

Survey of Superior Court Sentencing Practices FY 2018



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FY2019 Survey of Superior Court Sentencing Practices

Executive Summary

The legislation which established the Massachusetts Sentencing Commission directed the commission to conduct a comprehensive survey of sentencing practices. This report updates earlier surveys of sentencing practices which began as part of the process of formulating sentencing guidelines. The present survey considers those individuals convicted in the superior courts of the commonwealth during FY 2018. The survey considers the nature of the sentence imposed following conviction, including sentences to probation or incarceration. Further, the survey presents the length of sentences imposed when those sentences include a period of incarceration.

Throughout the report the advisory sentencing guidelines grid is used as a framework for the analysis. This allows for the seriousness of the offense of conviction and the criminal history of the defendant to be considered in relation to observed sentencing practices.

Some highlights from the survey of superior court sentencing practices are:

- There were an estimated 3,031 **convicted defendants** in superior court in FY 2018;
- Of **incarcerated defendants**, 30.0% were sentenced to a house of correction (HOC) and 70.0% were sentenced to the Department of Correction (DOC);
 - For state prison sentences, the median minimum state prison sentence was 42.0 months and the median maximum state prison sentence was 48.03 months;
 - For house of correction sentences, the median sentence length was 18.0 months;
 - Of incarcerated defendants, 32.9% also had a period of **post release probation supervision** imposed through a split or from & after probation sentence;
- For those defendants convicted of **offenses assigned to the sentencing guidelines grid**:
 - The incarceration rate was 79.1%;
 - With respect to the sentencing zones on the sentencing guidelines grid:

- 37.6% of the defendants were classified in the incarceration zone;
 - 56.0% of the defendants were classified in the discretionary zone;
 - 4.5% of the defendants were classified in the intermediate sanctions zone; and,
 - 1.9% of the defendants were not classified to a sentencing zone
- For those defendants convicted of **offenses not assigned to the sentencing grid**:
 - There were an estimated 52 convictions for OUI offenses, including 50 subject to a mandatory term;
 - There were an estimated 283 convictions for mandatory drug offenses; and,
 - There were an estimated 198 convictions for mandatory firearms offenses.
- For **all convicted defendants**:
 - 7.8% of all convicted defendants were female;
 - 91.8% of all convicted defendants were male;
 - The mean age of convicted defendants at the time of disposition was 35 years, and ranged from 17 years to 77 years.
 - 41.2% of all convicted defendants were white;
 - 26.0% of all convicted defendants were black;
 - 27.4% of all convicted defendants were Hispanic;
 - 1.5% of all convicted defendants were of other races; and, the race was unknown for 3.9% of the defendants.
- 23.3% of defendants convicted of mandatory drug offenses were white and 70.7% of defendants convicted of mandatory drug offenses were racial/ethnic minorities (27.2% were black and 43.5% were Hispanic).

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**MASSACHUSETTS SENTENCING COMMISSION
SURVEY OF SUPERIOR COURT SENTENCING PRACTICES
FY 2018**

PART I. THE MASSACHUSETTS SENTENCING COMMISSION

BACKGROUND OF THE SENTENCING COMMISSION

The Massachusetts Sentencing Commission (commission) was established by Chapter 432 of the Acts of 1993 as “an independent commission within the judicial branch of the commonwealth”¹ whose purpose was “to recommend sentencing policies and practices for the commonwealth.”² Legislation pertaining to the commission was later codified in the Massachusetts General Laws as c. 211E.³ The commission submitted its recommended sentencing guidelines in April 1996.⁴ A legislative hearing on the report was held by the Joint Committee on Criminal Justice in July 1996.

Sentencing guidelines legislation based on those recommendations was filed in December 1996.⁵ In June 1997, the Joint Committee on Criminal Justice held a hearing on the sentencing guidelines legislation. The guidelines legislation did not come to a vote in the 1997-1998 legislative session and the sentencing guidelines legislation was filed for consideration in the 1999-2000 legislative session and in the 2001-2002 legislative session.^{6 7} The Joint Committee on Criminal Justice held hearings on this legislation in May 1999 and May 2001. In October 2001 the House of Representatives voted to engross the sentencing guidelines legislation but no further action was taken during that session.⁸ Sentencing guidelines legislation was filed for consideration during the 2003-2004

¹ St. 1993, c. 432 §1(a).

² St. 1993, c. 432 § 2.

³ St. 1996, c. 12.

⁴ Massachusetts Sentencing Commission, *Report to the General Court*, April 10, 1996.

⁵ Filed for the 1997-1998 legislative session as Senate No. 135 and House No. 2634.

⁶ Filed for the 1999-2000 legislative session as Senate No. 198 and House No. 1521.

⁷ Filed for the 2001-2002 legislative session as Senate No. 1004 and House No. 3497.

⁸ The guidelines legislation was reported out of the Criminal Justice Committee as House 4596 and was engrossed as House 4642 on October 9, 2001 by a vote of 126 to 19.

legislative session.⁹ A hearing on this legislation was held on May 21, 2003 but the guidelines legislation did not come to a vote during that session. Sentencing guidelines legislation was filed for consideration during the 2005-2006 legislative session and hearings were held November 22, 2005.¹⁰ Sentencing guidelines legislation was filed for the 2007-2008 legislative session and hearings were held November 13, 2007.¹¹ Sentencing guidelines legislation was filed for the 2009-2010 legislative session and those bills were referred for further study.¹² Sentencing guidelines legislation was filed for the 2011-2012, 2013-2014, and 2015-2016 legislative sessions and those bills were referred to the Committee on the Judiciary.¹³

In 2014, the Massachusetts Sentencing Commission was re-constituted with nine new voting members. In November 2017, the commission proposed advisory sentencing guidelines, see *Advisory Sentencing Guidelines, Massachusetts Sentencing Commission, (November 2018)*.¹⁴

Sentencing Guidelines Grid

The advisory sentencing guidelines are in the form of a sentencing guidelines grid. The vertical axis of the grid is composed of ten levels of offense seriousness, ranging from level 0, the lowest level of offense seriousness, to level 9, the highest level of offense seriousness. The horizontal axis of the grid is composed of five categories of defendant criminal history, ranging from criminal history category A, “No/Minor Record” to criminal history category E, “Serious Violent Record”. There is also a column containing the suggested maximum probation term for each offense seriousness level. The resulting grid is divided into three sentencing zones: the “incarceration zone”; the “discretionary zone”; and, the “intermediate sanction” zone. A detailed description of the advisory sentencing guidelines can be found in the *Advisory Sentencing Guidelines, Massachusetts Sentencing Commission, (November 2018)*. The sentencing guidelines grid is shown in Figure 1. The definition of the criminal history groups is contained in Appendix A.

⁹ Filed for the 2003-2004 legislative session as Senate No. 219 and House Nos. 2749, 2750, and 3302.

¹⁰ Filed for the 2005-2006 legislative session as Senate No. 1064 and House Nos. 813, 682, 683, and 938.

¹¹ Filed for the 2007-2008 legislative session as Senate No. 1034 and House Nos. 1415, 1569, 2264, and 2265.

¹² Filed for the 2009-2010 legislative session as Senate Nos. 1679 and 1860 (referred to study on October 24, 2010 by S. 2631) and House No. 1518 (referred to study on May 19, 2010 by H. 4691).

¹³ Filed for the 2011-2012 legislative session as Senate No. 743 and House No. 1340; 2013-2014, House No. 1466; 2015-2016, House No. 1458.

¹⁴ Massachusetts Sentencing Commission, *op. cit.*

Figure 1. Sentencing Guidelines Grid

Level	Example	Presumptive Sentence Range					Suggested Maximum Probation Term Range
		A	B	C	D	E	
9	Murder	Life	Life	Life	Life	Life	3 Y e a r s
8	Manslaughter (Voluntary)	96 - 144 Mos.	108 - 162 Mos.	120 - 180 Mos.	144 - 216 Mos.	204 - 306 Mos.	
7	Armed Robbery (Gun)	60 - 90 Mos.	68 - 102 Mos.	84 - 126 Mos.	108 - 162 Mos.	160 - 240 Mos.	
6	Manslaughter (Involuntary)	40 - 60 Mos.	45 - 67 Mos.	50 - 75 Mos.	60 - 90 Mos.	80 - 120 Mos.	
5	Indecent A&B on Child Under 14	12 - 36 Mos.	24 - 36 Mos.	36 - 54 Mos.	48 - 72 Mos.	60 - 90 Mos.	2 Y e a r s
4	Larceny From a Person	0 - 24 Mos.	3 - 30 Mos.	6 - 30 Mos.	20 - 30 Mos.	24 - 36 Mos.	
3	A&B DW (No or minor injury)	0 - 12 Mos.	0 - 15 Mos.	0 - 18 Mos.	0 - 24 Mos.	6 - 24 Mos.	
2	Assault		0 - 6 Mos.	0 - 6 Mos.	0 - 9 Mos.	0 - 12 Mos.	1 Y e a r
1	Operating Aft Suspended Lic				0 - 3 Mos.	0 - 6 Mos.	
0	Lic Law Violation (not MV) Violation Town By-Law	IS-0					
Criminal History Scale		A No/Minor Record	B Moderate Record	C Serious Record	D Violent or Repetitive	E Serious Violent	

Sentencing Zones

- Incarceration Zone
- Discretionary Zone (incarceration/intermediate sanction)
- Intermediate Sanction Zone
- No supervision, no fines, no fees zone

The numbers in each cell represent the range from which the judge selects the maximum sentence (Not More Than);
The minimum sentence (Not Less Than) is 2/3rds of the maximum sentence and constitutes the initial parole eligibility date.

CURRENT ROLE OF THE SENTENCING COMMISSION

The mission of the commission is to promote truth-in-sentencing by formulating uniform sentencing policies, developing systematic sentencing guidelines, and integrating intermediate sanctions within the sentencing guidelines.

Monitoring

In developing the sentencing guidelines, the legislation directed the commission to conduct a comprehensive survey of sentencing practices:

The commission shall conduct an empirical study in order to ascertain, to the extent practical, a survey of those individuals appearing before the commonwealth's criminal courts, and those committed to probation, prison, and jail. It should also include the average sentence imposed for all offenses prior to the promulgation by the commission of the sentencing guidelines, and the length of prison terms actually served in those cases.¹⁵

Further, the commission has ongoing responsibilities for monitoring sentencing practices:

The commission periodically shall assess the impact of the sentencing guidelines in order to determine the type and amount of correctional resources needed. In particular, the commission shall examine the impact of said guidelines on intermediate sanctions and correctional institutions and may consult with all appropriate authorities for this purpose.¹⁶

The commission included a survey of sentencing practices when completing its 1996 recommendations.¹⁷ The original survey of sentencing practices covered the period of FY 1994, or July 1, 1993 through June 30, 1994. The series of annual surveys of sentencing practices continued through FY2013. The annual survey series was paused between FY2014 to FY2017. This report, the FY2018 Survey of Superior Court Sentencing Practices, represents the resumption of the report series. A FY2019 Survey of Sentencing Practices (all court departments) is planned for FY2020.

Training

The advisory sentencing guidelines are currently in voluntary use in many courts. The commission is involved in training court practitioners in the use of sentencing guidelines. The commission maintains the *Felony and Misdemeanor Master Crime List* which contains

¹⁵ G.L. c. 211E § 3(c).

¹⁶ G.L. c. 211E § 3(f).

¹⁷ Massachusetts Sentencing Commission, *op. cit.*

basic sentencing information for those criminal offenses which are punishable by an imprisonment term and serves as a reference guide to the advisory sentencing guidelines for those offenses.¹⁸

Information Resource

The commission is also responsible to:

. . . serve as a clearinghouse for the collection, preparation, and dissemination of information on sentencing practices and assist courts, departments, and agencies in the development, maintenance, and coordination of sound sentencing practices.¹⁹

The current report serves to meet this responsibility of the commission.

¹⁸ Massachusetts Sentencing Commission, *Felony and Misdemeanor Master Crime List*, June 2018.

¹⁹ G.L. c. 211E § 1(c)(7).

PART II. SURVEY OF SENTENCING PRACTICES

The results of the survey of superior court sentencing practices are presented in this section. Additional statistical results are presented in Appendix B. The method used to develop the statistical estimates of sentencing practices is described in Appendix A.

SENTENCING PRACTICES: OVERVIEW

Sentencing Practices

Fiscal Year 2018 (FY 2018) covers the period July 1, 2017 through June 30, 2018. During this period there were an estimated 3,031 convictions in the superior courts of the commonwealth. See Table 1.

Table 1. Month of Conviction

Month	N
July-17	196
August-17	232
September-17	269
October-17	250
November-17	286
December-17	240
January-18	271
February-18	233
March-18	272
April-18	216
May-18	246
June-18	320
Total	3,031

Sentencing Practices: County

There are fourteen counties in Massachusetts. As indicated in Table 2, the number of superior court convictions ranged from 3 in Dukes County to 535 in Suffolk County. Eight of the fourteen counties (Worcester, Suffolk, Middlesex, Essex, Hampden, Bristol, Plymouth, and Norfolk) accounted for 89.9% of all superior court convictions in Massachusetts.

Table 2. County of Conviction

County	N
Barnstable	122
Berkshire	78
Bristol	292
Dukes	3
Essex	378
Franklin	39
Hampden	454
Hampshire	56
Middlesex	395
Nantucket	9
Norfolk	188
Plymouth	207
Suffolk	535
Worcester	275
Total	3,031

Sentencing Practices: Truth-in-Sentencing Reform

Sentencing reform legislation, commonly known as truth-in-sentencing legislation, became effective on July 1, 1994. During FY 2018, there were no cases sentenced under pre-truth-in-sentencing provisions (old law).

Sentencing Practices: Number of Charges

At the time of conviction a defendant can be sentenced for one or more charges. Table 3 shows the number of charges resulting in conviction at the current sentencing event. The number of convicted charges ranged from 1 to 62 and the mean number of charges resulting in conviction was 3.3. Overall, 913, or 30.1% of superior court defendants were convicted of a single charge and 2,100 or 69.9% were convicted of two or more charges.

Table 3. Number of Charges Resulting in Conviction

Number of Charges Resulting in Conviction	N	%
One	913	30.1%
Two	780	25.7%
Three	444	14.6%
Four	291	9.6%
Five to Nine	473	15.6%
Ten or More	130	4.3%
Total	3,031	100.0%

Sentencing Practices: Type of Sentence Imposed

Table 4 shows the type of sentence imposed for all convicted defendants: life, state prison, other DOC, house of correction, house of correction / split, probation, fine, and other. The most frequently imposed type of sentence was state prison.

As indicated in Table 4, an estimated 54 superior court defendants received a sentence to life. Of the 54 convicted defendants who received a life sentence, 53 were convicted of murder and 1 was convicted of home invasion.

Table 4. Type of Sentence Imposed

Type of Sentence	N	%
Life	54	1.8%
State Prison	1,702	56.2%
House of Correction	542	17.9%
House of Correction / Split	210	6.9%
Probation	523	17.3%
		0.0%
Total	3,031	100.0%

Sentencing Practices: Penalty Structure

In Massachusetts, felonies are defined as any offense punishable by imprisonment in the state prison, and misdemeanors are all other offenses.²⁰ For many felonies, judges have the option to sentence an offender to state prison or to a house of correction. Table 5 shows the penalty structure associated with the governing offense. For purposes of this analysis, governing offenses were divided into four categories: felony with no house of correction alternative (e.g. robbery), felony with house of correction alternative (and no district court jurisdiction) (e.g. mayhem), felony with house of correction alternative (and district court or joint jurisdiction) (e.g. A&B with dangerous weapon), and misdemeanor (e.g. A&B).

As indicated in Table 5, 91.2% of all superior court defendants were convicted of felonies and 8.8% were convicted of misdemeanors, with more than one-half (59.6%) of superior court defendants convicted of offenses with district court jurisdiction (felonies with joint jurisdiction or misdemeanors).

Table 5. Penalty Structure of Governing Offense

Type of Sentence	N	%
Felony / No House Alternative	940	31.0%
Felony / House Alternative / No District Court	284	9.4%
Felony / House Alternative / District Court Jurisdiction	1,540	50.8%
Sub-Total Felonies	2,764	91.2%
Misdemeanor	267	8.8%
Total	3,031	100.0%

²⁰ G.L. c. 274 § 1.

Sentencing Practices: Jurisdiction of Incarceration Sentences

In order to consider the jurisdictional placement of offenders sentenced to incarceration for an offense assigned to the sentencing guidelines grid, Table 6 shows the penalty structure associated with the governing offense and the jurisdiction of the sentence actually imposed.

Overall, 93.0% of superior court defendants were convicted of felonies and 7.0% were convicted of misdemeanors. Among defendants sentenced to incarceration, 752 (30.0%) were sentenced to HOC and 1,756 (70.0%) were sentenced to the DOC.

Table 6. Jurisdiction Status by Penalty Structure and Court Department

Penalty Structure	N	%
Felonies		
Felony / No House Alternative	849	33.9%
Felony / House Alternative / No District Court		
Sentenced to DOC	180	7.2%
Sentenced to HOC	73	2.9%
Felony / House Alternative / District Court Jurisdiction		
Sentenced to DOC	727	29.0%
Sentenced to HOC	503	20.1%
Sub-Total Felonies	2,332	93.0%
Misdemeanor/ House	176	7.0%
Total	2,508	100.0%
All Sentences to DOC	1,756	70.0%
All Sentences to HOC	752	30.0%
Total	2,508	100.0%

Sentencing Practices: State Prison Sentences

In this section some of the characteristics of state prison sentences are discussed. Life sentences are not included in this analysis, even though the defendants were sentenced to the jurisdiction of the DOC. Both male and female defendants are included in this analysis. The analysis includes offenders sentenced for mandatory drug, firearms, and OUI offenses.

Minimum and Maximum Sentence Length. State prison sentences have both a minimum (not less than) and a maximum (not more than) term. For example, a defendant may be sentenced to a term of 72 to 108 months (6 to 9 years) in the state prison. Parole eligibility is set at the minimum sentence and minimum sentences to the state prison are generally 1 year or more.

Table 7 shows the minimum and maximum sentence length for state prison sentences. The mean minimum sentence imposed was 53.5 months and ranged from 12.0 months to 360.0 months (or 30 years). The median minimum state prison sentence was 42.0 months. The mean maximum sentence imposed was 64.8 months and ranged from 12.03 months to 420.0 months (or 35 years). The median maximum state prison sentence was 48.03 months.

**Table 7. State Prison Sentences:
Minimum and Maximum Sentence Length**

Sentence Length	Minimum Sentence	Maximum Sentence
	N	N
Under 24 Months	90	75
24 to 35 Month	369	187
36 to 47 Months	482	403
48 to 59 Months	223	223
60 to 71 Months	196	277
72 to 83 Months	84	145
84 to 95 Months	67	103
96 to 107 Months	53	68
108 to 119 Months	14	31
120 to 179 Months	66	115
180 to 239 Months	45	40
240 Months or More	13	35
Total	1,702	1,702
Lowest	12.00	12.03
Highest	360.00	420.00
Mean	53.47	64.78
Median	42.00	48.03

Minimum to Maximum Sentence Ratio and Difference. Under current sentencing laws, judges are generally not constrained when setting the ratio or difference between the minimum and maximum sentences to state prison. Thus, a judge might impose a sentence of 60 to 180 months (5 to 15 years) where the minimum sentence is 33% of the maximum sentence and where the difference between the minimum and maximum sentence is 120 months (10 years). Alternatively, a judge might impose a sentence of 60 months to 60 months and 1 day (5 years to 5 years and 1 day), where the minimum sentence represents about 99% of the maximum sentence and the difference between the minimum and maximum sentence is 1 day. Under the advisory sentencing guidelines, the recommended minimum sentence is two-thirds of the maximum sentence and the minimum sentence represents parole eligibility. Judges are discouraged from imposing a sentence where the difference between the minimum and maximum sentence is one day, a common sentencing practice which precludes parole consideration.

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Table 8 shows the ratio of minimum to maximum sentence lengths for all convicted superior court defendants sentenced to the state prison by type of offense. Offenses are separated into two categories: grid offenses and mandatory non-grid offenses. The category of “grid offenses” includes 29 state prison sentences for non-drug mandatories that were assigned to the grid (e.g. Indecent A&B Child, After Certain Offenses, Rape of Child with Force, Aggravated, Rape of Child, Statutory, Aggravated, Stalking in Violation of Restraining Order, and Trafficking of Person for Sexual Servitude). The category of “mandatory non-grid offenses” includes mandatory drug, mandatory firearms, and OUI offenses. Table 9 shows the difference between the minimum and maximum sentences for all convicted defendants with state prison sentences by type of offense.

In 41.5% of the state prison sentences imposed, the minimum sentence was at least 90% of the maximum sentence, including 40.2% of those sentenced for grid offenses and 45.5% of those sentenced for mandatory non-grid offenses. It was estimated that 77.4% of state prison sentences for offenses assigned to the sentencing grid had a minimum to maximum ratio that was narrower than the two-thirds ratio called for under the proposed guidelines legislation, that is the minimum sentence was at least 70% of the maximum sentence.

In 38.6% of all state prison sentences, the difference between the minimum and maximum sentences was one day, including 36.9% of those sentenced for grid offenses and 43.8% of those sentences for mandatory non-grid offenses. A difference of one day between the minimum and maximum sentences precludes parole consideration. The largest difference between a minimum and maximum state prison sentence was 84 months during FY 2018.

Table 8. State Prison Sentences: Minimum to Maximum Sentence Ratio by Type of Offense

Minimum-to-Maximum Ratio	Grid Offenses		Mandatory (Non-Grid Offenses)		Total	
	N	%	N	%	N	%
1% to 9%	0	0.0%	0	0.0%	0	0.0%
10% to 19%	0	0.0%	0	0.0%	0	0.0%
20% to 29%	1	0.1%	0	0.0%	1	0.1%
30% to 39%	4	0.3%	0	0.0%	4	0.2%
40% to 49%	4	0.3%	0	0.0%	4	0.2%
50% to 59%	49	3.8%	11	2.6%	60	3.5%
60% to 69%	232	18.1%	59	14.0%	291	17.1%
70% to 79%	222	17.3%	79	18.8%	301	17.7%
80% to 89%	254	19.8%	80	19.0%	334	19.6%
90% and over	516	40.2%	191	45.5%	707	41.5%
Total	1,282	100.0%	420	100.0%	1,702	100.0%

Table 9. State Prison Sentences: Minimum-to-Maximum Sentence Difference by Type of Offense

Minimum-to-Maximum Difference	Grid Offenses		Mandatory (Non-Grid Offenses)		Total	
	N	%	N	%	N	%
1 Day	473	36.9%	184	43.8%	657	38.6%
2 Days to 5 Months	10	0.8%	1	0.2%	11	0.6%
6 to 11 Months	109	8.5%	34	8.1%	143	8.4%
12 to 23 Months	347	27.1%	103	24.5%	450	26.4%
24 to 35 Months	265	20.7%	83	19.8%	348	20.4%
36 to 47 Months	47	3.7%	11	2.6%	58	3.4%
48 to 59 Months	12	0.9%	2	0.5%	14	0.8%
60 to 119 Months	19	1.5%	2	0.5%	21	1.2%
120 Months or more	0	0.0%	0	0.0%	0	0.0%
Total	1,282	100.0%	420	100.0%	1,702	100.0%

Sentencing Practices: House of Correction Sentences

In this section, some of the characteristics of house of correction sentences are discussed. This analysis includes defendants with a house of correction sentence as well as those defendants with a house of correction / split sentence. For defendants sentenced to a house of correction / split sentence, the committed portion of the sentence was included in the analysis; the total or the suspended portion of the sentence was not considered in the analysis. Defendants sentenced to a house of correction are included in this analysis. Male and female defendants are included even though some female defendants with a house of correction sentence may be committed to a correctional facility for women under the jurisdiction of the DOC.

Sentences to houses of correction do not have a minimum sentence and can range from one day up to thirty months. For most defendants sentenced to a house of correction with a sentence of 60 days or more, parole eligibility is set at one-half of the maximum sentence length.

House of correction sentences ranged from 10 days to 30 months. The mean house of correction sentence was 17.0 months and the median house of correction sentence was 18.0 months. Table 10 shows the sentence length of house of correction sentences. It is estimated that 733 or 97.5% of the superior court defendants sentenced to a house of correction had a sentence of 2 months or more and would be eligible for parole consideration.

**Table 10. House of Correction Sentences:
Sentence Length**

Sentence Length	N
<1 Month	11
1 month	8
2 Month	20
3 to 5 Months	31
6 to 8 Months	83
9 to 11 Months	38
12 to 14 Months	143
15 to 17 Months	18
18 to 20 Months	123
21 to 23 Months	10
24 to 26 Months	135
27 to 29 Months	8
30 Months	124
Total	752
Lowest	10 days
Highest	30 months
Mean	17.0 months
Median	18.0 months

Sentencing Practices: Mandatory Sentences

Certain incarceration sentences to houses of correction or the DOC are mandatory sentences. Mandatory sentences are those sentences to incarceration where the statutory penalty provisions preclude the judge from imposing any sentence other than incarceration i.e. sentencing the defendant to probation, suspending the sentence, filing the case, or continuing the case without a finding are all statutorily prohibited. Statutory penalty provisions for these offenses also provide for a mandatory term of incarceration in a house of correction or the DOC.

Table 11 shows the mandatory status of the sentence imposed for the governing offense for all convicted superior court defendants. In FY 2018 an estimated 618 mandatory sentences were imposed representing 20.4% of all sentences. Mandatory sentences were most frequently imposed for drug and weapons offenses. Less frequently, mandatory sentences were imposed for motor vehicle, person, sex, and property offenses.

Table 12 shows the mandatory status of the sentence imposed for the governing offense for those defendants sentenced to incarceration by the jurisdiction of the incarceration sentence. In FY 2018 an estimated 113 mandatory sentences were imposed to houses of correction, representing 15.0% of all superior court sentences to houses of correction and 505 mandatory sentences were imposed to the DOC, representing 28.8% of all superior court sentences to the DOC.

