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# **Impact of the Criminal Sentencing Reform Act of 2005 on Tennessee's Criminal Justice System**



## **A Report of the Governor's Task Force on the Use of Enhancement Factors in Criminal Sentencing**

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October, 2006

David Wilstermann

Administrative Office of the Courts  
Nashville City Center  
511 Union Street, Suite 600  
Nashville, TN 37219  
(615) 741-2687

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## Introduction

The Task Force on the Use of Enhancement Factors in Criminal Sentencing was established by Governor Phil Bredesen following the U.S. Supreme Court ruling in *Blakely v. Washington*, 124 S.Ct. 2531 (2004). The Task Force was charged with studying the impact of *Blakely* on the administration of criminal justice in the State of Tennessee and with recommending changes to rectify the constitutionality of the State's sentencing structure. The goal of the Task Force was to deal with the constitutional issues of presumptive sentences while preserving the Criminal Sentencing Act of 1989, in which the General Assembly sought to achieve uniformity, consistency and predictability in criminal sentencing. The result became the Criminal Sentencing Reform Act of 2005.<sup>1</sup> The 2005 Act kept the 1989 sentencing structure in place, removed presumptive sentences and instituted advisory sentencing guidelines. As established in the 1989 Act, sentencing structure in Tennessee is based on five felony classes and five defendant type categories; each assigned a range in duration increasing with offense severity and criminal history.<sup>2</sup> The presumption for most sentences was the minimum of each range; however, sentences for felony Class A offenses began at the midpoint of the range and were then reduced or increased depending on mitigating or enhancing factors. Sentence alternatives to incarceration were also encouraged in the 2005 Act. *TCA* §40-35-102(6) states that the courts shall consider, but not be bound by the advisory sentencing guideline in which a standard offender convicted of a Class C, D or E felony, should be considered as a favorable candidate for alternative sentencing options in the absence of evidence to the contrary. Sentence alternatives were also expanded in *TCA* §40-35-303(a), which included an increase in the number of convictions eligible for alternative sentencing options by allowing probation for sentences up to 120 months.

The Task Force was also charged with the responsibility of monitoring and assessing the impact of the Criminal Sentencing Reform Act of 2005 on Tennessee's criminal justice system. To assess the impact of the 2005 Act, sentence type rates and sentence lengths from fiscal years 2000 to 2005 were analyzed. Analyzing sentence types addresses the utilization of sentence alternatives to incarceration. Exploring sentence lengths over time evaluates the influence that removing presumptive sentences has on the system.

## Methodology

The data used in evaluating sentencing practices comes from the Tennessee Department of Correction (TDOC). TDOC data was selected because individual offense data is captured by the department. Each sentence is recorded individually, even in cases of multiple offense convictions, eliminating the potential confusion in determining sentence lengths created by multiple offense convictions. To establish a baseline for comparison purposes, data from multiple years was queried. The data was queried on August 11, 2006 and yielded 214,341 felony offenses for 88,266 individuals sentenced on 111,096 occasions between July 1, 2000 and June 30, 2006. This data is not a sample, but is the entire population of sentences captured by the TDOC during the time frame analyzed.

Sentence lengths will be reported for standard offenders, multiple offenders and for all offender types as a group. Standard and multiple defendant types were chosen because they comprise nearly 97% of Tennessee sentences.

<sup>1</sup> Chapter No. 353 of the Public Acts of 2005

<sup>2</sup> A table listing the sentence ranges is provided in Appendix B.

## Data Transformations

### *Offender/Defendant Type Classification*

Tennessee's sentencing structure places convicted offenders into sentence ranges depending on prior criminal history. TDOC captures offender data for the following categories: mitigated, standard, multiple, persistent, career and "hundred percent". The designation of "hundred percent" has to do with the percent of the sentence to be served for offenses listed under TCA §40-35-501(i), not the type of defendant the offender is classified as for sentence length ranges. Therefore, offenders listed as "hundred percent" were reclassified into appropriate offender types for the felony class and offense they were convicted of. For example, a "hundred percent" offender who received a 260 month sentence for especially aggravated kidnapping was reclassified as a standard offender because 260 months is in the 180-300 month range for standard offender, Class A sentences. Missing offender types were also recoded when felony class and sentence lengths were known. In total, 3,287 "hundred percent" offender records and 1,628 missing offender types were recoded. The following table displays the sentence ranges in months that the "hundred percent" and missing offender types were reclassified into.

**Sentence Range Classifications**

Felony Class	Mitigated	Standard	Multiple	Persistent
A	162.0	180-300	>300-480	>480-720
B	86.4	96-144	>144-240	>240-360
C	32.4	36-72	>72-120	>120-180
D	21.6	24-48	>48-96	>96-144
E	10.8	12-24	>24-48	>48-72

### *Sentence Type Classification*

Sentences to TDOC facilities and local jails were considered incarcerations. Life without parole and death sentences were included as incarcerations for sentence type numbers but were excluded from any sentence length analysis. Sentences to community corrections were analyzed as probations.

## Data

The 2005 Reform Act went into effect June 7, 2005. Convicted offenders with offense dates on or after that date were sentenced under the changes implemented in the Act. Defendants with offenses prior to passage of the Act who had not yet gone to trial by June 7, 2005 were eligible for sentencing under the Act at their discretion. For Fiscal Year 2005, nearly 29% of the sentences issued were associated with offense dates under the Act. Data is unavailable to determine the number of defendants with offense dates prior to June 7, 2005 and sentence dates after June 7, 2005 who chose to be sentenced under the Act. The analysis confirmed the expectation that lower felony classes are resolved more promptly than more serious felonies. Thus, Class A and B offenses have lower percentages of Post Act cases than the other offense classes due to increased length of time between the date of the offense and the date the sentence was imposed. The following table lists the percent of 2005 convictions by felony class with offense dates before and after the effective date of the Act.

**Percent of 2005 Cases with Offense Dates Pre and Post Reform Act**

Felony Class	Pre Act	Post Act
A	92.8%	7.2%
B	78.5%	21.5%
C	71.7%	28.3%
D	71.0%	29.0%
E	68.9%	31.1%
Total	71.3%	28.7%

**Type of Adjudication**

Guilty pleas are entered for 98% of convictions over the six years analyzed. The more serious the offense class, the less likely a guilty plea was entered. The following table lists the percent of adjudication types for fiscal year 2000 to 2005 convictions.

**Percent of Adjudication Types**

Felony Class	Guilty Plea	Guilty Plea/ Jury Trial	Found Guilty by Jury Verdict	Found Guilty by Bench Trial	Nolo Contendere
A	75.1%	13.1%	9.6%	0.1%	2.2%
B	94.8%	2.8%	1.6%	0.1%	0.8%
C	98.0%	0.7%	0.5%	0.1%	0.8%
D	98.6%	0.5%	0.4%	0.0%	0.5%
E	98.8%	0.4%	0.3%	0.0%	0.4%

**Sentence Type Information**

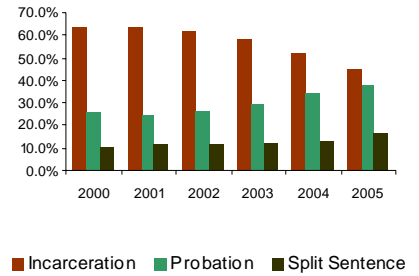
Convicted offenders in Tennessee can be sentenced to incarceration, probation or a combination of the two, hereby referred to as a split sentence.<sup>3</sup> Incarcerations include sentences to a Department of Correction facility and local jails as well as life without parole and death sentence convictions. Probations include sentences to workhouses and community corrections. The reliance on incarceration in sentencing has diminished steadily for all classes other than Class A. As a result, the utilization of both probation and split sentence options has increased. Part of the 2005 Reform Act allowed for the use of probation as a sentencing alternative for offenses with sentences up to 120 months. In fact, the percent of defendants receiving probation for sentences of more than 96 months but less than 120 months has increased from 8.0% in 2004 to 17.2% in 2005.<sup>4</sup> Fiscal Year 2005 also marked the first time in which probations were used for Class E sentences more often than incarcerations. The following tables present the percent of each sentence type for all Tennessee convictions from 2000 to 2005.

<sup>3</sup> Fines are also a sentence option, but are not included in this analysis.

<sup>4</sup> The percent of defendants receiving probation or a split sentence between 96 and 120 months increased from 35.4% in 2004 to 52.5% in 2005.

