



# Bureau of Justice Statistics Selected Findings

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*State Inmates, 1992-94*

## Violent Offenders in State Prison: Sentences and Time Served

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In partnership with State departments of corrections, the Bureau of Justice Statistics (BJS) collected information on sentences and time served by violent offenders in State prison. For 1992, 1993, and 1994, 49 States and the District of Columbia provided information on violent offenders who were admitted to or released from prison.

In April 1995, BJS published *Prison Sentences and Time Served for Violence*, which discussed truth in sentencing and the hypothetical impact of increasing the percentage of sentence served. Data sources in this report differ from those in the previous report:

- State-by-State tabulations appear for the first time in this report
- BJS received totals and averages, not individual records, from States
- State definitions of *violent offenders*, rather than standard BJS definitions, were used in this report.

Correctional authorities provided the number of violent offenders admitted or released, the average total maximum sentence, the average minimum time to be served by incoming prisoners, and the average time served in prison and jail by released prisoners. (See the questionnaire on page 9.)

This information allows the calculation of percent of sentence served or to be served — measures of the correspondence between sentence length and time served. (See *Methodology*.)

### From a previous BJS report — *Prison Sentences and Time Served for Violence*

Since the mid-1970's, legislatures around the Nation have sought to reduce discretion in both the sentencing process and the determination of when the conditions of a sentence have been satisfied. Determinate sentencing, use of mandatory minimums, and guidelines-based sentencing are illustrations of approaches that limit discretion and increase the predictability of penalties.

A majority of State prisoners today serve presumptive sentences — 90% of State inmates can estimate their probable release date, and their discharge from prison is less likely than in the past to be determined by a parole board decision. In 1977, 72% of those released from State prisons had served an indeterminate sentence, and a parole board decided their release. In 1992, by contrast, less than 40% of prison releases were determined by a parole board.

Interest in truth-in-sentencing reflects continued attention to discretion and to the relation between sentences and time served. Truth-in-sentencing is generally meant to describe a close correspondence between the sentence imposed upon those sent to prison and the time actually served prior to prison release.

The report was based on BJS definitions of violent offenders and individual-level records or interviews. Data drawn from the annual National Corrections Reporting Program revealed that released violent offenders had served about half their sentence in confinement and admitted violent offenders were expected to serve about 60% of their sentence before release. Data from a national survey of State inmates indicated that violent prisoners believed that they would serve nearly 50% of their sentence.

Though nearly all States (and the District of Columbia) participated in this special data collection, for many jurisdictions the requisite information was unavailable. Just over half the participating jurisdictions provided sufficient data in each year to calculate the percentage of sentence to be served by violent offenders entering prison.

Nearly 8 in 10 participating jurisdictions reported data on average sentence length and time served for violent offenders released from prison. In these jurisdictions the percentage of sentence served could be calculated.

Year	Total participating	Number of jurisdictions	
		Admissions	Releases
1992	46	27	39
1993	48	27	40
1994	49	28	40

### Percent of sentence to be served, as estimated from prison admissions

Data collected from the States for 1992 to 1994 total over a quarter million violent offenders admitted to prison from sentencing courts (table 1).<sup>1</sup> The number of violent offenders admitted in 1994 ranged from more than 10,300 in California to less than 100 in Wyoming and Vermont.

<sup>1</sup>Violent crimes are those offenses under State law that involve force or the threat of force. See *Methodology*.

The States with the largest prison populations in 1994 — California, Texas, New York, Florida, and Ohio — all reported average sentences for violent offenders entering prison (table 2). But only New York and Ohio could provide sufficient data to estimate an expected length of stay prior to release. Furthermore, half of the 10 largest State prison systems did not provide information needed to calculate the percent of sentence to be served.<sup>2</sup>

Based on admissions data for 1992 to 1994, violent State prisoners had an average sentence of about 10 years and were expected to serve slightly less than 5 years on average. Overall, the percentage of sentence to be served rose from 44% to 48% between 1992 and 1994. In each year the percentage varied substantially across the States.

### Percent of sentence served, as estimated from prison releases

A total of 40 jurisdictions reported in all 3 years both the average sentence and the time served for released violent offenders (table 3). Most States also included in the average time served any credit for time spent in a local jail before trial or after conviction.

