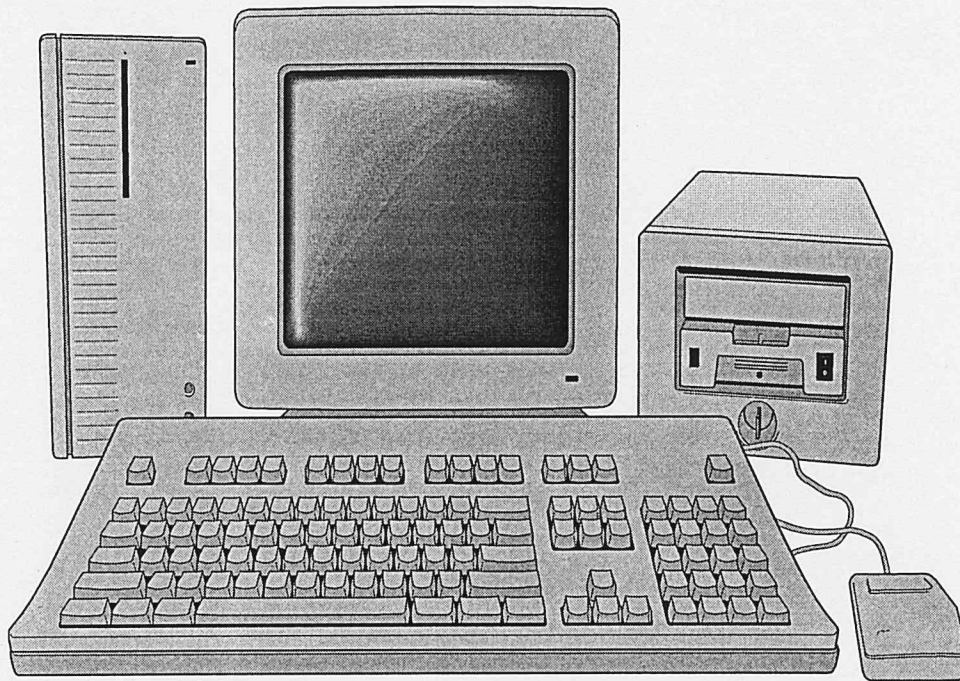


NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION



STRUCTURED SENTENCING MONITORING SYSTEM

REPORT FOR MISDEMEANORS: JULY 1995 THROUGH JUNE 1996

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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

STRUCTURED SENTENCING MONITORING SYSTEM

FISCAL YEAR REPORT ON MISDEMEANORS: JULY 1995 THROUGH JUNE 1996

EXECUTIVE SUMMARY

This report presents an analysis of sentences imposed on misdemeanor offenders under Structured Sentencing during Fiscal Year 1995-96. Topics explored in this monitoring report include the number of convictions by month, offense class and prior conviction level, demographic characteristics of offenders, types of punishments imposed and average sentence lengths, types of Intermediate and Community punishments imposed and hours of community service imposed. Data reveal several important findings:

- A total of 151,877 misdemeanor offenders were convicted under Structured Sentencing during Fiscal Year 1995-96.
- The greatest number of misdemeanor convictions fell into Offense Class 1 with Prior Conviction Level I.
- Data indicate that 80% of all misdemeanor offenders were male; about 55% were under 30 years of age; and, nearly 48% were black.
- Of all misdemeanor offenders convicted under Structured Sentencing during the fiscal year, about 82% received a Community Punishment; nearly 15% received an Active Punishment; and, about 3% received an Intermediate Punishment.
- Offenses against persons accounted for the highest percentage of offenders receiving an Active Punishment. Drug offenses accounted for the lowest percentage of offenders receiving an Active Punishment. The average active sentence length imposed was longest for offenders convicted of a Person offense.
- Of the 21,231 offenders who received an Active Punishment, 5% received consecutive sentences.
- Data show that where a specific intermediate sanction was indicated in the database, Special Probation was the most frequently invoked punishment. Offenders convicted of a Class 1 offense with Prior Conviction Level II most frequently received Special Probation. Offenders convicted of a Class 1 offense received the longest (Special Probation) active jail sentences, on average.
- Of all misdemeanor offenders who received a Community Punishment, 64% received Unsupervised Probation; 24% received Supervised Probation; and, about 12% were ordered to pay Restitution and/or Fine as their most serious punishment.
- Data indicate that about 9% of all offenders were ordered to perform Community Service and nearly 20% of all offenders were ordered to pay Restitution. On average, offenders were ordered to perform 39 hours of Community Service. Offenders were ordered to pay \$520 in Restitution, on average.

INTRODUCTION

This report contains detailed information about misdemeanor offenders sentenced under Structured Sentencing during Fiscal Year 1995-96 (July 1, 1995 through June 30, 1996). The report only covers cases where an offender was convicted and sentenced for a misdemeanor offense which was committed on or after October 1, 1994 (the effective date of Structured Sentencing). This report reflects changes to the misdemeanor sentencing grid made by the General Assembly (effective December 1, 1995). This change added a new offense class (A1) which includes serious assaultive crimes.

The information contained in this summary is based on data entered into the AOC Criminal Information System by the court clerk following the imposition of the sentence. The unit of analysis in this report is referred to as a *sentencing episode*. If a single sentencing episode includes multiple convictions and/or sentences, only *the most serious* conviction and sentence imposed is included in this report.

NOTE: Currently, the report includes 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 questions with the accuracy and completeness of this data.

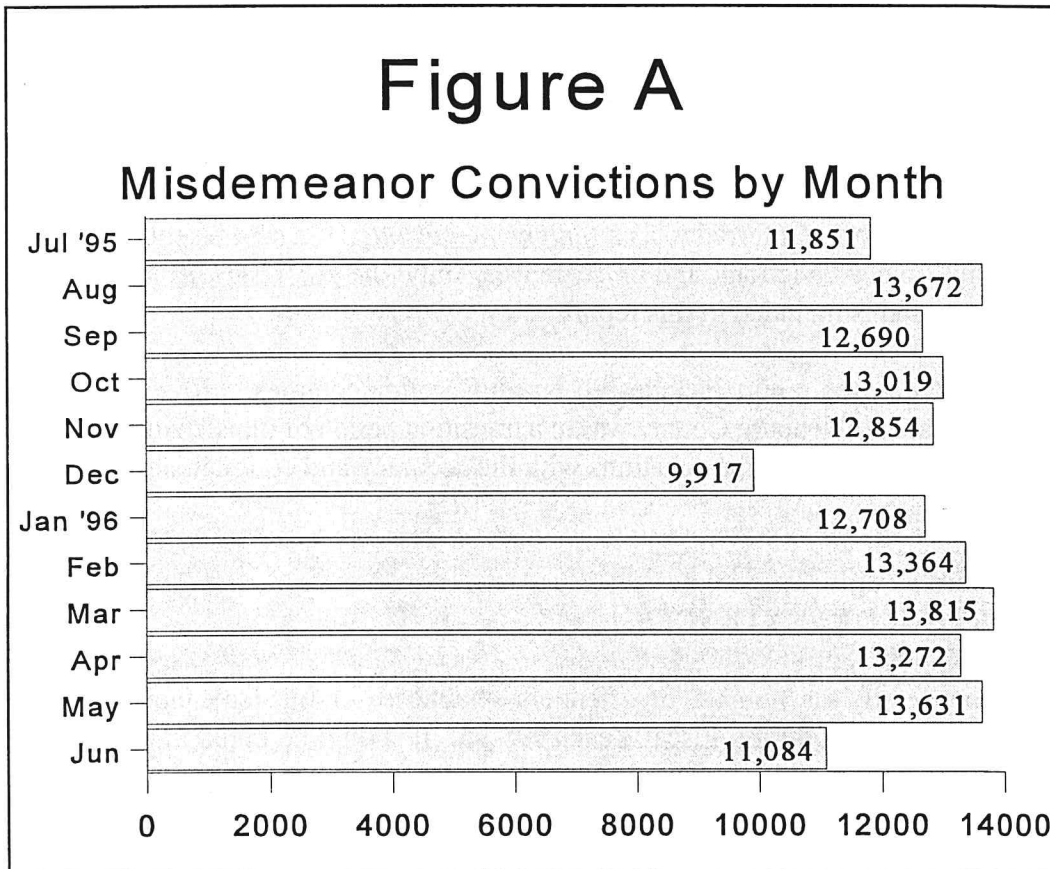
I. REPORTING OF SENTENCES

This section details the number of offenders sentenced for misdemeanor crimes under Structured Sentencing during Fiscal Year 1995-96. It should be noted that misdemeanor Driving While Impaired offenses are not covered under Structured Sentencing. In addition, this report includes only those cases disposed of in superior or district court, not by magistrate. Finally, of all criminal traffic offenses, only Class 1 offenses are reflected in this report.

