



ROSE INSTITUTE
OF STATE AND LOCAL GOVERNMENT

CLAREMONT MCKENNA COLLEGE

TIME SERVED IN STATE PRISONS FOR SERIOUS OFFENSES 1981 - 2009

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TABLE OF CONTENTS

Introduction.....	1
Methodology.....	2
Crime Definitions.....	3
Key Findings.....	5
Figure 1. All Crimes -- Median Time Served, 1986-2009.....	6
Figure 2. All Crimes -- Mean Time Served, 1986-2009.....	7
Figure 3. Homicide -- Median Time Served, 1986-2009.....	8
Figure 4. Homicide -- Mean Time Served, 1986-2009.....	9
Figure 5. Murder and Non-Negligent Manslaughter -- Time Served, 1981-2009.....	10
Figure 6. Rape -- Time Served, 1981-2009.....	11
Figure 7. Kidnapping -- Time Served, 1986-2009	12
Figure 8. Assault -- Time Served, 1981-2009.....	13
Figure 9. Robbery -- Time Served, 1981-2009.....	14
Figure 10. Property Crimes -- Median Time Served, 1981-2009.....	15
Figure 11. Property Crimes -- Mean Time Served, 1986-2009.....	16
Figure 12. Drug Crimes -- Median Time Served, 1981-2009.....	17
Figure 13. Drug Crimes -- Mean Time Served, 1986-2009.....	18
Figure 14. Public Order Offenses -- Median Time Served, 1981-2009.....	19
Figure 15. Public Order Offenses -- Mean Time Served, 1986-2009.....	20
Figure 16. Prisoners Released From State Prisons -- All Crimes, 1981-2009.....	21
Figure 17. Prisoners Released From State Prisons -- Homicide, 1988-2009.....	22
Figure 18. Proportion of State Prisoners Released -- All Crimes, 1988-2009.....	23
Appendix.....	24

INTRODUCTION

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 the 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 prison sentence.

The length of the sentence imposed and the 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 the 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. The team would like to thank Professor Joseph Bessette of Claremont McKenna College's Department of Government for his leadership and guidance on this project. His extensive knowledge of the criminal justice system proved an invaluable resource throughout the entire process.

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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. See the list of sources in the appendix. 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.

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.

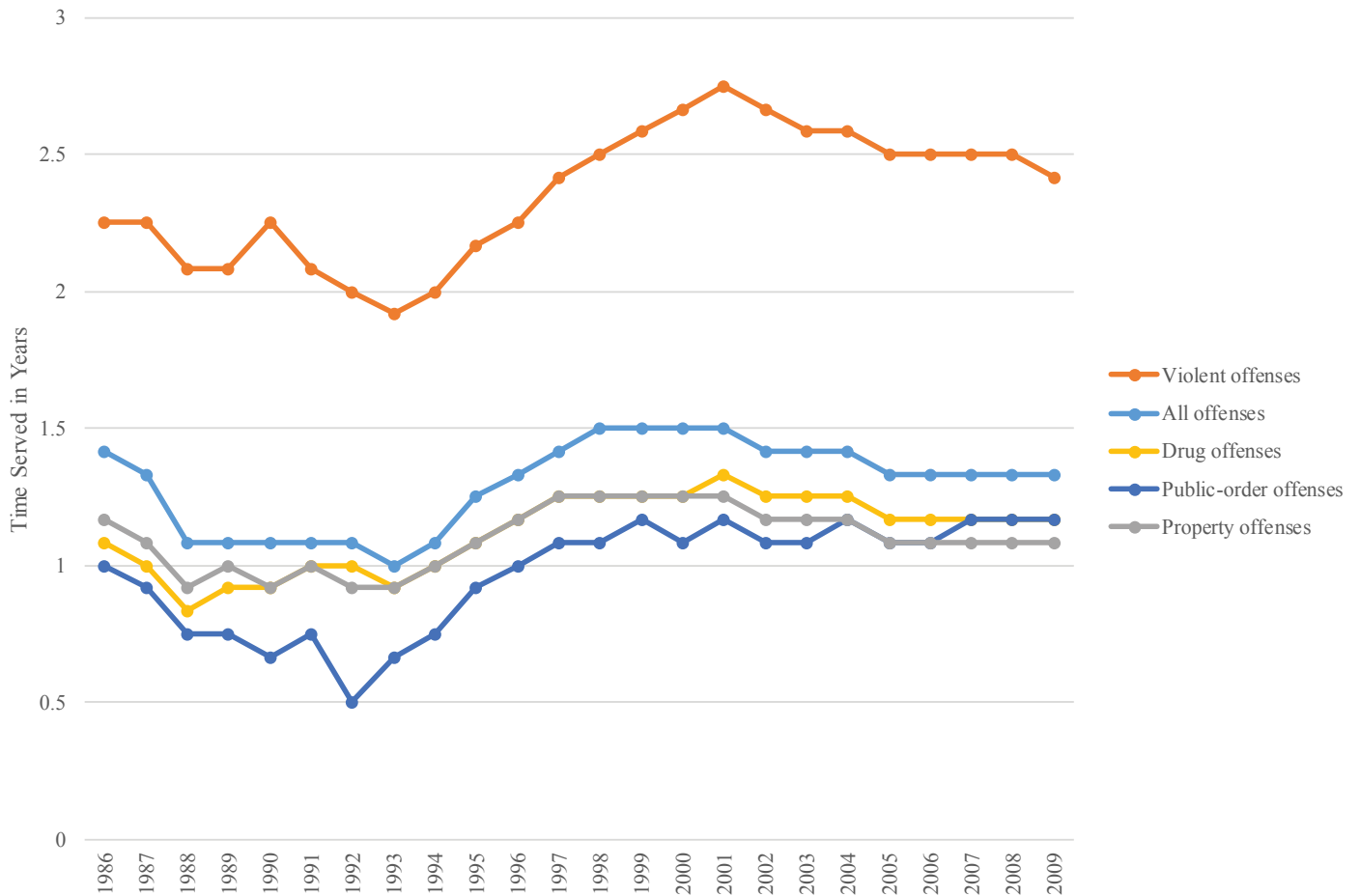
PUBLIC ORDER OFFENSES

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.

KEY FINDINGS

- Median time served in prison for all offenders decreased in the late 1980s, increased by half in the 1990s, and then slowly decreased through 2009 (Fig. 1).
- By 2009, median time served for violent crimes was 2.4 years (compared to 2.3 in 1986); for property offenders it was 1.1 years (compared to 1.2 in 1986); for drug offenders it was 1.2 years (compared to 1.1 in 1986); and for public order offenders it was just over 1 year (compared to 1.2 in 1986) (Fig. 1).
- Mean time served for violent crimes increased for all years except from 1990 to 1993, resulting in the average offender serving an additional year and a half in 2009 compared to 1986 (Fig. 2).
- Mean time served for all types of homicide increased considerably between 1986 and 2009. For murder, mean time served increased from 6.8 years in 1986 to 14.6 years in 2009 (Fig. 4).
- For violent crimes, mean time served was always higher than median time served (Fig. 5-9), indicating that some offenders serve much longer sentences than the median offender, thereby increasing the mean over the median. The difference was greater for kidnapping, assault, and robbery than it was for murder and rape.
- For property crimes, mean time served increased most significantly for arson, rising by 44% from 1986 to 2009. Mean time served for burglary had the second largest increase of 28% (Fig. 11).
- After dropping in the late 1980s, mean time served for drug crimes increased considerably in the 1990s before peaking between 2001 and 2004. Time served for drug trafficking and for possession dropped through the rest of the decade. By 2009, mean time served for drug trafficking was 2 years, and for possession, it was 1.3 years (Fig. 13).
- For public order offenses, median time served has increased by over 130% since the minimum value in 1992 (Fig. 14).
- The total number of prisoners released each year from prison in the reporting states increased from about 50,000 in 1981 to over 250,000 in 2009. Of the 2009 releases, about 71,000 had been serving time for a violent crime (Fig. 16 & 18).

