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Recidivism of felons on probation, 1986-89

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Probation supervision in the community accounts for about 60% of the 4.3 million adults serving a sentence on a given day in the United States. Offenders convicted of felonies comprise about half of the probation population nationwide. While convicted felons on probation outnumber the populations of San Diego or Detroit, little research across multiple jurisdictions has examined possible public-safety consequences of felony probation.

This report describes subsequent arrests and levels of compliance with court-ordered requirements of a sample of felony probationers drawn from 17 States. Within 3 years of sentencing in 1986, nearly 2 in 3 had been either arrested for a new felony or charged with violating their supervision requirements. Among those discharged from supervision, about half with financial obligations had not fully paid, and about a third of those ordered to fill special conditions had failed to satisfy those conditions. Overall, the data suggest that a relatively small fraction of felony probationers fully comply with all of the orders of the court.

We deeply appreciate the cooperation of probation agencies in the 32 counties in which this followup study was conducted. Without their assistance this research would not have been possible.

Steven D. Dillingham, Ph.D.
Director

State courts in 32 counties across 17 States sentenced 79,000 felons to probation in 1986. Within 3 years of sentencing, while still on probation, 43% of these felons were rearrested for a felony. Half of the arrests were for a violent crime (murder, rape, robbery, or aggravated assault) or a drug offense (drug trafficking or drug possession).

These findings are from the Nation's largest followup survey of felons on probation, using a sample that represented a fourth of the total 306,000 felons sentenced to probation in 1986. Survey findings are based on criminal history records and information from probation agency files. The other findings include the following:

- Sixty-two percent of the probationers followed either had a disciplinary hearing for violating a condition of their probation or were arrested for another felony.
- Within 3 years, 46% of all probationers had been sent to prison or jail or had absconded (meaning their whereabouts were unknown or they had failed to report).
- A probation department often recommends in writing an appropriate sentence to the judge, who may accept or reject the recommendation. Of the 79,000 probationers in the followup survey, 21% had *not* been recommended for supervision in the community.
- The 21% of probationers who were not recommended for probation were nearly twice as likely to have their sentence revoked and to be sent to prison (37%) as those recommended for probation (22%).
- As a condition of their freedom, 53% of all felony probationers had a special condition to satisfy and 84% had a financial penalty to pay.
- The most commonly imposed special conditions required drug testing (31%), drug treatment (23%), or alcohol treatment (14%).
- Types of financial penalties included victim restitution (29%), court costs (48%), and probation supervision fees (32%).
- The average financial penalty was $1,800: victim restitution with an average of $3,400; court costs, $560; and supervision, $680.
- Among probationers completing their probation term within the 3-year period covered in the survey, 69% of those with special conditions had fully satisfied all conditions and 47% of those with a financial penalty had paid their penalty in full.

Introduction

At yearend 1990, probation authorities were supervising approximately 2.7 million adults for misdemeanors and felonies. During the year there were about 1.6 million entries to and 1.5 million exits from probation supervision. The number on probation had increased from 2 million in 1985 to 2.7 million in 1990, with an average year-to-year increase of 6%.

Felons comprise about half the adults under supervision of probation agencies. While serving their sentence, the felons are usually monitored by a probation officer who enforces rules of conduct. Two related issues about the growing number of felons under supervision in the community have not been systematically and fully assessed: the public safety consequences of having large numbers of persons under conditional supervision and the capability of probation personnel to monitor an expanding number of felons.

To examine the outcome of sentences to probation for felons, the Bureau of Justice Statistics (BJS) sponsored the Nation's largest followup survey of adult felony probationers. The survey used official records to track the progress of a sample of probationers in 17 States through their first 3 years on probation.

A national survey of felons convicted in State courts estimated that 306,000 felons received a sentence of probation, either straight or combined with incarceration.[1] The followup, based on 32 of the counties in that survey, provided the opportunity to observe the outcome of those sentences. The study used a sample of 12,370 probationers, representative of 79,043 probationers out of the total 306,000. It is the largest study ever conducted of felony probationers in terms of both cases and jurisdictions.

Probation defined

Probation is a criminal sentence that requires the offender to meet conditions under supervision in the community. A probation officer usually monitors the offender for these conditions and enforces rules of conduct. A court imposes probation either directly or in lieu of a partially or fully suspended jail or prison term. Probation is often combined with some time in jail or prison. Violations of the conditions of supervision may result in imposition of a suspended sentence, resentencing, or continuation on probation.

About half of all persons on probation had been convicted of a felony. To describe the felony probationers' behavior under sentence of community supervision, BJS examined criminal justice agency records for outcomes that included the following:

- successful discharge
- new felony rearrests
- any new sentences received after rearrest
- absconding or unlawfully leaving the jurisdiction
- compliance with special supervision requirements
- payment of financial obligations imposed by the court.

Types of probation sentences

Of the 583,000 felons convicted in State courts in 1986, 31% received straight probation that required a periodic visit with a probation officer but no confinement. An additional 21% received probation combined with a period in a prison or jail — called a "split sentence" or "shock" probation. For 7 in 10 probationers who

[1] *Felony Sentences in State Courts, 1986*, BJS report, NCJ-115210, February 1989.