Overall, 151,877 misdemeanor offenders were reported. Data about these offenders are summarized in this section (except for *Table 3*) and also in **Section II**. However, information on 8,789 offenders was eliminated due to problems and errors with the data reported. Efforts continue to correct these errors and to resolve initial reporting problems.

A. Convictions by Month

Figure A shows the number of misdemeanor offenders convicted under Structured Sentencing during Fiscal Year 1995-96 (151,877).



B. Convictions by County and Judicial Division and District

Table 1 displays the number of misdemeanor offenders convicted in each county and Table 2 shows the number of misdemeanor offenders convicted 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	2833	268	3	3104
ALEXANDER	424	47	1	472
ALLEGHANY	170	30	.	200
ANSON	586	160	1	747
ASHE	258	47	.	305
AVERY	160	21	.	181
BEAUFORT	1123	263	11	1397
BERTIE	411	108	2	521
BLADEN	687	73	1	761
BRUNSWICK	980	86	.	1066
BUNCOMBE	4048	86	5	4139
BURKE	1684	174	.	1858
CABARRUS	2694	518	10	3222
CALDWELL	1212	151	4	1367
CAMDEN	70	12	.	82
CARTERET	1197	83	1	1281
CASWELL	438	137	.	575
CATAWBA	2646	260	2	2908
CHATHAM	598	46	2	646
CHEROKEE	375	23	.	398
CHOWAN	341	55	1	397
CLAY	46	13	.	59
CLEVELAND	1919	241	1	2161
COLUMBUS	881	67	2	950
CRAVEN	2093	143	1	2237
CUMBERLAND	4872	247	.	5119
CURRITUCK	292	49	.	341
DARE	656	60	.	716
DAVIDSON	2657	231	1	2889
DAVIE	434	52	.	486
DUPLIN	973	82	1	1056
DURHAM	4223	343	1	4567
EDGECOMBE	1608	255	5	1868
FORSYTH	5581	549	6	6136
FRANKLIN	984	144	.	1128
GASTON	2887	358	11	3256
GATES	113	28	1	142
GRAHAM	88	18	1	107
GRANVILLE	1178	150	.	1328
GREENE	216	12	.	228
GUILFORD	5457	412	7	5876
HALIFAX	1267	245	1	1513
HARNETT	1593	149	3	1745
HAYWOOD	782	65	1	848
HENDERSON	1242	42	.	1284
HERTFORD	660	138	.	798
HOKE	819	130	1	950
HYDE	117	46	3	166
IREDELL	2334	223	2	2559
JACKSON	336	17	1	354
JOHNSTON	1826	116	.	1942

COUNTY AND MODE OF DISPOSITION	MODE OF DISPOSITION			TOTAL
	GUILTY PLEA	GUILTY BY JUDGE	JURY TRIAL	
	NUMBER	NUMBER	NUMBER	
COUNTY NAME				
JONES	107	21	.	128
LEE	1362	116	.	1478
LENOIR	1568	144	6	1718
LINCOLN	782	143	.	925
MACON	302	30	1	333
MADISON	171	.	.	171
MARTIN	685	93	2	780
MCDOWELL	711	60	2	773
MECKLENBURG	6842	618	5	7465
MITCHELL	113	19	1	133
MONTGOMERY	429	100	2	531
MOORE	1087	277	.	1364
NASH	2014	254	.	2268
NEW HANOVER	3716	272	7	3995
NORTHAMPTON	390	114	.	504
ONSLow	2598	191	4	2793
ORANGE	1097	124	1	1222
PAMLICO	183	15	.	198
PASQUOTANK	816	92	3	911
PENDER	564	43	1	608
PERQUIMANS	219	36	.	255
PERSON	867	183	1	1051
PITT	2637	286	8	2931
POLK	213	11	.	224
RANDOLPH	1498	159	.	1657
RICHMOND	988	274	1	1263
ROBESON	4087	491	1	4579
ROCKINGHAM	1640	474	1	2115
ROWAN	2387	409	2	2798
RUTHERFORD	1464	130	2	1596
SAMPSON	1274	61	2	1337
SCOTLAND	1267	162	1	1430
STANLY	763	184	.	947
STOKES	524	71	.	595
SURRY	1164	117	.	1281
SWAIN	190	17	3	210
TRANSYLVANIA	438	53	.	491
TYRRELL	111	38	2	151
UNION	1753	285	.	2038
VANCE	1483	193	.	1676
WAKE	8967	438	11	9416
WARREN	440	61	2	503
WASHINGTON	298	87	4	389
WATAUGA	358	35	.	393
WAYNE	2210	221	3	2434
WILKES	1163	137	1	1301
WILSON	1334	157	1	1492
YADKIN	406	46	.	452
YANCEY	127	10	1	138
TOTAL	136876	14825	176	151877

**TABLE 2: CONVICTIONS BY JUDICIAL DIVISION AND DISTRICT
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	
JUDICIAL DIVISION	JUDICIAL DISTRICT						
FIRST	1	2389	332	118	5	2844	
	2	2267	527	67	22	2883	
	3A	2400	286	237	8	2931	
	3B	3349	241	124	2	3716	
	4A	2268	164	86	3	2521	
	4B	2503	191	95	4	2793	
	5	4038	315	242	8	4603	
	6A	1223	245	44	1	1513	
	6B	1404	360	57	2	1823	
	7A	1933	254	81	.	2268	
	7B	2707	412	235	6	3360	
	8A	1689	156	95	6	1946	
	8B	2102	221	108	3	2434	
	SUB-TOTAL		30272	3704	1589	70	35635
	SECOND	JUDICIAL DISTRICT					
9		3910	548	175	2	4635	
9A		1228	320	77	1	1626	
10		8895	438	72	11	9416	
11A		2897	265	58	3	3223	
11B		1804	116	22	.	1942	
12		4762	247	110	.	5119	
13		2466	226	82	3	2777	
14		4181	343	42	1	4567	
15A		2520	268	313	3	3104	
15B		1652	170	43	3	1868	
16A		2023	292	63	2	2380	
16B		4055	491	32	1	4579	
SUB-TOTAL		40393	3724	1089	30	45236	

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	
JUDICIAL DIVISION	JUDICIAL DISTRICT						
THIRD	17A	1557	474	83	1	2115	
	17B	1642	188	46	.	1876	
	18	5271	412	186	7	5876	
	19A	2588	518	106	10	3222	
	19B	1856	259	71	2	2188	
	19C	2327	409	60	2	2798	
	20A	2548	711	113	2	3374	
	20B	2417	469	99	.	2985	
	21	5501	549	80	6	6136	
	22	5709	553	140	4	6406	
	23	1963	260	34	1	2258	
	SUB-TOTAL		33379	4802	1018	35	39234
	FOURTH	JUDICIAL DISTRICT					
		24	893	85	36	2	1016
		25A	2790	325	106	4	3225
25B		2500	260	146	2	2908	
26		6721	618	121	5	7465	
27A		2827	358	60	11	3256	
27B		2598	384	103	1	3086	
28		4009	86	39	5	4139	
29		3933	296	135	4	4368	
30A		946	101	55	5	1107	
30B		1052	82	66	2	1202	
SUB-TOTAL		28269	2595	867	41	31772	
TOTAL		132313	14825	4563	176	151877	

C. Convictions by Offense Class and Prior Conviction Level

Table 3 shows the distribution of convictions by Misdemeanor Offense Class and Prior Conviction Level. Data indicate that the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level I (38,407).

