

Appendix 16

National Judicial Reporting Program

2002 and 2004 Survey sampling procedures and definitions of terms

Note: The following information has been excerpted from U.S. Department of Justice, Bureau of Justice Statistics, *Felony Sentences in State Courts, 1996*, Bulletin NCJ 173939, pp. 13-17; *2002*, Bulletin NCJ 206916, pp. 10-12 (Washington, DC: U.S. Department of Justice); *State Court Sentencing of Convicted Felons, 2004 Statistical Tables*, NCJ 217995 [Online].

Available: <http://www.ojp.usdoj.gov/bjs/abstract/scscf04st.htm> [Aug. 8, 2007]. Non-substantive editorial adaptations have been made.

Survey sampling procedures

A sample of 300 counties was drawn for the 2002 National Judicial Reporting Program (NJRP) survey based on the 2000 census. The sample of 300 counties drawn for the 2002 survey also was used for the 2004 survey.

Using a stratified cluster sampling design, 300 counties were selected from the 3,141 counties or county equivalents in the Nation in 2002. Thirty-six counties reported their NJRP data in combination with another county or county equivalent. This resulted in 3,105 jurisdictions to be divided into 20 strata. Each county was assigned to one stratum by meeting the conditions for that stratum.

The largest 75 counties in the United States (as defined by 2000 resident population) were separated from the Nation's 3,105 counties or county equivalents. Each State was then assigned a "cost-factor" (1, 3, or 5) that reflected the overall cost of collecting their data. Counties in States where data collection is not costly were assigned a 1; moderately costly counties were assigned a 3; and counties in States where data collection is costly were assigned a 5.

Next, counties in each "cost-factor" group were separated into categories based on the size of their 2000 population. This resulted in 20 strata from which the sample of 300 counties was drawn. Because the 75 largest counties account for a disproportionately large amount of serious crime in the Nation, they were given a greater chance of being selected than the remaining counties. The final sample of 300 counties included 58 out

of the 75 largest counties and 242 out of the remaining 3,030 counties. The 300 counties included at least 1 county from every State except, by chance, Nevada, South Dakota, and Wyoming.

A systematic sample of felons was selected from each sampled county's official records. For 2002, the total sample numbered 455,690 cases. Of these, 314,477 cases were in the 75 largest counties. For 2004, the sample numbered 471,645 cases; 331,055 cases were in the 75 largest counties.

The surveys targeted initial sentences imposed in calendar years 2002 and 2004, respectively. However, for some counties it was impractical to target sentences imposed in a specific calendar year. For the 2002 survey, cases sampled from 26 Pennsylvania counties were all sentenced in 2001; cases sampled from 1 Florida county, 8 Maryland counties, 15 Michigan counties, 12 Minnesota counties, 15 New Jersey counties, and 6 Oklahoma counties were sentenced in 2001; and cases sampled from 1 Ohio county were sentenced in 2003.

The 2002 NJRP data files obtained from two counties--Miami-Dade (FL) and Dallas (TX)--showed far fewer felony convictions than other sources of court data showed for these counties. To correct the number of felony cases from these counties in 2002, the data were adjusted upward. The 2002 conviction data from one county--Lake (FL)--were adjusted to account for less than a full year of reporting.

For the 2004 survey, data from 12 Minnesota counties and 6 Oklahoma counties pertain to sentences imposed in 2003. Data provided by 17 Virginia counties were from fiscal year 2004. San Bernardino (CA) and Brevard (FL) counties were unable to provide complete data for 2004. Consequently, the 2002 NJRP data files from these counties were used for the 2004 survey. Sentencing information on cases obtained from six counties--Sacramento, Sonoma, and Ventura in California, Duval and Pinellas in Florida, and Montgomery in Ohio--was not submitted electronically and required manual coding. To expedite data collection, a sample was drawn from each of the six.

Sources of data

For 44% of the 300 counties sampled for the 2002 and 2004 surveys, NJRP data were obtained directly from the State courts. Sources of data from other counties included prosecutors' offices, sentencing commissions, and statistical agencies. For both survey years nearly all of the 300 counties sampled, individual-level NJRP records were

obtained electronically (from diskettes or the Internet). The others provided data through photocopies of official documents. All data were collected by the U.S. Census Bureau.

