

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

Profile of Felons Convicted in State Courts, 1986

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Profile of Felons Convicted in State Courts, 1986

By Patrick A. Langan, Ph.D.
and
John M. Dawson
BJS Statisticians

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Joseph M. Bessette
Acting Director

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Overview

Results from the National Judicial Reporting Program (NJRP) indicate that in 1986 State courts nationwide convicted about 583,000 persons of a felony — 507,000 (87%) were men and 76,000 were women. Approximately 103,000 men and 7,000 women were convicted of a violent felony that year. Other findings include the following:

- Among all felons convicted in 1986, about 344,000 (59%) were white, 233,000 (40%) were black, and an estimated 6,000 (1%) were of other races (American Indian, Alaska Native, Asian, or Pacific Islander).
- The average age of convicted felons was 29 years. Half of all felons were in their twenties when sentenced.
- Nine percent of the convicted women and 20% of the convicted men had a violent conviction offense. Among whites, 17% of those convicted of a felony had a violent conviction offense; among blacks, 22%.
- Male felons were more likely than female felons (49% versus 30%) to have received a prison sentence. They were also more likely to have received a death sentence for murder or nonnegligent manslaughter (2% versus one-tenth of 1%), and were more likely to have received a sentence to life in prison (1% versus one-tenth of 1%).
- Men sentenced to State prison had an average sentence length of 7 years, while women had an average prison sentence of 5 years. Men were sentenced to local jail for an average of 9 months, and women, 6 months. Men's larger

proportion of violent conviction offenses partly explains men's greater likelihood of a sentence to incarceration and longer average sentences.

- Equal percentages of whites and blacks (2%) received the death penalty for murder or nonnegligent manslaughter, and equal percentages of whites and blacks (1%) received a life sentence for a felony conviction. Comparisons of other types of sentences and other measures of sentence length did not reveal measurable differences between the races.
- The estimated 583,000 felons were convicted of about 900,000 felonies. About 74% of convicted felons had one felony conviction offense, 16% had two, and the remaining 10% had three or more. Felons with multiple conviction offenses were more likely to receive a prison sentence. Prison sentences accounted for 41% of felons with one conviction offense, 58% of felons with two offenses, and 66% of felons with three or more.

National Judicial Reporting Program

The first National Judicial Reporting Program (NJRP) report, *Felony Sentences in State Courts, 1986* (NCJ-115210), summarizes the number of persons convicted of a felony in State courts and the sentences that they received. This report describes characteristics of convicted felons and compares sentences for felons with different characteristics.

In its initial survey in 1986 the NJRP recorded information on felony convictions in a nationally representative sample of 100 counties, where 115 State courts heard felony cases. The survey excluded Fed-

eral courts and those State or local courts that did not try felony cases. State courts accounted for 95% of felony convictions in the United States, and Federal courts accounted for 5%.

The survey included only offenses that State penal codes defined as felonies. Felonies are widely defined as crimes for which prison sentences of more than a year may be imposed.

The 100 counties were in 37 States and all regions of the country. Demographic profiles presented in this report are based on cases where demographic information was included in the county records sampled in the survey.

Given the limited number of States, counties, and individual conviction cases in the 1986 survey, estimates presented in this report are preliminary. The next survey, covering the year 1988, was expanded to 300 counties and will improve the precision of estimates.

Factors influencing sentences

Sentencing severity may be measured by many criteria —

- Whether a felon was sentenced to incarceration or to a nonincarceration penalty like probation, a fine, or restitution.
- If sentenced to incarceration, whether a felon was sentenced to State prison or local jail.
- If sentenced for multiple charges, whether a felon is to serve the sentences concurrently (at the same time) or consecutively (one after another).
- Sentence length.

A variety of factors may influence whether an offender receives a more severe or less severe sentence. Such factors include —

- the seriousness of the conviction offense
- the number of conviction charges
- whether the offense was completed or attempted
- the presence or extent of victim injury
- the use of a weapon
- the value of the property stolen or damaged
- the role of the felon as principal or accessory
- the felon's specific intent
- the role of the victim
- the prior criminal record of the felon (all States have enhanced penalties for repeat or chronic offenders).

The NJRP survey was able to collect data on only the first three of these factors. Consequently, these are discussed in some detail in this report.

This report also examines the relationship between sentencing severity and such demographic characteristics as sex, race, and age.

The box on page 10 discusses standardization of sentences for felons of different races — what would the average sentences of whites and blacks be if both races had the same mix of offenses and were sentenced in the same numbers in each State?

Offense seriousness

In the NJRP, felony conviction offenses were combined into eight offense categories:

- murder and nonnegligent manslaughter
- rape
- robbery
- aggravated assault
- burglary
- larceny and motor vehicle theft
- drug trafficking
- other felonies.

The first six offenses correspond to the FBI's Uniform Crime Report (UCR) Index crimes. Together the eight categories form a measure of offense seriousness, from murder, the most serious, to "other felonies," the least. The four violent offense categories together are considered to be more serious than the four remaining categories.

For analytical purposes and to provide comparability with studies based on index crimes, drug trafficking is considered to be less serious than the other specified offenses. In cases of multiple offenses where a felon was convicted of drug trafficking and an index crime, the index crime was taken as the most serious.

State sentencing practices

State sentencing practices include mandatory sentencing laws that require prison sentences for persons convicted of specified offenses, statutes that define those offenses punishable as felonies, laws that specify sentence lengths, statutory provisions that direct the application of aggravating and mitigating circumstances, and the exercise of prosecutorial and judicial discretion in sentencing decisions.

Sentencing practices vary considerably across the States. For example, most States authorize the death penalty for murder, while some au-

thorize a maximum penalty of life imprisonment. For robbery, California's penal code authorizes a maximum prison term of 6 years; Oregon's code authorizes a 20-year maximum term.

Variation in sentences may also reflect State-to-State differences in judicial expectations of the amount of time that felons will actually serve. When they impose sentences, judges may consider how their State reduces sentences through parole or good-time earned.

Convicted felon populations: Sex, race, and age, 1986

In 1986 men comprised 48% of the U.S. population age 18 or older but 87% of the estimated 583,000 persons convicted of a felony and 94% of the approximately 110,000 persons convicted of violent offenses — murder, rape, robbery, and aggravated assault (table 1).¹ State courts convicted about 507,000 males and 76,000 females of felonies nationwide. An estimated 103,000 males and 7,000 females were convicted of a violent felony.

