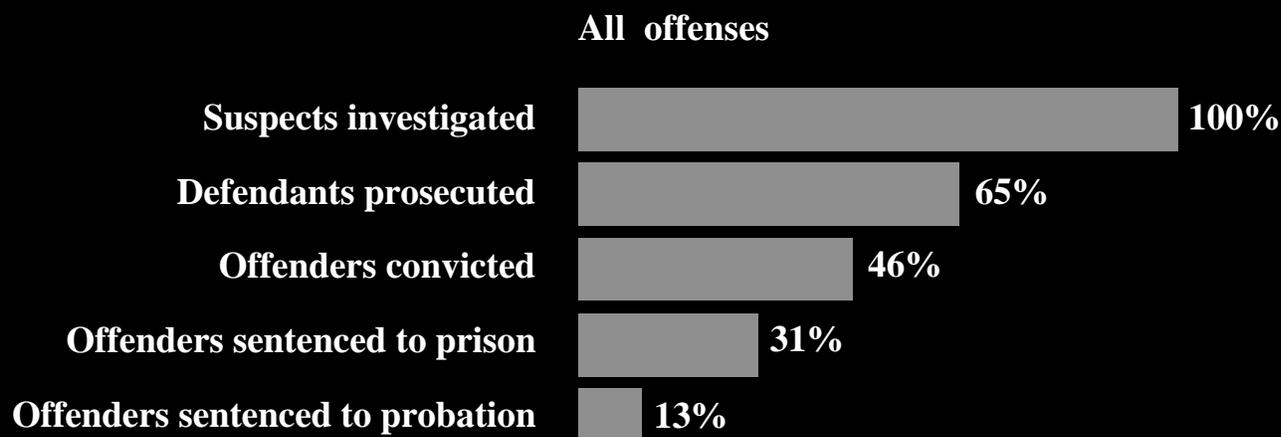




## Bureau of Justice Statistics

# Compendium of Federal Justice Statistics, 1995

### Federal criminal case processing, 1995



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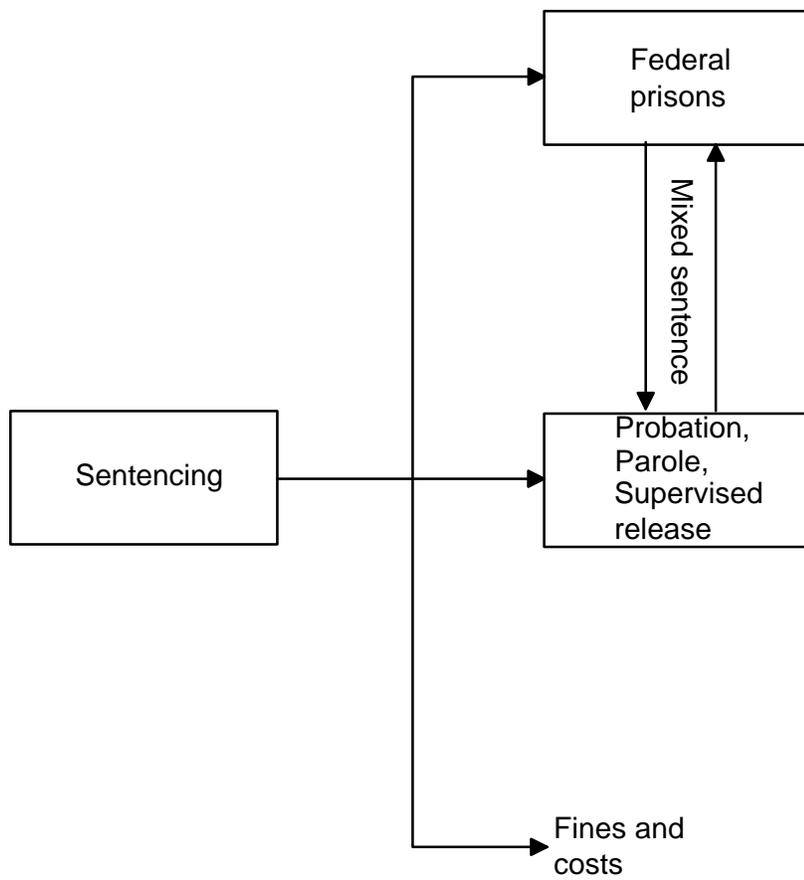
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**Sentencing**

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Depending upon the type and severity of the offense, convicted offenders may be sentenced to incarceration, probation, a fine, or a combination of sanctions such as a split or mixed sentence (imprisonment as well as a period of probation supervision).<sup>1</sup> The Federal sentencing guidelines require a term of supervised release following service of any prison sentence of more than 1 year. In addition, courts have the discretion to impose supervised release in any other case.

Except where otherwise indicated, tables in this chapter are based on the most serious offense of conviction. They are not directly comparable with tables in earlier chapters that are based on the most serious offense investigated or most serious offense charged (see "Offense classifications" in *Methodology*, p. 89).

