

Sentencing Practice

This chapter examines patterns in the actual sentences imposed on felony offenders sentenced under guidelines during 1994. Information about sentences from a sentencing guidelines perspective is presented in the *Guidelines Application* chapter.

Overview

Type of Sentence

- ◆ Person offenses were most likely to result in a prison sentence. Among offenders convicted of person offenses as their most serious offense, 48 percent were sentenced to prison.
- ◆ The lowest percentage of prison sentences resulted from driving offenses (seven percent).
- ◆ Nineteen percent of offenders convicted of property offenses as their most serious offense were sentenced to prison.
- ◆ Eighteen percent of those convicted of drug offenses received prison sentences. In actual numbers, more offenders went to prison for drug offenses than for any other type of offense.
- ◆ Among the 10 most common offenses, Burglary I and Sexual Abuse I were most likely to result in a prison sentence.

Probation Conditions

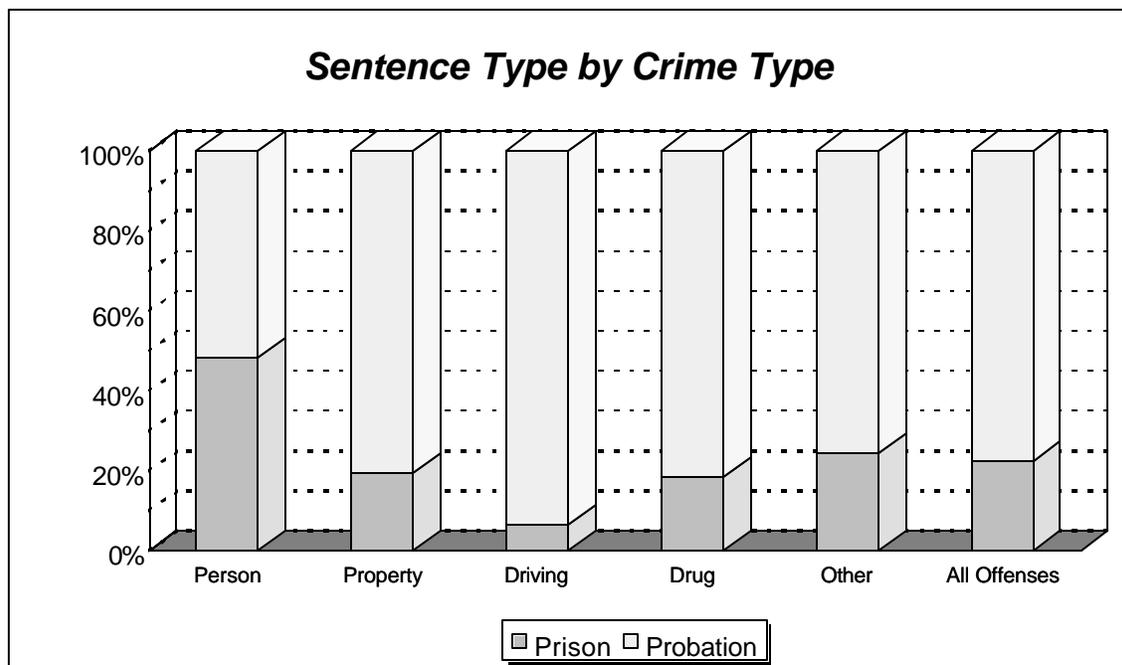
- ◆ Where a probation sentence was imposed, jail often was included as a probation condition. Among drug offenders, 64 percent were sentenced to jail for an average of 32 days; sixty-seven percent of those sentenced to probation for Burglary in the First Degree were sentenced to jail for an average of 69 days.
- ◆ Half of the offenders sentenced to probation were ordered to complete one or more types of treatment. Drug treatment was the most common type of treatment ordered, with 69 percent of drug offenders and 39 percent of all offenders ordered to complete drug treatment. Seventy-one percent of drug offenders sentenced to probation were ordered to complete some type of treatment.

Future Capacity Implications

- ◆ Person offenses will place the greatest demand on future prison capacity. Among individual offenses, convictions for drug offenses and for Burglary I will account for the greatest demand for future “bed years”.
- ◆ Drug offenses will create the greatest future probation supervision caseload, followed by property offenses.

Sentence Type by Crime Type: Summary

Convicted felons are sentenced either to prison (a state-operated penitentiary) or to probation. Probation sentences often include time in jail (a county-operated correctional facility), along with a number of other conditions such as payment of restitution, completion of treatment programs, etc. This display illustrates the sentences that resulted from various broad types of crimes. In the future, the distinction between prison and jail will be different as a result of 1995 Senate Bill 1145. This bill requires persons sentenced to 12 months or less to serve their sentence in county instead of state facilities. See Appendix C for a complete listing of statutes included in each crime category.



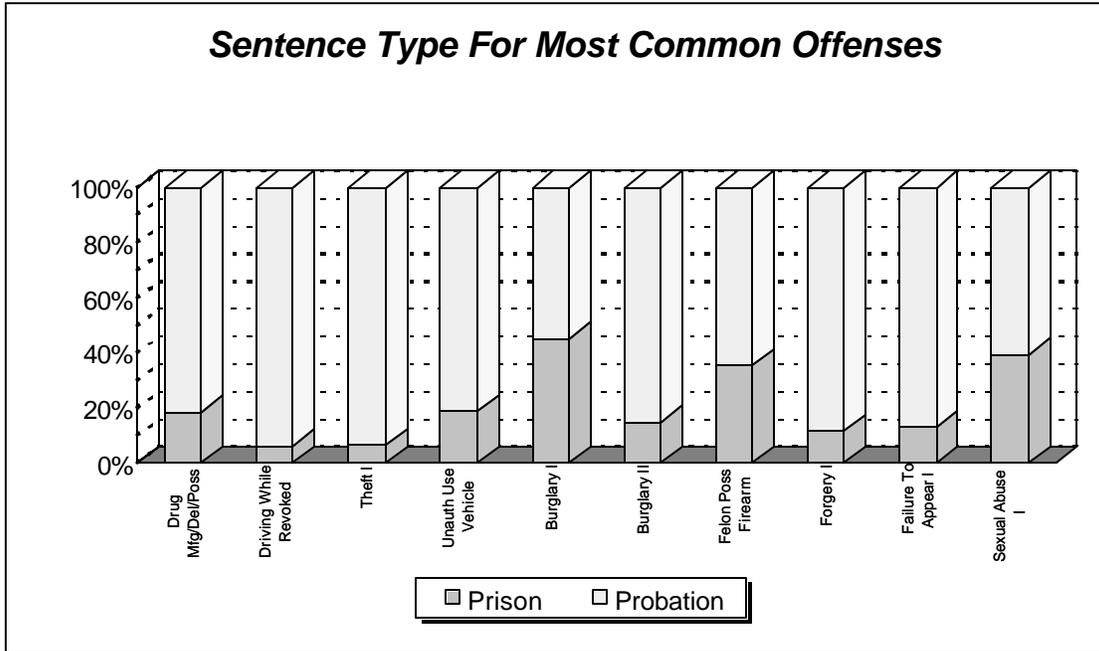
The graph shows the proportion of offenders sentenced to prison and probation for different types of crimes. The highest percentage of prison sentences resulted from person offenses, while the lowest rate of imprisonment was for driving offenses.

Crime Type	Sentence Type by Crime Type				Total Offenders*
	Prison		Probation		
	Count*	%	Count*	%	
Person	992	48%	1,056	52%	2,048
Property	755	19%	3,124	81%	3,879
Driving	88	7%	1,259	93%	1,347
Drug	1,015	18%	4,505	82%	5,519
Other	302	24%	942	76%	1,244
All Offenses	3,152	22%	10,886	78%	14,038

* Note: adjusted for non-reporting counties.

Sentence Type by Statute: Summary

Convicted felons are sentenced either to prison (a state-operated penitentiary) or to probation. Probation sentences may include time in jail (a county-operated correctional facility), along with a number of other conditions such as payment of restitution, completion of treatment programs, etc. This display looks at sentence type, by specific crime of conviction, for the 10 most frequent offenses. These 10 offenses encompass more than three-fourths of all offenders.



This graph and table illustrate the proportion of offenders receiving prison and probation sentences for the 10 most frequent felony offenses. Under the sentencing guidelines, probation sentences may include a jail term as a condition of probation. Attempts, conspiracies, and solicitations are not counted with completed offenses in this graph and table.

Sentence Type for Most Common Offenses				
ORS	Description	Prison	Probation	Offenders*
475.992	Drug Mfg/Del/Poss	19%	81%	5,354
811.182	Driving While Revoked	6%	94%	1,270
164.055	Theft I	7%	93%	977
164.135	Unauth Use Vehicle	19%	81%	712
164.225	Burglary I	45%	55%	705
164.215	Burglary II	15%	85%	531
166.270	Felon Poss Firearm	36%	64%	409
165.013	Forgery I	11%	89%	388
162.205	Failure To Appear I	13%	87%	292
163.427	Sexual Abuse I	39%	61%	253

* Note: adjusted for non-reporting counties.

