

*North Carolina*  
*Sentencing and Policy Advisory Commission*

**Structured Sentencing Statistical Report  
for Felonies and Misdemeanors**

**Fiscal Year 1997/98  
(July 1, 1997 - June 30, 1998)**

**March 1999**

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# **INTRODUCTION**

## INTRODUCTION

This report provides detailed information about felony and misdemeanor convictions under Structured Sentencing during Fiscal Year 1997/98 (July 1, 1997 through June 30, 1998). The report only includes cases where an offender was convicted and sentenced for a crime which was committed on or after October 1, 1994 -- the effective date of Structured Sentencing. The report presents information on the number of felony and misdemeanor convictions, the distribution of felony and misdemeanor convictions within their respective punishment grids, and the types of punishments imposed, as well as data about several other issues. Information for felony convictions is presented in *Section I*, while information for misdemeanor convictions is presented in *Section II*.

The report reflects changes to the felony and misdemeanor Structured Sentencing punishment grids made by the General Assembly. These changes apply to crimes committed on or after December 1, 1995. Changes to the felony grid allow an Active sentence to be imposed for offenders convicted of a Class H offense with Prior Record Levels I or II. Offense Class A1, which includes serious assaultive misdemeanor offenses, was added to the misdemeanor sentencing grid.

## REPORTING OF CONVICTIONS AND SENTENCES

The information presented in this statistical summary is based on data entered into the Administrative Office of the Courts' (AOC's) Criminal Information System by the court clerk following the imposition of the sentence. The report covers all North Carolina counties.

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

### **Definition of a Sentencing Episode:**

A *sentencing episode* is identified from court records as the sentence(s) imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "convictions."

**SUMMARY OF FINDINGS**

**FELONY AND MISDEMEANOR CONVICTIONS  
IN FISCAL YEAR 1997/98**

## SUMMARY OF FINDINGS FISCAL YEAR 1997/98 CONVICTIONS

### **Felony Convictions**

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- During Fiscal Year 1997/98, sentences for 23,485 felony convictions were imposed under Structured Sentencing. (Note: This number excludes sentences imposed for drug trafficking and violent habitual felon offenses, which are subject to mandatory penalties.)
- The greatest number of convictions fell into Offense Class I with Prior Record Level II.
- The majority of felony convictions (69%) were for offenders with Prior Record Levels I and II. About 3% of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).
- Eighty-seven percent of all offenders were male; 43% of all offenders were under the age of 26; and 61% of all offenders were Black.
- Thirty-three percent of felony convictions resulted in an Active punishment, 40% resulted in an Intermediate punishment, and 27% resulted in a Community punishment.
- Of the four crime types, non-trafficking drug offenses accounted for the largest group of felony convictions (38%), followed closely by property offenses (35%). Person offenses represented 19% of convictions and other felonies accounted for 8% of convictions.
- Eighty-one percent of all Active sentences fell within the presumptive range; about 11% fell within the mitigated range; and almost 8% fell within the aggravated range.
- Of those cases where a specific intermediate sanction was reported in the database, the greatest number of sanctions was imposed for Class H offenses (2,833). Special Probation was the most frequently imposed sanction.
- Other information of interest includes: 21 death sentences and 51 life without parole sentences were imposed; there were 342 convictions for drug trafficking offenses; performance of community service was ordered for 20% of all convictions; and payment of restitution was ordered for 37% of all convictions.

## **Misdemeanor Convictions**

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- During Fiscal Year 1997/98, sentences for 160,827 misdemeanor convictions were imposed under Structured Sentencing. (This number excludes Driving While Impaired convictions, cases disposed of by magistrates, and Class 2 and Class 3 criminal traffic offenses.)
- Eleven percent of misdemeanor convictions fell into Offense Class A1, 51% fell into Offense Class 1, 23% fell into Offense Class 2, and 15% fell into Offense Class 3.
- Forty-eight percent of misdemeanor convictions had a Prior Conviction Level I (0 points), 40% had a Prior Conviction Level II (1-4 points), and the remainder had a Prior Conviction Level III (5 or more points).
- The greatest number of misdemeanor convictions fell into Offense Class 1 with Prior Conviction Level I.
- Eighty percent of all misdemeanor offenders were male; 54% were under the age of 30; and about 48% were Black.
- Sixteen percent of misdemeanor convictions resulted in an Active punishment, 2% resulted in an Intermediate punishment, and 82% resulted in a Community punishment.
- Relative to the other crime types, public order offenses accounted for the majority of misdemeanor convictions (42%), while misdemeanor drug offenses accounted for the lowest proportion (13%). Convictions for drug offenses were least likely to result in an Active punishment (12.7%) compared to the other crime types.
- Where a specific intermediate sanction was indicated in the AOC 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.
- Of all misdemeanor offenders who received a Community punishment, 60% received unsupervised probation; 29% received supervised probation; and 11% were ordered to pay restitution and/or a fine as their most serious punishment.
- Approximately 9% of all misdemeanor offenders were ordered to perform community service and 19% were ordered to pay restitution. On average, offenders were ordered to perform 37 hours of community service; the average restitution ordered was \$550.

**SECTION I**

**FELONY CONVICTIONS  
IN FISCAL YEAR 1997/98**

## **I. FELONY CONVICTIONS IN FY 1997/98**

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### **A. Definition of the Unit of Analysis**

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

#### **Definition of a Sentencing Episode:**

A *sentencing episode* is identified from court records as the sentence(s) imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "convictions."

### **B. Felony Convictions**

This section contains information on felony convictions and sentences imposed under Structured Sentencing during Fiscal Year 1997/98. Overall, sentences for 23,485 felony convictions were imposed. (This number excludes sentences imposed for drug trafficking and violent habitual felon offenses, which are subject to mandatory penalties. Information regarding these offenses is summarized in *Section VII: Special Issues*.) For many of the tables, information on 2,990 convictions (or 12.7%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are ongoing to understand the nature of the data discrepancies and to resolve reporting problems.

### **C. Distribution of Convictions within the Felony Structured Sentencing Grid**

*Table 1* shows the distribution of felony convictions within the Structured Sentencing Grid. Overall, the greatest number of convictions fell into Offense Class H (n=8,506 or 42%) and Prior Record Level II (n=7,399 or 36%). Relative to other grid cells, the greatest number of convictions fell into Offense Class I with Prior Record Level II (n=2,855 or 14%). Sentences imposed for Offense Classes A-E accounted for 13% of felony convictions during FY 1997/98. Seventy-four percent of sentences imposed were for Class H and I felony convictions.

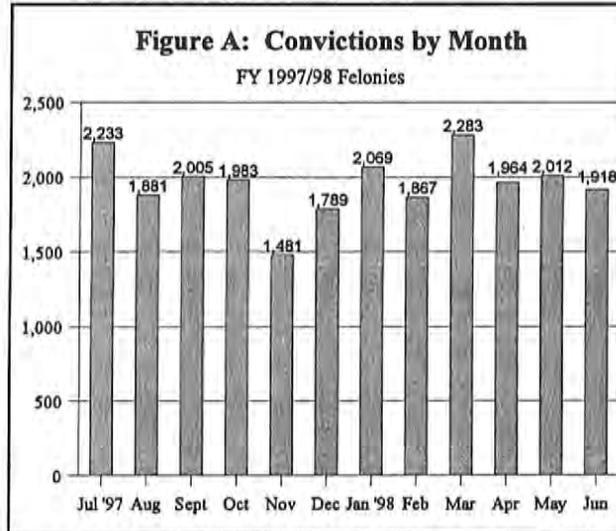
**Table 1: Distribution of Convictions within the Felony Structured Sentencing Grid  
FY 1997/98 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	44 (0.2%)	12 (0.1%)	9 (0.0%)	2 (0.0%)	2 (0.0%)	1 (0.0%)	70 (0.3%)
B1	35 (0.2%)	31 (0.2%)	17 (0.1%)	8 (0.0%)	2 (0.0%)	1 (0.0%)	94 (0.5%)
B2	100 (0.5%)	77 (0.4%)	37 (0.2%)	21 (0.1%)	4 (0.0%)	3 (0.0%)	242 (1.2%)
C	173 (0.8%)	151 (0.7%)	92 (0.5%)	54 (0.3%)	29 (0.1%)	24 (0.1%)	523 (2.6%)
D	222 (1.1%)	189 (0.9%)	102 (0.5%)	60 (0.3%)	15 (0.1%)	17 (0.1%)	605 (3.0%)
E	463 (2.3%)	436 (2.1%)	132 (0.6%)	55 (0.3%)	19 (0.1%)	5 (0.0%)	1,110 (5.4%)
F	462 (2.3%)	290 (1.4%)	157 (0.8%)	63 (0.3%)	9 (0.0%)	3 (0.0%)	984 (4.8%)
G	413 (2.0%)	574 (2.8%)	419 (2.0%)	233 (1.1%)	42 (0.2%)	24 (0.1%)	1,705 (8.3%)
H	2,722 (13.3%)	2,784 (13.6%)	1,787 (8.7%)	922 (4.5%)	206 (1.0%)	85 (0.4%)	8,506 (41.5%)
I	2,171 (10.6%)	2,855 (13.9%)	884 (4.3%)	552 (2.7%)	131 (0.6%)	63 (0.3%)	6,656 (32.5%)
<b>TOTAL</b>	<b>6,805 (33.2%)</b>	<b>7,399 (36.1%)</b>	<b>3,636 (17.7%)</b>	<b>1,970 (9.6%)</b>	<b>459 (2.2%)</b>	<b>226 (1.1%)</b>	<b>20,495</b>

Note: Of the 23,485 felony convictions in FY 1997/98, 2,990 convictions containing discrepant offense classes, prior record levels, or other errors were excluded from this table. Percentages may not add to 100% due to rounding.

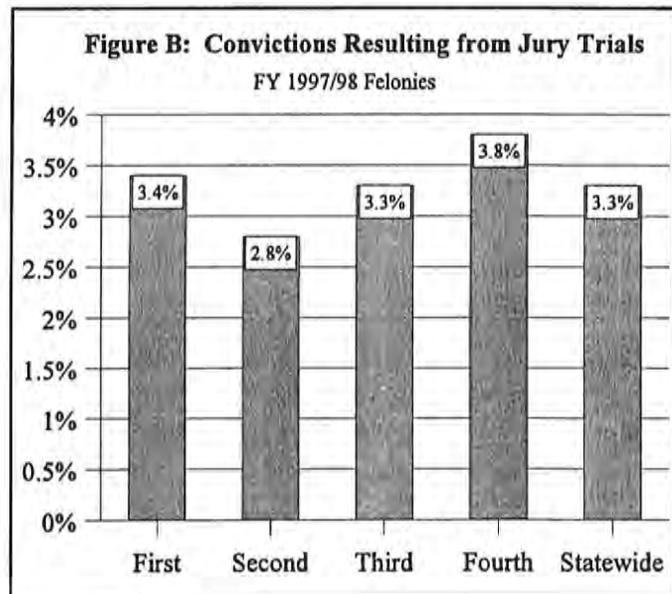
### D. Convictions by Month of Sentencing

Figure A shows the total number of felony convictions (n=23,485) by month of sentencing during Fiscal Year 1997/98. Convictions peaked in July and March, and were lowest in November and December.



### E. Convictions by Judicial Division, District, and County

Table 2 displays the total number of convictions by judicial division, judicial district, and county. (See Appendix A for a map of judicial divisions and districts.) This table also indicates whether the conviction resulted from a guilty plea or jury trial. Overall, 3.3% of all convictions statewide resulted from jury trials, with little variation among the four judicial divisions (see Figure B).



**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition  
FY 1997/98 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
<b>First Judicial Division</b>		<b>5,410</b>	<b>191</b>	<b>5,601</b>
<b>District 1</b>	Camden	13	1	14
	Chowan	46	4	50
	Currituck	38	3	41
	Dare	68	1	69
	Gates	23	0	23
	Pasquotank	181	5	186
	Perquimans	26	0	26
	<b>Total</b>	<b>395</b>	<b>14</b>	<b>409</b>
<b>District 2</b>	Beaufort	121	14	135
	Hyde	10	2	12
	Martin	64	9	73
	Tyrrell	10	0	10
	Washington	42	7	49
	<b>Total</b>	<b>247</b>	<b>32</b>	<b>279</b>
<b>District 3A</b>	Pitt	415	12	427
	<b>Total</b>	<b>415</b>	<b>12</b>	<b>427</b>
<b>District 3B</b>	Carteret	119	9	128
	Craven	297	9	306
	Pamlico	49	0	49
	<b>Total</b>	<b>465</b>	<b>18</b>	<b>483</b>
<b>District 4A</b>	Duplin	248	10	258
	Jones	25	0	25
	Sampson	246	7	253
	<b>Total</b>	<b>519</b>	<b>17</b>	<b>536</b>
<b>District 4B</b>	Onslow	355	12	367
	<b>Total</b>	<b>355</b>	<b>12</b>	<b>367</b>
<b>District 5</b>	New Hanover	694	32	726
	Pender	109	4	113
	<b>Total</b>	<b>803</b>	<b>36</b>	<b>839</b>
<b>District 6A</b>	Halifax	73	6	79
	<b>Total</b>	<b>73</b>	<b>6</b>	<b>79</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 1997/98 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 6B	Bertie	72	1	73
	Hertford	124	5	129
	Northampton	95	4	99
	<b>Total</b>	<b>291</b>	<b>10</b>	<b>301</b>
District 7A	Nash	328	2	330
	<b>Total</b>	<b>328</b>	<b>2</b>	<b>330</b>
District 7B,C	Edgecombe	198	11	209
	Wilson	262	2	264
	<b>Total</b>	<b>460</b>	<b>13</b>	<b>473</b>
District 8A	Greene	101	2	103
	Lenoir	366	5	371
	<b>Total</b>	<b>467</b>	<b>7</b>	<b>474</b>
District 8B	Wayne	592	12	604
	<b>Total</b>	<b>592</b>	<b>12</b>	<b>604</b>
<b>Second Judicial Division</b>		<b>6,116</b>	<b>177</b>	<b>6,293</b>
District 9	Franklin	121	0	121
	Granville	194	3	197
	Vance	299	3	302
	Warren	75	2	77
	<b>Total</b>	<b>689</b>	<b>8</b>	<b>697</b>
District 9A	Caswell	112	0	112
	Person	149	4	153
	<b>Total</b>	<b>261</b>	<b>4</b>	<b>265</b>
District 10	Wake	1,408	51	1,459
	<b>Total</b>	<b>1,408</b>	<b>51</b>	<b>1,459</b>
District 11A	Harnett	186	8	194
	Lee	152	11	163
	<b>Total</b>	<b>338</b>	<b>19</b>	<b>357</b>
District 11B	Johnston	320	8	328
	<b>Total</b>	<b>320</b>	<b>8</b>	<b>328</b>
District 12	Cumberland	699	7	706
	<b>Total</b>	<b>699</b>	<b>7</b>	<b>706</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 1997/98 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 13	Bladen	128	2	130
	Brunswick	116	6	122
	Columbus	166	4	170
	<b>Total</b>	<b>410</b>	<b>12</b>	<b>422</b>
District 14	Durham	526	19	545
	<b>Total</b>	<b>526</b>	<b>19</b>	<b>545</b>
District 15A	Alamance	684	18	702
	<b>Total</b>	<b>684</b>	<b>18</b>	<b>702</b>
District 15B	Chatham	56	0	56
	Orange	129	7	136
	<b>Total</b>	<b>185</b>	<b>7</b>	<b>192</b>
District 16A	Hoke	116	1	117
	Scotland	169	1	170
	<b>Total</b>	<b>285</b>	<b>2</b>	<b>287</b>
District 16B	Robeson	311	22	333
	<b>Total</b>	<b>311</b>	<b>22</b>	<b>333</b>
<b>Third Judicial Division</b>		<b>6,358</b>	<b>215</b>	<b>6,573</b>
District 17A	Rockingham	275	6	281
	<b>Total</b>	<b>275</b>	<b>6</b>	<b>281</b>
District 17B	Stokes	130	0	130
	Surry	162	1	163
	<b>Total</b>	<b>292</b>	<b>1</b>	<b>293</b>
District 18	Guilford	1,680	40	1,720
	<b>Total</b>	<b>1,680</b>	<b>40</b>	<b>1,720</b>
District 19A	Cabarrus	451	12	463
	<b>Total</b>	<b>451</b>	<b>12</b>	<b>463</b>
District 19B	Montgomery	78	3	81
	Moore	277	8	285
	Randolph	139	6	145
	<b>Total</b>	<b>494</b>	<b>17</b>	<b>511</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 1997/98 Felonies**

Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 19C	Rowan	429	12	441
	<b>Total</b>	<b>429</b>	<b>12</b>	<b>441</b>
District 20A	Anson	93	5	98
	Richmond	248	3	251
	<b>Total</b>	<b>341</b>	<b>8</b>	<b>349</b>
District 20B	Stanly	112	5	117
	Union	260	13	273
	<b>Total</b>	<b>372</b>	<b>18</b>	<b>390</b>
District 21	Forsyth	1,183	64	1,247
	<b>Total</b>	<b>1,183</b>	<b>64</b>	<b>1,247</b>
District 22	Alexander	39	3	42
	Davidson	315	8	323
	Davie	47	4	51
	Iredell	235	12	247
	<b>Total</b>	<b>636</b>	<b>27</b>	<b>663</b>
District 23	Alleghany	22	1	23
	Ashe	11	4	15
	Wilkes	116	2	118
	Yadkin	56	3	59
	<b>Total</b>	<b>205</b>	<b>10</b>	<b>215</b>
<b>Fourth Judicial Division</b>		<b>4,826</b>	<b>192</b>	<b>5,018</b>
District 24	Avery	18	0	18
	Madison	24	2	26
	Mitchell	18	0	18
	Watauga	35	5	40
	Yancey	19	2	21
	<b>Total</b>	<b>114</b>	<b>9</b>	<b>123</b>
District 25A	Burke	174	3	177
	Caldwell	165	3	168
	<b>Total</b>	<b>339</b>	<b>6</b>	<b>345</b>

**Table 2: Convictions by Judicial Division, Judicial District,  
County, and Mode of Disposition (continued)  
FY 1997/98 Felonies**

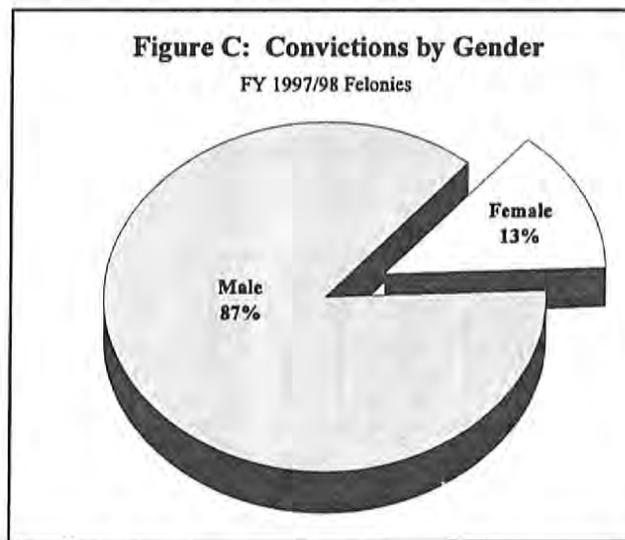
Judicial Division, Judicial District, and County		Mode of Disposition		Total
		Guilty Plea	Jury Trial	
District 25B	Catawba	257	2	259
	<b>Total</b>	<b>257</b>	<b>2</b>	<b>259</b>
District 26	Mecklenburg	2,093	77	2,170
	<b>Total</b>	<b>2,093</b>	<b>77</b>	<b>2,170</b>
District 27A	Gaston	569	29	598
	<b>Total</b>	<b>569</b>	<b>29</b>	<b>598</b>
District 27B	Cleveland	194	12	206
	Lincoln	137	12	149
	<b>Total</b>	<b>331</b>	<b>24</b>	<b>355</b>
District 28	Buncombe	469	12	481
	<b>Total</b>	<b>469</b>	<b>12</b>	<b>481</b>
District 29	Henderson	151	4	155
	McDowell	78	2	80
	Polk	20	1	21
	Rutherford	158	11	169
	Transylvania	41	4	45
	<b>Total</b>	<b>448</b>	<b>22</b>	<b>470</b>
District 30A	Cherokee	26	1	27
	Clay	13	0	13
	Graham	4	1	5
	Macon	41	1	42
	Swain	14	0	14
	<b>Total</b>	<b>98</b>	<b>3</b>	<b>101</b>
District 30B	Haywood	65	4	69
	Jackson	43	4	47
	<b>Total</b>	<b>108</b>	<b>8</b>	<b>116</b>
<b>STATE TOTAL</b>		<b>22,710</b>	<b>775</b>	<b>23,485</b>

## F. Felony Pleas in District Court

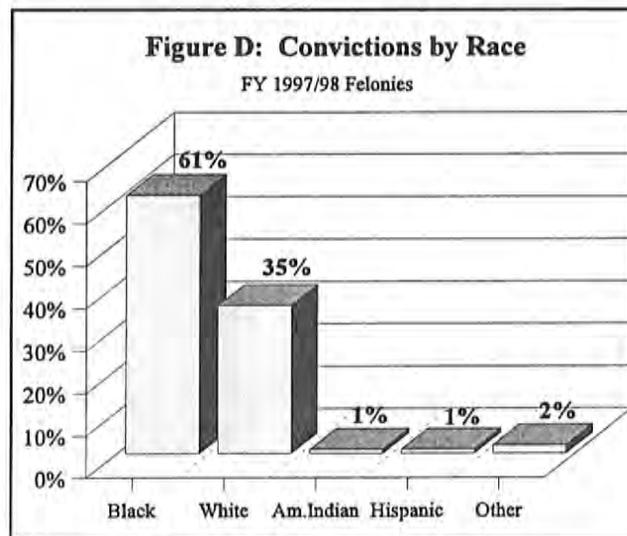
In 1996 the General Assembly amended the law to allow District Court judges to accept pleas for H and I felonies. This amendment applies to offenses committed on or after December 1, 1996. In Fiscal Year 1997/98, 827 Class H and 583 Class I felony pleas were accepted in District Court, for a total of 1,410 pleas (less than 1% of all felony convictions).

