



## **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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February 2000, NCJ 175708

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U.S. Department of Justice  
Bureau of Justice Statistics

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Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The data sets are archived as the National Judicial Reporting Program, 1996 ICPSR #2660.

The data and the report, as well as others from the Bureau of Justice Statistics, are available through the Internet--

<http://www.ojp.usdoj.gov/bjs/>

## Highlights

Prior to 1986, there were no statistics collected on the sentences convicted felons received in State courts nationwide. To close that gap, the Bureau of Justice Statistics initiated the National Judicial Reporting Program (NJRP). A pilot study was conducted in 1986. Afterwards, full-scale surveys were conducted in 1988, 1990, 1992, 1994, and 1996. The NJRP compiles information on the sentences that felons receive in State courts nationwide and on characteristics of the felons.

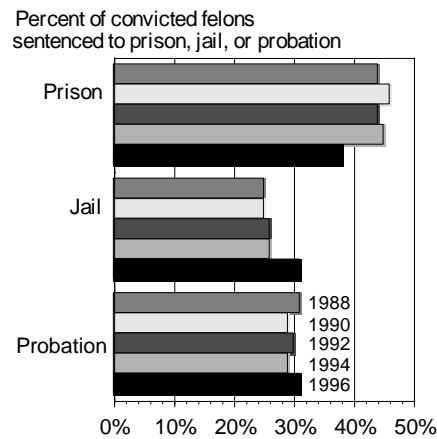
### Trends in felony sentencing in State courts nationwide

State courts convicted 997,970 adults of a felony in 1996. That total represents an average growth of approximately 5% every year since 1988 (667,366) (page 50).

- 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 (page 50).

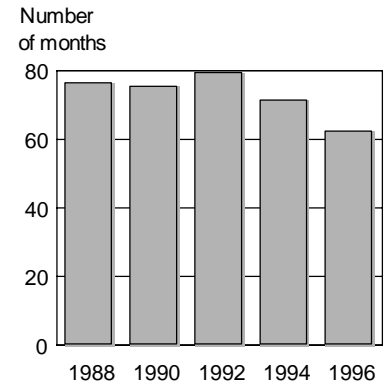
- Persons age 30 or older comprised 40% of persons convicted in 1988 but 50% in 1996. The median age of convicted felons was 27 years in 1988 but 30 years in 1996 (page 50).

- The proportion of felons sentenced to prison in 1996 (38%) is lower than in any previous year (1988 44%; 1990 46%; 1992 44%; 1994 45%) (page 50).



- Prison sentences imposed by State courts are becoming shorter on average. In 1992 the average prison sentence length was 79 months; in 1996, 62 months (page 51).

Average sentence length (in months)



## Juveniles transferred to adult court

In 1996, 997,970 persons were convicted of a felony in State courts. Some of them were juveniles who had been transferred to adult courts. These transfers occurred in one of two ways: either the case was excluded by statute from the jurisdiction of the juvenile court (because of the serious charge against the defendant or because of the defendant's lengthy prior record), or the juvenile was transferred at the discretion of the juvenile court or the prosecutor.

- Transferred juveniles differed from other convicted felons in terms of conviction offenses. Fifty-three percent of transferred juveniles had a violent offense as their conviction offense (table 5.1). That compares to 17% among adults convicted of a felony in State courts in 1996.
- Compared to convicted adults, transferred juveniles received either longer or shorter prison sentences on average, depending on the offense (table 5.3). The average prison sentence for murder was about 23 years among transferred juveniles and 21 years among adults. The average prison sentence for sexual assault was 1 year longer for adults (9 years and 9 months) than for transferred juveniles (8 years and 9 months).

## Felony sentences in State courts

- Drug offenders were 35% of felons convicted in State courts in 1996. Property offenders made up 30%; violent offenders 17%; those convicted of weapons offenses and other crimes made up the rest (18%) (table 1.1).
- In 1996 State courts sentenced 38% of convicted felons to a State prison, 31% were sentenced to a local jail, and 31% to straight probation with no jail or prison time to serve (table 1.2).
- State courts sentenced to State prison 57% of felons convicted of a violent offense, 34% convicted of a property offense, 35% convicted of a drug offense, and 40% convicted of a weapons offense in 1996 (table 1.2).

## Felons sentenced to probation

- In 1996, 29% of convicted felons were sentenced to straight probation with no jail or prison time to serve. The 29% sentenced to straight probation plus the 29% sentenced to probation with jail or prison time totals 58% receiving probation (table 3.2).

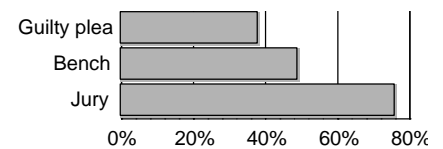
## Profile of felons convicted

- In 1996 men comprised 84% of persons convicted of a felony (table 2.1). An estimated 41% of males received a State prison sentence, compared to 24% of females (table 2.4).
- Nationally, of the felons convicted in 1996, 54% were white (including white Hispanics), 44% were black (including black Hispanics), and 2% were other races. The average age of felons convicted in State courts in 1996 was 31 (tables 2.1 and 2.3).

## Felony case processing

- An estimated 76% of felons convicted by a jury received a prison sentence, compared to 49% of those convicted by a judge and 38% of those who pleaded guilty (table 4.4).
- Prison sentences were longer for felons convicted by a jury trial (12.5 years) than for felons who pleaded guilty (4.5 years) or were convicted at trial by a judge (5 years, 10 months) (table 4.5).

Percent of convicted felons sentenced to prison, by trial type



- In 36% of jury trial convictions nationwide, felons were found guilty of multiple offenses. Twenty-six percent of the guilty pleas and 23% of the bench trial convictions involved multiple offenses (table 4.7).
- Average elapsed time from date of arrest to date of felony conviction was about 6 months (182 days). Jury cases took the longest time (over 9 months). Guilty plea cases took just under 6 months and bench trials took about 6 months. The longest average time was for murder or nonnegligent manslaughter, about 11½ months (table 4.9).

- Cases decided by juries had an average elapsed time from arrest to sentencing of just under 12 months; those disposed by bench trial had an average of just under 7 months; those disposed by guilty plea had an average of just under 8 months (table 4.11).

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## National Judicial Reporting Program

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National Judicial Reporting Program (NJRP), a biennial sample survey, compiles information on the sentences that felons receive in State courts nationwide and on characteristics of the felons. Surveys of felony sentencing in State courts were previously conducted in 1986 (see *Felony Sentences in State Courts, 1986*, BJS, NCJ 115210, February 1989), 1988 (see *Felony Sentences in State Courts, 1988*, BJS, NCJ 126923, December 1990), 1990 (see *Felony Sentences in State Courts, 1990*, BJS, NCJ 149077, September 1994), 1992 (see *Felony Sentences in State Courts, 1992*, BJS, NCJ 151167, January 1995), and in 1994 (see *Felony Sentences in State Courts 1994*, BJS, NCJ 163391, January 1997).

The 1996 survey was based on a sample of 344 counties selected to be nationally representative. Ninety-eight of the 344 were in the 1988, 1990, 1992, and 1994 surveys. The 344 included the District of Columbia and at least one county from every State except, by chance, Delaware, Montana, and Wyoming. Among sampled counties, three sentenced no felons during 1996. The 1996 survey excluded Federal courts and those State or local courts that did not adjudicate felony cases.

According to the BJS Federal Justice Statistics Program, Federal Courts convicted 43,839 persons of a felony offense in 1996. That number represents about 4% of the combined State and Federal total number of felony convictions during 1996.

The 1996 survey included only offenses that State penal codes defined as felonies. Felony offenses are widely defined as crimes that have the potential of being punished by more than 1 year in prison. States usually designate specific courts to try felony offenses, although in some counties more than one court may handle such cases.

The term *felony* is not uniform in either its usage or definition in the United States. Two jurisdictions (Maine and New Jersey) do not use the term to classify their criminal offenses, and six others offer no explicit definition of the term, even though they use it as a criminal designation. In the 43 States that use and define the term *felony*, common elements do exist. With few exceptions, criminal codes define felonies by reference to place of imprisonment. Most often, felony definitions identify the place of imprisonment but not the duration, as in Idaho, where a felony is a "crime punishable by death or by imprisonment in the State prison." Nearly as frequent is a definition that specifies the duration of imprisonment but not the place, as in Georgia, where a felony is a "crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months."

This publication summarizes results from the 1996 survey. Each of the sections addresses a different aspect of felony convictions in State courts during 1996.

## Felony sentences in State courts, 1996

In 1996 State courts convicted over 997,000 adults of murder, rape, robbery, drug trafficking, and other felony offenses. Thirty-eight percent of convicted felons were sentenced to a State prison, and 31% were sentenced to a local jail (usually for a year or less). The remaining 31% were sentenced to straight probation with no jail or prison time to serve (table 1.2).

Other results include the following:

- Drug traffickers (21.3%) and drug possessors (13.6%) together made up 34.8% of felons convicted in State courts in 1996. Violent offenders, consisting of murderers (1.1%), sexual assaulters (3.0%), robbers (4.3%), assaulters (7.0), and others convicted of a violent crime (1.4%) together made up 16.8%. Burglars (9.3%) and larcenists (12.3%) made up most of the rest (table 1.1).

- The average sentence to local jail was 6 months. The average probation sentence was just under 3½ years (table 1.3).

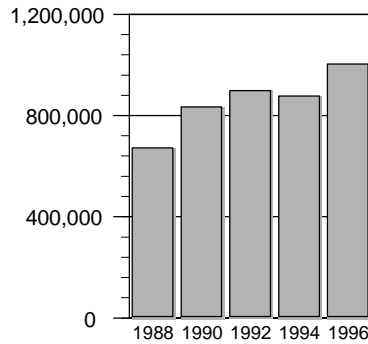
- Felons sentenced to State prison in 1996 had an average sentence of just over 5 years. But, assuming they were to serve the same fraction of their imposed sentence as did those released in 1996, felons were expected to serve 45% of that sentence — or 2 years and 4 months — before release (table 1.5).

- State courts nationwide sentenced to life 26% of those convicted of murder or nonnegligent manslaughter (table 1.4).

- The 997,970 felons sentenced in 1996 were convicted altogether of about 1.2 million felonies. The number of felony convictions exceeds the number

of convicted felons because 20% of the felons were convicted of two felony charges and 4% were convicted of three or more (table 1.6).

Number of felony convictions in State courts

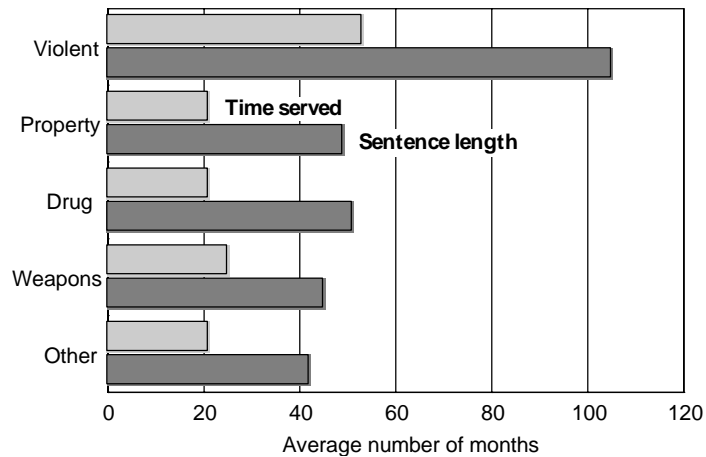


- The likelihood of a prison sentence rose from 35% for those convicted of one felony, to 45% for two, and 52% for three or more (table 1.7).

- The mean sentence to incarceration also increased from 2.75 years for those convicted of one felony to just over 4 years for those convicted of two or more (table 1.8).

- A fine was imposed on 20% of convicted felons, restitution on 14%, community service on 6%, and treatment was ordered for 6% (table 1.9).

**Violent offenders sentenced to prison had an average sentence of about 8¾ years but were likely to serve 51% of that sentence, or about 4½ years, before release**



**Table 1.1. Estimated number of felony convictions in State courts, 1996**

Most serious conviction offense	Felony convictions in State court	
	Number	Percent
<b>All offenses</b>	997,970	100.0%
<b>Violent offenses</b>	167,824	16.8%
Murder <sup>a</sup>	11,430	1.1
Murder	8,564	0.9
Manslaughter	2,866	0.3
Sexual assault <sup>b</sup>	30,057	3.0
Rape	13,559	1.4
Other sexual assault	16,498	1.7
Robbery	42,831	4.3
Armed	12,041	1.2
Unarmed	12,155	1.2
Unspecified	18,635	1.9
Aggravated assault	69,522	7.0
Other violent <sup>c</sup>	13,984	1.4
<b>Property offenses</b>	298,631	29.9%
Burglary	93,197	9.3
Residential	10,605	1.1
Nonresidential	18,220	1.8
Unspecified	64,371	6.5
Larceny <sup>d</sup>	123,201	12.3
Motor vehicle theft	17,794	1.8
Other theft	105,406	10.6
Fraud <sup>e</sup>	82,233	8.2
Fraud	41,480	4.2
Forgery	40,753	4.1
<b>Drug offenses</b>	347,774	34.8%
Possession	135,270	13.6
Trafficking	212,504	21.3
Marijuana	20,618	2.1
Other	68,985	6.9
Unspecified	122,901	12.3
<b>Weapons offenses</b>	33,337	3.3%
<b>Other offenses<sup>f</sup></b>	150,404	15.1%

Note: Detail may not sum to total because of rounding. Data specifying the conviction offense were available for 997,970 cases.

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

<sup>b</sup>Includes rape.

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

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

<sup>e</sup>Includes embezzlement.

