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Felony Sentences in State Courts, 1988

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In 1988 112,000 persons were convicted of drug trafficking, according to the latest national survey of felony sentencing in State courts. That number is about 50% more than the number convicted in 1986, the year the survey was last done. An estimated 41% of drug traffickers received a State prison sentence in 1988, up from 37% in 1986.

Other results include the following:

- Drug traffickers (17%) and drug possessors (17%) together made up an estimated 34% of felons convicted in State courts in 1988. Violent offenders, consisting of murderers (1%), rapists (2%), robbers (6%), and those convicted of aggravated assault (6%), together made up about 15%. Burglars (15%) and larcenists (14%) made up most of the rest.
- State courts sentenced 44% of convicted felons to a State prison, 25% to a local jail (usually for a year or less), 30% to straight probation, and 1% to other nonincarceration sentences.
- State courts sentenced to death 2% of those convicted of murder or nonnegligent manslaughter.
- The average sentence to local jail was 7 months. The average probation sentence was almost 3 years and 7 months.

This report, from the National Judicial Reporting Program of the Bureau of Justice Statistics (BJS), presents results of the second nationally representative survey of felony sentencing in State courts. Drawing upon data collected from 300 counties for 1988, it addresses such questions as —

- How many persons in the United States were convicted of a felony in the year?
- What sentences did felons convicted of a violent crime receive?

- Felons sentenced to a State prison in 1988 had an average sentence of nearly 6 years and 4 months but were expected to serve a third of that sentence — or about 2 years — before release.
- About 79% of felons had one felony conviction offense, 15% had two, and the remaining 6% had three or more. Among defendants convicted of one felony, 39% received a prison sentence; among those with two conviction offenses, 56%; and among those with three or more, 66%.
- A fine was imposed on 13% of convicted felons, restitution on 12%, community service on 1%, and treatment was ordered for 6%.
- Of the total number of felons sentenced in 1988, 5% had been found guilty by a jury, 4% had been found guilty by a judge, and 91% had pleaded guilty.

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- What was the likelihood of a prison sentence for a person convicted of a felony?
- How many persons did juries convict of a felony?

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- Average time from arrest to sentencing in 1988 was about 7 months, or an estimated 2 weeks longer than in 1986.

- Large urban counties disproportionately accounted for felony convictions nationwide — the 75 largest urban counties had 37% of the Nation's residents but 47% of its felony convictions.

- Of the felons convicted in 1988, 57% were white, 41% were black, and 2% were of other races. Males were 87% of the total. The average age of convicted felons was 29 years.

National Judicial Reporting Program

Until now American criminal justice statistics have lacked national information on prosecution and adjudication. The National Judicial Reporting Program (NJRP) was created to help close that gap. For its initial

phase in 1986 the NJRP recorded information on felony convictions in a sample of 100 counties. That collection provided national estimates of the number of felony convictions.

For 1988 the NJRP expanded the sample to 300 counties selected to be nationally representative. The sample included the District of Columbia and at least one county from every State except, by chance, Vermont. Of the 300 counties, only 2 sentenced no felons in 1988. The 1988 survey excluded Federal courts and those State or local courts that did not try felony cases. A separate BJS program has reported about 31,000 felony convictions in Federal courts, representing about 4% of all felony convictions in 1988.* Thus, State courts in 1988 accounted for 96% of all felony convictions in the United States.

The 1988 survey included only offenses that State penal codes defined as felonies. Felony offenses are widely defined as crimes that have the potential of being punished by more than 1 year in prison. States usually designate specific courts to try felony offenses, although in some counties more than one court may handle such cases.

*In 1986, 72% of convictions in Federal courts were for felonies. Assuming the same 72% in 1988, an estimated 31,356 out of 43,550 convictions in 1988 were for felonies. The 43,550 figure is from *Federal Criminal Case Processing, 1980-87: Addendum for 1988 and Preliminary 1989*, BJS, NCJ-125616, November 1990, table 9.

Table 1. Estimated number of felony convictions in State courts, 1988

Most serious conviction offense	Felony convictions	
	Number	Percent
All	667,366	100.0%
Murder ^a	9,340	1.4
Rape	15,562	2.3
Robbery	37,432	5.6
Aggravated assault	37,566	5.6
Burglary	101,050	15.2
Larceny ^b	95,258	14.3
Drug trafficking	111,950	16.8
Other felonies	259,208	38.8

Note: The first 6 offenses are designated by the FBI as Index crimes and are listed in order of decreasing seriousness. Any person convicted of multiple offenses that included any of the Index crimes received the offense designation of the most serious Index crime. Drug trafficking was the designation only if the person was not also convicted of one of the Index crimes. Sentencing data specifying the conviction offense were available for 100% of the estimated total.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Felony conviction offenses

A total of 667,000 persons were convicted of a felony offense in State courts in 1988, including 99,900 (or 15% of the total) for a violent felony, nearly 200,000 (29%) for the property offenses of burglary and larceny, and 112,000 (17%) for drug trafficking (table 1). About 2 in 5 felony convictions were for other offenses.

Additional data obtained from a subset of 68 sampled counties indicate the following breakdown for the 39% of convictions that were not for 1 of the 7 specific offenses:

Drug possession	17%
Forgery or fraud	5
Weapon possession	3
Receiving stolen property	3
Driving while intoxicated or other traffic offenses	4
Sex offenses excluding rape	1
Escaping custody	1
Other felonies	5

The 17% convicted of drug possession plus the 17% convicted of drug trafficking total 34%, indicating that drug offenders comprised a third of all State court felony convictions in 1988. The figure for drug possession is less reliable than the estimate for drug trafficking because it is not based on the entire national sample. In the next NJRP survey, covering 1990, data collection will be expanded to improve the reliability of estimates for drug possession.

