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To: SENTAC  
From: Thomas F. MacLeish, Interim Director  
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Subject: CY2011 Superior Court Sentencing Report

### ***Data Collection***

The Statistical Analysis Center maintains a database that is created based on dispositions from a given calendar year for Superior Court, via download from the Judicial Information Center (JIC). This database is designed to provide the Center with disposition and sentencing information for policy and sentencing guideline analysis. There are approximately 150 variables that are populated ranging from the county that sentencing takes place to the Judge that administered the sentence. For this report, disposition dates for CY 2011 were used. These dispositions are downloaded from the Judicial Information Center (JIC) at the end of each quarter. This download is conducted at these times to best capture dispositions that are often overwritten such as First Offender Program (FOP) and Diversion (DIV) dispositions.

### ***Sentenced Offenders***

For CY 2011, a total of 19,451 sentenced dispositions were collected for analysis. These dispositions do not include non-guilty, dismissed, or withdrawn. Of the 19,451 sentenced dispositions, 252 were still awaiting sentencing at the time of analysis, and 47 had some type of problem with the sentence order that could not be rectified prior to analysis. This analysis was based on 10,863 original charges, or 55.8 percent and 8,588 VOP charges, or 44.2 percent.

As Chart 1 shows in CY 2011, males made up more than 80 percent of the sentenced dispositions in Superior Court, while females accounted for just over 18 percent. In addition, of the offenders that were sentenced to some type of Level 5 from Superior Court in CY 2011, 87 percent were male, while only 13 percent were female. The average age of males that had a sentenced disposition in Superior Court was 32.6 years of age, while females had an average age of 32.3 years of age. Due to a high volume of inaccurate and missing data, a breakout of offender's sentenced by race and ethnicity was unable to be completed.

