

## Methodology

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### About the data

The National Judicial Reporting Program (NJRP) compiles detailed information on the sentences and characteristics of convicted felons in State courts. The survey excludes misdemeanors and Federal court convictions. The NJRP has been conducted every two years since 1986.

### Sampling

The sample of 300 counties drawn for the 2002 survey was also used in the 2004 survey. While there were 3,141 counties or county equivalents in the Nation in 2002, 36 reported their NJRP data in combination with another county or county equivalent. This left 3,105 jurisdictions to be divided into 20 strata. Each county was assigned to one stratum by meeting the conditions for that stratum.

The survey used a stratified cluster sampling design. The largest 75 counties in the United States (as defined by the 2000 resident population) were separated from the 3,105 jurisdictions (see [NJRP sampling design](#)). Each State was then assigned a "cost-factor" (1, 3, 5) which reflected the overall cost of collecting their 2000 NJRP data. Counties in States where data collection is not costly were assigned a "1." Counties in States where data collection is moderately costly were assigned a "3." Counties in States where data collection is costly were assigned a "5."

Counties in each "cost-factor" group were then separated into categories based on the size of their 2000 population. Among the Nation's largest 75 counties, those assigned a cost-factor 1 were separated into 2 strata (defined by year 2000 population size), cost-factor 3 counties remained in one stratum, and cost-factor 5 counties were separated into 2 strata (defined by year 2000 population size). Among counties that were not one of the Nation's largest 75, those assigned a cost-factor of 1 were separated into 5 strata (defined by year 2000 population size). Cost-factor 3 counties were separated into 4 strata (defined by year 2000 population size), and cost-factor 5 counties were separated into 5 strata (defined by year 2000 population size). 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, 58 out of the 75 largest counties were sampled. All 36 counties in strata 0, 11, and 12 were selected for the sample. Strata 31, 51, and 52 consisted of the remaining 22 counties sampled from the largest 75 counties. Strata 111, 112, 113, 114, 115, 131, 132, 133, 134, 151, 152, 153, 154, and 155 included 242 counties sampled from among the 3,030 not among the 75 largest.

The final sample thus included 300 counties (58 out of the 75 largest counties, and 242 out of the remaining 3,030 counties). Seven of the 300 did not participate and were replaced by other counties. The 300 included at least 1 county from every State except, by chance, Nevada, South Dakota, and Wyoming. One of the 300 had no felony convictions during the 2004 survey period. For the 2004 survey, case-level data were successfully obtained on 471,645 convicted felons sentenced in 2004 from these 300 counties. Of these, 331,055 cases were in the 75 largest counties.

The 36 sampled counties in strata 0, 11, and 12 were self-representing only, and their sampled cases therefore had a sampling weight of 1. The remaining strata were selected to represent their respective strata so that the sampled felony conviction cases had weights greater than 1.

### 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 these statistical tables. In general, if the difference between two numbers is at least twice the standard error of that difference, 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 felony convictions for individual crime categories and for the aggregate total had a coefficient of variation of 3.5%. Standard errors tables are available for [Tables 1.1, 1.2, 1.3 and 2.1](#).

### Sources of data

State courts were the source of NJRP data for about 44% of the 300 counties sampled. For other counties, sources included prosecutors' offices, sentencing commissions, and statistical agencies.

In 2004, 97% of the 300 counties provided all NJRP data in an electronic format. The others submitted some or all data in paper format. All data were collected and processed by the U.S. Census Bureau.

### Targeted population

The survey targeted and recorded initial sentences imposed in calendar year 2004. If a person received prison but the judge suspended that sentence on the same day, the sentence was coded as probation because that was the actual sentence. Any change to a sentence after the initial sentencing date (such as probation revocation) was ignored.

Because the year of conviction was not a defining characteristic, some cases in the sample were of persons convicted before 2004 but not sentenced until 2004.

Not all jurisdictions were able to provide data for calendar year 2004. Data from 12 Minnesota counties and 6 Oklahoma counties pertain to sentences imposed in 2003. Data provided by 17 Virginia counties were from fiscal year 2004. San Bernardino (CA) and Brevard (FL) counties were unable to provide complete data for 2004. Consequently, the 2002 NJRP data files from these counties were used for the 2004 survey.

Sentencing information on cases obtained from 6 counties – Sacramento (CA), Sonoma (CA), Ventura (CA), Duval (FL), Pinellas (FL), and Montgomery (OH) – was not submitted electronically and required manual coding. To expedite data collection, a sample was drawn from each of the 6.

#### **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 kidnapping, 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 pornography offenses, pimping, prostitution). Includes attempts.

#### **Related reading**

Data used in these statistical tables were also used in the BJS publication [Felony Sentences in State Courts, 2004](#).

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