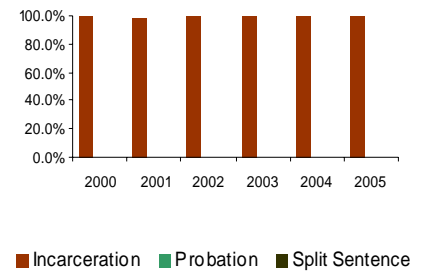
**Percent of Sentence Type - All Offenders**

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	63.8%	25.6%	10.6%	34,228
2001	63.6%	24.5%	11.9%	36,051
2002	62.3%	26.6%	11.1%	34,895
2003	58.8%	28.9%	12.3%	36,337
2004	51.9%	34.9%	13.3%	33,990
2005	45.0%	38.2%	16.9%	38,840



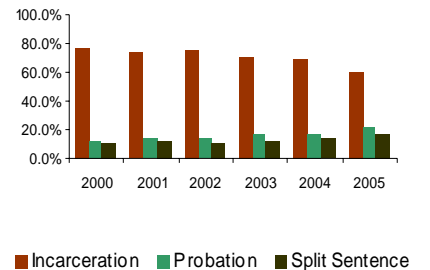
**Percent of Sentence Type - Felony Class A - All Offenders**

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	99.6%	0.0%	0.4%	547
2001	99.0%	0.7%	0.3%	601
2002	99.4%	0.4%	0.2%	535
2003	100.0%	0.0%	0.0%	527
2004	100.0%	0.0%	0.0%	524
2005	99.6%	0.4%	0.0%	516



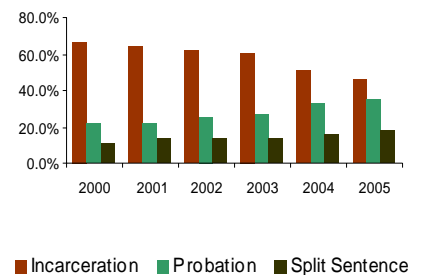
**Percent of Sentence Type - Felony Class B - All Offenders**

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	76.4%	12.9%	10.7%	2,756
2001	74.5%	13.8%	11.7%	2,901
2002	76.0%	13.4%	10.6%	2,746
2003	70.3%	17.0%	12.7%	2,883
2004	69.5%	17.0%	13.4%	2,903
2005	60.4%	22.1%	17.5%	3,357



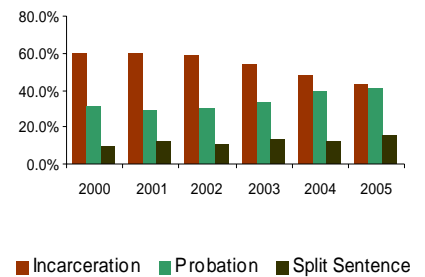
**Percent of Sentence Type - Felony Class C - All Offenders**

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	67.0%	22.3%	10.7%	8,190
2001	64.8%	22.1%	13.2%	8,724
2002	61.6%	25.2%	13.2%	8,322
2003	60.0%	26.6%	13.4%	9,462
2004	51.2%	32.9%	15.9%	8,311
2005	45.6%	35.7%	18.8%	9,462



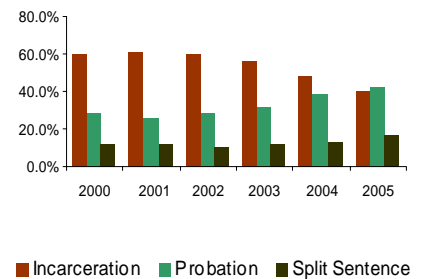
**Percent of Sentence Type - Felony Class D - All Offenders**

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	59.6%	31.2%	9.2%	7,734
2001	59.7%	29.0%	11.4%	8,264
2002	58.9%	30.3%	10.8%	8,271
2003	53.9%	33.1%	13.1%	8,738
2004	47.9%	39.6%	12.5%	8,115
2005	43.2%	41.2%	15.7%	9,477



**Percent of Sentence Type - Felony Class E - All Offenders**

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	60.3%	28.1%	11.6%	14,875
2001	61.5%	26.5%	12.1%	15,464
2002	60.5%	28.8%	10.7%	14,935
2003	57.0%	31.4%	11.6%	14,629
2004	48.8%	38.5%	12.7%	14,013
2005	40.3%	42.7%	17.0%	15,920



## Sentence Lengths

The analysis for sentence lengths is presented in three sections: average incarceration lengths, average probation lengths and average split sentence lengths. Each section will display tables for each felony class by year for all offenders as well as for standard and multiple defendant types. The numbers given will be the average sentence in months and the number of cases. Average incarceration lengths for selected specific offenses are reported in Appendix A. For a table describing available sentence ranges by class and defendant type, see Appendix B.

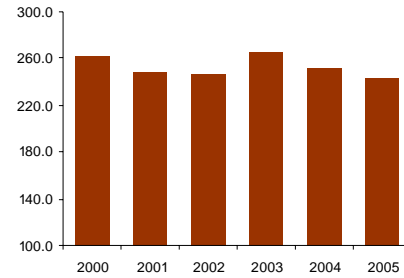
### Average Incarceration Lengths

For sentence type frequencies, life without parole and death sentences were included with incarcerations. That is not the case for incarceration length calculations because there is not a specific length associated with life without parole and death sentences. Thus, incarcerations with regard to sentence lengths refer only to convictions where known jail time was sentenced. The presumptive midpoint for Class A sentences was removed in the 2005 Act. As displayed in the tables below, average Class A sentences for all offenders in 2005 are the lowest in the six years analyzed and are 8 months shorter than the previous year, however it is early to assume that this is directly a result of the Act. Only 7% of the Class A offenses occurred after the implementation of the Act. Additionally there is a wide variation, as much as 20 months, between average sentences for Class A offenses from year to year. Future analysis with more Post Act data should aid in establishing whether 2005 is yet another variation or is the start of a downward trend. Sentences for the other classes show a potential inching upward, especially for multiple offenders. However, like Class A sentences, more Post Act data is needed to

designate this as a trend instead of another year to year variation. The tables reporting average incarceration lengths are presented below.

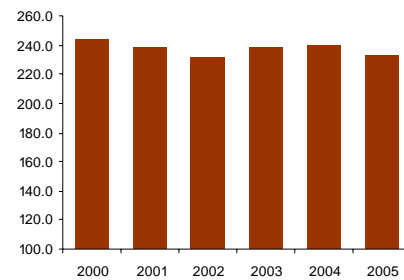
**Average Incarceration Length - Class A - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	261.8	240.0	87.9	545
2001	249.0	240.0	68.2	595
2002	246.8	240.0	77.9	532
2003	266.5	240.0	98.7	527
2004	251.4	240.0	81.4	524
2005	243.2	240.0	84.5	514



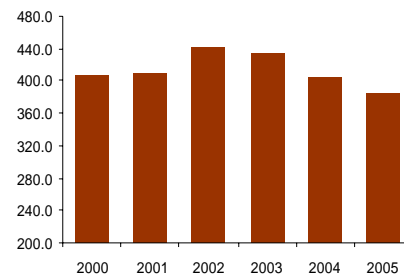
**Average Incarceration Length - Class A - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	244.2	240.0	47.7	476
2001	238.0	240.0	45.1	543
2002	231.9	240.0	47.3	481
2003	238.5	240.0	44.4	449
2004	239.1	240.0	42.9	454
2005	232.2	240.0	46.0	440



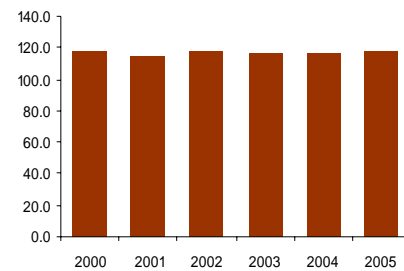
**Average Incarceration Length - Class A - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	406.0	396.0	55.2	41
2001	409.8	420.0	81.1	40
2002	441.8	480.0	53.0	35
2003	434.3	432.0	49.4	53
2004	402.9	390.0	53.5	33
2005	385.2	360.0	68.6	29



**Average Incarceration Length - Felony Class B - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	117.4	108.0	36.2	2,105
2001	115.3	96.0	32.7	2,161
2002	117.8	108.0	35.4	2,086
2003	116.6	96.0	36.8	2,026
2004	116.5	96.0	41.0	2,015
2005	117.1	96.0	37.4	2,027

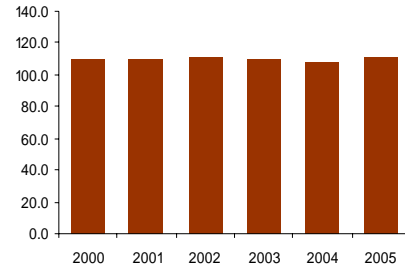


One persistent offender Schedule II Cocaine case was removed from 2004 because of an inordinately high sentence of 54 years.



