

TIME SERVED IN STATE PRISONS FOR SERIOUS OFFENSES: 1981 - 2009

BY LANE CORRIGAN '17, AND WESLEY WHITAKER '18



Photo Credit: Pearce | Flickr
<https://creativecommons.org/licenses/by-nc-nd/2.0/legalcode>

This article presents excerpts from a longer report published by the Rose Institute of State and Local Government. It is available at www.RoseInstitute.org. The full report analyzes data for thirteen crimes: criminal homicide, forcible rape, robbery, aggravated assault, kidnapping, burglary, larceny-theft, motor vehicle theft, arson, fraud, stolen property (buying, receiving, possessing), drug trafficking, and drug possession.

The report is based on data compiled by the Bureau of Justice Statistics, part of the United States Department of Justice. The full report has a detailed appendix with links to all the data tables used as sources for this analysis.

The Rose Institute of State and Local Government presents its second comprehensive report on crime and criminal justice in the United States, which tracks the length of prison sentences actually served for a number of serious crimes.

Our previous research, *The Crime Funnel*, displayed the drop-off in number of persons at each level as they progress through the state criminal justice systems, including how many convicted offenders are

sentenced to state prison. This report focuses on the severity of the punishment inflicted by measuring the length of time served in state prison before the inmate's first release from his crime sentence.

The length of the sentence imposed and resulting time served broadly indicates how seriously the community judges the severity of each crime. First, the greater the harm caused, the longer the state typically seeks to imprison an individual in the interest of protecting members of the public from further acts. Second, longer sentences may deter this offender or others from committing other serious crimes and may also reinforce moral judgments that inhibit citizens from considering crime in the first place.

After compiling data from the U.S. Bureau of Justice Statistics' National Corrections Reporting Program (NCRP), which collects offender-level administrative data annually on prison admissions and releases from a coalition of participating states, our team compiled 19 graphs to display and analyze the changes in the criminal justice system over the last

two decades. By displaying average (mean) and median time served for the period of 1986 to 2009 (with some data back to 1981), we are able to look at overall trends in punishment for a number of different crimes and crime categories, and thus gain some insight into the punishment priorities of our criminal justice system.

Beginning with an overall picture, this report looks at the four main offense categories: violent, property, drug related, and public order. Violent crimes are then broken down by specific offense, starting with homicide, which includes murder, non-negligent manslaughter, and negligent manslaughter. Rape, kidnapping, assault, and robbery round out the list of violent crimes. The report then examines property crimes, drug offenses, and public-order offenses. The final section of the report presents data on the number of prisoners released each year for the various crimes.

It is our hope that these graphs will assist readers and researchers in shedding light on how the nature of punishment in our criminal justice system changed over the past two decades.

METHODOLOGY

Since the early 1980s, the Bureau of Justice Statistics (BJS) has administered the National Corrections Reporting Program (NCRP) which relies on data provided from state corrections and probation departments. It collects offender-level administrative data annually on prison admissions and releases, and yearend custody populations from a coalition of participating states. The number of states submitting data has varied over time (from 29 to 41), as has the ability of states to provide each piece of information requested. The table below provides the number of participating states for each year contained in this report.

To construct the time served graphs, our team plotted the mean and median time served in state prison before first release for each crime recorded in each year’s published report. Our team also plotted the number of prisoners released each year for each crime type, deriving the data from each year’s published report.

In order to overcome discrepancies between states in the exact classification of crimes, BJS has mapped specific state crimes to match the crime

categories used in the FBI’s Uniform Crime Reporting Program (UCR). Crime definitions are listed on the following pages.

First releases are persons released for the first time on their current sentence. Thus, it excludes any additional time that an offender might serve by violating parole conditions and being returned to prison. Data on time served in prison are based on all first releases for whom the most serious offense and time served were reported. All data exclude persons released from prison by escape, death, transfer, appeal or detainer.

Our research used actual time served data, rather than the reported maximum sentence length, as the vast majority of inmates do not serve the maximum sentence for a variety of reasons. Thus, our data reflect the actual punishments imposed by the state. But note that some offenders are incarcerated in local jails for some number of weeks or months awaiting or pending trial, and judges typically credit this time towards their sentence. This report does not capture time in jail awaiting or pending trial.

Also, this report covers only the 40% or so of convicted felons who are sentenced to state prison each year. The rest are roughly equally divided between those sentenced to local jail for up to a year and those sentenced to supervision in the community (probation in lieu of incarceration).

