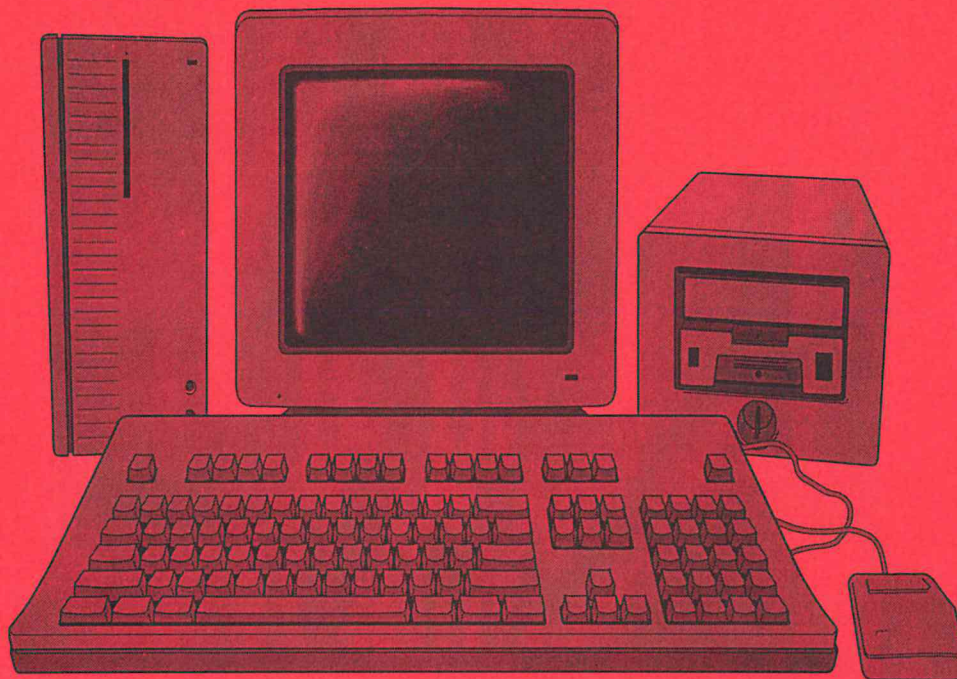


NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION



STRUCTURED SENTENCING MONITORING SYSTEM

**REPORT FOR FELONS:
JULY 1995 THROUGH JUNE 1996**

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

STRUCTURED SENTENCING MONITORING SYSTEM

FISCAL YEAR REPORT ON FELONS: JULY 1995 THROUGH JUNE 1996

EXECUTIVE SUMMARY

This report examines data on offenders convicted of felonies under Structured Sentencing during Fiscal Year 1995-96. This report summarizes topics such as the number of felony convictions by month, offense class and prior record level, demographic characteristics of offenders, types of punishments imposed, conformity of sentences, types of intermediate punishments imposed, and several special issues. Important findings include:

- A total number of 20,567 offenders were convicted of felonies under Structured Sentencing during Fiscal Year 1995-96.
- The greatest number of offenders fell into Offense Class H and Prior Record Level I.
- Data indicate that 87.5% of all offenders were male; 45% of offenders were under the age of 25 (over 25% of offenders were under the age of 21); and, about 63% of all offenders were Black.
- About 28% of all felony offenders received an Active Punishment; about 46% received an Intermediate Punishment; and, approximately 26% received a Community Punishment.
- Of four crime types --- Person, Property, Drug (non-trafficking), and Other --- offenders convicted of a Person Offense were most likely to receive an Active Punishment and least likely to receive either an Intermediate or Community Punishment. Offenders convicted of a Property Offense were most likely to receive an Intermediate Punishment. Offenders convicted of a Drug Offense (non-trafficking) were most likely to receive a Community Punishment and least likely to receive an Active Punishment.
- Data indicate that about 82% of all active sentences fell within the presumptive range; 9.5% fell within the mitigated range; and, 8.4% fell within the aggravated range.
- Of those cases where a specific intermediate sanction was indicated in the database, the greatest number of sanctions was imposed for Offense Class H felonies. Intensive Supervision Probation and Special Probation were the most frequently imposed sanctions.
- Data about several special issues indicate that 11.6% of offenders received consecutive sentences; habitual felon convictions accounted for 1% of all sentences; Felony Breaking/Entering was the most frequently occurring serious crime associated with habitual felon convictions; only one sentence occurred that had a firearm enhancement; 11 death and 21 life without parole sentences were imposed; drug trafficking convictions accounted for about 1% of all felony convictions; about 23% of all offenders were ordered to perform community service; and, 43% of all offenders were ordered to pay restitution.

INTRODUCTION

This report provides detailed information about felony offenders sentenced under Structured Sentencing during Fiscal Year 1995-96 (July 1, 1995, through June 30, 1996). The report only includes cases where an offender was convicted and sentenced for a felony crime which was committed on or after October 1, 1994 (the effective date of Structured Sentencing).¹ This report reflects changes to the Structured Sentencing grid (effective December 1, 1995) made by the General Assembly.

The information presented in this statistical summary is based on data entered into the AOC Criminal Information System by the court clerk following the imposition of the sentence. Currently, this report covers all North Carolina counties. However, the reader should note that Mecklenburg County was in a transition period of transferring its data to the AOC system and there may be problems with the accuracy and completeness of this data.

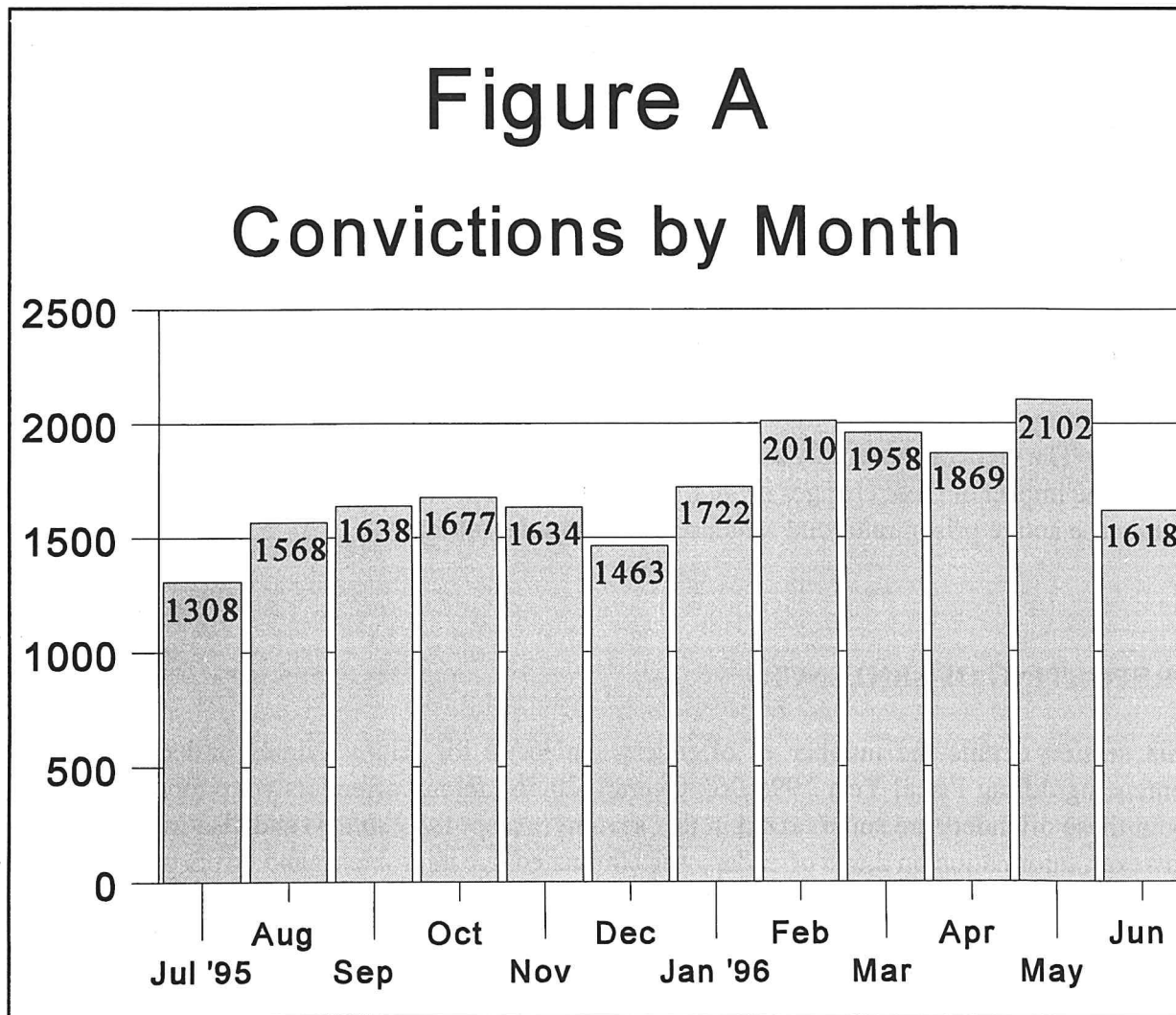
Caution: The General Assembly made changes to Structured Sentencing effective December 1, 1995. The impact of these changes is not fully reflected in this report. These changes are expected to increase active prison rates and sentence lengths in the future.

I. REPORTING OF SENTENCES

This section details the number of offenders sentenced for felony crimes under Structured Sentencing during Fiscal Year 1995-96. Overall, 20,567 felony offenders were reported. Data about these offenders are summarized in this section (except for *Table 3*) and also in **Section II**. However, information on 2,696 offenders was eliminated due to problems and errors with the data reported. Efforts continue to correct these errors and to resolve initial reporting problems. In addition, sentences imposed for drug trafficking offenses, which are subject to mandatory penalties, were excluded from the body of this report but are summarized in **Section IV**.

A. Convictions by Month

Figure A shows the number of offenders convicted under Structured Sentencing during Fiscal Year 1995-96. Felony convictions are summarized by demographic characteristics in Appendix A.²



B. Convictions by County and Judicial Division and District

Table 1 displays the number of offenders convicted in each county and Table 2 shows the number of offenders convicted in each judicial division and district. See Appendix B for a map of judicial divisions and districts.

These tables also show whether the convictions resulted from a guilty plea or jury trial. Table 2 shows that 3.3% of convictions in the First Judicial Division resulted from jury trials. In the Second Judicial Division, 2.3% of convictions resulted from jury trials. Three percent of convictions in the Third Judicial District resulted from jury trials. Finally, 3.5% of convictions in the Fourth Judicial District resulted from jury trials. Overall, about 3% of all convictions resulted from jury trials.

**TABLE 1: CONVICTIONS BY COUNTY AND MODE OF DISPOSITION
ALL FELONS**

COUNTY AND MODE OF DISPOSITION	MODE OF DISPOSITION		TOTAL NUMBER
	GUILTY PLEA	JURY TRIAL	
	NUMBER	NUMBER	
COUNTY NAME			
ALAMANCE	647	14	661
ALEXANDER	34	1	35
ALLEGHANY	3	.	3
ANSON	69	.	69
ASHE	16	2	18
AVERY	14	.	14
BEAUFORT	120	8	128
BERTIE	87	5	92
BLADEN	103	3	106
BRUNSWICK	78	3	81
BUNCOMBE	371	15	386
BURKE	68	.	68
CABARRUS	390	9	399
CALDWELL	141	2	143
CAMDEN	13	.	13
CARTERET	124	4	128
CASWELL	54	3	57
CATAWBA	212	1	213
CHATHAM	125	2	127
CHEROKEE	33	.	33
CHOWAN	29	.	29
CLAY	10	1	11
CLEVELAND	152	11	163
COLUMBUS	145	2	147
CRAVEN	270	5	275
CUMBERLAND	927	11	938
CURRITUCK	37	3	40
DARE	103	2	105
DAVIDSON	308	7	315
DAVIE	42	.	42
DUPLIN	215	5	220
DURHAM	515	26	541
EDGECOMBE	217	19	236
FORSYTH	820	44	864
FRANKLIN	162	3	165
GASTON	366	28	394
GATES	12	.	12
GRAHAM	3	1	4
GRANVILLE	183	1	184
GREENE	41	.	41
GUILFORD	1556	57	1613
HALIFAX	175	2	177
HARNETT	201	3	204
HAYWOOD	85	7	93
HENDERSON	65	2	67
HERTFORD	177	9	186
HOKE	124	1	125
HYDE	11	1	12
IREDELL	234	8	242
JACKSON	29	.	29

COUNTY AND MODE OF DISPOSITION	MODE OF DISPOSITION		TOTAL NUMBER
	GUILTY PLEA	JURY TRIAL	
	NUMBER	NUMBER	
COUNTY NAME			
JOHNSTON	192	7	199
JONES	35	.	35
LEE	208	3	211
LENOIR	284	9	293
LINCOLN	94	5	99
MACON	21	1	22
MADISON	11	.	11
MARTIN	104	8	112
MCDOWELL	34	1	35
MECKLENBURG	1703	50	1753
MITCHELL	20	1	21
MONTGOMERY	70	.	70
MOORE	156	.	156
NASH	271	1	272
NEW HANOVER	564	14	578
NORTHAMPTON	96	3	99
ONSLow	297	12	309
ORANGE	222	11	233
PAMLICO	33	.	33
PASQUOTANK	122	4	126
PENDER	78	3	81
PERQUIMANS	25	1	26
PERSON	149	1	150
PITT	371	9	380
POLK	12	1	13
RANDOLPH	198	7	205
RICHMOND	174	2	176
ROBESON	350	3	353
ROCKINGHAM	224	6	230
ROWAN	333	8	341
RUTHERFORD	87	.	87
SAMPSON	229	4	233
SCOTLAND	220	1	221
STANLY	91	1	92
STOKES	103	.	103
SURRY	181	3	184
SWAIN	12	.	12
TRANSYLVANIA	14	1	15
TYRRELL	21	2	23
UNION	307	7	314
VANCE	251	.	251
WAKE	1103	45	1148
WARREN	92	1	93
WASHINGTON	41	6	47
WATAUGA	41	3	44
WAYNE	401	17	418
WILKES	84	3	87
WILSON	268	8	276
YADKIN	33	5	38
YANCEY	11	.	11
TOTAL	19958	609	20567

**TABLE 2: CONVICTIONS BY JUDICIAL DIVISION AND DISTRICT
ALL FELONS**

JUDICIAL DIVISION AND DISTRICT AND MODE OF DISPOSITION		MODE OF DISPOSITION		
		GUILTY PLEA	JURY TRIAL	TOTAL
		NUMBER	NUMBER	NUMBER
JUDICIAL DIVISION	JUDICIAL DISTRICT			
FIRST	1	341	10	351
	2	297	25	322
	3A	371	9	380
	3B	427	9	436
	4A	479	9	488
	4B	297	12	309
	5	642	17	659
	6A	175	2	177
	6B	360	17	377
	7A	271	1	272
	7B	485	27	512
	8A	325	9	334
	8B	401	17	418
	SUB-TOTAL	4871	164	5035
	SECOND	JUDICIAL DISTRICT		
9		688	5	693
9A		203	4	207
10		1103	45	1148
11		601	13	614
12		927	11	938
13		326	8	334
14		515	26	541
15A		647	14	661
15B		347	13	360
16A		344	2	346
16B		350	3	353
SUB-TOTAL		6051	144	6195

JUDICIAL DIVISION AND DISTRICT AND MODE OF DISPOSITION		MODE OF DISPOSITION		
		GUILTY PLEA	JURY TRIAL	TOTAL
		NUMBER	NUMBER	NUMBER
JUDICIAL DIVISION	JUDICIAL DISTRICT			
THIRD	17A	224	6	230
	17B	284	3	287
	18	1556	57	1613
	19A	390	9	399
	19B	268	7	275
	19C	333	8	341
	20A	399	2	401
	20B	398	8	406
	21	820	44	864
	22	618	16	634
	23	136	10	146
	SUB-TOTAL	5426	170	5596
	FOURTH	JUDICIAL DISTRICT		
24		97	4	101
25A		209	2	211
25B		212	1	213
26		1703	50	1753
27A		366	28	394
27B		246	16	262
28		371	15	386
29		212	5	217
30A		79	3	82
30B		115	7	122
SUB-TOTAL		3610	131	3741
TOTAL			19958	609	20567

C. Convictions by Offense Class and Prior Record Level

Table 3 shows the distribution of convictions by Offense Class and Prior Record Level. Relative to other offense classes, the greatest number of convictions fell into Offense Class H (8,333). Prior Record Levels I (5,953) and II (6,310) accounted for the greatest number of convictions. Overall, the greatest number of convictions fell into Offense Class H and Prior Record Level I (2,716). Convictions containing incorrect Offense Classes, Prior Record Levels or other errors were excluded from this table.

