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



The Second Report of the Governor's Task Force on the Use of Enhancement Factors in Criminal Sentencing

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Introduction

This is the second of three annual reports of The Task Force on the Use of Enhancement Factors in Criminal Sentencing. The Task Force was established by Governor Phil Bredesen following the U.S. Supreme Court ruling in *Blakely v. Washington*, 124 S.Ct. 2531 (2004) and was charged with studying the impact of *Blakely* on the administration of criminal justice in the State of Tennessee. Part of that charge also included recommending changes to rectify the constitutionality of the State's sentencing structure. The goal of the Task Force was to deal with the constitutional issues of presumptive sentences while preserving the Criminal Sentencing Act of 1989, in which the General Assembly sought to achieve uniformity, consistency and predictability in criminal sentencing. The work product of the Task Force became the Criminal Sentencing Reform Act of 2005.¹ The 2005 Act kept the 1989 sentencing structure in place, removed presumptive sentences and established advisory sentencing guidelines. As established in the 1989 Act, sentencing structure in Tennessee is based on five felony classes and five defendant type categories; each assigned a range in duration increasing with offense severity and criminal history.² The presumption for most sentences was the minimum of each range; however felony Class A sentences began at the midpoint of the range and were then reduced or increased depending on mitigating or enhancing factors. Sentence alternatives to incarceration were also encouraged in the 2005 Act. TCA §40-35-102(6) states that the courts shall consider but not be bound by the advisory sentencing guideline in which a standard offender convicted of a Class C, D or E felony, should be considered as a favorable candidate for alternative sentencing options in the absence of evidence to the contrary. Sentence alternatives were also expanded in TCA §40-35-303(a), which included an increase in the number of convictions eligible for alternative sentencing options by allowing probation for sentences up to 120 months.

The Task Force was also charged with the responsibility of monitoring and assessing the impact of the Criminal Sentencing Reform Act of 2005 on Tennessee's criminal justice system. The first report was completed in October of 2006 and analyzed sentence type rates and sentence lengths. Analyzing sentence types addresses the utilization of sentence alternatives to incarceration. Exploring sentence lengths over time evaluates the influence that removing presumptive sentences has on sentencing. In addition to one more year of data, two additional sections have been added to the 2007 report. The additional sections are included to help provide a clearer picture of Tennessee's criminal justice system. The new material include an analysis of the use of a limited number of sentence lengths, or conventional number preferences, and a section on combining offenses into Tennessee Incident Based Reporting System (TIBRS) categories to analyze offense types in greater numbers than possible when reviewing specific offenses.

Methodology

The data used in evaluating sentencing practices comes from the Tennessee Department of Correction (TDOC). Each offense sentence is recorded individually, even in cases of multiple offense convictions, eliminating the potential confusion in determining sentence lengths created by multiple offense convictions. To establish a baseline for comparison purposes, data from multiple years was queried. The data was queried on August 6, 2007 and yielded 255,528

¹ Chapter No. 353 of the Public Acts of 2005

² A table listing the sentence ranges is provided in Appendix C.

felony offenses for 102,391 individuals sentenced on 132,167 occasions between July 1, 2000 and June 30, 2007. This data is all of the sentences recorded by the TDOC during this time.

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

Data Transformations

Offender/Defendant Type Classification

Offender type data was classified by TDOC as mitigated, standard, multiple, persistent, career and “hundred percent”. The designation of “hundred percent” indicates the percent of the sentence to be served for offenses listed under TCA §40-35-501(i), not the type of defendant the offender was classified as for sentence length ranges. Therefore, offenders listed as “hundred percent” were reclassified for this report into appropriate offender types for the felony class and offense for which they were convicted. For example, a “hundred percent” offender who received a 260 month sentence for especially aggravated kidnapping was reclassified as a standard offender because 260 months is in the 180-300 month range for standard offender, Class A sentences. Missing offender types were also recoded when felony class and sentence lengths were known. In total, 3,715 “hundred percent” offender records and 1,786 missing offender types were recoded. The following table displays the sentence ranges in months in which the “hundred percent” and missing offender types were reclassified.

Sentence Range Classifications

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

Sentence Type Classification

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

Data

The 2005 Reform Act went into effect June 7, 2005. Convicted offenders with offense dates on or after that date were sentenced under the changes implemented in the Act. Defendants with offense dates prior to passage of the Act who had not yet gone to trial before the effective date of the Act were eligible for sentencing under the Act at their discretion. For Fiscal Year 2005, only 32% of the sentences issued were associated with offense dates considered under the Act. For Fiscal Year 2006, 77% of sentences issued were associated with offense dates under the Act. Data is unavailable to determine the number of defendants with offense dates prior to June 7, 2005 and sentence dates after June 7, 2005 who chose to be sentenced under the Act. Due to increased lengths from the date of the offense to the date the sentence was imposed, Class A and B offenses have lower percentages of Post Act cases than the other offense classes. The following table lists the percent of convictions by felony class with offense dates before and after the effective date of the Act.

Percent of Cases with Offense Dates Pre and Post Reform Act

Felony Class	2005		2006	
	Pre Act	Post Act	Pre Act	Post Act
A	92.8%	7.2%	58.1%	41.9%
B	77.3%	22.7%	29.4%	70.6%
C	69.2%	30.8%	23.8%	76.2%
D	67.8%	32.2%	23.3%	76.7%
E	65.6%	34.4%	19.7%	80.3%
Total	68.4%	31.6%	23.1%	76.9%

Type of Adjudication

Guilty pleas were entered for 98% of convictions over the seven years analyzed. The more serious the offense class, the less likely a guilty plea was entered. The following table lists the percent of adjudication types for all fiscal year 2000 to 2006 convictions.

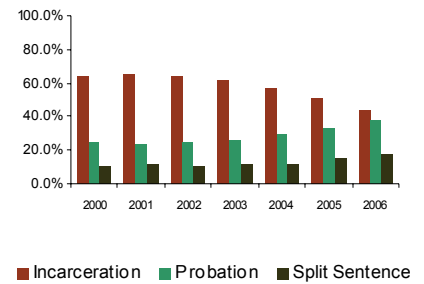
Felony Class	Guilty Plea	Guilty Plea/ Jury Trial	Found Guilty by Jury Verdict	Found Guilty by Bench Trial	Nolo Contendere
A	76.5%	13.3%	8.3%	0.1%	1.9%
B	95.0%	2.8%	1.4%	0.0%	0.7%
C	98.0%	0.7%	0.4%	0.1%	0.8%
D	98.6%	0.5%	0.3%	0.0%	0.5%
E	98.8%	0.5%	0.2%	0.0%	0.4%

Sentence Type Information

Convicted offenders in Tennessee can be sentenced to incarceration, probation or a combination of the two, hereby referred to as a split sentence.³ For sentence type information, incarcerations include sentences to local jails and Department of Correction facilities, which also contain life without parole and death sentence convictions. Probations include sentences to workhouses and community corrections. The reliance on incarceration in sentencing has diminished steadily for all classes other than Class A felonies. As a result, the utilization of both probation and split sentence options has increased. Part of the 2005 Reform Act allowed for the use of probation as a sentencing alternative for offenses with sentences up to 120 months. The biggest increase in the use of sentence alternatives to incarceration for these offenses occurred in 2006. The following tables present the percent of each sentence types for all Tennessee convictions from 2000 to 2006.

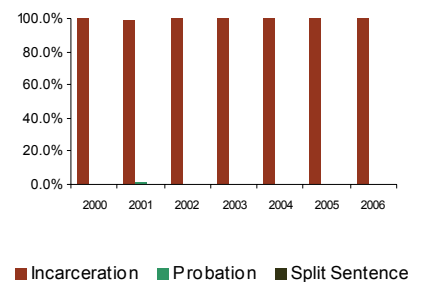
Percent of Sentence Type - All Offenders

Fiscal Year	Incarceration	Probation	Split Sentence	N ⁴
	Percent	Percent	Percent	
2000	64.3%	25.1%	10.5%	34,244
2001	64.9%	23.5%	11.5%	36,103
2002	64.0%	25.3%	10.7%	34,955
2003	61.9%	26.7%	11.4%	36,464
2004	57.4%	30.3%	12.3%	36,975
2005	51.3%	33.2%	15.5%	37,665
2006	43.8%	38.3%	17.9%	39,122



Percent of Sentence Type - Felony Class A - All Offenders

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	99.6%	0.4%	0.0%	545
2001	99.0%	0.7%	0.3%	600
2002	99.4%	0.4%	0.2%	533
2003	100.0%	0.0%	0.0%	526
2004	100.0%	0.0%	0.0%	560
2005	99.6%	0.4%	0.0%	479
2006	99.6%	0.4%	0.0%	521

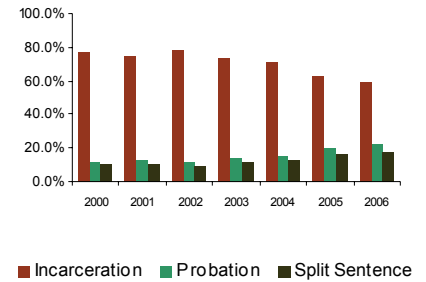


³ Fines are also a sentence option, but are not included in this analysis.

⁴ N refers to the number of sentences.

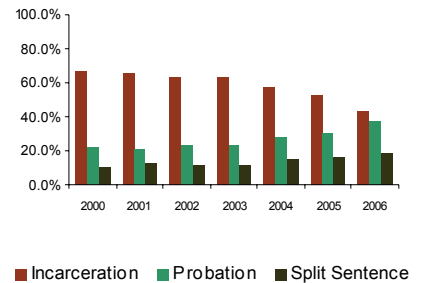
Percent of Sentence Type - Felony Class B - All Offenders

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	77.3%	12.4%	10.3%	2,759
2001	75.5%	13.6%	10.9%	2,901
2002	78.0%	12.1%	9.8%	2,751
2003	73.5%	14.7%	11.7%	2,886
2004	71.9%	15.2%	12.9%	3,068
2005	62.7%	20.5%	16.8%	3,273
2006	60.0%	22.1%	17.9%	3,954



Percent of Sentence Type - Felony Class C - All Offenders

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	67.6%	22.0%	10.5%	8,198
2001	66.3%	21.0%	12.6%	8,739
2002	63.8%	23.9%	12.3%	8,351
2003	63.9%	23.9%	12.2%	9,503
2004	57.1%	28.2%	14.7%	8,973
2005	52.7%	30.4%	16.9%	9,270
2006	43.8%	37.5%	18.7%	9,543



Percent of Sentence Type - Felony Class D - All Offenders

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	60.1%	30.6%	9.3%	7,739
2001	60.9%	27.8%	11.3%	8,272
2002	60.7%	29.0%	10.3%	8,287
2003	56.6%	31.3%	12.1%	8,779
2004	53.6%	34.8%	11.6%	9,035
2005	48.6%	36.6%	14.9%	9,047
2006	38.6%	43.5%	17.9%	9,511



Percent of Sentence Type - Felony Class E - All Offenders

Fiscal Year	Incarceration	Probation	Split Sentence	N
	Percent	Percent	Percent	
2000	60.8%	27.5%	11.7%	14,877
2001	62.8%	25.5%	11.7%	15,494
2002	61.9%	27.5%	10.6%	14,947
2003	59.9%	29.3%	10.8%	14,672
2004	55.0%	33.3%	11.7%	15,207
2005	47.8%	36.8%	15.4%	15,495
2006	40.7%	41.1%	18.1%	15,483



Sentence Lengths

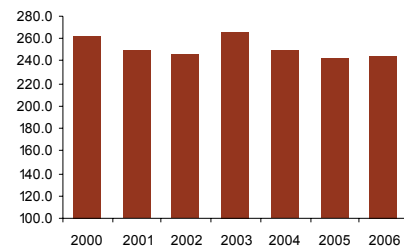
The analysis for sentence lengths is presented in three sections: average incarceration lengths, average probation lengths and average split sentence lengths. Each section will display tables for each felony class by year for all offenders as well as for standard and multiple defendant types. The numbers given will be the average sentence in months. Average incarceration lengths for selected specific offenses are reported elsewhere by the Administrative Office of the Courts.⁵ For a table describing available sentence ranges by class and defendant type, see Appendix C.

Average Incarceration Lengths

For sentence type frequencies, life without parole and death sentences were included with incarcerations. That is not the case for incarceration length calculations because there is not a specific length associated with life without parole and death sentences. Thus, incarcerations with regard to sentence lengths refer only to convictions where known jail time was sentenced. The presumptive midpoint for Class A sentences was removed in the 2005 Act. Average Class A sentences for all offenders in 2005 and 2006 are the lowest in the seven years analyzed. However it is too early to assume that this is directly a result of the Act. Only 7% of the 2005 Class A offenses and 42% of the 2006 offenses occurred after the implementation of the Act. Additionally there is a wide variation, as much as 19 months, between mean sentences for Class A offenses from year to year. The median has not changed in seven years. Sentences for the other classes show a potential slight upward leaning following passage of the Act. However, like Class A sentences, more Post Act data is needed to designate this as a trend instead of simple year to year variation. The tables reporting average incarceration lengths are presented below.

Average Incarceration Length - Class A - All Offenders

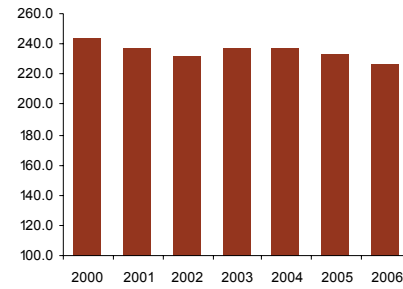
Fiscal Year	Mean	Median	Standard Deviation	N
2000	262.2	240.0	88.0	543
2001	249.0	240.0	68.3	594
2002	246.9	240.0	78.1	530
2003	265.8	240.0	98.4	526
2004	250.1	240.0	80.4	560
2005	242.9	240.0	80.1	477
2006	245.1	240.0	91.5	519



⁵ See Criminal Sentencing Statistics at the website www.tncourts.gov.

