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STATE OF CALIFORNIA
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RAY JAUREGUI

ALBERT M. LEDDY

MAUREEN A. O'CONNELL

EDMUND Y. S. TONG

ROBERT L. PATTERSON

Executive Officer

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SENTENCING PRACTICES FY 1986/87
DETERMINATE SENTENCING LAW

Prepared by:

MANAGEMENT INFORMATION SECTION

ERLINDA T. CRUZ
Chief

KAY D. DE WITT
Associate Governmental Program Analyst

BEULAH M. HAYWARD
Associate Governmental Program Analyst

LUCINDA S. LAW
Office Technician

Contributor:

JAMES A. BROWNING, JR.
Legal Counsel

BOARD OF PRISON TERMS
545 Downtown Plaza, Suite 200
Sacramento, CA 95814
(916)322-8148

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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 1986/87 (July 1, 1986 through June 30, 1987), the Board of Prison Terms reviewed and analyzed the records of a total of 22,261 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 96.56% 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.

*All references to the Penal Code in this report are referred to only by the "§" symbol, unless otherwise noted.

¹This report does not include the following:

- a) 12,201 cases admitted to state prison during FY 1986/87 whose records have still not been received from the Department of Corrections;
- b) 7,305 cases received in state prison during FY 1986/87 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) Crimes 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 contamination, 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 241 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 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) model, 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) 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 the 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 §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, 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 promote 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 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 §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 database of 99,372 cases reviewed by the end of calendar year 1988*. 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 12/31/83 for specific offense groups with large frequencies, (totaling 47,666 cases) were separated from the master file and aged to archives. Substantial changes in sentencing terms through legislation have affected the groupings to a large extent.

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 1986/87, 6,942 (31.18%) of the 22,261 persons entering prison under DSL received sentences of between 17 and 24 months. In the previous year the ratio was 30.37%. Collectively, 17,829 or 80.09% of the prison admissions had a sentence of 48 months or less; the prior year's level was 78.14%.

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 1986/87, the same level as the preceding year. The chart shows that 30 out of 41 counties have mean sentences between 27 and 48 months; 9 counties have mean sentences between 49 and 60 months; and 2 counties have 61 months or more.

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 county with 30 or more cases being addressed. The statewide mean sentence for FY 1986/87 declined by 2.58 (5.63%) to 43.26 months, compared to the prior year's mean sentence of 45.84 months. About 57% 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.

ALL OFFENSES

	FY 1985/86 <u>Mean</u>	FY 1986/87 <u>Mean</u>	<u>Percent Change</u>
DECREASE¹			
Kern ²	80.71	45.98	-43.03%
San Luis Obispo	76.00	46.81	-38.41%
San Mateo	57.08	43.63	-23.56%
Imperial	48.76	40.55	-16.84%
Butte	54.28	46.07	-15.13%
INCREASE¹			
Shasta	51.66	65.45	26.69%
Tehama	42.90	53.40	24.48%
Sonoma	53.77	64.37	19.71%
El Dorado	41.64	47.65	14.43%
Lake	44.91	50.44	12.31%
STATEWIDE	45.84	43.26	-5.63%

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

For burglary, first degree and second degree, the statewide average sentence for both offenses has increased by 4.36% and 1.94%, respectively. Substantial changes (increase or decrease) in mean sentences from last year's level have occurred in the following counties.

FIRST DEGREE BURGLARY

	FY 1985/86 <u>Mean</u>	FY 1986/87 <u>Mean</u>	<u>Percent Change</u>
DECREASE³			
Santa Clara	55.54	47.44	-14.58%
Yolo	59.25	51.06	-13.82%
Shasta	54.55	47.27	-13.35%
Tulare	57.74	52.23	- 9.54%
San Mateo	46.92	42.51	- 9.40%
INCREASE³			
El Dorado	40.53	54.00	33.23%
Orange	40.66	52.16	28.28%
San Francisco	46.50	57.41	23.46%
Contra Costa	44.98	54.18	20.45%
Stanislaus	49.25	58.15	18.07%
STATEWIDE	49.56	51.72	4.36%

¹Excludes counties with less than 30 cases in FY 1986/87.

²In FY 1985/86, three persons in the same court case were convicted of 58 counts of §288a(c); each received 4,860 months.

³Excludes counties with less than 10 cases in FY 1986/87.

SECOND DEGREE BURGLARY

	FY 1985/86 <u>Mean</u>	FY 1986/87 <u>Mean</u>	Percent <u>Change</u>
DECREASE³			
Santa Clara	28.52	25.45	-10.76%
Santa Barbara	31.29	28.70	- 8.28%
San Joaquin	23.79	22.35	- 6.05%
Kern	30.82	29.20	- 5.26%
San Diego	27.87	26.94	- 3.33%
INCREASE³			
Marin	24.00	32.40	35.00%
Imperial	25.60	32.40	26.56%
Monterey	27.33	33.18	21.41%
Contra Costa	21.78	25.86	18.73%
Madera	23.81	27.80	16.76%
STATEWIDE	25.20	25.69	1.94%

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 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 the counties illustrated, the following showed a substantial increase or decrease in the mean sentence for robbery.

ROBBERY

	FY 1985/86 <u>Mean</u>	FY 1986/87 <u>Mean</u>	Percent <u>Change</u>
DECREASE³			
Santa Barbara	80.67	59.80	-25.87%
San Mateo	70.00	60.22	-13.97%
Ventura	63.09	59.24	- 6.10%
Sacramento	81.47	76.59	- 5.99%
Monterey	54.80	52.31	- 4.55%
INCREASE³			
Orange	48.35	59.91	23.91%
Contra Costa	49.65	59.47	19.78%
San Joaquin	49.78	58.74	18.00%
San Francisco	51.56	59.41	15.22%
Fresno	65.87	73.91	12.21%
STATEWIDE	54.75	57.22	4.51%

The four succeeding charts consist of four progressively nested circles whose areas are in the same proportion as the populations they represent*.

CHART VI - USE OF FIREARM

In Chart VI, the largest circle symbolizes the 1,987 offenders received in prison from July 1, 1986 through June 30, 1987, 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 §12022.5. During this period, 85.3% of those who used a firearm were charged (89.2% last year), 56.9% were pled and proved (59.4% last year), and 44.1% were imposed (46.4% last year).

CHART VII- INFLICTION 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 §12022.7.

The outermost circle in the chart depicts the 1,678 persons received in prison, with determinate sentences, who inflicted major injury. They constitute 7.5% of the prison intake under the DSL. This was a slightly lower rate than the 8.4% rate of the previous year. Of those felons who inflicted major injury, 62.2% were charged, 34.7% were proved, and 22.9% were imposed with the three-year sentence enhancement under §12022.7.

CHARTS VIII AND IX - PRIOR PRISON TERMS

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

Chart VIII reflects those received in prison during FY 1986/87, who had nonviolent prior prison terms. This year's total of 7,302 is 32.8% of the prison DSL intake. Last year's total was 5,412 with a rate of 26.4%. Of those felons who had nonviolent prior prison terms, the one-year enhancement based on §667.5(b) was charged to 2,710 (37.1%), pled and proved to 1,505 (20.6%), and imposed to 961 (13.2%).

Chart IX shows 457 felons serving a determinate sentence who had violent prior prison terms. Out of those who had violent prior prison terms, the three-year enhancement based on §667.5(a) was charged to 29 (6.3%), pled and proved to 10 (2.2%) and imposed to 6 (1.3%). Last year there was a total 482 felons serving a determinate sentence with violent prior prison terms, with an enhancement rate of 5 (1.0%). Some felons received a five-year habitual criminal enhancement under §667 instead of a traditional three-year enhancement under §667.5(a) for the violent prior felony.

*The statistics on the enhancements shown on Charts VI - IX are discussed below.

Under P.C. §1170.1(d) the court may impose an enhancement for use of a firearm (P.C. §12022.5), infliction of great bodily injury (P.C. §12022.7) or nonviolent and violent prior prison terms (P.C. §667.5).

The defendant may or may not be charged with the enhancement, depending upon 1) the type of offense committed, 2) the circumstances at the time of the offense, and/or 3) the date when the offense was committed. The court may also strike or stay an enhancement which has been imposed.

Anyone who personally used a firearm during the commission or attempted commission of a crime may receive a two-year enhancement (§12022.5).

Anyone who personally and intentionally inflicted great bodily injury on a victim during the commission or attempted commission of a crime may receive a three-year enhancement (§12022.7).

Anyone who was previously convicted of a felony for which a continuous completed period of incarceration was served in state prison may receive a one-year or a three-year enhancement, depending on whether the present crime and the prior crime were nonviolent (§667.5(b) or violent (§667.5(a)).

The number of those who had a prior prison term and are currently serving a determinate sentence is shown as the largest circle in Charts VIII (nonviolent prior) and IX (violent prior). The second largest circle represents those felons who were charged with the enhancement for having a prior prison term. Some were not charged with the enhancement (for reasons mentioned above). The third largest circle represents the number of felons for whom the enhancement was pled and proved; and the smallest circle represents those for whom the enhancement was imposed.

TABLES

TABLE I - PERSONS RECEIVED IN PRISON

For selected counties and offenses, this table shows the distribution of 22,261 people received in prison under the Determinate Sentencing Law (DSL) from July 1, 1986 through June 30, 1987. The 36 offenses listed accounted for 96.56% of the total DSL prison commitments. The remaining 3.44% under "other offenses", consists of numerous other DSL offenses which occur infrequently. This year Monterey ranked seventeenth, replacing Ventura in the county listing of the top 17 counties. Monterey has more total offenses than Ventura, which ranked seventeenth last year.

First degree burglary, as in last year, has the largest proportion of total prison DSL commitments, 2,826 (12.69%). The five counties with the largest intake are: Los Angeles, 1,095 (38.75%); San Diego, 258 (9.13%); Riverside, 153 (5.41%); Orange, 148 (5.24%); and Santa Clara, 128 (4.53%). "Other counties" accounted for 261 (9.24%).

The second largest offense group, possession of controlled substance, showed a 40.34% growth from last year's level. There were 2,296 (10.31% of the total DSL commitments) for FY 1986/87 compared to last year's level of 1,636 (7.98%). The following five counties show the highest intake for this offense: Los Angeles, 1,104 (48.08%); Santa Clara, 224 (9.76%); San Francisco, 115 (5.01%); San Diego, 114 (4.97%); and San Bernardino, 92 (4.01%). "Other counties" accounted for 112 (4.88%).

There were 2,146 robbery offenders, 9.64% of the total prison DSL intake. The five counties showing the largest numbers of robbery offenses are: Los Angeles, 1,125 (52.42%); San Diego, 125 (5.82%); Alameda, 98 (4.57%); Orange, 94 (4.38%); and San Francisco, 88 (4.10%). "Other counties" had 111 (5.17%).

Second degree burglary accounted for 1,736 or 7.80% of the total DSL commitments. The five counties with the largest numbers are: Los Angeles, 708 (40.78%); San Diego, 128 (7.37%); San Francisco, 85 (4.90%); Riverside, 82 (4.72%); and Orange, 81 (4.67%). "Other counties" accounted for 203 (11.69%).

Sale of controlled substance offenses likewise went up from 1,110 (5.4% of the total DSL commitments) in FY 1985/86 to 1,598 (7.18%) in FY 1986/87. The five counties with the highest frequencies are: Los Angeles, 844 (52.82%); San Francisco, 90 (5.63%); Santa Clara, 63 (3.94%); Fresno, 60 (3.75%); and Orange, 52 (3.25%). "Other counties" had 140 (8.76%).

The combined prison DSL intake for voluntary, involuntary, and vehicular manslaughter showed a slight decline from 585 (2.85% of the total DSL commitments) in FY 1985/86 to 583 (2.62%) in FY 1986/87. Los Angeles County captured 246 (42.20%); followed by Alameda County, 41 (7.03%); Sacramento County, 29 (4.97%); San Diego County, 27 (4.63%); San Francisco County and Riverside County, each with 22 (3.77%). "Other counties" had 63 (10.81%).

Other offenses showing significant occurrences during FY 1986/87 are as follows: possession of controlled substance for sale, 1,235 (5.55%); assault, 1,150 (5.17%); miscellaneous sex offenses, 1,024 (4.60%); petty theft with prior, 901 (4.05%); auto theft, 838 (3.76%); receiving stolen property, 756 (3.40%); and grand theft, 476 (2.14%).

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 43.26 months, 5.63% lower than last year's level of 45.84 months. The median and mode remained at the same level as that of last year, 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.

ROBBERY	<u>Number</u>	<u>Mean</u>	<u>Median</u>
Sacramento	74	76.59	48
Fresno	46	73.91	60
San Diego	125	68.99	56
Kern	47	65.87	60
Tulare	11	65.09	60
Riverside	59	63.12	36
Stanislaus	10	62.00	60
San Bernardino	69	61.45	48
Alameda	98	60.33	42
San Mateo	18	60.22	42
Statewide	2,146	57.22	38

FIRST DEGREE BURGLARY	<u>Number</u>	<u>Mean</u>	<u>Median</u>
Ventura	48	69.92	48
Sacramento	119	69.75	48
Kings	10	61.20	58
Santa Barbara	25	60.64	48
Fresno	66	58.97	48
San Diego	258	58.16	48
Stanislaus	39	58.15	48
San Francisco	71	57.41	48
Monterey	42	54.76	48
Contra Costa	66	54.18	48
Statewide	2,826	51.72	48

SECOND DEGREE BURGLARY	<u>Number</u>	<u>Mean</u>	<u>Median</u>
Shasta	11	37.45	36
Monterey	17	33.18	32
Imperial	10	32.40	36
Ventura	20	32.40	32
Marin	10	32.40	36
Fresno	42	31.33	32
Sacramento	44	30.36	24
Kern	50	29.20	24
Santa Barbara	23	28.70	24
Madera	20	27.80	24
Statewide	1,736	25.69	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 (§2933, Stats. 1982, Ch.1234, 4).

The percentage of first degree burglary dropped to 12.69% this year, from 13.86% of last year's level. Similar declines occurred for second degree burglary, 7.80% from 8.22%, and robbery, 9.64% from 12.77%.

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 23 of the 37 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 13 out of the 37 offense groups, namely: possession for sale/sale of PCP (imposed on 73.21%); institutional offenses (64.52%); sale of controlled substance (63.95%); escape (62.20%); manufacture, sale or possession of illegal weapons (58.11%); possession of controlled substance for sale (57.26%); possession of controlled substance (51.70%); first degree burglary (50.28%); arson (47.37%); assault to commit sex offense (46.30%); second degree robbery (44.63%); first degree robbery (43.80%); and vehicular manslaughter (43.33%).

For one offense, the likelihood of the middle term and the lower term is the same, namely, inflict injury on spouse or child (41.77%).

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 was a total of 14,603 single counts imposed, 92.94% for men and 7.06% for women.

The average sentence imposed for 24 of 37 offense groups was greater for men. In only 7 offense groups was the average sentence greater for women.

AVERAGE SENTENCE IMPOSED	<u>Men</u>	<u>Women</u>	<u>Difference</u>
<u>Greater for Men</u>			
Attempted murder	109.63	84.00	25.63
Robbery of inhabited dwelling	68.97	44.40	24.57
Miscellaneous sex offenses	57.42	41.14	16.28
Attempted burglary	24.41	12.00	12.41
Voluntary manslaughter	96.51	86.33	10.18
First Degree Burglary	45.82	40.68	5.14
<u>Greater for Women</u>			
Vehicular manslaughter	52.75	58.29	5.54
Auto theft	24.10	28.67	4.57
Inflict injury spouse or child	38.40	42.00	3.60
False imprisonment or battery	32.46	36.00*	3.54
Assault on peace officer	56.82	60.00*	3.18
Checks with nonsufficient funds	24.34	25.54	1.20
Involuntary manslaughter	45.84	46.00	0.16

*These offenses were suppressed on Table V because the frequency was less than five.

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 241 cases with a mean sentence of 200 months, a standard deviation of 207 months, and a range of 1,920 months. Last year's mean sentence was 273 months due primarily to three persons in the same court case who were convicted of 58 counts of §288a(c); each received a sentence of 4,860 months.

Table VIB gives statistics on enhancements for various sex offenses. Under §12022.3(a), a three-year enhancement was charged in 95 cases with 41 proved and 34 imposed. Under §12022.3(b), a two-year enhancement was charged in 25 cases with 12 proved and 11 imposed. Under §12022.8, a five-year enhancement was charged in 46 cases with 15 proved and 10 imposed. Five-year enhancements were imposed under §667.51 in 3 cases out of 3 proved and 9 charged and under §667.6(a) in 3 cases out of 3 proved and 5 charged. In addition, under §667.6(b), a ten-year enhancement was charged in 5 cases but 3 were proved and only 1 was imposed.

Table VIC presents the enhancement for habitual offenders, by quarter periods for FY 1986/87. Based on §667(a), there were 1,132 felons charged with the five-year enhancement, with 842 proved and 793 imposed.

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, 8.9% of persons entering prison were known to have used a firearm in the commission of an offense. Less than half (44.1%) of the 1,987 offenders who used a firearm received a two-year enhancement of sentence as provided for in §12022.5. The rate of imposition of enhancement for use of firearm varied from 20.6% in San Joaquin County to 55.7% in Sacramento County.

Firearms were most frequently used in the following offenses: attempted murder (61.1%), robbery of inhabited dwelling (49.1%), assault on a peace officer (48.3%), involuntary manslaughter (46.1%), voluntary manslaughter (45.9%), robbery (33.4%), assault (30.7%), and kidnapping (30.1%). However, the enhancement of sentence for use of a

firearm was imposed most often for robbery of inhabited dwelling (67.0%), voluntary manslaughter (66.1%), involuntary manslaughter (60.0%), second degree robbery (54.8%), robbery (53.6%), kidnapping (48.0%), escape (40.0%), and assault on a peace officer (38.1%).

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, 7.5% of the offenders received in prison inflicted major injury to victims while 7.1% of them inflicted some type of minor injury. Of the 22,261 DSL commitments, 4.7% were charged with great bodily injury. A three-year enhancement of sentence as provided for by §12022.7 was imposed on 385 or 36.9% 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 14.3% for voluntary manslaughter to a high of 100% for auto theft. By county, the spread was 25.0% for Alameda County to 60.0% 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 457 persons showing a violent prior prison term (2.1% of the total prison intake). Of this number, 29 (6.3%) were charged, and 10 (2.2%) were proved. A three-year enhancement of sentence was imposed on 6 persons; 2 from Alameda, 1 each from Los Angeles, Orange, San Francisco, and Solano counties.

