



NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

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August 28, 1998

Memorandum Concerning Revised Tables For Previous Misdemeanor Report:

**REPORT FOR MISDEMEANORS
JULY 1996 THROUGH JUNE 1997**

While the total number of misdemeanor convictions (155,517) in the Fiscal Year 1996-97 report was correct, some cases eliminated in Section III should have been included for analysis. Thus, the correct number of cases to be excluded should be 9,238 (six percent). The revised tables for that section are provided for your information.

Please contact our office if you need further information or have questions.

**REPORT FOR MISDEMEANORS
 JULY 1996 THROUGH JUNE 1997
 (Revised)**

**TABLE 3: CONVICTIONS BY OFFENSE CLASS
 AND PRIOR CONVICTION LEVEL**

OFFENSE CLASS AND PRIOR CONVICTION LEVEL	PRIOR CONVICTION LEVEL			TOTAL
	I	II	III	
	NUMBER	NUMBER	NUMBER	NUMBER
OFFENSE CLASS				
Class A1	5017	5639	1881	12537
CLASS 1	37016	31870	10339	79225
CLASS 2	18552	11747	2919	33218
CLASS 3	12204	6843	2252	21299
TOTAL	72789	56099	17391	146279

**REPORT FOR MISDEMEANORS
JULY 1996 THROUGH JUNE 1997
(Revised)**

**TABLE 5: PUNISHMENT BY OFFENSE CLASS
ALL MISDEMEANORS**

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE-(DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
OFFENSE CLASS										
Class A1	2653	21.2	776	6.2	9108	72.6	66.5	2.6	63.9	12537
CLASS 1	12964	16.4	1768	2.2	64493	81.4	47.2	2.0	45.2	79225
CLASS 2	3341	10.1	312	0.9	29565	89.0	26.0	2.2	23.9	33218
CLASS 3	3513	16.5	82	0.4	17704	83.1	8.9	0.9	8.0	21299
TOTAL	22471	15.4	2938	2.0	120870	82.6	40.4	1.9	38.4	146279

**TABLE 5a: PUNISHMENT BY OFFENSE CLASS
SENTENCES OF 90 DAYS OR LESS**

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE-(DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
OFFENSE CLASS										
Class A1	2078	19.2	593	5.5	8133	75.3	45.9	2.4	43.4	10804
CLASS 1	10584	14.8	1234	1.7	59465	83.4	31.4	2.0	29.5	71283
CLASS 2	3341	10.1	305	0.9	29444	89.0	26.0	2.2	23.9	33090
CLASS 3	3513	16.5	82	0.4	17643	83.1	8.9	0.9	8.0	21238
TOTAL	19516	14.3	2214	1.6	114685	84.1	28.0	1.9	26.1	136415

**TABLE 5b: PUNISHMENT BY OFFENSE CLASS
SENTENCES GREATER THAN 90 DAYS**

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE-(DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
OFFENSE CLASS										
Class A1	575	33.2	183	10.6	975	56.3	141.2	3.3	137.9	1733
CLASS 1	2380	30.0	534	6.7	5028	63.3	117.7	2.3	115.4	7942
CLASS 2	.	.	7	5.5	121	94.5	.	.	.	128
CLASS 3	.	.	.	.	61	100.0	.	.	.	61
TOTAL	2955	30.0	724	7.3	6185	62.7	122.3	2.5	119.8	9864

**REPORT FOR MISDEMEANORS
JULY 1996 THROUGH JUNE 1997
(Revised)**

**TABLE 6: PUNISHMENT BY OFFENSE CLASS
AND PRIOR CONVICTION LEVEL**

OFFENSE CLASS, PRIOR CONVICTION LEVEL AND ACTIVE SENTENCE LENGTH		TYPE OF PUNISHMENT								MINIMUM ACTIVE SENTENCE- (DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
		ACTIVE/PRIS- ON		ACTIVE/JAIL		INTERMEDIATE		COMMUNITY					
		NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%				
OFFENSE CLASS	PRIOR CONVICTION LEVEL												
Class A1	I	.	.	557	11.1	377	7.5	4083	81.4	32.8	4.1	28.7	5017
	II	.	.	1197	21.2	257	4.6	4185	74.2	50.5	1.8	48.6	5639
	III	575	30.6	324	17.2	142	7.5	840	44.7	108.8	2.8	106.0	1881
CLASS 1	I	.	.	3378	9.1	376	1.0	33262	89.9	21.9	3.1	18.8	37016
	II	.	.	5116	16.1	900	2.8	25854	81.1	32.3	1.3	31.0	31870
	III	2380	23.0	2090	20.2	492	4.8	5377	52.0	83.5	2.0	81.6	10339
CLASS 2	I	.	.	989	5.3	72	0.4	17491	94.3	13.9	3.8	10.1	18552
	II	.	.	1211	10.3	176	1.5	10360	88.2	24.8	1.4	23.4	11747
	III	.	.	1141	39.1	64	2.2	1714	58.7	37.8	1.5	36.3	2919
CLASS 3	I	.	.	1365	11.2	20	0.2	10819	88.7	4.8	1.4	3.4	12204
	II	.	.	919	13.4	51	0.7	5873	85.8	9.0	0.7	8.2	6843
	III	.	.	1229	54.6	11	0.5	1012	44.9	13.4	0.5	12.8	2252
TOTAL		2955	2.0	19516	13.3	2938	2.0	120870	82.6	40.4	1.9	38.4	146279

**REPORT FOR MISDEMEANORS
JULY 1996 THROUGH JUNE 1997
(Revised)**

**TABLE 7: PUNISHMENT BY CRIME TYPE
ALL MISDEMEANORS**

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE- (DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
CRIME TYPE										
PERSON	3294	17.8	887	4.8	14362	77.5	59.5	2.6	56.9	18543
PROPERTY	7162	15.9	909	2.0	37078	82.1	44.4	2.2	42.2	45149
DRUGS	2376	12.4	275	1.4	16564	86.2	36.0	1.8	34.2	19215
PUBLIC ORDER	9639	15.2	867	1.4	52866	83.4	31.9	1.5	30.4	63372
TOTAL	22471	15.4	2938	2.0	120870	82.6	40.4	1.9	38.4	146279

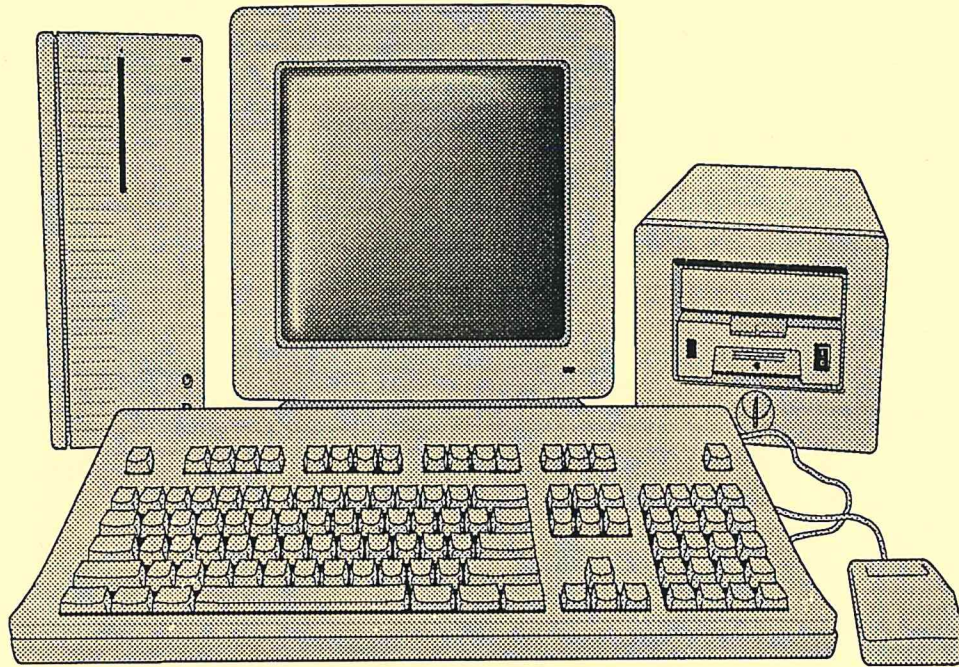
**TABLE 7A: PUNISHMENT BY CRIME TYPE
SENTENCES OF 90 DAYS OR LESS**

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE- (DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
CRIMETYPE										
PERSON	2685	16.1	693	4.2	13318	79.8	41.3	2.4	38.9	16696
PROPERTY	6029	14.3	705	1.7	35439	84.0	30.5	2.1	28.4	42173
DRUGS	2116	11.6	222	1.2	15924	87.2	26.0	1.8	24.1	18262
PUBLIC ORDER	8686	14.7	594	1.0	50004	84.3	22.6	1.5	21.0	59284
TOTAL	19516	14.3	2214	1.6	114685	84.1	28.0	1.9	26.1	136415

**TABLE 7B: PUNISHMENT BY CRIME TYPE
SENTENCES GREATER THAN 90 DAYS**

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE- (DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
CRIMETYPE										
PERSON	609	33.0	194	10.5	1044	56.5	139.9	3.4	136.5	1847
PROPERTY	1133	38.1	204	6.9	1639	55.1	118.3	3.0	115.2	2976
DRUGS	260	27.3	53	5.6	640	67.2	117.7	1.7	116.0	953
PUBLIC ORDER	953	23.3	273	6.7	2862	70.0	117.0	1.5	115.5	4088
TOTAL	2955	30.0	724	7.3	6185	62.7	122.3	2.5	119.8	9864

