



Bureau of Justice Statistics Bulletin

May 1999, NCJ 173939

Felony Sentences in State Courts, 1996

By Jodi M. Brown
Patrick A. Langan, Ph.D.
and David J. Levin
BJS Statisticians

In 1996 State courts convicted almost 998,000 adults of a felony. 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. These findings come from a survey that is done every 2 years and that provides the only detailed description of the sentences felons receive in State courts nationwide.

National Judicial Reporting Program

The National Judicial Reporting Program (NJRP) compiles detailed information on the sentences and characteristics of convicted felons. Previous surveys of felony sentencing in State courts were conducted in 1986, 1988, 1990, 1992, and 1994.¹

¹See *Felony Sentences in State Courts, 1986*, NCJ 115210, February 1989; *Felony Sentences in State Courts, 1988*, NCJ 126923, December 1990; *Felony Sentences in State Courts, 1990*, NCJ 140186, March 1993; *Felony Sentences in State Courts, 1992*, NCJ 151167, January 1995; and *Felony Sentences in State Courts, 1994*, NCJ 163391, January 1997.

Highlights

- 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).
- 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 nonviolent crimes made up the rest (18%).
- State courts sentenced 38% of convicted felons to a State prison, 31% to a local jail, and 31% to straight probation with no jail or prison time to serve.
- The 38% of convicted felons given a prison sentence in 1996 was the lowest percentage in all the years that the survey has been conducted.
- The average sentence to local jail was 6 months. The average probation sentence was almost 3½ years. A fine was imposed on 20% of convicted felons, restitution on 14%, community service on 6%, and treatment was ordered for 6%.
- The average sentence length to State prison has decreased since 1988, but felons sentenced in 1996 were likely to serve more of that sentence before release.
- Trial convictions accounted for 9% of felony convictions in 1996. Guilty pleas accounted for the remaining 91%. Since 1988 guilty pleas have remained at about 90% of felony convictions.
- Nationally, of the felons convicted in 1996, 54% were white, 44% were black, and 2% were other races. The average age of felons convicted in State courts in 1996 was 31.
- Females account for an increasing portion of felons convicted in State courts. In 1988, females were 13% of convicted felons; in 1996, 16%.
- In 1996 the average time from arrest to sentencing was just over 7 months (219 days). Possibly because of increased workload (977,970 cases in 1996 versus 667,366 in 1988), courts took an average of 11 days longer to process cases in 1996 than in 1988.

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 1 county from every State except, by chance, Delaware, Montana, and

Wyoming. Among the 344 sampled counties, 3 sentenced no felons during 1996. The 1996 survey excluded Federal courts and those State or local courts that did not adjudicate adult felony cases.

According to the BJS Federal Justice Statistics Program, Federal courts convicted 43,839 persons of a felony in 1996.² That number represents 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. Felonies are widely defined as crimes that have the potential of being punished by more than 1 year in prison.

²In 1996 the State court in 1 county, Los Angeles, accounted for nearly 40,000 felony convictions.

Felony conviction offenses

A total of 997,970 persons were convicted of a felony in State courts in 1996, including 167,800 (or 16.8% of the total) for a violent felony; 298,600 (29.9%) for the property offenses of burglary, larceny, fraud, and forgery; 347,800 (34.8%) for drug offenses; and 33,300 (3.3%) for weapons offenses (table 1). The remaining 150,400 (15.1%) consisted of persons convicted of nonviolent offenses such as receiving stolen property and escaping custody. Marijuana trafficking convictions were 2.1% of the conviction total, and marijuana possession convictions were 4.2% of the total.

Sentences for felonies

In 1996, 69% of all convicted felons were sentenced to a period of confinement — 38% to State prisons and 31% to local jails (table 2). Jail sentences are for short-term confinement (usually

Table 1. Estimated number of felony convictions in State courts, 1996

Most serious conviction offense	Felons convictions in State court	
	Number	Percent
All offenses	997,970	100%
Violent offenses	167,824	16.8%
Murder ^a	11,430	1.1
Murder	8,564	0.9
Manslaughter	2,866	0.3
Sexual assault ^b	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 ^c	13,984	1.4
Property offenses	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 ^d	123,201	12.3
Motor vehicle theft	17,794	1.8
Other theft	105,406	10.6
Fraud ^e	82,233	8.2
Fraud	41,480	4.2
Forgery	40,753	4.1
Drug offenses	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
Weapons offenses	33,337	3.3%
Other offenses^f	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.

^aManslaughter is defined as nonnegligent manslaughter only. A small number of cases was classified at nonnegligent manslaughter when it was unclear if the conviction offense was murder or nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes a small number of convictions with unspecified offenses.

^eIncludes embezzlement.

^fComposed of nonviolent offense such as receiving stolen property and vandalism.

Table 2. Types of felony sentences imposed by State courts, by offense, 1996

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

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

for a year or less) in a county or city facility, while prison sentences are for long-term confinement (usually for over a year) in a State facility. An estimated 31% of all convicted felons were sentenced to straight probation with no jail or prison time to serve.

Sentence length

An offender convicted of multiple offenses receives a sentence for each offense. If multiple prison sentences are imposed, the court then decides whether the convicted felon will serve

the sentences concurrently (at the same time) or consecutively (one after another). For persons with consecutive sentences, the total time is the sum of the sentence lengths, and for persons with concurrent sentences, the total time is the same as the longest sentence. For persons convicted of a single offense, the total time refers simply to the sentence for that offense. Whenever an offender received a prison sentence range, such as 5 to 10 years, the total time refers to the maximum.

For the Nation in 1996, the mean felony sentence to incarceration (prison or jail) was 3 years and 2 months; the median was 1 year and 4 months (table 3).

Prison sentences

In 1996 the mean length of sentences to State prison was just over 5 years; the median term was 3 years. The mean prison sentence for murder and nonnegligent manslaughter was 21½ years; the median was 25 years.

