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STATE OF CALIFORNIA
YOUTH AND ADULT
CORRECTIONAL AGENCY



JULY 1, 1985 THROUGH JUNE 30, 1986
REPORT ON SENTENCING PRACTICES
DETERMINATE SENTENCING LAW

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BOARD OF PRISON TERMS
JANUARY 15, 1988

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**REPORT ON SENTENCING PRACTICES
DETERMINATE SENTENCING LAW**

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PREFACE

This report was prepared to illustrate selected sentencing characteristics under the Determinate Sentencing Law (DSL) and to describe the process of sentence review mandated by Penal Code §1170(f).

During the period FY 1985/86 (July 1, 1985 through June 30, 1986), the Board of Prison Terms reviewed and analyzed the records of a total of 20,505 men and women received in state prison with determinate sentences.¹ This report addresses the length of their sentences including the application of enhancements. The principal count of a commitment is used to identify each case regardless of any subordinate count which may also apply.² For example, a person convicted of the offenses of robbery and second degree burglary would be placed in the robbery offense group. The major offense groups selected for this report represent 95.46% of the DSL prison intake during the given period.

Statutory sentences for certain offenses under the DSL have changed considerably since July 1, 1977, when the law became effective. On January 1, 1979, SB 709 became effective and lengthened the ranges of the sentences for several offenses.³ On January 1, 1980, new sentencing provisions for various sex offenses were imposed (Stats 1979, Ch 944). Legislation during 1980 (Stats 1980, Ch 42 §1) changed sentencing for burglary. Penal Code §462 stipulated probation will not be generally granted to persons convicted of nighttime or felony daytime burglary of an inhabited dwelling.

¹This does not include the following:

- a) 9,493 cases admitted to state prison during FY 1985/86 whose records have still not been received from the Department of Corrections;
- b) 3,909 cases received in state prison during FY 1985/86 which were manually reviewed and analyzed.

²When fully consecutive subordinate counts are used, P. C. §667.6(c) or §667.6(d), the person is placed in one of the violent sex offense groups.

³The changes made by SB 709 to the sentence ranges were for specified crimes such as:

- a) First degree burglary - 2,3,4 years to 2,4,6 years;
- b) Robbery - 2,3,4 years to 2,3,5 years;
- c) Voluntary manslaughter - 2,3,4 years to 2,4,6 years;
- d) Rape (P.C. §264) - 3,4,5 years to 3,6,8 years and (P.C. §264.1) - 5,6,7 years to 5,7,9 years;
- e) Crime against children - 3,4,5 years to 3,5,7 years;
- f) Oral copulation - 2,3,4 years to 3,6,8 years.

Effective January 1, 1983 (Stats 1982, Ch 1297), all residential burglaries became punishable as felony first degree burglary. Since then, felons who were sentenced to prison for committing daytime burglaries would serve longer terms than felons who committed daytime burglaries in the past. Over the years, several sentencing provisions and enhancements have been passed dealing with vehicular manslaughter, assault on government officials, food contaminations, narcotic offenses, sex offenses, kidnapping and fraudulent welfare transactions.

The statistical data presented in this report are based on sentences imposed. Effective January 1, 1983, P.C. §2933 provided for reduction of as much as one-half of the total sentence for performance in work, training or selected education programs established by the Director of the Department of Corrections.

The people studied in this report represent a mix of those received in prison for offenses committed under the original provisions of the DSL and those received for offenses committed following the adoption of the various statutory changes. Changes in sentencing for sex offenses are illustrated in Table VIA of this report. This table represents information on length of sentence for 312 persons sentenced for specified violent sex offenses under the provisions of SB 13, effective January 1, 1980. Table VIB describes the effects of the "Victim's Bill of Rights", passed by voter referendum on June 8, 1982 (Proposition 8).

The sentencing practices presented in this report are almost exclusively concerned with charging, pleading and sentencing decisions. The report is designed to provide information in a form which will benefit those involved in this process, especially the sentencing judges. It is hoped that this report will improve the sentencing process by demonstrating statewide practices with respect to sentencing for similar offenses committed under similar circumstances.

SENTENCE REVIEW

Penal Code §1170(f) requires the Board of Prison Terms to review all determinate sentences to state prison and to notify the sentencing court in any case in which the Board determines the sentence to be disparate. To find a case "disparate" the Board must find a "substantial difference" between the sentence imposed in the subject case and the sentences imposed in other cases in which defendants have been convicted of similar crimes under similar circumstances. The Board's review focuses not only on the total term imposed but also on each exercise of judicial discretion in sentencing; selection of the base term level; imposition of concurrent or consecutive sentences; and imposition of additional punishment for enhancements.

The Board's review of sentences for disparity is not a traditional form of sentence review. Courts traditionally review sentences for three elements: legal error, abuse of discretion, and cruel or unusual punishment. The Board's review differs from each of these.

- 1) It assumes the legality of the sentence imposed and the court's compliance with all sentencing requirements. Any apparent legal errors found in the course of the review process are corrected through the usual legal means.
- 2) It acknowledges that convicted felons have performed acts that society abhors and condemns, that such individuals are often dangerous, and that they deserve the sentence imposed.
- 3) It does not concern itself with error of any kind. Rather, the Board collects information regarding sentences imposed by judges throughout the state, analyzes this information to find sentencing patterns, makes comparisons of individual cases with comparable cases, and informs the sentencing court when the sentence imposed does not correspond with the statewide sentencing pattern for similar cases. This provides the sentencing court with additional information relevant to sentencing which was not available at the time the court imposed the original sentence. The court then has the opportunity to recall the sentence and resentence the defendant in a more uniform manner.

The Board devoted 18 months to developing and implementing a computer assisted procedure which enables the Board to review large numbers of cases in a legally adequate and timely fashion. The process utilizes a three-step procedure which includes a primary screening by computer to identify cases requiring further scrutiny, a secondary screening by staff of the cases identified by the computer as requiring further review, and a final review by a Board panel of those cases identified by staff as potentially disparate.

The primary screening is the Automated Sentence Review (ASR), which sorts all cases by the principal convicted offense, identifies the range of possible sentences for a particular offender, and computes the relative likelihood that each of the possible sentences would be imposed. This provides a sentence distribution based on actual sentences imposed in DSL cases previously reviewed by the Board.

The ASR employs a computer simulation technique which uses the facts in each case to produce 10,000 theoretical sentencings for that case. This review produces two descriptive numbers which are used by the Board to identify cases warranting further scrutiny:

- 1) The percentage of simulated sentencings which would have resulted in a sentence as high as or higher or as low as or lower than the actual sentence imposed, and
- 2) A "z score". The "z score" is a measure of the difference between an individual's expected sentence, as determined by the simulated sentence distribution, and the actual sentence imposed by the court. If, according to the review, the percentage in a given case is 10 or less, and the "z score" is 1.8 or greater, the case is identified as requiring further analysis. These cases are then submitted to a Board analyst for secondary screening.

The secondary screening includes comparison of the subject case with specific groups of comparable cases drawn from the data base, and careful examination of pertinent documents from the subject case file. Cases which still appear disparate after this review are referred to a Board panel for final decision. The panel consists of two Commissioners and one Deputy Commissioner. If this panel finds the sentence to be disparately high, it orders the Board's legal staff to notify the court.

Effective January 1, 1982, a change in the provisions of P.C. §1170(f), requires the Board to notify the court of its finding that a sentence is disparate, rather than recommend by motion that a disparate sentence be recalled. Notification is also sent to the prisoner whose sentence was reviewed, the district attorney, the defense attorney, and the California Judicial Council. The court must schedule a hearing within 120 days of receiving the Board's recommendation. At the hearing, the court may recall the sentence previously imposed and resentence the individual to a sentence no longer than the previous sentence.

The notification procedure is used only in the case of sentences determined to be disparately high. In the case of disparately low sentences, which cannot be increased, the Board sends a letter and supporting documentation to the court. Copies are sent to the prisoner, the district attorney, the defense attorney, and the Judicial Council.

The decision in People v. Herrera (1982) 127 Cal.App.3d 590, requires a sentencing judge to undertake a two-part analysis in determining the merits of a Board recommendation that a sentence be recalled as disparate. The judge must first determine whether the sentence imposed is, indeed, disparate, giving the Board's finding of disparity great weight. If the judge finds that the sentence imposed is disparate, he/she must decide whether or not to recall the sentence.

A judge will have met the obligation under the first part of the analysis if the record shows that the judge seriously considered the information provided by the Board and attempted to discern whether, when compared to sentences imposed by other judges, the sentence imposed in the case under review is disparate.

If, after meeting the burden required by the first part, the judge finds that the sentence imposed is not disparate, he/she is not required to conduct further inquiry. If the judge finds that the sentence imposed is disparate, then he/she must undertake the second part of the analysis. To meet the great weight standard in the second part, the judge should treat observed sentencing patterns as guidelines to help pro-mote uniformity of sentencing.

In People v. Martin (August 21, 1986) 42 Cal.3d 437, the California Supreme Court endorsed the frame work established by Herrera, and held that the Board's finding of disparity is entitled to great weight in the trial court, and it must accept that finding unless, based upon substantial evidence, it finds that the Board erred in its analysis. The opinion also requires the trial court to state on the record its reasons for finding its sentence not disparate, and if it still imposes it, the reasons for imposing such a sentence.

In People v. Sheppard 169 Cal.App.3d 580 Division 4 of the First District Court of Appeal held that where the Board finds a bargained sentence disparately long, the trial court under PC §1192.5 and Sentencing Rule 440, may not change the punishment. The majority of the panel "invited" the Legislature to clarify its intention with respect to the application of disparate review to bargained pleas. The concurring panel member noted that the majority was using the California Reports as an "Op-Ed page" on the policy question of the propriety of disparate review. Sheppard 169 Cal.App. 3d 580,590.

The entire sentence review process is based on a data base of 92,199 cases reviewed by the end of calendar year 1987.* The data base is carefully and extensively edited for accuracy. It contains detailed charging, conviction, and sentencing information; socioeconomic information about the offender; criminal justice system background information and statistics about victims of crime. It is perhaps the most complete file of information on prisoners in the country.

*Admissions to the State prison through 12/31/81 for specific offense groups with large frequencies were separated from the masterfile and aged to archives. There were 18,416 admissions through 12/31/80 and 12,135 admissions between 1/1/81 and 12/31/81, for a total of 30,551 aged into archives. Substantial changes in sentencing terms through legislation have affected the groupings to a large extent. Some of these involve principal offenses with large frequencies; thus causing the sentence review groupings to reach over 500 cases in one run.

SUMMARY OF FINDINGS

The summaries that follow describe noteworthy information which may be obtained from an examination of the various charts and tables included in the report.

CHARTS

CHART I - LENGTH OF TOTAL SENTENCE IMPOSED

This histogram shows the frequency with which various ranges of total sentences were imposed. During FY 1985/86, 6,228 (30.37%) of the 20,505 persons entering prison under DSL received sentences of between 17 and 24 months. In the previous year¹ the ratio was 29.09%. Collectively, 16,022 or 78.14% of the prison admissions had a sentence of 48 months or less; the prior year's level was 75.16%.

CHART II - FREQUENCY OF MEAN SENTENCE BY COUNTY

This graph illustrates the variation in mean total sentences by county. Only counties which received 30 or more persons with determinate sentences are included. There are 41 counties represented in FY 1985/86, two less than the level of the preceding year. The chart shows that 23 out of 41 counties have mean sentences from 32 to 48 months; 16 counties have mean sentences between 49 and 60 months.

CHART III - ALL OFFENSES: MEAN SENTENCE MAP OF CALIFORNIA BY COUNTY

The map indicates, in various shade patterns, the contrast in mean sentences imposed for each of the 58 counties. Only counties with 30 or more cases are addressed. The statewide mean sentence for FY 1985/86 declined by 4.38% to 45.84 months, compared to the prior year's mean sentence of 47.94 months. About 62% of the 58 counties in California sustained lower mean sentences than last year's levels. Substantial changes in sentencing patterns that have altered the shading in the map from that of the preceding report occurred in the following counties.

¹ Any reference to the previous year FY 1984/85, is for the nine-month period from July 1, 1984 - March 31, 1985.

<u>ALL OFFENSES</u>	FY 1984/85 <u>Mean</u>	FY 1985/86 <u>Mean</u>	<u>Percent Change</u>
DECREASE¹			
El Dorado	60.63	41.64	-31.32%
Lassen	54.00	39.75	-26.39%
Placer	70.54	52.40	-25.72%
Marin	66.40	49.71	-25.14%
Shasta	67.76	51.66	-23.76%
Orange	47.59	40.53	-14.84%
INCREASE¹			
Kern ²	49.12	80.71	64.31%
Siskiyou	40.33	54.32	34.69%
San Luis Obispo	58.44	76.00	30.05%
Imperial	39.59	48.76	23.16%
Lake	37.90	44.91	18.50%
San Mateo	48.70	57.08	17.21%
STATEWIDE	47.94	45.84	- 4.38%

CHARTS IVA & IVB - BURGLARY, FIRST DEGREE AND SECOND DEGREE:
MEAN SENTENCE MAP OF CALIFORNIA BY COUNTY

For burglary, first degree and second degree, noticeable changes (increase or decrease) in mean sentences from last year's level have occurred in the following counties.

<u>BURGLARY 1ST DEGREE</u>	FY 1984/85 <u>Mean</u>	FY 1985/86 <u>Mean</u>	<u>Percent Change</u>
DECREASE³			
Yuba	67.50	44.67	-33.82%
San Mateo	65.38	46.92	-28.23%
El Dorado	52.80	40.53	-23.24%
Santa Barbara	73.07	59.11	-19.10%
San Joaquin	48.44	41.22	-14.91%
Stanislaus	56.86	49.25	-13.38%
INCREASE³			
Imperial	36.00	54.00	50.00%
San Luis Obispo	40.20	63.60	47.22%
Yolo	42.67	59.25	38.86%
Madera	46.86	64.47	37.58%
Tulare	44.00	57.74	31.23%
Merced	49.18	60.57	23.16%
STATEWIDE	49.29	49.56	0.55%

¹ In FY 1985/86, three persons in the same court case were convicted of 58 counts of P. C. §288AC; each received 4,860 months.

² Excludes counties with less than 30 cases in FY 1985/86.

³ Excludes counties with less than 10 cases in FY 1985/86.

<u>BURGLARY 2ND DEGREE</u>	<u>FY 1984/85</u> <u>Mean</u>	<u>FY 1985/86</u> <u>Mean</u>	<u>Percent</u> <u>Change</u>
<u>DECREASE¹</u>			
Solano	34.67	26.57	-23.36%
Santa Cruz	26.86	22.40	-16.60%
Riverside	26.93	23.20	-13.85%
Madera	27.50	23.81	-13.42%
Santa Barbara	35.33	31.29	-11.44%
Sacramento	30.17	27.32	-9.45%
<u>INCREASE¹</u>			
Monterey	26.91	27.33	1.56%
Ventura	30.82	31.29	1.52%
STATEWIDE	26.89	25.20	-6.28%

The maps on Charts IVA and IVB show varying levels of mean sentence lengths between counties for first degree burglary and second degree burglary. For example, in Chart IVB the counties illustrated with a cross-hatch pattern have imposed for second degree burglary, the mean sentence of over 30 months. Other types of shading patterns correspond to different mean sentence length ranges.

CHART V - ROBBERY: MEAN SENTENCE MAP OF CALIFORNIA BY COUNTY

This map illustrates the differing mean sentences imposed for robbery among counties. Among those counties illustrated, the following showed a substantial increase or decrease in the mean sentence for robbery.

<u>ROBBERY</u>	<u>FY 1984/85</u> <u>Mean</u>	<u>FY 1985/86</u> <u>Mean</u>	<u>Percent</u> <u>Change</u>
<u>DECREASE¹</u>			
Madera	71.39	54.57	-23.56%
Contra Costa	58.55	49.65	-15.20%
Monterey	61.00	54.80	-10.16%
San Diego	69.91	62.92	-10.00%
San Bernardino	62.30	56.10	- 9.95%
Orange	52.40	48.35	- 7.73%
<u>INCREASE¹</u>			
Santa Barbara	55.50	80.67	45.35%
Kern	52.39	62.12	18.56%
San Mateo	61.39	70.00	14.03%
Sacramento	76.26	81.47	6.83%
San Francisco	48.42	51.56	6.48%
STATEWIDE	56.62	54.75	-3.30%

¹ Excludes counties with less than 10 cases in FY 1985/86.

CHART VI - USE OF FIREARM

The four succeeding charts consist of four progressively nested circles whose areas are in the same proportion as the populations they represent. In Chart VI, the largest circle symbolizes the 2,112 offenders received in prison in July 1, 1985 to June 30, 1986, who used a firearm in the commission of the offense. The remaining circles represent those charged with, those proved, and those who received an enhancement for the use of firearm under P.C. §12022.5. During this period, 89.2% of those who used a firearm were charged (92.1% last year), 59.4% were pled and proved (61.6% last year) and 46.4% were imposed (49.7% last year).

CHART VII- INFLECTION OF INJURY

This chart shows the degree to which major injury was inflicted, charged and proved. It also shows the extent to which sentences were enhanced for great bodily injury under P.C. §12022.7.

The outermost circle in the chart depicts the 1,728 persons received in prison, with determinate sentences, who inflicted great bodily injury. They constitute 8.4% of the prison intake under the DSL. This was a slightly lower rate than the 9.5% rate the previous year. Of those felons who inflicted major injury, 63.8% were charged, 34.3% were proved and 24.4% were imposed the three-year sentence enhancement under P.C. §12022.7.

CHARTS VIII AND IX - PRIOR PRISON TERMS

These charts show the proportion of people entering prison who have served prior prison terms under P.C. §§667.5(a) and (b). The charts also progressively show the extent to which these prior prison term enhancements are charged, proved and imposed.

Chart VIII reflects those received in prison during FY 1985/86, who had nonviolent prior prison terms. This year's rate is 26.4% of the prison intake. Last year's rate was slightly lower, 25.1%.

Chart IX shows the enhancement rate for violent prior prison terms declining, from 44 (8.4%) in FY 1982/83 down to 11 (1.9%) in FY 1983/84 and further down to 5 (1.5%) during the nine-month period in FY 1984/85 and 5 (1.0%) in FY 1985/86. This is probably because some felons received a five-year habitual criminal enhancement under P.C. §667 instead of a traditional three-year enhancement under P.C. §667.5(a) for the violent prior felony.

TABLES

TABLE I- PERSONS RECEIVED IN PRISON

For selected counties and offenses, this table shows the distribution of 20,505 people received in prison under the Determinate Sentencing Law (DSL), from July 1, 1985 through June 30, 1986. The 35 offenses listed accounted for 96.63% of the total DSL prison commitments. The remaining 3.37% consists of numerous other DSL offenses which occur infrequently. All of the 17 counties listed last year have maintained the same level of prison admissions.

First degree burglary, as in last year, has the largest proportion of total prison DSL commitments, 2,841 (13.86%). The five counties with the largest intake are: Los Angeles, 1076 (37.87%); San Diego, 229 (8.06%); Orange, 170 (5.98%); Santa Clara, 163 (5.74%); and Riverside, 141 (4.96%). "Other counties" accounts for 291 (10.24%).

There were 2,618 robbery offenders, 12.77% of the total prison DSL intake. The five counties showing the largest numbers of robbery offenses are: Los Angeles, 1,383 (51.59%); San Diego, 133 (4.96%); Orange, 126 (4.70%); San Francisco, 109 (4.07%); and Alameda, 98 (3.66%).

Second degree burglary accounted for 8.22% or 1,685 of the total DSL commitments. The five counties with the largest numbers are: Los Angeles, 722 (42.85%); San Diego, 119 (7.06%); Orange, 84 (4.99%); San Francisco, 72 (4.27%) and San Bernardino, 55 (3.26%).

The offense, possession of controlled substance, increased by more than twice from last year's level. There were 1,636 (7.98%) for FY 1985/86 compared to last year's 515 (3.86%). Los Angeles had 729 (44.56%); Santa Clara, 165 (10.09%); San Francisco, 95 (5.81%); Kern, 86 (5.26%) and Alameda, 83 (5.07%).

Miscellaneous sex offenses likewise went up from 864 last year to 1,162 (5.67%) in FY 1985/86. Los Angeles had 279 (24.01%); followed by San Diego, 86 (7.40%); Santa Clara and Fresno both had 68 (5.85%); and Kern, 65 (5.59%).

The combined prison DSL intake for voluntary, involuntary and vehicular manslaughter shows an increase from 396 last year to 585 (2.85%) for FY 1985/86. Los Angeles captured 280 (47.86%), followed by San Diego, 33 (5.64%).

Other offenses showing significant occurrences during FY 1985/86 are as follows: assault, 1,111 (5.42%); sale of controlled substance, 1,110 (5.41%); possession of controlled substance for sale, 886 (4.32%); auto theft, 728 (3.55%); receiving stolen property, 724 (3.53%); petty theft with prior, 700 (3.41%); and grand theft, 508 (2.48%).

TABLE II - SUMMARY OF SENTENCE IMPOSED

This table is a statewide statistical summary of prison sentences imposed for all offenses. The average sentence for this year is 45.84 months, 4.38% lower than last year's level of 47.94 months.¹ The median and mode remained at 36 and 24 months, respectively.

TABLE III- SENTENCE IMPOSED BY COUNTY AND BY OFFENSE

While Table II shows information for total sentences for all offenses statewide, this table presents similar information reported by specific offenses and by county.

Below is a comparison of the mean sentences (in months) imposed statewide and listed in descending order, by the mean (arithmetic average) for a limited number of counties. Counties with less than 10 cases are not included in the rankings. Some counties shown here are not included in the listing in Table III.

<u>ROBBERY</u>	<u>Number</u>	<u>Mean</u>	<u>Median</u>
Sacramento	87	81.47	60
Santa Barbara	18	80.67	60
San Mateo	20	70.00	42
Fresno	77	65.87	60
Ventura	22	63.09	48
San Diego	133	62.92	48
Tulare	18	62.89	54
Stanislaus	22	62.18	54
Kern	51	62.12	60
Riverside	77	61.51	36
Statewide	2,618	54.75	44

¹This occurred despite the fact that this year, there were three crime partners in the same court case who were convicted of 58 counts of P.C. §288AC, each receiving a 4,860 month sentence.

<u>FIRST DEGREE BURGLARY</u>	<u>Number</u>	<u>Mean</u>	<u>Median</u>
Butte	11	71.64	56
Sonoma	18	67.56	68
Sacramento	94	65.96	56
Madera	17	64.47	48
Ventura	39	64.41	48
San Luis Obispo	10	63.60	48
Santa Cruz	17	63.06	72
Merced	14	60.57	48
San Diego	229	59.41	48
Yolo	16	59.25	60
Statewide	2,841	49.56	48

<u>SECOND DEGREE BURGLARY</u>	<u>Number</u>	<u>Mean</u>	<u>Median</u>
Ventura	17	31.29	32
Santa Barbara	17	31.29	36
Kern	51	30.82	24
Tulare	15	29.87	32
Santa Clara	54	28.52	24
Fresno	44	27.91	24
San Diego	119	27.87	24
Stanislaus	24	27.83	24
San Bernardino	55	27.42	24
Kings	13	27.38	24
Statewide	1,685	25.20	24

Note: The figures in the above tables represent sentence imposed, not time served. Sentence imposed potentially may be reduced by one-half of the total sentence for performance in work, training, or selected education programs established by the Director of Corrections (P.C. §2933, Stats.1982, Ch.1234, 4).