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION



STRUCTURED SENTENCING MONITORING SYSTEM

**REPORT FOR MISDEMEANORS:
JULY 1996 THROUGH JUNE 1997**

Prepared by:

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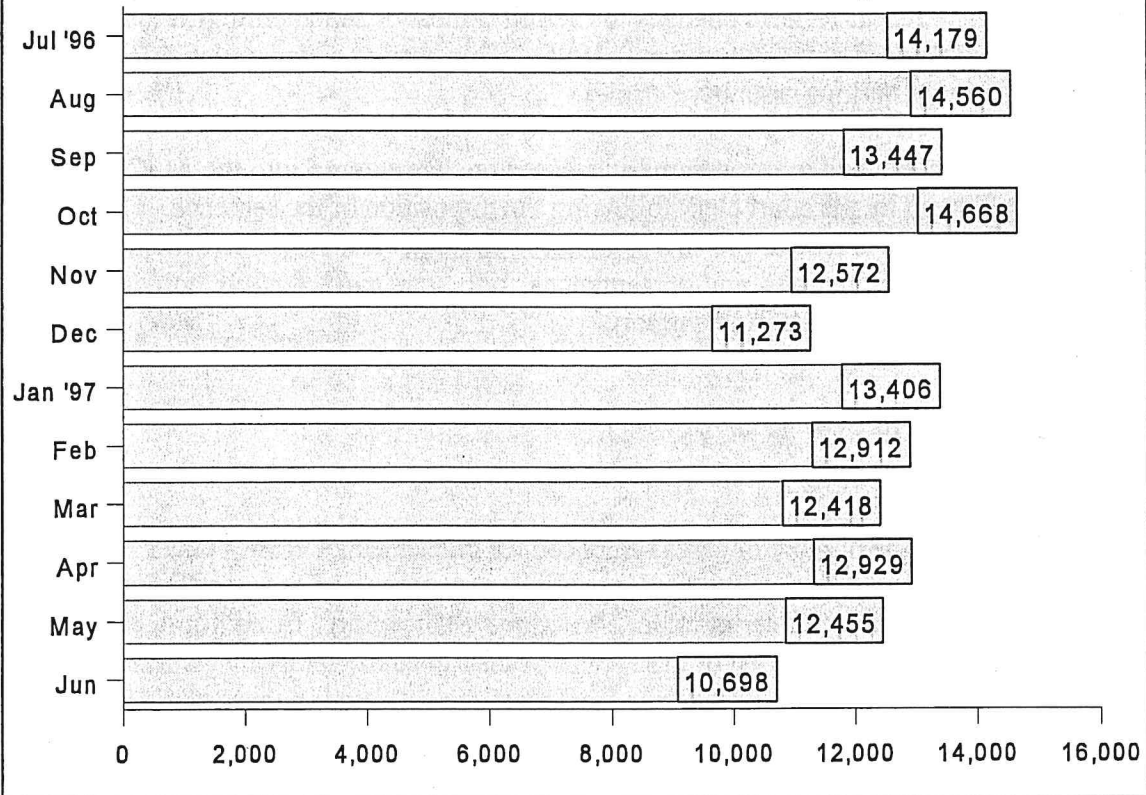
June 1998

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Figure A

Misdemeanor Convictions by Month



B. Convictions by County and Judicial Division and District

Table 1 shows the number of misdemeanor convictions in each county and *Table 2* shows the number of misdemeanor convictions by judicial division and district. See *Appendix A* for a map of judicial divisions and districts.

Table 1 and *Table 2* also show whether a conviction resulted from a guilty plea, a guilty judgment by a judge, or a jury trial. In addition, *Table 2* indicates whether a conviction occurred in district or superior court.

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

COUNTY AND MODE OF DISPOSITION	MODE OF DISPOSITION			TOTAL
	GUILTY PLEA	GUILTY BY JUDGE	JURY TRIAL	
	NUMBER	NUMBER	NUMBER	
COUNTY NAME				
ALAMANCE	3028	157	1	3186
ALEXANDER	513	28	.	541
ALLEGHANY	172	9	.	181
ANSON	615	79	4	698
ASHE	187	10	1	198
AVERY	162	9	2	173
BEAUFORT	1118	132	4	1254
BERTIE	450	47	.	497
BLADEN	827	22	.	849
BRUNSWICK	933	42	1	976
BUNCOMBE	4237	28	13	4278
BURKE	1771	92	7	1870
CABARRUS	3084	280	2	3366
CALDWELL	1356	84	5	1445
CAMDEN	94	10	1	105
CARTERET	1405	31	4	1440
CASWELL	488	78	1	567
CATAWBA	3050	128	1	3179
CHATHAM	558	16	2	576
CHEROKEE	307	4	1	312
CHOWAN	350	32	.	382
CLAY	61	3	1	65
CLEVELAND	2004	176	5	2185
COLUMBUS	823	22	.	845
CRAVEN	2149	91	3	2243
CUMBERLAND	4840	134	.	4974
CURRITUCK	318	29	1	348
DARE	607	57	1	665
DAVIDSON	2573	136	2	2711
DAVIE	495	26	3	524
DUPLIN	979	21	1	1001
DURHAM	4308	200	3	4511
EDGECOMBE	1588	112	4	1704
FORSYTH	5976	311	10	6297
FRANKLIN	1052	74	1	1127
GASTON	3055	180	13	3248
GATES	134	23	.	157
GRAHAM	112	11	3	126
GRAMVILLE	1027	92	1	1120
GREENE	291	10	1	302
GUILFORD	6280	239	3	6522
HALIFAX	1472	185	3	1660
HARNETT	1738	75	.	1813
HAYWOOD	910	30	1	941
HENDERSON	1306	37	1	1344
HERTFORD	711	65	1	777
HOKE	728	66	.	794
HYDE	114	18	2	134
IREDELL	2427	111	5	2543
JACKSON	441	17	.	458
JOHNSTON	1845	66	2	1913
JONES	129	11	1	141

COUNTY AND MODE OF DISPOSITION	MODE OF DISPOSITION			TOTAL
	GUILTY PLEA	GUILTY BY JUDGE	JURY TRIAL	
	NUMBER	NUMBER	NUMBER	
COUNTY NAME				
LEE	1367	43	.	1410
LENOIR	1672	77	8	1757
LINCOLN	766	68	2	836
MACON	323	6	2	331
MADISON	190	3	.	193
MARTIN	661	77	3	741
MCDOWELL	859	25	3	887
MECKLENBURG	8017	344	13	8374
MITCHELL	96	8	1	105
MONTGOMERY	512	63	1	576
MOORE	1072	182	1	1255
NASH	2126	123	.	2249
NEW HANOVER	3674	120	1	3795
NORTHAMPTON	421	69	.	490
ONSLOW	2672	81	3	2756
ORANGE	1407	62	1	1470
PAMLICO	165	12	.	177
PASQUOTANK	1059	54	4	1117
PENDER	691	18	.	709
PERQUIMANS	200	30	.	230
PERSON	883	111	.	994
PITT	3067	200	6	3273
POLK	207	5	1	213
RANDOLPH	1650	100	.	1750
RICHMOND	1186	132	1	1319
ROBESON	4144	221	3	4368
ROCKINGHAM	1727	218	2	1947
ROWAN	2308	241	.	2549
RUTHERFORD	1658	70	1	1729
SAMPSON	1469	33	.	1502
SCOTLAND	1439	103	.	1542
STANLY	900	103	1	1004
STOKES	668	38	.	706
SURRY	1276	59	.	1335
SWAIN	228	2	1	231
TRANSYLVANIA	463	18	1	482
TYRRELL	81	16	.	97
UNION	1750	153	4	1907
VANCE	1550	96	1	1647
WAKE	10269	256	9	10534
WARREN	408	38	.	446
WASHINGTON	319	50	1	370
WATAUGA	372	18	1	391
WAYNE	2797	115	2	2914
WILKES	1101	69	1	1171
WILSON	1696	112	2	1810
YADKIN	351	25	.	376
YANCEY	175	9	2	186
TOTAL	147290	8022	205	155517

**TABLE 2: CONVICTIONS BY JUDICIAL DIVISION
ALL MISDEMEANORS**

JUDICIAL DIVISION AND DISTRICT AND MODE OF DISPOSITION		COURT				TOTAL
		DISTRICT		SUPERIOR		
		MODE OF DISPOSITION		MODE OF DISPOSITION		
		GUILTY PLEA	GUILTY BY JUDGE	GUILTY PLEA	JURY TRIAL	
		NUMBER	NUMBER	NUMBER	NUMBER	NUMBER
FIRST	JUDICIAL DISTRICT					
	1	2469	235	293	7	3004
	2	2203	293	90	10	2596
	3A	2843	200	224	6	3273
	3B	3587	134	132	7	3860
	4	4998	146	251	5	5400
	5	4170	138	195	1	4504
	6A	1411	185	61	3	1660
	6B	1528	181	54	1	1764
	7	5035	347	375	6	5763
	8	4417	202	343	11	4973
	SUB-TOTAL	32661	2061	2018	57	36797
	SECOND	JUDICIAL DISTRICT				
9A		1240	189	131	1	1561
9, 9B		3766	300	271	3	4340
10		10142	256	127	9	10534
11		4798	184	152	2	5136
12		4704	134	136		4974
13		2475	86	108	1	2670
14		4236	200	72	3	4511
15A		2693	157	335	1	3186
15B		1930	78	35	3	2046
16A		2101	169	66		2336
16B		4079	221	65	3	4368
SUB-TOTAL		42164	1974	1498	26	45662