## II. CHARACTERISTICS OF OFFENDERS

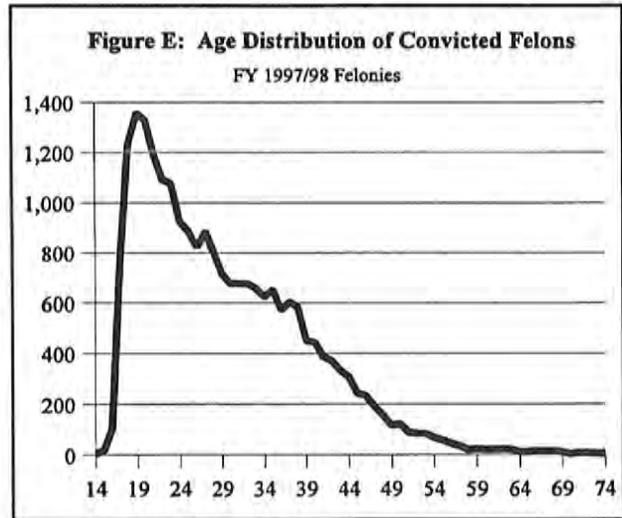
This section provides a breakdown of convictions by offenders' gender, race, and age. Of the 23,485 felony convictions, 87% were for males (see *Figure C*).



*Figure D* shows that 61% of all felony offenders were Black, 35% were White, and a small percentage were American Indian (1%), Hispanic (1%), or Other (2%).



Twenty-one percent of felony convictions were for offenders under the age of 21, 22% were 21-25 years of age, 14% were 26-29 years of age, 27% were 30-39 years of age, 12% were 40-49 years of age, and 4% were 50 years of age or older. *Figure E* illustrates that the volume of offenders peaks in the late teens and early twenties, and then declines as age increases. *Table 3* provides a summary of convictions by gender, race, and age of offenders.



**Table 3: Convictions by Gender, Race, and Age  
FY 1997/98 Felonies**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	1,522	1,335	843	1,847	859	316	6,722
	Black	2,845	3,062	1,746	3,046	1,440	388	12,527
	Hispanic	25	80	50	57	12	2	226
	American Indian	41	45	28	53	16	7	190
	Asian	10	6	3	1	0	0	20
	Other	62	68	46	65	19	4	264
	<b>Subtotal</b>	<b>4,505</b>	<b>4,596</b>	<b>2,716</b>	<b>5,069</b>	<b>2,346</b>	<b>717</b>	<b>19,949</b>
Female	White	165	247	222	495	190	53	1,372
	Black	164	313	271	591	231	52	1,622
	Hispanic	2	2	3	3	2	0	12
	American Indian	2	6	9	9	4	1	31
	Asian	0	0	0	1	0	0	1
	Other	0	8	2	6	7	0	23
	<b>Subtotal</b>	<b>333</b>	<b>576</b>	<b>507</b>	<b>1,105</b>	<b>434</b>	<b>106</b>	<b>3,061</b>
<b>TOTAL</b>		<b>4,838</b>	<b>5,172</b>	<b>3,223</b>	<b>6,174</b>	<b>2,780</b>	<b>823</b>	<b>23,010</b>

Note: Of the 23,485 felony convictions in FY 1997/98, 475 convictions with missing age values were excluded from this table.

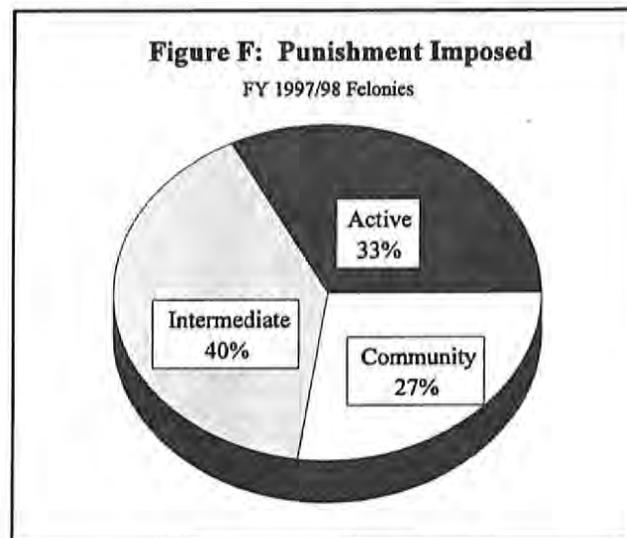
### III. PUNISHMENT IMPOSED FOR FELONIES

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This section details the type of sanction imposed – Active, Intermediate, or Community – for convictions and sentences during Fiscal Year 1997/98. The tables in this section also show the average minimum and maximum sentences imposed for convictions for which an Active punishment was imposed. *The reader should note that this is based on the most serious sentence an offender received.*<sup>1</sup>

#### A. Overall Punishment

An Active punishment was imposed for 33% of felony convictions, an Intermediate punishment was imposed for 40% of felony convictions, and a Community punishment was imposed for 27% of felony convictions (see *Figure F*).



#### B. Punishment Imposed by Offense Class and Prior Record Level

*Figure G* shows the percentage of convictions by offense class. The majority of felony convictions were for Class H and Class I offenses. (See *Appendix B* for sample offenses in each offense class.) As shown in *Figure H*, the majority of felony convictions (69%) were for offenders with Prior Record Levels I and II, indicating little or no prior criminal record. About 3% of convictions were for offenders with serious prior criminal histories (Prior Record Levels V and VI).

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<sup>1</sup> Convictions containing discrepant offense classes, sentence lengths, or sentence dispositions were excluded from this section (n=2,990 or 12.7%), as well as convictions where the judge made a finding of extraordinary mitigation.

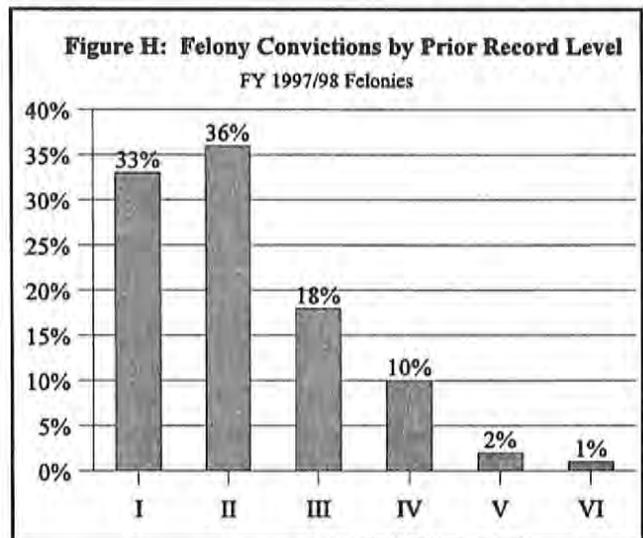
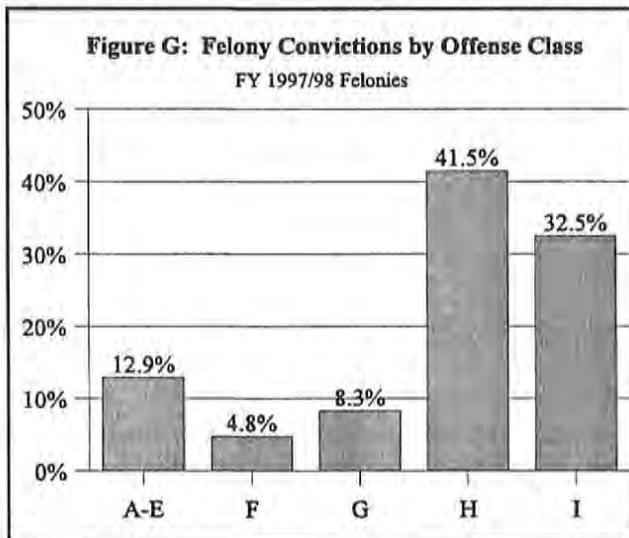


Table 4 presents felony convictions and sentences imposed within the context of the felony sentencing grid (see also Table 1). The table also includes the average minimum and maximum sentences imposed for convictions for which an Active sentence was imposed. The majority of convictions fell within Offense Class I with Prior Record Level II (n=2,855 or 14%). An Intermediate punishment was imposed for 39% of these 2,855 convictions, while a Community punishment was imposed for the remaining 61%. Relative to the other grid cells in which an Active sentence can be imposed, convictions for a Class H offense with Prior Record Level I were least likely to have an Active sentence imposed (8%).

The data presented in Table 4 indicates that, in general, the percentage of offenders receiving an Active sentence increases as the offense class increases. Offense Class G is the exception, with a higher Active punishment rate than either Offense Class E or F. As shown in the vertical "Total" column in Table 4, the average minimum and maximum sentences imposed increase as offense class increases.<sup>2</sup> The average minimum sentence for all convictions resulting in an Active punishment (n=6,778) was 33 months. The lowest average minimum sentence was imposed for Class I convictions (7 months). Excluding life and death sentences, the highest average minimum sentence was imposed for Class B1 convictions (257 months).

With the exception of Prior Record Level VI, convictions for offenders falling into Prior Record Levels I and II received the highest average minimum sentences (45 months and 34 months, respectively). The higher minimum sentences for the lower prior record levels can be attributed to the fact that the majority of offenders eligible for an Active sentence in these prior record levels are those convicted in the more serious offense classes (i.e., Class B1 through E felonies).

For punishment imposed information by judicial division, see Appendix C.

<sup>2</sup> Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level  
FY 1997/98 Felonies**

Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	A A = 44 (100%) (n=44)  Life/Death	A A = 12 (100%) (n=12)  Life/Death	A A = 9 (100%) (n=9)  Life/Death	A A = 2 (100%) (n=2)  Life/Death	A A = 2 (100%) (n=2)  Life/Death	A A = 1 (100%) (n=1)  Life/Death	A A = 70 (100%) (n=70)  Life/Death
B1	A A = 35 (100%) (n=35)  215 min 270 max	A A = 31 (100%) (n=31)  248 min 307 max	A A = 17 (100%) (n=17)  333 min 409 max	A A = 8 (100%) (n=8)  275 min 339 max	A A = 2 (100%) (n=2)  353 min 431 max	A A = 1 (100%) (n=1)  384 min 470 max	A A = 94 (100%) (n=94)  257 min 319 max
B2	A A = 100 (100%) (n=100)  138 min 175 max	A A = 77 (100%) (n=77)  173 min 217 max	A A = 37 (100%) (n=37)  199 min 248 max	A A = 21 (100%) (n=21)  222 min 274 max	A A = 4 (100%) (n=4)  260 min 322 max	A A = 3 (100%) (n=3)  247 min 306 max	A A = 242 (100%) (n=242)  169 min 212 max
C	A A = 173 (100%) (n=173)  65 min 87 max	A A = 151 (100%) (n=151)  85 min 110 max	A A = 92 (100%) (n=92)  101 min 131 max	A A = 54 (100%) (n=54)  117 min 150 max	A A = 29 (100%) (n=29)  131 min 166 max	A A = 24 (100%) (n=24)  146 min 185 max	A A = 523 (100%) (n=523)  90 min 117 max
D	A A = 222 (100%) (n=222)  53 min 73 max	A A = 189 (100%) (n=189)  65 min 87 max	A A = 102 (100%) (n=102)  88 min 115 max	A A = 60 (100%) (n=60)  103 min 133 max	A A = 15 (100%) (n=15)  119 min 152 max	A A = 17 (100%) (n=17)  124 min 159 max	A A = 605 (100%) (n=605)  71 min 95 max
E	I/A I = 295 (64%) A = 168 (36%) (n=463)  24 min 37 max	I/A I = 246 (56%) A = 190 (44%) (n=436)  27 min 41 max	A A = 132 (100%) (n=132)  31 min 47 max	A A = 55 (100%) (n=55)  41 min 59 max	A A = 19 (100%) (n=19)  48 min 68 max	A A = 5 (100%) (n=5)  50 min 69 max	I/A I = 541 (49%) A = 569 (51%) (n=1,110)  29 min 44 max
F	I/A I = 354 (77%) A = 108 (23%) (n=462)  15 min 19 max	I/A I = 166 (57%) A = 124 (43%) (n=290)  18 min 22 max	I/A I = 65 (41%) A = 92 (59%) (n=157)  19 min 24 max	A A = 63 (100%) (n=63)  21 min 26 max	A A = 9 (100%) (n=9)  30 min 37 max	A A = 3 (100%) (n=3)  39 min 45 max	I/A I = 585 (59%) A = 399 (41%) (n=984)  19 min 23 max

**Table 4: Convictions and Sentences by Offense Class and Prior Record Level (continued)  
FY 1997/98 Felonies**

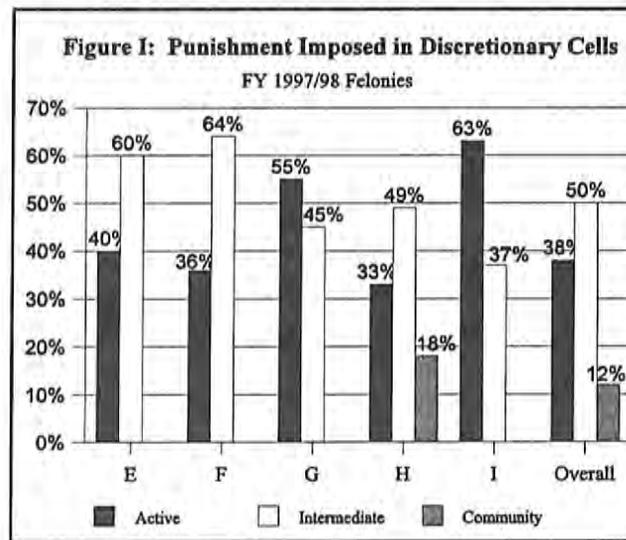
Offense Class	Prior Record Level						Total
	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
<b>G</b>	I/A I = 283 (68%) A = 130 (32%) (n=413)  12 min 15 max	I/A I = 283 (49%) A = 291 (51%) (n=574)  13 min 16 max	I/A I = 117 (28%) A = 302 (72%) (n=419)  14 min 18 max	I/A I = 52 (22%) A = 181 (78%) (n=233)  18 min 23 max	A A = 42 (100%) (n=42)  21 min 26 max	A A = 24 (100%) (n=24)  28 min 34 max	I/A I = 735 (43%) A = 970 (57%) (n=1,705)  15 min 19 max
<b>H</b>	C/I/A C = 1,550 (57%) I = 946 (35%) A = 226 (8%) (n=2,722)  6 min 7 max	I/A I = 1,990 (71%) A = 794 (29%) (n=2,784)  7 min 9 max	I/A I = 846 (47%) A = 941 (53%) (n=1,787)  9 min 11 max	I/A I = 286 (31%) A = 636 (69%) (n=922)  10 min 13 max	I/A I = 49 (24%) A = 157 (76%) (n=206)  14 min 17 max	A A = 85 (100%) (n=85)  18 min 22 max	C/I/A C = 1,550 (18%) I = 4,117 (49%) A = 2,839 (33%) (n=8,506)  9 min 11 max
<b>I</b>	C C = 2,171 (100%) (n=2,171)  N/A	C/I C = 1,737 (61%) I = 1,118 (39%) (n=2,855)  N/A	I I = 884 (100%) (n=884)  N/A	I/A I = 230 (42%) A = 322 (58%) (n=552)  7 min 9 max	I/A I = 37 (28%) A = 94 (72%) (n=131)  8 min 10 max	I/A I = 12 (19%) A = 51 (81%) (n=63)  9 min 11 max	I/A C = 3,908 (59%) I = 2,281 (34%) A = 467 (7%) (n=6,656)  7 min 9 max
<b>TOTAL</b>	C/I/A C = 3,721 (55%) I = 1,878 (27%) A = 1,206 (18%) (n=6,805)  45 min 60 max	C/I/A C = 1,737 (24%) I = 3,803 (51%) A = 1,859 (25%) (n=7,399)  34 min 44 max	I/A I = 1,912 (53%) A = 1,724 (47%) (n=3,636)  29 min 37 max	I/A I = 568 (29%) A = 1,402 (71%) (n=1,970)  25 min 32 max	I/A I = 86 (19%) A = 373 (81%) (n=459)  33 min 42 max	I/A I = 12 (5%) A = 214 (95%) (n=226)  46 min 58 max	C/I/A C = 5,458 (27%) I = 8,259 (40%) A = 6,778 (33%) (n=20,495)  33 min 43 max

Note: Of the 23,485 felony convictions in FY 1997/98, 2,990 convictions containing discrepant offense classes, prior record levels, or other errors were excluded from this table. Sentences resulting in life without parole or death were excluded from the calculation of the average minimum and maximum sentences.

### C. Punishment Imposed in Discretionary Cells

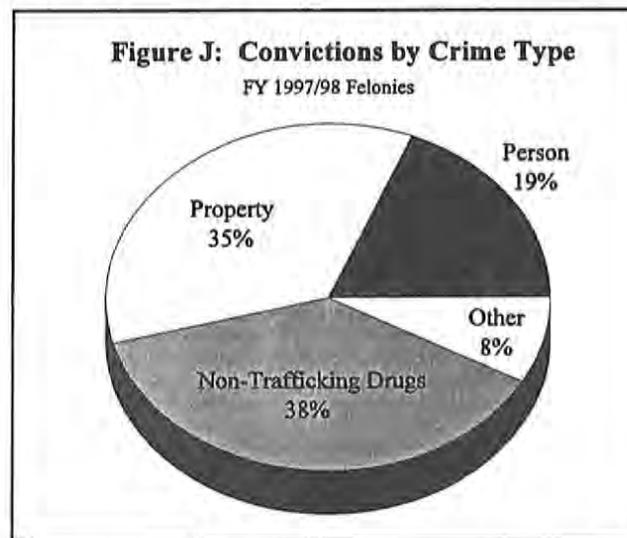
As shown in *Table 4*, where the judge had the option of imposing either an Active or community-based punishment (i.e., either an Intermediate or Community punishment), an Intermediate punishment was most likely to be imposed for convictions falling within Offense Class F with Prior Record Level I (77%), while an Active sentence was most likely to be imposed for convictions falling within Offense Class I with Prior Record Level VI (81%).

