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Office of Justice Programs
Bureau of Justice Statistics



Felons Sentenced to Probation in State Courts, 1986

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Overview

In 1986 State courts nationwide sentenced to probation an estimated 306,000 convicted felons, representing 53% of all persons convicted of a felony offense. Probation sentences averaged about 4 years in length. These findings, from the National Judicial Reporting Program (NJRP) of the Bureau of Justice Statistics (BJS), are the results of a national survey of sentencing in State felony courts. Other results are as follows:

- An estimated 40% of all probationers were required to serve some amount of time in jail or prison in addition to their probation sentence. Jail time averaged 6 months. Prison time averaged 4 years.
- Nearly half of all probationers (48%) had some additional collateral penalty such as a fine, restitution to the victim, or compulsory participation in a treatment program. Only 18% of those receiving sentences other than to probation (jail, prison, and other) had any collateral penalty imposed.
- Victim restitution was the most common additional penalty. An estimated 36% of probationers were ordered to pay restitution. An estimated 18% were fined, and 17% were ordered to seek treatment in a drug rehabilitation program, a psychological counseling program, or some other treatment program.
- Violent offenders were less likely than nonviolent offenders to receive a probation sentence. An estimated 66% of violent offenders received a prison or jail sentence without probation, compared to 41% of nonviolent offenders. Thirty-two percent of the convicted violent offenders were placed on probation, compared to 57% of nonviolent offenders.
- The average age of probationers was 28 years. Females made up 16% of all felons placed on probation. Whites were 60% of probationers, and blacks were 38%.

National Judicial Reporting Program

This report is the fourth in a series based on a 1986 survey conducted under the NJRP. The first, *Felony sentences in State courts, 1986* (NCJ-115210), describes the number of persons convicted of a felony offense in State courts and the sentences they received. The second, *Profile of felons convicted in State courts, 1986* (NCJ-120021), describes convicted felons' age, race, sex, and other characteristics, and compares sentences for felons with different characteristics. The third, *Felony case processing in State courts, 1986* (NCJ-121753), describes the number of felons convicted by trial and by guilty plea in State courts, compares sentences between these different conviction methods, and describes the length of time the criminal justice system takes to process felony conviction cases.

This report focuses on a particular type of sentence in State courts — probation. It is the most common sentence — more common than either prison sentences or jail sentences — yet it is the least well documented in national surveys. Detailed national data on prison and jail sentences have long been available, but historically no detailed national data have existed on basic questions about probation, such as —

How many felons are sentenced to probation in the United States?

For which types of crimes are felons sentenced to probation?

What are the demographic characteristics of probationers?

Answers to questions such as these are available in the 1986 national survey conducted under the NJRP. For its initial phase in 1986, the NJRP recorded information on felony convictions in a sample of State courts in 100 counties selected to be representative of the United States. The survey excluded Federal courts and those State or local courts that did not try felony cases. State courts account for 95% of felony convictions in the United States, and Federal courts account for 5%.

The survey included only offenses that State penal codes defined as felonies. Felony offenses are widely defined as crimes for which a prison sentence of more than a year may be imposed.

Given the limited number of counties and conviction cases, survey estimates presented in this report have relatively large standard errors (see *Methodology* and standard error tables, pp. 11-16). In the next phase of the NJRP, data collection will be expanded to 300 counties to improve the precision of estimates.

Comparisons with other BJS reports

Survey results on probation shown in this report differ from results in earlier BJS reports from the 1986 NJRP survey. The term "probation" in those reports referred only to sentences to straight probation — that is, probation without any amount of time to be served in prison or jail. The term is used more broadly in this report and encompasses both straight probation and split sentences — sentences that include both probation and a term of confinement in either a prison or a jail.

Number and types of probation sentences

A judge sentencing a felon to probation sets conditions under which the felon may remain free in the community, specifies the duration of the probationary period, imposes any collateral penalties, and determines whether the probation will be supervised or unsupervised. During 1986 about 53% of persons convicted and sentenced for a felony were placed on probation (table 1). The nonprobationers primarily received a prison or jail sentence. (Jail sentence means incarceration in a local jail for 1 year or less, and prison sentence refers to incarceration in a State prison for more than 1 year.)

Probation was most frequent for the property crimes of burglary and larceny and for drug trafficking and least common for the violent crimes of murder, rape, robbery, and aggravated assault.

Straight probation versus split sentences

About 40% of probation cases — 21% of all convictions — were split-sentence cases (table 2). Split sentences were more likely to involve jail incarceration than prison incarceration (table 1). Most nonprobation cases were sentenced to prison.

Split sentences include a variety of forms:

Shock probation — a brief term in a State prison followed by a long period of probation. About 4% of probation cases included a brief prison term (a year or less). Probation plus the imposition of a prison term of more than a year accounted for 8% of probation cases.