JUDICIAL DIVISION AND DISTRICT AND MODE OF DISPOSITION		COURT				TOTAL
		DISTRICT		SUPERIOR		
		MODE OF DISPOSITION		MODE OF DISPOSITION		
		GUILTY PLEA	GUILTY BY JUDGE	GUILTY PLEA	JURY TRIAL	
		NUMBER	NUMBER	NUMBER	NUMBER	NUMBER
THIRD	JUDICIAL DISTRICT					
	17A	1578	218	149	2	1947
	17B	1856	97	88		2041
	18	6075	239	205	3	6522
	19A	2955	280	129	2	3366
	19B	2073	163	89	1	2326
	19C	2215	241	93		2549
	20	5151	649	372	11	6183
	21	5828	311	148	10	6297
	22	5820	301	188	10	6319
	23	1782	113	29	2	1926
	SUB-TOTAL	35333	2612	1490	41	39476
	FOURTH	JUDICIAL DISTRICT				
24		915	47	80	6	1048
25		5765	304	412	13	6494
26		7855	344	162	13	8374
27A		2968	180	87	13	3248
27B		2687	244	83	7	3021
28		4173	28	64	13	4278
29		4233	155	260	7	4655
30		2237	73	145	9	2464
SUB-TOTAL		30833	1375	1293	81	33582
TOTAL		140991	8022	6299	205	155517

C. Convictions by Offense Class and Prior Conviction Level

Table 3 shows the distribution of convictions by offense class and prior conviction level. Data indicate that the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level I (37,016 or 25%). Note that this table excludes convictions containing incorrect offense classes, prior convictions levels, or other errors.

TABLE 3: CONVICTIONS BY OFFENSE CLASS AND PRIOR CONVICTION LEVEL

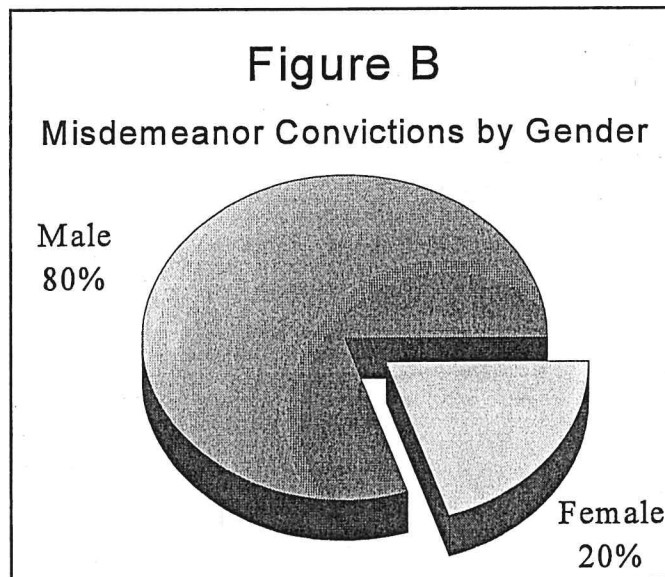
OFFENSE CLASS AND PRIOR CONVICTION LEVEL	PRIOR CONVICTION LEVEL			TOTAL
	I	II	III	
	NUMBER	NUMBER	NUMBER	NUMBER
OFFENSE CLASS				
CLASS A1	4777	5130	1462	11369
CLASS 1	37016	31870	10339	79225
CLASS 2	18552	11747	2919	33218
CLASS 3	12204	6843	2252	21299
TOTAL	72549	55590	16972	145111

II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor convictions by offenders' gender, race, and age. For a complete profile of offenders by these three characteristics, [see Table 4](#).

A. Convictions by Gender

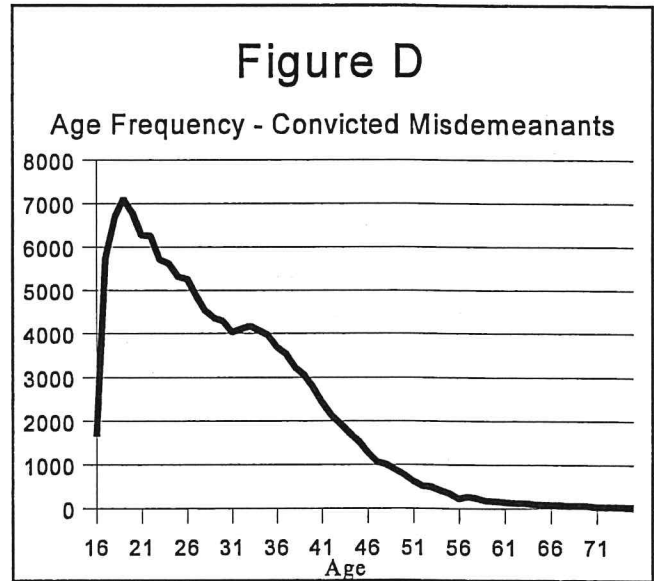
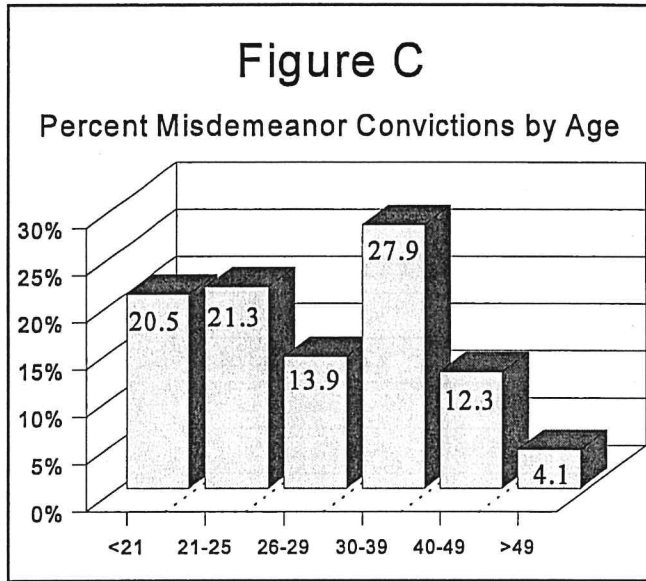
Figure B shows that the majority of misdemeanor offenders were male (80%).



B. Convictions by Age

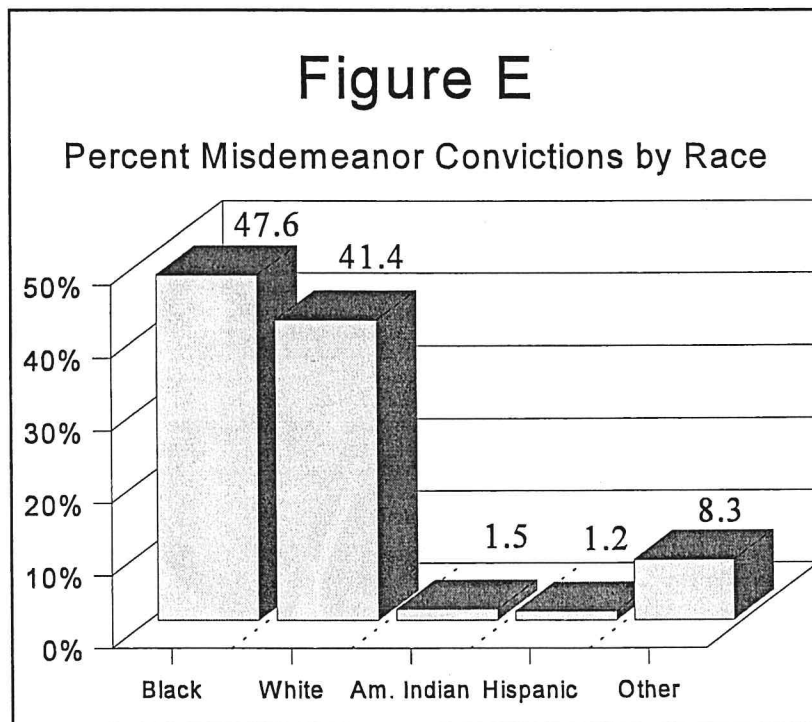
Figure C shows that nearly 56% of all misdemeanor offenders were under the age of 30. Offenders under the age of 21 accounted for one fifth of the total number of offenders.

Figure D shows the age distribution of misdemeanor offenders. The volume of offenders peaks in the late teens and early twenties and then declines as age increases. It should be noted that information on age was missing for 18,857 offenders (12% of all offenders).



