage of probation-only sentences being received by defendants sentenced for violent, weapons and public order defendants more than doubled (Table 3.6).

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Table 3.6. Distribution of offenses of felony defendants sentenced between 1993-1998, by major offense category: Number of defendants sentenced to probation only

Major offense category of most serious offense of sentencing	Year of sentencing					
	1993	1994	1995	1996	1997	1998
Violent	105	75	65	59	91	118
Property	78	49	73	87	127	169
Drugs	640	628	299	304	356	412
Weapons	41	54	97	71	92	115
Public order	67	62	75	75	153	186
Other	29	34	32	18	14	28
All defendants	**960**	**902**	**641**	**614**	**833**	**1,028**

Note: For data on number of defendants sentenced to probation only at the 24-category level, see Table 3.A4 in the Chapter 3 Appendix.

Prison and probation (split sentence)

More defendants received a split sentence in 1998 than in 1993 (Table 3.7), but the percentage of defendants receiving split sentences increased from less than two percent, to almost 12 percent (not shown, but calculated from tables 3.3 and 3.7). The increase in probability of receiving a split sentence is distributed relatively evenly across categories, with violent and drug offenders receiving the most split sentences. By 1998, split sentences accounted for more than ten percent of sentences for all categories, except public order offenses.

Table 3.7. Distribution of offenses of felony defendants sentenced between 1993-1998, by major offense category: Number of defendants sentenced to prison and probation (split sentence)

Major offense category of most serious offense of sentencing	Year of sentencing					
	1993	1994	1995	1996	1997	1998
Violent	20	12	32	49	64	113
Property	10	3	15	27	47	61
Drugs	18	31	61	62	118	99
Weapons	2	3	13	22	42	28
Public order	2	4	7	21	39	42
Other	1	3	3	1	0	5
All defendants	**53**	**56**	**131**	**182**	**310**	**348**

Sentence Length

Between 1993 and 1998, 11,881 (or 68.5% of all defendants, Table 3.1) were sentenced to some confinement, including 1,080 (6.2%) who received split sentences of prison and some probation. Of those sentenced to prison, 624 defendants (5.3% of all sentenced felony defendants) received a sentence with a maximum term of life. For this section, sentence length is measured in terms of the minimum confinement period, where the minimum confinement period is not life.

Violent offenses result in the longest average minimum sentence lengths (Table 3.8), averaging almost 11 years (131 months). Confinement for drug offenses averages 32 months, slightly more than two years for weapons (24 months) and property (26 months), and slightly less than a year (10 months) for public order offenses. However, 50% of violent offenders had sentences of five years or less, or less than half the mean sentence length. This pattern holds for the other categories as well: half of drug offenders had

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sentences of two years or less; eighteen months for property, one year for weapons and four months for public order offenses. This difference suggests that a small portion of defendants are sentenced to relatively long sentences. For most types of crime, the mean sentence falls around the 70th percentile, meaning that about 70% of defendants have minimum confinement periods equal to or less than the mean sentence. For example, for violent offenses, 75% of defendants have a sentence of less than twelve years, compared to a mean sentence of about 11 years.

Table 3.8. Length of *minimum* confinement period imposed (in months) on felony defendants sentenced between 1993-1998, by major offense category

Major offense category	Total sentenced	Mean	Coefficient of variation	Mean/ Median	25th %tile	Median	75th %tile
Violent	3,044	131.3	175.9	2.2	24	60	144
Property	1,476	25.5	119.3	1.4	12	18	30
Drug	3,809	32.1	94.8	1.3	12	24	40
Weapon	725	24.3	110.1	2.0	10	12	28
Public order	2,111	10.0	218.1	2.5	3	4	12
Other	233	17.5	191.5	2.9	3	6	12

Note: For data on minimum confinement period imposed at the 24-category level, see Table 3.A5 and Figure 3.A3 in the Chapter 3 Appendix. For these data at the 140 specific charge level, see Table 3.A13.

Maximum sentences

Maximum sentences calculated for all defendants exclusive of those who received a maximum of life. Of the 622 defendants who had a maximum sentence of life, all but 13 were sentenced for violent crimes. Violent offenses have the longest average maximum sentence of about sixteen and a half years. As with minimum sentences, drug defendants have the second longest average maximum of almost nine years. While property offenses have the third longest average minimum sentence, they have the fourth longest average maximum sentences of about seven years, with weapons offenders averaging about one additional year in terms of average maximum sentence. In general, mean minimum sentences are exactly one-third of the mean maximum sentence for each defendant.

Table 3.9. Length of *maximum* confinement period imposed (in months) on felony defendants sentenced between 1993-1998, by major offense category

Major offense category	Total sentenced	Mean	Coefficient of variation	Mean/ Median	25th %tile	Median	75th %tile
Violent	2,223	198.8	147.4	1.5	60	132	252
Property	1,248	84.3	101.0	1.4	36	60	108
Drug	3,435	104.2	89.7	1.4	48	72	144
Weapon	492	92.6	84.1	1.5	36	60	120
Public order	1,754	33.1	210.4	2.2	10	15	36
Other	67	120.1	119.1	2.0	36	60	144

Note: For data on maximum confinement period imposed at the 24-category level, see Table 3.A7 in the Chapter 3 Appendix. For these data at the 140 specific charge level, see Table 3.A14

Trends in Sentence Length by Offense

In general, sentencing lengths increase in the first three years of this period (1993-1998), and decline over the last four years to a level below the mean sentence length in 1993 (Table 3.10). This pattern is most evident for those sentenced for drugs, where mean sentences were 30 months in 1993 and 1994, increasing more than 50% in 1995 to slightly less than two years, and decreasing through the remainder of the period, to less than two years (22 months) by 1998 (Figure 3.4). This pattern is repeated for property offenses,

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where mean sentence lengths were about 25 months in 1993, peaked at 32 months in 1995, and declined to 20 months by 1998.

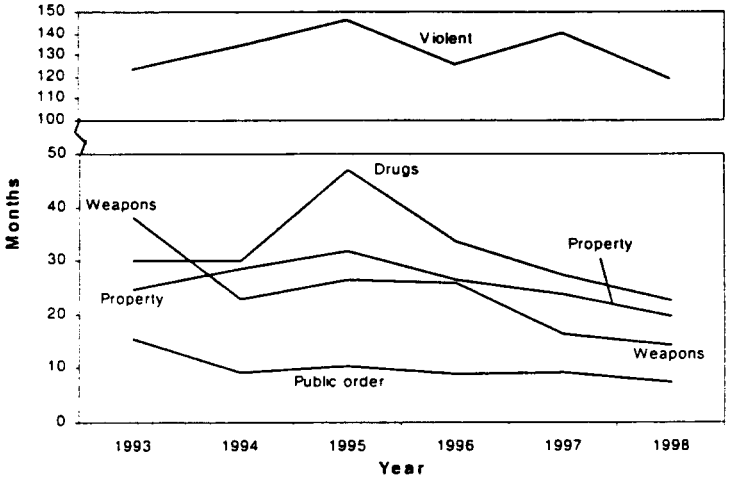
Table 3.10. Mean of the *minimum* confinement periods imposed (in months) on felony defendants sentenced between 1993-1998, by major offense category and year of sentencing

	Year of sentencing					
Major offense category	1993	1994	1995	1996	1997	1998
Violent	123.5	134.3	146.4	126.0	140.1	119.3
Property	24.7	28.5	31.9	26.4	23.7	19.7
Drugs	30.0	30.0	47.1	33.8	27.5	22.6
Weapons	38.0	22.9	26.6	26.0	16.2	14.2
Public order	15.5	9.2	10.3	8.8	9.2	7.6
Other	16.6	14.2	36.5	12.7	10.0	10.1

Note: For data on minimum confinement period imposed at the offense category level by year of sentencing, see Table 3.A6 in the Chapter 3 Appendix.

The other three categories tend to show a decline in sentence lengths over the period. Defendants confined for weapons violations averaged slightly more than three years (38 months), which declined to slightly more than one year (14 months) by 1998. The public order category shows a decline from about 15 months in 1993 to about 8 months by 1998. Defendants charged with violent crimes averaged about 10 years (123 months) in 1993, and rose to almost twelve years (146 months) by 1995. This average fluctuated between those two levels until 1998, when it declined from 140 months in 1997 to 119 months.

Figure 3.4. Mean minimum confinement period imposed (in months) on felony defendants, by major category of offense, 1993-1998



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Variations in sentence length

In addition to the differences in sentences imposed among offense categories, sentence lengths also vary within offense categories. As measured by the coefficient of variation,[16] the variation in sentences ranges from 218.1 for public order offenses to 94.8 for drug offenses (Table 3.8). Much of the variation within each broad category is explained by the variation in sentences imposed on the more refined classes of offenses that comprise the broad offenses categories. For instance, within the violent category first-degree murder (while armed) carries the longest mean minimum of about 47 years, while negligent homicide averages a little more than a 16 year sentence. The sexual abuse category includes rape while armed, which has the longest mean minimum confinement period of any crime type, with an average minimum of 55 years. (See the Appendix tables.)

In general, offenses that occur while armed yield sentence lengths about double those of the same crime committed while unarmed (first-degree sexual abuse, assault with intent to kill, assault with intent to rape, assault with intent to rob, robbery, carjacking,). However, for second-degree murder, the mean minimum confinement periods are about the same for armed and unarmed offenses, and for burglary I and burglary II, armed offenses yield slightly shorter terms. For most drug crimes, attempts yield sentences of about 50% shorter confinement periods than the completion of the crime. However, for violent crimes, attempts tend to yield terms of less than 25% of the sentence for completion of the crime (attempted sexual abuse, attempted robbery).

Life Sentences

Between 1993 and 1998, 622 defendants were sentenced to a maximum term of life imprisonment, including one defendant who was reportedly sentenced to both a minimum and a maximum term of life (Table 3.11). Overall, 98% of defendants sentenced to life were sentenced for a violent offense, and have an average minimum sentence of about 34 years.

Table 3.11. Length of minimum confinement period imposed (in months) on felony defendants sentenced to life between 1993-1998, by major offense category

Major offense category	Total sentenced	Mean	Coefficient of variation	25th %tile	Median	75th %tile
Violent	609	411.2	88.2	180	320	460
Property	5	246.0	48.7	180	216	240
Drug	1	180.0	—	180	180	180
Weapons	1	240.0	—	240	240	240
Public order	2	228.0	37.2	168	228	288
Other	4	168.0	35.5	126	168	210

—Too few cases to calculate this field.

Within the violent category, almost a third of defendants sentenced to life were sentenced for homicide (Table 3.A8). Other categories with significant numbers of defendants sentenced to life imprisonment include: assault (69), robbery (46), sex-abuse (37), and kidnapping (11). Together, these categories account for 96% of all life sentences. The number of life sentences imposed varies from 80 in 1995 to 139 in 1994,

[16] Coefficient of variation – ratio of the standard deviation to the mean, which shows how much variation there is within a category. Mean/median – a relative measure of spread that shows how skewed the sample is by outliers. A mean/median ratio greater than one suggests that outliers tend to be disproportionately greater than the mean. A ratio less than one suggests that outliers tend to be disproportionately less than the mean.

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and life sentences account for between 2.4% (1993) and 4.5% (1997) of all sentences across the period. The variation in number and proportion of life sentences does not appear to follow any clear trend.

Most Serious Offenses: Defendants Sentenced on a Single Versus Multiple Charges

The majority — or about 73% — of felony defendants were sentenced for a single felony charge (Table 3.12), although they may have been indicted with multiple charges (either more than one count of a single charge, or more than one different charge). In general, defendants sentenced on multiple charges receive far longer sentences than those sentenced on a single charge (Table 3.15) and are about ten percent more likely to be sentenced to prison than those on a single charge (Table 3.13). In addition, those sentenced on more than one charge also appear to be much more likely to receive a life sentence. As would be expected with this trend, violent offenders were less likely than other categories of offenders to be sentenced on a single charge, as 53% of violent offenders were so sentenced, compared to 90% of defendants convicted of public-order offenses, 75% of those convicted of drug offenses, and 70% of those convicted of property offenses.

Table 3.12. Defendants sentenced on single and multiple charges, for felony defendants sentenced between 1993-1998, by major offense category

	Number of defendants sentenced			Percent of all sentenced	
Major offense category	All	Single charge	Multiple charges	Single charge	Multiple charges
Violent	3,724	1,984	1,740	53.3%	46.7%
Property	2,204	1,528	676	69.3%	30.7%
Drug	6,770	5,104	1,666	75.4%	24.6%
Weapons	1,327	1,007	320	75.9%	24.1%
Public order	2,887	2,607	280	90.3%	9.7%
Other	420	349	71	83.1%	16.9%
Total	**17,332**	**12,579**	**4,753**	**72.6%**	**27.4%**

Trends in sentences for defendants sentenced on a single versus multiple charges

The number of defendants sentenced on a single charge was not stable over time. In 1993, 2,945 defendants (about 86% of defendants) were sentenced on a single charge (Table 3.13). By 1995, the percentage dropped to 38%. Between 1996 and 1998, the number and percentage sentenced on a single charge increased, as about 79% were sentenced on a single charge. By 1998, there were 20% fewer defendants sentenced on a single charge than in 1993.

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Table 3.13. Number and type of sentence imposed on felony defendants sentenced between 1993-1998, by year of sentencing
For defendants sentenced on one charge

Disposition year	Total sentenced	Prison			Probation	Other sentence
		Total prison	Prison only	Prison & probation		
1993	2,945	1,884	1,853	31	913	148
1994	2,827	1,865	1,831	34	840	122
1995	988	716	655	61	256	16
1996	1,540	1,087	967	120	431	22
1997	1,907	1,254	1,001	253	641	12
1998	2,372	1,464	1,196	268	885	23
Total	**12,579**	**8,270**	**7,503**	**767**	**3,966**	**343**

Defendants sentenced on a single charge were less likely to receive a prison sentence than defendants sentenced on multiple charges; 66% of those sentenced on a single charge received a prison sentence, while 76% of those sentenced on multiple charges did. Similarly, those sentenced on single charges were more likely to receive probation (as 32% did) as compared to those sentenced on multiple charges, where only 21% received probation.

Offenses of defendants sentenced on a single versus multiple charges

Defendants sentenced for public-order offenses (primarily escapes) were most likely to be sentenced on a single charge, as were 90% (Table 3.7). Defendants sentenced for violent offenses were least likely to be sentenced on a single charge. as only 53% of violent offenders were sentenced on a single charge (Table 3.8). For very serious violent crimes, such as murder, only 24% of defendants were sentenced on a single charge, as most were convicted on multiple charges. Drug defendants were sentenced on a single charge in about 75% of their cases. Property defendants were sentenced on a single charge in about 70% of their cases. However. about a third of property defendants were sentenced on motor vehicle theft, which was a single charge for 86%. while defendants were sentenced on a single charge in only about half of larceny and stolen property cases.

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Table 3.14. Of all felony defendants sentenced between 1993-1998, percent sentenced on a single charge, by major offense category

	Total sentenced		Prison				
Major offense category	Number	Percent on single charge	Total prison	Prison only	Prison & probation	Probation	Other sentence
Violent	3,724	53.3%	49.8%	48.8%	58.6%	71.2%	71.4%
Property	2,204	69.3%	68.2%	68.2%	68.1%	73.4%	58.9%
Drug	6,770	75.4%	72.1%	71.6%	76.6%	80.6%	72.2%
Weapons	1,327	75.9%	74.9%	75.7%	70.0%	77.0%	78.9%
Public order	2,887	90.3%	90.8%	90.9%	87.8%	89.2%	83.9%
Other	420	83.1%	82.3%	82.6%	76.9%	86.5%	62.5%
Total	**17,332**	**72.6%**	**69.6%**	**69.5%**	**71.0%**	**79.7%**	**72.5%**

Sentence lengths for defendants sentenced on a single versus multiple charges

In general, defendants sentenced on a single charge receive much shorter sentences than those sentenced to more than one charge, and these differences remain relatively stable over time (Tables 3.15a and 3.15b). Sentences for defendants with a single violent charge have a mean of about four years, as compared with a mean of almost 18 years for defendants sentenced for more than one charge. The difference is even greater for public order offenses, where defendants with multiple charges received sentences more than five times as long as those sentenced on a single charge. This pattern is evident for each type of crime, although it is most evident for violent charges. For drug offenses, those sentenced on a single charge receive a sentence about half that of defendants sentenced on multiple charges. For property crimes, single sentences are 47% as long as those for multiple charges, and 55% as long for single weapons charges.

Table 3.15a. Mean of the minimum confinement periods imposed (in months) on felony defendants sentenced between 1993-1998, by major offense category and year of sentencing

For defendants sentenced on one charge

	Year of sentencing					
Major offense category	1993	1994	1995	1996	1997	1998
Violent	46.3	50.8	47.9	48.7	50.2	42.0
Property	20.8	23.7	17.0	18.5	15.8	16.6
Drugs	28.1	28.6	25.5	21.6	20.1	17.2
Weapons	29.8	22.6	16.8	20.8	12.5	12.6
Public order	9.8	7.4	5.5	5.9	7.0	7.2
Other	15.1	10.9	19.6	12.5	10.0	9.4

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Table 3.15b. Mean of the minimum confinement periods imposed (in months) on felony defendants sentenced between 1993-1998, by major offense category and year of sentencing
For defendants sentenced on one charge

	Year of sentencing					
Major offense category	1993	1994	1995	1996	1997	1998
Violent	211.9	237.5	198.7	192.1	228.2	216.0
Property	45.2	50.7	39.3	41.8	41.8	29.5
Drugs	58.1	49.4	53.7	49.4	42.9	45.0
Weapons	106.2	26.8	31.7	36.5	27.6	26.5
Public order	135.3	49.8	22.2	30.6	44.7	23.0
Other	26.2	58.4	53.4	13.0	—	14.0

—Too few cases to calculate this field.

Coinciding with 1994-95, the years in which mandatory sentences for drugs were eliminated and other major sentencing reforms were introduced, the number and percentage of all defendants who were sentenced on a single charge decreased while at the same time, the total number of charges for which defendants were sentenced increased. During 1996 and 1997, the percentage of defendants who were sentenced on a single charge increased to almost the pre-1995 level. This pattern was not determined solely by the elimination of mandatory drug sentences, as it was observed for all non-drug offenses as well as for drug offenses (Figures 3.6 and 3.7).

Drug offenses

The number of defendants charged with drug offenses as their most serious charge fell substantially during the 1993-1998 period (Figure 3.5). Additionally, the length of sentences imposed on drug defendants decreased afer the elimination of mandatory minimum sentences, or during the 1996-98 period, as compared to the 1993-95 period (Tables 3.17a, 3.17b).

The proportion of defendants charged with a single drug offense also changed dramatically, exhibiting a trend similar to but more pronounced than the overall trend for all offenses (Figure 3.6). Prior to 1995, about 95% of drug defendants were sentenced on a single charge; during 1995, about one-fourth (27%) were. After 1995, the number of defendants sentenced remained relatively constant, but the percent sentenced on a single charge increased each year from 1995 (27%) until 1998 (82%).

Table 3.16. Number and type of sentences imposed on felony *drug* defendants sentenced between 1993-1998, by year of sentencing

		Prison				
Offense category	Total sentenced	Total prison	Prison only	Prison & probation	Probation	Other sentence
Drug offenses during 1993-1995	4,150	2,436	2,326	110	1,567	147
Drug offenses during 1996-1998	2,620	1,519	1,240	279	1,072	29

Note: For data on type of sentence imposed on felony drug defendants at the offense category level, see Table 3.A9 in the Chapter 3 Appendix.

When drug offenses are separated at the charge level (distribution and possession with intent to distribute (PWID)), it appears that the drop in defendants from 1993 to 1998 is mostly explained by a decline in distribution charges (Figure 3.5). The number of defendants sentenced to distribution as the most serious charge dropped from 1,089 in 1993, to 326 in 1996. Over the same period, PWID defendants declined only slightly (from 612 to 550).

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Table 3.17a. Length of *minimum* confinement period imposed (in months) on felony *drug* defendants sentenced between 1993-1998, by year of sentencing

Offense category	Total sentenced	Mean	Coefficient of variation	Mean/ Median	25th %tile	Median	75th %tile
Drug offenses during 1993-1995	2,436	34.4	86.7	1.4	18	24	48
Drug offenses during 1996-1998	1,519	28.4	109.5	1.4	12	20	36

Note: For data on minimum confinement period imposed on felony drug defendants at the offense category level, see Table 3.A10 in the Chapter 3 Appendix.

Table 3.17b. Length of *maximum* confinement period imposed (in months) on felony *drug* defendants sentenced between 1993-1998, by year of sentencing

Offense category	Total sentenced	Mean	Coefficient of variation	Mean/ Median	25th %tile	Median	75th %tile
Drug offenses during 1993-1995	2,436	107.9	83.1	1.5	54	72	144
Drug offenses during 1996-1998	1,519	97.2	102.7	1.4	36	72	120

Note: For data on maximum confinement period imposed on felony drug defendants at the offense category level, see Table 3.A10 in the Chapter 3 Appendix.

While there is a generally proportionate change in the distribution of sentence types between these two periods, there is some difference in the lengths of sentences. Both the mean minimum and mean maximum sentence lengths decrease for the later period. There is some increase in the coefficient of variation for the later period, but it appears that most of the decrease in sentence lengths are distributed evenly across sentence lengths.

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Figure 3.7. Total number of felony defendants, with or without drug offenses, by year, 1993-1998

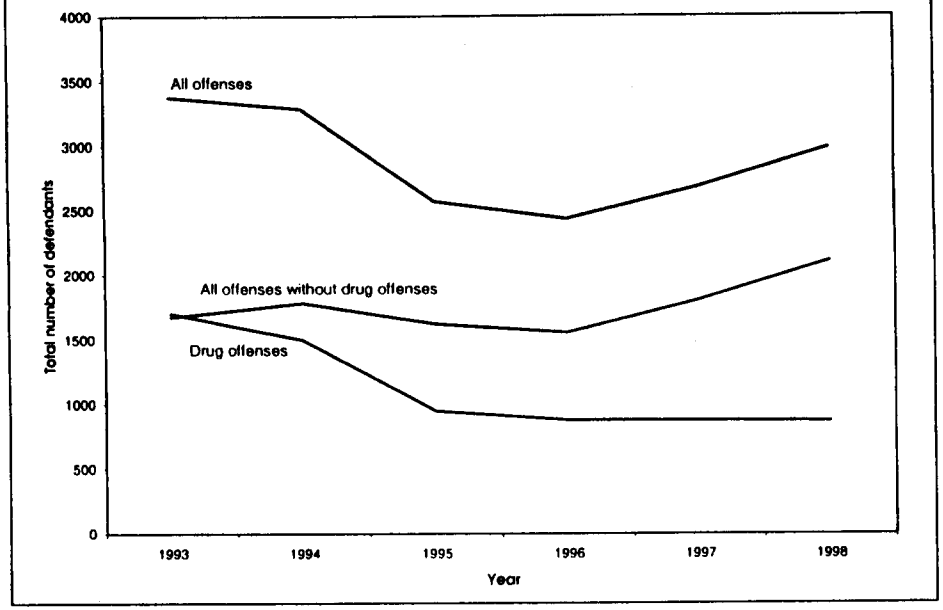


Figure 3.8. Total number of felony defendants and percent of defendants sentenced on one charge: *All drug offenses*, by year, 1993-1998

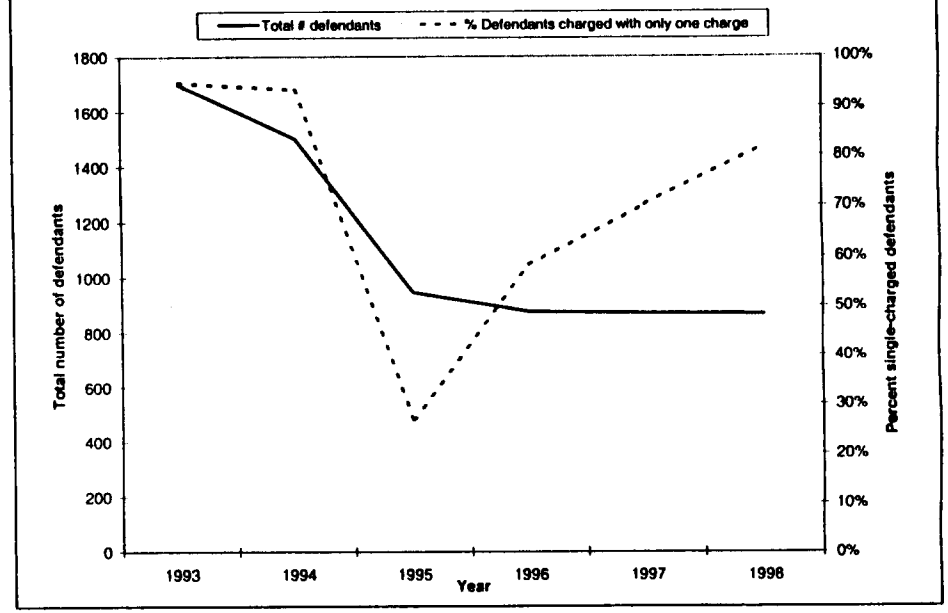


Figure 3.9. Total number of felony defendants and percent of defendants sentenced on one charge: *All offenses without drug offenses*, by year, 1993-1998

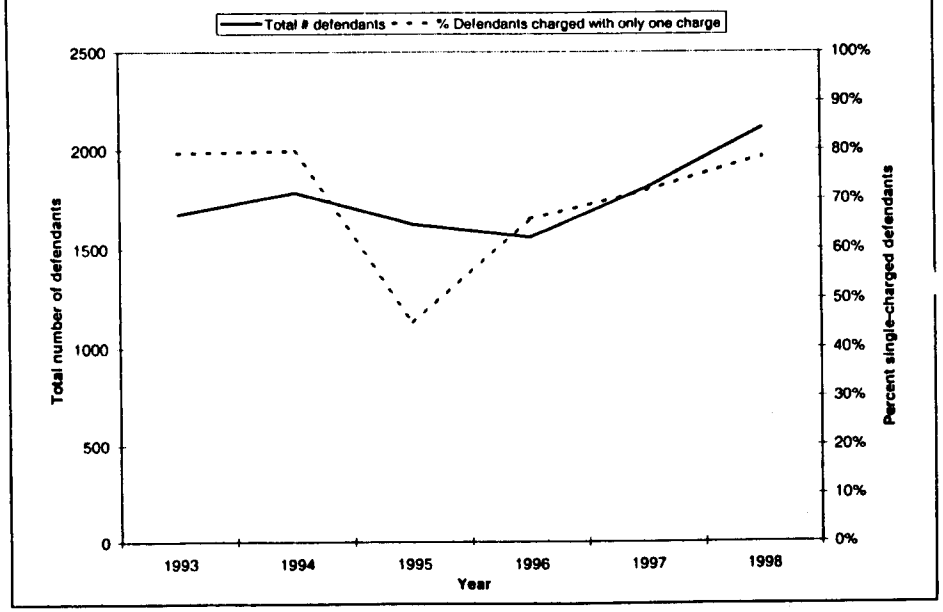
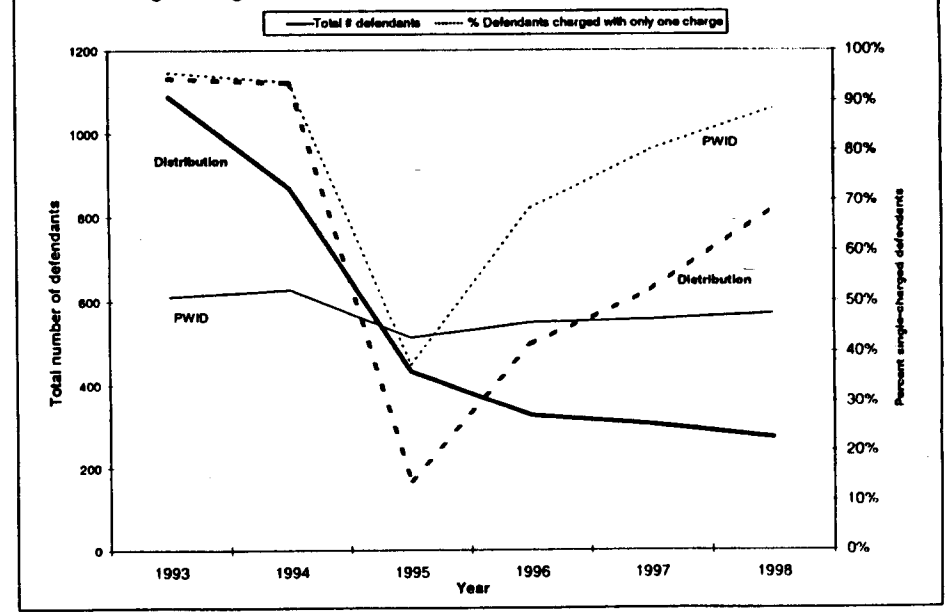


Figure 3.10. Total number of felony defendants and percent of defendants sentenced on one charge: *Drug—distribution and PWID*, by year, 1993-1998



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Methodology notes for Chapter 3

Overview

The data used in this analysis came from the DC Superior Court, and include the records of all felony defendants convicted and sentenced between 1993 and 1998. This analysis examines docket-level sentences for the period, and includes 17,332 felony dockets with at least one felony charge. These dockets include all 25,918 felony charges sentenced between 1993-1998 for which sentencing information was available. All tables and figures in this chapter refer to the entire pool of 17,332 dockets, unless a subset is specified in italics in the table heading.

The analysis is conducted in two parts: an examination of the proportion of defendants receiving each type of sentence, and an analysis of the corresponding lengths of sentences imposed. Both of these analyses use detailed charged information and offense categories that group the detailed charges. The offense information can therefore be shown at three levels of aggregation: (1) the detailed, consolidated charge categories; (2) a 24-level offense category grouping; and (3) the 5-level grouping into the broad offense categories shown in this chapter. Table M.1 of the methodology chapter (chapter 7) shows how the detailed charge information is grouped to create the 24-level and 5-level offense category groupings.

Charge categories in this chapter are based on the most serious charge for which a defendant was sentenced. The most serious charge was determined by ranking charges by severity. (See chapter 7 for a discussion of this method. In general, the Research Subcommittee of the DCACS determined the offense severity rankings.) Where a defendant was sentenced on more than one charge, the severity ranking methodology is used to determine the most serious charge, and these charges are then used to determine placement within the major, offense and consolidated charge categories. For both analyses, sentences identified as 'life' include those dockets for which the maximum period of confinement was 'life'.

The first section of this chapter — on the number and type of sentences received during the period — presents descriptive statistics by major offense category and year of disposition. Each of the tables in this section presents a total by category and year, and presents descriptive statistics for prison, probation, and other sentences. A total prison heading is included under the 'prison' column, and this column includes all defendants sentenced to a combined term of prison and probation. Defendants receiving a sentence with a maximum term of life imprisonment are excluded from the 'prison' totals in table 3.1, but they are shown separately in the a column labeled "life" sentences, and they are included in the 'total sentenced' column. The statistics presented under the 'probation' heading do not include split sentences. Defendants receiving 'other' sentences are not included in either the 'prison' or 'probation' totals, but are included in the 'total sentenced' column (see definitions for charges included in the 'other' column). For the tables describing number and type of sentence by year, the 'year of sentencing' column is determined by the date of sentencing for the most serious charge within the docket.

The second section in this chapter describes sentence length. This analysis includes all of the dockets used in the first section. Defendants sentenced to a maximum term of life imprisonment were excluded from computations of maximum sentence length, as there is no quantifiable period universally associated with a life sentence so no discrete sentence length could be attributed to these dockets. For dockets sentenced on a single charge, the minimum and maximum sentences were used in the analysis of sentence lengths. Where defendants were sentenced on multiple charges, total sentence length was aggregated across charges. Aggregation of sentences took into account whether the imposed sentences were consecutive or concurrent, as indicated by information in the charge records of the DCSC database. Where sentences were to be served concurrently, the sentence length associated with the most serious charge was considered as the sentence length. Any suspended portion of a sentence was excluded from the analysis.

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Statistics

Several statistics were reported for sentencing outcomes. Statistics shown for the types of sentences imposed include the counts of cases and the percentages of cases falling into specific type of sentence categories. For the tables on lengths of sentence imposed, statistics also include the mean length of sentence imposed, the median sentence length, the coefficient of variation, the ratio of the mean to the median, and the 25th and 75th percentiles of the distribution of sentence lengths. These statistics of the length of sentences imposed are shown to describe the distribution of sentences within offense categories. Additionally, the coefficient of variation and the ratio of the mean to the median summarize the variation of sentence lengths. As the coefficient of variation — defined as the ratio of standard deviation to the mean times 100 percent — increases, so does the variation in sentence lengths. The ratio of the mean to the median also gives a sense of the variation in sentences. As this ratio approaches 1 in value (or when the mean equals the median), the distribution of sentences shows fewer "outliers" or extreme values that influence the mean.

Definitions

Felony defendant – a defendant sentenced on at least one felony charge in a felony docket. Felony charges were defined by members of the DC Advisory Commission on Sentencing "Research Subcommittee."

A complete list of the felony charges is shown in chapter 1, in table 1-1.

Confinement sentence – a confinement sentence was identified by a confinement code in the "SENTENCE_CODE" variable in the DC Superior Court database. The confinement codes included "confinement only," "confinement and fine," "confinement and probation," and "time served."

Life sentence – defendants who received a life sentence as their maximum prison term were identified either because their minimum sentence was recorded as life, their maximum sentence was recorded as life or a flag variable identified the charge as having an associated life sentence.

Minimum confinement period imposed – this was defined as the number of months of the minimum confinement period imposed minus the number of months of the minimum confinement period that was suspended. One defendant had a minimum sentence of life and was included in the tables presenting sentencing type, but was excluded from sentence length analysis.

Maximum confinement period imposed – this was defined as the number of months of the maximum confinement period imposed minus the number of months the maximum confinement period that was suspended. Defendants with a maximum sentence of life were included in the tables presenting sentencing type, but were excluded from sentence length analysis.

Other sentence – included codes in the for sentences such as work release, "other," fine only, and missing values in the sentence code variable in the DC Superior Court database.

Probation term – a probation term was identified by the probation codes in the DC Superior Court database. Probation in the District of Columbia can be imposed only as the result of the suspension of an indeterminate sentence.

Single/Multiple Charges - Offenses at sentencing were determined by the DC Superior Court information about charges sentenced in a case; the most serious charge sentenced was based on the charge carrying the most severe statutory penalty. (See Chapter 1 for a discussion of how charges were selected in cases of defendants sentenced on more than 1 charge.) For defendants sentenced to consecutive periods of confinement on more than one charge, the aggregated minimum confinement period and the aggregated maximum confinement period for all charges in the case was retained. For defendants sentenced to

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concurrent periods of confinement, the minimum and maximum sentences associated with the most serious charge were retained.

Suspended sentences – The portion of a sentence that was suspended (either ESS or IS) was excluded from the calculations of length of sentence imposed.

Time served – Defendants sentenced to time served were included in the counts of persons receiving confinement but were excluded from the calculations of lengths of sentence imposed, as their records contained no information on length of sentence served and imposed. 262 dockets (or 1.5% of all sentenced dockets) were sentenced to time served.

Year of Sentencing - The date associated with the most serious charge was used to determine the year of sentencing in the occasional instances were charges within a docket had different sentence dates.

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Chapter 3 Appendix. Tables

Offenses at 24-category level

The following set of tables correspond to the tables in chapter 3, but these tables show outcomes for the 24-offense groupings.

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Offenses at 140-charge level

The District of Columbia Advisory Commission on Sentencing requested that sentencing data be shown for the detailed charge categories. The set of tables that follows show selected sentencing outcomes at the level of detail requested by the DCACS. We present these tables with the cautionary note that for many of the detailed charge categories, the number of cases is comparatively small. For example, for 36 of the categories, there were fewer than 10 cases sentenced for the charge during the 1993 to 1998 period. Charges corresponding to child sex abuse and sex abuse (rape) were particularly affected by the small number of cases sentenced to specific charges. Hence, we caution against making strong inferences about sentencing practices in charge categories with a small case base.

Table 3.A11. Number and type of sentences imposed on felony defendants between 1993-1998, by offense category and charge

Table 3.A12. Percent of type of sentences imposed on felony defendants between 1993-1998, by offense category and charge

Table 3.A13. *Minimum* confinement period imposed (in months) on felony defendants sentenced between 1993-1998, by offense category and charge

Table 3.A14. *Maximum* confinement period imposed (in months) on felony defendants sentenced between 1993-1998, by offense category and charge

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Table 3.A1. Number and type of sentences imposed on felony defendants sentenced between 1993-1998, by offense category

Offense category	Total sentenced	Prison				Probation	Other sentence
		Total prison	Prison only	Prison & probation	Life		
Homicide	780	745	722	23	467	18	17
Sex—child	132	102	90	12	8	26	4
Sex—abuse	161	148	132	16	31	10	3
Assault with intent to kill	96	94	88	6	26	2	0
Assault	964	710	588	122	14	209	45
Kidnapping	34	29	26	3	6	3	2
Robbery	1,490	1,225	1,129	96	36	237	28
Carjacking	32	32	29	3	7	0	0
Weapon during crime	98	93	93	0	0	3	2
Weapon	1,217	683	573	110	0	465	69
Burglary	904	715	665	50	19	172	17
Arson	21	15	10	5	0	5	1
Obstruction of justice	46	38	33	5	4	7	1
Escape/Bail Reform Act	2,700	2,074	1,971	103	0	576	50
Drug—distribution	3,291	1,910	1,792	118	0	1,288	93
Drug—PWID	3,430	2,014	1,752	262	1	1,333	83
Drug—violation of drug-free zone	39	25	17	8	0	14	0
Unauthorized use of an auto	602	427	381	46	0	165	10
Forgery	117	67	61	6	0	47	3
Fraud	23	10	8	2	0	12	1
Larceny	220	139	115	24	0	68	13
Property	167	110	94	16	0	53	4
Stolen property	181	112	99	13	0	62	7
Other	586	363	332	31	4	203	20
Total	**17,332**	**11,881**	**10,800**	**1,080**	**623**	**4,978**	**473**

Note: For data on number and type of sentences imposed at the major offense level, see table 3.1. For these data at the 140 specific charge level, see tables 3.A11 and 3.A12.

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Table 3.A2. Number of felony defendants sentenced between 1993-1998, by offense category and year

Offense category	Year of sentencing					
	1993	1994	1995	1996	1997	1998
Homicide	117	159	122	134	130	118
Sex—child	20	24	15	19	17	37
Sex—abuse	19	27	16	24	21	54
Assault with intent to kill	17	24	16	12	15	12
Assault	139	136	131	130	199	229
Kidnapping	2	11	5	5	4	7
Robbery	317	280	220	231	224	218
Carjacking	3	6	8	4	5	6
Weapon *during crime*	38	24	11	15	7	3
Weapon	135	194	234	186	235	233
Burglary	129	124	169	161	137	184
Arson	5	2	3	2	5	4
Obstruction of justice	9	11	5	4	6	11
Escape/Bail Reform Act	395	468	397	373	478	589
Drug—distribution	1,089	869	433	326	303	271
Drug—PWID	612	628	513	550	557	570
Drug—violation of drug-free zone	0	0	0	0	12	27
Unauthorized use of an auto	83	57	62	91	132	177
Forgery	34	17	17	15	15	19
Fraud	2	2	2	3	9	5
Larceny	37	32	32	35	39	45
Property	26	16	23	31	30	41
Stolen property	13	25	37	21	42	43
Other	138	149	100	62	57	80
Total	**3,379**	**3,285**	**2,571**	**2,434**	**2,679**	**2,983**

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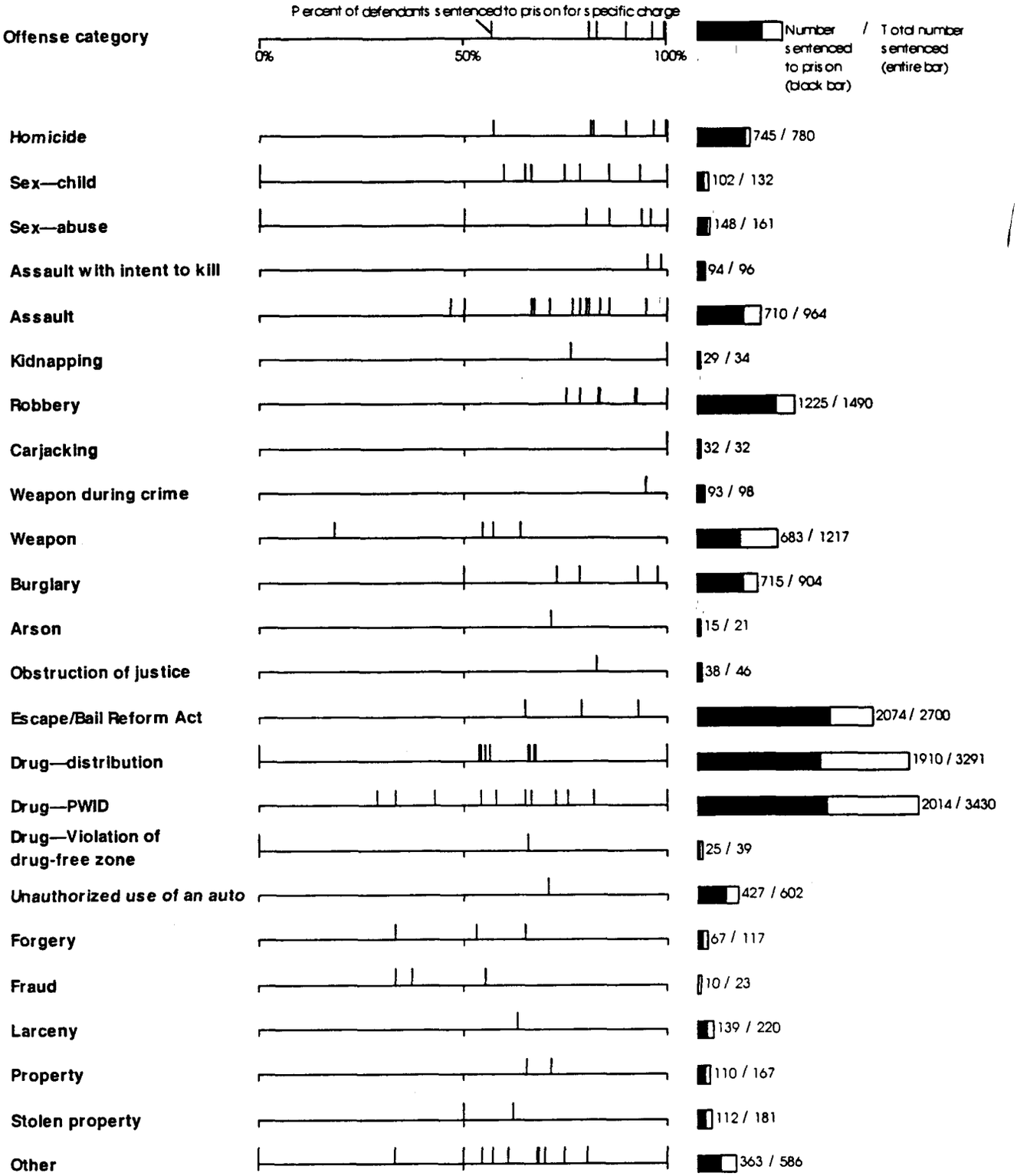
Figure 3.A1. Percent of felony defendants sentenced to *any prison*, by offense category



Note: For data on percent sentenced to prison at the major offense category level, see table 3.2. For these data at the 140 specific charge level, see table 3.A12.

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Table 3.A3. Number of felony defendants sentenced to *any prison* between 1993-1998, by offense category and year

	Year of sentencing					
Offense category	**1993**	**1994**	**1995**	**1996**	**1997**	**1998**
Homicide	106	148	115	133	127	116
Sex—child	17	18	13	15	11	28
Sex—abuse	17	22	16	23	21	49
Assault with intent to kill	17	24	16	12	13	12
Assault	87	96	95	106	155	171
Kidnapping	2	9	5	5	3	5
Robbery	245	229	192	203	180	176
Carjacking	3	6	8	4	5	6
Weapon during crime	36	23	11	15	6	2
Weapon	84	122	124	107	139	107
Burglary	108	108	132	126	103	138
Arson	3	2	3	1	3	3
Obstruction of justice	7	11	4	4	5	7
Escape/Bail Reform Act	304	404	327	299	330	410
Drug—distribution	628	480	286	202	166	148
Drug—PWID	369	334	336	355	333	287
Drug—violation of drug-free zone	0	0	0	0	9	16
Unauthorized use of an auto	60	43	49	64	87	124
Forgery	16	10	11	11	10	9
Fraud	0	1	2	1	4	2
Larceny	26	22	28	23	21	19
Property	18	11	15	22	20	24
Stolen property	4	15	27	15	24	27
Other	103	98	56	30	35	41
Total	**2,260**	**2,236**	**1,871**	**1,776**	**1,810**	**1,927**

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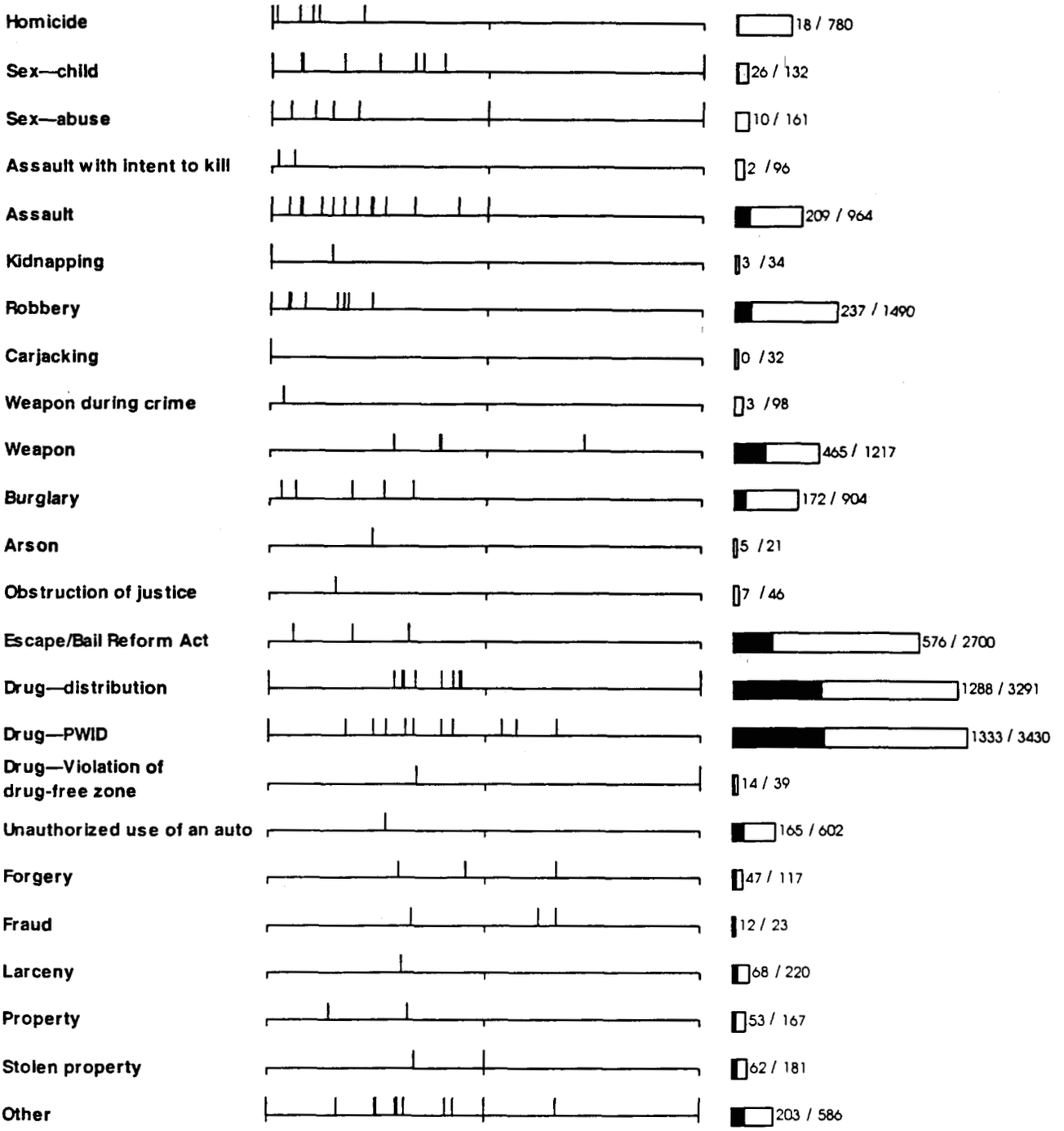
Figure 3.A2. Percent of felony defendants sentenced to *probation only*, by offense category



Note: For data on percent sentenced to probation at the major offense category level, see table 3.2. For these data at the 140 specific charge level, see table 3.A12.

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Table 3.A4. Number of felony defendants sentenced to *probation only* between 1993-1998, by offense category and year

	Year of sentencing					
Offense category	**1993**	**1994**	**1995**	**1996**	**1997**	**1998**
Homicide	5	6	4	0	1	2
Sex—child	2	5	2	3	5	9
Sex—abuse	2	3	0	1	0	4
Assault with intent to kill	0	0	0	0	2	0
Assault	34	24	31	22	40	58
Kidnapping	0	1	0	0	0	2
Robbery	62	38	26	28	43	40
Carjacking	0	0	0	0	0	0
Weapon during crime	2	0	0	0	0	1
Weapon	38	54	97	71	91	114
Burglary	17	12	34	34	31	44
Arson	2	0	0	1	1	1
Obstruction of justice	1	0	1	0	1	4
Escape/Bail Reform Act	64	55	65	69	146	177
Drug—distribution	420	355	139	120	132	122
Drug—PWID	220	270	160	184	221	278
Drug—violation of drug-free zone	0	0	0	0	3	11
Unauthorized use of an auto	20	12	12	24	44	53
Forgery	16	7	6	4	4	10
Fraud	2	0	0	2	5	3
Larceny	9	6	4	9	15	25
Property	6	4	8	8	10	17
Stolen property	6	8	9	5	18	16
Other	32	42	43	29	20	37
Total	**960**	**902**	**641**	**614**	**833**	**1,028**

Note: For data on number of defendants sentenced to probation only at the major offense category level, see table 3.6.

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Figure 3.A3. Length and mean of *minimum* confinement periods imposed (in months) on felony defendants between 1993-1998, by offense category

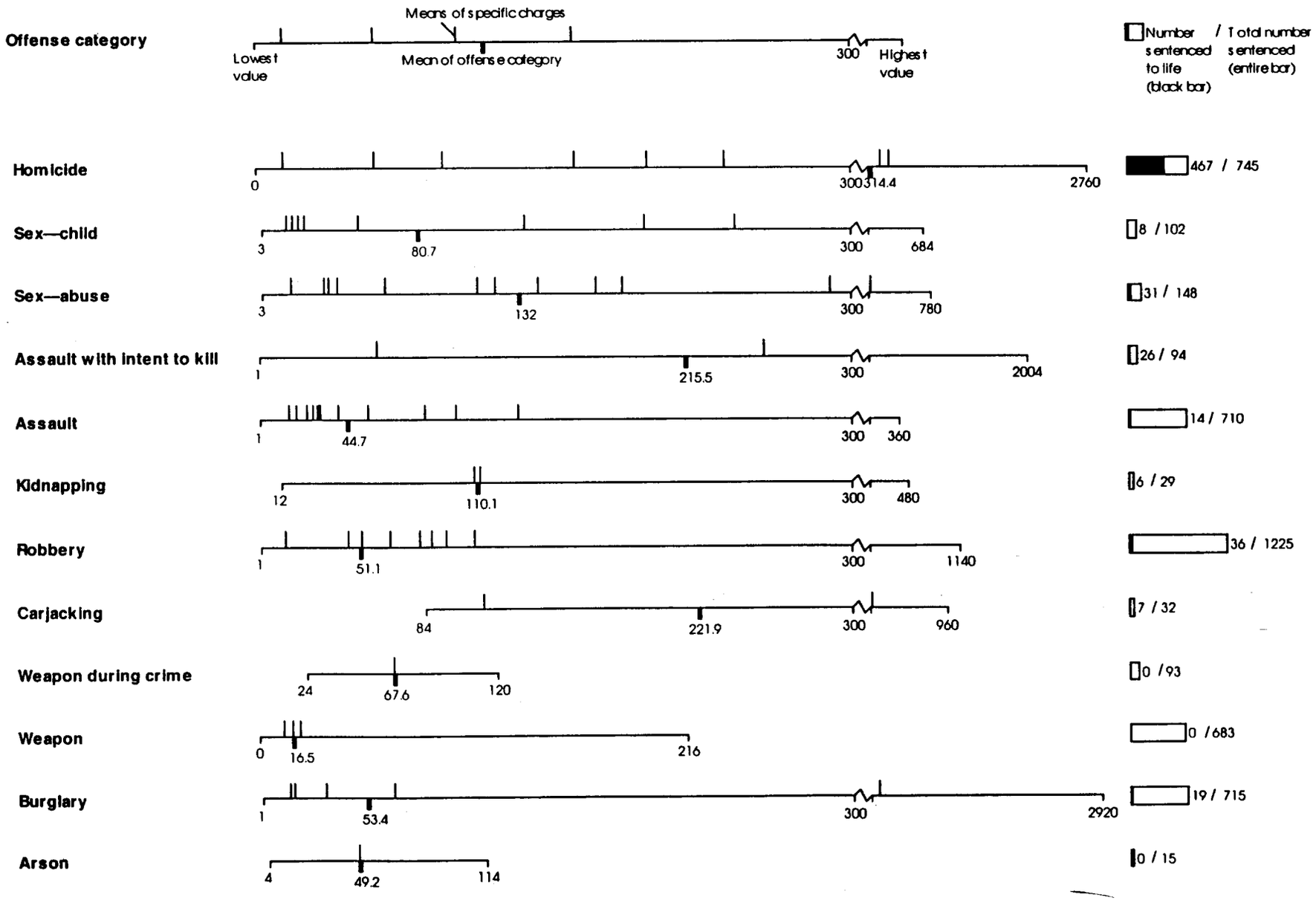

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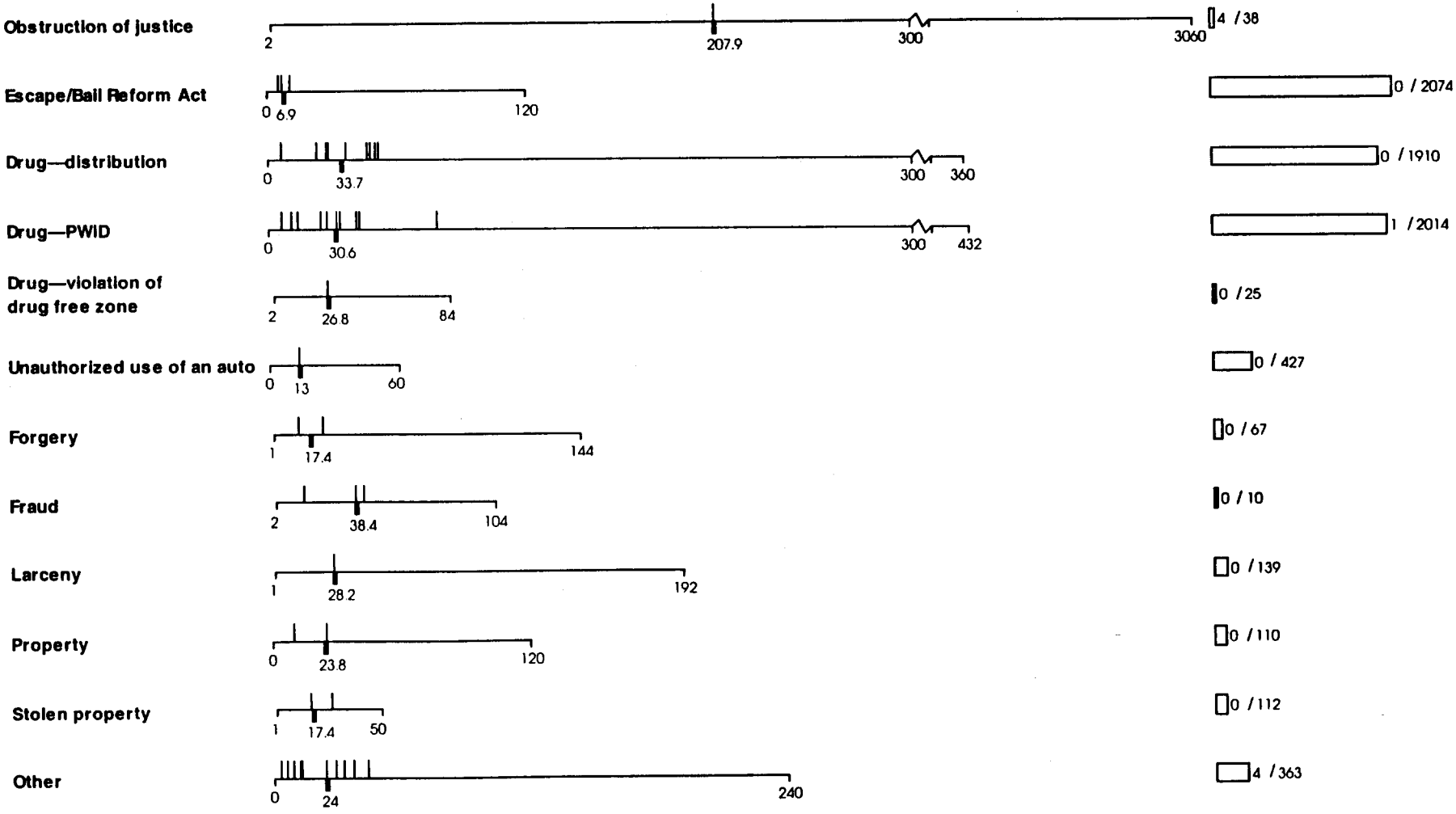
Figure 3.A3. ***continued***



Note: For data on minimum confinement period imposed at the major offense category level, see table 3.8. For these data at the 24-category level, see table 3.A5. For these data at the specific charge level, see table 3.A13.

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Table 3.A5. Length of *minimum* confinement period imposed (in months) on felony defendants sentenced between 1993-1998, by offense category

Offense category	Total sentenced*	Mean	Coefficient of variation	Mean/ Median	25th %tile	Median	75th %tile
Homicide	745	314.4	101.8	1.3	120	240	360
Sex—child	102	80.7	133.5	2.2	20	36	84
Sex—abuse	148	132.0	113.3	2.0	24	67	180
Assault with intent to kill	94	215.5	144.6	1.8	60	120	240
Assault	710	44.7	104.4	1.2	18	36	56
Kidnapping	29	110.1	92.7	1.3	60	84	120
Robbery	1,225	51.1	137.2	1.4	12	36	60
Carjacking	32	221.9	86.2	1.2	84	180	244
Weapon during crime	93	67.6	30.7	1.1	60	60	60
Weapon	683	16.5	98.0	1.4	7	12	20
Burglary	715	53.4	298.2	2.2	12	24	48
Arson	15	49.2	68.9	1.4	24	36	75
Obstruction of justice	38	207.9	268.2	3.7	24	56	120
Escape/Bail Reform Act	2,074	6.9	100.8	1.7	3	4	9
Drug—distribution	1,910	33.7	91.8	1.4	15	24	48
Drug—PWID	2,014	30.6	97.3	1.3	12	24	36
Drug—violation of drug-free zone	25	26.8	88.5	1.7	9	16	36
Unauthorized use of an auto	427	13.0	62.6	1.1	7	12	18
Forgery	67	17.4	118.1	1.4	6	12	20
Fraud	10	38.4	94.7	1.2	9	31.5	60
Larceny	139	28.2	89.5	1.2	12	24	36
Property	110	23.8	85.1	1.2	12	20	36
Stolen property	112	17.4	59.1	1.2	12	15	24
Other	363	24.0	152.2	2.0	3	12	24

*Includes defendants with missing data.
Note: For data on minimum confinement period imposed at the major offense category level, see table 3.8. For these data at the specific charge level, see table 3.A13.

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Table 3.A6. Mean of the *minimum* confinement period imposed (in months) on felony defendants sentenced between 1993-1998, by *offense category and year*

	Year of sentencing					
Offense category	1993	1994	1995	1996	1997	1998
Homicide	245.0	284.9	354.3	286.4	367.7	349.6
Sex—child	92.2	57.3	63.2	100.3	86.0	85.0
Sex—abuse	245.3	193.4	172.5	125.6	63.6	79.9
Assault with intent to kill	143.3	230.8	332.4	256.3	122.7	183.3
Assault	41.4	38.8	52.2	50.6	45.7	40.8
Kidnapping	60.0	86.0	180.0	74.4	193.3	89.6
Robbery	65.3	42.7	47.8	48.6	56.8	42.8
Carjacking	160.0	157.3	216.0	138.0	212.0	389.3
Weapon during crime	62.3	60.0	92.7	76.0	64.0	60.0
Weapon	18.9	15.8	20.4	17.3	13.8	13.2
Burglary	113.9	38.4	48.5	34.9	56.9	35.4
Arson	36.0	45.0	62.0	75.0	44.0	47.3
Obstruction of justice	47.7	578.6	78.0	95.0	112.4	45.4
Escape/Bail Reform Act	9.0	6.1	7.2	6.4	6.6	6.5
Drug—distribution	29.2	29.9	51.4	37.8	33.8	24.7
Drug—PWID	31.3	30.4	43.1	31.6	24.1	21.4
Drug—violation of drug-free zone	...	...	...	...	35.1	22.1
Unauthorized use of an auto	13.4	13.0	17.5	14.3	12.4	10.6
Forgery	16.1	32.1	19.2	19.1	10.0	10.6
Fraud	...	104.0	25.0	...	25.0	39.0
Larceny	25.8	37.5	29.7	27.5	26.6	21.0
Property	21.6	25.7	24.2	23.5	25.3	23.5
Stolen property	18.0	16.3	21.0	20.1	15.9	14.1
Other	18.5	18.7	47.4	20.9	23.6	23.8

... No case of this type occurred in the data.
Note: For data on minimum confinement period imposed at the major offense category level by year of sentencing, see table 3.10.

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Table 3.A7. Length of *maximum* confinement period imposed (in months) on felony defendants sentenced between 1993-1998, by offense category

Offense category	Total sentenced*	Mean	Coefficient of variation	Mean/ Median	25th %tile	Median	75th %tile
Homicide	745	392.3	64.0	1.1	180	360	504
Sex—child	102	211.6	105.0	1.8	108	120	216
Sex—abuse	148	272.8	103.7	1.5	72	180	300
Assault with intent to kill	94	458.9	146.6	1.9	180	246	360
Assault	710	138.1	87.7	1.3	60	108	180
Kidnapping	29	223.6	52.7	1.2	180	180	288
Robbery	1,225	144.1	92.0	1.3	36	108	180
Carjacking	32	523.8	67.3	1.2	252	432	540
Weapon during crime	93	201.6	30.3	1.1	180	180	180
Weapon	683	65.3	83.1	1.2	36	54	72
Burglary	715	144.3	281.1	1.6	60	90	144
Arson	15	158.1	65.7	1.3	72	120	228
Obstruction of justice	38	195.0	79.3	1.3	72	156	240
Escape/Bail Reform Act	2,074	22.4	101.6	1.9	9	12	30
Drug—distribution	1,910	106.6	87.4	1.5	54	72	144
Drug—PWID	2,014	101.5	91.9	1.4	45	72	144
Drug—violation of drug-free zone	25	111.2	64.2	1.1	54	99	162
Unauthorized use of an auto	427	42.6	60.4	1.2	24	36	60
Forgery	67	57.6	109.5	1.6	27	36	72
Fraud	10	126.1	89.5	0.9	18	144	216
Larceny	139	96.7	70.6	1.3	48	72	114
Property	110	81.2	67.2	1.1	36	72	108
Stolen property	112	54.9	58.0	1.2	36	45	72
Other	363	125.5	110.6	1.7	36	72	144

*Includes defendants with missing data.
Note: For data on maximum confinement period imposed at the major offense category level, see table 3.9. For these data at the 140 specific charge level, see table 3.A14.

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Table 3.A8. Number of life sentences imposed on felony defendants sentenced between 1993-1998, by offense category and year

	Year of sentencing					
Offense category	**1993**	**1994**	**1995**	**1996**	**1997**	**1998**
Homicide	50	104	66	82	98	67
Sex—child	0	1	0	2	1	4
Sex—abuse	4	7	4	5	3	8
Assault with intent to kill	4	8	4	1	4	5
Assault	0	1	1	3	5	4
Kidnapping	0	3	2	0	1	0
Robbery	14	8	0	5	4	5
Carjacking	0	1	0	1	3	2
Burglary	8	3	2	2	0	4
Obstruction of justice	0	3	0	0	1	0
Drug—PWID	1	0	0	0	0	0
Other	3	0	1	0	0	0
Total	**84**	**139**	**80**	**101**	**120**	**99**

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Table 3.A9. Number and type of sentences imposed on felony *drug* defendants sentenced between 1993-1998, by year of sentencing and drug offense category

Offense category	Total sentenced	Prison			Probation	Other sentence
		Total prison	Prison only	Prison & probation		
Drug offenses during 1993-1995	4,149	2,435	2,325	110	1,567	147
Distribution	2,391	1,394	1,355	39	914	83
PWID	1,753	1,039	969	70	650	64
Violation of drug free zone	0	0	0	0	0	0
Drug offenses during 1996-1998	2,619	1,518	1,239	279	1,072	29
Distribution	900	516	437	79	374	10
PWID	1,677	975	783	192	683	19
Violation of drug free zone	39	25	17	8	14	0

Note: For data on type of sentence imposed on felony drug defendants at the major offense category level, see table 3.16.

Table 3.A10. Length of maximum and minimum confinement period imposed (in months) on felony *drug* defendants sentenced between 1993-1998, by year of sentencing and drug offense category

Minimum confinement period

Offense category	Total sentenced	Mean	Coefficient of variation	Mean/ Median	25th %tile	Median	75th %tile
Drug offenses during 1993-1995	2,435	34.3	86.4	1.4	18	24	48
Distribution	1,394	34.0	87.7	1.4	16	24	48
PWID	1,039	34.8	84.7	1.4	18	24	48
Violation of drug free zone	0	...	...	...	...	...	...
Drug offenses during 1996-1998	1,518	28.4	109.6	1.4	12	20	36
Distribution	516	32.8	103.2	1.4	12	24	48
PWID	975	26.1	112.9	1.5	12	18	36
Violation of drug free zone	25	26.8	88.5	1.7	9	16	36

Maximum confinement period

Offense category	Total sentenced	Mean	Coefficient of variation	Mean/ Median	25th %tile	Median	75th %tile
Drug offenses during 1993-1995	2,435	107.7	82.8	1.5	54	72	144
Distribution	1,394	105.8	83.5	1.5	54	72	144
PWID	1,039	110.4	81.9	1.2	60	90	144
Violation of drug free zone	0	...	...	...	...	...	...
Drug offenses during 1996-1998	1,518	97.2	102.8	1.3	36	72	120
Distribution	516	109.2	98.1	1.5	36	72	144
PWID	975	90.5	105.8	1.3	36	72	108
Violation of drug free zone	25	111.2	64.2	1.1	54	99	162

... No case of this type occurred in the data.
Note: For data on minimum and maximum confinement period imposed on felony drug defendants at the major offense category level, see tables 3.17a and 3.17b.