Table 11. Type of Offense for Mandatory Sentences

Type of Sentence	N	%
Person	54	8.7%
Sex	29	4.7%
Property	4	0.6%
Drug	283	45.8%
Motor Vehicle	50	8.1%
Weapons	198	32.0%
Total	618	100.0%

**Table 12. Jurisdiction of Incarceration Sentence
by Mandatory Status**

Type of Sentence	N	%
House of Correction		
Non-Mandatory	639	85.0%
Mandatory	113	15.0%
Sub-Total	752	100.0%
Department of Correction		
Non-Mandatory	1,251	71.2%
Mandatory	505	28.8%
Sub-Total	1,756	100.0%
All Sentences to Incarceration		
Non-Mandatory	1,890	75.4%
Mandatory	618	24.6%
Total	2,508	100.0%

Sentencing Practices: Post-Release Supervision

For defendants sentenced in superior court to incarceration, release to the community may be at the end of the sentence or may be at the discretion of the Parole Board. For many defendants a sentence to incarceration may also include a term of post-release probation supervision through a split sentence or a from & after probation sentence. In this section sentence structure is considered in relation to post-release supervision options.

Parole Eligibility. For sentences to incarceration, eligibility for early release at the discretion of the Parole Board is established by sentence structure and sentence length. Under the advisory sentencing guidelines, all sentences to incarceration should have a minimum and a maximum term and the minimum sentence will be required to be two-thirds of the maximum sentence and the minimum sentence will represent initial parole eligibility.

For those defendants sentenced to state prison, parole eligibility is established at the minimum sentence and final release is established at the maximum sentence. As discussed earlier, a common sentencing practice is the imposition of state prison sentences with a difference between the minimum and maximum sentence of one day, a sentence which

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precludes parole consideration. Overall, 38.6% of state prison sentences had a difference of one day between minimum and maximum sentence. Therefore, an estimated 61.4% of defendants sentenced to state prison could be considered for parole release and supervision at the end of that sentence. Under the advisory sentencing guidelines, all defendants sentenced to the state prison pursuant to the guidelines are eligible for parole consideration.

For those defendants sentenced to a house of correction, parole eligibility is established at one-half of the sentence length. In general, those defendants with a sentence of 60 days or more are eligible for consideration for parole release. An estimated 97.5% of all defendants sentenced in superior court to the house of correction would be eligible for parole consideration.

Post-Release Probation Supervision. When imposing a sentence, a judge may want to sentence the defendant to both a term of incarceration and a term of post-release probation supervision. This can be accomplished for most defendants through the use of split sentences or from & after probation sentences. Prior to truth-in-sentencing reform, judges could impose state prison / split sentences or house of correction / split sentences. Subsequent to truth-in-sentencing reform, state prison / split sentences are no longer available as a sentencing option. Currently, in the case of a defendant convicted of a single charge, a judge may be able to impose a house of correction / split sentence; and, in the case of a defendant convicted of multiple charges, a judge may impose a sentence of incarceration on one charge and a sentence to from & after probation on a second charge.

Table 13 shows post-release probation supervision status for superior court defendants sentenced to incarceration. It was estimated that 32.9% of incarceration sentences involved a period of post-release probation supervision through the use of a split sentence or from & after probation sentence, including 47.5% of sentences to the houses of correction and 26.6% of sentences to the DOC.

Of those defendants convicted of two or more charges and sentenced to incarceration (n=1,939), 824 or 42.5% had a sentence that included from & after probation.

**Table 13. Post-Release Probation Supervision
by Type of Sentence and Jurisdiction**

Type of Sentence	N	%
<i>Life</i>		
With From & After Probation	1	0.0%
Without From & After Probation	53	2.1%
Sub-Total	54	2.2%
<i>State Prison</i>		
With From & After Probation	466	18.6%
Without From & After Probation	1,236	49.3%
Sub-Total	1,702	67.9%
<i>House of Correction</i>		
With From & After Probation	147	5.9%
Without From & After Probation	395	15.7%
Sub-Total	542	21.6%
<i>House of Correction / Split</i>		
	210	8.4%
Total All Sentences	2,508	100.0%
Jurisdiction		
<i>House of Correction</i>		
With From & After Probation	357	47.5%
Without From & After Probation	395	52.5%
Sub-Total	752	100.0%
<i>State Prison</i>		
With From & After Probation	467	26.6%
Without From & After Probation	1,289	73.4%
Sub-Total	1,756	100.0%
All Jurisdictions		
With From & After Probation	824	32.9%
Without From & After Probation	1,684	67.1%
Sub-Total	2,508	100.0%

Individuals beginning a period of probation can begin that sentence directly following a sentence or following release from a period of incarceration. Table 14 shows estimates of the manner in which the probation portion of sentences were imposed. This analysis assumes that all non-incarceration sentences include some probation supervision. Overall it was estimated that 523 or 38.8% of the probation sentences began as a non-incarcerative sentence and 824 or 61.2% will begin after a period of incarceration.

Table 14. Type of Probation Sentence Imposed

Type of Probation Sentence Imposed	N	%
Probation	523	38.8%
Split or From and After Probation	824	61.2%
Total	1,347	100.0%

Table 15 shows the relationship between type of offense and the imposition of post-release probation supervision for incarcerated defendants. Post-release probation supervision is used frequently as part of the sentence for incarcerated sex offenders and less frequently for other types of incarcerated defendants. It was estimated that 99 or 46.7% of the incarcerated defendants convicted of a sex offense had a sentence which included a period of post-release probation supervision. In contrast 191 or 24.8% of incarcerated drug defendants had a sentence which included a period of post-release probation supervision. In superior court, probation tends to be used less as an alternative to incarceration and more as a means of post-incarceration supervision, particularly for sex offenders.

Table 15. Post-Release Probation Supervision: by Type of Offense

Type of Offense	No Post-Release Supervision		Post-Release Supervision		Total	
	N	%	N	%	N	%
Person	491	62.9%	289	37.1%	780	100.0%
Sex	113	53.3%	99	46.7%	212	100.0%
Property	164	64.1%	92	35.9%	256	100.0%
Drug	580	75.2%	191	24.8%	771	100.0%
Motor Vehicle	36	56.3%	28	43.8%	64	100.0%
Weapons	198	70.5%	83	29.5%	281	100.0%
Public Order	2	40.0%	3	60.0%	5	100.0%
Other	100	71.9%	39	28.1%	139	100.0%
Total	1,684	67.1%	824	32.9%	2,508	100.0%

Sentencing Practices: Type of Offense

The governing offense was used to classify all convicted defendants to a type of offense group: person, sex, property, drug, motor vehicle, weapons, public order, and other offenses. In this section the type of offense of the governing offense and secondary offenses is presented. Additional analysis of the type of offense for sex and drug offenses is also presented.

Type of Offense: Governing Offense. In the superior court the most frequently occurring offenses were drug offenses which accounted for 947 or 31.2% of convictions, followed by person offenses which accounted for 911 or 30.1% of convictions. See Table 16.

Type of Offense: Secondary Convictions. Defendants may be convicted of multiple types of offenses at the time of sentencing. In the previous analyses, defendants were classified to a type of offense category based solely on the governing offense. In Table 17 defendants are classified by type of offense on the basis of all offenses of conviction. For example, 247 defendants were classified as sex offenders on the basis of governing offense and an additional 10 defendants were classified as sex offenders on the basis of a conviction for a secondary offense (these 10 defendants were convicted of some other type of offense as the governing offense). Thus, a total of 257 defendants were classified as sex offenders on the basis of this expanded classification.

Table 16. Type of Offense

Type of Offense	N	%
Person	912	30.1%
Sex	246	8.1%
Property	333	11.0%
Drug	947	31.2%
Motor Vehicle	72	2.4%
Weapons	303	10.0%
Public Order	13	0.4%
Other	205	6.8%
Total	3,031	100.0%

Table 17. Type of Offense: Classification based on Governing Offense and Secondary Offense

Type of Offense	Governing Offense	Other than Governing Offense	Total, All Offenses of Conviction
Person	912	185	1,097
Sex	246	11	257
Property	333	191	524
Drug	947	108	1,055
Motor Vehicle	72	76	148
Weapons	300	214	514
Public Order	13	29	42
Other	208	17	225

Type of Offense: Sex Offenses. There were an estimated 247 superior court defendants convicted of a sex offense as the governing offense. These defendants were further classified as to the nature of the sex offense: sex offense involving adult victim, sex offense involving child victim, and other sex offenses. Table 18 shows the nature of sex offenses. The most frequently occurring category was sex offenses involving child victims (76.4%).

Table 18. Sex Offenses: Nature of Offense

Sex Offense	N	%
Offense with Adult Victim		
Assault To Rape C. 265 S. 24	3	1.2%
Incest C. 272 S. 17	1	0.4%
Kidnapping With Sexual Assault, Armed C. 265 S. 26	1	0.4%
Obscene Matter, Distribute C. 272 S. 29	2	0.8%
Photograph Unsuspecting Nude Person, C. 272 S. 105(B)	5	2.0%
Photograph Unsuspecting Nude, Sexual Or Intimate Parts W/Out Consent, Disseminate, C. 272 S. 105(C)	1	0.4%
Prison Guard Have Sex Relations W/Prisoner C. 268 S. 21A	1	0.4%
Rape C. 265 S. 22(B)	19	7.7%
Rape, Aggravated C. 265 S. 22(A)	9	3.7%
Rape, Aggravated, Subsq. Off. C. 265 S. 22(A)	1	0.4%
Rape, Subsq. Off. C. 265 S. 22(B)	2	0.8%
Trafficking Of Person For Sexual Servitude C. 265 S. 50(A)	8	3.3%
Sub-Total	53	21.5%
Offense with Child Victim		
Assault To Rape Child C. 265 S. 24B	4	1.6%
Child In Nude, Distrib Material Of C. 272 S. 29B(A)	2	0.8%
Child In Nude, Lascivious Pose/Exhibit C. 272 S. 29A(A)	1	0.4%
Child In Sexual Act, Distrib Material Of C. 272 S. 29B(B)	3	1.2%
Child Pornography, Possess C. 272 S. 29C	28	11.4%
Child Pornography, Possess, 2Nd Off. C. 272 S. 29C	1	0.4%
Enticement Of Child C. 265 S. 26C	1	0.4%
Indecent A&B On Child Under 14 C. 265 S. 13B	16	6.5%
Indecent A&B On Child Under 14, After Certain Offenses C. 265 S. 13B 3/4	2	0.8%
Indecent A&B On Person 14 Or Over C. 265 S. 13H	19	7.7%
Obscene Matter To Minor C. 272 S. 28	2	0.8%
Rape Of Child With Force C. 265 S. 22A	25	10.2%
Rape Of Child With Force, Aggravated C. 265 S. 22B	1	0.4%
Rape Of Child, Statutory C. 265 S. 23	63	25.6%
Rape Of Child, Statutory, Aggravated C. 265 S. 23A	18	7.3%
Sexual Intercourse, Induce Chaste Minor C. 272 S. 4	2	0.8%
Sub-Total	188	76.4%
Other Sex Offense		
Lewdness, Open And Gross C. 272 S. 16	5	2.0%
Sub-Total	5	2.0%
Total	246	100.0%

Type of Offense: Drug Offenses. There were an estimated 947 superior court defendants convicted of a drug offense as the governing offense. These defendants were further classified as to the nature of the drug offense (distribution or possession) and the class of substance involved in the offense (Class A, Class B, Class C, Class D, or Class E).^{21 22} A number of drug offenses were not assigned to either category (conspiracy, forging prescription, larceny of drug, inhaling toxic vapors, and giving drugs to prisoners).

Table 19 shows the nature of drug offense and class of substance. The most frequently occurring drug offense involved distribution of a Class B substance which accounted for 456 or 48.2% of all drug offenses in the superior court.

Table 19. Drug Offenses: Nature of Offense

Drug Offense	N	%
Distribution Offenses		
Class A	394	41.6%
Class B	456	48.2%
Class C	2	0.2%
Class D	5	0.5%
Class E	2	0.2%
Other Distribution Offenses	23	2.4%
Sub-Total	882	93.1%
Possession Offenses		
Class A	21	2.2%
Class B	25	2.6%
Sub-Total	46	4.9%
Other Drug Offenses		
	19	2.0%
Total	947	100.0%

²¹ For purposes of this analysis, all cases involving trafficking, distribution, possession with intent to distribute, manufacturing, dispensing, or inducing minor to distribute were classified as distribution offenses. Cases convicted of distributing counterfeit substances or paraphernalia were assigned to the category of distribution offenses but no class of drug was assigned. Cases convicted of presence of Class A or hypodermic / syringe violations were assigned to the possession category.

²² For purposes of this analysis all offenses involving heroin were assigned to the Class A category, all offenses involving cocaine were assigned to the Class B category, and all offenses involving marijuana were assigned to the Class D category. Cases convicted of inducing minor to distribute or distribution within a school zone were assigned to the class of substance for the underlying offense.

Sentencing Practices: Grid Assignment

Based on governing offense, convicted defendants were classified as to the applicability of the sentencing guidelines grid. The sentencing guidelines grid was not intended to be used for sentencing all defendants. Consistent with the advisory sentencing guidelines, four major defendant groups were not assigned to the sentencing guidelines grid: (1) defendants convicted of OUI offenses; (2) defendants convicted of mandatory firearms offenses; (3) defendants convicted of mandatory drug offenses; and (4) defendants convicted of offenses for which there is no jail option.

For purposes of statistical reporting, defendants convicted of murder were assigned to the sentencing guidelines grid. The mandatory life sentence for murder is not impacted by the advisory sentencing guidelines. The commission assigned the offense of murder to level 9, but murder is not subject to the sentencing guidelines.

As shown in Table 20, it was estimated that 2,498 or 82.4% of all superior court defendants were convicted of offenses for which the sentencing guidelines grid applied and 533 or 17.6% were convicted of offenses for which the sentencing guidelines grid did not apply. Of the defendants convicted of offenses for which the sentencing guidelines grid did not apply: 52 or 1.7% of defendants were convicted of OUI offenses, 198 or 6.5% were convicted of mandatory firearms offenses, and 283 or 9.3% were convicted of mandatory drug offenses.

Table 20. Grid Assignment

Jurisdiction	N	%
Assigned to Grid	2,498	82.4%
Not Assigned to Grid		
OUI Offenses	52	1.7%
Mandatory Gun Offenses	198	6.5%
Mandatory Drug Offenses	283	9.3%
Sub-Total	533	17.6%
Total	3,031	100.0%

SENTENCING PRACTICES: OFFENSES ASSIGNED TO THE GRID

In this section, the sentencing practices related to the 2,498 superior court defendants convicted of offenses for which the sentencing guidelines grid applies are discussed.

Sentencing Practices: Grid Cell Assignment

Table 21 shows the grid cell assignment of all convicted superior court defendants. The number in each grid cell represents the total number of defendants who were convicted of an offense at that offense seriousness level and whose criminal history was classified in the corresponding criminal history group.

Sentencing Zone. Most defendants were classified into the discretionary zone on the grid. Of the 2,498 convicted defendants:

- an estimated 940 or 37.6% were classified within the incarceration zone;
- an estimated 1,398 or 56.0% were classified within the discretionary zone;
- an estimated 112 or 4.5% were classified within the intermediate sanction zone; and
- an estimated 48 or 1.9% were not classified into a specific zone.

Offense Seriousness Level. Most superior court defendants were convicted of offenses in the middle levels of offense seriousness: an estimated 1,563 or 62.6% of convicted defendants were assigned to offense seriousness levels 4 through 6; an estimated 501 or 20.0% of convicted defendants were assigned to offense seriousness levels 1 through 3; and, an estimated 386 or 15.4% of convicted defendants were assigned to offense seriousness levels 7 through 9. No defendants were classified at level 0.

Criminal History Group. Most convicted defendants were assigned to the less serious criminal history groups on the sentencing guidelines grid. The most frequently assigned criminal history group was Group A, No/Minor Record, which accounted for 1,267 or 50.7% of convicted defendants. The most serious criminal history group, Group E, accounted for 2 or 0.1% of convicted defendants.

Grid Cell. The most frequently occurring grid cell was “4A”: 451 or 18.0% of all convicted superior court defendants were assigned to grid cell “4A”. The most frequently occurring offenses in grid cell “4A” in the superior court were CSA distribution Class B and CSA distribution Class A.

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Table 21. Grid Cell Assignment

Level	Criminal History					Total	%
	A	B	C	D	E		
Level 9	28	14	7	4	0	53	2.1%
Level 8	66	17	9	12	0	104	4.2%
Level 7	110	47	47	24	1	229	9.2%
Level 6	211	82	98	51	1	443	17.7%
Level 5	83	30	29	17	0	159	6.4%
Level 4	451	270	175	65	0	961	38.5%
Level 3	178	67	61	20	0	326	13.1%
Level 2	93	36	18	8	0	155	6.2%
Level 1	17	0	2	1	0	20	0.8%
Level 0	0	0	0	0	0	0	0.0%
N/A	30	11	6	1	0	48	1.9%
Total	1,267	574	452	203	2	2,498	
%	50.7%	23.0%	18.1%	8.1%	0.1%	100.0%	

<u>Grid Zone</u>	<u>N</u>	<u>%</u>
Incarceration Zone (red)	940	37.6%
Discretionary Zone (yellow)	1,398	56.0%
Intermediate Sanction Zone (green)	112	4.5%
Unassigned	48	1.9%
Total	2,498	100.0%

Sentencing Practices: Incarceration Rates

Sentences were assigned to one of two groups: those involving some period of incarceration (life, state prison, other DOC, house of correction, and house of correction / split) and those involving no period of incarceration (probation, fines, and other sentences). The incarceration rate was estimated by dividing the number of defendants receiving a period of incarceration into the total number of convicted defendants.

Table 22 shows incarceration rates by grid cell assignment for all convicted superior court defendants. For FY 2018, the estimated incarceration rate was 79.1%: 1,975 defendants received a sentence to incarceration out of 2,498 convicted defendants.

The incarceration rate was higher for those defendants in higher levels of offense seriousness and for defendants in the more serious criminal history groups:

- the incarceration rate for defendants convicted of offenses at offense seriousness level 1 was 60.0% and the incarceration rate for defendants convicted of offenses at offense seriousness level 8 was 92.3%; and,
- the incarceration rate for defendants in criminal history group A was 71.8% and the incarceration rate for defendants in criminal history group D was 91.6%.

The incarceration rate was related to the sentencing zone in which the defendant fell in the sentencing guidelines grid:

- for defendants in the incarceration zone, the incarceration rate was 89.7%;
- for defendants in the discretionary zone, the incarceration rate was 73.5%; and,
- for defendants in the intermediate sanction zone, the incarceration rate was 58.9%.

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Table 22. Incarceration Status by Grid Cell Assignment

Level	Convicted					Total	Level	Incarcerated					Total	Level	Incarceration Rate					Total	
	Criminal History							Criminal History							Criminal History						
	A	B	C	D	E		A	B	C	D	E		A	B	C	D	E				
Level 9	28	14	7	4	0	53	Level 9	28	14	7	4	0	53	Level 9	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	
Level 8	66	17	9	12	0	104	Level 8	60	16	8	12	0	96	Level 8	90.9%	94.1%	88.9%	100.0%		92.3%	
Level 7	110	47	47	24	1	229	Level 7	102	44	46	24	1	217	Level 7	92.7%	93.6%	97.9%	100.0%		94.8%	
Level 6	211	82	98	51	1	443	Level 6	172	76	87	49	1	385	Level 6	81.5%	92.7%	88.8%	96.1%	100.0%	86.9%	
Level 5	83	30	29	17	0	159	Level 5	54	23	23	12	0	112	Level 5	65.1%	76.7%	79.3%	70.6%		70.4%	
Level 4	451	270	175	65	0	961	Level 4	310	221	151	57	0	739	Level 4	68.7%	81.9%	86.3%	87.7%		76.9%	
Level 3	178	67	61	20	0	326	Level 3	97	51	50	18	0	216	Level 3	54.5%	76.1%	82.0%	90.0%		66.3%	
Level 2	93	36	18	8	0	155	Level 2	55	31	13	8	0	107	Level 2	59.1%	86.1%	72.2%	100.0%		69.0%	
Level 1	17	0	2	1	0	20	Level 1	9	0	2	1	0	12	Level 1	52.9%		100.0%	100.0%		60.0%	
Level 0							Level 0							Level 0							
N/A	30	11	6	1	0	48	N/A	23	8	6	1	0	38	N/A	76.7%	72.7%	100.0%	100.0%		79.2%	
Total	1,267	574	452	203	2	2,498	Total	910	484	393	186	2	1,975	Total	71.8%	84.3%	86.9%	91.6%	100.0%	79.1%	

Sentencing Zone	N
Incarceration Zone	940
Discretionary Zone	1,398
Intermediate Sanction Zone	112
Unassigned	48
Total	2,498

Sentencing Zone	N
Incarceration Zone	843
Discretionary Zone	1,028
Intermediate Sanction Zone	66
Unassigned	38
Total	1,975

Sentencing Zone	N
Incarceration Zone	89.7%
Discretionary Zone	73.5%
Intermediate Sanction Zone	58.9%
Unassigned	79.2%
Total	79.1%

Sentencing Practices: Comparing Existing Sentences and Proposed Guidelines

All existing superior court sentences were compared with the advisory sentencing guidelines in order to estimate whether the sentence imposed was below the guideline range, within the guideline range, or above the guideline range. The method for estimating departure rates is described in Appendix A. Table 23 shows the results of this analysis. Overall, it was estimated that 46.0% of current superior court sentences fall within the advisory sentencing guidelines and 54.0% of current sentences fall outside of proposed guidelines (an estimated 17.5% were below the guidelines and an estimated 36.5% were above the guidelines). As indicated in the table, the proportion of sentences that fell outside the proposed guidelines varied by offense seriousness level and type of offense:

- the proportion of sentences outside of the guidelines was the lowest at offense seriousness level 3, where an estimated 41.5% of all sentences were outside of the proposed guidelines and all of those sentences were above the proposed ranges; and
- the proportion of sentences outside of the guidelines was the highest at offense seriousness level 6, where an estimated 77.5% of all sentences were outside of the proposed ranges (54.8% were below the proposed guidelines and 22.7% were above the proposed guidelines);

Table 23. Comparison of Existing Sentencing and Proposed Guidelines by Offense Seriousness Level

Offenses Subject to Grid	Below		Within		Above		Total	
	N	%	N	%	N	%	N	%
Level 9	0	0.0%	53	100.0%	0	0.0%	53	100.0%
Level 8	22	25.3%	26	29.9%	39	44.8%	87	100.0%
Level 7	109	49.8%	66	30.1%	44	20.1%	219	100.0%
Level 6	227	54.8%	93	22.5%	94	22.7%	414	100.0%
Level 5	31	20.5%	75	49.7%	45	29.8%	151	100.0%
Level 4	17	1.8%	506	54.6%	403	43.5%	926	100.0%
Level 3	0	0.0%	185	58.5%	131	41.5%	316	100.0%
Level 2	0	0.0%	61	41.2%	87	58.8%	148	100.0%
Level 1	0	0.0%	5	45.5%	6	54.5%	11	100.0%
Total	406	17.5%	1,070	46.0%	849	36.5%	2,325	100.0%

SENTENCING PRACTICES: OFFENSES NOT ASSIGNED TO THE GRID

The sentencing guidelines grid was not intended for use in sentencing every convicted defendant. As indicated in Table 20, there were 533 superior court defendants representing 17.6% of the sample who were convicted of offenses for which the advisory sentencing guidelines grid did not apply. In this section some discussion of the defendants convicted of mandatory drug, mandatory firearm, and OUI offenses is presented.

Sentencing Practices: Mandatory Drug Offenses

Convictions for mandatory drug offenses are not included in the sentencing guidelines grid. There were an estimated 283 defendants convicted of mandatory drug offenses during FY 2018. Offenses involving cocaine accounted for 172 or 60.8% of all mandatory drug offenses in the superior court in FY 2018.

An estimated 157 or 55.5% of the defendants convicted of mandatory drug offenses were classified as criminal history groups A or B, and 126 or 44.5% were classified as criminal history groups C, D, or E.

All convictions for mandatory drug offenses include a sentence to incarceration. Table 24 shows the jurisdiction to which the sentence was imposed. The superior court has jurisdiction overall all mandatory drug offenses. Overall, 28 or 9.9% of superior court defendants were sentenced to house of correction and 255 or 90.1% were sentenced to the DOC.

Table 25 shows the offense for those defendants classified as mandatory drug offenders.

**Table 24. Mandatory Drug Offense
by Jurisdiction**

Jurisdiction	N	%
House of Correction	28	9.9%
Department of Correction	255	90.1%
Total	283	100.0%

Table 25. Mandatory Drug Offenses: Governing Offense by Offense Seriousness Level and Criminal History

Offense Seriousness, Governing Offense	Criminal History					
	A	B	C	D	E	Total
Level 8 (12 Year Mandatory)						
Heroin/Morphine/Opium, Traffick In C. 94C S. 32E(C)(4) - 200 Or More G	1	0	0	0	0	1
Cocaine (C.94C S. 31(A)(4)), Traffick In C. 94C S. 32E(B)(4) - 200 Or More G	1	0	1	1	0	3
Sub-Total	2	0	1	1	0	4
Level 7 (8 Year Mandatory)						
Heroin/Morphine/Opium, Traffick In C. 94C S. 32E(C)(3) - 100 To 200 G	1	1	1	0	0	3
Heroin/Morphine/Opium, Traffick In C. 94C S. 32E(C)(2) - 36 To 100 G	8	4	1	5	0	18
Cocaine (C.94C S. 31(A)(4)), Traffick In C. 94C S. 32E(B)(3) - 100 To 200 G	1	0	0	0	0	1
Sub-Total	10	5	2	5	0	22
Level 6 (3 1/2 Year Mandatory)						
Methamphetamine (C.94C S. 31, Class B(C)(2)), Distribute Or Possess With Intent, Subsq. Off. C. 94C S. 32A(D)	0	0	0	1	0	1
Heroin/Morphine/Opium, Traffick In C. 94C S. 32E(C)(1) - 18 To 36 G	16	4	10	5	0	35
Drug, Distribute Or Possess With Intent, Class A, Subsq. Off. C. 94C S. 32(B)	3	3	16	9	0	31
Cocaine (C.94C S. 31(A)(4)), Traffick In C. 94C S. 32E(B)(2) - 36 To 100 G	25	5	9	4	0	43
Cocaine (C.94C S. 31 Class B(A)(4)), Distribute Or Possess With Intent, Subsq. Off. C. 94C S. 32A(D)	1	0	7	11	0	19
Sub-Total	45	12	42	30	0	129
Level 5 (2 Year Mandatory)						
Methamphetamine (C. 94C S. 31(C)(2)), Trafficking In C. 94C S. 32E(B)(1) - 18 To 36 G	1	0	2	0	0	3
Drug, Distribute Or Possess With Intent, Class B, Subsq. Off. C. 94C S. 32A(B)	1	1	3	3	0	8
Drug, Distribute Or Possess With Intent Class C, Subsq. Off. C. 94C S. 32B(B)	0	1	0	0	0	1
Cocaine (C.94C S. 31(A)(4)), Trafficking In C. 94C S. 32E(B)(1) - 18 To 36 G	29	13	9	6	0	57
Sub-Total	31	15	14	9	0	69
Level 4 (2 Year Mandatory)						
Drug, Distribute Or Possess With Intent, Class B, Subsq. Off. C. 94C S. 32A(B)	2	4	1	2	0	9
Drug Violation Near School C. 94C S. 32J	1	0	0	0	0	1
Cocaine (C.94C S. 31 Class B(A)(4)), Distribute Or Possess With Intent C. 94C S. 32A(C)	18	12	14	5	0	49
Sub-Total	21	16	15	7	0	59
Total	109	48	74	52	0	283

Sentencing Practices: Mandatory Firearms Offenses

Convictions for mandatory firearm offenses are not included in the sentencing guidelines grid. It was estimated that there were 198 superior court convictions where the governing offense was a mandatory firearms offense in FY 2018. Table 26 shows the offense for those defendants classified as mandatory firearms offenders. Sentences for the offense “Firearm Carry with Ammunition” are imposed from and after a conviction for another mandatory firearms offense. This offense was only considered the governing offense if the sentence imposed was longer than the offense for the underlying mandatory.

