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Felony Sentences in State Courts, 1998

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In 1998 State courts convicted nearly 930,000 adults of a felony. Forty-four percent of convicted felons were sentenced to a State prison, and 24% were sentenced to a local jail (usually for a year or less). The remaining 32% were sentenced to probation. These findings come from a survey conducted every 2 years and is the Nation's sole source of statistical information on the sentences felons receive in State courts nationwide.

National Judicial Reporting Program

The "National Judicial Reporting Program" (NJRP) compiles detailed information on the sentences and characteristics of convicted felons. Previous national surveys of felony sentencing in State courts were conducted in 1986, 1988, 1990, 1992, 1994, and 1996.¹

¹See *Felony Sentences in State Courts, 1986*, NCJ 115210, February 1989; *Felony Sentences in State Courts, 1988*, NCJ 126923, December 1990; *Felony Sentences in State Courts, 1990*, NCJ 140186, March 1993; *Felony Sentences in State Courts, 1992*, NCJ 151167, January 1995; *Felony Sentences in State Courts, 1994*, NCJ 163391, January 1997; *Felony Sentences in State Courts, 1996*, NCJ 173939, May 1999.

Highlights

- In 1998 State courts convicted 927,717 adults of a felony. Federal courts convicted 50,494, bringing the combined U.S. total to 978,211. State courts accounted for 95% of the national total.
- Drug offenders were 33.9% of felons convicted in State courts in 1998. Property offenders made up 30.5%; violent offenders, 17.8%; and those convicted of weapon offenses and other nonviolent crimes made up the rest (17.8%).
- State courts sentenced 44% of convicted felons to a State prison, 24% to a local jail, and 32% to straight probation with no jail or prison time to serve.
- State courts sentenced to death 1% of those convicted of murder.
- The average sentence to local jail was 6 months. The average probation sentence was 3 years and 4 months. A fine was imposed on 21% of convicted felons, restitution on 13%, community service on 6%, and treatment was ordered for 6%.
- The average sentence length to State prison has decreased since 1990 (6¼ years versus almost 5 years), but felons sentenced in 1998 were likely to serve more of that sentence before release (33% versus 47%).
- Guilty pleas accounted for 94% of felony convictions in 1998. Trial convictions accounted for the remaining 6%.
- Nationally, of the felons convicted in 1998, 55% were white, 44% were black, and 1% were other races. The average age of felons convicted in State courts in 1998 was 31.
- Females account for an increasing portion of felons convicted in State courts. In 1990, females were 14% of convicted felons; in 1998, 17%.
- In 1998 the average time from arrest to sentencing was just over 7 months (214 days).

The 1998 survey was based on a sample of 344 counties (out of the Nation's approximately 3,100 counties) selected to be nationally representative. The 344 included the District of Columbia and at least 1 county from every State except, by chance, Delaware and Montana. Among the 344 sampled counties, 2 sentenced no felons during

1998. The 1998 survey excluded Federal courts and those State or local courts that did not adjudicate adult felony cases.

According to the BJS Federal Justice Statistics Program, Federal courts convicted 50,494 persons of a felony in 1998 (see page 3).² That number represents 5% of the combined State and Federal total number of felony convictions during 1998.

The 1998 survey included only offenses that State penal codes defined as felonies. Felonies are widely defined as crimes with the potential of being punished by more than 1 year in prison.

Felony conviction offenses

A total of 927,717 persons were convicted of a felony in State courts in 1998, including 164,600 (or 17.8% of the total) for a violent felony;

²By comparison, the State court in 1 county, Los Angeles, accounted for about 47,000 felony convictions in 1998.

283,000 (30.5%) for the property offenses of burglary, larceny, fraud, and forgery; 314,600 (33.9%) for drug offenses; and 31,900 (3.4%) for weapon offenses (table 1). The remaining 133,600 (14.4%) consisted of persons convicted of nonviolent offenses such as receiving stolen property and escaping custody. Marijuana trafficking convictions were 2.5% of the conviction total, and marijuana possession convictions were 3.6% of the total.

Sentences for felonies

In 1998, 68% of all convicted felons were sentenced to a period of confinement — 44% to State prisons and 24% to local jails (table 2). Jail sentences are for short-term confinement (usually for a year or less) in a county or city facility, while prison sentences are for long-term confinement (usually for over a year) in a State facility. An estimated 32% of all convicted felons were sentenced to probation with no jail or prison time to serve.

Table 1. Estimated number of felony convictions in State courts, 1998

| Most serious conviction offense | Felony convictions in State court | |
|-----------------------------------|-----------------------------------|---------|
| | Number | Percent |
| All offenses | 927,717 | 100% |
| Violent offenses | 164,584 | 17.8% |
| Murder ^a | 9,158 | 1.0 |
| Murder | 6,944 | 0.7 |
| Manslaughter | 2,127 | 0.2 |
| Sexual assault ^b | 29,693 | 3.2 |
| Rape | 11,622 | 1.3 |
| Other sexual assault | 18,071 | 1.9 |
| Robbery | 38,784 | 4.2 |
| Armed | 11,977 | 1.3 |
| Unarmed | 10,358 | 1.1 |
| Unspecified | 16,450 | 1.8 |
| Aggravated assault | 71,060 | 7.7 |
| Other violent ^c | 15,889 | 1.7 |
| Property offenses | 283,002 | 30.5% |
| Burglary | 87,957 | 9.5 |
| Residential | 12,542 | 1.4 |
| Nonresidential | 20,419 | 2.2 |
| Unspecified | 54,996 | 5.9 |
| Larceny | 107,621 | 11.6 |
| Motor vehicle theft | 14,368 | 1.5 |
| Other theft ^d | 93,253 | 10.1 |
| Fraud | 87,424 | 9.4 |
| Fraud ^e | 43,975 | 4.7 |
| Forgery | 43,449 | 4.7 |
| Drug offenses | 314,626 | 33.9% |
| Possession | 119,443 | 12.9 |
| Trafficking | 195,183 | 21.0 |
| Marijuana | 22,975 | 2.5 |
| Other | 54,633 | 5.9 |
| Unspecified | 117,575 | 12.7 |
| Weapon offenses | 31,904 | 3.4% |
| Other offenses^f | 133,601 | 14.4% |

Note: Detail may not sum to total because of rounding. This table is based on an estimated 927,717 cases.

^aIncludes manslaughter, defined as nonnegligent manslaughter only. A small number of cases were classified as nonnegligent manslaughter when it was unclear if the conviction offense was murder or nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnapping.

^dIn a small number of cases, the type of larceny - vehicle theft versus other theft - was unknown. They were classified as "other theft".

^eIncludes embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 2. Types of felony sentences imposed by State courts, by offense, 1998

| Most serious conviction offense | Total | Percent of felons sentenced to — | | | |
|-----------------------------------|-------|----------------------------------|--------|------|-----------|
| | | Total | Prison | Jail | Probation |
| All offenses | 100% | 68% | 44% | 24% | 32% |
| Violent offenses | 100% | 78% | 59% | 19% | 22% |
| Murder ^a | 100 | 96 | 94 | 2 | 4 |
| Sexual assault ^b | 100 | 82 | 67 | 15 | 18 |
| Rape | 100 | 84 | 70 | 14 | 16 |
| Other sexual assault | 100 | 80 | 64 | 16 | 20 |
| Robbery | 100 | 88 | 76 | 12 | 12 |
| Aggravated assault | 100 | 72 | 46 | 26 | 28 |
| Other violent ^c | 100 | 67 | 41 | 26 | 33 |
| Property offenses | 100% | 65% | 43% | 22% | 35% |
| Burglary | 100 | 75 | 54 | 21 | 25 |
| Larceny ^d | 100 | 64 | 40 | 24 | 36 |
| Motor vehicle theft | 100 | 76 | 43 | 33 | 24 |
| Fraud ^e | 100 | 55 | 35 | 20 | 45 |
| Drug offenses | 100% | 68% | 42% | 26% | 32% |
| Possession | 100 | 65 | 36 | 29 | 35 |
| Trafficking | 100 | 71 | 45 | 26 | 29 |
| Weapon offenses | 100% | 66% | 42% | 24% | 34% |
| Other offenses^f | 100% | 63% | 35% | 28% | 37% |