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Table 3.A11. Number and type of sentences imposed on felony defendants between 1993-1998, by offense category and charge

Offense category and charge	Total sentenced	Prison				Probation	Other sentence
		Total prison	Prison only	Prison & probation	Life		
Homicide	**780**	**745**	**722**	**23**	**467**	**18**	**17**
Murder I while armed	252	252	252	0	247	0	0
Murder I	21	21	20	1	21	0	0
Murder of law enforcement officer	0	0	0	0	0	0	0
2nd degree murder while armed	225	224	219	5	145	0	1
2nd degree murder	44	36	34	2	20	4	4
Voluntary Manslaughter	98	88	84	4	0	6	4
Voluntary manslaughter while armed	89	86	84	2	34	1	2
Involuntary manslaughter	37	30	24	6	0	4	3
Negligent homicide	14	8	5	3	0	3	3
Sex—child	**132**	**102**	**90**	**12**	**8**	**26**	**4**
1st degree child sex abuse	15	14	14	0	6	1	0
Sodomy on minor child	4	3	3	0	1	1	0
Attempt 1st degree child sexual abuse	1	1	1	0	0	0	0
2nd degree child sex abuse	20	13	7	6	0	7	0
Enticing a child	6	4	3	1	0	2	0
Sexual performance using minor	1	0	0	0	0	1	0
Attempt 2nd degree child sex abuse	5	3	2	1	0	2	0
Carnal knowledge	14	12	11	1	0	1	1
Ind act Miller Act	66	52	49	3	1	11	3
Sex—abuse	**161**	**148**	**132**	**16**	**31**	**10**	**3**
1st degree sex abuse	20	20	19	1	9	0	0
1st degree sex abuse while armed	3	3	3	0	3	0	0
Rape	24	23	23	0	13	0	1
Rape while armed	11	11	11	0	3	0	0
2nd degree sex abuse	3	3	2	1	1	0	0
3rd degree sex abuse	8	8	6	2	0	0	0
4th degree sex abuse	7	6	6	0	0	1	0
2nd degree sex abuse/ward	1	1	1	0	0	0	0
2nd degree sex abuse patient/c	1	0	0	0	0	1	0
Attempt 1st degree sex abuse	47	44	34	10	0	2	1
Sodomy	10	8	8	0	1	1	1
Incest	2	1	1	0	0	1	0
Assault w/i rape while armed	4	4	4	0	1	0	0
Assault w/i rape	20	16	14	2	0	4	0
Assault w/i commmit sodomy while armed	0	0	0	0	0	0	0
Assault with intent to kill	**96**	**94**	**88**	**6**	**26**	**2**	**0**
Assault w/i kill while armed	76	75	72	3	26	1	0
Assault w/intent to kill	20	19	16	3	0	1	0
Assault	**964**	**710**	**588**	**122**	**14**	**209**	**45**
Armed assault with intent	1	1	1	0	0	0	0
Assault with intent	7	6	5	1	0	1	0
Assault w/i mayhem	3	2	2	0	0	1	0
ADW	545	388	332	56	0	128	29
Assault w/i any offense	6	5	5	0	0	1	0
Aggravated assault	107	84	56	28	1	21	2
Aggravated assault while armed	78	74	65	9	11	3	1
Attempt aggravated assault	39	30	22	8	0	9	0
APO dang weapon	26	21	18	3	0	3	2
APO	83	56	50	6	0	22	5
Mayhem	14	12	9	3	0	1	1
Mayhem while armed	15	12	11	1	2	1	2
Malicious disfigurement	0	0	0	0	0	0	0
Cruelty to children	30	14	7	7	0	13	3
2nd degree cruelty to children	10	5	5	0	0	5	0
Kidnapping	**34**	**29**	**26**	**3**	**6**	**3**	**2**
Armed kidnapping	13	13	12	1	3	0	0
Kidnapping	21	16	14	2	3	3	2
Attempt kidnapping	0	0	0	0	0	0	0

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Table 3.A11. ***continued***

Offense category and charge	Total sentenced	Prison					
		Total prison	Prison only	Prison & probation	Life	Probation	Other sentence
Robbery	**1,490**	**1,225**	**1,129**	**96**	**36**	**237**	**28**
Assault w/i rob while armed	26	24	23	1	2	2	0
Assault with intent to rob	56	44	43	1	0	10	2
Armed robbery	289	267	246	21	32	13	9
Armed robbery-senior citizen	2	2	2	0	0	0	0
Attempt armed robbery	12	10	9	1	0	2	0
Robbery	544	452	410	42	0	83	9
Robbery of senior citizen	26	24	21	3	2	1	1
Attempt robbery	535	402	375	27	0	126	7
Armed robbery (domestic)	0	0	0	0	0	0	0
Carjacking	**32**	**32**	**29**	**3**	**7**	**0**	**0**
Carjacking	14	14	14	0	0	0	0
Carjacking while armed	18	18	15	3	7	0	0
Weapon during crime	**98**	**93**	**93**	**0**	**0**	**3**	**2**
Poss firearm during crime of dang/viol off	98	93	93	0	0	3	2
Weapon	**1,217**	**683**	**573**	**110**	**0**	**465**	**69**
CDW	201	129	125	4	0	58	14
CDW gun	0	0	0	0	0	0	0
PPW gun	11	2	2	0	0	8	1
Carry pistol w/o license-domestic	0	0	0	0	0	0	0
Carrying a pistol without a license	921	504	411	93	0	366	51
PPW blackjack	0	0	0	0	0	0	0
PPW felony	84	48	35	13	0	33	3
Burglary	**904**	**715**	**665**	**50**	**19**	**172**	**17**
Armed burglary I	43	42	41	1	17	1	0
Burglary I	85	79	72	7	1	5	1
Armed burglary II	6	3	3	0	0	2	1
Burglary II	527	414	386	28	0	100	13
Attempt burglary	243	177	163	14	1	64	2
Arson	**21**	**15**	**10**	**5**	**0**	**5**	**1**
Arson	21	15	10	5	0	5	1
Obstruction of justice	**46**	**38**	**33**	**5**	**4**	**7**	**1**
Obstructing justice	46	38	33	5	4	7	1
Escape/Bail Reform Act	**2,700**	**2,074**	**1,971**	**103**	**0**	**576**	**50**
Escape/prison breach-attempt	229	213	212	1	0	13	3
Escape/prison breach	1,836	1,448	1,374	74	0	357	31
Bail reform act-felony	635	413	385	28	0	206	16
Drug—distribution	**3,291**	**1,910**	**1,792**	**118**	**0**	**1,288**	**93**
Attempt distribute cocaine	1,814	979	931	48	0	772	63
Attempt distribute dilaudid	44	29	28	1	0	15	0
Attempt distribute heroin	340	185	171	14	0	150	5
Attempt distribute PCP	54	30	29	1	0	24	0
Attempt distribute preludin	2	2	2	0	0	0	0
UCSA distribute cocaine	727	481	448	33	0	226	20
UCSA distribute dilaudid	31	21	21	0	0	9	1
UCSA distribute heroin	245	165	144	21	0	77	3
UCSA distribute other	3	0	0	0	0	3	0
UCSA distribute PCP	30	17	17	0	0	12	1
UCSA distribute preludin	1	1	1	0	0	0	0
Drug—PWID	**3,430**	**2,014**	**1,752**	**262**	**1**	**1,333**	**83**
Attempt PWID cocaine	1,765	957	825	132	0	753	55
Attempt PWID dilaudid	7	2	1	1	0	4	1
Attempt PWID heroin	461	268	237	31	0	184	9
Attempt PWID PCP	63	27	26	1	0	34	2
Attempt PWID preludin	0	0	0	0	0	0	0
PWID while armed	28	23	23	0	0	5	0

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Table 3.A11. ***continued***

Offense category and charge	Total sentenced	Prison					
		Total prison	Prison only	Prison & probation	Life	Probation	Other sentence
Drug—PWID continued							
UCSA PWID cocaine	798	533	459	74	0	252	13
UCSA PWID dilaudid	11	8	8	0	0	3	0
UCSA PWID heroin	252	164	144	20	1	85	3
UCSA PWID other	6	2	2	0	0	4	0
UCSA PWID PCP	37	28	26	2	0	9	0
UCSA PWID preludin	0	0	0	0	0	0	0
UCSA PWID methamphetam	2	2	1	1	0	0	0
UCSA PWID LSD	0	0	0	0	0	0	0
UCSA PWID psilocybin	0	0	0	0	0	0	0
Drug—violation of drug-free zone	**39**	**25**	**17**	**8**	**0**	**14**	**0**
Attempt distribute in drug free zone	1	0	0	0	0	1	0
Distribution drug free zone	38	25	17	8	0	13	0
Unauthorized use of an auto	**602**	**427**	**381**	**46**	**0**	**165**	**10**
Using stolen vehicle	602	427	381	46	0	165	10
Forgery	**117**	**67**	**61**	**6**	**0**	**47**	**3**
Forgery	46	30	28	2	0	14	2
Uttering	68	36	32	4	0	31	1
Bad check	3	1	1	0	0	2	0
Bad check (felony)	0	0	0	0	0	0	0
Fraud	**23**	**10**	**8**	**2**	**0**	**12**	**1**
Credit card fraud	8	3	3	0	0	5	0
Fraud 1st degree	9	5	4	1	0	3	1
Fraud 2nd degree	6	2	1	1	0	4	0
Larceny	**220**	**139**	**115**	**24**	**0**	**68**	**13**
Larceny after trust	0	0	0	0	0	0	0
Theft 1st degree	220	139	115	24	0	68	13
Theft I /senior citizen	0	0	0	0	0	0	0
Property	**167**	**110**	**94**	**16**	**0**	**53**	**4**
Destruction property over 200	160	105	90	15	0	52	3
Breaking & entering-vending machine	7	5	4	1	0	1	1
Stolen property	**181**	**112**	**99**	**13**	**0**	**62**	**7**
Trafficking stolen property	4	2	1	1	0	2	0
Receiving stolen goods	177	110	98	12	0	60	7
Other	**586**	**363**	**332**	**31**	**4**	**203**	**20**
Accessory after fact	19	13	11	2	0	6	0
Blackmail	1	0	0	0	0	1	0
Bribery	6	2	1	1	0	4	0
Bribery of witness	0	0	0	0	0	0	0
Conspiracy	31	25	24	1	0	5	1
Dangerous Drug Act	0	0	0	0	0	0	0
Embezzlement	1	0	0	0	0	1	0
Extortion	1	1	0	1	0	0	0
False impersonation police (fel)	1	0	0	0	0	1	0
Impersonate public official	1	1	0	1	0	0	0
Introducing contraband penal inst	2	1	1	0	0	1	0
Maintaining a crack house	1	0	0	0	0	1	0
Obtaining narcotics by fraud	7	4	3	1	0	3	0
Pandering	4	2	2	0	0	2	0
Perjury	4	3	3	0	0	1	0
Procuring	2	1	1	0	0	1	0
Stalking	0	0	0	0	0	0	0
Threat injure a person	83	58	47	11	0	21	4
Any other felony (domestic violence)	0	0	0	0	0	0	0
Any other felony	147	100	95	5	4	44	3
Any other US charge	23	14	14	0	0	7	2
Attempt crime not listed	252	138	130	8	0	104	10

Note: For data on number and type of sentence imposed at the major offense category level, see table 3.1. For these data at the 24-category level, see table 3.A1.

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Table 3.A12. Percent of type of sentences imposed on felony defendants between 1993-1998, by offense category and charge

Offense category and charge	Total sentenced	Prison				Probation	Other sentence
		Total prison	Prison only	Prison & probation	Life		
Homicide	**780**	**95.5%**	**92.6%**	**2.9%**	**59.9%**	**2.3%**	**2.2%**
Murder I while armed	252	100.0%	100.0%	0.0%	98.0%	0.0%	0.0%
Murder I	21	100.0%	95.2%	4.8%	100.0%	0.0%	0.0%
Murder of law enforcement officer	0	...	...	...	...	...	...
2nd degree murder while armed	225	99.6%	97.3%	2.2%	64.4%	0.0%	0.4%
2nd degree murder	44	81.8%	77.3%	4.5%	45.5%	9.1%	9.1%
Voluntary Manslaughter	98	89.8%	85.7%	4.1%	0.0%	6.1%	4.1%
Voluntary manslaughter while armed	89	96.6%	94.4%	2.2%	38.2%	1.1%	2.2%
Involuntary manslaughter	37	81.1%	64.9%	16.2%	0.0%	10.8%	8.1%
Negligent homicide	14	57.1%	35.7%	21.4%	0.0%	21.4%	21.4%
Sex—child	**132**	**77.3%**	**68.2%**	**9.1%**	**6.1%**	**19.7%**	**3.0%**
1st degree child sex abuse	15	93.3%	93.3%	0.0%	40.0%	6.7%	0.0%
Sodomy on minor child	4	75.0%	75.0%	0.0%	25.0%	25.0%	0.0%
Attempt 1st degree child sexual abuse	1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
2nd degree child sex abuse	20	65.0%	35.0%	30.0%	0.0%	35.0%	0.0%
Enticing a child	6	66.7%	50.0%	16.7%	0.0%	33.3%	0.0%
Sexual performance using minor	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Attempt 2nd degree child sex abuse	5	60.0%	40.0%	20.0%	0.0%	40.0%	0.0%
Carnal knowledge	14	85.7%	78.6%	7.1%	0.0%	7.1%	7.1%
Ind act Miller Act	66	78.8%	74.2%	4.5%	1.5%	16.7%	4.5%
Sex—abuse	**161**	**91.9%**	**82.0%**	**9.9%**	**19.3%**	**6.2%**	**1.9%**
1st degree sex abuse	20	100.0%	95.0%	5.0%	45.0%	0.0%	0.0%
1st degree sex abuse while armed	3	100.0%	100.0%	0.0%	100.0%	0.0%	0.0%
Rape	24	95.8%	95.8%	0.0%	54.2%	0.0%	4.2%
Rape while armed	11	100.0%	100.0%	0.0%	27.3%	0.0%	0.0%
2nd degree sex abuse	3	100.0%	66.7%	33.3%	33.3%	0.0%	0.0%
3rd degree sex abuse	8	100.0%	75.0%	25.0%	0.0%	0.0%	0.0%
4th degree sex abuse	7	85.7%	85.7%	0.0%	0.0%	14.3%	0.0%
2nd degree sex abuse/ward	1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
2nd degree sex abuse patient/c	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Attempt 1st degree sex abuse	47	93.6%	72.3%	21.3%	0.0%	4.3%	2.1%
Sodomy	10	80.0%	80.0%	0.0%	10.0%	10.0%	10.0%
Incest	2	50.0%	50.0%	0.0%	0.0%	50.0%	0.0%
Assault w/i rape while armed	4	100.0%	100.0%	0.0%	25.0%	0.0%	0.0%
Assault w/i rape	20	80.0%	70.0%	10.0%	0.0%	20.0%	0.0%
Assault w/i commmit sodomy while armed	0	...	...	...	...	...	...
Assault with intent to kill	**96**	**97.9%**	**91.7%**	**6.3%**	**27.1%**	**2.1%**	**0.0%**
Assault w/i kill while armed	76	98.7%	94.7%	3.9%	34.2%	1.3%	0.0%
Assault w/intent to kill	20	95.0%	80.0%	15.0%	0.0%	5.0%	0.0%
Assault	**964**	**73.7%**	**61.0%**	**12.7%**	**1.5%**	**21.7%**	**4.7%**
Armed assault with intent	1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Assault with intent	7	85.7%	71.4%	14.3%	0.0%	14.3%	0.0%
Assault w/i mayhem	3	66.7%	66.7%	0.0%	0.0%	33.3%	0.0%
ADW	545	71.2%	60.9%	10.3%	0.0%	23.5%	5.3%
Assault w/i any offense	6	83.3%	83.3%	0.0%	0.0%	16.7%	0.0%
Aggravated assault	107	78.5%	52.3%	26.2%	0.9%	19.6%	1.9%
Aggravated assault while armed	78	94.9%	83.3%	11.5%	14.1%	3.8%	1.3%
Attempt aggravated assault	39	76.9%	56.4%	20.5%	0.0%	23.1%	0.0%
APO dang weapon	26	80.8%	69.2%	11.5%	0.0%	11.5%	7.7%
APO	83	67.5%	60.2%	7.2%	0.0%	26.5%	6.0%
Mayhem	14	85.7%	64.3%	21.4%	0.0%	7.1%	7.1%
Mayhem while armed	15	80.0%	73.3%	6.7%	13.3%	6.7%	13.3%
Malicious disfigurement	0	...	...	...	...	...	...
Cruelty to children	30	46.7%	23.3%	23.3%	0.0%	43.3%	10.0%
2nd degree cruelty to children	10	50.0%	50.0%	0.0%	0.0%	50.0%	0.0%
Kidnapping	**34**	**85.3%**	**76.5%**	**8.8%**	**17.6%**	**8.8%**	**5.9%**
Armed kidnapping	13	100.0%	92.3%	7.7%	23.1%	0.0%	0.0%
Kidnapping	21	76.2%	66.7%	9.5%	14.3%	14.3%	9.5%
Attempt kidnapping	0	...	...	...	...	...	...

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Table 3.A12. ***continued***

Offense category and charge	Total sentenced	Prison				Probation	Other sentence
		Total prison	Prison only	Prison & probation	Life		
Robbery	**1,490**	**82.2%**	**75.8%**	**6.4%**	**2.4%**	**15.9%**	**1.9%**
Assault w/i rob while armed	26	92.3%	88.5%	3.8%	7.7%	7.7%	0.0%
Assault with intent to rob	56	78.6%	76.8%	1.8%	0.0%	17.9%	3.6%
Armed robbery	289	92.4%	85.1%	7.3%	11.1%	4.5%	3.1%
Armed robbery-senior citizen	2	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Attempt armed robbery	12	83.3%	75.0%	8.3%	0.0%	16.7%	0.0%
Robbery	544	83.1%	75.4%	7.7%	0.0%	15.3%	1.7%
Robbery of senior citizen	26	92.3%	80.8%	11.5%	7.7%	3.8%	3.8%
Attempt robbery	535	75.1%	70.1%	5.0%	0.0%	23.6%	1.3%
Armed robbery (domestic)	0	...	...	...	...	...	...
Carjacking	**32**	**100.0%**	**90.6%**	**9.4%**	**21.9%**	**0.0%**	**0.0%**
Carjacking	14	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Carjacking while armed	18	100.0%	83.3%	16.7%	38.9%	0.0%	0.0%
Weapon during crime	**98**	**94.9%**	**94.9%**	**0.0%**	**0.0%**	**3.1%**	**2.0%**
Poss firearm during crime of dang/viol off	98	94.9%	94.9%	0.0%	0.0%	3.1%	2.0%
Weapon	**1,217**	**56.1%**	**47.1%**	**9.0%**	**0.0%**	**38.2%**	**5.7%**
CDW	201	64.2%	62.2%	2.0%	0.0%	28.9%	7.0%
CDW gun	0	...	...	...	...	...	...
PPW gun	11	18.2%	18.2%	0.0%	0.0%	72.7%	9.1%
Carry pistol w/o license-domestic	0	...	...	...	...	...	...
Carrying a pistol without a license	921	54.7%	44.6%	10.1%	0.0%	39.7%	5.5%
PPW blackjack	0	...	...	...	...	...	...
PPW felony	84	57.1%	41.7%	15.5%	0.0%	39.3%	3.6%
Burglary	**904**	**79.1%**	**73.6%**	**5.5%**	**2.1%**	**19.0%**	**1.9%**
Armed burglary I	43	97.7%	95.3%	2.3%	39.5%	2.3%	0.0%
Burglary I	85	92.9%	84.7%	8.2%	1.2%	5.9%	1.2%
Armed burglary II	6	50.0%	50.0%	0.0%	0.0%	33.3%	16.7%
Burglary II	527	78.6%	73.2%	5.3%	0.0%	19.0%	2.5%
Attempt burglary	243	72.8%	67.1%	5.8%	0.4%	26.3%	0.8%
Arson	**21**	**71.4%**	**47.6%**	**23.8%**	**0.0%**	**23.8%**	**4.8%**
Arson	21	71.4%	47.6%	23.8%	0.0%	23.8%	4.8%
Obstruction of justice	**46**	**82.6%**	**71.7%**	**10.9%**	**8.7%**	**15.2%**	**2.2%**
Obstructing justice	46	82.6%	71.7%	10.9%	8.7%	15.2%	2.2%
Escape/Bail Reform Act	**2,700**	**76.8%**	**73.0%**	**3.8%**	**0.0%**	**21.3%**	**1.9%**
Escape/prison breach-attempt	229	93.0%	92.6%	0.4%	0.0%	5.7%	1.3%
Escape/prison breach	1,836	78.9%	74.8%	4.0%	0.0%	19.4%	1.7%
Bail reform act-felony	635	65.0%	60.6%	4.4%	0.0%	32.4%	2.5%
Drug—distribution	**3,291**	**58.0%**	**54.5%**	**3.6%**	**0.0%**	**39.1%**	**2.8%**
Attempt distribute cocaine	1,814	54.0%	51.3%	2.6%	0.0%	42.6%	3.5%
Attempt distribute dilaudid	44	65.9%	63.6%	2.3%	0.0%	34.1%	0.0%
Attempt distribute heroin	340	54.4%	50.3%	4.1%	0.0%	44.1%	1.5%
Attempt distribute PCP	54	55.6%	53.7%	1.9%	0.0%	44.4%	0.0%
Attempt distribute preludin	2	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
UCSA distribute cocaine	727	66.2%	61.6%	4.5%	0.0%	31.1%	2.8%
UCSA distribute dilaudid	31	67.7%	67.7%	0.0%	0.0%	29.0%	3.2%
UCSA distribute heroin	245	67.3%	58.8%	8.6%	0.0%	31.4%	1.2%
UCSA distribute other	3	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
UCSA distribute PCP	30	56.7%	56.7%	0.0%	0.0%	40.0%	3.3%
UCSA distribute preludin	1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
Drug—PWID	**3,430**	**58.7%**	**51.1%**	**7.6%**	**0.0%**	**38.9%**	**2.4%**
Attempt PWID cocaine	1,765	54.2%	46.7%	7.5%	0.0%	42.7%	3.1%
Attempt PWID dilaudid	7	28.6%	14.3%	14.3%	0.0%	57.1%	14.3%
Attempt PWID heroin	461	58.1%	51.4%	6.7%	0.0%	39.9%	2.0%
Attempt PWID PCP	63	42.9%	41.3%	1.6%	0.0%	54.0%	3.2%
Attempt PWID preludin	0	...	...	...	...	...	...
PWID while armed	28	82.1%	82.1%	0.0%	0.0%	17.9%	0.0%

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Table 3.A12. ***continued***

Offense category and charge	Total sentenced	Prison				Probation	Other sentence
		Total prison	Prison only	Prison & probation	Life		
Drug—PWID continued							
UCSA PWID cocaine	798	66.8%	57.5%	9.3%	0.0%	31.6%	1.6%
UCSA PWID dilaudid	11	72.7%	72.7%	0.0%	0.0%	27.3%	0.0%
UCSA PWID heroin	252	65.1%	57.1%	7.9%	0.4%	33.7%	1.2%
UCSA PWID other	6	33.3%	33.3%	0.0%	0.0%	66.7%	0.0%
UCSA PWID PCP	37	75.7%	70.3%	5.4%	0.0%	24.3%	0.0%
UCSA PWID preludin	0	...	...	...	...	...	...
UCSA PWID methamphetam	2	100.0%	50.0%	50.0%	0.0%	0.0%	0.0%
UCSA PWID LSD	0	...	...	...	...	...	...
UCSA PWID psilocybin	0	...	...	...	...	...	...
Drug—violation of drug-free zone	**39**	**64.1%**	**43.6%**	**20.5%**	**0.0%**	**35.9%**	**0.0%**
Attempt distribute in drug free zone	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Distribution drug free zone	38	65.8%	44.7%	21.1%	0.0%	34.2%	0.0%
Unauthorized use of an auto	**602**	**70.9%**	**63.3%**	**7.6%**	**0.0%**	**27.4%**	**1.7%**
Using stolen vehicle	602	70.9%	63.3%	7.6%	0.0%	27.4%	1.7%
Forgery	**117**	**57.3%**	**52.1%**	**5.1%**	**0.0%**	**40.2%**	**2.6%**
Forgery	46	65.2%	60.9%	4.3%	0.0%	30.4%	4.3%
Uttering	68	52.9%	47.1%	5.9%	0.0%	45.6%	1.5%
Bad check	3	33.3%	33.3%	0.0%	0.0%	66.7%	0.0%
Bad check (felony)	0	...	...	...	...	...	...
Fraud	**23**	**43.5%**	**34.8%**	**8.7%**	**0.0%**	**52.2%**	**4.3%**
Credit card fraud	8	37.5%	37.5%	0.0%	0.0%	62.5%	0.0%
Fraud 1st degree	9	55.6%	44.4%	11.1%	0.0%	33.3%	11.1%
Fraud 2nd degree	6	33.3%	16.7%	16.7%	0.0%	66.7%	0.0%
Larceny	**220**	**63.2%**	**52.3%**	**10.9%**	**0.0%**	**30.9%**	**5.9%**
Larceny after trust	0	...	...	...	...	...	...
Theft 1st degree	220	63.2%	52.3%	10.9%	0.0%	30.9%	5.9%
Theft I /senior citizen	0	...	...	...	...	...	...
Property	**167**	**65.9%**	**56.3%**	**9.6%**	**0.0%**	**31.7%**	**2.4%**
Destruction property over 200	160	65.6%	56.3%	9.4%	0.0%	32.5%	1.9%
Breaking & entering-vending machine	7	71.4%	57.1%	14.3%	0.0%	14.3%	14.3%
Stolen property	**181**	**61.9%**	**54.7%**	**7.2%**	**0.0%**	**34.3%**	**3.9%**
Trafficking stolen property	4	50.0%	25.0%	25.0%	0.0%	50.0%	0.0%
Receiving stolen goods	177	62.1%	55.4%	6.8%	0.0%	33.9%	4.0%
Other	**586**	**61.9%**	**56.7%**	**5.3%**	**0.7%**	**34.6%**	**3.4%**
Accessory after fact	19	68.4%	57.9%	10.5%	0.0%	31.6%	0.0%
Blackmail	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Bribery	6	33.3%	16.7%	16.7%	0.0%	66.7%	0.0%
Bribery of witness	0	...	...	...	...	...	...
Conspiracy	31	80.6%	77.4%	3.2%	0.0%	16.1%	3.2%
Dangerous Drug Act	0	...	...	...	...	...	...
Embezzlement	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Extortion	1	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%
False impersonation police (fel)	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Impersonate public official	1	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%
Introducing contraband penal inst	2	50.0%	50.0%	0.0%	0.0%	50.0%	0.0%
Maintaining a crack house	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Obtaining narcotics by fraud	7	57.1%	42.9%	14.3%	0.0%	42.9%	0.0%
Pandering	4	50.0%	50.0%	0.0%	0.0%	50.0%	0.0%
Perjury	4	75.0%	75.0%	0.0%	0.0%	25.0%	0.0%
Procuring	2	50.0%	50.0%	0.0%	0.0%	50.0%	0.0%
Stalking	0	...	...	...	...	...	...
Threat injure a person	83	69.9%	56.6%	13.3%	0.0%	25.3%	4.8%
Any other felony (domestic violence)	0	...	...	...	...	...	...
Any other felony	147	68.0%	64.6%	3.4%	2.7%	29.9%	2.0%
Any other US charge	23	60.9%	60.9%	0.0%	0.0%	30.4%	8.7%
Attempt crime not listed	252	54.8%	51.6%	3.2%	0.0%	41.3%	4.0%

... No cases of this type occurred.
Note: For data on percent of type of sentences imposed presented graphically, see figures 3.A1 and 3.A2. For these data at the major offense category level, see table 3.2.

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Table 3.A13. *Minimum* confinement period imposed (in months) on felony defendants sentenced between 1993-1998, by offense category and charge

Offense category and charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Homicide	**745**	**314.4**	**320.2**	**101.8**	**1.3**	**0**	**48**	**120**	**240**	**360**	**612**	**880**	**2,760**
Murder I while armed	252	559.3	396.2	70.8	1.3	36	240	360	420	640	960	1,340	2,760
Murder I	21	451.0	159.5	35.4	1.3	300	324	360	360	542	660	828	936
Murder of law enforcement officer	0	...	...	...	...	...	...	...	...	...	...	...	...
2nd degree murder while armed	224	235.8	195.5	82.9	1.3	20	84	168	180	252	364	492	2,004
2nd degree murder	36	196.9	136.8	69.5	1.1	45	60	112	180	216	360	480	800
Voluntary manslaughter	88	93.8	47.9	51.1	1.2	10	36	60	78	120	156	180	252
Voluntary manslaughter while armed	86	159.9	73.6	46.0	1.0	0	60	120	156	180	240	288	420
Involuntary manslaughter	30	59.1	41.6	70.3	1.0	3	3	24	60	72	120	120	160
Negligent homicide	8	13.4	5.8	43.0	1.0	1	1	12	14	17	20	20	20
Sex—child	**102**	**80.7**	**107.6**	**133.5**	**2.2**	**3**	**9**	**20**	**36**	**84**	**206**	**264**	**684**
1st degree child sex abuse	14	195.3	161.2	82.6	1.1	24	24	96	174	220	320	684	684
Sodomy on minor child	3	241.3	221.5	91.8	1.5	72	72	72	160	492	492	492	492
Attempt 1st degree child sexual abuse	1	24.0	—	—	1.0	24	24	24	24	24	24	24	24
2nd degree child sex abuse	13	20.8	10.7	51.3	1.2	6	6	16	18	24	36	40	40
Enticing a child	4	18.0	10.8	60.1	1.2	9	9	9	15	30	30	30	30
Sexual performance using minor	0	...	...	...	...	...	...	...	...	...	...	...	...
Attempt 2nd degree child sex abuse	3	15.0	18.2	121.7	2.5	3	3	3	6	36	36	36	36
Carnal knowledge	12	134.5	122.8	91.3	1.6	12	12	54	84	200	240	440	440
Ind act Miller Act	52	51.0	50.5	99.1	1.4	6	12	24	36	48	96	160	288
Sex—abuse	**148**	**132.0**	**149.5**	**113.3**	**2.0**	**3**	**10**	**24**	**67**	**180**	**360**	**420**	**780**
1st degree sex abuse	20	183.9	78.3	42.6	1.0	66	66	144	180	200	324	400	400
1st degree sex abuse while armed	3	170.7	106.3	62.3	0.9	60	60	60	180	272	272	272	272
Rape	23	289.1	178.9	61.9	1.4	72	84	144	208	360	594	660	720
Rape while armed	11	319.6	213.3	66.7	1.1	84	84	144	300	420	600	780	780
2nd degree sex abuse	3	120.0	143.7	119.8	2.0	16	16	16	60	284	284	284	284
3rd degree sex abuse	8	40.3	26.7	66.2	1.2	18	18	20	33	48	90	90	90
4th degree sex abuse	6	17.2	4.0	23.4	0.9	10	10	15	19	20	20	20	20
2nd degree sex abuse/ward	1	40.0	—	—	1.0	40	40	40	40	40	40	40	40
2nd degree sex abuse patient/c	0	...	...	...	...	...	...	...	...	...	...	...	...
Attempt 1st degree sex abuse	44	33.7	24.5	72.7	1.7	3	6	12	20	60	60	72	84
Sodomy	8	141.5	125.7	88.8	1.4	60	60	70	102	144	440	440	440
Incest	1	36.0	—	—	1.0	36	36	36	36	36	36	36	36
Assault w/i rape while armed	4	111.0	129.4	116.6	1.7	12	12	30	66	192	300	300	300
Assault w/i rape	16	64.1	39.6	61.8	1.1	18	18	36	60	78	120	156	156
Assault w/i commit sodomy while armed	0	...	...	...	...	...	...	...	...	...	...	...	...
Assault with intent to kill	**94**	**215.5**	**311.7**	**144.6**	**1.8**	**1**	**30**	**60**	**120**	**240**	**420**	**864**	**2,004**
Assault w/i kill while armed	75	255.5	338.0	132.3	1.8	2	48	84	144	252	500	1,080	2,004
Assault w/intent to kill	19	59.5	32.3	54.3	1.0	1	1	40	60	72	120	140	140

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Table 3.A13. ***continued***

Offense category and charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Assault	**710**	**44.7**	**46.7**	**104.4**	**1.2**	**1**	**6**	**18**	**36**	**56**	**96**	**144**	**360**
Armed assault with intent	1	84.0	—	—	1.0	84	84	84	84	84	84	84	84
Assault with intent	6	19.3	11.6	60.2	1.2	6	6	12	16	30	36	36	36
Assault w/i mayhem	2	30.0	14.1	47.1	1.0	20	20	20	30	40	40	40	40
ADW	388	40.2	33.7	83.9	1.1	1	6	24	36	48	72	100	312
Assault w/i any offense	5	27.2	19.1	70.1	1.7	12	12	12	16	48	48	48	48
Aggravated assault	84	40.6	45.4	111.9	1.1	2	6	15	36	40	60	168	288
Aggravated assault while armed	74	99.2	70.5	71.1	1.2	1	12	51	84	138	180	240	360
Attempt aggravated assault	30	15.4	8.5	55.0	1.0	1	4	11	15	20	20	20	48
APO dang weapon	21	55.4	58.7	106.0	1.5	2	8.5	19	36	60	138	210	240
APO	56	15.3	8.9	58.3	1.3	1	2	10	12	20	30	32	40
Mayhem	12	30.2	13.1	43.5	1.0	4	4	24	30	38	48	48	48
Mayhem while armed	12	131.3	78.5	59.8	1.2	44	44	60	114	202	240	240	240
Malicious disfigurement	0	...	...	...	...	...	...	...	...	...	...	...	...
Cruelty to children	14	24.2	20.0	82.7	1.0	2	2	8	24	36	60	60	60
2nd degree cruelty to children	5	31.6	11.5	36.5	0.8	18	18	20	40	40	40	40	40
Kidnapping	**29**	**110.1**	**102.1**	**92.7**	**1.3**	**12**	**24**	**60**	**84**	**120**	**180**	**396**	**480**
Armed kidnapping	13	108.8	115.4	106.1	1.5	40	40	60	72	120	132	480	480
Kidnapping	16	111.3	93.8	84.3	1.2	12	12	50	90	162	180	396	396
Attempt kidnapping	0	...	...	...	...	...	...	...	...	...	...	...	...
Robbery	**1,225**	**51.1**	**70.1**	**137.2**	**1.4**	**1**	**6**	**12**	**36**	**60**	**108**	**162**	**1,140**
Assault w/i rob while armed	24	94.1	67.6	71.8	1.2	18	24	60	78	114	164	240	300
Assault with intent to rob	44	51.6	41.2	79.9	1.1	3	10	24	48	60	84	108	240
Armed robbery	267	108.8	116.1	106.7	1.5	7	30	60	75	120	192	240	1,140
Armed robbery-senior citizen	2	66.0	8.5	12.9	1.0	60	60	60	66	72	72	72	72
Attempt armed robbery	10	80.6	73.5	91.2	1.2	6	6	12	66	152	192	216	216
Robbery	452	44.7	28.4	63.7	1.2	1	12	24	36	60	72	96	240
Robbery of senior citizen	24	86.4	77.3	89.4	1.2	9	12	24	72	108	214	240	260
Attempt robbery	402	13.4	14.8	110.3	1.1	1	5	9	12	12	20	24	216
Armed robbery (domestic)	0	...	...	...	...	...	...	...	...	...	...	...	...
Carjacking	**32**	**221.9**	**191.2**	**86.2**	**1.2**	**84**	**84**	**84**	**180**	**244**	**480**	**596**	**960**
Carjacking	14	112.9	46.3	41.1	1.3	84	84	84	84	144	144	248	248
Carjacking while armed	18	306.7	218.2	71.2	1.7	84	84	180	180	456	596	960	960
Weapon during crime	**93**	**67.6**	**20.8**	**30.7**	**1.1**	**24**	**60**	**60**	**60**	**60**	**120**	**120**	**120**
Poss firearm during crime of dang/viol off	93	67.6	20.8	30.7	1.1	24	60	60	60	60	120	120	120
Weapon	**683**	**16.5**	**16.2**	**98.0**	**1.4**	**0**	**1**	**7**	**12**	**20**	**36**	**40**	**216**
CDW	129	20.1	24.2	120.3	1.7	1	3	10	12	24	36	40	216
CDW gun	0	...	...	...	...	...	...	...	...	...	...	...	...
PPW gun	2	...	...	...	...	...	...	...	...	...	...	...	...
Carry pistol w/o license-domestic	0	...	...	...	...	...	...	...	...	...	...	...	...
Carrying a pistol without a license	504	16.0	13.7	85.8	1.3	0	1	7	12	20	36	40	96
PPW blackjack	0	...	...	...	...	...	...	...	...	...	...	...	...
PPW felony	48	12.1	9.5	78.7	1.0	1	2	5	12	15	24	32	48

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Table 3.A13. ***continued***

Offense category and charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Burglary	**715**	**53.4**	**159.3**	**298.2**	**2.2**	**1**	**6**	**12**	**24**	**48**	**84**	**132**	**2,920**
Armed burglary I	42	389.8	544.7	139.7	2.2	30	36	84	180	450	996	1,356	2,920
Burglary I	79	67.5	51.9	76.9	1.1	4	10	36	60	96	120	150	360
Armed burglary II	3	17.0	17.1	100.3	1.4	3	3	3	12	36	36	36	36
Burglary II	414	32.5	26.4	81.2	1.4	1	8	20	24	36	60	72	360
Attempt burglary	177	14.6	17.3	118.0	1.2	1	3	6	12	15	24	36	144
Arson	**15**	**49.2**	**33.9**	**68.9**	**1.4**	**4**	**4**	**24**	**36**	**75**	**100**	**114**	**114**
Arson	15	49.2	33.9	68.9	1.4	4	4	24	36	75	100	114	114
Obstruction of justice	**38**	**207.9**	**557.6**	**268.2**	**3.7**	**2**	**12**	**24**	**56**	**120**	**228**	**1,476**	**3,060**
Obstructing justice	38	207.9	557.6	268.2	3.7	2	12	24	56	120	228	1,476	3,060
Escape/Bail Reform Act	**2,074**	**6.9**	**7.0**	**100.8**	**1.7**	**0**	**1**	**3**	**4**	**9**	**12**	**20**	**120**
Escape/prison breach-attempt	213	4.8	3.5	73.7	1.2	0	1	2	4	6	9	12	24
Escape/prison breach	1,448	6.4	6.8	107.8	1.6	0	1	3	4	8	12	16	120
Bail reform act-felony	413	10.0	7.7	77.6	1.2	0	2	4	8	12	20	24	40
Drug—distribution	**1,910**	**33.7**	**30.9**	**91.8**	**1.4**	**0**	**6**	**15**	**24**	**48**	**72**	**96**	**360**
Attempt distribute cocaine	979	26.4	23.4	88.7	1.1	0	4	12	24	36	48	72	240
Attempt distribute dilaudid	29	27.6	16.1	58.3	1.2	10	12	18	24	36	48	48	90
Attempt distribute heroin	185	27.7	18.8	68.1	1.2	2	6	12	24	36	48	72	120
Attempt distribute PCP	30	22.1	14.9	67.5	1.0	3	5	10	22	30	38	48	72
Attempt distribute preludin	2	36.0	0.0	0.0	1.0	36	36	36	36	36	36	36	36
UCSA distribute cocaine	481	45.1	36.1	79.9	1.3	1	6	24	36	48	96	120	360
UCSA distribute dilaudid	21	47.1	34.9	74.1	1.3	12	12	24	36	48	84	168	168
UCSA distribute heroin	165	50.5	44.8	88.8	1.4	0	6	24	36	60	96	168	336
UCSA distribute other	0	...	...	...	...	...	...	...	...	...	...	...	...
UCSA distribute PCP	17	49.4	55.2	111.7	2.1	12	12	20	24	60	96	240	240
UCSA distribute preludin	1	6.0	—	—	1.0	6	6	6	6	6	6	6	6
Drug—PWID	**2,014**	**30.6**	**29.8**	**97.3**	**1.3**	**0**	**4**	**12**	**24**	**36**	**60**	**84**	**432**
Attempt PWID cocaine	957	24.1	19.4	80.8	1.0	0	3	12	24	30	48	60	240
Attempt PWID dilaudid	2	6.0	—	—	1.0	6	6	6	6	6	6	6	6
Attempt PWID heroin	268	23.4	15.7	67.1	1.2	1	4	12	20	33	48	48	84
Attempt PWID PCP	27	27.1	31.6	116.5	1.5	3	3	8	18	24	60	120	132
Attempt PWID preludin	0	...	...	...	...	...	...	...	...	...	...	...	...
PWID while armed	23	77.4	68.1	88.0	1.3	24	30	60	60	72	96	120	360
UCSA PWID cocaine	533	41.4	39.9	96.3	1.3	0	6	18	32	48	96	96	432
UCSA PWID dilaudid	8	32.6	11.9	36.6	1.1	18	18	24	30	48	48	48	48
UCSA PWID heroin	164	40.1	34.3	85.5	1.1	0	5	20	36	48	84	120	192
UCSA PWID other	2	10.0	2.8	28.3	1.0	8	8	8	10	12	12	12	12
UCSA PWID PCP	28	30.9	18.4	59.4	1.5	2	12	20	20	40	60	72	72
UCSA PWID preludin	0	...	...	...	...	...	...	...	...	...	...	...	...
UCSA PWID methamphetam	2	13.0	9.9	76.1	1.0	6	6	6	13	20	20	20	20
UCSA PWID LSD	0	...	...	...	...	...	...	...	...	...	...	...	...
UCSA PWID psilocybin	0	...	...	...	...	...	...	...	...	...	...	...	...

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Table 3.A13. ***continued***

Offense category and charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Drug—violation of drug-free zone	**25**	**26.8**	**23.7**	**88.5**	**1.7**	**2**	**2**	**9**	**16**	**36**	**72**	**72**	**84**
Attempt distribute in drug free zone	0	...	...	...	...	...	...	...	...	...	...	...	...
Distribution drug free zone	25	26.8	23.7	88.5	1.7	2	2	9	16	36	72	72	84
Unauthorized use of an auto	**427**	**13.0**	**8.2**	**62.6**	**1.1**	**0**	**3**	**7**	**12**	**18**	**20**	**24**	**60**
Using stolen vehicle	427	13.0	8.2	62.6	1.1	0	3	7	12	18	20	24	60
Forgery	**67**	**17.4**	**20.6**	**118.1**	**1.4**	**1**	**3**	**6**	**12**	**20**	**30**	**48**	**144**
Forgery	30	23.6	28.4	120.6	2.0	1	2	11	12	30	48	72	144
Uttering	36	12.1	6.9	56.5	1.0	1	3	6	12	18	24	24	24
Bad check	1	...	...	...	...	...	...	...	...	...	...	...	...
Bad check (felony)	0	...	...	...	...	...	...	...	...	...	...	...	...
Fraud	**10**	**38.4**	**36.3**	**94.7**	**1.2**	**2**	**2**	**9**	**32**	**60**	**104**	**104**	**104**
Credit card fraud	3	39.0	46.7	119.7	1.0	6	6	6	39	72	72	72	72
Fraud 1st degree	5	42.8	40.0	93.6	0.9	2	2	12	48	48	104	104	104
Fraud 2nd degree	2	15.0	—	—	1.0	15	15	15	15	15	15	15	15
Larceny	**139**	**28.2**	**25.3**	**89.5**	**1.2**	**1**	**3**	**12**	**24**	**36**	**48**	**72**	**192**
Larceny after trust	0	...	...	...	...	...	...	...	...	...	...	...	...
Theft 1st degree	139	28.2	25.3	89.5	1.2	1	3	12	24	36	48	72	192
Theft I /senior citizen	0	...	...	...	...	...	...	...	...	...	...	...	...
Property	**110**	**23.8**	**20.3**	**85.1**	**1.2**	**0**	**3**	**12**	**20**	**36**	**48**	**60**	**120**
Destruction property over 200	105	24.5	20.4	83.1	1.2	0	3	12	20	36	48	60	120
Breaking & entering-vending machine	5	9.6	11.5	119.4	1.9	3	3	4	5	6	30	30	30
Stolen property	**112**	**17.4**	**10.3**	**59.1**	**1.2**	**1**	**4**	**12**	**15**	**24**	**27**	**40**	**50**
Trafficking stolen property	2	27.0	12.7	47.1	1.0	18	18	18	27	36	36	36	36
Receiving stolen goods	110	17.2	10.2	59.3	1.1	1	4	12	15	24	24	40	50
Other	**363**	**24.0**	**36.5**	**152.2**	**2.0**	**0**	**1**	**3**	**12**	**24**	**68**	**96**	**240**
Accessory after fact	13	36.6	27.0	73.6	1.0	6	6	12	36	36	80	80	80
Blackmail	0	...	...	...	...	...	...	...	...	...	...	...	...
Bribery	2	9.0	4.2	47.1	1.0	6	6	6	9	12	12	12	12
Bribery of witness	0	...	...	...	...	...	...	...	...	...	...	...	...
Conspiracy	25	32.2	27.0	83.7	1.6	3	7	18	20	36	80	84	120
Dangerous Drug Act	0	...	...	...	...	...	...	...	...	...	...	...	...
Embezzlement	0	...	...	...	...	...	...	...	...	...	...	...	...
Extortion	1	...	...	...	...	...	...	...	...	...	...	...	...
False impersonation police (fel)	0	...	...	...	...	...	...	...	...	...	...	...	...
Impersonate public official	1	24.0	—	—	1.0	24	24	24	24	24	24	24	24

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Table 3.A13. ***continued***

Offense category and charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Other continued													
Introducing contraband penal inst	1	24.0	—	—	1.0	24	24	24	24	24	24	24	24
Maintaining a crack house	0	...	...	...	...	...	...	...	...	...	...	...	...
Obtaining narcotics by fraud	4	5.8	6.9	120.0	1.9	1	1	2	3	10	16	16	16
Pandering	2	28.5	27.6	96.8	1.0	9	9	9	28.5	48	48	48	48
Perjury	3	32.0	18.3	57.3	0.9	12	12	12	36	48	48	48	48
Procuring	1	12.0	—	—	1.0	12	12	12	12	12	12	12	12
Stalking	0	...	...	...	...	...	...	...	...	...	...	...	...
Threat injure a person	58	43.4	47.3	109.1	1.4	1	3	12	30	60	108	132	216
Any other felony (domestic violence)	0	...	...	...	...	...	...	...	...	...	...	...	...
Any other felony	100	28.0	48.0	171.2	4.7	0	1	3	6	24	96	144	240
Any other US charge	14	2.7	1.4	53.4	1.3	1	1	2	2	3	5	6	6
Attempt crime not listed	138	12.5	17.7	141.2	1.8	0	1	3	7	12	24	36	120

— Too few cases to calculate this field.
... *No case of this type occurred in the data.*
*Includes those with missing data.
Note: For data on minimum confinement period imposed presented graphically, see figure 3.A3. For these data at the major offense category level, see table 3.8. For these data at the 24-category level, see table 3.A5.

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Table 3.A14. *Maximum* confinement period imposed (in months) on felony defendants sentenced between 1993-1998, by offense category and charge

Offense category and charge	Total sentenced*	Number whose max was life	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Homicide	**745**	**467**	**392.3**	**251.1**	**64.0**	**1.1**	**30**	**108**	**180**	**360**	**504**	**648**	**780**	**2,160**
Murder I while armed	252	247	993.6	779.5	78.4	1.1	108	108	540	900	1,260	2,160	2,160	2,160
Murder I	21	21	...	...	...	...	...	...	...	...	...	...	...	...
Murder of law enforcement officer	0	0	...	...	...	...	...	...	...	...	...	...	...	...
2nd degree murder while armed	224	145	503.2	226.0	44.9	1.1	180	240	360	468	576	720	900	1,620
2nd degree murder	36	20	470.6	281.9	59.9	1.3	180	180	288	360	504	1,080	1,080	1,080
Voluntary manslaughter	88	0	292.9	145.8	49.8	1.0	30	108	180	288	360	480	540	780
Voluntary manslaughter while armed	86	34	426.1	196.0	46.0	1.1	144	180	300	396	540	540	720	1,260
Involuntary manslaughter	30	0	217.8	110.1	50.5	1.2	72	72	144	180	336	360	360	480
Negligent homicide	8	0	53.4	6.8	12.8	1.0	45	45	48	54	60	60	60	60
Sex—child	**102**	**8**	**211.6**	**222.2**	**105.0**	**1.8**	**12**	**36**	**108**	**120**	**216**	**480**	**660**	**1,320**
1st degree child sex abuse	14	6	405.0	294.3	72.7	1.1	72	72	180	360	564	960	960	960
Sodomy on minor child	3	1	348.0	186.7	53.6	1.0	216	216	216	348	480	480	480	480
Attempt 1st degree child sexual abuse	1	0	120.0	—	—	1.0	120	120	120	120	120	120	120	120
2nd degree child sex abuse	13	0	80.6	29.8	36.9	1.3	54	54	54	60	108	120	120	120
Enticing a child	4	0	49.0	39.2	79.9	1.1	12	12	12	45	90	90	90	90
Sexual performance using minor	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Attempt 2nd degree child sex abuse	3	0	120.0	—	—	1.0	120	120	120	120	120	120	120	120
Carnal knowledge	12	0	476.4	361.3	75.8	1.3	120	120	216	378	660	1,020	1,320	1,320
Ind act Miller Act	52	1	150.3	113.9	75.8	1.3	18	36	108	120	180	288	432	588
Sex—abuse	**148**	**31**	**272.8**	**282.8**	**103.7**	**1.5**	**9**	**36**	**72**	**180**	**300**	**672**	**900**	**1,320**
1st degree sex abuse	20	9	418.4	215.4	51.5	1.0	36	36	288	432	600	672	720	720
1st degree sex abuse while armed	3	3	...	...	...	...	...	...	...	...	...	...	...	...
Rape	23	13	602.4	327.0	54.3	1.2	216	216	432	486	864	1,116	1,152	1,152
Rape while armed	11	3	732.0	350.7	47.9	0.9	252	252	414	792	966	1,260	1,260	1,260
2nd degree sex abuse	3	1	180.0	—	—	1.0	180	180	180	180	180	180	180	180
3rd degree sex abuse	8	0	94.8	83.4	88.0	1.3	12	12	37	75	126	270	270	270
4th degree sex abuse	6	0	55.0	12.2	22.3	0.9	30	30	60	60	60	60	60	60
2nd degree sex abuse/ward	1	0	120.0	—	—	1.0	120	120	120	120	120	120	120	120
2nd degree sex abuse patient/c	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Attempt 1st degree sex abuse	44	0	123.8	74.2	59.9	1.1	9	30	60	108	180	216	252	300
Sodomy	8	1	411.4	404.4	98.3	1.6	180	180	240	252	360	1,320	1,320	1,320
Incest	1	0	108.0	—	—	1.0	108	108	108	108	108	108	108	108
Assault w/i rape while armed	4	1	152.0	96.2	63.3	1.1	60	60	60	144	252	252	252	252
Assault w/i rape	16	0	208.0	119.1	57.3	1.2	60	60	144	180	288	360	480	480
Assault w/i commit sodomy while armed	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Assault with intent to kill	**94**	**26**	**458.9**	**672.7**	**146.6**	**1.9**	**12**	**120**	**180**	**246**	**360**	**1,008**	**1,260**	**4,176**
Assault w/i kill while armed	75	26	550.7	759.8	138.0	1.9	108	144	180	294	432	1,044	2,592	4,176
Assault w/intent to kill	19	0	195.0	92.6	47.5	1.1	12	12	162	180	216	360	420	420

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Table 3.A14. ***continued***

Offense category and charge	Total sentenced*	Number whose max was life	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Assault	**710**	**14**	**138.1**	**121.2**	**87.7**	**1.3**	**3**	**27**	**60**	**108**	**180**	**288**	**360**	**936**
Armed assault with intent	1	0	252.0	—	—	1.0	252	252	252	252	252	252	252	252
Assault with intent	6	0	84.0	33.9	40.4	1.0	60	60	60	84	108	108	108	108
Assault w/i mayhem	2	0	90.0	42.4	47.1	1.0	60	60	60	90	120	120	120	120
ADW	388	0	132.9	97.7	73.5	1.1	6	36	72	117	144	240	300	936
Assault w/i any offense	5	0	102.0	71.0	69.6	1.1	36	36	42	96	162	180	180	180
Aggravated assault	84	1	137.1	142.1	103.7	1.3	9	24	60	108	144	180	504	864
Aggravated assault while armed	74	11	248.4	133.8	53.9	1.0	18	60	180	252	324	432	468	684
Attempt aggravated assault	30	0	49.5	25.9	52.3	1.1	12	20	36	45	60	60	60	144
APO dang weapon	21	0	157.7	157.3	99.8	1.4	12	12	72	114	180	300	720	720
APO	56	0	50.7	29.4	58.1	1.2	3	6	36	44	60	90	120	120
Mayhem	12	0	103.2	25.3	24.5	1.0	60	60	90	108	120	132	144	144
Mayhem while armed	12	2	378.0	275.6	72.9	1.5	132	132	180	252	720	780	840	840
Malicious disfigurement	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Cruelty to children	14	0	104.0	68.2	65.5	1.0	24	24	36	102	180	180	180	180
2nd degree cruelty to children	5	0	94.8	34.6	36.5	0.8	54	54	60	120	120	120	120	120
Kidnapping	**29**	**6**	**223.6**	**117.9**	**52.7**	**1.2**	**36**	**72**	**180**	**180**	**288**	**360**	**468**	**504**
Armed kidnapping	13	3	205.3	67.7	33.0	1.1	120	120	180	180	216	360	360	360
Kidnapping	16	3	236.3	144.4	61.1	1.1	36	36	120	216	288	468	504	504
Attempt kidnapping	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Robbery	**1,225**	**36**	**144.1**	**132.6**	**92.0**	**1.3**	**3**	**24**	**36**	**108**	**180**	**360**	**420**	**720**
Assault w/i rob while armed	24	2	264.6	149.2	56.4	1.1	108	108	180	234	360	420	600	720
Assault with intent to rob	44	0	166.7	128.5	77.1	1.2	9	36	108	144	180	324	360	720
Armed robbery	267	32	271.5	148.2	54.6	1.3	21	108	180	216	360	504	576	720
Armed robbery-senior citizen	2	0	198.0	25.5	12.9	1.0	180	180	180	198	216	216	216	216
Attempt armed robbery	10	0	259.8	222.2	85.5	1.2	18	18	36	216	456	576	648	648
Robbery	452	0	149.6	93.0	62.2	1.0	3	36	90	144	180	288	360	720
Robbery of senior citizen	24	2	239.0	193.2	80.8	1.2	60	60	72	198	288	642	720	720
Attempt robbery	402	0	39.3	26.7	67.8	1.1	6	18	30	36	36	54	72	216
Armed robbery (domestic)	0	0	...	.	...	...	...	...	...	...	...	...	...	...
Carjacking	**32**	**7**	**523.8**	**352.6**	**67.3**	**1.2**	**252**	**252**	**252**	**432**	**540**	**1,080**	**1,356**	**1,440**
Carjacking	14	0	343.4	168.9	49.2	1.4	252	252	252	252	372	432	852	852
Carjacking while armed	18	7	758.4	397.2	52.4	1.4	252	252	540	540	1,080	1,398	1,440	1,440
Weapon during crime	**93**	**0**	**201.6**	**61.0**	**30.3**	**1.1**	**72**	**180**	**180**	**180**	**180**	**360**	**360**	**360**
Poss firearm during crime of dang/viol off	93	0	201.6	61.0	30.3	1.1	72	180	180	180	180	360	360	360
Weapon	**683**	**0**	**65.3**	**54.3**	**83.1**	**1.2**	**1**	**12**	**36**	**54**	**72**	**120**	**144**	**648**
CDW	129	0	87.2	86.6	99.4	1.2	10	18	48	72	108	120	180	648
CDW gun	0	0	...	...	...	...	...	...	...	...	...	...	...	...
PPW gun	2	0	...	...	...	...	...	...	...	...	...	...	...	...
Carry pistol w/o license-domestic	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Carrying a pistol without a license	504	0	60.8	43.3	71.1	1.1	1	12	36	54	72	120	144	240
PPW blackjack	0	0	...	...	...	...	...	...	...	...	...	...	...	...
P[illegible]ony	48	0	53.6	33.7	62.9	1.2	12	12	36	45	60	96	[illegible]	144

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Table 3.A14. ***continued***

Offense category and charge	Total sentenced*	Number whose max was life	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Burglary	**715**	**19**	**144.3**	**405.6**	**281.1**	**1.6**	**9**	**24**	**60**	**90**	**144**	**240**	**360**	**8,760**
Armed burglary I	42	17	852.7	1760.0	206.4	3.0	60	90	180	288	720	1,296	2,988	8,760
Burglary I	79	1	210.6	152.5	72.4	1.2	12	36	108	180	288	360	372	1,080
Armed burglary II	3	0	120.0	—	—	1.0	120	120	120	120	120	120	120	120
Burglary II	414	0	106.1	81.8	77.1	1.2	10	24	72	90	144	180	216	1,080
Attempt burglary	177	1	52.2	51.7	98.9	1.5	9	12	30	36	60	90	180	360
Arson	**15**	**0**	**158.1**	**103.9**	**65.7**	**1.3**	**9**	**9**	**72**	**120**	**228**	**300**	**342**	**342**
Arson	15	0	158.1	103.9	65.7	1.3	9	9	72	120	228	300	342	342
Obstruction of justice	**38**	**4**	**195.0**	**154.6**	**79.3**	**1.3**	**36**	**36**	**72**	**156**	**240**	**396**	**468**	**684**
Obstructing justice	38	4	195.0	154.6	79.3	1.3	36	36	72	156	240	396	468	684
Escape/Bail Reform Act	**2,074**	**0**	**22.4**	**22.8**	**101.6**	**1.9**	**1**	**3**	**9**	**12**	**30**	**45**	**60**	**360**
Escape/prison breach-attempt	213	0	19.0	1.7	9.1	1.1	18	18	18	18	21	21	21	21
Escape/prison breach	1,448	0	19.5	21.3	108.8	1.6	1	3	9	12	24	36	54	360
Bail reform act-felony	413	0	34.1	25.1	73.7	0.9	1	6	15	36	36	60	78	120
Drug—distribution	**1,910**	**0**	**106.6**	**93.2**	**87.4**	**1.5**	**0**	**20**	**54**	**72**	**144**	**216**	**288**	**1,080**
Attempt distribute cocaine	979	0	83.2	70.3	84.5	1.2	0	18	45	72	108	144	216	720
Attempt distribute dilaudid	29	0	78.5	33.8	43.1	1.1	30	36	54	72	108	144	144	144
Attempt distribute heroin	185	0	85.8	53.3	62.2	1.2	6	24	45	72	108	144	180	360
Attempt distribute PCP	30	0	74.7	53.3	71.3	1.0	9	15	36	72	90	144	216	240
Attempt distribute preludin	2	0	108.0	0.0	0.0	1.0	108	108	108	108	108	108	108	108
UCSA distribute cocaine	481	0	143.5	107.6	75.0	1.3	6	36	72	108	144	288	360	1,080
UCSA distribute dilaudid	21	0	141.2	104.7	74.1	1.3	36	36	72	108	144	252	504	504
UCSA distribute heroin	165	0	165.0	134.3	81.4	1.1	0	30	72	144	216	288	504	1,008
UCSA distribute other	0	0	...	...	...	...	...	...	...	...	...	...	...	...
UCSA distribute PCP	17	0	147.9	165.8	112.1	2.1	36	36	60	72	180	288	720	720
UCSA distribute preludin	1	0	18.0	—	—	1.0	18	18	18	18	18	18	18	18
Drug—PWID	**2,014**	**1**	**101.5**	**93.3**	**91.9**	**1.4**	**0**	**18**	**45**	**72**	**144**	**180**	**288**	**1,296**
Attempt PWID cocaine	957	0	79.8	61.1	76.6	1.1	3	18	36	72	108	144	180	720
Attempt PWID dilaudid	2	0	...	...	...	...	...	...	...	...	...	...	...	...
Attempt PWID heroin	268	0	75.7	48.5	64.1	1.1	3	15	36	72	108	144	180	252
Attempt PWID PCP	27	0	104.5	111.8	107.0	1.5	10	15	42	72	99	360	360	396
Attempt PWID preludin	0	0	...	...	...	...	...	...	...	...	...	...	...	...
PWID while armed	23	0	226.1	202.9	89.8	1.3	60	72	180	180	252	288	360	1,080
UCSA PWID cocaine	533	0	138.1	124.7	90.4	1.3	0	18	72	108	144	288	324	1,296
UCSA PWID dilaudid	8	0	97.7	35.8	36.6	1.1	54	54	72	90	144	144	144	144
UCSA PWID heroin	164	1	128.3	98.6	76.9	1.2	3	21	72	108	144	261	360	540
UCSA PWID other	2	0	30.0	8.5	28.3	1.0	24	24	24	30	36	36	36	36
UCSA PWID PCP	28	0	111.6	74.5	66.8	1.2	36	36	60	93	144	216	216	360
UCSA PWID preludin	0	0	...	...	...	...	...	...	...	...	...	...	...	...
UCSA PWID methamphetam	2	0	60.0	—	—	1.0	60	60	60	60	60	60	60	60
UCSA PWID LSD	0	0	...	...	...	...	...	...	...	...	...	...	...	...
UCSA PWID psilocybin	0	0	...	...	...	...	...	...	...	...	...	...	...	...

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Table 3.A14. ***continued***

Offense category and charge	Total sentenced*	Number whose max was life	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Drug—violation of drug-free zone	**25**	**0**	**111.2**	**71.4**	**64.2**	**1.1**	**27**	**27**	**54**	**99**	**162**	**216**	**252**	**252**
Attempt distribute in drug free zone	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Distribution drug free zone	25	0	111.2	71.4	64.2	1.1	27	27	54	99	162	216	252	252
Unauthorized use of an auto	**427**	**0**	**42.6**	**25.7**	**60.4**	**1.2**	**1**	**9**	**24**	**36**	**60**	**72**	**90**	**180**
Using stolen vehicle	427	0	42.6	25.7	60.4	1.2	1	9	24	36	60	72	90	180
Forgery	**67**	**0**	**57.6**	**63.1**	**109.5**	**1.6**	**3**	**9**	**27**	**36**	**72**	**120**	**144**	**432**
Forgery	30	0	75.1	85.5	113.8	1.8	3	9	35	42	90	144	216	432
Uttering	36	0	41.3	21.3	51.6	1.1	9	12	21	36	60	72	72	78
Bad check	1	0	...	...	...	...	...	...	...	...	...	...	...	...
Bad check (felony)	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Fraud	**10**	**0**	**126.1**	**112.9**	**89.5**	**0.9**	**4**	**4**	**18**	**144**	**216**	**312**	**312**	**312**
Credit card fraud	3	0	117.0	140.0	119.7	1.0	18	18	18	117	216	216	216	216
Fraud 1st degree	5	0	151.0	126.0	83.4	1.0	4	4	74	144	228	312	312	312
Fraud 2nd degree	2	0	45.0	—	—	1.0	45	45	45	45	45	45	45	45
Larceny	**139**	**0**	**96.7**	**68.3**	**70.6**	**1.3**	**12**	**24**	**48**	**72**	**114**	**180**	**240**	**408**
Larceny after trust	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Theft 1st degree	139	0	96.7	68.3	70.6	1.3	12	24	48	72	114	180	240	408
Theft I /senior citizen	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Property	**110**	**0**	**81.2**	**54.6**	**67.2**	**1.1**	**1**	**12**	**36**	**72**	**108**	**180**	**180**	**288**
Destruction property over 200	105	0	83.7	54.4	64.9	1.2	1	18	45	72	108	180	180	288
Breaking & entering-vending machine	5	0	33.8	37.6	111.3	2.0	12	12	14	17	54	90	90	90
Stolen property	**112**	**0**	**54.9**	**31.9**	**58.0**	**1.2**	**3**	**10**	**36**	**45**	**72**	**84**	**120**	**150**
Trafficking stolen property	2	0	108.0	—	—	1.0	108	108	108	108	108	108	108	108
Receiving stolen goods	110	0	54.3	31.5	58.1	1.2	3	10	36	45	72	84	120	150
Other	**363**	**4**	**125.5**	**138.8**	**110.6**	**1.7**	**5**	**12**	**36**	**72**	**144**	**306**	**372**	**720**
Accessory after fact	13	0	124.8	85.2	68.3	1.2	18	18	60	108	240	240	240	240
Blackmail	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Bribery	2	0	36.0	—	—	1.0	36	36	36	36	36	36	36	36
Bribery of witness	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Conspiracy	25	0	121.4	147.5	121.5	2.0	21	21	60	60	120	240	360	720
Dangerous Drug Act	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Embezzlement	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Extortion	1	0	...	...	...	...	...	...	...	...	...	...	...	...
False impersonation police (fel)	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Impersonate public official	1	0	72.0	—	—	1.0	72	72	72	72	72	72	72	72

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Table 3.A14. ***continued***

Offense category and charge	Total sentenced*	Number whose max was life	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Other continued														
Introducing contraband penal inst	1	0	72.0	—	—	1.0	72	72	72	72	72	72	72	72
Maintaining a crack house	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Obtaining narcotics by fraud	4	0	22.0	22.5	102.3	2.4	9	9	9	9	48	48	48	48
Pandering	2	0	94.5	95.5	101.0	1.0	27	27	27	95	162	162	162	162
Perjury	3	0	96.0	55.0	57.3	0.9	36	36	36	108	144	144	144	144
Procuring	1	0	36.0	—	—	1.0	36	36	36	36	36	36	36	36
Stalking	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Threat injure a person	58	0	147.0	153.0	104.1	1.4	6	12	42	108	192	324	396	720
Any other felony (domestic violence)	0	0	...	...	...	...	...	...	...	...	...	...	...	...
Any other felony	100	4	164.3	154.9	94.3	1.1	5	15	36	144	216	360	540	648
Any other US charge	14	0	...	...	...	...	...	...	...	...	...	...	...	...
Attempt crime not listed	138	0	88.5	120.9	136.6	1.6	9	12	36	57	72	216	360	649

— Too few cases to calculate this field.
... No case of this type occurred in the data
*Includes those with missing data.
Note: All calculations exclude life sentences. For data on maximum confinement period imposed at the major offense category level, see table 3.9. For these data at the 24-category level, see table 3.A7.

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Chapter 4

Explaining Variations in Felony Sentencing in D.C. Superior Court

Introduction

This chapter attempts to explain variations in types and lengths of sentences imposed. Previously it was shown that sentences imposed vary among offense categories, as violent offenders, for example, are more likely to receive imprisonment than other offenders, and they also receive longer sentences than other offense groups. In this chapter attention is focused on variations in sentencing outcomes due to variations in individual characteristics, such as the type of offense, the number of charges sentenced, criminal history, and demographic attributes such as race and other factors relevant to explaining sentencing outcomes.

This attempt to explain variations in sentencing outcomes is motivated by an apparently anomolous result. As shown in Figure 4.1, the length of confinement imposed on defendants sentenced to some prison appears to decrease as the amount of criminal history increases. The anamoly is explained, largely, by the effect of the number of charges sentenced. But the anomoly and its explanation point to the need to avoid simple characterizations of sentencing outcomes. Ultimately, as Figure 4.5 shows, there is a postive relationship between criminal history and length of sentence imposed, but this expected relationship occurs only when intervening effects are controlled.