Table 26. Mandatory Firearms Offenses: Governing Offense

Mandatory Firearms Offense	N	%
Firearm, Carry W/O License C. 269 S. 10(A)	107	54.0%
Firearm, Carry W/O License, 2Nd Off. C. 269 S. 10(D)	5	2.5%
Firearms Viol With 1 Prior Violent/Drug Crime C. 269 S. 10(A)	78	39.4%
Firearms Viol With 2 Prior Violent/Drug Crime C. 269 S. 10(A)	6	3.0%
Firearms, Trafficking In 3-9 C. 269 S. 10E(2)	1	0.5%
Machine Gun/Sawed-Off Shotgun, Possess C. 269 S. 10(C)	1	0.5%
Total	198	100.0%

Sentencing Practices: OUI Offenses

Convictions for Operating Under the Influence (OUI) offenses are not included in the sentencing guidelines grid. It was estimated that there were 52 superior court convictions for OUI offenses in FY 2018. See Table 27. This includes convictions involving the operation of motor vehicles or boats and includes convictions involving the use of alcohol or drugs. Convictions for operating a motor vehicle after license suspended for an OUI offense are also included in this analysis. Defendants charged with an OUI offense that resulted in a disposition of continued without a finding (CWO) were not included in this sample, as a CWO disposition was not considered a conviction for the purposes of the survey of sentencing practices. For sentences involving a period of incarceration to a house of correction, the length of sentence imposed is also shown.

Table 27. OUI Offenses: Type of Sentence Imposed

Penalty Type	N	%
State Prison	24	48.0%
House of Correction Sentence		
Less than 1 Month	0	0.0%
1 Month	0	0.0%
2 Month	0	0.0%
3 to 5 Months	1	2.0%
6 to 8 Months	2	4.0%
9 to 11 Months	1	2.0%
12 to 14 Months	9	18.0%
15 to 17 Months	0	0.0%
18 to 20 Months	1	2.0%
21 to 23 Months	0	0.0%
24 to 26 Months	6	12.0%
27 to 29 Months	0	0.0%
30 Months	6	12.0%
Sub-Total	26	52.0%
Probation	0	0.0%
Fine	0	0.0%
Other	0	0.0%
Total	50	100.0%

SENTENCING PRACTICES: DEMOGRAPHIC CHARACTERISTICS

In this section, certain demographic characteristics of convicted defendants (gender, age, and race) are discussed in relation to observed sentencing outcomes. The legislature directed the commission to consider certain defendant characteristics when developing sentencing guidelines:

. . . The commission shall assure that the guidelines are neutral as to the race, sex, national origin, creed, religion, and socio-economic status of offenders.²³

In two separate studies, the Supreme Judicial Court suggested the need for further study of the relationship between defendant demographic characteristics and sentencing outcomes. In a study of gender bias in the courts, the Supreme Judicial Court noted the need for research that would be able to relate defendant gender, crimes committed, and criminal histories with disposition and sentencing outcomes.²⁴ In a study of racial and ethnic bias in the courts, the Supreme Judicial Court indicated the need to develop a consistent set of data that would allow an analysis of the relationship between sentencing practices and defendant characteristics.²⁵ Further, the Supreme Judicial Court recommended that the commission would be an appropriate entity to conduct such an inquiry:

After discovering some troubling patterns in preliminary research, the Commission on Racial and Ethnic Bias in the Courts believes that the legislature should allocate funds to the Sentencing Commission or to the Trial Court for a comprehensive study of sentencing disparities.²⁶

In the current survey of sentencing practices, the commission presents summary data on the relationship between the demographic characteristics of defendants and sentencing outcomes.

²³ G.L. c. 211E § 3 (e).

²⁴ Supreme Judicial Court, *Report of the Gender Bias Study of the Supreme Judicial Court*, Boston, 1989, p. 121.

²⁵ Supreme Judicial Court, *Equal Justice: Eliminating the Barriers, Final Report of the Commission to Study Racial and Ethnic Bias in the Courts*, Boston, September 1994, p. 92.

²⁶ *Ibid.*, p. 92.

Sentencing Practices: Defendant Gender

Table 28 shows the gender of superior court defendants. Males accounted for 2,782 defendants or 91.8 % and females accounted for 237 defendants or 7.8%.

Table 28. Defendant Gender

	N	%
Male	2,782	91.8%
Female	237	7.8%
Missing	12	0.4%
Total	3,031	100.0%

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Table 29 shows defendant gender by grid assignment, type of offense, and mandatory status for drug offenses. While male and female defendants are represented to some extent in every offense category, female defendants were more often classified as motor vehicle, “other” drug, and public order offenders.

Table 29. Defendant Gender by Grid Cell Assignment

Grid Assignment	Male		Female		Total	
	N	%	N	%	N	%
Sentencing Grid						
Person Offenses	847	93.0%	64	7.0%	911	100.0%
Sex Offenses	239	97.6%	6	2.4%	245	100.0%
Property Offenses	295	88.6%	38	11.4%	333	100.0%
Drug Offenses						
Mandatory Distribution	271	96.4%	10	3.6%	281	100.0%
Non-Mandatory Distribution	529	89.1%	65	10.9%	594	100.0%
Possession	41	89.1%	5	10.9%	46	100.0%
Other Drug Offense	14	77.8%	4	22.2%	18	100.0%
Sub-Total Drug	855	91.1%	84	8.9%	939	100.0%
Motor Vehicle						
Weapons	15	75.0%	5	25.0%	20	100.0%
Public Order and Other Offenses	102	97.1%	3	2.9%	105	100.0%
Sub-Total Grid	2,536	91.6%	234	8.4%	2,770	100.0%
Not Assigned to Grid						
OUI Offenses	51	98.1%	1	1.9%	52	100.0%
Mandatory Firearms	195	99.0%	2	1.0%	197	100.0%
Sub-Total No Grid	246	98.8%	3	1.2%	249	100.0%
Grand Total	2,782	92.1%	237	7.9%	3,019	100.0%

Sentencing Practices: Defendant Age at Disposition

The age of defendants at the time of disposition ranged from 17 years to 77 years. The mean age at disposition was 35 years and the median age at disposition was 33 years. Table 30 shows the age at disposition for all superior court defendants.

Table 30. Defendant Age at Disposition

Age at Disposition	N	%
19 and younger	61	2.0%
20 to 24	416	13.7%
25 to 29	617	20.4%
30 to 34	510	16.8%
35 to 39	474	15.6%
40 to 44	301	9.9%
45 to 49	252	8.3%
50 to 54	187	6.2%
55 to 59	115	3.8%
60 and older	98	3.2%
Total	3,031	100.0%
Youngest		17 Years
Oldest		77 Years
Mean Age		35 Years
Median Age		33 Years

Sentencing Practices: Defendant Race

In this section, defendant race is reported by grid assignment and type of offense. A discussion of the method used to collect defendant race can be found in Appendix A.

As indicated in Table 31, 41.2% of convicted superior court defendants were white, 26.0% were black, 27.4% were Hispanic, and 1.5% were of other races. The race was unknown for 3.9% of the convicted defendants.

Table 31. Defendant by Race

Defendant Race	N	%
Black/African-American	787	26.0%
Hispanic	831	27.4%
White	1,249	41.2%
Other	45	1.5%
Unknown	119	3.9%
Total	3,031	100.0%

Table 32 shows defendant race by grid assignment, type of offense, and mandatory status for drug offenses. The racial composition of convicted defendants varied by type of offense and grid assignment. Of particular interest:

- black defendants represented 26.0% of all convicted defendants but more than one-half (53.0%) of all defendants convicted of a mandatory weapons offense;
- Hispanic defendants represented 27.4% of all convicted defendants but 44.7% of all defendants convicted of a drug offense; and
- white defendants represented 41.2% of all convicted defendants but 59.9% of all defendants convicted of a sex offense, 65.2% of all defendants convicted of a property offense, and 75.0% of all defendants convicted of an OUI offense.

Table 32. Defendant Race by Grid Assignment

Grid Assignment	Black/African-American		Hispanic		White		Other		Unknown		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Sentencing Grid												
Person Offenses	277	30.4%	198	21.7%	392	43.0%	13	1.4%	32	3.5%	912	100.0%
Sex Offenses	34	13.8%	43	17.5%	148	60.2%	4	1.6%	17	6.9%	246	100.0%
Property Offenses	55	16.5%	48	14.4%	217	65.2%	1	0.3%	12	3.6%	333	100.0%
Drug Offenses												
Mandatory Distribution	77	27.2%	123	43.5%	66	23.3%	0	0.0%	17	6.0%	283	100.0%
Non-Mandatory Distribution	126	21.0%	268	44.7%	175	29.2%	10	1.7%	20	3.3%	599	100.0%
Possession	10	21.7%	21	45.7%	14	30.4%	1	2.2%	0	0.0%	46	100.0%
Other Drug Offense	2	10.5%	11	57.9%	3	15.8%	1	5.3%	2	10.5%	19	100.0%
Sub-Total Drug	215	22.7%	423	44.7%	258	27.2%	12	1.3%	39	4.1%	947	100.0%
Motor Vehicle												
Motor Vehicle	7	35.0%	3	15.0%	9	45.0%	0	0.0%	1	5.0%	20	100.0%
Weapons												
Weapons	37	35.2%	24	22.9%	35	33.3%	4	3.8%	5	4.8%	105	100.0%
Public Order and Other Offenses												
Public Order and Other Offenses	51	23.4%	35	16.1%	118	54.1%	9	4.1%	5	2.3%	218	100.0%
Sub-Total Grid	676	24.3%	774	27.8%	1,177	42.3%	43	1.5%	111	4.0%	2,781	100.0%
Not Assigned to Grid												
OUI Offenses	6	11.5%	2	3.8%	39	75.0%	1	1.9%	4	7.7%	52	100.0%
Mandatory Firearms	105	53.0%	55	27.8%	33	16.7%	1	0.5%	4	2.0%	198	100.0%
Sub-Total No Grid	111	44.4%	57	22.8%	72	28.8%	2	0.8%	8	3.2%	250	100.0%
Grand Total	787	26.0%	831	27.4%	1,249	41.2%	45	1.5%	119	3.9%	3,031	100.0%

PART III. SUMMARY

The Survey of Superior Court Sentencing Practices is a comprehensive study of defendants convicted in the superior courts of the commonwealth during FY 2018. In the survey, the offense of conviction and the criminal history of the defendant are linked with the sentencing outcome using the framework of the advisory sentencing guidelines grid. The survey notes the type of sentence imposed, the incarceration rate, and the sentence length for those defendants sentenced to a period of incarceration. The survey of sentencing practices provides a rich source of data for use by the commission in meeting its on-going responsibilities to monitor sentencing practices and to develop sentencing policy. Other criminal justice policy makers and members of the public interested in sentencing issues may find the survey useful as well.

A FY2019 Survey of Sentencing Practices (all court departments) is planned for next year.

APPENDIX A. METHOD

Data Collection Method

The Survey of Superior Court Sentencing Practices is based on an analysis of Masscourts, the Trial Court's case management system, and the Court Activity Record Information (CARI) database maintained by the Massachusetts Probation Service. The commission uses a copy of the database maintained by the Department of Criminal Justice Information Services (DCJIS) for purposes of the analysis.

Masscourts includes records of all criminal charges arraigned and disposed of in the superior court. Masscourts also contains sentencing information for all charges leading to conviction. The CARI database includes records of all criminal charges arraigned in criminal courts throughout the commonwealth, including the superior court, district court, municipal court, juvenile court, and US District Courts located within Massachusetts. The existence of this database affords the commission with a centralized source of information regarding the adult and juvenile criminal history of all defendants.

Conviction Definition

For purposes of conducting the Survey of Superior Court Sentencing Practices, only charges resulting in conviction are included in the analysis. Dispositions that are considered convictions include: guilty filed, guilty, probation, fine, house of correction commitment, state prison commitment, split sentence, and suspended sentence. Dispositions that are not considered convictions include: continued without finding, filed (absent a finding of guilt), dismissed, not guilty, and nol prossed.

Only those charges that were disposed of during the sampling time period were included in the construction of the sample. Charges that were excluded from the sample include:

- Charges that were disposed of with a result other than conviction during the sampling time period;
- Charges that were pending during the sampling time period; and
- Charges that were arraigned during the sampling period but which were disposed of after the sampling period.

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Sampling Frame

The date at which a determination of conviction / non-conviction was initially entered for the charge is referred to as the disposition date. The disposition date was identified through an analysis of the disposition field. If a sentence was subject to a “revise and revoke” procedure subsequent to the initial disposition date, the date on which the sentence was revised and revoked was considered the disposition date and the revised sentence was used in the further construction of the sample.

For the present survey, those charges reaching final disposition and resulting in conviction during FY 2018, or the period July 1, 2017, through June 30, 2018 constitute the initial sample of charges upon which further analysis is based. All charges reaching a conviction disposition during this time period are included in the sample regardless of when the offense occurred or when the charge was originally arraigned. Charges with an original disposition of CWOFF for which a finding of guilty was entered during FY 2018 are included in the sample.

Type of Sentence Imposed

Each convicted charge is classified into one of nine sentence groups:

- Life Sentence
- State Prison / Split Sentence
- State Prison Sentence
- Reformatory Sentence
- House of Correction / Split Sentence
- House of Correction Sentence
- Probation Sentence
- Fine Sentence
- Other Sentence

Life Sentences. Life sentences appear as a separate sentence group from the state prison category. A life sentence is any disposition in which the word “life” appears, excluding lifetime probation sentences. While most life sentences are given for the offense of murder, life sentences may be imposed for other offenses.

Life sentences may also be in the form of a term of years to life. For example, a sentence for the offense of Armed Robbery may be expressed as “20 years to life”. Under the habitual offender sentencing statute, those offenders receiving life sentences as habitual offenders are included in the life sentence group. In FY 2018, 54 defendants were classified in the life sentence group including 53 convicted of murder and one convicted of home invasion and sentenced as an habitual offender.

State Prison Sentences. State prison sentences are characterized by a minimum and a maximum term of incarceration. Of the 1,702 defendants associated with a state prison sentence, 13 were sentenced as a habitual offender.

House Split Sentences. Split sentences to the House of Correction are characterized by a sentence that includes both a term of incarceration, the split portion, and a suspended sentence.

House of Correction Sentences. House of correction sentences are characterized by no minimum term of incarceration and a maximum term of incarceration of 30 months or less.

Probation Sentences. Probation sentences include sentences to straight probation as well as those with a suspended sentence to the state prison or house of correction. The estimates of the number of probation sentences does not include all defendants receiving probation supervision. Many defendants are supervised during a pre-trial period of probation, are supervised as the result of a non-conviction disposition (e.g. CWO or general continuance), or are supervised from & after a period of incarceration (e.g. split sentence or from & after probation).

Other Sentences. The other sentence group is the default group assigned for all other convicted defendants. Most of the convictions in this group are the result of a guilty filed disposition.

Sentencing Hierarchy. In some instances an individual charge may be subject to multiple sentencing conditions upon conviction. For example, a fine may be given in conjunction with a house of correction sentence and a “split” sentence includes a term of incarceration along with a term of probation supervision. In all cases, the charge was assigned to a unique sentence group in a hierarchical fashion with precedence indicated by the order in which the sentence groups appear above. Beginning with the FY 2002 survey of sentencing practices, all cases where a sentencing event included both a house of correction and a house of correction / split sentence were reviewed. When the committed portion of the house of correction / split sentence was longer than the house of correction sentence, the house of correction / split sentence was considered the governing offense; where the split portion of the house of correction / split sentence and the house of correction sentence were of the same length, the charge associated with the highest offense seriousness level was considered the governing offense; and where offense seriousness levels were the same, the charge associated with the split sentence was considered the governing offense.

Initial Sentence. The analysis focuses on the initial sentence given for a particular charge. Therefore, a charge that was originally sentenced to a fine and subsequently resulted in a commitment to a house of correction in lieu of payment of the fine was treated as a fine sentence. Similarly, a charge that was originally sentenced to straight probation or a suspended sentence and subsequently resulted in a commitment to a state or county

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correctional facility as a result of a probation violation was considered to be initially sentenced to a term of probation supervision.

Stayed Sentences. Defendants with a sentence to incarceration where the time between the date of disposition and the date until which the sentence was stayed was 12 months or more were assumed to have non-incarcerative sentences. Defendants with a sentence to incarceration where the time between the date of disposition and the date until which the sentence was stayed was less than 12 months were considered to have a sentence to incarceration.

Sentence Length

For each incarcerative sentence group, a sentence length was selected:

Life	Life
State Prison	Minimum sentence
House of Correction	Maximum sentence
House of Correction / Split	Split or committed sentence

In the analysis, sentence length is expressed in months and was derived using the following formula:

$$[\text{sentence-length-years} * 12] + [\text{sentence-length-months}] + [\text{sentence-length-days} / 30].$$

Application of Advisory Sentencing Guidelines

The 2017 advisory sentencing guidelines (“revised” proposal) was used as the framework for the analysis. This allows for the seriousness of the offense of conviction and the criminal history of the defendant to be considered in relation to observed sentencing practices.

Offense Seriousness Level

Under the previous guideline proposal (1996), all offenses were assigned to one of nine levels of offense seriousness, ranging from level 1, the lowest level of offense seriousness, to level 9, the highest level of offense seriousness. Under the revised proposal, a level 0 was added. The assigned levels of offense seriousness were consistent with the levels of offense seriousness as assigned by the commission.

The offense of conviction was assumed to be the offense associated with Masscourts’ “effective” action code (i.e. MGL chapter and section). For purposes of criminal history, offense titles in the CARI database are assumed to reflect the offense of conviction.

For each charge in the current sentence of a defendant, the offense, type of sentence, and length of sentence imposed were evaluated in order to ensure consistency with this assumption. Where there was an inconsistency, the sentence was looked-up in both the Masscourts and CARI databases to determine the appropriate level.

Under the revised guideline proposal, 29 offense levels were modified, 27 were reduced one level and 2 were increased. Table 33 lists the offenses and the previous and revised offense levels.

Table 33. Offense Level Revisions'

Offense Label	Level: Previous Guidelines	Level: Revised Guidelines
License Law Violation (Not MV)	1	0
Violation Town By Law	1	0
Shoplifting	2	1
Operate After Suspension 2nd	2	1
Compulsory Insurance Violation	2	1
Prostitution	2	1
Use Without Authority	2	1
Counterfeit/Alter MV Document	2	1
Tagging Property	2	1
Operate to Endanger	2	1
Disrupt Court Proceedings	2	1
False Statement On Application	2	1
Fireworks	2	1
False Statement	2	1
Altering MV ID Number	2	1
Leaving Scene Property Damage	3	2
Larceny Building	3	2
Forgery And Uttering	3	2
Carrying Dangerous Weapon	3	2
Interfere Police or Firefighter	3	2
Contempt Of Court	3	2
Throw Object On Public Way	3	2
Illegal Lottery	3	2
Larceny Cont Sub	4	3
Gaming Enterprise	5	4
Robbery Unarmed	5	4
Armed Assault In Dwell House	8	7
Stalking Violation of Rest. Order	5	6
Stalking Violation of Rest. Order, Subs	5	6

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Staircased Offenses

For offenses where the commission assigned staircasing factors, the offense was generally assigned to the lowest level among the various staircasing levels. The analysis employed the following additional assumptions in assigning an offense seriousness level for the current offense of conviction:

Manslaughter	Level 8	State prison sentence
	Level 6	House of correction sentence or non-incarcerative sentence
Armed Robbery	Level 7	All cases with an associated gun charge
	Level 6	All cases with no associated gun charge
A&B w/DW	Level 7	Superior court state prison sentence
	Level 6	Superior court house of correction sentence Superior court house of correction / split sentence
	Level 4	Superior court non-incarceration sentence
	Level 3	District court sentence
Larceny More / RSG More	Level 4	State prison sentence
	Level 3	House of correction sentence House of correction / split sentence Non-incarceration sentence
	Level 4	State prison sentence
B&E	Level 4	State prison sentence
	Level 3	House of correction sentence House of correction / split sentence Non-incarceration sentence

Under the previous guideline proposal, there were only three levels of A&B w/DW: 3, 4, and 6. A level 7 A&B w/DW was added under the revised advisory sentencing guideline proposal.

Type of Offense

All charges were classified to a type of offense group: person, sex, property, drug, motor vehicle, weapons, public order, and other offenses. Beginning with the FY 2006 survey the offense type classification was changed for the following offenses:

- Child Pornography was changed from the public order offense category to the sex offense category;
- Child Pornography, Possession was changed from the public order offense category to the sex offense category;
- Inducing Minor Prostitution was changed from the public order offense category to the sex offense category;
- Inducing Minor Sex was changed from the public order offense category to the sex offense category; and
- Obscene Material to a Minor was changed from the public order offense category to the sex offense category.

Statutory Penalty Status

All charges were classified to a statutory penalty status: felony (no house alternative, house alternative with no district court jurisdiction, house alternative with joint jurisdiction in the district court) and misdemeanor. All charges were also classified with respect to the statutory maximum penalty that could be imposed. Certain charges were assigned to the category of mandatory sentences and the mandatory minimum term that could be imposed. For purposes of the analysis, life sentences for murder were considered mandatory sentences.

Sentencing Events

All charges reaching final disposition on a single date for a particular defendant were considered to constitute a “sentencing event”. The sentencing event constitutes the unit of analysis for the survey of sentencing practices and represents that event at which a charge, or group of charges, reaches final disposition and conviction. As currently defined, a sentencing event occurs on a single calendar day. Throughout the narrative, the terms convictions, defendants, and convicted defendants are used to refer to a “sentencing event”. An individual defendant can have multiple sentencing events during any sampling time period.

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From all charges disposed of at a “sentencing event”, a single charge was designated the “governing offense”. The charges were first ranked according to sentence group using the following hierarchy: life sentence, state prison sentence, house of correction sentence, house of correction / split sentence, probation sentence, fine sentence, and other sentence. Within a sentence group, the charge with the longest sentence was selected, and within a sentence length, the charge with the most serious offense level as defined by the commission was selected. Within an offense level, the docket number assigned determined the charge selected as the governing offense.

In the current survey, all other charges resulting in a conviction as part of the ‘sentencing event’ were reviewed and were called ‘secondary convictions’: This survey reports on the total number of charges resulting in conviction (see Table 3) and the type of offense in those secondary convictions (see Table 17).

The method used to assign the “governing offense” differed in some respects from the method used to assign the “governing offense” under the advisory sentencing guidelines. Under the proposed guidelines, the governing offense will always be associated with the highest offense level. The assignment of “governing offense” for purposes of the survey of sentencing practices incorporated information about the sentence imposed and was not solely based on the offense seriousness level. The offense seriousness level of all convicted charges in the sentencing event were reviewed in order to estimate the number of cases where a secondary conviction had a higher offense seriousness level than the governing offense. Under the method used to assign governing offenses, a defendant sentenced to incarceration for Armed Robbery (level 6 or 7) with a probation sentence for home invasion (level 8) would be assigned to the lower offense level due to incarceration status and sentence length.

Table 34 shows the offense seriousness level assigned to the governing offense and the highest offense seriousness level for all convicted offenses. Of the 2,498 defendants convicted of offenses assigned to the sentencing grid, 2,340 or 93.7% had all of their convictions at or below the level of the governing offense and 158 or 6.3% had one or more convictions at a level higher than the governing offense. The most frequently occurring was a defendant assigned to offense level 3 who was also convicted of an offense assigned to offense level 6. For example, a defendant who had a probation sentence for armed robbery (level 6) and a house of correction sentence for assault with a dangerous weapon (level 3). Defendants assigned to level 3 with one or more convictions at level 6 accounted for 25 or 15.8% of these cases. Table 35 shows the specific offense associated with the highest offense seriousness level for the 158 cases.

