

How Soon Are Felons Back on Street?

CRIME victims often have expressed concern that many convicted criminals are soon back on the streets. New evidence reveals just how soon.

The National Law Journal, weekly newspaper for the legal profession, has published results of what it believes is the most extensive survey ever made of the length of time served by prisoners.

It shows that the average time served for felonies in the United States before parole in state prisons was 25 months. The average for time served in federal prisons was 27 months.

The survey did not include figures from Oklahoma because this was one of 13 states which did not keep records on time served or else officials were unwilling to release figures on time served for each category of felony. There does not seem to be any reason to expect that Oklahoma prisoners serve longer than average, and terms might be less.

National averages on time served in major offense categories covered by the survey are 62 months for wilful homicide, 52 months for forcible

rape, 32 months for negligent manslaughter, 31 months for robbery, 23 months for assault, 20 months for burglary, 17 months for vehicle theft, and 16 months for larceny. Average time served for all other felonies combined was 18 months.

The National Law Journal said these figures were somewhat lower than those ascertained in a less extensive study a decade ago.

The survey turned up a number of inequities in punishment. The Journal observed that "the length of time served in prison by the nation's criminals differs so profoundly from state to state that it often matters less what crime has been committed than the state in which the felon chose to commit it."

About 9 percent of prisoners are sentenced to life imprisonment, but nearly all are released eventually. Use of parole for prisoners released in 1977 (statistical base year) ranged from about 24 percent in Wyoming to 90 percent in Michigan, New Jersey, Utah and Ohio.

In the category of wilful homicide, Massachusetts was reported to be

"far and away the most punitive state, requiring the average offender to serve in excess of 15 years before parole."

In 1977, Nebraska, at 128 months, and Utah, at 111 months, were the next most punitive states in the category of wilful homicide. Since then, Utah has enacted a mandatory 15-year sentence for murder.

The Journal asked: "After their release, do prisoners who serve more time in jail do better or worse than prisoners who get out sooner?" Then it cites results of four contradictory reports, all made a number of years ago, leaving the question unsettled.

A decision of the Supreme Court of the United States handed down in March 1980 is cited as evidence that long prison terms are constitutional.

In this case, it was held that a mandatory life sentence imposed on a Texas prisoner for three petty property offenses involving a total of \$230 and classified as felonies did not violate the Eighth Amendment's proscription against cruel and unusual punishment.