TABLE 3: CONVICTIONS BY OFFENSE CLASS AND PRIOR RECORD LEVEL

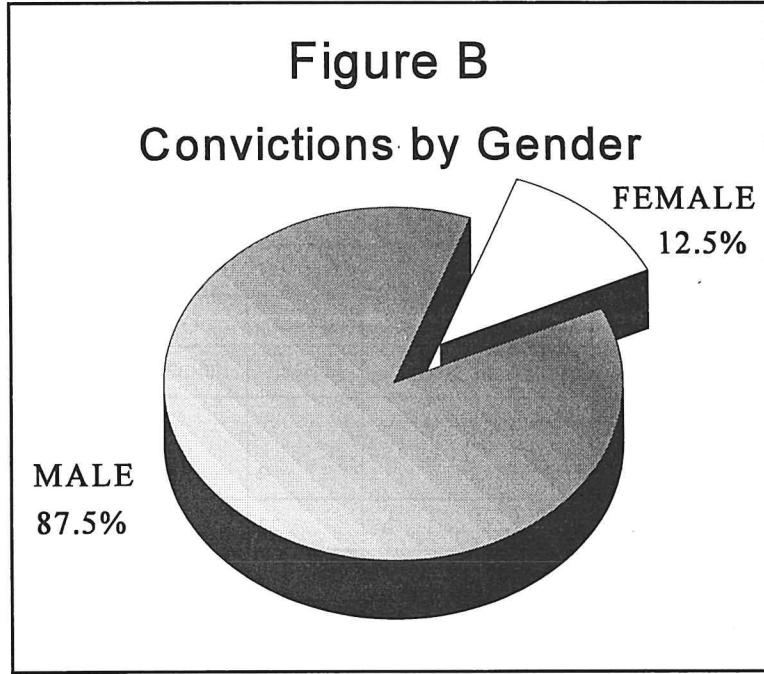
OFFENSE CLASS AND PRIOR RECORD LEVEL	PRIOR RECORD LEVEL						TOTAL
	I	II	III	IV	V	VI	
	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	
OFFENSE CLASS							
A	24	3	3	1	.	1	32
B1	23	19	11	8	2	1	64
B2	80	64	23	19	5	1	192
C	114	115	74	47	20	20	390
D	177	181	109	59	12	4	542
E	338	365	94	56	7	11	871
F	303	191	88	28	4	5	619
G	320	450	280	144	31	19	1244
H	2716	2617	1821	916	159	104	8333
I	1858	2305	766	499	81	75	5584
TOTAL	5953	6310	3269	1777	321	241	17871

II. CHARACTERISTICS OF OFFENDERS

This section provides a breakdown of offenders by gender, race, and age. See *Appendix A* for additional breakdowns of offenders by demographic characteristics.

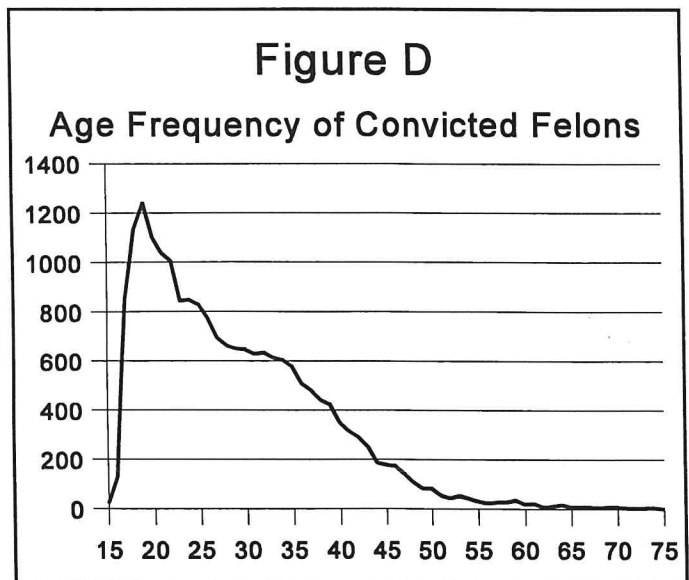
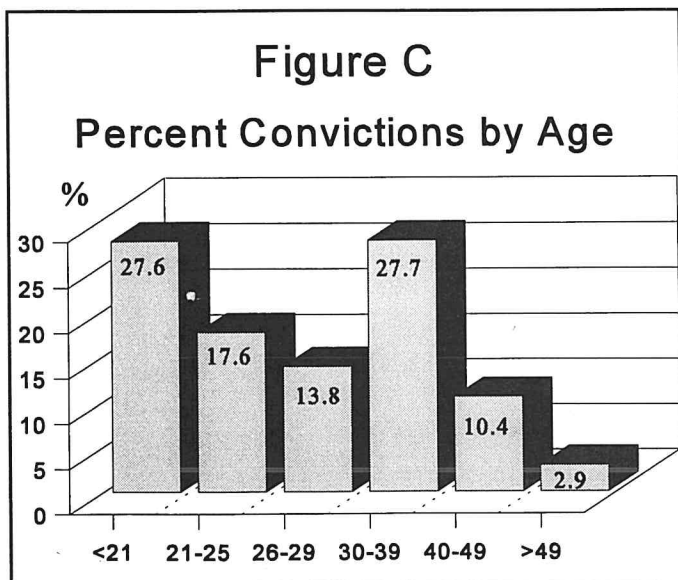
A. Convictions by Gender

Figure B shows that the majority of felony offenders were male (87.5%). *Table 4* shows further details of the breakdown by gender, race, and age.



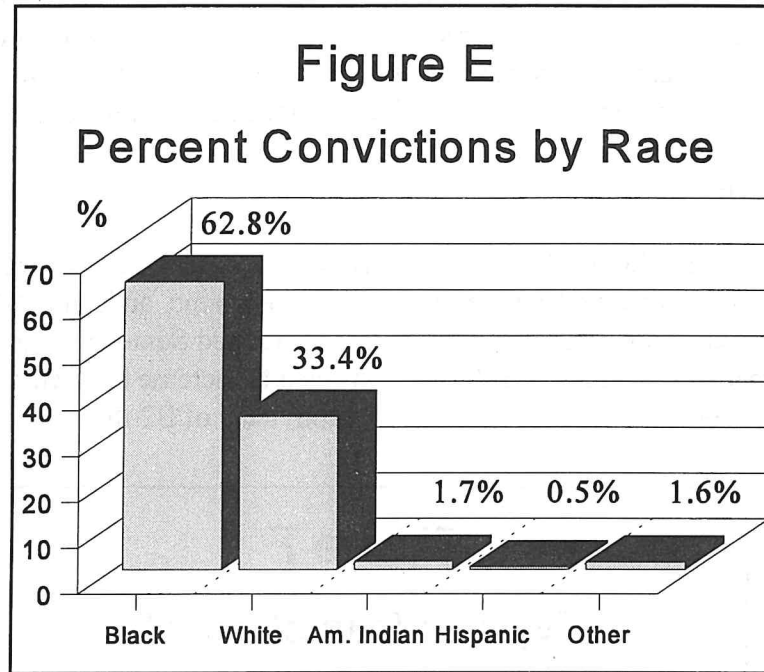
B. Convictions by Age

Figure C shows that about 45% of felony offenders were age 25 or younger; about 28% of offenders were under the age of 21. Data indicate that about 13% of offenders were over the age of 40. *Figure D* graphs the distribution of felony offenders by age. The volume of offenders peaks in the late teens and early twenties and then declines as age increases. *Table 4* shows further details of the breakdown by age, gender, and race.



C. Convictions by Race

Figure E shows that about 63% of felony offenders were Black and about 33% were White. A small percentage of offenders were American Indian (1.7%), Hispanic (0.5%) or Other (1.6%). See Table 4 for a summary of offender characteristics.



**TABLE 4: CONVICTIONS BY GENDER, RACE, AND AGE
ALL FELONS***

GENDER AND RACE BY AGE		AGE						TOTAL
		<21	21-25	26-29	30-39	40-49	>49	
		NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER
Male	RACE							
	Asian	7	.	.	1	.	.	8
	Black	3327	2107	1525	2932	1095	311	11297
	Hispanic	21	24	22	17	8	.	92
	American Indian	104	55	42	62	25	6	294
	Other	65	50	46	57	21	4	243
	White	1635	887	733	1559	609	206	5629
	SUB-TOTAL	5159	3123	2368	4628	1758	527	17563
Female	RACE							
	Asian	1	.	.	1	.	.	2
	Black	179	229	221	498	202	33	1362
	Hispanic	2	1	1	1	.	.	5
	American Indian	6	6	11	14	1	2	40
	Other	5	4	2	3	3	.	17
	White	184	165	176	414	121	24	1084
	SUB-TOTAL	377	405	411	931	327	59	2510
TOTAL		5536	3528	2779	5559	2085	586	20073

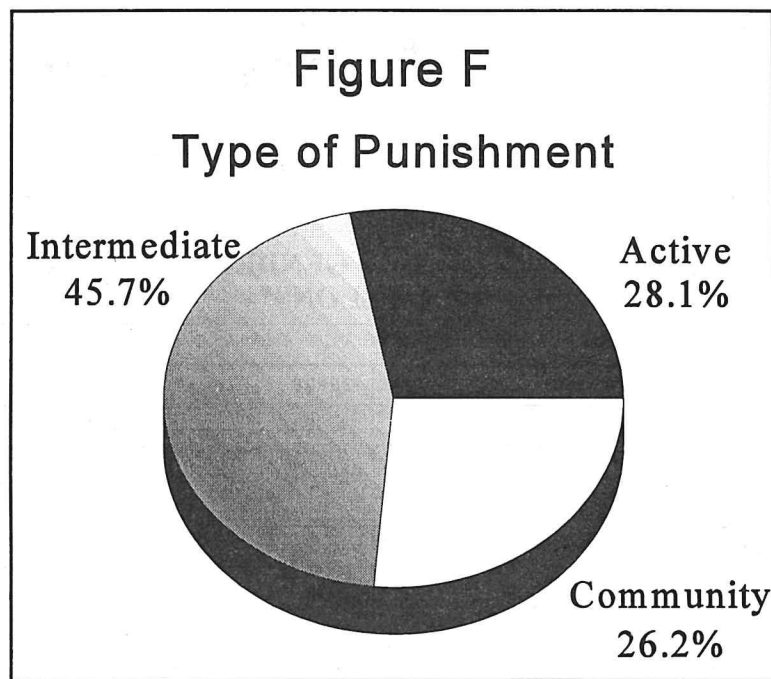
*Note: There are missing values for age.

III. THE PUNISHMENT IMPOSED

This section details the type of punishment imposed---Active, Intermediate, or Community Punishment. The tables in this section also show the average minimum and maximum sentences imposed for those offenders who received an Active Punishment. The reader should note that consecutive sentences were not considered in calculating the average minimum or maximum sentences (see Section VII for details about consecutive sentences).

A. Overall Punishment

Figure F shows that about 28% of all felony offenders received an Active Punishment; approximately 46% received an Intermediate Punishment; and, about 26% received a Community Punishment. Changes made to the Structured Sentencing grid by the General Assembly (effective December 1, 1995) are expected to increase the Active Punishment rate and the average sentence lengths for offenders convicted of B2 through E offenses.



B. Punishment by Offense Class

Table 5 shows the type of punishment received by Felony Offense Class. The table shows that all offenders in Offense Classes A through D received an Active Punishment.³ As expected, the percentage of offenders receiving an active sentence increases as the Offense Class increases. However, Offense Class G has a higher Active Punishment rate than Offense Classes E and F.

The table also shows the average minimum and maximum sentence lengths by Offense Class for those offenders who received an Active Punishment.⁴ As expected, the average minimum and maximum sentences imposed increase as Offense Class increases.⁵

TABLE 5: PUNISHMENT BY OFFENSE CLASS

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY				
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS									
A	32	100.0	.	.	.	.	.	.	32
B1	64	100.0	.	.	.	.	264.9	327.3	64
B2	192	100.0	.	.	.	.	153.0	192.6	192
C	390	100.0	.	.	.	.	83.0	108.6	390
D	542	100.0	.	.	.	.	63.9	85.9	542
E	433	49.7	438	50.3	.	.	29.4	44.2	871
F	223	36.0	396	64.0	.	.	18.7	23.0	619
G	691	55.5	553	44.5	.	.	15.2	18.7	1244
H	2032	24.4	4718	56.6	1583	19.0	10.1	12.5	8333
I	416	7.4	2062	36.9	3106	55.6	7.5	9.7	5584
TOTAL	5015	28.1	8167	45.7	4689	26.2	33.0	42.9	17871

C. Punishment by Offense Class and Prior Record Level

Table 6 shows the type of punishment imposed by Offense Class and Prior Record Level. Also shown are the average minimum and maximum sentences for each combination of Offense Class and Prior Record Level.⁶ Where the judge had the option of imposing an Active or Intermediate Punishment, offenders convicted of an Offense Class H and Prior Record Level II were most likely to receive an Intermediate Punishment (96.5%) while offenders convicted of an Offense Class G with Prior Record Level IV were most likely to receive an Active Punishment (84.7%).

D. Punishment by Crime Type

Table 7 displays the type of punishment received by Crime Type. Of the four crime types, Person Offenses had the highest percentage of offenders receiving an Active Punishment (64%). Drug Offenses (non-trafficking) had the lowest percentage of offenders receiving an Active Punishment (12%). The highest percentage of offenders receiving an Intermediate Punishment was convicted of Property Offenses (50.6%). Drug Offenses (non-trafficking) had the highest percentage of offenders receiving a Community Punishment (41.3%). Overall, offenders convicted of crimes of violence (murder, rape, armed robbery, etc.) were most likely to receive an active sentence while offenders convicted of property, drug, or public order crimes were least likely to receive an active sentence.

Table 7 also shows the average minimum and maximum sentences imposed for offenders who received an Active Punishment. The longest sentences were imposed for violent crimes while the shortest average active sentences were imposed for property, drug, and public order crimes.⁷

TABLE 6: PUNISHMENT BY OFFENSE CLASS AND PRIOR RECORD LEVEL

OFFENSE CLASS, PRIOR RECORD LEVEL AND ACTIVE SENTENCE LENGTH		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
A	PRIOR RECORD LEVEL									
	I	24	100.0	.	.	.	.	.	.	24
	II	3	100.0	.	.	.	.	.	.	3
	III	3	100.0	.	.	.	.	.	.	3
	IV	1	100.0	.	.	.	.	.	.	1
	VI	1	100.0	.	.	.	.	.	.	1
	SUB-TOTAL	32	100.0	.	.	.	.	.	.	32
B1	PRIOR RECORD LEVEL									
	I	23	100.0	.	.	.	.	204.6	254.8	23
	II	19	100.0	.	.	.	.	256.7	321.1	19
	III	11	100.0	.	.	.	.	288.5	355.5	11
	IV	8	100.0	.	.	.	.	378.9	456.6	8
	V	2	100.0	.	.	.	.	386.0	472.5	2
	VI	1	100.0	.	.	.	.	390.0	477.0	1
	SUB-TOTAL	64	100.0	.	.	.	.	264.9	327.3	64
B2	PRIOR RECORD LEVEL									
	I	80	100.0	.	.	.	.	122.6	155.9	80
	II	64	100.0	.	.	.	.	154.2	194.0	64
	III	23	100.0	.	.	.	.	180.5	225.8	23
	IV	19	100.0	.	.	.	.	208.4	259.5	19
	V	5	100.0	.	.	.	.	275.8	340.2	5
	VI	1	100.0	.	.	.	.	204.0	254.0	1
	SUB-TOTAL	192	100.0	.	.	.	.	153.0	192.6	192
C	PRIOR RECORD LEVEL									
	I	114	100.0	.	.	.	.	61.9	83.2	114
	II	115	100.0	.	.	.	.	77.8	102.5	115
	III	74	100.0	.	.	.	.	89.4	116.5	74
	IV	47	100.0	.	.	.	.	105.3	135.5	47
	V	20	100.0	.	.	.	.	111.5	143.0	20
	VI	20	100.0	.	.	.	.	127.7	162.5	20
	SUB-TOTAL	390	100.0	.	.	.	.	83.0	108.6	390

TABLE 6: PUNISHMENT BY OFFENSE CLASS AND PRIOR RECORD LEVEL (cont.)

OFFENSE CLASS, PRIOR RECORD LEVEL AND ACTIVE SENTENCE LENGTH		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
D	PRIOR RECORD LEVEL									
	I	177	100.0	.	.	.	.	46.6	65.1	177
	II	181	100.0	.	.	.	.	57.1	77.8	181
	III	109	100.0	.	.	.	.	79.9	104.7	109
	IV	59	100.0	.	.	.	.	95.1	123.4	59
	V	12	100.0	.	.	.	.	107.6	138.3	12
	VI	4	100.0	.	.	.	.	113.3	145.3	4
	SUB-TOTAL	542	100.0	.	.	.	.	63.9	85.9	542
E	PRIOR RECORD LEVEL									
	I	99	29.3	239	70.7	.	.	22.3	35.1	338
	II	166	45.5	199	54.5	.	.	26.7	40.8	365
	III	94	100.0	.	.	.	.	30.9	46.4	94
	IV	56	100.0	.	.	.	.	41.3	58.9	56
	V	7	100.0	.	.	.	.	43.9	62.0	7
	VI	11	100.0	.	.	.	.	51.7	71.5	11
	SUB-TOTAL	433	49.7	438	50.3	.	.	29.4	44.2	871
F	PRIOR RECORD LEVEL									
	I	74	24.4	229	75.6	.	.	15.3	18.9	303
	II	62	32.5	129	67.5	.	.	18.1	22.3	191
	III	50	56.8	38	43.2	.	.	19.3	23.8	88
	IV	28	100.0	.	.	.	.	23.1	28.2	28
	V	4	100.0	.	.	.	.	30.3	36.5	4
	VI	5	100.0	.	.	.	.	35.8	43.2	5
	SUB-TOTAL	223	36.0	396	64.0	.	.	18.7	23.0	619
G	PRIOR RECORD LEVEL									
	I	102	31.9	218	68.1	.	.	11.8	14.4	320
	II	218	48.4	232	51.6	.	.	13.5	16.6	450
	III	199	71.1	81	28.9	.	.	14.7	18.2	280
	IV	122	84.7	22	15.3	.	.	18.8	23.0	144
	V	31	100.0	.	.	.	.	20.0	25.3	31
	VI	19	100.0	.	.	.	.	27.4	33.3	19
	SUB-TOTAL	691	55.5	553	44.5	.	.	15.2	18.7	1244

TABLE 6: PUNISHMENT BY OFFENSE CLASS AND PRIOR RECORD LEVEL (cont.)

