



## Bureau of Justice Statistics

# State Court Sentencing of Convicted Felons, 1994

### In State Courts

**Felony sentencing**

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# State Court Sentencing of Convicted Felons, 1994

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## Juveniles transferred to adult court, 1994

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In 1994 an estimated 872,000 adults were convicted of a felony in State courts. Of them, approximately 21,000 were persons under age 18. Though under 18, these 21,000 were not handled in juvenile courts. Instead, they were prosecuted and adjudicated as adults.

Prosecution of persons under 18 as adults was not the norm in most States in 1994. In that year 39 States and the District of Columbia defined adulthood as beginning at age 18. The remaining 11 States set the lower age limit for adult prosecution below age 18.

Specifically, 16- and 17-year-olds were adults in the eyes of the law in three States (Connecticut, New York and North Carolina); 17-year-olds were considered adults in eight States (Georgia, Illinois, Louisiana, Massa-

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\*For additional information on juveniles prosecuted in adult courts, see the BJS Special Report *Juveniles Prosecuted in State Criminal Courts*, NCJ-164265, March 1997.

chusetts, Michigan, Missouri, Texas and South Carolina).

In exceptional cases in 1994, defendants below a State's lower-age limit were prosecuted as adults rather than as juveniles. Such cases were either statutorily excluded from juvenile court jurisdiction or waived to adult court at the discretion of authorities (juvenile courts or prosecutors). Commonly excluded cases were murders and other serious violent offenses. In addition, several States excluded juveniles charged with felonies if they had prior adjudications or convictions.

To summarize, persons below age 18 who were prosecuted and adjudicated as adults in 1994 fell into two broad categories. One consisted of defendants in the 11 States where, by definition, all 16- and 17-year-old defendants were prosecuted as adults. The other consisted of the exceptional cases:

defendants below the age at which adult prosecution normally begins in their State. For simplicity the latter are referred to as *transferred cases*. As the term is used here, *transferred* covers **both** cases excluded from juvenile court by statute **and** cases transferred to adult court at the discretion of the juvenile court or the prosecutor.

To examine severity of sentencing of offenses for persons under age 18 treated as adults, three sets of comparisons are made:

- between those under 18 and those 18 or over
- between persons under 18 who were transferred to adult court and persons who were 16- and 17-year-olds in States where, by definition, all 16- and/or 17-year-olds were handled as adults
- between persons under 18 who were transferred to adult court, and persons who were in their first year of adulthood in their State (age 16 in the 3 States where, in 1994, adulthood began at age 16; age 17 in the 8 States where adulthood began at age 17; age 18 in the 39 States and the District of Columbia where adulthood began at age 18).

Findings are summarized below:

- A larger percentage of those under 18 (40%) than of those 18 or over (19%) had a violent crime as their conviction offense (table 6.1).
- Among defendants convicted of aggravated assaults, 72% of those under age 18 received a prison sentence, compared to 49% of those 18 or older. For the other 11 detailed offense categories there were only varying small differences between the two age groups in their likelihood of receiving a prison sentence (table 6.2).
- Among defendants sentenced to prison, those under age 18 had about the same length of sentence as older defendants for property and drug crimes. However, for weapons and violent offenses, defendants under age 18 received longer sentences on average than those age 18 or older (table 6.3).
- For robbery, defendants under age 18 received an average prison sentence of about 10½ years — 15 months longer than the average sentence of older defendants (table 6.3).
- Among defendants sentenced to jail or probation, those under age 18 generally had longer sentences on average than those age 18 or older (table 6.3).

Cases transferred to adult court consisted of —

- Felons under 16 in the three States where age 16 defendants are treated as adults
- Felons under 17 in the eight States where age 17 defendants are treated as adults
- Felons under 18 in the 39 States and the District of Columbia where adulthood begins at age 18.

In 1994, such transferred cases totaled approximately 10,500 juveniles convicted of a felony in State courts. The 21,000 persons under age 18 convicted of a felony in State courts nationwide in 1994, therefore, consisted of 10,500 transferred juveniles plus defendants age 16 or 17, who were legally defined as adult.