Table 1. Estimated number of felony convictions in State courts, by type of sentence, 1986

Most serious conviction offense	1986 felony convictions		Percent of felony convictions by:					
	Total	Pro-bation	Sentence within offense			Offense within sentence		
			Total	Pro-bation	No pro-bation	Total	Pro-bation	No pro-bation
All	582,764	306,303	100%	53%	47%	100%	100%	100%
Murder ^a	9,854	901	100	9	91	2	*	3
Rape	19,685	5,386	100	27	73	3	2	5
Robbery	42,305	10,593	100	25	75	7	3	12
Aggravated assault	38,245	18,126	100	47	53	7	6	7
Burglary	102,683	51,487	100	50	50	18	17	19
Larceny ^b	91,092	49,951	100	55	45	16	16	15
Drug trafficking	76,437	47,951	100	62	38	13	16	10
Other felonies	202,463	122,103	100	60	40	35	40	29

Note: The first 6 offenses are UCR Index crimes and are listed in order of decreasing seriousness. Any person convicted of multiple offenses that included any of the Index crimes received the offense designation of the most serious Index crime. Persons received the offense designation for drug trafficking only if they were not also convicted of one of the Index crimes. In this table persons are counted as probation cases so long as their

sentence included probation and without regard to whether a term of incarceration was also included. Sentence type was known in 99% of cases. Conviction offense was known in 100% of cases. Detail may not add to 100% because of rounding.

*Less than 0.5%.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Table 2. Percent of felony convictions in State courts, by type of sentence to probation or incarceration, 1986

Most serious conviction offense	Percent of felony convictions by type of:							
	Probation sentence				Nonprobation sentence			
	Straight probation	Split sentence			No incarceration	Incarceration		
Total		Pris- on	Jail	Total		Pris- on	Jail	
All	31%	21%	6%	5%	2%	45%	39%	6%
Murder ^a	4	5	3	2	1	90	89	1
Rape	10	17	7	10	2	71	68	3
Robbery	12	13	5	8	1	74	71	3
Aggravated assault	26	21	4	17	3	50	41	9
Burglary	25	25	10	15	1	49	44	5
Larceny ^b	34	21	5	16	2	43	34	9
Drug trafficking	34	28	8	20	1	37	30	7
Other felonies	40	20	4	16	2	38	32	6

Note: For other definitions see note on table 1.

^bIncludes motor vehicle theft.

^aIncludes nonnegligent manslaughter.

Jail sentence— the judge imposes a jail term in connection with the probation sentence. Often the jail term is served before the probation term begins, but sometimes the jail term and the probation term overlap, as when the probationer serves a number of weekends in jail as a requirement of probation. The inclusion of a jail term was the result in 28% of probation cases.

Partially suspended prison sentence— a regular State prison sentence suspended with probation during the suspended portion. While the felon is on probation, the judge retains authority to return the felon to prison. The NJRP survey did not collect details on partially suspended prison sentences.

Collateral penalties

Probation sentences may include collateral penalties such as restitution to the victim, compulsory participation in a drug treatment program, or payment of a fine.¹ Of all felons placed on probation in 1986, nearly half (48%) had a collateral penalty with their probation sentence (table 3). Felons receiving split sentences and those receiving straight probation were equally likely to have a collateral penalty; however, about 18% of nonprobation cases had a collateral penalty.

The most frequent type of collateral penalty was restitution, levied against 36% of probationers and 14% of nonprobationers. Convicted burglars sentenced to probation received this type of penalty 52% of the time, and convicted larcenists, 44%. The percentage of cases sentenced to collateral penalty varies among the offense categories, but these percentages are too highly variable for differences among them to be measurable.

¹Many of the jurisdictions that submitted computerized data were unable to provide data on collateral penalties. See *Methodology* for details.

While collateral penalties do not occur exclusively in probation cases, judges do use them more frequently in conjunction with probation than with other types of sentences. In all categories considered— restitution, fine, and treatment— the percentages are higher in probation than nonprobation cases.

Table 3. Percent of felony convictions in State courts, by type of collateral penalty and sentence, 1986

Most serious conviction offense	Percent of felony convictions receiving:					
	Total	No collateral penalty	Collateral penalty	Restitution	Fine	Treatment
Probation cases						
All	100%	52%	48%	36%	18%	17%
Murder ^a	100	83	17	13	2	6
Rape	100	53	47	16	11	47
Robbery	100	60	40	32	13	12
Aggravated assault	100	51	49	38	19	24
Burglary	100	46	54	52	11	19
Larceny ^b	100	54	46	44	12	11
Drug trafficking	100	56	44	20	29	22
Other felonies	100	51	49	33	22	16
Nonprobation cases						
All	100%	82%	18%	14%	5%	2%
Murder ^a	100	93	7	2	.6	3
Rape	100	81	19	7	3	12
Robbery	100	89	11	9	1	3
Aggravated assault	100	83	17	12	4	2
Burglary	100	83	17	16	3	3
Larceny ^b	100	81	19	20	4	1
Drug trafficking	100	81	19	4	10	1
Other felonies	100	77	23	17	9	1
Percent of all cases	100%	66%	34%	26%	12%	10%

Note: Detail does not add to total because cases with more than one type of collateral penalty are counted more than once. For other definitions, see note on table 1. Collateral penalty was known in at least 70% of cases: Restitution was known

in 76%, fine in 87%, and treatment in 71%.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Probation normally entails supervision of the probationer by the court or, for most adult probation cases, by an administrative agency. According to a sample survey of 1983 felony convictions conducted by the National Association of Criminal Justice Planners (NACJP), agency supervision accounted for nearly 90% of all probationers.² All but nine States now use nonjudicial supervision. These probation agencies, often part of a State's department of corrections, collect fines, restitution, and costs relating to trial or supervision.³ (See the box on this page for more information from the NACJP probation study.)

² *A sentencing postscript: Felony probationers under supervision in the community* (Washington: National Association of Criminal Justice Planners, April 1986), p. 25.