Table 1. Characteristics of felony probationers in the followup survey

Most serious felony conviction offense	Number	Percent of probationers										
		All	With a jail term in probation sentence	With a prior felony conviction	Not recommended for probation*	Drug abusers: All	Drug abusers: Of drug abusers, those ordered to be tested/ treated	Assigned to intensive supervison	With demographic characteristic: Male	White	Black	Under age 30
All offenses	79,043	100%	50%	26%	21%	53%	58%	10%	85%	59%	38%	65%
Violent offenses	9,965	12%	55%	20%	27%	36%	46%	12%	91%	52%	45%	67%
Murder	247	--	45	12	40	31	36	4	75	51	46	53
Rape	1,406	2	54	15	28	26	42	17	97	72	26	44
Robbery	4,035	5	55	19	29	43	41	10	93	37	61	87
Assault	4,277	5	56	22	25	33	52	12	89	61	36	57
Property offenses	26,670	34%	42%	28%	21%	47%	51%	10%	82%	59%	38%	70%
Burglary	10,380	13	46	28	26	54	46	11	95	59	37	84
Larceny	12,458	16	41	28	17	43	53	9	79	58	38	64
Fraud	3,832	5	33	30	18	39	62	11	58	58	37	51
Drug offenses	27,052	34%	61%	27%	20%	74%	69%	11%	85%	60%	39%	65%
Trafficking	15,480	19	66	24	23	67	63	9	86	59	40	68
Possession	11,572	15	56	32	16	84	75	13	85	62	37	62
Weapons offenses	2,117	3%	30%	19%	21%	37%	42%	7%	95%	45%	54%	58%
Other offenses	13,239	17%	45%	26%	18%	36%	42%	9%	86%	66%	31%	55%

Note: "Murder" includes nonnegligent manslaughter. "Assault" includes aggravated assault only. "Larceny" includes larceny and motor vehicle theft. "Fraud" includes forgery, fraud, and embezzlement. "Other offenses" include receiving stolen property, sexual assault (not including rape), kidnaping, negligent manslaughter, and other felonies. Any person convicted of multiple offenses received the offense designation of the most serious felony conviction offense. The hierarchy from most to least serious is generally the order in which offense categories are displayed in the table. Regarding response rates, a conviction offense was ascertained in 100% of cases; jail confinement in original sentence, 99%; prior felony conviction, 76%; sentence recommendation, 50%; drug abuser, 69%; drug testing or treatment order, 76%; intensive supervision, 61%; sex, 99%; race or age, 97%.

*Based on those for whom a PSI (presentence investigation report) was prepared.

--Less than 1%.

had a term of incarceration, the confinement sentence was to jail. Distribution of State court sentences for felons follows:

Probation	52%
Straight	31
With jail	15
With prison	6
Jail only	6%
Prison only	40%
Other	2%

Jurisdictions vary in how often they use combined jail-probation sentences. In the 1986 sentencing survey, for example, 85% of California probationers and 5% of Texas probationers had a jail term with their probation. Although the average jail time served for split sentences, before the probation supervision, is unknown, it is probably less than the median of 5 months served by those leaving prison to probation supervision during 1986.[2]

The followup sample excluded the small number of convicted felons who received combined prison-probation sentences. In the followup sample, 50% of all felony probationers had combined jail-probation sentences as part of their original sentence (table 1). This was a substantially higher percentage than for felony probationers nationwide and indicates the influence of California counties in the followup sample.

Eligibility for probation

Judges generally have discretionary powers to grant or deny probation as the sentence for an offense. States, however, sometimes legislate statutes that bar or require the use of probation. For example, New York's "predicate felon" law precludes probation for any person with a prior felony conviction. Minnesota's sentencing guidelines direct judges to grant probation for persons convicted of larceny regardless of prior convictions and require the judges who depart from the guidelines to justify the sentence imposed.

Nonviolent offenders are more likely than violent offenders to receive a sentence to probation. Nationwide in 1986, among those convicted of a violent felony (murder, rape, robbery, and aggravated assault), 27% received a straight probation sentence or a jail-probation sentence. By contrast, 51% of felons convicted of nonviolent offenses were sentenced to either straight probation or probation with jail time. In 1986 violent offenders accounted for about 11% of the 272,000 felons nationwide sentenced to probation and 12% of the followup sample representing 79,000 felony probationers in 32 counties.

[2]Tabulated from the BJS-sponsored 1986 National Corrections Reporting Program.

State probation sentences nationwide, 1986

State courts convicted an estimated 583,000 felons in 1986. About 46% of these convicted felons received either straight probation or a combined probation-jail sentence. The following presents by offense the percentages of felony sentences which included a term of straight probation or probation in combination with jail:

Felony conviction offense	Probation with		
	Total	No jail	Jail
Total	46%	31%	15%
Murder	6	4	2
Rape	20	10	10
Robbery	20	12	8
Assault	43	26	17
Burglary	40	25	15
Larceny	50	34	16
Drug trafficking	54	34	20
Other	56	40	16

Source: BJS-sponsored 1986 National Judicial Reporting Program.

First offenders are more likely to receive a sentence to probation than those offenders with prior convictions. A survey of 1988 State court felony convictions in the Nation's 75 largest counties shows that 37% of offenders with no prior felony conviction received straight probation, compared to 15% of repeat offenders.[3] Among probationers in the followup survey, 26% had records of prior felony convictions. Among those convicted of drug possession, nearly 1 in 3 had a prior felony conviction. Among those on probation with a conviction for murder, 12% were repeat offenders.[4]

The probation department's role in deciding who gets probation

For 89% of the 583,000 felons convicted in 1986, the appropriate sentence, rather than determination of guilt, was the most difficult decision for the court because the defendants pleaded guilty. Judges alone set the sentence, except in most of the 36 States with a death penalty where death sentences are set by a jury and except for 6 States where sentencing of noncapital cases is by the verdict jury (the jury that convicted).[5]

Judges very often receive a sentencing recommendation. An unknown percentage of the time the prosecutor recommends a sentence. Sometimes the verdict jury recommends a sentence, but the practice is rare: 10 States permit a jury recommendation in death penalty cases; and 4 States, in noncapital cases.[6] Most often, sentence recommendations come from the probation department in a presentence investigation report (PSI).

A PSI provides a judge with detailed information on the convicted offender's criminal and social background. Based on that background, a PSI also usually recommends a sentence. The courts and probation offices in the 32 counties of the followup varied in the percentage of felony convictions in which a PSI was prepared. In the seven California and six New York counties a PSI was prepared for almost every case. In the two Maryland counties in the followup, however, PSI's were completed for 9% of the felony cases.