Life sentences are rare among convicted felons, whether measured as a percentage of all sentences (0.5%) or as a percentage just of prison sentences (1.2%). Among persons convicted of murder or nonnegligent manslaughter, 26% were sentenced to life in prison, and 2% were sentenced to death. Among persons convicted of murder or nonnegligent manslaughter *and* sentenced to prison, 28% were sentenced to life in prison, and 2% were sentenced to death. When considering those convicted of murder specifically (not including nonnegligent manslaughter), 33% were sentenced to life, and 3% were sentenced to death. Again, among those convicted of murder specifically *and* sentenced to prison, 35% were sentenced to life in prison, and 3% were sentenced to death.³

³Not all persons convicted of murder were subject to the death penalty. Thirty-eight States authorized the death penalty in 1996. Within those 38, only certain types of murder were capital offenses.

Table 3. Lengths of felony sentences 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	
Mean					
All offenses	39 mo	38 mo	62 mo	6 mo	41 mo
Violent offenses	72 mo	78 mo	105 mo	7 mo	48 mo
Murder ^a	241	249	257	8	72
Sexual assault ^b	92	98	120	8	66
Robbery	84	87	101	10	52
Aggravated assault	43	43	69	6	41
Other violent ^c	36	34	59	6	44
Property offenses	33 mo	30 mo	49 mo	6 mo	40 mo
Burglary	43	41	60	6	46
Larceny ^d	27	22	40	6	38
Fraud ^e	31	24	43	5	39
Drug offenses	32 mo	28 mo	51 mo	6 mo	42 mo
Possession	24	20	41	5	37
Trafficking	36	34	55	7	45
Weapons offenses	31 mo	29 mo	45 mo	5 mo	35 mo
Other offenses^f	30 mo	24 mo	42 mo	6 mo	40 mo
Median					
All offenses	24 mo	16 mo	36 mo	6 mo	36 mo
Violent offenses	36 mo	38 mo	60 mo	6 mo	36 mo
Murder ^a	254	288	300	8	60
Sexual assault ^b	60	60	72	6	60
Robbery	60	60	72	9	60
Aggravated assault	24	23	48	6	36
Other violent ^c	23	12	36	6	36
Property offenses	24 mo	13 mo	36 mo	6 mo	36 mo
Burglary	30	24	48	6	36
Larceny ^d	23	12	24	6	36
Fraud ^e	24	12	30	4	36
Drug offenses	23 mo	12 mo	36 mo	6 mo	36 mo
Possession	12	9	24	5	36
Trafficking	24	16	36	6	36
Weapons offenses	24 mo	16 mo	30 mo	4 mo	36 mo
Other offenses^f	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.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnapping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Life sentences in 1996 were —

	Life sentences as a percent of C	
	All sentences	All prison sentences
All offenses	.5%	1.2%
Murder	25.7	27.7
Sexual assault	1.3	2.0
Robbery	1.0	1.4
Aggravated assault	.3	.8
Other violent	.1	.4
Burglary	.2	.4
Larceny	--	.2
Fraud	--	--
Drug possession	.1	.5
Drug trafficking	.1	.2
Weapons	.1	.2
Other	--	--

--Less than 0.05%.

Jail and probation sentences

Among felons who received a sentence to local jail in 1996, the mean sentence was 6 months, and the median was 6 months. Probation sentences had a mean length of about 3½ years and a median of 3 years (table 3).

Estimated prison time to be served

The amount of time felons actually serve in prison is typically a fraction of the total sentence received. Two primary reasons explain the difference between sentences received and time served:

In States that impose indeterminate sentences, a judge specifies the minimum and/or maximum sentence length, but a parole board decides when the prisoner will actually be released.

In most but not all States, prisoners gain early release through time credits that they receive automatically or that are granted them for good behavior or special achievements — provisions that are intended to help correctional officials manage institutional populations.

For both types of sentence reduction, released offenders usually serve the remaining portion of their sentences under supervision in the community. To calculate time to be served by felons sentenced in 1996, the fraction of their sentence they might reasonably be expected to serve was obtained from records of inmates released from prison in a recent year. Life sentences were excluded because it is not possible to specify the percentage served. The percentage of the sentence that released inmates had served was applied to felons sentenced to prison in 1996.

Based on data collected by BJS in its National Corrections Reporting Program, inmates released from prisons in 1996 had served an average of 45% of their total sentence in prison (table 4). The percentage of sentence served ranged from 56% for those convicted of weapons offenses to a low of 39% for those convicted of fraud.

Applying these percentages to State prison sentences received in 1996, it is estimated that felons sentenced in 1996 would serve just over 2 years, or 45% of their average 5-year prison sentence.

Since life sentences are rare for most types of crimes, this method gives reasonably sound estimates of time to be served for most offenses (assuming prison release policies applicable to persons sentenced in 1996 are not markedly different from those governing recent releases). However, life sentences are not rare for murder, though they are rare for nonnegligent manslaughter. Consequently, time to be served shown for “murder and nonnegligent manslaughter” perhaps substantially underestimates the amount of time all persons convicted of these offenses are likely to serve since the time only applies to persons not receiving a life sentence.

Table 4. 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 ^a	Time ^b
All offenses	62 mo	45%	28 mo
Violent offenses	105 mo	51%	53 mo
Murder ^c	257	50	128
Sexual assault ^d	120	51	61
Robbery	101	47	48
Aggravated assault	69	54	38
Other violent ^e	59	51	30
Property offenses	49 mo	42%	21 mo
Burglary	60	42	25
Larceny ^f	40	44	17
Fraud ^g	43	39	17
Drug offenses	51 mo	41%	21 mo
Possession	41	40	16
Trafficking	55	42	23
Weapons offenses	45 mo	56%	25 mo
Other offenses^h	42 mo	49%	21 mo

^aPercentages 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.

^bDerived by multiplying the percentage of sentence to be served by the mean sentenced imposed.