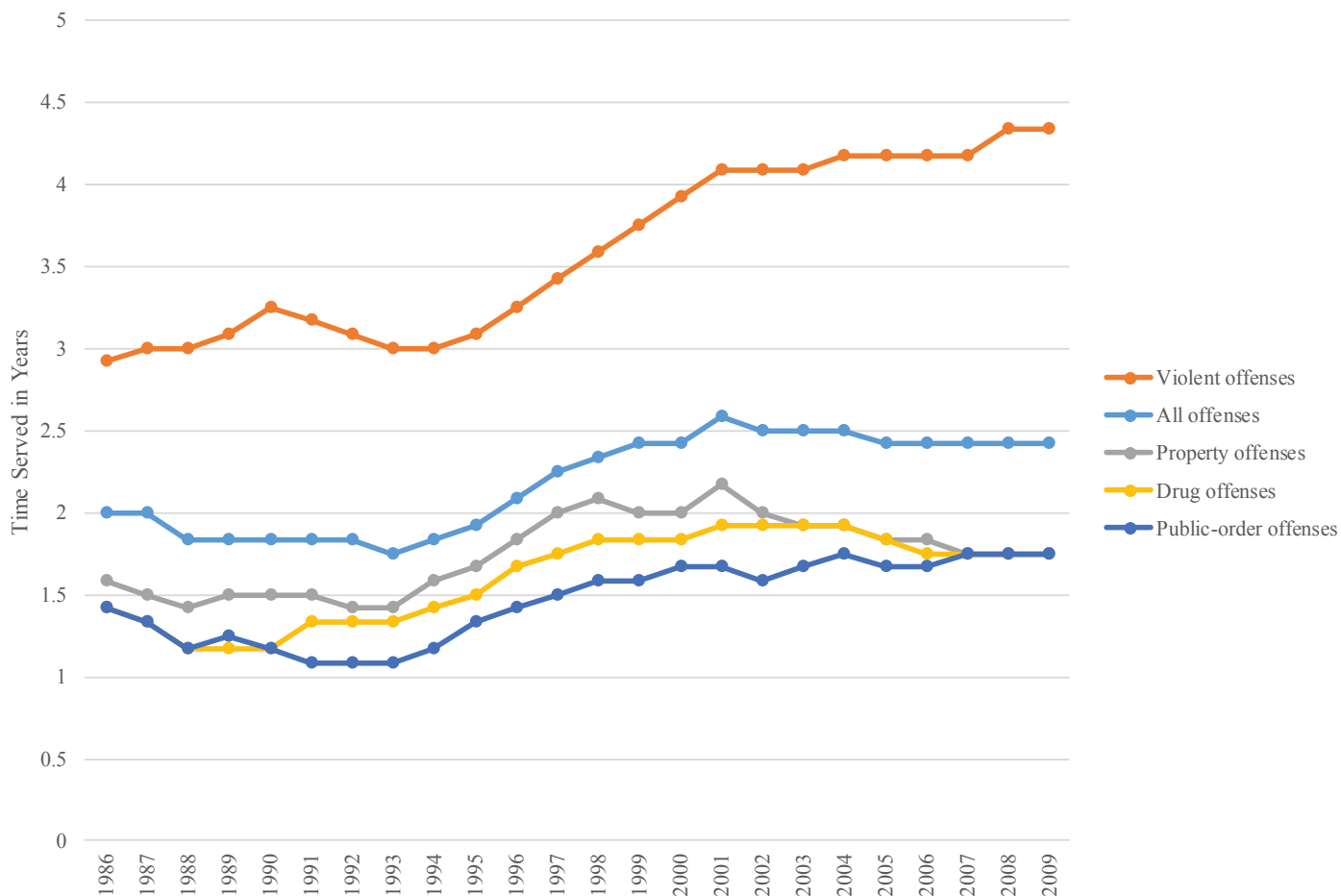
FIGURE 1. ALL CRIME CATEGORIES -- MEDIAN TIME SERVED, 1986-2009



Looking at the median time served for all crimes by category (except for public-order offenses), we see time served is relatively constant or even decreasing slightly during the latter half of the 1980s 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.

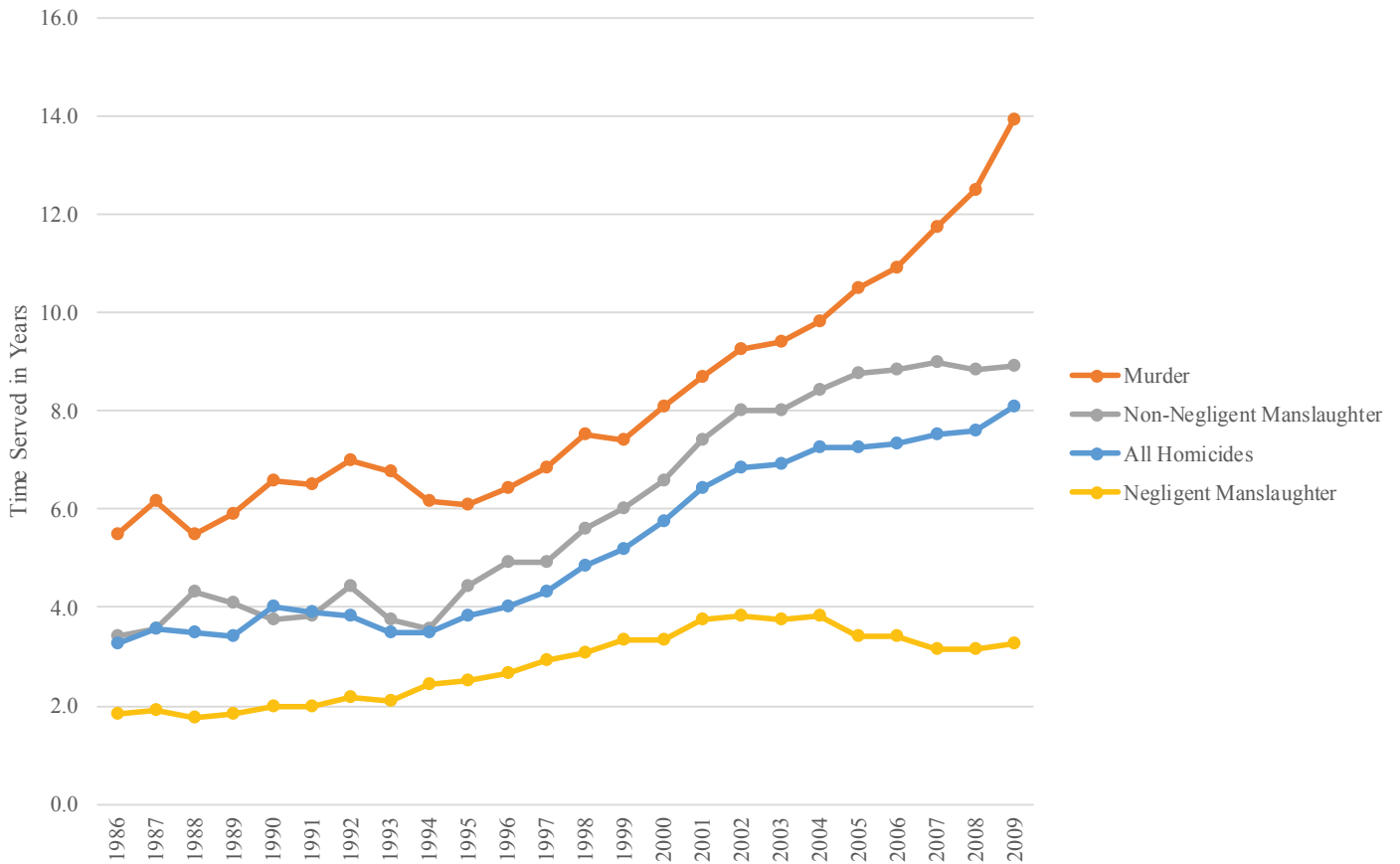
FIGURE 2. ALL CRIME CATEGORIES -- MEAN TIME SERVED, 1986-2009



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.

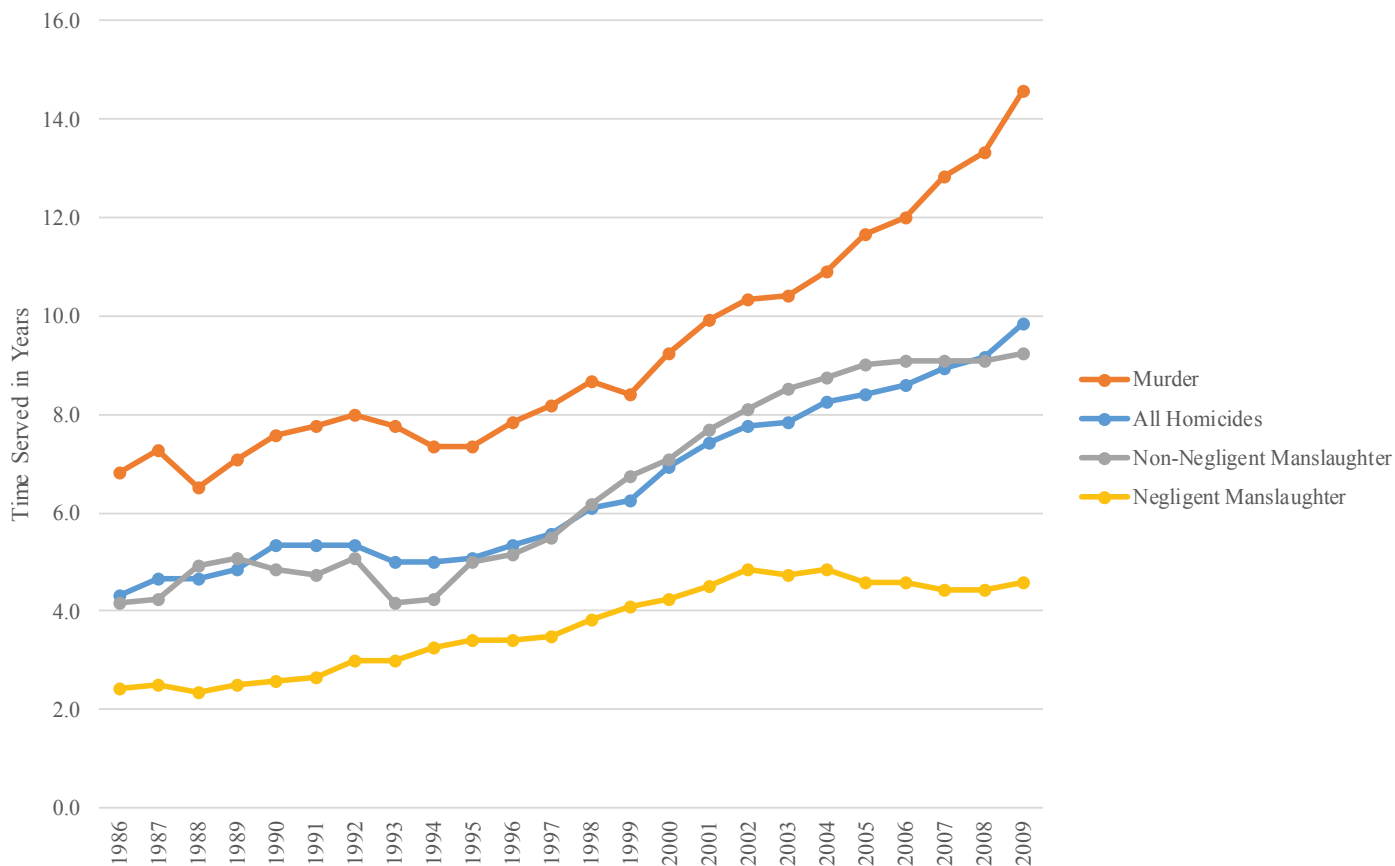
There are several differences in the trends. Mean time served for violent offenses began to level off in 2000 followed by a slight increase, but median time served decreased slightly after the year 2000. Mean time served for property offenses dropped after 2001, at a more rapid rate than the drop in 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 -- MEDIAN TIME SERVED, 1986-2009



