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Truth in Sentencing in State Prisons

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The amount of time offenders serve in prison is almost always shorter than the time they are sentenced to serve by the court. Prisoners released in 1996 served on average 30 months in prison and jail or 44% of their sentence. Many States have recently enacted a truth-in-sentencing law which requires offenders to serve a substantial portion of their sentence and reduces the discrepancy between the sentence imposed and actual time served in prison.

In the early 1970's States followed an indeterminate sentencing model in which a parole board decided when an offender would be released from prison. Pressure for longer sentences and uniform punishment led to mandatory minimums and sentencing guidelines in the 1980's. However, prison crowding, good-time sentence reductions for satisfactory prison behavior, and earned-time resulted in the early release of prisoners.

To assure that offenders serve a large portion of their sentence, the U.S. Congress authorized funding for additional State prisons and jails through the Violent Crime Control and Law Enforcement Act of 1994. In 1998 incentive grants were awarded to 27 States and the District of Columbia that met the eligibility criteria for the Truth-in-Sentencing program. Another 13 States have adopted a truth-in-sentencing law requiring certain offenders to serve a specific percent of their sentence.

Highlights

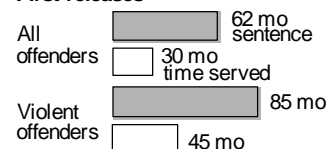
Three decades of sentencing reform — 1970's through 1990's

- *Indeterminate sentencing*: Common in the early 1970's, parole boards have the authority to release offenders from prison.
- *Determinate sentencing*: States introduced fixed prison terms which could be reduced by good-time or earned-time credits.
- *Mandatory minimum sentences*: States added statutes requiring offenders to be sentenced to a specified amount of prison time.
- *Sentencing guidelines*: States established sentencing commissions and created ranges of sentences for given offenses and offender characteristics.
- *Truth in sentencing*: First enacted in 1984, TIS laws require offenders to serve a substantial portion of their prison sentence. Parole eligibility and good-time credits are restricted or eliminated.

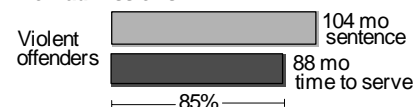
Discrepancy between sentence and time served

State prisons, 1996

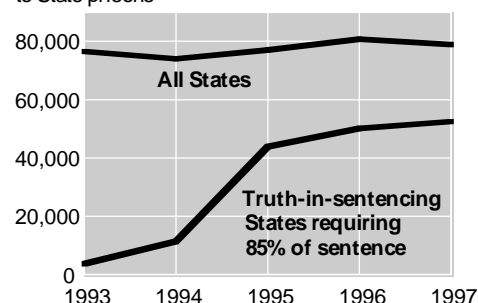
First releases



New admissions



Admissions of violent offenders to State prisons



- Violent offenders released from prison in 1996 were sentenced to serve an average of 85 months in prison. Prior to release they served about half of their prison sentence or 45 months.

- Under truth-in-sentencing laws requiring 85% of the sentence, violent offenders would serve an average of 88 months in prison based on the average sentence for violent offenders admitted to prison in 1996.

- Nearly 7 in 10 State prison admissions for a violent offense in 1997 were in States requiring offenders to serve at least 85% of their sentence.

- By 1998, 27 States and the District of Columbia met the Federal Truth-in-Sentencing Incentive Grant Program eligibility criteria. Eleven States adopted truth-in-sentencing laws in 1995, 1 year after the 1994 Crime Act.

Data were compiled from multiple sources

The findings in this report are based primarily on data from the Bureau of Justice Statistics, National Corrections Reporting Program (NCRP), and data collected through the Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Grants program, administered by the Office of Justice Programs Corrections Program Office.

Since 1983 BJS has compiled the NCRP data series that collects individual inmate records for prison admissions and releases and parole discharges. It is the only national level data base with information on sentence length, time to be served in prison, actual time served by released prisoners, time served on parole, type of parole discharge, and offense composition of inmates entering and exiting prison and parole. The annual series includes prison population movement data and parole population data, providing a comprehensive description of offenders as they enter and exit correctional custody and supervision.

During the 1990's between 35 and 41 States have participated in NCRP. In 1996, 37 States and the California Youth Authority reported 469,650 admissions that represented 91% of all admissions to State prisons, based on data from the BJS National Prisoner Statistics data collection. The releases reported (427,627) represented 91% of all releases from State prison in 1996.

All 50 States and the District of Columbia reported data through the VOI/TIS incentive grants program as part of the data collection for determining grant eligibility. The VOI/TIS data provide an additional State-level indicator of time served with a common definition of violent offenses. For each year between 1993 and 1997, States reported the number of admissions and releases for Part 1 violent offenses and sentence length and time served by released violent offenders. Part 1 violent crimes include murder/nonnegligent manslaughter, rape, robbery, and aggravated assault.

Table 1. Truth-in-sentencing requirements, by State

<u>Meet Federal 85% requirement</u>		<u>50% requirement</u>	<u>100% of minimum requirement</u>	<u>Other requirements</u>
Arizona	Missouri	Indiana	Idaho	Alaska ^c
California	New Jersey	Maryland	Nevada	Arkansas ^d
Connecticut	New York	Nebraska	New Hampshire	Colorado ^e
Delaware	North Carolina	Texas		Kentucky ^f
District of Col.	North Dakota			Massachusetts ^g
Florida	Ohio			Wisconsin ^h
Georgia	Oklahoma ^b			
Illinois ^a	Oregon			
Iowa	Pennsylvania			
Kansas	South Carolina			
Louisiana	Tennessee			
Maine	Utah			
Michigan	Virginia			
Minnesota	Washington			
Mississippi				

^aQualified for Federal funding in 1996 only.

^bEffective July 1, 1999, offenders will be required to serve 85% of the sentence.

^cTwo-part sentence structure (2/3 in prison; 1/3 on parole); 100% of prison term required.

^dMandatory 70% of sentence for certain violent offenses and manufacture of methamphetamine.

^eViolent offenders with 2 prior violent

convictions serve 75%; 1 prior violent conviction, 56.25%.

^fEffective July 15, 1998, offenders are required to serve 85% of the sentence.

^gRequires 75% of a minimum prison sentence.

^hEffective December 31, 1999, two-part sentence: offenders serve 100% of the prison term and a sentence of extended supervision at 25% of the prison sentence.

Sentencing reforms parallel "get tough on crime" attitude

Sentencing reform policies have paralleled the mood of the country on crime and punishment, shifting between requiring a fixed prison time prior to release or allowing discretionary release of offenders by judges, parole boards, or corrections officials. Over the last two decades, sentencing requirements and release policies have become more restrictive, primarily in response to widespread "get tough on crime" attitudes in the Nation. (See *References* on page 15 for sources on sentencing reform.)

In the early 1970's, States generally permitted parole boards to determine when an offender would be released from prison. In addition, good-time reductions for satisfactory prison behavior, earned-time incentives for participation in work or educational programs, and other time reductions to control prison crowding resulted in the early release of prisoners. These policies permitted officials to individualize the amount of punishment or leniency an offender received and provided means to manage the prison population.

Such discretion in sentencing and release policies led to criticism that some offenders were punished more harshly than others for similar offenses and to complaints that overall sentencing and release laws were too soft on criminals. By the late 1970's and early 1980's, States began developing sentencing guidelines, enacting mandatory minimum sentences and adopting other sentencing reforms to reduce disparity in sentencing and to toughen penalties for certain offenses, specifically drug offenses (as part of the "war on drugs"), offenses with weapons, and offenses committed by repeat or habitual criminals.¹

Washington State enacted the first truth-in-sentencing law in 1984

States continued to increase the severity of sentencing laws (primarily for violent offenders) by enacting restrictions on the possibility of early release, which became known as truth in sentencing. Truth-in-sentencing laws

¹For the additional information on sentencing reform see the *1996 National Survey of State Sentencing Structures*, Bureau of Justice Assistance, NCJ 169270, September 1998.

require offenders to serve a substantial portion of the prison sentence imposed by the court before being eligible for release. Previous policies which reduced the amount of time an offender served on a sentence, such as good-time, earned-time and parole board release, are restricted or eliminated under truth-in-sentencing laws. The definition of truth in sentencing varies among the States, as do the percent of sentence required to be served and the crimes covered by the laws. Most States have targeted violent offenders under truth in sentencing.