A total of 7,302 persons (32.8% of those entering prison under DSL) had previously served prior prison terms for nonviolent offenses. Of those who had served, 2,710 (37.1%) were charged. In 1,505 cases (20.6%) the nonviolent prior prison term was proved and a one-year enhancement was imposed in 961 cases (13.2%).

Only those whose current conviction offenses include a violent offense are potentially eligible for the three-year enhancement of sentence under §667.5(a). This partly explains the differing charging rate between nonviolent and violent prior prison terms, 37.1% and 6.3%.

Persons received in prison for the following principal conviction offenses had served prior prison terms infrequently: second degree robbery - violent, 0%, nonviolent, 5.6%; arson - violent, 0%, nonviolent, 3.8%; institutional offenses - violent, 0%, nonviolent, 1.9%; driving under influence causing injury - violent, 0%, nonviolent, 0%; and involuntary manslaughter - violent, 0%, nonviolent, 0%.

A large proportion of persons with current property offenses had been in prison previously for nonviolent offenses. The property offenses are: petty theft with prior, 61.8%; attempted burglary, 51.3%; second degree burglary, 46.7%; auto theft, 45.9%; receiving stolen property, 43.5%; forgery, 41.2%; second degree robbery, 38.1%; grand theft, 34.5%; robbery of inhabited dwelling, 34.2%; attempted robbery, 33.3%; checks with nonsufficient funds, 33.3%; theft of personal property, 30.3%; and robbery, 29.5%.

TABLE X - NUMBER OF COUNTS CONVICTED

This table shows the number of counts of convictions by principal offense. Overall, 14,603 (65.60%) received in prison were convicted of single offenses. Those convicted of two offenses totaled 4,526 (20.33%), while 3,132 (14.07%) were convicted of three or more offenses. The single-count conviction rate for various offenses ranged from a high of 96.12% for institutional offenses to a low of 36.14% 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, 15.84% of persons with three nonstayed multiple convictions received three consecutive sentences, 9.71% received two, 15.50% received one, while 58.94% 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 injury; |
| 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 241 persons convicted of the specified sex offenses who were received in prison from July 1, 1986 through June 30, 1987. An analysis of their sentences reveals that the mean sentence imposed under the new provisions of the law was 16.67 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 of the offense, rather than one-third of the middle term as provided in §1170.1(a). 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 116 Cal.App.3d 409 (1981).

If the defendant committed one or more specified sex offenses during a single transaction involving only one victim, 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(f), 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 115 Cal.App.3d 740 (1981).

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), (b), (e) and (g). 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 125 Cal.App.3d 974 (1981).

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.

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, 1986 through June 30, 1987, five had been charged with serving a prior prison term under §667.6(b). In three cases the charge was proven and in only one was it imposed.

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

Under §667.8(a), 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. If the victim was under the age of 14 years, the additional term is nine years, as per §667.8(b).

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

Under §12022.3(a), 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. If such felon is armed with a firearm or deadly weapon, the enhancement is two years, as provided for by §12022.3(b). Both these enhancements do not apply to the attempted commission of the listed offenses.

Of the felons received in prison during FY 1986/87, 95 had been charged with the use of a firearm or deadly weapon under §12022.3(a). Weapon use was proven in 41 cases and 34 received the three-year enhancement.

During the same period, 25 were charged with being armed with deadly weapon, 12 were proved, and 11 were imposed the two-year enhancement under §12022.3(b).

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. During FY 1986/87, 48 persons were charged with this enhancement, while 10 of 15 felons entering prison who were proven to have inflicted injury under §12022.8 had the five-year enhancement imposed.

LIMITATIONS OF 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 under §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(e)). Penal Code §1170.1(g), which limits the total term to twice the base term, does not apply to reduce the term for specific sex offenses.

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, subdivisions (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, subdivisions (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. . .".

ENHANCEMENT FOR USE OF OR BEING ARMED WITH A FIREARM OR DEADLY WEAPON AND FOR INFLECTION 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.

Penal Code §§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. Penal Code §§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, subdivisions (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, subdivisions (d) and (h), which govern a court's authority to strike enhancements, were not amended to refer to §§667.6, subdivisions (a) and (b), 12022.3, and 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 §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. Penal Code §1170.1(a) provides that the one-third formula is applicable to any enhancements imposed pursuant to §§12022, 12022.5, and 12022.7. Penal Code §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(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). Penal Code §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 persons 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 nonsex crimes existing in the same case. Therefore, either the burglary or the robbery should have been sentenced consecutively to the rape offenses, and the full term as the principal term under §1170.1, as shown 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.

Victim #1:	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

Penal Code §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 the light of existing commitments by aggregating sentences. Therefore, a court must consider existing §667.6 commitments in determining if sentencing under §667.6 is optional or mandatory even if 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 commitments in Case A. Cases A and B involve violent sex offenses committed against two separate victims. Penal Code §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 nonsex offenses and the life offenses.

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, subdivision (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, subdivisions (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, subdivisions (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 attempt of the specified sex offenses, full term consecutively;
3. Imposing §12022.3 enhancements on attempts of sex offenses.

HABITUAL CRIMINALS AND HABITUAL OFFENDERS
INITIATIVE AND LEGISLATIVE PROVISIONS

HABITUAL CRIMINALS (P.C. §667(a))

Under §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.

The data on Table VIC show that 1,132 felons were charged with 1,530 enhancements under §667(a) during FY 1986/87. Of this, 842 were proved with 1,016 enhancements and 793 were imposed with an average sentence of 71.9 months.

HABITUAL OFFENDERS (P.C. §667.7)

Under §667.7 relating to habitual offenders, effective January 1, 1982, and operative until January 1, 1987, any person who was 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 an 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.

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. Sections listed for each offense group are from the Penal Code, unless otherwise noted.

<u>OFFENSE</u>	<u>PENAL CODE SECTION</u>
Voluntary Manslaughter	192(a)
Involuntary Manslaughter	192(b)
Vehicular Manslaughter	192(c), 192.5
Robbery	211, 211a, 213(a)(1)
Robbery Inhabited Dwelling	213.5
Robbery, Second Degree	213(a)(2)
Attempted Robbery	213(b), 664/211a, 664/213.5, 664/211
Driving Under Influence w/ Injury	VC§23153
Attempted Murder	664/187, 12308
Kidnapping	207
Assault w/ Deadly Weapon	241.1, 241.4, 241.7, 244, 245(a)
Assault on Peace Officer	241(b), 245(b)
False Imprisonment/Battery	237, 243(c) & (d), 243.1, 243.3, 243.4, 243.7
Rape	261, 262, 264.1
Assault to Commit Sex Offense	220/261, 220/264.1, 220/286, 220/288, 220/289
Miscellaneous Sex Offenses	314(1), 261.5, 266, 264.1; 266 a,b,c,d,e,f,g,h,i,j; 267, 281, 284, 285, 286, 287, 288, 288(a), 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, 475a; B§4390; HS§11368
Checks w/ Nonsufficient Funds	476a
Receiving Stolen Property	496

OFFENSE

PENAL CODE SECTION

Sale of CS (Controlled Substance)	HS§11352, 11355, 11360, 11361, 11379, 11382
Possession of CS and Other Drugs	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, 11379.5, 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§1768.7(a), 1768.7(b)
Institutional Offenses	288a(e), 4500, 4501, 4501.5, 4502, 4503
Manufacture, Sale, Possession of Illegal Weapons	12020, 12220

CHART 1

LENGTH OF TOTAL SENTENCE IMPOSED
 PERCENTAGE DISTRIBUTION
 22,261 CASES
 STATEWIDE

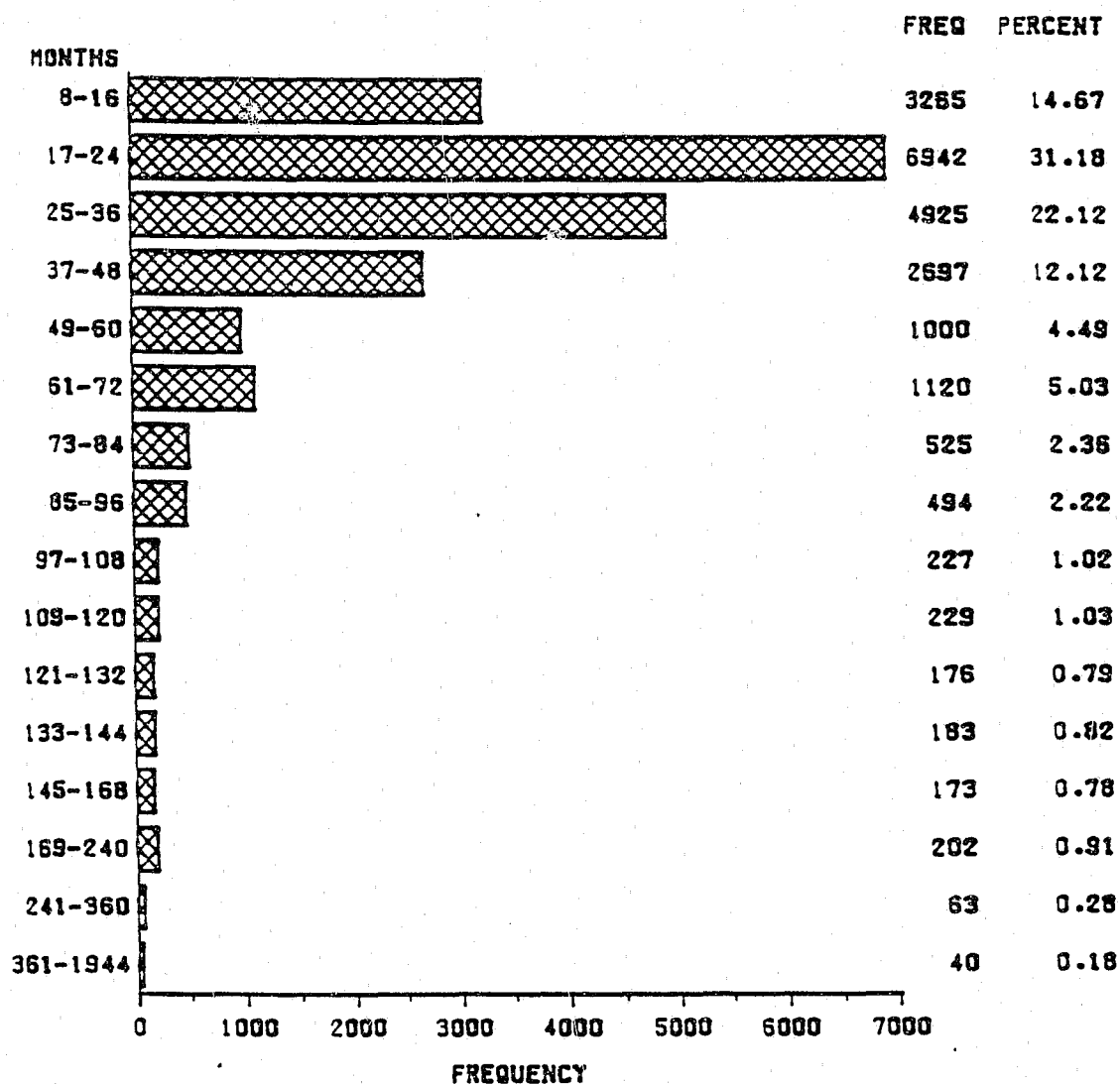
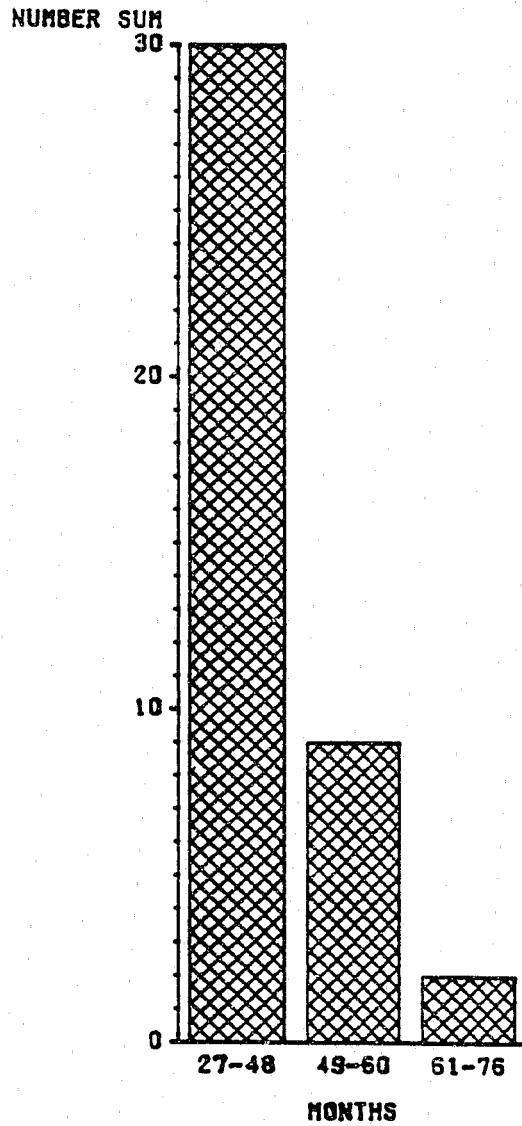


CHART II
FREQUENCY OF MEAN SENTENCE
BY COUNTY*



* 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



*Two dimensional graphics that use different color and pattern combination to indicate levels of magnitude.