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

**Table 1.2. Type of felony sentence imposed by State courts, by offense, 1996**

Most serious conviction offense	Percent of felons sentenced to —				
	Total	Incarceration			Probation
		Total	Prison	Jail	
<b>All offenses</b>	100%	69%	38%	31%	31%
<b>Violent offenses</b>	100%	79%	57%	22%	21%
Murder <sup>a</sup>	100	95	92	3	5
Sexual assault <sup>b</sup>	100	79	63	16	21
Robbery	100	87	73	14	13
Aggravated assault	100	72	42	30	28
Other violent <sup>c</sup>	100	73	38	34	27
<b>Property offenses</b>	100%	62%	34%	28%	38%
Burglary	100	71	45	26	29
Larceny <sup>d</sup>	100	63	31	32	37
Fraud <sup>e</sup>	100	50	26	24	50
<b>Drug offenses</b>	100%	72%	35%	37%	28%
Possession	100	70	29	41	30
Trafficking	100	73	39	33	27
<b>Weapons offenses</b>	100%	67%	40%	27%	33%
<b>Other offenses<sup>f</sup></b>	100%	63%	31%	32%	37%

Note: For persons receiving a combination of sentences, the sentence designation came from the most severe penalty imposed — prison being the most severe, followed by jail, then probation. Prison includes death sentences. Data on sentence type were available for 997,906 cases.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 1.3. Length of felony sentence imposed by State courts, by offense and type of sentence, 1996**

Most serious conviction offense	Maximum sentence length in months for felons sentenced to —				
	Total	Incarceration			Probation
		Total	Prison	Jail	
<b>Mean</b>					
<b>All offenses</b>	39 mo	38 mo	62 mo	6 mo	41 mo
<b>Violent offenses</b>	72 mo	78 mo	105 mo	7 mo	48 mo
Murder <sup>a</sup>	241	249	257	8	72
Sexual assault <sup>b</sup>	92	98	120	8	66
Robbery	84	87	101	10	52
Aggravated assault	43	43	69	6	41
Other violent <sup>c</sup>	36	34	59	6	44
<b>Property offenses</b>	33 mo	30 mo	49 mo	6 mo	40 mo
Burglary	43	41	60	6	46
Larceny <sup>d</sup>	27	22	40	6	38
Fraud <sup>e</sup>	31	24	43	5	39
<b>Drug offenses</b>	32 mo	28 mo	51 mo	6 mo	42 mo
Possession	24	20	41	5	37
Trafficking	36	34	55	7	45
<b>Weapons offenses</b>	31 mo	29 mo	45 mo	5 mo	35 mo
<b>Other offenses<sup>f</sup></b>	30 mo	24 mo	42 mo	6 mo	40 mo
<b>Median</b>					
<b>All offenses</b>	24 mo	16 mo	36 mo	6 mo	36 mo
<b>Violent offenses</b>	36 mo	38 mo	60 mo	6 mo	36 mo
Murder <sup>a</sup>	254	288	300	8	60
Sexual assault <sup>b</sup>	60	60	72	6	60
Robbery	60	60	72	9	60
Aggravated assault	24	23	48	6	36
Other violent <sup>c</sup>	23	12	36	6	36
<b>Property offenses</b>	24 mo	13 mo	36 mo	6 mo	36 mo
Burglary	30	24	48	6	36
Larceny <sup>d</sup>	23	12	24	6	36
Fraud <sup>e</sup>	24	12	30	4	36
<b>Drug offenses</b>	23 mo	12 mo	36 mo	6 mo	36 mo
Possession	12	9	24	5	36
Trafficking	24	16	36	6	36
<b>Weapons offenses</b>	24 mo	16 mo	30 mo	4 mo	36 mo
<b>Other offenses<sup>f</sup></b>	24 mo	12 mo	32 mo	5 mo	36 mo

Note: See note on table 2. Means exclude sentences to death or to life in prison. Sentence length data were available for 997,906 incarceration and probation sentences.  
<sup>a</sup>Includes nonnegligent manslaughter.  
<sup>b</sup>Includes rape.  
<sup>c</sup>Includes offenses such as negligent manslaughter 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 1.4. Estimated percent of felons sentenced to life in prison, by offense, 1996**

	Life sentences as a percent of —	
	All sentences	All prison sentences
<b>All offenses</b>	0.5%	1.2%
Murder	25.7	27.7
Sexual assault	1.3	2.0
Robbery	1	1.4
Aggravated assault	0.3	0.8
Other violent	0.1	0.4
Burglary	0.2	0.4
Larceny	--	0.2
Fraud	--	--
Drug possession	0.1	0.5
Drug trafficking	0.1	0.2
Weapons	0.1	0.2
Other	--	--

--Less than 0.05%.

**Table 1.5. Estimated time to be served in State prison, by offense, 1996**

Most serious conviction offense	Mean prison sentence	To be served in prison, estimated —	
		Percent of sentence <sup>a</sup>	Time <sup>b</sup>
<b>All offenses</b>	62 mo	45%	28 mo
<b>Violent offenses</b>	105 mo	51%	53 mo
Murder <sup>c</sup>	257	50	128
Sexual assault <sup>d</sup>	120	51	61
Robbery	101	47	48
Aggravated assault	69	54	38
Other violent <sup>e</sup>	59	51	30
<b>Property offenses</b>	49 mo	42%	21 mo
Burglary	60	42	25
Larceny <sup>f</sup>	40	44	17
Fraud <sup>g</sup>	43	39	17
<b>Drug offenses</b>	51 mo	41%	21 mo
Possession	41	40	16
Trafficking	55	42	23
<b>Weapons offenses</b>	45 mo	56%	25 mo
<b>Other offenses<sup>h</sup></b>	42 mo	49%	21 mo

<sup>a</sup>Percentages are based on data from 231,857 persons released from State prisons in 1996 (National Corrections Reporting Program, 1996 tables 2-8 and 2-12). These percentages included credited jail time.

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

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

<sup>d</sup>Includes rape.

<sup>e</sup>Includes offenses such as negligent manslaughter 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 1.6. Number of offenses for felons convicted and sentenced in State courts, by most serious felony conviction offense, 1996**

Most serious conviction offense	Percent of convicted felons with —			
	Total	One felony conviction	Two felony convictions	Three or more conviction
<b>All offenses</b>	100%	76%	20%	4%
<b>Violent offenses</b>	100%	70%	24%	6%
Murder <sup>a</sup>	100	62	29	9
Sexual assault <sup>b</sup>	100	67	26	7
Robbery	100	68	26	7
Aggravated	100	72	23	5
Other violent <sup>c</sup>	100	79	18	3
<b>Property offenses</b>	100%	73%	23%	5%
Burglary	100	64	31	5
Larceny <sup>d</sup>	100	84	14	2
Fraud <sup>e</sup>	100	65	27	8
<b>Drug offenses</b>	100%	78%	19%	3%
Possession	100	87	12	1
Trafficking	100	72	24	4
<b>Weapons offenses</b>	100%	76%	20%	4%
<b>Other offenses<sup>f</sup></b>	100%	88%	10%	2%

Note: Data on number of convictions were available for 983,545 cases. The number of convictions pertains to current, not past, convictions.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 1.7. Convicted felons sentenced to prison by State courts, by number of conviction offenses, 1996**

Most serious conviction offense	Percent of felons sentenced to prison following —		
	One felony conviction	Two felony convictions	Three or more felony convictions
<b>All offenses</b>	35%	45%	52%
<b>Violent offenses</b>	51%	65%	75%
Murder <sup>a</sup>	90	94	97
Sexual assault <sup>b</sup>	58	69	81
Robbery	69	80	85
Aggravated assault	37	51	58
Other violent <sup>c</sup>	35	47	65
<b>Property offenses</b>	32%	39%	41%
Burglary	43	47	55
Larceny <sup>d</sup>	30	39	42
Fraud <sup>e</sup>	23	29	30
<b>Drug offenses</b>	34%	40%	49%
Possession	29	30	36
Trafficking	37	43	50
<b>Weapons offenses</b>	38%	45%	54%
<b>Other offenses<sup>f</sup></b>	30%	38%	42%

Note: See note on table 2. Data on number of conviction offenses were available for 983,481 cases. The number of convictions pertains to current, not past, convictions.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 1.8. Mean sentence lengths for felony sentences imposed, by the number and category of the conviction offense, 1996**

Most serious conviction offense	Mean maximum sentence length (in months) for felons sentenced to —			
	Incarceration			
	Total	Prison	Jail	Probation
<b>One conviction offense</b>				
<b>All offenses</b>	33 mo	56 mo	6 mo	40 mo
<b>Violent offenses</b>	65 mo	93 mo	7 mo	45 mo
Murder <sup>a</sup>	223	231	8	70
Sexual assault <sup>b</sup>	77	97	8	61
Robbery	75	89	10	51
Aggravated	38	65	6	39
Other violent <sup>c</sup>	31	58	6	42
<b>Property offenses</b>	27 mo	46 mo	6 mo	38 mo
Burglary	39	59	7	45
Larceny <sup>d</sup>	21	38	6	37
Fraud <sup>e</sup>	22	40	5	36
<b>Drug offenses</b>	26 mo	48 mo	6 mo	41 mo
Possession	19	40	5	37
Trafficking	31	53	6	45
<b>Weapons offenses</b>	26 mo	41 mo	5 mo	34 mo
<b>Other offenses<sup>f</sup></b>	24 mo	42 mo	6 mo	40 mo
<b>Two or more conviction offenses</b>				
<b>All offenses</b>	51 mo	75 mo	6 mo	46 mo
<b>Violent offenses</b>	100 mo	123 mo	7 mo	57 mo
Murder <sup>a</sup>	292	297	7	83
Sexual assault <sup>b</sup>	131	151	8	88
Robbery	105	116	9	56
Aggravated	54	75	6	49
Other violent <sup>c</sup>	43	62	7	50
<b>Property offenses</b>	36 mo	54 mo	6 mo	45 mo
Burglary	45	62	6	47
Larceny <sup>d</sup>	29	46	7	42
Fraud <sup>e</sup>	28	46	5	45
<b>Drug offenses</b>	35 mo	58 mo	6 mo	43 mo
Possession	25	50	6	38
Trafficking	39	60	6	45
<b>Weapons offenses</b>	38 mo	54 mo	6 mo	38 mo
<b>Other offenses<sup>f</sup></b>	27 mo	43 mo	5 mo	43 mo

Note: See notes on tables 2 and 3. Means exclude sentences to death or life imprisonment. Sentence length data were available for 997,906 cases. The number of convictions pertains to current, not past, convictions.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 1.9. Felons sentenced to an additional penalty by State courts, by offense, 1996**

Most serious conviction offense	Percent of felons with an additional penalty of —				
	Fine	Restitution	Treatment	Community service	Other
<b>All offenses</b>	20%	14%	6%	6%	3%
<b>Violent offenses</b>	14%	12%	5%	4%	3%
Murder <sup>a</sup>	8	9	1	1	2
Sexual assault <sup>b</sup>	13	9	8	3	4
Robbery	8	11	3	2	2
Aggravated assault	19	14	5	6	4
Other violent <sup>c</sup>	18	13	6	6	4
<b>Property offenses</b>	20%	25%	4%	7%	4%
Burglary	17	21	4	6	3
Larceny <sup>d</sup>	20	22	5	6	5
Fraud <sup>e</sup>	24	32	4	10	3
<b>Drug offenses</b>	22%	7%	7%	6%	2%
Possession	19	7	10	6	3
Trafficking	23	6	5	6	2
<b>Weapons offenses</b>	16%	6%	3%	4%	2%
<b>Other offenses<sup>f</sup></b>	25%	12%	7%	6%	4%

Note: Where the data indicated affirmatively that a particular additional penalty was imposed, the case was coded accordingly. Where the data did not indicate affirmatively or negatively, the case was treated as not having an additional penalty. These procedures provide a conservative estimate of the prevalence of additional penalties. A felon receiving more than one kind of additional penalty appears under more than one table heading. Data on additional penalties were available for 997,970 cases.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.



## Profile of felons convicted in State courts, 1996

The 1996 National Judicial Reporting Program compiled demographic data (sex, race, and age) as well as sentencing information for persons convicted of a felony in State courts. This section summarizes results from that collection.

White defendants, including Hispanics, were 54% of those convicted of a felony in State courts; black felons, including Hispanics, were 44%; and persons of other races (American Indians, Alaska Natives, Asians, and Pacific Islanders), including Hispanics, 2% (table 2.1).

Among persons convicted, white felons were less likely than blacks to be sent to prison: 32% of convicted white defendants received a prison sentence; 46% of black defendants received a prison sentence (table 2.5).

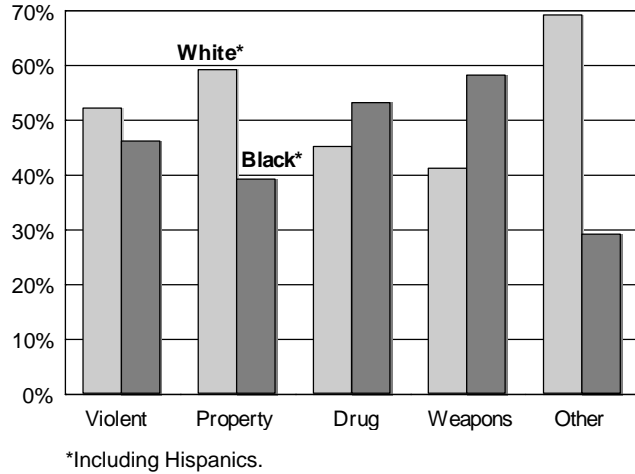
The average State prison sentence was 1 month longer for whites than blacks: 63 months for whites and 62 months for blacks (table 2.7).

Other findings were —

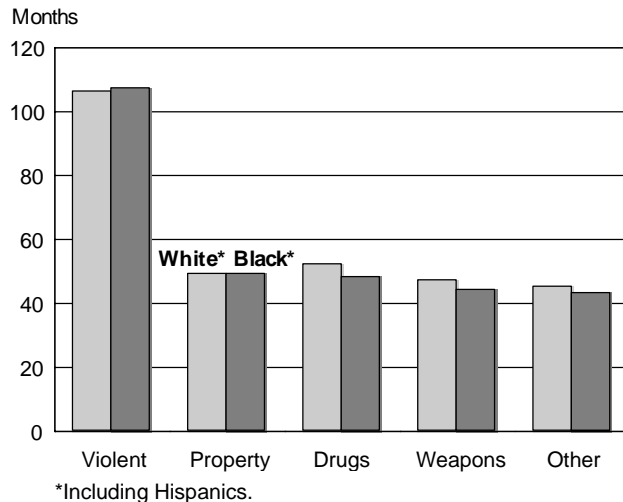
- In 1996 men comprised 84% of persons convicted of a felony (table 2.1). An estimated 41% of males received a State prison sentence, compared to 24% of females (table 2.4).
- The most serious conviction offense was a violent felony in 9% of cases for women, and 21% of cases for men. Among convicted whites, 19% had a violent felony conviction offense; among blacks, 20% (table 2.8).

- The average age of felons convicted in 1996 was 31 years (table 2.3).

**Of drug offenders convicted in State courts in 1996, 53% were black and 45% were white**



**The average sentence to prison imposed by State courts was nearly the same for both whites and blacks in 1996**



- Men sentenced to prison nationwide had an average sentence length of 5 years and 3 months, while women nationwide had an average prison sentence of 3 years and 11 months (table 2.6).

- Men nationwide were sentenced to local jail for an average of 6 months, and women for 5 months (table 2.6). The larger proportion of violent conviction offenses for men partly explains their greater likelihood of a sentence to incarceration and longer average sentences.