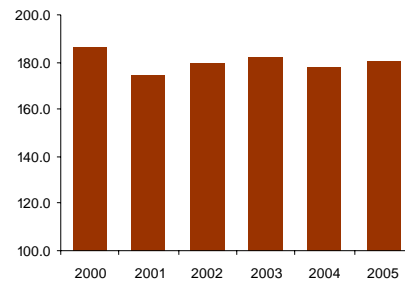
**Average Incarceration Length - Felony Class B - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	110.1	96.0	18.8	1,791
2001	109.1	96.0	17.3	1,860
2002	110.7	96.0	18.5	1,780
2003	109.5	96.0	18.7	1,707
2004	108.5	96.0	19.1	1,649
2005	110.3	96.0	18.8	1,633



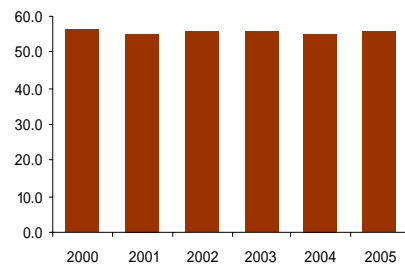
**Average Incarceration Length - Felony Class B - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	186.4	180.0	37.5	169
2001	174.4	168.0	40.7	177
2002	179.6	168.0	38.7	174
2003	182.4	180.0	37.5	177
2004	177.8	180.0	36.4	154
2005	180.6	180.0	39.3	183



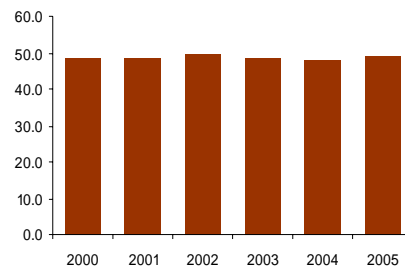
**Average Incarceration Length - Class C - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	56.4	48.0	26.6	5,488
2001	55.2	48.0	24.5	5,650
2002	55.6	48.0	24.0	5,127
2003	55.7	48.0	24.6	5,679
2004	55.3	48.0	25.9	4,255
2005	55.8	48.0	24.8	4,311



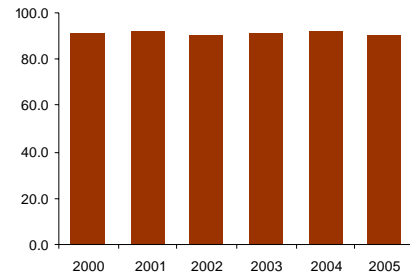
**Average Incarceration Length - Class C - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	48.6	48.0	15.0	4,682
2001	48.6	48.0	14.7	4,912
2002	49.4	48.0	14.8	4,488
2003	48.6	48.0	14.4	4,855
2004	47.8	48.0	14.3	3,640
2005	49.0	48.0	14.9	3,637



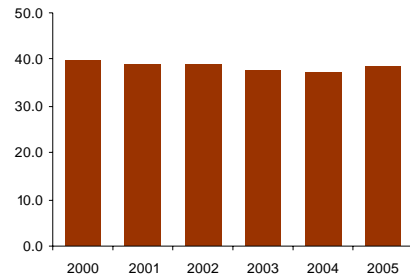
**Average Incarceration Length - Class C - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	91.2	96.0	19.7	635
2001	92.1	96.0	19.2	592
2002	90.5	96.0	17.1	510
2003	91.5	96.0	19.2	660
2004	92.4	96.0	21.7	477
2005	90.4	84.0	20.3	512



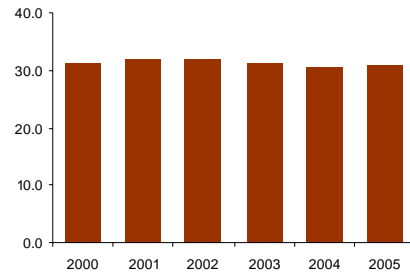
**Average Incarceration Length - Class D - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	39.8	36.0	24.3	4,608
2001	39.1	36.0	22.5	4,933
2002	38.8	36.0	22.2	4,874
2003	37.7	36.0	20.7	4,707
2004	37.0	24.0	21.3	3,889
2005	38.3	30.0	21.6	4,090



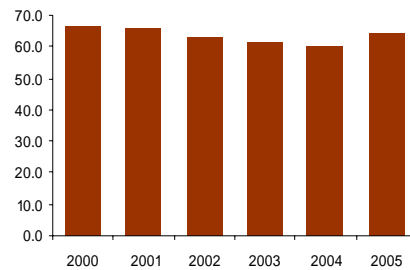
**Average Incarceration Length - Class D - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	31.4	24.0	9.8	3,766
2001	32.0	24.0	9.7	4,163
2002	32.0	24.0	9.8	4,150
2003	31.5	24.0	9.7	3,970
2004	30.7	24.0	9.4	3,289
2005	30.8	24.0	9.5	3,350



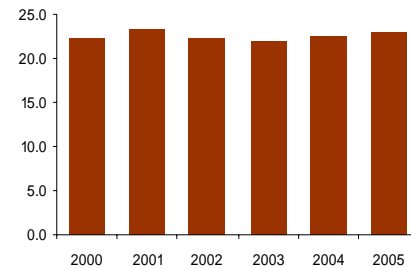
**Average Incarceration Length - Class D - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	66.4	60.0	21.7	651
2001	65.9	72.0	18.6	577
2002	63.1	60.0	17.2	532
2003	61.8	60.0	17.7	590
2004	59.9	48.0	17.5	464
2005	64.6	60.0	19.2	617



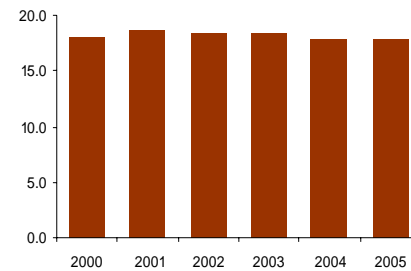
**Average Incarceration Length - Class E - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	22.3	24.0	12.4	8,969
2001	23.2	24.0	13.4	9,505
2002	22.2	24.0	11.9	9,031
2003	22.1	24.0	11.4	8,334
2004	22.4	24.0	12.9	6,835
2005	23.1	24.0	13.5	6,416



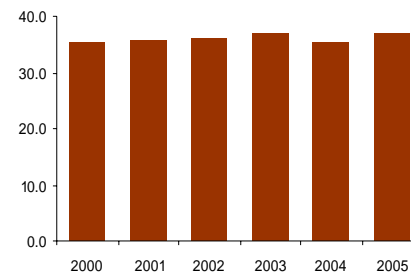
**Average Incarceration Length - Class E - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	18.1	18.0	5.9	7,347
2001	18.6	21.0	6.3	7,720
2002	18.4	18.0	6.1	7,540
2003	18.5	18.0	6.0	6,960
2004	17.9	18.0	6.1	5,494
2005	17.8	18.0	6.0	5,012



**Average Incarceration Length - Class E - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	35.5	36.0	9.8	1,213
2001	35.7	36.0	10.2	1,248
2002	36.0	36.0	10.2	1,165
2003	36.8	36.0	10.3	1,134
2004	35.2	36.0	10.6	1,025
2005	36.7	36.0	10.2	1,053



**Average Probation Lengths**

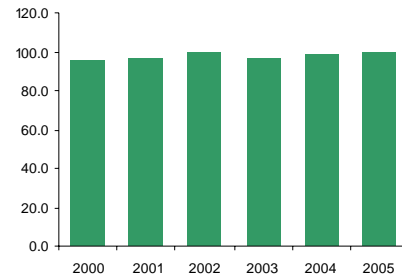
Average probation<sup>5</sup> lengths show similar variability to incarcerations. No clear trend in sentencing emerged, with 2005 sentences not being the highest nor the lowest in the years analyzed. Probation lengths were shorter than incarcerations for Class B and C offenses. This makes sense since probation eligibility as a sentence alternative is capped at 120 months. Class D incarcerations were nearly 10% longer than probations. Incarceration and probation lengths were nearly identical for Class E sentences. The following tables display the average probation lengths for Class B through E felonies.