CHART IVA

MEAN SENTENCE CHOROPLETH MAP
OF CALIFORNIA
BY COUNTY
FIRST DEGREE
BURGLARY

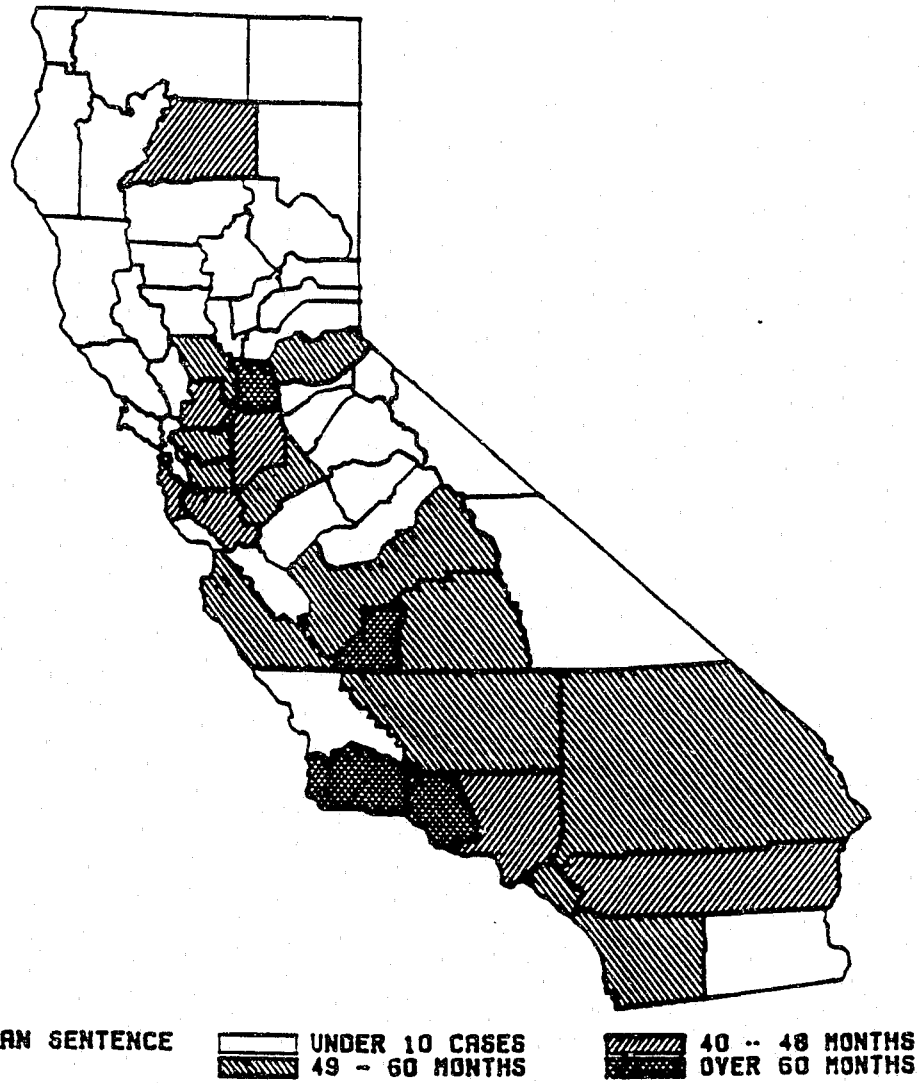


CHART IVB

MEAN SENTENCE CHOROPLETH MAP
OF CALIFORNIA
BY COUNTY
SECOND DEGREE
BURGLARY

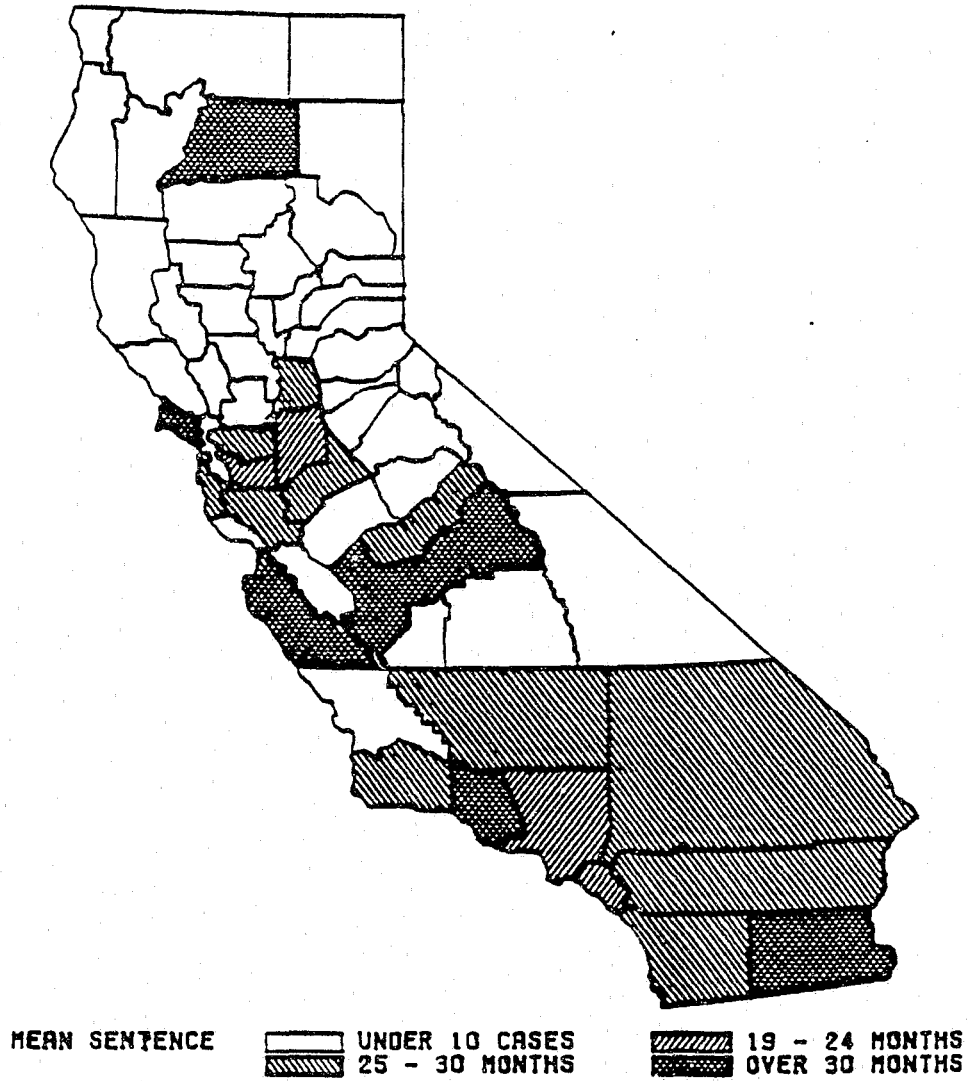


CHART V
MEAN SENTENCE CHOROPLETH MAP
OF CALIFORNIA
BY COUNTY
ROBBERY

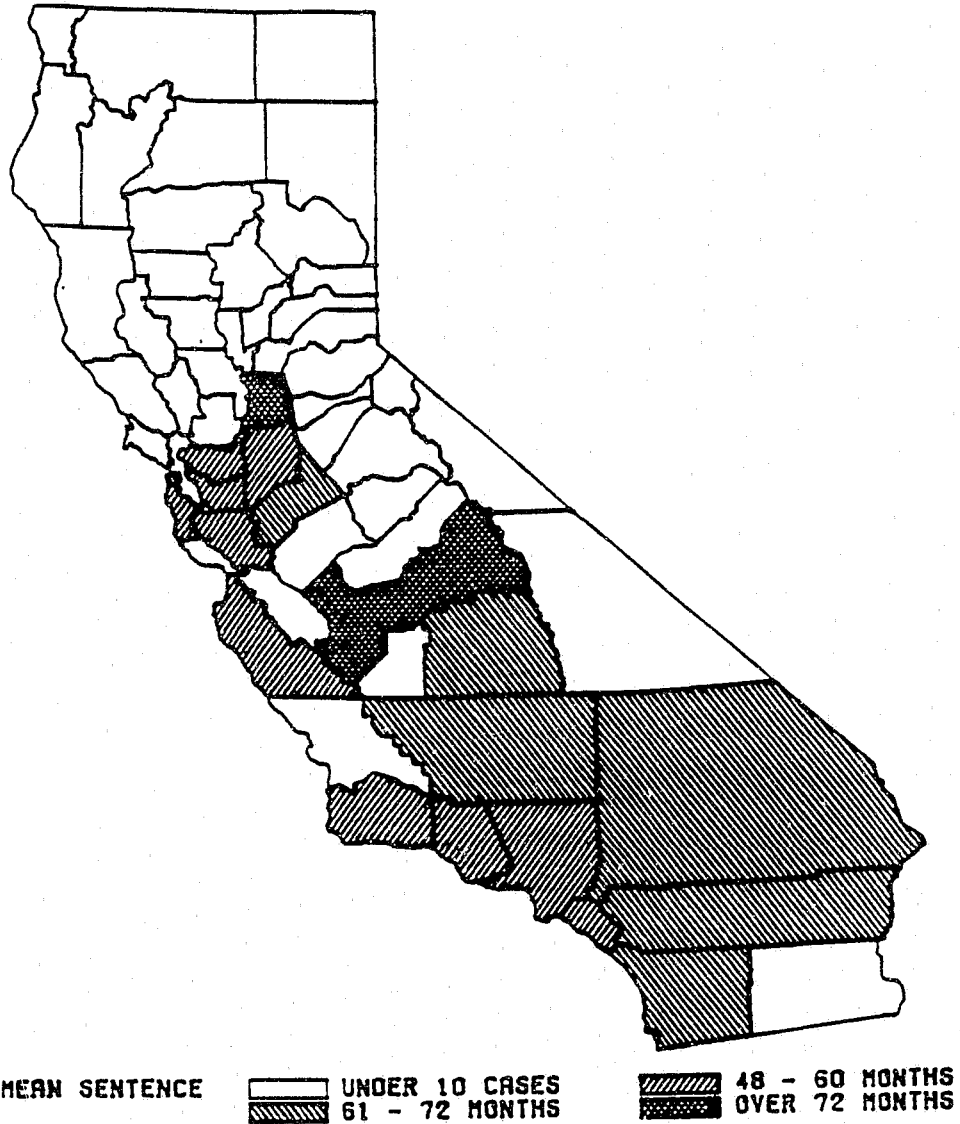
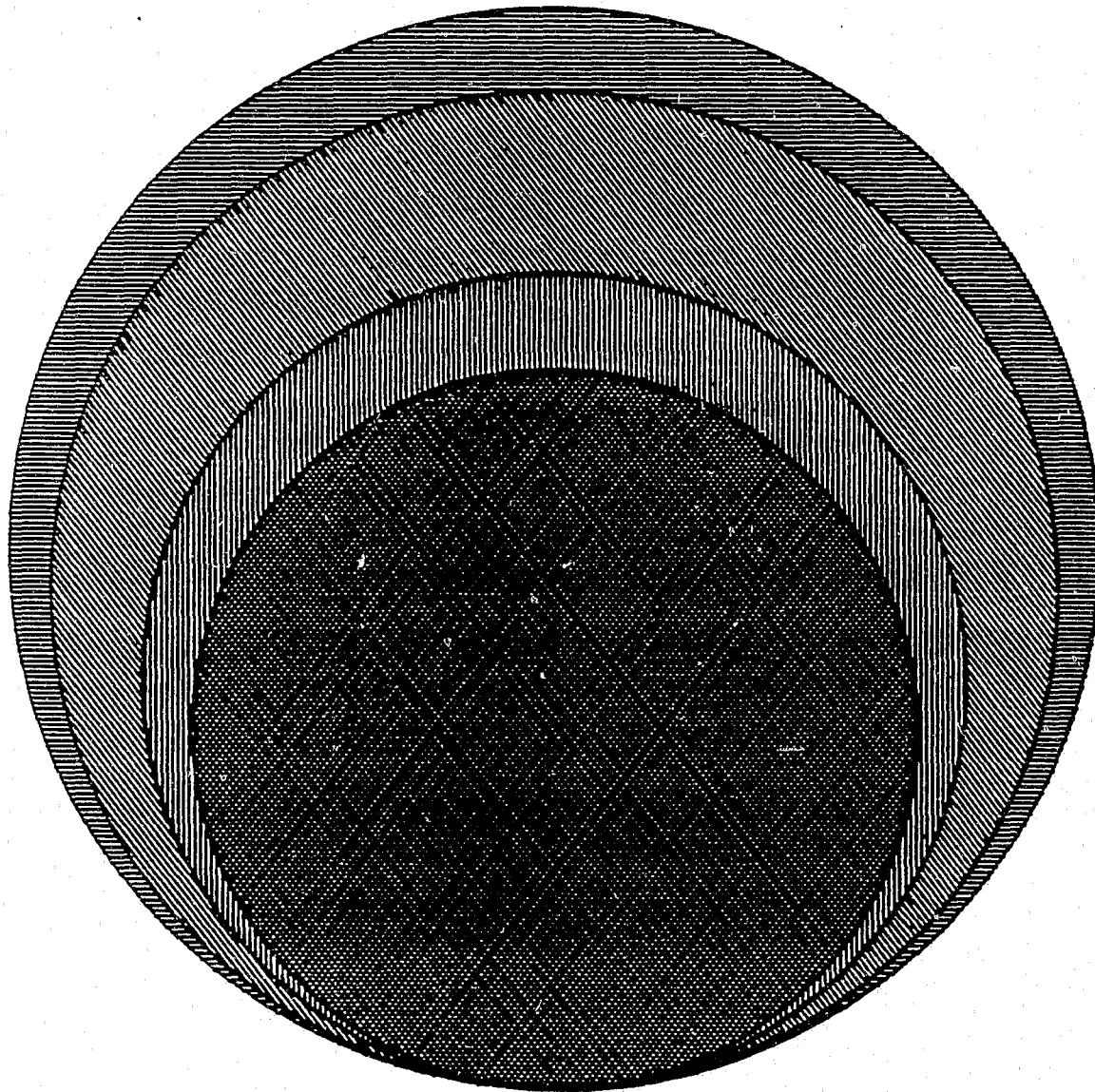


CHART VI

USE OF FIREARM
P.C. SEC. 12022.5 *

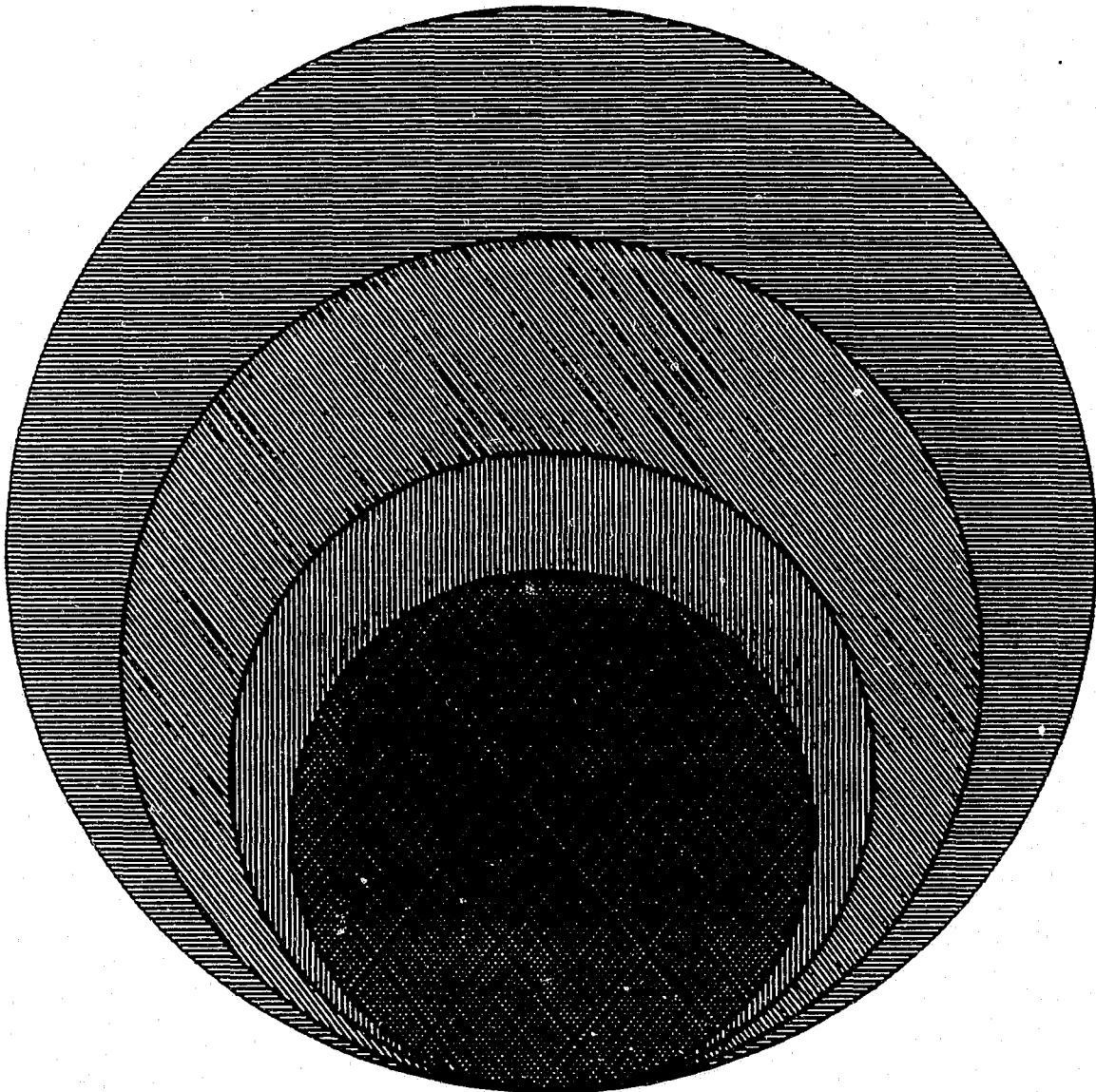


- 1,987 (100.0%) Used a firearm
- 1,694 (85.3%) Charged with use of firearm
- 1,130 (56.9%) Proved use of firearm
- 877 (44.1%) Sentence enhanced under P.C. §12022.5

*See page 12 for the interpretation of this chart; refer to page 10 for the interpretation of the data.

CHART VII

INFLICTION OF INJURY
P.C. SEC. 12022.7*

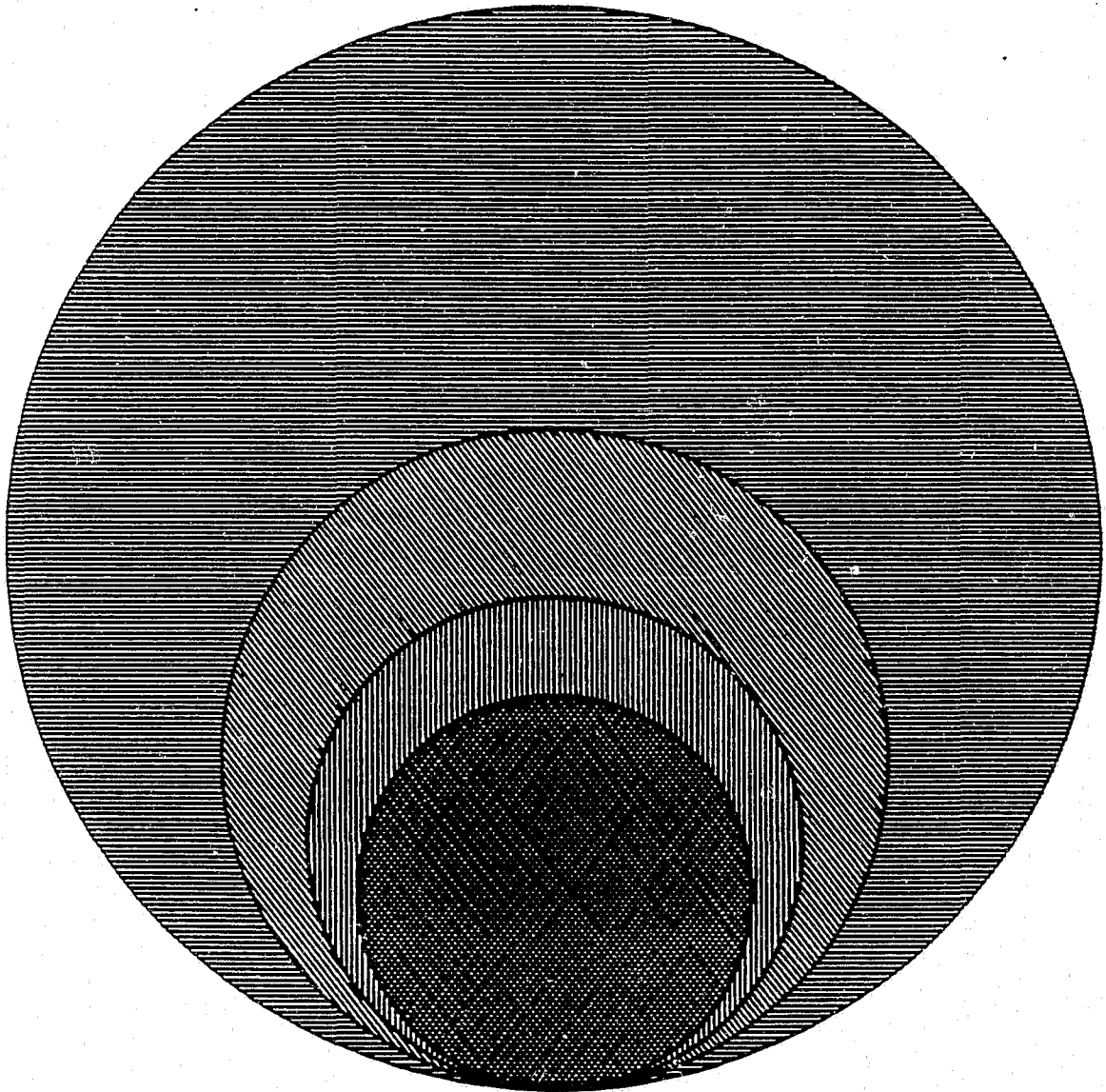


- ▬ 1,678 (100.0%) Persons who inflicted major injury
(7.5% of persons received in prison)
- ▨ 1,043 (62.2%) Charged inflicted great bodily injury
- ▧ 583 (34.7%) Proved inflicted great bodily injury
- ▩ 385 (22.9%) Sentence enhanced under P.C. §12022.7

*See page 12 for the interpretation of this chart; refer to page 10 for the interpretation of the data.