When imposing sentences, judges do not always follow the recommendations of the probation department's PSI. In the followup, PSI's were prepared for 72% of the 79,043 felony probationers. Among these, a sentence to probation supervision in the community had not been recommended for 21% of the cases or approximately 12,000 felons on whom the judge imposed a probation sentence (table 1).

Judges may reject a probation department recommendation for reasons such as:

- the recommendation conflicts with a plea agreement reached between the prosecution and the defense; or,
- the recommended sentence may be viewed as too harsh or too lenient, given the gravity of the offense and the extensiveness of the offender's criminal history.

When the 12,000 cases are compared with those of recommended probation, felons not recommended were more likely to have their probation revoked and be sent to prison (37%) than those recommended (22%).

[3]Tabulated from the BJS 1988 National Pretrail Reporting Program Survey. See *Pretrail Release Defendants, 1988*, BJS Bulletin, NCJ-1270202, February 1991.

[4]These estimates of prior felony convictions are mostly based on adult convictions recorded in State criminal history repositories. Estimates would have been higher had they included convictions before adulthood. The followup study, just as many judges, did not consider juvenile criminal records principally for two reasons: laws widely prohibit criminal history repositories from recording juvenile convictions and those juvenile records that can be reviewed lack ready access. See *Further reading* for sources that analyzed the effects of ignoring juvenile records.

[5]See *Felony Case Processing in State Courts, 1986*, BJS Special Report, NCJ-121753, February 1990.

[6]*Felony Case Processing in State Courts, 1986.*

Probation conditions imposed

Felons released on probation to the community are required, as a condition of their freedom, to comply with the orders of the court. Imposed standard conditions frequently include having the probationer meet with the probation officer on a periodic basis, maintain steady employment, remain in school, or avoid certain places or people. Judges may also impose special conditions, often tailored to specific offender characteristics usually revealed in the PSI.

In the followup sample, 53% of all felony probationers had at least one special condition imposed (table 2). Special conditions included the following: drug testing (31% of all probationers in the followup); drug treatment (23%); alcohol treatment (14%); community service work (12%); mental health counseling (10%); residence in a community facility, such as a treatment center (5%); requiring the probationer to report to a daytime location to account for his whereabouts (1%); and house arrest, restricting the probationer to his home when not working or otherwise engaged in approved outside activities (1%).

Financial penalties imposed

Financial conditions were imposed on felony probationers in all 32 counties. Among the more than 79,000 felony probationers followed, 84% received some form of financial penalty as part of their sentence (table 3). Penalty types and amounts varied widely among counties, even counties in the same State.

Financial penalties imposed on felony probationers

When estimates from the 79,043 felons in the followup are applied to the whole population entering probation in 1986, the amount of the total penalty reaches hundreds of millions of dollars. An average penalty of $1,812 for 84% of the 306,000 offenders entering probation yields approximately $500 million in court-imposed penalties overall in 1986. The $500 million breaks down as follows:

Type of financial penalty	Estimated national total
Total	$500 million
Court costs	80
Probation supervision	65
Victim restitution	295
Other fees	60

Judges in half the counties *routinely* — in at least half the cases — imposed "court costs," consisting of fines, the costs of court services, and public defender costs. Slightly over half the counties ever charged a probation supervision fee, usually to be

Table 2. Felony probationers in the followup survey receiving a sentence with a special condition

Most serious felony conviction offense	Percent of probationers receiving a sentence with a special condition								
		Residential placement	Alcohol treatment	Drug		Mental health counseling	House arrest	Day program	Community service
	Total			Treatment	Testing				
All offenses	53%	5%	14%	23%	31%	10%	1%	1%	12%
Violent offenses	50%	5%	18%	14%	17%	23%	1%	1%	8%
Murder	63	1	25	12	22	17	8	0	13
Rape	75	2	16	9	15	62	1	1	7
Robbery	35	5	12	16	15	7	1	1	6
Assault	53	6	23	14	20	22	1	1	9
Property offenses	46%	6%	11%	17%	23%	8%	2%	1%	13%
Burglary	47	7	14	18	23	8	1	1	12
Larceny	45	5	9	15	23	7	2	1	14
Fraud	44	5	11	20	24	7	1	--	12
Drug offenses	63%	4%	9%	38%	48%	5%	1%	--	10%
Trafficking	57	3	8	33	42	5	1	--	10
Possession	71	6	10	45	58	6	1	--	11
Weapons offenses	35%	3%	9%	8%	13%	6%	1%	--	11%
Other offenses	56%	6%	27%	14%	23%	15%	1%	1%	16%

Note: Detail exceeds percentage totals because 26% of probationers had more than 1 special condition. Imposition of a special condition was ascertained in 76% of cases. See table 1 for information on the composition of individual offense categories and on how offenders with multiple felony conviction offenses were classified.
--Less than 1%.

Table 3. Felony probationers in the followup survey receiving a financial penalty and the average amount of penalty received

Most serious felony conviction offense	Percent of probationers with a financial penalty				
	Total	Court costs	Probation supervision	Victim restitution	Other fees
All offenses	84%	48%	32%	29%	47%
Violent offenses	76%	39%	28%	24%	41%
Murder	81	44	39	30	46
Rape	85	49	30	14	46
Robbery	65	33	21	26	36
Assault	81	40	33	27	43
Property offenses	88%	50%	38%	50%	44%
Burglary	83	50	36	43	43
Larceny	90	48	40	51	43
Fraud	94	56	36	65	52
Drug offenses	84%	48%	28%	10%	56%
Trafficking	82	46	22	9	58
Possession	87	52	36	11	53
Weapons offenses	57%	42%	14%	8%	27%
Other offenses	88%	51%	37%	32%	42%
Average penalty					
Mean	$1,812	$561	$678	$3,368	$219
Median	598	385	565	500	199

Note: Detail exceeds totals because 51% of probationers had more than 1 type of penalty. Imposition of a financial penalty was ascertained in 77% of cases; penalty amount, in 98% of the 77%. See table 1 for information on the composition of individual offense categories and on how offenders with multiple felony conviction offenses were classified.

paid monthly, but only 9 of the 32 counties routinely charged such a fee. Half the counties required restitution to the victim in at least a third of all felony probation cases.