OFFENSE CLASS, PRIOR RECORD LEVEL AND ACTIVE SENTENCE LENGTH		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	PRIOR RECORD LEVEL									
H	I	17	0.6	1116	41.1	1583	58.3	5.4	6.9	2716
	II	91	3.5	2526	96.5	.	.	6.8	9.8	2617
	III	1037	56.9	784	43.1	.	.	9.1	11.1	1821
	IV	655	71.5	261	28.5	.	.	10.3	12.8	916
	V	128	80.5	31	19.5	.	.	13.8	16.9	159
	VI	104	100.0	.	.	.	.	18.7	22.9	104
	SUB-TOTAL	2032	24.4	4718	56.6	1583	19.0	10.1	12.5	8333
	I	PRIOR RECORD LEVEL								
I		.	.	.	.	1858	100.0	.	.	1858
II		.	.	1057	45.9	1248	54.1	.	.	2305
III		.	.	766	100.0	.	.	.	.	766
IV		305	61.1	194	38.9	.	.	7.0	9.3	499
V		63	77.8	18	22.2	.	.	8.4	10.4	81
VI		48	64.0	27	36.0	.	.	9.4	11.5	75
SUB-TOTAL		416	7.4	2062	36.9	3106	55.6	7.5	9.7	5584
TOTAL		5015	28.1	8167	45.7	4689	26.2	33.0	42.9	17871

TABLE 7: PUNISHMENT BY CRIME TYPE

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
CRIME TYPE	OFFENSE									
PERSON	MURDER, 1ST DEGREE	32	100.0	.	.	.	.	.	.	32
	MURDER, 2ND DEGREE.	192	100.0	.	.	.	.	153.0	192.6	192
	ATTEMPTED MURDER	1	100.0	.	.	.	.	50.0	69.0	1
	MANSLAUGHTER, - VOLUNTARY	56	74.7	19	25.3	.	.	27.2	41.3	75
	MANSLAUGHTER, - INVOLUNTARY	33	64.7	18	35.3	.	.	18.8	22.9	51
	ARMED ROBBERY	459	100.0	.	.	.	.	63.7	85.6	459
	COMMON LAW ROBBERY	390	51.5	349	46.0	19	2.5	16.8	20.9	758
	AWDWIKISI	62	100.0	.	.	.	.	85.4	111.8	62
	AWDW INTENT TO KILL	20	51.3	19	48.7	.	.	27.2	41.1	39
	AWDW SERIOUS INJURY	229	48.9	239	51.1	.	.	30.1	45.0	468
	AWDW OFFCL, GOVRNNT OFFCL, EMRGNCY PERSNL	36	50.7	35	49.3	.	.	20.4	24.7	71
	OTHER FELONY ASSAULTS	13	37.1	22	62.9	.	.	37.4	50.7	35
	RAPE, SEX OFFENSE 1ST	59	100.0	.	.	.	.	264.8	327.3	59
	RAPE, SEX OFF 2ND	91	100.0	.	.	.	.	77.4	102.0	91
	RAPE, S.O. #2 ,ATT	15	100.0	.	.	.	.	54.3	74.0	15
	INDECENT LIBERTIES W/ CHILD	115	33.0	234	67.0	.	.	18.1	22.2	349
	CHILD ABUSE	12	42.9	16	57.1	.	.	25.3	38.5	28
	OTHER SEX CRIMES	16	30.8	20	38.5	16	30.8	99.7	127.1	52
	KIDNAP, ABDUCT-ION	65	72.2	25	27.8	.	.	50.9	70.4	90
	ATTEMPTED KIDNAPPING	1	100.0	.	.	.	.	51.0	71.0	1
ALL OTHER PERSON	28	35.9	46	59.0	4	5.1	25.8	35.4	78	
SUB-TOTAL		1925	64.0	1042	34.7	39	1.3	59.6	77.9	3006

TABLE 7: PUNISHMENT BY CRIME TYPE (cont.)

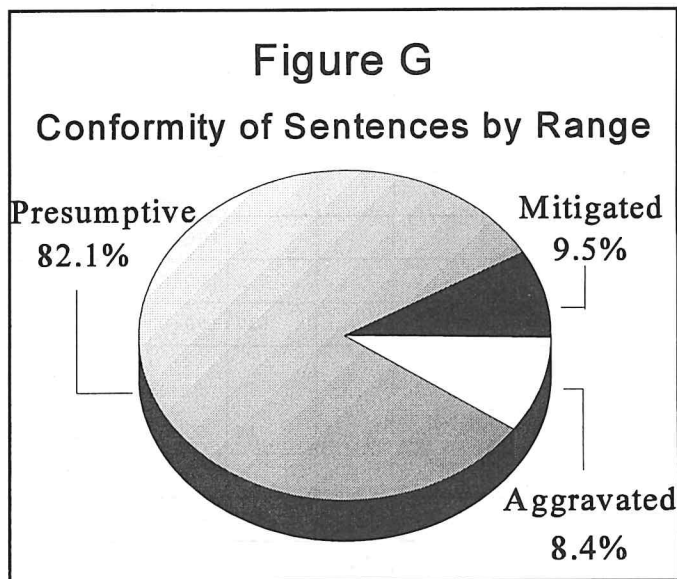
TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
CRIME TYPE	OFFENSE									
PROPERTY	BURGLARY, 1ST DEG	39	100.0	.	.	.	.	70.9	94.4	39
	BURGLARY, 2ND DEG	63	46.3	73	53.7	.	.	15.6	19.5	136
	BREAKING/ENTERING	793	28.6	1435	51.8	540	19.5	10.5	12.9	2768
	LARCENY	284	25.7	609	55.0	214	19.3	10.4	12.8	1107
	1ST DEGREE ARSON	12	100.0	.	.	.	.	54.4	74.0	12
	2ND DEGREE ARSON	7	36.8	12	63.2	.	.	15.3	18.9	19
	OTHER ARSON/BURNING	21	30.9	34	50.0	13	19.1	16.0	21.7	68
	FORGERY	95	12.3	327	42.3	351	45.4	7.5	9.5	773
	FRAUD	10	6.5	50	32.5	94	61.0	10.3	13.8	154
	EMBEZZLEMENT	4	2.2	81	43.8	100	54.1	9.5	11.8	185
	ALL OTHER PROPERTY	314	22.7	738	53.4	331	23.9	10.5	13.0	1383
SUB-TOTAL	1642	24.7	3359	50.6	1643	24.7	12.3	15.5	6644	
DRUGS (Non-trafficking)	OFFENSE									
	DRUG POSSESSION	166	6.2	983	36.7	1529	57.1	7.6	9.6	2678
	OTHER DRUG FELONIES	671	15.6	2275	52.9	1354	31.5	9.9	12.5	4300
	SUB-TOTAL	837	12.0	3258	46.7	2883	41.3	9.4	11.9	6978
OTHER FELONY	OFFENSE									
	WEAPON OFFENSE	91	29.6	186	60.6	30	9.8	17.9	24.8	307
	HABITUAL FELON	203	100.0	.	.	.	.	85.1	111.3	203
	HABITUAL MISDEMEANOR ASSAULT	1	50.0	1	50.0	.	.	9.0	11.0	2
	ALL OTHER FELONY	316	43.2	321	43.9	94	12.9	14.4	18.3	731
	SUB-TOTAL	611	49.2	508	40.9	124	10.0	38.4	50.2	1243
TOTAL		5015	28.1	8167	45.7	4689	26.2	33.0	42.9	17871

IV. CONFORMITY TO THE STRUCTURED SENTENCING RANGES

This section deals only with offenders who received an active sentence. It details the percentage of sentences imposed in the presumptive, mitigated and aggravated ranges. Conformity to the Structured Sentencing ranges are detailed further in *Appendix A*.

A. Overall Range Conformity

Figure G shows that about 82% of all active sentences fell within the presumptive range; 9.5% fell within the mitigated range; and, 8.4% fell within the aggravated range.



B. Range Conformity by Offense Class

Table 8 details conformity to the Structured Sentencing ranges by Offense Class. At least 59% of all active sentences fell within the presumptive range for each Offense Class. Generally, the lower the Offense Class, the higher the percentage of active sentences in the presumptive range.

TABLE 8: CONFORMITY BY OFFENSE CLASS

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE	RANGES						TOTAL NUMBER
	MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
	NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS							
A	.	.	32	100.0	.	.	32
B1	17	26.6	38	59.4	9	14.1	64
B2	35	18.2	118	61.5	39	20.3	192
C	39	10.0	292	74.9	59	15.1	390
D	138	25.5	361	66.6	43	7.9	542
E	57	13.2	322	74.4	54	12.5	433
F	21	9.4	163	73.1	39	17.5	223
G	56	8.1	576	83.4	59	8.5	691
H	96	4.7	1831	90.1	105	5.2	2032
I	17	4.1	384	92.3	15	3.6	416
TOTAL	476	9.5	4117	82.1	422	8.4	5015

C. Range Conformity by Offense Class and Prior Record Level

Table 9 shows conformity to the Structured Sentencing ranges by both Offense Class and Prior Record Level.

TABLE 9: CONFORMITY BY OFFENSE CLASS AND PRIOR RECORD LEVEL

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	PRIOR RECORD LEVEL							
A	I	.	.	24	100.0	.	.	24
	II	.	.	3	100.0	.	.	3
	III	.	.	3	100.0	.	.	3
	IV	.	.	1	100.0	.	.	1
	VI	.	.	1	100.0	.	.	1
	SUB-TOTAL	.	.	32	100.0	.	.	32
	B1	PRIOR RECORD LEVEL						
I		5	21.7	16	69.6	2	8.7	23
II		7	36.8	8	42.1	4	21.1	19
III		3	27.3	7	63.6	1	9.1	11
IV		1	12.5	5	62.5	2	25.0	8
V		1	50.0	1	50.0	.	.	2
VI		.	.	1	100.0	.	.	1
SUB-TOTAL		17	26.6	38	59.4	9	14.1	64
B2	PRIOR RECORD LEVEL							
	I	14	17.5	53	66.3	13	16.3	80
	II	15	23.4	33	51.6	16	25.0	64
	III	4	17.4	16	69.6	3	13.0	23
	IV	1	5.3	14	73.7	4	21.1	19
	V	.	.	2	40.0	3	60.0	5
	VI	1	100.0	.	.	.	.	1
	SUB-TOTAL	35	18.2	118	61.5	39	20.3	192
C	PRIOR RECORD LEVEL							
	I	7	6.1	76	66.7	31	27.2	114
	II	15	13.0	84	73.0	16	13.9	115
	III	8	10.8	60	81.1	6	8.1	74
	IV	4	8.5	39	83.0	4	8.5	47
	V	.	.	20	100.0	.	.	20
	VI	5	25.0	13	65.0	2	10.0	20
	SUB-TOTAL	39	10.0	292	74.9	59	15.1	390

TABLE 9: CONFORMITY BY OFFENSE CLASS AND PRIOR RECORD LEVEL (cont.)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	PRIOR RECORD LEVEL							
D	I	57	32.2	110	62.1	10	5.6	177
	II	55	30.4	114	63.0	12	6.6	181
	III	17	15.6	84	77.1	8	7.3	109
	IV	5	8.5	46	78.0	8	13.6	59
	V	3	25.0	4	33.3	5	41.7	12
	VI	1	25.0	3	75.0	.	.	4
	SUB-TOTAL	138	25.5	361	66.6	43	7.9	542
	E	I	20	20.2	68	68.7	11	11.1	99
II		15	9.0	124	74.7	27	16.3	166
III		11	11.7	74	78.7	9	9.6	94
IV		7	12.5	43	76.8	6	10.7	56
V		2	28.6	5	71.4	.	.	7
VI		2	18.2	8	72.7	1	9.1	11
SUB-TOTAL		57	13.2	322	74.4	54	12.5	433
F		I	3	4.1	57	77.0	14	18.9	74
	II	7	11.3	40	64.5	15	24.2	62
	III	6	12.0	38	76.0	6	12.0	50
	IV	4	14.3	20	71.4	4	14.3	28
	V	.	.	4	100.0	.	.	4
	VI	1	20.0	4	80.0	.	.	5
	SUB-TOTAL	21	9.4	163	73.1	39	17.5	223
	G	I	9	8.8	83	81.4	10	9.8	102
II		18	8.3	185	84.9	15	6.9	218
III		20	10.1	166	83.4	13	6.5	199
IV		8	6.6	100	82.0	14	11.5	122
V		.	.	27	87.1	4	12.9	31
VI		1	5.3	15	78.9	3	15.8	19
SUB-TOTAL		56	8.1	576	83.4	59	8.5	691

TABLE 9: CONFORMITY BY OFFENSE CLASS AND PRIOR RECORD LEVEL (cont.)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	PRIOR RECORD LEVEL							
H	I	2	11.8	15	88.2	.	.	17
	II	6	6.6	83	91.2	2	2.2	91
	III	44	4.2	950	91.6	43	4.1	1037
	IV	34	5.2	579	88.4	42	6.4	655
	V	6	4.7	112	87.5	10	7.8	128
	VI	4	3.8	92	88.5	8	7.7	104
	SUB-TOTAL	96	4.7	1831	90.1	105	5.2	2032
	I	PRIOR RECORD LEVEL						
IV		14	4.6	284	93.1	7	2.3	305
V		2	3.2	57	90.5	4	6.3	63
VI		1	2.1	43	89.6	4	8.3	48
SUB-TOTAL		17	4.1	384	92.3	15	3.6	416
TOTAL		476	9.5	4117	82.1	422	8.4	5015

D. Range Conformity by Crime Type

Table 10 shows conformity to the Structured Sentencing ranges for selected crime types. Of the four crime categories, Person Offenses accounted for the highest percentage of aggravated sentences (12.6%) and the highest percentage of mitigated sentences (15.3%). Drug Offenses (non-traffic king) accounted for the lowest percentage of aggravated sentences (4.2%) and the lowest percentage of mitigated sentences (4.9%).