**Table 2.1. Demographic characteristics of persons convicted of felonies by State courts, by offense, 1996**

Most serious conviction offense	Percent of convicted felons											
	Total	Gender		Race			Age at sentencing					
		Male	Female	White	Black	Other	13-19	20-29	30-39	40-49	50-59	60 or older
<b>All offenses</b>	100%	84%	16%	54%	44%	2%	9%	41%	33%	14%	3%	1%
<b>Violent offenses</b>	100%	92%	8%	52%	46%	2%	12%	42%	28%	12%	4%	2%
Murder <sup>a</sup>	100	91	9	44	54	2	14	50	21	10	3	2
Sexual assault <sup>b</sup>	100	99	1	70	27	3	6	32	31	18	8	5
Robbery	100	93	7	32	66	2	23	48	23	6	1	--
Aggravated assault	100	89	11	55	43	2	10	43	29	13	3	1
Other violent <sup>c</sup>	100	90	10	69	29	2	6	40	32	15	4	2
<b>Property offenses</b>	100%	77%	23%	59%	39%	2%	11%	42%	32%	13%	2%	1%
Burglary	100	93	7	62	36	2	17	44	28	9	1	--
Larceny <sup>d</sup>	100	77	23	56	41	3	11	40	32	13	3	1
Fraud <sup>e</sup>	100	59	41	60	38	1	5	41	35	16	3	1
<b>Drug offenses</b>	100%	83%	17%	45%	53%	2%	6%	40%	35%	15%	3%	1%
Possession	100	81	19	49	49	2	4	36	40	17	3	1
Trafficking	100	84	16	43	56	1	7	44	32	14	3	1
<b>Weapons offenses</b>	100%	96%	4%	41%	58%	1%	12%	46%	26%	11%	3%	1%
<b>Other offenses<sup>f</sup></b>	100%	89%	11%	69%	29%	2%	7%	36%	36%	16%	4%	1%

Note: Data on sex were available for 782,079 cases; on race, 602,734; and on age 736,117. Racial categories include Hispanics. --Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 2.2. Gender, race, and age of felons convicted in State courts, by offense, 1996**

Most serious conviction offense	Percent of convicted felons											
	Total	Gender		Race			Age at sentencing					
		Male	Female	White	Black	Other	13-19	20-29	30-39	40-49	50-59	60 or older
<b>All offenses</b>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>Violent offenses</b>	17%	19%	9%	16%	18%	20%	24%	18%	14%	15%	20%	33%
Murder <sup>a</sup>	1	1	1	1	2	1	2	1	1	1	1	2
Sexual assault <sup>b</sup>	3	4	--	4	2	4	2	2	3	4	8	16
Robbery	4	5	2	3	7	5	11	5	3	2	1	--
Aggravated assault	7	8	5	7	7	8	8	8	7	7	8	11
Other violent <sup>c</sup>	1	1	1	2	1	1	1	1	1	2	2	3
<b>Property offenses</b>	30%	27%	42%	34%	26%	36%	38%	31%	29%	27	23%	19%
Burglary	9	10	4	11	8	12	18	10	8	6	4	3
Larceny <sup>d</sup>	12	11	17	13	11	18	15	12	12	12	12	9
Fraud <sup>e</sup>	8	6	21	9	7	6	4	8	9	9	7	8
<b>Drug offenses</b>	36%	36%	38%	30%	42%	28%	24%	36%	39%	40%	34%	25%
Possession	14	13	16	12	14	12	7	13	18	18	13	9
Trafficking	22	23	22	18	28	15	17	23	21	22	20	16
<b>Weapons offenses</b>	3%	4%	1%	3%	4%	2%	5%	4%	3%	3%	4%	4%
<b>Other offenses<sup>f</sup></b>	14%	15%	10%	17%	9%	15%	10%	12%	15%	16%	19%	19%

Note: See note on tables 1.1, and 2.1. Detail may not sum to total because of rounding. Some estimates in this table are based on as few as 1 case and are therefore unreliable. Racial categories include Hispanics.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 2.3. Average age of convicted felons in State courts, by offense, 1996**

Most serious conviction offense	Average age in years	
	Mean	Median
<b>All offenses</b>	31 yr	30 yr
<b>Violent offenses</b>	30 yr	28 yr
Murder <sup>a</sup>	29	25
Sexual assault <sup>b</sup>	35	33
Robbery	26	24
Aggravated assault	31	29
Other violent <sup>c</sup>	32	31
<b>Property offenses</b>	30 yr	29 yr
Burglary	28	26
Larceny <sup>d</sup>	30	29
Fraud <sup>e</sup>	32	31
<b>Drug offenses</b>	31 yr	30 yr
Possession	32	32
Trafficking	31	29
<b>Weapons offenses</b>	30 yr	27 yr
<b>Other offenses<sup>f</sup></b>	32 yr	31 yr

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 2.4. Offense and gender of felons, by type of sentence imposed, 1996**

Most serious conviction offense	Percent of felons sentenced to —						
	Total	Incarceration			Nonincarceration		
		Total	Prison	Jail	Total	Probation	Other
<b>Male</b>							
<b>All offenses</b>	100%	73%	41%	32%	27%	25%	2%
<b>Violent offenses</b>	100%	81%	58%	23%	19%	18%	2%
Murder <sup>a</sup>	100	95	92	3	5	4	--
Sexual assault <sup>b</sup>	100	80	63	18	20	18	1
Robbery	100	88	73	15	12	11	1
Aggravated assault	100	75	43	32	25	23	2
Other violent <sup>c</sup>	100	75	39	36	25	23	2
<b>Property offenses</b>	100%	68%	38%	30%	32%	29%	3%
Burglary	100	73	47	27	27	25	2
Larceny <sup>d</sup>	100	69	34	35	31	27	3
Fraud <sup>e</sup>	100	55	28	27	45	42	3
<b>Drug offenses</b>	100%	76%	38%	38%	24%	22%	2%
Possession	100	75	31	44	25	23	2
Trafficking	100	76	41	35	24	22	2
<b>Weapons offenses</b>	100%	70%	42%	28%	30%	28%	2%
<b>Other offenses<sup>f</sup></b>	100%	68%	33%	35%	32%	29%	3%
<b>Female</b>							
<b>All offenses</b>	100%	59%	24%	34%	41%	38%	4%
<b>Violent offenses</b>	100%	64%	36%	28%	36%	34%	3%
Murder <sup>a</sup>	100	85	80	4	15	15	--
Sexual assault <sup>b</sup>	100	58	39	18	43	38	4
Robbery	100	76	55	21	23	22	1
Aggravated assault	100	56	25	31	44	41	3
Other violent <sup>c</sup>	100	65	23	42	35	30	5
<b>Property offenses</b>	100%	51%	22%	29%	49%	45%	4%
Burglary	100	70	31	39	30	28	2
Larceny <sup>d</sup>	100	55	23	32	45	40	5
Fraud <sup>e</sup>	100	44	19	24	56	52	4
<b>Drug offenses</b>	100%	68%	25%	42%	32%	30%	2%
Possession	100	70	22	48	30	27	3
Trafficking	100	66	28	38	34	32	2
<b>Weapons offenses</b>	100%	58%	30%	28%	42%	40%	2%
<b>Other offenses<sup>f</sup></b>	100%	54%	21%	33%	46%	40%	6%

Note: See note on tables 1.1, and 2.1. Detail may not sum to total because of rounding. Some estimates in this table are based on as few as 1 case and are therefore unreliable.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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 2.5. Offense and race of felons, by type of sentence imposed, 1996**

Most serious conviction offense	Percent of felons sentenced to —						
	Total	Incarceration			Nonincarceration		
		Total	Prison	Jail	Total	Probation	Other
<b>White</b>							
<b>All offenses</b>	100%	66%	32%	34%	34%	31%	3%
<b>Violent offenses</b>	100%	76%	51%	25%	24%	22%	2%
Murder <sup>a</sup>	100	94	89	4	6	6	1
Sexual assault <sup>b</sup>	100	80	61	18	20	19	2
Robbery	100	85	67	17	15	14	1
Aggravated assault	100	70	36	34	30	27	3
Other violent <sup>c</sup>	100	70	37	34	30	27	3
<b>Property offenses</b>	100%	60%	30%	30%	40%	36%	4%
Burglary	100	69	40	28	31	29	2
Larceny <sup>d</sup>	100	60	26	34	40	35	5
Fraud <sup>e</sup>	100	49	23	26	51	46	4
<b>Drug offenses</b>	100%	68%	27%	41%	32%	29%	3%
Possession	100	68	22	47	32	28	3
Trafficking	100	68	30	38	32	30	2
<b>Weapons offenses</b>	100%	62%	31%	30%	38%	35%	3%
<b>Other offenses<sup>f</sup></b>	100%	64%	28%	36%	36%	32%	4%
<b>Black</b>							
<b>All offenses</b>	100%	74%	46%	28%	26%	24%	2%
<b>Violent offenses</b>	100%	82%	65%	17%	18%	16%	1%
Murder <sup>a</sup>	100	95	92	2	5	5	--
Sexual assault <sup>b</sup>	100	81	69	12	19	18	2
Robbery	100	88	75	13	12	12	1
Aggravated assault	100	75	50	25	25	23	2
Other violent <sup>c</sup>	100	76	49	27	24	22	2
<b>Property offenses</b>	100%	68%	41%	27%	32%	30%	2%
Burglary	100	78	57	22	22	20	2
Larceny <sup>d</sup>	100	70	39	31	30	28	2
Fraud <sup>e</sup>	100	54	28	26	46	43	3
<b>Drug offenses</b>	100%	75%	43%	32%	25%	23%	2%
Possession	100	72	36	36	28	26	2
Trafficking	100	77	47	30	23	22	1
<b>Weapons offenses</b>	100%	70%	46%	25%	30%	28%	1%
<b>Other offenses<sup>f</sup></b>	100%	70%	37%	33%	30%	27%	3%

Note: See note on tables 1.1, 1.2, and 2.1. Detail may not sum to total because of rounding.

Some estimates in this table are based on as few as one case and are therefore unreliable.

Racial categories include Hispanics.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 2.6. Mean length of felony State court sentences imposed, by offense and gender of felons, 1996**

Most serious conviction offense	Mean maximum sentence length (in months) for felons sentenced to —			
	Total	Incarceration		Probation
		Prison	Jail	
<b>Male</b>				
<b>All offenses</b>	38 mo	63 mo	6 mo	40 mo
<b>Violent offenses</b>	77 mo	104 mo	7 mo	46 mo
Murder <sup>a</sup>	257	265	9	75
Sexual assault <sup>b</sup>	96	119	8	65
Robbery	82	95	10	52
Aggravated assault	42	68	6	39
Other violent <sup>c</sup>	32	57	6	38
<b>Property offenses</b>	31 mo	50 mo	6 mo	38 mo
Burglary	41	60	7	43
Larceny <sup>d</sup>	23	39	6	35
Fraud <sup>e</sup>	25	43	5	37
<b>Drug offenses</b>	28 mo	50 mo	6 mo	41 mo
Possession	19	38	5	35
Trafficking	33	55	7	45
<b>Weapons offenses</b>	29 mo	44 mo	6 mo	33 mo
<b>Other offenses<sup>f</sup></b>	24 mo	42 mo	6 mo	40 mo
<b>Female</b>				
<b>All offenses</b>	23 mo	47 mo	5 mo	38 mo
<b>Violent offenses</b>	44 mo	73 mo	6 mo	42 mo
Murder <sup>a</sup>	167	176	8	65
Sexual assault <sup>b</sup>	55	75	9	81
Robbery	51	66	9	44
Aggravated assault	26	50	5	39
Other violent <sup>c</sup>	19	46	5	38
<b>Property offenses</b>	21 mo	43 mo	5 mo	37 mo
Burglary	24	48	5	43
Larceny <sup>d</sup>	19	39	5	35
Fraud <sup>e</sup>	23	46	4	38
<b>Drug offenses</b>	20 mo	43 mo	6 mo	39 mo
Possession	14	34	5	34
Trafficking	25	49	6	43
<b>Weapons offenses</b>	20 mo	34 mo	5 mo	36 mo
<b>Other offenses<sup>f</sup></b>	20 mo	42 mo	5 mo	38 mo

Note: See note on tables 1.1, 1.2, 1.3, and 2.1. Detail may not sum to total because of rounding. Some estimates in this table are based on as few as 1 case and are therefore unreliable.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 2.7. Mean length of felony State court sentences imposed, by offense and race of felons, 1996**

Most serious conviction offense	Mean maximum sentence length (in months) for felons sentenced to —			
	Total	Incarceration		Probation
		Prison	Jail	
<b>White</b>				
<b>All offenses</b>	35 mo	63 mo	5 mo	38 mo
<b>Violent offenses</b>	73 mo	106 mo	6 mo	46 mo
Murder <sup>a</sup>	261	271	7	77
Sexual assault <sup>b</sup>	98	122	7	66
Robbery	77	93	8	50
Aggravated assault	36	64	6	39
Other violent <sup>c</sup>	32	56	6	36
<b>Property offenses</b>	28 mo	49 mo	5 mo	37 mo
Burglary	37	58	6	43
Larceny <sup>d</sup>	21	40	5	35
Fraud <sup>e</sup>	24	45	5	36
<b>Drug offenses</b>	24 mo	52 mo	5 mo	36 mo
Possession	17	43	5	33
Trafficking	28	56	6	38
<b>Weapons offenses</b>	26 mo	47 mo	4 mo	32 mo
<b>Other offenses<sup>f</sup></b>	24 mo	45 mo	6 mo	40 mo
<b>Black</b>				
<b>All offenses</b>	42 mo	62 mo	7 mo	40 mo
<b>Violent offenses</b>	88 mo	107 mo	8 mo	44 mo
Murder <sup>a</sup>	238	244	9	64
Sexual assault <sup>b</sup>	107	121	10	64
Robbery	90	101	11	50
Aggravated assault	52	73	7	38
Other violent <sup>c</sup>	41	60	6	35
<b>Property offenses</b>	32 mo	49 mo	6 mo	36 mo
Burglary	47	61	7	41
Larceny <sup>d</sup>	25	40	7	35
Fraud <sup>e</sup>	24	41	5	35
<b>Drug offenses</b>	31 mo	48 mo	6 mo	44 mo
Possession	20	33	6	36
Trafficking	37	54	7	48
<b>Weapons offenses</b>	32 mo	44 mo	6 mo	32 mo
<b>Other offenses<sup>f</sup></b>	27 mo	43 mo	7 mo	38 mo

Note: Some estimates in this table are based on as few as 1 case and are therefore unreliable. Racial categories include Hispanics.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.