C. Convictions by Race

Figure E shows that about 48% of all misdemeanor offenders were black and 41% were white. Only a small percentage of offenders were American Indian (1.5%), Hispanic (1.2%), or Other (8.3%).¹



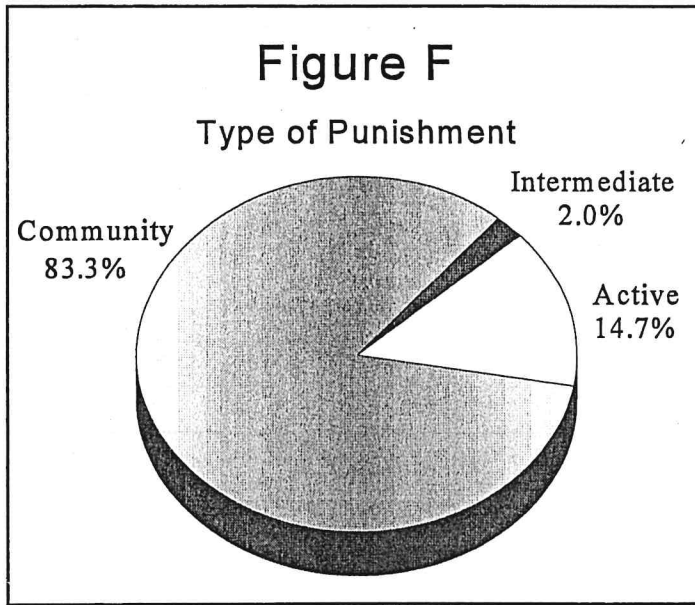
**TABLE 4: CONVICTIONS BY GENDER, RACE AND AGE
ALL MISDEMEANORS**

GENDER AND RACE BY AGE		AGE					TOTAL NUMBER	
		<21	21-25	26-29	30-39	40-49		>49
		NUMBER	NUMBER	NUMBER	NUMBER	NUMBER		NUMBER
GENDER	RACE							
MALE	ASIAN	26	9	4	12	3	.	54
	BLACK	12747	9019	7622	15598	7885	2273	55144
	HISPANIC	367	456	324	403	99	21	1670
	AMERICAN INDIAN	481	296	206	407	174	59	1623
	UNKNOWN	660	688	545	819	263	117	3092
	WHITE	13779	8004	6231	12547	5276	2269	48106
	SUB-TOTAL	28060	18472	14932	29786	13700	4739	109689
FEMALE	RACE							
	ASIAN	4	1	1	2	3	.	11
	BLACK	2861	2307	2216	4374	1617	328	13703
	HISPANIC	27	27	24	41	8	4	131
	AMERICAN INDIAN	90	86	73	123	50	9	431
	UNKNOWN	107	90	96	177	69	23	562
	WHITE	3100	1896	1670	3641	1373	453	12133
	SUB-TOTAL	6189	4407	4080	8358	3120	817	26971
TOTAL		34249	22879	19012	38144	16820	5556	136660

III. THE PUNISHMENT IMPOSED

This section summarizes information about the types of punishment imposed (Active, Intermediate, and Community). It also shows the average sentence imposed and the average actual time served -- adjusting for credit for time served -- for those offenders who received an Active punishment. The reader should note that credit for time served was not consistently reported in the AOC database. Therefore, the following tables do not show the full impact of the use of credit for time served.

This section excludes convictions with reporting or other errors. In an effort to provide information to local and state community corrections agencies, a distinction has been made between misdemeanor offenders who received sentences of 90 days or less and those who received sentences greater than 90 days.²

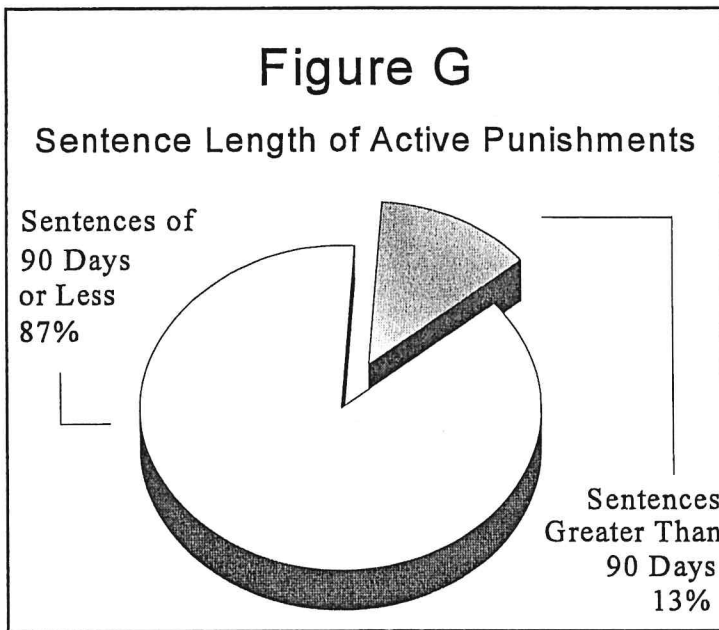


A. Overall Punishment

Figure F shows that approximately 15% of all misdemeanor offenders received an Active punishment; 2% received an Intermediate punishment; and 83% received a Community punishment.

Figure G shows that 87% of all misdemeanor offenders who received an Active punishment were sentenced to 90 days or less. The reader should note that consecutive sentences were not considered when calculating average sentence lengths; therefore, the number of offenders who received a sentence of 90 days or less may be overestimated and the number of offenders who

received a sentence greater than 90 days may be underestimated.



B. Type of Punishment by Offense Class

Table 5 shows the type of punishment by offense class. *Table 5a* and *Table 5b* show the type of punishment imposed by offense class for offenders who received sentences of 90 days or less and those who received sentences greater than 90 days, respectively.

Table 5 shows that most offenders -- regardless of offense class -- received a Community punishment (83.3%). Classes 3 and 1 accounted for the largest percentages of offenders who received an Active sentence relative to other offense classes (16.5% and 16.4% respectively).

The tables also show the average sentence imposed and the average actual time served -- adjusting for credit for time served -- by offense class for those offenders who received an Active punishment. Average sentence imposed and average actual time served increase as offense class increases.

**TABLE 5: PUNISHMENT BY OFFENSE CLASS
ALL MISDEMEANORS**

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE-(DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
OFFENSE CLASS										
CLASS A1	1485	13.1	776	6.8	9108	80.1	65.4	4.2	61.2	11369
CLASS 1	12964	16.4	1768	2.2	64493	81.4	47.2	2.0	45.2	79225
CLASS 2	3341	10.1	312	0.9	29565	89.0	26.0	2.2	23.9	33218
CLASS 3	3513	16.5	82	0.4	17704	83.1	8.9	0.9	8.0	21299
TOTAL	21303	14.7	2938	2.0	120870	83.3	38.9	2.0	36.8	145111

**TABLE 5a: PUNISHMENT BY OFFENSE CLASS
SENTENCES OF 90 DAYS OR LESS**

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE-(DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
OFFENSE CLASS										
CLASS A1	1171	11.8	593	6.0	8133	82.2	45.1	4.1	41.0	9897
CLASS 1	10584	14.8	1234	1.7	59465	83.4	31.4	2.0	29.5	71283
CLASS 2	3341	10.1	305	0.9	29444	89.0	26.0	2.2	23.9	33090
CLASS 3	3513	16.5	82	0.4	17643	83.1	8.9	0.9	8.0	21238
TOTAL	18609	13.7	2214	1.6	114685	84.6	27.1	1.9	25.1	135508

**TABLE 5b: PUNISHMENT BY OFFENSE CLASS
SENTENCES GREATER THAN 90 DAYS**

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE-(DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
OFFENSE CLASS										
CLASS A1	314	21.3	183	12.4	975	66.2	140.9	4.3	136.6	1472
CLASS 1	2380	30.0	534	6.7	5028	63.3	117.7	2.3	115.4	7942
CLASS 2	.	.	7	5.5	121	94.5	.	.	.	128
CLASS 3	.	.	.	.	61	100.0	.	.	.	61
TOTAL	2694	28.1	724	7.5	6185	64.4	120.4	2.5	117.9	9603

C. Type of Punishment by Offense Class and Prior Conviction Level

Table 6 shows the type of punishment imposed by offense class and prior conviction level. The table also shows the average sentence imposed and the average actual time served for each combination of offense class and prior conviction level. In addition, the Active punishment category is divided into Active/Jail (offenders receiving a sentence of 90 days or less) and Active/Prison (offenders receiving a sentence greater than 90 days) to further describe offenders.

With the exception of Class A1, the table indicates that as prior conviction level increases, the percentage of offenders receiving an Active/Jail punishment increases. The largest percentage of offenders receiving an Active/Jail sentence fell in Offense Class 3 with Prior Conviction Level III (54.6%). Of the 14.7% of offenders who received an Active punishment, 12.8% fell into the Active/Jail category and 1.9% fell into the Active/Prison category. However, the reader should note that the data reflect only the most serious offense committed by each offender. Offenders may be convicted of multiple offenses and may receive consecutive sentences which are not considered in this table. Thus, the data shown in this table may overestimate the actual number of offenders who fell into the Active/Jail category and underestimate the actual number of offenders who fell into the Active/Prison category.