³ *Probation and parole directory* (College Park, Md.: American Correctional Association, 1989), appendix A. The nine jurisdictions with judicial supervision are Arizona, Colorado, the District of Columbia, Hawaii, Illinois, Indiana, Kansas, New Jersey, and South Dakota. Ohio cases are divided among the courts, the parole board, and county probation departments.

Outcomes of probation

An earlier BJS-sponsored survey of felony sentencing collected information on how probationers fared on probation, reported in *A sentencing postscript: Felony probationers under supervision in the community*. Approximately 3,000 convicted State felons were sampled to represent 10,400 persons sentenced in 1983 to probation in 16 counties throughout the Nation. Survey questionnaires were filled out by probation officers about 2 to 3 years after the time of sentencing. They were asked whether the probationer had satisfied the conditions the court had imposed. Of all probationers in the survey —

- 55% were still on probation
- 21% had completed probation
- 9% had absconded
- 14% had probation revoked
- 1% were in some other status.

Many of the probationers had failed to satisfy their probation conditions (had not paid a fine, had not performed community service). Absconded and revoked probationers together accounted for the majority of these failures.

Other major findings were the following:

- 23% of felony probationers were ordered by the court to participate in a drug or alcohol treatment program. Of these probationers —

- 37% had satisfied the order
- 26% were making progress
- 38% were either making no progress or, more commonly, had failed to satisfy the order.

- 14% of felony probationers were ordered by the court to submit to drug testing. Of these probationers —

- 42% had satisfied the order
- 27% were making progress
- 31% were either making no progress or, more commonly, had failed to satisfy the order.

- 9% of felony probationers were ordered by the court to perform community service. Of these probationers —

- 33% had satisfied the order
- 30% were making progress
- 37% were either making no progress or, more commonly, had failed to satisfy the order.

- Altogether, 67% of felony probationers were ordered by the court to make one or more type of financial payment. The type of payment and the percentage ordered to make each type were —

- 7% fine
- 32% court fees
- 34% probation supervision costs
- 28% restitution to the victim
- 13% victim compensation fund
- 9% other.

- Of those ordered to make some form of financial payment, 26% had paid nothing. The total amount of payment made represented 27% of the total amount assessed. The types of assessment and the percentage paid were —

- 59% fine
- 54% court fees
- 40% probation supervision costs
- 24% restitution to the victim
- 32% victim compensation fund
- 21% other.

Length of probation and incarceration sentences

The average length of probation sentences was almost 4 years (46 months) (table 4). Half of all probationers received a probation sentence of less than 3 years. There was no overall difference between the length of probation for straight probation and for split sentences. Among probationers with split sentences, the difference in the average length of probation for felons sentenced to prison or to jail was not a measurable difference. (Statistically measurable differences are those that are not likely to be the result of errors introduced by the use of a sample.)

The average incarceration sentence in nonprobation cases was 6 1/2 years, compared to 1 1/2 years in probation cases (table 5). Incarceration terms in split probation cases tended to be longer when prison rather than jail was involved.

Types of cases receiving probation sentences

Judges, probation officers, defense attorneys, prosecutors, and juries participate to varying degrees in deciding the appropriate sentence for the convicted felon. Where probation officers, defense attorneys, prosecutors, and juries participate, their role is usually to recommend a sentence to the judge. In six States, however, the jury not only recommends but actually decides on the sentence.⁴

The sentence that the court imposes may be of a single type, such as a term of imprisonment, or a combination of types, such as incarceration in a county jail followed by a term of probation. (See box on most frequent combinations of sentence types.)

⁴State court organization, 1987 (Williamsburg, Va.: National Center for State Courts, 1988), table 30.

Table 4. Average probation sentence for felons convicted in State courts, 1986

Most serious conviction offense	Probation sentence in cases of:				
	Total	Straight probation	Split sentence of probation with:		
			Total	Prison	Jail
Mean sentence					
All	46 mos.	46 mos.	47 mos.	72 mos.	36 mos.
Murder ^a	69	81	59	66	46
Rape	75	54	88	147	47
Robbery	55	49	61	83	44
Aggravated assault	54	57	50	93	39
Burglary	54	54	54	86	35
Larceny ^b	42	42	42	68	32
Drug trafficking	49	53	44	62	38
Other felonies	40	41	39	49	36
Median sentence					
All	36 mos.	36 mos.	36 mos.	36 mos.	36 mos.
Murder ^a	60	60	36	36	48
Rape	60	36	60	60	60
Robbery	48	36	48	48	36
Aggravated assault	36	36	36	60	36
Burglary	36	36	36	57	36
Larceny ^b	36	36	36	36	36
Drug trafficking	36	36	36	60	36
Other felonies	36	36	36	36	36

Note: For other definitions see note on table 1. Probation sentence length was known in 97% of probation cases.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Most frequently imposed combinations of possible sentence types

Each case in the NJRP sample was coded according to which sentence or sentences the individual felon received from among seven types: prison, jail, probation, fine, restitution, treatment and other. A person might have been sentenced to just one or to as many as all seven types. There is a total of 128 possible combinations of these sentence types, including the possibility of not receiving any penalty, which apparently occurred in an estimated 800 out of 583,000 felony conviction cases. In another 3,000 cases no sentencing information could be determined from the record. Another 5,800 survey case records contain some combination of codes for sentence unknown and for sentence known to be "no."