Among released prisoners the average sentence for a violent crime was about 8 years, and the average time served

<sup>2</sup>The 10 largest prison systems in 1994, accounting for about 60% of State prisoners, were California, Texas, New York, Florida, Ohio, Michigan, Illinois, Georgia, Pennsylvania, and Virginia.

was about 3½ years, or just under half of their total maximum sentence.

The percent of sentence served by released violent offenders varied widely among reporting jurisdictions and within some jurisdictions over the 3-year period. These variations may reflect a differing mix of the type of violent offenders being released, unique jurisdictional sentencing practices, and evolving release policies. Without an accounting of these factors, State-to-State comparisons are likely to be misleading.

### 7 in 10 prisoners with a life sentence expect to be released

For calculation of average sentence length and percent of sentence served, prisoners sentenced to life in prison or to death were excluded. Such offenders account for about 6% of violent offenders admitted to State prisons each year. In 1992 an estimated 5,700 violent offenders were admitted with a life or death sentence.

In the 1991 survey, about 1 in 6 State prisoners serving time for a violent offense had received a sentence to life in prison or to death. About 74% of them had been convicted of homicide; 9% convicted of rape or sexual assault; 9%, of robbery; 4%, kidnaping; and 4%, assault.

### Among prisoners with a life sentence —

- 69% reported that they expected to be released
- 18% reported that they did not know if or when they would be released
- 13% reported that they would never be released.

Based on this survey information, an estimated 2% to 5% of violent offenders would never be released from prison and contribute to the calculation of time served.

### Prisoners expect to serve about half their sentence

A 1991 BJS survey of inmates in State prisons indicated that prisoners also believe that they are likely to serve just under half of the sentence they received. For each of the violent offenses, prisoners reported —

Type of offense	Average sentence	Expected time to serve	Percent of sentence
All violent	216 months	100 months	46%
Murder	381	178	47
Manslaughter	185	81	44
Sexual assault	211	95	45
Robbery	200	82	41
Assault	158	68	43