The reader should note the addition of Offense Class A1. This new offense class, created by the General Assembly, applies to misdemeanor offenders convicted of serious assaultive crimes which were committed on or after December 1, 1995. Also note that this table excludes convictions containing incorrect Offense Classes, Prior Conviction Levels, or other errors.

TABLE 3: CONVICTIONS BY OFFENSE CLASS AND PRIOR CONVICTION LEVEL

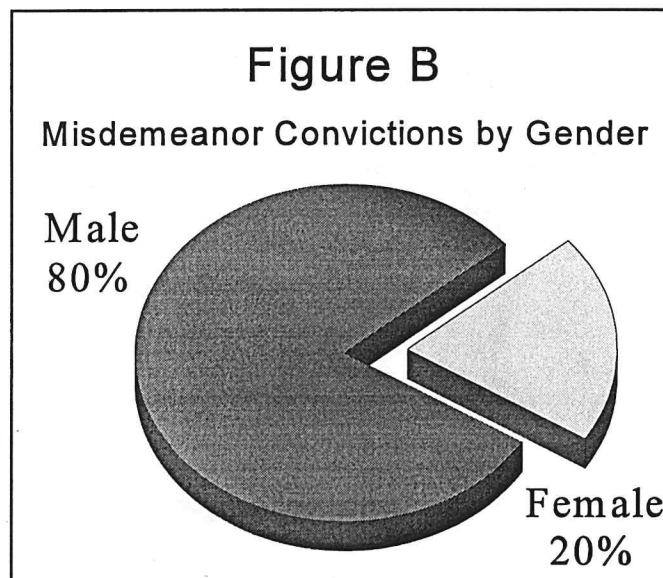
OFFENSE CLASS AND PRIOR CONVICTION LEVEL	PRIOR CONVICTION LEVEL			TOTAL
	I	II	III	
	NUMBER	NUMBER	NUMBER	NUMBER
OFFENSE CLASS				
Class A1	1931	2201	703	4835
CLASS 1	38407	36529	11946	86882
CLASS 2	16723	11209	2736	30668
CLASS 3	11543	6866	2294	20703
TOTAL	68604	56805	17679	143088

II. CHARACTERISTICS OF OFFENDERS

This section provides a summary of misdemeanor offenders by gender, race, and age. For a complete profile of offenders by these three characteristics, see Table 4.

A. Convictions by Gender

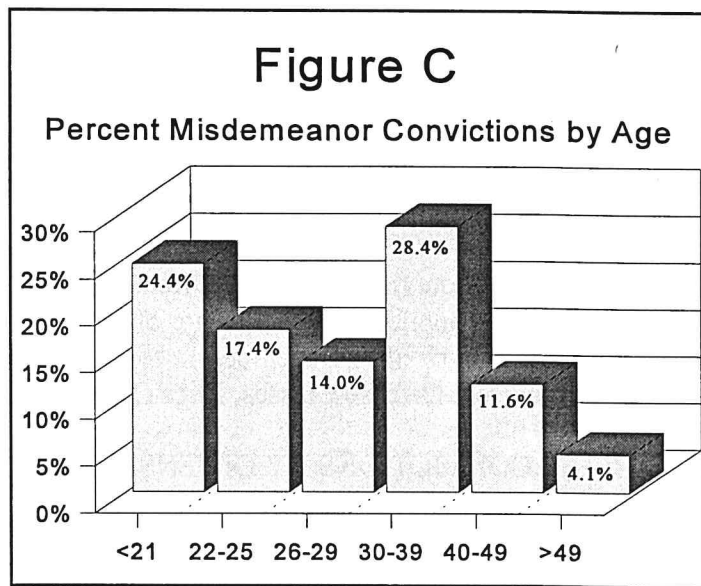
Figure B shows that the majority of misdemeanor offenders were male (80%).



B. Convictions by Age

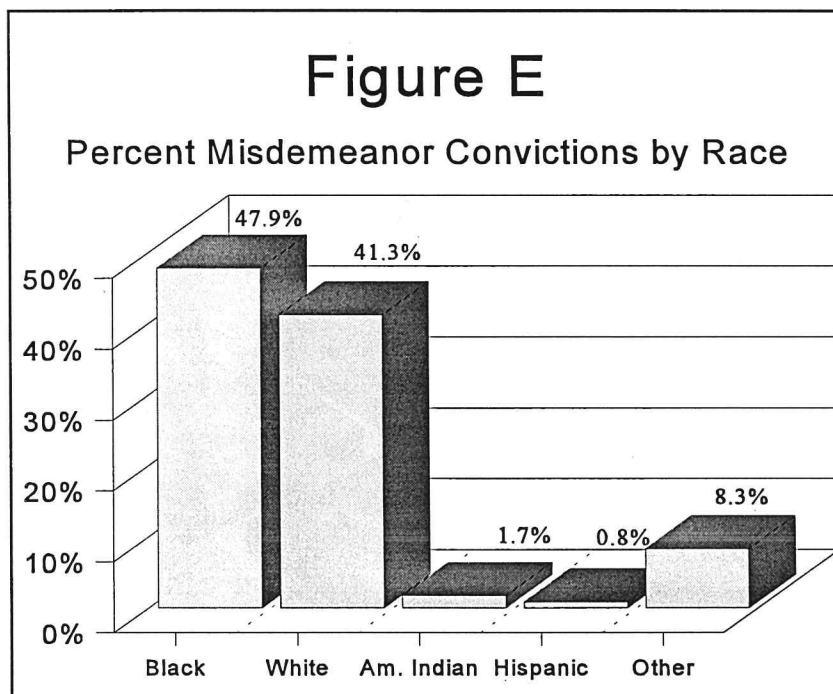
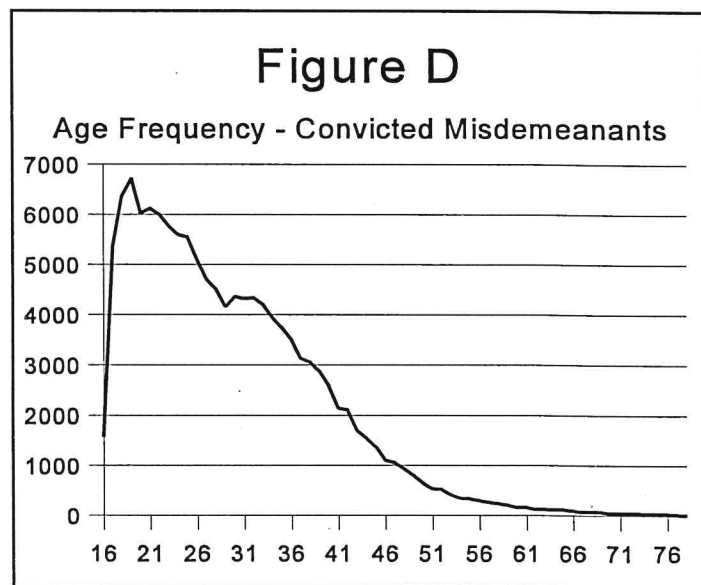
Figure C shows that about 55% of all misdemeanor offenders were under the age of 30. Offenders under 21 years of age accounted for nearly one quarter of the total number of misdemeanor offenders.

Figure D displays 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 data for age was missing for about 19,953 offenders (13% of all offenders).