Table 34. Offense Seriousness Level: Governing Offense and all Offenses of Conviction

Offense Level	All Convictions at That Level or Below		One or More Convictions at a Higher Level		Total	
	N	%	N	%	N	%
9	53	100.0%	0	0.0%	53	100.0%
8	104	100.0%	0	0.0%	104	100.0%
7	226	98.7%	3	1.3%	229	100.0%
6	417	94.1%	26	5.9%	443	100.0%
5	151	95.0%	8	5.0%	159	100.0%
4	931	96.9%	30	3.1%	961	100.0%
3	266	81.6%	60	18.4%	326	100.0%
2	130	83.9%	25	16.1%	155	100.0%
1	14	70.0%	6	30.0%	20	100.0%
0	0	-	0	-	0	
N/A	48	100.0%	0	0.0%	48	100.0%
Total	2,340	93.7%	158	6.3%	2,498	100.0%

Offense Level	Maximum Offense Level (All Convictions)										
	N/A	0	1	2	3	4	5	6	7	8	9
9	0	0	0	0	0	0	0	0	0	0	53
8	0	0	0	0	0	0	0	0	0	104	0
7	0	0	0	0	0	0	0	0	226	3	0
6	0	0	0	0	0	0	0	417	11	15	0
5	0	0	0	0	0	0	151	3	4	1	0
4	0	0	0	0	1	930	13	11	3	3	0
3	0	0	0	0	266	21	10	25	2	2	0
2	0	0	0	130	4	14	4	2	1	0	0
1	0	0	14	2	2	1	1	0	0	0	0
0											
N/A	40	0	0	1	2	4	0	1	0	0	0
Total	40	0	14	133	275	970	179	459	247	128	53

Table 35. Offense Associated with Highest Offense Level and Not Governing Offense

<u>N</u>	<u>Level 8</u>
2	Rape Of Child With Force C. 265 S. 22A
15	Home Invasion C. 265 S. 18C
2	Burglary; Armed; Assault On Occupants, Subsq. Off. C. 266 S. 14
4	Burglary; Armed; Assault On Occupants C. 266 S. 14
1	Assault In Dwelling, Armed, Firearm C. 265 S. 18A
24	Sub-Total
<u>N</u>	<u>Level 7</u>
2	Robbery, Armed, Firearm C. 265 S. 17
2	Rape Of Child, Statutory, Aggravated C. 265 S. 23A
1	Murder, Attempted C. 265 S. 16
1	Mayhem C. 265 S. 14
1	Firearm In Felony, Possess, Lge Capacity C. 265 S. 18B
1	Confine Or Put In Fear To Steal/Or Attempt C. 265 S. 21
3	Carjacking, Armed C. 265 S. 21A
1	Bomb/Hijack Threat C. 269 S. 14(B)
1	Assault To Rape Child C. 265 S. 24B
1	Assault To Murder, Armed C. 265 S. 18(B)
3	Assault In Dwelling, Armed C. 265 S. 18A
1	A&B With Dangerous Weapon C. 265 S. 15A(B)
1	A&B With Dangerous Weapon +60 C. 265 S. 15A(A)
2	A&B On Child With Substantial Injury C. 265 S. 13J
21	Sub-Total
<u>N</u>	<u>Level 6</u>
7	Robbery, Armed C. 265 S. 17
5	Robbery, Armed & Masked C. 265 S. 17
3	Kidnapping C. 265 S. 26
1	Incendiary Device, Chem/Bio/Nuclear Weapon, Possess C. 266 S. 102(A)
2	Drug, Distribute Or Possess With Intent, Class A, Subsq. Off. C. 94C S. 32(B)
1	Cocaine (C.94C S. 31 Class B(A)(4)), Distribute Or Possess With Intent, Subsq. Off. C. 94C S. 32A(D)
1	Child In Sexual Act, Lascivious Pose/Exhibit C. 272 S. 29A(B)
5	Child In Sexual Act, Distrib Material Of C. 272 S. 29B(B)
2	Child In Nude, Lascivious Pose/Exhibit C. 272 S. 29A(A)
2	Assault To Rob, Armed C. 265 S. 18(B)
1	Arson Of Dwelling House C. 266 S. 1
5	A&B, Aggravated, Serious Bodily Injury C. 265 S. 13A(B)(I)
4	A&B With Dangerous Weapon, Aggravated, Serious Bodily Injury C. 265 S. 15A(C)(I)
1	A&B With Dangerous Weapon C. 265 S. 15A(B)
1	A&B On Elder (60+)/Disabled Person; Serious Bodily Injury C. 265 S. 13K(C)
41	Sub-Total

Table 35. Offense Associated with Highest Offense Level and Not Governing Offense

<u>N</u>	<u>Level 5</u>
6	Thief, Common & Notorious C. 266 S. 40
1	Strangulation/Suffocation, Pregnant Victim C. 265 S. 15D(C)(i)
1	Money Laundering, Transaction To Conceal Or Disguise C267A §2
2	Money Laundering, Transaction C267A §2
13	Intimidation/Retaliate, Juror/Witness/Police/ Court Official C. 268 S. 13B(1)
1	Indecent A&B On Child Under 14 C. 265 S. 13B
1	Firearms, Trafficking In 1-2 C. 269 S. 10E(1)
2	Firearms Viol With 1 Prior Violent/Drug Crime C. 269 S. 10(A)
1	Cocaine (C.94C S. 31(A)(4)), Trafficking In C. 94C S. 32E(B)(1) - 18 To 36 G
28	Sub-Total
<u>N</u>	<u>Level 4</u>
2	Strangulation Or Suffocation C. 265 S. 15D(B)
4	Robbery, Unarmed C. 265 S. 19(B)
1	Larceny From Person C. 266 S. 25
3	Firearm, Carry W/O License C. 269 S. 10(A)
1	Firearm Violation Of C. 269 S. 10(A), Carry With Ammunition C. 269 S. 10(N)
1	Escape From Penal Institution/Court/Spd Center/Monitoring System Or Attempt C. 268 S. 16
5	Drug, Distribute Or Possess With Intent, Class B C. 94C S. 32A(A)
1	Drug, Distribute Or Possess With Intent, Class A C. 94C S. 32(A)
5	B&E Daytime, For Felony C. 266 S. 18
1	Attempt To Burn Public Building (As Enumerated In C. 266 S. 2) C. 266 S. 5A
1	Assault To Rob, Unarmed C. 265 S. 20
1	A&B With Firearm, Attempt C. 265 S. 15F(A)
9	A&B With Dangerous Weapon C. 265 S. 15A(B)
1	A&B On 60+/Disabled C. 265 S. 13K(A 1/2)
36	Sub-Total
<u>N</u>	<u>Level 3</u>
1	Receive Stolen Or Falsely Traded Property -\$250 Subsq. Off. C. 266 S. 60
2	Oui Liquor Or .08% Or Drugs, 3Rd Off. C. 90 S. 24(1)(A)(1)
1	Larceny Over \$250 C. 266 S. 30(1)
1	B&E Nighttime For Felony/B&E, Or Attempt, Depository C. 266 S. 16
1	Assault W/Dangerous Weapon C. 265 S. 15B(B)
6	Sub-Total
<u>N</u>	<u>Level 2</u>
1	Rifle/Shotgun W/O Serial No., Sell C. 269 S. 10(G)
1	Lewdness, Open And Gross C. 272 S. 16
2	Sub-Total
158	Grand Total

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Criminal History Group

Each defendant was assigned to a criminal history group in accordance with the five level criminal history scale established by the commission:

- E Serious Violent Record
Two or more prior convictions for offenses in level 7 through 9

- D Violent or Repetitive Record
One prior conviction for offenses in levels 7 through 9, or
Two or more prior convictions for offenses in levels 5 or 6, or
Six or more prior convictions in levels 3, 4, 5 or 6

- C Serious Record
One prior conviction for offenses at levels 5 or 6, or
Three to five prior convictions for offenses in levels 3 or 4

- B Moderate Record
One or two prior convictions for offenses in 3 or 4, or
Six or more prior convictions for offenses in levels 1 or 2

- A No/Minor Record
One to five prior convictions for offenses in levels 1 or 2, or
No prior convictions of any kind

In assigning cases to one of the five categories in the criminal history scale both the number of prior convictions and the seriousness of each prior conviction was considered.

Convictions. Only charges resulting in conviction were included in the construction of the criminal history scale. The conviction definition used for constructing the sentencing event was applied to the construction of the criminal history scale.

Prior Convictions. The criminal history includes only those charges which reached a final disposition prior to the disposition date of the current sentencing event. An assumption was made that for both criminal history events and for sentencing events, the date of arraignment for a charge is always on or before the disposition date for the charge. For arraignment events, it was further assumed that charges are substantially disposed of in order of arraignment. Therefore, the criminal history includes those charges which resulted in a conviction and whose arraignment date precedes the arraignment date of the governing offense in the current sentencing event.

Multiple Prior Convictions. The criminal history scale counts multiple convictions resulting from separate charges as a single conviction if those charges have the same

arraignment date. This is consistent with the policy of the commission that multiple convictions arising from the same incident should be counted as one prior conviction, based on the most serious offense. All cases arraigned on a single date constitute an arraignment event. An arraignment event includes only convicted charges, can include charges disposed of on diverse dates, and can include federal court cases that appear as part of the CARI database.

Selecting a Governing Offense. From all charges disposed of at an “arraignment event” a single charge is designated the “governing offense” for purposes of assigning the criminal history group. The charge with the highest offense seriousness level as defined by the commission is selected as the governing offense. If multiple charges have the same offense seriousness level, the charge with the earliest disposition date is selected as the governing offense. Each arraignment event counts only once in the criminal history, regardless of the number of charges disposed of at that event.

The method may underestimate the number of defendants in the highest criminal history groups. For staircased offenses, the method calls for assigning the prior convictions to the lower(est) offense seriousness level. For example, all prior convictions for Armed Robbery where the use of gun was not specifically noted, were assigned to level 6, thereby underestimating those that were at level 7 (display of gun). Further, the method did not take into account the presumption that prior convictions with the same arraignment date represent a single incident (one prior conviction) may be rebutted, and that prior convictions with the same arraignment date may be counted as separate prior convictions.

There are differences in construction between the sentencing event and the arraignment event that should be noted. In the sentencing event, the longest sentence determines the governing offense, and in the arraignment event, the most serious offense (as defined by the commission) determines the governing offense. For example, a defendant has two charges disposed of in a single date: Aggravated Rape (guilty filed) and Assault and Battery by means of a Dangerous Weapon (2-3 years committed). The sentencing event is defined for the charge with the longest sentence, Assault and Battery by means of a Dangerous Weapon, and the arraignment event is defined for the charge with the highest offense seriousness level, Aggravated Rape.

Juvenile Criminal History

In evaluating the juvenile criminal record a set of assumptions parallel to the adult model were followed: only those offenses resulting in an adjudication of delinquency were considered; an incident based approach was applied to counting juvenile adjudications (only one juvenile adjudication per arraignment event); and, the most serious charge for which the juvenile was adjudicated at each arraignment event counts towards the juvenile criminal history. Some further assumptions used in the construction of the juvenile criminal history model include: all juvenile criminal history adjudications were assumed to precede

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any adult criminal history convictions; and there was no constraint on the types of offenses that could be charged in juvenile courts.

When considering juvenile charges, no modifications to offense title by court, or sentence type were made. It was assumed that juvenile court has jurisdiction over all offenses and all dispositions were available for all offenses.

The following types of adjudications were counted toward the juvenile criminal history: DYS commitments (imposed or suspended), probation, and adjudicated delinquent/filed. The following types of adjudications were not considered juvenile adjudications: “G Filed” or “Fine” with no specific finding of “Adj Del” with the filing or fine.

Under the revised advisory sentencing guideline proposal, no prior adjudication of delinquency for a misdemeanor was counted for criminal history placement on the sentencing grid. Prior adjudications of felonies were counted for criminal history placement on the sentencing grid but were reduced by two levels. When calculating a defendant’s criminal history for purposes of the guidelines, a period of 8 consecutive years after arraignment date including juvenile adjudications, was deemed to have erased the defendant’s criminal history prior to that date, subject to the following exception: all prior convictions at offense seriousness levels 6 and above were counted for criminal history placement on the sentencing grid where the current governing offense was at offense level 6 or above.

Under the previous guidelines, adjudications of delinquency for offenses classified in levels 7, 8, and 9 were counted for purposes of classifying the defendant into one of five criminal history groups; other adjudications of delinquency in the juvenile record were not counted for purposes of classifying the defendant into one of the five criminal history groups. There was no age limit on the age of the juvenile at the time of conviction, all noted adjudications were considered, regardless of the age of the defendant at the time of the juvenile criminal history or the current age of the adult defendant.

Youthful Offender Dispositions

The youthful offender law allows judges sitting in juvenile court to sentence certain juvenile offenders to an adult sentence or to a combination adult / DYS sentence.²⁷ Adjudications in juvenile court under the youthful offender law were treated separately from other juvenile adjudications. Adjudications under the youthful offender law which resulted in the imposition of an adult sentence by the juvenile court were not included as

²⁷ St. 1996, c. 200 was effective for offenses committed on or after October 1, 1996 except for juveniles charged with murder. For these individuals the effective date of the law was July 27, 1996.

convictions or sentencing events for the purposes of constructing the sample for the current survey of sentencing practices. For juveniles charged with murder, the cases are heard in adult court. If those cases resulted in a commitment to DYS, the cases were not included in the sample. If those cases resulted in an adult sentence, the cases were included in the sample.

A youthful offender adjudication was treated for the purposes of calculating a defendant's criminal history score in the same manner as a delinquency adjudication where the juvenile was committed to the Department of Youth Services or received a combination sentence under G.L. c. 119, § 58(b) or (c). A youthful offender adjudication was treated for the purposes of calculating a defendant's criminal history score in the same manner as an adult conviction where the juvenile was sentenced to an adult sentence under G.L. c. 119, § 58(a).

Impact of Criminal History Revisions

Table 36 compares criminal history assignments under the previous and current guideline proposals. As the data show, revisions to the counting of criminal history has the effect of shifting defendants' placement downward from more serious criminal history categories to less serious criminal categories. For example, under the revised guideline proposal, 1,267 defendants or 50.7% fall into criminal history group A, compared to 1,025 defendants or 41.0% under the previous guideline proposal. The greatest impact under the revised proposal would be realized in group D. Under the previous proposal, 577 defendants or 23.1% would be assigned to group D compared to 203 defendants or 8.1% under the current proposal.

Table 36: Criminal History Group Assignment - Comparison of Assigned Group Under Previous and Revised Guideline Proposals

	Previous Guidelines Group A	Previous Guidelines Group B	Previous Guidelines Group C	Previous Guidelines Group D	Previous Guidelines Group E	Total	%
Revised Guidelines Group A	1,017	122	70	58	0	1,267	50.7%
Revised Guidelines Group B	8	312	125	129	0	574	23.0%
Revised Guidelines Group C	0	5	259	188	0	452	18.1%
Revised Guidelines Group D	0	0	1	202	0	203	8.1%
Revised Guidelines Group E	0	0	0	0	2	2	0.1%
Total	1,025	439	455	577	2	2,498	100.0%
%	41.0%	17.6%	18.2%	23.1%	0.1%	100.0%	

Sentencing Guidelines Grid Assignment

Consistent with the classification under proposed guidelines, most cases were assigned to the sentencing guidelines grid. Those cases assigned to the sentencing guidelines grid include all cases where the sentencing guidelines grid would have been considered if the sentencing guidelines had been enacted along with those defendants convicted of murder. Those cases not assigned to the sentencing guidelines grid include convictions for OUI offenses, mandatory firearms offenses, and offenses for which a sentence of imprisonment is not provided by statute.

Sentencing for the offense of murder would not be changed under the advisory sentencing guidelines. However, murder is used to illustrate level 9 on the sentencing guidelines grid and those defendants convicted of murder have been included as level 9 for purposes of statistical reporting in this survey of sentencing practices.

The method should not be considered a comprehensive compilation of OUI sentencing. Many first offense OUI cases are disposed of through a CWOFF and thus were not included in this sample. The method should not be considered a comprehensive compilation of

sentencing for non-jailable offenses. Many charges and convictions for non-jailable offenses were not systematically included as part of the CARI database.

For each case assigned to the sentencing guidelines grid, the intersection of the offense seriousness level and criminal history group constitutes the grid cell for the defendant. Each of the grid cells is further assigned to one of three sentencing zones: incarceration, discretionary, or intermediate sanctions.

A number of cases were placed in an unassigned level of offense seriousness. These cases involve convictions for offenses for which the commission recommended that the offense seriousness level be contingent on the associated criminal activity. Convictions involving an attempt, conspiracy, or accessory are placed into this unassigned level of offense seriousness category.

Jurisdiction

All sentences to incarceration were assigned to the jurisdiction of the DOC or to the jurisdiction of a house of correction. All house of correction sentences and house of correction / split sentences were assumed to be within the jurisdiction of a house of correction. All life sentences and state prison sentences were assumed to be within the jurisdiction of the DOC. During FY 2018, some female defendants with house of correction sentences were in the custody of the DOC at the correctional facility for females. For purposes of the statistical analysis, these female defendants were considered within the jurisdiction of a house of correction.

For certain offenses, such as Manslaughter, when imposing a sentence of incarceration, a superior court judge may sentence a defendant to the jurisdiction of a house of correction or to the jurisdiction of the DOC. For other offenses, such as Robbery, a superior court judge, when imposing a sentence of incarceration, may only sentence a defendant to the jurisdiction of the DOC. Finally, for other offenses, such as Assault & Battery, a superior court judge, when imposing a sentence of incarceration may only sentence a defendant to the jurisdiction of a house of correction.

Comparison of Existing Sentencing and Advisory sentencing guidelines

The actual sentence imposed was compared to the sentencing guidelines range for all cases assigned to the sentencing guidelines grid in order to estimate whether the sentence was below the guideline range, within the guideline range, or above the guideline range. The method used to assign the cases was:

- all incarceration sentences imposed in the intermediate sanction zone were considered above the range and all non-incarceration sentences imposed in the incarceration zone were considered below the range;

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- for incarceration sentences in the discretionary zone and the incarceration zone the length of the sentence was compared with the sentencing range using the following method:
 - all life sentences at offense level 9 and grid cell “8E” were considered to be within the range and all other life sentences were considered to be above the range;
 - the maximum sentence of state prison sentences was compared to the range;
 - the sentence length of all house of correction sentences was compared to the range; and
 - the committed portion of all house of correction / split sentences was compared to the range.

- the comparative analysis was not completed for 173 cases, including 48 cases not assigned to an offense seriousness level and 125 cases where a statutory minimum incarceration sentence might be imposed (e.g. home invasion, armed assault in dwelling, armed burglary, child pornography (level 6), A&B on public employee, and drug for sexual intercourse);

- in all cases where the sentence length was compared to the range the sentence length was not truncated or rounded prior to making the comparison. Thus, a state prison sentence of 5 years to 5 years and 1 day imposed in grid cell “6A “ was considered an upward departure based on the maximum sentence being 1 day over the upper limit of the range.

Post-Release Probation Supervision

For those sentencing events for which a life sentence, state prison sentence, or house of correction sentence was imposed for the governing offense, any remaining charges for which the defendant was convicted were evaluated to determine if a probation sentence, state prison / split sentence or house of correction / split sentence was also imposed as part of that sentencing event. Incarceration sentences were only considered to have a period of post-release probation supervision if the sentences were imposed as part of the same sentencing event. The offense seriousness level for incarceration sentences involving a period of post-release probation supervision was taken from the governing offense which is that offense associated with the incarceration portion of the sentence, regardless of the relative offense seriousness level of the offense associated with any other sentences.

Demographic Characteristics

Offender demographics characteristics (gender, age, and race) were collected from Masscourts. The source of this Masscourts data is the identification section of the CARI database. The CARI database maintains multiple identification records to capture multiple identification information reported by the defendant (e.g. aliases and dates of birth). Where multiple identification records were available for a particular defendant, those records were scanned for completeness of demographic information. Among those records with the most complete demographic information, that record with the oldest recorded date of birth was used, that is the date of birth which makes the offender appear to be older. Using this data collection method, date of birth was available for 100.0% of convicted defendants.

Race and gender was not universally available. All of the tables contained in the report include those defendants for whom race or gender is missing in the statistical tabulations.

APPENDIX B. ADDITIONAL STATISTICAL TABLES

Incarceration Status

Table 37 shows incarceration status by governing offense for all convicted superior court defendants assigned to the sentencing guidelines grid. Offenses are shown in descending order of offense seriousness level. For each offense, the total number of convicted defendants, the number of incarcerated defendants, and the incarceration rate are shown. The same information is shown for each criminal history group.

For example, the offense of Indecent A&B On Child is a level 5 offense. A total of 16 defendants were convicted of this offense including 14 in criminal history group A, 1 in criminal history group B, and 1 in criminal history group D. Of the 16 convicted defendants, a total of 13 received a sentence of incarceration, for an overall incarceration rate of 81%. Of the 14 defendants in criminal history group A, a total of 11 received a sentence of incarceration, for an incarceration rate of 79%; the 1 defendant in criminal history group B received a sentence of incarceration for an incarceration rate of 100%; and the 1 defendant in criminal history group D was also incarcerated.

State Prison Sentences

Table 38 and Table 39 show sentence length information for those defendants sentenced to the state prison by governing offense and grid cell assignment. In Table 38 the total number of convicted defendants, the mean minimum sentence, and the median minimum sentence are shown. For example, for the offense of Rape of Child with Force, a level 8 offense, there were 24 defendants sentenced to the state prison in FY 2018. The mean minimum state prison sentence for Rape of Child with Force was 116.8 months and the median minimum sentence for Rape of Child with Force was 96.0 months.

In Table 39 the total number of convicted defendants, the mean maximum sentence, and the median maximum sentence are shown. Again, using the example of the offense of Rape of Child with Force, a level 8 offense, there were a total of 24 defendants convicted of Rape of Child with Force and sentenced to the state prison. The mean maximum sentence for Rape of Child with Force was 137.8 months and the median sentence for Rape of Child with Force was 114.0 months.

House of Correction Sentences

Table 40 shows sentence length information for those defendants who were sentenced to a period of incarceration in a house of correction. The table includes defendants who received a house of correction sentence or a house of correction / split sentence. For defendants receiving a house of correction sentence, the maximum sentence length is used

in the analysis and for defendants serving house of correction / split sentences, the split or committed portion of the sentence is used in the analysis.

The table shows the total number of convicted defendants, the mean sentence and the median sentence. For example, the offense Intimidation... is a level 5 offense. There were 20 defendants convicted of this offense and sentenced to a term of incarceration in a house of correction. The mean house of correction sentence was 19.0 months and the median house of correction sentence was 22.7 months. The number of convicted defendants and the mean and median sentence length are also shown for each criminal history group.

Type of Offense

Table 41 shows information on incarceration rates by type of offense, for those offenses assigned to the sentencing grid. All offenses were assigned to a type of offense: person, sex, property, drug, motor vehicle, weapons, public order, and other. As indicated in Table 41:

- there were 912 defendants convicted of person offenses with an incarceration rate of 86%;
- there were 246 defendants convicted of sex offenses with an incarceration rate of 86%;
- there were 102 defendants convicted of weapons offenses with an incarceration rate of 79%;
- there were 333 defendants convicted of property offenses with an incarceration rate of 77%;
- there were 664 defendants convicted of drug offenses with an incarceration rate of 73%;
- there were 20 defendants convicted of motor vehicle offenses with an incarceration rate of 60%;
- there were 208 defendants convicted of other offenses with an incarceration rate of 68%; and,
- there were 13 defendants convicted of public order offenses with an incarceration rate of 38%.