In the aggregate the men's conviction offenses were more serious than the women's. Twenty percent of male convictions were for violent felonies, compared to 9% of the female convictions (table 2).

Larceny and "other felonies" together accounted for 71% of convicted women, compared to 47% of convicted men. The comparatively large percentage of women among persons convicted of larceny (20%) accords with studies showing that female involvement in crime is highest in theft categories. Arrest

¹Violent felonies included murder, nonnegligent manslaughter, rape, robbery, and aggravated assault. Other violent offenses, such as kidnapping or sexual assault, were classified as "other felonies."

Table 1. Demographic characteristics of persons convicted of felonies in State courts, 1986

Most serious conviction offense	Number of convictions	Percent of convicted felons who were:											
		Total	Sex		Race			Age					
			Male	Female	White	Black	Other	14-19	20-29	30-39	40-49	50-59	60+
All	582,764	100%	87%	13%	59%	40%	1%	11%	53%	24%	8%	3%	1%
Murder ^a	9,854	100	91	9	51	46	3	9	47	32	7	4	1
Rape	19,685	100	99	1	63	37	-	5	40	26	18	6	5
Robbery	42,305	100	94	6	47	53	-	18	59	19	4	-	-
Aggravated assault	38,245	100	91	9	55	44	1	9	48	27	9	5	2
Burglary	102,683	100	96	4	61	38	1	20	62	14	3	1	-
Larceny ^b	91,092	100	80	20	61	38	1	11	54	23	7	4	1
Drug trafficking	76,437	100	86	14	51	48	1	7	51	30	8	3	1
Other felonies	202,463	100	83	17	62	37	1	7	49	28	11	3	2

Note: Table figures on sex are based on 93% of the estimated total 582,764 convicted felons; figures on race, 66% of the total; figures on age, 81% of the total. The first 6 offenses are UCR Index crimes and are listed in order of decreasing seriousness. Any person convicted

of multiple offenses that included any of the Index crimes received the offense designation of the most serious Index crime. Persons received the offense designation of drug trafficking only if they were not also convicted of one of the Index crimes.

- Less than .5%.
^aIncludes nonnegligent manslaughter.
^bIncludes motor vehicle theft.

Table 2. Persons convicted of felonies in State courts, by offense and demographic characteristics, 1986

Most serious conviction offense	Percent of convicted felons who were:											
	Total	Sex		Race			Age					
		Male	Female	White	Black	Other	14-19	20-29	30-39	40-49	50-59	60+
All	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Murder ^a	2	2	1	2	2	1	1	2	2	2	1	1
Rape	3	4	-	3	3	2	3	4	7	7	14	14
Robbery	7	7	3	6	9	11	8	5	3	1	1	1
Aggravated assault	6	7	5	6	8	5	6	7	7	11	8	8
Burglary	18	20	5	19	18	34	22	11	7	3	2	2
Larceny ^b	16	15	25	18	16	17	17	16	15	23	11	11
Drug trafficking	13	13	15	10	14	8	12	16	13	15	13	13
Other felonies	35	32	46	36	30	22	31	39	46	38	50	50

Note: Table figures on sex are based on 93% of the estimated total of 582,764 convicted felons; figures on race, 66% of the estimated total of 576,936 whites and blacks convicted

of a felony; figures on age, 81% of the estimated total of 582,764 convicted felons. For other definitions see note on table 1.

- Less than .5%.
^aIncludes nonnegligent manslaughter.
^bIncludes motor vehicle theft.

data indicate that while women account for less than 17% of adult arrests, they account for 33% of larceny arrests, 34% of forgery arrests, 45% of arrests for fraud, and 36% of arrests for embezzlement.² The relatively large percentage of women convicted of "other felonies" may be because fraud, forgery, and embezzlement were among the most common offenses within this summary category.

²Arrest data are from *Crime in the United States, 1986* (FBI, 1987), pp. 176 and 178.

Blacks are 11% of the U.S. adult population but 40% of the persons convicted of felonies and 46% of the persons convicted of the violent crimes of murder, rape, robbery, and aggravated assault (table 1). In 1986 State courts convicted about 344,000 whites and 233,000 blacks of a felony. (Note that few county records contain information on ethnicity — Hispanic versus non-Hispanic. Consequently this report is unable to analyze data on ethnicity.)

An estimated 17% of the whites (58,000) and 22% of the blacks (52,000) were convicted of a violent felony (table 2). These percentages indicate that the conviction offenses of blacks were in the aggregate more serious than those of whites.

Other races — American Indians, Alaska Natives, Asians, and Pacific Islanders — comprise about 3% of the U.S. population but 1% of persons convicted of a felony (table 1). Because too few persons of other races were in the survey to permit

detailed analyses of their sentences, they were not considered further.

The average age at sentencing for those convicted of a felony in 1986 was 29 years. Mean and median ages by conviction offense were as follows:

	Average age in years	
	Mean	Median
Murder	30	28
Rape	34	31
Robbery	26	24
Aggravated assault	30	27
Burglary	25	23
Larceny	29	26
Drug trafficking	30	28
Other felonies	30	28

Ages of convicted felons ranged from 14 to 85 years, but most convicted felons (53%) were in their twenties (table 1). By contrast, persons in their twenties represented 22% of the U.S. population older than 13. The percentage of conviction offenses that were violent, an indication of offense seriousness, did not vary across the age categories. For each of the four youngest age categories, about 18% of conviction offenses were violent felonies (table 2). Nor did the percentage of violent felonies for the two oldest age categories differ measurably from 18%. (Measurable differences are those that are not likely to be the result of errors introduced by the use of a sample.)

Sentences to State prisons and local jails

For nearly all conviction offenses, the most severe penalty is incarceration in a State prison for a term longer than a year. The next most severe punishment is confinement

in a local jail, usually for no longer than a year. Straight probation and other sentences are considered less severe than prison or jail sentences because they typically do not involve loss of liberty.

After conviction for a felony in 1986, 70% of the men and 50% of the women were sentenced to incarceration. The 20-point difference in incarceration rates was primarily due to a larger percentage of men (49%) than women (30%) receiving a sentence to State prison (table 3). No measurable difference existed between the sexes in the percentage receiving a jail sentence.