Key Findings

The decision to imprison

Of the 17,332 felony defendants sentenced in DC Superior Court from 1993 to 1998, 11,881 (or 69%) were sentenced to some confinement. The variables having the largest effects on that decision are those that measure the seriousness of the offense of conviction and the prior criminal history of the defendant. Variables that measured the severity of the offense of conviction included: the most serious offenses (homicide, robbery, sexual assault, and other serious violent offenses), the number of charges of conviction, and the commission of an offense while armed. Variables that measured prior criminal history included the number of prior felony convictions and the number of prior prison sentences.

For example, defendants convicted of homicide were about 10 times more likely to be imprisoned as other defendants; robbery defendants were 8 times as likely; defendants charged with committing their offense while armed were 1.7 times as likely. Each additional count of criminal history increased the odds of incarceration by 1.3 to 1.4 times.

Personal attributes of defendants also influenced the decision to imprison. Age of the defendant at sentencing was negatively associated with the decision to imprison; younger defendants (who also were more likely to commit violent crimes as compared to property crimes) were more likely to be sentenced to prison than were older defendants. Race had a comparatively large effect on the decision to imprison. Even though more than 90% of the sentenced defendants were black, blacks were about 1 and ½ times as likely as whites to be imprisoned, even after statistically controlling for all other variables.

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The sentence length decision

There were 11,881 felony defendants sentenced between 1993-98 that received some unsuspended confinement. The average minimum confinement period imposed was about 51 months. Statistical analysis explained 60% of the variation in sentence lengths imposed. The variable that contributed the most to explaining sentence lengths was the number of charges sentenced, which alone accounted for 43% of the variation in the length of sentence imposed. Each felony charge sentenced added 35 months (across all offenses) to the length of sentence imposed. For defendants convicted of violent offenses, each additional charge sentenced added 38 months, while for those convicted of non-violent offenses, an additional charge added 27 months to the length of sentence imposed.

Type of offense accounted for about 12% of the variation in imposed sentences, but homicide offenses alone explained 9% of the variation in sentence lengths, leaving the other offense categories to explain 3%. Controlling for the number of charges sentenced (as well as for other variables in the model), there were few differences in the effects of type of charge on the length of sentence imposed, with the exception of the violent offenses, especially homicide.

Criminal history, which was among the most important determinants of the decision to imprison, explained less than 0.5% of the variation in sentence length imposed. The effect of criminal history did vary between defendants sentenced for violent offenses as compared to those sentenced for non-violent offenses. For defendants convicted of violent offenses, each prior felony conviction added 8 months to the length of sentence imposed; for defendants convicted of non-violent offenses, each prior felony conviction add 1 month to the length of sentence imposed.

Personal attributes of the defendant such as race and age did not influence the length of prison sentence imposed.

The Counterintuitive Relationship Between Criminal History and Length of Sentence

Between 1993 and 1998, 17,332 defendants were sentenced on felony charges in D.C. Superior Court. Criminal history information was obtained for 17,114 (98.7%) of these defendants. Approximately 50% of the felony defendants sentenced in D.C. Superior Court had no prior felony convictions, 38.8% of defendants had one or two prior convictions, and 11.7% had three or more prior convictions.[1]

Defendants sentenced for public-order offenses were most likely to have at least one prior felony conviction (72%) (see Table 4.1), due primarily to the high concentration of escapees and bail violators, who by definition have been previously involved in some aspect of the criminal justice system. Excluding public order offenders, defendants convicted of property offenses were most likely to have been previously convicted of a felony (59.5%). Violent offenders were somewhat less likely than property offenders to have a prior felony conviction (41.8%), while defendants sentenced for weapons offenses were least likely to have any prior felonies (34.2%).

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[1] See Chapter 2 for definition of criminal history (i.e., prior felonies) and for the distribution of criminal history by offense category. In this chapter, the analysis is of the number of prior felony convictions; however, other measures of criminal history, such as the number of prior prison commitments, produce similar results.

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Table 4.1. Distribution of criminal history by major offense category

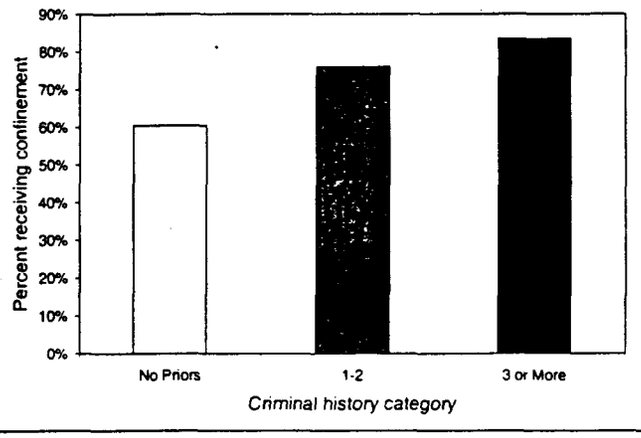
Major offense category	Number of prior felony convictions None	1-2	3 or more
Violent	58.2%	33.0%	8.9%
Property	40.5%	42.1%	17.3%
Drug	54.0%	37.2%	8.9%
Weapons	65.8%	28.6%	5.7%
Public order	28.0%	51.6%	20.4%
Other	45.9%	41.5%	12.7%

The percentage of defendants sentenced to some confinement increased as the amount of criminal history increased. This occurred for all defendants (figure 4.1), and it occurred within each major offense category (table 4.2). Overall 70% of defendants receive some period of incarceration. The probability of incarceration increases as criminal history increases. Sixty percent of first-time felons received terms of imprisonment, as did 76% of defendants with one or two prior felonies, and 84% of defendants with three or more prior felonies.

Table 4.2. Percent of defendants receiving confinement, by major offense category and number of prior felony convictions

Major offense category	Number of prior felony convictions None	1-2	3 or more	Total
Violent	82.2%	89.0%	91.3%	85.3%
Property	58.5%	75.1%	84.1%	69.8%
Drugs	51.2%	69.0%	76.9%	60.1%
Weapons	48.0%	78.0%	85.3%	58.7%
Public order	63.5%	78.7%	85.0%	75.8%
Other	42.8%	70.0%	88.5%	59.9%

Figure 4.1. Percent of defendants receiving confinement, by number of prior felony convictions



Conversely, the average length of minimum sentence imposed decreased as criminal history increased. This occurred overall (figure 4.2), as defendants with no prior felony convictions received an average sentence of roughly 64 months, defendants with one or two prior felonies received a sentence of 43 months, while defendants with three or more prior offenses were sanctioned to terms of imprisonment averaging 32

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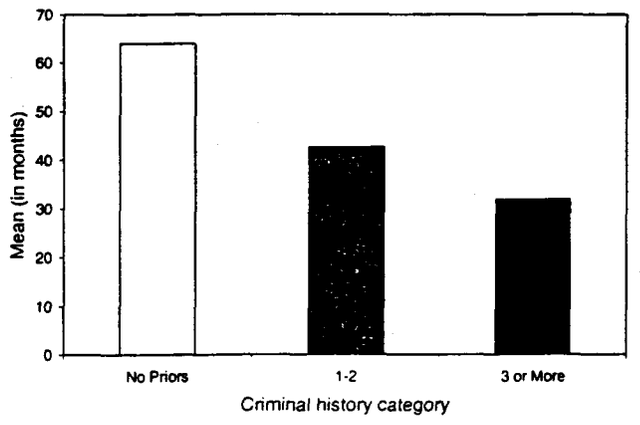
months (table 4.2). The overall mean length of minimum sentence imposed between 1993 and 1998 was 51 months. The pattern also occurred within major categories of offenses (table 4.3).

Table 4.3. Minimum confinement period imposed, by number of prior felony convictions

Number of prior felony convictions	Mean (in months)	Number	Number receiving confinement	Percent receiving confinement
None	63.9	8,472	5,113	60.4%
1-2	42.6	6,637	5,053	76.1%
3 or more	31.9	2,005	1,675	83.5%
Missing	87	218	148	67.9%
Total	**51.1**	**17,332**	**11,989**	**69.2%**

Figure 4.2. Minimum confinement imposed (in months), by number of prior felony convictions



The negative association between criminal history and mean months of imprisonment does not hold across all major offense categories. Specifically, for defendants convicted of felony drug and property offenses, those with more criminal history received longer sentences than those with less criminal history. Defendants convicted of drug and property offenses with no criminal history were sentenced to minimum terms of incarceration averaging 28 and 21 months, respectively. Defendants convicted of these offenses with one or two prior felonies received sentences of 33 and 27 months, respectively. While defendants convicted of the same offenses with three or more priors received on average minimum terms of incarceration of 38 and 28 months respectively (table 4.4).

However, for defendants convicted of violent and public order felonies, offenders with greater levels of criminal history convicted of violent or public order felonies were sentenced to shorter terms of incarceration than those defendants with less criminal history. First-time felons convicted of violent offenses and public order offenses received average sentences of 140 and 17 months, respectively. While defendants convicted of violent and public order offenses with one or two prior felonies were sentenced to average sentences of 114 and 8 months respectively. Defendants convicted of violent or public order offenses with three or more prior felony convictions were sentenced to 90 and 7 months, respectively (table 4.4).

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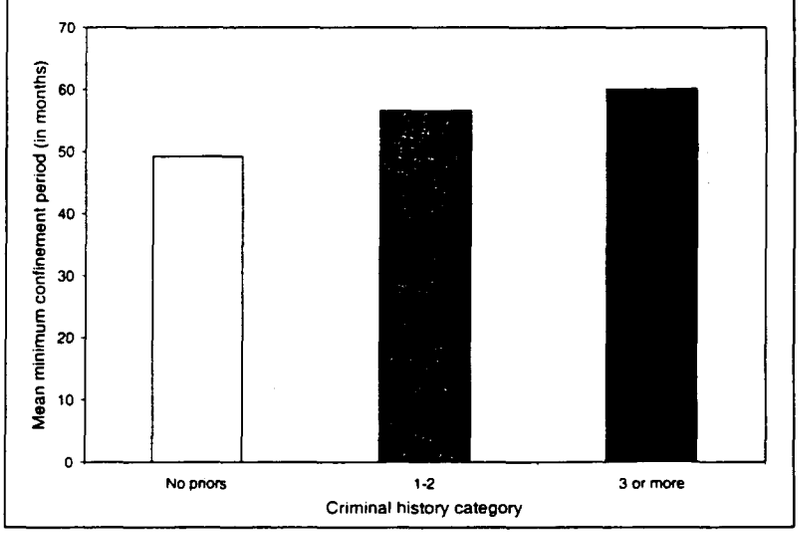
Table 4.4. Length of minimum confinement imposed (in months), by major offense category and number of prior convictions

	Number of prior felony convictions			
Major offense category	None	1-2	3 or more	Total
Violent	140.3	114.3	90.1	126.7
Property	20.8	26.6	27.6	24.8
Drugs	28.0	33.2	37.6	31.3
Weapons	23.6	21.5	26.0	23.0
Public order	16.8	8.4	7.2	9.2
Other	18.5	12.6	15.4	15.0

To further complicate the relationship between criminal history and length of incarcerative sentence, the criminal history of offenders convicted of weapons or other felonies exhibited a non-linear relationship to length of sentence. That is, increasing criminal history is first associated with a decrease in average sentence length, then an increase in average length of sentence. Defendants convicted of weapons or other offenses with no prior felony convictions were sentenced to incarcerative sentences averaging 24 and 19 months respectively. Defendants convicted of these offenses with one or two offenses received sentences averaging 22 and 13 months respectively. Finally, weapons and other felony offenders with three or more prior convictions received sentences of 26 and 15 months, respectively.

This analysis suggests that the overall trend of shorter sentences for defendants with more criminal history is due to the fact that defendants convicted of violent offenses generally had fewer prior convictions than defendants in other offense categories except for weapons offenses (table 4.1). Additionally, as defendants convicted of violent offensers had much longer average sentences than other defendants, the effect pattern of the relationship between sentence length and criminal history that appears for violent offenses dominates the overall pattern observed from analysis of all cases (figure 4.2). Contributing to the length of sentences imposed on violent offenders is the fact that violent offenders are more likely than other offenders to be sentenced on more than one charge. For example, while 53% of violent offenders were sentenced on a single charge, 70% of property, 75% of drug and weapons, and 90% of public order offenders were (e.g., see table 3.12 in chapter 3).

Figure 4.3. *Adjusted* minimum confinement period imposed (in months), by number of prior felony convictions



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In sum, taking into account the differences in the number of charges sentenced, the different lengths of sentence imposed in each offense category, and several other variables related to sentencing outcomes, it is possible to isolate and estimate the independent effect of criminal history on the length of sentences imposed. Figure 4.5, which shows the "adjusted[2]" average minimum confinement period imposed by criminal history categories also shows the expected positive relationship between sentence length and criminal history.

The model used to estimate the relationship between sentence length and criminal history is described and explained below. The rest of this chapter discusses the multivariate regression analysis of the "in/out" decision (i.e., decision to imprison) and the sentence length decision.

Analysis of the Factors Contributing to and Explaining Sentencing Outcomes

The analysis of the decision to imprison (the "in/out" decision) and sentence length decision was done by using multivariate regression methods. The in/out decision was analyzed using logistic regression, while the sentence length decision was analyzed by linear regression methods. For both outcomes, several sets of regression models were estimated and analyzed.

Both sets of regressions included variables that measured offense severity, criminal history, court case processing factors (such as conviction by plea or trial and the year of sentencing), and the personal attributes of defendants. Both included controls for "judge category" or groupings of individual judges. However, for the sentence length outcomes, a separate analysis of the "judge effect" (i.e., the inter-judge disparity in sentencing) was done using generalized linear regression methods. This separate analysis of judge effects was done by including separate variables for each judge (that had sufficient cases to permit analysis).

Although the database used in the analysis contained measures of several important factors that are associated with sentencing outcomes, it also lacked several important ones. For example, there were no measures of victim injury or legal representation; nor were there measures of sexual orientation or religion, two variables in which the District of Columbia Council expressed interest, especially as they might contribute to possible disparities in sentencing that could result from implementing the Truth in Sentencing Amendment Act of 1998 (DC Law 12-165).

Background to the analysis of variations in sentencing outcomes

The analysis of variations in sentencing outcomes was guided by the DC Council's interest in learning about the possible impacts on sentence length and sentencing disparities that could result from implementing DC Law 12-165, the Truth in Sentencing Amendment Act of 1998. The Council did not explicitly identify the types of disparities in sentencing that could arise from the implementation of the Act. However, from the deliberations of the DCACS and from the written reports of the Truth in Sentencing Commission that was established by the Revitalization Act of 1997, we inferred several possibilities.

Disparities in sentencing imply that among a group of defendants who have similar characteristics some receive different sentences because they differ on one or more other characteristics. Disparities that arise from differences among defendants in legally-relevant factors – such as the seriousness or type of crimes committed and the amount of criminal history – have generally been considered to be "warranted" or

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[2] The "adjusted" minimum confinement periods are the estimated minimum confinement periods for the three criminal history categories with all other variables evaluated at their mean levels.

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otherwise expected to arise from a sentencing structure that is designed to punish more serious offenses more severely.

On the other hand, disparities can arise among a group of defendants who are "similarly situated" in terms of the type of offense they commit and their criminal history, but who differ on characteristics that are not supposed to be used in making sentencing decisions (for example, sex and race). Depending upon the characteristics that give rise to them, these disparities can raise questions about the fairness of the sentencing process.

There is a general consensus that factors such as race, sex, religious orientation, and sexual orientation, should not be considered in making sentencing decisions. For example, in the legislation establishing the U.S. Sentencing Commission, Congress defined these variables as those that judges should not use in making sentencing decisions. And, the 9th Federal Circuit Court of Appeals, concerned about differences in sentences imposed in the Circuit, commissioned a study to look explicitly at whether these factors had an impact on sentencing outcomes.

There is also general agreement that factors such as the severity of the offense committed and the criminal history of the offender should be considered in making sentencing decisions. And, the severity of the offense committed may also include attributes of behavior associated with the offense. For example, in the DC Criminal Code, a crime committed while armed is considered to be more serious than the same crime committed while unarmed. In addition, a crime in which victims are injured or the injury to victims is more serious is considered to be more severe than the same crime committed without injury to a victim.

However, between these extremes, there are many other factors that could give rise to sentencing disparities, and it might be difficult to classify these disparities as warranted or unwarranted. For example, cooperation with law enforcement and prosecutorial authorities is generally associated with shorter sentences. Defendants who plead guilty generally receive shorter sentences than those who exercise their Constitutional right to a trial and are convicted at trial for the same charges. The fact that these variables are used in sentencing but perhaps should be considered differently from factors th.. should not be used in sentencing was recognized by Congress when it established the Federal sentencing guidelines. Congress, in the legislation that established the U.S. Sentencing Commission, developed a third category of factors that could be used in making sentencing decisions. It included cooperation, remorse, and assistance, but it also included attributes of the defendant such as age, health, and even role as a provider for dependants.

Disparities associated with sentencing judges were a reason for the development of the Federal sentencing guidelines. The modified "real offense behavior" system of sentencing implemented in the Federal sentencing guidelines was in part a reaction to judicial discretion and the belief that it led to different sentences for similarly situated defendants. In this analysis of sentencing outcomes, separate analysis of the effect of judges on sentence length decisions was undertaken to determine if there is a "judge effect" that is independent of legally-relevant factors such as offense severity and criminal history.

The Revitalization Act of 1997 (P.L. 105-22, 111 Stat. 712 (August 5, 1997) also provides guidance about the factors that should affect sentencing decisions. The Act established a Truth in Sentencing Commission in the District and asked it to make recommendations about sentencing. The guidance provided by the Act was that an offender's sentence reflect the seriousness of the offense committed and the offender's criminal history, and provide for just punishment, adequate deterrence, and appropriate education, vocational training, medical care and other correctional treatment. And, the Act also required that the TIS Commission's recommendations ensure that any changes to sentencing be neutral as to an

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offender's race, sex, marital status, ethnic origin, religious affiliation, national origin, creed, socio-economic status, and sexual orientation.[3]

The analysis of sentencing outcomes that follows assesses the independent contribution of variables such as race, gender, marital status, and employment status when controls for legally-relevant variables are also included in the regression models. Measures of other factors of concern to the TIS Commission, such as religious affiliation or sexual orientation, were not available for analysis.

Dependent variables and specifications of the regression models

The first set of regressions is of the decision to imprison. The dependent variable of interest is a dichotomous variable that indicates whether a defendant received at least some unsuspended confinement for a felony conviction between 1993 and 1998 (1=yes) or not (0=no). The regression specification is a logistic specification, meaning that the dependent variable that is analyzed is the log of the odds of imprisonment. The coefficients from the regressions measure the effect of a unit change on an independent variable on the log of the odds of imprisonment.

In the analysis of the decision to imprison, several several regressions were estimated. Each included variables to measure the type of offense, criminal history, court processing variables, and the age and gender of the defendant. Subsequent regressions included more variables that measured the socio-economic status of defendants. In these, the number of missing observations increased.

In the second set of regressions, the dependent variable was the aggregate number of months of unsuspended minimum confinement imposed on defendants (dockets) for convictions on felony charges sentenced between 1993 and 1998. The specification was linear. As in the regressions of the imprisonment decision, several regressions were run, adding variables to measure socio-economic status. In addition, given the large difference in average sentences between violent and non-violent offenders, separate regressions for the defendants convicted on offenses that fell within these two broad categories of offenses were run.

Independent variables used in the regressions

The independent variables in the regressions of the imprisonment decision and the sentence length are listed below. Other than the "any sentences were split" variable and several demographic variables, both sets of equations used all of the variables listed below. The variables that appeared in only one of the regressions are identified.

Case processing and court outcome variables:

- Convicted at trial vs. by plea – a dummy variable equal to 1 if the defendant was convicted at trial.
- Number of felony charges sentenced – count of the number of felony charges sentenced in the case.
- Any sentences were splits – dummy variable to indicate if any of the charges were sentenced as a split sentence. This variable was not included in the regressions of the IN/OUT decision, as defendants who receive split sentences must be sentenced to some prison.
- Offense was committed while armed – dummy variable to indicate whether the offense was committed while armed. The DC Superior Court detailed charge codes identify two versions of

[3] 111 Stat. 741, Pub.L. 105-33 § 11212(b)(2) and § 11212 (c); DC Code § 24-1212(a) and § 24-1212(c).

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events for many violent crimes. For example, "1st degree murder" and "1st degree murder while armed" are two distinct codes for this crime, and the "... while armed" indicates that the offense was committed while armed. This classification of charge codes is distinct from the case with more than one charge convicted in which one (or more of the charges of conviction) were "weapon during a dangerous/violent crime" or a "weapons possession" charge.

- Offense was an attempt – a dummy variable that indicates whether the crime was "attempted."

Criminal history:

- Number of prior felony convictions – count of the number of prior felony convictions at the time of sentencing in the current case.
- Number of prior prison commitments – count of the number of prior prison commitments at the time of sentencing in the current case.

Year of sentencing:

- Dummy variables that indicate the year in which the case was sentenced. Separate variables for each year with 1993 as the excluded category.

Offense category:

- Dummy variables that indicate the offense category within which a detailed charge code fell. (See chapter 1 of Volume 1 of *Sentencing Practices in the District of Columbia, 1993-98*, for details on the methods used to classify detailed charge codes descriptions into offense categories.) In the pooled regressions and in the regressions for non-violent offenses, drug offenses are the omitted category; in the violent offense regressions, robbery is the omitted category.

Judge category:

- Dummy variables that indicate into which of 12 categories the sentencing judge in a case was classified. The individual judges who sentenced defendants were classified into one of 12 categories based on the average length of sentence each imposed. Judge category 12, which had the longest average sentence imposed, was the excluded category in the regression models.

  The judge categories variables were used in the analysis only as control variables. The judge categories were designed to group judges whose sentences were comparable. ANOVA models demonstrated that grouping could be done without significant loss of explanatory power. For example, the unadjusted R-squared in ANOVA of the length of minimum confinement imposed on individual dummy variables for each judge was 14.9%; this was reduced to 14.3% after grouping into the 12 judge categories.

  Including the 12 judge categories as controls in the regression models should not be construed as a test of the independent effects on sentencing of individual judges. A separate analysis of the "judge effect" was conducted using generalized linear regression models. The results of that analysis are shown separately in a section below titled "Judge Effects."

Defendant characteristics:

- Age at sentencing in years – age at sentencing.
- Race (black) – dummy variable that indicates that a defendant was black.
- Gender (male) – dummy variable that indicates that a defendant was male.
- Married – dummy variable that indicates whether a defendant was married at the time of sentencing.

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- Number of children – count of the defendant's number of children.
- Live with children – dummy variable that indicates that the defendant lived with his (her) children.
- Education level was less than high school – dummy variable that indicated that the defendant did not complete high school. (This is not a measure of the drop out rate, as it does not consider school enrollment, and some defendants may still be in high school at the time of sentencing.)
- Education level was greater than high school – dummy variable that indicates that the defendant had completed some college at the time of sentencing.
- Unemployed – dummy variable that indicates that the defendant was not employed at the time of arrest.

The five variables -- married, number of children, lived with children, education level less than high school, education greater than high school, and unemployed -- were used only in the regressions of the decision to imprison. These variables were missing on a significant portion of cases; for example, data on social economic status (employment and education level combined) were missing for almost half of all cases. As a result of the missing data problem, regressions of sentence length did not include the demographic variables with large missing data problems. In the regressions of the decision to imprison, the effects of these variables are interpreted cautiously.

Regression results: The decision to imprison ("in/out' decision)

Four sets of regressions of the in/out decision are reported; additional regressions were estimated but are not reported because they did not change the results. The four regressions each contain the same set of case processing, offense severity, and criminal history variables; they differ with respect to the variables used to measure the personal attributes of defendants.

Table 4.5 shows the means for the variables in the logistic regressions. Tables 4.6 through 4.9 show the regression results, including the parameter estimate, the standard error, the Wald Chi-Square, the significance level, the standardized estimate, and the odds ratios.

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Table 4.5. Sample means for variables used in the logistic regressions.

Variable name	Equation number 1	2	3	4
Case processing / court outcomes				
Convicted at trial (vs. by plea)	0.109	0.111	0.107	0.101
Number of felony charges sentenced	1.490	1.484	1.437	1.397
Any sentences were splits				
Offense was committed while armed	0.106	0.108	0.108	0.096
Offense was an attempt	0.344	0.342	0.349	0.361
Criminal history				
Number of prior felony convictions	0.961	0.952	0.922	0.960
Number of prior prison admissions	0.502	0.494	0.461	0.485
Year of sentencing				
Year of sentencing was 1993 (omitted category)	0.193	0.191	0.201	0.200
Year of sentencing was 1994	0.190	0.188	0.187	0.190
Year of sentencing was 1995	0.148	0.149	0.145	0.141
Year of sentencing was 1996	0.141	0.142	0.138	0.138
Year of sentencing was 1997	0.155	0.156	0.152	0.154
Year of sentencing was 1998	0.173	0.173	0.177	0.177
Offense category				
Homicide (including assault w/intent to kill)	0.049	0.051	0.043	0.041
Child sexual abuse	0.007	0.007	0.008	0.008
Sexual abuse	0.009	0.009	0.009	0.008
Assault with intent to kill				
Assault	0.055	0.056	0.059	0.059
Kidnapping	0.002	0.002	0.002	0.001
Robbery (includes carjacking)	0.088	0.088	0.089	0.082
Carjacking				
Weapon during a dangerous crime	0.006	0.006	0.006	0.006
Weapon (possession)	0.070	0.073	0.078	0.078
Burglary	0.052	0.052	0.054	0.051
Arson	0.001	0.001	0.001	0.001
Obstruction of justice	0.003	0.003	0.002	0.003
Escape	0.155	0.153	0.123	0.127
Drug offenses (distribution and PWID)	0.394	0.393	0.415	0.431
Unauthorized use of an automobile	0.035	0.035	0.039	0.035
Forgery (includes fraud)	0.008	0.007	0.005	0.006
Fraud				
Larceny	0.013	0.012	0.012	0.011
Other property	0.010	0.010	0.011	0.009
Stolen property	0.010	0.010	0.010	0.011
Other	0.034	0.033	0.032	0.032
Judge category				
Judge category 1	0.027	0.026	0.027	0.027
Judge category 2	0.047	0.048	0.053	0.052
Judge category 3	0.033	0.034	0.035	0.035
Judge category 4	0.168	0.169	0.171	0.174
Judge category 5	0.116	0.116	0.113	0.118
Judge category 6	0.042	0.042	0.044	0.044
Judge category 7	0.079	0.080	0.074	0.074
Judge category 8	0.090	0.091	0.091	0.090
Judge category 9	0.004	0.005	0.005	0.005
Judge category 10	0.083	0.084	0.088	0.088
Judge category 11	0.188	0.184	0.180	0.180
Judge category 12 (omitted category)	0.123	0.123	0.119	0.113
Defendant characteristics				
Age in years at sentencing	31.836	31.715	31.549	32.617
Defendant was black		0.949	0.950	0.961
Defendant was a male	0.904	0.906	0.905	0.889
Defendant was married			0.084	0.108
Number of dependents			1.471	2.106
Less than high school completed			0.469	0.459
Some college completed			0.118	0.119
Unemployed			0.418	0.427
Live with children				0.342
Dependent variable				
Proportion sentenced to confinement	0.69	0.69	0.68	0.67
Number of observations	17,063	16,090	13,211	9,217

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Statistical significance of variables

Most variables in the regressions were statistically significant. This is due, in part, to the large number of observations in the analysis (between 17,000 and 9.200, table 4.5). The magnitude of the Wald Chi-Square statistics gives information about how significant, and the standardized estimates (discussed in the next section) gives information about which variables are the most important in predicting the outcome variable.

Table 4.5 shows that across the four regressions, there were not large dfferences in the means of the variables even as the number of non-missing observations decreased due to the addition of socio-economic variables. In equation 4, there was a smaller percentage of defendants who committed offenses while armed than in the other equations; similarly, there was a smaller percentage of homicide defendants in equation 4 than in the other equations.

(Most of the analysis that follows is based on the regression results from equations 2 and 3, which use the fewest socio-economic variables. These regressions are based on the largest number of observations.)

In the first and second regressions (Tables 4.6 and 4.7), the variables with largest Wald Chi-Square were: the age of the defendant at sentencing, the number of prior felony convictions, whether the most serious offense of conviction was a robbery offense, whether the most serious offense was a homicide offense, the gender of the defendant, a couple of the judge categories, the mode of conviction, and the number of prior prison admissions.

As more demographic variables were included in the equations (Tables 4.8 and 4.9), the size of the Wald Chi-Square statistics tended to decrease in magnitude, but the rank ordering of the statistics remained about the same. In equation 3 (Table 4.7), the number of prior felony convictions and whether a defendant was convicted of a robbery offense had the largest Wald statistic, as both were larger than age. Among the demographic variables, the significance of gender approached that of age. In equation 4 (Table 4.9), which adds the variable that indicates whether the defendant lived with his (her) children, the number of prior felony convictions and whether the offense was a robbery still have the largest Wald statistic, and among the demographic variables, the difference between gender and age in the size of their respective Wald statistics diminishes further.

Across the four equations, several variables were not statistically significant at the 5% level. These included several of the offense dummy variables, several of the years of sentencing, and several of the judge categories. Among demographic variables, only the number of children was not significant in either the 3rd or 4th equations (the only two equations in which they were included). All other demographic variables were significant.

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Table 4.6. Logistic regression results for models of a (yes/no) sentence to incarceration: Case processing, offense severity, judge group, and defendant age and gender variables included in the models.

	Parameter Estimate	Standard Error	Wald Chi-square	PR > Chi-square	Standardized Estimate	Odds Ratio
Intercept	0.66	0.12	28.71	0.00	—	—
Guilty by plea	0.72	0.08	78.31	0.00	0.12	2.05
Number of felony charges sentenced	0.19	0.03	34.76	0.00	0.16	1.22
Offense was committed while armed	0.54	0.12	19.35	0.00	0.09	1.72
Offense was an attempt	-0.28	0.05	32.25	0.00	-0.07	0.76
Total # of Felony Priors	0.28	0.03	127.18	0.00	0.20	1.33
Tot # of Prior Prison Commitments	0.32	0.04	66.88	0.00	0.15	1.37
Year of sentencing was 1994	-0.15	0.06	6.31	0.01	-0.03	0.86
Year of sentencing was 1995	-0.21	0.07	9.35	0.00	-0.04	0.81
Year of sentencing was 1996	-0.14	0.07	4.03	0.04	-0.03	0.87
Year of sentencing was 1997	-0.38	0.07	33.25	0.00	-0.07	0.69
Year of sentencing was 1998	-0.46	0.07	48.99	0.00	-0.10	0.63
Homicide (includes asslt w/intent to kill)	2.26	0.24	91.46	0.00	0.27	9.60
Child sexual abuse	1.08	0.25	18.11	0.00	0.05	2.93
Sex abuse	1.72	0.30	32.71	0.00	0.09	5.56
Assault	0.25	0.12	4.62	0.03	0.03	1.29
Kidnaping	1.53	0.74	4.24	0.04	0.04	4.63
Robbery (includes carjacking)	0.87	0.08	116.75	0.00	0.14	2.38
Weapon during a dangerous/violent crime	2.09	0.60	12.03	0.00	0.09	8.08
Weapon possession	-0.39	0.08	26.74	0.00	-0.06	0.68
Burglary	0.65	0.09	49.75	0.00	0.08	1.92
Arson	0.92	0.56	2.72	0.10	0.02	2.52
Obstruction of justice	0.35	0.44	0.62	0.43	0.01	1.42
Escape	0.53	0.07	67.13	0.00	0.11	1.71
Unauthorized use of an automobile	0.27	0.10	6.76	0.01	0.03	1.31
Forgery (includes fraud)	-0.25	0.19	1.68	0.19	-0.01	0.78
Larceny	-0.16	0.16	1.00	0.32	-0.01	0.85
Other property	-0.17	0.18	0.89	0.35	-0.01	0.84
Stolen property	-0.64	0.17	14.19	0.00	-0.04	0.53
Other property	-0.04	0.10	0.14	0.71	0.00	0.97
Judge group 1	-1.14	0.12	85.64	0.00	-0.10	0.32
Judge group 2	-0.75	0.10	51.58	0.00	-0.09	0.47
Judge group 3	0.27	0.12	5.01	0.03	0.03	1.31
Judge group 4	-0.47	0.08	37.82	0.00	-0.10	0.63
Judge group 5	-0.31	0.08	14.49	0.00	-0.05	0.74
Judge group 6	-0.32	0.10	9.16	0.00	-0.03	0.73
Judge group 7	0.14	0.09	2.36	0.12	0.02	1.15
Judge group 8	0.40	0.09	19.36	0.00	0.06	1.50
Judge group 9	0.71	0.36	3.85	0.05	0.03	2.03
Judge group 10	0.13	0.09	1.98	0.16	0.02	1.14
Judge group 11	-0.07	0.08	0.81	0.37	-0.01	0.93
Age in years at sentencing	-0.03	0.00	146.69	0.00	-0.13	0.98
Gender (male)	0.54	0.06	87.86	0.00	0.09	1.72
Number of observations:	17,063					
-2*Log likelihood:	Intercept only:	21139.37		Int. & covars.:	18055.51	

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Table 4.7. Logistic regression results for models of a (yes/no) sentence to incarceration: Case processing, offense severity, judge group, and defendant age, gender, and race variables included in the models.

	Parameter Estimate	Standard Error	Wald Chi-square	PR > Chi-square	Standardized Estimate	Odds Ratio
Intercept	0.24	0.15	2.53	0.11	—	—
Guilty by plea	0.72	0.08	74.50	0.00	0.12	2.06
Number of felony charges sentenced	0.24	0.04	44.13	0.00	0.19	1.27
Offense was committed while armed	0.57	0.13	19.84	0.00	0.10	1.77
Offense was an attempt	-0.30	0.05	35.58	0.00	-0.08	0.74
Total # of Felony Priors	0.29	0.03	124.18	0.00	0.20	1.34
Tot # of Prior Prison Commitments	0.31	0.04	59.55	0.00	0.15	1.36
Year of sentencing was 1994	-0.14	0.06	4.53	0.03	-0.03	0.87
Year of sentencing was 1995	-0.20	0.07	7.75	0.01	-0.04	0.82
Year of sentencing was 1996	-0.11	0.07	2.53	0.11	-0.02	0.89
Year of sentencing was 1997	-0.37	0.07	30.12	0.00	-0.07	0.69
Year of sentencing was 1998	-0.44	0.07	40.81	0.00	-0.09	0.65
Homicide (includes asslt w/intent to kill)	2.29	0.25	85.29	0.00	0.28	9.88
Child sexual abuse	1.05	0.26	16.74	0.00	0.05	2.85
Sex abuse	1.77	0.31	32.32	0.00	0.09	5.89
Assault	0.24	0.12	4.17	0.04	0.03	1.28
Kidnaping	1.36	0.75	3.31	0.07	0.03	3.91
Robbery (includes carjacking)	0.88	0.08	111.22	0.00	0.14	2.40
Weapon during a dangerous/violent crime	2.06	0.60	11.65	0.00	0.09	7.85
Weapon possession	-0.38	0.08	24.10	0.00	-0.05	0.68
Burglary	0.67	0.10	48.17	0.00	0.08	1.95
Arson	0.83	0.58	2.05	0.15	0.02	2.28
Obstruction of justice	0.66	0.51	1.67	0.20	0.02	1.93
Escape	0.57	0.07	69.86	0.00	0.11	1.76
Unauthorized use of an automobile	0.31	0.11	8.23	0.00	0.03	1.36
Forgery (includes fraud)	-0.09	0.21	0.18	0.67	0.00	0.91
Larceny	-0.07	0.17	0.19	0.66	0.00	0.93
Other property	-0.21	0.18	1.32	0.25	-0.01	0.81
Stolen property	-0.56	0.18	9.80	0.00	-0.03	0.57
Other property	-0.03	0.10	0.07	0.79	0.00	0.97
Judge group 1	-1.22	0.13	89.01	0.00	-0.11	0.30
Judge group 2	-0.82	0.11	57.71	0.00	-0.10	0.44
Judge group 3	0.26	0.12	4.40	0.04	0.03	1.29
Judge group 4	-0.50	0.08	39.39	0.00	-0.10	0.61
Judge group 5	-0.31	0.08	13.78	0.00	-0.06	0.73
Judge group 6	-0.31	0.11	8.21	0.00	-0.03	0.73
Judge group 7	0.09	0.09	0.84	0.36	0.01	1.09
Judge group 8	0.36	0.09	14.17	0.00	0.06	1.43
Judge group 9	0.67	0.36	3.46	0.06	0.03	1.96
Judge group 10	0.12	0.09	1.74	0.19	0.02	1.13
Judge group 11	-0.11	0.08	1.77	0.18	-0.02	0.90
Age in years at sentencing	-0.03	0.00	146.86	0.00	-0.13	0.97
Gender (male)	0.58	0.06	92.16	0.00	0.09	1.78
Race (black)	0.39	0.08	22.69	0.00	0.05	1.47
Number of observations:	16,090					
-2*Log likelihood:	Intercept only:	19959.47		Int. & covars.:	16903.55	

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Table 4.8. Logistic regression results for models of a (yes/no) sentence to incarceration: Case processing, offense severity, judge group, and defendant age, gender, race, and socioeconimic variables included in the models (excluding lives with children).

	Parameter Estimate	Standard Error	Wald Chi-square	PR > Chi-square	Standardized Estimate	Odds Ratio
Intercept	-0.01	0.17	0.01	0.94	—	—
Guilty by plea	0.78	0.09	68.74	0.00	0.13	2.19
Number of felony charges sentenced	0.26	0.04	39.13	0.00	0.20	1.30
Offense was committed while armed	0.49	0.14	11.99	0.00	0.08	1.63
Offense was an attempt	-0.37	0.06	42.31	0.00	-0.10	0.69
Total # of Felony Priors	0.35	0.03	144.72	0.00	0.24	1.42
Tot # of Prior Prison Commitments	0.25	0.04	31.59	0.00	0.11	1.28
Year of sentencing was 1994	-0.12	0.07	2.88	0.09	-0.03	0.89
Year of sentencing was 1995	-0.22	0.08	7.12	0.01	-0.04	0.81
Year of sentencing was 1996	-0.12	0.08	2.37	0.12	-0.02	0.89
Year of sentencing was 1997	-0.33	0.07	20.19	0.00	-0.07	0.72
Year of sentencing was 1998	-0.33	0.08	19.24	0.00	-0.07	0.72
Homicide (includes asslt w/intent to kill)	2.59	0.31	70.93	0.00	0.31	13.28
Child sexual abuse	1.28	0.29	19.06	0.00	0.06	3.58
Sex abuse	1.75	0.33	27.88	0.00	0.09	5.73
Assault	0.34	0.13	6.99	0.01	0.04	1.41
Kidnaping	1.12	0.76	2.17	0.14	0.02	3.08
Robbery (includes carjacking)	0.99	0.09	115.50	0.00	0.16	2.69
Weapon during a dangerous/violent crime	2.38	0.74	10.48	0.00	0.10	10.81
Weapon possession	-0.35	0.08	16.95	0.00	-0.05	0.71
Burglary	0.69	0.10	43.80	0.00	0.09	2.00
Arson	0.84	0.58	2.05	0.15	0.02	2.31
Obstruction of justice	0.97	0.64	2.28	0.13	0.03	2.63
Escape	0.49	0.08	38.69	0.00	0.09	1.63
Unauthorized use of an automobile	0.31	0.11	7.45	0.01	0.03	1.37
Forgery (includes fraud)	-0.09	0.25	0.14	0.71	0.00	0.91
Larceny	-0.17	0.19	0.85	0.36	-0.01	0.84
Other property	-0.25	0.20	1.65	0.20	-0.01	0.78
Stolen property	-0.49	0.20	6.22	0.01	-0.03	0.61
Other property	-0.02	0.11	0.04	0.85	0.00	0.98
Judge group 1	-1.22	0.14	73.50	0.00	-0.11	0.30
Judge group 2	-0.86	0.12	53.50	0.00	-0.11	0.42
Judge group 3	0.21	0.13	2.51	0.11	0.02	1.24
Judge group 4	-0.49	0.09	31.01	0.00	-0.10	0.61
Judge group 5	-0.29	0.09	9.78	0.00	-0.05	0.75
Judge group 6	-0.29	0.12	5.78	0.02	-0.03	0.75
Judge group 7	-0.01	0.11	0.01	0.93	0.00	0.99
Judge group 8	0.41	0.11	14.91	0.00	0.06	1.50
Judge group 9	0.73	0.39	3.61	0.06	0.03	2.08
Judge group 10	0.18	0.10	3.19	0.07	0.03	1.20
Judge group 11	-0.05	0.09	0.37	0.54	-0.01	0.95
Age in years at sentencing	-0.02	0.00	79.46	0.00	-0.11	0.98
Gender (male)	0.57	0.07	71.12	0.00	0.09	1.77
Race (black)	0.39	0.09	18.01	0.00	0.05	1.48
Married	-0.34	0.07	21.31	0.00	-0.05	0.71
Number of children	0.02	0.01	2.31	0.13	0.02	1.02
Education less than high school degree	0.26	0.04	32.64	0.00	0.07	1.29
Education more than high school degree	-0.20	0.07	9.53	0.00	-0.04	0.82
Unemployed	-0.13	0.04	8.35	0.00	-0.03	0.88

Number of observations:	13,211			
-2*Log likelihood:	Intercept only:	16626.56	Int. & covars.:	13912.85

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Table 4.9. Logistic regression results for models of a (yes/no) sentence to incarceration: Case processing, offense severity, judge group, and defendant age, gender, race, and socioeconimic variables included in the models.

	Parameter Estimate	Standard Error	Wald Chi-square	PR > Chi-square	Standardized Estimate	Odds Ratio
Intercept	0.08	0.22	0.15	0.70	—	—
Guilty by plea	0.79	0.11	49.48	0.00	0.13	2.20
Number of felony charges sentenced	0.24	0.05	22.85	0.00	0.16	1.28
Offense was committed while armed	0.43	0.17	6.43	0.01	0.07	1.54
Offense was an attempt	-0.35	0.07	28.27	0.00	-0.09	0.70
Total # of Felony Priors	0.34	0.03	97.53	0.00	0.23	1.40
Tot # of Prior Prison Commitments	0.26	0.05	24.96	0.00	0.12	1.30
Year of sentencing was 1994	-0.15	0.08	3.36	0.07	-0.03	0.86
Year of sentencing was 1995	-0.22	0.10	5.15	0.02	-0.04	0.80
Year of sentencing was 1996	-0.11	0.09	1.30	0.25	-0.02	0.90
Year of sentencing was 1997	-0.35	0.09	16.26	0.00	-0.07	0.70
Year of sentencing was 1998	-0.34	0.09	14.45	0.00	-0.07	0.71
Homicide (includes asslt w/intent to kill)	2.47	0.36	47.80	0.00	0.27	11.77
Child sexual abuse	1.92	0.41	21.60	0.00	0.10	6.82
Sex abuse	2.02	0.44	20.78	0.00	0.10	7.51
Assault	0.39	0.16	6.33	0.01	0.05	1.48
Kidnaping	1.27	1.07	1.40	0.24	0.02	3.55
Robbery (includes carjacking)	0.98	0.11	74.89	0.00	0.15	2.68
Weapon during a dangerous/violent crime	2.74	1.03	7.05	0.01	0.11	15.41
Weapon possession	-0.25	0.10	6.02	0.01	-0.04	0.78
Burglary	0.67	0.13	27.47	0.00	0.08	1.95
Arson	0.60	0.69	0.76	0.38	0.01	1.82
Obstruction of justice	0.83	0.66	1.59	0.21	0.02	2.29
Escape	0.52	0.09	31.80	0.00	0.09	1.68
Unauthorized use of an automobile	0.24	0.14	2.87	0.09	0.02	1.27
Forgery (includes fraud)	-0.02	0.30	0.00	0.96	0.00	0.99
Larceny	-0.07	0.24	0.09	0.76	0.00	0.93
Other property	-0.28	0.25	1.19	0.28	-0.01	0.76
Stolen property	-0.46	0.23	4.08	0.04	-0.03	0.63
Other property	-0.02	0.13	0.02	0.88	0.00	0.98
Judge group 1	-1.11	0.17	43.48	0.00	-0.10	0.33
Judge group 2	-0.74	0.14	27.85	0.00	-0.09	0.48
Judge group 3	0.20	0.16	1.68	0.20	0.02	1.23
Judge group 4	-0.44	0.11	17.68	0.00	-0.09	0.64
Judge group 5	-0.27	0.11	5.76	0.02	-0.05	0.77
Judge group 6	-0.20	0.14	2.04	0.15	-0.02	0.82
Judge group 7	-0.05	0.13	0.15	0.70	-0.01	0.95
Judge group 8	0.43	0.12	11.84	0.00	0.07	1.54
Judge group 9	0.56	0.40	1.98	0.16	0.02	1.76
Judge group 10	0.16	0.12	1.81	0.18	0.03	1.18
Judge group 11	-0.03	0.11	0.06	0.81	-0.01	0.98
Age in years at sentencing	-0.02	0.00	62.61	0.00	-0.12	0.98
Gender (male)	0.56	0.08	51.24	0.00	0.10	1.75
Race (black)	0.42	0.12	11.73	0.00	0.04	1.51
Married	-0.31	0.08	14.20	0.00	-0.05	0.74
Number of children	0.02	0.02	1.51	0.22	0.02	1.02
Education less than high school degree	0.19	0.05	13.20	0.00	0.05	1.21
Education more than high school degree	-0.19	0.08	5.76	0.02	-0.03	0.83
Unemployed	-0.10	0.05	3.40	0.07	-0.03	0.91
Lives with own children	-0.17	0.06	9.00	0.00	-0.04	0.85

Number of observations:	9,217			
-2*Log likelihood:	Intercept only:	11695.25	Int. & covars.:	9874.15

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Odds ratios and the relative risk of imprisonment

The odds ratios (reported in the final columns of Tables 4.6 through 4.9) indicate the relative risk of imprisonment for members of the group defined by the variable in the left hand column in comparison to non-members of the group. For the binary variables, the members of the group include defendants who had the characteristics indicated, as compared to the defendants who did not have the characteristics. For the continuous variables, the odds ratios are interpreted as the change in the relative risk of imprisonment of a one-unit increase in the independent variable. For example, for the variable "number of felony charges sentenced" the odds ratio in Table 4.6 (of 1.215) indicates that the relative risk of imprisonment increases by 1.2 for each additional felony charge sentenced. Thus, defendants convicted of 2 felony charges had a relative risk of imprisonment that was 1.2 times that of defendants convicted on a single felony charge, controlling for all other variables in the model.

Characteristics associated an increased relative risk of imprisonment (odds ratio of greater than 1) included some of the most serious offenses of conviction, the severity of the offense, the criminal history of the defendant, the gender of the defendant, and some of the judge category groupings. Characteristics associated with a decreased risk of imprisonment (odds ratio of less than 1) included whether the most serious offense was an attempt (rather than a completed offense), the year of sentencing if it was other than 1993, property and drug offenses, some of the judge categories, and the age of the defendant.

Among the offense categories, defendants convicted of homicide offenses had the highest relatively likelihood of imprisonment of any offense group (an odds ratio of 9.6). The odds of imprisonment for defendants whose most serious charge was a "weapon used during a dangerous or violent crime" was about 8 times that of all other offenses.[4] Other offense categories with an increased risk of imprisonment included sexual abuse (5.6), kidnapping (4.6), child sex abuse (2.9), arson (2.5), and robbery (which includes carjacking in this analysis) (2.4).

Defendants convicted of offenses such as weapons possession, forgery and fraud, larceny and stolen property, as well as drug offenses, were less likely than the defendants who did not have one of these as their most serious charge of conviction to be sentenced to imprisonment.

The criminal history of defendants increased the likelihood of prison. Both criminal history measures were associated with an increase in the odds of imprisonment. As criminal history was measured as a continuous variable, the odds ratio measures the increase in the relative risk of imprisonment for a unit change in criminal history. Defendants with 1 prior felony conviction, for example, were 1.3 times as likely to go to prison as defendants with no (zero) prior felony convictions, as defendants with 2 priors were 1.3 times as likely as those with 1 prior to go to prison (controlling for all other variables in the model). Similarly, prior prison admissions were also positively associated with the decision to imprison, as, for example, defendants with 1 prior prison admission were 1.4 times as likely to go to prison for the current conviction as those with 0 prior prison admissions.

Some personal attributes of defendants are associated with a decrease in odds of imprisonment. Age is negatively associated with imprisonment, as older defendants are less likely to go to prison than younger defendants. Similarly, women are less likely to go to prison than men. Defendants who live with their children are less likely to go to prison than those that do not, as the defendants who live with their children

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[4] According to members of the DCACS, this offense is usually charged with another offense category and rarely appears as the only offense charged. In our analysis of the DC Superior Court data, whenever this charged appeared with any other charge, it was relegated to a secondary status. Only when this charge appeared as the sole charge of conviction does it appear as the most serious charge of conviction. The "weapon during a dangerous/violent crime" appeared as the sole charge of conviction in fewer than 1% of all cases convicted.

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are 8 tenths as likely to receive a prison sentence as other defendants. Married defendants were about 7 tenths as likely to go to prison than other defendants.

Other personal attributes were associated with an increase in the relative odds of imprisonment. Defendants with less than a high school degree were more at risk of imprisonment than those who completed high school. Blacks were 1 and ½ times as likely to go to prison than defendants of other races, controlling for the other variables in the model. And, as the number of children increased, so did the relative odds of imprisonment (although this variable was not statistically significant).

Important predictors of the decision to imprison

As indicated previously, The Revitalization Act provided guidance about the factors that should affect sentencing decisions. In its guidance to the TIS Commission, the Act recommended that sentences reflect the seriousness of the offense committed and the offender's criminal history, and provide for just punishment, adequate deterrence, and appropriate education, vocational training, medical care and other correctional treatment. It also required that the TIS Commission's recommendations ensure that any changes to sentencing be neutral as to an offender's race, sex, marital status, ethnic origin, religious affiliation, national origin, creed, socio-economic status, and sexual orientation.

The regression analysis of the decision to imprison shows that the seriousness of the offense of conviction and criminal history are among the most important factors affecting the decision to imprison. These variables have large estimated effects and are very highly significant. When several measures of the severity of offenses – type of offense, use of a weapon, attempt vs. complete, and number of charges of conviction – are considered, offense severity is perhaps the most important variable in determining the decision to imprison. Criminal history variables similarly exert comparative large effects on the decision to imprison.

However, variables that do not necessarily measure either offense severity or criminal history also affect on the prison decision. For example, the findings on race, sex, marital status, and socioeconomic status suggest that current sentencing practices are not neutral with respect to these factors.[5] These findings provide a basis for the DCACS to consider recommendations to monitor case processing outcomes under the proposed new law system to see if the differences due to these factors persist. For some of these variables, the magnitude of the effects is larger than the magnitude of effects for variables that measure offense severity. For example, in absolute value race has a larger effect on imprisonment (blacks have an estimated 8% higher probability of imprisonment than non-blacks) than do seven offense categories (which may be positively or negatively associated with prison). Similarly, marital status also has a larger marginal effect on imprisonment than do seven offense categories, and failing to complete high school has a larger marginal effect than five offense categories.

Findings of effects due to race, sex, and marital status do not necessarily indicate discrimination on the part of sentencing judges, as the processes that give rise to these effects may not be adequately measured by the regressions. For example, if the crimes committed by blacks (men, high school non-completers) are correlated with victim injury (which is not measured), and if victim injury is associated with the decision to imprison, then the marginal effects of race, sex, and age could diminish if measures of victim injury were available and included in the regressions. Other unmeasured and ommitted variables that could affect the results include pretrial release, quality of defense counsel, and the plea process. Alternatively, the set of variables that measure offense severity include measures that are likely to be correlated with victim injury. For example, the "offense was committed while armed variable" is likely to be correlated with victim injury,

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[5] There were no variables in the DC Superior Court data that measured religious affiliation, national origin, creed, or sexual orientation.

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as victims are more likely to be injured when offenders are armed. Thus, the findings about the effects of race, sex, marital status, and possibly socio-economic status on the probability of imprisonment cannot be dismissed out of hand. The DCACS should consider monitoring sentencing outcomes under the new law to determine whether these outcomes persist.

Regression results: Length of sentence imposed

To complement the analysis of the imprisonment decision, several multivariate regression models of the sentence length decision were estimated. These were linear regressions with the dependent variable measured as the number of months of unsuspended confinement imposed. The sample of defendants whose sentence length decision was analyzed was limited to those who received some confinement; defendants who received only probation were excluded from the analysis. As with the analysis of the decision to imprison, variables that measured offense severity and criminal history were included in the regressions, as were variables that measured case processing outcomes, sentencing judge, and demographic attributes of defendants.

The means for the variables in the three sets of regressions of length of sentence imposed are shown in Table 4.10; the regression results are in Tables 4.11, 4.12, and 4.13. Table 4.11 shows the results for the pooled regressions, in which the data on defendants sentenced to prison are analyzed. Table 4.12 shows results for defendants convicted of violent offenses, and Table 4.13 shows results for defendants convicted of non-violent offenses. The separate regressions by violent and non-violent offenses show differences in some parameter estimates. For example, the effect of the number of prior felony convictions on the number of months of unsuspended confinement imposed is 8 months for the regressions based only on violent offenses and 1 month for the regressions based only on non-violent offenses.

The discussion that follows is based primarily on the results from Table 4.11 (the pooled regression). The differences that arise between the violent and non-violent offense regressions are described in the text as they arise.

Summary of the data used in the regressions

The regressions analyzed data on 11,110 defendants sentenced to some unsuspended confinement for felony offenses convicted and sentenced between 1993 and 1998 in DC Superior Court. Sentences were aggregated across charges for defendants sentenced on more than one charge in a case. Sentences were not consolidated across cases; therefore defendants who were sentenced in more than one case appear in the data more than once.

Variables included in the regressions were organized into four sets of variables, as described in the analysis of the in/out decision: Case processing / court outcome variables (including the year of sentencing), criminal history measures, offense categories, judge categories, and a few demographic variables.

The mean number of months of unsuspended confinement imposed on the sample of 11,110 defendants was 51. For the 3,014 defendants sentenced for convictions on violent offenses, the mean sentence imposed was 120 months, while for the 8,096 defendants sentenced for non-violent offenses, the mean sentence imposed was 25 months. (Table 4.10.)

The sample means also indicate that defendants convicted of violent offenses differed from those convicted of non-violent offenses on several important variables. Defendants convicted of violent offenses were more likely to be convicted at trial than were those convicted of non-violent offenses (26% vs. 9%); defendants convicted of violent offenses had, on average, more felony charges per case (2.3 vs. 1.3); less criminal history (an average of 8/10ths of a prior conviction for violent offenses as compared to 1.2 for non violent offenses); were more likely to be sentenced by judges in categories 10, 11, or 12; and were younger (29 years on average, as compared to 32 years for non-violent offenders). Additionally, the proportion of all

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violent offenders sentenced in each year decreased from 1993 to 1994 but then increased from 1995 to 1998; however, the annual proportions of offenders sentenced for non-violent offenses has tended to decrease throughout the entire period from 1993 to 1998 with the exception of the slight increase from 1997 to 1998.

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Table 4.10. Sample means and standard deviations for variables used in the sentence length regressions.

Variable name	Pooled regressions		Violent offenses		Non-violent offenses	
	Mean	Std.Dev.	Mean	Std.Dev.	Mean	Std.Dev.
Case processing / court outcomes						
Convicted at trial (vs. by plea)	0.139	0.346	0.263	0.440	0.093	0.291
Number of felony charges sentenced	1.60	1.70	2.30	2.65	1.34	1.05
Any sentences were splits	0.212	0.409	0.188	0.391	0.221	0.415
Offense was committed while armed	0.142	0.349	0.504	0.500	0.008	0.087
Offense was an attempt	0.296	0.457	0.149	0.356	0.351	0.477
Criminal history						
Number of prior felony convictions	1.11	1.31	0.80	1.19	1.22	1.34
Number of prior prison admissions	0.59	0.91	0.38	0.75	0.67	0.95
Year of sentencing						
Year of sentencing was 1993 (omitted category)	0.198		0.171		0.208	
Year of sentencing was 1994	0.193	0.394	0.184	0.387	0.196	0.397
Year of sentencing was 1995	0.159	0.366	0.151	0.358	0.162	0.368
Year of sentencing was 1996	0.150	0.357	0.162	0.368	0.146	0.353
Year of sentencing was 1997	0.146	0.353	0.162	0.368	0.140	0.347
Year of sentencing was 1998	0.155	0.362	0.171	0.376	0.149	0.356
Offense category						
Homicide	0.064	0.244	0.235	0.424		
Child sexual abuse	0.009	0.094	0.033	0.178		
Sexual abuse	0.013	0.111	0.046	0.210		
Assault with intent to kill	0.008	0.089	0.029	0.168		
Assault	0.062	0.241	0.228	0.420		
Kidnapping	0.002	0.048	0.009	0.092		
Robbery (omitted in the violent offenses regressions)	0.103	0.304	0.380			
Carjacking	0.003	0.053	0.010	0.101		
Weapon during a dangerous crime	0.008	0.091	0.031	0.172		
Weapon (possession)	0.058	0.235			0.080	0.272
Burglary	0.059	0.235			0.081	0.272
Arson	0.001	0.035			0.002	0.042
Obstruction of justice	0.003	0.057			0.004	0.067
Escape	0.167	0.373			0.230	0.421
Drug offenses (distribution and PWID) (omitted)	0.339				0.465	
Unauthorized use of an automobile	0.036	0.186			0.049	0.216
Forgery	0.005	0.071			0.007	0.083
Fraud	0.001	0.023			0.001	0.027
Larceny	0.012	0.107			0.016	0.125
Other property	0.009	0.096			0.013	0.112
Stolen property	0.008	0.091			0.011	0.107
Other	0.030	0.171			0.041	0.199
Judge category						
Judge category 1	0.015	0.122	0.007	0.081	0.018	0.134
Judge category 2	0.034	0.182	0.018	0.131	0.040	0.197
Judge category 3	0.034	0.182	0.011	0.104	0.043	0.202
Judge category 4	0.145	0.352	0.062	0.242	0.176	0.381
Judge category 5	0.110	0.313	0.050	0.219	0.132	0.339
Judge category 6	0.038	0.191	0.015	0.121	0.046	0.210
Judge category 7	0.086	0.281	0.053	0.224	0.098	0.298
Judge category 8	0.102	0.303	0.059	0.236	0.118	0.322
Judge category 9	0.006	0.076	0.011	0.102	0.004	0.063
Judge category 10	0.089	0.285	0.091	0.287	0.089	0.284
Judge category 11	0.197	0.398	0.316	0.465	0.153	0.360
Judge category 12 (omitted category)	0.143		0.307		0.083	
Defendant characteristics						
Age in years at sentencing	31.24	8.57	28.97	8.78	32.08	8.34
Defendant was black	0.957	0.203	0.952	0.214	0.959	0.199
Defendant was a male	0.931	0.254	0.955	0.208	0.922	0.268
Dependent variable						
Aggregate miniumum confinement (unsuspended)	50.6	121.8	119.6	198.6	24.9	56.8
Number of observations	11,110		3,014		8,096	

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Relative importance of variables in explaining sentence length outcomes: Results from the pooled regressions

The variable that explains the largest amount of the variation in the dependent variable is the number of felony charges sentenced. The group of variables that explain the largest amount of variation in the sentence length decision are those categorized as case processing / court outcome variables.

In the pooled regression, the R-square is 60.2%. The case processing / court outcome variables collectively explain 45% of the variation in the length of sentence imposed. Among these variables, the number of charges sentenced explains 43% of the variation in the dependent variable by itself. All of the case processing variables (convicted at trial, number of charges, whether a sentence was a split sentence, weapon use, and attempt) was statistically significant. Given the large sample size, this is not surprising. However, the significance of the number of charges sentenced far surpassed that of all other court processing variables (and all other variables) combined.

As a group, the offense category of the most serious offense explains 12% of the variation in sentence length. However, the homicide variable explains 9% of the variation in the dependent variable; so the other offense category variables contribute very small amounts to the regressions. Several of the offense category variables are not statistically significant; the most obvious of these include burglary, arson, obstruction of justice, and fraud.

Finally, the other categories of variables contribute even smaller amounts to the sentence length decision. The year of sentencing contributes less than 1%; criminal history contributes about one-tenth of 1 percent to the explained variation; and defendant characteristics contribute 3 one-hundreds of a percent.

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Table 4.11. Regressions of the number of months of *unsuspended minimum confinement* imposed: Pooled regressions, all offenses.

Variable (individual and category)	Parameter	Standard error	T-value	P-value	Type II Sum of Squares	Contrib. to Total SS II	Contrib. to R-square Variable	Contrib. to R-square Group	Means of independent variables	Estimated months contributed	|Months|	Percentage of |months| Each variable	Percentage of |months| Groups of variables	Number of months
Constant	4.01	6.15	0.65	0.5149	2,505				1.00	4.01	4.01	3.10%	3.10%	4.005
Case processing/court outcomes								45.03%					54.35%	82.653
Convicted at trial (vs. by plea)	18.01	2.52	7.14	0.0001	301,287	0.74%	0.45%		0.14	2.51	2.51	1.94%		
Number of felony charges sentenced	35.88	0.51	69.76	0.0001	28,737,947	70.78%	42.59%		1.60	57.28	57.28	44.38%		
Any sentences were splits	-10.48	1.89	-5.55	0.0001	181,999	0.45%	0.27%		0.21	-2.22	2.22	1.72%		
Offense was committed while armed	46.47	3.37	13.81	0.0001	1,125,730	2.77%	1.67%		0.14	6.61	6.61	5.12%		
Offense was attempt	-5.16	2.07	-2.50	0.0126	36,794	0.09%	0.05%		0.30	-1.53	1.53	1.18%		
Criminal history								0.12%					2.98%	3.845
Number of prior felony convictions	3.16	0.87	3.62	0.0003	77,251	0.19%	0.11%		1.11	3.49	3.49	2.70%		
Number of prior prison commitments	0.60	1.25	0.48	0.6330	1,347	0.00%	0.00%		0.59	0.35	0.35	0.27%		
Year of sentencing (1993 = excluded category)								0.52%					4.99%	-6.443
Year of sentencing was 1994	-3.82	2.44	-1.57	0.1169	14,521	0.04%	0.02%		0.19	-0.74	0.74	0.57%		
Year of sentencing was 1995	-13.19	2.62	-5.04	0.0001	149,782	0.37%	0.22%		0.16	-2.10	2.10	1.62%		
Year of sentencing was 1996	-11.83	2.62	-4.51	0.0001	120,225	0.30%	0.18%		0.15	-1.77	1.77	1.37%		
Year of sentencing was 1997	-8.01	2.65	-3.02	0.0025	53,843	0.13%	0.08%		0.15	-1.17	1.17	0.90%		
Year of sentencing was 1998	-4.33	2.74	-1.58	0.1148	14,690	0.04%	0.02%		0.15	-0.67	0.67	0.52%		
Offense category (drugs = excluded category)								11.82%					14.86%	0.151
Homicide	137.26	4.28	32.09	0.0001	6,080,482	14.98%	9.01%		0.06	8.75	8.75	6.78%		
Sex child abuse	7.13	8.07	0.88	0.3766	4,618	0.01%	0.01%		0.01	0.06	0.06	0.05%		
Sex abuse	43.10	6.83	6.31	0.0001	234,858	0.58%	0.35%		0.01	0.54	0.54	0.42%		
Assault with intent to kill	30.65	8.78	3.49	0.0005	72,053	0.18%	0.11%		0.01	0.24	0.24	0.19%		
Assault	-40.73	4.10	-9.94	0.0001	583,880	1.44%	0.87%		0.06	-2.52	2.52	1.95%		
Kidnapping	-45.09	15.25	-2.96	0.0031	51,611	0.13%	0.08%		0.00	-0.11	0.11	0.08%		
Robbery	-10.16	2.84	-3.58	0.0003	75,705	0.19%	0.11%		0.10	-1.05	1.05	0.81%		
Carjacking	23.34	14.10	1.66	0.0978	16,189	0.04%	0.02%		0.00	0.07	0.07	0.05%		
Weapon during a dangerous crime	-14.85	8.90	-1.67	0.0950	16,467	0.04%	0.02%		0.01	-0.12	0.12	0.10%		
Weapons	-13.96	3.62	-3.86	0.0001	87,858	0.22%	0.13%		0.06	-0.82	0.82	0.63%		
Burglary	0.16	3.41	0.05	0.9620	13	0.00%	0.00%		0.06	0.01	0.01	0.01%		
Arson	-19.75	20.64	-0.96	0.3386	5,409	0.01%	0.01%		0.00	-0.02	0.02	0.02%		
Obstruction of justice	-15.21	13.05	-1.17	0.2440	8,018	0.02%	0.01%		0.00	-0.05	0.05	0.04%		
Escape	-16.93	2.56	-6.62	0.0001	258,740	0.64%	0.38%		0.17	-2.83	2.83	2.19%		
Unauthorized use of a motor vehicle	-13.56	4.33	-3.13	0.0017	57,976	0.14%	0.09%		0.04	-0.49	0.49	0.38%		
Forgery	-42.44	10.47	-4.05	0.0001	97,057	0.24%	0.14%		0.01	-0.21	0.21	0.17%		
Fraud	-18.99	31.48	-0.60	0.5463	2,149	0.01%	0.00%		0.00	-0.01	0.01	0.01%		
Larceny	-25.25	7.04	-3.58	0.0003	75,877	0.19%	0.11%		0.01	-0.29	0.29	0.23%		
Other property	-28.64	7.83	-3.66	0.0003	78,948	0.19%	0.12%		0.01	-0.27	0.27	0.21%		
Stolen property	-33.89	8.20	-4.13	0.0001	100,805	0.25%	0.15%		0.01	-0.28	0.28	0.22%		
Other	-14.88	4.53	-3.29	0.0010	63,741	0.16%	0.09%		0.03	-0.45	0.45	0.35%		
Judge (Judge category 12 = excluded category)								2.66%					12.70%	-16.390
Judge category 1	-22.03	6.48	-3.40	0.0007	68,265	0.17%	0.10%		0.02	-0.33	0.33	0.26%		
Judge category 2	-21.91	4.79	-4.58	0.0001	123,721	0.30%	0.18%		0.03	-0.75	0.75	0.58%		
Judge category 3	-20.91	4.70	-4.45	0.0001	117,074	0.29%	0.17%		0.03	-0.71	0.71	0.55%		
Judge category 4	-19.50	3.02	-6.45	0.0001	245,858	0.61%	0.36%		0.15	-2.83	2.83	2.19%		
Judge category 5	-17.91	3.16	-5.66	0.0001	189,107	0.47%	0.28%		0.11	-1.97	1.97	1.52%		
Judge category 6	-15.08	4.44	-3.39	0.0007	67,970	0.17%	0.10%		0.04	-0.57	0.57	0.44%		
Judge category 7	-18.24	3.34	-5.46	0.0001	176,137	0.43%	0.26%		0.09	-1.57	1.57	1.22%		
Judge category 8	-19.89	3.24	-6.13	0.0001	222,000	0.55%	0.33%		0.10	-2.03	2.03	1.57%		
Judge category 9	-18.09	9.92	-1.82	0.0684	19,621	0.05%	0.03%		0.01	-0.10	0.10	0.08%		
Judge category 10	-25.35	3.31	-7.66	0.0001	346,383	0.85%	0.51%		0.09	-2.26	2.26	1.75%		
Judge category 11	-16.53	2.70	-6.11	0.0001	220,703	0.54%	0.33%		0.20	-3.26	3.26	2.53%		
Defendant characteristics								0.03%					7.01%	2.779
Age at sentencing, in years	-0.10	0.09	-1.08	0.2801	6,891	0.02%	0.01%		31.24	-3.14	3.14	2.43%		
Race (black)	3.70	3.63	1.02	0.3089	6,116	0.02%	0.01%		0.96	3.54	3.54	2.74%		
Gender (male)	2.55	2.93	0.87	0.3834	4,487	0.01%	0.01%		0.93	2.38	2.38	1.84%		
Totals			R-square =	0.6018	40,602,202	100.00%	60.18%	60.18%		50.60	129.07		100.00%	50.599

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Relative importance of variables in explaining the sentence length decision: Results from separate regressions

The results from the separate regressions for violent and non-violent offenses are entirely consistent with those of the pooled regressions: The number of charges sentenced explains the most of the variation in the sentence length decision (43% in the violent offense equations and 27% in the non-violent offense equation) (Tables 4.12 and 4.13). No other variable explains more than 11% of the variation in the sentence length decision (as does homicide in violent offense equation). The judge category explains 2% of the variation of the length of sentence in the violent offense equation and about 4% of the variation in the sentence length equation of the non-violent offense equation.