**Table 2.8. Gender and race of felons sentenced to incarceration or prison by State courts, by offense, 1996**

Most serious conviction offense	Percent of convictions				
	Total	Gender		Race	
		Male	Female	White	Black
<b>Incarceration</b>					
<b>All offenses</b>	100%	100%	100%	100%	100%
<b>Violent offenses</b>	20%	21%	9%	19%	20%
Murder <sup>a</sup>	2	2	1	1	2
Sexual assault <sup>b</sup>	3	4	--	5	2
Robbery	6	6	3	4	8
Aggravated assault	7	8	5	7	7
Other violent <sup>c</sup>	1	1	1	2	1
<b>Property offenses</b>	28%	25%	37%	31%	24%
Burglary	10	10	5	12	8
Larceny <sup>d</sup>	11	10	16	12	11
Fraud <sup>e</sup>	6	4	15	7	5
<b>Drug offenses</b>	37%	37%	44%	31%	43%
Possession	13	13	19	12	14
Trafficking	24	24	25	19	29
<b>Weapons offenses</b>	3%	4%	1%	2%	4%
<b>Other offenses<sup>f</sup></b>	13%	14%	9%	17%	8%
<b>Prison</b>					
<b>All offenses</b>	100%	100%	100%	100%	100%
<b>Violent offenses</b>	26%	27%	13%	26%	25%
Murder <sup>a</sup>	3	3	2	3	3
Sexual assault <sup>b</sup>	5	5	--	8	3
Robbery	9	9	4	6	11
Aggravated assault	7	8	5	8	7
Other violent <sup>c</sup>	1	1	1	2	1
<b>Property offenses</b>	27%	25%	38%	31%	24%
Burglary	12	12	5	14	10
Larceny <sup>d</sup>	10	9	16	11	9
Fraud <sup>e</sup>	5	4	16	7	4
<b>Drug offenses</b>	33%	33%	40%	25%	40%
Possession	10	10	15	8	11
Trafficking	23	23	25	17	29
<b>Weapons offenses</b>	4%	4%	1%	3%	4%
<b>Other offenses<sup>f</sup></b>	11%	12%	9%	15%	7%

Note: See note on tables 1.1, 1.2, and 2.1. Detail may not sum to total because of rounding. Some estimates in this table are based on as few as 1 case and are therefore unreliable. Racial categories include Hispanics.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 2.9. Gender and race of felons sentenced to jail or probation by State courts, by offense, 1996**

Most serious conviction offense	Percent of convictions				
	Total	Gender		Race	
		Male	Female	White	Black
<b>Jail</b>					
<b>All offenses</b>	100%	100%	100%	100%	100%
<b>Violent offenses</b>	12%	14%	6%	12%	11%
Murder <sup>a</sup>	--	--	--	--	--
Sexual assault <sup>b</sup>	2	2	--	2	1
Robbery	2	2	1	1	3
Aggravated assault	7	7	5	7	6
Other violent <sup>c</sup>	1	2	1	2	1
<b>Property offenses</b>	28%	25%	36%	30%	25%
Burglary	8	8	5	9	6
Larceny <sup>d</sup>	13	12	16	13	13
Fraud <sup>e</sup>	7	5	15	7	7
<b>Drug offenses</b>	42%	42%	47%	37%	49%
Possession	17	18	23	16	18
Trafficking	24	25	24	21	31
<b>Weapons offenses</b>	3%	3%	1%	2%	4%
<b>Other offenses<sup>f</sup></b>	15%	16%	10%	18%	11%
<b>Probation</b>					
<b>All offenses</b>	100%	100%	100%	100%	100%
<b>Violent offenses</b>	12%	14%	8%	11%	12%
Murder <sup>a</sup>	--	--	--	--	--
Sexual assault <sup>b</sup>	2	3	--	2	1
Robbery	2	2	1	1	3
Aggravated assault	6	7	5	6	6
Other violent <sup>c</sup>	1	1	1	1	1
<b>Property offenses</b>	37%	32%	50%	39%	32%
Burglary	9	10	3	10	7
Larceny <sup>d</sup>	15	12	19	15	13
Fraud <sup>e</sup>	13	9	28	14	13
<b>Drug offenses</b>	33%	32%	30%	28%	40%
Possession	12	12	12	11	15
Trafficking	20	20	18	17	25
<b>Weapons offenses</b>	4%	4%	1%	3%	5%
<b>Other offenses<sup>f</sup></b>	15%	18%	11%	18%	10%

Note: See note on tables 1.1, 1.2, and 2.1. Detail may not sum to total because of rounding. Some estimates in this table are based on as few as 1 case and are therefore unreliable. Racial categories include Hispanics.

-- Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 2.10. Percent of convicted felons sentenced by State courts to incarceration or prison, by gender, race, and offense, 1996**

Most serious conviction offense	Percent receiving designated sentence			
	White		Black	
	Male	Female	Male	Female
<b>Sentenced to incarceration</b>				
<b>All offenses</b>	68%	54%	76%	63%
<b>Violent offenses</b>	78%	60%	84%	66%
Murder <sup>a</sup>	95	82	95	89
Sexual assault <sup>b</sup>	81	52	82	68
Robbery	86	74	88	76
Aggravated assault	72	52	78	59
Other violent <sup>c</sup>	72	58	77	67
<b>Property offenses</b>	64%	48%	73%	56%
Burglary	69	63	79	78
Larceny <sup>d</sup>	64	46	74	60
Fraud <sup>e</sup>	52	45	59	47
<b>Drug offenses</b>	70%	62%	76%	71%
Possession	69	65	74	69
Trafficking	70	59	78	71
<b>Weapons offenses</b>	62%	60%	72%	56%
<b>Other offenses<sup>f</sup></b>	66%	50%	71%	63%
<b>Sentenced to prison</b>				
<b>All offenses</b>	35%	19%	49%	32%
<b>Violent offenses</b>	52%	32%	67%	43%
Murder <sup>a</sup>	90	78	93	85
Sexual assault <sup>b</sup>	62	41	70	54
Robbery	68	52	76	56
Aggravated assault	38	18	53	32
Other violent <sup>c</sup>	39	19	50	36
<b>Property offenses</b>	33%	19%	46%	27%
Burglary	42	22	58	43
Larceny <sup>d</sup>	29	16	42	29
Fraud <sup>e</sup>	25	20	33	22
<b>Drug offenses</b>	29%	18%	45%	35%
Possession	24	15	38	30
Trafficking	32	20	48	38
<b>Weapons offenses</b>	32%	25%	47%	31%
<b>Other offenses<sup>f</sup></b>	30%	17%	38%	34%

Note: See note on tables 1.1, 1.2, and 2.1. Racial categories include Hispanics.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 2.11. Percent of convicted felons sentenced by State courts to jail or probation, by gender, race, and offense, 1996**

Most serious conviction offense	Percent receiving designated sentence			
	White		Black	
	Male	Female	Male	Female
<b>Sentenced to jail</b>				
<b>All offenses</b>	33%	35%	27%	31%
<b>Violent offenses</b>	25%	28%	16%	23%
Murder <sup>a</sup>	5	4	2	4
Sexual assault <sup>b</sup>	19	11	12	14
Robbery	17	22	12	21
Aggravated assault	34	33	25	26
Other violent <sup>c</sup>	33	39	27	31
<b>Property offenses</b>	30%	29%	26%	28%
Burglary	27	41	21	35
Larceny <sup>d</sup>	35	30	31	30
Fraud <sup>e</sup>	27	25	26	25
<b>Drug offenses</b>	41%	43%	32%	35%
Possession	46	50	36	39
Trafficking	38	39	30	33
<b>Weapons offenses</b>	30%	35%	25%	25%
<b>Other offenses<sup>f</sup></b>	36%	33%	33%	29%
<b>Sentenced to probation</b>				
<b>All offenses</b>	32%	46%	24%	37%
<b>Violent offenses</b>	22%	40%	16%	34%
Murder <sup>a</sup>	5	18	5	11
Sexual assault <sup>b</sup>	19	48	18	32
Robbery	14	26	12	24
Aggravated assault	28	48	22	41
Other violent <sup>c</sup>	30	42	23	33
<b>Property offenses</b>	36%	52%	27%	44%
Burglary	31	37	21	22
Larceny <sup>d</sup>	36	54	26	40
Fraud <sup>e</sup>	48	55	41	53
<b>Drug offenses</b>	30%	38%	24%	29%
Possession	31	35	26	31
Trafficking	30	41	22	29
<b>Weapons offenses</b>	38%	40%	28%	44%
<b>Other offenses<sup>f</sup></b>	34%	50%	29%	37%

Note: See note on tables 1.1, 1.2, and 2.1. Racial categories include Hispanics.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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 2.12. Mean length of State felony sentences to incarceration or prison, by gender and race of felons, 1996**

Most serious conviction offense	Mean sentence length (in months) for persons who were —			
	White		Black	
	Male	Female	Male	Female
<b>Sentenced to incarceration</b>				
<b>All offenses</b>	37 mo	21 mo	44 mo	26 mo
<b>Violent offenses</b>	75 mo	42 mo	90 mo	47 mo
Murder <sup>a</sup>	270	161	246	152
Sexual assault <sup>b</sup>	97	70	107	57
Robbery	79	43	90	48
Aggravated assault	37	22	54	31
Other violent <sup>c</sup>	33	21	42	25
<b>Property offenses</b>	29 mo	21 mo	34 mo	23 mo
Burglary	39	15	46	37
Larceny <sup>d</sup>	21	18	26	22
Fraud <sup>e</sup>	24	25	26	19
<b>Drug offenses</b>	26 mo	17 mo	32 mo	24 mo
Possession	18	13	20	16
Trafficking	30	21	37	28
<b>Weapons offenses</b>	27 mo	14 mo	32 mo	18 mo
<b>Other offenses<sup>f</sup></b>	25 mo	17 mo	26 mo	31 mo
<b>Sentenced to prison</b>				
<b>All offenses</b>	65 mo	48 mo	63 mo	45 mo
<b>Violent offenses</b>	106 mo	75 mo	108 mo	68 mo
Murder <sup>a</sup>	280	172	252	159
Sexual assault <sup>b</sup>	121	83	122	66
Robbery	95	56	100	60
Aggravated assault	64	52	75	50
Other violent <sup>c</sup>	56	54	61	41
<b>Property offenses</b>	49 mo	46 mo	49 mo	40 mo
Burglary	58	36	60	62
Larceny <sup>d</sup>	39	43	40	38
Fraud <sup>e</sup>	42	51	42	36
<b>Drug offenses</b>	53 mo	45 mo	48 mo	41 mo
Possession	44	38	33	30
Trafficking	57	49	54	45
<b>Weapons offenses</b>	47 mo	27 mo	44 mo	28 mo
<b>Other offenses<sup>f</sup></b>	45 mo	39 mo	41 mo	52 mo

Note: See note on tables 1.1, 1.2, and 2.1. Racial categories include Hispanics.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 2.13. Mean length of State felony sentences to jail or probation, by gender and race of felons, 1996**

Most serious conviction offense	Mean sentence length (in months) for persons who were —			
	White		Black	
	Male	Female	Male	Female
<b>Sentenced to jail</b>				
<b>All offenses</b>	6 mo	5 mo	7 mo	6 mo
<b>Violent offenses</b>	6 mo	5 mo	8 mo	7 mo
Murder	8	5	9	13
Sexual assault <sup>b</sup>	7	4	10	21
Robbery	8	8	11	9
Aggravated assault	6	4	7	6
Other violent <sup>c</sup>	6	5	6	8
<b>Property offenses</b>	6 mo	4 mo	7 mo	5 mo
Burglary	6	4	8	6
Larceny <sup>d</sup>	5	4	7	6
Fraud <sup>e</sup>	5	4	6	5
<b>Drug offenses</b>	5 mo	5 mo	7 mo	6 mo
Possession	5	5	6	6
Trafficking	6	5	7	7
<b>Weapons offenses</b>	4 mo	4 mo	6 mo	6 mo
<b>Other offenses<sup>f</sup></b>	6 mo	5 mo	7 mo	6 mo
<b>Sentenced to probation</b>				
<b>All offenses</b>	38 mo	37 mo	41 mo	37 mo
<b>Violent offenses</b>	45 mo	51 mo	46 mo	38 mo
Murder <sup>a</sup>	84	64	70	50
Sexual assault <sup>b</sup>	65	95	66	52
Robbery	51	41	51	44
Aggravated assault	37	50	38	36
Other violent <sup>c</sup>	36	35	34	39
<b>Property offenses</b>	37 mo	37 mo	36 mo	34 mo
Burglary	43	43	41	37
Larceny <sup>d</sup>	34	36	36	34
Fraud <sup>e</sup>	36	37	35	35
<b>Drug offenses</b>	37 mo	35 mo	44 mo	43 mo
Possession	34	31	36	36
Trafficking	38	38	49	47
<b>Weapons offenses</b>	32 mo	28 mo	32 mo	30 mo
<b>Other offenses<sup>f</sup></b>	40 mo	40 mo	40 mo	30 mo

Note: See note on tables 1.1, 1.2, and 2.1. Racial categories include Hispanics.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

## Felons sentenced to probation in State courts, 1996

The detailed statistics on sentences to probation presented in the tables of this section differ from probation statistics elsewhere in the report. As used elsewhere, a sentence to probation only included "straight probation."

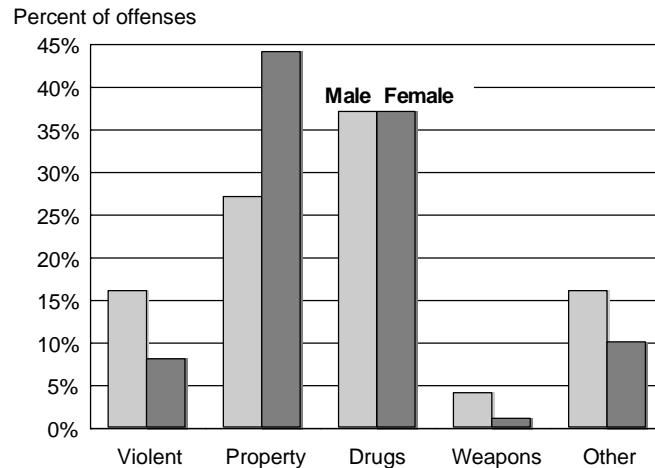
Excluded were probation sentences combined with a term of confinement in a prison or jail. In this section, the probation definition is expanded to include such "split sentences."

Defined that way, probation sentences comprised 58% of all sentences imposed on felons in 1996, the highest percentage of all sentences since 1990 (table 3.1).

Other probation findings from the 1996 survey included —

- State courts sentenced to probation an estimated 580,000 convicted felons (table 3.1).
- Nationwide, probation sentences had an average length of just under 3½ years (table 3.3).
- For felons receiving a split incarceration and probation sentence, the average jail sentence was 6 months; the average prison sentence, 3 years and 10 months (table 3.4).
- The average age of probationers nationwide was 31 years (table 3.10). Females made up 19% of all felons placed on probation (table 3.7). Whites were 58% of probationers, and blacks were 40% (table 3.8).

**Of felons sentenced to probation, about 44% of the women versus 27% of the men were convicted of a property offense**



**Table 3.1. Estimated number of felony convictions in State courts, by whether sentenced to probation and by offense, 1996**

Most serious conviction offense	1996 felony convictions		Sentence type within offense		Offense within sentence type		
	Total	Probation	Probation	No probation	Total	Probation	No probation
<b>All offenses</b>	997,902	579,206	58%	42%	100%	100%	100%
<b>Violent offenses</b>	167,820	78,422	47%	53%	17%	14%	21%
Murder <sup>a</sup>	11,430	1,795	16	84	1	--	2
Sexual assault <sup>b</sup>	30,054	14,602	49	51	3	3	4
Robbery	42,831	14,463	34	66	4	2	7
Aggravated assault	69,521	39,379	57	43	7	7	7
Other violent <sup>c</sup>	13,984	8,182	59	41	1	1	1
<b>Property offenses</b>	298,622	182,501	61%	39%	30%	32%	28%
Burglary	93,195	50,811	55	45	9	9	10
Larceny <sup>d</sup>	123,198	73,178	59	41	12	13	12
Fraud <sup>e</sup>	82,228	58,511	71	29	8	10	6
<b>Drug offenses</b>	347,730	207,712	60%	40%	35%	36%	33%
Possession	135,270	87,403	65	35	14	15	11
Trafficking	212,461	120,310	57	43	21	21	22
<b>Weapons offenses</b>	33,337	19,055	57%	43%	3%	3%	3%
<b>Other offenses<sup>f</sup></b>	150,393	91,516	61%	39%	15%	16%	14%

Note: Detail may not sum to total because of rounding. In this table persons are counted as probation cases so long as their sentences included probation and without regard to whether a term of incarceration was also included.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.