Sampling error

NJRP data were obtained from a sample and not from a complete enumeration. Consequently, they are subject to sampling error. A standard error, which is a measure of sampling error, is associated with each number reported. In general, if the difference between two numbers is at least twice the standard error of that difference, there is at least 95% confidence that the two numbers do in fact differ; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population.

National estimates of the number of convictions for individual crime categories and for the aggregate total had a coefficient of variation of 4.1% for the 2002 sample; standard error tables are available at <http://www.ojp.usdoj.gov/bjs/abstract/fssc02.htm>. For the 2004 sample, the coefficient of variation was 3.5%; standard error tables are available at <http://www.ojp.usdoj.gov/bjs/abstract/scscf04st.htm>.

Crime definitions

The offense categories shown in the tables are defined as follows:

Murder and nonnegligent manslaughter--Murder is (1) intentionally causing the death of another person without extreme provocation or legal justification or (2) causing the death of another while committing or attempting to commit another crime. Nonnegligent (or voluntary) manslaughter is intentionally and without legal justification causing the death of another when acting under extreme provocation. The combined category of murder and nonnegligent manslaughter excludes involuntary or negligent manslaughter, conspiracies to commit murder, solicitation of murder, and attempted murder.

Rape and sexual assault--Rape includes forcible intercourse (vaginal, anal, or oral) with a female or male. Includes forcible sodomy or penetration with a foreign object (sometimes called "deviate sexual assault"); excludes statutory rape or any other nonforcible sexual acts with a minor or with someone unable to give legal or factual consent. Includes attempts. Other sexual assault includes (1) forcible or violent sexual acts not involving intercourse with an adult or minor, (2) nonforcible sexual acts with a minor (such as statutory rape or incest with a minor), and (3) nonforcible sexual acts with someone unable to give legal or factual consent because of mental or physical defect or intoxication. Includes attempts.

Robbery--The unlawful taking of property that is in the immediate possession of another, by force or the threat of force. Includes forcible purse snatching but excludes nonforcible purse snatching, which is classified as larceny/theft. Includes attempts.

Aggravated assault--(1) Intentionally and without legal justification causing serious bodily injury, with or without a deadly weapon or (2) using a deadly or dangerous weapon to threaten, attempt, or cause bodily injury, regardless of the degree of injury, if any. Includes attempted murder, aggravated battery, felonious assault, and assault with a deadly weapon.

Other violent--Violent offenses excluding murder and nonnegligent manslaughter, rape and sexual assault, robbery, and aggravated assault. Includes offenses such as kidnapping, extortion, and negligent manslaughter. Includes attempts.

Burglary--The unlawful entry of a fixed structure used for regular residence, industry, or business, with or without the use of force, to commit a felony or theft. Includes attempts.

Larceny--The unlawful taking of property other than a motor vehicle from the possession of another, by stealth, without force or deceit. Includes pocket picking, nonforcible purse snatching, shoplifting, and thefts from motor vehicles. Excludes receiving and/or reselling stolen property (fencing) and thefts through fraud or deceit. Includes attempts.

Motor vehicle theft--The unlawful taking of a self-propelled road vehicle owned by another. Includes the theft of automobiles, trucks, and motorcycles but excludes the theft of boats, aircraft, or farm equipment (which is classified as larceny/theft). Also includes receiving, possessing, stripping, transporting, and reselling stolen vehicles and unauthorized use of a vehicle (joyriding). Includes attempts.

Fraud, forgery, and embezzlement--Using deceit or intentional misrepresentation to unlawfully deprive a person of his or her property or legal rights. Includes offenses such as check fraud, confidence games, counterfeiting, and credit card fraud. Includes attempts.

Drug possession--Includes possession of an illegal drug, but excludes possession with intent to sell. Includes attempts.

Drug trafficking--Includes manufacturing, distributing, selling, smuggling, and possession with intent to sell. Includes attempts.

Weapons offenses--The unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly or dangerous weapon or accessory.

Other offenses--All felony offenses not listed above. Includes receiving stolen property, driving while intoxicated or other traffic offenses, bribery, obstructing justice, escaping from custody, family offenses (such as

child neglect, contributing to the delinquency of a minor, nonpayment of child support), and nonviolent sexual offenses (such as pornography offenses, pimping, prostitution). Includes attempts.