Overall, financial penalties were an average $1,812 per probationer. Court costs, imposed on 48% of the sampled probationers, were an average $561; probation supervision fees, imposed on 32%, $678; other fees, such as costs associated with drug tests and administrative costs in collecting penalties, imposed on 47%, $219. Restitution payments, imposed on 29% of felony probationers in the followup sample, were an average $3,368 per probationer.

Felony arrests and disciplinary hearings for probationers

Within 3 years from sentencing, 62% of probationers in the followup were either arrested for a new felony or charged at a hearing with violating a condition of supervision (figure 1).[7] The overall estimate of 62% consisted of 30% who had both a subsequent felony arrest and a disciplinary hearing, 13% who had just an arrest, and 19% who had just a hearing.

Over the 3 years, 43% of the sample had a subsequent felony arrest, and 49% had a disciplinary hearing for violating a condition of supervision. Outcomes of an arrest or a disciplinary hearing range from dismissing the charge and continuing the felon on probation to revoking probation and sending the felon to prison or jail. In addition, absconding from the jurisdiction during the probationary period may result in the issuance of a bench warrant. Absconding, new felony arrests and convictions that result in a sentence to confinement, and revocation of the conditional sentence to probation all represent unsuccessful outcomes.

Absconders and those sent to prison or jail after either conviction for a new offense or revocation of probation comprised 46% of all felony probationers in the followup.[8] Within 3 years of sentencing, 26% of the felony probationers were sent to prison, another 10% were sent to jail, and an additional 10% were designated absconders with unknown whereabouts.

Imposition of a jail or prison term usually followed more than the probationers' just failing to perform community service, missing a meeting with the probation officer, or committing some other technical violation of supervisory conditions. An estimated 86% of unsuccessful probationers sent to prison and 79% of those sent to jail had at least one new felony arrest during the followup period. Felony probationers with new arrests (66%) were about twice as likely as those with only technical violations (35%) to be sent to prison or jail during the 3-year followup.

Type of infraction	Percent of probationers sentenced to incarceration		
	Total	Prison	Jail
Arrest	66%	47%	19%
Technical violation only	35	24	11

Felony arrest offenses

The followup gathered information on felony arrests from two sources: probation department files and State criminal history repositories. The second source, most often maintained by State police departments, contains records of arrest and prosecution known as "rap sheets." The quality of recividism data from the two sources differed. Probation departments could not locate 20% of the probation files. Among cases with files that were located, the probation department records showed 50% fewer probationers arrested than actually were arrested, according to the combined sources. This finding suggests that probation officers did not know of half of all the arrests of probationers under their supervision.

Together, probation department files and rap sheets revealed that within 3 years of their sentence 43% of probationers were rearrested for a felony within the State. The estimate of recidivism would have been higher had out-of-State arrests been included. Moreover, some probationers were not available for arrest during the full 3 years because they were in jail under a split sentence, were deported, had absconded, or had died.

[7]Disciplinary hearings, usually held by the original sentencing judge, are the principal means for determining whether a violation of the conditions of supervision has occurred and what penalty to impose.

[8]Felony probationers with more than one unsuccessful outcome were classified by the most serious outcome: prison, jail, or absconding — in descending order of seriousness.

100 felons tracked through their first 3 years of probation

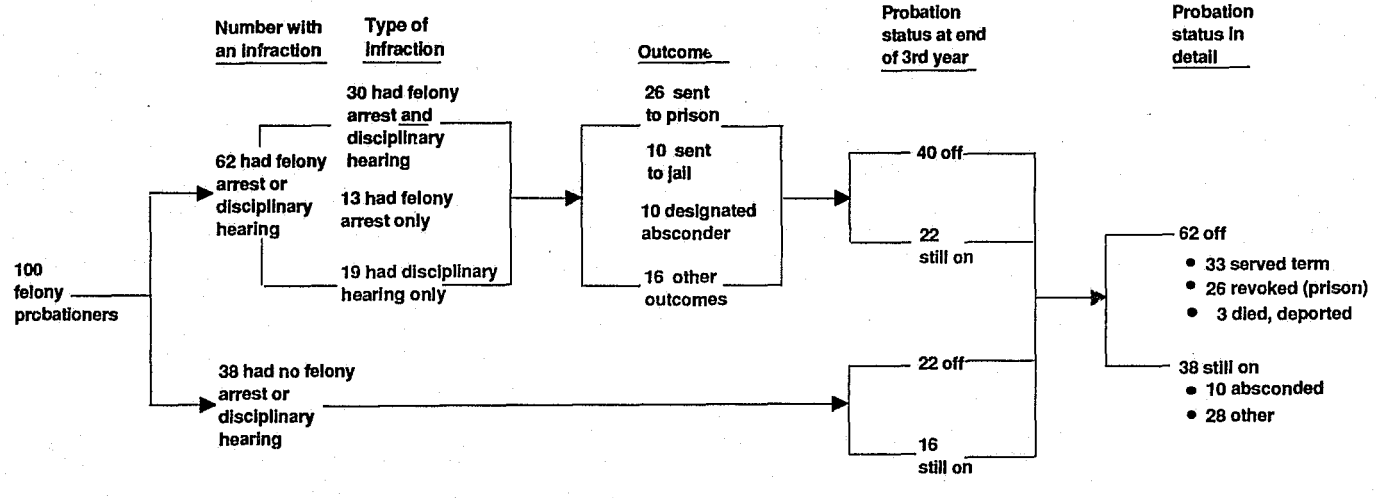

Figure 1

The 34,000 felony probationers with subsequent arrests were arrested for a felony 64,000 times during the followup period. Among those with new felony arrests, 54% had one new arrest, 24% had two, and the remaining 22% had three or more. Robbers (55%), those convicted of drug possession (52%), and burglars (49%) had among the highest rearrest rates (table 4). By contrast, about 20% of the felons sentenced to probation for murder or rape were arrested for a new crime during the followup period.