TABLE 10: CONFORMITY BY CRIME TYPE

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
CRIME TYPE	OFFENSES							
PERSON	MURDER, 1ST DEGREE	.	.	32	100.0	.	.	32
	MURDER, 2ND DEGREE.	35	18.2	118	61.5	39	20.3	192
	ATTEMPTED MURDER	.	.	1	100.0	.	.	1
	MANSLAUGHTER, - VOLUNTARY	8	14.3	38	67.9	10	17.9	56
	MANSLAUGHTER, - INVOLUNTARY	3	9.1	23	69.7	7	21.2	33
	ARMED ROBBERY	113	24.6	309	67.3	37	8.1	459
	COMMON LAW ROBBERY	24	6.2	322	82.6	44	11.3	390
	AWDWIKISI	8	12.9	36	58.1	18	29.0	62
	AWDW INTENT TO KILL	7	35.0	11	55.0	2	10.0	20
	AWDW SERIOUS INJURY	28	12.2	175	76.4	26	11.4	229
	AWDW OFFCL, GOVRNT OFFCL, EMRGNCY PERSNL	1	2.8	28	77.8	7	19.4	36
	OTHER FELONY ASSAULTS	2	15.4	10	76.9	1	7.7	13
	RAPE, SEX OFFENSE 1ST	15	25.4	35	59.3	9	15.3	59
	RAPE, SEX OFF 2ND	9	9.9	73	80.2	9	9.9	91
	RAPE, S.O. #2, ATT	8	53.3	7	46.7	.	.	15
	INDECENT LIBERTIES W/ CHILD	14	12.2	81	70.4	20	17.4	115
	CHILD ABUSE	.	.	12	100.0	.	.	12
	OTHER SEX CRIMES	6	37.5	8	50.0	2	12.5	16
	KIDNAP, ABDUCTION	10	15.4	43	66.2	12	18.5	65
	ATTEMPTED KIDNAPPING	.	.	1	100.0	.	.	1
ALL OTHER PERSON	3	10.7	25	89.3	.	.	28	
SUB-TOTAL		294	15.3	1388	72.1	243	12.6	1925

TABLE 10: CONFORMITY BY CRIME TYPE (cont.)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
CRIME TYPE	OFFENSES							
PROPERTY	BURGLARY, 1ST DEG	10	25.6	25	64.1	4	10.3	39
	BURGLARY, 2ND DEG	4	6.3	52	82.5	7	11.1	63
	BREAKING/ENTERING	30	3.8	710	89.5	53	6.7	793
	LARCENY	11	3.9	258	90.8	15	5.3	284
	1ST DEGREE ARSON	2	16.7	9	75.0	1	8.3	12
	2ND DEGREE ARSON	.	.	5	71.4	2	28.6	7
	OTHER ARSON/BURNING	2	9.5	16	76.2	3	14.3	21
	FORGERY	4	4.2	89	93.7	2	2.1	95
	FRAUD	1	10.0	9	90.0	.	.	10
	EMBEZZLEMENT	.	.	4	100.0	.	.	4
	ALL OTHER PROPTY	20	6.4	282	89.8	12	3.8	314
	SUB-TOTAL	84	5.1	1459	88.9	99	6.0	1642
DRUGS (Non-trafficking)	OFFENSES							
	DRUG POSSESSION	3	1.8	156	94.0	7	4.2	166
	OTHER DRUG FELONIES	38	5.7	605	90.2	28	4.2	671
	SUB-TOTAL	41	4.9	761	90.9	35	4.2	837
OTHER FELONY	OFFENSES							
	WEAPON OFFENSE	7	7.7	78	85.7	6	6.6	91
	HABITUAL FELON	15	7.4	162	79.8	26	12.8	203
	HABITUAL MISDEMEANOR ASSAULT	.	.	1	100.0	.	.	1
	ALL OTHER FELONY	35	11.1	268	84.8	13	4.1	316
	SUB-TOTAL	57	9.3	509	83.3	45	7.4	611
TOTAL		476	9.5	4117	82.1	422	8.4	5015

E. Length of Active Sentence Relative to the Structured Sentencing Range

Figure H shows the location of the average minimum sentence by Offense Class within the sentence range. Figure I shows the location of the average minimum sentence by Prior Record Level within the sentence range. For the purposes of this section, the length of the sentence range spans the mitigated, presumptive, and aggravated ranges. For example, an average minimum sentence length of 100% falls at the top of the sentencing range (the maximum aggravated sentence length); an average minimum sentence of 0% falls at the bottom of the sentencing range (the minimum mitigated sentence length); and an average minimum sentence of 50% falls at the midpoint of the range (a point falling within the presumptive sentence range).

Figure H shows that the average minimum sentence length for Offense Class D fell in the lowest percentile of the range relative to the other offense classes (40%). The average minimum sentence length for Offense Class B1 was also low, falling in the 42nd percentile of the range. The average minimum sentence lengths for the other offense classes fell near the midpoint of the range.

Figure I shows that the average minimum sentence lengths for Prior Record Levels I and II fell in the lowest percentiles of the range relative to the other prior record levels (45% and 46%, respectively). The average minimum sentence lengths for the other prior record levels fell near the midpoint of the range. Overall, the average minimum sentence length for the 4,983 offenders who received an active sentence fell just below the midpoint of the sentencing range (48%).⁸

Table 11 shows the location in the sentencing range of the average minimum sentence lengths of selected crime types. Data indicate that the average minimum sentence lengths for Attempted Murder and Habitual Misdemeanor Assault fell in the lowest percentile of the range relative to other offenses (29%). The average minimum sentence lengths for Attempted Kidnaping and Attempted Rape also fell near the bottom of the range (31% and 30%, respectively). This may indicate that mitigated sentences were more likely to be imposed for these offenses. Data indicate that the average minimum sentence lengths for all other offenses fell at or near the midpoint of the range.

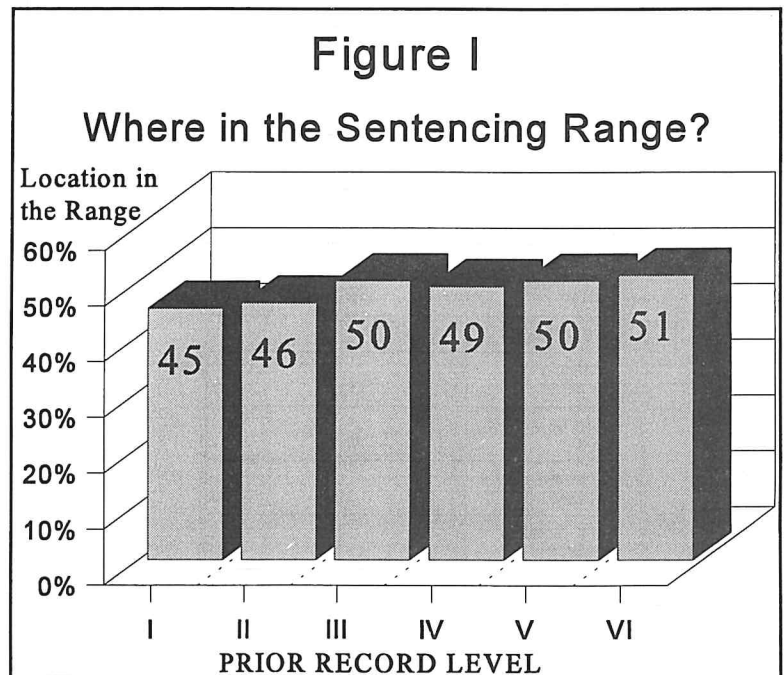
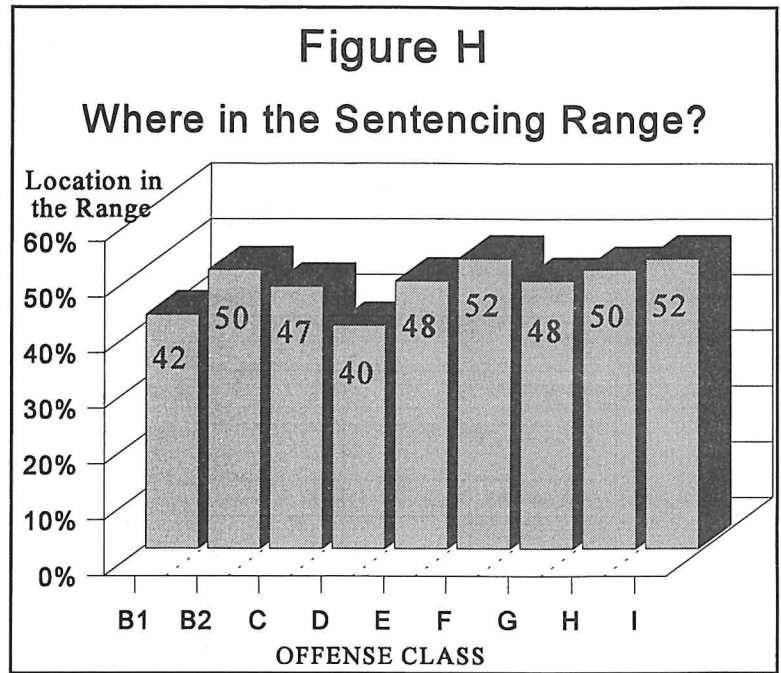


TABLE 11: CRIME TYPE BY THE SENTENCE RANGE

TOTAL NUMBER OF ACTIVE CASES IN THE RANGE AND THE LOCATION OF THE AVERAGE SENTENCE IMPOSED IN THE RANGE		NUMBER IN THE RANGE	
		PRESUMPTIVE RANGE	WHERE IN THE RANGE?
		NUMBER	MEAN
CRIME TYPE	OFFENSES		
PERSON	MURDER, 2ND DEGREE.	192	50
	ATTEMPTED MURDER	1	29
	MANSLAUGHTER, - VOLUNTARY	56	51
	MANSLAUGHTER, - INVOLUNTARY	33	57
	ARMED ROBBERY	459	41
	COMMON LAW ROBBERY	390	52
	AWDWIKISI	62	56
	AWDW INTENT TO KILL	20	35
	AWDW SERIOUS INJURY	229	48
	AWDW OFFCL, GOVRNNT OFFCL, EMRGNCY PERSNL	36	55
	OTHER FELONY ASSAULTS	13	46
	RAPE, SEX OFFENSE 1ST	59	42
	RAPE, SEX OFF 2ND	91	48
	RAPE, S.O. #2 ,ATT	15	30
	INDECENT LIBERTIES W/ CHILD	115	51
	CHILD ABUSE	12	52
	OTHER SEX CRIMES	16	42
	KIDNAP, ABDUCT-ION	65	51
	ATTEMPTED KIDNAPPING	1	31
	ALL OTHER PERSON	28	42
SUB-TOTAL	1893	47	
PROPERTY	OFFENSES		
	BURGLARY, 1ST DEG	39	42
	BURGLARY, 2ND DEG	63	50
	BREAKING/ENTE-RNG	793	51
	LARCENY	284	48
	1ST DEGREE ARSON	12	36
	2ND DEGREE ARSON	7	59
	OTHER ARSON/BURNING	21	51

TOTAL NUMBER OF ACTIVE CASES IN THE RANGE AND THE LOCATION OF THE AVERAGE SENTENCE IMPOSED IN THE RANGE		NUMBER IN THE RANGE	
		PRESUMPTIVE RANGE	WHERE IN THE RANGE?
		NUMBER	MEAN
CRIME TYPE	OFFENSES		
PROPERTY	FORGERY	95	53
	FRAUD	10	44
	EMBEZZLEMENT	4	46
	ALL OTHER PROPTY	314	48
	SUB-TOTAL	1642	50
DRUGS (Non- trafficking)	OFFENSES		
	DRUG POSSESSION	166	54
	OTHER DRUG FELONIES	671	49
	SUB-TOTAL	837	50
OTHER FELONY	OFFENSES		
	WEAPON OFFENSE	91	48
	HABITUAL FELON	203	44
	HABITUAL MISDEMEANOR ASSAULT	1	29
	ALL OTHER FELONY	316	43
	SUB-TOTAL	611	44
TOTAL		4983	48

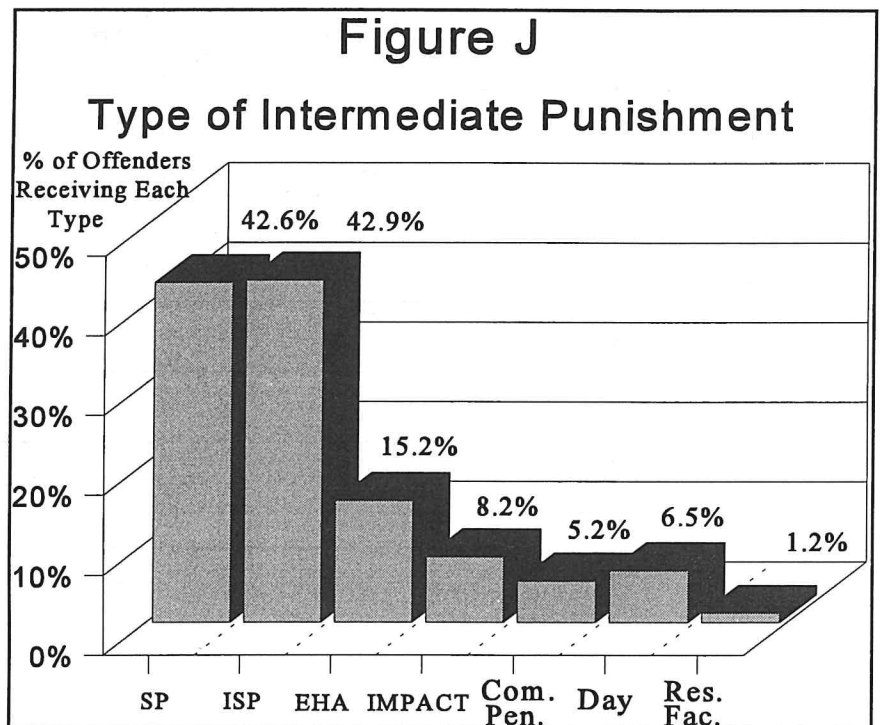
V. IMPOSITION OF INTERMEDIATE PUNISHMENTS

This section summarizes the types of intermediate sanctions imposed. It only includes offenders who received an Intermediate Punishment. Under Structured Sentencing, all offenders who receive an Intermediate Punishment receive a term of Supervised Probation plus at least one additional sanction. The specific intermediate sanctions are Special Probation (SP), Intensive Supervision Probation (ISP), Electronic House Arrest (EHA), Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), Community Penalties Program (Com. Pen.), Day Reporting Center (Day), and Residential Treatment Facility (Res. Fac.). See *Appendix C* for a brief description of each type of intermediate sanction.

During Fiscal Year 1995-96, 8,167 offenders received an Intermediate Punishment. The average length of Supervised Probation for these offenders was 36 months. However, the specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for only 4,286 (a reporting rate of 52.5%).⁹ It is also possible that a single offender could receive more than one intermediate sanction. Consequently, the following tables reflect the total number of intermediate sanctions imposed rather than the total number of offenders who received an Intermediate Punishment.

A. Type of Intermediate Punishment Imposed

Figure J shows the percentage of offenders who received each type of intermediate sanction. Again, the specific intermediate sanctions imposed were not reported for all 8,167 offenders who received an Intermediate Punishment. As a result, these figures -- based on 52.5% of offenders whose specific intermediate sanction was reported -- may not accurately reflect offender participation in these programs. In addition, these sanctions are not equally available across the state. Intensive Supervision Probation (42.9%) and Special Probation (42.6%) accounted for the highest percentages of offenders receiving a specific intermediate sanction.



The total of the percentages exceeds 100% since offenders may receive more than one type of Intermediate sanction.

B. Type of Intermediate Punishment by Offense Class

Table 12 shows the frequency of intermediate sanctions by Offense Class. Of those cases reporting, the greatest number of intermediate sanctions was imposed for Class H felonies (3,192). For these offenders, Intensive Supervision Probation (1,240) was the most frequently invoked sanction. Overall, Community Penalties Plan (224) and Residential Treatment Facilities (51) were the least frequently invoked sanctions.

TABLE 12: TYPE OF INTERMEDIATE PUNISHMENT BY OFFENSE CLASS

NUMBER OF INTERMEDIATE CASES FALLING WITHIN OFFENSE CLASS	SPECIAL PROBATION	IMPACT	RESIDENTIAL FACILITY	DAY REPORTING CENTER	INTENSIVE SUPERVISION PROBATION	ELECTRONIC MONITORING	COMMUNITY PENALTY PLAN	TOTAL
OFFENSE CLASS								
E	122	14	3	17	58	31	10	255
F	120	14	1	12	46	44	15	252
G	180	36	9	23	97	52	21	418
H	1027	236	28	163	1240	370	128	3192
I	376	51	10	64	399	155	50	1105
TOTAL	1825	351	51	279	1840	652	224	5222

C. Type of Intermediate Punishment by Offense Class and Prior Record Level

Table 13 shows the frequency of Intermediate Punishments by Offense Class and Prior Record Level.

TABLE 13: TYPE OF INTERMEDIATE PUNISHMENT BY OFFENSE CLASS AND PRIOR RECORD

NUMBER OF INTERMEDIATE CASES FALLING WITHIN OFFENSE CLASS	PRIOR RECORD	SPECIAL PROBATION	IMPACT	RESIDENTIAL FACILITY	DAY REPORTING CENTER	INTENSIVE SUPERVISION PROBATION	ELECTRONIC MONITORING	COMMUNITY PENALTY PLAN	TOTAL
OFFENSE CLASS	PRIOR RECORD								
E	I	53	7	.	11	24	23	4	122
	II	69	7	3	6	34	8	6	133
	SUB-TOTAL	122	14	3	17	58	31	10	255
F	PRIOR RECORD								
	I	66	7	1	9	26	24	10	143
	II	37	7	.	1	17	14	3	79
	III	17	.	.	2	3	6	2	30
	SUB-TOTAL	120	14	1	12	46	44	15	252
G	PRIOR RECORD								
	I	56	17	2	11	34	22	9	151
	II	86	17	4	7	47	17	8	186
	III	29	2	3	5	11	10	2	62
	IV	9	.	.	.	5	3	2	19
	SUB-TOTAL	180	36	9	23	97	52	21	418
H	PRIOR RECORD								
	I	214	80	5	35	283	88	27	732
	II	538	129	10	83	682	189	59	1690
	III	198	25	8	31	211	66	26	565
	IV	67	2	5	13	61	26	16	190
	V	10	.	.	1	3	1	.	15
	SUB-TOTAL	1027	236	28	163	1240	370	128	3192
I	PRIOR RECORD								
	II	165	40	6	29	208	75	21	544
	III	155	11	4	29	144	54	19	416
	IV	47	.	.	5	41	20	7	120
	V	4	.	.	.	3	3	2	12
	VI	5	.	.	1	3	3	1	13
	SUB-TOTAL	376	51	10	64	399	155	50	1105
TOTAL		1825	351	51	279	1840	652	224	5222

D. Type of Intermediate Punishment by Crime Type

Table 14 shows the frequency of Intermediate Punishments by selected crime types. Of those cases reporting, intermediate sanctions were most frequently imposed on offenders convicted of Property Offenses (2,268). Intermediate sanctions were least often imposed on offenders convicted of Other Felony Offenses (306). The offense category that received the most intermediate sanctions was "other drug felonies" (1,567).