Magnitude of effects: Pooled regressions

In the pooled regressions, changes in the levels of variables such as conviction of a homicide offense, of a sexual abuse offense, the number of charges sentenced, and that a charge was committed while armed yielded the increases in the number of months of sentence imposed per unit change in these variables. For example, the estimated difference in sentences imposed between defendants sentenced for a homicide offense as compared to defendants sentenced for all other offenses was 137 months, and the estimated difference in sentences imposed for a conviction for sexual abuse as compared to all other offenses was 43 months. Committing an offense while armed increased the average sentence imposed by 46 months, and, with each additional charge sentenced, the average sentence imposed increased by 36 months (Table 4.11).

Many of the less serious offense categories (e.g., minor property offenses such as forgery, stolen property) and some of the apparently more serious offenses (such as assault and kidnapping) have large negative effects on the number of months of sentence imposed. Keeping in mind that the coefficients represent the effects on the dependent variable when controlling for all other variables in the model, the effect of a sentence for forgery (as compared to all other offenses) is to decrease sentences imposed by 43 months. And, the average sentence imposed on defendants sentenced for assault (other than assault with intent to kill) was 40 months less than the average imposed on all other offenses.

Between the criminal history measures, the effect of prior felony convictions was larger than the effect of prior prison admissions, as each additional prior felony conviction increased the average sentence imposed by 3 months, while each prior prison commitment increased the average sentence imposed by about half a month. (Note that prior prison admissions had a comparatively large impact on the decision to imprison (above), but it has relatively little effect on the length of prison sentence imposed.)

Finally, none of the defendant characteristic variables have statistically significant effects on the length of sentence imposed.

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Table 4.12. Regressions of the number of months of unsuspended minimum confinement imposed: Separate regressions, violent offenses.

Variable (individual and category)	Parameter	Standard error	T-value	Prob > |T|	Type II Sum of squares	Contrb.to total SS II	Contrib. to R-Square Variable	Contrib. to R-Square Group	Means of independent variables	Estimated months contributed	|Months|	Percentage of |months| Each variable	Percentage of |months| Groups of variables	Number of months
Constant	-15.99	19.49	-0.82	0.4119	11,022				1.00	-15.99	15.99	6.55%	**6.55%**	**-15.99**
Case processing/court outcomes								**44.54%**					**48.29%**	**111.72**
Convicted at trial (vs. by plea)	30.82	6.62	4.65	0.0001	354,404	1.21%	0.71%		0.26	8.11	8.11	3.32%		
Number of felony charges sentenced	38.11	1.06	35.93	0.0001	21,130,080	71.98%	42.46%		2.30	87.53	87.53	35.85%		
Any sentences were splits	-9.64	6.22	-1.55	0.1214	39,299	0.13%	0.08%		0.19	-1.81	1.81	0.74%		
Offense was committed while armed	38.05	6.20	6.14	0.0001	616,933	2.10%	1.24%		0.50	19.17	19.17	7.85%		
Offense was attempt	-8.63	7.69	-1.12	0.2619	20,612	0.07%	0.04%		0.15	-1.28	1.28	0.53%		
Criminal history								**0.24%**					**2.69%**	**6.34**
Number of prior felony convictions	8.06	2.98	2.70	0.0070	119,287	0.41%	0.24%		0.80	6.45	6.45	2.64%		
Number of prior prison commitments	-0.29	4.56	-0.06	0.9492	67	0.00%	0.00%		0.38	-0.11	0.11	0.05%		
Year of sentencing (1993 = excluded category)								**0.12%**					**2.13%**	**1.75**
Year of sentencing was 1994	-4.00	8.07	-0.50	0.6200	4,026	0.01%	0.01%		0.18	-0.74	0.74	0.30%		
Year of sentencing was 1995	-0.28	8.71	-0.03	0.9747	16	0.00%	0.00%		0.15	-0.04	0.04	0.02%		
Year of sentencing was 1996	-5.89	8.48	-0.69	0.4874	7,895	0.03%	0.02%		0.16	-0.95	0.95	0.39%		
Year of sentencing was 1997	9.22	8.49	1.09	0.2773	19,325	0.07%	0.04%		0.16	1.49	1.49	0.61%		
Year of sentencing was 1998	11.64	8.63	1.35	0.1777	29,757	0.10%	0.06%		0.17	1.99	1.99	0.81%		
Offense category (robbery = excluded category)								**11.79%**					**17.63%**	**29.40**
Homicide	137.61	7.71	17.85	0.0001	5,214,010	17.76%	10.48%		0.23	32.32	32.32	13.23%		
Sex child abuse	12.72	14.30	0.89	0.3738	12,952	0.04%	0.03%		0.03	0.42	0.42	0.17%		
Sex abuse	46.01	12.04	3.82	0.0001	239,022	0.81%	0.48%		0.05	2.12	2.12	0.87%		
Assault with intent to kill	33.86	14.85	2.28	0.0227	85,096	0.29%	0.17%		0.03	0.99	0.99	0.40%		
Assault	-28.39	7.18	-3.95	0.0001	255,940	0.87%	0.51%		0.23	-6.47	6.47	2.65%		
Kidnapping	-41.36	25.73	-1.61	0.1080	42,300	0.14%	0.09%		0.01	-0.36	0.36	0.15%		
Robbery														
Carjacking	22.68	23.74	0.96	0.3396	14,935	0.05%	0.03%		0.01	0.23	0.23	0.10%		
Weapon during a dangerous crime	4.93	14.85	0.33	0.7399	1,805	0.01%	0.00%		0.03	0.15	0.15	0.06%		
Weapons														
Burglary														
Arson														
Obstruction of justice														
Escape														
Unauthorized use of a motor vehicle														
Forgery														
Fraud														
Larceny														
Other property														
Stolen property														
Other														
Judge (Judge category 12 = excluded category)								**2.13%**					**7.88%**	**-19.23**
Judge category 1	-26.38	29.38	-0.90	0.3692	13,204	0.04%	0.03%		0.01	-0.18	0.18	0.07%		
Judge category 2	-31.30	19.15	-1.63	0.1023	43,711	0.15%	0.09%		0.02	-0.55	0.55	0.23%		
Judge category 3	-26.82	23.31	-1.15	0.2499	21,679	0.07%	0.04%		0.01	-0.29	0.29	0.12%		
Judge category 4	-22.92	10.99	-2.09	0.0371	71,162	0.24%	0.14%		0.06	-1.43	1.43	0.59%		
Judge category 5	-32.83	11.86	-2.77	0.0057	125,474	0.43%	0.25%		0.05	-1.66	1.66	0.68%		
Judge category 6	-24.78	20.05	-1.24	0.2165	25,007	0.09%	0.05%		0.01	-0.37	0.37	0.15%		
Judge category 7	-35.92	11.44	-3.14	0.0017	161,407	0.55%	0.32%		0.05	-1.91	1.91	0.78%		
Judge category 8	-27.99	10.83	-2.58	0.0098	109,255	0.37%	0.22%		0.06	-1.66	1.66	0.68%		
Judge category 9	-12.14	23.67	-0.51	0.6081	4,304	0.01%	0.01%		0.01	-0.13	0.13	0.05%		
Judge category 10	-38.63	9.53	-4.05	0.0001	268,726	0.92%	0.54%		0.09	-3.51	3.51	1.44%		
Judge category 11	-23.87	6.60	-3.62	0.0003	214,408	0.73%	0.43%		0.32	-7.55	7.55	3.09%		
Defendant characteristics								**0.18%**					**14.83%**	**5.62**
Age at sentencing, in years	-0.53	0.29	-1.82	0.0685	54,375	0.19%	0.11%		28.97	-15.30	15.30	6.27%		
Race (black)	13.46	11.06	1.22	0.2237	24,240	0.08%	0.05%		0.95	12.82	12.82	5.25%		
Gender (male)	8.49	11.39	0.75	0.4561	9,093	0.03%	0.02%		0.95	8.10	8.10	3.32%		
Totals			R-square =	0.5899	29,353,806	100.00%	58.99%	**58.99%**	119.60	119.60	244.17		**100.00%**	**119.60**

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Table 4.13. Regressions of the number of months of unsuspended minimum confinement imposed: Separate regressions, non-violent offenses.

Variable (individual and category)	Parameter	Standard error	T-value	Prob > |T|	Type II Sum of squares	Contrb.to total SS II	Contrib. to R-Square Variable	Contrib. to R-Square Group	Means of independent variables	Estimated months contributed	|Months|	Percentage of |months| Each variable	Percentage of |months| Groups of variables	Number of months
Constant	14.96	4.17	3.59	0.0003	24,349				1.00	14.96	14.96	15.99%	**15.99%**	**14.96**
Case processing/court outcomes								**31.50%**					**45.89%**	**32.86**
Convicted at trial (vs. by plea)	9.35	1.87	5.01	0.0001	47,420	0.68%	0.28%		0.09	0.87	0.87	0.93%		
Number of felony charges sentenced	27.16	0.55	49.10	0.0001	4,561,791	65.39%	27.26%		1.34	36.28	36.28	38.78%		
Any sentences were splits	-11.31	1.25	-9.07	0.0001	155,811	2.23%	0.93%		0.22	-2.50	2.50	2.67%		
Offense was committed while armed	97.25	6.29	15.47	0.0001	452,562	6.49%	2.70%		0.01	0.74	0.74	0.80%		
Offense was attempt	-7.24	1.34	-5.39	0.0001	54,888	0.79%	0.33%		0.35	-2.54	2.54	2.72%		
Criminal history								**0.06%**					**2.14%**	**2.00**
Number of prior felony convictions	1.09	0.57	1.92	0.0555	6,939	0.10%	0.04%		1.22	1.32	1.32	1.42%		
Number of prior prison commitments	1.00	0.80	1.26	0.2095	2,980	0.04%	0.02%		0.67	0.67	0.67	0.72%		
Year of sentencing (1993 = excluded category)								**1.81%**					**7.56%**	**-7.07**
Year of sentencing was 1994	-2.33	1.61	-1.45	0.1482	3,957	0.06%	0.02%		0.20	-0.46	0.46	0.49%		
Year of sentencing was 1995	-11.97	1.74	-6.87	0.0001	89,299	1.28%	0.53%		0.16	-1.93	1.93	2.07%		
Year of sentencing was 1996	-10.98	1.75	-6.29	0.0001	74,758	1.07%	0.45%		0.15	-1.60	1.60	1.71%		
Year of sentencing was 1997	-12.15	1.79	-6.80	0.0001	87,481	1.25%	0.52%		0.14	-1.70	1.70	1.82%		
Year of sentencing was 1998	-9.31	1.87	-4.99	0.0001	47,152	0.68%	0.28%		0.15	-1.38	1.38	1.48%		
Offense category (drugs = excluded category)								**4.64%**					**8.90%**	**-7.96**
Homicide														
Sex child abuse														
Sex abuse														
Assault with intent to kill														
Assault														
Kidnapping														
Robbery														
Carjacking														
Weapon during a dangerous crime														
Weapons	-13.83	2.11	-6.55	0.0001	81,144	1.16%	0.48%		0.08	-1.11	1.11	1.18%		
Burglary	1.52	1.98	0.77	0.4427	1,115	0.02%	0.01%		0.08	0.12	0.12	0.13%		
Arson	-11.71	11.70	-1.00	0.3169	1,896	0.03%	0.01%		0.00	-0.02	0.02	0.02%		
Obstruction of justice	13.99	7.51	1.86	0.0625	6,566	0.09%	0.04%		0.00	0.06	0.06	0.07%		
Escape	-19.67	1.52	-12.97	0.0001	318,454	4.56%	1.90%		0.23	-4.52	4.52	4.83%		
Unauthorized use of a motor vehicle	-14.76	2.50	-5.90	0.0001	65,889	0.94%	0.39%		0.05	-0.73	0.73	0.78%		
Forgery	-38.56	5.95	-6.48	0.0001	79,360	1.14%	0.47%		0.01	-0.27	0.27	0.29%		
Fraud	-12.82	17.83	-0.72	0.4724	977	0.01%	0.01%		0.00	-0.01	0.01	0.01%		
Larceny	-21.32	4.02	-5.30	0.0001	53,193	0.76%	0.32%		0.02	-0.34	0.34	0.36%		
Other property	-23.51	4.47	-5.26	0.0001	52,398	0.75%	0.31%		0.01	-0.30	0.30	0.32%		
Stolen property	-27.80	4.66	-5.96	0.0001	67,201	0.96%	0.40%		0.01	-0.32	0.32	0.34%		
Other	-13.10	2.60	-5.05	0.0001	48,157	0.69%	0.29%		0.04	-0.54	0.54	0.58%		
Judge (Judge category 12 = excluded category)								**3.64%**					**13.39%**	**-12.53**
Judge category 1	-15.78	4.07	-3.88	0.0001	28,495	0.41%	0.17%		0.02	-0.29	0.29	0.31%		
Judge category 2	-14.78	3.12	-4.74	0.0001	42,462	0.61%	0.25%		0.04	-0.60	0.60	0.64%		
Judge category 3	-16.41	2.99	-5.48	0.0001	56,849	0.81%	0.34%		0.04	-0.70	0.70	0.75%		
Judge category 4	-15.06	2.10	-7.19	0.0001	97,821	1.40%	0.58%		0.18	-2.65	2.65	2.83%		
Judge category 5	-12.75	2.17	-5.89	0.0001	65,554	0.94%	0.39%		0.13	-1.68	1.68	1.80%		
Judge category 6	-10.77	2.87	-3.75	0.0002	26,663	0.38%	0.16%		0.05	-0.50	0.50	0.53%		
Judge category 7	-10.36	2.30	-4.50	0.0001	38,349	0.55%	0.23%		0.10	-1.02	1.02	1.09%		
Judge category 8	-13.58	2.26	-6.01	0.0001	68,413	0.98%	0.41%		0.12	-1.60	1.60	1.71%		
Judge category 9	-17.11	7.91	-2.16	0.0305	8,864	0.13%	0.05%		0.00	-0.07	0.07	0.07%		
Judge category 10	-19.08	2.38	-8.01	0.0001	121,392	1.74%	0.73%		0.09	-1.69	1.69	1.81%		
Judge category 11	-11.33	2.12	-5.35	0.0001	54,220	0.78%	0.32%		0.15	-1.74	1.74	1.85%		
Defendant characteristics								**0.03%**					**6.13%**	**2.65**
Age at sentencing, in years	0.06	0.06	1.23	0.2172	2,882	0.04%	0.02%		32.08	2.47	2.47	2.64%		
Race (black)	-1.61	2.46	-0.65	0.5128	811	0.01%	0.00%		0.96	-1.54	1.54	1.65%		
Gender (male)	1.87	1.84	1.02	0.3090	1,959	0.03%	0.01%		0.92	1.72	1.72	1.84%		
Totals			R-square =	0.4168	6,976,123	100.00%	41.68%	**41.68%**	24.90	24.90	93.57	100.00%	**100.00%**	**24.90**

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Magnitude of effects: Separate regressions

Defendants convicted of violent offenses had an average sentence of 120 months, as compared to the 56 months average sentence for defendants convicted of non-violent offenses. The difference in average sentences imposed reflects the different penalty structure of the two classes of offenses. During the study period, the statutory maximum penalties for 38 detailed types of violent offenses was life; this includes all homicide offenses, assault with intent to kill and aggravated assaults, most sexual abuse and child sex abuse offenses, and several robbery charges. By comparison, drug offenses have the highest statutory maximum penalty (30 years) of non-violent offenses. Among violent offenses, several of the assault offenses (such as cruelty to children, lower degree sexual abuse, and some assaults with intent to rape) have statutory maximum penalties as low as 15 years. Meanwhile, for many property offenses, weapons possession, drug possession, and other non-violent offenses, the statutory maximum penalties are as low as 3 to 5 years.

Consequently, the average effects described above for the pooled regressions will not apply equally to the group of defendants sentenced for violent offenses and to the group sentenced for non-violent offenses. As the pooled effects are a weighted sum of the effects of the variables on these two groups, in some cases, the average effects are weighted by the size of the coefficient for violent offenses; in other cases, the effects are weighted by the number of non-violent offenses.

For both the pooled and separate regressions, the effects of the type of offense remained the same. In the violent offense equation, for example (Table 4.11), the coefficient on homicide (137.6) was the same as in the pooled regression. The magnitudes of the coefficients on other violent offense categories differed slightly from the estimates in the pooled equation, but this arises from the different samples. Similarly, the coefficients on the offense categories in the non-violent equations (Table 4.13) are about equal to their coefficients in the pooled equations.

However, the magnitude of the effects of variables such as conviction by trial (as opposed to guilty plea), the number of charges sentenced, and criminal history differ between the violent and non-violent offense equations. Conviction by trial, for example, results in an average increase of 31 months for offenders convicted of violent offenses, but for those convicted of non-violent offenses, the average increase is about 1/3 as much, or 9 months. Each felony charge sentenced increases the average sentence imposed on violent offenses by 38 months; for non-violent offenses, the increase is 27 months.

Offense committed while armed increase the average sentence imposed on violent offenses by 38 months. For non-violent offenses, the effect of committing the offense while armed is to increase sentences by 97 months. The magnitude of this effect for non-violent offenses may be an artifact of classifying offenses. Less than 1 percent of non-violent offenses were committed while armed, and according to the DC Superior Court data, these were drug offenses committed while armed. Theoretically, these drug offenses could also have been classified as violent offenses, and this would have been consistent with the statutory penalties. However, the classification of detailed offenses into the broader offense categories reported here[6] was based on the substantive offense, which in these cases was the drug crime. Regardless, the inclusion of the dummy variable to measure the effects of offense committed while armed controls for this type of classification dispute, and the results are interpretable in terms of the incidence of the non-violent offenses committed while armed.

The effects of criminal history also differ between the violent and non-violent offense regressions. Each additional prior conviction adds 8 months to the average sentence imposed on a defendant convicted of a

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[6] As described in chapter 1 of Volume 1 of this report, the offense classification was done in conjunction with the DCACS and with their review.

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violent offense, but each prior conviction adds only 1 month to the average sentence imposed on a defendant convicted of a non-violent offense. While the effects of prior prison commitments differ in direction between the two regressions, in neither regression is the prior prison commitment variable statistically significant.

Special topics: Judge effects

In other jurisdictions, sentencing guidelines have been promulgated because of concerns that similarly situated defendants received different sentences based on the judge doing the sentencing. To examine whether there is support for this argument in the current sentencing practices of the District of Columbia, a special analysis was undertaken to determine if the sentencing judge had an independent effect on sentence length decisions, controlling for the differences in the characteristics of the cases sentenced.

To assess whether or not there is a significant judge effect, we utilized an analysis of variance (ANOVA) approach. We did this with two research questions in mind. (1) Is there a judge effect? and (2) What is the source of variation among judges decision making? The analysis was conducted on the minimum confinement imposed (less suspension) variable, both in levels and in logs. The explanatory variables used in the model were similar to those used in previous analysis of sentence lengths imposed.

The introduction of a set of individual judge variables (one dummy variable for each judge) interacting with every other variable in the model is referred to here as the fully saturated judge effect model. We compare the fit of this model with a similar model without any judge effect (direct or indirect). Table 4.14 shows the results of this analysis for the model in level and logs, for the entire sample as well as for a sub-sample of sentences imposed between 1996 and 1998.

Table 4.14. ANOVA results of the increase in explanatory power of the model by including a judge effect.

Dependant Model	1993-1998 R-square (%) Total	Change	1996-1998 R-square (%) Total	Change
Minimum confinment				
No judge effect	58.62		60.33	
Saturated judge effect	77.97	19.34 *	78.89	18.56 *
Log Minimum confinement				
No judge effect	64.35		65.66	
Saturated judge effect	76.55	12.20 *	80.12	14.46 *

Variables included in the model (no interactions):
- Constant
- Conviction at trial (vs by plea)
- Number of felony charges sentenced
- One of the sentences was a split
- If armed during offense
- If offense was an attempt
- Number of prior felony convictions
- Age
- Race = black
- Sex = male
- Year of disposition
- Offense category

* In each of the models the saturated judge effect is statistically significant ($p<0.05$)

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With the addition of a saturated judge effect in the model, there is an almost 20 percent point increase in the explanatory power of the model for the models in levels. For the model in logs the effect is more modest (12 percent points) yet statistically significant. Somewhat comparable additions to the model explanatory powers are seen for the 1996-98 sub-sample.

Table 4.14. demonstrates, therefore, that there is a statistically significant judge effect on the sentence length decision. Therefore, by specifying a model where each judge in the sample is *not* constrained to weigh each factor the same as every other judge in the sample, we significantly increase the explanatory power of the model. Tests of significance are based on an F-test.

Next, we attempted to examine the source of inter-judge sentencing disparity. Having established that allowing judge-specific models significantly increase the overall fit of the model, we wished to identify the relative size of the contributions of allowing a judge effect on each of the factors included in the model (including the intercept term which is the traditional direct effect or dummy variable approach). The results of this analysis is presented in Table 4.15. In the table, we have highlighted the factors that have relatively large contributions *on their own.*

Table 4.15. The sources of increased explanatory power due to the judge effect.

	1993-1998		1996-1998	
	R-square (%)		R-square (%)	
	Model	Change	Model	Change
No judge effect (direct of indirect)	58.63	0.00	61.03	0.00
Intercept (Direct judge effect)	59.56	0.93 *	62.65	1.62 *
Conviction at trial (vs by plea)	**61.52**	**2.89 ***	**65.46**	**4.43 ***
Number of felony charges sentenced	**68.05**	**9.42 ***	**70.77**	**9.74 ***
One of the sentences was a split	59.03	0.40 *	61.57	0.54 *
If armed during offense	**61.32**	**2.69 ***	**64.83**	**3.80 ***
If offense was an attempt	58.73	0.10	61.14	0.11
Number of prior felony convictions	58.83	0.20	61.89	0.86
Age	59.36	0.73 *	62.31	1.28 *
Race = black	59.45	0.82 *	62.68	1.65 *
Sex = male	59.58	0.95 *	62.69	1.66 *
Year of disposition	**61.48**	**2.85 ***	**63.78**	**2.75 ***
Offense category	**65.83**	**7.20 ***	**68.16**	**7.13 ***
Homicide	60.38	1.75 *	63.63	2.60 *
Sex child abuse	58.97	0.34 *	61.25	0.22 *
Sex abuse	59.25	0.62 *	61.96	0.93 *
Assault with intent to kill	60.18	1.55 *	61.84	0.81 *
Kidnaping	58.85	0.22 *	61.23	0.20 *
Carjacking	58.73	0.10 *	61.16	0.13 *
Weapons	58.64	0.01	61.05	0.02
Burglary	60.37	1.74 *	62.15	1.12 *
Obstruction of Justice	58.73	0.10 *	61.20	0.17 *

* Statistically significant ($p<0.05$)
Among detailed offense categories, only those with a significant judge effect are shown here.

In the first row of Table 4.15 we present the over model explanatory power in the absence of any direct or indirect judge effect (both for the entire sample as well as the 1993-98 sub-sample). In the next row, labeled "Intercept (Direct judge effect)", under the column titled "Model" we note the model explanatory power when only the intercept is allowed to vary by judge. Therefore, allowing the intercept to be judge specific increases the overall explanatory power of the model by 0.93 percent points for the entire sample and by 1.62 percent points for the 1996-98 sample. In a similar manner, the increase in the explanatory

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power of the model due to unconstrained coefficients on each of the subsequent factors are provided in the subsequent rows of Table 4.15. Note that the increase in the fit of the model (i.e., the model R-squared) is relative to the baseline model of no judge effect and these increase are not cumulative. Each factor is allowed to have a judge specific effect only one-at-a-time.

Table 4.15. shows that the largest marginal gains in explanatory power come from not constraining the coefficients on mode of conviction (trial vs. plea), number of felony charges sentenced, whether the defendant was armed while offending, the year of disposition and the offense category. Among the detailed offense category, the largest gains come from homicide, assaults with intent to kill and burglary. A preliminary conclusion from this analysis is that judges differ most on how they treat different offense categories (specially homicide, burglary and assault with intent to kill). Next they differ on how they treat offenders sentenced on multiple charges, then on how they treat the mode of conviction and finally on how they view offenders who are armed at the time of offense (in that order). This gives us some idea of the sources of the overall inter-judge disparity established in Table 4.14.[7]

Table 4.16. The "judge" effect in the presence of other interaction terms

Dependant	1993-1998 R-square	
Model	Total	Change
Minimum confinment		
No judge effect	72.10	
Saturated judge effect	88.73	16.63 *
Log Minimum confinement		
No judge effect	68.07	
Saturated judge effect	83.93	15.86 *
Variables included in the model:		
Constant		
Conviction at trial (vs by plea)		
Number of felony charges sentenced		
One of the sentences was a split		
If armed during offense		
If offense was an attempt		
Number of prior felony convictions		
Age		
Race = black		
Sex = male		
Year of disposition		
Offense category		
Interactions included:		
Number of felony sentenced*Year of disposition*Offense category		
If armed during offense*year of disposition		

* Statistically significant ($p<0.05$)

[7] Note, however, that this is a rudimentary and simplistic approach to analyzing relative contributions. A fully specified hierarchical linear model or the analysis of type II sum or squared errors (as opposed to the type I approach used here) would shed more light and would better apportion the gain in explanatory power due to the judge effect. A complicated analysis of this kind was beyond the scope of this study.

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Finally, to assess whether the absence of interactions among other explanatory factors may be causing us to infer a significant judge effect, we repeat the analysis presented in Table 4.14 but add to the set of factors some interaction terms. These results are shown in Table 4.16. We introduce an interaction between the offense category, the number of felony charges, and year of sentencing, and a separate interaction term between year of sentencing and whether the defendant was armed while offending. The selection of factors to interact was based on the results of Table 4.15. We wished to ensure that the individual judge effects being discovered in Table 4.15 were not because of omitted relevant interaction terms among the existing explanatory factors. The results of this analysis is presented in Table 4.16. Here, due to the lack of degrees of freedom, we only analyze and present findings from the entire sample (1993-1998).

Compared to Table 4.14, we find here (in Table 4.16) that the baseline model with no judge effect has higher explanatory power simply because of the introduction of relevant interaction terms. However, the increase in the fit of the model due to the addition of a fully saturated judge effect is still statistically significant and substantial. There is a 16 percent point increase in the explanatory power of the model (compared to a 20 percent point increase in Table 4.14). The model in logs provides a similar gain in explanatory power with the introduction of the saturated judge effect.

The results in Tables 4.14, 4.15, and 4.16 lead to the following three tentative conclusions about the existence and source of inter-judge disparity in sentences imposed on defendants sentenced in DCSC between 1993 and 1998. First, there is a significant increase in the fit of the model by allowing judge specific weights in a simple linear or semi-log model (with or without additional interaction terms) explaining sentence lengths imposed on "similar" defendants. In other words, knowing who the judge is adds to the predictive accuracy of the model over and above knowledge about the offender (the demographic variables) and knowledge about the offense and case characteristics. Second, the source of this disparity among judges is mainly centered around differential treatment of similar offenses and differential treatment of mode of conviction, number of felony charges as well as the armed status of the offender. Finally, adding interaction terms to the model (i.e., improving the specification of the model) decreases the absolute impact of the judge effect somewhat but it is still statistically significant.

There are at least three additional questions worth investigating that this analysis does not answer. First, it says nothing about the presence and source of inter-judge sentencing disparity in the decision to imprison an offender. This analysis is restricted to analyzing the sentence length decision and not the in/out decision. Second, this analysis does not answer the important question of the magnitude of inter-judge sentencing disparity. We have established here that the judge effect may contribute as much as 20 percent points of the explained variation in the fully saturated model. However, whether this translates to a 3-month variation about the mean sentence or a 3-year variation is as of yet unanswered here. Finally, an issue that is not ascertainable from such an analysis "in the aggregate" is whether this inter-judge disparity is due to several judges with widely differing sentencing philosophies/practices or a few judges that deviate from the norm (followed by most).

Special topic: Number of charges sentenced

One of the key findings from the regressions of the length of sentence imposed is that the number of charges sentenced is the strongest predictor of the length of sentence imposed. This variable explained 43% of the variation in sentence lengths. For violent offenses, each additional charge increased the number of months of minimum confinement imposed by 38 months; for non-violent offenses, the number of months of confinement increased by 27 months for each additional charge of conviction.

One reason for the effect of the number of charges on the length of sentences imposed is that sentences in the District of Columbia are to run consecutively unless the sentencing judge explicitly states that the charges should run concurrently (with charges in the case at hand or other cases in which a defendant may be associated). Another reason is that while in most cases defendants are sentenced on single charge (about

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80% of non-violent offenses have a single charge, while about 55% of violent offenses were sentenced on a single charge), in cases having multiple charges, the charges other than the most serious charge tend to be similar to the most serious charge. Thus, in cases of with multiple charges, defendants tend to have several charges that are closely related to each other rather than charges that differ widely from each other. This helps to explain both the difference in the effect of the number of charges between violent and non-violent offense and the strong correlation between the number of charges and the length of sentence imposed.

For example, violent offenders who were convicted of multiple charges and sentenced to prison, the charges of conviction other than the most serious charge were most likely another violent crime, a serious weapons offense, or possession of weapons. Of the 745 defendants sentenced to prison for a homicide offense as their most serious offense or primary charge of conviction, 511 were sentenced on multiple charges. For these 511 defendants the most commonly occurring charge (other than the most serious homicide-related charge) was a dangerous weapons offense or possession of a weapon, as these two weapons-related categories comprised 43% of all of the other charges. Many of these 511 homicide defendants were sentenced for more than 1 homicide charge (as homicide charges comprised 16% of the other charges). Also comparatively prevalent among the charges of homicide offenders were other serious violent crimes, such as assault with intent to kill, robbery, and other assaults; charges within these three categories comprised about 24% of the other charges. (Table 4.17)

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Table 4.17. Most serious and other offenses of defendants sentenced to prison in DC Superior Court, 1993-98.

Offense category of the most serious or primary charge	Number of: Defendants senenced	Number of: Charges convicted	Ratio of charges to defendants	Offense categories of non-primarycharges (in order of frequency of occurrence)	Non-primary charges: Number	Non-primary charges: Percent of all
Homicide	745	2,727	3.66	Weapon during a dangerous/violent crime	489	24.7%
				Weapon possession	350	17.7%
				Homicide	315	15.9%
				Assault with intent to kill	211	10.6%
				Robbery	134	6.8%
				Assault	113	5.7%
				All others	370	18.6%
Child sex abuse	102	212	2.08	Child sex abuse	81	73.6%
				Sex abuse	6	5.5%
				All others	23	20.9%
Sex abuse	148	345	2.33	Sex abuse	76	38.6%
				Child sex abuse	56	28.4%
				Kidnapping	13	6.6%
				Weapon during a dangerous/violent crime	10	5.1%
				All others	42	21.3%
Assault with intent to kill	94	412	4.38	Weapon during a dangerous/violent crime	93	29.2%
				Weapon	62	19.5%
				Assault with intent to kill	51	16.0%
				Assault	51	16.0%
				Robbery	26	8.2%
				All others	35	11.1%
Assault	710	1,273	1.79	Assault	203	36.1%
				Weapon	138	24.5%
				Weapon during a dangerous/violent crime	100	17.8%
				All others	122	21.6%
Kidnapping	29	109	3.76	Carjacking	18	22.5%
				Weapon during a dangerous/violent crime	12	15.0%
				Assault	10	12.5%
				Sex abuse	6	7.5%
				All others	34	42.5%

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Table 4.17 (Continued)

Offense category of the most serious or primary charge	Number of: Defendants senenced	Charges convicted	Ratio of charges to defendants	Offense categories of non-primarycharges (in order of frequency of occurrence)	Non-primary charges Number	Percent of all
Robbery	1225	2,059	1.68	Robbery	371	44.5%
				Weapon during a dangerous/violent crime	195	23.4%
				Weapon	75	9.0%
				Assault	66	7.9%
				All others	127	15.2%
Carjacking	32	160	5.00	Weapon during a dangerous/violent crime	38	29.7%
				Robbery	28	21.9%
				Assault	10	7.8%
				Kidnapping	8	6.3%
				All others	44	34.3%
Weapon during a crime	93	108	1.16	Weapon during a dangerous/violent crime	15	100.0%
Weapons	683	879	1.29	Weapon	147	75.0%
				All others	49	25.0%
Burglary	715	1,264	1.77	Burglary	221	40.3%
				Assault	67	12.2%
				Weapon during a dangerous/violent crime	64	11.7%
				Robbery	61	11.1%
				All others	136	24.7%
Arson	15	34	2.27	Other property	7	35.8%
				All others	12	64.2%
Obstruction of justice	38	166	4.37	Obstruction of justice	21	16.4%
				Assault with intent	19	14.8%
				Assault	17	13.3%
				Weapon during a dangerous/violent crime	13	10.2%
				All others	58	45.3%
Escape/Bail Reform Act	2074	2,211	1.07	Escape/Bail Reform Act	130	94.9%
				All others	7	5.1%

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Table 4.17 (Continued)

Offense category of the most serious or primary charge	Number of: Defendants senenced	Charges convicted	Ratio of charges to defendants	Offense categories of non-primarycharges (in order of frequency of occurrence)	Non-primary charges Number	Percent of all
Drug distribution	1910	2,619	1.37	Drug distribution	573	80.8%
				PWID	112	15.8%
				All others	24	3.4%
PWID	2014	2,632	1.31	PWID	418	67.6%
				Weapon	124	20.1%
				Weapon during a dangerous/violent crime	42	6.8%
				All others	34	5.5%
Violation of drug free zone	25	33	1.32	Violation of a drug free zone	8	100.0%
Unauthorized use of auto	427	489	1.15	Unauthorized use of an automobile	56	90.3%
				All others	6	9.7%
Forgery	67	161	2.40	Forgery	73	77.7%
				Larceny	11	11.7%
				All others	10	10.6%
Fraud	10	26	2.60	Fraud	7	43.8%
				Forgery	6	37.5%
				All others	3	18.7%
Larceny	139	261	1.88	Larceny	40	32.8%
				Burglary	28	23.0%
				Unauthorized use of a motor vehicle	23	18.9%
				Other property	20	16.4%
				All others	11	8.9%
Other property	110	207	1.88	Other property	28	28.9%
				Unauthorized use of an auto	27	27.8%
				Burglary	25	25.8%
				All others	17	17.5%

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Table 4.17 (Continued)

Offense category of the most serious or primary charge	Number of: Defendants senenced	Charges convicted	Ratio of charges to defendants	Offense categories of non-primarycharges (in order of frequency of occurrence)	Non-primary charges: Number	Percent of all
Stolen property	112	183	1.63	Unauthorized use of an auto	43	60.6%
				Stolen property	22	31.0%
				All others	6	8.4%
Other	363	543	1.50	Other	110	61.1%
				Assault	18	10.0%
				Weapon	9	5.0%
				All others	43	23.9%

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For violent offenders whose primary or most serious offense was either assault with intent to kill or assault, the dangerous weapons charge and possession of weapons charges comprised the majority of the secondary and other charges of conviction. For offenders with multiple charges of conviction whose primary offense was assault with intent to kill, possessing a weapon during a dangerous or violent crime or another weapons offense comprised half of all of the charges (excluding the most serious charges).

By comparison, for property offenders who were convicted of multiple charges and sentenced to prison, the charges other than the most serious charge were most likely another of the same property offense or possession of a weapon, although in some cases, the other charges were less serious violent offenses. For less serious property offenses, such as fraud, larceny, and unauthorized use of an automobile, the most commonly occurring non-primary charge was the primary charge or a lesser property offense.

Drug offenders sentenced on multiple charges had two patterns in the distribution of non-primary charges: Drug distribution offenders convicted on multiple charges were most likely to be convicted on another drug distribution charge or a PWID; almost 97% of the non-primary charges of drug distribution defendants sentenced to prison on multiple convictions were drug distribution or PWID. However, for defendants sent to prison for PWID, other PWID charges comprised about two-thirds of the non-primary charges, but weapons offenses comprised about 27% of the non-primary charges for PWID defendants. Thus, for drug defendants sentenced to prison for distribution offenses, the non-primary charges tended to be other drug offenses, but for PWID defendants sentenced on more than charge, weapons charges comprised about ¼ of the non-primary charges.

Special Topic: Comparisons with Other Jurisdictions

Questions have been raised about how the sentencing practices in the District of Columbia compare with the practices in other jurisdictions. The data to make these comparisons are not readily available, and the published data that are readily available – largely in the form of the Bureau of Justice Statistics reports on *Felony Defendants in Large Urban Counties, 1996*[8] – are not strictly comparable to the data in the District. This is so despite the fact that the District of Columbia contributes data to this publication.

Nevertheless, as is probably the case that comparisons will be made, it is important to understand the how the data used in this study are not directly comparability to the BJS data, and as a result, to understand how such comparisons are limited, at best. These comments pertain primarily to the published data tables in this report and in the BJS report on felony defendants. To a lesser degree, they pertain to the data that were used to generate the tables in these reports, as these data could be analyzed in ways that permit limited but more valid comparisons between the District and other jurisdictions.

There are at least five areas or sources of non-comparability between the published data in BJS' *Felony Defendants in Large Urban Counties, 1996* and the data in this report: (1) time frames; (2) geography, e.g., counties versus a city; (3) the unique role of Federal law enforcement agencies in prosecutions in the District; (4) offense classification differences; and (5) sentences.

First, the data in the BJS report are for a sample of defendants in felony cases filed during May 1996. These cases are tracked through disposition or for one year, whichever comes first. As the BJS data are sample data, any comparisons must take into account the sampling variability associated with the estimates or "test" for differnces. Comparisons of the point estimates from the BJS data with the means or other measures of central tendency in this report that do not test for differences are not valid. Additionally, not only does the BJS report use a different time from the one in this report – felony charges concluded during

[8] Hart, Timothy C. and Brian A. Reaves, 1999. *Felony Defendants in Large Urban Counties, 1996*. U.S. Department of Justice, Washington, DC: Bureau of Justice Statistics. October, NCJ-176981.

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1993-1998 – but also, the BJS method of tracking cases for up to one year introduces censoring of the data, in that not all cases filed in May 1996 are complete by the end of the data collection period. About 86% of the cases filed were adjudicated within the one-year period. The censoring of observations can affect outcomes, such as percent sentenced to prison or length of sentence imposed.

Second, the BJS data are representative of the 75 largest counties, while the data in this report are for the District of Columbia. To the extent that the counties consist of both urban, central city areas as well as rural areas, the results obtained for the 75 largest counties are not directly comparable with the District of Columbia.

Third, the offense selection and classification methods differ. In the BJS report, offenses are selected based on felony charges *filed* in May and tracked for up to 1 year; in this report, the offenses are selected based on felony charges *disposed* during the 1993-98 period. In the BJS report, some of the felony charges filed are concluded as misdemeanor charges. Hence, the BJS statistics will include data on misdemeanor charges (about 15% of the charges disposed are misdemeanors) while this report includes only felony charges. This difference in the composition of felony and misdemeanor charges would suggest that the District should have more severe sentencing outcomes than the 75 largest counties. Moreover, if the censoring identified in the first point differs across offense categories (e.g., serious violent offenses take longer to dispose and are more likely to be censored), then the outcomes for offense groups in the BJS report will be affected differentially by censoring, and in any event will be less comparable to the Distirct data.

Fourth, the selection and classification of offenses differ between the two reports. In the BJS report, the selection of offenses is based on the offenses filed, whereas in this report it is based on offenses at case conclusion. The offense classifications methods may differ, but it is difficult to determine how much they differ, as the detailed charges that comprise offenses in the 75 larges counties are not readily available for comparison with the charge codes in the District data.

Finally, in the BJS report, sentence lengths are reported as the average maximum sentence imposed. This measure combines sentence lengths for determinate and indeterminate sentencing system. The problem with this is that states with determinate sentencing may by definition have shorter sentences than states with indeterminate sentencing, because the sentence length in the determinate states does not include the portion of the sentence associated with post-incarceration supervision. In the District, the maximum sentence measures the length of the total sentence, prison plus parole. In most determinate states, the prison portion only is measured. Thus, if the District's indeterminate sentences are compared against an average of sentences in other systems – some of which have determinate and some indeterminate – the average maximum in the District is likely to be longer than the average in the 75 counties because some of these counties are in states that have determinate sentencing systems.

Other differences may also play a role in complicating the comparisons between the District and the published data on the 75 largest counties. For example, the role of the U.S. Attorneys Office in selecting prosecutions in the District versus prosecutions in the Federal system is unknown. Hence, any comparisons between the District and the 75 largest counties must be taken with these caveats in mind (figure 4.18).

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Table 4.18. Comparing sentences received by convicted felons in DC and the 75 largest counties

	Percent of Convicted Offenders who were sentenced to:			
	Incarceration		Non-Incarceration (Probation only)	
	Washington, DC (1993-1998)	75 Largest Counties (May 1996)	Washington, DC (1993-1998)	75 Largest Counties (May 1996)
Violent	83%	80%	14%	20%
Property	71%	62%	26%	38%
Drug	58%	72%	39%	28%
Weapons	59%	64%	35%	36%
Public Order	76%	72%	21%	28%

Note: 75 largest counties include Washington, DC.

Sources: DC data from Urban Institute's analysis of DC Superior Court Data. 75 Largest Counties data from "Felony Defendants in Large Urban Counties, 1996" BJS 1999 (Table 30).

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Chapter 5

Time Served in Prison

Introduction

This chapter provides data on and estimates of time served in prison for felony defendants convicted and sentenced in the DC Superior Court between 1993 and 1998 or released from the DC Department of Corrections between 1993 and 1998. Two general purposes for measuring time served are examined. The chapter then provides data and estimates on the proportion of time served as well as the length of time served. Time served may be used to project prison populations or to measure the length of time served in relation to the sentence imposed. If projecting prison populations, time served in jail may not be relevant if the presentence time is not served in prison facilities. But if presentence time is credited to time served, then it should be included in the measure of time served when assessing the proportion of an imposed sentence that was completed, regardless of the type of facility in which the presentence time was served. Because the bulk of the discussion in this chapter focuses on time served in relation to sentences imposed, the measure of time served includes presentence credits.

Background

Sentencing laws (that went into effect in 1992 and June 1994) that were in effect immediately prior to the August 5, 2000 implementation of the truth in sentencing laws in the District of Columbia provided for some variation in the amount of good conduct credit that offenders committed into prison could earn towards their parole eligibility. Offenders convicted of first degree murder were required to serve a 30 year mandatory minimum before becoming eligible for release. Other violent offenders could earn good conduct credits that amounted to a maximum of 15% of the length of their minimum confinement period. Other offenders, such as drug distribution offenders, could earn good conduct credits up to an amount that was 16.7% of their minimum confinement terms. Hence, under the assumption that each offender earned the maximum amount of good conduct credit that was available, offenders other than those sentenced for first degree murder could expect to serve at least 83.3% to 85% of their minimum confinement period prior to becoming eligible for release on parole. On the other hand, offenders could also serve more than minimum term imposed. For example, time served could reach the mandatory release date for parole-eligible offenders or the expiration date for parole ineligible offenders (i.e., those with determinate sentences).

The sentencing laws in effect immediately prior to the implementation of the truth in sentencing reforms represented substantial changes to the pre- June 22, 1994 rules for parole release. Under those rules, offenders could earn up to 33% of the length of their minimum confinement term as good conduct credit, and were theoretically eligible for release after serving 67% of the minimum confinement period. Offenders sentenced for first degree murder were required to serve a 30-year mandatory minimum during this period.

Under the current sentencing system, implemented in August of 2000, so-called "subsection h" offenders are to be sentenced to a determinate sentence and can earn a maximum of 54 days per year of good conduct credit thereby making them eligible for release from prison after having served 85% of their determinate sentences. Good conduct credit is not mandatory so offenders can also serve upto 100% of their determinate sentences.

Data on time served for the most serious violent offenders – such as those committed into prison for murder, assault with intent to kill, carjacking, kidnapping, and several sex offenses – are severely limited. Relatively few serious violent offenders were sentenced to minimum confinement periods of fewer than 48

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or 60 months, lengths that would have allowed them to be released from prison during the study period. Those serious violent offenders that were sentenced to these shorter sentences were not representative of the majority of serious violent offenders who were committed into prison during this period. For example, among the 567 offenders committed into prison for homicide, only 33 were released from prison by the end of the study period. Those released were generally convicted of homicide offenses such as manslaughter offenses, but the manslaughter offenders were not the majority of commitments for homicide. Most homicide offenders were convicted of first degree or second degree murder. By law, first degree murderers are required to serve a minimum of 30 years. Insufficient time has passed to measure the amount of time actually served by these offenders. The experiences of first degree murders committed into prison for crimes committed prior to June 22, 1994 who were released during the study period are not applicable because these offenders served time under different good time conduct rules than those in effect immediately prior to the implementation of the new law.

Data on time served for offenders sentenced to shorter terms, up to about 5 years, can be used to show actual time served and to support estimation of time served for cases of offenders still in prison. Many offenders committed to shorter sentence lengths were released from prison by the end of the study period. For example, while only 6% of the homicide offenders committed into prison between 1993 and 1998 were released by the end of 1998, 64% of drug distribution offenders and 56% of offenders committed for possession with intent to distribute were. About 40% of robbery offenders were released during the study period, and more than 45% of burglary offenders were.

Hence, data and estimates of time served for offenses such as robbery, burglary, assault, weapons, drug distribution, possession with intent to distribute, unauthorized use of a motor vehicle, forgery, fraud, larceny, and the remaining property offenses can be derived with a greater degree of reliability. These offenses constitute about 80% of the commitments into the DC-DOC; hence, the time served data and estimates in this chapter apply to the bulk of commitments.

Summary of Findings

Key findings from this chapter can be summarized as follows:

The actual (and estimates for censored observations) proportion of the minimum confinement term served in prison suggest that the majority of offenders served time in excess of the minimum confinement term. Across several samples of commitments (e.g., all commitments between 1993 and 1998; commitments on a single felony between 1993 and 1998; all commitments between 1995 and 1998 (to control for the change in sentencing rules); and commitments on a single felony between 1995 and 1998) more than half, and in some cases about 75% of commitments either served or were estimated to serve more than the minimum confinement period before their release from prison. Although the proportion of sentence served varied somewhat among offense categories, it was only among the most serious violent offense categories that the median proportion of sentence served was less than 100 percent. The estimates for the most serious violent offenses, however, were the least reliable estimates given the censoring problem identified above.

For offenders committed into prison after June 1994, 75% were estimated to serve more than the minimum term. Similarly, for offenders committed to prison on a single felony charge, over 75% were estimated to serve more than the minimum confinement term. Proportion of minimum sentence served varied across offense categories, but for the offense categories with less censoring, the actuals and estimates generally show larger proportions of offenders serving more than the minimum term imposed than for those categories where data were more limited.

The analysis of data on the proportion of sentence served suggest that if sentences imposed under the new determinate system are about equal to the minimum confinement terms imposed under the old system, that time served in prison in the new system will probably decrease overall as well as for most offense

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categories. This generalization does not apply to the most serious violent offenses, such as first degree murder, because of the data limiations mentioned previously. First degree murderers can expect to serve the 30-year mandatory minimum sentence. The amount by which time served would be estimated to decrease under this scenario is given by the range expressed by two ratios: (1) 0.85/proportion served under the old system, and (2) 1.00/proportion served under the old system.

Conversely, in order to keep time served under the new system at about the same level of time served under the old system, sentences imposed (for similarly situated defendants) would generally have to increase above the level of the old minimum confinement periods imposed.

Purposes for measuring time served

Measures of time served are tied to the purposes for measuring it. Generally, time served measures have been used for two purposes: (1) for forecasting or projecting prison populations; and (2) for assessing the severity of punishment actually served in relation to the sentences or severity of punishment imposed. If the purpose for generating estimates of time served is to project prison populations, the amount of time served *in prison facilities* is needed. If, as occurs in many states and will occur in the District when the Bureau of Prisons takes responsibility for carrying out the sentences served in prison, presentence time is usually served in a facility other than a prison. Therefore, time served in prison facilities exclusive of presentence time (that is not served in prison) is the needed quantity. If, alternatively, time served is needed to measure the severity of sentences served in prison in relation to the sentences imposed by judges, then time served should include jail credits, as jail credits contribute to the total time served on a sentence.

Background to the estimates of time served

The main purpose for generating time served in this chapter is to provide a basis for understanding the relationship between time served in prison in relation to the sentences imposed during the period prior to the implementation of truth in sentencing in the District of Columbia. This requires that time served include presentence credits served in the D.C. Jail as well as time served in prison. Additionally, to avoid extraneous factors influencing the link between sentences imposed and the corresponding time sereved in prison, time served estimates in this chapter exclude commitments that were transferred out of DC corrections to the Federal Bureau of Prisons or to other jurisdictions. They also exclude commitments who died or were otherwise released by such "extraordinary" means. Hence, time served is based on commitments into prison that were released onto parole, released by reaching a mandatory release data, or released by expriration of sentence (e.g., determinate cases).

This purpose is consistent with the interest of the District of Columbia Advisory Commission on Sentencing in considering using current sentencing practices to help to design the new sentencing system that is based on the truth in sentencing concepts outlined in Chapter 1. For example, in its April 5, 2000 report to the Council of the District of Columbia, the DCACS considered time served estimates to be an important component of designing a new sentencing system that is based on past practices.[1] The DCACS also reported that reliable time served calculations are important for "analyzing whether or not sentences or sentence lengths have changed as the system moves from indeterminate to determinate sentences and for forecasting the impact of sentencing structure changes on correctional populations."[2]

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[1] The DCACS writes that the data on time served that were available to them at the time that they prepared their April 5, 2000 report provided "an inadequate platform on which to design a system that purports to be based on current practice" (page 73). The DCACS also wrote that it was continuing to work on time served estimates, and that it planned to report to the Council new data on time served after it completes its analysis.

[2] See pages 8-9 of the DCACS April 5, 2000 report to the Council of the District of Columbia.

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The DCACS report does not elaborate on exactly how the DCACS would use time served data as a platform for designing a system that is based on current practice. Nevertheless, there are three basic options available for using time served in an "old" system as a platform for designing a "new" determinate system: Establish sentence lengths that aim to result in time served that is (1) about equal to time served in the old system; (2) less than time served in the old system; or (3) greater than time served in the old systm.

How these objectives are achieved is of course a matter of debate and for policy. For example, it can be decided by policy that time served should increase or decrease to reflect changes in sentencing philosophy or practice. In that case, it is important to measure time served in the new system and compare it with time served in the old system (for similar cases) and monitor whether time served in the new system is greater or less than in the old system, in a manner that is consistent with the new goals or sentencing philosophy.

Similarly, a new system could be designed in a way to keep time served at the level of the old system. This was the general approach taken by the U.S. Sentencing Commission, with several important exceptions. The U.S. Sentencing Commission based the Federal sentencing guidelines on time served under existing law. The sentencing ranges in the Federal sentencing guidelines were established so that the sentences imposed would result in the same time served (again, for similar offenders), under the assumption that offenders would serve about 85% of their imposed sentences. The exceptions were to increase time served for several property offenses (such as embezzlement) and to decrease it for robbery. The Federal sentencing guidelines were complicated by the fact that Congress also passed laws that required mandatory minimum sentences for selected drug offenses, and these mandatory minimum penalties were more severe than past practices.

The relationship between sentences imposed and time served in the old and new systems can be assessed in a way to provide guidance on how to select sentence lengths to achieve the new objectives of sentencing under truth in sentencing in the District. The new sentencing system that went into effect in the District in 2000 abolishes parole and requires that offenders convicted of so-called "subsection h" offenses serve at least 85% of their imposed sentences[3] with the possibility of earning up to 15% good conduct credit (54 days per year). The DCACS recommended that the DC Council abolish parole for all offenders and establish a "unitary" system (p. 17). As the DCACS argues, "If parole is abolished for all felonies and misdemeanors, criminal defendants and other interested parties will know that an offender sentenced to a fixed period of incarceration will serve at least 85% of that sentence" (p. 14). Hence, under the new system offenders sentenced to prison (at least those convicted of subsection h offenses) can expect to serve between 85% and 100% of the determinate sentence imposed.

Using time served estimates as a platform for a new sentencing system

The question remains: How can time served data and estimates be used as a platform for building a new sentencing system? Under the new, determinate sentencing system, the proportion of sentence to be served in prison ranges between 85% and 100% of the determinate system. Under the old system (prior to August 5, 2000) offenders received a minimum and a maximum sentence, and, based on the rules regarding good conduct credits and mandatory minimums in effect at the time, could expect to serve varying proportions of the minimum sentence imposed. For example, mandatory minimum laws enacted in 1992 require that persons convicted of first degree murder serve a 30-year minimum before becoming eligible for release on parole.

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[3] The DCACS April 5, 2000 report discusses the complications associated with imposing this "85% rule" on only the "subsection h" offenses rather than on all felony offenses, and the DCACS recommends that the DC Council adopt a "unitary" system in which parole is eliminated for all felony offenses and not just the "subsection h" offenses.

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Alternatively, changes to good conduct rules enacted in 1994 affected the amount of time that offenders could earn towards service of their sentences. Prior to June 1994, eligible offenders (excluding those convicted of murder) could expect to be released after serving between 67% and 77% percent of their minimum terms imposed *if they earned all* of the good time credits available. After June 1994, offenders could expect to serve between 83% and 85% of their minimum terms if they earned *all* of the available good conduct credits. Thus, the post-June 1994 rule changes in good conduct credit make the old system in the District (in effect during the 1994-1998 period) somewhat more similar to the truth in sentencing system, in that the theoretical maximum amount of good conduct in relation to the minimum confinement period is somewhat similar to the theoretical maximum amount of good conduct credit that could be earned in relation to the determinate system that was implemented in August of 2000.

Given these considerations, a crucial piece of information for comparing time served in the new system with time served in the old system is the proportion of the minimum term served under the old system, particularly the system in effect immediately prior to August 2000. If during this old system, offenders served about 85% of the minimum term imposed, then it would be fairly easy to conclude that if sentences imposed under the new system were kept at their same levels (again for similar defendants), then time served in the new system would probably be about equal to time served in the old system. Ultimately, the challenge in using time served under the old, indeterminate system as a platform for designing the new, determinate system revolves around estimating the proportion of sentence served under the old system. With that information, it is possible to design new sentences that are likely to result in an increase, decrease, or no change in time served.

More formally, this can be shown as follows: By definition, time served equals the length of sentence imposed times the proportion of sentence served, or

$$TS = SI * p \qquad \text{Eq. 1}$$

where TS equals time served; SI equals the sentence imposed; and p equals the proportion of sentence served. This identity can be re-arranged to show the length of sentence imposed as:

$$SI = TS / p \qquad \text{Eq. 2}$$

so that under the old system, we have

$$SI(old) = TS(old) / p(old) \qquad \text{Eq. 3}$$

and

$$SI(new) = TS(new) / p(new) \qquad \text{Eq. 4}$$

Suppose that the objective of the new system was to set time served equal to time served in the old system,[4] or

$$TS(new) = TS(old) \qquad \text{Eq. 5}$$

Now substituting Eq. 4 into the left-hand side of Eq. 5 and Eq. 3 into the right-hand side of Eq. 5 yields:

$$SI(new) * p(new) = SI(old) * p(old) \qquad \text{Eq. 6}$$

This expression simply restates the objective of setting time served in the new system equal to time served in the old system, but it does so in terms of sentence imposed and the proportion of sentence served. Dividing both sides of Eq. 6 by 1/p(new) results in an equation that expresses the sentence length in the new

[4] Note that this is but one objective of a new system. The objective of the new system may be to increase or decrease time served, but the analysis that follows shows how these objectives can also be met by understanding the proportion of sentence served in the old system.

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system in terms of the old sentence length, old proportion of sentence served, and new proportion of sentence served, or:

$$SI(new) = SI(old) * [\ p(old) / p(new)\ ] \quad \text{Eq. 7}$$

The ratio of the old proportion of sentence served to the new proportion of sentence served gives the important information about how new sentence lengths should be selected in order to achieve the objectives of the new sentencing system. Three options are possible:

a) If p(old) = p(new), then the ratio of p(old) to p(new) equals 1, and if the objective is to keep time served in the new system equal to time served in the old system, then sentence lengths in the new system would have to equal sentence lengths in old system, or SI(new) = SI(old) * 1; hence, SI(new) should equal SI(old).

b) If p(old) > p(new), then the ratio of p(old) to p(new) exceeds 1, and (again), if the objective for the new system is to keep time served equal to time served in the old system, then sentence lengths in the new system must exceed sentence lengths in the old system. If the ratio of p(old) to p(new) is greater than 1, then the multiplier of SI(old) is greater than one, meaning that SI(new) would have to be greater than SI(old) by the magnitude of the multiplier expressed as the ratio of p(old) to p(new).

c) Finally, if p(old) < p(new), then the ratio of p(old) to p(new) is less than 1. Again, staying with the objective of keeping time served constant between the two systems, sentence lengths in the new system would have to be less than sentence lengths in the old system.

The foregoing discussion assumes that the objective of the new system is to keep time served constant. As mentioned, this may not be the goal of the DCACS or the Council of the District of Columbia in establishing new sentencing laws. Nevertheless, the relationship expressed in Eq. 7 can be used to provide guidance about new sentence lengths to achieve other sentencing objectives. For example, if the objective of the new system were to decrease time served for some offense categories bu' to increase it for others, then information about the proportion of sentence served under the old system can be used to determine whether to increase, decrease, or leave unchanged the sentence lengths in the new system.

In this analysis, sentence lengths in the new system are to be developed based on the objectives of sentencing policy. In order to determine new sentence lengths, three pieces of information are required: (1) sentence lengths in the old system; these are provided in chapter 3 and in this chapter; (2) the proportion of sentence to be served under the new system; this is given by law as between 85% and 100% of the determinate sentence imposed; and (3) the proportion of sentence served in the old system; estimates of this quantity are provided later in this chapter.

Sentencing Decisions and Commitments into DC-DOC

In order to compare sentences imposed in D.C. Superior Court with sentences served in the DC-DOC, several selections and adjustments are needed, as the court and correctional systems record information about different units or cases. The D.C. Superior Court imposes sentences on charges of defendants in cases. It is not uncommon for a single defendant to be sentenced in more than one case; when these cases are consolidated into a single commitment into prison, the units about which data are recorded and information about time served differs. The unit of analysis in the court is the defendant in a case; the unit of analysis for corrections is a commitment into prison. Hence, the number of defendants in cases will generally be equal to or less than the number of commitments into prison.

Multiple charges in a single case are aggregated into a single sentence length. (This process is described in chapter 3.) Defendants who appeared in more than one case but whose sentences were consolidated into

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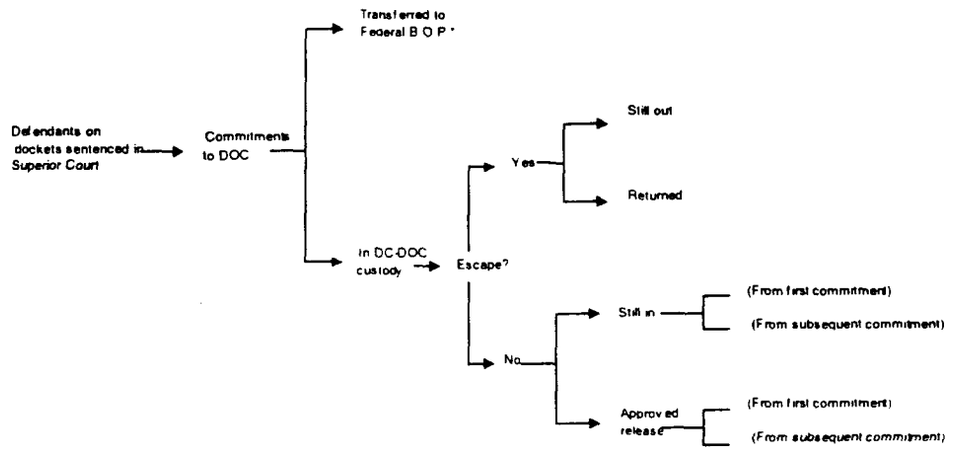
a single commitment were found by linking court and corrections records. Additionally, defendants may move in and out of jail several times prior to conviction or sentencing. The several episodes in jail prior to a commitment on a felony conviction also needed to be consolidated in order to measure the total length of time in jail on a felony sentence and commitment. Calculating jail time credited to a particular sentence may be complicated by the fact that a defendant may serve time in jail on more than one case, may be released from jail more than one time during a particular case, may be in jail on a "writ" (or serve time on a charge imposed in another jurisdiction), or may be in jail on time owed on a previous commitment. The jail time associated with the particular case(s) that resulted in the commitment needed to be identified and aggregated into the total jail time credited on a commitment.

The task of combining sentences can get very complex as offenders move in and out of custody status and may be sentenced on new charges before they have completed their sentence on old ones. This complexity may blur the relationship between imposed sentence and sentence actually served on it. For example, an offender on parole may "owe" a certain amount of time to D.C. correctional authorities; if this person commits a new crime and is sentenced for it, the sentence on the new crime may run consecutively or concurrently (if specified by the judge) with other existing sentences. When committed into prison for the second offense, the offender's sentence will reflect these sentencing decisions, and his time served for the new charge(s) on the second commitment will be affected by the manner in which the original time owed was handled. Figure 5-1 describes a simplified version of the movement of offenders from the DC Superior Court through DC Correctoins. The group of defendants that are included in the analyses of time served presented in this chapter are shown in Figure 5-1 as commitments "in DOC custody" that have not escaped, been transferred to the Federal Bureau or Prisons (or other authorities), or who have died or had their sentences commuted.

Figure 5-1. Simplified model of the movement of offenders through DC corrections.



*DC-DOC and DC-Parole retain jurisdiction over the release of these offenders

Commitments into Prison

Defendants sentenced in more than one case may be consolidated into a single commitment into prison. For the purposes of this analysis a consolidation onto a single commitment into DC-DOC occurs when (a) a person is sentenced to confinement in two or more cases (or dockets) in D.C. Superior Court on the same date, or (b) a person who has been committed into the DC-DOC on one sentence is sentenced in another case while in prison but has not yet been released from prison on the initial commitment. A person who has been sentenced to confinement in two or more cases but has a release from prison that occurs between the sentences is counted as having a separate commitment for each sentence that is interrupted by a release from

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prison. The release could be an escape, a parole, a transfer to BOP, or the completion of a term. The same person may be counted more than once if they are committed into prison more than one time. To illustrate how dockets are consolidated into commitments, consider the following examples:

- The simplest commitment is a person sentenced on one or more felony charges on a single felony docket.
- A person sentenced on two felony dockets within, say, a week of one another with no release during that week would also be conisdered a single commitment.
- A person sentenced on two felony dockets within a week of one another but with an escape in between would be considered two separate commitments.
- A person sentenced in 1993 on one docket who was paroled then sentenced on a new docket in 1996 would be considered as two separate commitments.
- A person sentenced in 1993 on one docket and then again in 1995 on another docket with no release from custody in between would be considered a single commitment.

For the analysis of time served data, valid types of releases from DC-DOC for the purposes of time served included parole releases (including EPA releases), mandatory releases (when an offender released the mandatory release date), and expiration of sentences (for the determinate sentences imposed, usually involving "split" sentences of prison and probation). Other types of releases, such as transfers to the Bureau of Prisons, which usually occurred after sentencing, and deaths, are not considered to be valid releases for the purposes of calculating time served, because they do not reflect the intentions of the sentencing judge in imposing prison sentences. These cases are excluded from the calculation of time served.[5]

Measuring proportion of sentence served

Five methods were used to estimate time served: (1) theoretically-based estimates; (2) "pure case" estimates; (3) exit cohort estimates;[6] (4) entry cohort data; and (5) modeled estimates from entry cohort data. Each of these is described and the rationale for developing them is given below. For all these methods except the theoretical methods, time served included jail credits and time in prison, and time served estimates were based on cases that excluded offenders who escaped, who were transferred to the Federal BOP, or who died or were otherwise released extraordinarily. For the pure case estimates, additional restrictions were imposed on the cases analyzed. (These restrictions are discussed in detail in the Appendix to this chapter "Pure Cases.")

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[5] Because most escapes that occurred were escapes from halfway houses rather than escapes from the Lorton prison facility, in the tables of estimated time served that appear later in this chapter, estimates are provided for offenders who escaped but who were committed into prison with their most serious offense as one other than escape. These estimates of time served reflect the length of time or proportion of sentence imposed that these offenders could have expected to serve if they had not escaped.

[6] The estimates of time served by offenders released onto parole are provided in chapter 6 on parole releases. These estimates are not strictly comparable to the data in this chapter largely because the estimates in chapter 6 use a different offense-coding scheme. The offenses in chapter 6 are based on DC-Parole data offense codes; these are not directly comparable to the DC Superior Court offense codes used in this chapter. See chapter 6 for additional information.

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Theoretically-derived minimum amounts

Changes in DC sentencing laws introduced in 1992 and 1994 affect the amount of time that offenders sentenced to prison could expect to serve.[7] Several of these changes also presented challeges for estimating time served, particularly for violent offenses: First, In 1992, the mandatory minimum amount of time that persons convicted of first-degree murder must serve before they are eligible for release from prison was increased from 20 years to 30 years. Second, a 1994 law significantly reduce the amount of "good-time credit" that inmates convicted of violent offenses could earn. Third, in 1994, the maximum sentences for cruelty to children and obstruction of justice were increased, and the mandatory minimum sentences for felony drug offenses were repealed. These changes could affect sentence lengths imposed and consequently time served on these offenses.

The theoretically derived minimum amounts of time served are based on the concept of good time credits. By subtracting the maximum amount of institutional good time credit that an offender could receive, an estimate of the minimum amount of time served that offenders would have to serve in prison prior to release on parole could be derived. Offenders could serve less than the theoretically derived minimums if their sentences were commuted, they were transferred to another jurisdiction, or if they died.

Due to the law changes that occurred in 1994, there are two sets of theoretically derived minimum amounts of time served, those that apply to offenders who committed their offenses prioer to June 22, 1994 and those that committed their offenses on or after June 22, 1994.