Table 37. Governing Offense by Grid Cell Assignment and Incarceration Status

Offense Level	Governing Offense	All Defendants					Incarcerated Defendants					Incarceration Rate							
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
9	Murder, First Degree	28	14	7	4	0	53	28	14	7	4	0	53	100%	100%	100%	100%		100%
9	Sub-Total	28	14	7	4	0	53	28	14	7	4	0	53	100%	100%	100%	100%		100%
8	Assault To Murder, Armed, Firearm	0	2	0	0	0	2	0	2	0	0	0	2		100%				100%
8	Burglary; Armed, Firearm	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
8	Explosives, Secrete/Throw/Launch/Place	0	0	1	0	0	1	0	0	1	0	0	1		100%				100%
8	Home Invasion	7	0	1	0	0	8	2	0	0	0	0	2	29%		0%			25%
8	Kidnapping with Sexual Assault, Armed	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
8	Manslaughter	30	11	3	4	0	48	30	11	3	4	0	48	100%	100%	100%	100%		100%
8	Manslaughter While Oui	5	0	0	0	0	5	5	0	0	0	0	5	100%					100%
8	Rape Of Child With Force	17	2	2	4	0	25	17	1	2	4	0	24	100%	50%	100%	100%		96%
8	Rape Of Child With Force, Aggravated	0	0	0	1	0	1	0	0	0	1	0	1						100%
8	Rape, Aggravated	5	1	1	2	0	9	5	1	1	2	0	9	100%	100%	100%	100%		100%
8	Rape, Aggravated, Subsq. Off.	0	0	0	1	0	1	0	0	0	1	0	1						100%
8	Rape, Subsq. Off.	1	1	0	0	0	2	1	1	0	0	0	2	100%	100%				100%
8	Sub-Total	66	17	9	12	0	104	60	16	8	12	0	96	91%	94%	89%	100%		92%
7	A&B On Child With Substantial Injury	4	0	0	0	0	4	3	0	0	0	0	3	75%					75%
7	A&B With Dangerous Weapon	35	17	25	11	1	89	35	17	25	11	1	89	100%	100%	100%	100%	100%	100%
7	A&B With Dangerous Weapon +60	0	1	1	1	0	3	0	1	1	1	0	3		100%	100%	100%		100%
7	Assault In Dwelling, Armed	0	1	0	2	0	3	0	1	0	2	0	3		100%				100%
7	Assault To Murder +60, Armed	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
7	Assault To Murder, Armed	19	13	4	2	0	38	18	13	4	2	0	37	95%	100%	100%	100%		97%
7	Assault To Rape Child	4	0	0	0	0	4	4	0	0	0	0	4	100%					100%
7	Assault To Rob, Armed, Firearm	0	1	0	0	0	1	0	1	0	0	0	1		100%				100%
7	Bomb/Hijack Threat	2	2	2	0	0	6	0	1	2	0	0	3	0%	50%	100%			50%
7	Carjacking, Armed	2	0	0	1	0	3	2	0	0	1	0	3	100%					100%
7	Confine Or Put In Fear To Steal/Or Attempt	1	1	2	1	0	5	1	1	2	1	0	5	100%	100%	100%	100%		100%
7	Incest	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
7	Kidnapping For Extortion	1	2	0	0	0	3	0	1	0	0	0	1	0%	50%				33%
7	Mayhem	6	1	4	1	0	12	6	1	4	1	0	12	100%	100%	100%	100%		100%
7	Murder, Attempted	1	1	1	1	0	4	0	1	1	1	0	3	0%	100%	100%	100%		75%
7	Rape	12	3	2	2	0	19	11	2	2	2	0	17	92%	67%	100%	100%		89%
7	Rape Of Child, Statutory, Aggravated	14	2	1	1	0	18	14	2	1	1	0	18	100%	100%	100%	100%		100%
7	Robbery, Armed	6	1	1	1	0	9	6	1	1	1	0	9	100%	100%	100%	100%		100%
7	Robbery, Armed & Masked	2	1	1	0	0	4	2	1	1	0	0	4	100%	100%	100%			100%
7	Robbery, Armed, Firearm	0	0	2	0	0	2	0	0	1	0	0	1			50%			50%
7	Sub-Total	110	47	47	24	1	229	102	44	46	24	1	217	93%	94%	98%	100%	100%	95%
6	A&B On Elder (60+)/Disabled Person; Serious Bodily Injury	6	0	1	0	0	7	5	0	1	0	0	6	83%		100%			86%
6	A&B With Dangerous Weapon	28	10	2	2	0	42	28	10	2	2	0	42	100%	100%	100%	100%		100%
6	A&B With Dangerous Weapon +60	2	2	0	0	0	4	2	2	0	0	0	4	100%	100%				100%
6	A&B With Dangerous Weapon, Aggravated, Serious Bodily Injury	18	10	6	2	0	36	11	9	6	2	0	28	61%	90%	100%	100%		78%
6	A&B, Aggravated, Serious Bodily Injury	7	6	5	2	0	20	7	5	4	2	0	18	100%	83%	80%	100%		90%
6	Arson Of Dwelling House	6	1	5	1	0	13	3	1	5	1	0	10	50%	100%	100%	100%		77%
6	Assault To Murder Or Maim	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%
6	Assault To Rape	2	1	0	0	0	3	2	1	0	0	0	3	100%	100%				100%
6	Assault To Rob +60, Armed	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
6	Assault To Rob, Armed	12	3	5	3	0	23	7	3	5	3	0	18	58%	100%	100%	100%		78%
6	Caretaker; Permits A&B On Elder/Disabled Person; Serious Bodily Injury	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
6	Carjacking	2	2	1	3	0	8	2	2	1	3	0	8	100%	100%	100%	100%		100%
6	Child In Nude, Distrib Material Of	1	0	0	1	0	2	0	0	0	0	0	0	0%					0%
6	Child In Nude, Lascivious Pose/Exhibit	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
6	Child In Sexual Act, Distrib Material Of	2	0	1	0	0	3	0	0	0	0	0	0	0%		0%			0%
6	Incendiary Device, Chem/Bio/Nuclear Weapon, Possess	0	0	1	0	0	1	0	0	0	0	0	0			0%			0%
6	Indecent A&B On Child Under 14, After Certain Offenses	0	0	1	1	0	2	0	0	1	1	0	2			100%	100%		100%
6	Kidnapping	6	6	5	3	0	20	5	5	5	3	0	18	83%	83%	100%	100%		90%
6	Manslaughter	2	0	0	0	0	2	2	0	0	0	0	2	100%					100%
6	Rape Of Child, Statutory	41	8	10	3	1	63	39	8	7	3	1	58	95%	100%	70%	100%	100%	92%
6	Robbery +60, Unarmed	0	1	4	3	0	8	0	0	4	3	0	7		0%	100%	100%		88%

Table 37. Governing Offense by Grid Cell Assignment and Incarceration Status

Offense Level	Governing Offense	All Defendants					Incarcerated Defendants					Incarceration Rate							
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
6	Robbery, Armed	55	27	43	24	0	149	46	25	40	23	0	134	84%	93%	93%	96%		90%
6	Robbery, Armed & Masked	10	3	8	2	0	23	5	3	6	2	0	16	50%	100%	75%	100%		70%
6	Stalking In Viol Of Restraining Order	0	0	0	1	0	1	0	0	0	1	0	1				100%		100%
6	Trafficking Of Person For Sexual Servitude	6	2	0	0	0	8	6	2	0	0	0	8	100%	100%				100%
6	Sub-Total	211	82	98	51	1	443	172	76	87	49	1	385	82%	93%	89%	96%	100%	87%
5	A&B On Child With Injury	2	0	0	1	0	3	2	0	0	1	0	3	100%			100%		100%
5	A&B With Dangerous Weapon, Aggravated, No Serious Bodily Injury, Victim Under 14	1	2	0	0	0	3	1	2	0	0	0	3	100%	100%				100%
5	A&B With Firearm	3	1	2	0	0	6	3	1	2	0	0	6	100%	100%	100%			100%
5	A&B With Hypodermic Needle, Syringe	0	0	0	1	0	1	0	0	0	1	0	1				100%		100%
5	A&B, Aggravated, Pregnant Victim	1	0	4	0	0	5	1	0	4	0	0	5	100%		100%			100%
5	Burglary, Unarmed	7	3	4	0	0	14	5	2	2	0	0	9	71%	67%	50%			64%
5	Child, Permit Substantial Injury To	3	0	0	0	0	3	2	0	0	0	0	2	67%					67%
5	Counterfeit Notes, Common Utterer Of	0	0	0	1	0	1	0	0	0	0	0	0				0%		0%
5	Enter Dwelling At Night For Felony, Armed, Firearm	1	0	0	1	0	2	0	0	0	0	0	0	0%			0%		0%
5	Failure To Register Or Verify Registration Info By Sex Offender, Subsq. Off.	2	2	2	0	0	6	0	0	0	0	0	0	0%	0%	0%			0%
5	Firearms, Trafficking In 1-2	3	2	1	0	0	6	2	2	1	0	0	5	67%	100%	100%			83%
5	Grand Jury Transcript, Abuse	1	0	1	0	0	2	1	0	1	0	0	2	100%	100%	100%			100%
5	Indecent A&B On Child Under 14	14	1	0	1	0	16	11	1	0	1	0	13	79%	100%		100%		81%
5	Intimidation/Retaliate, Juror/Witness/Police/ Court Official	23	18	12	7	0	60	13	15	10	4	0	42	57%	83%	83%	57%		70%
5	Money Laundering, For Criminal Activity	4	0	0	1	0	5	3	0	0	1	0	4	75%			100%		80%
5	Money Laundering, Transaction	6	1	0	0	0	7	2	0	0	0	0	2	33%	0%				29%
5	Perjury	5	0	1	1	0	7	2	0	1	1	0	4	40%		100%	100%		57%
5	Prison Guard Have Sex Relations W/Prisoner	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
5	Strangulation/Suffocation, Pregnant Victim	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
5	Strangulation/Suffocation, Serious Bodily Injury	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
5	Strangulation/Suffocation, Violation Of Court Order	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
5	Thief, Common & Notorious	4	0	1	3	0	8	4	0	1	3	0	8	100%	100%	100%	100%		100%
5	Sub-Total	83	30	29	17	0	159	54	23	23	12	0	112	65%	77%	79%	71%		70%
4	A&B On 60+/Disabled	2	1	3	1	0	7	1	1	3	0	0	5	50%	100%	100%	0%		71%
4	A&B On Correctional Facility Employee	2	0	5	6	0	13	2	0	3	5	0	10	100%		60%	83%		77%
4	A&B On Elder (60+)/Disabled Person; Bodily Injury	2	1	0	0	0	3	2	1	0	0	0	3	100%	100%				100%
4	A&B On Person With Intellectual Disability	1	1	0	0	0	2	1	0	0	0	0	1	100%	0%				50%
4	A&B Or Property Damage To Intimidate For Race/Religion, Bodily Injury	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
4	A&B With Bodily Substance On Correctional Facility Employee	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
4	A&B With Dangerous Weapon	5	6	4	0	0	15	0	0	0	0	0	0	0%	0%	0%			0%
4	A&B With Dangerous Weapon +60	2	0	0	0	0	2	0	0	0	0	0	0	0%					0%
4	A&B With Firearm, Attempt	3	0	1	0	0	4	2	0	1	0	0	3	67%		100%			75%
4	A&B, Family Member, Subsq. Offense	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
4	Assault To Commit Felony	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
4	Assault To Rob, Unarmed	2	0	1	1	0	4	2	0	1	1	0	4	100%		100%	100%		100%
4	Attempt To Burn Public Building (As Enumerated In	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
4	B&E Daytime Or Enter At Night, For Felony, Person In Fear	0	3	2	1	0	6	0	3	2	1	0	6		100%	100%	100%		100%
4	B&E Daytime, For Felony	9	16	22	13	0	60	8	15	22	13	0	58	89%	94%	100%	100%		97%
4	B&E Nighttime For Felony/B&E, Or Attempt, Depository	6	10	9	7	0	32	6	10	9	7	0	32	100%	100%	100%	100%		100%
4	Boat, Building, Railroad Car; Larceny From	0	2	1	1	0	4	0	2	1	1	0	4		100%	100%	100%		100%
4	Brothel, Detain/Drug Person In	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
4	Child Pornography, Possess, 2Nd Off.	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
4	Church/Synagogue, Injury Over \$5000 To	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
4	Credit Card Fraud Over \$250	0	0	0	1	0	1	0	0	0	1	0	1				100%		100%
4	Credit Card, Improper Use Over \$250	0	0	0	1	0	1	0	0	0	1	0	1				100%		100%
4	Drug, Distribute Or Possess With Intent, Class A	152	104	42	8	0	306	109	83	37	8	0	237	72%	80%	88%	100%		77%
4	Drug, Distribute Or Possess With Intent, Class B	154	66	38	5	0	263	94	55	27	4	0	180	61%	83%	71%	80%		68%
4	Elder/Disabled, Permit Abuse On	4	0	0	0	0	4	1	0	0	0	0	1	25%					25%
4	Enter Dwelling At Night For Felony	2	0	1	1	0	4	2	0	1	1	0	4	100%		100%	100%		100%
4	Enter W/Larceny Or W/I Felony By False Pretenses C. 266 S. 18A	1	1	0	0	0	2	1	1	0	0	0	2	100%	100%				100%
4	Enticement Of Child	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
4	Escape From Penal Institution/Court/Spd Center/Monitoring System Or Attempt	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
4	Extortion Or Attempts	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%

Table 37. Governing Offense by Grid Cell Assignment and Incarceration Status

Offense Level	Governing Offense	All Defendants					Incarcerated Defendants					Incarceration Rate							
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
4	Fentanyl, Traffick In	16	5	1	0	0	22	14	5	1	0	0	20	88%	100%	100%			91%
4	Firearm Possess Large Capacity, With Valid Fid	18	8	6	1	0	33	18	8	6	1	0	33	100%	100%	100%	100%		100%
4	Firearm Violation Of C. 269 S. 10(A), Carry With Ammunition	2	0	1	0	0	3	2	0	1	0	0	3	100%		100%			100%
4	Firearm W/Defaced No., Possess In Felony	0	0	0	1	0	1	0	0	0	1	0	1				100%		100%
4	Firearm, Carry W/O License	1	1	0	0	0	2	1	1	0	0	0	2	100%	100%				100%
4	Identity Fraud, Pose	2	1	1	0	0	4	0	0	1	0	0	1	0%	0%	100%			25%
4	Indecent A&B On Person 14 Or Over	14	2	2	1	0	19	9	2	1	1	0	13	64%	100%	50%	100%		68%
4	Larceny From Elder/Disabled Person; Over \$250.00	0	0	0	1	0	1	0	0	0	1	0	1				100%		100%
4	Larceny From Person	9	6	2	1	0	18	6	6	1	1	0	14	67%	100%	50%	100%		78%
4	Larceny From Person +65 C. 266 S. 25	0	1	0	0	0	1	0	1	0	0	0	1		100%				100%
4	Larceny Over \$250	1	2	4	3	0	10	1	2	4	3	0	10	100%	100%	100%	100%		100%
4	Larceny Over \$250 By Single Scheme	1	2	0	0	0	3	1	2	0	0	0	3	100%	100%				100%
4	Medical Assistance Fraud By Provider	2	0	0	0	0	2	0	0	0	0	0	0	0%					0%
4	Motor Veh Homicide By Reckless Op	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%
4	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts, Subsq. Off.	2	1	1	0	0	4	2	1	1	0	0	4	100%	100%	100%			100%
4	Photograph Unsuspecting Nude, Sexual Or Intimate Parts W/Out Consent, Disseminate,	0	1	0	0	0	1	0	1	0	0	0	1		100%				100%
4	Prisoner, Deliver Drugs Or Article To	2	3	1	0	0	6	2	3	1	0	0	6	100%	100%	100%			100%
4	Robbery, Unarmed	17	21	13	8	0	59	12	13	13	5	0	43	71%	62%	100%	63%		73%
4	Stalking	2	1	1	0	0	4	2	1	1	0	0	4	100%	100%	100%			100%
4	Strangulation Or Suffocation	7	4	7	3	0	21	6	4	7	1	0	18	86%	100%	100%	33%		86%
4	Withhold Evidence From Official Proceeding	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
4	Sub-Total	451	270	175	65	0	961	310	221	151	57	0	739	69%	82%	86%	88%		77%
3	A&B	27	10	5	1	0	43	15	7	4	1	0	27	56%	70%	80%	100%		63%
3	A&B On Family/Household Member	7	5	2	0	0	14	7	5	2	0	0	14	100%	100%	100%			100%
3	A&B On Police Officer, Attempt To Disarm	0	1	1	0	0	2	0	1	1	0	0	2		100%	100%			100%
3	A&B On Public Employee	1	4	1	0	0	6	1	3	1	0	0	5	100%	75%	100%			83%
3	Abuse Prevention Order, Violate	4	2	1	2	0	9	3	2	0	2	0	7	75%	100%	0%	100%		78%
3	Animal, Cruelty To	2	1	1	0	0	4	1	1	1	0	0	3	50%	100%	100%			75%
3	Assault W/Dangerous Weapon	18	7	7	3	0	35	13	6	7	3	0	29	72%	86%	100%	100%		83%
3	Assault, Family Member, Subsq. Offense	0	0	2	0	0	2	0	0	2	0	0	2		100%				100%
3	B&E Daytime Or Enter At Night, For Felony, Person In Fear	0	0	0	1	0	1	0	0	0	0	0	0				0%		0%
3	B&E Nighttime For Felony/B&E, Or Attempt, Depository	6	4	8	0	0	18	3	4	6	0	0	13	50%	100%	75%			72%
3	Betting, Take/Allow/Present At	1	1	0	0	0	2	1	0	0	0	0	1	100%	0%				50%
3	Burglarious Instrument / Mv Master Key, Make Or Possess	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
3	Burn Boat/Motor Vehicle/Personalty	2	0	1	0	0	3	2	0	1	0	0	3	100%		100%			100%
3	Check, Forgery Of	0	0	2	1	0	3	0	0	2	1	0	3			100%	100%		100%
3	Child Pornography, Possess	24	1	3	0	0	28	18	1	2	0	0	21	75%	100%	67%			75%
3	Child, Permit Injury To	3	0	0	0	0	3	0	0	0	0	0	0	0%					0%
3	Cigarettes, Sell +12000 Unstamped C. 64C S. 34	2	0	0	0	0	2	0	0	0	0	0	0	0%					0%
3	Credit Card Fraud Over \$250	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
3	Destruction Of Property +\$250, Malicious	3	1	5	3	0	12	3	0	4	3	0	10	100%	0%	80%	100%		83%
3	Drug, Distribute Or Possess With Intent Class C	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
3	Drug, Possess Class B, Subsq. Off.	1	1	0	0	0	2	0	1	0	0	0	1	0%	100%				50%
3	Failure To Register Or Verify Registration Info By Sex Offender	2	3	3	2	0	10	2	2	2	1	0	7	100%	67%	67%	50%		70%
3	Failure To Register Or Verify Registration Info By Sex Offender, Subsq. Off.	1	0	1	1	0	3	1	0	0	1	0	2	100%		0%	100%		67%
3	Fiduciary, Embezzlement/Misapplicatn By	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
3	Firearm W/O Fid Card, Subsq. Off.	1	0	1	0	0	2	1	0	0	0	0	1	100%		0%			50%
3	Firearm, Store Improper Large Capacity	2	0	0	0	0	2	0	0	0	0	0	0	0%					0%
3	Ignition Interlock, Operate Without	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
3	Insurance Claim, False Motor Veh	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
3	Kidnapping Incompetent Or Child By Relative	0	1	0	0	0	1	0	1	0	0	0	1		100%				100%
3	Larceny By Check Over \$250	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
3	Larceny From Elder/Disabled Person; Over \$250.00	4	0	0	1	0	5	1	0	0	1	0	2	25%			100%		40%
3	Larceny Over \$250	28	8	4	0	0	40	13	4	3	0	0	20	46%	50%	75%			50%
3	Larceny Over \$250 By Single Scheme	11	0	1	0	0	12	2	0	0	0	0	2	18%		0%			17%
3	Leave Scene Of Personal Injury	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%
3	Motor Veh Homicide By Negligent Op	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
3	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts	2	7	9	3	0	21	1	5	9	3	0	18	50%	71%	100%	100%		86%
3	Municipal/County Offcr, Embezzlement By	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%

Table 37. Governing Offense by Grid Cell Assignment and Incarceration Status

Offense Level	Governing Offense	All Defendants					Incarcerated Defendants					Incarceration Rate							
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
3	Photograph Unsuspecting Nude Person,	1	4	0	0	0	5	1	4	0	0	0	5	100%	100%				100%
3	Prisoner, Deliver Article To Or Receive Article From C. 268 S. 31	0	1	0	0	0	1	0	1	0	0	0	1	100%					100%
3	Purchasing Violation, Government	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
3	Receive Stolen Or Falsely Traded Property -\$250 Subsq. Off.	3	0	1	2	0	6	2	0	1	2	0	5	67%		100%	100%		83%
3	Reckless Endangerment To Children	4	2	0	0	0	6	1	1	0	0	0	2	25%	50%				33%
3	Recognizance Or Bail, Fail To Appear On Felony	1	1	0	0	0	2	1	1	0	0	0	2	100%	100%				100%
3	Sexual Intercourse, Induce Chaste Minor	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%
3	Signature, Obtaining By False Pretense	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
3	Unemployment Comp, False Statement For	2	1	0	0	0	3	0	0	0	0	0	0	0%	0%				0%
3	Utter Counterfeit Note Or False Traveller'S Check	0	1	0	0	0	1	0	1	0	0	0	1	100%					100%
3	Wiretap, Unlawful Or Attempt	2	0	0	0	0	2	0	0	0	0	0	0	0%					0%
3	Sub-Total	178	67	61	20	0	326	97	51	50	18	0	216	54%	76%	82%	90%		66%
2	Assault	1	0	0	1	0	2	0	0	0	1	0	1	0%			100%		50%
2	Assault On Family/Household Member	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
2	B&E For Misdemeanor	0	1	0	1	0	2	0	0	0	1	0	1	0%		100%			50%
2	Boat, Building, Railroad Car; Larceny From	1	1	1	0	0	3	1	1	1	0	0	3	100%	100%	100%			100%
2	Cheating And Swindling Device, Possession W/In Gaming Establishment	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
2	Crime Report, False	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
2	Dangerous Weapon Or Firearm On School Grounds, Carry	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
2	Dangerous Weapon, Carry	1	0	3	0	0	4	1	0	3	0	0	4	100%		100%			100%
2	Defacement Of Real Or Personal Property	0	0	0	1	0	1	0	0	0	1	0	1				100%		100%
2	Destruction Of Property +\$250, Wanton	1	1	0	0	0	2	0	1	0	0	0	1	0%	100%				50%
2	Drug, Distribute Or Possess With Intent Class D	3	2	0	0	0	5	3	2	0	0	0	5	100%	100%				100%
2	Drug, Distribute Or Possess With Intent Class E	0	2	0	0	0	2	0	2	0	0	0	2		100%				100%
2	Drug, Obtain By Fraud	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
2	Drug, Possess Class A	10	4	2	0	0	16	6	3	2	0	0	11	60%	75%	100%			69%
2	Drug, Possess Class B	13	6	3	1	0	23	7	5	1	1	0	14	54%	83%	33%	100%		61%
2	False Name, Social Security To Police	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%
2	Firearm W/O Fid Card, Possess	13	3	0	0	0	16	6	3	0	0	0	9	46%	100%				56%
2	Heroin, Possess	3	0	2	0	0	5	1	0	2	0	0	3	33%		100%			60%
2	Larceny Under \$250	4	1	1	0	0	6	2	0	1	0	0	3	50%	0%	100%			50%
2	Leave Scene Of Property Damage	1	2	0	0	0	3	0	2	0	0	0	2	0%	100%				67%
2	Lewdness, Open And Gross	3	2	0	0	0	5	3	2	0	0	0	5	100%	100%				100%
2	License Revoked As Hto, Operate Mv With	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
2	Liquor To Person Under 21, Sell/Deliver	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
2	Lottery, Set Up/Promote	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
2	Obscene Matter To Minor	2	0	0	0	0	2	2	0	0	0	0	2	100%					100%
2	Police Officer Or Public Official, Impersonate	0	1	0	0	0	1	0	1	0	0	0	1		100%				100%
2	Prostitute, Solicit For	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
2	Prostitution, Keep House Of	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
2	Recognizance Or Bail, Fail Appear On Misdemeanor	0	1	0	0	0	1	0	0	0	0	0	0		0%				0%
2	Resist, Arrest	4	4	1	2	0	11	4	4	0	2	0	10	100%	100%	0%	100%		91%
2	Rifle/Shotgun W/O Serial No., Sell	20	5	3	2	0	30	13	5	1	2	0	21	65%	100%	33%	100%		70%
2	Sales Or Use Tax Certificate, Violation	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
2	Utter False Check, Instrument, Or Promissory Note	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
2	Water Pollution Monitoring, Falsify	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
2	Sub-Total	93	36	18	8	0	155	55	31	13	8	0	107	59%	86%	72%	100%		69%
1	Court Proceedings, Disrupt	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
1	Disorderly House, Keep	4	0	0	0	0	4	0	0	0	0	0	0	0%					0%
1	License Suspended, Op Mv With	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
1	License Suspended, Op Mv With, Subsq.Off	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%
1	Negligent Operation Of Motor Vehicle	3	0	0	1	0	4	2	0	0	1	0	3	67%			100%		75%
1	Obscene Matter, Distribute	1	0	1	0	0	2	0	0	1	0	0	1	0%		100%			50%
1	Reckless Operation Of Motor Vehicle	3	0	0	0	0	3	2	0	0	0	0	2	67%					67%
1	Threat To Commit Crime	2	0	0	0	0	2	2	0	0	0	0	2	100%					100%
1	Witness Fail To Appear In Criminal Case	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
1	Sub-Total	17	0	2	1	0	20	9	0	2	1	0	12	53%		100%	100%		60%

Table 37. Governing Offense by Grid Cell Assignment and Incarceration Status

Offense Level	Governing Offense	All Defendants						Incarcerated Defendants						Incarceration Rate					
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
	Accessory After The Fact	10	2	1	0	0	13	9	2	1	0	0	12	90%	100%	100%			92%
	Accessory Before The Fact	3	0	0	0	0	3	2	0	0	0	0	2	67%					67%
	Attempt To Commit Crime	2	2	2	0	0	6	1	1	2	0	0	4	50%	50%	100%			67%
	Conspiracy	7	0	0	1	0	8	4	0	0	1	0	5	57%			100%		63%
	Conspiracy To Violate Drug Law	8	7	3	0	0	18	7	5	3	0	0	15	88%	71%	100%			83%
	Sub-Total	30	11	6	1	0	48	23	8	6	1	0	38	77%	73%	100%	100%		79%

Table 38. State Prison Sentences: Minimum Sentence by Governing Offense and Grid Cell Assignment

