

CRIMINAL SENTENCING PRACTICES IN THE DISTRICT OF COLUMBIA 1993-1998

Report to the

COUNCIL OF THE DISTRICT OF COLUMBIA

Of the

ADVISORY COMMISSION ON SENTENCING

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September 30, 1999

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CHAPTER 1

INTRODUCTION

Background and scope of report

In 1997, the United States Congress enacted the National Capital Revitalization and Self-Government Improvement Act of 1997 (the “Revitalization Act”).¹ This legislation set the stage for major changes to the District’s criminal justice system. To begin implementation of the new law, the Revitalization Act established the District of Columbia Truth in Sentencing Commission (“TIS Commission”), and directed it to make recommendations to the Council of the District of Columbia (“Council”) for amendments to the District of Columbia Code with respect to the sentences to be imposed for felonies committed on or after August 5, 2000.²

As to all felonies, TIS Commission recommendations had to ensure that: (1) an offender’s sentence reflect the seriousness of the offense committed and the offender’s criminal history, and provide for just punishment, adequate deterrence, and appropriate

¹ Title XI of Pub.L. 105-33, 111 Stat. 712 (August 5, 1997), *amended* Pub.L. 105-274, 111 Stat. 2419 (October 21, 1998). Among other things, the Revitalization Act mandated the following:

- Transfer of responsibility for housing felony offenders from the District of Columbia Department of Corrections to the Federal Bureau of Prisons.
- Closure of the Lorton Correctional Complex, and the transfer of its felony population to penal or correctional facilities operated or private facilities contracted by the Federal Bureau of Prisons.
- Appointment of a Corrections Trustee, an independent officer of the District of Columbia government, to oversee the financial operations of the D.C. Department of Corrections until Lorton’s felony population is transferred to Federal of Bureau of Prisons control.
- Appointment of a Court Services and Offender Supervision Trustee.
- Transfer from the District of Columbia Board of Parole to the United States Parole Commission the jurisdiction and authority to grant and deny parole, to impose conditions upon an order of parole, and to revoke or modify conditions of parole.
- Abolition of the Board of Parole upon the establishment of the Court Services and Offender Supervision Agency
- Establishment of the District of Columbia Truth in Sentencing Commission

Other major provisions of the Revitalization Act dealt with the District’s liability for pension benefits, the creation of the National Capital Revitalization Corporation for economic development, and funding the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

² 111 Stat. 741, Pub. L. 105-33, § 11212; D.C. Code § 24-1212(a). The portion of the Revitalization Act

education, vocational training, medical care and other correctional treatment; (2) good time credit be calculated pursuant to section 3624 of title 18 of the United States Code; and (3) an adequate period of supervised release follow release from imprisonment.³

As to all felonies described in subsection (h) of section 11212 of the Revitalization Act,⁴ any TIS Commission recommendation had to meet the truth-in-sentencing standards of section 20104(a)(1) of the Violent Crime Control and Law Enforcement Act of 1994.⁵

The principal effect of these changes was to convert the District's sentencing system for all subsection (h) felonies from an indeterminate system of minimum and maximum prison terms, with parole, to a determinate system with a single prison term imposed, at least 85% of which the defendant would be required to serve.

The Revitalization Act also provided that the TIS Commission recommendations should maximize the effectiveness of the drug court program in the Superior Court of the District of Columbia ("Superior Court"), and ensure that any changes to sentencing be neutral as to an offender's race, sex, marital status, ethnic origin, religious affiliation, national origin, creed, socio-economic status, and sexual orientation.⁶ The TIS Commission had no authority to recommend the death penalty for any offense. Nor could the TIS Commission recommend that an established mandatory minimum sentence be reduced or eliminated.⁷

regarding the creation of the TIS Commission is provided in Appendix A-1.

³ § 12112(b)(2); D.C. Code § 24-1212(b)(2).

⁴ A list of the subsection (h) offenses is provided in Appendix A-2.

⁵ § 11212(b)(1); D.C. Code § 24-1212(b)(1).

⁶ § 12112(d); D.C. Code § 24-1212(d).

⁷ § 12112(c); D.C. Code § 24-1212(c).

The TIS Commission proceeded from the premise that the Council of the District of Columbia should be the body to decide significant changes to sentencing policy in all areas where Congress did not mandate TIS Commission action. For this reason, the TIS Commission limited its proposed legislation to the absolute minimum necessary to comply with the Revitalization Act, leaving a number of important issues for ultimate resolution by the Council. On February 1, 1998, the TIS Commission submitted its recommendation to the Council of the District of Columbia in the form of proposed legislation. The Council ultimately adopted this proposal, known as the Truth in Sentencing Amendment Act of 1998.⁸ In a second submission to the Council, the TIS Commission generally described outstanding issues and recommended the creation of an entity within the District government to serve as an advisory body to assist the Council in addressing these issues. In response, the Council enacted the Advisory Commission on Sentencing Establishment Act of 1998, establishing the Advisory Commission on Sentencing (“Commission”) and delineating its role.⁹

The Council’s legislative mandate to the Commission was to make recommendations that would:

- Ensure that, for all felonies, the sentence imposed on an offender reflect the seriousness of the offense and the offender’s criminal history; provide for just punishment; afford adequate deterrence to any offender; provide the offender with

⁸ A copy of the Truth in Sentencing Amendment Act of 1998, effective October 10, 1998 (D.C. Law 12-165; D.C. Code § ___) is provided in the Appendix A-3.

⁹ A copy of the Advisory Commission Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Code § 2-4201 *et seq.*) is provided in the Appendix A-4.

needed educational or vocational training, medical care and other correctional treatment;

- Provide for the use of intermediate sanctions in appropriate cases;
- Conduct an annual review of sentencing data, policies, and practices in the District of Columbia; and
- Make such other recommendations appropriate to enhance the fairness and effectiveness of criminal sentencing policies and practices in the District of Columbia.

The Council directed the Commission to submit two reports. No later than September 30, 1999, the Commission must submit a comprehensive study of criminal sentencing practices in the District of Columbia, specifically addressing the following matters:

- The length of sentences imposed;
- The length of sentences served;
- The proportion of offenders released upon their first parole eligibility date; and
- An assessment of the impact on sentence length and sentencing disparities likely to result from the implementation of D.C. Law 12-165, the Truth in Sentencing Amendment Act of 1998.

No later than April 5, 2000, the Commission must submit a report and recommendations to the Council on the following matters:

- Report on sentencing and release practices in the District of Columbia;
- Recommend whether the new truth-in-sentencing sentencing structure should apply to offenses other than subsection (h) offenses, for which it was mandated;

- Recommend appropriate limits and conditions of supervised release;
- Project the impact, if any, on the size of the District’s populations of incarcerated offenders and offenders on supervised release if any Commission recommendation is implemented;
- Recommend an appropriate length of a life sentence in a determinate sentencing scheme for all “life” offenses;
- Assess intermediate sanctions currently available;
- Recommend intermediate sanctions, which may include alternatives to incarceration, that should be made available, estimate the cost of such programs, and recommend rules or principles to guide a judge in imposing intermediate sanctions;
- Recommend whether multiple sentences should run concurrently or consecutively, and what guidance, if any, should be provided to judges in imposing consecutive sentences.

If the Commission recommends a system of sentencing guidelines as part of the April report, any such recommendations shall:

- Specify whether and under what circumstances to impose probation, imprisonment and a fine, and the length or amount of each;
- Provide for the application of intermediate sanctions in appropriate cases;
- Include provisions for appeal rights considered appropriate or constitutionally required.

Any recommendation must take into consideration the impact on existing correctional or offender supervisory resources, and on the size of the correctional or supervised offender population. Further, the Commission must assess the cost of any recommendation.

Data collection and analysis

To assist in the collection and analysis of sentencing-related data, the Commission, through the National Institute of Justice, secured the services of the Urban Institute, a nationally recognized criminal justice research organization with specific expertise in most areas on which the Commission is required to report to the Council. Within a very short time frame, Urban Institute staff collected automated data from the Superior Court, the Pretrial Services Agency, the Department of Corrections, and the District of Columbia Board of Parole. With considerable effort, Urban Institute staff matched the various databases to produce an aggregated data source to be used for describing sentencing practices and sentences served in the District of Columbia. These data include information on all sentences imposed between 1993 and 1998, and comprise the primary source of the information in this report.

It is important to emphasize at the outset the limitations of this study. When a judge imposes a sentence, he or she is looking at an individual offender who committed an offense with a particular criminal state of mind. Similarly, when a paroling authority makes a decision to release an individual on parole, it looks at those same factors as well as the individual's institutional adjustment over time. The statistical analysis contained in this report is, at best, a retrospective look at numbers and coded data, not persons. It cannot possibly account for the enormous differences between offenders or offenses, including distinctions between the methods of committing offenses that fit the same

statutory definition, and therefore the same computer code. Moreover, the automated data exclude altogether some of the most basic information a judge considers in imposing sentence, including such things as the type of weapon used in an armed offense, whether a victim was injured, whether the offender accepted responsibility for his criminal conduct and his prospects for rehabilitation. For these reasons, among others, the Commission makes no attempt in this report to explain sentences or time served. The Commission merely tries to describe, as accurately as possible, what the numbers are, not what the numbers mean. At this point, any attempt to formulate recommendations regarding sentencing policy in the future is still quite premature, and the Commission expressly does not intend this report to be used for such purposes.

Another note of caution is also necessary. The overall data used for this report contain information on approximately 140 felony offenses. In the discussion that follows in Chapters 3 through 6, the Commission endeavors to simplify the presentation of the data by grouping these offenses into 24 crime categories.¹⁰ While this report includes the data on all the offenses in the Appendices, it is too cumbersome to display the results of every factor analyzed across each of the 140 offenses. However, while the use of a smaller number of crime categories has the virtue of simplicity, it suffers from the vice of oversimplification. For example, the category of Homicide includes First Degree Murder, Second Degree Murder and Manslaughter, which covers a wide variety of very different crimes. To take another example, the category of Robbery includes both Armed Robbery, for which the maximum sentence is life in prison, and Unarmed Robbery, for which the maximum sentence is 15 years imprisonment, as well as Attempted Robbery,

¹⁰ See Appendix B for a discussion of offense categories.

for which the maximum sentence is 3 years. Therefore, when one looks at sentences or time served by category, it is important to keep in mind that the categories include vastly different offenses, and any attempt to generalize about sentences or time served for “Homicide” or for “Robbery” is grossly misleading. Where appropriate, for comparison purposes, the Commission breaks out for discussion certain offenses within each category, but for the most part the Commission opts to display the data by category rather than by offense. The Appendices are available for anyone who chooses to look behind the broad categories at the individual offenses that make up each category.

Lastly, the study period between 1993 and 1998 was too brief to allow for complete data on sentenced and paroled offenders to be collected. Thus, the time served analyses relied on information from offenders who entered prison between 1990 and 1993. Those who entered and exited during the study period were persons sentenced to shorter or less severe sentences, and the amount of time served by these persons may not reflect the time that will be served by all offenders who entered at the same time.

Examining time served using information on those who exit prison regardless of their entry date does not suffer from the pronounced underestimation problem to the same degree as of the entry-exit cohort, but does underestimate length of stay and suffers from other problems. Offenders leaving prison in the period between 1990 and 1998 included many offenders sentenced for crimes committed in the 1970’s and 1980’s. They are not necessarily representative of modern day offenders, offenses, or sentencing practices.

This created a need to estimate time to be served for those who were not released during the observation period. Time constraints did not allow for these time to be served

estimations or the time served estimates for the exit cohort to be included in this report.

However, these estimates will be documented in a future report.

CHAPTER 2

OVERVIEW OF SENTENCING IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

In order to place sentencing in context, this chapter describes briefly certain elements of criminal procedure and District of Columbia law regarding the imposition and structure of criminal sentences.

The charging document in a felony case, called the indictment, may contain a single criminal charge or multiple criminal charges in separate counts, which may arise out of a single act or transaction or multiple acts joined together in a single indictment. For example, an indictment charging an armed robbery with a gun will typically also charge, in separate counts, Possession of a Firearm During a Crime of Violence,¹ Carrying a Pistol Without a License, Possession of an Unregistered Firearm and, if the gun was loaded, Unlawful Possession of Ammunition. If the defendant robbed two victims simultaneously, the indictment would charge armed robbery in two counts, each alleging armed robbery of a separate victim. If the indictment charged the defendant with two separate armed robberies occurring at different times, the indictment would typically include two counts of armed robbery and two counts of each of the corresponding weapons and ammunition charges.

¹ Under District of Columbia law, a “crime of violence” means the commission or attempt to commit any of the following crimes: murder, manslaughter, first or second degree sexual abuse, child sexual abuse, mayhem, malicious disfigurement, abduction, kidnapping, burglary, robbery, assault with intent to kill (“AWIK”), assault with a dangerous weapon (“ADW”), assault with intent to commit any offense punishable by imprisonment, arson, and extortion or blackmail accompanied by threats of violence or aggravated assault. D.C. Code § 22-3201(f).

The defendant is informed of the charges against him and receives a copy of the indictment at an initial proceeding called an arraignment.² The overwhelming majority of defendants enter a plea of “not guilty” at arraignment, and the case is then set for trial on one of the Superior Court’s felony trial calendars.

Between the arraignment and trial, the prosecutor and defense counsel will often engage in plea negotiations as the parties exchange information about the case in a process called “discovery.” If the parties reach a plea agreement, the defendant waives his or her right to a trial and enters a plea of guilty to one or more charges. The plea may be to one count of the indictment or to more than one count. In some cases, the defendant may plead guilty to a reduced charge included within one of the more serious charges of the indictment. For example, in the armed robbery example described above, the defendant may be permitted to plead guilty to unarmed robbery, or to unarmed robbery and carrying a pistol without a license. Had that defendant been convicted of armed robbery after trial, he or she would have faced a maximum sentence of up to life in prison. Under his or her plea, the defendant would face a maximum sentence of 15 years for robbery and a maximum sentence of 5 additional years if the plea included carrying a pistol without a license.

Plea agreements come in a wide variety of configurations and may benefit both sides for many different reasons. In general, the prosecution bargains for the certainty of conviction, and the defendant bargains for the possibility of a reduced sentence.

² In some cases, called “grand jury originals,” the arraignment is the defendant’s first appearance in court. In most cases, however, the defendant is arrested and charged by a complaint before the case is presented to the grand jury. Under the bail laws, some defendants may be held without bond pending indictment, though most are released on various conditions (such as drug testing and treatment or placement in a halfway house on work release).

In Superior Court, the vast majority of felony criminal cases (89%) are resolved with the entry of a guilty plea.³ Judges accept the defendant's plea in a formal proceeding in court, where the judge carefully advises the defendant of his or her rights and the defendant agrees to waive them. Judges do not participate in any way in plea negotiations or in the agreement. There can be no agreement as to what sentence the defendant will receive for his or her plea, except that the defendant knows he or she can not receive more than the maximum sentence allowed by law for the charge or charges to which he or she pleads guilty.

Whether the defendant pleads guilty or is convicted after a trial, the judge must determine the appropriate sentence.⁴ Judges have broad discretion in fashioning a criminal sentence. The District of Columbia currently has an "indeterminate" sentencing system for all felony offenses. The judge must impose a maximum sentence that does not exceed the maximum sentence fixed by law, and a minimum sentence that cannot exceed one-third of the maximum sentence imposed.⁵ Any defendant so sentenced may be released on parole after having served the minimum sentence.⁶ Where the maximum sentence imposed is life imprisonment, the minimum sentence shall not exceed 15 years imprisonment, with two notable exceptions. For

³ Chapter 4 of this report provides data on the disposition of felony cases by guilty plea.

⁴ In felony cases, the judge will usually order a pre-sentence investigation and report that a probation officer prepares. The report includes a defendant's prior criminal record, family background, financial condition, employment, military history, substance abuse, facts of the current offense, and circumstances affecting his behavior. Its contents come from several sources, including an interview with the defendant and criminal records. At the sentencing hearing itself, the judge usually will hear from the defendant and his or her lawyer, from the prosecutor, and perhaps from the victim or from friends or family members on one side or the other.

⁵ D.C. Code § 24-203(a).

⁶ Further discussion on parole is included in Chapter 6.

second degree murder, the minimum term can be up to 20 years, and for first degree murder, the minimum sentence *must* be 30 years.⁷

There are several offenses for which District law limits the judge's discretion in setting a minimum sentence. These are called "mandatory minimum" sentences. For example, a defendant convicted of a crime of violence while armed with a pistol must receive a sentence with a minimum term of not less than 5 years, or, if convicted of a second such offense, not less than 10 years. There are many other examples of mandatory minimum sentences throughout the D.C. Code.⁸

In addition to mandatory minimum sentences, District law sets out situations under which the judge may impose an enhanced sentence beyond what would ordinarily be the statutory maximum sentence. These provisions are permissive. Common circumstances triggering such sentencing enhancements are: (1) the commission of an offense while on release; (2) a criminal history which reflects prior conviction(s) for the same offense or another felony offense; and (3) the commission of certain crimes of violence or dangerous crimes while armed with any dangerous or deadly weapon.⁹

⁷ D.C. Code § 22-2404.

⁸ Until 1995, persons convicted of certain felony drug offenses faced stiff mandatory sentences. In 1995, those mandatory sentence were repealed, and a judge sentencing a defendant for a felony drug offense committed after the repeal now has discretion to impose any sentence up to a maximum of thirty years (or sixty years for repeat offenders or offenses committed in designated Drug Free Zones), which may include probation.

⁹ The term "dangerous crime" means the distribution of or possession with intent to distribute ("PWID") a controlled substance, if the offense is punishable by a term of imprisonment exceeding one year. D.C. Code § 22-3201(g). Examples of controlled substances include cocaine and heroin. D.C. Code § 33-501 *et seq.* Common dangerous or deadly weapons include guns and knives. D.C. Code §§ 22-3202(a).

In many cases a defendant is sentenced on more than one conviction at a single sentencing proceeding. This occurs, for example, when a plea agreement includes a guilty plea to more than one charge or when a defendant is convicted on multiple counts at a trial. A separate sentence must be imposed for each offense of conviction. In such cases the sentencing judge generally has the discretion to order each sentence to be served concurrently with each other sentence or consecutively to each other or, where there are more than two convictions, partially concurrent and partially consecutive.¹⁰ The same choice is presented where the judge is sentencing a defendant who is already serving another sentence. The judge can order that the new sentence be served concurrently with the old sentence or consecutively to it.

These decisions can have a major impact on the total sentence an offender must serve. However, the choice of concurrent or consecutive sentences does not always have such an effect on an aggregate sentence. For example, if a judge were sentencing a defendant for a conviction of armed robbery and for a conviction of robbery, *concurrent* sentences of 6 to 18 years for armed robbery and 4 to 12 years for robbery would be, as a practical matter, equivalent to *consecutive* sentences of 4 to 12 years for armed robbery, and 2 to 6 years for robbery. In both cases, the sentences would be aggregated to a total sentence of 6 to 18 years, with parole eligibility at the end of the 6 year minimum term. The judge's discretion to impose concurrent or consecutive sentences often turns on the number of separate or discrete criminal acts encompassed by the multiple convictions, with separate crimes generally receiving consecutive sentences. Whether the judge elects to order concurrent or consecutive sentences,

¹⁰ D.C. Code § 23-112; Super. Ct. Crim. R. 32(c)(2).

the judge will always consider the total sentence the offender will be required to serve after all sentences are aggregated.

After serving the minimum term of his or her sentence, less any good time credit¹¹ awarded, offender may be granted release on parole on appropriate terms and conditions. An offender convicted of a crime of violence cannot be granted parole until he or she has served 85% of the minimum sentence imposed, provided that he or she remains incarcerated for the entire length of a mandatory minimum sentence.¹² While on parole status, the parolee remains under supervision until the expiration of the maximum of the term specified in his or her sentence without regard to good time allowance.

The judge may determine that an offender need not be incarcerated for all or part of his or her sentence. To this end, the judge may impose a sentence of probation in one of two ways. The judge may suspend the imposition of a criminal sentence altogether (“ISS” or imposition of sentence suspended). The offender is released from custody upon specified conditions, and no prison sentence is imposed unless the offender is found to have violated a condition of his or her probation. If the judge revokes probation, the judge may then impose any sentence up to the maximum sentence allowed by law. In the alternative, the judge may impose a sentence and then order that its execution be suspended (ESS” or execution of sentence suspended). The offender is released from custody upon specified conditions. If he or she violates a condition of probation, the judge may execute and require the offender to serve the prison sentence that initially had been imposed and suspended, or the judge may impose a

¹¹ For further discussion on good time, see Chapter 6 of this report.

new, lower sentence. These options are not available if the offense of conviction carries a mandatory minimum sentence. The judge may also impose a sentence and suspend all but a portion of it (a “split sentence”). If a split sentence is imposed, the judge may order probation to follow the term of incarceration. A split sentence may be imposed if a mandatory minimum applies, provided that the term imposed equals or exceeds the applicable mandatory minimum. No term of probation may exceed 5 years.¹³ Common conditions of probation are: that the convicted person refrain from criminal activity, that he abstain from the use of illegal drugs, that he notify his probation officer of any change in address, and that he seek permission to leave the District of Columbia. The judge may modify conditions at any time during the period of probation, generally following a hearing.¹⁴

There are additional sentencing options for youthful offenders. The Youth Rehabilitation Act (“YRA”)¹⁵ is designed to give the sentencing judge greater flexibility in sentencing offenders who enter a guilty plea or are convicted at trial, and are convicted before the offender’s 22nd birthday of an offense other than murder.¹⁶ If the judge determines that an offender is a youth offender who will benefit from YRA sentencing, the judge may either: (1) impose Youth Act probation not to exceed 5 years, or (2) sentence the defendant to treatment and supervision in an institution set aside for youthful offenders until such time as the defendant is rehabilitated or

¹² D.C. Code § 24-208(b).

¹³ D.C. Code § 16-710.

¹⁴ D.C. Code § 24-104; Super. Ct. Crim. R. 32.1(b).

¹⁵ D.C. Code § 24-801 *et seq.*

¹⁶ D.C. Code § 24-801(6).

until he or she serves the maximum sentence.¹⁷ YRA sentencing is indeterminate. A committed youthful offender may be released on parole at any time.¹⁸

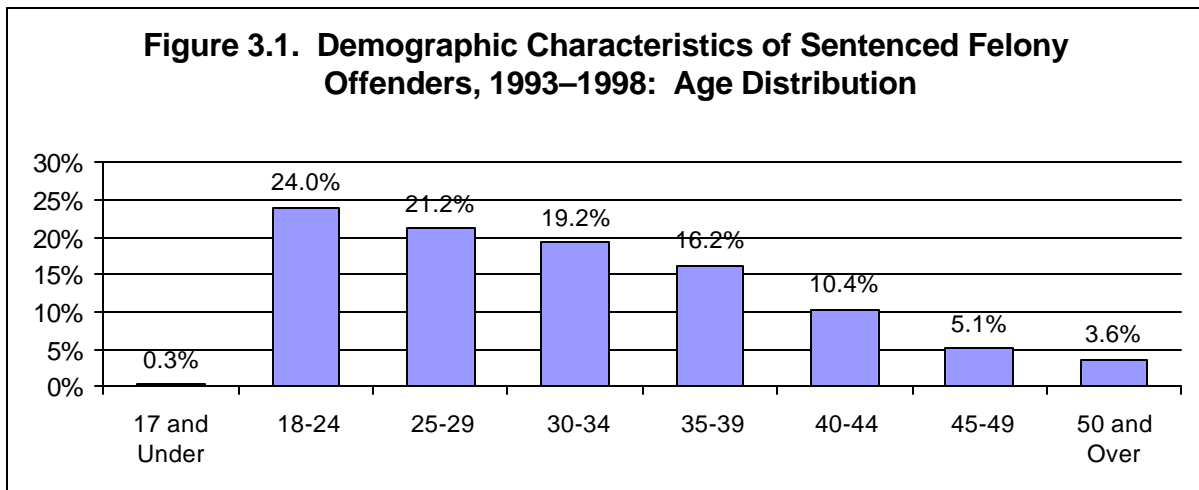
¹⁷ D.C. Code §§ 16-710, 24-803.

¹⁸ D.C. Code § 24-804.

CHAPTER 3

CHARACTERISTICS OF FELONY OFFENDERS SENTENCED IN D.C. SUPERIOR COURT

This chapter presents information on the characteristics and criminal history of the 17,332 offenders sentenced on felony offenses between 1993 and 1998. The first section provides basic demographic information about the offender population based on age, race, and gender. The second section presents information on offenders' criminal history, including the number and types of prior convictions and commitments to incarceration.

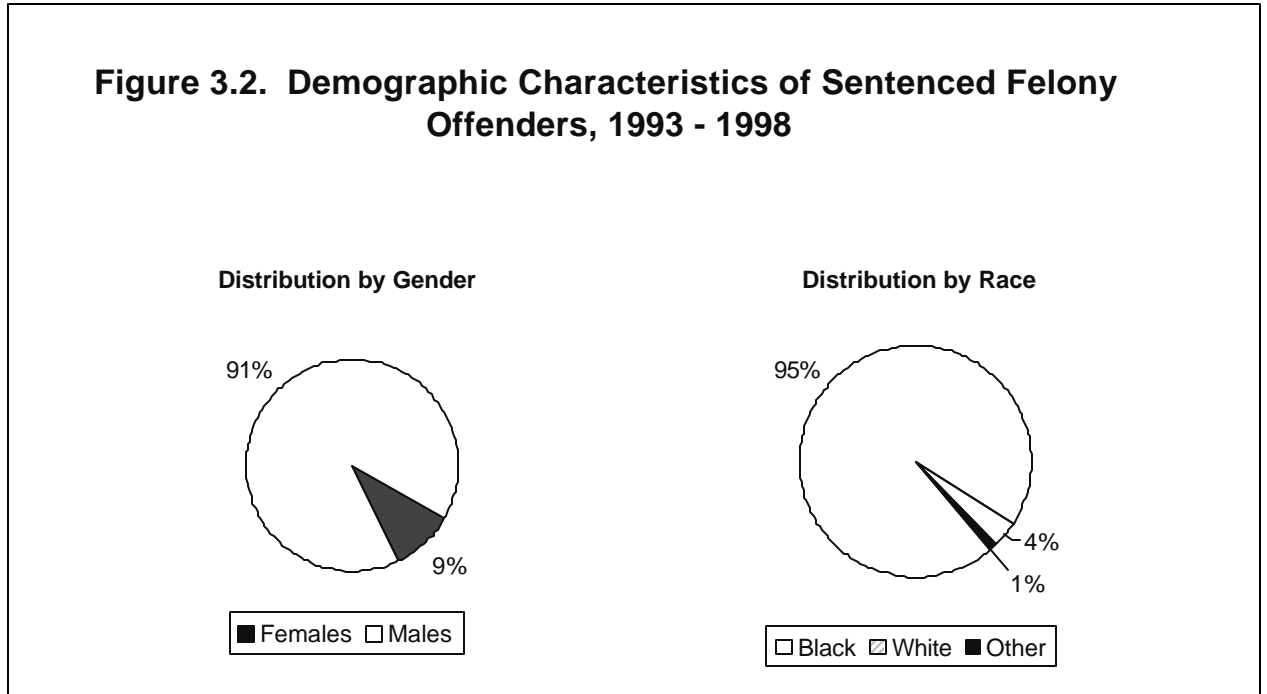


The average age for the 17,332 offenders at sentencing¹ was approximately 32 years

(Table 3.1). Most offenders (91%) were men, and were black (95%) (Figure 3.2). One-half

¹ Age of offender reflects age at sentencing, not age at the time of the offense. Data on age of the offender at the time of the offense was not readily available. The use of age at sentencing could explain the small percentage in the '17 and Under' category in Figure 3.1. Case processing can take a substantial amount of time, even years, particularly for violent and serious offenses. Accordingly, many young offenders appear in the 18-24 age category in the data.

of offenders had at least one prior felony conviction, while one-third had one prior prison commitment² (Tables 3.6 and 3.7).



DEMOGRAPHICS

² Prior prison commitment refers to previous incarceration for which the offender has served the sentence.

Information on the age, gender, and race of the offender was obtained from the Pretrial Services Agency (PSA). This analysis is based on a subset of person-cases³ from the Superior Court files, representing all dockets with at least one felony charge sentenced between 1993 and 1998. Demographic data from PSA were matched to the Superior Court court data using offenders' Metropolitan Police Department's identification numbers (PDIDs) and their dates of birth. Nearly all (98%) of the person-cases in the court file were matched to PSA data on gender, race, and age.⁴

Age

The average age for sentenced felons was 31.8 years (Table 3.1). The median age 31, indicates that half of the offenders sentenced were 31 and younger and the 25th percentile indicates that a quarter of the offenders sentenced were 25 and younger. Figure 3.1 shows how the age distribution peaks in the 18-24 category (24% of the offender population is in

Table 3.1. Age of Offenders, by Gender

Gender	Number Sentenced	Mean	Deviation	25thile	Median	75thile
Female	1,513	33.5	7.4	28	33	38
Male	14,702	31.6	9.1	24	30	37
Total	17,332	31.8	8.9	25	31	37

Note: Records on gender were missing for 1,117 cases and records on age were missing for 40 cases.

³ This unit of analysis is a person in a case. If a unique person appears in more than one case, the person would have more than one sentence (unless the sentence was consolidated).

⁴ See Appendix B for more information on procedures and results of the matching.

this age group) then gradually declines.

The age distribution, however, was not uniform across all demographic subgroups in the population. Table 3.1 also shows that male offenders tended to be slightly younger than females. The average age for male offenders was 31.6 years, while female offenders were, on average, about 2 years older. A quarter of female offenders were 28 or younger while the same proportion of males was 24 or younger at the time of sentencing. Table 3.2 reveals that the mean age for black offenders was 31.7 years, compared to 30.8 for whites and 30.7 for the other category. The median ages were also similar. One-half of the black offenders sentenced were age 31 or under, while half of the white offenders sentenced were age 29 or under.

