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URBAN STUDIES CENTER
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PFO CHARACTERISTICS STUDIED

In 1974, the Kentucky General Assembly passed the Persistent Felony Offender Act which is aimed at punishing offenders not for a particular act but for repeated criminal activity. Under this law, repeat felony offenders (PFO's) were classified into two categories and given enhanced prison sentences based upon their classification. There are two types of Persistent Felony Offenders - PFO I's and PFO II's. PFO I's serve longer sentences. The chart on page two gives a fuller description of the two PFO classifications.

Under PFO statutes, persistent felons are charged with persistent criminal behavior as a separate count in their set of charges. The charge of persistent criminal behavior is then tied to each underlying criminal charge. In this separate action the jury hears evidence to determine if the defendant is to be found guilty of being a persistent felony offender. However, the defendant may enter a guilty plea to the PFO charge, which actually happens in a majority of cases.

The Kentucky Criminal Justice Statistical Analysis Center (SAC) conducted a study during the spring of 1985 to collect data on all PFO's incarcerated in Kentucky correctional facilities. This study was done in conjunction with the Legislative Research Commission's Program Review and Investigations Committee staff. The full study was presented to this committee in December 1985; and highlights were presented in a workshop to a group of legislators interested in criminal justice issues. The author of the full study entitled **Persistent Felony Offenders in Kentucky: A Profile Of The Institutional Population** was Dr. Deborah G. Wilson. A copy of the study is available upon request.

RESULTS OF THE STUDY

Highlights of that study, including a profile of the persistent felony offender, follow:

Characteristics of PFO's in the prison population

While there is no such thing as an "average" PFO inmate, the majority of the study group were white (59%), male (97%), and relatively young, between 25 and 34

years of age (56%) — with the average age being 29 years. Just slightly over half of PFO I offenders were 35 and older compared to 27.3 percent of PFO II's.

Most of the offenders were arrested and convicted for their first felony offense at an early age. Over two-thirds were under 21 at the time of their first adult felony arrest and slightly more than half (52.5%) were under 21 at the time of their first adult felony conviction. Additionally, just under one-half (45.5%) were under 21 when sentenced to their first adult incarceration.

Persistent felony offenders comprise 25 percent of the institutional population in the Commonwealth. PFO I's make up 10 percent of the population — one-third are housed in the maximum security prison (Kentucky State

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MESSAGE FROM THE ATTORNEY GENERAL

I am pleased to report that Governor Martha Layne Collins has recommended to the General Assembly that they include funds to support the continuation of Kentucky's Criminal Justice Statistical Analysis Center when federal funds expire in late 1987. I am gratified for the recognition that Governor Collins has given the SAC for its work in the year that it has been in existence. Governor Collins and her staff have been very supportive of the SAC and the role that it has to play in Kentucky's criminal justice system.

Those of you who are in agreement that the SAC has demonstrated its worth in the improvement of information and information-sharing in its first year, are encouraged to contact your friends in the General Assembly and ask them to support Governor Collins' recommendation for continuation funding for the SAC.

I was very pleased with the response that I received to the first bulletin that was published by the SAC and I hope that this one proves as useful and informative. By working together and sharing the information that each of us has in our own separate agencies, we can improve the effectiveness of Kentucky's criminal justice system.

DAVID L. ARMSTRONG

PERSISTENT FELONY OFFENDER CLASSIFICATION

Category	Criterion	Sentence	Parole Eligibility
PFO I	<ul style="list-style-type: none"> ● 21 years or older ● 2 previous felony convictions plus current charge 	10 year minimum	<ul style="list-style-type: none"> ● no parole ● still eligible for statutory goodtime (reduction of up to 1/4th of sentence)
PFO II	<ul style="list-style-type: none"> ● 21 years or older ● one prior felony conviction plus current charges 	receive sentence for next higher class of felony; i.e., if convicted of Class C felony (5-10 year sentence) will be given Class B sentence (10-20 years)	<ul style="list-style-type: none"> ● standard parole statutes apply

Penitentiary in Eddyville), 60 percent in the medium security prisons (Northpoint Training Center, Kentucky State Reformatory and Luther Luckett Correctional Complex) and the remaining 7 percent in minimum security facilities. PFO II's account for 15 percent of incarcerations — fourteen percent of the PFO II inmates are in the Kentucky State Penitentiary, 55 percent in medium security facilities and the remaining 31 percent in minimum security facilities.

