

STATISTICAL MEASUREMENTS USED BY THE ADMINISTRATIVE OFFICE OF THE U. S. COURTS
James A. McCafferty, Administrative Office of the United States Courts

The field of judicial and criminal statistics faces demands for meaningful measures with respect to court activity, probation and parole services, and correctional institution programming. In the last few years the States and the Federal government, which are the primary collectors of such statistical data, have changed from merely an accounting system to what might be referred to as a scientific statistical program. Leadership in this trend can be found in several of the States, but primarily the largest effort in terms of personnel, funding, and programming, appears in the State of California and more specifically, in the California Youth and Adult Corrections Agency.

In the Federal Government improved measurements in the field of judicial and criminal statistics are being developed by the United States Bureau of Prisons, the Federal Bureau of Investigation and the Administrative Office of the United States Courts. What follows outlines four major efforts by the Administrative Office in devising improved statistical measurement devices. In the brief time allotted to me it would be impossible to give a complete statement on each of these devices. If you desire more information about them, we will be happy to supply it to you.

Before beginning the discussion I would like to give you a frame of reference with respect to the organization and the responsibilities of our Division. In 1939 the Congress established the Administrative Office of the United States Courts. Although statistics on the work of the courts had been available for some years prior to the Administrative Office it was not until about 1941 when data were collected and compiled in Washington, D. C. The Division of Procedural Studies and Statistics has included among its responsibilities the collection and reporting of the work of the eleven United States Courts of Appeals and the 92 United States District Courts. Statistical matters generally cover civil litigation, criminal cases coming under Federal jurisdiction and bankruptcy.

In the early years Mr. Ronald H. Beattie was associated with the Division, and in 1961 after a successful career in the California Bureau of Criminal Statistics he returned as Chief of the Division. The first three measurements are his contributions and the last one has been preliminarily developed since he returned to California.

Weighted Caseload

In the Federal Court system some 70,000 civil and 30,000 criminal cases

are filed each year. Beginning with 1960 an effort was made to develop a weighted measurement of the judicial workload. During the period 1946 - 1958 six special studies were carried out which clearly demonstrated that case accounting, though useful, had little value in attempting to assess the amount of court time and effort required to dispose of different types of litigation. The fifth and sixth studies were regarded to be the best and on the basis of them the so-called weighted caseload concept was developed.

In the study of the courts it was obvious that the amount of trial time and the proportion of cases disposed of varied considerably and in a sense were directly related to the type of case. In other words, some cases might take very little trial time, therefore, very little of the court's time, whereas other cases took considerable trial time and therefore, a considerable proportion of the court's time. In 1962 the weighted case values were published and we have continued to use them with a minor revision in 1964.

The weight system in simplest terms is taking the proportion of court trial time used and dividing this by the proportion of such cases terminated. For example, on the civil side patent cases account for about six percent of all trial effort in the courts, but account for only 1.5% of the total civil cases terminated. By dividing the six percent by the 1.5% the weight for a patent case is 4.0.

It was further determined that trial effort on the part of the judges should be accounted somewhat differently for a jury trial in contrast to a court trial. It was decided that each day of jury trial should be counted as one day in court whereas a court trial (trial without a jury) should be counted as two days. Such trials require considerable more work on the part of the judge in writing opinions.

Turning to the criminal weighting scheme, after many years of experience it was determined that the judges time in the district courts is divided approximately 77% to cover civil litigation and 23% to criminal. We first based our weighting system on defendants, but in 1964 we turned to weighting cases which tended to increase the weight values of the criminal caseload.

In order to obtain the district courts weighted caseload the weighting system for both civil and criminal cases is applied to the filings of new cases for the fiscal year. The weights assigned to the cases are multiplied by the number of cases filed having the

particular nature of suit or criminal offense. These totals are separately divided by the number of judgeships available in the respective district court. The word judgeship must be emphasized since this relates to the number of judges allocated by the Congress and does not necessarily mean that the number of judges on the bench during the year would be the same as the number of judgeships.

Each year we publish for all the courts the average weighted caseload for each district. Analysis of these data have provided guidelines in determining the needs of the federal judiciary in preparation for the Omnibus Judgeship Bill now before the Congress.

Caution must be used when making district to district comparisons of the weighted caseload. For example, certain types of criminal offenses or civil natures of suit may, because of a judicial decision or new legislation, bring about significantly more work for a few courts which may not be reflected in any national weighted average. Also statistics on weighted caseload reflect the amount of work which has been filed in the court for each judgeship and therefore, do not indicate the turnover of cases or pending workload. As noted before, not all the judgeships might be filled, and reference must be constantly made to this fact. Finally, any revision of the weighted caseload requires the ability to completely revise trend data for year-to-year comparison purposes.

Considerably more can be done with the weighted caseload such as applying it to dispositions and to the pending caseload itself. Our major effort has been to provide a better measurement instrument for new cases filed. The revised weights used in 1964 appear in the Appendix tables A-1 and A-2. Also table A-3 provides for each district the criminal and civil weights per judgeship for 1964.

Use of Probation

In our Federal offender statistics series in which we publish not only demographic statistics on criminal defendants filed on and disposed of in the United States District courts, we also provide information with respect to the comparative use of probation in the various district courts. In such a diverse country as ours, comparisons on the use of probation in Federal courts are often sought, however, when absolute proportions of probation have been reported the public is not always aware that among the courts there is a marked difference in the type of offenders coming before the courts.

The major difference among the courts is the nature of offense. Thus, greater proportions of liquor law

violators may be found in certain Federal districts than in other courts. Certain districts which are on the well-traveled highways between the North and South, or East and West have an inordinate proportion of defendants charged with auto theft.

After close study of the proportionate use of probation among districts with similar types of offense groups it was determined that the overall use of probation within a court can be related in part to the type of offenses coming before the court.