Table 3.2. Age of Offenders, by Race

Table 3.3. Age of Offenders, by Offense Category

Race	Sentenced	Number	Mean	Deviation	Standard	25%ile	Median	75%ile
Black	15,322	780	31.8	Mean	Standard	25	31	37
White	624	132	30.7	26.27	9.18	24	29	36
Other	193	96	30.8	34.55	10.12	23	28	36
Sex--Abuse	161	34	31.8	32.57	9.72	24	31	39
Total	17,332	96	31.8	27.15	8.9	25	31	37
Assault with Intent to Kill		964		30.09	7.54	25	28	35
Assault		1,490		30.21	7.53	24	30	35
Robbery		32		25.63	7.15	20	25	29
Carjacking		98		24.73	7.50	20	22	27
Weapon During Crime of Violence		1,217		28.91	8.93	23	26	32
Weapon		904		34.39	6.94	30	34	39
Burglary		21		36.76	10.95	27	37	43
Arson		46		28.89	10.17	22	26	32
Obstruction of Justice		2,700		34.33	7.63	29	34	39
Escape/Bail Reform Act		3,291		32.91	8.48	26	32	38
Drug--Distribution		3,430		32.04	9.70	24	30	38
Drug--PWID		39		33.64	13.04	24	31	40
Drug--Violation of Drug Free Zone		602		28.10	7.77	22	26	34
Unauthorized Use of an Automobile		117		34.89	8.52	29	34	41
Forgery		23		37.90	10.34	32.5	37	43
Fraud		220		33.69	8.59	27	33	38
Larceny		167		30.89	8.06	24	31	36
Other Property		181		31.42	7.43	25	30	37.5
Stolen Property		586		32.87	9.14	25	32	39
Other		17,331		31.84	8.92	25	31	37
Total								

Note: Records on age were missing for 87 cases. The 24 offense category corresponds roughly with the categories in the Bureau of Justice Statistics National Judicial Report Program (NJRP), a biennial sample survey that collects

There was considerable variation in the age of offenders when they were classified into the types of offenses for which they were sentenced. In general, offenders sentenced for weapon offenses during crimes of violence and homicide tended to be on the younger end of the age spectrum (median ages of 22 and 23 years, respectively). One-quarter of carjackers and one quarter of those sentenced for weapon offenses during crimes of violence were age 20 or under at the time of sentencing. Offenders in the arson and fraud categories were the oldest on average (median of 37 years) (Table 3.3).

Gender

As Figure 3.2 shows, the vast majority (91%) of offenders sentenced on felony charges between 1993 and 1998 were male. Females comprised only 9% of the offenders sentenced during this period.

Men and women also differed by the types of offenses for which they were sentenced. Drug crimes constituted the most common offense for both men and women. Distribution and possession with intent to distribute were the most common crimes for both sexes, but 32% of women with a drug felony were sentenced on distribution compared to 17% of men.

Table 3.4. Distribution of Offenses, by Gender

	Female		Male		Total	
	Number	% with this Offense	Number	% with this Offense	Number	% with this Offense
Homicide	36	2.4%	691	4.7%	780	4.5%
Sex--Child	3	0.2%	117	0.8%	132	0.8%
Sex--Abuse	0	0.0%	151	1.0%	161	0.9%
Assault with Intent to Kill	2	0.1%	88	0.6%	96	0.6%
Assault	102	6.7%	810	5.5%	964	5.6%
Kidnapping	2	0.1%	29	0.2%	34	0.2%
Robbery	83	5.5%	1,305	8.9%	1,490	8.6%
Carjacking	0	0.0%	31	0.2%	32	0.2%
Weapon During Crime of Violence	1	0.1%	94	0.6%	98	0.6%
Weapon	41	2.7%	1,136	7.7%	1,217	7.0%
Burglary	22	1.5%	810	5.5%	904	5.2%
Arson	5	0.3%	15	0.1%	21	0.1%
Obstruction of Justice	1	0.1%	40	0.3%	46	0.3%
Escape/Bail Reform Act	280	18.5%	2,225	15.1%	2,700	15.6%
Drug--Distribution	480	31.7%	2,562	17.4%	3,291	19.0%
Drug--PWID	305	20.2%	2,968	20.2%	3,430	19.8%
Drug--Violation of Drug Free Zone	0	0.0%	36	0.2%	39	0.2%
Unauthorized Use of an Automobile	22	1.5%	550	3.7%	602	3.5%
Forgery	23	1.5%	74	0.5%	117	0.7%
Fraud	3	0.2%	10	0.1%	23	0.1%
Larceny	18	1.2%	181	1.2%	220	1.3%
Other Property	6	0.4%	153	1.0%	167	1.0%
Stolen Property	9	0.6%	154	1.0%	181	1.0%
Other	69	4.6%	471	3.2%	586	3.4%
Total	1,513		14,701		17,331	

Note: Records on gender were missing for 1,117 cases.

Race⁵

The population of offenders sentenced during the study period was predominantly (95%) black. White offenders made up about four percent of the total population and offenders of other racial groups comprised the remaining one percent (Figure 3.2). The types of offenses were similar for black and white offenders, but the distributions were different.

⁵ Information on the ethnicity of the offender was not readily obtainable from the available data. For example, people of hispanic origin are included in the black, white, and other categories.

The most frequent offenses across racial groups were escape, drug distribution, and possession with intent to distribute. However, there were racial differences in the proportion of offenders involved in each type of crime. Though drug crimes were among the most frequent types of offense for both blacks and whites, a far greater proportion of black offenders were sentenced for drug distribution (19%) and possession with intent to distribute (20.5%) than of whites (11.5% and 12.5%, respectively). A larger proportion of whites than blacks were sentenced for assault (12% vs. 5%). Racial differences were minimal for other classes of crimes (Table 3.5).

Table 3.5. Distribution of Offenses, by Race

	Black		White		Other	
	Number	% with this Offense	Number	% with this Offense	Number	% with this Offense
Homicide	701	4.6%	18	2.9%	7	3.6%
Sex--Child	109	0.7%	10	1.6%	1	0.5%
Sex--Abuse	142	0.9%	9	1.4%	0	0.0%
Assault with Intent to Kill	88	0.6%	1	0.2%	1	0.5%
Assault	813	5.3%	73	11.7%	23	11.9%
Kidnapping	25	0.2%	2	0.3%	1	0.5%
Robbery	1,324	8.6%	42	6.7%	14	7.3%
Carjacking	31	0.2%	0	0.0%	0	0.0%
Weapon During Crime of Violence	92	0.6%	3	0.5%	0	0.0%
Weapon	1,095	7.1%	65	10.4%	16	8.3%
Burglary	806	5.3%	23	3.7%	2	1.0%
Arson	18	0.1%	1	0.2%	0	0.0%
Obstruction of Justice	41	0.3%	0	0.0%	0	0.0%
Escape/Bail Reform Act	2,366	15.4%	90	14.4%	25	13.0%
Drug--Distribution	2,921	19.1%	72	11.5%	40	20.7%
Drug--PWID	3,141	20.5%	78	12.5%	37	19.2%
Drug--Violation of Drug Free Zone	34	0.2%	2	0.3%	0	0.0%
Unauthorized Use of an Automobile	537	3.5%	24	3.8%	10	5.2%
Forgery	75	0.5%	19	3.0%	1	0.5%
Fraud	13	0.1%	0	0.0%	0	0.0%
Larceny	177	1.2%	20	3.2%	1	0.5%
Other Property	145	0.9%	10	1.6%	4	2.1%
Stolen Property	150	1.0%	12	1.9%	1	0.5%
Other	477	3.1%	50	8.0%	9	4.7%
Total	15,321		624		193	

Note: Records on race were missing from 1,193 cases.

CRIMINAL HISTORY OF FELONY OFFENDERS

For the purposes of this report, a “prior felony conviction” is any felony conviction for which the offender was sentenced in any preceding calendar year.⁶ Similarly, a “prior prison commitment” is any felony conviction that was sentenced in an earlier calendar year than the instant offense, in which a offender was sentenced to some term of incarceration. However, prior prison commitments occurring before 1978 were not included in this measure.

Information regarding criminal history of the offender was obtained from the PSA and Superior Court data. The PSA database includes complete automated records of all prior convictions in Superior Court of the persons who are charged with felonies in the District of Columbia after 1978. The PSA and Superior Court data were linked and records of prior cases for person were searched and linked to current cases. The resulting data provide an account of offenders’ criminal history in Superior Court. Information for the time period prior to 1978 and from other jurisdictions was contained only in text descriptions in the PSA reports and was not available in automated form that allowed for statistical manipulation. Thus, the automated data on criminal history (from Superior Court data files and included in the PSA database) was supplemented with a data file created by coding the criminal history

⁶ Convictions for which the offender was sentenced more than fifteen years prior to the instant offense were excluded. However, convictions committed outside of the District of Columbia dating back to 1978 were included in the following analyses. Thus, a few prior felony convictions included in the analyses were more than 15 years old. The measures of prior convictions include information from jurisdictions outside of DC as well as convictions occurring in the District. For convictions occurring in Superior Court, whether the conviction was a felony or a misdemeanor was determined by the charge code. For convictions outside of the District of Columbia, the determination was based on the combination of type of charge and length of sentence. For example, all robberies were coded as felonies, as well as all charges resulting in incarcerative sentences of more than a year.

information from the text portions of the PSA database. Pre-sentence investigation reports (PSI) were used to test the quality of the PSA criminal history information. They contain paper records of criminal histories and are submitted to judges at sentencing.

An analysis on a random sample of cases comparing the accuracy of PSA data to that of the PSI revealed comparable levels of precision. The Urban Institute concluded that the PSA automated data was an adequate source for use in the study of sentencing practices.⁷

Analysis Of Offender Criminal History

Of the 17,332 offenders sentenced on felony charges in D.C. Superior Court between 1993 and 1998, criminal history information was located for 17,160 (99% of all offenders). During this period, 49.5% of these offenders had no prior felony convictions, another 39% had one or two previous felony convictions, and 12% had three or more prior felony convictions (Table 3.6). Furthermore, 67% of these offenders had no prior prison commitments, 29% had one or two prior prison commitments, and 3.6% had three or more prior commitments (Table 3.7).

Level Of Criminal History By Offense Category

Offenders convicted of escape, due to the nature of the offense, more often had been previously convicted of a felony (75%), as shown on Table 3.6, and sentenced to term of imprisonment prior to the instant offense (62%), than offenders in other offense categories (Table 3.7).

Table 3.6. Percent of Prior Felony Convictions, by Offense Category

Offense category	Number Sentenced	Percent of Felony Priors		
		No Priors	1-2	3 or More
Homicide	780	70.0%	25.7%	4.3%
Sex--Child	132	75.0%	22.6%	2.4%
Sex--Abuse	161	61.5%	30.1%	8.3%
Assault with Intent to Kill	96	72.3%	24.5%	3.2%
Assault	964	65.1%	28.1%	6.7%
Kidnapping	34	63.6%	33.3%	3.0%
Robbery	1,490	45.3%	41.0%	13.7%
Carjacking	32	64.5%	25.8%	9.7%
Weapon During Crime of Violence	98	72.6%	20.0%	7.4%
Weapon	1,217	65.1%	29.4%	5.5%
Burglary	904	31.8%	49.8%	18.5%
Arson	21	52.4%	42.9%	4.8%
Obstruction of Justice	46	61.4%	36.4%	2.3%
Escape/Bail Reform Act	2,700	25.1%	53.4%	21.4%
Drug--Distribution	3,291	53.8%	37.4%	8.8%
Drug--PWID	3,430	54.2%	37.0%	8.8%
Drug--Violation of Drug Free Zone	39	44.7%	39.5%	15.8%
Unauthorized Use of an Automobile	602	46.9%	36.8%	16.3%
Forgery	117	58.4%	30.1%	11.5%
Fraud	23	55.6%	33.3%	11.1%
Larceny	220	42.1%	40.7%	17.1%
Other Property	167	44.5%	36.6%	18.9%
Stolen Property	181	46.3%	35.6%	18.1%
Other	586	50.9%	37.8%	11.3%
Total	17,331	49.5%	38.8%	11.7%

Note: Records on prior felony convictions were missing for 218 cases.

Disregarding offenders sentenced for escape, burglars had the highest percentage of recidivists at the offense level. Sixty-eight percent of burglars had at least one prior felony conviction (Table 3.6) and 40% of burglars had received at least one prior incarcerative sentence (third highest percentage for prior commitments among the 24 offense categories), as shown on Table 3.7. Moreover, the burglary category had a higher percentage of those with three or more prior felonies (18.5%) than the overall population of offenders sentenced during

⁷ See the Appendix C for more detail regarding the procedures and the results of the matching.

the study period (under 12%). The next highest percentage was the larceny category, with 58% of offenders having at least one prior felony.

As shown on Table 3.6, over half of the offenders sentenced for robbery, violation of drug free zone, unauthorized use of an automobile, stolen property, and other property offenses were recidivists. Over 46% of those sentenced for distribution of drugs and over 45% of those sentenced for possession with intent to distribute drugs had at least one prior felony conviction. At least 40% of offenders sentenced for arson, forgery, fraud, and other offenses had at least one prior felony conviction.

Table 3.7. Percent of Prior Prison Commitments, by Offense Category

Offense Category	Total Number of Prior Prison Commitments			
	Number Sentenced	No Priors	1-2	3 or More
Homicide	780	82.3%	16.6%	1.1%
Sex--Child	132	87.1%	11.3%	1.6%
Sex--Abuse	161	77.6%	19.2%	3.2%
Assault with Intent to Kill	96	85.1%	14.9%	0.0%
Assault	964	80.9%	16.8%	2.2%
Kidnapping	34	72.7%	24.2%	3.0%
Robbery	1,490	66.5%	30.2%	3.3%
Carjacking	32	83.9%	12.9%	3.2%
Weapon During Crime of Violence	98	88.4%	10.5%	1.1%
Weapon	1,217	82.9%	15.3%	1.7%
Burglary	904	59.6%	35.9%	4.5%
Arson	21	71.4%	28.6%	0.0%
Obstruction of Justice	46	81.8%	15.9%	2.3%
Escape/Bail Reform Act	2,700	37.8%	55.0%	7.2%
Drug--Distribution	3,291	70.0%	26.9%	3.2%
Drug--PWID	3,430	72.1%	25.4%	2.5%
Drug--Violation of Drug Free Zone	39	57.9%	39.5%	2.6%
Unauthorized Use of an Automobile	602	74.0%	21.0%	5.0%
Forgery	117	79.6%	18.6%	1.8%
Fraud	23	77.8%	11.1%	11.1%
Larceny	220	64.8%	31.5%	3.7%
Other Property	167	67.1%	28.0%	4.9%
Stolen Property	181	69.5%	26.0%	4.5%
Other	586	65.7%	30.0%	4.4%
Total	17,331	67.0%	29.4%	3.6%

Note: Records on prior prison commitments were missing for 218 cases.

Table 3.7 shows that 11% of those sentenced for fraud had three or more prior prison commitments (11%), which is over 3 times the overall percentage with 3 or more commitments (3.6%).

Prior Drug Convictions of Drug Offenders

The prior drug convictions of drug offenders were analyzed for the purpose of estimating the number of drug felony offenders that could fall into the subsection (h) class of drug offenders, as defined by the Revitalization Act. Drug offenses are included, but only in the case of a second or subsequent drug conviction.⁸ Twenty-three percent of these offenders had one or two prior felony convictions for drug offenses, and one percent had three or more prior felony drug convictions (Table 3.8).

Table 3.8. Percent of prior felony drug convictions for offenders sentenced sentenced

	Number sentenced	Percent of Offenders
No Priors	5,119	76.0%
1-2	1,151	23.0%
3 or More	69	1.0%

⁸ The study has focused on prior felony drug convictions. The precise meaning of "second or subsequent drug conviction" as used in the Revitalization Act may require judicial interpretation.

CHAPTER 4

SENTENCING FELONY OFFENDERS

This chapter presents a statistical description of felony sentencing in the Superior Court. The first section provides information on the number of offenders convicted and sentenced. After a discussion of total offenders sentenced, the number of sentenced offenders is reported by the offense categories. Next, data was collected by all 140 specific charges available from the Superior Court automated data.¹ In the interest of brevity, the chapter provides selected examples of the charge-level information, and the complete charge-level tables are included in the Appendix D.

The second major section of the chapter discusses the sentence disposition decision, with the two major dispositions being either imprisonment or probation. As with the previous section, the information is reported by offense category, and discussion of specific crimes is provided as examples. The third section describes length of sentence for offenders sentenced to a term of imprisonment. Finally, the chapter concludes with a brief discussion of a special category of sentences, sentences with a maximum term of life imprisonment.

During the study period, 17,332 felony offenders were convicted and sentenced in the Superior Court. Of those, 11,881 offenders (68.5%) received some term of imprisonment². Of this incarcerated group, 623 persons received a maximum sentence of life in prison. During the period, 4,978 felony offenders (28.7%) received probation

¹ In total, there are 140 separate criminal charge categories. These charge categories have been summarized into 24 major offense categories. Appendix B provides a summary of the 24 categories and 140 offenses.

² These include so-called split sentences (appearing in statistical tables as “prison and probation”), where the offender serves an initial, usually brief, period of incarceration followed by probation.

without incarceration. The remaining 473 offenders (2.7%) received another sentence, such as fines, restitution, or community service only.

CONVICTIONS AND SENTENCING

Information on felony sentences is reported here according to the most serious charge at conviction. That is, an offender with a single charge, such as drug distribution, is shown in the drug distribution charge category. Offenders with multiple felony charges at conviction and sentencing appear in the category corresponding to their most serious crime³. For example, an offender convicted of both a drug distribution charge and an offense carrying a maximum penalty of life imprisonment, such as armed robbery, will be shown in the armed robbery charge category.

Approximately nine of every 10 offenders (89.0%) convicted of felony crimes in Superior Court pled guilty to one or more charges without a trial. The other 11 % were found guilty at trial. Guilty pleas are less common in cases involving homicides, where pleas make up about one-half of the convictions (50.5%). Guilty pleas for other crimes, for example motor vehicle theft offenses (97%), are far more numerous, as shown in Table 4.1.

³ See Appendix B.

Table 4.1. Frequency of pleas v. trials, by offense category

Offense category	Plea		Trial	
	Number	Percent	Number	Percent
Homicide	394	50.5	386	49.5
Sex--child	112	84.8	20	15.2
Sex--abuse	123	76.4	38	23.6
Assault with intent to kill	46	47.9	50	52.1
Assault	764	79.3	200	20.7
Kidnapping	17	50.0	17	50.0
Robbery	1318	88.5	172	11.5
Carjacking	17	53.1	15	46.9
Weapon during crime	96	98.0	2	2.0
Weapon	1064	87.4	153	12.6
Burglary	829	91.6	75	8.4
Arson	17	81.0	4	19.0
Obstruction of justice	17	37.0	29	63.0
Escape/Bail Reform Act	2651	98.2	49	1.8
Drug--distribution	3007	91.4	283	8.6
Drug--PWID	3185	92.9	245	7.1
Drug-Violation of drug free zone	25	64.1	14	35.9
Unauthorized use of an auto	584	97.0	18	3.0
Forgery	106	90.6	11	9.4
Fraud	21	91.3	2	8.7
Larceny	199	90.5	21	9.5
Other property	153	91.6	14	8.4
Stolen property	141	77.9	40	22.1
Other	544	92.8	42	7.2

One important difference between sentenced offenders is the number of charges for which the offender is convicted and sentenced at a single hearing. In general, the more charges at conviction, the greater the offender’s exposure to criminal sanctions. That is, a maximum sentence is prescribed by law for each offense, and conviction on more than one offense therefore increases the maximum possible sentence. Accordingly, the number of offenses at sentencing is an important factor in the overall sentence.⁴ Of course, most offenders do not receive the maximum allowable sentence, either for single

⁴ In general, the sentencing judge often has the option when sentencing for multiple convictions to order the sentences imposed to be served concurrently with each other or consecutively to each other, or partially concurrent and partially consecutive where more than two convictions are involved. As discussed in Chapter 2, the judge will always consider the total sentence the defendant will be required to serve after all sentences are aggregated.

offenses or multiple offenses, and the sentence is tailored to take into account the many factors relevant at sentencing, as previously discussed.

Most offenders in the Superior Court are sentenced on a single charge at the sentencing hearing. Table 4.2 reports the number of felony sentences by the 24 offense categories, separating convictions and sentences based on a single charge from sentences on more than one charge. Of the 17,332 felony offenders sentenced, 72.6% (12,578) were convicted of a single charge. Drug charges, distribution and possession with intent to

Table 4.2. Sentences involving a single charge, by offense

Offense category	Total Single Charge		% with single charge
Homicide	780	258	33.1%
Sex—child	132	81	61.4%
Sex—abuse	161	87	54.0%
Assault with intent to kill	96	25	26.0%
Assault	964	564	58.5%
Kidnapping	34	10	29.4%
Robbery	1490	959	64.4%
Carjacking	32	7	21.9%
Weapon during crime of violence	98	82	83.7%
Weapon	1217	925	76.0%
Burglary	904	639	70.7%
Arson	21	8	38.1%
Obstruction of justice	46	11	23.9%
Escape/Bail Reform Act	2700	2505	92.8%
Drug--distribution	3291	2379	72.3%
Drug--PWID	3430	2692	78.5%
Drug-Violation of drug free zone	39	30	76.9%
Unauthorized use of an auto	602	517	85.9%
Forgery	117	60	51.3%
Fraud	23	14	60.9%
Larceny	220	112	50.9%
Property	167	79	47.3%
Stolen property	181	98	54.1%
Other	586	436	74.4%
Total	17331	12578	72.6%

distribute (PWID), represent the largest group of offenses. In the category drug distribution, 2,379 offenders (72.3%) were convicted on a single charge during the

period. In the category possession with intent to distribute drugs, 2,692 offenders (78.5%) were convicted of a single charge.

During the same period, 27.4% of felony offenders (4,753) were convicted of at least two charges, grouped by most serious charge at conviction. Information on single and multiple charges by specific offense charge is shown in the Appendix D (Table D.2).

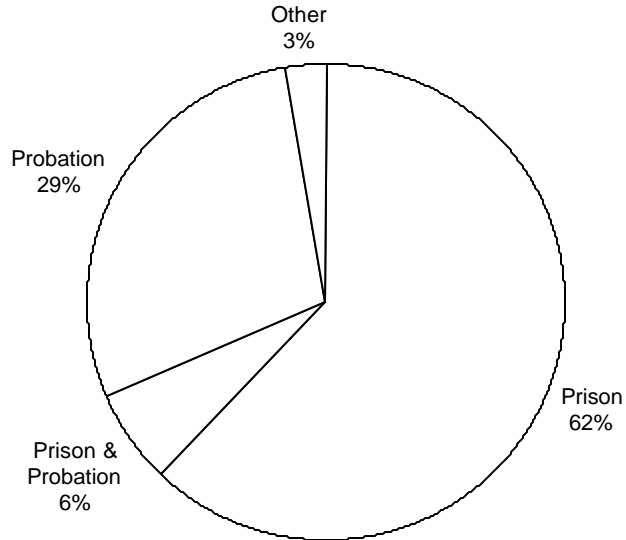
THE DECISION TO IMPOSE A SENTENCE OF IMPRISONMENT

The two major types of dispositions discussed below, and the ones used in the vast majority of cases, are sentences to some term of imprisonment or a term of probation. Explanations of those decisions are outside the scope of this report. Many factors influence the decision to impose a term of imprisonment rather than probation. The specific details of criminal behavior during the commission of a crime and the relative risk an offender poses to the community (as measured by prior criminal conduct and other factors) are just two factors that enter into the decision to imprison some offenders and not others. Statistical averages are heavily influenced by the number and types of offenses reported to police and arrest and prosecutorial practices. The more serious the reported offense for which persons are arrested and prosecuted, the higher the imprisonment rate.

During the study period, 11,881 of the 17,332 offenders (68.5%) received a sentence to some period of imprisonment (Figure 4.2). Included in this total are 1,080 offenders (6.2%) who received a sentence that included imprisonment followed by a probation sentence, a split sentence. During the same period, 28.7% of all felony

convictions and sentences (4,978 offenders) received a sentence to probation without prison.⁵

Figure 4.2. Sentence Dispositions, 1993-1998.



It is important to note that, during the study period, an important policy change occurred in the penalty for drug distribution. Prior to May 25, 1995, District Law set a mandatory minimum prison term for distribution and possession with intent to distribute controlled substances as defined in the Uniform Controlled Substances Act (UCSA).⁶ That section of the criminal code was repealed effective May 25, 1995. As a result, sentences imposed for offenses committed prior to this date required a mandatory minimum term of imprisonment and those occurring after that date did not. During the same period, the Superior Court's highly successful drug court underwent several changes also. This report has not attempted to analyze the effect of either the repeal of

⁵ Many of these probation cases may represent defendants who served some period of pre-trial or pre-sentence detention, a factor the judge may consider when imposing a sentence. The length of any period of detention before sentence was not readily available in the automated data collected for this study, and therefore could not be separately analyzed.

⁶ D.C. Code § 33-541(c).

the mandatory minimum sentences or changes in the drug court operation on sentencing patterns during the period.

Not surprisingly, the type of offense affects the number and proportion of offenders imprisoned. Table 4.3 reports the imprisonment rate, the proportion of offenders sentenced to prison, by offense category. All felony offenders sentenced for a carjacking were sentenced to imprisonment, the highest rate for any offense category. The imprisonment rate for fraud offenses was 43.5%, the lowest for any of the offense

Table 4.3. Percent and type of sentences imposed on felony offenders sentenced between 1993-1998, by offense category

Offense category	Total sentenced	Prison					Probation	Other
		Total prison	Prison only	Prison & probation	Life			
Homicide	780	95.5%	92.6%	2.9%	59.9%	2.3%	2.2%	
Sex--child	132	77.3%	68.2%	9.1%	6.1%	19.7%	3.0%	
Sex--abuse	161	91.9%	82.0%	9.9%	19.3%	6.2%	1.9%	
Assault with intent to kill	96	97.9%	91.7%	6.3%	27.1%	2.1%	0.0%	
Assault	964	73.7%	61.0%	12.7%	1.5%	21.7%	4.7%	
Kidnapping	34	85.3%	76.5%	8.8%	17.6%	8.8%	5.9%	
Robbery	1490	82.2%	75.8%	6.4%	2.4%	15.9%	1.9%	
Carjacking	32	100.0%	90.6%	9.4%	21.9%	0.0%	0.0%	
Weapon during crime	98	94.9%	94.9%	0.0%	0.0%	3.1%	2.0%	
Weapon	1217	56.1%	47.1%	9.0%	0.0%	38.2%	5.7%	
Burglary	904	79.1%	73.6%	5.5%	2.1%	19.0%	1.9%	
Arson	21	71.4%	47.6%	23.8%	0.0%	23.8%	4.8%	
Obstruction of justice	46	82.6%	71.7%	10.9%	8.7%	15.2%	2.2%	
Escape/Bail Reform Act	2700	76.8%	73.0%	3.8%	0.0%	21.3%	1.9%	
Drug--distribution	3291	58.0%	54.5%	3.6%	0.0%	39.1%	2.8%	
Drug--PWID	3430	58.7%	51.1%	7.6%	0.0%	38.9%	2.4%	
Drug-Violation of drug fre	39	64.1%	43.6%	20.5%	0.0%	35.9%	0.0%	
Unauthorized use of an ai	602	70.9%	63.3%	7.6%	0.0%	27.4%	1.7%	
Forgery	117	57.3%	52.1%	5.1%	0.0%	40.2%	2.6%	
Fraud	23	43.5%	34.8%	8.7%	0.0%	52.2%	4.3%	
Larceny	220	63.2%	52.3%	10.9%	0.0%	30.9%	5.9%	
Property	167	65.9%	56.3%	9.6%	0.0%	31.7%	2.4%	
Stolen property	181	61.9%	54.7%	7.2%	0.0%	34.3%	3.9%	
Other	586	61.9%	56.7%	5.3%	0.7%	34.6%	3.4%	

categories. The imprisonment rate for drug distribution and possession with intent to distribute was 58% and 58.7%, respectively.

The imprisonment rate is shown for each of the 140 distinct felony charges in Appendix (Tables D.3 and D.4). The most numerous offenses, those dealing with cocaine distribution, will be used to explain the table. For example, of the 727 offenders convicted and sentenced for distribution of cocaine, 66.2% received a sentence of imprisonment. Similarly, 66.8% of the 799 offenders convicted and sentenced for possession with intent to distribute cocaine were sentenced to imprisonment. The imprisonment rate for *attempted* distribution and *attempted* possession with intent to distribute cocaine was 54.0% and 54.2% respectively.

A closer look at specific charges reveals substantial variation within the offense category. For example, within the robbery category, armed robbery and attempted robbery have substantially different incarceration rates. Of the 289 offenders sentenced for armed robbery during the period, 92.4% (267) received a sentence that included prison confinement. However, 402 of 535 offenders (75.1 %) with a most serious charge at conviction of attempted robbery received an incarceration term.

LENGTH OF IMPRISONMENT SENTENCE IMPOSED

After the determination is made to imprison a felony offender, the sentence must specify the term of imprisonment. As previously noted, the D.C. Criminal Code specifies that felony offenders will receive an indeterminate sentence, with the judge setting the maximum term of imprisonment and a minimum term not to exceed one-third of the maximum.