The estimate of 10,500 transferred juveniles is probably conservative, as can be explained by an illustration. Imagine a defendant in Maryland (a State where, by definition in 1994, adulthood began at age 18) who was age 18 at conviction but age 17 at arrest. Such a difference in age between arrest and conviction is not unusual, since conviction typically occurs 5 months after arrest. The defendant would properly be classified as a transferred juvenile because he was under age 18 at arrest.

Suppose the defendant's age at arrest were unknown, as was true for 57% of defendants in the court database. In that case, the transferred juvenile defendant would have been misclassified as an adult. Such misclassifications occurred, not only in the 39 States where adulthood began at 18 but also in the 11 States where it began at 16 or 17.

To estimate the number of possible misclassifications, defendants were selected for investigation who met two criteria:

- were, at time of conviction/sentencing, in their first year of adulthood, as defined by their State
- had a known age at both arrest and conviction/sentencing.

In the three States where adulthood begins at 16, none of the defendants age 16 at conviction or sentencing were under 16 at arrest. In the eight States where adulthood begins at 17,

6% of the defendants age 17 at conviction or sentencing were under 17 at arrest. In the 39 States and the District of Columbia where adulthood begins at 18, 28% were age 18 at conviction or sentencing but under 18 at arrest. Overall, 24% of defendants in their first year of adulthood (at time of conviction or sentencing) were juvenile at arrest.

These 24%, all of whom were in their first year of adulthood at time of conviction or sentencing, were correctly classified as "transferred juveniles" only because their age at arrest was known. Unfortunately, many other defendants in their first year of adulthood at conviction/sentencing did not have a known age at arrest. Assuming that 24% of such defendants were juveniles at arrest, their initial classification as "adult" was incorrect. Their correct classification is "transferred juveniles." When correction was made for such initial misclassification:

- The result was an estimated 1,300 cases of suspected transferred juveniles who were mistakenly classified as adults. When the 1,300 are added to the original estimate of 10,500 transferred juveniles, the total is nearly 12,000 transferred juveniles.

The additional 1,300 came from reclassifying certain defendants in their *first* year of adulthood (based on age at conviction or sentencing) as transferred juveniles rather than as adults by definition. Conceivably, some defendants who were in their second year (or even third year) of adulthood at conviction or sentencing were below the age of adulthood at arrest, but such cases were found to be rare (1% of persons in their second year of adulthood were juvenile at arrest). Consequently, no correction was made for them.

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- Among convicted felons under age 18, transferred cases had more serious offenses than those under 18 who were adult by legal definition. About half of the offenses of transferred cases were violent, compared to about a quarter of the offenses of 16- and 17-year-olds who were adults by definition (table 6.4).

- For about half of the 12 detailed categories of offenses, transferred cases were more likely to receive a prison sentence than other persons under 18 who were convicted as adults (table 6.5). The sentences were also longer for transferred defendants than for those defined as adults (table 6.6). For the other half of offenses, the persons under age 18 but treated as adults were more likely to receive a prison sentence than the transferred cases. Therefore, the data do not support the general conclusion that transferred cases received more severe sentences than other defendants who were under 18 and adjudicated as adults.

When defendants who were transferred to adult court were compared with defendants in the first year of adulthood, as defined by their State, a clear pattern was found. In general, transferred juveniles were more likely to receive a prison sentence, and they received a longer prison sentence, than defendants in their first year of adulthood (table 6.7).

For example, among those convicted of aggravated assault, 81% of transferred juveniles received a prison sentence, and the average imposed sentence was 6.5 years. By comparison, 60% of convicted assaulters in their first year of adulthood received a prison sentence, and the average was about 5.5 years.