Compared to last year's statistics, the percent share of first degree burglary dropped, from 14.37% to 13.86% this year. Similar declines occurred for second degree burglary, from 9.02% down to 8.22% and robbery, 13.39% down to 12.77%.

Worth mentioning is the group on miscellaneous sex offenses. The statewide mean is up, 116.08 months from last year's mean of 98.38 months. Kern county has the highest mean, 453.97 months, up from 103.37 months last year. This is due to the three persons in the same court case convicted of P.C. §288AC with a sentence of 4,860 months each. Santa Barbara was second, with a mean of 156.25 months; followed by San Mateo, 149.04 and Ventura, 138.96. "Other counties" had an average of 92.84 months.

TABLE IV - SENTENCE LEVEL BY OFFENSE

This table shows the relative frequency with which the three alternative levels of sentence were selected for conviction of a single count of the offenses reported. There is a greater likelihood of the imposition of the middle term for 22 of the 35 offense groups listed. On the other hand, none of the offense groups has a greater likelihood of the imposition of the upper term.

The lower term was most frequently imposed in ten out of the 35 offense groups, namely: possession for sale/sale of PCP (imposed on 73.37% of the sentences); possession of controlled substance for sale (62.86%); sale of controlled substance (61.33%); escape (60.24%); possession of controlled substance (52.62%); institutional offenses (52.43%); burglary 1st degree (50.64%); petty theft with prior (46.60%); robbery (43.01%); and rape (42.98%).

For two offenses, the likelihood of the middle term and the lower term is the same; namely, assault on peace officer (44.44%) and kidnapping (38.30%).

TABLE V - SENTENCES IMPOSED: MEN AND WOMEN

This table compares the average prison sentence received by men and women convicted of a single count of the offense reported. There were a total of 12,504 single counts imposed, 92.03% for men and 7.97% for women.

The average sentence imposed for 21 of 26 offense groups were greater for men; only four were greater for women.

AVERAGE SENTENCE IMPOSED	<u>MEN</u>	<u>WOMEN</u>	<u>DIFFERENCE</u>
Greater for Men			
Involuntary manslaughter	48.48	30.67	17.81
Misc sex offenses	57.81	43.11	14.70
Attempted burglary	26.60	12.00	14.60
Robbery	44.09	37.40	6.69
Attempted robbery	32.15	26.44	5.71
Burglary, 1st degree	43.00	37.41	5.59
Greater for Women			
Inflict injury spouse/child	43.09	52.80	9.71
Sale of controlled subst	35.82	39.08	3.26
Robbery inhabited dwelling	59.43	62.40	2.97
Arson	38.27	40.27	2.00

TABLES VIA, VIB VIC - SENTENCES UNDER SB 13 AND THE VICTIM'S BILL OF RIGHTS

Tables VIA, VIB and VIC show the impact of SB 13 (Stats. 1979, Ch.944) and the Victim's Bill of Rights. Table VIA shows a total of 312 cases with a mean sentence of 273 months and a standard deviation of 600 months, and a range of 4,842 months.

Table VIB gives the statistics on enhancements for the various sex offenses. Under Penal Code §12022.3(a), a three-year enhancement, was imposed on 57 out of 69 proven and 126 charged; under Penal Code §12022.3(b), a two-year enhancement was imposed on nine of 13 proved and 35 charged. In addition, under P.C. §667.6(b), a ten-year enhancement, was charged in two cases but neither were proved nor imposed.

Table VIC presents the enhancement for habitual offenders, by quarter periods for FY 1985/86. During this period, there were 1,236 felons charged, 721 proved and 538 imposed based on P.C. §667(a), a five-year enhancement.

TABLE VIIA AND VIIB - USE OF FIREARM

These two tables show the incidence of firearm use by county and by offense. They also show the frequency such use was charged, proved and imposed.

Statewide, 10.30% of persons entering prison were known to have used a firearm in the commission of an offense. Less than half (46.4%) of the 2,112 offenders who used a firearm received a two-year enhancement of sentence as provided for in P.C. §12022.5. The rate of imposition of enhancement for use of firearm varied from 38.6% in Orange county to 66.7% in Ventura county.

Firearms were most frequently used in the following offenses: attempted murder (63.1%), voluntary manslaughter (47.4%), involuntary manslaughter (40.3%), kidnapping (44.7%), robbery inhabited dwelling (41.0%), assault on a peace officer (36.4%), robbery (34.0%) and assault (30.3%). However the enhancement of sentence for use of a firearm was imposed most often for both voluntary and involuntary manslaughter, each getting 70.4% rate; followed by robbery (60.2%), kidnapping (57.6%), robbery inhabited dwelling (55.0%), assault on peace officer (35.0%), and attempted murder (34.5%).

TABLES VIIIA AND VIIIB - INJURY TO VICTIMS

These tables show the frequency with which victims were injured by persons received in prison under DSL. The data is presented by county, by offenses.

Overall, 8.4% of the offenders received in prison inflicted major injury to victims while 7.3% of them inflicted some type of minor injury. Of the 20,505 DSL commitments, 5.4% were charged with great bodily injury. A three-year enhancement of sentence as provided for by P.C. §12022.7 was imposed on 421 or 38.2% of the persons charged with infliction of great bodily injury. The rate of imposition of enhancement for criminal injury to victims, ranged from a low of 19.2% for voluntary manslaughter to a high of 68.2% for attempted murder. By county, the spread was 26.8% for San Francisco county to 81.8% for Stanislaus county.

TABLES IXA, IXB, IXC, IXD - PRIOR PRISON TERMS

These tables give the number of persons who entered prison with determinate sentences that had previously served a prior prison term.

There were 482 persons showing a violent prior prison term (2.4% of the total prison intake). Of this number, 48 were charged with having served a prior violent prison term and 11 were proved. A three-year enhancement of sentence was imposed on five persons; from Los Angeles, San Diego, Stanislaus, Fresno and Yolo.

A total of 5,412 persons or 26.4% of those entering under DSL had previously served prior prison terms for nonviolent offense. Of those who had served a nonviolent term, 39.9% or 2,157 were charged. In 1,028 cases (19.0%) this nonviolent prior prison term was proved and a one-year enhancement was imposed in 710 cases (13.1%).

Only those whose current conviction offenses include a violent offense are potentially eligible for the three-year enhancement of sentence under P.C. §667.5(a). This partly explains the differing charging rate between nonviolent and violent prior prison terms, 39.9% and 10.0%, respectively.

Persons received in prison with a principal conviction offense who had served prior prison terms infrequently are: vehicular manslaughter- violent, 0%; nonviolent, 4.0%; voluntary manslaughter- violent, 1.5%; nonviolent, 13.0%; driving under the influence with injury- violent, 0.8%; nonviolent, 10.8%; and involuntary manslaughter- violent, 4.48%; nonviolent, 16.4%.

A large proportion of persons with current property offenses had been in prison previously for nonviolent offenses namely: petty theft with prior (51.4%), attempted burglary (46.5%), forgery (37.8%), second degree burglary (36.2%), auto theft (34.8%), receiving stolen property (34.7%), grand theft (29.3%), checks with insufficient funds (27.7%), theft of personal property (27.4%), attempted robbery (27.0%) and first degree burglary (22.6%).

TABLE X - NUMBER OF COUNTS CONVICTED

This table shows the number of counts of convictions by principal offenses. Overall, 12,505 (60.99%) received in prison were convicted of single offenses. Those convicted of two offenses totaled 4,671 (22.78%), while 3,329 (16.24%) were convicted of three or more offenses. The single-count conviction rate for various offenses ranged from a high of 93.64% for institutional offenses to a low of 35.61% for kidnapping.

TABLE XI - IMPOSITION OF CONSECUTIVE SENTENCES

This table shows the rate with which consecutive sentences are imposed for differing numbers of nonstayed multiple convictions. For example, 17.12% of persons with three nonstayed multiple convictions received three consecutive sentences, 11.31% received two, 18.42% received just one; while 53.15% of these offenders received no consecutive sentences.

SENTENCING FOR SPECIFIED SEX OFFENSES

Chapter 944 of Statutes of 1979 (Senate Bill 13), effective January 1, 1980, greatly complicated the sentencing of specified sex crimes. The crimes most affected were:

- Penal Code §261(2): Rape by force or fear;
- Penal Code §261(3): Rape where the victim is prevented from resisting by intoxicants, narcotics or anesthetic;
- Penal Code §264.1: Rape in concert by force or fear;
- Penal Code §288(b): Lewd and lascivious acts upon a child under 14 by the use of force, violence, duress, menace or threat of great bodily harm;
- Penal Code §289: Penetration of genital or anal opening by a foreign object;
- Penal Code §§286(c)&(d): Sodomy when committed by force, violence, duress, menace or threat of great bodily injury;
- Penal Code §§288a(c)&(d): Oral copulation when committed by force, violence, duress, menace or threat of great bodily injury.

A person convicted of any of these nine specified sex offenses is subject to certain mandatory sentencing provisions as well as longer enhancements. Table VIA provides a statistical summary of total prison sentences imposed for the 312 persons convicted of the specified sex offenses who were received in prison from July 1, 1985 through June 30, 1986. An analysis of their sentences reveals that the mean sentence imposed under the new provisions of the law was 22.75 years.

CONSECUTIVE SENTENCES (PENAL CODE §§667.6(c) and (d))

Penal Code §667.6 permits the imposition of the full term when consecutive terms are imposed for specified sex offenses. If the defendant committed more than one specified sex offense on the same victim at different times or committed specified sex offenses against more than one victim, the court must impose consecutive terms pursuant to §667.6(d).

The consecutive term for each specified sex offense is the full term for the offense, rather than one-third of the middle term as provided in §1170.1. The court determines whether the consecutive term will be the lower, middle or upper term. This provision for mandatory full term consecutive terms is not cruel or unusual punishment and does not constitute a denial of equal protection. People v. Preciado (1981) 116 Cal.App.3d 409.

If the defendant committed one or more specified sex offenses "during a single transaction", the court may impose concurrent terms, consecutive terms pursuant to §1170.1, or consecutive terms pursuant to §667.6(c). The consecutive term for each specified sex offense pursuant to §667.6(c) is the full term for the offense. Penal Code §1170.1(e), which requires pleading and proving enhancements, does not apply in order for the court to impose a full consecutive term pursuant to §667.6(c). People v. Stought (1981) 115 Cal.App.3d 740.

If the court imposes consecutive terms pursuant to §667.6(c) or (d), the court first determines the term for all offenses that are being sentenced pursuant to §1170.1 and applies any appropriate limitations on that total term under §§1170.1(a), (d) and (f). The court then adds the full term for each specified sex offense which is being sentenced under §667.6(c) or (d), including the full term for enhancements. People v. Belasco (1981) 125 Cal.App.3d 974.

ENHANCEMENT FOR PRIOR CONVICTIONS (PENAL CODE §667.51)

Effective January 1, 1982, any person convicted of a violation of §288 shall receive a five-year enhancement for each prior conviction of §§261, 264.1, 285, 286, 288, 288a or 289. This additional term shall not be imposed for any prison term served prior to the period of ten years in which the defendant remained free of both prison custody and the commission of an offense which resulted in a felony conviction.

ENHANCEMENT FOR PRIOR CONVICTIONS (PENAL CODE §667.6(a))

A person convicted of any of the specified sex offenses who has had a prior conviction for any specified sex offense shall receive a five-year enhancement for each such prior conviction.

This enhancement cannot be imposed for any conviction prior to a period of ten years during which the person remained free of both prison custody and the commission of an offense which resulted in a felony conviction. Table VIB shows felons entering prison FY 1985/86. Eleven people had been charged with prior convictions, six had the convictions proved in court and received the sentence enhancement.

ENHANCEMENT FOR PRIOR PRISON TERMS (PENAL CODE §667.6(b))

A person convicted of any of the specified sex offenses who has served two or more prior prison terms for any of the specified sex offenses shall receive a ten-year enhancement for each such prior prison term. This enhancement cannot be imposed for any prior prison term served prior to a period of ten years during which the person remained free of both prison custody and the commission of an offense which resulted in a felony conviction. Of the people received in prison from July 1, 1985 through June 30, 1986, two had been charged with serving a prior prison term under §667.6(b). In neither case was the charge proven.

ADDITIONAL TERMS FOR KIDNAPPING FOR SPECIFIED SEX CRIMES (PENAL CODE §667.8)

A person convicted of a felony violation of §§261, 264.1, 286, 288, 288a, or 289 who kidnaps for the purpose of committing the sex offense shall be punished by an additional term of three years.

ENHANCEMENT FOR BEING ARMED WITH OR USING A FIREARM OR OTHER DEADLY WEAPON (PENAL CODE §12022.3)

A person who uses a firearm or other deadly weapon during the commission of a violation of §§261, 264.1, 286, 288, 288a or 289 shall receive a three-year enhancement. This enhancement does not apply to the attempted commission of the listed offenses. Of the people received in prison during FY 1985/86, 126 had been charged with use of a firearm or deadly weapon under §12022.3(a). Weapon use was proven in 69 cases, and 57 people received the three-year enhancement.

A person who is armed with a firearm or other deadly weapon during the commission of a violation of §§261, 264.1, 286, 288, 288a or 289 shall receive a two-year enhancement. This enhancement does not apply to the attempted commission of the listed offenses. (Compare this enhancement with §12022 which does not permit an enhancement if the person was armed with but did not use a deadly weapon.) During FY 1985/86, 35 were charged with being armed with deadly weapon, 13 were proved and nine were imposed the two-year enhancement.

Even though the defendant was armed with a gun and personally used a knife in violating §264.1, only one enhancement may be imposed for each offense. People v. Maciel 169 Cal.App.3d 273 (1985).

ENHANCEMENT FOR GREAT BODILY INJURY (PENAL CODE §12022.8)

A person who inflicts great bodily injury on a victim during the commission of any of the specified sex offenses shall receive a five-year enhancement. Sixty-three persons were charged, while thirteen of 19 felons entering prison from July 1, 1985 through June 30, 1986 who were proven to have inflicted injury under §12022.8 had the five year enhancement imposed.

LIMITATIONS ON ENHANCEMENTS (PENAL CODE §1170.1(i))

When imposing sentence for specified sex offenses, the limitations applicable to sentencing for other offenses do not apply. The five-year limit on nonviolent subordinate terms [§1170.1(a)] clearly does not apply when imposing consecutive sentences under §667.6 and may not apply even if the specified sex offenses are sentenced under §1170.1(a). If more than one of the §12022 series enhancements apply to a specified sex offense, all of the applicable enhancements may be imposed. [Compare with §1170.1(d)] Penal Code §1170.1(g), which limits the total term to twice the base term, does not apply to reduce the term for specified sex offenses.

ENHANCEMENT FOR HABITUAL CRIMINALS (PENAL CODE §667(a))

INITIATIVE AND LEGISLATIVE PROVISIONS FOR HABITUAL "CRIMINALS" AND "OFFENDERS"

Under Penal Code §667(a), an initiative statute relating to habitual criminals, adopted June 8, 1982, any person convicted of a serious felony, as defined, shall receive a five-year enhancement for each such prior conviction.

Table VIC shows that between July 1 and December 31, 1985, 641 (51.86%) of these enhancements were charged, 386 (53.54%) were pled and proved; and 195 (54.83%) were imposed. Overall, 1,236 felons were charged with 1,725 enhancements under PC §667(a). Of this 721 were proved with 862 enhancements and only 538 were imposed with an average sentence of 69.4 months.

Under Penal Code §667.7 relating to habitual offenders, effective January 1, 1982, and operative until January 1, 1987, any person who is convicted of a felony in which great bodily injury was inflicted or the defendant used force likely to produce great bodily injury, and the person has served two or more prior prison terms for specified offenses, is a habitual offender, and must be sentenced to state prison for life and shall not be eligible for release on parole for 20 years.

The Supreme Court upheld the enhancement for prior burglary of a residence and resolved the conflict with respect to the double the base term limit of §1170.1, in favor of Proposition 8's unlimited enhancements. People v. Jackson 37 Cal.3d 826 (1985), Crim. 23622.

PROBLEM AREAS IN SENTENCING VIOLENT SEX OFFENDER CASES

The first step in the sentence review process is to determine whether the various components of the individual sentence have been imposed according to the law. The sentence cannot be coded and reviewed unless it is free of sentencing errors.

The enactment of Senate Bill 13, effective January 1, 1980, resulted in a major revision in the sentencing of violent sex offenses. Basically, the law provides for increased penalties in the areas of consecutive sentences imposed under §§667.6(c) and (d), use of or being armed with a firearm or deadly weapon under §12022.3, great bodily harm under §12022.8, and prior felony convictions and prison terms under §§667.6(a) and (b).

The revised sentencing statutes have proven not to be models of clarity or consistency. Gradually, the courts are reconciling and clarifying the 1979 amendments.

Where a defendant is convicted of at least one sex offense and another nonsex offense or offenses, the trial court may sentence consecutively pursuant to §667.6(c). People v. Howell 151 Cal.App.3d 824.

The Supreme Court has settled the question of whether or not the sentencing scheme of §667.6(c) is mandated or is an alternative to the less harsh provisions of §1170.1 for the offenses specified. In People v. Belmontes 34 Cal.3d 335, the Court held sentencing under §667.6(c) is a sentencing option similar in character to the decision related to imposing consecutive or concurrent sentences, thereby requiring the trial court to specify reasons for utilizing the option. The Court also set forth in detail "the ideal method of proceeding . . .".

ENHANCING FOR USE OF OR BEING ARMED WITH A FIREARM OR DEADLY WEAPON AND FOR INFLICTION OF GREAT BODILY HARM

1. In reviewing individual cases, the Board has found a number of cases in which enhancements charged and found under §§12022.3 and 12022.8 have been stricken, usually without any reason given, or stayed pursuant to the terms of a plea bargain or due to the operation of §654 and the Culbreth - Cardenas single transaction rule. In some cases, a §12022.3 or §12022.8 enhancement charged and found has been sentenced concurrently to the offense to which it attaches, or has simply not been sentenced at all.

Sections 667.5, 12022, 12022.5 and 12022.7, in describing the application of the enhancement they provide, state that the enhancement shall be "... in addition and consecutive to ..." the punishment for a substantive offense. Sections 667.6(a), 667.6(b), 12022.3 and 12022.8 omit the reference to consecutive sentencing. However, each of the new enhancements, with the exception of §12022.3, deals exclusively with enhancements to §667.6 crimes. When an enhancement is applied to a §667.6 crime, §1170.1(i) provides that each enhancement shall be fully and separately served. It also provides that the enhancements shall not merge (a reference to concurrent sentencing). Therefore, the new enhancements under §§667.6(a) and (b), 12022.3 and 12022.8 must be consecutive when appended to §667.6 offenses. A stay of one of these enhancements also appears to be prohibited. See People v. Calhoun 141 Cal.App.3d 117; People v. Stiltner 132 Cal.App.3d 216; People v. Edwards 117 Cal.App.3d 436.

In addition, §§1170.1(d) and (h), which govern a court's authority to strike enhancements, were not amended to refer to §§667.6(a) and (b), 12022.3 or 12022.8. It would seem then, that a trial court is precluded from striking an enhancement charged and found under these provisions.

While in Calhoun, supra Division 3 of the Second District held that the trial court could not stay a §12022.5 enhancement, it could strike under §1170.1(h). However, the Fifth District has held that the trial court could strike §12022.3 enhancements under §1385, even though the practice is not authorized by §1170.1(h). People v. Price 151 Cal.App. 3d 803 (hearing denied).

A line of cases culminating in People v. Eberhardt 186 Cal. App.3d 1112 (1986) follows Price. The court in Eberhardt, an issue of which was staying enhancements, notes that staying imposition of sentence is not authorized. The trial court must impose and "strike" (dismiss under Penal Code §1385), stating the reasons.

2. The Board has also reviewed cases in which §12022.3 enhancements appended to subordinate §667.6 offenses sentenced at one-third of the middle term under §1170.1(a), are also sentenced at one-third of the applicable two or three years rather than the full term.

When §667.6 offenses are sentenced consecutively under §1170.1, enhancements under §§12022.3 and 12022.8 are permissible. Section 1170.1(a) provides that the one-third formula is applicable to any enhancements imposed pursuant to §§12022, 12022.5 and 12022.8. Section 1170.1(a) was not amended to provide that the one-third formula applies to enhancements imposed pursuant to §§12022.3 and 12022.8.

Further, §1170.1(i) provides that each of the enhancements to a §667.6 offense must be fully and separately served and shall not be merged.

It appears, then, that §§12022.3 and 12022.8 enhancements to §667.6 offenses sentenced as subordinate terms under §1170.1(a), must be applied in full without the one-third limitation.

In People v. McElrath 175 Cal.App.3d 178, involving multiple violent sex offenses on one victim, the defendant argued that the offenses were one transaction, and therefore, under Culbreth only one §12022.8 enhancement could be imposed. The Court of Appeal held that where sentencing is under §667.6(c), the provisions of §1170.1(i) permitting unlimited enhancements do not apply. However, §12022.8 specifically provides "any person who inflicts great bodily injury...on any victim in a violation of subdivision (2) or (3) of §261...or sodomy or oral copulation by force...shall receive a five-year enhancement for each such violation in addition to the sentence provided for the felony conviction." Thus, multiple enhancements were appropriate.

CONSECUTIVE SENTENCING OF VIOLENT SEX OFFENSES UNDER PENAL CODE §§1170.1, 667.6(c), and 667.6(d)

1. It appears to be well-settled that violent sex offenses involving more than one victim must be sentenced full term consecutively under the mandatory provisions of §667.6(d). People v. Jones 155 Cal.App.3d 153.

However, some confusion appears to remain as to whether nonsex offenses in the same case must also be sentenced consecutively to the sex offenses. The following examples illustrate the proper handling of these cases.

Example:

Victim #1:	Count 1:	Burglary 1st	Concurrent
	Count 2:	Rape	8 years
Victim #2:	Count 3:	Robbery	Concurrent
	Count 4:	Rape	8 years

In this case, both sex offenses must be sentenced under §667.6(d). Section 667.6(d) provides that: 1) a term under this subdivision is consecutive to any other term of imprisonment; 2) the term commences from the time the person would otherwise have been released; and, 3) the term shall not be included in any determination pursuant to §1170.1.