YEAR	# OF STATES
1981	33
1986	36
1987	35
1988	36
1989	36
1990	35
1991	35
1992	38
1993	38
1994	39
1995	38
1996	38
1997	38
1998	38
1999	38
2000	38
2001	37
2002	38
2003	41
2004	31
2005	31
2006	31
2007	29
2008	31
2009	31

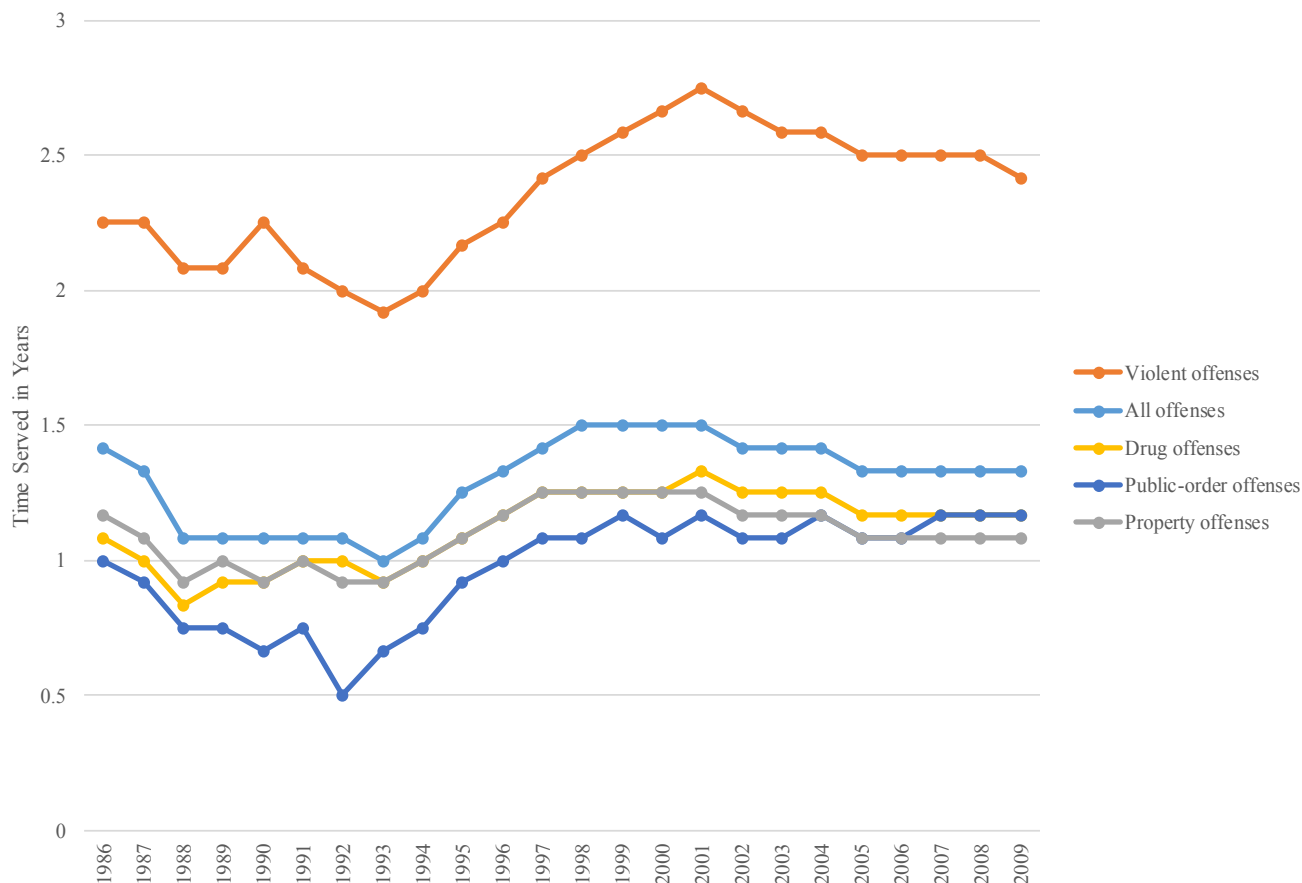
CRIME DEFINITIONS

In administering the National Corrections Reporting Program (NCRP), the Bureau of Justice Statistics (BJS) gathers offender-level administrative data from corrections departments from states across the country. Because crime definitions vary by state, BJS standardizes the raw data to match the FBI's crime definitions from the Uniform Crime Reporting program, shown here.

CRIME	DEFINITION
VIOLENT OFFENSES	
Criminal Homicide	<p>a.) Murder and nonnegligent manslaughter: the willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to: (1) the killing of a felon by a law enforcement officer in the line of duty; or (2) the killing of a felon, during the commission of a felony, by a private citizen.</p> <p>b.) Negligent manslaughter: the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category Negligent manslaughter.</p>
Forcible Rape*	Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Rapes by force and attempts or assaults to rape, regardless of the age of the victim, are included. Statutory offenses (no force used/victim under age of consent) are excluded.
Robbery	The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
Aggravated Assault	An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (Although BJS data use the crime category <i>assault</i> for prison inmates, in nearly all cases these prisoners were convicted of felony, or aggravated, assault. Simple assaults are excluded.
Kidnapping	The seizure and abduction of someone by force or threat of force and against the victim's will.
*Definition of Rape prior to January 1, 2013	The carnal knowledge of a female forcibly and against her will. Rapes by force and attempts or assaults to rape, regardless of the age of the victim, are included. Statutory offenses (no force used/victim under age of consent) are excluded.