**Table 6.1. Convicted felons younger than 18 compared to felons age 18 or older: most serious offense of felons convicted in State courts, 1994**

Most serious convicted offense	Percent of felons convicted as adults who were —		
	Total	Under 18 <sup>a</sup>	18 or over
<b>All offenses</b>	100%	100%	100%
<b>Violent offenses</b>	18.9%	40.4%	18.6%
Murder <sup>b</sup>	1.4	5.0	1.3
Rape	2.3	1.7	2.2
Robbery	5.3	22.1	5.2
Aggravated assault	7.5	10.5	7.4
Other violent <sup>c</sup>	2.4	1.0	2.5
<b>Property offenses</b>	31.6%	27.3%	31.5%
Burglary	11.2	16.4	11.2
Larceny <sup>d</sup>	13.0	9.7	12.9
Fraud <sup>e</sup>	7.3	1.2	7.4
<b>Drug offenses</b>	31.4%	18.5%	32.0%
Possession	12.5	4.9	12.7
Trafficking	19.0	13.6	19.4
<b>Weapons offenses</b>	3.6%	6.1%	3.5%
<b>Other offenses<sup>f</sup></b>	14.6%	7.7%	14.3%
<b>Total number of felons<sup>g</sup></b>	872,218	21,076	851,142

<sup>a</sup>Includes felons who were younger than 18 at arrest, conviction, or sentencing.

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

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

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

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

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

<sup>g</sup>Totals include estimates for cases where age was unknown.

**Table 6.2. Convicted felons younger than 18 compared to felons age 18 or older: most serious offense, by the type of felony sentences imposed in State courts, 1994**

Most serious conviction offense	Percent of felons convicted as adults who were under 18 and sentenced to <sup>a</sup> —					Percent of felons convicted as adults who were 18 and over and sentenced to —				
	Total	Incarceration			Probation	Total	Incarceration			Probation
		Total	Prison	Jail			Total	Prison	Jail	
<b>All offenses</b>	100%	73%	59%	14%	28%	100%	72%	46%	27%	28%
<b>Violent offenses</b>	100%	84%	76%	8%	16%	100%	83%	62%	21%	17%
Murder <sup>b</sup>	100	99	97	2	1	100	97	95	2	3
Rape	100	93	85	8	7	100	89	72	17	11
Robbery	100	81	74	7	20	100	89	77	12	11
Aggravated assault	100	87	72	14	14	100	77	49	28	23
Other violent <sup>c</sup>	100	54	49	5	47	100	77	45	32	23
<b>Property offenses</b>	100%	63%	45%	18%	37%	100%	70%	42%	27%	30%
Burglary	100	68	57	11	32	100	76	53	34	24
Larceny <sup>d</sup>	100	56	27	29	44	100	68	38	30	32
Fraud <sup>e</sup>	100	50	22	29	50	100	63	33	30	37
<b>Drug offenses</b>	100%	61%	47%	14%	39%	100%	71%	43%	29%	29%
Possession	100	47	33	14	53	100	70	36	34	30
Trafficking	100	66	51	15	34	100	72	47	25	28
<b>Weapons offenses</b>	100%	71%	48%	23%	29%	100%	72%	44%	28%	28%
<b>Other offenses<sup>f</sup></b>	100%	75%	55%	20%	25%	100%	67%	37%	30%	33%
Total number of felons <sup>g</sup>	21,076	15,283	12,362	2,921	5,792	851,142	616,344	387,452	228,892	234,798

<sup>a</sup>Includes felons who were younger than 18 either at arrest, conviction, or sentencing.

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

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

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

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

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

<sup>g</sup>Totals include estimates for cases where age was unknown.

**Table 6.3. Convicted felons younger than 18 compared to felons age 18 or older: mean length of felony sentences imposed in State courts, by the type of sentence and most serious offense, 1994**