This section provides a description of lengths of sentence for sentences that result in a term of imprisonment. No attempt is made in this report to explain the data on sentence length. Many factors influence the sentence length, including but not limited to the specific details of criminal behavior during the commission of a crime and the relative risk an offender poses to the community (as measured by prior criminal conduct and other factors).⁷

Measuring sentence length

Sentences of outright probation, which under the D.C. Code cannot exceed five years, are not included in the computation of length of sentence. Sentences to imprisonment, in which the sentence is only partly suspended or not suspended, can be as short as one day or as long as life in prison. Time served prior to sentencing is credited when a prisoner's parole eligibility, mandatory release date, and full term date are calculated. As a result, a defendant incarcerated prior to sentencing who receives a short

⁷ The number and types of offenses reported to police and arrest and prosecutorial practices heavily influence statistical averages. The more serious the reported offenses for which persons are arrested and prosecuted, the higher the average sentence length. Moreover, many of the factors that sentencing judges consider, such as type and use of a weapon and injury to a victim, were not readily obtainable from the available automated data, and thus could not be readily analyzed. It is therefore impossible at this stage to say with any certainty whether differences in sentences imposed in apparently similar cases represent unwarranted disparity or differences based on relevant, non-automated, information known to the sentencing judge.

sentence may be immediately eligible for parole. The following tables record the sentence imposed without regard to pre-sentence confinement. Split sentences that include a period of confinement – for example a sentence of three to nine years with all but six months suspended – would be reported in the data as a confinement sentence with a minimum term of six months and no maximum term.

Statistics are used to summarize the results of many cases. Three statistics (mean, median, inter-quartile range)⁸ are used to summarize sentences to imprisonment in this report, and are discussed in more detail in Appendix D. The first statistic is the *mean*, which is the arithmetic average. The *mean* is the sum of all active sentences (in months of imprisonment) divided by the number of sentences. The second statistic is the *median*, and is derived from ordering all sentences for a particular offense from lowest to highest and selecting the sentence that falls exactly in the middle, the 50th percentile. The *median* is the sentence exactly in the middle of all sentences. The median is probably the statistic that best represents the typical case.⁹

Lengths of imprisonment sentences by minimum and maximum imposed sentence

As previously noted, 11,881 offenders (68.5%) were sentenced to some period of confinement. Table 4.4 provides summary statistics on the minimum confinement terms by each major felony offense category, for offenses involving a single charge.

⁸ The interquartile range represents the middle 50% of all cases, from the 25th percentile through the 75th percentile.

⁹ If sentences follow a perfect bell-shaped curve, in which each sentence a certain distance below the middle is countered by another sentence the same distance above the middle, then the mean and median will produce the same number and either statistic is equally good. However, when the mean is substantially greater than the median, as it is in many of the succeeding tables, then some atypically high sentences are increasing the overall average. For example, if there are ten sentences and nine have a minimum of one year of imprisonment and the tenth is 20 years minimum, the mean minimum sentence will be 2.9 years and the median will be one year. For most purposes in this example, one year better represents the “typical” sentence. As a result the median will be discussed below as the preferred measure of the central tendency, or “typical” sentence.

The category of homicide offenses, which includes first and second degree murder, manslaughter, and negligent homicide, results in the longest average minimum sentence lengths, with a median of 12 years (144 months). The median of the minimum sentence to imprisonment for drug distribution is 24 months. Of those sentenced on a single count of drug distribution, 25% of offenders received a minimum incarceration sentence of less than 12 months, and 25% of offenders received a minimum incarceration sentence of more than 36 months. At least for drug distribution, the middle 50% of minimum sentences (between the 25th and 75th percentile) are relatively tightly clustered between one and three years. Similarly, the middle 50% of minimum sentences for PWID are clustered between one year and two and one-half years (30 months).

Table 4.4 Minimum confinement period imposed (in months), by offense category

For offenders sentenced on a single charge

Offense category	Total Sentenced*	25th %tile	Median	75th %tile
Homicide	234	60	144	180
Sex--child	60	18	36	40
Sex--abuse	79	18	38	60
Assault with intent to kill	25	48	60	72
Assault	390	12	24	36
Kidnapping	7	24	72	84
Robbery	763	12	20	40
Carjacking	7	84	84	84
Weapon during crime of violence	78	60	60	60
Weapon	511	6	12	18
Burglary	500	12	24	36
Arson	3	4	18	24
Obstruction of justice	6	12	32	40
Escape/Bail Reform Act	1938	3	4	8
Drug--distribution	1326	12	24	36
Drug--PWID	1505	12	24	30
Drug-Violation of drug free zone	18	9	18	36
Unauthorized use of an auto	365	6	12	15
Forgery	27	6	10.5	12
Fraud	3	12	13.5	15
Larceny	64	10	18	24
Property	47	6	12	24
Stolen property	57	9	12	20
Other	256	3	6	12

Appendix D provides the minimum confinement terms for each of the 140 charge categories during the period. Table D.5 provides the minimum confinement sentence for offenders with a single charge, while the Table D.6 reports on offenders with multiple charges. For example, the median minimum term for the 299 felony offenders sentenced to imprisonment for one count of cocaine distribution is 30 months.¹⁰

Regarding multiple charges, the minimum sentence for offenders with multiple charges is usually longer than the minimum sentence for a single charge. The median minimum term for the 181 felony offenders sentenced to imprisonment for more than one count of cocaine distribution is 60 months or five years. On average, offenders with multiple cocaine distribution charges at sentencing receive a minimum sentence that is twice as long as the single charge case: 60 months as compared to 30 months.¹¹

The information on length of confinement sentences by specific charge demonstrates substantial differences by charge within a single offense category. For example, the 109 armed robbery offenders with a single charge received a median minimum sentence of 60 months or 5 years, as shown in Table D.5. However, the median minimum sentence for the 332 offenders with a single charge of attempted robbery is 12 months.

Table 4.5 provides summary statistics on the maximum sentences by offense category, for offenses involving a single charge. Offenders who serve less than their maximum sentence will spend the remainder of that sentence on parole, and may be returned to prison for violation of the conditions of their parole.

¹⁰ Twenty five percent of offenders received a minimum confinement sentence of less than or equal to 24 months and 25% received a minimum confinement sentence of more than or equal to 48 months.

Tables D.7 and D.8 in the Appendix provide the maximum confinement sentences for each of the 140 charge categories during the period. For example, the median of maximum confinement sentences for the 299 felony offenders sentenced to imprisonment for a single charge of Cocaine distribution is 108 months or 9 years.¹² For the 182

Table 4.5. Maximum confinement period imposed (in months), by offense category
For offenders sentenced on a single charge

Offense category	Total sentenced*	Number		25th %tile	Median	75th %tile
		whose max was life				
Homicide	234	95		180	324	432
Sex--child	60	2		60	108	120
Sex--abuse	79	6		60	120	180
Assault with intent to kill	25	3		162	180	216
Assault	390	4		60	90	120
Kidnapping	7	1		72	108	216
Robbery	763	8		36	72	144
Carjacking	7	0		252	252	252
Weapon during crime	78	0		180	180	180
Weapon	511	0		36	45	60
Burglary	500	2		42	72	108
Arson	3	0		72	72	72
Obstruction of justice	6	0		36	96	120
Escape/Bail Reform Act	1938	0		9	12	27
Drug--distribution	1326	0		45	72	108
Drug--PWID	1505	0		36	72	108
Drug-Violation of drug free zone	18	0		54	90	150
Unauthorized use of an auto	365	0		24	36	54
Forgery	27	0		18	36	36
Fraud	3	0		45	45	45
Larceny	64	0		36	72	90
Property	47	0		36	66	108
Stolen property	57	0		27	40.5	72
Other	256	3		36	60	108

* Includes those with missing data

Note: All calculations in the last three columns exclude life sentences, which are reported separately. Life sentences could not be quantified.

¹¹ Twenty five percent of offenders received a minimum confinement sentence of less than or equal to 24 months and 25% received a minimum confinement sentence of more than or equal to 84 months, or seven years.

offenders sentenced to imprisonment for a multiple charges involving cocaine distribution, the median maximum sentence is 144 months or 12 years.

MAXIMUM SENTENCES OF LIFE IMPRISONMENT

A maximum term of imprisonment of life in prison is established by the criminal code for the most serious crimes. Appendix A lists the crimes punishable by a maximum term of life in prison. With the exception of offenders sentenced to life imprisonment without the possibility of parole for certain heinous crimes, all other offenders sentenced to life imprisonment are eligible for parole after serving the minimum term of their sentence.

Of the 11,881 felony offenders receiving a sentence to imprisonment, 623 persons (5.2%) who received a maximum sentence of life in prison. As shown in Appendix D, 433 offenders (69%) received a maximum sentence of life in prison for murder (Table D.9). Other categories with significant numbers of offenders sentenced to a maximum of life include assault with intent to kill while armed (26), armed robbery (32), and rape or other first-degree sexual abuse (28). When a sentence is given with the maximum term of imprisonment as life in prison, the minimum sentence can ordinarily be no higher than 15 years.¹³

¹² Twenty five percent of offenders received a maximum confinement sentence of less than or equal to 72 months (six years) and 25% received a maximum confinement sentence of more than or equal to 144 months (12 years).

¹³ The exceptions are first degree murder, which requires a minimum sentence of 30 years, and second degree murder, which permits a minimum sentence of up to 20 years. See D.C. Code § 22-2404.

CHAPTER 5

ESTIMATING TIME SERVED IN PRISON.

This chapter addresses the actual time served in prison on sentences that include a term of imprisonment. For the purposes of this report, time served means the number of months actually served until first release.¹ This chapter is necessarily complicated for two important reasons. First, there is no single method of measuring the time served in prison that is clearly best in portraying the length of stay for all types of offenders. Second, the process of collecting and analyzing data on time served in prison is very complicated – complicated to conduct and complicated to explain.

The chapter explains three different ways of measuring time served in prison. The first method measures time served on sentences for offenders committed to prison during the study period and released before the end of the study period – a prison entry cohort tracked until they leave prison. This group is relatively well defined and the Urban Institute was highly successful at identifying these offenders in the various automated data systems and reporting on their time served in prison. However, these numbers, for all but the offenders with the least serious crimes and the shortest sentences, will often underestimate the time served in prison for the typical offender. For example, anyone convicted and sentenced to a minimum term longer than the study period necessarily would remain in prison throughout the study period and therefore would not be counted.

¹ Of course, offenders released from prison prior to completion of the maximum sentence will be placed on parole and may be returned to prison for violations of parole. Offenders released after serving a split sentence may be released to probation supervision, and may also return to prison for violations of the conditions of probation. Subsequent commitments such as these are not counted in the time served calculation.

The second method involves calculation of time served for all offenders released throughout the study period – a prison exit cohort. The exit cohort is also relatively simple to identify from correctional automated data. The exit cohort statistics on time served in prison do not suffer from the underestimation problem to the same degree as the entry cohort, but do underestimate length of stay and have other problems. For example, offenders leaving prison in the period 1990 through 1998 included many offenders sentenced for crimes committed in the 1970's and 1980's. They are not necessarily representative of today's offenders or today's crimes.

More importantly, while the Advisory Commission on Sentencing expects to report time served for offenders with terms longer than the study period, this report does not contain that analysis. The Urban Institute has collected the Parole Board automated data on time served for released offenders, the exit cohort. However, the Parole Board uses different codes than those maintained by the Superior Court for the most serious charge at conviction. The Commission believes that more analysis is necessary to provide an accurate estimate of time served by offense for the exit cohort. Therefore, the Commission will report this information when the analysis is complete.

The third method – a statistical estimate of time served – uses an entry cohort, the exit cohort, and all available data on persons still serving a sentence to estimate “time served.” As such, this method addresses many of the biases and problems inherent in the other two methods. For example, the estimate of time served is especially important for offenders with long sentences, as other methods may underestimate their expected time served in prison. However, this method relies on advanced mathematical formulae to measure time served for offenders and offenses. As with any statistical estimate, there is

a margin of error associated with the results. These mathematical models are being developed and were unavailable at the level of specific offense categories and charges in time for inclusion in this report. The Commission will report the estimates of time served for longer sentences when the estimates become available.

The Commission plans to use the results of these models to inform its future work. All three methods – actual time served for entry cohort, actual time served for exit cohort, and estimated time served – will be utilized to complete the Commission’s work.

METHODS AND ASSUMPTIONS

The information used to construct the time served information for the entry cohort consisted of all commitments to the Department of Corrections (DOC) from Superior Court between 1990 and 1998 for sentenced felony charges. The data collection was extended back to 1990 to capture additional data for purposes of calculating time served. Computer records from Superior Court were matched to DOC records. This matching process was very successful, and almost all sentenced offenders were found, as discussed below. These automated “matched” cases provided the basis for an entry cohort, a group of offenders with known dates of entry into the corrections system and specific charge information attached to their records. The release records associated with these cases, where the offender was released during the period, provides an opportunity to calculate the time served in prison on a specific sentence or set of sentences.

In addition to the entry cohort, the Urban Institute staff identified an exit cohort, offenders who were released from prison during the study period, regardless of the date of entry. These data were necessary because offenders serving very long sentences would not have had time during the period 1990-1998 to both enter and exit prison.

TIME SERVED FOR OFFENDERS COMMITTED 1990-1993 AND RELEASED BY 1999 – THE ENTRY COHORT

One method of determining how long offenders serve in prison is to track offenders from entry into prison until exit. The next section reviews the entry of prisoners from Superior Court into prison, either into the Department of Corrections or the Federal Bureau of Prisons (BOP). Then the median time served for prisoners released by early 1999 is discussed.

Commitments to prison

Between 1993 and 1998, 11,881 felony offenders were sentenced to a term of imprisonment in the Superior Court, as discussed in Chapter 4. Based on computer matching of cases from the Superior Court automated records to DOC automated records,² approximately 21% of offenders were sentenced in more than one felony case. Many of those resulted in consolidations of sentences into a single commitment, resulting in fewer commitments than imprisonment sentences. Additionally, 1,016 offenders were committed into the Federal Bureau of Prisons during this period.³ Therefore, the 11,881 defendants were consolidated into about 9,413 commitments into prison.

The felony offenders sentenced in Superior Court appear as 8,399 commitments into DOC in Table 5.1.⁴ The largest number of prison commitments during the period originate with offenders whose most serious crime was drug distribution and

² All but 320 of these 11,881 felony defendants were linked to the DOC data by Superior Court docket numbers.

³ The Superior Court data and BOP data cannot be linked because the BOP data do not include the Superior Court docket numbers.

⁴ Additionally, 1,016 offenders were committed to the BOP from Superior Court. The majority of offenders committed into BOP were drug (45% of the total) and violent offenders (31% of the total). The BOP uses a different offense classification method from that used by the DOC; hence, offense categories are similar but may not be directly comparable.

possession with intent to distribute (1,365 and 1,440 commitments respectively), escape (1,075), and robbery (966).⁵ Median confinement sentences are also listed, and may differ from confinement sentences reviewed in Chapter 4 due to consolidation of sentences as discussed above.

Table 5.1. Number of commitments entering and serving sentences in the DC-DOC and not transferred to BOP, 1993-1998, by offense category.

Offense category	Commitments		Minimum confinement imposed, in months			
	Number	Percent of offenses	Mean	Percentiles of the distribution		
				25th	Median	75th
All commitments	8,399	100.0%	58.8	12	24	48
Homicide	602	7.2%	331.1	132	240	372
Sex--child	86	1.0%	86.1	22	38	96
Sex--abuse	122	1.5%	128.6	20	60	180
Assault with intent to kill	81	1.0%	226.0	60	120	240
Assault	578	6.9%	43.4	18	34.5	48
Kidnapping	23	0.3%	118.3	60	84	132
Robbery	966	11.5%	52.7	12	36	60
Carjacking	27	0.3%	244.4	120	180	252
Weapon during crime of violence	66	0.8%	69.4	60	60	60
Weapon	494	5.9%	16.3	6	12	20
Burglary	519	6.2%	55.5	12	24	48
Arson	14	0.2%	48.6	24	36	72
Obstruction of justice	37	0.4%	182.9	26	56	130
Escape/Bail Reform Act	1,075	12.8%	7.6	3	5	10
Drug--distribution	1,365	16.3%	32.7	15	24	39
Drug--PWID	1,440	17.1%	30.8	12	24	36
Drug-Violation of drug free zone	20	0.2%	26.5	9	14.5	36
Unauthorized use of an auto	316	3.8%	13.3	7	12	18
Forgery	51	0.6%	18.3	7	12	20
Fraud	7	0.1%	42.2	12	31.5	72
Larceny	103	1.2%	29.1	14	24	36
Property	91	1.1%	26.0	12	20	36
Stolen property	81	1.0%	19.1	12	18	24
Other	235	2.8%	25.8	4	12	25

Includes commitments with a maximum sentence of life.
Excludes commitments transferred to BOP.

Table 5.2 displays the 516 offenders entering DOC between 1993 and 1998 with a maximum sentence of life imprisonment. Seventy-six percent of these offenders (391) entered prison on a homicide offense. Assaults, robberies and sexual assaults made up most of the other maximum sentences of life imprisonment.⁶

⁵ See Appendix Table E.1 for information by specific charge.

⁶ See Appendix Table E.2 for information by specific charge.

Median time served in prison by offense

Data on offenders committed and released will produce an underestimate of mean time served, as offenders with atypically short sentences are released earliest.⁷ Offenders with the longest sentences, including those with a sentence maximum of life in prison, come out years later, after the study period is over, and are ignored in calculating time served for those committed and released during the period. The median time served, although potentially still an underestimate, is the best statistic to represent

Table 5.2. Number of commitments with a maximum sentence of life entering and serving sentences in the DC-DOC and not transferred to BOP, 1993-1998, by offense category.

Offense category	Commitments		Minimum confinement imposed, in months			
	Number	Percent of offenses	Mean	Percentiles of the distribution		
				25th	Median	75th
All commitments	516	100.0%	424.0	180	332	459
Homicide	391	75.8%	445.7	240	360	480
Sex-child	7	1.4%	306.6	180	216	492
Sex-abuse	26	5.0%	308.9	180	292	360
Assault with intent to kill	22	4.3%	448.0	180	256	480
Assault	11	2.1%	210.4	180	180	258
Kidnapping	5	1.0%	261.6	132	180	396
Robbery	28	5.4%	246.8	144	192	294
Carjacking	7	1.4%	384.6	180	240	496
Burglary	12	2.3%	518.3	180	240	726
Obstruction of justice	4	0.8%	1134.0	234	648	2034
Drug-PWID	1	0.2%	180.0	180	180	180
Other	2	0.4%	168.0	96	168	240

Excludes commitments transferred to BOP.

lengths of stay in prison for those committed and released during the period.⁸ The only means of avoiding an underestimate is to estimate time served on sentence for all

⁷ Sentences served by all persons committed into the DOC between 1990 and 1998 were not observed, as 36% of those committed were still in prison by the end of 1998. By year of commitment, the percentage of those committed still in prison increases from 15% of those committed during 1990 to 84% of those committed during 1998. Using the data on those committed and released to calculate the average time served for persons committed into prison will produce a biased underestimate of average time served, as those committed on longer sentences, generally, are still in prison. However, it is possible to characterize the distribution of time served by calculating the median time served or, for some offenses, the 75th percentile of the distribution of time served. These statistics provide the number of months below which 50% (or 75%) of all commitments served until their release.

⁸ For the early cohorts of commitments (1990 through 1993), it is possible to calculate time served for 75% or more of all commitments; for the cohorts entering in 1994 and 1995, it is possible to calculate the

offenders still confined at the end of the study period, as discussed in a later section of this chapter.

The Urban Institute staff also recognized the limitation of reliance on 1993 through 1998 data to study time served in prison. The data collection and observation period was extended back to 1990 to allow for three more years of data to observe time served in prison. More than 50% of the commitments that occurred between 1993 and 1998 were still in prison at the end of 1998. By contrast, 36% of the commitments that occurred between 1990 and 1998 were in prison at the end of the year. This permits, among other things, the calculation of the median time served and other statistics that describe the distribution of time served.

For many offense categories, enough offenders have been released to compute a median time served for commitments from between 1990 and 1993.⁹ Therefore, the 1990-1993 entry cohort will be used to discuss time served on sentence for those committed and released during the study period. For a smaller list of offenses, it is also possible to compute the 75th percentile, which provides a better understanding of the distribution of time served on prison sentences.

Table 5.3 shows the median time served for each of the 24 offense categories. For example, 668 robbery offenders were committed during the period 1990-1993. The typical minimum sentence of imprisonment, the median, was 48 months. Of the 438 offenders released by 1999, the median time served on sentence was 52 months in prison.

median time served. For those committed during 1996, it is possible to compute a median for some offense categories, but not for all commitments, as 57% of the 1996 entry cohort was still in prison at the end of 1998.

Table 5.3. Length of sentences and length of stay for commitments entering DC-DOC between 1990 and 1993, by offense category.

Offense category	Commitments		Median of Minimum Sentence	Approved Releases		Time served in months		
	Number	Percent of offenses		Number	Percent of entries	Percentiles of the distribution		
						25th	Median	75th
All commitments	6,072	100.0%	30	4803	79.1%	15	31	62
Homicide	366	6.0%	180	77	21.0%	...	...	...
Sex--child	41	0.7%	40	27	65.9%	43	71	...
Sex--abuse	60	1.0%	114	13	21.7%	...	...	...
Assault with intent to kill	74	1.2%	120	30	40.5%	49	...	...
Assault	237	3.9%	36	177	74.7%	21	39	...
Kidnapping	13	0.2%	120	3	23.1%	—	—	—
Robbery	668	11.0%	48	438	65.6%	22	52	...
Carjacking	2	0.0%	198	1	50.0%	—	—	—
Weapon during crime of violence	100	1.6%	60	47	47.0%	59	...	...
Weapon	243	4.0%	12	216	88.9%	4	15	38
Burglary	235	3.9%	36	181	77.0%	23	41	59
Arson	9	0.1%	48	8	88.9%	—	—	—
Obstruction of justice	24	0.4%	36	16	66.7%	21	40	...
Escape/Bail Reform Act	460	7.6%	6	431	93.7%	7	14	25
Drug--distribution	2,020	33.3%	24	1810	89.6%	15	28	49
Drug--PWID	887	14.6%	30	809	91.2%	17	30	49
Drug-Violation of drug free zone	1	0.0%	45	1	100.0%	—	—	—
Unauthorized use of an auto	131	2.2%	15	117	89.3%	9	17	31
Forgery	61	1.0%	13	53	86.9%	8	14	27
Fraud	5	0.1%	15	5	100.0%	—	—	—
Larceny	66	1.1%	24	54	81.8%	11	23	39
Property	26	0.4%	27	20	76.9%	9	19	41
Stolen property	32	0.5%	24	28	87.5%	15	23	35
Other	311	5.1%	12	241	77.5%	5	17	65

Includes commitments with a maximum sentence of life.

Excludes commitments transferred to BOP and commitments that escaped.

— Indicates that 10 or fewer commitments were released from that category. Time served for such categories are not shown due to statistical unreliability.

... Indicates that time served for the category cannot be calculated due to the percent of commitments not yet released.

Of the 24 offense categories, the median could be calculated on 16 of the 24. Offenders served more than the median minimum sentence for 13 of the 16 categories with median time served figures. For example, offenders served more than the median minimum sentence for drug distribution (28 months median time served), burglary (41 months), assault (39 months), motor vehicle theft (17 months), and escape (14 months). Offenders served slightly less than the median minimum sentence for three categories,

⁹ Appendix Table E.3 provides the actual time served for offenders entering DOC between 1990 and 1998, and exiting by the end of 1998. As noted, this number produces a biased underestimate of what the typical offender will serve for offenses carrying long sentences.

property (19 months), stolen property (23 months), and larceny (23 months). Appendix Table E.3 contains a complete review of time served on sentence for all charges.

As noted above, not all offenders serving sentences for commitments into the DOC between 1990 and 1998 were released. By the end of 1998, 36% of those committed were still in prison.¹⁰

TIME SERVED FOR OFFENDERS RELEASED FROM PRISON, 1993-1998

Another method of determining how long offenders serve in prison is to measure time served for offenders upon prison exit, regardless of the year of entry. This method does not suffer from the same degree of underestimation as entry cohorts, as it includes offenders with longer sentences who are finally being released. However, measuring time served using exit cohorts still results in underestimated lengths of stay. Also, the mix of offenders does not necessarily reflect current sentencing practices, since the offenders with longer sentences were sentenced in the 1970's and early 1980's. These offenders precede, for example, the rapid rise in drug crimes during the 1980's and 1990's and attendant changes, if any, in sentencing practice.

As previously noted, time served estimates for the exit cohort require further analysis. The Urban Institute has obtained release dates for the exit cohort from the Parole Board. Information on the offense and sentence were also obtained from Parole Board records, allowing a computation of time served. However, the Parole Board uses different codes than those maintained by the Superior Court for the most serious charge at

¹⁰ One reason for extending the data collection back to 1990 is that more than half of the 9,212 persons committed into DOC between 1993 and 1998 were still in prison at the end of 1998. With the data from 1993-98, it is not possible to compute the median time served. More than 90% of the offenders who were committed for homicide were still in prison at the end of 1998. About 56% of the 541 burglars committed over this period were still in prison at the end of 1998, and, almost 40% of the 3,197 offenders committed for drug offenses were not released from prison by the end of 1998. For the commitments between 1990 and 1998, however, it is possible to compute the median.

conviction. More analysis of the offense codes and time served until first release appears necessary, based on a preliminary review of exit cohort time served estimates by specific offense category. However, these estimates will be documented in a future report.

ESTIMATED TIME TO BE SERVED FOR OFFENDERS ENTERING PRISON, 1993-1998

The majority of offenders serving sentences for murder, as well as several other violent crimes, are serving very long sentences or sentences with a maximum term of life. Some offenders with sentences to imprisonment for other crimes, such as drug distribution, are serving long sentences also. These offenders tend to cumulate in prison, and leave in small numbers in any given year. Even the number released over the course of several years is relatively small. As a result, no reliable actual lengths of stay data are available on many of these offenses and offenders. Therefore, the Urban Institute has developed a sophisticated methodology for using all actual data on sentences, releases (for the few offenders that were released), and length of confinement to date to estimate expected time to be served in prison. That methodology is still being developed and applied, and estimates by specific offense categories are unavailable at the time of this writing. However, these estimates will be documented in a future report.

CHAPTER 6

PAROLE RELEASE DECISIONS

Indeterminate sentencing systems, as discussed in Chapters 2 and 4, leave the authority for determining the actual time to be served on sentences to administrative authorities. In the District of Columbia during the study period, the principal authority determining actual time served on sentences of imprisonment was the District of Columbia Board of Parole (Parole Board). This chapter describes decisions leading to the release of offenders and provides a statistical description of these release practices.

The D.C. Code requires that a term of imprisonment imposed for a felony conviction include both a maximum term and a minimum term, which cannot exceed one-third of the maximum. The parole eligibility date corresponds to the minimum term less all good time credits awarded to the prisoner. The mandatory release date represents the maximum sentence imposed less all good time. A prisoner who is not paroled prior to his mandatory release date is released by operation of law on that date. The Parole Board exercises authority with respect to the period of time between the parole eligibility date and the mandatory release date. It cannot parole a prisoner before his or her eligibility date, nor prevent release on the mandatory release date. No offender may serve more than the maximum sentence, so the date corresponding to the maximum sentence represents a true maximum.

The Parole Board has the discretion to grant parole on the parole eligibility date, to deny parole and continue a case until a later rehearing, or to deny parole and require the prisoner to remain confined until his or her mandatory release date. The Department of Corrections is not directly involved in the parole decision, but has some influence on it

through its responsibility to award or forfeit good time credits. Awards or forfeiture of good time can advance or postpone the parole eligibility date.

Legal and institutional factors in the parole release decision.

Several factors influence the actual date of release for a particular prisoner. Together, these factors can make the computation of the time a prisoner serves complicated. The following sections introduce these factors, including the parole eligibility date, good time credits, and the mandatory release date.

During the study period, the Parole Board, as established under District of Columbia law,¹ had full authority to grant parole, to grant conditional release for committed youth offenders, and to modify the terms and conditions of parole (including revocation of parole and return to incarceration). The parole eligibility date, the earliest date at which the prisoner becomes eligible for conditional release in the community, was, and is, calculated by the Department of Corrections. Multiple indeterminate sentences are aggregated to give a single parole eligibility and mandatory release date.

Good time credits are created by statute. In the District of Columbia, statutes provide for several types of good time, some of which are awarded automatically and others of which are earned by the completion of educational programs or available at the discretion of correctional officials for merit.² During the study period, on June 22, 1994, the statute providing for automatically awarded good time, termed “institutional good time,” was repealed. The repeal of institutional good time significantly increased the time felony offenders must serve before parole eligibility or mandatory release, since

¹ D.C. Code § 24-201(a).

² D.C. Code §§ 24-428, -429, -429.1, and -430.

prior to its repeal, the D.C. Code provided for an automatic reduction of up to one-third off both the minimum and maximum terms imposed for institutional good time.³ The two types of good time that remained after 1994 are discretionary with correctional officials. Educational credit may be awarded for performance in educational and vocational programs, and may be earned at the rate of 3 to 5 days per month served upon completion of the program. Meritorious good time, which is discretionary, replaced institutional good time.

Good time credits cannot reduce mandatory minimum sentences for first-degree murder,⁴ certain armed offenses,⁵ possession of a firearm during a crime of violence or dangerous crime,⁶ carjacking,⁷ and felony narcotics offenses.⁸ For these offenses, good time is awarded only to reduce that portion of the minimum term that exceeds a mandatory minimum.

Good time credits can be forfeited by correctional officials as a sanction for a prisoner's institutional misconduct. Any such forfeiture affects the calculated parole eligibility date and mandatory release date. Any advancement of those dates that resulted from an award of good time credits is voided by their forfeiture.

A prisoner is considered for release on parole by the Parole Board at an initial parole hearing. During the study period, the parole hearing typically was held prior to the

³ D.C. Code § 24-428.

⁴ D.C. Code § 22-2404(b).

⁵ D.C. Code § 22-3202(c).

⁶ D.C. Code § 22-3204(b).

⁷ D.C. Code § 22-2903.

⁸ D.C. Code § 33-541(c) (repealed).

established parole eligibility date to preserve the Board's ability to parole a prisoner on his eligibility date if parole was deemed appropriate. At the initial hearing the Board of Parole could grant parole, or deny parole and schedule a reconsideration hearing after a specified period of time. The Board also had the authority to deny parole outright, and order that the prisoner serve until his or her mandatory release date. Although the parole hearing usually occurred prior to the parole eligibility date, the prisoner could not be released prior to the parole eligibility date.