^cIncludes nonnegligent manslaughter.

^dIncludes rape.

^eIncludes offenses such as negligent manslaughter and kidnapping.

^fIncludes motor vehicle theft.

^gIncludes forgery and embezzlement.

^hComposed of nonviolent offenses such as receiving stolen property and vandalism.

**Convicted felon populations:
Sex, race, and age**

In 1996 men comprised 48% of the adult U.S. population but 84%

of persons convicted of a felony and 92% of persons convicted of a violent felony (table 5). Whites were 84% of the adult U.S. population but 54% of persons convicted of a felony and

52% of the persons convicted of a violent felony. Corresponding figures for blacks were 12% of the adult U.S. population but 44% of convicted felons and 46% of felons convicted of a

Table 5. Demographic characteristics of persons convicted of felonies by State courts, by offense, 1996

Most serious conviction offense	Percent of convicted felons													Mean	Median
	Total	Sex		Race			Age at sentencing								
		Male	Female	White	Black	Other	13-19	20-29	30-39	40-49	50-59	60+			
All offenses	100%	84%	16%	54%	44%	2%	9%	41%	33%	14%	3%	1%	31 yr	30 yr	
Violent offenses	100%	92%	8%	52%	46%	2%	12%	42%	28%	12%	4%	2%	30 yr	28 yr	
Murder ^a	100	91	9	44	54	2	14	50	21	10	3	2	29	25	
Sexual assault ^b	100	99	1	70	27	3	6	32	31	18	8	5	35	33	
Robbery	100	93	7	32	66	2	23	48	23	6	1	--	26	24	
Aggravated assault	100	89	11	55	43	2	10	43	29	13	3	1	31	29	
Other violent ^c	100	90	10	69	29	2	6	40	32	15	4	2	32	31	
Property offenses	100%	77%	23%	59%	39%	2%	11%	42%	32%	13%	2%	1%	30 yr	29 yr	
Burglary	100	93	7	62	36	2	17	44	28	9	1	--	28	26	
Larceny ^d	100	77	23	56	41	3	11	40	32	13	3	1	30	29	
Fraud ^e	100	59	41	60	38	1	5	41	35	16	3	1	32	31	
Drug offenses	100%	83%	17%	45%	53%	2%	6%	40%	35%	15%	3%	1%	31 yr	30 yr	
Possession	100	81	19	49	49	2	4	36	40	17	3	1	32	32	
Trafficking	100	84	16	43	56	1	7	44	32	14	3	1	31	29	
Weapons offenses	100%	96%	4%	41%	58%	1%	12%	46%	26%	11%	3%	1%	30 yr	27 yr	
Other offenses^f	100%	89%	11%	69%	29%	2%	7%	36%	36%	16%	4%	1%	32 yr	31 yr	

Note: Data on sex were available for 782,079 cases; on race, 602,734; and on age 736,117. --Less than 0.5%.
^aIncludes nonnegligent manslaughter.

^bIncludes rape.
^cIncludes offenses such as negligent manslaughter and kidnaping.
^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.
^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Felony convictions and sentences relative to the number of arrests, 1996

The number of felony convictions in 1996 (from the NJRP) was compared to the number from the FBI's Uniform Crime Reports (UCR) of crimes likely to be felonies that were reported to police and the number of arrests made for these crimes in 1996. These numbers are aggregates and should not be interpreted as representing the disposition of individual cases tracked through the criminal justice system.

A person arrested for one offense may be convicted of a different crime. Nevertheless, the comparisons illustrate the approximate odds of conviction and a prison sentence, given an arrest for a felony.

For example, the FBI reports that in 1996 almost 16,200 adults were arrested for murder (including nonnegligent manslaughter). NJRP data show

that 11,430 persons were convicted of murder, and 10,505 murderers received a prison sentence. For every 100 persons arrested for murder in 1996, 71 were convicted and 65 were sentenced for that offense. Corresponding findings for drug traffickers were 66 convictions and 26 prison sentences for every 100 arrests for drug trafficking.

Offense	Uniform Crime Reports			For 100 arrests				
	Number of crimes reported to the police	Number of adults arrested	Number of felony convictions	Number of felony sentences		Number of felony convictions	Number of felony sentences	
				Incarceration	Prison		Incarceration	Prison
Murder	19,650	16,161	11,430	10,833	10,505	71	67	65
Robbery	537,050	106,178	42,831	37,382	31,195	40	35	29
Aggravated assault	1,029,810	445,005	69,522	49,852	29,042	16	11	7
Burglary	2,501,500	229,745	93,197	66,101	42,252	41	29	18
Motor vehicle theft	1,395,200	102,578	17,794	13,242	5,919	17	13	6
Drug trafficking	...	322,393	212,504	154,977	83,913	66	48	26

Note: The offenses selected have the greatest comparability across reporting series and are widely defined across the States as felonies. The offense designations in convictions and sentences came from the most serious offense.

... Data are not available.
^{*}Includes nonnegligent manslaughter.
Source of data on crime and arrests: *Crime in the United States, 1996* (FBI, 1997)

violent crime. The other races (American Indians, Alaska Natives, Asians, and Pacific Islanders) represented 4% of the U.S. population but 2% of convicted felons and 2% of those convicted of a violent crime.

Persons in their twenties represented about 19% of the adult U.S. population but 41% of convicted felons. The mean or average age of felons was 31 years; the median was 30.

Number of felony conviction offenses

At time of sentencing, the vast majority of felons sentenced in 1996 (76%) were sentenced for a single felony offense (table 6). An estimated 20% were sentenced for two felony offenses, and the remaining 4% were sentenced for three or more. The number of offenses totaled about 1.2 million felony conviction offenses for

which 997,970 felons were convicted and sentenced in 1996.⁴

The greater the number of felony conviction offenses, the more severe was the sentence. The likelihood of a prison sentence rose from 35% for those convicted of one felony to 45% for two felonies and 52% for three or more (table 7).