Felons on probation for murder (including nonnegligent manslaughter) were the ones most likely to be rearrested for murder (5%). Rapists were the ones most likely to be rearrested for rape (3%). This pattern — a tendency for offenders to repeat the crime they were previously convicted of — was evident for each offense type. Even with the overall pattern, the vast majority of arrested probationers were not rearrested for the same offense for which they were serving probation. For example, 21% of murderers on probation were rearrested — 5% for a new murder and the remaining 16% for a different offense. Furthermore, about 96% of the 340 arrests for murder were of persons not on probation for murder. Of the 247 felons on probation for murder, 12 (or 5%) of them were rearrested for murder. Therefore, of the 340 probationers arrested for murder, 12 of them were felons on probation for murder.

An estimated 9% of probationers, or 6,700 felons, were arrested for a violent crime: murder (0.8%), rape (0.6%), robbery (3.5%), or aggravated assault (3.6%) (table 4). The 6,700 arrested for a violent crime were 20% of the total 34,000 arrested.

The felony probationers with new arrests reflected a higher percentage of violent offenders (20%) than was true for the entire sample (12%). The percentage of drug and property offenders among those with new arrests paralleled the composition of the felony probation sample:

Offense	Percent of probationers: Sample	New arrests
Total	100%	100%
Violent	12	20
Property	34	34
Drugs	34	33
Other	20	13
Number	79,043	34,000

Compliance with the conditions of supervision

Violating the conditions of probation did not always result in prolonging release or in an

Table 4. Felony probationers in the followup survey who were arrested for a felony offense while on probation

Most serious felony conviction offense	Percent of probationers arrested for: Total	Violent offenses: Total	Murder	Rape	Robbery	Assault	Property offenses: Total	Burglary	Larceny	Fraud	Drug offenses: Total	Trafficking	Possession	Weapons offenses	Other offenses
All offenses	43.0%	8.5%	.8%	.6%	3.5%	3.6%	14.8%	6.1%	7.0%	1.7%	14.1%	7.1%	7.0%	1.3%	4.3%
Violent offenses	41.0%	**17.9%**	1.2%	1.5%	8.6%	6.6%	9.4%	4.3%	4.6%	.5%	8.9%	3.4%	5.5%	1.5%	3.3%
Murder	20.8	7.9	**4.9**	.5	.5	2.0	4.4	.5	3.4	.5	6.0	3.0	3.0	0	2.5
Rape	19.5	8.3	.4	**2.9**	2.0	3.0	2.7	1.3	1.0	.4	5.1	1.7	3.4	.2	3.2
Robbery	54.6	24.8	1.0	1.3	**17.3**	5.2	13.3	6.0	7.0	.3	11.4	3.8	7.6	2.2	2.9
Assault	35.4	14.7	1.4	1.3	2.6	**9.4**	7.9	3.8	3.5	.6	7.7	3.6	4.1	1.4	3.7
Property offenses	43.4%	7.4%	.5%	.5%	3.2%	3.2%	**23.7%**	10.2%	10.7%	2.8%	7.3%	3.0%	4.3%	1.1%	3.9%
Burglary	49.1	9.3	.7	.8	3.8	4.0	25.8	**17.2**	7.6	1.0	9.0	3.9	5.1	1.0	4.0
Larceny	39.4	6.7	.5	.3	3.3	2.6	21.3	6.6	**12.2**	2.5	6.7	2.7	4.0	1.1	3.6
Fraud	41.0	4.5	0	.4	1.0	3.1	25.5	2.7	13.9	**8.9**	5.1	1.8	3.3	1.3	4.6
Drug offenses	48.9%	7.4%	.9%	.4%	2.7%	3.4%	10.3%	4.1%	5.2%	1.0%	**26.7%**	14.9%	11.8%	1.0%	3.5%
Trafficking	46.5	8.0	1.2	.6	2.5	3.7	9.4	3.6	5.0	.8	25.3	**17.3**	8.0	1.1	2.7
Possession	52.2	6.7	.5	.2	3.1	2.9	11.4	4.6	5.5	1.3	28.7	11.8	**16.9**	.8	4.6
Weapons offenses	36.0%	11.2%	1.0%	0	5.6%	4.6%	4.8%	0	3.4%	1.4%	10.1%	3.4%	6.7%	**7.7%**	2.2%
Other offenses	32.2%	5.8%	.7%	.7%	1.9%	2.5%	11.4%	4.2%	5.5%	1.7%	5.7%	2.1%	3.6%	1.5%	**7.8%**

Note: Any person arrested for multiple offenses received the arrest offense designation of the most serious arrest offense. The hierarchy from most to least serious was generally the order in which offense categories are displayed in the table. The arrest offense was known for up to 3 arrests. See table 1 for information on the composition of individual offense categories and on how offenders with multiple felony conviction offenses were classified. Arrest on probation was ascertained in 88% of cases.

imposition of time in prison or jail. For every 100 probationers who had been discharged as "successful" after completion of their probation term, 48 had one or more conditions to satisfy as part of their sentence (table 5). Probation records indicate that about 33 satisfied those conditions, 5 partially satisfied them, and 10 failed to satisfy or to make progress toward satisfying any of them. Among the 10 of every 100 "successful" discharged probationers who failed to satisfy the conditions of supervision, 2 served a term of confinement. Records for the other eight provide no evidence of a penalty for their failure.

Besides the duty of ensuring that probationers fulfill special conditions, probation agencies often have the responsibility to oversee the court-ordered payments. Probation records indicate that most felons failed to comply fully with financial payment orders. In the 3-year followup, amounts collected averaged $633, or 35% of the average financial penalty imposed.