One reason that men received the more severe sentences was that their conviction offenses were more serious overall. Another reason was that convicted male and female felons were distributed differently across the States, making them subject to different State sentencing practices.

Comparing the sexes after controlling for both offense seriousness and State sentencing practices narrowed the observed differences: the difference in rates of sentencing to incarceration dropped from 20 percentage points to 15; the difference in rates of sentencing to prison dropped from 19 percentage points to 15. Controlling for offense seriousness and State sentencing practices thus eliminates less than half the difference between sentences received by men and women. This study was not able to assess the impact of other legally relevant factors, such as prior record.

An estimated 50% of blacks received a prison sentence. The margin of error for this estimate was too large to conclude that it was measurably different from the

estimate of 45% for whites.³ Similarly, there was no measurable difference between the races in the percentage receiving an incarceration sentence (66% of whites and 69% of blacks) or in the percentage receiving a jail sentence (21% of whites and 19% of blacks).

Consecutive versus concurrent prison sentences

Felons sentenced to prison for multiple conviction offenses made up 16% of persons convicted of a felony in 1986. Such felons received a distinct term of confinement for each conviction offense, and the court decided whether the sentences would be served consecutively or concurrently. For felons with consecutive sentences, total prison time equaled the sum of the individual terms; for felons receiving concurrent sentences, the total prison time was the longest sentence. Thus, for the same set of multiple convictions, consecutive prison sentences are more severe than concurrent sentences.

Among felons sentenced to prison for multiple offenses, 24% received consecutive sentences, and 76% received concurrent sentences.

There was no measurable difference between the sexes in the percentage receiving a consecutive sentence (24% of men with multiple

³Given 343,831 whites and 233,106 blacks convicted of a felony in 1986, and given 1986 imprisonment rates of 45% and 50% for whites and blacks respectively, blacks would constitute 43% of the total number of whites and blacks entering State prisons in 1986. This is much larger than the 11% representation of adult blacks in the general population. For a national study that investigates the discrepancy between blacks as a percentage of the general population and blacks as a percentage of the prison population, see P. Langan, "Racism on trial: New evidence to explain the racial composition of prisons in the United States," *Journal of Criminal Law and Criminology* (Fall 1985), 76(3):666-83.

Table 3. Types of sentences imposed by State courts, by sex and race of felons, 1986

Most serious conviction offense	Total	Percent of felons sentenced to:					
		Incarceration			Nonincarceration		
		Total	Prison	Jail	Total	Probation	Other
Male							
All	100%	70%	49%	21%	30%	28%	2%
Murder ^a	100	95	93	2	5	4	1
Rape	100	88	75	13	12	10	2
Robbery	100	89	78	11	11	10	1
Aggravated assault	100	74	47	27	26	23	3
Burglary	100	74	54	20	26	24	2
Larceny ^b	100	67	43	24	33	31	2
Drug trafficking	100	66	37	27	35	33	2
Other felonies	100	62	40	22	38	36	2
Female							
All	100%	50%	30%	20%	50%	47%	3%
Murder ^a	100	95	88	7	5	5	0
Rape	100	75	58	17	25	25	0
Robbery	100	69	55	14	31	28	3
Aggravated assault	100	44	24	20	56	52	4
Burglary	100	70	41	29	30	28	2
Larceny ^b	100	49	31	18	51	48	3
Drug trafficking	100	53	31	22	47	46	1
Other felonies	100	46	25	21	54	50	4
White							
All	100%	66%	45%	21%	34%	32%	2%
Murder ^a	100	94	92	2	6	6	-
Rape	100	89	76	13	11	11	-
Robbery	100	89	80	9	11	10	1
Aggravated assault	100	73	44	29	27	25	2
Burglary	100	72	50	22	28	27	1
Larceny ^b	100	61	37	24	39	37	2
Drug trafficking	100	56	33	23	44	43	1
Other felonies	100	60	39	21	40	38	2
Black							
All	100%	69%	50%	19%	31%	28%	3%
Murder ^a	100	95	93	2	5	5	-
Rape	100	91	83	8	9	6	3
Robbery	100	88	77	11	12	11	1
Aggravated assault	100	66	47	19	34	30	4
Burglary	100	74	58	16	26	24	2
Larceny ^b	100	69	48	21	31	29	2
Drug trafficking	100	67	41	26	33	31	2
Other felonies	100	60	39	21	40	36	4

Note: Table figures on sex are based on 93% of the estimated total of 582,764 convicted felons; figures on race, 66% of the estimated total of 576,936 whites and blacks convicted of a felony. For persons receiving a combination of sentences, the sentence designation came from the most serious penalty imposed —

prison being the most serious, followed by jail, then probation. Prison includes sentences to death. For other definitions see note on table 1.

- Less than .5%.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

conviction offenses compared to 21% of the women). The estimate for women was based on a small sample.

No measurable difference separated the races in the percentage receiving a consecutive sentence (28% of whites versus 26% of blacks). Both estimates were above the national average of 24%, reflecting the fact that consecutive sentences were more common in counties that were able to provide information on the defendants' race.

Sentence lengths

Men received longer mean prison and jail sentences than women: prison sentences were 19 months longer (83 months versus 64 months), and jail terms were 3 months longer (9 months versus 6 months). Men and women had no measurable difference in average sentences to probation (47 months for male felons versus 44 months for female felons) (table 4).

Longer average sentences for men were expected, given their more serious offenses. An estimated 28% of the men sentenced to prison had a violent conviction offense, compared to 13% of the women (table 5). Among felons sentenced to jail, 15% of the men and 7% of the women had a violent conviction offense. However, among felons placed on probation, no measurable difference separated the percentages of each sex that had violent conviction offenses (11% of men and 7% of women sentenced to probation).

Controlling for offense seriousness and State sentencing practices reduced the sex difference in mean prison sentences from 19 months to 14 months and in mean jail terms from 3 months to 2 months.