A few States, such as Florida, Mississippi, and Ohio, require all offenders to serve a substantial portion of the sentence before being eligible for release. The percent of sentence required to be served under truth in sentencing in general spans from 50% to 100% of a minimum sentence (table 1).

Most truth-in-sentencing States require offenders to serve 85% of the prison sentence

In response to prison crowding and public dismay with the early release of prisoners, the U.S. Congress authorized incentive grants to build or expand correctional facilities through the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants Program in the 1994 Crime Act (Pub.L. No. 103-322, 108 Stat. 1796 (1994)). To qualify for the truth-in-sentencing grants, States must require persons convicted of a Part 1 violent crime to serve not less than 85% of the prison sentence. Along with other exceptions, States may qualify by demonstrating that the average time served in prison is not less than 85% of the sentence.²

Twenty-seven States and the District of Columbia qualified for the Federal grant program in 1998 (table 1). Five States (Delaware, Minnesota, Tennessee, Utah and Washington) adopted truth in sentencing prior to the 1994 Crime Act. Arizona, California, Missouri, and North

²For additional information on eligibility criteria and other program requirements see *Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants: Program Guidance and Application Kit, FY98*, Office of Justice Programs Corrections Program Office, U.S. Department of Justice, Solicitation Number 244, NCJ 168942.

Carolina enacted truth in sentencing in 1994, and 11 States enacted laws in 1995, 1 year after the Crime Act (Connecticut, Florida, Georgia, Kansas, Maine, Michigan, Mississippi, New York, North Dakota, Oregon, and Virginia).

Several States have not adopted the Federal 85% standard. Maryland and Texas have a 50%-requirement for violent offenders. Nebraska and Indiana require all offenders to serve 50% of the sentence. Arkansas requires certain offenders to serve 70%. Colorado requires violent offenders with 2 prior violent convictions to serve 75% and with 1 prior violent conviction, 56%. Massachusetts requires 75% of a minimum prison sentence.

14 States have abolished parole board release for all offenders

Fourteen States have abolished early release by discretion of a parole board for all offenders. Seven States abolished parole board release within the last 10 years. Eight States abolished parole board release during the same year a truth-in-sentencing

Abolished discretionary parole board release^a

State	Year
Arizona	1994
Delaware	1990
Florida ^b	1983
Illinois	1978
Indiana	1977
Kansas ^c	1993
Maine	1975
Minnesota	1980
Mississippi	1995
North Carolina	1994
Ohio ^d	1996
Oregon	1989
Washington	1984
Wisconsin	1999

^aFor offenses committed after the effective date of the law.

^bIn 1995, parole eligibility was abolished for offenses with a life sentence and a 25-year mandatory term.

^cExcluded a few offenses, primarily first degree murder and intentional second degree murder. Truth in sentencing passed in 1993, amended in 1995 to meet the 85%-requirement.

^dExcluded murder and aggravated murder.

law was passed (Arizona, Delaware, Kansas, Mississippi, Ohio, Virginia, Washington, and Wisconsin). Parole boards still have discretion over inmates who were sentenced for crimes committed prior to the effective date of the law that eliminated parole board release.

A few other States have abolished parole board release for certain violent or felony offenders (Alaska, New York, Tennessee, and Virginia) or for certain crimes against a person (Louisiana). California allows discretionary release by a parole board only for offenders with indeterminate life sentences. In general, States restrict the possibility of parole board release based on the offender's criminal history or the circumstances of the offense.

While discretionary release from prison by a parole board has been eliminated by some States, post-release supervision still exists and is generally referred to as community or supervised release. Parole boards, in various forms, have the responsibility to set conditions of release for offenders under conditional or supervised release, the authority to return an offender to prison for violating the conditions of parole or supervised release, and the power to grant parole for medical reasons.

Between 1990 and 1997 the number of offenders in State prison increased 7% annually

As a result of truth-in-sentencing practices, the State prison population is

Table 2. Trends in State prison population and admissions, 1990-97

Year	Yearend population ^a	Number of admissions ^b
1990	689,577	460,739
1991	732,914	466,285
1992	780,571	480,676
1993	857,675	475,100
1994	936,896	498,919
1995	1,001,359	521,970
1996	1,048,004	512,618
1997	1,100,850	540,748

Note: Includes only offenders with a sentence of more than 1 year.

^aSentenced prisoners under State jurisdiction.

^bExcludes escapees, AWOLs returned, and transfers to other jurisdictions.

expected to increase through the incarceration of more offenders for longer periods of time. One purpose of the VOI/TIS incentive grants is to enable States to manage prison capacity by providing funds to increase prison beds for violent offenders.

On average, between 1990 and 1997 the prison population grew by 7% annually. State prison inmates totaled 1,100,850 in 1997, up from 689,577 in 1990 (table 2). Most of the growth occurred among violent offenders who accounted for 50% of the total increase in State prison inmates. Drug offenders comprised about 19% of the growth and property offenders, 16%.

State prison admission rates have dropped

While the number of inmates held in State prisons increased 60% since 1990, the number admitted to prison increased about 17%. In 1997, 540,748 offenders were admitted to State prison, up from 460,739 in 1990. The number of admissions relative to the number of inmates in prison dropped from 73 per 100 State prisoners in 1990 to 52 per 100 in 1997.

During this period the source of admissions to prison also changed. New court commitments to State prison, or offenders admitted to prison under a

new sentence, increased slightly between 1990 and 1997 (from 323,069 to 334,630), while parole violators represented an increased portion of prison admissions.

The most recent data on admissions by offense type (table 3) reveal that offenders incarcerated for violent offenses increased, up from 86,600 in 1990 to 96,300 in 1996. New court commitments for property and drug offenders decreased between 1990 and 1996.

Table 3. Sentenced prisoners under State jurisdiction and new court commitments to State prison, by offense, 1990 and 1996

Offense	Sentenced prisoners under State jurisdiction		New court commitments to State prison	
	1990	1996	1990	1996
Total	689,577	1,048,004	323,069	326,547
Violent	315,900	495,400	86,600	96,300
Property	175,000	240,000	104,400	94,800
Drug	149,700	237,600	102,400	98,700
Public-order	45,800	71,300	26,000	34,600

Note: Sentenced prisoners under State jurisdiction by offense were estimated. See *Methodology* for details.

Table 4. Adult arrests and new court commitments to State prison per 1,000 arrests, by offense, 1980, 1990, and 1996

Most serious offense	Number of adult arrests			Number of new court commitments to State prison per 1,000 arrests		
	1980	1990	1996	1980	1990	1996
Violent offenses						
Murder	18,200	19,800	16,100	621	460	613
Rape	26,700	33,300	27,400	182	229	219
Other sexual assault	55,600	90,500	78,600	61	112	177
Robbery	102,200	127,400	106,700	245	233	277
Aggravated assault	236,600	410,800	445,005	45	56	62
Property offenses						
Burglary	282,800	290,000	229,700	107	160	165
Larceny/theft	745,300	1,088,700	983,900	14	24	27
Motor vehicle theft	75,600	119,800	102,600	40	72	72
Fraud	358,800	382,100	565,400	19	24	24
Drug offenses	471,200	1,008,300	1,294,700	19	103	77
Weapons offenses	141,200	181,000	163,400	11	34	55

Note: Arrest data were obtained from the FBI's Uniform Crime Reporting Program. Data on new court commitments by offense were estimated and include offenders with a sentence of more than 1 year. (See *Methodology* for details.)

Over a third of prison admissions in 1997 were parole violators

The percent of prison admissions who were returned for a parole violation has steadily increased since 1985. Parole violators accounted for 23% of prison admissions in 1985, 29% in 1990, 34% in 1994, and by 1997, 35% of admissions were parole violators.

Two-thirds of parole violators were drug or property offenders. A third of parole violators were drug offenders, and 16% were burglary offenders. Violent offenders accounted for 25% of those returned to prison on a parole revocation; nearly 11% were originally sentenced to prison for robbery.