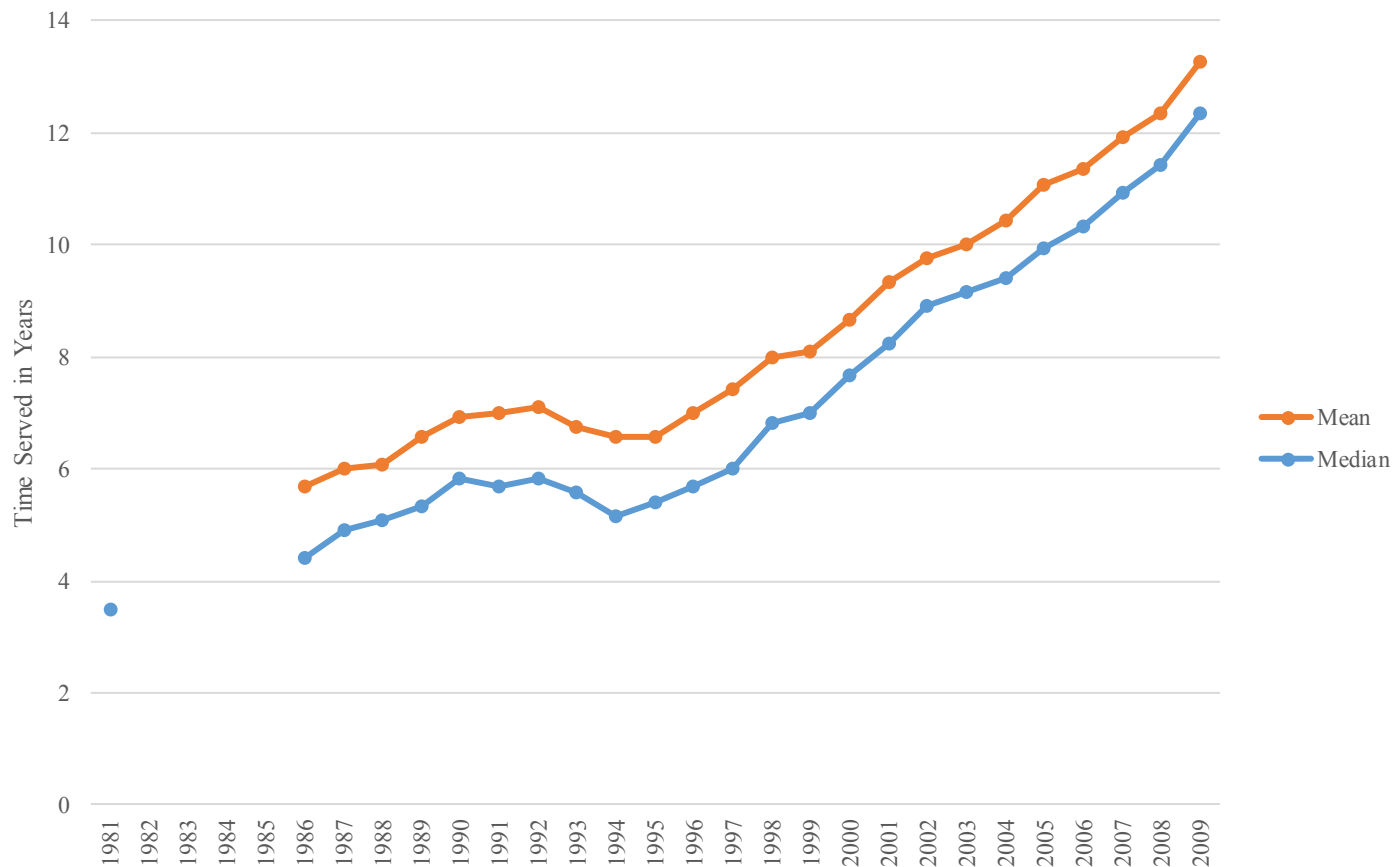
The median time served data for homicide indicate a significant overall increase in the severity of punishment for all forms of homicide, with the median time served in 2009 more than double that of 1986. Relatively flat during the late 1980s, median time served for all types of homicide began a steep rise in 1994. Murder and non-negligent manslaughter show the largest increase and steepest slope, with the median time served more than doubling for each crime in less than 15 years. Punishment for negligent manslaughter rose at a slower rate compared to the other types of homicide.

FIGURE 4. HOMICIDE -- MEAN TIME SERVED, 1986-2009



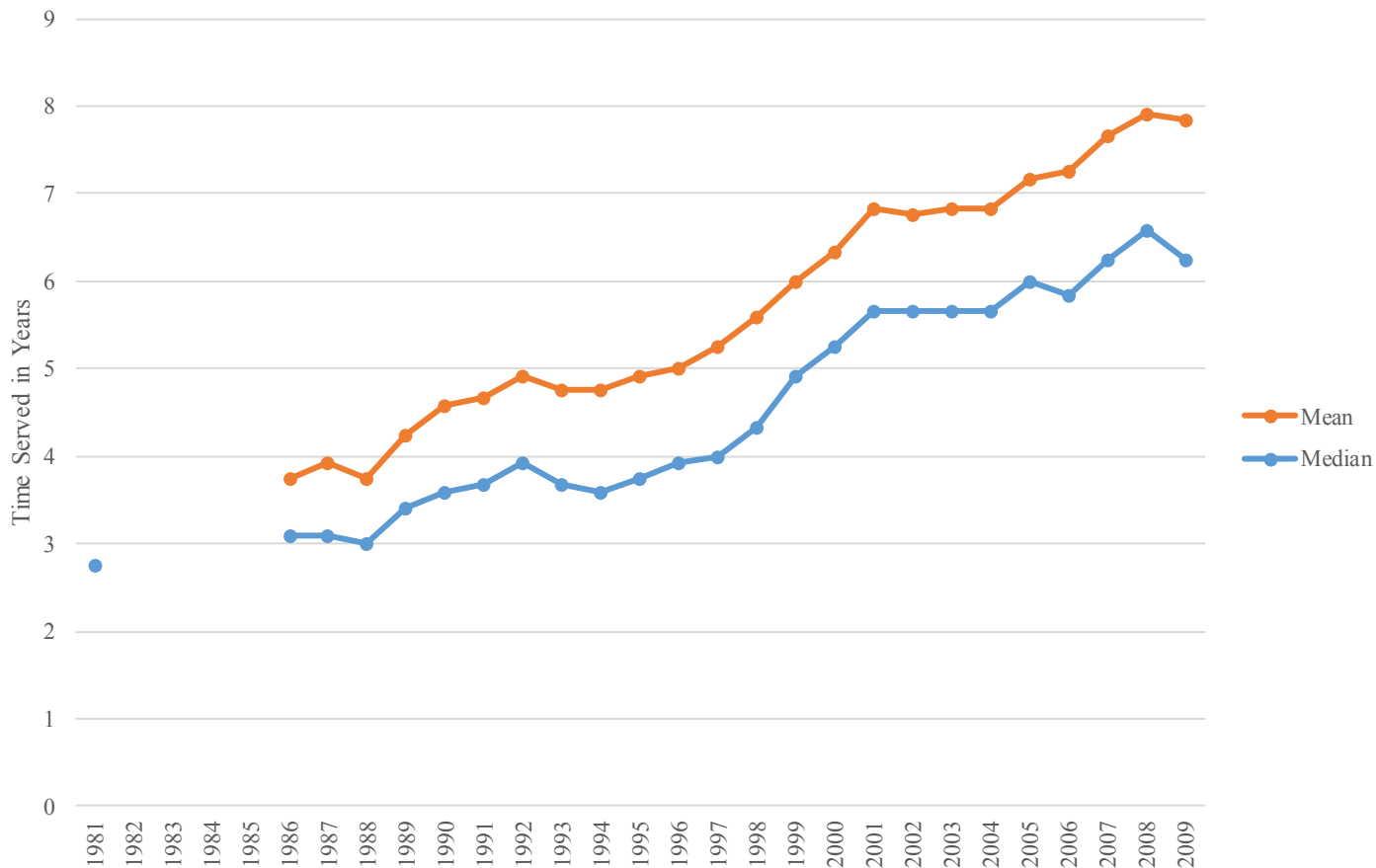
Mean time served for homicide very closely resembles median time served. Time served for all homicides, for murder, and for non-negligent manslaughter, all more than doubled between 1986 and 2009. The slope is steepest for murder during the 2000s, where it increased from approximately nine years time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

FIGURE 5. MURDER AND NON-NEGLIGENT MANSLAUGHTER -- TIME SERVED, 1981-2009



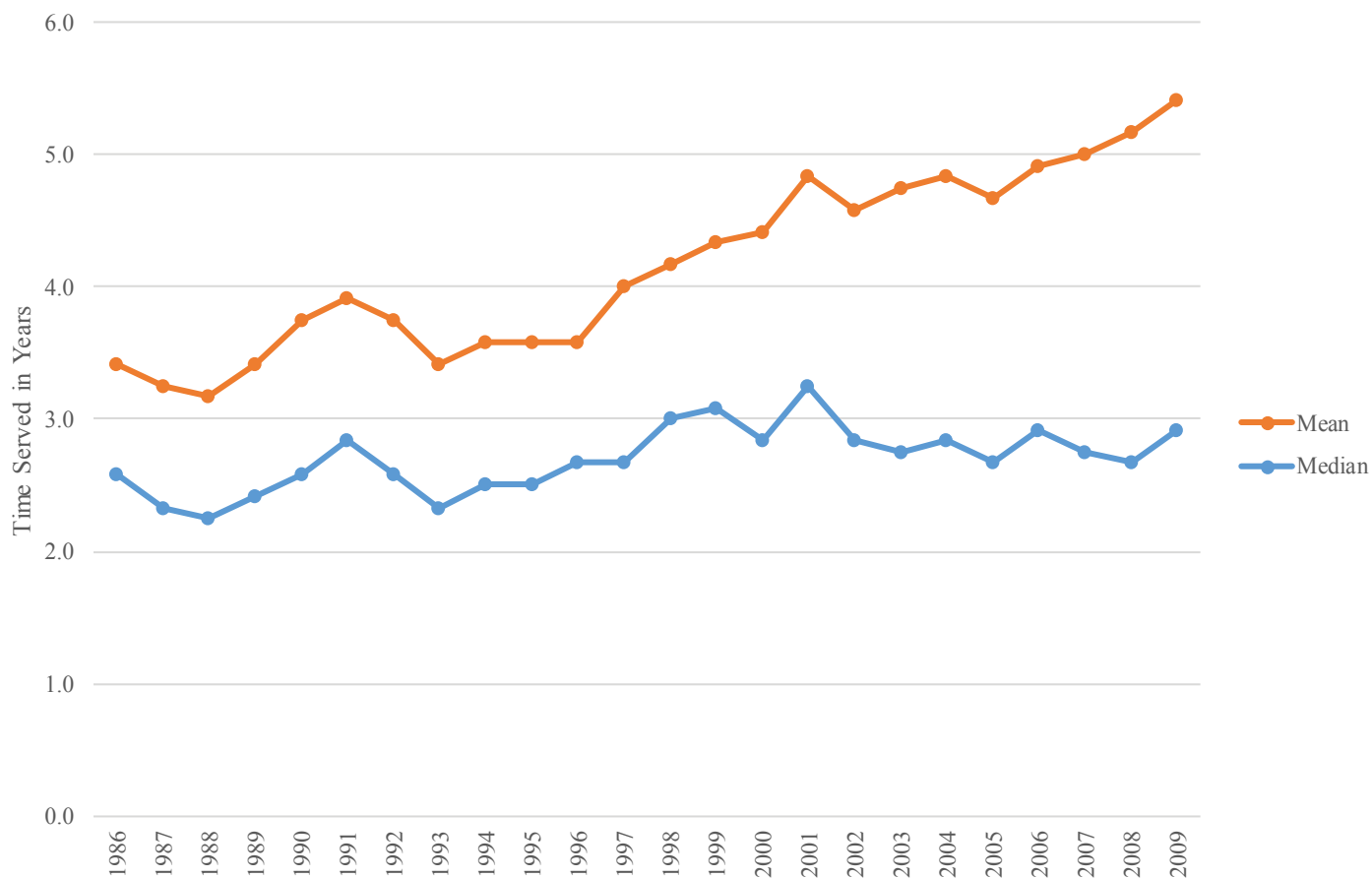
Data on the median and mean time served for murder and non-negligent manslaughter track each other closely: increasing slightly in the late 1980s, dropping in the early 1990s, and then increasing steeply from 1995 until 2009. Interestingly, the only years in which time served decreased slightly was during the early to mid-1990s, which is when the average time served for other crimes began increasing.