A violent sex crime sentenced under §667.6(d) cannot be a principal term in the sentence calculation under §1170.1. Violent sex crimes committed against different victims or against the same victim on separate occasions must be sentenced consecutively to each other and to any non-sex crimes existing in the same case. Therefore, either the burglary or the robbery should have been sentenced consecutively to the rape offenses, and at the full term as the principal term under §1170.1, as below:

Victim #1:	Count 1:	Burglary 1st	4 years - Principal Term under §1170.1
	Count 2:	Rape	8 years - Full Term Consecutive under §667.6(d)
Victim #2:	Count 3:	Robbery	Concurrent or 1 year (1/3 Middle Term)
	Count 4:	Rape	8 years - Full Term Consecutive under §667.6(d)

If the above offenses had taken place against the same victim on the same occasion, the sex offenses could have been sentenced under §667.6(c) or §1170.1. In that case, the following computation could have been made:

Count 1:	Burglary 1st	Concurrent
Count 2:	Rape	8 years - Principal Term under §1170.1
Count 3:	Robbery	Concurrent
Count 4:	Rape	8 years - Full Term Consecutive under §667.6(c)

2. A similar problem arises in the area of multiple cases, each with a sex offense(s) committed against one victim.

Example:

Case A	Sentenced under §1170.1(a):	
Victim #1	Count 1:	Rape 6 years
	Count 2:	Sodomy by force 2 years

Case B	To be sentenced:	
Victim #2	Count 1A:	Rape
	Count 2A:	Sodomy by force

Section 667.6 does not distinguish between contemporaneous and seriatim sentencing on violent sex crimes. The DSL scheme requires each subsequent sentencing to be made in light of existing commitments by aggregating sentences. Therefore, a court must consider commitments on existing §667.6 commitments in determining if sentencing under §667.6 is optional or mandatory even if the existing commitments were not sentenced under §667.6. In the above example, the judge sentencing Case B must make his sentencing decision in light of the existing commitment in Case A. Cases A and B involve violent sex offenses committed against two separate victims. Section 667.6(d) requires a full term consecutive sentence in each case where there is one count. These offenses must then be sentenced consecutively to those offenses sentenced under §1170.1(a).

Cases A and B

Victim #1	Count 1: Rape	6 years §667.6(d)
	Count 2: Sodomy by Force	2 years §1170.1(a) Subordinate

Victim #2	Count 1A: Rape	6 years §667.6(d)
	Count 2A: Sodomy by force	6 years §1170.1(a) Principal

The same principle will probably apply in the case of a life offense occurring in the same case as sex and nonsex offenses. The sex offense should be sentenced consecutively to both the non-sex offenses and the life offense.

Charging

1. In conducting the §1170(f) sentence review, the Board usually has before it the charging documents, the probation officer's report, the abstract of judgment, and the transcript of the proceedings at time of sentencing. It is apparent that in many cases, the enhancement charged is not the enhancement imposed.

This problem arises most often in connection with enhancements for prior felony convictions/prison terms and for being armed with or using a firearm or deadly weapon. For example, a defendant may be charged with having served a prior prison term under §667.5 and be enhanced for a prior felony conviction or prison term under §667.6(a) or (b). In other cases, a defendant may be charged with being armed with a firearm under §12022(a) or having used a deadly weapon or firearm under §12022(b) or §12022.5, and be ultimately punished with the greater penalties available under §§12022.3(a) and (b).

Penal Code §1170.1(f), which provides that enhancements must be pled and proved, was amended to include enhancements imposed under §§667.6, 12022.3 and 12022.8. Before the greater penalties of §§667.6(a) and (b) and §12022.3 may be imposed, the behavior underlying the enhancements must be charged and found under those same sections.

2. A related problem occurs when the defendant is convicted of §288a(c), oral copulation, or §286(c), sodomy. These offenses are subject to the provisions of §667.6 only if they are committed by force, violence, duress, menace or threat of great bodily injury.

In a few cases, the documents available to the Board do not indicate whether the oral copulation or sodomy was forceful. In these cases, the Board is unable to determine whether sentencing under §667.6 is available or required, and is therefore precluded from conducting a review of the sentence.

Other less frequently occurring problems include:

1. Using the §1170.1 formula for sentencing offenses involving multiple victims;
2. Sentencing sex offenses not specified in §667.6 or attempts of the specified sex offenses full term consecutively;
3. Imposing §12022.3 enhancements on attempts of sex offenses.

OFFENSE KEY

Statutory citations used to define the offense groups studied are presented below. The same offense groups and Penal Code sections are used throughout the report.

<u>OFFENSE</u>	<u>PENAL CODE SECTION</u>
Voluntary Manslaughter	192a
Involuntary Manslaughter	192b
Vehicular Manslaughter	192C, 192.5
Robbery	211, 211a
Robbery Inhabited Dwelling	213.5
Attempted Robbery	213, 664/211a, 664/213.5, 664/211
Driving Under Influence w/ Injury	VC§23153
Attempted Murder	664/187, 664/187.2, 12308
Kidnapping	207
Assault w/ Deadly Weapon	241.1, 241.4, 241.7, 244, 245a
Assault on Peace Officer	241b, 245b
False Imprisonment/Battery	237, 243c & d, 243.1, 243.3, 243.4, 243.7
Rape	261.1, 261.2, 261.3, 261.4, 262, 264.1
Assault to Commit Sex Offense	220/261, 220/264.1, 229/286, 220/288, 220/289
Miscellaneous Sex Offenses	314.1, 261.5, 266, 264.1; 266a,b,c,d,e,f,g,h,i,j; 267, 281, 284, 285, 286, 287, 288, 288a, 289, 647a
Inflict Cruelty Spouse or Child	273.5, 273a, 273d
Arson	451, 452
Burglary, First Degree	459.1
Burglary, Second Degree	459.2
Attempted Burglary	664/459
Grand Theft	487.1
Grand Theft Person	487.2
Grand Theft Auto	487.3, VC§10851
Petty Theft w/ Prior	666
Forgery	470, 484f; B§4390; HS§11368
Checks w/ Nonsufficient Funds	476a
Receiving Stolen Property	496
Sale of CS (Controlled Substance)	HS§11352, 11355, 11360, 11361, 11379, 11382

OFFENSE

PENAL CODE SECTION

Possession of CS

4573, 4573.6, 4573.5;
HS§11350, 11357(a),
11359, 11377(a),
11383(a)

Possession of CS for Sale

HS§11351, 11359, 11375,
11378

Possession for Sale/Sale of PCP

HS§11378.5, 11389.5,
11380.5, 11383

Felon in Possession of Gun

12021, 12021.1,
12025(a) & (b)

Escape

4530(a) & (b); 4532(a) &
(b); 4533, 4534, 4535;
WI§1768.7a, 1768.7b

Institutional Offenses

288a(e), 4500, 4501,
4501.5, 4502, 4503

CHART I

LENGTH OF TOTAL SENTENCE IMPOSED
 PERCENTAGE DISTRIBUTION
 20,505 CASES
 STATEWIDE

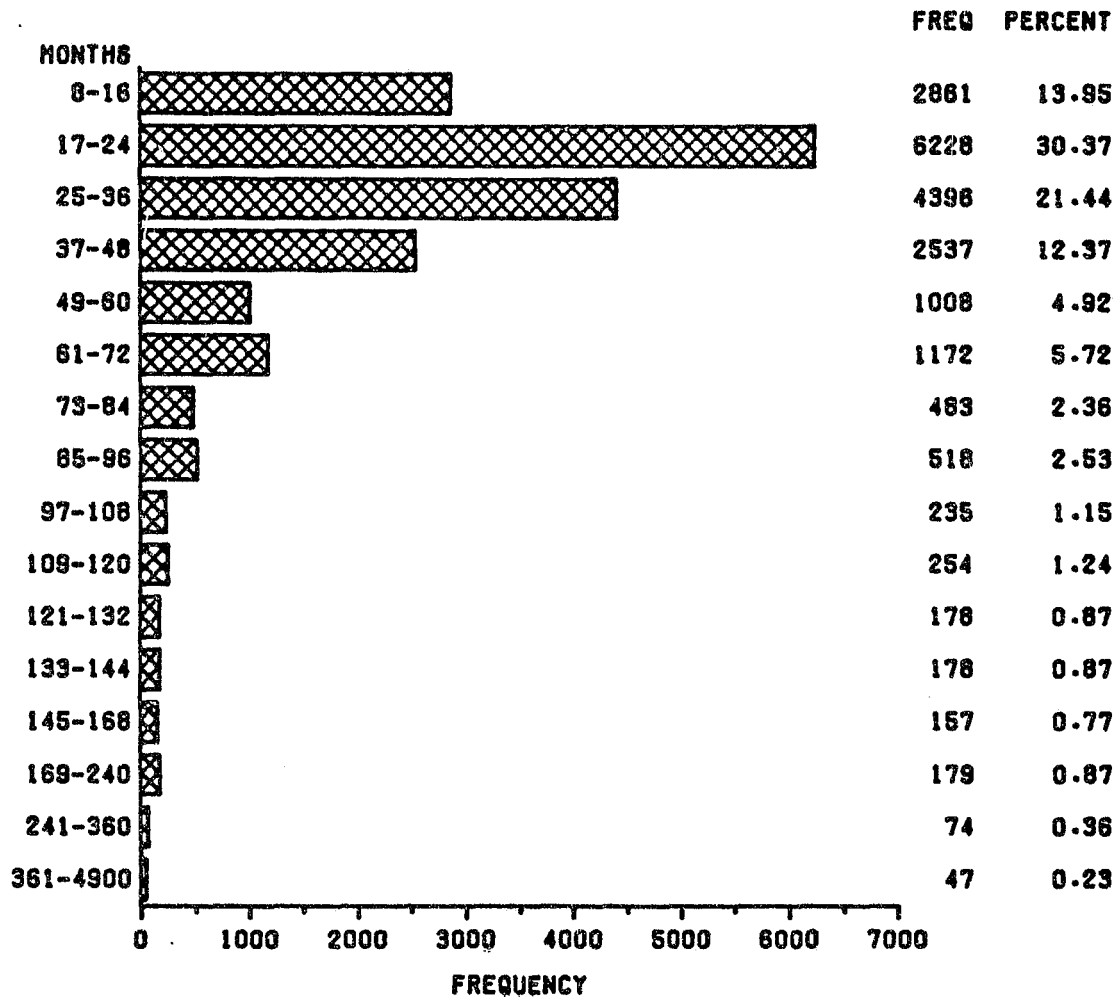
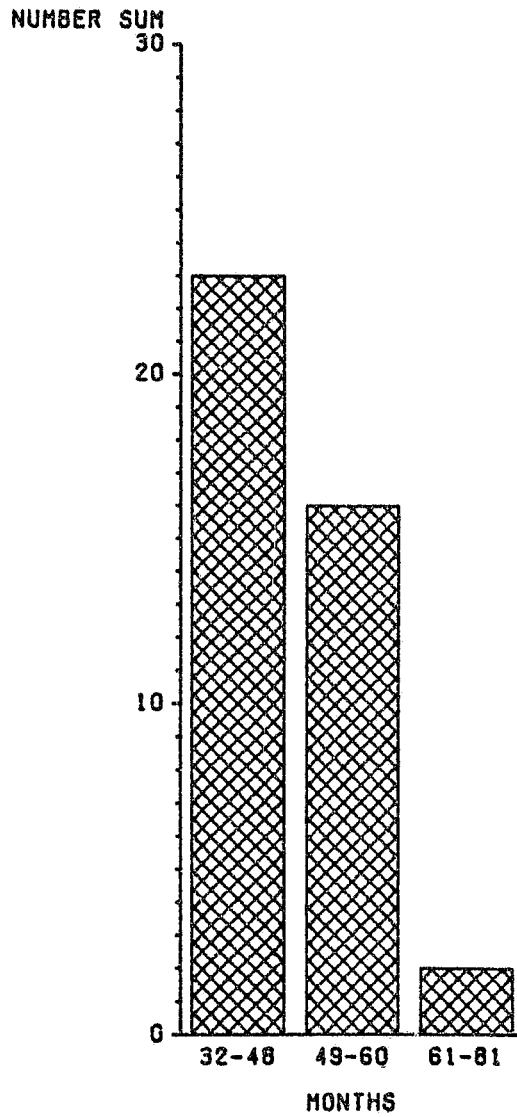


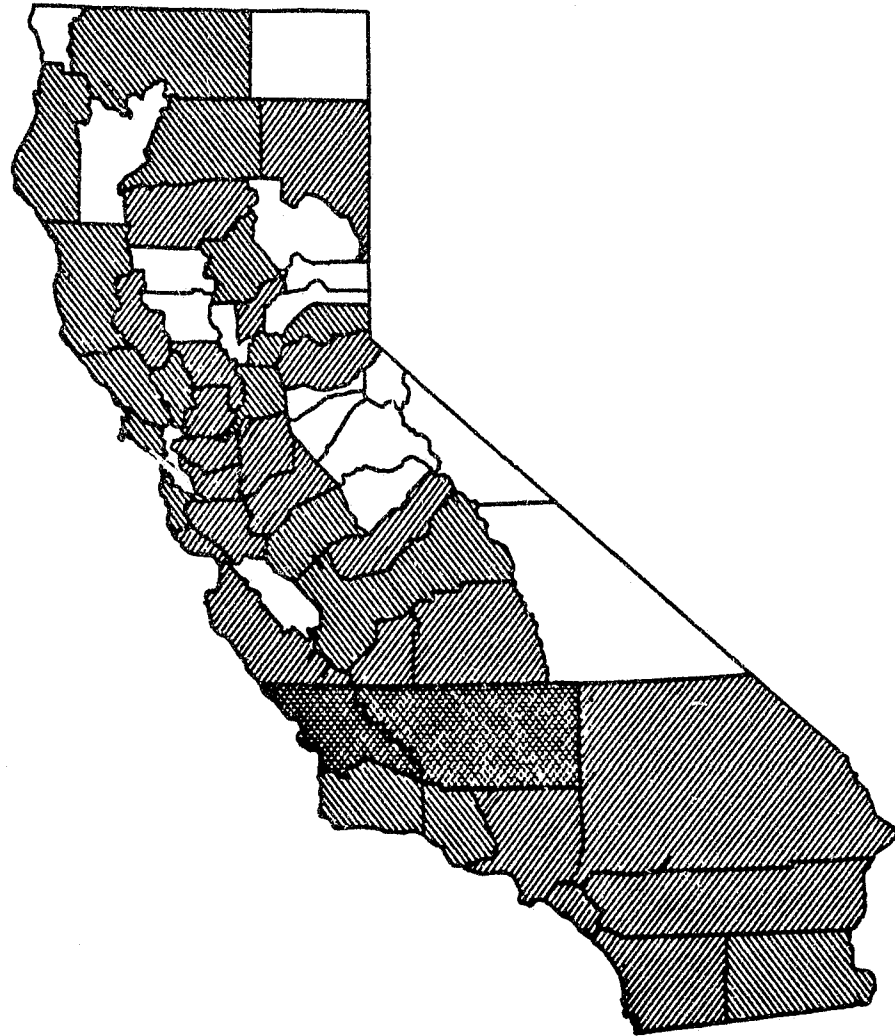
CHART II
FREQUENCY OF MEAN SENTENCE
BY COUNTY*



* THE 41 COUNTIES FROM WHICH 30 OR MORE PERSONS WERE RECEIVED IN PRISON ARE TABULATED

CHART III

MEAN SENTENCE CHOROPLETH* MAP
OF CALIFORNIA
BY COUNTY
ALL OFFENSES



MEAN SENTENCE



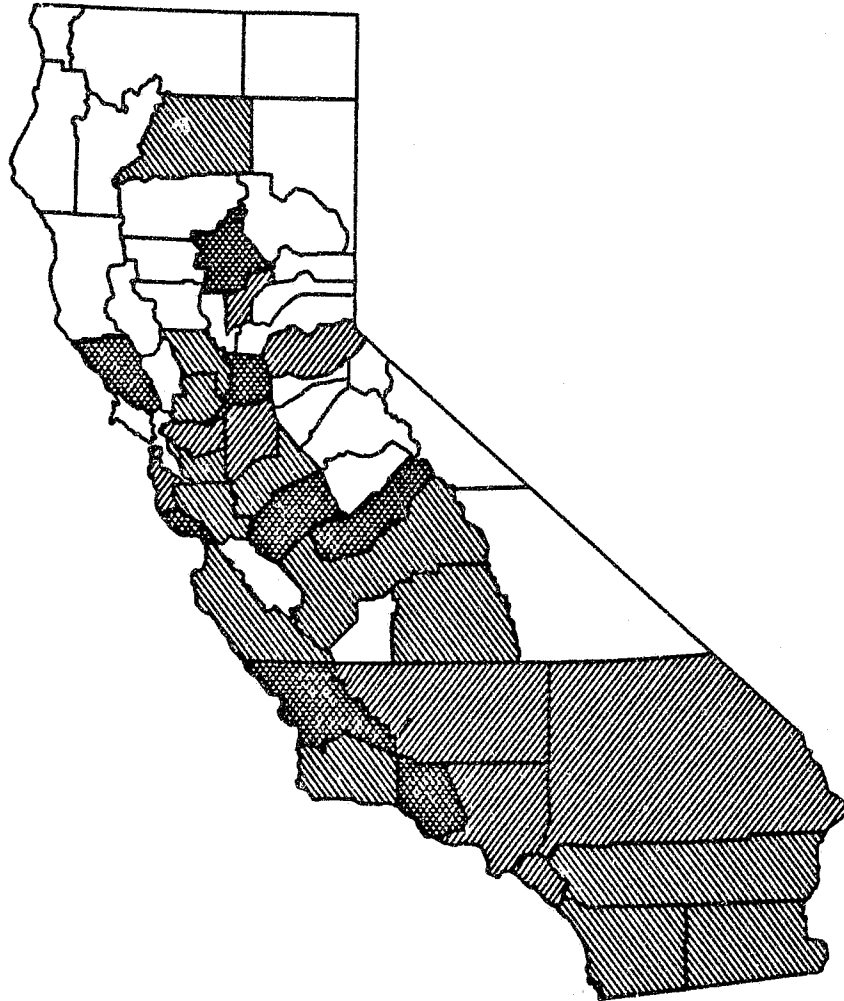
UNDER 30 CASES
49 - 60 MONTHS



32 - 48 MONTHS
OVER 60 MONTHS

* TWO-DIMENSIONAL GRAPHICS THAT USE DIFFERENT COLOR AND PATTERN COMBINATIONS TO INDICATE LEVELS OF MAGNITUDE.

CHART IVA
MEAN SENTENCE CHOROPLETH MAP
OF CALIFORNIA
BY COUNTY
FIRST DEGREE
BURGLARY



MEAN SENTENCE





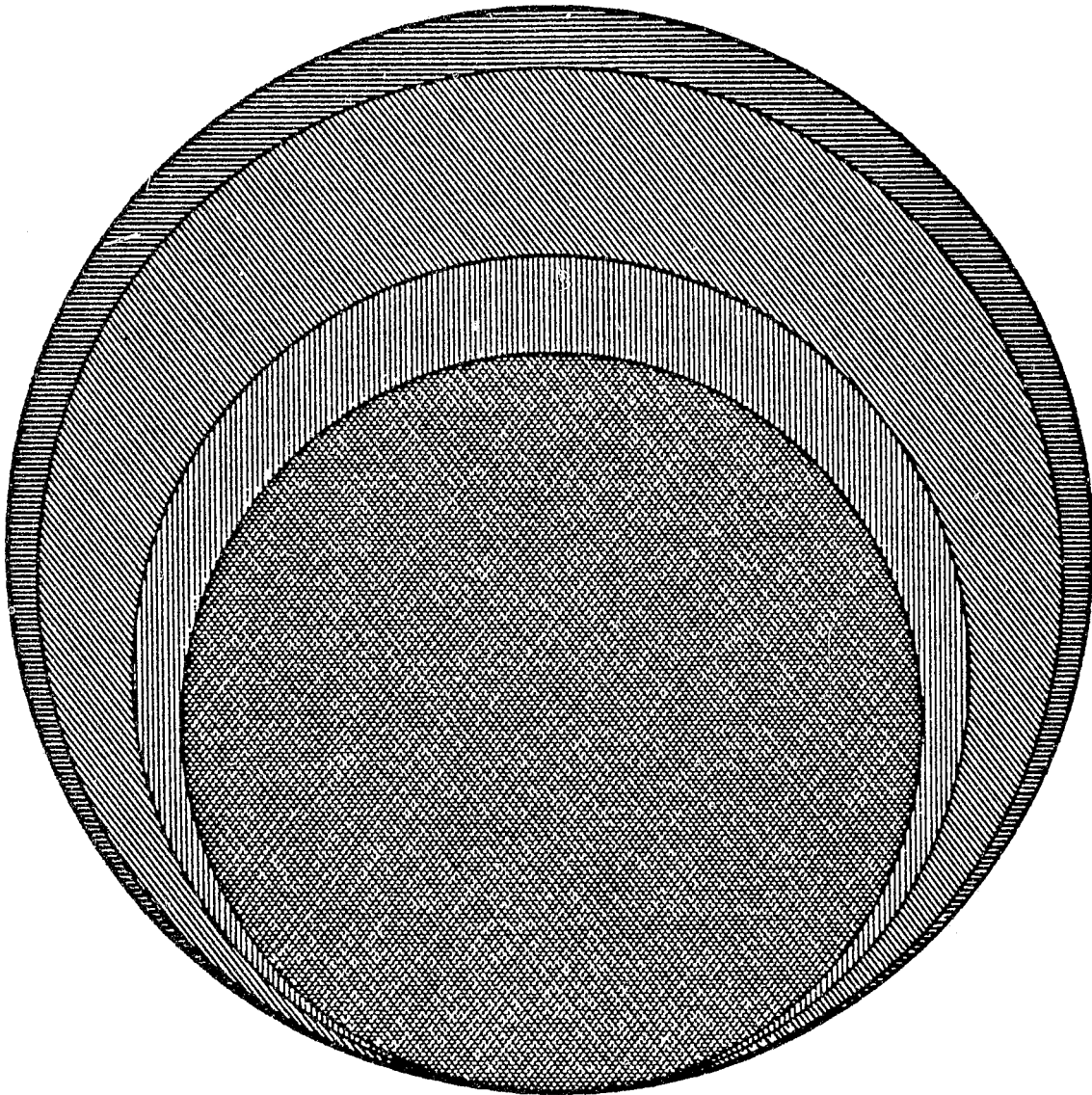
	UNDER 10 CASES		40 - 48 MONTHS
	49 - 60 MONTHS		OVER 60 MONTHS

