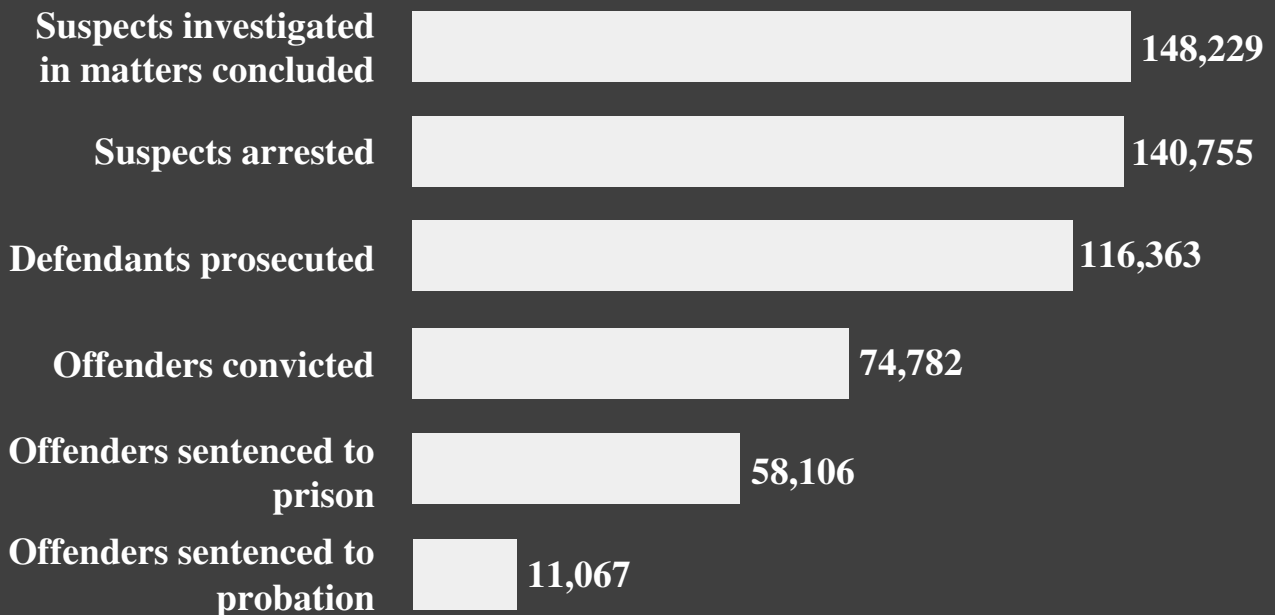




Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 2004

Federal criminal case processing,
October 1, 2003, through September 30, 2004



A Federal Justice Statistics Program Report

U.S. Department of Justice

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Office of Justice Programs
Bureau of Justice Statistics

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Highlights

The number of suspects investigated by U.S. attorneys increased between 2003 and 2004, from 130,078 to 141,242. About three-quarters of those for which the investigation was concluded were prosecuted — either before a U.S. district court judge (58%) or before a U.S. magistrate (20%) — and 22% of those investigated were not prosecuted by U.S. attorneys.

The number of defendants prosecuted in Federal courts increased by 23% between 2003 and 2004, from 94,916 to 116,363.

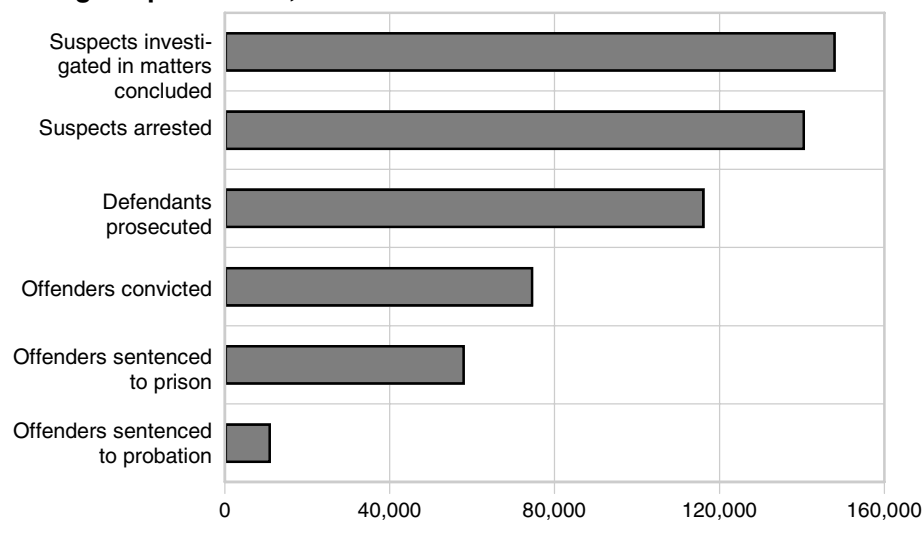
The number of offenders under post-conviction supervision increased 29% between 1990 and 2004. At the end of fiscal year 2004, the number of offenders on post-conviction community supervision was 109,712 compared to 84,801 during 1990. Over 73% of those under post-conviction community supervision were on post-incarceration supervised release (77,332) or parole (3,098).

Arrest

During 2004, Federal law enforcement agencies arrested 140,755 suspects for violations of Federal law. The U.S. Marshals Service arrested and booked 29% of those for immigration offenses, 25% for drug offenses, 17% for supervision violations, 12% for property offenses, 6-7% each for public-order and weapon offenses, and 3-4% each for violent offenses and to secure and safeguard a material witness.

Several Federal agencies were moved to the new Department of Homeland Security in 2003, including the Immigration and Naturalization Service, the Coast Guard, the Customs Service, and the Secret Service. During 2004 the agencies that comprise Homeland Security were responsible for about 37% of arrests and bookings. Within the Department of Justice, the U.S. Marshals Service made 28% of the arrests, the Drug Enforcement Administration 9%, and the Federal Bureau of Investigation 7%.

Federal criminal case processing, October 1, 2003, through September 30, 2004



Prosecution

During 2004 U.S. attorneys initiated criminal investigations involving 141,212 suspects, and they concluded their investigations of 148,229 suspects. Twenty-seven percent of the suspects were investigated for drug, 26% for immigration, 18% for property, 15% for public-order, 10% for weapon, and 4% for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 86,482 in U.S. district courts and 29,881 were disposed of before U.S. magistrates. During 2004 U.S. attorneys declined 22% of matters concluded.

Suspects in criminal matters involving drug and weapon offenses were more likely to be prosecuted in a U.S. district court (75% and 70%, respectively) than were suspects involved in violent (59%), property (53%), immigration (51%), or public-order offenses (38%). Suspects involved in property offenses (such as fraud) or public-order offenses were more likely to be declined for prosecution (about 40%) than were suspects investigated for violent offenses (32%), weapon (26%), drug (15%), or immigration (1%) offenses.

Pretrial release

Of 83,364 pretrial cases commenced in 2004, 33% of defendants were released after either an initial or detention hearing, while 67% were detained, and less than 1% were dismissed.

During 2004, 40% of the 78,219 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses or public-order offenses were more likely to be released prior to trial (70% and 63%, respectively) than were defendants charged with weapon (32%), drug (29%), violent (27%), or immigration (5%) offenses.

The proportion of defendants released prior to trial decreased from 62% during 1990 to 40% during 2004.

Defendants having a prior criminal history of serious or violent crimes were less likely to be released than those without a prior criminal history; defendants with a greater number of prior convictions were less likely to be released than those with fewer prior convictions. About 21% of the defendants with a prior violent felony conviction were released before trial, while 60% of defendants with no prior convictions were released. Forty percent of defendants with one prior

conviction were released, as compared to 31% of defendants having two to four prior convictions and about 24% of defendants having five or more prior convictions.

Eighty percent of defendants released prior to trial completed their periods of release without violating the conditions of their release. Twenty percent of defendants released violated the conditions of their release, and 8% of defendants had their release revoked. Defendants charged with weapon or drug offenses were more likely to commit at least one violation of their conditions of release (34% and 29%, respectively), while defendants charged with weapon, violent, or drug offenses were more likely to have their release revoked (16% for weapon offenses and 11% each for violent or drug offenses) than were other defendants.

Defendants released during 2004 were more likely to violate the conditions of their pretrial release than those released during 1990 (20% compared to 12%).

Adjudication

During 2004, 92,645 defendants were charged in Federal courts with a criminal offense, 88% of whom were charged with felonies. Of the defendants charged with felonies, 37% were prosecuted for drug, 22% for immigration, 18% for property, 13% for weapon, 6% for public-order, and 4% for violent offenses. The number of defendants charged with a felony immigration offense increased by 11% between 2003 and 2004, from 15,997 to 17,687.

Criminal cases were concluded against 83,391 defendants during 2004, 87% of whom had been charged with felonies. The proportion of defendants convicted in the Federal courts increased from 81% during 1990 to 90% during 2004. The proportion of convicted defendants who pleaded guilty increased from 87% during 1990 to 96% during 2004.

About 92% of defendants charged with felonies were convicted. The conviction rate was similar for the major offense categories: 96% of defendants charged with immigration offenses, 92% of drug defendants, 91% of property and violent defendants, 90% of weapon defendants, and 87% of public-order defendants.

Sentencing

Defendants convicted during 2004 were more likely to be sentenced to prison than those convicted during 1990. During 2004 about 78% of defendants were sentenced to prison compared to 60% of those sentenced during 1990.

Ninety-three percent of felony violent offenders received prison terms, as did 94% of felony weapon and drug offenders, 90% of felony immigration offenders, 70% of felony public-order offenders, and 60% of felony property offenders.

The 58,106 offenders sentenced to prison received, on average, 59.7 months of imprisonment. Offenders sentenced for felony violent offenses, felony weapon offenses, and felony drug offenses received longer average prison terms (96.2, 84.3, and 83.6 months, respectively) than those convicted of felony property, immigration, or public-order offenses (27.4, 26.9, and 43.6 months, respectively).

While the proportion of defendants sentenced to prison is at an all-time high, average prison sentences have declined from the peak attained during 1992. During 1992 the average prison term imposed was 62.6 months; for drug felony offenders, the average term was 84.1 months. Violent felony offenders, however, received a longer sentence in 2004 (96.2 months compared to 94.8 months in 1992).

Average length of prison sentences imposed, by offense, October 1, 2003 - September 30, 2004

Most serious offense of conviction	Average sentence length
All offenses	59.7 mo
Felonies	61.2
Violent offenses	97.2
Property offenses	27.4
Drug offenses	83.6
Public-order offenses	43.6
Weapon offenses	84.3
Immigration offenses	26.9
Misdemeanors	5.6

Appeals

Between 1994 and 2004, the number of appeals received by the U.S. Courts of Appeals remained relatively stable — between about 9,000 and 12,000 annually. However, the proportion of criminal defendants appealing some aspect of their conviction decreased from 21% during 1994 to 12% during 2004.

During 2003, 12,517 criminal appeals were filed. Eighty-seven percent of all appeals filed were appeals of convictions for offenses sentenced under the sentencing guidelines. Sixty percent of the guideline-based appeals filed challenged both the conviction and sentence imposed. Of the 11,076 appeals terminated during 2004, 73% (or 8,135) were terminated on the merits. In 83% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

Corrections

Community supervision

Between 1990 and 2004, the number of offenders on community supervision increased by 29%, from 84,801 during 1990 to 109,712 during 2004. While nearly equal proportions of offenders were serving terms of probation and post-incarceration supervision (parole or supervised release) during 1990, during 2004 over 73% were serving a term of post-incarceration supervision (70% supervised release and 3% parole) while 27% were on probation. Drug offenders comprised 12% of offenders on probation, 54% of offenders serving terms of supervised release, and 40% of offenders on parole. Property offenders comprised 38% of offenders on probation, 22% of offenders serving terms of supervised release, and 8% of offenders on parole.

A total of 15,721 offenders terminated probation during 2004. Most of these offenders (82%) completed their terms of probation successfully. Eleven percent of probationers terminating supervision during 2004 committed technical violations; 5% committed new crimes.

A total of 32,930 offenders completed terms of supervised release during 2004. Of these offenders, 62% successfully completed their terms without violating conditions of release; 22% committed technical violations; and 14% committed new crimes.

A total of 1,391 offenders completed terms of parole during 2004. Of these offenders, 49% successfully completed their terms without violating conditions of release; 27% committed technical violations; and 17% committed new crimes.

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Introduction

This Bureau of Justice Statistics (BJS) report presents an overview of case processing in the Federal criminal justice system. The data presented are compiled from the BJS Federal Justice Statistics Program (FJSP) database. The FJSP database includes data provided by the U.S. Marshals Service, Drug Enforcement Administration, Administrative Office of the U.S. Courts, Executive Office for the U.S. Attorneys, Federal Bureau of Prisons, and U.S. Sentencing Commission. The Administrative Office of the U.S. Courts, in addition to providing data describing defendants in criminal cases processed by the Federal judiciary, provides data describing defendants processed by the Federal pretrial services agencies and the Federal probation and supervision service. The data can be downloaded from the Federal Justice Statistics Resource Center at <<http://fjsrc.urban.org>>.

Each agency reports on cases processed during a given year in an annual statistical report. These reports are often incomparable across agencies due to the varying methods the agencies use to report case processing activities. As reported by an inter-agency working group, headed by BJS, the differences in the case processing statistics are attributable, in part, to the differing needs and missions of the agencies. The working group found the following differences in reported statistics:

- the universe of cases reported during a given period — some agencies report on those case processing events that occurred during a particular period, whereas others report on those events recorded during a particular period; and
- many of the commonly used case processing statistics — suspect/defendant processed, offense committed, disposition, and sentence imposed — are defined differently across agencies.

BJS, through its FJSP, has recognized the incomparability of these annual statistical reports and has

attempted to reconcile many of the differences identified by the working group. For instance, by combining databases from several years, BJS is able to report on those cases that actually occurred during the reporting period. Commonly used case processing statistics are made comparable across stages by applying uniform definitions to data obtained from each agency. Because definitions in the FJSP are consistent with those categories in BJS programs describing State defendants convicted, sentenced, or imprisoned, the comparison of Federal and State case processing statistics is facilitated.

The 2004 *Compendium*, 19th in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, and 2003 describes defendants processed at each stage of the Federal justice system — arrest by Federal law enforcement agencies (chapter 1), investigation and prosecution by the U.S. attorneys (chapter 2), pretrial release or detention (chapter 3), adjudication in the U.S. district courts (chapter 4), sentencing (chapter 5), appeal of the conviction and/or sentence imposed (chapter 6), and corrections (chapter 7) — for the 12-month period ending September 30, 2004 (the Federal fiscal year). Prior to 1994, the *Compendium* was reported on a calendar-year basis.

The tables presented report events that occurred during the Federal fiscal year — October 1, 2003 - September 30, 2004. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables showing defendants sentenced to incarceration, or tables describing offenders under post-conviction community supervision. Juvenile offenders charged as adults are included in the reported statistics. Felony and misdemeanor distinctions are provided where possible (see "Offense classifications" in *Methodology*).

Organization of the *Compendium*

Each chapter of the *Compendium* describes a major stage in the processing of criminal suspects and defendants. Each chapter contains *Chapter notes* that describe the universes of data used in the tables and information relevant to the interpretation of individual tables. The *Compendium* contains the following:

Chapter 1 describes arrests made by Federal law enforcement agencies for violations of Federal law, including the characteristics of arrestees; warrants initiated and cleared by the U.S. Marshals Service are also reported.

Chapter 2 describes decisions made by Federal prosecutors in screening criminal matters and the characteristics of defendants in cases prosecuted or declined for prosecution.

Chapter 3 describes the pretrial release and detention practices of the Federal judiciary, including the characteristics of defendants detained or released pending trial.

Chapter 4 describes actions by the Federal judiciary in adjudicating defendants in cases filed by the U.S. attorneys.

Chapter 5 describes the sentences imposed by the Federal judiciary on convicted defendants.

Chapter 6 describes appeals of criminal convictions and sentences imposed in the Federal courts, including the original offense charged.

Chapter 7 describes defendants under Federal correctional supervision — probation, parole, and supervised release — including the outcome of the supervision (successful completion or violations).

The Methodology section describes the procedures followed in analyzing data and developing tables.

The Glossary contains definitions for terms used in the *Compendium*. Since many terms used in the text and tables have specialized meanings (either because they refer to Federal law or because of reporting procedures by the Federal agencies supplying the data), readers are encouraged to check the glossary for exact definitions of tabulated data.

Modifications in the 2004 *Compendium*

The 2004 *Compendium* does not contain text or tables describing the demographic characteristics of convicted offenders in chapters 4 and 5, as it has historically. Nor does it contain any text or tables describing Federal prisoners in chapter 7, as is usually the case. The reason for these exclusions is that BJS did not receive 2004 data from the United States Sentencing Commission nor from the Federal Bureau of Prisons, respectively.

Notes to reader

The tables in the *Compendium* were constructed to permit valid comparisons within each table and to allow the reader to compare percentages (but not raw totals) across tables. It should be understood, however, that the total number of subjects/defendants shown in a particular table may not equal the number of subjects/defendants involved in a particular stage of processing, since some records could not be linked and some data sources did not include information on particular data elements classified in a particular table. Data notes indicate the exact universe for individual tables.

The *Compendium* is a statistical presentation of Federal criminal justice information with limited analyses of trends or explanatory factors underlying the statistics. Analyses of Federal justice statistics may be found in special reports and other publications, some of which are cited in the *Compendium*. Assessment of changing patterns in the *Compendium* tabulations may depend on detailed examination of sub-categories not shown in the tabulations or may require other sources of information, such as knowledge of legislation or Federal agency procedures.

System overview

Federal criminal case processing, 2004

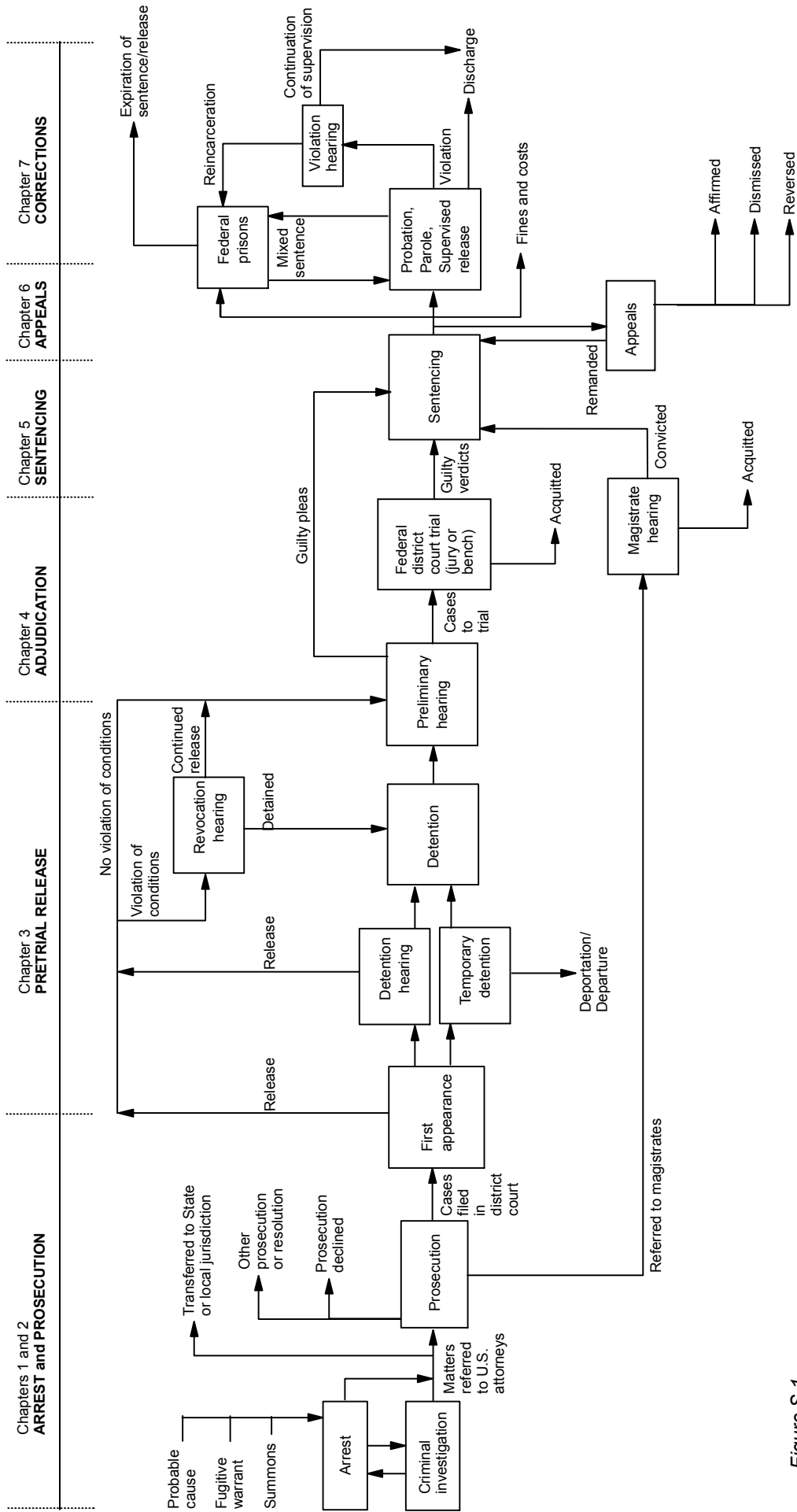
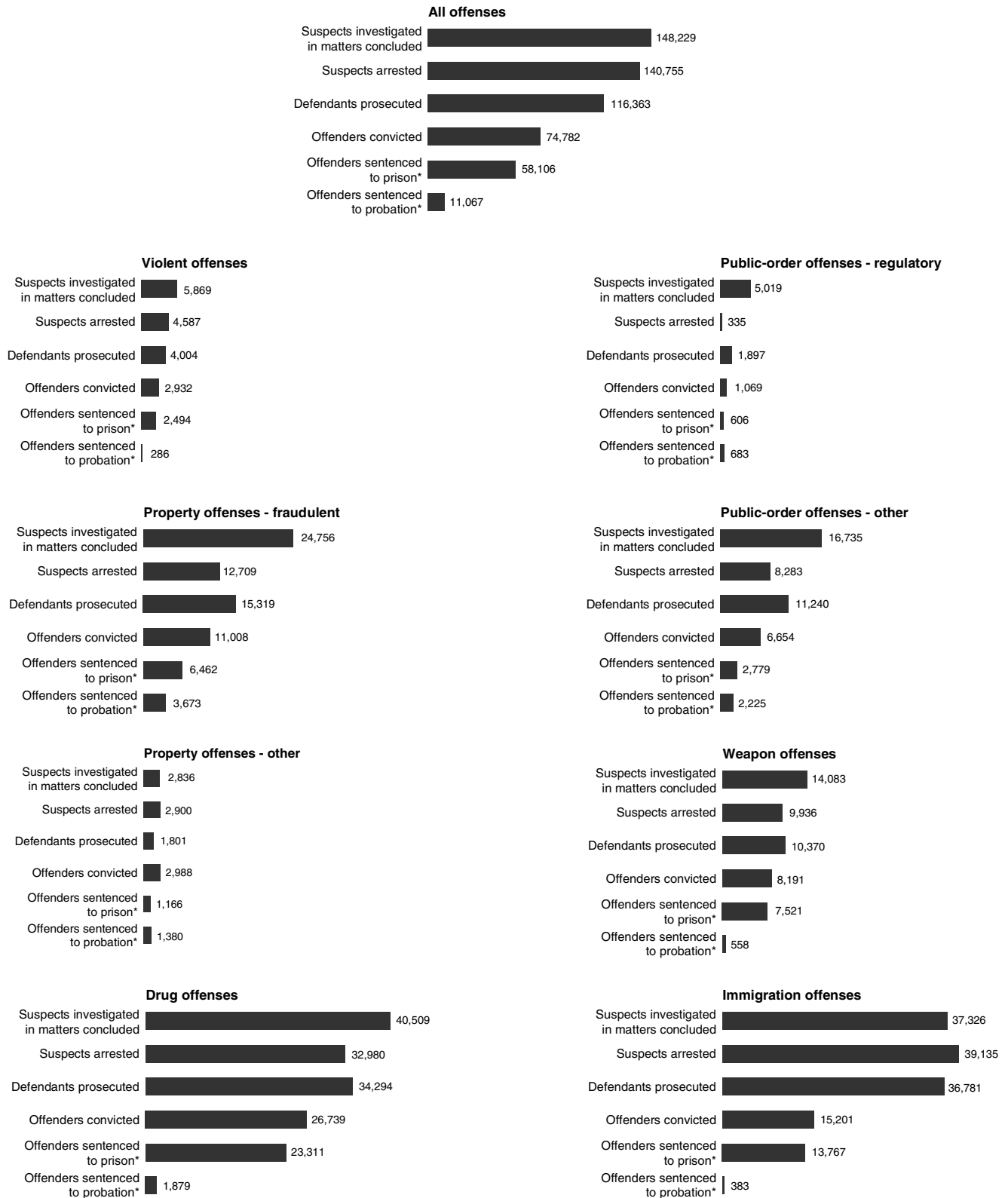


Figure S. 1.

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Federal criminal case processing, October 1, 2003 - September 30, 2004



*Prison includes split, life, indeterminate, regular, and youth sentences. Offenders not shown as sentenced to prison or probation were sentenced by magistrates or received a fine-only sentence in Federal court. Probation excludes persons sentenced to prison.

Figure S.2.

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Arrests for Federal offenses

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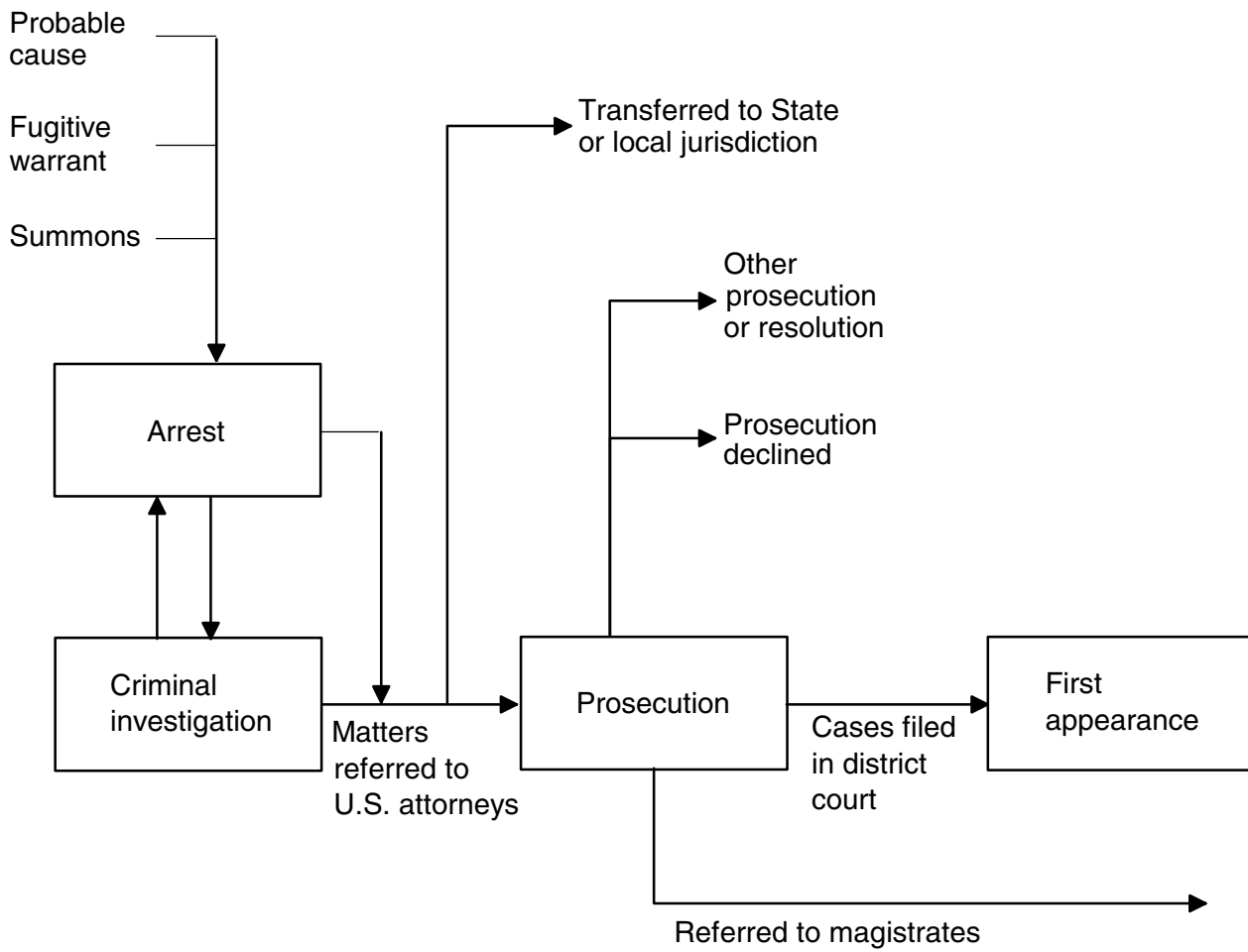
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Chapter 1

Arrests for Federal offenses



Persons suspected of violating Federal law may be arrested by one of the many Federal agencies empowered to make arrests or by State or local authorities. A recent survey by the Bureau of Justice Statistics found that 65 Federal agencies employed about 105,000 full-time officers with the authority to carry firearms and make arrests.¹ Three-fifths of these officers were employed by four agencies:

- U.S. Customs and Border Protection (CBP)
- Federal Bureau of Prisons (BOP)
- Federal Bureau of Investigation (FBI)
- U.S. Customs and Immigration Enforcement (ICE).

Regardless of which agency makes the arrest, Federal suspects are typically transferred to the custody of the U.S. Marshals Service (USMS) for booking, processing, and detention.^{2,3} During 2004 USMS received 140,755 suspects for processing from Federal, State, and local law enforcement agencies, including approximately —

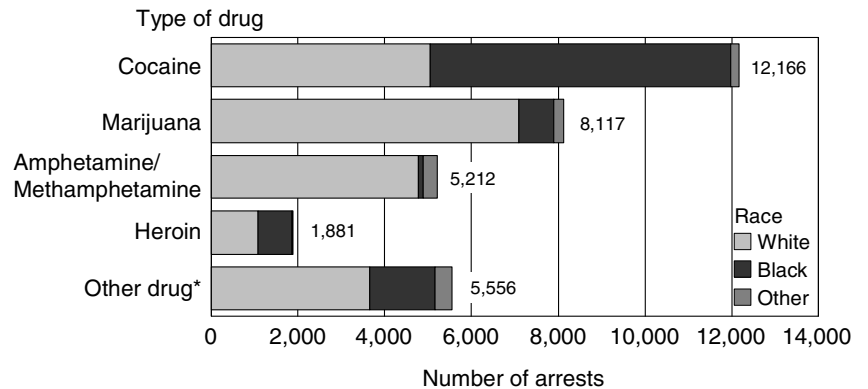
- 40,000 from U.S. Customs and Border Protection
- 39,000 from the U.S. Marshals Service
- 12,000 from the Drug Enforcement Administration (DEA)
- 10,000 from U.S. Immigration and Customs Enforcement
- 9,700 from the Federal Bureau of Investigation.