TABLE 6: PUNISHMENT BY OFFENSE CLASS AND PRIOR CONVICTION LEVEL

OFFENSE CLASS, PRIOR CONVICTION LEVEL AND ACTIVE SENTENCE LENGTH		TYPE OF PUNISHMENT								MINIMUM ACTIVE SENTENCE (DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
		ACTIVE/PRISON		ACTIVE/JAIL		INTERMEDIATE		COMMUNITY					
		NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%				
OFFENSE CLASS	PRIOR CONVICTION LEVEL												
CLASS A1	I	.	.	317	6.6	377	7.9	4083	85.5	32.8	6.9	26.0	4777
	II	.	.	688	13.4	257	5.0	4185	81.6	49.2	3.1	46.1	5130
	III	314	21.5	166	11.4	142	9.7	840	57.5	110.1	3.9	106.2	1462
CLASS 1	I	.	.	3378	9.1	376	1.0	33262	89.9	21.9	3.1	18.8	37016
	II	.	.	5116	16.1	900	2.8	25854	81.1	32.3	1.3	31.0	31870
	III	2380	23.0	2090	20.2	492	4.8	5377	52.0	83.5	2.0	81.6	10339
CLASS 2	I	.	.	989	5.3	72	0.4	17491	94.3	13.9	3.8	10.1	18552
	II	.	.	1211	10.3	176	1.5	10360	88.2	24.8	1.4	23.4	11747
	III	.	.	1141	39.1	64	2.2	1714	58.7	37.8	1.5	36.3	2919
CLASS 3	I	.	.	1365	11.2	20	0.2	10819	88.7	4.8	1.4	3.4	12204
	II	.	.	919	13.4	51	0.7	5873	85.8	9.0	0.7	8.2	6843
	III	.	.	1229	54.6	11	0.5	1012	44.9	13.4	0.5	12.8	2252
TOTAL		2694	1.9	18609	12.8	2938	2.0	120870	83.3	38.9	2.0	36.8	145111

D. Type of Punishment by Crime Type

Table 7 shows the type of punishment imposed by crime type for all misdemeanors. Table 7a refers to those offenders who received a sentence of 90 days or less, Table 7b to those who received a sentence greater than 90 days. These tables also show the average sentence imposed and the average actual time served for offenders who received an Active punishment.

Of the four crime types, offenders convicted of a property offense accounted for the largest percentage of offenders receiving an Active punishment (15.9%). Similar findings are shown in Table 7b. Table 7a shows that offenders convicted of a public order offense accounted for the largest percentage of offenders receiving an Active punishment (14.6%).

Offenders convicted of person or drug offenses accounted for the smallest percentage of offenders receiving an Active punishment (12.3% and 12.4%). Similar findings are shown in Table 7a. For offenders receiving a sentence greater than 90 days, those convicted of a person offense accounted for the smallest percentage of offenders receiving an Active punishment (22.0%). (See Table 7b.)

All tables show that the average sentence imposed and the average actual time served were longest for offenders convicted of a person offense.

**TABLE 7: PUNISHMENT BY CRIME TYPE
ALL MISDEMEANORS**

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE- (DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
CRIME TYPE										
PERSON	2140	12.3	887	5.1	14362	82.6	54.8	3.6	51.2	17389
PROPERTY	7161	15.9	909	2.0	37078	82.1	44.4	2.2	42.1	45148
DRUGS	2375	12.4	275	1.4	16564	86.2	36.0	1.8	34.2	19214
PUBLIC ORDER	9627	15.2	867	1.4	52866	83.4	31.9	1.5	30.4	63360
TOTAL	21303	14.7	2938	2.0	120870	83.3	38.9	2.0	36.8	145111

**TABLE 7a: PUNISHMENT BY CRIME TYPE
SENTENCES OF 90 DAYS OR LESS**

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE- (DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
CRIME TYPE										
PERSON	1790	11.3	693	4.4	13318	84.3	38.4	3.5	34.9	15801
PROPERTY	6029	14.3	705	1.7	35439	84.0	30.5	2.1	28.4	42173
DRUGS	2115	11.6	222	1.2	15924	87.2	25.9	1.8	24.1	18261
PUBLIC ORDER	8675	14.6	594	1.0	50004	84.4	22.6	1.5	21.0	59273
TOTAL	18609	13.7	2214	1.6	114685	84.6	27.1	1.9	25.1	135508

**TABLE 7b: PUNISHMENT BY CRIME TYPE
SENTENCES GREATER THAN 90 DAYS**

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH	TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE- (DAYS)	CREDIT FOR TIME SERVED (DAYS)	ACTUAL SENTENCED TIME SERVED (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
CRIME TYPE										
PERSON	350	22.0	194	12.2	1044	65.7	138.7	4.3	134.4	1588
PROPERTY	1132	38.1	204	6.9	1639	55.1	118.2	3.0	115.2	2975
DRUGS	260	27.3	53	5.6	640	67.2	117.7	1.7	116.0	953
PUBLIC ORDER	952	23.3	273	6.7	2862	70.0	117.0	1.5	115.5	4087
TOTAL	2694	28.1	724	7.5	6185	64.4	120.4	2.5	117.9	9603

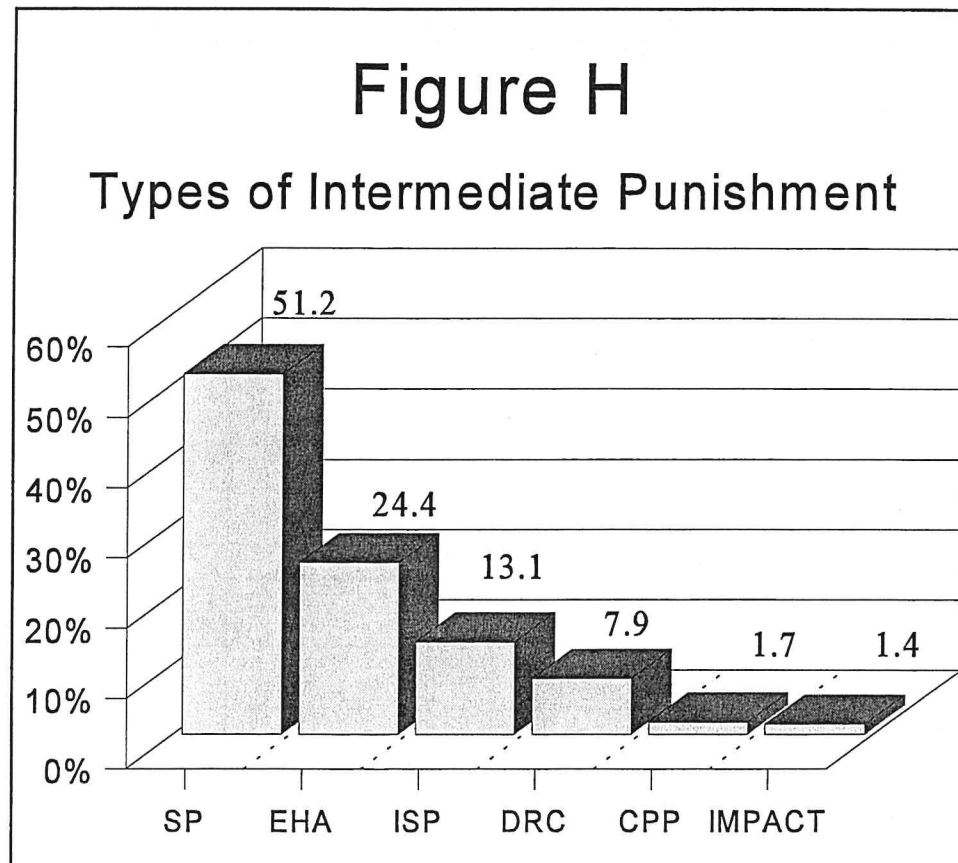
IV. IMPOSITION OF INTERMEDIATE PUNISHMENTS

This section provides a summary of the types of intermediate sanctions imposed. It only includes offenders who received an Intermediate punishment. The types of intermediate sanctions include Special Probation (SP), Electronic House Arrest (EHA), Intensive Supervision Probation (ISP), Day Reporting Center (DRC), Community Penalties Program (CPP), Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), and Residential Treatment Facility (RES). See *Appendix B* for a brief description of each sanction.

Data indicate that 2,938 offenders received an Intermediate punishment during Fiscal Year 1996-97. However, the specific type(s) of intermediate sanction(s) imposed was reported for only 867 of these offenders (a reporting rate of 29.5%).³ It is also possible that a single offender could receive more than one type of intermediate sanction. Consequently, the following tables reflect the total number of intermediate sanctions imposed rather than the total number of offenders receiving an Intermediate punishment.

A. Type of Intermediate Punishment Imposed

Figure H shows the percentage of offenders receiving each type of intermediate sanction. Where a specific intermediate sanction was reported in the database, data show that the majority of offenders received Special Probation as an Intermediate punishment (51.2%). Note that in the data reported, there was only one offender ordered to a Residential Treatment Facility.



B. Type of Intermediate Punishment by Offense Class

Table 9 shows the frequency of intermediate sanctions by offense class. Data indicate that the greatest number of intermediate sanctions was imposed for Class 1 misdemeanor offenses (633).

**TABLE 9: TYPE OF INTERMEDIATE PUNISHMENT BY OFFENSE CLASS
ALL MISDEMEANORS**

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								
CLASS A1	121	2	1	14	23	42	.	203
CLASS 1	300	9	.	54	93	161	16	633
CLASS 2	46	2	.	5	7	21	.	81
CLASS 3	11	.	.	1	.	4	.	16
TOTAL	478	13	1	74	123	228	16	933

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

Table 10 shows the frequency of intermediate sanctions by offense class and prior conviction level; Table 10 indicates that intermediate sanctions were most frequently imposed on offenders convicted of a Class 1 offense with Prior Conviction Level II (372). No intermediate sanctions were imposed on offenders convicted of a Class 3 Offense with Prior Conviction Level I.