CRIME	DEFINITION
PROPERTY OFFENSES	
Burglary	The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included. Includes breaking and entering.
Larceny-theft (except motor vehicle theft)	The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles, motor vehicle parts and accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, check fraud, etc., are excluded.
Motor vehicle theft	The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.
Arson	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
Fraud	The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion and obtaining of money or property by false pretenses. Confidence games and bad checks, except forgeries and counterfeiting, are included.
Stolen property: buying, receiving, possessing	Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.
DRUG OFFENSES	
Trafficking	The violation of laws prohibiting the production and distribution of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, possession with intent to sell, transportation, or importation of any controlled drug or narcotic substance.
Possession	The violation of laws prohibiting the use or simple possession controlled substances. Most drug offenses that do not qualify as trafficking are included in possession, excluding possession with intent to sell.
PUBLIC ORDER OFFENSES	
Weapons offenses	Includes the unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly weapon or accessory.
Driving-related offenses	Includes driving under the influence of drugs or alcohol, driving with a suspended or revoked license, and any other felony in the motor vehicle code.
Other public order offenses	Includes flight/escape, parole or probation violations, prison contraband, habitual offender, obstruction of justice, rioting, libel, slander, perjury, prostitution, pandering, and bribery.

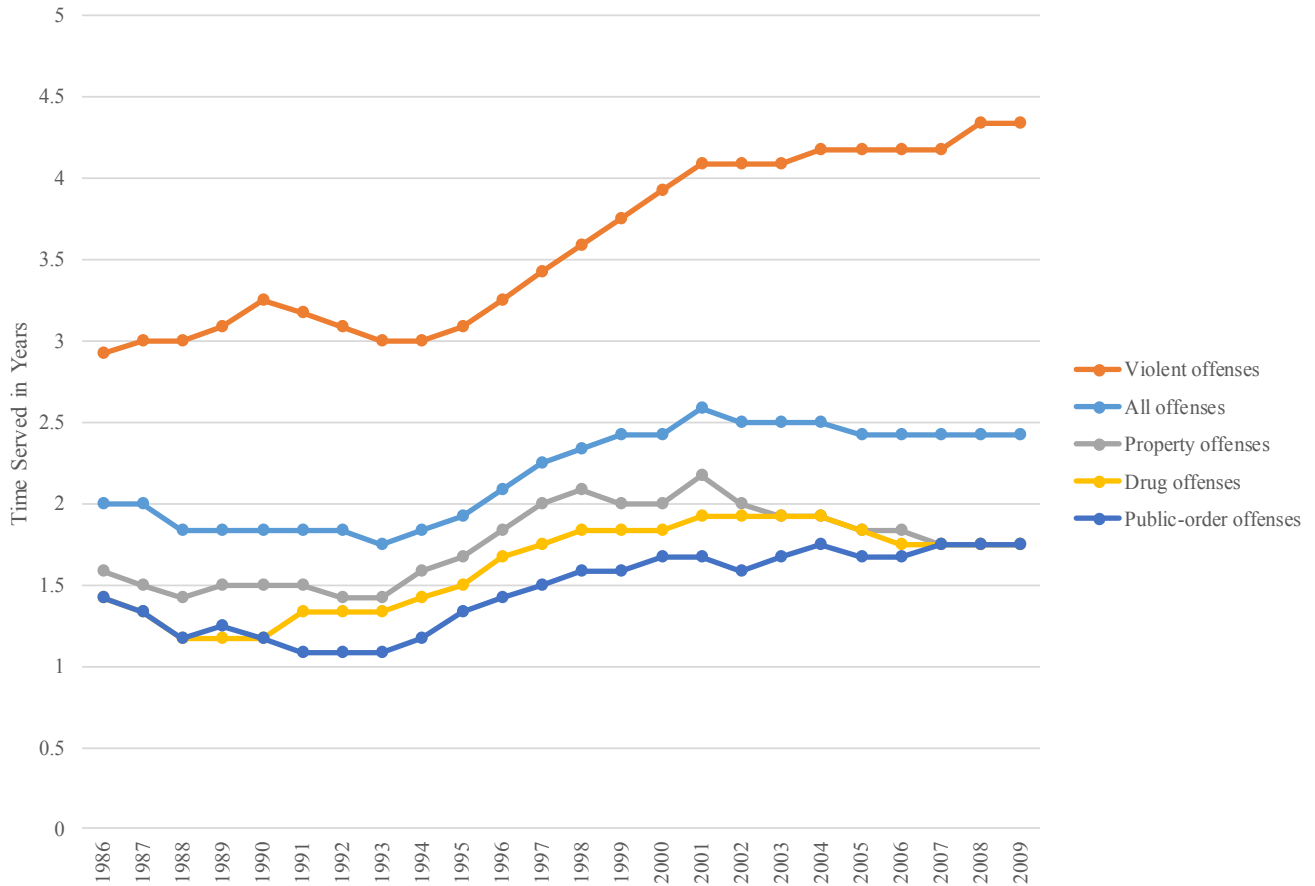
FIGURE 1. ALL CRIME CATEGORIES -- MEDIAN TIME SERVED, 1986-2009



Looking at the median time served for all crimes by category, we see time served is relatively constant or even decreasing slightly during the latter half of the 1980s (except for public-order offenses) before consistently increasing for approximately 10 years, starting in 1993. The increase in time served is most dramatic for violent and public order offenses, while the increase is more moderate for drug and property offenses. Starting in the early 2000s, time served levels off and even slightly decreases for all crimes except public order offenses.

Punishment for violent offenses of those leaving prison was least severe in 1993 -- the only point where the median fell below two years -- and was most severe in 2001 where the median reached 2.75 years. For public order offenses, punishment was least severe in 1992, with a typical offender serving six months in prison. After increasing steadily, the median time served for public order offenses has been over one year since 1996.

