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**Sentencing Practices: Summary Statistics for Felony Offenders  
Sentenced in 2001**

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**State of Oregon  
Criminal Justice Commission**

**January 2003**

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## **Oregon Criminal Justice Commission**

635 Capitol Street NE, Suite 350  
Salem, Oregon 97301

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**Commission Members:** <http://www.ocjc.state.or.us/CJCMN.htm>

**Staff:** <http://www.ocjc.state.or.us/Contacts.htm>

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## Table of Contents

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|  |    |
|--|----|
| Sentencing Guidelines Background Information .....   | 1  |
| Report Volume and Distribution .....   | 2  |
| Number and Percentage Distribution of Felony Sentencing Reports by Gender 1991-2001.....                   | 3  |
| Percentage Distribution of Felony Sentencing Reports by Race/Ethnicity 1991-2001 .....                     | 4  |
| The Percentage Distribution of the Crime Seriousness Scale of the Most Serious Crime of Conviction.....    | 5  |
| The Percentage Distribution of Felony Sentencing Reports by The Criminal History Categories .....          | 6  |
| Distribution of Reports by Crime Seriousness and Criminal History Categories for 2001 .....                | 7  |
| Distribution of Sentencing Reports by Offense Type of the Most Serious Crime of Conviction 1991-2001 ..... | 8  |
| Incarceration Rates for Sentences Over a Year and Sentences of a Year or Less 1991-2001 .....              | 9  |
| Incarceration Rates by Gender with Sentences of More Than a Year and a Year or Less 1991-2000.....         | 10 |
| Incarceration Rates by Race/Ethnicity for Sentences of More Than a Year and a Year or Less 1991-2001 ..... | 11 |
| The Length of Average Prison Sentence and the Length of the Total Prison Sentence by Year 1991-2001 .....  | 12 |
| Prison Departures from the Sentencing Guidelines: 2001 .....   | 13 |

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## Sentencing Guidelines Background Information

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Oregon adopted a sentencing guidelines system in 1989. The guidelines establish presumptive sentences for felonies committed on or after November 1, 1989. The primary objectives of sentencing, under the guidelines, are to punish each offender appropriately, and to insure the security of the people in person and property, within the limits of correctional resources provided by the Legislative Assembly, local governments and the people.

The guidelines establish presumptive penalties based on the relative seriousness of the current crime(s) of conviction and the offender's criminal history, taking account of both the number and severity of prior convictions. Under the guidelines, felony crimes are ranked in one of eleven crime seriousness categories, with murder ranked highest at category 11.

Under the guidelines, the offender's criminal history classification is based on the number and severity of prior felony and class-A misdemeanor convictions. The Oregon system weighs prior convictions for person crimes more heavily than those for non-person crimes. The system includes nine different criminal history classifications, ranging from "A" for an offender with 3 or more prior convictions for person crimes to an "I" for an

offender with no prior felony or adult class-A misdemeanor convictions.

The sentencing guidelines can be represented in a two dimensional grid.\* The grid includes a total of 99 blocks. A solid black line, called the dispositional line, represents the guidelines dispositional policy. All blocks above the line are presumed range of presumptive prison sentences in months. Prison sentences are followed by a specified term of post-prison supervision. There are three blocks that contain Optional Probation under specified criteria.

All grid blocks below the dispositional line are presumed probation and/or other sanctions. The grid blocks below the dispositional line provide maximum jail time in days and maximum sanction units in days.

The presumptive guidelines are intended to apply to most offenders. Judges retain the discretion, however, to depart from the presumptive guidelines sentences in cases that are not typical for reasons that are "substantial and compelling".