**Table 1. New court commitments and first releases of violent State offenders, 1992-94**

Region and jurisdiction	Number of violent new court commitments to State prison			Percent change, 1992-94 <sup>a</sup>	Number of violent first releases from State prison			Percent change, 1992-94 <sup>a</sup>
	1992	1993	1994		1992	1993	1994	
<b>All participating States</b>	84,598	84,559	81,535	-4.9%	60,753	61,347	61,282	-6.9%
<b>Northeast</b>	14,822	15,999	15,420	-6.5%	11,281	11,843	11,583	-12.3%
Connecticut	1,090	993	965	-11.5	707	376	343	-51.5
Maine	282	252	197	-30.1	251	241	188	-25.1
Massachusetts	--	1,267	1,268	--	--	1,617	1,684	--
New Hampshire	203	244	253	24.6	130	188	138	6.2
New Jersey	2,401	2,287	2,406	.2	2,566	2,138	2,380	-7.2
New York	8,650	8,654	7,715	-10.8	6,174	5,833	5,533	-10.4
Pennsylvania	2,112	1,999	2,250	6.5	1,384	1,359	1,247	-9.9
Rhode Island	--	232	300	--	--	--	--	--
Vermont	84	71	66	-21.4	69	91	70	1.4
<b>Midwest</b>	17,916	18,986	19,087	-1.3%	7,570	10,598	12,522	6.6%
Illinois	5,494	5,429	5,581	1.6	4,224	4,448	4,674	10.7
Indiana	--	974	1,008	--	--	--	--	--
Iowa	495	495	532	7.5	512	522	558	9.0
Kansas <sup>b</sup>	--	--	395	--	--	--	38	--
Michigan	3,481	3,306	3,241	-6.9	--	--	1,828	--
Minnesota	355	358	356	.3	181	186	177	-2.2
Missouri	1,964	2,047	2,116	7.7	1,136	1,269	1,167	2.7
Nebraska	370	309	377	1.9	335	375	337	.6
North Dakota	61	81	112	83.6	64	65	66	3.1
Ohio	4,155	4,320	3,879	-6.6	--	2,508	2,585	--
South Dakota	244	231	236	-3.3	174	180	160	-8.0
Wisconsin	1,297	1,436	1,254	-3.3	944	1,045	932	-1.3
<b>South</b>	34,739	31,747	30,036	-8.4%	28,774	25,148	23,047	-15.5%
Alabama <sup>c</sup>	2,340	2,329	2,058	-12.1	--	--	--	--
Arkansas	1,014	873	1,031	1.7	765	817	978	27.8
Delaware	380	402	351	-7.6	430	378	388	-9.8
District of Columbia	540	427	354	-34.4	390	468	344	-11.8
Florida	8,781	7,701	6,931	-21.1	7,144	6,343	6,486	-9.2
Georgia	2,695	2,748	2,621	-2.7	2,397	2,248	1,420	-40.8
Kentucky	857	843	945	10.3	658	771	780	18.5
Louisiana	1,225	1,235	1,248	1.9	1,363	1,333	1,190	-12.7
Maryland	2,220	2,218	2,233	.6	2,393	2,451	2,421	1.2
Mississippi	1,103	1,037	1,112	.8	996	807	746	-25.1
North Carolina	2,455	2,568	2,521	2.7	2,366	2,871	1,882	-20.5
Oklahoma	1,577	1,610	1,634	3.6	727	830	867	19.3
South Carolina	1,407	1,418	1,450	3.1	1,239	1,217	1,205	-2.7
Tennessee	1,204	1,068	905	-24.8	1,421	1,267	992	-30.2
Texas	4,798	5,078	4,440	-7.5	4,851	3,204	3,201	-34.0
Virginia	1,956	--	--	--	1,495	--	--	--
West Virginia	187	192	202	8.0	139	143	147	5.8
<b>West</b>	17,121	17,827	16,992	-8%	13,128	13,758	14,130	7.6%
Alaska	456	417	464	1.8	222	229	228	2.7
Arizona	1,417	1,597	1,383	-2.4	926	1,012	917	-1.0
California	10,683	11,182	10,308	-3.5	8,958	9,238	9,939	11.0
Colorado	835	870	1,052	26.0	549	611	600	9.3
Hawaii	180	219	251	39.4	135	186	170	25.9
Idaho	189	174	115	-39.2	97	104	75	-22.7
Montana	239	250	256	7.1	192	188	189	-1.6
Nevada	--	--	--	--	--	--	--	--
New Mexico	497	541	666	34.0	--	--	--	--
Oregon	719	691	682	-5.1	644	708	608	-5.6
Utah	224	240	209	-6.7	171	180	172	.6
Washington	1,555	1,562	1,507	-3.1	1,171	1,246	1,219	4.1
Wyoming	127	84	99	-22.0	63	56	13	-79.4

Note: See *Methodology* for definitions of new court commitments and first releases.

--Not reported.

<sup>a</sup>State and regional totals based on States reporting data in 1992 and 1994.

<sup>b</sup>Includes only admissions and releases governed solely by determinate sentences under the Sentencing Guidelines Act.

<sup>c</sup>Includes data on all admissions and releases.

**Table 2. New court commitments of violent State prisoners: Sentence length, minimum time to be served, and percent of sentence to be served before release, 1992-94**