Figure I summarizes sentences imposed by offense class for these discretionary cells.



#### D. Punishment Imposed by Crime Type

During Fiscal Year 1997/98, non-trafficking drug offenses accounted for the majority of convictions (38%), followed closely by property convictions (35%) (see Figure J). For additional data on convictions by crime type, see Appendix D.



The type of punishment imposed by crime type is shown in Table 5. Relative to other crime types, convictions for person offenses were most likely to result in the imposition of an Active punishment (64%), while convictions for non-trafficking drug offenses were least likely to result in the imposition of an Active punishment (17%). Of the four crime types, property convictions had the highest percentage of Intermediate punishment sentences (45%) and non-trafficking drug convictions had the highest percentage of Community punishment sentences (43%).

Table 5 also displays the average minimum and maximum sentence lengths for convictions in which an Active punishment was imposed. The longest average Active sentences were imposed for person convictions while shorter average Active sentences were imposed for offenses in the other three categories.

**Table 5: Convictions and Sentences by Crime Type  
FY 1997/98 Felonies**

Crime Type	Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
	Active		Intermediate		Community				
	#	%	#	%	#	%			
Person	2,495	64.1	1,352	34.7	44	1.1	62.2	80.9	3,891
Property	2,018	28.5	3,185	44.9	1,884	26.6	11.9	15.0	7,087
Non-Trafficking Drug	1,320	16.9	3,143	40.2	3,352	42.9	8.8	11.2	7,815
Other Felony	945	55.5	579	34.0	178	10.5	38.1	49.3	1,702
<b>TOTAL</b>	<b>6,778</b>	<b>33.1</b>	<b>8,259</b>	<b>40.3</b>	<b>5,458</b>	<b>26.6</b>	<b>33.2</b>	<b>42.9</b>	<b>20,495</b>

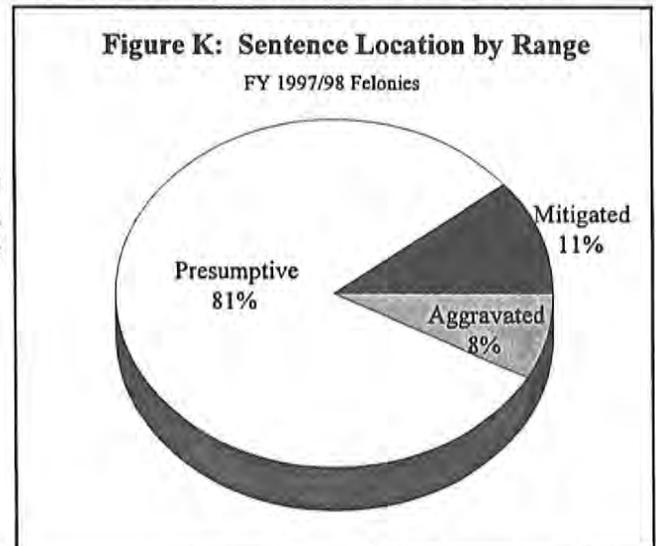
Note: Of the 23,485 felony convictions in FY 1997/98, 2,990 convictions containing discrepant offense classes, prior record levels, or other errors were excluded from this table.

#### IV. SENTENCE LOCATION IN THE SENTENCING RANGES

This section presents information regarding the location of sentences imposed in the sentencing ranges, and *deals only with convictions for which an Active sentence was imposed (n=6,778)*. Class A convictions, which are subject to mandatory life or death sentences, are excluded from this section (n=70).

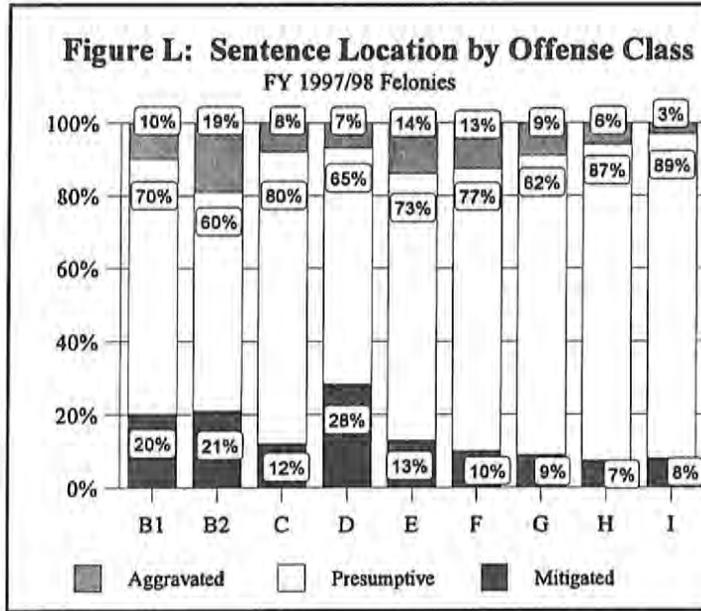
##### **A. Sentence Location**

Figure K shows that 81% of all Active sentences fell within the presumptive range; 11% fell within the mitigated range; and 8% fell within the aggravated range.



## B. Sentence Location by Offense Class and Prior Record Level

Figure L displays the percentage of convictions falling within the aggravated, presumptive, and mitigated ranges by offense class for Active sentences.



For information regarding sentence location by offense class and prior record level, see *Table 6*. At least 60% of all Active sentences fell within the presumptive range for each offense class. Convictions for Class I offenses had the highest percentage of Active sentences in the presumptive range (89%), while convictions for Class B2 offenses had the lowest percentage of Active sentences in the presumptive range (60%).

Compared to convictions falling in other prior record levels, convictions falling into Prior Record Level I had the highest percentage of Active sentences both in the mitigated range (16%) and in the aggravated range (11%).

**Table 6: Sentence Location by Offense Class and Prior Record Level  
(Active Sentences Only)  
FY 1997/98 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
<b>B1</b>	Mitigated	8 (23%)	6 (19%)	1 (6%)	4 (50%)	.	.	19 (20%)
	Presumptive	24 (69%)	24 (78%)	11 (65%)	4 (50%)	2 (100%)	1 (100%)	66 (70%)
	Aggravated	3 (8%)	1 (3%)	5 (29%)	.	.	.	9 (10%)
	<b>Subtotal</b>	<b>35</b>	<b>31</b>	<b>17</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>94</b>
<b>B2</b>	Mitigated	27 (27%)	14 (18%)	5 (13%)	3 (14%)	.	1 (33%)	50 (21%)
	Presumptive	53 (53%)	44 (57%)	27 (73%)	16 (76%)	4 (100%)	2 (67%)	146 (60%)
	Aggravated	20 (20%)	19 (25%)	5 (14%)	2 (10%)	.	.	46 (19%)
	<b>Subtotal</b>	<b>100</b>	<b>77</b>	<b>37</b>	<b>21</b>	<b>4</b>	<b>3</b>	<b>242</b>
<b>C</b>	Mitigated	32 (19%)	14 (9%)	13 (14%)	3 (6%)	.	1 (4%)	63 (12%)
	Presumptive	123 (71%)	134 (89%)	69 (75%)	45 (83%)	27 (93%)	21 (88%)	419 (80%)
	Aggravated	18 (10%)	3 (2%)	10 (11%)	6 (11%)	2 (7%)	2 (8%)	41 (8%)
	<b>Subtotal</b>	<b>173</b>	<b>151</b>	<b>92</b>	<b>54</b>	<b>29</b>	<b>24</b>	<b>523</b>
<b>D</b>	Mitigated	74 (33%)	52 (27%)	26 (25%)	11 (18%)	2 (13%)	3 (18%)	168 (28%)
	Presumptive	136 (61%)	122 (65%)	69 (68%)	41 (69%)	11 (74%)	13 (76%)	392 (65%)
	Aggravated	12 (6%)	15 (8%)	7 (7%)	8 (13%)	2 (13%)	1 (6%)	45 (7%)
	<b>Subtotal</b>	<b>222</b>	<b>189</b>	<b>102</b>	<b>60</b>	<b>15</b>	<b>17</b>	<b>605</b>

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)  
(Active Sentences Only)  
FY 1997/98 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
E	Mitigated	17 (10%)	22 (12%)	19 (14%)	12 (22%)	4 (21%)	1 (20%)	75 (13%)
	Presumptive	126 (75%)	143 (75%)	91 (69%)	38 (69%)	12 (63%)	4 (80%)	414 (73%)
	Aggravated	25 (15%)	25 (13%)	22 (17%)	5 (9%)	3 (16%)	.	80 (14%)
	<b>Subtotal</b>	<b>168</b>	<b>190</b>	<b>132</b>	<b>55</b>	<b>19</b>	<b>5</b>	<b>569</b>
F	Mitigated	8 (7%)	6 (5%)	12 (13%)	16 (25%)	.	.	42 (10%)
	Presumptive	88 (82%)	97 (78%)	69 (75%)	41 (65%)	9 (100%)	3 (100%)	307 (77%)
	Aggravated	12 (11%)	21 (17%)	11 (12%)	6 (10%)	.	.	50 (13%)
	<b>Subtotal</b>	<b>108</b>	<b>124</b>	<b>92</b>	<b>63</b>	<b>9</b>	<b>3</b>	<b>399</b>
G	Mitigated	4 (3%)	31 (11%)	34 (11%)	15 (8%)	1 (3%)	1 (4%)	86 (9%)
	Presumptive	108 (83%)	236 (81%)	254 (84%)	148 (82%)	35 (83%)	18 (75%)	799 (82%)
	Aggravated	18 (14%)	24 (8%)	14 (5%)	18 (10%)	6 (14%)	5 (21%)	85 (9%)
	<b>Subtotal</b>	<b>130</b>	<b>291</b>	<b>302</b>	<b>181</b>	<b>42</b>	<b>24</b>	<b>970</b>
H	Mitigated	19 (8%)	43 (6%)	71 (7%)	48 (7%)	13 (8%)	9 (11%)	203 (7%)
	Presumptive	184 (82%)	693 (87%)	827 (88%)	545 (86%)	136 (87%)	70 (82%)	2,455 (87%)
	Aggravated	23 (10%)	58 (7%)	43 (5%)	43 (7%)	8 (5%)	6 (7%)	181 (6%)
	<b>Subtotal</b>	<b>226</b>	<b>794</b>	<b>941</b>	<b>636</b>	<b>157</b>	<b>85</b>	<b>2,839</b>

**Table 6: Sentence Location by Offense Class and Prior Record Level (continued)  
(Active Sentences Only)  
FY 1997/98 Felonies**

Offense Class	Sentencing Range	Prior Record Level						Total
		I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
I	Mitigated	.	.	.	22 (7%)	10 (11%)	5 (10%)	37 (8%)
	Presumptive	.	.	.	293 (91%)	80 (85%)	44 (86%)	417 (89%)
	Aggravated	.	.	.	7 (2%)	4 (4%)	2 (4%)	13 (3%)
	Subtotal	N/A	N/A	N/A	322	94	51	467
TOTAL	Mitigated	189 (16%)	188 (10%)	181 (10%)	134 (9%)	30 (8%)	21 (10%)	743 (11%)
	Presumptive	842 (73%)	1,493 (81%)	1,417 (83%)	1,171 (84%)	316 (85%)	176 (83%)	5,415 (81%)
	Aggravated	131 (11%)	166 (9%)	117 (7%)	95 (7%)	25 (7%)	16 (7%)	550 (8%)
	Subtotal	1,162	1,847	1,715	1,400	371	213	6,708

Note: Convictions requiring a mandatory life or death sentence were excluded from this table. Convictions containing discrepant offense classes, prior record levels, or other errors were excluded from this table.

### C. Sentence Location by Crime Type

The sentence location for selected crime types is contained in *Table 7*. Of the four crime types, convictions for person offenses accounted for the highest percentage of aggravated sentences (12.2%) and the highest percentage of mitigated sentences (16.9%). Convictions for non-trafficking drug offenses accounted for the lowest percentage of mitigated sentences (7.0%) and for the lowest percentage of aggravated sentences (4.5%) relative to the other crime types. For additional information regarding convictions by crime type, see *Appendix D*.

**Table 7: Sentence Location by Crime Type  
(Active Sentences Only)  
FY 1997/98 Felonies**

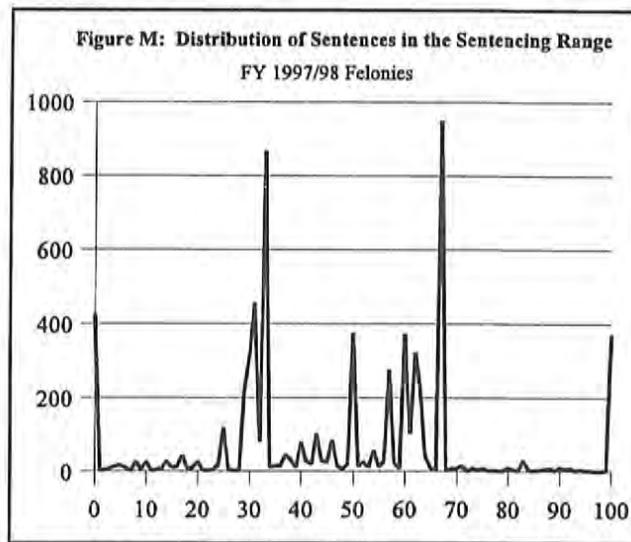
Crime Type	Type of Punishment						Total
	Mitigated Range		Presumptive Range		Aggravated Range		
	#	%	#	%	#	%	
Person	410	16.9	1,720	70.9	295	12.2	2,425
Property	153	7.6	1,715	85.0	150	7.4	2,018
Non-Trafficking Drug	93	7.0	1,167	88.4	60	4.5	1,320
Other Felony	87	9.2	813	86.0	45	4.8	945
<b>TOTAL</b>	<b>743</b>	<b>11.1</b>	<b>5,415</b>	<b>80.7</b>	<b>550</b>	<b>8.2</b>	<b>6,708</b>

Note: Convictions requiring a mandatory life or death sentence were excluded from this table. Convictions containing discrepant offense classes, prior record levels, or other errors were excluded from this table.

**D. Length of Active Sentence Relative to the Sentencing Range**

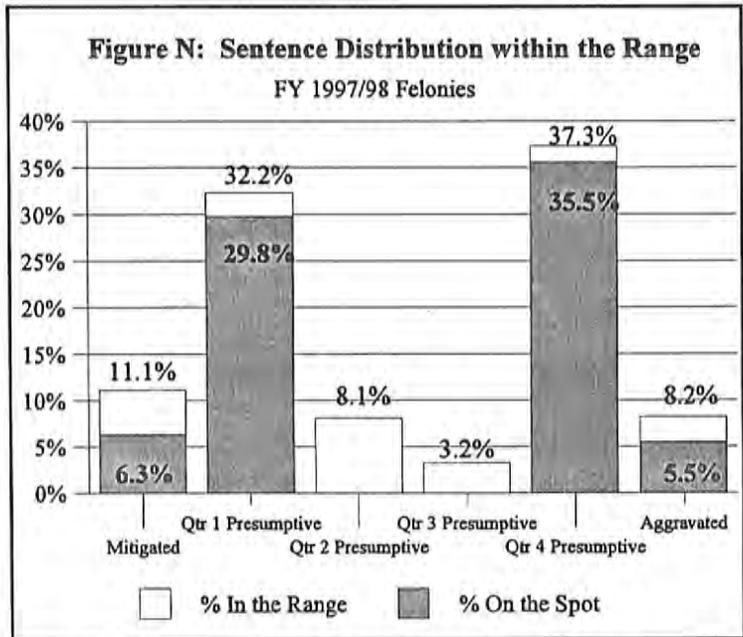
Viewing the entire sentencing range as a continuum from the lowest possible sentence imposed in the mitigated range to the highest possible sentence imposed in the aggravated range, the 6,708 Active sentences imposed (excluding the 70 Class A offenses that are mandatory life or death) fell near the midpoint of the range (at the 47<sup>th</sup> percentile above the minimum). Close examination of the actual location of each Active sentence within its respective range revealed that the majority of convictions were sentenced within the first or fourth quarter of the presumptive portion of the range (32.2% and 37.3% of all cases, respectively) (see *Figure M* and *Table 8*).

Further analysis indicates that over three-quarters (77.1%) of all Active sentences were located on one of only *four* specific spots of their respective ranges (i.e., the lowest spot of the mitigated range, the lowest spot of the presumptive range, the highest spot of the



presumptive range, and the highest spot of the aggravated range). As shown in Table 8 and Figure N, 6.3% of Active sentences fell on the lowest point of the mitigated range; 29.8% fell on the lowest point of the presumptive range; 35.5% fell on the highest point of the presumptive range; and 5.5% fell on the highest point of the aggravated range.

A similar pattern is evident for crime type, especially for property and drug offenses, with 85.3% and 89.4 % of all Active sentences, respectively, located on four specific spots of the range. This pattern is less apparent for person offenses, with only 67% of all sentences on the four spots, and with a considerably higher rate of sentences outside the presumptive range.



Note: Percentages in this figure do not round to 100%.

**Table 8: Sentencing Range by Crime Type  
FY 1997/98 Felonies**

Offense Type	Location in the Range						% on the Four Spots
	% Mitigated Range (Min. Spot)	Presumptive Range				% Aggravated Range (Max. Spot)	
		% First Quarter (Min. Spot)	% Second Quarter	% Third Quarter	% Fourth Quarter (Max. Spot)		
Person	16.9 (8.3)	25.9 (21.8)	6.9	6.0	32.2 (29.3)	12.2 (7.8)	67.2
Property	7.6 (5.0)	32.1 (31.9)	8.8	1.0	43.1 (43.0)	7.4 (5.4)	85.3
Non-Trafficking Drugs	7.0 (4.9)	37.9 (37.8)	7.2	.4	43.0 (43.0)	4.5 (3.7)	89.4
Other Felonies	9.2 (5.9)	40.8 (34.5)	10.7	4.7	29.8 (24.9)	4.8 (2.8)	68.1
<b>TOTAL</b>	<b>11.1 (6.3)</b>	<b>32.2 (29.8)</b>	<b>8.1</b>	<b>3.2</b>	<b>37.3 (35.5)</b>	<b>8.2 (5.5)</b>	<b>77.1</b>

Note: Percentages may not add to 100% due to rounding.

## V. INTERMEDIATE PUNISHMENTS

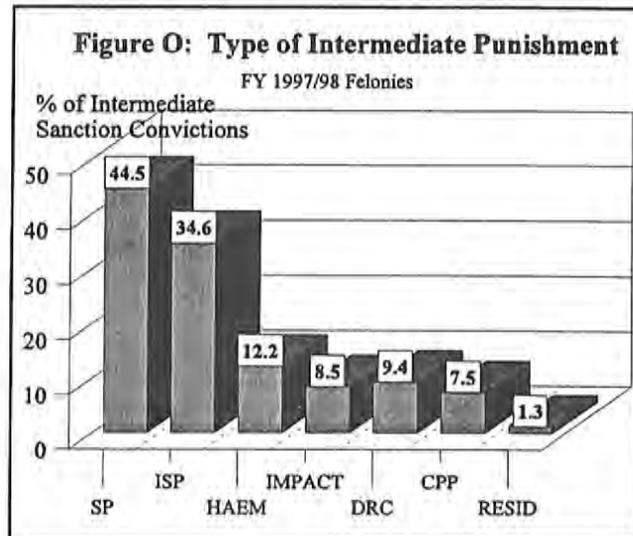
This section summarizes the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* Under Structured Sentencing, all offenders who receive an Intermediate punishment receive a term of supervised probation plus at least one additional sanction. The specific intermediate sanctions are Intensive Supervision Probation (ISP), Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), Day Reporting Center (DRC), Community Penalties Program (CPP), and Residential Treatment Facility (RESID). See *Appendix E* for a brief description of each type of intermediate sanction, and *Appendix F* for additional information on Special Probation.

During Fiscal Year 1997/98, Intermediate punishments were imposed for 8,259 convictions, with an average supervised probation sentence length of 36 months. The specific type(s) of intermediate sanction(s) imposed was reported in the AOC database for only 4,672 convictions -- a reporting rate of 57%.<sup>3</sup> As a result, these figures may not accurately reflect offender participation in these programs. In addition, these sanctions are not equally available across the state.