For offenses committed prior to June 22, 1994, institutional good time credits awarded to offenders could reduce time served in prison to an amount less than the minimum sentence imposed. The number of days of good time per month of sentence imposed actually increased with the length of minimum sentence imposed (table 5.1).

Table 5.1. Institutional good time credits by length of minimum sentence, for offenders whose offenses were committed prior to June 22, 19994.[8]

Length of minimum sentence	Days per month of institutional good time
Less than 1 year	5
From 1 year to less than 3 years	6
From 3 years to less than 5 years	7
From 5 years to less than 10 years	8
10 years or more	10

Using these rules, an offenders sentenced to prison for "armed burglary I" to prison for 10 to 30 years could be eligible for 10 days of good time for each month served. This could amount ot a reduction in time served from the 10 year minimum of 3 years and 4 months. Hence, this offender could theoretically be released from prison after serving 6 years and 8 months, or about 67% of the 10-year minimum.

For offenses committed after June 22, 1994, District law requires that violent offenders serve at least 85% of their minimum sentence, and all other offenders are awarded a maximum of 3-5 days per month of sentence length for educational good time credits. This amounts to about 10% to 16% of the minimum

[7] We wish to thank the Honorable Frederick H. Weisberg, Chair of the District of Columbia Advisory Commission, for first pointing out the implications of the law changes for estimating time served, and Kim S. Hunt, Executive Director of the same, for providing information on the changes in rules and calculations of good time credits.

[8] We wish to thank Dr. Kim S. Hunt of the DCACS for providing these data to us in a memo dated February 5, 2001.

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sentence imposed. Thus, offenders sentenced on other than violent offenses who accrued the maximum amount of good time could be released after serving of 83.3% of their minimum sentence imposed. Little is known about the amount of education good time actually awarded, as neither the DC-DOC nor DC-Parole database contained data on credits actually awarded.

Table 5.2 shows for selected offense categories, the proportions of the minimum confinement period imposed that offenders sentenced to prison could expect to serve if they were awarded all of the good conduct credits that were available during the pre-June 22, 1994 and post-June 22, 1994 periods.

Table 5.2. Theoretical minimum percentages of minimum confinement period served if all good time credit were awarded.[9]

Offense category	Pre-June 22, 1994 period	Post-June 22, 1994 period
First degree muder while armed	100%	100%
Assault with intent to kill while armed	67%	85%
Assault with a deadly weapon	77%	85%
Rape	67%	85%
Armed robbery	67%	85%
Burglary II	77%	83.3%
Distribution of cocaine	67% to 80%	83.3%

Table 5.2 shows that under the sentencing laws in place in the District immediately prior to August 2000, that offenders sentenced to prison for most offenses could expect to serve between 83.3% and 85% of their minimum confinement periods imposed if they received all of the good conduct credits that were available to them. Offenders convicted of a violent crime could be released after serving 85% of their imposed sentence; for most other crimes, offenders could be released after serving 83.3% of their minimum confinement period. For the most serious homicide offenses – such as first degree murder – offenders were required to serve 100% of the minimum term imposed.

Under the post-June 22, 1994 rules in effect in the District, the theoretical minimum proportions to be served – 83.3% to 85% – are equal to or slightly less than the 85% minimum required under the truth in sentencing laws that went into effect in August 2000. If offenders sentenced to prison for crimes committed prior to August 5, 2000 had served their theoretical minimums, the sentencing practices in effect would have been fairly consistent with the new truth in sentencing system.[10]

Pure Case Estimates

The DCACS proposed a method for estimating time served that was based on identifying and analyzing data on so-called "pure cases." A pure case was defined as one involving a defendant who was:

- Convicted on a single felony charge;
- Sentenced to incarceration at initial sentencing;

[9] We wish to thank Kim S. Hunt, Executive Director of the DCACS for providing these estimates to us in a copy of his memo to the Research Subcommittee of the DCACS entitled "Estimating Expected Time to be Served on the Primary Charge," December 13, 2000, and in a memo dated February 5, 2001. There is a slight discrepancy in the minimum proportions to be served between Dr. Hunt's December 13, 2000 memo and his February 5, 2001 memo. The latter memo states that offenders convicted of a crime of violence must serve at least 85% of the minimum confinement period imposed, while the December 13, 2000 memo lists the percentage for the violent offenses show in Table 5.XX as 83%.

[10] According to Dr. Hunt, anecdotal evidence indicates that few offenders were in a position to actually receive the good conduct credits that were available. Practically, there were few educational programs available at the Lorton prison facility that housed DC felony prisoners; hence, few prisoners could actually receive the credits.

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- Released from prison by the end of 1998; and
- Not sentenced to any additional prison sentences during the service of the original term.

Identifying pure cases involved a complex process of operationalizing each of the facets of the definition, reviewing data, and modifying the processing of identifying the pure cases. This process is described at length in the appendix to this chapter titled "Pure Cases."

The ideas behind using pure cases to examine time served were to minimize "intra-class heterogeneity" and to show the amount of time served on for specific charges rather than for aggregations of charges. These ideas have merit. In the first case, time served estimates that are based on offense (or other classes) with a wide degree of heterogeneity result in wide variances in the estimates of time served for a class. Second, the aggregation of charges makes it difficult to allocate an amount of time served on a sentence into the amounts served on each charge. For example, suppose an offender is sentenced on two separate charges to a total sentence of 5 to 15 years. The sentence for the first charge is 3 to 9 years, while the sentence on the second charge is 2 to 6 years. Next, suppose that the offender actually served 6 years in prison prior to release on parole. The question then becomes, suppose one is interested in determining how much time the offender served on each charge separately. From the example, it is not possible to determine this. The 6 years could be allocated to each charge in their proportionate contribution to total sentence length, or they could be allocated to charges in a different manner. The effort to find pure cases is an attempt to eliminate this problem of allocating time served among charges.[11]

The pure case data are therefore useful for some purposes of estimating time served. For example, for the group of offenders who exit prison as pure cases, relatively good information about their time served can be generated. However, the pure cases are not representative of the cases sentenced between 1993 and 1998, nor are do they represent time served for persons sentenced after the good time rules were changed in 1994. Consequently, the pure case data have severe limitations. Their lack of representativeness is shown in tables 5A.1 and 5A.2. For example only 16% of the offenders sentenced to prison between 1993 and 1998 exited prison by 1998 as pure cases. The drop-off was most severe for violent offenses. For example, only 4% of homicide offenders sentenced to prison actually exited as pure. The drop-off from all cases to pure cases was most severe for violent offenses largely for two reason: (1) defendants sentenced for violent offenses were more likely than those sentenced for other offenses to enter prison with more than one charge; 47% of violent offenders were sentenced on more than one charge, as compared to about 25% of other offenders; (2) the censoring of cases is more severe for violent offenses because of their comparatively longer sentences and the relatively short window for observing cases.

Additionally, the pure cases also suffer from the censoring problems posed by the post-1994 changes in good time calculations. Hence, if time served on cases sentenced after the post-1994 changes in good time and expectations for violent offenses were established, the pure cases cannot provide useful information for the DCACS to assess the relationship between sentences imposed and time served. Finally, time served by the pure cases cannot be used to project prison populations.

The estimates from the pure cases are displayed and discussed in detail in the appendix to this chapter entitled "Pure Cases."

Exit cohort estimates

Data on persons exiting prison can be used to provide time served until release. This method is commonly used in statistical reports on time served. In it, time served is measured for persons exiting

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[11] Statistical methods can be devised to allocate time served on charges. One such method is described in the methodology section to this chapter.

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prison regardless of the year in which they were sentenced. One advantage of this method is that the total amount of time served is measured. However, this advantage is outweighed by other disadvantages of using exit cohort estimates. They may not be representative of the group about whom time served is desired, and they may underestimate time served if the composition of the prison admissions cohort is changing.

Time served by offenders released from prison will be of limited value for the purposes for estimating time served as described at the outset of this chapter. Specifically, the majority of offenders exiting prison during the study period were subjected to a set of sentencing practices and rules regarding good time calculations affecting their time served, that their experiences would not be of limited use for determining how current sentencing practices and good time rules affect the relationship between sentence imposed and time served. Exit cohort data on time served may also be misleading for the purposes of forecasting prison populations. Time served by persons exiting prison may differs from the time that recently admitted prisoners can expect to serve. It is the time served by recently admitted prisoners that will drive the size of the prison population in the future.

Figure 5.1. Years of sentencing that the exit cohort (released to parole between 1993-98) represents.

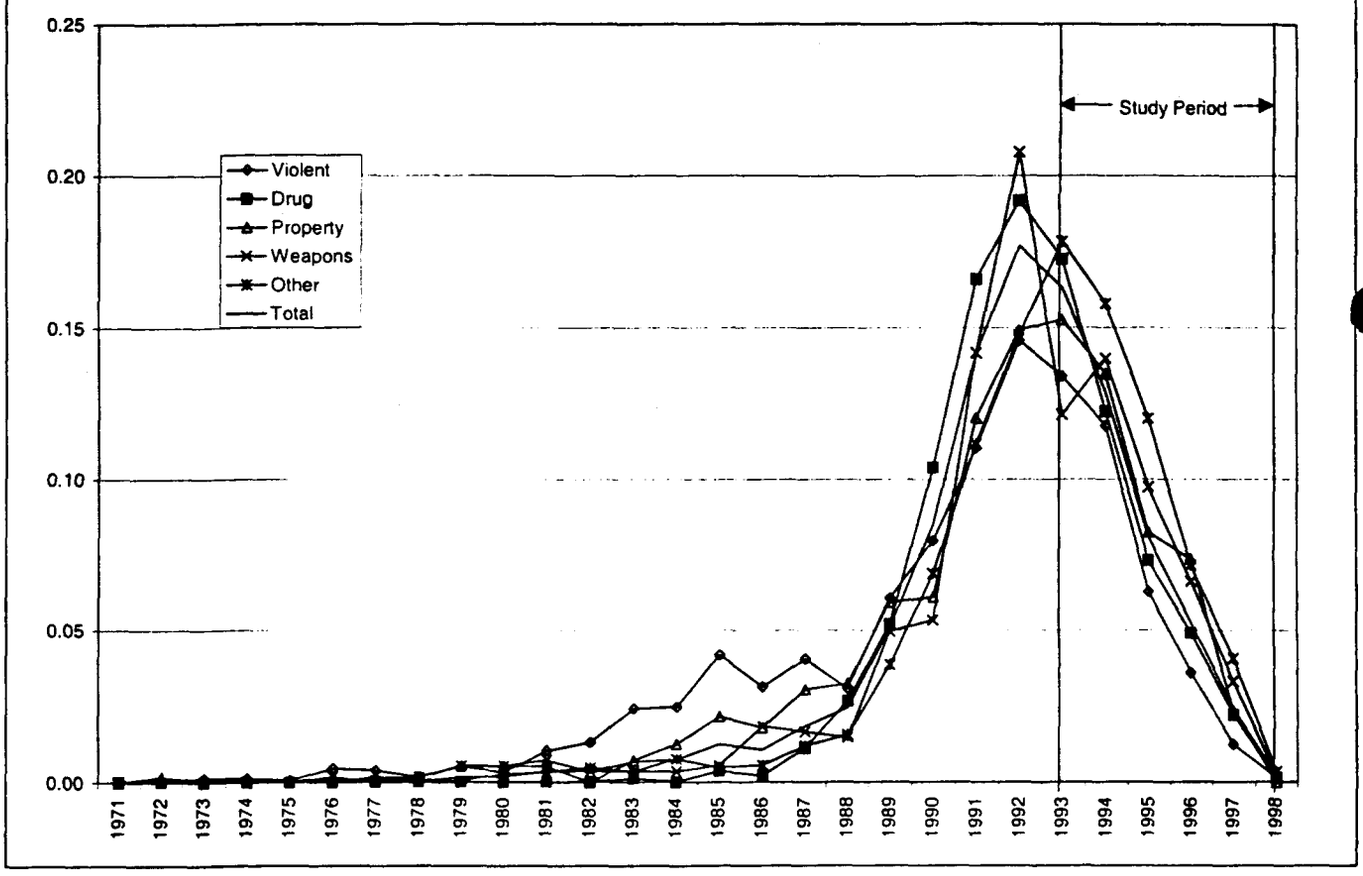

Figure 5.1 shows the limited applicability of the exit cohort data on persons released from prison between 1993 and 1998 for understanding the relationship between sentence imposed and time served under the current, post-1994 rules. The lines in the figure show the years in which offenders released from prison between 1993 and 1998 (the "study period") were admitted into prison. About 30% of all violent offenders released between 1993 and 1998 were also sentenced during this period, and about 18% of these exiting prisoners were sentenced in 1994 or after. Hence, for the DCACS purposes of assessing the relationship

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between sentence imposed and length of stay, less than 20% of the violent offenders released from prison fell into the category of offenders affected by the sentence and good time rules in effect for the most relevant current period.

For the purposes of estimating length of stay, the exit cohort data on time served also are limited. Given the rule changes in 1994, the experiences of the majority of releases are not applicable to the offenders entering prison. Given their limited applicability to this analysis, the exit cohorts estimates provided later in this chapter should be interpreted cautiously. These are the same estimates as shown in chapter 6 on time served served to release onto parole. As pointed out in chapter 6, these estimates are not directly comparable to the estimates in this chapter in part because the offense codes used in the DC Parole database – which were used to compute time served to parole in chapter 6 – are not directly comparable to the offenses in this chapter. And, as pointed out here, these estimates have limited applicability to the purposes for estimating time served because such a small proportion of offenders in the exit cohorts were sentenced to prison during the applicable portion of the study period.

Entry cohort estimates

In contrast to the time served by persons exiting prison, data on time served by persons entering prison (entry cohort) and tracked until their release from prison or until the end of the study period were computed. These "actual" data on time served are based only on those offenders who actually exited prison. A substantial portion of the offenders who entered prison during the study period remained in prison at the end of the period (table 5.3 below). This "censoring" of the data presents challenges for understanding the relationship between sentence imposed and time served on sentences, as many offenders who received longer sentences (say longer than 60 months of minimum confinement) were still in prison at the end of the study period. Hence, limited information is available about actual time served for some offenses. As the censoring varies widely among offense categories, for some offenses, more reliable information about time served is available than for other offense categories.

The entry cohort estimates have one similarity to the pure case approach, in that offenders who are sentenced during the study period are tracked into prison. They differ in several important respects: (1) The other limitations of pure cases – e.g., single felony charge – are not imposed on the entry cohort estimates; hence, they are more representative of cases sentenced than are the pure cases. (2) Information about offenders still in prison is also used to help to determine the shape of the distribution of time time served; hence, the requirement of the pure case method that an offender must exit prison is relaxed, and this additional information about censored cases helps to understand the distribution of time served.

The entry cohort estimates also suffer, as do the pure case estimates, from the censoring of cases, particularly for offense categories with longer sentences imposed, such as violent offenses.

Modeled estimates

The modeled estimates are based on the entry cohorts approach to measuring time served. The relationship observed between sentence length and time served for offenders who were admitted into prison and who exited prison is used to estimate the relationship between sentence imposed and time served for the cases that are still in prison. This is an assumption that what happened to the group of offenders for whom there is more information about time served can be applied to the offenders about whom there is less information about time served, in that these offenders are still in prison.

The dependent variable in the analysis was the proportion of sentence served. In order to estimate proportion of time served for offenders who where in prison at the end of the study period or who had escaped prior to completing their sentence, data available on actual proportion of sentence served by offenders in the study period was used. First, using this data, relationships were established between

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proportion of sentence served and several factors that may contribute to variations in proportion of time sentence served on a given sentence. These include variables measuring parole decisions, criminal history, demographic characteristics as well as offense categories. This was done by means of regression analysis. Using this established relationship as well as the available data on the censored cases, the proportion of sentence served was predicted for the censored cases. This constituted the sample of commitments for who predicted values were used. For commitments that resulted in a valid release within the follow up period, the actual proportions of sentence served were used in the tables presented in this chapter. The method as well as the model used is descibed in more details in the methodology section of this chapter.

Censoring of observations[12]

One of the problems encountered in estimating time served is the length of the study period used to gather data on offenders sentenced into prison. The period from 1993 to 1998 was used. This provides five years to observe time served in prison. There are several consequences of this length of period. First, for offenders who received sentences of more than 5 years of minimum confinement, no data on actual time served are available. Consequently, the data and estimates that follow on time served are subject to this limitation. (This issue will be discussed in more detail later, in the section that follows the reporting of the data and estimates on time served. Notably, for offenders convicted of serious violent offenses and sentenced to more than five years of minimum confinement, no data on actual time served are available. Hence, the time served estimates for serious violent offenses are the least reliable estimates reported in this chapter.)

Second, many offenders sentenced to prison for sentences of fewer than 5 years also were in prison at the end of the study period. Consequently, there is censoring of observations even for less serious offenses.

Several attempts were made to deal with the censoring problem. These included: (1) using the data on all persons released from prison onto parole between 1993 and 1998; (2) tracking a cohort of offenders who were committed into prison between 1990 and 1993 through the end of the study period in 1998; (3) tracking all offenders committed between 1990 and 1998 through the end of the study period. These three methods had the advantage of increasing the length of the observation window, thereby providing more information about offenders sentenced to longer sentences. However, they also had the more important disadvantage of including more cases that were sentenced to prison for crimes committed prior to June 22, 1994, when major changes in the good conduct rules were implemented.[13]

Eventually, none of these methods was deemed to be sufficient for the purposes of estimating time served during the most-recent period of time prior to the implementation of the new sentencing laws in August 2000. That is, given the change in good conduct rules implemented on June 22, 1994, information about time served by offenders sentenced prior to then is less valuable for the purposes of designing the new sentencing system than is information about time served during the period from June 22, 1994 to August 4,

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[12] Censoring in this case refers to the limited time period available to observe a process to its outcome. The observation of time served for offenders sentenced to prison who were still in prison at the end of the study period are censored in that the full amount of time served is not observed.

[13] Data on time served for these various cohorts of offenders are available upon request. We previously provided a full set of these estimates in a draft version of this report to the National Institute of Justice. However, in a meeting with the Honorable Frederick Weisberg and Dr. Kim S. Hunt of the DCACS that was held on February 2, 2001, information about the changes in the good conduct rules, their effects on the time served estimates, and the DCACS views about the usefulness of time served data that were based on the other periods were first brought to our attention. Previous to that meeting, the DCACS had participated in decisions to use data on time served for the 1990 to 1993 and the 1990 to 1998 periods even though these data could not have taken into account the good conduct rule changes that were discussed at the February 2, 2001 meeting.

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2000. Further, even the full study period of 1993 to 1998 presented this problem for providing measures of time served, in that the time served by offenders who committed crimes before June 22, 1994 was less valuable than the information about time served by offenders sentenced for crimes committed after June 22, 1994. Hence, the change in sentencing law imposed serious restrictions on the data used to measure time served.

The data on time served are therefore based on commitments into the DC-DOC during the 1993 to 1998 period. Additionally, separate analyses were done for all commitments and for commitments entering prison during 1995 and afterwards. As no data were available on the actual date of the offense, the commitment year of 1995 was used as a proxy for cases sentenced under the post-June 22, 1994 rules regarding good conduct credits and the expected minimum proportions of sentence to be served.

Table 5.3. Defendants sentenced in D.C. Superior Court and commitments into the DC-DOC during 1993-1998.

		Commitments into DC-DOC			
	Defendants		Commitments minus exclusions*		
Offense Category	Confined	All	Number	% censored	Not censored
All Commitments	11272	9507	7129	53.5%	3286
Homicide	710	651	567	94.2%	33
Sex—child	95	101	95	74.7%	24
Sex—abuse	136	133	124	83.9%	20
Assault with intent to kill	88	82	75	92.0%	6
Assault	679	642	590	64.9%	206
Kidnapping	26	24	22	90.9%	2
Robbery	1178	1074	994	61.6%	380
Carjacking	31	28	24	95.8%	1
Weapon during crime	87	70	56	80.4%	11
Weapon	626	536	497	42.5%	281
Burglary	684	555	505	54.9%	227
Arson	14	16	16	62.5%	6
Obstruction of justice	37	29	27	74.1%	7
Escape/Bail Reform Act	1953	1658	n/a	n/a	n/a
Drug—distribution	1791	1501	1353	36.4%	856
Drug—PWID	1973	1522	1350	44.0%	749
Drug—Violation of drug free zone	25	15	12	83.3%	2
Unauthorized use of an auto	404	309	299	47.2%	155
Forgery	62	49	48	39.6%	29
Fraud	8	4	4	50.0%	2
Larceny	127	95	90	38.9%	55
Property	105	80	79	50.6%	39
Stolen property	94	63	63	47.6%	32
Other	339	270	239	29.7%	163

Defendants appearing in a given offense category in the D.C. Superior Court may be consolidated into commitments that are classified into a different offense category, as the most serious charge across all dockets is selected and used to classify commitments into the DC-DOC.

Confinement periods are based on D.C. Superior Court data for felonies and misdemeanors sentenced on felony dockets and on DC-DOC data for misdemeanor dockets.

Defendants sentenced to a maximum term of life are included.

*Exclusions are commitments transferred to BOP or other jurisdictions and deaths

Table 5.3 shows the number of defendants sentenced to confinement, the number of commitments into DC-DOC, and the censoring of observations. The 11,272 defendants sentenced to prison amounted to 9,507 commitments. Of these commitments, about 2,378 were excluded from calculations of time served, as they were either transferred to BOP, died or were otherwise released extraordinarily. Of the 7,129 commitments who did not leave prison by one of the extraordinary methods, 3,286 were released by a valid release method (parole, mandatory release, or expiration of sentence). Overall, therefore, 53.5% of the commitments entering DC-DOC between 1993 and 1998 were still in prison at the end of the study period

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or had escaped. (Note that escapees were treated as censored cases as they were not transferred out of the jurisdiction of the DC-DOC. The date of escapees was not used in computing the time served on a commitment. Escapees are therefore excluded from all tables providing statistics on "actual" proportion of time served in prison. However their predicted values are included in all tables providing actual and predicted values for censored cases.)

The percent of commitments whose time served was censored (and who were still in prison) varied widely among offense categories. More than 94% of those commited into prison with a homicide as their most serious charge were still in prison at the end of the study period. On the other hand, among those commited with drug distribution as their most serious charge, about 36% were still in prison.

Table 5.4. Commitments into the DC Department of Corrections, 1993-98: Minimum confinement periods imposed.

	All commitments into DC-DOC					All non-excluded* commitments into DC-DOC				
		Minimum confinement imposed in months					Minimum confinement imposed in months			
	Number		Percentiles			Number		Percentiles		
Offense Category	Committed	Mean	25th	Median	75th	Committed	Mean	25th	Median	75th
All Commitments	9507	57.00	10	24	48	7129	64.17	12	24	60
Homicide	651	321.58	123	240	372	567	322.25	144	240	372
Sex—child	101	83.09	24	40	96	95	84.02	22	38	96
Sex—abuse	133	117.20	20	60	180	124	113.63	20	60	156
Assault with intent to kill	82	226.55	60	120	240	75	234.92	60	120	240
Assault	642	53.95	18	36	60	590	51.79	16	32	56
Kidnapping	24	108.46	51	66	114	22	113.69	54	78	120
Robbery	1074	57.46	12	36	60	994	55.87	12	36	60
Carjacking	28	212.18	84	174	213	24	231.04	107	180	246
Weapon during crime	70	66.54	60	60	60	56	67.59	60	60	60
Weapon	536	23.95	9	15	25	497	23.15	8	13	24
Burglary	555	48.96	16	30	48	505	42.82	15	30	48
Arson	16	47.00	21	36	74	16	42.88	18	32	60
Obstruction of justice	29	156.97	36	64	132	27	110.96	30	60	132
Escape/Bail Reform Act	1658	9.18	3	5	12	n/a	n/a	n/a	n/a	n/a
Drug—distribution	1501	35.68	15	24	48	1353	32.90	14	24	40
Drug—PWID	1522	31.82	12	24	40	1350	29.30	12	24	36
Drug—Violation of drug free zone	15	28.87	12	20	36	12	26.42	11	18	36
Unauthorized use of an auto	309	15.17	8	12	20	299	14.98	7	12	20
Forgery	49	18.61	7	12	24	48	18.38	7	12	23
Fraud	4	...	...	...	...	4	...	...	...	...
Larceny	95	26.91	12	24	36	90	27.20	12	24	36
Property	80	25.96	12	20	36	79	25.53	12	20	36
Stolen property	63	17.94	9	12	24	63	17.94	9	12	24
Other	270	21.84	3	11	24	239	20.86	3	11	22

Defendants appearing in a given offense category in the D.C. Superior Court may be consolidated into commitments that are classified into a different offense category, as the most serious charge across all dockets is selected and used to classify commitments into the DC-DOC.

Confinement periods are based on D.C. Superior Court data for felonies and misdemeanors sentenced on felony dockets and on DC-DOC data for misdemeanor dockets

Defendants sentenced to a maximum term of life are included.

*Exclusions are commitments transferred to BOP or other jurisdictions and deaths.

Table 5.4 shows data on the distribution of sentences imposed[14] for all commitments and for the 7,129 commitments that did not exit prison by one of the extraordinary methods. The mean sentence length for the group of "non-excluded' commitments (64 months) was larger than that for all commitments (57 months). This was due to the larger mean sentences among the non-excluded commitments in a few offense categories, rather than to large differences in each offense category between the two groups of commitments. For example, within the "assault with intent to kill" offense category, the mean sentence

[14] Here and throughout the rest of this chapter, sentence length refers to the minimum confinement period, unless otherwise stated.

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length for all commitments (227 months) was less than that for the non-excluded group of commitments (235 months), and the same pattern was observed for "kidnapping" and "carjacking." Within the "obstruction of justice" category, the mean sentence length was larger for all commitments (157 months) than for the non-excluded commitments (111 months). The percentiles of the distributions of sentence lengths imposed were comparable.

Entry Cohort Estimates

Data on the proportion of sentence served in the entry cohorts

The crucial quantity for understanding the relationship between sentence length and time served is the proportion of sentence served. Tables 5.5 through 5.8 show the data on the actual proportions of sentence served for commitments. The most relevant columns in these tables are the final three columns that show the percentiles of the distribution of the proportion of sentence served. Table 5.5 shows, for example, that more than 75% of commitments served at least 80% of their minimum confinement period; 50% served slightly more than the minimum (104%), and 25% served more than 160% of the minimum confinement period. The distributions of the percentage of the minimum confinement served varied across offense categories. However, for most offenses the median percent of sentence served was at or above the minimum sentence length (as reflected by proportions in the median column in table 5.5 of greater than 1).

Table 5.5. Proportion of sentence served for uncensored cases of commitments entering DC-DOC between 1993-1998. (Actual proportion of time served.)

		Statistics of the proportion of time served, based on individual commitments					
			Standard	Coefficient	Percentiles of the distribution		
Offense Category	Number	Mean	deviation	of variation	25th	Median	75th
All Commitments	3286	1.38	1.06	76.89	0.80	1.04	1.60
Homicide	33	0.98	0.73	74.04	0.77	0.83	0.93
Sex—child	24	1.11	0.55	49.62	0.81	0.95	1.42
Sex—abuse	20	1.14	0.47	41.19	0.97	1.00	1.01
Assault with intent to kill	6	1.41	1.05	74.91	0.75	0.96	1.62
Assault	206	1.24	0.79	64.02	0.83	1.00	1.42
Kidnapping	2	1.10	0.08	6.87	1.05	1.10	1.15
Robbery	380	1.46	0.94	64.60	0.83	1.11	1.92
Carjacking	0						
Weapon during crime	11	0.97	0.29	29.58	0.98	1.03	1.05
Weapon	281	1.31	1.03	78.41	0.72	1.00	1.48
Burglary	227	1.29	0.90	69.44	0.77	1.03	1.52
Arson	6	1.35	0.84	62.19	0.93	1.14	1.36
Obstruction of justice	7	1.20	0.48	40.02	0.94	1.04	1.58
Drug—distribution	856	1.29	0.89	69.14	0.85	1.04	1.42
Drug—PWID	749	1.05	0.08	7.53	0.99	1.05	1.10
Drug—Violation of drug free zone	2	1.75	1.38	78.85	0.93	1.28	2.25
Unauthorized use of an auto	155	1.28	1.12	87.14	0.62	0.95	1.86
Forgery	29	0.63	0.47	74.66	0.30	0.63	0.97
Fraud	2	1.33	0.82	61.52	0.82	1.08	1.62
Larceny	55	1.75	1.45	82.99	0.92	1.21	2.15
Property	39	1.78	1.74	97.77	0.79	1.19	2.10
Stolen property	32	2.15	1.99	92.53	0.84	1.38	2.81
Other	163	2.15	1.99	92.53	0.84	1.38	2.81

Additionally, among offense categories, the upper 25% of commitments generally served well above the minimum confinement period. For example, the upper 25% of robbery offenders served almost twice the minimum; the upper 25% of drug distribution offenders served 1.42 times the minimu confinement period; and the upper 25% of defendants convicted of unauthorized use of an automobile served almost twice the minimum. The fact that about one-fourth of offenders served more than the minimum confinement period

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imposed helps to explain why the mean percent of sentence served (in the first column in table 5.5) generally exceeds the minimum confinement period.

Tables 5.6 and 5.7 show the same set of statistics for smaller samples of offenders committed during the entire 1993-98 period. Table 5.6 shows the statistics for a sample of offenders after excluding 373 commitments (or about 9% of the sample in table 5.5) that had values on their percent of sentence served that were extremely low or outliers. These exclusions result in a general shift in the distribution of the percent of sentence served upward, so that the values for the 25th percentile, the median, and the 75th percentile in table 5.6 generally exceed the values in table 5.5.

Table 5.6. Proportion of sentence served for uncensored cases of commitments entering DC-DOC between 1993 and 1998: Results after excluding outliers.

		Statistics of the proportion of time served, based on individual commitments					
			Standard	Coefficient	Percentiles of the distribution		
Offense Category	Number	Mean	deviation	of variation	25th	Median	75th
All Commitments	2913	1.50	1.06	70.73	0.91	1.13	1.71
Homicide	30	1.05	0.73	69.87	0.77	0.84	0.99
Sex—child	21	1.21	0.52	43.41	0.81	1.00	1.51
Sex—abuse	20	1.14	0.47	41.19	0.97	1.00	1.01
Assault with intent to kill	6	1.41	1.05	74.91	0.75	0.96	1.62
Assault	192	1.30	0.79	60.81	0.86	1.00	1.44
Kidnapping	2	1.10	0.08	6.87	1.05	1.10	1.15
Robbery	348	1.55	0.93	59.64	0.92	1.18	2.04
Carjacking	0						
Weapon during crime	10	1.05	0.11	10.78	1.02	1.04	1.05
Weapon	238	1.47	1.04	70.39	0.86	1.06	1.72
Burglary	194	1.45	0.88	60.47	0.89	1.12	1.68
Arson	5	1.50	0.83	55.12	1.01	1.27	1.36
Obstruction of justice	7	1.20	0.48	40.02	0.94	1.04	1.58
Drug—distribution	741	1.43	0.95	66.04	0.89	1.14	1.64
Drug—PWID	677	1.38	0.89	64.04	0.93	1.11	1.51
Drug—Violation of drug free zor	2	1.05	0.08	7.53	0.99	1.05	1.10
Unauthorized use of an auto	141	1.88	1.38	73.17	1.00	1.45	2.33
Forgery	23	1.51	1.16	76.65	0.70	1.04	2.11
Fraud	1	0.97	n/a	n/a	0.97	0.97	0.97
Larceny	48	1.47	0.78	52.92	0.88	1.19	1.72
Property	36	1.85	1.46	78.78	0.98	1.31	2.18
Stolen property	28	1.98	1.77	89.30	0.99	1.44	2.37
Other	143	2.40	2.01	83.63	1.00	1.61	3.00

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Table 5.7. Actual proportion of sentence served: Uncensored cases committed into DC-DOC between 1993-98 with one felony charge.

		Statistics of the proportion of time served, based on individual commitments					
			Standard	Coefficient	Percentiles of the distribution		
Offense Category	Number	Mean	deviation	of variation	25th	Median	75th
All Commitments	1489	1.58	0.93	58.77	1.01	1.29	1.95
Homicide	11	0.82	0.27	32.57	0.73	0.80	0.91
Sex—child	6	1.65	0.75	45.59	0.81	1.84	2.21
Sex—abuse	3	1.30	0.73	56.15	0.80	0.97	2.14
Assault with intent to kill	5	1.00	0.37	36.88	0.75	0.96	0.97
Assault	76	1.45	0.89	61.56	0.90	1.21	1.57
Kidnapping	0						
Robbery	197	1.82	1.02	55.84	1.08	1.52	2.31
Carjacking	0						
Weapon during crime	8	0.94	0.32	33.77	1.00	1.03	1.05
Weapon	82	1.67	1.11	66.35	1.02	1.32	2.21
Burglary	98	1.56	0.88	56.68	0.99	1.29	1.97
Arson	3	1.07	0.18	16.39	0.93	1.01	1.27
Obstruction of justice	0						
Drug—distribution	476	1.49	0.76	51.36	1.00	1.28	1.76
Drug—PWID	366	1.45	0.70	48.63	1.02	1.23	1.70
Drug—Violation of drug fr	0						
Unauthorized use of an at	78	2.23	1.47	65.78	1.23	1.96	2.82
Forgery	7	1.97	0.58	29.36	1.26	2.11	2.27
Fraud	0						
Larceny	22	1.38	0.65	47.29	0.96	1.19	1.50
Property	10	2.06	2.02	97.95	1.02	1.24	2.27
Stolen property	12	2.81	2.36	84.11	1.44	1.71	3.02
Other	29	1.49	0.68	45.25	1.13	1.31	1.81

Table 5.7 shows the distribution of the percent of sentence served for offenders committed during 1993-98 on a single felony charge. This exclusion is made because of complications associated with computing the percent of sentence served on each charge for offenders convicted of multiple charges. For the sample of 1,489 who were committed and released during 1993-98 and who had a single felony charge, 75% served more than the minimum term (as indicated by the 25th percentile value of 1.01). Half of these served 1.3 times the minimum sentence, and the upper 25% served almost twice the minimum (a 75th percentile value of 1.95). With the exceptions of the very few homicide, sex-child, sex-abuse, and assault with intent to kill offenders, the 25th percentile of the distribution of the percent of sentence served was greater than 90% of the minimum, and more generally was at or above the minimum sentence imposed. Thus for the sample of offenders who entered DC-DOC with a single felony charge, the vast majority of those released by the end of 1998 served more than the minimum sentence imposed.

To further refine the analysis, table 5.8 shows the distribution of percent of sentence served for commitments during 1995 and after. The number released decreases to 1,520, and the number released in the serious violent offense categories decreases further (as compared to the numbers show in the previous tables). The decrease in the number of violent offenders in table 5.8 as compared to the previous tables is not unexpected, as two years of data (1993 and 1994) are excluded from the sample in table 5.8.

Despite these restrictions, the data in table 5.8 show that more than half of this sample served more than the minimum sentence imposed. Across offense categories, the median percent of sentence served was about equal to or slightly larger than 1. And, the 75th percentile of the distribution of percent of sentence served for offenders committed on a single felony offense was generally between 1.2 times the minimum sentence imposed and 1.8 times it. Again, the comparatively large fraction (25%) of commitments that served more than the minimum sentence imposed explains why the overall mean percent of sentence served

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(column 1 of table 5.8) exceeds the minimum by about 30% (1.28). Only for sex-child abuse and fraud (with one case) did the mean percent of sentence served not exceed 1.

Table 5.8. Proportion of time served for uncensored cases of commitments entering DC-DOC between 1995-98, or during the post-1994 rule change period. (Actual proportion of time served.)

		Statistics of the proportion of time served, based on individual commitments					
			Standard	Coefficient	Percentiles of the distribution		
Offense Category	Number	Mean	deviation	of variation	25th	Median	75th
All Commitments	1520	1.28	1.01	78.91	0.74	1.00	1.44
Homicide	9	1.01	0.48	47.33	0.80	0.91	0.99
Sex—child	12	0.92	0.35	38.03	0.65	1.00	1.12
Sex—abuse	16	1.13	0.44	39.26	0.99	1.00	1.01
Assault with intent to kill	0						
Assault	109	1.19	0.63	52.92	0.95	1.00	1.21
Kidnapping	0						
Robbery	165	1.43	1.02	71.12	0.86	1.07	1.80
Carjacking	0						
Weapon during crime	1	1.26	n/a	n/a	1.26	1.26	1.26
Weapon	168	1.25	0.87	69.97	0.79	1.00	1.43
Burglary	122	1.25	0.93	74.78	0.66	1.00	1.52
Arson	2	1.98	1.38	69.58	1.01	1.98	2.95
Obstruction of justice	1	1.58	n/a	n/a	1.58	1.58	1.58
Drug—distribution	255	1.08	0.89	82.30	0.51	0.91	1.32
Drug—PWID	390	1.26	0.98	77.81	0.80	1.00	1.32
Drug—Violation of drug free zone	2	1.05	0.08	7.53	0.99	1.05	1.10
Unauthorized use of an auto	102	1.67	1.25	74.83	0.93	1.21	1.99
Forgery	19	1.18	1.27	107.50	0.47	0.70	1.26
Fraud	1	0.97	n/a	n/a	0.97	0.97	0.97
Larceny	26	1.07	0.75	70.04	0.65	0.99	1.20
Property	23	1.69	1.17	69.32	1.02	1.22	2.21
Stolen property	27	1.77	1.86	105.00	0.67	1.16	2.00
Other	70	1.48	1.54	104.54	0.69	1.00	1.39

Estimates of the proportion of sentence served: The modeled results

Tables 5.9 through 5.11 show estimates of the proportion of sentence served based on the regression models. In each of these tables, estimates are provided for the entire sample of commitments. Where actual time served data are available, the actual proportion of sentence served was used; where time served was censored, estimates of the proportion of sentence served were used. Hence, the data in these tables are based on a combination of actual and estimates.

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Table 5.9 shows modeled estimates of the proportion of sentence served for all commitments between 1993 and 1998. Overall, the mean proportion of time served was 1.23, indicating that on average offenders served time that was about 25% in excess of the minimum sentence imposed. Clearly the mean proportion does not give information about the distribution of the percent of sentence served. The distribution shows that 75% of offenders were estimated to serve more than 94% of the minimum sentence imposed; more than half served 110% of the minimum; and the top 25% served 125% of the minimum. Across offense categories, with the exception of homicide, sex-child abuse, drug distribution, forgery, and larceny, the 25th percentile exceeded 90% of the minimum, and for all of these offenses except forgery, the 25th percentile was just under 90% of the minimum. With the exception of sex-child abuse, the estimated median of the distribution of the percent of sentence served was more than 95% of the minimum. And, with the exception of homicide, the estimated 75th percentile exceeded the minimum.

Table 5.9. Modeled estimates of proportion of time served: Actual and predicted, where censored, proportion of time served, for commitments between 1993-98

		Statistics of the proportion of time served, based on individual commitments					
			Standard	Coefficient	Percentiles of the distribution		
Offense Category	Number	Mean	deviation	of variation	25th	Median	75th
All Commitments	7128	1.23	0.74	60.15	0.94	1.10	1.25
Homicide	567	0.95	0.18	19.18	0.88	0.97	0.98
Sex—child	95	1.02	0.31	30.43	0.88	0.90	1.16
Sex—abuse	124	1.11	0.20	17.88	1.01	1.12	1.14
Assault with intent to kill	75	1.25	0.30	24.10	1.10	1.30	1.34
Assault	589	1.17	0.47	40.60	1.06	1.12	1.14
Kidnapping	22	1.26	0.13	10.04	1.15	1.32	1.33
Robbery	994	1.29	0.60	46.53	1.13	1.17	1.26
Carjacking	24	1.25	0.22	17.30	1.11	1.33	1.34
Weapon during crime	56	1.18	0.19	16.37	1.09	1.14	1.33
Weapon	497	1.22	0.78	64.46	0.96	1.07	1.16
Burglary	505	1.12	0.63	55.74	0.92	0.95	1.12
Arson	16	1.32	0.50	38.27	1.05	1.30	1.42
Obstruction of justice	27	1.23	0.25	20.36	1.09	1.30	1.34
Drug—distribution	1353	1.20	0.77	64.01	0.89	1.03	1.28
Drug—PWID	1350	1.22	0.67	55.12	1.00	1.10	1.22
Drug—Violation of drug free zor	12	1.33	0.15	11.28	1.28	1.34	1.44
Unauthorized use of an auto	299	1.58	1.01	63.99	1.22	1.35	1.51
Forgery	48	1.24	0.88	71.31	0.73	1.01	1.33
Fraud	4	...	...	...	...	...	...
Larceny	90	1.24	0.68	54.89	0.88	1.02	1.37
Property	79	1.54	1.04	67.59	1.08	1.33	1.47
Stolen property	63	1.55	1.26	81.16	1.09	1.32	1.46
Other	239	1.92	1.69	88.34	1.00	1.25	2.07

... Modeled estimates involving 10 or fewer cases

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Table 5.10. Modeled estimates of proportion of time served: Actual and predicted, where censored, proportion of sentence served, for commitments under the post-June 22, 1994 rules.

		Statistics of the proportion of time served, based on individual commitments					
			Standard	Coefficient	Percentiles of the distribution		
Offense Category	Number	Mean	deviation	of variation	25th	Median	75th
All Commitments	4302	1.16	0.62	53.25	0.96	1.08	1.18
Homicide	372	0.98	0.07	7.57	0.97	0.98	0.98
Sex—child	64	0.91	0.15	16.70	0.88	0.89	0.93
Sex—abuse	98	1.14	0.18	15.92	1.11	1.12	1.15
Assault with intent to kill	40	1.33	0.03	2.05	1.31	1.34	1.34
Assault	425	1.14	0.32	28.27	1.08	1.12	1.13
Kidnapping	15	1.34	0.04	3.12	1.32	1.33	1.34
Robbery	598	1.25	0.55	43.85	1.13	1.16	1.18
Carjacking	17	1.35	0.04	3.30	1.33	1.34	1.35
Weapon during crime	25	1.33	0.03	2.57	1.33	1.34	1.34
Weapon	344	1.16	0.62	53.14	1.00	1.07	1.13
Burglary	350	1.06	0.57	53.81	0.91	0.94	1.03
Arson	9	...	...	...	...	...	...
Obstruction of justice	14	1.34	0.07	5.38	1.31	1.33	1.34
Drug—distribution	529	1.00	0.63	62.22	0.84	0.92	1.01
Drug—PWID	853	1.18	0.67	56.40	1.00	1.10	1.18
Drug—Violation of drug free zone	12	1.33	0.15	11.28	1.28	1.34	1.44
Unauthorized use of an auto	225	1.51	0.86	56.88	1.25	1.35	1.47
Forgery	31	1.11	0.99	88.98	0.62	0.95	1.07
Fraud	3	...	...	...	...	...	...
Larceny	54	1.03	0.52	50.63	0.88	0.97	1.07
Property	55	1.51	0.77	50.77	1.28	1.34	1.46
Stolen property	52	1.56	1.34	85.92	1.16	1.33	1.45
Other	117	1.33	1.20	90.42	0.95	1.07	1.18

... Modeled estimates involving 10 or fewer cases

Table 5.10 provides modeled estimates of the percent of sentence served for offenders committed into DC-DOC after the June 1994 rules went into effect. Overall, the mean percent of sentence served was 1.16, which was slightly less than the mean for the entire sample of offenders committed between 1993 and 1998. Moreover, the standard deviations around the mean percent of sentence served are fairly narrow, especially for many of the more serious crimes. (Note that the coefficient of variation – the standard deviation divided by the mean multiplied by 100% – is generally smaller, indicating less variation around the mean, for the offenses at the top of the table as compared to those at the bottom of the table.)

The percentiles of the distribution of the percent of sentence served also reflect the relatively narrow range of percent of sentence served around the minimum sentence length imposed. Overall, the interquartile range (1.16 – 0.96 = 0.22) is narrow, as half of offenders were estimated to serve between 96% and 116% of the minimum sentence length. Even within the offense categories with larger numbers of commitments, the interquartile ranges tend to be comparatively narrow. For example, for robbery defendants, the estimated IQR is only 0.05, as half of robbery defendants were estimated to serve between 113% and 118% of their minimum terms.

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Finally, table 5.11 shows the modeled estimates of the proportion of sentence served for offenders committed into prison during the post-June 1994 rule change period who were sentenced on only one felony offense. As with the other tables of modeled estimated, these modeled estimates are based on actual proportions for those who were released and predicted proportions for those whose time served was censored.

Table 5.11. Modeled estimates of proportion of time served: Actual and predicted, where censored, proportion of sentence served, for commitments under the post-June 22, 1994 rules. Commitments with one felony offense.

		Statistics of the proportion of time served, based on individual commitments					
			Standard	Coefficient	Percentiles of the distribution		
Offense Category	Number	Mean	deviation	of variation	25th	Median	75th
All Commitments	1659	1.28	0.63	48.94	1.03	1.12	1.29
Homicide	97	0.97	0.04	3.67	0.97	0.98	0.98
Sex—child	21	0.89	0.02	2.28	0.88	0.89	0.90
Sex—abuse	42	1.14	0.09	7.77	1.12	1.13	1.15
Assault with intent to kill	7	...	...	...	...	...	...
Assault	146	1.19	0.36	30.45	1.09	1.12	1.14
Kidnapping	5	...	...	...	...	...	...
Robbery	276	1.38	0.67	48.52	1.15	1.18	1.28
Carjacking	4	...	...	...	...	...	...
Weapon during crime	14	1.33	0.02	1.50	1.31	1.34	1.34
Weapon	134	1.28	0.70	54.96	1.06	1.07	1.17
Burglary	148	1.20	0.66	55.05	0.92	0.94	1.05
Arson	1	...	...	...	...	...	...
Obstruction of justice	2	...	...	...	...	...	...
Drug—distribution	154	1.18	0.59	49.57	0.91	0.93	1.14
Drug—PWID	379	1.26	0.53	41.75	1.08	1.10	1.21
Drug—Violation of drug free zone	6	...	...	...	...	...	...
Unauthorized use of an auto	130	1.65	0.79	48.23	1.32	1.35	1.50
Forgery	9	...	...	...	...	...	...
Fraud	1	...	...	...	...	...	...
Larceny	13	1.07	0.17	15.72	0.97	1.05	1.18
Property	18	1.49	0.42	28.57	1.32	1.41	1.47
Stolen property	18	2.36	2.01	85.23	1.39	1.47	2.55
Other	34	1.22	0.49	40.29	1.06	1.09	1.20

... Modeled estimates involving 10 or fewer cases

Note first the number of cases on which the estimates are based. In table 5.10, there were 4,302 commitments sentenced during the post June 1994 period, but in table 5.11, there were1659. This decrease indicates that during the post-June 1994 period, a large number of felony defendants were sentenced on more than one felony charge. This point was established in chapter 3, where the data on the number of felony charges accompanying sentences to imprisonment were shown. The results from chapter 3 show that between 1995 and 1997, the proportion of all cases sentenced to prison with a single felony charge dropped from the proportion sentenced to prison on a single felony charge prior to 1994. The drop was largest for drug offenders, as the proportion of drug offenders sentenced on a single charge declined from about 95% in 1993 to 27% in 1995. From 1996 to 1998, the proportion of drug offenders sentenced on a single charge increased, so that by 1998, 82% of drug offenders were sentenced on a single charge.

The change in the proportion of drug offenders sentenced on a single charge corresponds to the elimination of the mandatory minimum sentences for drug offenders. Prior to their elimination in 1994, most drug defendants were sentenced on a single charge and were convicted by plea bargains, but during the peroid immediately following the elimination of mandatory sentences for drug offenders, the number of charges per defendant increased. Despite the increase in the number of charges per drug defendant in the post-1994 period, the average sentences (minimum confinement period) imposed on drug defendants

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decreased, leading (possibly) to expectations of shorter time served for drug defendants in the post-1994 period.

Second, table 5.11 shows that most commitments sentenced to a single felony charge in the post-1994 period were estimated to serve more than the minimum sentence imposed: 75% of commitments served 1.03 times minimum; 50% served 1.12 times the minimum; and the upper 25% of commitments at the 75th percentile served 1.29 times the minimum. For the offense categories with comparatively larger numbers of uncensored cases (e.g., robbery, weapons, burglary, drug distribution, possession with intent, unauthorized use of a motor vehicle, etc.), more than half of all commitments were estimated to serve more than the minimum sentence imposed. For example, 75% of robbery offenders committed on a single felony charge during this period served 1.15 times the minimum; the upper 25% served 1.28 times the minimum. The distribution of the estimated proportion of sentence served by commitments on a single felony charge of possession with intent to distribute followed a pattern similar to robbery, as 75% served more than 1.08 times the minimum, and the upper 25% served 1.21 times the minimum.

The estimated distribution of the proportion served for burglary and drug distribution are the only offense categories in which the 25th percentile of the distribution is less than the minimum sentence imposed: The 25th percentile for burglary was 0.92 and for drug distribution it was 0.91. Generally, the majority of burglary commitments on a single felony charge were estimated to serve about the minimum sentence imposed, as the inter-quartile range (1.05 – 0.92 = 0.13) was narrow. For drug distribution commitments, the 75th percentile (1.14 times the minimum) exceeded that for burglary, and the IQR was larger than for burglary, indicating that a larger proportion of drug distribution offenders served more than the minimum term than occurred among burglars.

The estimates for the most serious crimes of homicide, sex-child abuse, sex-abuse, and assault with intent to kill are generally consistent with the view that these offenders served near the minimum term. Only for sex-child abuse do the estimated proportions differ marketedly from the minimum terms. Moreover, for these offenses, the data on which the estimates were based are extremely limited.

Caveats about the entry cohort data and modeled estimates of the percent of sentence served

The data on the percent of sentence served from the entry cohorts and the modeled estimates from these commitments suggest that the majority of offenders serve at least the the minimum confinement period imposed and probably more than the minimum confinement period imposed. There are exceptions to this generalization within specific offense categories, but the overall pattern suggested by the actual data and the estimates is one of offenders serving somewhat in excess of the minimum sentence imposed.

These findings need to be interpreted cautiously, however, given the censoring problems with the data. This is especially the case with the data for serious violent offenses such as homicide, sex offenses, assault with intent to kill, kidnapping, and other offense groups in which comparatively large numbers of commitments were sentenced to long terms and therefore for which comparatively little data are available about their actual time served experiences.

The distribution of sentences imposed in table 5.4 and the results on censoring in table 5.3 help to point out the offenses for which the data and estimates may be unreliable, or at least for which the reliability of the estimates cannot be assessed because of the small number of observations on which the estimates are based. For example, table 5.4 shows that more than 75% of homicide offenders received sentences in excess of 144 months. None of these were released from prison by the valid methods of parole, mandatory release, or expiration of sentence. *Hence, the conclusions about the percent of sentence served for homicide offenses are not based on data for these long-sentenced offenders; rather, they are based on the small number (33 homicide offenders) whose minimum sentences were less than 60 months. These homicide*

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offenses – which are likely to include manslaughter offenses or negligent homicide for which offenders may receive shorter sentences (see table 3.A13) – are not representative of the more serious homicide offenses such as first degree murder (which carries the 30-year mandatory minimum sentence) or even second degree murder, which allows for sentences of fewer than 30 years. Hence, the estimates in tables 5.8 through 5.11 may not reflect the time served for the more serious homicide offenses. Little can be done to assess the reliability of these estimates expect to wait for another 25 years or so, until the offenders convicted of murder and sentenced to 30 years are released. Even for the second degree murder offenses, little can be done except to wait for the offenders to be released from prison and compare the actual time served with the modeled results.

In addition to homicide offenses, the assault with intent to kill, kidnapping, carjacking, and use of a weapon during a violent crime offenses also had very large proportions of offenders who were sentenced to minimum terms in excess of 60 months (according to table 5.4). Hence, the reliability of the estimates of the proportion of time served for these offense categories also cannot be assessed without waiting an additional period of time. And, the estimates of the proportion of time served for these offense categories should be viewed cautiously, and perhaps only as hypothetical predictions for the extreme cases within these categories; they should not be viewed as generalizations for the majority of cases or for the typical cases within these offense categories.

On the other hand, for offense categories such as sex-child abuse, sex-abuse, and even robbery, smaller proportions of offenders were sentenced to terms in excess of 60 months, which suggests two things: First, extremely long sentences for these offense categories occur less frequently than they do for homicide, assault, etc.; and second, the experiences of the comparatively shorter sentenced offenders in the sex-child abuse, sex-abuse, and robbery categories may reflect the general tendencies of sentencing practices for these offenses. But, we do not know this with certainty. The estimates in this report of the proportion of sentence served for an offense such as robbery are the first such estimates developed, and they need to be validated against additional data. However, as the frequency of actual cases of time served in categories such as robbery is greater than in the most serious offense categories, the relative confidence in the estimates for robbery has to be greater than for the most serious offenses.

Further, for the less serious property and drug offenses, which have even fewer offenders sentenced to terms in excess of 60 months, the reliability of the estimates of the proportion of sentence served increases further. For example, more than 75% of burglary offenders were sentenced to fewer than 48 months (table 5.4), and more than 75% of all drug offenders were sentenced to a minimum term less than 40 months.

Thus, while the reliability of estimates of the proportion of sentence served for the most serious offenses (e.g., homicide, assault with intent, assault, carjacking) cannot be determined, the reliability of the estimates for other offenses may be quite high. Moreover, the estimates of the proportion of sentence served are applicable to a comparatively large proportion of all commitments. For example, homicide, sex offenses, assaultive offenses, kidnapping, and carjacking comprised less than 20% of all commitments, but the offenses for which the estimates of the proportion of sentence served are more reliable comprise more than 80% of all commitments. Hence, even with the limited data available on time served, some tentative conclusions about it can be made for the vast majority of persons committed into DC-DOC.

A second important caveat about the time served estimates is their applicability to the 140 detailed charge codes that comprise the charges imposed on felony defendants in the District of Columbia. To the extent that the time served estimates are limited by censoring for the offense groups reported in this chapter, the limitations are even more severe for the 140 charge codes. This is quite simply a data problem. There are not enough cases in many categories to make any statements about them. The DCACS has repeatedly requested time served data at this refined level of detail of offense charges. The analysis in this chapter suggests that such data are not available for many of the detailed charge categories. However, the data may be available for some detailed charge codes. For example, within the drug distribution offense category,

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there are charges (such as USCA distribution of cocaine) that may have a sufficient case base to support analysis at this level.

Third, data on time served by offenders sentenced to life imprisonment also are affected by the limitations pointed out in this chapter. Specifically, exit cohort estimates of time served by persons sentenced to a maximum of life are not applicable as a platform for designing new sentencing practices because (as pointed out in chapter 6) the life sentenced offenders released from prison were sentenced prior to the 1992 law that imposed a 30-year mandatory minimum on first degree murder offenders and they were sentenced prior to the 1994 rules regarding good time. For those offenders committed to a life sentence after the June 1994 rule changes, none could be released from prison on parole because none has reached the minimum term required. Finally, although they cannot be generated for detailed offense categories, life-table estimates of time served by persons committed to prison with a life sentence show a general increase in the length of time expected to be served by such offenders.[15] In this general sense, the life table estimates of time served, while under-estimates of expected time served for life-sentenced prisoners, have shown an increase in time served that is consistent with the expectations of the 1992 and 1994 rule changes. The magnitude of the increase in the life-table estimates may be small (for example, for all life sentenced offenders the life-table estimate of expected time to be served increased from about 15 months in 1992 to 21 months in 1998), but it is in the correct direction. Here again, only time will tell how long the life sentenced offenders committed into DC-DOC after the 1992 and 1994 rule changes went into effect will serve in prison.

Pure Case estimates

The tables showing the estimates of time served for pure cases are shown in the Appendix to this chapter called "Pure Cases." Additionally, the rationale behind developing pure cases is described more fully in this appendix. Here, the purpose is to review the data on pure cases to examine the proportion of sentence served, and to assess whether the data on the proportion served by pur. cases is consistent with the data shown above for the entry cohorts and the estimates shown for the modeled results.

Table 5.12 shows the distribution of the proportion of sentence served by pure cases that entered DC-DOC during the 1990 to 1998 period.[16] Keeping in mind that the pure cases represent only 16% of all commitments, the data on the proportion of sentences served by the pure cases generally support the tentative conclusions from the actuals and modeled data for the entry cohorts: The majority of defendants served more time in prison than the length of the minimum sentence imposed.

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[15] For details on the life-table estimates, contact the authors.

[16] As indicated in the appendix on pure cases, this 1990 to 1998 period was used based on discussions and interactions with the DCACS.

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Table 5.12. Distribution of proportion of sentence served by pure cases that entered DC-DOC between 1990 and 1998

		Statistics of the proportion of time served, based on individual commitments					
			Standard	Coefficient	Percentiles of the distribution		
Offense Category	Number	Mean	deviation	of variation	25th	Median	75th
All Commitments	2856	1.25	0.86	68.53	0.80	1.01	1.42
Homicide	59	1.05	0.95	90.64	0.77	0.84	0.99
Sex—child	33	1.22	0.69	56.74	0.81	0.99	1.92
Sex—abuse	21	1.05	0.67	63.76	0.60	0.99	1.14
Assault with intent to kill	12	1.60	2.15	134.58	0.72	0.89	1.18
Assault	171	1.17	0.92	79.00	0.80	0.99	1.29
Kidnapping	2	1.05	0.31	29.56	0.83	1.05	1.27
Robbery	283	1.41	0.97	69.18	0.82	1.03	2.01
Carjacking	0						
Weapon during crime	29	1.03	0.17	16.14	1.01	1.04	1.08
Weapon	173	1.22	0.91	74.08	0.73	0.93	1.36
Burglary	94	1.34	0.90	67.70	0.80	1.00	1.52
Arson	5	1.29	0.94	72.80	0.83	0.83	1.01
Obstruction of justice	3	1.83	0.57	31.03	1.45	1.55	2.48
Escape/Bail Reform Act	182	1.75	1.03	58.65	0.94	1.52	2.58
Drug—distribution	987	1.16	0.74	64.36	0.78	1.00	1.30
Drug—PWID	581	1.18	0.76	64.23	0.82	1.01	1.30
Drug—Violation of drug free zone	3	1.06	0.06	6.10	1.00	1.05	1.12
Unauthorized use of an auto	84	1.59	0.97	61.07	0.86	1.28	2.13
Forgery	17	1.29	0.68	52.82	0.84	1.10	1.52
Fraud	2	1.19	0.32	26.56	0.97	1.19	1.41
Larceny	25	1.11	0.48	43.43	0.87	1.03	1.19
Property	6	1.61	1.61	100.08	0.76	0.94	1.46
Stolen property	13	1.41	0.77	54.35	0.98	1.04	1.54
Other	70	1.29	1.03	79.53	0.81	1.00	1.24

Exit cohort estimates

Chapter 6 reports data on time served to parole release for offenders released onto parole during the 1993 to 1998 period. As discussed above, most of these offenders were sentenced to prison prior to June 1994, so their time served experiences were based on sentencing and good conduct rules in effect prior to the law changes implemented on June 22, 1994. Also as discussed in chapter 6, the time served data for parole releases are not directly comparable to the data in this chapter, as the offense categories used in chapter 6 are based on the DC-DOC offense codes, while the data in this chapter are based on the DC-Superior Court charge codes. Hence, direct comparisons between offense categories cannot be made. Nevertheless (as described in chapter 6), the offense codes for the parole release data are "conceptually similar" to those used in this chapter.

Keeping these considerations in mind, some tentative conclusions can be made about the proportion of sentence served by offenders released onto parole during the 1993 to 1998 period. As shown in table 5.13, the median proportion of sentence served generally exceeded 100% of the minimum sentence imposed.[17]

[17] The minimum sentence imposed for the data in table 5.13 had to be estimated from the information about the maximum term in the parole (PARIS) database. We assumed that the minimum equaled one-third of the maximum for this exercise. It is not possible to verify this assumption for the cases in table 5.13, as we were unable during the study period to develop reliable methods to link records from the DC Superior Court to the Parole database with a high degree of certainty. The assumption that the minimum equaled one-third of the maximum is based on the general rule for sentencing in the District during the period prior to the August 5, 2000 new law changes: Minimum terms were generally one-third of the maximum

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For example, for the homicide offenders released from prison, half served more than 1.03 times the estimated minimum; for sex-abuse crimes, half served more than 1.45 times the minimum; for assault with intent to kill, half served more than 1.04 times the minimum. For robbery, burglary, and drug distribution, half served more than about 1.28 times the minimum term imposed.

Table 5.13. Proportion of minimum sentence served for offenders exiting DC-DOC between 1993 and 1998.

Offense Category	Number	Median
Homicide	143	1.03
Sex—child	47	2.00
Sex—abuse	40	1.20
Assault with intent to kill	53	1.06
Assault	443	1.38
Kidnapping	18	1.39
Robbery	787	1.27
Carjacking	†	†
Weapon during crime	†	†
Weapon	544	1.35
Burglary	396	1.32
Arson	9	1.32
Obstruction of justice	9	1.60
Escape/Bail Reform Act	605	1.65
Drug—distribution	3619	1.34
Drug—PWID	133	1.60
Drug—Violation of drug free zone	†	†
Unauthorized use of an auto	220	1.91
Forgery	56	1.43
Fraud	13	1.33
Larceny	195	1.72
Property	82	1.63
Stolen property	79	1.61
Other	318	1.25

† Category does not exist on the DOC offense codes
Note: Table does not include defendants sentenced to life

These data on parole exits need to be interpreted cautiously, as they are based on different offense categories and the vast majority were sentenced according to rules in effect prior to the post-June 1994 period. Nonetheless, the data show that most offenders were released onto parole after serving more than their estimated minimum terms imposed.

Tentative conclusions about the proportion of sentence served

In general, the data from the entry cohorts, the modeled estimates from the entry cohorts, the pure cases, and the exit cohorts all point to the same conclusion: More than half of commitments into the DC-DOC were released from prison after serving more than their minimum sentences. For example, for the 1993-98 actuals (table 5.6), half of commitments served more than 1.13 times the minimum and the upper 25% served more than 1.71 times the minimum. For offenders committed on a single felony charge during the 1993 to 1998 period, 75% served more than the minimum, half served more than 1.29 times the minimum,

terms for sentences other than maximum terms of life. In some rare cases, judges imposed minimums that were not equal to one-third of the maximum.

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and the upper 25% served more than 1.95 times the minimum (table 5.7). For offenders committed on a single felony charge during the 1995 to 1998 period, 75% were estimated to serve more than the minimum; half were estimated to serve more than 1.12 times the minimum, and the upper 25% was estimated to serve more than 1.29 times the minimum (table 5.11). The proportion served varied among offenses, but generally more than half of commitments in most offenses are estimated to serve more than the minimum confinement period.

One issue raised by the data on the proportion of sentence served is that of the implications for time served in the new sentencing system. This issue is complicated by the fact that it is not possible to predict the lengths of sentences that judges will impose during the new sentencing system. New sentencing patterns may arise. For example, during the period immediately following the elimination of mandatory minimum sentences for drug offenses (as described in chapter 3), there was a dramatic increase in the number of charges per case for drug defendants sentenced to prison. The reasons for this change may not be known, but the change was unexpected. This example suggests that there may be changes in sentencing practices that result from the new laws that cannot be predicted. In particular, the lengths of sentences that will be imposed on charges cannot be determined with accuracy.

Analyzing impacts of TIS

Nevertheless, it is possible to assess the potential impacts on time served of changes in sentence lengths between the new and old systems by comparing the length of sentences in the new system to the old minimum confinement periods. This comparison makes no assumptions about how the length of the new sentences should be determined; it only assesses new sentences lengths in relation to the old minimums. Further, we do not argue that the minimum imposed under the old system should be the length of the determinate sentence in the new or that it will correspond to the length of the determinate system in the new system. The new sentences may reflect some intermediate ground between the old minimum and maximum, or that they may reflect the maximum sentences. Regardless, the new sentences can be related to the old minimum sentences by means of simple algebra, as follows.

Assume for this illustration that the new determinate sentences equal the length of the minimum confinement period imposed in the old system (for similarly situated defendants). The question then becomes, if this occurs, what would happen to time served in prison, given the relationship between sentences imposed and the percent of sentence served in the old system?

To start, recall eqs. 3 and 4 from above, or

$$TS(old) = SI(old) * p(old) \qquad \text{Eq. 3 and}$$

$$TS(new) = SI(new) * p(new) \qquad \text{Eq. 4}$$

Then, to estimate how much time served in the new system, TS(new), would change if sentence lengths in the new system were equivalent to the minimum sentences imposed in the old system, one would take the ratio of Eq. 4 to Eq. 3 and assess the results, or:

$$TS(new) / TS(old) = SI(new) / SI(old) * p(new) / p(old) \qquad \text{Eq. 8}$$

Next, assume that SI(new) = SI(old) so that SI(new) / SI(old) equals 1. Assume further that p(new) = 1, or that offenders in the new system served 100% of their determinate sentences, that is, they received no good time credits. Under these assumptions, the ratio of TS(new) to TS(old) would equal 1 times 1/p(old), or

$$TS(new) / TS(old) = 1 * 1/p(old) \qquad \text{Eq. 9}$$

Using the data on the estimated mean proportion of sentence served to estimate p(old), depending upon the group of commitments selected, the mean proportion would range from 1.28 (for all offenders

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committed into prison between 1994 and 1998 on a single felony charge) to 1.58 (for all offenders committed into prison between 1993 and 1998 on a single felony charge). With p(old) = 1.28, the value of eq. 9 equals 78.1%. Thus, under the assumptions that (a) new sentences lengths equaled the old minimum sentence lengths and (b) offenders under the new system served 100% of their determinate sentences, time served in the new system would decrease on average by about 78% from the length of time served for the old system as reflected by the data in this chapter.

Altering the second assumption above, so that offenders in the new system serve 85% of their imposed sentence, but retaining the assumption that new sentences equaled the length of the old minimum sentences, then eq. 9 would change to:

$$TS(new) / TS(old) = 1 * 0.85/p(old) \qquad \text{Eq. 10}$$

Under these assumptions, and using the estimated mean value for p(old) of 1.28, time served in the new system would decrease from the levels estimated by the data in this chapter by 0.85/1.28*100% = 66.4%. These results support the view that if sentence lengths under the new, determinate system were equal to the length of the old minimum confinement periods, that time served overall and more most offense categories is likely to decrease from the levels of time served under the old system.

While the mean proportion of sentence served does not reflect the variation in proportion served, for the purposes of estimating the impact on time served in the new system, the mean gives the expected value of the proportion served and can be used to yield an estimate of the average difference in time served between the two sentencing systems, under the assumptions stated above. Additionally, the overall mean proportion of sentence served does not reflect the variation in the mean proportion of sentence served among offense groups. Nevertheless, the general principle embodied in the example illustrated above can be applied to the data for specific offense categories. Thus, for offenses in which the mean proportion of sentence served approaches 100% of the minimum, under the first set of assumptions given above, the expected difference in time served between the old and new systems would diminish. Under the second set of assumptions given above, the expected difference in time served would diminish as the mean proportion of sentence served in the old system approached 85% of the minimum term. For several offense categories in tables 5.3b and 5.8, the mean proportion of sentence served approaches 1.00, but this occurs for homicide and carjacking, two of the offense categories for which the reliability of the estimates in tables 5.3b and 5.8 are most questionable because of the limited data available on time served for these offenders. For none of the offense categories in tables 5.3b or 5.8 does the mean proportion of sentence served approach 85% of the minimum.