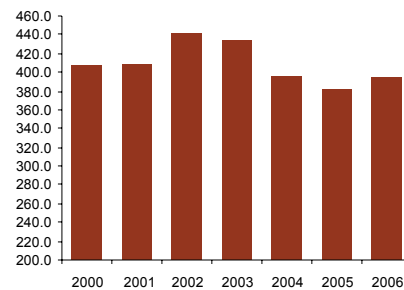
Average Incarceration Length - Class A - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	244.5	240.0	47.7	474
2001	238.0	240.0	45.2	542
2002	231.9	240.0	47.5	479
2003	238.1	240.0	44.4	449
2004	238.1	240.0	43.1	483
2005	234.0	240.0	45.5	411
2006	227.2	240.0	47.2	429



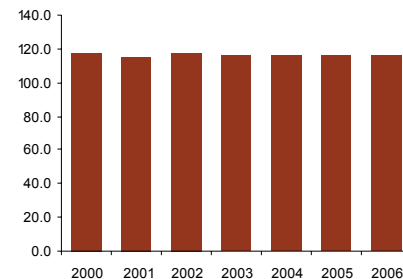
Average Incarceration Length - Class A - Multiple Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	406.0	396.0	55.2	41
2001	409.8	420.0	81.1	40
2002	441.8	480.0	53.0	35
2003	433.4	432.0	49.4	52
2004	396.6	360.0	54.3	37
2005	382.2	372.0	85.0	26
2006	393.3	420.0	78.9	45



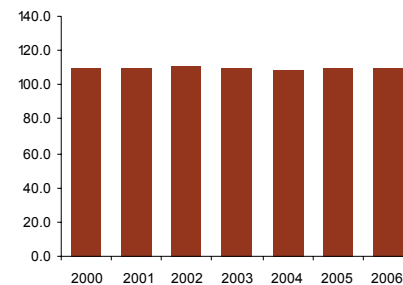
Average Incarceration Length - Felony Class B - All Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	117.1	108.0	35.8	2,132
2001	115.3	96.0	32.6	2,190
2002	117.4	102.0	35.1	2,145
2003	115.9	96.0	36.2	2,121
2004	116.0	96.0	40.5	2,201
2005	116.4	96.0	36.3	2,052
2006	116.2	96.0	34.7	2,372



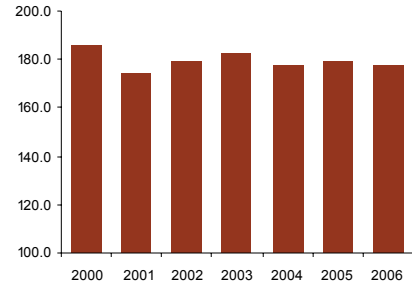
Average Incarceration Length - Felony Class B - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	110.0	96.0	18.7	1,820
2001	109.1	96.0	17.3	1,887
2002	110.5	96.0	18.5	1,839
2003	109.1	96.0	18.5	1,801
2004	108.2	96.0	18.9	1,820
2005	109.8	96.0	18.4	1,660
2006	109.9	96.0	18.0	1,950



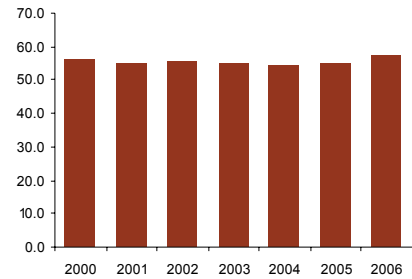
Average Incarceration Length - Felony Class B - Multiple Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	185.8	180.0	37.3	167
2001	174.5	168.0	40.6	178
2002	179.3	168.0	39.1	174
2003	182.4	180.0	37.5	177
2004	177.7	180.0	36.2	161
2005	179.5	180.0	40.5	186
2006	177.7	180.0	34.4	208



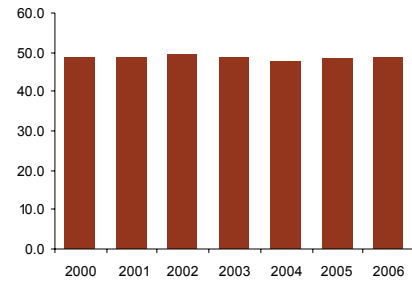
Average Incarceration Length - Class C - All Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	56.4	48.0	26.5	5,539
2001	55.1	48.0	24.3	5,796
2002	55.5	48.0	23.8	5,328
2003	55.3	48.0	24.1	6,074
2004	54.3	48.0	24.7	5,126
2005	54.9	48.0	24.1	4,887
2006	57.3	48.0	27.1	4,182



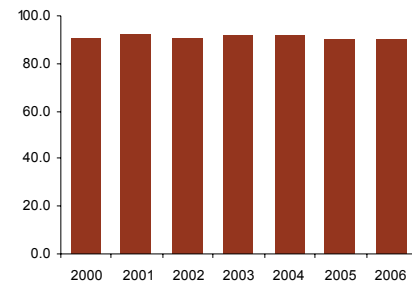
Average Incarceration Length - Class C - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	48.7	48.0	15.0	4,734
2001	48.7	48.0	14.7	5,045
2002	49.4	48.0	14.8	4,670
2003	48.6	48.0	14.4	5,232
2004	47.6	48.0	14.2	4,429
2005	48.4	48.0	14.6	4,183
2006	49.0	48.0	15.5	3,425



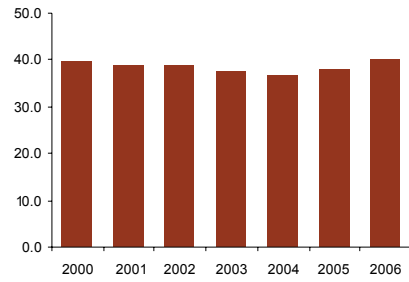
Average Incarceration Length - Class C - Multiple Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	91.2	96.0	19.6	634
2001	92.1	96.0	19.1	605
2002	90.3	96.0	17.0	526
2003	91.2	96.0	19.2	675
2004	91.4	96.0	20.5	541
2005	90.3	84.0	20.1	553
2006	89.6	84.0	20.5	531



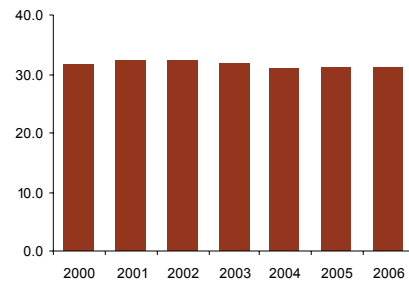
Average Incarceration Length - Class D - All Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	39.8	36.0	24.2	4,651
2001	39.0	36.0	22.3	5,041
2002	38.7	36.0	22.0	5,027
2003	37.7	36.0	20.4	4,966
2004	36.9	24.0	20.5	4,839
2005	38.0	30.0	21.0	4,395
2006	40.2	30.0	25.4	3,668



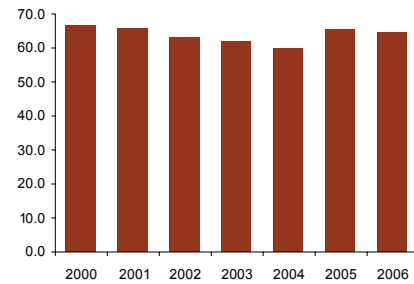
Average Incarceration Length - Class D - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	31.4	24.0	9.8	3,809
2001	32.1	24.0	9.8	4,269
2002	32.0	24.0	9.8	4,293
2003	31.7	24.0	9.9	4,209
2004	30.8	24.0	9.5	4,104
2005	31.3	24.0	9.7	3,679
2006	31.0	24.0	9.9	2,974



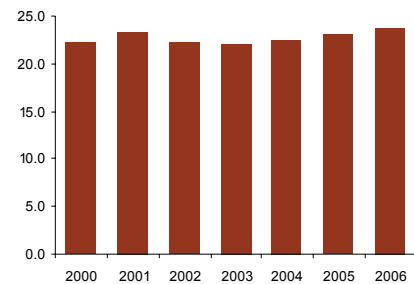
Average Incarceration Length - Class D - Multiple Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	66.4	60.0	21.7	651
2001	65.7	66.0	18.5	577
2002	63.1	60.0	17.3	541
2003	61.7	60.0	17.7	603
2004	59.7	48.0	16.9	580
2005	65.4	60.0	19.7	598
2006	64.9	60.0	18.5	503



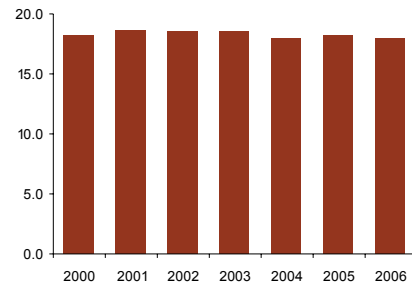
Average Incarceration Length - Class E - All Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	22.3	24.0	12.4	9,048
2001	23.2	24.0	13.3	9,725
2002	22.3	24.0	12.0	9,256
2003	22.1	24.0	11.3	8,790
2004	22.4	24.0	12.7	8,359
2005	23.1	24.0	13.2	7,411
2006	23.7	24.0	13.5	6,308



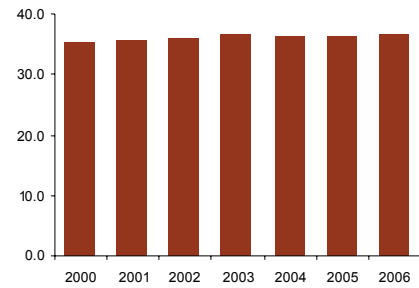
Average Incarceration Length - Class E - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	18.1	18.0	5.9	7,414
2001	18.7	24.0	6.3	7,930
2002	18.5	18.0	6.1	7,711
2003	18.6	18.0	6.0	7,370
2004	18.1	18.0	6.0	6,814
2005	18.2	18.0	6.0	5,895
2006	18.1	18.0	6.0	4,732



Average Incarceration Length - Class E - Multiple Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	35.4	36.0	9.8	1,220
2001	35.7	36.0	10.2	1,253
2002	36.2	36.0	10.3	1,215
2003	36.7	36.0	10.3	1,168
2004	36.4	36.0	11.7	1,208
2005	36.4	36.0	10.3	1,137
2006	36.8	36.0	10.7	1,315

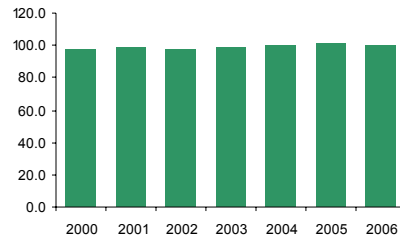


Average Probation Lengths

Average probation⁶ lengths show similar variability as do incarcerations. No clear trend in sentencing emerged, with 2006 sentences generally being neither the highest nor the lowest in the years analyzed. Probation lengths were shorter than incarcerations for Class B and C offenses. Since probation eligibility as a sentence alternative is capped at 120 months, this makes sense. Class D incarcerations are nearly 10% longer than probations. Incarceration and probation lengths are nearly identical for Class E sentences. The following tables display the average probation lengths for Class B through E felonies.

Average Probation Length - Felony Class B - All Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	98.2	96.0	15.0	342
2001	99.3	96.0	16.0	395
2002	98.1	96.0	18.3	334
2003	98.8	96.0	19.8	425
2004	99.9	96.0	21.7	467
2005	101.9	96.0	17.3	672
2006	100.7	96.0	14.6	874

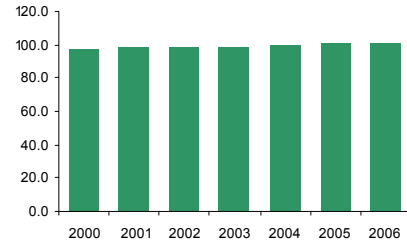


The table for multiple offenders was not included due to low occurrence frequencies.

⁶ No sentence alternatives were excluded as they were for the analysis of incarcerations because community corrections sentences, like other probation sentence options, have specific lengths. Twenty-two percent (22%) of the probations reviewed included sentences to community corrections.

