



## **Bureau of Justice Statistics**

# **State Court Sentencing of Convicted Felons, 1996**

### **In State courts**

**Trends in felony sentencing 1988-96**

**Felony sentencing**

**Felons sentenced to probation**

**Felony case processing**

**Juveniles transferred to adult court**



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# State Court Sentencing of Convicted Felons, 1996

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## Trends in incarceration and sentence length in State courts

### Trends in the United States: 1988 to 1996

#### Number of convictions increasing

State courts convicted 997,970 adults of a felony in 1996. That total is 50% greater than the number convicted in 1988. The general trend has been upward since 1988.

	Number of felony convictions
1988	667,366
1990	829,344
1992	893,630
1994	872,217
1996	997,970

#### Increasing likelihood of arrest leading to conviction

The likelihood of a felony arrest leading to a felony conviction is approximated by dividing the number of adult felony convictions in a year by the number of adult felony arrests that year. In 1996, for example, robbery convictions totaled 42,831, and robbery arrests totaled 106,178, indicating a likelihood of conviction of about 40% for robbery.

#### Approximate likelihood of felony arrest leading to felony conviction

	1988	1992	1996
Murder	48%	65%	71%
Robbery	32	41	40
Aggravated assault	10	14	16
Burglary	33	41	41
Drug trafficking	39	55	66

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

Since 1988 the likelihood of an arrest leading to a conviction has generally risen for all crimes.

#### Rising case processing time

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

#### Guilty pleas unchanged

An indirect measure of how well courts keep pace with a growing workload is the percentage of cases disposed by guilty plea. Since guilty pleas take less time than trials, a rising workload might exert pressure on prosecutors and judges to dispose of more cases by plea rather than trial. While that would help courts to keep pace, a check of the data did not uncover evidence of more guilty pleas. In 1988 guilty pleas accounted for 91% of all felony convictions, and trials accounted for the remaining 9%. Corresponding figures for 1996 were the same (91% guilty pleas and 9% trials). Since 1988 guilty pleas have remained at about 90% of felony convictions.

#### Aging of convicted felons

The average age of the American population is rising, a trend reflected in the changing ages of convicted felons. In 1988, persons age 30 or older comprised 73% of adults (age 18 and older) in the U.S. population and accounted for 40% of persons convicted; in 1996 persons age 30 or older accounted for 78% of adults (age 18 or older) in the U.S. population and 50% of persons convicted. The median age of convicted felons was 27 years in 1988 but 30 years in 1996.

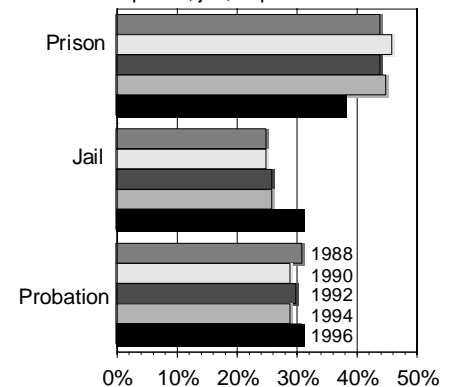
#### Changing racial composition of convicted felons

Persons whose racial background is not white comprise a growing fraction of both the U.S. population and convicted felons. In 1988 blacks, American Indians, Alaska Natives, Asians, and Pacific Islanders together were 14% of persons age 18 or older and 43% of persons convicted of a felony. In 1996 those same racial groups accounted for 16% of U.S. adults and 42% of those convicted.

#### Prison sentences less likely

From 1988 to 1994 the percentage of felons receiving a State prison sentence stayed at around 45%. But in 1996 that percentage fell to 38%. The drop in prison sentences was accompanied by an increase in the percentage receiving other types of sentences, particularly sentences to local jails. From 1988 to 1994 jail sentences made up around 25% of all felony sentences. In 1996, the percentage receiving a jail sentence rose to 31%.

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



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

	1988	1996
Prison	44%	38%
Jail	25	31
Probation	31	31



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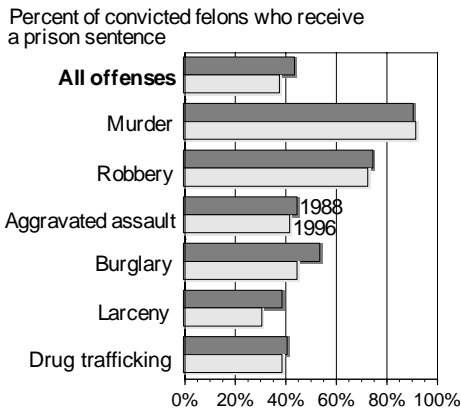
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Offense	1988	1992	1996
All offenses	44%	44%	38%
Murder	91	93	92
Robbery	75	74	73
Aggravated assault	45	44	42
Burglary	54	52	45
Larceny	39	38	31
Drug trafficking	41	48	39

*Imposed prison sentences getting shorter but inmates are serving a growing fraction of their sentence before being released*

Prior to being freed, inmates released from State prison in 1988 had served, on average, a third of the sentence imposed on them by the court. In 1996 inmates were released after serving approximately half of their court-imposed sentence. While prisoners are serving a growing percentage of their court-imposed sentence, the average court-imposed sentence has been decreasing. In 1988 the typical felon received a 6-year sentence and (assuming a person sentenced in 1988 will serve the same fraction of his/her sentence as was typical among persons released in 1988) would serve a third of that sentence before being released, or 2 years. By contrast, in 1996 the typical felon received a 5-year sentence but (assuming a person sentenced in 1996 will serve the same fraction of his/her sentence as was typical among persons released in 1996) would serve half of that before being released, or 2½ years.