#### **Offenders convicted and sentences imposed (table 4.1)**

Of the 47,556 offenders sentenced during 1995, 31,805 (67%) were sentenced to prison; 12,986 (27%) were sentenced to probation; and 3,242 (7%) were ordered to pay only a fine.<sup>2</sup>

Of the 31,805 offenders sentenced to prison, 29,759 (94%) were convicted of felonies, and 79% of convicted felons were sentenced to prison. Violent and drug offenders were more likely to receive prison sentences (both at 91%) than were either property offenders or public-order offenders (59% and 79%, respectively).

Among public-order offenders, persons convicted of weapons (92%), immigration (90%), and escape offenses (91%) were about as likely as violent and drug offenders to receive prison sentences.

Among property offenders, persons convicted of burglary (87%) and motor vehicle theft (86%) were also almost as likely as violent and drug offenders to receive prison sentences.

Overall, 27% of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (48%) was more than twice that of convicted felons (22%). Among felons, persons convicted of agriculture (68%), gambling (65%), food and drug (63%), and tax law violations (62%) were the most likely to be given probation.

While less than 1% of all convicted felons were ordered to only pay a fine, 51% of the felons convicted of antitrust violations were so ordered. Fines generally were reserved for misdemeanor offenders, 31% of whom received fines.

#### **Average prison sentences imposed (table 4.2)**

For all offenders given prison terms, the average term of imprisonment imposed was 60.9 months. Persons convicted of felonies received an average prison term of 64.5 months.

The average length of prison sentence imposed varied among major offense categories. Property offenders received the shortest sentence, on average, while violent offenders received the longest (26.4 months compared to 92.3 months). Drug offenders received 85.4 months, on average, and public-order offenders received 51.1 months. The average prison term for public-order offenders was driven up largely by the average term for weapons offenders. The 2,803 weapons offenders sentenced to prison comprised 39% of the 7,261 public-order offenders sent to prison; weapons offenders received an average prison term of 91.2 months, and public-order offenders *other* than weapons offenders received an average prison term of 28.9 months.

#### **Relationship between sentence imposed and mode of conviction (table 4.3)**

Offenders convicted by plea were less likely to receive prison sentences than those convicted at trial. Sixty-five percent of the offenders convicted by guilty plea received some prison time, while 87% of the offenders convicted at trial received prison sentences.

For violent offenders, 90% of those convicted by plea received prison sentences, as did 97% of those convicted at trial. For fraudulent property offenders, 56% of those convicted by plea received prison sentences compared to 87% of those convicted at trial. And, for regulatory public-order offenders, 47% of those convicted by plea went to prison, but 72% of those convicted at trial did.

The average prison term imposed on defendants convicted at trial was longer than the term imposed on defendants convicted by plea. Defendants convicted at trial received 143.1 months, on average, while those convicted by plea received an average of 52.3 months (figure 4.1). Drug offenders convicted at trial received an average of 187.9 months as compared to the 73.7 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 164.1 months as compared to the 82.6 months for those convicted by plea.

The ratio of average sentence imposed for offenders convicted at trial versus those convicted by plea was 2.75 for all offenders, 2.5 for drug, 2 for violent, and 2.4 for fraudulent property offenders and regulatory public-order offenders. While fraudulent property offenders (which include embezzlement, fraud, forgery, and counterfeiting) convicted at trial received average sentences that were 2.4 times longer than those who plead guilty, the same ratio for those convicted of other property offenses (which include burglary, larceny, and motor vehicle theft) was almost 3.

<sup>1</sup>For a definition of mixed sentences, see *Glossary*, p.167.

<sup>2</sup>Offenders given an intermediate sanction such as intermittent confinement or community confinement that also included probation supervision are counted among offenders given probation.

**Characteristics of offenders sentenced to prison (tables 4.4-4.6)**

The majority of persons sentenced to prison during 1995 were male (89%), white (63%), non-Hispanic (69%), and U.S. citizens (72%). The percentage sentenced to prison was not uniform across all categories of age, race, sex, education, and ethnicity. Similarly, the average sentences imposed were not uniform across these categories (table 4.5). However, conclusions about the effect that characteristics may have had on sentencing cannot be drawn from the aggregate patterns in the data. Such an assessment would require detailed information for each category showing the presence or absence of factors that are legally intended to affect sentencing, such as offense severity, weapon use, role in the offense, victim injury, dollar loss, and so forth.