FIGURE 6. RAPE -- TIME SERVED, 1981-2009



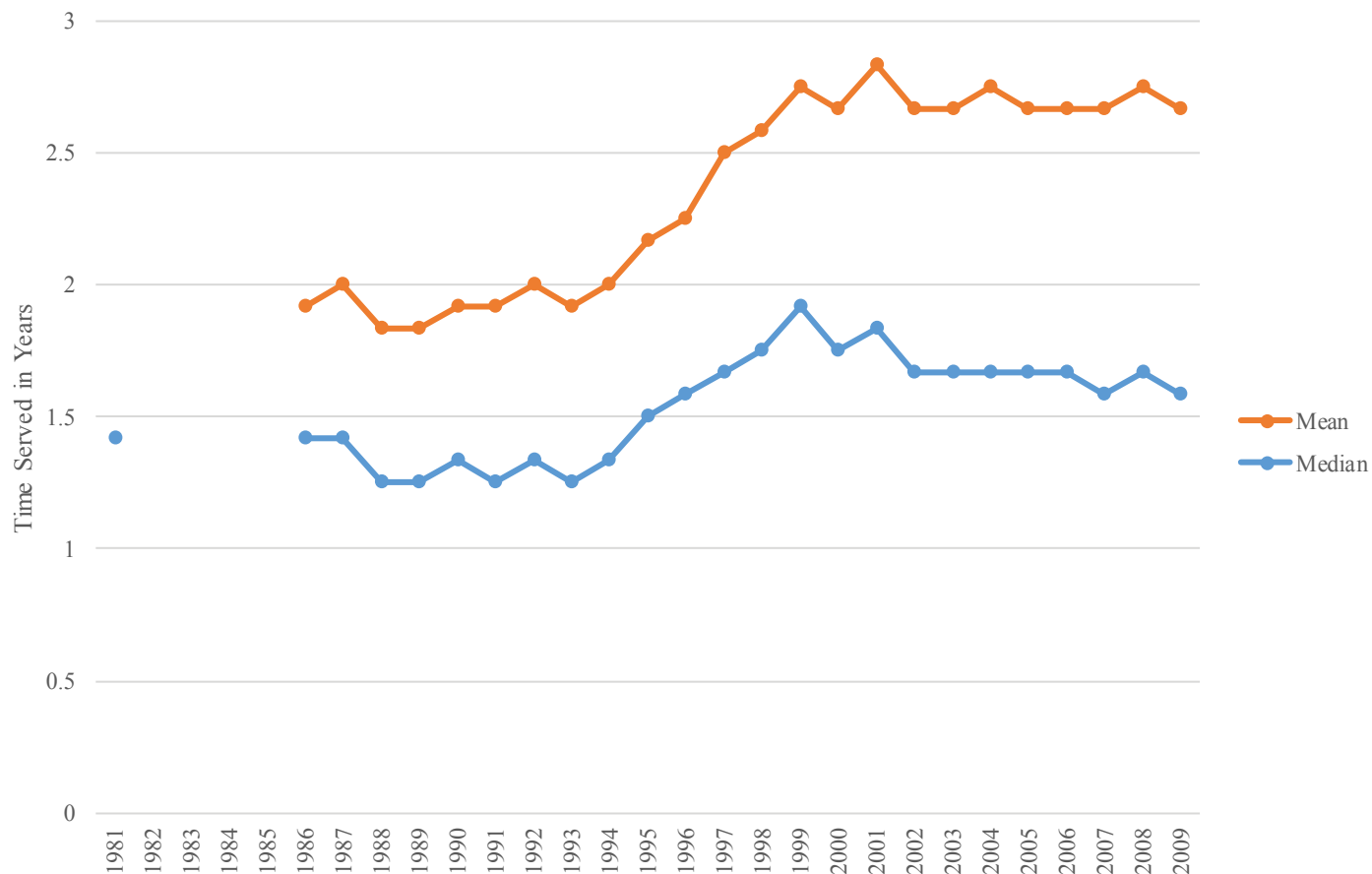
Punishment for rape increased nearly every year between 1986 and 2009, whether measured by the median or mean time served. As noted above, that the mean is larger than the median for every year indicates that the distribution of time served is positively skewed, with a significant number of offenders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

FIGURE 7. KIDNAPPING -- TIME SERVED, 1986-2009



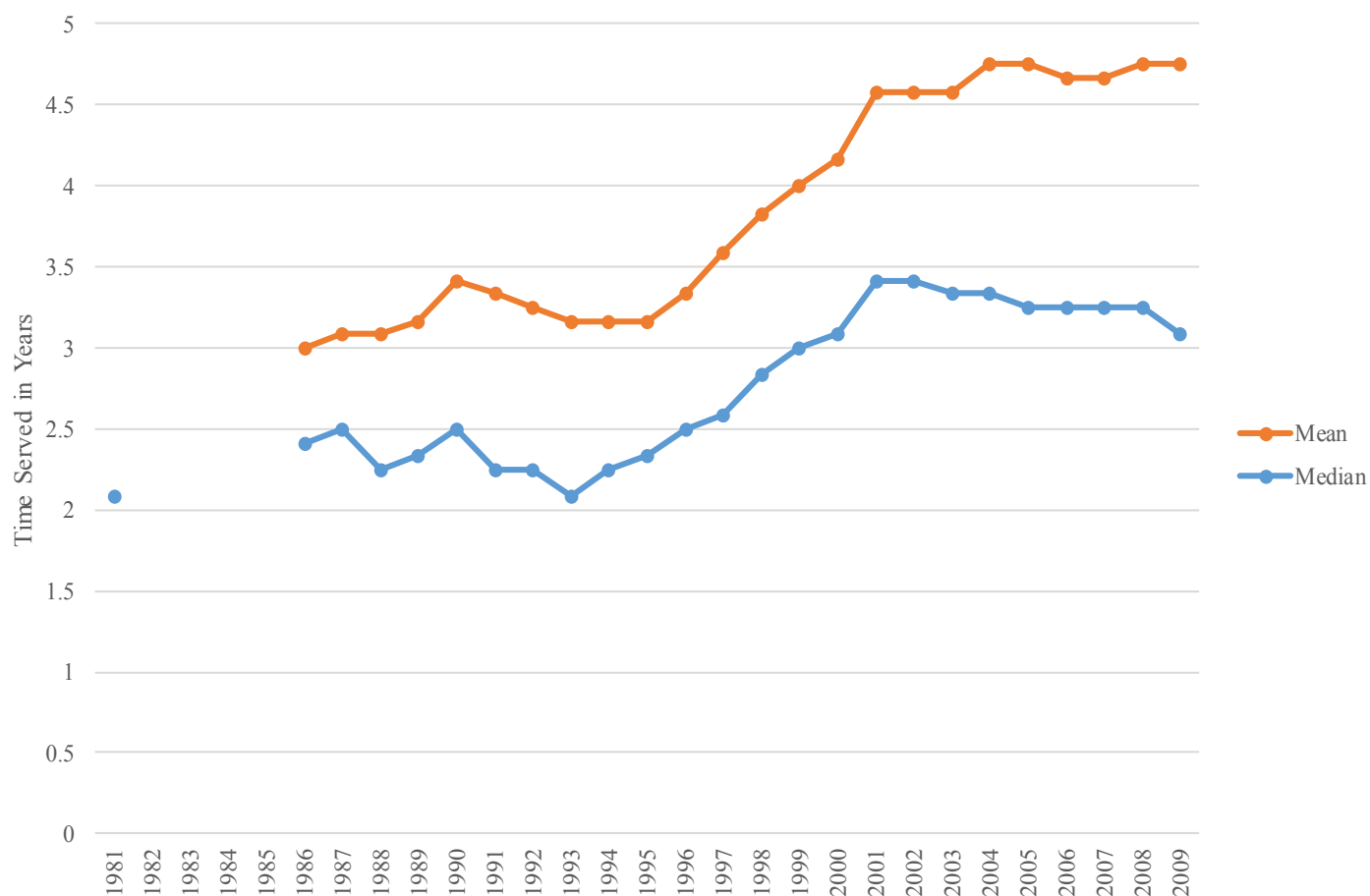
While the median time served for kidnapping has remained relatively flat, the mean has increased steadily since 1993, producing an increasingly larger gap from the median. In 2009, the mean time served was over two years longer than the median time served. This suggests that the frequency and/or the degree of significantly more punitive sentences has increased, while the time served by the typical offender has remained roughly the same.