Sentences for felonies

In 1988 about 69% of all convicted felons were sentenced to a State prison or local jail (table 2). The 69% consisted of 44%

who were sentenced to State prisons, which are usually reserved for offenders with a sentence longer than 1 year, plus 25% who were sentenced to local jails, which are typically for persons with a sentence of a year or less.

An estimated 30% of all convicted felons were sentenced to probation with no jail or prison time to serve.

About 1% of all convicted felons received other types of sentences that included fines, restitution, treatment, or community service.

Sentence length

An offender convicted of multiple offenses receives a sentence for each offense. If the court imposes multiple prison sentences, the court determines whether the convicted felon will serve the sentences concurrently (at the same time) or consecutively (one after another). For persons with consecutive sentences, the total time is the sum of the sentence lengths, and for persons with concurrent sentences, the total time is the same as the longest sentence. For persons convicted of a single offense, the total time refers simply to the sentence for that offense. Whenever an offender received a prison sentence range, such as 5-10 years, the total time refers to the maximum.

Two ways of calculating averages are used to describe sentence length: means and medians. Means are sensitive to a few very long or very short sentences in a distribution and do not include in their

Table 2. Types of felony sentences imposed by State courts, 1988

Most serious conviction offense	Total	Percent of felons sentenced to:					
		Incarceration			Nonincarceration		
		Total	Prison	Jail	Total	Probation	Other
All	100%	69%	44%	25%	31%	30%	1%
Murder ^a	100	95	91	4	5	5	-
Rape	100	87	69	18	13	13	-
Robbery	100	89	75	14	11	11	-
Aggravated assault	100	72	45	27	28	27	1
Burglary	100	75	54	21	25	25	-
Larceny ^b	100	65	39	26	35	34	1
Drug trafficking	100	71	41	30	29	28	1
Other felonies	100	62	35	27	38	37	1

Note: See note on table 1. For persons receiving a combination of sentences, the sentence designation came from the most serious penalty imposed — prison being the most serious, followed by jail, then probation. "Prison" includes sentences to death.

Sentence designation "other" includes unknown sentences (0.7% of cases).

- Less than 0.5%.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

calculation sentences to life in prison or to death. Median sentence length, the middle value in the range of sentences, is not influenced by extreme values and includes sentences to life in prison or to death.

Median sentence lengths are nearly always shorter than the corresponding means. An exception is prison sentences for murder, where the median is longer than the mean because the median includes those persons sentenced to life in prison or to death.

For the Nation in 1988 the mean felony sentence to a period of incarceration (prison or jail) was 4 years and 3 months; the median was 2 years (table 3).

Prison sentences

In 1988 the mean length of sentences to State prison was nearly 6 years and 4 months; the median term was 4 years. The mean prison sentence for murder and nonnegligent manslaughter was 20 years; the median, a statistic that includes sentences to life in prison and to death, was a year longer.

In 1988, 27% of all persons convicted of murder or nonnegligent manslaughter throughout the Nation were sentenced to life in prison or to death — 25% to life and 2% to death. Life sentences as a percentage of all sentences in 1988 were as follows:

	Sentenced to life in prison
All offenses	.6%
Murder	25.5
Rape	2.7
Robbery	1.0
Aggravated assault	.4
Burglary	.1
Larceny	--
Drug trafficking	.5
Other felonies	.1

—Less than 0.5%.

Jail sentences

Among felons who received a sentence to local jail in 1988, the mean sentence was 7 months, and the median was 5 months.

Probation sentences

Offenders convicted of felonies in 1988 and sentenced to straight probation with

no incarceration time received sentences with a mean length of almost 3 years and 7 months and a median of 3 years.

Estimated time to be served in State prison

The amount of time felons actually serve in prison is typically a fraction of the total sentence received (table 4). Two primary reasons explain the difference between sentences and time served:

- States that use indeterminate sentences, for which judges specify minimum and maximum sentence length, depend on parole boards to determine the precise amount of prison time.

- In most States inmates can earn early release through time credits for good behavior or special achievements and through automatic good-time credits — provisions that enable correctional officials to manage institutions.

For both types of sentence reduction, released offenders usually serve the remaining portions of their sentences under supervision in the community.

Table 3. Sentence lengths for felony sentences imposed by State courts, 1988

Most serious conviction offense	Maximum sentence length for felons sentenced to:			
	Total	Incarceration	Jail	Probation
Mean sentence				
All	51 mos.	76 mos.	7 mos.	43 mos.
Murder ^a	226	239	16	62
Rape	146	183	10	64
Robbery	100	114	16	54
Aggravated assault	59	90	7	42
Burglary	56	74	9	49
Larceny ^b	33	50	7	40
Drug trafficking	41	66	7	43
Other felonies	34	55	6	42
Median sentence				
All	24 mos.	48 mos.	5 mos.	36 mos.
Murder ^a	240	252	12	60
Rape	84	120	8	60
Robbery	60	84	12	60
Aggravated assault	24	54	6	36
Burglary	36	48	6	36
Larceny ^b	24	36	5	36
Drug trafficking	24	48	6	3
Other felonies	16	36	3	36

Note: See note on tables 1 and 2. Means exclude sentences to death or to life in prison. Sentence length data were available for 94% of incarceration sentences and 95% of probation sentences.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Table 4. Estimated time to be served in State prison

Most serious conviction offense	NCRP percent of sentence served in prison ^a	Mean prison sentence	Estimated time to be served in prison ^b
All	32%	76 mos.	24 mos.
Murder ^c	33	239	79
Rape	39	183	71
Robbery	33	114	38
Aggravated assault	36	90	32
Burglary	30	74	22
Larceny ^d	29	50	15
Drug trafficking	30	66	20
Other felonies	30	55	17

Note: See note on tables 1 and 2. Means exclude sentences to death or to life in prison. Sentence length data were available for 96% of prison sentences. Percent of sentence served was calculated from table 2-4 of *National Corrections Reporting Program, 1985*, BJS, NCJ-123522, December 1990.