CHART V
MEAN SENTENCE CHOROPLETH MAP
OF CALIFORNIA
BY COUNTY
ROBBERY



CHART VI

USE OF FIREARM
P.C. SEC. 12022.5







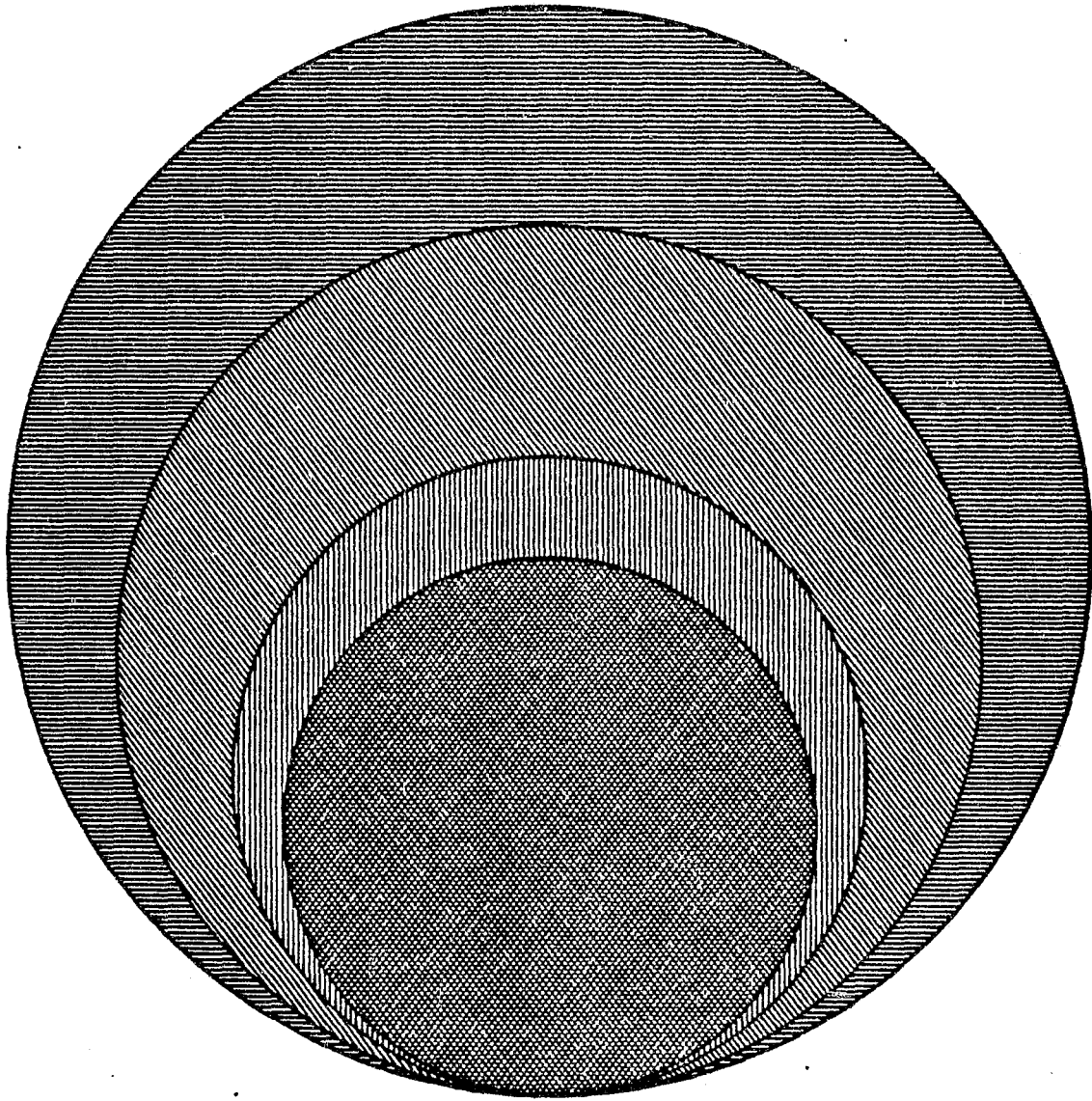
	2,112 (100.0%)	Used a firearm
	1,883 (89.2%)	Charged with use of firearm
	1,254 (59.4%)	Proved use of firearm
	980 (46.4%)	Sentence enhanced under P.C. §12022.5

CHART VI

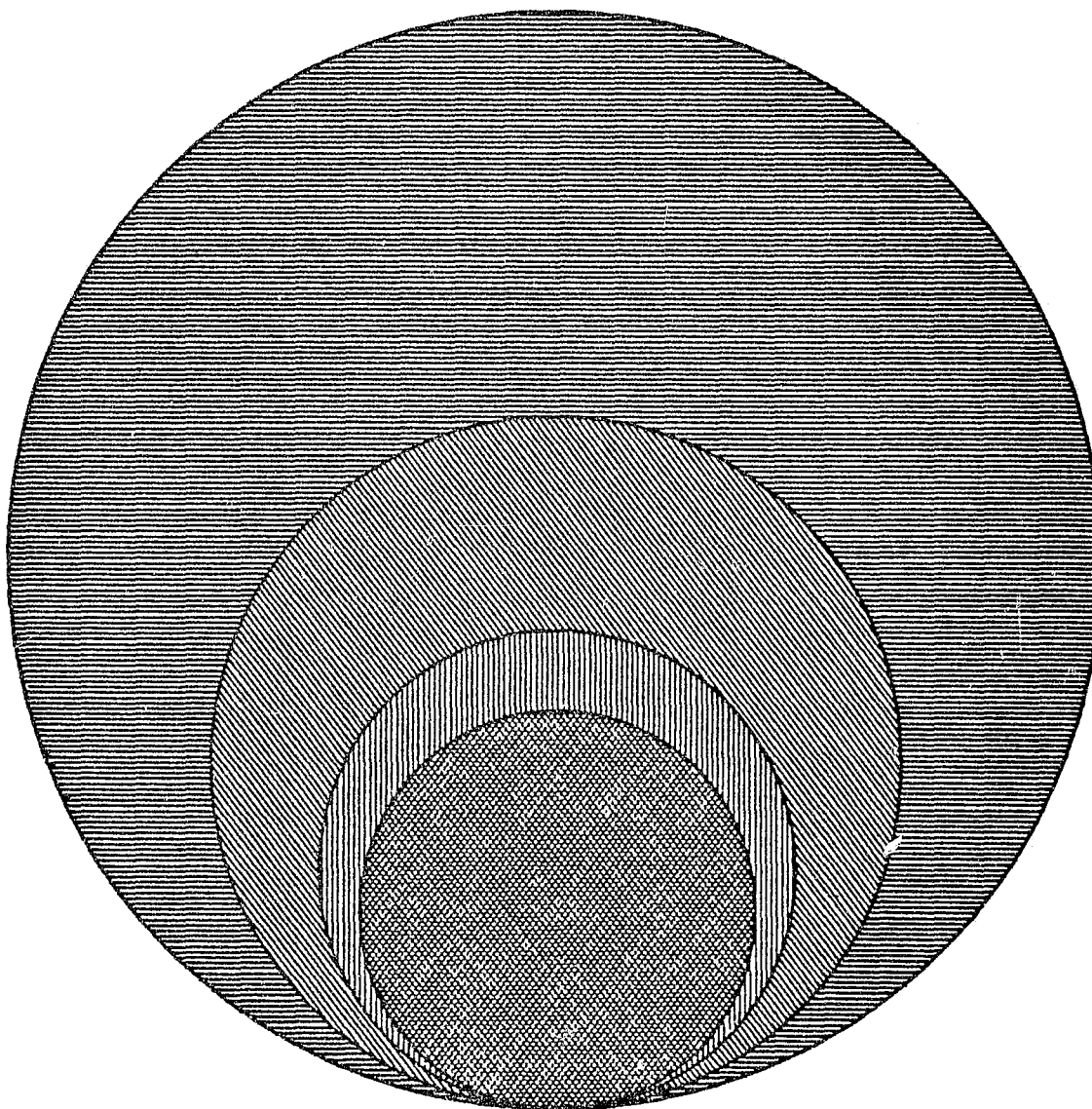
INFLICTION OF INJURY
P.C. SEC. 12022.7



- 1,728 (100.0%) Persons who inflicted major injury
(8.4% of persons received in prison)
- 1,103 (63.8%) Charged inflicted great bodily injury
- 593 (34.3%) Proved inflicted great bodily injury
- 421 (24.4%) Sentence enhanced under P.C. §12022.7

CHART VIII

NONVIOLENT PRIOR PRISON TERMS
P.C. SEC. 667.5(b)







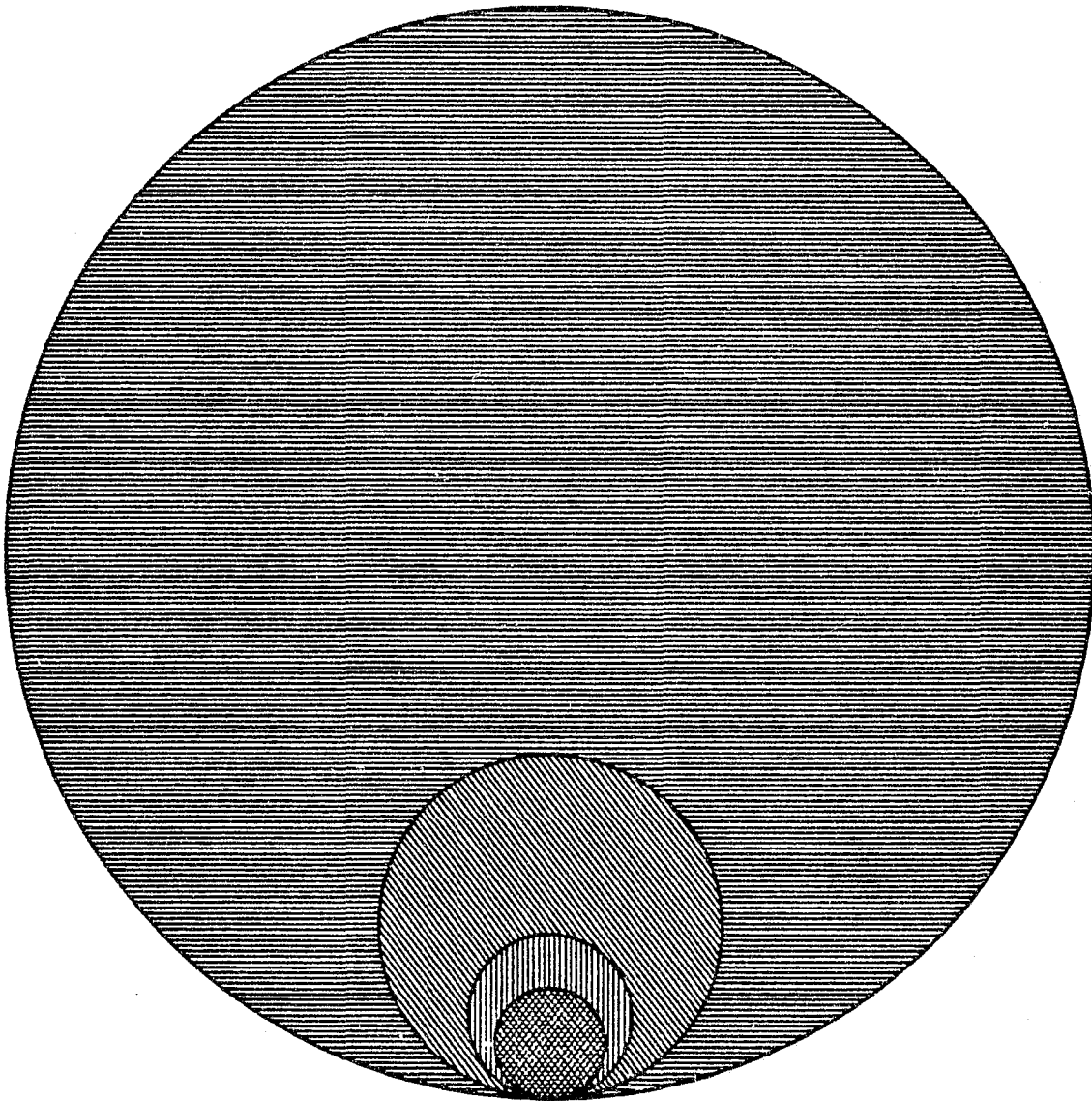
-  5,412 (100.0%) Served nonviolent prior prison term
-  2,157 (39.9%) Charged nonviolent prior prison term
-  1,028 (19.0%) Proved nonviolent prior prison term
-  710 (13.1%) Sentence enhanced under P.C. §667.5(b)

CHART IX

VIOLENT PRIOR PRISON TERMS
P.C. SEC. 667.5(a)



▬▬▬	482 (100.0%)	Served violent prior prison term
▨▨▨	48 (10.0%)	Proved violent prior prison term
▧▧▧	11 (2.3%)	Charged violent prior prison term
▩▩▩	5 (1.0%)	Sentence enhanced under P.C. §667.5(a)

TABLE I
NUMBER OF PERSONS RECEIVED IN PRISON, BY OFFENSE, BY COUNTY

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	ORANGE	RIVER-SIDE	SACRAMENTO	SAN BERNARDINO	SAN DIEGO
VOLUNTARY MANSLAUGHTER	22	4	12	7	221	10	10	10	10	18
INVOLUNTARY MANSLAUGHTER	6	0	6	2	21	1	3	3	1	5
VEHICULAR MANSLAUGHTER	2	2	4	6	38	4	7	3	4	10
ATTEMPTED MURDER	11	3	6	10	82	7	6	6	5	9
DRIVING UNDER THE INFLUENCE CAUSING INJURY	3	5	18	13	62	11	8	13	9	15
ASSAULT	39	20	32	34	497	23	32	38	37	71
ASSAULT ON A PEACE OFFICER	1	0	4	3	22	3	1	0	1	5
FALSE IMPRISONMENT AND BATTERY	6	1	5	6	24	3	5	10	8	13
ROBBERY	98	51	77	51	1,383	126	77	87	83	133
ROBBERY INHABITED DWELLING	15	9	2	9	92	16	5	5	9	12
ATTEMPTED ROBBERY	6	1	5	0	105	7	6	3	7	14
RAPE	19	7	11	8	136	12	9	10	14	23
ASSAULT TO COMMIT SEX OFFENSE	1	1	2	0	32	2	2	4	3	8
MISCELLANEOUS SEX OFFENSES	34	10	68	65	279	58	53	61	46	86
INFLECT CRUELTY SPOUSE OR CHILD	0	1	3	7	15	1	6	6	5	6
KIDNAPPING	8	1	4	3	61	7	6	2	2	6
ARSON	1	1	4	1	48	3	2	2	2	12
FIRST DEGREE BURGLARY	86	65	62	80	1,076	170	141	94	106	229
SECOND DEGREE BURGLARY	42	36	44	51	722	84	45	47	55	119
ATTEMPTED BURGLARY	4	3	5	5	75	12	2	2	3	10
GRAND THEFT	24	4	16	14	186	16	18	18	21	40
THEFT OF PERSONAL PROPERTY	8	3	7	5	122	10	8	13	10	39
AUTO THEFT	17	7	10	21	313	38	26	19	34	75
PETTY THEFT WITH PRIOR	39	16	33	37	127	11	40	27	52	57
FORGERY	10	5	18	29	111	13	20	10	19	35

TABLE I
NUMBER OF PERSONS RECEIVED IN PRISON, BY OFFENSE, BY COUNTY

	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	VENTURA	OTHER COUNTIES	TOTAL
VOLUNTARY MANSLAUGHTER	13	9	1	0	12	0	0	33	392
INVOLUNTARY MANSLAUGHTER	4	1	0	0	3	1	1	9	67
VEHICULAR MANSLAUGHTER	2	0	2	3	10	3	1	25	126
ATTEMPTED MURDER	2	2	3	3	7	3	2	12	179
DRIVING UNDER THE INFLUENCE CAUSING INJURY	2	5	1	3	25	4	5	39	241
ASSAULT	57	11	4	15	43	9	11	138	1,111
ASSAULT ON A PEACE OFFICER	1	2	0	0	8	0	0	4	55
FALSE IMPRISONMENT AND BATTERY	11	2	1	4	15	2	0	48	164
ROBBERY	109	36	20	18	88	22	22	137	2,618
ROBBERY INHABITED DWELLING	11	10	2	4	14	2	2	25	244
ATTEMPTED ROBBERY	11	1	1	2	6	2	0	12	189
RAPE	10	2	4	4	12	4	1	40	326
ASSAULT TO COMMIT SEX OFFENSE	4	0	1	3	13	0	0	11	87
MISCELLANEOUS SEX OFFENSES	21	28	23	16	68	13	23	210	1,162
INFLECT CRUELTY SPOUSE OR CHILD	2	2	0	2	10	0	1	15	82
KIDNAPPING	2	1	3	2	6	0	1	18	132
ARSON	2	0	3	3	5	2	2	13	106
FIRST DEGREE BURGLARY	88	46	37	36	163	32	39	291	2,841
SECOND DEGREE BURGLARY	72	19	15	17	54	24	17	222	1,685
ATTEMPTED BURGLARY	6	1	1	2	4	1	2	19	157
GRAND THEFT	27	6	7	12	21	9	6	63	508
THEFT OF PERSONAL PROPERTY	27	6	2	3	6	4	2	32	307
AUTO THEFT	21	2	7	6	27	5	4	96	728
PETTY THEFT WITH PRIOR	16	5	16	19	66	13	25	101	700
FORGERY	7	4	6	6	18	13	9	59	392

TABLE I
NUMBER OF PERSONS RECEIVED IN PRISON, BY OFFENSE, BY COUNTY

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	ORANGE	RIVER-SIDE	SACRAMENTO	SAN BERNARDINO	SAN DIEGO
CHECKS WITH INSUFFICIENT FUNDS	3	0	2	5	26	3	2	6	4	13
RECEIVING STOLEN PROPERTY	20	8	21	22	206	22	46	31	31	83
POSSESSION OF CONTROLLED SUBSTANCE	83	7	25	86	729	57	56	34	65	66
POSSESSION OF CONT. SUBS. FOR SALE	58	12	16	28	423	45	41	22	24	33
SALE OF CONTROLLED SUBSTANCE	26	11	58	16	524	54	24	24	34	23
POSSESSION FOR SALE OR SALE OF PCP	2	0	17	14	206	4	11	3	10	10
FELON IN POSSESSION OF A GUN	11	2	8	4	39	2	10	15	10	23
ESCAPE	1	2	7	7	13	6	3	4	3	17
INSTITUTIONAL OFFENSES	0	0	0	3	1	0	0	54	2	0
OTHER OFFENSES	11	9	16	24	209	36	44	20	41	42
TOTAL OF ALL OFFENSES	717	307	628	676	8,226	877	775	706	770	1,360

TABLE I
NUMBER OF PERSONS RECEIVED IN PRISON, BY OFFENSE, BY COUNTY

	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	VENTURA	OTHER COUNTIES	TOTAL
CHECKS WITH INSUFFICIENT FUNDS	3	1	2	3	5	4	3	16	101
RECEIVING STOLEN PROPERTY	26	10	6	12	28	18	3	131	724
POSSESSION OF CONTROLLED SUBSTANCE	95	7	9	15	165	19	9	109	1,636
POSSESSION OF CONT. SUBS. FOR SALE	43	8	10	12	54	9	6	42	886
SALE OF CONTROLLED SUBSTANCE	76	3	15	15	59	5	14	129	1,110
POSSESSION FOR SALE OR SALE OF PCP	3	0	0	0	70	1	0	3	354
FELON IN POSSESSION OF A GUN	23	0	3	3	6	4	1	16	180
ESCAPE	1	2	1	2	11	1	1	32	114
INSTITUTIONAL OFFENSES	0	2	0	0	0	0	0	48	110
OTHER OFFENSES	20	7	11	8	35	8	3	147	691
TOTAL OF ALL OFFENSES	818	241	217	252	1,137	237	216	2,345	20,505

STATISTICAL MEASURES OF SENTENCE LENGTH

Three types of statistical measures of sentence length are used in this report. They are measures of central tendency, measures of dispersion, and measures of location.

Measures of central tendency are generally referred to as averages. They include the mean or arithmetic average, calculated by first summing all sentences and then dividing by the number of sentences. The median is calculated by first ranking all sentences from smallest to largest and then selecting either the middle sentence or the mean of the two middle sentences. The mode is the most frequently occurring sentence.

Measures of dispersion include the standard deviation calculated by taking the square root of the average squared difference between each sentence and the mean sentence. The range is calculated by taking the difference between the highest and lowest sentence, while the inter-quartile range represents the difference between the third and first quartiles.

Measures of location illustrate the "shape" of the data. The first quartile is also the 25th percentile, while the third quartile is the 75th percentile and the second quartile or median is the 50th percentile. The other measures of location presented include the 10th, 90th, 95th, and 99th percentiles. Percentiles are calculated by first ranking the data and then multiplying the total number of sentences ranked by the appropriate decimal. For example, the 10th percentile corresponds to a multiplication factor of 0.10. This yields the rank (when rounded) of the corresponding percentile data point.

TABLE II

TOTAL PRISON SENTENCE IMPOSED
STATISTICAL SUMMARY

FISCAL YEAR 1985/86

Statewide: 20,505 Persons

MEASURES OF CENTRAL TENDENCY

Mean (Arithmetic Average)	46 months
Median (50th Percentile)	36 months
Mode (Most Frequent)	24 months

MEASURES OF DISPERSION

Standard Deviation	86 months*
Range (Highest - Lowest)	4,852 months
Q ₃ - Q ₁ (Third Quartile - First Quartile)	24 months

MEASURES OF LOCATION

Q ₁ (First Quartile)	24 months
Q ₃ (Third Quartile)	48 months
10th Percentile	16 months
90th Percentile	84 months
95th Percentile	116 months
99th Percentile	192 months
Lowest Sentence	8 months
Highest Sentence	4,860 months*

*In FY 1985/86, three persons in the same court case were convicted of 58 counts of P. C. §288AC; each received 4,860 months.