Most offenders (90%) were in good physical health; and more than half had normal intelligence. Additionally, one-half of all PFO offenders had a high school education or GED equivalent. More than half had some problem with alcohol abuse (56%) or substance abuse (60%).

Over 75 percent of both groups had no history of institutional violence in the last five years. Additionally, almost 60 percent of incarcerated PFO's had either no disciplinary infractions or a low moderate disciplinary infraction in the last 24 months.

Length of average sentence

The overall average for PFO sentences was 16.8 years, with most sentences ranging between 10.0 to 19.9 years. However, over 40 percent of the sentences were 20 years or more. Comparing the two categories showed that PFO I's average sentence was 20.6 years versus 14.3 years for PFO II's.

Length of criminal career

For the overall group, the average criminal career length was 10 years (most frequent length was 4 years). Again, comparative data indicated lengthier careers for PFO I's (12 years) versus PFO II's (7.5 years).

Number of convictions

PFO I's appeared to have an earlier involvement in the adult criminal justice system than did PFO II's. All PFO I's had at least three convictions, with about one-third having this number; over half (59%) had five or more. In comparison, 18.1 percent of PFO II's had five or more convictions. The majority of PFO II's (64%) had three or fewer convictions.

County of Conviction

The two large urban counties, Fayette and Jefferson, accounted for 61 percent of all incarcerated persistent felony offenders. Nearly half of the PFO's in state prisons were convicted in Jefferson County. Kentucky's largest county has sentenced more PFO II's (66% versus 34%) than PFO I's. Conversely, Fayette County has sentenced 17.6 percent of the total incarcerated PFO I's, and the ratio of PFO II to PFO I offenders is almost the same (48% versus 52%).

Type of crime

When the pattern of the most serious charge of conviction for all adult felony convictions was examined, nonperson offenses (i.e., property, drug offenses) constituted the largest proportion of offenders (PFO I's: 35%; PFO II's: 42%). However, a majority of PFO's had at least one violent crime as their most serious charge (PFO I's: 65%; PFO II's: 56%). Proportionally more PFO II's (14%) had a criminal career of exclusively violent convictions than did PFO I's (5%) (see chart on top of page 3).

Of the most recent crimes for which these felons had been convicted, 43 percent included some form of threatened or actual violence. Specifically, the most prevalent and most serious charge of conviction was

**Criminal Career Pattern of Incarcerated Persistent
Felony Offenders by Type of Persistent Felon**

Item	PFO I	PFO II
Pattern of Most Serious Charge of Conviction for All Adult Felony Convictions:		
All NonPerson	35.2%	44.2%
All Person	5.1	13.6
Mixed - NonPerson Dominant	32.8	11.7
Mixed - Person Dominant	15.0	11.8
Mixed - No Dominant Type	11.9	18.7

burglary (28%), followed by robbery (22%) and theft by unlawful taking over \$100 (11%). Combined property offenses (other than burglary and unlawful taking) comprised 13 percent of the convictions. Other violent offenses (such as murder, assault, sex crimes) constituted a combined total of 18%; and other offenses (i.e., drugs, tampering with a jury, bribery) ranked last with 8% (see chart on bottom of page 3).

The Kentucky Statistical Analysis Center is currently conducting a follow-up study of the non-PFO inmate population to compare those prisoners with the profile of PFO's established in the earlier study. The results of those comparisons will be published in a future issue of this bulletin.