Of the 128 possible combinations, there are 10 that collectively account for 80% of all cases. The most frequent case is that of a sentence to prison only — a third of all cases. Probation only was the next most frequent — 16% of cases. Of the 10 most numerous combinations, probation was part of the sentence in 7. Collateral penalties were present in four.

	Percent of all sentences
Prison only	33%
Probation only	16
Jail and probation only	8
Probation and restitution only	5
Jail only	5
Prison and restitution only	3
Prison and probation only	3
Probation and fine only	3
Jail, probation, and fine only	3
Probation and other only	1
Total of above	80%
All other combinations	20%

Offense seriousness

In general, less serious offenses receive probation, and more serious offenses receive prison and jail sentences. For example, among felons convicted of the most serious offense, murder and non-negligent manslaughter, 9% were sentenced to probation. Among felons convicted of larceny, by contrast, 55% were placed on probation.

Violent offenses are usually considered more serious than nonviolent offenses and therefore are less likely to receive a probation sentence. Among felons convicted of a violent offense (murder or nonnegligent manslaughter, rape, robbery, or aggravated assault), 32% were placed on probation, compared to 57% of nonviolent felons. As a result of the consideration of seriousness of offense, 11% of persons receiving probation were violent offenders, and 27% of nonprobationers were violent offenders.

Number of conviction offenses

The more offenses a felon was convicted of, the less likely the felon was to receive a probation sentence: Probation was given to 57% of felons with one offense; 44% of those with two offenses; and 38% of those with three or more offenses (table 6). Consequently, 80% probationers had only one conviction offense, while 68% of nonprobationers had only one offense.

Table 5. Average State court sentence to incarceration for felony probationers and nonprobationers, 1986

Most serious conviction offense	Maximum incarceration sentence length for:					
	Probationers			Nonprobationers		
	Total	Prison	Jail	Total	Prison	Jail
Mean sentence						
All	18 mos.	48 mos.	6 mos.	77 mos.	87 mos.	15 mos.
Murder ^a	77	109	16	223	226	28
Rape	33	73	8	152	158	20
Robbery	38	75	8	139	144	16
Aggravated assault	18	62	6	86	101	17
Burglary	24	54	7	74	80	20
Larceny ^b	14	42	5	39	46	11
Drug trafficking	14	35	6	63	73	17
Other felonies	13	38	6	51	59	13
Median sentence						
All	6 mos.	24 mos.	4 mos.	54 mos.	60 mos.	12 mos.
Murder ^a	48	60	12	240	240	30
Rape	12	36	7	120	120	14
Robbery	12	48	6	96	120	12
Aggravated assault	6	36	4	60	72	12
Burglary	6	24	3	60	60	12
Larceny ^b	6	36	3	24	36	12
Drug trafficking	6	24	5	48	60	12
Other felonies	6	24	3	36	45	9

Note: For other definitions see note on table 1. Incarceration sentence length was known in 99% of cases.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Table 6. Percent of State court felony convictions resulting in a sentence to probation, by number of conviction offenses, 1986

Most serious conviction offense	Percent of felons sentenced to probation when their conviction offenses numbered:			
	One or more	One	Two	Three or more
All	53%	57%	44%	38%
Murder ^a	9	10	4	13
Rape	27	36	12	15
Robbery	25	28	26	11
Aggravated assault	47	53	40	27
Burglary	50	55	44	38
Larceny ^b	55	57	47	44
Drug trafficking	63	65	56	54
Other felonies	60	64	50	52

Note: For other definitions see note on table 1. Number of conviction offenses was known in 88% of probation cases. Percent distribution of cases by number of conviction offenses: one, 74%;

two, 16%; and three or more, 10%.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Case processing time

Time from arrest to disposition tends to be shorter in probation cases, regardless of whether the felon was convicted by a judge, by a jury, or following a guilty plea, and regardless of whether the sentence was split probation or straight probation. In probation cases a mean of 186 days elapsed between arrest and sentencing, compared to 209 days in nonprobation cases (table 7).

Sex, race, and age of probationers

Women represented about 13% of felons convicted in State courts and 16% of those admitted to probation (table 8). In every offense category there is at least some indication that they accounted for a higher percentage of those sentenced to probation than of those not sentenced to probation.

Women were more likely than men to be sentenced to probation: 68% versus 50% for men. In the case of straight probation, 47% of females and 28% of males received such sentences.⁵ For every category of offense, the percentage receiving probation is higher for women than men.

⁵ *Profile of Felons Convicted in State Courts, 1986*, Bureau of Justice Statistics, NCJ-120021, January 1990.

Table 7. Average time between arrest and felony sentencing in State courts, by type of sentence and nature of conviction, 1986

Nature of conviction	Total	Number of days between arrest and sentence when felons received:			
		Probation		Split sentence	No probation
		Total	Straight		
Mean days					
All	196	186	195	171	209
Jury trial	224	180	171	186	255
Bench trial	199	174	204	144	218
Guilty plea	192	186	196	170	201
Median days					
All	147	144	155	129	152
Jury trial	177	153	137	166	195
Bench trial	137	106	149	80	151
Guilty plea	144	144	155	122	146

Note: For other definitions see note on table 1. Time from arrest to sentencing was known in 76% of cases. Percent distribution of cases by nature

of conviction: trial (8% of probationers, 14% of non-probationers) guilty plea (92% of probationers, 85% of no probationers).