Sentence Type by Statute: Detail

The following table lists the estimated total number of offenders sentenced and the types of sentences ordered, arranged by decreasing number of total offenders. Inchoate offenses (attempts, solicitations, and conspiracies) are listed separately from completed offenses. Raw data has been adjusted for nonreporting counties to estimate actual statewide totals. The % columns show the proportion of offenders receiving a particular type of sentence, where the offense listed was the most serious crime of conviction.

Convicted felons are either sentenced to prison (a state-operated penitentiary) or to probation. Probation sentences often include time in jail (a county-operated correctional facility), along with a number of other conditions such as payment of restitution, completion of treatment programs, etc.

Sentence Type by Offense						
ORS	Description	Prison		Probation		Total
		Number	%	Number	%	
475.992	Possess/Distribute/Manufacture Contrld Subst	992	19%	4,362	81%	5,354
811.182	Driving While Revoked	78	6%	1,192	94%	1,270
164.055	Theft I	64	7%	913	93%	977
164.135	Unauthorized Use of Motor Vehicle	133	19%	579	81%	712
164.225	Burglary I	318	45%	387	55%	705
164.215	Burglary II	78	15%	453	85%	531
166.270	Felon Possess Firearm	146	36%	263	64%	409
165.013	Forgery I	45	11%	343	89%	388
162.205	Failure To Appear I	39	13%	253	87%	292
163.427	Sexual Abuse I	100	39%	153	61%	253
163.165	Assault III	33	14%	202	86%	235
819.300	Possess Stolen Vehicle	74	41%	104	59%	178
163.175	Assault II	100	61%	64	39%	164
164.365	Criminal Mischief I	7	4%	141	96%	148
164.395	Robbery III	58	40%	88	60%	146
164.415	Robbery I	124	93%	10	7%	134
411.630	Unlawfully Obtain Public Assistance	0	0%	133	100%	133
162.155	Escape II	84	64%	48	36%	131
164.405	Robbery II	53	51%	52	49%	105
163.405	Sodomy I	75	85%	13	15%	88
162.185	Supply Contraband	30	39%	47	61%	77
811.705	Fail to Perform Duties of Driver	10	13%	67	87%	77
164.057	Aggravated Theft I	14	19%	62	81%	76
166.220	Unlawful Use Weapon	20	26%	55	74%	75
163.205	Criminal Mistreatment I	5	8%	65	92%	71
166.272	Unlawful Possession of Firearms/Silencer	7	10%	62	90%	68
163.355	Rape III	13	21%	50	79%	63
163.175	Attempt/Solicit Assault II	12	20%	48	80%	60
163.375	Rape I	52	87%	8	13%	60
475.992	Attempt/Solicit Controlled Substance Offense	3	6%	55	94%	59
163.425	Sexual Abuse II	11	26%	30	74%	41
411.840	Unlawful Use Of Food Stamps	1	3%	39	97%	40

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167.212	Tamper w/ Drug Records	1	3%	38	97%	39
164.225	Attempt/Solicit Burglary I	9	24%	28	76%	37
163.115	Murder	35	100%	0	0%	35
475.992	Conspiracy to Commit Contrld Subst Offense	9	25%	26	75%	35
163.185	Assault I	34	100%	0	0%	34
164.325	Arson I	16	50%	16	50%	33
163.185	Attempt/Solicit Assault I	13	43%	17	57%	30
163.235	Kidnapping I	30	100%	0	0%	30
165.022	Possess Forged Instrument I	7	21%	24	79%	30
163.555	Criminal Nonsupport	0	0%	27	100%	27
163.427	Attempt/Solicit Sexual Abuse I	9	33%	17	67%	26
162.065	Perjury	7	32%	14	68%	21
165.055	Fraud-Credit Card/\$750+	2	11%	18	89%	21
163.395	Sodomy II	12	58%	9	42%	21
163.411	Unlawful Sexual Penetration w/ Foreign Object I	13	63%	8	37%	21
162.325	Hinder Prosecution	0	0%	20	100%	20
163.365	Rape II	9	44%	11	56%	20
163.115	Attempt/Solicit Murder	18	100%	0	0%	18
163.225	Kidnapping II	12	65%	7	35%	18
163.275	Coercion	4	25%	13	75%	17
475.999	Controlled Substance 1000 ft School	5	31%	12	69%	17
163.118	Manslaughter I	16	100%	0	0%	16
163.125	Manslaughter II	10	64%	5	36%	15
163.547	Child Neglect I	0	0%	15	100%	15
166.275	Possess Weapon Prison Inmate	13	86%	2	14%	15
163.385	Sodomy III	3	23%	11	77%	14
164.055	Conspiracy to Commit Theft I	0	0%	14	100%	14
164.095	Theft by Deception	1	8%	12	92%	13
162.285	Tamper w/ Witness	7	55%	5	45%	12
163.145	Criminal Negl Homicide	4	40%	7	60%	11
165.013	Conspiracy to Commit Forgery I	0	0%	11	100%	11
167.012	Promote Prostitution	5	50%	5	50%	11
475.995	Deliver Controlled Substance To Minor	4	40%	7	60%	11
161.450	Conspiracy To Commit Felony	3	33%	7	67%	10
163.245	Custodial Interf II	0	0%	10	100%	10
163.257	Custodial Interf I	0	0%	9	100%	9
163.375	Attempt/Solicit Rape I	5	63%	3	38%	9
164.315	Arson II	0	0%	9	100%	9
166.165	Intimidation I	5	63%	3	38%	9
163.225	Attempt/Solicit Kidnapping II	1	14%	7	86%	8
166.720	Racketeering	4	57%	3	43%	8
163.408	Unlawful Sexual Penetration w/ Foreign Object II	4	67%	2	33%	7
166.272	Att/Solicit Unlaw Possess Firearms/Silencer	0	0%	7	100%	7
166.382	Unlawful Possession of Destructive Device	1	17%	5	83%	7
164.085	Theft by Receiving	1	20%	4	80%	5
164.415	Attempt/Solicit Robbery II	3	60%	2	40%	5
165.065	Negotiating Bad Check	0	0%	5	100%	5

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181.519	Probation Sex Offender Fail Report Address	0	0%	5	100%	5
161.450	Conspiracy To Commit Felony	2	50%	2	50%	4
162.185	Conspiracy to Supply Contraband	2	50%	2	50%	4
163.095	Attempt/Solicit Aggravated Murder	4	100%	0	0%	4
163.115	Conspiracy to Commit Murder	4	100%	0	0%	4
163.175	Conspiracy to Commit Assault II	2	50%	2	50%	4
163.405	Attempt/Solicit Sodomy I	2	50%	2	50%	4
164.377	Computer Crime	0	0%	4	100%	4
163.525	Incest	0	0%	3	100%	3
164.075	Attempt/Solicit Theft By Extortion	0	0%	3	100%	3
166.370	Possess Explosives/Firearm Public Building	1	33%	2	67%	3
167.017	Compel Prostitution	3	100%	0	0%	3
811.185	Habitual Offender	0	0%	3	100%	3
162.025	Bribe-Receiving	0	0%	2	100%	2
163.235	Attempt/Solicit Kidnapping I	1	50%	1	50%	2
163.411	Att/Solicit Sexual Penetration w/ Foreign Object I	0	0%	2	100%	2
164.057	Attempt/Solicit Aggravated Theft I	0	0%	2	100%	2
164.057	Conspiracy to Commit Aggravated Theft I	0	0%	2	100%	2
164.140	Criminal Possession of Rental Property	0	0%	2	100%	2
164.225	Conspiracy to Commit Burglary I	1	50%	1	50%	2
164.225	Solicit Burglary I	2	100%	0	0%	2
164.405	Conspiracy to Commit Robbery II	1	50%	1	50%	2
164.415	Conspiracy to Commit Robbery I	2	100%	0	0%	2
166.384	Unlawful Manufacture of Destruct Device	0	0%	2	100%	2
475.993	Controlled Substance Registrant Prohib Act	0	0%	2	100%	2
161.435	Attempt/Solicit Felony	0	0%	1	100%	1
162.165	Attempt/Solicit Escape I	1	100%	0	0%	1
162.165	Escape I	1	100%	0	0%	1
162.265	Bribing a Witness	0	0%	1	100%	1
162.325	Conspiracy to Hinder Prosecution	0	0%	1	100%	1
162.365	Hinder Prosecution	0	0%	1	100%	1
163.095	Conspiracy to Commit Aggravated Murder	1	100%	0	0%	1
163.365	Attempt/Solicit Rape II	0	0%	1	100%	1
163.395	Attempt/Solicit Sodomy II	1	100%	0	0%	1
163.408	Att/Solicit Sexual Penetration w/ Foreign Object II	0	0%	1	100%	1
163.515	Bigamy	0	0%	1	100%	1
163.670	Att/Solicit Use Child in Display of Sex Conduct	0	0%	1	100%	1
163.670	Use Child in Display of Sexual Conduct	1	100%	0	0%	1
163.672	Possess Depiction of Child Sexual Conduct	0	0%	1	100%	1
163.673	Deal in Depiction Child Sexual Conduct	1	100%	0	0%	1
163.750	Violate Court Stalking Order - Fel	0	0%	1	100%	1
164.125	Theft of Services	0	0%	1	100%	1
164.135	Conspiracy to Commit Unauth Use of Vehicle	0	0%	1	100%	1
164.325	Attempt/Solicit Arson I	0	0%	1	100%	1
165.032	Possess Forgery Device	1	100%	0	0%	1
166.410	Firearms	0	0%	1	100%	1
167.262	Use Minor in Distribution of Contrld Substance	0	0%	1	100%	1