Note: For persons receiving a combination of sentences, the sentence designation came from the most severe penalty imposed — prison being the most severe, followed by jail, then probation. Prison includes death sentences. Felons receiving a sentence other than incarceration or probation are classified under "probation". This table is based on an estimated 921,328 cases.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnapping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Comparison of felony convictions in State and Federal courts, 1998

| Most serious conviction offense | Felony convictions | | | Federal felony convictions as percent of total | Percent of felons sentenced to incarceration (prison or jail) — | | Mean maximum sentence length (in months) for felons sentenced to incarceration (prison or jail) — | |
|---------------------------------|--------------------|---------|---------|--|---|---------|---|---------|
| | Total | State | Federal | | State | Federal | State | Federal |
| All offenses | 978,211 | 927,717 | 50,494 | 5.2% | 68% | 82% | 39 mo | 61 mo |
| Violent offenses | 167,294 | 164,584 | 2,710 | 1.6% | 78% | 92% | 77 mo | 89 mo |
| Murder | 9,455 | 9,158 | 297 | 3.1 | 96 | 91 | 258 | 113 |
| Sexual assault | 29,910 | 29,693 | 217 | 0.7 | 82 | 87 | 94 | 75 |
| Rape | 11,703 | 11,622 | 81 | 0.7 | 84 | 88 | 125 | 138 |
| Other sexual assault | 18,207 | 18,071 | 136 | 0.7 | 80 | 86 | 74 | 37 |
| Robbery | 40,564 | 38,784 | 1,780 | 4.4 | 88 | 96 | 94 | 91 |
| Aggravated assault | 71,336 | 71,060 | 276 | 0.4 | 72 | 74 | 44 | 39 |
| Other violent | 16,029 | 15,889 | 140 | 0.9 | 67 | 86 | 37 | 115 |
| Property offenses | 294,341 | 283,002 | 11,339 | 3.9% | 65% | 59% | 31 mo | 23 mo |
| Burglary | 88,050 | 87,957 | 93 | 0.1 | 75 | 52 | 39 | 27 |
| Larceny | 109,115 | 107,621 | 1,494 | 1.4 | 64 | 54 | 25 | 32 |
| Motor vehicle theft | 14,518 | 14,368 | 150 | 1.0 | 76 | 76 | 22 | 28 |
| Other theft | 94,597 | 93,253 | 1,344 | 1.4 | 62 | 52 | 26 | 33 |
| Fraud | 97,176 | 87,424 | 9,752 | 10.0 | 55 | 60 | 27 | 22 |
| Fraud | 52,423 | 43,975 | 8,448 | 16.1 | 49 | 60 | 30 | 23 |
| Forgery | 44,753 | 43,449 | 1,304 | 2.9 | 61 | 60 | 25 | 20 |
| Drug offenses | 335,493 | 314,626 | 20,867 | 6.2% | 68% | 92% | 31 mo | 79 mo |
| Possession | 120,893 | 119,443 | 1,450 | 1.2 | 65 | 87 | 21 | 84 |
| Trafficking | 214,600 | 195,183 | 19,417 | 9.0 | 71 | 93 | 37 | 79 |
| Weapon offenses | 35,064 | 31,904 | 3,160 | 9.0% | 66% | 92% | 29 mo | 101 mo |
| Other offenses | 146,019 | 133,601 | 12,418 | 8.5% | 63% | 81% | 25 mo | 32 mo |

The vast majority of all felony convictions in the United States occur in State courts. Overall, Federal courts account for a relatively small number.

- In 1998 Federal courts convicted 50,494 persons of a violent, property, drug, or other felony. State courts convicted 927,717 bringing the combined U.S. total to 978,211 felons convicted. Federal courts accounted for 5% of the national total.

- Violent offenses comprised 5% of felony convictions in Federal courts but 18% of those in State courts.

- In 1998, 82% of felons convicted in Federal courts were sentenced to incarceration. The remaining 18% received probation. State courts sentenced 68% of felons to incarceration (prison or jail) and 32% to straight probation.

- The average Federal incarceration sentence was just over 5 years in 1998. By contrast, State incarceration sentences (prison or jail) had an average of 3 years and 3 months.

- Federal drug offenders received incarceration terms that were about twice the length of drug offenders in State courts (6 years and 7 months versus 2 years and 7 months).

- In 1998 Federal offenders released from prison served an average of 91% of their prison term before release. Felons convicted in State courts served a significantly smaller proportion of their total incarceration sentence. For instance, State prisoners (not including felons sentenced to jail) served about 47% of their total prison sentence in 1998.

Source of Federal data: Federal statistics shown in the above table are from the same database that was used to create tables 5.1 and 5.2 of the BJS publication *Compendium of Federal Statistics, 1998* (NCJ 180258). Tables 5.1 and 5.2 figures differ from the above figures because of differences in how offenses were defined.

Sentence length

An offender convicted of multiple offenses receives a sentence for each

offense. If multiple prison sentences are imposed, the court then decides 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 to 10 years, the total time refers to the maximum.

For the Nation in 1998, the mean felony sentence to incarceration (prison or jail) was 3 years and 3 months; the median was 1 year and 6 months (table 3).

State prison sentences

In 1998 the mean length of sentences to State prison was almost 5 years; the median term was 3 years. The mean prison sentence for murder and nonnegligent manslaughter was nearly 22 years; the median was 25 years. Life sentences are rare among convicted felons, whether measured as a percentage of all sentences (0.5%) or as a percentage just of prison sentences (1.1%). However, among persons convicted of murder or nonnegligent manslaughter, 26% were sentenced to life in prison, and 1% were sentenced to death.

Among persons convicted of murder or nonnegligent manslaughter *and* sentenced to prison, 27% were sentenced to life in prison, and 1% were sentenced to death. When considering those convicted of murder specifically (not including nonnegligent manslaughter), 32% were sentenced to life, and 1% were sentenced to death. Again, among those convicted of murder specifically *and* sentenced to prison, 34% were sentenced to life in prison, and 1% were sentenced to death.³

³Not all persons convicted of murder were subject to the death penalty. Thirty-eight States authorized the death penalty in 1998. Within those 38, only certain types of murder were capital offenses.

Table 3. Lengths of felony sentences imposed by State courts, by offense and type of sentence, 1998

| Most serious conviction offense | Maximum sentence length (in months) for felons sentenced to — | | | |
|-----------------------------------|---|--------|------|-----------|
| | Incarceration | | | Probation |
| | Total | Prison | Jail | |
| Mean | | | | |
| All offenses | 39 mo | 57 mo | 6 mo | 40 mo |
| Violent offenses | 77 mo | 100 mo | 7 mo | 47 mo |
| Murder ^a | 258 | 263 | 11 | 60 |
| Sexual assault ^b | 94 | 111 | 8 | 67 |
| Rape | 125 | 147 | 8 | 68 |
| Other sexual assault | 74 | 88 | 8 | 67 |
| Robbery | 94 | 106 | 10 | 59 |
| Aggravated assault | 44 | 66 | 6 | 41 |
| Other violent ^c | 37 | 56 | 6 | 39 |
| Property offenses | 31 mo | 44 mo | 5 mo | 39 mo |
| Burglary | 39 | 52 | 6 | 44 |
| Larceny ^d | 25 | 37 | 5 | 38 |
| Motor vehicle theft | 22 | 35 | 5 | 38 |
| Fraud ^e | 27 | 40 | 4 | 39 |
| Drug offenses | 31 mo | 47 mo | 5 mo | 38 mo |
| Possession | 21 | 35 | 4 | 36 |
| Trafficking | 37 | 54 | 6 | 40 |
| Weapon offenses | 29 mo | 42 mo | 6 mo | 35 mo |
| Other offenses^f | 25 mo | 40 mo | 6 mo | 40 mo |
| Median | | | | |
| All offenses | 18 mo | 36 mo | 4 mo | 36 mo |
| Violent offenses | 36 mo | 60 mo | 6 mo | 36 mo |
| Murder ^a | 288 | 300 | 8 | 60 |
| Sexual assault ^b | 60 | 66 | 6 | 60 |
| Rape | 72 | 100 | 6 | 60 |
| Other sexual assault | 48 | 60 | 6 | 60 |
| Robbery | 60 | 72 | 9 | 60 |
| Aggravated assault | 24 | 42 | 4 | 36 |
| Other violent ^c | 16 | 36 | 4 | 36 |
| Property offenses | 16 mo | 30 mo | 4 mo | 36 mo |
| Burglary | 24 | 36 | 4 | 36 |
| Larceny ^d | 12 | 24 | 4 | 36 |
| Motor vehicle theft | 12 | 24 | 4 | 36 |
| Fraud ^e | 12 | 24 | 3 | 36 |
| Drug offenses | 14 mo | 36 mo | 4 mo | 36 mo |
| Possession | 12 | 24 | 3 | 25 |
| Trafficking | 19 | 36 | 4 | 36 |
| Weapon offenses | 18 mo | 30 mo | 4 mo | 30 mo |
| Other offenses^f | 12 mo | 27 mo | 4 mo | 36 mo |

Note: See note on table 2. Means exclude sentences to death or to life in prison.