¹Brian A. Reaves, *Federal Law Enforcement Officers, 2004*, Bureau of Justice Statistics, Washington, DC, <<http://www.usdoj.gov/bjs/abstract/fleo04.html>>.

²The Federal agency making the arrest may be different from the Federal agency initiating the investigation involving the arrestee. Statistics describing agencies initiating investigations are shown in table 2.3 of chapter 2, "Prosecution."

³A portion of immigration arrests result in administrative deportation and are not booked by USMS.

Cocaine was the primary drug involved in Federal drug arrests, and most drug arrestees were white



Notes: Not shown are 1 drug arrest for which race was not specified and 47 arrests for illegal equipment. Hispanics are not shown separately, but are included among the white, black, and other categories. The underlying data do not distinguish between Hispanics and non-Hispanics. *The "other drug" category includes arrests for barbiturates, hallucinogens, opiates other than heroin, and synthetic drugs. Source: U.S. Marshals Service Prisoner Tracking System file, fiscal year

Figure 1.1. Type of drug involved in drug arrests, by race of arrestee, October 1, 2003 - September 30, 2004

Number arrested and booked by offense categories (table 1.1)

During 2004, 140,755 suspects were arrested for violations of Federal law and subsequently booked by USMS. The greatest share of suspects arrested and booked (29%) were apprehended for immigration offenses. Other suspects were arrested for —

- drug offenses (25%)
- supervision violations (17%)
- property offenses (12%)
- weapon offenses (7%)
- public-order offenses (6%)

- securing and safeguarding a material witness (4%)
- violent offenses (3%).

Most arrests and bookings for immigration offenses (83%) were for illegal entry into the United States (figure 1.2). Other arrests and bookings for immigration offenses involved —

- alien smuggling (11%)
- false claims of citizenship (3%)
- other immigration violations (4%).

The greatest portion of drug arrests (37%) involved cocaine (crack or

Most immigration arrests were for illegal entry into the United States

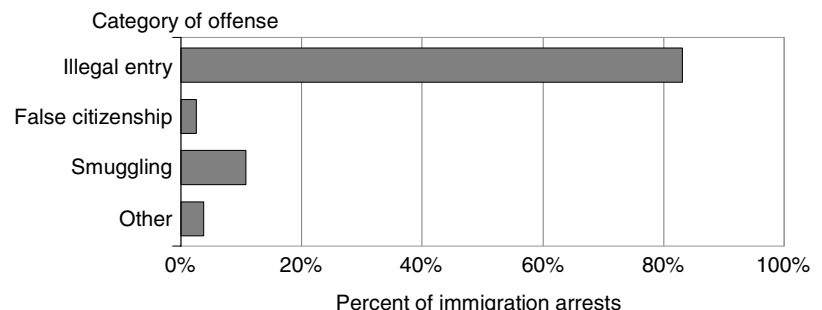


Figure 1.2. Type of immigration arrests, October 1, 2003 - September 30, 2004

powder) (figure 1.1). Other drug arrests involved —

- marijuana (25%)
- amphetamine or methamphetamine (16%)
- heroin (6%)
- other drugs or illegal drug equipment (remainder).

Number arrested and booked by law enforcement agencies (table 1.2)

Department of Justice agencies were responsible for nearly half (48%) of arrests and bookings for Federal offenses. Other arrests were by the —

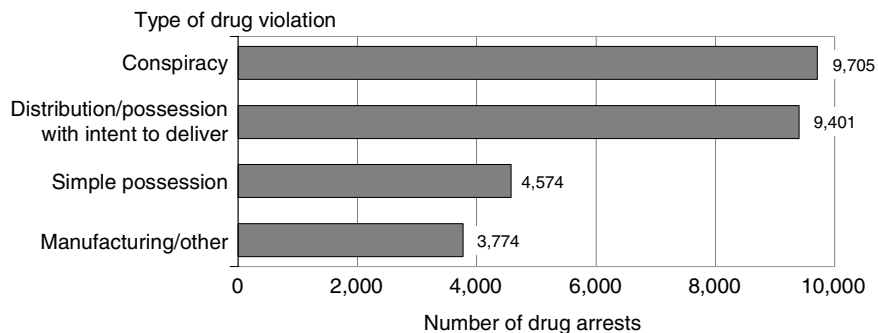
- U.S. Marshals Service (28%)
- Drug Enforcement Administration (9%)
- Federal Bureau of Investigation (7%)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (4%).

The first time data were available about the recently created Department of Homeland Security is 2004. (Detailed information about the agency's formation is available on the DHS web site.⁴) The Department of Homeland Security agencies comprised 37% of all arrests and bookings for Federal offenses:

- Twenty-nine percent were by the Bureau of Customs and Border Protection.
- Seven percent were by the Bureau of Immigration and Customs Enforcement.
- One percent were by the Secret Service.

Non-Federal entities also made arrests for Federal offenses. Five percent of arrests were by state or local law enforcement agencies. An additional 5% of suspects surrendered themselves upon receipt of a subpoena and 0.5% of arrests resulted from a federal/state task force.

Most drug arrests involved conspiracy, distribution, or possession with intent to deliver



Data source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

Figure 1.3. Type of drug violation, October 1, 2003 - September 30, 2004

Suspects arrested and booked across demographic groups (table 1.3)

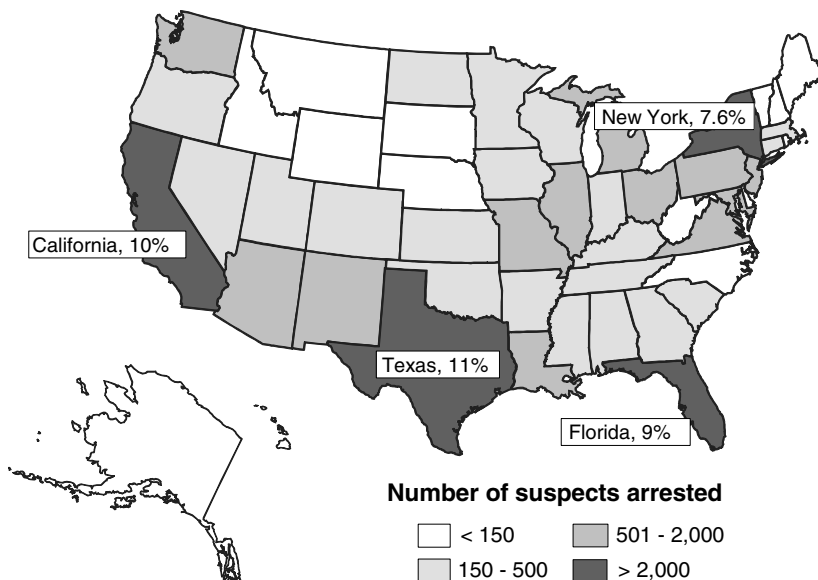
Suspects arrested and booked for Federal offenses in 2004 were predominantly —

- male (86%)
- white (72%)

- between the ages 21 and 40 years (70%)
- U.S. citizens (57%).

Among citizens the most common reasons for arrest were drug offenses (29%) and supervision violations (25%). Of the 43% of arrestees identified as noncitizens, the most common

Most arrests reported by the DEA were in Texas (3,224), California (2,947), Florida (2,857), and New York (1,842)



Note: Not shown on map: District of Columbia (172), Guam (5), Puerto Rico (223), and Virgin Islands (35).
Source: Drug Enforcement Administration, fiscal year.

Figure 1.4. Suspects arrested by the DEA, by State where arrested, October 1, 2003 - September 30, 2004

⁴See <<http://www.dhs.gov>>.

reasons for arrest were immigration and drug offenses (62% and 16% of noncitizens, respectively; data not shown).

Examining the demographics of drug offense arrestees further, about two-thirds (66%) were white, and most of the remaining third (31%) were black. The racial distribution of suspects differed by the type of drug involved. Whites made up the majority of suspects arrested for most drug types:

- amphetamines (91%)
- marijuana (87%)
- heroin (57%)
- and other drugs (66%).

The exception was cocaine-related drug arrests, for which blacks comprised 57% of suspects and whites, 41% (figure 1.1).

Arrests reported by DEA agents (tables 1.4-1.5)

Created in 1973 the Drug Enforcement Administration (DEA) is the primary law enforcement agency responsible for enforcing U.S. drug laws. The DEA investigates major drug offenders at the national and international levels with a focus on organized gangs involved in drug trafficking, violent offending, and money laundering.

The DEA coordinates and works with Federal, State, and local agencies to investigate and assist in the prosecution of drug offenses spanning interstate and/or Federal jurisdictions. The DEA State and Local Task Force Program consists of approximately 200 State and local Task Forces.⁵ Altogether, agents of the Drug Enforcement Administration arrested 27,454 suspects in 2004. Not all were booked for violations of Federal law; some were referred to U.S. attorneys for a prosecutorial decision while others were referred to a State prosecutor (see Chapter notes).

⁵DEA web site, <<http://www.dea.gov/programs/taskforces.htm>> (Accessed May 12, 2005).

Suspects arrested by DEA agents were predominantly —

- white (68%)
- non-Hispanic (58%)
- male (84%)
- U.S. citizens (76%)
- between the ages 21 and 30 years (43%).

Five percent of suspects were armed at the time of arrest, typically with a handgun (4%, data not shown).

Cocaine was the predominant drug involved in arrests made by DEA agents, with cocaine powder comprising 26% of all arrests and crack cocaine, 14%. Other drugs involved in arrests by DEA agents were —

- methamphetamines (21%)
- marijuana (21%)
- opiates (8%)
- other drugs or nondrug offenses (9%).

For most drug types the majority of suspects arrested was white. The exception is crack cocaine, for which the majority of suspects arrested was black.

The types of drug violations that suspects were arrested for were —

- conspiracy (35%)
- distribution or possession with intent to deliver (34%)
- simple possession (17%)
- and manufacturing or other offenses (14%) (figure 1.3).

Arrests by DEA agents were geographically concentrated. For example, the DEA-coordinated Southwest Border Initiative brings together multiple agencies (U.S. Attorneys, U.S. Customs, FBI) to target Mexico-based traffickers operating along the Southwest border. Overall, 1 in 2 DEA arrests in 2004 were made in seven states:

- Texas (11.2%)

- California (10.2%)
- Florida (9.1%)
- New York (7.6%)
- Arizona (4.2%)
- Missouri (3.3%)
- Washington (3.2%) (figure 1.4).

Fugitive investigations (tables 1.6-1.8)

In addition to arrests and prosecutions, Federal law enforcement agencies are also responsible for fugitive investigations, which are typically initiated through the receipt of a warrant issued by a judicial officer. The U.S. Marshals Service (USMS) is the Federal government's lead agency for conducting investigations involving escaped Federal prisoners as well as probation, parole, and bond default violators. USMS compiles and maintains all Federal warrants through the computer-based Warrant Information Network (WIN). Deputy U.S. Marshals collaborate with Federal, State, and local law enforcement through over 100 cooperative task forces to apprehend fugitives, including non-Federal fugitives who are wanted by State and local authorities.⁶

Warrants initiated (table 1.6) — USMS processed 129,283 warrants for investigation during 2004. Over half (59%) of the warrants initiated were for felony offenses, including —

- probation (12%)
- bond (5%)
- parole violations (2%).

Nearly one-third (30%) of warrants initiated were State and local warrants and the remaining 11% were Federal nonfelony warrants for traffic and misdemeanor offenses.

Warrants cleared (tables 1.7-1.9) — 131,265 warrants were cleared in 2004. More than half (55%) of the warrants cleared were for felony offenses, including —

- probation (11%)
- bond (5%)

- parole violations (2%).

About one-third (35%) of the warrants cleared in 2004 were State and local warrants and the remaining 11% were Federal nonfelony warrants for traffic and misdemeanor offenses.

Warrants can be executed in many ways. In 2004 most warrants (77%) cleared with the arrest of a fugitive. Other warrants were cleared through other means (23%*):

- dismissed by the court or returned unexecuted (14%)
- detainer lodged against a fugitive already in custody elsewhere (10%).

There were important differences in warrant execution across different warrant types. Warrants for more serious fugitives typically involved the arrest of a fugitive, while less serious warrants were most often dismissed by the court or returned unexecuted. Federal felony warrants typically cleared with an arrest (76%)

*Detail does not sum to total due to rounding.

and an additional 17% cleared when a detainer was lodged against a fugitive already in custody elsewhere. Similarly, most warrants (94%) for State and local fugitives cleared with an arrest. By contrast, most nonfelony warrants (73%) were dismissed by the court or returned unexecuted.

Warrants that cleared in 2004 typically cleared within 1 month of warrant initiation — the median time to warrant clearance was 20 days — and most (87%) cleared within 1 year (figure 1.4). Again, there were important differences across warrant types. More serious fugitives tended to be apprehended within weeks, while warrants for less serious fugitives remained on the books for much longer. The median time from warrant initiation to clearance was 11 days for Federal felony warrants, 28 days for State and local warrants, and over 8 months (245 days) for Federal nonfelony warrants.

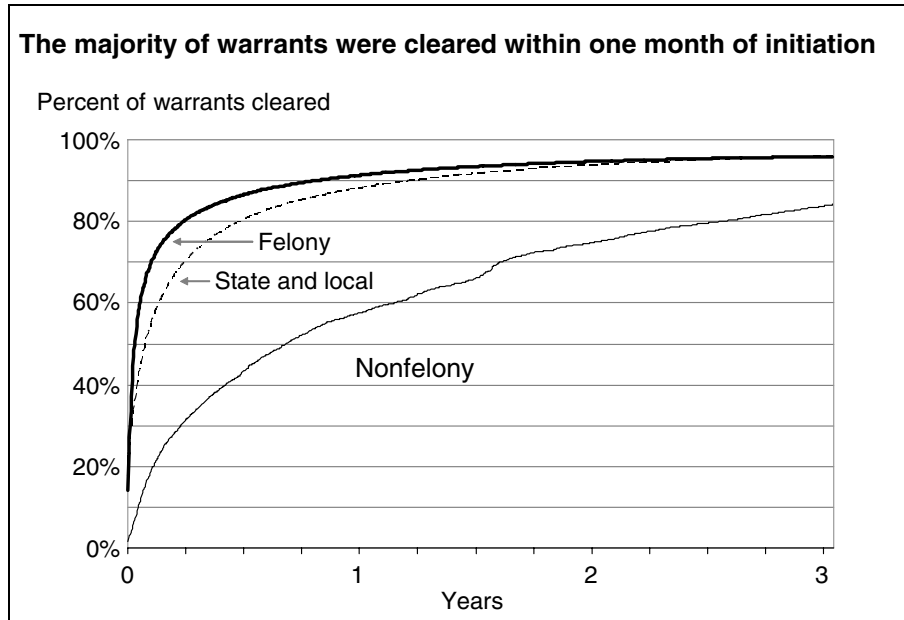


Figure 1.5. Time from warrant initiation to closing, by warrant type, October 1, 2003 - September 30, 2004

⁶U.S. Marshals Service Web site, <<http://www.usmarshals.gov/investigations/index.html>> (Accessed June 29, 2005).

Table 1.1. Suspects arrested for Federal offenses and booked by USMS, by offense, October 1, 2003 - September 30, 2004

Most serious offense	Number	Percent
All offenses	140,755	100.0%
Violent offenses	4,587	3.4%
Murder*	349	0.3
Negligent manslaughter	38	--
Assault	1,152	0.9
Robbery	2,404	1.8
Sexual abuse*	303	0.2
Kidnapping	148	0.1
Threatening communication	149	0.1
Other violent offenses	44	--
Property offenses	15,609	11.6%
Fraudulent	12,709	9.5
Embezzlement	692	0.5
Fraud*	10,549	7.9
Forgery	322	0.2
Counterfeiting	1,146	0.9
Other	2,900	2.2
Burglary	192	0.1
Larceny*	1,774	1.3
Motor vehicle theft	224	0.2
Arson and explosives	95	0.1
Transportation of stolen property	458	0.3
Other property offenses*	157	0.1
Drug offenses	32,980	24.6%
Public-order offenses	8,618	6.4%
Regulatory	335	0.2%
Antitrust	8	--
Food and drug	76	0.1
Civil rights	63	--
Other regulatory offenses	188	0.1
Other	8,283	6.2%
Tax law violations*	972	0.7
Bribery	208	0.2
Perjury, contempt, and intimidation	260	0.2
National defense	11	--
Escape	863	0.6
Racketeering and extortion	497	0.4
Gambling	142	0.1
Obscene material*	722	0.5
Child Support Recovery	189	0.1
Nonviolent sex offenses	810	0.6
Obstruction of justice	446	0.3
Traffic offenses	2,272	1.7
Conspiracy, aiding and abetting, and jurisdictional offenses	84	0.1
Wildlife	159	0.1
Environmental	136	0.1
All other offenses*	512	0.4
Weapon offenses	9,936	7.4%
Immigration offenses	39,135	29.1%
Supervision violations	23,399	17.4%
Material witness	5,385	4.0%

Note: The data in this table are not directly comparable to the data in 2002 and prior compendia. See *Chapter Notes*, p. 24.

--Less than 0.05%.

*In this table, "Murder" includes non-negligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Source: U.S. Marshals Service Prisoner Tracking System file, fiscal year.

Table 1.2. Suspects arrested for Federal offenses and booked by USMS, by Federal law enforcement agency, October 1, 2003 - September 30, 2004

Arresting agency ^a	Most serious offense at arrest										
	All offenses ^b	Violent	Property		Drug	Public-order			Immigration	Supervision violations	Material witness
			Fraudulent	Other		Regulatory	Other	Weapon			
All agencies	140,755	4,587	12,709	2,900	32,980	335	8,283	9,936	39,135	23,399	5,385
Department of Agriculture	127	3	39	9	29	4	33	3	0	6	0
Department of Defense	534	40	22	51	56	1	328	5	19	8	0
Department of Homeland Security	52,528	120	2,508	79	6,062	6	704	194	37,681	98	4,997
Customs and Border Protection ^c	40,803	50	361	33	5,265	4	453	74	30,715	57	3,741
Immigration and Customs Enforcement ^c	10,104	29	715	7	780	1	203	112	6,962	20	1,254
Secret Service ^c	1,621	41	1,432	39	17	1	48	8	4	21	2
Department of the Interior	971	127	11	59	111	66	441	60	1	84	2
Indian Affairs	225	95	6	31	25	1	10	10	0	45	2
Park Police	746	32	5	28	86	65	431	50	1	39	0
Department of Justice	67,030	3,355	5,657	1,205	21,909	125	4,117	8,426	1,207	19,968	309
Bureau of Alcohol, Tobacco, Firearms and Explosives ^c	6,152	99	118	50	1,028	1	60	4,761	4	14	7
Drug Enforcement Administration	12,362	36	63	9	11,910	5	85	138	22	27	20
Federal Bureau of Investigation	9,772	2,041	2,872	414	2,476	51	1,240	353	30	99	46
Marshals Service	38,703	1,177	2,600	732	6,489	68	2,729	3,171	1,151	19,822	236
Other DOJ	41	2	4	0	6	0	3	3	0	6	0
Department of State	404	1	332	6	4	0	17	1	40	1	0
Department of the Treasury	605	4	236	4	17	0	303	2	1	3	5
Internal Revenue Service	605	4	236	4	17	0	303	2	1	3	5
Federal judiciary	655	12	309	135	29	2	74	9	10	63	0
U.S. Postal Service	1,222	26	606	384	71	1	115	5	0	3	1
Other	16,679	899	2,989	968	4,692	130	2,151	1,231	176	3,165	71
Self-report, subpoena	6,558	140	2,176	464	768	57	1,021	367	21	1,478	2
State and local	6,527	592	147	238	2,780	8	449	721	48	1,452	5
Task force	660	0	0	3	612	0	11	10	6	6	0
Other	2,934	167	666	263	532	65	670	133	101	229	64

Notes: The Homeland Security Act of 2002 that established DHS and reorganized several Federal agencies took effect in March 2003. Components of the former Immigration and Naturalization Service, the Customs Service, and the Secret Service were moved to DHS, whereas the Bureau of Alcohol, Tobacco, Firearms and Explosives (formerly Bureau of Alcohol, Tobacco and Firearms) was moved to the Department of Justice.

^aThis table displays data by the arresting Federal agency. The arresting agency may be different from the Federal agency that initiated the investigation involving the arrestee. Statistics describing agencies initiating investigations are shown in table 2.3 of chapter 2, "Prosecution."

^bIncludes 1,106 suspects for whom an offense category could not be determined.

^cComponents of the former Immigration and Naturalization Service, the Customs Service, and Secret Service were moved to DHS, whereas the Bureau of Alcohol, Tobacco, Firearms and Explosives (formerly Bureau of Alcohol, Tobacco and Firearms) was moved to the Department of Justice.

Source: U.S. Marshals Service Prisoner Tracking System file, fiscal year.

Table 1.3. Characteristics of Federal arrestees booked by USMS, October 1, 2003 - September 30, 2004

Arrestee characteristic	Number arrested	Percent of suspects arrested on—										
		All offenses	Violent	Property		Drug	Public-order		Weapon	Immigration	Supervision	Material witness
			Fraudulent	Other	Regulatory		Other					
All arrestees	140,755	100.0%	3.3%	9.1%	2.1%	23.6%	0.2%	5.9%	7.1%	28.0%	16.8%	3.9%
Male/female												
Male	121,316	86.2%	90.6%	69.7%	70.4%	85.5%	84.5%	86.0%	95.9%	91.4%	86.5%	77.1%
Female	19,434	13.8	9.4	30.3	29.6	14.5	15.5	14.0	4.1	8.6	13.5	22.9
Race												
White	101,043	72.3%	42.6%	63.4%	59.2%	66.1%	83.3%	74.5%	47.2%	97.1%	57.1%	94.8%
Black or African American	34,024	24.4	41.0	31.6	34.1	31.0	7.6	20.3	50.6	2.2	38.4	2.3
American Indian or Alaska Native	2,398	1.7	15.0	0.6	4.6	0.9	7.9	2.4	1.3	0.1	3.4	0.1
Asian/Native Hawaiian or Other Pacific Islander	2,241	1.6	1.5	4.3	2.1	1.9	1.2	2.7	0.9	0.6	1.1	2.8
Age												
Under 19 years	2,457	1.7%	4.3%	0.5%	2.6%	1.7%	2.4%	1.0%	1.1%	2.3%	0.4%	6.6%
19-20 years	7,110	5.1	8.0	2.2	6.7	5.5	6.6	3.9	5.0	6.1	2.4	11.5
21-30 years	56,136	39.9	37.9	26.4	28.7	43.8	25.7	27.9	46.4	44.8	35.4	49.1
31-40 years	42,377	30.1	27.1	30.3	29.4	29.2	19.2	26.0	27.1	31.7	33.7	23.2
Over 40 years	32,602	23.2	22.7	40.7	32.7	19.7	46.1	41.1	20.5	15.2	28.1	9.6
Citizenship												
U.S. citizen	74,700	57.4%	92.1%	81.0%	93.4%	70.8%	87.9%	89.8%	94.6%	5.7%	85.2%	2.8%
Not U.S. citizen	55,504	42.6	7.9	19.0	6.6	29.2	12.1	10.2	5.4	94.3	14.8	97.2

Notes: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic. The data in this table are not directly comparable to the data in 2002 and prior compendia. See *Chapter Notes*, p. 24.

Source: U.S. Marshals Service Prisoner Tracking System file, fiscal year.

Table 1.4. Characteristics of suspects arrested by Drug Enforcement Administration agents, by type of drug, October 1, 2003 - September 30, 2004

Arrestee characteristic	Total arrested	Percent arrested	Drug type					Other or nondrug
			Cocaine powder	Crack cocaine	Marijuana	Methamphetamine	Opiates	
All arrestees*	27,454	100.0%	7,082	3,921	5,829	5,823	2,273	2,526
Male/female								
Male	23,169	84.4%	6,184	3,427	5,092	4,635	1,872	1,959
Female	4,285	15.6	898	494	737	1,188	401	567
Race								
White	18,407	67.7%	4,648	695	4,573	5,367	1,398	1,726
Black or African American	7,925	29.2	2,273	3,161	1,017	141	833	500
American Indian or Alaska Native	174	0.6	26	22	56	60	5	5
Asian/Native Hawaiian or Other Pacific Islander	677	2.5	49	25	122	191	18	272
Ethnicity								
Hispanic or Latino	11,130	42.4%	3,943	300	2,882	2,197	1,311	497
Not Hispanic or Latino	15,090	57.6	2,894	3,341	2,724	3,364	868	1,899
Age								
Under 19 years	526	1.9%	97	103	150	94	39	43
19-20 years	1,465	5.4	280	239	411	268	127	140
21-30 years	11,629	42.5	2,957	2,014	2,454	2,299	881	1,024
31-40 years	8,169	29.9	2,323	1,013	1,595	1,857	664	717
Over 40 years	5,566	20.3	1,402	538	1,198	1,283	555	590
Citizenship								
U.S. citizen	20,126	76.3%	4,648	3,701	3,953	4,277	1,491	2,056
Not U.S. citizen	6,247	23.7	2,127	119	1,661	1,317	656	367

Note: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic.

*Number of all arrestees will not match number of DEA arrests reported in table 1.2, as suspects arrested by DEA agents may be transferred to

State or local jurisdiction and are never booked by the U.S. Marshals Service. See *Chapter notes*, p. 24.

Source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

Table 1.5. Characteristics of suspects arrested by Drug Enforcement Administration agents, by weapons involved at time of arrest, October 1, 2003 - September 30, 2004

Arrestee characteristic	Total arrested	Total armed	Percent armed	If armed, percent with ^a —		
				Handgun	Shotgun or rifle	Other weapon
All arrestees^b	27,454	1,406	5.1%	85.3%	23.3%	6.9%
Male/female						
Male	23,169	1,299	5.6%	85.7%	22.9%	7.1%
Female	4,285	107	2.5	81.3	29.0	4.7
Race						
White	18,407	845	4.6%	82.5%	27.5%	7.8%
Black or African American	7,925	511	6.4	90.4	15.9	4.9
American Indian or Alaska Native	174	8	4.6	^	^	^
Asian/Native Hawaiian or Other Pacific Islander	677	27	4.0	81.5	40.7	11.1
Ethnicity						
Hispanic or Latino	11,130	509	4.6%	88.8%	18.3%	6.3%
Not Hispanic or Latino	15,090	816	5.4	83.2	26.7	7.5
Age						
Under 19 years	526	22	4.2%	86.4%	13.6%	4.5%
19-20 years	1,465	74	5.1	79.7	29.7	8.1
21-30 years	11,629	663	5.7	87.8	19.3	5.6
31-40 years	8,169	407	5.0	85.0	24.6	6.9
Over 40 years	5,566	229	4.1	80.3	31.9	10.5
Citizenship						
U.S. citizen	20,126	1,077	5.4%	84.6%	24.2%	7.4%
Not U.S. citizen	6,247	274	4.4	88.7	17.9	5.5

Note: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic.

^aToo few cases to obtain statistically reliable data.

^bPercentages can exceed 100% when suspects are armed with more than one type of weapon.

^bNumber of all arrestees will not match number of DEA arrests reported in table 1.2, as suspects arrested by DEA agents may be transferred to State or local jurisdiction and not the U.S. Marshals Service. See *Chapter notes*, p. 24.
Source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

Table 1.6. Warrants initiated, by warrant type, October 1, 2003 - September 30, 2004

	Number	Percent
All warrants initiated during FY 2004	129,283	100.0%
Federal	90,226	69.8%
Felony	76,040	58.8%
Escape	816	0.6
Bond violation	6,131	4.7
Parole violation	3,145	2.4
Probation violation	15,834	12.2
DEA related	11,870	9.2
Federal agency without arrest power	2,009	1.6
Other Federal agency with arrest power	34,924	27.0
Other	1,311	1.0
Nonfelony	14,186	11.0%
Traffic	8,386	6.5
Misdemeanor	5,800	4.5
State and local	39,057	30.2%

Note: Analysis based on the cohort of all warrants initiated during FY 2004.
Source: U.S. Marshals Service Warrant Information Network, fiscal year.

Table 1.7. Warrants cleared, by warrant type, October 1, 2003 - September 30, 2004

	Number	Percent	Median days from initiation to clearance
All warrants cleared during FY 2004	131,265	100.0%	20 days
Federal	85,976	65.5%	16 days
Felony	72,255	55.0%	11 days
Escape	833	0.6	17
Bond violation	6,043	4.6	14
Parole violation	2,940	2.2	25
Probation violation	14,999	11.4	13
DEA related	11,265	8.6	8
Federal agency without arrest power	2,071	1.6	12
Other Federal agency with arrest power	32,988	25.1	8
Other	1,116	0.9	16
Nonfelony	13,721	10.5%	245 days
Traffic	7,859	6.0	237
Misdemeanor	5,862	4.5	266
State and local	45,289	34.5%	28 days

Note: Analysis based on the cohort of all warrants initiated during FY 2004.
Source: U.S. Marshals Service Warrant Information Network, fiscal year.

Table 1.8. Time from warrant initiation to clearance, by warrant characteristics, October 1, 2003 - September 30, 2004

	All warrant types			Felony			Nonfelony			State and local		
	Number	Percent	Median days	Number	Percent	Median days	Number	Percent	Median days	Number	Percent	Median days
All warrants cleared during FY 2004	131,265	100.0%	20 days	72,255	100.0%	11 days	13,721	100.0%	245 days	45,289	100.0%	28 days
By warrant execution type												
Warrants cleared by arrest	100,596	76.6%	12 days	55,038	76.2%	7 days	3,197	23.3%	54 days	42,361	93.5%	25 days
Alcohol, Tobacco, Firearms and Explosives	3,598	2.7	9	3,590	5.0	9	3	--	^	5	--	^
Customs and Border Protection	2,629	2.0	0	2,618	3.6	0	2	--	^	9	--	^
Drug Enforcement Administration	5,703	4.3	4	5,691	7.9	4	3	--	^	9	--	^
Federal Bureau of Investigation	5,379	4.1	5	5,356	7.4	5	15	0.1	6	8	--	^
Immigration and Naturalization Service	2,594	2.0	1	2,592	3.6	1	0	0.0	...	2	--	^
Marshals Service	59,826	45.6	13	23,510	32.5	8	1,548	11.3	47	34,768	76.8	18
Self-surrender	5,387	4.1	16	3,417	4.7	11	1,357	9.9	53	613	1.4	38
Other Federal	5,784	4.4	13	4,652	6.4	8	173	1.3	120	959	2.1	62
State/local	9,696	7.4	50	3,612	5.0	19	96	0.7	123	5,988	13.2	70
Warrants cleared by other means	30,644	23.3%	124 days	17,208	23.8%	50 days	10,524	76.7%	372 days	2,912	6.4%	199 days
Detainer	12,762	9.7	36	11,977	16.6	34	447	3.3	139	338	0.7	54
Dismissed	17,841	13.6	303	5,194	7.2	196	10,077	73.4	388	2,570	5.7	235
Other	41	--	837	37	0.1	837	0	0.0	...	4	--	^
By offense												
Violent offenses	11,824	9.0%	18 days	3,163	4.4%	10 days	165	1.2%	37 days	8,496	18.8%	22 days
Property offenses	13,790	10.6%	17 days	7,676	10.7%	10 days	582	4.2%	225 days	5,532	12.2%	34 days
Fraudulent	8,157	6.2	13	6,259	8.7	9	65	0.5	75	1,833	4.1	40
Other	5,633	4.3	27	1,417	2.0	13	517	3.8	245	3,699	8.2	29
Drug offenses	29,408	22.5%	12 days	19,323	27.0%	8 days	461	3.4%	91 days	9,624	21.3%	22 days
Public-order offenses	20,181	15.4%	111 days	4,308	6.0%	18 days	11,042	80.5%	279 days	4,831	10.7%	19 days
Regulatory	625	0.5	428	76	0.1	5	515	3.8	563	34	0.1	15
Other	19,556	15.0	107	4,232	5.9	18	10,527	76.7	267	4,797	10.6	19
Weapon offenses	8,398	6.4%	15 days	7,265	10.1%	14 days	105	0.8%	176 days	1,028	2.3%	21 days
Immigration offenses	4,789	3.7%	1 days	4,739	6.6%	1 days	1	--%	^ days	49	0.1%	0 days
Supervision violations	41,641	31.9%	22 days	24,637	34.4%	14 days	1,344	9.8%	90 days	15,660	34.6%	37 days
Material witness	633	0.5%	2 days	588	0.8%	2 days	20	0.1%	1,135 days	25	0.1%	1 days

Notes: Analysis based on the cohort of all warrants cleared during FY 2004. Summing warrants on a characteristic may not yield the total because some warrants were missing data on some characteristics. ...No cases of this type occurred in the data. ^ Too few cases to obtain statistically reliable data. -- Less than .05%. Source: U.S. Marshals Service Warrant Information Network, fiscal year.