In order to identify the offenses eight separate offense classes were developed. Beginning with Class I which is composed of certain types of fraud, embezzlement and obscene mail the proportionate use of probation was 84.4%, with Class VIII composed of narcotics and robbery offenses showing 11% placed on probation. The proportionate use of probation and imprisonment and other types of sentences by offense class are shown in the Appendix Table A-4.

Having obtained the actual percentage placed on probation the national average proportionate use for the eight offense groups was applied to the separate districts. Taking Class I offenses the proportionate use of probation was 84.4% for the nation as a whole. By applying each proportionate use of probation to the number of defendants disposed of for the eight offense categories we arrive at a figure referred to as the "expected use of probation". By further dividing the actual proportion of persons placed on probation by the percent "expected use of probation" we obtained the percent of those placed on probation above or below percent expected use.

To illustrate, the district with the highest actual percentage of defendants placed on probation had 78.3% placed on probation in 1964. However, when the national average use of probation was applied to this district the percent expected use of probation was 60.9%. Based on the national average this district, in effect, was using probation 28.6% more than what was expected. On the other hand a district with the lowest absolute use of probation, 26.3%, had an expected use computation of 51.6% which meant that this court used probation about one-half of its expected use.

Obviously these comparisons need to be carefully weighed since the number of convicted defendants in the courts ranged from a low of 13 in one District Court to a high of 1,779 in another District Court. (See Appendix Table A-5.)

Besides trying to compare the use of probation among the courts it is also useful to group courts according to actual and expected use of probation. Further, such comparisons can be related to the

proportion of violation of probation. It would appear on the basis of our 1964 data that whether the use of probation was high or low the proportion of major violations was not too different between courts with high use of probation with those with low use of probation. For example, in 1964 in 22 district courts which placed 60% of the defendants on probation the major violation* rate of those removed during the year was about 16%. In 22 districts where probation was given in 40% of the cases only about 10% had a major violation. These figures can be compared to the overall average for the 88 United States District Courts of about 50.2% being placed on probation with 12.6% being removed from probation for a major violation. (See Table 1.)

What we have tried to do here is provide a better measuring tool for quantitatively assessing the use of probation. It appears that the use of probation is closely geared to type of offense. Further, it is to be noted that whether a court has a high use of probation or a low use of probation the major violation rate is only somewhat higher where probation is granted more often.

Sentence Weights

One of the difficult problems facing the statistician when trying to compare the sentences given to groups of offenders is the lack of any means for making such a comparison. The federal courts have available to them several sentencing procedures such as the Federal Juvenile Delinquency Act, the Youth Corrections Act, probation with its variations, regular imprisonment, and a recently enacted statute sometimes referred to as the indeterminate sentence. As we have noted, when there are great variations in the use of imprisonment ranging from a few days in jail to life, as well as the different sentencing procedures it is practically impossible to make comparisons. Therefore, in 1964 a weighting scheme was devised and this appears in Table 2.

Following the publication of the Federal Offender - 1964 report there was some feeling that the category of 1 to 6 months of imprisonment should be given a higher weight value and the category, immediate probation, 13-36 months, should be dropped in value. In our 1965 report we plan to switch the values so that imprisonment will have the weight value

of 3 and immediate probation, 13-36 months, a value of 2.

The selection of the weight values might be regarded as arbitrary but the purpose is simply to provide a means of comparison so that groups of offenders having relatively light sentences would have average sentence weights which are less than other groups which would have heavier sentences and consequently, higher average weights. The average weight for a defendant in 1964 was 5.45. In Appendix Table A-6 there is provided a breakdown of the offense classes together with the actual type of sentence categories and the weight used in 1964. It can be seen in the furthest right-hand column that the average weight for the defendant tends to increase according to the seriousness of the offense.

There are many ways that sentence weights can be utilized. For example, it is possible to study the relative sentence weights obtained on the basis of the type of conviction, that is, a plea of guilty, change of plea of not guilty to guilty, and a conviction by court or jury. Table 3 shows that for persons who pleaded guilty on arraignment, except for offense Classes VII and VIII, the sentence weight is lower than for other types of disposition. For Class VIII, the most serious group of offenses, persons convicted by a jury had a sentence weight of 29.61 in contrast to a 19.15 sentence weight for those who pleaded guilty on arraignment. The high sentence weight for those convicted by jury may reflect the tendency for persons charged with narcotics or robbery to go to trial. Overall, 7% of defendants convicted are convicted by jury trial. For those convicted of robbery or narcotics the proportion going to trial are, 21 and 17 percent respectively. This is one illustration of what can be done with the weighting scale of severity of sentence.

Weighted Caseload and Time Requirements

With the advent of the computers, statistical measurements, such as regression analysis, which have been used in the industrial field, may have application to the social sciences, and more specifically, to the work of the courts. Recently with the aid of the Bureau of the Budget and a computer at the National Bureau of Standards we have made preliminary analyses of the dispositions of civil and criminal cases by grouping such cases with the use of the weighted caseload concept described earlier. We now have measures which show the relative time required to dispose of cases.

One of the by-products of our preliminary studies shows that mass statistics, such as we obtain from the courts, can be computerized. There is some indication that the material has use

* "Major violation" is defined when a probationer receives a sentence of 90 days or more or probation exceeding one year. Also included are probationers who abscond with outstanding felony warrants.