Offense Level	Governing Offense	Incarcerated Defendants						Mean Sentence						Median Sentence					
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
9	Murder, First Degree	28	14	7	4	0	53	270.0	266.1	270.0	270.0		269.0	270.0	270.0	270.0	270.0		270.0
9	Sub-Total	28	14	7	4	0	53	270.0	266.1	270.0	270.0		269.0	270.0	270.0	270.0	270.0		270.0
8	Assault To Murder, Armed, Firearm	0	2	0	0	0	2		120.0				120.0		120.0				120.0
8	Home Invasion	2	0	0	0	0	2	255.0					255.0	255.0					255.0
8	Kidnapping with Sexual Assault, Armed	0	0	1	0	0	1			300.0			300.0			300.0			300.0
8	Manslaughter	30	11	3	4	0	48	144.8	113.5	156.2	162.0		139.8	156.0	96.0	180.0	150.0		144.0
8	Manslaughter While Oui	5	0	0	0	0	5	72.0					72.0	72.0					72.0
8	Rape Of Child With Force	17	1	2	4	0	24	113.3	120.0	84.0	147.0		116.8	84.0	120.0	84.0	138.0		96.0
8	Rape Of Child With Force, Aggravated	0	0	0	1	0	1				216.0		216.0						216.0
8	Rape, Aggravated	5	1	1	2	0	9	129.6	192.0	180.0	162.0		149.3	144.0	192.0	180.0	162.0		180.0
8	Rape, Aggravated, Subsq. Off.	0	0	0	1	0	1				360.0		360.0						360.0
8	Rape, Subsq. Off.	1	1	0	0	0	2	48.0	72.0				60.0	48.0	72.0				60.0
8	Sub-Total	60	16	7	12	0	95	130.6	117.0	159.5	178.0		136.4	120.0	96.0	180.0	174.0		120.0
7	A&B On Child With Substantial Injury	2	0	0	0	0	2	54.0					54.0	54.0					54.0
7	A&B With Dangerous Weapon	35	17	25	11	1	89	44.7	40.6	41.0	54.0	72.0	44.3	42.0	36.0	36.0	60.0	72.0	36.0
7	A&B With Dangerous Weapon +60	0	1	1	1	0	3		48.0	60.0	36.0		48.0		48.0	60.0	36.0		48.0
7	Assault In Dwelling, Armed	0	1	0	2	0	3		180.0		120.0		140.0		180.0		120.0		120.0
7	Assault To Murder +60, Armed	0	0	1	0	0	1			216.0			216.0			216.0			216.0
7	Assault To Murder, Armed	18	13	4	2	0	37	85.3	91.4	66.0	60.0		84.0	74.5	84.0	66.0	60.0		72.0
7	Assault To Rape Child	4	0	0	0	0	4	66.0					66.0	66.0					66.0
7	Assault To Rob, Armed, Firearm	0	1	0	0	0	1		60.0				60.0		60.0				60.0
7	Bomb/Hijack Threat	0	0	1	0	0	1			36.0			36.0			36.0			36.0
7	Carjacking, Armed	2	0	0	1	0	3	36.0			72.0		48.0	36.0			72.0		36.0
7	Confine Or Put In Fear To Steal/Or Attempt	1	1	2	1	0	5	54.0	36.0	78.0	84.0		66.0	54.0	36.0	78.0	84.0		60.0
7	Kidnapping For Extortion	0	1	0	0	0	1		72.0				72.0		72.0				72.0
7	Mayhem	5	1	4	1	0	11	69.6	60.0	52.5	216.0		75.8	48.0	60.0	45.0	216.0		54.0
7	Murder, Attempted	0	1	1	1	0	3		48.0	60.0	72.0		60.0		48.0	60.0	72.0		60.0
7	Rape	11	2	2	2	0	17	57.0	60.0	78.0	84.0		63.0	60.0	60.0	78.0	84.0		60.0
7	Rape Of Child, Statutory, Aggravated	14	2	1	1	0	18	151.7	192.0	216.0	300.0		168.0	132.0	192.0	216.0	300.0		162.0
7	Robbery, Armed	6	1	1	1	0	9	62.0	36.0	84.0	120.0		68.0	66.0	36.0	84.0	120.0		72.0
7	Robbery, Armed & Masked	2	1	1	0	0	4	66.0	60.0	72.0			66.0	66.0	60.0	72.0			66.0
7	Robbery, Armed, Firearm	0	0	1	0	0	1			84.0			84.0			84.0			84.0
7	Sub-Total	100	43	45	24	1	213	72.0	69.3	58.7	84.3	72.0	70.0	60.0	48.0	48.0	60.0	72.0	60.0
6	A&B On Elder (60+)/Disabled Person; Serious Bodily Injury	1	0	1	0	0	2	42.0		48.0			45.0	42.0		48.0			45.0
6	A&B With Dangerous Weapon, Aggravated, Serious Bodily Injury	11	8	6	2	0	27	40.9	68.3	52.0	63.0		53.1	36.0	51.0	42.0	63.0		36.0
6	A&B, Aggravated, Serious Bodily Injury	6	1	2	2	0	11	36.0	24.0	36.0	30.0		33.8	36.0	24.0	36.0	30.0		36.0
6	Arson Of Dwelling House	2	0	4	1	0	7	42.0		54.0	24.0		46.3	42.0		48.0	24.0		48.0
6	Assault To Murder Or Maim	1	0	0	0	0	1	60.0					60.0	60.0					60.0
6	Assault To Rape	2	1	0	0	0	3	39.0	60.0				46.0	39.0	60.0				60.0
6	Assault To Rob +60, Armed	1	0	0	0	0	1	96.0					96.0	96.0					96.0
6	Assault To Rob, Armed	7	3	5	3	0	18	52.3	28.0	33.6	44.0		41.7	36.0	24.0	36.0	48.0		36.0
6	Carjacking	1	2	1	2	0	6	36.0	33.0	60.0	72.0		51.0	36.0	33.0	60.0	72.0		48.0
6	Indecent A&B On Child Under 14, After Certain Offenses	0	0	1	1	0	2			204.0			210.0			204.0			210.0
6	Kidnapping	5	5	5	3	0	18	33.6	38.4	61.2	62.0		47.3	36.0	36.0	54.0	54.0		36.0
6	Rape Of Child, Statutory	27	8	6	3	1	45	70.2	84.0	90.0	52.0	144.0	75.7	72.0	72.0	96.0	60.0	144.0	72.0
6	Robbery +60, Unarmed	0	0	4	3	0	7			48.0	32.0		41.1			48.0	36.0		36.0
6	Robbery, Armed	46	25	40	23	0	134	47.5	34.0	52.7	75.9		51.4	36.0	30.0	48.0	60.0		36.0
6	Robbery, Armed & Masked	5	3	6	2	0	16	64.8	80.0	88.0	90.0		79.5	60.0	84.0	90.0	90.0		84.0
6	Stalking In Viol Of Restraining Order	0	0	0	1	0	1				36.0		36.0				36.0		36.0
6	Trafficking Of Person For Sexual Servitude	6	2	0	0	0	8	62.0	66.0				63.0	60.0	66.0				60.0
6	Sub-Total	121	58	81	46	1	307	52.7	49.4	58.7	67.4	144.0	56.2	36.0	36.0	48.0	60.0	144.0	48.0
5	A&B On Child With Injury	1	0	0	0	0	1	36.0					36.0	36.0					36.0
5	A&B With Dangerous Weapon, Aggravated, No Serious Bodily Injury, Victim Under 14	1	0	0	0	0	1	24.0					24.0	24.0					24.0
5	A&B With Firearm	1	1	2	0	0	4	18.0	36.0	60.0			43.5	18.0	36.0	60.0			48.0
5	A&B With Hypodermic Needle, Syringe	0	0	0	1	0	1				12.0		12.0						12.0
5	A&B, Aggravated, Pregnant Victim	1	0	2	0	0	3	36.0		33.0			34.0	36.0		33.0			36.0

Table 38. State Prison Sentences: Minimum Sentence by Governing Offense and Grid Cell Assignment

Offense Level	Governing Offense	Incarcerated Defendants					Mean Sentence					Median Sentence							
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
5	Burglary, Unarmed	5	2	2	0	0	9	43.2	36.0	48.0			42.7	48.0	36.0	48.0			48.0
5	Child, Permit Substantial Injury To	1	0	0	0	0	1	48.0					48.0	48.0					48.0
5	Firearms, Trafficking In 1-2	2	2	1	0	0	5	27.0	42.0	42.0			36.0	27.0	42.0	42.0			36.0
5	Grand Jury Transcript, Abuse	0	0	1	0	0	1			24.0			24.0			24.0			24.0
5	Indecent A&B On Child Under 14	6	0	0	1	0	7	56.0				96.0	61.7	42.0				96.0	48.0
5	Intimidation/Retaliate, Juror/Witness/Police/ Court Official	5	8	6	3	0	22	39.6	42.0	35.0			39.0	42.0	39.0	36.0		36.0	36.0
5	Money Laundering, For Criminal Activity	1	0	0	1	0	2	12.0					24.0	12.0				36.0	24.0
5	Money Laundering, Transaction	2	0	0	0	0	2	24.0					24.0	24.0					24.0
5	Perjury	1	0	1	1	0	3	24.0		24.0	36.0		28.0	24.0		24.0		36.0	24.0
5	Strangulation/Suffocation, Pregnant Victim	1	0	0	0	0	1	36.0					36.0	36.0					36.0
5	Strangulation/Suffocation, Serious Bodily Injury	1	0	0	0	0	1	60.0					60.0	60.0					60.0
5	Strangulation/Suffocation, Violation Of Court Order	0	0	1	0	0	1			36.0			36.0						36.0
5	Thief, Common & Notorious	1	0	1	2	0	4	72.0		96.0	81.0		82.5	72.0		96.0	81.0		84.0
5	Sub-Total	30	13	17	9	0	69	40.6	40.6	42.0	50.7		42.3	36.0	36.0	36.0	36.0		36.0
4	A&B On 60+/Disabled	0	0	1	0	0	1			24.0			24.0			24.0			24.0
4	A&B On Correctional Facility Employee	1	0	2	3	0	6	96.0		30.0	46.0		49.0	96.0		30.0	24.0		33.0
4	A&B On Elder (60+)/Disabled Person; Bodily Injury	1	1	0	0	0	2	48.0	42.0				45.0	48.0	42.0				45.0
4	A&B With Firearm, Attempt	1	0	1	0	0	2	18.0		84.0			51.0	18.0		84.0			51.0
4	A&B, Family Member, Subsq. Offense	0	0	1	0	0	1			36.0			36.0			36.0			36.0
4	Assault To Commit Felony	0	0	1	0	0	1			27.0			27.0			27.0			27.0
4	Assault To Rob, Unarmed	2	0	1	1	0	4	66.0		42.0	48.0		55.5	66.0		42.0	48.0		54.0
4	B&E Daytime Or Enter At Night, For Felony, Person In Fear	0	3	2	1	0	6			56.0	42.0	24.0	46.0		48.0	42.0	24.0		42.0
4	B&E Daytime, For Felony	8	12	21	12	0	53	63.8	49.0	40.0	38.0		45.2	54.0	36.0	36.0	36.0		36.0
4	B&E Nighttime For Felony/B&E, Or Attempt, Depository	6	10	9	7	0	32	80.0	48.4	52.0	41.1		53.8	60.0	36.0	48.0	36.0		36.0
4	Boat, Building, Railroad Car; Larceny From	0	2	1	1	0	4		27.0	59.0	24.0		34.3		27.0	59.0	24.0		27.0
4	Brothel, Detain/Drug Person In	1	0	0	0	0	1	18.0					18.0	18.0					18.0
4	Child Pornography, Possess, 2Nd Off.	0	0	1	0	0	1			60.0			60.0			60.0			60.0
4	Church/Synagogue, Injury Over \$5000 To	0	0	1	0	0	1			18.0			18.0			18.0			18.0
4	Credit Card Fraud Over \$250	0	0	0	1	0	1				42.0		42.0					42.0	42.0
4	Credit Card, Improper Use Over \$250	0	0	0	1	0	1				48.0		48.0					48.0	48.0
4	Drug, Distribute Or Possess With Intent, Class A	64	50	27	6	0	147	32.5	32.1	31.8	31.0		32.2	36.0	36.0	36.0	33.0		36.0
4	Drug, Distribute Or Possess With Intent, Class B	38	40	16	3	0	97	29.4	25.9	28.5	20.0		27.5	24.0	24.0	24.0	24.0		24.0
4	Enter Dwelling At Night For Felony	0	0	1	1	0	2			60.0	36.0		48.0			60.0	36.0		48.0
4	Enter W/Larceny Or W/I Felony By False Pretenses C. 266 S. 18A	0	1	0	0	0	1		24.0				24.0		24.0				24.0
4	Enticement Of Child	0	0	1	0	0	1			42.0			42.0			42.0			42.0
4	Escape From Penal Institution/Court/Spd Center/Monitoring System Or Attempt	0	0	1	0	0	1			60.0			60.0			60.0			60.0
4	Fentanyl, Traffick In	14	5	1	0	0	20	29.6	33.6	36.0			30.9	30.0	30.0	36.0			30.0
4	Firearm Possess Large Capacity, With Valid Fid	18	8	6	1	0	33	31.7	39.0	33.0	30.0		33.6	30.0	36.0	33.0	30.0		30.0
4	Firearm W/Defaced No., Possess In Felony	0	0	0	1	0	1				48.0		48.0					48.0	48.0
4	Firearm, Carry W/O License	1	0	0	0	0	1	180.0					180.0	180.0					180.0
4	Indecent A&B On Person 14 Or Over	7	0	0	1	0	8	34.3			30.0		33.8	24.0				30.0	27.0
4	Larceny From Elder/Disabled Person; Over \$250.00	0	0	0	1	0	1				24.0		24.0					24.0	24.0
4	Larceny From Person	0	1	0	0	0	1		30.0				30.0		30.0				30.0
4	Larceny From Person +65 C. 266 S. 25	0	1	0	0	0	1		60.0				60.0		60.0				60.0
4	Larceny Over \$250	1	2	4	3	0	10	24.0	18.0	39.0	36.0		32.4	24.0	18.0	36.0	36.0		27.0
4	Larceny Over \$250 By Single Scheme	1	2	0	0	0	3	24.0	42.0				36.0	24.0	42.0				36.0
4	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts, Subsq. Off.	0	1	1	0	0	2		36.0	60.0			48.0		36.0	60.0			48.0
4	Photograph Unsuspecting Nude, Sexual Or Intimate Parts W/Out Consent, Disseminate,	0	1	0	0	0	1		24.0				24.0		24.0				24.0
4	Prisoner, Deliver Drugs Or Article To	0	2	0	0	0	2		24.0				24.0		24.0				24.0
4	Robbery, Unarmed	12	13	13	5	0	43	48.0	40.2	49.8	69.6		48.7	36.0	36.0	36.0	42.0		36.0
4	Stalking	1	1	0	0	0	2	48.0	48.0				48.0	48.0	48.0				48.0
4	Strangulation Or Suffocation	3	3	6	0	0	12	38.0	36.0	30.0			33.5	36.0	36.0	30.0			36.0
4	Sub-Total	180	159	119	49	0	507	37.2	34.5	38.3	39.6		36.8	31.5	36.0	36.0	36.0		36.0
3	A&B On Police Officer, Attempt To Disarm	0	1	1	0	0	2		24.0	24.0			24.0		24.0	24.0			24.0
3	Animal, Cruelty To	1	0	1	0	0	2	48.0		72.0			60.0	48.0		72.0			60.0
3	Assault W/Dangerous Weapon	3	4	6	2	0	15	32.0	31.5	37.0	48.0		36.0	24.0	24.0	36.0	48.0		36.0
3	Assault, Family Member, Subsq. Offense	0	0	1	0	0	1			36.0			36.0			36.0			36.0
3	Burn Boat/Motor Vehicle/Personalty	1	0	1	0	0	2	24.0		25.0			24.5	24.0		25.0			24.5

Table 38. State Prison Sentences: Minimum Sentence by Governing Offense and Grid Cell Assignment

Offense Level	Governing Offense	Incarcerated Defendants						Mean Sentence						Median Sentence					
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
3	Check, Forgery Of	0	0	2	1	0	3			36.0	18.0		30.0			36.0	18.0		36.0
3	Child Pornography, Possess	7	0	2	0	0	9	36.0		42.0			37.3	36.0		42.0			36.0
3	Destruction Of Property +\$250, Malicious	1	0	3	2	0	6	36.0		44.0			42.0	36.0		24.0			42.0
3	Failure To Register Or Verify Registration Info By Sex Offender	1	0	0	1	0	2	30.0					30.0	30.0					30.0
3	Failure To Register Or Verify Registration Info By Sex Offender, Subsq. Off.	0	0	0	1	0	1						24.0						24.0
3	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts	1	3	8	2	0	14	36.0	40.0	47.3			24.0	41.6	36.0	36.0	60.0		24.0
3	Prisoner, Deliver Article To Or Receive Article From C. 268 S. 31	0	1	0	0	0	1		24.0				24.0		24.0				24.0
3	Receive Stolen Or Falsely Traded Property -\$250 Subsq. Off.	2	0	1	1	0	4	33.0		24.0			42.0	33.0	33.0		24.0	42.0	33.0
3	Recognizance Or Bail, Fail To Appear On Felony	0	1	0	0	0	1		24.0				24.0		24.0				24.0
3	Utter Counterfeit Note Or False Traveller'S Check	0	1	0	0	0	1		12.0				12.0		12.0				12.0
3	Sub-Total	17	11	26	10	0	64	34.6	30.0	41.1	34.2		36.4	36.0	24.0	36.0	27.0		36.0
2	Dangerous Weapon, Carry	0	0	1	0	0	1			36.0			36.0						36.0
2	Lewdness, Open And Gross	1	0	0	0	0	1	24.0					24.0	24.0					24.0
2	Obscene Matter To Minor	1	0	0	0	0	1	42.0					42.0	42.0					42.0
2	Utter False Check, Instrument, Or Promissory Note	0	0	1	0	0	1			12.0			12.0						12.0
2	Sub-Total	2	0	2	0	0	4	33.0		24.0			28.5	33.0		24.0			30.0
	Accessory After The Fact	7	1	0	0	0	8	44.6	60.0				46.5	54.0	60.0				54.0
	Accessory Before The Fact	2	0	0	0	0	2	45.0					45.0	45.0					45.0
	Attempt To Commit Crime	0	0	2	0	0	2			42.0			42.0				42.0		42.0
	Conspiracy	2	0	0	1	0	3	57.0				168.0		94.0	57.0				168.0
	Conspiracy To Violate Drug Law	4	3	2	0	0	9	30.0	24.0	30.0			28.0	30.0	24.0	30.0			24.0
	Sub-Total	15	4	4	1	0	24	42.4	33.0	36.0	168.0		45.0	42.0	24.0	36.0	168.0		36.0

Table 39. State Prison Sentences: Maximum Sentence by Governing Offense and Grid Cell Assignment

Offense Level	Governing Offense	Incarcerated Defendants						Mean Sentence						Median Sentence					
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
9	Murder, First Degree	28	14	7	4	0	53	270.0	270.0	270.0	270.0		270.0	270.0	270.0	270.0	270.0		270.0
9	Sub-Total	28	14	7	4	0	53	270.0	270.0	270.0	270.0		270.0	270.0	270.0	270.0	270.0		270.0
8	Assault To Murder, Armed, Firearm	0	2	0	0	0	2		150.0					150.0		150.0			150.0
8	Home Invasion	2	0	0	0	0	2	255.0					255.0	255.0					255.0
8	Kidnapping with Sexual Assault, Armed	0	0	1	0	0	1				360.0			360.0		360.0			360.0
8	Manslaughter	30	11	3	4	0	48	171.8	139.6	172.2	177.0		164.9	180.0	120.0	204.0	162.0		168.0
8	Manslaughter While Oui	5	0	0	0	0	5	84.0					84.0	84.0					84.0
8	Rape Of Child With Force	17	1	2	4	0	24	133.8	120.0	108.0		174.0	137.8	108.0	120.0	108.0	168.0		114.0
8	Rape Of Child With Force, Aggravated	0	0	0	1	0	1					276.0	276.0						276.0
8	Rape, Aggravated	5	1	1	2	0	9	148.8	204.0	204.0		192.0	170.7	168.0	204.0	204.0	192.0		192.0
8	Rape, Aggravated, Subsq. Off.	0	0	0	1	0	1					420.0	420.0						420.0
8	Rape, Subsq. Off.	1	1	0	0	0	2	60.0	96.0				78.0	60.0	96.0				78.0
8	Sub-Total	60	16	7	12	0	95	152.7	141.0	185.2	207.0		160.0	144.0	120.0	204.0	198.0		144.0
7	A&B On Child With Substantial Injury	2	0	0	0	0	2	75.0					75.0	75.0					75.0
7	A&B With Dangerous Weapon	35	17	25	11	1	89	54.7	47.0	55.0	67.1	84.0	55.1	54.0	48.0	48.0	60.0	84.0	48.0
7	A&B With Dangerous Weapon +60	0	1	1	1	0	3		96.0	84.0		60.0	80.0		96.0	84.0	60.0		84.0
7	Assault In Dwelling, Armed	0	1	0	2	0	3		216.0			144.0	168.0		216.0		144.0		144.0
7	Assault To Murder +60, Armed	0	0	1	0	0	1			240.0			240.0			240.0			240.0
7	Assault To Murder, Armed	18	13	4	2	0	37	101.0	105.1	75.0	60.0		97.4	80.5	84.0	78.0	60.0		84.0
7	Assault To Rape Child	4	0	0	0	0	4	85.5					85.5	84.0					84.0
7	Assault To Rob, Armed, Firearm	0	1	0	0	0	1		60.0				60.0		60.0				60.0
7	Bomb/Hijack Threat	0	0	1	0	0	1			48.0			48.0			48.0			48.0
7	Carjacking, Armed	2	0	0	1	0	3	57.0				72.0	62.0	57.0				72.0	60.0
7	Confine Or Put In Fear To Steal/Or Attempt	1	1	2	1	0	5	84.0	36.0	108.0	90.0		85.2	84.0	36.0	108.0	90.0		90.0
7	Kidnapping For Extortion	0	1	0	0	0	1			72.0			72.0			72.0			72.0
7	Mayhem	5	1	4	1	0	11	87.6	72.0	69.0	240.0		93.3	72.0	72.0	60.0	240.0		72.0
7	Murder, Attempted	0	1	1	1	0	3		60.0	84.0	96.0		80.0		60.0	84.0	96.0		84.0
7	Rape	11	2	2	2	0	17	72.6	90.0	90.0	114.0		81.5	60.0	90.0	90.0	114.0		72.0
7	Rape Of Child, Statutory, Aggravated	14	2	1	1	0	18	166.3	246.0	240.0	360.0		190.0	162.0	246.0	240.0	360.0		180.0
7	Robbery, Armed	6	1	1	1	0	9	66.0	54.0	84.0	144.0		75.4	66.0	54.0	84.0	144.0		72.0
7	Robbery, Armed & Masked	2	1	1	0	0	4	66.0	60.0	96.0			72.0	66.0	60.0	96.0			66.0
7	Robbery, Armed, Firearm	0	0	1	0	0	1			96.0			96.0			96.0			96.0
7	Sub-Total	100	43	45	24	1	213	85.1	82.9	73.7	101.5	84.0	84.1	72.0	60.0	60.0	84.0	84.0	72.0
6	A&B On Elder (60+)/Disabled Person; Serious Bodily Injury	1	0	1	0	0	2	60.0		72.0			66.0	60.0		72.0			66.0
6	A&B With Dangerous Weapon, Aggravated, Serious Bodily Injury	11	8	6	2	0	27	57.3	84.8	73.0	66.0		69.6	48.0	60.0	54.0	66.0		60.0
6	A&B, Aggravated, Serious Bodily Injury	6	1	2	2	0	11	46.0	24.0	51.0	30.0		42.0	42.0	24.0	51.0	30.0		36.0
6	Arson Of Dwelling House	2	0	4	1	0	7	48.0		66.0	24.0		54.9	48.0		72.0	24.0		48.0
6	Assault To Murder Or Maim	1	0	0	0	0	1	78.0					78.0	78.0					78.0
6	Assault To Rape	2	1	0	0	0	3	51.0	60.0				54.0	51.0	60.0				60.0
6	Assault To Rob +60, Armed	1	0	0	0	0	1	120.0					120.0	120.0					120.0
6	Assault To Rob, Armed	7	3	5	3	0	18	70.3	28.0	40.8	44.0		50.7	48.0	24.0	36.0	48.0		42.0
6	Carjacking	1	2	1	2	0	6	36.0	42.0	90.0	102.0		69.0	36.0	42.0	90.0	102.0		54.0
6	Indecent A&B On Child Under 14, After Certain Offenses	0	0	1	1	0	2			240.0	300.0		270.0			240.0	300.0		270.0
6	Kidnapping	5	5	5	3	0	18	45.6	48.0	73.2	74.0		58.7	36.0	48.0	78.0	54.0		51.0
6	Rape Of Child, Statutory	27	8	6	3	1	45	83.6	100.5	108.0	66.0	180.0	90.8	84.0	96.0	120.0	72.0	180.0	84.0
6	Robbery +60, Unarmed	0	0	4	3	0	7			60.0	44.0		53.2			60.0	36.0		60.0
6	Robbery, Armed	46	25	40	23	0	134	59.2	47.0	66.5	90.3		64.5	48.0	48.0	60.0	84.0		48.0
6	Robbery, Armed & Masked	5	3	6	2	0	16	79.2	96.0	105.0	90.0		93.4	84.0	108.0	99.0	90.0		96.0
6	Stalking In Viol Of Restraining Order	0	0	0	1	0	1						36.0			36.0			36.0
6	Trafficking Of Person For Sexual Servitude	6	2	0	0	0	8	70.0	75.0				71.3	60.0	75.0				66.0
6	Sub-Total	121	58	81	46	1	307	65.4	61.9	73.5	80.4	180.0	69.5	60.0	48.0	60.0	60.0	180.0	60.0
5	A&B On Child With Injury	1	0	0	0	0	1	36.0					36.0	36.0					36.0
5	A&B With Dangerous Weapon, Aggravated, No Serious Bodily Injury, Victim Under 14	1	0	0	0	0	1	24.0					24.0	24.0					24.0
5	A&B With Firearm	1	1	2	0	0	4	18.0	36.0	72.0			49.5	18.0	36.0	72.0			48.0
5	A&B With Hypodermic Needle, Syringe	0	0	0	1	0	1					12.0	12.0					12.0	12.0
5	A&B, Aggravated, Pregnant Victim	1	0	2	0	0	3	60.0		33.0			42.0	60.0		33.0			36.0
5	Burglary, Unarmed	5	2	2	0	0	9	58.8	54.0	60.0			58.0	72.0	54.0	60.0			60.0

Table 39. State Prison Sentences: Maximum Sentence by Governing Offense and Grid Cell Assignment