Table 1.9. Time from warrant initiation to clearance, by warrant type, October 1, 2003 - September 30, 2004

	All warrant types		Felony		Nonfelony		State and local	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All warrants cleared during FY 2004	131,265	100.0%	72,255	100.0%	13,721	100.0%	45,289	100.0%
On the same day	18,489	14.1%	10,254	14.2%	220	1.6%	8,015	17.7%
Within 1 week	28,781	21.9	21,987	30.4	535	3.9	6,259	13.8
Between 1 week and 1 month	27,414	20.9	16,557	22.9	1,578	11.5	9,279	20.5
Between 1 month and 1 year	39,203	29.9	17,206	23.8	5,597	40.8	16,400	36.2
Between 1 and 5 years	13,852	10.6	4,373	6.1	5,176	37.7	4,303	9.5
More than 5 years	3,520	2.7	1,873	2.6	615	4.5	1,032	2.3

Notes: Analysis based on the cohort of all warrants cleared during FY 2004. Table excludes 6 records that were missing data on time to warrant clearance.

Source: U.S. Marshals Service Warrant Information Network, fiscal year.

Chapter notes

- 1) Tables 1.1-1.3 were derived from the U.S. Marshals Service Prisoner Tracking System. Only records of arrests made between October 1, 2003, and September 30, 2004, were selected. Information on individual cases, offenses, and detainees were used to construct the tables.
- 2) The data in tables 1.1-1.3 are not directly comparable to tables 1.1-1.3 in prior *Compendia* (1998-2002) because of changes in the data processing methodology. *Compendia* between 1998 and 2002 overstated the number of Federal arrests by about 4,000 or 3% because some suspects were booked in more than one Federal district following their arrests. For example, a suspect who is arrested and booked in district A may be transferred to district B because of an outstanding warrant in district B. Upon arrival in district B, the suspect is booked a second time. Data tables from the 2003 *Compendium* onward reflect only the first booking associated with a given person-arrest and are comparable to one another.
- 2) The distribution of arrests by arresting agency and department shown in table 1.2 is not directly comparable to prior *Compendia* because of the agency restructuring that occurred with the creation of the Department of Homeland Security.
- 3) Tables 1.4-1.5 were derived from the DEA Defendant Statistical System. Only records of arrests made between October 1, 2003, and September 30, 2004, were selected. Counts of DEA arrests from tables 1.4-1.5 will be higher than those reported as DEA arrests by the U.S. Marshals (in table 1.2) because some suspects arrested by DEA agents are transferred to State or local jurisdiction and are, therefore, never booked by the U.S. Marshals Service.
- 4) Tables 1.6-1.9 were derived from the U.S. Marshals Service Warrant Information Network. Only records of warrants initiated or warrants cleared during October 1, 2003, through September 30, 2004, were selected. Information on warrant type, warrant execution, and warrant offense were used to construct the tables.
- 5) The offense classification codes used by the U.S. Marshals Service were aggregated into the categories shown in tables 1.1-1.3 and table 1.8. These categories are similar, but may not be directly comparable, to categories used in other tables of this *Compendium*.

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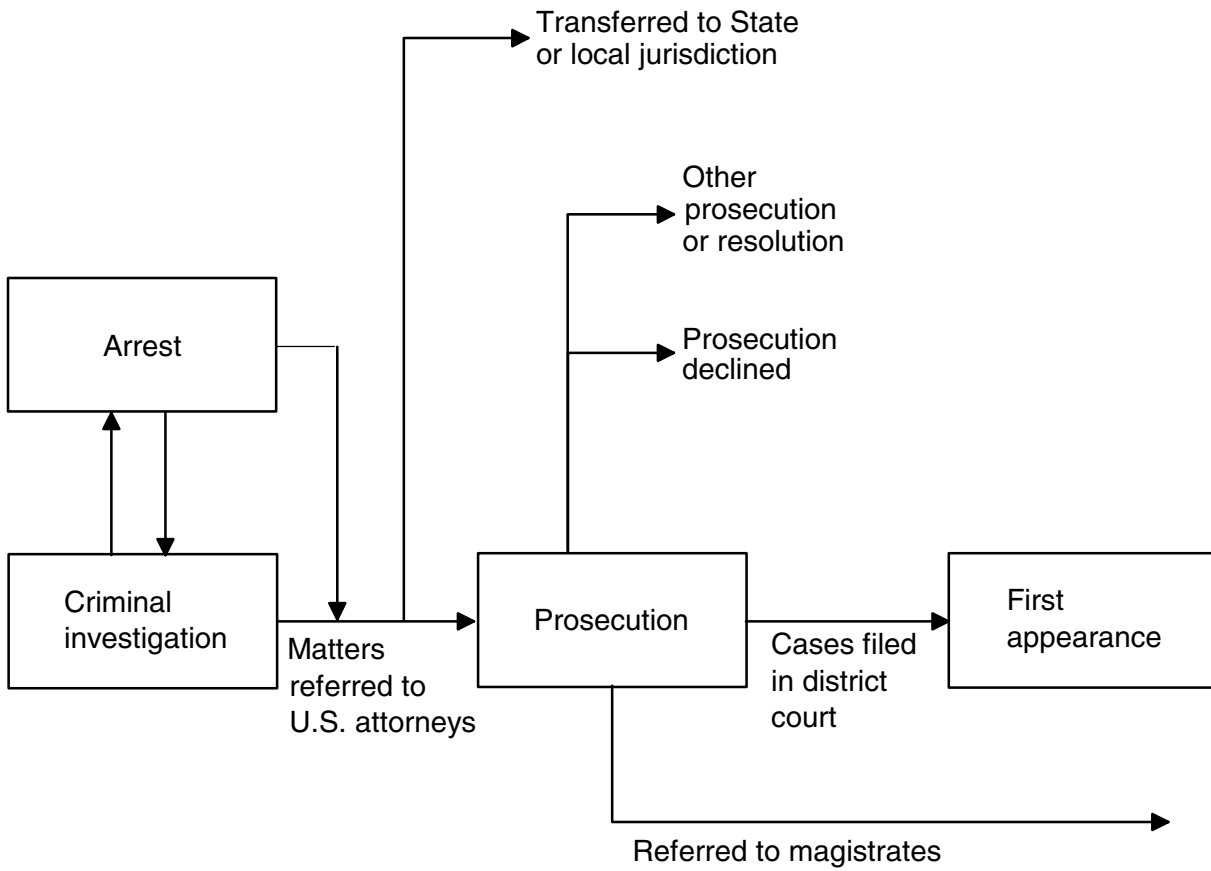
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Chapter 2

Prosecution



Federal criminal cases may be brought by the U.S. Attorney's Office, by the Criminal Division of the U.S. Department of Justice, or by other authorized law enforcement agencies, such as the U.S. Marshals Service. The 93 U.S. attorneys serve as the chief Federal law enforcement officers within their respective districts.

Investigations are most commonly referred to a U.S. attorney by a Federal investigative agency:

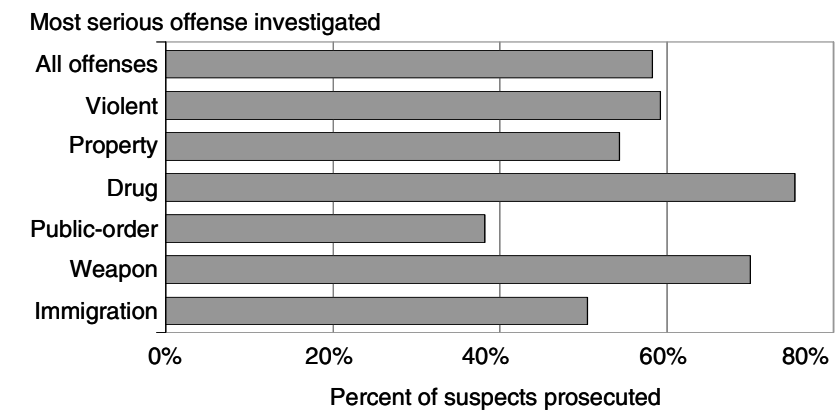
- Federal Bureau of Investigation
- Drug Enforcement Administration
- Citizenship and Immigration Services
- Customs and Border Protection
- Bureau of Alcohol, Tobacco, and Firearms
- Secret Service.

Investigations are also referred by a State or local investigative agency. Investigations may also be initiated — and cases brought directly — by U.S. attorneys or by the Criminal Division of the U.S. Department of Justice. This chapter reports on suspects that were at least partially investigated by U.S. attorneys.

U.S. attorneys' decisions

After criminal investigations are initiated and criminal suspects are referred to them, U.S. attorneys may file charges against defendants in a U.S. district court, or they may file cases before U.S. magistrates, who have the authority to adjudicate misdemeanor offenses (18 U.S.C. § 3401); because of the relatively less serious nature of these cases, and because they are handled by magistrates, the U.S. attorneys count these cases as criminal matters disposed by U.S. magistrates. U.S. attorneys may also decline to file charges for reasons such as weak or insufficient evidence, minimal Federal interest, lack of resources, or lack of criminal intent. Matters that are declined may be referred to another authority for prosecution or be settled through alternative resolution procedures.

Drug and weapon suspects were the most likely to be prosecuted before a U.S. district court judge



Source: Executive Office for U.S. Attorneys, National LIONS system file.

Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted in U.S. district court, by most serious offense investigated, October 1, 2003 - September 30, 2004

The decision to prosecute a suspect in a criminal matter depends upon many factors, including the Attorney General's priorities, U.S. attorney priorities and resources, laws governing each type of offense, and the strength of evidence in each case.

During 2004, 58% of the suspects investigated by U.S. attorneys were prosecuted in U.S. district court, and U.S. magistrates handled an additional 20%. Suspects were prosecuted at different rates depending on the offense involved (figure 2.1). Suspects in immigration matters were the most likely to be prosecuted; 51% had charges filed against them in U.S. district court and an additional 48% had charges filed before a U.S. magistrate. The rate of prosecution was similar for drug offenses, with 75% of suspects having charges filed in district court and 9% having charges filed in magistrate court. About two-thirds of suspects in weapon and violent offense matters were prosecuted, with most (74% and 68%, respectively) being prosecuted in district court.

Public-order and property offenses were the least likely to be prosecuted. Thirty-eight percent of public-order suspects were prosecuted in U.S. district court, and 22% were concluded by magistrates. Fifty-four percent of property suspects were prosecuted in district court.

Suspects in matters received (table 2.1)

During 2004 there were 141,212 suspects in new matters received for investigation by U.S. attorneys. These suspects were investigated for —

- drug offenses (27%)
- immigration offenses (26%)
- property offenses (18%)
- public-order offenses (15%)
- weapon offenses (10%)
- violent offenses (4%).

The number of suspects investigated for immigration offenses increased by 76% between 2003 and 2004, from 20,341 to 35,858. Investigating and prosecuting terrorism threats and related persons and enterprises was the

In 2004, 5 Federal judicial districts along the U.S.-Mexico border (Western and Southern Districts of Texas, Southern District of California, District of Arizona, and District of New Mexico) comprised 32% of all matters referred to U.S. attorneys

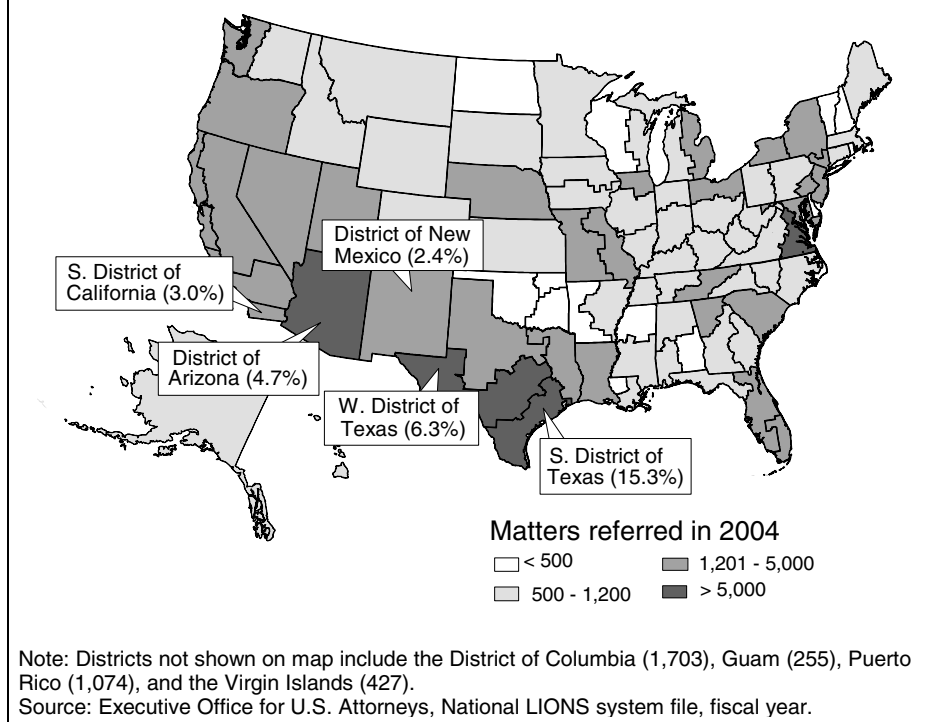


Figure 2.2. Suspects in matters referred by Federal judicial district, October 1, 2002 - September 30, 2003

highest priority for U.S. attorneys in 2004, although violent crimes — particularly those involving firearms — as well as identifying, disrupting, and dismantling drug trafficking organizations continued to be high priorities. Other areas of special emphasis during 2004 included corporate fraud, civil rights prosecution, and trafficking in persons.¹

Disposition of suspects in matters concluded (tables 2.2-2.6)

Upon receiving a matter a U.S. attorney may either decline it for prosecution immediately or investigate further. Upon conclusion of the investigation, U.S. attorneys may file criminal

charges in a U.S. district court, refer the matter to a U.S. magistrate, or decline the case for Federal prosecution. Of the 148,229 suspects in criminal matters concluded during 2004 —

- 58% were prosecuted in U.S. district court
- 20% were referred to U.S. magistrates
- 22% were declined for Federal prosecution.²

Suspects prosecuted in U.S. district court (table 2.2) — U.S. attorneys prosecuted 86,482 suspects in U.S. district courts during 2004. The

likelihood of prosecution in U.S. district court varied widely across offense categories. Suspects involved in immigration and drug offenses were more likely to be prosecuted than suspects in other types of offenses. U.S. attorneys filed charges in district court against —

- 75% of suspects involved in drug offenses
- 70% of those in weapon offenses
- 59% of those in violent offenses
- 54% of those in property offenses
- 50% of those in immigration offenses
- 38% of those in public-order offenses.

Differences in rates of prosecution within major categories were substantial. For example, among violent offenses —

- 76% of robbery suspects were prosecuted
- 51% of murder suspects were prosecuted
- 47% of assault suspects and kidnapping suspects were prosecuted
- approximately 43% of sexual abuse suspects were prosecuted.

Among suspects investigated for property offenses, those in counterfeiting matters had the highest rate of prosecution (64%), while those investigated for arson and explosives had the lowest rate of prosecution (46%). Among suspects investigated for public-order offenses, the rates of prosecution also covered a wide range:

- tax law matters (61%)
- nonviolent sex matters (53%)
- civil rights matters (8%)
- traffic matters (11%).

Suspects in matters concluded by U.S. magistrates (table 2.2) — During 2004 U.S. attorneys referred 20% of all the criminal matters they investigated to U.S. magistrates. Cases

¹Statistical Report, United States Attorneys' Offices, Fiscal Year 2003. U.S. Department of Justice, Executive Office for United States Attorneys, Washington, DC.

²The number of suspects in criminal matters concluded is not comparable to the 1993 and prior compendia. See Chapter notes, item 2, p. 37, for details.

concluded by U.S. magistrates are, by statute, misdemeanors.³ Immigration offenses comprised 60% of all matters concluded by U.S. magistrates, whereas in 2003 immigration offenses were 18% of matters concluded by magistrates. Also disposed by U.S. magistrates were —

- public-order offenses (16%)
- drug offenses (13%)
- property offenses (7%)
- violent offenses (2%)
- weapon offenses (2%).

For most offenses the likelihood that a U.S. magistrate concluded the matter was relatively low. Offenses having comparably high rates of disposal by magistrates included traffic offenses (89%); and conspiracy, aiding and abetting and jurisdictional offenses (72%).

Suspects in matters concluded and declined, by investigating agency (table 2.3) — During 2003, 45% of suspects in matters concluded were investigated by components of the Department of Homeland Security and the Justice Department investigated 33% of suspects in matters concluded. In addition, independent Federal agencies and State/local agencies investigated 9% of suspects in matters concluded.

The declination rate for suspects in matters investigated by components of the Department of Homeland Security was fairly low, at 11%. For suspects in matters investigated by components of the Department of Justice, the declination rate (31%) was a bit higher than the overall declination rate (22%). Declination rates for other investigating agencies included:

- Small Business Administration (69%)
- Land Management Bureau (68%)

³At the time that U.S. attorneys receive them, matters may not be classifiable as felonies or misdemeanors. If a U.S. magistrate disposes of a case — or what the U.S. attorneys call a “matter” — its offense level has been determined, by statute, to be a misdemeanor.

- Railroad Retirement Board (58%)
- Environmental Protection Agency (54%)
- National Park Service (8%)
- U.S. Army (5%)
- U.S. Marine Corps (3%)
- Citizen and Immigration Services (2%).

Suspects in matters declined for Federal prosecution (tables 2.2, 2.4-2.5) — Twenty-two percent of the matters concluded by U.S. attorneys in 2004 were declined for Federal prosecution (table 2.2). Declination rates for offenses were:

- public-order offenses (40%)
- property offenses (38%)
- violent offenses (32%)
- weapon offenses (26%)
- drug offenses (15%)
- immigration offenses (2%).

The decision to decline Federal prosecution is based on a number of factors, including the lack of a prosecutable offense, an alternative resolution, or case- and suspect-related reasons (table 2.4). Of the 31,866 declinations during 2004 —

- 25% occurred because of case-related reasons, mostly due to weak evidence (21%)
- 23% occurred because there was no crime or criminal intent was lacking
- 25% occurred for other reasons, such as agency requests (10%) and lack of resources (6%).

Not all suspects whose matters were declined by U.S. attorneys avoided prosecution. Twenty-one percent of the suspects in matters declined were referred to another authority for prosecution (table 2.5). An additional 4% were settled through alternative resolution procedures. Suspects involved in weapons-related offenses constituted the largest number who were referred by U.S. attorneys to other authorities for prosecution or

resolution. Thirty-two percent of the weapons-related suspects whose matters were declined prosecution by U.S. attorneys were referred for other prosecution or resolution, as were —

- 31% of drug suspects
- 20% of violent suspects
- 19% of public-order suspects
- 14% of property suspects
- 13% of immigration suspects.

Within major offense categories, the likelihood that suspects in matters declined for prosecution were referred to other authorities for prosecution or alternative resolution varied among specific offenses. Within property offenses, referral occurred with 29% of persons involved in counterfeiting, compared to 6% of suspects in embezzlement cases. Within public-order offenses, 54% of escape suspects were referred to other authorities or had their case settled through alternative procedures, compared to 4% of suspects in civil rights cases.

Processing times (table 2.6) — For matters concluded during 2004, the average number of months from receipt of a matter to its conclusion by a U.S. attorney as a case filing or declination or its disposal by a U.S. magistrate was 7.4 months (a median of one month). However, the time to process matters varied with the outcome of the matter. U.S. attorneys took an average of 4 months to file charges in U.S. district court, but over one-half of cases were filed within 1 month. Declinations took longer, with an average duration of almost 19 months, though one-half of declinations occurred within 13 months.

The processing time for matters disposed by U.S. magistrates also differed by the outcome. Matters resulting in a conviction took an average of 4.1 months to conclude, with one-half of cases concluding within 0.2 months. Matters that did not result in a conviction took longer to conclude — an average of 10.4 months, with one-half concluding within 2.1 months.

Processing times also varied with the type of offense involved. Suspects involved in immigration offenses were processed most quickly, with an average case processing time of 1.1 months (a decrease of 2.4 months from 2003) and a median time of less than 1 month. Processing times by offense were:

- weapon offenses (4.8 months on average and a median of 1.6 months)
- drug offenses (6.4 months on average and a median of 0.9 months)
- violent offenses (6.5 months on average and a median of 1.6 months)
- public-order offenses (13.3 months on average and a median of 4.7 months)
- property offenses (14.2 months on average and a median of 7.4 months).

Table 2.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 2003 - September 30, 2004

Most serious offense investigated ^a	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent ^b
All offenses^c	141,212	100.0%
Violent offenses	5,714	4.1%
Murder ^d	701	0.5
Assault	1,469	1.1
Robbery	2,421	1.7
Sexual abuse ^d	665	0.5
Kidnapping	244	0.2
Threats against the President	214	0.2
Property offenses	24,956	17.9%
Fraudulent	22,182	15.9%
Embezzlement	3,380	2.4
Fraud ^d	17,342	12.4
Forgery	969	0.7
Counterfeiting	491	0.4
Other	2,774	2.0
Burglary	45	--
Larceny ^d	1,314	0.9
Motor vehicle theft	360	0.3
Arson and explosives	694	0.5
Transportation of stolen property	51	--
Other property offenses ^d	310	0.2
Drug offenses	37,501	26.8%
Public-order offenses	21,277	15.2%
Regulatory	4,959	3.5%
Agriculture	9	--
Antitrust	32	--
Food and drug	115	0.1
Transportation	315	0.2
Civil rights	1,374	1.0
Communications	62	--
Custom laws	190	0.1
Postal laws	169	0.1
Other regulatory offenses	2,693	1.9
Other	16,318	11.7%
Tax law violations ^d	947	0.7
Bribery	282	0.2
Perjury, contempt, and intimidation	587	0.4
National defense	721	0.5
Escape	2,293	1.6
Racketeering and extortion	3,419	2.4
Gambling	81	0.1
Liquor offenses	27	--
Nonviolent sex offenses	3,011	2.2
Obscene material ^d	43	--
Traffic offenses	212	0.2
Wildlife	515	0.4
Environmental	8	--
Conspiracy, aiding and abetting, and jurisdictional offenses	2,779	2.0
All other offenses ^d	1,393	1.0
Weapon offenses	14,398	10.3%
Immigration offenses	35,858	25.7%

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 37.

--Less than .05%.

^aSee *Chapter notes*, item 3, p. 37, and "Offense classifications" in *Methodology*, p. 105.

^bPercentage distribution based on the suspects for whom the offense category could be determined.

^cIncludes 1,508 suspects for whom an offense category could not be determined; see *Chapter notes*, item 4, p. 37.

^dIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type. Source: Executive Office for U.S. Attorneys, National LIONS system file.

Table 2.2. Disposition of suspects in matters concluded, by offense, October 1, 2003 - September 30, 2004

Most serious offense investigated ^a	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court ^b	Disposed by U.S. magistrates	Declined	Total	Prosecuted in U.S. district court ^b	Disposed by U.S. magistrates	Declined
All offenses^c	148,229	86,482	29,881	31,866	100.0%	58.3%	20.2%	21.5%
Violent offenses	5,869	3,472	532	1,865	100.0%	59.2%	9.1%	31.8%
Murder ^d	679	345	63	271	100.0	50.8	9.3	39.9
Assault	1,443	682	251	510	100.0	47.3	17.4	35.3
Robbery	2,602	1,975	151	476	100.0	75.9	5.8	18.3
Sexual abuse ^d	725	315	30	380	100.0	43.5	4.1	52.4
Kidnapping	271	128	31	112	100.0	47.2	11.4	41.3
Threats against the President	149	27	6	116	100.0	18.1	4.0	77.9
Property offenses	27,592	14,986	2,134	10,472	100.0%	54.3%	7.7%	38.0%
Fraudulent	24,756	13,454	1,865	9,437	100.0%	54.3%	7.5%	38.1%
Embezzlement	3,622	1,781	681	1,160	100.0	49.2	18.8	32.0
Fraud ^d	19,411	10,621	1,087	7,703	100.0	54.7	5.6	39.7
Forgery	1,108	660	72	376	100.0	59.6	6.5	33.9
Counterfeiting	615	392	25	198	100.0	63.7	4.1	32.2
Other	2,836	1,532	269	1,035	100.0%	54.0%	9.5%	36.5%
Burglary	43	29	1	13	100.0	67.4	2.3	30.2
Larceny ^d	1,352	815	141	396	100.0	60.3	10.4	29.3
Motor vehicle theft	382	194	34	154	100.0	50.8	8.9	40.3
Arson and explosives	737	335	37	365	100.0	45.5	5.0	49.5
Transportation of stolen property	57	20	5	32	100.0	35.1	8.8	56.1
Other property offenses ^d	265	139	51	75	100.0	52.5	19.2	28.3
Drug offenses	40,509	30,503	3,791	6,215	100.0%	75.3%	9.4%	15.3%
Public-order offenses	21,754	8,304	4,833	8,617	100.0%	38.2%	22.2%	39.6%
Regulatory	5,019	1,479	418	3,122	100.0%	29.5%	8.3%	62.2%
Agriculture	10	7	0	3	^	^	^	^
Antitrust	10	8	0	2	^	^	^	^
Food and drug	165	68	14	83	100.0	41.2	8.5	50.3
Transportation	331	159	28	144	100.0	48.0	8.5	43.5
Civil rights	1,490	112	3	1,375	100.0	7.5	0.2	92.3
Communications	89	12	3	74	100.0	13.5	3.4	83.1
Custom laws	233	93	18	122	100.0	39.9	7.7	52.4
Postal laws	173	85	45	43	100.0	49.1	26.0	24.9
Other regulatory offenses	2,518	935	307	1,276	100.0	37.1	12.2	50.7
Other	16,735	6,825	4,415	5,495	100.0%	40.8%	26.4%	32.8%
Tax law violations ^d	922	558	23	341	100.0	60.5	2.5	37.0
Bribery	300	137	17	146	100.0	45.7	5.7	48.7
Perjury, contempt, and intimidation	536	237	47	252	100.0	44.2	8.8	47.0
National defense	706	174	181	351	100.0	24.6	25.6	49.7
Escape	2,744	1,073	1,084	587	100.0	39.1	39.5	21.4
Racketeering and extortion	3,644	1,761	172	1,711	100.0	48.3	4.7	47.0
Gambling	183	91	0	92	100.0	49.7	0.0	50.3
Liquor offenses	42	7	28	7	100.0	16.7	66.7	16.7
Nonviolent sex offenses	2,572	1,358	116	1,098	100.0	52.8	4.5	42.7
Obscene material ^d	40	23	0	17	100.0	57.5	0.0	42.5
Traffic	244	26	217	1	100.0	10.7	88.9	0.4
Wildlife	473	208	133	132	100.0	44.0	28.1	27.9
Environmental	8	2	0	6	^	^	^	^
Conspiracy, aiding and abetting, and jurisdictional offenses	3,137	715	2,243	179	100.0	22.8	71.5	5.7
All other offenses ^d	1,184	455	154	575	100.0	38.4	13.0	48.6
Weapon offenses	14,083	9,863	507	3,713	100.0%	70.0%	3.6%	26.4%
Immigration offenses	37,326	18,865	17,916	545	100.0%	50.5%	48.0%	1.5%

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 37.

^ Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 37, and "Offense classifications" in *Methodology*, p. 105.

^bThe suspects included in this column are limited to those whose cases were filed in U.S. district court before U.S. district court judges. These data are not directly comparable to the number in the 1993 or prior compendia, which included appeals cases handled by U.S. attorneys; see *Chapter notes*, item 2, p. 37.

^cIncludes 1,096 suspects for whom an offense category could not be determined.

These include 489 prosecuted in U.S. district court, 168 disposed by U.S. magistrates, and 39 that were declined. See *Chapter notes*, item 4, p. 37.

^dIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Source: Executive Office for U.S. Attorneys, National LIONS system file.

Table 2.3. Suspects in matters concluded and declined, by investigating agency, October 1, 2003 - September 30, 2004

Department/Agency	Suspects in criminal matters concluded		
	Number concluded	Number Declined	Percent
All agencies*	148,240	31,866	21.5%
Agriculture	665	260	39.1%
Forest Service	268	80	29.9
All other Agriculture	397	180	45.3
Commerce	75	37	49.3%
Homeland Security	66,713	7,177	10.8%
Alcohol, Tobacco, Firearms and Explosives	12,898	3,383	26.2
Bureau of Customs and Border Protection	9,130	1,177	12.9
Citizenship and Immigration Services	38,727	729	1.9
Federal Emergency Management Agency	40	11	27.5
Joint ATF/State or Local Task Force	1,631	453	27.8
Joint DHS agency/State/Local Task Force	423	61	14.4
United States Coast Guard	91	25	27.5
United States Secret Service	3,773	1,338	35.5
Defense	4,580	466	10.2%
Army	2,138	109	5.1
Air Force	616	96	15.6
Navy	1,137	92	8.1
U.S. Marine Corps	178	5	2.8
Office of the Inspector General	89	51	57.3
All other Defense	422	113	26.8
Education	122	45	36.9%
Energy	16	12	75.0%
Federal/State task forces	4,359	1,082	24.8%
Health and Human Services	1,289	668	51.8%
Housing and Urban Development	452	153	33.8%
Interior	2,423	659	27.2%
National Park Service	1,031	85	8.2
Fish and Wildlife Service	486	137	28.2
Bureau of Indian Affairs	687	329	47.9
Bureau of Land Management	117	108	68.4
All other Interior	102	28	27.5
Justice	49,292	15,435	31.3%
Federal Bureau of Investigation	27,324	11,047	40.4
Drug Enforcement Administration	18,760	3,113	16.6
U.S. Marshals Service	1,914	825	43.1
Bureau of Prisons	99	26	26.3
All other Justice	1,195	424	35.5
Labor	369	158	42.8%
State Department	1,203	233	19.4%
Transportation	170	75	44.1%
Treasury	2,490	970	39.0%
Internal Revenue Service	2,252	862	38.3
All other Treasury	238	108	45.4
Other	14,005	4,428	31.6%
Independent Federal agencies	9,144	3,053	33.4%
U.S. Postal Service	4,535	1,485	32.7
Environmental Protection Agency	378	203	53.7
Social Security Administration	1,116	373	33.4
U.S. Courts	292	88	30.1
Veterans Administration	359	119	33.1
Small Business Administration	29	20	69.0
Railroad Retirement Board	82	48	58.5
Central Intelligence Agency	15	5	33.3
Other independent Federal agencies	2,338	712	30.5
State/local agencies	4,861	1,375	28.3%

Note: The provisions of the Homeland Security Act of 2002 (P.L. 107-296) moved the Bureau of Alcohol, Tobacco, Firearms and Explosives (formerly Bureau of Alcohol, Tobacco and Firearms), Secret Service, U.S. Customs, and Bureau of Immigration and Naturalization to other departments and re-named some agencies.