Among those who were discharged within the followup period, 83% had a financial penalty to pay (table 6). Of these, less than 1% had failed to pay something toward the total amount imposed, but the average amount paid was 56% of the financial penalty imposed.

The effect of drug testing and treatment in reducing new arrests

Based upon probation department records in the sampled counties, most probationers in the followup had a drug abuse problem (53%), characterized by either occasional (22%) or frequent use (31%) of illegal drugs (table 1). Drug abusers were more likely than non-abusers to have had a subsequent arrest during the followup period:

Drug abuse	Percent of probationers arrested
Non-abuser	36%
Occasional abuser	44
Frequent abuser	55

Probation records reveal that among those with known drug problems, 42% were *not* required by the judge to be tested periodically or to participate in drug treatment. The evidence is inconclusive whether testing or treatment helps to reduce the likelihood of subsequent arrest among those with a known drug problem. If the frequency of drug use is held constant, half of all drug abusers ordered to be tested or treated and half of all drug abusers not so ordered were rearrested during their probation.

The probationer's compliance with special conditions of drug testing or treatment — not just whether testing or treatment had been ordered — does provide possible evidence of a lower likelihood of rearrest. Those who had satisfied the condition or were making progress toward satisfying the condition (together comprising 54% of all drug abusers ordered to be tested or treated) were less likely to have a new arrest (38%) than either those who had made no progress (66%) or those drug abusers who had not been ordered to be tested or treated (48%).

Drug testing/ treatment	Percent of probationers arrested on probation: Total	Satisfied condition or made progress	Neither satisfied condition nor made progress
Testing *or* treatment	51%	38%	66%
Testing *and* treatment	51	36	65
Testing only	53	34	67
Treatment only	47	42	67
None	48	--	--

--Not applicable

The effect of intensive supervision in reducing new arrests

Many probation departments assign an entering probationer to a level of supervision based upon the criminal and social history documented in the PSI. The assigned supervision level generally specifies the required frequency of contact between the probation officer and the offender. The distribution of contact levels among probationers in the followup is shown below:

Initial supervision level	Prescribed number of contacts	Percent of sample
Intensive	9 per month	10%
Maximum	3 per month	32
Medium	1 per month	37
Minimum	1 per 3 months	12
Administrative	None required	9

Whether probationers were actually seen as frequently as their supervision level prescribed could not be determined from the probation records in the sampled jurisdictions.

Table 5. Compliance with special conditions among felony probationers in the followup survey who had completed their sentence

Type of special condition	Probationers who had completed their sentence: Percent with a special condition	Percent who satisfied conditions: Total	Not at all	Partially	Totally
One or more conditions	48%	100%	21%	10%	69%
Residential placement	5	100	23	2	75
Alcohol treatment	13	100	16	8	76
Drug treatment	19	100	25	7	68
Drug testing	22	100	28	5	67
Mental health counseling	8	100	14	6	80
House arrest	1	100	26	5	69
Day program	1	100	6	29	65
Community service	14	100	17	4	79

Note: Detail exceeds 48% total with a special condition because 19% of probationers had more than 1 condition. Imposition of a special condition was ascertained in 68% of cases; compliance, in 90% of the 68%.

Table 6. Payment of financial penalty by felony probationers in the followup survey who had completed their sentence

Type of financial penalty	Probationers who had completed their sentence: Percent with a financial penalty	Percent who paid: Total	Nothing	Something	In full	Percent of penalty paid
One or more penalties	83%	100%	–	53%	47%	56%
Court costs	46	100	–	40	60	62
Probation supervision	25	100	40	29	31	41
Victim restitution	27	100	29	11	60	54
Other fees	50	100	6	34	60	72

Note: Detail exceeds 83% total with a financial penalty because 47% of probationers had more than 1 penalty. Imposition of a financial penalty was ascertained in 71% of cases; amount imposed and paid, in 98% of the 71%.
--Less than 1%.

A goal of intensive supervision is to reduce the likelihood of continued criminal activity.[9] Yet, probationers under intensive supervision had the highest arrest rate of any supervision level (56%).

The followup data cannot account for the higher arrest rate. The rate may reflect supervision failure or the fact that probationers normally assigned to intensive supervision are high risk offenders. For example, among those under intensive supervision, 39% had a prior felony conviction and 75% were drug abusers; among all probationers, corresponding percentages were 26% and 53%. Even taking into account these risk characteristics, probationers in intensive supervision were arrested more frequently than those under less scrutiny. But it is still possible that considering more characteristics would eliminate the difference or even reveal that probationers under intensive supervision did better than expected.

What happened to probationers after felony arrest

Rap sheets revealed that 75% of the probationers were convicted after their first felony arrest (64% had a felony conviction and 11% had a misdemeanor conviction). Of those convicted, 88% were sentenced to incarceration — to prison in 42% of cases and to jail in 46% (table 7). The total percentage of those sentenced to incarceration upon conviction after a second or third arrest rose only slightly above 88%. However, the likelihood of a sentence to prison changed markedly: prison sentences comprised 42% of sentences after the first arrest, 49% after the second, and 70% after the third.

Probation status 3 years later

Three years after being placed on probation, 38% of the felons were still under supervision, and 62% had left probation (figure 1). Those on probation included 10% who had absconded and 28% who had not. The offenders off probation included 33% who had completed their sentence, 26% who had gone to prison, and 3% who had died or had been deported.[10]

Probation status after 3 years	Percent
Total	100%
Still on probation	38%
Absconded	10
Other	28
Off probation	62%
Served term	33
Revoked (prison)	26
Died or deported	3

The 33% completing their term had served an average of 2 1/4 years on probation, or 90% of their 2 1/2 year average sentence. (Three and a half years was the average sentence for all those in the followup.)

While those who completed their term did better than many others in the followup, most nevertheless got into trouble —

- 28% had at least one felony arrest on probation
- 24% had at least one disciplinary hearing
- 13% had both an arrest and hearing
- 16% had at least one sentence to jail
- 31% of those with a special condition had not satisfied the condition in full
- 53% of those with a financial penalty had not paid the penalty in full.