Year	Percent of admissions to State prison		Most serious offense	Percent of admissions to State prison, 1996	
	New court commitments	Parole violators		New court commitments	Parole revocations
1985	76.1%	23.4%	All offenses	100.0%	100.0%
1990	70.1	29.1	Violent offenses	29.5%	24.5%
1991	68.0	30.5	Murder/nonnegligent manslaughter	2.7	1.4
1992	69.5	29.5	Rape	1.9	1.4
1993	66.9	30.8	Other sexual assault	4.1	2.4
1994	64.7	33.8	Robbery	9.1	10.9
1995	64.7	33.7	Assault	8.7	6.7
1996	63.7	33.7	Property offenses	29.0%	35.1%
1997	61.9	34.5	Burglary	12.0	15.7
			Larceny/theft	7.5	9.7
			Motor vehicle theft	2.1	3.7
			Drug offenses	30.2%	31.0%
			Possession	8.0	7.0
			Trafficking	17.2	16.1
			Public-order offenses	10.6%	8.1%

Note: Includes only offenders with a sentence of more than 1 year. Excludes escapees, AWOLS returned, and transfers to other jurisdictions.

Note: Includes only offenders with a sentence of more than 1 year. Detail may not add to total.

The commitment rate for murder rose from 460 per 1,000 arrests in 1990 to 613 per 1,000 in 1996

In contrast to the increase in the number of incarcerated violent offenders and the slight increase in admissions overall, arrests for the major violent crimes (except for aggravated assault) actually declined between 1990 and 1996. Arrests for murder

dropped 19%; rape, 18%; other sexual assault, 13%; and robbery, 16%. There was also a sharp decline of burglary arrests (21%) (table 4).

At the same time, the commitment rate, or the number of new court commitments to State prison relative to the number of arrests, increased for most violent offenses between 1990 and 1996. The number of admissions to

State prison for murder per 1,000 arrests rose from 460 in 1990 to 613 in 1996, almost reaching the high of 621 admissions per 1,000 arrests in 1980.

The likelihood of going to prison upon arrest for drug offenses substantially increased between 1980 and 1990 as the commitment rate soared from 19 per 1,000 arrests to 103 per 1,000. The rate dropped to 77 commitments per

The implementation of truth-in-sentencing laws

The phase-in of truth-in-sentencing requirements, or the number of offenders sentenced under the new law, may vary considerably by State. Differences in the effective date of the law, court backlogs, case processing, and the type of offenders covered under the law (violent offenders versus all offenders) may affect the number of prison admissions sentenced under truth in sentencing.

Monthly data on the percent of prison admissions sentenced under truth-in-sentencing laws in Nevada, Virginia, and New York demonstrate the lag between the effective date of truth-in-sentencing and the subsequent admission of offenders to prison covered under the new law.

At 12 months, 57% of New York's violent felony prison admissions were under truth in sentencing

Under a truth-in-sentencing law which became effective October 1, 1995, New York requires repeat violent felony offenders to serve at least 85% of the sentence. The law requires first-time violent felony offenders to serve 85% based on a presumptive sentence set at 2/3 of the maximum.

By August 1998, 3 years after the effective date, 94% of violent felony offenders admitted to prison were sentenced under the 1995 truth-in-sentencing law. A more recent law, effective September 1, 1998, requires first-time violent felons to serve 85% of a determinate sentence.

In Nevada nearly 80% of prison admissions were under truth-in-sentencing requirements, 3 years after implementation of the law

Effective for crimes committed after July 1, 1995, Nevada's truth-in-sentencing law requires all offenders to serve 100% of the minimum prison term prior to becoming eligible for parole release. Offenders are allowed to earn good-time reductions off the maximum prison sentence, but not the minimum.

Six months after the effective date, 28% of offenders admitted to Nevada's prisons were sentenced under the truth-in-sentencing law. After 1 year

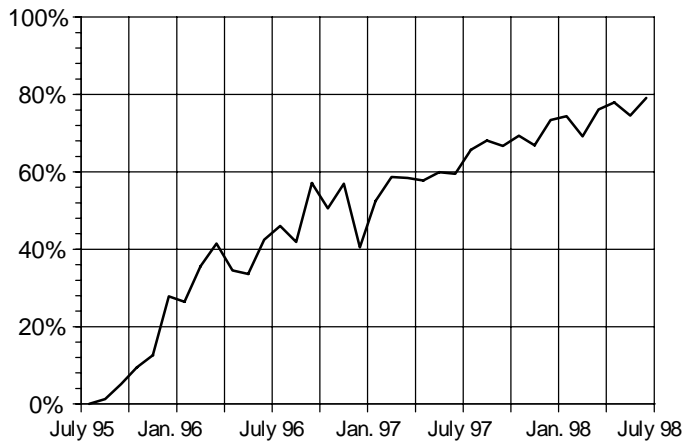
the number increased to 43%, and after 2 years, 60%. After 3 years, 79% of prison admissions were sentenced under truth in sentencing.

Virginia estimates 100% truth-in-sentencing admissions by yearend 1999

Virginia implemented a truth-in-sentencing law on January 1, 1995, requiring all felony offenders to serve 85% of the sentence. A year after the effective date, 74% of prison admissions were sentenced under truth in sentencing. 39% were admitted under truth in sentencing only and about 35% under both truth-in-sentencing and the old parole system. These offenders were returned for a new offense sentenced under truth-in-sentencing and a prior offense under the parole system (old law).

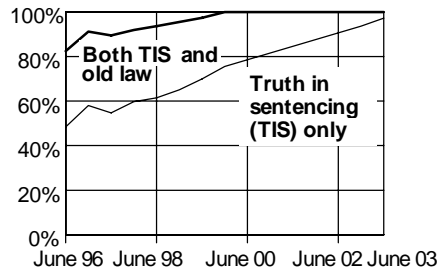
Five years after implementation, or yearend 1999, Virginia estimates 100% of admissions will be sentenced under truth in sentencing.

Percent of Nevada prison admissions sentenced under truth in sentencing, 1995-98



Note: Admissions include parole violators returned without a new sentence, under an offense committed prior to truth in sentencing. Source: Nevada Department of Prisons

Percent of Virginia prison admissions sentenced under truth in sentencing, 1996-2003



Note: Truth in sentencing covers felonies committed after 1/1/95. Source: Virginia Criminal Sentencing Commission

Nearly 40% of all female, black, and Hispanic prison admissions were drug offenders

Thirty-seven percent of black offenders, 40% of Hispanics, and 39% of females admitted to prison in 1996 had committed a drug offense. Black and Hispanic inmates were nearly twice as likely as white inmates to be admitted to prison for a drug offense.

Women were most likely to be admitted to prison for a drug offense (39%) or property offense (36%). Almost 31% of all males admitted to prison in 1996 had committed a violent offense, compared to 17% of women. Slightly less than a third of admissions in each racial and ethnic group had committed a violent offense. White offenders were more likely to be admitted to prison for a property offense (38%), particularly burglary (16%).

New court commitments to State prison, 1996: Offense, by sex, race, and Hispanic origin

	Male	Female	White*	Black*	Hispanic
All offenses	100%	100%	100%	100%	100%
Violent offenses	30.8%	17.3%	28.7%	29.5%	30.2%
Murder/nonnegligent manslaughter	2.9	2.2	2.3	2.9	3.3
Negligent manslaughter	1.1	1.4	1.4	1.0	0.9
Rape	2.1	0.2	2.9	1.3	1.4
Other sexual assault	4.5	0.5	6.7	2.0	4.3
Robbery	9.6	5.0	5.4	12.2	8.9
Assault	9.0	6.0	7.9	8.8	9.7
Other violent	1.7	1.9	2.2	1.4	1.7
Property offenses	28.3%	36.0%	38.1%	24.9%	20.0%
Burglary	12.6	5.9	16.1	9.5	9.7
Larceny/theft	6.8	13.6	9.0	7.3	4.1
Motor vehicle theft	2.2	1.0	2.2	1.7	2.7
Fraud	3.1	12.8	6.0	3.5	1.3
Other property	3.6	2.8	4.8	2.9	2.2
Drug offenses	29.3%	39.1%	18.7%	36.8%	39.7%
Possession	7.7	11.2	6.1	9.9	8.0
Trafficking	17.0	19.3	9.1	20.8	26.8
Other/unspecified drug	4.6	8.6	3.6	6.1	5.0
Public-order offenses	11.0%	6.8%	13.7%	8.2%	9.3%
Other offenses	0.6%	0.7%	0.8%	0.5%	0.8%

Note: Includes only offenders with a sentence of more than 1 year. Detail may not add to total. *Excludes inmates of Hispanic origin.