This table is based on an estimated 921,328 cases.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Life sentences in 1998 were —

| | Life sentences as a percent of — | |
|----------------------|----------------------------------|----------------------|
| | All sentences | All prison sentences |
| All offenses | .5% | 1.1% |
| Murder | 25.5 | 27.4 |
| Sexual assault | 1.8 | 2.7 |
| Rape | 3.9 | 5.5 |
| Other sexual assault | .5 | .7 |
| Robbery | 1.2 | 1.6 |
| Aggravated assault | .5 | 1.1 |
| Other violent | .2 | .6 |
| Burglary | .3 | .5 |
| Larceny | .1 | .2 |
| Motor vehicle theft | .1 | .2 |
| Fraud | -- | -- |
| Drug possession | .2 | .6 |
| Drug trafficking | .1 | .2 |
| Weapons | .2 | .6 |
| Other | .1 | .2 |

--Less than 0.05%.

Jail and probation sentences

Among felons who received a sentence to local jail in 1998, the mean sentence was 6 months, and the median was 4 months. Probation sentences had a mean length of 3 years and 4 months and a median of 3 years (table 3).

Estimated State prison time to be served

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

In States that impose indeterminate sentences, a judge specifies the minimum and/or maximum sentence length, but a parole board decides when the prisoner will actually be released.

In most but not all States, prisoners gain early release through time credits that they receive automatically or that are granted to them for good behavior or special achievements — provisions that are intended to help correctional officials manage institutional populations.

For both types of sentence reduction, released offenders usually serve the remaining portion of their sentences

under supervision in the community. To calculate time to be served by felons sentenced in 1998, the fraction of their sentence they might reasonably be expected to serve was obtained from records of inmates released from prison in a recent year. Life sentences and death sentences were excluded because it is not possible to specify the percentage served. The percentage of the sentence that released inmates had served was applied to felons sentenced to prison in 1998.

Based on data collected by BJS in its “National Corrections Reporting Program,” inmates released from prisons in 1998 had served an average of 47% of their total sentence in prison (table 4). The percentage of sentence served ranged from 60% for those convicted of weapon offenses to a low of 40% for those convicted of drug possession.

Applying these percentages to State prison sentences received in 1998, it is estimated that felons sentenced in 1998 would serve just over 2 years, or 47% of their average 5-year prison sentence.

Since life sentences and death are rare for most types of crimes, this method gives reasonably sound estimates of time to be served for most offenses (assuming, among other things, that prison release policies applicable to persons sentenced in 1998 are not markedly different from those governing recent releases). However, life sentences and death are not rare for murder, though they are rare for nonnegligent manslaughter. Consequently, time to be served shown for “murder and nonnegligent manslaughter” perhaps substantially underestimates the amount of time all persons convicted of these offenses are likely to serve since the time only applies to persons not receiving a life or death sentence.

Table 4. Estimated time to be served in State prison, by offense, 1998

| Most serious conviction offense | Mean prison sentence | To be served in prison, estimated — | |
|-----------------------------------|----------------------|-------------------------------------|-------------------|
| | | Percent of sentence ^a | Time ^b |
| All offenses | 57 mo | 47% | 27 mo |
| Violent offenses | 100 mo | 54% | 54 mo |
| Murder ^c | 263 | 52 | 136 |
| Sexual assault ^d | 111 | 56 | 62 |
| Rape | 147 | 58 | 81 |
| Other sexual assault | 88 | 55 | 45 |
| Robbery | 106 | 51 | 54 |
| Aggravated assault | 66 | 57 | 38 |
| Other violent ^e | 56 | 55 | 31 |
| Property offenses | 44 mo | 45% | 20 mo |
| Burglary | 52 | 45 | 24 |
| Larceny ^f | 37 | 45 | 17 |
| Motor vehicle theft | 35 | 43 | 15 |
| Fraud ^g | 40 | 42 | 17 |
| Drug offenses | 47 mo | 41% | 19 mo |
| Possession | 35 | 40 | 14 |
| Trafficking | 54 | 41 | 22 |
| Weapon offenses | 42 mo | 60% | 25 mo |
| Other offenses^h | 40 mo | 51% | 20 mo |

^aPercentages are based on data from 237,443 persons released from State prisons in 1998 (National Corrections Reporting Program, 1998 tables 2-8 and 2-12). These percentages included credited jail time.

^bDerived by multiplying the percentage of sentence to be served by the mean sentence imposed.

^cIncludes nonnegligent manslaughter.

^dIncludes rape.

^eIncludes offenses such as negligent manslaughter and kidnaping.

^fIncludes motor vehicle theft.

^gIncludes forgery and embezzlement.

^hComposed of nonviolent offenses such as receiving stolen property and vandalism.

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

In 1998 men comprised 48% of adults (age 18 or older) in the U.S. population

but 83% of persons convicted of a felony and 90% of persons convicted of a violent felony (table 5). Whites were 83% of the adult U.S. population but 55% of persons convicted of a felony

and 53% of the persons convicted of a violent felony. Corresponding figures for blacks were 12% of the adult U.S. population but 44% of convicted felons and 44% of felons convicted of a

Table 5. Demographic characteristics of persons convicted of felonies by State courts, by offense, 1998

| Most serious conviction offense | Percent of convicted felons | | | | | | | | | | | | Mean | Median |
|-----------------------------------|-----------------------------|------|--------|-------|-------|-------|-------------------|-------|-------|-------|-------|-----|-------|--------|
| | Total | Sex | | Race | | | Age at sentencing | | | | | | | |
| | | Male | Female | White | Black | Other | 13-19 | 20-29 | 30-39 | 40-49 | 50-59 | 60+ | | |
| All offenses | 100% | 83% | 17% | 55% | 44% | 1% | 9% | 39% | 32% | 16% | 3% | 1% | 31 yr | 30 yr |
| Violent offenses | 100% | 90% | 10% | 53% | 44% | 3% | 12% | 41% | 28% | 13% | 4% | 2% | 31 yr | 29 yr |
| Murder ^a | 100 | 92 | 8 | 42 | 57 | 1 | 12 | 49 | 21 | 12 | 4 | 2 | 30 | 26 |
| Sexual assault ^b | 100 | 97 | 3 | 69 | 26 | 5 | 7 | 34 | 31 | 16 | 8 | 4 | 34 | 32 |
| Rape | 100 | 98 | 2 | 67 | 32 | 1 | 6 | 36 | 32 | 16 | 7 | 3 | 34 | 32 |
| Other sexual assault | 100 | 96 | 4 | 70 | 23 | 7 | 7 | 34 | 30 | 16 | 8 | 5 | 34 | 33 |
| Robbery | 100 | 92 | 8 | 35 | 64 | 1 | 22 | 47 | 22 | 8 | 1 | -- | 26 | 24 |
| Aggravated assault | 100 | 86 | 14 | 56 | 41 | 3 | 9 | 40 | 30 | 15 | 4 | 2 | 31 | 30 |
| Other violent ^c | 100 | 89 | 11 | 67 | 32 | 1 | 9 | 39 | 28 | 17 | 5 | 2 | 32 | 30 |
| Property offenses | 100% | 75% | 25% | 60% | 38% | 2% | 10% | 40% | 32% | 14% | 3% | 1% | 31 yr | 29 yr |
| Burglary | 100 | 92 | 8 | 64 | 35 | 1 | 17 | 43 | 27 | 11 | 2 | -- | 28 | 26 |
| Larceny ^d | 100 | 76 | 24 | 57 | 41 | 2 | 10 | 39 | 31 | 16 | 3 | 1 | 31 | 30 |
| Motor vehicle theft | 100 | 91 | 9 | 69 | 27 | 4 | 18 | 48 | 26 | 7 | 1 | -- | 27 | 25 |
| Fraud ^e | 100 | 58 | 42 | 62 | 37 | 1 | 4 | 39 | 36 | 16 | 4 | 1 | 32 | 31 |
| Drug offenses | 100% | 82% | 18% | 46% | 53% | 1% | 7% | 39% | 33% | 17% | 3% | 1% | 32 yr | 31 yr |
| Possession | 100 | 79 | 21 | 55 | 44 | 1 | 5 | 34 | 36 | 20 | 4 | 1 | 33 | 33 |
| Trafficking | 100 | 84 | 16 | 42 | 57 | 1 | 8 | 43 | 30 | 15 | 3 | 1 | 31 | 29 |
| Weapon offenses | 100% | 94% | 6% | 49% | 50% | 1% | 10% | 47% | 26% | 12% | 4% | 1% | 30 yr | 27 yr |
| Other offenses^f | 100% | 88% | 12% | 67% | 31% | 2% | 7% | 35% | 34% | 18% | 5% | 1% | 33 yr | 32 yr |