One such study of the factors affecting sentencing found that “nearly all of the aggregate differences among sentences for whites, blacks, and Hispanics during 1989–90 can be attributed to characteristics of offenses and offenders that current law and sentencing guidelines establish as legitimate considerations in sentencing decisions.”<sup>3</sup>

Average sentences imposed were longest for males (63.3 months), blacks (85.4 months), non-Hispanics (64.4 months), and U.S. citizens (65.7 months). These longer terms are due in large part because these categories of offenders (males, blacks, non-Hispanics, and U.S. citizens) are more highly concentrated in the offense types (table 4.4) that also are associated with longer average sentences (table 4.2). For example, incarceration rates for blacks exceed those of whites in the violent, drug, and nonregulatory public-order offense categories. These offenses are associated with longer average sentences (table 4.2) than are

**Defendants convicted at trial received longer sentences, on average, than those convicted by guilty plea**

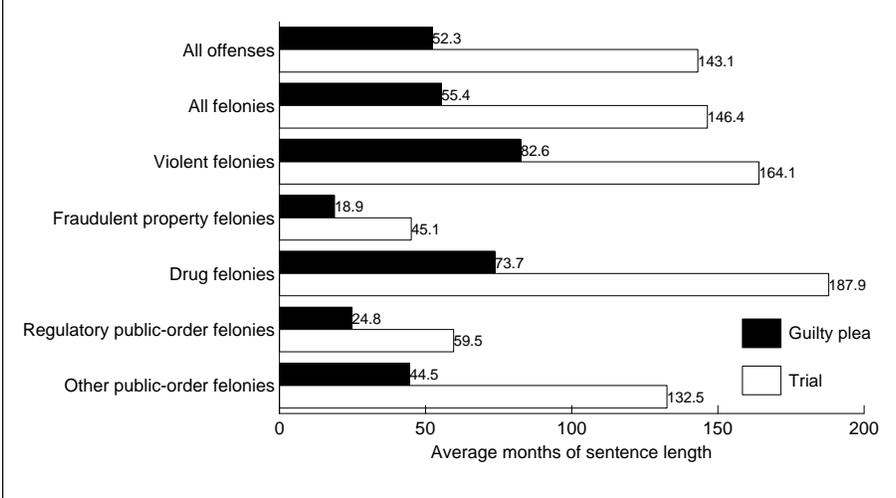


Figure 4.1. Average sentences imposed on defendants convicted at trial and defendants convicted by guilty plea, October 1, 1994–September 30, 1995

property offenses or regulatory public-order offenses — the categories in which whites' incarceration rates exceed those of blacks.

In general, within categories of offender characteristics, average prison terms were longer for violent and drug offenses than for property and regulatory public-order offenses. These two offense categories generally are considered to be more serious under the Federal sentencing guidelines than are property and regulatory public-order offenses. As a result, for aggregate tables like the ones presented in this chapter, persons with a certain characteristic may appear to receive more severe sentences on average. The primary reason for the longer averages is the larger number of serious offenses that made up the average sentences.

<sup>3</sup> Douglas C. McDonald and Kenneth E. Carlson, *Sentencing in the Federal Courts: Does Race Matter?*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, December 1993 (NCJ-145328).