1,000 arrests in 1996. For property offenders, the commitment rate also increased between 1980 and 1990 and remained relatively constant between 1990 and 1996.

Nearly 7 in 10 violent offenders are in a State that requires 85% of the sentence be served

Based on data reported through the VOI/TIS program, State facilities reported that 78,917 new court commitments were admitted to prison for a Part 1 violent offense in 1997. About two-thirds (54,023) of those admissions were in a truth-in-sentencing State which met the Federal standard, requiring violent offenders to serve at least 85% of their sentence prior to release. Over 90% of Part 1 violent offenders admitted to prison in 1997 were in a State which had passed a law requiring at least 50% of the sentence be served prior to release.

Despite the large proportion of offenders being admitted in States with truth-in-sentencing laws, not all of these offenders were sentenced under truth in sentencing. Due to the time lag between commission of the offense,

arrest, and conviction, some offenders entering prison in 1997 committed the offense prior to the effective date of recently enacted truth-in-sentencing laws. In 1997 an estimated 42% of all Part 1 violent offenders admitted to prison were actually sentenced under a truth-in-sentencing law that met the Federal standard requiring at least 85% of the sentence be served in prison.

Offenders admitted to prison in 1996 for robbery were expected to serve 7 months longer than in 1990

Though recent sentencing reforms are linked to increasing time served, the average (or mean) sentence length imposed on offenders entering prison decreased, from 72 months in 1990 to 68 months in 1996 (table 5). Consistent with sentencing policy change, the projected minimum time expected to be served by persons entering prison increased slightly. If parole eligibility requirements, good-time credits, and early release policies are taken into account, persons entering State prisons in 1996 were expected to serve a minimum of 42 months in prison, up from 40 months in 1990.

For violent offenders the average imposed sentence decreased from 107 months in 1990 to 104 months in 1996, while the expected time to be served increased. On average, violent offenders admitted to prison in 1996 were expected to serve about 3 months longer than those admitted in 1990 (or a minimum term of 70 months versus 67 months).

By offense, the average sentence length for murder (excluding offenders sentenced to life) showed the largest increase between 1990 and 1996, up from 233 months to 253 months. Offenders admitted to prison in 1996 for murder, without a life sentence, were expected to serve about 40 months longer (215 months) than offenders admitted in 1990 (176 months). Just over a third of offenders admitted to prison in 1996 for murder/nonnegligent manslaughter were sentenced to life in prison. Another 6% were sentenced to life without parole, and about 2% were sentenced to death.

**Table 5. New court commitments to State prison, 1990 and 1996:
Average sentence length and minimum time to be served**

Most serious offense	Mean maximum sentence length ^a		Mean minimum time to be served ^b	
	1990	1996	1990	1996
All offenses	72 mo	68 mo	40 mo	42 mo
Violent offenses	107 mo	104 mo	67 mo	70 mo
Murder/nonnegligent manslaughter	233	253	176	215
Negligent manslaughter	106	117	63	61
Rape	153	140	90	72
Other sexual assault	97	107	62	64
Robbery	101	101	53	60
Assault	74	72	49	46
Other violent	96	82	70	54
Property offenses	62 mo	54 mo	31 mo	30 mo
Burglary	75	67	37	37
Larceny/theft	50	43	24	25
Motor vehicle theft	51	41	27	29
Fraud	54	47	23	22
Drug offenses	63 mo	57 mo	30 mo	32 mo
Possession	62	51	24	30
Trafficking	66	62	33	34
Public-order offenses	41 mo	44 mo	26 mo	25 mo
Number of admissions	278,417	266,705	129,489	128,863

Note: Includes only offenders with a sentence of more than 1 year. Excludes sentences of life without parole, life plus additional years, life, and death.
^aMaximum sentence length an offender may be required to serve for the most serious offense.
^bMinimum time to be served is the jurisdiction's estimate of the shortest time each admitted prisoner must serve before becoming eligible for release.

prison prior to release. Public order offenders were expected to serve 49% percent of their sentence.

Since many States are unable to report the minimum time to be served by offenders admitted to prison, estimates of minimum time to be served and percent of sentence to be served were calculated with data from 26 States or about half of State prison admissions. The projected percent of sentence to be served is expected to increase as the number of offenders entering prison who were sentenced under recently enacted truth-in-sentencing laws continues to grow.

Percent of sentence to be served by new court commitments to State prison, 1996*

Most serious offense	Percent
All offenses	49%
Violent	51%
Property	46
Drug	46
Public-order	49

*Based on total sentence length.

Table 6. Estimated average time to be served under truth-in-sentencing laws

Most serious offense	New court commitments, 1996		Estimated time to be served		
	Maximum sentence length	Minimum time to be served	85% of sentence	75% of sentence	50% of sentence
Selected violent offenses	104 mo	73 mo	88 mo	78 mo	52 mo
Murder/nonnegligent manslaughter	253	214	215	190	127
Rape	140	72	119	105	70
Robbery	101	60	86	76	51
Assault	72	45	61	54	36

Note: Includes only offenders with a sentence of more than 1 year. Excludes sentences of life without parole, life plus additional years, life, and death.

Truth-in-sentencing laws would increase the minimum prison term by 15 months for violent offenders

Under a truth-in-sentencing law requiring 85% of the sentence, violent offenders would be expected to serve an estimated 15 months longer than the projected average minimum time to be served by offenders entering prison in 1996 (table 6). Assuming the average sentence length for those sentenced under truth in sentencing remains the same as that for new court commitments to State prison in 1996, violent offenders required to serve 85% of their sentence would serve a minimum of 88 months in prison prior to becoming eligible for release.

Offenders in prison for murder (excluding offenders sentenced to life) are projected to serve about the same amount of time in prison under an 85% requirement, compared to the current projected minimum prison term for 1996 (215 months). Offenders in prison for rape are estimated to serve a minimum of 119 months in prison if

Both the average sentence length and minimum time to be served in prison decreased for rape offenders admitted between 1990 and 1996. The average sentence length for rape dropped from 153 months to 140 months. The minimum time to be served for rape offenders decreased, from 90 months in 1990 to 72 months in 1996.

Offenders admitted to prison in 1996 for drug law violations were sentenced to an average of 57 months in prison, a 6 month decrease from 1990. Drug

offenders were expected to serve 2 months longer in prison (32 months in 1996 versus 30 months in 1990).

Violent offenders admitted to prison in 1996 were expected to serve about half of their sentence

Based on the average sentence length and minimum time to be served, violent offenders admitted to prison in 1996 were expected to serve at minimum 51% of their sentence. Drug and property offenders were expected to serve about 46% of their sentence in

sentenced under an 85% requirement, or 47 months longer than the 1996 projected minimum term of 72 months.

Based on the maximum sentence length of offenders entering prison for robbery, a minimum 86-month prison term would be expected under an 85% requirement, compared to the current 60-month projected minimum prison term for 1996.

Violent offenders would serve about 10 months less under a 75%-requirement than an 85%-requirement

Assuming sentence length remains constant, violent offenders would be expected to serve on average 78 months in prison under a 75% requirement, or 10 months less than offenders under an 85% truth-in-sentencing requirement. Under a 50% truth-in-

sentencing requirement, violent offenders would serve on average a minimum of 52 months in prison prior to becoming eligible for release.

For releases, average time served in prison increased from 22 months in 1990 to 25 months in 1996

State prisoners released for the first time on their current offense served on average 30 months, or 25 months in prison and 5 months in jail in 1996. Offenders released in 1990 served on average 28 months, or 22 months in prison and 6 months in jail (table 7).

Between 1990 and 1996 total time served by released prisoners increased for every offense, except robbery, which decreased slightly from 48 months in 1990 to 46 months in 1996, and a small category of other violent offenses, which dropped from 38

months in 1990 to 35 months in 1996. Violent prisoners released in 1996 served on average 45 months in prison and jail, or about 50% of the average sentence prior to release, up from 44% in 1990. Offenders released from prison for rape in 1996 served a total of 66 months, up from 62 months for those released in 1990. Offenders released for other sexual assault offenses in 1996 served 45 months or 9 months longer than those released in 1990. Offenders released for assault also served longer in 1996 compared to 1990 (33 months versus 30 months).