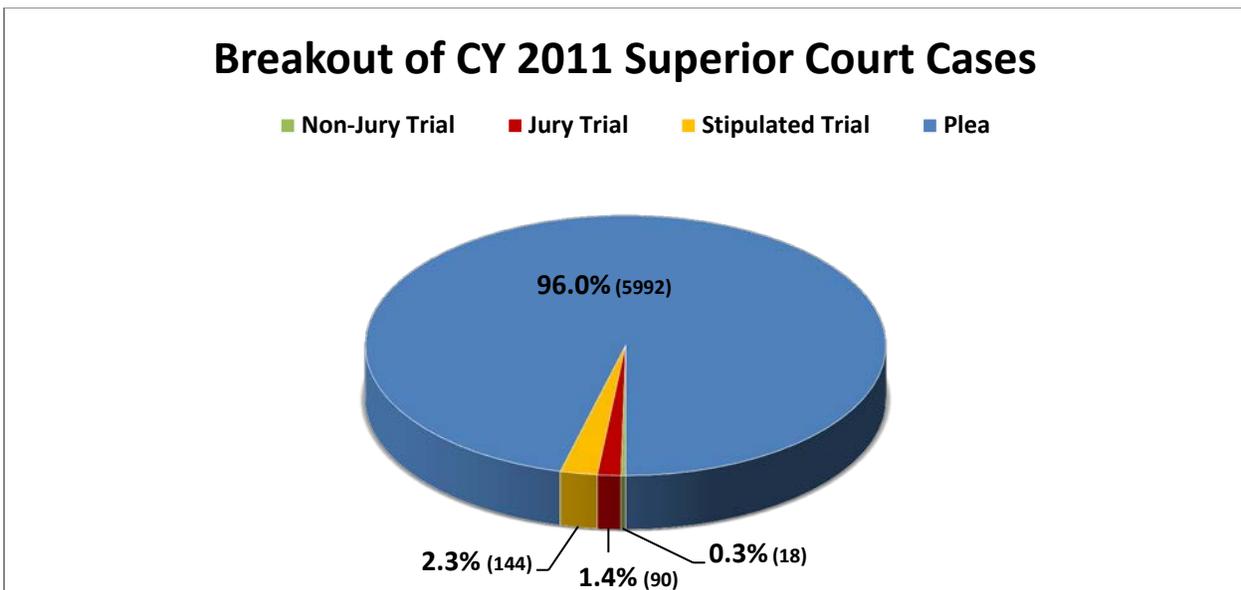
**Chart 1**



***Sentencing Breakouts***

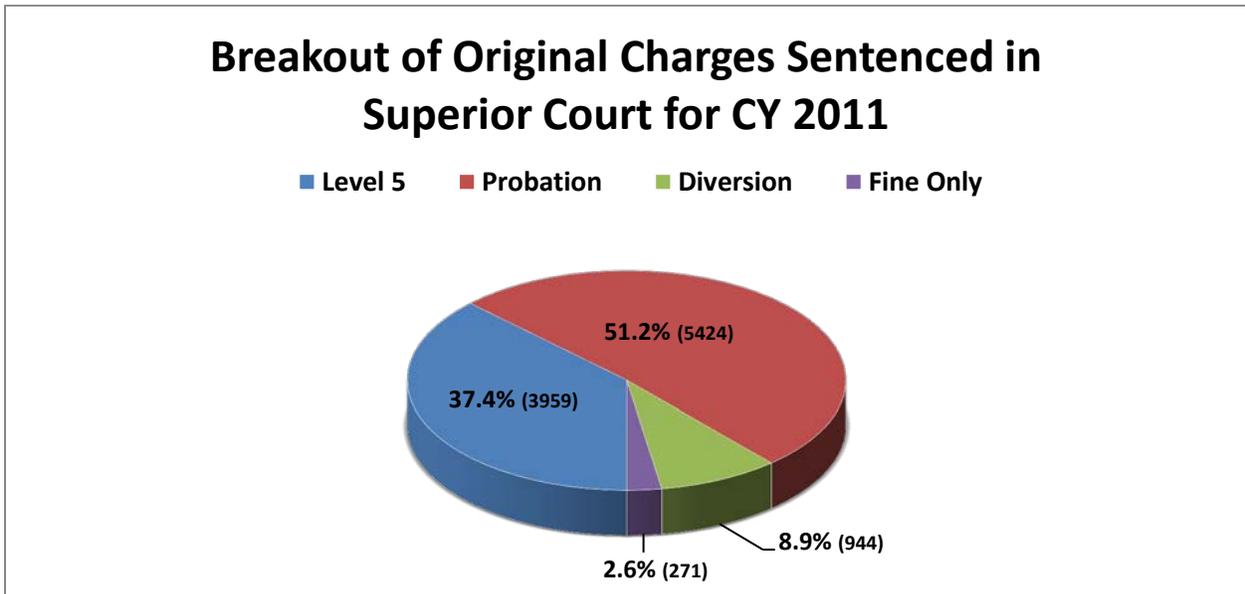
As Chart 2 illustrates, in 2011, 96 percent of all guilty original Superior Court cases that were sentenced resulted in plea agreements while only 4 percent resulted in trials of some sort. Robbery 1<sup>st</sup> (11), DUI 4<sup>th</sup>/5<sup>th</sup> (9), and Murder 1<sup>st</sup> (8) cases make up a majority of jury trials. Seventy-eight of the 90 jury trial cases were felony cases. The misdemeanor cases that resulted in jury trial consisted of DUI, simple Drug Possession, and Assault 3<sup>rd</sup>. Non Jury Trial cases consisted of both felonies (15) and misdemeanors (3). PWBPP (4), drug trafficking (3), and PWITD (3) were the most frequent types of non jury trial cases.