Table 4. Mean sentence lengths for felony sentences imposed by State courts, by sex and race of felons, 1986

Most serious conviction offense	Maximum sentence length for felons sentenced to:			
	Total	Incarceration		
		Prison	Jail	Probation
Male				
All	60 mos.	83 mos.	9 mos.	47 mos.
Murder ^a	217	224	22	84
Rape	129	150	11	55
Robbery	128	143	10	50
Aggravated assault	66	96	11	55
Burglary	57	75	10	56
Larceny ^b	32	46	7	43
Drug trafficking	42	65	9	56
Other felonies	40	57	9	41
Female				
All	42 mos.	64 mos.	6 mos.	44 mos.
Murder ^a	168	180	14	51
Rape	124	156	6	46
Robbery	85	103	9	36
Aggravated assault	71	122	5	73
Burglary	54	82	15	43
Larceny ^b	29	42	5	39
Drug trafficking	43	65	8	46
Other felonies	32	53	5	44
White				
All	62 mos.	88 mos.	8 mos.	46 mos.
Murder ^a	228	235	9	48
Rape	123	144	8	63
Robbery	162	178	11	46
Aggravated assault	59	94	7	48
Burglary	62	85	10	55
Larceny ^b	31	47	6	41
Drug trafficking	46	70	9	52
Other felonies	43	63	7	42
Black				
All	59 mos.	79 mos.	9 mos.	60 mos.
Murder ^a	220	226	26	137
Rape	170	187	11	46
Robbery	111	127	10	54
Aggravated assault	72	97	11	87
Burglary	57	70	9	70
Larceny ^b	36	48	8	50
Drug trafficking	38	57	8	78
Other felonies	34	48	8	49

Note: Table figures on sex are based on 93% of the estimated total of 565,025 convicted felons sentenced to prison, jail, or probation and not receiving a sentence to death or to life imprisonment; figures on race, 67% of the estimated total of 553,567 whites and blacks sentenced to prison, jail, or probation and not receiving a sentence to death or to life imprisonment. For other definitions see note on tables 1 and 3.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Table 5. Offense distribution of persons convicted of felonies in State courts, by type of sentence and sex and race of felons, 1986

Most serious conviction offense	Total	Percent of convictions			
		Sex		Race	
		Male	Female	White	Black
Sentenced to incarceration					
All	100%	100%	100%	100%	100%
Murder ^a	2	2	2	2	3
Rape	4	5	-	4	4
Robbery	10	10	4	8	12
Aggravated assault	7	7	4	7	7
Burglary	19	21	7	21	19
Larceny ^b	15	14	24	17	16
Drug trafficking	13	12	16	9	13
Other felonies	30	29	43	32	26
Sentenced to prison					
All	100%	100%	100%	100%	100%
Murder ^a	3	3	3	3	4
Rape	6	6	-	6	5
Robbery	12	12	6	10	14
Aggravated assault	7	7	4	6	7
Burglary	20	22	7	22	21
Larceny ^b	14	13	26	15	15
Drug trafficking	11	10	15	7	11
Other felonies	27	27	39	31	23
Sentenced to jail					
All	100%	100%	100%	100%	100%
Murder ^a	-	-	-	-	-
Rape	2	2	-	2	1
Robbery	4	4	2	2	6
Aggravated assault	8	9	5	9	8
Burglary	17	19	8	20	14
Larceny ^b	17	17	22	21	18
Drug trafficking	16	16	16	11	19
Other felonies	36	33	47	35	34
Sentenced to probation					
All	100%	100%	100%	100%	100%
Murder ^a	-	-	-	-	-
Rape	1	2	-	1	1
Robbery	3	3	2	2	4
Aggravated assault	6	6	5	5	8
Burglary	14	17	3	16	15
Larceny ^b	17	16	26	21	17
Drug trafficking	15	15	15	13	15
Other felonies	44	41	49	42	40

Note: Prison includes sentences to death. Table figures on sex are based on 93% of the estimated total of 570,351 convicted felons sentenced to prison, jail, or probation; figures on race, 66% of the estimated total of 563,067 whites and blacks sentenced to prison, jail, or probation. For other definitions see note on tables 1 and 3. - Less than .5%.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

There was no measurable difference between the races in mean sentences to the following:

	White	Black
Incarceration	62 mos.	59 mos.
Prison	88	79
Jail	8	9
Probation	46	60

Other factors influencing sentencing

Offense seriousness can be gauged by whether the crime was attempted or completed and by whether the sentence was for single or multiple offenses.⁴ Completed offenses are generally considered to be more serious than attempted offenses, and convictions for multiple charges are considered more serious than convictions for a single charge.⁵

Completed and attempted offenses

Criminal law distinguishes between completed and attempted crimes, referring to the presence or absence of certain elements in the criminal act. For example, in a completed rape, forcible penetration must have taken place. In a completed robbery, taking of property is a necessary element. In a completed burglary, entry into the structure must occur.

⁴Another determinant of sentences recorded in the NJRP is method of case disposition as indicated by whether the defendant pleaded guilty or was convicted at trial. Convictions by trial receive more severe sentences than convictions by plea. Survey results on the mode of disposition by type of sentence will be summarized in a future BJS report.

⁵These factors would not have helped to explain sentence differences between the sexes or between the races. There was little variation between the sexes and between the races on the percentage distribution of completed and attempted offenses and on the percentage distribution of number of offenses. There was also little variation between the sexes and between races on the percentage distribution of guilty pleas and trials.

An estimated 95% of conviction offenses were completed, and 5% were attempted (table 6). By definition, all murders are completed crimes. Offenses with the largest percentages of attempted crimes were rape (13%) and robbery (14%).

An estimated 46% of felons convicted of completed offenses and 41% of those convicted of attempted offenses received a prison sentence (table 7). The mean prison sentence for felons convicted of completed offenses was 101 months, while the mean prison sentence for attempted offenses was 83 months. These were not measurable differences, however.

Single versus multiple conviction offenses

The number of conviction offenses ranged from 1 to 75. About three-quarters of convicted felons had one

Table 6. Felony convictions in State courts, by whether offense was completed or attempted, 1986

Most serious conviction offense	Total	Offense	
		Completed	Attempted
All	100%	95%	5%
Murder ^a	100	100	0
Rape	100	87	13
Robbery	100	86	14
Aggravated assault	100	95	5
Burglary	100	94	6
Larceny ^b	100	97	3
Drug trafficking	100	95	5
Other felonies	100	96	4

Note: Table figures are based on 90% of the estimated total of 582,764 convicted felons. For other definitions see note on table 1.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

conviction offense only, while all others had two or more (table 8). The nationally estimated 583,000 convicted felons were convicted of about 900,000 felonies in 1986.

