Post Criminal Sentencing Reform Act of 2005 Sentencing Practices in Tennessee

Methodology

The data used in evaluating sentencing practices comes from the Tennessee Department of Correction (TDOC).   TDOC data was selected because individual offense data is captured by the department.   Each offense sentence is recorded individually, even in cases of multiple offense convictions, eliminating the potential confusion in determining sentence lengths created by these multiple offense convictions. To establish a baseline for comparison purposes, data from multiple years was queried. The initial focus of this analysis consisted of cases where the defendants received incarceration only, either in a TDOC facility or a local jail, however alternative sentence information was gathered as well. This data is not a sample, but is the entire population of sentences captured by the TDOC during the time frame analyzed.

Sentence lengths will be reported for standard offenders, multiple offenders and for all offender types as a group.   Standard and multiple offender defendant types were chosen because they comprise over 90% of all sentences in Tennessee.

Specific offenses were included in analysis first by choosing the top three most frequently occurring offenses in each felony class, then by a combination of occurrence frequency, overall impact on sentence length and by the increasing in frequency of the occurrence of the offense (i.e. the offense is happening in increasing amounts, but was not historically happening in large numbers). The following offenses make nearly 70% of convicted offenses and are included in the statistic table report.

Class A
   Rape of a Child
   Second Degree Murder
   Especially Aggravated Kidnapping

Class B
   Schedule II Drugs: Cocaine
   Aggravated Robbery
   Aggravated Sexual Battery

Class C
    Aggravated Burglary
    Aggravated Assault
    Schedule II Drugs: Cocaine < 1/2 Gram
    Schedule II Drugs: Up to $100,000 Fine

Class D
    Theft: $1,000 to $10,000
    Burglary: Other than Habitation or Auto
    Identity Theft
    Obtain Drugs by Fraud

Class E
    Forgery: Up to $1,000
    Burglary: Auto
    Theft: $500 to $1,000
    Schedule VI Drugs: Not Less than ½ Ounce
    Habitual Traffic Offender
    Failure to Appear (Felony)

Data for each felony class and defendant type (standard, multiple and all) are presented as well. The tables for the offenses listed and for the felony classes display the mean and median sentence lengths in months, the standard deviation and the number of convictions for each year reported.