TABLE III
TOTAL PRISON SENTENCE IMPOSED, STATISTICAL SUMMARY, BY OFFENSE, BY COUNTY
SENTENCE IN MONTHS

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	ORANGE	RIVER-SIDE	SACRAMENTO	SAN BERNARDINO	SAN DIEGO
VOLUNTARY MANSLAUGHTER										
NUMBER RECEIVED	22	4	12	7	221	10	10	10	10	18
MEAN	113.64	*	117	92.57	90.73	102	97.2	113.2	100.8	105.33
MEDIAN	96	-	132	72	84	90	90	128	90	90
RANGE	252	-	120	216	252	120	96	84	108	104
STANDARD DEVIATION	55.34	-	35.5	73.23	43.03	41.67	32.72	27.33	35.87	36.81
INVOLUNTARY MANSLAUGHTER										
NUMBER RECEIVED	6	0	6	2	21	1	3	3	1	5
MEAN	42	-	52	-	47.05	-	-	-	-	50.4
MEDIAN	36	-	48	-	36	-	-	-	-	48
RANGE	48	-	24	-	84	-	-	-	-	24
STANDARD DEVIATION	21.13	-	9.8	-	21.8	-	-	-	-	10.04
VEHICULAR MANSLAUGHTER										
NUMBER RECEIVED	2	2	4	6	38	4	7	3	4	10
MEAN	-	-	-	34.67	48.95	-	73.14	-	-	74.4
MEDIAN	-	-	-	34	48	-	72	-	-	88
RANGE	-	-	-	56	104	-	56	-	-	104
STANDARD DEVIATION	-	-	-	21.27	26.49	-	21.38	-	-	40.97
ATTEMPTED MURDER										
NUMBER RECEIVED	11	3	6	10	82	7	6	6	5	9
MEAN	110.18	-	153.33	118.8	120.68	117.71	126	123.33	143.2	144
MEDIAN	120	-	150	120	108	108	126	132	120	144
RANGE	84	-	128	96	152	96	36	68	68	108
STANDARD DEVIATION	25.64	-	42.76	24.95	53.68	31.57	16.54	28.22	32.55	32
DRIVING UNDER THE INFLUENCE CAUSING INJURY										
NUMBER RECEIVED	3	5	18	13	62	11	8	13	9	15
MEAN	-	32.4	24.44	26.15	25.03	22.18	29	27.69	26.67	28
MEDIAN	-	4	24	24	22	20	32	32	24	22
RANGE	-	4	20	32	32	20	32	32	24	22
STANDARD DEVIATION	-	3.58	8.99	10.02	8.84	6.03	10.2	9.86	5.29	5.86
ASSAULT										
NUMBER RECEIVED	39	20	32	34	497	23	32	38	37	71
MEAN	52.92	50.8	46.25	42.94	45.01	39.13	46.5	50.63	47.35	48
MEDIAN	36	36	48	36	36	36	42	48	44	46
RANGE	264	96	60	60	144	48	60	104	112	46
STANDARD DEVIATION	45.63	23.36	17	17.49	21.59	16.67	16.9	22.56	24.03	18.44
ASSAULT ON A PEACE OFFICER										
NUMBER RECEIVED	1	0	4	3	22	3	1	0	1	1
MEAN	-	-	-	-	65.64	-	-	-	-	19.2
MEDIAN	-	-	-	-	48	-	-	-	-	22
RANGE	-	-	-	-	176	-	-	-	-	65
STANDARD DEVIATION	-	-	-	-	43	-	-	-	-	15.6
FALSE IMPRISONMENT AND BATTERY										
NUMBER RECEIVED	6	1	5	6	24	3	5	10	8	13
MEAN	28	-	38.4	30.67	32.67	-	32	40.4	32.5	37.85
MEDIAN	24	-	36	30	24	-	24	36	30	30
RANGE	12	-	24	32	80	-	56	56	20	40
STANDARD DEVIATION	6.2	-	10.04	11.5	17.2	-	22.63	15.02	8.99	11.96
ROBBERY										
NUMBER RECEIVED	98	51	77	51	1383	126	77	87	83	133
MEAN	54.12	49.65	65.87	62.12	50.75	48.35	61.51	81.47	56.1	62.92
MEDIAN	36	48	60	60	36	36	36	60	48	48
RANGE	168	88	160	144	456	268	292	204	156	32
STANDARD DEVIATION	38.5	21.44	36.78	35.49	36.41	36.82	49.7	48.88	31.06	32.96

TABLE III
TOTAL PRISON SENTENCE IMPOSED, STATISTICAL SUMMARY, BY OFFENSE, BY COUNTY
SENTENCE IN MONTHS

	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	VENTURA	OTHER COUNTIES	TOTAL
VOLUNTARY MANSLAUGHTER									
NUMBER RECEIVED	13	9	1	0	12	0	0	33	392
MEAN	99.38	91.11	--	--	98	--	--	83.27	94.7
MEDIAN	96	72	--	--	90	--	--	72	84
RANGE	120	88	--	--	132	--	--	120	264
STANDARD DEVIATION	40.66	30.38	--	--	44.26	--	--	35.29	42.72
INVOLUNTARY MANSLAUGHTER									
NUMBER RECEIVED	4	1	0	0	3	1	1	9	67
MEAN	--	--	--	--	--	--	--	44	47.34
MEDIAN	--	--	--	--	--	--	--	48	48
RANGE	--	--	--	--	--	--	--	36	64
STANDARD DEVIATION	--	--	--	--	--	--	--	12	16.31
VEHICULAR MANSLAUGHTER									
NUMBER RECEIVED	2	0	2	3	10	3	1	25	126
MEAN	--	--	--	--	76	--	--	63.36	55.81
MEDIAN	--	--	--	--	76	--	--	48	48
RANGE	--	--	--	--	72	--	--	96	112
STANDARD DEVIATION	--	--	--	--	23.02	--	--	29.3	29.3
ATTEMPTED MURDER									
NUMBER RECEIVED	2	2	3	3	7	3	2	12	179
MEAN	--	--	--	--	199.43	--	--	130.67	127.62
MEDIAN	--	--	--	--	140	--	--	126	120
RANGE	--	--	--	--	388	--	--	120	456
STANDARD DEVIATION	--	--	--	--	143.8	--	--	38.3	52.62
DRIVING UNDER THE INFLUENCE CAUSING INJURY									
NUMBER RECEIVED	2	5	1	3	25	4	5	39	241
MEAN	--	19.2	--	--	29.16	--	31.2	20.31	26.37
MEDIAN	--	16	--	--	24	--	24	24	24
RANGE	--	9	--	--	40	--	24	40	40
STANDARD DEVIATION	--	4.38	--	--	10.36	--	10.73	9.77	8.89
ASSAULT									
NUMBER RECEIVED	57	11	4	15	43	9	11	138	1111
MEAN	39.72	45.82	--	46.4	44.74	58.67	62.18	48.96	46.26
MEDIAN	36	48	--	36	36	36	48	48	36
RANGE	168	48	--	96	72	120	108	132	264
STANDARD DEVIATION	26.25	20.66	--	25.2	21.13	37.2	31.67	20.66	22.89
ASSAULT ON A PEACE OFFICER									
NUMBER RECEIVED	1	2	0	0	8	0	0	4	55
MEAN	--	--	--	--	59	--	--	--	64.95
MEDIAN	--	--	--	--	48	--	--	--	48
RANGE	--	--	--	--	80	--	--	--	176
STANDARD DEVIATION	--	--	--	--	26.51	--	--	--	34.07
FALSE IMPRISONMENT AND BATTERY									
NUMBER RECEIVED	11	2	1	4	15	2	0	48	164
MEAN	34.55	--	--	--	32.8	--	--	37	34.93
MEDIAN	24	--	--	--	36	--	--	36	36
RANGE	92	--	--	--	40	--	--	68	92
STANDARD DEVIATION	26.12	--	--	--	10.39	--	--	12.36	14.7
ROBBERY									
NUMBER RECEIVED	109	36	20	18	88	22	22	137	2618
MEAN	51.56	49.78	70	80.67	56.41	62.18	63.09	59.5	54.75
MEDIAN	36	36	42	60	48	54	48	60	44
RANGE	168	100	156	136	144	120	132	180	456
STANDARD DEVIATION	33.96	25.75	51.54	43.39	34.32	31.03	38.07	30.57	37.1

TABLE III
TOTAL PRISON SENTENCE IMPOSED, STATISTICAL SUMMARY, BY OFFENSE, BY COUNTY
SENTENCE IN MONTHS

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	ORANGE	RIVER-SIDE	SACRA-MENTO	SAN BERNAR-DINO	SAN DIEGO
ROBBERY INHABITED DWELLING										
NUMBER RECEIVED	15	9	2	9	92	16	5	5	9	12
MEAN	71.73	76	-	75.11	80.04	77.25	64.8	67.2	67.11	85.33
MEDIAN	72	72	-	72	60	78	48	48	48	72
RANGE	84	83	-	100	344	128	84	96	100	116
STANDARD DEVIATION	27.86	26.46	-	34.69	56.39	37.71	33.51	38.51	31.74	38.15
ATTEMPTED ROBBERY										
NUMBER RECEIVED	6	1	5	0	105	7	6	3	7	14
MEAN	25.33	-	45.6	-	29.81	26	46	-	29.71	37.71
MEDIAN	24	-	36	-	24	24	30	-	28	24
RANGE	32	-	84	-	92	44	92	-	16	68
STANDARD DEVIATION	11.78	-	35.39	-	16.79	15.45	37.76	-	6.47	23.78
RAPE										
NUMBER RECEIVED	19	7	11	8	136	12	9	10	14	23
MEAN	81.05	326.86	105.45	162.5	136.59	142.67	102.67	205.6	121.86	112.87
MEDIAN	72	96	96	66	96	90	96	124	122	96
RANGE	196	1624	188	444	1260	368	132	732	204	268
STANDARD DEVIATION	53.06	609.17	66.92	197.83	152.72	129.16	38.94	223.16	56.72	64.92
ASSAULT TO COMMIT SEX OFFENSE										
NUMBER RECEIVED	1	1	2	0	32	2	2	4	3	8
MEAN	-	-	-	-	64.25	-	-	-	-	48
MEDIAN	-	-	-	-	48	-	-	-	-	48
RANGE	-	-	-	-	336	-	-	-	-	48
STANDARD DEVIATION	-	-	-	-	61.91	-	-	-	-	18.14
MISCELLANEOUS SEX OFFENSES										
NUMBER RECEIVED	34	10	68	65	279	58	53	61	46	86
MEAN	94.59	74	92.24	453.97	95.24	81.24	98.04	106.3	87.74	101.21
MEDIAN	72	64	96	72	72	60	72	96	66	72
RANGE	540	156	432	4836	944	272	324	464	428	692
STANDARD DEVIATION	100.29	49.07	64.48	1241.95	107.72	72.51	66.1	83.22	91.72	91.08
INFLECT CRUELTY SPOUSE OR CHILD										
NUMBER RECEIVED	0	1	3	7	15	1	6	6	5	6
MEAN	-	-	-	42.86	54.4	-	51.33	102	48	36
MEDIAN	-	-	-	48	48	-	42	84	48	36
RANGE	-	-	-	12	186	-	84	228	48	24
STANDARD DEVIATION	-	-	-	6.41	39.51	-	29.87	84.77	18.97	10.73
KIDNAPPING										
NUMBER RECEIVED	8	1	4	3	61	7	6	2	2	6
MEAN	79	-	-	-	76.52	85.71	90.67	-	-	110.67
MEDIAN	72	-	-	-	72	96	100	-	-	78
RANGE	108	-	-	-	180	96	96	-	-	192
STANDARD DEVIATION	33.45	-	-	-	36.93	34.24	37.32	-	-	76.8
ARSON										
NUMBER RECEIVED	1	1	4	1	48	3	2	2	2	12
MEAN	-	-	-	-	35.83	-	-	-	-	47
MEDIAN	-	-	-	-	36	-	-	-	-	48
RANGE	-	-	-	-	88	-	-	-	-	36
STANDARD DEVIATION	-	-	-	-	17.29	-	-	-	-	13
FIRST DEGREE BURGLARY										
NUMBER RECEIVED	86	65	62	80	1076	170	141	94	106	229
MEAN	48.84	44.98	57.74	47.1	44.59	40.66	48.91	65.96	48.49	59.41
MEDIAN	48	48	48	48	48	34	48	56	48	48
RANGE	156	84	144	180	236	100	232	188	164	276
STANDARD DEVIATION	29.32	20.01	27.15	28.81	25.96	21.31	31.71	38.12	26.6	35.32

TABLE III
TOTAL PRISON SENTENCE IMPOSED, STATISTICAL SUMMARY, BY OFFENSE, BY COUNTY
SENTENCE IN MONTHS

	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	VENTURA	OTHER COUNTIES	TOTAL
ROBBERY INHABITED DWELLING									
NUMBER RECEIVED	11	10	2	4	14	2	2	25	244
MEAN	57.82	64	-	-	72	-	-	81.12	76.85
MEDIAN	49	52	-	-	48	-	-	84	72
RANGE	84	108	-	-	144	-	-	112	344
STANDARD DEVIATION	28.3	34.05	-	-	49.32	-	-	29.63	43.99
ATTEMPTED ROBBERY									
NUMBER RECEIVED	11	1	1	2	6	2	0	12	189
MEAN	38.36	-	-	-	34	-	-	50.67	33.45
MEDIAN	36	-	-	-	30	-	-	36	34
RANGE	60	-	-	-	48	-	-	140	140
STANDARD DEVIATION	25.09	-	-	-	17.11	-	-	41.96	22.5
RAPE									
NUMBER RECEIVED	10	2	4	4	12	4	1	40	326
MEAN	106.8	-	-	-	98	-	-	132.5	133.94
MEDIAN	96	-	-	-	84	-	-	96	86
RANGE	180	-	-	-	132	-	-	1152	1672
STANDARD DEVIATION	52.29	-	-	-	52.39	-	-	184.79	165.54
ASSAULT TO COMMIT SEX OFFENSE									
NUMBER RECEIVED	4	0	1	3	13	0	0	11	87
MEAN	-	-	-	-	53.23	-	-	70.36	59.84
MEDIAN	-	-	-	-	48	-	-	72	68
RANGE	-	-	-	-	72	-	-	60	136
STANDARD DEVIATION	-	-	-	-	19.28	-	-	18.99	42.13
MISCELLANEOUS SEX OFFENSES									
NUMBER RECEIVED	21	28	23	16	68	13	23	210	1162
MEAN	58.29	104.43	149.04	156.25	76.18	115.38	138.96	92.84	116.08
MEDIAN	48	96	96	96	72	72	96	72	72
RANGE	116	252	1040	588	224	448	744	488	4844
STANDARD DEVIATION	33.72	57.4	209.29	152.86	50.05	127.53	159.86	65.86	316.06
INFLECT CRUELTY SPOUSE OR CHILD									
NUMBER RECEIVED	2	2	0	2	10	0	1	15	82
MEAN	-	-	-	-	32	-	-	59.2	51.56
MEDIAN	-	-	-	-	36	-	-	48	36
RANGE	-	-	-	-	48	-	-	108	240
STANDARD DEVIATION	-	-	-	-	9.8	-	-	32.85	36.81
KIDNAPPING									
NUMBER RECEIVED	2	1	3	1	6	0	1	18	132
MEAN	-	-	-	-	88.67	-	-	90.67	83.56
MEDIAN	-	-	-	-	84	-	-	84	64
RANGE	-	-	-	-	108	-	-	132	192
STANDARD DEVIATION	-	-	-	-	49.59	-	-	35.93	40.19
ARSON									
NUMBER RECEIVED	2	0	3	3	5	2	2	13	106
MEAN	-	-	-	-	44	-	-	45.54	40.15
MEDIAN	-	-	-	-	44	-	-	44	36
RANGE	-	-	-	-	28	-	-	60	88
STANDARD DEVIATION	-	-	-	-	10.95	-	-	18.22	17.7
FIRST DEGREE BURGLARY									
NUMBER RECEIVED	88	46	37	36	163	32	39	291	2841
MEAN	46.5	41.22	46.92	59.11	55.44	49.25	64.41	57.1	49.56
MEDIAN	28	36	48	48	48	48	48	48	48
RANGE	228	88	112	144	172	84	228	196	276
STANDARD DEVIATION	36.2	22	26.89	29.3	37.39	18.5	45.89	28.74	29.82

TABLE III
TOTAL PRISON SENTENCE IMPOSED, STATISTICAL SUMMARY, BY OFFENSE, BY COUNTY
SENTENCE IN MONTHS

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	ORANGE	RIVER-SIDE	SACRAMENTO	SAN BERNARDINO	SAN DIEGO
SECOND DEGREE BURGLARY										
NUMBER RECEIVED	42	36	44	51	722	84	45	47	55	119
MEAN	19.05	21.78	27.91	30.82	23.47	20.38	23.2	27.32	27.42	27.87
MEDIAN	16	24	24	24	24	16	24	24	24	24
RANGE	20	20	44	56	120	28	20	28	40	56
STANDARD DEVIATION	5.21	6.23	10.15	13.2	9.51	5.75	6.24	7.52	8.62	8.94
ATTEMPTED BURGLARY										
NUMBER RECEIVED	4	3	5	5	75	12	2	2	3	10
MEAN	-	-	19.2	42.4	26.03	32.33	-	-	-	24
MEDIAN	-	-	24	36	24	24	-	-	-	24
RANGE	-	-	12	78	148	108	-	-	-	24
STANDARD DEVIATION	-	-	6.57	32.04	26.73	33.31	-	-	-	8
GRAND THEFT										
NUMBER RECEIVED	24	4	16	14	186	16	18	18	21	40
MEAN	23.83	-	26.25	27.14	26.73	24.25	26.22	36.22	27.81	30.5
MEDIAN	16	-	24	24	24	24	24	36	24	24
RANGE	80	-	32	28	92	44	32	48	28	80
STANDARD DEVIATION	16.58	-	10.32	7.22	13.18	11.64	9.53	13.48	7.43	13.73
THEFT OF PERSONAL PROPERTY										
NUMBER RECEIVED	8	3	7	5	122	10	8	13	10	39
MEAN	21.5	-	24.57	23.2	24	19.2	22.5	32.31	35.2	29.33
MEDIAN	20	-	24	24	24	16	24	36	30	24
RANGE	20	-	28	20	44	8	20	34	44	44
STANDARD DEVIATION	7.07	-	9.36	8.2	7.93	4.13	6.74	7.74	14.7	8.67
AUTO THEFT										
NUMBER RECEIVED	17	7	10	21	313	38	26	19	34	75
MEAN	21.88	27.71	30.8	28.95	23.65	20.95	21.69	24.95	28.12	28.16
MEDIAN	16	24	24	24	24	20	20	24	24	24
RANGE	20	26	12	44	140	28	20	68	44	52
STANDARD DEVIATION	7.63	20.64	5.98	11.59	11.2	7.35	6.9	17.63	8.78	6.59
PETTY THEFT WITH PRIOR										
NUMBER RECEIVED	39	16	33	37	127	11	40	27	52	57
MEAN	17.23	22.75	24.24	29.41	19.69	19.64	21.4	32.59	23.46	23.16
MEDIAN	16	16	24	24	16	16	24	36	24	24
RANGE	20	56	20	52	32	8	20	44	20	20
STANDARD DEVIATION	2.92	14.29	6.55	10.63	6.02	4.18	6.25	12.44	7.16	5.84
FORGERY										
NUMBER RECEIVED	10	5	18	29	111	13	20	10	19	35
MEAN	22.4	30.4	28.22	29.79	25.66	21.85	27	30	33.16	29.46
MEDIAN	16	24	24	24	24	24	24	24	24	24
RANGE	56	40	32	44	44	20	36	36	40	36
STANDARD DEVIATION	17.61	15.39	10.4	10.56	9.63	6.66	10.29	11.35	5.75	9.44
CHECKS WITH INSUFFICIENT FUNDS										
NUMBER RECEIVED	3	0	2	5	26	3	2	6	4	13
MEAN	-	-	-	22.4	22	-	-	28.67	-	24.92
MEDIAN	-	-	-	24	24	-	-	26	-	24
RANGE	-	-	-	8	20	-	-	24	-	12
STANDARD DEVIATION	-	-	-	3.58	6.81	-	-	9.61	-	3.33
RECEIVING STOLEN PROPERTY										
NUMBER RECEIVED	20	8	21	22	206	22	46	31	31	83
MEAN	18.6	22.5	27.24	28.55	23.18	23.09	23.74	30.84	25.68	25.54
MEDIAN	16	24	24	24	24	24	24	32	24	24
RANGE	20	12	56	68	32	20	32	32	40	44
STANDARD DEVIATION	5.24	4.24	13.24	14.93	7.25	6.87	8.45	10.08	8.93	7.23

TABLE III
TOTAL PRISON SENTENCE IMPOSED, STATISTICAL SUMMARY, BY OFFENSE, BY COUNTY
SENTENCE IN MONTHS

	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	VENTURA	OTHER COUNTIES	TOTAL
SECOND DEGREE BURGLARY									
NUMBER RECEIVED	72	19	15	17	54	24	17	222	1685
MEAN	24.5	23.79	24.53	31.29	28.52	27.83	31.29	28.92	25.2
MEDIAN	24	24	24	36	24	24	32	24	24
RANGE	44	32	32	44	44	44	24	56	120
STANDARD DEVIATION	8.11	8.05	7.54	10.41	10.71	9.69	8.15	9.31	9.53
ATTEMPTED BURGLARY									
NUMBER RECEIVED	6	1	1	2	4	1	2	19	157
MEAN	23	-	-	-	-	-	-	33.16	27.83
MEDIAN	21	-	-	-	-	-	-	24	24
RANGE	24	-	-	-	-	-	-	24	148
STANDARD DEVIATION	11.01	-	-	-	-	-	-	23.53	25.55
GRAND THEFT									
NUMBER RECEIVED	27	6	7	12	21	9	6	63	508
MEAN	24.44	24.67	27.43	25.67	26.1	27.11	50	32.89	27.98
MEDIAN	24	16	16	24	24	24	38	34	24
RANGE	32	32	64	20	24	20	96	56	104
STANDARD DEVIATION	8.25	13.95	23.49	9.57	7.76	7.15	36.46	12.98	13.29
THEFT OF PERSONAL PROPERTY									
NUMBER RECEIVED	27	6	2	3	6	4	2	32	307
MEAN	27.26	22.67	-	-	32	-	-	29	26.25
MEDIAN	24	24	-	-	34	-	-	24	24
RANGE	44	8	-	-	36	-	-	68	68
STANDARD DEVIATION	13.41	3.27	-	-	14.53	-	-	13.44	10.12
AUTO THEFT									
NUMBER RECEIVED	21	2	7	6	27	5	4	96	728
MEAN	24.38	-	22.29	41.33	34.74	34	-	29.38	25.74
MEDIAN	16	-	24	42	34	34	-	24	24
RANGE	56	-	20	32	56	34	-	24	140
STANDARD DEVIATION	13.38	-	7.25	11.5	10.29	0	-	8.08	10.73
PETTY THEFT WITH PRIOR									
NUMBER RECEIVED	16	5	16	19	66	13	25	101	700
MEAN	24.25	21.6	20.25	27.79	19.45	26.46	27.52	27.52	27.45
MEDIAN	24	16	16	24	16	24	24	24	24
RANGE	32	20	20	28	36	32	32	44	56
STANDARD DEVIATION	9.85	8.76	6.44	8.79	6.69	4.77	9.33	9.14	8.64
FORGERY									
NUMBER RECEIVED	7	4	6	6	18	13	9	59	392
MEAN	23.43	-	25.33	27.33	20	26.77	31.11	29.56	27.02
MEDIAN	24	-	24	24	24	24	32	24	24
RANGE	30	-	20	12	36	36	40	44	56
STANDARD DEVIATION	6.7	-	9	5.32	8.57	9.58	10.91	8.63	9.74
CHECKS WITH INSUFFICIENT FUNDS									
NUMBER RECEIVED	3	1	2	3	5	4	3	16	101
MEAN	-	-	-	-	24.8	-	-	28.5	25.43
MEDIAN	-	-	-	-	24	-	-	24	24
RANGE	-	-	-	-	20	-	-	36	36
STANDARD DEVIATION	-	-	-	-	9.12	-	-	10.21	8.42
RECEIVING STOLEN PROPERTY									
NUMBER RECEIVED	26	10	6	12	28	18	3	131	724
MEAN	24.62	22	24	31.33	25.14	28.89	-	29.25	25.59
MEDIAN	24	24	24	36	24	24	-	24	24
RANGE	20	20	12	28	28	32	-	56	68
STANDARD DEVIATION	7.22	6.32	4.38	8.5	8.83	8.41	-	10.24	9.06