CHART VIII

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

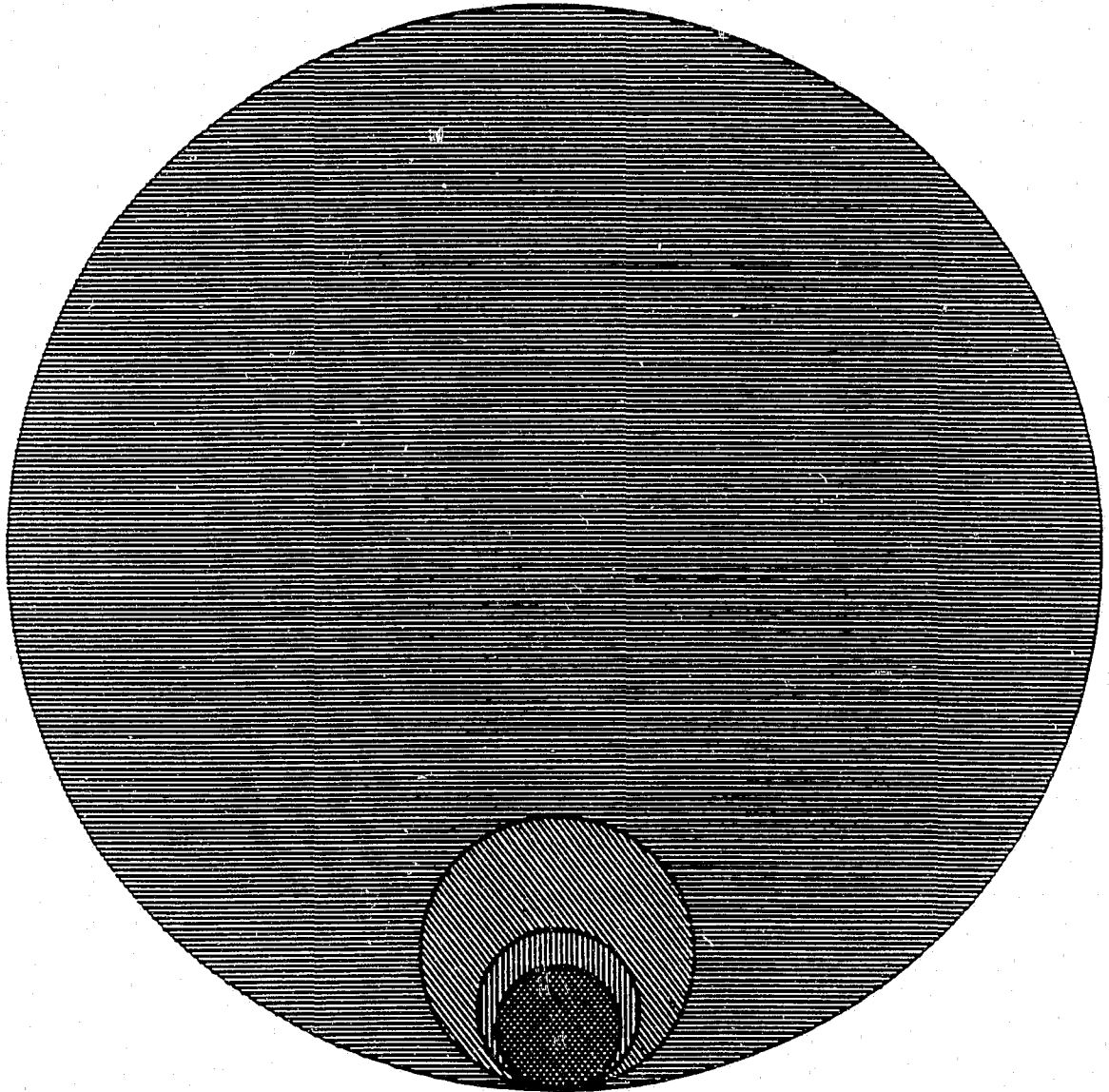


- 7,302 (100.0%) Served nonviolent prior prison term
- 2,710 (37.1%) Charged with nonviolent prior prison term
- 1,505 (20.6%) Proved nonviolent prior prison term
- 961 (13.2%) Sentence enhanced under P.C. 667.5(b)

*See page 12 for the interpretation of this chart; refer to page 10 for the interpretation of the data.

CHART IX

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



- 457 (100.0%) Served violent prior prison term
- 29 (6.3%) Charged with violent prior prison term
- 10 (2.2%) Proved violent prior prison term
- 6 (1.3%) Sentence enhanced under P.C. §667.5(a)

*See page 12 for the interpretation of this chart; refer to page 10 for the interpretation of the data.

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

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	MONTEREY	ORANGE	RIVER-SIDE	SACRAMENTO	SAN BERNARDINO
VOLUNTARY MANSLAUGHTER	37	4	7	4	189	4	5	9	14	15
INVOLUNTARY MANSLAUGHTER	4	0	8	1	28	1	3	3	5	2
VEHICULAR MANSLAUGHTER	0	3	8	9	29	1	3	10	10	6
ATTEMPTED MURDER	15	2	2	2	70	1	7	2	3	4
DRIVING UNDER THE INFLUENCE CAUSING INJURY	2	1	18	5	36	0	9	9	13	6
ASSAULT	33	22	44	31	514	15	22	39	46	33
ASSAULT ON A PEACE OFFICER	5	3	4	5	33	0	3	2	4	0
FALSE IMPRISONMENT AND BATTERY	9	1	10	5	37	3	2	3	9	3
ROBBERY	98	38	46	47	1,125	13	94	59	74	69
SECOND DEGREE ROBBERY	16	4	8	5	163	0	9	8	4	7
ROBBERY INHABITED DWELLING	6	0	8	6	96	2	6	5	14	14
ATTEMPTED ROBBERY	4	3	8	7	157	0	5	12	5	8
RAPE	11	7	18	8	108	9	8	6	12	9
ASSAULT TO COMMIT SEX OFFENSE	7	1	0	5	24	1	1	1	5	2
MISCELLANEOUS SEX OFFENSES	22	6	35	47	283	7	40	42	57	62
INFLECT CRUELTY SPOUSE OR CHILD	1	1	5	4	27	1	1	4	5	7
KIDNAPPING	4	1	3	3	33	2	2	2	1	6
ARSON	3	2	5	4	63	0	0	3	3	3
FIRST DEGREE BURGLARY	88	66	66	79	1,895	42	148	153	119	107
SECOND DEGREE BURGLARY	50	43	42	58	708	17	81	82	44	54
ATTEMPTED BURGLARY	5	2	3	2	81	1	8	3	5	4
GRAND THEFT	14	12	17	15	163	4	22	14	18	24
THEFT OF PERSONAL PROPERTY	13	2	22	9	118	2	5	8	11	9
AUTO THEFT	23	11	18	17	352	2	51	24	27	37
PETTY THEFT WITH PRIOR	37	22	61	40	217	19	20	39	38	61

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

	SAN DIEGO	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	OTHER COUNTIES	TOTAL
VOLUNTARY MANSLAUGHTER	14	20	12	2	2	6	3	32	379
INVOLUNTARY MANSLAUGHTER	4	2	1	2	1	1	3	7	76
VEHICULAR MANSLAUGHTER	9	0	2	3	2	7	2	24	128
ATTEMPTED MURDER	10	4	1	0	0	4	1	21	149
DRIVING UNDER THE INFLUENCE CAUSING INJURY	13	4	2	1	3	17	3	37	179
ASSAULT	69	53	12	10	13	53	10	131	1,150
ASSAULT ON A PEACE OFFICER	2	4	3	3	1	4	0	11	87
FALSE IMPRISONMENT AND BATTERY	15	6	2	0	4	18	5	43	175
ROBBERY	125	88	35	18	20	76	10	111	2,146
SECOND DEGREE ROBBERY	11	18	3	3	0	2	4	16	281
ROBBERY INHABITED DWELLING	12	14	4	3	1	12	2	17	222
ATTEMPTED ROBBERY	12	22	1	0	1	12	0	10	267
RAPE	14	4	11	7	5	5	1	44	279
ASSAULT TO COMMIT SEX OFFENSE	9	1	0	3	0	10	1	6	77
MISCELLANEOUS SEX OFFENSES	75	19	21	17	21	67	19	181	1,024
INFLECT CRUELTY SPOUSE OR CHILD	3	3	0	0	0	15	2	30	109
KIDNAPPING	8	1	3	2	0	2	0	10	83
ARSON	8	1	0	3	2	3	1	12	116
FIRST DEGREE BURGLARY	258	71	55	35	25	128	39	261	2,826
SECOND DEGREE BURGLARY	128	85	17	20	23	55	34	203	1,736
ATTEMPTED BURGLARY	14	4	5	1	1	4	1	8	152
GRAND THEFT	38	15	5	8	8	27	11	61	476
THEFT OF PERSONAL PROPERTY	24	22	3	2	1	10	5	21	287
AUTO THEFT	94	21	10	7	13	39	9	83	838
PETTY THEFT WITH PRIOR	79	16	18	23	20	58	13	120	901

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

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	MONTEREY	ORANGE	RIVER-SIDE	SACRAMENTO	SAN BERNARDINO
FORGERY	4	7	15	43	114	6	7	11	12	21
CHECKS WITH INSUFFICIENT FUNDS	0	1	1	7	20	0	5	2	3	10
RECEIVING STOLEN PROPERTY	14	11	34	28	207	13	29	38	39	36
POSSESSION OF CONTROLLED SUBSTANCE	67	14	34	89	1,104	20	76	78	60	92
POSSESSION OF CONT. SUBS. FOR SALE	66	23	17	38	545	12	38	66	44	50
SALE OF CONTROLLED SUBSTANCE	31	33	60	21	844	19	52	46	50	44
POSSESSION FOR SALE OR SALE OF PCP	0	0	23	6	155	0	3	14	1	12
FELON IN POSSESSION OF A GUN	8	10	8	10	81	0	2	13	15	10
ESCAPE	0	2	10	11	23	4	2	7	6	8
INSTITUTIONAL OFFENSES	0	0	0	16	0	9	0	4	39	3
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS	2	1	4	5	15	2	2	4	6	3
OTHER OFFENSES	12	11	26	27	259	5	28	37	38	35
TOTAL OF ALL OFFENSES	711	370	698	702	9,108	237	799	865	859	876

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

	SAN DIEGO	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	OTHER COUNTIES	TOTAL
FORGERY	36	11	2	4	7	26	16	100	442
CHECKS WITH INSUFFICIENT FUNDS	9	1	1	1	0	9	1	23	94
RECEIVING STOLEN PROPERTY	67	27	7	8	13	29	28	128	756
POSSESSION OF CONTROLLED SUBSTANCE	114	115	22	17	22	224	36	112	2,296
POSSESSION OF CONT. SUBS. FOR SALE	66	49	29	15	17	60	17	83	1,235
SALE OF CONTROLLED SUBSTANCE	47	90	13	14	16	63	15	140	1,598
POSSESSION FOR SALE OR SALE OF PCP	10	17	2	1	0	87	0	3	334
FELON IN POSSESSION OF A GUN	10	19	2	3	1	6	3	32	233
ESCAPE	17	0	1	2	1	7	7	38	146
INSTITUTIONAL OFFENSES	0	0	4	0	0	0	0	54	129
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS	3	1	13	0	0	3	2	24	90
OTHER OFFENSES	56	14	6	14	5	42	18	132	765
TOTAL OF ALL OFFENSES	1,483	842	328	252	249	1,191	322	2,369	22,261

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 the smallest to the 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 the 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 1986/87

Statewide: 22,261 Persons

MEASURES OF CENTRAL TENDENCY

Mean (Arithmetic Average)	43 months
Median (50th Percentile)	36 months
Mode (Most Frequent)	24 months

MEASURES OF DISPERSION

Standard Deviation	43 months
Range (Highest - Lowest)	1,936 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	80 months
95th Percentile	108 months
99th Percentile	192 months
Lowest Sentence	8 months
Highest Sentence	1,944 months

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

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	MONTEREY	ORANGE	RIVER-SIDE	SACRAMENTO	SAN BERNARDINO
VOLUNTARY MANSLAUGHTER										
NUMBER RECEIVED	37	4	7	4	189	4	5	9	14	15
MEAN	98.81	-	109.71	-	96.04	-	110.4	110.67	126	111.2
MEDIAN	96	-	132	-	84	-	96	96	132	96
RANGE	152	-	96	-	192	-	84	120	144	144
STANDARD DEVIATION	40.3	-	34.94	-	42.87	-	33.3	37.36	44.84	43.61
INVOLUNTARY MANSLAUGHTER										
NUMBER RECEIVED	4	0	8	1	28	1	3	3	5	2
MEAN	-	-	42	-	45	-	-	-	40.8	-
MEDIAN	-	-	36	-	48	-	-	-	36	-
RANGE	-	-	48	-	48	-	-	-	48	-
STANDARD DEVIATION	-	-	14.34	-	14.83	-	-	-	6.57	-
VEHICULAR MANSLAUGHTER										
NUMBER RECEIVED	0	3	8	9	29	1	3	10	10	6
MEAN	-	-	72	47.11	57.66	-	-	64.8	56	60.67
MEDIAN	-	-	72	48	48	-	-	60	60	60
RANGE	-	-	48	56	96	-	-	60	60	60
STANDARD DEVIATION	-	-	22.22	14.11	24.06	-	-	19.76	22.94	24.84
ATTEMPTED MURDER										
NUMBER RECEIVED	15	2	2	2	70	1	7	2	3	4
MEAN	114.67	-	-	-	119.03	-	124.57	-	-	-
MEDIAN	108	-	-	-	108	-	120	-	-	-
RANGE	144	-	-	-	128	-	60	-	-	-
STANDARD DEVIATION	42.48	-	-	-	42.88	-	24.05	-	-	-
DRIVING UNDER THE INFLUENCE CAUSING INJURY										
NUMBER RECEIVED	2	1	18	5	36	0	9	9	13	6
MEAN	-	-	26.67	20.8	33.4	-	22.22	27.56	33.54	30.0
MEDIAN	-	-	24	4	30	-	16	24	36	30
RANGE	-	-	24	4	40	-	20	44	36	30
STANDARD DEVIATION	-	-	9.41	4.38	7.43	-	8.51	13.48	9.32	8.0
ASSAULT										
NUMBER RECEIVED	33	22	44	31	514	15	22	39	46	33
MEAN	38.18	97.82	46.91	50.97	48.65	55	44.73	51.23	58.52	47.27
MEDIAN	60	60	48	48	36	50	36	48	48	48
RANGE	60	84	120	96	264	72	108	96	216	60
STANDARD DEVIATION	16.28	24.74	25.33	24.09	31.63	23.42	32.32	38.46	39.54	16.42
ASSAULT ON A PEACE OFFICER										
NUMBER RECEIVED	5	3	4	5	33	0	3	2	4	0
MEAN	60	-	-	60	75.15	-	-	-	-	-
MEDIAN	60	-	-	48	72	-	-	-	-	-
RANGE	64	-	-	72	168	-	-	-	-	-
STANDARD DEVIATION	34.99	-	-	28.14	40.37	-	-	-	-	-
FALSE IMPRISONMENT AND BATTERY										
NUMBER RECEIVED	9	1	10	5	37	3	2	3	9	3
MEAN	35.56	-	38.4	35.2	31.24	-	-	-	34.22	-
MEDIAN	36	-	42	36	24	-	-	-	36	-
RANGE	36	-	36	20	88	-	-	-	36	-
STANDARD DEVIATION	11.74	-	13.62	7.16	16.83	-	-	-	7.24	-
ROBBERY										
NUMBER RECEIVED	98	38	46	47	1125	73	94	59	74	69
MEAN	60.33	59.47	73.91	65.87	51.85	52.31	59.91	63.12	76.59	61.45
MEDIAN	42	40	60	60	36	36	48	36	48	48
RANGE	216	132	216	192	412	108	216	216	328	336
STANDARD DEVIATION	42.82	39.85	52.78	38.67	38.14	33.72	41.45	52.11	65.71	51.25

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

	SAN DIEGO	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	OTHER COUNTIES	TOTAL
VOLUNTARY MANSLAUGHTER									
NUMBER RECEIVED	14	20	12	2	2	6	3	32	379
MEAN	118.29	93	71	--	--	110	--	84	98.49
MEDIAN	120	84	72	--	--	120	--	84	96
RANGE	168	120	156	--	--	108	--	140	192
STANDARD DEVIATION	45.6	46.7	43.56	--	--	44.52	--	39.01	42.66
INVOLUNTARY MANSLAUGHTER									
NUMBER RECEIVED	4	2	1	2	1	1	3	7	76
MEAN	--	--	--	--	--	--	--	44.57	48.42
MEDIAN	--	--	--	--	--	--	--	48	48
RANGE	--	--	--	--	--	--	--	48	72
STANDARD DEVIATION	--	--	--	--	--	--	--	17.95	14.35
VEHICULAR MANSLAUGHTER									
NUMBER RECEIVED	9	0	2	3	2	7	2	24	128
MEAN	56	--	--	--	--	61.71	--	56.67	55.97
MEDIAN	48	--	--	--	--	72	--	48	48
RANGE	72	--	--	--	--	72	--	96	104
STANDARD DEVIATION	20.78	--	--	--	--	30.54	--	30.66	24.52
ATTEMPTED MURDER									
NUMBER RECEIVED	10	4	1	0	0	4	1	21	149
MEAN	125.6	--	--	--	--	--	--	118.48	128.27
MEDIAN	114	--	--	--	--	--	--	116	120
RANGE	84	--	--	--	--	--	--	108	480
STANDARD DEVIATION	32.12	--	--	--	--	--	--	30.16	55.84
DRIVING UNDER THE INFLUENCE CAUSING INJURY									
NUMBER RECEIVED	13	4	2	1	3	17	3	37	179
MEAN	28.92	--	--	--	--	26.12	--	25.84	25.99
MEDIAN	20	--	--	--	--	24	--	24	24
RANGE	30	--	--	--	--	32	--	32	44
STANDARD DEVIATION	7.15	--	--	--	--	9.5	--	7.58	8.94
ASSAULT									
NUMBER RECEIVED	69	53	12	10	13	53	10	131	1150
MEAN	47.59	41.13	33	40.8	63.38	53.66	67.2	49.65	49.3
MEDIAN	36	36	30	36	48	44	48	48	36
RANGE	108	68	36	48	156	204	156	168	596
STANDARD DEVIATION	20.31	16.81	11.58	17.16	39.05	41.27	46.37	22.48	33.97
ASSAULT ON A PEACE OFFICER									
NUMBER RECEIVED	2	4	3	3	1	4	0	11	87
MEAN	--	--	--	--	--	--	--	70.91	71.72
MEDIAN	--	--	--	--	--	--	--	48	60
RANGE	--	--	--	--	--	--	--	96	252
STANDARD DEVIATION	--	--	--	--	--	--	--	33.71	41.38
FALSE IMPRISONMENT AND BATTERY									
NUMBER RECEIVED	15	6	2	0	4	18	5	43	175
MEAN	41.6	33.33	--	--	--	25.11	35.2	35.91	33.92
MEDIAN	36	24	--	--	--	24	36	36	36
RANGE	48	44	--	--	--	32	24	44	88
STANDARD DEVIATION	14.25	17.65	--	--	--	9.68	11.1	12.14	13.72
ROBBERY									
NUMBER RECEIVED	125	88	35	18	20	76	10	111	2146
MEAN	68.99	59.41	58.74	60.22	59.8	55.84	62	61.26	57.22
MEDIAN	56	36	44	42	54	48	66	48	48
RANGE	316	192	140	100	108	156	60	192	412
STANDARD DEVIATION	45.09	44.19	39.77	32.6	29.26	34.44	16.57	33.49	41.63