An analogous piece of analysis can be done to answer the question: What length of sentence should be imposed to keep time served in the new system equal to time served in the old system? In this case, Equations 3 and 4 can be rearranged to yield:

$$SI(new) / SI(old) = [TS(new) / p(new)] / [TS(old) / p(old)] \qquad \text{Eq. 11}$$

Invoking the assumption that TS(new) equals TS(old), so that TS(new) / TS(old) = 1, Eq. 11 can be re-arranged to show that the ratio of sentences in the new system to the old minimum confinement terms equals the ratio of the old proportion of sentence served to the new proportion of sentence served, or:

$$SI(new) / SI(old) = 1 * p(old) / p(new) \qquad \text{Eq. 12}$$

Hence, the ratio of p(old) to p(new) can be analyzed to show how much sentence lengths under the new system would have to increase or decrease above the old minimum confinement terms in order to keep time served constant between the two sentencing systems. For example, using the mean proportion of sentence served for all commitments on a single felony charge between 1994 and 1998 (1.28); and assuming that all offenders under the new system served 100% of their determinate sentences (or p(new) = 1), the ratio of p(old) to p(new) is 1.28 (or 1.28/1 = 1.28). Under this assumption, sentence lengths in the new system

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would have to increase by 28% above the length of the minimum terms in the old system so that time served in the new system equaled time served in the old system.

If it is assumed next that offenders in the new system served 85% of their determinate sentences (or that they received the maximum amount of good conduct credit available), then sentence lengths in the new system would have to increase by about 51% above the length of old minimum terms (or 1.28/0.85 = 1.51) in order for time served in the new system to equal time served in the old system.

Again, these illustrative results are based on the data for all commitments sentenced on a single felony charge between 1994 and 1998, and they do not take into account the variations in sentences and time served among the offense categories. Nevertheless, the principle illustrated by the examples can be applied to any specific offense category. And, in general, to the amount that the proportion of sentence served under the old system is greater than 100% of the minimum, the sentences lengths under the new system would have to be increased above the old minimum sentences by the same amount in order to result in time served in the new system that is equal to time served in the old system.

Discussion

In sum, these simple simulations of the relationships between sentences and time served in the new and old systems were intended to demonstrate how time served in the new system would change from or remain the same as time served in the old system if sentences imposed under the new system were equal to or deviated from the minimum terms imposed under the old system, and under the assumption that the data and estimates for the proportion of sentence served under the old system were reliable.

These simulations were not intended to suggest that sentences under the new system would or should equal the length of minimum terms in the old system; rather, they were simply intended to demonstrate the results in terms of the old minimum sentence lengths. More importantly, the data and estimates for the proportion of sentence served in the old system suggest that most offenders served time in excess of their minimum terms.

The general conclusion from the data on pure cases, actuals, exit cohorts, and modeled data is that the majority of offenders for whom reliable estimates are available served time lengths of time in excess of their minimum sentence lengths. This finding is stronger for the 80% of commitments falling into offense categories such as robbery, burglary, assault, drug distribution, PWID, and most other property offense categories. The finding about the proportion of sentence served cannot be applied with confidence to the 20% of commitments sentenced for the serious crimes of homicide, sex offenses, assault with intent to kill, carjacking, and kidnapping offenses, as far too few offenders from these offense categories exited prison during the study period to provide a stable statistical base to estimate reliably the proportion of sentence served.

For homicide and other offense categories with the very long sentences, it is not possible to predict how changes to the new sentencing system will affect time served. Even the limited data on persons exiting prison (from chapter 6), provide very limited data on the proportion served by these offense categories, as the majority of offenders in these categories were sentenced to prison prior to the June 1994 rule changes. And while under the old rules, the parole-release data suggest that homicide offenders serve time in excess of their estimated minimum terms, the outstanding question that must be answered before the data from the exit cohorts can be used to inform sentencing practices under the new system is: Is there reason to believe that the homicide and other long-sentenced offenders who were committed into prison for offenses committed after June 22, 1994 will be treated differently from those committed for offenses prior to the rule change, and end up serving less than their minimum terms? For murderers, the answer has to be no, based on the mandatory minimum requirement. For other long-sentenced offenders, the answer cannot be determined from the available data.

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Time served estimates

Table 5.14 provides some preliminary estimates of the length of time served for persons committed into prison between 1993 and 1998. These estimates are based on the regressions used to estimate the relationship between sentences imposed and time served. For offenders who entered and were released from prison, actual time served data are used; for those whose time served was censored, predicted values are used to generate the data in table 5.14.

Overall, mean time served was estimated at 67 months, but half of commitments were estimated to serve less than 30 months, while the upper 25% were estimated to serve more than 57 months. As with the data on the proportion of sentence served, the estimated time served for homicide, sex offenses, assault with intent to kill, carjacking, and kidnapping are much less reliable than the estimates for other offense categories.

Table 5.14. Estimated time served to first release: Actual or predicted, where censored, time served, Commitments entering DC-DOC between 1993-98.

		Statistics of time served, in months, for individual commitments					
			Standard	Coefficient	Percentiles of the distribution		
Offense Category	Number	Mean	deviation	of variation	25th	Median	75th
All Commitments	7126	66.9	145.8	217.8	15.3	29.7	56.6
Homicide	566	303.7	300.9	99.1	135.0	216.5	360.0
Sex—child	95	81.9	116.6	142.4	21.4	41.7	86.0
Sex—abuse	124	123.7	152.5	123.2	22.4	67.4	176.7
Assault with intent to kill	75	289.9	446.0	153.8	78.5	157.5	310.9
Assault	589	57.9	153.0	264.4	18.3	34.7	61.9
Kidnapping	22	139.6	130.1	93.2	63.9	102.0	143.4
Robbery	994	64.8	118.7	183.2	19.5	40.9	70.7
Carjacking	24	292.3	278.5	95.3	122.7	237.7	265.4
Weapon during crime	56	80.7	35.6	44.2	65.5	72.3	80.6
Weapon	497	24.0	29.3	122.3	7.7	16.5	28.6
Burglary	505	42.0	78.1	185.9	17.3	29.0	44.9
Arson	16	48.3	35.4	73.2	20.0	37.3	69.2
Obstruction of justice	27	132.1	209.5	158.6	39.0	65.5	176.2
Drug—distribution	1353	33.7	34.1	101.4	15.7	27.7	42.0
Drug—PWID	1350	32.0	30.7	96.0	13.1	25.6	40.8
Drug—Violation of drug free zone	12	35.6	30.3	85.1	15.5	24.8	48.9
Unauthorized use of an auto	298	20.5	14.4	70.3	11.4	17.8	27.0
Forgery	48	18.9	28.0	147.9	8.0	11.9	20.5
Fraud	4	...	...	...	...	...	...
Larceny	90	27.3	19.1	69.8	15.5	23.2	35.6
Property	79	34.3	29.0	84.4	15.1	27.3	47.9
Stolen property	63	21.7	14.1	65.0	11.6	19.8	30.6
Other	239	28.2	44.6	158.2	6.4	15.7	31.2

... Modeled estimates involving 10 or fewer cases

For offenses where the case base is larger and will better support the estimations, time served varies across offense categories. For example, robbery commitments were expected to serve an estimated 65 months, on average, while half served more than and half served less than 41 months. For burglars, the estimated mean was 42 months, while the estimated median was 29 months. While for drug distribution the mean (median) was 34 months (27 months), and for PWID they were 32 months and 26 months, respectively.

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Methodological notes to Chapter 5

The data used in this analysis came from D.C. Superior Court and the DC Department of Corrections. The records of felony defendants sentenced to some confinement in DC Superior Court between 1990 and 1998 were linked to records of persons committed to or in the DC Department of Corrections. Over 97% of the records were linked.

Constructing the data set and consolidating dockets

The data used to construct the analysis data set, which was used to produce the tables on commitments and length of stay, consisted of all commitments to DC-DOC from D.C. Superior Court between 1990 and 1998 for sentenced felony charges. To construct the analysis data set, the 20,278 felony defendants sentenced in D.C. Superior Court between 1990 and 1998 to some confinement were linked with the DC-DOC data file using the D.C. Superior Court docket number. A total of 207 of the 23,780 cases (about 1.0% of all dockets) in D.C. Superior Court were not found in the DC-DOC data. These were excluded from the analysis.

Offenses of sentencing were determined by the D.C. Superior Court information about charges sentenced in a case; the most serious charge sentenced was based on the charge carrying the most severe statutory penalty.[18] For defendants sentenced to confinement on more than one charge, the aggregated minimum confinement period and the aggregated maximum confinement period for all charges in the case was retained.

After linking with the DC-DOC data, the first "release date" following the disposition date on each docket was selected as the date of first release. Any release from DC-DOC custody constitutes a release. Thus, paroles, escapes, transfers to the Federal BOP, expirations, and Emergency Power Act (EPA) releases can all end a commitment. Whichever occurs first is considered to be the release type for a docket, and the associated date is the release date.[19] Time to first release is calculated as the time between the date of sentence and the date of first release plus pre-sentence credit.[20]

To determine which dockets a defendant was serving time on at any given point dockets were consolidated into commitments based on release date. Any dockets which were determined to have identical release dates were considered to be consolidated. For example, if a defendant was sentenced on a first docket on 1/1/1991 and a second docket on 6/1/1991, and the defendant was first released on 12/1/1991, the two dockets were considered consolidated into one commitment. If, however, the initial release date was 3/1/1991, the dockets were treated as two separate commitments.

Data for all charges on each commitment was aggregated. The total number of charges and aggregated confinement periods were calculated based on determinate and indeterminate sentences for felony charges on felony dockets, misdemeanor charges on felony dockets, and misdemeanor charges on misdemeanor dockets.[21]

Finally, the dataset was subsetted to analyze cases committed into prison between 1993 and 1998.

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[18] See chapter 7 for a discussion of how charges were selected in cases of defendants sentenced on more than 1 charge.

[19] Commitments that escaped or were transferred to BOP were excluded from most analyses.

[20] Pre-sentence credit is calculated as the total time spent in confinement on a docket before the docket was sentenced. However, any such time served while in service of sentences from other dockets is excluded.

[21] Data regarding misdemeanor dockets was obtained from DCDOC. All other charge information is based on DCSC data.

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Modeling proportion of imposed sentence served in prison

As noted in the text, for the censored portion of the sample we estimated the proportion of time served in prison based on establishing relationships between actual proportion of time served values for the uncensored portion of the sample, and applied these estimates to the censored portion of the sample. Additionaly, due to changes in law during the study period, models establishing links between proportion of time served and the various factors that may influence it, were estimated for the two sub-periods separately. Therefore, in tables that report proportion of time served for the entire entry cohort (less exclusions), the underlying data used may be divided into 4 types:

1) Actual (uncensored) proportion of sentence served values for offenders sentenced between 1993 and 1994 and released between 1993 and 1998;

2) Actual (uncensored) proportion of sentence served values for offenders sentenced between 1995 and 1998 and released between 1995 and 1998;

3) Predicted values for offenders sentenced between 1993 and 1994, who were censored until the end of the study period (1998), generated from models estimated on the data for the actual proportions available from 1) above; and

4) Predicted values for offenders sentenced between 1995 and 1998, who were censored until the end of the study period (1998), generated from models estimated on the data for the actual proportions available from 2) above.

Estimating the models separately for the two sub-periods ensured that any change in the relationship between proportion of time served with relevant factors that may have changed between the two periods is captured in the models.

Finally, to ensure that predicted values from the regression analysis are greater than 0 (as the proportion of sentence served cannot be negative), the models were estimated in log-form. Therefore, predictions from the models were exponentiated to obtain estimates of proportion of time served. Here, it is important to note that predictions were made for each individual and not for categories. These predictions, along with actual proportion of time served data available for the non-censored cases were combined into a single sample and then aggregated at the offense category level to be presented in the tables provided in this chapter.

The dependant variable used in modeling proportion of time served was the natural log of the proportion of time served on the given sentence. If TS = Time served and SI = sentence imposed, then log(TS/SI) was modeled on several factors that may explain its variation. These factors included:

Parole Related Variables

- Whether or not the offender received a grant on his/her initial parole hearing
- The number of warrants that were executed between the offenders last release on parole and this release from prison.
- The total number of decision taken by the parole board on this commitment
- Of the total decisions, the total number of grants

Criminal History Related Variables

- Number of prison sentences in the last 15 years
- Number of felony convictions in the last 15 years

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Demographic Variables

- Age of offender
- Race of offender = Black
- Gender of offender = Male

Offense Category Variables

Most serious offense was:

- Homicide
- Child sex abuse
- Sexual abuse charge
- Aggravated assault
- Robbery
- A weapons charge
- Burglary
- Drug distribution
- Possession with intent to distribute
- Unauthorized use of an auto
- Forgery
- Larceny
- Unclassified offense

The results of the regressions showing the relationship between the independent variables and the proportion of time served are shown in table 5.15.

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Table 5.15. Regression results used in models predicting proportion of time served for censored cases (dependant variable: log of proportion of time served)

VARIABLE GROUP / VARIABLE	1993 — 1994 Parameter Estimate	Standard Error	T for H0: Parm=0	Prob > |T|	1995 — 1998 Parameter Estimate	Standard Error	T for H0: Parm=0	Prob > |T|
Intercept	0.089	0.119	0.747	0.455	0.317	0.142	2.227	0.026
Parole Decision								
Decision to Grant on First Initial Hearing	-0.012	0.030	-0.391	0.696	0.060	0.044	1.368	0.172
# Warrants executed between last parole and this release	0.073	0.038	1.931	0.054	0.127	0.057	2.249	0.025
# Parole Board Decisions in this Commitment	0.166	0.013	12.332	0.000	0.224	0.026	8.600	0.000
# of Grants in this commitment	-0.167	0.035	-4.786	0.000	-0.460	0.055	-8.322	0.000
Criminal History								
# of Prior Prison Sentences in last 15 years	0.024	0.035	0.671	0.502	0.027	0.049	0.552	0.581
# of Prior Felony Convictions in last 15 years	0.013	0.031	0.411	0.681	-0.025	0.039	-0.655	0.513
Demographic Characteristics								
Age at incarceration	-0.003	0.002	-1.630	0.103	-0.002	0.002	-0.763	0.446
Gender=Male	0.014	0.044	0.315	0.753	0.033	0.058	0.563	0.573
Race=Black	-0.064	0.064	-1.002	0.317	-0.056	0.072	-0.780	0.436
Primary Offense Category								
Aggravated Assault	0.030	0.092	0.325	0.745	-0.170	0.106	-1.611	0.107
Robbery	0.075	0.082	0.907	0.365	-0.128	0.099	-1.299	0.194
Weapons	-0.012	0.089	-0.135	0.893	-0.223	0.099	-2.250	0.025
Burglary	-0.031	0.090	-0.345	0.730	-0.341	0.103	-3.297	0.001
Drug Distribution	0.049	0.077	0.631	0.528	-0.364	0.095	-3.836	0.000
PWID	0.037	0.079	0.465	0.642	-0.191	0.092	-2.089	0.037
Unauthorized use of vehicle	0.264	0.104	2.529	0.012	0.009	0.106	0.088	0.930
Forgery	0.232	0.185	1.251	0.211	-0.318	0.171	-1.861	0.063
Homicide	-0.228	0.132	-1.731	0.084	-0.314	0.232	-1.354	0.176
Larceny	0.178	0.123	1.442	0.150	-0.307	0.153	-2.009	0.045
Other	0.526	0.093	5.667	0.000	-0.202	0.116	-1.751	0.080
Sex-abuse	-0.108	0.277	-0.389	0.697	-0.153	0.183	-0.834	0.404
Child Sex-abuse	0.110	0.171	0.643	0.520	-0.399	0.205	-1.942	0.052
N	1764				1518			
R-square	18.53				10.46			

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Methods for parsing time served on primary and subsequent charges

As noted in this chapter, "pure" cases are non-representative of the population of offenders entering prison in the study period. Offenders are sometimes sentenced on multiple charges and offenders sentenced on multiple charges/dockets serve only one consolidated prison sentence. However, the main purpose of analyzing the link between sentence imposed and time served is to inform future sentencing policy. Hence the dilemma: On the one hand, to truly capture the population under study, we need to include pure as well as non-pure commitments to DC-DOC. On the other hand, to make this information most useful for assessing the relationship between sentence imposed and time served, and especially to relate the information to sentences imposed by judges – who sentence charges and not commitments – it is necessary to compute time served on a charge. It is almost impossible to ascertain the exact amount of time served by an offender on a specific charge when data include multiple charges or consolidations and we do not wish to analyze a non-representative sample of the population. In order to best approximate the amount of time served by offenders on specific charges we attempted to use a procedure that statistically parses out the amount of time served that may be attributable to the primary charge. This methods is described below. Results from this methodology are not provided here but are available from the authors upon request.

The parsing exercise involves two essential steps — estimating a model of time served based on all commitments, and predicting time served on most serious charge by setting to zero values for variables that could increase amount of time served on the primary charge (other than institutional behavior). These steps are discussed on more detail below.

Estimating the model: The first step in the statistical parsing exercise involves modeling time served for all commitments. The total time served on a commitment depends on a variety of factors besides the sentence imposed. These could include, among other factors, all other sentences consolidated into the current commitment (and the number of such sentences consolidated), institutional behavior, backup time owed on previous charges, outstanding warrants that may be executed prior to the offenders release, etc. If such conditions exist, then they may distort the link between time served on a charge and the sentence imposed on that charge. Hence, we employed a general linear model framework to model the impacts of these factors on time served on a commitment. Various specifications were tried and eventually the variables used included (a) measures of the sentence imposed (sentence imposed on the primary charge, sentence imposed on the secondary charges, total number of charges, backup time (if it existed) and whether the commitment included a split sentence), (b) measures (proxies) of institutional behavior (decision to grant parole at first initial hearing, number of warrants executed between the last parole and this release, the total number of parole board decision, and of those the number of grants, while the offender was on the current commitment), (c) measures of criminal history (number of prior sentences and prior felony convictions in the last 15 years), (d) demographic characteristics (age, race, and gender), and (e) the offense category that the most serious offense belonged to.

Predicting time served on primary charge: The next step involved predicting a value for time served on the primary charge. For this, the results of the estimated regressions were used to predict values. However, the parameters on several variables that could contribute to an increase in sentence length based on existing time "owed" to the system were set to zero. For example, before predicting time served based on the estimated equation, the parameters for subsequent sentences, backup time, and number of warrants were sent to zero and the parameters for number of charges was set to one. This ensures that the portion of time served that was estimated as being due to subsequent charges as well as from past obligations to the system are excluded from the predicted value.

The method described above should then provide estimates for the amount of time served on just the primary charge. It is an estimate of time served by the offender as if he/she had been sentenced only on the

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primary charge and there existed no other pending obligations to the system. This was part of the definition of the so-called pure cases. The method described allowed us to compute time served estimates for what may be referred to as, for lack of a better term, "statistically pure" cases. In this way, inferences about the links between time served and sentence imposed as well as estimates of time served are based on a representative sample of offenders and the link between a specific charge and the time served on it can be retained. (The results of this analysis are available upon request from the authors.)

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Chapter 5 Appendix. Pure cases: Investigating alternative methods for understanding the relationship between sentence imposed and length of stay

Purpose for looking at pure cases

The Urban Institute took several approaches to understand time served data for offenders committed to the District of Columbia Department of Corrections (DC-DOC) from the Superior Court of the District of Columbia (DCSC). In Chapter 5, data on all commitments that entered prison, regardless of how many sentenced charges, type of charge, and previous commitments, were analyzed.[1] A commitment was defined as a time period an offender spends in prison where the offender is sentenced on at least one felony charge in DCSC. Time served is the length of time the commitment spends in prison after the sentence is imposed plus any time spent in confinement while awaiting sentencing on the charge(s).[2]

Members of the D.C. Advisory Commission on Sentencing (DCACS) expressed concern that some aspects of complex commitments, such as multiple charges, parole backup time, etc., would complicate the interpretation of time served data relative to judges' intended sentence. Therefore, the DCACS requested that an alternative method be investigated. The alternative method proposed by DCACS, termed "pure cases," attempted to present a picture of time served using only cases that met a refined set of criteria.

The motivation behind the pure case method was to eliminate "intra-class heterogeneity." That is, to reduce the variability in both sentences imposed and time served so that a clear connection could be drawn between the sentence an individual received and the time they would serve. The two components of this method were to identify pure cases and to present data on pure cases within refined charge groupings in order to achieve the most homogeneous grouping of cases possible.[3] By removing complex cases and grouping data by detailed offense categories, it was believed that the pure cases would show a clear relationship between the intended punishment (as measured by the sentence imposed by a judge) and the actual punishment (time actually served in prison). So long as the data on the sentences imposed and time served for pure cases were aggregated and displayed at the detailed, 140-level offense classification scheme, the association between sentences and time served within offense categories could be used to form discussion of what offenders could expect to serve for specific offenses.

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[1] Commitments who escaped, were transferred to the Federal Bureau of Prisons, or were released through extraordinary methods, such as death, were excluded. For the percent of sentence served analysis, commitments still in prison were also excluded.

[2] For a discussion of the definitional issues involved in identifying commitments and calculating time served, see Chapter 5 of this report and the methodological notes to Chapter 5.

[3] The two groupings of charge categories used in this report and most often requested of UI by the DCACS throughout our collaboration are the 140-level and 24-level charge or offense groupings. The 140-level grouping separates charges at a fine level of detail, while the 24-level grouping combines similar offenses into broader categories. See chapter 1 of this report for details on the offense classification methods and the allocation of detailed charges into the 24-level offense categories. For example, there are 11 separate charges at the 140-level, such as "attempt to distribute cocaine" and "UCSA distribute heroin," that describe the "drug distribution" category reported in the 24- level offense categorization. Most of the data presented in this chapter are reported at the 24-offense category level due to the fact that many of the 140 charges had no pure cases. For ease and clarity of presentation and to increase the robustness of the data, most tables are presented at the 24-offense category level. Problems arising from the sparseness of data at the 140-charge level are discussed in the "Potential problems" section of this document, and the allocation of cases among the 140-level offenses is shown in Table 9.3.

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Pure cases were proposed as a method to reduce heterogeneity by eliminating cases with complicating factors that could result in either extended or shortened sentences or time served relative to the group with the fewest complications. Removing these complex cases would, in theory, reduce variability by removing cases at the extremes, i.e., those sentenced to or serving very short or very long sentences. For example, an individual sentenced on several charges may have a longer sentence imposed and time served than an individual sentenced on only one charge for the same offense. So, removing all individuals sentenced on multiple charges would, in theory, leave the remaining individuals with more similar sentences and lengths of stay to one another.

Presenting data at a detailed level of charge, theoretically, results in grouping together the cases that are most similar to one another. The logic behind this view was that the finer the distinction in charge, the more similar the cases within each group. For example, instead of grouping together the data for all 11 charges that comprised the drug distribution offense category, displaying the data for the more-refined groupings of 11 separate categories, such as "attempt to distribute cocaine" and "UCSA distribute heroin" would reveal more about the how specific types of drug charges are sentenced. This level of offense grouping is referred to as the "140-level" charge categories. Using these detailed charge categories assumes that the charge category is the most important variable for explaining variation in sentence imposed and time served within the pure cases. For example, a wide variety of behaviors and sentences may be grouped together under the broader grouping of "drug distribution." The pure case approach is predicated upon a belief that sifting drug distribution cases into the 11 finer categories would account for the variation in time served within the broader drug distribution category. Therefore, by eliminating complex cases and grouping cases on the criteria of detailed charge alone, the calculation and comparison of mean sentence imposed and mean time served for each charge would be performed using the type of cases that were believed to typify the "pure" relationship between sentences imposed and time served associated with each detailed charge category.

Method for identifying pure cases

Pure cases were deemed to be those sentenced and released between 1990 and 1998[4] on one felony charge with no outside factors that could complicate time served calculations, such as additional charges, consolidated cases, parole backup time, escape time, probation revocations, or warrant executions. The computation of time served for pure cases was to be made by adding pre-sentence credit to the length of time served between sentence and exit. After time served was computed for each case, statistics on pure cases were presented by charge category.

The group of cases from which pure cases were identified consisted of all dockets sentenced in DCSC to incarceration on a felony docket between 1990 and 1998. The methodology was developed using data from 1993 to 1998 first, so that comparisons with the data in chapter 3 (which had previously been submitted to DCACS) could be made. After the methodology had been refined, cases from the period of 1990-92 were added to the list of pure cases. The final group of pure cases encompassed cases sentenced to both indeterminate and determinate sentences. A pure case was considered to be one that met the following criteria; a defendant was:[5]

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[4] The 1990-98 period was chosen as the reference period for studying pure cases in cooperation with the DCACS, as both the Urban Institute and DCACS attempted to get as large a pool of pure cases as possible for this analysis. The results of the analysis of pure cases were presented to the DCACS on March 8, 2000. At a meeting with the DCACS and representatives from the National Institute of Justice on February 2, 2001, issues related to the post-June 22, 1994 changes in rules regarding time served were first raised by the DCACS. That discussion resulted in a change from the 1990 to 1998 period for studying time served to the 1993 (1995) to 1998 period(s) described in chapter 5.

[5] The UI and DCACS engaged in an iterative process for finding cases that met these criteria. The UI provided DCACS with five separate listings of cases for review. The process of preparing samples and listings started in late November 1999 and continued with four additional listings of pure cases until the review terminated in February 2000. With each iteration,

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- convicted of a single felony charge;
- sentenced to incarceration at initial sentencing;
- released from prison by the end of 1998; and
- not sentenced to any additional prison sentences during the service of the term.

Time served in prison for a felony sentence imposed in DCSC, including pre-sentence time credited for the commitment under investigation was calculated for cases that met these criteria.

Single felony charge

Operationalizing the concept of pure cases provided several challenges, especially as they related to developing a methodology that would be consistent with what the DCACS had developed (in conjunction with the UI) in preparing its first report on sentencing practices. For example, in that report, the DCACS defined felony sentences in relation to the felony charges imposed on defendants sentenced in DC Superior Court between 1993 and 1998. However, in defining pure cases, the controlling agency data was the DC Department of Corrections data, rather than the Superior Court data. This created a disconnect between the universe of cases reported on by DCACS in their September 1999 report and the universe that was ultimately used to define pure cases. Other methodological changes were implemented in defining pure cases. The reference period for sentences to consider were changed as defendants sentenced during the 1993-98 period who had previous sentences that were still operative needed to have those charges from earlier years considered. Also consistent with the notion that pure cases included only those with one felony charge, defendants who met that criterion at sentencing, but who later, during their correctional process, committed an offense for which they were sentenced (whether the subsequent offense was a felony or a misdemeanor) would be excluded from consideration as pure cases.

Regardless of the complications for the methodology originally proposed in the report on sentencing, the concept of a pure case was limited to cases in which defendants were sentenced to one felony charge and no other charges (which accounted for a mere 18% of all cases sentenced to prison).[6]

Initial sentence of incarceration

Determining whether a case was sentenced to incarceration was complicated by probation revocations. UI and DCACS discovered two types of probation cases in the data: 1) initial sentences to only probation

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the operational definition of pure cases was revised and refined, as new and detailed elements of cases were discovered to be important in determining what a pure case was. For example, it was not until late January that the issue of "writs" was introduced as important in determining pure cases. In reviewing and inspecting cases in a listing, DCACS did not review each case. Rather, DCACS generally looked for "potentially problematic" cases, such as those whose percent of sentence served was extremely low or high. Once these cases were identified, DCACS would review their case files and try to determine why the time served data reported for the case appeared to be problematic. In reviewing listings of cases, DCACS did not attempt to measure the extent of error in the data; nor did DCACS review all cases and compute the reported incidence of events that led to classifying a case as pure or "non-pure." Rather, DCACS identified a bundle of issues, reported them to UI, and asked UI to modify its computer programs to address the issues raised. It was not possible, from the DCACS review, to determine whether a potential problem was likely to be prevalent in the data or was likely to be a rare event. More than a few of the issues that led to rejecting cases as pure occurred with very low frequency among all of the commitments in the database used to generate the pure cases.

[6] In early December 1999, the research subcommittee of the DCACS met with UI staff to discuss data presented in the September report and the possibilities for getting the pure cases as identified in the present document. At that time, DCACS outlined some of the basic criteria of pure cases. These criteria initially did not exclude misdemeanor charges. Subsequently, commitments with misdemeanor charges on felony dockets were excluded from the pure cases, and later, felons with misdemeanor dockets were also excluded from pure cases.

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that were later revoked due to probation violations and resentenced to prison; and 2) initial sentences to a "split" (or determinate sentence), i.e., a sentence consisting of part probation and part incarceration. A case that was initially sentenced to only probation but later resentenced to incarceration is impure, even though the defendant is entering prison for the first time because the initial sentence was not to incarceration. Similarly, if a defendant receives an initial sentence of a split, the initial entry into prison may be a pure case, but any reentry into prison due to probation revocation is not.[7] Additionally, weekend sentences and apparent drug court sanctions are not considered as sentences to incarceration and are excluded from pure cases.[8]

Release from prison

Many different methods of release are possible for a prison commitment, and determining when the initial release from service of the sentence occurred and which types of releases are consistent in keeping with the goal of directly associating charge, sentence and time served presented many complexities. Initially, pure cases were defined as those that were released after serving the sentence imposed or a portion of it, and the valid types of release were expiration or parole. This means that commitments still in prison, escapes, transfers to the Federal Bureau of Prisons, deaths, paroles to detainer, and releases for any other reasons were excluded. However, upon inspection of records, DCACS concluded that identifying pure cases and associating time served with sentences required several refinements to the types of releases that could be considered pure.

Initially, parole releases did not include paroles to detainer. Upon review, offenders released by parole to detainer could be pure, if they met the other criteria of a pure case. Parole to detainer releases consisted of defendants who had been on parole when they committed the pure-case crime. A common parole board practice was to withhold revocation of parole until the defendant had served all or a considerable portion of the sentence on the new crime. At the point at which the defendant would normally have been paroled from the sentence for the new crime, the board would parole him to detainer to serve the remainder of the original sentence on which he violated parole. A case paroled to detainer was considered to be pure since time served on the new sentence could be separated from time served on the old sentence using parole board action dates even though the defendant never left the physical custody of the DC-DOC.[9]

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[7] The method decided upon for determining whether probation had previously been revoked consisted of two parts: identifying dockets that were duplicated and checking for a probation type of "D" in the DCSC probation type indicator. Dockets that were duplicated were those originally sentenced as splits but later revoked. The first occurrence of such a docket was retained as potentially pure, but the second occurrence was not. During later iterations of checks for purity, DCACS and UI discovered that a case might be impure if it was originally sentenced to probation only. Therefore, DCACS requested that UI check potentially pure cases for a probation type of "D" which would indicate that the case was a probation revocation.

[8] According to members of DCACS, DOC records that showed sentences of less than a week with certain characters in the docket number were pretrial drug court sanctions and should not be considered pure.

[9] The DCACS initially believed that examining DC-DOC data for a case number that included the words "DC PAROLE" or some variation thereof could determine paroles to detainer. However, upon examination of individual cases, DCACS determined that paroles to detainer were inconsistently recorded in DC-DOC data. Thus, DCACS recommended that UI look in the PARIS data (the DC Parole data system) for execution of detainer warrants. This required UI to link records of defendants between three data systems, the DC Superior Court data, the DC DOC data, and the PARIS data. The UI methodology was successful in linking over 95% of records for the cases that were sentenced between 1993 and 1998. However, one problem encountered in finding detainer warrants during the 1990-92 period is that the PARIS system did not become fully operational until about 1991. On the issue of detainer warrants, DCACS later noted that this type of warrant was not important as it was not always updated correctly in the PARIS data. Therefore, rather than focus on detainer warrants only, DCACS recommended that any warrant executed should be considered in searching for paroles to detainer. Later, near the end of the review process, DCACS indicated that a parole to detainer required a decision to grant

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In the notion of pure cases that DCACS was developing, time served was not necessarily related to a movement out of a physical space; rather, it was related to a decision to stop counting time in a place (in prison) against a particular sentence. This clarification of time served in the pure case concept is an important refinement in relating time served to a sentence on a particular charge. Under an alternative definition of time served in prison – such as that used by the Bureau of Justice Statistics in its reports – the time served after the parole to detainer could be included in the length of time served on a sentence, as time served is related to the physical release from prison.

Other refinements suggested by DCACS generally reduced the number of pure cases by identifying extraordinary reasons for the type of release. For example, a release to parole was considered impure if the parole was for medical or geriatric reasons.[10]

No overlapping sentences

The most obvious type of overlapping sentences are those that are eliminated through the application of the first criterion, i.e., any other active sentenced charge occurring during or before the service of the potentially pure case. However, a case may be impure if a person is on parole when the potentially pure crime is committed. This circumstance arises when parole is revoked for the original charge before the pure-case charge is sentenced. In such cases, the defendant is considered to be serving time on the original case as soon as parole is revoked. Therefore, the defendant is already serving another sentence when he is sentenced for the potentially pure case. The potentially pure case becomes impure, since there is no method for determining when service of the parole "back up time" ends and service of the new charge begins.[11]

Calculation of time served

DCACS suggested several refinements to the method for calculating time served throughout the process. Specifically, DCACS requested that jail time (or pre-sentence credit) be added to calculations of time served and that time spent on writs be taken into account in computing time served.[12]

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parole, and that if a decision to grant was not issued before the execution of the warrant, the case was not paroled to detainer. Finally, DCACS stated that any warrant execution without a preceding decision to grant rendered a case impure.

[10] A handful of cases with other miscellaneous release types, such as "transfer to US Marshall" were also considered impure. If a case was not paroled, paroled to detainer, escaped, or transferred to BOP, the "release date" in the main screen of CRYSIS was determined to be the release date. The associated "release type" determined purity for such cases. "Expiration" and "Emergency Powers Act" releases were the only types of such releases deemed to be pure.

[11] This determination was made in the same way that paroles to detainer were found. The programming that searched for warrants between the disposition date of the potentially pure case and the exit date from that case was applied to the period between the previous exit date and the disposition date of the potentially pure case. Note that the timing of the parole revocation determines which cases are pure in such circumstances. If parole is revoked before the new, potentially pure charge is sentenced, then the potentially pure case is not pure. However, if parole is revoked after the new charge is sentenced and a grant decision is issued beforehand, the defendant is considered to be paroled to detainer, and the new case may be pure. This distinction is made because total time served on the two sentences can be parsed out in the latter circumstance but not the former.

[12] The definition of what constituted pre-sentence credit evolved throughout this pure case review process. Initially, in early December 1999, DCACS indicated that pre-sentence credit was the time between the charge and disposition dates. In late December 1999, DCACS defined pre-sentence credit to include all previous unsentenced episodes in jail on the docket that contained the pure case be added to calculate total jail time. In January 2000, DCACS modified this definition to exclude any unsentenced episodes on the docket that occurred while the defendant was in service of a sentence on another docket. Generally, this included time on writs. Writs are requests from other jurisdictions for custody of a prisoner. If the prisoner is awaiting trial in DC while serving a sentence imposed in another jurisdiction, the time spent in DC is not credited to service of the DC sentence.

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Final criteria for selecting pure cases

The final group of pure cases included those that met the following criteria:

- had a single felony charge with no obligation on prior sentences;
- had no additional felony charges sentenced during the service of the sentence;
- had no misdemeanor charges sentenced during service of the sentence;
- had a release method of parole, parole to detainer, EPA release, or expiration by the end of 1998;
- did not escape and had not been transferred to Federal BOP before sentence or between sentence and release;
- was not released for extraordinary reasons, such as medical or death;
- the case had not been previously sentenced, i.e., no probation revocations which incurred a new sentence;
- had no parole revocations executed between sentence and release or between previous release and current disposition date; and
- had no special sentences, such as weekend sentences.

Potential problems with the pure case methodology

Although this approach has the apparent advantage of direct association between charge, sentence, and time served, it poses some problems. First, pure cases are not representative of cases sentenced to prison. Rather, pure cases are selected by a complex process in which cases that have peculiar characteristics are eliminated from the analysis of sentences and time served. Hence, any conclusions that are drawn about the relationship between sentences and time served apply only to the pure cases that were analyzed and not to some more general universe of cases sentenced to prison. Second, ignoring the issue of representatives, selecting only the simplest cases and classifying them by refined categories may not reduce intra-class heterogeneity to a level which will allow accurate predictions of individuals' time served from aggregate statistics.

Pure cases comprise only 18% of all cases sentenced to prison. Therefore, 82% of all cases with valid, if complicated, information that could contribute to understanding time served are disregarded.[13] If pure cases as a group were similar to the entire lot of commitments, concerns would not necessarily arise. But pure cases are not a random sample of all cases; that is, the characteristics of pure cases differ from those of all cases. So inferences regarding all cases cannot properly be made using data on pure cases.

Table 5A.1 illustrates the unrepresentativeness of the pure cases by showing the drop-off in cases between all commitments sentenced 1993-1998 and pure cases 1993-1998.[14] Overall, pure cases are only 16% of all commitments sentenced during the 1993-1998 period. However, within offense categories, cases become impure through the application of criteria at varying rates. For example, pure homicide cases comprise only 4% of all homicide commitments, while pure drug cases comprise about 25% of all drug commitments. This is due partly to the fact that some charges, especially violent ones, are rarely sentenced without other charges, so fewer cases are potentially pure within these categories. Of course, violent charges also tend to be sentenced to longer terms. Since being released by the end of 1998 is a criterion for being a pure case, any case sentenced to longer than nine years cannot possibly be pure.[15] The fact that most

[13] 82% is based on the 1990-1998 figures. Using 1993-1998 data, 84% are disregarded.

[14] Several dockets may be consolidated into a single prison commitment. This applies only to impure cases.

[15] The nine-year window applies to cases sentenced in the 1990-1998 sample, as nine years is the maximum time a case entering in early 1990 can be observed. Using the 1993-1998 data, cases entering in early 1993 could be observed for six years at most.

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serious violent cases are "censored" (i.e., their release is not observed) means that they cannot meet the criteria for being a pure case simply because they are sentenced to long terms.

That some cases show more drop-off between all commitments and pure cases than other offense categories combined with the fact that these cases tend to represent a small proportion of all cases leads to a skew in the distribution of offenses among pure cases as shown in Table 5A.2. For example, drug distribution offenses constitute a larger portion of pure cases than of all cases (23% of pure compared to 17% of all), while homicide cases constitute a smaller portion (2% of pure cases compared to 7% of all).

Another issue is the value of aggregate statistics of pure cases. If computing aggregate statistics at the detailed charge level does not reduce the wide variation in sentences imposed and time served among pure cases, aggregate statistics about pure cases may not provide much useful information about the sentence an individual pure case could expect to receive and serve. In other words, simple descriptive statistics about pure cases will not provide good estimates of time served if there is wide variability within offense category.[16]

For example, the interquartile range of time served for the 30-offense level category of PWID was 21 months.[17] So 50% of PWID offenders served between 16 and 37 months, while 25% served less than 16 months, and 25% served more than 37 months. Given this variance in time served, no precise statement can be made from aggregate statistics about what a person entering prison for PWID could expect to serve. Even using the 140-level groupings this wide variance is evident. For example, "attempt PWID cocaine" shows an interquartile range of 20 months, with 50% of offenders serving between 5 and 25 months. This particular charge category contains a large number of cases (346), but the small number of cases in other charge categories contributes to the uncertainty regarding the applicability of pure case data. If only a few people are released from the category – even if they serve relatively similar times – it is not necessarily correct to assume that a person entering on the same offense will have a similar length of stay to those few individuals. (See Table 5A.3.)

The problem of small numbers of commitments in each offense category is extreme at the 140-charge level. Only 89 of the 140 charge categories (64%) are represented in the final group of pure cases, and many of those that are represented have very few cases. Only 38 categories (27%) have 10 or more cases. Subsequently, the 140-charge level classification refines the grouping of pure cases to such an extent that reliable data cannot be reported or used for many charge categories. (Table 5A.3.)

Data on pure cases

At the request of the DCACS, UI provided five separate listings of pure cases during the period from December 1999 through February 2000. With the delivery of each new listing, members of DCACS noticed special aspects of purity and time served that they had not identified in previous listings. DCACS requested that UI modify programs for identifying pure cases and calculating time served to account for these new aspects. This time consuming process resulted in very little change in the distributions of sentence imposed and time served from one listing to the next. Thus, the special aspects of purity and time served refined over the four-month process were not empirically important.

Through the evolution of the definitions of pure cases and the iterations of case listings provided by UI to DCACS for review, the number of pure cases for the period from 1993 to 1998 declined from 1743 to

[16] UI examined this possibility at two levels: the 30-offense category level and the 140-detailed charge level. The 30-offense level is useful because there are many more cases within each category, so statistics at this level are more reliable. However, as the DCACS proposed to eliminate variation by using the finer level of classification, these data are also presented.

[17] The interquartile range is the difference between the 75th percentile and 25th percentile of the distribution.

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1481[18]. Tables 5A.4 through Table 5A.7 present aggregate statistics for each of the four major iterations of pure case data. Data are presented separately for splits (or determinate sentences) and indeterminate sentences because the two groups are very different in terms of the length of sentence imposed and method of release from prison; thus, splits and indeterminate sentences reflect different punishment processes.

Split sentences are generally imposed for offenses other than the most serious violent crimes, and the incarceration portion of a split sentence tends to be shorter than the minimum indeterminate sentence within a given crime category. Additionally, the prison release mechanism for split sentences is entirely different from that of indeterminate sentences. After an individual sentenced to a split serves the time imposed by the judge, the individual is released from DC-DOC custody. Offenders receiving indeterminate sentences must serve the minimum term imposed by the judge, but may have to serve up to the maximum term, depending on the decisions of the Parole Board.

The relative proportion of splits to indeterminate sentences in the group of pure cases reveals why splits and indeterminates must be considered separately. Splits account for 38% of pure cases sentenced 1990-1998 but comprise only 15% of all cases sentenced 1990-1998.[19] Combining information for split and indeterminate pure cases and comparing them to combined information for all cases could result in misleading conclusions due to this imbalance. On average, split sentences are shorter and serve shorter time than indeterminates. Since the group of pure cases contains a disproportionate number of splits, applying combined data from pure cases to make predictions for all cases will result in biased under estimates of time served for all cases.

Comparing results across four groups of pure cases

In comparing the results on mean sentences imposed and mean time served across the four groups of pure cases, it is important to recognize that each group differs on a few elements of what constitutes a pure case. Among the four groups, what changes the most is the number of cases that are defined as pure. The means for sentences imposed and time served changes the least.

The group of 1743 pure cases (Table 5A.4) consists of commitments sentenced on a single felony charge (with no additional felony or misdemeanor charges or dockets) that were released by parole, parole to detainer, EPA release or expiration of sentence. Transfers to the Federal BOP and escapes are excluded. Jail time is measured as the sum of prior unsentenced episodes in jail on the docket that was sentenced as the pure case. DC-DOC data was used for determining paroles to detainer and detecting parole revocations. The overall mean sentence imposed for the group of 1,743 pure cases was 15 months, and mean time served was 18 months. Indeterminate sentences received an average sentence one year longer than determinate sentences (20 months compared to 8), and served an average of 14 months longer (26 months compared to 8).

The group of 1596 (Table 5A.5) differs from that of 1,743 in that medical paroles are excluded, parole to detainers are modified using grant decisions in PARIS data, and probation violators are excluded. The overall mean sentence imposed and mean time served for the group of 1596 did not differ from the group of 1,743, remaining at 15 months and 18 months, respectively. The mean sentence imposed and time served for indeterminate sentences each increased by a month from the group of 1,743 to 21 and 27 months,

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[18] In developing the methodology for pure cases, data from the 1993 to 1998 period were analyzed. The results that follow (in Tables 5A.4 through 5A.8) relate to the pure cases in this period. Later, results for the period from 1990 to 1998, the full group of pure cases, are discussed.

[19] Fifteen percent of all cases included splits only or splits and misdemeanors. Twenty percent of all cases included one or more splits in addition to an indeterminate felony sentence. Fourteen percent included splits only and no misdemeanors or indeterminate felony sentences.

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respectively. The mean sentence imposed for split sentences also increased by a month to nine months, but time served did not change, remaining at eight months.

The group of 1539 (Table 5A.6) differs from the group of 1596 in that time served calculations accounted for writs, the method for calculating jail time adjusts for overlapping sentences, the method for excluding probation violators was updated, and the method for detecting warrants executed and paroles to detainer incorporated PARIS data. The overall mean sentence imposed and time served for the group of 1539 did not differ from the group of 1596, remaining at 15 months and 18 months, respectively. The mean sentence imposed and time served for both indeterminate and determinate sentences also did not differ from the group of 1596, remaining at 21 and 27 months, respectively, for indeterminate sentences and at nine and eight months, respectively, for determinate sentences.

The group of 1481 (Table 5A.7) differs from the group of 1539 in that modifications to time served calculations for writs were made, and the method for finding paroles to detainer was updated. The overall mean sentence imposed for the group of 1481 did not differ from that of the 1539 at 15 months, but the overall mean time served decreased by one month to 17 months. The mean sentence imposed for indeterminate sentences did not differ from the group of 1539 at 21 months, but the mean time served for indeterminate sentences decreased by one month to 26 months. The mean sentence imposed for determinate sentences increased by one month to nine months, while the mean time served decreased by one month to eight months.

The distributions of sentence and time served changed very little over successive iterations. Overall, the sentence distribution did not change at all, and the time served distribution changed by one or two months. Within type of sentence (determinate or indeterminate) and offense, sentence distributions in stable categories changed by no more than six months, and most showed no change.[20] Time served distributions show even less change. Table 5A.8 summarizes these results across iterations for selected offense categories, while the table below shows the group size and summarizes the methodological changes between iterations.

Group of...	Changes in methodology for subsequent groups:
1743	Single felony charge sentenced to prison with no other felonies or misdemeanors on any other dockets during service of the felony; no parole revocation record in DOC during the commitment; approved method of release; jail time measured as the sum of prior unsentenced episodes in jail on the relevant docket.
1596	Excludes paroles for geriatric or medical reasons; must be a grant decision prior to warrant execution date in PARIS data; excludes probation violators; jail
1539	Writs taken into account in time served; adjustment to jail time calculation for other sentences; detainers determined exclusively by PARIS data
1481	Additional refinements to detainer method; time served on writs accounted for

Once the iterative process seemed to be concluded, the final criteria for purity and time served calculations were also applied to cases sentenced between 1990 and 1992 so that the total number of pure cases between 1990 and 1998 was 2,909. Sentence and time served distributions for the 2,909 cases are shown in Table 5A.9. The distributions show slightly longer sentences and time served than the 1993-1998 group because the group entering in 1990-1992 were observed for longer and therefore contained more defendants sentenced to and serving longer times (i.e., there is less censoring in the 1990-1992 group than the 1993-1998 group). The addition of these three extra years of data also reduces the proportion of split sentences to the total since split sentences tend to be shorter.

[20] Category stability refers to the number of cases in each category. The "indeterminate, other property" category is the only one showing a large change. This is due to the very small number of cases: two in the group of 1743 and only one in 1481. In general, reliable statistics cannot be obtained for any category with less than approximately ten observations.

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Pure cases sentenced and released between 1990 and 1998 were sentenced to an average minimum term of 19 months. Indeterminate sentences received longer terms than determinate ones by an average of over a year, at 25 months compared to ten. The interquartile range of minimum term imposed was six to 24 months overall, 12 to 36 months for indeterminate sentences; and three to 12 for determinate sentences.

The average time served for pure cases sentenced and released between 1990 and 1998 was 22 months. Indeterminate sentences served longer terms than determinate ones by an average of 22 months, at 30 compared to 8 months. The interquartile range of time served was seven to 30 months overall; 16 to 39 months for indeterminate sentences and three to ten for determinate sentences.

Using pure case data to learn about time served

The DCACS hoped that statistics on pure cases at the 140-charge level would provide an accurate representation of time served that could be applied to predict what individuals sentenced for specific offenses could serve. To determine whether the mean time served in each charge category was a good predictor of time served for individual observations in those categories, the category mean was compared to actual time served by pure cases.

Figure 5A.1 shows each pure case's actual time served plotted on the vertical axis, while the mean time served for each offense category is plotted on the horizontal axis. The long, vertical groupings of points indicate that for each category, the time that individuals actually served varied widely from the charge category mean.[21] Individuals who served the category mean exactly would be plotted on the diagonal line. If there were little variation within a charge category, the points would tend to cluster around this line.

For example, the five individuals that served sentences for "PPW felony" had time served of between 2 and 5 months. The mean time served for this offense category was 3 months. Thus, the points for this offense category are very close to the diagonal line at the three-month mark on the horizontal axis.

However, time served for the 346 defendants sentenced on "attempt PWID cocaine" varies widely. The mean time served is 17 months. However, the minimum time served in this category is one day, while the maximum is 83 months. Even the time served by the middle 50% of cases in this category varies from five months to 25 months. This variation can be seen in Figure 9.1 as the wide distance between points and from the diagonal at the 17-month mark on the x-axis. Using only the information that a person was sentenced for attempt PWID cocaine, the mean would predict that he or she would serve 17 months. If most of the defendants in this category served around 17 months, this might not be a bad estimate. For example, if the interquartile range were 15 to 19 months, guessing that the person would serve 17 months would be reasonable. However, half of defendants in this category actually served between five and 25 months, so this individual is just as likely to serve five months as 25. This margin of error around the mean (8 months to a year) is about half as large as the mean sentence imposed for the category (15 months).

Furthermore, error is not evenly distributed around the mean for some categories. Some category means underestimate time served, while others provide overestimates. For example, the mean time served for "possession of a firearm during the commission of a dangerous/violent crime" is 60 months. However, 75% of the 29 defendants sentenced in this category served more than 61 months. In this situation, using the mean time served would almost certainly underestimate what an entering defendant will serve. "Using a stolen vehicle" shows an example of how the mean can overestimate time served. The mean time served for the 88 defendants in this category is 24 months, but 75% of them served less than 22 months. Using the mean of 24 months as a guess of the sentence for an entering defendant in this category would likely overshoots what he or she will actually serve.

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[21] Multiple charge categories may have identical or near identical means. Thus, the points in a vertical grouping at a given x-axis value may represent more than one charge category.

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The mean is only one point in the distribution of time served that is not necessarily representative of what the majority of cases have served or are likely to serve. The mean is subject to being skewed by a few extreme values, as shown by the above examples. This skew would bias most or all predictions made using the mean. The wide dispersion around the diagonal line in Figure 5A.1 graphically shows these facts. If the category mean perfectly predicted time served, all points would be on the line. However, there is little to no vertical clustering around this line, indicating that the mean time served for an offense category does not accurately predict what a defendant sentenced for that offense would serve. Additionally, for some categories, a large majority of points are on one side of the line, demonstrating that the mean is skewed and that the aggregate error in predictions for these categories does not sum to zero. Using category means to predict what an individual sentenced for a particular charge will serve fails to provide a reliable estimate.

Using regressions to control for variables associated with time served

DCACS' goal of reducing intra-class heterogeneity could not be achieved by attributing variation in sentence imposed and time served to charge categories. However, UI proposed an alternative method: using regression analysis to account for individual factors of each case that contribute to variation. Regression analysis controls for individual factors of each case, such as minimum term imposed, criminal history, and parole decisions in estimating individuals' time served.

Table 5A.10 shows the parameter estimates for several specifications of the time served model. Splits and indeterminate sentences are modeled separately since, as discussed previously, case processing and factors determining time served are somewhat different for these two types of cases. Four different models were examined, with subsequent models adding additional types of variables. The first model included only the minimum term imposed; the second added criminal history; the third added release variables (for indeterminates only); and the final one included dummy variables for type of charge. Drug offenses were chosen as the excluded category for the offense dummy variables.

Across all specifications, the parameter on minimum sentence for indeterminate cases is significant and approximately equal to one. This indicates that indeterminate cases more or less serve their minimum sentences, with slight adjustments for other factors. The square of the minimum sentence is also significant and negative, indicating that as sentence length increases, time served decreases slightly. Criminal history is not a major factor in determining time served for indeterminates. It is marginally significant only in the final model, with both prior felony convictions and prior prison sentences slightly increasing time served. Two release variables are also important factors in time served for indeterminate cases. Defendants who were granted parole at their first hearing and those that were released to detainer each served, on average, five months less than those who were not. Perhaps the most striking result shown in the table is that type of charge did not matter in most indeterminate cases. Relative to drug cases, child sex abuse, aggravated assault, "other," and weapons cases were the only categories for which defendants served a significantly longer amount of time.

Results for determinate cases were similar. The minimum sentence imposed was significant in all specifications, but the magnitude was smaller than for indeterminate sentences. Splits served about half of their sentences, controlling for other factors. Again, criminal history was not a major factor, and only one measure was marginally significant in any of the models. Type of charge was, perhaps, slightly more important for splits, with a few additional categories significant. The significance of homicide and kidnapping was the major difference from indeterminate sentences.[22]

Since the DCACS believed that charge should be the major component in determining time served, additional statistical tests were run to investigate whether charge was an important factor in time served. An

[22] However, indeterminate kidnapping charges do not exist among pure cases, so a comparison in this category cannot be made between determinate and indeterminate sentences.

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F-test was performed to determine whether the inclusion of charge type variables as a group significantly affected time served predictions. The F-test was not significant for either indeterminate cases or splits. Thus, on average, type of charge does not appear to be important in determining time served relative to individual case factors. This result helps explain why charge category means provided poor estimates of time served. Once the characteristics of each case are accounted for, the type of offense did not affect time served. Controlling for length of sentence imposed (which is somewhat related to the type of offense and criminal history), the type of offense does not explain or affect the length of stay in prison.

Figure 5A.2 shows that the modeling approach produces much better estimates of time served than the offense category means. Actual time served for each case is plotted on the vertical axis against the predicted time served for each case on the horizontal axis. While no model can perfectly predict an outcome, Figure 5A.2 shows discernable clustering around the diagonal line, especially in comparison to the wider spread around the diagonal line in Figure 5A.1. The clustering in Figure 5A.2 contrasted with the dispersion in the charge-category means in Figure 5A.1 suggests that the regression approach has more power to predict time served.

The superior predictive power of regression models to category means can be seen directly in Figure 5A.3. This figure compares how well each method predicted time served at every year of actual time served. For defendants that served up to one year, the category-mean approach resulted in 20% more cases with a predicted value higher than the actual value. In other words, the category mean was higher than actual time served for 20% more cases than the modeled time served was higher than actual time served. For defendants serving between two and three years, the category mean was under actual time served for almost 30% more cases than the modeled time served was under the actual. For every value of actual time served (except the two-year category), the modeled data proved better at predicting time served than the category-means by up to 30%.

Lessons learned from pure cases

Comparing the modeled time served data to category-mean predictions revealed that the complications of each case are important in determining time served. Putting the representativeness issue aside, these complications are exactly what the DCACS had hoped to avoid when it proposed examining pure cases. Unfortunately, classifying cases that appeared to be uncomplicated by mitigating factors into refined charge groupings did not result in a clear understanding of the relationships between charge, sentence, and time served. Intra-class heterogeneity, or variation within pure cases, could not be eliminated or reduced by using charge categories alone.

The process of modeling time served for the pure cases has shown that when context is accounted for, reasonable estimates of time served can be made. Since modeling accounts for complexities, the need for limiting data to only pure cases is eliminated. Other factors in addition to those used in predicting pure-case time served, such as parole backup time and number of charges, can be included in the models to account for a variety of complications. This allows the sample to expand beyond pure cases to include all cases sentenced. Using the entire sample avoids many of the problems with pure cases, including nonrepresentativeness, sparseness of data, and censoring.[23]

Thus, it is possible to expand the sample beyond only pure cases to all cases by simply adding additional factors for processes which can be taken into account in models of time served, the original rationale for pure cases becomes obsolete. There is no need to discard complex cases. Rather, classifying the complexities of all cases and including their information in the modeling process will result in more representative estimates of time served than pure case means could provide.[24]

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[23] Time served for cases that have not yet exited prison can be predicted using survival modeling.

[24] The results of this modeling process and information on the data used in it are presented in Chapter 8.

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The three-month, iterative process of defining the criteria for pure cases and time served did not result in a simple, clear-cut picture of time served, as the DCACS had hoped. Definitional refinements resulted in very little change between the initial cut of pure cases and the final data set. As more definitions were added, fewer cases were included, but the means and distributions of minimum term imposed and time served did not change significantly. The offense category means ultimately proved to be of little use in predicting time served. However, in identifying the pure cases, a great deal was learned about complicating factors in case processing that should be and were accounted for in the modeling process.

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Tables and Figures to the Appendix on Pure Cases

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Table 5A.1. Case processing flow from DCSC to DOC; felons sentenced 1993-98 Getting "pure" cases in DC Corrections.

	DCSC Dockets	DOC Commitments					
Offense category	All defendants	All commitments	...with one felony charge	...and no other charges	...that were released	...that were pure	Pure as a percentage of all commitments
Total	**11,272**	**9,507**	**6,111**	**3,874**	**2,997**	**1,481**	**16%**
Homicide	710	651	188	178	29	27	4%
Sex--child	95	101	58	49	19	15	15%
Sex--abuse	136	133	75	68	21	16	12%
Assault with intent to kill	88	82	24	22	6	3	4%
Assault	679	642	355	298	147	126	20%
Kidnapping	26	24	7	4	1	1	4%
Robbery	1,178	1,074	598	487	221	148	14%
Carjacking	31	28	7	6	0	0	0%
Weapon during crime	87	70	55	51	8	5	7%
Weapon	626	536	349	238	165	130	24%
Burglary	684	555	308	215	107	60	11%
Arson	14	16	7	5	4	2	13%
Obstruction of justice	37	29	3	0	0	0	0%
Escape/Bail Reform Act	1,953	1,658	1,421	1,240	865	142	9%
Drug--distribution	1,791	1,501	987	900	560	307	20%
Drug--PWID	1,973	1,522	1,067	944	540	344	23%
Drug-Violation of drug free zone	25	15	10	9	1	3	20%
Unauthorized use of an auto	404	309	249	193	104	60	19%
Forgery	62	49	20	18	10	7	14%
Fraud	8	4	2	2	1	1	25%
Larceny	127	95	50	41	30	23	24%
Property	105	80	40	19	12	6	8%
Stolen property	94	63	31	26	18	7	11%
Other	339	270	200	169	128	48	18%

Each column of DOC commitments is a subset of the previous one. However, the process of identifying pure cases was not a linear one, and the ordering of criteria is arbitrary.
The difference between the "released" and "pure" columns is due to other factors which could make a case impure, such as warrant executions, backup time, probation revocation, etc.

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Table 5A.2. Number of all felony dockets, commitments, and pure cases sentenced to prison by offense category, 1993-1998.

	All dockets		All commitments		Pure cases	
Offense	Number sentenced	Percent of total	Number sentenced	Percent of total	Number sentenced and released	Percent of total
Total	**11,272**	100%	**9,507**	100%	**1,481**	100%
Homicide	710	6.3%	651	6.8%	27	1.8%
Sex abuse-child	95	0.8%	101	1.1%	15	1.0%
Sex abuse	136	1.2%	133	1.4%	16	1.1%
Assault with intent to kill	88	0.8%	82	0.9%	3	0.2%
Aggravated assault	679	6.0%	642	6.8%	126	8.5%
Kidnapping	26	0.2%	24	0.3%	1	0.1%
Robbery	1,178	10.5%	1,074	11.3%	148	10.0%
Carjacking	31	0.3%	28	0.3%	0	0.0%
Poss. weapon during crime	87	0.8%	70	0.7%	5	0.3%
Weapons	626	5.6%	536	5.6%	130	8.8%
Burglary	684	6.1%	555	5.8%	60	4.1%
Arson	14	0.1%	16	0.2%	2	0.1%
Obstruction of justice	37	0.3%	29	0.3%	0	0.0%
Escape	1,953	17.3%	1,658	17.4%	142	9.6%
Distribution	1,791	15.9%	1,501	15.8%	307	20.7%
PWID	1,973	17.5%	1,522	16.0%	344	23.2%
Drug zone	25	0.2%	15	0.2%	3	0.2%
Motor vehicle theft	404	3.6%	309	3.3%	60	4.1%
Forgery	62	0.6%	49	0.5%	7	0.5%
Fraud	8	0.1%	4	0.0%	1	0.1%
Larceny	127	1.1%	95	1.0%	23	1.6%
Other property	105	0.9%	80	0.8%	6	0.4%
Stolen property	94	0.8%	63	0.7%	7	0.5%
Other	339	3.0%	270	2.8%	48	3.2%

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Table 5A.3. Minimum sentence imposed and time served for the 2909 pure cases sentenced and released, 1990-1998. By detailed charge category

		Minimum term imposed				Time served			
Charge	Number	Mean	25th %ile	Median	75th %ile	Mean	25th %ile	Median	75th %ile
Murder I while armed									
Murder I									
Murder of law enforcement officer									
2nd degree murder while armed	3	48	1	36	108	18	1	26	28
2nd degree murder	4	59	47	60	72	56	36	49	76
Voluntary Manslaughter	21	39	12	36	54	29	10	29	44
Voluntary manslaughter while armed	10	95	84	96	108	73	65	74	88
Involuntary manslaughter	12	28	9	15	42	31	11	16	44
Negligent homicide	9	11	8	10	13	14	7	8	13
1st degree child sex abuse									
Sodomy on minor child									
Attempt 1st degree child sexual abuse									
2nd degree child sex abuse	4	17	12	19	22	17	12	19	22
Enticing a child									
Sexual performance using minor									
Attempt 2nd degree child sex abuse									
Carnal knowledge	5	28	24	30	30	26	24	24	30
1st degree sex abuse									
1st degree sex abuse while armed									
Rape									
Rape while armed									
2nd degree sex abuse	2	16	16	16	16	16	16	16	16
3rd degree sex abuse	1	18	18	18	18	18	18	18	18
4th degree sex abuse									
2nd degree sex abuse/ward									
2nd degree sex abuse patient/c									
Attempt 1st degree sex abuse	10	7	4	6	9	8	6	8	12
Sodomy	3	22	12	24	30	32	13	30	53
Incest	1	1	1	1	1	1	1	1	1
Ind act Miller Act	25	21	18	20	24	31	14	21	52
Assault w/i kill while armed	7	84	60	72	120	62	51	68	80
Assault w/intent to kill	5	50	48	60	60	55	53	58	58
Assault w/i rape while armed	1	36	36	36	36	19	19	19	19
Assault w/i rape	3	32	12	24	60	43	10	51	68
Armed assault with intent									
Assault w/i rob while armed	3	48	24	24	96	36	8	34	65
Assault with intent	1	12	12	12	12	20	20	20	20
Assault with intent to rob	11	24	6	12	42	29	6	22	48
Assault w/i mayhem	1	36	36	36	36	63	63	63	63
ADW	124	18	6	12	24	20	6	16	30
Assault w/i commit sodomy while armed									
Assault w/i any offense	1	20	20	20	20	44	44	44	44
Aggravated assault	15	14	6	12	20	16	6	12	20
Aggravated assault while armed	1	1	1	1	1	1	1	1	1
Attempt aggravated assault	5	10	6	10	14	10	6	10	14
APO dang weapon	2	8	1	8	15	9	4	9	14
APO	19	10	1	9	12	12	2	8	20
Mayhem	5	26	24	30	30	33	28	33	46
Mayhem while armed	2	78	48	78	108	60	38	60	82
Malicious disfigurement									
Cruelty to children	1	5	5	5	5	3	3	3	3
2nd degree cruelty to children									

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Table 5A.3. (Continued)

Charge	Number	Minimum term imposed				Time served			
		Mean	25th %ile	Median	75th %ile	Mean	25th %ile	Median	75th %ile
Armed kidnapping									
Kidnapping	3	40	12	48	60	47	10	55	76
Attempt kidnapping									
Armed robbery	26	50	30	36	60	37	24	36	48
Armed robbery-senior citizen									
Attempt armed robbery									
Robbery	112	28	12	24	36	29	14	27	38
Robbery of senior citizen	3	23	9	24	36	22	9	28	30
Attempt robbery	130	10	6	9	12	16	6	14	24
Armed robbery (domestic)									
Carjacking									
Carjacking while armed									
Poss firearm during crime of dang/viol off	29	58	60	60	60	60	61	62	65
CDW	75	10	6	10	12	12	5	8	16
CDW gun									
PPW gun									
Carry pistol w/o license-domestic									
Carrying a pistol without a license	99	8	3	6	12	10	3	6	15
PPW blackjack									
PPW felony	5	3	3	3	3	3	2	3	4
Armed burglary I	1	60	60	60	60	49	49	49	49
Burglary I	8	37	24	36	54	42	20	41	62
Armed burglary II	1	6	6	6	6	4	4	4	4
Burglary II	66	25	12	24	36	29	17	27	41
Attempt burglary	19	11	9	12	12	18	6	12	30
Arson	5	13	6	10	12	14	8	10	12
Obstructing justice	3	9	2	12	12	14	5	17	19
Escape/prison breach-attempt	10	6	2	6	8	5	1	5	8
Escape/prison breach	94	5	2	4	6	8	4	7	11
Bail reform act-felony	86	8	3	6	12	11	4	9	15
Attempt distribute cocaine	618	18	8	15	24	20	9	17	27
Attempt distribute dilaudid	24	24	12	19	30	30	13	26	39
Attempt distribute heroin	95	21	10	20	24	24	11	22	35
Attempt distribute PCP	18	11	6	12	15	17	11	17	22
Attempt distribute preludin	1	20	20	20	20	41	41	41	41
UCSA distribute cocaine	190	31	15	30	48	32	15	28	49
UCSA distribute dilaudid	15	42	36	48	48	44	31	49	59
UCSA distribute heroin	33	33	18	40	48	36	18	41	50
UCSA distribute other									
UCSA distribute PCP	3	33	18	20	60	35	16	33	57
UCSA distribute preludin									

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Table 5A.3. (Continued)

Charge	Number	Minimum term imposed				Time served			
		Mean	25th %ile	Median	75th %ile	Mean	25th %ile	Median	75th %ile
Attempt PWID cocaine	346	15	6	12	24	17	5	14	25
Attempt PWID dilaudid	1	24	24	24	24	47	47	47	47
Attempt PWID heroin	73	21	12	18	30	26	13	24	38
Attempt PWID PCP	20	18	10	18	24	20	11	17	25
Attempt PWID preludin									
PWID while armed	1	1	1	1	1	31	31	31	31
UCSA PWID cocaine	104	27	10	24	48	27	8	23	47
UCSA PWID dilaudid	2	54	48	54	60	60	59	60	60
UCSA PWID heroin	38	33	18	36	48	36	18	43	48
UCSA PWID other									
UCSA PWID PCP	6	15	3	20	24	25	12	26	40
UCSA PWID preludin									
UCSA PWID methamphetam									
UCSA PWID LSD									
UCSA PWID psilocybin									
Attempt distribute in drug free zone									
Maintaining a crack house									
Dangerous Drug Act									
Obtaining narcotics by fraud	2	8	1	8	16	17	0	17	34
Distribution drug free zone	3	7	3	9	10	7	2	9	10
Using stolen vehicle	88	10	5	9	12	24	5	12	22
Forgery	7	8	3	6	11	8	7	8	9
Uttering	10	7	5	6	9	9	3	7	13
Bad check									
Bad check (felony)									
Credit card fraud	1	9	9	9	9	13	13	13	13
Fraud 1st degree	1	12	12	12	12	12	12	12	12
Fraud 2nd degree									
Larceny after trust									
Theft 1st degree	25	15	4	12	20	16	4	12	21
Theft I /senior citizen									
Destruction property over 200	6	10	1	6	20	10	4	7	19
Breaking & entering-vending machine									
Trafficking stolen property									
Receiving stolen goods	13	14	8	12	15	18	10	15	25
Accessory after fact	2	39	6	39	72	20	10	20	29
Blackmail									
Bribery									
Bribery of witness									

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Table 5A.3. (Continued)

		Minimum term imposed				Time served			
Charge	Number	Mean	25th %ile	Median	75th %ile	Mean	25th %ile	Median	75th %ile
Conspiracy	6	10	6	7	20	16	5	8	28
Embezzlement									
Extortion	1	36	36	36	36	45	45	45	45
False impersonation police (fel)									
Impersonate public official									
Introducing contraband penal inst									
Pandering	2	5	1	5	9	8	4	8	11
Perjury	1	12	12	12	12	15	15	15	15
Procuring									
Stalking									
Threat injure a person	6	11	4	11	12	12	10	12	13
Any other felony (domestic violence)	26	21	4	12	24	21	3	12	36
Any other felony	7	2	1	1	3	4	1	2	3
Any other US charge	21	6	1	3	6	9	2	4	19
Attempt crime not listed	1	6	6	6	6	4	4	4	4

Note: Empty cells indicate that there were no cases of this type.