C. Convictions by Race

Figure E shows that about 48% of all misdemeanor offenders were black and about 41% were white. Only a small percentage of offenders were American Indian (1.7%), Hispanic (0.8%), or Other (8.3%).¹



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

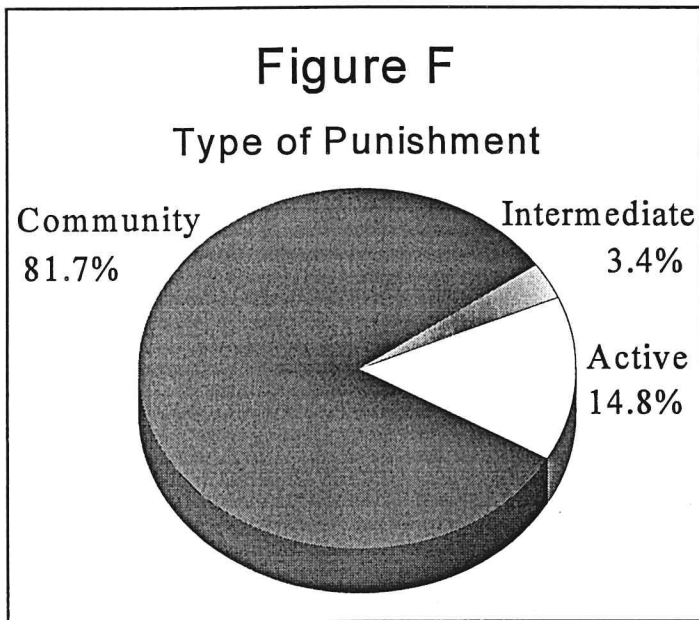
GENDER AND RACE BY AGE		AGE						TOTAL
		<21	21-25	26-29	30-39	40-49	>49	
		NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	NUMBER	
GENDER	RACE							
MALE	ASIAN	23	13	5	5	3	2	51
	BLACK	12219	9249	7623	15834	7280	2240	54445
	HISPANIC	223	280	201	251	57	12	1024
	AMERICAN INDIAN	522	326	237	435	188	50	1758
	UNKNOWN	582	686	507	799	240	95	2909
	WHITE	13050	7990	6063	12130	4929	2194	46356
	SUB-TOTAL	26619	18544	14636	29454	12697	4593	106543
	FEMALE	RACE						
	ASIAN	6	1	2	.	1	.	10
	BLACK	2531	2270	2029	4199	1334	346	12709
	HISPANIC	24	15	11	22	6	2	80
	AMERICAN INDIAN	130	90	78	143	44	8	493
	UNKNOWN	93	106	79	168	69	13	528
	WHITE	2808	1908	1667	3540	1217	421	11561
	SUB-TOTAL	5592	4390	3866	8072	2671	790	25381
TOTAL		32211	22934	18502	37526	15368	5383	131924

NOTE: The table excludes cases where an offender's age was missing.

III. THE PUNISHMENT IMPOSED

This section details the type of punishment imposed (Active, Intermediate, or Community Punishment). 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 database. Therefore, the following tables do not show the full impact of the use of credit for time served.

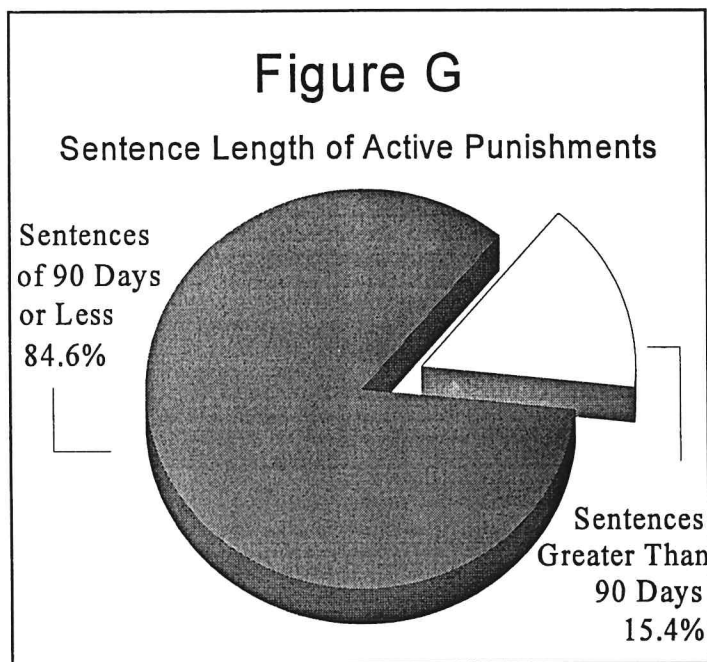
This section excludes convictions with reporting errors. In an effort to provide information to local and state community corrections agencies, a distinction has been made between misdemeanor offenders who received sentences of 90 days or less and those who received sentences greater than 90 days.²



A. Overall Punishment

Figure F shows that nearly 15% of all misdemeanor offenders received an Active Punishment; about 3% received an Intermediate Punishment; and, approximately 82% received a Community Punishment.

Figure G shows that nearly 85% of all misdemeanor offenders who received an Active Punishment received a sentence of 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* indicate 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 (81.7%).

The largest percentage of offenders who received an Active sentence fell into Offense Class A1 (20.4%).

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. Data indicate that the average sentence imposed and the 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	MODE OF DISPOSITION						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	985	20.4	258	5.3	3592	74.3	66.4	4.0	62.4	4835
CLASS 1	14059	16.2	3914	4.5	68909	79.3	51.5	3.0	48.5	86882
CLASS 2	2936	9.6	574	1.9	27158	88.6	27.6	2.7	24.9	30668
CLASS 3	3251	15.7	170	0.8	17282	83.5	9.2	1.8	7.4	20703
TOTAL	21231	14.8	4916	3.4	116941	81.7	42.4	2.8	39.6	143088

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

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	MODE OF DISPOSITION						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	771	18.3	216	5.1	3224	76.6	46.0	3.1	42.9	4211
CLASS 1	11011	14.2	3110	4.0	63621	81.8	32.9	3.0	29.9	77742
CLASS 2	2936	9.6	561	1.8	26985	88.5	27.6	2.7	24.9	30482
CLASS 3	3251	15.8	167	0.8	17181	83.4	9.2	1.8	7.4	20599
TOTAL	17969	13.5	4054	3.0	111011	83.4	28.3	2.7	25.6	133034

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

OFFENSE CLASS AND AVERAGE LENGTH OF ACTIVE SENTENCES	MODE OF DISPOSITION						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	214	34.3	42	6.7	368	59.0	139.8	7.1	132.7	624
CLASS 1	3048	33.3	804	8.8	5288	57.9	118.5	2.9	115.6	9140
CLASS 2	.	.	13	7.0	173	93.0	.	.	.	186
CLASS 3	.	.	3	2.9	101	97.1	.	.	.	104
TOTAL	3262	32.4	862	8.6	5930	59.0	119.9	3.2	116.7	10054

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 displays the average sentence imposed and the average actual time served for each combination of Offense Class and Prior Conviction Level. In addition, Active Punishment 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.

The table indicates that as Prior Conviction Level increases -- regardless of Offense Class -- the percentage of offenders receiving an Active/Jail Punishment increases. The greatest percentage of offenders receiving an Active/Jail sentence fell in Offense Class 3 with Prior Conviction Level III (54.1%). Of the 14.8% of offenders who received an Active Punishment, 12.6% fell into the Active/Jail category and 2.3% fell into the Active Prison category (note: rounding error). However, the reader should note that this 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 displayed in this table may overestimate the actual number of offenders who fell into the Active/Jail category and underestimate the actual number who fell into the Active/Prison category.

Table 6 also indicates that for each Offense Class, the average sentence imposed and the average actual time served increase as Prior Conviction Level increases.