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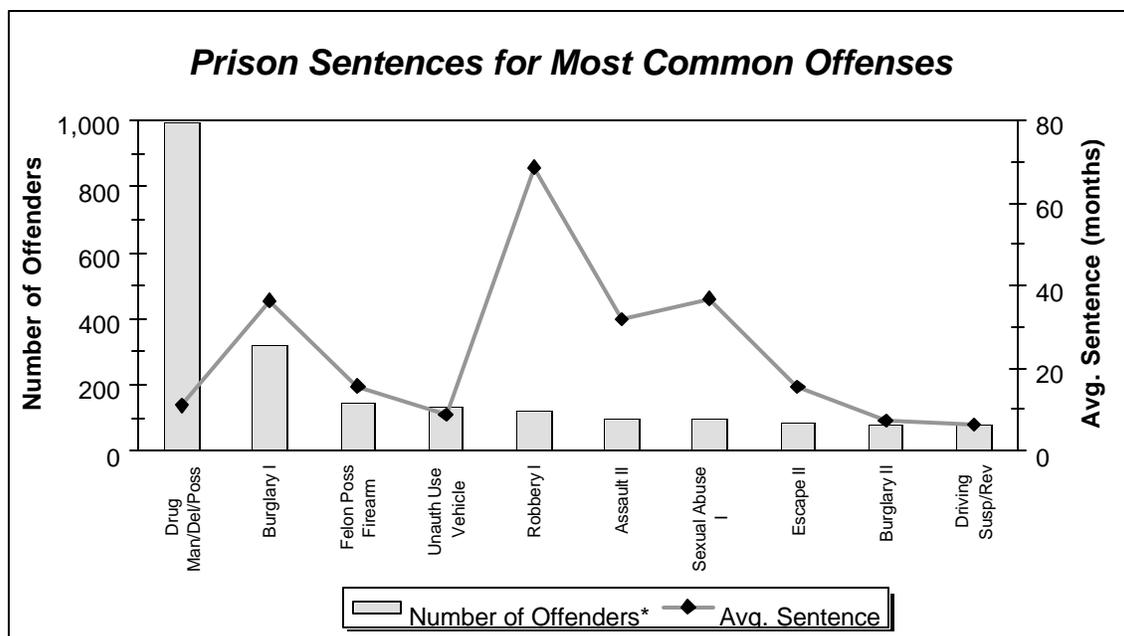
475.999	Att/Solicit Contrld Subst Offense 1000 ft School	0	0%	1	100%	1
819.310	Traffic In Stolen Vehicles	0	0%	1	100%	1
	All Offenders	3,152	100%	10,886	100%	14,038

Prison Sentences: Summary

This display focuses on prison sentences only. The numbers shown include only those offenders sentenced to prison whose most serious crime of conviction was for the offense listed. Those convicted of the offense but sentenced to probation are not included. The offenses are sorted in descending order by number of offenders receiving prison sentences. Completed offenses are counted separately from inchoate offenses (attempts, solicitations, and conspiracies).

The following graph and table show the average prison sentence length and number of offenders sentenced to prison for the 10 offenses which resulted in the greatest number of prison sentences.

The figures given are for sentences imposed, not actual length of stay in prison. Length of stay for individual offenders can be reduced by earned time credits. Earned time credits may be awarded for appropriate institutional behavior and are limited by statute to 20 percent, averaging 17 percent in practice. Data on typical earned time credit by specific offense is not available.



More offenders went to prison for drugs than for any other offense. These 10 offenses generate about two-thirds of the offenders sentenced to prison.

Prison Sentences for Most Common Offenses			
ORS	Offense	Number of Offenders*	Avg. Sentence
475.992	Drug Man/Del/Poss	992	11.0
164.225	Burglary I	318	36.5
166.270	Felon Poss Firearm	146	15.7
164.135	Unauth Use Vehicle	133	8.9
164.415	Robbery I	124	68.6
163.175	Assault II	100	31.8
163.427	Sexual Abuse I	100	36.9
162.155	Escape II	84	15.5
164.215	Burglary II	78	7.3
811.182	Driving Susp/Rev	78	6.4
	All Offenses	3,152	30.2

* Note: adjusted for non-reporting counties

Prison Sentences: Detail

The following table is a complete listing of all offenses for which offenders received prison sentences and the average prison sentence imposed. It is sorted in descending order by number of offenders receiving prison sentences.

The "Number of Offenders" column shows the number of offenders sentenced to prison whose most serious crime of conviction was for the offense listed. Those convicted of the offense but sentenced to probation are not included.

The "% of Offenders" column shows the proportion of all offenders sentenced to prison who were sentenced for the listed offense. For example, 10.10 percent of all offenders sentenced to prison had been convicted of Burglary I as their most serious offense.

The "Cumulative %" column shows the sum of all the individual offense percentages from the top of the table down through the listed offense. For example, 50.40 percent of all offenders sentenced to prison in 1994 had been convicted for Controlled Substances, Burglary I, Felon in Possession of Firearm or Unauthorized Use of a Motor Vehicle.

The figures given are for sentences imposed, not actual length of stay in prison. Length of stay for individual offenders can be reduced by earned time credits. Earned time credits are awarded for appropriate institutional behavior and are limited by statute to 20 percent, averaging 17 percent overall. Data on typical earned time credit by offense is not available.

Prison Sentences					
ORS	Description	Number of Offenders *	Average Prison	% of Offenders	Cumulative %
475.992	Drug Manuf/Deliv/Poss	992	11.0	31.47%	31.47%
164.225	Burglary I	318	36.5	10.10%	41.57%
166.270	Felon Possess Firearm	146	15.7	4.62%	46.19%
164.135	Unauth Use Vehicle	133	8.9	4.21%	50.40%
164.415	Robbery I	124	68.6	3.93%	54.33%
163.175	Assault II	100	31.8	3.17%	57.50%
163.427	Sexual Abuse I	100	36.9	3.17%	60.67%
162.155	Escape II	84	15.5	2.65%	63.32%
164.215	Burglary II	78	7.3	2.48%	65.80%
811.182	Driving While Revoked	78	6.4	2.48%	68.29%
163.405	Sodomy I	75	119.9	2.38%	70.67%
819.300	Possess Stolen Vehicle	74	7.9	2.34%	73.01%
164.055	Theft I	64	7.2	2.03%	75.04%
164.395	Robbery III	58	10.5	1.83%	76.87%
164.405	Robbery II	53	23.8	1.69%	78.56%
163.375	Rape I	52	104.0	1.65%	80.21%
165.013	Forgery I	45	7.0	1.41%	81.63%
162.205	Failure To Appear I	39	9.1	1.24%	82.87%
163.115	Murder	35	217.4	1.10%	83.97%
163.185	Assault I	34	88.2	1.07%	85.04%
163.165	Assault III	33	19.0	1.03%	86.07%
162.185	Supply Contraband	30	9.3	0.97%	87.04%
163.235	Kidnapping I	30	205.3	0.97%	88.00%
166.220	Unlawful Use Weapon	20	31.1	0.62%	88.62%