In the event parole was denied at the initial hearing, a rehearing or hearings would be conducted after the person served whatever “set-off” (the number of months to rehearing specified in the Board’s initial order) was imposed. If a prisoner is not granted discretionary release before his or her mandatory release date, the prisoner is released at that time by operation of law. Although release from custody is mandatory at the mandatory release date, if the prisoner has been awarded good time, he or she remains under supervision in the community until the expiration of the entire sentence imposed.⁹

Prisoners paroled at first hearing

Of 9,466 cases considered by the Parole Board during the study period, 3,963 (41.9%) cases resulted in the decision to grant parole at the initial hearing. The remaining 5,503 cases resulted in a denial or a continuance.

Table 6.1 displays parole decisions for each of the 22 offense categories and

⁹ Before the Revitalization Act, a parole officer employed by the Parole Board would supervise a parolee. The Revitalization Act abolished the Parole Board, and, in the future, parolees will be supervised by officers working for the new Court Services and Offender Supervision Agency. Parole release decisions will be made by the U.S. Parole Commission.

charges available in the Department of Corrections data.¹⁰ For most categories of offenders, it was more common to be denied parole at initial consideration than to be granted parole. However, parole was most often granted for offenders sentenced for drug distribution (50.3%), forgery (66.0%), and fraud (70.6%). Among the offense categories with more than 25 cases decided during the study period, the lowest grant rates at initial hearing are for offenders sentenced for sex offenses (13.0%).¹¹

¹⁰ These offense categories do not match the offense categories maintained by the Superior Court as presented in Chapters 3-5 of this report. For example, while sexual assault is a separate category according to Superior Court records, DOC records combine rape and other sexual assaults in the category of assault. Appendix Tables E.4 includes a complete listing of DOC's offense categories and charges.

¹¹ The two categories with lower grant rates have an insufficient number of cases to draw conclusions. See Appendix Table E.4 for information by specific charge.

Table 6.1. Outcomes of initial considerations for parole: Offenders having an initial consideration between 1993-1998, by offense (DOC offense codes)

Most serious offense category	Total	Granted		Not granted	
		N	%	N	%
Homicide	290	73	25.2	217	74.8
Sex—child	71	10	14.1	61	85.9
Sex—abuse	77	10	13.0	67	87.0
Assault with intent to kill	66	22	33.3	44	66.7
Assault	593	207	34.9	386	65.1
Kidnapping	30	10	33.3	20	66.7
Robbery	966	334	34.6	632	65.4
Carjacking	...	...	...	...	...
Weapon during crime of violence	1	0	0.0	1	100.0
Weapons	780	301	38.6	479	61.4
Burglary	469	186	39.7	283	60.3
Arson	15	2	13.3	13	86.7
Obstruction of justice	10	1	10.0	9	90.0
Escape/Bail Reform Act	718	283	39.4	435	60.6
Drug—distribution	3,640	1,831	50.3	1,809	49.7
Drug—possession	180	72	40.0	108	60.0
Drug—drug free zone	—	—	—	—	—
Using stolen vehicle	293	103	35.2	190	64.8
Forgery	53	35	66.0	18	34.0
Fraud	17	12	70.6	5	29.4
Larceny	219	98	44.7	121	55.3
Property	123	46	37.4	77	62.6
Stolen property	103	46	44.7	57	55.3
Other offenses	500	201	40.2	299	59.8
Unknown	252	80	31.7	172	68.3

... Not any cases.

— Category does not exist in DOC offense codes

CHAPTER 7

ASSESSMENT OF THE IMPACT ON SENTENCE LENGTH AND SENTENCING DISPARITIES LIKELY TO RESULT FROM IMPLEMENTATION OF THE TRUTH IN SENTENCING AMENDMENT ACT OF 1998

The Truth in Sentencing Amendment Act of 1998, as discussed in Chapter 1, was passed by the Council of the District of Columbia to implement the recommendations of the Truth in Sentencing Commission.¹ Congress required the TIS Commission, which it created in the Revitalization Act, to recommend the elimination of parole for 37 classifications of felony offenses. These felonies have become known as the “subsection (h) felonies.” The Revitalization Act required that determinate sentences be imposed for the subsection (h) felonies, with offenders serving a minimum of 85% of those sentences, to be followed by an “adequate” period of supervised release. Accordingly, the TIS Commission recommended the abolition of parole for the subsection (h) felonies, and the Council enacted those recommendations into law by passing the Truth in Sentencing Amendment Act of 1998.

The Truth in Sentencing Amendment Act of 1998 has another important effect on sentences for those 37 subsection (h) felonies. District of Columbia law requires a sentencing judge to impose both a minimum sentence and a maximum sentence. The minimum sentence cannot exceed one-third of the maximum sentence. The minimum sentence represents the time the offender must serve in prison before he is eligible for release on parole. Thus, even if a judge imposes the maximum sentence allowed by law - - for example, 15 years -- the judge can only mandate the offender’s imprisonment for the

¹ A copy of the Truth in Sentencing Amendment Act of 1998 is provided in the Appendix A-3.

first third of that sentence, in this example, 5 years. After that, the parole authority has exclusive jurisdiction to decide whether, and when, to release an offender, up to the mandatory release date (maximum sentence less good time credit). When the offender is released on parole, he remains under supervision in the community for the remaining term of his maximum sentence. In this example, if the offender serving a 5 to 15 year sentence were released on parole after serving 7 years, he would be under parole supervision for the remaining 8 years of his sentence.

The elimination of parole for subsection (h) felonies increases the potential amount of prison time that a sentencing judge can require the defendant to serve. Under current law, the most time that a judge can require an offender to serve in prison before his or her eligibility for first release is one-third of the statutory maximum sentence, though parole officials can delay release based upon established guidelines and an assessment that continued incarceration is necessary for the safety of the public. In the new statutory framework, the judge will have the power to require an offender to serve up to 85% of the statutory maximum without any opportunity to evaluate the offender for earlier release after the offender serves a shorter portion of his sentence. Furthermore, the Truth in Sentencing Amendment Act permits judges to impose a term of supervised release, in addition to a prison sentence up to the statutory maximum. Under the current law, the sum of time spent in prison and time spent on parole supervision cannot exceed the statutory maximum sentence.

The Commission's preliminary analysis of data currently available does not permit it to make definitive statements about the likely impact of the Truth in Sentencing Amendment Act on sentence length. The data do show that most offenders convicted of

subsection (h) felonies do not receive the maximum sentence allowed by law. This would tend to support a hypothesis that, in most cases, judges did not feel constrained by statutory maximum penalties, and thus it appears unlikely that judges would increase sentences once parole is eliminated. At this point, as discussed in Chapter 5, the Commission is able to say even less about actual time served, because of the problems of estimating time served under the current system, and because much of the data from the Department of Corrections and the Parole Board does not readily conform to the subsection (h) categories. It can be said that a significant number of inmates, including some of those serving sentences for subsection (h) felonies, were released at their first parole eligibility dates, and it appears that most offenders are released before their mandatory release dates. Therefore, if judges under the truth in sentencing regime were to impose determinate sentences that were substantially longer than the indeterminate sentences imposed in the past, the 85% requirement could result in defendants serving more time that they would have served in the parole-based system.

The Advisory Commission on Sentencing has no reason to believe that judges will take actions to increase sentences and time served when the Truth in Sentencing Amendment Act is implemented, but that is the possible impact of the statute. Indeed, the Commission would expect judges to tend to replicate the sentencing patterns of the past by imposing determinate sentences that would approximate the length of time the offender would have been expected to serve under the former system. It is possible, therefore, that overall sentence lengths will remain relatively constant, or may actually decrease. The Commission has no reason to believe that charging decisions, plea bargaining and sentencing practices will develop in such a way as to increase sentence

length and time served, but that is another potential impact of the statute. However, the potential impact on sentence length and time served is rather significant, and, therefore, is worthy of discussion as the Commission and the Council consider alternatives for future action.

Unfortunately, the data and time available did not permit the Commission to perform a study of sentencing disparity. Such a study would require a vast amount of data on individual offenses and individual offenders that either is not available at all, or is not available in automated form. Different sentences for persons convicted of the same offense are to be expected in a criminal justice system that seeks individualized justice. Because all robberies are not the same and all robbers are not the same, every person sentenced for robbery will not receive the same sentence, and justifiably so. An appropriate sentence depends on a variety of factors, such as injury to a victim, what was stolen, use of a weapon, and the offender's criminal history to name a few. Because the Commission and the Urban Institute could not perform a study which took into account these relevant individual factors, this report does not assess whether any disparities in sentences or time served for particular offenses was due to appropriate factors or inappropriate factors. At this time, the Commission cannot report whether unwarranted disparity currently exists among sentences. Nonetheless, by broadening the range of possible sentences available to judges, the Truth in Sentencing Amendment Act creates the potential for creating unwarranted disparity in the future, or exacerbating any unwarranted disparity that might currently exist.

APPENDIX

APPENDIX A

- A-1 Excerpt from the National Capital Revitalization and Self-Government Improvement Act of 1997, Pub. L. 105-33
- A-2 List of subsection (h) offenses
- A-3 D.C. Law 12-165, the Truth in Sentencing Amendment Act of 1998
- A-4 D.C. Law 12-167, the Advisory Commission on Sentencing Establishment Act of 1998

APPENDIX B

- Table B-1 24 offense categories by 140 charges
- Table B-2 Charge seriousness ranking, organized by rank value
- B-3 Methodology
- B-4 How to read tables

APPENDIX C

none

APPENDIX D

- Table D-1 Disposition by plea and by trial for all felony dockets sentenced 1993-98 by 140 charges
- Table D-2 Distribution of defendants sentenced for felony charges on felony dockets in Superior Court, for defendants sentenced between 1993 and 1998 by offense category and by charge
- Table D-3 Number and type of sentences imposed on felony defendants sentenced between 1993 and 1998 by 140 charges for defendants sentenced on a single charge
- Table D-4 Number and type of sentences imposed on felony defendants sentenced between 1993 and 1998 by 140 charges for defendants sentenced on multiple charges
- Table D-5 Minimum confinement period imposed (in months), for felony dockets sentenced between 1993 and 1998 by 140 charges, for defendants sentenced on a single charge
- Table D-6 Minimum confinement period imposed (in months), for felony dockets sentenced between 1993 and 1998 by 140 charges, for defendants sentenced on multiple charges
- Table D-7 Maximum confinement period imposed (in months) for felony dockets sentenced between 1993 and 1998 by 140 charges, for defendants sentenced on a single charge
- Table D-8 Maximum confinement period imposed (in months) for felony dockets sentenced between 1993 and 1998 by 140 charges, for defendants sentenced on multiple charges
- Table D-9 Minimum confinement period imposed (in months), for felony dockets sentenced between 1993 and 1998 by 140 charges, for defendants sentenced for life
- D-10 List of offenses carrying a potential life sentence

APPENDIX E

Table E-1 Number of commitments entering and serving sentences in DOC (not transferred to BOP) 1993-1998 by 140 charges

Table E-2 Number of commitments with a maximum sentence of life entering and serving sentences in DOC (not transferred to BOP) 1993-1998 by 140 charges entering and serving sentences in DOC (not transferred to BOP) 1993-1998 by 140 charges

Table E-3 Length of sentences and length of stay for commitments entering DOC between 1993 and 1998 by 140 charges

Table E-4 Outcomes of initial consideration for parole: offenders having initial consideration between 1993 and 1998 by offense (DOC offense codes)

APPENDIX

A

APPENDIX A-1

APPENDIX A-2

APPENDIX A-3

APPENDIX A-4

APPENDIX

B

Table B-1. 24 offense categories, by 140 charges

Most serious offense category

Homicide

Murder I
2nd degree murder
Attempted murder
Homicide
Manslaughter
Negligent homicide

Sex—child

Indecent act w/minor
Take child, immoral purpose
Indecent exposure
Carnal knowledge, child

Sex—abuse

Sodomy
Rape
Attempted rape
Assault w/i rape

Assault with intent to kill

Assault w/intent to kill

Assault

Aggravated assault while armed
Mayhem
Attempted mayhem
Other assault
Assault with intent
Assault police officer
Simple assault
Cruelty to children

Kidnapping

Kidnapping
Attempted kidnapping

Robbery

Robbery
Attempt robbery
Armed robbery
Taking property without right

Carjacking

Carjacking

Weapon during crime

Poss firearm during crime of dang/viol off

Weapons

CDW
CDW, previous conviction
Possession gun convict
Possession prohibited weapon
Carrying a pistol without a license
Possession of unregistered weapon
Possession prohibited weapon
Sell deadly weapon
Possession gun - 1st offense
Possession unregistered ammunition
National Firearm Act

Burglary

Burglary I
Burglary II
Attempted burglary I
Attempted burglary II
Unlawful entry

Arson

Arson
Malicious burning

Obstruction of justice

Obstruction of justice

Escape/Bail Reform Act

Escape
Bail violation

Drug—distribution

Selling drugs
UCSA control substance
Attempt violate drug
Possession drug or paraphernalia

Drug—possession

Drug possession-felony

Drug—drug free zone

Distribute in drug free zone

Using stolen vehicle

Unauthorized use of vehilce (UUV)
Attempted UUV

Forgery

Forgery or uttering
Uttering a check

Fraud

Fraud 1st degree
Fraud 2nd degree
Credit card fraud

Larceny

Theft 1st degree (includes Grand Lar)
Theft 2nd degree
Larceny interstate shipment
Petit larceny
Attempted theft

Property

Destroy public/private property

Stolen property

Receive stolen property

Destroy stolen property

Possession of stolen property

Other offenses

Embezzlement

Extortion

Perjury or suborn

Threats

Impersonate public official

Prostitution

Pandering

Non support wife/child

Aid and abet

Conspiracy

Possible implementation of crime

Accessory after fact

Held in transit

Held as U.S. witness

Condition of parole

Other offense

Unknown

0533 - not in list

Dwi (t?)

Ad pros writ?

Contempt

Violate driving laws

9900 - not in list

**Table B-2. Charge seriousness rankings, organized by rank value
For felony charges sentenced in DC Superior Court
[Most serious charge rank=1]**

Charges organized by rank value	Rank
Charges ranked 1-5	
Murder I while armed	1
Murder I	2
Murder of law enforcement officer	2
Carjacking while armed	3
2nd degree murder while armed	4
2nd degree murder	5
Charges ranked 6-10	
Poss firearm during crime of dang/viol off	6
Armed burglary I	7
Obstructing justice	8
Armed robbery-senior citizen	9
Voluntary manslaughter while armed	10
1st degree sex abuse while armed	10
Rape while armed	10
Charges ranked 11-15	
Assault w/i kill while armed	11
Aggravated assault while armed	11
Armed kidnapping	11
Assault w/i rape while armed	12
Assault w/i commit sodomy while armed	12
Mayhem while armed	12
Armed robbery	13
Attempt armed robbery	14
Armed assault with intent	15
Assault w/i rob while armed	15
PWID while armed	15
Charges ranked 16-20	
1st degree child sex abuse	16
Sodomy on minor child	16
1st degree sex abuse	16
Rape	16
Kidnapping	17
Attempt distribute in drug free zone	18
Burglary I	19
Voluntary Manslaughter	20

Charges organized by rank value	Rank
Charges ranked 21-25	
Involuntary manslaughter	21
UCSA distribute cocaine	22
UCSA distribute dilaudid	22
UCSA distribute heroin	22
UCSA distribute PCP	22
UCSA distribute preludin	22
UCSA PWID cocaine	22
UCSA PWID dilaudid	22
UCSA PWID heroin	22
UCSA PWID PCP	22
UCSA PWID methamphetam	22
Attempt distribute cocaine	23
Attempt distribute dilaudid	23
Attempt distribute heroin	23
Attempt distribute PCP	23
Attempt distribute preludin	23
Attempt PWID cocaine	23
Attempt PWID dilaudid	23
Attempt PWID heroin	23
Attempt PWID PCP	23
Robbery of senior citizen	24
Carjacking	25
Charges ranked 26-30	
2nd degree sex abuse	26
Threat injure a person	27
Assault w/i rape	28
Assault w/intent to kill	29
Robbery	30
Charges ranked 31-35	
Assault with intent	31
Assault with intent to rob	31
Arson/domestic	32
Attempt 1st degree child sexual abuse	33
Attempt 1st degree sex abuse	33
Cruelty to children	34
Theft I /senior citizen	35
Charges ranked 36-40	
Incest	36
Arson	37
Sodomy	38
Aggravated assault	39
Mayhem	40

Charges organized by rank value	Rank
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Charges ranked 41-45

APO dang weapon	41
2nd degree child sex abuse	42
Assault w/i mayhem	42
Malicious disfigurement	42
ADW	43
Sexual performance using minor	44
3rd degree sex abuse	44
Obtaining narcotics by fraud	44
Bribery	44
Extortion	44
Introducing contraband penal inst	44
Perjury	44
2nd degree cruelty to children	45
PPW felony	45
Forgery	45
Credit card fraud	45
Fraud 1st degree	45
Trafficking stolen property	45

Charges ranked 46-50

Larceny after trust	46
Theft 1st degree	46
Destruction property over 200	47
Receiving stolen goods	48
Attempt aggravated assault	49
Attempt kidnapping	49
2nd degree sex abuse/ward	50
2nd degree sex abuse patient/c	50

Charges ranked 51-55

Negligent homicide	51
Enticing a child	51
Assault w/i any offense	51
UCSA distribute other	51
UCSA PWID other	51
Dangerous Drug Act	51
Blackmail	51
Pandering	51
4th degree sex abuse	52
APO	52
CDW	52
Carrying a pistol without a license	52
Escape/prison breach	52
Bribery of witness	52
Conspiracy	52
Attempt 2nd degree child sex abuse	53
Attempt burglary	53
Escape/prison breach-attempt	53
UUA	54
Procuring	55

Charges organized by rank value	Rank
Charges ranked 56-60	
Uttering	56
Impersonate public official	57
Bad check	58
Tampering physical evidence	60
Fraud 2nd degree	60
Charges ranked 61-65	
Attempt robbery	61
Unlawful entry-vending machine	62
PPW gun	63
Attempt crime not listed	64
Carnal knowledge	65
Charges ranked 66-70	
Maintaining a crack house	66
Armed burglary II	67
Ind act Miller Act	68
Burglary II	68
Violating drug free zone	69
Stalking	69
Bail reform act-felony	70
Grand larceny	70
Charges ranked 71-74	
False impersonation police (fel)	71
Any other felony	72
Any other US charge	72
Accessory after fact	73
Embezzlement	74

Note: The seriousness ranking is used to select the "most serious charge" on every multiple-charge felony docket. Criteria used for ranking all charges are, in order of importance: (1) Statutory maximum penalty, (2) Statutory minimum maximum penalty, (3) Mandatory minimum penalty, (4) Seriousness level as assigned in the 1987 DC Sentencing Guidelines Commission. Note that many charges have the same ranking, in which case the first highest ranking charge is selected as most serious, unless that charge is Possession of firearm during dangerous or violent offense, where the accompanying violent crime is selected.

APPENDIX B-3

METHODOLOGY

Data Sources

The data used in the analyses was collected by the Urban Institute from the computerized information systems of the Pretrial Services Agency (PSA), the D.C. Superior Court (DCSC), the D.C. Department of Corrections (DOC), and the D.C. Parole Board. The PSA data provides NCIC criminal history records and characteristics of the offender such as age, race, gender, education, marital status, and number of dependents. The Superior Court data contains the number and type of sentences along with the lengths of sentences imposed. The DOC data has information on the commitments into prison and releases from prison. From the Parole Board data, parole release decisions and time served until release onto parole is available. Lastly, the pre-sentence investigation reports (PSI), which are used to test the quality of the PSA criminal history information, contain paper records of criminal histories.

Together, these data sources were used to examine the sentences imposed, time served to first release, and first parole hearing outcomes for felony defendants sentenced in Superior Court. Specifically, the Superior Court data was used to describe the variety of sentences imposed on convicted offenders. The actual time served by these sentenced offenders and first releases onto parole can be calculated or estimated using the Superior Court, Department of Corrections, and Parole Board data. Newly sentenced admissions can be identified by using the DOC data and then corroborated by the information from DCSC on the number sentenced to confinement. The link between DOC and the Parole

Board data allowed for the assessment of the number of first parole eligible offenders (DOC), the number of offenders who had first parole hearings (Parole Board), and the number released onto parole (separate counts from both DOC and Parole board data). Time served on their terms was calculated by identifying first releases onto parole with the DOC data and the outcomes of the Parole Board hearings. Over 97% of the records were linked.

In the case of sentences imposed in the Superior Court data, the unit of analysis is the individual persons who appear in a case. When a person appears in more than one case, the data will have separate records for each case in which the person appears. In the DOC and parole data, cases refer to individuals who appear in prison regardless of the number of cases in which that person appeared in DCSC data. Thus, for an individual person who served a length of time on a particular sentence or set of sentences, the length of time served was assessed in relation to the total length of sentence that an offender is obliged to serve. This was determined by using the DCSC and DOC data to calculate concurrent and consecutive sentences. The DOC data gave the operative sentence when sentences were served concurrently in two or more cases. The DOC charge file data contain all charges and can be linked to the Superior Court records that identify concurrent and consecutive sentences, and which charges that were grouped into a single commitment-control number can be evaluated.

Data Construction

Sentenced Imposed

The data used to examine the sentences imposed on offenders came from the Superior Court, and included the records of all felony defendants convicted and sentenced between 1993 and 1998. The analysis in Chapter 4 examined docket-level sentences for the period, and included 17,332 felony dockets with at least one felony charge. These dockets include all 25,918 felony charges sentenced between 1993-1998 for which sentencing information was available.

Offenders who received sentences with a maximum term of life imprisonment were not included in the 'prison' totals, but were included in the 'total sentenced' column. The statistics presented under the 'probation' heading did not include split sentences. Defendants receiving 'other' sentences were not included in either the 'prison' or 'probation' totals, but were included in the 'total sentenced' column. For the tables describing number and type of sentence by year, the 'year of sentencing' column is determined by the date of sentencing for the most serious charge within the docket.

The description of sentence length imposed included all of the dockets with the exception of those dockets where a maximum term of life imprisonment was imposed. Because there is no quantifiable period universally associated with a life sentence, no discrete sentence length could be attributed to these dockets. Therefore, these dockets were excluded from the analysis of maximum sentence (only one docket had both a mean and a maximum of life, and this docket was excluded from all sentence length analysis). For dockets sentenced on a single charge, the minimum and maximum sentences were used in this analysis. Where dockets were sentenced on multiple charges, two different

approaches were employed. For dockets where the imposed sentences were consecutive, the sentence lengths represent the sum of the sentences imposed. Where sentences were to be served concurrently, the sentence associated with the most serious charge was used in determining sentence length. Any suspended portion of a sentence was excluded from the analysis.

Time Served

The information used to construct the dataset used to produce the tables on length of stay consisted of all commitments to DOC from the Superior Court between 1990 and 1998 for sentenced felony charges. The data collection was extended back to 1990 to allow for three more years of data that allowed for the calculation of the median length of stay and other statistics that described the distribution of length of stay. More than 50% of the commitments that occurred between 1993 and 1998 were still in prison at the end of 1998. By contrast, 36% of the commitments that occurred between 1990 and 1998 were in prison at the end of 1998. To construct this dataset for time served, the 23,780 felony defendants sentenced in Superior Court between 1990 and 1998 to some confinement were linked with the DOC data file using the Superior Court docket number to perform the link. A total of 639 of the 23,780 cases (about 2.7% of all dockets) in Superior Court were not found in the DC-DOC data. These were excluded from the analysis. Of the 639 unlinked cases, 161 were sentenced to time served and were not counted as a commitment into DOC.

Offenses of sentencing were determined by the D.C. Superior Court information about charges sentenced in a case; the most serious charge sentenced was based on the

charge carrying the most severe statutory penalty. (See Table B-2) For defendants sentenced to confinement on more than one charge, the aggregated minimum confinement period and the aggregated maximum confinement period for all charges in the case was retained.

After linking with the DOC data, the first “approved release date” following the disposition date on each docket was selected as the date of first release. Approved release is primarily parole but can also include Emergency Powers Act (EPA) release, expiration of sentence, and other official means of release from DOC custody. Approved release does not include escapes. Thus, inoperative time and time on escape are not subtracted from time served to first release in the database. Time to first release is calculated as the time between the date of sentence and the date of first approved release, so jail time is not included in the calculation of time served.

To determine which dockets a defendant was serving time on at any given point, dockets were consolidated into commitments based on time of release. Any dockets that were determined to have identical release dates were considered to be consolidated. For example, if a defendant was sentenced on a first docket on 1/1/1991 and a second docket on 6/1/1991, and the defendant was first released to parole on 12/1/1991, the two dockets were considered consolidated. If, however, the initial release date was 3/1/1991, the dockets were treated as two separate commitments. Commitments were flagged as having been sentenced on one charge or multiple charges based first on the number of dockets in a commitment. If there was more than one docket in a commitment, then the defendant was sentenced on more than one charge. If there was only one docket in the commitment, a flag for the number of felony charges sentenced in a docket created from

the DCSC data was used to determine whether a docket included one or more sentenced charges. To obtain a commitment-level file, only one docket for each commitment was kept. Sentences were assumed to be concurrent across dockets within commitments, so the sentence and charge information for the docket with the longest sentence was picked.

As previously discussed, the observation period was extended back to 1990, in order to obtain more data on length of stay and to attempt to overcome the limitations of the short observation period, providing nine years of commitments. Due to limitations of the DOC data, the observation period could not reliably extend to before 1990. Sometime around 1988 or 1989, the history file that records movements of prisoners into and out of prison was in the DOC electronic database was purged because of disk storage space shortages. The exact extent, scope, and magnitude of the purge was unknown, and officials with the DOC were unable to provide more details about the purge.

One effect of the purge, however, was to wipe out release records for persons committed before 1989. Analysis of the DOC data for persons entering before 1989 led to the conclusion that it was not possible to determine reliably if or when these persons were released from prison for the first time. A large number of the persons committed before 1989 were shown to be in prison during the study period, but their sentence lengths were relatively short and were not consistent with the length of time their prison records indicated they were serving in prison. An unknown number of offenders were committed before 1989 and may have been released before then, recommitted after that, and were shown to be released for the first time during the study period. In fact these offenders had been released for the first time prior to the record of their first release. In both cases, using data on commitments before 1989 could lead to large overestimates of

length of stay. Persons committed into prison after the purge were not affected by these problems.

Parole

First release to parole is computed from a number of sources. Date of release was taken from DOC data, selecting out those releases that are recorded as “release to parole” with a release reason recorded as either “Grant/Reinstate Parole,” “EPA Release,” or “Mandatory Release to Parole.” For those individuals selected with these release characteristics, the parole history is searched to obtain the most recent parole decision made. If the last parole decision is to grant parole on a consideration for initial release, these are considered as “parolees on first release.” If the last parole board decision is to grant a “re-parole,” these individuals are excluded from the analysis. Finally, those individuals who have the last decision of a parole denial with a release at mandatory release as well as those that have a mandatory denial with a future hearing scheduled and who were released on an “EPA release” are also counted as “parolees on first release.”

The most serious offenses that prisoners were serving time for when they were released was computed using the sentence information available from new and updated face sheets as well as the offense information available on new face sheets. The most serious offense is determined as the offense which has the largest maximum sentence associated with it. All subsequent update face sheets are considered as having the same most serious offense. With a new face sheet, the most serious offense is updated to again reflect the offense with the largest maximum sentence associated with it. At any time in prison, all prisoners have a most serious offense associated with them. In the

electronic data, however, this is available only after the receipt of the first face sheet.

Since no prisoner is released on parole without a face sheet this is not a problem.

Consequently, for those prisoners released on parole, the most serious offence is the one that appears on their “current” face sheet.¹

Data for aggregated sentences are incomplete in the parole database although data for individual sentences are complete. Consequently, computations were done to approximate aggregated data. The information contained in the parole database on whether in individual sentence is to be served “concurrently” or “consecutively” with any outstanding sentence is incorrectly recorded. Hence, for those cases where aggregated sentence information is unavailable, the individual sentence on the most recent sentence is taken. The most recent face sheet included information on all offenses the prisoner is serving time for. Consequently, the most dates of sentence for the recent sentence and the most serious sentence can vary. However, the actual offence flagged as the most serious one will be the same.

For those cases where the aggregated sentence information is unavailable, the aggregate maximum sentence is approximated as the time period between the most recent date of sentencing and the current “full term date.” To this quantity is added any “jail time” and from it is subtracted any “inoperative time” that the current face sheet might record. This computation gives an estimate of what the aggregate maximum sentence for this individual must have been as the “full term date” includes any “jail time” the prisoner may have served prior to being sentenced and any “inoperative time” the prisoner may not have served (escape time) prior to first release on parole. The “full term

¹ A link between Parole Data and DC Superior court data could not be made. Consequently, DOC offense codes have been used. Most of these codes are conceptually close to offense categories from the Superior Court data.

date” less the “release date” gives the amount of time “not” served from the aggregated maximum sentence. Combining that information with the aggregated maximum computed gives the time served prior to first release on parole.

Some parolees can violate parole with a new crime and be sentenced for it and get paroled for the “new” crime. This instance of release to parole would also be considered a first release. However, the time to first release would not accurately reflect time served for the specific offense as it would include “parole violation time.” To avoid inflating time served estimates, the figures reported are only for the first instance of first release encountered between 1993 and 1998.

Since the computation of aggregate max requires the “full term date” and since very few lifers were released from prison to parole during the period under study, lifers have been completely excluded from the figures obtained from the parole database. To avoid complications resulting from mismatching of face sheets with release instances, all instances of parole releases for any lifer is entirely removed from this analysis. That is, even if a prisoner is released to parole in 1994 and if released from all supervision in 1997 and then is re-sentenced for life in 1998, the previous episode of the release is removed from the analysis. This is done primarily for ease in combination of various databases used in the study. A separate section in the chapter deals with releases of lifers.