In short, only 39% of those who had served their sentence were trouble-free.

Methodology

Data sources

Data were drawn from a variety of sources but were mainly from two surveys: 1) a survey of 1986 felony sentencing in 100 counties across the Nation; 2) a followup survey of the felons sentenced to probation in 32 of the counties. The 1986 sentencing survey relied mostly on court records. The

Table 7. Type of sentence imposed on felony probationers in the followup survey who were arrested for a felony while under supervision

Most serious felony arrest offense	Of probationers arrested for a felony and convicted, percent sentenced to					
	Total	Prison	Jail	Jail and probation	Straight probation	Other
All offenses						
First arrest	100%	42%	10%	36%	9%	3%
Second arrest	100	49	8	36	5	2
Third arrest	100	70	4	19	6	1
First arrest in detail						
Violent offenses	100%	55%	13%	22%	7%	3%
Murder	100	88	1	11	0	0
Rape	100	67	2	17	12	2
Robbery	100	58	18	16	4	4
Assault	100	34	11	37	15	3
Property offenses	100%	38%	11%	37%	11%	3%
Burglary	100	56	7	29	5	3
Larceny	100	27	16	44	10	3
Fraud	100	18	3	38	40	1
Drug offenses	100%	47%	7%	37%	7%	2%
Trafficking	100	48	8	34	7	3
Possession	100	46	7	40	6	1
Weapons offenses	100%	28%	12%	38%	17%	5%
Other offenses	100%	24%	14%	46%	12%	4%

Note: Of all probationers in the follow-up, 43% had 1 or more arrests, 20% had 2 or more, and 10% had 3 or more. See table 1 for information on the composition of individual offense categories. See table 4 for information on offender classification rules. Disposition of felony arrest was ascertained in 38% of cases.

[9] Intensive supervision cases were defined in this study as those cases assigned to receive the highest level of contact between the probation officer and probationer or those offenders placed in special residential facilities.

[10] In this study a revocation was defined as receiving a prison sentence. Probation departments usually define a revocation more broadly. In Denver, for example, probationers are revoked whenever charges of a rule infraction are sustained at a formal hearing. There, revocation means that the original probation order was canceled, even though in most instances it is replaced by a new probation order.

followup survey used State criminal history files and probation files to obtain information on arrests during probation, and also used probation files to obtain additional information, such as whether the probationer complied with the court-imposed conditions of probation. Unlike the sentencing survey, the followup survey was not based on a sample selected to be nationally representative.

Nevertheless, based on 12,370 sample cases representing 79,043 felons placed on probation in 32 counties from 17 States across the nation, the followup survey does represent the largest survey of its kind ever conducted. Thirty-nine percent of followup cases were California probationers. To the extent that they were uncharacteristic of probationers nationwide, results of the followup may differ from results that would be obtained from a national random sample or complete census of probationers.

The following 32 counties in 17 States provided probation data: **Arizona,** Maricopa; **California**, Los Angeles, Orange, San Bernardino, San Diego, Santa Clara, Ventura, San Francisco; **Colorado**, Denver; **Florida**, Dade; **Hawaii**, Honolulu; **Illinois**, Cook; **Kentucky**, Jefferson; **Maryland**, Baltimore, Baltimore City; **Minnesota**, Hennepin; **Missouri**, St. Louis County, St. Louis City; **New York**, New York, Kings, Monroe, Erie, Nassau, Suffolk; **Ohio**, Franklin; **Oklahoma**, Oklahoma; **Pennsylvania**, Philadelphia; **Texas**, Bexar, Dallas, Harris; **Washington**, King; and **Wisconsin**, Milwaukee.

Responsibility for gathering of data from probation agency files varied. In 1 county, a retired probation officer collected the data; in another, the agency's probation audit team; in 22, college students hired by the agency; and in the remaining 8, the probation officers themselves. One review was done to learn whether data gatherers affected survey results. A visual check indicated no relationship between how well probationers complied with the conditions of their sentence and which data gatherers recorded the degree of compliance.

Sampling design

Within each of the 32 counties in the study, a representative sample was drawn of felons sentenced by State courts in 1986. Those cases receiving a probation sentence formed the sample of probationers in the followup. Rates at which cases were sampled varied by county size and conviction offense. All counties contributed to the sample, but cases in larger counties were generally sampled at lower rates than those in smaller ones. Also, less frequent conviction offenses (for example, murder convictions) generally were sampled at higher rates than more frequent categories (for example, larceny convictions). The hierarchy from least to most frequent was murder, rape, robbery, aggravated assault, burglary, larceny, drug trafficking, and other felonies. (See *Felony Sentences in State Courts, 1986*, 1989, BJS report, NCJ-115210 for more details.)

Sampling error

Probation followup 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 in the report. 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. All differences discussed in this report had a confidence interval at or above 95%. Standard errors for each table in the report are appended.

Period of followup

Time from receiving probation to time of followup varied, largely depending on which month in 1986 the felon received probation. Probation questionnaires based on information in probation files were completed between July and September of 1989. Consequently, the maximum exposure to probation that a case could have had was 44 months (January 1986 to September 1989) while the minimum could have been 29 months (December 1986 to June 1989). Exposure time on arrest activity was several months longer. Rap sheets were completed between December 1989 and June 1990.

Additional analysis and methodological details are contained in Mark A. Cunniff and Mary K. Shilton, *Variations on Felony Probation,* a report prepared for BJS under grant #87BJ-CX-0005, March 1991.

Missing data

Computations of statistics shown in the report's tables generally excluded sample cases that were missing data for the particular variables being tabulated. Each table gives the percentage of weighted cases on which table figures were based.

Further reading

The following articles discuss the effects of not having available juvenile criminal-history data to inform prosecution and sentencing decisions.