It is possible that a single conviction could result in the imposition of more than one intermediate sanction. Consequently, *the following tables reflect the total number of intermediate sanctions imposed* rather than the total number of offenders receiving an intermediate sanction.

### A. Intermediate Punishments Imposed

*Figure O* illustrates the percentage of convictions for which specific Intermediate sanctions were imposed. (Note: The percentages in this figure do not add to 100%.) The figure indicates that Special Probation (44.5%) accounted for the highest percentage of convictions for which a specific Intermediate sanction was reported. Assignment to a Residential Treatment Facility (RESID) accounted for the smallest percentage of convictions for which a specific Intermediate sanction was reported (1.3%).



<sup>3</sup> It is not clear why the specific types of intermediate sanctions are not always reported. In some cases, the court may not have specified a particular type of intermediate sanction. In many instances, the type of intermediate sanction imposed by the court has not been entered into the appropriate data field in the AOC Criminal Information System (i.e., it is being entered incorrectly in the Special Conditions field and not on the Additional Judgment screen).

## B. Intermediate Punishments by Offense Class and Prior Record Level

Table 9 shows the frequency of Intermediate punishments by offense class and prior record level. Of those convictions for which specific Intermediate punishments were reported, the greatest number of Intermediate punishments were imposed for Class H felonies (2,833). For Class H, Intensive Supervision Probation was the most frequently invoked sanction (930), followed closely by Special Probation (928). Overall, the least frequently invoked sanction was Residential Treatment Facility (63).

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level  
FY 1997/98 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment							Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
E	I	101	17	2	10	44	28	3	205
	II	92	13	2	11	34	26	11	189
	<b>Subtotal</b>	<b>193</b>	<b>30</b>	<b>4</b>	<b>21</b>	<b>78</b>	<b>54</b>	<b>14</b>	<b>394</b>
F	I	107	12	0	6	50	30	15	220
	II	55	9	0	7	16	16	10	113
	III	29	2	1	3	11	7	5	58
	<b>Subtotal</b>	<b>191</b>	<b>23</b>	<b>1</b>	<b>16</b>	<b>77</b>	<b>53</b>	<b>30</b>	<b>391</b>
G	I	95	33	4	8	30	23	10	203
	II	78	23	6	17	56	18	11	209
	III	49	4	2	4	22	7	3	91
	IV	25	0	2	2	11	8	3	51
	<b>Subtotal</b>	<b>247</b>	<b>60</b>	<b>14</b>	<b>31</b>	<b>119</b>	<b>56</b>	<b>27</b>	<b>554</b>
H	I	202	87	1	71	216	57	46	680
	II	394	111	11	121	471	115	101	1,324
	III	222	27	13	41	181	59	49	592
	IV	93	6	5	11	54	20	13	202
	V	17	0	1	2	8	5	2	35
	<b>Subtotal</b>	<b>928</b>	<b>231</b>	<b>31</b>	<b>246</b>	<b>930</b>	<b>256</b>	<b>211</b>	<b>2,833</b>

**Table 9: Type of Intermediate Punishment by Offense Class and Prior Record Level (continued)  
FY 1997/98 Felonies**

Offense Class	Prior Record Level	Type of Intermediate Punishment							Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
I	II	216	45	6	59	207	80	38	651
	III	219	9	3	54	170	51	20	526
	IV	58	1	3	8	33	14	10	127
	V	19	0	0	2	2	3	0	26
	VI	7	0	1	0	1	2	1	12
	Subtotal	519	55	13	123	413	150	69	1,342
<b>TOTAL</b>		<b>2,078</b>	<b>399</b>	<b>63</b>	<b>437</b>	<b>1,617</b>	<b>569</b>	<b>351</b>	<b>5,514</b>

Note: Convictions containing discrepant offense classes, prior record levels, or other errors were excluded from this table.

### C. Intermediate Punishments by Crime Type

Table 10 shows the frequency of Intermediate punishments by crime type. Of those convictions for which an Intermediate punishment was reported, the largest number was for property offenses (2,246). Intermediate punishments were least often imposed for the category of other felony offense (395).

**Table 10: Type of Intermediate Punishment by Crime Type  
FY 1997/98 Felonies**

Crime Type	Type of Intermediate Punishment							Total
	Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
Person	461	77	13	47	172	112	53	935
Property	670	207	31	168	800	194	176	2,246
Non-Trafficking Drug	762	91	14	199	558	202	112	1,938
Other Felony	185	24	5	23	87	61	10	395
<b>TOTAL</b>	<b>2,078</b>	<b>399</b>	<b>63</b>	<b>437</b>	<b>1,617</b>	<b>569</b>	<b>351</b>	<b>5,514</b>

Note: Convictions containing discrepant offense classes, prior record levels, or other errors were excluded from this table.

## VI. COMMUNITY PUNISHMENTS

This section includes only those convictions for which a Community punishment was imposed. During Fiscal Year 1997/98, there were 5,458 convictions for which a Community punishment was imposed. The specific type(s) of Community punishment(s) imposed was reported in the AOC database for 5,423 convictions. Of these 5,423 convictions, 5,197 were for supervised probation; 189 were for unsupervised probation; and 37 were for restitution and/or fines only. For more information about community service and restitution, refer to *Appendix G*.

### A. Community Punishments<sup>a</sup> by Offense Class

Table 11 shows the type of Community punishment imposed -- either supervised probation, unsupervised probation, or restitution and/or fine -- by offense class, as well as information regarding the average length of probation sentences. Class I felony offenses accounted for the largest number of convictions for which a Community punishment was imposed (3,878). Convictions for Class H felonies resulted in the longest average probation sentences for Community punishments (31 months). Overall, convictions for which a Community punishment was imposed resulted in an average probation sentence of 28 months.

<sup>c</sup> Table 11: Type of Community Punishment by Offense Class  
FY 1997/98 Felonies

Offense Class	Type of Community Punishment (Number and Average Probation Length)			Total
	Supervised	Unsupervised	Restitution/Fine	
H	1,497 32 months	47 22 months	1 N/A	1,545 31 months
I	3,700 28 months	142 21 months	36 N/A	3,878 27 months
TOTAL	5,197 29 months	189 22 months	37 N/A	5,423 28 months

Note: Convictions containing discrepant offense classes, prior record levels, or other errors were excluded from this table.

### B. Community Punishments by Crime Type

Information regarding the type of Community punishment imposed by crime type is provided in Table 12. The table also includes the average length of probation sentences. Non-trafficking drug offenses represented the largest offense category for which a Community punishment was imposed (3,337). Community punishment convictions for property offenses resulted in the longest average probation sentences (31 months).

**Table 12: Type of Community Punishment by Crime Type  
FY 1997/98 Felonies**

Crime Type	Type of Community Punishment (Number and Average Probation Length)			Total
	Supervised	Unsupervised	Restitution/Fine	
Person	38 <i>29 months</i>	6 <i>26 months</i>	0 <i>N/A</i>	44 <i>29 months</i>
Property	1,804 <i>31 months</i>	55 <i>21 months</i>	5 <i>N/A</i>	1,864 <i>31 months</i>
Non-Trafficking Drug	3,191 <i>27 months</i>	116 <i>22 months</i>	30 <i>N/A</i>	3,337 <i>27 months</i>
Other Felony	164 <i>29 months</i>	12 <i>21 months</i>	2 <i>N/A</i>	178 <i>29 months</i>
<b>TOTAL</b>	5,197 <i>29 months</i>	189 <i>22 months</i>	37 <i>N/A</i>	5,423 <i>28 months</i>

Note: Convictions containing discrepant offense classes, prior record levels, or other errors were excluded from this table.

## **VII. SPECIAL ISSUES**

This section reviews other issues of interest, including habitual felon status, firearm enhancement, death and life sentences, and drug trafficking convictions.

### **A. Habitual Felons**

*Table 13* shows the breakdown by offense class and crime type of the most serious crime associated with habitual felon convictions. There were 342 habitual felon convictions during Fiscal Year 1997/98. The majority of habitual felons were associated with offenses found in Offense Class H (n=160). Felony Breaking and/or Entering was the most frequently occurring most serious crime associated with habitual felon convictions (n=51).

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions  
by Offense Class and Offense  
FY 1997/98 Felonies**

Offense Class	Offense	Total
Class B1	Statutory Rape/Sex Offense	1
	<b>Sub-Total</b>	<b>1</b>
Class B2	Other Sexual Assault	1
	<b>Sub-Total</b>	<b>1</b>
Class C	1 <sup>st</sup> Degree Kidnapping	2
	2 <sup>nd</sup> Degree Rape	1
	AWDWIKISI	2
	Other Larceny Offense	1
	Other Forgery Offense	1
	Other Embezzlement Offense	1
	Trafficking Marijuana	1
	Other Drug Offense	3
	Other Traffic Offense	1
	<b>Sub-Total</b>	<b>13</b>
Class D	Att. Robbery - Dangerous Weapon	1
	Robbery - Dangerous Weapon	13
	1st Degree Burglary	6
	<b>Sub-Total</b>	<b>20</b>
Class E	Vol. Manslaughter	1
	2nd Degree Kidnapping	2
	AWDW Intent to Kill	1
	AWDW Serious Injury	6
	Att. 1st Degree Burglary	1
	Discharge Weapon - Occ. Property	1
	<b>Sub-Total</b>	<b>12</b>
Class F	Indecent Liberties w/ Child	3
	AWDW - Government Official	3
	Extortion	1
	Trafficking Cocaine	1
	Poss. Weapon of Mass Destruction	1
	<b>Sub-Total</b>	<b>9</b>

Offense Class	Offense	Total
Class G	Common Law Robbery	21
	Sell Schedule II Controlled Subst.	1
	Trafficking Cocaine	3
	Conspiracy to Traffic Cocaine	1
	Possession of Firearm by Felon	10
	Habitual Impaired Driving	7
	<b>Sub-Total</b>	<b>43</b>
Class H	Habitual Misdemeanor Assault	1
	Breaking and/or Entering	51
	Felony Larceny	17
	Larceny by Employee	1
	Larceny from the Person	1
	Receiving Stolen Goods	1
	Possession of Stolen Goods	13
	Larceny after Breaking/Entering	1
	Larceny of Motor Vehicle	5
	Other Larceny	1
	Obt. Property by False Pretenses	8
	Embezzlement	2
	Sell/Deliver Sch II Contr. Subst.	5
	PWIMSD Sch I Contr. Subst.	1
	PWIMSD Sch II Contr. Subst.	2
	Manufacture Cocaine	1
	Sell/Deliver Cocaine	13
	PWISD Cocaine	23
	PWIMSD Cocaine	7
	Other Drug Offense	2
Possession of Weapon by Prisoner	1	
Possession of Stolen Automobile	2	
Fe. Hit & Run/Fail Stop/Perm Inj	1	
<b>Sub-Total</b>	<b>160</b>	

**Table 13: Most Serious Crime Associated with Habitual Felon Convictions  
by Offense Class and Offense (continued)  
FY 1997/98 Felonies**

Offense Class	Offense	Total
Class I	Possess Burglary Tools	2
	Break/Enter Motor Vehicle	13
	Other Burglary	1
	Other Larceny	1
	Forgery of Instrument	9
	Uttering Forged Instrument	3
	Financial Card Theft/Fraud	3
	Obt. Contr. Subst. by Fraud	1
	Other Fraud	3
	PWISCSO Counterfeit Contr Subst	2
	Poss Sch II Contr Subst	9

Offense Class	Offense	Total
Class I (cont.)	PWISD Marijuana	4
	PWIMSD Marijuana	2
	Sell/Deliver Marijuana	1
	Felony Possession of Cocaine	20
	Other Drug Offense	5
	Crime Against Nature	1
	Escape from State Prison	2
	Failure to Appear on a Felony	1
	<b>Sub-Total</b>	<b>83</b>
	<b>TOTAL</b>	<b>342</b>

Note: The table reflects all habitual felon convictions regardless of errors in the database.

**B. Firearm Enhancement**

The firearm enhancement was applied to two (2) convictions during Fiscal Year 1997/98. The crimes associated with these two convictions were Habitual Felon (with an underlying offense of Second Degree Kidnapping) and Second Degree Murder.

**C. Death and Life without Parole Sentences and Violent Habitual Felon Convictions**

During Fiscal Year 1997/98, 21 death sentences and 51 life without parole sentences were imposed. There were five (5) violent habitual felon convictions. The crimes associated with these five convictions included: Robbery with a Dangerous Weapon (3) and Attempted Second Degree Rape (1). For one of the violent habitual felon convictions, the principal offense could not be ascertained.

## D. Drug Trafficking Convictions

As shown in *Table 14*, there were 342 convictions for drug trafficking offenses. Trafficking Cocaine (Offense Class G) was the most frequently occurring drug trafficking offense (n=231).

**Table 14: Drug Trafficking Convictions  
FY 1997/98 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
<b>C</b>	Traffic Marijuana	1	100.0	.	.	.	.	60.0	81.0	1
	<b>Subtotal</b>	<b>1</b>	<b>100.0</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>60.0</b>	<b>81.0</b>	<b>1</b>
<b>D</b>	Traffic Cocaine	24	70.6	8	23.5	2	5.9	105.5	132.4	34
	Consp Traffic Marij	.	.	1	25.0	3	75.0	.	.	4
	Consp Traffic Methaqualone/Quaalude	.	.	1	100.0	.	.	.	.	1
	Consp Traffic Cocaine	7	77.8	.	.	2	22.2	83.1	103.9	9
	<b>Subtotal</b>	<b>31</b>	<b>64.6</b>	<b>10</b>	<b>20.8</b>	<b>7</b>	<b>14.6</b>	<b>100.5</b>	<b>125.9</b>	<b>48</b>
<b>E</b>	Traffic Heroin	2	100.0	.	.	.	.	90.0	117.0	2
	<b>Subtotal</b>	<b>2</b>	<b>100.0</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>90.0</b>	<b>117.0</b>	<b>2</b>
<b>F</b>	Traffic LSD	1	100.0	.	.	.	.	70.0	84.0	1
	Traffic Marijuana	1	100.0	.	.	.	.	25.0	30.0	1
	Traffic Cocaine	20	83.3	2	8.3	2	8.3	59.7	71.7	24
	Traffic Heroin	2	100.0	.	.	.	.	147.5	181.5	2
	Consp Traffic Cocaine	1	100.0	.	.	.	.	25.0	30.0	1
	<b>Subtotal</b>	<b>25</b>	<b>86.2</b>	<b>2</b>	<b>6.9</b>	<b>2</b>	<b>6.9</b>	<b>64.4</b>	<b>77.6</b>	<b>29</b>

**Table 14: Drug Trafficking Convictions (continued)  
FY 1997/98 Felonies**

Offense Class and Trafficking Offense		Type of Punishment						Minimum Active Sentence (months)	Maximum Active Sentence (months)	Total
		Active		Intermediate		Community				
		#	%	#	%	#	%			
<b>G</b>	Traffic LSD	3	75.0	1	25.0	.	.	29.3	35.0	4
	Traffic Marijuana	4	100.0	.	.	.	.	28.5	34.3	4
	Traffic Cocaine	203	87.9	22	9.5	6	2.6	31.9	38.5	231
	Consp Traffic Marij	1	100.0	.	.	.	.	12.0	15.0	1
	Consp Traffic Cocaine	7	53.8	2	15.4	4	30.8	31.6	37.4	13
	<b>Subtotal</b>	<b>218</b>	<b>86.2</b>	<b>25</b>	<b>9.9</b>	<b>10</b>	<b>4.0</b>	<b>31.7</b>	<b>38.2</b>	<b>253</b>
<b>H</b>	Traffic Marijuana	7	100.0	.	.	.	.	23.1	27.9	7
	Traffic Heroin	1	100.0	.	.	.	.	70.0	84.0	1
	<b>Subtotal</b>	<b>8</b>	<b>100.0</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>29.0</b>	<b>34.9</b>	<b>8</b>
<b>I</b>	Traffic Heroin	1	100.0	.	.	.	.	4.0	5.0	1
	<b>Subtotal</b>	<b>1</b>	<b>100.0</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>.</b>	<b>4.0</b>	<b>5.0</b>	<b>1</b>
<b>TOTAL</b>		<b>286</b>	<b>83.6</b>	<b>37</b>	<b>10.8</b>	<b>19</b>	<b>5.6</b>	<b>42.4</b>	<b>51.7</b>	<b>342</b>

Note: This table reflects all drug trafficking convictions regardless of errors in the database. (For example, the Class C Trafficking Marijuana conviction exceeds the mandatory sentence.) Non-active sentences and shorter than mandatory Active sentences may reflect the use of the substantial assistance provision.

**SECTION II**

**MISDEMEANOR CONVICTIONS  
IN FISCAL YEAR 1997/98**

## **I. MISDEMEANOR CONVICTIONS IN FY 1997/98**

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### **A. Definition of the Unit of Analysis**

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

#### **Definition of a Sentencing Episode:**

A *sentencing episode* is identified from court records as the sentence(s) imposed for the *most serious conviction* on a given day of court. While a sentencing episode involves one offender, in our reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "convictions."

### **B. Misdemeanor Convictions**

This section contains detailed information about misdemeanor convictions and sentences imposed under Structured Sentencing during Fiscal Year 1997/98 (July 1, 1997 through June 30, 1998). Overall, sentences for 160,827 misdemeanor convictions were imposed. For many of the tables, information on 8,219 convictions (5.1%) was excluded due to data discrepancies. Such exclusions are noted at the end of each table. Efforts are being made to understand the nature of the data discrepancies and to resolve reporting problems.

It should be noted that misdemeanor Driving While Impaired offenses are not covered under Structured Sentencing, and, therefore, are not included in this report. In addition, this report includes only cases disposed of in superior or district court, not by magistrate. Finally, of all criminal traffic offenses, only Class 1 offenses are reflected in these statistics.

### **C. Distribution of Convictions within the Misdemeanor Structured Sentencing Grid**

*Table 1* shows the distribution of convictions within the Structured Sentencing Grid. Relative to other grid cells, the greatest number of convictions fell into Offense Class 1 with Prior Conviction Level I (33,900, or 22%).

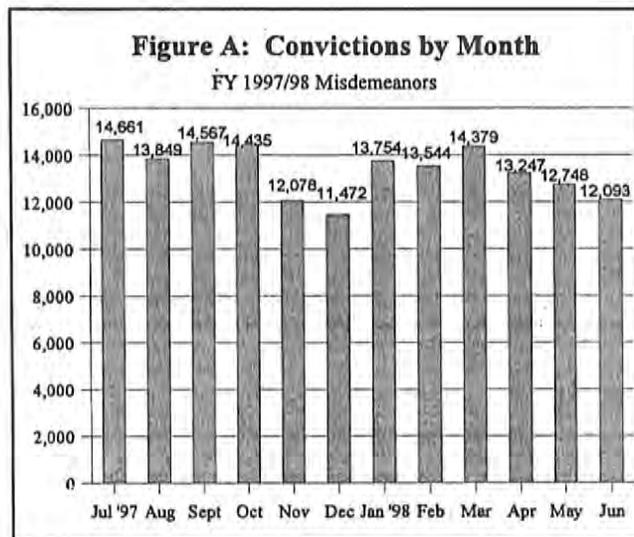
**Table 1: Distribution of Convictions within the Misdemeanor Structured Sentencing Grid  
FY 1997/98 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
A1	5,890 (3.9%)	7,487 (4.9%)	2,742 (1.8%)	16,119 (10.6%)
1	33,900 (22.2%)	33,004 (21.6%)	10,947 (7.2%)	77,851 (51.0%)
2	20,065 (13.2%)	12,483 (8.2%)	3,169 (2.1%)	35,717 (23.4%)
3	13,121 (8.6%)	7,395 (4.9%)	2,405 (1.6%)	22,921 (15.0%)
<b>TOTAL</b>	<b>72,976 (47.8%)</b>	<b>60,369 (39.6%)</b>	<b>19,263 (12.6%)</b>	<b>152,608</b>

Note: Of the 160,827 misdemeanor convictions in FY 1997/98, 8,219 (5%) convictions containing incorrect offense classes, prior conviction levels, or other errors were excluded from this table. Percentages may not add to 100% due to rounding.

**D. Convictions by Month of Sentencing**

Figure A shows the number of misdemeanor convictions (n=160,827) by month under Structured Sentencing during Fiscal Year 1997/98. Convictions peaked in July and September, and were lowest in November and December.