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

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	MONTEREY	ORANGE	RIVER-SIDE	SACRA-MENTO	SAN BERNAR-DINO
SECOND DEGREE ROBBERY										
NUMBER RECEIVED	16	4	8	5	163	0	9	8	4	7
MEAN	62.25	-	76.5	48	46.06	-	66.67	27	-	48.57
MEDIAN	42	-	60	36	36	-	48	24	-	48
RANGE	276	-	96	72	144	-	120	12	-	28
STANDARD DEVIATION	66.2	-	32.67	30.59	24.98	-	42.9	5.55	-	10.69
ROBBERY INHABITED DWELLING										
NUMBER RECEIVED	6	0	8	6	96	2	6	5	14	14
MEAN	110.67	-	92.5	88	79.63	-	120	128.8	90.29	72
MEDIAN	102	-	84	90	72	-	102	72	72	56
RANGE	244	-	48	24	272	-	192	192	148	108
STANDARD DEVIATION	89.5	-	19.29	9.8	47.56	-	81.74	94.76	42.9	36.49
ATTEMPTED ROBBERY										
NUMBER RECEIVED	4	3	8	7	157	0	5	12	5	8
MEAN	-	-	37.5	25.71	32.23	-	59.2	36.33	40.8	34
MEDIAN	-	-	36	24	24	-	36	30	36	32
RANGE	-	-	44	24	200	-	128	80	60	56
STANDARD DEVIATION	-	-	15.99	9.2	22.91	-	54.95	23.66	24.88	16.97
RAPE										
NUMBER RECEIVED	11	7	18	8	100	9	8	6	12	9
MEAN	134.91	126.29	94.89	216	114.36	128	150	135.33	110	117.33
MEDIAN	96	84	72	126	84	72	90	94	96	104
RANGE	260	252	264	612	684	312	300	264	180	120
STANDARD DEVIATION	81.72	86.74	64.33	213.22	102.47	102.53	124.87	102.71	62.63	44.86
ASSAULT TO COMMIT SEX OFFENSE										
NUMBER RECEIVED	7	1	0	5	24	1	1	1	5	2
MEAN	40.57	-	-	50.4	46	-	-	-	97.6	-
MEDIAN	24	-	-	60	36	-	-	-	84	-
RANGE	68	-	-	48	108	-	-	-	132	-
STANDARD DEVIATION	26.27	-	-	24.59	27.79	-	-	-	50.33	-
MISCELLANEOUS SEX OFFENSES										
NUMBER RECEIVED	22	6	35	47	283	7	40	45	57	62
MEAN	69.09	138	68.34	120.17	95.69	82.29	86.5	90.76	127.79	133.13
MEDIAN	36	112	72	72	72	84	72	72	92	72
RANGE	200	340	200	712	716	108	288	444	1556	284
STANDARD DEVIATION	57.15	126.21	41.49	150.5	97.36	46.7	66.52	82.27	214.24	52.57
INFLECT CRUELTY SPOUSE OR CHILD										
NUMBER RECEIVED	1	1	5	4	27	1	1	4	5	7
MEAN	-	-	43.2	-	37.33	-	-	-	62.4	48.57
MEDIAN	-	-	48	-	36	-	-	-	48	48
RANGE	-	-	48	-	60	-	-	-	100	64
STANDARD DEVIATION	-	-	20.08	-	15.01	-	-	-	41.43	19.65
KIDNAPPING										
NUMBER RECEIVED	4	1	3	3	33	2	2	2	1	6
MEAN	-	-	-	-	87.58	-	-	-	-	86
MEDIAN	-	-	-	-	72	-	-	-	-	66
RANGE	-	-	-	-	232	-	-	-	-	60
STANDARD DEVIATION	-	-	-	-	49.52	-	-	-	-	27.01
ARSON										
NUMBER RECEIVED	3	2	5	4	63	0	0	3	3	3
MEAN	-	-	45.6	-	47.87	-	-	-	-	-
MEDIAN	-	-	36	-	36	-	-	-	-	-
RANGE	-	-	60	-	140	-	-	-	-	-
STANDARD DEVIATION	-	-	26.02	-	26.12	-	-	-	-	-

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

	SAN DIEGO	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	OTHER COUNTIES	TOTAL
SECOND DEGREE ROBBERY									
NUMBER RECEIVED	11	18	3	3	0	2	4	16	281
MEAN	90.55	44	-	-	-	-	-	59.25	51.13
MEDIAN	84	36	-	-	-	-	-	48	36
RANGE	148	96	-	-	-	-	-	84	276
STANDARD DEVIATION	47.74	27.34	-	-	-	-	-	26.1	33.17
ROBBERY INHABITED DWELLING									
NUMBER RECEIVED	12	14	4	3	1	12	2	17	222
MEAN	85.67	66.29	-	-	-	74	-	112.47	84.72
MEDIAN	84	60	-	-	-	66	-	96	72
RANGE	92	96	-	-	-	96	-	244	272
STANDARD DEVIATION	24.39	28.36	-	-	-	36.88	-	64.36	48.72
ATTEMPTED ROBBERY									
NUMBER RECEIVED	12	22	1	0	1	12	0	10	267
MEAN	38.33	46.55	-	-	-	37	-	41.2	46.66
MEDIAN	38	36	-	-	-	36	-	36	38
RANGE	28	128	-	-	-	152	-	44	200
STANDARD DEVIATION	9.57	34.49	-	-	-	46.56	-	14.24	26.94
RAPE									
NUMBER RECEIVED	14	4	11	7	5	5	1	44	279
MEAN	275.43	-	66.55	200.57	86.4	105.6	-	109.64	125.19
MEDIAN	96	-	72	96	96	72	-	96	96
RANGE	1872	-	96	624	96	240	-	324	1908
STANDARD DEVIATION	490.29	-	34.1	224.68	35.39	96.52	-	68.97	147.72
ASSAULT TO COMMIT SEX OFFENSE									
NUMBER RECEIVED	9	1	0	3	0	10	1	6	77
MEAN	66.67	-	-	-	-	49.2	-	100	59.79
MEDIAN	48	-	-	-	-	48	-	96	48
RANGE	168	-	-	-	-	84	-	72	168
STANDARD DEVIATION	50.6	-	-	-	-	30.17	-	29.07	39.05
MISCELLANEOUS SEX OFFENSES									
NUMBER RECEIVED	75	19	21	17	21	67	19	181	1024
MEAN	98.08	136.53	80.76	75.76	96.19	87.4	119.16	99.14	96.06
MEDIAN	72	72	72	72	72	48	72	72	72
RANGE	456	492	200	176	216	440	696	800	1568
STANDARD DEVIATION	82.58	147.31	41.62	49	55.11	88.53	159.39	93.37	103.49
INFLECT CRUELTY SPOUSE OR CHILD									
NUMBER RECEIVED	3	3	0	0	0	15	2	30	109
MEAN	-	-	-	-	-	33.6	-	49.6	43.01
MEDIAN	-	-	-	-	-	24	-	48	44
RANGE	-	-	-	-	-	24	-	64	112
STANDARD DEVIATION	-	-	-	-	-	11.29	-	16.66	18.6
KIDNAPPING									
NUMBER RECEIVED	8	1	3	2	0	2	0	10	83
MEAN	96.5	-	-	-	-	-	-	80.4	88.22
MEDIAN	78	-	-	-	-	-	-	84	84
RANGE	120	-	-	-	-	-	-	84	232
STANDARD DEVIATION	42.57	-	-	-	-	-	-	28.87	41.23
ARSON									
NUMBER RECEIVED	8	1	0	3	2	3	1	12	116
MEAN	50	-	-	-	-	-	-	54.33	47.98
MEDIAN	48	-	-	-	-	-	-	44	36
RANGE	68	-	-	-	-	-	-	84	140
STANDARD DEVIATION	28.28	-	-	-	-	-	-	30.29	27.36

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

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	MONTEREY	ORANGE	RIVER-SIDE	SACRAMENTO	SAN BERNARDINO
FIRST DEGREE BURGLARY										
NUMBER RECEIVED	88	66	66	70	1095	42	148	153	119	107
MEAN	51.68	54.18	58.97	51.54	48.92	44.76	42.16	46.67	69.75	51.63
MEDIAN	48	48	48	48	48	48	48	48	48	48
RANGE	144	148	156	144	288	120	176	108	356	96
STANDARD DEVIATION	32.55	27.93	37.56	33.97	31.07	30.48	34.1	28.76	52.41	24.24
SECOND DEGREE BURGLARY										
NUMBER RECEIVED	50	43	42	50	708	17	81	89	44	54
MEAN	19.36	22.86	21.33	19.2	23.85	17.18	20.94	22.17	20.36	27.56
MEDIAN	16	16	16	16	16	16	16	16	16	16
RANGE	20	22	20	20	24	20	24	20	24	20
STANDARD DEVIATION	5.07	9.5	13.8	10.97	9.7	11.81	5.77	7.74	13.32	7.99
ATTEMPTED BURGLARY										
NUMBER RECEIVED	5	2	3	2	81	1	8	3	5	4
MEAN	20.4	-	-	-	24.07	-	16	-	4.4	-
MEDIAN	18	-	-	-	18	-	16	-	4.4	-
RANGE	24	-	-	-	24	-	20	-	4.4	-
STANDARD DEVIATION	10.04	-	-	-	17.12	-	40.11	-	9.84	-
GRAND THEFT										
NUMBER RECEIVED	14	12	17	15	163	4	22	14	18	24
MEAN	22	20.33	29	36.27	24.47	-	22.91	20.86	31.11	26.5
MEDIAN	20	20	24	36	24	-	16	20	24	24
RANGE	20	44	44	48	56	-	32	20	36	46
STANDARD DEVIATION	8.26	15.01	11.31	15.38	9.98	-	10.19	5.91	10.68	8.73
THEFT OF PERSONAL PROPERTY										
NUMBER RECEIVED	13	2	22	9	118	2	5	8	11	9
MEAN	20	-	28.18	25.78	23.02	-	23.2	21	31.27	29.44
MEDIAN	16	-	24	24	24	-	24	24	24	24
RANGE	20	-	32	20	20	-	20	8	36	20
STANDARD DEVIATION	6.11	-	9.28	6.36	6.47	-	8.2	4.14	11.84	7.6
AUTO THEFT										
NUMBER RECEIVED	23	11	18	17	352	2	51	24	27	37
MEAN	20.52	29.82	25.78	35.76	24.72	-	22.98	24.67	31.26	26.49
MEDIAN	16	24	24	36	24	-	24	24	24	24
RANGE	20	40	24	44	280	-	60	28	56	32
STANDARD DEVIATION	6.19	12.82	5.69	11.62	17.83	-	11.94	8.4	12.26	9.21
PETTY THEFT WITH PRIOR										
NUMBER RECEIVED	37	22	61	40	217	19	20	39	38	61
MEAN	18.49	27.45	29.44	29.2	21.97	29.05	16.8	24.1	27.47	25.25
MEDIAN	16	24	24	24	16	16	16	24	24	24
RANGE	20	32	96	42	44	44	8	36	44	32
STANDARD DEVIATION	4.56	7.74	14.53	8.16	7.95	8.2	2.46	10.2	10.93	8.18
FORGERY										
NUMBER RECEIVED	4	7	15	43	114	6	7	11	12	21
MEAN	-	26.86	26.93	30.6	26.11	30	23.43	25.82	29	31.05
MEDIAN	-	24	24	24	24	24	24	24	24	24
RANGE	-	44	20	52	52	44	20	44	28	80
STANDARD DEVIATION	-	15.78	7.17	10.83	12.08	10.04	8.14	13.31	8.2	16.73
CHECKS WITH INSUFFICIENT FUNDS										
NUMBER RECEIVED	0	1	1	7	20	0	5	2	3	10
MEAN	-	-	-	25.14	25.14	-	19.2	-	-	25.6
MEDIAN	-	-	-	20	20	-	16	-	-	20
RANGE	-	-	-	20	20	-	16	-	-	20
STANDARD DEVIATION	-	-	-	8.23	8.3	-	7.16	-	-	9.48

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

	SAN DIEGO	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	OTHER COUNTIES	TOTAL
FIRST DEGREE BURGLARY									
NUMBER RECEIVED	258	71	55	35	25	128	39	261	2826
MEAN	58.16	57.41	46.4	42.51	60.64	47.44	58.15	58.24	51.72
MEDIAN	48	48	24	48	48	40	48	48	48
RANGE	216	136	108	84	168	156	100	180	356
STANDARD DEVIATION	33.33	35.04	32.12	20.74	37.94	31.7	18.19	32.17	33.02
SECOND DEGREE BURGLARY									
NUMBER RECEIVED	128	85	17	20	23	55	34	203	1736
MEAN	26.94	24.85	22.35	26.2	28.7	25.45	27.76	30.74	25.69
MEDIAN	24	24	24	24	24	24	24	24	24
RANGE	32	32	20	32	32	44	24	52	104
STANDARD DEVIATION	7.16	7.74	5.11	9.22	9.24	9.84	7.1	9.93	9.74
ATTEMPTED BURGLARY									
NUMBER RECEIVED	14	4	5	1	1	4	1	8	152
MEAN	23.57	-	20	-	-	-	-	21	25.42
MEDIAN	24	-	20	-	-	-	-	24	24
RANGE	60	-	28	-	-	-	-	12	128
STANDARD DEVIATION	15.69	-	10.95	-	-	-	-	5.55	19.87
GRAND THEFT									
NUMBER RECEIVED	38	15	5	8	8	27	11	61	476
MEAN	29.37	25.87	20.8	20.5	27.5	26.37	31.27	30.84	27.18
MEDIAN	24	24	24	24	24	24	24	24	24
RANGE	44	22	24	24	24	76	24	24	92
STANDARD DEVIATION	10.03	9.3	4.38	12.82	5.42	15.89	9.09	14.99	11.79
THEFT OF PERSONAL PROPERTY									
NUMBER RECEIVED	24	22	3	2	1	10	5	21	287
MEAN	26	27.45	-	-	-	21.2	28.8	27.05	24.79
MEDIAN	24	24	-	-	-	20	24	24	24
RANGE	32	36	-	-	-	20	12	20	44
STANDARD DEVIATION	7.37	9.43	-	-	-	6.55	6.57	6.56	7.71
AUTO THEFT									
NUMBER RECEIVED	94	21	10	7	13	39	9	83	838
MEAN	28.43	24.57	23.2	24	34.46	22.87	28.89	32.53	26.37
MEDIAN	24	24	24	24	36	24	24	24	24
RANGE	76	32	20	20	24	38	20	124	280
STANDARD DEVIATION	11.68	9.66	7.73	8.94	10.01	7.05	7.15	16.98	14.87
PETTY THEFT WITH PRIOR									
NUMBER RECEIVED	79	16	18	23	20	58	13	120	901
MEAN	23.65	21.75	21.78	20.35	29.4	20.76	28.92	28.7	24.55
MEDIAN	24	16	20	20	26	16	24	24	24
RANGE	28	32	20	20	44	32	24	24	66
STANDARD DEVIATION	6.37	9	7.03	5.24	12.8	7.43	10.6	10.05	9.56
FORGERY									
NUMBER RECEIVED	36	11	2	4	7	26	16	100	442
MEAN	36.67	21.45	-	-	-	24.62	29	30.76	27.98
MEDIAN	24	16	-	-	-	24	24	32	24
RANGE	24	28	-	-	-	28	28	44	80
STANDARD DEVIATION	7.94	8.44	-	-	8.33	8.06	7.93	8.71	10.67
CHECKS WITH INSUFFICIENT FUNDS									
NUMBER RECEIVED	9	1	1	1	0	9	1	23	94
MEAN	25.33	-	-	-	-	29.78	-	29.22	25.87
MEDIAN	24	-	-	-	-	24	-	24	24
RANGE	12	-	-	-	-	16	-	36	56
STANDARD DEVIATION	4	-	-	-	-	17.79	-	10.47	10.39

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SENTENCE IN MONTHS

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	MONTEREY	ORANGE	RIVER-SIDE	SACRA-MENTO	SAN BERNAR-DINO
RECEIVING STOLEN PROPERTY										
NUMBER RECEIVED	14	11	34	28	207	13	29	38	39	36
MEAN	19.71	26.91	27.65	28.43	23.23	24.92	25.52	22.53	29.44	27.44
MEDIAN	16	24	24	24	24	24	24	24	24	24
RANGE	20	28	44	28	56	20	44	32	32	44
STANDARD DEVIATION	5.97	10.29	10.48	7.57	9.77	7.15	10.39	7.23	8.43	10.7
POSSESSION OF CONTROLLED SUBSTANCE										
NUMBER RECEIVED	67	14	34	89	1104	20	76	78	60	92
MEAN	18.27	30	24	26.61	21.14	23.2	18.74	23.13	28	22.78
MEDIAN	16	26	24	24	16	24	16	24	24	24
RANGE	16	36	20	56	88	20	44	44	44	44
STANDARD DEVIATION	3.89	9.64	7.63	10.15	7.31	5.6	6.24	8.64	9.49	7.4
POSSESSION OF CONT. SUBS. FOR SALE										
NUMBER RECEIVED	66	23	17	38	545	12	38	66	44	50
MEAN	25.09	33.74	29.65	33.16	29.61	35.67	27.89	26.85	36.64	32
MEDIAN	24	36	24	36	24	36	24	24	36	36
RANGE	44	32	24	36	52	32	32	40	52	36
STANDARD DEVIATION	6.49	11.49	7.49	9.84	8.55	9.41	6.67	8.47	13.61	7.41
SALE OF CONTROLLED SUBSTANCE										
NUMBER RECEIVED	31	33	60	21	844	19	52	46	50	44
MEAN	33.03	39.15	43.27	46.48	35.73	42.11	37.77	39.74	46.8	42.55
MEDIAN	36	36	36	48	36	36	36	36	48	44
RANGE	32	60	48	64	72	52	36	52	80	48
STANDARD DEVIATION	7.86	13.56	10.03	13.36	9.56	13.16	9.84	11.29	15.1	11.02
POSSESSION FOR SALE OR SALE OF PCP										
NUMBER RECEIVED	0	0	23	6	155	0	3	14	1	12
MEAN	-	-	41.22	52.67	40.31	-	-	41.71	-	44
MEDIAN	-	-	36	36	36	-	-	36	-	48
RANGE	-	-	24	52	40	-	-	32	-	12
STANDARD DEVIATION	-	-	7.08	22.26	7.89	-	-	9.38	-	5.91
FELON IN POSSESSION OF A GUN										
NUMBER RECEIVED	8	10	8	10	81	0	2	13	15	10
MEAN	19	29.6	33.5	40	32.37	-	-	33.08	37.47	24
MEDIAN	16	24	36	40	32	-	-	32	36	24
RANGE	8	32	44	40	40	-	-	32	36	20
STANDARD DEVIATION	4.14	11.81	13.17	6.32	8.04	-	-	8.66	7.23	7.3
ESCAPE										
NUMBER RECEIVED	0	2	10	11	23	4	2	7	6	8
MEAN	-	-	20.4	22.18	20.35	-	-	15.6	20	22
MEDIAN	-	-	16	16	16	-	-	16	16	16
RANGE	-	-	28	20	24	-	-	16	16	28
STANDARD DEVIATION	-	-	8.93	9.18	8.26	-	-	64.37	66.05	10.03
INSTITUTIONAL OFFENSES										
NUMBER RECEIVED	0	0	0	16	0	9	0	4	39	13
MEAN	-	-	-	19.75	-	10.67	-	-	33.23	-
MEDIAN	-	-	-	24	-	24	-	-	24	-
RANGE	-	-	-	24	-	24	-	-	18	-
STANDARD DEVIATION	-	-	-	8.45	-	10.58	-	-	11.5	-
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS										
NUMBER RECEIVED	2	1	4	5	15	2	2	4	6	3
MEAN	-	-	-	25.6	21.6	-	-	-	28	-
MEDIAN	-	-	-	24	16	-	-	-	28	-
RANGE	-	-	-	28	28	-	-	-	28	-
STANDARD DEVIATION	-	-	-	10.04	7.97	-	-	-	18.12	-