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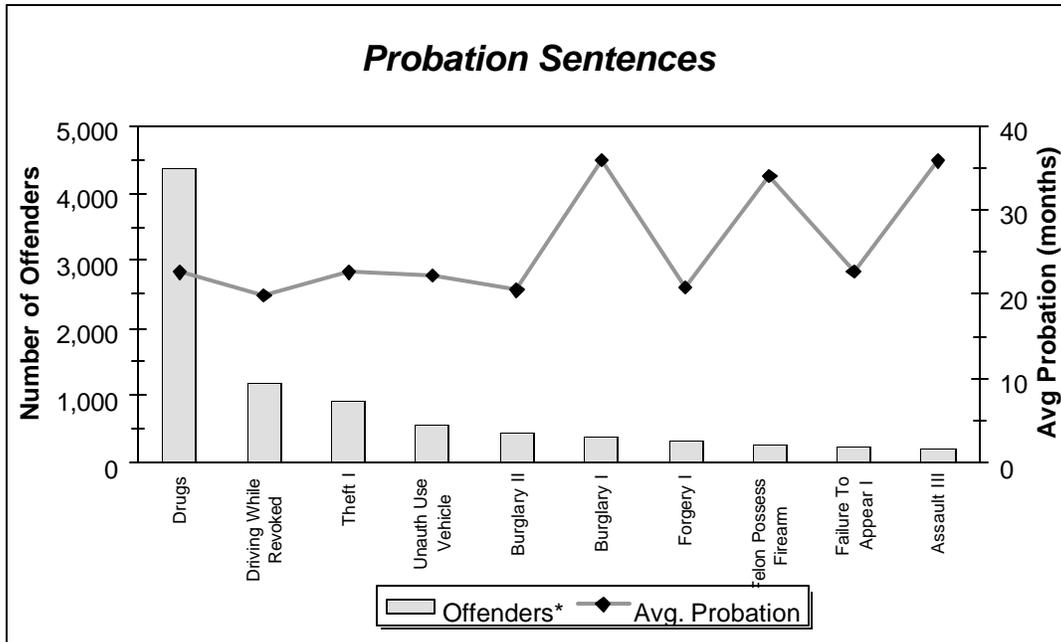
163.115	Attempt/Solicit Murder	18	142.2	0.59%	89.21%
163.118	Manslaughter I	16	82.4	0.52%	89.73%
164.325	Arson I	16	43.9	0.52%	90.24%
164.057	Aggravated Theft I	14	12.4	0.45%	90.69%
163.185	Attempt/Solicit Assault I	13	35.6	0.41%	91.11%
163.355	Rape III	13	23.9	0.41%	91.52%
163.411	Sex Pen w/Foreign Obj I	13	80.7	0.41%	91.93%
166.275	Poss Weapon Prison Inmate	13	34.1	0.41%	92.35%
163.175	Attempt/Solicit Assault II	12	16.2	0.38%	92.73%
163.225	Kidnapping II	12	47.2	0.38%	93.11%
163.395	Sodomy II	12	75.7	0.38%	93.49%
163.425	Sexual Abuse II	11	29.6	0.34%	93.83%
163.125	Manslaughter II	10	38.8	0.31%	94.14%
811.705	Fail Perform Duties Driver	10	14.4	0.31%	94.45%
163.365	Rape II	9	27.0	0.28%	94.73%
163.427	Attempt/Solicit Sexual Abuse I	9	14.9	0.28%	95.00%
164.225	Attempt/Solicit Burglary I	9	15.9	0.28%	95.28%
475.992	Conspiracy to Commit Drugs	9	23.3	0.28%	95.55%
162.065	Perjury	7	12.0	0.21%	95.76%
162.285	Tamper w/Witness	7	16.8	0.21%	95.97%
164.365	Criminal Mischief I	7	4.8	0.21%	96.17%
165.022	Poss Forged Instr I	7	7.7	0.21%	96.38%
166.272	Unlaw Poss Firearms/Silencer	7	14.2	0.21%	96.59%
163.205	Criminal Mistreatment I	5	22.4	0.17%	96.76%
163.375	Attempt/Solicit Rape I	5	40.8	0.17%	96.93%
166.165	Intimidation I	5	30.0	0.17%	97.10%
167.012	Promote Prostitution	5	23.4	0.17%	97.28%
475.999	Drugs 1000 ft School	5	29.6	0.17%	97.45%
163.095	Attempt/Solicit Aggravated Murder	4	145.5	0.14%	97.59%
163.115	Conspiracy to Commit Murder	4	157.5	0.14%	97.72%
163.145	Criminal Negl Homicide	4	23.3	0.14%	97.86%
163.275	Coercion	4	23.5	0.14%	98.00%
163.408	Sex Pen w/Foreign Obj II	4	33.8	0.14%	98.14%
166.720	Racketeering	4	28.5	0.14%	98.28%
475.995	Del Cont Sub To Minor	4	18.3	0.14%	98.41%
161.450	Conspiracy To Commit Felony	3	21.3	0.10%	98.52%
163.385	Sodomy III	3	36.3	0.10%	98.62%
164.415	Attempt/Solicit Robbery I	3	25.7	0.10%	98.72%
167.017	Compel Prostitution	3	61.7	0.10%	98.83%
475.992	Attempt/Solicit Drugs	3	6.7	0.10%	98.93%
161.450	Conspiracy To Commit Felony	2	18.0	0.07%	99.00%
162.185	Conspiracy to Commit Supply Contraband	2	10.5	0.07%	99.07%
163.175	Conspiracy to Commit Assault II	2	18.0	0.07%	99.14%
163.405	Attempt/Solicit Sodomy I	2	26.0	0.07%	99.21%
164.225	Solicit Burglary I	2	12.0	0.07%	99.28%
164.415	Conspiracy to Commit Robbery I	2	43.0	0.07%	99.35%
165.055	Fraud-Credit Card/\$750+	2	7.5	0.07%	99.41%

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162.165	Escape I	1	24.0	0.03%	99.45%
162.165	Attempt/Solicit Escape I	1	12.0	0.03%	99.48%
163.095	Conspiracy to Commit Aggravated Murder	1	144.0	0.03%	99.52%
163.225	Attempt/Solicit Kidnapping II	1	46.0	0.03%	99.55%
163.235	Attempt/Solicit Kidnapping I	1	236.0	0.03%	99.59%
163.395	Attempt/Solicit Sodomy II	1	21.0	0.03%	99.62%
163.670	Use Child Display Sex Conduct	1	86.0	0.03%	99.66%
163.673	Deal Depict Child Sex Conduct	1	12.0	0.03%	99.69%
164.085	Theft by Receiving	1	6.0	0.03%	99.72%
164.095	Theft by Deception	1	12.0	0.03%	99.76%
164.225	Conspiracy to Commit Burglary I	1	31.0	0.03%	99.79%
164.405	Conspiracy to Commit Robbery II	1	18.0	0.03%	99.83%
165.032	Poss Forgery Device	1	24.0	0.03%	99.86%
166.370	Poss Expl/Firearm Public Bldg	1	26.0	0.03%	99.90%
166.382	Unlawful Possess Destruct Dev	1	10.0	0.03%	99.93%
167.212	Tamper w/Drug Records	1	4.0	0.03%	99.97%
411.840	Unlawful Use Of Food Stamps	1	3.0	0.03%	100.00%
	All Offenders Sentenced to Prison	3,152	30.2	100%	100%

Probation Sentences: Summary

This graph and table show the number of offenders sentenced to probation and the average probation term in months for the 10 offenses which resulted in the greatest number of probation sentences. The bars in the graph show the number of offenders sentenced, while the line shows the average probation term for each offense. Probation sentences may include jail time and other conditions as part of the sentence. During 1994, 61 percent of probation sentences included jail time.



Drug offenses resulted in the largest number of probation sentences with 40 percent of the total probation sentences. Driving While Revoked was a distant second. In the table below, probation terms are expressed in months and jail terms are expressed in days.

Probation Sentences					
ORS	Offense	Offenders*	Avg. Probation (months)	% w/ Jail	Avg Jail (days)
475.992	Drugs	4,362	23	64%	32
811.182	Driving While Revoked	1,192	20	60%	28
164.055	Theft I	913	23	52%	31
164.135	Unauth Use Vehicle	579	22	60%	36
164.215	Burglary II	453	21	62%	31
164.225	Burglary I	387	36	67%	69
165.013	Forgery I	343	21	50%	32
166.270	Felon Possess Firearm	263	34	70%	59
162.205	Failure To Appear I	253	23	60%	44
163.165	Assault III	202	36	65%	60
	All Offenders to Probation	10,886	26	61%	40

* Note: adjusted for non-reporting counties.

Probation Sentences: Detail

The following table is a complete listing of all offenses for which offenders received probation sentences, along with the average probation and jail terms that resulted. It is sorted in descending order by the number of offenders receiving probation sentences. Probation sentences often include time in jail (a county-operated correctional facility), along with a number of other conditions such as payment of restitution, completion of treatment programs, etc.

The "Offenders" column shows the number of offenders sentenced to probation whose most serious crime of conviction was for the offense listed. Those convicted of the offense but sentenced to prison are not included.

The "%" column shows the proportion of all offenders sentenced to probation who were sentenced for the listed offense. For example, 10.95 percent of all offenders sentenced to probation had been convicted of Driving While Revoked. The "Cume %" column shows the cumulative sum of all the individual offense percentages from the top of the table down through the listed offense. For example, 51.02 percent of all offenders sentenced to probation had been convicted for Controlled Substances or Driving While Revoked.

