

# **Race and the Truth in Sentencing Act of 1997:**

**How offenders in FY 1997 would have been distributed on the  
Truth in Sentencing matrices by race.**

***OKLAHOMA CRIMINAL JUSTICE RESOURCE CENTER  
STATISTICAL ANALYSIS CENTER***

*Dr. Michael Connelly, Director of Research/Statistical Analysis Center*

*Debbie Simpson, Sentencing Analyst*

*March 1998*

**RACE AND THE TRUTH IN SENTENCING ACT OF 1997**  
**How Offenders in FY 1997 Would Have Been Distributed on the Truth in Sentencing**  
**Matrices by Race**

Under the Oklahoma Truth in Sentencing (TIS) Act of 1997, offenders will be sentenced according to their placement on sentencing matrices as determined by their most serious offense of conviction and by their prior felony convictions and selected offense characteristics.

To project the future impact of the TIS Act and changes to it, the Oklahoma Criminal Justice Resource Center (OCJRC) collected applicable sentencing data through the Oklahoma Department of Corrections (DOC) for felony dispositions in FY 1997 leading to some form of DOC supervision. At the time of data compilation for this report (February 1998), OCJRC had completed a data set of approximately 80% of all such felony dispositions for the fiscal year. The data set, then, constitutes a highly representative sample of all offenders entering the DOC system in FY 1997. These data allow accurate proportional placement of offenders on the sentencing matrices developed under the TIS Act.

The data set also records offenders by race as well as offense and sentence enhancing information. Therefore, placement on the matrices can be separated by race to demonstrate how white, black, Hispanic, Native-American, and other (primarily Asian) offenders might compare in treatment under implementation of the TIS Act, if sentencing trends remain the same. The data, however, are only suggestive at this point, and actual placements may vary with implementation.

OCJRC is presently constructing a more comprehensive data set for FY 1998. With the FY 1997 data set, these data will serve as baselines for comparison with practices under the TIS Act. OCJRC will continue to produce future reports to allow accurate judgments regarding the TIS Act's impact on all Oklahoma felony offenders.

## TABLE OF CONTENTS

Table	Page
Distribution of Offenders to Prison and Probation, by Race.....	1
Percentage of Offenders in Schedule Sentenced to Prison, by Race.....	2
Percentage of Offenders in Prison by Level, by Race.....	3
Percentage of Offenders on Probation by Level, by Race.....	3
Percentage of Offenders in Prison by Schedule, by Race.....	4
Percentage of Offenders on Probation by Schedule, by Race.....	5
Percentage Sentenced to Prison by Race and by Schedule and Level	
Violent General Offenses.....	6
Property and DUI Offenses.....	7
Drug Offenses.....	8
Sex Offenses.....	9
Percentage Sentenced to Probation by Race and by Schedule and Level	
Violent General Offenses.....	10
Property and DUI Offenses.....	11
Drug and Sex Offenses.....	12

## DISTRIBUTION OF OFFENDERS TO PRISON AND PROBATION, BY RACE

Race	Prison	Probation	Adjusted Probation*
White	56.5%	53.0%	71.8%
African-American	30.6	14.8	19.7
Native American	7.5	5.0	6.6
Hispanic	4.9	1.2	1.6
Other	0.5	0.2	0.2
Unknown**	n/a	24.9	-----

\*These percentages apply to the FY97 probation population with the "unknown" category eliminated from the totals.

\*\*This category refers to offenders whose race was not indicated in the records provided to the Oklahoma Criminal Justice Resource Center for coding into its FY97 data base.