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

	SAN DIEGO	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANISLAUS	OTHER COUNTIES	TOTAL
RECEIVING STOLEN PROPERTY									
NUMBER RECEIVED	67	27	7	8	13	29	28	128	756
MEAN	27.64	25.63	24.57	25	26.46	29.52	29.43	30.91	26.54
MEDIAN	24	24	24	24	24	24	24	24	24
RANGE	40	56	28	20	20	26	28	26	26
STANDARD DEVIATION	7.33	14	9.36	7.63	7.22	21.42	6.9	10.61	10.57
POSSESSION OF CONTROLLED SUBSTANCE									
NUMBER RECEIVED	114	115	22	17	22	224	36	112	2296
MEAN	26.7	20.14	19.27	24	26.73	21.55	27.89	28.36	22.42
MEDIAN	24	24	16	16	16	16	24	24	24
RANGE	56	30	16	16	16	16	24	24	24
STANDARD DEVIATION	8.29	5.92	4.72	5.6	10.66	7.18	5.85	10.76	8.18
POSSESSION OF CONT. SUBS. FOR SALE									
NUMBER RECEIVED	66	49	29	15	17	60	17	83	1235
MEAN	31.94	25.55	27.86	27.2	32.47	28.4	35.06	36.48	30.17
MEDIAN	32	24	24	24	36	24	36	36	24
RANGE	44	32	56	12	36	44	36	80	80
STANDARD DEVIATION	8.05	6.77	10.77	5.49	10.28	9.79	9	11.88	9.42
SALE OF CONTROLLED SUBSTANCE									
NUMBER RECEIVED	47	90	13	14	16	63	15	140	1598
MEAN	41.11	32.8	42.46	44.57	41.25	42.6	45.07	45.37	38.35
MEDIAN	36	36	36	42	36	36	48	48	36
RANGE	48	76	48	56	12	52	52	80	88
STANDARD DEVIATION	9.61	10.58	11.61	14.79	6.15	11.48	13.05	13.32	11.36
POSSESSION FOR SALE OR SALE OF PCP									
NUMBER RECEIVED	10	17	2	1	0	87	0	3	334
MEAN	40.8	43.76	-	-	-	41.98	-	-	41.6
MEDIAN	36	36	-	-	-	36	-	-	36
RANGE	12	36	-	-	-	36	-	-	36
STANDARD DEVIATION	6.2	13.38	-	-	-	8.18	-	-	6.9
FELON IN POSSESSION OF A GUN									
NUMBER RECEIVED	10	19	2	3	1	6	3	32	233
MEAN	28.4	22.53	-	-	-	20	-	35.88	25.8
MEDIAN	24	24	-	-	-	20	-	24	24
RANGE	32	20	-	-	-	20	-	152	152
STANDARD DEVIATION	10.41	7.08	-	-	-	7.9	-	27.23	13.44
ESCAPE									
NUMBER RECEIVED	17	0	1	2	1	7	7	38	146
MEAN	21.88	-	-	-	-	20.57	13.71	22.63	25.07
MEDIAN	16	-	-	-	-	16	12	16	16
RANGE	48	-	-	-	-	24	12	72	172
STANDARD DEVIATION	12.97	-	-	-	-	9.07	4.54	14.05	25.68
INSTITUTIONAL OFFENSES									
NUMBER RECEIVED	0	0	4	0	0	0	0	54	129
MEAN	-	-	-	-	-	-	-	31.56	31.07
MEDIAN	-	-	-	-	-	-	-	24	24
RANGE	-	-	-	-	-	-	-	48	48
STANDARD DEVIATION	-	-	-	-	-	-	-	11.01	10.57
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS									
NUMBER RECEIVED	3	1	13	0	0	3	2	24	90
MEAN	-	-	16	-	-	-	-	27	23.91
MEDIAN	-	-	16	-	-	-	-	24	16
RANGE	-	-	0	-	-	-	-	64	64
STANDARD DEVIATION	-	-	0	-	-	-	-	15.61	11.5

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

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	MONTEREY	ORANGE	RIVER-SIDE	SACRA-MENTO	SAN BERNAR-DINO
OTHER OFFENSES										
NUMBER RECEIVED	12	11	26	27	259	5	28	37	38	35
MEAN	40.17	30.91	36.92	34.07	30.7	25.6	32.71	30.49	30.26	37.37
MEDIAN	30	24	28	24	24	20	24	20	24	20
RANGE	74	44	108	56	160	20	70	60	44	80
STANDARD DEVIATION	25.29	11.88	24.98	16.84	17.91	10.04	19.32	18.27	9.05	21.23
TOTAL OF ALL OFFENSES										
NUMBER RECEIVED	711	370	698	702	9108	237	799	865	859	876
MEAN	44.22	45.12	44.95	45.98	40.51	45.79	41.99	41.79	46.47	42.8
MEDIAN	24	36	36	36	28	36	24	24	36	36
RANGE	308	352	388	732	724	372	324	608	1572	348
STANDARD DEVIATION	41.38	36.71	32.96	56.82	37.24	38.53	39.36	42.68	72.97	33.57

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

	SAN DIEGO	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	STANIS- LAUS	OTHER COUNTIES	TOTAL
OTHER OFFENSES									
NUMBER RECEIVED	56	14	6	14	5	42	18	132	765
MEAN	37.68	32.86	42	36	60	31.95	42.44	40.68	36.27
MEDIAN	31	24	26	36	36	24	36	36	32
RANGE	168	44	104	60	112	68	74	120	232
STANDARD DEVIATION	29.54	16.09	40.46	15.61	47.58	16.45	23.16	24.4	23.8
TOTAL OF ALL OFFENSES									
NUMBER RECEIVED	1483	842	328	252	249	1191	322	2369	22261
MEAN	47.67	40.51	41.54	43.63	46.86	39.2	43.73	48.07	43.26
MEDIAN	36	24	24	36	36	24	36	36	36
RANGE	1936	516	208	648	224	444	708	812	1936
STANDARD DEVIATION	63.21	40.1	32.82	51.36	33.24	36.56	47.18	41.35	43.1

*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	82 25.87%	123 38.80%	112 35.33%
INVOLUNTARY MANSLAUGHTER	19 28.36%	26 38.81%	22 32.84%
VEHICULAR MANSLAUGHTER	26 43.33%	21 35.00%	13 21.67%
ATTEMPTED MURDER	14 21.83%	33 51.56%	17 26.56%
DRIVING UNDER THE INFLUENCE CAUSING INJURY	40 30.53%	70 53.44%	21 16.03%
ASSAULT	317 38.06%	345 41.42%	171 20.53%
ASSAULT ON A PEACE OFFICER	14 38.89%	18 50.00%	4 *
FALSE IMPRISONMENT AND BATTERY	33 26.61%	55 44.35%	36 29.03%
ROBBERY	576 43.80%	564 42.89%	175 13.31%
SECOND DEGREE ROBBERY	79 44.63%	72 40.68%	26 14.69%
ROBBERY INHABITED DWELLING	30 30.93%	40 41.24%	27 27.84%
ATTEMPTED ROBBERY	69 34.85%	78 39.39%	51 25.76%
RAPE	46 39.32%	49 41.88%	22 18.80%

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

OFFENSE	LOWER	MIDDLE	UPPER
ASSAULT TO COMMIT SEX OFFENSE	25 46.30%	19 35.19%	10 18.52%
MISCELLANEOUS SEX OFFENSES	183 41.03%	199 44.62%	64 14.35%
INFLECT INJURY SPOUSE OR CHILD	33 41.77%	33 41.77%	13 16.46%
KIDNAPPING	7 23.33%	15 50.00%	8 26.67%
ARSON	36 47.37%	29 38.16%	11 14.47%
FIRST DEGREE BURGLARY	895 50.28%	706 39.66%	179 10.06%
SECOND DEGREE BURGLARY	400 33.47%	599 50.13%	196 16.40%
ATTEMPTED BURGLARY	49 38.28%	61 47.66%	18 14.06%
GRAND THEFT	99 30.37%	182 55.83%	45 13.80%
THEFT OF PERSONAL PROPERTY	60 26.67%	127 56.44%	38 16.89%
AUTO THEFT	192 33.80%	287 50.53%	89 15.67%
PETTY THEFT WITH PRIOR	306 43.04%	308 43.32%	97 13.64%
FORGERY	52 24.07%	119 55.09%	45 20.83%

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

OFFENSE	LOWER	MIDDLE	UPPER
CHECKS WITH INSUFFICIENT FUNDS	11 22.92%	28 58.33%	9 18.75%
RECEIVING STOLEN PROPERTY	178 33.58%	254 47.92%	98 18.49%
POSSESSION OF CONTROLLED SUBSTANCE	882 51.70%	675 39.57%	149 8.73%
POSSESSION OF CONTROLLED SUBSTANCE FOR SALE	489 57.26%	294 34.43%	71 8.31%
SALE OF CONTROLLED SUBSTANCE	550 63.95%	273 31.74%	37 4.30%
POSSESSION FOR SALE OR SALE OF PCP	153 73.21%	53 25.36%	3 -
FELON IN POSSESSION OF A GUN	76 39.18%	94 48.45%	24 12.37%
ESCAPE	79 62.20%	42 33.07%	6 4.72%
INSTITUTIONAL OFFENSES	80 64.52%	34 27.42%	10 8.06%
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS	43 58.11%	20 27.03%	11 14.86%
OTHER OFFENSES	186 36.69%	245 48.32%	76 14.99%
TOTAL OF ALL OFFENSES	6,409 43.89%	6,190 42.39%	2,004 13.72%

*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	96.51 281	86.33 36
INVOLUNTARY MANSLAUGHTER	45.84 61	46.00 6
VEHICULAR MANSLAUGHTER	52.75 53	58.29 7
ATTEMPTED MURDER	109.63 59	84.00 5
DRIVING UNDER THE INFLUENCE CAUSING INJURY	25.90 120	24.73 11
ASSAULT	44.84 793	39.00 40
ASSAULT ON A PEACE OFFICER	56.82 34	* 2
FALSE IMPRISONMENT AND BATTERY	32.46 123	- 1
ROBBERY	46.03 1,252	42.10 63
SECOND DEGREE ROBBERY	44.82 166	29.45 11
ROBBERY INHABITED DWELLING	68.97 87	44.40 10
ATTEMPTED ROBBERY	34.75 192	26.00 6
RAPE	68.92 117	- 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
ASSAULT TO COMMIT SEX OFFENSE	53.56 54	- 0
MISCELLANEOUS SEX OFFENSES	57.42 439	41.14 7
INFLECT INJURY SPOUSE OR CHILD	38.40 65	42.00 14
KIDNAPPING	70.67 27	- 3
ARSON	43.94 71	39.20 5
FIRST DEGREE BURGLARY	45.82 1,721	40.68 59
SECOND DEGREE BURGLARY	24.44 1,147	22.83 48
ATTEMPTED BURGLARY	24.41 123	12.00 5
GRAND THEFT	25.14 269	23.65 57
THEFT OF PERSONAL PROPERTY	24.70 201	24.17 24
AUTO THEFT	24.10 562	28.67 6
PETTY THEFT WITH PRIOR	23.45 567	23.25 144
FORGERY	25.95 156	24.80 60

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
CHECKS WITH INSUFFICIENT FUNDS	24.34 35	25.54 13
RECEIVING STOLEN PROPERTY	24.89 508	23.82 22
POSSESSION OF CONTROLLED SUBSTANCE	21.56 1,558	21.46 148
POSSESSION OF CONTROLLED SUBSTANCE FOR SALE	28.93 787	29.79 67
SALE OF CONTROLLED SUBSTANCE	37.15 808	37.46 52
POSSESSION FOR SALE OR SALE OF PCP	39.98 187	37.64 22
FELON IN POSSESSION OF A GUN	24.70 188	20.67 6
ESCAPE	19.50 111	17.00 16
INSTITUTIONAL OFFENSES	30.34 123	- 1
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS	21.95 74	- 0
OTHER OFFENSES	30.46 453	26.00 54
TOTAL OF ALL OFFENSES	36.18 13,572	31.17 1,031

*MEAN SENTENCE NOT SHOWN FOR FEWER THAN 5 CASES.

TABLE VIA
 TOTAL PRISON SENTENCE IMPOSED
 AS PROVIDED FOR IN SEX OFFENSES LEGISLATION¹
 EFFECTIVE JANUARY 1, 1980

FISCAL YEAR 1986/87

Statewide: 241 Cases²

MEASURES OF CENTRAL TENDENCY

Mean (Arithmetic Average)	200 months
Median (50th Percentile)	144 months
Mode (Most Frequent)	144 months

MEASURES OF DISPERSION

Standard Deviation	207 months
Range (Highest - Lowest)	1,920 months
Q ₃ - Q ₁ (Third Quartile - First Quartile)	148 months

MEASURES OF LOCATION

Q ₁ (First Quartile)	84 months
Q ₃ (Third Quartile)	232 months
10th Percentile	38 months
90th Percentile	396 months
95th Percentile	571 months
99th Percentile	1,251 months
Lowest Sentence	24 months
Highest Sentence	1,944 months

¹Stats. 1979, Ch. 944

²These 241 cases are included among the 22,261 cases used in the main body of the report.

TABLE VIB
 SENTENCE ENHANCEMENT¹
 AS PROVIDED FOR IN SEX OFFENSES LEGISLATION
 JULY 1, 1986 - JUNE 30, 1987

Enhancement Type	Charged	Proved/Found	Imposed
P.C. §12022.3(a)**	95 100.0%	41 43.2%	34 35.8%
P.C. §12022.3(b)**	25 100.0%	12 48.0%	11 44.0%
P.C. §12022.8**	46 100.0%	15 32.6%	10 21.7%
P.C. §667.51***	9 100.0%	3 33.3%	3 33.3%
P.C. §667.6(a)**	5 100.0%	3 60.0%	3 60.0%
P.C. §667.6(b)**	5 100.0%	3 60.0%	1 20.0%

¹Enhancement Key is on page 71.
 **Stats. 1979 c. 944, Effective 1-1-80.
 ***Stats 1981 c. 1064. Effective 1-1-82.

¹Enhancement Key

<u>Penal Code §</u>	<u>Sentence</u>	<u>Description</u>
12022.3(a)	3 years	Used firearm or deadly weapon in the violation of §§261, 264.1, 286, 288, 288a or 289.
12022.3(b)	2 years	Armed with firearm or deadly weapon in the violation of §§261, 264.1, 286, 288, 288a, or 289.
12022.8	5 years	Inflicted great bodily injury (significant/substantial physical injury) in the violation of §§261.2, 261.3, 264.1, 288b, 289 or sodomy or oral copulation by force or violence as provided for in §288a or §286.
667.51(a)	5 years	Violation of §288 lewd & lascivious act on a child under the age of 14 years, with a prior conviction on violations of §§261, 264.1, 285, 286, 288, 288a, or 289.
667.51(b)	15 years to Life	Violation of §288 lewd & lascivious act on child under the age of 14 years, with two or more prior convictions on violations of §261, 264.1, 285, 286, 288, 288a, or 289.
667.6(a)	5 years	Violations of §§261.2, 261.3, 264.1, 288(b), 289, or sodomy or oral copulation in violation of §286 or §286 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 FY 1986/87

P. C. §667(A)*

	Jul - Sep 1986	Oct - Dec 1986	Jan - Mar 1987	Apr - Jun 1987	TOTAL
<u>Charged</u>					
Felons Received	269	188	295	380	1,132
Number of Enhancements	349	264	385	532	1,530
Mean	1.3	1.4	1.3	1.4	1.4
Median	1.0	1.0	1.0	1.0	1.0
<u>Proved</u>					
Felons Received	162	156	229	295	842
Number of Enhancements	194	179	274	369	1,016
Mean	1.2	1.1	1.2	1.3	1.2
Median	1.0	1.0	1.0	1.0	1.0
<u>Imposed</u>					
Felons Received Sentences	150	150	212	281	793
(in months)	10,800	10,272	15,300	20,640	57,012
Mean	72.0	68.5	72.2	73.5	71.9
Median	60.0	60.0	60.0	60.0	60.0

*Refers to the "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

GUN COUNTY	NUMBER OF CASES	USED ¹	CHARGED ² OF THOSE USED	PROVED ³ OF THOSE USED	IMPOSED ⁴ OF THOSE USED
ALAMEDA	711 100.0%	96 13.5% 100.0%	88 - 91.7%	63 - 65.6%	36 - 37.5%
CONTRA COSTA	370 100.0%	40 10.8% 100.0%	29 - 72.5%	22 - 55.0%	13 - 32.5%
FRESNO	698 100.0%	62 8.9% 100.0%	50 - 80.6%	24 - 38.7%	23 - 37.1%
KERN	702 100.0%	51 7.3% 100.0%	43 - 84.3%	19 - 37.3%	18 - 35.3%
LOS ANGELES	9,108 100.0%	929 10.2% 100.0%	834 - 89.8%	557 - 60.0%	427 - 46.0%
MONTEREY	237 100.0%	16 6.8% 100.0%	12 - 75.0%	8 - 50.0%	8 - 50.0%
ORANGE	799 100.0%	57 7.1% 100.0%	50 - 87.7%	37 - 64.9%	22 - 38.6%
RIVERSIDE	865 100.0%	63 7.3% 100.0%	49 - 77.8%	40 - 63.5%	32 - 50.8%
SACRAMENTO	859 100.0%	88 10.2% 100.0%	63 - 71.6%	54 - 61.4%	49 - 55.7%
SAN BERNARDINO	876 100.0%	67 7.6% 100.0%	57 - 85.1%	36 - 53.7%	30 - 44.8%