**TABLE 10: TYPE OF INTERMEDIATE PUNISHMENT BY OFFENSE CLASS
AND PRIOR CONVICTION LEVEL
ALL MISDEMEANORS**

NUMBER OF INTERMEDIATE CASES FALLING WITHIN OFFENSE CLASS AND PRIOR CONVICTION LEVEL	SPECIAL PROBATION	IMPACT	RESIDENTIAL FACILITY	DAY REPORTING CENTER	INTENSIVE SUPERVISION PROBATION	ELECTRONIC MONITORING	COMMUNITY PENALTY PLAN	TOTAL
OFFENSE CLASS								
CLASS A1								
PRIOR CONVICTION LEVEL								
I	22	.	.	5	4	9	.	40
II	67	1	.	8	9	19	.	104
III	32	1	1	1	10	14	.	59
SUB-TOTAL	121	2	1	14	23	42	.	203
CLASS 1								
PRIOR CONVICTION LEVEL								
I	7	1	.	10	11	16	3	48
II	191	8	.	31	50	84	8	372
III	102	.	.	13	32	61	5	213
SUB-TOTAL	300	9	.	54	93	161	16	633
CLASS 2								
PRIOR CONVICTION LEVEL								
I	.	.	.	2	2	.	.	4
II	32	1	.	3	4	17	.	57
III	14	1	.	.	1	4	.	20
SUB-TOTAL	46	2	.	5	7	21	.	81
CLASS 3								
PRIOR CONVICTION LEVEL								
II	9	.	.	1	.	2	.	12
III	2	.	.	.	.	2	.	4
SUB-TOTAL	11	.	.	1	.	4	.	16
TOTAL	478	13	1	74	123	228	16	933

D. Type of Intermediate Punishment by Crime Type

Table 11 shows the frequency of intermediate sanctions by crime type. Considering the four types of crime, intermediate sanctions were most frequently imposed for misdemeanor public order crimes (347).

**TABLE 11: TYPE OF INTERMEDIATE PUNISHMENT BY CRIME TYPE
ALL MISDEMEANORS**

CRIME TYPE AND INTERMEDIATE PUNISHMENTS	SPECIAL PROBATION	IMPACT	RESIDENTIAL FACILITY	DAY REPORTING CENTER	INTENSIVE SUPERVISION PROBATION	ELECTRONIC MONITORING	COMMUNITY PENALTY PLAN	TOTAL
CRIME TYPE								
PERSON	135	3	1	17	23	53	.	232
PROPERTY	121	9	.	28	55	66	11	290
DRUGS	16	.	.	14	21	12	1	64
PUBLIC ORDER	206	1	.	15	24	97	4	347
TOTAL	478	13	1	74	123	228	16	933

E. Special Probation

Table 12a shows the number and average length of Special Probation sentences by offense class for offenders sentenced to jail as a condition of their split sentence. Table 12b shows this information for offenders sentenced to prison. The tables break out offenders based on location as reported in the database. The tables also account for credit for time served where it was indicated in the database.

Where a specific intermediate sanction was reported in the database, Special Probation was imposed on 478 offenders (51.2%). Jail sentences were imposed on 476 of these offenders and prison sentences were imposed on the 2 remaining offenders.

**TABLE 12a: SPECIAL PROBATION BY OFFENSE CLASS AND LOCATION
JAIL**

JAIL - AVERAGE ACTIVE SENTENCE LENGTH	JAIL		CREDIT FOR TIME SERVED (DAYS)	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
	SPECIAL PROBATION LENGTH (DAYS)	TOTAL			
	NUMBER	MEAN	MEAN	MEAN	NUMBER
OFFENSE CLASS					
CLASS A1	120	14.9	6.5	8.4	120
CLASS 1	299	12.0	5.3	6.6	299
CLASS 2	46	7.2	4.5	2.7	46
CLASS 3	11	3.2	1.7	1.5	11
TOTAL	476	12.0	5.5	6.6	476

**TABLE 12b: SPECIAL PROBATION BY OFFENSE CLASS AND LOCATION
PRISON**

PRISON - AVERAGE ACTIVE SENTENCE LENGTH	PRISON	PRISON	CREDIT FOR TIME SERVED (DAYS)	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
		SPECIAL PROBATION LENGTH (DAYS)			
	NUMBER	MEAN	MEAN	MEAN	NUMBER
OFFENSE CLASS					
CLASS A1	1	30.0	30.0	0.0	1
CLASS 1	1	30.0	30.0	0.0	1
TOTAL	2	30.0	30.0	0.0	2

Table 13a shows the number of Special Probation sentences by crime type for offenders sentenced to jail as a condition of their split sentence. *Table 13b* shows this information for offenders sentenced to prison.

For misdemeanor offenders sentenced to jail, those convicted of public order crimes accounted for the greatest number receiving Special Probation (206). Offenders convicted of drug offenses accounted for the fewest offenders receiving Special Probation (16).

Table 13a and *Table 13b* also show the average length of Special Probation sentences by crime type, adjusting for credit for time served where indicated in the database. For offenders sentenced to jail, those convicted of a person offense received the longest average active sentences (15.5 days). The two offenders sentenced to prison as a condition of Special Probation received active sentences of 30 days (see *Table 13b*).

**TABLE 13a: SPECIAL PROBATION BY CRIME TYPE AND LOCATION
JAIL**

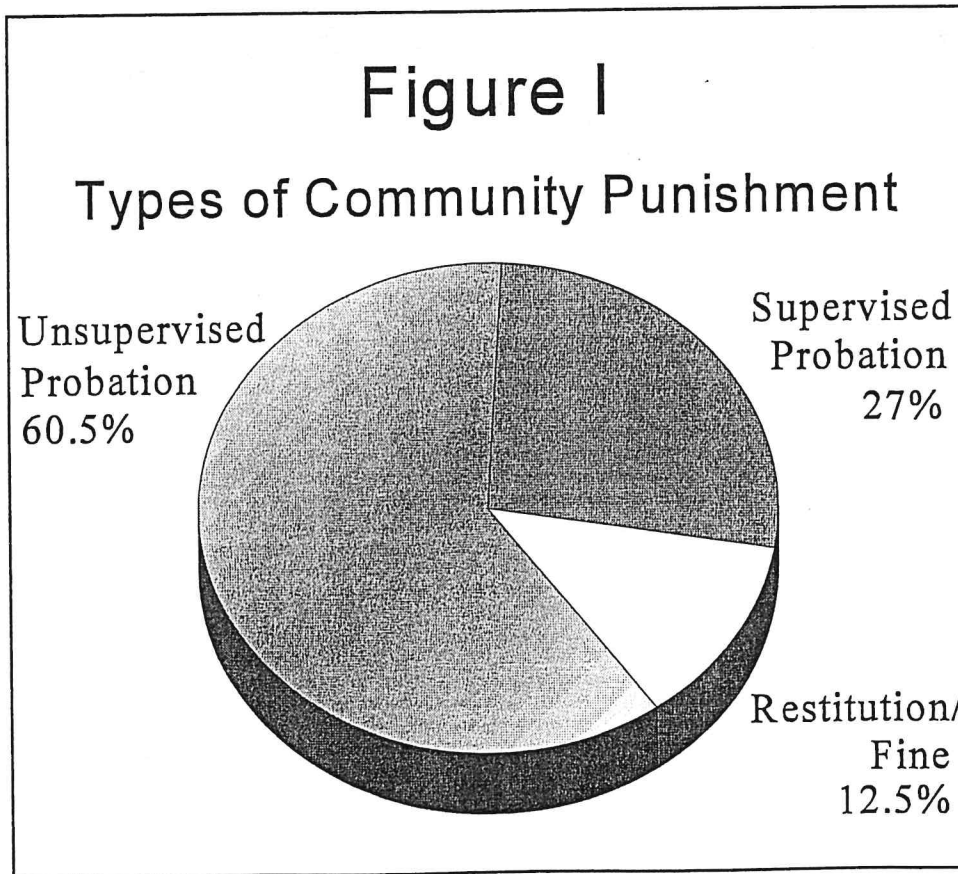
TOTAL JAIL - AVERAGE ACTIVE SENTENCE LENGTH	JAIL	JAIL	CREDIT FOR TIME SERVED (DAYS)	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
		SPECIAL PROBATION LENGTH (DAYS)			
	NUMBER	MEAN	MEAN	MEAN	NUMBER
CRIME TYPE					
PERSON	134	15.5	6.7	8.7	134
PROPERTY	120	11.8	5.8	6.0	120
DRUGS	16	7.8	6.3	1.4	16
PUBLIC ORDER	206	10.2	4.4	5.8	206
TOTAL	476	12.0	5.5	6.6	476

**TABLE 13b: SPECIAL PROBATION BY CRIME TYPE AND LOCATION
PRISON**

PRISON - AVERAGE ACTIVE SENTENCE LENGTH	PRISON	PRISON	CREDIT FOR TIME SERVED (DAYS)	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
		SPECIAL PROBATION LENGTH (DAYS)			
	NUMBER	MEAN	MEAN	MEAN	NUMBER
CRIME TYPE					
PERSON	1	30.0	30.0	0.0	1
PROPERTY	1	30.0	30.0	0.0	1
TOTAL	2	30.0	30.0	0.0	2

V. IMPOSITION OF COMMUNITY PUNISHMENTS

This section includes only those offenders who received a Community punishment. The Community punishments shown in the following tables represent *the most serious* punishment received by each offender. Of the 114,240 offenders who received a Community punishment, nearly 61% received Unsupervised Probation; 27% received Supervised Probation; and about 12% received *only* Restitution/Fine without probation. (See *Figure I*.)



