



Characteristics, Crimes, and Prison Sentences Received by Federal Offenders:  
Summary of Findings

This paper is a summary of the major findings of an extensive analysis of the characteristics of Federal offenders included in a study conducted by the Congressional Research Service. The data for this study was collected in response to a request in March of 1975 by the Subcommittee on National Penitentiaries of the U.S. Senate Judiciary Committee for an analysis of the potential effects on Federal prison populations of the various provisions of S. 1, the 94th Congress' proposed Federal criminal code. A twenty percent random sample, stratified by court district, of all Federal offenders sentenced to prison in fiscal year 1974 was obtained and actual presentence reports (or other relevant documents) on each offender were used to compare the present sentencing structure with the proposed sentencing structure of S. 1.

In the process of generating the data base for that preliminary study, information was collected on the sample of offenders which is not considered available from any other source. Apparently the Congressional Research Service's use of actual court documents (i.e., presentence reports) to code data on a sample of sentenced offenders' prior criminal records, employment histories, and actual sentences imposed (as well as including more readily available demographic variables such as age, race, and education) represents a unique opportunity for research not usually granted by the Federal criminal courts. Furthermore, based on various statistical tests, it appears that the random sample analyzed here does accurately reflect the total population of Federal offenders sentenced to prison in fiscal year 1974.

Every effort was made during this study to protect the privacy and security of the information collected. The data contain no information through which offenders, judges, or probation officers could be identified.

A more detailed and technical paper has been prepared on the sampling, coding, and editing procedures, on the research methodology used in this analysis, and on the research findings. This paper, entitled "A Statistical Analysis of a Sample of Federal Offenders Sentenced to Prison in Fiscal Year 1974: Offender Characteristics and Sentencing Factors," is available upon request.

The findings summarized in the following pages are based on an attempt to clarify the nature of the Federal sentencing process and the characteristics of Federal offenders sentenced to prison. Some of the findings contained in this report are surprising, especially those regarding the relationships among the sentences given by Federal judges, the maximum sentence lengths provided by Congress in the U.S. Code, and the probable prison terms to be served before release by the parole authorities.

Before presenting the significant findings from this analysis, there are several caveats that must be emphasized for proper interpretation of the study results. These are:

- (1) Federal offenders convicted in fiscal year 1974 were included in the sample only if they were sentenced to some term of imprisonment, regardless of the length of this prison sentence. These individuals received the most severe sanction, short of execution, that the Federal government administers for criminal activity. Therefore, offenders who were considered by judges to have committed "less severe" criminal offenses or to have presented less of a threat to the community are generally not included in the survey.

- (2) Because the profile of Federal offenders (both generally and in this sample) differs substantially from that of State offenders, it is vital to note that the findings discussed in the study cannot be used to make generalizations about State crimes or criminal justice systems. The limited jurisdiction of the Federal government in crime control means that many, if not most, of the Federal offenses represented in the sample are significantly different from State crimes. Certainly the overall volume and types of crimes found in an analysis of Federal crimes differ greatly from a similar sampling of State offenses. For example, in the case of drug offenses, State drug arrests often represent many cases of drug possession, whereas Federal enforcement is usually focused on trafficking in illicit drugs (i.e., the pushers and the smugglers from foreign markets) and manufacturing such man-made substances as amphetamines.
- (3) In order to provide a reasonable measure of the length of time the sample offenders would be most likely to serve in prison, parole guideline information was recorded from the presentence reports. These guidelines are issued by the U.S. Board of Parole (now the U.S. Parole Commission), and under these guidelines, certain characteristics of the offender were weighted as a "salient factor score." This score, coupled with the severity ranking of the offense for which there was a conviction, provides a range of months which the parole authorities use to determine the time various offenders are to serve before release. The Parole Board, in the vast majority of cases, has used this range to determine when an offender should be released on parole. 1/ The important fact with regard to the parole guideline information examined in this study is that the offense severity rankings are based solely on the judgments of the Parole Board Members and the Hearing Examiners as to the seriousness of the various types of crime. These severity rankings reportedly were not evaluated by any additional sources, such as judges, probation officers, legislators, or citizens.

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1/ Between January and June of 1975 approximately 81 percent of all decisions at initial hearings were within parole guidelines. P. Hoffman. Federal parole guidelines: three years of experience. U.S. Board of Parole Research Unit Report 10, Nov. 1975: p. 7.

- (4) In the case of a multicount conviction, only the title and section of the offense regarded as the most serious (in terms of maximum prison sentence) were recorded. No attempt was made to record the number of counts because it was decided that their inclusion would distort the sentence length data due to the preponderance of concurrent sentencing. Thus, in the following analysis, when a reference is made to an individual convicted of a robbery offense, there is no way of knowing whether this individual was also convicted of possession of a firearm or of auto theft. He is merely identified as a robber because the most severe sentence he received was for the robbery charge.