TABLE III
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SENTENCE IN MONTHS

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	ORANGE	RIVER-SIDE	SACRAMENTO	SAN BERNARDINO	SAN DIEGO
POSSESSION OF CONTROLLED SUBSTANCE										
NUMBER RECEIVED	83	7	25	86	729	57	56	34	65	66
MEAN	17.88	25.71	26.24	26.6	21.22	17.96	22.07	28.47	33.34	25.21
MEDIAN	16	24	24	24	16	16	24	24	24	24
RANGE	28	20	56	44	52	20	24	48	28	32
STANDARD DEVIATION	5.31	6.05	11.84	9.18	7.03	4.54	5.86	11.35	6.85	6.94
POSSESSION OF CONT. SUBS. FOR SALE										
NUMBER RECEIVED	58	12	16	28	423	45	41	22	24	33
MEAN	35.72	30.33	30	38	29.34	27.11	27.9	28.82	32.5	28.24
MEDIAN	24	20	20	26	24	24	24	24	24	24
RANGE	42	20	12	48	60	22	22	48	28	20
STANDARD DEVIATION	6.45	5.52	6.2	14.67	9.29	6.76	7.67	15.83	6.69	6.63
SALE OF CONTROLLED SUBSTANCE										
NUMBER RECEIVED	26	11	58	16	524	54	24	24	34	23
MEAN	22.15	28.36	27.38	23.75	24.24	29.33	28.67	20.67	22.25	22.61
MEDIAN	20	26	26	26	24	24	24	24	24	24
RANGE	44	26	68	20	63	26	44	48	26	44
STANDARD DEVIATION	13.6	20.51	12.49	19.13	9.87	7.15	12.41	21.02	12.89	10.28
POSSESSION FOR SALE OR SALE OF PCP										
NUMBER RECEIVED	2	0	17	14	206	4	11	3	10	10
MEAN	-	-	27.82	43.43	40.04	-	44.73	-	42	48
MEDIAN	-	-	26	48	36	-	48	-	42	48
RANGE	-	-	26	24	44	-	24	-	12	24
STANDARD DEVIATION	-	-	11.47	8.39	7.6	-	7.76	-	6.32	8
FELON IN POSSESSION OF A GUN										
NUMBER RECEIVED	11	2	8	4	39	2	10	15	10	23
MEAN	18.18	-	27.5	-	21.95	-	22.4	33.07	23.2	27.3
MEDIAN	16	-	24	-	16	-	24	36	24	24
RANGE	8	-	20	-	44	-	20	24	20	32
STANDARD DEVIATION	3.74	-	7.54	-	10.42	-	6.59	7.32	7.73	8.5
ESCAPE										
NUMBER RECEIVED	1	2	7	7	13	6	3	4	3	17
MEAN	-	-	24	22.86	31.08	17.33	-	-	-	29.41
MEDIAN	-	-	24	24	16	-	-	-	-	16
RANGE	-	-	20	28	56	8	-	-	-	96
STANDARD DEVIATION	-	-	8.94	10.51	18.98	3.27	-	-	-	27.05
INSTITUTIONAL OFFENSES										
NUMBER RECEIVED	0	0	0	3	1	0	0	54	2	0
MEAN	-	-	-	-	-	-	-	30.59	-	-
MEDIAN	-	-	-	-	-	-	-	24	-	-
RANGE	-	-	-	-	-	-	-	60	-	-
STANDARD DEVIATION	-	-	-	-	-	-	-	11.24	-	-
OTHER OFFENSES										
NUMBER RECEIVED	11	9	16	24	209	36	44	20	41	42
MEAN	22.91	31.56	29.13	31.5	33.69	29.56	32.95	37.3	27.71	28.9
MEDIAN	16	36	24	24	24	24	24	36	24	24
RANGE	20	44	70	80	98	72	212	66	48	84
STANDARD DEVIATION	8.96	13.63	17.31	18.44	29.26	14.82	33.84	20.83	12.34	14.89
TOTAL OF ALL OFFENSES										
NUMBER RECEIVED	717	307	628	676	8226	877	775	706	770	1360
MEAN	42.25	47.87	51.19	80.71	42.47	40.53	43.97	56.67	42.67	47.61
MEDIAN	24	36	36	36	24	24	32	36	36	36
RANGE	552	1696	448	4848	1288	396	340	788	432	696
STANDARD DEVIATION	42.5	98.66	40.01	402.86	43.41	38.56	38.3	54.27	37.26	41.26

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SENTENCE IN MONTHS

	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	VENTURA	OTHER COUNTIES	TOTAL
POSSESSION OF CONTROLLED SUBSTANCE									
NUMBER RECEIVED	95	7	9	15	165	19	9	109	1636
MEAN	21.26	21.71	21.78	27.2	22.3	29.47	30.22	24.66	22.25
MEDIAN	16	24	24	24	24	24	24	24	24
RANGE	20	8	20	40	36	32	24	36	56
STANDARD DEVIATION	6.53	3.9	6.67	10.39	7.45	8.76	10.41	8.03	7.69
POSSESSION OF CONT. SUBS. FOR SALE									
NUMBER RECEIVED	43	8	10	12	54	9	6	42	886
MEAN	25.86	26.5	33.6	34	29.7	35.11	46	34	29.86
MEDIAN	34	34	30	30	24	36	46	34	24
RANGE	32	32	24	28	56	40	40	80	80
STANDARD DEVIATION	7.97	11.5	11.03	11.38	12.71	13.38	14.91	14.06	10.26
SALE OF CONTROLLED SUBSTANCE									
NUMBER RECEIVED	76	3	15	15	59	5	14	129	1110
MEAN	33.58	--	42.93	58.4	39.86	48	50.57	43.53	38.32
MEDIAN	36	--	36	60	36	48	36	44	36
RANGE	68	--	44	48	44	0	84	68	104
STANDARD DEVIATION	10.43	--	11.16	17.49	11.12	0	24.99	12.37	12.84
POSSESSION FOR SALE OR SALE OF PCP									
NUMBER RECEIVED	3	0	0	0	70	1	0	3	354
MEAN	--	--	--	--	41.03	--	--	--	40.98
MEDIAN	--	--	--	--	36	--	--	--	36
RANGE	--	--	--	--	40	--	--	--	44
STANDARD DEVIATION	--	--	--	--	8.63	--	--	--	8.11
FELON IN POSSESSION OF A GUN									
NUMBER RECEIVED	23	0	3	3	6	4	1	16	180
MEAN	25.22	--	--	--	30.67	--	--	27.5	25.16
MEDIAN	34	--	--	--	28	--	--	24	24
RANGE	32	--	--	--	40	--	--	44	44
STANDARD DEVIATION	9.53	--	--	--	15.53	--	--	12.38	9.66
ESCAPE									
NUMBER RECEIVED	1	2	1	2	11	1	1	32	114
MEAN	--	--	--	--	30.55	--	--	29.5	24.88
MEDIAN	--	--	--	--	32	--	--	16	16
RANGE	--	--	--	--	36	--	--	72	100
STANDARD DEVIATION	--	--	--	--	11.63	--	--	14.57	15.87
INSTITUTIONAL OFFENSES									
NUMBER RECEIVED	0	2	0	0	0	0	0	48	110
MEAN	--	--	--	--	--	--	--	42.25	35.53
MEDIAN	--	--	--	--	--	--	--	36	36
RANGE	--	--	--	--	--	--	--	108	108
STANDARD DEVIATION	--	--	--	--	--	--	--	19.96	16.47
OTHER OFFENSES									
NUMBER RECEIVED	20	7	11	8	35	8	3	147	691
MEAN	42.2	25.43	55.09	31.5	28.86	33.25	--	36.6	33.51
MEDIAN	24	16	32	30	24	32	--	32	24
RANGE	154	38	208	44	40	46	--	140	298
STANDARD DEVIATION	39.48	14.64	64.57	16.48	9.45	13.98	--	21.73	25.57
TOTAL OF ALL OFFENSES									
NUMBER RECEIVED	818	241	217	252	1137	237	216	2345	20505
MEAN	37.57	46.91	57.08	54.28	42.29	43.75	57.87	47.94	45.84
MEDIAN	24	36	36	36	36	36	36	36	36
RANGE	244	276	1040	608	484	468	756	1176	4852
STANDARD DEVIATION	29.36	37.3	97	57.53	34.9	42.27	67.78	43.32	85.69

*STATISTICAL INFORMATION NOT SHOWN FOR FEWER THAN 5 CASES.

TABLE IV
 SENTENCE LEVEL, BY OFFENSE
 STATEWIDE
 (PERSONS CONVICTED OF A SINGLE COUNT)
 BY NUMBER AND PERCENT

OFFENSE	LOWER	MIDDLE	UPPER
VOLUNTARY MANSLAUGHTER	78 24.22%	150 46.58%	94 29.19%
INVOLUNTARY MANSLAUGHTER	19 32.20%	27 45.76%	13 22.03%
VEHICULAR MANSLAUGHTER	13 23.64%	27 49.09%	15 27.27%
ATTEMPTED MURDER	14 19.18%	36 49.32%	23 31.51%
DRIVING UNDER THE INFLUENCE CAUSING INJURY	61 32.80%	95 51.08%	30 16.13%
ASSAULT	259 32.87%	360 45.69%	169 21.45%
ASSAULT ON A PEACE OFFICER	12 44.44%	12 44.44%	3 *
FALSE IMPRISONMENT AND BATTERY	35 28.69%	60 49.18%	27 22.13%
ROBBERY	631 43.01%	606 41.31%	230 15.68%
ROBBERY INHABITED DWELLING	31 32.98%	44 46.81%	19 20.21%
ATTEMPTED ROBBERY	56 40.00%	65 46.43%	19 13.57%
RAPE	52 42.98%	44 36.36%	25 20.66%
ASSAULT TO COMMIT SEX OFFENSE	17 32.08%	21 39.62%	15 28.30%

TABLE IV
 SENTENCE LEVEL, BY OFFENSE
 STATEWIDE
 (PERSONS CONVICTED OF A SINGLE COUNT)
 BY NUMBER AND PERCENT

OFFENSE	LOWER	MIDDLE	UPPER
MISCELLANEOUS SEX OFFENSES	181 40.40%	191 42.63%	76 16.96%
INFLECT INJURY SPOUSE OR CHILD	12 22.22%	32 59.26%	10 18.52%
KIDNAPPING	18 38.30%	18 38.30%	11 23.40%
ARSON	27 36.00%	42 56.00%	6 8.00%
FIRST DEGREE BURGLARY	837 50.64%	657 39.75%	159 9.62%
SECOND DEGREE BURGLARY	395 35.84%	553 50.18%	154 13.97%
ATTEMPTED BURGLARY	41 29.93%	62 45.26%	34 24.82%
GRAND THEFT	113 35.09%	162 50.31%	47 14.60%
THEFT OF PERSONAL PROPERTY	67 28.88%	124 53.45%	41 17.67%
AUTO THEFT	148 33.79%	201 45.89%	89 20.32%
PETTY THEFT WITH PRIOR	247 46.60%	214 40.38%	69 13.02%
FORGERY	55 31.61%	88 50.57%	31 17.82%
CHECKS WITH INSUFFICIENT FUNDS	14 29.17%	28 58.33%	6 12.50%

TABLE IV
 SENTENCE LEVEL, BY OFFENSE
 STATEWIDE
 (PERSONS CONVICTED OF A SINGLE COUNT)
 BY NUMBER AND PERCENT

OFFENSE	LOWER	MIDDLE	UPPER
RECEIVING STOLEN PROPERTY	173 34.81%	239 48.09%	85 17.10%
POSSESSION OF CONTROLLED SUBSTANCE	622 52.62%	456 38.58%	104 8.80%
POSSESSION OF CONTROLLED SUBSTANCE FOR SALE	352 62.86%	177 31.61%	31 5.54%
SALE OF CONTROLLED SUBSTANCE	333 61.33%	179 32.97%	31 5.71%
POSSESSION FOR SALE OR SALE OF PCP	146 73.37%	46 23.12%	7 3.52%
FELON IN POSSESSION OF A GUN	56 40.00%	64 45.71%	20 14.29%
ESCAPE	50 60.24%	28 33.73%	5 6.02%
INSTITUTIONAL OFFENSES	54 52.43%	33 32.04%	16 15.53%
OTHER OFFENSES	158 36.74%	191 44.42%	81 18.84%
TOTAL OF ALL OFFENSES	5,377 43.00%	5,332 42.64%	1,795 14.36%

*PERCENT NOT SHOWN FOR FEWER THAN 5 CASES.

TABLE V
 MEAN TOTAL SENTENCE IN MONTHS, BY OFFENSE, BY SEX
 STATEWIDE

(PERSONS CONVICTED OF A SINGLE COUNT)
 BY MONTHS AND NUMBER OF PEOPLE

OFFENSE	MEN	WOMEN
VOLUNTARY MANSLAUGHTER	90.09 280	87.43 42
INVOLUNTARY MANSLAUGHTER	48.48 50	30.67 9
VEHICULAR MANSLAUGHTER	48.62 52	* 3
ATTEMPTED MURDER	111.48 69	- 4
DRIVING UNDER THE INFLUENCE CAUSING INJURY	26.10 175	24.00 11
ASSAULT	43.75 748	41.10 40
ASSAULT ON A PEACE OFFICER	54.67 27	- 0
FALSE IMPRISONMENT AND BATTERY	32.60 121	- 1
ROBBERY	44.09 1,407	37.40 60
ROBBERY INHABITED DWELLING	59.43 84	62.40 10
ATTEMPTED ROBBERY	32.15 131	26.44 9
RAPE	68.33 121	- 0
ASSAULT TO COMMIT SEX OFFENSE	49.36 53	- 0

TABLE V
 MEAN TOTAL SENTENCE IN MONTHS, BY OFFENSE, BY SEX
 STATEWIDE

(PERSONS CONVICTED OF A SINGLE COUNT)
 BY MONTHS AND NUMBER OF PEOPLE

OFFENSE	MEN	WOMEN
MISCELLANEOUS SEX OFFENSES	57.81 439	43.11 9
INFLECT INJURY SPOUSE OR CHILD	43.09 44	52.80 10
KIDNAPPING	62.23 43	- 4
ARSON	38.27 60	40.27 15
FIRST DEGREE BURGLARY	43.00 1,602	37.41 51
SECOND DEGREE BURGLARY	24.00 1,043	22.71 59
ATTEMPTED BURGLARY	26.60 131	12.00 6
GRAND THEFT	24.41 252	24.17 70
THEFT OF PERSONAL PROPERTY	24.65 222	22.00 10
AUTO THEFT	25.02 425	23.38 13
PETTY THEFT WITH PRIOR	22.87 398	22.15 132
FORGERY	24.27 131	22.70 43
CHECKS WITH INSUFFICIENT FUNDS	24.22 37	21.82 11

TABLE V
 MEAN TOTAL SENTENCE IN MONTHS, BY OFFENSE, BY SEX
 STATEWIDE
 (PERSONS CONVICTED OF A SINGLE COUNT)
 BY MONTHS AND NUMBER OF PEOPLE

OFFENSE	MEN	WOMEN
RECEIVING STOLEN PROPERTY	24.33 463	21.88 34
POSSESSION OF CONTROLLED SUBSTANCE	21.34 1,048	20.90 134
POSSESSION OF CONTROLLED SUBSTANCE FOR SALE	27.92 497	27.24 63
SALE OF CONTROLLED SUBSTANCE	35.82 504	39.08 39
POSSESSION FOR SALE OR SALE OF PCP	40.15 165	38.12 34
FELON IN POSSESSION OF A GUN	23.77 139	- 1
ESCAPE	19.49 71	17.00 12
INSTITUTIONAL OFFENSES	33.98 101	- 2
OTHER OFFENSES	29.64 374	23.86 56
TOTAL OF ALL OFFENSES	36.43 11,507	30.86 997

*MEAN SENTENCE NOT SHOWN FOR FEWER THAN 5 CASES.

TABLE VIA
 TOTAL PRISON SENTENCE IMPOSED
 AS PROVIDED FOR IN SEX OFFENSES LEGISLATION
 EFFECTIVE JANUARY 1, 1980

FISCAL YEAR 1985/86

Statewide: 312 Cases²

MEASURES OF CENTRAL TENDENCY

Mean (Arithmetic Average)	273 months
Median (50th Percentile)	144 months
Mode (Most Frequent)	144 months

MEASURES OF DISPERSION

Standard Deviation	600 months*
Range (Highest - Lowest)	4,842 months
Q ₃ - Q ₁ (Third Quartile - First Quartile)	144 months

MEASURES OF LOCATION

Q ₁ (First Quartile)	96 months
Q ₃ (Third Quartile)	240 months
10th Percentile	48 months
90th Percentile	423 months
95th Percentile	712 months
99th Percentile	4,810 months
Lowest Sentence	18 months
Highest Sentence	4,860 months

¹Stats. 1979, Ch. 944

²These 312 cases are included among the 20,505 cases used in the main body of the report.

*In FY 1985/86, three persons in the same court case were convicted of 58 counts of P. C. §288AC; each received 4,860 months.

TABLE VIB

SENTENCE ENHANCEMENTS¹

AS PROVIDED FOR IN SEX OFFENSE LEGISLATION*

JULY 1, 1985 - JUNE 30, 1986

Enhancement type	Charged	Proved/Found	Imposed
P.C. 12022.3(a)**	126 100.0%	69 54.8%	57 45.2%
P.C. 12022.3(b)**	35 100.0%	13 37.1%	9 25.7%
P.C. 12022.8**	63 100.0%	19 30.2%	13 20.6%
P.C. 667.51***	9 100.0%	7 77.8%	6 66.7%
P.C. 667.6(a)**	11 100.0%	6 54.5%	6 54.5%
P.C. 667.6(b)**	2 100.0%	0 *	0 *

*Percent not shown for fewer than 5 cases

**Stats. 1979 c. 944. Effective 1-1-80

***Stats. 1981 c. 1064. Effective 1-1-82

¹Enhancement Key

Penal Code §	Sentence	Enhancement description
12022.3(a)	3 years	Used firearm or deadly weapon in the violation of PC §§261, 264.1, 286, 288, 288a, 289
12022.3(b)	2 years	Armed with firearm or deadly weapon in the violation of PC §§261, 264.1, 286, 288, 288a, 289
12022.8	5 years	Inflicted great bodily injury (means a significant or substantial physical injury) in the violation of PC §261.2, 261.3, 264.1, 288b, 289 or sodomy or oral copulation by force or violence as provided for in PC §§288a or 286
667.51(a)	5 years	Violation of PC §288 (lewd/lascivious act on a child under the age of 14 years) with a prior conviction on violations of PC §§261, 264.1, 285, 286, 288, 288a, or 289
667.51(b)	15 years-life	Violation of PC §288 (lewd/lascivious act on a child under age of 14 years) with two or more prior convictions on violations of PC §§261, 264.1, 286, 288, 288a, or 289, under certain conditions
667.6(a)	5 years	Violations of PC §§261.2, 261.3, 264.1, 288(b), 289 or sodomy or oral copulation in violation of §§286 or 288a by force or violence with any prior conviction of any of these offenses
667.6(b)	10 years	Violations specified in 667.6(a) with two or more prior convictions specified in §667.5

TABLE VIC
 SENTENCE ENHANCEMENT FOR HABITUAL OFFENDERS
 P. C. §667(A)*

	<u>Jul -</u> <u>Sep 1985</u>	<u>Oct -</u> <u>Dec 1985</u>	<u>Jan -</u> <u>Mar 1986</u>	<u>Apr -</u> <u>Jun 1986</u>	<u>TOTAL</u>
<u>Charged</u>					
Felons Received	323	318	287	308	1,236
Number of Enhancements	427	466	404	428	1,725
Mean	1.3	1.5	1.4	1.4	1.4
Median	1.0	1.0	1.0	1.0	1.0
<u>Proved</u>					
Felons Received	199	187	147	188	721
Number of Enhancements	238	227	176	221	862
Mean	1.2	1.2	1.2	1.2	1.2
Median	1.0	1.0	1.0	1.0	1.0
<u>Imposed</u>					
Felons Received	154	141	107	136	538
Sentences (in months)	10,800	10,140	7,332	9,060	37,332
Mean	70.1	71.9	68.5	66.6	69.4
Median	60.0	60.0	60.0	60.0	60.0

*"Victim's Bill of Rights" passed by voter referendum on June 8, 1982. It provides for a five-year enhancement to any person convicted of a serious felony for each prior conviction on charges brought and tried separately. The terms of the present offense and each enhancement shall run consecutively.

TABLE VIIA
 SENTENCE ENHANCEMENT FOR FIREARM (P.C. SEC. 12022.5), BY COUNTY
 (ALL OFFENSES)

USE - CHARGING - PROVING - IMPOSITION

COUNTY	GUN NUMBER OF CASES	USED ¹	CHARGED ² OF THOSE USED	PROVED ³ OF THOSE USED	IMPOSED ⁴ OF THOSE USED
ALAMEDA	717 100.0%	102 14.2% 100.0%	101 - 99.0%	65 - 63.7%	44 - 43.1%
CONTRA COSTA	307 100.0%	45 14.7% 100.0%	35 - 77.8%	27 - 60.0%	19 - 42.2%
FRESNO	628 100.0%	78 12.4% 100.0%	63 - 80.8%	36 - 46.2%	34 - 43.6%
KERN	676 100.0%	51 7.5% 100.0%	38 - 74.5%	21 - 41.2%	20 - 39.2%
LOS ANGELES	8,226 100.0%	1,008 12.3% 100.0%	933 - 92.6%	637 - 63.2%	469 - 46.5%
ORANGE	877 100.0%	83 9.5% 100.0%	85 - 102.4%	63 - 75.9%	32 - 38.6%
RIVERSIDE	775 100.0%	81 10.5% 100.0%	71 - 87.7%	50 - 61.7%	43 - 53.1%
SACRAMENTO	706 100.0%	76 10.8% 100.0%	61 - 80.3%	46 - 60.5%	44 - 57.9%
SAN BERNARDINO	770 100.0%	66 8.6% 100.0%	69 - 104.5%	45 - 68.2%	40 - 60.6%
SAN DIEGO	1,360 100.0%	116 8.5% 100.0%	104 - 89.7%	58 - 50.0%	53 - 45.7%

TABLE VIIA
 SENTENCE ENHANCEMENT FOR FIREARM (P.C. SEC. 12022.5), BY COUNTY
 (ALL OFFENSES)

USE - CHARGING - PROVING - IMPOSITION

GUN COUNTY	NUMBER OF CASES	USED ¹	CHARGED ² OF THOSE USED	PROVED ³ OF THOSE USED	IMPOSED ⁴ OF THOSE USED
SAN FRANCISCO	818 100.0%	56 6.8% 100.0%	47 - 83.9%	29 - 51.8%	25 - 44.6%
SAN JOAQUIN	241 100.0%	28 11.6% 100.0%	23 - 82.1%	16 - 57.1%	15 - 53.6%
SAN MATEO	217 100.0%	18 8.3% 100.0%	19 - 105.6%	9 - 50.0%	8 - 44.4%
SANTA BARBARA	252 100.0%	23 9.1% 100.0%	17 - 73.9%	9 - 39.1%	9 - 39.1%
SANTA CLARA	1,137 100.0%	72 6.3% 100.0%	63 - 87.5%	49 - 68.1%	41 - 56.9%
STANISLAUS	237 100.0%	18 7.6% 100.0%	12 - 66.7%	10 - 55.6%	10 - 55.6%
VENTURA	216 100.0%	9 4.2% 100.0%	8 - 88.9%	6 - 66.7%	6 - 66.7%
OTHER COUNTIES	2,345 100.0%	182 7.8% 100.0%	134 - 73.6%	78 - 42.9%	68 - 37.4%
STATEWIDE	20,505 100.0%	2,112 10.3% 100.0%	1,883 - 89.2%	1,254 - 59.4%	980 - 46.4%

¹ NUMBER OF PEOPLE WHO USED A FIREARM AT LEAST ONCE. THIS EXCLUDES PEOPLE WHO FEIGNED USE OF FIREARM OR HAD AN INOPERABLE FIREARM.