Table 8. Percent of felons sentenced to probation or nonprobation in State courts, for the most serious conviction offense, by sex, 1986

Most serious conviction offense	Percent of probation sentences			Percent of nonprobation sentences		
	All	Male	Female	All	Male	Female
All	100%	84%	16%	100%	92%	8%
Murder ^a	100	76	24	100	93	7
Rape	100	99	1	100	99	1
Robbery	100	90	10	100	96	4
Aggravated assault	100	86	14	100	95	5
Burglary	100	95	5	100	97	3
Larceny ^b	100	76	24	100	86	14
Drug trafficking	100	84	16	100	89	11
Other felonies	100	80	20	100	88	12

Note: For other definitions see note on table 1. Sex was known in 93% of cases.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

About 12% of male probationers and about 8% of female probationers had committed a violent offense (table 9). Among nonprobationers, 29% of males and 13% of females had a violent conviction offense.

Sixty percent of probationers were white, and 38% were black (table 10). The difference between these percentages, however, is not statistically measurable. Whites accounted for a majority of probationers in seven of eight offense categories; the difference in percentages is measurable only in three — rape, larceny, and "other felonies." In the eighth category — robbery — there is some indication that blacks were a majority of probationers.

Table 9. Percent of felons sentenced to probation or to nonprobation in State courts, for both sexes, by the most serious conviction offense, 1986

Most serious conviction offense	Percent of probation sentences			Percent of nonprobation sentences		
	All	Male	Female	All	Male	Female
All	100%	100%	100%	100%	100%	100%
Murder ^a	.3	.3	.5	3	3	3
Rape	2	2	.1	5	6	.3
Robbery	3	4	2	12	12	5
Aggravated assault	6	6	5	7	8	5
Burglary	17	20	5	19	20	6
Larceny ^b	16	15	25	15	14	26
Drug trafficking	16	16	15	10	10	14
Other felonies	40	37	47	29	28	42

Note: For other definitions see note on table 1. Sex was known in 93% of cases.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Table 10. Percent of felons sentenced to probation or to nonprobation in State courts, for the most serious conviction offense, by race, 1986

Most serious conviction offense	Percent of probation sentences				Percent of nonprobation sentences			
	All	White	Black	Other	All	White	Black	Other
All	100%	60%	38%	1%	100%	57%	42%	1%
Murder ^a	100	61	39	.1	100	50	46	4
Rape	100	67	32	.2	100	62	38	.1
Robbery	100	38	61	.3	100	50	50	.3
Aggravated assault	100	55	44	1	100	55	44	1
Burglary	100	61	36	3	100	60	39	.6
Larceny ^b	100	65	33	2	100	56	43	.6
Drug trafficking	100	52	48	.6	100	49	50	1
Other felonies	100	63	36	1	100	62	37	1

Note: For other definitions, see note on table 1. Race was known in 66% of cases.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

About 10% of white probationers and about 15% of black probationers had committed a violent offense (table 11). However, among nonprobationers, 25% of whites and 29% of blacks had a violent conviction offense.

Felons convicted in State courts in 1986 had a mean age of 29 years at the time of sentencing (table 12). The mean age of probationers and nonprobationers differed by less than half a year, a statistically nonmeasurable difference. The difference is, however, measurable in five of the eight offense categories — all those except murder, aggravated assault, and "other felonies." Nonprobationers were older in all of these five categories except rape.

Thirteen percent of probationers were in the youngest age category — under age 20 — while 9% of the nonprobationers were under 20. About half of both groups were in their twenties.

Table 11. Percent of felons sentenced to probation or nonprobation in State courts, for each race, by the most serious conviction offense, 1986

Most serious conviction offense	Percent of probation sentences				Percent of nonprobation sentences			
	All	White	Black	Other	All	White	Black	Other
All	100%	100%	100%	100%	100%	100%	100%	100%
Murder ^a	.3	.4	.4	*	3	3	4	18
Rape	2	2	1	.3	5	5	4	1
Robbery	3	2	6	.6	12	10	14	5
Aggravated assault	6	6	8	4	7	7	7	13
Burglary	17	18	17	34	19	21	18	16
Larceny ^b	16	12	18	6	10	8	10	14
Drug trafficking	16	12	18	6	10	8	10	14
Other felonies	40	39	35	29	29	31	26	20

Note: For other definitions see note on table 1.
Race was known in 66% of cases.
* Less than 0.5%.

^aIncludes nonnegligent manslaughter.
^bIncludes motor vehicle theft.

Table 12. Average age of felons sentenced to probation or nonprobation in State courts, by the most serious conviction offense, 1986

Most serious conviction offense	Age at time of sentencing:			
	Probation		Nonprobation	
	Mean	Median	Mean	Median
All	28 years	26 years	29 years	27 years
Murder ^a	33	29	30	28
Rape	37	36	32	29
Robbery	25	22	26	24
Aggravated assault	30	27	29	28
Burglary	24	22	25	24
Larceny ^b	28	25	29	27
Drug trafficking	29	27	31	29
Other felonies	30	27	31	29

Note: For other definitions see note on table 1.
Age was known in 81% of cases.

^aincludes nonnegligent manslaughter.
^bincludes motor vehicle theft.