Table 1. 88 United States District Courts

Comparison of the Use of Probation in District Courts,
by Type of Violation, Fiscal Year 1964
(Excludes violators of immigration laws, wagering
tax laws and violators of Federal regulatory acts)

Item	88 District courts	Quartile groups of District Courts			
		First 22 District courts	Second 22 District courts	Third 22 District courts	Fourth 22 District courts
<u>Average</u>					
Actual percent placed on probation ¹	50.2	59.9	55.6	49.4	40.0
Percent expected use of probation ²	50.2	48.7	50.5	50.2	50.7
Actual proportion placed on probation above or below percent expected use.....	0.0	23.0	10.1	- 1.6	-21.1
TOTAL REMOVED.....	10,983	2,434	2,708	2,642	3,199
No violation.....	8,634	1,794	2,098	2,098	2,644
Violated probation.....	2,349	640	610	544	555
Minor violation.....	969	255	257	225	232
Major violation.....	1,380	385	353	319	323
- - - - -	- - -	- - -	- - -	- - -	- - -
<u>Percent</u>					
Violated probation.....	21.4	26.3	22.5	20.6	17.3
Minor violation.....	8.8	10.5	9.5	8.5	7.3
Major violation.....	12.6	15.8	13.0	12.1	10.0

¹ See Appendix Table A-5. This is the absolute proportion of persons sentenced who were placed on probation.

² See Appendix Table A-5. This is the expected use of probation when the average use of probation for eight offense classes for the 88 United States District Courts is applied to the actual offense classes in the separate District Courts. See Federal Offenders - 1964.

SOURCE: Persons Under the Supervision of the Federal Probation System, Fiscal Year 1964.

Table 2. 88 U. S. District Courts
Weighting Scale for Severity of Sentence, Type of
Sentence and Weight Value, Fiscal Year 1964

Type of sentence	Weight value	Number of defendants sentenced, fiscal year 1964
Average per defendant	5.45	-
TOTAL DEFENDANTS SENTENCED	-	<u>29,170</u>
Suspended sentences ¹ and probation without supervision...	0	2,175
Fines only and probation with supervision, one to 12 months...	1	4,399
One to six months sentences to imprisonment, except split sentences ²	2	1,738
Immediate probation 13-36 months.	3	6,655
Immediate probation over 36 months, split sentences and all delayed probation ³	4	3,783
Imprisonment (in months)		
7 - 12	5	1,993
13 - 24	8	3,067
25 - 36	10	1,673
37 - 48	12	1,603
49 - 60	14	1,216
61 - 120	25	595
Over 120	50	273

¹ Includes deportation and all sentences where period of imprisonment or probation is four days or less, or fine only, which is remitted or suspended.

² Split sentence refers to 18 U.S.C. 3651 which provides that when the maximum sentence for an offense is more than six months, the court may impose a sentence of which up to six months can be served in a jail-type or treatment institution. The balance of the sentence is suspended and the defendant placed on probation.

³ Delayed probation occurs when the court indicates that probation will begin at the termination of a local or state term of imprisonment or probation, or a period of hospitalization or release from the military service.

SOURCE: Table 13, Federal Offenders in the United States District Courts, 1964.

Table 3

88 United States District Courts
Sentencing Weights by Type of Disposition
and Offense Class, Fiscal Year 1964

Offense classes ¹	Total	Plea of guilty on arraign- ment	Plea of not guilty changed to guilty	Convicted by	
				Court	Jury
TOTAL SENTENCED DEFENDANTS.....	5.45	5.00	5.22	6.27	10.59
Immigration, wagering tax, and Federal regulatory statutes	1.63	1.59	1.53	2.05	3.19
Classes I and II....	3.20	3.03	3.10	3.98	4.95
Class III	4.04	3.90	3.88	4.60	5.38
Class IV	5.14	4.92	5.25	5.16	7.88
Classes V and VI....	7.35	6.53	7.05	8.22	11.74
Class VII	7.60	7.55	7.25	7.57	9.45
Class VIII	20.25	19.15	17.15	16.92	27.61

¹ See Appendix Table A-4 for offense classes.

SOURCE: Table 15, Federal Offenders in United States District Courts, Fiscal Year 1964.

for projecting the workload of the courts. However, we are still in a preliminary stage and though the results appear of value there is concern about continuing this project because of the time and effort which might be better employed improving our basic statistical indices such as the weighted caseload concept described earlier.

The grave danger in the use of highly sophisticated statistical techniques is the heavy reliance on the technique often losing sight of the reasons for differences. On the other hand, to provide data to the administrator with many qualifications may, for his purposes, make the data difficult to use. It would appear even with expressed limitations the results from this project will give us a better understanding of the use of the large scale computers and their intricate

programming requirements. Also the findings, even with all their qualifications, will give us better means for determining what types of studies we should undertake.

Summing Up

In this brief period I have described four measurement devices, the first three of which were developed primarily by Mr. Ronald Beattie. It would appear that the first three would have applicability to state court systems as well as to correctional systems. The fourth device, "regression analysis", by which the work load can be determined, offers an opportunity for continued study. Each represents a major attempt to rise above the "head counting era". They further show that quantitative measurements can be developed for mass statistics collected from many sources by a central Government agency.

APPENDIX

Table A - 1

CIVIL WEIGHTS FOR NATURE OF SUIT ON FILINGS
REVISED JULY, 1964

		REVISED JULY, 1964	
	<u>Nature of Suit</u>	<u>Weight</u>	<u>Number of cases 1964</u>
<u>United States Cases</u>	<u>TOTAL</u>		<u>22,268</u>
Negotiable Instruments and Recovery	0.05	5,823	
Other contract	0.50	1,102	
Condemnation	1.70	976	
Foreclosure and lease	0.10	868	
Other real property	1.50	267	
Personal Injury:			
Marine	1.00	142	
Motor vehicle	1.70	928	
Other	3.00	537	
Other tort	1.00	504	
Antitrust	8.00	59	
Civil rights	3.00	64	
Prisoner petitions including habeas corpus.....	0.30	2,182	
Penalties and forfeitures	0.30	3,095	
Fair Labor Standards Act	0.40	1,440	
Other labor	0.70	382	
Tax suit	1.20	1,901	
All other U.S. Cases	0.50	1,998	
<u>Federal Question</u>	<u>TOTAL</u>		<u>18,651</u>
Marine contract	0.40	2,244	
Miller Act	1.00	1,053	
Other contract	0.50	277	
Real property	0.50	187	
Employers' Liability	1.50	1,123	
Marine personal injury	0.70	3,937	
Other tort	1.70	610	
Antitrust.....	4.00	363	
Civil rights	1.80	645	
Prisoner petitions including habeas corpus.....	0.30	3,819	
Fair Labor Standards Act	0.70	476	
Other labor	1.40	889	
Copyright	0.30	440	
Patent	4.00	890	
Trademark	1.50	437	
All other Federal Question cases	1.20	1,261	
<u>Diversity</u>	<u>TOTAL</u>		<u>20,174</u>
Insurance	1.80	1,697	
Negotiable instruments	1.80	333	
Other contract	1.80	3,266	
Foreclosure and lease	1.80	404	
Other real property	1.80	382	
Personal injury:			
Marine	0.70	1,438	
Motor vehicle	1.20	8,155	
Other	1.40	4,094	
Other tort	3.00	375	
All other Diversity Cases	3.00	30	