B. Boland and J.Q. Wilson, "Age, crime, and punishment," *The Public Interest,* 51, pp. 22-34, 1978.

P. A. Langan and D. P. Farrington, "Two-track or one-track justice? Some evidence from an English longitudinal survey," *The Journal of Criminal Law & Criminology,* Vol. 74, pp. 519-546, 1983.

This report was written by Patrick A. Langan, Ph.D., BJS Statistician, and Mark A. Cunniff, National Association of Criminal Justice Planners. Tom Hester edited the report. John Dawson, Richard J. Solari, Darrell Gilliard, and Brian A. Reaves provided statistical review. Priscilla Middleton, Marilyn Marbrook, and Jayne Pugh produced the report.

February 1992, NCJ-134177

The Assistant Attorney General is responsible for matters of administration and management with respect to the OJP agencies: Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime. The Assistant Attorney General establishes policies and priorities consistent with the statutory purposes of the OJP agencies and the priorities of the Department of Justice.

The dataset is available under the title *Recidivism of felons on probation, 1986-89* (ICPSR #9574).

Estimates of 1 standard error for table 1

Most serious felony conviction offense	Number	Percent of probationers: All	With jail confinement in original probation sentence	With a prior felony conviction	Not recommended for probation*	Drug abusers: All	Of drug abusers, those ordered to be tested or treated	Assigned to intensive supervison	With demographic characteristic: Male	White	Black	Under age 30
All offenses	131.8		.4	.6	.6	.7	.9	.4	.4	.6	.6	.6
Violent offenses	37.5	--	.8	.9	1.3	1.1	1.9	.6	.5	1.0	1.0	.9
Property offenses	217.9	.3	.7	.9	1.1	1.1	1.6	.6	.7	.9	.9	.9
Drug offenses	307.1	.4	.9	1.2	1.2	1.1	1.4	.9	.8	1.1	1.1	1.0
Weapons offenses	143.5	.2	3.8	3.4	3.8	4.5	7.8	2.6	1.6	4.0	4.0	3.9
Other offenses	312.9	.4	1.5	1.6	1.6	1.9	3.4	1.1	1.2	1.5	1.5	1.6

-- Less than 0.1%.

Estimates of 1 standard error for table 2

Most serious felony conviction offense	Percent of probationers with a special condition: Total	Residential placement	Alcohol treatment	Drug treatment	Drug testing	Mental health counseling	House arrest	Day program	Community service
All offenses	.6	.3	.4	.6	.6	.3	.1	.1	.4
Violent offenses	1.0	.5	.7	.8	.7	.8	.2	.1	.5
Property offenses	1.0	.5	.6	.8	.9	.5	.3	.1	.7
Drug offenses	1.2	.6	.6	1.2	1.2	.5	.2	.1	.7
Weapons offenses	4.0	1.6	1.9	1.9	3.0	1.8	1.0	.3	2.7
Other offenses	1.8	.9	1.6	1.3	1.6	1.3	.4	.4	1.4

Estimates of 1 standard error for table 3

Most serious felony conviction offense	Percent of probationers with a financial penalty: Total	Court costs	Probation supervision	Victim restitution	Other fees
Average penalty: Mean	90.4	32.1	10.2	262.3	7.0
All offenses	.4	.6	.4	.5	.5
Violent offenses	.8	.8	.4	.8	.9
Property offenses	.5	.9	.8	1.0	.9
Drug offenses	.8	1.2	.8	.6	1.1
Weapons offenses	4.1	4.1	2.8	2.6	3.5
Other offenses	1.1	1.7	1.5	1.7	1.7

Estimates of 1 standard error for table 4

Most serious felony conviction offense	Percent of probationers arrested for: Total	Violent offenses	Property offenses	Drug offenses	Weapons offenses	Other offenses
All offenses	.6	.3	.4	.4	.1	.6
Violent offenses	1.0	.9	.7	.7	.3	.3
Property offenses	.9	.5	.8	.5	.2	.4
Drug offenses	1.1	.6	.7	1.1	.2	.4
Weapons offenses	3.9	2.6	1.7	2.6	2.2	1.1
Other offenses	1.6	.8	1.1	.9	.4	.9

Estimates of 1 standard error for table 5

Type of special condition	Probationers who had completed their sentence: Percent with a special condition	Percent who satisfied conditions: Not at all	Partially	Totally
One or more conditions	1.2	1.6	1.1	1.8
Residential placement	.6	5.2	.8	5.3
Alcohol treatment	.8	2.2	2.0	2.8
Drug treatment	1.0	2.9	1.6	3.1
Drug testing	1.1	2.9	1.3	3.1
Mental health counseling	.6	2.8	2.1	3.4
House arrest	.2	1.7	4.3	11.2
Day program	.2	2.4	13.2	13.2
Community service	.8	2.4	1.6	2.7

Estimates of 1 standard error for table 6

Type of financial penalty	Probationers who had completed their sentence: Percent with a financial penalty	Percent who paid: Nothing	Something	In full	Percent of penalty paid
One or more penalties	.7	--	1.6	1.6	4.1
Court costs	1.0	.1	1.6	1.6	11.6
Probation supervision	.7	2.3	1.6	2.3	3.0
Victim restitution	1.0	2.1	1.4	2.2	6.1
Other fees	1.0	.9	1.5	1.6	3.2

-- Less than 0.1%.

Estimates of 1 standard error for table 7

Most serious felony arrest offense	Of probationers arrested for a felony and convicted, percent sentenced to: Prison	Jail	Jail and probation	Straight probation	Other
All offenses					
First arrest	1.7	.9	1.7	.9	.4
Second arrest	2.6	1.1	2.6	.9	.3
Third arrest	3.7	1.1	3.3	1.9	.4
First arrest in detail					
Violent offenses	3.8	2.3	3.4	2.0	.9
Property offenses	2.5	1.4	2.6	1.4	.6
Drug offenses	3.1	1.3	3.1	1.4	.7
Weapons offenses	9.2	5.7	10.0	7.0	3.2
Other offenses	3.7	3.3	4.8	2.9	2.1

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