⁴The 1.2 million figure pertains to current, not past, convictions.

Table 6. Number of offenses for felons convicted and sentenced in 1996 in State courts, by most serious felony conviction offenses, 1996

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

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 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
All offenses	35%	45%	52%
Violent offenses	51%	65%	75%
Murder ^a	90	94	97
Sexual assault ^b	58	69	81
Robbery	69	80	85
Aggravated assault	37	51	58
Other violent ^c	35	47	65
Property offenses	32%	39%	41%
Burglary	43	47	55
Larceny ^d	30	39	42
Fraud ^e	23	29	30
Drug offenses	34%	40%	49%
Possession	29	30	36
Trafficking	37	43	50
Weapons offenses	38%	45%	54%
Other offenses^f	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.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

The mean sentence to prison also increased from about 4½ years for those convicted of one felony to a little more than 6 years for those convicted of two or more (table 8).

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

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Method of conviction

Of the 997,970 convicted felons, the vast majority — about 906,000, representing 91% of those sentenced for a felony in 1996 — pleaded guilty. The rest were found guilty either by a jury or by a judge in a bench trial (tables 9 and 10). 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%).

Contrary to popular belief, however, neither murder nor violent crime generally accounts for most jury trials. Of all jury trial felony convictions in 1996, 47% (17,671 cases) were for violent crime; 53% (19,970 cases) were for nonviolent crime. The single felony category most frequently decided by juries was drug trafficking (6,935 cases, or 18% of all jury convictions), not murder (4,519 cases, or 12%).

Table 9. Number of felony convictions in State courts, by offense and type of conviction, 1996

Most serious conviction offense	Number of felons convicted by —				
	Total	Trial		Guilty plea	
		Total	Jury	Bench	
All offenses	997,970	92,015	37,541	54,474	905,957
Violent offenses	167,824	29,319	17,671	11,648	138,508
Murder ^a	11,430	5,298	4,519	780	6,133
Sexual assault ^b	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 ^c	13,984	2,077	958	1,119	11,908
Property offenses	298,631	19,380	5,536	13,844	279,251
Burglary	93,197	7,282	2,705	4,577	85,915
Larceny ^d	123,201	7,327	2,155	5,172	115,874
Fraud ^e	82,233	4,771	676	4,095	77,462
Drug offenses	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
Weapons offenses	33,337	2,880	1,217	1,663	30,456
Other offenses^f	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.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Murderers convicted by a jury were the most likely to have received a life sentence (43%) or the death penalty (5%).

Type of conviction	Type of sentence for murder or nonnegligent manslaughter			
	Total	Life	Death	Other
Total	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

Juries accounted for 40% of murder convictions but 70% of life and death sentences for murder.⁵

Case processing time

Mean time from arrest to sentencing in 1996 was just over 7 months (table 11). Median time was slightly

⁵Juries seldom impose a sentence on those they convict. With rare exception, sentencing following a jury trial is the responsibility of the judge, not the jury.

Table 10. Percent of felons convicted in State courts, by offense and type of conviction, 1996

Most serious conviction offense	Percent of felons convicted by —				
	Total	Trial			Guilty plea
		Total	Jury	Bench	
All offenses	100%	9%	4%	5%	91%
Violent offenses	100%	17%	11%	7%	83%
Murder ^a	100	46	40	7	54
Sexual assault ^b	100	19	11	7	81
Robbery	100	16	10	7	84
Aggravated assault	100	14	7	7	86
Other violent ^c	100	15	7	8	85
Property offenses	100%	6%	2%	5%	94%
Burglary	100	8	3	5	92
Larceny ^d	100	6	2	4	94
Fraud ^e	100	6	1	5	94
Drug offenses	100%	8%	3%	5%	92%
Possession	100	9	2	7	91
Trafficking	100	8	3	4	92
Weapons offenses	100%	9%	4%	5%	91%
Other offenses^f	100%	8%	2%	6%	92%

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.

^aIncludes nonnegligent manslaughter.
^bIncludes rape.
^cIncludes offenses such as negligent manslaughter and kidnaping.
^dIncludes motor vehicle theft.
^eIncludes forgery and embezzlement.
^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

under 5 months. Jury trial cases took the most time — almost 12 months on average from arrest to sentencing. Cases disposed by a judge took the least time — almost 7 months on average.

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

^aIncludes nonnegligent manslaughter.
^bIncludes rape.
^cIncludes offenses such as negligent manslaughter and kidnaping.
^dIncludes motor vehicle theft.
^eIncludes forgery and embezzlement.
^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 12. 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
All offenses	20%	14%	6%	6%	3%
Violent offenses	14%	12%	5%	4%	3%
Murder ^a	8	9	1	1	2
Sexual assault ^b	13	9	8	3	4
Robbery	8	11	3	2	2
Aggravated assault	19	14	5	6	4
Other violent ^c	18	13	6	6	4
Property offenses	20%	25%	4%	7%	4%
Burglary	17	21	4	6	3
Larceny ^d	20	22	5	6	5
Fraud ^e	24	32	4	10	3
Drug offenses	22%	7%	7%	6%	2%
Possession	19	7	10	6	3
Trafficking	23	6	5	6	2
Weapons offenses	16%	6%	3%	4%	2%
Other offenses^f	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.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Additional penalties

Besides being sentenced to incarceration or probation, 32% or more of convicted felons also were ordered to pay a fine, pay victim restitution, receive treatment, perform community service, or comply with some other additional penalty (for example, undergo house arrest or appear periodically for drug testing). A fine was imposed on at least 20% of convicted felons (table 12).

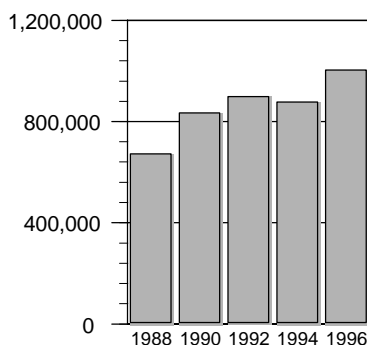
Conservative estimates of percentages for other penalties are 14% restitution, 6% some form of treatment, and 6% community service.