NOTE: For a complete description of the weighting process, see pages 156-161 in the Annual Report of the Director of the Administrative Office of the United States Courts, 1964.

APPENDIX

Table A - 2

CRIMINAL WEIGHTS BY OFFENSE GROUP FOR CASES FILED
REVISED JULY, 1964

<u>Type of Offense</u>	<u>Weight</u>	<u>Number of original cases 1964</u>
TOTAL		29,944
Income Tax Frauds	2.60	605
Postal Frauds	2.20	391
Homicide	2.00	160
Narcotics, except Marihuana Tax Act and Border Registration	1.80	1,221
Sex Offenses	1.80	255
Marihuana Tax Act	1.40	365
Robbery	1.20	750
Counterfeiting	1.20	253
Miscellaneous general offenses	1.20	1,028
Assault	1.00	320
Other Federal statutes	0.80	830
Embezzlement	0.70	738
Other Frauds	0.70	2,116
Obscene Mail	0.70	291
National Defense	0.60	367
Transporting forged securities in interstate commerce...	0.60	982
Theft	0.50	2,459
Burglary	0.40	538
Narcotics, border registrations	0.40	178
Liquor, Internal Revenue	0.40	3,529
Auto theft	0.30	4,995
Food and Drug Laws	0.20	344
Forgery	0.20	2,633
Postal Embezzlement	0.20	599
Immigration laws	0.10	2,770
Migratory Bird	0.10	447
Motor Carrier Act	0.10	780

NOTE: For a complete description of the weighting process, see pages 156-161 in the Annual Report of the Director of the Administrative Office of the United States Courts, 1964.

TABLE A-3. UNITED STATES DISTRICT COURTS

WEIGHTED CASELOAD PER JUDGESHIP, FISCAL YEARS 1963 AND 1964
 (Based on civil and original criminal cases filed. Weighted caseload for 1963 supersedes previously published data)

Circuit or district	Number of judgeships	1963			1964		
		Weighted caseload per judgeship			Weighted caseload per judgeship		
		Civil	Criminal	Total	Civil	Criminal	Total
88 Districts.....	289	195	56	251	207	57	264
FIRST CIRCUIT.....	11	194	38	232	205	38	243
Maine.....	1	159	36	195	142	35	177
Massachusetts.....	6	205	36	241	217	32	249
New Hampshire.....	1	111	28	139	109	11	120
Rhode Island.....	1	273	87	360	237	91	328
Puerto Rico.....	2	179	29	208	230	45	275
SECOND CIRCUIT.....	41	212	37	249	207	40	247
Connecticut.....	4	133	55	188	155	36	191
New York:							
Northern.....	2	210	39	249	189	47	236
Eastern.....	8	201	43	244	171	38	209
Southern.....	24	223	31	254	219	41	260
Western.....	2	231	68	299	267	53	320
Vermont.....	1	326	8	334	331	22	353
THIRD CIRCUIT.....	33	177	27	204	189	25	214
Delaware.....	3	122	19	141	75	15	90
New Jersey.....	8	140	41	181	153	37	190
Pennsylvania:							
Eastern.....	11	239	19	258	245	15	260
Middle.....	3	144	23	167	164	24	188
Western.....	8	163	29	192	201	31	232
FOURTH CIRCUIT.....	22	204	77	281	213	83	296
Maryland.....	4	264	54	318	235	44	279
North Carolina:							
Eastern.....	2	125	112	237	144	156	300
Middle.....	2	117	86	203	124	91	215
Western.....	2	109	87	196	103	89	192
South Carolina:							
Eastern.....	2	305	130	435	328	130	458
Western.....	2	112	75	187	129	99	228
Virginia:							
Eastern.....	3	379	75	454	406	80	486
Western.....	2	162	65	227	207	58	265
West Virginia:							
Northern.....	1-1/2	85	20	105	87	25	112
Southern.....	1-1/2	200	70	270	215	80	295
FIFTH CIRCUIT.....	44	249	79	328	258	76	334
Alabama:							
Northern.....	3	227	59	286	235	64	299
Middle.....	1	166	79	245	194	103	297
Southern.....	1	275	90	365	362	55	417
Florida:							
Northern.....	1	175	97	272	231	96	327
Middle *.....	3-1/2	218	103	321	233	91	324
Southern*.....	3-1/2	260	100	360	262	116	378
Georgia:							
Northern.....	3	207	77	284	250	75	325
Middle.....	2	144	50	194	164	81	245
Southern.....	1	191	154	345	267	139	406
Louisiana:							
Eastern.....	4	504	56	560	513	50	563
Western.....	3	234	49	283	237	35	272
Mississippi:							
Northern.....	1	308	77	385	325	87	412
Southern.....	2	274	47	321	298	39	337
Texas:							
Northern.....	5	186	52	238	197	47	244
Eastern.....	2	274	59	333	232	34	266
Southern.....	5	224	84	308	206	70	276
Western.....	3	240	164	404	208	176	384

WEIGHTED CASELOAD PER JUDGESHIP, FISCAL YEARS 1963 AND 1964
(Based on civil and original criminal cases filed. Weighted
caseload for 1963 supersedes previously published data) - Concluded