## E. Convictions by Judicial Division, District, and County

Table 2 shows the number of misdemeanor convictions by judicial division, judicial district, and county. The table also indicates whether a conviction occurred in district or superior court and whether it resulted from a guilty plea, a bench trial, or a jury trial. See *Appendix A* for a map of judicial divisions and districts.

**Table 2: Convictions by Judicial Division, Judicial District, County, and Mode of Disposition  
FY 1997/98 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b>First Judicial Division</b>		<b>37,223</b>	<b>2,515</b>	<b>78</b>	<b>39,816</b>
<b>District 1</b>	Camden	109	10	0	119
	Chowan	388	24	3	415
	Currituck	291	41	1	333
	Dare	727	62	3	792
	Gates	137	19	0	156
	Pasquotank	901	117	6	1,024
	Perquimans	172	16	3	191
	<b>Total</b>	<b>2,725</b>	<b>289</b>	<b>16</b>	<b>3,030</b>
<b>District 2</b>	Beaufort	1,604	77	6	1,687
	Hyde	133	5	2	140
	Martin	681	24	2	707
	Tyrrell	143	9	1	153
	Washington	327	21	1	349
	<b>Total</b>	<b>2,888</b>	<b>136</b>	<b>12</b>	<b>3,036</b>
<b>District 3A</b>	Pitt	2,884	296	5	3,185
	<b>Total</b>	<b>2,884</b>	<b>296</b>	<b>5</b>	<b>3,185</b>
<b>District 3B</b>	Carteret	1,504	35	4	1,543
	Craven	2,548	82	4	2,634
	Pamlico	229	17	0	246
	<b>Total</b>	<b>4,281</b>	<b>134</b>	<b>8</b>	<b>4,423</b>

**Table 2: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 1997/98 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 4	Duplin	882	89	1	972
	Jones	123	6	0	129
	Onslow	2,498	167	8	2,673
	Sampson	1,644	25	0	1,669
	<b>Total</b>	<b>5,147</b>	<b>287</b>	<b>9</b>	<b>5,443</b>
District 5	New Hanover	3,831	251	5	4,087
	Pender	620	41	1	662
	<b>Total</b>	<b>4,451</b>	<b>292</b>	<b>6</b>	<b>4,749</b>
District 6A	Halifax	1,541	86	6	1,633
	<b>Total</b>	<b>1,541</b>	<b>86</b>	<b>6</b>	<b>1,633</b>
District 6B	Bertie	543	33	0	576
	Hertford	760	72	3	835
	Northampton	515	36	0	551
	<b>Total</b>	<b>1,818</b>	<b>141</b>	<b>3</b>	<b>1,962</b>
District 7	Edgecombe	2,031	141	4	2,176
	Nash	2,417	234	0	2,651
	Wilson	1,932	102	4	2,038
	<b>Total</b>	<b>6,380</b>	<b>477</b>	<b>8</b>	<b>6,865</b>
District 8	Greene	284	36	0	320
	Lenoir	2,187	137	0	2,324
	Wayne	2,637	204	5	2,846
	<b>Total</b>	<b>5,108</b>	<b>377</b>	<b>5</b>	<b>5,490</b>
<b>Second Judicial Division</b>		<b>42,573</b>	<b>1,754</b>	<b>40</b>	<b>44,367</b>
District 9, 9B	Franklin	1,003	79	0	1,082
	Granville	933	66	0	999
	Vance	1,726	109	0	1,835
	Warren	389	27	1	417
	<b>Total</b>	<b>4,051</b>	<b>281</b>	<b>1</b>	<b>4,333</b>

**Table 2: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 1997/98 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 9A	Caswell	674	93	3	770
	Person	913	66	2	981
	<b>Total</b>	<b>1,587</b>	<b>159</b>	<b>5</b>	<b>1,751</b>
District 10	Wake	9,812	121	17	9,950
	<b>Total</b>	<b>9,812</b>	<b>121</b>	<b>17</b>	<b>9,950</b>
District 11	Harnett	1,949	85	1	2,035
	Johnston	2,016	74	1	2,091
	Lee	1,276	69	1	1,346
	<b>Total</b>	<b>5,241</b>	<b>228</b>	<b>3</b>	<b>5,472</b>
District 12	Cumberland	4,445	149	0	4,594
	<b>Total</b>	<b>4,445</b>	<b>149</b>	<b>0</b>	<b>4,594</b>
District 13	Bladen	973	43	1	1,017
	Brunswick	960	58	2	1,020
	Columbus	812	41	0	853
	<b>Total</b>	<b>2,745</b>	<b>142</b>	<b>3</b>	<b>2,890</b>
District 14	Durham	4,295	64	5	4,364
	<b>Total</b>	<b>4,295</b>	<b>64</b>	<b>5</b>	<b>4,364</b>
District 15A	Alamance	2,306	438	3	2,747
	<b>Total</b>	<b>2,306</b>	<b>438</b>	<b>3</b>	<b>2,747</b>
District 15B	Chatham	506	21	0	527
	Orange	1,292	17	1	1,310
	<b>Total</b>	<b>1,798</b>	<b>38</b>	<b>1</b>	<b>1,837</b>
District 16A	Hoke	652	28	1	681
	Scotland	1,272	37	0	1,309
	<b>Total</b>	<b>1,924</b>	<b>65</b>	<b>1</b>	<b>1,990</b>
District 16B	Robeson	4,369	69	1	4,439
	<b>Total</b>	<b>4,369</b>	<b>69</b>	<b>1</b>	<b>4,439</b>

**Table 2: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 1997/98 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b>Third Judicial Division</b>		<b>38,643</b>	<b>1,671</b>	<b>64</b>	<b>40,378</b>
District 17A	Rockingham	1,940	184	4	2,128
	<b>Total</b>	<b>1,940</b>	<b>184</b>	<b>4</b>	<b>2,128</b>
District 17B	Stokes	688	36	0	724
	Surry	1,337	70	0	1,407
	<b>Total</b>	<b>2,025</b>	<b>106</b>	<b>0</b>	<b>2,131</b>
District 18	Guilford	6,578	258	6	6,842
	<b>Total</b>	<b>6,578</b>	<b>258</b>	<b>6</b>	<b>6,842</b>
District 19A	Cabarrus	2,985	224	5	3,214
	<b>Total</b>	<b>2,985</b>	<b>224</b>	<b>5</b>	<b>3,214</b>
District 19B	Montgomery	551	16	0	567
	Moore	1,457	72	0	1,529
	Randolph	1,773	71	3	1,847
	<b>Total</b>	<b>3,781</b>	<b>159</b>	<b>3</b>	<b>3,943</b>
District 19C	Rowan	2,534	89	3	2,626
	<b>Total</b>	<b>2,534</b>	<b>89</b>	<b>3</b>	<b>2,626</b>
District 20	Anson	783	60	2	845
	Richmond	1,283	83	2	1,368
	Stanly	943	90	4	1,037
	Union	1,865	116	6	1,987
	<b>Total</b>	<b>4,874</b>	<b>349</b>	<b>14</b>	<b>5,237</b>
District 21	Forsyth	5,442	77	12	5,531
	<b>Total</b>	<b>5,442</b>	<b>77</b>	<b>12</b>	<b>5,531</b>
District 22	Alexander	496	23	4	523
	Davidson	2,775	65	6	2,846
	Davie	482	22	2	506
	Iredell	2,539	72	2	2,613
	<b>Total</b>	<b>6,292</b>	<b>182</b>	<b>14</b>	<b>6,488</b>

**Table 2: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 1997/98 Misdemeanors**

Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
<b>District 23</b>	Alleghany	152	2	0	154
	Ashe	230	9	1	240
	Wilkes	1,362	23	2	1,387
	Yadkin	448	9	0	457
	<b>Total</b>	<b>2,192</b>	<b>43</b>	<b>3</b>	<b>2,238</b>
<b>Fourth Judicial Division</b>		<b>34,540</b>	<b>1,628</b>	<b>98</b>	<b>36,266</b>
<b>District 24</b>	Avery	158	16	0	174
	Madison	152	12	0	164
	Mitchell	105	11	3	119
	Watauga	265	32	0	297
	Yancey	159	12	1	172
	<b>Total</b>	<b>839</b>	<b>83</b>	<b>4</b>	<b>926</b>
<b>District 25</b>	Burke	1,524	136	2	1,662
	Caldwell	1,486	123	5	1,614
	Catawba	3,051	210	1	3,262
	<b>Total</b>	<b>6,061</b>	<b>469</b>	<b>8</b>	<b>6,538</b>
<b>District 26</b>	Mecklenburg	10,370	268	26	10,664
	<b>Total</b>	<b>10,370</b>	<b>268</b>	<b>26</b>	<b>10,664</b>
<b>District 27A</b>	Gaston	3,824	137	15	3,976
	<b>Total</b>	<b>3,824</b>	<b>137</b>	<b>15</b>	<b>3,976</b>
<b>District 27B</b>	Cleveland	2,246	101	3	2,350
	Lincoln	907	44	1	952
	<b>Total</b>	<b>3,153</b>	<b>145</b>	<b>4</b>	<b>3,302</b>
<b>District 28</b>	Buncombe	3,922	87	11	4,020
	<b>Total</b>	<b>3,922</b>	<b>87</b>	<b>11</b>	<b>4,020</b>

**Table 2: Convictions by Judicial Division, Judicial District, County,  
and Mode of Disposition (continued)  
FY 1997/98 Misdemeanors**

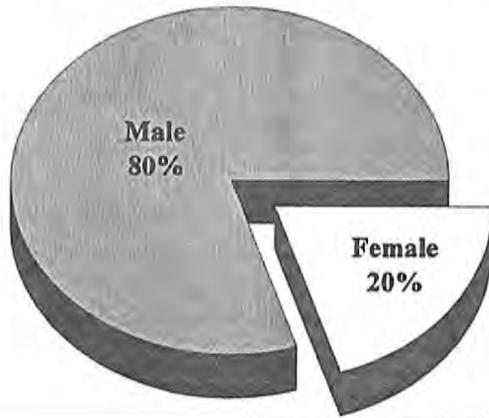
Judicial Division, Judicial District, and County		District Court	Superior Court		Total
		Guilty Plea/ Bench Trial	Guilty Plea	Jury Trial	
District 29	Henderson	1,199	71	5	1,275
	McDowell	697	45	2	744
	Polk	269	10	1	280
	Rutherford	1,689	129	10	1,828
	Transylvania	378	17	1	396
	<b>Total</b>	<b>4,232</b>	<b>272</b>	<b>19</b>	<b>4,523</b>
District 30	Cherokee	287	21	1	309
	Clay	57	6	0	63
	Graham	102	12	1	115
	Haywood	797	65	6	868
	Jackson	430	25	1	456
	Macon	315	17	0	332
	Swain	151	21	2	174
	<b>Total</b>	<b>2,139</b>	<b>167</b>	<b>11</b>	<b>2,317</b>
<b>STATE TOTAL</b>		<b>152,979</b>	<b>7,568</b>	<b>280</b>	<b>160,827</b>

## **II. CHARACTERISTICS OF OFFENDERS**

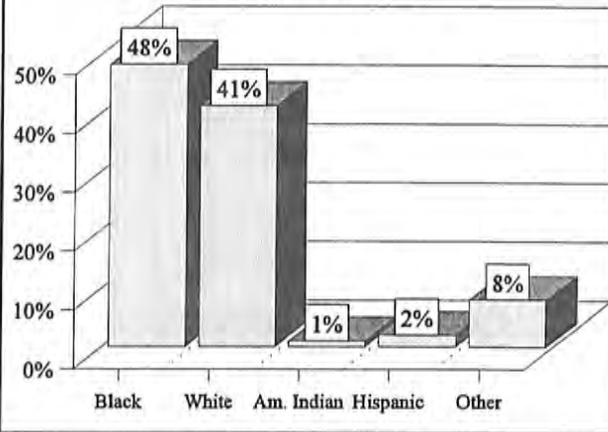
This section provides a summary of misdemeanor convictions by gender, race, and age of offenders. As indicated in *Figure B*, the majority of misdemeanor convictions were for males (80%). *Figure C* shows that about 48% of all misdemeanor offenders were Black and 41% were White. Only a small percentage were American Indian (1%), Hispanic (2%), or Other (8%).<sup>1</sup>

<sup>1</sup> Code errors in reporting racial composition may account for the unusually large percentage of Other offenders.

**Figure B: Convictions by Gender**  
FY 1997/98 Misdemeanors

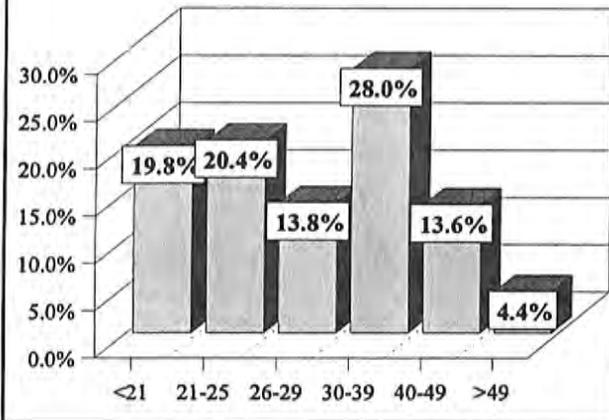


**Figure C: Convictions by Race**  
FY 1997/98 Misdemeanors

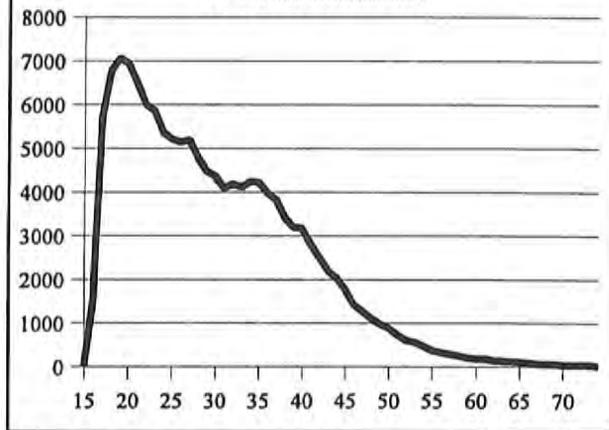


Fifty-four percent of all misdemeanor offenders were under the age of 30 (see *Figure D*). Offenders under the age of 21 accounted for almost one-fifth of the total number of convictions. *Figure E* illustrates the age distribution of misdemeanor offenders. As with felons, the volume of offenders peaks in the late teens and early twenties and then declines as age increases. *Table 3* provides a summary of misdemeanor convictions by gender, race, and age of offenders.

**Figure D: Convictions by Age**  
FY 1997/98 Misdemeanors



**Figure E: Age Distribution of Misdemeanants**  
FY 1997/98 Misdemeanors



**Table 3: Convictions by Gender, Race, and Age  
FY 1997/98 Misdemeanors**

Gender and Race		Age						Total
		<21	21-25	26-29	30-39	40-49	>49	
Male	White	11,483	10,034	6,349	12,888	6,202	2,439	49,395
	Black	10,249	11,226	7,820	16,231	9,000	2,652	57,178
	Hispanic	340	795	377	481	132	38	2,163
	Amer. Indian	370	325	219	364	180	80	1,538
	Asian	36	16	15	15	8	1	91
	Unknown	364	738	473	752	286	87	2,700
	<b>Subtotal</b>	<b>22,842</b>	<b>23,134</b>	<b>15,253</b>	<b>30,731</b>	<b>15,808</b>	<b>5,297</b>	<b>113,065</b>
Female	White	2,495	2,498	1,830	3,962	1,564	509	12,858
	Black	2,477	2,983	2,334	4,610	1,749	328	14,481
	Hispanic	24	32	28	48	12	2	146
	Amer. Indian	69	107	68	125	47	10	426
	Asian	9	1	1	2	3	0	16
	Unknown	66	147	79	164	75	21	552
	<b>Subtotal</b>	<b>5,140</b>	<b>5,768</b>	<b>4,340</b>	<b>8,911</b>	<b>3,450</b>	<b>870</b>	<b>28,479</b>
<b>TOTAL</b>		<b>27,982</b>	<b>28,902</b>	<b>19,593</b>	<b>39,642</b>	<b>19,258</b>	<b>6,167</b>	<b>141,544</b>

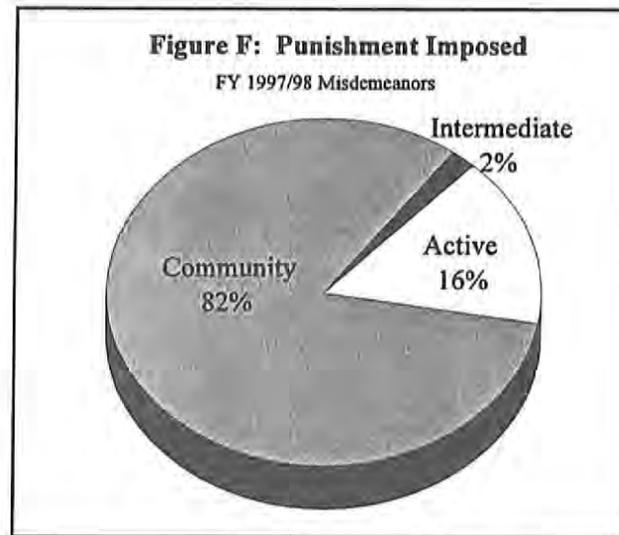
Note: Of the 160,827 misdemeanor convictions in FY 1997/98, 19,283 (12%) convictions with missing values for offenders' age were excluded from this table.

### **III. PUNISHMENT IMPOSED FOR MISDEMEANORS**

This section summarizes information about the types of punishment imposed (Active, Intermediate, and Community) for misdemeanor convictions. It also shows the average sentence imposed and the average actual time served -- adjusting for credit for time served -- for misdemeanants 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.*

## A. Overall Punishment

As shown in *Figure F*, an Active punishment was imposed for 16% of misdemeanor convictions; an Intermediate punishment was imposed for 2% of misdemeanor convictions; and a Community punishment was imposed for 82% of misdemeanor convictions. Of the Active punishments imposed, 87% were for sentences of 90 days or less, with the remaining 13% for sentences more than 90 days.



## B. Punishment Imposed by Offense Class and Prior Conviction Level

Misdemeanor convictions and sentences imposed are presented within the context of the misdemeanor sentencing grid in *Table 4*. Most convictions -- regardless of offense class or prior conviction level -- resulted in the imposition of a Community punishment. Eleven percent of misdemeanor convictions fell into Offense Class A1, 51% fell into Offense Class 1, 23% fell into Offense Class 2, and 15% fell into Offense Class 3. Forty-eight percent of misdemeanor convictions fell into Prior Conviction Level I, 40% fell into Prior Conviction Level II, and the remainder fell into Prior Conviction Level III.

Convictions for Class A1 misdemeanors accounted for the largest percentage of Active sentences imposed relative to other offense classes (20%). The majority of convictions fell into Offense Class 1 with Prior Conviction Level I (33,900). In general, as prior conviction level increases, the likelihood of receiving an Active punishment increases.