Region and jurisdiction	Mean total maximum sentence length <sup>a</sup>			Mean minimum time to be served before release			Percent of maximum sentence to be served before release <sup>b</sup>		
	1992	1993	1994	1992	1993	1994	1992	1993	1994
<b>All participating States</b>	123 mo	121 mo	126 mo	54 mo	57 mo	59 mo	44%	47%	48%
<b>Northeast</b>	110 mo	112 mo	116 mo	55 mo	61 mo	61 mo	49%	53%	53%
Connecticut	69	70	70	--	--	--	--	--	--
Maine	210	189	147	161	144	112	77	76	76
Massachusetts	--	115	110	--	85	78	--	74	71
New Hampshire	100	116	117	44	54	52	44	47	44
New Jersey	128	134	134	44	46	45	34	34	34
New York <sup>c</sup>	98	101	103	54	59	60	55	58	58
Pennsylvania	149	146	167	61	60	71	41	41	43
Rhode Island	--	63	56	--	--	--	--	--	--
Vermont	133	146	118	--	--	--	--	--	--
<b>Midwest</b>	151 mo	154 mo	149 mo	52 mo	53 mo	55 mo	36%	36%	37%
Illinois	107	115	112	48	53	51	45	46	46
Indiana	--	--	--	--	--	--	--	--	--
Iowa	141	130	134	--	--	--	--	--	--
Kansas <sup>d</sup>	--	--	53	--	--	42	--	--	80
Michigan	204	199	203	77	74	76	38	37	37
Minnesota	111	113	125	80	82	88	72	72	70
Missouri	116	122	127	--	--	--	--	--	--
Nebraska	136	144	141	60	60	70	44	42	50
North Dakota	75	71	62	39	40	40	52	56	65
Ohio	201	208	198	42	43	42	21	21	21
South Dakota	--	--	--	--	--	--	--	--	--
Wisconsin	117	111	116	30	26	26	26	23	22
<b>South</b>	138 mo	134 mo	141 mo	56 mo	67 mo	68 mo	39%	51%	51%
Alabama	170	186	153	--	--	--	--	--	--
Arkansas	189	176	182	--	--	--	--	--	--
Delaware	72	60	74	64	54	65	89	90	89
District of Columbia	174	190	180	110	138	141	63	73	78
Florida	99	103	102	--	--	--	--	--	--
Georgia	123	129	132	--	--	--	--	--	--
Kentucky	139	137	143	--	--	--	--	--	--
Louisiana	148	141	144	80	83	86	54	59	60
Maryland	110	115	119	--	--	--	--	--	--
Mississippi	129	137	144	--	--	--	--	--	--
North Carolina	168	169	173	--	--	--	--	--	--
Oklahoma	177	160	150	--	--	--	--	--	--
South Carolina	125	127	126	36	37	37	29	29	29
Tennessee	141	148	134	--	--	--	--	--	--
Texas	--	--	190	--	--	--	--	--	--
Virginia	198	--	--	39	--	--	20	--	--
West Virginia	142	146	153	45	46	49	32	32	32
<b>West</b>	78 mo	81 mo	83 mo	50 mo	53 mo	57 mo	59%	59%	64%
Alaska	89	90	79	59	60	52	66	67	66
Arizona	90	87	84	54	52	66	60	60	78
California	70	72	74	--	--	--	--	--	--
Colorado	116	131	127	43	49	48	37	37	38
Hawaii	114	107	122	--	--	--	--	--	--
Idaho	129	122	130	43	44	48	33	36	37
Montana	175	215	163	44	54	41	25	25	25
Nevada	--	--	--	--	--	--	--	--	--
New Mexico	65	70	73	33	35	37	51	50	51
Oregon	67	73	75	51	56	58	76	77	77
Utah	118	108	114	/	/	/	/	/	/
Washington	76	85	91	53	61	70	70	72	77
Wyoming	72	69	70	42	40	40	58	58	57

Note: See *Methodology* for definitions of total maximum sentence length and minimum time to be served before release.

--Not reported.

/Not applicable. Sentencing statutes do not require any minimum time to be served before release.

<sup>a</sup>Excludes inmates with sentences of life or death.

<sup>b</sup>Based on jurisdictions that reported data on mini-

um time to be served and total maximum sentence length.

<sup>c</sup>Minimum time to be served includes inmates with sentences of life or death.

<sup>d</sup>Data pertain only to offenders sentenced under the Sentencing Guidelines Act for offenses committed on or after July 1, 1993.