^aPercent of sentence served excludes credited jail time.

^bDerived by multiplying percent of sentence actually served by the mean sentence imposed.

^cIncludes nonnegligent manslaughter.

^dIncludes motor vehicle theft.

Based upon data collected by BJS in its National Corrections Reporting Program (NCRP), inmates released from prisons in 36 States and the District of Columbia in 1985 (the most recent available data) had served an average of 32% of their total sentence. The average was calculated for inmates who were new court commitments and who were released for the first time on that sentence. The percentage of sentence served ranged from a high of 39% for those convicted of rape to a low of 29% for those convicted of larceny and motor vehicle theft.

If these proportions from 1985 are applied to 1988 prison sentences, felons sentenced in 1988 would be expected to serve an estimated 2 years of the average prison sentence of 6 years and 4 months.

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

In 1988 men comprised nearly half of the U.S. adult population but 87% of persons convicted of a felony and 93% of the 99,900 persons convicted of a violent

felony (table 5). Whites were 86% of the U.S. adult population but 57% of persons convicted of a felony and 48% of the persons convicted of a violent felony.

Corresponding figures for blacks were 11% of the U.S. adult population but 41% of convicted felons and 50% of felons convicted of a violent crime. The "other races" (American Indians, Alaska Natives, Asians, and Pacific Islanders) represented 3% of the U.S. population but 2% of convicted felons and 2% of those convicted of a violent crime.

Table 5. Demographic characteristics of persons convicted of felonies by State courts, 1988

Most serious conviction offense	Percent of convicted felons:											
	Total	Sex		Race			Age					
		Male	Female	White	Black	Other	14-19	20-29	30-39	40-49	50-59	60+
All	100%	87%	13%	57%	41%	2%	10%	50%	28%	9%	2%	1%
Murder ^a	100	90	10	47	52	1	10	45	28	11	4	2
Rape	100	99	1	64	33	3	5	36	36	14	5	4
Robbery	100	94	6	36	63	1	13	59	24	4	--	--
Aggravated assault	100	91	9	53	44	3	8	48	29	10	3	2
Burglary	100	96	4	60	39	1	18	57	20	4	1	--
Larceny ^b	100	82	18	59	39	2	12	49	27	9	2	1
Drug trafficking	100	86	14	56	43	1	6	51	31	9	2	1
Other felonies	100	84	16	59	39	2	7	48	31	10	3	1

Note: See note on table 1. Data on sex were available for 85% of the estimated total; on race, 58%;

and on age, 69%.
--Less than 0.5%.

^aIncludes nonnegligent manslaughter.
^bIncludes motor vehicle theft.

Felony convictions and sentences relative to the number of arrests, 1988

Using data from the NJRP and from the FBI's Uniform Crime Reports (UCR) on offenses and arrests, the number of felony convictions in 1988 was compared with the number of crimes reported to the police for offenses likely to be felonies and the number of arrests made for these crimes in 1988.

The numbers are aggregates and should not be interpreted as representing the disposition of individual cases tracked across criminal justice stages. Nevertheless, the comparisons do illustrate the approximate odds of a conviction and a prison sentence given an arrest for a felony.

For example, the FBI reports that in 1988 about 19,500 adults were arrested for murder (including nonnegligent man-

slaughter). NJRP data show that about 9,300 persons were convicted of murder and nearly 8,500 murderers received a prison sentence. Together the data show that for every 100 persons arrested for murder in the United States in 1988, 48 were convicted of murder, and 43 were sentenced to prison for that offense. Corresponding figures for drug traffickers were 39 convictions and 16 prison sentences for every 100 arrests for drug trafficking.

Offense	Uniform Crime Reports			Number of felony sentences		For 100 arrests:		
	Number of crimes reported to police	Number of adult arrests	Number of felony convictions	incarceration	Prison	Number of felony convictions	incarceration	Prison
Murder ^a	20,680	19,523	9,340	8,858	8,459	48	45	43
Rape	92,490	33,027	15,562	13,538	10,737	47	41	33
Robbery	542,970	116,510	37,432	32,967	27,694	32	28	24
Aggravated assault	910,090	363,613	37,566	27,066	16,777	10	7	5
Burglary	3,218,100	307,958	101,050	75,285	54,487	33	24	18
Drug trafficking	...	287,857	111,950	79,503	45,656	39	28	16

Note: The offenses selected have the greatest comparability across reporting series. In the data on convictions and sentences, the offense designation

came from the most serious offense.
... Data not available.
^aIncludes nonnegligent manslaughter.

Source: *Crime in the United States, 1988* (FBI, 1989) provided data on reported crime and arrests.