Most serious conviction offense	Mean maximum sentence length in months for felons convicted as adults and sentenced to —		
	Prison	Jail	Probation
<b>Under age 18<sup>a</sup></b>			
<b>All offenses</b>	100 mo	8 mo	46 mo
<b>Violent offenses</b>	135 mo	11 mo	54 mo
Murder <sup>b</sup>	284	11	52
Rape	161	9	54
Robbery	127	13	57
Aggravated assault	81	10	50
Other violent <sup>c</sup>	127	4	40
<b>Property offenses</b>	60 mo	7 mo	49 mo
Burglary	62	10	50
Larceny <sup>d</sup>	53	6	51
Fraud <sup>e</sup>	51	8	34
<b>Drug offenses</b>	66 mo	8 mo	40 mo
Possession	50	5	35
Trafficking	69	9	43
<b>Weapons offenses</b>	66 mo	9 mo	41 mo
<b>Other offenses<sup>f</sup></b>	61 mo	7 mo	38 mo
<b>Age 18 or over</b>			
<b>All offenses</b>	69 mo	6 mo	36 mo
<b>Violent offenses</b>	115 mo	7 mo	42 mo
Murder <sup>b</sup>	258	7	54
Rape	149	7	54
Robbery	112	9	46
Aggravated assault	81	6	38
Other violent <sup>c</sup>	70	7	42
<b>Property offenses</b>	56 mo	6 mo	38 mo
Burglary	67	7	42
Larceny <sup>d</sup>	45	6	36
Fraud <sup>e</sup>	51	5	38
<b>Drug offenses</b>	60 mo	6 mo	34 mo
Possession	48	4	32
Trafficking	66	7	35
<b>Weapons offenses</b>	46 mo	5 mo	29 mo
<b>Other offenses<sup>f</sup></b>	40 mo	6 mo	34 mo

<sup>a</sup>Includes felons who were younger than 18 at arrest, conviction, or sentencing.

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

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

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

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

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



**Table 6.4. Transferred juveniles compared to felons under 18 and adults by State definition: most serious offense of felons convicted in State courts, 1994**

Most serious conviction offense	Percent of felons convicted who were under 18 <sup>a</sup>		
	Total	Transferred to adult court <sup>b</sup>	Adult by State definition <sup>c</sup>
<b>All offenses</b>	100%	100%	100%
<b>Violent offenses</b>	40%	53%	28%
Murder <sup>d</sup>	5	7	3
Rape	2	2	2
Robbery	22	28	17
Larceny <sup>f</sup>	10	8	12
Aggravated assault	1	16	5
Other violent <sup>e</sup>	1	1	1
<b>Property offenses</b>	27%	24%	31%
Burglary	16	15	18
Larceny <sup>f</sup>	10	8	12
Fraud <sup>g</sup>	1	1	1
<b>Drug offenses</b>	19%	13%	24%
Possession	5	3	7
Trafficking	14	10	17
<b>Weapons offenses</b>	6%	4%	8%
<b>Other offenses<sup>h</sup></b>	8%	6%	9%

<sup>a</sup>Includes felons who were younger than 18 at arrest, conviction, or sentencing.

<sup>b</sup>Transferred cases consist both of cases statutorily excluded from juvenile court jurisdiction and cases transferred to adult court at the discretion of the juvenile court or the prosecutor.

<sup>c</sup>Includes 16- and 17-year -olds in samples from 11 States that define 16- or 17-year -olds as adults. Note that "adult by State definition" includes some defendants who are actually transferred juveniles. Such defendants could not be excluded because their age at arrest was unknown.

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

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

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

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

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

**Table 6.5. Transferred juveniles compared to felons under 18 and adults by State definition: most serious offense, by the types of felony sentences imposed in State courts, 1994**

Most serious conviction offense	Percent of convicted felons who were under 18, transferred to adult court, and sentenced to <sup>a,b</sup> —					Percent of convicted felons who were under 18, adult by State definition, and sentenced to <sup>a,c</sup> —				
	Total	Incarceration			Probation	Total	Incarceration			Probation
		Total	Prison	Jail			Total	Prison	Jail	
<b>All offenses</b>	100%	80%	63%	16%	21%	100%	66%	54%	11%	34%
<b>Violent offenses</b>	100%	88%	78%	10%	12%	100%	77%	73%	5%	23%
Murder <sup>d</sup>	100	99	97	2	1	100	99	97	1	1
Rape	100	90	84	6	10	100	96	85	11	5
Robbery	100	84	75	9	16	100	75	70	4	26
Aggravated assault	100	90	74	16	10	100	76	68	8	24
Other violent <sup>e</sup>	100	86	71	14	14	100	36	36		64
<b>Property offenses</b>	100%	65%	42%	23%	36%	100%	62%	47%	14%	39%
Burglary	100	65	46	18	36	100	70	65	6	30
Larceny <sup>f</sup>	100	64	36	28	36	100	50	21	29	50
Fraud <sup>g</sup>	100	70	21	49	30	100	30	22	9	70
<b>Drug offenses</b>	100%	70%	45%	25%	30%	100%	56%	47%	9%	44%
Possession	100	65	37	28	35	100	40	31	9	60
Trafficking	100	71	47	24	29	100	63	54	9	37
<b>Weapons offenses</b>	100%	69%	49%	20%	31%	100%	72%	47%	25%	28%
<b>Other offenses<sup>h</sup></b>	100%	91%	67%	24%	9%	100%	64%	47%	16%	36%