Note: Data on sex were available for 773,028 cases; on race, 647,483; and on age, 748,225. --Less than 0.5%. ^aIncludes nonnegligent manslaughter.

^bIncludes rape. ^cIncludes offenses such as negligent manslaughter and kidnaping. ^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement. ^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Felony convictions and sentences relative to the number of arrests, 1998

The number of State felony convictions in 1998 was compared to the number of crimes reported to police and the number of arrests made for these crimes in 1998. Comparisons are limited to crimes likely to be felonies.

These aggregate numbers should not be interpreted as tracking individual cases through the criminal justice

system. Nevertheless, the comparisons illustrate the approximate odds of conviction and a prison sentence, given an arrest for a felony.

For example, the FBI reports that in 1998 almost 15,400 adults were arrested for murder (including nonnegligent manslaughter). That year, 9,158 persons were convicted of murder, and

8,609 murderers received a prison sentence. For every 100 persons arrested for murder in 1998, 60 were convicted and 56 were sentenced to prison for that offense. Corresponding findings for drug traffickers were 68 convictions and 31 prison sentences for every 100 arrests.

| Offense | Uniform Crime Reports ^a | | | For 100 arrests | | | | |
|---------------------|---|---------------------------|---|---|--------|------------------------------|----------------------------|--------|
| | Number of crimes reported to the police | Number of adults arrested | Number of felony convictions ^b | Number of felony sentences ^b | | Number of felony convictions | Number of felony sentences | |
| | | | | Incarceration | Prison | | Incarceration | Prison |
| Murder ^c | 16,910 | 15,373 | 9,158 | 8,792 | 8,609 | 60 | 57 | 56 |
| Rape | 93,100 | 25,726 | 11,622 | 9,762 | 8,135 | 45 | 38 | 32 |
| Robbery | 446,630 | 88,356 | 38,784 | 34,130 | 29,476 | 44 | 39 | 33 |
| Aggravated assault | 974,400 | 434,182 | 71,060 | 51,163 | 32,688 | 16 | 12 | 8 |
| Burglary | 2,330,000 | 214,624 | 87,957 | 65,968 | 47,497 | 41 | 31 | 22 |
| Motor vehicle theft | 1,240,800 | 96,599 | 14,368 | 10,920 | 6,035 | 15 | 11 | 6 |
| Drug trafficking | ... | 286,899 | 195,183 | 138,580 | 87,832 | 68 | 48 | 31 |

Note: The offenses selected have the greatest comparability across reporting series and are widely defined across the States as felonies. The offense designations in convictions and sentences came from the most serious offense. ... Data are not available.

^aSource: *Crime in the United States, 1998* (FBI, 1999). ^bNumbers for felony convictions, incarcerations, and prison sentences were derived from tables 1 and 2 of this report. ^cIncludes nonnegligent manslaughter.

violent crime. The other races (American Indians, Alaska Natives, Asians, and Pacific Islanders) represented 5% of the U.S. population but 1% of convicted felons and 3% of those convicted of a violent crime.

Persons in their twenties represented about 19% of the adult U.S. population but 39% of convicted felons. The mean or average age of felons was 31 years; the median was 30.

Number of felony conviction offenses

At time of sentencing, over three-quarters of felons sentenced in 1998 were sentenced for a single felony offense (table 6). An estimated 16% were sentenced for two felony offenses, and the remaining 6% were sentenced for three or more. The number of offenses totaled about 1.2 million felony conviction offenses for

which 927,717 felons were convicted and sentenced in 1998.⁴

The greater the number of felony conviction offenses, the more severe was the sentence. The likelihood of a State prison sentence rose from 41% for those convicted of one felony to 53% for two felonies and 64% for three or more (table 7).

⁴The 1.2 million figure pertains to current, not past, convictions.

Table 6. Number of offenses for felons convicted and sentenced in 1998 in State courts, by most serious felony conviction offense, 1998

| Most serious conviction offense | Percent of convicted felons with — | | | |
|-----------------------------------|------------------------------------|-----------------------|------------------------|----------------------------------|
| | Total | One felony conviction | Two felony convictions | Three or more felony convictions |
| All offenses | 100% | 78% | 16% | 6% |
| Violent offenses | 100% | 72% | 20% | 8% |
| Murder ^a | 100 | 60 | 25 | 15 |
| Sexual assault ^b | 100 | 69 | 21 | 10 |
| Robbery | 100 | 68 | 20 | 12 |
| Aggravated | 100 | 74 | 19 | 7 |
| Other violent ^c | 100 | 82 | 15 | 3 |
| Property offenses | 100% | 74% | 18% | 8% |
| Burglary | 100 | 63 | 25 | 12 |
| Larceny ^d | 100 | 86 | 12 | 2 |
| Fraud ^e | 100 | 71 | 19 | 10 |
| Drug offenses | 100% | 80% | 16% | 4% |
| Possession | 100 | 89 | 10 | 1 |
| Trafficking | 100 | 74 | 20 | 6 |
| Weapon offenses | 100% | 79% | 16% | 5% |
| Other offenses^f | 100% | 91% | 8% | 1% |

Note: This table is based on an estimated 899,882 cases. The number of convictions pertains to current, not past, convictions.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 7. Convicted felons sentenced to prison by State courts, by number of conviction offenses, 1998

| Most serious conviction offense | Percent of felons sentenced to prison following — | | |
|-----------------------------------|---|------------------------|----------------------------------|
| | One felony conviction | Two felony convictions | Three or more felony convictions |
| All offenses | 41% | 53% | 64% |
| Violent offenses | 54% | 68% | 81% |
| Murder ^a | 94 | 96 | 96 |
| Sexual assault ^b | 61 | 76 | 84 |
| Robbery | 71 | 83 | 91 |
| Aggravated assault | 42 | 55 | 66 |
| Other violent ^c | 41 | 43 | 61 |
| Property offenses | 39% | 50% | 59% |
| Burglary | 49 | 59 | 69 |
| Larceny ^d | 38 | 46 | 53 |
| Fraud ^e | 32 | 41 | 48 |
| Drug offenses | 40% | 47% | 57% |
| Possession | 36 | 38 | 45 |
| Trafficking | 43 | 50 | 59 |
| Weapon offenses | 40% | 50% | 54% |
| Other offenses^f | 34% | 45% | 51% |

Note: See note on table 2. This table is based on an estimated 893,536 cases. The number of convictions pertains to current, not past, convictions.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

The mean sentence to State prison also increased from just over 4 years for those convicted of one felony to a little more than 6 years for those convicted of two or more (table 8).