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Table 5A.4. Distribution of minimum sentence imposed and time served (in months) for 1743 pure cases, 1993-1998.

		Minimum Sentence Imposed					Time served				
Split	Offense	N	Mean	25th %ile	Median	75th %ile	N	Mean	25th %ile	Median	75th %ile
Total	Total	1743	15	5	12	24	1739	18	6	14	27
Indeterminate	Total	947	20	10	18	24	944	26	15	24	36
	Homicide	8	53	30	48	72	8	41	28	37	55
	Sex abuse-child	2	22	20	22	24	2	48	43	48	53
	Sex abuse	2	14	3	14	24	2	30	8	30	51
	Asslt w/I to kill	3	56	36	60	72	3	45	27	51	58
	Aggravated assault	52	24	13	24	35	52	30	20	30	37
	Robbery	108	21	10	12	30	107	27	19	27	35
	Weap in comm crime	6	60	60	60	60	6	64	62	62	63
	Weapons	36	13	10	12	15	36	22	16	20	26
	Burglary	47	22	9	18	36	47	30	21	29	39
	Arson	1	36	36	36	36	1	36	36	36	36
	Escape	105	7	3	4	12	105	13	6	11	15
	Distribution	272	24	15	24	30	272	29	19	28	39
	PWID	224	22	12	20	30	223	27	15	24	38
	Motor veh theft	37	11	6	12	12	37	19	10	18	24
	Forgery	5	6	3	5	6	5	9	8	8	11
	Larceny	13	27	18	24	36	12	30	21	25	42
	Other propert	2	30	20	30	40	2	31	22	31	39
	Stolen property	7	11	3	12	14	7	21	12	24	27
	Other	17	16	12	12	20	17	24	17	20	34
Determinate	Total	796	8	3	6	12	795	8	3	6	10
	Homicide	21	20	8	13	36	21	18	8	13	27
	Sex abuse-child	13	18	18	18	20	13	16	14	16	20
	Sex abuse	15	12	6	12	16	15	12	6	12	16
	Aggravated assault	79	10	6	9	12	79	10	1	8	13
	Kidnapping	1	48	48	48	48	1	55	55	55	55
	Robbery	65	11	4	9	12	65	11	4	8	12
	Weapons	103	6	1	6	10	103	5	2	5	8
	Burglary	26	11	3	10	18	26	10	3	6	14
	Arson	1	3	3	3	3	1	12	12	12	12
	Escape	67	7	3	5	8	67	6	3	5	8
	Distribution	129	8	3	6	10	128	7	2	4	9
	PWID	183	8	2	6	12	183	8	3	6	11
	Possesion	1	6	6	6	6	1	4	4	4	4
	Drug zone	4	5	1	6	10	4	6	2	6	10
	Motor veh theft	27	6	2	6	9	27	6	2	4	8
	Forgery	2	4	1	4	7	2	2	1	2	3
	Fraud	1	12	12	12	12	1	12	12	12	12
	Larceny	12	6	2	4	6	12	5	3	4	6
	Other propert	5	8	1	6	6	5	7	4	5	9
	Stolen property	2	7	4	7	10	2	7	4	7	10
	Other	39	7	1	3	10	39	8	1	4	12

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Table 5A.5. Distribution of minimum sentence imposed and time served (in months) for 1596 pure cases, 1993-1998.

		Minimum Sentence Imposed					Time served				
Split	Offense	N	Mean	25th %ile	Median	75th %ile	N	Mean	25th %ile	Median	75th %ile
Total	Total	1596	15	6	12	24	1593	18	6	14	27
Indeterminate	Total	832	21	11	18	30	830	27	15	25	36
	Homicide	8	53	30	48	72	8	41	28	37	55
	Sex abuse-child	2	22	20	22	24	2	48	43	48	53
	Sex abuse	2	14	3	14	24	2	30	8	30	51
	Asslt w/I to kill	3	56	36	60	72	3	45	27	51	58
	Aggravated assault	50	24	14	24	33	50	30	21	30	37
	Robbery	97	22	10	12	30	97	27	19	27	35
	Weap in comm crime	6	60	60	60	60	6	64	62	62	63
	Weapons	33	13	10	12	15	33	23	16	20	28
	Burglary	46	23	10	19	36	46	31	21	29	39
	Arson	1	36	36	36	36	1	36	36	36	36
	Escape	93	7	2	4	10	93	12	6	10	15
	Distribution	218	24	15	24	30	218	30	19	28	40
	PWID	198	23	12	24	30	197	28	17	25	38
	Motor veh theft	36	11	6	12	12	36	19	10	20	25
	Forgery	5	6	3	5	6	5	9	8	8	11
	Larceny	11	27	16	24	36	10	29	21	25	40
	Other propert	1	20	20	20	20	1	22	22	22	22
	Stolen property	6	12	8	12	14	6	24	20	25	27
	Other	16	16	11	14	20	16	25	16	21	35
Determinate	Total	764	9	3	6	12	763	8	3	6	11
	Homicide	21	20	8	13	36	21	18	8	13	27
	Sex abuse-child	13	18	18	18	20	13	16	14	16	20
	Sex abuse	15	12	6	12	16	15	12	6	12	16
	Aggravated assault	79	10	6	9	12	79	10	4	8	13
	Kidnapping	1	48	48	48	48	1	55	55	55	55
	Robbery	65	11	4	9	12	65	11	4	8	12
	Weapons	99	6	2	6	10	99	6	3	5	8
	Burglary	25	11	6	10	18	25	10	3	6	14
	Arson	1	3	3	3	3	1	12	12	12	12
	Escape	64	7	3	6	8	64	6	3	5	7
	Distribution	122	8	3	6	10	121	7	2	5	9
	PWID	172	8	3	6	12	172	8	3	6	11
	Possesion	1	6	6	6	6	1	4	4	4	4
	Drug zone	3	7	3	9	10	3	7	2	9	10
	Motor veh theft	26	6	2	5	9	26	6	2	4	7
	Forgery	2	4	1	4	7	2	2	1	2	3
	Fraud	1	12	12	12	12	1	12	12	12	12
	Larceny	12	6	2	4	6	12	5	3	4	6
	Other propert	5	8	1	6	6	5	7	4	5	9
	Stolen property	2	7	4	7	10	2	7	4	7	10
	Other	35	7	1	3	11	35	8	2	4	12

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Table 5A.6. Distribution of minimum sentence imposed and time served (in months) for 1539 pure cases, 1993-1998.

		Minimum Sentence Imposed					Time served				
Split	Offense	N	Mean	25th %ile	Median	75th %ile	N	Mean	25th %ile	Median	75th %ile
Total	Total	1539	15	6	12	24	1537	18	6	13	27
Indeterminate	Total	798	21	12	18	30	797	27	15	25	36
	Homicide	8	53	30	48	72	8	41	28	37	55
	Sex abuse-child	2	22	20	22	24	2	48	43	48	53
	Sex abuse	2	14	3	14	24	2	30	8	30	51
	Asslt w/I to kill	3	56	36	60	72	3	45	27	51	58
	Aggravated assault	48	24	13	24	35	48	30	20	30	36
	Robbery	93	23	10	12	36	93	28	19	27	36
	Weap in comm crime	6	60	60	60	60	6	64	62	62	63
	Weapons	33	13	10	12	15	33	23	16	20	28
	Burglary	41	23	10	20	36	41	30	21	29	36
	Arson	1	36	36	36	36	1	36	36	36	36
	Escape	88	7	2	4	10	88	12	6	10	15
	Distribution	211	24	15	24	30	211	30	19	28	40
	PWID	188	23	12	24	30	188	28	17	25	38
	Motor veh theft	35	11	6	12	12	35	19	9	19	24
	Forgery	5	6	3	5	6	5	9	8	8	11
	Larceny	11	27	16	24	36	10	29	21	25	40
	Other propert	1	20	20	20	20	1	22	22	22	22
	Stolen property	6	12	8	12	14	6	24	20	25	27
	Other	16	16	11	14	20	16	25	16	21	35
Determinate	Total	741	9	3	6	12	740	8	3	6	11
	Homicide	20	20	7	13	36	20	18	7	13	27
	Sex abuse-child	13	18	18	18	20	13	16	14	16	20
	Sex abuse	14	11	6	11	16	14	12	6	11	16
	Aggravated assault	79	10	6	9	12	79	10	4	8	13
	Kidnapping	1	48	48	48	48	1	55	55	55	55
	Robbery	61	11	4	8	12	61	10	4	8	12
	Weapons	96	6	2	6	10	96	6	2	5	8
	Burglary	21	11	6	10	18	21	10	3	6	14
	Arson	1	3	3	3	3	1	12	12	12	12
	Escape	62	7	3	6	8	62	6	3	5	7
	Distribution	118	8	3	6	12	117	7	2	5	9
	PWID	169	8	3	6	12	169	8	3	6	11
	Possesion	1	6	6	6	6	1	4	4	4	4
	Drug zone	3	7	3	9	10	3	7	2	9	10
	Motor veh theft	26	6	2	5	9	26	6	2	4	7
	Forgery	2	4	1	4	7	2	2	1	2	3
	Fraud	1	12	12	12	12	1	12	12	12	12
	Larceny	12	6	2	4	6	12	5	3	4	6
	Other propert	5	8	1	6	6	5	7	4	5	9
	Stolen property	2	7	4	7	10	2	7	4	7	10
	Other	34	6	1	3	10	34	7	2	4	12

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Table 5A.7. Distribution of minimum sentence imposed and time served (in months) for 1481 pure cases, 1993-1998.

		Minimum Sentence Imposed					Time served				
Split	Offense	N	Mean	25th %ile	Median	75th %ile	N	Mean	25th %ile	Median	75th %ile
Total	Total	1481	15	5	12	24	1480	17	6	12	25
Indeterminate	Total	755	21	10	18	30	754	26	15	24	34
	Homicide	8	53	30	48	72	8	41	28	37	55
	Sex abuse-child	2	22	20	22	24	2	48	43	48	53
	Sex abuse	2	14	3	14	24	2	30	8	30	51
	Asslt w/I to kill	3	56	36	60	72	3	45	27	51	58
	Aggravated assault	48	24	13	24	35	48	30	20	30	36
	Robbery	88	22	10	12	30	88	27	17	27	35
	Weap in comm crime	5	60	60	60	60	5	64	62	62	63
	Weapons	34	14	10	12	15	34	22	16	20	25
	Burglary	39	24	10	24	36	39	30	21	29	36
	Arson	1	36	36	36	36	1	36	36	36	36
	Escape	84	7	2	4	10	84	12	6	10	14
	Distribution	192	24	15	24	30	192	28	18	26	37
	PWID	177	23	12	24	30	177	27	16	24	37
	Motor veh theft	34	11	7	12	12	33	19	11	19	24
	Forgery	5	6	3	5	6	5	9	8	8	11
	Larceny	11	27	16	24	36	11	28	19	25	40
	Other propert	1	20	20	20	20	1	22	22	22	22
	Stolen property	5	14	12	12	14	5	23	14	24	27
	Other	16	16	11	14	20	16	25	16	21	35
Determinate	Total	726	9	3	6	12	726	8	3	6	10
	Homicide	19	19	6	12	36	19	17	7	12	28
	Sex abuse-child	13	18	18	18	20	13	16	14	16	20
	Sex abuse	14	11	6	11	16	14	12	6	11	16
	Aggravated assault	78	10	6	10	12	78	10	4	8	13
	Kidnapping	1	48	48	48	48	1	55	55	55	55
	Robbery	60	11	4	8	12	60	10	4	8	12
	Weapons	96	6	2	6	10	96	5	2	5	8
	Burglary	21	11	6	10	18	21	10	3	6	14
	Arson	1	3	3	3	3	1	12	12	12	12
	Escape	58	6	3	6	8	58	5	3	4	6
	Distribution	115	8	3	6	12	115	7	2	4	9
	PWID	166	8	3	6	12	166	8	3	6	11
	Possesion	1	6	6	6	6	1	4	4	4	4
	Drug zone	3	7	3	9	10	3	7	2	9	10
	Motor veh theft	26	6	2	5	9	26	6	2	4	7
	Forgery	2	4	1	4	7	2	2	1	2	3
	Fraud	1	12	12	12	12	1	12	12	12	12
	Larceny	12	6	2	4	6	12	5	3	4	6
	Other propert	5	8	1	6	6	5	7	4	5	9
	Stolen property	2	7	4	7	10	2	7	4	7	10
	Other	32	5	1	3	10	32	7	1	3	10

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Table 5A.8. Excerpts from aggregate measures for Minimum Sentence Imposed and Time Served estimates under alternate pure case specifications

	Minimum Sentence Imposed				Time served			
	p1743	p1596	p1539	p1481	p1743	p1596	p1539	p1481
Number of Cases								
Total	1743	1596	1539	1481	1739	1593	1537	1480
Indeterminates	947	832	798	755	944	830	797	754
Robbery	108	97	93	88	107	97	93	88
Distribution	272	218	211	192	272	218	211	192
Splits	796	764	741	726	795	763	740	726
Aggravated Assault	79	79	79	78	79	79	79	78
Weapons	103	99	96	96	103	99	96	96
Mean								
Total	15	15	15	15	18	18	18	17
Indeterminates	20	21	21	21	26	27	27	26
Robbery	21	22	23	22	27	27	28	27
Distribution	24	24	24	24	29	30	30	28
Splits	8	9	9	9	8	8	8	8
Aggravated Assault	10	10	10	10	10	10	10	10
Weapons	6	6	6	6	5	6	6	5
25th Percentile								
Total	5	6	6	5	6	6	6	6
Indeterminates	10	11	12	10	15	15	15	15
Robbery	10	10	10	10	19	19	19	17
Distribution	15	15	15	15	19	19	19	18
Splits	3	3	3	3	3	3	3	3
Aggravated Assault	6	6	6	6	4	4	4	4
Weapons	1	2	2	2	2	3	2	2
Median								
Total	12	12	12	12	14	14	13	12
Indeterminates	18	18	18	18	24	25	25	24
Robbery	12	12	12	12	27	27	27	27
Distribution	24	24	24	24	28	28	28	26
Splits	6	6	6	6	6	6	6	6
Aggravated Assault	9	9	9	10	8	8	8	8
Weapons	6	6	6	6	5	5	5	5
75th Percentile								
Total	24	24	24	24	27	27	27	25
Indeterminates	24	30	30	30	36	36	36	34
Robbery	30	30	36	30	35	35	36	35
Distribution	30	30	30	30	39	40	40	37
Splits	12	12	12	12	10	11	11	10
Aggravated Assault	12	12	12	12	13	13	13	13
Weapons	10	10	10	10	8	8	8	8

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Table 5A.9. Distribution of minimum sentence imposed, time served, and predicted time served (in months) for 2909 pure cases, 1990-1998.

		Minimum Sentence Imposed					Time served					Predicted time served				
Split	Offense	N	Mean	25th %ile	Median	75th %ile	N	Mean	25th %ile	Median	75th %ile	N	Mean	25th %ile	Median	75th %ile
Total	Total	2909	19	6	12	24	2904	22	7	16	30	2837	21	8	18	30
Indeterminate	Total	1804	25	12	20	36	1800	30	16	25	39	1766	29	18	26	38
	Homicide	30	64	36	60	96	30	54	30	56	75	29	56	43	54	76
	Sex abuse-child	15	27	20	24	36	15	44	28	43	66	15	44	32	40	59
	Sex abuse	6	27	12	24	36	6	35	13	35	53	6	35	21	33	46
	Asslt w/I to kill	12	70	54	60	90	12	59	52	58	71	12	59	54	61	63
	Aggravated assault	75	27	18	24	36	75	34	24	31	40	76	34	28	36	39
	Kidnapping	1	60	60	60	60	1	76	76	76	76	—	—	—	—	—
	Robbery	196	24	10	13	36	195	29	16	26	36	194	29	19	23	39
	Weap in comm crime	25	60	60	60	60	25	64	61	62	67	—	—	—	—	—
	Weapons	51	15	10	12	18	51	23	16	20	28	51	23	19	22	27
	Burglary	68	29	15	30	36	68	34	24	30	44	68	34	26	34	40
	Arson	1	36	36	36	36	1	36	36	36	36	—	—	—	—	—
	Obstruction of justice	3	9	2	12	12	3	14	5	17	19	3	14	5	18	18
	Escape	113	7	3	5	10	113	12	7	11	15	112	12	8	11	16
	Distribution	726	26	14	24	36	724	30	17	26	40	722	30	19	29	39
	PWID	367	26	12	24	36	367	29	16	26	41	367	29	18	26	39
	Motor veh theft	52	12	8	12	13	51	36	12	20	26	50	19	17	20	21
	Forgery	12	8	5	6	11	12	11	8	9	14	12	11	8	11	13
	Fraud	1	9	9	9	9	1	13	13	13	13	—	—	—	—	—
	Larceny	13	24	12	20	30	13	25	14	21	32	13	25	18	24	28
	Other propert	1	20	20	20	20	1	22	22	22	22	—	—	—	—	—
	Stolen property	11	15	8	12	24	11	20	12	16	27	11	20	13	19	27
	Other	25	24	12	19	24	25	29	17	24	44	25	29	18	26	32
Determinate	Total	1105	10	3	6	12	1104	8	3	6	10	1071	8	4	6	9
	Homicide	29	22	6	12	24	29	17	7	10	19	29	17	9	12	17
	Sex abuse-child	19	18	10	18	24	19	16	10	16	23	18	16	11	16	20
	Sex abuse	15	11	6	9	16	15	11	6	10	16	13	10	6	8	12
	Aggravated assault	102	10	4	8	12	102	9	4	7	12	98	9	6	7	10
	Kidnapping	2	30	12	30	48	2	33	10	33	55	2	33	10	33	55
	Robbery	89	16	4	6	18	89	12	4	8	13	87	12	6	8	12
	Weap in comm crime	4	45	24	48	66	4	31	16	33	46	4	31	17	33	44
	Weapons	128	6	2	6	10	128	5	2	5	8	126	5	2	5	7
	Burglary	27	11	6	9	18	26	10	3	6	14	26	10	6	9	15
	Arson	4	8	5	8	11	4	9	7	9	11	4	9	9	9	9
	Escape	77	6	3	5	8	77	5	2	4	6	72	5	3	5	7
	Distribution	271	11	3	6	12	271	8	3	5	9	264	8	4	6	9
	PWID	224	9	3	6	12	224	8	3	5	10	221	8	4	6	9
	Possesion	1	6	6	6	6	1	4	4	4	4	—	—	—	—	—
	Drug zone	3	7	3	9	10	3	7	2	9	10	3	7	2	9	11
	Motor veh theft	36	8	2	6	10	36	6	2	4	7	33	6	3	5	7
	Forgery	5	5	3	5	7	5	3	2	3	3	4	3	1	3	5
	Fraud	1	12	12	12	12	1	12	12	12	12	—	—	—	—	—
	Larceny	12	6	2	4	6	12	5	3	4	6	12	5	3	4	6
	Other propert	5	8	1	6	6	5	7	4	5	9	5	7	3	6	6
	Stolen property	2	7	4	7	10	2	7	4	7	10	2	7	4	7	10
	Other	49	8	2	3	10	49	7	2	3	10	48	7	4	5	8

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Table 5A.10. Results of regression models predicting time served for the 2880 pure.

Time served modeled as a function of...	...sentence		...and criminal history		...and release vars		...and charge type	
	Indet.	Splits	Indet.	Splits	Indet.	Splits	Indet.	Splits
Intercept	7.16 ***	2.71 ***	6.81 ***	2.48 ***	8.11 ***	—	8.39 ***	2.47 ***
Sentence imposed								
Minimum sentence	1.00 ***	0.56 ***	0.97 ***	0.55 ***	1.01 ***	—	0.99 ***	0.54 ***
Minimum. sentence squared	-0.003 ***	—	-0.002 ***	—	-0.003 ***	—	-0.003 ***	—
Criminal history								
Number of prior felony convictions			0.53	0.55 *	0.89	—	0.97 *	0.48
Number of prior prison sentences			1.04	0.34	1.09	—	1.30 *	0.49
Release variables (0/1)								
Parole granted at first hearing					-5.30 ***	—	-5.27 ***	—
Type of release was parole					-0.52	—	-1.12	—
Type of release was parole to detainer					-5.40 ***	—	-5.99 ***	—
Type of charge (0/1)								
Homicide							2.63	2.22 ***
Sex abuse of child							12.06 ***	4.13 ***
Sex abuse							4.27	2.25 *
Assault w/intent to kill							5.59 *	—
Aggravated assault							3.55 **	1.03 **
Kidnapping							—	12.50 ***
Robbery							1.15	0.54
Possession of weapon during crime							—	4.25 **
Weapons							3.52 **	-0.81 *
Burglary							1.83	0.90
Arson							—	2.03
Obstruction of justice							-2.33	—
Escape							-1.93 *	-0.94 *
Drug zone							—	0.16
Motor vehicle theft							1.48	-0.99
Forgery							-3.00	-1.78
Larceny							-1.87	-0.42
Other property							—	0.88
Stolen property							-2.15	0.52
Other							4.25 **	0.06
R-squared	62.2%	76.7%	62.6%	76.9%	64.4%		65.4%	78.2%

Notes:
Because all splits are determinate, type of release variables do not apply to split models.
Some charge categories are not represented in both the indeterminate and split data.

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Figure 5A.1

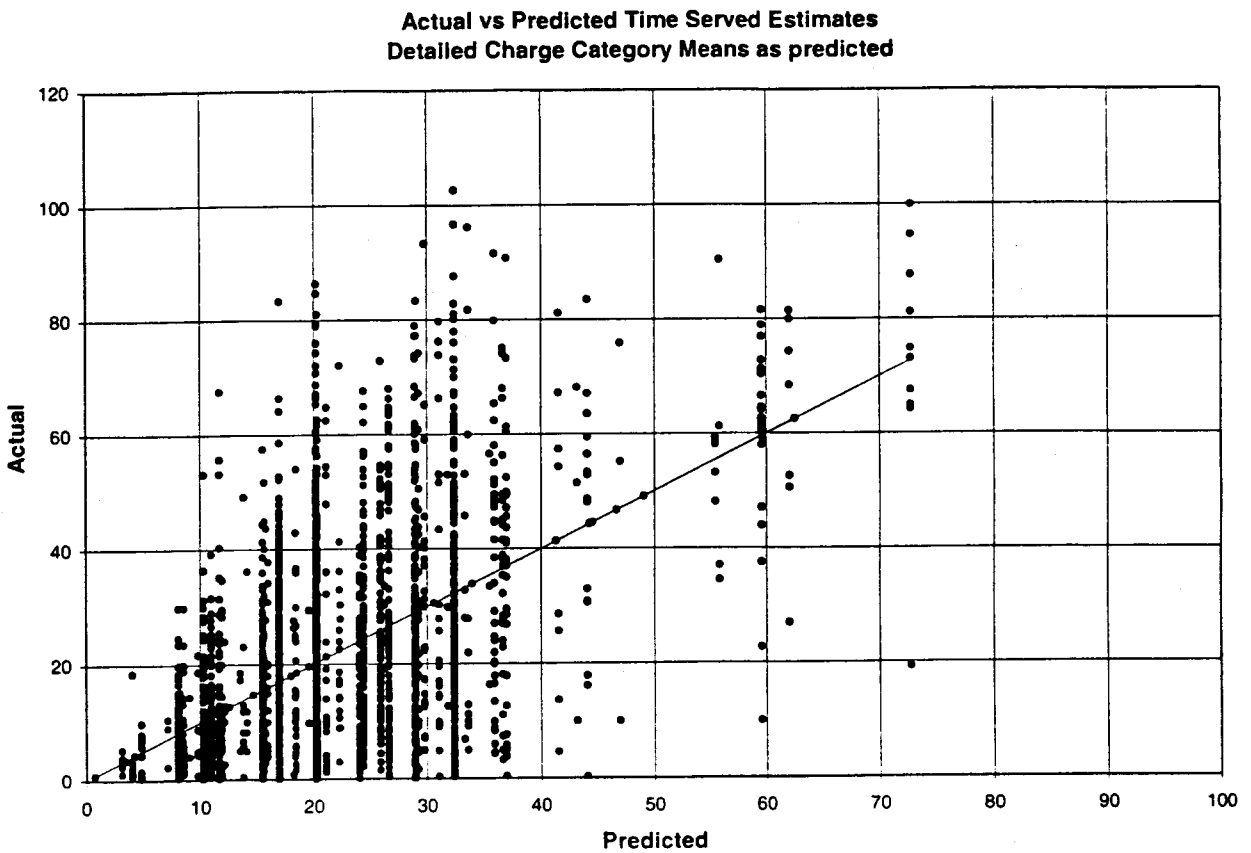

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Figure 5A.2

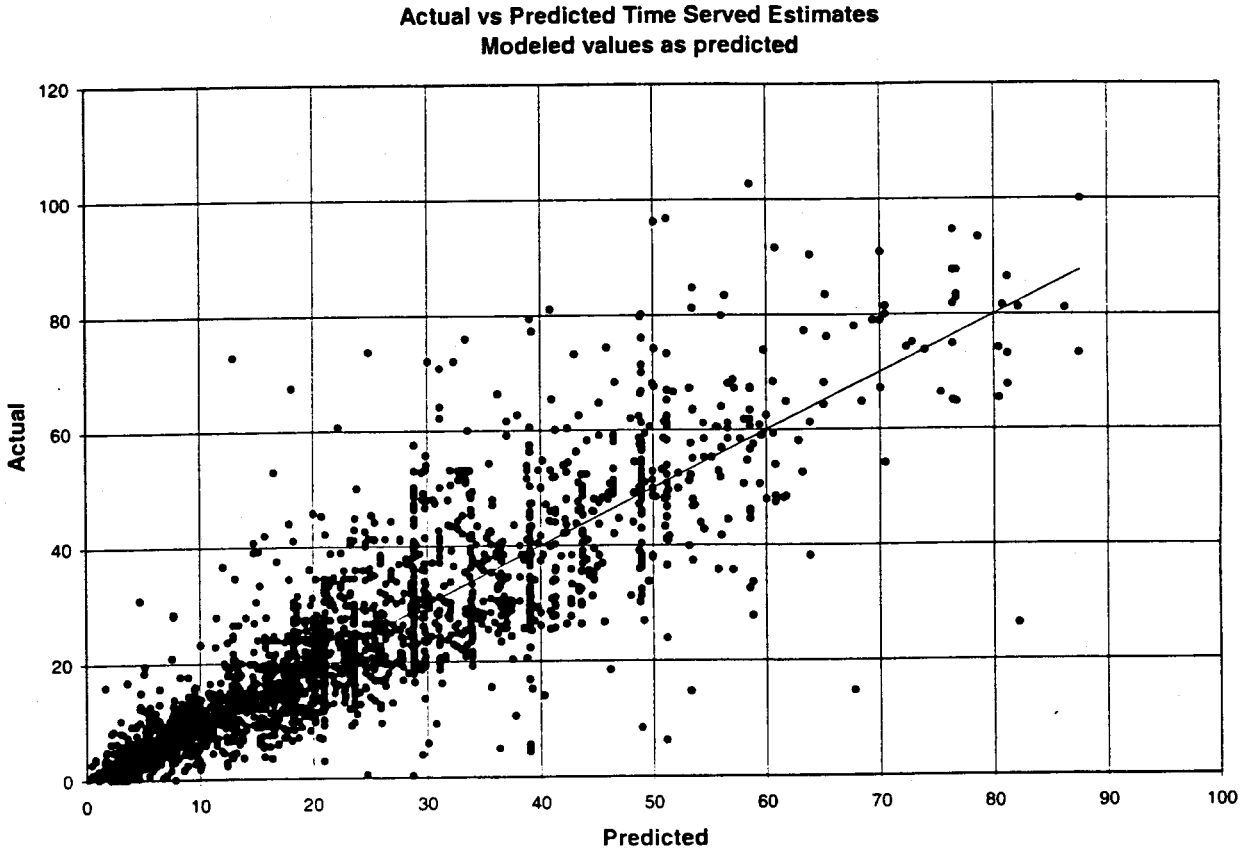

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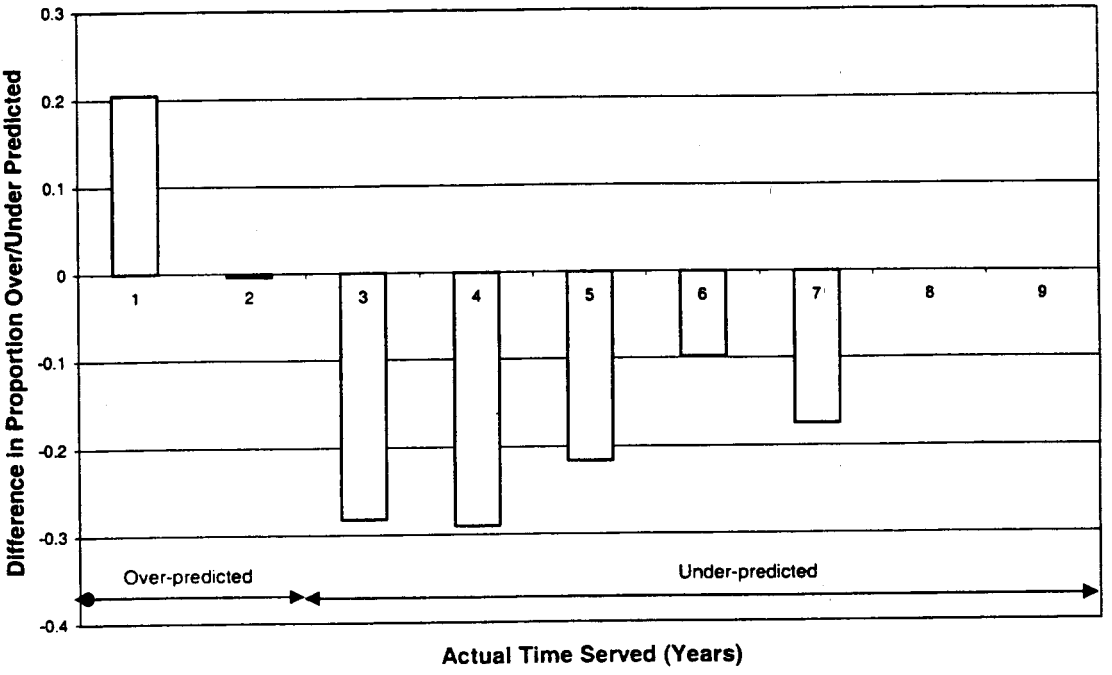
Figure 5A.3

Time Served: Difference in Predictive Power of Modeled Data as Compared to Mean Time Served for Detailed Charge Categories



Height of the bars above or below zero show the improvement in predicted time served by the modeled data as compared to using mean time served for detailed charge categories

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Chapter 6

Releases to Parole

Introduction

This chapter describes the outcomes of parole release decisions and offenders released on parole between 1993 and 1998. It also describes the length of time served by the offenders released onto parole. Under the District's indeterminate sentencing system, offenders receive a minimum and a maximum sentence and serve a portion of their sentence in prison and the remainder on parole. The chapter describes the environment under which persons were being released from prison onto parole during the period under study (1993–1998). Given its complexity and the various types of decisions that can result in a person's "first" release from prison onto parole, an attempt has been made to classify parole release decisions into three tiers. Other supervisory decisions made by the board, including parole revocation decisions, are not covered here as they do not lead to a "first" release, the primary concern of this chapter. The first section deals with the parole decision process. It is descriptive in nature and aims more at highlighting the important parts of the process than at a detailed description of it. Statistics on the decisions made by the board for the period under study are presented in the next section. Exit cohort length of stay and proportion of sentence served estimates are analyzed in the last section. Lifers are analyzed separately.

Key Findings

The Board of Parole decided on 9,998 initial considerations during the period under study (1993-1998). Of these, 40.3% resulted in a decision to grant parole at the eligibility date and 52% resulted in denials. 61.4% of reconsiderations resulted in grants. The Board decided to rescind about 40% of previously approved grants that were considered for work release or institutional violations. About 70% of alleged institutional violations resulted in a confirmation of the parole grant (with or without amended conditions of release).

Violent offenders, such as those sentenced for homicide and sex-related offenses, served the longest estimated times before being released on parole while those sentenced on fraud and forgery spent the shortest estimated times in prison prior to release to parole.

Between 1993 and 1998, the estimated time served before release on parole rose for all offense types. Estimated time served in prison after the final parole eligibility date rose for all offenders between 1993 and 1995. From 1996 to 1998, however, it dropped for most offenders with the exception of violent offenders. For offenders charged with violent offenses, time served beyond the final parole eligibility date rose sharply between 1993 and 1998. At the same time, the aggregated maximum sentences offenders were serving prison terms for were also rising between 1993 and 1998. Therefore, the rise in time served by offenders before a release onto parole may be attributable to rising longer sentences as well as longer stays in prison after the final parole eligibility dates.

Parole Release Decisions Process

Overview of the parole process

During the period of study (1993 to 1998) the DC Board of Parole had full authority to grant parole, grant conditional release (in the case of a committed youth offender), and modify the terms and conditions

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of parole (including revoking the parole, if need be).[1] The Board of Parole was also responsible for setting a parole eligibility date (PED), the earliest date at which the person becomes eligible for supervised release to the community. The initial PED was usually set at a third of the aggregated maximum sentence being served by the individual.

As established under D.C. law, a person is considered for release on parole by the Board of Parole at an initial parole hearing, usually 6 months prior to the established PED. Unless the parole consideration was waived by the person becoming eligible, he or she would have been considered for parole at the initial hearing and could be ordered to appear before the board. The Board of Parole could consider the case with or without requiring the individual to appear before it in person. The Board could decide to grant or deny the parole request at a hearing. However, the Board could not deny a parole request at a hearing conducted in the absence of the prisoner. It could order the prisoner to appear before the board at a later date (continue the consideration) or grant the request in the absence of the prisoner.

At the initial hearing the Board of Parole had three options. It could either grant parole, deny it, or continue the consideration. The parole grant or denial became applicable only at the PED. If the consideration was continued for any reason, the case could be reconsidered before the established PED. In the event that the parole request was denied by the board, the person could not be reconsidered for parole prior to the established PED. The Board of Parole, in such cases, was required to identify a set-off period, before which the person could not be reconsidered for parole. When the Board denied parole and ordered a reconsideration for a person serving a maximum sentence of less than five years, the set-off period was usually required to be six months. In cases where the person is serving a maximum sentence of more then five years, this set-off period was usually required to be twelve months. The set-off was required to take effect from the initially established PED.

For those cases where the Board had granted release at the established eligibility date, the department of corrections could bring to the attention of the Board any negative institutional behavior[2] and ask the board to consider rescinding the initial grant. The Board of Parole could, on evaluating the evidence, confirm the initial grant as it was, confirm the initial grant with changes in conditions, or rescind the grant of parole. If the Board decided to rescind the grant of parole, it was required, as in the case of an initial denial, to establish a set-off period before which the individual could not be reconsidered for parole. The guidelines for this set off were similar to those for the set-off established at an initial denial.

The Board also operated as the supervisory authority in cases where the person was released to parole supervision. The Board of Parole considered, based on reports from parole officers, the need to revoke parole. A parole could be revoked for criminal or non-criminal (technical) violations of the conditions of parole. A criminal violation was not necessarily one that results in a conviction in a court of law. If the Board of Parole felt sufficiently strongly about a person's inability to operate in society and/or that the person was a threat to the community or him/her self, the board could revoke the parole and order a consideration for re-parole at a later date. The set-off date for the re-parole consideration depended on 1) the time remaining to be served by the person to the maximum sentence, 2) the reason for revocation (i.e., technical or non-technical), and 3) in the event that a new crime has been committed, then, on the type of crime (i.e., felony or misdemeanor).

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[1] D.C. Code § 24-201(a). For D.C. Code citations to various rules governing the parole board decision making process, see chapter 6 in the report "Criminal Sentencing Practices in the District of Columbia (1993-1998)" prepared by the D.C. Advisory Commission on Sentencing in September, 1999.

[2] Institutional behavior here is used to indicate any behavior of the person while under DOC supervision, prior to release on parole at which time the person is considered to be under parole supervision. Institutional behavior may include negative reports while on work release or at a half-way house.

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Obtaining a first release to parole

There are a variety of ways a person could be released to parole for the first time owing to the complexity of the parole process.

In the simplest scenario, the person could be considered for parole release at the established eligibility date (usually a third of the aggregated maximum sentence) and be granted an initial release. In the absence of any negative institutional behavior, the person could be released to supervision at or about this established date. On the other hand, individuals with negative institutional behavior could have their grant rescinded and would then be released at a date only after their initially established PED. Consequently, such cases would result in a first release to parole after they have served more than a third of their maximum sentence.

Those persons who are denied parole initially could be reconsidered at a later date. The outcome of that re-consideration would decide when they were released to parole for the first time. Consequently, those who were initially denied would, unless reconsidered, invariably be released to parole for the first time only after a third of their maximum sentence. The board could even decide to deny parole at the initial or subsequent consideration and grant parole at the Mandatory Release Date (MRD). The MRD is defined as the date when the person is released to parole after having served his or her term less good time deductions. Upon reaching mandatory release, the decision to release a person to parole supervision was no longer with the Board, although it still supervised the individual.

While under parole supervision, persons could commit new crimes and have their parole grant revoked. If the parole revocation was accompanied with a new sentence, the total sentence to be served by the person would include any time owed prior to the new sentence. Consequently, a release subsequent to a parole violation accompanied with a new sentence would reflect not only the time served on the new sentence, but also time owed for a previous crime. To avoid this possible inflation of time served estimates, such subsequent first releases are not included in the estimates reported below. That is, only the first instance of first releases are included in time served, proportion served and sentence imposed estimates discussed below.

In the analysis that follows, persons released to parole for the first time, could be from one of three sources:

- Those granted parole initially,
- Those denied initially but granted on a reconsideration, and
- Those denied initially and released at the mandatory release date.

The decisions of the Board of Parole that may lead to these first releases can also be broken down into three tiers:

- Tier I: Decisions resulting from initial considerations,
- Tier II: Decisions resulting from re-considerations or continued initial considerations, and
- Tier III: Decisions resulting from possible institutional violations

Parole Board Decisions for the Study Period

Based on the three tiers identified above, the following is an overview of the decisions made by the Board of Parole over the study period. The Board of Parole decided on 9,998 initial considerations during the period under study (1993-1998). Of these, 40.3% resulted in a decision to grant parole at the eligibility date and 52% resulted in denials. Of those parole requests reconsidered after initial (or subsequent) denials, 61.4% resulted in grants. The Board also considered previous parole grants (without an actual release) for rescission for possible work release (2,063) or institutional (1,023) violations. 39.7% of alleged work

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release violations resulted in a rescission of the grant and another 39.5% resulted in the grant being set aside (the grant decision being temporarily rescinded until the board obtains more information). On the other hand 70.6% of alleged institutional violations resulted in a confirmation of the parole grant (with or without amended conditions of release). These decisions define the parole decision environment within which persons were being released during the period under study and consequently they are determinants of lengths of stay described elsewhere in this report.[3]

Tier I: Decisions resulting from initial considerations

Of all cases initially considered by the board, less than half (40.3%) resulted in grants of parole. A slightly higher proportion (43.3%) resulted in a denial with a re-consideration order. The rest were either continued (6.6%) or resulted in denials with an order for release at the mandatory release date (8.7%). For initial considerations over the period, denials were more likely than grants. On an annual basis, almost the same breakdown was observed. Considerations granted remained about 40% whereas those denied remained on or about 50%. Considerations continued consistently remained at or below 10%. Table 6.1 shows the trends for initial consideration decisions made by the board for the period under study.

Table 6.1. Parole board decisions for initial consideration, by year

				Deny							
	Total	Grants		Reconsider		Rel @ MRD		Continue		Other/Error	
Year	number	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1993	2,197	921	41.9%	973	44.3%	125	5.7%	160	7.3%	18	0.8%
1994	2,230	850	38.1%	1,013	45.4%	191	8.6%	164	7.4%	12	0.5%
1995	1,659	729	43.9%	678	40.9%	139	8.4%	96	5.8%	17	1.0%
1996	1,903	744	39.1%	855	44.9%	153	8.0%	135	7.1%	16	0.8%
1997	1,238	446	36.0%	510	41.2%	186	15.0%	61	4.9%	35	2.8%
1998	771	344	44.6%	299	38.8%	75	9.7%	44	5.7%	9	1.2%
Total	**9,998**	**4,034**	**40.3%**	**4,328**	**43.3%**	**869**	**8.7%**	**660**	**6.6%**	**107**	**1.1%**

Table 6.2 shows decisions for initial considerations broken down by detailed offense categories. The offense categories presented in table 6.2 are from those recorded by the D.C. Department of Corrections. These are not directly comparable to the offenses in the other chapters of this report.[4] The D.C. Corrections offense codes have been classified to be conceptually similar to those used in the D.C. Superior Court (and that are used elsewhere in this report to describe offenses). Additionally, the D.C. Superior Court offense codes are associated with individual charges on commitments into prison, but for persons leaving prison, the unit of analysis is "individuals" persons leaving prison; hence, the D.C. Superior Court and parole exit cohort data are of conceptually different entities. Attempts to extract only those individuals leaving parole having served time on a single "charge" results in a sample reduction of almost 50%. Consequently, the results presented in this chapter includes multiple charges and/or multiple cases.

[3] The unit of analysis for this section is a "decision". Individual may represent counts in many tables in the section below as they may be (more often than not, they are) subject to multiple considerations/decisions. For example, an individual who was granted parole at the initial consideration, whose parole was subsequently rescinded, who was then re-considered, and denied will represent counts in multiple groups.

[4] It was no possible to link the DC Superior Court data with the parole data and thereby obtain the DC Superior Court charge codes for the purposes of classifying parolees.

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Table 6.2. Outcomes of initial considerations for parole: Offenders having an initial consideration between 1993-1998, by offense category and charge

Offense category and charge	Total	Granted		Not granted	
		Number	Percent	Number	Percent
Homicide	**290**	**73**	**25.2%**	**217**	**74.8%**
Murder I	72	24	33.3%	48	66.7%
2nd degree murder	100	20	20.0%	80	80.0%
Attempted murder	4	3	75.0%	1	25.0%
Homicide	5	1	20.0%	4	80.0%
Manslaughter	106	24	22.6%	82	77.4%
Negligent homicide	3	1	33.3%	2	66.7%
Sex—child	**71**	**10**	**14.1%**	**61**	**85.9%**
Indecent act w/minor	46	3	6.5%	43	93.5%
Take child, immoral purpose	3	1	33.3%	2	66.7%
Indecent exposure	2	0	0.0%	2	100.0%
Carnal knowledge, child	20	6	30.0%	14	70.0%
Sex—abuse	**77**	**10**	**13.0%**	**67**	**87.0%**
Sodomy	20	2	10.0%	18	90.0%
Rape	38	6	15.8%	32	84.2%
Attempted rape	3	0	0.0%	3	100.0%
Assault w/i rape	16	2	12.5%	14	87.5%
Assault with intent to kill	**66**	**22**	**33.3%**	**44**	**66.7%**
Assault w/intent to kill	66	22	33.3%	44	66.7%
Assault	**593**	**207**	**34.9%**	**386**	**65.1%**
Aggravated assault while armed	288	108	37.5%	180	62.5%
Mayhem	13	4	30.8%	9	69.2%
Attempted mayhem	2	1	50.0%	1	50.0%
Other assault	25	4	16.0%	21	84.0%
Assault with intent	75	20	26.7%	55	73.3%
Assault police officer	43	13	30.2%	30	69.8%
Simple assault	143	56	39.2%	87	60.8%
Cruelty to children	4	1	25.0%	3	75.0%
Kidnapping	**30**	**10**	**33.3%**	**20**	**66.7%**
Kidnapping	25	8	32.0%	17	68.0%
Attempted kidnapping	5	2	40.0%	3	60.0%
Robbery	**966**	**334**	**34.6%**	**632**	**65.4%**
Robbery	326	108	33.1%	218	66.9%
Attempt robbery	313	98	31.3%	215	68.7%
Armed robbery	312	123	39.4%	189	60.6%
Taking property without right	15	5	33.3%	10	66.7%
Carjacking	**0**	**0**	**...**	**0**	**...**
Carjacking	0	0	...	0	...
Weapon during crime	**1**	**0**	**0.0%**	**1**	**100.0%**
Poss firearm during crime of dang/viol off	1	0	0.0%	1	100.0%

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Table 6.2. ***continued***

Offense category and charge	Total	Granted		Not granted	
		Number	Percent	Number	Percent
Weapons	**780**	**301**	**38.6%**	**479**	**61.4%**
CDW	7	1	14.3%	6	85.7%
CDW, previous conviction	22	7	31.8%	15	68.2%
Possession gun convict	11	4	36.4%	7	63.6%
Possession prohibited weapon	89	36	40.4%	53	59.6%
Carrying a pistol without a license	428	173	40.4%	255	59.6%
Possession of unregistered weapon	151	45	29.8%	106	70.2%
Sell deadly weapon	1	0	0.0%	1	100.0%
Possession gun - 1st offense	2	1	50.0%	1	50.0%
Possession unregistered ammunition	66	33	50.0%	33	50.0%
National Firearm Act	3	1	33.3%	2	66.7%
Burglary	**469**	**186**	**39.7%**	**283**	**60.3%**
Burglary I	65	26	40.0%	39	60.0%
Burglary II	315	132	41.9%	183	58.1%
Attempted burglary I	20	6	30.0%	14	70.0%
Attempted burglary II	35	9	25.7%	26	74.3%
Unlawful entry	34	13	38.2%	21	61.8%
Arson	**15**	**2**	**13.3%**	**13**	**86.7%**
Arson	14	2	14.3%	12	85.7%
Malicious burning	1	0	0.0%	1	100.0%
Obstruction of justice	**10**	**1**	**10.0%**	**9**	**90.0%**
Obstruction of justice	10	1	10.0%	9	90.0%
Escape/Bail Reform Act	**718**	**283**	**39.4%**	**435**	**60.6%**
Escape	295	99	33.6%	196	66.4%
Bail violation	423	184	43.5%	239	56.5%
Drug—distribution	**3,640**	**1,831**	**50.3%**	**1,809**	**49.7%**
Selling drugs	7	4	57.1%	3	42.9%
UCSA control substance	3,442	1,757	51.0%	1,685	49.0%
Attempt violate drug	125	48	38.4%	77	61.6%
Possession drug or paraphernalia	66	22	33.3%	44	66.7%
Drug—possession	**180**	**72**	**40.0%**	**108**	**60.0%**
Drug possession-felony	180	72	40.0%	108	60.0%
Drug—drug free zone	†	†	†	†	†
Distribute in drug free zone	†	†	†	†	†
Using stolen vehicle	**293**	**103**	**35.2%**	**190**	**64.8%**
Unauthorized use of vehilce (UUV)	243	87	35.8%	156	64.2%
Attempted UUV	50	16	32.0%	34	68.0%
Forgery	**53**	**35**	**66.0%**	**18**	**34.0%**
Forgery or uttering	40	24	60.0%	16	40.0%
Uttering a check	13	11	84.6%	2	15.4%
Fraud	**17**	**12**	**70.6%**	**5**	**29.4%**
Fraud 1st degree	12	10	83.3%	2	16.7%
Fraud 2nd degree	1	0	0.0%	1	100.0%
Credit card fraud	4	2	50.0%	2	50.0%

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Table 6.2. ***continued***

Offense category and charge	Total	Granted		Not granted	
		Number	Percent	Number	Percent
Larceny	**219**	**98**	**44.7%**	**121**	**55.3%**
Theft 1st degree (includes Grand Lar)	87	44	50.6%	43	49.4%
Theft 2nd degree	117	51	43.6%	66	56.4%
Larceny interstate shipment	1	0	0.0%	1	100.0%
Petit larceny	2	1	50.0%	1	50.0%
Attempted theft	12	2	16.7%	10	83.3%
Property	**123**	**46**	**37.4%**	**77**	**62.6%**
Destroy public/private property	123	46	37.4%	77	62.6%
Stolen property	**103**	**46**	**44.7%**	**57**	**55.3%**
Receive stolen property	82	36	43.9%	46	56.1%
Destroy stolen property	20	9	45.0%	11	55.0%
Possession of stolen property	1	1	100.0%	0	0.0%
Other offenses	**500**	**201**	**40.2%**	**299**	**59.8%**
Embezzlement	1	0	0.0%	1	100.0%
Extortion	3	1	33.3%	2	66.7%
Perjury or suborn	2	1	50.0%	1	50.0%
Threats	24	6	25.0%	18	75.0%
Impersonate public official	1	0	0.0%	1	100.0%
Prostitution	7	4	57.1%	3	42.9%
Pandering	3	2	66.7%	1	33.3%
Non support wife/child	1	1	100.0%	0	0.0%
Aid and abet	3	1	33.3%	2	66.7%
Conspiracy	18	6	33.3%	12	66.7%
Possible implementation of crime	4	1	25.0%	3	75.0%
Accessory after fact	2	2	100.0%	0	0.0%
Held in transit	4	2	50.0%	2	50.0%
Held as U.S. witness	5	2	40.0%	3	60.0%
Condition of parole	408	167	40.9%	241	59.1%
Other offense	14	5	35.7%	9	64.3%
Unknown	**252**	**80**	**31.7%**	**172**	**68.3%**
0533 - not in list	1	1	100.0%	0	0.0%
Dwi (t?)	2	0	0.0%	2	100.0%
Ad pros writ?	16	7	43.8%	9	56.3%
Contempt	6	4	66.7%	2	33.3%
Violate driving laws	15	8	53.3%	7	46.7%
9900 - not in list	212	60	28.3%	152	71.7%

For most offense categories, larger proportion of initial considerations were not granted parole on their initial considerations than were granted.[5] The only exceptions to this were Drug – Distribution (50.3% granted vs. 49.7% not granted), Forgery (66% granted vs. 34% not granted) and Fraud (70.6% granted vs. 29.4% not granted). The same table also shows that Drug – Distributors were by far the largest group being considered for initial parole consideration. A similar result is observed at the individual offense level; initial considerations for most offenses resulted less commonly in a "grant" than a "not grant".

[5] The term "not granted" here includes those that were denied and those that were continued.

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Tier II: Decisions resulting from re-considerations and continuations

Of those considerations that were initially continued, more than half (55.7%) were granted parole release on a subsequent reconsideration. About a fourth (25.5%) of them were denied and re-considerations were ordered by the Board and for about 5% a release at the mandatory release date was ordered by the board. However, during the latter part of the period (1997 and 1998) there is a visible rise in the proportion of continuations resulting in a grant (from an average of 54% grants in the pre-1997 period to an average of 67% in 1997 and 1998). Trends are shown in Table 6.3 below.

Table 6.3. Parole board decisions for initially continued considerations, by year

				Deny							
	Total	Grants		Reconsider		Rel @ MRD		Continue		Other/Error	
Year	number	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1993	164	87	53.0%	53	32.3%	4	2.4%	13	7.9%	7	4.3%
1994	197	102	51.8%	51	25.9%	13	6.6%	25	12.7%	6	3.0%
1995	117	61	52.1%	30	25.6%	5	4.3%	8	6.8%	13	11.1%
1996	110	62	56.4%	33	30.0%	3	2.7%	4	3.6%	8	7.3%
1997	82	56	68.3%	10	12.2%	7	8.5%	5	6.1%	4	4.9%
1998	53	35	66.0%	6	11.3%	4	7.5%	2	3.8%	6	11.3%
Total	**723**	**403**	**55.7%**	**183**	**25.3%**	**36**	**5.0%**	**57**	**7.9%**	**44**	**6.1%**

Note: Data describe ALL initial continuations, not just initial continuations from the relevant year.

Of those cases that were initially denied and for which a re-consideration was ordered by the board, a large proportion were granted parole on the re-consideration (61.4%). About a third of them were denied and were to be subsequently re-considered (21.5%) or the board ordered a release at the mandatory release date (5.5%). There is no visible trend in this group of considerations over the period under study. Table 6.4 shows the annual trends for this group of decisions.

Table 6.4. Parole board decisions for re-considerations (initially denied considerations), by year

				Deny							
	Total	Grants		Reconsider		Rel @ MRD		Continue		Other/Error	
Year	number	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1993	1,522	943	62.0%	281	18.5%	61	4.0%	178	11.7%	59	3.9%
1994	1,448	847	58.5%	378	26.1%	91	6.3%	109	7.5%	23	1.6%
1995	1,154	830	71.9%	193	16.7%	51	4.4%	57	4.9%	23	2.0%
1996	1,378	834	60.5%	291	21.1%	95	6.9%	136	9.9%	22	1.6%
1997	913	480	52.6%	230	25.2%	64	7.0%	76	8.3%	63	6.9%
1998	563	353	62.7%	106	18.8%	23	4.1%	38	6.7%	43	7.6%
Total	**6,978**	**4,287**	**61.4%**	**1,479**	**21.2%**	**385**	**5.5%**	**594**	**8.5%**	**233**	**3.3%**

Note: Data describe ALL re-considerations, not just those denied in the relevant year.

Tier III: Decisions resulting from possible work release violation or possible institutional violation

Of the cases considered by the Board of Parole for possible work release violation, a large proportion of them resulted in a decision to set aside the grant of parole (39.5%). Parole grants may be set aside for a variety of reasons, not exclusively including return of the person from an escape; return of the person from another jurisdiction, or until more information regarding the possible work release violation can be

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determined. Grants set aside, therefore do not necessarily result in their being rescinded. Only 14.4% of those considered for work release violation had the grant confirmed.[6] The remaining group had their grant rescinded followed by an order to reconsider (29.7%) or an order to release at the mandatory release date (10%).

Consequently, a small minority of considerations for possible work release violation resulted in a parole grant confirmation. Of the cases considered for possible institutional violation (negative behavior after being initially granted release), most cases resulted in a grant confirmation (70.6%), with or without changes in conditions of parole. Only about a fifth of these considerations resulted in rescinds with subsequent reconsideration ordered (15.2%) or a release at the mandatory release date ordered (4%).

There were no visible trends in the decision patterns for the Tier III considerations. Table 6.5 and Table 6.6 show annual break down of Tier III considerations.

Table 6.5. Parole board decisions following possible work release violations, by year

		Confirm grant		Rescind grant of parole							
	Total	of parole*		Reconsider		Rel @ MRD		Set aside grant		Other/Error	
Year	number	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1993	808	83	10.3%	231	28.6%	99	12.3%	336	41.6%	59	7.3%
1994	498	64	12.9%	167	33.5%	34	6.8%	189	38.0%	44	8.8%
1995	444	85	19.1%	107	24.1%	39	8.8%	199	44.8%	14	3.2%
1996	241	51	21.2%	88	36.5%	22	9.1%	70	29.0%	10	4.1%
1997	42	3	7.1%	18	42.9%	6	14.3%	9	21.4%	6	14.3%
1998	30	11	36.7%	2	6.7%	6	20.0%	11	36.7%	0	0.0%
Total	**2,063**	**297**	**14.4%**	**613**	**29.7%**	**206**	**10.0%**	**814**	**39.5%**	**133**	**6.4%**

* With or without amendments in conditions of release or parole release date.
Note: Excludes those work release violators awaiting re-parole.

Table 6.6. Parole board decisions following possible institutional violations (prison misconduct), by year

		Confirm grant		Rescind grant of parole							
	Total	of parole*		Reconsider		Rel @ MRD		Set aside grant		Other/Error	
Year	number	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1993	173	109	63.0%	38	22.0%	5	2.9%	6	3.5%	15	8.7%
1994	181	118	65.2%	32	17.7%	11	6.1%	10	5.5%	10	5.5%
1995	320	242	75.6%	35	10.9%	13	4.1%	15	4.7%	15	4.7%
1996	153	129	84.3%	9	5.9%	5	3.3%	3	2.0%	7	4.6%
1997	124	71	57.3%	33	26.6%	3	2.4%	9	7.3%	8	6.5%
1998	72	53	73.6%	8	11.1%	4	5.6%	6	8.3%	1	1.4%
Total	**1,023**	**722**	**70.6%**	**155**	**15.2%**	**41**	**4.0%**	**49**	**4.8%**	**56**	**5.5%**

* With or without amendments in conditions of release or parole release date
Note: Data for consideration to rescind, continued rescind consideration and any other reasons to amend action that resulted in the above dispositions (confirm, rescind, or set aside).

Discretionary vs. non-discretionary releases to parole

When persons are released to parole, DOC records the reason of their release. Even though these persons are being released to parole, their release could have been discretionary or non-discretionary. Discretionary releases would include those cases where the Board of Parole felt the person being released was "fit" to be released into the community. On the other hand a non-discretionary release can result from either a completion of the sentence less good time (i.e., reaching their MRD) or when an individual is released under the Emergency Powers Act (EPA).

[6] An initial grant can be confirmed with or without a change in conditions of the parole.

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During the period under study, most first releases from prison to parole resulted from, what DOC classifies as "Release/Reinstate to Parole" (82.7%). The remaining first releases from prison were composed of EPA releases (12.5%) and mandatory releases (4.6%). Table 6.7 shows the break down of these release types by offense categories.

Table 6.7. Number of exit cohort releases, by release type and offense category (1993-1998)

				Non-discretionary			
	Total	Discretionary		EPA		MRD	
Offense category	number	Number	Percent	Number	Percent	Number	Percent
Homicide	143	137	95.8%	3	2.1%	3	2.1%
Sex—child	47	35	74.5%	2	4.3%	10	21.3%
Sex—abuse	40	37	92.5%	0	0.0%	3	7.5%
Assault with intent to kill	53	47	88.7%	2	3.8%	4	7.5%
Assault	443	368	83.1%	41	9.3%	34	7.7%
Kidnapping	18	16	88.9%	0	0.0%	2	11.1%
Robbery	787	667	84.8%	71	9.0%	49	6.2%
Carjacking	†	†	†	†	†	†	†
Weapons during crime	†	†	†	†	†	†	†
Weapons	544	434	79.8%	64	11.8%	46	8.5%
Burglary	396	337	85.1%	48	12.1%	11	2.8%
Arson	9	9	100.0%	0	0.0%	0	0.0%
Obstruction of justice	9	8	88.9%	1	11.1%	0	0.0%
Escape/Bail Reform Act	605	430	71.1%	155	25.6%	20	3.3%
Drug—distribution	3,619	3,062	84.6%	430	11.9%	127	3.5%
Drug—possession	133	100	75.2%	20	15.0%	13	9.8%
Drug—drug free zone	†	†	†	†	†	†	†
Using stolen vehicle	220	158	71.8%	52	23.6%	10	4.5%
Forgery	56	49	87.5%	6	10.7%	1	1.8%
Fraud	13	13	100.0%	0	0.0%	0	0.0%
Larceny	195	141	72.3%	37	19.0%	17	8.7%
Property	82	49	59.8%	27	32.9%	6	7.3%
Stolen property	79	65	82.3%	7	8.9%	7	8.9%
Other offenses	318	285	89.6%	23	7.2%	10	3.1%
Unknown	190	170	89.5%	18	9.5%	2	1.1%
Total	7,999	6,617	82.7%	1,007	12.6%	375	4.7%

† Category does not exist in DOC offense codes
Note: Table does not include defendants sentenced to life.

Exit cohort length of stay estimates

Length of stay estimates for the exit cohort are computed using the release dates obtained from the Department of Correction data and the offense and sentence information recorded in the parole data. The Department of Corrections conveys offense and sentence computation information on face sheets. These face sheets also record any time deducted from the sentence for having served part of the sentence prior to the sentence date (called jail time) as well as any time that is to be added to the sentence for time on escape (called inoperative time) prior to release on parole. Time served to first release are estimated by computing the difference between the date of sentence and date of release plus jail time less inoperative time.

The average time and the estimated proportion of the aggregate maximum sentence served by the major offense categories are shown in Table 6.8. The estimates of the proportion of the aggregate maximum sentence length exclude offenders whose maximum sentence was life.

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Table 6.8. Time served to first release and proportion of sentence served at first release, by offense category (1993-1998)

Offense category	Number of defendants	Time to first release: Mean Months	Mean Years	Median Months	Median Years	Proportion of aggregate maximum sentence served: Mean	Median
Homicide	143	100.3	8.4	94.1	7.8	38.0	33.9
Sex—child	47	67.2	5.6	57.4	4.8	56.5	65.9
Sex—abuse	40	112.3	9.4	113.9	9.5	51.3	39.7
Assault with intent to kill	53	96.8	8.1	82.2	6.9	40.1	34.9
Assault	443	53.1	4.4	41.9	3.5	50.1	45.6
Kidnapping	18	124.8	10.4	80.6	6.7	42.9	45.9
Robbery	787	67.9	5.7	54.7	4.6	47.2	41.9
Carjacking	†	†	†	†	†	†	1
Weapons during crime	†	†	†	†	†	†	1
Weapons	544	49.7	4.1	39.4	3.3	49.6	44.5
Burglary	396	60.8	5.1	51.0	4.3	48.1	43.5
Arson	9	78.6	6.6	62.6	5.2	47.9	43.6
Obstruction of justice	9	74.7	6.2	68.6	5.7	54.5	52.7
Escape/Bail Reform Act	605	43.6	3.6	33.7	2.8	54.8	54.4
Drug—distribution	3,619	43.9	3.7	38.8	3.2	48.9	44.2
Drug—possession	133	44.1	3.7	39.2	3.3	54.2	52.8
Drug—drug free zone	†	†	†	†	†	†	1
Using stolen vehicle	220	39.7	3.3	29.7	2.5	60.0	62.9
Forgery	56	33.9	2.8	21.6	1.8	47.7	47.3
Fraud	13	23.0	1.9	12.9	1.1	47.3	44.0
Larceny	195	51.5	4.3	35.0	2.9	55.8	56.6
Property	82	37.0	3.1	25.2	2.1	52.5	53.9
Stolen property	79	50.4	4.2	32.8	2.7	55.2	53.2
Other offenses	318	48.6	4.0	44.6	3.7	44.6	41.1
Unknown	190	47.7	4.0	42.3	3.5	44.4	41.4

† Category does not exist in DOC offense codes
Note: Table does not include defendants sentenced to life.

These estimates give a broad picture of the time served by the cohorts exiting between 1993 and 1998. Violent offenders, like those serving time for homicide and sex-related offenses, serve the longest estimated times. The shortest sentences were served by prisoners convicted of fraud and forgery. On the other hand, when compared in terms of the proportion of sentence served, the lowest group is homicide.[7] Exits from the remaining offense categories follow a pattern of serving between 45 to 55 percent of their maximum sentence.

In general, as the aggregate maximum sentence increased, the proportion of sentence served decreased. This suggests that using a single number — e.g., percent of sentence served — to describe time served for all persons released from prison is incorrect. The pattern is observed for selected violent offenses and for selected non-violent offenses (figures 6.1a and 6.1b).

[7] Note, this sample only consists of offenders who did not receive a maximum sentence of life. That is, it excludes any individual who is serving a life sentence, with or without the possibility of parole.

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Figure 6.1a. Mean proportion of aggregate maximum sentence served: For selected *violent* offenses, by sentence length and offense category

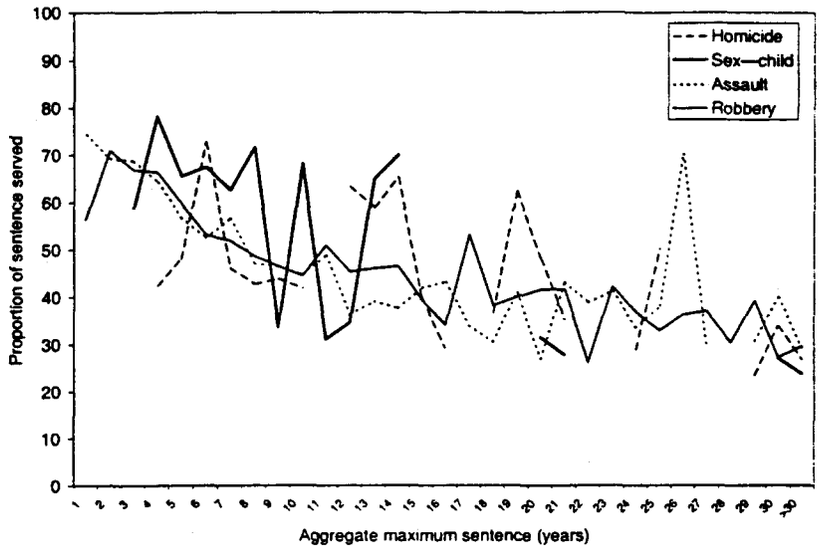
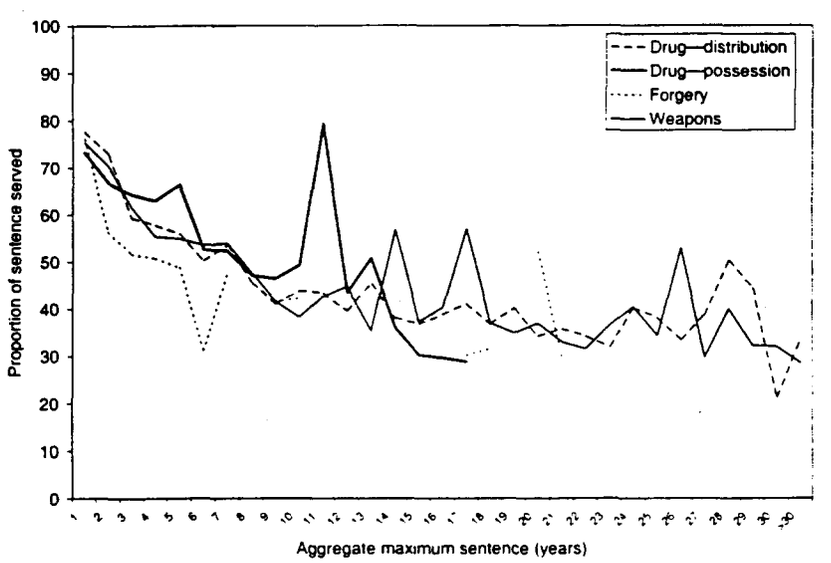


Figure 6.1b. Mean proportion of aggregate maximum sentence served: For selected *non-violent* offenses, by sentence length and offense category



Between 1993 and 1998, average time served by offenders released onto parole generally increased for violent offenders and decreased slightly for property and drug offenders (figure 6.2). Violent offenders released onto parole served longer sentences than the other offenders, and their time served increased from 1994 to1998. Time served until parole released increased from drug offenders from 1993 to 1997, and then it decreased in 1998.