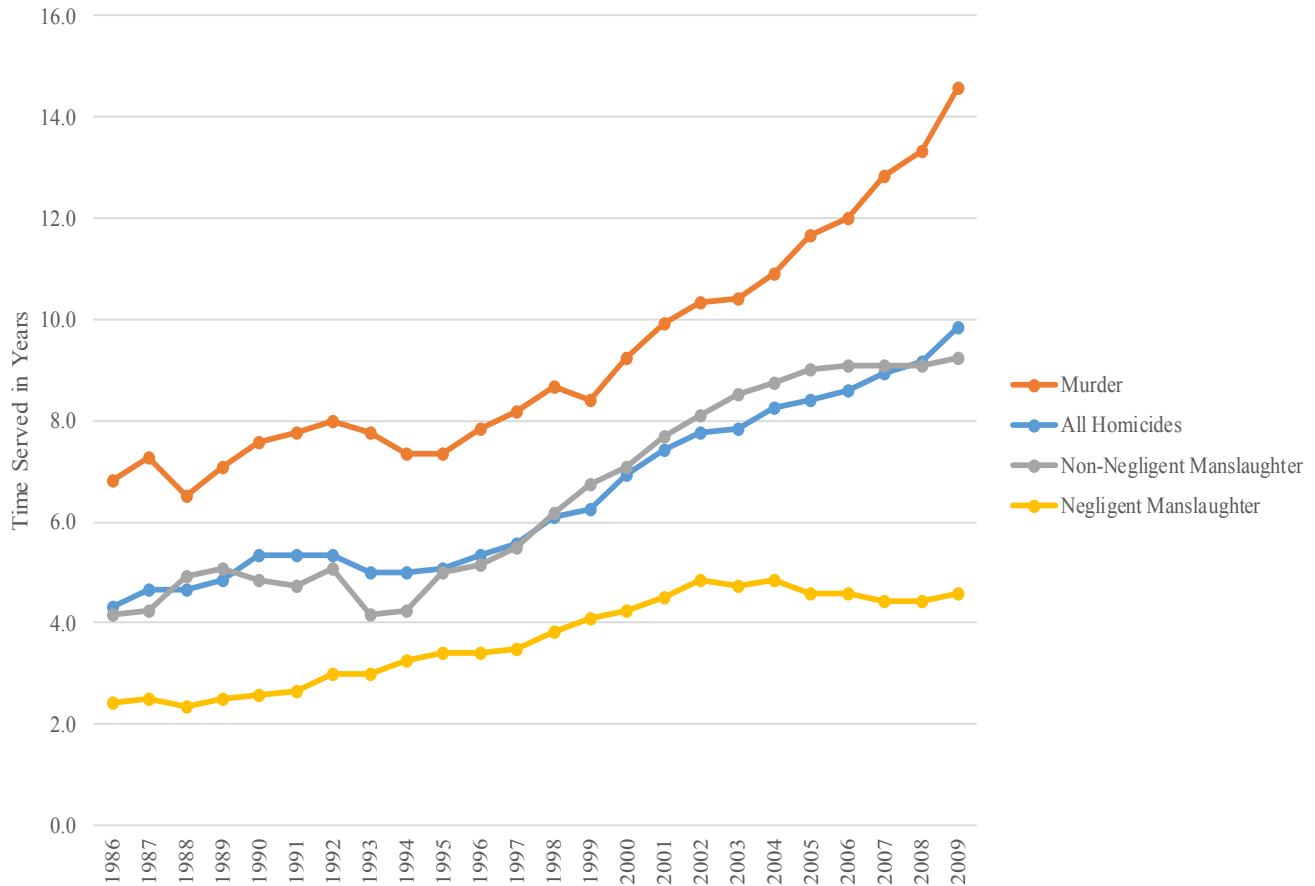
FIGURE 2. ALL CRIME CATEGORIES -- MEAN TIME SERVED, 1986-2009



Mean time served in prison for all crime categories is higher than the median time served. This demonstrates that some offenders serve considerably longer than the typical offender, raising the mean compared to the median. The overall trends however, are similar for the median and mean time served data.

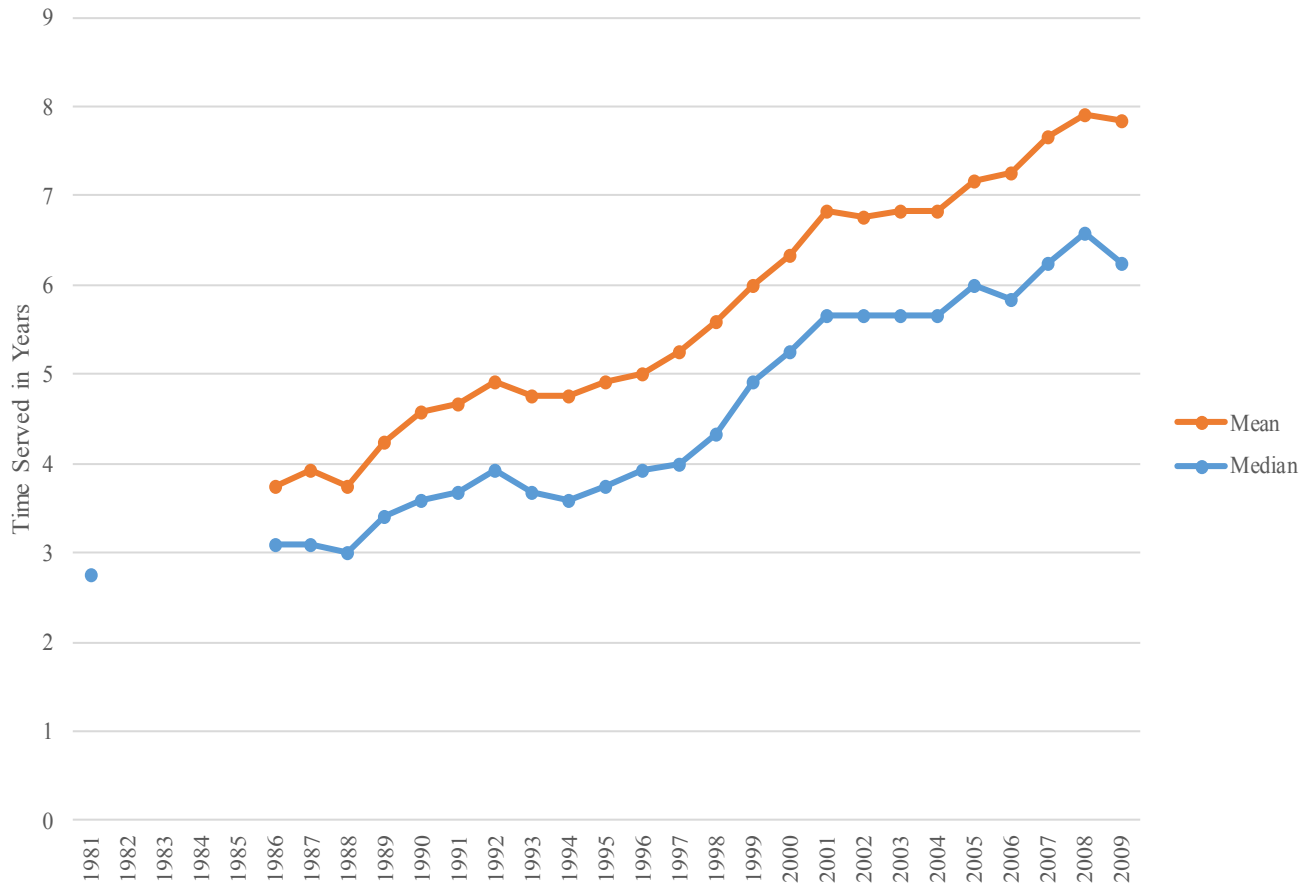
There are several differences in the trends. Mean time served for violent offenses began to level off in 2000 followed by a slight increase, but median time served decreased slightly after the year 2000. Mean time served for property offenses dropped after 2001, at a more rapid rate than the drop in median time served. Mean time served for all offenses is mostly flat after 2001, compared to a decrease in the median time served.