Table 8. Mean sentence lengths for State felony sentences imposed, by the number and category of the conviction offense, 1998

| Most serious conviction offense | Mean maximum sentence length (in months) for felons sentenced to — | | | |
|--|--|--------|------|-----------|
| | Incarceration | | | Probation |
| | Total | Prison | Jail | |
| One conviction offense | | | | |
| All offenses | 34 mo | 51 mo | 6 mo | 40 mo |
| Violent offenses | 62 mo | 82 mo | 7 mo | 47 mo |
| Murder ^a | 219 | 223 | 13 | 59 |
| Sexual assault ^b | 73 | 88 | 8 | 68 |
| Robbery | 74 | 84 | 11 | 61 |
| Aggravated assault | 39 | 61 | 6 | 41 |
| Other violent ^c | 35 | 51 | 6 | 39 |
| Property offenses | 28 mo | 41 mo | 6 mo | 39 mo |
| Burglary | 37 | 51 | 6 | 43 |
| Larceny ^d | 24 | 35 | 6 | 37 |
| Fraud ^e | 25 | 37 | 5 | 38 |
| Drug offenses | 29 mo | 45 mo | 5 mo | 39 mo |
| Possession | 21 | 34 | 4 | 36 |
| Trafficking | 36 | 53 | 6 | 41 |
| Weapon offenses | 26 mo | 38 mo | 6 mo | 34 mo |
| Other offenses^f | 25 mo | 39 mo | 6 mo | 40 mo |
| Two or more conviction offenses | | | | |
| All offenses | 57 mo | 75 mo | 5 mo | 41 mo |
| Violent offenses | 115 mo | 135 mo | 6 mo | 48 mo |
| Murder ^a | 321 | 327 | 10 | 63 |
| Sexual assault ^b | 136 | 151 | 7 | 68 |
| Robbery | 135 | 144 | 8 | 53 |
| Aggravated assault | 59 | 77 | 5 | 44 |
| Other violent ^c | 51 | 77 | 7 | 33 |
| Property offenses | 38 mo | 49 mo | 5 mo | 43 mo |
| Burglary | 43 | 53 | 6 | 45 |
| Larceny ^d | 32 | 45 | 5 | 42 |
| Fraud ^e | 32 | 44 | 4 | 42 |
| Drug offenses | 38 mo | 53 mo | 5 mo | 38 mo |
| Possession | 27 | 40 | 4 | 36 |
| Trafficking | 41 | 56 | 5 | 39 |
| Weapon offenses | 39 mo | 52 mo | 7 mo | 37 mo |
| Other offenses^f | 30 mo | 43 mo | 6 mo | 40 mo |

Note: See notes on tables 2 and 3. This table is based on an estimated 921,328 cases. The number of convictions pertains to current, not past, convictions.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnapping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Method of conviction

Of the 927,717 convicted felons, the vast majority — about 872,000, representing 94% of those sentenced for a felony in 1998 — pleaded guilty. The rest were found guilty either by a jury or by a judge in a bench trial (tables 9 and 10). Persons convicted of murder were the least likely to have pleaded guilty (55%) and the most likely to have been convicted by a jury (38%).

In 1998 violent crime accounted for most jury trials. Of all jury trial felony convictions in 1998, 51% (15,515 cases) were for violent crime; 49% (14,966 cases) were for nonviolent crime. Juries convicted 3,471 persons of murder in 1998, and 4,898 of aggravated assault.

Table 9. Number of felony convictions in State courts, by offense and type of conviction, 1998

| Most serious conviction offense | Number of felons convicted by — | | | | |
|-----------------------------------|---------------------------------|--------|--------|-------------|---------|
| | Total | Trial | | Guilty plea | |
| Total | | Jury | Bench | | |
| All offenses | 927,717 | 55,711 | 30,482 | 25,229 | 872,001 |
| Violent offenses | 164,584 | 21,462 | 15,515 | 5,947 | 143,119 |
| Murder ^a | 9,158 | 4,098 | 3,471 | 626 | 5,059 |
| Sexual assault ^b | 29,693 | 4,121 | 3,214 | 907 | 25,572 |
| Rape | 11,622 | 2,352 | 1,874 | 478 | 9,271 |
| Other sexual assault | 18,071 | 1,784 | 1,351 | 434 | 16,285 |
| Robbery | 38,784 | 4,679 | 3,191 | 1,487 | 34,104 |
| Aggravated assault | 71,060 | 7,377 | 4,898 | 2,479 | 63,683 |
| Other violent ^c | 15,889 | 1,187 | 740 | 448 | 14,702 |
| Property offenses | 283,002 | 11,598 | 4,609 | 6,990 | 271,402 |
| Burglary | 87,957 | 3,389 | 1,902 | 1,487 | 84,568 |
| Larceny ^d | 107,621 | 5,052 | 1,743 | 3,309 | 102,569 |
| Motor vehicle theft | 14,368 | 439 | 169 | 270 | 13,927 |
| Fraud ^e | 87,424 | 3,157 | 964 | 2,193 | 84,265 |
| Drug offenses | 314,626 | 15,164 | 6,365 | 8,799 | 299,462 |
| Possession | 119,443 | 5,410 | 1,628 | 3,782 | 114,035 |
| Trafficking | 195,183 | 9,754 | 4,738 | 5,017 | 185,427 |
| Weapon offenses | 31,904 | 2,233 | 1,135 | 1,098 | 29,671 |
| Other offenses^f | 133,601 | 5,254 | 2,857 | 2,396 | 128,347 |

Note: Detail may not add to the total because of rounding.

This table is based on an estimated 598,996 cases. However, figures are adjusted for cases missing a designation of conviction type.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnapping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Murderers convicted by a jury were the most likely to have received a life sentence (40%) or the death penalty (3%).

| Type of conviction | Type of sentence for murder or nonnegligent manslaughter | | | |
|--------------------|--|------|-------|-------|
| | Total | Life | Death | Other |
| Total | 100% | 26% | 1% | 73% |
| Trial | 100 | 38 | 2 | 60 |
| Jury | 100 | 40 | 3 | 57 |
| Bench | 100 | 16 | 0 | 84 |
| Guilty plea | 100 | 16 | 1 | 83 |

Juries accounted for 38% of murder convictions but 56% of life and death sentences for murder.⁵

Case processing time

Mean time from arrest to sentencing in 1998 was slightly over 7 months (table 11). Median time was just under 5 months. Jury trial cases took the most time — over 12 months on average from arrest to sentencing. Cases disposed by guilty plea took the least time — just over 7 months on average.

⁵Juries seldom impose a sentence. With rare exception, sentencing in a jury trial is the responsibility of the judge.

Table 10. Percent of felons convicted in State courts, by offense and type of conviction, 1998

| Most serious conviction offense | Percent of felons convicted by — | | | | Guilty plea |
|-----------------------------------|----------------------------------|-------|------|-------|-------------|
| | Total | Trial | | | |
| | Total | Total | Jury | Bench | |
| All offenses | 100% | 6% | 3% | 3% | 94% |
| Violent offenses | 100% | 13% | 9% | 4% | 87% |
| Murder ^a | 100 | 45 | 38 | 7 | 55 |
| Sexual assault ^b | 100 | 14 | 11 | 3 | 86 |
| Rape | 100 | 20 | 16 | 4 | 80 |
| Other sexual assault | 100 | 10 | 8 | 2 | 90 |
| Robbery | 100 | 12 | 8 | 4 | 88 |
| Aggravated assault | 100 | 10 | 7 | 3 | 90 |
| Other violent ^c | 100 | 7 | 5 | 2 | 93 |
| Property offenses | 100% | 4% | 2% | 2% | 96% |
| Burglary | 100 | 4 | 2 | 2 | 96 |
| Larceny ^d | 100 | 5 | 2 | 3 | 95 |
| Motor vehicle theft | 100 | 3 | 1 | 2 | 97 |
| Fraud ^e | 100 | 4 | 1 | 3 | 96 |
| Drug offenses | 100% | 5% | 2% | 3% | 95% |
| Possession | 100 | 5 | 2 | 3 | 95 |
| Trafficking | 100 | 5 | 2 | 3 | 95 |
| Weapon offenses | 100% | 7% | 4% | 3% | 93% |
| Other offenses^f | 100% | 4% | 2% | 2% | 96% |