**Table 4: Punishment by Offense Class and Prior Conviction Level  
FY 1997/98 Misdemeanors**

Offense Class	Prior Conviction Level			Total
	I 0 Pts	II 1-4 Pts	III 5+ Pts	
<b>A1</b>	C/I/A C = 5,041 (86%) I = 198 (3%) A = 651 (11%)  (n=5,890)	C/I/A C = 5,735 (77%) I = 296 (4%) A = 1,456 (19%)  (n=7,487)	C/I/A C = 1,389 (51%) I = 170 (6%) A = 1,183 (43%)  (n=2,742)	C/I/A C = 12,165 (76%) I = 664 (4%) A = 3,290 (20%)  (n=16,119)
<b>I</b>	C C = 30,314 (89%) I = 226 (1%) A = 3,360 (10%)  (n=33,900)	C/I/A C = 27,048 (82%) I = 681 (2%) A = 5,275 (16%)  (n=33,004)	C/I/A C = 5,857 (54%) I = 492 (4%) A = 4,598 (42%)  (n=10,947)	C/I/A C = 63,219 (81%) I = 1,399 (2%) A = 13,233 (17%)  (n=77,851)
<b>2</b>	C C = 18,689 (93%) I = 45 (0%) A = 1,331 (7%)  (n=20,065)	C/I C = 10,994 (88%) I = 162 (1%) A = 1,327 (11%)  (n=12,483)	C/I/A C = 1,864 (59%) I = 50 (2%) A = 1,255 (39%)  (n=3,169)	C/I/A C = 31,547 (88%) I = 257 (1%) A = 3,913 (11%)  (n=35,717)
<b>3</b>	C C = 11,097 (85%) I = 13 (0%) A = 2,011 (15%)  (n=13,121)	C/I C = 6,440 (87%) I = 37 (1%) A = 918 (12%)  (n=7,395)	C/I/A C = 1,257 (52%) I = 14 (1%) A = 1,134 (47%)  (n=2,405)	C/I/A C = 18,794 (82%) I = 64 (0%) A = 4,063 (18%)  (n=22,921)
<b>TOTAL</b>	C/I/A C = 65,141 (89%) I = 482 (1%) A = 7,353 (10%)  (n=72,976)	C/I/A C = 50,217 (83%) I = 1,176 (2%) A = 8,976 (15%)  (n=60,369)	C/I/A C = 10,367 (54%) I = 726 (4%) A = 8,170 (42%)  (n=19,263)	C/I/A C = 125,725 (82%) I = 2,384 (2%) A = 24,499 (16%)  (n=152,608)

Note: Of the 160,827 misdemeanor convictions in FY 1997/98, 8,219 (5%) convictions containing incorrect offense classes, prior conviction levels, or other errors were excluded from this table. Active sentences in cells in which an Active punishment is not a sentencing option may be attributed to the use of credit for time served.

### C. Average Length of Active Sentences

Information on the average sentence imposed, average credit for time served, and average time to be served for misdemeanor convictions resulting in an Active punishment is presented in *Table 5*. Time to be served is calculated by subtracting credit for time served from the Active sentence imposed. In general, the Active sentence imposed and the actual time to be served increase as offense class and prior conviction level increase. The average time to be served for A1 misdemeanors is about 64 days. Overall, the average time served for misdemeanor convictions is almost 37 days.

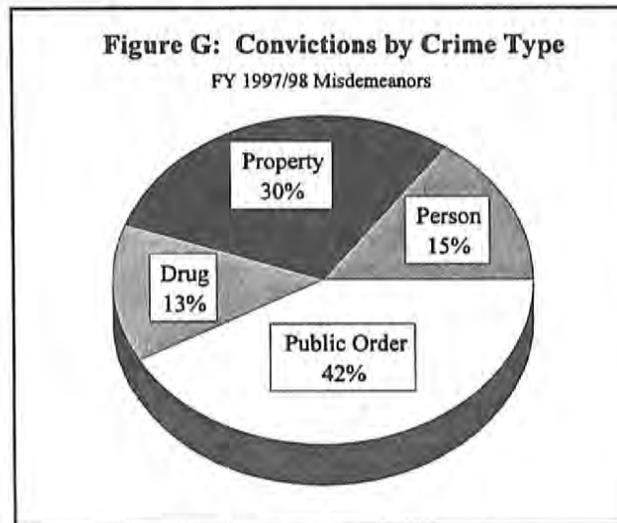
**Table 5: Average Length of Active Sentences by Offense Class and Prior Conviction Level  
FY 1997/98 Misdemeanors**

Offense Class		Prior Conviction Level			Overall
		I (0 Pts)	II 1-4 Pts	III 5+ Pts	
A1	Average Active Sentence (Days)	32.2	51.0	109.7	68.4
	Average Credit for Time Served (Days)	6.8	3.6	4.9	4.7
	Average Time to be Served (Days)	25.4	47.4	104.8	63.7
	No. of Active Sentences	651	1,456	1,183	3,290
1	Average Active Sentence (Days)	21.6	31.3	83.7	47.0
	Average Credit for Time Served (Days)	6.5	2.1	3.1	3.6
	Average Time to be Served (Days)	15.0	29.2	80.6	43.5
	No. of Active Sentences	3,360	5,275	4,598	13,233
2	Average Active Sentence (Days)	13.8	24.4	38.3	25.3
	Average Credit for Time Served (Days)	6.8	2.0	2.0	3.7
	Average Time to be Served (Days)	7.0	22.4	36.3	21.6
	No. of Active Sentences	1,331	1,327	1,255	3,913
3	Average Active Sentence (Days)	5.2	8.8	13.9	8.4
	Average Credit for Time Served (Days)	3.5	0.9	1.2	2.3
	Average Time to be Served (Days)	1.6	8.0	12.7	6.2
	No. of Active Sentences	2,011	918	1,134	4,063
TOTAL	Average Active Sentence (Days)	16.6	31.2	70.8	40.0
	Average Credit for Time Served (Days)	5.8	2.2	2.9	3.5
	Average Time to be Served (Days)	10.8	29.0	67.9	36.5
	No. of Active Sentences	72,976	60,369	19,263	24,499

Note: Convictions containing incorrect offense classes, prior conviction levels, or other errors were excluded from this table.

## D. Punishment Imposed by Crime Type

As shown in *Figure G*, public order offenses (42%) accounted for the majority of misdemeanor convictions, while misdemeanor drug offenses accounted for the lowest proportion (13%).



*Table 6* contains information about the type of punishment imposed by crime type for misdemeanor convictions, and the average minimum sentence imposed and average time to be served for offenders who received an Active punishment. Of the convictions for the four crime types, those for drug offenses were least likely to result in an Active punishment (12.7%). Between 16-17% of convictions for person, property, and public order offenses resulted in an Active punishment. Average minimum sentence imposed and average time to be served were longest for convictions for person offenses.

**Table 6: Punishment by Crime Type**  
FY 1997/98 Misdemeanors

Crime Type	Type of Punishment						Minimum Active Sentence (days)	Credit for Time Served (days)	Time to be Served (days)	Total
	Active		Intermediate		Community					
	No.	%	No.	%	No.	%				
Person	3,915	17.0	741	3.2	18,338	79.8	61.3	4.5	56.8	22,994
Property	7,549	16.7	674	1.5	36,923	81.8	44.3	3.9	40.4	45,146
Drug	2,562	12.7	203	1.0	17,354	86.3	34.5	4.2	30.3	20,119
Public Order	10,473	16.3	766	1.2	53,110	82.5	30.4	2.7	27.7	64,349
<b>TOTAL</b>	<b>24,499</b>	<b>16.1</b>	<b>2,384</b>	<b>1.6</b>	<b>125,725</b>	<b>82.4</b>	<b>40.0</b>	<b>3.5</b>	<b>36.5</b>	<b>152,608</b>

Note: Of the 160,827 misdemeanor convictions in FY 1997/98, 8,219 (5%) convictions containing incorrect offense classes, prior conviction levels, or other errors were excluded from this table.

## IV. INTERMEDIATE PUNISHMENTS

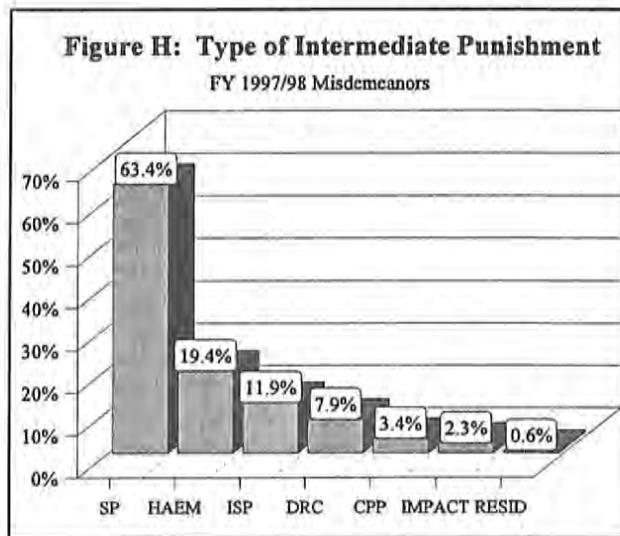
This section provides a summary of the types of intermediate sanctions imposed. *It only includes convictions for which an Intermediate punishment was imposed.* The types of intermediate sanctions include Special Probation (SP), House Arrest with Electronic Monitoring (HAEM), Intensive Supervision Probation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

During Fiscal Year 1997/98, there were 2,384 convictions for which an Intermediate punishment was imposed. However, the specific type(s) of intermediate sanction(s) imposed was reported for only 1,249 of these convictions (a reporting rate of 52.4%).<sup>2</sup> As a result, these figures may not accurately reflect offender participation in these programs.

It is possible that a single conviction could result in the imposition of more than one intermediate sanction. Consequently, *the following tables and figures reflect the total number of intermediate sanctions imposed, not the total number of convictions for which an intermediate sanction was imposed.*

### A. Intermediate Punishments Imposed

*Figure H* shows the percentage of convictions for which each intermediate sanction was imposed. (Note: The percentages in this figure do not add to 100%.) Where a specific intermediate sanction was reported in the database, data indicate that Special Probation accounted for the highest percentage of convictions (63%). Assignment to a Residential Treatment Facility accounted for the smallest percentage of convictions for which a specific Intermediate punishment was reported (.6%).



<sup>2</sup> 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 appropriate data field (i.e., the additional judgment screen) in the AOC Criminal Information System.

## B. Intermediate Punishments by Offense Class and Prior Conviction Level

Table 7 contains the frequency of intermediate sanctions by offense class and prior conviction level, with the greatest number of intermediate sanctions imposed for Class 1 with Prior Conviction Level II (449). Overall, intermediate sanctions were most frequently imposed for Class 1 convictions (829).

**Table 7: Type of Intermediate Punishment by Offense Class and Prior Conviction Level  
FY 1997/98 Misdemeanors**

Offense Class	Prior Conviction Level	Type of Intermediate Punishment							Total
		Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
A1	I	40	0	0	5	5	7	1	58
	II	132	3	3	12	18	26	4	198
	III	62	1	0	10	20	18	2	113
	Subtotal	234	4	3	27	43	51	7	369
1	I	16	3	1	4	8	5	2	39
	II	262	13	3	38	36	81	16	449
	III	183	6	0	21	46	73	12	341
	Subtotal	461	22	4	63	90	159	30	829
2	I	1	0	0	0	0	3	0	4
	II	65	1	0	4	11	19	1	101
	III	16	0	0	2	4	4	2	28
	Subtotal	82	1	0	6	15	26	3	133
3	I	0	1	0	0	0	2	1	4
	II	13	1	0	3	1	2	2	22
	III	2	0	0	0	0	2	0	4
	Subtotal	15	2	0	3	1	6	3	30
<b>TOTAL</b>		<b>792</b>	<b>29</b>	<b>7</b>	<b>99</b>	<b>149</b>	<b>242</b>	<b>43</b>	<b>1,361</b>

Note: Convictions containing incorrect offense classes, prior conviction levels, or other errors were excluded from this table.

### C. Intermediate Punishments by Crime Type

Table 8 shows the frequency of specific intermediate sanctions by crime type. Of those convictions for which an intermediate sanction was reported, the majority were for public order offenses (479).

**Table 8: Type of Intermediate Punishment by Crime Type  
FY 1997/98 Misdemeanors**

Crime Type	Type of Intermediate Punishment							Total
	Special Probation	IMPACT	Residential Facility	Day Reporting Center	Intensive Supervision Probation	House Arrest w/ Elect. Mon.	Community Penalties Plan	
Person	264	4	3	29	45	56	8	409
Property	160	15	2	40	73	70	20	380
Drug	48	3	0	11	7	17	7	93
Public Order	320	7	2	19	24	99	8	479
<b>TOTAL</b>	<b>792</b>	<b>29</b>	<b>7</b>	<b>99</b>	<b>149</b>	<b>242</b>	<b>43</b>	<b>1,361</b>

### D. Special Probation

Table 9 contains the number and average length of Special Probation sentences by offense class. Where a specific intermediate sanction was reported in the database, Special Probation was imposed for 792 convictions. All but two of these convictions were sentenced to jail to serve the time for the split sentence. The largest category of Special Probation cases was Class 1 misdemeanors (461); Class A1 misdemeanors received the longest average Special Probation sentence lengths (15 days without adjusting for credit for time served; 7.7 days adjusting for credit for time served).

**Table 9: Special Probation by Offense Class  
FY 1997/98 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days)	Mean Credit for Time Served (Days)	Mean Special Probation Length To Be Served (Days)
Class A1	234	15.0	7.2	7.7
Class 1	461	11.6	5.9	5.7
Class 2	82	7.9	4.3	3.5
Class 3	15	3.7	2.1	1.6
<b>TOTAL</b>	<b>792</b>	<b>12.0</b>	<b>6.0</b>	<b>6.0</b>

As shown in *Table 10*, the majority of Special Probation convictions were for public order offenses (320) and the least number were for drug offenses (48). Relative to the other crime types, property convictions resulted in the longest Special Probation length without adjusting for credit for time served (14.3 days). Convictions for person offenses resulted in the longest average Special Probation sentence to be served after adjusting for credit for time served (7.1 days).

**Table 10: Special Probation by Crime Type  
FY 1997/98 Misdemeanors**

Offense Class	Number	Mean Special Probation Length (Days)	Mean Credit for Time Served (Days)	Mean Special Probation Length to be Served (Days)
Person	264	13.8	6.7	7.1
Property	160	14.3	7.7	6.6
Drug	48	11.4	5.4	6.0
Public Order	320	9.5	4.8	4.7
<b>TOTAL</b>	<b>792</b>	<b>12.0</b>	<b>6.0</b>	<b>6.0</b>

## V. COMMUNITY PUNISHMENTS

### A. Community Punishments by Offense Class

*This section includes only those convictions for which a Community punishment was imposed. Of the 125,725 convictions for which a Community punishment was imposed, the specific type of Community punishment imposed was reported for 118,756 convictions. Where a specific Community punishment was reported, 60% received Unsupervised Probation; 29% received Supervised Probation; and 11% received only Restitution/Fine without probation (see Figure I).*

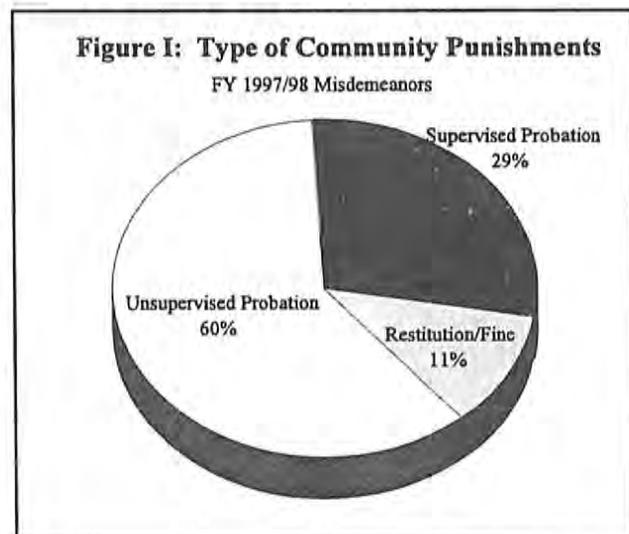


Table 11 shows the type of Community punishment imposed -- either Supervised Probation, Unsupervised Probation, or Restitution and/or Fine -- by offense class, as well as information regarding the average length of probation sentences. Convictions for Class 1 offenses comprised the majority of convictions (59,948) resulting in a Community punishment. Convictions for Class A1 offenses resulted in the longest average probation sentences (20 months).

**Table 11: Type of Community Punishment by Offense Class  
FY 1997/98 Misdemeanors**

Offense Class	Type of Community Punishment (Number and Average Probation Length)			Total
	Supervised	Unsupervised	Restitution/Fine	
Class A1	5,117 <i>20 months</i>	6,208 <i>20 months</i>	172 <i>N/A</i>	11,497 <i>20 months</i>
Class 1	21,364 <i>19 months</i>	32,422 <i>18 months</i>	6,162 <i>N/A</i>	59,948 <i>18 months</i>
Class 2	5,854 <i>18 months</i>	20,344 <i>16 months</i>	3,558 <i>N/A</i>	29,756 <i>16 months</i>
Class 3	1,951 <i>16 months</i>	12,434 <i>16 months</i>	3,170 <i>N/A</i>	17,555 <i>16 months</i>
<b>TOTAL</b>	34,286 <i>19 months</i>	71,408 <i>17 months</i>	13,062 <i>N/A</i>	118,756 <i>18 months</i>

Note: Convictions containing incorrect offense classes, prior conviction levels, or other errors were excluded from this table.

### **B. Community Punishments by Crime Type**

The type of Community punishment imposed by crime type and the average length of probation sentences is provided in Table 12. The largest number of convictions sentenced to Supervised Probation were convicted of property offenses (13,711). The largest number sentenced to Unsupervised Probation were convicted of public order offenses (32,282).

**Table 12: Type of Community Punishment by Crime Type  
FY 1997/98 Misdemeanors**

Crime Type	Type of Community Punishment (Number and Average Probation Length)			Total
	Supervised	Unsupervised	Restitution/Fine	
Person	6,377 <i>20 months</i>	10,402 <i>19 months</i>	496 <i>N/A</i>	17,275 <i>19 months</i>
Property	13,711 <i>19 months</i>	18,923 <i>16 months</i>	2,452 <i>N/A</i>	35,086 <i>17 months</i>
Drug	4,302 <i>18 months</i>	9,801 <i>16 months</i>	2,437 <i>N/A</i>	16,540 <i>16 months</i>
Public Order	9,896 <i>19 months</i>	32,282 <i>17 months</i>	7,677 <i>N/A</i>	49,855 <i>18 months</i>
<b>TOTAL</b>	34,286 <i>19 months</i>	71,408 <i>17 months</i>	13,062 <i>N/A</i>	118,756 <i>18 months</i>

Note: Convictions containing incorrect offense classes, prior conviction levels, or other errors were excluded from this table.

## **VI. SPECIAL ISSUES**

This section reviews other areas of interest, including Community Service and Restitution.

### **A. Community Service**

During Fiscal Year 1997/98, 8.5% of all misdemeanor convictions were sentenced to perform Community Service, with an average of 37 hours ordered. *Table 13* shows the average hours ordered and the number of convictions for which Community Service was ordered by offense class. Also provided is the percentage of convictions for which Community Service was part of the sentence relative to the total number of convictions within 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.

Class 1 offenses accounted for the largest number of Community Service sentences (7,867). Of the four offense classes, convictions for Class 1 offenses were most likely to result in a Community Service sentence (10.1%), while convictions for Class A1 offenses had the highest average hours of Community Service ordered (42.8 hours).

**Table 13: Community Service by Offense Class  
FY 1997/98 Misdemeanors**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Class A1</b>	42.8	989	6.1
<b>Class 1</b>	39.2	7,867	10.1
<b>Class 2</b>	35.0	2,162	6.1
<b>Class 3</b>	28.7	2,021	8.8
<b>TOTAL</b>	37.2	13,039	8.5

*Table 14* contains information on the average hours ordered and the number of convictions for which Community Service was ordered as part of the sentence by crime type. Also shown is the percentage of convictions for which Community Service was part of the sentence relative to the total number of convictions for each crime type.

Convictions for property offenses accounted for the largest number of Community Service sentences (6,248). Of the four crime types, property offense convictions were the most likely to result in a Community Service sentence (14%), while person offense convictions had the highest number of Community Service hours ordered (an average of 39.5 hours).

**Table 14: Community Service by Crime Type  
FY 1997/98 Misdemeanors**

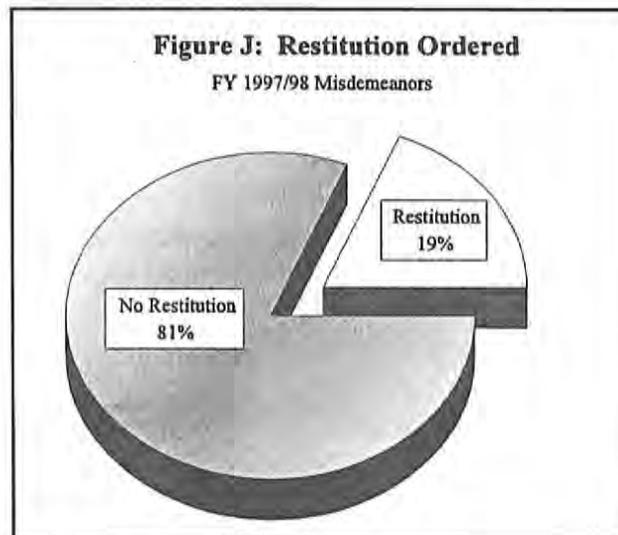
<b>Crime Type</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	39.5	1,603	7.0
<b>Property</b>	36.9	6,248	13.8
<b>Drug</b>	33.5	1,527	7.6
<b>Public Order</b>	38.1	3,661	5.7
<b>TOTAL</b>	37.2	13,039	8.5

## B. Restitution

This section presents information about the amount of Restitution ordered for all misdemeanor convictions; it does not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions.