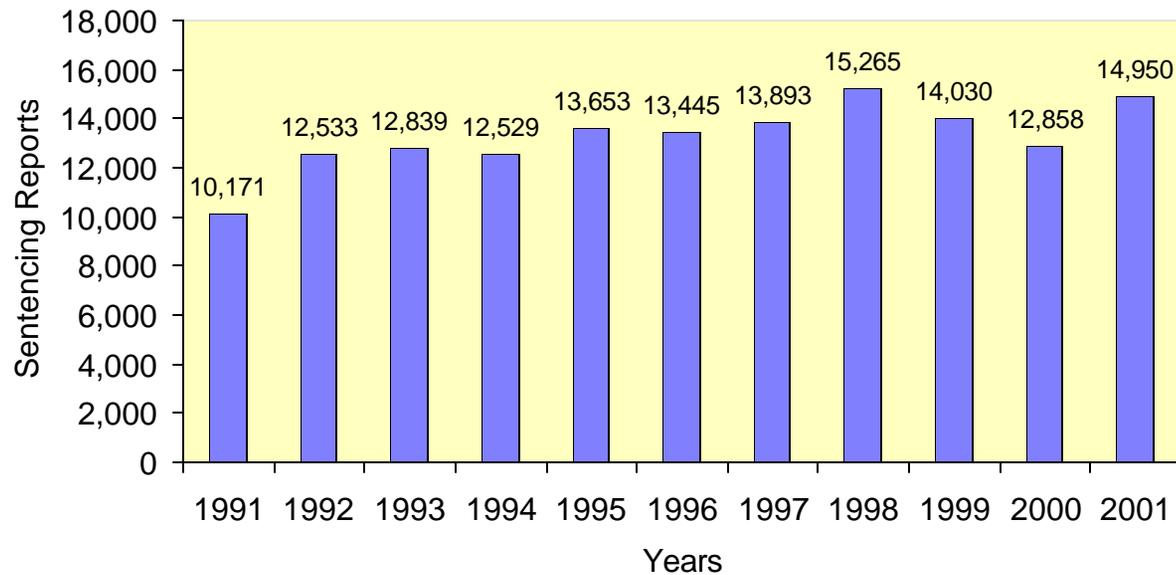
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\* See: <http://www.ocjc.state.or.us/SGGrid.htm>

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## Report Volume and Distribution

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**Number of Felony Sentencing Reports: 1991-2001**

The number of felony sentencing reports submitted to the Criminal Justice Commission in 2001 was 14,950. This was more reports than was submitted since 1998. Washington County ceased reporting in mid 1998 and Clackamas County substantially increased its reports in 2001.

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## The Percent of Felony Offenders that are Female Has Increased 1991-2001

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**Number and Percentage Distribution of Felony Sentencing Reports by Gender 1991-2001**

| Year | Reports | Males  |         | Females |         |
|------|---------|--------|---------|---------|---------|
|      |         | Number | Percent | Number  | Percent |
| 1991 | 10,171  | 8,615  | 84.8%   | 1,540   | 15.2%   |
| 1992 | 12,533  | 10,487 | 83.8%   | 2,033   | 16.2%   |
| 1993 | 12,839  | 10,696 | 83.4%   | 2,130   | 16.6%   |
| 1994 | 12,529  | 10,349 | 82.9%   | 2,142   | 17.1%   |
| 1995 | 13,653  | 11,200 | 82.3%   | 2,417   | 17.7%   |
| 1996 | 13,445  | 11,068 | 82.9%   | 2,284   | 17.1%   |
| 1997 | 13,893  | 11,340 | 81.8%   | 2,526   | 18.2%   |
| 1998 | 15,265  | 12,439 | 81.6%   | 2,808   | 18.4%   |
| 1999 | 14,060  | 11,427 | 81.3%   | 2,631   | 18.7%   |
| 2000 | 12,874  | 10,240 | 79.7%   | 2,615   | 20.3%   |
| 2001 | 14,950  | 11,322 | 78.6%   | 3,086   | 21.4%   |

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## The Percentage of Sentenced Felony Offenders That is Hispanic Has Decreased Since 1996

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**Percentage Distribution of Felony Sentencing Reports by Race/Ethnicity 1991-2001**