<sup>5</sup> No sentence place alternatives were excluded as they were for the analysis of incarcerations because community corrections sentences, like other probation sentence options, have specific lengths. Twenty-three percent (23%) of the probations reviewed included sentences to community corrections.

**Average Probation Length - Felony Class B - All Offenders**

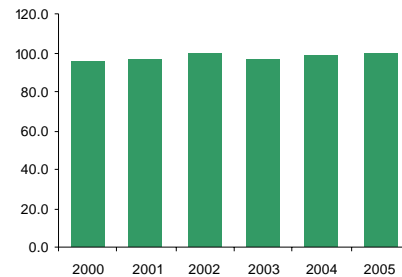
Fiscal Year	Mean	Median	Standard Deviation	N
2000	95.6	96.0	12.7	356
2001	96.1	96.0	14.9	400
2002	99.2	96.0	19.7	367
2003	96.2	96.0	20.1	490
2004	98.6	96.0	23.2	494
2005	99.2	96.0	17.5	742

The table for multiple offenders was not included due to low occurrence frequencies.



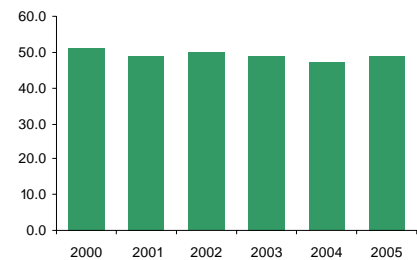
**Average Probation Length - Felony Class B - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	95.6	96.0	12.8	351
2001	96.1	96.0	14.9	396
2002	99.0	96.0	19.4	364
2003	96.3	96.0	20.1	486
2004	98.7	96.0	23.3	480
2005	99.5	96.0	17.2	721



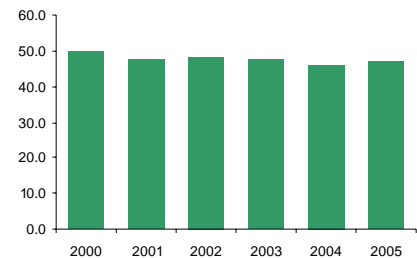
**Average Probation Length - Class C - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	51.0	48.0	24.4	1,829
2001	48.6	36.0	18.9	1,925
2002	50.1	48.0	18.5	2,096
2003	48.7	48.0	17.0	2,516
2004	47.3	36.0	16.0	2,732
2005	48.7	36.0	18.5	3,377



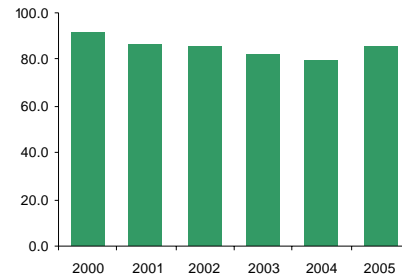
**Average Probation Length - Class C - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	49.7	36.0	23.6	1,773
2001	47.5	36.0	17.9	1,855
2002	48.5	48.0	17.0	1,992
2003	47.6	48.0	15.9	2,402
2004	46.0	36.0	14.4	2,591
2005	47.0	36.0	16.3	3,136



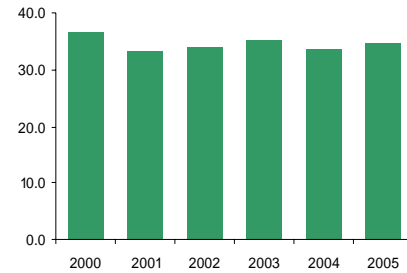
**Average Probation Length - Class C - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	91.3	96.0	16.2	43
2001	86.3	93.0	14.6	62
2002	85.6	96.0	14.2	91
2003	82.4	84.0	14.4	101
2004	79.3	72.0	19.6	124
2005	85.1	84.0	20.0	199



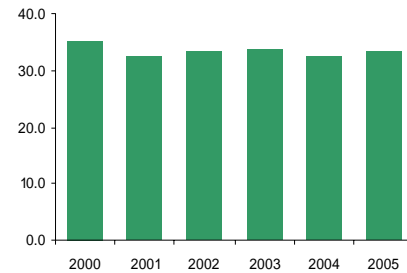
**Average Probation Length - Class D - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	36.6	30.0	19.5	2,414
2001	33.3	24.0	15.7	2,393
2002	34.0	24.0	14.2	2,506
2003	35.2	36.0	16.5	2,889
2004	33.7	24.0	16.7	3,213
2005	34.9	30.0	15.7	3,903



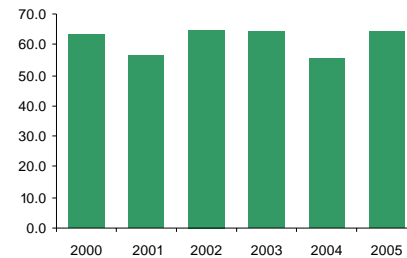
**Average Probation Length - Class D - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	35.2	24.0	17.9	2,291
2001	32.6	24.0	15.1	2,314
2002	33.2	24.0	13.2	2,424
2003	33.8	26.0	14.6	2,753
2004	32.5	24.0	15.3	3,033
2005	33.1	24.0	13.2	3,640



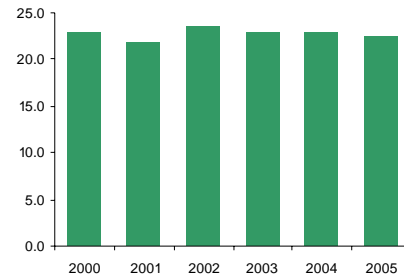
**Average Probation Length - Class D - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	63.2	60.0	21.8	106
2001	56.2	48.0	14.7	66
2002	64.6	72.0	20.7	73
2003	64.4	60.0	18.8	116
2004	55.4	48.0	19.3	160
2005	64.0	60.0	19.2	237



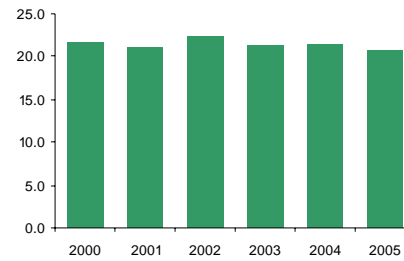
**Average Probation Length - Class E - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	22.9	24.0	13.5	4,175
2001	21.7	24.0	11.4	4,092
2002	23.6	24.0	12.5	4,303
2003	22.9	24.0	12.3	4,591
2004	23.0	24.0	13.4	5,400
2005	22.5	24.0	12.5	6,805



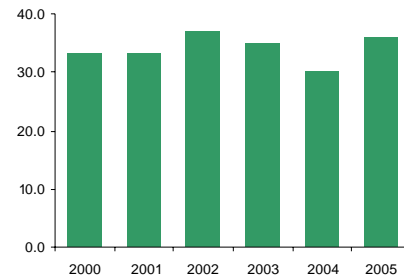
**Average Probation Length - Class E - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	21.8	24.0	12.4	3,909
2001	21.0	24.0	10.6	3,926
2002	22.4	24.0	11.5	4,015
2003	21.2	24.0	10.7	4,125
2004	21.6	24.0	11.4	4,901
2005	20.7	24.0	10.3	6,218



**Average Probation Length - Class E - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	33.2	36.0	8.9	203
2001	33.1	36.0	9.5	136
2002	37.1	36.0	10.9	256
2003	35.0	36.0	11.4	391
2004	30.3	24.0	9.1	406
2005	35.7	36.0	10.9	480



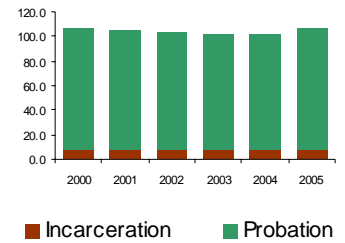
**Average Split Sentence Lengths**

Split sentences include an initial time in incarceration followed by a period of probation. The utilization of such sentences has increased in the years reported. The proportion of the sentence in incarceration increases as the seriousness of the offense decreases. For example, an individual convicted of a Class B offense will spend a lower percentage (around 8%) of their split sentence incarcerated than an individual convicted of a Class E offense (around 18%). What is more pertinent when analyzing sentence practices however is whether the proportion of incarceration to probation has changed over time. It has not. The proportion of incarceration length to probation length varies from year to year without establishing any trend. The variation is minimal as well, staying within 3 percentage points over 6 years.

Total sentence lengths for split sentences generally approach those of incarcerations. As was the case for incarceration and probation lengths, 2005 data is consistent with previous year to year variations, indicating no noticeable change due to the passage of the Reform Act. Tables reporting average lengths in months for split sentences are presented below.