The likelihood of probation varied with felons' age (table 13). The percentage receiving probation was highest among convicted felons under age 20. It was lower among felons in their twenties and still lower among those in their thirties. This downward trend did not continue into the 40-or-older group. Thus, the likelihood of probation was greatest among the youngest and oldest felons, a relationship that was statistically measurable in the aggregate and also in three offense categories — robbery, aggravated assault, and larceny.

Table 13. Percent of felons sentenced to probation in State courts, by age at sentencing, 1986

Most serious conviction offense	Percent of felons sentenced to probation whose age was:			
	Under 20	20-29	30	40 or over
All	62%	52%	50%	55%
Murder ^a	11	9	8	16
Rape	22	22	29	41
Robbery	42	25	20	37
Aggravated assault	51	48	44	60
Burglary	66	47	41	33
Larceny ^b	59	56	47	58
Drug trafficking	80	68	63	64
Other felonies	67	60	57	58

Note: For other definitions, see note on table 1. Age was known in 81% of cases. Percent detail may not add to 100% because of rounding.

^aIncludes nonnegligent manslaughter.

^bIncludes motor vehicle theft.

Methodology

A detailed explanation of the survey sampling and data collection methodology is given in the first report of the NJRP series, *Felony sentences in state courts, 1986*. Definitions of the offense categories and the names of the counties in the survey are also included in that report. Methodological details are given below on sections in data completeness and standard errors.

Data completeness

Each table in this report states the percentage of cases from which the tabulated data could be obtained. The percentages are computed on a weighted basis — that is, taking into account how many cases the actual sampled cases represented. Sample weights varied from one county and offense to another, as specified in the NJRP survey sampling plan. Two key variables — probation status and collateral penalty — warrant further explanation.

Probation status

The data on each sampled case were evaluated to ascertain, if possible, whether the convicted felon was sentenced to probation. Most sampled county records used the term "probation." However, some used other terms, such as "sentenced to community corrections," that were included in the survey as probation cases. Whether the convicted felon was sentenced to probation or not could be determined in all but 73 of the 51,594 sample cases. After sampling weights are applied, these cases where probation sentencing status was unknown amount to under 1% of the total 582,764 estimated felony convictions.

Collateral penalty

Cases were also evaluated with respect to sentences to collateral penalty: restitution, fine, and treatment program. Collateral penalty status was less often ascertainable (known in 70% to 87% of cases, depending on the penalty type) than probation status, which was known in 99% of cases. Data were incomplete most often in jurisdictions with computerized data files. Among the 68 automated jurisdictions in the survey, 18 did not provide collateral penalty data on fines, 30 on restitution, and 37 on treatment.

Standard errors

Data collected in the NJRP survey were obtained from a sample and not from a complete enumeration. Consequently, a sampling error (standard error) is associated with each number in the report. In general, if the difference between two numbers is greater than twice the standard error for that difference, we can say that we are at least 95% confident that the two numbers are in fact different; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population. Similarly, if the difference between two numbers is greater than 1.6 standard errors, we are at least 90% confident that the two numbers are different. Except where explicitly indicated otherwise, all differences discussed in this report had a confidence level at or above 90%. When differences between two numbers were below the 90% confidence level, the two numbers were described in the text as "not measurably different." Statements of comparison qualified by the phrase "some indication" had a level of confidence of at least 90% but less than 95%.

Additional information

Additional information on methodology and data coding are available in the *National judicial reporting program, 1986* (ICPSR 9073), the codebook for the dataset for the 1986 survey. The codebook and dataset can be obtained from the National Archive of Criminal Justice Data by writing P.O. Box 1248, Ann Arbor, MI 48106, or calling 1-800-999-0960.

Standard error tables

Estimates of sampling error are shown in the following tables.

Estimates of 1 standard error for table 1

Most serious conviction offense	1986 felony convictions		Percent of sentence within offense		Felony convictions by offense within sentence		
	Total	Pro-bation	Pro-bation	No pro-bation	Total	Pro-bation	No pro-bation
					cases	bation	bation
All	81,587	37,023	4.0%	4.0%	0	0	0
Murder	1,349	246	2.8	2.8	.1	.1	.3
Rape	3,461	1,202	4.8	4.8	.3	.4	.4
Robbery	4,614	1,208	3.0	3.0	.4	.2	.9
Aggravated assault	4,705	2,676	4.7	4.7	.4	.4	.5
Burglary	13,348	6,963	3.8	3.8	.7	1.0	.6
Larceny	12,867	6,364	4.4	4.4	1.0	1.1	1.2
Drug trafficking	7,794	6,246	4.0	4.0	1.2	1.0	1.4
Other felonies	28,807	16,335	4.8	4.8	1.4	1.4	2.2

Estimates of 1 standard error for table 2

Most serious conviction offense	Percent of felony convictions by type of:							
	Straight probation	Probation sentence			Nonprobation sentence			Jail
		Total	Split sentence		No-incarceration	Incarceration		
			Total	Prison		Total	Prison	
All	3.1%	2.3%	1.7%	2.2%	.3%	3.8%	3.8%	.9%
Murder	1.2	1.6	1.6	.3	.1	.9	2.9	.5
Rape	2.2	3.2	2.8	1.5	.8	5.3	5.0	1.0
Robbery	1.4	2.1	1.7	.9	.2	3.1	3.4	.6
Aggravated assault	3.3	3.2	1.8	3.0	.8	4.5	3.7	1.7
Burglary	2.5	3.8	3.0	3.4	.3	3.7	4.0	.9
Larceny	4.1	3.0	1.7	3.5	.5	4.0	4.1	.9
Drug trafficking	3.6	2.8	2.6	2.2	.3	4.0	3.0	1.4
Other felonies	4.2	2.0	1.2	2.2	.4	4.7	4.9	1.1