*Includes 17 suspects for whom an investigating agency could not be determined.

Source: Executive Office for U.S. Attorneys, National LIONS system file.

Table 2.4. Basis for declination of prosecution by U.S. attorneys, October 1, 2003 - September 30, 2004

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent ^a
Total declinations^b	31,866	100.0%
No crime	7,237	23.1%
No true bill returned	14	--
No Federal offense	1,459	4.7
Lack of criminal intent	5,764	18.4
Referred or handled in other prosecution	6,584	21.0%
Removed	1,500	4.8
Prosecuted on other charges	1,122	3.6
Prosecuted by other authorities	3,962	12.6
Alternative resolution	1,142	3.6%
Restitution	161	0.5
Civil or administrative alternative	501	1.6
Pretrial diversion	480	1.5
Suspect-related reasons	818	2.6%
Suspect serving sentence	84	0.3
No known suspect	384	1.2
Suspect a fugitive	89	0.3
Suspect deceased	220	0.7
Suspect deported	41	0.1
Case-related reasons	7,869	25.1%
Stale case	510	1.6
Weak evidence	6,575	21.0
Statute of limitations exceeded	160	0.5
Jurisdiction or venue problems	289	0.9
Witness problems	334	1.1
All other reasons	7,684	24.5%
Minimal Federal interest	1,011	3.2
Petite policy	154	0.5
Lack of resources ^c	1,778	5.7
DOJ policy	508	1.6
U.S. attorney policy	814	2.6
Agency request	3,088	9.9
Juvenile suspect	64	0.2
Offender's health, age, prior record, or other personal circumstances	92	0.3
Suspect's cooperation	175	0.6

Note: For further information, see *Chapter notes*, items 1 and 2, p. 37.

--Less than .05%.

^aPercent based on suspects for whom a basis for declination could be determined.

^bIncludes 532 suspects for whom basis for declination could not be determined; see *Chapter notes*, item 4, p. 37.

^cThe data on declinations due to a lack of resources are not directly comparable to data in the 1998 or prior compendia. See *Chapter notes*, item 5, p. 37.

Source: Executive Office for U.S. Attorneys, National LIONS system file.

Table 2.5. Disposition of matters declined for prosecution by U.S. attorneys, by offense, October 1, 2003 - September 30, 2004

Most serious offense investigated ^a	Number of suspects in declined matters				Percent of suspects in declined matters			
	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other
All offenses^d	31,866	6,584	1,142	23,608	100.0%	21.0%	3.6%	75.3%
Violent offenses	1,865	362	20	1,456	100.0%	19.7%	1.1%	79.2%
Murder ^e	271	33	1	236	100.0	12.2	0.4	87.4
Assault	510	92	12	400	100.0	18.3	2.4	79.4
Robbery	476	163	3	293	100.0	35.5	0.7	63.8
Sexual abuse ^e	380	23	3	351	100.0	6.1	0.8	93.1
Kidnapping	112	38	1	73	100.0	33.9	0.9	65.2
Threats against the President	116	13	0	103	100.0	11.2	0.0	88.8
Property offenses	10,472	1,475	635	8,208	100.0%	14.3%	6.2%	79.6%
Fraudulent	9,437	1,294	596	7,407	100.0%	13.9%	6.4%	79.7%
Embezzlement	1,160	78	216	851	100.0	6.8	18.9	74.3
Fraud ^e	7,703	1,079	347	6,161	100.0	14.2	4.6	81.2
Forgery	376	81	31	261	100.0	21.7	8.3	70.0
Counterfeiting	198	56	2	134	100.0	29.2	1.0	69.8
Other	1,035	181	39	801	100.0%	17.7%	3.8%	78.5%
Burglary	13	6	0	6	100.0	50.0	0.0	50.0
Larceny ^e	396	76	25	291	100.0	19.4	6.4	74.2
Motor vehicle theft	154	33	3	113	100.0	22.1	2.0	75.8
Arson and explosives	365	42	4	315	100.0	11.6	1.1	87.3
Transportation of stolen property	32	5	0	27	100.0	15.6	0.0	84.4
Other property offenses ^e	75	19	7	49	100.0	25.3	9.3	65.3
Drug offenses	6,215	1,874	40	4,184	100.0%	30.7%	0.7%	68.6%
Public-order offenses	8,617	1,588	307	6,582	100.0%	18.7%	3.6%	77.6%
Regulatory	3,122	258	165	2,655	100.0%	8.4%	5.4%	86.3%
Agriculture	3	0	0	3	^	^	^	^
Antitrust	2	0	0	2	^	^	^	^
Food and drug	83	6	4	71	100.0	7.4	4.9	87.7
Transportation	144	14	11	117	100.0	9.9	7.7	82.4
Civil rights	1,375	52	28	1,285	100.0	3.8	2.1	94.1
Communications	74	5	0	68	100.0	6.8	0.0	93.2
Custom laws	122	22	8	86	100.0	19.0	6.9	74.1
Postal laws	43	6	9	28	100.0	14.0	20.9	65.1
Other regulatory offenses	1,276	153	105	995	100.0	12.2	8.4	79.4
Other	5,495	1,330	142	3,927	100.0%	24.6%	2.6%	72.7%
Tax law violations ^e	341	34	9	286	100.0	10.3	2.7	86.9
Bribery	146	19	5	122	100.0	13.0	3.4	83.6
Perjury, contempt, and intimidation	252	25	4	222	100.0	10.0	1.6	88.4
National defense	351	23	15	305	100.0	6.7	4.4	88.9
Escape	587	308	26	234	100.0	54.2	4.6	41.2
Racketeering and extortion	1,711	225	19	1,442	100.0	13.3	1.1	85.5
Gambling	92	13	1	78	100.0	14.1	1.1	84.8
Liquor offenses	7	0	0	7	^	^	^	^
Nonviolent sex offenses	1,098	223	12	843	100.0	20.7	1.1	78.2
Obscene material ^e	17	2	3	12	100.0	11.8	17.6	70.6
Traffic	1	0	0	1	^	^	^	^
Wildlife	132	34	20	74	100.0	26.6	15.6	57.8
Environmental	6	0	1	5	^	^	^	^
Conspiracy, aiding and abetting, and jurisdictional offenses	179	35	10	132	100.0	19.8	5.6	74.6
All other offenses ^e	575	389	17	164	100.0	68.2	3.0	28.8
Weapon offenses	3,713	1,158	22	2,489	100.0%	31.6%	0.6%	67.8%
Immigration offenses	545	63	22	419	100.0%	12.5%	4.4%	83.1%

Note: For further information, see *Chapter notes*, items 1 and 2, p. 37.

^ Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 37, and "Offense classifications" in *Methodology*, p. 105.

^bIncludes 532 suspects for whom a reason for declination could not be determined.

^cIncludes suspects in matters removed, prosecuted on other charges, prosecuted by other authorities, complaints filed with other indictments, youthful offenders, and those transferred to State authority.

^dIncludes 439 suspects for whom an offense category could not be determined.

^eIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 2.6. Mean and median processing times from receipt to filing or declination, by offense, October 1, 2003 - September 30, 2004

Most serious offense investigated ^a	Number of months from receipt of matter to decision						
	All suspects	Disposed by U.S. magistrate			Concluded by U.S. attorney		
		Total	Convicted	Not convicted	Total	Prosecuted in U.S. district court ^b	Declined
Mean							
All offenses^c	7.4 mo	4.4 mo	1.4 mo	10.4 mo	8.2 mo	4.2 mo	19.0 mo
Violent offenses	6.5	6.8	5.0	7.6	6.5	2.6	13.6
Property offenses	14.2	12.2	8.0	14.5	14.4	8.8	22.4
Fraudulent offenses ^d	14.6	12.2	7.7	14.5	14.8	9.1	22.9
Other offenses ^e	10.8	12.6	9.3	14.7	10.6	5.5	18.1
Drug offenses	6.4	7.0	3.0	8.3	6.3	3.5	20.1
Public-order offenses	13.3	11.7	4.2	18.7	13.8	7.9	19.5
Regulatory offenses	15.9	10.3	7.6	12.4	16.5	9.6	19.7
Other offenses	12.6	11.8	3.9	19.4	12.8	7.5	19.4
Weapon offenses	4.8	6.0	5.3	6.0	4.8	2.7	10.3
Immigration offenses	1.1	0.8	0.6	2.6	1.4	1.1	12.7
Median							
All offenses^c	1.0 mo	0.2 mo	0.0 mo	2.1 mo	1.3 mo	0.8 mo	12.6 mo
Violent offenses	1.6	3.2	3.6	2.8	1.5	0.8	8.0
Property offenses	7.4	5.5	5.2	6.0	7.6	2.8	16.4
Fraudulent offenses ^d	7.7	5.5	5.1	6.0	8.0	3.0	17.0
Other offenses ^e	4.3	5.5	5.8	5.2	4.1	1.5	13.1
Drug offenses	0.9	1.6	0.2	1.9	0.9	0.7	14.2
Public-order offenses	4.7	3.0	2.5	4.0	6.0	1.4	12.2
Regulatory offenses	8.9	5.8	6.2	4.8	9.6	2.8	12.6
Other offenses	3.8	2.8	2.3	4.0	4.7	1.2	11.9
Weapon offenses	1.6	1.8	2.9	1.7	1.6	1.0	6.3
Immigration offenses	0.4	0.0	0.0	0.9	0.7	0.7	6.2
Number of suspects^f	148,224	29,881	19,908	9,973	118,343	86,478	31,864
With unknown or indeterminable offense or processing time	1,096	168	91	77	933	493	440

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 37.

^aSee *Chapter notes*, item 3, p. 37, and "Offense classifications" in *Methodology*, p. 105.

^bThe suspects included in this column are limited to those whose cases were filed in U.S. district court before U.S. district court judges. These data are not directly comparable to the number in the 1993 or prior compendia, which included appeals cases handled by U.S. attorneys; see *Chapter notes*, item 2, p. 37.

^cIncludes suspects for whom an offense category could not be determined; see *Chapter notes*, item 4, p. 37.

^dExcluding tax fraud.

^eIncluding tax fraud.

^fExcludes suspects with insufficient data to determine processing time.

Source: Executive Office for U.S. Attorneys, National LIONS system file.

Chapter notes

- 1) Tables 2.1-2.6 were created from the National LIONS system data files of the EOUSA. For table 2.1, only records which showed a matter received during 2004 were selected. For tables 2.2-2.6, only records which show a matter terminated by reason of declination, disposition by a U.S. magistrate, or filed as a case in U.S. district court from October 1, 2003, through September 30, 2004, were selected. In all of these tables, matters "declined immediately" — those cases in which the U.S. attorney spent less than 1 hour investigating — were excluded.
- 2) The number of suspects in matters investigated in table 2.1, and the number of suspects in matters concluded in tables 2.2 and 2.6 are not directly comparable to counts in the 1993 and prior compendia. In those years these statistics included appellants in appeals filed or appeals terminated. In table 2.1 of this *Compendium* and its corresponding tables in 1994 and subsequent compendia, the number of suspects in matters received is limited to suspects in criminal matters that were filed as cases in U.S. district courts, handled by U.S. magistrates, or declined for prosecution. In the 1993 and prior compendia, the number of suspects in criminal matters received included criminal appeals. To obtain a number of suspects comparable to the statistic reported in the 1993 and prior compendia, add to the data in table 2.1 of this *Compendium* the number of appellants in appeals that were handled by U.S. attorneys.

In tables 2.2 and 2.6 of this *Compendium* and their corresponding tables in the 1994 and subsequent compendia, the number of suspects in matters concluded also is limited to those suspects whose matters were concluded by a case filing in a U.S. district court, by declination, or by disposition by a U.S. magistrate. In the 1993 and prior compendia, this number included

appellants in criminal appeals terminated.

To obtain a number that is comparable to the number reported in the 1993 and prior compendia, the number of appellants in appeals terminated and handled by U.S. attorneys needs to be added to the totals in table 2.2.

- 3) Offenses in the National LIONS system data files are classified by the title and section of the United States Code for the most serious offense investigated, as determined by the assistant U.S. attorney responsible for the matter. For tables in this *Compendium*, these citations were translated into the corresponding four-digit offense codes used by the Administrative Office of the United States Courts (AOUSC). These four-digit codes were then aggregated into the categories shown in the tables.

U.S. Code citations often do not permit detailed classification of drug offenses by the type of criminal activity involved. A person charged with conspiracy is classified under the substantive offense alleged (for example, conspiracy to defraud is classified as fraud) unless type of conspiracy cannot be determined from the U.S. Code citation. Unclassified conspiracies are included among "conspiracy, aiding and abetting, traffic, and jurisdictional offenses" in tables 2.1, 2.2, 2.5, and 2.6.

The most serious offense investigated is based on the criminal lead charge as determined by the assistant U.S. attorney responsible for the criminal matter.

- 4) In the tables in this chapter, the "all offenses" row or "total declinations" row (in table 2.5) includes records whose offense category (basis for declination) is missing or indeterminable. The percentage distributions in these tables, however, are based on the number of observations with nonmissing offenses (basis for declination) values. The number of missing values are

reported either on a separate line or in a footnote.

- 5) Additional data for "lack of resources" as a reason for declination were discovered in 1999; these cases previously were coded as "unknown or indeterminate" in 1998 and prior years. Therefore, in table 2.4, the apparent increase in "lack of resources" as a declination reason (between 1998 and future years) is due in large part to this additional information and reclassification of declination reasons from "unknown and indeterminate."



Pretrial release

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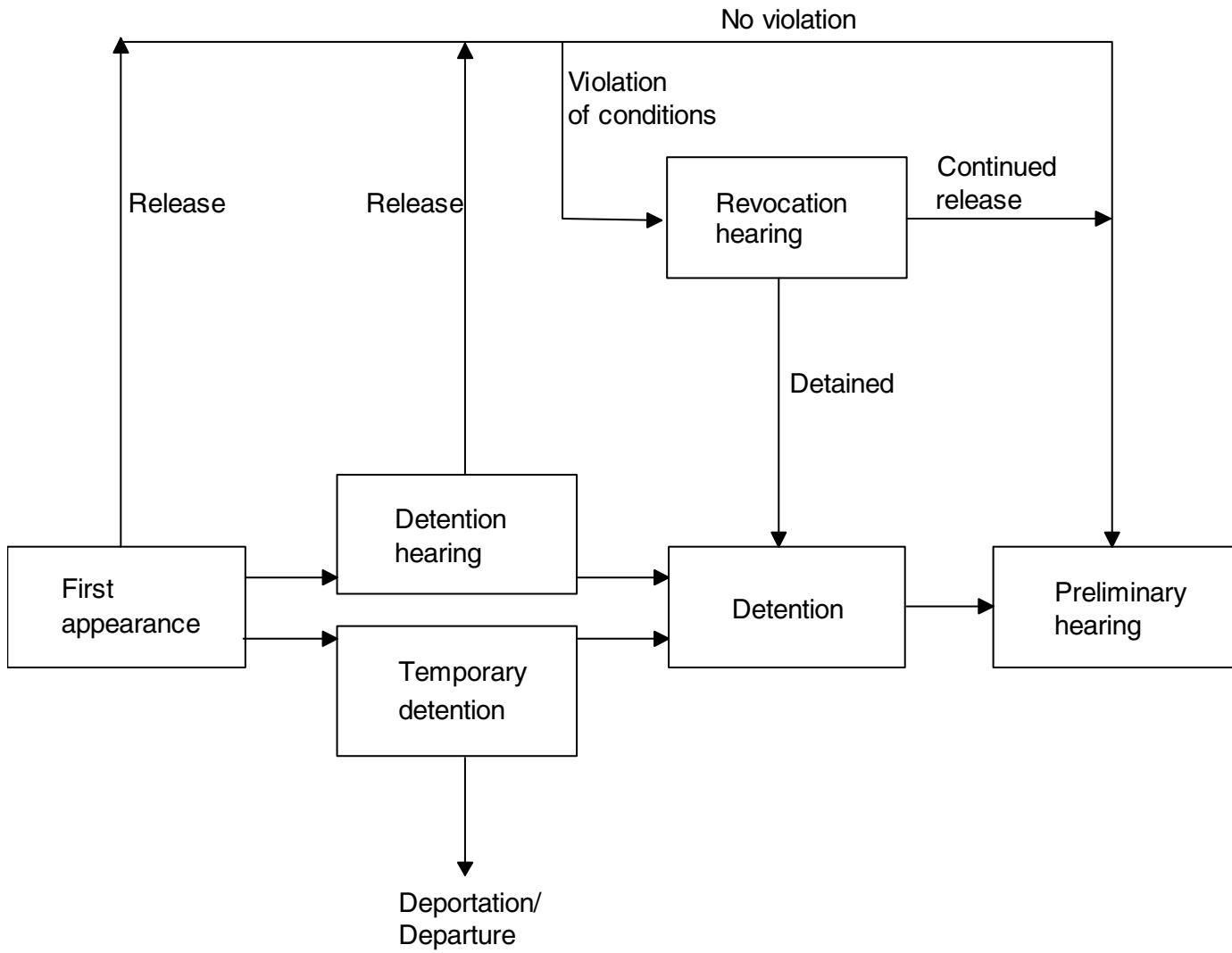
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Chapter 3

Pretrial release



The Bail Reform Act of 1984 (18 U.S.C. § 3141) sets the terms for release and detention of defendants facing charges in Federal courts. At the time defendants first appear before a judicial officer, they may be —

- (1) released on personal recognition or unsecured bond,
- (2) released subject to conditions imposed by the court, possibly including traditional bail,
- (3) temporarily detained without bail (limited to 10 working days) to permit deportation, exclusion, or the revocation of previously granted conditional release, or
- (4) detained pending the outcome of a detention hearing.*

According to the statute a defendant must be brought before a judicial officer without "unnecessary delay" upon arrest for an "initial appearance." The judicial officer, who may be a judge, but is generally a U.S. magistrate, determines whether the defendant will be released or detained prior to trial. If a hearing is required, the release decision may be delayed no longer than 3 days (or 5 days if requested by the defendant).

The recommendation to detain the defendant is made by the U.S. attorney and/or the pretrial services officer. If the court concurs with the recommendation to detain the defendant, a pretrial detention hearing is held to show cause why the defendant should be detained pending adjudication of the charges.

According to the Bail Reform Act of 1984, preventive detention is applicable in instances where the defendant was charged with —

- (1) a crime of violence,
- (2) an offense with a statutory maximum sentence of life imprisonment or death,
- (3) a drug offense with a statutory maximum sentence of 10 years or more imprisonment, or

- (4) any felony offense if the defendant had been convicted on two or more occasions of an offense described above or a similar State-level offense.

A detention recommendation may be made if there is a serious risk that the defendant would flee in an attempt to avoid prosecution or would obstruct justice or intimidate witnesses or jurors.

Types of pretrial release

Defendants may be released without financial conditions according to the following:

Personal recognizance — defendant is released subject to no financial or other conditions.

Unsecured bond — no money is required to be posted before release, but defendant is liable for full bail amount if he or she fails to appear.

Conditional release — any combination of restrictions that are deemed necessary to guarantee the defendant's appearance at trial or the safety of the community. Nonfinancial conditions commonly place restrictions on the defendant's movements, associations, and/or actions. They may also involve employment or treatment for medical, psychological, or substance abuse conditions.

Defendants may also be released on financial conditions. Financial conditions include:

- (1) deposit bond (the defendant is required to post a percentage of the total bail amount, usually 10%),
- (2) surety bond (the defendant is released subject to guarantees by a third person that the full amount will be paid), or
- (3) collateral bond (collateral equal to the full bail amount required to be posted by the defendant before release).

Financial conditions may occur in combination with nonfinancial conditions.

Factors relating to release or detention

In deciding whether to release a defendant and in setting release conditions, the court is directed to consider the —

- nature and circumstances of the offense charges
- weight of evidence against the defendant
- defendant's character
- physical and mental condition
- family ties
- employment
- financial resources
- length of residence in the community
- community ties
- past conduct
- history relating to drug or alcohol abuse
- criminal history
- record concerning appearance at court proceedings.

These factors are considered at an initial hearing where the defendant may be released, detained, held for a detention hearing, or the case may be continued or dismissed. At the detention hearing, a defendant may be —

- released
- given preventive detention
- temporarily detained
- detained with no bail set or made.

Or the defendant's case may be continued, dismissed, or transferred.

Of the 86,364 defendants whose cases commenced in 2004, 33% (or 28,125) were released after either an initial hearing or a detention hearing, and 67% of defendants were detained (table 3.1).

Of the 78,219 defendants who terminated pretrial services during 2004, 40% (30,952) were released for some period of time prior to trial (table 3.2).

*18 U.S.C. § 3142(e) (1984)

Of those released defendants 80% completed pretrial services without violating the conditions of their release (tables 3.8 and 3.9).

In 2004, 77% (60,294) of defendants terminating pretrial services were detained for some period of time prior to the disposition of their case (table 3.4). This includes those who were detained prior to having a preliminary hearing with the magistrate, at which point they could have been either released or ordered to have a detention hearing. Of the defendants detained 57% were ordered detained by the court until case disposition.

Pretrial detention hearings were held for 43,868 defendants. Of these, 34,579 (79%) were ordered detained (table 3.6).

Of the 30,952 defendants released prior to trial, 20% violated a condition of their release (table 3.8). The majority (92%) of these violations were technical violations of the bail conditions. Defendants released on deposit bond were more likely (26%) than other defendants to incur some violation of the conditions of their release (table 3.9). Conversely, defendants given conditional release violated their release at the lowest rate (less than 1%). Eight percent of all released defendants had their release revoked.

Those charged with violent offenses were detained longer on average (118 days) than defendants charged with other offenses (not shown in a table). Defendants who were never released and were detained by the court were detained longer than were defendants detained for financial conditions (108 days and 71 days, respectively.)

Outcomes for pretrial cases commenced

Releases and detentions after the first 2 hearings (table 3.1) — Of the 86,364 cases commenced in 2004, 33% were released after either an initial hearing or a detention hearing, 67% were detained, and less than 1% were dismissed (table 3.1). Seventy-seven percent of defendants receiving pretrial release were released after an

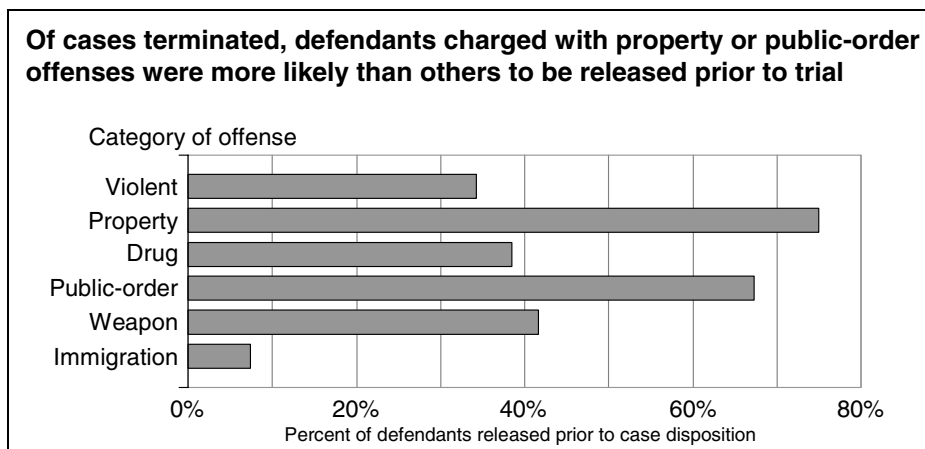


Figure 3.1. Percent of defendants released prior to case disposition, by offense category, October 1, 2003 - September 30, 2004

initial hearing; 72% of detained defendants were detained after a detention hearing. After these two hearings less than 1% of incoming defendants (386) were awaiting a release decision (not shown in a table).

Of those charged with property offenses, 70% were released. Other defendants released were:

- 63% of public-order offense defendants
- 32% of weapon offense defendants
- 29% of drug offense defendants
- 27% of violent offense defendants
- 5% of immigration offense defendants.

Outcomes for pretrial cases terminated

Releases (table 3.2) — Of cases terminated in 2004, 40% were released before case termination. The percent released varied greatly across and within offense categories. Seventy-five percent of property offenders were released, compared with only 7% of immigration offenders (figure 3.1). Among violent offenders 17% of those charged with robbery were released compared to 58% of those charged with sexual abuse or assault. Among public-order defendants 58% of those charged with racketeering and extortion were released compared to 95% of those charged with

tax law violations and 93% of traffic defendants. Forty-two percent of those charged with weapon offenses were released.

Thirty-nine percent of all drug defendants were released. Drug trafficking defendants were less likely to be released than those charged with non-trafficking offenses (37% compared to 57%).

How defendants were released prior to trial varied among major offense categories (table 3.2). For property, drug, and weapon defendants, the highest percentage of defendants released was through unsecured bond. A higher percentage of defendants charged with a violent or public order offense were released on personal recognizance; while more immigration defendants were released with financial conditions than any other form of release.

Detentions (tables 3.4 and 3.6) —

Among the major offense categories, defendants most likely to be detained for some period of time were charged with —

- immigration offenses (98%)
- drug offenses (85%)
- violent offenses (83%) (table 3.4).

However, violent defendants were more likely than immigration or drug defendants to be detained by the court (66% versus 60% and 58%).

Of those charged with weapons offenses, 81% were detained with 59% detained by the court. Public-order and property defendants were less likely to be detained than were other defendants. During 2004, 46% of public-order defendants were detained, with 50% of these detained by the court. Forty-three percent of defendants charged with property offenses were detained with 44% of these detained by the court.

Fifty-six percent of all defendants had a detention hearing. This rate varied by offense category:

- 69% of violent offense defendants
- 67% of drug defendants
- 63% of immigration and weapons defendants
- 33% of public-order offense defendants
- 29% of property offense defendants (table 3.6, figure 3.2).

Once a defendant was ordered to have a detention hearing, the chances of being detained were less variable across offense categories. The highest rate of defendants ordered detained were those charged with immigration offenses (93%). Of the 69% of defendants charged with violent offenses and given a pretrial detention hearing, 79% were ordered detained. In 2004 defendants ordered detained following a pretrial hearing were:

- 76% of weapon offense defendants
- 74% of drug offense defendants
- 69% of public-order offense defendants
- 66% of property offense defendants.

Violations (tables 3.8 and 3.9) — Of released defendants terminating pretrial services during 2004, those charged with weapon or drug offenses were more likely than other defendants (34% and 29% compared with 20% overall) to incur at least one violation during the release period (figure 3.4). Among other major offense categories, those charged with public-order offenses were the least likely

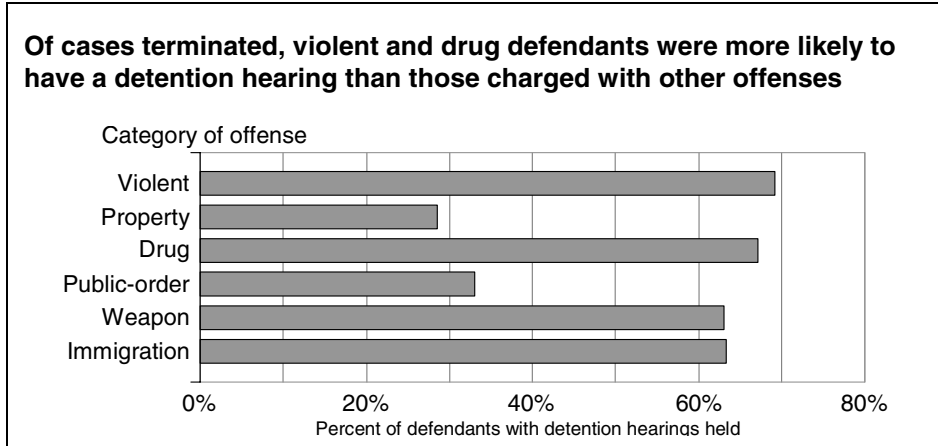


Figure 3.2. Detention hearings held, by offense category, October 1, 2003 - September 30, 2004

(8%) to violate conditions of their release. Those charged with weapon, violent, or drug offenses were more likely than others to have their release revoked (16% of all released weapon defendants, and 11% of violent or drug defendants compared with 8% overall). Five percent of released property defendants and 9% of released immigration defendants were revoked.

Of the 30,952 defendants released, those on deposit bond were more likely (26%) than other defendants (20% overall) to incur a violation of the conditions of their release (table 3.9).

Defendants with the lowest rate of release violations were those given conditional release (less than 1%). This group was also the least likely to have a release revocation. Only 0.1% of defendants on conditional release who committed a violation were revoked.

Pretrial outcomes across demographic groups

Releases (table 3.3) — Females were more likely (68%) than males (35%) to be released during 2004 (figure 3.3). Males were more likely to have a financial condition imposed on them than females (21% versus 13%).