Table 3: As amended February 1996

**Table 3. First releases of violent State prisoners: Maximum sentence, time served, and percent of sentence served, 1992-94**

Region and jurisdiction	1992			1993			1994		
	Mean maximum sentence	Mean time served in prison/jail	Percent of sentence served	Mean maximum sentence	Mean time served in prison/jail	Percent of sentence served	Mean maximum sentence	Mean time served in prison/jail	Percent of sentence served
<b>All participating States</b>	98 mo	40 mo	41%	99 mo	43 mo	43%	98 mo	43 mo	44%
<b>Northeast</b>	98 mo	45 mo	45%	101 mo	52 mo	51%	102 mo	54 mo	53%
Connecticut	61	--	--	68	--	--	84	--	--
Maine	--	--	--	--	--	--	--	--	--
Massachusetts	--	--	--	117	91	78	116	90	77
New Hampshire <sup>a</sup>	90	34	38	93	33	35	90	37	41
New Jersey	129	45	35	123	43	35	119	44	37
New York	83	43	51	86	45	53	87	47	54
Pennsylvania	127	52	41	122	57	47	121	59	49
Rhode Island	--	--	--	--	--	--	--	--	--
Vermont	90	46	51	89	44	49	97	54	56
<b>Midwest</b>	88 mo	38 mo	43%	123 mo	37 mo	30%	120 mo	37 mo	31%
Illinois	84	35	41	86	35	41	79	34	43
Indiana	--	--	--	--	--	--	--	--	--
Iowa <sup>b</sup>	126	34	27	132	32	24	107	34	32
Kansas <sup>c</sup>	--	--	--	--	--	--	--	--	--
Michigan	--	--	--	--	--	--	--	57	--
Minnesota	62	45	73	66	46	70	71	52	73
Missouri	107	56	52	106	55	52	96	49	51
Nebraska <sup>a</sup>	89	39	44	85	38	45	94	42	45
North Dakota <sup>d</sup>	62	27	44	52	22	42	54	25	46
Ohio	--	--	--	230	37	16	239	40	17
South Dakota	--	--	--	--	--	--	--	--	--
Wisconsin	68	29	43	67	28	42	66	25	38
<b>South</b>	115 mo	41 mo	36%	107 mo	44 mo	42%	105 mo	46 mo	43%
Alabama	--	--	--	--	--	--	--	--	--
Arkansas	140	51	36	152	55	36	168	61	36
Delaware <sup>d</sup>	66	36	55	57	36	62	56	33	59
District of Columbia	160	92	58	176	108	61	172	116	67
Florida	83	25	31	71	31	43	73	35	47
Georgia	112	47	42	117	50	43	102	49	48
Kentucky	106	34	32	128	37	29	96	36	38
Louisiana <sup>d</sup>	96	67	70	103	67	65	108	62	57
Maryland	118	62	53	118	63	53	110	59	54
Mississippi	100	40	40	93	34	37	93	37	40
North Carolina	124	35	28	129	32	25	106	32	30
Oklahoma	100	34	34	100	33	33	107	38	36
South Carolina <sup>d</sup>	113	41	36	109	40	37	117	43	37
Tennessee	144	44	31	142	48	34	108	38	35
Texas <sup>d</sup>	139	41	29	147	51	35	145	56	39
Virginia <sup>d</sup>	176	51	29	--	--	--	--	--	--
West Virginia	106	39	37	109	49	45	114	61	54
<b>West</b>	65 mo	36 mo	55%	66 mo	37 mo	55%	65 mo	36 mo	56%
Alaska	106	70	66	107	70	65	107	70	65
Arizona	75	44	59	75	45	59	74	46	62
California	57	33	58	57	33	58	58	33	57
Colorado	78	39	50	73	39	53	67	35	52
Hawaii	132	55	42	142	55	39	125	52	42
Idaho <sup>d</sup>	81	57	70	104	59	57	83	56	67
Montana	130	48	37	166	55	33	124	46	37
Nevada	--	--	--	--	--	--	--	--	--
New Mexico	--	--	--	--	--	--	--	--	--
Oregon <sup>d</sup>	123	40	33	109	42	39	103	43	42
Utah <sup>d</sup>	108	50	46	113	47	42	103	46	45
Washington <sup>d</sup>	50	35	70	57	38	67	58	39	67
Wyoming	59	36	61	66	41	63	96	45	47

Note: Maximum sentence length excludes sentences of life or death. Time served includes time served in jail and prison before release, unless otherwise noted. See *Methodology* for definitions.

--Not reported.

<sup>a</sup>Includes jail time for 1992 only.