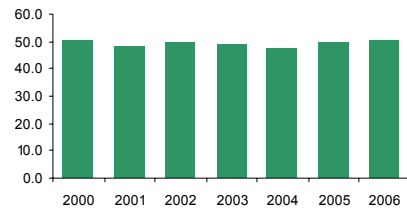
Average Probation Length - Felony Class B - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	97.7	96.0	12.8	337
2001	99.0	96.0	15.6	389
2002	97.9	96.0	18.1	331
2003	98.8	96.0	19.9	421
2004	99.3	96.0	20.7	455
2005	101.3	96.0	16.3	655
2006	100.4	96.0	13.7	856



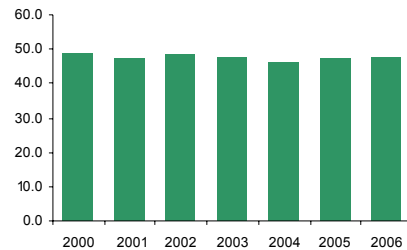
Average Probation Length - Class C - All Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	50.5	48.0	22.9	1,800
2001	48.2	36.0	18.2	1,839
2002	50.0	48.0	18.6	1,995
2003	49.3	48.0	17.3	2,273
2004	47.9	36.0	16.3	2,526
2005	49.8	48.0	20.0	2,821
2006	50.2	48.0	19.2	3,574



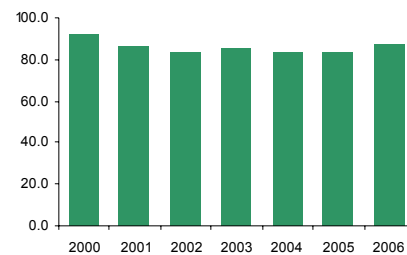
Average Probation Length - Class C - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	49.2	48.0	21.7	1,742
2001	47.0	36.0	17.0	1,774
2002	48.3	48.0	16.7	1,893
2003	47.8	48.0	15.5	2,172
2004	46.2	36.0	14.1	2,400
2005	47.4	36.0	16.3	2,639
2006	47.8	36.0	15.9	3,371



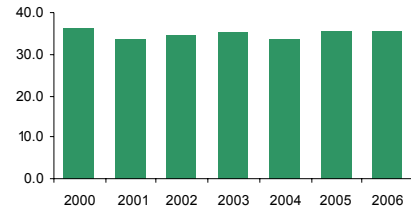
Average Probation Length - Class C - Multiple Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	92.0	96.0	17.2	45
2001	86.3	90.0	13.4	57
2002	83.7	96.0	18.3	89
2003	85.4	72.0	18.4	92
2004	83.2	72.0	19.2	110
2005	83.7	72.0	18.8	150
2006	87.3	84.0	16.9	166



Average Probation Length - Class D - All Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	35.9	30.0	17.6	2,371
2001	33.8	24.0	15.8	2,300
2002	34.5	30.0	14.5	2,406
2003	35.0	36.0	15.9	2,748
2004	33.9	24.0	16.1	3,146
2005	35.9	36.0	15.9	3,308
2006	35.7	36.0	16.9	4,142



Average Probation Length - Class D - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	34.4	24.0	15.8	2,249
2001	32.8	24.0	14.5	2,221
2002	33.4	24.0	12.9	2,331
2003	33.4	25.0	13.7	2,627
2004	32.1	24.0	13.4	2,973
2005	33.7	36.0	12.7	3,090
2006	32.6	24.0	11.7	3,765



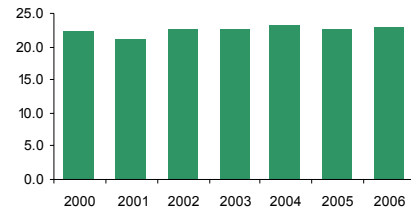
Average Probation Length - Class D - Multiple Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	59.4	60.0	19.9	106
2001	59.6	48.0	16.7	67
2002	68.0	72.0	20.5	68
2003	65.8	60.0	18.5	107
2004	60.6	48.0	21.3	145
2005	61.9	60.0	16.5	196
2006	57.6	48.0	16.8	309



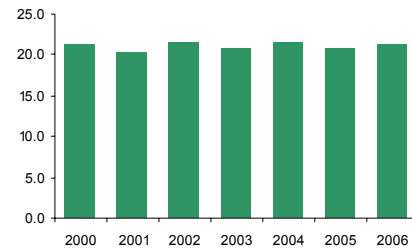
Average Probation Length - Class E - All Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	22.3	24.0	12.4	4,095
2001	21.1	24.0	10.7	3,954
2002	22.6	24.0	11.8	4,106
2003	22.5	24.0	11.7	4,293
2004	23.1	24.0	14.1	5,070
2005	22.6	24.0	11.8	5,698
2006	23.0	24.0	13.2	6,369



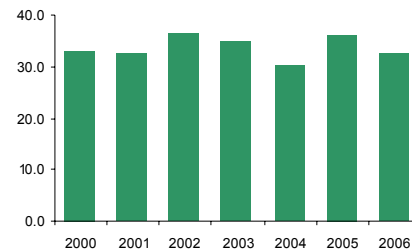
Average Probation Length - Class E - Standard Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	21.3	24.0	11.5	3,843
2001	20.4	24.0	9.9	3,792
2002	21.6	24.0	10.8	3,859
2003	20.8	24.0	9.9	3,857
2004	21.5	24.0	12.7	4,593
2005	20.8	24.0	9.5	5,229
2006	21.2	24.0	11.1	5,813



Average Probation Length - Class E - Multiple Offenders

Fiscal Year	Mean	Median	Standard Deviation	N
2000	33.2	36.0	8.9	199
2001	32.7	30.0	9.5	133
2002	36.4	36.0	10.8	222
2003	34.9	36.0	11.5	363
2004	30.4	24.0	9.6	384
2005	36.0	36.0	10.7	387
2006	32.8	24.0	11.0	458

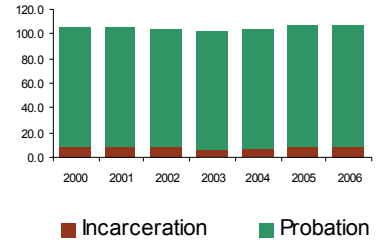


Average Split Sentence Lengths

Split sentences include an initial time in incarceration followed by a period of probation. The utilization of such sentences has increased in the years reported. The proportion of the sentence in incarceration increases as the seriousness of the offense decreases. For example, an individual convicted of a Class B offense will spend a lower percentage (around 8%) of their split sentence incarcerated than an individual convicted of a Class E offense (around 18%). What is also pertinent when analyzing sentence practices is whether the proportion of incarceration to probation has changed over time. It generally has not. The proportion of incarceration length to probation length varies from year to year without establishing any trend, however for many of the tables, 2006 data indicate the longest probation period in the seven years analyzed. It will be interesting to note if this is the case next year as well. Tables reporting average lengths in months for split sentences are presented below.

Average Sentence Length - Felony Class B - All Offenders

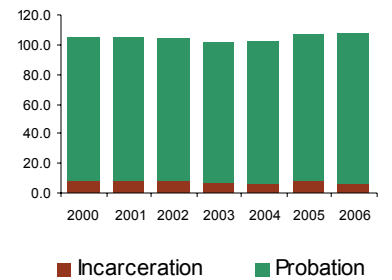
Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	7.8	6.0	4.6	97.6	95.7	22.2	284
2001	8.3	8.0	6.9	97.1	95.0	34.5	315
2002	7.6	6.1	4.1	96.1	96.0	19.8	270
2003	7.2	6.0	4.1	94.2	96.0	18.8	339
2004	7.2	6.0	5.5	96.2	96.0	24.6	395
2005	7.8	7.3	4.1	99.5	96.0	24.3	549
2006	7.4	6.0	4.3	100.4	96.0	27.0	708



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

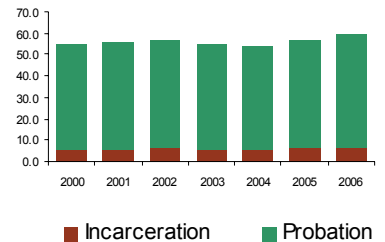
Average Sentence Length - Felony Class B - Standard Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	7.7	6.0	4.5	97.5	95.7	22.2	279
2001	8.3	8.0	7.0	97.1	95.0	34.4	311
2002	7.5	6.0	4.1	96.0	96.0	19.7	266
2003	7.2	6.0	4.1	94.2	96.0	18.9	336
2004	7.2	6.0	5.5	95.1	96.0	19.5	384
2005	7.8	7.0	4.1	99.3	96.0	24.3	543
2006	7.2	6.0	4.1	100.1	96.0	26.8	690



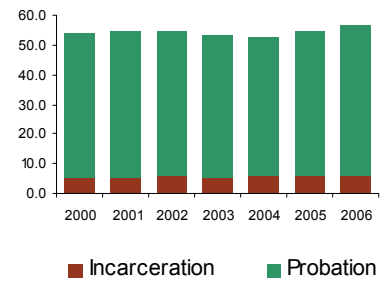
Average Sentence Length - Class C - All Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	5.8	5.1	3.9	49.5	48.0	19.5	859
2001	5.6	4.4	3.9	50.2	47.2	23.2	1,104
2002	6.1	5.9	6.6	51.0	48.0	21.2	1,028
2003	5.7	5.0	3.8	49.3	48.0	17.4	1,156
2004	5.9	5.9	3.9	48.1	46.0	18.3	1,321
2005	6.2	6.0	4.0	50.5	48.0	19.1	1,562
2006	6.2	6.0	4.1	53.1	48.0	22.5	1,787



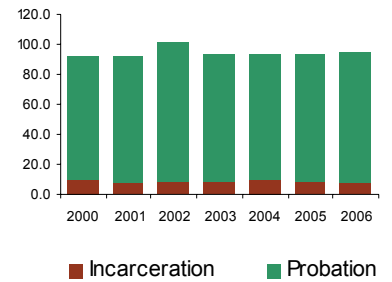
Average Sentence Length - Class C - Standard Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	5.7	5.0	3.8	48.3	46.5	18.7	826
2001	5.5	4.0	3.8	48.8	45.4	22.4	1,058
2002	6.0	5.9	6.7	48.7	46.0	18.6	974
2003	5.6	5.0	3.8	47.8	48.0	15.4	1,109
2004	5.8	5.2	3.9	46.5	44.0	15.9	1,270
2005	6.1	5.9	4.0	48.6	48.0	16.6	1,481
2006	6.1	6.0	4.0	50.8	48.0	20.4	1,678



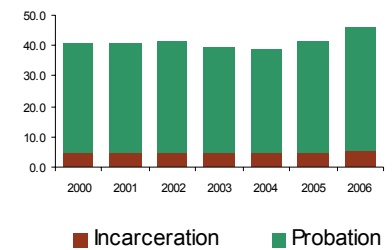
Average Sentence Length - Class C - Multiple Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	9.8	12.0	3.8	82.2	84.0	10.1	31
2001	7.8	7.7	4.1	83.7	84.0	12.9	44
2002	8.6	12.0	4.1	92.6	96.0	23.7	51
2003	8.1	9.0	3.9	85.2	90.0	14.8	39
2004	8.7	9.0	4.3	84.9	85.6	18.3	47
2005	7.6	8.0	4.1	85.1	84.0	21.4	70
2006	8.6	10.0	4.1	86.5	84.0	20.4	101



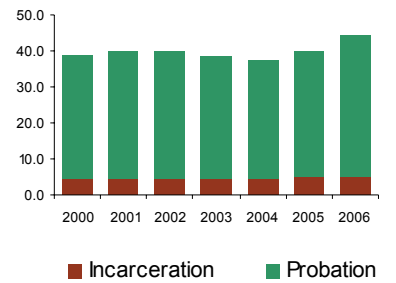
Average Sentence Length - Class D - All Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	4.5	3.0	3.6	36.0	33.0	18.5	717
2001	4.6	3.4	3.5	36.5	36.0	18.3	931
2002	4.7	3.8	3.5	36.7	34.5	18.8	854
2003	4.8	3.9	3.7	34.9	36.0	14.5	1,065
2004	4.8	3.9	3.5	34.0	33.0	14.2	1,050
2005	4.9	3.9	3.7	36.7	36.0	17.9	1,344
2006	5.1	4.0	3.8	41.3	36.0	25.8	1,701



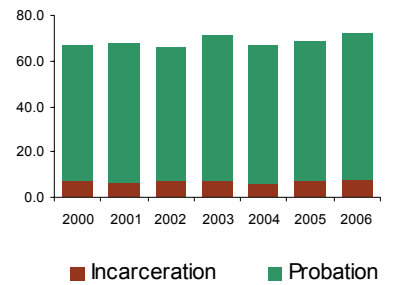
Average Sentence Length - Class D - Standard Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	4.4	3.0	3.5	34.4	31.0	17.3	669
2001	4.5	3.3	3.5	35.6	35.2	17.3	900
2002	4.6	3.4	3.5	35.6	34.0	18.1	808
2003	4.7	3.5	3.7	33.7	35.0	12.9	1,020
2004	4.7	3.9	3.4	32.7	31.0	12.5	998
2005	4.7	3.9	3.5	35.4	36.0	16.5	1,285
2006	4.9	3.9	3.7	39.6	36.0	25.1	1,592



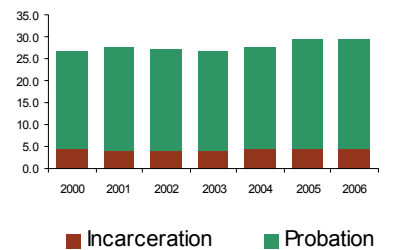
Average Sentence Length - Class D - Multiple Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	7.1	9.5	5.0	60.0	60.0	18.4	28
2001	6.5	6.0	4.2	61.1	60.0	21.6	27
2002	7.2	6.0	4.3	58.8	59.0	17.3	41
2003	6.7	6.0	3.9	64.9	60.0	16.6	41
2004	6.4	5.9	3.9	60.2	60.0	18.6	50
2005	7.3	6.0	4.3	61.3	54.0	18.7	52
2006	7.6	7.0	4.7	64.8	60.0	21.1	102



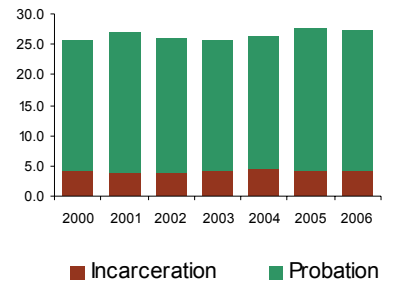
Average Sentence Length - Class E - All Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	4.4	4.0	3.1	22.6	22.0	14.1	1,734
2001	4.1	3.9	2.8	23.5	22.0	15.0	1,815
2002	4.2	4.0	2.7	23.1	22.3	14.4	1,585
2003	4.3	3.9	2.9	22.6	22.0	13.5	1,589
2004	4.6	4.0	3.0	23.2	23.0	14.0	1,778
2005	4.4	3.9	3.2	25.3	24.0	17.3	2,386
2006	4.4	3.9	3.1	25.1	24.0	17.2	2,805



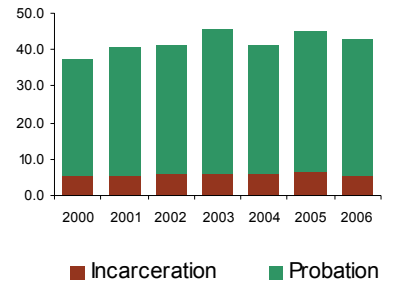
Average Sentence Length - Class E - Standard Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	4.3	4.0	2.9	21.6	21.0	13.3	1,612
2001	4.0	3.4	2.7	22.9	22.0	14.6	1,748
2002	4.0	3.9	2.6	22.0	22.0	13.8	1,472
2003	4.2	3.4	2.8	21.5	21.0	12.6	1,497
2004	4.5	4.0	2.9	22.0	21.0	13.4	1,641
2005	4.2	3.5	3.0	23.4	24.0	15.0	2,140
2006	4.2	3.9	3.0	23.3	24.0	16.2	2,512