**Average Sentence Length - Felony Class B - All Offenders**

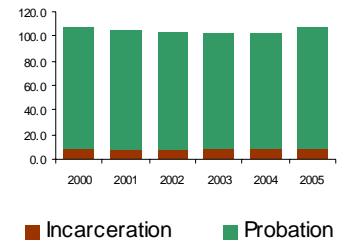
Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	8.0	8.5	4.5	98.5	95.7	22.7	294
2001	8.3	8.0	6.8	97.3	96.0	33.3	339
2002	7.7	7.0	4.1	96.3	96.0	19.7	291
2003	7.5	6.0	4.9	94.5	96.0	17.8	366
2004	7.6	6.0	5.4	95.2	96.0	20.7	390
2005	7.8	6.9	4.0	99.8	96.0	23.7	588



The table for multiple offenders was not included due to low occurrence frequencies.

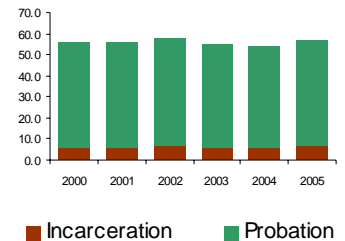
**Average Sentence Length - Felony Class B - Standard Offenders**

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	7.8	6.0	4.5	98.4	95.7	22.7	289
2001	8.2	7.9	6.8	96.8	96.0	32.9	331
2002	7.6	7.0	4.0	96.3	96.0	19.8	287
2003	7.5	6.0	4.9	94.5	96.0	17.8	363
2004	7.6	6.0	5.4	94.6	96.0	19.4	379
2005	7.9	6.9	4.0	99.6	96.0	23.7	580



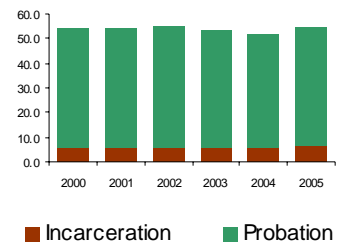
**Average Sentence Length - Class C - All Offenders**

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	5.8	5.3	3.9	49.5	48.0	18.9	873
2001	5.8	4.9	3.9	50.5	48.0	23.0	1,149
2002	6.2	6.0	6.5	51.3	48.0	21.0	1,099
2003	5.8	5.3	3.8	49.0	48.0	17.4	1,269
2004	6.1	5.9	4.0	47.7	45.0	18.2	1,324
2005	6.2	6.0	3.9	50.2	48.0	19.2	1,775



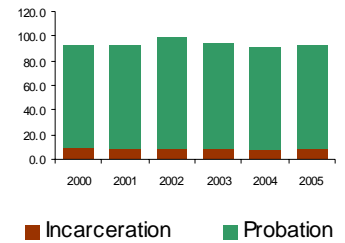
**Average Sentence Length - Class C - Standard Offenders**

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	5.7	5.0	3.8	48.3	46.5	18.0	839
2001	5.7	4.4	3.9	48.9	46.0	22.1	1,097
2002	6.1	6.0	6.6	48.8	46.3	18.4	1,030
2003	5.7	5.0	3.8	47.4	46.0	15.4	1,219
2004	6.0	5.9	4.0	46.0	42.0	15.6	1,265
2005	6.1	5.9	3.9	48.3	48.0	17.2	1,679



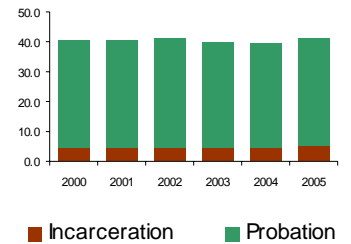
**Average Sentence Length - Class C - Multiple Offenders**

Fiscal Year	Months Incarceration			Months Probation			
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	N
2000	9.8	12.0	3.8	82.3	84.0	9.9	32
2001	7.9	6.7	4.0	84.2	84.0	12.5	50
2002	8.8	12.0	4.0	90.0	90.7	21.7	63
2003	8.3	9.0	3.7	85.7	89.3	14.5	42
2004	8.2	9.0	4.4	82.3	81.0	19.6	54
2005	7.8	8.0	4.1	84.5	84.0	19.5	90



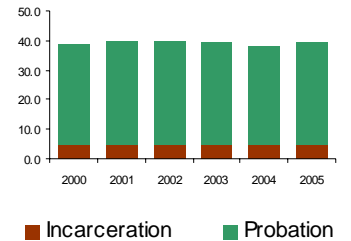
**Average Sentence Length - Class D - All Offenders**

Fiscal Year	Months Incarceration			Months Probation			
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	N
2000	4.5	3.0	3.6	35.9	33.0	18.2	712
2001	4.6	3.7	3.5	36.2	36.0	18.0	938
2002	4.7	3.8	3.5	36.4	34.5	18.6	891
2003	4.8	3.9	3.6	35.5	36.0	14.2	1,142
2004	4.8	4.0	3.5	34.7	34.0	15.4	1,013
2005	5.0	4.0	3.5	36.6	36.0	16.9	1,484



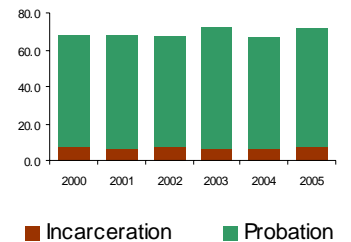
**Average Sentence Length - Class D - Standard Offenders**

Fiscal Year	Months Incarceration			Months Probation			
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	N
2000	4.4	3.0	3.5	34.3	31.0	17.2	665
2001	4.6	3.3	3.5	35.3	35.2	17.0	905
2002	4.5	3.3	3.4	35.1	34.0	17.7	841
2003	4.7	3.6	3.6	34.2	36.0	12.5	1,094
2004	4.8	4.0	3.4	33.1	32.7	13.5	954
2005	4.8	4.0	3.4	34.6	36.0	14.3	1,397



**Average Sentence Length - Class D - Multiple Offenders**

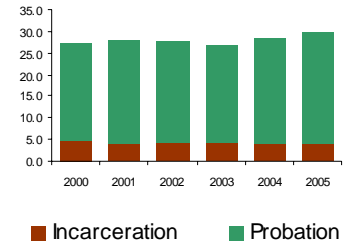
Fiscal Year	Months Incarceration			Months Probation			
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	N
2000	7.1	9.5	5.0	61.5	60.0	17.1	28
2001	6.5	5.5	4.2	61.1	60.0	21.1	28
2002	7.4	8.0	4.2	60.0	60.0	17.6	45
2003	6.7	6.0	4.0	66.1	60.0	16.5	45
2004	6.0	5.4	4.1	60.6	60.0	18.4	56
2005	7.5	6.0	4.0	63.3	60.0	19.1	72





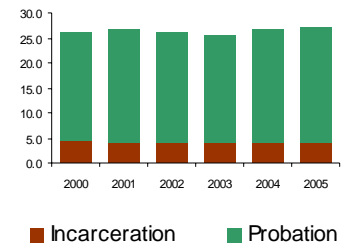
**Average Sentence Length - Class E - All Offenders**

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	4.4	4.0	3.0	22.6	22.0	14.1	1,731
2001	4.3	4.0	2.9	23.7	22.0	16.3	1,867
2002	4.1	3.9	2.7	23.5	22.5	14.7	1,602
2003	4.3	3.9	2.9	22.7	22.0	13.3	1,704
2004	4.3	4.0	2.7	24.3	24.0	15.1	1,780
2005	4.3	3.9	3.0	25.8	24.0	18.4	2,701



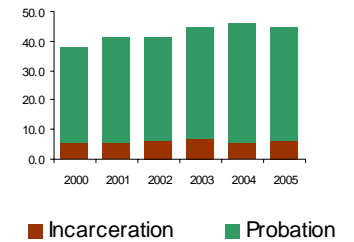
**Average Sentence Length - Class E - Standard Offenders**

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	4.3	4.0	2.9	21.8	21.0	13.7	1,612
2001	4.2	4.0	2.8	22.8	22.0	14.5	1,797
2002	4.0	3.6	2.6	22.2	22.0	14.1	1,475
2003	4.1	3.3	2.7	21.6	21.0	12.5	1,600
2004	4.1	4.0	2.6	22.6	22.0	13.7	1,619
2005	4.0	3.3	2.7	23.3	24.0	16.3	2,366