An individual released on parole could have been serving time on multiple cases and on multiple charges within those cases. The link between the parole data and the courts data has not yet been confidently established. The unit of analysis of the parole decision tables was the decision. Invariably, there are multiple decisions made about the release of an individual. An individual being considered for an initial release multiple

times (in cases where there is a subsequent sentence after an initial release) will be counted more than once in the decision table).

Offender characteristics and criminal history

Information on offender characteristics was obtained from the DC Pretrial Services Agency (PSA). This analysis is based on a subset of person-cases from the DC Superior Court files, representing all dockets with at least one felony charge sentenced between 1993 and 1998. Demographic data from PSA were matched to the court data using offenders' Metropolitan Police Department's ID numbers (PDIDs) and their dates of birth. Nearly all (98%) of the person-cases in the court file were matched to PSA data on gender, race, and age.

Information regarding offender prior convictions was obtained from PSA. An analysis comparing the accuracy of PSA data to that of the pre-sentence investigative reports (PSI) submitted to judges at sentencing revealed comparable levels of precision. This procedure is discussed in detail in the next section.

The question was whether the automated official records from the Pretrial Services Agency (PSA) could provide these data in a form and with the accuracy that the study required. The PSA database includes automated records of all prior convictions in DC Superior Court of the persons who are charged with felonies in the District of Columbia. This information is believed to be complete for records of offenders convicted and sentenced in DC Superior Court after 1978. The data on felony court dispositions are included in the PSA database by a direct download from the DC Superior Court data files.

However, the PSA database does not include automated data on offenses and convictions committed in other jurisdictions and offenses committed in the District prior to 1978. Information about offenses committed in DC prior to 1978 and those in other jurisdictions is included in the PSA database as written text that do not permit statistical manipulation. These written records of criminal history that occurred in other jurisdictions other than the District would need to be coded in a form that could be used in statistical analysis. The automated data on criminal history (from DC Superior Court data files and included in the PSA database) would be supplemented with a data file created by coding the criminal history information from the text portions of the PSA database. The end result would be an automated data file on the entire population of offenders sentenced during 1993-1998 rather than a smaller sample of cases. The key assumption underlying the choice of using the combined sources of PSA data on criminal history - the DC Superior Court records in conjunction with the written text descriptions that would be coded into a datafile - was that the PSA data on criminal history reflected the criminal history that judges viewed on a pre-sentence investigation report (PSI).

To test this, we compared criminal history data from a sample of PSA records to the criminal history information in their matched PSI reports. Both data sources may be in error in the sense that they may not include the actual number of offenses or convictions for a given offender, but this error is irrelevant for the sentencing decision. Comparisons between the PSA data and the PSI data were restricted to convictions. Arrests, court hearings and other contacts with the criminal justice system were also excluded from comparisons on the recommendation of judges on the Commissions. The

judges felt that information on events other than convictions were too unreliable to be considered in sentencing. The comparisons of criminal history also excluded information on juvenile records since this information was not included in the PSA data. When there was a juvenile record a note was often entered into the PSA database but no specifics on the offenses were included.

A sample of 58 cases was randomly selected from the PSA database. This sample size was chosen because it would provide reasonable inference on the quality of the data without being overly burdensome logistically. It is obviously not large enough to provide statistically reliable estimates of the difference between the two data systems. To provide such estimates would require samples of several hundred as well as a number of months to complete. Since this effort was not possible, this sample was considered sufficient to inform the decision of whether to use the PSA data or to collect information on a sample of paper files.

The case identifiers for the selected cases were given to the Court Services and Offender Supervision Agency staff who obtained the appropriate PSIs. The criminal history information for a given case in the PSA data was listed. Urban Institute staff coded the information from the PSA listing and independently coded the information from the PSI. In coding the PSA information, they identified the appropriate case using the dates of entries in the listing. All events prior to the disposition date of a case were considered eligible for the criminal history for that case. In the PSI files, the report for a specific docket number was used to characterize the criminal history for that case. Only information on entries in which there was a conviction was coded as an offense in the criminal history. For each conviction, the date, the charge or charges, the sentence,

whether the offense was a felony and the jurisdiction of the offense were recorded, if and when it was available in the records.

As we noted above, the standard for assessing the quality of the PSA criminal history data was its match or correspondence with the PSI data. Two different standards were used to determine whether cases were a match. The first simply compared the counts of prior convictions from PSA data with that from the PSI data. If these counts were the same, the cases matched. The second standard loosened the match requirement so that if the PSA and PSI data resulted in persons being classified in the same range of criminal history, there was a match. The ranges chosen were zero prior convictions, one prior conviction, 2 to 3 prior convictions and more than 3 prior convictions. These ranges were chosen under the assumption that missing the fourth event in a fairly lengthy criminal history would not be as consequential for sentencing as misclassifying persons with less extensive criminal histories. This assumption was confirmed by the judges on the Commission.

Using the stricter match criterion for the 58 cases, 38 (66%) matched, i.e., the PSI and the PSA data are identical in the total number of convictions. Twenty (20) pairs were a mismatch. Of the 20 mismatch pairs, 12 of these pairs are off by 1 conviction (i.e., either the PSA or the PSI has one more than the other data source), generally the PSIs had more convictions. Of the remaining 8 pairs, 5 pairs were off by 2 priors, and 3 pairs were off by 3 or more priors. Of the 38 pairs with at least one prior conviction reported in either the PSA or PSI, there are 18 exact matches (47%). Overall, the PSIs report a mean of 2.43 priors, while the PSAs report a mean of 2.24 (this difference is non-significant, $p=.74$).

Most of the difference in the number of priors between the two data sources is due to a difference in the number of prior convictions occurring in DC prior to 1986 or those that occurred in other jurisdictions. The PSI mean for these offenses was .93 and the PSA mean was 1.33. The difference in the DC post 1986 offenses is smaller with the PSI mean equal to 1.50 and the PSA mean at 1.21.

When the less restrictive definition of match was used, i.e. the number of prior convictions is re-coded into the following categories: 0, 1, 2-3, 3+, the number of mismatches dropped from 20 to 10. This means that in about 83 percent of the cases, the offenders' criminal history would be similarly characterized using the PSA data as the PSI data.

On the basis of these findings, the PSA automated data was adequate source for use in the study of sentencing practices. It can also be concluded that it would be beneficial to code the text data included in the PSA data base, since almost 40 percent of the total criminal history data is obtained from this source. Omitting this information would substantially under-estimate the nature of criminal history information considered in sentencing.

APPENDIX B-4

HOW TO READ TABLES

Two kinds of data tables appear throughout this report. Some tables show statistics (for example, means and medians) about a particular offender characteristic such as age.

These are called these univariate statistics tables. Another type of table, which are known as frequency tables, show numbers and percentages that tell how often we observe certain characteristics. For example, the percent of males vs. females sentenced in a given year.

When reading both types of tables, it is important to remember two things. First, the present analyses include offenders in felony cases sentenced between 1993 and 1998. This means that an individual can be counted more than once if he or she was sentenced in more than one case during the study period. Second, statistics have been calculated by excluding offender records with missing data. As a result, the numbers within tables will not always sum to the total number of records.

Univariate Statistics Tables.

This type of table presents descriptive statistics on the characteristics of interest. An example of such a table is Table 3.1 that presents the statistics on the age distribution of persons sentenced on felony charges between 1993 and 1998 by gender. Column 1 lists the characteristic of interest, in this case, the gender of the offender. Columns 2-4 describe the number of cases. Column 2 is the total number of offenders sentenced. Column 3 gives the

mean, or average age. This is the sum of all the ages of offenders in years divided by the number of offenders. The standard deviation in Column 4 indicates the amount of variation there is in age. Columns 5 through 7 show the age at different percentiles. Looking at Column 5 for the first row (females), for example, the 25th percentile was 28 for females. This can be interpreted to be that 25% of the females sentenced between 1993 and 1998 were aged 28 or less. The median in Column 6 represents the 50th percentile. This is derived from ordering all ages from lowest to highest and selecting the age that falls exactly in the middle. The interpretation here is that in 50% of the females sentenced, the offender was aged 33 or younger. The last column presents the 75th percentile that indicates that 75% of females sentenced were age 38 or younger and alternatively, that 25% were older than 38.

Frequency Tables

These tables show how often certain characteristics of interest appear in the data. Using Table 4.1, Frequency of pleas versus trials, by offense category, from Chapter 4 as an example, one would read that 394 offenders (approximately 50% of those convicted of homicide) plead guilty to one or more charges without a trial. The other half was found guilty at trial.

APPENDIX

C

(none)

APPENDIX

D

Table D-1. Disposition by plea and trial, for all felony dockets sentenced between 1993-1998, by specific charge

Specific charge	Plea		Trial		Missing		Total
	Number	Percent	Number	Percent	Number	Percent	
Murder I while armed	16	6.3	236	93.7	0	0	252
Murder I	2	9.5	19	90.5	0	0	21
Murder of law enforcement officer	0	...	...	...	...	...	...
2nd degree murder while armed	140	62.2	85	37.8	0	0	225
2nd degree murder	40	90.9	4	9.1	0	0	44
Voluntary Manslaughter	87	88.8	11	11.2	0	0	98
Voluntary manslaughter while armed	63	70.8	26	29.2	0	0	89
Involuntary manslaughter	33	89.2	4	10.8	0	0	37
Negligent homicide	13	92.9	1	7.1	0	0	14
1st degree child sex abuse	7	46.7	8	53.3	0	0	15
Sodomy on minor child	4	100.0	0	0.0	0	0	4
Attempt 1st degree child sexual abuse	1	100.0	0	0.0	0	0	1
2nd degree child sex abuse	18	90.0	2	10.0	0	0	20
Enticing a child	5	83.3	1	16.7	0	0	6
Sexual performance using minor	1	100.0	0	0.0	0	0	1
Attempt 2nd degree child sex abuse	5	100.0	0	0.0	0	0	5
Carnal knowledge	12	85.7	2	14.3	0	0	14
1st degree sex abuse	14	70.0	6	30.0	0	0	20
1st degree sex abuse while armed	3	100.0	0	0.0	0	0	3
Rape	9	37.5	15	62.5	0	0	24
Rape while armed	3	27.3	8	72.7	0	0	11
2nd degree sex abuse	3	100.0	0	0.0	0	0	3
3rd degree sex abuse	8	100.0	0	0.0	0	0	8
4th degree sex abuse	7	100.0	0	0.0	0	0	7
2nd degree sex abuse/ward	1	100.0	0	0.0	0	0	1
2nd degree sex abuse patient/c	1	100.0	0	0.0	0	0	1
Attempt 1st degree sex abuse	42	89.4	5	10.6	0	0	47
Sodomy	7	70.0	3	30.0	0	0	10
Incest	2	100.0	0	0.0	0	0	2
Ind act Miller Act	59	89.4	7	10.6	0	0	66
Assault w/i kill while armed	26	34.2	50	65.8	0	0	76
Assault w/intent to kill	20	100.0	0	0.0	0	0	20
Assault w/i rape while armed	3	75.0	1	25.0	0	0	4
Assault w/i rape	20	100.0	0	0.0	0	0	20
Armed assault with intent	1	100.0	0	0.0	0	0	1
Assault w/i rob while armed	11	42.3	15	57.7	0	0	26
Assault with intent	7	100.0	0	0.0	0	0	7
Assault with intent to rob	50	89.3	6	10.7	0	0	56
Assault w/i mayhem	3	100.0	0	0.0	0	0	3
ADW	444	81.5	101	18.5	0	0	545
Assault w/i commit sodomy while armed	0	...	...	...	...	...	...
Assault w/i any offense	6	100.0	0	0.0	0	0	6
Aggravated assault	99	92.5	8	7.5	0	0	107
Aggravated assault while armed	30	38.5	48	61.5	0	0	78
Attempt aggravated assault	39	100.0	0	0.0	0	0	39
APO dang weapon	17	65.4	9	34.6	0	0	26
APO	66	79.5	17	20.5	0	0	83
Mayhem	13	92.9	1	7.1	0	0	14
Mayhem while armed	8	53.3	7	46.7	0	0	15
Malicious disfigurement	0	...	...	...	...	...	...
Cruelty to children	23	76.7	7	23.3	0	0	30

Specific charge	Plea		Trial		Missing		Total
	Number	Percent	Number	Percent	Number	Percent	
2nd degree cruelty to children	8	80.0	2	20.0	0	0	10
Armed kidnapping	4	30.8	9	69.2	0	0	13
Kidnapping	13	61.9	8	38.1	0	0	21
Attempt kidnapping	0	...	...	...	...	...	...
Armed robbery	195	67.5	94	32.5	0	0	289
Armed robbery-senior citizen	0	0.0	2	100.0	0	0	2
Attempt armed robbery	10	83.3	2	16.7	0	0	12
Robbery	506	93.0	38	7.0	0	0	544
Robbery of senior citizen	13	50.0	13	50.0	0	0	26
Attempt robbery	533	99.6	2	0.4	0	0	535
Armed robbery (domestic)	0	...	...	...	...	...	...
Carjacking	11	78.6	3	21.4	0	0	14
Carjacking while armed	6	33.3	12	66.7	0	0	18
Poss firearm during crime of dang/viol off	96	98.0	2	2.0	0	0	98
CDW	165	82.1	36	17.9	0	0	201
CDW gun	0	...	...	...	...	...	...
PPW gun	10	90.9	1	9.1	0	0	11
Carry pistol w/o license-domestic	0	...	...	...	...	...	...
Carrying a pistol without a license	816	88.6	105	11.4	0	0	921
PPW blackjack	0	...	...	...	...	...	...
PPW felony	73	86.9	11	13.1	0	0	84
Armed burglary I	11	25.6	32	74.4	0	0	43
Burglary I	61	71.8	24	28.2	0	0	85
Armed burglary II	6	100.0	0	0.0	0	0	6
Burglary II	508	96.2	19	3.8	0	0	528
Attempt burglary	243	100.0	0	0.0	0	0	243
Arson	17	81.0	4	19.0	0	0	21
Obstructing justice	17	37.0	29	63.0	0	0	46
Escape/prison breach-attempt	229	100.0	0	0.0	0	0	229
Escape/prison breach	1829	99.6	7	0.4	0	0	1836
Bail reform act-felony	593	93.4	42	6.6	0	0	635
Attempt distribute cocaine	1812	99.9	2	0.1	0	0	1814
Attempt distribute dilaudid	44	100.0	0	0.0	0	0	44
Attempt distribute heroin	340	100.0	0	0.0	0	0	340
Attempt distribute PCP	54	100.0	0	0.0	0	0	54
Attempt distribute preludin	2	100.0	0	0.0	0	0	2
UCSA distribute cocaine	511	70.3	215	29.6	1	0.14	727
UCSA distribute dilaudid	25	80.6	6	19.4	0	0	31
UCSA distribute heroin	192	78.4	53	21.6	0	0	245
UCSA distribute other	3	100.0	0	0.0	0	0	3
UCSA distribute PCP	23	76.7	7	23.3	0	0	30
UCSA distribute preludin	1	100.0	0	0.0	0	0	1
Attempt PWID cocaine	1765	100.0	0	0.0	0	0	1765
Attempt PWID dilaudid	7	100.0	0	0.0	0	0	7
Attempt PWID heroin	461	100.0	0	0.0	0	0	461
Attempt PWID PCP	62	98.4	1	1.6	0	0	63
Attempt PWID preludin	0	...	...	...	...	...	...
PWID while armed	17	60.7	11	39.3	0	0	28
UCSA PWID cocaine	616	77.2	182	22.8	0	0	798
UCSA PWID dilaudid	7	63.6	4	36.4	0	0	11
UCSA PWID heroin	213	84.5	39	15.5	0	0	252
UCSA PWID other	6	100.0	0	0.0	0	0	6
UCSA PWID PCP	29	78.4	8	21.6	0	0	37
UCSA PWID preludin	0	...	...	...	...	...	...
UCSA PWID methamphetamine	2	100.0	0	0.0	0	0	2
UCSA PWID LSD	0	...	...	...	...	...	...
UCSA PWID psilocybin	0	...	...	...	...	...	...

Specific charge	Plea		Trial		Missing		Total
	Number	Percent	Number	Percent	Number	Percent	
Attempt distribute in drug free zone	1	100.0	0	0.0	0	0	1
Maintaining a crack house	1	100.0	0	0.0	0	0	1
Dangerous Drug Act	0	...	...	...	...	...	...
Obtaining narcotics by fraud	7	100.0	0	0.0	0	0	7
Distribution drug free zone	24	63.2	14	36.8	0	0	38
Using stolen vehicle	584	97.0	18	3.0	0	0	602
Forgery	38	82.6	8	17.4	0	0	46
Uttering	65	95.6	3	4.4	0	0	68
Bad check	3	100.0	0	0.0	0	0	3
Bad check (felony)	0	...	...	...	...	...	...
Credit card fraud	7	87.5	1	12.5	0	0	8
Fraud 1st degree	8	88.9	1	11.1	0	0	9
Fraud 2nd degree	6	100.0	0	0.0	0	0	6
Larceny after trust	0	...	...	...	...	...	...
Theft 1st degree	199	90.5	21	9.5	0	0	220
Theft I /senior citizen	0	...	...	...	...	...	...
Destruction property over 200	146	91.3	14	8.8	0	0	160
Breaking & entering-vending machine	7	100.0	0	0.0	0	0	7
Trafficking stolen property	4	100.0	0	0.0	0	0	4
Receiving stolen goods	137	77.4	40	22.6	0	0	177
Accessory after fact	17	89.5	2	10.5	0	0	19
Blackmail	1	100.0	0	0.0	0	0	1
Bribery	4	66.7	2	33.3	0	0	6
Bribery of witness	0	...	...	...	...	...	...
Conspiracy	27	87.1	4	12.9	0	0	31
Embezzlement	1	100.0	0	0.0	0	0	1
Extortion	0	0.0	1	100.0	0	0	1
False impersonation police (fel)	1	100.0	0	0.0	0	0	1
Impersonate public official	1	100.0	0	0.0	0	0	1
Introducing contraband penal inst	2	100.0	0	0.0	0	0	2
Pandering	3	75.0	1	25.0	0	0	4
Perjury	3	75.0	1	25.0	0	0	4
Procuring	2	100.0	0	0.0	0	0	2
Stalking	0	...	...	...	...	...	...
Threat injure a person	61	73.5	22	26.5	0	0	83
Any other felony (domestic violence)	0	...	...	...	...	...	...
Any other felony	138	93.9	9	6.1	0	0	147
Any other US charge	23	100.0	0	0.0	0	0	23
Attempt crime not listed	252	100.0	0	0.0	0	0	252

Table D-2. Distribution of defendants sentenced for felony charges on felony dockets in D.C. Superior Court, for defendants sentenced between 1993-1998, by offense category and charge

Offense category and charge	Defendant level		
	All defendants	Single felony charge	Most serious charge
Total defendants	17,331	12,578	4,753
Homicide	780	258	522
Murder I while armed	252	13	239
Murder I	21	2	19
Murder of law enforcement officer	0	0	0
2nd degree murder while armed	225	84	141
2nd degree murder	44	24	20
Voluntary Manslaughter	98	48	50
Voluntary manslaughter while armed	89	49	40
Involuntary manslaughter	37	24	13
Negligent homicide	14	14	0
Sex--child	132	81	51
1st degree child sex abuse	15	6	9
Sodomy on minor child	4	2	2
Attempt 1st degree child sexual abuse	1	1	0
2nd degree child sex abuse	20	20	0
Enticing a child	6	5	1
Sexual performance using minor	1	0	1
Attempt 2nd degree child sex abuse	5	3	2
Carnal knowledge	14	5	9
Ind act Miller Act	66	39	27
Sex--abuse	161	87	74
1st degree sex abuse	20	10	10
1st degree sex abuse while armed	3	1	2
Rape	24	5	19
Rape while armed	11	1	10
2nd degree sex abuse	3	2	1
3rd degree sex abuse	8	7	1
4th degree sex abuse	7	5	2
2nd degree sex abuse/ward	1	1	0
2nd degree sex abuse patient/c	1	1	0
Attempt 1st degree sex abuse	47	38	9
Sodomy	10	2	8
Incest	2	1	1
Assault w/i rape while armed	4	2	2
Assault w/i rape	20	11	9
Assault with intent to kill	96	25	71
Assault w/i kill while armed	76	16	60
Assault w/intent to kill	20	9	11
Assault	964	564	400
Armed assault with intent	1	1	0
Assault with intent	7	4	3
Assault w/i mayhem	3	2	1
ADW	545	313	232
Assault w/i commit sodomy while armed	0	0	0
Assault w/i any offense	6	6	0
Aggravated assault	107	78	29
Aggravated assault while armed	78	27	51
Attempt aggravated assault	39	36	3
APO dang weapon	26	2	24
APO	83	57	26
Mayhem	14	7	7

Offense category and charge	Defendant level		
	All defendants	Single felony charge	Most serious charge
Mayhem while armed	15	4	11
Malicious disfigurement	0	0	0
Cruelty to children	30	17	13
2nd degree cruelty to children	10	10	0
Kidnapping	34	10	24
Armed kidnapping	13	2	11
Kidnapping	21	8	13
Attempt kidnapping	0	0	0
Robbery	1,490	959	531
Assault w/i rob while armed	26	8	18
Assault with intent to rob	56	34	22
Armed robbery	289	122	167
Armed robbery-senior citizen	2	0	2
Attempt armed robbery	12	2	10
Robbery	544	337	207
Robbery of senior citizen	26	14	12
Attempt robbery	535	442	93
Armed robbery (domestic)	0	0	0
Carjacking	32	7	25
Carjacking	14	6	8
Carjacking while armed	18	1	17
Weapon during crime	98	82	16
Poss firearm during crime of dang/viol off	98	82	16
Weapon	1,217	925	292
CDW	201	159	42
CDW gun	0	0	0
PPW gun	11	9	2
Carry pistol w/o license-domestic	0	0	0
Carrying a pistol without a license	921	721	200
PPW blackjack	0	0	0
PPW felony	84	36	48
Burglary	904	639	265
Armed burglary I	43	5	38
Burglary I	85	37	48
Armed burglary II	6	3	3
Burglary II	527	403	124
Attempt burglary	243	191	52
Arson	21	8	13
Arson	21	8	13
Obstruction of justice	46	11	35
Obstructing justice	46	11	35
Escape/Bail Reform Act	2,700	2,505	195
Escape/prison breach-attempt	229	221	8
Escape/prison breach	1,836	1,734	102
Bail reform act-felony	635	550	85
Drug--distribution	3,291	2,379	912
Attempt distribute cocaine	1,814	1,391	423
Attempt distribute dilaudid	44	39	5
Attempt distribute heroin	340	267	73
Attempt distribute PCP	54	41	13
Attempt distribute preludin	2	2	0
UCSA distribute cocaine	727	450	277
UCSA distribute dilaudid	31	20	11
UCSA distribute heroin	245	151	94

Offense category and charge	Defendant level		
	All defendants	Single felony charge	Most serious charge
UCSA distribute other	3	3	0
UCSA distribute PCP	30	14	16
UCSA distribute preludein	1	1	0
Drug--PWID	3,430	2,692	738
Attempt PWID cocaine	1,765	1,407	358
Attempt PWID dilaudid	7	6	1
Attempt PWID heroin	461	396	65
Attempt PWID PCP	63	49	14
Attempt PWID preludein	0	0	0
PWID while armed	28	12	16
UCSA PWID cocaine	798	585	213
UCSA PWID dilaudid	11	9	2
UCSA PWID heroin	252	197	55
UCSA PWID other	6	4	2
UCSA PWID PCP	37	26	11
UCSA PWID preludein	0	0	0
UCSA PWID methamphetamine	2	1	1
UCSA PWID LSD	0	0	0
UCSA PWID psilocybin	0	0	0
Drug-Violation of drug free zone	39	30	9
Attempt distribute in drug free zone	1	1	0
Dangerous Drug Act	0	0	0
Distribution drug free zone	38	29	9
Unauthorized use of an auto	602	517	85
Using stolen vehicle	602	517	85
Forgery	117	60	57
Forgery	46	14	32
Uttering	68	46	22
Bad check	3	0	3
Bad check (felony)	0	0	0
Fraud	23	14	9
Credit card fraud	8	5	3
Fraud 1st degree	9	4	5
Fraud 2nd degree	6	5	1
Larceny	220	112	108
Larceny after trust	0	0	0
Theft 1st degree	220	112	108
Theft I /senior citizen	0	0	0
Property	167	79	88
Destruction property over 200	160	73	87
Breaking & entering-vending machine	7	6	1
Stolen property	181	98	83
Trafficking stolen property	4	2	2
Receiving stolen goods	177	96	81
Other	586	436	150
Maintaining a crack house	1	0	1
Obtaining narcotics by fraud	7	3	4
Accessory after fact	19	16	3
Blackmail	1	0	1
Bribery	6	5	1
Bribery of witness	0	0	0
Conspiracy	31	13	18
Embezzlement	1	0	1
Extortion	1	0	1

Offense category and charge	Defendant level		
	All defendants	Single felony charge	Most serious charge
False impersonation police (fel)	1	1	0
Impersonate public official	1	0	1
Introducing contraband penal inst	2	2	0
Pandering	4	3	1
Perjury	4	2	2
Procuring	2	2	0
Stalking	0	0	0
Threat injure a person	83	40	43
Any other felony (domestic violence)	0	0	0
Any other felony	147	127	20
Any other US charge	23	22	1
Attempt crime not listed	252	200	52

Table D-3. Number and type of sentences imposed on felony defendants sentenced between 1993-1998, by specific charge
For felony defendants sentenced on a single charge

Specific charge	Total sentenced	Prison					Probation	Other
		Total prison	Prison only	Prison & probation	Life			
Murder I while armed	13	13	13	0	13	0	0	
Murder I	2	2	2	0	2	0	0	
Murder of law enforcement officer	0	0	0	0	0	0	0	
2nd degree murder while armed	84	83	81	2	52	0	1	
2nd degree murder	24	21	20	1	13	2	1	
Voluntary Manslaughter	48	41	39	2	0	5	2	
Voluntary manslaughter while armed	49	47	46	1	16	1	1	
Involuntary manslaughter	24	19	14	5	0	3	2	
Negligent homicide	14	8	5	3	0	3	3	
1st degree child sex abuse	6	5	5	0	2	1	0	
Sodomy on minor child	2	1	1	0	0	1	0	
Attempt 1st degree child sexual abuse	1	1	1	0	0	0	0	
2nd degree child sex abuse	20	13	7	6	0	7	0	
Enticing a child	5	4	3	1	0	1	0	
Sexual performance using minor	0	0	0	0	0	0	0	
Attempt 2nd degree child sex abuse	3	2	2	0	0	1	0	
Carnal knowledge	5	5	5	0	0	0	0	
1st degree sex abuse	10	10	9	1	5	0	0	
1st degree sex abuse while armed	1	1	1	0	1	0	0	
Rape	5	4	4	0	0	0	1	
Rape while armed	1	1	1	0	0	0	0	
2nd degree sex abuse	2	2	1	1	0	0	0	
3rd degree sex abuse	7	7	5	2	0	0	0	
4th degree sex abuse	5	5	5	0	0	0	0	
2nd degree sex abuse/ward	1	1	1	0	0	0	0	
2nd degree sex abuse patient/c	1	0	0	0	0	1	0	
Attempt 1st degree sex abuse	38	35	27	8	0	2	1	
Sodomy	2	2	2	0	0	0	0	
Incest	1	1	1	0	0	0	0	
Ind act Miller Act	39	29	28	1	0	8	2	
Assault w/i kill while armed	16	16	16	0	3	0	0	
Assault w/intent to kill	9	9	8	1	0	0	0	
Assault w/i rape while armed	2	2	2	0	0	0	0	
Assault w/i rape	11	8	8	0	0	3	0	
Armed assault with intent	1	1	1	0	0	0	0	
Assault w/i rob while armed	8	8	8	0	0	0	0	
Assault with intent	4	3	3	0	0	1	0	
Assault with intent to rob	34	26	25	1	0	6	2	
Assault w/i mayhem	2	2	2	0	0	0	0	
ADW	313	208	178	30	0	84	21	
Assault w/i commit sodomy while armed	0	0	0	0	0	0	0	
Assault w/i any offense	6	5	5	0	0	1	0	
Aggravated assault	78	60	37	23	1	16	2	
Aggravated assault while armed	27	24	19	5	3	3	0	
Attempt aggravated assault	36	27	20	7	0	9	0	
APO dang weapon	2	1	1	0	0	0	1	
APO	57	37	34	3	0	15	5	
Mayhem	7	6	5	1	0	0	1	
Mayhem while armed	4	3	3	0	0	0	1	
Malicious disfigurement	0	0	0	0	0	0	0	
Cruelty to children	17	8	3	5	0	8	1	
2nd degree cruelty to children	10	5	5	0	0	5	0	