**Table 4.1. Sentence types in cases terminated, by offense, October 1, 1994–September 30, 1995**

Most serious offense of conviction	Total offenders sentenced <sup>a</sup>	Percent of offenders convicted and sentenced to—			
		Incarceration <sup>b</sup>	Probation <sup>c</sup>	Split or mixed sentence <sup>d</sup>	Fine (only)
<b>All offenses<sup>e</sup></b>	47,556	66.9%	27.3%	2.9%	6.8%
<b>Felonies</b>	37,713	78.9%	21.8%	3.2%	0.6%
<b>Violent offenses</b>	2,423	91.2%	13.6%	5.4%	0.1%
Murder <sup>f</sup>	326	93.6	12.9	7.7	0.3
Negligent manslaughter	4	—	—	—	—
Assault	344	81.7	19.5	2.3	0
Robbery	1,373	93.9	11.4	5.6	0
Rape	187	86.6	19.3	6.4	0
Other sex offenses <sup>f</sup>	97	82.5	23.7	7.2	1.0
Kidnaping	73	98.6	4.1	4.1	0
Threats against the President	19	94.7	5.3	0	0
<b>Property offenses</b>	10,569	58.8%	40.8%	3.1%	0.9%
<b>Fraudulent</b>	8,484	58.1%	41.3%	3.3%	1.1%
Embezzlement	899	56.1	37.9	3.6	2.0
Fraud <sup>f</sup>	6,651	58.6	41.5	3.5	1.1
Forgery	203	47.8	51.7	3.0	1.5
Counterfeiting	731	58.8	40.1	1.5	0.4
<b>Other</b>	2,085	61.7%	38.8%	1.9%	0.3%
Burglary	85	87.1	16.5	5.9	1.2
Larceny <sup>f</sup>	1,195	49.5	50.9	1.7	0.3
Motor vehicle theft	308	85.7	14.3	1.0	0.6
Arson and explosives	160	81.9	19.4	3.1	0
Transportation of stolen property	298	69.8	31.2	2.0	0
Other property offenses <sup>f</sup>	39	46.2	48.7	0	0
<b>Drug offenses</b>	14,778	91.4%	9.1%	2.3%	0.2%
Trafficking	14,322	91.7	8.7	2.3	0.2
Possession and other drug offenses	456	80.9	19.5	5.0	0.4
<b>Public-order offenses</b>	9,943	78.8%	22.6%	4.0%	0.9%
<b>Regulatory</b>	1,177	48.6%	47.4%	2.3%	4.3%
Agriculture	38	31.6	68.4	7.9	5.3
Antitrust	41	24.4	26.8	2.4	51.2
Food and drug	41	29.3	63.4	0	4.9
Transportation	68	32.4	54.4	1.5	13.2
Civil rights	53	84.9	22.6	7.5	0
Communications	20	40.0	50.0	0	0
Custom laws	98	44.9	50.0	2.0	4.1
Postal laws	31	35.5	58.1	0	6.5
Other regulatory offenses	787	51.8	46.9	2.0	1.4
<b>Other</b>	8,766	82.8%	19.3%	4.2%	0.4%
Weapons	3,062	91.5	10.2	2.9	0.2
Immigration offenses	3,045	90.3	13.8	7.1	0.1
Tax law violations <sup>f</sup>	659	40.2	62.4	3.8	0.6
Bribery	250	51.6	47.2	1.2	1.2
Perjury, contempt, and intimidation	200	76.0	24.0	1.5	1.0
National defense	46	50.0	30.4	0	17.4
Escape	536	90.5	8.8	0.9	0.2
Racketeering and extortion	803	72.1	27.8	2.2	0.9
Gambling	107	38.3	65.4	3.7	0
Obscene material <sup>f</sup>	24	41.7	58.3	4.2	4.2
Migratory birds	1	—	—	—	—
All other felonies <sup>f</sup>	33	69.7	36.4	6.1	0
<b>Misdemeanors<sup>f</sup></b>	9,818	20.8%	48.3%	1.9%	30.7%
Fraudulent property offense	1,335	24.7	66.2	1.6	6.4
Larceny	1,248	13.0	71.2	1.7	16.6
Drug possession <sup>f</sup>	1,325	42.6	52.0	2.4	5.7
Immigration	607	68.9	14.7	0.2	8.1
Traffic offenses	3,509	7.0	31.1	2.1	63.2
Other misdemeanors	1,794	17.7	61.6	2.3	21.5
<b>Unknown or indeterminable offense</b>	25	28.0%	64.0%	0%	0%

Note: For further information, see *Chapter notes*, item 1, p. 57.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes offenders receiving incarceration, probation, split or mixed sentences, and fines. Not represented in the percentage columns, but also included in the totals, are offenders receiving deportation, suspended sentences, sealed sentences, imprisonment of 4 days or less, and no sentences.

<sup>b</sup>All sentences to incarceration, including split, mixed, life, and indeterminate.

<sup>c</sup>Includes offenders with split and mixed sentences.

<sup>d</sup>Sentences to probation combined with incarceration.

<sup>e</sup>Total includes offenders whose sentence could not be determined and defendants for whom offense category could not be determined.

In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unknown or unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