Table 7. Types of felony sentences imposed in State courts, by whether offense was completed or attempted, 1986

Most serious conviction offense	Total	Offense	
		Completed	Attempted
All	100%	100%	100%
Prison	46	46	41
Jail	21	22	28
Probation	31	30	29
Other	2	2	2

Note: Table figures are based on 90% of the estimated total of 582,764 convicted felons. For other definitions see note on table 3.

Table 8. Felons in State courts, by number of conviction offenses, 1986

Most serious conviction offense	Total	Percent of convicted felons, by number of felony conviction offenses		
		One	Two	Three or more
All	100%	74%	16%	10%
Murder ^a	100	72	18	10
Rape	100	59	21	20
Robbery	100	67	18	15
Aggravated assault	100	70	20	10
Burglary	100	63	24	13
Larceny ^b	100	79	13	8
Drug trafficking	100	77	15	8
Other felonies	100	82	12	6

Note: Table figures are based on 94% of the estimated total of 582,764 convicted felons. For other definitions see note on table 1.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

The number of conviction offenses affected both the type of sentence received and the sentence length. In general, the larger the number of conviction offenses, the more severe the sentence. For example, 41% of felons with one offense received a prison sentence, compared to 58% of felons with two convictions and 66% of felons with three or more offenses (table 9).

Mean prison sentences were about 5 years for felons with one offense, 8 years for felons with two offenses, and 12 years for felons with three or more offenses (table 10). Mean jail sentences were 7 months for one offense and 11 months for two or more offenses.

Table 9. Convicted felons sentenced to prison in State courts, by number of conviction offenses, 1986

Most serious conviction offense	Percent of convicted felons sentenced to prison, by number of felony conviction offenses		
	One	Two	Three or more
All	41%	58%	66%
Murder ^a	92	97	92
Rape	64	88	94
Robbery	70	82	95
Aggravated assault	38	57	75
Burglary	47	60	71
Larceny ^b	38	47	53
Drug trafficking	35	44	42
Other felonies	32	54	51

Note: Prison includes sentences to death. Table figures are based on 95% of the estimated total 265,100 felons sentenced to prison. For other definitions see note on tables 1 and 3.

^aIncludes nonnegligent manslaughter.
^bIncludes motor vehicle theft.

There was also some indication that probation terms increased as the number of conviction offenses increased. Probation terms had an average of nearly 3 years and 8

months for one offense, 4 years and 5 months for two offenses, and 6 years and 4 months for three or more offenses (table 10).

Table 10. Mean sentence lengths for felony sentences imposed by State courts, by number of conviction offenses, 1986

Most serious conviction offense	Maximum sentence length for felons sentenced to:			
	Total	Incarceration Prison	Jail	Probation
One conviction offense				
All	43 mos.	65 mos.	7 mos.	44 mos.
Murder ^a	180	188	21	51
Rape	87	108	10	55
Robbery	97	114	9	52
Aggravated assault	49	82	8	54
Burglary	40	57	7	56
Larceny ^b	26	39	6	40
Drug trafficking	36	60	8	50
Other felonies	30	48	7	39
Two conviction offenses				
All	73 mos.	92 mos.	11 mos.	53 mos.
Murder ^a	237	244	11	59
Rape	153	165	15	53
Robbery	117	124	12	39
Aggravated assault	83	107	16	75
Burglary	73	90	14	47
Larceny ^b	41	58	9	52
Drug trafficking	52	72	10	54
Other felonies	48	63	5	51
Three or more conviction offenses				
All	119 mos.	140 mos.	11 mos.	76 mos.
Murder ^a	325	333	16	277
Rape	229	237	12	50
Robbery	228	235	25	47
Aggravated assault	132	146	21	100
Burglary	97	112	7	67
Larceny ^b	56	74	9	66
Drug trafficking	61	78	17	86
Other felonies	80	100	8	75

Note: Means exclude sentences to death or to life imprisonment. Table figures are based on 95% of the estimated total of 565,025 felons sentenced to prison, jail, or probation and not receiving sentences to death or to life imprisonment. For other definitions see note on tables 1 and 3.

^aIncludes nonnegligent manslaughter.
^bIncludes motor vehicle theft.

Sentences to death and to life imprisonment

For nearly every conviction offense category, the most severe sentence a felon can receive is incarceration in a State prison for a term longer than a year. The major exception is murder, an offense punishable by death in 37 States in 1986. NJRP data indicate that an estimated 2% of men convicted of murder or nonnegligent manslaughter received a death sentence compared to one-tenth of 1% of women. The larger percentage of men receiving the death penalty may be attributable to differences in the types of homicides of which each sex is convicted. Men were convicted more often than women of the type of homicide that in 1986 was punishable by death, including murder during the commission of another crime such as rape (punishable by death in 35 States) or kidnaping (34 States), murder of a police officer

(34 States), and contract murder (35 States).*

NJRP data on persons convicted of murder or nonnegligent manslaughter revealed no difference between the races in the percentage receiving a death sentence. In 1986 an estimated 2% of whites and 2% of blacks convicted of these crimes received a death sentence.

Next to the death penalty, the most severe punishment authorized in State laws is life imprisonment. Every State has such laws. State laws reserve life imprisonment for persons convicted of the more serious crimes or convicted numerous times for felonies. NJRP data indicate that in 1986 State courts sentenced nearly 5,000 offenders to life imprisonment for a felony. A larger percentage of males than females received a sentence to life

imprisonment: 1% of males versus one-tenth of 1% of females. The size of the difference between the sexes could not be firmly established from these estimates because the figure for women was based on a small sample. Nevertheless, the direction of the difference was consistent with the expectation that, because male felons' offenses were generally more serious than female felons' offenses, a larger percentage of men would receive life sentences.

Equal percentages of whites and blacks received sentences to life imprisonment — approximately 1% of both whites and blacks.

*More complete results of the BJS analysis of 1986 State capital punishment laws are in *Report to the Nation on Crime and Justice: Second Edition*, BJS, NCJ-105506, March 1988, p. 99.

Methodology

The first report of the NJRP, *Felony Sentences in State Courts, 1986* (NCJ-115210), contains details on numerous methodological aspects of the survey, including the following: sampling, the targeted population, names of the 100 surveyed counties, and offense definitions. Additional information relevant to this report is provided below.

Data collected in the NJRP survey were obtained from a sample and not from a complete enumeration. Consequently, a sampling error (standard error) is associated with each number in the report. In general, if the difference between two numbers is greater than twice the standard error for that difference, there is 95% confidence that the

two numbers are in fact different; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population. Similarly, if the difference between two numbers is greater than 1.6 standard errors, there is 90% confidence that the two numbers are different.