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 in State courts



	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 about a 40% likelihood 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, 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 comprised 78% of adults (age 18 or older) in the U.S. population and accounted for 50% of persons convicted. The median age of convicted felons was 27 years in 1988 but 30 years in 1996.

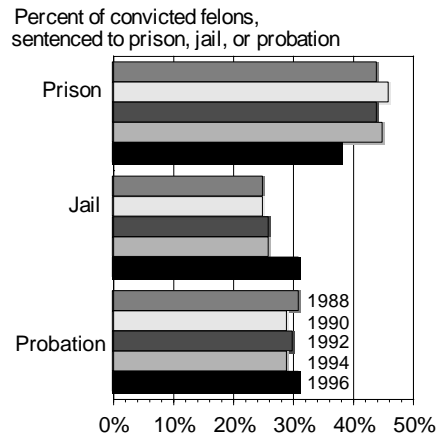
Changing racial composition of convicted felons

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 47% of those convicted.

Prison sentences less likely

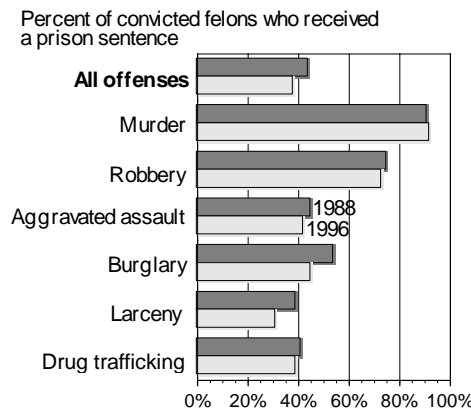
From 1988 to 1994 the percentage of felons receiving a State prison sentence stayed at around 45%. But in

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%.



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

Of all felony offenses, burglary had one of the largest decreases in the percentage sentenced to prison between 1988 and 1996 (from 54% in 1988 to 45% in 1996).



	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 sentence before being released, or 2½ years.

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

	1988	1992	1996
All offenses	32%	38%	45%
Murder	33	44	50
Robbery	39	46	47
Aggravated assault	36	48	54
Burglary	30	35	42
Larceny	29	33	44
Drug trafficking	30	34	42

	1988	1992	1996
All offenses	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

Methodology

Sampling

In 1988 a sample of 300 counties was drawn for the 1988 NJRP survey. With little exception, these same 300 counties were the source of NJRP data for 3 subsequent NJRP surveys (1990, 1992, 1994). For the 1996 NJRP survey a new sample was drawn, consisting of 344 counties. The 344 counties included 98 that had been in the NJRP sample in the 4 previous surveys (1988, 1990, 1992, 1994) and 246 that had never been in an NJRP sample. The 98 consisted of 80 counties selected by chance alone; plus 18 of the Nation's largest counties selected not by chance but (given their large 1995 population size) with certainty.

The 1996 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. Each county was assigned to one stratum by meeting the conditions for that stratum.

The stratum that a county was assigned depended on answers to these three questions:

1. Is the county among the Nation's 75 largest according to 1995 resident population?
2. In what type of State is the county? (A State where data collection is generally not costly? One where data collection is generally moderately costly? One where data collection is generally very costly?)
3. What is the size of the county's 1995 resident population? More details on these three criteria are described in the following two paragraphs.

The largest 75 counties in the United States (as defined by 1995 resident population) were separated from the Nation's 3,195 counties or county equivalents (see appendix table 1, page 16). Each State was then assigned a "cost-factor" (1, 3, or 5) which reflected the overall ease or method of collecting their 1994 NJRP

data. Counties in States that generally submitted 1994 NJRP data electronically or through a central reporter were assigned a "1." Counties in States that generally submitted 1994 NJRP data electronically but required manual processing time were assigned a "3." Counties in States that generally submitted 1994 NJRP data without a central reporter or through manual collections or that required site visits were assigned a "5."

Counties in each "cost-factor" group were then separated into categories based on the size of their 1995 population. Among the Nation's largest 75 counties, those assigned a cost-factor 1 were separated into 2 strata (1995 population greater or less than 880,001), cost-factor 3 remained in one stratum, and cost-factor 5 were separated into 2 strata (1995 population greater or less than 1,000,001). Among counties that were not one of the Nation's largest 75, those assigned a cost-factor of 1 were separated into 3 strata (1995 population between 1 and 68,000; between 68,001 and 240,000; and between 240,001 and 650,000). Cost-factor 3 counties were separated into 2 strata (1995 population between 1 and 115,000; and between 115,001 and 650,000), and cost-factor 5 counties were separated into 3 strata (1995 population between 1 and 45,000; between 45,001 and 210,000; and between 210,001 and 650,000).

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. Altogether, 45 out of the 75 largest counties were sampled. Stratum 0 consisted of the 19 counties with the largest population in 1995. Every county in stratum 0 was selected for the sample. Strata 11, 12, 31, 51, and 52 consisted of the remaining 26 counties sampled from the largest 75 counties. Strata 111, 112, 113, 311, 312, 511, 512, and 513 included 299 counties sampled from among the 3,120 not among the 75 largest.

The final sample thus included 344 counties (45 out of the 75 largest counties, and 299 out of the remaining 3,120 counties). 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 (appendix table 2, page 16). Among counties in States that submitted electronic data, all cases were typically included regardless of the offense type. Among counties in States that either submitted electronic data which required manual processing time or had data from jurisdictions that were collected manually (on-site), a sample of the cases was taken. In smaller counties every felony case was taken. In larger counties all murder cases and rape cases were typically included, but other offense categories were sampled.