Offenders released for motor vehicle theft during 1996 served on average 24 months in prison and jail, a 4-month increase from those released in 1990. Drug offenders released in 1996 served nearly 6 months longer in prison than offenders released for a drug offense in 1990 (20 months versus 14 months).

Table 7. Mean sentence length and time served for first releases from State prison, 1990 and 1996

Most serious offense	Mean maximum sentence length ^a		Mean time served for first releases				Total time served ^e		Percent of sentence served ^d	
	1990	1996	Jail ^b		Prison		1990	1996	1990	1996
All offenses	69 mo	62 mo	6 mo	5 mo	22 mo	25 mo	28 mo	30 mo	38.0%	44.4%
Violent offenses	99 mo	85 mo	7 mo	6 mo	39 mo	39 mo	46 mo	45 mo	43.8%	49.6%
Murder ^e	209	180	9	11	83	84	92	95	43.1	50.9
Negligent manslaughter	88	97	5	6	31	41	37	47	41.0	46.6
Rape	128	116	7	6	55	61	62	66	45.5	52.6
Other sexual assault	77	81	5	5	30	39	36	45	43.8	51.7
Robbery	104	92	7	6	41	40	48	46	42.8	47.0
Assault	64	61	6	6	23	28	30	33	43.9	51.7
Other violent	80	67	6	6	33	29	38	35	43.5	48.9
Property offenses	65 mo	56 mo	6 mo	5 mo	18 mo	22 mo	24 mo	26 mo	34.4%	43.0%
Burglary	79	68	6	5	22	26	29	31	33.9	42.4
Larceny/theft	52	47	6	4	14	18	20	22	35.5	43.2
Motor vehicle theft	56	45	7	5	13	19	20	24	33.1	49.1
Fraud	56	51	6	4	14	18	20	22	33.2	38.2
Other property	55	48	4	4	18	20	22	24	37.6	46.1
Drug offenses	57 mo	57 mo	6 mo	5 mo	14 mo	20 mo	20 mo	24 mo	32.9%	39.8%
Possession	61	55	6	4	12	17	18	22	29.0	37.6
Trafficking	60	62	6	5	16	22	22	26	34.8	39.3
Other/unspecified drug	42	45	4	5	12	17	16	23	34.8	46.7
Public-order offenses	40 mo	41 mo	5 mo	4 mo	14 mo	17 mo	18 mo	21 mo	42.6%	45.9%
Other offenses	51 mo	50 mo	6 mo	6 mo	16 mo	19 mo	23 mo	25 mo	39.2%	45.6%
Total	212,166	252,238	174,161	203,167	214,871	254,217				

Note: Includes only offenders with a sentence of more than 1 year released for the first time on the current sentence. Excludes prisoners released from prison by escape, death, transfer, appeal or detainer. Data were reported on maximum sentence length for 93.4% of the 227,100 first releases reported to NCRP in 1990 and 97.6% of the 258,480 first releases reported in 1996. Data were reported on time served in jail for 76.7% in 1990 and 78.6% in 1996, and time served in prison for 94.6% in 1990 and 98.4% in 1996.

^aMaximum sentence length an offender may be required to serve for the most serious offense. Excludes sentences of life without parole, life plus additional years, life and death.

^bAverage time spent in jail credited towards the current offense.

^cBased on mean time served in jail and mean time served in prison by offense.

^dBased on the mean total time served and mean total sentence length by offense. Details may not add to total because of rounding.

^eIncludes nonnegligent manslaughter.

Overall, offenders released from prison in 1996 served about 44% of their sentence, up from 38% in 1990. Drug offenders served the smallest percentage of their sentence, about 40% for those released in 1996, up from 33%.

Time served by released Part 1 violent offenders increased in 38 States between 1993 and 1997

Data on the average time served reported to the VOI/TIS incentive grants program vary from the NCRP

data due to differences in the definition of violent crimes. NCRP time served statistics for violent offenders include Part 1 violent crimes and a number of other violent crimes such as kidnaping, simple assault, sexual assault, and reckless endangerment.

Table 8. Part 1 violent offenders released from State prison, 1993, 1995, and 1997

	1993			1995			1997		
	Mean maximum sentence ^a	Mean time served	Percent of sentence served ^b	Mean maximum sentence ^a	Mean time served	Percent of sentence served ^b	Mean maximum sentence ^a	Mean time served	Percent of sentence served ^b
All States ^c	98 mo	43 mo	47%	95 mo	46 mo	51%	93 mo	49 mo	54%
Alabama	--	--	--	--	--	--	--	--	--
Alaska	115 mo	65 mo	57%	95 mo	61 mo	64%	83 mo	55 mo	67%
Arizona	69	43	62	66	43	65	70	52	74
Arkansas	131	35	27	137	38	28	150	38	25
California ^d	58	33	57	62	35	57	62	36	58
Colorado	98	39	40	99	51	52	97	50	51
Connecticut	71	38	54	71	45	64	77	53	68
Delaware ^e	--	41	--	--	43	--	--	44	--
Florida ^d	67	28	42	71	40	56	84	50	59
Georgia ^d	150	63	42	134	64	48	110	68	62
Hawaii	138	64	47	139	66	48	134	61	46
Idaho	104	59	57	119	72	61	104	51	49
Illinois	91	40	44	90	40	45	106	46	44
Indiana	108	54	50	109	57	52	115	55	48
Iowa ^{e,f}	192	39	20	155	40	26	130	49	38
Kansas ^{e,f}	--	29	--	--	31	--	--	41	--
Kentucky ^f	242	77	32	210	80	38	180	87	49
Louisiana ^{d,e}	104	67	64	113	65	58	117	59	51
Maine ^d	--	43	--	--	35	--	--	49	--
Maryland ^d	118	63	53	110	61	55	108	60	56
Massachusetts ^d	123	51	42	119	59	50	99	58	58
Michigan	--	46	--	--	50	--	--	54	--
Minnesota	50	34	68	54	36	66	50	35	69
Mississippi ^{d,e}	105	45	43	117	54	46	122	57	46
Missouri	92	72	78	87	68	78	82	71	86
Montana ^e	163	54	33	117	43	37	105	49	47
Nebraska ^e	118	55	47	109	52	48	134	60	45
Nevada	--	--	--	--	--	--	83	37	45
New Hampshire ^e	98	36	37	98	37	38	95	42	44
New Jersey	121	47	39	123	50	41	102	46	45
New Mexico ^e	70	37	54	62	38	61	67	38	57
New York ^d	94	50	53	94	52	55	96	57	60
North Carolina	136	33	24	127	39	31	117	47	40
North Dakota	47	31	66	34	26	77	74	47	64
Ohio	237	61	26	230	68	29	192	63	33
Oklahoma	104	34	33	106	38	36	98	42	43
Oregon	111	43	39	64	38	60	60	38	63
Pennsylvania	117	54	46	115	59	51	108	64	59
Rhode Island	80	44	55	72	45	63	70	46	66
South Carolina	100	44	44	102	46	45	91	46	51
South Dakota	101	36	35	78	37	47	88	41	47
Tennessee	130	48	37	121	54	45	127	56	44
Texas ^d	150	52	35	142	61	43	114	59	52
Utah ^e	121	43	36	111	51	46	109	46	43
Vermont ^e	93	32	34	107	44	41	94	82	87
Virginia	107	41	38	91	44	49	105	55	52
Washington	41	31	76	47	33	70	49	36	74
West Virginia ^e	171	76	44	175	80	46	160	65	41
Wisconsin	83	41	49	84	41	49	87	48	55
Wyoming ^{d,e}	140	69	49	76	43	56	124	54	44

Note: Data were obtained from the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants Program. Includes only offenders with a sentence of more than 1 year released for the first time on the current sentence. Excludes persons released from prison by escape, death, transfer, appeal or detainer. Part 1 violent crimes include murder/nonnegligent manslaughter, rape, robbery and aggravated assault
 --Not reported.
^aExcludes sentences of life or death.

^bBased on States which reported both mean maximum sentence and mean time served.
^cMean sentence length, mean time served, and percent of sentence served are weighted averages.
^dUsed broader definition of violent crime approved for the grant program.
^eJail time not included in time served data.
^fTime served includes released offenders sentenced to life or death.