Note: Detail may not sum to total because of rounding.

<sup>a</sup>Includes felons who were younger than 18 at arrest, conviction, or sentencing.

<sup>b</sup>Transferred cases consist both of cases statutorily excluded from juvenile court jurisdiction and cases transferred to adult court at the discretion of the juvenile court or the prosecutor.

<sup>c</sup>Includes 16- and 17-year-olds in samples from 11 States that define 16- or 17-year-olds as adults.

Note that "adult by State definition" includes some defendants who are actually transferred juveniles.

Such defendants could not be excluded because their age at arrest was unknown.

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

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

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

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

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

**Table 6.6. Transferred juveniles compared to felons under 18 and adults by State definition: mean length of felony sentences imposed in State courts, by the type of sentence and most serious offense, 1994**

Most serious conviction offense	Mean maximum sentence length (in months) for felons under 18 sentenced to <sup>a</sup> —		
	Prison	Jail	Probation
<b>Transferred to adult court<sup>b</sup></b>			
<b>All offenses</b>	111 mo	8 mo	51 mo
<b>Violent offenses</b>	139 mo	10 mo	57 mo
Murder <sup>c</sup>	287	10	46
Rape	200	3	54
Robbery	139	10	59
Aggravated assault	75	10	52
Other violent <sup>d</sup>	130	4	...
<b>Property offenses</b>	50 mo	8 mo	45 mo
Burglary	52	10	52
Larceny <sup>e</sup>	45	6	32
Fraud <sup>f</sup>	44	9	14
<b>Drug offenses</b>	80 mo	7 mo	52 mo
Possession	66	4	45
Trafficking	83	8	54
<b>Weapons offenses</b>	66 mo	9 mo	47 mo
<b>Other offenses<sup>g</sup></b>	61 mo	7 mo	51 mo
<b>Adult by State definition<sup>h</sup></b>			
<b>All offenses</b>	87 mo	8 mo	44 mo
<b>Violent offenses</b>	128 mo	15 mo	52 mo
Murder <sup>c</sup>	279	12	60
Rape	117	12	53
Robbery	107	22	55
Aggravated assault	102	6	49
Other violent <sup>d</sup>	124	...	40
<b>Property offenses</b>	67 mo	6 mo	51 mo
Burglary	68	11	48
Larceny <sup>e</sup>	62	5	54
Fraud <sup>f</sup>	57	4	43
<b>Drug offenses</b>	58 mo	9 mo	37 mo
Possession	42	5	33
Trafficking	62	10	40
<b>Weapons offenses</b>	62 mo	9 mo	38 mo
<b>Other offenses<sup>g</sup></b>	68 mo	7 mo	36 mo

... No cases in the sample.

<sup>a</sup>Includes felons who were younger than 18 at arrest, conviction, or sentencing.

<sup>b</sup>Transferred cases consist of both cases statutorily excluded from juvenile court jurisdiction and cases transferred to adult court at the discretion of the juvenile court or the prosecutor.

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

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

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

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

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

<sup>h</sup>Includes 16- and 17-year-olds in samples from 11 States that define 16- or 17-year-olds as adults.

Note that "adult by State definition" includes some defendants who are actually transferred juveniles. Such defendants could not be excluded because their age at arrest was unknown.