The "Avg Prob" column shows the average probation term in months.

The "% to Jail" column shows the percentage of offenders whose probation sentence included jail time as a condition of probation. The "Avg Jail" column shows the average length (in days) of the jail term for those offenders whose probation terms included jail.

Probation Sentences							
ORS	Description	Offenders*	%	Cume %	Avg Prob (months)	% to Jail	Avg Jail (days)
475.992	Drugs	4,362	40.07%	40.07%	22.6	64%	32
811.182	Driving While Revoked	1,192	10.95%	51.02%	19.9	60%	28
164.055	Theft I	913	8.38%	59.41%	22.6	52%	31
164.135	Unauth Use Vehicle	579	5.32%	64.73%	22.2	60%	36
164.215	Burglary II	453	4.16%	68.89%	20.5	62%	31
164.225	Burglary I	387	3.55%	72.44%	35.9	67%	69
165.013	Forgery I	343	3.15%	75.60%	20.8	50%	32
166.270	Felon Possess Firearm	263	2.42%	78.01%	34.0	70%	59
162.205	Failure To Appear I	253	2.33%	80.34%	22.7	60%	44
163.165	Assault III	202	1.86%	82.19%	35.8	65%	60
163.427	Sexual Abuse I	153	1.41%	83.60%	79.1	67%	125
164.365	Criminal Mischief I	141	1.30%	84.90%	22.5	57%	31
411.630	Unlawful Obtain Public Asst	133	1.22%	86.12%	22.8	32%	25
819.300	Possess Stolen Vehicle	104	0.96%	87.07%	24.3	31%	40
164.395	Robbery III	88	0.81%	87.88%	24.8	63%	62
811.705	Fail Perform Duties Driver	67	0.62%	88.50%	35.2	63%	65
163.205	Criminal Mistreatment I	65	0.60%	89.10%	35.6	47%	80
163.175	Assault II	64	0.59%	89.69%	38.3	61%	78
164.057	Aggravated Theft I	62	0.57%	90.26%	39.1	61%	54
166.272	Unlaw Poss Firearms/Silencer	62	0.57%	90.83%	35.6	58%	67
166.220	Unlawful Use Weapon	55	0.51%	91.34%	35.5	75%	53
475.992	Attempt/Solicit Drugs	55	0.51%	91.85%	21.1	59%	22
164.405	Robbery II	52	0.48%	92.32%	35.5	65%	50

Sentencing Practice

163.355	Rape III	50	0.46%	92.78%	44.3	63%	76
162.155	Escape II	48	0.44%	93.22%	33.8	66%	66
163.175	Attempt/Solicit Assault II	48	0.44%	93.66%	36.3	45%	49
162.185	Supply Contraband	47	0.43%	94.09%	23.3	74%	57
411.840	Unlawful Use Of Food Stamps	39	0.36%	94.45%	19.5	33%	26
167.212	Tamper w/ Drug Records	38	0.35%	94.80%	17.8	37%	19
163.425	Sexual Abuse II	30	0.28%	95.08%	49.3	64%	78
164.225	Attempt/Solicit Burglary I	28	0.26%	95.34%	31.4	50%	60
163.555	Criminal Nonsupport	27	0.25%	95.59%	27.1	36%	43
475.992	Conspiracy to Commit Drugs	26	0.24%	95.83%	28.5	92%	43
165.022	Poss Forged Instr I	24	0.22%	96.05%	19.4	14%	40
162.325	Hinder Prosecution	20	0.18%	96.23%	33.7	50%	57
165.055	Fraud-Credit Card/\$750+	18	0.17%	96.40%	25.1	59%	24
163.185	Attempt/Solicit Assault I	17	0.16%	96.56%	37.5	50%	79
163.427	Attempt/Solicit Sexual Abuse I	17	0.16%	96.72%	43.5	81%	65
164.325	Arson I	16	0.15%	96.87%	40.0	60%	87
163.547	Child Neglect I	15	0.14%	97.01%	29.6	64%	82
162.065	Perjury	14	0.13%	97.14%	38.8	77%	59
164.055	Conspiracy to Commit Theft I	14	0.13%	97.27%	21.2	54%	27
163.275	Coercion	13	0.12%	97.38%	34.5	58%	47
163.405	Sodomy I	13	0.12%	97.50%	175.0	83%	117
164.095	Theft by Deception	12	0.11%	97.61%	27.8	36%	16
475.999	Drugs 1000 ft School	12	0.11%	97.72%	34.9	91%	81
163.365	Rape II	11	0.10%	97.82%	54.0	100%	96
163.385	Sodomy III	11	0.10%	97.92%	43.2	60%	62
165.013	Conspiracy to Commit Forgery I	11	0.10%	98.02%	18.6	60%	21
163.245	Custodial Interf II	10	0.09%	98.11%	25.3	33%	28
164.415	Robbery I	10	0.09%	98.20%	52.0	78%	184
163.257	Custodial Interf I	9	0.08%	98.28%	36.0	50%	53
163.395	Sodomy II	9	0.08%	98.36%	87.0	88%	233
164.315	Arson II	9	0.08%	98.44%	25.5	50%	73
163.375	Rape I	8	0.07%	98.51%	120.0	57%	181
163.411	Sex Pen w/ Foreign Obj I	8	0.07%	98.58%	125.1	14%	180
161.450	Conspiracy To Commit Felony	7	0.06%	98.64%	21.0	83%	36
163.145	Criminal Negl Homicide	7	0.06%	98.70%	40.0	50%	90
163.225	Kidnapping II	7	0.06%	98.76%	52.0	33%	60
163.225	Attempt/Solicit Kidnapping II	7	0.06%	98.82%	40.0	50%	50
166.272	Attempt/Solicit Unlaw Poss Firearms/Silencer	7	0.06%	98.88%	23.0	100%	25
475.995	Del Cont Sub To Minor	7	0.06%	98.94%	32.0	100%	38
162.285	Tamper w/ Witness	5	0.05%	98.99%	36.0	100%	72
163.125	Manslaughter II	5	0.05%	99.04%	34.6	60%	120
165.065	Negotiating Bad Check	5	0.05%	99.09%	18.0	60%	21
166.382	Unlawful Possess Destruct Dev	5	0.05%	99.14%	36.0	40%	60
167.012	Promote Prostitution	5	0.05%	99.19%	36.0	80%	61
181.519	Prob Sex Off FI Rpt Addr-Fel	5	0.05%	99.24%	24.0	60%	30
164.085	Theft by Receiving	4	0.04%	99.28%	39.0	100%	53
164.377	Computer Crime	4	0.04%	99.32%	22.5	25%	30