Average Sentence Length - Class E - Multiple Offenders

Fiscal Year	Months Incarceration			Months Probation			N
	Mean	Median	Standard Deviation	Mean	Median	Standard Deviation	
2000	5.4	5.0	3.6	31.9	33.0	11.4	95
2001	5.6	5.0	3.3	35.2	36.0	12.4	46
2002	6.0	6.0	2.8	35.2	36.0	7.8	94
2003	6.1	5.5	3.7	39.5	36.0	13.6	88
2004	5.9	6.0	3.2	35.6	36.0	11.6	125
2005	6.6	5.5	4.0	38.3	36.0	24.3	212
2006	5.8	5.0	3.4	37.4	36.0	16.1	245



Conventional Number Preferences

The use of a limited number of sentences, despite the availability of a continuous spectrum of sentence length options has been documented for other states. In 2002, Ostrom and Ostrom observed that even though prison sentences can range from 1 to 480 months in Michigan, 78% of sentences fell on 12, 18, 20, 24, 30, 36, 48, 60, 72, 84, 96 and 120 month lengths.⁷ This use of a fixed number of sentence lengths has been designated conventional number preferences (CNPs). Replicating the Ostroms' study, Wiseman, Fischer and Connelly reviewed Wisconsin sentence data and found 91% of prison sentences are assigned to CNP lengths.⁸ Even as early as 1895, Francis Galton noted "the terms of imprisonment that are most frequently awarded, fall into a rhythmic series. Beginning with sentences reckoned in months, we see that their maxima of frequency are at 3, 6, 9, 12, 15 and 18 months."⁹

This section characterizes the use of conventional number preferences in Tennessee. The cases reviewed were limited to those with sentences of 180 months or less.¹⁰ For purposes of this study, conventional number preferences for Tennessee data are 12, 18, 24, 30, 36, 48, 60, 72, 84, 96, 108, 120, 144 and 180 months. Establishing whether Tennessee sentences are continuous or fall under CNP lengths determines the type of statistics that are appropriate to use when making Pre and Post Act comparisons.

⁷ Ostrom, B. J., & Ostrom, C. W., Jr. (2002). A new look at sentence severity. In C. Tata & N. Hutton (Eds.), *Sentencing and society: International perspectives* (pp. 277–307). Burlington, VT: Ashgate Publishing.

⁸ Wiseman, A., Fischer, D., & Connelly, M. (2006) Sentencing and Conventional Number Preferences: A Research Note. *Justice Research and Policy*, 8 (1), 67-98.

⁹ Galton, F. (1895). Terms of imprisonment. *Nature*, 52, 174–176.

¹⁰ 98.7% of sentences in Tennessee are 180 months or less.

Incarcerations

Table 1 lists the number and percent of sentences that fall on and in between conventional number preferences. Of the 144,142 incarcerations analyzed, 96% (137,760) are of CNP lengths. Put another way, 96% of sentences to incarceration are one of 14 specific lengths.

Table 1: Incarceration Length Frequencies

Sentence in Months	N	Percent
12	20,766	14.41
Between 12 & 18	1,066	0.74
18	3,335	2.31
Between 18 & 24	153	0.11
24	39,664	27.52
Between 24 & 30	1,423	0.99
30	686	0.48
Between 30 & 36	184	0.13
36	23,054	15.99
Between 36 & 48	654	0.45
48	17,199	11.93
Between 48 & 60	487	0.34
60	4,673	3.24
Between 60 & 72	117	0.08
72	9,202	6.38
Between 72 & 84	291	0.20
84	590	0.41
Between 84 & 96	964	0.67
96	9,122	6.33
Between 96 & 108	135	0.09
108	1,236	0.86
Between 108 & 120	47	0.03
120	3,922	2.72
Between 120 & 144	506	0.35
144	2,773	1.92
Between 144 & 180	355	0.25
180	1,538	1.07
Total	144,142	100.00
CNP Sentences	137,760	95.57

Probations

The length and number of probation sentences are displayed in Table 2. Just over 97% (71,873) of the 73,975 probations received are of CNP lengths.

Table 2: Probation Length Frequencies

Sentence in Months	N	Percent
12	10,731	14.51
Between 12 & 18	567	0.77
18	1,702	2.30
Between 18 & 24	112	0.15
24	26,550	35.89
Between 24 & 30	658	0.89
30	318	0.43
Between 30 & 36	79	0.11
36	13,253	17.92
Between 36 & 48	290	0.39
48	8,965	12.12
Between 48 & 60	186	0.25
60	2,188	2.96
Between 60 & 72	55	0.07
72	3,733	5.05
Between 72 & 84	43	0.06
84	185	0.25
Between 84 & 96	41	0.06
96	3,352	4.53
Between 96 & 108	14	0.02
108	162	0.22
Between 108 & 120	9	0.01
120	679	0.92
Between 120 & 144	23	0.03
144	0	0.00
Between 144 & 180	25	0.03
180	55	0.07
Total	73,975	100.00
CNP Sentences	71,873	97.16

Split Sentences

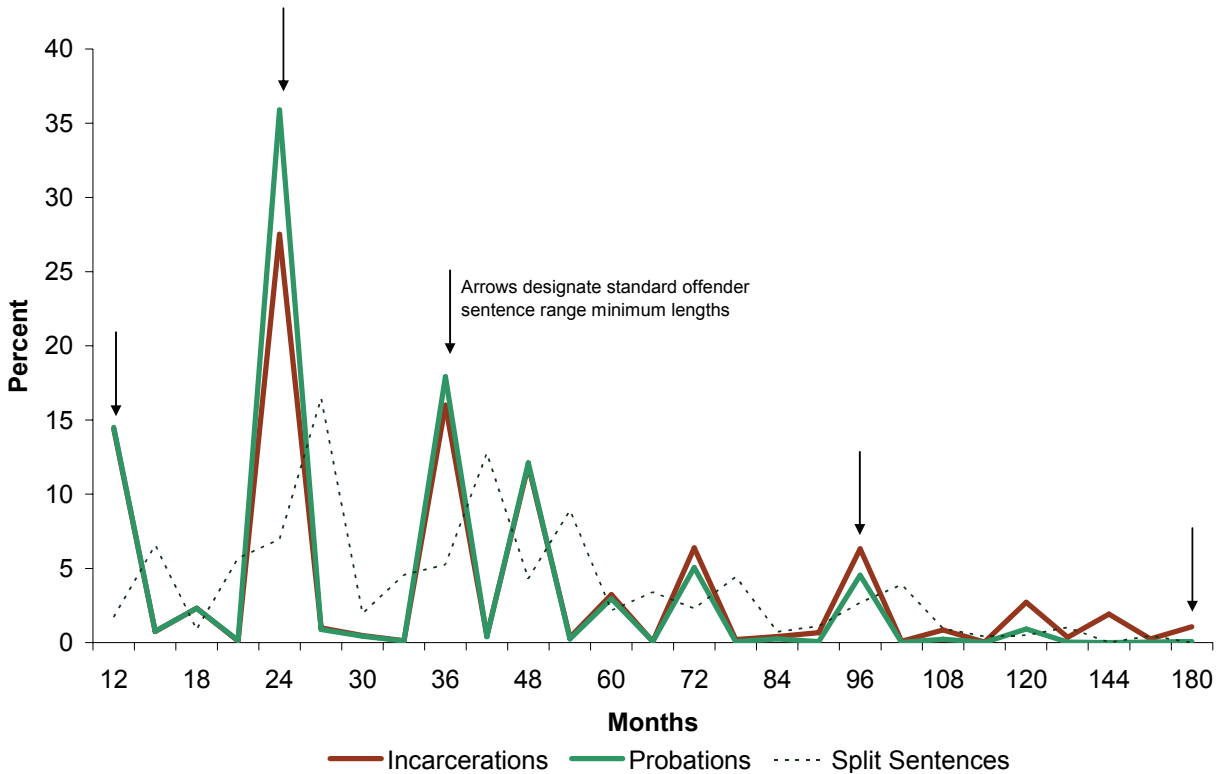
Split sentences generally consist of a time of incarceration followed by a much longer time of probation. The combined sentence total of split sentences fall on CNP lengths far less often than incarcerations and probations. Only 30% (9,869) of the 32,497 split sentences are of CNP lengths. Table 3 displays the number and percent of split sentence data. When looking at the incarceration and probation lengths independently, 12% of the incarceration portions and 70% of the probation portions fall on CNP lengths.

Table 3: Split Sentence Length Frequencies

Sentence in Months	N	Percent
12	555	1.71
Between 12 & 18	2,131	6.56
18	283	0.87
Between 18 & 24	1,841	5.67
24	2,262	6.96
Between 24 & 30	5,354	16.48
30	637	1.96
Between 30 & 36	1,483	4.56
36	1,709	5.26
Between 36 & 48	4,145	12.76
48	1,398	4.30
Between 48 & 60	2,893	8.90
60	703	2.16
Between 60 & 72	1,103	3.39
72	742	2.28
Between 72 & 84	1,440	4.43
84	235	0.72
Between 84 & 96	359	1.10
96	872	2.68
Between 96 & 108	1,266	3.90
108	309	0.95
Between 108 & 120	134	0.41
120	164	0.50
Between 120 & 144	330	1.02
144	0	0.00
Between 144 & 180	149	0.46
180	0	0.00
Total	32,497	100.00
CNP Sentences	9,869	30.37

Figure 1 displays the percent of cases for each sentence type for Tennessee sentences of 180 months or less. It is provided to give a visual of the peaks of CNP use in sentencing.

Figure 1: Percent of Cases by Sentence Length in Months



Discussion of the use of Conventional Number Preferences in Tennessee Sentencing

There is a continuous spectrum of sentences from 10.8 months to 720 months¹¹ available to be imposed for felony convictions in Tennessee. Nearly all incarcerations and probations however fall on a limited number of lengths, which happen to coincide with sentence range minimum and maximum lengths. The rationale behind why certain length sentences are imposed more often than others is beyond the scope of this report. It is possible that conventional number preference sentence lengths are exactly what sentences should be.

Noting the potential cost differences in not imposing CNP sentences as frequently for Wisconsin Wiseman, Fisher and Connelly (2006) stated if 500 Wisconsin offenders currently serving three-year prison terms were each serving only 28–32 months, the state would save between

¹¹ Not including life sentences.

\$4,600,000 and \$9,200,000 (500 inmates × \$2,300 per person, per month). In Tennessee, the Department of Correction reports that for FY 2005-06 it spent nearly \$21,000 to incarcerate an individual. As identified for Wisconsin, minor changes in sentencing practices could have a serious budgetary impact. The impact could be in either direction depending on whether the use of CNPs in sentencing is causing sentences to be lower or higher than necessary. If conventional number preferences are driving sentences lower, then deterrence, retribution and public safety issues arise in addition to future costs. If CNPs are driving sentences higher, then Tennesseans are paying more than need be to obtain the same sentencing goals and the individuals incarcerated experience a loss of freedom longer than required to obtain sentence effectiveness.

Since conventional number preferences are not used to the same degree for split sentences, sentence determinants can and do think differently when determining appropriate sentence lengths. Whether the reliance on CNPs 97% of the time for incarceration and probation sentences should continue is up to system participants.

With regard to the analysis of sentencing data, most statistics assume normal, continuous data. Because of the reliance on CNPs in Tennessee, sentencing data would not be considered normal or continuous. Due to this, other ways of analyzing the data will be employed to test the effects of the 2005 Reform Act.

Because of the increase in reliance on split sentences as an alternative to incarceration, there is a minor decrease in Post Act utilization of CNP sentences.

Incident Based Data – Pre and Post Act Practices

Grouping similar cases can yield greater options when analyzing data. For instance, effects of the reform act on all robberies can be studied in addition to looking at specific felony classes. The advantage to this type of analysis is that changes in sentencing practices may be occurring for certain types of offenses that would not necessarily emerge when reviewing offense classes as a whole. TCA §38-10-101 instructs the director of the Tennessee Bureau of Investigation to establish a system of intrastate communication of vital statistics and information relating to crime, criminals, and criminal activity. The result of this statutory directive was a collaborative effort by the TBI with the Federal Bureau of Investigation which instituted the National Incident Based Reporting System (NIBRS) in Tennessee. TDOC's Planning and Research Unit instituted the Tennessee Incident Based Reporting System (TIBRS) as a method of offense reporting and categorization effective July 1, 2000.¹²

To gain a more accurate view of the 2005 Reform Act effects, data comparisons will be performed in two steps using TIBRS categories. In the first step, data from fiscal year 2004 will be compared to cases from fiscal years 2005 and 2006. The FY2004 cases will have offense and sentencing dates prior to June 7, 2005, the date the reform act became effective, and will be referred to as the Pre Act group. The FY2005 and 2006 cases will have offense and sentencing dates after June 7, 2005 and will be referred to as the Post Act group. Thus the Pre Act and Post Act groups will have no overlap.¹³ To further aid in comparing the two groups, the most frequently occurring case characteristics will be controlled for. Only standard offenders convicted of the same offense in which they were charged, who plead guilty, were not fined and were represented by public defenders will be selected for analysis. Controlling for these factors will help reduce their influence when performing between group comparisons. The second step will review Tennessee sentencing data as if the 2005 Reform Act had become effective on June 6, 2002. Since there was no change in sentencing at that time, this will serve as a control comparison group to the Pre and Post Act group. Data comparisons from this group will be referred to as Pre Test and Post Test. Pre Test mirrors Pre Act data, but is from three years earlier, having both offense and sentencing dates prior to June 6, 2002. Post Test data have offense and sentencing dates after June 6, 2002. To further the likeness of the Post Test group to the Post Act group, sentence dates also are before July 1, 2004, which is three years prior to the cut off for the Post Act data query. If there are differences between the Pre and Post Act groups and no differences between the Pre and Post Test groups, then the Post Act effects observed would be legitimate. However, if there are differences between the Pre and Post Act groups and the Pre and Post Test groups, then the Post Act effects would be an observation of year to year variances and not attributable to the Act.