Note: Detail may not add to the total because of rounding. This table is based on an estimated 598,996 cases. However, figures are adjusted for cases missing a designation of conviction type.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 11. Mean and median number of days between arrest and sentencing for felony cases disposed by State courts, 1998

| Most serious conviction offense | Number of days between arrest and sentencing for cases disposed by — | | | | Guilty plea |
|-----------------------------------|--|----------|----------|----------|-------------|
| | Total | Trial | | | |
| | Total | Total | Jury | Bench | |
| Mean | | | | | |
| All offenses | 214 days | 352 days | 379 days | 328 days | 216 days |
| Violent offenses | 254 days | 401 days | 413 days | 381 days | 248 days |
| Murder ^a | 472 | 537 | 526 | 595 | 452 |
| Sexual assault ^b | 289 | 396 | 398 | 398 | 277 |
| Rape | 294 | 400 | 391 | 423 | 290 |
| Other sexual assault | 285 | 389 | 409 | 342 | 270 |
| Robbery | 245 | 353 | 360 | 337 | 238 |
| Aggravated assault | 230 | 344 | 356 | 322 | 235 |
| Other violent ^c | 192 | 377 | 401 | 343 | 202 |
| Property offenses | 206 days | 313 days | 329 days | 300 days | 208 days |
| Burglary | 195 | 324 | 327 | 324 | 197 |
| Larceny ^d | 205 | 294 | 295 | 292 | 211 |
| Motor vehicle theft | 189 | 236 | 229 | 232 | 229 |
| Fraud ^e | 219 | 331 | 388 | 291 | 215 |
| Drug offenses | 203 days | 327 days | 351 days | 324 days | 210 days |
| Possession | 200 | 309 | 307 | 322 | 216 |
| Trafficking | 205 | 336 | 363 | 324 | 206 |
| Weapon offenses | 211 days | 323 days | 356 days | 300 days | 220 days |
| Other offenses^f | 208 days | 319 days | 340 days | 287 days | 213 days |
| Median | | | | | |
| All offenses | 149 days | 278 days | 300 days | 256 days | 153 days |
| Violent offenses | 189 days | 320 days | 333 days | 290 days | 184 days |
| Murder ^a | 399 | 469 | 463 | 578 | 379 |
| Sexual assault ^b | 221 | 319 | 313 | 359 | 209 |
| Rape | 227 | 340 | 317 | 387 | 220 |
| Other sexual assault | 220 | 301 | 311 | 232 | 203 |
| Robbery | 187 | 283 | 298 | 258 | 179 |
| Aggravated assault | 172 | 265 | 276 | 256 | 173 |
| Other violent ^c | 147 | 277 | 316 | 271 | 161 |
| Property offenses | 144 days | 245 days | 263 days | 222 days | 148 days |
| Burglary | 137 | 249 | 253 | 223 | 144 |
| Larceny ^d | 141 | 229 | 259 | 214 | 148 |
| Motor vehicle theft | 122 | 224 | 140 | 229 | 143 |
| Fraud ^e | 155 | 268 | 280 | 248 | 152 |
| Drug offenses | 136 days | 264 days | 281 days | 259 days | 144 days |
| Possession | 122 | 245 | 231 | 259 | 142 |
| Trafficking | 143 | 273 | 287 | 261 | 145 |
| Weapon offenses | 145 days | 249 days | 265 days | 249 days | 152 days |
| Other offenses^f | 145 days | 250 days | 276 days | 227 days | 152 days |

Note: The grand total includes all cases, whether or not conviction type was known. Data by conviction type are based on an estimated 356,822 cases. "379" days between arrest and sentencing for jury trials is based on data from 125 counties; "328" days for bench trials, 42 counties; and "216" days for guilty pleas, 167 counties.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Table 12. Felons sentenced to an additional penalty by State courts, by offense, 1998

| Most serious conviction offense | Percent of felons with an additional penalty of — | | | | |
|-----------------------------------|---|-------------|-----------|-------------------|-------|
| | Fine | Restitution | Treatment | Community service | Other |
| All offenses | 21% | 13% | 6% | 6% | 7% |
| Violent offenses | 18% | 13% | 5% | 5% | 6% |
| Murder ^a | 9 | 10 | 1 | 3 | 2 |
| Sexual assault ^b | 16 | 11 | 8 | 4 | 7 |
| Rape | 12 | 10 | 9 | 3 | 8 |
| Other sexual assault | 18 | 12 | 8 | 4 | 5 |
| Robbery | 12 | 13 | 3 | 3 | 5 |
| Aggravated assault | 21 | 14 | 6 | 7 | 6 |
| Other violent ^c | 22 | 15 | 5 | 6 | 9 |
| Property offenses | 21% | 24% | 5% | 8% | 7% |
| Burglary | 19 | 23 | 5 | 6 | 7 |
| Larceny ^d | 21 | 21 | 4 | 7 | 9 |
| Motor vehicle theft | 12 | 21 | 5 | 5 | 17 |
| Fraud ^e | 24 | 29 | 5 | 11 | 5 |
| Drug offenses | 22% | 6% | 6% | 6% | 7% |
| Possession | 19 | 5 | 10 | 8 | 9 |
| Trafficking | 24 | 7 | 4 | 5 | 5 |
| Weapon offenses | 18% | 5% | 4% | 6% | 6% |
| Other offenses^f | 24% | 9% | 6% | 6% | 10% |

Note: Where the data indicated affirmatively that a particular additional penalty was imposed, the case was coded accordingly. Where the data did not indicate affirmatively or negatively, the case was treated as not having an additional penalty. These procedures provide a conservative estimate of the prevalence of additional penalties. A felon receiving more than one kind of additional penalty appears under more than one table heading. This table is based on an estimated 927,717 cases.

^aIncludes nonnegligent manslaughter.

^bIncludes rape.

^cIncludes offenses such as negligent manslaughter and kidnaping.

^dIncludes motor vehicle theft.

^eIncludes forgery and embezzlement.

^fComposed of nonviolent offenses such as receiving stolen property and vandalism.

Number of felony convictions

| | |
|------|---------|
| 1990 | 829,344 |
| 1992 | 893,630 |
| 1994 | 872,217 |
| 1996 | 997,970 |
| 1998 | 927,717 |

Increasing likelihood of arrest leading to conviction

The likelihood of a felony arrest leading to a felony conviction is approximated by dividing the number of adult felony convictions in a year by the number of adult felony arrests that year. In 1998, for example, robbery convictions totaled 38,784, and robbery arrests totaled 88,356, indicating about a 44% likelihood of conviction for robbery.

Approximate likelihood of felony arrest leading to felony conviction

| | 1990 | 1994 | 1998 |
|--------------------|------|------|------|
| Murder | 55% | 65% | 60% |
| Robbery | 37 | 39 | 44 |
| Aggravated assault | 13 | 14 | 16 |
| Burglary | 38 | 39 | 41 |
| Drug trafficking | 53 | 52 | 68 |

Although the Nation's annual arrest statistics do not distinguish felony from misdemeanor arrests, this method for estimating the likelihood of conviction from aggregate statistics is still valid for certain crimes — such as robbery — that State law always or nearly always defines as felonies.

Since 1990 the likelihood of an arrest leading to a conviction has generally risen for all crimes.

Case processing time

Cases took the courts about the same time to process in 1990 and 1998. In 1990 and 1998 the average length of time from arrest to sentencing was just over 7 months.

Additional penalties

Besides being sentenced to incarceration or probation, 36% or more of convicted felons also were ordered to pay a fine, pay victim restitution, receive treatment, perform community service, or comply with some other additional penalty (for example, undergo house arrest or appear periodically for drug testing). A fine was imposed on at least 21% of convicted felons (table 12).

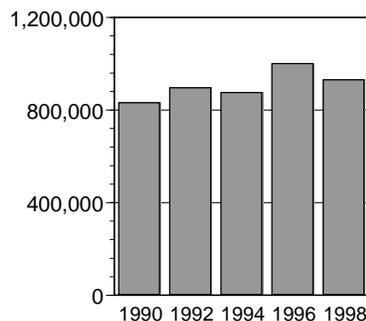
Estimates of the percentages of felons receiving other penalties are 13% restitution, 6% some form of treatment, and 6% community service. (See note on table 12.)

Trends in the United States: 1990 to 1998

Number of convictions increasing

State courts convicted 927,717 adults of a felony in 1998. That total is 12% greater than the number convicted in 1990. The general trend has been upward since 1990.