Circuit or district	Number of judgeships	1963			1964		
		Weighted caseload per judgeship			Weighted caseload per judgeship		
		Civil	Criminal	Total	Civil	Criminal	Total
SIXTH CIRCUIT.....	31	187	66	253	208	62	270
Kentucky:							
Eastern.....	1-1/2	282	141	423	309	147	456
Western.....	2-1/2	175	89	264	172	62	234
Michigan:							
Eastern.....	8	180	59	239	211	66	277
Western.....	2	140	38	178	159	33	192
Ohio:							
Northern.....	7	166	42	208	157	41	198
Southern.....	3	229	105	334	267	84	351
Tennessee:							
Eastern.....	3	242	65	307	277	54	331
Middle.....	2	128	79	207	154	67	221
Western.....	2	192	59	251	257	56	313
SEVENTH CIRCUIT.....	23	226	47	273	251	51	302
Illinois:							
Northern.....	10	269	54	323	305	55	360
Eastern.....	2	179	32	211	163	35	198
Southern.....	2	124	47	171	151	52	203
Indiana:							
Northern.....	3	161	35	196	201	30	231
Southern.....	3	306	46	352	336	68	404
Wisconsin:							
Eastern.....	2	181	45	226	173	54	227
Western.....	1	150	41	191	142	37	179
EIGHTH CIRCUIT.....	24	164	41	205	179	43	222
Arkansas:							
Eastern.....	2	171	53	224	200	54	254
Western.....	2	122	37	159	120	36	156
Iowa:							
Northern.....	1-1/2	113	24	137	102	21	123
Southern.....	1-1/2	182	40	222	171	41	212
Minnesota.....	4	212	29	241	213	57	270
Missouri:							
Eastern.....	3	196	63	259	219	59	278
Western.....	4	201	46	247	232	41	273
Nebraska.....	2	196	45	241	223	31	254
North Dakota.....	2	54	30	84	86	28	114
South Dakota.....	2	89	38	127	92	34	126
NINTH CIRCUIT.....	43	145	73	218	157	78	235
Alaska.....	2	70	31	101	74	39	113
Arizona.....	3	188	132	320	211	118	329
California:							
Northern.....	9	139	57	196	178	60	238
Southern.....	13	153	113	266	160	132	292
Hawaii.....	2	68	34	102	79	32	111
Idaho.....	2	107	37	144	85	43	128
Montana.....	2	144	52	196	145	48	193
Nevada.....	2	63	36	99	102	53	155
Oregon.....	3	213	51	264	248	46	294
Washington:							
Eastern.....	1-1/2	210	39	249	138	29	167
Western.....	3-1/2	163	52	215	148	36	184
TENTH CIRCUIT.....	17	187	57	244	203	53	256
Colorado.....	3	171	49	220	217	40	257
Kansas.....	3	285	82	367	282	51	333
New Mexico.....	2	180	93	273	206	115	321
Oklahoma:							
Northern.....	1-2/3	175	29	204	210	35	245
Eastern.....	1-2/3	165	45	210	164	36	200
Western.....	2-2/3	209	51	260	204	60	264
Utah.....	2	95	37	132	122	33	155
Wyoming.....	1	136	58	194	127	53	180

NOTE: For a complete description of the weighting process, see pages 156-161 in the Annual Report of the Director of the Administrative Office of the United States Courts, 1964.

* There is a roving judge who serves these districts as well as the Northern District of Florida. His service in the latter district, though, is expected to be virtually nil, and on this basis the Middle and Southern Districts are shown as 3-1/2 instead of 3-1/3.

SOURCE: Table X 1, Annual Report of the Director, Administrative Office, U. S. Courts.

TABLE A - 4
88 United States District Courts
Offense Class and Type of Sentence of Convicted Defendants,
Fiscal year 1964

Offense class ¹	Type of sentence									Percent		
	Total convicted defendants	Imprisonment	Probation					Fine only	Suspended sentence ⁶	Imprisonment	Probation	Fine and suspended sentence
			Total	Immediate ²	Delayed ³	Split sentence ⁴	No supervision ⁵					
TOTAL	29,170	12,158	12,749	10,429	604	1,115	601	2,689	1,574	41.7	43.7	14.6
Immigration laws	2,588	1,102	170	59	1	11	99	21	1,295	42.6	6.6	50.9
Wagering tax violations	799	100	282	220	2	27	33	410	7	12.5	35.3	52.2
Miscellaneous Federal regulatory statutes	2,702	127	723	469	7	24	223	1,740	112	4.7	26.8	68.5
TOTAL LESS ABOVE	23,081	10,829	11,574	9,681	594	1,053	246	518	160	46.9	50.2	2.9
Class I	2,180	259	1,841	1,669	19	116	37	63	17	11.9	84.4	3.7
Fraud - Group A	666	55	572	522	8	27	15	32	7	8.2	85.9	5.9
Embezzlement	1,231	175	1,037	928	8	84	17	10	9	14.2	84.3	1.5
Obscene mail	283	29	232	219	3	5	5	21	1	10.2	82.0	7.8
Class II	1,178	296	675	516	20	105	34	188	19	25.1	57.3	17.6
Income tax fraud	597	172	334	253	6	65	10	89	2	28.8	56.0	15.2
Other fraud	581	124	341	263	14	40	24	99	17	21.3	58.7	20.0
Class III - Liquor, Internal Revenue	4,445	1,383	2,919	2,508	26	377	8	129	14	31.1	65.7	3.2
Class IV	5,348	2,317	2,924	2,486	180	204	54	62	45	43.3	54.7	2.0
Theft	2,418	993	1,363	1,142	94	96	31	39	23	41.0	56.4	2.6
Postal fraud	413	167	227	195	21	10	1	16	3	40.4	55.0	4.6
Forgery	2,517	1,157	1,334	1,149	65	98	22	7	19	46.0	53.0	1.0
Class V	1,070	524	476	378	20	45	33	59	11	49.0	44.5	6.5
Border registration, addicts ...	136	67	67	57	6	1	3	1	1	49.3	49.3	1.4
Assault and homicide	233	114	107	90	3	8	6	9	3	48.9	45.9	5.2
Miscellaneous general offenses .	701	343	302	231	11	36	24	49	7	48.9	43.1	8.0
Class VI	2,351	1,428	885	745	41	70	29	12	26	60.8	37.6	1.6
Counterfeiting	294	151	140	126	3	10	1	-	3	51.4	47.6	1.0
Burglary	251	150	99	94	2	2	1	-	2	59.8	39.4	.8
Interstate transportation of stolen property	1,043	666	372	298	28	41	5	-	5	63.8	35.7	0.5
Marihuana	353	199	145	125	4	6	10	2	7	56.4	41.1	2.5
National defense laws	275	162	96	77	2	5	12	10	7	58.9	34.9	6.2
Sex offenses	135	100	33	25	2	6	-	-	2	74.1	24.4	1.5
Class VII - Auto theft	5,066	3,349	1,696	1,262	276	125	33	2	19	66.1	33.5	.4
Class VIII	1,443	1,273	158	117	12	11	18	3	9	88.2	11.0	.8
Narcotics	919	796	111	78	9	7	17	3	9	86.6	12.1	1.3
Robbery	524	477	47	39	3	4	1	-	-	91.0	9.0	-