| Year | Reports | White | African American | American Indian | Hispanic | Asian | Other/Unknown |
|------|---------|-------|------------------|-----------------|----------|-------|---------------|
| 1991 | 10,171  | 69.8% | 8.2%             | 1.5%            | 12.8%    | 0.7%  | 6.9%          |
| 1992 | 12,533  | 70.1% | 9.7%             | 1.5%            | 13.2%    | 0.6%  | 4.9%          |
| 1993 | 12,839  | 69.4% | 9.5%             | 1.5%            | 14.8%    | 0.7%  | 4.0%          |
| 1994 | 12,529  | 69.6% | 9.3%             | 1.5%            | 11.7%    | 0.7%  | 7.2%          |
| 1995 | 13,653  | 71.3% | 8.9%             | 1.3%            | 9.5%     | 0.8%  | 8.3%          |
| 1996 | 13,445  | 69.8% | 8.0%             | 1.4%            | 12.3%    | 1.0%  | 7.5%          |
| 1997 | 13,893  | 70.5% | 9.3%             | 1.2%            | 11.2%    | 0.6%  | 7.2%          |
| 1998 | 15,265  | 66.4% | 10.3%            | 1.0%            | 8.4%     | 0.6%  | 13.4%         |
| 1999 | 14,060  | 69.9% | 10.4%            | 1.0%            | 7.6%     | 0.6%  | 10.5%         |
| 2000 | 12,874  | 68.9% | 10.5%            | 0.9%            | 7.8%     | 0.6%  | 11.2%         |
| 2001 | 14,950  | 67.0% | 8.1%             | 1.1%            | 8.3%     | 0.6%  | 14.9%         |

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## Most Felony Offenders are Sentenced for Less Serious Crimes on the Crime Seriousness Scale

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**The Percentage Distribution of The Felony Sentencing Reports by the Crime Seriousness Scale of the Most Serious Crime of Conviction**

| Year | Reports | NR*  | Crime Seriousness Scale |      |      |       |      |       |      |       |       |       |       |
|------|---------|------|-------------------------|------|------|-------|------|-------|------|-------|-------|-------|-------|
|      |         |      | 11                      | 10   | 9    | 8     | 7    | 6     | 5    | 4     | 3     | 2     | 1     |
| 1991 | 10,171  | 0.3% | 0.2%                    | 1.6% | 2.5% | 7.7%  | 5.0% | 10.9% | 2.7% | 16.9% | 18.8% | 17.4% | 16.1% |
| 1992 | 12,533  | 0.1% | 0.2%                    | 1.6% | 2.5% | 10.0% | 5.3% | 16.6% | 2.4% | 9.7%  | 19.8% | 16.8% | 15.0% |
| 1993 | 12,839  | 0.1% | 0.2%                    | 1.6% | 2.4% | 10.7% | 5.0% | 18.5% | 2.2% | 7.7%  | 16.6% | 16.6% | 18.4% |
| 1994 | 12,529  | 0.6% | 0.3%                    | 1.4% | 2.2% | 8.8%  | 5.0% | 17.4% | 2.3% | 7.6%  | 12.5% | 13.0% | 29.0% |
| 1995 | 13,653  | 0.4% | 0.2%                    | 1.5% | 2.1% | 9.4%  | 4.3% | 16.8% | 2.6% | 8.1%  | 9.2%  | 12.3% | 33.1% |
| 1996 | 13,445  | 0.9% | 0.3%                    | 1.3% | 2.0% | 10.4% | 4.4% | 19.0% | 3.6% | 8.8%  | 9.0%  | 11.4% | 29.1% |
| 1997 | 13,893  | 0.4% | 0.2%                    | 1.1% | 1.8% | 10.5% | 4.7% | 19.7% | 2.9% | 9.6%  | 8.2%  | 10.5% | 30.5% |
| 1998 | 15,265  | 0.2% | 0.1%                    | 0.9% | 2.7% | 9.5%  | 5.0% | 17.6% | 3.3% | 8.6%  | 8.3%  | 11.2% | 32.7% |
| 1999 | 14,060  | 0.1% | 0.2%                    | 1.0% | 3.0% | 9.5%  | 5.3% | 16.3% | 3.4% | 7.2%  | 8.0%  | 11.0% | 35.1% |
| 2000 | 12,874  | 0.3% | 0.1%                    | 1.0% | 2.8% | 9.5%  | 5.0% | 16.2% | 2.6% | 7.9%  | 8.1%  | 12.9% | 33.5% |
| 2001 | 14,950  | 0.0% | 0.2%                    | 1.0% | 3.1% | 10.0% | 5.8% | 17.2% | 2.8% | 8.8%  | 8.1%  | 15.4% | 27.6% |

\*NR Not Reported.