**Table 4.2. Type and length of sentences imposed, by offense, October 1, 1994–September 30, 1995**

Most serious offense of conviction	Offenders convicted and sentenced in cases that terminated during fiscal year 1995							
	Total	Number			Sentence length			
		Incarceration <sup>a</sup>	Probation <sup>b</sup>	Fine (only)	Incarceration <sup>c</sup>		Probation	
				Mean	Median	Mean	Median	
<b>All offenses</b>	47,556	31,805	12,986	3,242	60.9 mo	33 mo	33.2 mo	36 mo
<b>Felonies</b>	37,713	29,759	8,224	224	64.5 mo	36 mo	39.2 mo	36 mo
<b>Violent offenses</b>	2,423	2,209	330	2	92.3 mo	60 mo	43.2 mo	36 mo
Murder <sup>d</sup>	326	305	42	1	140.4	108	64.9	36
Negligent manslaughter	4	2	2	0	—	—	—	—
Assault	344	281	67	0	46.7	30	33.2	36
Robbery	1,373	1,289	156	0	92.6	70	42.1	36
Rape	187	162	36	0	90.1	50	41.0	36
Other sex offenses <sup>d</sup>	97	80	23	1	53.5	26	37.8	36
Kidnaping	73	72	3	0	150.5	78	—	—
Threats against the President	19	18	1	0	27.6	24	—	—
<b>Property offenses</b>	10,569	6,215	4,310	100	26.4 mo	14 mo	40.1 mo	36 mo
<b>Fraudulent</b>	8,484	4,928	3,501	94	21.2 mo	13 mo	40.0 mo	36 mo
Embezzlement	899	504	341	18	15.7	6	38.3	36
Fraud <sup>d</sup>	6,651	3,897	2,762	70	22.1	14	40.8	36
Forgery	203	97	105	3	18.0	15	37.0	36
Counterfeiting	731	430	293	3	20.4	12	35.6	36
<b>Other</b>	2,085	1,287	809	6	46.6 mo	20 mo	40.5 mo	36 mo
Burglary	85	74	14	1	32.3	27	48.0	36
Larceny <sup>d</sup>	1,195	592	608	3	23.3	12	40.0	36
Motor vehicle theft	308	264	44	2	100.8	60	46.4	36
Arson and explosives	160	131	31	0	80.7	37	41.6	36
Transportation of stolen property	298	208	93	0	31.8	21	41.2	36
Other property offenses <sup>d</sup>	39	18	19	0	32.9	16	31.3	36
<b>Drug offenses</b>	14,778	13,502	1,338	35	85.4 mo	60 mo	45.2 mo	36 mo
Trafficking	14,322	13,133	1,249	33	86.0	60	46.0	47
Possession and other drug offenses	456	369	89	2	64.7	46	34.6	36
<b>Public-order offenses</b>	9,943	7,833	2,246	87	51.1 mo	24 mo	33.6 mo	36 mo
<b>Regulatory</b>	1,177	572	558	51	27.7 mo	18 mo	35.2 mo	36 mo
Agriculture	38	12	26	2	24.3	15	27.3	24
Antitrust	41	10	11	21	—	—	37.1	36
Food and drug	41	12	26	2	40.8	17	31.8	24
Transportation	68	22	37	9	16.1	12	38.2	36
Civil rights	53	45	12	0	55.5	27	35.3	36
Communications	20	8	10	0	—	—	—	—
Custom laws	98	44	49	4	19.0	17	35.9	36
Postal laws	31	11	18	2	18.8	8	37.3	36
Other regulatory offenses	787	408	369	11	26.4	18	35.4	36
<b>Other</b>	8,766	7,261	1,688	36	53.0 mo	24 mo	33.0 mo	36 mo
Weapons	3,062	2,803	311	6	91.2	60	38.6	36
Immigration offenses	3,045	2,751	419	4	23.6	24	23.7	18
Tax law violations <sup>d</sup>	659	265	411	4	19.0	12	35.7	36
Bribery	250	129	118	3	29.7	13	36.3	36
Perjury, contempt, and intimidation	200	152	48	2	39.3	18	37.6	36
National defense	46	23	14	8	44.1	18	31.3	36
Escape	536	485	47	1	23.0	15	35.6	36
Racketeering and extortion	803	579	223	7	61.9	45	36.2	36
Gambling	107	41	70	0	30.2	12	30.9	36
Obscene material <sup>d</sup>	24	10	14	1	—	—	27.4	18
Migratory birds	1	0	1	0	...	...	—	—
All other felonies <sup>d</sup>	33	23	12	0	19.1	12	23.0	24
<b>Misdemeanors<sup>d</sup></b>	9,818	2,039	4,746	3,018	9.5 mo	4 mo	22.6 mo	12 mo
Fraudulent property offense	1,335	330	884	86	4.7	3	33.9	36
Larceny	1,248	162	888	207	10.5	5	19.2	12
Drug possession <sup>d</sup>	1,325	565	689	75	14.6	6	20.8	12
Immigration	607	418	89	49	3.8	2	41.3	36
Traffic offenses	3,509	246	1,091	2,216	10.2	2	14.8	12
Other misdemeanors	1,794	318	1,105	385	12.1	6	23.6	24
<b>Unknown or indeterminable offense</b>	25	7	16	0	—	—	32.2 mo	36 mo

Note: Total includes offenders with an indeterminable sentence and defendants with an indeterminable offense category. Total exceeds sum of individual sanctions, as split and mixed sentences are counted in both prison and probation. See *Chapter notes*, item 1, p. 57.

—Too few cases to obtain statistically reliable data ... No cases of this type occurred in the data.

<sup>a</sup>All sentences to incarceration, including split, mixed, life, and indeterminate sentences.

<sup>b</sup>Includes offenders with split and mixed sentences.

<sup>c</sup>Excludes life sentences, death sentences, and indeterminate sentences (1% of all incarcerations).

<sup>d</sup>In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include

some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unknown or unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