VOI/TIS data generally include only Part 1 violent crimes (murder/ nonnegligent manslaughter, rape, robbery, and aggravated assault) (table 8). Some States used an alternative definition of violent crime approved through the grant program, based on the NCRP definition.

Through the VOI/TIS program, 38 States reported an increase in the average time served by released Part 1 prisoners between 1993 and 1997. Vermont reported the largest increase in time served (up 50 months) between 1993 and 1997, followed by Florida (22 months) and North Dakota (16 months). Overall, time served for released Part 1 violent offenders increased from 43 months in 1993 to 46 months in 1995 and 49 months by 1997. The average time served for Part 1 violent offenders released in 1997 ranged from 35 months in Minnesota to 87 months in Kentucky.

Part I violent offenders released in 1997 served between 25% and 87% of their sentence

Among prisoners released in 1997, the average sentence for a Part 1 violent crime was about 93 months and the

average time served in prison and jail was 49 months, or 54% of the average total maximum sentence. Overall, the average percent of sentence served increased from 47% in 1993 to 51% in 1995, and by 1997 released Part 1 violent offenders had served 54% of the average sentence.

The percent of sentence served by released violent offenders varied widely among reporting States, ranging from 25% in Arkansas to 87% in Vermont for 1997. Variations in the percent of sentence served are due to State differences in both time served and the maximum sentence length of released offenders. The average sentence length of released violent prisoners

ranged from 49 months in Washington to nearly four times that in Ohio (192 months).

Part of the variation in sentence length and percent of sentence served is due to differences between determinate and indeterminate sentencing. Offenders in indeterminate sentencing States may be sentenced to a relatively long maximum prison term and a short minimum term, compared to the fixed sentence of a determinate sentencing State. Variations by State in the percent of sentence served may also reflect other State-specific sentencing practices, a differing mix of the type of violent offenders being released, and changing release policies.

Table 9. Type of release from State prison, 1990, 1993-1997

	1990	1993	1994	1995	1996	1997*
Conditional releases	86.0%	86.0%	85.9%	84.1%	81.4%	81.4%
Parole	40.5	39.9	36.1	33.4	31.5	29.3
Mandatory	29.6	32.5	36.8	40.2	39.4	41.2
Other	15.9	13.7	13.0	10.5	10.5	10.9
Unconditional	14.0%	14.0%	14.1%	15.9%	18.6%	18.6%
Expiration of sentence	13.0	12.2	12.9	15.0	17.4	17.5
Other	1.0	1.8	1.2	0.9	1.2	1.1

Note: Data were obtained from the National Prisoners Statistics data collection.
*Preliminary.

Black offenders released in 1996 served 2 months longer than white offenders

Black offenders released in 1996 served about 41 months in prison for a violent offense, compared to 38 months for white offenders. For murder white offenders served 90 months, compared to 86 months for black offenders and 76 months for Hispanics. Black offenders sentenced to prison for rape served about 14 months longer than whites (70 months versus 56 months).

Females released in 1996 served an average of 8 months less than males. Females served 9 months less than males for a violent offense, about 8 months less for a property offense, and 4 months less for a drug offense.

Mean time served in prison by first releases from State prison, by sex and race, 1996

	First releases from State prison				
	Male	Female	White*	Black*	Hispanic
All offenses	26 mo	18 mo	24 mo	26 mo	23 mo
Violent offenses	39 mo	30 mo	38 mo	41 mo	33 mo
Murder/nonnegligent manslaughter	86	67	90	86	76
Rape	61	48	56	70	51
Robbery	41	28	42	42	30
Assault	28	23	25	30	27
Property offenses	23 mo	15 mo	21 mo	23 mo	22 mo
Burglary	27	18	25	29	26
Larceny/theft	19	15	18	19	19
Motor vehicle theft	19	14	19	21	17
Drug offenses	20 mo	16 mo	18 mo	20 mo	20 mo
Possession	18	15	15	18	21
Trafficking	22	18	20	22	21
Public-order offenses	17 mo	15 mo	16 mo	18 mo	15 mo

Note: Data were obtained from the National Corrections Reporting Program. Includes only offenders with a sentence of more than 1 year released for the first time on the current sentence. Excludes persons released from prison by escape, death, transfer, appeal, or detainer.
*Excludes inmates of Hispanic origin.

Prisoners released in 4 States served over 70% of the sentence

Part 1 violent offenders released in Vermont, Missouri, Washington, and Arizona during 1997 served on average over 70% of the average sentence. Time served in these four States ranged from an average of 36 months for offenders released in Washington to 82 months for prisoners released in Vermont. Part 1 violent offenders released from Kentucky served the longest amount of time in prison and jail (87 months), which represented 49% of the average maximum sentence.

Top 10 States, by percent of sentence served, 1997

	Time served	Percent of sentence
Vermont	82 mo	87%
Missouri	71	86
Washington	36	74
Arizona	52	74
Minnesota	35	69
Connecticut	53	68
Alaska	55	67
Rhode Island	46	66
North Dakota	47	64
Oregon	38	63

Table 10. Time served in prison for first releases from State prison, by release type, 1990-96

Year	Release type		
	Parole board	Mandatory parole	Expiration of sentence
1990	23 mo	20 mo	27 mo
1991	23	20	27
1992	23	19	22
1993	23	19	23
1994	24	20	26
1995	24	23	25
1996	25	24	26

Note: Includes only offenders with a sentence of more than 1 year released for the first time on the current sentence. Excludes persons released from prison by escape, death, transfer, appeal or detainer.

Nearly 18% of released offenders served their entire prison sentence

About 81% of prisoners released in 1997 were conditionally released to community supervision (table 9). The remaining 19% were released into the community without further correctional supervision, up from 14% in 1990.

Consistent with recent trends in requiring longer portions of the sentence to be served, more released prisoners in 1997 served their entire prison term (18%), compared to 1990 (13%). Also, more offenders were released to mandatory parole (release supervision mandated by law rather than granted by a parole board) during 1997, compared to 1990 (41% versus 30%).

Time served increased for parole board releases between 1990 and 1996

Parole boards have followed the trend toward increasing the amount of time offenders serve in prison. The average time served among offenders released by a parole board increased from 23 months in 1990 to 24 months in 1994

and 25 months in 1996 (table 10). The time served for those released under nondiscretionary mandatory parole also increased from 20 months in 1990 to 23 months in 1995 and 24 months in 1996.

Violent offenders released by parole boards served 4 months longer than other conditional releases

During 1996, violent offenders released by the discretion of a parole board served 42 months while other conditional releases (mandatory parole and other non-discretionary conditional releases) served 38 months in prison (table 11). Offenders released by a parole board who were in prison for murder/nonnegligent manslaughter served 21 months longer than other conditional releases (96 months versus 75 months). Offenders serving time for assault who were released by a parole board served 30 months, or 5 months longer than other conditional releases (25 months).

Property offenders served about 22 months under both types of release. Drug offenders released by a parole

Table 11. Sentence length, time served, and percent of sentence served, for first releases, by offense and release type, 1996

Most serious offense	Maximum sentence		Time served in prison		Percent of sentence served in prison	
	Parole board	Other conditional*	Parole board	Other conditional*	Parole board	Other conditional*
All offenses	79 mo	47 mo	25 mo	25 mo	29.1%	47.0%
Violent offenses	113 mo	65 mo	42 mo	38 mo	34.0%	53.2%
Murder/nonnegligent manslaughter	229	138	96	75	35.6	52.3
Rape	157	94	65	64	37.6	57.2
Other sexual assault	117	75	44	41	35.5	50.0
Robbery	118	63	42	40	32.4	56.9
Assault	81	45	30	25	35.1	51.5
Property offenses	73 mo	43 mo	23 mo	22 mo	28.0%	45.7%
Burglary	88	50	27	28	28.3	49.3
Larceny/theft	59	39	18	19	27.9	43.3
Motor vehicle theft	61	36	19	18	28.7	41.8
Drug offenses	74 mo	40 mo	21 mo	19 mo	25.6%	41.8%
Possession	66	42	18	18	24.5	39.6
Trafficking	80	42	22	21	25.3	44.4
Public-order offenses	47 mo	36 mo	16 mo	17 mo	29.9%	42.8%
Other offenses	60 mo	33 mo	20 mo	14 mo	31.2%	36.5%

Note: Data were obtained from the National Corrections Reporting Program. Includes only offenders with a sentence of more than 1 year released for the first time on the current sentence. Excludes persons released from prison by escape, death, transfer, appeal or detainer.