**Average Sentence Length - Class E - Multiple Offenders**

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	5.5	5.0	3.6	32.1	33.0	11.1	97
2001	5.7	5.0	3.4	35.2	36.0	12.3	47
2002	6.2	6.0	3.0	35.2	36.0	8.3	107
2003	6.7	6.0	3.8	37.8	36.0	14.2	90
2004	5.5	5.2	3.5	40.5	36.0	17.2	148
2005	6.3	5.0	4.0	38.6	36.0	21.0	277



## Conclusions

The Criminal Sentencing Reform Act of 2005 had the potential to most affect the use of sentence alternatives to incarceration and the lengths of sentences issued. The Act encouraged the use of sentence alternatives as well as eliminated presumptive sentences with regard to sentence lengths. The results however should be mitigated by the fact that only 29% of 2005 sentences had offense dates after the implementation of the 2005 Reform Act. With that being said, a few preliminary effects are worth highlighting. As codified as an advisory sentencing guideline in *TCA §40-35-102(6)*, incarceration continues to be utilized less in lieu of probation, community corrections and split probation/incarceration as a sentencing option. Additionally, the use of probation for sentences up to 120 months has increased. Analyzing the effects of removing presumptive sentences would be premature. More Post Act data is necessary to draw adequate conclusions. It does appear that Class A sentences may be reducing in length. However, changes in sentence lengths Post Act (2005) are generally within typical variances from year to year. Since both the utilization of sentence alternatives and the length of incarcerations have an impact on prison populations in Tennessee, future reports will continue to analyze activities in those areas.

## APPENDIX A: Specific Offense Incarceration Lengths

Specific offenses were included in analysis first by choosing the top three most frequently occurring offenses in each felony class, then by a combination of occurrence frequency, overall impact on sentence length and by the increasing in frequency of the occurrence of the offense (i.e. the offense is happening in increasing amounts, but was not historically happening in large numbers). The following offenses make up 68% of convicted offenses that result in incarceration. Felony class incarceration length tables are included for contextual reference.

### Average Incarceration Length - Class A - All Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	261.8	240.0	87.9	545
2001	249.0	240.0	68.2	595
2002	246.8	240.0	77.9	532
2003	266.5	240.0	98.7	527
2004	251.4	240.0	81.4	524
2005	243.2	240.0	84.5	514

### Average Incarceration Length - Class A - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	244.2	240.0	47.7	476
2001	238.0	240.0	45.1	543
2002	231.9	240.0	47.3	481
2003	238.5	240.0	44.4	449
2004	239.1	240.0	42.9	454
2005	232.2	240.0	46.0	440

### Average Incarceration Length - Class A - Multiple Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	406.0	396.0	55.2	41
2001	409.8	420.0	81.1	40
2002	441.8	480.0	53.0	35
2003	434.3	432.0	49.4	53
2004	402.9	390.0	53.5	33
2005	385.2	360.0	68.6	29

**Average Incarceration Length - Rape of a Child - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	253.8	252.0	43.1	122
2001	244.9	240.0	43.4	157
2002	232.9	240.0	47.1	151
2003	234.4	240.0	51.0	114
2004	227.1	240.0	40.6	145
2005	233.5	240.0	46.0	165

The table for multiple offenders was not included due to low occurrence frequencies.

**Average Incarceration Length - Rape of a Child - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	251.2	252.0	40.1	119
2001	243.5	240.0	40.1	156
2002	231.5	240.0	44.0	150
2003	232.1	240.0	43.3	110
2004	230.4	240.0	37.9	139
2005	235.9	240.0	44.7	160

**Average Incarceration Length - Second Degree Murder - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	271.4	258.0	87.5	92
2001	265.3	240.0	90.4	86
2002	284.5	276.0	88.4	104
2003	273.3	240.0	90.3	116
2004	280.7	264.0	98.6	86
2005	282.3	276.0	102.3	97

The table for multiple offenders was not included due to low occurrence frequencies.

**Average Incarceration Length - Second Degree Murder - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	245.7	240.0	43.2	75
2001	238.7	240.0	43.0	70
2002	253.3	240.0	42.8	85
2003	243.4	240.0	42.1	90
2004	251.3	240.0	40.7	67
2005	246.7	246.0	47.1	74

**Average Incarceration Length - Especially Aggravated Kidnapping - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	292.7	240.0	137.5	55
2001	262.2	240.0	88.5	75
2002	273.1	240.0	115.5	66
2003	315.9	264.0	116.3	102
2004	275.6	258.0	59.0	40
2005	245.5	240.0	80.3	23

The table for multiple offenders was not included due to low occurrence frequencies.

**Average Incarceration Length - Especially Aggravated Kidnapping - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	246.1	240.0	47.0	41
2001	236.6	240.0	46.5	64
2002	230.9	216.0	53.2	54
2003	251.8	240.0	34.4	74
2004	255.1	240.0	34.4	31
2005	218.0	222.0	39.7	18

**Average Incarceration Length - Felony Class B - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	117.4	108.0	36.2	2,105
2001	115.3	96.0	32.7	2,161
2002	117.8	108.0	35.4	2,086
2003	116.6	96.0	36.8	2,026
2004	116.5	96.0	41.0	2,015
2005	117.1	96.0	37.4	2,027

One persistent offender Schedule II Cocaine case was removed from 2004 because of an inordinately high sentence of 54 years.

**Average Incarceration Length - Felony Class B - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	110.1	96.0	18.8	1,791
2001	109.1	96.0	17.3	1,860
2002	110.7	96.0	18.5	1,780
2003	109.5	96.0	18.7	1,707
2004	108.5	96.0	19.1	1,649
2005	110.3	96.0	18.8	1,633

**Average Incarceration Length - Felony Class B - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	186.4	180.0	37.5	169
2001	174.4	168.0	40.7	177
2002	179.6	168.0	38.7	174
2003	182.4	180.0	37.5	177
2004	177.8	180.0	36.4	154
2005	180.6	180.0	39.3	183

**Average Incarceration Length - Schedule II Cocaine - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	111.8	96.0	29.2	589
2001	112.1	96.0	32.5	635
2002	109.6	96.0	21.4	564
2003	112.8	96.0	33.7	605
2004	110.4	96.0	35.0	399
2005	114.9	96.0	36.8	465

One persistent offender case was removed from 2004 because of an inordinately high sentence of 54 years.

**Average Incarceration Length - Schedule II Cocaine - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	105.2	96.0	15.0	534
2001	104.6	96.0	15.7	573
2002	105.6	96.0	16.0	514
2003	105.1	96.0	17.8	543
2004	101.9	96.0	14.9	354
2005	105.2	96.0	16.4	411

**Average Incarceration Length - Schedule II Cocaine - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	176.2	156.0	39.7	41
2001	167.1	144.0	41.2	52
2002	155.0	144.0	20.5	47
2003	170.4	168.0	36.7	56
2004	163.9	144.0	36.6	38
2005	169.4	174.0	26.0	44

**Average Incarceration Length - Aggravated Robbery - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	116.8	96.0	38.1	803
2001	115.4	96.0	34.6	778
2002	119.8	96.0	43.1	843
2003	117.6	96.0	40.9	750
2004	116.1	96.0	40.0	927
2005	118.3	96.0	44.8	817

**Average Incarceration Length - Aggravated Robbery - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	110.7	96.0	20.2	626
2001	109.2	96.0	16.9	614
2002	109.5	96.0	17.3	646
2003	110.6	96.0	19.6	572
2004	109.9	96.0	18.6	692
2005	110.6	96.0	19.6	539

**Average Incarceration Length - Aggravated Robbery - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	179.9	180.0	33.7	68
2001	178.8	168.0	37.5	73
2002	185.7	180.0	39.7	88
2003	187.7	180.0	36.0	72
2004	183.1	180.0	32.6	78
2005	184.8	180.0	42.1	95

**Average Incarceration Length - Aggravated Sexual Battery - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	118.1	120.0	21.5	191
2001	116.6	120.0	21.2	213
2002	117.9	120.0	28.7	165
2003	117.6	120.0	22.6	170
2004	128.5	102.0	59.9	226
2005	120.8	120.0	24.7	208

The table for multiple offenders was not included due to low occurrence frequencies.