Specific charge	Prison						Other
	Total sentenced	Total prison	Prison only	Prison & probation	Life	Probation	
Armed kidnapping	2	2	1	1	0	0	0
Kidnapping	8	5	5	0	1	2	1
Attempt kidnapping	0	0	0	0	0	0	0
Armed robbery	122	109	103	6	8	8	5
Armed robbery-senior citizen	0	0	0	0	0	0	0
Attempt armed robbery	2	2	2	0	0	0	0
Robbery	337	274	250	24	0	55	8
Robbery of senior citizen	14	12	11	1	0	1	1
Attempt robbery	442	332	308	24	0	104	6
Armed robbery (domestic)	0	0	0	0	0	0	0
Carjacking	6	6	6	0	0	0	0
Carjacking while armed	1	1	1	0	0	0	0
Poss firearm during crime of dang/viol off	82	78	78	0	0	3	1
CDW	159	103	100	3	0	44	12
CDW gun	0	0	0	0	0	0	0
PPW gun	9	2	2	0	0	6	1
Carry pistol w/o license-domestic	0	0	0	0	0	0	0
Carrying a pistol without a license	721	388	315	73	0	292	41
PPW blackjack	0	0	0	0	0	0	0
PPW felony	36	18	17	1	0	17	1
Armed burglary I	5	5	4	1	0	0	0
Burglary I	37	33	30	3	1	4	0
Armed burglary II	3	2	2	0	0	0	1
Burglary II	403	321	296	25	0	74	8
Attempt burglary	191	139	127	12	1	52	0
Arson	8	3	1	2	0	5	0
Obstructing justice	11	6	6	0	0	5	0
Escape/prison breach-attempt	221	210	209	1	0	9	2
Escape/prison breach	1734	1368	1297	71	0	339	27
Bail reform act-felony	550	360	336	24	0	174	16
Attempt distribute cocaine	1391	712	678	34	0	632	47
Attempt distribute dilaudid	39	27	26	1	0	12	0
Attempt distribute heroin	267	141	133	8	0	121	5
Attempt distribute PCP	41	22	21	1	0	19	0
Attempt distribute preludin	2	2	2	0	0	0	0
UCSA distribute cocaine	450	299	279	20	0	138	13
UCSA distribute dilaudid	20	14	14	0	0	6	0
UCSA distribute heroin	151	98	88	10	0	52	1
UCSA distribute other	3	0	0	0	0	3	0
UCSA distribute PCP	14	10	10	0	0	4	0
UCSA distribute preludin	1	1	1	0	0	0	0
Attempt PWID cocaine	1407	726	613	113	0	643	38
Attempt PWID dilaudid	6	1	0	1	0	4	1
Attempt PWID heroin	396	221	192	29	0	167	8
Attempt PWID PCP	49	18	17	1	0	30	1
Attempt PWID preludin	0	0	0	0	0	0	0
PWID while armed	12	8	8	0	0	4	0
UCSA PWID cocaine	585	368	315	53	0	206	11
UCSA PWID dilaudid	9	7	7	0	0	2	0
UCSA PWID heroin	197	132	114	18	0	63	2
UCSA PWID other	4	2	2	0	0	2	0
UCSA PWID PCP	26	21	19	2	0	5	0
UCSA PWID preludin	0	0	0	0	0	0	0
UCSA PWID methamphetamine	1	1	0	1	0	0	0
UCSA PWID LSD	0	0	0	0	0	0	0
UCSA PWID psilocybin	0	0	0	0	0	0	0

Specific charge	Prison						
	Total sentenced	Total prison	Prison only	Prison & probation	Life	Probation	Other
Attempt distribute in drug free zone	1	0	0	0	0	1	0
Maintaining a crack house	0	0	0	0	0	0	0
Dangerous Drug Act	0	0	0	0	0	0	0
Obtaining narcotics by fraud	3	2	1	1	0	1	0
Distribution drug free zone	29	18	13	5	0	11	0
Using stolen vehicle	517	365	323	42	0	143	9
Forgery	14	7	7	0	0	6	1
Uttering	46	20	19	1	0	25	1
Bad check	0	0	0	0	0	0	0
Bad check (felony)	0	0	0	0	0	0	0
Credit card fraud	5	0	0	0	0	5	0
Fraud 1st degree	4	1	0	1	0	2	1
Fraud 2nd degree	5	2	1	1	0	3	0
Larceny after trust	0	0	0	0	0	0	0
Theft 1st degree	112	64	52	12	0	42	6
Theft I /senior citizen	0	0	0	0	0	0	0
Destruction property over 200	73	43	38	5	0	29	1
Breaking & entering-vending machine	6	4	3	1	0	1	1
Trafficking stolen property	2	0	0	0	0	2	0
Receiving stolen goods	96	57	52	5	0	35	4
Accessory after fact	16	11	9	2	0	5	0
Blackmail	0	0	0	0	0	0	0
Bribery	5	1	0	1	0	4	0
Bribery of witness	0	0	0	0	0	0	0
Conspiracy	13	11	10	1	0	2	0
Embezzlement	0	0	0	0	0	0	0
Extortion	0	0	0	0	0	0	0
False impersonation police (fel)	1	0	0	0	0	1	0
Impersonate public official	0	0	0	0	0	0	0
Introducing contraband penal inst	2	1	1	0	0	1	0
Pandering	3	1	1	0	0	2	0
Perjury	2	2	2	0	0	0	0
Procuring	2	1	1	0	0	1	0
Stalking	0	0	0	0	0	0	0
Threat injure a person	40	21	16	5	0	16	3
Any other felony (domestic violence)	0	0	0	0	0	0	0
Any other felony	127	86	83	3	3	38	3
Any other US charge	22	13	13	0	0	7	2
Attempt crime not listed	200	106	99	7	0	89	5

Table D-4. Number and type of sentences imposed on felony defendants sentenced between 1993-1998, by specific charge
For felony defendants sentenced on multiple charges

Specific charge	Total sentenced	Prison					Probation	Other
		Total prison	Prison only	Prison & probation	Life			
Murder I while armed	239	239	239	0	239	0	0	
Murder I	19	19	18	1	19	0	0	
Murder of law enforcement officer	0	0	0	0	0	0	0	
2nd degree murder while armed	141	141	138	3	93	0	0	
2nd degree murder	20	15	14	1	7	2	3	
Voluntary Manslaughter	50	47	45	2	0	1	2	
Voluntary manslaughter while armed	40	39	38	1	18	0	1	
Involuntary manslaughter	13	11	10	1	0	1	1	
Negligent homicide	0	0	0	0	0	0	0	
1st degree child sex abuse	9	9	9	0	4	0	0	
Sodomy on minor child	2	2	2	0	1	0	0	
Attempt 1st degree child sexual abuse	0	0	0	0	0	0	0	
2nd degree child sex abuse	0	0	0	0	0	0	0	
Enticing a child	1	0	0	0	0	1	0	
Sexual performance using minor	1	0	0	0	0	1	0	
Attempt 2nd degree child sex abuse	2	1	0	1	0	1	0	
Carnal knowledge	9	7	6	1	0	1	1	
1st degree sex abuse	10	10	10	0	4	0	0	
1st degree sex abuse while armed	2	2	2	0	2	0	0	
Rape	19	19	19	0	13	0	0	
Rape while armed	10	10	10	0	3	0	0	
2nd degree sex abuse	1	1	1	0	1	0	0	
3rd degree sex abuse	1	1	1	0	0	0	0	
4th degree sex abuse	2	1	1	0	0	1	0	
2nd degree sex abuse/ward	0	0	0	0	0	0	0	
2nd degree sex abuse patient/c	0	0	0	0	0	0	0	
Attempt 1st degree sex abuse	9	9	7	2	0	0	0	
Sodomy	8	6	6	0	1	1	1	
Incest	1	0	0	0	0	1	0	
Ind act Miller Act	27	23	21	2	1	3	1	
Assault w/i kill while armed	60	59	56	3	23	1	0	
Assault w/intent to kill	11	10	8	2	0	1	0	
Assault w/i rape while armed	2	2	2	0	1	0	0	
Assault w/i rape	9	8	6	2	0	1	0	
Armed assault with intent	0	0	0	0	0	0	0	
Assault w/i rob while armed	18	16	15	1	2	2	0	
Assault with intent	3	3	2	1	0	0	0	
Assault with intent to rob	22	18	18	0	0	4	0	
Assault w/i mayhem	1	0	0	0	0	1	0	
ADW	232	180	154	26	0	44	8	
Assault w/i commit sodomy while armed	0	0	0	0	0	0	0	
Assault w/i any offense	0	0	0	0	0	0	0	
Aggravated assault	29	24	19	5	0	5	0	
Aggravated assault while armed	51	50	46	4	8	0	1	
Attempt aggravated assault	3	3	2	1	0	0	0	
APO dang weapon	24	20	17	3	0	3	1	
APO	26	19	16	3	0	7	0	
Mayhem	7	6	4	2	0	1	0	
Mayhem while armed	11	9	8	1	2	1	1	
Malicious disfigurement	0	0	0	0	0	0	0	
Cruelty to children	13	6	4	2	0	5	2	
2nd degree cruelty to children	0	0	0	0	0	0	0	

Specific charge	Prison						Other
	Total sentenced	Total prison	Prison only	Prison & probation	Life	Probation	
Armed kidnapping	11	11	11	0	3	0	0
Kidnapping	13	11	9	2	2	1	1
Attempt kidnapping	0	0	0	0	0	0	0
Armed robbery	167	158	143	15	24	5	4
Armed robbery-senior citizen	2	2	2	0	0	0	0
Attempt armed robbery	10	8	7	1	0	2	0
Robbery	207	178	160	18	0	28	1
Robbery of senior citizen	12	12	10	2	2	0	0
Attempt robbery	93	70	67	3	0	22	1
Armed robbery (domestic)	0	0	0	0	0	0	0
Carjacking	8	8	8	0	0	0	0
Carjacking while armed	17	17	14	3	7	0	0
Poss firearm during crime of dang/viol off	16	15	15	0	0	0	1
CDW	42	26	25	1	0	14	2
CDW gun	0	0	0	0	0	0	0
PPW gun	2	0	0	0	0	2	0
Carry pistol w/o license-domestic	0	0	0	0	0	0	0
Carrying a pistol without a license	200	116	96	20	0	74	10
PPW blackjack	0	0	0	0	0	0	0
PPW felony	48	30	18	12	0	16	2
Armed burglary I	38	37	37	0	17	1	0
Burglary I	48	46	42	4	0	1	1
Armed burglary II	3	1	1	0	0	2	0
Burglary II	124	93	90	3	0	26	5
Attempt burglary	52	38	36	2	0	12	2
Arson	13	12	9	3	0	0	1
Obstructing justice	35	32	27	5	4	2	1
Escape/prison breach-attempt	8	3	3	0	0	4	1
Escape/prison breach	102	80	77	3	0	18	4
Bail reform act-felony	85	53	49	4	0	32	0
Attempt distribute cocaine	423	267	253	14	0	140	16
Attempt distribute dilaudid	5	2	2	0	0	3	0
Attempt distribute heroin	73	44	38	6	0	29	0
Attempt distribute PCP	13	8	8	0	0	5	0
Attempt distribute preludin	0	0	0	0	0	0	0
UCSA distribute cocaine	277	182	169	13	0	88	7
UCSA distribute dilaudid	11	7	7	0	0	3	1
UCSA distribute heroin	94	67	56	11	0	25	2
UCSA distribute other	0	0	0	0	0	0	0
UCSA distribute PCP	16	7	7	0	0	8	1
UCSA distribute preludin	0	0	0	0	0	0	0
Attempt PWID cocaine	358	231	212	19	0	110	17
Attempt PWID dilaudid	1	1	1	0	0	0	0
Attempt PWID heroin	65	47	45	2	0	17	1
Attempt PWID PCP	14	9	9	0	0	4	1
Attempt PWID preludin	0	0	0	0	0	0	0
PWID while armed	16	15	15	0	0	1	0
UCSA PWID cocaine	213	165	144	21	0	46	2
UCSA PWID dilaudid	2	1	1	0	0	1	0
UCSA PWID heroin	55	32	30	2	1	22	1
UCSA PWID other	2	0	0	0	0	2	0
UCSA PWID PCP	11	7	7	0	0	4	0
UCSA PWID preludin	0	0	0	0	0	0	0
UCSA PWID methamphetam	1	1	1	0	0	0	0
UCSA PWID LSD	0	0	0	0	0	0	0
UCSA PWID psilocybin	0	0	0	0	0	0	0

Specific charge	Prison						
	Total sentenced	Total prison	Prison only	Prison & probation	Life	Probation	Other
Attempt distribute in drug free zone	0	0	0	0	0	0	0
Maintaining a crack house	1	0	0	0	0	1	0
Dangerous Drug Act	0	0	0	0	0	0	0
Obtaining narcotics by fraud	4	2	2	0	0	2	0
Distribution drug free zone	9	7	4	3	0	2	0
Using stolen vehicle	85	62	58	4	0	22	1
Forgery	32	23	21	2	0	8	1
Uttering	22	16	13	3	0	6	0
Bad check	3	1	1	0	0	2	0
Bad check (felony)	0	0	0	0	0	0	0
Credit card fraud	3	3	3	0	0	0	0
Fraud 1st degree	5	4	4	0	0	1	0
Fraud 2nd degree	1	0	0	0	0	1	0
Larceny after trust	0	0	0	0	0	0	0
Theft 1st degree	108	75	63	12	0	26	7
Theft I /senior citizen	0	0	0	0	0	0	0
Destruction property over 200	87	62	52	10	0	23	2
Breaking & entering-vending machine	1	1	1	0	0	0	0
Trafficking stolen property	2	2	1	1	0	0	0
Receiving stolen goods	81	53	46	7	0	25	3
Accessory after fact	3	2	2	0	0	1	0
Blackmail	1	0	0	0	0	1	0
Bribery	1	1	1	0	0	0	0
Bribery of witness	0	0	0	0	0	0	0
Conspiracy	18	14	14	0	0	3	1
Embezzlement	1	0	0	0	0	1	0
Extortion	1	1	0	1	0	0	0
False impersonation police (fel)	0	0	0	0	0	0	0
Impersonate public official	1	1	0	1	0	0	0
Introducing contraband penal inst	0	0	0	0	0	0	0
Pandering	1	1	1	0	0	0	0
Perjury	2	1	1	0	0	1	0
Procuring	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0
Threat injure a person	43	37	31	6	0	5	1
Any other felony (domestic violence)	0	0	0	0	0	0	0
Any other felony	20	14	12	2	1	6	0
Any other US charge	1	1	1	0	0	0	0
Attempt crime not listed	52	32	31	1	0	15	5

Table D-5. Minimum confinement period imposed (in months), for felony dockets sentenced between 1993-1998, by specific charge

For defendants sentenced on a single charge

Specific charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
Murder I while armed	13	298.2	97.0	32.5	0.8	240	360	360
Murder I	2	360.0	0.0	0.0	1.0	360	360	360
Murder of law enforcement officer	0	...	...	...	...	...	...	...
2nd degree murder while armed	83	166.2	40.7	24.5	0.9	144	180	180
2nd degree murder	21	157.6	61.7	39.2	0.9	108	180	216
Voluntary Manslaughter	41	70.0	33.8	48.3	1.2	48	60	96
Voluntary manslaughter while armed	47	130.7	44.3	33.9	0.9	96	144	168
Involuntary manslaughter	19	48.7	38.0	78.0	1.2	20	40	60
Negligent homicide	8	13.4	5.8	43.0	1.0	12	14	17
1st degree child sex abuse	5	122.4	63.7	52.1	0.9	96	144	168
Sodomy on minor child	1	72.0	—	—	1.0	72	72	72
Attempt 1st degree child sexual abuse	1	24.0	—	—	1.0	24	24	24
2nd degree child sex abuse	13	20.8	10.7	51.3	1.2	16	18	24
Enticing a child	4	18.0	10.8	60.1	1.2	9	15	30
Sexual performance using minor	0	...	...	...	...	...	...	...
Attempt 2nd degree child sex abuse	2	21.0	21.2	101.0	1.0	6	21	36
Carnal knowledge	5	86.4	60.8	70.4	1.2	72	72	96
1st degree sex abuse	10	143.3	45.3	31.6	0.9	96	168	180
1st degree sex abuse while armed	1	180.0	—	—	1.0	180	180	180
Rape	4	120.0	50.9	42.4	1.1	78	114	162
Rape while armed	1	144.0	—	—	1.0	144	144	144
2nd degree sex abuse	2	38.0	31.1	81.9	1.0	16	38	60
3rd degree sex abuse	7	38.8	29.5	76.2	1.3	20	30	36
4th degree sex abuse	5	16.6	4.2	25.4	0.9	15	18	20
2nd degree sex abuse/ward	1	40.0	—	—	1.0	40	40	40
2nd degree sex abuse patient/c	0	...	...	...	...	...	...	...
Attempt 1st degree sex abuse	35	29.6	22.3	75.3	1.5	12	20	60
Sodomy	2	60.0	0.0	0.0	1.0	60	60	60
Incest	1	36.0	—	—	1.0	36	36	36
Ind act Miller Act	29	29.7	10.6	35.8	0.8	20	36	40
Assault w/i kill while armed	16	86.3	43.6	50.6	1.2	60	72	132
Assault w/intent to kill	9	44.8	19.9	44.4	0.9	36	48	60
Assault w/i rape while armed	2	30.0	25.5	84.9	1.0	12	30	48
Assault w/i rape	8	48.0	15.7	32.7	0.9	36	54	60
Armed assault with intent	1	84.0	—	—	1.0	84	84	84
Assault w/i rob while armed	8	52.3	27.8	53.3	1.0	30	50	72
Assault with intent	3	12.7	7.0	55.5	1.1	6	12	20
Assault with intent to rob	26	33.7	17.5	52.0	0.9	18	36	48
Assault w/i mayhem	2	30.0	14.1	47.1	1.0	20	30	40
ADW	208	26.1	11.4	43.7	1.1	18	24	36
Assault w/i commit sodomy while armed	0	...	...	...	...	...	...	...
Assault w/i any offense	5	27.2	19.1	70.1	1.7	12	16	48
Aggravated assault	60	26.4	21.0	79.6	1.1	12	24	36
Aggravated assault while armed	24	74.1	55.7	75.1	1.3	30	57	120
Attempt aggravated assault	27	14.1	5.8	41.2	0.9	10	15	20
APO dang weapon	1	20.0	—	—	1.0	20	20	20
APO	37	14.5	7.6	52.4	1.2	10	12	20
Mayhem	6	23.3	13.2	56.5	0.9	12	27	30
Mayhem while armed	3	96.0	31.7	33.1	0.9	60	108	120
Malicious disfigurement	0	...	...	...	...	...	...	...
Cruelty to children	8	20.1	11.6	57.8	0.8	8	24	30
2nd degree cruelty to children	5	31.6	11.5	36.5	0.8	20	40	40
Armed kidnapping	2	84.0	0.0	0.0	1.0	84	84	84

Specific charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
Kidnaping	5	64.8	68.2	105.2	1.8	24	36	72
Attempt kidnaping	0	...	...	...	...	...	...	...
Armed robbery	109	64.8	32.9	50.7	1.1	48	60	78
Armed robbery-senior citizen	0	...	...	...	...	...	...	...
Attempt armed robbery	2	9.0	4.2	47.1	1.0	6	9	12
Robbery	274	33.4	15.2	45.5	0.9	24	36	48
Robbery of senior citizen	12	46.5	33.1	71.1	1.3	24	36	72
Attempt robbery	332	10.6	4.8	45.5	0.9	9	12	12
Armed robbery (domestic)	0	...	...	...	...	...	...	...
Carjacking	7	84.0	0.0	0.0	1.0	84	84	84
Carjacking while armed	0	...	...	...	...	...	...	...
Poss firearm during crime of dang/viol off	78	60.8	6.8	11.2	1.0	60	60	60
CDW	103	15.5	9.7	62.4	1.3	10	12	24
CDW gun	0	...	...	...	...	...	...	...
PPW gun	2	...	...	...	...	...	...	...
Carry pistol w/o license-domestic	0	...	...	...	...	...	...	...
Carrying a pistol without a license	388	12.6	8.6	68.2	1.1	6	12	18
PPW blackjack	0	...	...	...	...	...	...	...
PPW felony	18	9.8	5.9	60.5	0.8	5	12	12
Armed burglary I	5	69.0	11.5	16.7	1.0	60	66	78
Burglary I	33	50.6	37.4	74.1	1.3	30	38	60
Armed burglary II	2	7.5	6.4	84.9	1.0	3	7.5	12
Burglary II	321	26.6	13.4	50.3	1.1	18	24	36
Attempt burglary	139	12.6	16.3	128.8	1.1	6	12	12
Arson	3	15.3	10.3	66.9	0.9	4	18	24
Obstructing justice	6	31.3	18.8	60.1	1.0	12	32	40
Escape/prison breach-attempt	210	4.5	3.0	66.9	1.1	2	4	6
Escape/prison breach	1368	6.0	6.6	109.5	1.5	3	4	7
Bail reform act-felony	360	8.5	5.5	65.4	1.4	4	6	12
Attempt distribute cocaine	712	21.7	16.5	75.7	1.1	12	19	24
Attempt distribute dilaudid	27	27.2	16.1	59.3	1.1	18	24	36
Attempt distribute heroin	141	23.3	15.3	65.7	1.0	12	24	30
Attempt distribute PCP	22	17.7	10.5	59.3	1.0	9	17	24
Attempt distribute preludin	2	36.0	0.0	0.0	1.0	36	36	36
UCSA distribute cocaine	299	36.5	24.7	67.6	1.2	24	30	48
UCSA distribute dilaudid	14	36.4	12.1	33.2	1.0	24	36	48
UCSA distribute heroin	98	37.0	25.1	67.9	1.0	24	36	48
UCSA distribute other	0	...	...	...	...	...	...	...
UCSA distribute PCP	10	25.2	13.6	54.1	1.3	20	20	24
UCSA distribute preludin	1	6.0	—	—	1.0	6	6	6
Attempt PWID cocaine	726	19.3	12.6	65.0	1.1	12	18	24
Attempt PWID dilaudid	1	6.0	—	—	1.0	6	6	6
Attempt PWID heroin	221	20.9	13.1	62.4	1.0	12	20	24
Attempt PWID PCP	18	16.7	9.9	59.5	0.9	6	18	24
Attempt PWID preludin	0	...	...	...	...	...	...	...
PWID while armed	8	50.3	17.5	34.9	0.8	33	60	60
UCSA PWID cocaine	368	30.8	23.8	77.1	1.3	12	24	48
UCSA PWID dilaudid	7	34.0	12.4	36.5	1.0	24	33	48
UCSA PWID heroin	132	32.0	22.3	69.8	1.3	18	24	48
UCSA PWID other	2	10.0	2.8	28.3	1.0	8	10	12
UCSA PWID PCP	21	24.0	13.3	55.3	1.2	19	20	30
UCSA PWID preludin	0	...	...	...	...	...	...	...
UCSA PWID methamphetam	1	6.0	—	—	1.0	6	6	6
UCSA PWID LSD	0	...	...	...	...	...	...	...
UCSA PWID psilocybin	0	...	...	...	...	...	...	...
Attempt distribute in drug free zone	0	...	...	...	...	...	...	...
Maintaining a crack house	0	...	...	...	...	...	...	...

Specific charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
Dangerous Drug Act	0	...	...	...	...	...	...	...
Obtaining narcotics by fraud	2	8.5	10.6	124.8	1.0	1	8.5	16
Distribution drug free zone	18	26.9	23.7	87.9	1.5	9	18	36
Using stolen vehicle	365	11.3	5.9	51.8	0.9	6	12	15
Forgery	7	9.4	3.6	38.7	0.8	6	12	12
Uttering	20	9.7	5.8	60.3	1.2	6	8	12
Bad check	0	...	...	...	...	...	...	...
Bad check (felony)	0	...	...	...	...	...	...	...
Credit card fraud	0	...	...	...	...	...	...	...
Fraud 1st degree	1	12.0	—	—	1.0	12	12	12
Fraud 2nd degree	2	15.0	—	—	1.0	15	15	15
Larceny after trust	0	...	...	...	...	...	...	...
Theft 1st degree	64	19.1	12.3	64.6	1.1	10	18	24
Theft I /senior citizen	0	...	...	...	...	...	...	...
Destruction property over 200	43	17.3	12.4	72.0	1.4	6	12	30
Breaking & entering-vending machine	4	4.5	1.3	28.7	1.0	3.5	4.5	5.5
Trafficking stolen property	0	...	...	...	...	...	...	...
Receiving stolen goods	57	14.2	6.8	48.0	1.2	9	12	20
Accessory after fact	11	32.7	25.8	78.9	1.1	12	30	36
Blackmail	0	...	...	...	...	...	...	...
Bribery	1	6.0	—	—	1.0	6	6	6
Bribery of witness	0	...	...	...	...	...	...	...
Conspiracy	11	14.7	6.4	43.7	0.8	7	18	20
Embezzlement	0	...	...	...	...	...	...	...
Extortion	0	...	...	...	...	...	...	...
False impersonation police (fel)	0	...	...	...	...	...	...	...
Impersonate public official	0	...	...	...	...	...	...	...
Introducing contraband penal inst	1	24.0	—	—	1.0	24	24	24
Pandering	1	9.0	—	—	1.0	9	9	9
Perjury	2	24.0	17.0	70.7	1.0	12	24	36
Procuring	1	12.0	—	—	1.0	12	12	12
Stalking	0	...	...	...	...	...	...	...
Threat injure a person	21	20.7	19.8	96.0	1.7	6	12	30
Any other felony (domestic violence)	0	...	...	...	...	...	...	...
Any other felony	86	20.8	37.1	178.7	5.2	3	4	14
Any other US charge	13	2.4	1.1	44.8	1.2	2	2	3
Attempt crime not listed	106	8.2	10.1	123.3	1.4	3	6	12

— Too few cases to calculate this field

... No cases of this type occurred

* Includes those with missing data

Table D-6. Minimum confinement period imposed (in months), for felony dockets sentenced between 1993-1998, by specific charge

For defendants sentenced on multiple charges

Specific charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
Murder I while armed	239	573.6	401.5	70.0	1.3	360	426	692
Murder I	19	461.1	165.3	35.9	1.3	360	360	544
Murder of law enforcement officer	0	...	...	...	...	...	...	...
2nd degree murder while armed	141	276.8	235.2	85.0	1.2	180	240	308
2nd degree murder	15	251.9	189.1	75.1	1.2	116	216	360
Voluntary Manslaughter	47	114.6	49.0	42.8	1.0	72	120	144
Voluntary manslaughter while armed	39	194.4	86.0	44.3	1.1	120	180	240
Involuntary manslaughter	11	76.0	43.3	56.9	1.3	48	60	120
Negligent homicide	0	...	...	...	...	...	...	...
1st degree child sex abuse	9	235.8	187.2	79.4	1.1	156	216	226
Sodomy on minor child	2	326.0	234.8	72.0	1.0	160	326	492
Attempt 1st degree child sexual abuse	0	...	...	...	...	...	...	...
2nd degree child sex abuse	0	...	...	...	...	...	...	...
Enticing a child	0	...	...	...	...	...	...	...
Sexual performance using minor	0	...	...	...	...	...	...	...
Attempt 2nd degree child sex abuse	1	3.0	—	—	1.0	3	3	3
Carnal knowledge	7	168.9	147.8	87.6	1.1	36	156	240
1st degree sex abuse	10	220.4	85.5	38.8	1.2	180	190	240
1st degree sex abuse while armed	2	166.0	149.9	90.3	1.0	60	166	272
Rape	19	324.7	176.0	54.2	1.1	180	300	376
Rape while armed	10	337.2	216.3	64.1	1.1	180	300	420
2nd degree sex abuse	1	284.0	—	—	1.0	284	284	284
3rd degree sex abuse	1	48.0	—	—	1.0	48	48	48
4th degree sex abuse	1	20.0	—	—	1.0	20	20	20
2nd degree sex abuse/ward	0	...	...	...	...	...	...	...
2nd degree sex abuse patient/c	0	...	...	...	...	...	...	...
Attempt 1st degree sex abuse	9	51.8	27.1	52.4	1.0	36	50	76
Sodomy	6	168.7	136.2	80.8	1.5	96	114	168
Incest	0	...	...	...	...	...	...	...
Ind act Miller Act	23	79.1	66.9	84.6	1.2	36	66	96
Assault w/i kill while armed	59	302.2	368.2	121.8	1.7	96	180	348
Assault w/intent to kill	10	72.8	36.4	49.9	1.0	60	72	80
Assault w/i rape while armed	2	192.0	152.7	79.5	1.0	84	192	300
Assault w/i rape	8	80.3	50.2	62.5	1.0	36	78	120
Armed assault with intent	0	...	...	...	...	...	...	...
Assault w/i rob while armed	16	115.1	72.4	62.9	1.3	60	90	151.5
Assault with intent	3	26.0	12.5	48.0	0.9	12	30	36
Assault with intent to rob	18	80.7	51.7	64.1	1.1	58	72	90
Assault w/i mayhem	0	...	...	...	...	...	...	...
ADW	180	56.6	42.6	75.3	1.2	24	48	72
Assault w/i commit sodomy while armed	0	...	...	...	...	...	...	...
Assault w/i any offense	0	...	...	...	...	...	...	...
Aggravated assault	24	73.8	66.4	89.9	1.2	40	60	72
Aggravated assault while armed	50	111.7	74.3	66.5	1.3	66	86	144
Attempt aggravated assault	3	26.7	18.9	70.9	1.3	12	20	48
APO dang weapon	20	57.2	59.7	104.3	1.6	18	36	60
APO	19	16.8	11.1	65.9	1.4	8	12	24
Mayhem	6	37.0	9.6	26.0	1.0	30	36	48
Mayhem while armed	9	143.1	87.2	60.9	0.7	60	192	204
Malicious disfigurement	0	...	...	...	...	...	...	...
Cruelty to children	6	29.0	27.4	94.4	1.2	2	25	60
2nd degree cruelty to children	0	...	...	...	...	...	...	...
Armed kidnapping	11	113.3	125.9	111.1	1.9	60	60	120

Specific charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
Kidnaping	11	132.4	98.9	74.7	1.4	60	96	168
Attempt kidnaping	0	...	...	...	...	...	...	...
Armed robbery	158	139.0	140.8	101.3	1.3	60	108	168
Armed robbery-senior citizen	2	66.0	8.5	12.9	1.0	60.0	66.0	72.0
Attempt armed robbery	8	98.5	71.5	72.6	1.4	48	72	160
Robbery	178	62.4	34.7	55.7	1.0	36	60	72
Robbery of senior citizen	12	122.7	89.0	72.5	1.3	36	96	214
Attempt robbery	70	26.8	30.9	115.4	1.3	12	20	24
Armed robbery (domestic)	0	...	...	...	...	...	...	...
Carjacking	8	134.5	52.3	38.9	1.0	96	132	144
Carjacking while armed	17	319.8	217.5	68.0	1.8	180	180	456
Poss firearm during crime of dang/viol off	15	103.2	31.0	30.1	0.9	84	120	120
CDW	26	39.0	47.1	120.8	1.6	12	24	50
CDW gun	0	...	...	...	...	...	...	...
PPW gun	0	...	...	...	...	...	...	...
Carry pistol w/o license-domestic	0	...	...	...	...	...	...	...
Carrying a pistol without a license	116	26.6	20.1	75.3	1.1	12	24	36
PPW blackjack	0	...	...	...	...	...	...	...
PPW felony	30	13.7	11.1	81.6	1.1	6	12	18
Armed burglary I	37	424.4	563.0	132.6	1.8	120	240	452
Burglary I	46	79.3	57.4	72.4	1.1	42	72	108
Armed burglary II	1	36.0	—	—	1.0	36	36	36
Burglary II	93	52.5	43.9	83.6	1.1	24	48	60
Attempt burglary	38	21.4	18.9	88.4	1.4	10	15	24
Arson	12	58.5	32.2	55.1	1.2	36	48	84
Obstructing justice	32	242.1	604.7	249.8	4.0	24	60	132
Escape/prison breach-attempt	3	18.7	5.0	27.0	1.0	14	18	24
Escape/prison breach	80	12.1	8.6	70.4	1.5	7	8	17
Bail reform act-felony	53	20.5	11.9	58.2	1.0	12	21	27
Attempt distribute cocaine	267	38.8	32.9	84.7	1.3	20	30	48
Attempt distribute dilaudid	2	33.0	21.2	64.3	1.0	18	33	48
Attempt distribute heroin	44	43.5	21.9	50.4	0.9	30	48	48
Attempt distribute PCP	8	34.0	19.2	56.3	1.3	24	27	44
Attempt distribute preludin	0	...	...	...	...	...	...	...
UCSA distribute cocaine	182	59.7	46.3	77.6	1.2	24	48	84
UCSA distribute dilaudid	7	76.8	59.2	77.0	0.9	24	84	84
UCSA distribute heroin	67	70.4	58.5	83.0	1.3	28.5	54	96
UCSA distribute other	0	...	...	...	...	...	...	...
UCSA distribute PCP	7	84.0	74.0	88.1	1.2	36	72	96
UCSA distribute preludin	0	...	...	...	...	...	...	...
Attempt PWID cocaine	231	38.9	27.9	71.7	1.1	24	36	48
Attempt PWID dilaudid	1	...	...	...	...	...	...	...
Attempt PWID heroin	47	36.2	21.3	58.9	1.0	18	36	48
Attempt PWID PCP	9	47.9	48.0	100.2	2.0	10	24	60
Attempt PWID preludin	0	...	...	...	...	...	...	...
PWID while armed	15	94.2	82.2	87.4	1.6	60	60	84
UCSA PWID cocaine	165	65.3	55.6	85.0	1.4	24	48	96
UCSA PWID dilaudid	1	24.0	—	—	1.0	24	24	24
UCSA PWID heroin	32	74.4	51.6	69.4	1.4	48	54	96
UCSA PWID other	0	...	...	...	...	...	...	...
UCSA PWID PCP	7	50.9	16.8	33.0	1.3	40	40	72
UCSA PWID preludin	0	...	...	...	...	...	...	...
UCSA PWID methamphetam	1	20.0	—	—	1.0	20	20	20
UCSA PWID LSD	0	...	...	...	...	...	...	...
UCSA PWID psilocybin	0	...	...	...	...	...	...	...
Attempt distribute in drug free zone	0	...	...	...	...	...	...	...
Maintaining a crack house	0	...	...	...	...	...	...	...