The following tables provide four pieces of information: the total number and percentage of convictions for which payment of Restitution was ordered, the mean (average) dollar amount ordered, and the median (the amount which has the same number of Restitution orders above it as below it) dollar amount ordered. Note that the mean is often much higher than the median due to one or more orders which are higher than the “normal” amount of Restitution ordered.

As shown in *Figure J*, payment of Restitution was ordered for 19% of all misdemeanor convictions during Fiscal Year 1997/98.



*Table 15* provides information on the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by offense class. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions in each offense class. The average (mean) amount of Restitution ordered was \$550, while the median amount was \$175. The highest amount of Restitution was ordered for Class 1 convictions, on average (a mean of \$739, a median of \$249). Thirty-nine percent of all convictions for Class 2 offenses were ordered to pay Restitution – the largest percentage of all offense classes. Convictions for Class 2 misdemeanors also comprised the largest group with a Restitution sentence (13,956).

**Table 15: Restitution Ordered by Offense Class  
FY 1997/98 Misdemeanors**

Offense Class	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Class A1	689	225	1,801	11.2
Class 1	739	249	12,354	15.9
Class 2	389	146	13,956	39.1
Class 3	126	100	835	3.6
<b>TOTAL</b>	550	175	28,946	19.0

Table 16 shows the mean and median dollar amounts of Restitution ordered and the total number of convictions for which payment of Restitution was ordered by crime type. The table also includes the percentage of convictions for which Restitution was ordered relative to the total number of convictions for each crime type.

The highest mean Restitution amount was ordered for public order convictions (\$666). The highest median Restitution amount was ordered for convictions for person offenses (\$200). Property offense convictions accounted for the majority of convictions for which payment of Restitution was ordered (22,902). Nearly 51% of all convictions for a property offense were ordered to pay Restitution -- the largest percentage of all crime types.

**Table 16: Restitution Ordered by Crime Type  
FY 1997/98 Misdemeanors**

Crime Type	Mean Restitution Ordered (\$)	Median Restitution Ordered (\$)	Number of Convictions	% of Convictions
Person	602	200	2,764	12.0
Property	544	185	22,902	50.7
Drugs	284	100	1,021	5.1
Public Order	666	150	2,259	3.5
<b>TOTAL</b>	550	175	28,946	19.0

*Table 17* provides information on the mean and median amounts of Restitution ordered and the total number of convictions for which Restitution was ordered by type of punishment. The table also includes the percentage of convictions for which payment of Restitution was ordered relative to the total number of convictions by type of punishment imposed. The highest mean Restitution was ordered for convictions for which an Active sentence was imposed (\$994). Twenty-seven percent of all convictions resulting in the imposition of an Intermediate punishment were ordered to pay Restitution – the largest percentage of all punishment types. The vast majority of convictions sentenced to pay Restitution received a Community punishment (27,968).

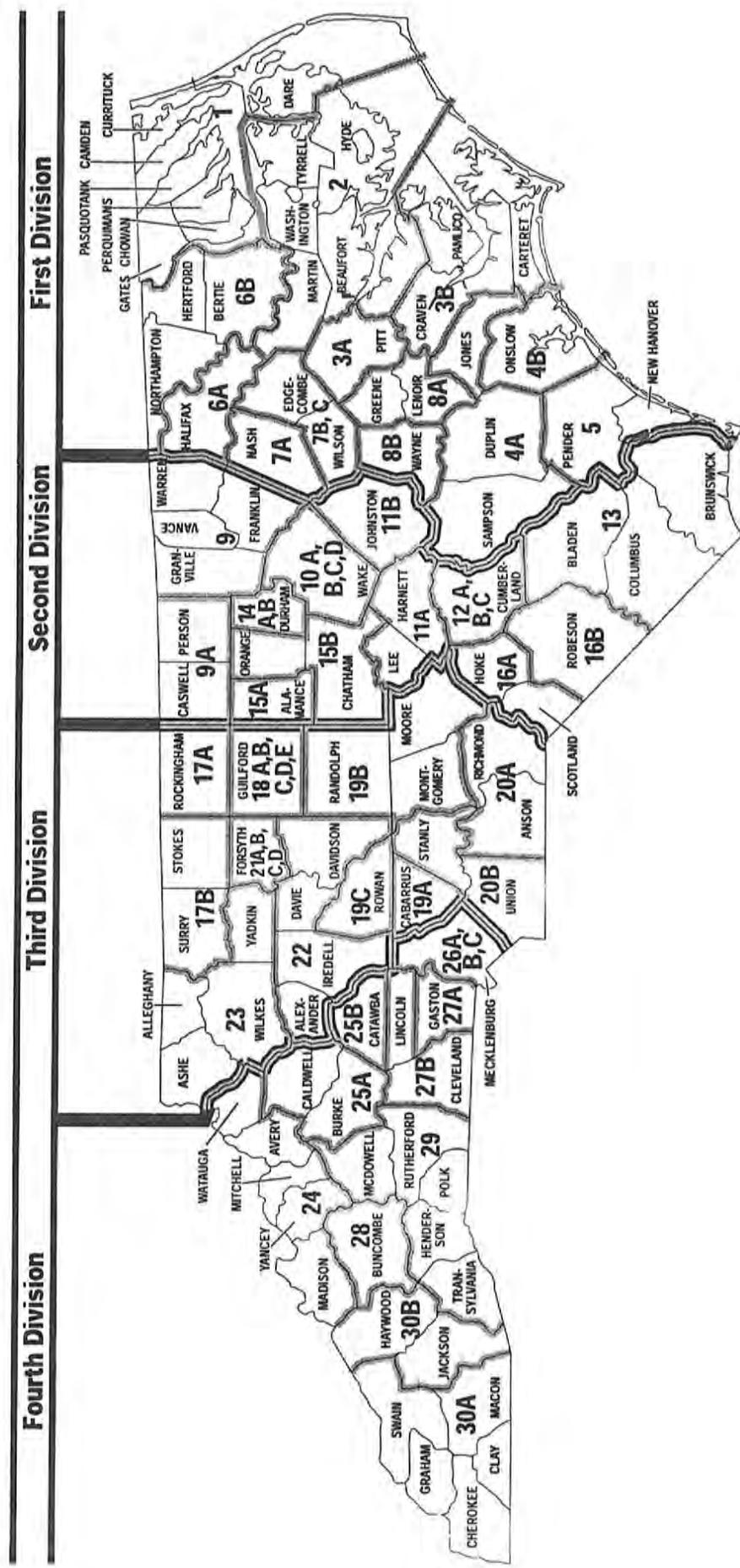
**Table 17: Restitution Ordered by Punishment Imposed  
FY 1997/98 Misdemeanors**

<b>Type of Punishment</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Active</b>	994	250	338	1.4
<b>Intermediate</b>	909	267	640	26.8
<b>Community</b>	536	174	27,968	22.2
<b>TOTAL</b>	550	175	28,946	19.0

**APPENDIX A**

**MAP OF JUDICIAL DIVISIONS AND DISTRICTS**

# North Carolina Superior Court Districts and Divisions as of June 30, 1998



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**APPENDIX B**  
**SAMPLE OFFENSES**

**Maximum Punishments and Sample Offenses  
For Use at First Appearances and Arraignments  
[For Offenses Committed on or after 12/1/97]**

<b>CLASS A FELONIES</b>		<b>Maximum Punishment of Death or Life Without Parole</b>	
Murder, First Degree (14-17)			
<b>CLASS B1 FELONIES</b>		<b>Maximum Punishment of Life Without Parole</b>	
Rape, First Degree (14-27.2)		Sexual Offense, First Degree (14-27.4)	
<b>CLASS B2 FELONIES</b>		<b>Maximum Punishment of 479 Months</b>	
Murder, Second Degree (14-17)			
<b>CLASS C FELONIES</b>		<b>Maximum Punishment of 261 Months</b>	
Habitual Felon (14-7.6)		Assault W/D/W/I/K/I/S/I (14-32(a))	
Rape, Second Degree (14-27.3)		Kidnapping, First Degree (14-39)	
Sexual Offense, Second Degree (14-27.5)		Embezzlement (amount involved \$100,000 or more) (14-90)	
<b>CLASS D FELONIES</b>		<b>Maximum Punishment of 229 Months</b>	
Voluntary Manslaughter (14-18)		Arson, First Degree (14-58)	
Malicious Use of Explosive or Incendiary (14-49(a))		Armed Robbery (14-87)	
Burglary, First Degree (14-51)		Sell or Deliver a Controlled Substance to a Person Under 16 Years of Age (90-95(e)(5))	
<b>CLASS E FELONIES</b>		<b>Maximum Punishment of 98 Months</b>	
Intercourse and Sexual Offenses with Certain Victims (Substitute Parent/Custodian) (14-27.7)		Assault with a Firearm on a Law Enforcement Officer (14-34.5)	
Assault W/D/W/I/S/I (14-32(b))		Kidnapping, Second Degree (14-39)	
Assault W/D/W/I/K (14-32(c))		Child Abuse (14-318.4)	
Discharging Weapon Into Occupied Property (14-34.1)		Sell or Deliver a Controlled Substance Within 300 Feet of a School (90-95(e)(8))	
<b>CLASS F FELONIES</b>		<b>Maximum Punishment of 59 Months</b>	
Involuntary Manslaughter (14-18)		Burning of Certain Other Buildings (14-62)	
Assault Inflicting Serious Bodily Injury (14-32.4)		Incest Between Certain Near Relatives (14-178)	
Assault W/D/W on a Governmental Officer or Employee (14-34.2)		Indecent Liberties with Children (14-202.1)	
Assault on a Law Enforcement Officer (14-34.7)		Possess Weapon of Mass Destruction (14-288.8)	
Felony Restraint (14-43.3)		Habitual Impaired Driving (20-138.5)	

**Maximum Punishments and Sample Offenses (continued)**

<b>CLASS G FELONIES</b>		<b>Maximum Punishment of 44 Months</b>
Burglary, Second Degree (14-51)	Possession of Firearms, etc., by Felon (14-415.1)	
Arson, Second Degree (14-58)	Death by Vehicle (20-141.4)	
Common Law Robbery (14-87.1)	Sale of a Schedule I or II Controlled Substance (90-95(a)(1))	
<b>CLASS H FELONIES</b>		<b>Maximum Punishment of 30 Months</b>
Habitual Misdemeanor Assault (14-33.2)	Obtaining Property by False Pretenses (amount involved less than \$100,000) (14-100)	
Breaking or Entering Buildings (14-54(a))	Intimidating/Interfering with Witnesses (14-226)	
Fraudulently Setting Fire to Dwelling House (14-65)	Hit and Run Involving Personal Injury/Death (20-166(a))	
Possessing Stolen Goods Worth More than \$1,000 (14-71.1)	Sale of a Schedule III, IV, V, or VI Controlled Substance (90-95(a)(1))	
Larceny of Property Worth More than \$1,000 (14-72)	Possession W/I/M/S/D Cocaine (90-95(a)(1))	
Embezzlement (amount involved less than \$100,000) (14-90)	Escaping From State Prison System (felon) (148-45(b))	
<b>CLASS I FELONIES</b>		<b>Maximum Punishment of 15 Months</b>
Breaking or Entering Motor Vehicles (14-56)	Possession W/I/M/S/D Marijuana (90-95(a)(1))	
Financial Transaction Card Theft (14-113.9)	Possess Cocaine (90-95(a)(3))	
Forgery of Notes, Checks, Securities (14-119)	Maintain Dwelling or Motor Vehicle for Keeping or Selling a Controlled Substance (90-108(a)(7),(b))	
Uttering Forged Paper or Instrument (14-120)	Obtain a Controlled Substance by Fraud (90-108(a)(10),(b))	
Crime Against Nature (14-177)		
<b>CLASS A1 MISDEMEANORS</b>		<b>Maximum Punishment of 150 Days</b>
Assault Inflicting Serious Injury or Using a Deadly Weapon (14-33(c)(1))	Assault on a Child Under 12 Years of Age (14-33(c)(3))	
Assault On a Female (14-33(c)(2))	Assault on a State Officer or Employee (14-33(c)(4))	
<b>CLASS 1 MISDEMEANORS</b>		<b>Maximum Punishment of 120 Days</b>
Breaking or Entering Buildings (14-54(b))	Willful Injury to Real Property (14-127)	
Larceny of Property Worth \$1,000 or Less (14-72)	Communicating Threats (14-277.1)	
Unauthorized Use of a Motor Vehicle (14-72.2)	Possession of Drug Paraphernalia (90-113.22)	
Worthless Check/Closed Account (14-107(4))	Misrepresentation to Obtain Employment Security Benefits (96-18)	

**Maximum Punishments and Sample Offenses (continued)**

<b>CLASS 2 MISDEMEANORS</b>		<b>Maximum Punishment of 60 Days</b>
Simple Assault/Assault and Battery (14-33(a))	Failure to Return Rental Property (14-167)	
Obtaining Property in Return for Worthless Check (14-106)	Using Profane, Indecent or Threatening Language to Any Person Over Telephone (14-196)	
Worthless Check/\$2,000 or Less (14-107(1),(2))	Resisting Officers (14-223)	
Trespass, First Degree (14-159.12)	Carrying Concealed Weapons (14-269)	
Willful Injury to Personal Property (14-160(a))	Disorderly Conduct (14-288.4)	
<b>CLASS 3 MISDEMEANORS</b>		<b>Maximum Punishment of 20 Days</b>
Concealment of merchandise in mercantile establishments (first conviction) (14-72.1)	Operate Motorboat Without Lifesaving Device (75A-6)	
Trespass, Second Degree (14-159.13)	Hunting Without a License (113-270.2)	
Intoxicated and Disruptive in Public (14-444)	Fishing Without a License (113-271)	
Unsealed Wine/Liquor in Passenger Area (18B-401)	Possess Marijuana (½ ounce or less) (90-95(a)(3))	
<p><b>CONSPIRACY</b> to commit an offense is classified as one class lower than the offense the person conspired to commit. (14-2.4)</p> <p><b>ATTEMPT</b> to commit an offense is classified as one class lower than the offense the person attempted to commit. (14-2.5)</p> <p><b>SOLICITATION</b> to commit an offense is classified as two classes lower than the offense the person solicited the other person to commit. (14-2.6)</p> <p><b>ACCESSORY BEFORE THE FACT</b> punishable as the principal felon. (14-5.2)</p> <p><b>ACCESSORY AFTER THE FACT</b> punishable as two classes lower than the felony the principal felon committed. (14-7)</p>		

## **APPENDIX C**

### **ADDITIONAL FELONY DATA BY JUDICIAL DIVISION AND DISTRICT**

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District  
FY 1997/98 Felonies**

JUDICIAL DIVISION AND JUDICIAL DISTRICT		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL	
		ACTIVE		INTERMEDIATE		COMMUNITY					
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER	
JUDICIAL DIVISION	JUDICIAL DISTRICT										
FIRST	1	99	28.2	133	37.9	119	33.9	32.2	41.2	351	
	2	95	37.0	104	40.5	58	22.6	48.0	62.3	257	
	3A	126	31.7	170	42.8	101	25.4	41.6	54.1	397	
	3B	115	28.3	168	41.3	124	30.5	30.5	39.8	407	
	4A	155	32.0	198	40.9	131	27.1	21.2	27.8	484	
	4B	77	22.4	152	44.3	114	33.2	28.5	37.2	343	
	5	238	32.0	336	45.2	169	22.7	25.3	32.5	743	
	6A	26	40.0	25	38.5	14	21.5	42.3	53.4	65	
	6B	103	39.3	98	37.4	61	23.3	31.4	40.9	262	
	7A	85	28.0	125	41.1	94	30.9	19.0	24.4	304	
	7B	188	44.5	143	33.9	91	21.6	26.2	34.0	422	
	8A	124	29.6	166	39.6	129	30.8	24.2	32.0	419	
	8B	154	28.9	192	36.0	187	35.1	34.9	45.3	533	
	SUB-TOTAL		1585	31.8	2010	40.3	1392	27.9	29.8	38.7	4987
	SECOND	JUDICIAL DISTRICT									
9		208	32.2	275	42.6	163	25.2	21.2	27.3	646	
9A		81	34.2	94	39.7	62	26.2	31.9	41.2	237	
10		379	39.9	284	29.9	288	30.3	33.7	43.6	951	
11A		77	28.2	128	46.9	68	24.9	40.8	52.0	273	
11B		91	33.3	126	46.2	56	20.5	38.4	50.4	273	
12		192	29.3	329	50.2	135	20.6	34.2	44.6	656	
13		105	32.5	148	45.8	70	21.7	39.1	49.9	323	
14		164	32.2	282	55.4	63	12.4	41.2	53.8	509	
15A		201	30.6	320	48.8	135	20.6	22.4	28.8	656	

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)  
FY 1997/98 Felonies**

JUDICIAL DIVISION AND JUDICIAL DISTRICT		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
JUDICIAL DIVISION	JUDICIAL DISTRICT									
SECOND (cont)	15B	61	35.5	75	43.6	36	20.9	38.0	49.2	172
	16A	75	28.5	140	53.2	48	18.3	26.5	34.0	263
	16B	131	44.1	108	36.4	58	19.5	45.6	58.8	297
	SUB-TOTAL	1765	33.6	2309	43.9	1182	22.5	33.2	42.9	5256
THIRD	JUDICIAL DISTRICT									
	17A	69	28.4	107	44.0	67	27.6	34.4	44.1	243
	17B	74	30.1	98	39.8	74	30.1	23.0	29.1	246
	18	547	34.8	634	40.3	392	24.9	38.9	50.4	1573
	19A	152	34.6	189	43.1	98	22.3	35.8	46.4	439
	19B	168	38.6	138	31.7	129	29.7	31.8	41.3	435
	19C	134	34.2	149	38.0	109	27.8	40.0	51.1	392
	20A	103	34.0	110	36.3	90	29.7	26.4	34.3	303
	20B	112	33.5	121	36.2	101	30.2	31.0	40.4	334
	21	352	33.8	393	37.7	297	28.5	39.9	51.5	1042
	22	208	34.9	271	45.5	117	19.6	43.9	56.4	596
	23	87	49.4	49	27.8	40	22.7	22.1	28.2	176
	SUB-TOTAL	2006	34.7	2259	39.1	1514	26.2	36.3	46.9	5779
FOURTH	JUDICIAL DISTRICT									
	24	24	26.4	31	34.1	36	39.6	17.5	22.0	91
	25A	99	31.2	132	41.6	86	27.1	24.4	31.7	317
	25B	68	29.2	92	39.5	73	31.3	31.1	40.4	233
	26	590	30.5	715	37.0	629	32.5	31.7	41.0	1934
	27A	147	26.9	231	42.3	168	30.8	30.6	39.8	546

**Appendix C, Table 1: Convictions and Sentences by Judicial Division and District (continued)  
FY 1997/98 Felonies**

JUDICIAL DIVISION AND JUDICIAL DISTRICT		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
JUDICIAL DIVISION	JUDICIAL DISTRICT									
FOURTH (cont)	27B	133	39.8	119	35.6	82	24.6	28.3	36.7	334
	28	189	41.7	170	37.5	94	20.8	47.5	61.3	453
	29	109	28.7	117	30.8	154	40.5	25.0	31.8	380
	30A	33	38.4	34	39.5	19	22.1	41.2	52.0	86
	30B	30	30.3	40	40.4	29	29.8	42.0	53.5	99
	SUB-TOTAL	1422	31.8	1681	37.6	1370	30.6	32.5	42.0	4473
TOTAL		6778	33.1	8259	40.3	5458	26.6	33.2	42.9	20495