¹ See Appendix for offense classification.

² Immediate refers to placing a defendant on supervised probation upon imposition of sentence by the court.

³ Excludes split sentence. See footnote 4. Delayed probation occurs when the court indicates that probation will begin at the termination of a term of imprisonment or probation, or a period of hospitalization, or release from the military service.

⁴ Split sentence refers to USC, Title 18, Section 3651 which provides that when the maximum sentence for an offense is more than six months, the court may impose a sentence of which up to six months can be served in a jail-type or treatment institution. The balance of the sentence is suspended and the defendant placed on probation.

⁵ No supervision is where the court determines a period of time during which certain conditions are to be met, such as a payment of restitution. The probation officer is not made responsible for supervision.

⁶ Includes sentences of imprisonment or probation of four days or less, deportation, suspended sentence or fine only, which is remitted or suspended.

SOURCE: Table 11, Federal Offenders in the United States District Courts, 1964.

Table A-5

88 United States District Courts
 Defendants Placed on Probation by District Courts, Fiscal Year 1964

(Excludes violators of immigration laws, wagering tax laws and
 violators of Federal regulatory acts)

Circuit and District	Total convicted defendants	Total placed on probation	Type of Probation				Actual percent placed on probation ⁵	Percent expected use of probation ⁶	Actual percent placed on probation above or below percent expected use
			Immediate ¹	Delayed ²	Split ³	No supervision ⁴			
TOTAL.....	23,081	11,574	9,680	595	1,053	246	50.2	50.2	0.0
First Circuit.....	405	261	245	2	13	1	64.4	52.7	22.2
Maine.....	35	24	21	1	2	-	68.6	51.8	32.4
Massachusetts.....	198	139	129	-	9	1	70.2	56.4	24.5
New Hampshire.....	27	18	15	1	2	-	66.7	53.0	25.8
Rhode Island.....	74	41	41	-	-	-	55.4	48.1	15.2
Puerto Rico.....	71	39	39	-	-	-	54.9	47.5	15.6
Second Circuit.....	1,721	740	614	40	74	12	43.0	50.5	-14.9
Connecticut.....	169	89	61	4	24	-	52.7	50.3	4.8
New York:									
Northern.....	127	74	64	9	1	-	58.3	57.1	2.1
Eastern.....	356	133	112	3	18	-	37.4	56.8	-34.2
Southern.....	911	348	302	13	29	4	38.2	47.3	-19.2
Western.....	145	88	69	11	-	8	60.7	49.6	22.4
Vermont.....	13	8	6	-	2	-	61.5	49.5	24.2
Third Circuit.....	1,011	618	545	32	36	5	61.1	52.6	16.2
Delaware.....	33	14	13	1	-	-	42.4	44.6	- 4.9
New Jersey.....	338	195	178	8	6	3	57.7	50.3	14.7
Pennsylvania:									
Eastern.....	266	190	154	14	21	1	71.4	53.5	33.5
Middle.....	102	50	43	5	2	-	49.1	48.8	0.6
Western.....	272	169	157	4	7	1	62.1	56.9	9.1
Fourth Circuit.....	3,449	2,073	1,708	68	282	15	60.1	56.4	6.6
Maryland.....	239	99	84	5	9	1	41.4	50.1	-17.4
North Carolina:									
Eastern.....	657	428	368	3	56	1	65.1	58.6	11.1
Middle.....	387	218	81	1	136	-	56.3	60.1	- 6.3
Western.....	380	216	201	12	-	3	56.8	55.0	3.3
South Carolina:									
Eastern.....	648	408	351	14	43	-	63.0	56.7	11.1
Western.....	274	155	146	8	1	-	56.6	54.3	4.2
Virginia:									
Eastern.....	322	169	131	19	9	10	52.5	53.1	- 1.1
Western.....	226	144	119	2	23	-	63.7	55.0	15.8
West Virginia:									
Northern.....	40	20	17	2	1	-	50.0	48.2	3.7
Southern.....	276	216	210	2	4	-	78.3	60.9	28.6
Fifth Circuit.....	5,095	2,349	1,939	118	183	109	46.1	49.8	- 7.4
Alabama:									
Northern.....	385	168	161	1	1	5	43.6	52.4	-16.8
Middle.....	174	78	74	2	2	-	44.8	47.7	- 6.1
Southern.....	169	87	78	5	2	2	51.5	53.4	- 3.6
Florida:									
Northern.....	171	63	59	1	3	-	36.8	48.7	-24.4
Middle.....	533	190	129	23	25	13	35.6	49.4	-27.9
Southern.....	372	186	111	13	60	2	50.0	47.1	6.2
Georgia:									
Northern.....	553	254	239	7	8	-	45.9	52.9	-13.2
Middle.....	386	176	168	5	2	1	45.6	54.4	-16.2
Southern.....	312	155	152	-	-	3	49.7	52.4	- 5.2
Louisiana:									
Eastern.....	270	115	107	5	2	1	42.6	52.0	-18.1
Western.....	122	59	50	1	8	-	48.4	46.7	3.6
Mississippi:									
Northern.....	174	103	89	-	14	-	59.2	55.8	6.1
Southern.....	192	100	74	-	25	1	52.1	50.3	3.6
Texas:									
Northern.....	348	148	122	10	5	11	42.5	48.9	-13.1
Eastern.....	134	75	58	6	9	2	56.0	49.5	13.1
Southern.....	345	186	139	9	9	29	53.9	45.0	19.8
Western.....	455	206	129	30	8	39	45.3	42.4	6.8