The variables analyzed in the following profile of the sample of offenders are as follows:

- . sex
- . race
- . age
- . marital status
- . level of education
- . type of plea and type of trial
- . sentence given (disposition) -- in months
- . offense committed (most serious one only)
- . parole guideline information on:
  - (1) severity of offense (according to the severity scale developed and used by the U.S. Parole Board) and
  - (2) salient factor scale items:
    - number of prior convictions
    - number of prior incarcerations
    - whether previous parole revoked or new crime committed on earlier parole

- history of heroin/opiate addiction
- past employment (specifically, whether the offender has had a job for a total of at least 6 months during the past 2 years in the community)
- release plan to live with spouse and/or children

In an initial attempt to describe the characteristics of the offenders in the sample, each of these demographic variables (age, race, education, etc.) was compared with each of the twenty-six offense groups. For instance, percentages were computed for each racial category (white, black, American Indian, Japanese, and Chinese) and each type of crime (robbery, auto theft, kidnapping, etc.) so that comparisons could be made of the proportion of white robbers with the proportion of black robbers, the proportion of white gamblers with the proportion of black gamblers, etc.

These crosstabulations verified previously recognized statistics that adult Federal offenders are predominantly single, white males between the ages of 22 and 45 who have usually not had more than a high school education, are repeat offenders (i.e., have been previously convicted of some crime and also have been incarcerated in the past), and have not held a job for a total of six months sometime during the past two years. This descriptive material also indicated that the largest Federal offense categories, in descending order, are: narcotics, marijuana, larceny and theft, robbery, forgery, auto theft, firearms and weapons, fraud, and escape. (For a more comprehensive analysis of this profile of the sample offenders, by offense, and for a discussion of the variations from the norm within various offense groups, consult the technical paper prepared on this data.)

In the second stage of the study an attempt was made to provide an overview or model of the interrelationships of the variables analyzed. To do this, a complex method of analysis, called path analysis, was used. Basically, path analysis is a causal model, or graphic presentation, for understanding the relationships between variables (i.e., how one variable, such as employment, relates to another variable, such as type of crime committed). Path analysis is a causal model only in the sense that it provides an explanation of the degree or strength of the statistical relationships between variables. Path analysis cannot prove that the given model is correct because all possible variables are not considered. Many other explanations including different or additional variables are also possible.

In the development of the path analysis model, the following "causal" sequence of events (or interrelationships of the variables) was assumed: race, age, education, employment, number of prior convictions, number of previous incarcerations, type of offense (property crime, violent crime, drug crime, and white collar crime), offense severity (according to the Parole Board's ratings), statutory maximum sentence, actual sentence imposed, and estimated time served (under the Parole Board's guidelines).<sup>2/</sup> This sequence was assumed for its value in "causally" relating the variables; for example, whether an individual has a

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<sup>2/</sup> It would also have been reasonable to place employment after previous incarcerations instead of antecedant to them. Unemployment might lead to convictions and incarcerations, but individuals with prior criminal records are also likely to have trouble finding employment. Since the facilities to model the simultaneous, reciprocal interaction of these three variables were not available, the model was chosen in which employment was placed before the prior record indicators. However, the alternative model was also studied and the results were found to be quite similar to the model actually used in the study.

high school diploma obviously cannot change his race; similarly, the fact that he was sentenced to a five year prison term cannot affect the type of crime he has committed.

The following is a summary of the findings from this complex model.

I. Federal Law, Sentences and Time Served -- Conflicts and Similarities

. One of the most significant findings from this analysis is that there appears to be little agreement among the parole authorities, Congress (as reflected in the U.S. Code), and the sentencing judges as to the seriousness of various types of crimes, as reflected in their judgments of the length of imprisonment which is appropriate for a given crime category.

For example, the model indicates that drug crimes are considered to be very serious crimes according to the severity ratings of the Parole Board, and drug offenders are likely to serve a longer time before being eligible for release under the parole guidelines. However, in the U.S. Code the Congress has provided slightly lower statutory maximums for drug offenses than most other crimes. In addition, these types of offenders are more likely to be given a shorter sentence by the judge.

However, the opposite is true with regard to property crimes. These are rated as less severe by the Parole Board, but such offenses are subject to higher statutory maximums according to the provisions of the U.S. Code and property offenders tend to be given significantly longer sentences by the courts.