<sup>b</sup>1992 data were estimated from data supplied to the National Corrections Reporting Program.

<sup>c</sup>Data that were reported pertained only to offenders sentenced under the Sentencing Guidelines Act for offenses committed on or after July 1, 1993, and are excluded for reasons of comparability.

<sup>d</sup>Excludes jail time for 1992, 1993, and 1994.

## Methodology

The National Corrections Reporting Program (NCRP) was initiated in 1983 and annually collects individual-level data on all persons admitted to and released from State and Federal prisons. In 1992, 38 States and the District of Columbia reported 431,279 admissions to the program, representing an estimated 93% of all admissions to State prisons nationwide that year. Release data for 1992 were provided by 36 States, totalling 347,854 releases, or an estimated 86% of all releases from State prisons.

For this report, to update the estimates of both sentence length and time served for violent offenses and to provide jurisdiction-level estimates, BJS contacted each State corrections agency. NCRP participants were asked to verify estimates made from 1992 data and to provide similar estimates for 1993 and 1994. States not participating in the NCRP were asked to generate estimates of average sentences and time served for all 3 years.

Forty-nine States and the District of Columbia provided data. BJS provided all tables presenting State-level information to each State corrections agency for verification.

## Limitations

For violent offenders admitted to prison, the minimum time to be served before becoming eligible for release is projected, not actual, time. These estimates from prison records take into account good-time provisions, early release practices, parole policies, and other factors that affect time served. These estimates may turn out to be higher or lower than the actual time served when these prisoners are eventually released.

For violent offenders released from prison, the average sentence and time served reflect the experience of persons actually released for the first time on the current sentence.

These figures exclude offenders who —

- had violated the conditions of their release and who had been returned to prison
- were given a sentence that cannot be included in an average, such as life, life without parole, or death
- would never get out of prison (those who die in prison).

The sentences and time served statistics based on release data reflect sentences and correctional practices in the past. Because less serious offenders typically receive shorter sentences and serve less time, they will comprise a larger percentage of prisoners released than prisoners admitted during a year. For example, those convicted of homicide accounted for 4.2% of admissions in 1992 but 2.6% of those released from prison that year.

Unlike data in previous NCRP reports, data in this report are based on aggregated data from each State. As a result, calculations of percent of sentence served differ. In this report the percent of sentence served was calculated by dividing the average time served (or minimum time to be served) by the average total maximum sentence. In previous NCRP reports the percent of sentence served for individual inmates was first calculated and then averaged for the population. The calculations in this report were based on the best data readily available.

## Definitions and coverage

Jurisdictions were provided with the following definitions and instructions for coverage:

*Sentenced prisoners* — Report data for prisoners with a total maximum sentence of more than 1 year.

*New court commitments* — Persons entering prison directly from court and not from any unsuccessful period of community supervision.

*First releases* — Persons released for the first time on the current sentence. Exclude persons who had previously been released for the same offense, returned to prison, and then released again.

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

*Total maximum sentence length* — The total maximum term of incarceration including all consecutive sentences.

*Minimum time to be served* — The shortest time that each admitted prisoner is expected to serve prior to the first release.

## Explanatory notes by jurisdiction

Jurisdictions were instructed to provide estimates when exact numbers were not available. Jurisdictions were also asked to provide an explanation when their definitions or coverage differed from those used in the NCRP.

The following jurisdiction notes summarize these differences. Most States used their own definition of violent offenses. The list below presents only the exceptions to the NCRP definition of violent offenses. If not noted, the State definition of violent offenses matched the NCRP categories. (See *Definitions and coverage*.)

### Alabama

New court commitments and first releases: Include all admissions and releases.

### Alaska

All data were estimated.

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## Colorado

All data were estimated.

Violent offenses: Exclude simple robbery.

## Connecticut

Minimum time to be served and time served in prison and jail: Offenders serve 50% or more of the maximum sentence if the sentence is greater than 24 months.

## Florida

Violent offenses: Include murder, manslaughter, sexual battery, lewd acts on children, robbery, aggravated assault, and aggravated battery.

Minimum time to be served: Cannot be accurately calculated, due to Florida's early-release process and various gain-time laws. Recent changes in gain-time laws and the elimination of early release will make this evaluation possible for future prison admissions.