## Percentage of Offenders in Schedule Sentenced to Prison, by Race, FY 1997

Schedule	White	Afr Am	Nat Am	Hispanic	Other
A	100%	100%	100%	100%	0.0%
B	74.1	79.7	66.7	90.9	100.0
C	83.6	89.8	82.8	95.2	100.0
D	48.7	69.0	46.7	66.7	100.0
D1	60.7	70.8	66.7	62.5	0.0
D2	57.0	71.9	64.7	66.7	0.0
E	60.1	50.0	70.4	83.3	100.0
F	46.7	52.9	60.0	0.0	100.0
G	51.9	64.2	60.3	72.9	11.1
H	14.3	38.2	42.9	50.0	0.0
I1	n/a	n/a	n/a	n/a	n/a
I2	50.0	50.0	0.0	0.0	0.0
I3	54.4	65.6	57.4	78.6	0.0
N1	70.0	100.0	100.0	0.0	0.0
N2	88.0	96.9	100.0	100.0	0.0
N3	56.6	76.7	68.6	94.8	83.3
N4	83.3	100.0	0.0	0.0	0.0
N5	52.7	69.7	67.3	64.9	0.0
S1	n/a	n/a	n/a	n/a	n/a
S2	87.4	89.3	93.3	100.0	100.0
S3	72.3	78.1	76.2	93.3	100.0
S4	38.5	33.3	50.0	0.0	0.0
Other	32.7	72.7	28.6	100.0	0.0

PERCENTAGE OF OFFENDERS IN PRISON BY LEVEL, BY RACE

Race	Level 1	2	3	4	5	6	7	8	9
Wh	12.6%	20.5%	17.9%	11.8%	10.5%	7.4%	5.3%	3.6%	10.4%
Bl	12.6	17.2	16.8	14.9	10.7	7.7	6.0	4.0	10.0
His	32.0	20.8	15.5	10.6	8.1	4.0	3.1	0.3	5.6
Nat	11.4	20.3	17.7	12.4	12.0	9.2	4.4	4.4	8.0
Oth	24.2	21.2	12.1	9.1	6.1	3.0	12.1	6.1	6.1

This table shows, for example, that 12.6% of all white offenders sentenced to prison for all offenses and offense schedules were located in Level 1, 20.5% in Level 2, 17.9% in Level 3, etc.

PERCENTAGE OF OFFENDERS ON PROBATION BY LEVEL, BY RACE

Race	Level 1	2	3	4	5	6	7	8	9
Wh	62.6%	14.5%	13.8%	3.5%	2.1%	2.1%	0.6%	0.4%	0.3%
Bl	55.8	15.8	16.0	4.5	4.3	2.9	0.5	0.2	0.4
His	70.2	12.8	12.8	2.1	2.1	0.0	0.0	0.0	0.0
Nat	64.4	15.8	12.2	3.2	2.3	1.4	0.0	0.9	0.0
Oth	62.5	12.5	12.5	0.0	0.0	0.0	12.5	0.0	0.0

This table shows, for example, that 62.6% of all white offenders sentenced to probation for all offenses and offense schedules were located in Level 1, 14.5% in Level 2, 13.8% in Level 3, etc.

## PERCENTAGE OF OFFENDERS IN PRISON BY SCHEDULE, BY RACE

Schedule	White	Black	Native	Hispanic	Other
A (violent)	1.3%	1.3%	1.2%	0.9%	–
B	1.7	3.1	4.0	3.1	12.1
C	6.2	6.9	9.6	6.2	15.2
D	3.1	4.3	4.2	2.5	18.2
D1	1.9	1.7	2.4	1.6	–
D2	1.3	1.1	2.2	0.6	–
E (property)	13.5	9.3	15.3	10.9	27.3
F	0.7	0.4	1.2	–	3.0
G	20.8	21.6	17.7	10.9	3.0
H	0.4	0.6	0.6	0.3	–
I1 (DUI)	n/a	n/a	n/a	n/a	n/a
I2	0.2	0.1	–	–	–
I3	13.6	4.9	20.3	6.8	–
N1 (drug)	0.2	**	0.2	–	–
N2	1.2	3.1	0.4	8.7	–
N3	12.0	17.0	7.0	28.6	15.2
N4	0.1	**	–	–	–
N5	13.7	21.0	7.0	11.5	–
S1 (sex)	n/a	n/a	n/a	n/a	n/a
S2	2.8	1.2	2.8	1.2	3.0
S3	3.7	1.2	3.2	4.7	3.0
S4	0.8	**	0.2	–	–
Other	0.9	0.8	0.4	1.6	--

– equals 0.0 cases.