Table A-5
 88 United States District Courts
 Defendants Placed on Probation by District Courts, Fiscal Year 1964 - CONCLUDED
 (Excludes violators of immigration laws, wagering tax laws and
 violators of Federal regulatory acts)

Circuit and District	Total convicted defendants	Total placed on probation	Type of Probation				Actual percent placed on probation ⁵	Percent expected use of probation ⁶	Actual percent placed on probation above or below per- cent expected use
			Immediate ¹	Delayed ²	Split ³	No super- vision ⁴			
Sixth Circuit.....	3,275	1,493	1,291	60	129	13	45.6	53.1	-14.1
Kentucky:									
Eastern.....	473	135	124	9	-	2	28.5	55.1	-48.3
Western.....	255	115	81	27	7	-	45.1	46.4	- 2.8
Michigan:									
Eastern.....	734	412	401	3	2	6	56.1	54.3	3.3
Western.....	109	57	55	2	-	-	52.3	58.4	-10.4
Ohio:									
Northern.....	401	232	190	8	32	2	57.9	53.1	9.0
Southern.....	434	172	154	4	13	1	39.6	48.5	-18.4
Tennessee:									
Eastern.....	418	202	141	7	54	-	48.3	55.0	-12.2
Middle.....	211	105	105	-	-	-	49.8	57.2	-12.9
Western.....	240	63	40	-	21	2	26.3	51.6	-49.0
Seventh Circuit.....	1,404	606	522	33	49	2	43.2	45.0	- 4.0
Illinois:									
Northern.....	567	238	209	6	21	2	42.0	42.7	- 1.6
Eastern.....	134	64	60	4	-	-	47.8	43.2	10.6
Southern.....	141	60	51	9	-	-	42.6	47.7	-10.7
Indiana:									
Northern.....	167	73	57	9	7	-	43.7	44.7	- 2.2
Southern.....	239	91	72	-	19	-	38.1	45.9	-17.0
Wisconsin:									
Eastern.....	118	61	55	5	1	-	51.7	53.9	- 4.1
Western.....	38	19	18	-	1	-	50.0	43.9	13.9
Eighth Circuit.....	1,371	704	584	42	57	21	51.3	47.4	8.2
Arkansas:									
Eastern.....	207	123	95	7	7	14	59.4	50.3	18.1
Western.....	137	76	66	5	1	4	55.5	51.8	7.1
Iowa:									
Northern.....	41	29	28	1	-	-	70.7	55.1	28.3
Southern.....	57	33	19	-	14	-	57.9	51.8	11.8
Minnesota:	194	82	63	8	11	-	42.3	47.0	-10.0
Missouri:									
Eastern.....	244	89	86	3	-	-	36.5	44.6	-18.2
Western.....	244	124	87	13	21	3	50.8	44.6	13.9
Nebraska:	88	54	51	2	1	-	61.4	46.8	31.2
North Dakota:	62	36	35	-	1	-	58.1	51.7	12.4
South Dakota:	97	58	54	3	1	-	59.8	42.6	40.4
Ninth Circuit.....	3,806	2,029	1,662	146	165	56	53.3	46.5	14.6
Alaska.....	71	50	43	-	7	-	70.4	55.3	27.3
Arizona.....	441	189	133	42	8	6	42.9	39.1	9.7
California:									
Northern.....	649	383	286	19	53	25	59.0	51.7	14.1
Southern.....	1,779	965	869	53	29	14	54.2	45.4	19.4
Hawaii.....	60	40	22	7	11	-	66.7	54.8	21.7
Idaho.....	107	48	44	2	2	-	44.9	43.3	3.7
Montana.....	146	102	78	3	19	2	69.9	45.0	55.3
Nevada.....	136	71	60	6	4	1	52.2	44.6	17.0
Oregon.....	155	60	39	12	8	1	38.7	44.5	-13.0
Washington:									
Eastern.....	74	36	25	1	9	1	48.6	52.2	- 6.9
Western.....	188	85	63	1	15	6	45.2	48.7	- 7.2
Tenth Circuit.....	1,544	701	570	54	65	12	45.4	44.6	1.8
Colorado.....	188	84	67	6	11	-	44.7	44.1	1.4
Kansas.....	298	140	120	13	7	-	47.0	43.8	7.3
New Mexico.....	345	127	96	8	20	3	36.8	40.7	- 9.6
Oklahoma:									
Northern.....	122	75	67	-	8	-	61.5	50.6	21.5
Eastern.....	137	68	55	1	12	-	49.6	53.4	- 7.1
Western.....	247	96	71	15	6	4	38.9	45.5	-14.5
Utah.....	109	63	58	3	1	1	57.8	43.5	32.9
Wyoming.....	98	48	36	8	-	4	49.0	41.7	17.5

¹ Immediate refers to placing a defendant on supervised probation upon imposition of the sentence of the Court.