TABLE 14: TYPE OF INTERMEDIATE PUNISHMENT BY CRIME TYPE

NUMBER OF INTERMEDIATE CASES FALLING WITHIN CRIME TYPE		SPECIAL PROBATION	IMPACT	RESIDENTIAL FACILITY	DAY REPORTING CENTER	INTENSIVE SUPERVISION PROBATION	ELECTRONIC MONITORING	COMMUNITY PENALTY PLAN	TOTAL
CRIME TYPE	OFFENSES								
PERSON	MANSLAUGHTER, - VOLUNTARY	7	.	.	.	.	.	1	8
	MANSLAUGHTER, - INVOLUNTARY	7	4	.	.	1	3	1	16
	COMMON LAW ROBBERY	89	28	6	15	53	31	12	234
	AWDW INTENT TO KILL	7	1	1	1	5	1	.	16
	AWDW SERIOUS INJURY	69	6	1	5	21	23	6	131
	AWDW OFFCL, GOVRNMT OFFCL, EMRGNCY PERSNL	16	2	.	1	6	3	1	29
	OTHER FELONY ASSAULTS	4	2	.	2	1	4	.	13
	INDECENT LIBERTIES W/ CHILD	71	5	1	6	26	21	10	140
	CHILD ABUSE	5	.	.	2	.	.	1	8
	OTHER SEX CRIMES	6	.	1	.	1	1	.	9
	KIDNAP, ABDUCTION	8	2	.	1	3	1	.	15
	ALL OTHER PERSON	9	1	.	4	9	2	1	26
	SUB-TOTAL		298	51	10	37	126	90	33	645
PROPERTY	OFFENSES								
	BURGLARY, 2ND DEG	22	7	1	4	22	4	2	62
	BREAKING/ENTERING	280	111	15	42	510	111	44	1113
	LARCENY	110	35	2	29	98	50	17	341
	2ND DEGREE ARSON	5	1	.	.	.	1	1	8
	OTHER ARSON/BURNING	8	3	.	3	1	3	.	18
	FORGERY	45	4	3	13	123	30	11	229
	FRAUD	6	.	.	1	12	4	1	24
	EMBEZZLEMENT	21	.	1	2	13	7	2	46
	ALL OTHER PROPTY	149	21	8	25	149	59	16	427
	SUB-TOTAL		646	182	30	119	928	269	94	2268
DRUGS (Non- trafficking)	OFFENSES								
	DRUG POSSESSION	186	27	3	24	98	77	21	436
	OTHER DRUG FELONIES	541	78	5	85	625	165	68	1567
	SUB-TOTAL		727	105	8	109	723	242	89	2003
OTHER FELONY	OFFENSES								
	WEAPON OFFENSE	37	8	.	5	30	15	4	99
	ALL OTHER FELONY	117	5	3	9	33	36	4	207
	SUB-TOTAL		154	13	3	14	63	51	8	306
TOTAL		1825	351	51	279	1840	652	224	5222

VI. IMPOSITION OF COMMUNITY PUNISHMENTS

This section includes only those offenders who received a Community Punishment. Of the 4,689 offenders who received a Community Punishment, 4,482 received Supervised Probation; 198 received Unsupervised Probation; and, 9 received only Restitution and/or Fine. (For more information concerning Restitution, please refer to **Section VII.**)

A. Type of Community Punishment by Offense Class

Table 15 shows the total number of offenders who received either Supervised Probation, Unsupervised Probation, and Restitution and/or Fine by Offense Class. The table also displays the average length of probation sentences by Offense Class. Data indicate that offenders convicted of an Offense Class I felony accounted for the largest number of offenders who received probation as a Community Punishment (3,080). Offenders convicted of Offense Class H felonies received the longest probation sentences, on average (32 months). Overall, offenders who received a Community Punishment were sentenced to an average of 29 months of probation.

TABLE 15: TYPE OF COMMUNITY PUNISHMENT BY OFFENSE CLASS*

TYPE OF COMMUNITY PUNISHMENT AND AVERAGE LENGTH OF PROBATION SENTENCE		PROBATION LENGTH (MONTHS)	TOTAL
		MEAN	NUMBER
OFFENSE CLASS	TYPE OF COMMUNITY PUNISHMENT		
H	SUPERVISED	32	1536
	UNSUPERVISED	28	33
	RESTITUTION/FINE	.	2
	SUB-TOTAL	32	1571
I	TYPE OF COMMUNITY PUNISHMENT		
	SUPERVISED	28	2946
	UNSUPERVISED	25	127
	RESTITUTION/FINE	.	7
	SUB-TOTAL	28	3080
TOTAL		29	4651

*There are missing values for probation lengths of 38 offenders who received Unsupervised Probation.

B. Type of Community Punishment by Crime Type

Table 16 shows the total number of offenders who received either Supervised Probation, Unsupervised Probation, or Restitution and/or Fine by Crime Type. The table also shows the average length of probation sentences. Offenders convicted of a Drug Offense (non-trafficking) most frequently received a Community Punishment (2,865). Relative to other offenses, offenders convicted of "drug possession" most frequently received Supervised Probation (1,463). Offenders convicted of "embezzlement" received the longest Supervised Probation sentences, on average (33 months).

TABLE 16: TYPE OF COMMUNITY PUNISHMENT BY CRIME TYPE

TYPE OF COMMUNITY PUNISHMENT AND AVERAGE LENGTH OF PROBATION SENTENCE			PROBATION LENGTH (MONTHS)	TOTAL	
			MEAN	NUMBER	
CRIME TYPE	OFFENSES	TYPE OF COMMUNITY PUNISHMENT			
PERSON	COMMON LAW ROBBERY	SUPERVISED	25	19	
		UNSUPERVISED			
	OTHER SEX CRIMES	SUPERVISED	28	13	
		UNSUPERVISED	24	2	
	ALL OTHER PERSON	SUPERVISED	32	4	
SUB-TOTAL			27	38	
PROPERTY	BREAKING/ENTERING	SUPERVISED	32	530	
		UNSUPERVISED	26	8	
	LARCENY	SUPERVISED	32	204	
		UNSUPERVISED	24	9	
	OTHER ARSON/BURNING	SUPERVISED	30	13	
	FORGERY	SUPERVISED	29	323	
		UNSUPERVISED	24	17	
		RESTITUTION/FINE	.	1	
	FRAUD	SUPERVISED	31	93	
		UNSUPERVISED	12	1	
	EMBEZZLEMENT	SUPERVISED	33	99	
		UNSUPERVISED	24	1	
	ALL OTHER PROPTY	SUPERVISED	31	316	
		UNSUPERVISED	22	10	
	SUB-TOTAL			31	1625
	DRUGS (Non-trafficking)	DRUG POSSESSION	SUPERVISED	28	1463
UNSUPERVISED			25	55	
RESTITUTION/FINE			.	3	
OTHER DRUG FELONIES		SUPERVISED	29	1295	
		UNSUPERVISED	28	44	
		RESTITUTION/FINE	.	5	
SUB-TOTAL			28	2865	
OTHER FELONY	WEAPON OFFENSE	SUPERVISED	26	25	
		UNSUPERVISED	30	4	
	ALL OTHER FELONY	SUPERVISED	29	85	
		UNSUPERVISED	21	9	
	SUB-TOTAL			28	123
TOTAL			29	4651	

*There are missing values for probation lengths of 38 offenders who received Unsupervised Probation.

VII. SPECIAL ISSUES

This section reviews other issues of interest. These include the frequency and impact of consecutive sentences and the imposition of several special sentences and/or punishments including habitual felon status, firearm enhancement, death and life sentences, drug trafficking sentences, split sentences, community service, and restitution.

A. Consecutive Sentences

An assumption has been made throughout this report that all offenders convicted of multiple offenses received concurrent or consolidated sentences. During Fiscal Year 1995-96, 5,107 offenders received an Active Punishment (excluding death and life without parole sentences). Of these offenders, data indicate that 11.6% received consecutive sentences.

Table 17 shows the impact of consecutive sentencing on average minimum sentences. Column (1) does not adjust for consecutive sentences. Column (2) adjusts for the offenders who received consecutive sentences. The impact on average minimum sentences can be determined by comparing the two columns. For example, when adjusting for offenders who received consecutive sentences, the average minimum sentence length increased by 1.7 months for Offense Class H felonies.

**TABLE 17: CONSECUTIVE SENTENCES
(Average Minimum Sentences)**

OFFENSE CLASS AND CONSECUTIVE SENTENCES	NO ADJUSTMENT FOR CONSECUTIVE SENTENCES MONTHS (1)	ADJUSTING FOR CONSECUTIVE SENTENCES MONTHS (2)
	MEAN	MEAN
OFFENSE CLASS		
A		
B1	264.9	275.7
B2	153.0	158.0
C	83.0	86.5
D	63.9	70.2
E	29.4	31.3
F	18.7	22.2
G	15.2	16.3
H	10.1	11.8
I	7.5	7.8
TOTAL	33.0	35.5

B. Habitual Felons

Table 18 shows the breakdown by Offense Class and Crime Type of the most serious crime associated with habitual felon convictions. These convictions accounted for 1% of all sentences. The majority of habitual felons were found in Offense Class H (116). Felony Breaking/Entering was the most frequently occurring serious crime associated with habitual felon convictions (53).

TABLE 18: BREAKDOWN BY OFFENSE CLASS AND CRIME TYPE OF MOST SERIOUS CRIME ASSOCIATED WITH HABITUAL FELON CONVICTIONS*

Offense Class	Offense	Total of Offenses	Offense Class	Offense	Total of Offenders
Class B2		1	Class H	Possess. of Stolen Goods	10
	2nd Degree Murder	1		Larceny after Breaking/Entering	1
Class C		2		Other Larceny	1
	2nd Degree Rape	1		Obtain Property False Pretense	9
	Larceny	1		PWIMSD Sch. II	2
Class D		15		Sell/Deliver Cocaine	9
	Att 1st Deg Kidnapping	1		PWISD Cocaine	9
	Att. Robbery w/ Dangerous Weapon	4		PWIMSD Cocaine	10
	Robbery w/Dangerous Weapon	10		PWIMSD Heroin	1
Class E		14		Possess. Firearm by Felon	4
	Voluntary Manslaughter	1	Class I		42
	2nd Degree Kidnapping	4		Conspire to Commit Breaking/Entering	1
	AWDW Serious Injury	8		Possess. of Burglary Tools	2
	Discharge Weapon Occupied Property	1		Breaking/Entering MV	4
Class F		3		Break Coin/Currency Machine	1
	Indecent Liberties w/ Child	1		Forgery of Instrument	5
	AWDW Govt. Official	1		Uttering Forged Instrument	1
	Trafficking Heroin	1		Forgery of Endorsement	1
Class G		20		Financial Card Theft	1
	Common Law Robbery	9		Alter/Steal/Destroy Criminal Evidence	1
	Aid/Abet Common Law Robbery	1		Obtain CS by Fraud	1
	2nd Degree Burglary	2		Possess. Sch II	1
	Habitual Impaired Driving	8		Felony Possess Cocaine	17
Class H		116		PWIS Marijuana	1
	Burning/Other Arson	1	Attempt Possess. Crack Cocaine	1	
	Breaking/Entering	53	Possession Heroin	1	
	Felony Larceny	4	Dangerous Drug	1	
	Larceny from the Person	2	Escape from Prison	2	
TOTAL				213	

* The table reflects all habitual felon cases regardless of errors or problems in the database.

C. Firearm Enhancement

Firearm Enhancement was imposed on one sentence during Fiscal Year 1995-96. The offense was First Degree Kidnaping (Offense Class C). The offender received a minimum sentence of 125 months and a maximum sentence of 159 months plus an additional 60 months for the firearm enhancement.

D. Death and Life Without Parole

During this reporting period, 11 death sentences and 21 life without parole sentences were imposed. There were no convictions for habitual violent felon ("Three Strikes").

E. Drug Trafficking Sentences

Drug trafficking convictions accounted for about 1% of all convictions. Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (144). See Table 19.

TABLE 19: DRUG TRAFFICKING SENTENCES*

TYPE OF SENTENCE, OFFENSE CLASS AND ACTIVE SENTENCE LENGTH		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	OFFENSES									
C	TRAFFIC HEROIN	1	100.0	.	.	.	.	100.0	129.0	1
	SUB-TOTAL	1	100.0	.	.	.	.	100.0	129.0	1
D	OFFENSES									
	TRAFFIC COCAINE	6	75.0	1	12.5	1	12.5	175.0	219.0	8
	CONSP TRAF COCAINE	.	.	1	100.0	.	.	.	.	1
	SUB-TOTAL	6	66.7	2	22.2	1	11.1	175.0	219.0	9
E	OFFENSES									
	TRAFFIC HEROIN	2	100.0	.	.	.	.	67.5	90.0	2
	SUB-TOTAL	2	100.0	.	.	.	.	67.5	90.0	2
F	OFFENSES									
	TRAFFIC COCAINE	23	92.0	1	4.0	1	4.0	47.7	58.8	25
	TRAFFIC HEROIN	3	100.0	.	.	.	.	70.0	79.3	3
	CONSP TRAF COCAINE	2	100.0	.	.	.	.	23.0	28.0	2
	SUB-TOTAL	28	93.3	1	3.3	1	3.3	48.4	58.8	30

TABLE 19: DRUG TRAFFICKING SENTENCES* (cont.)

TYPE OF SENTENCE, OFFENSE CLASS AND ACTIVE SENTENCE LENGTH		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	OFFENSES									
G	TRAFFIC MARIJUANA	2	100.0	.	.	.	.	35.0	43.0	2
	TRAFFIC COCAINE	120	83.3	19	13.2	5	3.5	33.9	40.6	144
	TRAFFIC HEROIN	.	.	1	100.0	.	.	.	.	1
	CONSP TRAF COCAINE	6	50.0	4	33.3	2	16.7	32.5	42.0	12
	SUB-TOTAL	128	80.5	24	15.1	7	4.4	33.8	40.7	159
H	OFFENSES									
	TRAFFIC MARIJUANA	7	87.5	.	.	1	12.5	23.0	27.7	8
	TRAFFIC COCAINE	1	50.0	1	50.0	.	.	35.0	42.0	2
	CONSP TRAF MARIJUANA	3	100.0	.	.	.	.	25.0	30.0	3
	CONSP TRAF COCAINE	.	.	.	.	1	100.0	.	.	1
	SUB-TOTAL	11	78.6	1	7.1	2	14.3	24.6	29.6	14
I	OFFENSES									
	TRAFFIC COCAINE	1	100.0	.	.	.	.	5.0	6.0	1
	SUB-TOTAL	1	100.0	.	.	.	.	5.0	6.0	1
TOTAL		177	81.9	28	13.0	11	5.1	40.9	49.8	216

* Non-active sentences reflect the use of the substantial assistance provision.

F. Special Probation

Where a specific Intermediate sanction was indicated in the database, nearly 43% of offenders received Special Probation as a sentence. *Table 20* shows that Offense Class H had the greatest number of offenders receiving Special Probation (1,027). Offenders convicted of an Offense Class E felony received, on average, the longest Special Probation sentences (109.5 days).

TABLE 20: SPECIAL PROBATION BY OFFENSE CLASS AND LOCATION

JAIL AND PRISON AVERAGE ACTIVE SENTENCE LENGTH	JAIL	PRISON	JAIL	PRISON	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
			SPECIAL PROBATION LENGTH (DAYS)	SPECIAL PROBATION LENGTH (DAYS)		
			MEAN	MEAN		
NUMBER	NUMBER	MEAN	MEAN	MEAN	NUMBER	
OFFENSE CLASS						
E	94	28	90.1	174.6	109.5	122
F	99	21	79.1	146.6	90.9	120
G	147	33	85.7	113.5	90.8	180
H	870	157	55.8	78.8	59.3	1027
I	321	55	49.9	64.4	52.1	376
TOTAL	1531	294	61.1	93.9	66.4	1825

Table 21 displays the number of Special Probation sentences by Crime Type. Of the four categories of crime, Drug Offenses (non-trafficking) accounted for the greatest number of offenders receiving Special Probation (727). Other Felony Offenses accounted for the fewest number of offenders receiving Special Probation (154).

Table 21 also shows the average length of Special Probation sentences by Crime Type. Overall, offenders convicted of a Person Offense received the longest average sentences (99 days). In particular, offenders convicted of "Kidnaping, Abduction" received the longest average sentences (168 days).