**Table 4.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition, October 1, 1994–September 30, 1995**

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders in terminated cases convicted and sentenced to—			Percent of convicted offenders	Offenders sentenced to some incarceration	
		Incarceration <sup>a</sup>	Probation <sup>b</sup>	Fine (only)		Sentence length <sup>c</sup>	
						Mean	Median
<b>All offenses</b>	47,556	31,805	12,986	3,242	66.9%	60.9 mo	33.0 mo
Guilty plea <sup>d</sup>	43,885	28,607	12,619	3,066	65.2	52.3	30
Trial	3,671	3,198	367	176	87.1	143.1	100
<b>Felonies</b>	37,713	29,759	8,224	224	78.9%	64.5 mo	36.0 mo
Guilty plea	34,437	26,640	8,019	209	77.4	55.4	33
Trial	3,276	3,119	205	15	95.2	146.4	108
<b>Violent offenses</b>	2,423	2,209	330	2	91.2%	92.3 mo	60.0 mo
Guilty plea	2,125	1,920	316	2	90.4	82.6	60
Trial	298	289	14	0	97.0	164.1	120
<b>Property offenses</b>							
<b>Fraudulent</b>	8,484	4,928	3,501	94	58.1%	21.2 mo	13.0 mo
Guilty plea	7,988	4,497	3,428	90	56.3	18.9	12
Trial	496	431	73	4	86.9	45.1	30
<b>Other</b>	2,085	1,287	809	6	61.7%	46.6 mo	20.0 mo
Guilty plea	1,929	1,147	791	6	59.5	38.9	18
Trial	156	140	18	0	89.7	115.1	60
<b>Drug offenses</b>	14,778	13,502	1,338	35	91.4%	85.4 mo	60.0 mo
Guilty plea	13,254	12,005	1,298	27	90.6	73.7	57
Trial	1,524	1,497	40	8	98.2	187.9	151
<b>Public-order offenses</b>							
<b>Regulatory</b>	1,177	572	558	51	48.6%	27.7 mo	18.0 mo
Guilty plea	1,106	521	535	49	47.1	24.8	16
Trial	71	51	23	2	71.8	59.5	41
<b>Other</b>	8,766	7,261	1,688	36	82.8%	53.0 mo	24.0 mo
Guilty plea	8,035	6,550	1,651	35	81.5	44.5	24
Trial	731	711	37	1	97.3	132.5	84
<b>Misdemeanors</b>	9,818	2,039	4,746	3,018	20.8%	9.5 mo	4.0 mo
Guilty plea <sup>d</sup>	9,424	1,960	4,585	2,857	20.8	9.0	4
Trial	394	79	161	161	20.1	22.6	6
<b>Unknown or indeterminable offense</b>	25	7	16	0	28.0%	—	—

Note: Total includes offenders whose sentence could not be determined. Total includes defendants for whom offense category could not be determined. For further information, see *Chapter notes*, item 1, p. 57.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>All sentences to incarceration, including split, mixed, life, and indeterminate, sentences.

<sup>b</sup>Includes offenders with split and mixed sentences.

<sup>c</sup>Excludes life sentences and death sentences and indeterminate sentences (1% of all incarceration).

<sup>d</sup>Includes nolo contendere.

**Table 4.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics, October 1, 1994 - September 30, 1995**

Offender characteristic	Total number of offenders	Percent of all convicted offenders who were incarcerated in cases terminated during 1995							
		All offenses <sup>a</sup>	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
				Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>a</sup></b>	47,556	66.9%	91.2%	58.1%	61.7%	91.4%	48.6%	82.8%	20.8%
<b>Sex</b>									
Male	32,763	81.5%	95.0%	62.6%	54.4%	93.4%	38.8%	83.3%	30.0%
Female	5,747	58.2	81.6	53.2	22.1	79.4	25.1	56.8	—
<b>Race</b>									
White	23,572	76.5%	91.7%	61.9%	48.3%	89.9%	38.6%	78.6%	21.7%
Black	11,645	82.3	97.4	58.1	46.0	95.1	34.1	86.8	38.1
Other	1,676	67.9	94.9	59.5	30.4	84.0	29.1	70.3	—
<b>Ethnicity</b>									
Hispanic	10,455	89.2%	94.3%	56.0%	59.3%	95.1%	43.7%	90.5%	—
Non-Hispanic	27,903	74.0	94.2	60.8	44.9	89.9	35.7	74.7	31.0
<b>Age</b>									
16-18 years	213	76.5%	97.1%	16.7%	43.2%	88.6%	66.7%	86.4%	—
19-20 years	1,566	77.8	94.3	50.7	41.5	88.6	51.4	88.2	25.0
21-30 years	13,836	82.5	95.2	59.7	45.8	92.3	41.5	88.8	17.6
31-40 years	12,026	79.9	95.5	61.6	51.3	91.7	36.7	83.5	—
Over 40 years	10,708	70.3	89.9	60.0	42.6	91.5	31.1	67.0	—
<b>Citizenship</b>									
U.S. citizen	28,597	75.0%	94.3%	59.6%	47.4%	89.9%	35.3%	74.6%	30.6%
Not U.S. citizen	9,209	89.7	95.3	65.3	65.8	97.1	51.4	90.7	...
<b>Education</b>									
Less than high school graduate	14,542	86.6%	96.3%	58.7%	60.8%	93.8%	49.4%	88.6%	40.0%
High school graduate	11,916	77.1	94.3	60.9	45.6	91.5	34.3	78.5	23.5
Some college	7,567	70.1	93.6	59.9	40.7	88.1	33.0	69.6	27.3
College graduate	2,951	62.7	75.0	62.7	39.3	85.5	30.1	56.4	...
<b>Criminal record</b>									
No convictions	17,653	67.2%	88.8%	52.9%	31.7%	88.6%	26.0%	61.2%	—
Prior adult convictions <sup>b</sup>									
Never incarcerated	8,090	79.4	91.5	62.8	52.1	92.1	43.2	74.4	—
Incarcerated									
13 months or less <sup>c</sup>	3,110	91.9	96.6	79.4	77.3	95.6	78.9	95.0	...
More than 13 months	8,003	97.0	99.5	91.0	91.5	97.9	90.0	97.8	—