TABLE 6: PUNISHMENT BY OFFENSE CLASS AND PRIOR CONVICTION LEVEL

OFFENSE CLASS, PRIOR CONVICTION LEVEL AND ACTIVE SENTENCE LENGTH		MODE OF DISPOSITION								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	.	.	196	10.2	105	5.4	1630	84.4	30.8	4.6	26.2	1931
	II	.	.	437	19.9	114	5.2	1650	75.0	50.5	2.2	48.3	2201
	III	214	30.4	138	19.6	39	5.5	312	44.4	105.9	5.9	100.0	703
	SUB-TOTAL	214	4.4	771	15.9	258	5.3	3592	74.3	66.4	4.0	62.4	4835
CLASS 1	PRIOR CONVICTION LEVEL												
	I	2	0.0	2460	6.4	1040	2.7	34905	90.9	22.7	4.7	18.1	38407
	II	.	.	6169	16.9	2084	5.7	28276	77.4	32.6	2.3	30.2	36529
	III	3046	25.5	2382	19.9	790	6.6	5728	47.9	86.0	2.9	83.0	11946
	SUB-TOTAL	3048	3.5	11011	12.7	3914	4.5	68909	79.3	51.5	3.0	48.5	86882
CLASS 2	PRIOR CONVICTION LEVEL												
	I	.	.	691	4.1	149	0.9	15883	95.0	14.1	3.9	10.2	16723
	II	.	.	1097	9.8	346	3.1	9766	87.1	24.9	1.9	23.0	11209
	III	.	.	1148	42.0	79	2.9	1509	55.2	38.2	2.8	35.5	2736
	SUB-TOTAL	.	.	2936	9.6	574	1.9	27158	88.6	27.6	2.7	24.9	30668
CLASS 3	PRIOR CONVICTION LEVEL												
	I	.	.	1159	10.0	39	0.3	10345	89.6	5.4	2.6	2.8	11543
	II	.	.	852	12.4	106	1.5	5908	86.0	8.6	1.3	7.2	6866
	III	.	.	1240	54.1	25	1.1	1029	44.9	13.3	1.4	11.8	2294
	SUB-TOTAL	.	.	3251	15.7	170	0.8	17282	83.5	9.2	1.8	7.4	20703
TOTAL		3262	2.3	17969	12.6	4916	3.4	116941	81.7	42.4	2.8	39.6	143088

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 receiving a sentence of 90 days or less. Table 7b refers to those offenders who received a sentence greater than 90 days. These tables also indicate the average sentence imposed and the average actual time served for offenders who received an Active Punishment.

For all misdemeanor offenders, Table 7 indicates that, of the four types of crime, Person offenses accounted for the highest percentage of offenders receiving an Active Punishment (17.7%). Similar findings are shown in Table 7a. Table 7b shows that Property offenses accounted for the highest percentage of offenders receiving an Active Punishment (40%).

For all misdemeanor offenders, Table 7 shows that Drug offenses accounted for the lowest percentage of offenders receiving an Active Punishment (11.6%). Similar findings are shown in Table 7a for offenders who received a sentence of 90 days or less. For offenders receiving a sentence greater than 90 days, Public Order offenses accounted for the lowest percentage of offenders receiving an Active Punishment (24.9%).

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	MODE OF DISPOSITION						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	3588	17.7	1133	5.6	15468	76.7	55.5	3.5	51.9	20233
PROPERTY	6746	15.6	1834	4.2	34647	80.2	46.6	3.3	43.3	43227
DRUGS	1909	11.6	476	2.9	14065	85.5	39.7	3.4	36.3	16450
PUBLIC ORDER	8988	14.2	1473	2.3	52717	83.4	34.6	2.1	32.5	63178
TOTAL	21231	14.8	4916	3.4	116941	81.7	42.4	2.8	39.6	143088

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

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH	MODE OF DISPOSITION						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	2829	15.5	975	5.3	14444	79.2	36.9	3.1	33.7	18248
PROPERTY	5563	13.8	1593	4.0	33111	82.2	31.2	3.2	28.0	40267
DRUGS	1659	10.6	390	2.5	13588	86.9	27.8	3.6	24.2	15637
PUBLIC ORDER	7918	13.4	1096	1.9	49868	84.7	23.3	2.1	21.2	58882
TOTAL	17969	13.5	4054	3.0	111011	83.4	28.3	2.7	25.6	133034

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

TYPE OF SENTENCE, CRIME TYPE AND ACTIVE SENTENCE LENGTH	MODE OF DISPOSITION						ACTIVE SENTENCE- (DAYS)	CREDIT FOR TIME SERVED - (DAYS)	ACTUAL SENTENCED TIME SERVED (D- (DAYS)	TOTAL
	ACTIVE		INTERMEDIATE		COMMUNITY					
	NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	MEAN	NUMBER
CRIMETYPE										
PERSON	759	38.2	158	8.0	1068	53.9	124.9	5.0	119.9	1985
PROPERTY	1183	40.0	241	8.1	1536	51.9	118.6	3.5	115.1	2960
DRUGS	250	30.8	86	10.6	477	58.7	118.5	1.9	116.6	813
PUBLIC ORDER	1070	24.9	377	8.8	2849	66.3	118.1	1.8	116.3	4296
TOTAL	3262	32.4	862	8.6	5930	59.0	119.9	3.2	116.7	10054

E. Consecutive Sentences

An assumption has been made throughout this report that all offenders convicted of multiple offenses received either concurrent or consolidated sentences. The AOC database indicates that, of the 21,231 offenders who received an Active Punishment, 1,077 (5%) received consecutive sentences.

Table 8 shows the impact of consecutive sentencing on average sentence lengths. Table 8a and Table 8b display this data based on sentence length. Column (1) does not adjust for consecutive sentences. Column (2) adjusts for the offenders who received consecutive sentences. The impact on average sentence lengths can be determined by comparing the two columns. For example, when adjusting for consecutive sentences, the average sentence length increased 2 days for offenders convicted of a Class 1 offense. It should be noted that Class 3 offenses are not subject to consecutive sentencing.

TABLE 8: CONSECUTIVE SENTENCES
(AVERAGE SENTENCES IMPOSED)
ALL MISDEMEANORS

OFFENSE CLASS AND CONSECUTIVE SENTENCES	NO ADJUSTMENT FOR CONSECUTIVE (DAYS) (1)	ADJUSTMENT FOR CONSECUTIVE (DAYS) (2)
	MEAN	MEAN
OFFENSE CLASS		
Class A1	66.4	69.4
CLASS 1	51.5	53.5
CLASS 2	27.6	28.4
CLASS 3	9.2	9.2
TOTAL	42.4	44.0

TABLE 8a: CONSECUTIVE SENTENCES
(AVERAGE SENTENCES IMPOSED)
SENTENCES OF 90 DAYS OR LESS

OFFENSE CLASS AND CONSECUTIVE SENTENCES	NO ADJUSTMENT FOR CONSECUTIVE (DAYS) (1)	ADJUSTMENT FOR CONSECUTIVE (DAYS) (2)
	MEAN	MEAN
OFFENSE CLASS		
Class A1	46.0	46.7
CLASS 1	32.9	33.7
CLASS 2	27.6	28.4
CLASS 3	9.2	9.2
TOTAL	28.3	29.0

TABLE 8b: CONSECUTIVE SENTENCES
(AVERAGE SENTENCES IMPOSED)
SENTENCES GREATER THAN 90 DAYS

OFFENSE CLASS AND CONSECUTIVE SENTENCES	NO ADJUSTMENT FOR CONSECUTIVE (DAYS) (1)	ADJUSTMENT FOR CONSECUTIVE (DAYS) (2)
	MEAN	MEAN
MISDEMEANOR CLASSES:		
Class A1	139.8	150.8
CLASS 1	118.5	124.9
CLASS 2	.	.
CLASS 3	.	.
TOTAL	119.9	126.6