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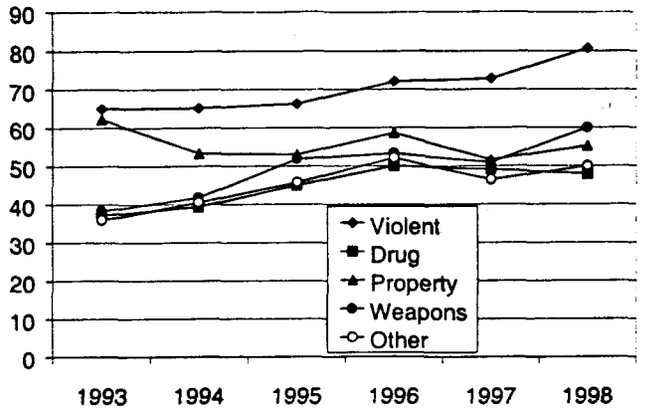
Figure 6.2 Trends in average time served by major offense categories (exit cohort)



Life sentenced offenders — Time served by offenders released onto parole with life as a maximum sentence

During the period under study (1993-1998), approximately 120 offenders with a maximum sentence of life recorded in the parole database were released to parole. A breakdown of the most serious offenses they were sentenced for is presented in Table 6.8.

Table 6.8. Offense distribution of lifers released on parole (1993-1998)

Offense classification*	Frequency	Percent distribution
First Degree Murder	37	30.6%
Second Degree Murder	31	25.6%
Manslaughter	11	9.1%
Rape	2	1.7%
Attempted Rape	1	0.8%
Robbery - No Weapon	1	0.8%
Attempted Robbery	3	2.5%
Robbery - Any Weapon	17	14.0%
Assault with intent to Kill	10	8.3%
Mayhem	1	0.8%
Second Degree Burglary - Felony	1	0.8%
Assault with intent to commit crime	2	1.7%
Carry Pistol without license (CPOWL)	1	0.8%
Kidnapping	2	1.7%
Attempted Kidnapping	1	0.8%

* Most serious offense in cases where the person was serving time on more than one conviction. Offenses taken from DOC codes

A majority of the lifers exiting prison on parole in the period were serving time for homicide (30% for first-degree murder and 25% for second-degree murder). The other group exiting were those serving time for assault (including rape, attempted rape, robbery with a weapon, and assault with an intent to kill).

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Table 6.9 and 6.10 below breakdown the year of release and the year of sentence for the lifers released to parole in the exit cohort.

Table 6.9. Lifers released to parole between 1993-1998, by year of release

Year of release	Frequency	Percent distribution
1993	28	23.1%
1994	17	14.0%
1995	22	18.2%
1996	22	18.2%
1997	13	10.7%
1998	19	15.7%
Total	**121**	**100.0%**

Table 6.10. Lifers released to parole between 1993-1998, by year of sentencing

Year of sentencing	Frequency	Percent distribution
1970	1	0.8%
1972	3	2.5%
1973	6	5.0%
1974	6	5.0%
1975	9	7.4%
1976	8	6.6%
1977	10	8.3%
1978	5	4.1%
1979	3	2.5%
1980	8	6.6%
1981	5	4.1%
1982	1	0.8%
1983	9	7.4%
1984	7	5.8%
1985	12	9.9%
1986	8	6.6%
1987	4	3.3%
1988	7	5.8%
1989	4	3.3%
1990	3	2.5%
1991	1	0.8%
1992	1	0.8%
Total	**121**	**100.0%**

The most common types of minimum sentences accompanying a maximum of life were, for the exiting cohort, 15 years (38%), 20 years (28.9%), 12 years (14.9%), and 10 years (10.9%). The rest ranged from a low of five years to a high of 30 years. This partly explains the sentence years clustering around 1977 and 1985 in Table 6.10.

Basic descriptive statistics for time served, and estimates of proportion of minimum sentence served are given in Table 6.11. As pointed out above the most common minimum sentences imposed with a maximum of life ranged from a high of 30 years to a low of five years with obvious clusters around specific years. Consequently, averages of both minimum sentences and months to first release can be misleading. However, the proportion of minimum sentence served indicates that with a few exceptions, lifers were

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usually released at or about their minimum sentence. This is evident by the fact that the mean proportion of time served as well as the median are at 100%. In addition, the 25th percentile is at 84% and the 75th percentile at 107%. That is, half of the lifers are released on or within 10% of their minimum sentence.

Table 6.11. Basic statistics for lifers released to parole between 1993-1998

	Minimum sentence imposed	Months to first release	Proportion of minimum sentence served*
N	121	121	121
Mean	179.9	179.6	1.00
Standard Deviation	51.6	66.1	0.32
Minimum	59.8	35.7	0.19
25th Percentile	143.7	121.8	0.82
26th Percentile (Median)	179.6	163.9	0.99
75th Percentile	239.5	241.2	1.07
90th Percentile	239.5	256.1	1.44
99th Percentile	239.5	268.6	1.64
Maximum	359.3	310.0	2.47

* Proportions displayed in decimals (1=100%).

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Methodological notes to Chapter 6

Selecting the most serious offense

The most serious offense that prisoners were serving time for when they were released was computed using the sentence information available from new and updated face sheets as well as the offense information available on new face sheets. The most serious offense is determined as the offense which has the largest maximum sentence associated with it. All subsequent update face sheets are considered as having the same most serious offence. With a new face sheet, the most serious offense is updated to again reflect the offense with the largest maximum sentence associated with it. At any time in prison, all prisoners have a most serious offense associated with them. In the electronic data, however, this is available only after the receipt of the first face sheet. Since no prisoner is released on parole without a face sheet this is not a problem. Consequently, for those prisoners released on parole, the most serious offense is the one that appears on their "current" face sheet.[1]

Defining a first release on parole

First release to parole is computed from a number of sources. Date of release is taken from DOC data, selecting out those releases that are recorded as "release to parole" with a release reason recorded as either "Grant/Reinstate Parole", "EPA Release", or "Mandatory Release to Parole." For those individuals selected with these release characteristics, the parole history is searched to obtain the most recent parole decision made. If the last parole decision is to grant parole on a consideration for initial release, these are considered as "parolees on first release." If the last parole board decision is to grant a "re-parole" these individuals are excluded from the analysis. Those individuals who have as their last decision a denial with a release at mandatory release date are counted as "parolees on first release." Finally, those that had a mandatory denial with a future hearing scheduled but who were released on an "EPA release" are also counted as "parolees on first release."

Time to first release

Data for aggregated sentences are incomplete in the parole database although data for individual sentences are complete. Consequently, computations were done to approximate aggregated data. The information contained in the parole data base on whether an individual sentence is to be served "concurrently" or "consecutively" with any outstanding sentence is incorrectly recorded. Hence, for those cases where aggregated sentence information is unavailable, the individual sentence on the most recent sentence is taken. The most recent face sheet included information on all offenses the prisoner is serving time for. Consequently, the dates of sentence for the recent sentence and the most serious sentence can vary. However, the actual offense flagged as the most serious one will be the same.

For those cases where the aggregated sentence information is unavailable, the aggregate maximum sentence is approximated as the time period between the most recent date of sentencing and the current "full term date". To this quantity is added any "jail time" and from it is subtracted any "inoperative time" that the current face sheet might record. This computation gives an estimate of what the aggregate maximum sentence for an individual must have been as the "full term date" includes any "jail time" that prisoner may have served prior to being sentenced and any "inoperative time" the prisoner may not have served (escape time) prior to first release on parole.

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[1] A link between Parole Data and DC Superior court data could not be made. Consequently, DOC offense codes have been used. Most of these codes are conceptually close to offense categories from the superior court data. There are, however, some exceptions.

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The "full term date" less the "release date" gives the amount of time "not" served from the aggregated maximum sentence. Combining that information with the aggregated maximum computed gives the time served prior to first release on parole.

Proportion of aggregate maximum sentence served is the ratio of time served to the aggregate maximum sentence.

First instance of first release

Some offenders can be sentenced to prison for a new crime while on parole and eventually get reparoled. This instance of release to parole would also be considered a first release. However, the time to first release would not accurately reflect time served for the specific offense as it would include "parole violation time." Therefore, to avoid inflating time served estimates, the figures reported are only for the first instance of first release encountered between 1993 and 1998.

Lifers

Since the computation of aggregate maximum sentence requires the "full term date" and since very few lifers were released from prison to parole during the period under study, lifers have been completely excluded from the figures obtained from the parole database. To avoid complications resulting from mismatching of face sheets with release instances, all instances of parole releases for any lifer is entirely removed from this analysis. That is, even if a prisoner is released to parole in 1994 and if released from all supervision in 1997 and then is re-sentenced for life in 1998, the previous episode of the release is removed from the analysis. This is done primarily for ease in combination of various databases used in the study. A separate section in the chapter deals with releases of lifers.

Unit of analysis

The unit of analysis for all time served, proportion of sentence served, and aggregate maximum sentences tables is the individual. An individual released on parole could have been serving time on multiple cases and on multiple charges within those cases. The link between the parole data and the courts data has not yet been confidently established.

The unit of analysis of the decision tables is the decision. Invariably there are multiple decisions made about the release of an individual. Accordingly, an individual being considered for an initial release multiple times (i.e., in cases where there is a subsequent sentence after an initial release) will be counted more than once in the decision table.

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Chapter 7
Methodology

The chapter describes the methodology used to collect data and build the integrated database that was used in the analysis. It also provides an overview of the approaches to the analysis taken in the report. This methodology chapter begins by reviewing the Urban Institute's data collection and work with the District of Columbia Advisory Commission on Sentencing. It then describes the methodology for preparing the integrated database. This methodology chapter concludes with a discussion of the offense classification methods.

The Urban Institute's Data Collection and Work with the DCACS

The Urban Institute's (UI) data collection and analysis was designed in part to assist the DCACS in meeting their requirements to report on sentencing practices to the District of Columbia Council. Specifically, the DCACS was required to report on sentence lengths, time served, and parole releases in a September 30, 1999 report and to make recommendations about the new sentencing law in an April, 2000 report.[1] The effort to assist the DCACS imposed some constraints on UI's own data data collection and analysis, but it also provided benefits to UI in constructing and analyzing the integrated database that it constructed. Specifically, assisting the DCACS required that UI postpone undertaking some of its own analysis, that it prepare data tables that it would not otherwise have prepared, and that it draft sections of the DCACS report. On the other hand, assisting the DCACS provided tremendous benefits to UI in that DCACS greatly facilitated UI's access to the source data from DC criminal justice agencies, it shared knowledge about the sentencing process, and conducted in depth reviews of the data that ultimately improved the quality of the data used in the DCACS's and this UI report.

Beginning in late February of 1999, the Urban Institute staff met with officials of from the DC Superior Court (DCSC), the Pretrial Services Agency (PSA), the Department of Corrections (DC-DOC), and the District of Columbia Board of Parole to request and learn about their data systems. During March, April, and May of 1999, these agencies submitted extracts of their data. For each agency except the DC-DOC, several extracts were submitted to provide complete data. Eventually, the PSA, DCSC, and DC-DOC provided data extracts covering defendants in felony cases from 1978 to 1998, and the DC parole data extract covered parole decisions from about 1990 (when their electronic database was developed) through 1998. Agency staff were very helpful in explaining their data systems, although written documentation about the data was relatively sparse.

Upon receipt of source data, UI staff reviewed and analyzed data for completeness. In some cases, these preliminary reviews resulted in UI requesting additional or different extracts of data. For example, in the original PSA extract, the information about time-varying defendant characteristics – such as age, employment status, maritial status, etc. – was the information associated with the most recent case for which a defendant was sentenced. For defendants who appeared in only one case during the 1993 to 1998 period, this current information correctly described their characteristics at sentencing. However, for defendants who appeared in more than one case (for example, a defendant who was sentenced, say, in 1993 and then again in, say, 1997), the information about characteristics referred to the most recent case only and if used would have resulted in describing defendants' time-varying characteristics for every case in which a person

[1] See chapter 1 for a review of the DCACS reporting requirements.

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appeared in terms of their most recent case. UI's analysis of the original PSA extract demonstrated this aspect of the data, and as a result, UI asked PSA to provide the historical information about defendants characteristics in addition to their information on the most recent case.

With the DCSC data, the original extract was limited to cases sentenced between 1993 and 1998. This is as was originally requested. However, to obtain criminal history information, UI had to link records of persons who appeared in more than one case. In order to have criminal history information for the same observation window on all defendants, UI had to request another extract from the DCSC that included cases sentenced as far back as 1978. With these data, UI was able to create measures of the number of prior convictions and sentences in DC Superior Court during the 15 years prior to a defendant's current conviction.

Finally, with the Parole data, the original extract of data was limited to several tables that described the parolees characteristics and parole releases. However, in constructing data on time served, UI had to obtain information on warrants that were not included in the original extract received from Parole; these data were requested and provided later in the process of preparing the database.

In the process of developing the database and preparing analyses and between the months of March 1999 and August 1999, The Urban Institute staff met with the Commission on more than a dozen occasions. The majority of these meetings were with the full Commission, but several were with the Research Subcommittee. At most of these meetings, the Urban Institute staff gave presentations on a variety of topics related to the development of the database, data analysis, and the Commission's reporting requirements. Many topics related to the Commission's reporting requirements were discussed, such as offense classifications, analysis of criminal history data; strategies for analyzing and presenting data; statistics to report; graphical displays of statistical data; preliminary data; preliminary findings; methods for organizing offenses; and truth in sentencing in other jurisdictions.

Several key definitional issues were addressed during these meetings. Four among them were: (1) selecting a most serious offense; (2) offense classification methods; (3) measuring time served; and (4) the outline and writing of the DCACS report. In one of the early presentations to the DCACS, the UI proposed that defendants who were sentenced on more than one charge be classified or described according to the charge of conviction that carried the longest or most severe sentence. The DCACS suggested that it preferred that defendants be classified according to the charge with the most severe statutory maximum sentences. This led to a process of analyzing statutory maxima. The UI prepared tables with this information and the DCACS reviewed it; the process was repeated until an agreement on a method was obtained.

Related, there were more than 200 charge codes that are used to describe the charges filed and prosecuted the DC Superior Court. This large number of charges necessitated the creation of methods to classify charge codes into offense categories that could be used to describe sentencing outcomes. The UI met with the DCACS' Research Subcommittee to develop these classification methods. The process resulted in three methods for classifying offenses: (1) consolidated charge codes; (2) a 24-level offense category grouping; and (3) a 5-level, broad offense category grouping. Thes methods are described in the "Offense Classification" section of this methodology chapter. At an August 1999 meeting, the DCACS agreed that it would report data on offenses in its September 30, 1999 report at 24-level offense category grouping. Later, after UI submitted preliminary data tables, the DCACS requested that offense data be shown for the detailed, 140-level consolidated charge codes.

A third major decision for the presentation of data was on the definition of time served. In presentations during July and August 1999, UI described that it would present data on time served for all commitments released from prison, regardless of the number of charges for which they were sentenced, and it described that time served would be measured as the difference between the release date and commitment date. This definition excluded jail time. The DCACS did not object to these definitions, but it also asked for data on

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time served for defendants sentenced on a single charge. After data had been provided for the September report, the DCACS asked that the measure of time served be modified to include jail time. (See the section below on "Pure Cases" for a discussion of the methods to measure time served.)

A fourth decision relate to the September 30, 1999 DCACS report. UI proposed a detailed outline for the report. The outline described chapters on types of sentences, lengths of sentences, time served, and parole decisions. It also listed data tables that would accompany chapter text. The outline was presented to DCACS and minor changes were suggested. UI staff prepared the tables and text for the five chapters described in the outline. The DCACS used these written materials in whole or part in chapters 3, 4, 5, and 6 of its September 30, 1999 report.

These decisions exemplified some of the benefits to UI of the meetings with the DCACS. They also exemplify some of the methodological challenges presented to UI in attempting to meet the DCACS requirements. For example, one methodological challenge related to the Commission's desire to display data on sentencing outcomes for the 140 consolidated charge codes. The large number of charge codes and the sparseness of data when disaggregated to this level contributed to difficulties for presenting data let alone drawing conclusions about sentencing practices. In an effort to assist the Commission with this goal, UI staff developed specialized software to graphically display statistics on sentencing outcomes (such as means or medians) for several levels of offense categories simultaneously. In particular, this software could generate graphs to display outcomes for the detailed charge codes that comprised a major offense category while at the same time display the outcome for the major category. These displays facilitated within and between offense category comparisons of variation in sentencing outcomes.

Figure 7.1 shows a sample graphical display of data on the minimum sentence imposed on homicide defendants and sexual child abuse defendants (major category), while at the same time showing the sentences imposed on defendants in each detailed charge category that comprised homicide and sexual child abuse (e.g., murder 1, murder 1 while armed, etc.). By combining levels of aggregation and showing several offense categories, the graphs facilitate comparisons of outcomes across categories, and they help to show how the higher-level outcome is related to the variation in the detailed-level outcomes.

The method of graphical presentation in Figure 7.1 was presented to the Commission, and the members agreed that these graphs would be useful for displaying sentencing outcomes. Hence, several of these graphs appear throughout the report, especially in chapters 3 and 4.

The Urban Institute staff prepared and delivered tables and figures showing sentencing outcomes to the Commission for their review during early September. On September 18th, the Commission met to review data tables and to prepare its report. After that meeting, the Commission requested that several tables be reproduced after re-categorizing and re-classifying several offense codes. Subsequently, the UI staff revised the tables in this report to comport with the Commission's offense classification methods.

Figure 7.1. Sample graphical display of the distribution of aggregate minimum sentence imposed for offense categories.

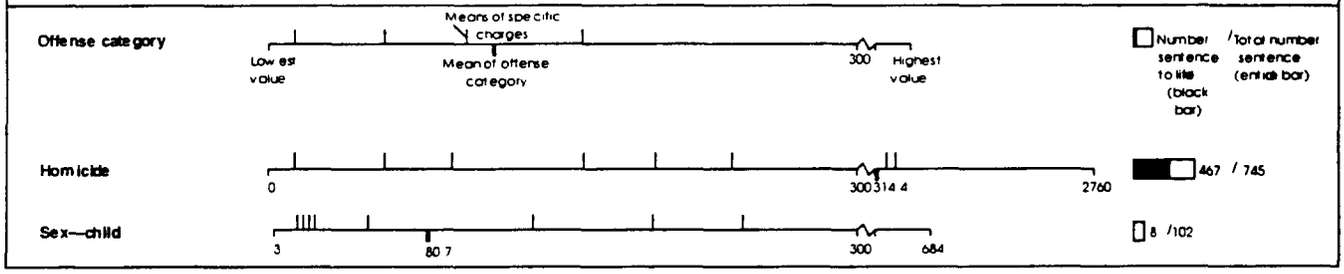

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Figure 7.2. Sample tabular display of the distribution of aggregate minimum sentence imposed for offense categories.

Offense category and charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/ Median	Lowest value	5th %tile	25th %tile	Median	75th %tile	90th %tile	95th %tile	Highest value
Homicide	745	314.4	320.2	101.8	1.3	0	48	120	240	360	612	880	2,760
Murder I while armed	252	559.3	396.2	70.8	1.3	36	240	360	420	640	960	1,340	2,760
Murder I	21	451.0	159.5	35.4	1.3	300	324	360	360	542	660	828	936
Murder of law enforcement officer	0	...	...	...	...	...	...	...	...	...	...	...	...
2nd degree murder while armed	224	235.8	195.5	82.9	1.3	20	84	168	180	252	364	492	2,004
2nd degree murder	36	196.9	136.8	69.5	1.1	45	60	112	180	216	360	480	800
Voluntary manslaughter	88	93.8	47.9	51.1	1.2	10	36	60	78	120	156	180	252
Voluntary manslaughter while armed	86	159.9	73.6	46.0	1.0	0	60	120	156	180	240	288	420
Involuntary manslaughter	30	59.1	41.6	70.3	1.0	3	3	24	60	72	120	120	160
Negligent homicide	8	13.4	5.8	43.0	1.0	1	1	12	14	17	20	20	20
Sex—child	102	80.7	107.6	133.5	2.2	3	9	20	36	84	206	264	684
1st degree child sex abuse	14	195.3	161.2	82.6	1.1	24	24	96	174	220	320	684	684
Sodomy on minor child	3	241.3	221.5	91.8	1.5	72	72						

Following its September 30th report to the Council, the Commission approached UI about an alternative method for estimating how long defendants entering prison could expect to serve. The Commission requested that UI produce data on what it termed "pure cases." The initial definition of a pure case, which evolved over the following three-month period, was a case sentenced on a single felony charge that had been released by the end of 1998. The Commission intended to group the pure cases into detailed-level offense categories and use the mean time served in each category as a prediction for what entering commitments sentenced for that charge could expect to serve. UI met with members of the Commission on several occasions between November 1999 and March 2000 to present data on pure cases. At each meeting, new criteria for selecting pure cases were added by the Commission, and UI staff subsequently implemented the criteria in their programs. The distributions of sentence imposed and time served changed very little between the first and final groups of pure cases. Details of the iterative process for selecting pure cases and the results of analysis on the pure case data are presented below and in the appendix to Chapter 5 titled "Pure Cases."

Methodology for preparing the integrated database

In developing the integrated database, the UI staff followed the procedures described below. The agency data are considered to be confidential, so before obtaining agency data, UI prepared and submitted to the agencies pledges of confidentiality, a plan for maintaining the data as confidential, and the UI Project Director obtained signatures from all staff on confidentiality pledges.

In analyzing the data, UI staff needed to overcome problems of inadequate documentation. The UI staff were provided with basic documentation that had brief description of each variable and labels that described the values of each variable. However, there was little documentation defining variables or explained how the agencies used them. Consequently, UI staff expended a considerable amount of time working with agency officials to learn about each database, how to use each variable, and how to interpret each variable. Several tests of the quality of the data were performed, including: out of range data checks; comparisons with other data sources; extensive discussions with agency officials and computer programmers; reviews of data tables for logic and consistency; and comparisons with matched and linked records.

One of UI's main goals was to create an integrated database that would link records of defendants as they moved through the several criminal justice agencies that handled them in their appearance in the District of Columbia sentencing process. To create this database, the UI staff had to link records. These agencies whose data were linked included the PSA, DCSC, DOC, and Parole. Each agency maintained a separate database that it used for administrative or case management purposes. Each agency's database recording information for different units of analysis. There was some overlap in terms of the data elements recorded on a case between data systems, but generally, the agencies recorded non-overlapping and different information about the cases that appeared in their systems.

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The idea behind creating the integrated database was that of linking records across data systems to use the unique information from each system to create defendant-level or person-level records that contained more information about cases than could be obtained from any one system. And, it involved linking records within an agency's data system for the purposes of obtaining histories of contacts with an agency or for the purpose of aggregating charge-level information into summary data for a docket or commitment. Accomplishing these linking objectives required addressing problems related to units of analysis, selection of charges, classification of offenses, and definitions of events.

Units of analysis in the source data

The four agency's databases recorded information on different units of analysis. The Pretrial Services Agency (PSA) data recorded information about charges, about felony dockets, and because it contained the Metropolitan Police Department identification number, the charge and docket information could be obtained for individuals. The District of Columbia Superior Court (DCSC) data contained information for the same three units as the PSA data, and it also contained an identifier that could be used to link the records of defendants (dockets) when there were multiple defendants in one case. Thus, in the DCSC data there were at least four units of analysis.

In the District of Columbia Department of Corrections (DOC) data, there were at least four units of analysis: (1) the charge level information associated with a (2) docket on a (3) commitment (4) for a person sentenced to prison. However, the charge level information was based on DOC charge codes. These were not directly comparable to the DCSC charge codes. (See "Offense Classifications" in this chapter, below.) Because this report attempted to maintain consistent information on defendants as the proceeded through the DC sentencing and corrections system, the link between DCSC and DOC data provided the method for using DCSC charge code information to classify the offenses of persons committed into DOC.

In the DC Board of Parole Data, several tables were available each with a different unit of analysis. The unit of analysis of the decision tables presented in chapter 6 is a parole board decision. Invariably there are multiple decisions made about the release of an individual. These could involve intial hearing, continuations, denials, grants, recissions, re-grants, etc. Accordingly, an individual may be counted more than once in the decision table.

Aggregations within agency data bases

Records were linked within agency databases for several purposes: (1) to obtain some criminal history information; (2) to consolidate charges and produce docket-level information on offenses; (3) to consolidate charge-level information about dispositions and sentences to provide information about sentences on dockets; and (4) to obtain data on pretrial time.

To obtain a portion of the criminal history data, UI relied on DCSC records covering the period from 1978 to 1998. Using the PDID (person identifying variable), UI staff created programs to identify each case that a person appeared in during this 20-year period. For defendants sentenced during 1993-98, their cases that occurred within 15 years of their current conviction(s) (i.e., convictions during 1993 to 1998) were identified, counted, and classified. A most serious charge for the prior convictions was identified using the

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methods described in "Offense Classifications."[2] Thus, to obtain this portion of criminal history, methods had to be developed to "aggregate" dockets within the DCSC data by relying on the PDID variable.[3]

Within the DCSC data, sentencing and offense information was recorded in "charge records" that were associated with a docket or defendant in a case. A docket record may be associated with one or several charge records. Data about the disposition, type, and length of sentence imposed on each charge were analyzed and as needed aggregated across charges for the purposes of describing sentencing outcomes for each docket. Specificially, for each docket, a most serious charge was selected to describe the main offense charged. For each docket, a disposition was chosen: For example, if a docket had a charge that was dismissed and another charge that was convicted, the defendant (or docket) was classified as convicted. On each charge record was also recorded information about the types and lengths of sentences imposed. This information was used to determine the type of sentence (e.g., prison only, split, probation, etc.), and the data on lengths of sentences was aggregated to give a measure of the total length of sentence imposed on a docket. Doing this required using information about whether sentences were imposed consecutively or concurrently, as described in the "Methodological Notes to Chapter 3."

Finally, within the DOC data, information about pretrial time was aggregated across the commitment level records in that database. Doing this involved developing complex search rules to determine how to allocate the time spent in jail among commitments.

Links across agency databases

Records of defendants were linked across PSA, DCSC, and DOC data. The links across the PSA and DCSC were based on procedures developed by PSA and DCSC. These agencies regularly share data electronically on cases in DCSC.

The link between DCSC and DOC was the critical link in developing the integrated database. The DCSC data identified the universe of defendants who entered prison during 1993-98 about whom time served measures would be derived. One complicating factor in the link between DCSC and DOC was the change in unit of analysis. The DCSC records information about dockets; the DOC records information about commitments, and a single docket may appear on more than one commitment, as well as a single commitment may have more than one docket (which happens more commonly). Commitments reflect consolidated dockets, as each commitment contained information about each docket that comprised the commitment. DOC dockets also contained charge-level information, but charges were recorded by DOC charge codes. These were not directly comparable to DCSC charge codes. Hence, it was not possible to make a one-to-one link of charge codes between these two datasets. Rather, after linking records of DCSC dockets to DOC dockets, the DCSC charge code information was used to describe offenses of commitments.

Establishing the link of records between these two systems required that docket-level information in the DCSC be consolidated into commitment-level information in the DOC. In the database, a consolidation of dockets into a single DOC commitment occurs when (a) a person is sentenced to confinement in two or more cases (or dockets) in D.C. Superior Court on the same date, or (b) a person who has been committed into the DC-DOC on one sentence is sentenced in another case while in prison but has not yet been released from prison on the initial commitment. A person who has been sentenced to confinement in two or more cases but has a release from prison that occurs between the sentences is counted as having a separate commitment for each sentence that is interrupted by a release from prison. The release could be an escape, a

[2] Criminal history related to convictions in courts other than DC Superior Court was obtained from FBI "rap sheets" that had been included in the PSA data. For details on criminal history, see the section "Criminal History" in this chapter, and see the "Methodological Notes to Chapter 2" at the end of that chapter.

[3] For details on the methods, the SAS programs used to create this DC Superior Court criminal history are self-documenting and are available from the Urban Institute or the DCACS upon request.

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parole, a transfer to BOP, or the completion of a term. The same person may be counted more than once if they are committed into prison more than one time. To illustrate how dockets are consolidated into commitments, consider the following examples:

- The simplest form of a commitment into prison is of a person sentenced on one or more felony charges on a single felony docket.
- A person sentenced on two felony dockets within, say, a week of one another with no release during that week would also be considered a single commitment.
- A person sentenced on two felony dockets within a week of one another but with an escape in between would be considered two separate commitments.
- A person sentenced in 1993 on one docket who was paroled then sentenced on a new docket in 1996 would be considered as two separate commitments.
- A person sentenced in 1993 on one docket and then again in 1995 on another docket with no release from custody in between would be considered a single commitment.

Other examples can be given as well to show more or less of the complexity involved in linking DCSC and DOC data.

Summary of results of linking

Records of individual defendants were matched and linked using appropriate identifiers, and an integrated database was constructed that tracked the flow of defendants from pretrial services, through the Superior Court, into corrections, and onto parole. Given the changes to the various data systems in effect during the period, and given the patterns of flow of offenders, the linkage rates varied across the criminal justice system. About 99% of the defendants in pretrial were linked to the DCSC data; about 98% of the DCSC defendants were linked into corrections, and of the offenders released from prison, the vast majority were linked with the parole data.

By linking records within and across agencies' databases the UI staff were able to enhance the information in any one agency's database. For example, while the DCSC database contains the records of prior convictions and by linking persons over time we could get the number of prior convictions in DC, the DCSC database does not contain information on criminal history that occurred outside of the District. However, the PSA database does contain this information. Therefore, by matching and linking the records of defendants in these two agencies' databases, the UI obtained a more complete count of prior criminal history information. Or, as indicated above, by linking court and corrections data, UI was able to obtain information about consolidations in sentences.

The results of the matching and linking records were as follows:

- Almost 100% of the defendants appearing in the PSA database were matched and linked to their records in the DCSC database. This result was expected, as these two agencies transfer data electronically daily. The very few unmatched records could be due to the status of the database on the different dates that each extract was made.
- The link between DCSC and the DC-DOC at the level of the defendant docket number achieved a 99% match rate for the post-1990 records; for records of defendants sentenced to prison before 1990, the match between the courts and corrections dipped as low as 85%.
- The link between the DCSC defendant docket number, the DCSC charge codes, and the parole data was as low as 50%. This was done to try to use the DCSC charge code data to classify offenses for offenders released onto parole. Given the low match rate between DCSC and parole data at the charge level, the

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offense codes found in the parole database were used to describe the offenses of persons released onto parole.

The construction of the database was beset by several problems. First, several extracts of each dataset from each agency were required to cover the study periods and to include all relevant data elements. Second, the corrections dataset underwent a major purge of records in the late 1980s. This purge affected the ability to determine whether offenders currently identified as in prison had previously been released. Third, links between the DCSC and parole were made through the corrections database, as the felony docket number – which was used to link court records to corrections records – was not readily available in the parole database. Fourth, corrections and parole use different offense coding schemes from the court and pretrial. These offense coding schemes are not exactly the same. Although conceptually similar, there is not a one-to-one correspondence between the offenses in the court and corrections data. For the data on offenders entering prison, the court offenses could be obtained from the linked court and corrections records. For the parole release records, this was not possible, so that Chapter 6 uses a different offense classification scheme from the other chapters.

Assessing the quality of the integrated database

The completeness of the data were assessed by comparing the data in UI tables with published results and assessing the effects of the UI methodology on different counts. Where possible (e.g., the DC-DOC data), UI staff compared its methodology directly against DC-DOC computer programs to determine the reasons for differences in counts.[4] Counts from one agency's data were compared to counts in another; data on linked records were compared for accuracy in data entry; and data tables were reviewed by agency staff and Commission members for their face validity.

Statistical tests of the linked data

The UI staff conducted several tests of the links and of the reliability of the data derived from the linking process. The tests show that the database had certain strengths and that the quality of the data was adequate for statistical purposes. This conclusion was based on the following considerations:

- Link rates between databases, especially the PSA-DCSC and DCSC-DOC, were very high (approximately 99% in both linkages).
- Comparisons of similar fields between data sources revealed little discrepancy. For example dates and sentence lengths in DCSC generally matched those in DCDOC, and criminal history information in PSA was consistent with PSI data.
- Databases from different agencies complemented each other. For example, the DCSC data overwrites information concerning split sentences in some instances, but the DCDOC retains historic information on all charges.
- Error in the databases appeared to be randomly distributed. No one subgroup of cases appeared to have more or less errors than any other when standard checks for out-of-range values and clerical errors were performed.
- Estimates of sentences imposed and time served remained stable despite changes in classification schemes and inclusion criteria. This stability was illustrated clearly by the pure cases, as subsequent definitions of pure cases produced little or no change in the estimates. (See the discussion of "Pure Cases" in the Appendix to Chapter 5.)

[4] For example, UI staff discovered errors in DC-DOC computer programs; these were reported to DC-DOC and corrected by the agency.

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Some general strengths and weaknesses of the database

The large number of cases in the database and the complementary nature of elements across databases provided a wealth of data for our analysis. For example the large number of cases allowed data on sentences imposed to be analyzed at the level of the 140 detailed offense categories. The data on types and lengths of sentences permitted the computation of a range of statistics to describe the central tendency and distribution of these outcomes. The high rates of matching and linking data enhanced the number of data elements that were available and leant credibility to the integrity of the data. High link rates allowed data on persons sentenced to prison after 1990 to be tracked through the prison system for developing entry-cohort estimates of length of stay.

On the other hand, the data had limitations, which could prove problematic in undertaking certain analyses not addressed in detail in this report. For example, there were too few cases to estimate time served in prison for the 140 detailed offense codes, as many of those who entered prison on long sentences were still in prison at the end of the study period and many of the charges with relatively few cases were also those with longer sentences. Second, the purge of DC-DOC that occurred during the late 1980s affected our ability to generate accurate counts of persons in the prison stock, with the exception of life sentenced prisoners and homicide offenders. Third, it was very difficult to credit time served to specific charges for offenders who cycled through the system several times during the study period. Maintaining accurate data on all of their sentences, how much of each sentence they served, and the crimes for which they still owed an obligation to the DC Department of Corrections was not possible. In other words, precise estimates of the relationship between sentences and time served for releases from prison subsequent to the first release on a commitment were difficult to track. Finally, juvenile criminal history data were not available, and for younger defendants, this criminal history may affect their sentences.

Offense Classification

A major part of The Urban Institute's effort involved meeting with the Commission to obtain input on building the database and to find out what the Commission wanted to include in its reports. For example, during many of the presentations to the Commission, discussions considered points that members thought important to report on; these included: how to treat life-sentenced prisoners given that during the new sentencing system there will be no sentence of life; how to handle the complex movements through the criminal justice system and how to manage the three different units of count in the system : charges, defendants in cases, and persons committed into prison; what level of detail to show offenses, and how to organize detailed charge codes into offense categories; and how to report on length of stay in prison, and the trade-offs between entry-cohort and exit-cohort based estimates of length of stay.

Other issues were considered and helped to shape the data analysis. One crucial issue related to methods for classifying more than 280 "charge codes" (the codes used to identify the charges filed in a felony case) into a smaller group of 140 detailed charges (that appear as appendix tables in this report). These 140 were further grouped into 24 offense categories (that appear throughout this report). For its own analytic purposes, The Urban Institute grouped the 24 offense categories into 6 broadly descriptive categories.

The use of 24 offense categories helps to simplify the report, as detailed data on 140 or more felony charges would be almost impossible to digest. However, as pointed out by the Commission in its report, there are tradeoffs between the simplifying choices and the "devils in the details." For example, the category of *homicide* includes *first degree murder*, *second degree murder* and *manslaughter*, which covers a wide variety of very different crimes. To take another example, the category of *robbery* includes both *armed robbery*, for which the maximum sentence is life in prison, and *unarmed robbery*, for which the maximum sentence is 15 years imprisonment, as well as *attempted robbery*, for which the maximum sentence is 3 years. To address this point, this report provides detailed data on all 140 offenses in the Appendices.

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It is interesting to note that a Commission member suggested that another way to group offenses was to base the groupings on the similarity in the lengths of sentences imposed. A preliminary "cluster analysis" of the length of sentence imposed was undertaken and shows shows, however, that very different types of offenses are sentenced similarly. Thus, the Commission's concern that grouping detailed offenses into the 24 offense categories might lead to categories that were heterogeneous – while valid – is not addressed by its other suggestion to group based on length of sentence. That is, the "offense categories" or severity categories that result from the cluster analysis also indicate that very different types of behaviors receive similar sentences. This is not surprising, as different behaviors (e.g., drug possession and simple assault) may be viewed as deserving roughly comparable penalties.

Data about offenses of conviction and sentencing appear on charging documents and in the DC Superior Court record system as charge codes. More than 300 such codes are used to classify and describe felony and misdemeanor offenses. One of the major tasks of this project was to classify these codes into offense categories that could be used to describe the offenses that were sentenced during the study period. Eventually, the detailed offense codes were classified into 3 schemes, each of which reflected a different level of aggregation.

The DC Advisory Commission on Sentencing provided the guidance to organize and classify offenses. The members of the Research Committee identified the charge codes that represented felony offenses and codes that could be collapsed into a single category. The Research Committee also reviewed and commented on several drafts of a document that reorganized offenses into the offense categories.

The result was to create three levels of aggregation of charge codes:

- 140 detailed charge categories that represented the charges prosecuted and sentenced;
- 24 offense categories that represented substantive offense groupings; and
- 5 broad offense groupings that represented very general groups.

The 140-level classification that shows detailed charge code categories was used. (See the details in Tables 7.1, 7.2. and 7.3.) This classification aggregates charge codes that represent the same type of offense into categories that represent the charges filed and proceeded against in DC Superior Court.

The 24-level offense categorization scheme was used throughout the report. This scheme relied on commonly used offense categories, such as homicide, assault, robbery, drug distribution, ans so on. (See the outdented and bold categories in Tables 7.1 and 7.3, and see the left side column of Table 7.2.) The 24-level classification appears in each chapter.

The 5-level offense grouping—the most general scheme—included violent, property, drugs, weapons, and public-order offenses. (The five levels appear in Table 7.4, along with the more detailed offenses that comprise them.) This grouping was especially important in the analysis of underlying trends in sentencing outcomes, as is used especially in Chapters 3 and 4 to describe trends. Its major advantage is that it provides a fairly easy way to describe broad patterns. Its major limitation is the high level of aggregation so that a category such as violent offenses includes offenses ranging from 1st degree murder to simple assault.

In addition to grouping charges into offense categories, a choice had to be made about which offense to select in the cases in which defendants were sentenced for more than one charge. About 70% of defendants were sentenced on a single charge, but more than 50% of the defendants convicted of violent offenses were sentenced on *more* than one charge. A most serious charge was selected based on statutory maximum penalties. Criteria used in ranking charges are the following, in order of importance: (1) statutory maximum penalty, (2) statutory minimum maximum penalty, (3) mandatory minimum penalty and, (4) seriousness level as assigned in the 1987 DC Sentencing Guidelines Commission. Many charges have the same ranking; if two of these appeared on a defendant's docket, the *first* highest-ranking charge on the docket was selected as the most serious.

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Table 7.1.

This table shows how felony charges are organized into offense categories (which are used primarily to summarize discussion), and it shows the distribution of all felony charges that were sentenced on felony dockets from 1993 to 1998. The first column indicates the offense category into which the charges are grouped. The second column lists the charges, some of which are a consolidation of several DC Superior Court charge codes, for which the data are shown. The third and fourth columns indicate whether a specific charge describes an offense that was committed while unarmed (an "X" in the third column), or while armed (an "X" in the fourth column). The fifth and last column displays the number of times each charge was sentenced. These data are at the *charge level* rather than at the defendant level. In other words, a charge that is sentenced three times in the same docket (multiple counts) will be counted three times.

Table 7.2.

This table shows the seriousness ranking of each charge reported in the court data. The seriousness ranking was used to select a "most serious charge" from the dockets of defendants who were sentenced on more than one charge.

The left side of the table displays the charges in order of offense category, with their rank values in the column to the right (most serious charge=1, least serious charge=74). The right side of the table displays the same charges in order of seriousness, most serious (top) to least serious (bottom). The serious ranking is used in subsequent analyses to select a "most serious charge" on every multiple-charge felony docket. Criteria used in ranking all charges are the following, in order of importance: (1) Statutory maximum penalty, (2) statutory minimum maximum penalty, (3) mandatory minimum penalty, (4) seriousness level as assigned in the 1987 DC Sentencing Guidelines Commission. Note that many charges have the same ranking, in which case the first highest-ranking charge on the docket is selected as the most serious.

Table 7.3.

This table shows the number of felony defendants in cases (or dockets) sentenced in DC Superior Court from 1993-98. The counts are of defendants, and represent the number of defendants sentenced on felony dockets with at least one felony charge. The data are displayed for defendants sentenced (a) on all dockets, (b) on dockets with only a single felony charge, and (c) on dockets with multiple charges (where the charge reported in this table is the most serious charge, as determined using the rankings shown in Table 7.2). These data are displayed in the "All defendants," "Single felony charge," and "Most serious charge" columns, respectively. The sentenced charges are organized by offense category. Note that if a person is sentenced in more than one case (more than one docket), the person will be counted more than once in this table.

Sample interpretation: 44 defendants were sentenced with the charge "2nd degree murder" as their only or most serious charge. Of those defendants, 24 received "2nd degree murder" as their only felony charge (on a single-charge docket), while the remaining 20 defendants were sentenced to "2nd degree murder" as their most serious charge (on a multiple-charge docket). From Table 7.1, we know that "2nd degree murder" was charged 62 times, yet only 44 defendants were sentenced for the offense as their only or most serious charge. The discrepancy of 62-44=18 is the number of "2nd degree murder" charges that were neither the only charge nor the most serious charge on any docket.

Table 7.4.

This table shows the relationship between the two levels of offense categories used in subsequent analyses. The broadest level of organization, the major offense categories, are shown in the left column. The

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more specific offense categories (right column) are a subset of each major offense category, with a few exceptions (noted at bottom of table). Individual charges are not shown in this table.

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Table 7.1. Distribution of felony charges sentenced on felony dockets in DC Superior Court, for charges sentenced between Jan. 1, 1993 and Dec. 31, 1998, by offense category and charge

Offense category and charge	Type of charge: Unarmed	Type of charge: Armed	All charges
Total Felonies			**25,918**
Homicide			**1,107**
Murder I while armed		X	429
Murder I	X		56
Murder of law enforcement officer	X		1
2nd degree murder while armed		X	289
2nd degree murder	X		62
Voluntary manslaughter	X		112
Voluntary manslaughter while armed		X	100
Involuntary manslaughter	X		42
Negligent homicide	X		16
Sex—child			**306**
1st degree child sex abuse	X		33
Sodomy on minor child	X		15
Attempt 1st degree child sexual abuse	X		1
2nd degree child sex abuse	X		38
Enticing a child	X		7
Sexual performance using minor	X		2
Attempt 2nd degree child sex abuse	X		7
Carnal knowledge	X		46
Ind act Miller Act	X		157
Sex—abuse			**297**
1st degree sex abuse	X		24
1st degree sex abuse while armed		X	6
Rape	X		54
Rape while armed		X	39
2nd degree sex abuse	X		3
3rd degree sex abuse	X		14
4th degree sex abuse	X		9
2nd degree sex abuse/ward	X		1
2nd degree sex abuse patient/c	X		1
Attempt 1st degree sex abuse	X		53
Sodomy	X		45
Incest	X		5
Assault w/i rape while armed		X	6
Assault w/i rape	X		33
Assault w/i commit sodomy while armed		X	4
Assault with intent to kill			**397**
Assault w/i kill while armed		X	362
Assault w/intent to kill	X		35

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Table 7.1. *continued*

Offense category and charge	Type of charge: Unarmed	Type of charge: Armed	All charges
Assault			**1,617**
Armed assault with intent		X	2
Assault with intent	X		15
Assault w/i mayhem	X		4
ADW		X	972
Assault w/i any offense	X		7
Aggravated assault	X		126
Aggravated assault while armed		X	101
Attempt aggravated assault	X		42
APO dang weapon		X	55
APO	X		141
Mayhem	X		23
Mayhem while armed		X	76
Malicious disfigurement	X		2
Cruelty to children	X		39
2nd degree cruelty to children	X		12
Kidnapping			**146**
Armed kidnapping		X	94
Kidnapping	X		49
Attempt kidnapping	X		3
Robbery			**2,261**
Assault w/i rob while armed		X	109
Assault with intent to rob	X		76
Armed robbery		X	585
Armed robbery-senior citizen		X	5
Attempt armed robbery		X	42
Robbery	X		717
Robbery of senior citizen	X		42
Attempt robbery	X		685
Carjacking			**47**
Carjacking	X		21
Carjacking while armed		X	26
Weapon during crime			**1,202**
Poss firearm during crime of dang/viol off		X	1,202
Weapon			**2,393**
CDW	X		453
PPW gun	X		26
Carrying a pistol without a license	X		1,766
PPW felony	X		148
Burglary			**1,425**
Armed burglary I		X	140
Burglary I	X		117
Armed burglary II		X	53
Burglary II	X		798
Attempt burglary	X		317
Arson			**36**
Arson	X		35
Arson/domestic	X		1
Obstruction of justice			**115**
Obstructing justice	X		102
Tampering physical evidence	X		13

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Table 7.1. *continued*

Offense category and charge	Type of charge: Unarmed	Type of charge: Armed	All charges
Escape/Bail Ref. Act			**2,930**
Escape/prison breach-attempt	X		237
Escape/prison breach	X		1,938
Bail reform act-felony	X		755
Drug—distribution			**4,184**
Attempt distribute cocaine[1]	X		2,231
Attempt distribute dilaudid[1]	X		49
Attempt distribute heroin[1]	X		420
Attempt distribute PCP[1]	X		71
Attempt distribute preludin[1]	X		2
UCSA distribute cocaine	X		996
UCSA distribute dilaudid	X		41
UCSA distribute heroin	X		324
UCSA distribute other	X		3
UCSA distribute PCP	X		46
UCSA distribute preludin	X		1
Drug—PWID			**4,226**
Attempt PWID cocaine[2]	X		2,092
Attempt PWID dilaudid[2]	X		7
Attempt PWID heroin[2]	X		519
Attempt PWID PCP[2]	X		77
PWID while armed		X	34
UCSA PWID cocaine	X		1,086
UCSA PWID dilaudid	X		16
UCSA PWID heroin	X		331
UCSA PWID other	X		11
UCSA PWID PCP	X		51
UCSA PWID methamphetam	X		2
Drug—violation of drug free zone			**58**
Attempt distribute in drug free zone	X		1
Violating drug free zone	X		57
Unauthorized use of an automobile			**886**
UUA	X		886
Forgery			**246**
Forgery	X		95
Uttering	X		143
Bad check	X		8
Fraud			**36**
Credit card fraud	X		15
Fraud 1st degree	X		13
Fraud 2nd degree	X		8
Larceny			**345**
Grand larceny	X		4
Larceny after trust	X		4
Theft 1st degree	X		335
Theft I /senior citizen	X		2
Property			**320**
Destruction property over 200	X		310
Unlawful entry-vending machine	X		10

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Table 7.1. ***continued***

Offense category and charge	Type of charge: Unarmed	Type of charge: Armed	All charges
Stolen property			**250**
Trafficking stolen property	X		4
Receiving stolen goods	X		246
Other			**1,088**
Accessory after fact	X		33
Blackmail	X		2
Bribery	X		8
Bribery of witness	X		1
Conspiracy	X		200
Dangerous Drug Act	X		1
Embezzlement	X		4
Extortion	X		8
False impersonation police (fel)	X		4
Impersonate public official	X		2
Introducing contraband penal inst	X		2
Maintaining a crack house	X		3
Obtaining narcotics by fraud	X		8
Pandering	X		5
Perjury	X		6
Procuring	X		6
Stalking	X		12
Threat injure a person	X		169
Any other felony	X		255
Any other US charge	X		31
Attempt crime not listed	X		328

[1]Attempted distribution is shown separately from distribution in this table. Data for attempted and "completed" distribution can be aggregated for display purposes, but are not presented in this format because of large variations in mean sentence lengths for completed vs attempted distribution. For example, defendants sentenced for distribution of cocaine, dilaudid, heroin, and PCP as their most serious charge received mean minimum sentence lengths 70% to 124% higher than those sentenced for attempted distribution. For defendants sentenced for the same offenses on single-charge dockets, mean sentence lengths were 34% to 68% higher for distribution when compared to attempted distribution.

[2]Attempted PWID is shown separately from PWID in this table. Data for attempted and "completed" PWID can be aggregated for display purposes, but are not presented in this format because of large variations in mean sentence lengths for completed vs. attempted PWID. For example, defendants sentenced for PWID of cocaine, heroin, and PCP as their most serious charge received mean minimum sentence lengths 14% to 73% higher than those sentenced for attempted PWID. For defendants sentenced for the same offenses on single-charge dockets, mean sentence lengths were 43% to 59% higher for PWID when compared to attempted PWID.

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Table 7.2. Charge seriousness rankings of felony charges sentenced in DC Superior Court, organized by offense category and rank value
[Most serious charge rank = 1]

Charges organized by offense category	Rank
Homicide	
Murder I while armed	1
Murder I	2
Murder of law enforcement officer	2
2nd degree murder while armed	4
2nd degree murder	5
Voluntary manslaughter	20
Voluntary manslaughter while armed	10
Involuntary manslaughter	21
Negligent homicide	51
Sex—child	
1st degree child sex abuse	16
Sodomy on minor child	16
Attempt 1st degree child sexual abuse	33
2nd degree child sex abuse	42
Enticing a child	51
Sexual performance using minor	44
Attempt 2nd degree child sex abuse	53
Carnal knowledge	65
Ind act Miller Act	68
Sex—abuse	
1st degree sex abuse	16
1st degree sex abuse while armed	10
Rape	16
Rape while armed	10
2nd degree sex abuse	26
3rd degree sex abuse	44
4th degree sex abuse	52
2nd degree sex abuse/ward	50
2nd degree sex abuse patient/c	50
Attempt 1st degree sex abuse	33
Sodomy	38
Incest	36
Assault w/i rape while armed	12
Assault w/i rape	28
Assault w/i commit sodomy while armed	12
Assault with intent to kill	
Assault w/i kill while armed	11
Assault w/intent to kill	29

Charges organized by rank value	Rank
Charges ranked 1-5	
Murder I while armed	1
Murder I	2
Murder of law enforcement officer	2
Carjacking while armed	3
2nd degree murder while armed	4
2nd degree murder	5
Charges ranked 6-10	
Poss firearm during crime of dang/viol off	6
Armed burglary I	7
Obstructing justice	8
Armed robbery-senior citizen	9
Voluntary manslaughter while armed	10
1st degree sex abuse while armed	10
Rape while armed	10
Charges ranked 11-15	
Assault w/i kill while armed	11
Aggravated assault while armed	11
Armed kidnapping	11
Assault w/i rape while armed	12
Assault w/i commit sodomy while armed	12
Mayhem while armed	12
Armed robbery	13
Attempt armed robbery	14
Armed assault with intent	15
Assault w/i rob while armed	15
PWID while armed	15
Charges ranked 16-20	
1st degree child sex abuse	16
Sodomy on minor child	16
1st degree sex abuse	16
Rape	16
Kidnapping	17
Attempt distribute in drug free zone	18
Burglary I	19
Voluntary Manslaughter	20
Charges ranked 21-25	
Involuntary manslaughter	21

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Table 7.2. ***continued***

Charges organized by offense category	Rank
Assault	
Armed assault with intent	15
Assault with intent	31
Assault w/i mayhem	42
ADW	43
Assault w/i any offense	51
Aggravated assault	39
Aggravated assault while armed	11
Attempt aggravated assault	49
APO dang weapon	41
APO	52
Mayhem	40
Mayhem while armed	12
Malicious disfigurement	42
Cruelty to children	34
2nd degree cruelty to children	45
Kidnapping	
Armed kidnapping	11
Kidnapping	17
Attempt kidnapping	49
Robbery	
Assault w/i rob while armed	15
Assault with intent to rob	31
Armed robbery	13
Armed robbery-senior citizen	9
Attempt armed robbery	14
Robbery	30
Robbery of senior citizen	24
Attempt robbery	61
Carjacking	
Carjacking	25
Carjacking while armed	3
Weapon during crime	
Poss firearm during crime of dang/viol off	6
Weapon	
CDW	52
PPW gun	63
Carrying a pistol without a license	52
PPW felony	45
Burglary	
Armed burglary I	7
Burglary I	19
Armed burglary II	67
Burglary II	68
Attempt burglary	53
Arson	
Arson	37
Arson/domestic	32

Charges organized by rank value	Rank
Charges ranked 21-25 ***continued***	
UCSA distribute cocaine	22
UCSA distribute dilaudid	22
UCSA distribute heroin	22
UCSA distribute PCP	22
UCSA distribute preludin	22
UCSA PWID cocaine	22
UCSA PWID dilaudid	22
UCSA PWID heroin	22
UCSA PWID PCP	22
UCSA PWID methamphetam	22
Attempt distribute cocaine	23
Attempt distribute dilaudid	23
Attempt distribute heroin	23
Attempt distribute PCP	23
Attempt distribute preludin	23
Attempt PWID cocaine	23
Attempt PWID dilaudid	23
Attempt PWID heroin	23
Attempt PWID PCP	23
Robbery of senior citizen	24
Carjacking	25
Charges ranked 26-30	
2nd degree sex abuse	26
Threat injure a person	27
Assault w/i rape	28
Assault w/intent to kill	29
Robbery	30
Charges ranked 31-35	
Assault with intent	31
Assault with intent to rob	31
Arson/domestic	32
Attempt 1st degree child sexual abuse	33
Attempt 1st degree sex abuse	33
Cruelty to children	34
Theft I /senior citizen	35
Charges ranked 36-40	
Incest	36
Arson	37
Sodomy	38
Aggravated assault	39
Mayhem	40
Charges ranked 41-45	
APO dang weapon	41
2nd degree child sex abuse	42
Assault w/i mayhem	42
Malicious disfigurement	42
ADW	43
Sexual performance using minor	44
3rd degree sex abuse	44
Obtaining narcotics by fraud	44

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Table 7.2. *continued*

Charges organized by offense category	Rank
Obstruction of justice	
Obstructing justice	8
Tampering physical evidence	60
Escape/Bail Ref. Act	
Escape/prison breach-attempt	53
Escape/prison breach	52
Bail reform act-felony	70
Drug—distribution	
Attempt distribute cocaine	23
Attempt distribute dilaudid	23
Attempt distribute heroin	23
Attempt distribute PCP	23
Attempt distribute preludin	23
UCSA distribute cocaine	22
UCSA distribute dilaudid	22
UCSA distribute heroin	22
UCSA distribute other	51
UCSA distribute PCP	22
UCSA distribute preludin	22
Drug—PWID	
Attempt PWID cocaine	23
Attempt PWID dilaudid	23
Attempt PWID heroin	23
Attempt PWID PCP	23
PWID while armed	15
UCSA PWID cocaine	22
UCSA PWID dilaudid	22
UCSA PWID heroin	22
UCSA PWID other	51
UCSA PWID PCP	22
UCSA PWID methamphetam	22
Drug—violation of drug free zone	
Attempt distribute in drug free zone	18
Maintaining a crack house	66
Unauthorized use of an automobile	
UUA	54
Forgery	
Forgery	45
Uttering	56
Bad check	58
Fraud	
Credit card fraud	45
Fraud 1st degree	45
Fraud 2nd degree	60

Charges organized by rank value	Rank
Charges ranked 41-45 *continued*	
Bribery	44
Extortion	44
Introducing contraband penal inst	44
Perjury	44
2nd degree cruelty to children	45
PPW felony	45
Forgery	45
Credit card fraud	45
Fraud 1st degree	45
Trafficking stolen property	45
Charges ranked 46-50	
Larceny after trust	46
Theft 1st degree	46
Destruction property over 200	47
Receiving stolen goods	48
Attempt aggravated assault	49
Attempt kidnapping	49
2nd degree sex abuse/ward	50
2nd degree sex abuse patient/c	50
Charges ranked 51-55	
Negligent homicide	51
Enticing a child	51
Assault w/i any offense	51
UCSA distribute other	51
UCSA PWID other	51
Dangerous Drug Act	51
Blackmail	51
Pandering	51
4th degree sex abuse	52
APO	52
CDW	52
Carrying a pistol without a license	52
Escape/prison breach	52
Bribery of witness	52
Conspiracy	52
Attempt 2nd degree child sex abuse	53
Attempt burglary	53
Escape/prison breach-attempt	53
UUA	54
Procuring	55
Charges ranked 56-60	
Uttering	56
Impersonate public official	57
Bad check	58
Tampering physical evidence	60
Fraud 2nd degree	60

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Table 7.2. *continued*

Charges organized by offense category	Rank
Larceny	
Grand larceny	70
Larceny after trust	46
Theft 1st degree	46
Theft I /senior citizen	35
Property	
Destruction property over 200	47
Unlawful entry-vending machine	62
Stolen property	
Trafficking stolen property	45
Receiving stolen goods	48
Other	
Accessory after fact	73
Blackmail	51
Bribery	44
Bribery of witness	52
Conspiracy	52
Dangerous Drug Act	51
Embezzlement	74
Extortion	44
False impersonation police (fel)	71
Impersonate public official	57
Introducing contraband penal inst	44
Obtaining narcotics by fraud	44
Violating drug free zone	69
Pandering	51
Perjury	44
Procuring	55
Stalking	69
Threat injure a person	27
Any other felony	72
Any other US charge	72
Attempt crime not listed	64

Charges organized by rank value	Rank
Charges ranked 61-65	
Attempt robbery	61
Unlawful entry-vending machine	62
PPW gun	63
Attempt crime not listed	64
Carnal knowledge	65
Charges ranked 66-70	
Maintaining a crack house	66
Armed burglary II	67
Ind act Miller Act	68
Burglary II	68
Violating drug free zone	69
Stalking	69
Bail reform act-felony	70
Grand larceny	70
Charges ranked 71-74	
False impersonation police (fel)	71
Any other felony	72
Any other US charge	72
Accessory after fact	73
Embezzlement	74

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Table 7.3. Distribution of defendants sentenced for felony charges on felony dockets in DC Superior Court, for defendants sentenced between 1993-1998, by offense category and charge

Offense category and charge	Defendant level: All defendants	Single felony charge	Most serious charge
Total defendants	**17,331**	**12,578**	**4,753**
Homicide	**780**	**258**	**522**
Murder I while armed	252	13	239
Murder I	21	2	19
Murder of law enforcement officer	0	0	0
2nd degree murder while armed	225	84	141
2nd degree murder	44	24	20
Voluntary manslaughter	98	48	50
Voluntary manslaughter while armed	89	49	40
Involuntary manslaughter	37	24	13
Negligent homicide	14	14	0
Sex—child	**132**	**81**	**51**
1st degree child sex abuse	15	6	9
Sodomy on minor child	4	2	2
Attempt 1st degree child sexual abuse	1	1	0
2nd degree child sex abuse	20	20	0
Enticing a child	6	5	1
Sexual performance using minor	1	0	1
Attempt 2nd degree child sex abuse	5	3	2
Carnal knowledge	14	5	9
Ind act Miller Act	66	39	27
Sex—abuse	**161**	**87**	**74**
1st degree sex abuse	20	10	10
1st degree sex abuse while armed	3	1	2
Rape	24	5	19
Rape while armed	11	1	10
2nd degree sex abuse	3	2	1
3rd degree sex abuse	8	7	1
4th degree sex abuse	7	5	2
2nd degree sex abuse/ward	1	1	0
2nd degree sex abuse patient/c	1	1	0
Attempt 1st degree sex abuse	47	38	9
Sodomy	10	2	8
Incest	2	1	1
Assault w/i rape while armed	4	2	2
Assault w/i rape	20	11	9
Assault w/i commit sodomy while armed	0	0	0
Assault with intent to kill	**96**	**25**	**71**
Assault w/i kill while armed	76	16	60
Assault w/intent to kill	20	9	11

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Table 7.3. *continued*

Offense category and charge	Defendant level: All defendants	Single felony charge	Most serious charge
Assault	**964**	**564**	**400**
Armed assault with intent	1	1	0
Assault with intent	7	4	3
Assault w/i mayhem	3	2	1
ADW	545	313	232
Assault w/i any offense	6	6	0
Aggravated assault	107	78	29
Aggravated assault while armed	78	27	51
Attempt aggravated assault	39	36	3
APO dang weapon	26	2	24
APO	83	57	26
Mayhem	14	7	7
Mayhem while armed	15	4	11
Malicious disfigurement	0	0	0
Cruelty to children	30	17	13
2nd degree cruelty to children	10	10	0
Kidnapping	**34**	**10**	**24**
Armed kidnapping	13	2	11
Kidnapping	21	8	13
Attempt kidnapping	0	0	0
Robbery	**1,490**	**959**	**531**
Assault w/i rob while armed	26	8	18
Assault with intent to rob	56	34	22
Armed robbery	289	122	167
Armed robbery-senior citizen	2	0	2
Attempt armed robbery	12	2	10
Robbery	544	337	207
Robbery of senior citizen	26	14	12
Attempt robbery	535	442	93
Armed robbery (domestic)	0	0	0
Carjacking	**32**	**7**	**25**
Carjacking	14	6	8
Carjacking while armed	18	1	17
Weapon during crime	**98**	**82**	**16**
Poss firearm during crime of dang/viol off	98	82	16
Weapon	**1,217**	**925**	**292**
CDW	201	159	42
CDW gun	0	0	0
PPW gun	11	9	2
Carry pistol w/o license-domestic	0	0	0
Carrying a pistol without a license	921	721	200
PPW blackjack	0	0	0
PPW felony	84	36	48
Burglary	**904**	**639**	**265**
Armed burglary I	43	5	38
Burglary I	85	37	48
Armed burglary II	6	3	3
Burglary II	527	403	124
Attempt burglary	243	191	52
Arson	**21**	**8**	**13**
Arson	21	8	13

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Table 1.3. ***continued***

Offense category and charge	Defendant level: All defendants	Single felony charge	Most serious charge
Obstruction of justice	**46**	**11**	**35**
Obstructing justice	46	11	35
Escape/Bail Reform Act	**2,700**	**2,505**	**195**
Escape/prison breach-attempt	229	221	8
Escape/prison breach	1,836	1,734	102
Bail reform act-felony	635	550	85
Drug—distribution	**3,291**	**2,379**	**912**
Attempt distribute cocaine	1,814	1,391	423
Attempt distribute dilaudid	44	39	5
Attempt distribute heroin	340	267	73
Attempt distribute PCP	54	41	13
Attempt distribute preludin	2	2	0
UCSA distribute cocaine	727	450	277
UCSA distribute dilaudid	31	20	11
UCSA distribute heroin	245	151	94
UCSA distribute other	3	3	0
UCSA distribute PCP	30	14	16
UCSA distribute preludin	1	1	0
Drug—PWID	**3,430**	**2,692**	**738**
Attempt PWID cocaine	1,765	1,407	358
Attempt PWID dilaudid	7	6	1
Attempt PWID heroin	461	396	65
Attempt PWID PCP	63	49	14
Attempt PWID preludin	0	0	0
PWID while armed	28	12	16
UCSA PWID cocaine	798	585	213
UCSA PWID dilaudid	11	9	2
UCSA PWID heroin	252	197	55
UCSA PWID other	6	4	2
UCSA PWID PCP	37	26	11
UCSA PWID preludin	0	0	0
UCSA PWID methamphetam	2	1	1
UCSA PWID LSD	0	0	0
UCSA PWID psilocybin	0	0	0
Drug—violation of drug free zone	**39**	**30**	**9**
Attempt distribute in drug free zone	1	1	0
Distribution drug free zone	38	29	9
Unauthorized use of an automobile	**602**	**517**	**85**
Using stolen vehicle	602	517	85
Forgery	**117**	**60**	**57**
Forgery	46	14	32
Uttering	68	46	22
Bad check	3	0	3
Bad check (felony)	0	0	0
Fraud	**23**	**14**	**9**
Credit card fraud	8	5	3
Fraud 1st degree	9	4	5
Fraud 2nd degree	6	5	1

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Table 7.3. *continued*

Offense category and charge	Defendant level: All defendants	Single felony charge	Most serious charge
Larceny	**220**	**112**	**108**
Larceny after trust	0	0	0
Theft 1st degree	220	112	108
Theft I /senior citizen	0	0	0
Property	**167**	**79**	**88**
Destruction property over 200	160	73	87
Breaking & entering-vending machine	7	6	1
Stolen property	**181**	**98**	**83**
Trafficking stolen property	4	2	2
Receiving stolen goods	177	96	81
Other	**586**	**436**	**150**
Accessory after fact	19	16	3
Blackmail	1	0	1
Bribery	6	5	1
Bribery of witness	0	0	0
Conspiracy	31	13	18
Dangerous Drug Act	0	0	0
Embezzlement	1	0	1
Extortion	1	0	1
False impersonation police (fel)	1	1	0
Impersonate public official	1	0	1
Introducing contraband penal inst	2	2	0
Maintaining a crack house	1	0	1
Obtaining narcotics by fraud	7	3	4
Pandering	4	3	1
Perjury	4	2	2
Procuring	2	2	0
Stalking	0	0	0
Threat injure a person	83	40	43
Any other felony (domestic violence)	0	0	0
Any other felony	147	127	20
Any other US charge	23	22	1
Attempt crime not listed	252	200	52

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Table 7.4. Organization of offense categories into major offense categories, for felony charges sentenced in DC Superior Court

Major offense category	Offense category
Violent offenses	Homicide
	Sex—child[1]
	Sex—abuse[2]
	Assault with intent to kill
	Assault
	Kidnapping
	Robbery
	Carjacking
	Weapon during crime
	Other[3]
Property offenses	Burglary
	Arson
	Unauthorized use of an automobile
	Forgery
	Fraud
	Larceny
	Property
	Stolen property
	Other[4]
Drug offenses	Drug—distribution
	Drug—PWID
	Drug—violation of drug free zone
	Other[5]
Weapons offenses	Weapon
Public-order offenses	Sex—child[6]
	Sex—abuse[7]
	Obstruction of justice
	Escape/Bail Reform Act
	Other[8]
Other offenses	Other[9]

[1]Violent "Sex—child" offenses include "1st degree child sex abuse," "Sodomy on minor child," "Attempt 1st degree child sex abuse," "2nd degree child sex abuse," "Enticing a child," and "Attempt 2nd degree child sex abuse "

[2]Violent "Sex—abuse" offenses include "1st degree sex abuse," "1st degree sex abuse while armed," "Rape," "Rape while armed," "2nd degree sex abuse," "3rd degree sex abuse," "4th degree sex abuse," "2nd degree sex abuse/ward," "2nd degree sex abuse patient/c," "Attempt 1st degree sex abuse," "Assault w/i rape while armed," and "Assault w/i rape "

[3]Violent "Other" offenses include "Threat injure a person "

[4]Property "Other" offenses include "Embezzlement "

[5]Drug "Other" offenses include "*Maintaining a crack house*" and "*Obtaining narcotics by fraud.*"

[6]Public-order "Sex—child" offenses include "Sexual performance using minor," "Carnal knowledge," and "Ind act Miller Act."

[7]Public-order "Sex—abuse" offenses include "Sodomy" and "Incest."

[8]Public-order "Other" offenses include "Accessory after fact," "Blackmail," "Bribery," "Conspiracy," "Extortion," "False impersonation police (fel)," "Impersonate public official," "Introducing contraband penal inst," "Pandering," "Perjury," and "Procuring."

[9]Other "Other" offenses include "Any other felony," "Any other US charge," and "Attempt crime not listed."

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