Note: Excludes corporations. Includes life sentences and indeterminate sentences. Offenders are classified by the most serious offense of conviction. The percentages in this table report the percent of convicted persons having a particular characteristic who were incarcerated. For example, 95% of all convicted males were incarcerated, and 95.2% of males convicted of a violent offense were incarcerated. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 57.  
 —Too few cases to obtain statistically reliable data.  
 ...No case of this type occurred in the data.

<sup>a</sup>Includes offenders for whom offense or characteristics are unknown.  
<sup>b</sup>Prior adult convictions are limited to those used in calculating guideline sentences; see *Chapter notes*, item 3, p. 57.  
<sup>c</sup>Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 57.

**Table 4.5. Average incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1994–September 30, 1995**

Offender characteristic	Mean sentence length for offenders convicted of—							
	All offenses <sup>a</sup>	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
			Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>a</sup></b>	60.9 mo	92.3 mo	21.2 mo	46.6 mo	85.4 mo	27.7 mo	53.0 mo	9.5 mo
<b>Sex</b>								
Male	63.3 mo	94.6 mo	18.3 mo	35.1 mo	85.6 mo	17.0 mo	44.4 mo	6.6 mo
Female	34.0	57.2	11.7	13.9	53.4	12.7	26.4	—
<b>Race</b>								
White	48.2 mo	82.6 mo	17.7 mo	28.3 mo	65.4 mo	18.5 mo	37.8 mo	—
Black	85.4	111.2	15.2	40.9	108.9	10.5	64.7	—
Other	46.8	72.7	15.5	22.6	76.1	13.1	32.8	...
<b>Ethnicity</b>								
Hispanic	50.3 mo	93.4 mo	13.3 mo	46.4 mo	66.7 mo	17.0 mo	27.9 mo	...
Non-Hispanic	64.4	92.5	17.2	30.7	91.4	16.4	55.5	6.8
<b>Age</b>								
16-18 years	61.9 mo	98.6 mo	6.0 mo	119.3 mo	49.6 mo	21.0 mo	27.8 mo	...
19-20 years	63.6	104.8	10.8	61.1	70.4	23.8	38.8	—
21-30 years	63.5	91.5	13.3	37.1	84.4	13.5	41.4	—
31-40 years	60.4	93.0	16.3	25.8	80.7	16.6	47.3	—
Over 40 years	54.4	89.8	20.0	21.2	83.3	17.8	43.2	—
<b>Citizenship</b>								
U.S. citizen	65.7 mo	93.4 mo	17.4 mo	33.2 mo	87.7 mo	17.2 mo	58.3 mo	6.2 mo
Not U.S. citizen	46.1	85.8	14.0	25.2	68.6	11.7	24.9	...
<b>Education</b>								
Less than high school graduate	63.6 mo	95.1 mo	14.9 mo	45.1 mo	79.4 mo	16.0 mo	41.7 mo	—
High school graduate	65.6	93.6	16.9	28.8	86.8	19.4	54.0	—
Some college	55.1	89.7	16.5	22.7	82.8	14.0	47.8	—
College graduate	35.6	74.8	19.9	19.2	70.7	14.0	29.2	...
<b>Criminal record</b>								
No convictions	46.0 mo	70.7 mo	14.9 mo	24.1 mo	64.7 mo	13.0 mo	27.3 mo	—
Prior adult convictions <sup>b</sup>								
Never incarcerated	58.6	72.2	15.4	29.4	79.0	17.0	30.5	—
Incarcerated								
13 months or less <sup>c</sup>	63.9	88.5	17.0	33.8	95.5	11.7	33.4	...
More than 13 months	85.3	119.4	25.8	46.6	120.3	27.0	64.2	—

Note: Excludes corporations, life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 57.  
 —Too few cases to obtain statistically reliable data.  
 ...No case of this type occurred in the data.

<sup>a</sup>Includes offenders for whom offense or characteristics are unknown.  
<sup>b</sup>Prior adult convictions are limited to those used in calculating guideline sentences; see *Chapter notes*, item 3, p. 57.  
<sup>c</sup>Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 57.