TABLE 21: SPECIAL PROBATION BY CRIME TYPE AND LOCATION

TOTAL JAIL AND PRISON AVERAGE ACTIVE SENTENCE LENGTH		JAIL NUMBER	PRISON NUMBER	JAIL	PRISON	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
				SPECIAL PROBATION LENGTH (DAYS)	SPECIAL PROBATION LENGTH (DAYS)		
				MEAN	MEAN		
CRIME TYPE	OFFENSE						
PERSON	MANSLAUGHTER, - VOLUNTARY	6	1	98.3	182.4	110.3	7
	MANSLAUGHTER, - INVOLUNTARY	7	.	85.8	.	85.8	7
	COMMON LAW ROBBERY	74	15	84.5	119.1	90.3	89
	AWDW INTENT TO KILL	5	2	99.1	167.2	118.5	7
	AWDW SERIOUS INJURY	51	18	81.2	175.5	105.8	69
	AWDW OFFCL, GOVRNMT OFFCL, EMRGNCY PERSNL	11	5	87.3	136.6	102.7	16
	OTHER FELONY ASSAULTS	3	1	71.3	182.4	99.1	4
	INDECENT LIBERTIES W/ CHILD	59	12	78.2	144.1	89.4	71
	CHILD ABUSE	4	1	110.0	120.0	112.0	5
	OTHER SEX CRIMES	6	.	148.1	.	148.1	6
	KIDNAP, ABDUCT- ION	4	4	153.9	182.4	168.2	8
	ALL OTHER PERSON	8	1	102.3	60.0	97.6	9
	SUB-TOTAL	238	60	86.7	149.5	99.3	298
	PROPERTY	OFFENSE					
BURGLARY, 2ND DEG		16	6	70.7	121.6	84.6	22
BREAKING/ENTE- RNG		226	54	61.3	85.7	66.0	280
LARCENY		92	18	76.7	77.9	76.9	110
2ND DEGREE ARSON		5	.	61.0	.	61.0	5
OTHER ARSON/BURNING		8	.	71.5	.	71.5	8
FORGERY		41	4	39.4	41.5	39.6	45
FRAUD		4	2	19.5	45.0	28.0	6
EMBEZZLEMENT		17	4	29.6	60.0	35.4	21
ALL OTHER PROPTY		129	20	52.8	89.1	57.7	149
SUB-TOTAL		538	108	59.4	83.7	63.4	646
DRUGS (Non- trafficking)	OFFENSE						
	DRUG POSSESSION	162	24	45.9	63.4	48.1	186
	OTHER DRUG FELONIES	464	77	53.5	74.8	56.6	541
	SUB-TOTAL	626	101	51.6	72.1	54.4	727
OTHER FELONY	OFFENSE						
	WEAPON OFFENSE	36	1	60.2	121.6	61.9	37
	ALL OTHER FELONY	93	24	69.7	92.1	74.3	117
	SUB-TOTAL	129	25	67.1	93.3	71.3	154
TOTAL		1531	294	61.1	93.9	66.4	1825

G. Community Service

Data indicate that during Fiscal Year 1995-96 about 23% of all offenders received Community Service as a sentence. *Table 22* displays the average Community Service hours ordered and the total number and percentage of offenders who were ordered to perform Community Service by Offense Class. The reader should note that Community Service can be used as a sole sanction or in conjunction with Active and Intermediate Punishments.

Community Service was most frequently ordered for offenders convicted of an Offense Class H felony (2,088). Relative to the other offense classes, Offense Class I accounted for the highest percentage of offenders ordered to perform Community Service (28%). Offenders convicted of an Offense Class B2 or Class F felony were ordered to perform the most hours of Community Service, on average (98 hours).

TABLE 22: COMMUNITY SERVICE BY OFFENSE CLASS

Offense Class & Average Number of Community Service Hours Ordered	Community Service Hours	Total Number of Offenders	Percentage of Offenders
	Mean	Number	Percent
Offense Class			
B2	98.5	2	1.0
C	72.0	2	0.5
D	91.8	8	1.5
E	91.6	131	15.0
F	98.6	126	20.4
G	84.8	208	16.7
H	77.4	2088	25.1
I	71.3	1579	28.3
TOTAL	76.6	4144	23.3

Table 23 shows the average Community Service hours ordered and the total number of offenders who were ordered to perform Community Service by Crime Type. The table also shows the percentage of offenders sentenced to Community Service in relation to the total number of offenders convicted of each offense.

Overall, offenders convicted of a Drug Offense (non-trafficking) most frequently received Community Service as a sentence (1,959). Of the four crime types, Drug Offenses (non-trafficking) also accounted for the highest percentage of offenders ordered to perform Community Service (28%). Offenders convicted of an Other Felony Offense were ordered to perform, on average, the most Community Service hours (89 hours). In particular, however, offenders convicted of "Child Abuse" were ordered to perform the most hours of Community Service, on average (150 hours).

TABLE 23: COMMUNITY SERVICE BY CRIME TYPE

Number and Percentage of Offenders Ordered to Perform Community Service and Average Hours Ordered by Crime Type		Community Service Hours	Total Number of Offenders	Percentage of Offenders
		Mean	Number	Percent
Crime Type	Offense			
PERSON	Murder, 2nd Degree	98.5	2	1.0
	Manslaughter, Voluntary	137.6	5	6.7
	Manslaughter, Involuntary	113.2	5	9.8
	Armed Robbery	103.6	5	1.1
	Common Law Robbery	82.3	133	17.5
	AWDW Intent to Kill	88.4	5	12.8
	AWDW Serious Injury	90.4	85	18.2
	AWDW Offcl, Gov Offcl, Emergency Persnl	76.5	11	15.5
	Other Felony Assault	72.0	3	8.6
	Rape, Sex Off 2nd	72.0	2	2.2
	Rape, S.O. #2, Att.	72.0	2	13.3
	Indecent Liberties w/ Child	95.6	75	21.5
	Child Abuse	150.0	1	3.6
	Other Sex Crimes	82.9	8	15.4
	Kidnap, Abduction	98.8	5	5.6
	All Other Person	75.9	22	28.2
	Sub-Total	88.2	369	12.9
Crime Type	Offense			
PROPERTY	Burglary, 1st Degree	72.0	1	2.6
	Burglary, 2nd Degree	79.5	34	25.0
	Breaking/Entering	79.1	667	24.1
	Larceny	79.1	287	25.9
	2nd Degree Arson	136.0	2	10.5
	Other Arson/Burning	82.2	14	20.6
	Forgery	71.6	180	23.3
	Fraud	62.9	50	32.5
	Embezzlement	91.0	62	33.5
	All Other Property	76.4	324	23.4
	Sub-Total	77.8	1621	24.4
Crime Type	Offense			
DRUGS (Non-trafficking)	Drug Possession	68.7	725	27.1
	Other Drug Felonies	74.3	1234	28.7
	Sub-Total	72.2	1959	28.1
Crime Type	Offense			
OTHER FELONY	Weapon Offense	78.2	62	20.2
	All Other Felony	94.0	133	18.2
	Sub-Total	89.0	195	18.8
TOTAL		76.6	4144	23.3

H. Restitution

This section presents information about the amount of restitution ordered; it does not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions. Data indicate that 43% of all felony offenders were ordered to pay restitution. The following tables provide four important pieces of information about restitution. They indicate the mean (average) dollar amount ordered, the median (the amount which has the same number of restitutions ordered falling below it as above it) dollar amount ordered, and the total number and percentage of offenders who were ordered to pay restitution. Note that the mean is often much higher than the median because of one or more sanctions which are higher than the “normal” amount of restitution ordered.

Table 24 shows the mean and median dollar amounts of restitution ordered by Offense Class. The table also shows the total number of offenders ordered to pay restitution and the percentage of offenders ordered to pay restitution in relation to the total number of offenders convicted in each Offense Class. The mean (average) amount of restitution ordered was \$1803. The median amount of restitution ordered was \$395. Offenders convicted of an Offense Class C were ordered to pay the highest amount of restitution, on average (\$10,660). Excluding the single Offense Class A offender, Offense Class B2 offenders were ordered to pay the highest median amount of restitution (\$3,670).

TABLE 24: RESTITUTION ORDERED BY OFFENSE CLASS

Total Number & Percentage of Offenders Ordered to Pay Restitution & Amount Ordered by Offense Class	Restitution Amount (\$)		Total Number of Offenders Ordered to Pay Restitution	Percentage Of Offenders Ordered to Pay Restitution
	Mean	Median	Number	Percent
Offense Class				
A	7132	7132	1	3.1
B1	621	559	3	4.7
B2	4569	3670	12	6.3
C	10,660	1821	26	6.6
D	2238	855	60	11.2
E	5557	1500	315	36.1
F	2364	600	119	18.3
G	1388	401	374	27.7
H	1814	500	4424	53.0
I	1195	175	2358	42.2
TOTAL	1803	395	7692	43.0

Table 25 shows the mean and median dollar amounts of restitution ordered by Crime Type. The table also shows the total number of offenders ordered to pay restitution and the percentage of offenders ordered to pay restitution in relation to the total number of offenders convicted of each offense. Overall, mean restitution was highest for Person Offenses (\$3,408). Property Offenses had the highest median amount of restitution (\$815). Of the various types of offenses, mean (\$32,536) and median (\$15,906) amount of restitution was highest for “Assault with Deadly Weapon Intent to Kill Inflicting Serious Injury” (AWDWIKISI). Offenders convicted of “Other Drug Felonies” were most frequently ordered to pay restitution (1,878). Offenders convicted of “Embezzlement” accounted for the highest percentage of offenders ordered to pay restitution (81.1%).

TABLE 25: RESTITUTION ORDERED BY CRIME TYPE

Total Number & Percentage of Offenders Ordered to Pay Restitution & Amount of Restitution Ordered by Crime Type		Restitution Amount (\$)	Restitution Amount (\$)	Total Number of Offenders Ordered to Pay Restitution	Percentage Of Offenders Ordered to Pay Restitution
		Mean	Median	Number	Percent
Crime Type	Offense				
PERSON	Murder, 1st Degree	7132	7132	1	3.1
	Murder, 2nd Degree	4569	3670	12	6.3
	Manslaughter, Voluntary	32,482	4212	18	24.0
	Manslaughter, Involuntary	5652	5409	13	25.5
	Armed Robbery	2000	850	53	11.5
	Common Law Robbery	874	318	285	37.6
	AWDWIKISI	32,536	15,906	7	11.3
	AWDW Intent to Kill	1571	520	11	28.2
	AWDW Serious Injury	4763	1802	208	44.4
	AWDW Offcl, Gov. Offcl, Emrgncy Persnl	3072	600	17	23.9
	Other Felony Assault	4962	1961	14	40.0
	Rape, Sex Offense 1st	621	559	3	5.1
	Rape, Sex Offense 2nd	1998	1998	2	2.2
	Rape, S.O. 2nd, Att.	1089	1089	2	13.3
	Indecent Liberties w/ Child	672	441	45	12.9
	Child Abuse	1006	900	5	17.9
	Other Sex Crimes	423	400	9	17.3
	Kidnap, Abduction	2101	869	16	17.8
	All Other Person	1062	517	24	30.8
	Sub-Total	3408	725	745	24.8

TABLE 25: RESTITUTION ORDERED BY CRIME TYPE (cont.)

Total Number & Percentage of Offenders Ordered to Pay Restitution & Amount of Restitution Ordered by Crime Type		Restitution Amount (\$)	Restitution Amount (\$)	Total Number of Offenders Ordered to Pay Restitution	Percentage of Offenders Ordered to Pay Restitution
		Mean	Median	Number	Percent
Crime Type	Offense				
PROPERTY	Burglary, 1st Degree	3349	2232	3	7.7
	Burglary, 2nd Degree	2612	891	71	52.2
	Breaking/Entering	2054	849	1700	61.4
	Larceny	1908	780	591	53.4
	1st Degree Arson	635	635	1	8.3
	2nd Degree Arson	5093	1500	9	47.4
	Other Arson/Burning	4166	2288	26	38.2
	Forgery	1534	520	529	68.4
	Fraud	2288	1572	59	38.3
	Embezzlement	7261	2190	150	81.1
	All Other Property	4191	835	758	54.8
	Sub-Total	2613	815	3897	58.7
DRUGS (Non-trafficking)	Offense				
	Drug Possession	192	100	950	35.5
	Other Drug Felonies	272	150	1878	43.7
	Sub-Total	245	100	2828	39.5
OTHER FELONY	Offense				
	Weapon Offense	834	355	55	17.9
	Habitual Felon	2671	550	17	8.3
	All Other Felony	2426	462	150	20.5
	Sub-Total	2050	400	222	17.8
TOTAL		1803	395	7692	43.0

Table 26 shows the mean and median dollar amounts of restitution ordered by type of punishment. The table also shows the total number of offenders ordered to pay restitution and the percentage of offenders ordered to pay restitution in relation to the total number of offenders receiving each type of punishment. Mean (\$2,818) and median (\$778) amounts of restitution were highest for offenders receiving an Active Punishment. Offenders who received an Intermediate Punishment were most frequently ordered to pay restitution (4,620). These offenders also accounted for the highest percentage of offenders ordered to pay restitution (56.6%).

TABLE 26: RESTITUTION ORDERED BY TYPE OF PUNISHMENT

Total Number & Percentage of Offenders Ordered to Pay Restitution & Amount of Restitution Ordered by Type of Punishment	Restitution Amount (\$)	Restitution Amount (\$)	Total Number of Offenders Ordered to Pay Restitution	Percentage of Offenders Ordered to Pay Restitution
Mode of Disposition	Mean	Median	Number	Percent
Active	2818	778	694	13.5
Intermediate	1777	400	4620	56.5
Community	1558	260	2378	50.6
TOTAL	1803	395	7692	43.0

APPENDIX A:
DEMOGRAPHICS

APPENDIX TABLE I: OFFENSE CLASS AND GENDER BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	GENDER							
A	Male	.	.	31	100.0	.	.	31
	Female	.	.	1	100.0	.	.	1
B1	Male	17	26.6	38	59.4	9	14.1	64
B2	Male	32	17.3	114	61.6	39	21.1	185
	Female	3	42.9	4	57.1	.	.	7
C	Male	39	10.2	288	75.6	54	14.2	381
	Female	.	.	4	44.4	5	55.6	9
D	Male	134	25.8	345	66.5	40	7.7	519
	Female	4	17.4	16	69.6	3	13.0	23
E	Male	51	12.8	298	74.7	50	12.5	399
	Female	6	17.6	24	70.6	4	11.8	34
F	Male	19	8.8	160	74.1	37	17.1	216
	Female	2	28.6	3	42.9	2	28.6	7
G	Male	51	7.7	552	83.5	58	8.8	661
	Female	5	16.7	24	80.0	1	3.3	30
H	Male	93	4.8	1726	89.7	105	5.5	1924
	Female	3	2.8	105	97.2	.	.	108
I	Male	16	4.2	353	92.4	13	3.4	382
	Female	1	2.9	31	91.2	2	5.9	34
TOTAL		476	9.5	4117	82.1	422	8.4	5015

APPENDIX TABLE II: OFFENSE CLASS AND RACE BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	RACE							
A	Black	.	.	19	100.0	.	.	19
	American Indian	.	.	1	100.0	.	.	1
	Other	.	.	1	100.0	.	.	1
	White	.	.	11	100.0	.	.	11
B1	Black	6	22.2	17	63.0	4	14.8	27
	Hispanic	.	.	1	100.0	.	.	1
	White	11	30.6	20	55.6	5	13.9	36
B2	Black	23	19.5	77	65.3	18	15.3	118
	Hispanic	.	.	3	75.0	1	25.0	4
	American Indian	1	20.0	1	20.0	3	60.0	5
	Other	.	.	5	100.0	.	.	5
	White	11	18.3	32	53.3	17	28.3	60
C	Black	28	10.1	204	73.6	45	16.2	277
	Hispanic	.	.	3	100.0	.	.	3
	American Indian	.	.	6	75.0	2	25.0	8
	Other	1	10.0	8	80.0	1	10.0	10
	White	10	10.9	71	77.2	11	12.0	92
D	Black	97	23.2	283	67.7	38	9.1	418
	Hispanic	.	.	5	100.0	.	.	5
	American Indian	1	20.0	4	80.0	.	.	5
	Other	6	50.0	6	50.0	.	.	12
	White	34	33.3	63	61.8	5	4.9	102
E	Black	45	14.0	236	73.5	40	12.5	321
	American Indian	2	40.0	2	40.0	1	20.0	5
	Other	1	10.0	8	80.0	1	10.0	10
	White	9	9.3	76	78.4	12	12.4	97

APPENDIX TABLE II: OFFENSE CLASS AND RACE BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	RACE							
F	Black	8	8.5	75	79.8	11	11.7	94
	Hispanic	1	50.0	1	50.0	.	.	2
	American Indian	.	.	1	33.3	2	66.7	3
	Other	1	16.7	4	66.7	1	16.7	6
	White	11	9.3	82	69.5	25	21.2	118
G	Black	28	7.1	326	82.7	40	10.2	394
	Hispanic	.	.	.	.	1	100.0	1
	American Indian	.	.	6	100.0	.	.	6
	Other	3	23.1	10	76.9	.	.	13
	White	25	9.0	234	84.5	18	6.5	277
H	Black	67	4.7	1289	90.6	66	4.6	1422
	Hispanic	.	.	6	100.0	.	.	6
	American Indian	1	2.1	43	89.6	4	8.3	48
	Other	3	15.0	16	80.0	1	5.0	20
	White	25	4.7	477	89.0	34	6.3	536
I	Black	9	3.0	283	92.8	13	4.3	305
	American Indian	.	.	4	100.0	.	.	4
	Other	.	.	3	100.0	.	.	3
	White	8	7.7	94	90.4	2	1.9	104
TOTAL		476	9.5	4117	82.1	422	8.4	5015