**Table 6.7. Transferred juveniles compared to felons in their first year of adulthood: percent sentenced to prison and mean prison sentence imposed in State courts, by most serious offense, 1994**

Most serious conviction offense	Percent of convicted felons sentenced to prison who were —		Mean maximum sentence length (in months) for convicted felons sentenced to prison who were —	
	Defendants in their first year of adulthood by State definition <sup>a</sup>	Transferred juveniles <sup>b</sup>	Defendants in their first year of adulthood by State definition <sup>a</sup>	Transferred juveniles <sup>b</sup>
<b>All offenses</b>	46%	65%	85 mo	101 mo
<b>Violent offenses</b>	70%	78%	116 mo	124 mo
Murder <sup>c</sup>	96	98	241	303
Rape	62	84	123	190
Robbery	76	71	122	109
Aggravated assault	60	81	65	78
Other violent <sup>d</sup>	41	80	77	111
<b>Property offenses</b>	36%	43%	59 mo	50 mo
Burglary	45	52	68	53
Larceny <sup>e</sup>	27	31	43	44
Fraud <sup>f</sup>	16	21	41	44
<b>Drug offenses</b>	36%	57%	57 mo	89 mo
Possession	25	45	42	66
Trafficking	41	61	60	97
<b>Weapons offenses</b>	31%	52%	57 mo	73 mo
<b>Other offenses<sup>g</sup></b>	27%	69%	46 mo	55 mo

<sup>a</sup>In 1994 the first year of adulthood was defined as age 16 in 3 States, age 17 in 8 States, and age 18 in 39 States and the District of Columbia. Note that those "in their first year of adulthood" include some defendants who were actually transferred juveniles. Such defendants could not be excluded because their age at arrest was unknown.

<sup>b</sup>Transferred cases consist both of cases statutorily excluded from juvenile court jurisdiction and cases transferred to adult court at the discretion of the juvenile court or the prosecutor.

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

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

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

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

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

## Methodology

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### Sampling

Except for 1 county (replaced by another county), the sample of 300 counties drawn for the 1988 survey was also used in the 1992 survey. Every county in the Nation had a nonzero probability of being in the sample. In general, the more felony cases a county had, the more likely that county was to be in the sample.

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

Because the 75 largest counties account for a disproportionately large amount of serious crime in the Nation, they were given a greater chance of being selected than the remaining counties.

Stratum 1 consisted of the 19 counties with the largest number of felony convictions in 1985, plus 12 counties whose participation in the survey had been prearranged. Every county in stratum 1 was selected for the sample.

Stratum 2 consisted of the 44 most populous counties that were not in stratum 1. The 44 were ordered by their number of felony convictions in 1985, and then approximately every other county was selected. Stratum 2 thus contributed 23 counties to the sample. Altogether, 54 out of the 75 largest counties were sampled. Data on 1985 felony convictions were obtained from a mail survey described in *State Felony Courts and Felony Laws* (NCJ-106273) and *Census of State Felony Courts, 1985* (ICPSR-8667).

The 54 sampled counties in the 1992 NJRP survey were the same 54 as in the 1986, 1988, and 1990 NJRP surveys.

The 3,034 counties not among the 75 largest were placed into 6 strata defined by the total number of felony convictions in 1985 and then arrayed within stratum by region and within region from largest to smallest on felony conviction totals. The final sample included 246 counties from among the 3,034 counties outside the 75 largest. Case-level data were successfully obtained on convicted felons sentenced in 1992 from these 300 sampled counties. (Two of the 300 had no felony convictions during the survey period.)

The 60 sampled counties in strata 1 and 3 were self-representing only, and their sampled cases therefore had a first-stage sampling weight of 1. The remaining 240 counties sampled from strata 2 and 4 through 8 were selected to represent their respective strata so that the felony conviction cases sampled had first-stage weights greater than 1.

At the second stage of sampling, a systematic sample of felons sentenced for murder/nonnegligent manslaughter, rape, robbery, aggravated assault, burglary, felony larceny/motor vehicle theft, fraud/forgery/embezzlement, drug trafficking, drug possession, weapons offenses, and other offenses was selected from each county's official records. The total sample numbered 105,657 cases. Of these, 72,943 cases were in the 75 largest counties.

Rates at which cases were sampled varied by stratum and crime type. In smaller counties every felony case was taken. In larger counties all murder cases and rape cases were

typically included, but other offense categories were sampled.