FIGURE 3. HOMICIDE -- MEAN TIME SERVED, 1986-2009



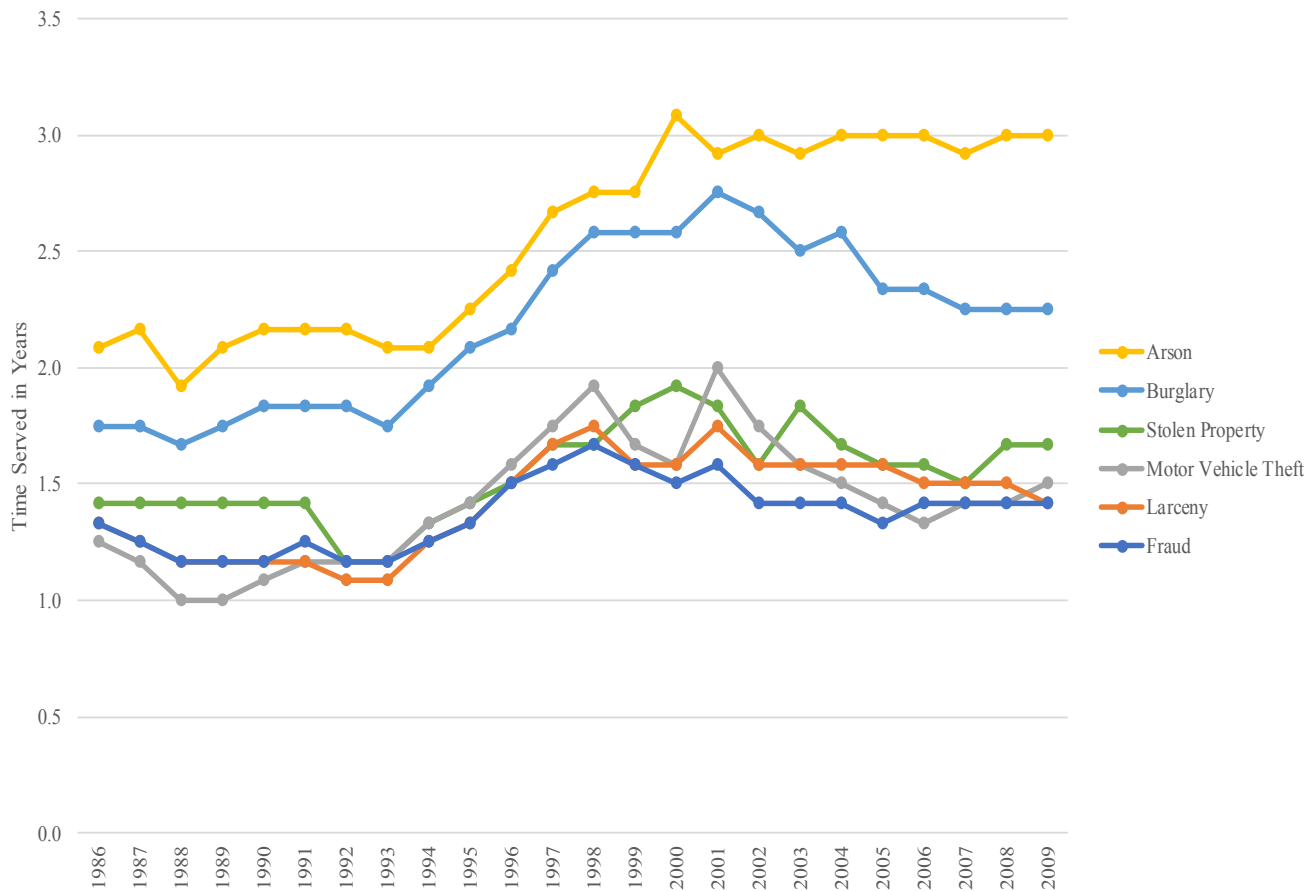
Time served for all homicides, for murder, and for non-negligent manslaughter all more than doubled between 1986 and 2009. The slope is steepest for murder during the 2000s, where it increased from approximately nine years time served to approximately 15 years by 2009.