These disparities are not present in the remaining two categories of white collar crime and violent crime. Violent offenses are treated as equally serious crimes by all three elements of the sentencing disposition process



(although they appear to be of lesser concern than drug crimes to the parole authorities and of lesser concern than property crimes to the judges). White collar crimes, on the other hand, are treated as significantly less serious by judges, parole officials, and Congress than the offenses in the three other crime categories.

. The findings indicate that judges' sentencing procedures are apparently based almost entirely on the nature of the offense and that the cited characteristics of the offender have only a small effect on sentencing. In other words, judges give more weight to the maximum sentence, type of crime, and crime severity in their decision-making process. Only one offender characteristic, the number of previous incarcerations, is directly related to the sentence given, and this correlation was small (.010). However, the statutory maximum has a strong relationship with the judge's disposition (correlation = .602), the offense severity rating directly affects the sentence (correlation = .103), and the type of crime also has a strong direct relationship with the sentence the judge provides. Thus, the judge puts his emphasis on the crime committed and little consideration is given to an offender's age, race or employment; however, these factors do affect the type of crime the offender committed.<sup>3/</sup>

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<sup>3/</sup> These findings apply only to the judge's determination of appropriate sentence length once the decision has been made as to whether the offender should be sent to prison or not. The factors analyzed by a judge in deciding to incarcerate someone or to impose some lesser sanction are not studied here since this study includes no data on offenders who were not sent to prison.

## II. Who Commits What Types of Crimes

. Effects of Employment. The model indicates that there is a strong correlation between unemployment and whether an individual has a prior criminal record. The employed offenders in the sample are much less likely to have been apprehended and convicted of a crime before their FY 1974 conviction, and they also have fewer prior incarcerations. Furthermore, the offenders who have been employed during the past two years tend to serve less time in prison before they are released under the parole guidelines. Using the data in our sample, there appears to be a statistical relationship between employment and whether or not a person commits a crime and, more significantly, whether the judge is likely to sentence him to prison.

In terms of the effect of employment on type of crime committed, the employed offenders commit more drug crimes than the unemployed, while the unemployed offenders tend to have been convicted of property crimes and violent crimes. (In the model, employment is the only offender characteristic that relates to the violent crime category. The findings indicate that neither age, race, education, nor prior criminal record has a significant effect on whether an individual commits a violent crime under Federal law.) However, surprisingly, there was no significant direct relationship between employment and white collar crime, the only crime category that is not directly effected by employment.

. Effects of Prior Criminal Record. There are two variables relating to prior record, the number of previous convictions and the number of previous incarcerations. The data provided only an index of these variables (i.e., groupings of: one to two priors, three or more, and none) and there is no indication of what crimes led to these prior convictions or incarcerations. In

spite of these limitations, the model shows that offenders in the sample whose current conviction was for a drug offense are less apt to have prior convictions or incarcerations, and those whose offense of conviction was for a property crime have a greater tendency to have been convicted and sentenced to imprisonment (i.e, to be recidivists). Furthermore, those individuals with some previous time in prison are much more likely to serve a longer term before release on parole, and those with prior convictions have a much greater tendency to serve longer terms in prison and are slightly more apt to be given longer sentences.

. Effects of Race. The black Federal offenders tend to be younger, less educated, slightly less likely to have been employed, and more likely to have been convicted of previous crimes than the white offenders in the sample. More importantly, the black offenders' current offenses of conviction are for crimes which are subject to higher statutory maximum sentences and are given higher severity ratings by the Parole Board than the crimes committed by whites. Also, blacks are likely to serve somewhat longer terms in prison before being released on parole.

. Effects of Age. Not surprisingly, older offenders are somewhat more educated and employed, have slightly more prior convictions and incarcerations, and commit more severe crimes than younger offenders.

In terms of the types of crimes committed, drug offenders tend to be young, and there is an even stronger relationship between young individuals and property crimes. However, older individuals have a much greater tendency than youths to commit white collar crimes. (Age is the only offender characteristic that is significantly related to the white collar crime category.)

. Effects of Education. The offenders in the sample with more formal education are also those offenders who are significantly more likely to be employed and to have fewer convictions for past crimes. Also, these offenders are slightly less likely to serve longer times in prison.

. In terms of the relationship between the offense and the characteristics of the offender, only age and prior incarcerations have a substantial direct impact on crime category: (1) Older offenders tend to have been convicted of white collar crimes, because to commit these types of crimes an individual would usually have to have an established job. (2) Offenders with a number of previous incarcerations tend to be convicted of property crimes. Studies have indicated that these types of offenders are frequently unemployed and involved in a "sub-culture of crime," and thus they tend to be recidivists. (3) Offenders with a small number of previous incarcerations tend to be convicted of drug offenses, probably due to the greater sophistication of most Federal drug offenders.

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