² NUMBER OF PEOPLE CHARGED AT LEAST ONCE WITH USE OF A FIREARM.

³ NUMBER OF PEOPLE FOUND TO HAVE USED A FIREARM AT LEAST ONCE.

⁴ NUMBER OF PEOPLE EXPERIENCING AT LEAST ONE TWO-YEAR ENHANCEMENT OF SENTENCE AS PROVIDED FOR IN P.C. SEC. 12022.5.

TABLE VIIB
 SENTENCE ENHANCEMENT FOR FIREARM (P.C. SEC. 12022.5), BY OFFENSE
 STATEWIDE

USE - CHARGING - PROVING - IMPOSITION

OFFENSE	GUN NUMBER OF CASES	USED ¹	CHARGED ² OF THOSE USED	PROVED ³ OF THOSE USED	IMPOSED ⁴ OF THOSE USED
VOLUNTARY MANSLAUGHTER	392 100.0%	186 47.4% 100.0%	176 - 94.6%	151 - 81.2%	131 - 70.4%
INVOLUNTARY MANSLAUGHTER	67 100.0%	27 40.3% 100.0%	24 - 88.9%	22 - 81.5%	19 - 70.4%
VEHICULAR MANSLAUGHTER	126 100.0%	1 * 100.0%	1 - -	1 - -	1 - -
ATTEMPTED MURDER	179 100.0%	113 63.1% 100.0%	114 - 100.9%	57 - 50.4%	39 - 34.5%
DRIVING UNDER THE INFLUENCE CAUSING INJURY	241 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
ASSAULT	1,111 100.0%	337 30.3% 100.0%	272 - 80.7%	153 - 45.4%	91 - 27.0%
ASSAULT ON A PEACE OFFICER	55 100.0%	20 36.4% 100.0%	17 - 85.0%	13 - 65.0%	7 - 35.0%
FALSE IMPRISONMENT AND BATTERY	164 100.0%	21 12.8% 100.0%	17 - 81.0%	6 - 28.6%	2 - -
ROBBERY	2,618 100.0%	889 34.0% 100.0%	856 - 96.3%	647 - 72.8%	535 - 60.2%
ROBBERY INHABITED DWELLING	244 100.0%	100 41.0% 100.0%	94 - 94.0%	72 - 72.0%	55 - 55.0%

TABLE VIIB

SENTENCE ENHANCEMENT FOR FIREARM (P.C. SEC. 12022.5), BY OFFENSE
STATEWIDE

USE - CHARGING - PROVING - IMPOSITION

OFFENSE	GUN NUMBER OF CASES	USED ¹	CHARGED ² OF THOSE USED	PROVED ³ OF THOSE USED	IMPOSED OF THOSE USED
ATTEMPTED ROBBERY	189 100.0%	55 29.1% 100.0%	45 - 81.8%	26 - 47.3%	16 - 29.1%
RAPE	326 100.0%	28 8.6% 100.0%	19 - 67.9%	10 - 35.7%	8 - 28.6%
ASSAULT TO COMMIT SEX OFFENSE	87 100.0%	2 - 100.0%	1 - -	1 - -	1 - -
MISCELLANEOUS SEX OFFENSES	1,162 100.0%	35 3.0% 100.0%	22 - 62.9%	10 - 28.6%	10 - 28.6%
INFLECT CRUELTY SPOUSE OR CHILD	82 100.0%	3 - 100.0%	2 - -	0 - -	0 - -
KIDNAPPING	132 100.0%	59 44.7% 100.0%	52 - 88.1%	39 - 66.1%	34 - 57.6%
ARSON	106 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
FIRST DEGREE BURGLARY	2,841 100.0%	63 2.2% 100.0%	55 - 87.3%	24 - 38.1%	17 - 27.0%
SECOND DEGREE BURGLARY	1,685 100.0%	6 0.4% 100.0%	9 - 150.0%	3 - -	1 - -
ATTEMPTED BURGLARY	157 100.0%	0 - 100.0%	0 - -	0 - -	0 - -

TABLE VIIB
 SENTENCE ENHANCEMENT FOR FIREARM (P.C. SEC. 12022.5), BY OFFENSE
 STATEWIDE
 USE - CHARGING - PROVING - IMPOSITION

OFFENSE	GUN NUMBER OF CASES	USED ¹	CHARGED ² OF THOSE USED	PROVED ³ OF THOSE USED	IMPOSED ⁴ OF THOSE USED
GRAND THEFT	508 100.0%	2 - 100.0%	2 - -	0 - -	0 - -
THEFT OF PERSONAL PROPERTY	307 100.0%	4 - 100.0%	5 - 125.0%	2 - -	1 - -
AUTO THEFT	728 100.0%	13 1.8% 100.0%	10 - 76.9%	1 - -	0 - -
PETTY THEFT WITH PRIOR	700 100.0%	3 - 100.0%	1 - -	0 - -	0 - -
FORGERY	392 100.0%	1 - 100.0%	1 - -	0 - -	0 - -
CHECKS WITH INSUFFICIENT FUNDS	101 100.0%	1 - 100.0%	1 - -	0 - -	0 - -
RECEIVING STOLEN PROPERTY	724 100.0%	5 0.7% 100.0%	4 - -	0 - -	0 - -
POSSESSION OF CONTROLLED SUBSTANCE	1,636 100.0%	5 0.3% 100.0%	6 - 120.0%	0 - -	0 - -
POSSESSION OF CONT. SUBS. FOR SALE	886 100.0%	7 0.8% 100.0%	6 - 85.7%	1 - -	0 - -
SALE OF CONTROLLED SUBSTANCE	1,110 100.0%	13 1.2% 100.0%	9 - 69.2%	1 - -	1 - -

TABLE VIIB

SENTENCE ENHANCEMENT FOR FIREARM (P.C. SEC. 12022.5), BY OFFENSE
STATEWIDE

USE - CHARGING - PROVING - IMPOSITION

OFFENSE	GUN NUMBER OF CASES	USED ¹	CHARGED ² OF THOSE USED	PROVED ³ OF THOSE USED	IMPOSED ⁴ OF THOSE USED
POSSESSION FOR SALE OR SALE OF PCP	354 100.0%	3 - 100.0%	2 - -	0 - -	0 - -
FELON IN POSSESSION OF A GUN	180 100.0%	25 13.9% 100.0%	10 - 40.0%	0 - -	0 - -
ESCAPE	114 100.0%	1 - 100.0%	0 - -	0 - -	0 - -
INSTITUTIONAL OFFENSES	110 100.0%	2 - 100.0%	1 - -	0 - -	0 - -
OTHER OFFENSES	691 100.0%	82 11.9% 100.0%	49 - 59.8%	14 - 17.1%	11 - 13.4%
TOTAL OF ALL OFFENSES	20,505 100.0%	2,112 10.3% 100.0%	1,883 - 89.2%	1,254 - 59.4%	980 - 46.4%

- ¹ NUMBER OF PEOPLE WHO USED A FIREARM AT LEAST ONCE. THIS EXCLUDES PEOPLE WHO FEIGNED USE OF A FIREARM OR WHO HAD AN INOPERABLE FIREARM.
² NUMBER OF PEOPLE CHARGED AT LEAST ONCE WITH USE OF A FIREARM.
³ NUMBER OF PEOPLE FOUND TO HAVE USED A FIREARM AT LEAST ONCE.
⁴ NUMBER OF PEOPLE EXPERIENCING AT LEAST ONE TWO-YEAR ENHANCEMENT OF SENTENCE AS PROVIDED FOR IN P.C. SEC. 12022.5.

*PERCENT NOT SHOWN FOR FEWER THAN 5 CASES.

TABLE VIIIA

SENTENCE ENHANCEMENT FOR CRIMINAL INJURY TO VICTIM
(P.C. SEC. 12022.7), BY COUNTY
(ALL OFFENSES)
INFLICTION - CHARGING - PROVING - IMPOSITION

COUNTY	NUMBER OF CASES	INJURY INFLICTED		CHARGED	PROVED OF THOSE CHARGED	IMPOSED OF THOSE CHARGED
		MINOR ¹	MAJOR ²			
ALAMEDA	717 100.0%	36 5.0%	59 8.2%	64 8.9% 100.0%	35 - 54.7%	19 - 29.7%
CONTRA COSTA	307 100.0%	21 6.8%	33 10.7%	20 6.5% 100.0%	14 - 70.0%	6 - 30.0%
FRESNO	628 100.0%	43 6.8%	49 7.8%	35 5.6% 100.0%	14 - 40.0%	13 - 37.1%
KERN	676 100.0%	45 6.7%	64 9.5%	39 5.8% 100.0%	13 - 33.3%	11 - 28.2%
LOS ANGELES	8,226 100.0%	660 8.0%	699 8.5%	504 6.1% 100.0%	284 - 56.3%	175 - 34.7%
ORANGE	877 100.0%	37 4.2%	39 4.4%	28 3.2% 100.0%	20 - 71.4%	11 - 39.3%
RIVERSIDE	775 100.0%	35 4.5%	54 7.0%	19 2.5% 100.0%	11 - 57.9%	11 - 57.9%
SACRAMENTO	706 100.0%	68 9.6%	64 9.1%	39 5.5% 100.0%	23 - 59.0%	21 - 53.8%
SAN BERNARDINO	770 100.0%	46 6.0%	50 6.5%	31 4.0% 100.0%	14 - 45.2%	13 - 41.9%
SAN DIEGO	1,360 100.0%	110 8.1%	117 8.6%	72 5.3% 100.0%	26 - 36.1%	23 - 31.9%

TABLE VIIIA
 SENTENCE ENHANCEMENT FOR CRIMINAL INJURY TO VICTIM
 (P.C. SEC. 12022.7), BY COUNTY
 (ALL OFFENSES)
 INFLICTION - CHARGING - PROVING - IMPOSITION

COUNTY	NUMBER OF CASES	INJURY INFLICTED		CHARGED	PROVED OF THOSE CHARGED	IMPOSED OF THOSE CHARGED
		MINOR ¹	MAJOR ²			
SAN FRANCISCO	818 100.0%	66 8.1%	77 9.4%	64 7.8% 100.0%	26 - 40.6%	17 - 26.6%
SAN JOAQUIN	241 100.0%	16 6.6%	23 9.5%	13 5.4% 100.0%	7 - 53.8%	6 - 46.2%
SAN MATEO	217 100.0%	10 4.6%	18 8.3%	7 - 100.0%	4 - *	4 - -
SANTA BARBARA	252 100.0%	17 6.7%	25 9.9%	10 4.0% 100.0%	5 - 50.0%	5 - 50.0%
SANTA CLARA	1,137 100.0%	82 7.2%	89 7.8%	33 2.9% 100.0%	20 - 60.6%	15 - 45.5%
STANISLAUS	237 100.0%	14 5.9%	21 8.9%	11 4.6% 100.0%	9 - 81.8%	9 - 81.8%
VENTURA	216 100.0%	9 4.2%	20 9.3%	7 3.2% 100.0%	6 - 85.7%	5 - 71.4%
OTHER COUNTIES	2,345 100.0%	179 7.6%	227 9.7%	107 4.6% 100.0%	62 - 57.9%	57 - 53.3%
STATEWIDE	20,505 100.0%	1,494 7.3%	1,728 8.4%	1,103 5.4% 100.0%	593 - 53.8%	421 - 38.2%

¹ THE VICTIM WAS MOMENTARILY UNCONSCIOUS OR REQUIRED SIMPLE EMERGENCY TREATMENT FOR CUTS, BRUISES, ETC.

² THE VICTIM WAS UNCONSCIOUS FOR AN EXTENDED PERIOD OF TIME, REQUIRED EXTENSIVE EMERGENCY ROOM TREATMENT, HAD TO BE HOSPITALIZED, SUFFERED TEMPORARY PHYSICAL AND/OR MENTAL DAMAGE, SUFFERED SIGNIFICANT SCARRING, LOSS OF OR IMPAIRMENT OF PHYSICAL FUNCTION OR LIMB, RECURRENT PAIN, CONTINUING DISABILITY OR MENTAL TRAUMA.

*PERCENT NOT SHOWN FOR FEWER THAN 5 CASES.

TABLE VIII B
 SENTENCE ENHANCEMENT FOR CRIMINAL INJURY TO VICTIM
 (P.C. SEC. 12022.7), BY OFFENSE
 STATEWIDE
 INFLICTION - CHARGING - PROVING - IMPOSITION

OFFENSE	NUMBER OF CASES	INJURY INFLICTED		CHARGED	PROVED OF THOSE CHARGED	IMPOSED OF THOSE CHARGED
		MINOR ¹	MAJOR ²			
VOLUNTARY MANSLAUGHTER	392 100.0%	6 1.5%	25 6.4%	26 6.6% 100.0%	5 - 19.2%	5 - 19.2%
INVOLUNTARY MANSLAUGHTER	67 100.0%	0 - *	7 10.4%	3 - 100.0%	0 - -	0 - -
VEHICULAR MANSLAUGHTER	126 100.0%	17 13.5%	43 34.1%	0 - 100.0%	0 - -	0 - -
ATTEMPTED MURDER	179 100.0%	21 11.7%	148 82.7%	132 73.7% 100.0%	108 - 81.8%	90 - 68.2%
DRIVING UNDER THE INFLUENCE CAUSING INJURY	241 100.0%	71 29.5%	168 69.7%	1 - 100.0%	0 - -	0 - -
ASSAULT	1,111 100.0%	249 22.4%	685 61.7%	541 48.7% 100.0%	304 - 56.2%	200 - 37.0%
ASSAULT ON A PEACE OFFICER	55 100.0%	13 23.5%	10 18.2%	6 10.9% 100.0%	3 - -	2 - -
FALSE IMPRISONMENT AND BATTERY	164 100.0%	38 23.2%	39 23.8%	23 14.0% 100.0%	3 - -	3 - -
ROBBERY	2,618 100.0%	496 18.9%	198 7.6%	148 5.7% 100.0%	71 - 48.0%	47 - 31.8%
ROBBERY INHABITED DWELLING	244 100.0%	49 20.1%	42 17.2%	28 11.5% 100.0%	17 - 60.7%	11 - 39.3%

TABLE VIII B

SENTENCE ENHANCEMENT FOR CRIMINAL INJURY TO VICTIM
(P.C. SEC. 12022.7), BY OFFENSE
STATEWIDE
INFLICTION - CHARGING - PROVING - IMPOSITION

OFFENSE	NUMBER OF CASES	INJURY INFLICTED		CHARGED	PROVED OF THOSE CHARGED	IMPOSED OF THOSE CHARGED
		MINOR ¹	MAJOR ²			
ATTEMPTED ROBBERY	189 100.0%	42 22.2%	17 9.0%	14 7.4% 100.0%	7 - 50.0%	6 - 42.9%
RAPE	326 100.0%	60 18.4%	32 9.8%	24 7.4% 100.0%	13 - 54.2%	8 - 33.3%
ASSAULT TO COMMIT SEX OFFENSE	87 100.0%	20 23.0%	6 6.9%	6 6.9% 100.0%	3 - -	2 - -
MISCELLANEOUS SEX OFFENSES	1,162 100.0%	60 5.2%	50 4.3%	24 2.1% 100.0%	10 - 41.7%	9 - 37.5%
INFLECT CRUELTY SPOUSE OR CHILD	82 100.0%	18 22.0%	56 68.3%	27 32.9% 100.0%	18 - 66.7%	14 - 51.9%
KIDNAPPING	132 100.0%	23 17.4%	16 12.1%	15 11.4% 100.0%	8 - 53.3%	6 - 40.0%
ARSON	106 100.0%	2 -	5 4.7%	1 - 100.0%	0 - -	0 - -
FIRST DEGREE BURGLARY	2,841 100.0%	79 2.8%	48 1.7%	26 0.9% 100.0%	11 - 42.3%	10 - 38.5%
SECOND DEGREE BURGLARY	1,685 100.0%	32 1.9%	6 0.4%	2 - 100.0%	0 - -	0 - -
ATTEMPTED BURGLARY	157 100.0%	1 -	0 -	0 - 100.0%	0 - -	0 - -

TABLE VIII B

SENTENCE ENHANCEMENT FOR CRIMINAL INJURY TO VICTIM
(P.C. SEC. 12022.7), BY OFFENSE
STATEWIDE
INFLECTION - CHARGING - PROVING - IMPOSITION

OFFENSE	NUMBER OF CASES	INJURY INFLICTED		CHARGED	PROVED OF THOSE CHARGED	IMPOSED OF THOSE CHARGED
		MINOR ¹	MAJOR ²			
GRAND THEFT	508 100.0%	10 2.0%	3 -	0 - 100.0%	0 - -	0 - -
THEFT OF PERSONAL PROPERTY	307 100.0%	64 20.8%	10 3.3%	4 - 100.0%	0 - -	0 - -
AUTO THEFT	728 100.0%	14 1.9%	7 1.0%	0 - 100.0%	0 - -	0 - -
PETTY THEFT WITH PRIOR	700 100.0%	10 1.4%	0 -	0 - 100.0%	0 - -	0 - -
FORGERY	392 100.0%	2 -	1** -	0 - 100.0%	0 - -	0 - -
CHECKS WITH INSUFFICIENT FUNDS	101 100.0%	0 -	0 -	0 - 100.0%	0 - -	0 - -
RECEIVING STOLEN PROPERTY	724 100.0%	9 1.2%	4 -	2 - 100.0%	0 - -	0 - -
POSSESSION OF CONTROLLED SUBSTANCE	1,636 100.0%	15 0.9%	8 0.5%	3 - 100.0%	0 - -	0 - -
POSSESSION OF CONT. SUBS. FOR SALE	886 100.0%	1 -	1 -	0 - 100.0%	0 - -	0 - -
SALE OF CONTROLLED SUBSTANCE	1,110 100.0%	11 1.0%	8 0.7%	2 - 100.0%	0 - -	0 - -

TABLE VIIIB

SENTENCE ENHANCEMENT FOR CRIMINAL INJURY TO VICTIM
(P.C. SEC. 12022.7), BY OFFENSE
STATEWIDE
INFLICTION - CHARGING - PROVING - IMPOSITION

OFFENSE	NUMBER OF CASES	INJURY INFLICTED		CHARGED	PROVED OF THOSE CHARGED	IMPOSED OF THOSE CHARGED
		MINOR ¹	MAJOR ²			
POSSESSION FOR SALE OR SALE OF PCP	354 100.0%	6 1.7%	1 -	2 - 100.0%	0 - -	0 - -
FELON IN POSSESSION OF A GUN	180 100.0%	2 -	3 -	3 - 100.0%	0 - -	0 - -
ESCAPE	114 100.0%	1 -	1 -	0 - 100.0%	0 - -	0 - -
INSTITUTIONAL OFFENSES	110 100.0%	11 10.0%	15 13.6%	5 4.5% 100.0%	1 - -	0 - -
OTHER OFFENSES	691 100.0%	41 5.9%	65 9.4%	35 5.1% 100.0%	11 - 31.4%	8 - 22.9%
TOTAL OF ALL OFFENSES	20,505 100.0%	1,494 7.3%	1,728 8.4%	1,103 5.4% 100.0%	593 - 53.8%	421 - 38.2%

¹ THE VICTIM WAS MOMENTARILY UNCONSCIOUS OR REQUIRED SIMPLE EMERGENCY TREATMENT FOR CUTS, BRUISES, ETC.

² THE VICTIM WAS UNCONSCIOUS FOR AN EXTENDED PERIOD OF TIME, REQUIRED EXTENSIVE EMERGENCY ROOM TREATMENT, HAD TO BE HOSPITALIZED, SUFFERED TEMPORARY PHYSICAL AND/OR MENTAL DAMAGE, SUFFERED SIGNIFICANT SCARRING, LOSS OF OR IMPAIRMENT OF PHYSICAL FUNCTION OR LIMB, RECURRENT PAIN, CONTINUING DISABILITY OR MENTAL TRAUMA.

*PERCENT NOT SHOWN FOR FEWER THAN 5 CASES.

**SERVING A CONCURRENT TERM FOR ROBBERY.

TABLE IXA
VIOLENT¹ PRIOR PRISON TERMS SERVED, BY COUNTY
SERVED - CHARGED - FOUND - IMPOSED

PRIORS COUNTY	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED* OF THOSE SERVED
ALAMEDA	717 100.0%	18 2.5% 100.0%	5 - 27.8%	1 - **	0 - -
CONTRA COSTA	307 100.0%	15 4.9% 100.0%	1 - -	1 - -	0 - -
FRESNO	628 100.0%	22 3.5% 100.0%	2 - -	1 - -	1 - -
KERN	676 100.0%	17 2.5% 100.0%	0 - -	0 - -	0 - -
LOS ANGELES	8,226 100.0%	186 2.3% 100.0%	13 - 7.0%	3 - -	1 - -
ORANGE	877 100.0%	21 2.4% 100.0%	5 - 23.8%	2 - -	0 - -
RIVERSIDE	775 100.0%	16 2.1% 100.0%	0 - -	0 - -	0 - -
SACRAMENTO	706 100.0%	24 3.4% 100.0%	1 - -	0 - -	0 - -
SAN BERNARDINO	770 100.0%	16 2.1% 100.0%	2 - -	0 - -	0 - -
SAN DIEGO	1,360 100.0%	31 2.3% 100.0%	7 - 22.6%	1 - -	1 - -

TABLE IXA
 VIOLENT¹ PRIOR PRISON TERMS SERVED, BY COUNTY *
 SERVED - CHARGED - FOUND - IMPOSED

PRIORS COUNTY	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED* OF THOSE SERVED
SAN FRANCISCO	818 100.0%	21 2.6% 100.0%	3 - -	0 - -	0 - -
SAN JOAQUIN	241 100.0%	7 2.9% 100.0%	0 - -	0 - -	0 - -
SAN MATEO	217 100.0%	6 2.8% 100.0%	1 - -	0 - -	0 - -
SANTA BARBARA	252 100.0%	7 2.8% 100.0%	1 - -	0 - -	0 - -
SANTA CLARA	1,137 100.0%	19 1.7% 100.0%	1 - -	0 - -	0 - -
STANISLAUS	237 100.0%	3 100.0%	1 - -	1 - -	1 - -
VENTURA	216 100.0%	4 100.0%	0 - -	0 - -	0 - -
OTHER COUNTIES	2,345 100.0%	49 2.1% 100.0%	5 - 10.2%	1 - -	1 - -
STATEWIDE	20,505 100.0%	482 2.4% 100.0%	48 - 10.0%	11 - 2.3%	5 - 1.0%

*THREE YEAR ENHANCEMENT FOR VIOLENT PRIOR PRISON TERM CAN BE IMPOSED ONLY WHEN OFFENDER CURRENTLY STANDS CONVICTED OF A VIOLENT OFFENSE.
 **PERCENT NOT SHOWN FOR FEWER THAN 5 CASES.