FIGURE 4. RAPE -- TIME SERVED, 1981-2009



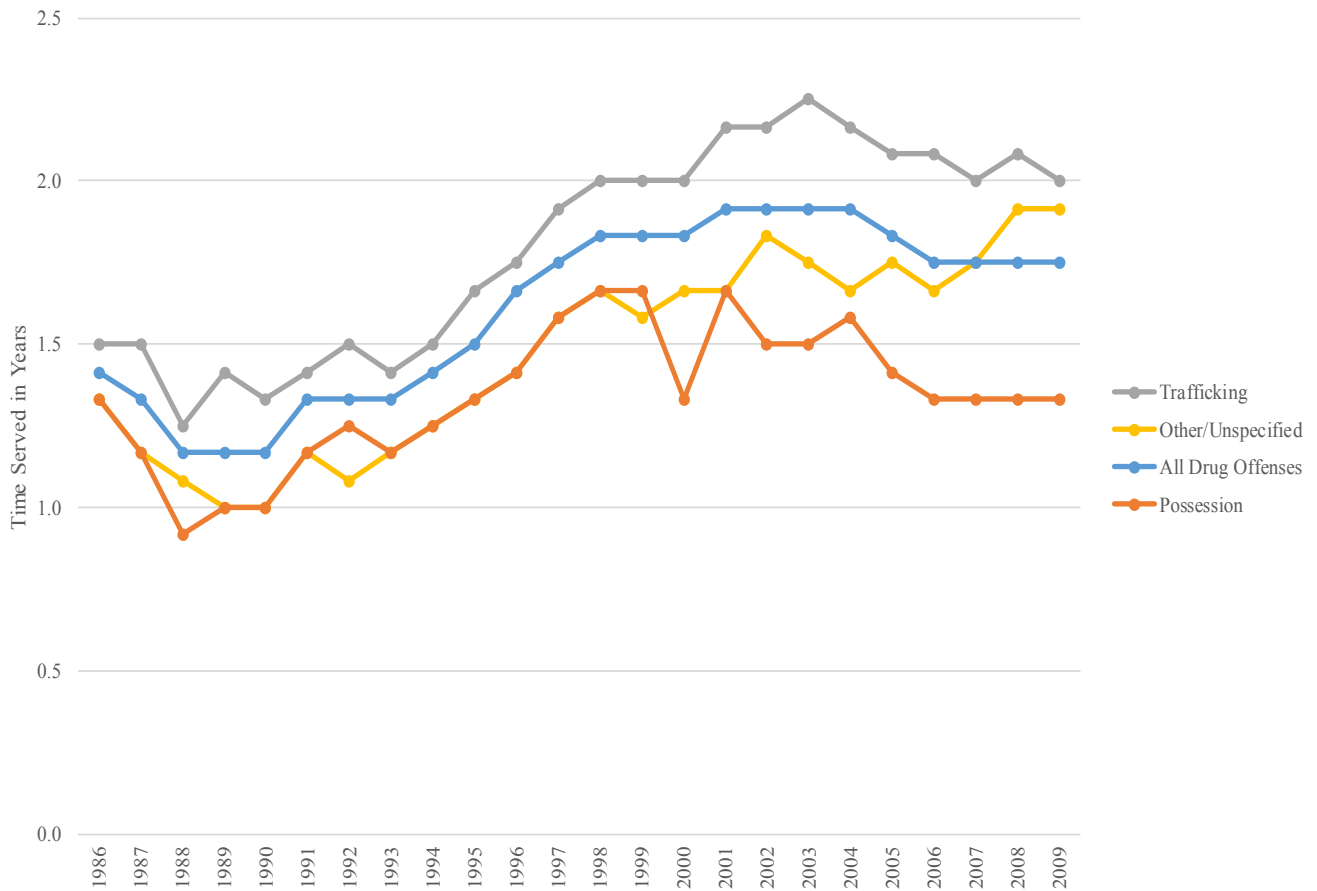
Punishment for rape increased nearly every year between 1986 and 2009, whether measured by the median or mean time served. As noted above, that the mean is larger than the median for every year indicates that the distribution of time served is positively skewed, with a significant number of offenders serving particularly long sentences.