FIGURE 8. ASSAULT -- TIME SERVED, 1981-2009



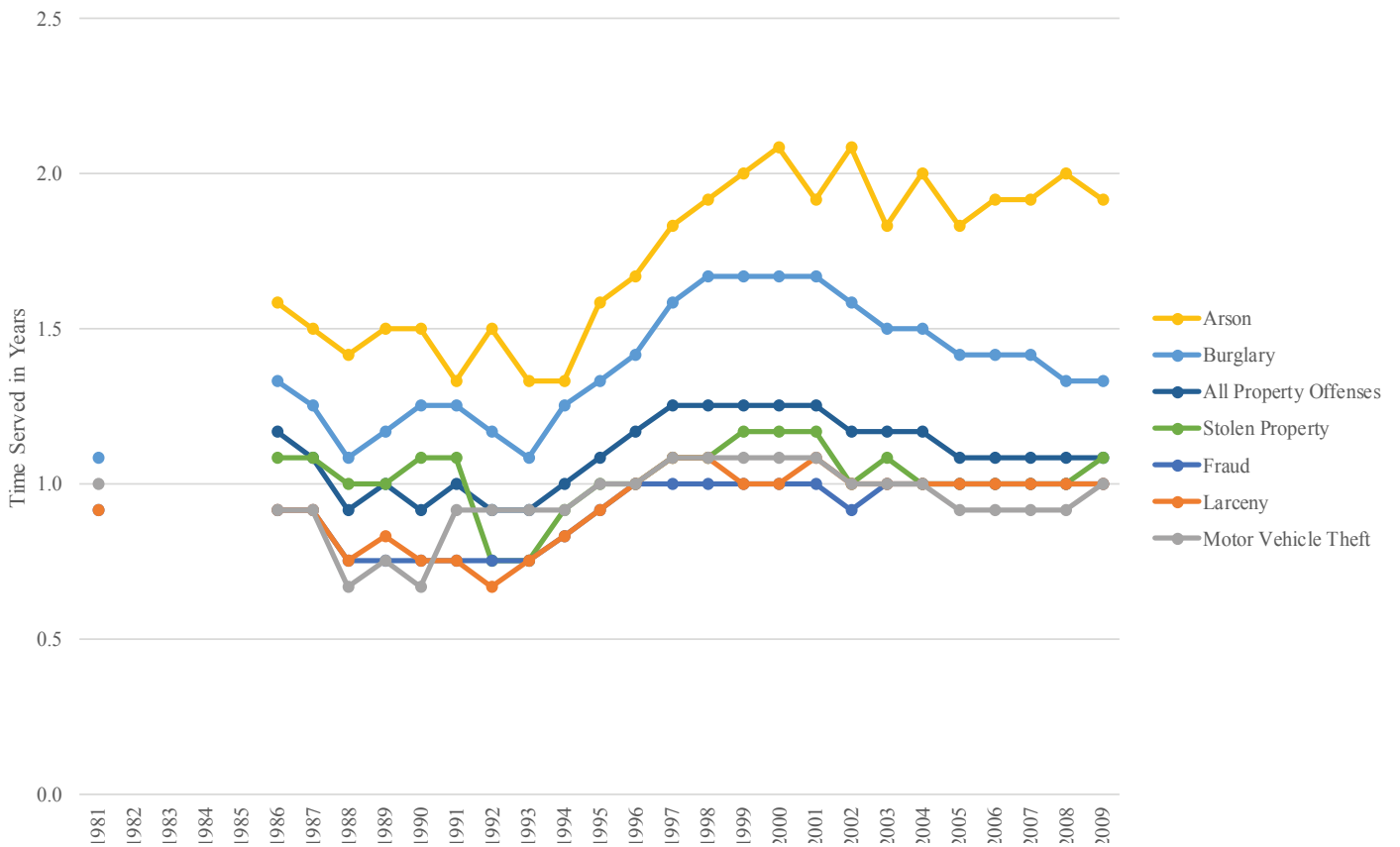
Both the mean and median remain relatively flat from 1986 to 1993, when they start increasing steadily until peaking in the early 2000s. The mean then levels off at approximately 2.75 years served while the median decreases slightly to just over 1.5 years served. Since 2000, the mean time served has been roughly one year longer than the median. Overall, the median time served for assault in 2009 was just slightly higher than it was in 1986, while the mean time served has increased by almost one year.

FIGURE 9. ROBBERY -- TIME SERVED, 1981-2009



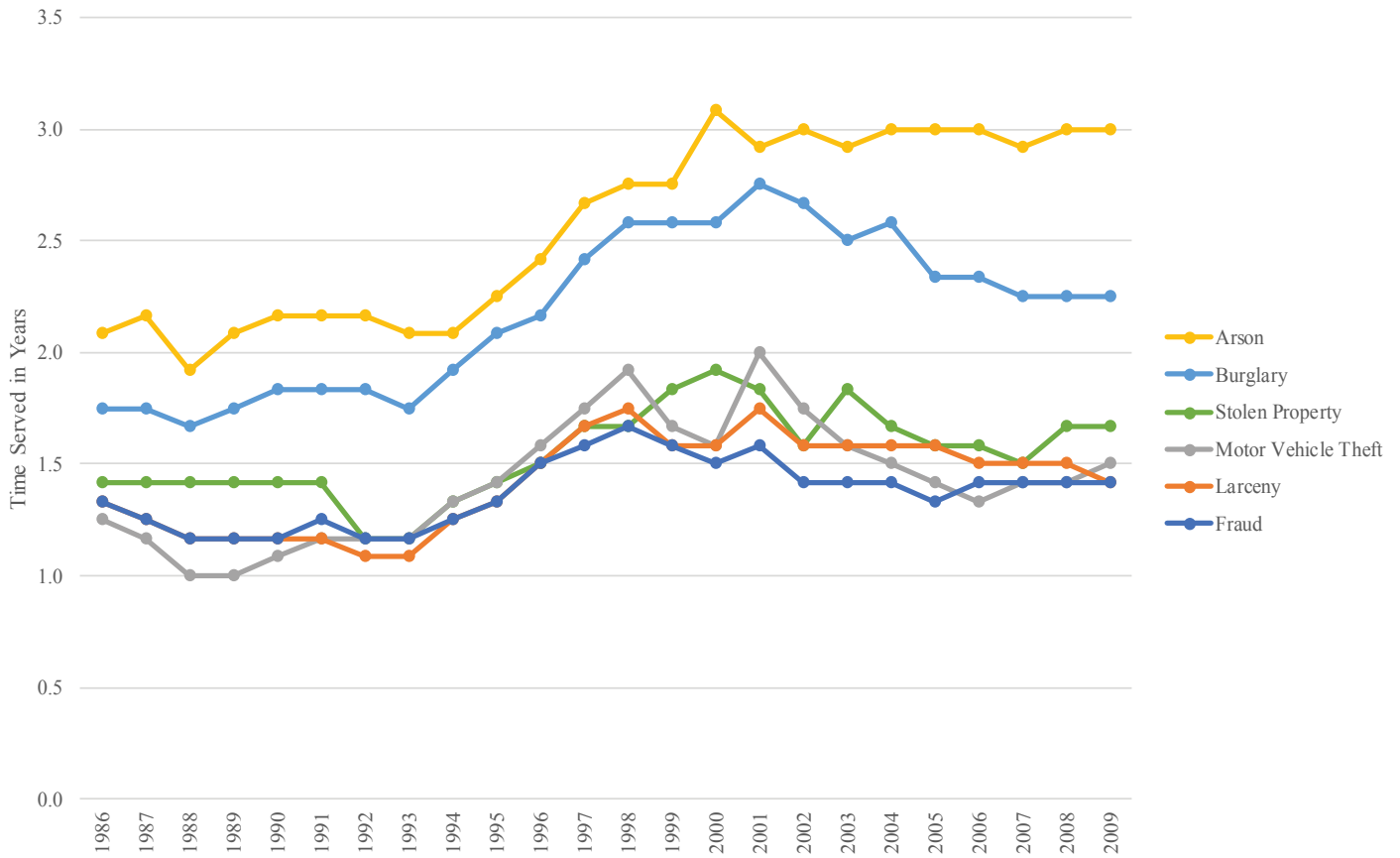
Time served for robbery increased substantially between 1993 and 2000. From 2001 to 2009, the median decreased slightly while the mean continued to increase slightly. Like assault and kidnapping, the distribution for robbery between mean and median indicates a right skew with a more pronounced divergence occurring after 2001. In reaching approximately 4.75 years in 2009, the mean time served increased by 1.75 years -- or 58.3% -- since 1986.