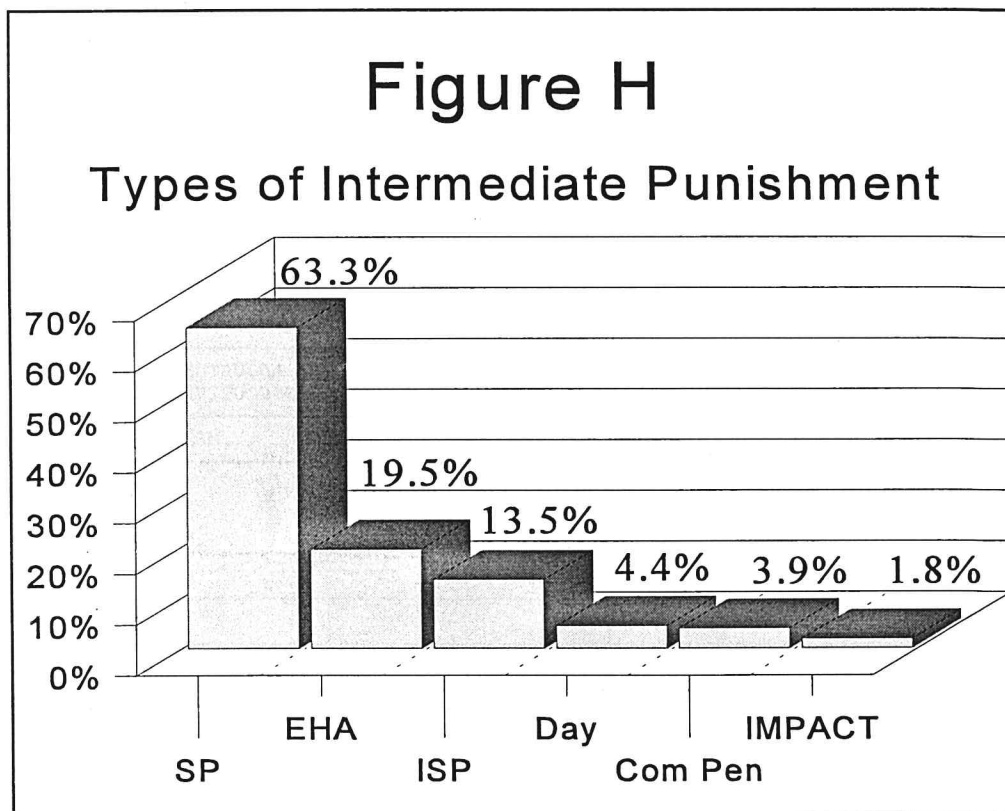
IV. IMPOSITION OF INTERMEDIATE PUNISHMENTS

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), Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), Intensive Supervision Probation (ISP), Electronic House Arrest (EHA), Residential Treatment Facility (Res. Fac.), Day Reporting Center (Day), and Community Penalties Program (Com. Pen.). See *Appendix B* for a brief description of each sanction.

Data indicate that 4,916 offenders received an Intermediate Punishment during Fiscal Year 1995-96. However, the specific type(s) of intermediate sanction(s) imposed was reported for only 1,255 of these offenders (a reporting rate of 25.5%).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 displays 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 (63.3%). In the data reported there were no offenders were 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. The table reflects the frequencies of those sanctions that were specified in the database. Data indicate that the greatest number of intermediate sanctions was imposed for Class 1 misdemeanor crimes (1,054).

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	100	1	.	7	8	11	.	127
CLASS 1	613	20	.	37	137	204	43	1054
CLASS 2	54	2	.	8	23	25	4	116
CLASS 3	27	.	.	3	1	5	2	38
TOTAL	794	23	.	55	169	245	49	1335

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

Table 10 displays the frequency of intermediate sanctions by Offense Class and Prior Conviction Level. The table reflects the frequencies of those sanctions that were specified in the database.

Table 10 indicates that intermediate sanctions were most frequently imposed on offenders convicted of a Class 1 offense and classified in Prior Conviction Level II (607). Intermediate sanctions were least frequently imposed on offenders convicted of a Class 3 offense with Prior Conviction Level I (2).

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								
PRIOR CONVICTION LEVEL								
Class A1								
I	16	1	.	.	.	3	.	20
II	65	.	.	2	4	5	.	76
III	19	.	.	5	4	3	.	31
SUB-TOTAL	100	1	.	7	8	11	.	127
CLASS 1								
PRIOR CONVICTION LEVEL								
I	35	3	.	5	8	26	16	93
II	393	11	.	21	64	99	19	607
III	185	6	.	11	65	79	8	354
SUB-TOTAL	613	20	.	37	137	204	43	1054
CLASS 2								
PRIOR CONVICTION LEVEL								
I	2	.	.	2	1	3	1	9
II	41	2	.	5	15	18	3	84
III	11	.	.	1	7	4	.	23
SUB-TOTAL	54	2	.	8	23	25	4	116
CLASS 3								
PRIOR CONVICTION LEVEL								
I	1	1	2
II	24	.	.	2	1	3	1	31
III	2	.	.	1	.	2	.	5
SUB-TOTAL	27	.	.	3	1	5	2	38
TOTAL	794	23	.	55	169	245	49	1335

D. Type of Intermediate Punishment by Crime Type

Table 11 shows the frequency of intermediate sanctions by Crime Type. The table reflects the frequencies of those sanctions that were specified in the database.

Considering the four types of crime, intermediate sanctions were most frequently imposed for misdemeanor Public Order crimes (468) followed closely by misdemeanor Property crimes (451).

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	233	7	.	15	26	45	11	337
PROPERTY	239	9	.	22	86	74	21	451
DRUGS	42	1	.	3	14	13	6	79
PUBLIC ORDER	280	6	.	15	43	113	11	468
TOTAL	794	23	.	55	169	245	49	1335

E. Special Probation

Table 12a shows the average length and number of Special Probation sentences by Offense Class for offenders sentenced to jail as a condition of their split sentence. Table 12b displays this information for offenders sentenced to prison. The tables breakout 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 794 offenders (63.3%). Jail sentences were imposed on 787 of these offenders and prison sentences were imposed on the 7 remaining offenders.

TABLE 12a: SPECIAL PROBATION BY OFFENSE CLASS
JAIL

JAIL - AVERAGE ACTIVE SENTENCE LENGTH	JAIL		CREDIT FOR TIME SERVED (DAYS)	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
	SPECIAL PROBATION LENGTH (DAYS)	JAIL			
	NUMBER	MEAN	MEAN	MEAN	NUMBER
OFFENSE CLASS					
Class A1	99	13.0	5.9	7.0	99
CLASS 1	609	11.0	6.0	5.0	609
CLASS 2	53	7.9	3.9	4.1	53
CLASS 3	26	2.3	1.3	1.0	26
TOTAL	787	10.7	5.7	5.1	787

TABLE 12b: SPECIAL PROBATION BY OFFENSE CLASS
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	60.0	1.0	59.0	1
CLASS 1	4	83.0	20.8	62.3	4
CLASS 2	1	75.0	75.0	0.0	1
CLASS 3	1	182.0	21.0	161.0	1
TOTAL	7	92.7	25.7	67.0	7

Table 13a displays the number of Special Probation sentences by Crime Type for offenders sentenced to jail as a condition of their split sentence. Table 13b displays this information for offenders sentenced to prison.

For misdemeanor offenders sentenced to jail, Public Order offenses accounted for the greatest number of offenders receiving Special Probation (278). Drug offenses accounted for the fewest number of misdemeanor offenders receiving Special Probation (42).

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 Drug offense received the longest average active sentences (12 days). For offenders sentenced to prison, those convicted of a Property offense received the longest average active sentences (141.3 days).