**Chart 2**

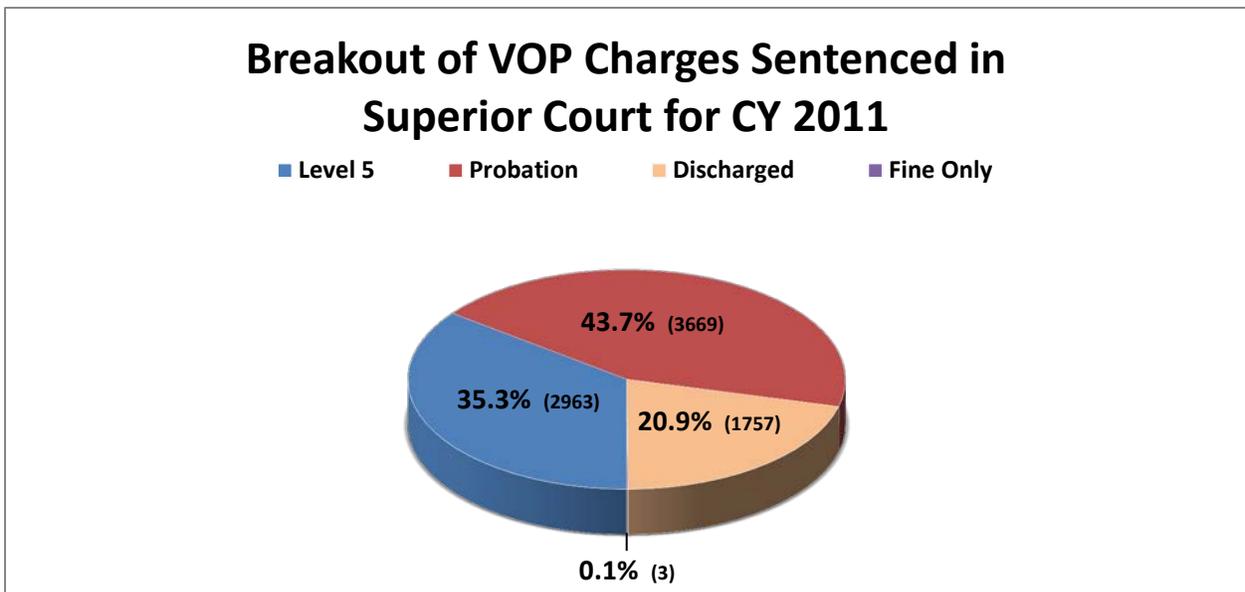


For the purpose of this analysis, Level 5 is defined as one of the following types of sentences: Death, Life, Prison, Jail, Suspendable Sentence, or Time Served. Charts 3 and 4 show a breakout of the types of sentences for each type of charge (original or VOP disposed of for 2011 in Superior Court. These charts show that in 2011, both original and VOP charges were sentenced to Level 5 at similar rates with 37.4 and 35.3 percent respectively. Original charges were sentenced to probation slightly more than VOP charges with 51.2 percent versus 43.7 percent.

**Chart 3**

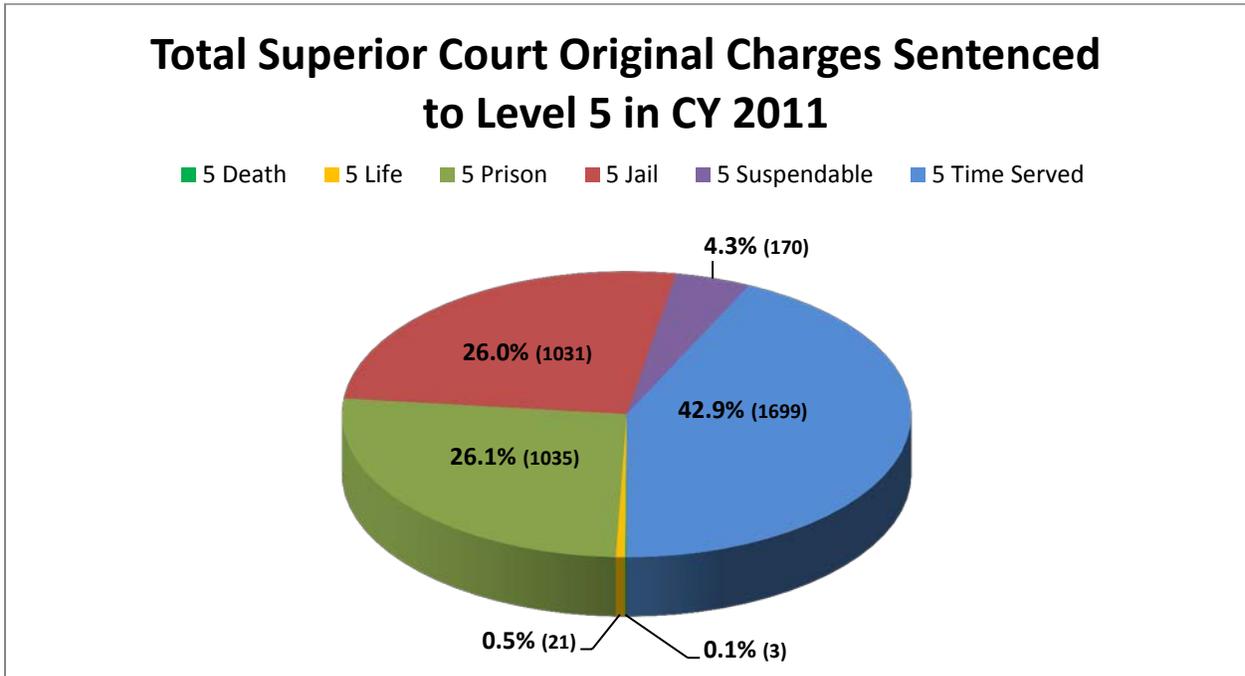


**Chart 4**



Charts 5 and 6 are breakouts of the above mentioned Level 5 for original and VOP charges. Percentage wise, prison sentences are more frequent for original charges (26.1 percent) versus VOP charges (3.8 percent) whereas jail sentences are more frequent on VOP charges (41 percent versus 26 percent). Time served sentences are rather consistent between original and VOP charges.