FIGURE 10. PROPERTY CRIMES -- MEDIAN TIME SERVED, 1981-2009



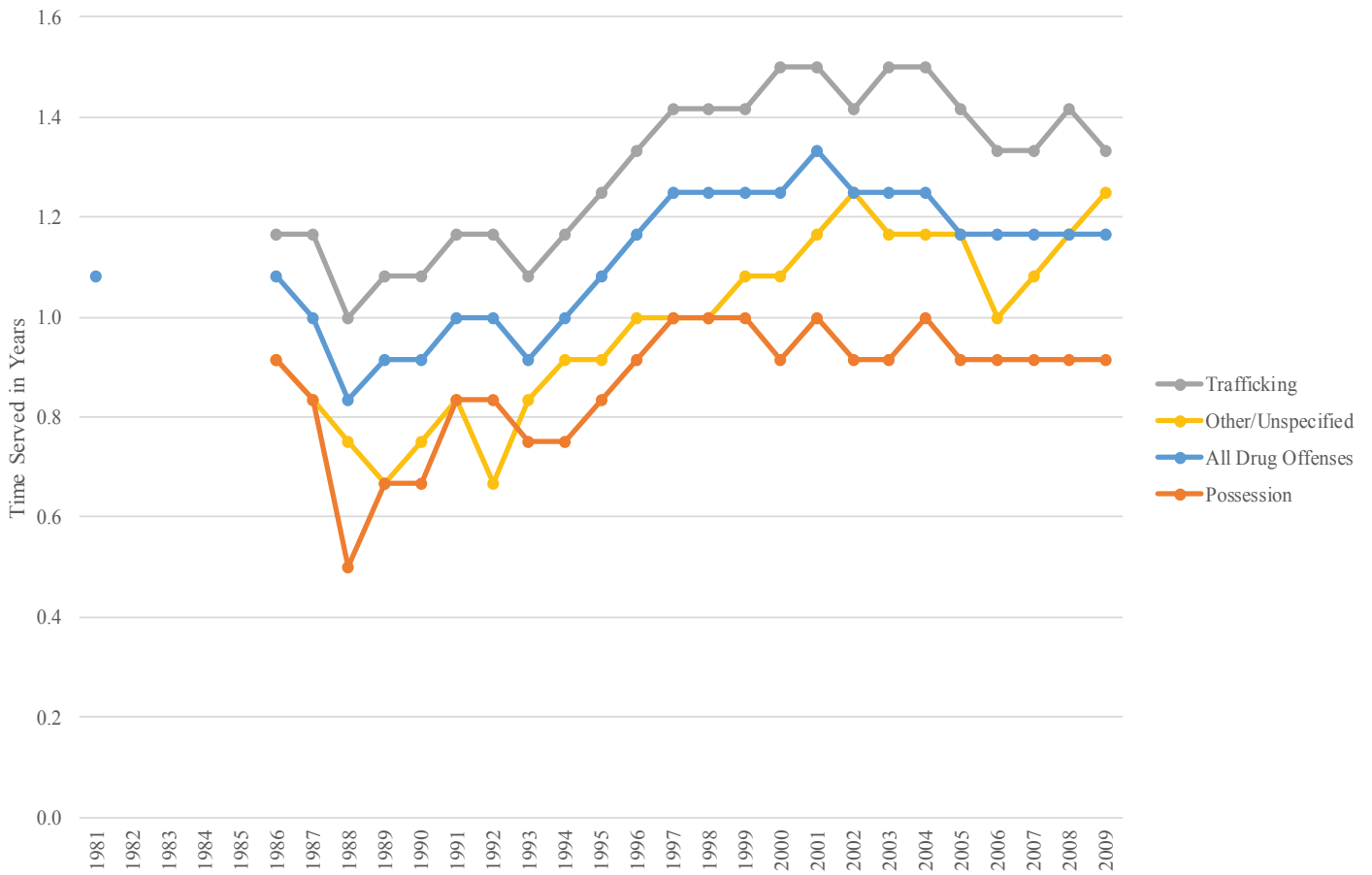
As the above graph shows, the median time served for all property crimes increased slightly after 1992 before leveling off in 1996-2000 and then declining from 2001 onwards. Still, it's worth noting that the overall variation is limited, with offenders typically serving approximately one year in prison for committing a property crime. The median time served for fraud, larceny, motor vehicle theft, and stolen property offenses roughly tracks this overall trend. Arson and burglary, on the other hand, demonstrate a greater deviation from all property offenses generally: both show much steeper increases starting in the early to mid-1990s, before leveling off and slightly declining.

FIGURE 11. PROPERTY CRIMES -- MEAN TIME SERVED, 1986-2009



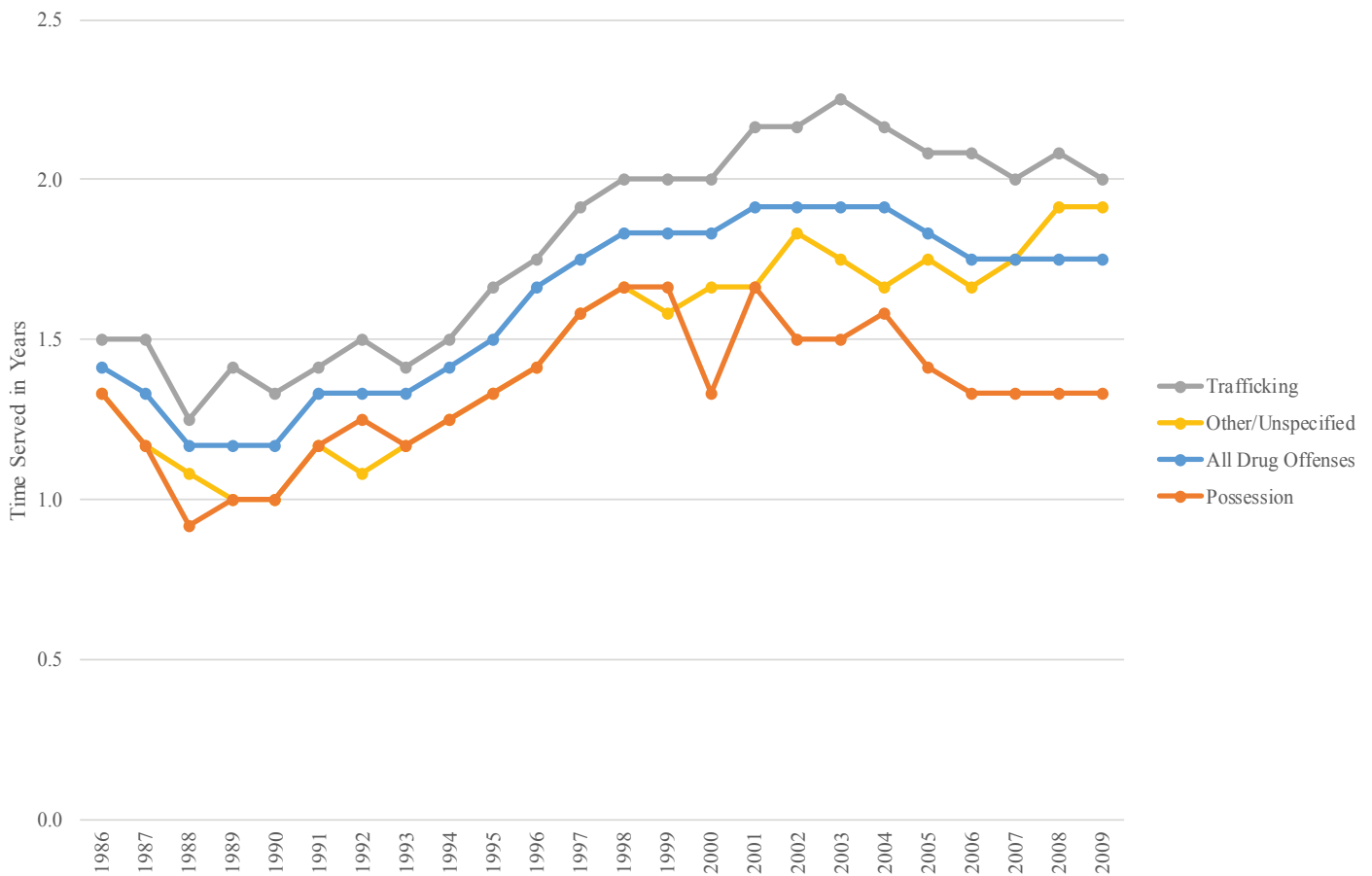
The data for mean time served demonstrates the same overall trends as the data for median time served. Larceny, fraud, motor vehicle theft, and stolen property offenses all very closely track the mean time served for all property crimes. Arson and burglary once again show the greatest divergence, which is to be expected as they are the most serious property crimes. Unlike the median time served data, 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 12. DRUG CRIMES -- MEDIAN TIME SERVED, 1981-2009



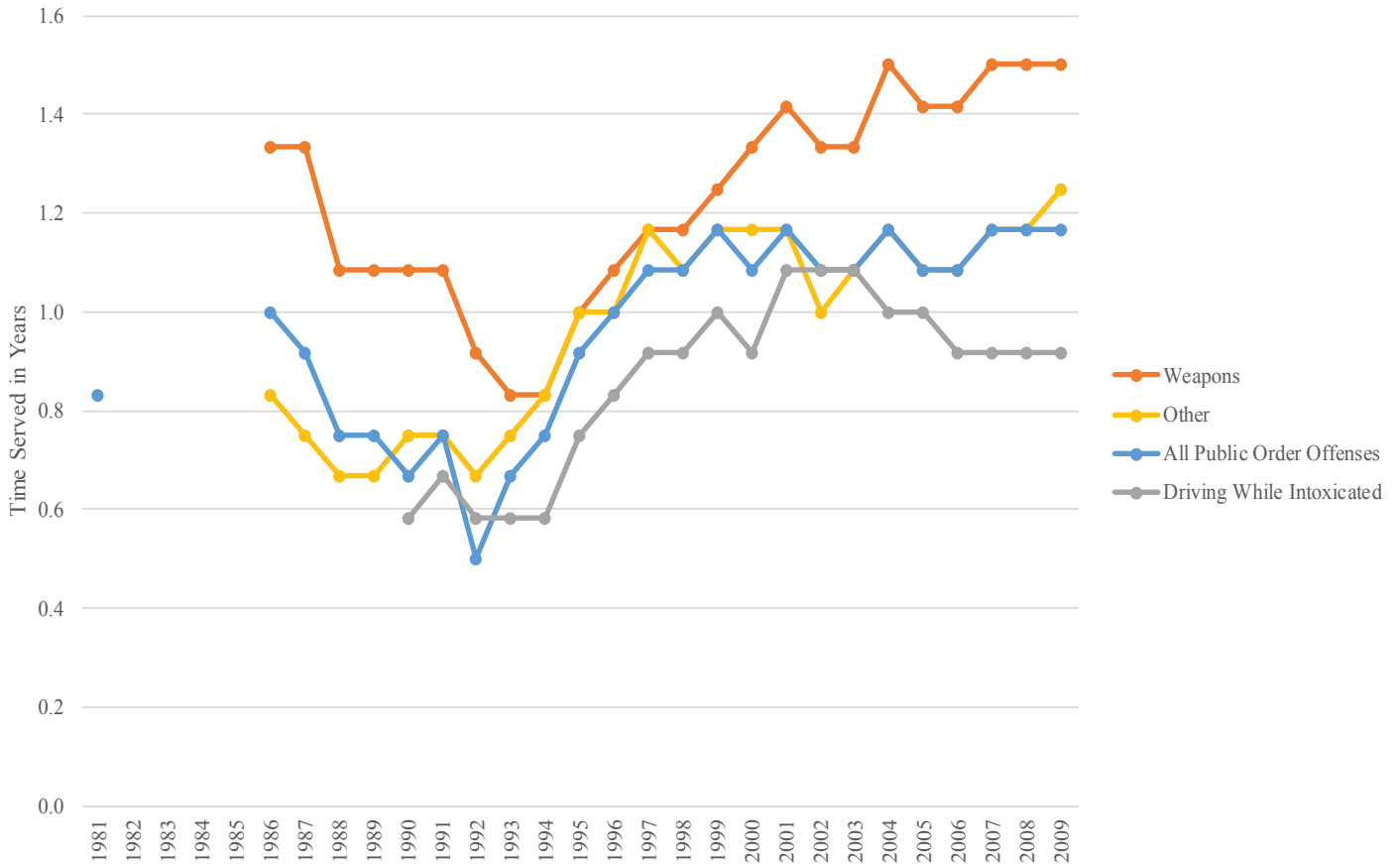
There is slightly more overall variation in the median time served for drug offenses than property offenses, as evidenced by the above graph. Across all offenses within drug crimes, there is an increase beginning in 1993 that continued until roughly 2000, before leveling off and remaining fairly consistent. As expected, drug trafficking is punished more harshly than possession, with a consistent gap between the two lines indicating that the average offender served six months fewer for possession than trafficking.