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 DIEGO	1,483 100.0%	137 9.2% 100.0%	115 - 83.9%	70 - 51.1%	62 - 45.3%
SAN FRANCISCO	842 100.0%	69 8.2% 100.0%	56 - 81.2%	39 - 56.5%	31 - 44.9%
SAN JOAQUIN	328 100.0%	34 10.4% 100.0%	28 - 82.4%	16 - 47.1%	7 - 20.6%
SAN MATEO	252 100.0%	15 6.0% 100.0%	17 - 113.3%	9 - 60.0%	6 - 40.0%
SANTA BARBARA	249 100.0%	12 4.8% 100.0%	12 - 100.0%	8 - 66.7%	6 - 50.0%
SANTA CLARA	1,191 100.0%	57 4.8% 100.0%	49 - 86.0%	39 - 68.4%	31 - 54.4%
STANISLAUS	322 100.0%	18 5.6% 100.0%	13 - 72.2%	8 - 44.4%	6 - 33.3%
OTHER COUNTIES	2,369 100.0%	176 7.4% 100.0%	129 - 73.3%	81 - 46.0%	70 - 39.8%
STATEWIDE	22,261 100.0%	1,987 8.9% 100.0%	1,694 - 85.3%	1,130 - 56.9%	877 - 44.1%

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

GUN OFFENSE	NUMBER OF CASES	USED ¹	CHARGED ² OF THOSE USED	PROVED ³ OF THOSE USED	IMPOSED ⁴ OF THOSE USED
VOLUNTARY MANSLAUGHTER	379 100.0%	174 45.9% 100.0%	166 - 95.4%	142 - 81.6%	115 - 66.1%
INVOLUNTARY MANSLAUGHTER	76 100.0%	35 46.1% 100.0%	34 - 97.1%	28 - 80.0%	21 - 60.0%
VEHICULAR MANSLAUGHTER	128 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
ATTEMPTED MURDER	149 100.0%	91 61.1% 100.0%	87 - 95.6%	43 - 47.3%	31 - 34.1%
DRIVING UNDER THE INFLUENCE CAUSING INJURY	179 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
ASSAULT	1,150 100.0%	353 30.7% 100.0%	295 - 83.6%	160 - 45.3%	116 - 32.9%
ASSAULT ON A PEACE OFFICER	87 100.0%	42 48.3% 100.0%	35 - 83.3%	24 - 57.1%	16 - 38.1%
FALSE IMPRISONMENT AND BATTERY	175 100.0%	16 9.1% 100.0%	12 - 75.0%	6 - 37.5%	5 - 31.3%
ROBBERY	2,146 100.0%	717 33.4% 100.0%	649 - 90.5%	483 - 67.4%	384 - 53.6%
SECOND DEGREE ROBBERY	281 100.0%	73 26.0% 100.0%	65 - 89.0%	49 - 67.1%	40 - 54.8%

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
ROBBERY INHABITED DWELLING	222 100.0%	109 49.1% 100.0%	100 - 91.7%	82 - 75.2%	73 - 67.0%
ATTEMPTED ROBBERY	267 100.0%	64 24.0% 100.0%	52 - 81.3%	42 - 65.6%	24 - 37.5%
RAPE	279 100.0%	33 11.8% 100.0%	22 - 66.7%	11 - 33.3%	6 - 18.2%
ASSAULT TO COMMIT SEX OFFENSE	77 100.0%	3 3.9% 100.0%	3 - 100.0%	2 - 66.7%	1 - 33.3%
MISCELLANEOUS SEX OFFENSES	1,024 100.0%	11 1.1% 100.0%	8 - 72.7%	4 - 36.4%	3 - 27.3%
INFLECT CRUELTY SPOUSE OR CHILD	109 100.0%	3 2.8% 100.0%	1 - 33.3%	0 - -	0 - -
KIDNAPPING	83 100.0%	25 30.1% 100.0%	24 - 96.0%	14 - 56.0%	12 - 48.0%
ARSON	116 100.0%	1 0.9% 100.0%	0 - -	0 - -	0 - -
FIRST DEGREE BURGLARY	2,826 100.0%	48 1.7% 100.0%	37 - 77.1%	15 - 31.3%	11 - 22.9%
SECOND DEGREE BURGLARY	1,736 100.0%	6 0.3% 100.0%	4 - 66.7%	2 - 33.3%	2 - 33.3%

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

USE - CHARGING - PROVING - IMPOSITION

GUN OFFENSE	NUMBER OF CASES	1 USED	2 CHARGED OF THOSE USED	3 PROVED OF THOSE USED	4 IMPOSED OF THOSE USED
ATTEMPTED BURGLARY	152 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
GRAND THEFT	476 100.0%	4 0.8% 100.0%	2 - 50.0%	1 - 25.0%	1 - 25.0%
THEFT OF PERSONAL PROPERTY	287 100.0%	5 1.7% 100.0%	4 - 80.0%	0 - -	0 - -
AUTO THEFT	838 100.0%	12 1.4% 100.0%	5 - 41.7%	2 - 16.7%	2 - 16.7%
PETTY THEFT WITH PRIOR	901 100.0%	2 0.2% 100.0%	2 - 100.0%	1 - 50.0%	0 - -
FORGERY	442 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
CHECKS WITH INSUFFICIENT FUNDS	94 100.0%	1 1.1% 100.0%	1 - 100.0%	0 - -	0 - -
RECEIVING STOLEN PROPERTY	756 100.0%	2 0.3% 100.0%	0 - -	0 - -	0 - -
POSSESSION OF CONTROLLED SUBSTANCE	2,296 100.0%	4 0.2% 100.0%	1 - 25.0%	0 - -	0 - -
POSSESSION OF CONT. SUBS. FOR SALE	1,235 100.0%	14 1.1% 100.0%	8 - 57.1%	1 - 7.1%	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
SALE OF CONTROLLED SUBSTANCE	1,598 100.0%	11 0.7% 100.0%	9 - 81.8%	2 - 18.2%	2 - 18.2%
POSSESSION FOR SALE OR SALE OF PCP	334 100.0%	2 0.6% 100.0%	1 - 50.0%	0 - -	0 - -
FELON IN POSSESSION OF A GUN	233 100.0%	27 11.6% 100.0%	9 - 33.3%	0 - -	0 - -
ESCAPE	146 100.0%	5 3.4% 100.0%	4 - 80.0%	2 - 40.0%	2 - 40.0%
INSTITUTIONAL OFFENSES	129 100.0%	1 0.8% 100.0%	0 - -	0 - -	0 - -
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS	90 100.0%	7 7.8% 100.0%	1 - 14.3%	0 - -	0 - -
OTHER OFFENSES	765 100.0%	86 11.2% 100.0%	53 - 61.6%	14 - 16.3%	10 - 11.6%
TOTAL OF ALL OFFENSES	22,261 100.0%	1,987 8.9% 100.0%	1,694 - 85.3%	1,130 - 56.9%	877 - 44.1%

- 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.

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	711 100.0%	44 6.2%	53 7.5%	60 8.4% 100.0%	32 - 53.3%	15 - 25.0%
CONTRA COSTA	370 100.0%	27 7.3%	32 8.6%	25 6.8% 100.0%	19 - 76.0%	12 - 48.0%
FRESNO	698 100.0%	55 7.9%	65 9.3%	43 6.2% 100.0%	21 - 48.8%	17 - 39.5%
KERN	702 100.0%	59 8.4%	42 6.0%	25 3.6% 100.0%	12 - 48.0%	9 - 36.0%
LOS ANGELES	9,108 100.0%	665 7.3%	701 7.7%	488 5.4% 100.0%	281 - 57.6%	168 - 34.4%
MONTEREY	237 100.0%	9 3.8%	18 7.6%	13 5.5% 100.0%	5 - 38.5%	5 - 38.5%
ORANGE	799 100.0%	41 5.1%	36 4.5%	18 2.3% 100.0%	16 - 88.9%	5 - 27.8%
RIVERSIDE	865 100.0%	47 5.4%	59 6.8%	19 2.2% 100.0%	11 - 57.9%	10 - 52.6%
SACRAMENTO	859 100.0%	91 10.6%	82 9.5%	40 4.7% 100.0%	26 - 65.0%	22 - 55.0%
SAN BERNARDINO	876 100.0%	37 4.2%	46 5.3%	32 3.7% 100.0%	20 - 62.5%	15 - 46.9%

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

COUNTY	NUMBER OF CASES	INJURY INFLICTED		CHARGED	PROVED OF THOSE CHARGED	IMPOSED OF THOSE CHARGED
		MINOR ¹	MAJOR ²			
SAN DIEGO	1,483 100.0%	104 7.0%	108 7.3%	65 4.4% 100.0%	25 - 38.5%	19 - 29.2%
SAN FRANCISCO	842 100.0%	79 9.4%	58 6.9%	44 5.2% 100.0%	20 - 45.5%	14 - 31.8%
SAN JOAQUIN	328 100.0%	26 7.9%	20 6.1%	7 - 100.0%	2 - *	2 - -
SAN MATEO	252 100.0%	14 5.6%	13 5.2%	12 - 100.0%	6 - 50.0%	4 - -
SANTA BARBARA	249 100.0%	15 6.0%	22 8.8%	14 5.6% 100.0%	7 - 50.0%	6 - 42.9%
SANTA CLARA	1,191 100.0%	79 6.6%	84 7.1%	40 3.4% 100.0%	26 - 65.0%	13 - 32.5%
STANISLAUS	322 100.0%	15 4.7%	21 6.5%	10 3.1% 100.0%	7 - 70.0%	6 - 60.0%
OTHER COUNTIES	2,369 100.0%	163 6.9%	218 9.2%	88 3.7% 100.0%	47 - 53.4%	43 - 48.9%
STATEWIDE	22,261 100.0%	1,570 7.1%	1,678 7.5%	1,043 4.7% 100.0%	583 - 55.9%	385 - 36.9%

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 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			
VOLUNTARY MANSLAUGHTER	379 100.0%	10 2.6%	28 7.4%	14 3.7% 100.0%	3 - 21.4%	2 - 14.3%
INVOLUNTARY MANSLAUGHTER	76 100.0%	0 -	2 2.6%	3 3.9% 100.0%	0 - -	0 - -
VEHICULAR MANSLAUGHTER	128 100.0%	15 11.7%	39 30.5%	0 - 100.0%	0 - -	0 - -
ATTEMPTED MURDER	149 100.0%	19 12.8%	112 75.2%	102 68.5% 100.0%	80 - 78.4%	66 - 64.7%
DRIVING UNDER THE INFLUENCE CAUSING INJURY	179 100.0%	62 34.6%	105 58.7%	0 - 100.0%	0 - -	0 - -
ASSAULT	1,150 100.0%	249 21.7%	704 61.2%	558 48.5% 100.0%	349 - 62.5%	218 - 39.1%
ASSAULT ON A PEACE OFFICER	87 100.0%	26 29.9%	15 17.2%	9 10.3% 100.0%	7 - 77.8%	5 - 55.6%
FALSE IMPRISONMENT AND BATTERY	175 100.0%	51 29.1%	46 26.3%	24 13.7% 100.0%	2 - 8.3%	0 - -
ROBBERY	2,146 100.0%	476 22.2%	190 8.9%	124 5.8% 100.0%	51 - 41.1%	28 - 22.6%
SECOND DEGREE ROBBERY	281 100.0%	48 17.1%	25 8.9%	18 6.4% 100.0%	12 - 66.7%	5 - 27.8%

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			
ROBBERY INHABITED DWELLING	222 100.0%	60 27.0%	37 16.7%	31 14.0% 100.0%	14 - 45.2%	11 - 35.5%
ATTEMPTED ROBBERY	267 100.0%	62 23.2%	22 8.2%	14 5.2% 100.0%	8 - 57.1%	7 - 50.0%
RAPE	279 100.0%	30 10.8%	27 9.7%	16 5.7% 100.0%	4 - 25.0%	4 - 25.0%
ASSAULT TO COMMIT SEX OFFENSE	77 100.0%	19 24.7%	6 7.8%	6 7.8% 100.0%	4 - 66.7%	4 - 66.7%
MISCELLANEOUS SEX OFFENSES	1,024 100.0%	39 3.8%	36 3.5%	14 1.4% 100.0%	6 - 42.9%	4 - 28.6%
INFLECT CRUELTY SPOUSE OR CHILD	109 100.0%	23 21.1%	64 58.7%	27 24.8% 100.0%	11 - 40.7%	4 - 14.8%
KIDNAPPING	83 100.0%	20 24.1%	13 15.7%	2 2.4% 100.0%	1 - 50.0%	0 - -
ARSON	116 100.0%	3 2.6%	2 1.7%	0 - 100.0%	0 - -	0 - -
FIRST DEGREE BURGLARY	2,826 100.0%	75 2.7%	36 1.3%	26 0.9% 100.0%	7 - 26.9%	5 - 19.2%
SECOND DEGREE BURGLARY	1,736 100.0%	24 1.4%	8 0.5%	3 0.2% 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			
ATTEMPTED BURGLARY	152 100.0%	0 -	0 -	0 100.0%	0 -	0 -
GRAND THEFT	476 100.0%	5 1.1%	3 0.6%	1 0.2% 100.0%	0 -	0 -
THEFT OF PERSONAL PROPERTY	287 100.0%	67 23.3%	9 3.1%	4 1.4% 100.0%	0 -	0 -
AUTO THEFT	838 100.0%	13 1.6%	10 1.2%	2 0.2% 100.0%	2 100.0%	2 100.0%
PETTY THEFT WITH PRIOR	901 100.0%	18 2.0%	4 0.4%	1 0.1% 100.0%	0 -	0 -
FORGERY	442 100.0%	1 0.2%	1 0.2%	0 100.0%	0 -	0 -
CHECKS WITH INSUFFICIENT FUNDS	94 100.0%	0 -	0 -	0 100.0%	0 -	0 -
RECEIVING STOLEN PROPERTY	756 100.0%	7 0.9%	1 0.1%	0 100.0%	0 -	0 -
POSSESSION OF CONTROLLED SUBSTANCE	2,296 100.0%	21 0.9%	9 0.4%	1 0.0% 100.0%	0 -	0 -
POSSESSION OF CONT. SUBS. FOR SALE	1,235 100.0%	7 0.6%	2 0.2%	1 0.1% 100.0%	0 -	0 -

TABLE VIIIB
 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			
SALE OF CONTROLLED SUBSTANCE	1,598 100.0%	16 1.0%	7 0.4%	4 0.3% 100.0%	0 - -	0 - -
POSSESSION FOR SALE OR SALE OF PCP	334 100.0%	5 1.5%	1 0.3%	0 - 100.0%	0 - -	0 - -
FELON IN POSSESSION OF A GUN	233 100.0%	6 2.6%	2 0.9%	1 0.4% 100.0%	0 - -	0 - -
ESCAPE	146 100.0%	5 3.4%	0 -	0 - 100.0%	0 - -	0 - -
INSTITUTIONAL OFFENSES	129 100.0%	20 15.5%	16 12.4%	1 0.8% 100.0%	0 - -	0 - -
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS	90 100.0%	2 2.2%	0 -	0 - 100.0%	0 - -	0 - -
OTHER OFFENSES	765 100.0%	66 8.6%	96 12.5%	36 4.7% 100.0%	22 - 61.1%	20 - 55.6%
TOTAL OF ALL OFFENSES	22,261 100.0%	1,570 7.1%	1,678 7.5%	1,043 4.7% 100.0%	583 - 55.9%	385 - 36.9%

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.

TABLE IXA
 VIOLENT¹PRIOR 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	711 100.0%	22 3.1% 100.0%	5 - 22.7%	2 - 9.1%	2 - 9.1%
CONTRA COSTA	370 100.0%	9 2.4% 100.0%	2 - 22.2%	1 - 11.1%	0 - -
FRESNO	698 100.0%	13 1.9% 100.0%	0 - -	0 - -	0 - -
KERN	702 100.0%	10 1.4% 100.0%	0 - -	0 - -	0 - -
LOS ANGELES	9,108 100.0%	195 2.1% 100.0%	9 - 4.6%	1 - 0.5%	1 - 0.5%
MONTEREY	237 100.0%	6 2.5% 100.0%	0 - -	0 - -	0 - -
ORANGE	799 100.0%	6 0.8% 100.0%	3 - 50.0%	2 - 33.3%	1 - 16.7%
RIVERSIDE	865 100.0%	11 1.3% 100.0%	0 - -	0 - -	0 - -
SACRAMENTO	859 100.0%	35 4.1% 100.0%	0 - -	0 - -	0 - -
SAN BERNARDINO	876 100.0%	22 2.5% 100.0%	2 - 9.1%	2 - 9.1%	0 - -

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 DIEGO	1,483 100.0%	19 1.3% 100.0%	2 - 10.5%	0 - -	0 - -
SAN FRANCISCO	842 100.0%	21 2.5% 100.0%	2 - 9.5%	1 - 4.8%	1 - 4.8%
SAN JOAQUIN	328 100.0%	6 1.8% 100.0%	0 - -	0 - -	0 - -
SAN MATEO	252 100.0%	1 0.4% 100.0%	0 - -	0 - -	0 - -
SANTA BARBARA	249 100.0%	5 2.0% 100.0%	0 - -	0 - -	0 - -
SANTA CLARA	1,191 100.0%	15 1.3% 100.0%	0 - -	0 - -	0 - -
STANISLAUS	322 100.0%	6 1.9% 100.0%	0 - -	0 - -	0 - -
OTHER COUNTIES	2,369 100.0%	55 2.3% 100.0%	4 - 7.3%	1 - 1.8%	1 - 1.8%
STATEWIDE	22,261 100.0%	457 2.1% 100.0%	29 - 6.3%	10 - 2.2%	6 - 1.3%

¹Definition of violent offense is on page 98.

*Three-year enhancement for violent prior prison term can be imposed only when offender currently stands convicted of a violent offense.