*Includes mandatory parole releases and other nondiscretionary conditional releases for select States.

board served 21 months and other conditional releases served about 19 months in prison. Persons in prison for a public-order offense served about the same amount of time whether released by a parole board (16 months) or other conditional releases (17 months).

Parole board releases served 29% of the sentence, and other conditional releases, 47%

Offenders released by a parole board during 1996 served a smaller percent of their sentence than other conditional releases (29% versus 47%). Offenders in prison for a violent offense who were released by a parole board served 34% of their sentence, and other conditional releases served just over half (53%) of their sentence. The difference between the two release types in percent of

sentence served was the result of longer sentences for offenders who were eligible for discretionary parole board release. Offenders released in 1996 by a parole board had an average sentence of 79 months, 32 months longer than other conditional releases (47 months).

Prisoners are serving more time than release data indicate

The average time-served data reported for released prisoners understate the actual time that will be served by persons entering prison. The numbers reflect the time served by prisoners actually released without accounting for those who will never be released. In addition, prisoners with extremely long sentences will not show up in the release statistics for many years.

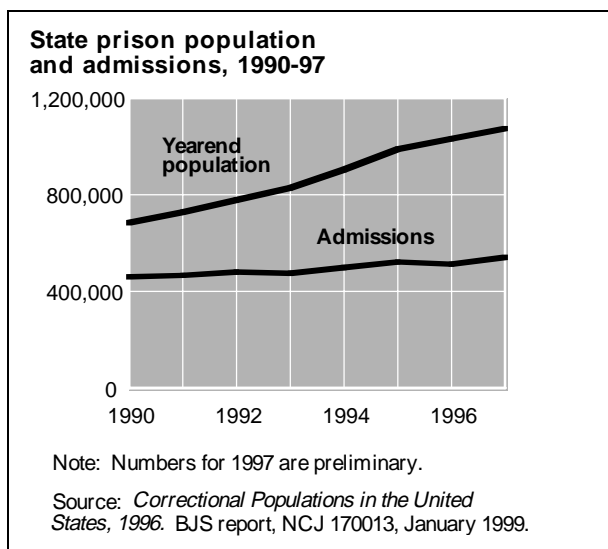
requiring large portions of the sentence to be served do not show up in current release statistics.

State prison population growth is linked to increasing time served

The State prison population dramatically increased between 1990 and 1997 (figure 1). Since 1990 the State prison custody population has increased by 57%, reaching a high of 1,075,052 inmates in 1997, up from 684,544 in 1990. The growth has not been entirely the result of more offenders entering State prison. The number of offenders admitted each year has remained fairly constant in recent years. Admissions to State prisons have increased by about 17% since 1990, up from 460,739 to 540,748 in 1997. An increasing amount of time served by offenders is contributing to the growth in State prison populations. (See Blumstein and Beck, 1999.)

The sentences of released offenders decreased between 1990 and 1996

Another indicator of increasing time served is a shorter average sentence length of those actually released from



Current time-served data are based on released offenders who were generally sentenced under past or "old law" sentencing policies. Offenders sentenced under recently implemented truth in sentencing or "new laws"

Table 12. Mean sentence length of first releases from State prison, 1990-96

Year	Mean maximum sentence length				
	All offenders	Violent	Property	Drug	Public-order
1990	65 mo	94 mo	61 mo	54 mo	37 mo
1991	66	92	63	59	38
1992	60	89	53	53	35
1993	66	90	61	61	39
1994	64	85	60	60	42
1995	61	84	56	57	39
1996	62	84	56	57	40

Note: Includes only offenders with a sentence of more than 1 year released for the first time on the current sentence. Excludes persons released from prison by escape, death, transfer, appeal, or detainer.

Table 13. Rate of release from State prison, by offense, 1990 and 1996

Most serious offense	Number of releases		Release rate*	
	1990	1996	1990	1996
Total	405,400	467,200	37.0	30.9
Violent offenses	103,000	115,300	24.8	19.0
Murder/nonnegligent manslaughter	7,700	6,100	9.7	5.2
Negligent manslaughter	4,100	4,200	22.2	20.1
Rape	7,700	7,000	23.8	15.4
Other sexual assault	9,700	13,500	20.4	17.4
Robbery	46,600	44,800	31.8	23.9
Assault	23,900	33,100	31.6	25.4
Other violent	4,100	6,100	24.4	21.9
Property offenses	158,900	154,000	46.8	38.5
Burglary	75,800	65,800	45.8	36.2
Larceny/theft	42,200	41,100	53.2	43.9
Motor vehicle theft	11,400	14,000	44.2	38.9
Fraud	17,800	18,200	46.1	39.3
Other property	11,800	14,900	38.6	35.0
Drug offenses	105,800	148,900	41.6	38.8
Public-order offenses	30,000	44,800	40.6	38.8
Other offenses	7,700	4,200	71.8	54.9

Note: Releases exclude escapees, AWOL's, and transfers, and include prisoners with a sentence of more than 1 year.
*Number of releases per 100 State prisoners. The prisoner count includes inmates at the beginning of each year plus those admitted during the year.

prison. As a result of changes in sentencing and release policies, the more serious offenders with long sentences are being held in prison, and less serious offenders with shorter sentences make up an increasing fraction of the released prisoners.

Overall, the average sentence length of offenders released from prison in 1996 was 62 months, down from 65 months in 1990 (table 12). The average sentence length of violent offenders released in 1996 was 10 months shorter than those released in 1990 (84 months versus 94 months). Property offenders released in 1996 had a 5-month shorter average sentence length. Offenders with long sentences for violent and property offenses may be serving longer periods of time in prison.

The release rate for rape offenders dropped from 24 per 100 to 15 per 100 State prison inmates

While the actual number of prisoners released each year continues to increase, the rate of release (or the number of releases relative to the number of inmates in prison) dropped. In 1996 an estimated 467,200 offenders were released from prison up from 405,400 in 1990 (table 13). However, the release rate dropped from 37 per 100 State prisoners in 1990 to 31 per 100 in 1996.

The overall decline in the release rate was also due to a declining rate of release for violent and property offenders. The violent offender release rate dropped from 25 per 100 State prisoners in 1990 to 19 per 100 in 1996. The release rate for murder showed the

most dramatic decline, cut nearly in half from about 10 per 100 in 1990 to 5 per 100 in 1996. Robbery and assault decreased from a release rate of 32 per 100 in 1990 to about 25 per 100 in 1996. The release rate for property offenders decreased from 47 per 100 State prisoners in 1990 to 39 per 100 in 1996. The rate for drug and public-order offenses decreased slightly from about 41 per 100 prisoners in 1990 to 39 per 100 in 1996.

Few offenders admitted under truth-in-sentencing laws are being released from prison

Through the VOI/TIS program, 15 Federally funded truth-in-sentencing States and 3 non-Federally funded States reported 1997 admission and release data on offenders sentenced under truth in sentencing (table 14). Three States reported that none of the offenders admitted under a truth-in-sentencing law was released from prison during 1997 (Illinois, Iowa, and Missouri). Four States reported fewer than 10 offenders were released (Connecticut, North Dakota, South Carolina, and Tennessee).

Among the reporting States, prisoners admitted under truth-in-sentencing and released from prison during 1997 had both short sentences and prison terms. The average sentence of released offenders ranged from 9 months in Ohio where offenders served 9 months in prison to 43 months in Nevada where offenders served 18 months. Since the small number of truth-in-sentencing prisoners who were released during 1997 had short sentences, the average time served by these offenders is not comparable to national time served data. Due to the estimated time to be served by offenders admitted under truth-in-sentencing, these offenders are not expected to be released from prison for many years.