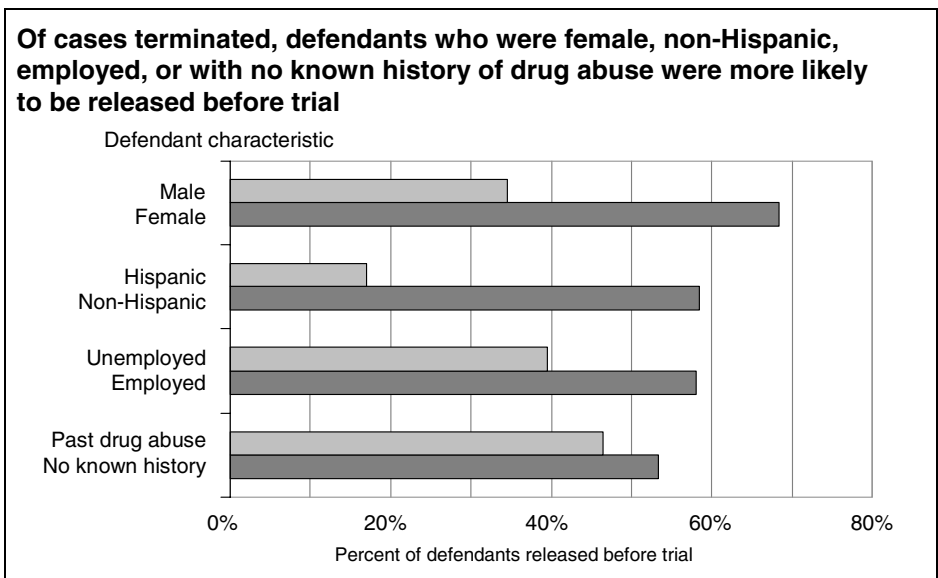


Figure 3.3. Pretrial release rates, by defendant characteristics, October 1, 2003 - September 30, 2004

Fifty-nine percent of all defendants identified as non-Hispanic were released during 2004 compared to 17% of Hispanics. Non-Hispanic releasees were twice as likely as Hispanics to be released on personal recognizance. Released defendants by race were:

- 58% of Asian/Native Hawaiian or Pacific Islander defendants
- 53% of Native American or Alaskan Native defendants
- 47% of black or African American defendants
- 36% of white defendants.

The higher the education level of the defendant, the greater the probability of release. Thirty-two percent of defendants with less than a high school education were released in 2004, while 77% of those who had completed college were released.

Defendants with a history of drug abuse were released less frequently than those defendants with no known drug history (46% versus 53%). However, among all released defendants, drug abuse history does not appear to have had a major effect on the form of pretrial release.

Sixty percent of defendants with no prior convictions were released compared with only 21% of defendants with prior violent felony convictions.

Detentions (tables 3.5 and 3.7) — Males were more likely (81% versus 54%) than females to be detained (table 3.5). Of all detainees 81% of the men and 63% of the women were detained following a detention hearing (table 3.7). Hispanics had a much higher probability of being detained (94%) compared with non-Hispanics (63%). Almost all of those charged with an immigration offense (98%) — of whom noncitizen Hispanics comprise the majority — were detained (table 3.4).

Younger defendants were more likely than older ones to be detained. Defendants detained by age were:

- between ages 16 and 18 (77%)
- between ages 19 and 20 (78%)
- over age 40 (66%).

Of cases terminated, defendants charged with weapon offenses were more likely than other defendants to incur at least one violation during their release period or have their release revoked

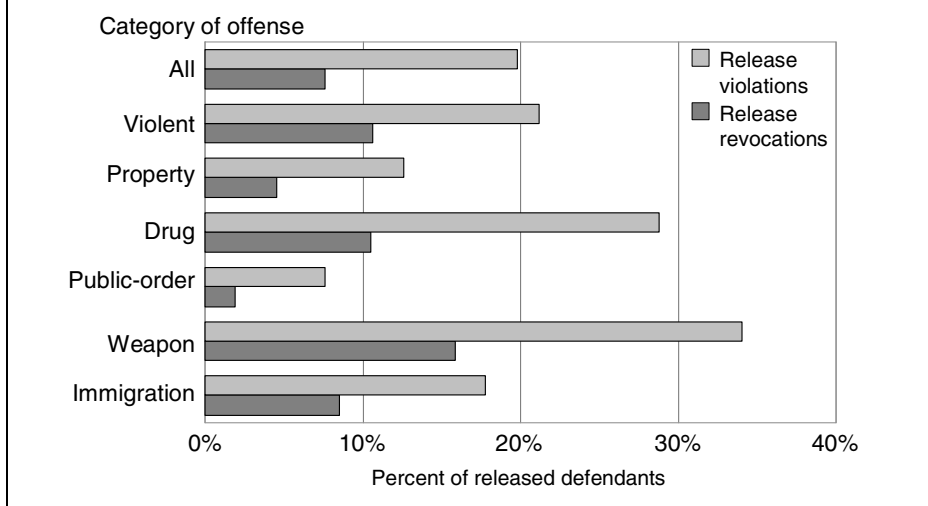


Figure 3.4. Pretrial release violation and revocation rates, for cases that terminated during October 1, 2003 - September 30, 2004, by offense category

However, among all defendants detained, the chances of being detained following a detention hearing were similar across all age groups (table 3.7).

The likelihood of having a detention hearing increased with the number of prior convictions and severity of the defendant's criminal history. Furthermore, 59% of those with a history of drug abuse had detention hearings as compared to 46% of those without such a past. However, those with a history of drug abuse were as likely to be detained after a hearing.

Violations (table 3.10) — Released males were more likely than females to incur a violation during the pretrial release period (21% versus 16%) and more likely to have their release revoked. Native Americans were more likely (30%) to incur at least one violation than —

- blacks or African Americans (24%)
- whites (18%)
- Asians/Native Hawaiians or Pacific Islanders (12%).

Native American defendants also were more likely to have their release revoked (18%) than —

- blacks or African Americans (8%)
- whites (7%)
- Asians/Native Hawaiians or Pacific Islanders (5%).

Defendants without a high school diploma were three times more likely to have at least one violation than defendants with college degrees (28% versus 8%).

Defendants with no prior criminal history were 50% less likely to have a pretrial release violation than those with a prior conviction. Released defendants with a known drug history were nearly 3 times more likely to incur a violation than those with no known drug history and nearly 4 times more likely to have their release revoked (15% versus 4%).

Length of pretrial detention (table 3.11)

Among defendants detained for any time prior to case disposition, those charged with violent offenses were detained the longest (an average of 118 days) compared to —

-
- drug defendants (89 days)
 - weapon defendants (87 days)
 - immigration defendants (61 days)
 - public-order defendants (54 days)
 - property defendants (50 days) (not shown in a table).

Of defendants released those released conditionally spent the greatest average number of days detained (112 days) compared to those released on —

- personal recognizance (36 days)
- unsecured bond (37 days)
- financial conditions (27 days).

This trend varied only slightly across all major offense categories — in general, defendants released by conditional means were detained more days than defendants who were released by any other means.

Of defendants not released those detained by the court were detained longer, on average, than those held on financial conditions (108 days compared with 71 days). This pattern was true across all major offense types.

Table 3.1. Outcomes of initial hearing and detention hearing for cases commenced, by offense, October 1, 2003 - September 30, 2004

Most serious offense charged	All defendants	Percent released	After initial hearing				After detention hearing ^a	
			Released	Detained	Dismissed	Continued/held over	Released	Detained
All offenses^b	86,364	32.6%	21,836	16,081	235	48,212	6,289	41,537
Violent offenses	3,614	27.4%	682	459	17	2,456	309	2,138
Murder ^c	208	23.1	30	28	1	149	18	129
Negligent manslaughter	9	^	3	0	0	6	2	4
Assault	957	50.6	383	73	10	491	101	386
Robbery	1,835	11.1	113	313	3	1,406	90	1,314
Sexual abuse ^c	449	52.6	141	27	1	280	95	185
Kidnapping	120	10.0	9	12	2	97	3	93
Threats against the President	36	8.3	3	6	0	27	0	27
Property offenses	13,796	70.4%	8,845	1,163	32	3,756	867	2,844
Fraudulent	11,216	70.0%	7,153	1,020	6	3,037	703	2,294
Embezzlement	1,012	91.4	900	23	0	89	25	62
Fraud ^c	9,027	68.4	5,607	867	6	2,547	564	1,951
Forgery	136	65.4	77	16	0	43	12	30
Counterfeiting	1,041	64.5	569	114	0	358	102	251
Other	2,580	71.9%	1,692	143	26	719	164	550
Burglary	123	30.1	32	19	1	71	5	65
Larceny ^c	1,980	79.1	1,450	66	23	441	117	321
Motor vehicle theft	112	27.7	25	24	1	62	6	56
Arson and explosives	146	54.8	60	13	0	73	20	53
Transportation of stolen property	117	51.3	48	13	0	56	12	43
Other property offenses ^c	102	79.4	77	8	1	16	4	12
Drug offenses	29,537	28.5%	5,090	4,613	64	19,770	3,324	16,259
Trafficking	26,992	26.5	4,049	4,347	41	18,555	3,109	15,276
Other drug offenses	2,545	49.4	1,041	266	23	1,215	215	983
Public-order offenses	8,430	62.7%	4,731	853	77	2,769	551	2,193
Regulatory	2,265	55.5%	1,100	362	13	790	157	621
Agriculture	6	^	5	0	0	1	0	1
Antitrust	8	^	8	0	0	0	0	0
Food and drug	39	79.5	27	3	0	9	4	5
Transportation	138	77.5	96	6	1	35	11	24
Civil rights	76	88.2	62	2	0	12	5	7
Communications	50	86.0	41	0	0	9	2	7
Custom laws	74	73.0	50	4	0	20	4	16
Postal laws	149	85.2	117	3	0	29	10	18
Other regulatory offenses	1,725	47.2	694	344	12	675	121	543
Other	6,165	65.3%	3,631	491	64	1,979	394	1,572
Tax law violations ^c	536	92.0	467	15	0	54	26	28
Bribery	144	82.6	110	6	1	27	9	18
Perjury, contempt, and intimidation	211	59.7	105	21	0	85	21	62
National defense	127	74.0	84	9	0	34	10	23
Escape	746	10.3	50	130	8	558	27	529
Racketeering and extortion	997	48.5	402	124	0	471	82	385
Gambling	47	93.6	41	2	0	4	3	1
Liquor offenses	14	78.6	6	1	0	7	5	2
Nonviolent sex offenses	1,065	57.9	463	98	1	503	154	346
Obscene material ^c	83	74.7	57	5	0	21	5	16
Traffic offenses	1,481	92.3	1,341	26	48	66	26	40
Wildlife	151	93.4	137	5	0	9	4	5
Environmental	27	92.6	24	1	0	2	1	1
All other offenses ^c	536	68.1	344	48	6	138	21	116
Weapon offenses	8,040	31.7%	1,793	1,153	7	5,087	759	4,276
Immigration offenses	22,803	4.9%	644	7,817	38	14,304	471	13,765

^aToo few cases to obtain statistically reliable data.

^bIncludes only those defendants whose detention hearing was within the fiscal year. There were 65 dismissals and 386 defendants whose release decision was still pending.

^cIncludes 144 defendants with unknown or indeterminable offenses.

^aIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 3.2. Type of pretrial release for cases terminated, by offense, October 1, 2003 - September 30, 2004

Most serious offense charged	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial ^a	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
All offenses^b	39.6%	18.8%	42.2%	33.9%	5.2%	30,952	78,219
Violent offenses	34.2%	9.0%	31.3%	52.1%	7.6%	1,072	3,134
Murder ^c	28.0	8.6	17.2	67.2	6.9	58	207
Negligent manslaughter	^	^	^	^	^	6	10
Assault	57.5	6.2	22.2	57.7	13.9	504	876
Robbery	17.4	14.7	49.3	34.2	1.8	272	1,565
Sexual abuse ^c	58.3	8.4	31.0	59.1	1.5	203	348
Kidnapping	19.2	13.3	46.7	40.0	0.0	15	78
Threats against the President	28.0	7.1	50.0	42.9	0.0	14	50
Property offenses	74.9%	12.1%	50.7%	34.1%	3.0%	9,745	13,012
Fraudulent	74.3%	13.7%	53.4%	31.5%	1.5%	7,726	10,396
Embezzlement	92.3	4.5	54.4	39.8	1.3	952	1,031
Fraud ^c	72.5	15.2	53.2	30.1	1.6	5,899	8,140
Forgery	73.6	15.1	55.7	26.4	2.8	106	144
Counterfeiting	71.1	13.5	53.2	32.5	0.8	769	1,081
Other	77.2%	6.2%	40.6%	44.4%	8.9%	2,019	2,616
Burglary	38.5	10.0	38.0	50.0	2.0	50	130
Larceny ^c	83.6	5.5	40.3	44.2	10.0	1,666	1,993
Motor vehicle theft	37.5	14.6	56.3	27.1	2.1	48	128
Arson and explosives	62.3	8.1	47.5	42.4	2.0	99	159
Transportation of stolen property	65.7	10.4	52.2	37.3	0.0	67	102
Other property offenses ^c	85.6	7.9	22.5	60.7	9.0	89	104
Drug offenses	38.5%	28.5%	38.8%	29.2%	3.5%	10,411	27,014
Trafficking	36.7	30.7	40.8	26.3	2.2	8,997	24,515
Other drug offenses	56.6	14.1	26.0	47.8	12.1	1,414	2,499
Public-order offenses	67.3%	11.6%	34.8%	42.5%	11.1%	5,190	7,715
Regulatory	60.7%	15.5%	38.2%	41.6%	4.7%	1,321	2,176
Agriculture	^	^	^	^	^	7	7
Antitrust	^	^	^	^	^	4	4
Food and drug	88.9	25.0	37.5	37.5	0.0	40	45
Transportation	77.5	7.5	41.9	41.9	8.6	93	120
Civil rights	83.0	2.6	64.1	33.3	0.0	39	47
Communications	86.5	3.1	68.8	18.8	9.4	32	37
Custom laws	68.2	28.9	46.7	17.8	6.7	45	66
Postal laws	90.4	4.9	38.5	53.3	3.3	122	135
Other regulatory offenses	54.8	17.8	35.4	42.2	4.7	939	1,715
Other	69.9%	10.3%	33.6%	42.8%	13.3%	3,869	5,539
Tax law violations ^c	95.1	10.0	48.1	38.8	3.1	449	472
Bribery	88.2	13.4	55.7	29.9	1.0	97	110
Perjury, contempt, and intimidation	69.8	6.7	61.2	29.1	3.0	134	192
National defense	77.5	37.0	12.0	46.0	5.0	100	129
Escape	11.0	16.3	46.3	27.5	10.0	80	724
Racketeering and extortion	58.3	31.3	47.5	19.1	2.1	476	817
Gambling	94.3	6.0	54.0	38.0	2.0	50	53
Liquor offenses	95.5	0.0	0.0	100.0	0.0	21	22
Nonviolent sex offenses	62.8	11.0	49.7	38.5	0.8	509	810
Obscene material ^c	84.9	11.1	64.4	22.2	2.2	45	53
Traffic offenses	93.2	2.3	14.3	53.0	30.4	1,391	1,492
Wildlife	93.0	6.6	34.0	53.8	5.7	106	114
Environmental	95.2	5.0	55.0	35.0	5.0	20	21
All other offenses ^c	73.8	7.2	30.4	53.2	9.2	391	530
Weapon offenses	41.7%	14.5%	47.5%	36.1%	1.9%	2,992	7,182
Immigration offenses	7.4%	35.4%	33.2%	17.0%	14.5%	1,486	20,042

Note: Released defendants include some defendants who were also detained prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in these tables are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 56.

^a Too few cases to obtain statistically reliable data.

^a Includes deposit bond, surety bond, and collateral bond.

^b Includes 120 defendants for whom an offense category could not be determined, 56 of whom were released.

^c In this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 3.3. Type of pretrial release for cases terminated, by defendant characteristics, October 1, 2003 - September 30, 2004

Defendant characteristic	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial ^a	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
All defendants^b	39.6%	18.8%	42.2%	33.9%	5.2%	30,952	78,219
Male/female							
Male	34.6%	20.6%	40.9%	33.0%	5.5%	23,045	66,654
Female	68.4	13.3	46.0	36.6	4.1	7,856	11,481
Race							
White	35.9%	19.6%	41.2%	33.9%	5.3%	19,907	55,408
Black or African American	47.3	17.7	48.1	29.4	4.8	8,580	18,155
American Indian or Alaska Native	52.5	3.3	15.2	80.9	0.6	790	1,505
Asian/Native Hawaiian or Other Pacific Islander	58.0	23.8	43.8	28.3	4.1	998	1,721
Ethnicity							
Hispanic or Latino	17.0%	37.0%	36.9%	19.3%	6.7%	6,041	35,591
Not Hispanic or Latino	58.5	14.4	44.0	37.2	4.4	24,390	41,708
Age							
16-18 years	43.8%	14.1%	30.1%	47.2%	8.6%	555	1,267
19-20 years	42.9	16.7	36.2	39.2	7.9	1,711	3,990
21-30 years	34.7	19.6	41.7	32.6	6.1	10,597	30,522
31-40 years	35.5	21.0	43.7	31.0	4.3	8,313	23,396
Over 40 years	51.3	16.8	43.5	35.7	4.0	9,607	18,725
Education							
Less than high school graduate	32.2%	23.7%	44.2%	30.0%	2.0%	7,741	24,034
High school graduate	55.5	18.1	43.3	35.2	3.4	10,388	18,717
Some college	68.2	17.5	45.4	34.3	2.7	6,912	10,137
College graduate	77.2	20.2	44.5	33.1	2.2	3,259	4,220
Marital status							
Never married	44.8%	17.8%	44.5%	34.8%	2.8%	10,324	23,060
Divorced/separated	53.1	17.4	45.6	34.0	3.0	5,917	11,146
Married	52.5	22.0	43.2	31.9	2.9	9,993	19,049
Common law	39.1	25.6	41.0	31.6	1.8	2,215	5,668
Other	13.0	7.1	21.5	39.6	31.8	2,503	19,296
Employment status at arrest							
Unemployed	39.5%	17.3%	45.0%	35.2%	2.5%	11,030	27,936
Employed	58.1	21.1	43.4	32.5	3.0	17,591	30,264
Criminal record							
No conviction or arrest ^c	60.3%	18.2%	41.2%	35.1%	5.6%	11,658	19,333
Misdemeanor conviction only	51.3	16.5	41.7	36.5	5.3	6,768	13,204
Felony conviction							
Nonviolent	25.1	19.3	44.9	31.5	4.3	4,720	18,836
Violent	21.1	21.0	42.4	30.6	6.0	3,071	14,548
Number of prior convictions							
1	39.9%	20.0%	42.6%	32.8%	4.7%	5,109	12,815
2 to 4	31.1	18.1	44.0	33.3	4.6	5,850	18,787
5 or more	24.0	16.4	41.6	35.3	6.6	3,600	14,986
Criminal justice status							
Not under supervision	53.6%	18.5%	41.8%	34.5%	5.2%	23,650	44,085
Pretrial release	50.0	17.9	49.0	31.2	1.9	1,444	2,886
Probation	32.6	19.9	45.5	30.5	4.1	1,384	4,248
Parole	15.3	15.9	49.0	27.1	8.0	251	1,636
Court appearance history							
No prior arrests	52.9%	18.3%	41.1%	34.9%	5.7%	11,908	22,509
Failure to appear							
None	35.4	19.6	43.6	32.4	4.4	15,303	43,172
1	31.3	17.2	41.6	34.8	6.5	1,841	5,881
More than 1	28.5	16.5	38.7	38.0	6.8	1,900	6,657
Drug abuse							
No known abuse	53.4%	20.2%	43.8%	32.0%	4.0%	18,652	34,957
Drug history	46.4	18.4	44.2	35.5	1.8	9,152	19,723

Note: Released defendants include some defendants who were also detained prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in these tables are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 56.

^aIncludes deposit bond, surety bond, and collateral bond.
^bIncludes defendants for whom characteristics could not be determined.
^cIncludes only defendants whose PSA records explicitly show no prior arrest or conviction.

Table 3.4. Form of pretrial detention for cases terminated, by offense, October 1, 2003 - September 30, 2004

Most serious offense charged	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention ^a	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre-trial period	All of pre-trial period				
All offenses^b	77.1%	2.7%	18.2%	11.1%	57.4%	10.5%	60,294	78,219
Violent offenses	83.1%	0.3%	16.6%	1.8%	65.8%	15.6%	2,603	3,134
Murder ^c	87.9	0.5	13.7	0.0	65.9	19.8	182	207
Negligent manslaughter	^	^	^	^	^	^	6	10
Assault	64.8	0.5	28.7	1.9	57.7	11.1	568	876
Robbery	94.3	0.2	9.5	2.2	71.1	17.0	1,476	1,565
Sexual abuse ^c	72.7	0.0	36.8	0.4	52.2	10.7	253	348
Kidnapping	92.3	0.0	9.7	1.4	69.4	19.4	72	78
Threats against the President	92.0	0.0	4.3	2.2	63.0	30.4	46	50
Property offenses	43.0%	1.4%	36.4%	6.7%	43.9%	11.6%	5,591	13,012
Fraudulent	44.1%	1.4%	36.6%	7.6%	43.0%	11.4%	4,582	10,396
Embezzlement	17.8	0.0	52.2	3.8	33.2	10.9	184	1,031
Fraud ^c	45.9	1.5	35.0	8.1	44.4	11.0	3,733	8,140
Forgery	50.0	1.4	36.1	8.3	38.9	15.3	72	144
Counterfeiting	54.9	0.8	42.3	5.6	37.6	13.7	593	1,081
Other	38.6%	1.4%	35.4%	2.7%	48.3%	12.3%	1,009	2,616
Burglary	80.8	0.0	21.9	1.9	62.9	13.3	105	130
Larceny ^c	31.3	1.1	42.4	3.0	43.5	10.0	623	1,993
Motor vehicle theft	78.1	6.0	17.0	1.0	53.0	23.0	100	128
Arson and explosives	63.5	0.0	25.7	2.0	61.4	10.9	101	159
Transportation of stolen property	52.0	0.0	28.3	5.7	45.3	20.8	53	102
Other property offenses ^c	26.0	3.7	44.4	0.0	40.7	11.1	27	104
Drug offenses	85.1%	1.8%	22.7%	6.2%	58.3%	11.0%	22,982	27,014
Trafficking	87.7	1.5	22.7	6.3	58.4	11.1	21,501	24,515
Other drug offenses	59.3	5.3	21.7	4.9	57.9	10.3	1,481	2,499
Public-order offenses	46.2%	1.4%	26.7%	3.6%	49.6%	18.6%	3,563	7,715
Regulatory	56.8%	2.0%	27.5%	5.9%	40.8%	23.8%	1,236	2,176
Agriculture	^	^	^	^	^	^	1	7
Antitrust	^	^	^	^	^	^	0	4
Food and drug	31.1	0.0	57.1	14.3	28.6	0.0	14	45
Transportation	42.5	0.0	33.3	15.7	39.2	11.8	51	120
Civil rights	36.2	0.0	29.4	11.8	41.2	17.6	17	47
Communications	24.3	^	^	^	^	^	9	37
Custom laws	63.6	0.0	45.2	7.1	45.2	2.4	42	66
Postal laws	22.2	0.0	50.0	0	33.3	16.7	30	135
Other regulatory offenses	62.5	2.3	25.3	5.4	41.0	25.9	1,072	1,715
Other	42.0%	1.0%	26.3%	2.4%	54.4%	15.9%	2,327	5,539
Tax law violations ^c	19.9	1.1	69.1	1.1	23.4	5.3	94	472
Bribery	28.2	3.2	61.3	3.2	25.8	6.5	31	110
Perjury, contempt, and intimidation	48.4	1.1	29.0	3.2	50.5	16.1	93	192
National defense	34.1	2.3	25.0	9.1	43.2	20.5	44	129
Escape	93.4	0.7	4.7	1.9	72.8	19.8	676	724
Racketeering and extortion	67.6	1.8	30.3	3.4	52.4	12.1	552	817
Gambling	13.2	^	^	^	^	^	7	53
Liquor offenses	40.9	^	^	^	^	^	9	22
Nonviolent sex offenses	57.9	0.4	31.8	1.1	50.1	16.6	469	810
Obscene material ^c	34.0	0.0	55.6	11.1	33.3	0.0	18	53
Traffic offenses	7.7	1.7	51.3	0.0	29.6	17.4	115	1,492
Wildlife	9.6	0.0	27.3	18.2	27.3	27.3	11	114
Environment	14.3	^	^	^	^	^	3	21
All other offenses ^c	38.7	0.5	28.3	2.0	51.2	18.0	205	530
Weapon offenses	81.1%	1.1%	23.1%	2.7%	58.9%	14.2%	5,828	7,182
Immigration offenses	98.0%	5.2%	5.2%	23.3%	60.0%	6.4%	19,650	20,042

Note: Detained defendants include some defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 56.

^aToo few cases to obtain statistically reliable data.

^aHeld under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

^bIncludes 120 defendants for whom an offense category could not be determined, 77 of whom were detained.

^cIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 3.5. Form of pretrial detention for cases terminated, by defendant characteristics, October 1, 2003 - September 30, 2004

Defendant characteristic	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention ^a	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre-trial period	All of pre-trial period				
All defendants^b	77.1%	2.7%	18.2%	11.1%	57.4%	10.5%	60,294	78,219
Male/female								
Male	81.2%	2.8%	16.2%	11.4%	58.9%	10.7%	54,097	66,654
Female	53.7	1.6	36.5	8.6	44.5	8.9	6,161	11,481
Race								
White	79.3%	3.0%	16.3%	13.8%	57.6%	9.2%	43,913	55,408
Black or African American	71.8	1.9	22.2	4.1	57.3	14.4	13,039	18,155
American Indian or Alaska Native	79.0	0.1	30.5	0.7	59.5	9.3	1,189	1,505
Asian/Native Hawaiian or Other Pacific Islander	68.2	3.2	31.5	2.6	53.8	8.9	1,173	1,721
Ethnicity								
Hispanic or Latino	94.2%	4.1%	10.0%	16.9%	60.7%	8.3%	33,511	35,591
Not Hispanic or Latino	63.1	1.0	28.8	3.8	53.3	13.2	26,301	41,708
Age								
16-18 years	77.4%	1.7%	23.6%	11.0%	57.6%	6.0%	981	1,267
19-20 years	77.6	2.4	23.5	10.5	54.8	8.8	3,095	3,990
21-30 years	81.6	2.7	16.9	10.8	59.2	10.5	24,917	30,522
31-40 years	80.4	3.1	16.4	12.3	57.4	10.9	18,803	23,396
Over 40 years	65.7	2.4	22.1	10.2	54.6	10.6	12,309	18,725
Education								
Less than high school graduate	86.2%	5.3%	17.7%	12.6%	54.4%	10.1%	20,720	24,034
High school graduate	68.2	1.9	29.2	5.8	52.6	10.5	12,766	18,717
Some college	55.9	1.8	37.4	4.8	46.8	9.2	5,667	10,137
College graduate	44.2	1.3	42.9	6.2	41.2	8.4	1,864	4,220
Marital status								
Never married	76.4%	2.9%	23.3%	7.4%	55.3%	11.1%	17,612	23,060
Divorced/separated	69.5	2.8	27.1	8.7	49.9	11.4	7,744	11,146
Married	67.2	3.8	25.1	11.3	50.2	9.6	12,798	19,049
Common law	82.2	5.3	21.5	11.1	52.4	9.6	4,658	5,668
Other	90.6	1.0	3.3	15.9	69.4	10.4	17,482	19,296
Employment status at arrest								
Unemployed	80.4%	3.9%	20.6%	9.3%	53.1%	13.2%	22,467	27,936
Employed	64.2	3.1	29.8	9.4	48.7	8.9	19,425	30,264
Criminal record								
No conviction or arrest ^c	58.2%	2.5%	28.3%	11.2%	47.8%	10.2%	11,254	19,333
Misdemeanor conviction only	71.1	1.4	26.7	11.0	53.2	7.7	9,394	13,204
Felony conviction								
Nonviolent	88.2	3.7	12.2	13.3	60.3	10.6	16,615	18,836
Violent	91.8	3.2	11.0	9.2	63.1	13.5	13,351	14,548
Number of prior convictions								
1	77.6%	2.6%	18.9%	13.5%	56.7%	8.3%	9,939	12,815
2 to 4	85.0	3.2	15.7	11.4	59.5	10.1	15,976	18,787
5 or more	89.7	3.0	11.9	9.8	61.7	13.6	13,445	14,986
Criminal justice status								
Not under supervision	66.4%	2.3%	26.2%	11.5%	50.9%	9.0%	29,263	44,085
Pretrial release	75.3	3.4	27.8	3.5	56.6	8.7	2,173	2,886
Probation	85.0	5.0	16.7	18.4	51.2	8.8	3,610	4,248
Parole	95.3	5.1	8.3	13.5	61.6	11.4	1,559	1,636
Court appearance history								
No prior arrests	63.6%	2.6%	23.0%	10.6%	53.3%	10.5%	14,313	22,509
Failure to appear								
None	81.1	3.3	17.2	12.7	57.2	9.6	35,015	43,172
1	86.4	1.3	15.8	8.4	61.3	13.2	5,084	5,881
More than 1	88.4	0.9	14.8	5.6	65.3	13.5	5,882	6,657
Drug abuse								
No known abuse	66.1%	3.8%	25.2%	11.8%	48.8%	10.3%	23,092	34,957
Drug history	78.9	2.1	26.8	6.3	53.8	10.9	15,566	19,723

Note: Detained defendants include defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable.
^aHeld under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

^bIncludes defendants for whom these characteristics could not be determined.

^cIncludes only defendants whose PSA records explicitly show no prior arrest or conviction.

Table 3.6. Pretrial detention hearing outcomes for cases terminated, by offense, October 1, 2003 - September 30, 2004

Most serious offense charged	All defendants	Defendants with pretrial detention hearings			
		Number of defendants held	Number of defendants ordered detained	Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
All offenses^a	78,219	43,868	34,579	56.1%	78.8%
Violent offenses	3,134	2,168	1,713	69.2%	79.0%
Murder ^b	207	145	120	70.0	82.8
Negligent manslaughter	10	6	5	^	^
Assault	876	480	328	54.8	68.3
Robbery	1,565	1,230	1,049	78.6	85.3
Sexual abuse ^b	348	214	132	61.5	61.7
Kidnapping	78	61	50	78.2	82.0
Threats against the President	50	32	29	64.0	90.6
Property offenses	13,012	3,725	2,454	28.6%	65.9%
Fraudulent	10,396	2,995	1,968	28.8%	65.7%
Embezzlement	1,031	114	61	11.1	53.5
Fraud ^b	8,140	2,462	1,656	30.2	67.3
Forgery	144	47	28	32.6	59.6
Counterfeiting	1,081	372	223	34.4	59.9
Other	2,616	730	486	27.9%	66.6%
Burglary	130	84	66	64.6	78.6
Larceny ^b	1,993	440	270	22.1	61.4
Motor vehicle theft	128	76	53	59.4	69.7
Arson and explosives	159	77	62	48.4	80.5
Transportation of stolen property	102	34	24	33.3	70.6
Other property offenses ^b	104	19	11	18.3	57.9
Drug offenses	27,014	18,140	13,386	67.2%	73.8%
Trafficking	24,515	16,962	12,530	69.2	73.9
Other drug	2,499	1,178	856	47.1	72.7
Public-order offenses	7,715	2,554	1,764	33.1%	69.1%
Regulatory	2,176	806	504	37.0%	62.5%
Agriculture	7	0	0	^	...
Antitrust	4	0	0	^	...
Food and drug	45	9	4	20.0	^
Transportation	120	40	20	33.3	50.0
Civil rights	47	10	7	21.3	^
Communications	37	8	4	21.6	^
Custom laws	66	28	19	42.4	67.9
Postal laws	135	19	10	14.1	52.6
Other regulatory offenses	1,715	692	440	40.3	63.6
Other	5,539	1,748	1,260	31.6%	72.1%
Tax law violations ^b	472	45	22	9.5	48.9
Bribery	110	21	8	19.1	38.1
Perjury, contempt, and intimidation	192	75	47	39.1	62.7
National defense	129	35	19	27.1	54.3
Escape	724	544	489	75.1	89.9
Racketeering and extortion	817	427	288	52.3	67.4
Gambling	53	6	3	11.3	^
Liquor offenses	22	9	2	40.9	^
Nonviolent sex offenses	810	365	235	45.1	64.4
Obscene material ^b	53	12	6	22.6	50.0
Traffic offenses	1,492	52	33	3.5	63.5
Wildlife	114	4	3	3.5	^
Environmental	21	1	0	4.8	^
All other offenses ^b	530	152	105	28.7	69.1
Weapon offenses	7,182	4,529	3,431	63.1%	75.8%
Immigration offenses	20,042	12,693	11,782	63.3%	92.8%

Note: Defendants may also be detained for failure to meet bail conditions, or temporarily detained pending action of other agencies. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 56.

^ Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

^aIncludes 120 defendants for whom an offense category could not be determined.

^bIn this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 3.7. Pretrial detention hearing outcomes for cases terminated, by defendant characteristics, October 1, 2003 - September 30, 2004

Defendant characteristic	All defendants	Defendants with pretrial detention hearings			
		Hearings held	Ordered detained	Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
All defendants^a	78,219	43,868	34,579	56.1%	78.8%
Male/female					
Male	66,654	39,463	31,822	59.2%	80.6%
Female	11,481	4,387	2,740	38.2	62.5
Race					
White	55,408	31,290	25,271	56.5%	80.8%
Black or African American	18,155	9,880	7,471	54.4	75.6
American Indian or Alaska Native	1,505	1,029	707	68.4	68.7
Asian/Native Hawaiian or Other Pacific Islander	1,721	964	631	56.0	65.5
Ethnicity					
Hispanic or Latino	35,591	23,603	20,312	66.3%	86.1%
Not Hispanic or Latino	41,708	19,923	14,010	47.8	70.3
Age					
16-18 years	1,267	739	565	58.3%	76.5%
19-20 years	3,990	2,247	1,695	56.3	75.4
21-30 years	30,522	18,376	14,729	60.2	80.2
31-40 years	23,396	13,499	10,787	57.7	79.9
Over 40 years	18,725	8,886	6,719	47.5	75.6
Education					
Less than high school graduate	24,034	14,370	11,263	59.8%	78.4%
High school graduate	18,717	9,698	6,704	51.8	69.1
Some college	10,137	4,240	2,652	41.8	62.5
College graduate	4,220	1,346	768	31.9	57.1
Marital status					
Never married	23,060	13,072	9,738	56.7%	74.5%
Divorced/separated	11,146	5,511	3,866	49.4	70.2
Married	19,049	9,033	6,428	47.4	71.2
Common law	5,668	3,286	2,436	58.0	74.1
Other	19,296	12,966	12,111	67.2	93.4
Employment status at arrest					
Unemployed	27,936	15,832	11,926	56.7%	75.3%
Employed	30,264	13,979	9,456	46.2	67.6
Criminal record					
No conviction or arrest ^b	19,333	8,041	5,366	41.6%	66.7%
Misdemeanor conviction only	13,204	6,835	5,000	51.8	73.2
Felony conviction					
Nonviolent	18,836	11,816	10,010	62.7	84.7
Violent	14,548	9,855	8,419	67.7	85.4
Number of prior convictions					
1	12,815	7,164	5,634	55.9%	78.6%
2 to 4	18,787	11,594	9,503	61.7	82.0
5 or more	14,986	9,748	8,292	65.0	85.1
Criminal justice status					
Not under supervision	44,085	21,025	14,894	47.7%	70.8%
Pretrial release	2,886	1,666	1,230	57.7	73.8
Probation	4,248	2,297	1,846	54.1	80.4
Parole	1,636	1,089	960	66.6	88.2
Court appearance history					
No prior arrests	22,509	10,536	7,623	46.8%	72.4%
Failure to appear					
None	43,172	24,911	20,006	57.7	80.3
1	5,881	3,816	3,116	64.9	81.7
More than 1	6,657	4,605	3,834	69.2	83.3
Drug abuse					
No known abuse	34,957	16,070	11,266	46.0%	70.1%
Drug history	19,723	11,557	8,377	58.6	72.5

Note: Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 56.

^aIncludes defendants for whom these characteristics are unknown.

^bIncludes only defendants whose PSA records explicitly show no prior arrest or conviction.

Table 3.8. Behavior of defendants released prior to trial for cases terminated, by offense, October 1, 2003 - September 30, 2004

Most serious offense charged	Percent of released defendants who had—							Number of released defendants
	Violations while on release					Technical violations of bail conditions	Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged				
			Felony	Misdemeanor				
All offenses*	80.2%	19.8%	2.2%	1.8%	1.6%	18.1%	7.6%	30,952
Violent offenses	78.8%	21.2%	2.9%	1.4%	2.5%	20.1%	10.6%	1,072
Property offenses	87.4%	12.6%	1.2%	1.3%	1.2%	11.3%	4.5%	9,745
Fraudulent offenses	87.8	12.2	1.2	1.4	1.1	11.0	4.3	7,726
Other property offenses	86.1	13.9	1.3	0.9	1.4	12.8	5.2	2,019
Drug offenses	71.2%	28.8%	2.9%	2.5%	2.3%	26.6%	10.5%	10,411
Public-order offenses	92.4%	7.6%	1.1%	0.5%	0.8%	6.5%	1.9%	5,190
Regulatory offenses	90.7	9.3	1.3	0.7	0.8	8.1	2.6	1,321
Other public-order offenses	93.0	7.0	1.1	0.5	0.8	6.0	1.7	3,869
Weapon offenses	66.0%	34.0%	2.9%	3.7%	2.6%	31.4%	15.9%	2,992
Immigration offenses	82.2%	17.8%	4.3%	1.5%	0.7%	15.7%	8.5%	1,486

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2004. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total.

Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 56.
*Includes 56 defendants for whom an offense category could not be determined.

Table 3.9. Behavior of defendants released prior to trial for cases terminated, by type of release, October 1, 2003 - September 30, 2004

Type of release	Percent of released defendants who had—							Number of released defendants
	Violations while on release					Technical violations of bail conditions	Release revoked	
	No violation	At least one violation	Failed to appear	New offense				
			Felony	Misdemeanor				
All releases	80.2%	19.8%	2.2%	1.8%	1.6%	18.1%	7.6%	30,952
Financial release	76.2%	23.8%	3.0%	2.8%	1.9%	21.3%	7.7%	5,808
Deposit bond	74.2	25.8	3.0	3.1	1.7	23.1	8.2	2,598
Collateral bond	80.3	19.7	2.0	3.2	2.3	17.0	6.9	1,459
Corporate surety	75.7	24.3	3.8	2.1	1.9	22.2	7.6	1,751
Unsecured bond	80.2%	19.8%	2.2%	2.1%	1.5%	18.0%	7.8%	13,060
Personal recognizance	79.5%	20.5%	2.0%	1.3%	1.9%	19.2%	8.4%	10,488
Conditional release	99.9%	0.1%	0.1%	0.0%	0.0%	0.1%	0.1%	1,596

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2004. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of

individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 56.

Table 3.10. Behavior of defendants released prior to trial for cases terminated, by defendant characteristics, October 1, 2003 - September 30, 2004

Defendant characteristic	Percent of released defendants who had—							Number of released defendants
	No violation	Violations while on release			Technical violations of conditions	Release revoked		
		At least one violation	Failed to appear	New offense charged				
				Felony	Misdemeanor			
All defendants^a	80.2%	19.8%	2.2%	1.8%	1.6%	18.1%	7.6%	30,952
Male/female								
Male	78.9%	21.1%	2.3%	2.1%	1.8%	19.3%	8.2%	23,045
Female	83.8	16.2	1.9	1.0	1.1	14.9	6.0	7,856
Race								
White	81.6%	18.4%	2.1%	1.5%	1.5%	17.0%	7.2%	19,907
Black or African American	76.4	23.6	2.1	2.8	2.1	21.3	8.2	8,580
American Indian or Alaska Native	70.0	30.0	3.9	2.0	2.0	28.2	17.5	790
Asian/Native Hawaiian or Other Pacific Islander	87.6	12.4	2.0	1.0	0.7	10.8	4.6	998
Ethnicity								
Hispanic or Latino	78.6%	21.4%	4.1%	1.8%	1.2%	19.3%	7.2%	6,041
Not Hispanic or Latino	80.3	19.7	1.7	1.9	1.8	18.1	7.8	24,390
Age								
16-18 years	73.0%	27.0%	3.2%	2.2%	3.1%	25.4%	10.8%	555
19-20 years	70.7	29.3	2.0	2.7	2.7	27.5	12.0	1,711
21-30 years	75.8	24.2	2.5	2.4	2.1	22.2	9.3	10,597
31-40 years	80.1	19.9	2.3	1.7	1.6	18.2	7.7	8,313
Over 40 years	87.0	13.0	1.7	1.2	0.9	11.7	4.8	9,607
Education								
Less than high school graduate	71.7%	28.3%	3.6%	2.7%	2.3%	25.6%	11.3%	7,741
High school graduate	78.4	21.6	2.1	1.9	1.8	20.1	8.5	10,388
Some college	83.1	16.9	1.5	1.6	1.7	15.4	6.0	6,912
College graduate	91.8	8.2	1.1	1.1	0.5	7.1	2.7	3,259
Marital status								
Never married	73.1%	26.9%	2.7%	2.4%	2.3%	24.8%	10.3%	10,324
Divorced/separated	78.3	21.7	2.3	1.7	1.7	20.0	8.6	5,917
Married	87.6	12.4	1.7	1.4	1.0	11.2	4.5	9,993
Common law	73.0	27.0	2.6	3.1	2.3	24.4	11.3	2,215
Other	90.8	9.2	1.2	0.8	0.8	8.2	3.3	2,503
Employment status at arrest								
Unemployed	74.3%	25.7%	2.7%	2.1%	2.1%	23.8%	11.2%	11,030
Employed	82.5	17.5	2.0	1.8	1.4	15.9	6.0	17,591
Criminal record								
No conviction or arrest ^b	90.3%	9.7%	1.5%	0.8%	0.5%	8.7%	2.7%	11,658
Misdemeanor conviction only	75.8	24.2	2.2	2.0	2.2	22.5	10.1	6,768
Felony conviction								
Nonviolent	71.8	28.2	3.0	3.2	2.0	25.8	12.0	4,720
Violent	66.6	33.4	3.1	3.7	3.7	30.5	14.9	3,071
Number of prior convictions								
1	79.4%	20.6%	2.3%	2.1%	1.6%	18.8%	7.9%	5,109
2 to 4	70.6	29.4	2.9	3.1	2.1	27.2	12.2	5,850
5 or more	65.9	34.1	2.6	3.1	4.2	31.4	16.4	3,600
Criminal justice status								
Not under supervision	83.7%	16.3%	1.8%	1.4%	1.2%	14.9%	5.8%	23,650
Pretrial release	69.0	31.0	2.4	3.9	3.2	28.0	13.8	1,444
Probation	69.2	30.8	3.5	3.5	3.7	28.0	13.4	1,384
Parole	67.7	32.3	2.8	6.4	2.4	29.9	15.9	251
Court appearance history								
No prior arrests	90.1%	9.9%	1.5%	0.8%	0.5%	8.8%	2.7%	11,908
Failure to appear								
None	76.7	23.3	2.2	2.2	2.1	21.4	9.4	15,303
1	65.7	34.3	4.0	3.7	2.4	32.0	14.2	1,841
More than 1	60.5	39.5	3.8	3.6	4.4	36.8	17.4	1,900
Drug abuse								
No known abuse	86.9%	13.1%	1.8%	1.4%	1.3%	11.6%	4.4%	18,652
Drug history	64.4	35.6	2.8	2.9	2.6	33.6	14.9	9,152

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2004. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation.

^aIncludes defendants for whom these characteristics could not be determined.

^bIncludes only defendants whose PSA records explicitly show no prior arrest or conviction.

Table 3.11. Length of pretrial detention for cases terminated, by form of release or detention, and most serious offense charged, October 1, 2003 - September 30, 2004

Most serious offense charged	Among defendants detained for any time prior to case disposition, the average number of days detained ^a					
	Released on—				Not released	
	Financial conditions	Unsecured bond ^b	Personal recognizance	Conditional release	Financial condition	Detained by court
All offenses	27.2 days	36.9 days	35.9 days	112.4 days	71.2 days	108.3 days
Violent offenses	40.8 days	50.8 days	46.9 days	272.3 days	60.8 days	156.2 days
Murder ^c	^	^	60.9	^	...	179.9
Negligent manslaughter	...	^	^	...	...	^
Assault	43.2	53.2	43.4	358.2	^	123.7
Robbery	27.0	48.3	63.0	^	74.8	160.5
Sexual abuse ^c	23.7	48.7	31.7	^	...	151.8
Kidnapping	^	^	^	...	^	177.4
Threats against the President	^	^	^	...	^	257.3
Property offenses	25.4 days	41.9 days	32.9 days	68.0 days	95.0 days	97.5 days
Fraudulent	26.3 days	39.7 days	30.5 days	70.7 days	94.2 days	93.4 days
Embezzlement	15.4	17.9	6.3	...	^	92.1
Fraud ^c	26.9	38.3	29.9	69.7	97.1	94.9
Forgery	41.5	17.3	69.8	^	^	84.1
Counterfeiting	22.8	53.0	34.2	^	86.5	83.7
Other	17.0 days	50.8 days	37.3 days	57.3 days	100.1 days	114.5 days
Burglary	^	13.2	23.3	^	^	96.2
Larceny ^c	19.4	62.8	43.4	34.0	89.7	87.7
Motor vehicle theft	^	17.9	14.5	^	^	150.3
Arson and explosives	^	26.8	13.8	^	^	170.8
Transportation of stolen property	^	92.4	67.0	...	^	212.4
Other property offenses ^c	^	5.3	4.7	^	...	^
Drug offenses	27.9 days	34.5 days	35.7 days	112.6 days	94.7 days	133.9 days
Trafficking	27.7	34.3	35.4	117.3	95.3	133.9
Other drug offenses	30.1	37.0	39.9	74.1	89.3	134.8
Public-order offenses	23.5 days	34.5 days	25.1 days	117.0 days	78.1 days	104.4 days
Regulatory	19.1 days	50.2 days	23.1 days	148.5 days	46.0 days	76.1 days
Other	27.0 days	26.9 days	26.5 days	95.4 days	118.2 days	115.3 days
Tax law violations ^c	4.6	34.8	23.1	...	...	109.3
Bribery	81.6	25.0	1.0	^	^	^
Perjury, contempt, and intimidation	^	33.3	59.8	^	^	114.3
National defense	8.0	55.0	2.0	^	^	111.7
Escape	10.3	18.1	32.5	^	57.5	65.5
Racketeering and extortion	32.0	28.1	22.1	^	224.4	183.0
Gambling	^	1.0	...	^	...	^
Liquor offenses	...	...	6.1	...	...	^
Nonviolent sex offenses	21.2	22.3	38.2	^	^	134.3
Obscene material ^c	^	...	^	^	^	^
Traffic	2.5	26.4	12.4	56.0	...	34.5
Wildlife	^	...	...	^	^	^
Environmental	^	...	^	^	^	...
All other offenses ^c	13.0	35.5	21.9	28.0	^	80.4
Weapon offenses	33.9 days	44.1 days	44.5 days	131.9 days	90.6 days	126.6 days
Immigration offenses	20.6 days	23.8 days	17.6 days	100.1 days	52.4 days	68.1 days

^a Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

^aData describe 78,219 defendants who terminated pretrial services during fiscal year 2004. Data exclude defendants for whom periods of detention could not be determined or were unavailable. For further information, see *Chapter notes*, item 1, p. 56.

^bIncludes deposit bond, surety bond, and collateral bond.

^cIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Chapter notes

1) All tables in chapter 3 were created from data in the Pretrial Services Information Act System database, which is maintained by the Pretrial Services Agency (PSA) within the AOUSC. The data describe pretrial defendants processed by Federal pretrial service agencies within each district. Defendants who received pretrial services through a local, non-Federal agency, such as the District of Columbia, are not included. The data describe 86,364 defendants whose cases commenced and 78,219 defendants who terminated pretrial services during October 1, 2003, through September 30, 2004, and whose cases were filed by complaint, indictment, or information. In these tables the totals (for example, "all offenses") included records whose offense or other attributes were missing or indeterminable. The percentage distributions were based on nonmissing values, and missing values were reported in a footnote.

Offenses in the PSA are based on the most serious charged offense, as determined by the probation officer responsible for the interview with the defendant. The probation officer classifies the major offense charged into AOUSC four-digit offense codes. For defendants charged with more than one offense on an indictment, the probation officer chooses as the major charged offense the one carrying the most severe penalty or, in the case of two or more charges carrying the same penalty, the one with the highest offense severity. The offense severity level is determined by the AOUSC, which ranks offenses according to the maximum sentence, type of crime, and maximum fine amount. These four-digit codes are then aggregated into the same offense categories as those used in chapter 4.

For drug offenses the type of drug activity — trafficking or possession — is obtained by the probation officers from their reading of the indictment or other charging documents. The AOUSC citation manual

provides probation officers with detailed instructions on how to code drug crimes.

2) In tables 3.1-3.5, the percentages showing the methods of release or methods of detention were based on the number of defendants released or the number of defendants detained. In tables 3.6 and 3.7, the percentages were based on the number of defendants who had hearings and were ordered detained. This method departs from the 1993 and prior compendia, in which the percentages were based on the number of defendants terminating pretrial services.

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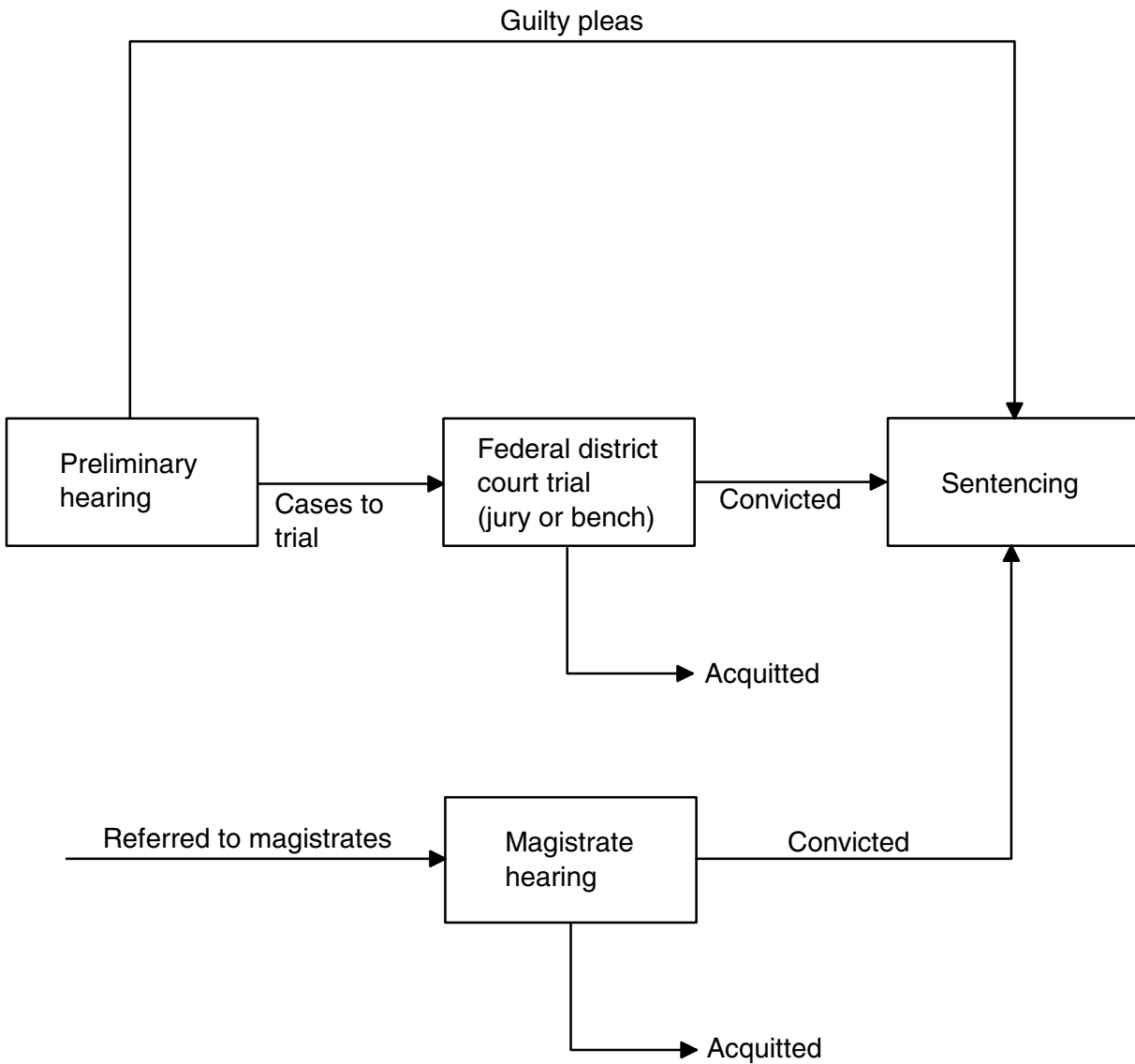
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Chapter 4

Adjudication



Federal criminal cases may result in conviction of the defendant following plea or trial, acquittal of the defendant after trial, or dismissal of the case.¹

Defendants in criminal cases commenced (table 4.1)

During 2004, 92,645 defendants had criminal cases commenced against them in U.S. district courts, and 81,261 (88%) of those defendants were charged with felonies. The 30,469 drug felony defendants comprised 33% of all criminal defendants in cases commenced and 37% of all felony defendants. Felony property and immigration defendants comprised 15% and 19% of all defendants in cases commenced respectively. The 11,384 misdemeanor defendants constituted 12% of all defendants in cases commenced; 40% of those misdemeanor defendants were charged with traffic violations.

Defendants in criminal cases terminated (table 4.2)

Cases were terminated against 83,391 defendants during 2004, 73,138 (88%) of whom were felony defendants. During 2004 the 27,407 drug-related felony defendants comprised 33% of all defendants in cases terminated and 37% of all felony defendants.

Ninety percent of all defendants, 92% of all felony defendants, and 71% of misdemeanor defendants were convicted. Conviction rates for major felony offense categories were in the 89% to 96% range. Within the major offense categories, however, the conviction rates varied more widely. For example, within the public-order category, the conviction rate ranged from —

- 68% for civil rights violations to
- 86% for felony traffic offenses to
- 100% for obscene materials.

¹Unless otherwise noted data describe felony and misdemeanor cases in U.S. district courts and include Class A misdemeanors handled by U.S. magistrates. The data also include Class B misdemeanors that are handled by U.S. district court judges, which occur infrequently.

Most defendants who were convicted pleaded guilty (table 4.2). Overall, 96% of those convicted pleaded guilty, while only 4% were convicted at trial. For felony offenses 96% of convicted defendants pleaded guilty to their charges. For the major felony offense categories, guilty pleas were registered for —

- 99% of immigration offenders
 - 97% of drug offenders
 - 95% of property offenders
 - 94% of public-order offenders
 - 93% of both violent and weapon offenders. (Percents were calculated from numbers in table 4.2.)
- During 2004 only 4% (3,346) of the 83,391 defendants in cases terminated exercised their right to a trial. Nine percent of violent offenders went to trial as compared with —
- 7% of both weapon and public order offenders

- 4% of both property offenders and drug offenders
- 1% of immigration offenders. (Percents were calculated from numbers in table 4.2.)

Of defendants who exercised their right to a trial, 2,630 (79%) were convicted either by a jury or a bench trial. The felony trial conviction rate was 80%, while the misdemeanor conviction rate was 64%. Among felony offenses, trial conviction rates ranged from 74% for violent offenses defendants to 85% for immigration defendants. (Percents were calculated from numbers in table 4.2.)

Case processing times (table 4.3)

The data in table 4.3 cover the interval from the time a case is filed in U.S. district court through sentencing for those convicted as well as the interval from case filing through disposition for those not convicted or those whose cases are dismissed. Title I of the Speedy Trial Act of 1974, as amended, sets time requirements for processing criminal cases in Federal courts. Except for certain exclusions, indictment must occur within 30 days of arrest; defendants are guaranteed at least 30 days to prepare for trial; and the Government must be ready for trial within 70 days. The Speedy Trial Act does not specify an interval from trial to sentencing,² and the time limits set by the act exclude several enumerated periods of pretrial procedure such as time spent awaiting rulings on motions.³ Additionally, defendants may waive their rights within the Speedy Trial Act. As a result, the actual processing time for most defendants can be longer than the statutory limits without violating the provisions of the act.

Overall, the average time for processing defendants was 9.5 months. For felony defendants the overall

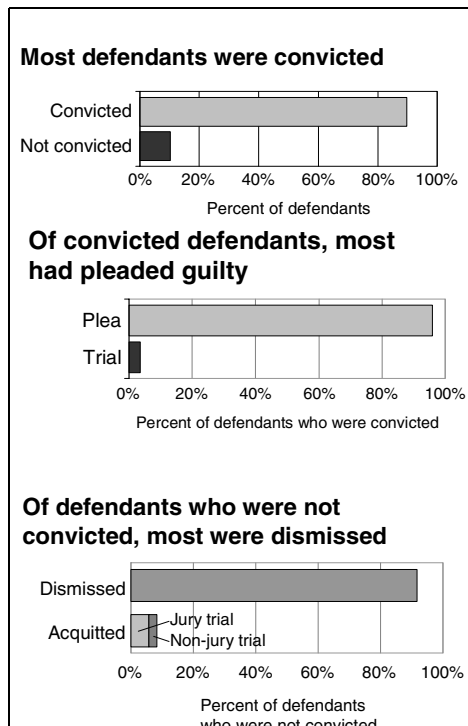


Figure 4.1. Disposition of cases terminating during October 1, 2003 - September 30, 2004

²The Sentencing Reform Act of 1984 specifies minimum intervals for the disclosure and objections to the presentence report. (See rule 31, Federal Rules of Criminal Procedure.)

³18 U.S.C. 3161 et. seq.

processing time average was 10.1 months; for those charged with misdemeanor crimes, the average processing time was 4.6 months. Defendants who pleaded guilty were processed, on average, 5.4 months faster than defendants who went to trial (figure 4.2). Overall, defendants whose cases went to trial took the longest to process (14.2 months). Among major felony offense categories, drug offenses cases terminated by a guilty plea took longer on average (21.4 months) than those terminated by trial (15.3 months). For public-order and weapon offenses, cases terminated by trial took longer on average (17.8 and 12.7 months, respectively) than those terminated by dismissal (15.0 and 9.7 months, respectively).

Convictions by U.S. magistrates (table 4.4)

During 2004 U.S. magistrates disposed of 10,054 misdemeanor criminal defendants, 72% of whom were convicted. Comprising cases disposed by U.S. magistrates' were —

- public-order offenders (nearly 51%)
- property offenders (22%)
- drug offenders (19%). (Percents were calculated from numbers in table 4.4.)

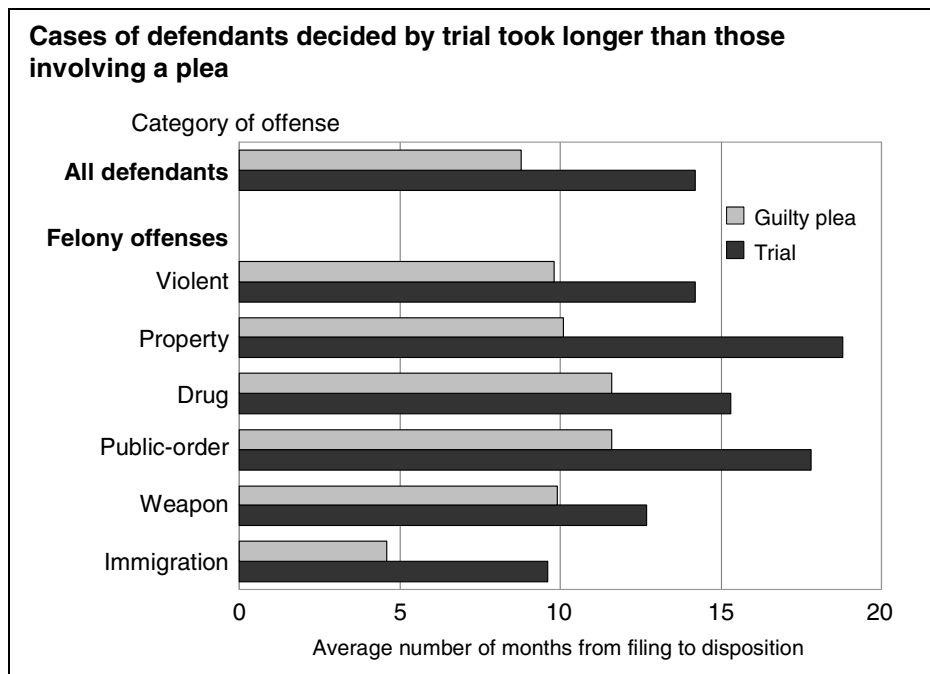


Figure 4.2. Average time from filing to disposition of cases terminating during October 1, 2003 - September 30, 2004, by offense

Table 4.1. Defendants in criminal cases commenced, by offense, October 1, 2003 - September 30, 2004, by offense

Most serious offense charged	Defendants in cases commenced during 2004	
	Number	Percent
All offenses	92,645	100.0%
Felonies	81,261	87.7%
Violent offenses	3,435	3.7%
Murder*	301	0.3
Negligent manslaughter	3	--
Assault	676	0.7
Robbery	1,571	1.7
Sexual abuse*	632	0.7
Kidnapping	223	0.2
Threats against the President	29	--
Property offenses	14,303	15.4%
Fraudulent	12,103	13.1%
Embezzlement	761	0.8
Fraud*	9,954	10.7
Forgery	93	0.1
Counterfeiting	1,295	1.4
Other	2,200	2.4%
Burglary	75	0.1
Larceny*	1,520	1.6
Motor vehicle theft	68	0.1
Arson and explosives	268	0.3
Transportation of stolen property	223	0.2
Other property offenses*	46	--
Drug offenses	30,469	32.9%
Trafficking	28,472	30.7
Possession and other drug offenses	1,997	2.2
Public-order offenses	5,200	5.6%
Regulatory	1,046	1.1%
Antitrust	22	--
Food and drug	28	--
Transportation	160	0.2
Civil rights	90	0.1
Communications	26	--
Custom laws	54	0.1
Postal laws	37	--
Other regulatory offenses	629	0.7
Other	4,154	4.5%
Tax law violations*	490	0.5
Bribery	186	0.2
Perjury, contempt, and intimidation	339	0.4
National defense	76	0.1
Escape	429	0.5
Racketeering and extortion	899	1.0
Gambling	13	--
Nonviolent sex offenses	1,022	1.1
Obscene material*	49	0.1
Traffic offenses	39	--
Wildlife	78	0.1
Environmental	31	--
All other felonies*	503	0.5
Weapon offenses	10,167	11.0%
Immigration offenses	17,687	19.1%
Misdemeanors*	11,384	12.3%
Fraudulent property offenses	699	0.8
Larceny	1,485	1.6
Drug possession*	2,003	2.2
Immigration offenses	317	0.3
Traffic offenses	4,536	4.9
Other misdemeanors	2,344	2.5

Note: For further information see Chapter notes, item 1, p. 66.