### Sampling error

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

National estimates of the number of convictions for individual crime categories and for the aggregate total had a coefficient of variation of 3%.

### Missing data

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

### Sources of data

For about 80% of the 300 counties sampled, NJRP data were obtained directly from the State courts. Other sources included prosecutors' offices, and courts and prosecutors' offices combined. Individual-level NJRP records were obtained through a variety of collection methods, including magnetic tape (61% of the counties), field collection (12%), printouts and other documents, and manually completed forms.

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Data collection for 235 counties was performed by the U.S. Bureau of the Census and for 65 counties by the National Association of Criminal Justice Planners.

### Targeted population

The survey targeted and recorded initial sentences imposed in 1992. If a sentence was imposed on one date and then modified at a later date, the revision was ignored. The survey recorded sentences that were actually executed and excluded suspended sentences.

Because year of conviction was not a defining characteristic, some cases in the sample were of persons convicted before 1992 but not sentenced until 1992. In a few counties in which it was impractical to target *sentences* in 1992, the target was *felons convicted* in that year. In some of the cases, the data relate to sentences imposed after 1992.

### Crime definitions

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

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

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

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

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

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

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

**Motor vehicle theft:** The unlawful taking of a self-propelled road vehicle owned by another. Includes the theft of automobiles, trucks, and motorcycles, but excludes the theft of boats, aircraft, or farm equipment (which is classified as larceny/theft). Also includes receiving, possessing, stripping, transporting, and reselling stolen vehicles, and unauthorized use of a vehicle (joyriding). Includes attempts.

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

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

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

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

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

### Regions

This report refers to regions that consist of the following States:

#### Northeast

Connecticut  
Maine  
Massachusetts  
New Hampshire  
New Jersey  
New York  
Pennsylvania  
Rhode Island  
Vermont

#### Midwest

Illinois  
Indiana  
Iowa  
Kansas  
Michigan  
Minnesota  
Missouri  
Nebraska  
North Dakota  
Ohio  
South Dakota  
Wisconsin

#### South

Alabama  
Arkansas  
Delaware  
Dist. of Col.  
Florida  
Georgia  
Kentucky  
Louisiana  
Maryland  
Mississippi  
North Carolina  
Oklahoma  
South Carolina  
Tennessee  
Texas  
Virginia  
West Virginia

#### West

Alaska  
Arizona  
California  
Colorado  
Hawaii  
Idaho  
Montana  
Nevada  
New Mexico  
Oregon  
Utah  
Washington  
Wyoming

### NJRP data consistent with other national data

The National Judicial Reporting Program compiles information on the sentences that courts impose on felons. Some of the sentences are to prison, while others are to jail or probation. The NJRP is largely based on court and prosecutors' records. A separate statistical series based on prison records, the National Corrections Reporting Program (NCRP), compiles information on persons entering prison.

Informative comparisons can be made between felons sentenced in 1994 to prison according to the NJRP and persons entering prison in 1992 according to the NCRP. Though the two series are based on different sources, the two should give a matching profile of persons sent to prison. To the extent that findings from one series resemble those from the other, confidence is enhanced in each.

For various reasons a perfect match should not be expected. The two series are not identical in their geographical coverage. The NJRP is national, while the NCRP in 1992 gathered data from 38 State departments of corrections. The NJRP is subject to sampling variability, but the NCRP is not. The 1994 NJRP is based on samples of sentenced felons drawn from court and prosecutors' records in 300 counties selected to be nationally representative. Consequently, there is a margin of error in the NJRP offender profiles that normally arises whenever a sample is drawn. The NCRP, however, uses no sample but is based on individual prison records.

Comparisons of 1994 NJRP and 1992 NCRP demographic profiles of persons receiving a State prison sentence

	Percent of prison sentences	
	NJRP	NCRP*
<b>Sex</b>		
Male	90.9%	91.3%
Female	9.1	8.7
<b>Race</b>		
White	41.4%	44.7%
Black	57.9	54.3
Other	0.7	1.0

\*National Corrections Reporting Program, 1992,

produce nearly identical results —