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## The Percentage of Sentenced Offenders Without Prior Criminal Convictions (Category “I”) Has Shrunk Since 1991

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**The Percentage Distribution of Felony Sentencing Reports by The Criminal History Category**

| Year | Reports | NR*  | Criminal History Categories |      |      |      |      |      |       |       |       |
|------|---------|------|-----------------------------|------|------|------|------|------|-------|-------|-------|
|      |         |      | A                           | B    | C    | D    | E    | F    | G     | H     | I     |
| 1991 | 10,171  | 0.3% | 0.9%                        | 2.3% | 6.7% | 2.8% | 6.7% | 2.8% | 25.2% | 12.8% | 19.0% |
| 1992 | 12,533  | 0.1% | 1.1%                        | 2.6% | 6.7% | 3.4% | 6.7% | 3.4% | 27.6% | 12.0% | 18.9% |
| 1993 | 12,839  | 0.1% | 1.5%                        | 3.1% | 8.2% | 3.3% | 8.2% | 3.3% | 31.9% | 12.9% | 17.4% |
| 1994 | 12,529  | 0.8% | 2.1%                        | 3.5% | 8.3% | 3.0% | 8.3% | 3.0% | 41.3% | 14.2% | 17.7% |
| 1995 | 13,653  | 1.6% | 2.2%                        | 3.5% | 8.1% | 3.0% | 8.1% | 3.0% | 46.5% | 14.0% | 17.9% |
| 1996 | 13,445  | 1.6% | 2.4%                        | 4.0% | 9.1% | 3.2% | 9.1% | 3.2% | 40.7% | 12.7% | 16.7% |
| 1997 | 13,893  | 2.0% | 2.5%                        | 3.9% | 8.7% | 3.2% | 8.7% | 3.2% | 42.9% | 12.6% | 15.7% |
| 1998 | 15,265  | 0.9% | 2.9%                        | 4.2% | 9.2% | 3.4% | 9.2% | 3.4% | 46.3% | 12.8% | 15.8% |
| 1999 | 14,060  | 0.6% | 3.2%                        | 4.2% | 9.9% | 3.6% | 9.9% | 3.6% | 49.5% | 12.4% | 15.8% |
| 2000 | 12,874  | 0.9% | 3.5%                        | 5.1% | 9.2% | 4.4% | 9.2% | 4.4% | 49.4% | 11.5% | 14.9% |
| 2001 | 14,950  | 1.2% | 3.5%                        | 5.5% | 9.6% | 4.2% | 9.6% | 4.2% | 44.1% | 11.7% | 14.0% |

\*NR Not reported.

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## Distribution of Reports by Crime Seriousness and Criminal History for 2001

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| Crime Serious | A   | B   | C     | D   | E     | F     | G     | H     | I     | Total  |
|---------------|-----|-----|-------|-----|-------|-------|-------|-------|-------|--------|
| 11            |     | 5   | 4     | 2   | 1     | 2     |       | 2     | 9     | 25     |
| 10            | 11  | 9   | 10    | 15  | 10    | 5     | 20    | 11    | 53    | 144    |
| 9             | 44  | 36  | 48    | 19  | 36    | 21    | 38    | 64    | 143   | 449    |
| 8             | 44  | 53  | 117   | 64  | 114   | 151   | 183   | 192   | 564   | 1,482  |
| 7             | 39  | 59  | 85    | 56  | 65    | 74    | 102   | 121   | 259   | 860    |
| 6             | 147 | 228 | 261   | 187 | 175   | 250   | 316   | 306   | 674   | 2,544  |
| 5             | 17  | 22  | 55    | 20  | 47    | 43    | 51    | 48    | 117   | 420    |
| 4             | 43  | 85  | 140   | 54  | 154   | 153   | 167   | 143   | 364   | 1,303  |
| 3             | 28  | 53  | 107   | 37  | 171   | 152   | 160   | 149   | 343   | 1,200  |
| 2             | 44  | 104 | 214   | 83  | 297   | 248   | 320   | 318   | 645   | 2,273  |
| 1             | 112 | 168 | 397   | 95  | 697   | 647   | 729   | 395   | 830   | 4,070  |
| Total         | 529 | 822 | 1,438 | 632 | 1,767 | 1,746 | 2,086 | 1,749 | 4,001 | 14,770 |

The number in each cell is the number of offenders sentenced at that crime seriousness level and that criminal history category (see Appendix A for definitions).

The black line in the above grid is the dispositional line with all cells above the line being presumed prison.