Sentences are statutorily within a specific range depending on offense severity and defendant criminal history. For instance, a sentence for a Class C felony conviction of a standard offender would yield a sentence between 36 and 72 months.¹⁴ To reduce the effects of conventional number preferences discussed in the previous section, the percent of sentences at the

¹² State of Tennessee. Department of Correction. Assessing the Impact of Implementing the Tennessee Incident Based Reporting System on Offense Reporting within the Tennessee Department of Correction. Nashville, TN. 2000.

¹³ Defendants with offense dates prior to the passage of the Reform Act and sentence dates after the Reform Act had the option of choosing to be sentenced under the Act or not. Since it is not possible to determine if such cases were under the Act, they are not included in the Pre/Post Act comparisons.

¹⁴ See Appendix C for a matrix of all felony class sentences.

minimum, maximum and between the minimum and the maximum will be reported. For a Class C conviction, a 36 month sentence would be considered a minimum sentence, a 72 month sentence would be a maximum sentence and anything in the middle would be considered between the minimum and maximum. When considering minimum and maximum sentences, plus and minus one half of a month within a sentence range endpoint was still considered a minimum and maximum sentence. This is done due to a small number of sentences having a certain number of months with the addition of a few days. By analyzing sentences using sentence range placement organized by TIBRS categories, CNP effects can be minimized while maintaining statistical integrity. Sentencing range data will be reported for the following TIBRS categories: assault, burglary, drugs, forgery, fraud, forcible sex, robbery and theft offenses¹⁵.

Table 4 lists the percentage of cases with sentences to incarceration at the minimum, maximum or in the middle of the associated sentence range. The Chi-squared test for statistical significance was employed to test for statistically significant differences between the Pre and Post Act groups.¹⁶ Incarcerations for robberies have a statistically significant difference in Post Act sentence range placements, with an increase in the number of sentences at the maximum. Burglary, forcible sex, forgery and fraud incarcerations display a statistically significant difference in sentence range placements with an increase in the number of Post Act sentences at the minimum. There is no statistically significant difference between Pre and Post Act sentences for assault, theft and drug offense convictions.

Table 5 lists the percent of cases with probation sentences at the minimum, maximum and between the minimum and maximum sentence range. Like Table 4 for incarcerations, percentages in bold type indicate statistically significant differences when comparing Pre and Post Act sentences. Probation sentences for fraud convictions display a statistically significant difference in sentence range placements with an increase in the number of fraud sentences at the maximum. Drug conviction probations show a statistically significant difference in sentence range placements with an increase in the number of sentences at the minimum.

¹⁵ A more detailed description of the TIBRS, including its correlation with TCA Code, is available at the TBI's website, www.tbi.state.tn.us/TIBRS.htm.

¹⁶ Percentages are reported in the tables; however Chi-squared tests were performed on frequencies.

Table 4: Incarceration Sentence Placement Percentages

Offense Type	Minimum	Between Min and Max	Maximum	N
Assault Pre Act	50.4%	25.7%	23.9%	401
Assault Post Act	56.3%	21.1%	22.6%	488
Burglary Pre Act	40.9%	28.2%	30.9%	1,293
Burglary Post Act	47.2%	27.0%	25.8%	1,412
Drugs Pre Act	46.0%	36.2%	17.9%	225
Drugs Post Act	46.1%	28.1%	25.8%	130
Forcible Sex Pre Act	35.4%	47.2%	17.4%	195
Forcible Sex Post Act	44.2%	31.6%	24.2%	95
Forgery Pre Act	29.9%	11.0%	59.1%	1,137
Forgery Post Act	36.0%	17.1%	47.0%	1,144
Fraud Pre Act	48.9%	28.8%	22.4%	221
Fraud Post Act	58.6%	12.3%	29.0%	163
Robbery Pre Act	55.6%	32.5%	11.8%	368
Robbery Post Act	48.0%	33.1%	18.9%	378
Theft Pre Act	53.6%	20.2%	26.2%	873
Theft Post Act	54.6%	22.3%	23.1%	1,058

Percentages in bold indicate Chi-square statistic is significant at the 0.05 level.

Table 5: Probation Sentence Placement Percentages

Offense Type	Minimum	Between Min and Max	Maximum	N
Assault Pre Act	58.9%	23.2%	17.9%	217
Assault Post Act	60.8%	23.0%	16.2%	374
Burglary Pre Act	49.7%	20.6%	29.7%	361
Burglary Post Act	49.5%	21.4%	29.2%	670
Drugs Pre Act	53.1%	19.7%	27.2%	152
Drugs Post Act	59.3%	18.6%	22.1%	176
Forcible Sex Pre Act	61.5%	23.1%	15.4%	15
Forcible Sex Post Act	44.4%	16.7%	38.9%	21
Forgery Pre Act	28.3%	4.6%	67.1%	816
Forgery Post Act	24.5%	6.4%	69.0%	1,419
Fraud Pre Act	60.6%	18.1%	21.3%	194
Fraud Post Act	40.3%	21.6%	38.1%	340
Robbery Pre Act	38.9%	50.0%	11.1%	18
Robbery Post Act	46.0%	38.0%	16.0%	56
Theft Pre Act	53.6%	22.5%	23.9%	509
Theft Post Act	47.8%	25.0%	27.2%	813

Percentages in bold indicate Chi-square statistic is significant at the 0.05 level.

Table 6 lists the sentence range placements for the incarceration test group. Statistically significant differences emerged between the Pre and Post Test groups for burglary and forgery

sentences. Table 7 displays the sentence range placements for probation sentences in the test group. Burglary, drugs, fraud, forgery and theft probations sentences display statistically significant differences between the Pre and Post Test group.

Table 6: Incarceration Sentence Placement Percentages Test Group

Offense Type	Minimum	Between Min and Max	Maximum	N
Assault Pre Test	45.0%	30.9%	24.1%	531
Assault Post Test	46.7%	28.3%	25.0%	652
Burglary Pre Test	33.1%	32.4%	34.6%	1,350
Burglary Post Test	37.7%	31.0%	31.3%	1,969
Drugs Pre Test	47.1%	33.3%	19.6%	138
Drugs Post Test	49.0%	28.7%	22.2%	262
Forcible Sex Pre Test	33.5%	40.9%	25.7%	231
Forcible Sex Post Test	41.1%	28.7%	30.2%	131
Forgery Pre Test	28.8%	6.8%	64.4%	1,490
Forgery Post Test	30.1%	10.5%	59.4%	2,259
Fraud Pre Test	47.3%	20.7%	32.0%	150
Fraud Post Test	43.9%	24.9%	31.2%	205
Robbery Pre Test	47.7%	37.2%	15.1%	346
Robbery Post Test	47.5%	34.3%	18.2%	366
Theft Pre Test	42.7%	26.3%	31.1%	1,078
Theft Post Test	44.5%	24.1%	31.5%	1,411

Percentages in bold indicate Chi-square statistic is significant at the 0.05 level.

Table 7: Probation Sentence Placement Percentages Test Group

Offense Type	Minimum	Between Min and Max	Maximum	N
Assault Pre Test	48.7%	25.9%	25.4%	203
Assault Post Test	52.6%	26.0%	21.5%	301
Burglary Pre Test	54.2%	18.4%	27.4%	352
Burglary Post Test	38.6%	27.5%	33.9%	571
Drugs Pre Test	63.9%	13.4%	22.7%	120
Drugs Post Test	49.0%	34.6%	16.3%	161
Forcible Sex Pre Test	50.0%	0.0%	50.0%	10
Forcible Sex Post Test	36.4%	0.0%	63.6%	11
Forgery Pre Test	39.8%	7.2%	53.1%	605
Forgery Post Test	25.7%	7.8%	66.5%	955
Fraud Pre Test	37.3%	14.3%	48.4%	136
Fraud Post Test	48.7%	21.2%	30.1%	165
Robbery Pre Test	42.9%	35.7%	21.4%	15
Robbery Post Test	48.3%	41.4%	10.3%	32
Theft Pre Test	52.9%	20.0%	27.0%	458
Theft Post Test	43.7%	26.0%	30.4%	558

Percentages in bold indicate Chi-square statistic is significant at the 0.05 level.

It should be noted that most drug sentences involve a fine. Nearly three quarters of all drug sentences analyzed have a \$2,000 fine. When sentences are selected that include a \$2,000 fine instead of no fine as above, 54.1% of Pre Act sentences and 64.2% of Post Act sentences are at the minimum, a difference that is statistically significant.¹⁷ Nearly 56% of Pre Act probation sentences and nearly 58% of Post Act probation sentences are at the minimum. The difference between Pre and Post Act drug probations is not significant. Like the other data discussed however, the differences between the Pre and Post Act drug offense groups with a \$2,000 fine should be mitigated by the presence of statistically significant differences in sentence range placements between both incarcerations and probations in the Pre and Post Test groups.

Discussion of Incident Based Data

If a change in sentencing practices in Tennessee existed after the passage of the 2005 Reform Act, there would be an observable difference in the Post Act group. One would expect to see consistency across the Pre Test, Post Test and Pre Act groups then a change in the Post Act group sentence placements. That is not the case for Tennessee sentencing practices seen here. Variance existed in sentencing before the Act and it still exists after the Act. Statistical significance does not necessarily mean practical significance however. In looking at fraud sentences, there is an increase in the percent of incarcerations at the minimum and a decrease in percent of probations at the minimum. At the same time there is a decrease in the total number of incarcerations and an increase in the total number of probations. This could be indicative of a shift of sentencing for fraud convictions from lower length incarcerations to higher length probations.

Graphs displaying the Pre Test, Post Test, Pre Act and Post Act data are presented in Appendix A. Also, tables listing Pre and Post Act data by grand division and by judicial district population are available in Appendix B.

¹⁷ Chi-squared < .05; when compared using the minimum, maximum and between minimum and maximum range frequencies.

Overall Conclusions

The Criminal Sentencing Reform Act of 2005 had the potential to most affect the use of sentence alternatives to incarceration and the lengths of sentences issued. The Act encouraged the use of sentence alternatives as well as eliminated presumptive sentences with regard to sentence lengths. Only 29% of the data in last year's report were sentences issued following the implementation of the 2005 Reform Act. For FY2006, nearly 77% of the sentences issued were sentenced under the Act, with a higher concentration of less severe felonies comprising that percentage. The higher percentage of Post Act data allows for more definitive conclusions. As codified as an advisory sentencing guideline in TCA §40-35-102(6) and as noted last year, incarceration continues to be utilized less in lieu of probation, community corrections and split probation/incarceration. This is beginning to be seen in the prison populations. In the April 2007 publication, *Future Felon Population of the State of Tennessee FY 2006-2007*, the TDOC states, "Overall, the January 2006 projection model did not perform within the acceptable standard of model accuracy, showing a 2.6% deviation between the number of projected felons and the actual felon population from January to November 2006. The difference reached 4.3% in August; however, it should be noted that the projection model *overestimated* the actual felon population in all of the months of the projection period. The continued increases in deviations seen during the 2006 projection model year indicated a need to take a close look at the model's underlying assumptions prior to the 2007 projection model."¹⁸ This overestimation is most likely a result of a change in sentencing practices with alternatives to incarceration gaining in popularity. Also, the percent of defendants receiving incarceration for sentences of more than 96 months but less than 120 months has decreased from 72% in 2003 to 55% in 2005, highlighting that alternatives to incarceration are being utilized even for more severe offenses. Future studies should continue to monitor this trend. It is possible that there could be a few years of increases in sentences to probation, thus decreasing prison populations, followed by an increase in probation violations that could push the populations back up.

By analyzing sentences in terms of average lengths and sentence range placement using TIBRS categories, it is possible to get a clearer picture of changes in sentencing practices with regard to lengths. For felony classes B through E, Post Act sentence lengths are within typical year to year variations. At this point, only 42% of Class A felony convictions have sentence dates after the implementation of the 2005 Reform Act, hence it is still premature to speculate as to the effects of removing presumptive sentences on those cases.

Since the utilization of sentence alternatives and the length of incarcerations have an impact on prison populations in Tennessee, future reports should continue to analyze activities in those areas. Areas in which the research could be expanded would include probation violation rates and changes in the utilization of consecutive and/or concurrent sentences for multiple convictions.

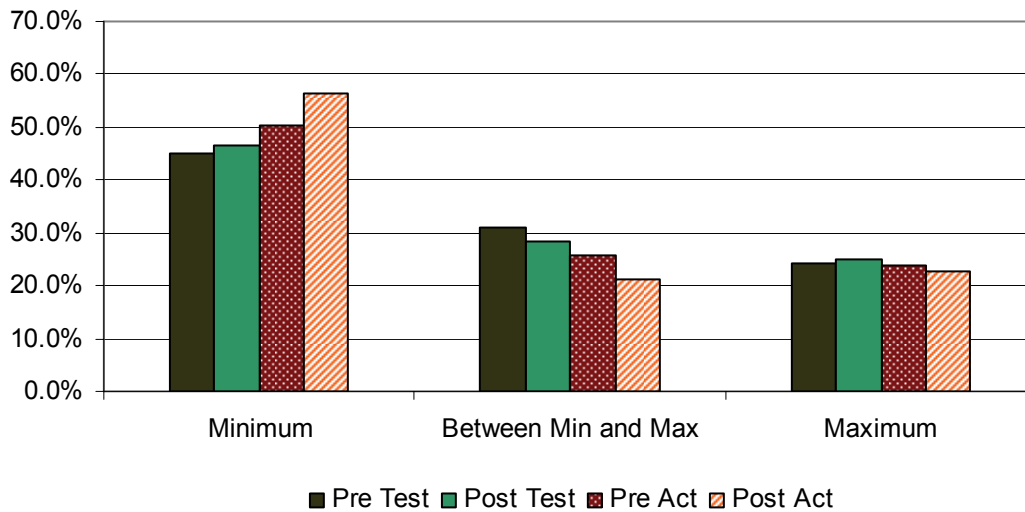
¹⁸ Nutt, L. and Taylor, C. *Future Felon Population of the State of Tennessee FY 2006-2007*. Nashville, TN. Tennessee Department of Correction. 2007.