TABLE IXB
 VIOLENT 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	379 100.0%	4 1.1% 100.0%	1 - 25.0%	0 - -	0 - -
INVOLUNTARY MANSLAUGHTER	76 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
VEHICULAR MANSLAUGHTER	128 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
ATTEMPTED MURDER	149 100.0%	2 1.3% 100.0%	2 - 100.0%	1 - 50.0%	1 - 50.0%
DRIVING UNDER THE INFLUENCE CAUSING INJURY	179 100.0%	0 - 100.0%	0 - -	0 - -	0 - -
ASSAULT	1,150 100.0%	33 2.9% 100.0%	2 - 6.1%	0 - -	0 - -
ASSAULT ON A PEACE OFFICER	87 100.0%	3 3.4% 100.0%	1 - 33.3%	1 - 33.3%	0 - -
FALSE IMPRISONMENT AND BATTERY	175 100.0%	6 3.4% 100.0%	0 - -	0 - -	0 - -
ROBBERY	2,146 100.0%	55 2.6% 100.0%	11 - 20.0%	3 - 5.5%	2 - 3.6%
SECOND DEGREE ROBBERY	281 100.0%	8 2.8% 100.0%	1 - 12.5%	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
ROBBERY INHABITED DWELLING	222 100.0%	8 3.6% 100.0%	2 - 25.0%	1 - 12.5%	1 - 12.5%
ATTEMPTED ROBBERY	267 100.0%	8 3.0% 100.0%	2 - 25.0%	1 - 12.5%	1 - 12.5%
RAPE	279 100.0%	14 5.0% 100.0%	3 - 21.4%	1 - 7.1%	1 - 7.1%
ASSAULT TO COMMIT SEX OFFENSE	77 100.0%	4 5.2% 100.0%	0 - -	0 - -	0 - -
MISCELLANEOUS SEX OFFENSES	1,024 100.0%	35 3.4% 100.0%	1 - 2.9%	1 - 2.9%	0 - -
INFLECT CRUELTY SPOUSE OR CHILD	109 100.0%	3 2.8% 100.0%	0 - -	0 - -	0 - -
KIDNAPPING	83 100.0%	2 2.4% 100.0%	0 - -	0 - -	0 - -
ARSON	116 100.0%	2 1.7% 100.0%	0 - -	0 - -	0 - -
FIRST DEGREE BURGLARY	2,826 100.0%	32 1.1% 100.0%	1 - 3.1%	0 - -	0 - -
SECOND DEGREE BURGLARY	1,736 100.0%	28 1.6% 100.0%	1 - 3.6%	1 - 3.6%	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 BURGLARY	152 100.0%	6 3.9% 100.0%	0 - -	0 - -	0 - -
GRAND THEFT	476 100.0%	5 1.1% 100.0%	0 - -	0 - -	0 - -
THEFT OF PERSONAL PROPERTY	287 100.0%	6 2.1% 100.0%	0 - -	0 - -	0 - -
AUTO THEFT	838 100.0%	14 1.7% 100.0%	0 - -	0 - -	0 - -
PETTY THEFT WITH PRIOR	901 100.0%	8 0.9% 100.0%	0 - -	0 - -	0 - -
FORGERY	442 100.0%	7 1.6% 100.0%	0 - -	0 - -	0 - -
CHECKS WITH INSUFFICIENT FUNDS	94 100.0%	1 1.1% 100.0%	0 - -	0 - -	0 - -
RECEIVING STOLEN PROPERTY	756 100.0%	7 0.9% 100.0%	0 - -	0 - -	0 - -
POSSESSION OF CONTROLLED SUBSTANCE	2,296 100.0%	56 2.4% 100.0%	1 - 1.8%	0 - -	0 - -
POSSESSION OF CONT. SUBS. FOR SALE	1,235 100.0%	25 2.0% 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
SALE OF CONTROLLED SUBSTANCE	1,598 100.0%	20 1.3% 100.0%	0 - -	0 - -	0 - -
POSSESSION FOR SALE OR SALE OF PCP	334 100.0%	2 0.6% 100.0%	0 - -	0 - -	0 - -
FELON IN POSSESSION OF A GUN	233 100.0%	20 8.6% 100.0%	0 - -	0 - -	0 - -
ESCAPE	146 100.0%	3 2.1% 100.0%	0 - -	0 - -	0 - -
INSTITUTIONAL OFFENSES	129 100.0%	9 7.0% 100.0%	0 - -	0 - -	0 - -
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS	90 100.0%	3 3.3% 100.0%	0 - -	0 - -	0 - -
OTHER OFFENSES	765 100.0%	18 2.4% 100.0%	0 - -	0 - -	0 - -
TOTAL OF ALL OFFENSES	22,261 100.0%	457 2.1% 100.0%	29 - 6.3%	10 - 2.2%	6 - 1.3%

¹Definition of violent offense is on page 98.

*Three-year enhancement for violent prior prison term can be imposed only when offender currently stands convicted of a violent offense.

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
ALAMEDA	711 100.0%	275 38.7% 100.0%	123 - 44.7%	44 - 16.0%	13 - 4.7%
CONTRA COSTA	370 100.0%	132 35.7% 100.0%	100 - 75.8%	81 - 61.4%	38 - 28.8%
FRESNO	698 100.0%	216 30.9% 100.0%	52 - 24.1%	35 - 16.2%	30 - 13.9%
KERN	702 100.0%	263 37.5% 100.0%	155 - 58.9%	58 - 22.1%	34 - 12.9%
LOS ANGELES	9,108 100.0%	2,803 30.8% 100.0%	925 - 33.0%	481 - 17.2%	245 - 8.7%
MONTEREY	237 100.0%	75 31.6% 100.0%	24 - 32.0%	14 - 18.7%	11 - 14.7%
ORANGE	799 100.0%	270 33.8% 100.0%	121 - 44.8%	80 - 29.6%	34 - 12.6%
RIVERSIDE	865 100.0%	284 32.8% 100.0%	79 - 27.8%	63 - 22.2%	46 - 16.2%
SACRAMENTO	859 100.0%	334 38.9% 100.0%	74 - 22.2%	67 - 20.1%	64 - 19.2%
SAN BERNARDINO	876 100.0%	270 30.8% 100.0%	96 - 35.6%	60 - 22.2%	48 - 17.8%

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 DIEGO	1,483 100.0%	499 33.6% 100.0%	186 - 37.3%	79 - 15.8%	59 - 11.8%
SAN FRANCISCO	842 100.0%	370 43.9% 100.0%	209 - 56.5%	76 - 20.5%	44 - 11.9%
SAN JOAQUIN	328 100.0%	110 33.5% 100.0%	25 - 22.7%	14 - 12.7%	8 - 7.3%
SAN MATEO	252 100.0%	107 42.5% 100.0%	56 - 52.3%	31 - 29.0%	21 - 19.6%
SANTA BARBARA	249 100.0%	82 32.9% 100.0%	39 - 47.6%	27 - 32.9%	25 - 30.5%
SANTA CLARA	1,191 100.0%	331 27.8% 100.0%	99 - 29.9%	57 - 17.2%	35 - 10.6%
STANISLAUS	322 100.0%	100 31.1% 100.0%	40 - 40.0%	25 - 25.0%	19 - 19.0%
OTHER COUNTIES	2,369 100.0%	781 33.0% 100.0%	307 - 39.3%	213 - 27.3%	187 - 23.9%
STATEWIDE	22,261 100.0%	7,302 32.8% 100.0%	2,710 - 37.1%	1,505 - 20.6%	961 - 13.2%

²Definition of nonviolent offense is on page 98.

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	379 100.0%	60 15.8% 100.0%	13 - 21.7%	9 - 15.0%	7 - 11.7%
INVOLUNTARY MANSLAUGHTER	76 100.0%	10 13.2% 100.0%	0 - -	0 - -	0 - -
VEHICULAR MANSLAUGHTER	128 100.0%	15 11.7% 100.0%	5 - 33.3%	3 - 20.0%	2 - 13.3%
ATTEMPTED MURDER	149 100.0%	38 25.5% 100.0%	11 - 28.9%	5 - 13.2%	2 - 5.3%
DRIVING UNDER THE INFLUENCE CAUSING INJURY	179 100.0%	18 10.1% 100.0%	3 - 16.7%	0 - -	0 - -
ASSAULT	1,150 100.0%	289 25.1% 100.0%	106 - 36.7%	54 - 18.7%	34 - 11.8%
ASSAULT ON A PEACE OFFICER	87 100.0%	29 33.3% 100.0%	9 - 31.0%	7 - 24.1%	5 - 17.2%
FALSE IMPRISONMENT AND BATTERY	175 100.0%	42 24.0% 100.0%	18 - 42.9%	13 - 31.0%	10 - 23.8%
ROBBERY	2,146 100.0%	634 29.5% 100.0%	252 - 39.7%	146 - 23.0%	89 - 14.0%
SECOND DEGREE ROBBERY	281 100.0%	107 38.1% 100.0%	27 - 25.2%	10 - 9.3%	6 - 5.6%

TABLE IXD
NONVIOLENT²PRIOR 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
ROBBERY INHABITED DWELLING	222 100.0%	76 34.2% 100.0%	37 - 48.7%	20 - 26.3%	14 - 18.4%
ATTEMPTED ROBBERY	267 100.0%	89 33.3% 100.0%	28 - 31.5%	10 - 11.2%	6 - 6.7%
RAPE	279 100.0%	50 17.9% 100.0%	17 - 34.0%	7 - 14.0%	5 - 10.0%
ASSAULT TO COMMIT SEX OFFENSE	77 100.0%	13 16.9% 100.0%	4 - 30.8%	1 - 7.7%	1 - 7.7%
MISCELLANEOUS SEX OFFENSES	1,024 100.0%	142 13.9% 100.0%	34 - 23.9%	21 - 14.8%	18 - 12.7%
INFLECT CRUELTY SPOUSE OR CHILD	109 100.0%	27 24.8% 100.0%	9 - 33.3%	6 - 22.2%	4 - 14.8%
KIDNAPPING	83 100.0%	16 19.3% 100.0%	10 - 62.5%	3 - 18.8%	2 - 12.5%
ARSON	116 100.0%	26 22.4% 100.0%	6 - 23.1%	3 - 11.5%	1 - 3.8%
FIRST DEGREE BURGLARY	2,826 100.0%	830 29.4% 100.0%	334 - 40.2%	214 - 25.8%	152 - 18.3%
SECOND DEGREE BURGLARY	1,736 100.0%	811 46.7% 100.0%	322 - 39.7%	183 - 22.6%	124 - 15.3%

TABLE IXD
NONVIOLENT²PRIOR 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 BURGLARY	152 100.0%	78 51.3% 100.0%	26 - 33.3%	18 - 23.1%	11 - 14.1%
GRAND THEFT	476 100.0%	164 34.5% 100.0%	66 - 40.2%	37 - 22.6%	25 - 15.2%
THEFT OF PERSONAL PROPERTY	287 100.0%	87 30.3% 100.0%	33 - 37.9%	17 - 19.5%	10 - 11.5%
AUTO THEFT	838 100.0%	385 45.9% 100.0%	153 - 39.7%	87 - 22.6%	56 - 14.5%
PETTY THEFT WITH PRIOR	901 100.0%	557 61.8% 100.0%	193 - 34.6%	103 - 18.5%	69 - 12.4%
FORGERY	442 100.0%	182 41.2% 100.0%	63 - 34.6%	33 - 18.1%	22 - 12.1%
CHECKS WITH INSUFFICIENT FUNDS	94 100.0%	31 33.0% 100.0%	10 - 32.3%	6 - 19.4%	4 - 12.9%
RECEIVING STOLEN PROPERTY	756 100.0%	329 43.5% 100.0%	117 - 35.6%	72 - 21.9%	53 - 16.1%
POSSESSION OF CONTROLLED SUBSTANCE	2,296 100.0%	856 37.3% 100.0%	345 - 40.3%	174 - 20.3%	77 - 9.0%
POSSESSION OF CONT. SUBS. FOR SALE	1,235 100.0%	319 25.8% 100.0%	106 - 33.2%	49 - 15.4%	29 - 9.1%

TABLE IXD
NONVIOLENT²PRIOR 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
SALE OF CONTROLLED SUBSTANCE	1,598 100.0%	391 24.5% 100.0%	151 - 38.6%	81 - 20.7%	38 - 9.7%
POSSESSION FOR SALE OR SALE OF PCP	334 100.0%	53 15.9% 100.0%	22 - 41.5%	9 - 17.0%	6 - 11.3%
FELON IN POSSESSION OF A GUN	233 100.0%	175 75.1% 100.0%	70 - 40.0%	37 - 21.1%	25 - 14.3%
ESCAPE	146 100.0%	64 43.8% 100.0%	18 - 28.1%	10 - 15.6%	8 - 12.5%
INSTITUTIONAL OFFENSES	129 100.0%	54 41.9% 100.0%	4 - 7.4%	1 - 1.9%	1 - 1.9%
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS	90 100.0%	44 48.9% 100.0%	11 - 25.0%	8 - 18.2%	6 - 13.6%
OTHER OFFENSES	765 100.0%	211 27.6% 100.0%	77 - 36.5%	48 - 22.7%	39 - 18.5%
TOTAL OF ALL OFFENSES	22,261 100.0%	7,302 32.8% 100.0%	2,710 - 37.1%	1,505 - 20.6%	961 - 13.2%

²Definition of nonviolent offense is on page 98.

¹Violent Offenses as enumerated in §667.5(c) consist of the following:

P.C. §187 Murder;
§192 Voluntary Manslaughter;
§203 Mayhem;
*§261(2) Forcible rape;
**§286(c) Sodomy by force;
**§288a(c) Oral copulation by force;
§288 Lewd & lascivious act on child under the age of 14 years;

***§213 (211) Robbery, Rape, or Burglary
§264 (261(2) or (3)) ONLY WHEN GREAT BODILY INJURY
§461 (459) (GBI) WAS INFLICTED MAY also be
----- recorded as victim harmed.

§12022.5 Felony in which use of 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.

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

***Statutes modified 7-7-77. Prior to that date, GBI could be included in these individual sections.

²Nonviolent offenses are all those 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	317 83.64%	45 11.87%	17 4.49%	
INVOLUNTARY MANSLAUGHTER	67 88.16%	6 7.89%	3 **	
VEHICULAR MANSLAUGHTER	60 46.88%	38 29.69%	30 23.44%	
ATTEMPTED MURDER	64 42.95%	43 28.86%	42 28.19%	
DRIVING UNDER THE INFLUENCE CAUSING INJURY	131 73.18%	35 19.55%	13 7.26%	
ASSAULT	833 72.43%	224 19.48%	93 8.09%	
ASSAULT ON A PEACE OFFICER	36 41.38%	26 29.89%	25 28.74%	
FALSE IMPRISONMENT AND BATTERY	124 70.86%	40 22.86%	11 6.29%	
ROBBERY	1,315 61.28%	412 19.20%	419 19.52%	
SECOND DEGREE ROBBERY	177 62.99%	63 22.42%	41 14.59%	
ROBBERY INHABITED DWELLING	97 43.69%	53 23.87%	72 32.43%	
ATTEMPTED ROBBERY	198 74.16%	47 17.60%	22 8.24%	
RAPE	117 41.94%	66 23.66%	96 34.41%	

TABLE X

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

OFFENSE	COUNTS CONVICTED	ONE	TWO	THREE OR MORE
ASSAULT TO COMMIT SEX OFFENSE		54 70.13%	14 18.18%	9 11.69%
MISCELLANEOUS SEX OFFENSES		446 43.55%	242 23.63%	336 32.81%
INFLECT INJURY SPOUSE OR CHILD		79 72.48%	22 20.18%	8 7.34%
KIDNAPPING		30 36.14%	25 30.12%	28 33.73%
ARSON		76 65.52%	29 25.00%	11 9.48%
FIRST DEGREE BURGLARY		1,780 62.99%	589 20.84%	457 16.17%
SECOND DEGREE BURGLARY		1,195 68.84%	346 19.93%	195 11.23%
ATTEMPTED BURGLARY		128 84.21%	18 11.84%	6 3.95%
GRAND THEFT		326 68.49%	80 16.81%	70 14.71%
THEFT OF PERSONAL PROPERTY		225 78.40%	48 16.72%	14 4.88%
AUTO THEFT		568 67.78%	166 19.81%	104 12.41%
PETTY THEFT WITH PRIOR		711 78.91%	140 15.54%	50 5.55%
FORGERY		216 48.87%	117 26.47%	109 24.66%

TABLE X

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

OFFENSE	COUNTS CONVICTED	ONE	TWO	THREE OR MORE
CHECKS WITH INSUFFICIENT FUNDS	48	51.06%	18 19.15%	28 29.79%
RECEIVING STOLEN PROPERTY	530	70.11%	152 20.11%	74 9.79%
POSSESSION OF CONTROLLED SUBSTANCE	1,706	74.30%	435 18.95%	155 6.75%
POSSESSION OF CONTROLLED SUBSTANCE FOR SALE	854	69.15%	260 21.05%	121 9.80%
SALE OF CONTROLLED SUBSTANCE	860	53.82%	444 27.78%	294 18.40%
POSSESSION FOR SALE OR SALE OF PCP	209	62.57%	81 24.25%	44 13.17%
FELON IN POSSESSION OF A GUN	194	83.26%	33 14.16%	6 2.58%
ESCAPE	127	86.99%	10 6.85%	9 6.16%
INSTITUTIONAL OFFENSES	124	96.12%	5 3.88%	0 -
MANUFACTURE OR SALE OR POSSESSION OF ILLEGAL WEAPONS	74	82.22%	11 12.22%	5 5.56%
OTHER OFFENSES	507	66.27%	143 18.69%	115 15.03%
TOTAL OF ALL OFFENSES	14,603	65.60%	4,526 20.33%	3,132 14.07%

*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

Non-stayed Multiple Convictions*	Multiple Convictions Imposed Consecutively											
	0	1	2	3	4	5	6	7	8	9	10+	
0	15,044											
	100.0%											
1	3,514	892										
	79.8%	20.2%										
2	1,001	253	208									
	68.5%	17.3%	14.2%									
3	346	91	57	93								
	58.9%	15.5%	9.7%	15.8%								
4	133	44	24	20	43							
	50.4%	16.7%	9.1%	7.6%	16.3%							
5	68	14	21	16	13	20						
	44.7%	9.2%	13.8%	10.5%	8.6%	13.2%						
6	32	9	9	16	8	7	14					
	33.7%	9.5%	9.5%	16.8%	8.4%	7.4%	14.7%					
7	29	5	4	4	4	6	4	3				
	49.2%	8.5%	6.8%	6.8%	6.8%	10.2%	6.8%	5.1%				
8	5	6	2	8	1	2	3	1	5			
	15.2%	18.2%	6.1%	24.2%	3.0%	6.1%	9.1%	3.0%	15.2%			
9	15	4	2	7	2	2	2	2	1	6		
	34.9%	9.3%	4.7%	16.3%	4.7%	4.7%	4.7%	4.7%	2.3%	14.0%		
10	29	6	8	18	2	11	7	3	6	5	21	
	25.0%	5.2%	6.9%	15.5%	1.7%	9.5%	6.0%	2.6%	5.2%	4.3%	18.1%	
TOTAL	20,216	1,324	335	182	73	48	30	9	12	11	21	
	90.8%	5.9%	1.5%	0.8%	0.3%	0.2%	0.1%	0.0%	0.1%	0.0%	0.1%	

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