Offense Level	Governing Offense	Incarcerated Defendants						Mean Sentence						Median Sentence					
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
5	Child, Permit Substantial Injury To	1	0	0	0	0	1	60.0					60.0	60.0					60.0
5	Firearms, Trafficking In 1-2	2	2	1	0	0	5	33.0	54.0	72.0			49.2	33.0	54.0	72.0			36.0
5	Grand Jury Transcript, Abuse	0	0	1	0	0	1			24.0			24.0			24.0			24.0
5	Indecent A&B On Child Under 14	6	0	0	1	0	7	67.0			120.0		74.6	57.0			120.0		72.0
5	Intimidation/Retaliate, Juror/Witness/Police/ Court Official	5	8	6	3	0	22	49.2	50.3	50.0	48.0		49.6	54.0	48.0	54.0	48.0		48.0
5	Money Laundering, For Criminal Activity	1	0	0	1	0	2	24.0			48.0		36.0	24.0			48.0		36.0
5	Money Laundering, Transaction	2	0	0	0	0	2	36.0					36.0	36.0					36.0
5	Perjury	1	0	1	1	0	3	36.0		24.0	60.0		40.0	36.0		24.0	60.0		36.0
5	Strangulation/Suffocation, Pregnant Victim	1	0	0	0	0	1	72.0					72.0	72.0					72.0
5	Strangulation/Suffocation, Serious Bodily Injury	1	0	0	0	0	1	60.0					60.0	60.0					60.0
5	Strangulation/Suffocation, Violation Of Court Order	0	0	1	0	0	1			72.0			72.0			72.0			72.0
5	Thief, Common & Notorious	1	0	1	2	0	4	72.0		120.0	99.0		97.5	72.0		120.0	99.0		99.0
5	Sub-Total	30	13	17	9	0	69	51.4	50.3	55.4	64.7		53.9	51.0	48.0	60.0	60.0		54.0
4	A&B On 60+/Disabled	0	0	1	0	0	1			24.0			24.0			24.0			24.0
4	A&B On Correctional Facility Employee	1	0	2	3	0	6	96.0		42.0	56.0		58.0	96.0		42.0	24.0		42.0
4	A&B On Elder (60+)/Disabled Person; Bodily Injury	1	1	0	0	0	2	60.0	54.0				57.0	60.0	54.0				57.0
4	A&B With Firearm, Attempt	1	0	1	0	0	2	18.0		84.0			51.0	18.0		84.0			51.0
4	A&B, Family Member, Subsq. Offense	0	0	1	0	0	1			36.0			36.0			36.0			36.0
4	Assault To Commit Felony	0	0	1	0	0	1			27.0			27.0			27.0			27.0
4	Assault To Rob, Unarmed	2	0	1	1	0	4	72.0		42.0	60.0		61.5	72.0		42.0	60.0		66.0
4	B&E Daytime Or Enter At Night, For Felony, Person In Fear	0	3	2	1	0	6		80.0	66.0	30.0		67.0		60.0	66.0	30.0		60.0
4	B&E Daytime, For Felony	8	12	21	12	0	53	75.6	56.0	51.4	48.0		55.3	66.0	48.0	48.0	48.0		48.0
4	B&E Nighttime For Felony/B&E, Or Attempt, Depository	6	10	9	7	0	32	88.0	49.2	62.7	49.7		60.4	66.0	36.0	48.0	36.0		39.0
4	Boat, Building, Railroad Car; Larceny From	0	2	1	1	0	4		42.0	60.0	24.0		42.0		42.0	60.0	24.0		42.0
4	Brothel, Detain/Drug Person In	1	0	0	0	0	1	42.0					42.0	42.0					42.0
4	Child Pornography, Possess, 2Nd Off.	0	0	1	0	0	1			60.0			60.0			60.0			60.0
4	Church/Synagogue, Injury Over \$5000 To	0	0	1	0	0	1			24.0			24.0			24.0			24.0
4	Credit Card Fraud Over \$250	0	0	0	1	0	1				60.0		60.0			60.0			60.0
4	Credit Card, Improper Use Over \$250	0	0	0	1	0	1				60.0		60.0			60.0			60.0
4	Drug, Distribute Or Possess With Intent, Class A	64	50	27	6	0	147	38.2	37.8	40.7	34.0		38.4	36.0	36.0	36.0	36.0		36.0
4	Drug, Distribute Or Possess With Intent, Class B	38	40	16	3	0	97	35.8	33.2	31.9	28.0		33.8	36.0	30.0	24.0	24.0		30.0
4	Enter Dwelling At Night For Felony	0	0	1	1	0	2			84.0	48.0		66.0		84.0	48.0			66.0
4	Enter W/Larceny Or W/I Felony By False Pretenses C. 266 S. 18A	0	1	0	0	0	1		24.0				24.0		24.0				24.0
4	Enticement Of Child	0	0	1	0	0	1			60.0			60.0			60.0			60.0
4	Escape From Penal Institution/Court/Spd Center/Monitoring System Or Attempt	0	0	1	0	0	1			84.0			84.0			84.0			84.0
4	Fentanyl, Traffick In	14	5	1	0	0	20	36.0	43.2	42.0			38.1	36.0	48.0	42.0			36.0
4	Firearm Possess Large Capacity, With Valid Fid	18	8	6	1	0	33	37.4	48.8	38.0	48.0		40.6	33.0	36.0	36.0	48.0		36.0
4	Firearm W/Defaced No., Possess In Felony	0	0	0	1	0	1				60.0		60.0			60.0			60.0
4	Firearm, Carry W/O License	1	0	0	0	0	1	180.0					180.0	180.0					180.0
4	Indecent A&B On Person 14 Or Over	7	0	0	1	0	8	41.2			36.0		40.5	36.0					36.0
4	Larceny From Elder/Disabled Person; Over \$250.00	0	0	0	1	0	1				36.0		36.0			36.0			36.0
4	Larceny From Person	0	1	0	0	0	1		36.0				36.0		36.0				36.0
4	Larceny From Person +65 C. 266 S. 25	0	1	0	0	0	1		60.0				60.0		60.0				60.0
4	Larceny Over \$250	1	2	4	3	0	10	30.0	18.0	51.0	48.0		41.4	30.0	18.0	54.0	48.0		42.0
4	Larceny Over \$250 By Single Scheme	1	2	0	0	0	3	24.0	60.0				48.0	24.0	60.0				60.0
4	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts, Subsq. Off.	0	1	1	0	0	2		48.0	72.0			60.0		48.0	72.0			60.0
4	Photograph Unsuspecting Nude, Sexual Or Intimate Parts W/Out Consent, Disseminate,	0	1	0	0	0	1		24.0				24.0			24.0			24.0
4	Prisoner, Deliver Drugs Or Article To	0	2	0	0	0	2		27.0				27.0		27.0				27.0
4	Robbery, Unarmed	12	13	13	5	0	43	59.0	51.7	63.7	87.6		61.5	42.0	48.0	48.0	60.0		48.0
4	Stalking	1	1	0	0	0	2	60.0	48.0				54.0	60.0	48.0				54.0
4	Strangulation Or Suffocation	3	3	6	0	0	12	52.0	48.0	44.0			47.0	60.0	48.0	42.0			48.0
4	Sub-Total	180	159	119	49	0	507	44.0	41.7	47.8	49.5		44.7	36.0	36.0	36.0	36.0		36.0
3	A&B On Police Officer, Attempt To Disarm	0	1	1	0	0	2		48.0	30.0			39.0		48.0	30.0			39.0
3	Animal, Cruelty To	1	0	1	0	0	2	60.0		84.0			72.0	60.0		84.0			72.0
3	Assault W/Dangerous Weapon	3	4	6	2	0	15	36.0	41.0	45.0	48.0		42.5	24.0	42.0	48.0	48.0		48.0
3	Assault, Family Member, Subsq. Offense	0	0	1	0	0	1			36.0			36.0			36.0			36.0
3	Burn Boat/Motor Vehicle/Personalty	1	0	1	0	0	2	24.0		36.0			30.0	24.0		36.0			30.0
3	Check, Forgery Of	0	0	2	1	0	3			36.0	18.0		30.0			36.0	18.0		36.0
3	Child Pornography, Possess	7	0	2	0	0	9	49.7		45.0			48.7	60.0		45.0			60.0

Table 39. State Prison Sentences: Maximum Sentence by Governing Offense and Grid Cell Assignment

Offense Level	Governing Offense	Incarcerated Defendants						Mean Sentence						Median Sentence							
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T		
3	Destruction Of Property +\$250, Malicious	1	0	3	2	0	6	48.0			50.0	60.0		53.0	48.0		36.0	60.0		48.0	
3	Failure To Register Or Verify Registration Info By Sex Offender	1	0	0	1	0	2	30.0				42.0		36.0	30.0					42.0	36.0
3	Failure To Register Or Verify Registration Info By Sex Offender, Subsq. Off.	0	0	0	1	0	1					30.0		30.0						30.0	30.0
3	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts	1	3	8	2	0	14	48.0	60.0	64.5	30.0			57.4	48.0	60.0	84.0	30.0		54.0	
3	Prisoner, Deliver Article To Or Receive Article From C. 268 S. 31	0	1	0	0	0	1		36.0					36.0		36.0				36.0	
3	Receive Stolen Or Falsely Traded Property -\$250 Subsq. Off.	2	0	1	1	0	4	39.0		24.0	60.0			40.5	39.0		24.0	60.0		39.0	
3	Recognizance Or Bail, Fail To Appear On Felony	0	1	0	0	0	1		24.0					24.0		24.0				24.0	
3	Utter Counterfeit Note Or False Traveller'S Check	0	1	0	0	0	1		17.5					17.5		17.5				17.5	
3	Sub-Total	17	11	26	10	0	64	43.8	42.7	50.3	42.6			46.1	48.0	48.0	36.0	39.0		42.0	
2	Dangerous Weapon, Carry	0	0	1	0	0	1			60.0				60.0						60.0	
2	Lewdness, Open And Gross	1	0	0	0	0	1	36.0						36.0	36.0					36.0	
2	Obscene Matter To Minor	1	0	0	0	0	1	54.0						54.0	54.0					54.0	
2	Utter False Check, Instrument, Or Promissory Note	0	0	1	0	0	1			12.0				12.0						12.0	
2	Sub-Total	2	0	2	0	0	4	45.0		36.0				40.5	45.0		36.0			45.0	
	Accessory After The Fact	7	1	0	0	0	8	54.0	72.0					56.3	60.0	72.0				66.0	
	Accessory Before The Fact	2	0	0	0	0	2	66.0						66.0	66.0					66.0	
	Attempt To Commit Crime	0	0	2	0	0	2			54.0				54.0			54.0			54.0	
	Conspiracy	2	0	0	1	0	3	72.0				192.0		112.0	72.0					192.0	120.0
	Conspiracy To Violate Drug Law	4	3	2	0	0	9	30.0	24.0	42.0				30.7	30.0	24.0	42.0			24.0	
	Sub-Total	15	4	4	1	0	24	51.6	36.0	48.0	192.0			54.3	54.0	24.0	54.0	192.0		51.0	

Table 40. House of Correction Sentences: Sentence by Governing Offense and Grid Cell Assignment

Offense Level	Governing Offense	Incarcerated Defendants						Mean Sentence						Median Sentence									
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T				
8	Explosives, Secrete/Throw/Launch/Place	0	0	1	0	0	1						18.0						18.0				18.0
8	Sub-Total	0	0	1	0	0	1						18.0						18.0				18.0
7	A&B On Child With Substantial Injury	1	0	0	0	0	1	28.0					28.0	28.0									28.0
7	Bomb/Hijack Threat	0	1	1	0	0	2		15.0	6.0			10.5		15.0	6.0							10.5
7	Mayhem	1	0	0	0	0	1	24.0					24.0	24.0									24.0
7	Sub-Total	2	1	1	0	0	4	26.0	15.0	6.0			18.3	26.0	15.0	6.0							19.5
6	A&B On Elder (60+)/Disabled Person; Serious Bodily Injury	4	0	0	0	0	4	13.5					13.5	11.0									11.0
6	A&B With Dangerous Weapon	28	10	2	2	0	42	21.4	19.8	18.0	11.9		20.4	24.0	24.0	18.0	11.9						24.0
6	A&B With Dangerous Weapon +60	2	2	0	0	0	4	24.0	19.6				21.8	24.0	19.6								19.6
6	A&B With Dangerous Weapon, Aggravated, Serious Bodily Injury	0	1	0	0	0	1		24.0				24.0		24.0								24.0
6	A&B, Aggravated, Serious Bodily Injury	1	4	2	0	0	7	30.0	9.6	13.6			13.7	30.0	7.9	13.6							9.0
6	Arson Of Dwelling House	1	1	1	0	0	3	12.0	30.0	30.0			24.0	12.0	30.0	30.0							30.0
6	Carjacking	1	0	0	1	0	2	30.0				30.0	30.0	30.0							30.0		30.0
6	Manslaughter	2	0	0	0	0	2	21.0					21.0	21.0									21.0
6	Rape Of Child, Statutory	12	0	1	0	0	13	21.3					22.0	24.0		30.0							24.0
6	Sub-Total	51	18	6	3	0	78	21.0	18.3	20.5	17.9		20.2	24.0	19.6	22.6	12.0						24.0
5	A&B On Child With Injury	1	0	0	1	0	2	30.0				24.0	27.0	30.0									27.0
5	A&B With Dangerous Weapon, Aggravated, No Serious Bodily Injury, Victim Under 14	0	2	0	0	0	2		18.0				18.0		18.0								18.0
5	A&B With Firearm	2	0	0	0	0	2	27.0					27.0	27.0									27.0
5	A&B, Aggravated, Pregnant Victim	0	0	2	0	0	2			12.0			12.0			12.0							12.0
5	Child, Permit Substantial Injury To	1	0	0	0	0	1	18.0					18.0	18.0									18.0
5	Grand Jury Transcript, Abuse	1	0	0	0	0	1	6.0					6.0	6.0									6.0
5	Indecent A&B On Child Under 14	5	1	0	0	0	6	26.4	18.0				25.0	24.0	18.0								24.0
5	Intimidation/Retaliate, Juror/Witness/Police/ Court Official	8	7	4	1	0	20	24.8	10.5	20.3	27.2		19.0	27.0	6.0	22.7	27.2						22.7
5	Money Laundering, For Criminal Activity	2	0	0	0	0	2	12.0					12.0	12.0									12.0
5	Perjury	1	0	0	0	0	1	12.0					12.0	12.0									12.0
5	Thief, Common & Notorious	3	0	0	1	0	4	28.0				30.0	28.5	30.0							30.0		30.0
5	Sub-Total	24	10	6	3	0	43	23.3	12.8	17.6	27.1		20.3	24.0	11.6	18.2	27.2						24.0
4	A&B On 60+/Disabled	1	1	2	0	0	4	14.0	15.0	6.0			10.2	14.0	15.0	6.0							11.5
4	A&B On Correctional Facility Employee	1	0	1	2	0	4	6.0		6.0	7.5		6.8	6.0		6.0	7.5						6.0
4	A&B On Elder (60+)/Disabled Person; Bodily Injury	1	0	0	0	0	1	18.0					18.0	18.0									18.0
4	A&B On Person With Intellectual Disability	1	0	0	0	0	1	3.0					3.0	3.0									3.0
4	A&B With Bodily Substance On Correctional Facility Employee	1	0	0	0	0	1	6.0					6.0	6.0									6.0
4	A&B With Firearm, Attempt	1	0	0	0	0	1	18.0					18.0	18.0									18.0
4	B&E Daytime, For Felony	0	3	1	1	0	5		11.9	30.0	2.0		13.5		6.0	30.0	2.0						6.0
4	Drug, Distribute Or Possess With Intent, Class A	45	33	10	2	0	90	17.0	19.2	16.8	16.5		17.7	18.0	24.0	16.5	16.5						18.0
4	Drug, Distribute Or Possess With Intent, Class B	56	15	11	1	0	83	15.9	14.2	15.3	12.0		15.5	15.0	12.0	12.0	12.0						18.0
4	Elder/Disabled, Permit Abuse On	1	0	0	0	0	1	6.0					6.0	6.0									12.0
4	Enter Dwelling At Night For Felony	2	0	0	0	0	2	18.0					18.0	18.0									6.0
4	Enter W/Larceny Or W/I Felony By False Pretenses C. 266 S. 18A	1	0	0	0	0	1	24.0					24.0	24.0									18.0
4	Firearm Violation Of C. 269 S. 10(A), Carry With Ammunition	2	0	1	0	0	3	12.0			3.0		9.0	12.0		3.0							24.0
4	Firearm, Carry W/O License	0	1	0	0	0	1		18.0				18.0		18.0								12.0
4	Identity Fraud, Pose	0	0	1	0	0	1			30.0			30.0			30.0							18.0
4	Indecent A&B On Person 14 Or Over	2	2	1	0	0	5	27.0	24.0	30.0			26.4	27.0	24.0	30.0							30.0
4	Larceny From Person	6	5	1	1	0	13	17.4	15.3	10.4	17.2		16.0	14.7	17.2	10.4	17.2						24.0
4	Motor Veh Homicide By Reckless Op	1	0	0	0	0	1	6.0					6.0	6.0									17.2
4	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts, Subsq. Off.	2	0	0	0	0	2	24.0					24.0	24.0									6.0
4	Prisoner, Deliver Drugs Or Article To	2	1	1	0	0	4	18.0	6.0	12.0			13.5	18.0	6.0	12.0							24.0
4	Stalking	1	0	1	0	0	2	3.0		24.0			13.5	3.0		24.0							12.0
4	Strangulation Or Suffocation	3	1	1	1	0	6	21.2	9.0	22.0	30.0		20.8	24.0	9.0	22.0	30.0						13.5
4	Sub-Total	130	62	32	8	0	232	16.3	17.0	16.1	13.6		16.4	16.1	18.0	13.5	12.0						17.2
3	A&B	15	7	4	1	0	27	12.4	14.5	15.8	6.0		13.2	9.0	12.7	13.5	6.0						9.0
3	A&B On Family/Household Member	7	5	2	0	0	14	16.3	23.4	12.5			18.3	18.0	30.0	12.5							18.0
3	A&B On Public Employee	1	3	1	0	0	5	18.0	14.0	24.0			16.8	18.0	18.0	24.0							18.0
3	Abuse Prevention Order, Violate	3	2	0	2	0	7	14.0	26.6		18.0		18.8	12.0	26.6		18.0						24.0

Table 40. House of Correction Sentences: Sentence by Governing Offense and Grid Cell Assignment

Offense Level	Governing Offense	Incarcerated Defendants						Mean Sentence						Median Sentence					
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
3	Animal, Cruelty To	0	1	0	0	0	1		6.0					6.0					6.0
3	Assault W/Dangerous Weapon	10	2	1	1	0	14	18.5	16.7	20.7	24.1		18.8	18.4	16.7	20.7	24.1		19.4
3	Assault, Family Member, Subsq. Offense	0	0	1	0	0	1			11.0			11.0			11.0			11.0
3	B&E Nighttime For Felony/B&E, Or Attempt, Depository	3	4	6	0	0	13	22.0	20.5	19.3			20.3	24.0	21.0	21.0			24.0
3	Betting, Take/Allow/Present At	1	0	0	0	0	1	12.0					12.0	12.0					12.0
3	Burglarious Instrument / Mv Master Key, Make Or Possess	0	0	1	0	0	1			30.0			30.0			30.0			30.0
3	Burn Boat/Motor Vehicle/Personalty	1	0	0	0	0	1	12.0					12.0	12.0					12.0
3	Child Pornography, Possess	11	1	0	0	0	12	16.5	12.0				16.2	18.0	12.0				18.0
3	Credit Card Fraud Over \$250	0	0	1	0	0	1			6.0			6.0			6.0			6.0
3	Destruction Of Property +\$250, Malicious	2	0	1	1	0	4	7.2		24.0	18.0		14.1	7.2		24.0	18.0		13.2
3	Drug, Possess Class B, Subsq. Off.	0	1	0	0	0	1		24.0				24.0		24.0				24.0
3	Failure To Register Or Verify Registration Info By Sex Offender	1	2	2	0	0	5	6.0	12.0	18.0			13.2	6.0	12.0	18.0			6.0
3	Failure To Register Or Verify Registration Info By Sex Offender, Subsq. Off.	1	0	0	0	0	1	12.0					12.0	12.0					12.0
3	Fiduciary, Embezzlement/Misapplicatn By	1	0	0	0	0	1	3.0					3.0	3.0					3.0
3	Firearm W/O Fid Card, Subsq. Off.	1	0	0	0	0	1	24.0					24.0	24.0					24.0
3	Ignition Interlock, Operate Without	1	0	0	0	0	1	6.0					6.0	6.0					6.0
3	Kidnapping Incompetent Or Child By Relative	0	1	0	0	0	1		12.0				12.0		12.0				12.0
3	Larceny From Elder/Disabled Person; Over \$250.00	1	0	0	1	0	2	18.0			24.0		21.0	18.0			24.0		21.0
3	Larceny Over \$250	13	4	3	0	0	20	13.4	10.6	14.0			12.9	12.0	9.0	12.0			12.0
3	Larceny Over \$250 By Single Scheme	2	0	0	0	0	2	9.0					9.0	9.0					9.0
3	Leave Scene Of Personal Injury	1	0	0	0	0	1	24.0					24.0	24.0					24.0
3	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts	0	2	1	1	0	4		24.0	30.0	18.0		24.0		24.0	30.0	18.0		24.0
3	Photograph Unsuspecting Nude Person,	1	4	0	0	0	5	30.0	18.3				20.6	30.0	15.5				19.0
3	Receive Stolen Or Falsely Traded Property -\$250 Subsq. Off.	0	0	0	1	0	1				30.0		30.0				30.0		30.0
3	Reckless Endangerment To Children	1	1	0	0	0	2	24.0	8.5				16.2	24.0	8.5				16.2
3	Recognizance Or Bail, Fail To Appear On Felony	1	0	0	0	0	1	15.0					15.0	15.0					15.0
3	Sexual Intercourse, Induce Chaste Minor	1	0	0	0	0	1	12.0					12.0	12.0					12.0
3	Sub-Total	80	40	24	8	0	152	15.0	17.0	17.8	19.5		16.2	12.0	18.0	18.0	21.0		16.5
2	Assault	0	0	0	1	0	1				2.2		2.2				2.2		2.2
2	Assault On Family/Household Member	1	0	0	0	0	1	6.0					6.0	6.0					6.0
2	B&E For Misdemeanor	0	0	0	1	0	1				1.0		1.0				1.0		1.0
2	Boat, Building, Railroad Car; Larceny From	1	1	1	0	0	3	12.0	18.0	24.0			18.0	12.0	18.0	24.0			18.0
2	Cheating And Swindling Device, Possession W/In Gaming Establishment	1	0	0	0	0	1	6.0					6.0	6.0					6.0
2	Crime Report, False	1	0	0	0	0	1	12.0					12.0	12.0					12.0
2	Dangerous Weapon, Carry	1	0	2	0	0	3	9.0		24.0			19.0	9.0		24.0			18.0
2	Defacement Of Real Or Personal Property	0	0	0	1	0	1				18.0		18.0				18.0		18.0
2	Destruction Of Property +\$250, Wanton	0	1	0	0	0	1		12.0				12.0		12.0				12.0
2	Drug, Distribute Or Possess With Intent Class D	3	2	0	0	0	5	3.3	12.2				6.9	2.0	12.2				2.0
2	Drug, Distribute Or Possess With Intent Class E	0	2	0	0	0	2		6.5				6.5		6.5				6.5
2	Drug, Possess Class A	6	3	2	0	0	11	6.9	7.2	12.0			7.9	7.0	6.0	12.0			8.0
2	Drug, Possess Class B	7	5	1	1	0	14	11.1	8.3	12.0	6.0		9.8	12.0	9.0	12.0	6.0		12.0
2	False Name, Social Security To Police	1	0	0	0	0	1	12.0					12.0	12.0					12.0
2	Firearm W/O Fid Card, Possess	6	3	0	0	0	9	13.1	14.8				13.7	12.7	10.9				12.0
2	Heroin, Possess	1	0	2	0	0	3	12.0		11.0			11.3	12.0		11.0			12.0
2	Larceny Under \$250	2	0	1	0	0	3	3.7		10.4			6.0	3.7		10.4			6.0
2	Leave Scene Of Property Damage	0	2	0	0	0	2		22.2				22.2		22.2				22.2
2	Lewdness, Open And Gross	2	2	0	0	0	4	24.0	18.0				21.0	24.0	18.0				24.0
2	Lottery, Set Up/Promote	1	0	0	0	0	1	6.0					6.0	6.0					6.0
2	Obscene Matter To Minor	1	0	0	0	0	1	12.0					12.0	12.0					12.0
2	Police Officer Or Public Official, Impersonate	0	1	0	0	0	1		12.0				12.0		12.0				12.0
2	Prostitution, Keep House Of	1	0	0	0	0	1	24.0					24.0	24.0					24.0
2	Resist, Arrest	4	4	0	2	0	10	10.5	13.7		15.0		12.7	12.0	10.6		15.0		12.0
2	Rifle/Shotgun W/O Serial No., Sell	13	5	1	2	0	21	16.6	15.0	6.0	24.0		16.4	18.0	12.0	6.0	24.0		18.0
2	Sales Or Use Tax Certificate, Violation	0	0	1	0	0	1			6.0			6.0		6.0				6.0
2	Sub-Total	53	31	11	8	0	103	11.9	12.8	13.9	13.2		12.5	12.0	12.0	12.0	12.0		12.0
1	Court Proceedings, Disrupt	0	0	1	0	0	1			6.0			6.0			6.0			6.0
1	License Suspended, Op Mv With	1	0	0	0	0	1	0.3					0.3	0.3					0.3
1	License Suspended, Op Mv With, Subsq.Off	1	0	0	0	0	1	2.0					2.0	2.0					2.0

Table 40. House of Correction Sentences: Sentence by Governing Offense and Grid Cell Assignment

Offense Level	Governing Offense	Incarcerated Defendants						Mean Sentence						Median Sentence							
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T		
1	Negligent Operation Of Motor Vehicle	2	0	0	1	0	3	1.5				12.0		5.0	1.5				12.0		2.5
1	Obscene Matter, Distribute	0	0	1	0	0	1			30.0				30.0			30.0				30.0
1	Reckless Operation Of Motor Vehicle	2	0	0	0	0	2	12.0					12.0	12.0							12.0
1	Threat To Commit Crime	2	0	0	0	0	2	6.0					6.0	6.0							6.0
1	Witness Fail To Appear In Criminal Case	1	0	0	0	0	1	0.4					0.4	0.4							0.4
1	Sub-Total	9	0	2	1	0	12	4.6		18.0	12.0		7.5	2.5		18.0	12.0				6.0
	Accessory After The Fact	2	1	1	0	0	4	18.0	25.7	12.0			18.4	18.0	25.7	12.0					18.9
	Attempt To Commit Crime	1	1	0	0	0	2	13.7	30.0				21.9	13.7	30.0						21.9
	Conspiracy	2	0	0	0	0	2	11.7					11.7	11.7							11.7
	Conspiracy To Violate Drug Law	3	2	1	0	0	6	15.5	6.4	24.0			13.9	16.6	6.4	24.0					14.3
	Sub-Total	8	4	2	0	0	14	15.0	17.1	18.0			16.0	15.2	18.9	18.0					15.2

Table 41. Governing Offense by Grid Cell Assignment, Offense Type, and Incarceration Status