APPENDIX A: TIBRS Sentence Range Placement Graphs

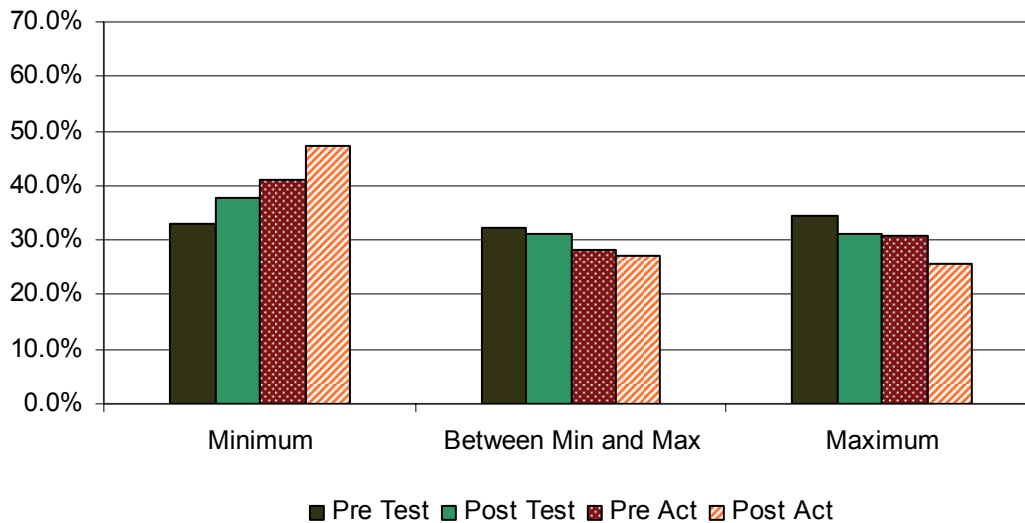
These graphs represent the data presented in Tables 4 and 5.

Incarcerations

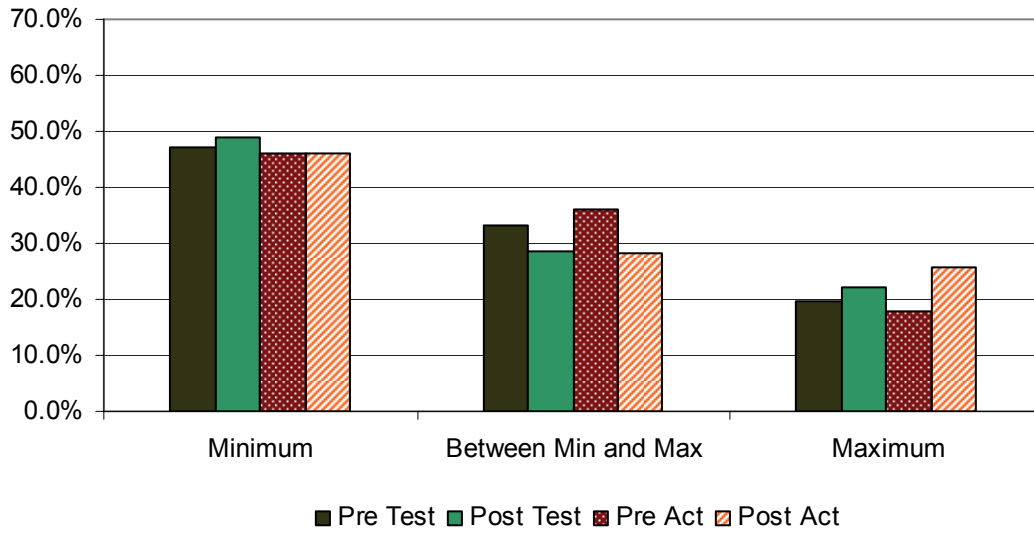
Assault Incarceration: Percent of Sentence Range Placement



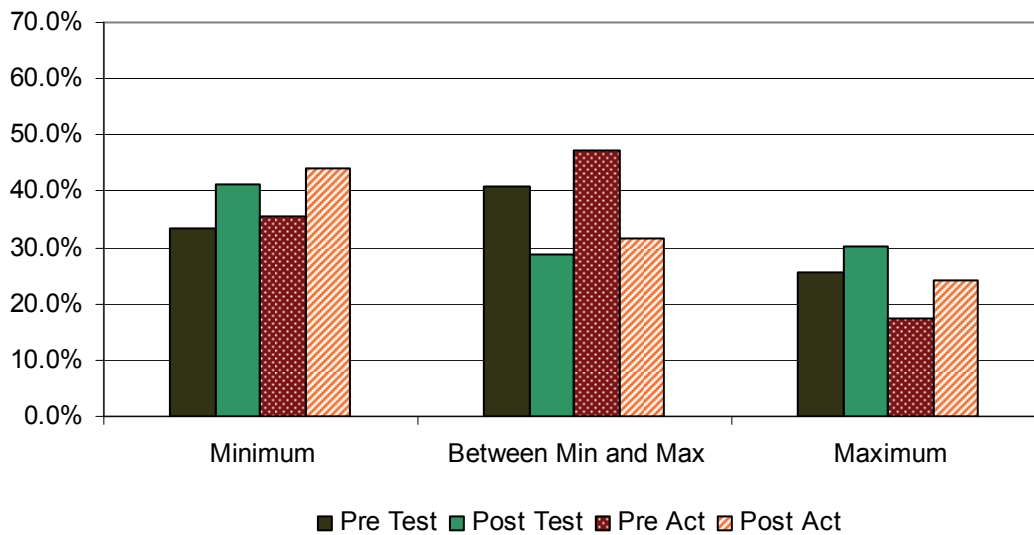
Burglary Incarceration: Percent of Sentence Range Placement



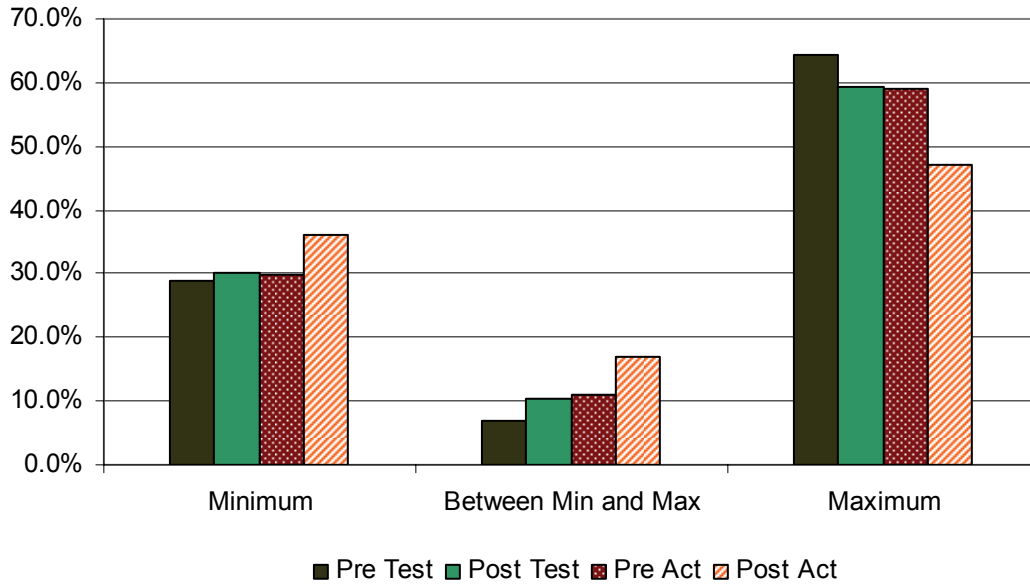
Drugs Incarceration: Percent of Sentence Range Placement



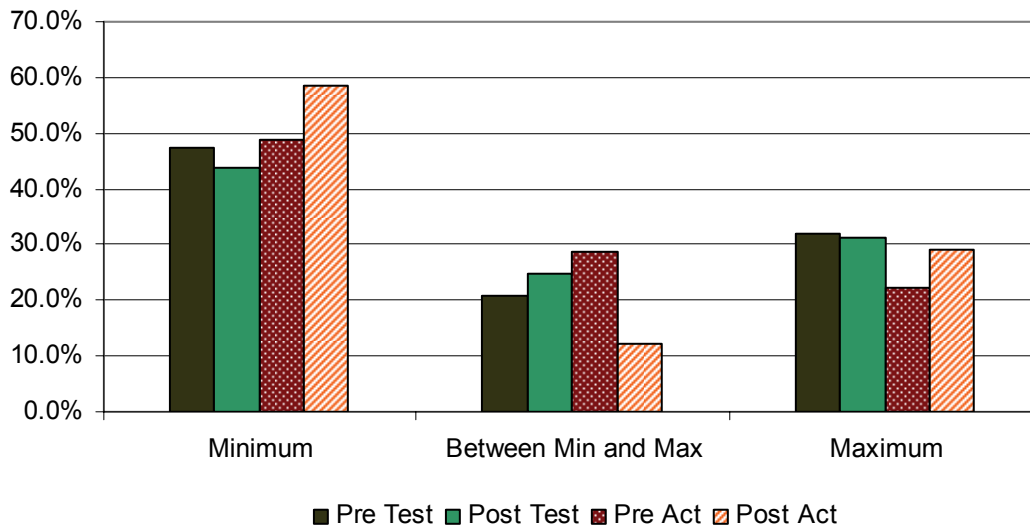
Forcible Sex Incarceration: Percent of Sentence Range Placement



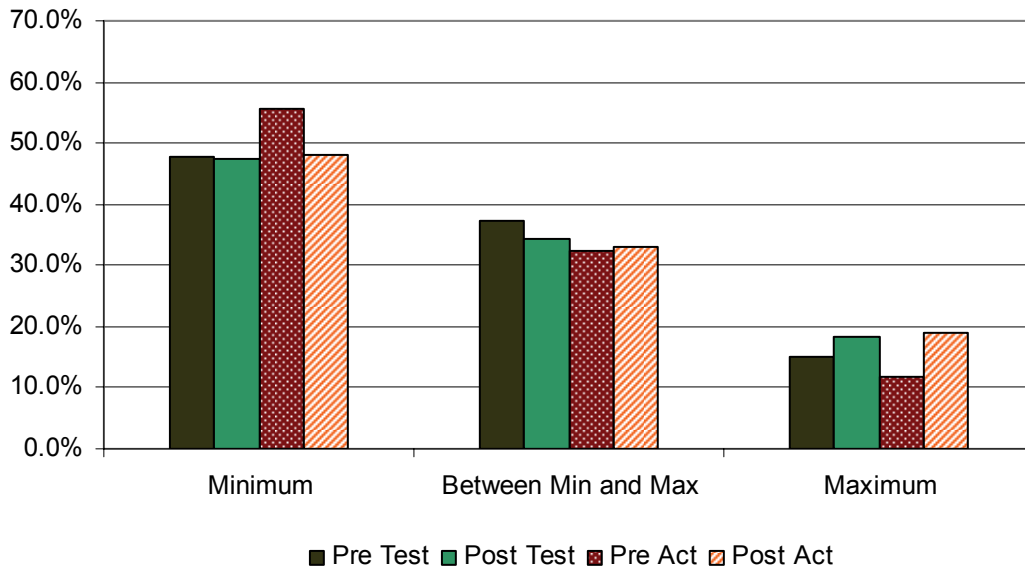
Forgery Incarceration: Percent of Sentence Range Placement



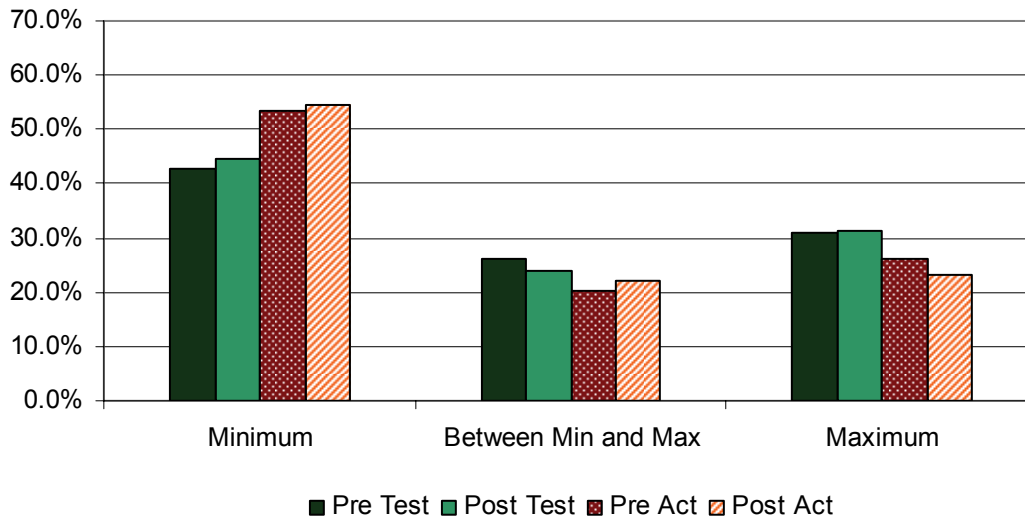
Fraud Incarceration: Percent of Sentence Range Placement