FIGURE 5. PROPERTY CRIMES -- MEAN TIME SERVED, 1986-2009



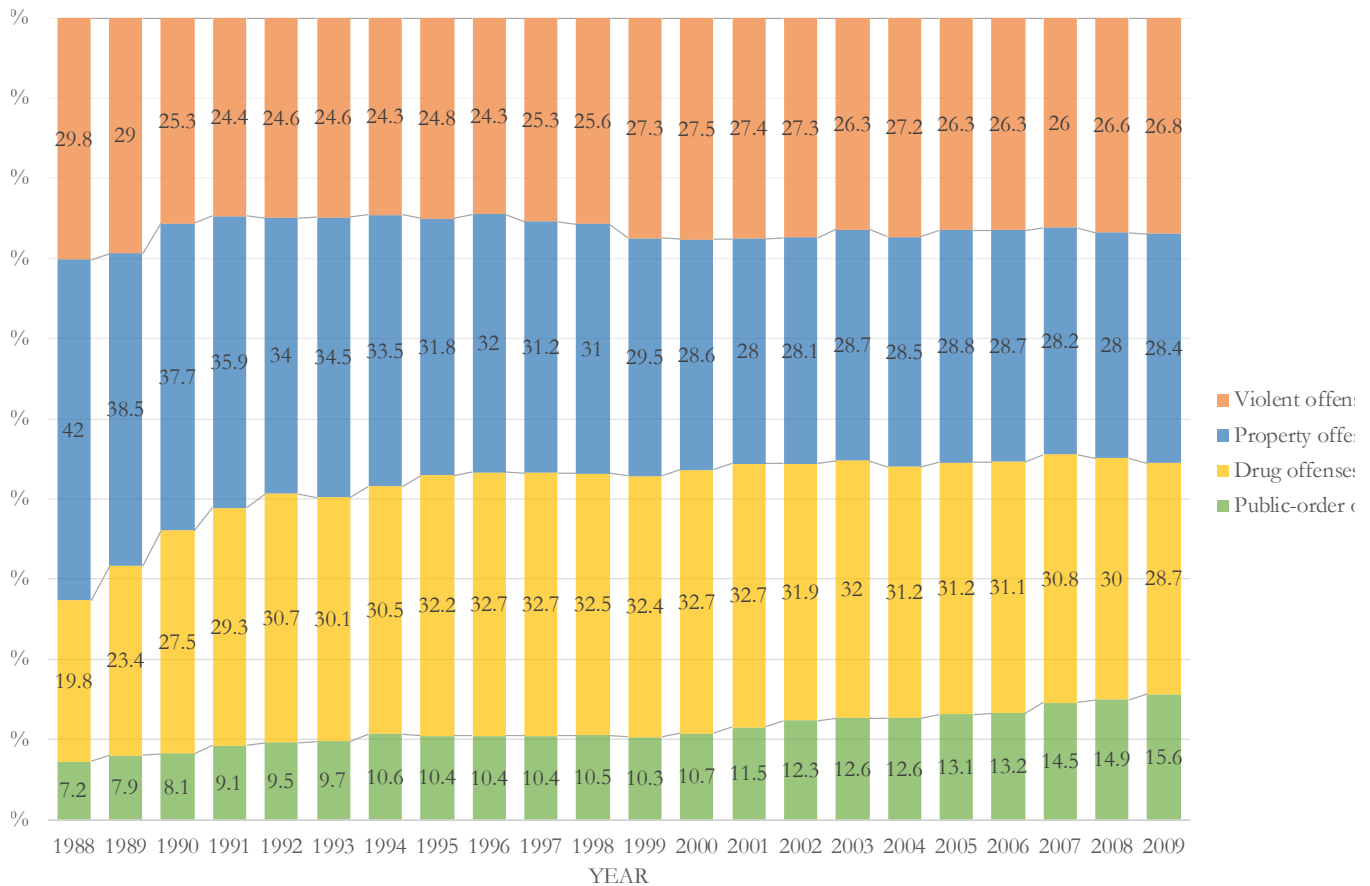
Larceny, fraud, motor vehicle theft, and stolen property offenses all very closely track the mean time served for all property crimes. Arson and burglary once again show the greatest divergence, which is to be expected as they are the most serious property crimes. The mean time served for arson has not decreased, but rather has remained relatively constant since 2000 with offenders typically serving three years. Mean time served for burglary, on the other hand, dropped about 18% from its peak in 2001.

FIGURE 6. DRUG CRIMES -- MEAN TIME SERVED, 1986-2009



Mean time served for trafficking sees the greatest increase, peaking in 2003 before declining slightly. On the other hand, there is a smaller increase during the same period for mean time served for possession, and it even declines to almost the same level as recorded in 1986. The fact that the gap between trafficking and possession increased during this indicates that trafficking became punished more severely compared to possession.

FIGURE 7. PROPORTION OF STATE PRISONERS RELEASED -- ALL CRIMES, 1988-2009



The above graph displays the proportion of releases for each crime category for each year from the 29-41 reporting states. Violent offenders accounted for roughly the same proportion of releases on any given year, with the exception of being slightly lower during the 1990s. Property offenses consistently decreased in terms of overall proportion of offenders released since 1988, dropping from 42% to 28.4%. Drug offenses, on the other hand, grew steadily in terms of overall proportion of offenders released, increasing from just under 20% in 1988 to over 30% in 1992. Since then, however, the proportion has remained steady with minimal fluctuation. Public order offenses have more than doubled since 1988, accounting for over 15% of total offenders released.

The authors wish to thank Joseph M. Bessette, Ph.D., of Claremont McKenna College, for designing this project and supervising our research.