**Average Incarceration Length - Aggravated Sexual Battery - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	115.8	120.0	16.8	185
2001	114.7	120.0	17.5	206
2002	115.2	120.0	18.8	158
2003	117.0	120.0	19.4	156
2004	108.9	96.0	17.0	192
2005	117.9	120.0	20.2	197

**Average Incarceration Length - Class C - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	56.4	48.0	26.6	5,488
2001	55.2	48.0	24.5	5,650
2002	55.6	48.0	24.0	5,128
2003	55.7	48.0	24.6	5,679
2004	55.3	48.0	25.9	4,255
2005	55.8	48.0	24.8	4,312

**Average Incarceration Length - Class C - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	48.6	48.0	15.0	4,682
2001	48.6	48.0	14.7	4,912
2002	49.4	48.0	14.8	4,488
2003	48.6	48.0	14.4	4,855
2004	47.8	48.0	14.3	3,640
2005	49.0	48.0	14.9	3,637

**Average Incarceration Length - Class C - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	91.2	96.0	19.7	635
2001	92.1	96.0	19.2	592
2002	90.5	96.0	17.1	510
2003	91.5	96.0	19.2	660
2004	92.4	96.0	21.7	477
2005	90.4	84.0	20.3	512



**Average Incarceration Length - Aggravated Burglary - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	61.6	48.0	32.1	1,675
2001	56.6	48.0	26.7	1,630
2002	56.1	48.0	22.6	1,252
2003	58.1	48.0	27.3	1,444
2004	56.0	48.0	25.3	1,078
2005	56.4	48.0	24.8	970

**Average Incarceration Length - Aggravated Burglary - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	48.4	48.0	13.6	1,308
2001	48.4	48.0	13.5	1,385
2002	49.6	48.0	13.8	1,073
2003	47.5	48.0	13.5	1,153
2004	47.8	48.0	13.8	910
2005	48.5	48.0	13.5	801

**Average Incarceration Length - Aggravated Burglary - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	94.3	96.0	19.2	275
2001	91.9	96.0	20.7	185
2002	89.4	96.0	16.6	157
2003	93.8	96.0	18.3	240
2004	96.6	96.0	19.4	139
2005	88.4	84.0	18.4	128

**Average Incarceration Length - Aggravated Assault - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	53.4	48.0	22.4	955
2001	52.7	48.0	22.4	896
2002	53.1	48.0	24.1	859
2003	52.5	48.0	21.5	945
2004	53.5	48.0	24.6	651
2005	54.0	48.0	24.8	730

**Average Incarceration Length - Aggravated Assault - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	47.9	42.0	15.2	840
2001	46.4	36.0	13.1	780
2002	47.3	36.0	14.7	763
2003	48.1	36.0	14.5	847
2004	46.8	36.0	13.9	561
2005	47.0	36.0	14.4	620

**Average Incarceration Length - Aggravated Assault - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	89.4	93.0	17.5	100
2001	93.2	96.0	17.2	105
2002	92.3	96.0	18.0	74
2003	85.3	72.0	19.3	81
2004	87.7	84.0	18.7	73
2005	88.9	81.0	20.1	84

**Average Incarceration Length - Schedule II Cocaine < 1/2 Gram - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	48.0	36.0	16.8	1,108
2001	51.4	48.0	20.1	938
2002	52.3	48.0	19.3	871
2003	51.9	48.0	20.5	939
2004	52.7	48.0	22.1	666
2005	51.7	48.0	21.2	630

**Average Incarceration Length - Schedule II Cocaine < 1/2 Gram - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	45.3	36.0	12.5	1,031
2001	47.6	48.0	14.1	855
2002	48.8	48.0	14.0	797
2003	47.8	48.0	14.0	846
2004	47.5	48.0	13.8	584
2005	47.2	36.0	14.1	547

**Average Incarceration Length - Schedule II Cocaine < 1/2 Gram - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	81.8	72.0	17.0	69
2001	89.5	96.0	19.2	72
2002	88.8	96.0	17.7	68
2003	86.8	84.0	19.7	76
2004	82.9	72.0	17.0	66
2005	89.7	84.0	24.4	61

**Average Incarceration Length - Schedule II Drugs: Max \$100,000 Fine - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	50.2	48.0	17.9	228
2001	49.8	48.0	16.5	414
2002	50.4	48.0	18.3	541
2003	50.9	48.0	19.0	674
2004	49.5	48.0	18.3	500
2005	49.7	48.0	18.9	397

**Average Incarceration Length - Schedule II Drugs: Max \$100,000 Fine - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	47.3	48.0	13.1	214
2001	47.2	48.0	13.2	384
2002	47.3	48.0	12.9	506
2003	46.6	37.5	13.0	608
2004	46.1	36.0	12.4	459
2005	46.4	48.0	13.1	358

**Average Incarceration Length - Schedule II Drugs: Max \$100,000 Fine - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	90.0	96.0	21.1	13
2001	84.4	72.0	15.4	27
2002	90.1	84.0	18.0	30
2003	88.3	96.0	16.2	59
2004	90.7	90.0	19.5	35
2005	87.7	72.0	20.8	29

**Average Incarceration Length - Class D - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	39.8	36.0	24.3	4,608
2001	39.1	36.0	22.5	4,933
2002	38.8	36.0	22.2	4,874
2003	37.7	36.0	20.7	4,707
2004	37.0	24.0	21.3	3,889
2005	38.3	30.0	21.6	4,090

**Average Incarceration Length - Class D - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	31.4	24.0	9.8	3,766
2001	32.0	24.0	9.7	4,163
2002	32.0	24.0	9.8	4,150
2003	31.5	24.0	9.7	3,970
2004	30.7	24.0	9.4	3,289
2005	30.8	24.0	9.5	3,350

**Average Incarceration Length - Class D - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	66.4	60.0	21.7	651
2001	65.9	72.0	18.6	577
2002	63.1	60.0	17.2	532
2003	61.8	60.0	17.7	590
2004	59.9	48.0	17.5	464
2005	64.6	60.0	19.2	617

**Average Incarceration Length - Theft: \$1,000 to \$10,000 - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	40.4	36.0	24.3	1,820
2001	38.8	36.0	22.2	1,813
2002	39.6	36.0	22.3	1,760
2003	37.7	36.0	20.3	1,469
2004	37.2	30.0	19.4	1,136
2005	39.1	36.0	22.2	1,213

**Average Incarceration Length - Theft: \$1,000 to \$10,000 - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	31.8	24.0	10.1	1,474
2001	31.7	24.0	9.8	1,513
2002	32.6	24.0	10.2	1,485
2003	31.8	24.0	10.0	1,245
2004	31.1	24.0	9.5	955
2005	31.3	24.0	9.5	990

**Average Incarceration Length - Theft: \$1,000 to \$10,000 - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	66.4	60.0	21.8	271
2001	64.7	60.0	18.8	232
2002	63.2	60.0	17.5	204
2003	60.8	60.0	17.0	183
2004	63.7	60.0	18.7	149
2005	63.1	60.0	18.2	171

**Average Incarceration Length - Burglary Other Than Habitation - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	43.3	36.0	24.1	910
2001	41.0	36.0	22.4	1,164
2002	43.2	36.0	27.0	930
2003	42.6	36.0	24.7	1,159
2004	39.2	36.0	19.9	781
2005	41.5	36.0	22.9	859

**Average Incarceration Length - Burglary Other Than Habitation - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	32.4	24.0	9.7	666
2001	33.7	36.0	9.9	979
2002	33.7	36.0	9.9	770
2003	32.7	24.5	10.3	888
2004	32.7	25.0	9.9	640
2005	33.3	36.0	9.8	683

**Average Incarceration Length - Burglary Other Than Habitation - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	66.5	60.0	21.7	200
2001	68.4	69.0	19.0	134
2002	63.6	60.0	18.0	92
2003	63.3	60.0	18.0	214
2004	58.7	48.0	15.3	117
2005	65.5	48.0	20.9	146

**Average Incarceration Length - Identity Theft - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	37.0	24.0	23.2	111
2001	49.0	36.0	30.6	146
2002	42.0	36.0	19.9	207
2003	43.5	36.0	26.2	167
2004	37.0	24.0	22.9	271
2005	45.9	42.0	24.1	463

**Average Incarceration Length - Identity Theft - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	30.4	24.0	9.3	97
2001	31.4	24.0	9.4	94
2002	31.6	33.0	8.4	148
2003	32.3	24.0	10.0	120
2004	29.5	24.0	8.0	213
2005	32.1	24.0	10.0	299

**Average Incarceration Length - Identity Theft - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	65.5	60.0	18.1	11
2001	67.5	72.0	11.7	40
2002	65.5	72.0	12.2	55
2003	54.8	48.0	12.2	32
2004	46.9	48.0	10.2	45
2005	67.9	60.0	19.2	152