Persons in their twenties represented about 24% of the U.S. adult population but 50% of convicted felons. The mean average age of felons was 29 years. Mean and median ages by conviction offense were as follows:

	Average age in years	
	Mean	Median
Murder	30	28
Rape	33	31
Robbery	27	25
Aggravated assault	30	28
Burglary	26	24
Larceny	29	27
Drug trafficking	30	28
Other felonies	30	28

Number of felony conviction offenses

The 667,000 felons sentenced in 1988 were convicted altogether of about 850,000 felonies. The number of felony convictions exceeds the number of convicted felons because 15% of the

felons had two conviction offenses and 6% had three or more (table 6). The likelihood of a prison sentence rose from 39% for

those convicted of one felony, to 56% for two, and to 66% for three or more (table 7). The mean sentence to incarceration also

Table 6. Number of conviction offenses of felons in State courts, by most serious conviction offense, 1988

Most serious conviction offense	Percent of convicted felons, by number of felony conviction offenses			
	Total	One	Two	Three or more
All	100%	79%	15%	6%
Murder ^a	100	72	19	9
Rape	100	63	20	17
Robbery	100	71	20	9
Aggravated assault	100	76	17	7
Burglary	100	71	21	8
Larceny ^b	100	84	11	5
Drug trafficking	100	77	18	5
Other felonies	100	85	11	4

Note: See note on table 1. Data on number of convictions were available for 96% of the estimated total.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Table 7. Convicted felons sentenced to prison, by State courts, by number of conviction offenses, 1988

Most serious conviction offense	Percent of convicted felons sentenced to prison by number of felony conviction offenses		
	One	Two	Three or more
All	39%	56%	66%
Murder ^a	89	95	97
Rape	61	78	89
Robbery	69	81	90
Aggravated assault	39	59	67
Burglary	49	63	69
Larceny ^b	37	51	54
Drug trafficking	36	54	67
Other felonies	32	44	51

Note: See note on tables 1 and 2. Data on number of convictions were available for 96% of the estimated total.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Trends, 1986-88

Availability of NJRP data for 1986 and 1988 permits for the first time a description of trends. Owing to the small sample of counties in the 1986 survey, the data are of somewhat limited value for documenting trends in State courts overall. However, trends in the courts of large urban counties can be reliably described because, by design, each survey included a large sample (the same 54 counties in both years) representative of the 75 largest counties. The Nation's 75 most populous counties have 37% of the U.S. population but in 1988 accounted for over half of all

crime reported to the police and nearly half of all felony convictions in State courts.

Notable trends from 1986 to 1988, both in State courts overall and in the State courts of the most populous counties, were as follows:

- From 1986 to 1988 the volume of felony convictions rose by 27% in the largest urban courts. Convictions for drug trafficking rose the most, up 61%. The 61% increase in large urban courts compares to a 46% increase in drug trafficking convictions in State courts overall.

- In the most populous counties, the likelihood of a prison sentence given conviction for a felony rose from 41% in 1986 to 44% in 1988. There was an increased likelihood for every offense except rape, robbery, and aggravated assault. The likelihood of convicted drug traffickers' going to prison rose from 35% to 40% in large urban courts and from 37% to 41% in State courts overall.

- Large urban courts had 11% more jury trial convictions for murder in 1988 than in 1986 but 10% fewer jury trial convictions for rape, 29% fewer for robbery, and 11% fewer for burglary. The number of convictions following guilty pleas rose for every offense except rape.

- Compared to 1986, prison sentences imposed by large urban courts in 1988 were 7 months shorter on average. State courts overall imposed prison sentences that were 5 months shorter than in 1986.

- In 1988 elapsed time from arrest to sentencing averaged 7 months and 3 weeks in large urban courts, unchanged from 1986. For State courts overall, elapsed time was about 7 months, or 2 weeks longer than in 1986.

Offense	Percent of 1988 U.S. total accounted for by 75 largest counties		Felony convictions in 75 largest counties in 1988		
	Reported crime	Felony convictions	Number	Percent change from 1986	Percent sentenced to prison
All	54%	47%	310,547	+27%	44%
Murder ^a	63	52	4,859	+5	92
Rape	55	43	6,723	-4	69
Robbery	77	65	24,436	0	71
Aggravated assault	58	48	18,131	+19	42
Burglary	50	43	42,976	+14	56
Larceny ^b	53	47	44,493	+17	42
Drug trafficking	...	57	64,160	+61	40
Other felonies	...	40	104,769	+34	34

... Data not available.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Source: *Crime in the United States, 1988* (FBI, 1989) and machine-readable data for that publication provided data on reported crime.

increased from 3 years and 5 months for those convicted of one felony, to 5 years and 5 months with two, and to 9 years and 6 months with three or more (table 8).

Method of conviction

About 610,000 persons, representing 91% of those sentenced for a felony in 1988, pleaded guilty; 32,000 felons, or 5% of the

total, were found guilty by a jury; 25,000 felons, or 4% of the total, were convicted by a judge in a bench trial (tables 9 and 10). Persons convicted of murder were the least likely to have pleaded guilty and the most likely to have been convicted by a jury. Murderers convicted by a jury were the most likely to have received a life sentence (40%) or the death penalty (6%).

Type of conviction	Type of sentence for murder or nonnegligent manslaughter			
	Total	Life	Death	Other ^a
Trial	100%	40%	5%	55%
Jury	100	40	6	54
Bench	100	26	--	74
Guilty plea	100	15	--	85

Note: See note on table 2.

--Less than 0.5%.

^aIncludes sentences to incarceration and to probation.