Robbery Incarceration: Percent of Sentence Range Placement

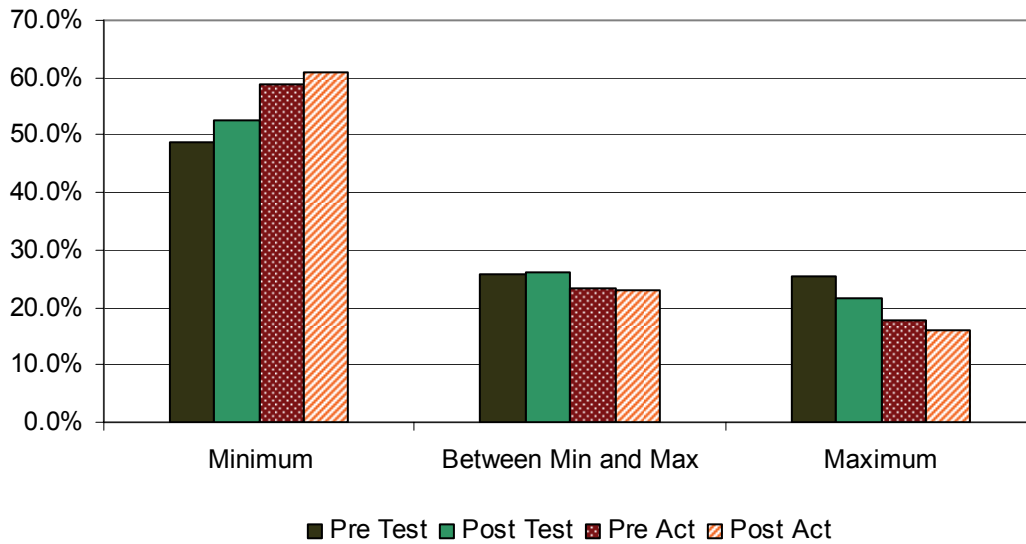


Theft Incarceration: Percent of Sentence Range Placement

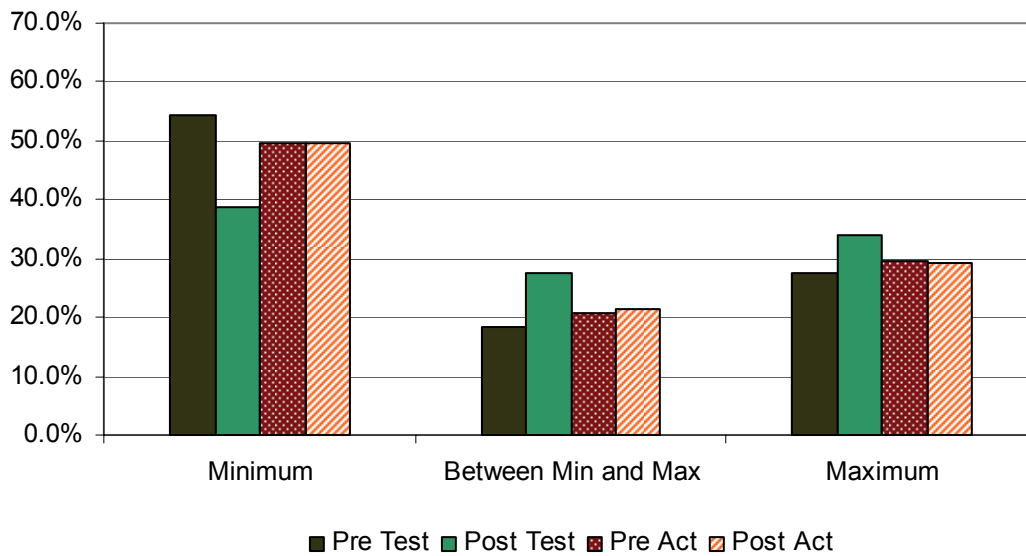


Probations

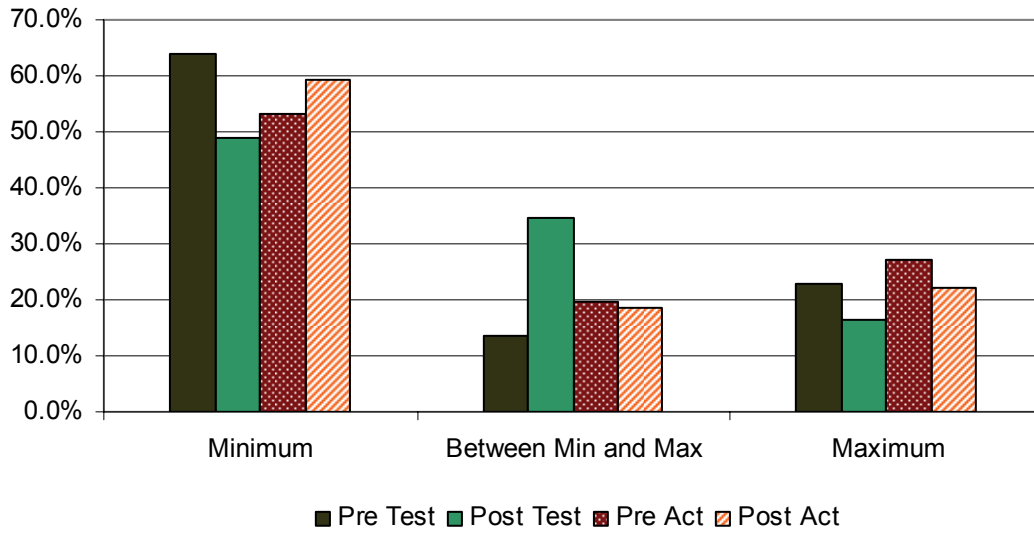
Assault Probation: Percent of Sentence Range Placement



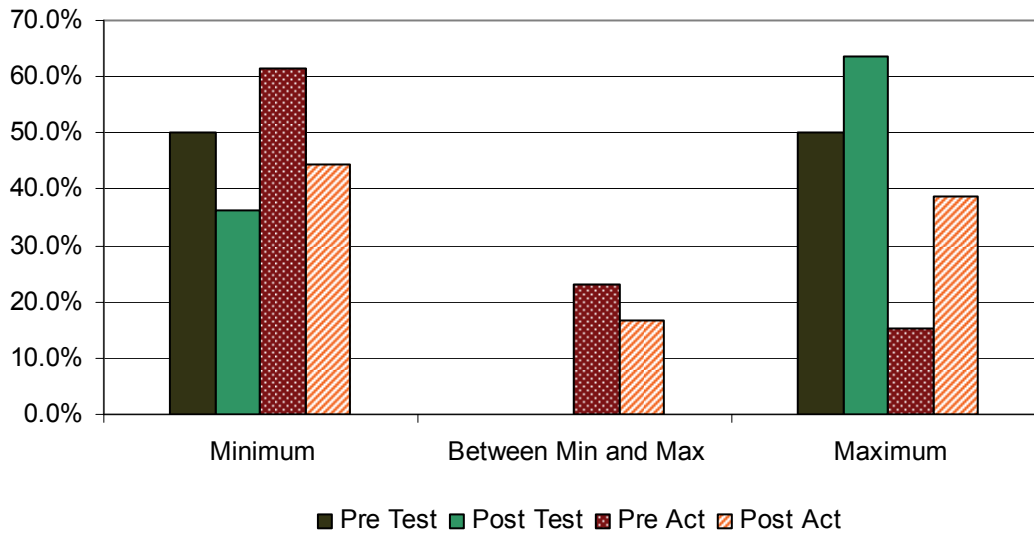
Burglary Probation: Percent of Sentence Range Placement



Drugs Probation: Percent of Sentence Range Placement

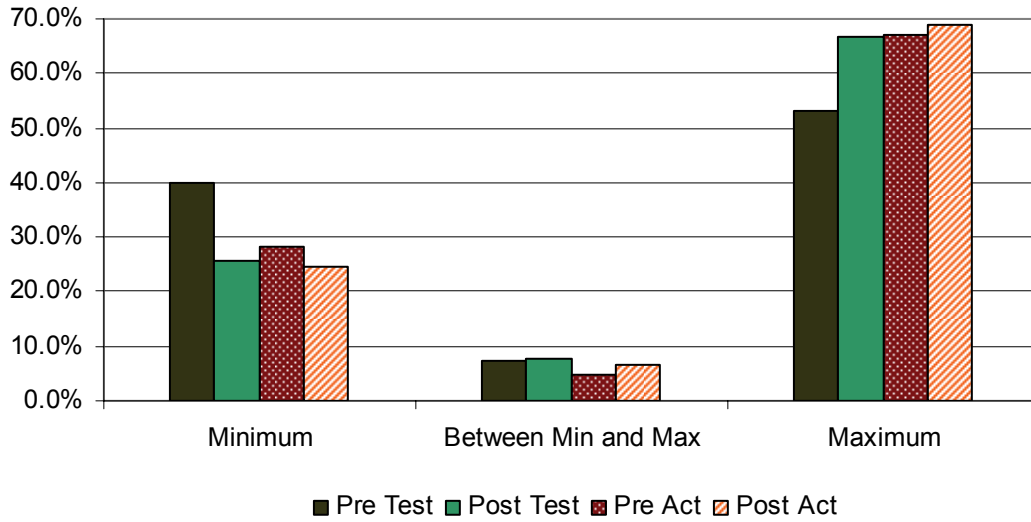


Forcible Sex Probation: Percent of Sentence Range Placement

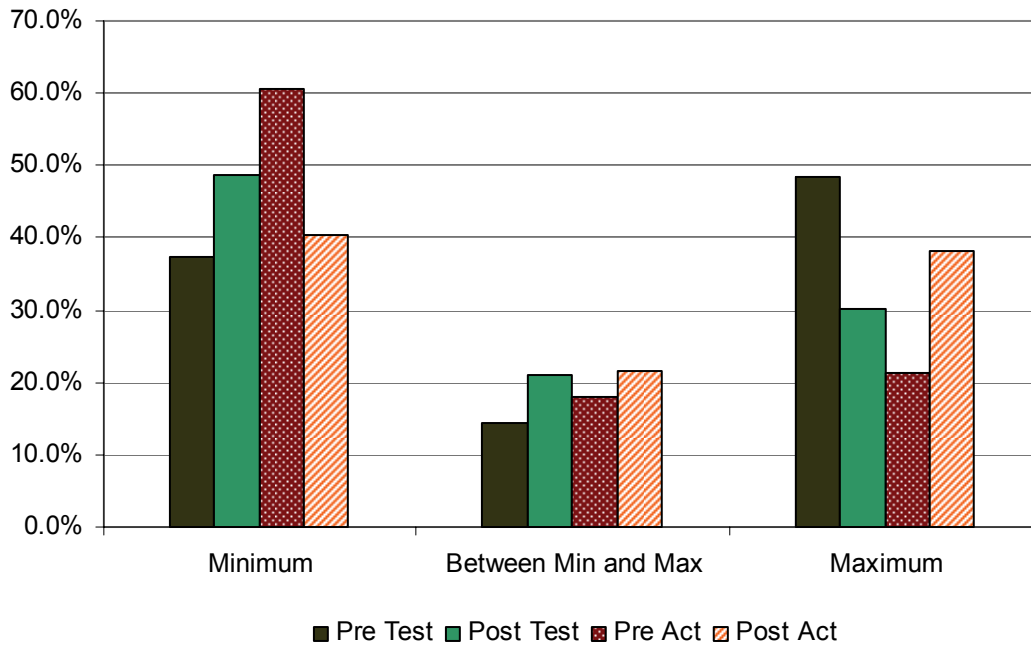


(There were no Pre and Post Test Between Min and Max Sentences)

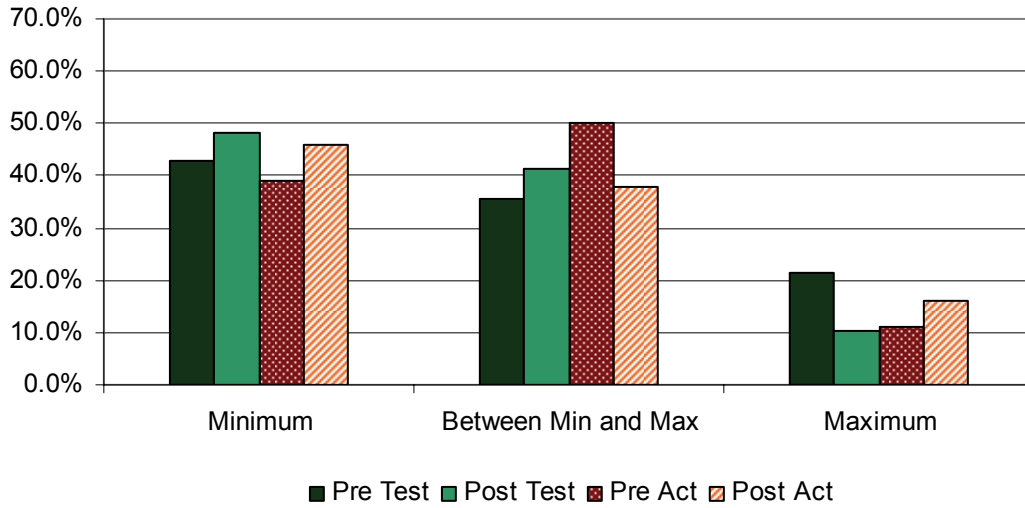
Forgery Probation: Percent of Sentence Range Placement



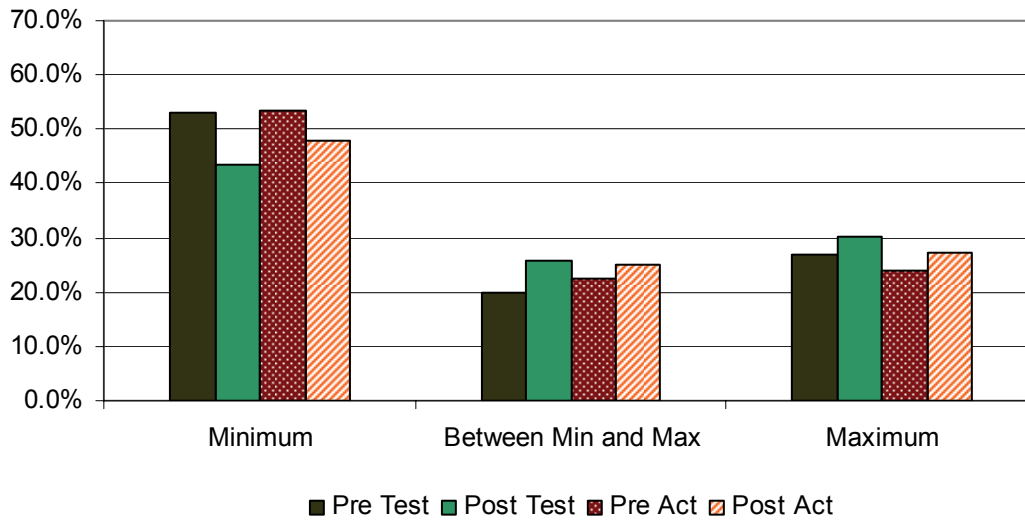
Fraud Probation: Percent of Sentence Range Placement



Robbery Probation: Percent of Sentence Range Placement



Theft Probation: Percent of Sentence Range Placement



APPENDIX B: TIBRS Sentence Range Data by Grand Division and Judicial District Population

The following tables present the data from Tables 4 and 5 separated by grand division and judicial district population. The grand divisions are East, Middle and West Tennessee. East Tennessee is made up of Judicial Districts 1 through 11, Middle Tennessee is Judicial Districts 12 through 23 and 31, and West Tennessee is Judicial Districts 24 through 30. Judicial district populations are split into three categories; over 300,000 (300K+), between 100,000 and 300,000 (100K to 300K) and under 100,000 (under 100K). Judicial Districts 6, 11, 20 and 30 are in the 300K+ category. Judicial Districts 1, 2, 3, 4, 10, 13, 16, 19, 21, 22 and 25 are in the 100K to 300K category. Judicial Districts 5, 7, 8, 9, 12, 14, 15, 17, 18, 23, 24, 26, 27, 28, 29 and 31 are in the under 100K category.