The reader should note that the database did not indicate the type of probation or probation length for 6,630 offenders who received a Community punishment. Text in the database indicated that these 6,630 offenders most likely received a suspended sentence. However, text concerning a large number of these cases indicated other punishment conditions such as "credit for time served" and "elected to serve an active sentence." Due to the difficulty in properly identifying the type of probation and probation length, these cases were excluded from this section of the report.

A. Community Punishments by Offense Class

Table 14 shows the total number of misdemeanor offenders who received *either* Supervised Probation, Unsupervised Probation, or Restitution and/or Fine by offense class. The table also shows the average length of probation sentences.

Data indicate that Supervised Probation, Unsupervised Probation, and Restitution and/or Fine were most frequently imposed on offenders convicted of a Class 1 crime. Offenders convicted of a Class A1 crime received the longest probation sentences, on average (20 months). Overall, offenders receiving a Community punishment were sentenced to an average of 17 months of probation.

**TABLE 14: COMMUNITY PUNISHMENT - TYPE OF PUNISHMENT BY OFFENSE CLASS
ALL MISDEMEANORS**

TYPE OF PUNISHMENT AND AVERAGE LENGTH OF PROBATION SENTENCE		PROBATION LENGTH (MONTHS)	TOTAL
		MEAN	NUMBER
OFFENSE CLASS	TYPE OF PROBATION		
CLASS A1	SUPERVISED PROBATION	20	3556
	UNSUPERVISED PROBATION	20	4870
	RESTITUTION	.	16
	FINE	.	162
	SUB-TOTAL	20	8604
	CLASS 1	TYPE OF PROBATION	
	SUPERVISED PROBATION	19	20373
	UNSUPERVISED PROBATION	17	33725
	RESTITUTION	.	322
	FINE	.	6885
	SUB-TOTAL	18	61305
TYPE OF PUNISHMENT AND AVERAGE LENGTH OF PROBATION SENTENCE		PROBATION LENGTH (MONTHS)	TOTAL
		MEAN	NUMBER
OFFENSE CLASS	TYPE OF PROBATION		
CLASS 2	SUPERVISED PROBATION	18	5160
	UNSUPERVISED PROBATION	15	18853
	RESTITUTION	.	1854
	FINE	.	1867
	SUB-TOTAL	16	27734
	CLASS 3	TYPE OF PROBATION	
	SUPERVISED PROBATION	16	1615
	UNSUPERVISED PROBATION	15	11714
	RESTITUTION	.	53
	FINE	.	3215
	SUB-TOTAL	15	16597
TOTAL		17	114240

B. Community Punishments by Crime Type

Table 15 shows the total number of misdemeanor 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.

Unsupervised Probation was most frequently imposed on offenders convicted of a public order crime (32,238). Supervised Probation was most frequently imposed on offenders convicted of a property crime (13,390). Restitution and/or Fine was most frequently imposed on offenders convicted of a public order crime (8,768).

**TABLE 15: COMMUNITY PUNISHMENT - TYPE OF PUNISHMENT BY CRIME TYPE
ALL MISDEMEANORS**

TYPE OF PUNISHMENT AND AVERAGE LENGTH OF PROBATION SENTENCE		LENGTH OF PROBATION (MONTHS)	TOTAL
		MEAN	NUMBER
PERSON	TYPE OF COMMUNITY PUNISHMENT		
	SUPERVISED PROBATION	19	4682
	UNSUPERVISED PROBATION	19	8351
	RESTITUTION/FINE	.	506
	SUB-TOTAL	19	13539
PROPERTY	TYPE OF COMMUNITY PUNISHMENT		
	SUPERVISED PROBATION	20	13390
	UNSUPERVISED PROBATION	16	19145
	RESTITUTION/FINE	.	2659
	SUB-TOTAL	17	35194
DRUGS	TYPE OF COMMUNITY PUNISHMENT		
	SUPERVISED PROBATION	17	3863
	UNSUPERVISED PROBATION	16	9428
	RESTITUTION/FINE	.	2441
	SUB-TOTAL	16	15732
PUBLIC ORDER	TYPE OF COMMUNITY PUNISHMENT		
	SUPERVISED PROBATION	19	8769
	UNSUPERVISED PROBATION	17	32238
	RESTITUTION/FINE	.	8768
	SUB-TOTAL	17	49775
TOTAL		17	114240

VI. SPECIAL ISSUES

This section reviews other areas of interest. The following tables show data for all misdemeanor offenders with regard to Community Service and Restitution.

A. Community Service

Data indicate that during Fiscal Year 1996-97, about 9% of all misdemeanor offenders received Community Service as a sentence. Offenders were ordered to perform about 38 hours of Community Service, on average. *Table 16* shows the average Community Service hours ordered and the total number of offenders sentenced to Community Service by offense class. Also shown is the percentage of offenders sentenced to Community Service relative to the total number of offenders convicted in each offense class. It should be noted that Community Service can be used as a sole condition of probation or in conjunction with other types of punishment.

Community Service was most frequently ordered for offenders convicted of a Class 1 offense (8,158). Offenders convicted of a Class A1 crime were ordered to perform the most hours of Community Service, on average (43.8 hours). Data indicate that 10.3% of all offenders convicted of a Class 1 offense were ordered to perform Community Service -- the largest percentage of all offense classes.

**TABLE 16: COMMUNITY SERVICE BY OFFENSE CLASS
ALL MISDEMEANORS**

OFFENSE CLASS AND AVERAGE NUMBER OF COMMUNITY SERVICE HOURS ORDERED	COMMUNITY SERVICE HOURS	TOTAL NUMBER OF OFFENDERS	% OF OFFENDERS
	MEAN	NUMBER	PERCENT
OFFENSE CLASS			
CLASS A1	43.8	786	6.9
CLASS 1	40.2	8158	10.3
CLASS 2	35.4	2111	6.4
CLASS 3	29.4	1943	9.1
TOTAL	38.1	12998	9.0

Table 17 shows the average Community Service hours ordered and the total number of offenders sentenced to Community Service by crime type. Also shown is the percentage of offenders sentenced to Community Service relative to the total number of offenders convicted of each crime type.

Offenders convicted of a property offense most frequently received Community Service as a sentence (6,481). Offenders convicted of a person crime were ordered to perform the most hours of Community Service, on average (41 hours). Data indicate that 14.4% of all offenders convicted of a property offense were ordered to perform Community Service -- the largest percentage of all crime types.

**TABLE 17: COMMUNITY SERVICE BY CRIME TYPE
ALL MISDEMEANORS**

CRIME TYPE AND AVERAGE NUMBER OF COMMUNITY SERVICE HOURS ORDERED	COMMUNITY SERVICE HOURS	TOTAL NUMBER OF OFFENDERS	% OF OFFENDERS
	MEAN	NUMBER	PERCENT
CRIME TYPE			
PERSON	40.9	1403	8.1
PROPERTY	38.2	6481	14.4
DRUGS	34.1	1473	7.7
PUBLIC ORDER	38.3	3641	5.7
TOTAL	38.1	12998	9.0

B. Restitution

This section presents information about the amount of restitution ordered for all misdemeanor offenders; it does not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions. The reader should note that the following tables do not include convictions disposed of by magistrates or clerks.

The following tables provide four important pieces of information. They indicate the total number and percentage of offenders who were ordered to pay restitution, the mean (average) dollar amount ordered, and the median (the amount which has the same number of restitutions ordered above it as below it) dollar amount ordered. 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.

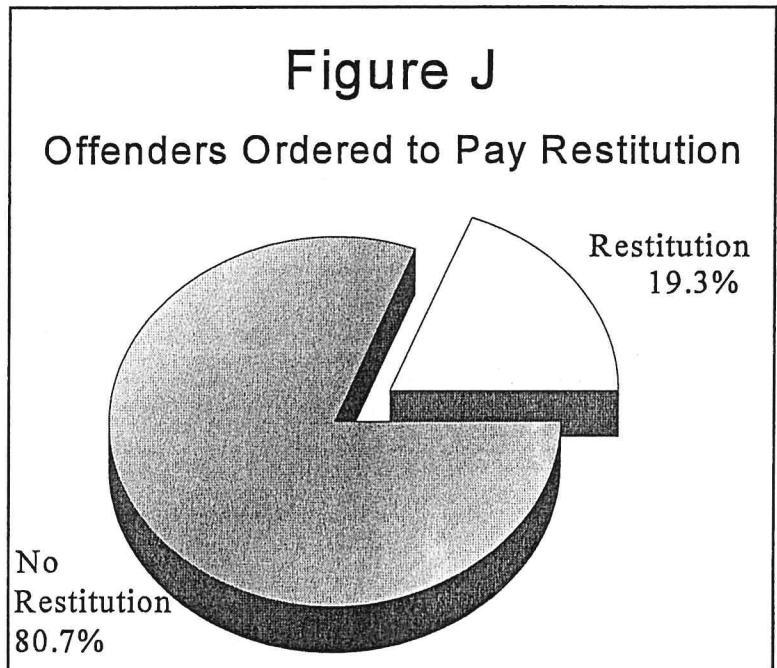


Table 18 shows the mean and median dollar amounts of restitution ordered and the total number of offenders ordered to pay restitution by offense class. The table also shows the percentage of offenders ordered to pay restitution relative to the total number of offenders convicted in each offense class.