Except where indicated otherwise, all differences discussed in this report were statistically significant at or above the 90% confidence level. When differences between two numbers were below the 90% confidence level, the two numbers were described in the text as "not measurably different." Statements of comparison qualified by the phrase "some indication" correspond to differences whose standard errors are in the range of 1.6 to 2.0 (or confi-

dence levels in the 90%-95% range).

Estimates based on small samples (less than 100 sample cases) were generally not discussed because such estimates tend to be unreliable. Where such estimates were discussed, indication was given that they were based on small samples.

Sample size

The total sample numbered 51,594 cases. Not all cases had demographic characteristics. Data on —

- sex were based on a reported 41,452 males and 5,148 females
- race were based on reported cases of 15,013 whites, 15,145 blacks, and 251 persons of other races

Comparison of sentences received by felons of different races

Sentences whites and blacks received in 1986 were not measurably different, meaning that a high chance existed that differences in NJRP data actually reflected particular conditions of the sampled counties and cases rather than real differences for all sentences in 1986.

Assuming that recorded differences did accurately reflect real differences, an explanation for them was sought through an investigation of two legal factors that affect sentences: offense seriousness and State sentencing practices.

The NJRP survey recorded a 5-percentage-point difference between the races in the percentage receiving a prison sentence (50% of blacks versus 45% of whites). However, the offenses of blacks

were, in the aggregate, more serious than those of whites (22% of blacks had a violent conviction of offense versus 17% of whites). Also, blacks and whites were subject to different State sentencing practices insofar as blacks and whites were distributed differently geographically across the sampled States. Controlling for the two factors of offense seriousness and State sentencing practices narrowed the racial difference in percentages receiving a prison sentence to 3 percentage points. Also, controlling for the two factors completely eliminated the 2-percentage-point difference in percentages receiving a jail sentence (21% of whites versus 19% of blacks).

The NJRP survey recorded several racial differences in average sentence lengths: prison terms of 88

months for whites versus 79 months for blacks, a difference of 9 months; jail terms of 8 months for whites versus 9 months for blacks, a difference of 1 month; and probation terms of 46 months for whites versus 60 months for blacks, a difference of 14 months. After controlling for differences in their offenses and in their geographical distributions, however, the racial difference in prison terms was reduced from 9 months to 6 months, and the racial difference in probation terms disappeared. Only the 1-month racial difference in jail terms remained unchanged.

The overall conclusion drawn from the investigation is that whites and blacks received generally similar sentences, once legally relevant differences between them were taken into account.

• age were based on reported cases of 41,112 convicted felons.

Data on sex of defendants were available from 93 counties (in 34 States), representing 93% of the estimated 583,000 convicted felons nationwide; defendant race data were available from 67 counties (in 29 States), representing 66% of felons nationwide; defendant age data were available from 82 counties (in 34 States), representing 81% of felons.

Characteristics of the sample

The cases in the total sample were selected using a two-stage stratified cluster sampling design. Counties were selected at the first stage, and individual convicted felons within counties were selected at the second stage.

Counties were placed into six strata for first-stage sampling purposes. The probability of a county being selected varied widely among strata, from a low of 1 in every 179 counties to a high of 1 in every 1 (meaning that every county in that stratum was in the survey with certainty). Counties selected from strata where the probability of selection was low were assigned a large sampling weight (the inverse of their probability of selection). As a result, such counties exerted a substantial effect on the overall results.

Two examples were Republic and Sedgwick, the two Kansas counties in the sample. Because these two counties had a large first-stage sampling weight, Kansas cases accounted for about 17% of the nationally estimated total of convicted whites and 12% of the na-

tionally estimated total of convicted blacks. The example of Kansas serves as a reminder that the sample used for the 1986 NJRP survey was one of a large number of possible samples that could have been used applying the same sample design and selection procedures. Estimates derived from different samples would differ from each other.

Standardization

Among the legal factors affecting sentences are offense seriousness and State sentencing practices. In comparing sentences between the races or the sexes, this report attempted to remove the effects of both of these factors through standardization. Standardization adjusts for the differences between the sentences of the sexes or the races because, for example, the

offenses of one race were in the aggregate more serious than the offenses of the other or because one race was more heavily concentrated than the other in States with more severe sentences.

Standardization was a two-stage process that involved designating one population segment as the subject group and the other as the comparison group. The process can be illustrated by the race example. Blacks were designated the subject group, and whites, the comparison group.

At the first stage, differences in offense distributions known to affect sentences were reduced by redistributing the offenses of blacks to make their offense distribution identical to that of whites. For example, in New York State, 9% of the whites had robbery as their most serious conviction offense, compared to 23% of the blacks. After adjustment, 9% of blacks in New York State had robbery as their most serious conviction offense.

At the second stage, differences in State sentencing practices known to affect sentences were controlled by redistributing blacks across the States in the same proportions as whites. For example, California accounted for 8% of the total number of convicted whites but 13% of the total number of convicted blacks. After adjustment, California accounted for 8% of the convicted blacks.

Because State law governs many sentencing practices, both first-stage and second-stage standardization of results were done at the State level rather than at the national or county level.

As a check on this standardization procedure, State-level results were

compared with national-level and county-level results. National-level results in some cases differed substantially from State-level results. In one case national-level results masked differences between demographic sectors that were observed in State-level results; in another case national-level results indicated large differences between sectors that were not observed in State-level results. No substantial differences were observed between State-level and county-level results.

Note that in this report, sentence differences reduced through stand-

ardization were not tested to determine whether the reductions were statistically significant.

Additional information

Besides the methodological information presented here, additional information is presented elsewhere in *National Judicial Reporting Program, 1986* (ICPSR 9073), the codebook for the survey data. The codebook and data set are available from the National Archive of Criminal Justice Data by writing P.O. Box 1248, Ann Arbor, MI 48106, or calling (800) 999-0960.