Incarcerations by Grand Division

TIBRS Assault: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	53.6%	19.6%	26.8%	97
		Post Act	51.2%	18.4%	30.4%	125
	Middle	Pre Act	46.3%	30.3%	23.4%	177
		Post Act	47.5%	26.6%	25.9%	159
	West	Pre Act	53.6%	24.0%	22.4%	127
		Post Act	66.2%	18.6%	15.2%	204

TIBRS Burglary: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	38.7%	27.3%	34.0%	403
		Post Act	41.3%	23.6%	35.1%	424
	Middle	Pre Act	32.7%	31.1%	36.2%	484
		Post Act	41.3%	26.0%	32.7%	440
	West	Pre Act	53.0%	25.6%	21.4%	406
		Post Act	56.5%	30.3%	13.2%	548

TIBRS Drugs: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	49.2%	23.7%	27.1%	59
		Post Act	47.2%	27.8%	25.0%	36
	Middle	Pre Act	44.6%	38.6%	16.8%	101
		Post Act	38.3%	35.0%	26.7%	62
	West	Pre Act	45.3%	43.8%	10.9%	65
		Post Act	59.4%	15.6%	25.0%	32

TIBRS Forcible Sex: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	48.8%	36.6%	14.6%	41
		Post Act	51.5%	24.2%	24.2%	33
	Middle	Pre Act	34.4%	44.8%	20.8%	96
		Post Act	34.1%	46.3%	19.5%	41
	West	Pre Act	27.6%	58.6%	13.8%	58
		Post Act	52.4%	14.3%	33.3%	21

TIBRS Forgery: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	35.7%	4.4%	59.9%	597
		Post Act	44.1%	17.3%	38.6%	550
	Middle	Pre Act	24.8%	14.1%	61.2%	340
		Post Act	21.5%	23.8%	54.7%	349
	West	Pre Act	21.5%	25.5%	53.0%	200
		Post Act	38.4%	6.9%	54.7%	245

TIBRS Fraud: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	58.0%	25.2%	16.8%	120
		Post Act	72.7%	9.1%	18.2%	78
	Middle	Pre Act	43.2%	23.0%	33.8%	75
		Post Act	45.8%	18.8%	35.4%	48
	West	Pre Act	23.1%	61.5%	15.4%	26
		Post Act	45.9%	10.8%	43.2%	37

TIBRS Robbery: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	53.8%	28.8%	17.5%	81
		Post Act	44.9%	31.5%	23.6%	89
	Middle	Pre Act	55.7%	32.9%	11.4%	142
		Post Act	38.4%	37.0%	24.6%	141
	West	Pre Act	56.6%	34.3%	9.1%	145
		Post Act	58.8%	30.4%	10.8%	148

TIBRS Theft: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	54.6%	19.5%	25.9%	328
		Post Act	48.4%	19.0%	32.6%	384
	Middle	Pre Act	52.3%	19.2%	28.6%	312
		Post Act	47.6%	27.0%	25.4%	318
	West	Pre Act	53.9%	22.6%	23.5%	233
		Post Act	67.4%	21.6%	11.0%	356

Incarceration by Judicial District Population

TIBRS Assault: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	61.4%	22.8%	15.8%	160
		Post Act	66.8%	19.7%	13.5%	260
	100K to 300K	Pre Act	43.3%	27.5%	29.2%	120
		Post Act	49.5%	26.7%	23.8%	101
	Under 100K	Pre Act	42.9%	27.7%	29.4%	121
		Post Act	40.2%	19.7%	40.2%	127

TIBRS Burglary: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	54.8%	22.9%	22.3%	468
		Post Act	60.4%	27.0%	12.6%	563
	100K to 300K	Pre Act	29.8%	31.8%	38.4%	450
		Post Act	41.9%	19.6%	38.4%	454
	Under 100K	Pre Act	37.1%	30.4%	32.5%	375
		Post Act	34.8%	35.3%	29.9%	395

TIBRS Drugs: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	56.4%	30.8%	12.8%	39
		Post Act	55.3%	23.4%	21.3%	48
	100K to 300K	Pre Act	37.8%	45.9%	16.3%	98
		Post Act	35.5%	38.7%	25.8%	31
	Under 100K	Pre Act	50.6%	27.6%	21.8%	88
		Post Act	44.0%	26.0%	30.0%	51

TIBRS Forcible Sex: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	42.1%	33.3%	24.6%	57
		Post Act	28.0%	48.0%	24.0%	25
	100K to 300K	Pre Act	38.4%	50.7%	11.0%	73
		Post Act	56.3%	28.1%	15.6%	32
	Under 100K	Pre Act	26.2%	55.4%	18.5%	65
		Post Act	44.7%	23.7%	31.6%	38

TIBRS Forgery: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	51.6%	8.4%	40.0%	95
		Post Act	72.9%	6.4%	20.7%	140
	100K to 300K	Pre Act	30.7%	9.1%	60.3%	680
		Post Act	38.1%	16.5%	45.5%	650
	Under 100K	Pre Act	22.6%	15.5%	61.9%	362
		Post Act	17.5%	22.3%	60.2%	354

TIBRS Fraud: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	59.4%	18.8%	21.9%	32
		Post Act	80.0%	2.9%	17.1%	35
	100K to 300K	Pre Act	60.0%	28.8%	11.2%	126
		Post Act	65.3%	9.7%	25.0%	73
	Under 100K	Pre Act	21.0%	33.9%	45.2%	63
		Post Act	36.4%	21.8%	41.8%	55

TIBRS Robbery: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	58.6%	28.4%	13.1%	225
		Post Act	45.6%	35.0%	19.4%	266
	100K to 300K	Pre Act	48.9%	38.9%	12.2%	91
		Post Act	50.0%	36.5%	13.5%	52
	Under 100K	Pre Act	54.9%	39.2%	5.9%	52
		Post Act	56.7%	21.7%	21.7%	60

TIBRS Theft: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	67.3%	20.2%	12.5%	300
		Post Act	70.3%	20.1%	9.6%	366
	100K to 300K	Pre Act	54.8%	16.7%	28.5%	307
		Post Act	49.0%	20.9%	30.0%	364
	Under 100K	Pre Act	36.7%	24.2%	39.0%	266
		Post Act	43.3%	26.2%	30.5%	328

*Probations by Grand Division***TIBRS Assault: Probation**

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	52.7%	18.2%	29.1%	58
		Post Act	65.3%	14.9%	19.8%	104
	Middle	Pre Act	57.5%	26.7%	15.8%	127
		Post Act	59.2%	25.2%	15.5%	210
	West	Pre Act	75.0%	18.8%	6.3%	32
		Post Act	58.6%	29.3%	12.1%	60

TIBRS Burglary: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	57.7%	13.8%	28.5%	127
		Post Act	44.0%	17.3%	38.7%	194
	Middle	Pre Act	43.2%	24.3%	32.4%	191
		Post Act	49.7%	21.8%	28.5%	364
	West	Pre Act	54.8%	23.8%	21.4%	43
		Post Act	58.5%	27.4%	14.2%	112

TIBRS Drugs: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	54.9%	19.6%	25.5%	53
		Post Act	47.7%	22.7%	29.5%	46
	Middle	Pre Act	50.9%	20.8%	28.3%	55
		Post Act	54.5%	21.6%	23.9%	89
	West	Pre Act	53.5%	18.6%	27.9%	44
		Post Act	82.5%	7.5%	10.0%	41

TIBRS Forcible Sex: Probation

Not enough cases for grand division tables.

TIBRS Forgery: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	36.3%	2.5%	61.2%	288
		Post Act	19.9%	3.1%	77.1%	624
	Middle	Pre Act	29.2%	3.3%	67.5%	355
		Post Act	35.5%	8.6%	55.9%	440
	West	Pre Act	13.5%	10.5%	76.0%	173
		Post Act	19.8%	9.6%	70.6%	355

TIBRS Fraud: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	65.6%	21.9%	12.5%	96
		Post Act	27.7%	20.3%	52.0%	169
	Middle	Pre Act	55.8%	13.0%	31.2%	82
		Post Act	59.8%	26.2%	14.0%	115
	West	Pre Act	53.3%	20.0%	26.7%	16
		Post Act	36.4%	16.4%	47.3%	56

TIBRS Robbery: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	33.3%	33.3%	33.3%	3
		Post Act	56.3%	31.3%	12.5%	17
	Middle	Pre Act	36.4%	54.5%	9.1%	11
		Post Act	43.3%	36.7%	20.0%	35
	West	Pre Act	50.0%	50.0%	0.0%	4
		Post Act	25.0%	75.0%	0.0%	4

TIBRS Theft: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Grand Division	East	Pre Act	61.3%	18.0%	20.7%	245
		Post Act	47.7%	23.1%	29.2%	270
	Middle	Pre Act	46.4%	28.6%	25.0%	204
		Post Act	47.2%	25.2%	27.6%	442
	West	Pre Act	48.3%	19.0%	32.8%	60
		Post Act	50.5%	28.7%	20.8%	101

Probations by Judicial District Population

TIBRS Assault: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	66.0%	23.7%	10.3%	102
		Post Act	71.1%	19.4%	9.4%	183
	100K to 300K	Pre Act	52.1%	23.9%	23.9%	75
		Post Act	53.8%	28.3%	17.9%	110
	Under 100K	Pre Act	53.8%	20.5%	25.6%	40
		Post Act	46.8%	24.1%	29.1%	81

TIBRS Burglary: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	57.4%	19.1%	23.4%	102
		Post Act	62.3%	19.7%	18.0%	247
	100K to 300K	Pre Act	46.4%	19.9%	33.8%	154
		Post Act	37.0%	19.6%	43.4%	270
	Under 100K	Pre Act	47.6%	22.9%	29.5%	105
		Post Act	50.7%	27.4%	21.9%	153

TIBRS Drugs: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	67.6%	14.7%	17.6%	37
		Post Act	65.7%	15.7%	18.6%	72
	100K to 300K	Pre Act	43.2%	22.7%	34.1%	45
		Post Act	57.8%	21.9%	20.3%	64
	Under 100K	Pre Act	52.2%	20.3%	27.5%	70
		Post Act	50.0%	18.4%	31.6%	40

TIBRS Forcible Sex: Probation

Not enough cases for judicial district population tables.

TIBRS Forgery: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	59.0%	6.0%	34.9%	88
		Post Act	58.8%	7.0%	34.2%	119
	100K to 300K	Pre Act	28.5%	5.2%	66.3%	373
		Post Act	18.4%	3.2%	78.4%	765
	Under 100K	Pre Act	20.5%	3.6%	75.9%	355
		Post Act	25.5%	10.8%	63.6%	535

TIBRS Fraud: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	65.8%	12.7%	21.5%	81
		Post Act	72.1%	19.1%	8.8%	73
	100K to 300K	Pre Act	56.3%	28.2%	15.5%	75
		Post Act	32.2%	23.2%	44.6%	200
	Under 100K	Pre Act	57.9%	10.5%	31.6%	38
		Post Act	29.2%	20.0%	50.8%	67

TIBRS Robbery: Probation

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	54.5%	36.4%	9.1%	11
		Post Act	54.8%	29.0%	16.1%	32
	100K to 300K	Pre Act	0.0%	75.0%	25.0%	4
		Post Act	40.0%	30.0%	30.0%	15
	Under 100K	Pre Act	33.3%	66.7%	0.0%	3
		Post Act	22.2%	77.8%	0.0%	9

TIBRS Theft: Incarceration

			Sentence Range Placement			N
			Minimum	Between Min and Max	Maximum	
			%	%	%	
Judicial District Population	300K +	Pre Act	67.3%	20.2%	12.5%	300
		Post Act	70.3%	20.1%	9.6%	366
	100K to 300K	Pre Act	54.8%	16.7%	28.5%	307
		Post Act	49.0%	20.9%	30.0%	364
	Under 100K	Pre Act	36.7%	24.2%	39.0%	266
		Post Act	43.3%	26.2%	30.5%	328

APPENDIX C: Sentence Range Matrix

Sentence Lengths

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