Sentencing Practice

163.375	Attempt/Solicit Rape I	3	0.03%	99.35%	100.0	67%	90
163.525	Incest	3	0.03%	99.38%	44.0	100%	62
164.075	Attempt/Solicit Theft By Extortion	3	0.03%	99.41%	22.0	100%	43
166.165	Intimidation I	3	0.03%	99.44%	30.0	100%	70
166.720	Racketeering	3	0.03%	99.47%	32.0	67%	60
811.185	Habitual Offender	3	0.03%	0.03%	26.0	67%	37
161.450	Conspiracy to Commit Conspiracy To Commit Felony	2	0.02%	0.05%	21.0	100%	50
162.025	Bribe-Receiving	2	0.02%	0.07%	36.0	100%	30
162.185	Conspiracy to Commit Supply Contraband	2	0.02%	0.09%	12.0	100%	60
163.175	Conspiracy to Commit Assault II	2	0.02%	0.11%	36.0	100%	25
163.405	Attempt/Solicit Sodomy I	2	0.02%	0.13%	60.0	50%	90
163.408	Sex Pen w/ Foreign Obj II	2	0.02%	0.15%	90.0	100%	180
163.411	Attempt/Solicit Sex Pen w/ Foreign Obj I	2	0.02%	0.17%	90.0	50%	90
164.057	Attempt/Solicit Aggravated Theft I	2	0.02%	0.19%	24.0	0%	N/A
164.057	Conspiracy to Commit Aggravated Theft I	2	0.02%	0.21%	30.0	50%	90
164.140	Crim Poss Rent Prop/\$500+	2	0.02%	0.23%	21.0	100%	30
164.415	Attempt/Solicit Robbery I	2	0.02%	0.25%	36.0	100%	60
166.275	Poss Weapon Prison Inmate	2	0.02%	0.27%	36.0	100%	90
166.370	Poss Expl/Firearm Public Bldg	2	0.02%	0.29%	18.0	50%	30
166.384	Unlawful Mfg Destruct Device	2	0.02%	0.31%	36.0	100%	155
475.993	Drugs	2	0.02%	0.33%	18.0	100%	15
161.435	Attempt/Solicit Solicitation of Felony	1	0.01%	0.34%	24.0	100%	20
162.265	Bribing a Witness	1	0.01%	0.35%	36.0	100%	90
162.325	Conspiracy to Commit Hinder Prosecution	1	0.01%	0.36%	36.0	0%	N/A
162.365	Hinder Prosecution	1	0.01%	0.37%	24.0	0%	N/A
163.235	Attempt/Solicit Kidnapping I	1	0.01%	0.38%	60.0	100%	180
163.365	Attempt/Solicit Rape II	1	0.01%	0.39%	60.0	100%	180
163.408	Attempt/Solicit Sex Pen w/ Foreign Obj II	1	0.01%	0.40%	60.0	100%	30
163.515	Bigamy	1	0.01%	0.41%	18.0	100%	10
163.670	Attempt/Solicit Use Child Display Sex Conduct	1	0.01%	0.42%	36.0	0%	N/A
163.672	Possess Depict of Child Sex	1	0.01%	0.43%	18.0	0%	N/A
163.750	Vio Ct Stalking Ord - Fel	1	0.01%	0.44%	36.0	0%	N/A
164.125	Theft of Services	1	0.01%	0.45%	24.0	100%	30
164.135	Conspiracy to Commit Unauth Use Vehicle	1	0.01%	0.46%	24.0	100%	30
164.225	Conspiracy to Commit Burglary I	1	0.01%	0.47%	36.0	0%	N/A
164.325	Attempt/Solicit Arson I	1	0.01%	0.48%	36.0	100%	30
164.405	Conspiracy to Commit Robbery II	1	0.01%	0.49%	36.0	100%	90
166.410	Firearms	1	0.01%	0.50%	36.0	100%	90
167.262	Use Minor/Dist Cntrl'd Subst	1	0.01%	0.51%	24.0	100%	40
475.999	Attempt/Solicit Drugs 1000 ft School	1	0.01%	0.52%	36.0	100%	60
819.310	Traffic In Stolen Vehicles	1	0.01%	0.53%	60.0	100%	135
	All Offenders Sentenced to Probation	10,886	100%	1%	25.6	61%	40

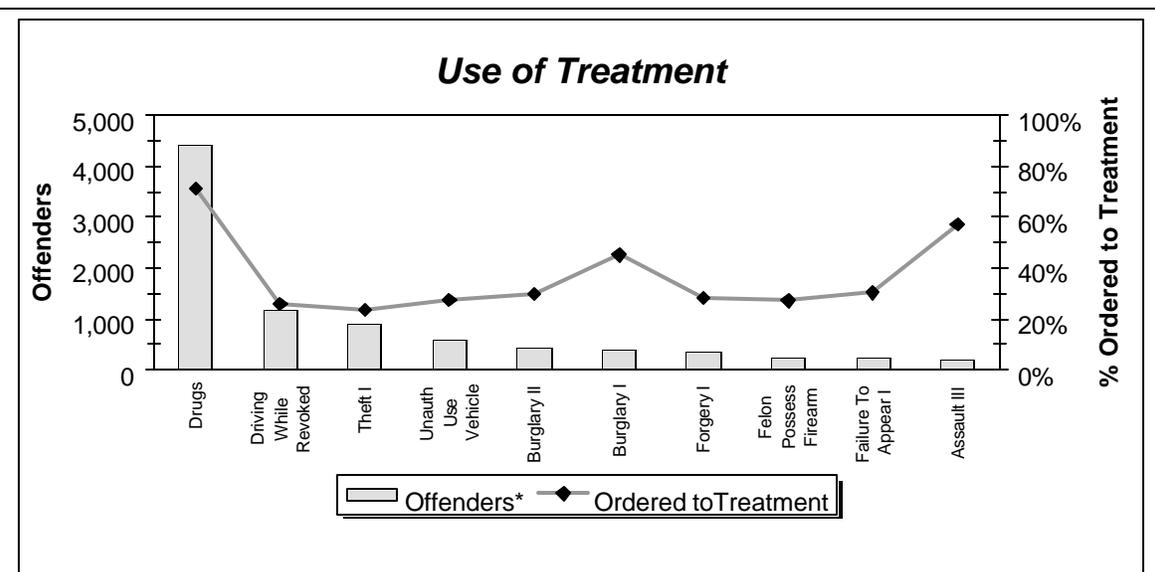
* Note: adjusted for non-reporting counties.

Treatment As Condition of Probation

Offenders frequently are required to complete alcohol, drug and other treatment programs as a condition of probation. The summary below illustrates the types of offenses for which treatment most frequently is ordered. After the summary, a more detailed table provides complete information on an offense-by-offense basis about the number of offenders ordered to complete treatment and the specific types of treatment programs.

Inchoate offenses (attempts, conspiracies, and solicitations) are counted together with completed offenses.

Treatment: Summary



This graph and table show the offenses for which the greatest total number of offenders were ordered to undergo treatment.

Treatment as Condition of Probation			
ORS	Description	Offenders*	Ordered to Treatment
475.992	Drug Manuf/Deliv/Poss	4,444	71%
811.182	Driving While Revoked	1,192	26%
164.055	Theft I	927	24%
164.135	Unauth Use Vehicle	580	28%
164.215	Burglary II	453	30%
164.225	Burglary I	416	45%
165.013	Forgery I	354	29%
166.270	Felon Possess Firearm	263	27%
162.205	Failure To Appear I	253	30%
163.165	Assault III	202	57%

* Note: adjusted for non-reporting counties.

Treatment: Detail

Note that some offenders are ordered to undergo more than one form of treatment, so percentages for different types of treatment may not sum to exactly 100 percent for some offenses. Inchoate and completed offenses are counted together.

ORS	Description	Offenders*	Ordered to Treatment	Alcohol	Drug	Mental Health	Sex Offender	Other
475.992	Drugs	4,444	71%	11%	69%	1%	0%	1%
811.182	Driving While Revoked	1,192	26%	21%	9%	1%	0%	1%
164.055	Theft I	927	24%	8%	15%	3%	0%	4%
164.135	Unauth Use Vehicle	580	28%	10%	22%	1%	0%	1%
164.215	Burglary II	453	30%	15%	16%	4%	0%	3%
164.225	Burglary I	416	45%	22%	28%	8%	1%	8%
165.013	Forgery I	354	29%	10%	21%	2%	0%	4%
166.270	Felon Possess Firearm	263	27%	9%	18%	4%	0%	2%
162.205	Failure To Appear I	253	30%	8%	22%	2%	0%	1%
163.165	Assault III	202	57%	44%	22%	8%	0%	14%
163.427	Sexual Abuse I	171	85%	22%	17%	9%	76%	3%
164.365	Criminal Mischief I	141	40%	23%	18%	11%	1%	5%
411.630	Unlawful Obtain Public Asst	133	11%	6%	5%	2%	0%	2%
163.175	Assault II	114	70%	45%	35%	25%	2%	18%
819.300	Possess Stolen Vehicle	104	36%	13%	23%	1%	0%	2%
164.395	Robbery III	88	42%	20%	32%	7%	0%	2%
166.272	Unlaw Poss Firearms/Silencer	68	38%	21%	19%	5%	0%	6%
811.705	Fail Perform Duties Driver	67	35%	29%	13%	2%	0%	2%
164.057	Aggravated Theft I	66	11%	3%	5%	7%	0%	2%
163.205	Criminal Mistreatment I	65	72%	20%	27%	38%	2%	43%
166.220	Unlawful Use Weapon	55	35%	31%	14%	12%	0%	4%
164.405	Robbery II	53	43%	20%	29%	12%	0%	0%
163.355	Rape III	50	74%	24%	22%	2%	59%	4%
162.185	Supply Contraband	49	56%	13%	51%	0%	0%	0%
162.155	Escape II	48	27%	11%	16%	2%	0%	0%
411.840	Unlawful Use Of Food Stamps	39	0%	0%	0%	0%	0%	0%
167.212	Tamper w/ Drug Records	38	63%	23%	63%	3%	0%	0%
163.425	Sexual Abuse II	30	79%	14%	14%	0%	68%	0%
163.555	Criminal Nonsupport	27	24%	8%	4%	8%	0%	8%
165.022	Poss Forged Instr I	24	32%	14%	9%	0%	0%	5%
162.325	Hinder Prosecution	21	21%	11%	0%	11%	0%	0%
165.055	Fraud-Credit Card/\$750+	18	29%	12%	18%	6%	0%	0%
163.185	Assault I	17	75%	44%	38%	25%	0%	0%
164.325	Arson I	17	75%	44%	25%	50%	0%	6%
163.405	Sodomy I	15	93%	29%	14%	21%	79%	7%
163.547	Child Neglect I	15	64%	14%	64%	0%	0%	0%
162.065	Perjury	14	46%	15%	31%	15%	0%	8%
163.225	Kidnapping II	13	92%	8%	17%	33%	0%	50%
475.999	Drugs 1000 ft School	13	83%	58%	83%	0%	0%	0%
163.275	Coercion	13	50%	17%	17%	25%	0%	25%
164.415	Robbery I	12	45%	18%	18%	9%	0%	0%
163.365	Rape II	12	73%	9%	18%	9%	55%	9%
164.095	Theft by Deception	12	9%	9%	9%	0%	0%	0%