## Hawaii

All data were estimated. Exclude inmates with missing charge information.

Maximum sentence length: Should be considered as estimates because between a third and a half of admission and release records had missing or incorrect data.

Time served in prison and jail: Include jail time only for releases who were continuously incarcerated from the date of admission as pretrial felons until their date of release from prison.

## Illinois

Minimum time to be served: All data were estimated.

## Indiana

Violent offenses: Include arson (class A), customer product tampering (class B), obstructing traffic (class D), and resisting law enforcement (classes C and D).

New court commitments: Number of admissions was estimated for 1993 and 1994.

## Iowa

1992 data were based on a BJS analysis of State data in the NCRP.

First releases: Data for 1993 and 1994 were estimated based on release samples.

Maximum sentence length: Data are for the "lead" offense only.

## Kansas

All figures pertain to offenders whose admission or release was governed solely by determinate sentences (that is, sentenced only for offenses committed on or after July 1, 1993, the effective date of the Sentencing Guidelines Act). All offenders with active "old" law sentences, as well as those with both "new" and "old" law sentences, have been excluded.

Minimum time to be served: The current law provides for a maximum of 20% good time, leaving a minimum of 80% of the sentence to be served.

First releases: Relatively few violent offenders with only determinate sentences have been released since the enactment of the Sentencing Guidelines Act.

## Kentucky

Violent offenses: Exclude sex offenses.

## Louisiana

Violent offenses: Include aggravated arson, aggravated criminal damage to property, intentional exposure of AIDS, and mingling of harmful substances. Exclude attempts and conspiracies to commit violent offenses.

## Maryland

First releases: Include only parolees, mandatory releases to supervision, expirations of sentence, and commutations. Releases do not necessarily represent first releases. Logic was used to exclude offenders whose stay time was greater than or equal to their total sentence length.

## Massachusetts

All data were estimated.

## Michigan

Violent offenses: Include arson.

First releases: 1994 data were based on a sample of prisoners with their first release or discharge in the fourth quarter of that year and extrapolated to the full year.

## Minnesota

All data were estimated.

Good time was eliminated for inmates sentenced for crimes committed after August 1, 1993. The sentencing court is now required to pronounce a term of imprisonment, 100% of which must be served by the inmate. The term of imprisonment cannot be shortened but may be increased as a result of disciplinary infractions during incarceration.

## Missouri

Violent offenses: Include family offenses and weapons offenses.

New court commitments and first releases: Exclude shock cases released to probation after 120 days.

## Montana

Data are for fiscal years.

## New Mexico

Data are for fiscal years.

Violent offenses: Include bringing contraband into prison, escape, dangerous use of explosives, weapons possession, and sexual exploitation.

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## **New York**

Violent offenses: All data pertain to violent felony offenders as defined by New York State Penal Law. Include first- and second-degree arson and weapons offenses. Exclude manslaughter (2nd), other homicide, robbery (3rd), attempted assault (2nd), and coercive sex offenses other than rape (1st), sodomy (1st), and sexual abuse (1st).

Minimum time to be served and time served in prison and jail: Include inmates with sentences of life or death.

## **North Carolina**

Data on admissions and releases were estimated.

Violent offenses: Include felonies only — misdemeanors are excluded. Violent offenses include arson, burning of property, incest, possession of weapon by inmate, riot and civil disorder, failure to disperse, looting, violation of emergency ordinance, and repeat felon with a deadly weapon.

First releases: General statutes impose a "cap" on the prison population. If a population emergency is declared, the Parole Commission must accelerate paroles to reduce population. During 1994 the Parole Commission slowed down the release of violent offenders as additional space became available.

Minimum time to be served and time served in prison and jail: For inmates with crimes prior to October 1994, North Carolina law grants day-for-day good-time credit; therefore, inmates usually serve 50% or less of their sentence. Inmates with crimes after October 1994 will serve 100% of their minimum sentence. They may also serve an additional 20% of their minimum sentence, if they violate prison rules.

## **North Dakota**

Minimum time to be served: All data were estimated.