**Table 3.2. Felony convictions in State courts, by type of sentence to probation or incarceration and offense, 1996**

Most serious conviction offense	Percent of felony convictions by type of —							
	Straight probation	Probation sentence			No incarceration	Nonprobation sentence		
		Total	Split sentence	Prison		Jail	Total	Prison
<b>All offenses</b>	29%	29%	9%	20%	2%	40%	29%	10%
<b>Violent offenses</b>	20%	27%	12%	15%	1%	52%	45%	7%
Murder <sup>a</sup>	5	11	9	2	--	84	83	1
Sexual assault <sup>b</sup>	20	29	17	12	1	50	46	4
Robbery	12	22	13	9	1	66	60	5
Aggravated assault	26	31	10	21	2	41	32	9
Other violent <sup>c</sup>	25	33	8	25	2	39	30	9
<b>Property offenses</b>	35%	26%	8%	18%	3%	36%	26%	10%
Burglary	27	27	9	18	2	44	36	8
Larceny <sup>d</sup>	33	26	7	19	3	37	24	13
Fraud <sup>e</sup>	47	24	8	16	3	26	17	9
<b>Drug offenses</b>	26%	33%	9%	25%	2%	38%	27%	12%
Possession	28	37	8	29	2	33	21	12
Trafficking	25	31	9	22	2	42	30	11
<b>Weapons offenses</b>	31%	26%	10%	16%	2%	41%	30%	11%
<b>Other offenses<sup>f</sup></b>	34%	27%	6%	20%	3%	36%	25%	11%

Note: See note on table 3.1. Detail may not sum to total because of rounding.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 3.3. Average probation sentence of felons convicted in State courts, by offense, 1996**

Most serious conviction offense	Probation sentence (in months) in case of —				
	Total	Straight probation	Split sentence		
			Total	Prison	Jail
<b>Mean sentence</b>					
<b>All offenses</b>	40 mo	41 mo	39 mo	46 mo	36 mo
<b>Violent offenses</b>	48 mo	48 mo	48 mo	58 mo	41 mo
Murder <sup>a</sup>	73	72	73	77	56
Sexual assault <sup>b</sup>	65	66	64	72	54
Robbery	50	52	49	54	42
Aggravated assault	41	41	42	48	38
Other violent <sup>c</sup>	42	44	41	50	38
<b>Property offenses</b>	39 mo	40 mo	39 mo	45 mo	36 mo
Burglary	43	46	41	47	38
Larceny <sup>d</sup>	36	38	35	41	33
Fraud <sup>e</sup>	40	39	41	47	37
<b>Drug offenses</b>	39 mo	42 mo	37 mo	43 mo	35 mo
Possession	35	37	33	35	32
Trafficking	42	45	40	47	38
<b>Weapons offenses</b>	35 mo	35 mo	34 mo	31 mo	36 mo
<b>Other offenses<sup>f</sup></b>	40 mo	40 mo	39 mo	44 mo	37 mo
<b>Median sentence</b>					
<b>All offenses</b>	36 mo	36 mo	36 mo	36 mo	36 mo
<b>Violent offenses</b>	36 mo	48 mo	36 mo	36 mo	36 mo
Murder <sup>a</sup>	60	60	60	60	60
Sexual assault <sup>b</sup>	60	60	60	60	60
Robbery	60	48	36	36	48
Aggravated assault	36	36	36	36	36
Other violent <sup>c</sup>	36	36	36	36	36
<b>Property offenses</b>	36 mo	36 mo	36 mo	36 mo	36 mo
Burglary	36	36	36	36	36
Larceny <sup>d</sup>	36	36	36	36	36
Fraud <sup>e</sup>	36	36	36	36	36
<b>Drug offenses</b>	36 mo	36 mo	36 mo	36 mo	36 mo
Possession	36	24	30	36	33
Trafficking	36	36	36	36	36
<b>Weapons offenses</b>	36 mo	24 mo	36 mo	36 mo	36 mo
<b>Other offenses<sup>f</sup></b>	36 mo	36 mo	36 mo	36 mo	36 mo

Note: See note on table 3.1. Means exclude sentences to death or to life in prison.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 3.4. Average State court sentence to incarceration for felons receiving sentences with or without probation, by offense, 1996**

Most serious conviction offense	Maximum incarceration sentence length (in months) for —					
	Split sentence			Incarceration without probation		
	Total	Prison	Jail	Total	Prison	Jail
<b>Mean sentence</b>						
<b>All offenses</b>	18 mo	46 mo	6 mo	51 mo	67 mo	7 mo
<b>Violent offenses</b>	35 mo	69 mo	6 mo	100 mo	115 mo	8 mo
Murder <sup>a</sup>	188	212	8	260	264	9
Sexual assault <sup>b</sup>	49	75	7	126	136	10
Robbery	47	68	9	100	108	11
Aggravated assault	20	50	6	60	75	8
Other violent <sup>c</sup>	14	39	6	50	64	7
<b>Property offenses</b>	15 mo	38 mo	5 mo	39 mo	52 mo	7 mo
Burglary	20	46	6	54	64	8
Larceny <sup>d</sup>	12	32	5	30	42	7
Fraud <sup>e</sup>	14	33	4	33	47	6
<b>Drug offenses</b>	15 mo	41 mo	6 mo	40 mo	54 mo	7 mo
Possession	12	39	5	28	42	6
Trafficking	17	42	6	45	59	7
<b>Weapons offenses</b>	14 mo	30 mo	4 mo	38 mo	49 mo	7 mo
<b>Other offenses<sup>f</sup></b>	13 mo	38 mo	5 mo	32 mo	43 mo	7 mo
<b>Median sentence</b>						
<b>All offenses</b>	7 mo	24 mo	5 mo	29 mo	40 mo	6 mo
<b>Violent offenses</b>	12 mo	42 mo	6 mo	60 mo	72 mo	8 mo
Murder <sup>a</sup>	120	129	6	300	300	12
Sexual assault <sup>b</sup>	21	51	6	75	86	12
Robbery	24	48	8	72	72	12
Aggravated assault	9	36	5	36	48	6
Other violent <sup>c</sup>	6	24	6	24	36	6
<b>Property offenses</b>	6 mo	24 mo	4 mo	24 mo	36 mo	6 mo
Burglary	9	34	6	36	48	6
Larceny <sup>d</sup>	6	24	4	18	30	6
Fraud <sup>e</sup>	6	24	3	23	36	6
<b>Drug offenses</b>	6 mo	24 mo	6 mo	24 mo	36 mo	6 mo
Possession	6	24	5	16	30	6
Trafficking	8	30	6	36	42	6
<b>Weapons offenses</b>	8 mo	24 mo	3 mo	24 mo	36 mo	6 mo
<b>Other offenses<sup>f</sup></b>	6 mo	24 mo	4 mo	24 mo	36 mo	6 mo

Note: See note on table 3.1. Means exclude sentences to death or life in prison.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 3.5. Percent of conviction offenses for felons sentenced to probation in State courts, by offense, 1996**

Most serious conviction offense	Percent of felons sentenced to probation when their conviction offenses numbered —			
	One or more	One	Two	Three or more
<b>All offenses</b>	58%	59%	56%	56%
<b>Violent offenses</b>	47%	49%	45%	39%
Murder <sup>a</sup>	16	18	14	6
Sexual assault <sup>b</sup>	49	50	51	39
Robbery	34	35	32	27
Aggravated assault	57	58	54	55
Other violent <sup>c</sup>	59	60	56	50
<b>Property offenses</b>	61%	62%	59%	65%
Burglary	55	55	54	53
Larceny <sup>d</sup>	59	60	55	58
Fraud <sup>e</sup>	71	72	69	76
<b>Drug offenses</b>	60%	61%	57%	60%
Possession	65	65	60	73
Trafficking	57	57	57	58
<b>Weapons offenses</b>	57%	58%	56%	53%
<b>Other offenses<sup>f</sup></b>	61%	61%	61%	66%

Note: See note on table 3.1.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 3.6. Gender of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1996**

Most serious conviction offense	Percent of sentences to probation			Percent of sentences to incarceration without probation		
	All	Male	Female	All	Male	Female
<b>All offenses</b>	100%	100%	100%	100%	100%	100%
<b>Violent offenses</b>	14%	16%	8%	22%	23%	11%
Murder <sup>a</sup>	--	--	--	2	2	2
Sexual assault <sup>b</sup>	3	3	--	4	4	--
Robbery	3	3	1	7	7	3
Aggravated assault	7	8	5	7	8	5
Other violent <sup>c</sup>	1	2	1	1	1	1
<b>Property offenses</b>	31%	27%	44%	27%	26%	38%
Burglary	9	10	4	10	11	5
Larceny <sup>d</sup>	12	11	17	12	11	18
Fraud <sup>e</sup>	10	7	23	5	4	15
<b>Drug offenses</b>	37%	37%	37%	35%	34%	40%
Possession	15	15	17	11	11	16
Trafficking	22	22	21	23	23	24
<b>Weapons offenses</b>	3%	4%	1%	4%	4%	1%
<b>Other offenses<sup>f</sup></b>	15%	16%	10%	13%	13%	10%

Note: See note on tables 2.1 and 3.1. Detail may not sum to total because of rounding.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 3.7. Offense of felons sentenced to probation or to incarceration without probation in State courts, by gender, 1996**

Most serious conviction offense	Percent of sentences to probation			Percent of sentences to incarceration without probation		
	All	Male	Female	All	Male	Female
<b>All offenses</b>	100%	81%	19%	100%	89%	11%
<b>Violent offenses</b>	100%	89%	11%	100%	94%	6%
Murder <sup>a</sup>	100	84	16	100	93	7
Sexual assault <sup>b</sup>	100	98	2	100	99	1
Robbery	100	90	10	100	95	5
Aggravated assault	100	86	14	100	92	8
Other violent <sup>c</sup>	100	89	11	100	92	8
<b>Property offenses</b>	100%	72%	28%	100%	84%	16%
Burglary	100	91	9	100	95	5
Larceny <sup>d</sup>	100	73	27	100	82	18
Fraud <sup>e</sup>	100	55	45	100	68	32
<b>Drug offenses</b>	100%	81%	19%	100%	87%	13%
Possession	100	79	21	100	84	16
Trafficking	100	82	18	100	88	12
<b>Weapons offenses</b>	100%	95%	5%	100%	97%	3%
<b>Other offenses<sup>f</sup></b>	100%	87%	13%	100%	91%	9%

Note: See note on tables 2.1 and 3.1. Detail may not sum to total because of rounding.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 3.8. Offense of felons sentenced to probation or to incarceration without probation in State courts, by race, 1996**

Most serious conviction offense	Percent of sentences to probation				Percent of sentences to incarceration without probation			
	All	White	Black	Other	All	White	Black	Other
<b>All offenses</b>	100%	58%	40%	2%	100%	47%	51%	1%
<b>Violent offenses</b>	100%	59%	39%	2%	100%	45%	53%	2%
Murder <sup>a</sup>	100	61	38	1	100	40	57	2
Sexual assault <sup>b</sup>	100	73	23	3	100	67	31	2
Robbery	100	37	61	1	100	30	68	2
Aggravated assault	100	60	38	3	100	48	50	2
Other violent <sup>c</sup>	100	73	25	3	100	63	35	2
<b>Property offenses</b>	100%	62%	35%	3%	100%	54%	44%	2%
Burglary	100	67	30	3	100	56	43	1
Larceny <sup>d</sup>	100	60	37	3	100	51	47	2
Fraud <sup>e</sup>	100	61	37	2	100	58	41	1
<b>Drug offenses</b>	100%	50%	48%	2%	100%	37%	62%	1%
Possession	100	54	44	2	100	40	59	1
Trafficking	100	48	50	1	100	36	63	1
<b>Weapons offenses</b>	100%	45%	54%	1%	100%	36%	63%	1%
<b>Other offenses<sup>f</sup></b>	100%	71%	26%	3%	100%	65%	34%	1%

Note: See note on tables 1.1, 1.2, and 2.1. Racial categories include Hispanics.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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 3.9. Race of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1996**

Most serious conviction offense	Percent of sentences to probation				Percent of sentences to incarceration without probation			
	All	White	Black	Other	All	White	Black	Other
<b>All offenses</b>	100%	100%	100%	100%	100%	100%	100%	100%
<b>Violent offenses</b>	14%	14%	16%	14%	21%	23%	30%	22%
Murder <sup>a</sup>	--	--	--	--	2	3	4	3
Sexual assault <sup>b</sup>	3	2	4	3	5	2	5	4
Robbery	2	4	2	3	5	10	11	7
Aggravated assault	7	6	8	7	7	7	9	7
Other violent <sup>c</sup>	2	1	1	1	2	1	1	1
<b>Property offenses</b>	34%	28%	37%	32%	33%	25%	33%	29%
Burglary	10	7	13	9	13	9	9	11
Larceny <sup>d</sup>	13	12	16	13	13	11	21	12
Fraud <sup>e</sup>	11	9	8	10	7	4	3	6
<b>Drug offenses</b>	32%	45%	28%	37%	26%	40%	26%	33%
Possession	14	17	14	15	8	11	8	10
Trafficking	18	28	14	22	18	29	18	24
<b>Weapons offenses</b>	3%	5%	1%	3%	3%	4%	3%	3%
<b>Other offenses<sup>f</sup></b>	17%	9%	18%	14%	18%	9%	9%	13%

Note: See note on tables 2.1 and 3.1. Racial categories include Hispanics.

Detail may not sum to total because of rounding.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.



**Table 3.10. Average age of felons sentenced to probation or to incarceration without probation in State courts, by offense, 1996**

Most serious conviction offense	Probation		Incarceration without probation*	
	Mean	Median	Mean	Median
<b>All offenses</b>	31 yrs	29 yrs	31 yrs	30 yrs
<b>Violent offenses</b>	31 yrs	29 yrs	30 yrs	27 yrs
Murder <sup>a</sup>	28	25	29	25
Sexual assault <sup>b</sup>	35	33	35	34
Robbery	25	22	26	24
Aggravated assault	31	29	30	28
Other violent <sup>c</sup>	32	30	32	32
<b>Property offenses</b>	29 yrs	28 yrs	31 yrs	30 yrs
Burglary	26	23	30	29
Larceny <sup>d</sup>	29	28	32	31
Fraud <sup>e</sup>	32	30	32	31
<b>Drug offenses</b>	31 yrs	30 yrs	32 yrs	31 yrs
Possession	32	32	33	33
Trafficking	30	29	31	30
<b>Weapons offenses</b>	30 yrs	27 yrs	29 yrs	27 yrs
<b>Other offenses<sup>f</sup></b>	32 yrs	31 yrs	33 yrs	32 yrs

Note: See note on tables 2.1 and 3.1.

\*Includes a small number who received only a fine, community service, treatment, or other type sanction without probation.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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 3.11. Felons sentenced to probation in State courts, by offense and age at sentencing, 1996**

Most serious conviction offense	Percent of felons age group who received a probation sentence			
	Under 20	20-29	30-39	40 or older
<b>All offenses</b>	64%	59%	56%	56%
<b>Violent offenses</b>	45%	46%	47%	52%
Murder <sup>a</sup>	18	17	17	16
Sexual assault <sup>b</sup>	55	51	47	47
Robbery	39	32	29	33
Aggravated assault	52	55	58	63
Other violent <sup>c</sup>	61	63	54	61
<b>Property offenses</b>	72%	63%	55%	56%
Burglary	70	57	44	43
Larceny <sup>d</sup>	73	62	52	52
Fraud <sup>e</sup>	75	73	71	68
<b>Drug offenses</b>	70%	61%	58%	58%
Possession	77	67	63	62
Trafficking	67	58	54	55
<b>Weapons offenses</b>	66%	53%	57%	59%
<b>Other offenses<sup>f</sup></b>	69%	60%	57%	57%

Note: See note on tables 2.1 and 3.1.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

## Felony case processing in State courts, 1996

Nationwide in 1996, 91% of convictions were the product of a guilty plea (table 4.2). That number is not the same as the percentage of felony convictions that involved a plea bargain between the prosecution and the defense. Plea bargains, in which the defendant agrees to plead guilty in exchange for dropped or reduced charges or in exchange for a reduced sentence, is a common practice in the criminal justice system. The proportion of those who pleaded guilty as part of a plea bargain is not known.