Standard error estimates

Estimates of 1 standard error for table 1

Most serious conviction offense	Number of convictions	Sex		Race	
		Male	Female	White	Black
All	69,208	.4	.4	4.7	4.6
Murder	1,349	1.5	1.5	7.7	7.2
Rape	3,462	.1	.1	6.1	6.1
Robbery	4,614	.9	.9	5.7	5.7
Aggravated assault	4,705	1.9	1.9	4.6	4.6
Burglary	13,347	.4	.4	6.1	6.1
Larceny	12,867	1.4	1.4	4.2	4.2
Drug trafficking	7,763	.9	.9	6.1	6.1
Other felonies	28,808	1.0	1.0	4.5	4.4

Note: The standard error estimates for number of convictions shown above include corrections to the standard error estimates

previously published in *Felony Sentences in State Courts, 1986*.

Estimates of 1 standard error for table 2

Most serious conviction offense	Total	Sex		Race	
		Male	Female	White	Black
Murder	.1	.2	.2	.2	.2
Rape	.3	.4	0	.5	.3
Robbery	.4	.5	.5	.6	.8
Aggravated assault	.4	.4	1.0	.4	.5
Burglary	.7	.8	.7	1.1	1.2
Larceny	.9	1.0	1.9	1.1	1.1
Drug trafficking	1.3	1.3	1.6	1.2	2.2
Other felonies	1.5	1.7	1.7	2.9	1.3

Estimates of 1 standard error for table 3.

Most serious conviction offense	Percent of felons sentenced to:					
	Incarceration			Nonincarceration		
	Total	Prison	Jail	Total	Probation	Other
Male						
All	3.0	3.3	2.9	3.0	3.2	.4
Murder	1.5	1.7	.7	1.5	1.5	.1
Rape	2.9	3.2	1.8	2.9	2.3	1.0
Robbery	1.6	2.3	1.3	1.6	1.5	.2
Aggravated assault	2.8	3.2	3.7	2.8	2.9	1.0
Burglary	2.7	3.0	4.1	2.7	2.7	.7
Larceny	3.6	4.6	4.2	3.6	4.0	.6
Drug trafficking	4.4	2.9	3.4	4.4	4.3	.4
Other felonies	4.2	5.3	3.3	4.2	4.5	.5
Female						
All	3.7	4.3	3.4	3.7	4.4	1.1
Murder	1.3	2.4	1.5	1.3	1.2	.2
Rape	3.9	5.1	3.6	3.9	3.9	*
Robbery	8.9	8.7	4.1	8.9	8.1	2.0
Aggravated assault	7.1	5.6	2.4	7.1	7.3	1.8
Burglary	5.7	8.1	8.0	5.7	5.6	1.1
Larceny	4.9	5.7	5.0	4.9	5.4	.8
Drug trafficking	4.6	4.3	3.0	4.6	4.8	.6
Other felonies	4.1	4.5	3.8	4.1	5.0	1.7
White						
All	4.9	5.7	4.6	4.9	5.3	.7
Murder	2.9	3.4	.6	2.9	2.9	.1
Rape	3.0	4.4	2.7	3.0	2.9	.1
Robbery	3.2	4.9	2.8	3.2	3.1	.4
Aggravated assault	4.2	6.2	5.9	4.2	4.7	1.2
Burglary	3.7	5.9	6.6	3.7	3.8	.8
Larceny	5.9	6.6	6.6	5.9	6.5	1.1
Drug trafficking	5.9	4.6	3.6	5.9	5.9	.5
Other felonies	6.2	7.4	4.7	6.2	6.6	.6
Black						
All	3.4	3.0	3.1	3.4	4.0	.8
Murder	1.6	1.6	.4	1.6	1.6	.1
Rape	2.4	3.8	1.7	2.4	1.0	1.8
Robbery	2.2	2.4	1.4	2.2	2.0	.4
Aggravated assault	5.0	3.2	3.9	5.0	5.5	1.4
Burglary	2.6	2.5	3.7	2.6	2.8	1.0
Larceny	4.3	5.1	2.9	4.3	4.5	.5
Drug trafficking	4.7	3.1	5.7	4.7	5.1	.9
Other felonies	5.1	6.0	4.4	5.1	6.2	1.3

*No cases.

Estimates of 1 standard error for table 4

Most serious conviction offense	Maximum sentence length for felons sentenced to:			
	Incarceration			Probation
	Total	Prison	Jail	
Male				
All	5.3	5.5	.8	9.6
Murder	16.2	16.6	3.0	28.7
Rape	12.1	13.0	1.7	6.3
Robbery	13.1	13.9	.9	8.5
Aggravated assault	6.2	6.6	2.3	12.2
Burglary	8.1	8.4	1.8	13.3
Larceny	3.8	3.8	.8	9.6
Drug trafficking	4.4	6.6	1.0	15.6
Other felonies	4.2	3.4	1.0	6.0
Female				
All	6.0	4.9	1.1	8.5
Murder	10.3	11.6	4.9	2.2
Rape	14.2	17.8	1.2	2.5
Robbery	12.1	13.4	1.8	5.6
Aggravated assault	27.3	39.3	1.2	32.7
Burglary	15.5	18.6	8.3	9.4
Larceny	5.7	5.1	1.2	7.0
Drug trafficking	8.1	11.4	2.1	8.9
Other felonies	6.0	7.0	1.1	7.2
White				
All	7.4	5.2	.9	9.0
Murder	34.8	36.4	.7	9.3
Rape	18.4	18.3	.7	13.3
Robbery	29.6	33.6	2.2	12.2
Aggravated assault	9.2	8.8	1.1	4.4
Burglary	11.1	8.3	3.2	10.5
Larceny	5.6	4.3	1.0	9.9
Drug trafficking	9.7	13.0	1.8	13.0
Other felonies	5.4	3.4	1.0	7.8
Black				
All	4.2	4.1	.8	17.5
Murder	18.3	19.1	5.6	58.4
Rape	20.0	19.6	1.6	4.1
Robbery	8.6	9.3	.6	11.4
Aggravated assault	8.6	10.9	2.8	36.0
Burglary	9.0	10.1	1.7	25.6
Larceny	4.0	3.7	.9	14.7
Drug trafficking	4.7	6.1	1.0	25.0
Other felonies	5.4	4.2	1.5	9.8

Estimates of 1 standard error for table 9

Most serious conviction offense	Percent of convicted felons sentenced to prison, by number of felony conviction offenses:		
	One	Two	Three or more
All	3.4	4.0	3.6
Murder	1.7	1.0	5.0
Rape	2.6	2.4	1.2
Robbery	2.5	3.2	1.4
Aggravated assault	2.4	5.1	6.3
Burglary	3.0	6.0	5.4
Larceny	5.2	6.0	8.0
Drug trafficking	2.6	4.0	5.0
Other felonies	5.3	6.8	5.9