Number of felony convictions in State courts



Guilty pleas

An indirect measure of how well courts keep pace with a growing workload is the percentage of cases disposed by guilty plea. Because guilty pleas take less time than trials, a rising workload might exert pressure on prosecutors and judges to dispose of more cases by plea rather than trial. The data contain evidence of more guilty pleas. In 1990 guilty pleas accounted for 91% of all felony convictions, and trials accounted for the remaining 9%.

Corresponding figures for 1998 were 94% guilty pleas and 6% trials. Since 1990 guilty pleas have accounted for at least 89% of felony convictions.

Aging of convicted felons

The average age of the American population is rising, a trend reflected in the changing average age of convicted felons. In 1990, persons age 30 or older comprised 74% of adults (age 18 and older) in the U.S. population and accounted for 42% of persons convicted; in 1998, persons age 30 or older comprised 78% of adults (age 18 or older) in the U.S. population and accounted for 52% of persons convicted. The median age of convicted felons was 28 years in 1990 but 30 years in 1998.

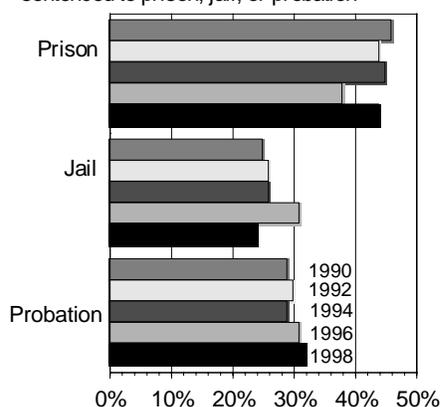
Changing racial composition of convicted felons

Blacks, American Indians, Alaska Natives, Asians, and Pacific Islanders comprise a growing fraction of the U.S. population but a decreasing percentage of convicted felons. In 1990, the races other than whites were 15% of persons age 18 or older and 48% of persons convicted of a felony. In 1998 those same racial groups accounted for 17% of U.S. adults and 45% of those convicted.

Unchanged likelihood of prison

From 1988 to 1994 the percentage of felons receiving a State prison sentence remained around 45%. In 1996 the percentage receiving prison sentences dropped to 38%. The

Percent of convicted felons sentenced to prison, jail, or probation



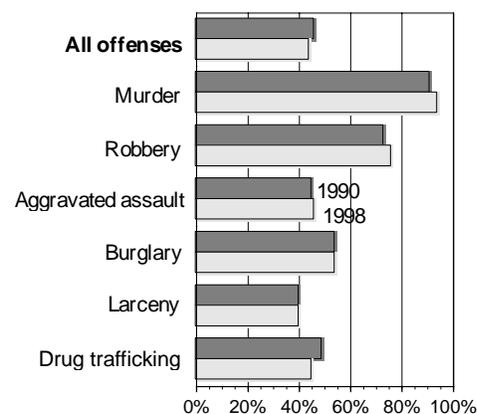
Percent of convicted felons sentenced to prison, jail, or probation

| | 1990 | 1998 |
|-----------|------|------|
| Prison | 46% | 44% |
| Jail | 25 | 24 |
| Probation | 29 | 32 |

percentage of felons sent to prison returned to about 45% in 1998.

Of all felony offenses, drug trafficking had one of the largest decreases in the percentage sentenced to prison between 1990 and 1998 (from 49% in 1990 to 45% in 1998).

Percent of convicted felons who received a prison sentence



Percent of convicted felons who received a prison sentence

| | 1990 | 1994 | 1998 |
|--------------------|------|------|------|
| All offenses | 46% | 45% | 44% |
| Murder | 91 | 95 | 94 |
| Robbery | 73 | 77 | 76 |
| Aggravated assault | 45 | 48 | 46 |
| Burglary | 54 | 53 | 54 |
| Larceny | 40 | 38 | 40 |
| Drug trafficking | 49 | 48 | 45 |

Shorter imposed prison sentences and a growing fraction of sentence served before release

Prior to being freed, inmates released from State prison in 1990 had served, on average, a third of the sentence imposed on them by the court. In 1998 inmates were released after serving approximately half of their court-imposed sentence. While prisoners are serving a growing percentage of their court-imposed sentence, the average court-imposed sentence has been decreasing.

In 1990 the typical felon received a 6-year sentence and (assuming a person sentenced in 1990 will serve the same fraction of his/her sentence as was typical among persons released in 1990) would serve a third of that sentence before release, or 2 years. By contrast, in 1998 the typical felon received a 5-year sentence but (assuming a person sentenced in 1998 will serve the same fraction of his/her sentence as was typical among persons released in 1998) would serve half of that sentence before release, or 2 years and 3 months.

Average imposed prison sentence length (in months)

| | 1990 | 1994 | 1998 |
|--------------------|-------|-------|-------|
| All offenses | 75 mo | 71 mo | 57 mo |
| Murder | 243 | 269 | 263 |
| Robbery | 115 | 116 | 106 |
| Aggravated assault | 78 | 79 | 66 |
| Burglary | 80 | 69 | 52 |
| Larceny | 49 | 45 | 37 |
| Drug trafficking | 74 | 66 | 54 |

Percent of imposed prison sentence actually served

| | 1990 | 1994 | 1998 |
|--------------------|------|------|------|
| All offenses | 33% | 38% | 47% |
| Murder | 43 | 47 | 52 |
| Robbery | 39 | 44 | 51 |
| Aggravated assault | 33 | 46 | 57 |
| Burglary | 32 | 35 | 45 |
| Larceny | 27 | 37 | 45 |
| Drug trafficking | 31 | 32 | 41 |

Estimated actual time to be served in prison (in months)

| | 1990 | 1994 | 1998 |
|--------------------|-------|-------|-------|
| All offenses | 25 mo | 27 mo | 27 mo |
| Murder | 104 | 127 | 136 |
| Robbery | 45 | 51 | 54 |
| Aggravated assault | 26 | 36 | 38 |
| Burglary | 26 | 24 | 24 |
| Larceny | 13 | 17 | 17 |
| Drug trafficking | 23 | 21 | 22 |

Methodology

Sampling

In 1988 a sample of 300 counties was drawn for the 1988 NJRP survey. With little exception, these same 300 counties were the source of NJRP data for 3 subsequent NJRP surveys (1990, 1992, 1994). For the 1996 NJRP survey a new sample was drawn, consisting of 344 counties. The 344 counties included 98 that had been in the NJRP sample in the 4 previous surveys (1988, 1990, 1992, 1994) and 246 that had never been in an NJRP sample. The 98 consisted of 80 counties selected by chance alone; plus 18 of the Nation's largest counties selected not by chance but (given their large 1995 population size) with certainty. The same 344 counties were used for the 1998 NJRP survey.

The 1998 survey was based on a two-stage, stratified cluster sampling design. In the first stage the Nation's 3,195 counties or county equivalents were divided into 14 strata (see appendix table 1, page 14). Each county was assigned to one stratum by meeting the conditions for that stratum.

The stratum that a county was assigned depended on answers to these three questions:

1. Is the county among the Nation's 75 largest according to 1995 resident population?
2. In what type of State is the county? (A State where data collection is generally not costly? One where data collection is generally moderately costly? One where data collection is generally very costly?)
3. What is the size of the county's 1995 resident population?

At the second stage of sampling, a systematic sample of felons sentenced for murder/nonnegligent manslaughter, sexual assault, robbery, aggravated assault, burglary, felony larceny/motor vehicle theft, fraud/forgery/embezzlement, drug trafficking, drug possession, weapon offenses, and other offenses was selected from each county's official records. The total sample numbered 446,682 cases.

Of these, 290,800 cases were in the 75 largest counties.

Rates at which cases were sampled varied by how the data were submitted, by stratum and by crime type (appendix table 2, page 14).

Before the sample of cases was drawn, each felon sentenced in the sampled county in 1998 was placed into 1 of the 11 offense categories identified above. If the felon was convicted of more than one felony offense, the offense category was the most serious offense. The hierarchy from most to least serious offense was murder, sexual assault, robbery, aggravated assault, burglary, drug trafficking, weapons, forgery/fraud/embezzlement, larceny/motor vehicle theft, drug possession, and all other felonies.

The hierarchy was determined from an analysis of two factors that reflect how seriously the justice system treats different offenses: the sentence length imposed and the time actually served in prison before release. In general, the higher the offense is in the hierarchy, the more serious it is in terms of the two factors.