Table 8. Mean sentence lengths for felony sentences imposed by State courts, by number of conviction offenses, 1988

Most serious conviction offense	Maximum sentence length for felons sentenced to:			
	Incarceration			
	Total	Prison	Jail	Probation
One conviction offense				
All	41 mos.	64 mos.	7 mos.	42 mos.
Murder ^a	204	219	15	62
Rape	94	126	9	67
Robbery	79	93	16	53
Aggravated assault	43	70	7	41
Burglary	50	69	8	49
Larceny ^b	30	46	7	40
Drug trafficking	36	61	7	41
Other felonies	29	48	5	41
Two conviction offenses				
All	65 mos.	86 mos.	8 mos.	47 mos.
Murder ^a	288	295	12	95
Rape	155	178	13	60
Robbery	122	132	14	52
Aggravated assault	72	94	7	47
Burglary	61	74	9	47
Larceny ^b	44	59	9	43
Drug trafficking	48	66	7	48
Other felonies	45	65	7	47
Three or more conviction offenses				
All	114 mos.	136 mos.	11 mos.	57 mos.
Murder ^a	286	293	10	42
Rape	308	333	9	64
Robbery	182	190	25	80
Aggravated assault	159	198	10	54
Burglary	85	101	10	59
Larceny ^b	54	69	11	50
Drug trafficking	76	89	11	68
Other felonies	78	99	9	54

Note: See note on tables 1 and 2. Means exclude sentences to death or life imprisonment. Sentence length data were available for 96% of prison sentences, 92% of jail sentences, and 95% of probation sentences.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Table 9. Number of felony convictions in State courts, by type of conviction, 1988

Most serious conviction offense	Number convicted by:			
	Total	Trial		Guilty plea
		Jury	Bench	
All	57,148	31,843	25,305	610,218
Murder ^a	4,130	3,373	757	5,210
Rape	3,541	2,812	729	12,021
Robbery	4,957	3,169	1,788	32,475
Aggravated assault	5,427	3,274	2,153	32,139
Burglary	6,727	3,072	3,655	94,323
Larceny ^b	5,167	2,322	2,845	90,091
Drug trafficking	9,248	4,860	4,388	102,702
Other felonies	17,951	8,961	8,990	241,257

Note: See note on table 1. Data on type of conviction available for 88% of the estimated total.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Table 10. Felony convictions in State courts, by offense and type of conviction, 1988

Most serious conviction offense	Percent convicted by:				
	Total	Trial			Guilty plea
		Total	Jury	Bench	
All	100%	9%	5%	4%	91%
Murder ^a	100	44	36	8	56
Rape	100	23	18	5	77
Robbery	100	13	8	5	87
Aggravated assault	100	15	9	6	85
Burglary	100	7	3	4	93
Larceny ^b	100	5	2	3	95
Drug trafficking	100	8	4	4	92
Other felonies	100	6	3	3	94

Note: See note on table 1. Data on type of conviction were available for 88% of the estimated total.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Case processing time

Mean elapsed time from arrest to sentencing in 1988 was 7 months; the median was 5 months (table 11). Guilty plea cases took less time to complete (a mean time of 6 months and 3 weeks) than either jury or bench trials (both with an average of about 10 months).

Collateral penalties

In 1988 a fine was imposed on 13% of convicted felons, restitution on 12%, community service on 1%, and some form of treatment was ordered for 6% (table 12).

Methodology

Sampling

A sample of 300 counties was drawn for the 1988 survey. Every county in the Nation had a nonzero probability of being in the sample. In general, the more felony cases a county had, the more likely it was to be in the sample.

The survey used a two-stage, stratified cluster sampling design. In the first stage the Nation's 3,109 counties or county equivalents were divided into 8 strata. Strata 1 and 2 consisted solely of the 75 largest counties in the United States as defined by the 1985 resident population. Strata 3 through 8 consisted of the remaining 3,034 counties.

Because the 75 largest counties account for a disproportionately large amount of serious crime in the Nation, they were given a greater chance of being selected than the remaining counties.

Stratum 1 consisted of both the 19 counties with the largest number of felony convictions in 1985, and 12 counties whose participation in the survey had been prearranged. Every county in stratum 1 was selected for the sample.

Stratum 2 consisted of the 44 most populous counties that were not in stratum 1. The 44 were ordered by their number of felony convictions in 1985, and then approximately every other county was selected. Stratum 2 thus contributed 23 counties to the sample. Altogether, 54 out of the 75 largest counties were sampled. Data on 1985 felony convictions were obtained from a mail survey described in *State Felony Courts and Felony Laws (NCJ-106273)* and *Census of State Felony Courts, 1985* (codebook for ICPSR 8667). The 54 sampled counties in the 1988 NJRP survey were the same 54 as in the 1986 survey.

The 3,034 counties not among the 75 largest were placed into 6 strata defined by the total number of felony convictions in 1985 and then arrayed within stratum by region, and within region from largest to smallest on felony conviction totals. Sampling specifications for the 6 strata are given in the appendix table on page 8.

The final sample thus included 246 counties from among the 3,034 counties outside the 75 largest. Case-level data were

Table 11. Mean and median number of days between arrest and sentencing for felony cases disposed by State courts, 1988

Most serious conviction offense	Number of days between arrest and sentencing for cases disposed by:				
	Total	Trial		Bench	Guilty plea
Mean number of days					
All	208 days	286 days	290 days	301 days	201 days
Murder ^a	347	398	383	435	308
Rape	253	329	325	379	231
Robbery	227	321	296	393	213
Aggravated assault	239	289	283	341	231
Burglary	188	251	239	282	183
Larceny ^b	188	246	249	246	184
Drug trafficking	211	298	274	323	205
Other felonies	207	256	278	249	203
Median number of days					
All	148 days	218 days	226 days	219 days	143 days
Murder ^a	291	352	330	417	251
Rape	198	282	282	326	180
Robbery	162	253	231	307	151
Aggravated assault	179	238	202	298	172
Burglary	126	183	183	187	124
Larceny ^b	127	156	157	181	124
Drug trafficking	155	225	205	248	151
Other felonies	148	186	206	182	146

Note: See note on table 1. Data on elapsed time were available for 57% of the estimated total.