Sentencing Practice

163.385	Sodomy III	11	100%	40%	30%	20%	80%	10%
163.375	Rape I	11	80%	0%	10%	10%	70%	0%
163.411	Sex Pen w/ Foreign Obj I	10	100%	11%	0%	33%	78%	0%
163.245	Custodial Interf II	10	11%	11%	11%	0%	0%	0%
163.395	Sodomy II	9	100%	13%	13%	0%	88%	0%
163.257	Custodial Interf I	9	50%	38%	25%	13%	0%	13%
164.315	Arson II	9	50%	13%	13%	50%	0%	25%
161.450	Conspiracy To Commit Felony	9	38%	0%	13%	13%	0%	0%
475.995	Del Cont Sub To Minor	7	50%	33%	50%	17%	0%	0%
163.145	Criminal Negl Homicide	7	67%	33%	33%	33%	0%	0%
163.125	Manslaughter II	5	40%	40%	20%	0%	0%	0%
167.012	Promote Prostitution	5	40%	0%	0%	40%	20%	0%
165.065	Negotiating Bad Check	5	40%	0%	0%	20%	0%	20%
162.285	Tamper w/ Witness	5	0%	0%	0%	0%	0%	0%
166.382	Unlawful Possess Destruct Dev	5	20%	20%	20%	20%	0%	0%
181.519	Prob Sex Off FI Rpt Addr-Fel	5	20%	0%	20%	0%	20%	0%
164.377	Computer Crime	4	25%	0%	0%	0%	0%	25%
164.085	Theft by Receiving	4	0%	0%	0%	0%	0%	0%
163.408	Sex Pen w/ Foreign Obj II	3	100%	33%	0%	0%	100%	33%
163.525	Incest	3	100%	0%	0%	67%	100%	0%
166.720	Racketeering	3	67%	0%	33%	0%	0%	67%
811.185	Habitual Offender	3	67%	67%	0%	0%	0%	0%
166.165	Intimidation I	3	33%	0%	0%	0%	0%	33%
164.075	Theft By Extortion	3	0%	0%	0%	0%	0%	0%
162.025	Bribe-Receiving	2	0%	0%	0%	0%	0%	0%
164.140	Crim Poss Rent Prop/\$500+	2	0%	0%	0%	0%	0%	0%
166.275	Poss Weapon Prison Inmate	2	0%	0%	0%	0%	0%	0%
166.370	Poss Expl/Firearm Public Bldg	2	0%	0%	0%	0%	0%	0%
166.384	Unlawful Mfg Destruct Device	2	0%	0%	0%	0%	0%	0%
475.993	Drugs	2	0%	0%	0%	0%	0%	0%
163.235	Kidnapping I	1	0%	0%	0%	0%	0%	0%
163.515	Bigamy	1	100%	0%	0%	100%	0%	0%
163.750	Vio Ct Stalking Ord - Fel	1	100%	0%	0%	100%	0%	0%
164.125	Theft of Services	1	100%	0%	0%	0%	0%	100%
167.262	Use Minor/Dist Cntrld Subst	1	100%	0%	100%	0%	0%	0%
161.435	Solicitation of Felony	1	0%	0%	0%	0%	0%	0%
162.265	Bribing a Witness	1	0%	0%	0%	0%	0%	0%
162.365	Hinder Prosecution	1	0%	0%	0%	0%	0%	0%
163.670	Use Child Display Sex Conduct	1	0%	0%	0%	0%	0%	0%
163.672	Possess Depict of Child Sex	1	0%	0%	0%	0%	0%	0%
166.410	Firearms	1	0%	0%	0%	0%	0%	0%
819.310	Traffic In Stolen Vehicles	1	0%	0%	0%	0%	0%	0%
	All Probation	10,886	50%	14%	39%	3%	2%	3%

* Note: adjusted for non-reporting counties.

Offenses for which no offenders were ordered to undergo treatment are included in total but not shown in table.

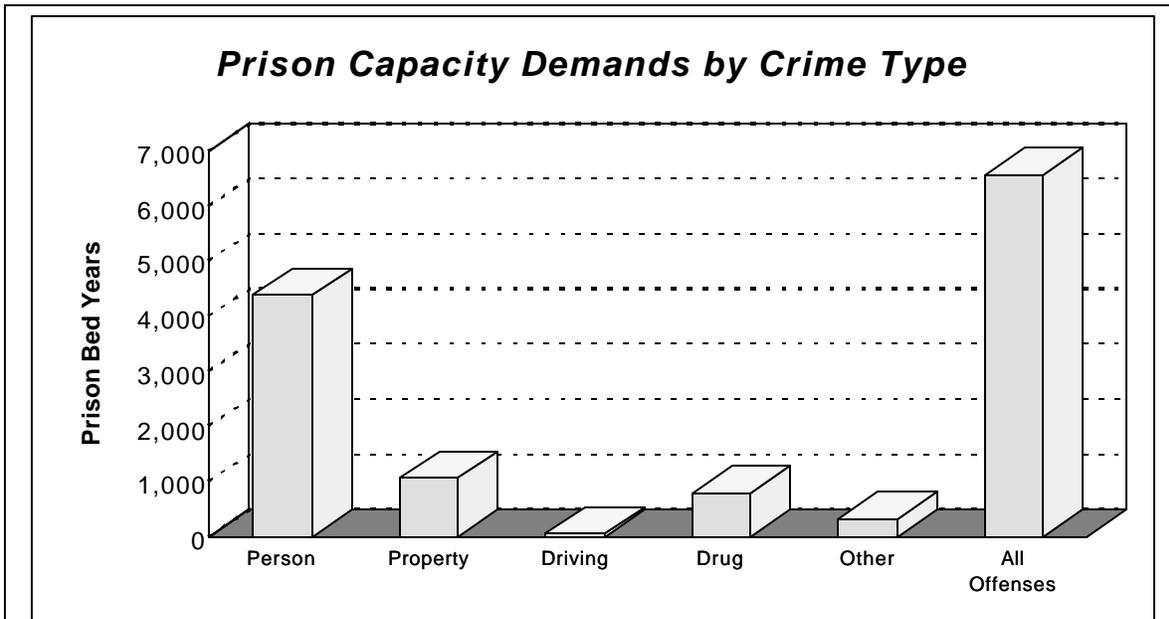
Future Capacity Implications

Prison Capacity

Every offender sentenced to prison places a future burden on the prison system's capacity. The following information is intended to provide a general sense of the relative amounts of future prison system resources that will be absorbed by various types of offenders sentenced during 1994. See the Appendix C for a complete listing of the statutes included in each category.

The bed-year measure used here is calculated by multiplying the number of offenders in each category by the average sentence for that category and adjusting for average earned time credit. A category with relatively few offenders but long average sentences may require a similar amount of future resources as a category with more offenders but shorter average sentences. Note that this approach does not consider the timing of future impacts or the differences in costs to house different categories of offenders. It also omits calculation of the impact of probation and post-prison supervision revocations.

Prison Capacity Demands by Crime Type

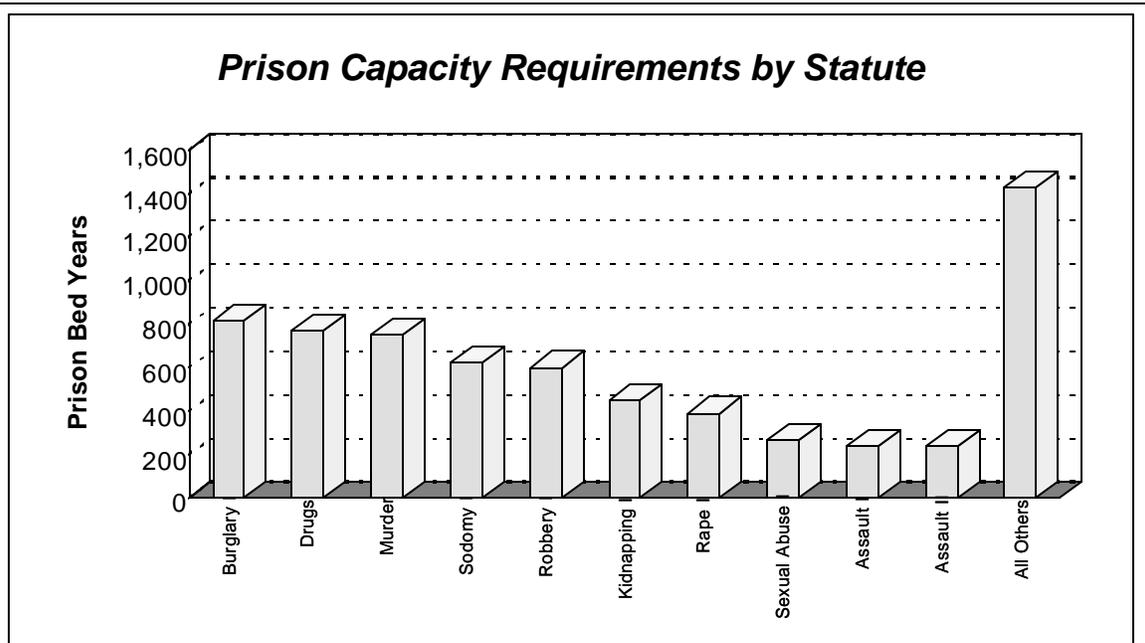


More future capacity will be absorbed by person offenders than all others combined.