Before the sample of cases was drawn, each felon sentenced in the sampled county in 1996 was placed into 1 of the 11 offense categories identified above. If the felon was convicted of more than one felony offense, the offense category was the most serious offense. The hierarchy from most to least serious offense was murder, sexual assault, robbery, aggravated assault, burglary, drug trafficking, weapons, forgery/fraud/embezzlement, larceny/motor vehicle theft, drug possession, and all other felonies. The hierarchy was determined from an analysis of two factors that reflect how seriously the justice system treats different offenses: the sentence length imposed and the time actually served in prison before release. In general, the higher the offense is in the hierarchy, the more serious it is in terms of the two factors.

Sample selection procedures gave each sentenced felon a single chance to be in the sample. However, felons who appeared in court on more than 1 day for different offenses and received a sentence at each reappearance had more than a single chance.

At the data analysis stage, cases were aggregated according to their offense designation at the time of sampling, with the single exception of "other violent." "Other violent" is a category shown in the report's tables, but it was not a category at sampling. The "other violent" category was formed from the sampling category "other felonies." That is, after sampling, sampled cases designated "other felonies" were coded "violent," "nonviolent," or "not ascertained," based on data available on them. Cases coded "not ascertained" were rare. For data analysis, cases coded "other violent" were removed from the "other felonies" category and shown separately in the report's tables.

Note regarding the new sample drawn for the 1996 NJRP

As previously indicated, a new sample was drawn for the 1996 NJRP survey. Conceivably, the change in the sample can affect comparisons between 1996 results and earlier results. For this reason, extensive tests were completed to assure that significant changes between prior NJRP findings and the 1996 NJRP were a reflection of actual changes in State court convictions and sentencing and not simply a result of the new sample that was drawn for the 1996 survey.

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%. Standard errors for each table in the report are on pages 12 through 15.

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

Estimate of 1 standard error for table 1

Most serious conviction offense	Error in felony conviction	
	Number	Percent
All offenses	37,225	--
Violent offenses	5,615	0.3
Murder/manslaughter	552	0.1
Murder	451	0.0
Manslaughter	220	0.0
Sexual assault		
Rape	1,289	0.1
Sexual assault	893	0.1
Robbery	1,508	0.1
Armed	850	0.1
Unarmed	614	0.1
Unspecified	885	0.1
Aggravated assault	2,988	0.2
Other violent	790	0.1
Property offenses	13,988	0.5
Burglary	2,967	0.2
Residential	1,146	0.1
Nonresidential	2,008	0.2
Unspecified	3,256	0.3
Larceny	6,797	0.4
Motor vehicle theft	1,415	0.1
Other theft	5,747	0.3
Fraud/forgery	5,532	0.3
Fraud	3,135	0.2
Forgery	2,862	0.2
Drug offenses	13,450	0.5
Possession	5,834	0.4
Trafficking	9,690	0.5
Marijuana	1,285	0.1
Other	6,777	0.6
Unspecified	6,801	0.5
Weapons offenses	1,384	0.1
Other offenses	7,294	0.4

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.

Estimate of 1 standard error for table 2			
Most serious conviction offense	Error in percent of felons sentenced to —		
	Incarceration	Jail	Pro-bation
All offenses	0.7	1.2	1.4
Violent offenses	0.8	0.9	1.0
Murder	0.7	0.3	0.6
Sexual assault	1.2	0.9	1.1
Robbery	0.9	0.6	0.7
Aggravated assault	1.0	1.5	1.5
Other violent	1.6	2.0	1.8
Property offenses	0.9	1.1	1.3
Burglary	1.0	1.0	1.3
Larceny	1.0	1.2	1.6
Fraud	1.1	1.3	1.5
Drug offenses	0.8	1.9	1.9
Possession	1.0	1.8	2.1
Trafficking	1.0	2.1	1.9
Weapons offenses	1.1	1.0	1.5
Other offenses	1.2	1.4	1.5

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.

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

Estimate of 1 standard error for table 3			
Most serious conviction offense	Error in maximum sentence length in months for felons sentenced to —		
	Incarceration	Jail	Pro-bation
All offenses	1.2	0.1	0.9
Violent offenses	2.4	0.2	1.0
Murder	10.9	0.6	4.2
Sexual assault	4.0	0.3	2.7
Robbery	2.4	0.2	1.1
Aggravated assault	2.2	0.2	1.5
Other violent	2.8	0.2	1.9
Property offenses	1.3	0.1	0.9
Burglary	1.8	0.2	1.5
Larceny	1.2	0.1	1.0
Fraud	2.1	0.2	1.0
Drug offenses	1.4	0.1	1.3
Possession	2.6	0.1	1.7
Trafficking	1.5	0.1	1.5
Weapons offenses	2.3	0.2	1.0
Other offenses	1.3	0.2	1.0

Estimate of 1 standard error for table 6			
Most serious conviction offense	Error in percent of felons with the following number of felony convictions —		
	1	2	3 or more
All offenses	0.7	0.5	0.5
Violent offenses	0.9	0.6	0.6
Murder	1.7	1.5	1.2
Sexual assault	1.2	1.0	0.7
Robbery	1.1	0.9	0.7
Aggravated assault	1.1	0.8	0.8
Other violent	1.4	1.2	0.6
Property offenses	0.8	0.7	0.6
Burglary	1.1	1.1	0.5
Larceny	0.6	0.4	0.2
Fraud	1.6	1.1	1.6
Drug offenses	0.8	0.6	0.4
Possession	0.7	0.7	0.2
Trafficking	1.0	0.7	0.7
Weapons offenses	1.6	1.1	0.6
Other offenses	1.2	0.7	0.6