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The Percentage of the Crimes of Conviction that were for Felony Drug Crimes has Increased from 1991 to 2000

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**Distribution of Sentencing Reports by Offense Type of the Most Serious Crime of Conviction 1991-2001**

| Year | Reports | Offense Type   |                  |                 |              |               |
|------|---------|----------------|------------------|-----------------|--------------|---------------|
|      |         | Person Percent | Property Percent | Driving Percent | Drug Percent | Other Percent |
| 1991 | 10,171  | 16.5%          | 31.3%            | 12.0%           | 33.5%        | 6.8%          |
| 1992 | 12,533  | 16.2%          | 30.5%            | 12.5%           | 32.3%        | 8.5%          |
| 1993 | 12,839  | 17.0%          | 29.6%            | 9.1%            | 36.3%        | 8.0%          |
| 1994 | 12,529  | 14.7%          | 27.6%            | 9.6%            | 39.2%        | 8.9%          |
| 1995 | 13,653  | 14.0%          | 27.3%            | 8.0%            | 40.4%        | 10.3%         |
| 1996 | 13,445  | 16.4%          | 26.4%            | 9.1%            | 38.4%        | 9.6%          |
| 1997 | 13,893  | 15.9%          | 25.8%            | 6.8%            | 42.1%        | 9.4%          |
| 1998 | 15,265  | 16.0%          | 25.3%            | 8.4%            | 42.1%        | 8.2%          |
| 1999 | 14,060  | 17.9%          | 23.5%            | 9.1%            | 42.5%        | 7.0%          |
| 2000 | 12,874  | 17.8%          | 24.8%            | 4.5%            | 45.9%        | 7.0%          |
| 2001 | 14,950  | 18.7%          | 27.3%            | 4.9%            | 41.8%        | 7.2%          |

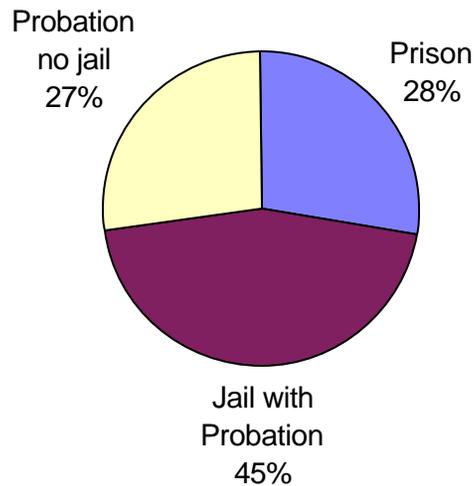
# The Incarceration Rate for Both Sentences Over a Year and the Total Incarceration Rate Have Increased Over The Last Ten Years

The sentencing guidelines presume who should go to prison, local incarceration or be placed on probation. The sentencing judge may depart from the presumptive sentences based upon aggravating and or mitigating evidence.

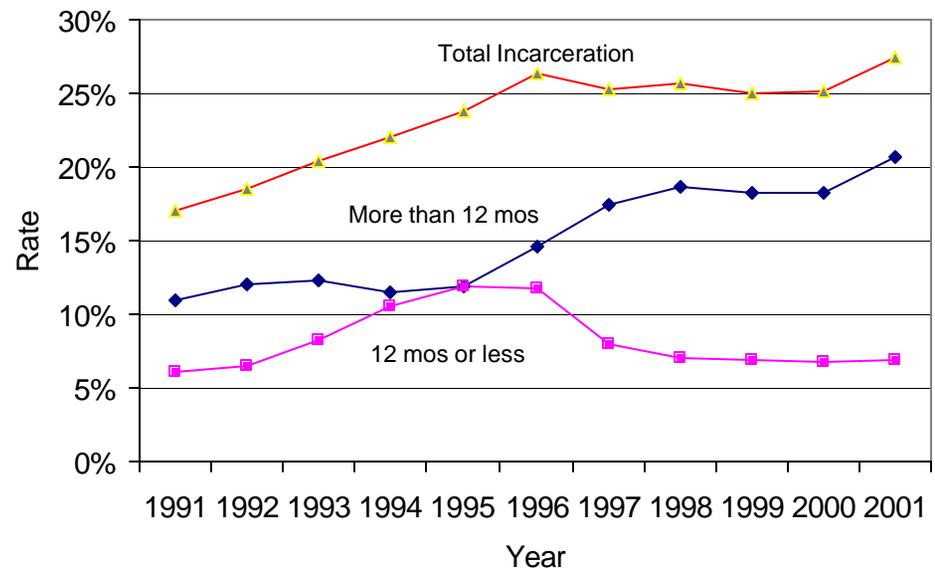
Sentenced felons are incarcerated in state prison if the sentence is greater than twelve months. Offenders serve time in local facilities if the length of the

pronounced sentence is 12 months or less (effective July 1, 1997).