\*\* equals less than 0.1 cases but more than 0.0 cases.

n/a refers to schedules for which the Department of Corrections did not provide data due to difficulties in determination of applicability.

## PERCENTAGE OF OFFENDERS ON PROBATION BY SCHEDULE, BY RACE

Schedule	White	Black	Native	Hispanic	Other
A (violent)	n/a	n/a	n/a	n/a	n/a
B	0.8%	0.9%	0.9%	--	--
C	1.2	1.7	4.1	--	--
D	4.2	5.1	8.6	8.5	--
D1	1.7	1.7	2.3	6.4	--
D2	1.4	0.6	1.4	--	--
E (property)	11.3	8.8	11.3	8.5	--
F	0.9	0.9	1.4	--	--
G	25.5	30.1	22.1	19.1	87.5
H	2.8	2.9	1.4	--	--
I1 (DUI)	0.1	--	--	--	--
I2	0.1	--	--	--	--
I3	15.6	7.1	29.7	10.6	--
N1 (drug)	0.1	--	--	--	--
N2	0.1	--	--	--	--
N3A	0.4	--	--	--	--
N3B	5.5	10.4	1.4	6.4	12.5
N3C	5.7	3.7	4.1	4.3	--
N4	**	--	--	--	--
N5	16.0	23.8	7.2	34.0	--
S1 (sex)	**	--	--	--	--
S2	0.4	0.3	0.5	--	--
S3	1.8	0.9	1.8	2.1	--
S4	1.7	0.3	0.5	--	--
Other	**	--	--	--	--

The data set contained some misdemeanor information by mistake, therefore, not all the totals by race may add up to 100%.

-- equals 0.0 cases.

\*\* equals less than 0.1 cases but more than 0.0 cases.

n/a refers to Murder First Degree cases which do not receive probation.



## PERCENTAGE SENTENCED TO PRISON BY RACE AND BY SCHEDULE AND LEVEL

## Property and DUI Offenses—Schedules E through H and I-2 and I-3

Schedule	Level 1	2	3	4	5	6	7	8	9
E--									
white	16.8%	18.4%	17.4%	9.5%	10.5%	7.5%	3.6%	4.8%	11.5%
black	13.8	15.9	16.9	18.0	9.0	5.8	7.4	4.8	8.7
Native	15.8	21.1	18.4	14.5	9.2	11.8	0.0	2.6	6.6
Hisp.	31.4	25.7	8.6	2.9	14.3	2.9	5.7	0.0	8.6
F--									
white	7.1	28.6	17.9	10.7	14.3	0.0	3.6	7.1	10.7
black	0.0	44.4	22.2	22.2	0.0	0.0	0.0	0.0	11.1
Native	0.0	33.3	33.3	16.7	0.0	0.0	0.0	0.0	16.7
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
G--									
white	12.2	21.1	16.7	10.4	9.0	6.9	6.8	4.5	12.3
black	10.9	17.8	15.7	13.2	9.1	7.7	6.2	4.6	14.8
Native	6.8	26.1	23.9	11.4	5.7	2.3	6.8	6.8	10.2
Hisp.	25.7	17.1	25.7	11.4	8.6	0.0	0.0	0.0	11.4
H--									
white	0.0	21.4	21.4	7.1	14.3	14.3	7.1	7.1	7.1
black	0.0	7.7	15.4	46.2	0.0	7.7	7.7	0.0	15.4
Native	0.0	33.3	0.0	0.0	33.3	0.0	33.3	0.0	0.0
Hisp.	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0
I-2*--									
white	14.3	28.6	0.0	0.0	28.6	0.0	28.6	0.0	0.0
black	0.0	0.0	50.0	0.0	0.0	50.0	0.0	0.0	0.0
Native	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I-3*--									
white	6.7	25.2	21.5	14.9	10.6	6.1	4.3	2.7	8.0
black	11.1	27.3	24.2	17.2	7.1	5.1	5.1	3.0	0.0
Native	5.0	30.0	16.0	13.0	18.0	7.0	5.0	2.0	5.0
Hisp.	27.3	36.4	9.1	13.6	4.5	4.5	4.5	0.0	0.0