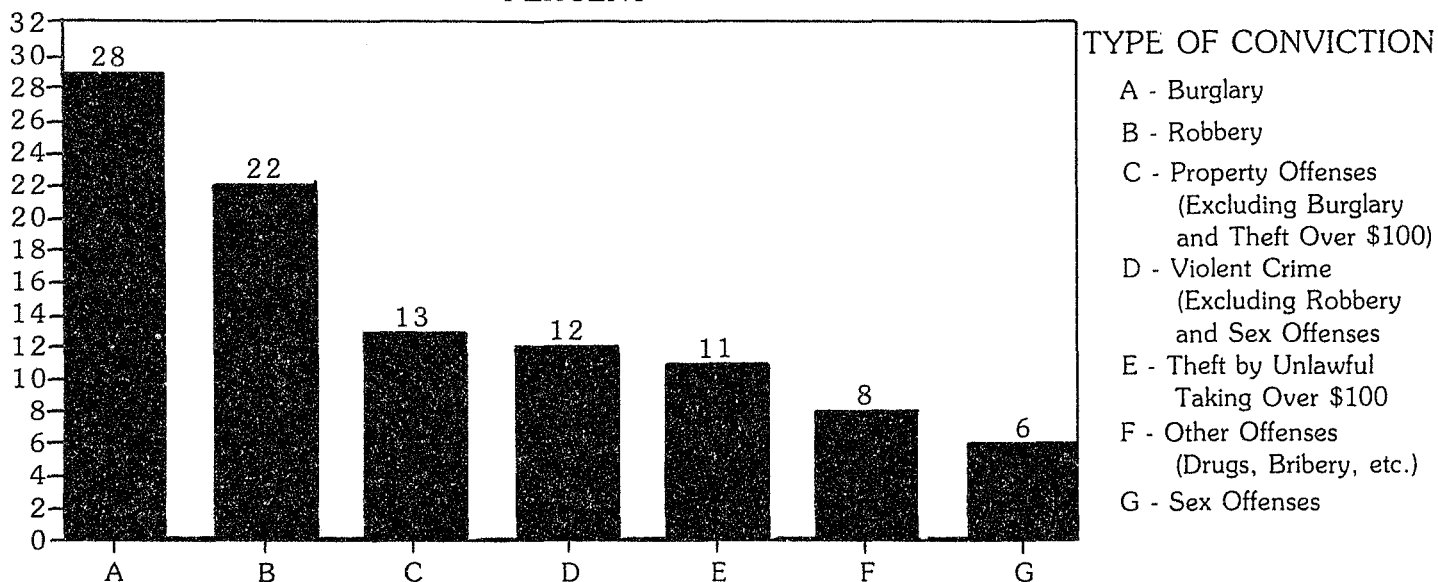
Summary

The data suggest that the application of the Persistent Felony Offender statutes is successful in terms of incarcerating repeat offenders, and these "career criminals" are serving longer sentences (though, of course, some are still eligible for early release through parole and goodtime regulations).

What is SAC? In July 1984, the Governor of Kentucky issued an executive order which gave the attorney general authority to seek federal funds from the Bureau of Justice Statistics to strengthen the criminal justice statistical capabilities in the Commonwealth. As a result, a grant was awarded in September 1984 to establish the state's first Criminal Justice Statistical Analysis Center (SAC) on a three year pilot basis. SAC is housed in the Attorney General's Office but operated by the Urban Studies Center, the research component of the College of Urban and Public Affairs at the University of Louisville.

MOST SERIOUS CHARGE OF CURRENT CONVICTION

PERCENT



SAC BEGINS NEW PROJECTS

Kentucky's SAC has been busy in recent months receiving proposals and evaluating requests for statistical research activities. A study was begun in September, 1985, at the request of the LRC Program Review and Investigations Committee to compare the characteristics of Kentucky's persistent felony offenders to a control group of non-persistent felony offender inmates in Kentucky institutions. A sample group of 400 non-PFO inmates was selected. The study is concentrating on demographics of the offender, length of sentence and criminal career, number of convictions, and type of crime. The results from this research are to be available very shortly.

A second project was begun by the SAC in collaboration with the Urban Studies Center that covered topics requested of the Corrections Cabinet by Senate Resolution 6 passed in the 1985 Special Session. This Resolution mandated the description of the current inmate population as well as projections of the number and types of inmates incarcerated in Kentucky prisons. The study included: a description of data and data collection procedures, a profile of the July 1, 1985, inmate population according to type of offense, number of and type of convictions, length of sentence, security and custody levels, program placement, and inmate received and released patterns; data on PFO's institutional assignment and received and

released patterns; and, inmate projections (1986-1990) for the total inmate population, PFO 1's and PFO 2's, and crime type. Data was provided from two computerized data bases, the Offender Record Information Operation Network (ORION) and the Classification Data Base. Additional data was manually collected from the institutional files by SAC personnel. The results of this study have been turned over to the Corrections Cabinet.

The SAC has also received requests from the State Fire Marshall, the Justice Cabinet and the Department of Public Advocacy for technical studies concerning data under their control. The State Fire Marshall is interested in having the SAC study approximately 300 persons convicted of arson presently housed in prisons and county jails in Kentucky. The Justice Cabinet through its Bureau of Training has asked that the SAC take a look at police arrests and probable cause hearings. The Department of Public Advocacy has asked the SAC to look at certain data under its control relating to persons prosecuted under the death penalty statute.

During this Spring, the SAC will be involved in presenting workshops for statistical personnel and gearing up to conduct the second year victimization study.