APPENDIX TABLE III: OFFENSE CLASS AND AGE BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	AGE							
A	<21	.	.	11	100.0	.	.	11
	21-25	.	.	4	100.0	.	.	4
	26-29	.	.	3	100.0	.	.	3
	30-39	.	.	5	100.0	.	.	5
	40-49	.	.	8	100.0	.	.	8
	>49	.	.	1	100.0	.	.	1
B1	<21	2	22.2	6	66.7	1	11.1	9
	21-25	3	27.3	6	54.5	2	18.2	11
	26-29	2	18.2	6	54.5	3	27.3	11
	30-39	5	26.3	11	57.9	3	15.8	19
	40-49	4	40.0	6	60.0	.	.	10
	>49	1	25.0	3	75.0	.	.	4
B2	<21	13	25.0	32	61.5	7	13.5	52
	21-25	7	22.6	16	51.6	8	25.8	31
	26-29	2	7.4	19	70.4	6	22.2	27
	30-39	9	19.6	26	56.5	11	23.9	46
	40-49	3	15.0	11	55.0	6	30.0	20
	>49	1	10.0	9	90.0	.	.	10
C	<21	7	14.6	31	64.6	10	20.8	48
	21-25	4	7.4	41	75.9	9	16.7	54
	26-29	7	11.5	45	73.8	9	14.8	61
	30-39	12	7.9	118	78.1	21	13.9	151
	40-49	5	8.6	46	79.3	7	12.1	58
	>49	1	9.1	8	72.7	2	18.2	11
D	<21	67	29.6	147	65.0	12	5.3	226
	21-25	19	17.8	78	72.9	10	9.3	107
	26-29	18	24.7	49	67.1	6	8.2	73
	30-39	21	21.6	66	68.0	10	10.3	97
	40-49	4	16.7	16	66.7	4	16.7	24
	>49	2	66.7	1	33.3	.	.	3

APPENDIX TABLE III: OFFENSE CLASS AND AGE BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
OFFENSE CLASS	AGE							
E	<21	20	15.4	90	69.2	20	15.4	130
	21-25	9	12.7	55	77.5	7	9.9	71
	26-29	6	10.5	43	75.4	8	14.0	57
	30-39	13	12.9	74	73.3	14	13.9	101
	40-49	5	10.9	37	80.4	4	8.7	46
	>49	4	19.0	17	81.0	.	.	21
F	<21	5	13.2	28	73.7	5	13.2	38
	21-25	4	9.3	32	74.4	7	16.3	43
	26-29	1	3.0	30	90.9	2	6.1	33
	30-39	6	10.0	43	71.7	11	18.3	60
	40-49	2	6.9	19	65.5	8	27.6	29
	>49	3	27.3	5	45.5	3	27.3	11
G	<21	10	8.2	101	82.8	11	9.0	122
	21-25	10	8.8	91	80.5	12	10.6	113
	26-29	7	6.9	86	84.3	9	8.8	102
	30-39	20	8.6	198	85.3	14	6.0	232
	40-49	4	4.6	74	85.1	9	10.3	87
	>49	4	14.3	20	71.4	4	14.3	28
H	<21	13	4.7	251	91.3	11	4.0	275
	21-25	12	3.5	313	91.3	18	5.2	343
	26-29	19	5.3	323	90.0	17	4.7	359
	30-39	35	4.6	685	90.0	41	5.4	761
	40-49	11	4.8	200	88.1	16	7.0	227
	>49	3	10.7	25	89.3	.	.	28
I	<21	.	.	11	100.0	.	.	11
	21-25	1	2.2	43	95.6	1	2.2	45
	26-29	2	3.3	57	93.4	2	3.3	61
	30-39	10	5.1	176	89.8	10	5.1	196
	40-49	3	3.4	83	95.4	1	1.1	87
	>49	.	.	8	100.0	.	.	8
TOTAL		461	9.4	4047	82.3	412	8.4	4920

APPENDIX TABLE IV: JUDICIAL DIVISION AND DISTRICT BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER	
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE			
		NUMBER	%	NUMBER	%	NUMBER	%		
JUDICIAL DIVISION	JUDICIAL DISTRICT								
FIRST	1	2	2.9	60	88.2	6	8.8	68	
	2	2	2.2	82	91.1	6	6.7	90	
	3A	6	7.1	72	84.7	7	8.2	85	
	3B	15	16.3	66	71.7	11	12.0	92	
	4A	24	21.1	77	67.5	13	11.4	114	
	4B	4	6.3	54	84.4	6	9.4	64	
	5	16	10.0	138	86.3	6	3.8	160	
	6A	4	9.1	27	61.4	13	29.5	44	
	6B	10	12.3	65	80.2	6	7.4	81	
	7A	5	7.1	63	90.0	2	2.9	70	
	7B	3	2.1	132	93.0	7	4.9	142	
	8A	.	.	64	87.7	9	12.3	73	
	8B	5	5.9	71	83.5	9	10.6	85	
	SUB-TOTAL		96	8.2	971	83.1	101	8.6	1168
SECOND	JUDICIAL DISTRICT								
	9	12	7.3	145	87.9	8	4.8	165	
	9A	2	3.2	55	87.3	6	9.5	63	
	10	32	9.8	275	84.1	20	6.1	327	
	11	7	6.7	88	84.6	9	8.7	104	
	12	47	24.0	138	70.4	11	5.6	196	
	13	19	23.5	56	69.1	6	7.4	81	
	14	15	11.4	106	80.3	11	8.3	132	
	15A	5	2.7	171	92.9	8	4.3	184	
	15B	12	13.2	77	84.6	2	2.2	91	
	16A	6	8.5	59	83.1	6	8.5	71	
	16B	2	3.1	56	86.2	7	10.8	65	
	SUB-TOTAL		159	10.8	1226	82.9	94	6.4	1479

APPENDIX TABLE IV: JUDICIAL DIVISION AND DISTRICT BY RANGE (Active)

NUMBER AND PERCENT OF ACTIVE CASES FALLING WITHIN SPECIFIED SENTENCE RANGE		RANGES						TOTAL NUMBER	
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE			
		NUMBER	%	NUMBER	%	NUMBER	%		
JUDICIAL DIVISION	JUDICIAL DISTRICT								
THIRD	17A	5	8.3	49	81.7	6	10.0	60	
	17B	4	6.6	53	86.9	4	6.6	61	
	18	31	7.0	374	84.8	36	8.2	441	
	19A	13	11.2	102	87.9	1	0.9	116	
	19B	4	6.0	60	89.6	3	4.5	67	
	19C	7	8.1	60	69.8	19	22.1	86	
	20A	12	13.3	69	76.7	9	10.0	90	
	20B	8	7.0	100	87.7	6	5.3	114	
	21	37	12.6	219	74.7	37	12.6	293	
	22	8	4.6	155	89.6	10	5.8	173	
	23	2	4.0	46	92.0	2	4.0	50	
	SUB-TOTAL		131	8.4	1287	83.0	133	8.6	1551
	FOURTH	JUDICIAL DISTRICT							
24		3	11.5	19	73.1	4	15.4	26	
25A		7	16.7	30	71.4	5	11.9	42	
25B		4	7.8	41	80.4	6	11.8	51	
26		18	5.9	253	83.0	34	11.1	305	
27A		25	25.3	55	55.6	19	19.2	99	
27B		1	1.4	65	90.3	6	8.3	72	
28		22	17.2	93	72.7	13	10.2	128	
29		9	17.0	40	75.5	4	7.5	53	
30A		.	.	14	100.0	.	.	14	
30B		1	3.7	23	85.2	3	11.1	27	
SUB-TOTAL			90	11.0	633	77.5	94	11.5	817
TOTAL		476	9.5	4117	82.1	422	8.4	5015	

APPENDIX TABLE V: OFFENSE CLASS AND GENDER BY SENTENCE

OFFENSE CLASS, GENDER AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	GENDER									
A	Male	31	100.0	.	.	.	.	.	31	
	Female	1	100.0	.	.	.	.	.	1	
B1	Male	64	100.0	.	.	.	.	264.9	327.3	64
B2	Male	185	100.0	.	.	.	.	154.3	194.1	185
	Female	7	100.0	.	.	.	.	118.0	151.0	7
C	Male	381	100.0	.	.	.	.	83.0	108.7	381
	Female	9	100.0	.	.	.	.	81.1	106.0	9
D	Male	519	100.0	.	.	.	.	64.1	86.0	519
	Female	23	100.0	.	.	.	.	60.7	82.3	23
E	Male	399	51.8	371	48.2	.	.	29.6	44.4	770
	Female	34	33.7	67	66.3	.	.	26.8	41.0	101
F	Male	216	36.0	384	64.0	.	.	18.7	23.0	600
	Female	7	36.8	12	63.2	.	.	16.4	21.7	19
G	Male	661	56.9	501	43.1	.	.	15.2	18.8	1162
	Female	30	36.6	52	63.4	.	.	14.2	17.4	82
H	Male	1924	26.3	4175	57.0	1230	16.8	10.2	12.6	7329
	Female	108	10.8	543	54.1	353	35.2	9.9	12.1	1004
I	Male	382	8.4	1730	37.9	2451	53.7	7.5	9.7	4563
	Female	34	3.3	332	32.5	655	64.2	7.3	9.3	1021
TOTAL		5015	28.1	8167	45.7	4689	26.2	33.0	42.9	17871

APPENDIX TABLE VI: OFFENSE CLASS AND RACE BY SENTENCE

OFFENSE CLASS, RACE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	RACE									
A	Black	19	100.0	.	.	.	.	.	.	19
	American Indian	1	100.0	.	.	.	.	.	.	1
	Other	1	100.0	.	.	.	.	.	.	1
	White	11	100.0	.	.	.	.	.	.	11
B1	Black	27	100.0	.	.	.	.	273.5	337.4	27
	Hispanic	1	100.0	.	.	.	.	240.0	297.0	1
	White	36	100.0	.	.	.	.	259.1	320.6	36
B2	Black	118	100.0	.	.	.	.	150.6	189.5	118
	Hispanic	4	100.0	.	.	.	.	141.0	178.3	4
	American Indian	5	100.0	.	.	.	.	180.0	225.2	5
	Other	5	100.0	.	.	.	.	131.4	166.8	5
	White	60	100.0	.	.	.	.	158.1	198.9	60
C	Black	277	100.0	.	.	.	.	83.6	109.6	277
	Hispanic	3	100.0	.	.	.	.	58.7	79.7	3
	American Indian	8	100.0	.	.	.	.	83.4	106.4	8
	Other	10	100.0	.	.	.	.	81.2	106.6	10
	White	92	100.0	.	.	.	.	81.9	107.2	92
D	Black	418	100.0	.	.	.	.	65.6	87.9	418
	Hispanic	5	100.0	.	.	.	.	50.8	70.2	5
	American Indian	5	100.0	.	.	.	.	71.6	95.4	5
	Other	12	100.0	.	.	.	.	44.2	62.3	12
	White	102	100.0	.	.	.	.	59.6	80.8	102
E	Black	321	54.5	268	45.5	.	.	29.6	44.3	589
	Hispanic	.	.	4	100.0	.	.	.	.	4
	American Indian	5	35.7	9	64.3	.	.	23.6	37.6	14
	Other	10	50.0	10	50.0	.	.	25.4	39.7	20
	White	97	39.8	147	60.2	.	.	29.6	44.4	244

APPENDIX TABLE VI: OFFENSE CLASS AND RACE BY SENTENCE

OFFENSE CLASS, RACE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	RACE									
F	Black	94	36.9	161	63.1	.	.	19.4	24.0	255
	Hispanic	2	40.0	3	60.0	.	.	12.0	15.0	5
	American Indian	3	75.0	1	25.0	.	.	23.0	28.3	4
	Other	6	35.3	11	64.7	.	.	15.0	18.5	17
	White	118	34.9	220	65.1	.	.	18.3	22.4	338
G	Balck	394	56.4	304	43.6	.	.	15.4	19.0	698
	Hispanic	1	50.0	1	50.0	.	.	18.0	22.0	2
	American Indian	6	54.5	5	45.5	.	.	16.7	21.7	11
	Other	13	52.0	12	48.0	.	.	12.6	15.4	25
	White	277	54.5	231	45.5	.	.	15.0	18.4	508
H	Asian	.	.	3	100.0	.	.	.	.	3
	Black	1422	26.4	3057	56.8	899	16.7	10.1	12.5	5378
	Hispanic	6	21.4	11	39.3	11	39.3	8.3	10.3	28
	American Indian	48	27.0	85	47.8	45	25.3	10.2	12.4	178
	Other	20	19.0	53	50.5	32	30.5	10.1	12.5	105
	White	536	20.3	1509	57.1	596	22.6	10.4	12.8	2641
I	Asian	.	.	1	16.7	5	83.3	.	.	6
	Black	305	9.0	1320	38.9	1772	52.2	7.5	9.5	3397
	Hispanic	.	.	9	23.7	29	76.3	.	.	38
	American Indian	4	4.7	36	41.9	46	53.5	6.5	8.5	86
	Other	3	3.4	18	20.7	66	75.9	6.7	8.7	87
	White	104	5.3	678	34.4	1188	60.3	7.5	10.3	1970
TOTAL		5015	28.1	8167	45.7	4689	26.2	33.0	42.9	17871

APPENDIX TABLE VII: OFFENSE CLASS AND AGE BY SENTENCE

OFFENSE CLASS, AGE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	AGE									
A	<21	11	100.0	.	.	.	.	.	.	11
	21-25	4	100.0	.	.	.	.	.	.	4
	26-29	3	100.0	.	.	.	.	.	.	3
	30-39	5	100.0	.	.	.	.	.	.	5
	40-49	8	100.0	.	.	.	.	.	.	8
	>49	1	100.0	.	.	.	.	.	.	1
B1	<21	9	100.0	.	.	.	.	233.2	289.1	9
	21-25	11	100.0	.	.	.	.	239.5	296.8	11
	26-29	11	100.0	.	.	.	.	274.4	338.5	11
	30-39	19	100.0	.	.	.	.	273.0	340.6	19
	40-49	10	100.0	.	.	.	.	275.8	340.2	10
	>49	4	100.0	.	.	.	.	313.5	370.8	4
B2	<21	52	100.0	.	.	.	.	138.6	175.5	52
	21-25	31	100.0	.	.	.	.	155.3	194.0	31
	26-29	27	100.0	.	.	.	.	176.4	220.9	27
	30-39	46	100.0	.	.	.	.	160.9	202.3	46
	40-49	20	100.0	.	.	.	.	145.8	184.3	20
	>49	10	100.0	.	.	.	.	145.4	183.8	10
C	<21	48	100.0	.	.	.	.	71.9	95.6	48
	21-25	54	100.0	.	.	.	.	77.2	102.0	54
	26-29	61	100.0	.	.	.	.	81.2	106.7	61
	30-39	151	100.0	.	.	.	.	84.1	109.9	151
	40-49	58	100.0	.	.	.	.	94.3	121.9	58
	>49	11	100.0	.	.	.	.	96.4	124.8	11
D	<21	226	100.0	.	.	.	.	55.6	76.0	226
	21-25	107	100.0	.	.	.	.	67.4	89.9	107
	26-29	73	100.0	.	.	.	.	68.7	91.5	73
	30-39	97	100.0	.	.	.	.	74.2	98.4	97
	40-49	24	100.0	.	.	.	.	79.9	105.4	24
	>49	3	100.0	.	.	.	.	51.0	70.3	3

APPENDIX TABLE VII: OFFENSE CLASS AND AGE BY SENTENCE

OFFENSE CLASS, AGE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
OFFENSE CLASS	AGE									
E	<21	130	47.8	142	52.2	.	.	26.3	40.4	272
	21-25	71	47.0	80	53.0	.	.	28.5	43.0	151
	26-29	57	58.2	41	41.8	.	.	28.9	43.2	98
	30-39	101	50.2	100	49.8	.	.	32.8	48.4	201
	40-49	46	55.4	37	44.6	.	.	30.3	45.4	83
	>49	21	46.7	24	53.3	.	.	32.6	48.5	45
F	<21	38	29.2	92	70.8	.	.	16.7	20.8	130
	21-25	43	40.2	64	59.8	.	.	17.7	22.1	107
	26-29	33	42.9	44	57.1	.	.	19.4	23.9	77
	30-39	60	40.0	90	60.0	.	.	18.0	22.1	150
	40-49	29	33.3	58	66.7	.	.	20.9	25.5	87
	>49	11	25.6	32	74.4	.	.	21.2	25.7	43
G	AGE									
	<21	122	40.0	183	60.0	.	.	13.7	16.9	305
	21-25	113	60.4	74	39.6	.	.	15.4	19.0	187
	26-29	102	60.4	67	39.6	.	.	15.6	19.1	169
	30-39	232	61.1	148	38.9	.	.	15.5	19.1	380
	40-49	87	64.9	47	35.1	.	.	16.2	19.9	134
	>49	28	60.9	18	39.1	.	.	14.4	17.5	46
H	<21	275	10.7	1632	63.2	675	26.1	9.0	11.4	2582
	21-25	343	23.7	851	58.9	252	17.4	9.5	11.6	1446
	26-29	359	32.0	583	52.0	180	16.0	10.0	12.4	1122
	30-39	761	35.4	1094	50.9	293	13.6	10.5	13.0	2148
	40-49	227	33.7	344	51.0	103	15.3	11.4	14.0	674
	>49	28	16.5	97	57.1	45	26.5	11.0	13.5	170
I	<21	11	0.9	391	32.1	816	67.0	7.1	9.1	1218
	21-25	45	4.6	370	37.9	562	57.5	7.4	9.4	977
	26-29	61	7.9	308	39.8	404	52.3	7.3	9.3	773
	30-39	196	12.1	640	39.4	788	48.5	7.4	9.4	1624
	40-49	87	12.4	273	38.8	344	48.9	7.8	10.8	704
	>49	8	4.7	46	26.9	117	68.4	7.9	9.9	171
TOTAL		4920	28.2	7970	45.6	4579	26.2	33.0	42.9	17469