**Average Incarceration Length - Obtain Drugs by Fraud - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	50.1	36.0	39.1	170
2001	51.9	36.0	34.1	182
2002	35.3	36.0	19.9	212
2003	33.2	24.0	13.4	231
2004	31.2	24.0	13.1	210
2005	29.0	24.0	13.3	200

**Average Incarceration Length - Obtain Drugs by Fraud - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	31.4	24.0	8.8	131
2001	33.8	36.0	9.6	130
2002	31.7	24.0	9.0	201
2003	31.4	24.0	8.7	221
2004	30.1	24.0	9.0	202
2005	26.4	24.0	7.7	188

**Average Incarceration Length - Obtain Drugs by Fraud - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	79.0	96.0	22.2	18
2001	78.2	72.0	14.7	30
2002	64.0	72.0	12.4	6
2003	63.0	60.0	8.5	8
2004	40.0	36.0	19.6	6
2005	66.5	60.0	16.4	11

**Average Incarceration Length - Class E - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	22.3	24.0	12.4	8,969
2001	23.2	24.0	13.4	9,505
2002	22.2	24.0	11.9	9,031
2003	22.1	24.0	11.4	8,334
2004	22.4	24.0	12.9	6,835
2005	23.1	24.0	13.5	6,416

**Average Incarceration Length - Class E - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	18.1	18.0	5.9	7,347
2001	18.6	21.0	6.3	7,720
2002	18.4	18.0	6.1	7,540
2003	18.5	18.0	6.0	6,960
2004	17.9	18.0	6.1	5,494
2005	17.8	18.0	6.0	5,012

**Average Incarceration Length - Class E - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	35.5	36.0	9.8	1,213
2001	35.7	36.0	10.2	1,248
2002	36.0	36.0	10.2	1,165
2003	36.8	36.0	10.3	1,134
2004	35.2	36.0	10.6	1,025
2005	36.7	36.0	10.2	1,053

**Average Incarceration Length - Forgery: Up to \$1,000 - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	24.9	24.0	13.3	2,731
2001	26.5	24.0	15.7	3,193
2002	24.3	24.0	13.1	2,911
2003	23.4	24.0	11.9	2,500
2004	24.2	24.0	14.2	2,281
2005	26.0	24.0	15.7	1,846

**Average Incarceration Length - Forgery: Up to \$1,000 - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	19.6	24.0	5.6	2,103
2001	19.5	24.0	5.9	2,424
2002	19.6	24.0	6.1	2,410
2003	19.2	24.0	5.6	2,066
2004	18.4	18.0	6.0	1,791
2005	18.1	18.0	5.7	1,353



**Average Incarceration Length - Forgery: Up to \$1,000 - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	36.2	36.0	9.7	428
2001	38.5	36.0	10.1	480
2002	40.3	48.0	9.5	364
2003	39.3	40.0	10.1	366
2004	39.1	40.0	10.3	369
2005	40.6	48.0	9.0	328

**Average Incarceration Length - Burglary: Auto - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	22.1	24.0	12.1	1,074
2001	22.9	24.0	10.7	960
2002	23.2	24.0	11.5	1,028
2003	22.6	24.0	12.1	1,079
2004	21.3	24.0	11.4	698
2005	24.5	24.0	14.0	624

**Average Incarceration Length - Burglary: Auto - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	18.2	20.0	5.9	900
2001	19.6	24.0	5.8	793
2002	18.9	24.0	5.8	810
2003	18.9	24.0	6.0	933
2004	17.7	17.0	5.9	576
2005	19.3	24.0	5.7	500

**Average Incarceration Length - Burglary: Auto - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	35.5	36.0	9.5	136
2001	34.0	36.0	9.2	142
2002	34.9	36.0	9.2	184
2003	40.3	48.0	9.8	114
2004	32.5	30.0	9.7	98
2005	37.4	36.0	11.1	85

**Average Incarceration Length - Theft: \$500 - \$1,000 - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	21.8	24.0	12.8	899
2001	21.6	24.0	12.6	938
2002	20.5	18.0	11.2	832
2003	22.3	24.0	12.0	755
2004	19.9	18.0	10.6	581
2005	21.4	18.0	12.7	619

**Average Incarceration Length - Theft: \$500 - \$1,000 - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	17.4	12.0	5.8	738
2001	18.0	18.0	6.5	809
2002	17.4	12.0	6.0	718
2003	18.3	18.0	6.0	626
2004	16.8	12.0	5.8	488
2005	17.0	12.0	6.3	507

**Average Incarceration Length - Theft: \$500 - \$1,000 - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	35.7	36.0	10.4	122
2001	36.3	36.0	10.3	86
2002	33.3	36.0	9.4	87
2003	38.0	36.0	11.2	107
2004	32.9	24.0	10.8	79
2005	36.7	36.0	10.6	89

**Average Incarceration Length - Schedule VI Drugs: Not < 1/2 Ounce - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	19.4	17.0	9.8	568
2001	19.4	18.0	9.1	565
2002	19.3	18.0	7.8	505
2003	20.1	24.0	8.9	433
2004	19.4	18.0	9.9	357
2005	19.1	18.0	9.1	317

**Average Incarceration Length - Schedule VI Drugs: Not < 1/2 Ounce - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	17.1	12.0	5.9	505
2001	17.9	15.0	6.5	528
2002	18.0	18.0	5.9	465
2003	18.3	18.0	6.2	390
2004	17.8	12.0	7.5	324
2005	17.2	12.0	5.8	285

**Average Incarceration Length - Schedule VI Drugs: Not < 1/2 Ounce - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	35.9	36.0	10.5	53
2001	35.1	36.0	8.9	26
2002	33.5	36.0	9.7	38
2003	35.4	36.0	9.3	40
2004	32.6	24.5	11.7	28
2005	34.3	36.0	9.6	28

**Average Incarceration Length - Habitual Traffic Offender - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	20.4	18.0	10.9	1,019
2001	21.0	18.0	10.7	908
2002	20.8	18.0	10.6	717
2003	21.6	24.0	10.8	648
2004	22.8	24.0	12.1	428
2005	22.3	24.0	11.3	530

**Average Incarceration Length - Habitual Traffic Offender - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	17.0	12.0	5.5	847
2001	17.2	12.0	6.0	712
2002	17.2	12.3	5.6	579
2003	17.5	18.0	5.5	497
2004	17.9	18.0	5.7	325
2005	17.1	12.0	5.7	376

**Average Incarceration Length - Habitual Traffic Offender - Multiple Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	34.2	36.0	9.8	144
2001	32.1	30.0	8.8	168
2002	33.4	36.0	9.2	119
2003	31.4	30.0	8.6	127
2004	32.7	36.0	8.9	76
2005	33.5	36.0	9.3	138

**Average Incarceration Length - Failure to Appear (Felony) - All Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	18.2	12.0	12.0	289
2001	19.5	12.0	12.8	323
2002	18.0	12.0	9.5	325
2003	17.9	12.0	9.2	300
2004	21.0	12.0	13.6	270
2005	17.9	12.0	9.2	272

**Average Incarceration Length - Failure to Appear (Felony) - Standard Offenders**

Fiscal Year	Mean	Median	Standard Deviation	N
2000	14.3	12.0	4.4	244
2001	15.9	12.0	5.5	278
2002	14.9	12.0	5.1	260
2003	15.2	12.0	5.1	254
2004	15.5	12.0	5.3	200
2005	15.2	12.0	5.1	230

**Average Incarceration Length - Failure to Appear (Felony) - Multiple Offenders**

Year	Mean	Median	Standard Deviation	N
2000	31.5	24.0	9.1	33
2001	29.2	24.0	8.1	29
2002	28.3	24.0	7.8	57
2003	31.5	24.0	9.8	35
2004	29.2	24.0	8.7	54
2005	30.6	24.0	9.0	40

## APPENDIX B: Sentence Range Matrix

### Sentence Lengths

Felony Class	Mitigated	Standard Range I	Multiple Range II	Persistent Range III	Career
<b>A</b> 180-720 months	162 months	180-300 months	300-480 months	480-720 months	720 months
<b>B</b> 96-360 months	86.4 months	96-144 months	144-240 months	240-360 months	360 months
<b>C</b> 36-180 months	32.4 months	36-72 months	72-120 months	120-180 months	180 months
<b>D</b> 24-144 months	21.6 months	24-48 months	48-96 months	96-144 months	144 months
<b>E</b> 12-72 months	10.8 months	12-24 months	24-48 months	48-72 months	72 months