\*I-1 offenses were not available from the DOC data set that was used to compile this table.

PERCENTAGE SENTENCED TO PRISON BY RACE AND BY SCHEDULE AND LEVEL

Drug Offenses--Schedules N-1 through N-5

Schedule	Level 1	2	3	4	5	6	7	8	9
N-1--									
white	14.3	14.3	28.6	14.3	0.0	0.0	0.0	0.0	28.6
black	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0
Native	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
N-2*--									
white	22.7	20.5	20.5	13.6	2.3	0.0	4.5	2.3	13.6
black	15.9	20.6	17.5	11.1	12.7	7.9	4.8	3.2	7.9
Native	0.0	0.0	0.0	50.0	0.0	0.0	0.0	0.0	50.0
Hisp.	21.4	39.2	17.9	10.7	3.6	3.6	0.0	0.0	3.6
N-3*--									
white	14.7	28.3	17.9	9.2	9.2	6.5	3.3	2.9	8.0
black	19.7	21.4	18.9	11.8	11.6	4.9	3.5	2.6	5.8
Native	22.9	22.9	8.6	20.0	2.9	5.8	8.7	5.8	2.9
Hisp.	42.4	17.4	15.2	12.0	4.3	3.3	1.1	0.0	4.3
N-4--									
white	20.0	20.0	40.0	0.0	0.0	0.0	20.0	0.0	0.0
black	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0
Native	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
N-5--									
white	11.7	22.0	17.1	12.3	10.1	8.0	5.3	2.9	10.7
black	8.9	17.8	18.7	15.7	11.5	7.5	6.6	4.9	8.4
Native	17.1	14.3	25.7	11.4	5.7	0.0	11.4	2.9	11.4
Hisp.	35.1	18.9	21.6	5.4	8.1	2.7	5.4	0.0	2.7

\*Breakdowns of N-2 and N-3 offenses by drug types and amounts were not available from the DOC data set that was used to compile this table.

## PERCENTAGE SENTENCED TO PRISON BY RACE AND BY SCHEDULE AND LEVEL

## Sex Offenses--Schedules S-1 through S-4

Schedule	Level 1	2	3	4	5	6	7	8	9
S-2*--									
white	17.3%	7.7%	11.5%	16.3%	16.3%	10.6%	2.9%	2.9%	14.4%
black	4.0	8.0	12.0	20.0	4.0	12.0	8.0	4.0	28.0
Native	7.1	0.0	50.0	7.1	0.0	14.3	0.0	7.1	14.3
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
S-3--									
white	13.8	11.6	15.9	14.5	10.9	11.6	8.0	3.6	10.1
black	16.0	12.0	8.0	24.0	16.0	8.0	4.0	8.0	4.0
Native	18.8	6.3	1.9	6.3	6.3	25.0	12.5	0.0	6.3
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
S-4--									
white	10.0	26.7	20.0	20.0	6.7	6.7	0.0	0.0	10.0
black	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Native	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

\*S-1 offenses were not available from the DOC data set that was used to compile this table.