## **Oregon**

Sentencing guidelines apply to convicted offenders who committed their crimes after November 1, 1989. These offenders must serve at least 80% of their sentence. Prior to the adoption of guidelines, the date of release was determined by a parole board.

During the 1992-94 period, most new commitments of violent offenders were guideline cases, and most releases were pre-guideline cases. As the size of the guidelines portion of the first release group increases, the effect will be a rising length of time actually served and a declining maximum sentence length.

## **Pennsylvania**

Violent offenses: Include arson of occupied structure.

## **Rhode Island**

Violent offenses: Exclude sex offenses.

New court commitments: 1993 and 1994 data represented total commitments with sentences of more than 6 months. Information was based on the March 1995 monthly report and projected for each year.

## **South Carolina**

Violent offenses: Include exposing others to HIV and felony DUI resulting in death.

Minimum time to be served: All data were estimated.

## **South Dakota**

Violent offenses: Include rioting, burglary in the first or second degree, and other felonies in which a dangerous weapon or any explosive or destructive device was used.

## **Tennessee**

Data are for prisoners with a total maximum sentence of 1 year or more.

## **Texas**

Data are for fiscal years.

New court commitments: Exclude parole or mandatory release violators.

First releases: Include all violent parolees, mandatory supervision releases, and discharges including violators (not just first releases).

## **Utah**

Minimum time to be served: No statutory minimum time to be served before release exists under Utah's indeterminate sentencing system. All release decisions are made on an individual basis by Utah's Board of Pardons and Parole.

## **Vermont**

Violent offenses: Include arson resulting in death, elderly abuse, habitual offender, hate crime, and lewd and lascivious conduct.

First releases: All data were estimated.

## **Virginia**

Violent offenses: Include arson resulting in death, sex offenses against children, incest with child, bigamy, threats to bomb or burn, and firing into a dwelling, building, or occupied vehicle.

## **Washington**

Minimum time to be served, maximum sentence of first releases, and time served: All data were estimated.

## **West Virginia**

All data were estimated.

## **Wyoming**

First releases: All 1994 data were estimated.



**1. New Court Commitments of Violent Sentenced Prisoners During the Calendar Year —**

	<u>1992</u> •BJS analysis of State data	<u>1992</u> •Your State's statistics	<u>1993</u> •Your State's statistics	<u>1994</u> •Your State's statistics
A. Number admitted	_____	_____	<input type="checkbox"/> Est.	<input type="checkbox"/> Est.
B. Average total maximum sentence length (in months) •Exclude sentences of life or death	_____	_____	<input type="checkbox"/> Est.	<input type="checkbox"/> Est.
C. Average minimum time to be served (in months)	_____	_____	<input type="checkbox"/> Est.	<input type="checkbox"/> Est.

**2. First Releases of Violent Sentenced Prisoners During the Calendar Year —**

	<u>1992</u> •BJS analysis of State data	<u>1992</u> •Your State's statistics	<u>1993</u> •Your State's statistics	<u>1994</u> •Your State's statistics
A. Number released	_____	_____	<input type="checkbox"/> Est.	<input type="checkbox"/> Est.
B. Average total maximum sentence length (in months) •Exclude sentences of life or death	_____	_____	<input type="checkbox"/> Est.	<input type="checkbox"/> Est.
C. Average time served in prison and jail (in months)	_____	_____	<input type="checkbox"/> Est.	<input type="checkbox"/> Est.
Is jail time included?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Notes.** (Please provide an explanation, if possible, where your State numbers differ from those defined by BJS. For example, if your State's definition of violent offenses differs, indicate here.)

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

Selected Findings usually present data from both Bureau of Justice Statistics programs and other sources.

Allen J. Beck and Lawrence A. Greenfeld wrote this report. Tom Bonczar, Peter Brien, and Darrell Gilliard collected the data and provided a statistical review. Jodi Brown and Coliece Rice verified the tables. Tom Hester produced the report. Marilyn Marbrook supervised final production, assisted by Jayne Robinson and Yvonne Boston.

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## **Correction Notice**

Table 3 on page 5 has been revised. California submitted revised numbers; consequently, the numbers for the Western region and the Nation also changed.