FIGURE 13. DRUG CRIMES -- MEAN TIME SERVED, 1986-2009



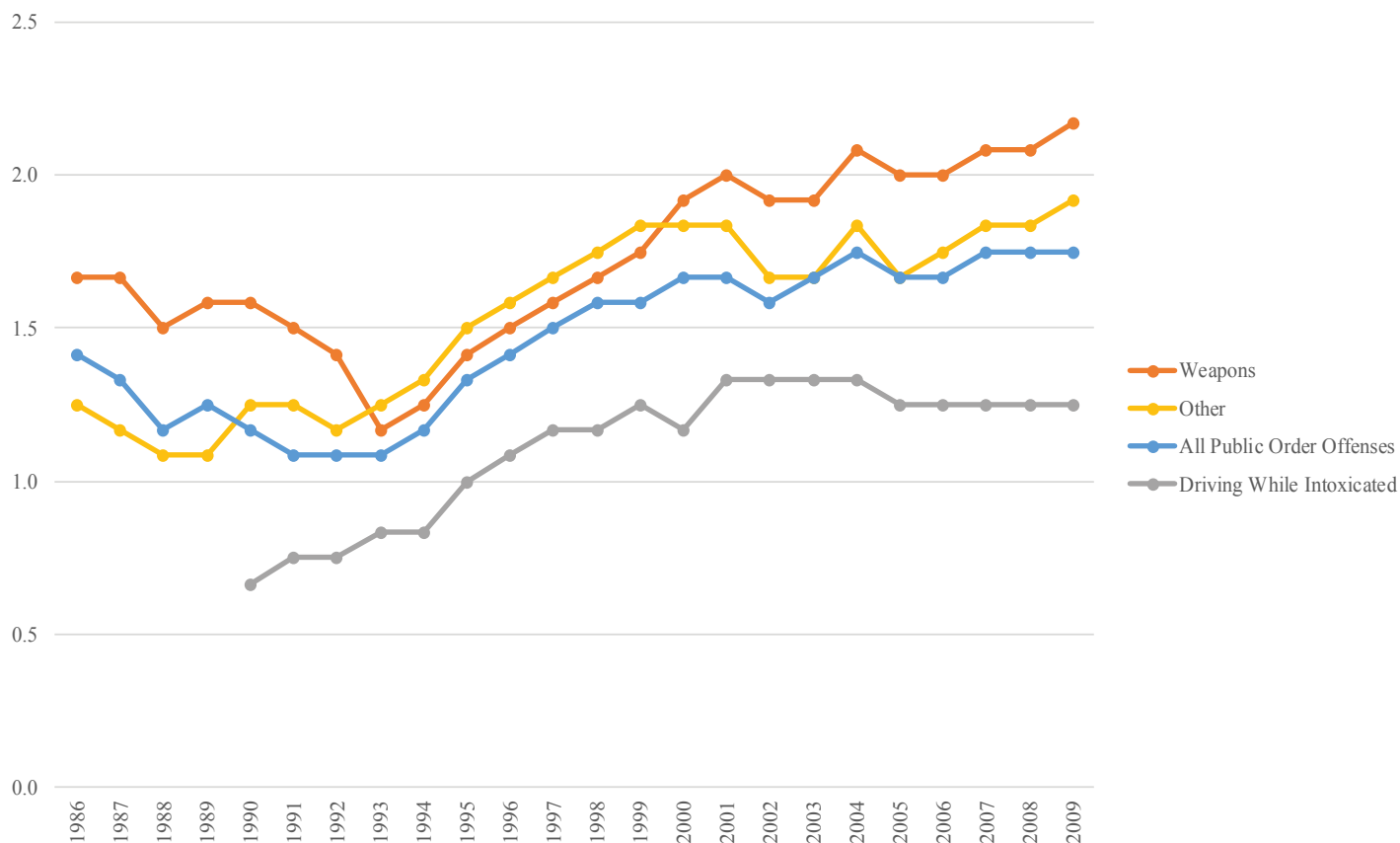
As with other crimes, mean time served for drug offenses is higher than the median time served, indicating a right-skewed distribution with the longest sentences reserved for a relatively smaller number of more serious offenses. Mean time served for trafficking sees the greatest increase, peaking in 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 period indicates that trafficking became punished more severely compared to possession.

FIGURE 14. PUBLIC ORDER OFFENSES -- MEDIAN TIME SERVED, 1981-2009



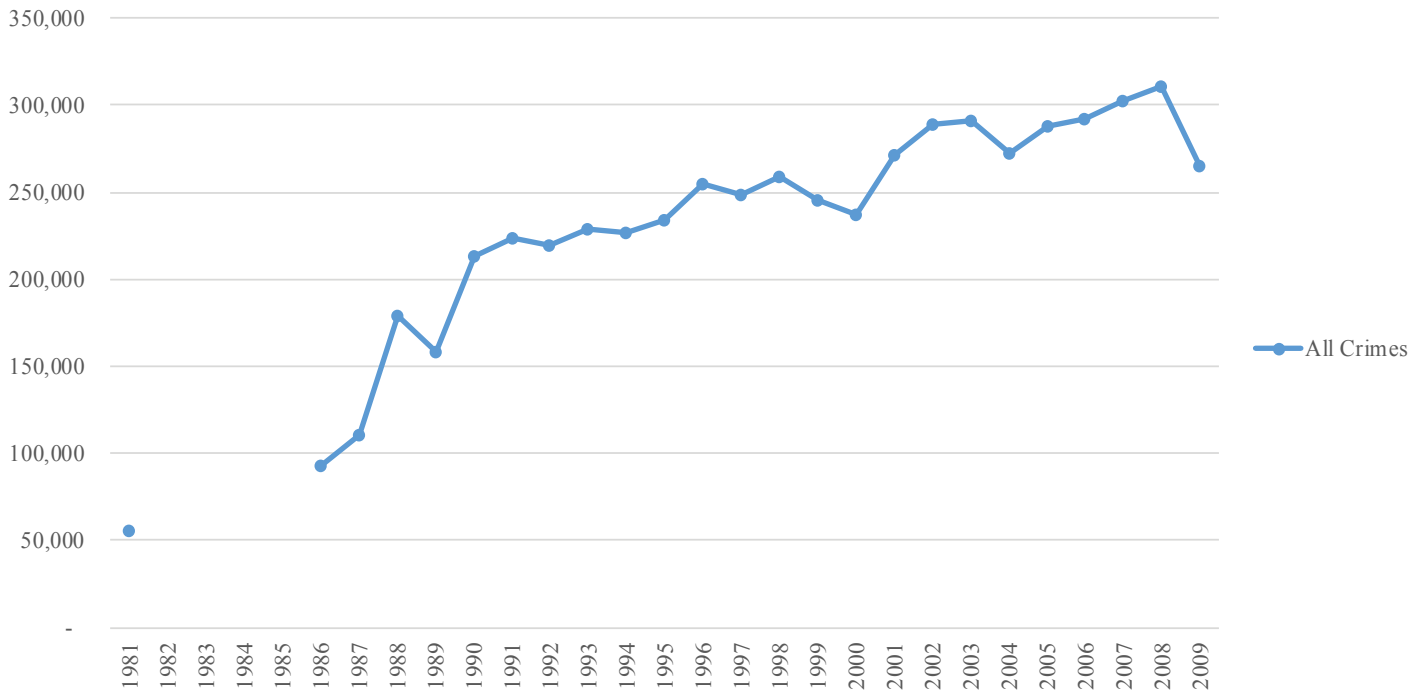
The above graph shows large changes in median time served for public order offenses, although the time in prison is relatively short compared to violent offenses. Median time served for all public order offenses, driving while intoxicated, and other public order offenses follow the same general trend: decreasing from 1986 to the early 1990s, increasing sharply through the 1990s, and then leveling off or decreasing after 1998. The greatest variation comes from time served for weapons offenses, which decreased significantly from 1986 to 1995, before reversing and increasing significantly until 2009. Driving while intoxicated is not identified as a distinct category in the NCRP data until 1990.