^aIncludes nonnegligent manslaughter.
^bIncludes motor vehicle theft.

Table 12. Percent of felons sentenced to collateral penalty by State courts, 1988

Most serious conviction offense	Fine	Resti-tution	Treat-ment	Community service	Other
All	13%	12%	6%	1%	19%
Murder ^a	7	6	4	--	13
Rape	8	6	11	1	17
Robbery	10	11	4	1	12
Aggravated assault	10	15	6	1	22
Burglary	11	18	5	1	14
Larceny ^b	15	16	5	1	18
Drug trafficking	17	9	6	1	17
Other felonies	15	10	8	1	22

Note: See note on table 1. Example of penalties in the category "other" are community control, house arrest, work releases, drug testing, and loss of driver's license.

--Less than 0.5%.
^aIncludes nonnegligent manslaughter.
^bIncludes motor vehicle theft.

successfully obtained on convicted felons sentenced in 1988 from all 300 sampled counties.

The 60 sampled counties in strata 1 and 3 were self-representing only, and their sampled cases therefore had a first-stage sampling weight of 1. The remaining 240 counties sampled from strata 2 and 4 through 8 were selected to represent their respective stratum so that the felony conviction cases sampled had first-stage weights greater than 1.

At the second stage of sampling, a systematic sample of felons sentenced for murder/nonnegligent manslaughter, rape, robbery, aggravated assault, burglary, felony larceny/motor vehicle theft, drug trafficking, and other offenses was selected from each county's official records. The total sample numbered 80,930 cases. Of these, 52,346 cases were in the 75 largest counties.

Rates at which cases were sampled varied by stratum and crime type. In smaller counties every felony case was taken. In larger counties all murder cases and rape cases were typically included, but other offense categories were sampled.

Before the sample of cases was drawn, each felon sentenced in the sampled county in 1988 was placed into one of the eight offense categories identified above. (See note on table 1 for details on how felons were categorized when convicted of multiple offenses on a single day.) These procedures gave each sentenced felon a single chance to be in the sample. An exception would have occurred if a felon appeared in court on more than 1 day for different offenses and received a sentence at each reappearance.

Sampling error

NJRP data were obtained from a sample and not from a complete enumeration.

Consequently they are subject to sampling error. A standard error, which is a measure of sampling error, is associated with each number in the report. In general, if the difference between two numbers is at least twice the standard error of that difference, there is at least 95% confidence that the two numbers do in fact differ; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population. All differences discussed in this report had a confidence interval at or above 95%.

National estimates of the number of convictions for individual crime categories and for the aggregate total had a coefficient of variation of 3%. Standard errors for each table in the report are on pages 9 to 11.

Missing data

Computations of statistics shown in the report's tables excluded sample cases that were missing data for the particular variables being tabulated. An exception was table 9, which is based on computations that redistributed cases with missing data according to the distribution of the known cases.

Sources of data

For 76% of the 300 counties sampled, NJRP data were obtained directly from the State courts. Other sources included prosecutor offices (6%) and courts and prosecutor offices combined (3%). Individual-level NJRP records were obtained through a variety of collection methods, including magnetic tape (25% of the counties), printouts and other documents (36%), manually completed forms (18%), and field collection (20%).

Data collection for 233 counties was performed by the U.S. Bureau of the Census and for 67 counties by the National Association of Criminal Justice Planners.

Targeted population

The survey targeted and recorded initial sentences imposed in 1988. If a sentence was imposed on one date and then modified at a later date, the revision was ignored. The survey recorded sentences that were actually executed, not suspended sentences.

Because the year of conviction was not a defining characteristic, some cases in the sample were of persons convicted before 1988 but not sentenced until 1988.

In a few counties, where it was impractical to target sentences in 1988, the target was felons convicted in 1988. In some of the cases the data relate to sentences imposed after 1988.

Characteristics of the sample

The smallest county in the sample had a 1988 resident population of about 1,500 persons; the largest county had 8.6 million. Every State except Vermont had a county in the sample. The number of sentenced felons ranged from a low of 0 in 2 counties to a high of 29,000 in the largest county.

Crime definitions

Before the sample was drawn, eight crime categories were defined. State penal codes, restricted to those defined as felonies and most closely conforming to each of the eight definitions, were identified. Convicted felons were placed into appropriate categories based on their penal code citations. The eight definitions are the following:

Murder and nonnegligent manslaughter: Murder is (1) intentionally causing the death of another person without extreme provocation or legal justification or (2) causing the death of another while committing or attempting to commit another crime. Nonnegligent (or voluntary) manslaughter is intentionally and without legal justification causing the death of another when acting under extreme provocation. The combined category of murder and nonnegligent manslaughter excludes involuntary or negligent manslaughter, conspiracies to commit murder, solicitation of murder, and attempted murder.