Data indicate that approximately 19% of all offenders were ordered to pay restitution during Fiscal Year 1996-97. (See Figure J.) The average amount of restitution ordered was \$536. The median amount of restitution ordered was \$175. Offenders convicted of a Class A1 offense were ordered to pay the highest amount of restitution, on average (\$746). Offenders convicted of a Class A1 offense were also ordered to pay the highest median amount of restitution (\$257). Offenders convicted of a Class 2 offense were most frequently ordered to pay restitution (13,655). Data also indicate that 41% of all offenders convicted of a Class 2 offense were ordered to pay restitution -- the largest percentage of all offense classes.

**TABLE 18: RESTITUTION ORDERED BY OFFENSE CLASS
ALL MISDEMEANORS**

OFFENDERS ORDERED TO PAY RESTITUTION AND AMOUNT BY OFFENSE CLASS	RESTITUTION (\$)	RESTITUTION (\$)	TOTAL NUMBER OF OFFENDERS ORDERED TO PAY	% OF OFFENDERS ORDERED TO PAY
	MEAN	MEDIAN	NUMBER	PERCENT
OFFENSE CLASS				
CLASS A1	746	257	1636	14.4
CLASS 1	723	245	12052	15.2
CLASS 2	369	138	13655	41.1
CLASS 3	119	100	735	3.5
TOTAL	536	175	28078	19.3

Table 19 shows the mean and median dollar amounts of restitution ordered and the total number of offenders ordered to pay restitution by crime type. The table also shows the percentage of offenders ordered to pay restitution relative to the total number of offenders convicted of each crime type.

Offenders convicted of a person offense were ordered to pay the highest mean (\$674) and median (\$240) amounts of restitution. Offenders convicted of a property offense were most frequently ordered to pay restitution (22,845). Data also indicate that nearly 51% of all offenders convicted of a property offense were ordered to pay restitution -- the largest percentage of all crime types.

**TABLE 19: RESTITUTION ORDERED BY CRIME TYPE
ALL MISDEMEANORS**

OFFENDERS ORDERED TO PAY RESTITUTION AND AMOUNT BY CRIME TYPE	RESTITUTION (\$)	RESTITUTION (\$)	TOTAL NUMBER OF OFFENDERS ORDERED TO PAY	% OF OFFENDERS ORDERED TO PAY
	MEAN	MEDIAN	NUMBER	PERCENT
CRIME TYPE				
PERSON	674	240	2474	14.2
PROPERTY	532	180	22845	50.6
DRUGS	164	100	867	4.5
PUBLIC ORDER	577	150	1892	3.0
TOTAL	536	175	28078	19.3

Table 20 shows the mean and median amounts of restitution ordered and the total number of offenders ordered to pay restitution by type of punishment. The table also shows the percentage of offenders ordered to pay restitution relative to the total number of offenders receiving each type of punishment.

Offenders receiving an Intermediate punishment were ordered to pay the highest amount of restitution, on average (\$1,059). In addition, these offenders were ordered to pay the highest median amount of restitution (\$300). Offenders receiving a Community punishment were most frequently ordered to pay restitution (26,860). Data indicate that 29% of all offenders who received an Intermediate punishment were ordered to pay restitution -- the largest percentage of all types of punishment.

**TABLE 20: RESTITUTION ORDERED BY TYPE OF PUNISHMENT
ALL MISDEMEANORS**

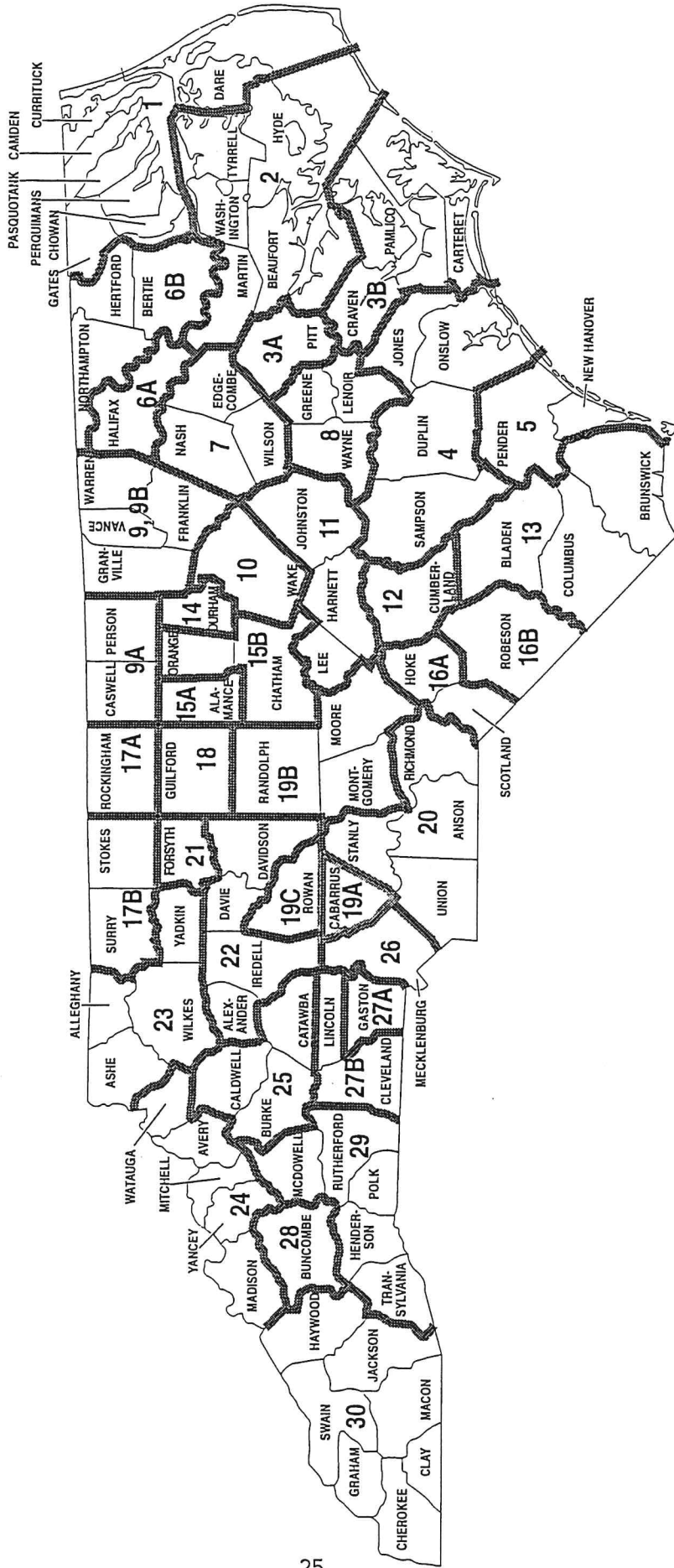
OFFENDERS ORDERED TO PAY RESTITUTION AND AMOUNT BY TYPE OF PUNISHMENT	RESTITUTION (\$)	RESTITUTION (\$)	TOTAL NUMBER OF OFFENDERS ORDERED TO PAY	% OF OFFENDERS ORDERED TO PAY
	MEAN	MEDIAN	NUMBER	PERCENT
TYPE OF PUNISHMENT				
ACTIVE	496	200	358	2.7
INTERMEDIATE	1059	300	860	29.3
COMMUNITY	520	173	26860	22.2
TOTAL	536	175	28078	19.3

APPENDIX A:

MAP OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina District Court Districts

January 1, 1997



APPENDIX B:
INTERMEDIATE AND COMMUNITY PUNISHMENTS

APPENDIX B

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 paramilitary 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. Coding errors in reporting racial composition may account for the unusually large percentage of "Other" offenders.
2. The reader should note that this is only an estimate of the number of offenders who *may be* located in prison or jail (based on sentence length). Data on the actual placement of offenders was unavailable. Also, consecutive sentences were not considered when making these estimates.
3. It is not clear why the specific type(s) of intermediate sanction(s) has not always been reported. In some cases, the court may not have specified a sanction. It is more likely, however, that the type of sanction imposed by the court has not been entered into the AOC Criminal Information System. Data indicate that the reporting rate for the type of intermediate sanctions imposed has varied over the past two years. The reporting rate was 17% in Calendar Year 1995. In Fiscal Year 1995-96, the reporting rate increased to 25.5%. The rate continued to increase in Calendar Year 1996 which showed a reporting rate of 43.7%. However, in Fiscal Year 1996-97, the reporting rate dropped to 29.5%.

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

MISDEMEANOR PUNISHMENT CHART

CLASS	PRIOR CONVICTION LEVELS		
	I	II	III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
A1	1 - 60 days C/I/A	1 - 75 days C/I/A	1 - 150 days C/I/A
1	1 - 45 days C	1 - 45 days C/I/A	1 - 120 days C/I/A
2	1 - 30 days C	1 - 45 days C/I	1 - 60 days C/I/A
3	1 - 10 days C	1 - 15 days C/I	1 - 20 days C/I/A

A - Active Punishment- Intermediate Punishment C - Community Punishment

Cells with slash allow either disposition at the discretion of the judge.

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NC Sentencing and Policy Advisory Commission

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