**Table 4.6. Median incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1994–September 30, 1995**

Offender characteristic	Median sentence length for offenders convicted of—							
	All offenses <sup>a</sup>	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
			Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>a</sup></b>	33.0 mo	60.0 mo	13.0 mo	20.0 mo	60.0 mo	18.0 mo	24.0 mo	4.0 mo
<b>Sex</b>								
Male	36.5 mo	66.0 mo	12.0 mo	15.0 mo	60.0 mo	12.0 mo	24.0 mo	5.0 mo
Female	18.0	37.0	8.0	6.0	37.0	6.0	16.0	—
<b>Race</b>								
White	27.0 mo	60.0 mo	12.0 mo	15.0 mo	46.0 mo	12.0 mo	24.0 mo	—
Black	60.0	80.5	12.0	12.0	84.0	8.0	37.0	—
Other	24.0	46.0	12.0	12.0	57.0	8.0	18.0	...
<b>Ethnicity</b>								
Hispanic	30.0 mo	63.0 mo	8.0 mo	18.0 mo	48.0 mo	10.0 mo	24.0 mo	...
Non-Hispanic	36.0	63.0	12.0	14.0	63.0	10.0	30.0	6.0
<b>Age</b>								
16-18 years	36.0 mo	70.0 mo	6.0 mo	78.0 mo	30.0 mo	21.0 mo	16.5 mo	...
19-20 years	37.0	65.0	7.0	27.0	48.0	12.0	24.0	—
21-30 years	36.0	63.0	10.0	15.0	60.0	10.0	24.0	—
31-40 years	36.0	68.0	12.0	12.0	60.0	12.0	24.0	—
Over 40 years	30.0	60.0	13.0	12.0	60.0	8.0	24.0	—
<b>Citizenship</b>								
U.S. citizen	37.0 mo	64.0 mo	12.0 mo	15.0 mo	60.0 mo	11.0 mo	33.0 mo	4.0 mo
Not U.S. citizen	24.0	57.0	10.0	12.0	48.0	8.0	24.0	...
<b>Education</b>								
Less than high school graduate	37.0 mo	64.0 mo	12.0 mo	18.0 mo	60.0 mo	12.0 mo	24.0 mo	—
High school graduate	37.0	65.0	12.0	15.0	60.0	12.0	30.0	—
Some college	30.0	63.0	12.0	12.0	60.0	7.5	27.0	—
College graduate	20.0	44.5	14.0	12.0	50.0	12.0	18.0	...
<b>Criminal record</b>								
No convictions	27.0 mo	46.0 mo	12.0 mo	12.0 mo	46.0 mo	7.0 mo	15.0 mo	—
Prior adult convictions <sup>b</sup>								
Never incarcerated	36.0	46.0	12.0	12.0	60.0	10.0	20.0	—
Incarcerated								
13 months or less <sup>c</sup>	37.0	69.5	13.0	15.0	65.0	8.0	24.0	...
More than 13 months	54.0	92.0	21.0	24.0	92.0	15.0	33.0	—

Note: Excludes corporations, life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 57.

—Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

<sup>a</sup>Includes offenders for whom offense or characteristics are unknown.

<sup>b</sup>Prior adult convictions are limited to those used in calculating guideline sentences; see *Chapter notes*, item 3, p. 57.

<sup>c</sup>Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 57.

- 1) Tables 4.1-4.3 were derived from the AOUSC criminal master data files. Only records of defendants sentenced during October 1, 1994, through September 30, 1995, were selected. Offenses shown in these tables — offenses of conviction — are based on the longest actual sentence imposed.
- 2) Tables 4.4-4.6 were derived from the United States Sentencing Commission (USSC) monitoring system files, which are limited to records of defendants sentenced under the Federal sentencing guidelines only. Only records of defendants who were sentenced during fiscal year 1995 were selected. These include defendants convicted of felonies or Class A misdemeanors. Excluded from the USSC data were defendants convicted only of Class B or C misdemeanors or infractions, defendants whose offenses were committed before November 1, 1987, and juvenile offenders. Juveniles are not subject to guidelines, and they were not included in tables 4.4-4.6; however, persons under 18 years of age who were sentenced as adults were included in these tables. Corporate defendants were excluded from them. Tables 4.4-4.6 indicate the number of records for which relevant data were available. Percentage distributions were based on records with known values of defendant characteristics and offenses. USSC offense codes were translated into the corresponding AOUSC four-digit offense codes, and these four-digit codes were then aggregated into the offense categories shown in the tables.
- 3) Criminal record, as reported in tables 4.4-4.6, is limited to the portion of a defendant's criminal record that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within a 15-year period prior to the current offense and offenses committed within the

United States. Specifically, the number of prior adult incarcerations reported in tables 4.4-4.6 included two types of prison sentences covering different periods of time. First, it included prior sentences of imprisonment exceeding 13 months that were imposed or served (all or in part) during the 15 years prior to the commencement of the instant offense. Second, it included other prior sentences of shorter lengths imposed within 10 years of the defendant's commencement of the instant offense. Prior prison sentences not falling within these time periods or meeting these criteria were not counted.