Rape: forcible intercourse (vaginal, anal, or oral) with a female or male. Includes forcible sodomy and penetration with a foreign object (both of which are some-

Appendix table. Sampled counties for NJRP, 1988

Stratum	Total number of counties	Number of convictions in each county	Sampling rate	Number of counties sampled
3	29*	2,000 or more	1 in 1	29
4	71	950-1,999	1 in 2	34
5	165	450-949	1 in 4	38
6	315	210-449	1 in 8	39
7	824	70-209	1 in 16	50
8	1,630	0-69	1 in 29	56

*Includes 2 counties with an unknown number of convictions.

times called "deviate sexual assault"); excludes statutory rape or any other nonforcible sexual acts with a minor or with someone unable to give legal or factual consent. Includes attempts.

Robbery: the unlawful taking of property that is in the immediate possession of another, by force or the threat of force. Includes forcible purse snatching but excludes nonforcible purse snatching, which is classified as larceny/theft. Includes attempts.

Aggravated assault: (1) intentionally and without legal justification causing serious bodily injury, with or without a deadly weapon or (2) using a deadly or dangerous weapon to threaten, attempt, or cause bodily injury, regardless of the degree of injury if any. Includes "attempted murder," "aggravated battery," "felonious assault," and "assault with a deadly weapon."

Burglary: the unlawful entry of a fixed structure used for regular residence, industry, or business, with or without the use of force, to commit a felony or theft. Includes attempts.

Larceny and motor vehicle theft: Larceny is the unlawful taking of property other than a motor vehicle from the possession of another, by stealth, without force or deceit. Includes pocket picking, nonforcible purse snatching, shoplifting, and thefts from motor vehicles. Excludes receiving and/or reselling stolen property (fencing) and thefts through fraud or deceit. Includes attempts. Motor vehicle theft is the unlawful taking of a self-propelled road vehicle owned by another. Includes the theft of automobiles, trucks, and motorcycles but not the theft of boats, aircraft, or farm equipment (which is classified as larceny/theft). Also includes receiving, possessing, stripping, transporting, and reselling stolen vehicles and unauthorized use of a vehicle (joyriding). Includes attempts.

Drug trafficking: Includes manufacturing, distributing, selling, smuggling, or "possession with intent to sell." Includes attempts.

Other felonies: all felony offenses not listed above. Includes drug possession, forgery or fraud, weapon possession, negligent manslaughter, receiving stolen property, driving while intoxicated or other traffic offenses, statutory rape, and sexual assault (excluding rape). Includes attempts.

Estimates of 1 standard error for table 1

Most serious conviction offense	Felony convictions	
	Number	Percent
All	17,871	
Murder	357	.1%
Rape	801	.1
Robbery	851	.1
Aggravated assault	1,340	.1
Burglary	3,013	.3
Larceny	2,914	.3
Drug trafficking	3,712	.4
Other felonies	9,003	.6

Estimates of 1 standard error for table 2

Most serious conviction offense	Percent of felons sentenced to:				
	Incarceration			Nonincarceration	
	Total	Prison	Jail	Probation	Other
All	.9%	.8%	1.0%	.9%	.1%
Murder	.6	.8	.5	.6	.2
Rape	1.0	1.5	1.8	1.0	.1
Robbery	.5	.7	.6	.5	.1
Aggravated assault	1.1	1.1	1.5	1.1	.2
Burglary	1.0	1.2	1.2	1.0	.1
Larceny	1.1	1.0	1.2	1.1	.2
Drug trafficking	1.2	1.1	1.4	1.1	.1
Other felonies	1.2	1.0	1.2	1.2	.2

Estimates of 1 standard error for table 3

Most serious conviction offense	Maximum sentence length for felons sentenced to:			
	Incarceration			
	Total	Prison	Jail	Probation
Mean sentence				
All	1.6 mos.	1.8 mos.	.3 mos.	2.9 mos.
Murder	9.3	9.5	2.9	5.0
Rape	8.0	8.6	.7	4.6
Robbery	2.6	2.7	3.1	1.9
Aggravated assault	5.9	8.7	.3	1.2
Burglary	2.4	2.8	.5	1.6
Larceny	1.3	1.6	.4	.9
Drug trafficking	1.8	2.4	.3	1.2
Other felonies	1.4	2.0	.2	5.8

Estimates of 1 standard error for table 5

Most serious conviction offense	Percent of convicted felons:									
	Sex		Race		Age					
	Male	Female	White	Black	14-19	20-29	30-39	40-49	50-59	60+
All	.3%	.3%	1.2%	1.3%	.3%	.4%	.3%	.2%	.1%	.1%
Murder	.8	.8	1.9	2.0	.9	1.4	1.3	.8	.5	.4
Rape	.2	.2	1.8	1.7	.6	1.2	1.0	.9	.5	.5
Robbery	.4	.4	1.2	1.3	.6	.8	.8	.3	.1	
Aggravated assault	.4	.4	1.5	1.5	.4	.8	.8	.5	.3	.3
Burglary	.3	.3	1.5	1.5	.8	.8	.6	.3	.1	
Larceny	.6	.6	1.4	1.4	.7	.8	.7	.4	.2	.1
Drug trafficking	.4	.4	2.0	2.0	.4	.7	.6	.4	.2	.1
Other felonies	.5	.5	1.6	1.7	.4	.7	.6	.4	.3	.1

Estimates of 1 standard error for table 6

Most serious conviction offense	Percent of convicted felons, by number of felony conviction offenses		
	One	Two	Three
			or more
All	.6%	.4%	.3%
Murder	1.3	1.0	.8
Rape	1.3	.9	.9
Robbery	.8	.7	.5
Aggravated assault	1.0	.8	.5
Burglary	1.2	.9	.5
Larceny	.6	.5	.4
Drug trafficking	.8	.6	.3
Other felonies	.7	.5	.3