The non-prison sentences may include sanctions of probation, jail, treatment programs, community service, restitution, house arrest, electronic monitoring, fines and other types of sanctions.



**Oregon Felony Offenders Sentenced in 2001**



**Overall Incarceration Rates: 1991-2001**

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## Incarceration Rates Have Increased for both Males and Females

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**Incarceration Rate by Gender with Sentences of More Than a Year and a Year or Less 1991-2001**

| Year | Reports | Incarceration Rate |                     |       |                |                     |       |
|------|---------|--------------------|---------------------|-------|----------------|---------------------|-------|
|      |         | Females            |                     |       | Males          |                     |       |
|      |         | Over 12 months     | 12 months and under | Total | Over 12 months | 12 months and under | Total |
| 1991 | 10,171  | 2.8%               | 2.5%                | 5.3%  | 12.4%          | 6.7%                | 19.1% |
| 1992 | 12,533  | 3.2%               | 3.2%                | 6.4%  | 13.8%          | 7.1%                | 20.9% |
| 1993 | 12,839  | 2.8%               | 3.8%                | 6.6%  | 14.1%          | 9.1%                | 23.2% |
| 1994 | 12,529  | 3.4%               | 5.6%                | 9.0%  | 13.2%          | 11.6%               | 24.8% |
| 1995 | 13,653  | 5.0%               | 6.8%                | 11.8% | 13.4%          | 13.0%               | 26.4% |
| 1996 | 13,445  | 5.3%               | 5.6%                | 10.8% | 16.5%          | 13.0%               | 29.5% |
| 1997 | 13,893  | 7.0%               | 4.4%                | 11.4% | 19.7%          | 8.7%                | 28.4% |
| 1998 | 15,265  | 8.2%               | 4.3%                | 12.5% | 21.0%          | 7.6%                | 28.6% |
| 1999 | 14,060  | 7.2%               | 5.0%                | 12.3% | 20.7%          | 7.3%                | 28.0% |
| 2000 | 12,874  | 5.7%               | 4.5%                | 10.3% | 21.5%          | 7.4%                | 28.9% |
| 2001 | 14,950  | 8.3%               | 5.3%                | 13.7% | 24.0%          | 7.3%                | 31.2% |