Offense Level	Governing Offense	All Defendants					Incarcerated Defendants					Incarceration Rate							
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
Person	A&B	27	10	5	1	0	43	15	7	4	1	0	27	56%	70%	80%	100%		63%
Person	A&B On 60+/Disabled	2	1	3	1	0	7	1	1	3	0	0	5	50%	100%	100%	0%		71%
Person	A&B On Child With Injury	2	0	0	1	0	3	2	0	0	1	0	3	100%			100%		100%
Person	A&B On Child With Substantial Injury	4	0	0	0	5	4	3	0	0	0	0	3	75%					75%
Person	A&B On Elder (60+)/Disabled Person; Bodily Injury	2	1	0	0	0	3	2	1	0	0	0	3	100%	100%				100%
Person	A&B On Elder (60+)/Disabled Person; Serious Bodily Injury	6	0	1	0	0	7	5	0	1	0	0	6	83%		100%			86%
Person	A&B On Family/Household Member	7	5	2	0	0	14	7	5	2	0	0	14	100%	100%	100%			100%
Person	A&B On Person With Intellectual Disability	1	1	0	0	0	2	1	0	0	0	0	1	100%	0%				50%
Person	A&B On Police Officer, Attempt To Disarm	0	1	1	0	0	2	0	1	1	0	0	2		100%	100%			100%
Person	A&B On Public Employee	1	4	1	0	0	6	1	3	1	0	0	5	100%	75%	100%			83%
Person	A&B Or Property Damage To Intimidate For Race/Religion, Bodily Injury	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
Person	A&B With Dangerous Weapon	68	33	31	13	1	146	63	27	27	13	1	131	93%	82%	87%	100%	100%	90%
Person	A&B With Dangerous Weapon +60	4	3	1	1	0	9	2	3	1	1	0	7	50%	100%	100%	100%		78%
Person	A&B With Dangerous Weapon, Aggravated, No Serious Bodily Injury, Victim Under 14	1	2	0	0	0	3	1	2	0	0	0	3	100%	100%				100%
Person	A&B With Dangerous Weapon, Aggravated, Serious Bodily Injury	18	10	6	2	0	36	11	9	6	2	0	28	61%	90%	100%	100%		78%
Person	A&B With Firearm	3	1	2	0	0	6	3	1	2	0	0	6	100%	100%	100%			100%
Person	A&B With Firearm, Attempt	3	0	1	0	0	4	2	0	1	0	0	3	67%		100%			75%
Person	A&B With Hypodermic Needle, Syringe	0	0	0	1	0	1	0	0	0	1	0	1				100%		100%
Person	A&B, Aggravated, Pregnant Victim	1	0	4	0	0	5	1	0	4	0	0	5	100%		100%			100%
Person	A&B, Aggravated, Serious Bodily Injury	7	6	5	2	0	20	7	5	4	2	0	18	100%	83%	80%	100%		90%
Person	A&B, Family Member, Subsq. Offense	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
Person	Assault	1	0	0	1	0	2	0	0	0	1	0	1	0%			100%		50%
Person	Assault In Dwelling, Armed	0	1	0	2	0	3	0	1	0	2	0	3		100%		100%		100%
Person	Assault On Family/Household Member	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
Person	Assault To Commit Felony	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
Person	Assault To Murder +60, Armed	0	0	1	0	0	1	0	0	1	0	0	1			100%			100%
Person	Assault To Murder Or Maim	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%
Person	Assault To Murder, Armed	19	13	4	2	0	38	18	13	4	2	0	37	95%	100%	100%	100%		97%
Person	Assault To Murder, Armed, Firearm	0	2	0	0	0	2	0	2	0	0	0	2		100%				100%
Person	Assault To Rob +60, Armed	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%
Person	Assault To Rob, Armed	12	3	5	3	0	23	7	3	5	3	0	18	58%	100%	100%	100%		78%
Person	Assault To Rob, Armed, Firearm	0	1	0	0	0	1	0	1	0	0	0	1		100%				100%
Person	Assault To Rob, Unarmed	2	0	1	1	0	4	2	0	1	1	0	4	100%		100%	100%		100%
Person	Assault W/Dangerous Weapon	18	7	7	3	0	35	13	6	7	3	0	29	72%	86%	100%	100%		83%
Person	Assault, Family Member, Subsq. Offense	0	0	2	0	0	2	0	0	2	0	0	2			100%			100%
Person	Caretaker; Permits A&B On Elder/Disabled Person; Serious Bodily Injury	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
Person	Carjacking	2	2	1	3	0	8	2	2	1	3	0	8	100%	100%	100%	100%		100%
Person	Carjacking, Armed	2	0	0	1	0	3	2	0	0	1	0	3	100%			100%		100%
Person	Child, Permit Injury To	3	0	0	0	0	3	0	0	0	0	0	0	0%					0%
Person	Child, Permit Substantial Injury To	3	0	0	0	0	3	2	0	0	0	0	2	67%					67%
Person	Confine Or Put In Fear To Steal/Or Attempt	1	1	2	1	0	5	1	1	2	1	0	5	100%	100%	100%	100%		100%
Person	Elder/Disabled, Permit Abuse On	4	0	0	0	0	4	1	0	0	0	0	1	25%					25%
Person	Extortion Or Attempts	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%
Person	Home Invasion	7	0	1	0	0	8	2	0	0	0	0	2	29%		0%			25%
Person	Kidnapping	6	6	5	3	0	20	5	5	5	3	0	18	83%	83%	100%	100%		90%
Person	Kidnapping For Extortion	1	2	0	0	0	3	0	1	0	0	0	1	0%	50%				33%
Person	Kidnapping Incompetent Or Child By Relative	0	1	0	0	0	1	0	1	0	0	0	1		100%				100%
Person	Manslaughter	32	11	3	4	0	50	32	11	3	4	0	50	100%	100%	100%	100%		100%
Person	Manslaughter While Oui	5	0	0	0	0	5	5	0	0	0	0	5	100%					100%
Person	Mayhem	6	1	4	1	0	12	6	1	4	1	0	12	100%	100%	100%	100%		100%
Person	Murder, Attempted	1	1	1	1	0	4	0	1	1	1	0	3	0%	100%	100%	100%		75%
Person	Murder, First Degree	28	14	7	4	0	53	28	14	7	4	0	53	100%	100%	100%	100%		100%
Person	Reckless Endangerment To Children	4	2	0	0	0	6	1	1	0	0	0	2	25%	50%				33%
Person	Robbery +60, Unarmed	0	1	4	3	0	8	0	0	4	3	0	7		0%	100%	100%		88%
Person	Robbery, Armed	61	28	44	25	0	158	52	26	41	24	0	143	85%	93%	93%	96%		91%
Person	Robbery, Armed & Masked	12	4	9	2	0	27	7	4	7	2	0	20	58%	100%	78%	100%		74%
Person	Robbery, Armed, Firearm	0	0	2	0	0	2	0	0	1	0	0	1			50%			50%
Person	Robbery, Unarmed	17	21	13	8	0	59	12	13	13	5	0	43	71%	62%	100%	63%		73%
Person	Stalking	2	1	1	0	0	4	2	1	1	0	0	4	100%	100%	100%			100%
Person	Stalking In Viol Of Restraining Order	0	0	0	1	0	1	0	0	1	0	0	1				100%		100%

Table 41. Governing Offense by Grid Cell Assignment, Offense Type, and Incarceration Status

Offense Level	Governing Offense	All Defendants						Incarcerated Defendants						Incarceration Rate					
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T
Person	Strangulation Or Suffocation	7	4	7	3	0	21	6	4	7	1	0	18	86%	100%	100%	33%		86%
Person	Strangulation/Suffocation, Pregnant Victim	1	0	0	0	0	1	1	0	0	0	1	100%						100%
Person	Strangulation/Suffocation, Serious Bodily Injury	1	0	0	0	0	1	1	0	0	0	1	100%						100%
Person	Strangulation/Suffocation, Violation Of Court Order	0	0	1	0	0	1	0	0	1	0	1			100%				100%
Person	Sub-Total	422	205	190	94	1	912	338	177	177	87	1	780	80%	86%	93%	93%	100%	86%
Sex	Assault To Rape	2	1	0	0	0	3	2	1	0	0	3	100%	100%					100%
Sex	Assault To Rape Child	4	0	0	0	0	4	4	0	0	0	4	100%						100%
Sex	Child In Nude, Distrib Material Of	1	0	0	1	0	2	0	0	0	0	0	0%			0%			0%
Sex	Child In Nude, Lascivious Pose/Exhibit	1	0	0	0	0	1	0	0	0	0	0	0%						0%
Sex	Child In Sexual Act, Distrib Material Of	2	0	1	0	0	3	0	0	0	0	0	0%		0%				0%
Sex	Child Pornography, Possess	24	1	3	0	0	28	18	1	2	0	21	75%	100%	67%				75%
Sex	Child Pornography, Possess, 2Nd Off.	0	0	1	0	0	1	0	0	1	0	1			100%				100%
Sex	Enticement Of Child	0	0	1	0	0	1	0	0	1	0	1			100%				100%
Sex	Incest	1	0	0	0	0	1	0	0	0	0	0	0%						0%
Sex	Indecent A&B On Child Under 14	14	1	0	1	0	16	11	1	0	1	13	79%	100%		100%			81%
Sex	Indecent A&B On Child Under 14, After Certain Offenses	0	0	1	1	0	2	0	0	1	1	2			100%	100%			100%
Sex	Indecent A&B On Person 14 Or Over	14	2	2	1	0	19	9	2	1	1	13	64%	100%	50%	100%			68%
Sex	Kidnapping with Sexual Assault, Armed	0	0	1	0	0	1	0	0	1	0	1			100%				100%
Sex	Lewdness, Open And Gross	3	2	0	0	0	5	3	2	0	0	5	100%	100%					100%
Sex	Obscene Matter To Minor	2	0	0	0	0	2	2	0	0	0	2	100%						100%
Sex	Obscene Matter, Distribute	1	0	1	0	0	2	0	0	1	0	1	0%		100%				50%
Sex	Photograph Unsuspecting Nude Person,	1	4	0	0	0	5	1	4	0	0	5	100%	100%					100%
Sex	Photograph Unsuspecting Nude, Sexual Or Intimate Parts W/Out Consent, Disseminate,	0	1	0	0	0	1	0	1	0	0	1			100%				100%
Sex	Prison Guard Have Sex Relations W/Prisoner	1	0	0	0	0	1	0	0	0	0	0	0%						0%
Sex	Rape	12	3	2	2	0	19	11	2	2	2	17	92%	67%	100%	100%			89%
Sex	Rape Of Child With Force	17	2	2	4	0	25	17	1	2	4	24	100%	50%	100%	100%			96%
Sex	Rape Of Child With Force, Aggravated	0	0	0	1	0	1	0	0	0	1	1				100%			100%
Sex	Rape Of Child, Statutory	41	8	10	3	1	63	39	8	7	3	58	95%	100%	70%	100%	100%	100%	92%
Sex	Rape Of Child, Statutory, Aggravated	14	2	1	1	0	18	14	2	1	1	18	100%	100%	100%	100%			100%
Sex	Rape, Aggravated	5	1	1	2	0	9	5	1	1	2	9	100%	100%	100%	100%			100%
Sex	Rape, Aggravated, Subsq. Off.	0	0	0	1	0	1	0	0	0	1	1				100%			100%
Sex	Rape, Subsq. Off.	1	1	0	0	0	2	1	1	0	0	2	100%	100%					100%
Sex	Sexual Intercourse, Induce Chaste Minor	2	0	0	0	0	2	1	0	0	0	1	50%						50%
Sex	Trafficking Of Person For Sexual Servitude	6	2	0	0	0	8	6	2	0	0	8	100%	100%					100%
Sex	Sub-Total	169	31	27	18	1	246	144	29	21	17	1	212	85%	94%	78%	94%	100%	86%
Property	Arson Of Dwelling House	6	1	5	1	0	13	3	1	5	1	10	50%	100%	100%	100%			77%
Property	Attempt To Burn Public Building (As Enumerated In	1	0	0	0	0	1	0	0	0	0	0	0%						0%
Property	B&E Daytime Or Enter At Night, For Felony, Person In Fear	0	3	2	2	0	7	0	3	2	1	6		100%	100%	50%			86%
Property	B&E Daytime, For Felony	9	16	22	13	0	60	8	15	22	13	58	89%	94%	100%	100%			97%
Property	B&E For Misdemeanor	0	1	0	1	0	2	0	0	0	1	1			0%		100%		50%
Property	B&E Nighttime For Felony/B&E, Or Attempt, Depository	12	14	17	7	0	50	9	14	15	7	45	75%	100%	88%	100%			90%
Property	Boat, Building, Railroad Car; Larceny From	1	3	2	1	0	7	1	3	2	1	7	100%	100%	100%	100%			100%
Property	Burglary Instrument / Mv Master Key, Make Or Possess	0	0	1	0	0	1	0	0	1	0	1			100%				100%
Property	Burglary, Unarmed	7	3	4	0	0	14	5	2	2	0	9	71%	67%	50%				64%
Property	Burglary; Armed, Firearm	1	0	0	0	0	1	0	0	0	0	0	0%						0%
Property	Burn Boat/Motor Vehicle/Personality	2	0	1	0	0	3	2	0	1	0	3	100%		100%				100%
Property	Church/Synagogue, Injury Over \$5000 To	0	0	1	0	0	1	0	0	1	0	1			100%				100%
Property	Credit Card Fraud Over \$250	0	0	1	1	0	2	0	0	1	1	2			100%	100%			100%
Property	Credit Card, Improper Use Over \$250	0	0	0	1	0	1	0	0	0	1	1				100%			100%
Property	Defacement Of Real Or Personal Property	0	0	0	1	0	1	0	0	0	1	1					100%		100%
Property	Destruction Of Property +\$250, Malicious	3	1	5	3	0	12	3	0	4	3	10	100%	0%	80%	100%			83%
Property	Destruction Of Property +\$250, Wanton	1	1	0	0	0	2	0	1	0	0	1	0%	100%					50%
Property	Enter Dwelling At Night For Felony	2	0	1	1	0	4	2	0	1	1	4	100%		100%	100%			100%
Property	Enter Dwelling At Night For Felony, Armed, Firearm	1	0	0	1	0	2	0	0	0	0	0	0%				0%		0%
Property	Enter W/Larceny Or W/I Felony By False Pretenses C. 266 S. 18A	1	1	0	0	0	2	1	1	0	0	2	100%	100%					100%
Property	Explosives, Secrete/Throw/Launch/Place	0	0	1	0	0	1	0	0	1	0	1				100%			100%
Property	Fiduciary, Embezzlement/Misapplicatn By	1	0	0	0	0	1	1	0	0	0	1	100%						100%
Property	Identity Fraud, Pose	2	1	1	0	0	4	0	0	1	0	1	0%	0%	100%				25%

Table 41. Governing Offense by Grid Cell Assignment, Offense Type, and Incarceration Status

Offense Level	Governing Offense	All Defendants						Incarcerated Defendants						Incarceration Rate						
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T	
Property	Incendiary Device, Chem/Bio/Nuclear Weapon, Possess	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0%				0%
Property	Insurance Claim, False Motor Veh	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%	
Property	Larceny By Check Over \$250	1	0	0	0	0	1	0	0	0	0	0	0%						0%	
Property	Larceny From Elder/Disabled Person; Over \$250.00	4	0	0	2	0	6	1	0	0	2	0	3	25%			100%		50%	
Property	Larceny From Person	9	6	2	1	0	18	6	6	1	1	0	14	67%	100%	50%	100%		78%	
Property	Larceny From Person +65 C. 266 S. 25	0	1	0	0	0	1	0	1	0	0	0	1	100%					100%	
Property	Larceny Over \$250	29	10	8	3	0	50	14	6	7	3	0	30	48%	60%	88%	100%		60%	
Property	Larceny Over \$250 By Single Scheme	12	2	1	0	0	15	3	2	0	0	0	5	25%	100%	0%			33%	
Property	Larceny Under \$250	4	1	1	0	0	6	2	0	1	0	0	3	50%	0%	100%			50%	
Property	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts	2	7	9	3	0	21	1	5	9	3	0	18	50%	71%	100%	100%		86%	
Property	Motor Veh, Larceny Of/Malicious Damage/Receive Stolen/Take And Steal Parts, Subsq. Off.	2	1	1	0	0	4	2	1	1	0	0	4	100%	100%	100%			100%	
Property	Municipal/County Offcr, Embezzlement By	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%	
Property	Purchasing Violation, Government	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%	
Property	Receive Stolen Or Falsely Traded Property -\$250 Subsq. Off.	3	0	1	2	0	6	2	0	1	2	0	5	67%		100%	100%		83%	
Property	Signature, Obtaining By False Pretense	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%	
Property	Thief, Common & Notorious	4	0	1	3	0	8	4	0	1	3	0	8	100%		100%	100%		100%	
Property	Sub-Total	124	73	89	47	0	333	70	61	80	45	0	256	56%	84%	90%	96%		77%	
Drug	Conspiracy To Violate Drug Law	8	7	3	0	0	18	7	5	3	0	0	15	88%	71%	100%			83%	
Drug	Drug, Distribute Or Possess With Intent Class A	152	104	42	8	0	306	109	83	37	8	0	237	72%	80%	88%	100%		77%	
Drug	Drug, Distribute Or Possess With Intent Class B	154	66	38	5	0	263	94	55	27	4	0	180	61%	83%	71%	80%		68%	
Drug	Drug, Distribute Or Possess With Intent Class C	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%	
Drug	Drug, Distribute Or Possess With Intent Class D	3	2	0	0	0	5	3	2	0	0	0	5	100%	100%				100%	
Drug	Drug, Distribute Or Possess With Intent Class E	0	2	0	0	0	2	0	2	0	0	0	2	100%					100%	
Drug	Drug, Obtain By Fraud	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%	
Drug	Drug, Possess Class A	10	4	2	0	0	16	6	3	2	0	0	11	60%	75%	100%			69%	
Drug	Drug, Possess Class B	13	6	3	1	0	23	7	5	1	1	0	14	54%	83%	33%	100%		61%	
Drug	Drug, Possess Class B, Subsq. Off.	1	1	0	0	0	2	0	1	0	0	0	1	0%	100%				50%	
Drug	Fentanyl, Traffick In	16	5	1	0	0	22	14	5	1	0	0	20	88%	100%	100%			91%	
Drug	Heroin, Possess	3	0	2	0	0	5	1	0	2	0	0	3	33%		100%			60%	
Drug	Sub-Total	362	197	91	14	0	664	241	161	73	13	0	488	67%	82%	80%	93%		73%	
Motor Vehicle	Ignition Interlock, Operate Without	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%	
Motor Vehicle	Leave Scene Of Personal Injury	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%	
Motor Vehicle	Leave Scene Of Property Damage	1	2	0	0	0	3	0	2	0	0	0	2	0%	100%				67%	
Motor Vehicle	License Revoked As Hto, Operate Mv With	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%	
Motor Vehicle	License Suspended, Op Mv With	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%	
Motor Vehicle	License Suspended, Op Mv With, Subsq.Off	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%	
Motor Vehicle	Motor Veh Homicide By Negligent Op	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%	
Motor Vehicle	Motor Veh Homicide By Reckless Op	2	0	0	0	0	2	1	0	0	0	0	1	50%					50%	
Motor Vehicle	Negligent Operation Of Motor Vehicle	3	0	0	1	0	4	2	0	0	1	0	3	67%			100%		75%	
Motor Vehicle	Reckless Operation Of Motor Vehicle	3	0	0	0	0	3	2	0	0	0	0	2	67%					67%	
Motor Vehicle	Sub-Total	17	2	0	1	0	20	9	2	0	1	0	12	53%	100%		100%		60%	
Weapons	Bomb/Hijack Threat	2	2	2	0	0	6	0	1	2	0	0	3	0%	50%	100%			50%	
Weapons	Crime Report, False	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%	
Weapons	Dangerous Weapon, Carry	1	0	3	0	0	4	1	0	3	0	0	4	100%		100%			100%	
Weapons	Dangerous Weapon Or Firearm On School Grounds, Carry	1	0	0	0	0	1	0	0	0	0	0	0	0%					0%	
Weapons	Firearm Possess Large Capacity, With Valid Fid	18	8	6	1	0	33	18	8	6	1	0	33	100%	100%	100%			100%	
Weapons	Firearm Violation Of C. 269 S. 10(A), Carry With Ammunition	2	0	1	0	0	3	2	0	1	0	0	3	100%		100%			100%	
Weapons	Firearm W/Defaced No., Possess In Felony	0	0	0	1	0	1	0	0	0	1	0	1				100%		100%	
Weapons	Firearm W/O Fid Card, Possess	13	3	0	0	0	16	6	3	0	0	0	9	46%	100%				56%	
Weapons	Firearm W/O Fid Card, Subsq. Off.	1	0	1	0	0	2	1	0	0	0	0	1	100%		0%			50%	
Weapons	Firearm, Carry W/O License	1	1	0	0	0	2	1	1	0	0	0	2	100%	100%				100%	
Weapons	Firearms, Trafficking In 1-2	3	2	1	0	0	6	2	2	1	0	0	5	67%	100%	100%			83%	
Weapons	Rifle/Shotgun W/O Serial No., Sell	20	5	3	2	0	30	13	5	1	2	0	21	65%	100%	33%	100%		70%	
Weapons	Sub-Total	63	21	17	4	0	105	45	20	14	4	0	83	71%	95%	82%	100%		79%	
Public Order	Animal, Cruelty To	2	1	1	0	0	4	1	1	1	0	0	3	50%	100%	100%			75%	
Public Order	Brothel, Detain/Drug Person In	1	0	0	0	0	1	1	0	0	0	0	1	100%					100%	

Table 41. Governing Offense by Grid Cell Assignment, Offense Type, and Incarceration Status

Offense Level	Governing Offense	All Defendants						Incarcerated Defendants						Incarceration Rate						
		A	B	C	D	E	T	A	B	C	D	E	T	A	B	C	D	E	T	
Public Order	Disorderly House, Keep	4	0	0	0	0	4	0	0	0	0	0	0	0	0%					0%
Public Order	Prostitute, Solicit For	1	0	0	0	0	1	0	0	0	0	0	0	0%						0%
Public Order	Prostitution, Keep House Of	1	0	0	0	0	1	1	0	0	0	0	1	100%						100%
Public Order	Wiretap, Unlawful Or Attempt	2	0	0	0	0	2	0	0	0	0	0	0	0%						0%
Public Order	Sub-Total	11	1	1	0	0	13	3	1	1	0	0	5	27%	100%	100%				38%
Other	A&B On Correctional Facility Employee	2	0	5	6	0	13	2	0	3	5	0	10	100%		60%	83%			77%
Other	A&B With Bodily Substance On Correctional Facility Employee	1	0	0	0	0	1	1	0	0	0	0	1	100%						100%
Other	Abuse Prevention Order, Violate	4	2	1	2	0	9	3	2	0	2	0	7	75%	100%	0%	100%			78%
Other	Accessory After The Fact	10	2	1	0	0	13	9	2	1	0	0	12	90%	100%	100%				92%
Other	Accessory Before The Fact	3	0	0	0	0	3	2	0	0	0	0	2	67%						67%
Other	Attempt To Commit Crime	2	2	2	0	0	6	1	1	2	0	0	4	50%	50%	100%				67%
Other	Betting, Take/Allow/Present At	1	1	0	0	0	2	1	0	0	0	0	1	100%	0%					50%
Other	Cheating And Swindling Device, Possession W/In Gaming Establishment	1	0	0	0	0	1	1	0	0	0	0	1	100%						100%
Other	Check, Forgery Of	0	0	2	1	0	3	0	0	2	1	0	3		100%	100%				100%
Other	Cigarettes, Sell +12000 Unstamped C. 64C S. 34	2	0	0	0	0	2	0	0	0	0	0	0	0%						0%
Other	Conspiracy	7	0	0	1	0	8	4	0	0	1	0	5	57%			100%			63%
Other	Counterfeit Notes, Common Utterer Of	0	0	0	1	0	1	0	0	0	0	0	0				0%			0%
Other	Court Proceedings, Disrupt	0	0	1	0	0	1	0	0	1	0	0	1			100%				100%
Other	Escape From Penal Institution/Court/Spd Center/Monitoring System Or Attempt	0	0	1	0	0	1	0	0	1	0	0	1			100%				100%
Other	Failure To Register Or Verify Registration Info By Sex Offender	2	3	3	2	0	10	2	2	2	1	0	7	100%	67%	67%	50%			70%
Other	Failure To Register Or Verify Registration Info By Sex Offender, Subsq. Off.	3	2	3	1	0	9	1	0	0	1	0	2	33%	0%	0%	100%			22%
Other	False Name, Social Security To Police	2	0	0	0	0	2	1	0	0	0	0	1	50%						50%
Other	Firearm, Store Improper Large Capacity	2	0	0	0	0	2	0	0	0	0	0	0	0%						0%
Other	Grand Jury Transcript, Abuse	1	0	1	0	0	2	1	0	1	0	0	2	100%		100%				100%
Other	Intimidation/Retaliate, Juror/Witness/Police/ Court Official	23	18	12	7	0	60	13	15	10	4	0	42	57%	83%	83%	57%			70%
Other	Liquor To Person Under 21, Sell/Deliver	1	0	0	0	0	1	0	0	0	0	0	0	0%						0%
Other	Lottery, Set Up/Promote	1	0	0	0	0	1	1	0	0	0	0	1	100%						100%
Other	Medical Assistance Fraud By Provider	2	0	0	0	0	2	0	0	0	0	0	0	0%						0%
Other	Money Laundering, For Criminal Activity	4	0	0	1	0	5	3	0	0	1	0	4	75%			100%			80%
Other	Money Laundering, Transaction	6	1	0	0	0	7	2	0	0	0	0	2	33%	0%					29%
Other	Perjury	5	0	1	1	0	7	2	0	1	1	0	4	40%		100%	100%			57%
Other	Police Officer Or Public Official, Impersonate	0	1	0	0	0	1	0	1	0	0	0	1		100%					100%
Other	Prisoner, Deliver Article To Or Receive Article From C. 268 S. 31	0	1	0	0	0	1	0	1	0	0	0	1		100%					100%
Other	Prisoner, Deliver Drugs Or Article To	2	3	1	0	0	6	2	3	1	0	0	6	100%	100%	100%				100%
Other	Recognizance Or Bail, Fail Appear On Misdemeanor	0	1	0	0	0	1	0	0	0	0	0	0		0%					0%
Other	Recognizance Or Bail, Fail To Appear On Felony	1	1	0	0	0	2	1	1	0	0	0	2	100%	100%					100%
Other	Resist, Arrest	4	4	1	2	0	11	4	4	0	2	0	10	100%	100%	0%	100%			91%
Other	Sales Or Use Tax Certificate, Violation	0	0	1	0	0	1	0	0	1	0	0	1			100%				100%
Other	Threat To Commit Crime	2	0	0	0	0	2	2	0	0	0	0	2	100%						100%
Other	Unemployment Comp, False Statement For	2	1	0	0	0	3	0	0	0	0	0	0	0%	0%					0%
Other	Utter Counterfeit Note Or False Traveller'S Check	0	1	0	0	0	1	0	1	0	0	0	1		100%					100%
Other	Utter False Check, Instrument, Or Promissory Note	0	0	1	0	0	1	0	0	1	0	0	1			100%				100%
Other	Water Pollution Monitoring, Falsify	1	0	0	0	0	1	0	0	0	0	0	0	0%						0%
Other	Withhold Evidence From Official Proceeding	1	0	0	0	0	1	0	0	0	0	0	0	0%						0%
Other	Witness Fail To Appear In Criminal Case	1	0	0	0	0	1	1	0	0	0	0	1	100%						100%
Other	Sub-Total	99	44	37	25	0	205	60	33	27	19	0	139	61%	75%	73%	76%			68%