	1988	1992	1996
All offenses	32%	38%	45%
Murder	33	44	50
Robbery	33	46	47
Aggravated assault	36	48	54
Burglary	30	35	42
Larceny	29	33	44
Drug trafficking	30	34	42

	1988	1992	1996
All offenses	76 mo	79 mo	62 mo
Murder	239	251	257
Robbery	114	117	101
Aggravated assault	90	87	69
Burglary	74	76	60
Larceny	50	53	40
Drug trafficking	66	72	55

	1988	1992	1996
All offenses	24 mo	30 mo	28 mo
Murder	79	110	128
Robbery	38	54	48
Aggravated assault	32	42	38
Burglary	22	27	25
Larceny	15	17	17
Drug trafficking	20	24	23

## Comparing measures

### How trends were verified

Two notable trends documented in this report are 1) the decline in the percentage of felons receiving a prison sentence and 2) the decline in the length of prison sentences imposed. These changes may have been due to the 1996 NJRP sample redesign, which introduced courts that had not been surveyed in 1994. To determine if the altered composition of the sample had produced the reported changes, comparisons were made between courts surveyed for the NJRP in both years and between the NJRP and findings from other statistical series. In each case the trend was confirmed.

### Decline in the percentage of felons receiving a prison sentence

In 1994, 45% of convicted felons received a prison sentence, decreasing to 38% in 1996. To determine if felons were actually less likely to go to prison in 1996 than 2 years earlier, as reported on pages iii and 50, three comparisons were made:

- Between 1994 and 1996 for the 98 courts that were in both NJRP samples
- Between the NJRP findings in this report and the findings of the State Court Processing Statistics program
- Between the NJRP findings and the findings of the National Prisoner Statistics program.

The seven percentage point drop between 1994 and 1996 remained when the samples of the 2 years contained only courts that appeared in both samples. Apparently the change in the sample was not responsible for the finding that convicted defendants nationwide were less likely in 1996 than before to go to prison.

The statistical series *State Court Processing Statistics* reports on a survey of court records from the 75 largest counties. Data from this survey also show a recent decline (figure 1).

The statistical series *National Prisoner Statistics* reports the number of new admissions to prison from State courts. Both prison records and court records indicate no general upward trend in the number of sentences to prison (figure 2).

### Decline in the length of the average prison sentence

To check the decline in the average length of the imposed sentence to prison, reported on pages iii and 51, NJRP findings were compared with those from the statistical series *National Corrections Reporting Program*. According to prison records, the average length of imposed prison sentences has declined, just as court records indicated (figure 3).

Percent of felons sentenced to State prison

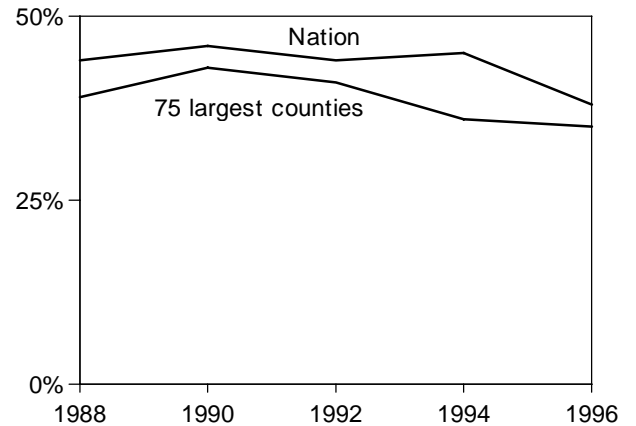


Figure 1

Number of sentences to State prison

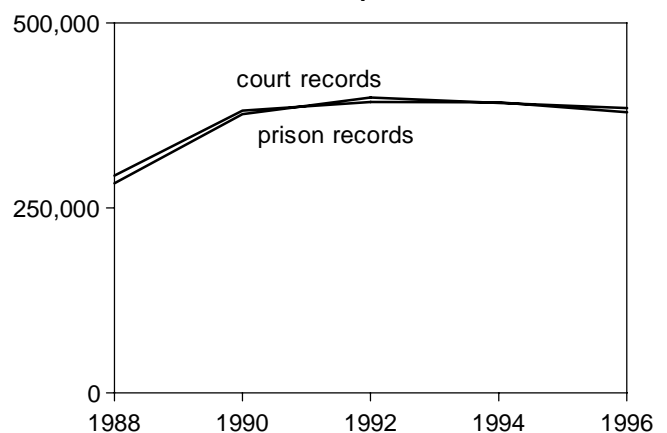


Figure 2

Average imposed State prison sentence length, all offenses

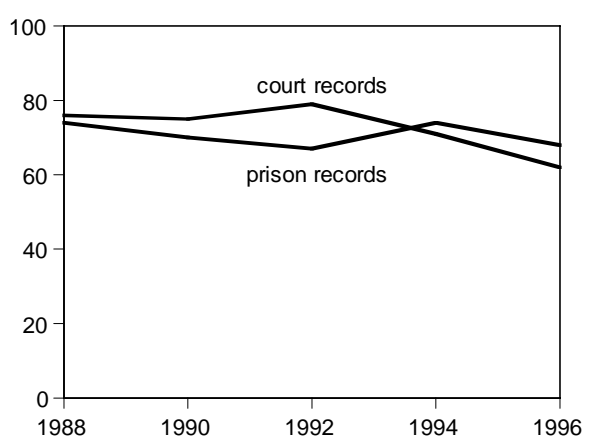


Figure 3