## Incarceration rates have increased for Whites and Hispanics

**Incarceration Rates by Race/Ethnicity for Sentences of More Than a Year and a Year or Less 1991-2001**

| Year | Reports | White               |            | African American    |            | American Indian     |            | Hispanic            |            | Asian               |            | Other/Unknown       |            |
|------|---------|---------------------|------------|---------------------|------------|---------------------|------------|---------------------|------------|---------------------|------------|---------------------|------------|
|      |         | More than 12 Months | 12 or Less | More than 12 Months | 12 or Less | More than 12 Months | 12 or Less | More than 12 Months | 12 or Less | More than 12 Months | 12 or Less | More than 12 Months | 12 or Less |
| 1991 | 10,171  | 10.5%               | 4.7%       | 21.2%               | 8.0%       | 16.2%               | 6.5%       | 7.0%                | 11.9%      | 24.6%               | 5.8%       | 8.1%                | 5.5%       |
| 1992 | 12,533  | 11.4%               | 5.4%       | 17.7%               | 9.7%       | 13.2%               | 6.0%       | 11.8%               | 10.6%      | 15.1%               | 9.6%       | 10.3%               | 3.9%       |
| 1993 | 12,839  | 11.4%               | 6.6%       | 18.0%               | 13.5%      | 11.3%               | 6.2%       | 13.0%               | 14.1%      | 9.8%                | 6.5%       | 11.8%               | 3.3%       |
| 1994 | 12,529  | 10.4%               | 8.7%       | 17.9%               | 20.0%      | 14.1%               | 12.5%      | 13.3%               | 17.3%      | 14.3%               | 3.3%       | 10.3%               | 5.8%       |
| 1995 | 13,653  | 10.8%               | 10.6%      | 18.6%               | 21.2%      | 15.9%               | 13.6%      | 14.9%               | 16.3%      | 13.9%               | 8.3%       | 9.7%                | 8.4%       |
| 1996 | 13,445  | 12.8%               | 10.2%      | 19.5%               | 19.8%      | 16.0%               | 9.0%       | 21.1%               | 16.8%      | 17.6%               | 9.2%       | 14.6%               | 9.6%       |
| 1997 | 13,893  | 15.7%               | 7.4%       | 25.0%               | 10.6%      | 21.7%               | 8.4%       | 22.3%               | 8.8%       | 16.9%               | 2.6%       | 15.7%               | 8.5%       |
| 1998 | 15,265  | 17.8%               | 7.4%       | 24.9%               | 6.0%       | 25.3%               | 6.7%       | 22.7%               | 7.7%       | 30.6%               | 7.1%       | 13.9%               | 5.6%       |
| 1999 | 14,060  | 17.5%               | 7.3%       | 18.7%               | 5.2%       | 16.9%               | 9.2%       | 26.0%               | 6.7%       | 17.0%               | 5.7%       | 16.7%               | 5.5%       |
| 2000 | 12,874  | 17.3%               | 7.0%       | 18.5%               | 5.2%       | 17.2%               | 5.7%       | 29.6%               | 7.6%       | 26.0%               | 0.0%       | 16.2%               | 6.9%       |
| 2001 | 14,950  | 19.6%               | 6.9%       | 26.4%               | 5.3%       | 28.1%               | 6.3%       | 26.3%               | 9.4%       | 13.3%               | 4.8%       | 19.5%               | 6.3%       |

\*The length of prison sentence separates rates for the most serious conviction at sentencing.

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## The Length of the Average Prison Sentence for the Most Serious Crime of Conviction and for The Length of The Total Sentence Have Changed Little Since 1991

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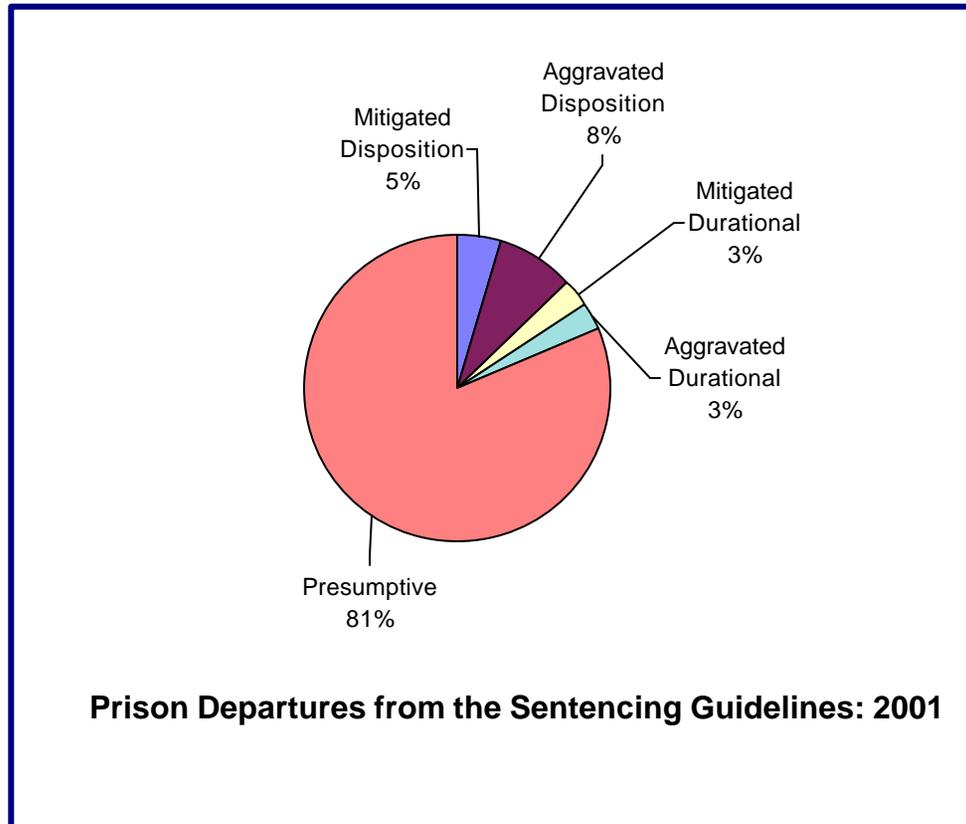
| Year | The Length of Average Prison Sentence and The Length of The Total Prison Sentence |                   |               | The Length of Average Prison Sentence and The Length of The Total Prison Sentence |                   |               |
|------|---|-------------------|---------------|---|-------------------|---------------|
|      | Most Serious Conviction   |                   |               | Length of Total Sentence  |                   |               |
|      | Over 12 Months  | 12 Months or Less | Total Average | Over 12 Months  | 12 Months or Less | Total Average |
| 1991 | 43.9  | 8.3               | 31.3          | 50.6  | 8.4               | 36.4          |
| 1992 | 39.0  | 7.5               | 28.0          | 44.3  | 7.6               | 32.1          |
| 1993 | 38.4  | 7.2               | 25.9          | 45.4  | 7.5               | 30.8          |
| 1994 | 42.5  | 7.0               | 25.5          | 51.0  | 7.0               | 30.9          |
| 1995 | 41.5  | 7.0               | 24.2          | 47.4  | 7.1               | 27.9          |
| 1996 | 47.5  | 7.3               | 29.6          | 56.3  | 7.4               | 36.2          |
| 1997 | 41.3  | 7.3               | 30.7          | 48.6  | 7.4               | 36.6          |
| 1998 | 37.3  | 7.2               | 29.1          | 45.3  | 7.4               | 35.4          |
| 1999 | 39.0  | 6.8               | 30.2          | 47.8  | 6.9               | 37.1          |
| 2000 | 36.7  | 6.6               | 28.6          | 44.5  | 6.7               | 34.6          |
| 2001 | 36.4  | 6.5               | 29.0          | 44.5  | 6.7               | 35.3          |