Estimate of 1 standard error for table 5											
Most serious conviction offense	Error in percent of convicted felons										
	Sex		Race			Age at sentencing					
	Male	Female	White	Black	Other	13-19	20-29	30-29	40-49	50-59	60+
All offenses	0.4	0.4	1.2	1.2	0.2	0.3	0.3	0.2	0.2	0.1	0.0
Violent offenses	0.2	0.2	1.2	1.3	0.3	0.4	0.4	0.4	0.3	0.2	0.1
Murder	0.9	0.9	2.3	2.3	0.3	0.8	1.2	1.2	0.9	0.4	0.3
Sexual assault	0.2	0.2	1.4	1.4	0.7	0.4	0.9	1.1	0.7	0.7	0.3
Robbery	0.3	0.3	1.2	1.2	0.3	0.8	0.8	0.6	0.3	0.1	0.0
Aggravated assault	0.4	0.4	1.5	1.6	0.4	0.7	0.6	0.5	0.4	0.2	0.1
Other violent	0.7	0.7	1.9	1.9	0.4	0.8	1.3	1.3	0.9	0.4	0.4
Property offenses	0.7	0.7	1.6	1.6	0.3	0.4	0.5	0.4	0.3	0.1	0.1
Burglary	0.3	0.3	1.4	1.4	0.4	0.7	0.8	0.7	0.4	0.1	0.1
Larceny	1.0	1.0	1.9	2.0	0.3	0.7	0.6	0.6	0.5	0.2	0.1
Fraud	0.7	0.7	2.3	2.2	0.2	0.4	0.8	0.7	0.5	0.2	0.1
Drug offenses	0.3	0.3	1.3	1.3	0.1	0.2	0.4	0.4	0.3	0.1	0.1
Possession	0.4	0.4	1.3	1.4	0.2	0.2	0.5	0.5	0.4	0.2	0.1
Trafficking	0.4	0.4	1.6	1.6	0.2	0.3	0.6	0.5	0.4	0.1	0.1
Weapons offenses	0.3	0.3	1.7	1.6	0.1	0.6	0.8	0.8	0.5	0.3	0.1
Other offenses	0.5	0.5	1.5	1.5	0.3	0.4	0.6	0.6	0.5	0.3	0.2

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

Estimate of 1 standard error for table 7

Most serious conviction offense	Error in percent of felons sentenced to prison following —		
	1 felony conviction	2 felony convictions	3 or more felony convictions
All offenses	0.8	0.9	1.7
Violent offenses	1.1	1.1	2.2
Murder	1.0	0.9	1.2
Sexual assault	1.4	2.0	2.6
Robbery	1.0	1.1	1.6
Aggravated assault	1.0	1.3	3.0
Other violent	1.7	3.1	9.1
Property offenses	1.2	1.0	3.1
Burglary	1.1	1.6	2.7
Larceny	1.1	1.4	4.0
Fraud	1.2	1.3	2.7
Drug offenses	0.8	1.1	3.1
Possession	1.0	1.9	5.4
Trafficking	1.1	1.2	3.1
Weapons offenses	1.3	2.1	3.3
Other offenses	1.2	3.1	3.8

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

Estimate of 1 standard error for table 8

Most serious conviction offense	Error in mean maximum sentence length (in months) for felons sentenced to —		
	Incarceration		
	Prison	Jail	Probation
One conviction offense			
All offenses	1.1	0.1	0.9
Violent offenses	2.5	0.2	1.1
Murder	13.6	0.8	4.0
Sexual assault	5.5	0.3	2.2
Robbery	2.4	0.2	1.3
Aggravated assault	2.4	0.2	1.2
Other violent	3.0	0.2	2.1
Property offenses	1.4	0.1	0.9
Burglary	2.2	0.2	1.9
Larceny	1.3	0.1	1.1
Fraud	2.5	0.2	0.8
Drug offenses	1.3	0.1	1.3
Possession	2.4	0.2	1.7
Trafficking	1.4	0.2	1.4
Weapons offenses	1.6	0.1	1.0
Other offenses	1.4	0.2	1.1
Two or more conviction offenses			
All offenses	1.8	0.1	1.4
Violent offenses	3.6	0.3	2.4
Murder	17.4	0.4	13.9
Sexual assault	6.5	0.8	9.2
Robbery	3.8	0.5	3.2
Aggravated assault	3.6	0.2	4.1
Other violent	5.7	0.4	4.5
Property offenses	1.5	0.2	1.6
Burglary	2.1	0.2	1.8
Larceny	2.0	0.2	2.1
Fraud	2.2	0.2	2.0
Drug offenses	2.7	0.1	2.0
Possession	6.6	0.1	2.4
Trafficking	2.7	0.2	2.3
Weapons offenses	4.8	0.3	1.6
Other offenses	2.0	0.3	1.4

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

Estimate of 1 standard error for table 9

Most serious conviction offense	Error in number of felons convicted by —		
	Trial		Guilty plea
	Jury	Bench	
All offenses	1,646	5,480	41,350
Violent offenses	797	1,178	5,508
Murder	295	48	320
Sexual assault	274	365	1,012
Robbery	196	335	1,510
Aggravated assault	215	542	2,887
Other violent	94	158	579
Property offenses	377	1,487	14,093
Burglary	200	520	3,379
Larceny	170	510	6,938
Fraud	71	523	5,075
Drug offenses	581	1,944	16,012
Possession	215	960	5,893
Trafficking	432	1,022	11,126
Weapons offenses	78	110	1,297
Other offenses	189	1,089	7,321

Estimate of 1 standard error for table 10

Most serious conviction offense	Error in percent of felons convicted by —		
	Trial		Guilty plea
	Jury	Bench	
All offenses	0.2	0.9	1.0
Violent offenses	0.5	1.1	1.2
Murder	2.2	0.7	1.9
Sexual assault	1.1	1.8	2
Robbery	0.4	1.2	1.3
Aggravated assault	0.5	1.3	1.5
Other violent	1.0	1.9	2.1
Property offenses	0.2	0.8	0.9
Burglary	0.3	0.9	1
Larceny	0.2	0.7	0.9
Fraud	0.1	0.9	1.0
Drug offenses	0.3	0.9	1.1
Possession	0.3	1.3	1.5
Trafficking	0.3	0.8	1.0
Weapons offenses	0.4	0.6	0.8
Other offenses	0.2	1.2	1.2