PERCENTAGE SENTENCED TO PROBATION BY RACE AND BY SCHEDULE AND LEVEL

Property and DUI Offenses--Schedules E through H and I-3

Schedule	Level 1	2	3	4	5	6	7	8	9
E-									
white	73.5%	8.0%	12.5%	15.2%	7.6%	11.4%	15.2%	7.6%	0.3%
black	63.2	7.0	14.0	5.3	3.5	0.0	0.0	0.0	0.0
Native	76.0	8.0	16.0	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	75.0	25.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
F-									
white	76.2	14.3	0.0	0.0	0.0	4.8	4.8	0.0	0.0
black	50.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Native	66.7	0.0	0.0	33.3	0.0	0.0	0.0	0.0	0.0
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
G-									
white	66.7	10.6	13.6	3.7	2.2	1.8	0.7	0.5	0.2
black	59.2	11.7	15.3	5.1	3.1	4.6	1.0	0.0	0.0
Native	69.4	12.2	12.2	0.0	4.1	4.1	0.0	0.0	0.0
Hisp.	55.5	0.0	33.3	11.1	0.0	0.0	0.0	0.0	0.0
H-									
white	50.0	8.1	13.6	3.0	1.5	13.6	3.0	6.1	0.0
black	73.7	10.6	10.6	5.3	0.0	0.0	0.0	0.0	0.0
Native	66.7	0.0	0.0	33.3	0.0	0.0	0.0	0.0	0.0
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I-3*-									
white	44.9	26.0	14.8	7.4	3.0	2.7	0.3	0.0	0.9
black	43.5	30.4	17.4	6.5	0.0	2.2	0.0	0.0	0.0
Native	59.1	21.2	13.6	4.5	0.0	1.5	0.0	0.0	0.0
Hisp.	40.0	60.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

\*I-1 and I-2 schedules had no offenders in the black, Hispanic, or Native categories; 100% of white offenders in these two schedules fell in Level 1.

PERCENTAGE SENTENCED TO PROBATION BY RACE AND BY SCHEDULE AND LEVEL

Drug and Sex Offenses—Schedules N-3B, N-3C, N-5, S-3, and S-4

Schedule	Level 1	2	3	4	5	6	7	8	9
N-3B*-									
white	64.3%	20.2%	12.4%	0.0%	0.8%	0.8%	0.0%	0.8%	0.8%
black	47.1	23.5	20.6	4.2	4.2	0.0	0.0	0.0	0.0
Native	66.7	33.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	66.7	33.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
N-3C*									
white	60.9	14.3	15.8	5.3	2.3	0.8	0.0	0.0	0.8
black	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Native	22.2	55.5	22.2	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	50.0	0.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0
N-5*-									
white	67.9	16.0	9.6	2.7	1.1	2.4	1.1	0.0	0.0
black	56.1	20.6	14.2	1.9	4.5	1.9	0.0	0.0	0.6
Native	81.3	18.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	93.8	6.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
S-3*-									
white	48.8	14.6	29.3	0.0	4.9	0.0	0.0	0.0	2.4
black	83.3	0.0	16.7	0.0	0.0	0.0	0.0	0.0	0.0
Native	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
S-4*-									
white	72.5	3.0	17.5	0.0	5.0	0.0	0.0	0.0	0.3
black	0.0	50.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0
Native	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Hisp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

\*N-1, N-2, N-3A, and N-4 schedules had no offenders in the black, Hispanic, or Native categories. 100% of white offenders in these two schedules fell in Level 1 in schedules N-2 and N-4, while 66.7% of white offenders in schedule N-1 fell in Level 1 and 33.7% in Level 2. For schedule N-3A, 70.0% of white offenders fell in Level 1, 10.0% in Level 2, and 20.0% in Level 3. Schedule S-1 had no offenders on probation identified in the data set. Schedule S-2 had no offenders in the Hispanic or Native categories; 20.0% of white offenders fell in S-2, Level 1, and 80.0% in Level 3, while 50.0% of black offenders fell in Level 1 and 50.0% in Level 2.