FIGURE 15. PUBLIC ORDER OFFENSES -- MEAN TIME SERVED, 1986-2009



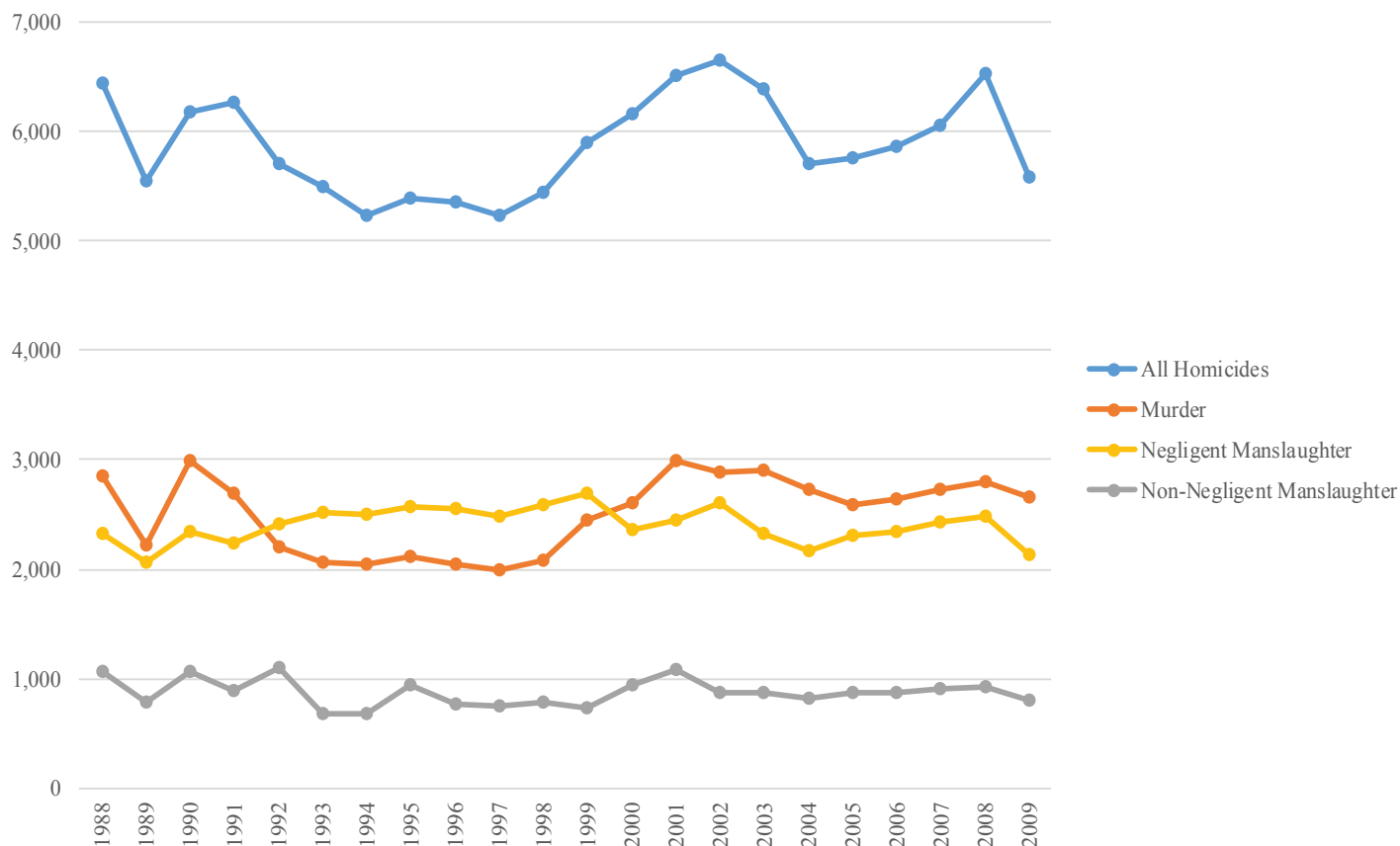
Mean time served for public order offenses decreased slightly from 1986 to 1993, before increasing gradually until 2009. Time served for weapons and other public order offenses closely mirror this trend. Mean time served for driving while intoxicated is lower than the average for all public order offenses, but has approximately doubled since it was recorded as a distinct category in 1990.

FIGURE 16. PRISONERS RELEASED FROM STATE PRISONS -- ALL CRIMES, 1981-2009



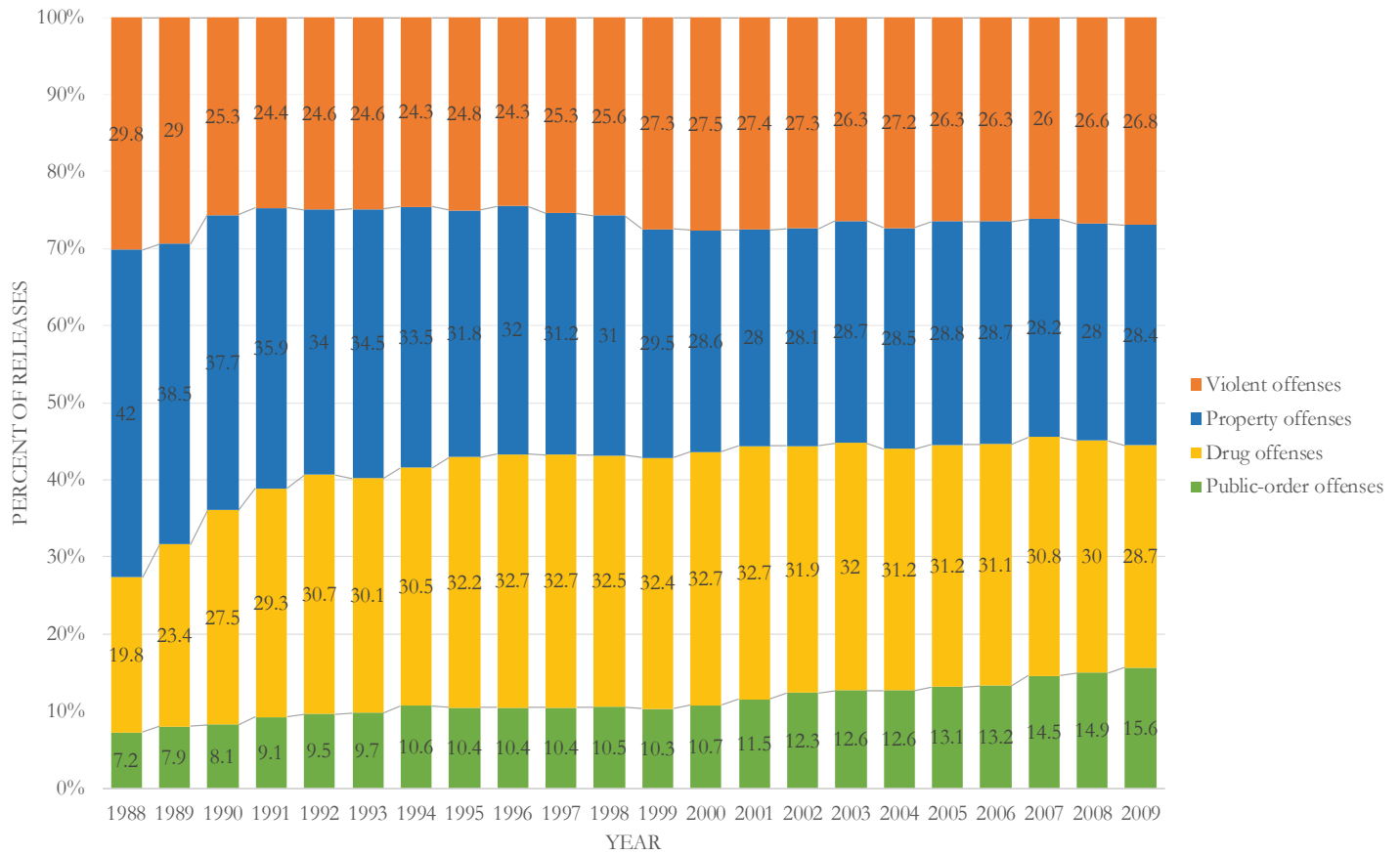
The above graph displays release data for all crimes from the 29-41 reporting states, indicating that the number of prisoners released from state prisons each year increased significantly from just over 50,000 in 1981 (33 states) to over 300,000 in 2008 (31 states). While these data do not measure the severity of punishment, they provide useful context as to how the prison population in the United States grew steadily after 1981.

FIGURE 17. PRISONERS RELEASED FROM STATE PRISONS -- HOMICIDE, 1981-2009



Each year between 1988 and 2009, the reporting states released at least 5,000 offenders who had been serving time for homicide. Of these, between two and three thousand each had been serving time for murder and for negligent manslaughter, and about 1,000 for non-negligent manslaughter.

FIGURE 18. 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 the overall proportion of offenders released since 1988, dropping from 42% to 28.4%. Drug offenses, on the other hand, grew steadily in terms of the 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.

APPENDIX

Annual Time Served and Release Data

All the following reports from 1993-2009 are conveniently linked at <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2045>.

Bureau of Justice Statistics, Prison Admissions and Releases, First releases from State prisons, 1981: Time served in prison, by offense. 1981. Table 3, pg. 3. Available at: <http://www.bjs.gov/content/pub/pdf/par81.pdf>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, First releases from State prisons, 1986: Sentence length and time served in prison, by offense. Table 2-6, pg. 29. Available at: <https://www.bjs.gov/content/pub/pdf/ncrp86.pdf>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, First releases from State prisons, 1987: Sentence length and time served in prison, by offense. Table 2-6, pg. 27. Available at: <http://www.bjs.gov/content/pub/pdf/ncrp87.pdf>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, First releases from State prisons, 1988: Time served in prison, by offense. Table 2-3, pg. 24. Available at: <http://www.bjs.gov/content/pub/pdf/ncrp88.pdf>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, First releases from State prisons, 1989: Time served in prison, by offense. Table 2-3, pg. 24. Available at: <http://www.bjs.gov/content/pub/pdf/ncrp89.pdf>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, First releases from State prisons, 1990: Time served in prison, by offense. Table 2-3, pg. 26. Available at: <http://www.bjs.gov/content/pub/pdf/ncrp90.pdf>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, First releases from State prisons, 1991: Time served in prison, by offense. Table 2-3, pg. 26. Available at: <http://www.bjs.gov/content/pub/pdf/ncrp91.pdf>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, State prison releases, 1992: Time served in prison, by offense and release type. Table 2-4, pg. 38. Available at: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=3268>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, State prison releases, 1993: Time served in prison, by offense and release type. File NCRP9308. Available at: <https://www.bjs.gov/content/data/ncrpt93.zip>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, State prison releases, 1994: Time served in prison, by offense and release type. File NCRP9408. Available at: <https://www.bjs.gov/content/data/ncrpt94.zip>. Accessed February, 2017.

Bureau of Justice Statistics, National Corrections Reporting Program, State prison releases, 1995: Time served in prison, by offense and release type. File NCRP9508. Available at: <https://www.bjs.gov/content/data/ncrpt95.zip>. Accessed February, 2017.

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APPENDIX (CONT.)

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