The total prison sentence includes consecutive sentences where indicated and may have been calculated where total sentence was not provided.

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## Most Offenders are Sentenced Within Their Presumptive Grid Block

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In exceptional cases, judges are authorized to depart from the guidelines to impose a sentence that is more or less severe, a departure. When imposing a departure sentence, the judge is required to state on the record the substantial and compelling reasons for the departure.

Departures may be made for the disposition of the sentence; mitigated with probation for a presumptive prison sentence or aggravated for a disposition of a prison term for a presumptive probation sentence. Departures may be made for the duration of the sentence; a longer or shorter prison sentence. Although durational departures are not excluded for sentences of probation they are not counted here.

Counted, as departures, were sentences other than those within the presumptive grid block as well as sentences for crime seriousness categories other than those designated by the Sentencing Guideline Rules

## Appendix

Oregon Administrative Rule 213-04-007 defines criminal history categories.

|          |   |
|----------|---|
| <b>A</b> | The criminal history includes three or more person felonies in any combination of adult convictions or juvenile adjudications.  |
| <b>B</b> | The criminal history includes two person felonies in any combination of adult convictions or juvenile adjudications.  |
| <b>C</b> | The criminal history includes one adult conviction or juvenile adjudication for a person felony; and one or more adult conviction or juvenile adjudication for a non-person felony.   |
| <b>D</b> | The criminal history includes one adult conviction or juvenile adjudication for a person felony but no adult conviction or juvenile adjudications for a non-person felony.  |
| <b>E</b> | The criminal history includes four or more adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.  |
| <b>F</b> | The criminal history includes two or three adult convictions for non-person felonies but no adult conviction or juvenile adjudication for a person felony.  |
| <b>G</b> | The criminal history includes four or more adult convictions for Class A misdemeanors; one adult conviction for a non-person felony; or three or more juvenile adjudications for non-person felonies, but no adult conviction or juvenile adjudication for a person felony. |
| <b>H</b> | The criminal history includes no adult felony conviction or juvenile adjudication for a person felony; no more than two juvenile adjudications for non-person felonies; and no more than three adult convictions for Class A misdemeanors.                                  |
| <b>I</b> | The criminal history does not include any juvenile adjudication for a felony or any adult conviction for a felony or Class A misdemeanor.   |