TABLE IXB
 VIOLENT P¹RIOR PRISON TERMS SERVED, BY OFFENSE *
 SERVED - CHARGED - FOUND - IMPOSED

PRIORS OFFENSE	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED* OF THOSE SERVED
VOLUNTARY MANSLAUGHTER	392 100.0%	6 1.5% 100.0%	1 - **	1 - -	0 - -
INVOLUNTARY MANSLAUGHTER	67 100.0%	3 - 100.0%	1 - -	0 - -	0 - -
VEHICULAR MANSLAUGHTER	126 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
ATTEMPTED MURDER	179 100.0%	5 2.8% 100.0%	4 - -	1 - -	0 - -
DRIVING UNDER THE INFLUENCE CAUSING INJURY	241 100.0%	2 - 100.0%	0 - -	0 - -	0 - -
ASSAULT	1,111 100.0%	30 2.7% 100.0%	6 - 20.0%	0 - -	0 - -
ASSAULT ON A PEACE OFFICER	55 100.0%	3 - 100.0%	0 - -	0 - -	0 - -
FALSE IMPRISONMENT AND BATTERY	164 100.0%	2 - 100.0%	1 - -	0 - -	0 - -
ROBBERY	2,618 100.0%	91 3.5% 100.0%	13 - 14.3%	3 - -	3 - -
ROBBERY INHABITED DWELLING	244 100.0%	13 5.3% 100.0%	4 - -	0 - -	0 - -

TABLE IXB
 VIOLENT¹ PRIOR PRISON TERMS SERVED, BY OFFENSE
 SERVED - CHARGED - FOUND - IMPOSED

PRIORS OFFENSE	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED* OF THOSE SERVED
ATTEMPTED ROBBERY	189 100.0%	4 - 100.0%	0 - -	0 - -	0 - -
RAPE	326 100.0%	17 5.2% 100.0%	3 - -	1 - -	0 - -
ASSAULT TO COMMIT SEX OFFENSE	87 100.0%	6 6.9% 100.0%	0 - -	0 - -	0 - -
MISCELLANEOUS SEX OFFENSES	1,162 100.0%	41 3.5% 100.0%	3 - -	1 - -	1 - -
INFLECT CRUELTY SPOUSE OR CHILD	82 100.0%	2 - 100.0%	0 - -	0 - -	0 - -
KIDNAPPING	132 100.0%	4 - 100.0%	0 - -	0 - -	0 - -
ARSON	106 100.0%	2 - 100.0%	0 - -	0 - -	0 - -
FIRST DEGREE BURGLARY	2,841 100.0%	35 1.2% 100.0%	5 - 14.3%	1 - -	1 - -
SECOND DEGREE BURGLARY	1,685 100.0%	37 2.2% 100.0%	3 - -	1 - -	0 - -
ATTEMPTED BURGLARY	157 100.0%	3 - 100.0%	0 - -	0 - -	0 - -

TABLE IXB
 VIOLENT¹ PRIOR PRISON TERMS SERVED, BY OFFENSE
 SERVED - CHARGED - FOUND - IMPOSED

PRIORS OFFENSE	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED* OF THOSE SERVED
GRAND THEFT	508 100.0%	5 1.0% 100.0%	0 - -	0 - -	0 - -
THEFT OF PERSONAL PROPERTY	307 100.0%	5 1.6% 100.0%	0 - -	0 - -	0 - -
AUTO THEFT	728 100.0%	13 1.8% 100.0%	0 - -	0 - -	0 - -
PETTY THEFT WITH PRIOR	700 100.0%	19 2.7% 100.0%	0 - -	0 - -	0 - -
FORGERY	392 100.0%	13 3.3% 100.0%	0 - -	0 - -	0 - -
CHECKS WITH INSUFFICIENT FUNDS	101 100.0%	1 - 100.0%	0 - -	0 - -	0 - -
RECEIVING STOLEN PROPERTY	724 100.0%	8 1.1% 100.0%	0 - -	0 - -	0 - -
POSSESSION OF CONTROLLED SUBSTANCE	1,636 100.0%	31 1.9% 100.0%	1 - -	1 - -	0 - -
POSSESSION OF CONT. SUBS. FOR SALE	886 100.0%	12 1.4% 100.0%	0 - -	0 - -	0 - -
SALE OF CONTROLLED SUBSTANCE	1,110 100.0%	14 1.3% 100.0%	0 - -	0 - -	0 - -

TABLE IXB
 VIOLENT¹ PRIOR PRISON TERMS SERVED, BY OFFENSE
 SERVED - CHARGED - FOUND - IMPOSED

PRIORS OFFENSE	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED* OF THOSE SERVED
POSSESSION FOR SALE OR SALE OF PCP	354 100.0%	4 - 100.0%	0 - -	0 - -	0 - -
FELON IN POSSESSION OF A GUN	180 100.0%	20 11.1% 100.0%	1 - -	1 - -	0 - -
ESCAPE	114 100.0%	5 4.4% 100.0%	0 - -	0 - -	0 - -
INSTITUTIONAL OFFENSES	110 100.0%	6 5.5% 100.0%	0 - -	0 - -	0 - -
OTHER OFFENSES	691 100.0%	20 2.9% 100.0%	2 - -	0 - -	0 - -
TOTAL OF ALL OFFENSES	20,505 100.0%	482 2.4% 100.0%	48 - 10.0%	11 - 2.3%	5 - 1.0%

*THREE YEAR ENHANCEMENT FOR VIOLENT PRIOR PRISON TERM CAN BE IMPOSED
 ONLY WHEN OFFENDER CURRENTLY STANDS CONVICTED OF A VIOLENT OFFENSE.
 **PERCENT NOT SHOWN FOR FEWER THAN 5 CASES.

TABLE IXC
NONVIOLENT² PRIOR PRISON TERMS SERVED, BY COUNTY
SERVED - CHARGED - FOUND - IMPOSED

PRIORS COUNTY	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED OF THOSE SERVED
ALAMEDA	717 100.0%	210 29.3% 100.0%	117 - 55.7%	31 - 14.8%	13 - 6.2%
CONTRA COSTA	307 100.0%	99 32.2% 100.0%	76 - 76.8%	58 - 58.6%	26 - 26.3%
FRESNO	628 100.0%	152 24.2% 100.0%	42 - 27.6%	20 - 13.2%	19 - 12.5%
KERN	676 100.0%	198 29.3% 100.0%	115 - 58.1%	48 - 24.2%	28 - 14.1%
LOS ANGELES	8,226 100.0%	2,084 25.3% 100.0%	655 - 31.4%	290 - 13.9%	169 - 8.1%
ORANGE	877 100.0%	203 23.1% 100.0%	83 - 40.9%	42 - 20.7%	14 - 6.9%
RIVERSIDE	775 100.0%	179 23.1% 100.0%	53 - 29.6%	30 - 16.8%	24 - 13.4%
SACRAMENTO	706 100.0%	241 34.1% 100.0%	69 - 28.6%	57 - 23.7%	54 - 22.4%
SAN BERNARDINO	770 100.0%	213 27.7% 100.0%	88 - 41.3%	39 - 18.3%	32 - 15.0%
SAN DIEGO	1,360 100.0%	372 27.4% 100.0%	177 - 47.6%	62 - 16.7%	43 - 11.6%

TABLE IXC
NONVIOLENT²PRIOR PRISON TERMS SERVED, BY COUNTY
SERVED - CHARGED - FOUND - IMPOSED

PRIORS COUNTY	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED OF THOSE SERVED
SAN FRANCISCO	818 100.0%	316 38.6% 100.0%	220 - 69.6%	76 - 24.1%	43 - 13.6%
SAN JOAQUIN	241 100.0%	47 19.5% 100.0%	15 - 31.9%	9 - 19.1%	6 - 12.8%
SAN MATEO	217 100.0%	62 28.6% 100.0%	32 - 51.6%	16 - 25.8%	14 - 22.6%
SANTA BARBARA	252 100.0%	66 26.2% 100.0%	48 - 72.7%	26 - 39.4%	20 - 30.3%
SANTA CLARA	1,137 100.0%	249 21.9% 100.0%	87 - 34.9%	50 - 20.1%	40 - 16.1%
STANISLAUS	237 100.0%	66 27.8% 100.0%	26 - 39.4%	14 - 21.2%	13 - 19.7%
VENTURA	216 100.0%	65 30.1% 100.0%	43 - 66.2%	33 - 50.8%	31 - 47.7%
OTHER COUNTIES	2,345 100.0%	590 25.2% 100.0%	211 - 35.8%	127 - 21.5%	121 - 20.5%
STATEWIDE	20,505 100.0%	5,412 26.4% 100.0%	2,157 - 39.9%	1,028 - 19.0%	710 - 13.1%

TABLE IXD
NONVIOLENT² PRIOR PRISON TERMS SERVED, BY OFFENSE
SERVED - CHARGED - FOUND - IMPOSED

PRIORS OFFENSE	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED OF THOSE SERVED
VOLUNTARY MANSLAUGHTER	392 100.0%	51 13.0% 100.0%	9 - 17.6%	4 - *	3 - -
INVOLUNTARY MANSLAUGHTER	67 100.0%	11 16.4% 100.0%	7 - 63.6%	2 - -	2 - -
VEHICULAR MANSLAUGHTER	126 100.0%	5 4.0% 100.0%	4 - -	1 - -	0 - -
ATTEMPTED MURDER	179 100.0%	37 20.7% 100.0%	17 - 45.9%	4 - -	1 - -
DRIVING UNDER THE INFLUENCE CAUSING INJURY	241 100.0%	26 10.8% 100.0%	8 - 30.8%	5 - 19.2%	4 - -
ASSAULT	1,111 100.0%	232 20.9% 100.0%	94 - 40.5%	51 - 22.0%	36 - 15.5%
ASSAULT ON A PEACE OFFICER	55 100.0%	14 25.5% 100.0%	6 - 42.9%	2 - -	0 - -
FALSE IMPRISONMENT AND BATTERY	164 100.0%	43 26.2% 100.0%	11 - 25.6%	6 - 14.0%	6 - 14.0%
ROBBERY	2,618 100.0%	663 25.3% 100.0%	260 - 39.2%	120 - 18.1%	70 - 10.6%
ROBBERY INHABITED DWELLING	244 100.0%	73 29.9% 100.0%	33 - 45.2%	17 - 23.3%	14 - 19.2%

TABLE IXD
 NONVIOLENT² PRIOR PRISON TERMS SERVED, BY OFFENSE
 SERVED - CHARGED - FOUND - IMPOSED

PRIORS OFFENSE	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED OF THOSE SERVED
ATTEMPTED ROBBERY	189 100.0%	51 27.0% 100.0%	20 - 39.2%	6 - 11.8%	5 - 9.8%
RAPE	326 100.0%	54 16.6% 100.0%	19 - 35.2%	10 - 18.5%	6 - 11.1%
ASSAULT TO COMMIT SEX OFFENSE	87 100.0%	13 14.9% 100.0%	5 - 38.5%	3 - -	2 - -
MISCELLANEOUS SEX OFFENSES	1,162 100.0%	158 13.6% 100.0%	46 - 29.1%	22 - 13.9%	18 - 11.4%
INFLICT CRUELTY SPOUSE OR CHILD	82 100.0%	15 18.3% 100.0%	7 - 46.7%	3 - -	3 - -
KIDNAPPING	132 100.0%	15 11.4% 100.0%	8 - 53.3%	6 - 40.0%	5 - 33.3%
ARSON	106 100.0%	18 17.0% 100.0%	5 - 27.8%	1 - -	0 - -
FIRST DEGREE BURGLARY	2,841 100.0%	641 22.6% 100.0%	311 - 48.5%	173 - 27.0%	133 - 20.7%
SECOND DEGREE BURGLARY	1,685 100.0%	610 36.2% 100.0%	257 - 42.1%	139 - 22.8%	93 - 15.2%
ATTEMPTED BURGLARY	157 100.0%	73 46.5% 100.0%	23 - 31.5%	14 - 19.2%	11 - 15.1%

TABLE IXD
NONVIOLENT² PRIOR PRISON TERMS SERVED, BY OFFENSE
SERVED - CHARGED - FOUND - IMPOSED

PRIORS OFFENSE	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED OF THOSE SERVED
GRAND THEFT	508 100.0%	149 29.3% 100.0%	67 - 45.0%	33 - 22.1%	26 - 17.4%
THEFT OF PERSONAL PROPERTY	307 100.0%	84 27.4% 100.0%	32 - 38.1%	13 - 15.5%	11 - 13.1%
AUTO THEFT	728 100.0%	253 34.8% 100.0%	96 - 37.9%	48 - 19.0%	30 - 11.9%
PETTY THEFT WITH PRIOR	700 100.0%	360 51.4% 100.0%	140 - 38.9%	62 - 17.2%	39 - 10.8%
FORGERY	392 100.0%	148 37.8% 100.0%	36 - 24.3%	19 - 12.8%	12 - 8.1%
CHECKS WITH INSUFFICIENT FUNDS	101 100.0%	28 27.7% 100.0%	4 - -	3 - -	3 - -
RECEIVING STOLEN PROPERTY	724 100.0%	251 34.7% 100.0%	89 - 35.5%	50 - 19.9%	41 - 16.3%
POSSESSION OF CONTROLLED SUBSTANCE	1,636 100.0%	488 29.8% 100.0%	194 - 39.8%	69 - 14.1%	44 - 9.0%
POSSESSION OF CONT. SUBS. FOR SALE	886 100.0%	205 23.1% 100.0%	75 - 36.6%	32 - 15.6%	13 - 6.3%
SALE OF CONTROLLED SUBSTANCE	1,110 100.0%	218 19.6% 100.0%	112 - 51.4%	42 - 19.3%	27 - 12.4%

TABLE IXD
NONVIOLENT^a PRIOR PRISON TERMS SERVED, BY OFFENSE
SERVED - CHARGED - FOUND - IMPOSED

PRIORS OFFENSE	NUMBER OF CASES	SERVED	CHARGED OF THOSE SERVED	FOUND OF THOSE SERVED	IMPOSED OF THOSE SERVED
POSSESSION FOR SALE OR SALE OF PCP	354 100.0%	47 13.3% 100.0%	27 - 57.4%	9 - 19.1%	6 - 12.8%
FELON IN POSSESSION OF A GUN	180 100.0%	125 69.4% 100.0%	55 - 44.0%	22 - 17.6%	15 - 12.0%
ESCAPE	114 100.0%	42 36.8% 100.0%	16 - 38.1%	4 - -	3 - -
INSTITUTIONAL OFFENSES	110 100.0%	33 30.0% 100.0%	2 - -	1 - -	1 - -
OTHER OFFENSES	691 100.0%	178 25.8% 100.0%	62 - 34.8%	32 - 18.0%	27 - 15.2%
TOTAL OF ALL OFFENSES	20,505 100.0%	5,412 26.4% 100.0%	2,157 - 39.9%	1,028 - 19.0%	710 - 13.1%

*PERCENT NOT SHOWN FOR FEWER THAN 5 CASES.

¹ Violent offenses as enumerated in P.C. Section 667.5(c) consist of the following:

P.C.	187 - Murder	
	192 - Voluntary Manslaughter	
	203 - Mayhem	
*	261(2) + (3) - Forcible Rape	
**	286(c) - Sodomy by force	
**	288a(c) - Oral copulation by force	
	288 - Lewd acts on a child	
***	<u>213(211)</u>	Robbery, Rape or Burglary ONLY
	264(261(2) or (3))	WHEN GREAT BODILY INJURY WAS
	<u>461(459)</u>	INFLECTED MAY also be recorded
		as victim harmed.
	12022.5 - Felony in which use of a firearm was pled and proved	
	12022.7 - Any felony in which GBI was pled and proved	
	- - - - - ANY FELONY PUNISHABLE BY DEATH OR BY IMPRISONMENT FOR LIFE	

*Effective 1-1-81, includes 261(2) only.

**Statutes modified 1-1-76; previously included in Penal Code §286 and §288a. For convictions recorded under starred sections, the record must reflect felonies committed WITH FORCE.

***Statutes modified 7-1-77. Prior to that date, Great Bodily Injury could be included in these individual sections.

² Nonviolent offenses are all those offenses not listed above.

TABLE X

NUMBER OF PERSONS RECEIVED IN PRISON, BY PRINCIPAL OFFENSE
BY NUMBER OF COUNTS CONVICTED*

OFFENSE	COUNTS CONVICTED	ONE	TWO	THREE OR MORE
VOLUNTARY MANSLAUGHTER		322 82.14%	53 13.52%	17 4.34%
INVOLUNTARY MANSLAUGHTER		59 88.06%	6 8.96%	2 **
VEHICULAR MANSLAUGHTER		55 43.65%	40 31.75%	31 24.60%
ATTEMPTED MURDER		73 40.78%	48 26.82%	58 32.40%
DRIVING UNDER THE INFLUENCE CAUSING INJURY		186 77.18%	41 17.01%	14 5.81%
ASSAULT		788 70.93%	231 20.79%	92 8.28%
ASSAULT ON A PEACE OFFICER		27 49.09%	10 18.18%	18 32.73%
FALSE IMPRISONMENT AND BATTERY		122 74.59%	32 19.51%	10 6.10%
ROBBERY		1,467 56.04%	582 22.23%	569 21.73%
ROBBERY INHABITED DWELLING		94 38.52%	68 27.87%	82 33.61%
ATTEMPTED ROBBERY		140 74.07%	43 22.75%	6 3.17%
RAPE		121 37.12%	83 25.46%	122 37.42%
ASSAULT TO COMMIT SEX OFFENSE		53 60.92%	17 19.54%	17 19.54%

TABLE X

NUMBER OF PERSONS RECEIVED IN PRISON, BY PRINCIPAL OFFENSE
BY NUMBER OF COUNTS CONVICTED*

OFFENSE	COUNTS CONVICTED	ONE	TWO	THREE OR MORE
MISCELLANEOUS SEX OFFENSES		448 38.55%	298 25.65%	416 35.80%
INFLICT INJURY SPOUSE OR CHILD		55 67.07%	19 23.17%	8 9.76%
KIDNAPPING		47 35.61%	35 26.52%	50 37.88%
ARSON		75 70.75%	22 20.75%	9 8.49%
FIRST DEGREE BURGLARY		1,653 58.18%	675 23.76%	513 18.06%
SECOND DEGREE BURGLARY		1,102 65.40%	406 24.09%	177 10.50%
ATTEMPTED BURGLARY		137 87.26%	12 7.64%	8 5.10%
GRAND THEFT		322 63.39%	98 19.29%	88 17.32%
THEFT OF PERSONAL PROPERTY		232 75.57%	54 17.59%	21 6.84%
AUTO THEFT		438 60.16%	187 25.69%	103 14.15%
PETTY THEFT WITH PRIOR		530 75.71%	114 16.29%	56 8.00%
FORGERY		174 44.39%	108 27.55%	110 28.06%
CHECKS WITH INSUFFICIENT FUNDS		48 47.52%	24 23.76%	29 28.71%

TABLE X

NUMBER OF PERSONS RECEIVED IN PRISON, BY PRINCIPAL OFFENSE
BY NUMBER OF COUNTS CONVICTED*

OFFENSE	COUNTS CONVICTED	ONE	TWO	THREE OR MORE
RECEIVING STOLEN PROPERTY		497 68.65%	158 21.82%	69 9.53%
POSSESSION OF CONTROLLED SUBSTANCE		1,182 72.25%	336 20.54%	118 7.21%
POSSESSION OF CONTROLLED SUBSTANCE FOR SALE		560 63.21%	222 25.06%	104 11.74%
SALE OF CONTROLLED SUBSTANCE		543 48.92%	347 31.26%	220 19.82%
POSSESSION FOR SALE OR SALE OF PCP		199 56.21%	95 26.84%	60 16.95%
FELON IN POSSESSION OF A GUN		140 77.78%	30 16.67%	10 5.56%
ESCAPE		83 72.81%	22 19.30%	9 7.89%
INSTITUTIONAL OFFENSES		103 93.64%	7 6.36%	0 -
OTHER OFFENSES		430 62.23%	148 21.42%	113 16.35%
TOTAL OF ALL OFFENSES		12,505 60.99%	4,671 22.78%	3,329 16.24%

*MULTIPLE COUNTS MAY BE DIFFERENT THAN PRINCIPAL COUNT.
**PERCENT NOT SHOWN FOR FEWER THAN 5 CASES.

TABLE XI
COUNTS IMPOSED CONSECUTIVELY BY NON-STAYED MULTIPLE CONVICTIONS*
FY1985/86

Non-stayed Multiple Convictions*	Multiple Convictions Imposed Consecutively											
	0	1	2	3	4	5	6	7	8	9	10+	
0	13,018											
	100.0%											
1	3,614	921										
	79.7%	20.3%										
2	1,042	264	205									
	69.0%	17.5%	13.6%									
3	329	114	70	106								
	53.2%	18.4%	11.3%	17.1%								
4	122	70	37	20	25							
	44.5%	25.5%	13.5%	7.3%	9.1%							
5	72	25	15	16	16	22						
	43.4%	15.1%	9.0%	9.6%	9.6%	13.3%						
6	36	17	16	12	5	8	9					
	35.0%	16.5%	15.5%	11.7%	4.9%	7.8%	8.7%					
7	33	4	5	7	3	4	3	8				
	49.3%	6.0%	7.5%	10.4%	4.5%	6.0%	4.5%	11.9%				
8	16	6	1	10	5	4	0	1	7			
	32.0%	12.0%	2.0%	20.0%	10.0%	8.0%	0.0%	2.0%	14.0%			
9	15	4	1	5	3	5	0	2	0	5		
	37.5%	10.0%	2.5%	12.5%	7.5%	12.5%	0.0%	5.0%	0.0%	12.5%		
10	16	8	13	23	6	12	6	4	1	0	32	
	13.2%	6.6%	10.7%	19.0%	5.0%	9.9%	5.0%	3.3%	0.8%	0.0%	26.4%	

*Multiple convictions not stayed pursuant to P.C. Section 654.

#Data for one case was not available, therefore the total cases in this table is 20,504, one less than the total DSL intake of 20,505 for FY 1985/86.