TABLE 13a: SPECIAL PROBATION BY CRIME TYPE
JAIL

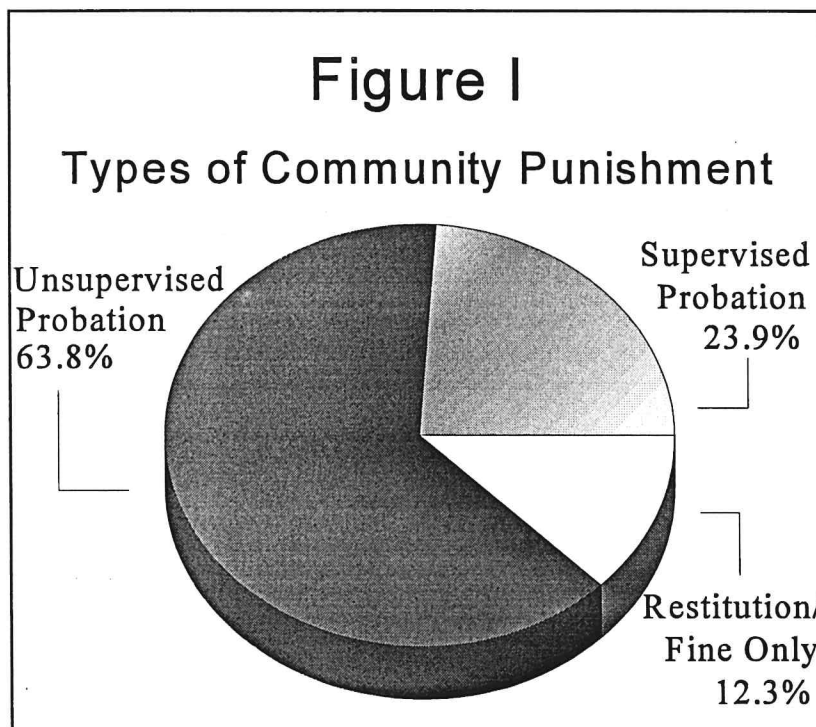
TOTAL JAIL - AVERAGE ACTIVE SENTENCE LENGTH	JAIL	JAIL	CREDIT FOR TIME SERVED (DAYS)	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
		SPECIAL PROBATION LENGTH (DAYS)			
	NUMBER	MEAN	MEAN	MEAN	NUMBER
CRIME TYPE					
PERSON	231	11.6	5.4	6.2	231
PROPERTY	236	11.4	6.8	4.6	236
DRUGS	42	12.0	8.0	4.0	42
PUBLIC ORDER	278	9.3	4.6	4.7	278
TOTAL	787	10.7	5.7	5.1	787

TABLE 13b: SPECIAL PROBATION BY CRIME TYPE
PRISON

PRISON - AVERAGE ACTIVE SENTENCE LENGTH	PRISON		CREDIT FOR TIME SERVED (DAYS)	TOTAL SPECIAL PROBATION LENGTH (DAYS)	TOTAL
	PRISON	SPECIAL PROBATION LENGTH (DAYS)			
	NUMBER	MEAN	MEAN	MEAN	NUMBER
CRIME TYPE					
PERSON	2	60.0	30.5	29.5	2
PROPERTY	3	141.3	14.7	126.7	3
PUBLIC ORDER	2	52.5	37.5	15.0	2
TOTAL	7	92.7	25.7	67.0	7

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 109,706 offenders who received a Community Punishment, about 64% received Unsupervised Probation; about 24% received Supervised Probation; and, approximately 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 7,235 offenders who received a Community Punishment. Text in the database indicated that these 7,235 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)	
		MEAN	TOTAL NUMBER
OFFENSE CLASS	TYPE OF PROBATION		
Class A1	SUPERVISED PROBATION	20	1217
	UNSUPERVISED PROBATION	20	2100
	RESTITUTION/FINE	.	55
	SUB-TOTAL	20	3372
	CLASS 1	TYPE OF PROBATION	
CLASS 1	SUPERVISED PROBATION	19	19196
	UNSUPERVISED PROBATION	18	38864
	RESTITUTION/FINE	.	6873
	SUB-TOTAL	18	64933

TYPE OF PUNISHMENT AND AVERAGE LENGTH OF PROBATION SENTENCE		PROBATION LENGTH (MONTHS)	
		MEAN	TOTAL NUMBER
OFFENSE CLASS	TYPE OF PROBATION		
Class 2	SUPERVISED PROBATION	19	4415
	UNSUPERVISED PROBATION	15	17373
	RESTITUTION/FINE	.	3494
	SUB-TOTAL	16	25282
	CLASS 3	TYPE OF PROBATION	
CLASS 3	SUPERVISED PROBATION	16	1364
	UNSUPERVISED PROBATION	15	11619
	RESTITUTION/FINE	.	3136
	SUB-TOTAL	15	16119
	TOTAL		17

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 (33,359). Supervised Probation was most frequently imposed on offenders convicted of a Property crime (11,253). Restitution and/or Fine was most frequently imposed on offenders convicted of a Public Order crime (8,388).

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	4474
	UNSUPERVISED PROBATION	19	9527
	RESTITUTION/FINE	.	580
	SUB-TOTAL	19	14581
PROPERTY	TYPE OF COMMUNITY PUNISHMENT		
	SUPERVISED PROBATION	19	11253
	UNSUPERVISED PROBATION	16	18694
	RESTITUTION/FINE	.	2535
	SUB-TOTAL	17	32482
DRUGS	TYPE OF COMMUNITY PUNISHMENT		
	SUPERVISED PROBATION	18	2839
	UNSUPERVISED PROBATION	16	8376
	RESTITUTION/FINE	.	2055
	SUB-TOTAL	16	13270
PUBLIC ORDER	TYPE OF COMMUNITY PUNISHMENT		
	SUPERVISED PROBATION	19	7626
	UNSUPERVISED PROBATION	17	33359
	RESTITUTION/FINE	.	8388
	SUB-TOTAL	17	49373
TOTAL		17	109706

VI. SPECIAL ISSUES

This section reviews other areas of interest. The following tables display data for all misdemeanor offenders concerning Community Service and Restitution.

A. Community Service

Data indicate that during Fiscal Year 1995-96, about 9% of all misdemeanor offenders received Community Service as a sentence. Overall, offenders were ordered to perform about 39 hours of Community Service, on average. *Table 16* displays 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 in relation to the total number of offenders convicted in each Offense Class. It should be noted 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 a Class 1 offense (9,055). Offenders convicted of Class A1 crimes were ordered to perform the most number of Community Service hours, on average (45.6 hours). Data indicate that about 10% 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	45.6	356	7.4
CLASS 1	41.8	9055	10.4
CLASS 2	36.6	1880	6.1
CLASS 3	30.4	2044	9.9
TOTAL	39.4	13335	9.3

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 in relation 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 (6,315). Offenders convicted of a Person crime were ordered to perform the most Community Service hours, on average (43.6 hours). Data indicate that nearly 15% 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	43.6	1767	8.7
PROPERTY	38.8	6315	14.6
DRUGS	36.6	1299	7.9
PUBLIC ORDER	39.3	3954	6.3
TOTAL	39.4	13335	9.3

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 three important pieces of information. They indicate the total number 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.

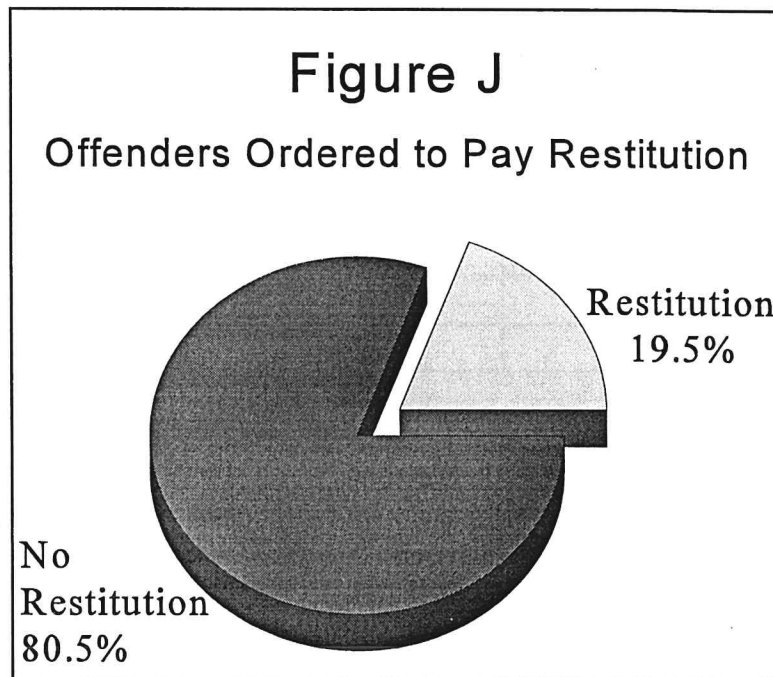


Table 18 shows the mean and median dollar amounts of Restitution and the total number of offenders ordered to pay Restitution by Offense Class. The table also shows the percentage of offenders ordered to pay Restitution in relation to the total number of offenders convicted in each Offense Class.