APPENDIX VIII: JUDICIAL DIVISION AND DISTRICT BY SENTENCE

SENTENCE TYPE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL	
		ACTIVE		INTERMEDIATE		COMMUNITY					
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER	
JUDICIAL DIVISION	JUDICIAL DISTRICT										
FIRST	1	68	24.2	131	46.6	82	29.2	33.8	44.1	281	
	2	90	30.6	147	50.0	57	19.4	25.7	33.5	294	
	3A	85	23.4	187	51.4	92	25.3	28.6	37.4	364	
	3B	92	24.0	165	43.0	127	33.1	29.1	37.6	384	
	4A	114	29.4	150	38.7	124	32.0	26.5	34.9	388	
	4B	64	23.0	128	46.0	86	30.9	43.8	56.0	278	
	5	160	27.6	276	47.7	143	24.7	18.1	23.6	579	
	6A	44	28.2	91	58.3	21	13.5	38.6	49.2	156	
	6B	81	25.3	152	47.5	87	27.2	28.5	37.3	320	
	7A	70	29.4	128	53.8	40	16.8	20.7	26.8	238	
	7B	142	33.0	204	47.4	84	19.5	29.2	37.3	430	
	8A	73	24.9	128	43.7	92	31.4	31.9	41.2	293	
	8B	85	22.8	155	41.7	132	35.5	36.3	47.3	372	
	SUB-TOTAL		1168	26.7	2042	46.7	1167	26.7	28.7	37.2	4377
SECOND	JUDICIAL DISTRICT										
	9	165	25.7	277	43.1	200	31.2	27.4	35.5	642	
	9A	63	34.1	88	47.6	34	18.4	25.7	32.7	185	
	10	327	32.2	432	42.5	258	25.4	34.4	44.8	1017	
	11	104	20.8	264	52.9	131	26.3	26.0	34.2	499	
	12	196	23.7	408	49.4	222	26.9	33.3	44.2	826	
	13	81	29.0	141	50.5	57	20.4	38.9	51.2	279	
	14	132	30.2	190	43.5	115	26.3	45.1	58.6	437	
	15A	184	30.6	225	37.4	193	32.1	22.0	28.8	602	
	15B	91	30.3	130	43.3	79	26.3	28.6	37.5	300	
	16A	71	22.3	161	50.6	86	27.0	24.7	31.6	318	
	16B	65	20.6	151	47.8	100	31.6	18.0	23.2	316	
	SUB-TOTAL		1479	27.3	2467	45.5	1475	27.2	30.6	40.0	5421

APPENDIX VIII: JUDICIAL DIVISION AND DISTRICT BY SENTENCE

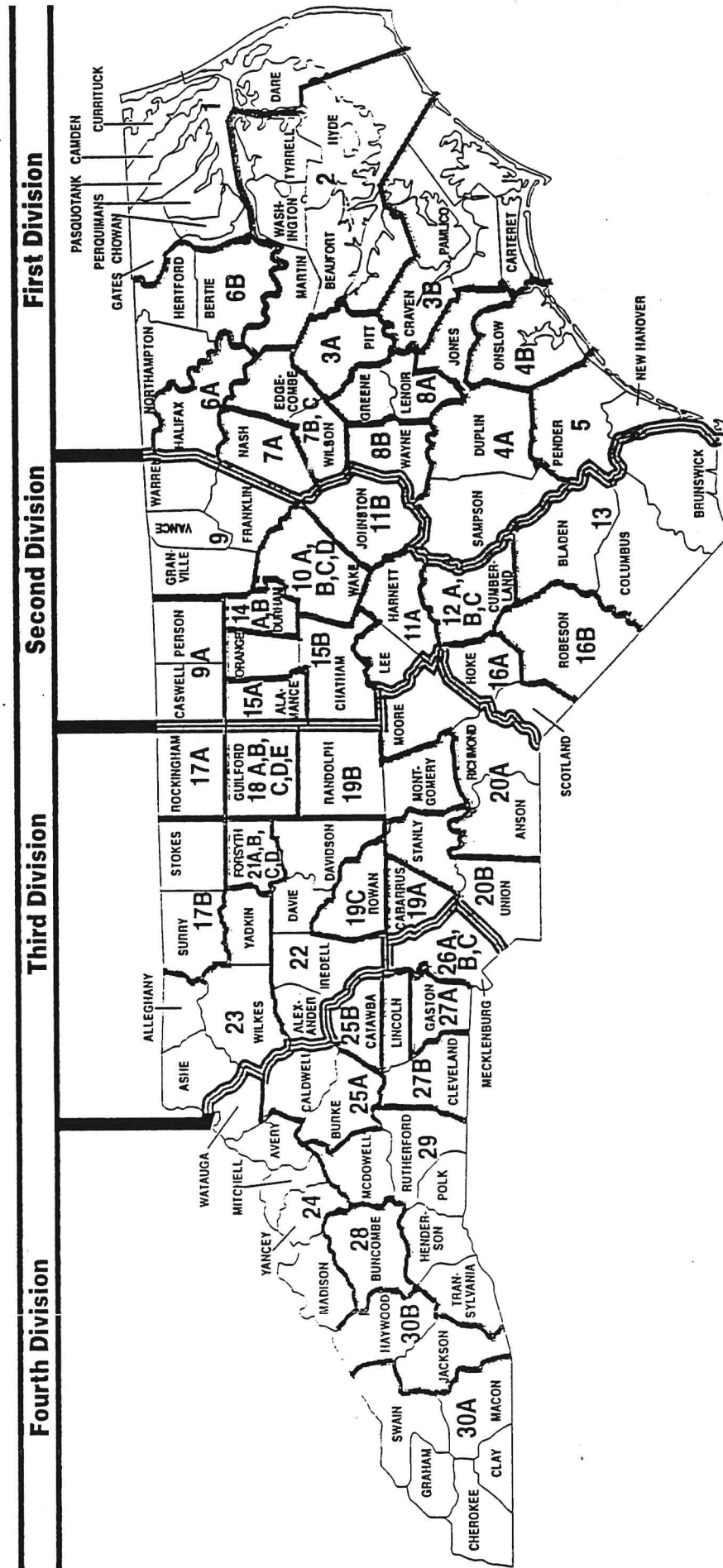
SENTENCE TYPE AND AVERAGE LENGTH OF ACTIVE SENTENCES		MODE OF DISPOSITION						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
THIRD	JUDICIAL DISTRICT									
	17A	60	31.1	87	45.1	46	23.8	36.8	48.0	193
	17B	61	23.9	131	51.4	63	24.7	31.1	38.4	255
	18	441	29.1	692	45.7	382	25.2	39.0	50.8	1515
	19A	116	32.0	138	38.0	109	30.0	33.9	43.9	363
	19B	67	29.8	91	40.4	67	29.8	28.5	36.3	225
	19C	86	28.6	117	38.9	98	32.6	39.2	53.1	301
	20A	90	27.0	155	46.5	88	26.4	32.5	41.5	333
	20B	114	30.2	200	53.1	63	16.7	32.8	43.2	377
	21	293	36.9	413	52.1	87	11.0	42.8	55.7	793
	22	173	31.6	258	47.1	117	21.4	32.7	41.9	548
	23	50	37.9	62	47.0	20	15.2	45.6	57.9	132
	SUB-TOTAL	1551	30.8	2344	46.6	1140	22.6	37.2	48.3	5035
	FOURTH	JUDICIAL DISTRICT								
24		26	36.1	31	43.1	15	20.8	23.6	30.4	72
25A		42	24.4	80	46.5	50	29.1	27.5	35.8	172
25B		51	25.6	87	43.7	61	30.7	39.8	51.8	199
26		305	23.1	563	42.7	452	34.2	35.3	45.5	1320
27A		99	27.3	171	47.1	93	25.6	44.1	56.6	363
27B		72	31.4	90	39.3	67	29.3	45.3	57.3	229
28		128	36.0	170	47.8	58	16.3	32.3	42.3	356
29		53	34.6	55	35.9	45	29.4	28.5	37.6	153
30A		14	20.6	29	42.6	25	36.8	19.1	24.8	68
30B		27	25.5	38	35.8	41	38.7	35.2	44.9	106
SUB-TOTAL		817	26.9	1314	43.3	907	29.9	35.6	46.0	3038
TOTAL		5015	28.1	8167	45.7	4689	26.2	33.0	42.9	17871

APPENDIX B:
MAP OF JUDICIAL DIVISIONS AND DISTRICTS

APPENDIX B

North Carolina Superior Court

Districts and Divisions as of June 30, 1996



APPENDIX C:
INTERMEDIATE AND COMMUNITY PUNISHMENTS

APPENDIX C

INTERMEDIATE PUNISHMENTS

An intermediate punishment requires a sentence of supervised probation with at least one of the following conditions:

1. **Split Sentence/Special Probation:** Requires the offender to submit to a specified period of imprisonment in a prison or jail (total imprisonment may not exceed 25% of maximum sentence or 6 months, whichever is less) followed by a term of probation. It may include special conditions such as recommendation for work release or serving the active term in an inpatient facility.
2. **IMPACT (Boot Camp):** Is a form of Special Probation for offenders on supervised probation. The offenders must live at the camp for 90 days and participate in a strictly regimented para-military program. Offenders spend more than 7 hours a day at work, performing such duties as clearing land or property for federal, state and local agencies. Upon successful completion of the program, the offender returns to his community to serve the rest of his sentence on supervised probation.
3. **Residential Facility:** Requires the offender to reside in a facility for a specified continuous period of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training, conducted at the residence or at other specified locations.
4. **Day Reporting Center:** Requires mandatory attendance at a facility on a daily or otherwise regular basis at specified times for a specific length of time in order to participate in activities such as substance abuse counseling, social skills training, or employment training.
5. **Intensive Supervision Probation:** Requires close supervision by a probation officer in order to control and assist the offender to remain in the community pursuant to a community penalties plan, community work plan, community restitution plan, or other plan of rehabilitation.
6. **Electronic Monitoring:** Requires the offender to remain in one or more specified places for a specified period or periods each day to wear a device which permits the supervising agency to monitor the offender's compliance with the conditions electronically.
7. **Community Penalties Plan Accepted by the Sentencing Judge:** Requires the offender to comply with conditions specified in the plan.

COMMUNITY PUNISHMENTS

A community punishment is any authorized sentence that does not include an active punishment or an intermediate punishment. Community punishments can include, but are not limited to, one of the following: unsupervised or supervised probation (basic supervision not intensive supervision probation), outpatient drug/alcohol treatment, community service, restitution, fines, T.A.S.C. (Treatment Alternatives to Street Crime).

ENDNOTES

1. In some instances, a conviction under Structured Sentencing has been consolidated within another conviction under the Fair Sentencing Act. In such instances, the sentence is not reflected in this report.
2. The month of June has fewer convictions relative to the previous months due in part to a week long judges' conference held that month. Thus, judges had fewer days in June to process cases.
3. Under Structured Sentencing, all offenders in Offense Classes A through D are required to receive an Active Punishment unless the court makes a finding of "extraordinary mitigation."
4. The minimum and maximum sentences reflected are those which were officially entered in the AOC computer system. In some instances, these sentences do not appear to fully conform to the Structured Sentencing Act.
5. Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.
6. See endnote #5.
7. See endnote #5.
8. See endnote #5.
9. It is not clear why the specific types of Intermediate Punishments have not always been reported. In some cases, the court may not have specified a particular Intermediate sanction. It is more likely, however, that the type of Intermediate Punishment imposed by the court has not been entered into the AOC Criminal Information System. Changes to the AOC's system took effect in December of 1995 to improve the reporting rate. Since this change, the reporting rate for the types of Intermediate Punishments imposed has improved from a 37% reporting rate for Calendar Year 1995 to the Fiscal Year 1995-96 rate of 52.5%.

*****Effective for Offenses Committed on or after 12/1/95*****

FELONY PUNISHMENT CHART

PRIOR RECORD LEVEL

OFFENSE CLASS

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	Death or Life Without Parole						
B1	A <i>240-300</i>	A <i>288-360</i>	A <i>336-420</i>	A <i>384-480</i>	A <i>Life Without Parole</i>	A <i>Life Without Parole</i>	DISPOSITION <i>Aggravated Range</i>
	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE RANGE
	<i>144-192</i>	<i>173-230</i>	<i>202-269</i>	<i>230-307</i>	<i>260-346</i>	<i>288-384</i>	<i>Mitigated Range</i>
B2	A <i>157 - 196</i>	A <i>189 - 237</i>	A <i>220 - 276</i>	A <i>251 - 313</i>	A <i>282 - 353</i>	A <i>313 - 392</i>	
	125 - 157	151 - 189	176 - 220	201 - 251	225 - 282	251 - 313	
	<i>94 - 125</i>	<i>114 - 151</i>	<i>132 - 176</i>	<i>151 - 201</i>	<i>169 - 225</i>	<i>188 - 251</i>	
C	A <i>73 - 92</i>	A <i>100 - 125</i>	A <i>116 - 145</i>	A <i>133 - 167</i>	A <i>151 - 188</i>	A <i>168 - 210</i>	
	58 - 73	80 - 100	93 - 116	107-133	121 - 151	135 - 168	
	<i>44 - 58</i>	<i>60 - 80</i>	<i>70 - 93</i>	<i>80 - 107</i>	<i>90 - 121</i>	<i>101-135</i>	
D	A <i>64 - 80</i>	A <i>77 - 95</i>	A <i>103 - 129</i>	A <i>117 - 146</i>	A <i>133 - 167</i>	A <i>146 - 183</i>	
	51 - 64	61 - 77	82 - 103	94 - 117	107 - 133	117 - 146	
	<i>38 - 51</i>	<i>46 - 61</i>	<i>61 - 82</i>	<i>71 - 94</i>	<i>80 - 107</i>	<i>88 - 117</i>	
E	I/A <i>25 - 31</i>	I/A <i>29 - 36</i>	A <i>34 - 42</i>	A <i>46 - 58</i>	A <i>53 - 66</i>	A <i>59 - 74</i>	
	20 - 25	23 - 29	27 - 34	37 - 46	42 - 53	47 - 59	
	<i>15 - 20</i>	<i>17 - 23</i>	<i>20 - 27</i>	<i>28 - 37</i>	<i>32 - 42</i>	<i>35 - 47</i>	
F	I/A <i>16 - 20</i>	I/A <i>19 - 24</i>	I/A <i>21 - 26</i>	A <i>25 - 31</i>	A <i>34 - 42</i>	A <i>39 - 49</i>	
	13 - 16	15 - 19	17 - 21	20 - 25	27 - 34	31 - 39	
	<i>10 - 13</i>	<i>11 - 15</i>	<i>13 - 17</i>	<i>15 - 20</i>	<i>20 - 27</i>	<i>23 - 31</i>	
G	I/A <i>13 - 16</i>	I/A <i>15 - 19</i>	I/A <i>16 - 20</i>	I/A <i>20 - 25</i>	A <i>21 - 26</i>	A <i>29 - 36</i>	
	10 - 13	12 - 15	13 - 16	16 - 20	17 - 21	23 -29	
	<i>8 - 10</i>	<i>9 - 12</i>	<i>10 - 13</i>	<i>12 - 16</i>	<i>13 - 17</i>	<i>17 - 23</i>	
H	C/I/A <i>6 - 8</i>	I/A <i>8 - 10</i>	I/A <i>10 - 12</i>	I/A <i>11 - 14</i>	I/A <i>15 - 19</i>	A <i>20 - 25</i>	
	5 - 6	6 - 8	8 - 10	9 - 11	12 - 15	16 - 20	
	<i>4 - 5</i>	<i>4 - 6</i>	<i>6 - 8</i>	<i>7 - 9</i>	<i>9 - 12</i>	<i>12 - 16</i>	
I	C <i>6 - 8</i>	C/I <i>6 - 8</i>	I <i>6 - 8</i>	I/A <i>8 - 10</i>	I/A <i>9 - 11</i>	I/A <i>10 - 12</i>	
	4 - 6	4 - 6	5 - 6	6 - 8	7 - 9	8 -10	
	<i>3 - 4</i>	<i>3 - 4</i>	<i>4 - 5</i>	<i>4 - 6</i>	<i>5 - 7</i>	<i>6 - 8</i>	

Note: A - Active Punishment I - Intermediate Punishment C - Community Punishment
 *Numbers shown are in months and represent the range of minimum sentences.

NC Sentencing and Policy Advisory Commission

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