Specific charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
Dangerous Drug Act	0	...	...	...	...	...	...	...
Obtaining narcotics by fraud	2	3.0	0.0	0.0	1.0	3	3	3
Distribution drug free zone	7	26.3	25.6	97.4	1.9	6	14	48
Using stolen vehicle	62	23.0	11.7	51.0	1.0	12	24	29
Forgery	23	28.0	31.4	111.9	1.4	12	20	36
Uttering	16	15.3	7.0	45.7	1.3	12	12	24
Bad check	1	...	...	...	...	...	...	...
Bad check (felony)	0	...	...	...	...	...	...	...
Credit card fraud	3	39.0	46.7	119.7	1.0	6.0	39.0	72.0
Fraud 1st degree	4	50.5	41.7	82.7	1.1	25	48	76
Fraud 2nd degree	0	...	...	...	...	...	...	...
Larceny after trust	0	...	...	...	...	...	...	...
Theft 1st degree	75	36.7	30.8	83.9	1.2	18	30	40
Theft I /senior citizen	0	...	...	...	...	...	...	...
Destruction property over 200	62	29.5	23.2	78.7	1.4	12	21.5	38
Breaking & entering-vending machine	1	30.0	—	—	1.0	30	30	30
Trafficking stolen property	2	27.0	12.7	47.1	1.0	18.0	27.0	36.0
Receiving stolen goods	53	19.8	11.9	59.9	1.0	12	20	24
Accessory after fact	2	58.0	31.1	53.6	1.0	36	58	80
Blackmail	0	...	...	...	...	...	...	...
Bribery	1	12.0	—	—	1.0	12	12	12
Bribery of witness	0	...	...	...	...	...	...	...
Conspiracy	14	46.0	29.1	63.4	1.4	30	34	52
Embezzlement	0	...	...	...	...	...	...	...
Extortion	1	...	...	...	...	...	...	...
False impersonation police (fel)	0	...	...	...	...	...	...	...
Impersonate public official	1	24.0	—	—	1.0	24.0	24.0	24.0
Introducing contraband penal inst	0	...	...	...	...	...	...	...
Pandering	1	48.0	—	—	1.0	48	48	48
Perjury	1	48.0	—	—	1.0	48	48	48
Procuring	0	...	...	...	...	...	...	...
Stalking	0	...	...	...	...	...	...	...
Threat injure a person	37	54.5	52.8	97.0	1.5	20	36	72
Any other felony (domestic violence)	0	...	...	...	...	...	...	...
Any other felony	14	70.0	77.1	110.2	1.5	12	48	96
Any other US charge	1	6.0	—	—	1.0	6	6	6
Attempt crime not listed	32	28.0	28.0	99.8	1.4	12	20	24

— Too few cases to calculate this field

... No cases of this type occurred

* Includes those with missing data

Table D-7. Maximum confinement period imposed (in months), for felony dockets sentenced between 1993-1998, by specific charge

For defendants sentenced on a single charge

Specific charge	Total sentenced*	Number			Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
		whose max was life	Mean	s.d.					
Murder I while armed	13	13	...	...	...	...	...	...	...
Murder I	2	2	...	...	...	...	...	...	...
Murder of law enforcement officer	0	0	...	...	...	...	...	...	...
2nd degree murder while armed	83	52	432.0	99.5	23.0	1.0	360	432	540
2nd degree murder	21	13	349.7	145.1	41.5	1.1	288	324	360
Voluntary Manslaughter	41	0	226.2	103.0	45.6	1.3	180	180	360
Voluntary manslaughter while armed	47	16	367.0	123.8	33.7	1.0	288	360	468
Involuntary manslaughter	19	0	198.0	97.1	49.0	1.1	120	180	216
Negligent homicide	8	0	53.4	6.8	12.8	1.0	48	54	60
1st degree child sex abuse	5	2	264.0	181.2	68.6	0.9	72	288	432
Sodomy on minor child	1	0	216.0	—	—	1.0	216	216	216
Attempt 1st degree child sexual abuse	1	0	120.0	—	—	1.0	120	120	120
2nd degree child sex abuse	13	0	80.6	29.8	36.9	1.3	54	60	108
Enticing a child	4	0	49.0	39.2	79.9	1.1	12	45	90
Sexual performance using minor	0	0	...	...	...	...	...	...	...
Attempt 2nd degree child sex abuse	2	0	120.0	—	—	1.0	120	120	120
Carnal knowledge	5	0	315.0	153.8	48.8	1.3	216	252	414
1st degree sex abuse	10	5	248.4	145.3	58.5	0.9	198	288	288
1st degree sex abuse while armed	1	1	...	...	...	...	...	...	...
Rape	4	0	360.0	152.7	42.4	1.1	234	342	486
Rape while armed	1	0	432.0	—	—	1.0	432	432	432
2nd degree sex abuse	2	0	180.0	—	—	1.0	180	180	180
3rd degree sex abuse	7	0	87.7	87.4	99.7	1.5	20	60	108
4th degree sex abuse	5	0	54.0	13.4	24.8	0.9	60	60	60
2nd degree sex abuse/ward	1	0	120.0	—	—	1.0	120	120	120
2nd degree sex abuse patient/c	0	0	...	...	...	...	...	...	...
Attempt 1st degree sex abuse	35	0	108.8	65.8	60.5	1.3	60	84	180
Sodomy	2	0	210.0	42.4	20.2	1.0	180	210	240
Incest	1	0	108.0	—	—	1.0	108	108	108
Ind act Miller Act	29	0	95.1	28.6	30.1	0.9	60	108	120
Assault w/i kill while armed	16	3	222.5	93.9	42.2	1.2	180	180	216
Assault w/intent to kill	9	0	159.4	28.3	17.8	0.9	144	180	180
Assault w/i rape while armed	2	0	102.0	59.4	58.2	1.0	60	102	144
Assault w/i rape	8	0	144.0	47.1	32.7	0.9	108	162	180
Armed assault with intent	1	0	252.0	—	—	1.0	252	252	252
Assault w/i rob while armed	8	0	178.5	88.7	49.7	1.2	114	150	216
Assault with intent	3	0	60.0	—	—	1.0	60	60	60
Assault with intent to rob	26	0	109.6	51.8	47.3	1.0	72	108	144
Assault w/i mayhem	2	0	90.0	42.4	47.1	1.0	60	90	120
ADW	208	0	90.3	30.9	34.2	0.8	72	108	120
Assault w/i commit sodomy while armed	0	0	...	...	...	...	...	...	...
Assault w/i any offense	5	0	102.0	71.0	69.6	1.1	42	96	162
Aggravated assault	60	1	88.4	38.2	43.3	0.8	60	108	120
Aggravated assault while armed	24	3	229.5	127.0	55.3	1.2	114	198	342
Attempt aggravated assault	27	0	44.5	16.1	36.2	1.0	36	45	60
APO dang weapon	1	0	60.0	—	—	1.0	60	60	60
APO	37	0	44.9	23.1	51.5	1.1	36	42	60
Mayhem	6	0	92.4	27.4	29.6	1.0	72	90	120
Mayhem while armed	3	0	288.0	95.2	33.1	0.9	180	324	360
Malicious disfigurement	0	0	...	...	...	...	...	...	...
Cruelty to children	8	0	48.0	31.7	66.1	1.3	24	36	84
2nd degree cruelty to children	5	0	94.8	34.6	36.5	0.8	60	120	120
Armed kidnapping	2	0	252.0	—	—	1.0	252	252	252

Specific charge	sentenced*	was life	Mean	s.d.	of variation	Median	%tile	Median	%tile
Murder I while armed	13	13	...	...	...	...	...	...	...
Kidnapping	5	1	108.0	77.8	72.0	1.2	54	90	162
Attempt kidnapping	0	0	...	...	...	...	...	...	...
Armed robbery	109	8	189.2	74.4	39.3	1.1	144	180	216
Armed robbery-senior citizen	0	0	...	...	...	...	...	...	...
Attempt armed robbery	2	0	27.0	12.7	47.1	1.0	18	27	36
Robbery	274	0	111.7	49.1	43.9	1.0	72	108	144
Robbery of senior citizen	12	0	146.4	96.3	65.8	1.4	72	108	216
Attempt robbery	332	0	33.4	13.4	40.0	0.9	30	36	36
Armed robbery (domestic)	0	0	...	...	...	...	...	...	...
Carjacking	7	0	252.0	0.0	0.0	1.0	252	252	252
Carjacking while armed	0	0	...	...	...	...	...	...	...
Poss firearm during crime of dang/viol off	78	0	180.0	0.0	0.0	1.0	180	180	180
CDW	103	0	67.7	30.4	45.0	0.9	45	72	90
CDW gun	0	0	...	...	...	...	...	...	...
PPW gun	2	0	...	...	...	...	...	...	...
Carry pistol w/o license-domestic	0	0	...	...	...	...	...	...	...
Carrying a pistol without a license	388	0	49.7	27.4	55.1	1.1	36	45	60
PPW blackjack	0	0	...	...	...	...	...	...	...
PPW felony	18	0	72.0	—	—	1.0	72	72	72
Armed burglary I	5	0	177.6	72.2	40.7	1.0	180	180	216
Burglary I	33	1	154.9	103.5	66.8	1.3	108	120	180
Armed burglary II	2	0	...	...	...	...	...	...	...
Burglary II	321	0	87.0	41.8	48.0	1.2	60	72	108
Attempt burglary	139	1	42.4	40.2	94.8	1.2	27	36	54
Arson	3	0	72.0	—	—	1.0	72	72	72
Obstructing justice	6	0	94.0	56.5	60.1	1.0	36	96	120
Escape/prison breach-attempt	210	0	19.0	1.7	9.1	1.1	18	18	21
Escape/prison breach	1368	0	18.4	20.2	109.8	1.5	9	12	21
Bail reform act-felony	360	0	28.5	17.2	60.2	1.0	12	30	36
Attempt distribute cocaine	712	0	69.1	48.6	70.3	1.2	36	60	80
Attempt distribute dilaudid	27	0	76.7	32.0	41.7	1.1	54	72	108
Attempt distribute heroin	141	0	72.2	41.5	57.5	1.0	45	72	90
Attempt distribute PCP	22	0	58.6	31.3	53.5	1.1	36	54	72
Attempt distribute preludein	2	0	108.0	0.0	0.0	1.0	108	108	108
UCSA distribute cocaine	299	0	117.5	72.9	62.0	1.1	72	108	144
UCSA distribute dilaudid	14	0	109.3	36.3	33.2	1.0	72	108	144
UCSA distribute heroin	98	0	121.1	74.2	61.3	1.1	72	108	144
UCSA distribute other	0	0	...	...	...	...	...	...	...
UCSA distribute PCP	10	0	75.0	41.1	54.8	1.3	60	60	72
UCSA distribute preludein	1	0	18.0	—	—	1.0	18	18	18
Attempt PWID cocaine	726	0	64.5	38.4	59.5	1.1	36	60	72
Attempt PWID dilaudid	1	0	...	...	...	...	...	...	...
Attempt PWID heroin	221	0	68.1	40.2	59.0	0.9	36	72	90
Attempt PWID PCP	18	0	66.7	40.4	60.6	1.1	54	60	72
Attempt PWID preludein	0	0	...	...	...	...	...	...	...
PWID while armed	8	0	155.3	60.0	38.7	0.9	99	180	180
UCSA PWID cocaine	368	0	104.1	80.3	77.1	1.2	54	90	144
UCSA PWID dilaudid	7	0	102.0	37.2	36.5	1.0	72	99	144
UCSA PWID heroin	132	0	105.5	68.2	64.6	1.2	72	90	144
UCSA PWID other	2	0	30.0	8.5	28.3	1.0	24	30	36
UCSA PWID PCP	21	0	96.5	77.3	80.2	1.6	60	60	108
UCSA PWID preludein	0	0	...	...	...	...	...	...	...
UCSA PWID methamphetam	1	0	...	...	...	...	...	...	...
UCSA PWID LSD	0	0	...	...	...	...	...	...	...
UCSA PWID psilocybin	0	0	...	...	...	...	...	...	...
Attempt distribute in drug free zone	0	0	...	...	...	...	...	...	...
Maintaining a crack house	0	0	...	...	...	...	...	...	...

Specific charge	sentenced*	was life	Mean	s.d.	of variation	Median	%tile	Median	%tile
Murder I while armed	13	13	...	...	...	...	...	...	...
Dangerous Drug Act	0	0	...	...	...	...	...	...	...
Obtaining narcotics by fraud	2	0	48.0	—	—	1.0	48	48	48
Distribution drug free zone	18	0	107.3	73.2	68.3	1.2	54	90	150
Using stolen vehicle	365	0	36.6	17.4	47.5	1.0	24	36	54
Forgery	7	0	30.0	13.1	43.6	0.8	18	36	36
Uttering	20	0	30.8	17.4	56.3	1.0	18	30	36
Bad check	0	0	...	...	...	...	...	...	...
Bad check (felony)	0	0	...	...	...	...	...	...	...
Credit card fraud	0	0	...	...	...	...	...	...	...
Fraud 1st degree	1	0	...	...	...	...	...	...	...
Fraud 2nd degree	2	0	45.0	—	—	1.0	45	45	45
Larceny after trust	0	0	...	...	...	...	...	...	...
Theft 1st degree	64	0	70.1	33.8	48.2	1.0	36	72	90
Theft I /senior citizen	0	0	...	...	...	...	...	...	...
Destruction property over 200	43	0	71.9	35.9	49.9	1.0	45	72	108
Breaking & entering-vending machine	4	0	15.0	3.0	20.0	1.0	12	15	18
Trafficking stolen property	0	0	...	...	...	...	...	...	...
Receiving stolen goods	57	0	45.0	22.4	49.8	1.1	27	40.5	72
Accessory after fact	11	0	112.5	85.0	75.6	1.1	48	99	174
Blackmail	0	0	...	...	...	...	...	...	...
Bribery	1	0	...	...	...	...	...	...	...
Bribery of witness	0	0	...	...	...	...	...	...	...
Conspiracy	11	0	48.3	16.6	34.3	0.8	36	60	60
Embezzlement	0	0	...	...	...	...	...	...	...
Extortion	0	0	...	...	...	...	...	...	...
False impersonation police (fel)	0	0	...	...	...	...	...	...	...
Impersonate public official	0	0	...	...	...	...	...	...	...
Introducing contraband penal inst	1	0	72.0	—	—	1.0	72	72	72
Pandering	1	0	27.0	—	—	1.0	27	27	27
Perjury	2	0	72.0	50.9	70.7	1.0	36	72	108
Procuring	1	0	36.0	—	—	1.0	36	36	36
Stalking	0	0	...	...	...	...	...	...	...
Threat injure a person	21	0	72.0	62.2	86.5	1.6	21	45	141
Any other felony (domestic violence)	0	0	...	...	...	...	...	...	...
Any other felony	86	3	129.6	126.6	97.7	1.8	36	72	180
Any other US charge	13	0	...	...	...	...	...	...	...
Attempt crime not listed	106	0	76.0	140.7	185.2	1.9	27	39	60

— Too few cases to calculate this field

... No cases of this type occurred

* Includes those with missing data

Note: All calculations exclude life sentences

Table D-8. Maximum confinement period imposed (in months), for felony dockets sentenced between 1993-1998, by charge
For defendants sentenced on multiple charges

Specific charge	Total sentenced*	Number whose max was life			Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
		Mean	s.d.						
Murder I while armed	239	239	...	...	...	...	...	...	...
Murder I	19	19	...	...	...	...	...	...	...
Murder of law enforcement officer	0	0	...	...	...	...	...	...	...
2nd degree murder while armed	141	93	548.1	269.2	49.1	1.0	360	540	720
2nd degree murder	15	7	591.4	342.1	57.8	1.2	348	480	1080
Voluntary Manslaughter	47	0	349.6	153.5	43.9	1.0	216	360	432
Voluntary manslaughter while armed	39	18	517.8	249.6	48.2	1.1	360	468	630
Involuntary manslaughter	11	0	243.6	125.5	51.5	1.4	180	180	360
Negligent homicide	0	0	...	...	...	...	...	...	...
1st degree child sex abuse	9	4	489.6	333.6	68.1	1.0	216	468	660
Sodomy on minor child	2	1	480.0	—	—	1.0	480	480	480
Attempt 1st degree child sexual abuse	0	0	...	...	...	...	...	...	...
2nd degree child sex abuse	0	0	...	...	...	...	...	...	...
Enticing a child	0	0	...	...	...	...	...	...	...
Sexual performance using minor	0	0	...	...	...	...	...	...	...
Attempt 2nd degree child sex abuse	1	0	...	...	...	...	...	...	...
Carnal knowledge	7	0	584.0	431.3	73.9	1.0	216	564	720
1st degree sex abuse	10	4	560.0	151.3	27.0	1.0	540	570	672
1st degree sex abuse while armed	2	2	...	...	...	...	...	...	...
Rape	19	13	764.0	316.4	41.4	1.0	432	744	1080
Rape while armed	10	3	774.9	355.4	45.9	0.9	396	900	1032
2nd degree sex abuse	1	1	...	...	...	...	...	...	...
3rd degree sex abuse	1	0	144.0	—	—	1.0	144	144	144
4th degree sex abuse	1	0	60.0	—	—	1.0	60	60	60
2nd degree sex abuse/ward	0	0	...	...	...	...	...	...	...
2nd degree sex abuse patient/c	0	0	...	...	...	...	...	...	...
Attempt 1st degree sex abuse	9	0	172.5	83.1	48.2	1.2	108	150	246
Sodomy	6	1	492.0	465.2	94.6	1.7	252	288	360
Incest	0	0	...	...	...	...	...	...	...
Ind act Miller Act	23	1	224.7	141.8	63.1	1.0	120	216	264
Assault w/i kill while armed	59	23	680.0	864.5	127.1	1.9	252	360	720
Assault w/intent to kill	10	0	222.7	116.2	52.2	1.0	180	216	240
Assault w/i rape while armed	2	1	252.0	—	—	1.0	252	252	252
Assault w/i rape	8	0	281.1	137.1	48.8	1.0	180	288	360
Armed assault with intent	0	0	...	...	...	...	...	...	...
Assault w/i rob while armed	16	2	322.0	156.4	48.6	1.1	198	288	360
Assault with intent	3	0	108.0	—	—	1.0	108	108	108
Assault with intent to rob	18	0	255.9	160.6	62.7	1.1	156	234	342
Assault w/i mayhem	0	0	...	...	...	...	...	...	...
ADW	180	0	180.9	122.1	67.5	1.0	108	180	228
Assault w/i commit sodomy while armed	0	0	...	...	...	...	...	...	...
Assault w/i any offense	0	0	...	...	...	...	...	...	...
Aggravated assault	24	0	221.7	206.2	93.0	1.2	120	180	216
Aggravated assault while armed	50	8	255.8	137.2	53.6	1.0	180	252	288
Attempt aggravated assault	3	0	102.0	59.4	58.2	1.0	60	102	144
APO dang weapon	20	0	163.4	160.2	98.1	1.4	72	120	180
APO	19	0	63.4	37.9	59.8	1.1	36	60	90
Mayhem	6	0	114.0	19.9	17.5	1.1	108	108	120
Mayhem while armed	9	2	416.6	324.2	77.8	2.3	144	180	720
Malicious disfigurement	0	0	...	...	...	...	...	...	...
Cruelty to children	6	0	160.0	34.6	21.7	0.9	120	180	180
2nd degree cruelty to children	0	0	...	...	...	...	...	...	...
Armed kidnapping	11	3	199.5	70.0	35.1	1.1	180	180	198

Specific charge	Total sentenced*	whose max was life	Mean	s.d.	Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
Murder I while armed	239	239	...	...	...	...	...	...	...
Kidnapping	11	2	293.3	130.8	44.6	1.0	180	288	360
Attempt kidnapping	0	0	...	...	...	...	...	...	...
Armed robbery	158	24	331.7	159.6	48.1	1.0	180	324	432
Armed robbery-senior citizen	2	0	198.0	25.5	12.9	1.0	180	198	216
Attempt armed robbery	8	0	318.0	210.0	66.0	1.1	162	288	480
Robbery	178	0	206.4	112.5	54.5	1.1	132	180	288
Robbery of senior citizen	12	2	354.8	226.1	63.7	1.3	216	270	537
Attempt robbery	70	0	67.6	48.4	71.6	1.1	36	60	72
Armed robbery (domestic)	0	0	...	...	...	...	...	...	...
Carjacking	8	0	421.7	203.8	48.3	1.1	252	372	432
Carjacking while armed	17	7	814.7	376.7	46.2	1.5	540	540	1080
Poss firearm during crime of dang/viol off	15	0	309.6	93.1	30.1	0.9	252	360	360
CDW	26	0	130.5	141.5	108.4	1.8	48	72	144
CDW gun	0	0	...	...	...	...	...	...	...
PPW gun	0	0	...	...	...	...	...	...	...
Carry pistol w/o license-domestic	0	0	...	...	...	...	...	...	...
Carrying a pistol without a license	116	0	90.7	60.8	67.0	1.3	46.5	72	120
PPW blackjack	0	0	...	...	...	...	...	...	...
PPW felony	30	0	52.2	34.7	66.4	1.2	36	45	60
Armed burglary I	37	17	1021.5	1939.5	189.9	2.3	180	444	756
Burglary I	46	0	248.6	169.1	68.0	1.0	144	240	342
Armed burglary II	1	0	120.0	—	—	1.0	120	120	120
Burglary II	93	0	167.9	133.6	79.6	1.2	96	144	216
Attempt burglary	38	0	121.9	70.3	57.7	0.8	54	144	180
Arson	12	0	165.3	105.1	63.6	1.3	90	132	252
Obstructing justice	32	4	220.3	161.6	73.4	1.2	108	180	360
Escape/prison breach-attempt	3	0	...	...	...	...	...	...	...
Escape/prison breach	80	0	37.9	28.4	74.7	1.6	18	24	54
Bail reform act-felony	53	0	71.7	36.1	50.3	1.0	36	72	120
Attempt distribute cocaine	267	0	120.2	99.2	82.6	1.2	72	102	144
Attempt distribute dilaudid	2	0	99.0	63.6	64.3	1.0	54	99	144
Attempt distribute heroin	44	0	135.8	62.2	45.8	0.9	108	144	144
Attempt distribute PCP	8	0	117.0	75.6	64.6	1.4	72	81	180
Attempt distribute preludin	0	0	...	...	...	...	...	...	...
UCSA distribute cocaine	182	0	185.7	137.6	74.1	1.3	90	144	288
UCSA distribute dilaudid	7	0	230.4	177.5	77.0	0.9	72	252	252
UCSA distribute heroin	67	0	229.1	172.3	75.2	1.3	108	180	288
UCSA distribute other	0	0	...	...	...	...	...	...	...
UCSA distribute PCP	7	0	252.0	221.9	88.1	1.2	108	216	288
UCSA distribute preludin	0	0	...	...	...	...	...	...	...
Attempt PWID cocaine	231	0	121.8	86.9	71.4	1.1	72	108	144
Attempt PWID dilaudid	1	0	...	...	...	...	...	...	...
Attempt PWID heroin	47	0	109.8	65.9	60.0	1.0	60	108	144
Attempt PWID PCP	9	0	167.7	161.0	96.0	2.3	30	72	360
Attempt PWID preludin	0	0	...	...	...	...	...	...	...
PWID while armed	15	0	266.6	244.4	91.7	1.5	180	180	252
UCSA PWID cocaine	165	0	212.2	166.0	78.3	1.2	108	180	288
UCSA PWID dilaudid	1	0	72.0	—	—	1.0	72	72	72
UCSA PWID heroin	32	1	215.5	141.7	65.8	1.5	144	144	288
UCSA PWID other	0	0	...	...	...	...	...	...	...
UCSA PWID PCP	7	0	152.6	50.3	33.0	1.3	120	120	216
UCSA PWID preludin	0	0	...	...	...	...	...	...	...
UCSA PWID methamphetamine	1	0	60.0	—	—	1.0	60	60	60
UCSA PWID LSD	0	0	...	...	...	...	...	...	...
UCSA PWID psilocybin	0	0	...	...	...	...	...	...	...
Attempt distribute in drug free zone	0	0	...	...	...	...	...	...	...