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

Estimate of 1 standard error for table 11

Most serious conviction offense	Error in number of days between arrest and sentencing for cases disposed by —				
	Total	Trial			Guilty plea
		Total	Jury	Bench	
Mean					
All offenses	4	14	10	17	5
Violent offenses	4	12	11	14	5
Murder	9	18	20	29	12
Sexual assault	8	21	16	34	10
Robbery	6	11	9	17	7
Aggravated assault	4	13	13	14	6
Other violent	6	34	55	20	11
Property offenses	5	16	20	20	7
Burglary	6	15	21	26	7
Larceny	6	14	26	13	8
Fraud	7	25	39	27	9
Drug offenses	4	16	13	21	6
Possession	4	13	30	13	6
Trafficking	6	19	13	34	7
Weapons offenses	5	17	20	17	6
Other offenses	5	18	20	21	6

Estimate of 1 standard error for table 12

Most serious conviction offense	Error in percent of felons with an additional penalty of —				
	Fine	Resti-tution	Treat-ment	Community service	
				Other	Other
All offenses	1.7	0.9	0.7	0.7	0.6
Violent offenses	1.3	0.9	0.7	0.6	0.6
Murder	0.9	1.2	0.3	0.3	0.5
Sexual assault	1.5	1.1	1.2	0.5	0.7
Robbery	1.0	0.9	0.6	0.4	0.5
Aggravated assault	1.8	1.2	0.8	0.9	0.8
Other violent	2.0	1.8	1.3	0.9	0.7
Property offenses	2.0	1.3	0.7	0.8	0.9
Burglary	1.5	1.3	0.6	0.7	0.6
Larceny	2.1	1.5	0.7	0.7	1.2
Fraud	3.0	1.8	1.0	1.3	0.8
Drug offenses	2.0	0.9	0.8	0.7	0.5
Possession	2.0	1.2	1.0	0.7	0.9
Trafficking	2.3	0.9	0.8	1.0	0.3
Weapons offenses	1.7	0.6	0.6	0.4	0.4
Other offenses	2.0	1.1	0.9	0.9	0.6

Appendix table 1. NJRP first-stage sampling design, 1996

Stratum	Total number of counties in stratum	Defining characteristics of each county in this stratum	Approximate sampling rate	Number of counties sampled
1 of 75 most populous counties in 1995				
0	19	Included with certainty – not sampled	1 in 1	19
Not in stratum 0				
In a State with central or automated data				
11	10	1995 population greater than or equal to 880,000	1 in 1	8
12	15	1995 population less than 880,000	1 in 1	11
31	11	In a State without central or automated data	1 in 4	3
In a State without central or automated data requiring manual coding				
51	8	1995 population greater than or equal to 1,000,000	1 in 4	2
52	12	1995 population less than 1,000,000	1 in 6	2
Not 1 of 75 most populous counties in 1995				
In a State with central or automated data				
111	75	1995 population between 240,001 and 650,000	1 in 1	56
112	193	1995 population between 68,001 and 240,000	1 in 3	55
113	875	1995 population between 1 and 68,000	1 in 15	57
In a State without central or automated data				
311	88	1995 population between 115,001 and 650,000	1 in 3	35
312	676	1995 population between 1 and 115,000	1 in 19	36
In a State without central or automated data requiring manual coding				
511	55	1995 population between 210,001 and 650,000	1 in 3	20
512	205	1995 population between 45,001 and 210,000	1 in 10	20
513	901	1995 population between 1 and 45,000	1 in 45	20

Appendix table 2. NJRP second-stage sampling design, 1996

Stratum	Among counties that do not submit automated data, one in every —										
	Murder	Sexual assault	Robbery	Aggravated assault	Burglary	Drug trafficking	Weapons offenses	Fraud	Larceny	Drug possession	Other offenses
0	6	2	7	6	7	15	4	5	10	12	10
11	5	2	6	5	6	12	3	4	8	9	8
12	4	1	5	4	5	11	3	3	7	9	7
31	1	1	2	1	2	4	1	1	2	3	2
51	1	1	2	1	2	3	1	1	2	3	2
52	1	1	1	1	1	2	1	1	1	2	1
111	11	5	13	14	20	34	7	15	25	25	32
112	4	2	5	5	7	13	2	6	9	9	12
113	1	1	1	1	1	3	1	1	2	2	2
311	6	3	7	7	11	18	3	8	13	13	17
312	1	1	1	1	1	2	1	1	1	1	2
511	5	2	6	6	10	16	3	7	12	12	15
512	1	1	1	1	2	4	1	2	3	3	4
513	1	1	1	1	1	1	1	1	1	1	1

*This table pertains to the counties that were unable to provide data electronically. Counties that submitted electronic data had a different second-stage sampling design. Offenses in those counties were not sampled. In other words, every case was taken in the counties with automated data.

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 pornography offenses, pimping, prostitution). Includes attempts.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Bulletins present the first release of findings from permanent data collection programs. This Bulletin was written by Jodi Brown, Patrick Langan, and David Levin of the Bureau of Justice Statistics. Rhonda C. Keith produced the report. Tom Hester edited it. Marilyn Marbrook administered final report production, assisted by Yvonne Boston.

Sample design and selection was performed by Terri L. Carter under the supervision of Carma R. Hogue of the Economic Statistical Methods and Programming Division of the U.S. Bureau of the Census.

Data collection and processing was performed by Latrice Brogsdale-Davis, Victoria Campbell, Martha Greene, Martha Haselbush, Henrietta Herrin, and Patricia Torreyson under the supervision of Stephanie Brown of the Governments Division of the U.S. Bureau of the Census.

May 1999, NCJ 173939

Data presented in this report may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The report and data are also available on the Internet: <http://www.ojp.usdoj.gov/bjs/>