**Appendix C, Table 2: Sentence Location by Judicial Division and District  
(Active Sentences Only)  
FY 1997/98 Felonies**

JUDICIAL DIVISION AND JUDICIAL DISTRICT		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
JUDICIAL DIVISION	JUDICIAL DISTRICT							
FIRST	1	3	3.0	87	87.9	9	9.1	99
	2	10	10.5	71	74.7	14	14.7	95
	3A	17	13.5	103	81.7	6	4.8	126
	3B	11	9.6	97	84.3	7	6.1	115
	4A	27	17.4	117	75.5	11	7.1	155
	4B	5	6.5	71	92.2	1	1.3	77
	5	24	10.1	197	82.8	17	7.1	238
	6A	.	.	23	88.5	3	11.5	26
	6B	20	19.4	72	69.9	11	10.7	103
	7A	9	10.6	76	89.4	.	.	85
	7B	8	4.3	173	92.0	7	3.7	188
	8A	26	21.0	90	72.6	8	6.5	124
	8B	20	13.0	116	75.3	18	11.7	154
	SUB-TOTAL		180	11.4	1293	81.6	112	7.1
SECOND	JUDICIAL DISTRICT							
	9	20	9.6	177	85.1	11	5.3	208
	9A	13	16.0	61	75.3	7	8.6	81
	10	28	7.4	314	82.8	37	9.8	379
	11A	5	6.5	68	88.3	4	5.2	77
	11B	20	22.0	65	71.4	6	6.6	91
	12	47	24.5	130	67.7	15	7.8	192
	13	5	4.8	87	82.9	13	12.4	105
	14	35	21.3	112	68.3	17	10.4	164
	15A	11	5.5	178	88.6	12	6.0	201

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)**  
**(Active Sentences Only)**  
**FY 1997/98 Felonies**

JUDICIAL DIVISION AND JUDICIAL DISTRICT		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
JUDICIAL DIVISION	JUDICIAL DISTRICT							
SECOND (cont)	15B	5	8.2	51	83.6	5	8.2	61
	16A	4	5.3	68	90.7	3	4.0	75
	16B	13	9.9	112	85.5	6	4.6	131
	SUB-TOTAL	206	11.7	1423	80.6	136	7.7	1765
THIRD	JUDICIAL DISTRICT							
	17A	5	7.2	55	79.7	9	13.0	69
	17B	3	4.1	65	87.8	6	8.1	74
	18	62	11.3	414	75.7	71	13.0	547
	19A	12	7.9	138	90.8	2	1.3	152
	19B	10	6.0	146	86.9	12	7.1	168
	19C	10	7.5	117	87.3	7	5.2	134
	20A	6	5.8	88	85.4	9	8.7	103
	20B	5	4.5	105	93.8	2	1.8	112
	21	56	15.9	270	76.7	26	7.4	352
	22	16	7.7	171	82.2	21	10.1	208
	23	5	5.7	64	73.6	18	20.7	87
	SUB-TOTAL	190	9.5	1633	81.4	183	9.1	2006
	FOURTH	JUDICIAL DISTRICT						
24		1	4.2	18	75.0	5	20.8	24
25A		10	10.1	81	81.8	8	8.1	99
25B		3	4.4	60	88.2	5	7.4	68
26		104	17.6	435	73.7	51	8.6	590
27A		11	7.5	121	82.3	15	10.2	147

**Appendix C, Table 2: Sentence Location by Judicial Division and District (continued)**  
**(Active Sentences Only)**  
**FY 1997/98 Felonies**

JUDICIAL DIVISION AND JUDICIAL DISTRICT		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
JUDICIAL DIVISION	JUDICIAL DISTRICT							
FOURTH (cont)	27B	3	2.3	123	92.5	7	5.3	133
	28	26	13.8	150	79.4	13	6.9	189
	29	6	5.5	99	90.8	4	3.7	109
	30A	2	6.1	25	75.8	6	18.2	33
	30B	1	3.3	24	80.0	5	16.7	30
	SUB-TOTAL		167	11.7	1136	79.9	119	8.4
TOTAL		743	11.0	5485	80.9	550	8.1	6778

## **APPENDIX D**

### **ADDITIONAL FELONY DATA BY CRIME TYPE AND OFFENSE**

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense  
FY 1997/98 Felonies**

CRIME TYPE AND OFFENSE		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
CRIME TYPE	OFFENSE									
PERSON	1ST DEG MURDER	70	100.0	.	.	.	.	.	.	70
	2ND DEG MURDER	218	100.0	.	.	.	.	169.0	212.2	218
	ATTEMPTED MURDER	1	100.0	.	.	.	.	60.0	80.0	1
	VOLUNTARY MANSLAUGHTER	89	85.6	15	14.4	.	.	33.1	48.5	104
	INVOLUNTARY MANSLAUGHTER	41	59.4	28	40.6	.	.	19.0	23.1	69
	ARMED ROBBERY	502	100.0	.	.	.	.	70.7	94.2	502
	COMMON LAW ROBBERY	461	52.2	408	46.2	14	1.6	15.6	19.4	863
	AWDWIKISI	75	100.0	.	.	.	.	95.2	123.8	75
	AWDW INTENT TO KILL	15	44.1	19	55.9	.	.	25.5	39.6	34
	AWDW SERIOUS INJURY	256	49.8	258	50.2	.	.	29.7	44.5	514
	AWDW OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER	53	57.0	40	43.0	.	.	19.0	23.2	93
	ASSAULT LEO, PO, OTHER W/FIREARM	6	42.9	8	57.1	.	.	33.3	49.3	14
	OTHER FELONY ASSAULTS	43	39.1	66	60.0	1	0.9	17.6	22.3	110
	1ST DEG RAPE, SEX OFFENSE	75	100.0	.	.	.	.	259.0	321.4	75
	ATT 1ST DEG RAPE, S.O.	13	100.0	.	.	.	.	166.5	209.2	13
	2ND DEG RAPE, S.O.	107	100.0	.	.	.	.	83.9	110.0	107
	ATT 2ND DEG RAPE, S.O.	16	100.0	.	.	.	.	66.1	88.7	16
	INDECENT LIBERTIES W/ CHILD	204	38.7	323	61.3	.	.	18.3	22.5	527
	CHILD ABUSE	19	32.2	40	67.8	.	.	28.9	43.5	59
	OTHER SEX CRIMES	82	45.3	49	35.8	26	19.0	124.9	157.8	137

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)  
FY 1997/98 Felonies**

CRIME TYPE AND OFFENSE		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
CRIME TYPE	OFFENSE									
PERSON (cont)	KIDNAP, ABDUCTION	100	74.6	34	25.4	.	.	52.1	71.5	134
	ATTEMPTED KIDNAPPING	3	100.0	.	.	.	.	44.7	60.0	3
	ALL OTHER PERSON	66	49.6	64	48.1	3	2.3	21.9	30.6	133
	SUB-TOTAL	2495	64.1	1352	34.7	44	1.1	62.2	80.9	3891
PROPERTY	OFFENSE									
	1ST DEG BURGLARY	46	100.0	.	.	.	.	81.0	106.6	46
	2ND DEG BURGLARY	71	53.0	63	47.0	.	.	16.0	19.7	134
	BREAKING/ENTERING	671	32.9	914	44.8	455	22.3	9.6	11.9	2040
	LARCENY	453	31.7	676	47.3	300	21.0	9.6	11.9	1429
	AUTOMOBILE THEFT	40	33.6	53	44.5	26	21.8	8.9	11.0	119
	1ST DEG ARSON	10	100.0	.	.	.	.	84.9	111.3	10
	2ND DEG ARSON	20	43.5	26	56.5	.	.	14.6	18.0	46
	OTHER ARSON/BURNING	36	27.5	72	55.0	23	17.6	14.8	19.4	131
	FORGERY	54	8.8	235	38.4	323	52.8	7.5	9.5	612
	FRAUD	18	6.7	100	37.3	150	56.0	8.4	10.6	268
	EMBEZZLEMENT	33	10.5	131	41.9	148	47.6	10.2	13.0	313
	ALL OTHER PROPERTY	566	29.2	916	47.2	458	23.6	9.7	12.1	1939
	SUB-TOTAL	2018	28.5	3185	44.9	1884	26.6	11.9	15.0	7087
DRUGS (Non-trafficking)	OFFENSE									
	SELL/DELIVER DRUGS	307	27.9	564	51.2	230	20.9	8.5	10.6	1101
	POSSESSION WITH INTENT	658	25.4	1073	41.5	856	33.1	8.4	10.5	2587
	DRUG POSSESSION	196	6.1	1179	36.9	1817	56.9	7.3	9.3	3192
	OTHER DRUG FELONIES	159	17.0	327	35.0	449	48.0	13.2	17.2	935
	SUB-TOTAL	1320	16.9	3143	40.2	3352	42.9	8.8	11.2	7815

**Appendix D, Table 1: Type of Punishment by Crime Type and Offense (continued)  
FY 1997/98 Felonies**

CRIME TYPE AND OFFENSE		TYPE OF PUNISHMENT						MINIMUM ACTIVE SENTENCE (MONTHS)	MAXIMUM ACTIVE SENTENCE (MONTHS)	TOTAL
		ACTIVE		INTERMEDIATE		COMMUNITY				
		NUMBER	%	NUMBER	%	NUMBER	%	MEAN	MEAN	NUMBER
CRIME TYPE	OFFENSE									
OTHER FELONY	WEAPON OFFENSE	225	43.8	258	50.2	31	6.0	18.3	24.1	514
	HABITUAL FELON	282	100.0	.	.	.	.	90.8	118.1	282
	HABITUAL MISDEMEANOR ASSAULT	22	44.9	27	55.1	.	.	9.5	11.7	49
	HABITUAL IMPAIRED DRIVING	250	74.2	87	25.8	.	.	14.7	18.0	337
	ALL OTHER FELONIES	166	31.9	207	39.8	147	28.3	14.3	18.7	520
	SUB-TOTAL	945	55.5	579	34.0	178	10.5	38.1	49.3	1702
<b>TOTAL</b>		<b>6778</b>	<b>33.1</b>	<b>8259</b>	<b>40.3</b>	<b>5458</b>	<b>26.6</b>	<b>33.2</b>	<b>42.9</b>	<b>20495</b>

**Appendix D, Table 2: Sentence Location by Crime Type and Offense  
FY 1997/98 Felonies**

CRIME TYPE AND OFFENSE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
CRIME TYPE	OFFENSES							
PERSON	1ST DEG MURDER	.	.	70	100.0	.	.	70
	2ND DEG MURDER	42	19.3	132	60.6	44	20.2	218
	ATTEMPTED MURDER	1	100.0	.	.	.	.	1
	VOLUNTARY MANSLAUGHTER	10	11.2	63	70.8	16	18.0	89
	INVOLUNTARY MANSLAUGHTER	2	4.9	25	61.0	14	34.1	41
	ARMED ROBBERY	139	27.7	331	65.9	32	6.4	502
	COMMON LAW ROBBERY	46	10.0	367	79.6	48	10.4	461
	AWDWIKISI	11	14.7	50	66.7	14	18.7	75
	AWDW INTENT TO KILL	1	6.7	14	93.3	.	.	15
	AWDW SERIOUS INJURY	36	14.1	184	71.9	36	14.1	256
	AWDW OFFCL, GOVT OFFCL, EMRG PERSNL, OTHER	3	5.7	49	92.5	1	1.9	53
	ASSAULT LEO, PO, OTHER W/FIREARM	1	16.7	4	66.7	1	16.7	6
	OTHER FELONY ASSAULTS	9	20.9	29	67.4	5	11.6	43
	1ST DEG RAPE, SEX OFFENSE	14	18.7	52	69.3	9	12.0	75
	ATT 1ST DEG RAPE, S.O.	5	38.5	6	46.2	2	15.4	13
	2ND DEG RAPE, S.O.	27	25.2	63	58.9	17	15.9	107
	ATT 2ND DEG RAPE, S.O.	5	31.3	9	56.3	2	12.5	16
	INDECENT LIBERTIES W/ CHILD	15	7.4	164	80.4	25	12.3	204
	CHILD ABUSE	1	5.3	13	68.4	5	26.3	19
	OTHER SEX CRIMES	16	25.8	43	69.4	3	4.8	62

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)  
FY 1997/98 Felonies**

CRIME TYPE AND OFFENSE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
CRIME TYPE	OFFENSES							
PERSON (cont)	KIDNAP, ABDUCTION	11	11.0	73	73.0	16	16.0	100
	ATTEMPTED KIDNAPPING	1	33.3	2	66.7	.	.	3
	ALL OTHER PERSON	14	21.2	47	71.2	5	7.6	66
	SUB-TOTAL	410	16.4	1790	71.7	295	11.8	2495
PROPERTY	OFFENSES							
	1ST DEG BURGLARY	11	23.9	29	63.0	6	13.0	46
	2ND DEG BURGLARY	8	11.3	52	73.2	11	16.5	71
	BREAKING/ENTERING	38	5.7	592	88.2	41	6.1	671
	LARCENY	35	7.7	387	85.4	31	6.8	453
	AUTOMOBILE THEFT	5	12.5	30	75.0	5	12.5	40
	1ST DEG ARSON	2	20.0	6	60.0	2	20.0	10
	2ND DEG ARSON	1	5.0	17	85.0	2	10.0	20
	OTHER ARSON/BURNING	2	5.6	29	80.6	5	13.9	36
	FORGERY	5	9.3	47	87.0	2	3.7	54
	FRAUD	1	5.6	17	94.4	.	.	18
	EMBEZZLEMENT	4	12.1	25	75.8	4	12.1	33
	ALL OTHER PROPERTY	41	7.2	484	85.5	41	7.2	566
	SUB-TOTAL	153	7.6	1715	85.0	150	7.4	2018
DRUGS (Non-trafficking)	OFFENSES							
	SELL/DELIVER DRUGS	22	7.2	280	91.2	5	1.6	307
	POSSESSION WITH INTENT	50	7.6	561	85.3	47	7.1	658
	DRUG POSSESSION	8	4.1	184	93.9	4	2.0	196
	OTHER DRUG FELONIES	13	8.2	142	89.3	4	2.5	159
	SUB-TOTAL	93	7.0	1167	88.4	60	4.5	1320

**Appendix D, Table 2: Sentence Location by Crime Type and Offense (continued)  
FY 1997/98 Felonies**

CRIME TYPE AND OFFENSE		RANGES						TOTAL NUMBER
		MITIGATED RANGE		PRESUMPTIVE RANGE		AGGRAVATED RANGE		
		NUMBER	%	NUMBER	%	NUMBER	%	
CRIME TYPE	OFFENSES							
OTHER FELONY	WEAPON OFFENSE	25	11.1	187	83.1	13	5.8	225
	HABITUAL FELON	11	3.9	267	94.7	4	1.4	282
	HABITUAL MISDEMEANOR ASSAULT	6	27.3	14	63.6	2	9.1	22
	HABITUAL IMPAIRED DRIVING	21	8.4	215	86.0	14	5.6	250
	ALL OTHER FELONIES	24	14.5	130	78.3	12	7.2	166
	SUB-TOTAL	87	9.2	813	86.0	45	4.8	945
TOTAL		743	11.0	5485	80.9	550	8.1	6778

**APPENDIX E**

**INTERMEDIATE AND COMMUNITY  
PUNISHMENTS**

## 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. Requires offenders to 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, offenders return to their community to serve the rest of their 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. **House Arrest with 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).

## **APPENDIX F**

# **SPECIAL PROBATION FOR FELONIES**

**Appendix F, Table 1: Special Probation by Offense Class and Location  
FY 1997/98 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
E	43	174.3	150	98.2	115.1	193
F	32	130.3	159	90.2	96.9	191
G	33	109.7	214	82.1	85.8	247
H	75	74.2	853	58.2	59.5	928
I	66	95.1	453	45.8	52.1	519
<b>TOTAL</b>	249	108.9	1,829	64.0	69.4	2,078

**Appendix F, Table 2: Special Probation by Crime Type and Location  
FY 1997/98 Felonies**

Offense Class	Prison		Jail		Total Special Probation Length (Days)	Total
	No.	Mean Special Probation Length (Days)	No.	Mean Special Probation Length (Days)		
Person	74	150.3	387	90.7	100.2	461
Property	67	102.9	603	59.9	64.2	670
Non-Trafficking Drug	69	62.6	693	50.2	51.4	762
Other Felony	39	122.8	146	75.7	85.6	185
<b>TOTAL</b>	249	108.9	1,829	64.0	69.4	2,078

**APPENDIX G**

**COMMUNITY SERVICE AND RESTITUTION  
FOR FELONIES**

**Appendix G, Table 1: Community Service by Offense Class  
FY 1997/98 Felonies**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>A</b>	0	0	0
<b>B1</b>	0	0	0
<b>B2</b>	200.0	1	.4
<b>C</b>	111.0	4	.8
<b>D</b>	50.0	1	.2
<b>E</b>	83.6	175	15.8
<b>F</b>	72.6	186	18.9
<b>G</b>	71.3	187	11.0
<b>H</b>	75.0	1,719	20.2
<b>I</b>	64.2	1,724	25.9
<b>TOTAL</b>	<b>70.5</b>	<b>3,997</b>	<b>19.5</b>

**Appendix G, Table 2: Community Service by Crime Type  
FY 1997/98 Felonies**

<b>Offense Class</b>	<b>Mean Number of Hours Ordered</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	76.9	441	11.3
<b>Property</b>	74.4	1,406	19.8
<b>Non-Trafficking Drug</b>	65.6	1,958	25.1
<b>Other Felony</b>	76.6	192	11.3
<b>TOTAL</b>	<b>70.5</b>	<b>3,997</b>	<b>19.5</b>

**Appendix G, Table 3: Restitution Ordered by Offense Class<sup>1</sup>  
FY 1997/98 Felonies**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)<sup>2</sup></b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
A	0	0	0	0
B1	4,059	3,703	4	4.3
B2	7,235	4,475	8	3.3
C	9,575	1,150	33	6.3
D	5,539	978	60	9.9
E	3,832	1,155	342	30.8
F	2,813	722	186	18.9
G	4,877	400	461	27.0
H	2,953	598	3,926	46.2
I	982	165	2,555	38.4
<b>TOTAL</b>	<b>2,496</b>	<b>400</b>	<b>7,575</b>	<b>37.0</b>

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<sup>1</sup> Appendix G, Tables 3-5 present information about the amount of restitution ordered; they do not reflect the amount paid. Restitution can be ordered as a sole sanction or in conjunction with other sanctions.

<sup>2</sup> Appendix G, Tables 3-5 provide four important pieces of information about restitution. They indicate the mean dollar amount ordered (average), the median dollar amount ordered (the amount which has the same number of restitutions ordered falling below it as above it), and the total number and percentage of convictions for which payment of restitution was ordered. Note that the mean is often much higher than the median. This occurs because one or more sanctions are higher than the "normal" amount of restitution ordered.

**Appendix G, Table 4: Restitution Ordered by Crime Type  
FY 1997/98 Felonies**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Person</b>	3,097	750	838	21.5
<b>Property</b>	3,973	946	3,818	53.9
<b>Non-Trafficking Drug</b>	232	100	2,664	34.1
<b>Other Felony</b>	2,057	400	255	15.0
<b>TOTAL</b>	<b>2,496</b>	<b>400</b>	<b>7,575</b>	<b>37.0</b>

**Appendix G, Table 5: Restitution Ordered by Type of Punishment  
FY 1997/98 Felonies**

<b>Offense Class</b>	<b>Mean Restitution Ordered (\$)</b>	<b>Median Restitution Ordered (\$)</b>	<b>Number of Convictions</b>	<b>% of Convictions</b>
<b>Active</b>	5,505	713	849	12.5
<b>Intermediate</b>	1,960	440	4,218	51.1
<b>Community</b>	2,378	269	2,508	46.0
<b>TOTAL</b>	<b>2,496</b>	<b>400</b>	<b>7,575</b>	<b>37.0</b>

**MISDEMEANOR PUNISHMENT CHART**  
 (Effective for offenses committed on or after 12/1/95)

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.

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

## FELONY PUNISHMENT CHART

### PRIOR RECORD LEVEL

OFFENSE CLASS

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

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