**Chart 5**



**Chart 6**

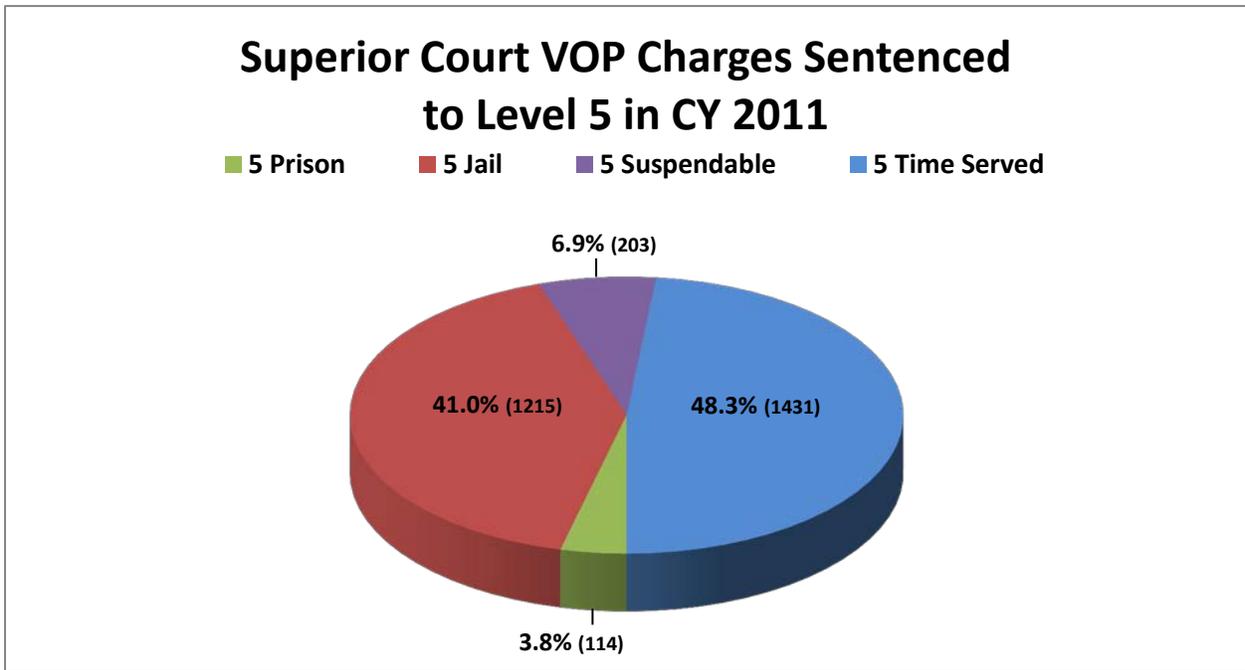


Table 1 is a detailed view of the most common Level 5 sentences from Charts 6 and 7 broken out by each type of Level 5 sentence, with an average and median sentence length in months for each category. By volume, VOP sentences more than double the second most common charge type of Drugs, followed distantly by Burglary and Weapons. The Sex Offense charge type has a significantly higher average and median sentence length than any other charge type. Also noteworthy is the common median prison sentence length of 36 months for 4 out of the 6 most common charge types, with VOPs being significantly shorter, and Sex Offenses being significantly longer. The charge type of Burglary had the longest average and median jail sentence lengths with 9.9 and 12 months respectively. Sex Offenses again had similar results with the longest Time Served average and median sentence lengths of 4 and 3.3 months.

**Table 1**

**Average and Median Sentence Lengths for Most Common Original Charges Sentenced to Level 5 in Superior Court for CY2011\***

Charge Type	# of Charges	Prison		Jail		Suspendable		Time Served	
		Average	Median	Average	Median	Average	Median	Average	Median
Drugs <sup>1</sup>	849	47.4	36.0	5.8	6.0	54.3	36	1.1	0.5
Weapons <sup>2</sup>	410	50.0	36.0	8.1	7.5	67.2	60.0	2.4	1.0
Sex Offenses <sup>3</sup>	140	98.3	60.0	7.8	9.0	134.0	96.0	4.0	3.3
Robbery <sup>4</sup>	355	52.1	36.0	8.4	9.0	50.0	60.0	3.0	2.8
Burglary <sup>5</sup>	476	41.3	36.0	9.9	12.0	18.8	12.0	2.3	1.1
VOP <sup>6</sup>	2939	34.3	24.0	4.2	3.0	40.8	36.0	0.8	0.5

\* Average and median sentence lengths are calculated in months.

<sup>1</sup> Drugs include all Title 16 offenses that were sentence to some type of Level 5, excluding 2 charges that received life sentences.

<sup>2</sup> Weapons include all Title 11 offenses ranging from 11\_1441 through 11\_1459, excluding 3 charges that received life sentences.

<sup>3</sup> Sex Offenses include all Title 11 offenses ranging from 11\_0761 through 11\_0780, excluding 4 charges that received life sentences.

<sup>4</sup> Robbery/Carjacking includes all Title 11 offenses ranging from 11\_0831 through 11\_0837, excluding 2 charges that received life sentences.

<sup>5</sup> Burglary/Burglary Tools includes all Title 11 offenses ranging from 11\_0824 through 11\_0828, excluding 1 charge that received a life sentence.

<sup>6</sup> VOP includes all offenses under statute 11\_4334.