Sample selection procedures gave each sentenced felon a single chance to be in the sample. However, felons who appeared in court on more than 1 day for different offenses and received a sentence at each reappearance had more than a single chance.

At the data analysis stage, cases were aggregated according to their offense designation at the time of sampling, with the single exception of "other violent." "Other violent" is a category shown in the report's tables, but it was not a category at sampling. The "other violent" category was formed from the sampling category "other felonies." That is, after sampling, sampled cases designated "other felonies" were coded "violent," "nonviolent," or "not ascertained," based on data available on them. Cases coded "not ascertained" were rare. For data analysis, cases coded "other violent" were removed

from the "other felonies" category and shown separately in the report's tables. Additional details on the sampling are in the BJS publication *Felony Sentences in State Courts, 1996* (NCJ 173939).

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 (the criterion used in this report), 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.

National estimates of the number of convictions for individual crime categories and for the aggregate total had a coefficient of variation of 3.8%. Standard errors for each table in the report are available on the Internet: <http://www.ojp.usdoj.gov/bjs/abstract/fssc98.htm>. Standard errors did not take into account missing data, which are sometimes substantial for certain tables.

Sources of data

State courts were the source of NJRP data for about 61% of the 344 counties sampled. For other counties, sources included statistical agencies, sentencing commissions, department of public safety, probation departments, state police departments, and department of corrections. Individual-level NJRP records were obtained through a variety of collection methods, including electronically (88% of the counties) and manually (12%).

Electronic methods of data submission included diskettes, magnetic tape, and Internet transmission. Manual methods included photocopies of official documents, survey questionnaires

completed by court officials, and on-site collections by Census Bureau staff. All data were collected by the U.S. Bureau of the Census.

Targeted population

The survey targeted and recorded initial sentences imposed in 1998. 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 and excluded suspended sentences.

Because the year of conviction was not a defining characteristic, some cases in the sample were of persons convicted before 1998 but not sentenced until 1998.

In the four counties sampled from Maryland and in two other counties - Wood (WI) and Mercer (NJ) - it was impractical to target sentences in 1998. Cases sampled from these counties were all sentenced in 1999.

Note that the 1998 conviction data that were submitted by two counties - San Bernardino (CA) and Boulder (CO) - did not conform to definitional guidelines. Consequently, the 1996 conviction data that were submitted by San Bernardino and Boulder counties for the 1996 survey were used in their place.

Crime definitions

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/Sexual assault: Rape includes forcible intercourse (vaginal, anal, or oral) with a female or male. Includes forcible sodomy or penetration with a foreign object (sometimes 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.

Other sexual assault includes (1) forcible or violent sexual acts not involving intercourse with an adult or minor, (2) nonforcible sexual acts with a minor (such as statutory rape or incest with a minor), and (3) nonforcible sexual acts with someone unable to give legal or factual consent because of mental or physical defect or intoxication. 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.

Other violent: violent offenses excluded are murder and nonnegligent manslaughter, rape and sexual assault, robbery, and aggravated assault. Includes offenses such as kidnaping, extortion, and negligent manslaughter. Includes attempts.

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: the unlawful taking of property other than a motor vehicle from the possession of another, by

stealth, without force or deceit. Includes pocketpicking, 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: 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 (classified as larceny/theft). Also includes receiving, possessing, stripping, transporting, and reselling stolen vehicles, and unauthorized use of a vehicle (joyriding). Includes attempts.

Fraud, forgery, and embezzlement: using deceit or intentional misrepresentation to unlawfully deprive a persons of his or her property or legal rights. Includes offenses such as check fraud, confidence game, counterfeiting, and credit card fraud. Includes attempts.

Drug possession: includes possession of an illegal drug, but excludes possession with intent to sell. Includes attempts.

Weapon offenses: the unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly or dangerous weapon or accessory.

Other felonies: all felony offenses not listed above. Includes receiving stolen property, driving while intoxicated or other traffic offenses, bribery, obstructing justice, escaping from custody, family offenses (such as child neglect, contributing to the delinquency of a minor, nonpayment of child support), and nonviolent sexual offenses (such as pornography offenses, pimping, prostitution). Includes attempts.

Appendix table 1. NJRP first-stage sampling design, 1998

| Stratum | Total number of counties in stratum | Defining characteristics of each county in this stratum | Approximate sampling rate | Number of counties sampled |
|---|-------------------------------------|---|---------------------------|----------------------------|
| 1 of 75 most populous counties in 1995 | | | | |
| 0 | 19 | Included with certainty – not sampled | 1 in 1 | 19 |
| Not in stratum 0 | | | | |
| In a State with central or automated data | | | | |
| 11 | 10 | 1995 population greater than or equal to 880,000 | 1 in 1 | 8 |
| 12 | 15 | 1995 population less than 880,000 | 1 in 1 | 11 |
| 31 | 11 | In a State without central or automated data | 1 in 4 | 3 |
| In a State without central or automated data requiring manual coding | | | | |
| 51 | 8 | 1995 population greater than or equal to 1,000,000 | 1 in 4 | 2 |
| 52 | 12 | 1995 population less than 1,000,000 | 1 in 6 | 2 |
| Not 1 of 75 most populous counties in 1995 | | | | |
| In a State with central or automated data | | | | |
| 111 | 75 | 1995 population between 240,001 and 650,000 | 1 in 1 | 56 |
| 112 | 193 | 1995 population between 68,001 and 240,000 | 1 in 3 | 55 |
| 113 | 875 | 1995 population between 1 and 68,000 | 1 in 15 | 57 |
| In a State without central or automated data | | | | |
| 311 | 88 | 1995 population between 115,001 and 650,000 | 1 in 3 | 35 |
| 312 | 676 | 1995 population between 1 and 115,000 | 1 in 19 | 36 |
| In a State without central or automated data requiring manual coding | | | | |
| 511 | 55 | 1995 population between 210,001 and 650,000 | 1 in 3 | 20 |
| 512 | 205 | 1995 population between 45,001 and 210,000 | 1 in 10 | 20 |
| 513 | 901 | 1995 population between 1 and 45,000 | 1 in 45 | 20 |

Appendix table 2. NJRP second-stage sampling design, 1998

| Stratum | Among counties that do not submit automated data, a minimum of one in every — | | | | | | | | | | |
|---------|---|----------------|---------|--------------------|----------|------------------|-----------------|-------|---------|-----------------|----------------|
| | Murder | Sexual assault | Robbery | Aggravated assault | Burglary | Drug trafficking | Weapon offenses | Fraud | Larceny | Drug possession | Other offenses |
| 0 | 6 | 2 | 7 | 6 | 7 | 15 | 4 | 5 | 10 | 12 | 10 |
| 11 | 5 | 2 | 6 | 5 | 6 | 12 | 3 | 4 | 8 | 9 | 8 |
| 12 | 4 | 1 | 5 | 4 | 5 | 11 | 3 | 3 | 7 | 9 | 7 |
| 31 | 1 | 1 | 2 | 1 | 2 | 4 | 1 | 1 | 2 | 3 | 2 |
| 51 | 1 | 1 | 2 | 1 | 2 | 3 | 1 | 1 | 2 | 3 | 2 |
| 52 | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 2 | 1 |
| 111 | 11 | 5 | 13 | 14 | 20 | 34 | 7 | 15 | 25 | 25 | 32 |
| 112 | 4 | 2 | 5 | 5 | 7 | 13 | 2 | 6 | 9 | 9 | 12 |
| 113 | 1 | 1 | 1 | 1 | 1 | 3 | 1 | 1 | 2 | 2 | 2 |
| 311 | 6 | 3 | 7 | 7 | 11 | 18 | 3 | 8 | 13 | 13 | 17 |
| 312 | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 1 | 2 |
| 511 | 5 | 2 | 6 | 6 | 10 | 16 | 3 | 7 | 12 | 12 | 15 |
| 512 | 1 | 1 | 1 | 1 | 2 | 4 | 1 | 2 | 3 | 3 | 4 |
| 513 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

*This table pertains to the counties that were unable to provide data electronically. Counties that submitted electronic data had a different second-stage sampling design. Offenses in those counties were not sampled. In other words, every case was taken in the counties with automated data.

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Data presented in this report may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The report and data are also available on the Internet:
<<http://www.ojp.usdoj.gov/bjs/>>