Estimates of 1 standard error for table 3

Most serious conviction offense	Total	Percent of felony convictions receiving:				
		No collateral penalty	Collateral penalty	Restitution	Fine	Treatment
Percent of probation cases						
All	100%	5.9%	5.9%	5.9%	3.2%	3.8%
Murder	100	7.2	7.2	9.0	.8	3.2
Rape	100	12.2	12.2	8.4	1.8	16.6
Robbery	100	6.5	.5	7.0	4.6	4.6
Aggravated assault	100	6.6	6.6	7.3	5.3	6.3
Burglary	100	7.5	7.5	8.8	2.5	5.5
Larceny	100	5.5	5.5	6.4	1.8	2.6
Drug trafficking	100	7.2	7.2	6.0	6.5	6.7
Other felonies	100	5.5	5.5	5.4	3.6	3.3
Percent of nonprobation cases						
All	100%	4.5%	4.5%	6.1%	.8%	.7%
Murder	100	2.2	2.2	1.7	.1	2.5
Rape	100	4.4	4.4	3.7	1.0	5.5
Robbery	100	2.0	2.0	3.0	.4	.9
Aggravated assault	100	5.2	5.2	6.0	1.8	.9
Burglary	100	5.1	5.1	7.0	.9	.8
Larceny	100	7.2	7.2	8.8	1.0	.5
Drug trafficking	100	3.0	3.0	1.5	2.6	.4
Other felonies	100	6.3	6.3	7.5	1.1	.5
Percent of all cases	100%	3.4%	3.4%	4.0%	1.6%	2.5%

Estimates of 1 standard error for table 4

Most serious conviction offense	Total	Probation sentence in cases of:			
		Straight probation	Split sentence of probation with:		
			Total	Prison	Jail
Mean sentence					
All	8.8 mos.	8.5 mos.	9.4 mos.	25.4 mos.	2.3 mos.
Murder	15.9	26.2	8.1	9.8	1.6
Rape	23.8	5.7	33.8	66.2	3.5
Robbery	11.1	6.8	15.4	31.2	1.8
Aggravated assault	13.2	15.0	11.5	34.1	3.9
Burglary	14.1	12.2	16.1	33.6	3.6
Larceny	7.8	8.4	7.9	22.3	3.1
Drug trafficking	9.8	13.2	5.6	16.6	.7
Other felonies	5.1	5.5	4.5	14.9	2.2

Estimates of 1 standard error for table 5

Most serious conviction offense	Maximum incarceration sentence length for:					
	Probationers			Nonprobationers		
	Total	Prison	Jail	Total	Prison	Jail
Mean sentence						
All	4.5 mos.	9.0 mos.	.5 mos.	4.3 mos.	4.1 mos.	1.8 mos.
Murder	25.7	28.4	2.8	14.7	14.6	3.2
Rape	13.9	30.6	.7	10.8	10.6	3.9
Robbery	12.1	20.0	.5	12.7	12.7	1.4
Aggravated assault	7.1	15.7	1.1	5.8	7.2	4.3
Burglary	7.4	15.7	2.0	6.9	6.7	4.2
Larceny	5.0	6.9	.7	3.4	3.7	1.8
Drug trafficking	3.4	8.6	.2	5.2	5.9	2.2
Other felonies	3.1	6.8	.8	3.3	2.8	1.8

Estimates of 1 standard error for table 6

Most serious conviction offense	Percent of felons sentenced to probation when their conviction offenses numbered:			
	One or more	One	Two	Three or more
All	4.0%	4.0%	5.3%	5.7%
Murder	2.8	3.1	1.2	10.0
Rape	4.8	4.7	3.0	8.7
Robbery	3.0	3.2	5.1	3.8
Aggravated assault	4.7	4.9	5.2	10.6
Burglary	3.8	3.7	5.5	5.7
Larceny	4.4	4.8	7.0	5.8
Drug trafficking	4.0	3.7	6.8	6.6
Other felonies	4.8	5.0	8.9	8.1

Estimates of 1 standard error for table 7

Nature of conviction	Number of days between arrest and sentence when felons received:				
	Total	Probation			No probation
		Total	Straight	Split sentence	
Mean days					
All	8.4 days	8.4 days	11.1 days	8.2 days	8.8 days
Jury trial	27.4	22.8	32.0	18.1	21.1
Bench trial	40.7	51.3	67.5	43.6	32.9
Guilty plea	8.3	8.3	11.5	7.9	9.3

Estimates of 1 standard error for table 8

Most serious conviction offense	Percent of probation sentences		Percent of nonprobation sentences	
	Male	Female	Male	Female
All	.6%	.6%	.6%	.6%
Murder	5.7	5.7	1.4	1.4
Rape	.2	.2	.1	.1
Robbery	2.3	2.3	.8	.8
Aggravated assault	3.0	3.0	1.0	1.0
Burglary	.7	.7	.5	.5
Larceny	1.7	1.7	1.3	1.3
Drug trafficking	1.5	1.5	1.4	1.4
Other felonies	1.5	1.5	1.0	1.0

Estimates of 1 standard error for table 9

Most serious conviction offense	Percent of probation sentences			Percent of nonprobation sentences		
	All	Male	Female	All	Male	Female
Murder	.1%	.1%	.2%	.3%	.4%	.4%
Rape	.4	.4	*	.5	.5	.1
Robbery	.2	.2	.4	.9	.9	1.1
Aggravated assault	.4	.5	1.2	.5	.6	.8
Burglary	1.0	1.1	.9	.7	.7	1.0
Larceny	1.2	1.1	2.4	1.3	1.3	2.5
Drug trafficking	1.1	1.2	1.7	1.5	1.5	2.2

*Less than 0.05%.