Six States projected an average 10-year prison term under truth in sentencing

Both the sentence length and projected average time to be served by Part 1

Table 14. Part I violent offenders admitted and released from State prison under truth in sentencing, for selected States, 1997

	New court commitments			First releases			Percent of sentence served
	Number	Maximum sentence ^a	Average time to be served	Number	Maximum sentence	Time served	
Determinate							
Arizona	1,359	74 mo	64 mo	360	30 mo	27 mo	90%
Connecticut	561	128	/	2	29	25	88
Delaware ^b	264	82	/	68	35	31	88
Florida ^{c,d}	3,720	72	61	465	19	15	80
Illinois ^{e,f}	936	208	192	0	--	--	--
Minnesota ^g	748	46	46	433	22	22	100
New York ^{d,h}	1,107	100	86	0	--	--	--
Ohio	2,660	54	/	165	9	9	100
Virginia	932	140	126	110	25	22	88
Indeterminate							
California ^d	5,277	123 mo	105 mo	/	/	/	/
Iowa	66	233	198	0	--	--	--
Massachusetts ^{d,e}	753	80	59	186	36	26	71
Missouri	464	201	171	0	--	--	--
Nevada ^e	483	173	/	48	43	18	42
New York ^{d,h}	1,805	64	54	98	24	19	80
North Dakota	29	92	/	4	21	19	88
South Carolina	515	183	160	2	18	15	83
Tennessee ⁱ	346	207	184	9	10	6	59

Note: Data were obtained from the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants Program.

/Not reported.

--Not applicable.

^aExcludes prisoners sentenced to life or death.

^bJail time not included in time served data.

^cReleases serving less than 85% are the result of a judicial action impacting sentencing structure.

^dUsed a broader definition of violent crime.

^eNot a Federally funded truth-in-sentencing State.

^fIncludes only select violent crimes (primarily murder).

^gAverage executed sentence (which includes the maximum supervised release term) was 68 months for admissions and 33 months for releases.

^hUnder New York's 1995 truth-in-sentencing law first felony offenders are given an indeterminate sentence, second felony offenders a determinate sentence. For indeterminate cases the statutory presumptive release date is reported rather than the maximum sentence.

ⁱAll 9 releases were either judicially released or sentenced under a split confinement and released on probation.

violent offenders admitted to prison during 1997 under a truth-in-sentencing law vary greatly by State. Of the 17 States able to report data, the average maximum sentence length ranged from 46 months in Minnesota to 233 months in Iowa. Generally, the average maximum sentence of indeterminate sentencing States was longer than that of determinate sentencing States.

For the 12 States reporting data, the average projected time to be served for Part 1 violent offenders admitted under a truth-in-sentencing law during 1997 ranged from 46 months in Minnesota to 198 months in Iowa. Six of the 12 States projected that offenders admitted under a truth-in-sentencing law would serve on average over 10 years in prison prior to becoming eligible for release.

7 States reported an average percent of sentence served above 85%

Violent offenders sentenced and released under truth-in-sentencing requirements are serving a large portion of their sentence. For Part 1 violent offenders sentenced under a truth-in-sentencing law and released during 1997, seven States reported an average percent of sentence served above 85% (Arizona, Connecticut, Delaware, Minnesota, Ohio, North Dakota, and Virginia). An additional four States reported an average percent of sentence served between 70% and 80% (Florida, Massachusetts, New York, and South Carolina).

As the number of offenders sentenced under truth in sentencing continues to grow, the national average percent of sentence served by violent offenders should also continue to increase. Because truth-in-sentencing laws are relatively recent, however, the majority of offenders sentenced under them will not be released from prison for many years. Statistics based on current release data may underestimate changes in time served due to truth in sentencing.

Methodology

The *National Corrections Reporting Program* (NCRP) collects individual level data for persons admitted to and released from State prisons and offenders exiting parole supervision, by calendar year. The data cover prisoners admitted to or released from custody regardless of the jurisdiction where the prisoner was sentenced. While NCRP collects data on all offenders, this report includes data on prisoners with a total sentence of more than a year.

The NCRP datasets are available from the National Archive of Criminal Justice Data at the University of Michigan and can be downloaded via the Internet. A codebook, explanatory notes, and sample SPSS and SAS statistical setup files are included with each dataset. The datasets for 1983 through 1995 are also available on a series of eight CD-ROM's.

Caution should be used for year-to-year comparisons of NCRP data to account for differences based on State participation and valid data reported. Variations in the ability of a State to report certain variables (such as sentence length and minimum time to be served) and in definitions used by participating jurisdictions are reported in the explanatory notes.

NCRP participating States

The number of jurisdictions reporting data varies from year to year. In 1996 admissions and releases were reported by the following 37 States and the California Youth Authority: Alabama, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin. Except for Florida and Maine, these States and Massachusetts also reported in 1990.

Estimating the admission and release rates by offense

The admission and release rates for sentenced prisoners under State jurisdiction by offense were estimated using the yearend custody population derived through the forward and backward estimation procedure outlined in BJS report *Prisoners in 1996* (NCJ 164619). Data from the BJS State and Federal inmate surveys, conducted in March 1986 and August 1991, were used to estimate a custody population by type of offense for each year from 1986 through 1996.

To obtain the base year jurisdiction population, the proportion of the estimated 1989 and 1995 custody numbers by type of offense was applied to the sentenced jurisdiction population from the National Prisoners Statistics (NPS) collection. For the 1990 and 1996 admissions and releases, the offense distribution (in percentages) from NCRP were multiplied by the total number of admissions and releases of sentenced prisoners reported in NPS. The final estimates of the number of inmates by offense for 1990 and 1996 were calculated by adding admissions and subtracting releases from the 1989 and 1995 yearend jurisdiction estimates.

The admission rate was calculated by dividing all admissions during the year by the yearend population of the preceding year. The rate of release was calculated by dividing the number of inmates released during the year by the number in prison at the beginning of the year plus the number admitted during the year.

Truth-in-sentencing reform

BJS contacted each State for verification of all truth-in-sentencing State-level references in this report. Truth-in-sentencing laws vary from State to State on effective date, offenses covered by the law, and percent of sentence required to be served prior to release, among other requirements. The Violent Offender Incarceration and Truth in Sentencing Incentive grants program provided State-validated sentence length and time served data.

All 50 States reported data on admissions and releases with a common definition of Part 1 violent offenses.

Weighted averages were used to calculate the average sentence, time served, and percent of sentence served from State-level VOI/TIS data. A weighted average for time served is calculated by multiplying the mean time served for each State by the number of releases in the State. The results were summed and divided by the total number of releases.

Definition of terms

New court commitments — persons entering prison directly from a sentence by a court and not from an unsuccessful period of community supervision (parole). Includes new court admissions, probation revocations, and admissions after the imposition of a suspended sentence.

Violent offenses — Crimes involving personal injury, threat of injury and theft of property or attempted theft by force or threat of force. Includes murder, manslaughter, rape, other sexual assault, robbery, assault, extortion, intimidation, criminal endangerment, child abuse, and other offenses involving confrontation, force, or threat of force.

Maximum sentence length — the sentence for the most serious offense, as determined by the offense with the longest sentence. Whenever a sentence had both a minimum and a maximum term, the maximum was used to define the sentence length.

Total sentence length — the longest time that an offender could be required to serve for all offenses.

Minimum time to be served — the jurisdiction's estimate of the shortest time that each admitted prisoner must serve before becoming eligible for release. Factors used in this estimate include minimum sentence length, good-time credits, earned-time credits, parole eligibility requirements, and early release requirements and allowances.

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Life sentence — any prison sentence with a fixed or maximum term of life in prison, regardless of the possibility of parole.

First release from prison — anyone released for the first time on the current sentence. Excluded from first releases from prison are persons who had previously been conditionally released from prison for the same offense and then were returned to prison for violating the conditions of that release.

Subsequent release from prison — persons released from prison after having been admitted to prison for a violation of parole or other conditional release.

Conditional release — anyone released from prison into community supervision with a set of conditions for remaining on parole, which, if violated, can cause the person to be returned to prison. This subsequent incarceration can be for any of the remaining portion of the sentence the inmate may have on the current offense.

Unconditional release — anyone released from any further correctional supervision who cannot be returned to prison for any remaining portion of the sentence for the current offense.

Total time served — calculated by adding the average time spent in prison and the average time spent in jail.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Special Reports address a specific topic in depth from one or more datasets that cover many topics.

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This report in portable document format and in ASCII, its tables, and related statistical data are available at the BJS World Wide Web site: <http://www.ojp.usdoj.gov/bjs/>

The data from the National Corrections Reporting Program, 1996 can be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The archive can also be accessed through the BJS web site. When at the archive site, search for data set ICPSR 2017.