² Excludes split sentence. See footnote 3. Delayed probation occurs when the Court indicates that probation will begin at the termination of a term of imprisonment or probation or a period of hospitalization or release from the military services.

³ Split sentence refers to U.S.C. Title 18, Section 3651, which provides that when the maximum sentence for an offense is more than six months, the Court may impose a sentence of which up to six months can be served in a jail-type or treatment institution. The balance of the sentence is suspended and the defendant placed on probation.

⁴ No supervision is where the court determines a period of time during which certain conditions are to be met, such as payment of restitution. The probation office is not made responsible for supervision.

⁵ This is the absolute proportion of persons sentenced who were placed on probation.

⁶ This is the expected use of probation when the average use of probation for the eight offense classes for the 88 United States Courts is applied to the actual offense classes in the separate District Courts.

Source:
Federal Offenders in the United States
District Courts - 1964
 March 1, 1965, Appendix Table 2.

Table A-6. 88 United States District Courts
Offense Class and Type and Length of Sentence of Convicted Defendants, Fiscal Year 1964
(Weight values are in parentheses.)

Table A-6. 88 United States
Offense Class and Type and Length of Sentence of
(Weight values are

Offense class	Total convicted defendants	Suspended sentence and probation without supervision (0)	Fine only and probation 1 - 12 mos. (1)	Imprisonment 1 - 6 mos. (2)	Immediate probation 13 - 36 mos. (3)	Immediate probation over 36 months, delayed probation, split sentence (4)
TOTAL	29,170	2,175	4,393	1,738	6,644	3,800
Immigration laws	2,588	1,394	39	588	22	31
Wagering tax violations	799	40	481	76	138	40
Miscellaneous Federal regulatory statutes	2,702	335	1,910	58	235	95
TOTAL LESS ABOVE	23,081	406	1,963	1,016	6,249	3,634
Class I	2,180	54	471	59	1,002	394
Fraud - Group A	666	22	204	18	277	108
Embezzlement	1,231	26	196	40	600	234
Obscene mail	283	6	71	1	125	52
Class II	1,178	53	295	102	329	205
Income tax fraud	597	12	133	78	160	120
Other fraud	581	41	162	24	169	85
Class III - Liquor, Internal Revenue	4,445	22	327	270	1,774	939
Class IV	5,348	99	566	332	1,588	778
Theft	2,418	54	307	164	712	352
Postal fraud	413	4	45	14	120	77
Forgery	2,517	41	214	154	756	349
Class V	1,070	44	133	112	203	166
Border registration, addicts	136	4	3	4	14	48
Assault and homicide	233	9	37	28	42	31
Miscellaneous general offenses	701	31	93	80	147	87
Class VI	2,351	55	73	73	478	317
Counterfeiting	294	4	13	1	88	38
Burglary	251	3	4	3	65	29
Interstate transportation of stolen property	1,043	10	36	32	186	145
Marihuana	353	17	2	1	58	77
National defense laws	275	19	18	34	61	15
Sex offenses	135	2	-	2	20	13
Class VII - Auto theft	5,066	52	86	62	822	757
Class VIII	1,443	27	12	6	53	78
Narcotics	919	26	12	3	36	49
Robbery	524	1	-	3	17	29

Table A-6. 88 United States District Courts
 Offense Class and Type and Length of Sentence of Convicted Defendants, Fiscal Year 1964
 (Weight values are in parentheses.)--Concluded

District Courts
 Convicted Defendants, Fiscal Year 1964
 in parentheses.)

Imprisonment							Average weight per defendant	Offense class
7 - 12 mos. (5)	13 - 24 mos. (8)	25 - 36 mos. (10)	37 - 48 mos. (12)	49 - 60 mos. (14)	61 - 120 mos. (25)	over 120 mos. (50)		
1,993	3,067	1,673	1,603	1,216	595	273	5.45	TOTAL
236	261	9	6	2	-	-	1.88	Immigration laws
17	6	-	-	-	1	-	1.71	Wagering tax violations
27	19	11	6	3	2	1	1.38	Miscellaneous Federal regulatory statutes
1,713	2,781	1,653	1,591	1,211	592	272	6.46	TOTAL LESS ABOVE
63	77	32	11	13	2	2	3.16	Class I
13	16	7	-	1	-	-	2.67	Fraud - Group A
44	50	23	8	9	1	-	3.34	Embezzlement
6	11	2	3	3	1	2	3.52	Obscene mail
70	66	36	7	13	2	-	3.28	Class II
45	29	13	1	4	2	-	3.27	Income tax fraud
25	37	23	6	9	-	-	3.28	Other fraud
467	478	112	33	21	2	-	4.04	Class III - Liquor, Internal Revenue
474	670	371	238	164	64	4	5.14	Class IV
217	242	159	110	73	27	1	4.90	Theft
28	54	35	15	11	9	1	5.50	Postal fraud
229	374	177	113	80	28	2	5.31	Forgery
98	132	65	48	33	19	17	5.78	Class V
7	39	15	2	-	-	-	5.63	Border registration, addicts
15	27	13	10	8	5	8	6.53	Assault and homicide
76	66	37	36	25	14	9	5.57	Miscellaneous general offenses
160	357	275	180	238	125	20	8.06	Class VI
25	28	32	19	23	21	2	7.74	Counterfeiting
7	21	34	39	21	21	4	9.37	Burglary
96	182	152	74	78	46	6	7.79	Interstate transportation of stolen property
-	21	13	34	95	32	3	9.84	Marihuana
24	74	21	6	1	-	2	5.23	National defense laws
8	31	23	8	20	5	3	9.52	Sex offenses
370	920	694	980	291	31	1	7.60	Class VII - Auto theft
11	81	68	94	438	347	228	20.25	Class VIII
2	72	47	51	388	197	36	15.39	Narcotics
9	9	21	43	50	150	192	28.75	Robbery