Estimates of 1 standard error for table 10

Most serious conviction offense	Percent of probation sentences			Percent of nonprobation sentences		
	White	Black	Other	White	Black	Other
All	6.2%	6.3%	.6%	4.4%	4.3%	.2%
Murder	7.1	7.0	*	9.0	8.4	3.0
Rape	5.9	5.9	.1	7.3	7.2	*
Robbery	8.1	8.1	.1	6.2	6.2	.2
Aggravated assault	6.5	6.5	.4	4.8	4.5	.5
Burglary	8.2	8.5	1.6	5.8	5.6	.4
Larceny	5.5	5.6	1.0	3.3	3.2	.3
Drug trafficking	6.9	7.0	.4	7.2	7.2	1.1
Other felonies	6.2	6.1	.5	3.4	3.3	.4

*Less than 0.05%.

Estimates of 1 standard error for table 11

Most serious conviction offense	Percent of probation sentences				Percent of nonprobation sentences			
	All	White	Black	Other	All	White	Black	Other
Murder	.1%	.2%	.1%	*	.4%	.5%	.4%	12.8%
Rape	.2	.4	.2	.1	.4	.5	.6	.3
Robbery	.3	.3	.6	.4	1.2	1.4	1.3	3.6
Aggravated assault	.5	.6	.8	2.2	.5	.6	.5	5.2
Burglary	1.0	1.6	1.7	9.5	.8	1.4	1.2	12.1
Larceny	1.6	1.8	1.4	7.2	1.2	1.4	1.3	6.9
Drug trafficking	1.6	1.5	1.6	4.6	1.3	.9	2.3	10.2
Other felonies	1.6	2.8	.9	4.8	2.6	3.2	2.6	9.8

*Less than 0.05%.

Estimates of 1 standard error for table 12

Most serious conviction offense	Mean age at time of sentencing for:	
	Probationers	Nonprobationers
All	.2 years	.2 years
Murder	2.3	.4
Rape	1.9	1.6
Robbery	.5	.2
Aggravated assault	1.1	.4
Burglary	.2	.3
Larceny	.6	.5
Drug trafficking	.5	.6
Other felonies	.6	.5

Estimates of 1 standard error for table 13

Most serious conviction offense	Percent of felonies sentenced to probation whose age was:			
	Under 20	20-29	30-39	40 or over
All	5.2%	4.6%	5.6%	4.0%
Murder	6.9	3.1	4.2	5.0
Rape	7.9	4.0	9.1	6.8
Robbery	4.9	4.5	3.7	10.5
Aggravated assault	8.9	6.0	5.8	5.5
Burglary	6.4	4.0	5.0	5.8
Larceny	4.9	4.4	7.3	6.1
Drug trafficking	4.8	4.1	4.4	4.0
Other felonies	7.8	5.9	7.0	4.9

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(Revised October 1990)

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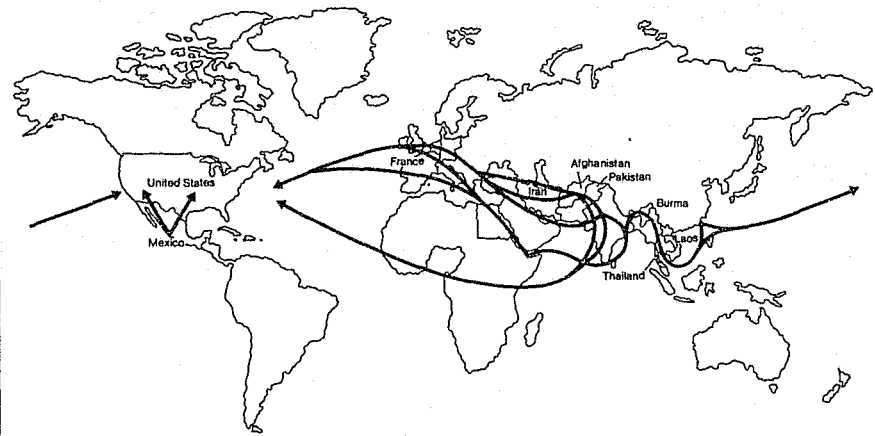
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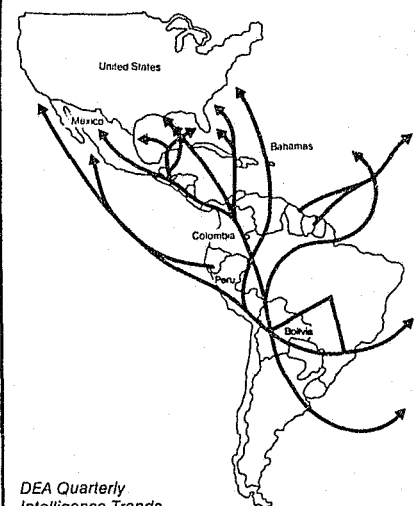
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