- An estimated 906,000 persons pleaded guilty to a felony offense (table 4.1). Of all felony offenses, persons convicted of murder were the least likely to have pleaded guilty (54%) and the most likely to have been convicted by a jury (40%) (table 4.2).

- Of felons convicted in State courts, 4% were found guilty by a jury, and 5% were found guilty by a judge in a bench trial (table 4.2). The most serious offenses — the violent crimes of murder, sexual assault, robbery, aggravated assault, and other violent offenses — comprised about 17% of all felony convictions but an estimated 49% of all jury trials (table 4.3).

- Sentences to prison or jail occurred in 88% of jury convictions, 62% of bench trial convictions (decided by a judge alone), and 64% of guilty pleas (table 4.4).

- An estimated 76% of felons convicted by a jury received a prison sentence, compared to 49% of those convicted by a judge and 38% of those who pleaded guilty (table 4.4).

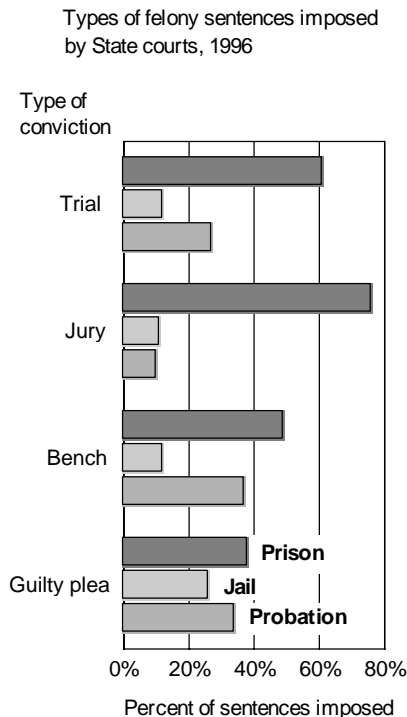
- Prison sentences were much longer for felons convicted by a jury trial (12½ years) than for felons who pleaded guilty (4½ years) or were convicted by a judge (5 years and 10 months) (table 4.5).

- Felons sentenced to jail in a jury trial received a mean or average sentence of 7 months. The mean jail sentence in a bench trial was 8 months; in a guilty plea, 6 months (table 4.5).

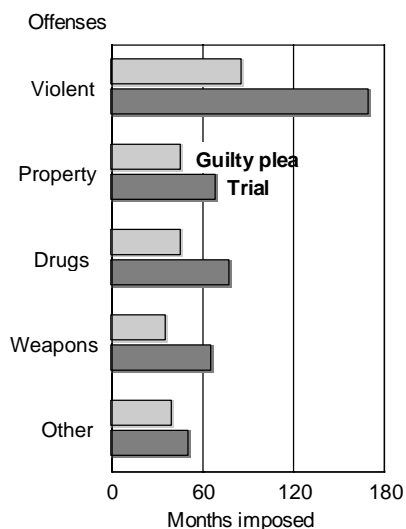
- Murderers convicted by a jury were the most likely of all convicted defendants to have received a life sentence (43%) or the death penalty (5%). Sentences to life in prison or death for murder or nonnegligent manslaughter occurred in about 14% of the bench trials and 17% of the guilty pleas (table 4.6).

- In 36% of jury trial convictions nationwide, felons were found guilty of multiple offenses. Twenty-six percent of the guilty pleas and 23% of the bench trial convictions involved multiple offenses (table 4.7).

### Prison was the result of 61% of the sentences imposed following a trial versus 38% of the sentences following a guilty plea



### On average, felons convicted of a violent offense following trial received a prison sentence twice the length of the sentence of those who pleaded guilty



The following findings on elapsed time are based on cases with complete disposition information. Because small differences exist between cases with complete information and cases with incomplete information, these statistics may differ from other elapsed-time statistics derived from the survey:

- Mean elapsed time from date of arrest to date of felony conviction was about 6 months. Jury cases took the longest time (about 9½ months). Guilty plea cases took just under 6 months and bench trials took about 6 months. The longest average time was for murder or nonnegligent manslaughter, just over 11½ months, and the shortest, just over 5⅓ months for larceny (table 4.9).

- Mean elapsed time from conviction to sentencing for persons convicted of a felony varied according to the method of conviction. Jury cases took the longest time (over 2 months) and bench cases took the least (less than half a month) (table 4.10).

- Mean elapsed time from arrest to sentencing in 1996 was just over 7 months; the median was nearly 5 months (table 4.11).

- Cases decided by juries had a mean elapsed time from arrest to sentencing of nearly 12 months; those disposed by bench trial had a mean of just over 6½ months; those disposed by guilty plea had a mean of nearly 8 months (table 4.11).

**Table 4.1. Number of felony convictions in State courts, by offense and type of conviction, 1996**

Most serious conviction offense	Number of felons convicted by —				Guilty plea
	Total	Total	Jury	Bench	
<b>All offenses</b>	997,970	92,015	37,541	54,474	905,957
<b>Violent offenses</b>	167,824	29,319	17,671	11,648	138,508
Murder <sup>a</sup>	11,430	5,298	4,519	780	6,133
Sexual assault <sup>b</sup>	30,057	5,568	3,414	2,154	24,489
Robbery	42,831	6,985	4,128	2,858	35,844
Aggravated assault	69,522	9,390	4,653	4,737	60,134
Other violent <sup>c</sup>	13,984	2,077	958	1,119	11,908
<b>Property offenses</b>	298,631	19,380	5,536	13,844	279,251
Burglary	93,197	7,282	2,705	4,577	85,915
Larceny <sup>d</sup>	123,201	7,327	2,155	5,172	115,874
Fraud <sup>e</sup>	82,233	4,771	676	4,095	77,462
<b>Drug offenses</b>	347,774	28,587	9,843	18,744	319,185
Possession	135,270	12,228	2,908	9,321	123,040
Trafficking	212,504	16,359	6,935	9,424	196,145
<b>Weapons offenses</b>	33,337	2,880	1,217	1,663	30,456
<b>Other offenses<sup>f</sup></b>	150,404	11,849	3,274	8,575	138,557

Note: Detail may not add to the total because of rounding. Data on type of conviction were available for 629,593 cases. Table includes estimates for cases missing a designation of type of conviction.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 4.2. Percent of felons convicted in State courts, by offense and type of conviction, 1996**

Most serious conviction offense	Percent of felons convicted by —				Guilty plea
	Total	Trial			
	Total	Jury	Bench		
<b>All offenses</b>	100%	9%	4%	5%	91%
<b>Violent offenses</b>	100%	18%	11%	7%	83%
Murder <sup>a</sup>	100	46	40	7	54
Sexual assault <sup>b</sup>	100	19	11	7	81
Robbery	100	16	10	7	84
Aggravated assault	100	14	7	7	86
Other violent <sup>c</sup>	100	15	7	8	85
<b>Property offenses</b>	100%	6%	2%	5%	94%
Burglary	100	8	3	5	92
Larceny <sup>d</sup>	100	6	2	4	94
Fraud <sup>e</sup>	100	6	1	5	94
<b>Drug offenses</b>	100%	8%	3%	5%	92%
Possession	100	9	2	7	91
Trafficking	100	8	3	4	92
<b>Weapons offenses</b>	100%	9%	4%	5%	91%
<b>Other offenses<sup>f</sup></b>	100%	8%	2%	6%	92%

Note: See note on tables 1.1 and 4.1. Detail may not sum to the total because of rounding.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 4.3. Type of conviction of felons convicted in State courts, by offense, 1996**

Most serious conviction offense	Percent convicted by —				Guilty plea
	Total	Trial			
	Total	Jury	Bench		
<b>All offenses</b>	100%	100%	100%	100%	100%
<b>Violent offenses</b>	17%	33%	49%	22%	15%
Murder <sup>a</sup>	1	7	14	2	1
Sexual assault <sup>b</sup>	3	7	10	4	3
Robbery	4	8	11	5	4
Aggravated assault	7	10	12	9	6
Other violent <sup>c</sup>	1	2	2	2	1
<b>Property offenses</b>	31%	21%	14%	26%	32%
Burglary	9	19	7	9	10
Larceny <sup>d</sup>	12	7	5	9	13
Fraud <sup>e</sup>	9	6	2	8	9
<b>Drug offenses</b>	34%	30%	25%	33%	34%
Possession	11	11	6	14	11
Trafficking	22	19	19	19	23
<b>Weapons offenses</b>	3%	3%	3%	3%	3%
<b>Other offenses<sup>f</sup></b>	15%	13%	9%	16%	15%

Note: See note on tables 1.1 and 4.1. Detail may not sum to total because of rounding.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 4.4. Offense of felons convicted in State courts, by the type of conviction and type of sentence imposed, 1996**

Most serious conviction offense	Total	Incarceration			Nonincarceration		
		Total	Prison	Jail	Total	Probation	Other
<b>Trial</b>							
<b>All offenses</b>	100%	73%	61%	12%	28%	26%	2%
<b>Violent offenses</b>	100%	87%	77%	9%	13%	12%	1%
Murder <sup>a</sup>	100	98	97	1	2	2	--
Sexual assault <sup>b</sup>	100	89	82	6	11	11	1
Robbery	100	91	85	6	9	9	1
Aggravated assault	100	78	59	19	22	20	2
Other violent <sup>c</sup>	100	75	63	12	25	23	2
<b>Property offenses</b>	100%	63%	53%	10%	37%	35%	2%
Burglary	100	77	68	9	23	21	2
Larceny <sup>d</sup>	100	59	47	12	41	39	2
Fraud <sup>e</sup>	100	50	40	11	50	48	2
<b>Drug offenses</b>	100%	68%	54%	14%	32%	30%	2%
Possession	100	55	37	18	45	42	2
Trafficking	100	75	64	11	25	23	2
<b>Weapons offenses</b>	100%	73%	57%	16%	27%	24%	3%
<b>Other offenses<sup>f</sup></b>	100%	65%	48%	17%	35%	32%	3%
<b>Jury</b>							
<b>All offenses</b>	100%	88%	76%	11%	10%	10%	1%
<b>Violent offenses</b>	100%	93%	88%	6%	6%	5%	1%
Murder <sup>a</sup>	100	97	96	1	3	2	--
Sexual assault <sup>b</sup>	100	95	90	5	5	5	1
Robbery	100	93	89	4	6	5	1
Aggravated assault	100	89	76	12	11	10	1
Other violent <sup>c</sup>	100	98	84	14	3	3	1
<b>Property offenses</b>	100%	78%	63%	14%	21%	19%	1%
Burglary	100	88	77	11	11	10	1
Larceny <sup>d</sup>	100	71	54	17	26	25	2
Fraud <sup>e</sup>	100	59	39	20	41	40	1
<b>Drug offenses</b>	100%	85%	71%	15%	10%	10%	--%
Possession	100	83	61	22	10	10	--
Trafficking	100	87	75	12	10	10	--
<b>Weapons offenses</b>	100%	80%	61%	19%	18%	17%	1%
<b>Other offenses<sup>f</sup></b>	100%	84%	61%	23%	16%	14%	2%

Note: See note on tables 1.1 and 1.2. Detail may not sum to total because of rounding. Some estimates in this table are based on as few as 1 case and are therefore unreliable.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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 4.4. (cont.) Offense of felons convicted in State courts, by the type of conviction and type of sentence imposed, 1996**

Most serious conviction offense	Total	Incarceration			Nonincarceration		
		Total	Prison	Jail	Total	Probation	Other
<b>Bench</b>							
<b>All offenses</b>	100%	62%	49%	12%	39%	37%	3%
<b>Violent offenses</b>	100%	76%	61%	14%	25%	23%	2%
Murder <sup>a</sup>	100	100	99	1	--	--	--
Sexual assault <sup>b</sup>	100	79	71	8	21	21	1
Robbery	100	87	80	7	15	14	1
Aggravated assault	100	67	42	25	33	30	4
Other violent <sup>c</sup>	100	55	45	10	44	41	3
<b>Property offenses</b>	100%	58%	49%	9%	43%	41%	2%
Burglary	100	70	62	8	30	27	3
Larceny <sup>d</sup>	100	54	44	10	47	45	2
Fraud <sup>e</sup>	100	49	40	9	51	50	2
<b>Drug offenses</b>	100%	58%	45%	13%	45%	42%	3%
Possession	100	47	30	17	55	53	3
Trafficking	100	66	56	10	36	33	3
<b>Weapons offenses</b>	100%	68%	54%	14%	34%	30%	4%
<b>Other offenses<sup>f</sup></b>	100%	58%	43%	14%	43%	39%	3%
<b>Guilty plea</b>							
<b>All offenses</b>	100%	64%	38%	26%	36%	34%	2%
<b>Violent offenses</b>	100%	74%	54%	20%	26%	24%	2%
Murder <sup>a</sup>	100	92	88	4	8	7	--
Sexual assault <sup>b</sup>	100	74	58	16	26	24	2
Robbery	100	84	70	15	16	15	1
Aggravated assault	100	66	40	25	34	31	3
Other violent <sup>c</sup>	100	67	38	28	33	30	3
<b>Property offenses</b>	100%	57%	32%	25%	43%	40%	3%
Burglary	100	67	44	23	33	31	2
Larceny <sup>d</sup>	100	57	28	29	43	39	4
Fraud <sup>e</sup>	100	47	25	21	53	50	3
<b>Drug offenses</b>	100%	66%	36%	30%	34%	32%	2%
Possession	100	63	30	33	37	34	2
Trafficking	100	67	39	28	33	31	2
<b>Weapons offenses</b>	100%	62%	38%	24%	38%	36%	1%
<b>Other offenses<sup>f</sup></b>	100%	60%	29%	31%	40%	37%	3%

Note: See note on tables 1.1 and 1.2. Detail may not sum to total because of rounding. Some estimates in this table are based on as few as 1 case and are therefore unreliable.