Estimates of 1 standard error for table 10

Most serious conviction offense	Maximum sentence length for felons sentenced to:			
	Incarceration			Probation
	Total	Prison	Jail	
One conviction offense				
All	3.7	3.6	.5	7.7
Murder	20.0	20.7	3.2	6.8
Rape	11.6	14.7	1.6	6.9
Robbery	7.1	6.6	.6	8.0
Aggravated assault	5.0	6.6	1.2	13.8
Burglary	4.9	6.1	.7	13.4
Larceny	3.7	3.7	.6	7.6
Drug trafficking	4.3	6.8	.7	11.0
Other felonies	4.2	3.6	.6	4.8
Two conviction offenses				
All	7.2	5.5	2.2	10.5
Murder	20.8	23.3	1.0	3.4
Rape	21.5	22.7	2.6	7.7
Robbery	10.8	11.5	1.5	6.3
Aggravated assault	14.0	16.5	5.4	18.4
Burglary	12.8	11.0	6.3	8.1
Larceny	6.5	4.9	3.3	14.1
Drug trafficking	6.1	8.0	2.1	16.1
Other felonies	6.1	5.1	.5	9.3
Three or more conviction offenses				
All	17.0	18.5	1.7	24.4
Murder	43.9	45.8	3.2	22.3
Rape	14.9	15.3	1.1	3.0
Robbery	62.1	63.7	10.0	3.9
Aggravated assault	22.1	23.7	7.1	57.8
Burglary	14.6	13.0	2.0	24.0
Larceny	12.3	8.9	1.4	19.5
Drug trafficking	8.1	10.1	7.0	35.5
Other felonies	18.0	22.0	1.9	18.1

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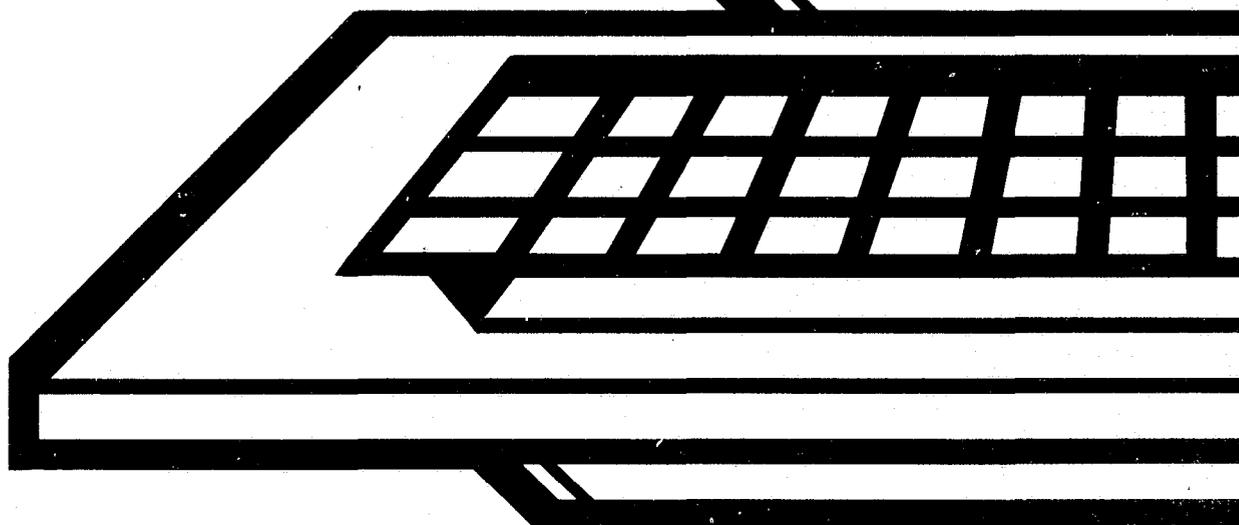
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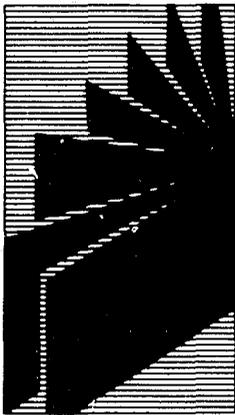
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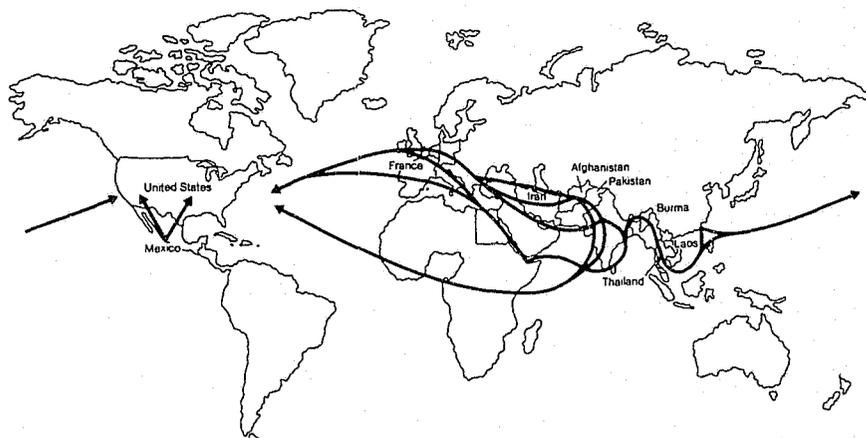
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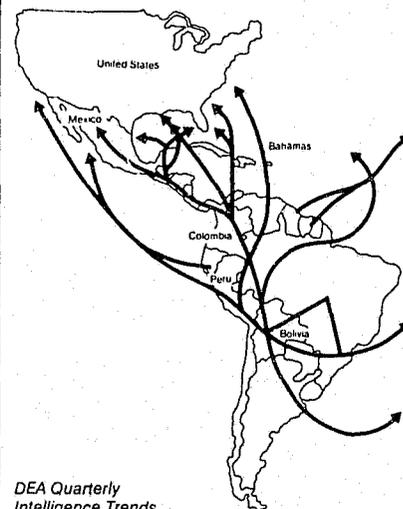
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