Data indicate that nearly 20% of all offenders were ordered to pay Restitution during Fiscal Year 1995-96. (See Figure J.) The average amount of Restitution ordered was \$520. The median amount of Restitution ordered was \$161. Offenders convicted of a Class 1 offense were ordered to pay the highest amount of Restitution, on average (\$642). Offenders convicted of a Class A1 offense were ordered to pay the highest median Restitution (\$231). Offenders convicted of a Class 2 offense were most frequently ordered to pay Restitution (13,358). Data also indicate that nearly 44% 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

TOTAL NUMBER OF OFFENDERS ORDERED TO PAY RESTITUTION AND AVERAGE 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	639	231	666	13.8
CLASS 1	642	217	13113	15.1
CLASS 2	417	132	13358	43.6
CLASS 3	159	100	800	3.9
TOTAL	520	161	27937	19.5

Table 19 shows the mean and median dollar amounts of Restitution 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 in relation to the total number of offenders convicted of each Crime Type.

Offenders convicted of a Person offense were ordered to pay the highest mean (\$747) and median (\$248) amounts of Restitution. Offenders convicted of a Property offense were most frequently ordered to pay Restitution (22,209). Data also indicate that about 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

TOTAL NUMBER OF OFFENDERS ORDERED TO PAY RESTITUTION AND AVERAGE 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	747	248	3125	15.4
PROPERTY	498	160	22209	51.4
DRUGS	228	100	646	3.9
PUBLIC ORDER	515	125	1957	3.1
TOTAL	520	161	27937	19.5

Table 20 shows the mean and median dollar amounts of Restitution and the total number of offenders ordered to pay Restitution by Mode of Disposition. The table also shows the percentage of offenders ordered to pay Restitution in relation 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 (\$773). In addition, these offenders were ordered to pay the highest median amount of Restitution (\$281). Offenders receiving a Community Punishment were most frequently ordered to pay Restitution (25,988). Data indicate that about 31% of all offenders who received an Intermediate Punishment were ordered to pay Restitution -- the largest percentage of all types of punishment.

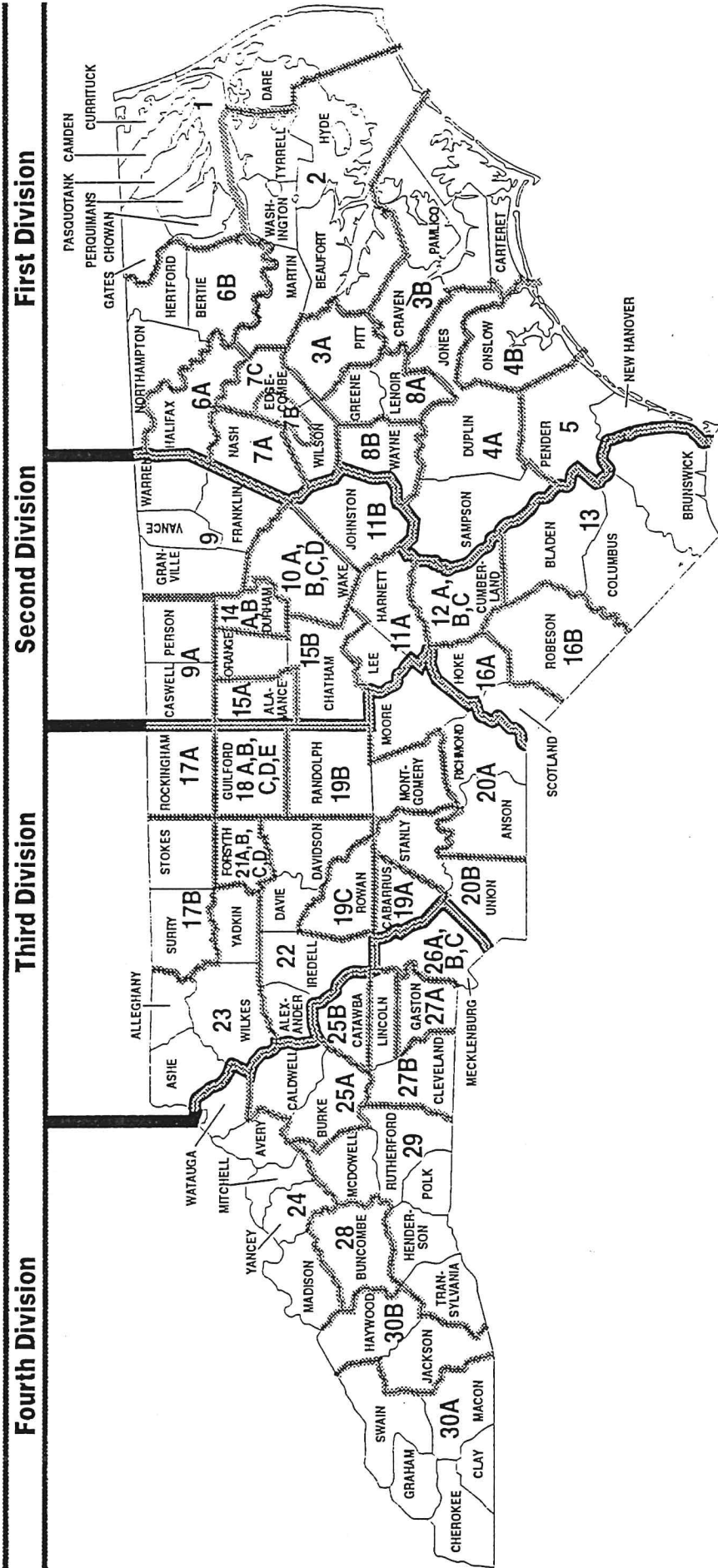
TABLE 20: RESTITUTION ORDERED BY MODE OF DISPOSITION
ALL MISDEMEANORS

TOTAL NUMBER OF OFFENDERS ORDERED TO PAY RESTITUTION AND AVERAGE AMOUNT BY MODE OF DISPOSITION	RESTITUTION (\$)	RESTITUTION (\$)	TOTAL NUMBER OF OFFENDERS ORDERED TO PAY	% OF OFFENDERS ORDERED TO PAY
	MEAN	MEDIAN	NUMBER	PERCENT
MODE OF DISPOSITION				
ACTIVE	583	200	421	2.0
INTERMEDIATE	773	281	1528	31.1
COMMUNITY	505	155	25988	22.2
TOTAL	520	161	27937	19.5

**APPENDIX A:
MAP OF JUDICIAL DIVISIONS AND DISTRICTS**

North Carolina Superior Court

Districts and Divisions as of October 1, 1995



**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):** 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) have 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. Changes to the AOC's system took effect in December 1995 to improve the reporting rate. Evidence shows some improvement. For example, the reporting rate for intermediate sanctions was 17% for Calendar Year 1995. By the end of the 1995-96 Fiscal Year, the rate was 25.5%.

*****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

I - Intermediate Punishment

C - Community Punishment

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

NC Sentencing and Policy Advisory Commission

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