Specific charge	Total sentenced*	whose max was life	Mean	s.d.	Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
Murder I while armed	239	239	...	...	...	...	...	...	...
Maintaining a crack house	0	0	...	...	...	...	...	...	...
Dangerous Drug Act	0	0	...	...	...	...	...	...	...
Obtaining narcotics by fraud	2	0	9.0	0.0	0.0	1.0	9	9	9
Distribution drug free zone	7	0	123.0	74.7	60.7	1.1	66	117	180
Using stolen vehicle	62	0	74.2	37.3	50.3	1.0	36	72	102
Forgery	23	0	90.1	94.1	104.5	1.3	36	68	120
Uttering	16	0	57.1	16.7	29.3	0.9	38	61.5	72
Bad check	1	0	...	...	...	...	...	...	...
Bad check (felony)	0	0	...	...	...	...	...	...	...
Credit card fraud	3	0	117.0	140.0	119.7	1.0	18	117	216
Fraud 1st degree	4	0	151.0	126.0	83.4	1.0	74	144	228
Fraud 2nd degree	0	0	...	...	...	...	...	...	...
Larceny after trust	0	0	...	...	...	...	...	...	...
Theft 1st degree	75	0	118.6	81.0	68.3	1.1	72	108	144
Theft I /senior citizen	0	0	...	...	...	...	...	...	...
Destruction property over 200	62	0	89.6	61.1	68.1	1.2	54	72	120
Breaking & entering-vending machine	1	0	90.0	—	—	1.0	90	90	90
Trafficking stolen property	2	0	108.0	—	—	1.0	108	108	108
Receiving stolen goods	53	0	62.0	35.9	57.9	1.0	36	60	72
Accessory after fact	2	0	174.0	93.3	53.6	1.0	108	174	240
Blackmail	0	0	...	...	...	...	...	...	...
Bribery	1	0	36.0	—	—	1.0	36	36	36
Bribery of witness	0	0	...	...	...	...	...	...	...
Conspiracy	14	0	173.6	176.7	101.8	1.4	90	120	156
Embezzlement	0	0	...	...	...	...	...	...	...
Extortion	1	0	...	...	...	...	...	...	...
False impersonation police (fel)	0	0	...	...	...	...	...	...	...
Impersonate public official	1	0	72.0	—	—	1.0	72	72	72
Introducing contraband penal inst	0	0	...	...	...	...	...	...	...
Pandering	1	0	162.0	—	—	1.0	162	162	162
Perjury	1	0	144.0	—	—	1.0	144	144	144
Procuring	0	0	...	...	...	...	...	...	...
Stalking	0	0	...	...	...	...	...	...	...
Threat injure a person	37	0	175.1	167.7	95.7	1.6	72	108	228
Any other felony (domestic violence)	0	0	...	...	...	...	...	...	...
Any other felony	14	1	273.0	192.3	70.4	1.2	144	234	372
Any other US charge	1	0	...	...	...	...	...	...	...
Attempt crime not listed	32	0	101.7	98.0	96.4	1.5	48	66	108

— Too few cases to calculate this field

... No cases of this type occurred

* Includes those with missing data

Note: All calculations exclude life sentences

Table D-9. Minimum confinement period imposed (in months), for felony dockets sentenced between 1993-1998, by specific charge
For felony defendants sentenced to life

Specific charge	Total sentenced*	Mean	s.d.	Coefficient of variation	Mean/Median	25th %tile	Median	75th %tile
Murder I while armed	247	562.7	398.3	70.8	1.3	360	420	640
Murder I	21	451.0	159.5	35.4	1.3	360	360	542
2nd degree murder while armed	145	277.3	225.8	81.4	1.3	180	216	300
2nd degree murder	20	240.7	151.3	62.9	1.1	180	216	240
Voluntary manslaughter while armed	34	187.3	74.7	39.9	1.0	156	180	240
1st degree child sex abuse	6	275.7	201.3	73.0	1.4	180	198	226
Sodomy on minor child	1	492.0	—	—	1.0	492	492	492
1st degree sex abuse	9	219.1	83.3	38.0	1.2	180	180	180
1st degree sex abuse while armed	3	170.7	106.3	62.3	0.9	60	180	272
Rape	13	353.4	194.5	55.0	1.0	180	360	376
Rape while armed	3	580.0	210.7	36.3	1.0	360	600	780
2nd degree sex abuse	1	284.0	—	—	1.0	284	284	284
Sodomy	1	168.0	—	—	1.0	168	168	168
Ind act Miller Act	1	288.0	—	—	1.0	288	288	288
Assault w/i kill while armed	26	398.8	427.8	107.3	1.7	180	240	384
Assault w/i rape while armed	1	300.0	—	—	1.0	300	300	300
Assault w/i rob while armed	2	232.0	96.2	41.5	1.0	164	232	300
Aggravated assault	1	144.0	—	—	1.0	144	144	144
Aggravated assault while armed	11	215.6	68.9	32.0	1.2	180	180	240
Mayhem while armed	2	202.0	2.8	1.4	1.0	200	202	204
Armed kidnapping	3	244.0	204.5	83.8	1.8	120	132	480
Kidnapping	3	252.0	124.7	49.5	1.4	180	180	396
Armed robbery	32	235.1	215.1	91.5	1.3	120	180	240
Robbery of senior citizen	2	226.0	48.1	21.3	1.0	192	226	260
Carjacking while armed	7	384.6	287.3	74.7	1.6	180	240	496
Armed burglary I	17	526.5	443.5	84.2	1.2	180	450	540
Burglary I	1	180.0	—	—	1.0	180	180	180
Attempt burglary	1	144.0	—	—	1.0	144	144	144
Obstructing justice	4	1431.0	1211.0	84.6	1.2	594	1242	2268
UCSA PWID heroin	1	180.0	—	—	1.0	180	180	180
Any other felony	4	168.0	59.6	35.5	1.0	126	168	210

— Too few cases to calculate this field

* Includes those with missing data

APPENDIX

E

Table E-1. Number of commitments entering and serving sentences in the DC-DOC and not transferred to BOP, 1993-1998, by charge.

Charge	Commitments		Minimum confinement imposed, in months			
	Number	Percent of offenses	Mean	Percentiles of the distribution		
				25th	Median	75th
All commitments	8399	100.0%	58.8	12	24	48
Murder I while armed	211	2.5%	586.2	360	420	644
Murder I	16	0.2%	438.4	360	360	540
2nd degree murder while armed	177	2.1%	250.3	168	180	264
2nd degree murder	25	0.3%	200	108	180	216
Voluntary Manslaughter	70	0.8%	94.9	60	78	120
Voluntary manslaughter while armed	71	0.8%	160.4	120	156	180
Involuntary manslaughter	24	0.3%	57.5	24	54	86
Negligent homicide	8	0.1%	14.9	12	14	18
1st degree child sex abuse	14	0.2%	196.1	96	174	220
Sodomy on minor child	3	0.0%	241.3	72	160	492
Attempt 1st degree child sexual abuse	1	0.0%	24	24	24	24
2nd degree child sex abuse	11	0.1%	20.5	12	18	36
Enticing a child	4	0.0%	18	9	15	30
Attempt 2nd degree child sex abuse	3	0.0%	15	3	6	36
Carnal knowledge	10	0.1%	157.8	36	84	216
1st degree sex abuse	17	0.2%	202.1	120	180	232
1st degree sex abuse while armed	3	0.0%	170.7	60	180	272
Rape	14	0.2%	323.9	180	318	360
Rape while armed	9	0.1%	301.3	144	300	360
2nd degree sex abuse	3	0.0%	120	16	60	284
3rd degree sex abuse	6	0.1%	44	25	33	63
4th degree sex abuse	5	0.1%	17.6	18	20	20
Attempt 1st degree sex abuse	43	0.5%	34	12	20	60
Sodomy	7	0.1%	150.3	60	108	168
Ind act Miller Act	40	0.5%	47.2	24	36	60
Assault w/i kill while armed	64	0.8%	269.5	76	132	256
Assault w/intent to kill	17	0.2%	62.4	48	60	72
Assault w/i rape while armed	4	0.0%	111	30	66	192
Assault w/i rape	11	0.1%	57.8	24	60	60
Armed assault with intent	1	0.0%	84	84	84	84
Assault w/i rob while armed	23	0.3%	96.7	60	84	120
Assault with intent	6	0.1%	19.3	12	16	30
Assault with intent to rob	35	0.4%	55.4	36	48	60
Assault w/i mayhem	1	0.0%	40	40	40	40
ADW	310	3.7%	38	20	36	48
Assault w/i any offense	2	0.0%	30	12	30	48
Aggravated assault	74	0.9%	41.1	12	36	40
Aggravated assault while armed	64	0.8%	98.8	48	84	132
Attempt aggravated assault	22	0.3%	14	9	15	20
APO dang weapon	20	0.2%	55.1	18	36	60
APO	46	0.5%	15.5	10	12	20
Mayhem	10	0.1%	29.2	24	30	36
Mayhem while armed	8	0.1%	114.5	54	102	160
Cruelty to children	12	0.1%	20.5	4	15	36
2nd degree cruelty to children	2	0.0%	40	40	40	40
Armed kidnapping	10	0.1%	131.2	60	102	132
Kidnapping	13	0.2%	108.3	60	84	120
Armed robbery	219	2.6%	110.7	60	72	120
Armed robbery-senior citizen	2	0.0%	66	60	66	72
Attempt armed robbery	8	0.1%	98.5	48	72	160
Robbery	359	4.3%	44.9	24	36	60
Robbery of senior citizen	15	0.2%	76.6	24	36	108
Attempt robbery	306	3.6%	14	9	12	12
Carjacking	10	0.1%	116.4	84	84	144
Carjacking while armed	17	0.2%	319.8	180	180	456
Poss firearm during crime of dang/viol off	66	0.8%	69.4	60	60	60
CDW	81	1.0%	19.1	7.5	12	24

Table E-1. Number of commitments entering and serving sentences in the DC-DOC and not transferred to BOP, 1993-1998, by charge, cont.

Charge	Commitments		Minimum confinement imposed, in months			
	Number	Percent of offenses	Mean	Percentiles of the distribution		
				25th	Median	75th
Carrying a pistol without a license	377	4.5%	16.1	6	12	20
PPW felony	36	0.4%	11.2	4	12	13.5
Armed burglary I	27	0.3%	459.9	132	240	532
Burglary I	55	0.7%	63.5	30	48	90
Armed burglary II	2	0.0%	19.5	3	19.5	36
Burglary II	309	3.7%	34.1	20	30	40
Attempt burglary	125	1.5%	14.9	8	12	17
Arson	14	0.2%	48.6	24	36	72
Obstructing justice	37	0.4%	182.9	26	56	130
Escape/prison breach-attempt	85	1.0%	5.5	2.5	4.5	8
Escape/prison breach	756	9.0%	6.9	3	4	8
Bail reform act-felony	234	2.8%	10.7	4	10	12
Attempt distribute cocaine	731	8.7%	26.1	12	24	30
Attempt distribute dilaudid	20	0.2%	30.7	21	24	36
Attempt distribute heroin	135	1.6%	28.5	12	24	36
Attempt distribute PCP	25	0.3%	24.2	12	20	36
Attempt distribute preludin	1	0.0%	36	36	36	36
UCSA distribute cocaine	312	3.7%	42.6	24	36	48
UCSA distribute dilaudid	14	0.2%	48.9	24	36	48
UCSA distribute heroin	113	1.3%	51.7	24	36	60
UCSA distribute PCP	13	0.2%	52.9	20	24	72
UCSA distribute preludin	1	0.0%	6	6	6	6
Attempt PWID cocaine	686	8.2%	25.4	12	24	36
Attempt PWID dilaudid	1	0.0%	6	6	6	6
Attempt PWID heroin	192	2.3%	24.5	12	24	36
Attempt PWID PCP	20	0.2%	30	9	18	32.5
PWID while armed	16	0.2%	65.8	60	60	78
UCSA PWID cocaine	382	4.5%	40.7	15	30	48
UCSA PWID dilaudid	4	0.0%	33	24	30	42
UCSA PWID heroin	118	1.4%	37.5	18	30	48
UCSA PWID other	1	0.0%	8	8	8	8
UCSA PWID PCP	18	0.2%	26.5	20	20	36
UCSA PWID methamphetamine	2	0.0%	13	6	13	20
Obtaining narcotics by fraud	3	0.0%	6.7	1	3	16
Distribution drug free zone	20	0.2%	26.5	9	14.5	36
Using stolen vehicle	316	3.8%	13.3	7	12	18
Forgery	24	0.3%	23.8	8.5	12	27
Uttering	27	0.3%	13	7	12	18
Credit card fraud	1	0.0%	72	72	72	72
Fraud 1st degree	4	0.0%	41.5	7	30	76
Fraud 2nd degree	2	0.0%	15	15	15	15
Theft 1st degree	103	1.2%	29.1	14	24	36
Destruction property over 200	87	1.0%	26.7	12	21	36
Breaking & entering-vending machine	4	0.0%	10.5	3.5	4.5	17.5
Trafficking stolen property	2	0.0%	27	18	27	36
Receiving stolen goods	79	0.9%	18.9	12	17	24
Accessory after fact	9	0.1%	53.3	36	36	80
Bribery	2	0.0%	9	6	9	12
Conspiracy	16	0.2%	31.2	18	22	32
Introducing contraband penal inst	1	0.0%	24	24	24	24
Pandering	1	0.0%	9	9	9	9
Procuring	1	0.0%	12	12	12	12
Threat injure a person	48	0.6%	48.2	12	31	60
Any other felony	61	0.7%	27.9	3	12	30
Any other US charge	8	0.1%	3	1.5	3	4
Attempt crime not listed	85	1.0%	11.9	3	8	12

Includes commitments with a maximum sentence of life

Excludes commitments transferred to BOP.

Table E-2. Number of commitments with a maximum sentence of life entering and serving sentences in the DC-DOC and not transferred to BOP, 1993-1998, by charge.

Charge	Commitments		Minimum confinement imposed, in months			
	Number	Percent of offenses	Mean	Percentiles of the distribution		
				25th	Median	75th
All commitments	516	100.0%	424.0	180	332	459
Murder I while armed	208	40.3%	587.3	360	420	644
Murder I	16	3.1%	438.4	360	360	540
2nd degree murder while armed	121	23.4%	291.7	180	240	300
2nd degree murder	16	3.1%	251.0	180	216	240
Voluntary manslaughter while armed	30	5.8%	197.7	156	180	240
1st degree child sex abuse	6	1.2%	275.7	180	198	226
Sodomy on minor child	1	0.2%	492.0	492	492	492
1st degree sex abuse	8	1.6%	261.5	180	180	362
1st degree sex abuse while armed	3	0.6%	170.7	60	180	272
Rape	10	1.9%	353.4	180	348	360
Rape while armed	2	0.4%	570.0	360	570	780
2nd degree sex abuse	1	0.2%	284.0	284	284	284
Sodomy	1	0.2%	168.0	168	168	168
Assault w/i kill while armed	22	4.3%	448.0	180	256	480
Assault w/i rape while armed	1	0.2%	300.0	300	300	300
Assault w/i rob while armed	2	0.4%	232.0	164	232	300
Aggravated assault	1	0.2%	144.0	144	144	144
Aggravated assault while armed	9	1.7%	218.9	180	180	258
Mayhem while armed	1	0.2%	200.0	200	200	200
Armed kidnapping	3	0.6%	244.0	120	132	480
Kidnapping	2	0.4%	288.0	180	288	396
Armed robbery	24	4.7%	249.7	132	186	294
Robbery of senior citizen	2	0.4%	226.0	192	226	260
Carjacking while armed	7	1.4%	384.6	180	240	496
Armed burglary I	11	2.1%	549.1	180	240	912
Burglary I	1	0.2%	180.0	180	180	180
Obstructing justice	4	0.8%	1134.0	234	648	2034
UCSA PWID heroin	1	0.2%	180.0	180	180	180
Any other felony	2	0.4%	168.0	96	168	240

Excludes commitments transferred to BOP.

Table E-3. Length of sentences and length of stay for commitments entering DC-DOC between 1990 and 1993, by charge category.

Offense category	Commitments		Minimum confinement imposed in months				Approved releases		Length of stay in months		
	Number	Percent of offenses	Mean	Percentiles of the distribution			Number	Percent of entries	Percentiles of the distribution		
				25th	Median	75th			25th	Median	75th
All commitments	6,072	100.0%	58.0	12	30	56	4803	79.1%	15	30	55
Murder I while armed	104	1.7%	513	246	342	522	3	2.9%	—	—	—
Murder I	13	0.2%	505.8	276	432	552	0	0.0%	—	—	—
2nd degree murder while armed	111	1.8%	214.6	156	180	240	11	9.9%	...	...	...
2nd degree murder	19	0.3%	152.2	72	144	240	6	31.6%	—	—	—
Voluntary Manslaughter	55	0.9%	90.5	60	72	108	31	56.4%	45	...	...
Voluntary manslaughter while armed	47	0.8%	153.7	96	132	180	13	27.7%	60	...	...
Involuntary manslaughter	14	0.2%	69.4	24	48	72	11	78.6%	18	50	60
Negligent homicide	3	0.0%	18.7	12	20	24	2	66.7%	—	—	—
Carnal knowledge	12	0.2%	159.5	48	78	186	4	33.3%	—	—	—
Rape	13	0.2%	349.1	144	240	552	1	7.7%	—	—	—
Rape while armed	11	0.2%	351.9	164	384	500	0	0.0%	—	—	—
Sodomy	10	0.2%	187.4	30	78	324	6	60.0%	—	—	—
Incest	1	0.0%	66	66	66	66	0	0.0%	—	—	—
Ind act Miller Act	29	0.5%	44.9	24	36	60	23	79.3%	46	65	73
Assault w/i kill while armed	54	0.9%	194.6	75	144	252	18	33.3%	62	...	...
Assault w/intent to kill	20	0.3%	67.9	48	60	76	12	60.0%	43	52	...
Assault w/i rape while armed	6	0.1%	129.3	36	60	104	1	16.7%	—	—	—
Assault w/i rape	18	0.3%	92.3	48	60	84	5	27.8%	—	—	—
Assault w/i rob while armed	20	0.3%	151.1	60	84	198	10	50.0%	—	—	—
Assault with intent	4	0.1%	78.7	24	72	140	2	50.0%	—	—	—
Assault with intent to rob	29	0.5%	52.1	36	48	72	17	58.6%	34	35	...
Assault w/i mayhem	2	0.0%	32	24	32	40	2	100.0%	—	—	—
ADW	175	2.9%	53.8	24	36	72	132	75.4%	22	40	70
Assault w/i commit sodomy while armed	1	0.0%	192	192	192	192	0	0.0%	—	—	—
Assault w/i any offense	4	0.1%	32	22	24	42	1	25.0%	—	—	—
APO dang weapon	8	0.1%	62	30	60	96	5	62.5%	26	31	...
APO	12	0.2%	28.9	12.5	18	35	11	91.7%	13.5	32	41
Mayhem	12	0.2%	36.3	24	30	44	11	91.7%	16.5	25.5	37.5
Mayhem while armed	14	0.2%	234.6	80	114	240	7	50.0%	—	—	—
Cruelty to children	6	0.1%	20.3	8	16	36	6	100.0%	—	—	—
Armed kidnapping	8	0.1%	252	102	138	258	0	0.0%	—	—	—
Kidnapping	5	0.1%	78	60	72	78	3	60.0%	—	—	—
Armed robbery	165	2.7%	160.5	60	120	192	63	38.2%	60	...	...
Attempt armed robbery	3	0.0%	36	12	24	72	3	100.0%	—	—	—
Robbery	258	4.2%	54.4	30	48	60	183	70.9%	31	52	...
Robbery of senior citizen	4	0.1%	131	42	120	220	2	50.0%	—	—	—
Attempt robbery	189	3.1%	18.2	9	12	12	160	84.7%	11	17	41
Carjacking	1	0.0%	144	144	144	144	1	100.0%	—	—	—
Carjacking while armed	1	0.0%	252	252	252	252	0	0.0%	—	—	—

Table E-3. Length of sentences and length of stay for commitments entering DC-DOC between 1990 and 1993, by charge category, cont.

Offense category	Commitments		Minimum confinement imposed in months				Approved releases		Length of stay in months		
	Number	Percent of offenses	Mean	Percentiles of the distribution			Number	Percent of entries	Percentiles of the distribution		
				25th	Median	75th			25th	Median	75th
Poss firearm during crime of dang/viol off	100	1.6%	61.7	60	60	60	47	47.0%	59	...	...
CDW	219	3.6%	23.2	8	12	24	194	88.6%	4	15	40
Carrying a pistol without a license	7	0.1%	11.4	3	11	18	6	85.7%	—	—	—
PPW felony	17	0.3%	12.8	4	12	14	16	94.1%	3	11	16
Armed burglary I	21	0.3%	552.5	147	240	564	5	23.8%	—	—	—
Burglary I	28	0.5%	86.5	33	60	114	17	60.7%	42	55	...
Armed burglary II	3	0.0%	7	3	6	12	3	100.0%	—	—	—
Burglary II	183	3.0%	38.3	24	36	48	156	85.2%	22	38	57
Arson	9	0.1%	58.7	36	48	80	8	88.9%	—	—	—
Obstructing justice	24	0.4%	68.8	12	36	94	16	66.7%	20.5	39.5	...
Escape/prison breach	328	5.4%	9.6	4	6	12	309	94.2%	9	16	28
Bail reform act-felony	132	2.2%	10	3	6	12	122	92.4%	3	8.5	20.5
Attempt distribute cocaine	1061	17.5%	24	12	24	30	975	91.9%	13	23	39
Attempt distribute dilaudid	63	1.0%	29.6	18	24	36	60	95.2%	17	29	42
Attempt distribute heroin	187	3.1%	28.8	18	24	36	177	94.7%	18	28	45
Attempt distribute PCP	39	0.6%	28.8	12	24	36	32	82.1%	14	29	58
Attempt distribute preludein	1	0.0%	20	20	20	20	1	100.0%	—	—	—
UCSA distribute cocaine	472	7.8%	46.8	24	46.5	48	415	87.9%	21.5	40	59
UCSA distribute dilaudid	53	0.9%	52.4	40	48	60	42	79.2%	23	51	65
UCSA distribute heroin	110	1.8%	59.4	36	48	72	83	75.5%	28	49.5	69
UCSA distribute PCP	33	0.5%	57.1	20	36	64	24	72.7%	24	38	...
UCSA distribute preludein	1	0.0%	96	96	96	96	1	100.0%	—	—	—
Attempt PWID cocaine	418	6.9%	27.4	15	24	36	388	92.8%	13	23	39
Attempt PWID dilaudid	5	0.1%	40.6	24	36	48	4	80.0%	—	—	—
Attempt PWID heroin	120	2.0%	31	18	24	36	117	97.5%	22	32	43.5
Attempt PWID PCP	34	0.6%	28.7	15	24	36	31	91.2%	15	22	38
UCSA PWID cocaine	192	3.2%	50.8	30	48	60	168	87.5%	20	42	57
UCSA PWID dilaudid	7	0.1%	53.3	48	48	60	6	85.7%	—	—	—
UCSA PWID heroin	82	1.4%	59.7	36	48	60	70	85.4%	37	48	54
UCSA PWID PCP	28	0.5%	43	20	36	60	25	89.3%	16	29	40
UCSA PWID methamphetamine	1	0.0%	20	20	20	20	0	0.0%	—	—	—
Obtaining narcotics by fraud	1	0.0%	16	16	16	16	1	100.0%	—	—	—
Distribution drug free zone	1	0.0%	45	45	45	45	1	100.0%	—	—	—
Using stolen vehicle	131	2.2%	17.8	12	15	20	117	89.3%	9	17	31
Forgery	30	0.5%	33.5	10	24	48	25	83.3%	8	13	30
Uttering	30	0.5%	14.1	9	12	18	27	90.0%	10	14.5	27
Bad check	1	0.0%	12	12	12	12	1	100.0%	—	—	—
Credit card fraud	3	0.0%	32	9	15	72	3	100.0%	—	—	—
Fraud 1st degree	2	0.0%	37.5	15	37.5	60	2	100.0%	—	—	—
Theft 1st degree	66	1.1%	38.2	12	24	48	54	81.8%	11	23	39

Table E-3. Length of sentences and length of stay for commitments entering DC-DOC between 1990 and 1993, by charge category, cont.

Offense category	Commitments		Minimum confinement imposed in months			Approved releases		Length of stay in months			
	Number	Percent of offenses	Mean	Percentiles of the distribution			Number	Percent of entries	Percentiles of the distribution		
				25th	Median	75th			25th	Median	75th
Destruction property over 200	26	0.4%	34.2	12	27	39	20	76.9%	9	18.5	41
Trafficking stolen property	1	0.0%	4	4	4	4	1	100.0%	—	—	—
Receiving stolen goods	31	0.5%	24.6	12	24	32	27	87.1%	15	23	36
Accessory after fact	4	0.1%	24.5	13	28	36	4	100.0%	—	—	—
Conspiracy	3	0.0%	105.3	20	24	272	2	66.7%	—	—	—
Extortion	1	0.0%	36	36	36	36	1	100.0%	—	—	—
Pandering	2	0.0%	28.5	9	28.5	48	2	100.0%	—	—	—
Threat injure a person	11	0.2%	34.1	6	24	60	8	72.7%	—	—	—
Any other felony	66	1.1%	41.8	2	11	60	57	86.4%	4	22.5	60
Any other US charge	56	0.9%	3.7	1	2	3	53	94.6%	2.5	6	13
Attempt crime not listed	167	2.8%	32.2	12	24	40	113	67.7%	6	22	...

Includes commitments with a maximum sentence of life.

Excludes commitments transferred to BOP and commitments that escaped.

— Indicates that 10 or fewer commitments were released from that category. Length of stay data, respectively, for such categories are not shown due to statistical unreliability.

... Indicates that the entire distribution of length of stay for the category cannot be calculated due to the percent of commitments not yet released.

Table E-4. Outcomes of initial considerations for parole: Offenders having an initial consideration between 1993-1998, by offense (DOC offense codes)

Most serious offense category	Total	Granted		Not granted	
		N	%	N	%
Homicide	290	73	25.2	217	74.8
Murder I	72	24	33.3	48	66.7
2nd degree murder	100	20	20.0	80	80.0
Attempted murder	4	3	75.0	1	25.0
Homicide	5	1	20.0	4	80.0
Manslaughter	106	24	22.6	82	77.4
Negligent homicide	3	1	33.3	2	66.7
Sex—child	71	10	14.1	61	85.9
Indecent act w/minor	46	3	6.5	43	93.5
Take child, immoral purpose	3	1	33.3	2	66.7
Indecent exposure	2	0	0.0	2	100.0
Carnal knowledge, child	20	6	30.0	14	70.0
Sex—abuse	77	10	13.0	67	87.0
Sodomy	20	2	10.0	18	90.0
Rape	38	6	15.8	32	84.2
Attempted rape	3	0	0.0	3	100.0
Assault w/i rape	16	2	12.5	14	87.5
Assault with intent to kill	66	22	33.3	44	66.7
Assault w/intent to kill	66	22	33.3	44	66.7
Assault	593	207	34.9	386	65.1
Aggravated assault while armed	288	108	37.5	180	62.5
Mayhem	13	4	30.8	9	69.2
Attempted mayhem	2	1	50.0	1	50.0
Other assault	25	4	16.0	21	84.0
Assault with intent	75	20	26.7	55	73.3
Assault police officer	43	13	30.2	30	69.8
Simple assault	143	56	39.2	87	60.8
Cruelty to children	4	1	25.0	3	75.0
Kidnapping	30	10	33.3	20	66.7
Kidnapping	25	8	32.0	17	68.0
Attempted kidnapping	5	2	40.0	3	60.0
Robbery	966	334	34.6	632	65.4
Robbery	326	108	33.1	218	66.9
Attempt robbery	313	98	31.3	215	68.7
Armed robbery	312	123	39.4	189	60.6
Taking property without right	15	5	33.3	10	66.7
Carjacking	...	...	...	...	...
Carjacking	...	...	...	...	...
Weapon during crime	1	0	0.0	1	100.0
Poss firearm during crime of dang/viol off	1	0	0.0	1	100.0
Weapons	780	301	38.6	479	61.4
CDW	7	1	14.3	6	85.7
CDW, previous conviction	22	7	31.8	15	68.2
Possession gun convict	11	4	36.4	7	63.6
Possession prohibited weapon	65	25	38.5	40	61.5
Carrying a pistol without a license	428	173	40.4	255	59.6
Possession of unregistered weapon	151	45	29.8	106	70.2
Possession prohibited weapon	24	11	45.8	13	54.2
Sell deadly weapon	1	0	0.0	1	100.0
Possession gun - 1st offense	2	1	50.0	1	50.0

Most serious offense category	Total	Granted		Not granted	
		N	%	N	%
Possession unregistered ammunition	66	33	50.0	33	50.0
National Firearm Act	3	1	33.3	2	66.7
Burglary	469	186	39.7	283	60.3
Burglary I	65	26	40.0	39	60.0
Burglary II	315	132	41.9	183	58.1
Attempted burglary I	20	6	30.0	14	70.0
Attempted burglary II	35	9	25.7	26	74.3
Unlawful entry	34	13	38.2	21	61.8
Arson	15	2	13.3	13	86.7
Arson	14	2	14.3	12	85.7
Malicious burning	1	0	0.0	1	100.0
Obstruction of justice	10	1	10.0	9	90.0
Obstruction of justice	10	1	10.0	9	90.0
Escape/Bail Reform Act	718	283	39.4	435	60.6
Escape	295	99	33.6	196	66.4
Bail violation	423	184	43.5	239	56.5
Drug—distribution	3,640	1,831	50.3	1,809	49.7
Selling drugs	7	4	57.1	3	42.9
UCSA control substance	3,442	1,757	51.0	1,685	49.0
Attempt violate drug	125	48	38.4	77	61.6
Possession drug or paraphernalia	66	22	33.3	44	66.7
Drug—possession	180	72	40.0	108	60.0
Drug possession-felony	180	72	40.0	108	60.0
Drug—drug free zone	—	—	—	—	—
Distribute in drug free zone	—	—	—	—	—
Using stolen vehicle	293	103	35.2	190	64.8
Unauthorized use of vehilce (UUV)	243	87	35.8	156	64.2
Attempted UUV	50	16	32.0	34	68.0
Forgery	53	35	66.0	18	34.0
Forgery or uttering	40	24	60.0	16	40.0
Uttering a check	13	11	84.6	2	15.4
Fraud	17	12	70.6	5	29.4
Fraud 1st degree	12	10	83.3	2	16.7
Fraud 2nd degree	1	0	0.0	1	100.0
Credit card fraud	4	2	50.0	2	50.0
Larceny	219	98	44.7	121	55.3
Theft 1st degree (includes Grand Lar)	87	44	50.6	43	49.4
Theft 2nd degree	117	51	43.6	66	56.4
Larceny interstate shipment	1	0	0.0	1	100.0
Petit larceny	2	1	50.0	1	50.0
Attempted theft	12	2	16.7	10	83.3
Property	123	46	37.4	77	62.6
Destroy public/private property	123	46	37.4	77	62.6
Stolen property	103	46	44.7	57	55.3
Receive stolen property	82	36	43.9	46	56.1
Destroy stolen property	20	9	45.0	11	55.0
Possession of stolen property	1	1	100.0	0	0.0
Other offenses	500	201	40.2	299	59.8
Embezzlement	1	0	0.0	1	100.0
Extortion	3	1	33.3	2	66.7
Perjury or suborn	2	1	50.0	1	50.0
Threats	24	6	25.0	18	75.0

Most serious offense category	Total	Granted		Not granted	
		N	%	N	%
Impersonate public official	1	0	0.0	1	100.0
Prostitution	7	4	57.1	3	42.9
Pandering	3	2	66.7	1	33.3
Non support wife/child	1	1	100.0	0	0.0
Aid and abet	3	1	33.3	2	66.7
Conspiracy	18	6	33.3	12	66.7
Possible implementation of crime	4	1	25.0	3	75.0
Accessory after fact	2	2	100.0	0	0.0
Held in transit	4	2	50.0	2	50.0
Held as U.S. witness	5	2	40.0	3	60.0
Condition of parole	408	167	40.9	241	59.1
Other offense	14	5	35.7	9	64.3
Unknown	252	80	31.7	172	68.3
0533 - not in list	1	1	100.0	0	0.0
Dwi (t?)	2	0	0.0	2	100.0
Ad pros writ?	16	7	43.8	9	56.3
Contempt	6	4	66.7	2	33.3
Violate driving laws	15	8	53.3	7	46.7
9900 - not in list	212	60	28.3	152	71.7

... Not any cases.

who may be serving time on more than one case.

— Category does not exist in DOC offense codes