Capacity Requirements by Crime Type		
Crime Type	Prison Bed-Years	% of Total
Person	4,372	67%
Property	1,052	16%
Driving	45	1%
Drug	784	12%
Other	312	5%
All Offenses	6,565	100%

* Note: adjusted for non-reporting counties.

Prison Capacity Requirements by Statute



At the individual statute level, Burglary I and drug offenses are responsible for the greatest total demand for future bed-years of prison capacity. Although relatively few offenders are convicted of murder, they create a substantial load on prison capacity because they receive long sentences. Three sexual offenses are in the top 10, and together they will use 1,279 bed-years capacity.

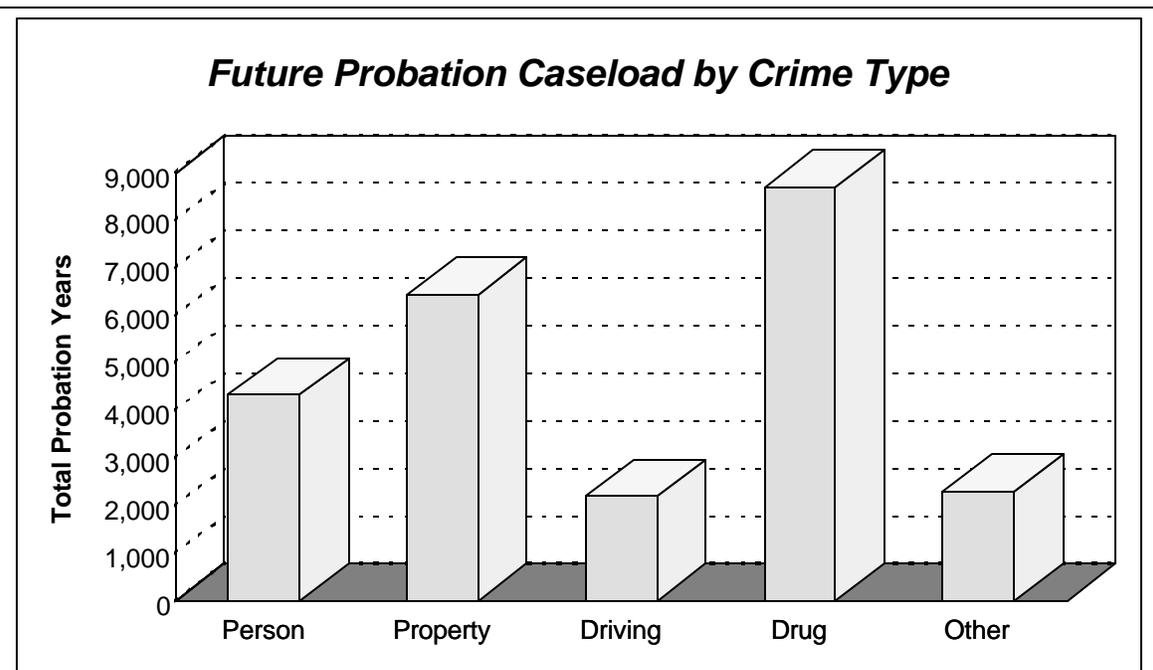
Capacity Requirements by Statute			
ORS	Description	Prison Bed-Years *	% of Total
164.225	Burglary I	817	12%
475.992	Drugs	767	12%
163.115	Murder	752	11%
163.405	Sodomy I	625	10%
164.415	Robbery I	600	9%
163.235	Kidnapping I	450	7%
163.375	Rape I	390	6%
163.427	Sexual Abuse I	264	4%
163.185	Assault I	238	4%
163.175	Assault II	236	4%
	All Others	1,425	22%

* Note: adjusted for non-reporting counties.

Probation Caseload Impact

Every offender sentenced to probation creates future supervision caseload. This section examines offenders sentenced to probation during 1994, the goal being to provide a general sense of how they will absorb future community supervision resources. The probation-year measure used here is calculated by multiplying the number of offenders in each category by the average probation length for that category. Note that this approach ignores the timing of future impacts, the fact that some offenders will serve some prison time as a result of having their probation revoked and the differences in costs to supervise different categories of offenders. See Appendix C for a complete listing of the statutes included in each crime type.

Future Probation Caseload by Crime Type

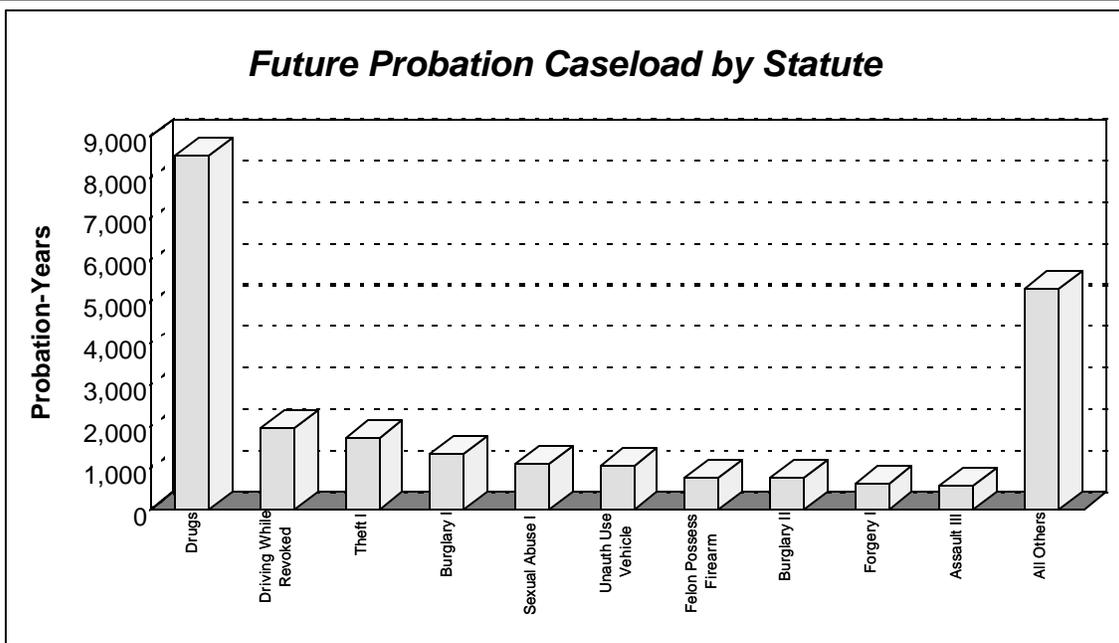


When grouped by crime type, probation sentences for drug offenses are creating the most future supervision caseload, followed by property and person offenses.

Probation Caseload by Crime Type		
Crime Type	Probation Years	% of Total
Person	4,320	18%
Property	6,443	27%
Driving	2,183	9%
Drug	8,686	36%
Other	2,297	10%
All Offenses	23,929	100%

* Note: adjusted for non-reporting counties.

Future Probation Caseload by Statute



When broken out by specific statute, drug offenses are creating the most future supervision caseload. Theft I, Burglary I and Unauthorized Use of a Motor Vehicle are the major components of the property offense caseload.

Probation Caseload by Statute		
ORS	Description	Probation-Years *
475.992	Drugs	8,558
811.182	Driving While Revoked	1,984
164.055	Theft I	1,750
164.225	Burglary I	1,348
163.427	Sexual Abuse I	1,108
164.135	Unauth Use Vehicle	1,083
166.270	Felon Possess Firearm	789
164.215	Burglary II	778
165.013	Forgery I	616
163.165	Assault III	603
	All Others	5,313

* Note: adjusted for non-reporting counties.