--Less than 0.5%.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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 4.5. Average felony sentence length in State courts, by the type of conviction, type of sentence imposed, and offense, 1996**

Most serious conviction offense	Maximum sentence length (in months) for convictions by –									
	Total		Trial				Bench		Guilty plea	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
<b>Sentences to prison</b>										
<b>All offenses</b>	61 mo	36 mo	107 mo	60 mo	150 mo	120 mo	70 mo	48 mo	54 mo	36 mo
<b>Violent offenses</b>	104 mo	68 mo	170 mo	139 mo	205 mo	180 mo	116 mo	84 mo	86 mo	60 mo
Murder <sup>a</sup>	237	300	314	720	332	**	258	240	191	182
Sexual assault <sup>b</sup>	117	72	170	120	215	180	83	60	100	70
Robbery	102	72	158	120	180	144	128	120	90	70
Aggravated assault	70	48	118	72	144	96	89	60	59	37
Other violent <sup>c</sup>	57	36	92	60	124	72	51	36	48	36
<b>Property offenses</b>	48 mo	36 mo	69 mo	48 mo	93 mo	66 mo	58 mo	48 mo	46 mo	36 mo
Burglary	61	48	92	60	112	84	74	60	57	46
Larceny <sup>d</sup>	39	29	50	36	65	48	47	36	38	25
Fraud <sup>e</sup>	39	29	46	32	65	60	46	33	39	28
<b>Drug offenses</b>	50 mo	36 mo	78 mo	48 mo	100 mo	70 mo	61 mo	43 mo	46 mo	36 mo
Possession	36	24	49	36	79	48	35	24	35	24
Trafficking	55	36	87	60	106	72	72	60	50	36
<b>Weapons offenses</b>	40 mo	24 mo	66 mo	40 mo	91 mo	60 mo	46 mo	36 mo	36 mo	24 mo
<b>Other offenses<sup>f</sup></b>	41 mo	36 mo	51 mo	36 mo	83 mo	48 mo	34 mo	24 mo	40 mo	36 mo
<b>Sentences to jail</b>										
<b>All offenses</b>	6 mo	6 mo	8 mo	6 mo	7 mo	6 mo	8 mo	6 mo	6 mo	6 mo
<b>Violent offenses</b>	7 mo	6 mo	9 mo	6 mo	9 mo	6 mo	10 mo	9 mo	7 mo	6 mo
Murder <sup>a</sup>	9	12	9	6	9	6	8	9	9	12
Sexual assault <sup>b</sup>	8	6	11	12	12	12	10	12	7	6
Robbery	10	9	14	12	10	12	17	12	10	9
Aggravated assault	7	6	8	6	8	6	9	6	7	6
Other violent <sup>c</sup>	6	6	6	6	5	4	8	6	6	6
<b>Property offenses</b>	6 mo	6 mo	8 mo	6 mo	6 mo	6 mo	9 mo	6 mo	6 mo	6 mo
Burglary	7	6	8	6	5	2	10	11	7	6
Larceny <sup>d</sup>	6	5	8	6	6	6	8	6	6	5
Fraud <sup>e</sup>	5	5	9	6	6	6	10	12	5	5
<b>Drug offenses</b>	6 mo	6 mo	8 mo	6 mo	7 mo	8 mo	8 mo	6 mo	6 mo	6 mo
Possession	6	6	7	6	6	6	7	6	6	6
Trafficking	6	6	9	8	8	8	9	6	6	6
<b>Weapons offenses</b>	6 mo	6 mo	7 mo	6 mo	7 mo	6 mo	6 mo	4 mo	6 mo	5 mo
<b>Other offenses<sup>f</sup></b>	6 mo	6 mo	7 mo	6 mo	7 mo	6 mo	7 mo	3 mo	6 mo	6 mo

See note on tables 1.1, 1.2, and 1.3. Some estimates in this table are based on as few as 1 case and are therefore unreliable.

\*\*Because the median includes felons sentenced to life in prison, the median sentence to prison is greater than 50 years.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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 4.5. (cont.) Average felony sentence length in State courts, by the type of conviction, type of sentence imposed, and offense, 1996**

Most serious conviction offense	Maximum sentence length (in months) for convictions by —									
	Total		Total		Jury		Bench		Guilty plea	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
<b>Sentences to probation</b>										
<b>All offenses</b>	41 mo	36 mo	48 mo	60 mo	50 mo	54 mo	48 mo	60 mo	41 mo	36 mo
<b>Violent offenses</b>	48 mo	36 mo	50 mo	60 mo	58 mo	60 mo	46 mo	60 mo	48 mo	36 mo
Murder <sup>a</sup>	71	60	243	360	281	360	60	60	68	60
Sexual assault <sup>b</sup>	66	60	52	60	61	60	50	60	67	60
Robbery	52	60	58	60	74	60	55	60	52	60
Aggravated assault	41	36	45	48	49	54	38	36	41	36
Other violent <sup>c</sup>	43	36	50	60	36	36	51	60	42	36
<b>Property offenses</b>	40 mo	36 mo	46 mo	60 mo	44 mo	48 mo	47 mo	60 mo	40 mo	36 mo
Burglary	45	36	45	48	43	60	50	60	45	36
Larceny <sup>d</sup>	39	36	48	60	40	36	48	60	38	36
Fraud <sup>e</sup>	39	36	45	60	52	60	45	60	39	36
<b>Drug offenses</b>	42 mo	36 mo	49 mo	60 mo	56 mo	60 mo	49 mo	60 mo	41 mo	36 mo
Possession	36	36	44	60	50	60	43	48	36	24
Trafficking	45	36	54	60	57	60	56	60	45	36
<b>Weapons offenses</b>	34 mo	25 mo	36 mo	36 mo	41 mo	36 mo	34 mo	24 mo	34 mo	24 mo
<b>Other offenses<sup>f</sup></b>	40 mo	36 mo	49 mo	60 mo	41 mo	36 mo	51 mo	60 mo	40 mo	36 mo

See note on tables 1.1, 1.2, and 1.3. Some estimates in this table are based on as few as 1 case and are therefore unreliable.

\*\*Because the median includes felons sentenced to life in prison, the median sentence to prison is greater than 50 years.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 4.6. Type of conviction in State courts, by the type of sentence imposed on felons convicted of murder or nonnegligent manslaughter, 1996**

Nature of conviction	Type of sentence			
	Total	Life	Death	Other*
All	100%	27%	2%	71%
Trial	100	41	5	54
Jury	100	43	5	52
Bench	100	12	2	86
Guilty plea	100	14	3	86

Note: Detail may not sum to total because of rounding.  
 \*Includes sentences to incarceration or probation.

**Table 4.7. Type of conviction in State courts, by number of felony conviction offenses, 1996**

Type of conviction	Percent convicted of —		
	Total	One offense	Two or more offenses
All	100%	74%	26%
Trial	100	72	28
Jury	100	64	36
Bench	100	77	23
Guilty plea	100	74	26

Note: See note on table 1.6. Detail may not sum to total because of rounding.

**Table 4.8. Percent of conviction offenses of felons convicted in State courts, by type of conviction and type of sentence imposed, 1996**

Type of conviction	Percent of felons sentenced to —						
	Total	Incarceration			Nonincarceration		
		Total	Prison	Jail	Total	Probation	Other
<b>Convicted of one offense</b>							
All	100%	63%	35%	27%	37%	34%	3%
Trial	100	74	58	15	26	24	2
Jury	100	90	76	15	10	9	1
Bench	100	63	48	15	37	34	3
Guilty plea	100	62	34	29	38	35	3
<b>Convicted of multiple offenses</b>							
All	100%	67%	46%	20%	33%	31%	2%
Trial	100	72	72	8	20	18	2
Jury	100	90	84	7	10	9	1
Bench	100	67	59	8	33	30	3
Guilty plea	100	65	44	22	35	33	2

Note: See note on tables 1.2 and 1.6. Detail may not sum to total because of rounding.

**Table 4.9. Average number of days between arrest and conviction for felony cases in State courts, by type of conviction, 1996**

Most serious conviction offense	Number of days between arrest and conviction for cases disposed by —				
	Total	Trial			Guilty plea
		Total	Jury	Bench	
<b>Mean number of days</b>					
<b>All offenses</b>	182 days	221 days	288 days	182 days	177 days
<b>Violent offenses</b>	207 days	268 days	326 days	185 days	195 days
Murder <sup>a</sup>	350	380	395	244	328
Sexual assault <sup>b</sup>	232	277	331	223	222
Robbery	189	229	271	164	181
Aggravated assault	187	236	297	172	180
Other violent <sup>c</sup>	189	211	318	165	183
<b>Property offenses</b>	166 days	196 days	247 days	180 days	163 days
Burglary	169	204	237	184	166
Larceny <sup>d</sup>	163	197	262	179	161
Fraud <sup>e</sup>	164	186	254	178	162
<b>Drug offenses</b>	182 days	216 days	262 days	190 days	178 days
Possession	178	184	267	160	176
Trafficking	184	236	261	216	179
<b>Weapons offenses</b>	182 days	201 days	284 days	141 days	180 days
<b>Other offenses<sup>f</sup></b>	193 days	191 days	245 days	177 days	193 days
<b>Median number of days</b>					
<b>All offenses</b>	134 days	163 days	231 days	128 days	131 days
<b>Violent offenses</b>	157 days	209 days	272 days	139 days	149 days
Murder <sup>a</sup>	285	305	318	185	277
Sexual assault <sup>b</sup>	176	217	273	140	170
Robbery	149	186	225	120	146
Aggravated assault	144	191	261	146	140
Other violent <sup>c</sup>	141	153	266	118	140
<b>Property offenses</b>	119 days	146 days	209 days	126 days	118 days
Burglary	126	165	198	152	124
Larceny <sup>d</sup>	116	144	219	132	114
Fraud <sup>e</sup>	118	124	212	118	117
<b>Drug offenses</b>	135 days	159 days	208 days	131 days	133 days
Possession	130	139	217	121	128
Trafficking	138	173	208	142	135
<b>Weapons offenses</b>	139 days	165 days	210 days	111 days	138 days
<b>Other offenses<sup>f</sup></b>	138 days	141 days	198 days	122 days	138 days

See note on tables 1.1. Some estimates in this table are based on as few as 1 case and are therefore unreliable.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 4.10. Average number of days between conviction and sentencing for felony cases in State courts, by type of conviction, 1996**

Most serious conviction offense	Number of days between conviction and sentencing for cases disposed by —				
	Total	Trial		Bench	Guilty plea
		Total	Jury		
<b>Mean number of days</b>					
<b>All offenses</b>	57 days	34 days	72 days	12 days	60 days
<b>Violent offenses</b>	56 days	41 days	58 days	17 days	60 days
Murder <sup>a</sup>	46	59	62	24	38
Sexual assault <sup>b</sup>	52	24	31	17	59
Robbery	54	41	52	25	57
Aggravated assault	60	39	65	16	64
Other violent <sup>c</sup>	59	55	128	8	61
<b>Property offenses</b>	59 days	29 days	84 days	11 days	62 days
Burglary	62	34	85	7	65
Larceny <sup>d</sup>	62	35	93	16	64
Fraud <sup>e</sup>	52	15	59	9	55
<b>Drug offenses</b>	58 days	39 days	93 days	12 days	60 days
Possession	56	28	91	11	60
Trafficking	59	46	93	12	60
<b>Weapons offenses</b>	63 days	47 days	73 days	23 days	65 days
<b>Other offenses<sup>f</sup></b>	48 days	17 days	58 days	6 days	52 days
<b>Median number of days</b>					
<b>All offenses</b>	0 days	0 days	0 days	0 days	0 days
<b>Violent offenses</b>	0 days	0 days	0 days	0 days	0 days
Murder <sup>a</sup>	0	0	0	0	0
Sexual assault <sup>b</sup>	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated assault	0	0	0	0	0
Other violent <sup>c</sup>	0	0	0	0	0
<b>Property offenses</b>	0 days	0 days	0 days	0 days	0 days
Burglary	0	0	0	0	0
Larceny <sup>d</sup>	0	0	0	0	0
Fraud <sup>e</sup>	0	0	0	0	0
<b>Drug offenses</b>	0 days	0 days	0 days	0 days	0 days
Possession	0	0	0	0	0
Trafficking	0	0	0	0	0
<b>Weapons offenses</b>	0 days	0 days	0 days	0 days	0 days
<b>Other offenses<sup>f</sup></b>	0 days	0 days	0 days	0 days	0 days

Note: See note on table 1.1. Some estimates are based on as few as 1 case and are therefore unreliable.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

**Table 4.11. Mean and median number of days between arrest and sentencing for felony cases disposed by State courts, 1996**

Most serious conviction offense	Number of days between arrest and sentencing for cases disposed by —				
	Total	Trial			Guilty plea
		Total	Jury	Bench	
<b>Mean</b>					
<b>All offenses</b>	219 days	267 days	355 days	202 days	235 days
<b>Violent offenses</b>	252 days	321 days	382 days	215 days	259 days
Murder <sup>a</sup>	396	430	447	268	360
Sexual assault <sup>b</sup>	289	320	370	248	283
Robbery	239	290	333	202	238
Aggravated assault	228	291	360	209	252
Other violent <sup>c</sup>	218	265	436	175	252
<b>Property offenses</b>	213 days	234 days	334 days	196 days	231 days
Burglary	211	247	319	197	234
Larceny <sup>d</sup>	205	240	346	203	230
Fraud <sup>e</sup>	227	213	363	188	231
<b>Drug offenses</b>	209 days	259 days	326 days	212 days	229 days
Possession	204	216	312	181	221
Trafficking	211	285	330	238	232
<b>Weapons offenses</b>	217 days	276 days	372 days	188 days	236 days
<b>Other offenses<sup>f</sup></b>	219 days	224 days	323 days	187 days	230 days
<b>Median</b>					
<b>All offenses</b>	149 days	211 days	293 days	154 days	164 days
<b>Violent offenses</b>	184 days	263 days	315 days	181 days	188 days
Murder <sup>a</sup>	327	363	377	191	282
Sexual assault <sup>b</sup>	220	279	307	192	209
Robbery	176	239	284	188	174
Aggravated assault	165	247	295	181	178
Other violent <sup>c</sup>	161	197	306	148	194
<b>Property offenses</b>	142 days	182 days	281 days	154 days	156 days
Burglary	139	202	267	165	158
Larceny <sup>d</sup>	135	193	287	164	153
Fraud <sup>e</sup>	154	147	342	123	156
<b>Drug offenses</b>	136 days	202 days	264 days	155 days	159 days
Possession	129	170	262	142	163
Trafficking	139	227	264	168	157
<b>Weapons offenses</b>	148 days	232 days	300 days	163 days	161 days
<b>Other offenses<sup>f</sup></b>	157 days	162 days	255 days	128 days	167 days

Note: The grand total includes all cases, whether or not conviction type was known. Data on time to dispose of felonies were available for 521,919 cases.

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

<sup>b</sup>Includes rape.

<sup>c</sup>Includes offenses such as negligent manslaughter 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.

## Juveniles transferred to adult court, 1996

Defendants are prosecuted in either juvenile courts or adult courts. The defendant's age largely determines which of the two. In 1996, all defendants **16** years of age and older in three States — Connecticut, New York, and North Carolina — were prosecuted in adult courts. All those age **17** or older were prosecuted in adult courts in 10 States: Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, Texas, South Carolina, and Wisconsin. In the remaining 37 States, prosecution was in adult courts for all defendants age **18** or older.

In exceptional cases, defendants below these ages were also prosecuted in adult courts. 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 are murders and other serious violent offenses. In addition, several States exclude juveniles charged with felonies if they have prior adjudications or convictions.

Juvenile defendants prosecuted in adult courts 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.

In this chapter, transferred juveniles are compared to adult felony defendants. The sample of transferred juveniles used in the comparison is large although not statistically representative of all transferred juveniles.

### Compared to adult felony defendants, transferred juvenile felony defendants were —

#### More likely

- to be male than female: 96% versus 84% (table 5.1)
- to be black\* than white\*: 55% versus 45% (table 5.1)
- to have a violent offense as their conviction offense: 53% versus 17% (table 5.1)
- to have robbery as their conviction offense: 23% versus 4% (table 5.1)

\*Includes Hispanics.