Estimates of 1 standard error for table 7

Most serious conviction offense	Percent of convicted felons sentenced to prison, by number of felony conviction offenses		
	One	Two	Three
			or more
All	.6%	.4%	.3%
Murder	1.3	1.0	.8
Rape	1.3	.9	.9
Robbery	.8	.7	.5
Aggravated assault	1.0	.8	.5
Burglary	1.2	.9	.5
Larceny	.6	.5	.4
Drug trafficking	.8	.6	.3
Other felonies	.7	.5	.3

Estimates of 1 standard error for table 9

Most serious conviction offense	Number convicted by:		
	Trial		Guilty plea
	Jury	Bench	
All	1,344	2,602	17,123
Murder	177	70	246
Rape	155	95	686
Robbery	147	105	811
Aggravated assault	211	312	1,193
Burglary	306	572	2,975
Larceny	198	520	2,885
Drug trafficking	299	675	3,098
Other felonies	613	791	8,564

Estimates of 1 standard error for table 10

Most serious conviction offense	Percent convicted by:		
	Trial		Guilty plea
	Jury	Bench	
All	.2%	.4%	.6%
Murder	1.6	.7	1.9
Rape	.9	.7	1.2
Robbery	.4	.3	.6
Aggravated assault	.6	.9	1.1
Burglary	.3	.6	.7
Larceny	.2	.6	.7
Drug trafficking	.3	.7	.8
Other felonies	.3	.4	.6

Estimates of 1 standard error for table 8

Most serious conviction offense	Maximum sentence length for felons sentenced to:			
	Incarceration			
	Total	Prison	Jail	Probation
One conviction offense				
All	1.6 mos.	1.9 mos.	.3 mos.	.9 mos.
Murder	10.1	10.3	3.1	2.0
Rape	5.4	5.3	.9	6.0
Robbery	2.5	2.7	3.7	1.9
Aggravated assault	2.1	2.6	.4	1.2
Burglary	2.8	3.3	.6	1.8
Larceny	1.3	1.7	.4	.9
Drug trafficking	1.9	2.7	.3	1.0
Other felonies	1.3	1.9	.2	1.0
Two conviction offenses				
All	1.9 mos.	2.2 mos.	.4 mos.	1.7 mos.
Murder	22.8	23.4	2.6	16.5
Rape	9.9	9.3	1.3	2.2
Robbery	4.5	4.7	2.4	4.4
Aggravated assault	5.8	7.2	.5	4.5
Burglary	2.6	2.9	.7	1.9
Larceny	2.7	3.4	.7	2.1
Drug trafficking	2.3	3.0	.4	2.4
Other felonies	3.5	4.8	.6	3.0
Three or more conviction offenses				
All	7.8 mos.	9.3 mos.	.9 mos.	4.0 mos.
Murder	17.6	17.6	.4	5.5
Rape	34.2	36.2	.7	8.1
Robbery	8.9	9.2	7.8	25.4
Aggravated assault	59.1	72.7	1.4	5.5
Burglary	10.0	11.6	1.5	8.0
Larceny	4.1	4.9	2.5	3.7
Drug trafficking	6.9	7.6	1.2	15.0
Other felonies	9.3	12.0	1.8	4.5

Estimates of 1 standard error for table 11

Most serious conviction offense	Number of days between arrest and sentencing for cases disposed by:			Guilty plea
	Total	Trial Jury	Bench	
Mean number of days				
All	4 days	12 days	16 days	4 days
Murder	8	14	19	11
Rape	8	13	21	8
Robbery	4	18	23	5
Aggravated assault	6	15	20	6
Burglary	5	26	25	5
Larceny	5	29	26	5
Drug trafficking	4	17	31	4
Other felonies	6	24	26	6

Estimates of 1 standard error for table 12

Most serious conviction offense	Fine	Resti- tution	Treat- ment	Community service	Other
All	1.7%	.9%	.7%	.2%	1.3%
Murder	1.5	1.4	1.9		2.0
Rape	1.6	.9	2.1	.2	1.9
Robbery	2.0	1.1	.6	.4	1.3
Aggravated assault	1.5	1.4	1.3	.3	1.7
Burglary	1.9	1.6	.7	.2	1.4
Larceny	2.5	1.6	.8	.4	1.6
Drug trafficking	1.8	1.2	.9	.2	1.4
Other felonies	2.1	1.0	1.0	.3	1.7

Estimates of 1 standard error for trends table on page 5

Offense	Felony convictions in 75 largest counties in 1988		
	Number	Percent change from 1986	Percent sentenced to prison
All	9,557	2.0%	.9%
Murder	134	1.0	.4
Rape	275	1.9	1.0
Robbery	576	.9	.8
Aggravated assault	699	2.1	1.3
Burglary	1,817	1.9	1.1
Larceny	1,512	1.5	1.2
Drug trafficking	2,431	6.2	1.3
Other felonies	3,800	3.4	1.2

Estimates of 1 standard error for text table on page 6

Type of conviction	Type of sentence for murder or nonnegligent manslaughter	
	Life	Death
Trial		
Jury	2.6%	1.3%
Bench	3.4	.2
Guilty plea	1.2	.2

How to order the data set

Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, P.O. Box 1248, Ann Arbor, MI 48106; toll free 1-800-999-0960. The data set is archived as the National Judicial Reporting Program, 1988 (ICPSR 9449).

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