#### Less likely

- to have a drug offense as their conviction offense: 11% versus 37% (table 5.1)

### Among defendants convicted of the following offenses, transferred juveniles were —

#### More likely to be sentenced to prison

- burglary: 50% versus 20% (table 5.2)
- larceny: 37% versus 17% (table 5.2)
- weapons offenses: 55% versus 39% (table 5.2)

#### More likely to be sentenced to longer prison terms

- weapons offenses: 48 months versus 42 months (table 5.3)

#### Less likely to be sentenced to probation

- property offenses: 27% versus 54% (table 5.2)
- larceny: 21% versus 51% (table 5.2)

#### Less likely to be sentenced to longer prison terms

- sexual assault: 105 months versus 117 months (table 5.3)
- burglary: 41 months versus 57 months (table 5.3)
- drug offenses: 30 versus 47 months (table 5.3)

#### Less likely to be sentenced to longer probation terms

- drug trafficking: 27 months versus 42 months (table 5.3)
- weapons offenses: 26 months versus 31 months (table 5.3)

**Table 5.1. Transferred juveniles compared to adults by State definition: most serious offense of felons convicted in State courts, 1996**

Most serious conviction offense	Total	All persons convicted in State courts	
		Transferred to adult court <sup>a</sup>	Adult by State definition <sup>b</sup>
<b>Gender</b>	100%	100%	100%
Male	84	96	84
Female	16	4	16
<b>Race</b>	100%	100%	100%
White	53	43	53
Black	45	55	45
Other	2	2	2
<b>All offenses</b>	100%	100%	100%
<b>Violent offenses</b>	17%	53%	17%
Murder <sup>c</sup>	1	7	1
Sexual assault <sup>d</sup>	3	4	3
Robbery	4	23	4
Aggravated assault	7	17	7
Other violent <sup>e</sup>	1	1	1
<b>Property offenses</b>	30%	27%	30%
Burglary	9	19	9
Larceny <sup>f</sup>	12	8	12
Fraud <sup>g</sup>	8	1	8
<b>Drug offenses</b>	36%	11%	37%
Possession	14	3	15
Trafficking	22	8	22
<b>Weapons offenses</b>	3%	3%	3%
<b>Other offenses<sup>h</sup></b>	14%	6%	14%

Note: Detail may not sum to total because of rounding. Racial categories include Hispanics.

<sup>a</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>b</sup>Includes persons 16 and older from 3 States, persons 17 and older from 10 States, and persons 18 and older from 37 States.

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

<sup>d</sup>Includes rape.

<sup>e</sup>Includes offenses such as negligent manslaughter and kidnapping.

<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 5.2. Transferred juveniles compared to adults by State definition: most serious offense, by the type of felony sentence imposed in State courts, 1996**

Most serious conviction offense	Percent of felons who were under 18, transferred to adult court, and sentenced to — <sup>a</sup>					Percent of felons convicted as adults and sentenced to — <sup>b</sup>				
	Total	Incarceration			Probation	Total	Incarceration			Probation
		Total	Prison	Jail			Total	Prison	Jail	
<b>All offenses</b>	100%	79%	60%	19%	21%	100%	60%	37%	23%	40%
<b>Violent offenses</b>	100%	85%	75%	9%	15%	100%	83%	78%	5%	17%
Murder <sup>c</sup>	100	97	96	2	3	100	96	95	1	4
Sexual assault <sup>d</sup>	100	77	73	4	23	100	88	75	12	12
Robbery	100	88	79	9	12	100	81	78	4	19
Aggravated assault	100	79	67	12	21	100	81	75	6	19
Other violent <sup>e</sup>	100	66	30	35	34	100	57	52	4	43
<b>Property offenses</b>	100%	73%	46%	27%	27%	100%	46%	18%	28%	54%
Burglary	100	72	50	22	28	100	43	20	23	57
Larceny <sup>f</sup>	100	79	37	42	21	100	49	17	33	51
Fraud <sup>g</sup>	100	40	23	17	63	100	57	15	42	43
<b>Drug offenses</b>	100%	67%	31%	36%	33%	100%	62%	34%	28%	38%
Possession	100	70	21	48	30	100	64	28	37	36
Trafficking	100	66	34	32	34	100	61	37	23	39
<b>Weapons offenses</b>	100%	74%	55%	20%	25%	100%	56%	39%	17%	44%
<b>Other offenses<sup>h</sup></b>	100%	80%	37%	43%	20%	100%	59%	22%	37%	41%

<sup>a</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>b</sup>Includes persons 16 and older from 3 States, persons 17 and older from 10 States, and persons 18 and older from 37 States.

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

<sup>d</sup>Includes rape.

<sup>e</sup>Includes offenses such as negligent manslaughter 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 5.3. Transferred juveniles compared to adults by State definition: mean length of felony sentence imposed in State courts, by the type of sentence and most serious offense, 1996**

Most serious conviction offense	Mean maximum sentence length (in months) for felons sentenced to —		
	Prison	Jail	Probation
<b>Transferred to adult court<sup>a</sup></b>			
<b>All offenses</b>	91 mo	6 mo	44 mo
<b>Violent offenses</b>	118 mo	8 mo	55 mo
Murder <sup>b</sup>	277	6	77
Sexual assault <sup>c</sup>	105	7	67
Robbery	101	8	48
Aggravated assault	80	9	57
Other violent <sup>d</sup>	79	5	48
<b>Property offenses</b>	39 mo	6 mo	43 mo
Burglary	41	5	45
Larceny <sup>e</sup>	33	6	37
Fraud <sup>f</sup>	27	5	41
<b>Drug offenses</b>	30 mo	6 mo	29 mo
Possession	21	6	36
Trafficking	32	5	27
<b>Weapons offenses</b>	48 mo	6 mo	26 mo
<b>Other offenses<sup>g</sup></b>	48 mo	6 mo	33 mo
<b>Adults by State definition<sup>h</sup></b>			
<b>All offenses</b>	59 mo	6 mo	38 mo
<b>Violent offenses</b>	101 mo	7 mo	46 mo
Murder <sup>b</sup>	250	8	74
Sexual assault <sup>c</sup>	117	7	72
Robbery	95	10	48
Aggravated assault	66	6	38
Other violent <sup>d</sup>	53	6	41
<b>Property offenses</b>	46 mo	6 mo	38 mo
Burglary	57	6	43
Larceny <sup>e</sup>	38	6	35
Fraud <sup>f</sup>	40	5	37
<b>Drug offenses</b>	47 mo	6 mo	39 mo
Possession	38	5	33
Trafficking	52	6	42
<b>Weapons offenses</b>	42 mo	5 mo	31 mo
<b>Other offenses<sup>g</sup></b>	41 mo	6 mo	36 mo

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

<sup>c</sup>Includes rape.

<sup>d</sup>Includes offenses such as negligent manslaughter 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 persons 16 and older from 3 States, persons 17 and older from 10 States, and persons 18 and older from 37 States.

## 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.

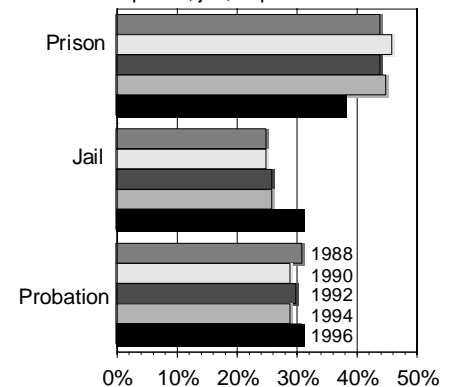
### Changing racial composition of convicted felons

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

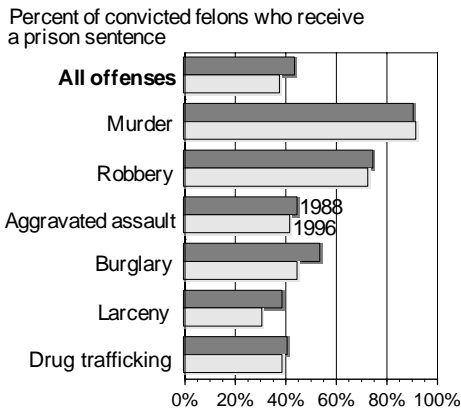
From 1988 to 1994 the percentage of felons receiving a State prison sentence stayed at around 45%. But in 1996 that percentage fell to 38%. The drop in prison sentences was accompanied by an increase in the percentage receiving other types of sentences, particularly sentences to local jails. From 1988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



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.

Offense	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

Offense	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

Offense	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

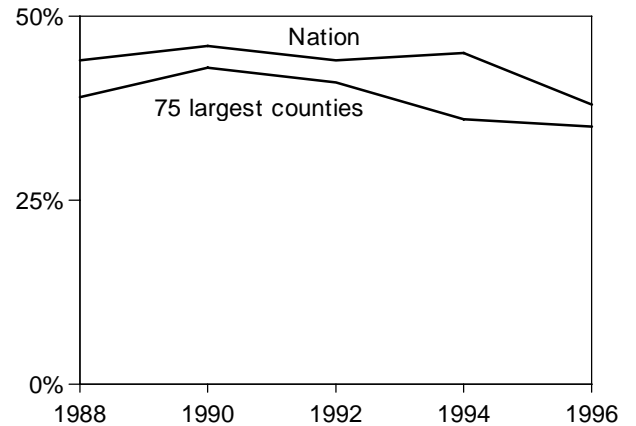


Figure 1

Number of sentences to State prison

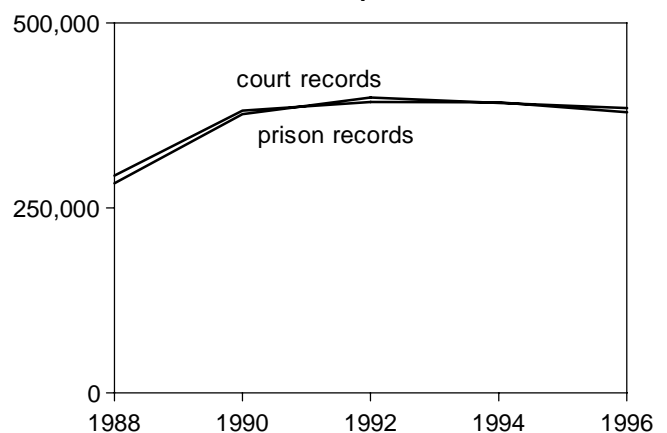


Figure 2

Average imposed State prison sentence length, all offenses

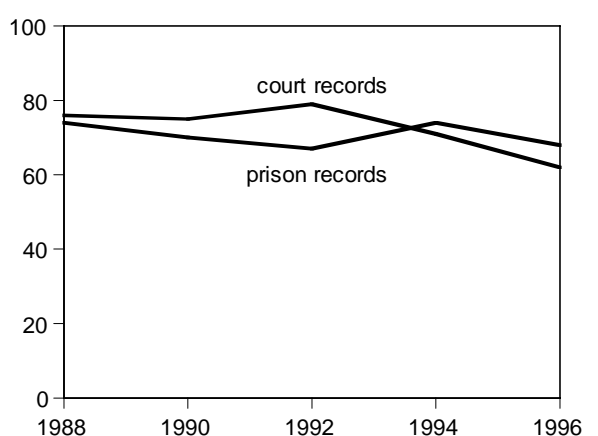


Figure 3

## Methodology

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### Sampling

The survey used a two-stage, stratified cluster sampling design. In the first stage the Nation's 3,195 counties or county equivalents were divided into 14 strata. Strata 0, 11, 12, 31, 51, and 52 consisted solely of the 75 largest counties in the United States as defined by the 1995 resident population. Strata 111, 112, 113, 311, 312, 511, 512, and 513 consisted of the remaining 3,120 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. The 75 largest counties were placed into 6 strata defined by how their State submitted their 1994 NJRP data (electronically or centrally, electronically but required manual processing time, manually collected through site visits or not centrally) and by the 1995 population of the county.

Stratum 0 consisted of the 19 counties with the largest population in 1995. Every county in stratum 0 was selected for the sample.

Altogether, 45 out of the 75 largest counties were sampled. Thirty-two of the 45 sampled counties in the 1996 NJRP survey were also included in the 1994 survey. The 3,120 counties not among the 75 largest were placed into 8 strata defined (similar to the largest 75 counties) by how their 1994 NJRP data were submitted and by their 1995 population.

The final sample thus included 344 counties from among the 3,120 counties outside the 75 largest. None of the counties refused to participate. Case-level data were successfully obtained on convicted felons sentenced in 1996 from these 344 counties. (Three of the 344 had no felony convictions during the survey period.)

The 19 sampled counties in stratum 0 were self-representing only, and their sampled cases therefore had a first-stage sampling weight of 1. The remaining 325 counties sampled from the remaining strata 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, sexual assaults, 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 414,969 cases. Of these, 270,104 cases were in the 75 largest counties.

Rates at which cases were sampled varied by how the data were submitted, by stratum and by crime type. 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, they are subject to sampling error. A standard error, which is a measure of sampling error, is associated with each number in the report. In general, if the difference between two numbers is at least twice the standard error of that difference (the criterion used in this report), there is at least 95% confidence that the two numbers do in fact differ; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population.

National estimates of the number of convictions for individual crime categories and for the aggregate total had a coefficient of variation of 3.7%.

### 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.

#### *Hispanic origin*

This report does not analyze Hispanics as a separate category. Hispanic origin is rarely recorded in court records that the NJRP is based on.

### Sources of data

State courts were the source of NJRP data for about 73% of the 344 counties sampled. For other counties, sources included statistical agencies, sentencing commissions, department of public safety, probation departments, State police departments, and department of corrections. Individual-level NJRP records were obtained through a variety of collection methods, including electronically (86% of the counties) and manually (14%).

Electronic methods of data submission included: diskette, magnetic tape, and transmission over the Internet. Manual methods included photocopies of official documents, survey questionnaires completed by court officials, and on-site collections by Census Bureau staff.

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

### Targeted population

The survey targeted and recorded initial sentences imposed in 1996. 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.

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Because the year of conviction was not a defining characteristic, some cases in the sample were of persons convicted before 1996 but not sentenced until 1996.

In a few counties where it was impractical to target sentences in 1996, the target was felons convicted in 1996. Hence, in some of the cases the data pertain to sentences imposed after 1996.

### 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/Sexual assault:** Rape includes forcible intercourse (vaginal, anal, or oral) with a female or male. Includes forcible sodomy or penetration with a foreign object (sometimes called "deviate sexual assault"); excludes statutory rape or any other nonforcible sexual acts with a minor or with someone unable to give legal or factual consent. Includes attempts. Other sexual assault includes (1) forcible or violent sexual acts not involving intercourse with an adult or minor, (2) nonforcible sexual acts with a minor (such as statutory rape or incest with a minor), and (3) nonforcible sexual acts with someone unable to give legal or factual consent because of mental or physical defect or intoxication. 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 excluded are murder and nonnegligent manslaughter, rape and sexual assault, robbery, and aggravated assault. Includes offenses such as kidnaping, extortion, and negligent manslaughter. Includes attempts.

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

**Larceny:** the unlawful taking of property other than a motor vehicle from the possession of another, by stealth, without force or deceit. Includes pocketpicking, 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 not the theft of boats, aircraft, or farm equipment (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 persons of his or her property or legal rights. Includes offenses such as check fraud, confidence game, counterfeiting, and credit card fraud. Includes attempts.

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

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

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

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

### NJRP data consistent with other national data

Chapter VI, *Trends in incarceration and sentence length in State Courts*, compares trends in sentencing based on NJRP data and trends based on other sources of national data. Results indicate a close correspondence between alternative sources of data. Additional information on this topic is contained in the BJS publication *Assessing the Accuracy of State Prison Statistics* (NCJ 173413).