--Less than .05%.

*In this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing.

"Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown of offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 4.2. Disposition of criminal cases terminating from October 1, 2003 - September 30, 2004, by offense

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in criminal cases terminating during 2004 who were—								
			Convicted						Not convicted		
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial	
			Jury	Non-jury			Jury ^a	Non-jury			
All offenses	83,391	89.7%	74,782	71,692	460	2,313	317	8,609	7,893	490	226
Felonies	73,138	92.2%	67,464	64,997	37	2,292	138	5,674	5,072	482	120
Violent offenses	2,962	91.0%	2,694	2,501	5	175	13	268	203	58	7
Murder ^b	251	87.3	219	185	1	33	0	32	26	6	0
Negligent manslaughter	1	^	1	1	0	0	0	0	0	0	0
Assault	619	86.9	538	492	1	42	3	81	57	21	3
Robbery	1,382	95.7	1,322	1,268	1	50	3	60	54	4	2
Sexual abuse ^b	513	89.7	460	422	2	31	5	53	34	17	2
Kidnapping	156	79.5	124	106	0	18	0	32	28	4	0
Threats against the President	40	75.0	30	27	0	1	2	10	4	6	0
Property offenses	13,733	90.7%	12,460	11,995	9	434	22	1,273	1,143	91	39
Fraudulent	11,447	90.8%	10,391	10,001	5	368	17	1,056	950	75	31
Embezzlement	734	93.6	687	667	0	20	0	47	43	3	1
Fraud ^b	9,261	90.3	8,360	8,024	5	317	14	901	806	66	29
Forgery	106	91.5	97	95	0	2	0	9	9	0	0
Counterfeiting	1,346	92.6	1,247	1,215	0	29	3	99	92	6	1
Other	2,286	90.5%	2,069	1,994	4	66	5	217	193	16	8
Burglary	72	94.4	68	67	0	1	0	4	4	0	0
Larceny ^b	1,576	91.2	1,438	1,392	2	42	2	138	126	8	4
Motor vehicle theft	61	90.2	55	51	0	4	0	6	6	0	0
Arson and explosives	272	85.3	232	216	0	13	3	40	32	7	1
Transportation of stolen property	247	90.7	224	216	2	6	0	23	20	0	3
Other property offenses ^b	58	89.7	52	52	0	0	0	6	5	1	0
Drug offenses	27,407	92.3%	25,310	24,412	10	858	30	2,097	1,905	158	34
Trafficking	25,539	92.3	23,570	22,744	9	787	30	1,969	1,787	149	33
Possession and other drug offenses	1,868	93.1	1,740	1,668	1	71	0	128	118	9	1
Public-order offenses	4,410	88.6%	3,906	3,662	3	226	15	504	430	62	12
Regulatory	877	86.3%	757	710	0	47	0	120	99	19	2
Antitrust	19	89.5	17	17	0	0	0	2	0	2	0
Food and drug	35	88.6	31	30	0	1	0	4	4	0	0
Transportation	146	84.9	124	113	0	11	0	22	17	4	1
Civil rights	87	67.8	59	47	0	12	0	28	18	10	0
Communications	23	91.3	21	21	0	0	0	2	2	0	0
Custom laws	61	80.3	49	49	0	0	0	12	12	0	0
Postal laws	32	81.3	26	26	0	0	0	6	6	0	0
Other regulatory offenses	474	90.7	430	407	0	23	0	44	40	3	1
Other	3,533	89.1%	3,149	2,952	3	179	15	384	331	43	10
Tax law violations ^b	425	95.3	405	370	0	34	1	20	15	4	1
Bribery	141	97.9	138	127	0	11	0	3	3	0	0
Perjury, contempt, and intimidation	308	79.9	246	214	1	31	0	62	40	20	2
National defense	70	82.9	58	56	0	2	0	12	11	0	1
Escape	453	85.7	388	378	0	7	3	65	63	2	0
Racketeering and extortion	789	87.1	687	637	1	46	3	102	85	13	4
Gambling	29	96.6	28	27	0	0	1	1	0	1	0
Liquor offenses	1	^	1	1	0	0	0	0	0	0	0
Nonviolent sex offenses	734	93.6	687	661	1	22	3	47	46	1	0
Obscene material ^b	43	100.0	43	39	0	4	0	0	0	0	0
Traffic offenses	29	86.2	25	24	0	1	0	4	4	0	0
Wildlife	49	93.9	46	42	0	4	0	3	3	0	0
Environmental	42	81.0	34	32	0	2	0	8	8	0	0
All other felonies ^b	420	86.4	363	344	0	15	4	57	53	2	2
Weapon offenses	9,024	90.1%	8,135	7,584	8	508	35	889	768	99	22
Immigration offenses	15,602	95.9%	14,959	14,843	2	91	23	643	623	14	6
Misdemeanors^b	10,253	71.4%	7,318	6,695	423	21	179	2,935	2,821	8	106
Fraudulent property offenses	738	83.6	617	604	9	1	3	121	117	1	3
Larceny	1,303	63.7	830	779	29	5	17	473	468	1	4
Drug possession ^b	1,902	75.1	1,429	1,375	41	1	12	473	463	1	9
Immigration offenses	259	93.4	242	239	1	1	1	17	17	0	0
Traffic offenses	4,044	69.1	2,794	2,391	305	3	95	1,250	1,175	0	75
Other misdemeanors	2,007	70.1	1,406	1,307	38	10	51	601	581	5	15

Note: For further information, see *Chapter notes*, item 1, p. 66.

^ Too few cases to obtain statistically reliable data.

^aIncludes mistrials.

^bIn this table, "Murder" includes nonnegligent manslaughter; "Fraud" excludes tax fraud; "Sexual abuse" includes only violent sex offenses; "Larceny" excludes transporting stolen property;

"Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 4.3. Time from filing to disposition of criminal cases terminating from October 1, 2003 - September 30, 2004, by offense

Most serious offense charged	Average time from filing to disposition for defendants in criminal cases resulting in—			
	All outcomes	Dismissal ^a	Guilty plea	Trial ^b
All offenses	9.5 mo	13.4 mo	8.8 mo	14.2 mo
Felonies	10.1 mo	16.2 mo	9.4 mo	15.3 mo
Violent offenses	10.4 mo	13.2 mo	9.8 mo	14.2 mo
Murder ^c	14.6	22.9	13.1	16.4
Negligent manslaughter	^	...	^	...
Assault	9.3	10.0	8.9	11.2
Robbery	9.2	9.6	9.0	15.0
Sexual abuse ^c	10.8	10.9	10.5	13.1
Kidnapping	17.4	21.1	15.8	20.4
Threats against the President	11.7	^	12.0	^
Property offenses	11.0 mo	17.0 mo	10.1 mo	18.8 mo
Fraudulent	10.9 mo	17.0 mo	9.9 mo	19.0 mo
Embezzlement	8.9	11.8	8.5	15.2
Fraud ^c	11.1	17.4	10.0	19.6
Forgery	12.3	^	11.8	^
Counterfeiting	10.2	15.9	9.6	15.2
Other	12.0 mo	16.9 mo	11.2 mo	17.9 mo
Burglary	9.4	^	8.3	^
Larceny ^c	11.2	16.5	10.4	19.6
Motor vehicle theft	18.6	^	16.9	^
Arson and explosives	12.1	11.7	11.8	15.6
Transportation of stolen property	16.8	22.3	16.3	^
Other property offenses ^c	8.1	^	8.0	^
Drug offenses	12.4 mo	21.4 mo	11.6 mo	15.3 mo
Trafficking	12.5	22.0	11.6	15.4
Possession and other drug offenses	11.2	12.6	11.0	14.2
Public-order offenses	12.3 mo	15.0 mo	11.6 mo	17.8 mo
Regulatory	10.2 mo	16.6 mo	8.8 mo	16.8 mo
Antitrust	10.1	...	9.5	^
Food and drug	10.5	^	10.1	^
Transportation	7.7	10.3	6.8	10.9
Civil rights	16.3	16.0	13.9	21.6
Communications	7.3	^	7.4	...
Custom laws	17.8	^	10.0	...
Postal laws	5.6	^	5.7	...
Other regulatory offenses	9.4	11.5	8.8	16.7
Other	12.8 mo	14.5 mo	12.2 mo	18.0 mo
Tax law violations ^c	13.8	20.4	12.7	21.6
Bribery	11.1	^	9.8	25.4
Perjury, contempt, and intimidation	13.9	14.0	13.7	14.7
National defense	16.2	^	16.1	^
Escape	13.2	23.2	12.0	13.8
Racketeering and extortion	16.5	12.7	16.8	19.1
Gambling	22.9	...	23.8	^
Liquor offenses	^	...	^	...
Nonviolent sex offenses	9.1	11.5	8.7	15.2
Obscene material ^c	8.9	...	7.4	^
Traffic offenses	7.6	^	6.3	^
Wildlife	10.3	^	10.0	^
Environmental	12.3	^	13.0	^
All other felonies ^c	10.6	12.6	9.8	18.2
Weapon offenses	10.1 mo	9.7 mo	9.9 mo	12.7 mo
Immigration offenses	4.8 mo	10.0 mo	4.6 mo	9.6 mo
Misdemeanors^c	4.6 mo	8.4 mo	3.2 mo	3.5 mo
Fraudulent property offenses	5.0	13.5	3.3	^
Larceny	5.5	7.6	4.2	6.7
Drug possession ^c	4.6	9.0	3.1	3.4
Immigration offenses	1.8	3.4	1.6	^
Traffic offenses	4.4	8.8	2.7	1.6
Other misdemeanors	4.9	7.1	4.0	5.6

Note: Interval from filing to disposition includes periods which may be excluded under the Speedy Trial Act of 1974 (18 U.S.C. §3161, et seq.). See *Chapter notes*, item 1, p. 66.

^a Too few cases to obtain statistically reliable data.

... No cases of this type occurred in the data.

^a Includes nolle prosequi, deferred prosecution, Narcotics Addicts Rehabilitation Act (NARA) Titles I and II, and all dismissals.

^b Includes mistrials.

^c In this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unclassifiable offense type; "Misdemeanors" includes felonies misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 4.4. Dispositions by U.S. magistrates, October 1, 2003 - September 30, 2004

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrates			
	Total	Convicted	Not convicted	Percent convicted
All offenses	10,054	7,256	2,798	72.2%
Violent offenses^a	370	235	135	63.5%
Assault	357	225	132	63.0
Robbery	3	0	3	^
Sexual abuse ^b	9	9	0	^
Threats against the President	1	1	0	^
Property offenses	2,202	1,532	670	69.6%
Fraudulent	770	646	124	83.9%
Embezzlement	130	111	19	85.4
Fraud ^b	617	515	102	83.5
Forgery	16	14	2	87.5
Counterfeiting	7	6	1	^
Other	1,432	886	546	61.9%
Burglary	10	10	0	^
Larceny ^b	1,248	801	447	64.2
Motor vehicle theft	3	3	0	^
Arson and explosives	8	7	1	^
Transportation of stolen property	1	1	0	^
Other property offenses ^b	162	64	98	39.5
Drug offenses	1,907	1,431	476	75.0%
Trafficking	139	76	63	54.7
Possession	1,768	1,355	413	76.6
Public-order offenses	5,122	3,670	1,452	71.7%
Regulatory	339	287	52	84.7%
Food and drug	20	20	0	100.0
Transportation	78	74	4	94.9
Civil rights	4	4	0	^
Communications	4	4	0	^
Custom laws	6	6	0	^
Postal laws	71	68	3	95.8
Other regulatory offenses	156	111	45	71.2
Other	4,783	3,383	1,400	70.7%
Tax law violations ^b	33	33	0	100.0
Bribery	7	7	0	^
Perjury, contempt, and intimidation	11	11	0	100.0
National defense	7	6	1	^
Escape	27	22	5	81.5
Liquor offenses	24	24	0	100.0
Nonviolent sex offenses	5	5	0	^
Traffic offenses	3,980	2,767	1,213	69.5
Wildlife	183	168	15	91.8
Environmental	4	4	0	^
All other offenses ^b	502	336	166	66.9
Weapon offenses	100	50	50	50.0%
Immigration offenses	353	338	15	95.8%

Note: Data in this table are not directly comparable to data in the 1993 and prior compendia; see *Chapter notes*, item 1, p. 66.

^a Too few cases to obtain statistically reliable data.

^a May include some nonviolent offenses.

^b In this table "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

Data tables describing demographic characteristics of convicted offenders are not shown in this *Compendium*, as fiscal year 2004 data have not yet been received by BJS from the United States Sentencing Commission.

Chapter notes

- 1) Tables 4.1-4.4 were derived from the Administrative Office of U.S. Courts (AOUSC) criminal master data files. Only records with cases filed in U.S. district court (table 4.1) or cases that terminated in U.S. district court during October 1, 2003, through September 30, 2004, were selected. Offenses were classified according to the most serious offense charged. In the case of multiple offenses, the offense carrying the most severe potential penalty was selected.

In this *Compendium* carjacking offenses are classified as robberies, based on title and section of the U.S. Code. In compendia prior to the 1997 *Compendium*, they were classified as motor vehicle thefts, based on the AOUSC offense classifications.

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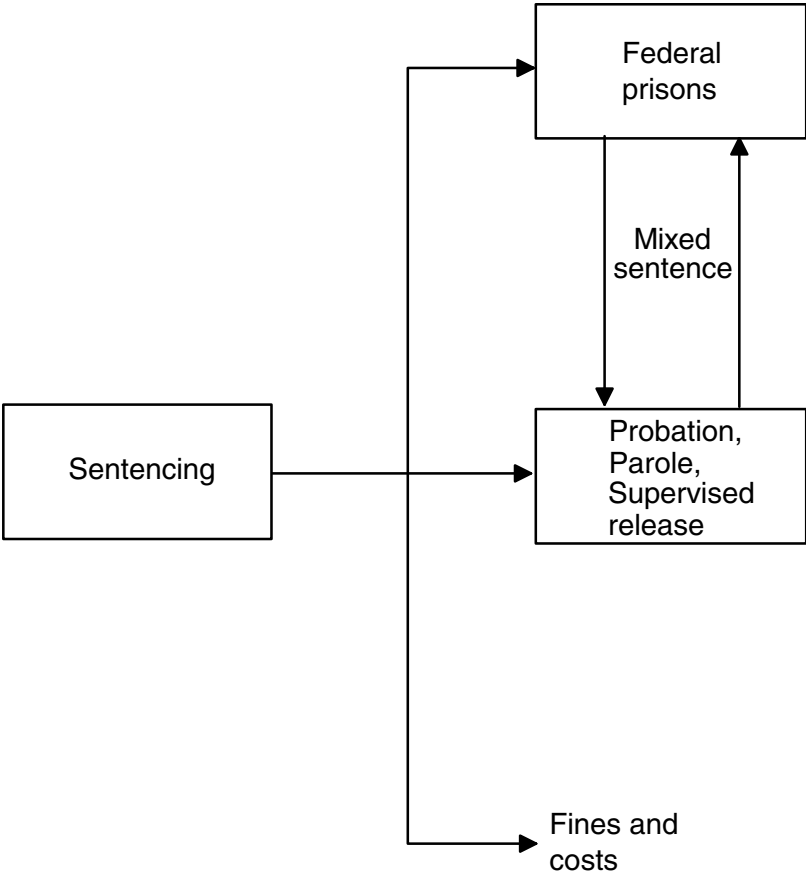
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Sentencing



Depending upon the type and severity of the offense, convicted offenders may be sentenced to incarceration, probation, a fine, or a combination of sanctions such as a split or mixed sentence (imprisonment as well as a period of probation supervision). (For a definition of mixed sentences, see *Glossary*, p. 117.) The Federal sentencing guidelines require a term of supervised release following service of any prison sentence of more than 1 year. In addition, courts have the discretion to impose supervised release in any other case.

Except where otherwise indicated, tables in this chapter are based on the most serious offense of conviction. They are not directly comparable with tables in earlier chapters that are based on the most serious offense investigated or most serious offense charged. (See "Offense classifications" in *Methodology*, p. 113.)

Offenders convicted and sentences imposed (tables 5.1 and 5.2)

Of the 74,782 offenders sentenced during 2004 —

- 58,106 (78%) were sentenced to prison
- 11,067 (15%) were sentenced to probation¹
- 2,639 (4%) were ordered to pay only a fine.

During 2004, 56,509 defendants convicted of felonies were sentenced to prison representing 97% of all prison sentences and 85% of all convicted felons. Receiving prison sentences were defendants convicted of felony —

- violent offenses (94%)
- drug and weapon offenses (93%)
- immigration offenses (90%)
- public-order offenses (71%)
- property offenses (60%) (figure 5.1).

¹Offenders given an intermediate sanction such as intermittent confinement or community confinement that also included probation supervision are counted among offenders given probation.

Defendants convicted of drug, violent, immigration, and weapon felonies had the highest imprisonment rates, while those convicted of property and public-order offenses had the highest rates of probation

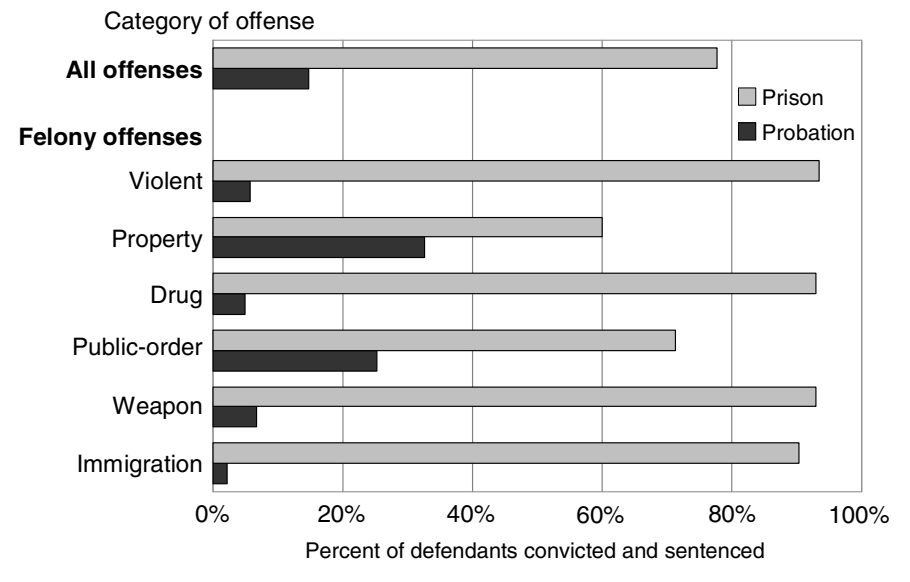


Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated during October 1, 2003 - September 30, 2004

Among public-order offenders persons convicted of nonviolent sex offenses (96%) and escape (92%) were almost as likely to receive prison sentences as violent, drug, weapon, and immigration offenders.

Among property offenders persons convicted of burglary (83%) were the most likely to receive prison sentences.

Overall, 15% of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (46%) was over 4 times that of convicted felons (11%).

Persons convicted of gambling violations were the most likely to receive probation (72%), followed by persons convicted of communication violations and larceny misdemeanors (70% and 69% respectively).

While 4% of all convicted defendants were ordered to pay only a fine, 18% of the felons convicted of antitrust violations were so ordered. Fines were generally reserved for misdemeanor offenders, 29% of whom received fines.

Average prison sentences imposed (table 5.2)

For all offenders sentenced to prison terms, the average term of imprisonment imposed was 59.7 months. Persons convicted of felonies received an average of 61.2 months.

The average length of prison sentence length imposed varied among major felony offense categories:

- violent offenses (96.2 months)
- weapon offenses (84.3 months)
- drug offenses (83.6 months)
- public-order offenses (43.6 months)
- property offenses (27.4 months)
- immigration offenses (26.9 months) (figure 5.2).

The average sentence length for felony offenses (61.2 months) was almost 11 times longer than average sentence length for misdemeanor offenses (5.6 months).

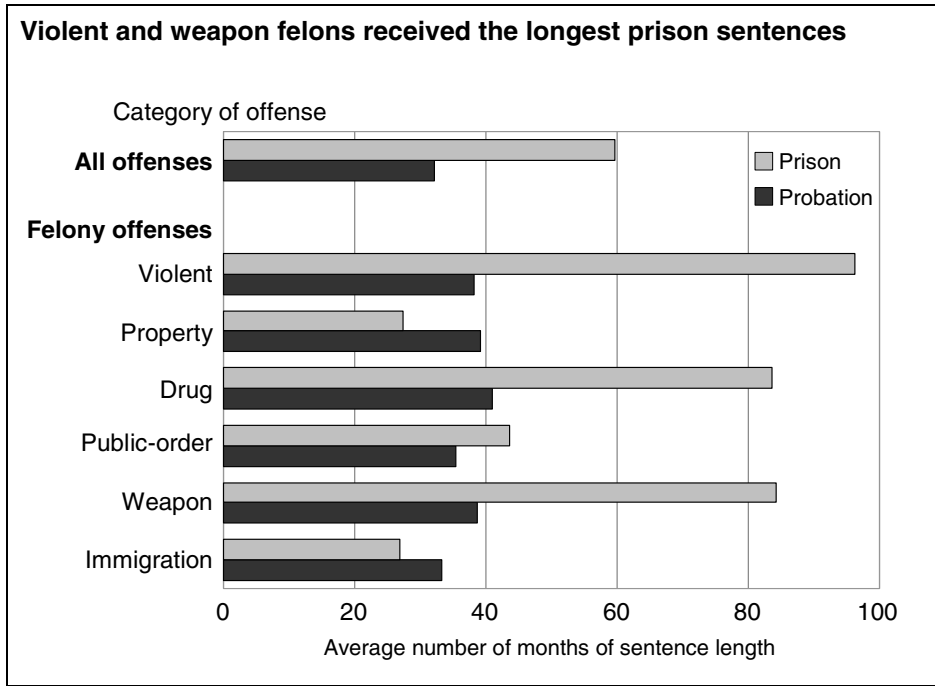


Figure 5.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases that terminated during October 1, 2003 - September 30, 2004

Relationship between sentence imposed and mode of conviction (table 5.3)

During 2004 offenders convicted by trial were more likely to receive prison sentences than those who pleaded guilty. Seventy-seven percent of the offenders convicted by guilty plea received some prison time, while 88% of offenders convicted at trial received prison sentences.

For violent offenders 93% of those convicted by plea received prison sentences, as did 96% of those convicted at trial. For property offenders 59% of those convicted by plea received prison sentences, compared to 86% of those convicted at trial. For public-order offenders 70% of those convicted by plea received sentences. In contrast, 94% of those convicted at trial went to prison.

The average prison term imposed on defendants convicted at trial was almost three times longer than the term imposed on defendants convicted by plea. Defendants convicted at trial received 148.2 months on average (a

median of 97 months), while those convicted by plea received an average of 56.2 months (a median of 36 months) (figure 5.3). Drug offenders convicted at trial received an average of 195.9 months as compared to 79.5 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 177.5 months as compared to the 90.4 months for those convicted by guilty plea. Those convicted at trial for weapon offenses received, on average, 186.8 months compared to the 77.1 months for weapon offenders convicted by guilty plea.

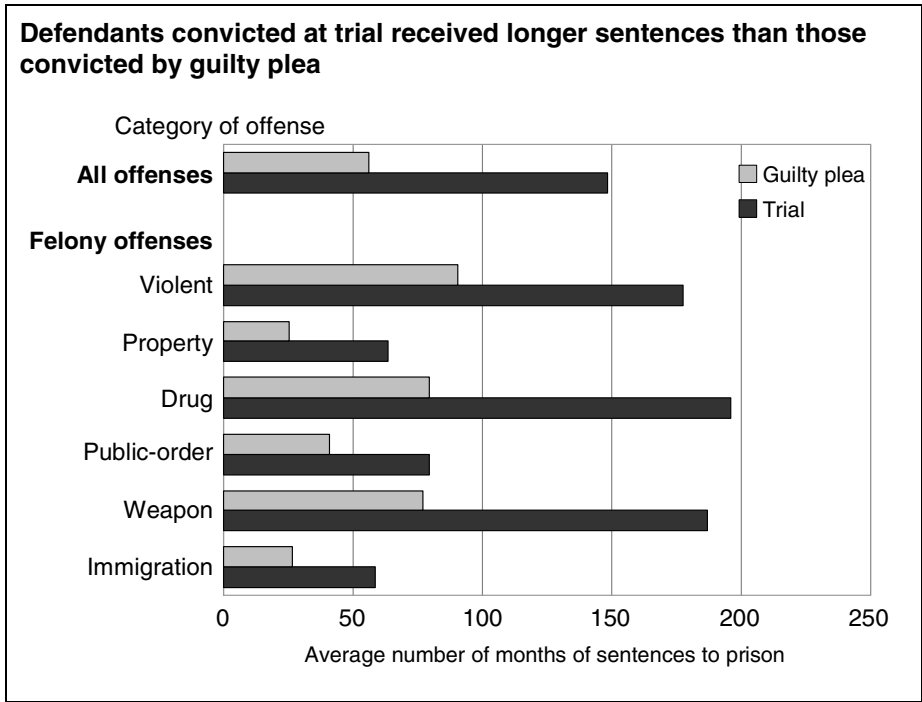


Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea, October 1, 2003 - September 30, 2004

Table 5.1. Sentence types for offenders sentenced in criminal cases terminated, by offense, October 1, 2003 - September 30, 2004

Most serious offense of conviction	Total offenders sentenced ^a	Percent of offenders convicted and sentenced to—		
		Incarceration ^b	Probation ^c	Fine (only)
All offenses^d	74,782	77.7%	14.8%	3.5%
Felonies	66,542	84.9%	10.9%	0.3%
Violent offenses	2,569	93.5%	5.8%	0.2%
Murder ^e	190	92.1	6.3	0.5
Negligent manslaughter	1	^	^	^
Assault	465	82.6	14.2	0.2
Robbery	1,380	98.1	2.5	0.0
Sexual abuse ^e	415	94.2	5.5	0.5
Kidnapping	86	84.9	10.5	0.0
Threats against the President	32	75.0	15.6	0.0
Property offenses	12,202	60.0%	32.6%	0.8%
Fraudulent	10,403	60.2%	31.6%	0.9%
Embezzlement	646	46.7	40.4	2.2
Fraud ^e	8,677	60.8	30.7	0.8
Forgery	73	60.3	34.2	1.4
Counterfeiting	1,007	63.9	33.8	0.8
Other	1,799	58.7%	38.2%	0.6%
Burglary	53	83.0	15.1	0.0
Larceny ^e	1,307	53.2	43.8	0.5
Motor vehicle theft	58	67.2	15.5	0.0
Arson and explosives	165	82.4	17.0	0.6
Transportation of stolen property	166	69.3	28.3	1.8
Other property offenses ^e	50	54.0	44.0	0.0
Drug offenses	24,472	92.9%	4.9%	0.2%
Trafficking	22,450	93.2	4.7	0.2
Possession and other drug offenses	2,022	90.4	6.3	0.5
Public-order offenses	4,398	71.3%	25.2%	0.7%
Regulatory	1,106	52.4%	39.3%	1.4%
Antitrust	17	23.5	52.9	17.6
Food and drug	28	32.1	67.9	3.6
Transportation	113	36.3	56.6	2.7
Civil rights	55	89.1	12.7	0.0
Communications	23	26.1	69.6	4.3
Custom laws	61	44.3	44.3	1.6
Postal laws	18	27.8	66.7	0.0
Other regulatory offenses	791	55.5	35.5	0.8
Other	3,292	77.6%	20.4%	0.4%
Tax law violations ^e	425	62.4	36.5	0.2
Bribery	138	50.0	50.7	0.0
Perjury, contempt, and intimidation	208	70.7	25.0	0.5
National defense	52	71.2	19.2	5.8
Escape	415	91.6	5.5	0.2
Racketeering and extortion	844	77.1	20.0	0.5
Gambling	25	28.0	72.0	0.0
Liquor offenses	1	^	^	^
Nonviolent sex offenses	724	95.6	5.2	0.0
Obscene material ^e	32	78.1	18.8	0.0
Traffic offenses	26	80.8	15.4	0.0
Wildlife	34	44.1	47.1	5.9
Environmental	24	37.5	62.5	0.0
All other felonies ^e	344	68.6	27.9	0.6
Weapon offenses	8,082	93.0%	6.7%	0.1%
Immigration offenses	14,819	90.3%	2.1%	0.1%
Misdemeanors^e	8,240	19.4%	46.0%	29.3%
Fraudulent property offenses	774	25.2	49.9	4.1
Larceny	919	11.3	69.2	18.4
Drug possession ^e	1,464	38.7	47.2	7.4
Immigration offenses	520	73.1	12.9	1.3
Traffic offenses	2,906	4.1	38.1	57.5
Other misdemeanors	1,657	14.1	54.8	26.0

Note: For further information, see *Chapter notes*, item 1, p. 77.

[^]Too few cases to obtain statistically reliable data.

^aIncludes offenders receiving incarceration, probation, split or mixed sentences, and fines. Not represented in the percentage columns, but also included in the totals, are offenders receiving deportation, suspended sentences, sealed sentences, imprisonment of 4 days or less, and no sentences.

^bAll sentences to incarceration, including split, mixed, life, and indeterminate.

^cIncludes offenders with split and mixed sentences.

^dTotal includes offenders whose sentence could not be determined.

^eIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 5.2. Type and length of sentences imposed for sentenced offenders, by offense, October 1, 2003 - September 30, 2004

Offenders convicted and sentenced in criminal cases that terminated during fiscal year 2004

Most serious offense of conviction	Total ^a	Number		Sentence length				
		Incarceration ^b	Probation ^c	Fine (only)	Incarceration ^d		Probation ^d	
					Mean	Median	Mean	Median
All offenses^e	74,782	58,106	11,067	2,639	59.70 mo	37.0 mo	32.2 mo	36.0 mo
Felonies	66,542	56,509	7,273	222	61.20 mo	37.0 mo	38.6 mo	36.0 mo
Violent offenses	2,569	2,402	150	4	96.20 mo	70.0 mo	38.2 mo	36.0 mo
Murder ^f	190	175	12	1	111.20	60.0	42.0	36.0
Negligent manslaughter	1	1	0	0	^	^	...	...
Assault	465	384	66	1	44.80	33.0	32.7	36.0
Robbery	1,380	1,354	35	0	105.30	78.0	42.8	36.0
Sexual abuse ^f	415	391	23	2	112.20	97.0	44.3	41.0
Kidnapping	86	73	9	0	108.00	61.5	^	^
Threats against the President	32	24	5	0	28.20	24.0	^	^
Property offenses	12,202	7,323	3,974	102	27.40 mo	18.0 mo	39.2 mo	36.0 mo
Fraudulent	10,403	6,267	3,287	92	25.80 mo	18.0 mo	38.9 mo	36.0 mo
Embezzlement	646	302	261	14	16.00	12.0	40.1	36.0
Fraud ^f	8,677	5,278	2,661	69	26.60	18.0	38.9	36.0
Forgery	73	44	25	1	20.00	18.0	42.2	36.0
Counterfeiting	1,007	643	340	8	24.10	18.0	38.4	36.0
Other	1,799	1,056	687	10	36.70 mo	21.0 mo	40.2 mo	36.0 mo
Burglary	53	44	8	0	28.40	24.0	^	^
Larceny ^f	1,307	695	573	6	31.30	18.0	40.3	36.0
Motor vehicle theft	58	39	9	0	27.10	18.0	^	^
Arson and explosives	165	136	28	1	75.20	43.0	34.8	36.0
Transportation of stolen property	166	115	47	3	35.00	24.0	47.7	48.0
Other property offenses ^f	50	27	22	0	18.10	6.0	27.2	24.0
Drug offenses	24,472	22,744	1,188	58	83.60 mo	60.0 mo	41.0 mo	36.0 mo
Trafficking	22,450	20,916	1,060	47	83.80	60.0	41.7	36.0
Possession and other drug offenses	2,022	1,828	128	11	81.90	60.0	35.5	36.0
Public-order offenses	4,398	3,135	1,107	29	43.60 mo	27.0 mo	35.4 mo	36.0 mo
Regulatory	1,106	580	435	15	32.30 mo	18.5 mo	33.4 mo	36.0 mo
Antitrust	17	4	9	3	^	^	^	^
Food and drug	28	9	19	1	^	^	29.4	30.0
Transportation	113	41	64	3	68.60	18.0	33.6	36.0
Civil rights	55	49	7	0	46.90	37.0	^	^
Communications	23	6	16	1	^	^	39.8	36.0
Custom laws	61	27	27	1	23.50	18.0	29.2	36.0
Postal laws	18	5	12	0	^	^	37.3	36.0
Other regulatory offenses	791	439	281	6	28.10	18.0	33.1	36.0
Other	3,292	2,555	672	14	46.20 mo	27.0 mo	36.7 mo	36.0 mo
Tax law violations ^f	425	265	155	1	26.50	16.0	34.3	36.0
Bribery	138	69	70	0	27.40	21.0	38.9	36.0
Perjury, contempt, and intimidation	208	147	52	1	37.90	24.0	36.7	36.0
National defense	52	37	10	3	68.40	37.0	^	^
Escape	415	380	23	1	18.70	13.0	27.8	24.0
Racketeering and extortion	844	651	169	4	70.90	51.0	34.9	36.0
Gambling	25	7	18	0	^	^	35.3	36.0
Liquor offenses	1	1	0	0	^	^	...	...
Nonviolent sex offenses	724	692	38	0	57.00	41.0	48.0	42.0
Obscene material ^f	32	25	6	0	32.70	27.0	^	^
Traffic offenses	26	21	4	0	22.60	14.0	^	^
Wildlife	34	15	16	2	21.20	14.0	26.9	24.0
Environmental	24	9	15	0	^	^	38.5	36.0
All other felonies ^f	344	236	96	2	27.80	18.0	42.7	36.0
Weapon offenses	8,082	7,518	538	10	84.30 mo	57.0 mo	38.7 mo	36.0 mo
Immigration offenses	14,819	13,387	316	19	26.90 mo	24.0 mo	33.2 mo	36.0 mo
Misdemeanors^f	8,240	1,597	3,794	2,417	5.60 mo	6.0 mo	19.8 mo	12.0 mo
Fraudulent property offenses	774	195	386	32	5.30	3.0	28.3	24.0
Larceny	919	104	636	169	6.40	6.0	21.6	12.0
Drug possession ^f	1,464	567	691	108	6.30	6.0	17.9	12.0
Immigration offenses	520	380	67	7	4.50	6.0	38.6	36.0
Traffic offenses	2,906	118	1,106	1,671	3.20	1.5	14.4	12.0
Other misdemeanors	1,657	233	908	430	6.50	5.0	21.8	12.0

^a Too few cases to obtain statistically reliable data.

...No cases of this type occurred in the data.

^aTotal may not equal the sum of individual sanctions. The sum may exceed the total because split and mixed sentences are counted in incarceration and probation. Alternatively, the total may exceed the sum as the total includes offenders receiving deportation, suspended sentences, sealed sentences, imprisonment of 4 days or less, and no sentences.

^bAll sentences to incarceration, including split, mixed, life, and indeterminate sentences.

^cIncludes offenders with split and mixed sentences.

^dExcludes sentences of life, death, and indeterminate sentences.

^eTotal includes offenders whose sentence could not be determined.

"In this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 5.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition, October 1, 2003 - September 30, 2004

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders convicted and sentenced in criminal cases who received—			Offenders sentenced to some incarceration		
		Incarceration ^a	Probation ^b	Fine (only)	Percent of convicted offenders	Sentence length ^c	
						Mean	Median
All offenses^d	74,782	58,106	11,067	2,639	77.7%	59.7 mo	37.0 mo
Guilty plea ^e	72,152	55,780	10,850	2,548	77.3	56.2	36.0
Trial	2,630	2,326	217	91	88.4	148.2	97.0
Felonies	66,542	56,509	7,273	222	84.9%	61.2 mo	37.0 mo
Guilty plea	64,119	54,204	7,155	216	84.5	57.7	37.0
Trial	2,423	2,305	118	6	95.1	149.6	97.0
Violent offenses	2,569	2,402	150	4	93.5%	96.2 mo	70.0 mo
Guilty plea	2,381	2,221	143	4	93.3	90.4	63.5
Trial	188	181	7	0	96.3	177.5	120.0
Property offenses	12,202	7,323	3,974	102	60.0%	27.4 mo	18.0 mo
Guilty plea	11,754	6,937	3,920	98	59.0	25.4	17.0
Trial	448	386	54	4	86.2	63.4	37.0
Drug offenses	24,472	22,744	1,188	58	92.9%	83.6 mo	60.0 mo
Guilty plea	23,570	21,855	1,169	57	92.7	79.5	60.0
Trial	902	889	19	1	98.6	195.9	151.0
Public-order offenses	4,398	3,135	1,107	29	71.3%	43.6 mo	27.0 mo
Guilty plea	4,150	2,902	1,092	29	69.9	40.8	27.0
Trial	248	233	15	0	94.0	79.4	48.0
Weapon offenses	8,082	7,518	538	10	93.0%	84.3 mo	57.0 mo
Guilty plea	7,562	7,012	518	10	92.7	77.1	51.0
Trial	520	506	20	0	97.3	186.8	120.0
Immigration offenses	14,819	13,387	316	19	90.3%	26.9 mo	24.0 mo
Guilty plea	14,702	13,277	313	18	90.3	26.7	24.0
Trial	117	110	3	1	94.0	58.8	47.0
Misdemeanors	8,240	1,597	3,794	2,417	19.4%	5.6 mo	6.0 mo
Guilty plea ^e	8,033	1,576	3,695	2,332	19.6	5.6	6.0
Trial	207	21	99	85	10.1	5.4	4.0

^aAll sentences to incarceration, including split, mixed, life, and indeterminate sentences.

^bIncludes offenders with split and mixed sentences.

^cExcludes sentences of life, death, and indeterminate sentences (1% of all incarceration).

^dTotal includes offenders whose sentence could not be determined and 2 defendants for whom offense category could not be determined, both of whom received a sentence of probation. For further information see *Chapter notes*, item 1, p. 77.

^eIncludes nolo contendere.

Data tables describing demographic characteristics of sentenced offenders are not shown in this *Compendium*, as fiscal year 2004 data have not yet been received by BJS from the United States Sentencing Commission.

Chapter notes

- 1) Tables 5.1-5.3 were generated from the AOUSC criminal master data files. Only records of defendants sentenced between October 1, 2003, and September 30, 2004, were selected. Offenses shown in these tables — offenses of conviction — are based on the longest actual sentence imposed.



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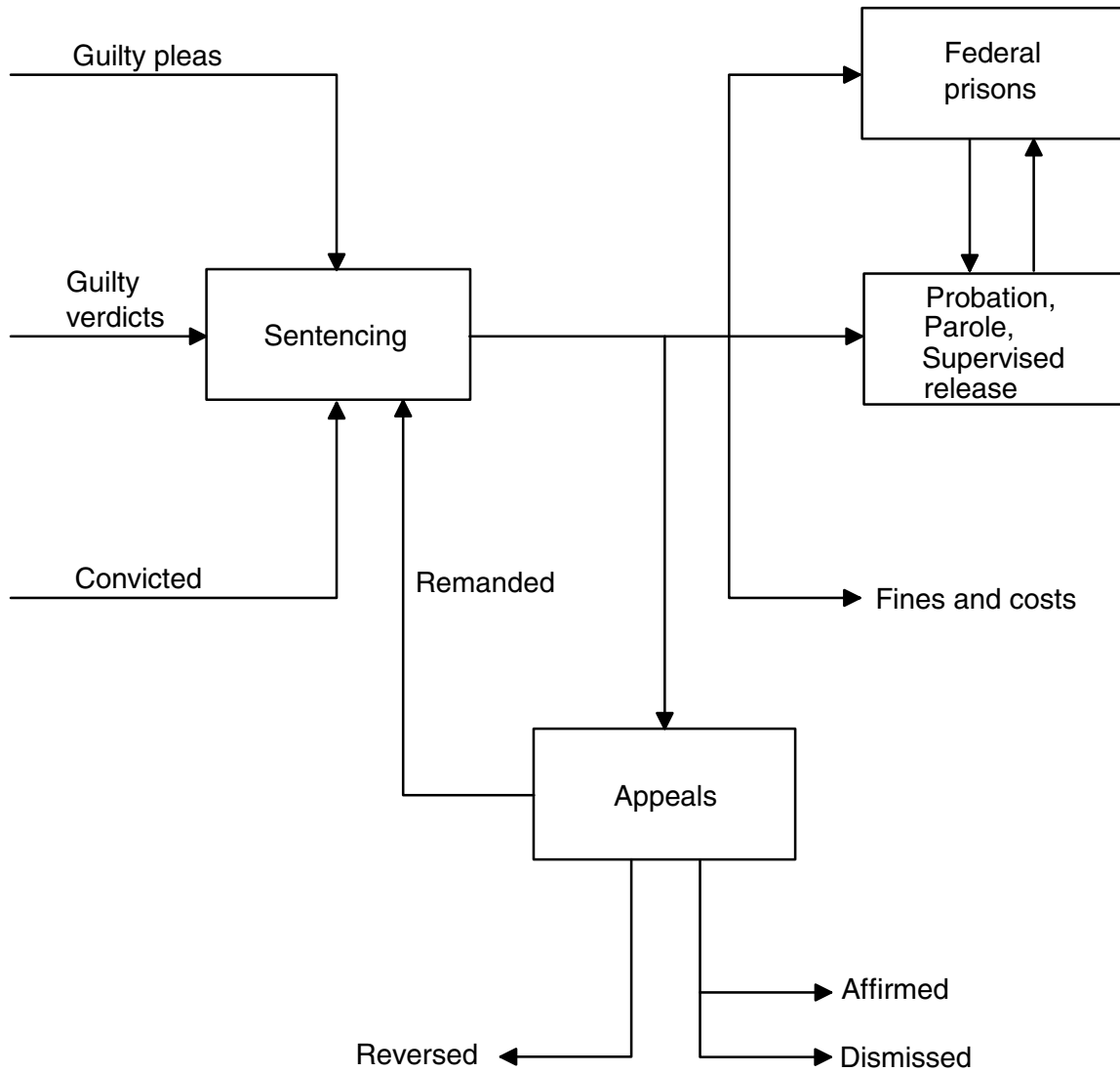
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Chapter 6

Appeals



Prior to implementation of the Sentencing Reform Act of 1984, only criminal convictions could be appealed. However, the Sentencing Reform Act provided for the appellate review of sentences imposed given that the sentence was —

- (1) imposed in violation of the law,
- (2) imposed as the result of an incorrect sentencing guideline application,
- (3) outside the recommended guideline sentencing range, or
- (4) imposed for an offense for which no sentencing guideline exists and is plainly unreasonable.

Both the defendant and the Government have the right to appeal an imposed sentence.*

Appeals filed (tables 6.1 and 6.2)

During 2004 the U.S. Court of Appeals received 12,517 criminal appeals, which was 5% more than the number filed in 2003. Of all appeals 5% were filed by the Government (not shown in a table). Eighty-seven percent of all appeals filed in 2004 were guidelines-based appeals. Thirteen percent of appeals filed were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect (figure 6.1). Fifty-eight percent of guideline-based appeals challenged both the conviction and the sentence imposed. Nearly three times as many appeals challenged only the sentence imposed as those that challenged only the conviction (30% versus 11%).

The distribution of guideline-based appeals by type of appeal filed (sentence, conviction, or both) was relatively constant across the major offense categories underlying the appeal.

Thirty-nine percent of all appeals filed (for which the offense is known) were for drug convictions. Comprising all appeals filed were appeals for —

- weapon offense convictions (17%)

Nearly half the criminal appeals challenged both the conviction and the sentence imposed

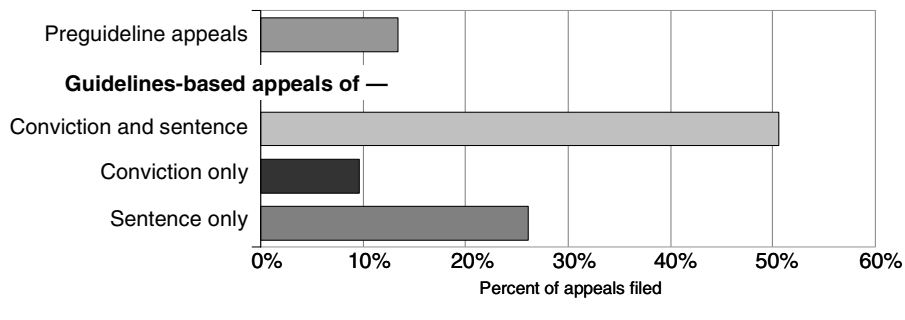


Figure 6.1. Types of criminal appeal cases filed during October 1, 2003 - September 30, 2004

- property offenses (16%)
- immigration offenses (15%)
- violent offenses (6%) (figure 6.2).

Appeals terminated (tables 6.2-6.5)

A total of 11,076 appeals terminated during 2004. Fifteen percent were appeals of convictions for offenses sentenced under laws in effect prior to the sentencing guidelines. The remaining 85% of appeals terminated were guidelines-based appeals. Of these —

- 59% were appeals of both the conviction and sentence
- 12% were appeals of the conviction only
- 29% were appeals of the sentence only.

In 40% of all appeals terminated in 2004 (for which the offense is known), drug offense convictions underlie the appeal. Also comprising appeals terminated were:

- property or immigration offenses (16%)
- weapon offenses (15%)
- violent offenses (5%).

Robbery offenses composed 36% and sexual abuse offenses composed 21% of the underlying offenses for appeals of a violent conviction. Sixty-eight percent of property offense appeals were for fraud convictions.

Of the 11,076 appeals terminated during 2004, 73% were terminated on the merits, while the remainder were terminated on procedural grounds (figure

Over a third of all appeals filed were for drug convictions

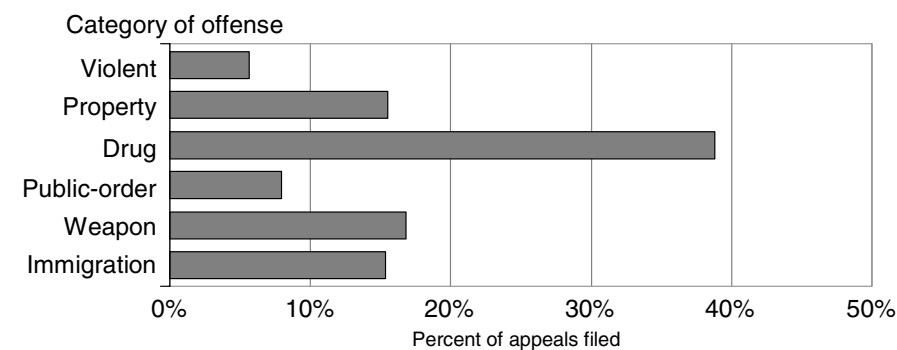


Figure 6.2. Appeals cases filed, by type of offense during October 1, 2003 - September 30, 2004

*18 U.S.C. § 3742

6.3). An appeal terminated on the merits is an appeal that is terminated based on the factors of the case, not because of technical or procedural reasons. For appeals based on a conviction, 83% of immigration offense appeals and 78% of weapon offense appeals were terminated on the merits. Also terminated on the merits were —

- 75% of violent offense appeals
- 72% of drug offense appeals
- 69% of property offense appeals.

Within these major offense categories, 76% of appeals based on robbery convictions were terminated on the merits, as were 68% of fraud convictions.

In most (80%) of the appeals terminated on the merits, the district court ruling was affirmed; and in another 4% it was partially affirmed. Among appeals terminated on merits, 87% of immigration appeals were affirmed, as were —

- 82% of weapon appeals
- 80% of drug appeals
- 79% of violent appeals
- 74% of property appeals.

District court decisions were reversed or remanded back to the court in 8% of the cases. Property and public order offenses had the highest rates of reversal or being remanded back to the court (12% and 14%). Appeals were reversed or remanded for —

- 9% of weapon convictions
- 8% of violent convictions
- 7% of drug convictions
- 5% of immigration convictions.

Overall, appeals were dismissed in 8% of cases. Among major offense categories the highest dismissal rates were for drug convictions (10%).

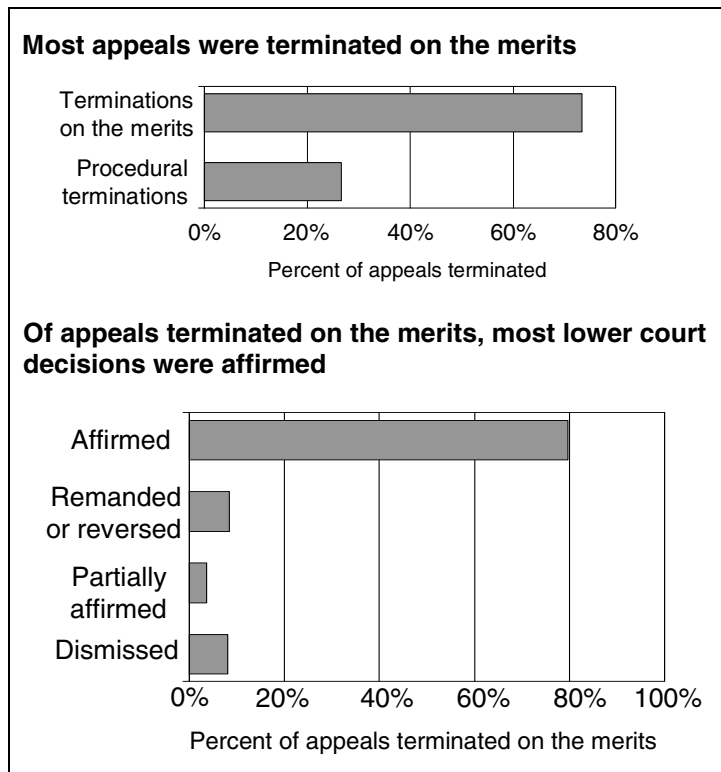


Figure 6.3. Disposition of criminal appeals terminating during October 1, 2003 - September 30, 2004

Table 6.1. Criminal appeals filed, by type of criminal case and offense, October 1, 2003 - September 30, 2004

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Conviction only	Sentence only	Sentence and conviction	
All offenses^a	12,517	1,683	10,834	1,202	3,271	6,334	27
Violent offenses	673	108	565	77	154	333	1
Murder ^b	110	39	71	13	13	45	0
Assault	82	10	72	10	19	43	0
Robbery	277	35	242	29	77	135	1
Sexual abuse ^b	144	14	130	18	39	73	0
Kidnapping	55	10	45	5	5	35	0
Threats against the President	5	0	5	2	1	2	0
Property offenses	1,873	301	1,572	167	508	894	3
Fraudulent	1,524	241	1,283	132	425	723	3
Embezzlement	65	6	59	10	15	34	0
Fraud ^b	1,302	206	1,096	110	365	618	3
Forgery	7	2	5	1	1	3	0
Counterfeiting	150	27	123	11	44	68	0
Other	349	60	289	35	83	171	0
Burglary	10	3	7	0	3	4	0
Larceny ^b	199	35	164	16	50	98	0
Motor vehicle theft	48	4	44	4	12	28	0
Arson and explosives	42	7	35	7	9	19	0
Transportation of stolen property	40	8	32	5	8	19	0
Other property offenses ^b	10	3	7	3	1	3	0
Drug offenses	4,678	577	4,101	430	1,318	2,339	14
Public-order offenses	955	168	787	99	219	466	3
Regulatory	142	20	122	15	27	80	0
Agriculture	2	0	2	0	0	2	0
Food and drug	5	0	5	0	1	4	0
Transportation	29	2	27	5	4	18	0
Civil rights	30	3	27	3	4	20	0
Communications	4	2	2	0	0	2	0
Custom laws	3	0	3	0	1	2	0
Postal laws	5	1	4	1	0	3	0
Other regulatory offenses	64	12	52	6	17	29	0
Other	813	148	665	84	192	386	3
Tax law violations ^b	117	26	91	9	25	56	1
Bribery	32	2	30	2	7	21	0
Perjury, contempt, and intimidation	76	16	60	8	9	43	0
National defense	14	3	11	1	3	7	0
Escape	54	8	46	6	14	26	0
Racketeering and extortion	210	53	157	18	38	100	1
Gambling	6	0	6	0	6	0	0
Nonviolent sex offenses	206	17	189	20	72	96	1
Obscene material ^b	7	1	6	1	0	5	0
Traffic offenses	10	4	6	4	0	2	0
Wildlife	10	2	8	3	1	4	0
Environmental	5	2	3	0	0	3	0
All other offenses ^b	66	14	52	12	17	23	0
Weapon offenses	2,024	232	1,792	271	453	1,066	2
Immigration offenses	1,856	56	1,800	133	543	1,123	1

Note: For further information see *Chapter notes*, p. 88.

^aTotal includes 458 filed for which an offense category could not be determined, of which 241 are preguideline appeals and 217 are guidelines-based appeals.

^bIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.2. Criminal appeals filed and criminal appeals terminated, by offense, October 1, 2003 - September 30, 2004

Offense of conviction	Criminal appeals filed during 2004		Criminal appeals terminated during 2004	
	Number	Percent ^a	Number	Percent ^a
All offenses^b	12,517	100.0%	11,076	100.0%
Violent offenses	673	5.6%	572	5.4%
Murder ^c	110	0.9	103	1.0
Assault	82	0.7	74	0.7
Robbery	277	2.3	216	2.0
Sexual abuse ^c	144	1.2	118	1.1
Kidnapping	55	0.5	57	0.5
Threats against the President	5	--	4	--
Property offenses	1,873	15.5%	1,685	15.9%
Fraudulent	1,524	12.6%	1,349	12.7%
Embezzlement	65	0.5	60	0.6
Fraud ^c	1,302	10.8	1,141	10.8
Forgery	7	0.1	4	--
Counterfeiting	150	1.2	144	1.4
Other	349	2.9%	336	3.2%
Burglary	10	0.1	5	--
Larceny ^c	199	1.7	172	1.6
Motor vehicle theft	48	0.4	47	0.4
Arson and explosives	42	0.3	58	0.5
Transportation of stolen property	40	0.3	48	0.5
Other property offenses ^c	10	0.1	6	0.1
Drug offenses	4,678	38.8%	4,256	40.2%
Public-order offenses	955	7.9%	836	7.9%
Regulatory	142	1.2%	124	1.2%
Antitrust	2	--	6	0.1
Food and drug	5	--	6	0.1
Transportation	29	0.2	20	0.2
Civil rights	30	0.2	21	0.2
Communications	4	--	3	--
Custom laws	3	--	15	0.1
Postal laws	5	--	6	0.1
Other regulatory offenses	64	0.5	47	0.4
Other	813	6.7%	712	6.7%
Tax law violations ^c	117	1	84	0.8
Bribery	32	0.3	15	0.1
Perjury, contempt, and intimidation	76	0.6	76	0.7
National defense	14	0.1	17	0.2
Escape	54	0.4	61	0.6
Racketeering and extortion	210	1.7	223	2.1
Gambling	6	--	3	--
Nonviolent sex offenses	206	1.7	136	1.3
Obscene material ^c	7	0.1	9	0.1
Traffic offenses	10	0.1	16	0.2
Wildlife	10	0.1	7	0.1
Environmental	5	--	4	--
All other offenses ^c	66	0.5	61	0.6
Weapon offenses	2,024	16.8%	1,554	14.7%
Immigration offenses	1,856	15.4%	1,678	15.9%

Note: For further information see *Chapter notes*, p. 88.

--Less than .05%.

^aPercentage distribution based on appeals for which an offense category could be determined.

^bTotals include 458 appeals filed and 495 appeals terminated for which an offense category could not be determined.

^cIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 2003 - September 30, 2004

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Conviction only	Sentence only	Sentence and conviction	
All offenses^a	11,076	1,693	9,383	1,151	2,691	5,531	10
Violent offenses	572	105	467	54	138	275	0
Murder ^b	103	42	61	11	15	35	0
Assault	74	14	60	8	15	37	0
Robbery	216	28	188	15	67	106	0
Sexual abuse ^b	118	10	108	14	31	63	0
Kidnapping	57	11	46	6	10	30	0
Threats against the President	4	0	4	0	0	4	0
Property offenses	1,685	309	1,376	182	425	769	0
Fraudulent	1,349	239	1,110	155	347	608	0
Embezzlement	60	8	52	9	16	27	0
Fraud ^b	1,141	201	940	131	293	516	0
Forgery	4	0	4	0	1	3	0
Counterfeiting	144	30	114	15	37	62	0
Other	336	70	266	27	78	161	0
Burglary	5	2	3	0	1	2	0
Larceny ^b	172	34	138	10	39	89	0
Motor vehicle theft	47	3	44	7	13	24	0
Arson and explosives	58	16	42	7	11	24	0
Transportation of stolen property	48	14	34	2	12	20	0
Other property offenses ^b	6	1	5	1	2	2	0
Drug offenses	4,256	583	3,673	450	1,088	2,128	7
Public-order offenses	836	157	679	92	203	383	1
Regulatory	124	18	106	15	27	64	0
Antitrust	6	0	6	0	1	5	0
Food and drug	6	0	6	0	3	3	0
Transportation	20	2	18	5	4	9	0
Civil rights	21	5	16	1	0	15	0
Communications	3	1	2	0	0	2	0
Custom laws	15	2	13	1	2	10	0
Postal laws	6	0	6	2	2	2	0
Other regulatory offenses	47	8	39	6	15	18	0
Other	712	139	573	77	176	319	1
Tax law violations ^b	84	20	64	6	15	43	0
Bribery	15	1	14	3	5	6	0
Perjury, contempt, and intimidation	76	19	57	7	17	33	0
National defense	17	2	15	3	2	10	0
Escape	61	7	54	9	15	30	0
Racketeering and extortion	223	48	175	20	40	114	1
Gambling	3	0	3	0	2	1	0
Nonviolent sex offenses	136	17	119	19	57	43	0
Obscene material ^b	9	0	9	2	3	4	0
Traffic offenses	16	4	12	6	2	4	0
Wildlife	7	3	4	0	1	3	0
Environmental	4	2	2	0	2	0	0
All other offenses ^b	61	16	45	2	15	28	0
Weapon offenses	1,554	209	1,345	238	320	786	1
Immigration offenses	1,678	58	1,620	111	422	1,086	1

Note: For further information see *Chapter notes*, p. 88.

^aTotal includes 495 appeals terminated for which an offense category could not be determined, of which 272 are preguideline appeals and 223 are guidelines-based appeals.

^bIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.4. Disposition of criminal appeals terminated, by offense, October 1, 2003 - September 30, 2004

Offense of conviction	Total criminal appeals terminated	Criminal appeals terminated on the merits							Procedural terminations
		Total	Percent	Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other	
All offenses^a	11,076	8,135	73.4%	6,485	680	291	655	24	2,941
Violent offenses	572	427	74.7%	335	36	20	36	0	145
Murder ^b	103	69	67.0	44	9	12	4	0	34
Assault	74	48	64.9	38	5	1	4	0	26
Robbery	216	164	75.9	137	8	1	18	0	52
Sexual abuse ^b	118	98	83.1	74	14	3	7	0	20
Kidnapping	57	44	77.2	38	0	3	3	0	13
Threats against the President	4	4	^	4	0	0	0	0	0
Property offenses	1,685	1,156	68.6%	858	143	73	80	2	529
Fraudulent	1,349	912	67.6%	674	120	53	63	2	437
Embezzlement	60	41	68.3	37	4	0	0	0	19
Fraud ^b	1,141	770	67.5	557	106	52	53	2	371
Forgery	4	1	^	1	0	0	0	0	3
Counterfeiting	144	100	69.4	79	10	1	10	0	44
Other	336	244	72.6%	184	23	20	17	0	92
Burglary	5	5	^	2	0	0	3	0	0
Larceny ^b	172	116	67.4	92	6	11	7	0	56
Motor vehicle theft	47	41	87.2	34	2	3	2	0	6
Arson and explosives	58	47	81.0	29	11	5	2	0	11
Transportation of stolen property	48	31	64.6	25	3	1	2	0	17
Other property offenses ^b	6	4	^	2	1	0	1	0	2
Drug offenses	4,256	3,082	72.4%	2,466	220	93	296	7	1,174
Public-order offenses	836	562	67.2%	386	79	46	42	9	274
Regulatory	124	77	62.1%	52	12	7	5	1	47
Antitrust	6	6	^	4	2	0	0	0	0
Food and drug	6	5	^	4	1	0	0	0	1
Transportation	20	6	30.0	5	1	0	0	0	14
Civil rights	21	17	81.0	13	2	0	1	1	4
Communications	3	2	^	1	0	1	0	0	1
Custom laws	15	12	80.0	8	2	1	1	0	3
Postal laws	6	5	^	3	0	1	1	0	1
Other regulatory offenses	47	24	51.1	14	4	4	2	0	23
Other	712	485	68.1%	334	67	39	37	8	227
Tax law violations ^b	84	48	57.1	26	9	9	3	1	36
Bribery	15	8	53.3	4	2	2	0	0	7
Perjury, contempt, and intimidation	76	53	69.7	40	5	4	3	1	23
National defense	17	10	58.8	9	0	1	0	0	7
Escape	61	46	75.4	33	5	0	8	0	15
Racketeering and extortion	223	154	69.1	109	16	13	10	6	69
Gambling	3	2	^	1	0	1	0	0	1
Nonviolent sex offenses	136	95	69.9	63	20	4	8	0	41
Obscene material ^b	9	7	^	7	0	0	0	0	2
Traffic offenses	16	15	93.8	12	2	0	1	0	1
Wildlife	7	5	^	5	0	0	0	0	2
Environmental	4	2	^	1	1	0	0	0	2
All other offenses ^b	61	40	65.6	24	7	5	4	0	21
Weapon offenses	1,554	1,219	78.4%	1,001	107	31	76	4	335
Immigration offenses	1,678	1,393	83.0%	1,207	69	21	96	0	285

Note: For further information, see *Chapter notes*, p. 88.

^ Too few cases to obtain statistically reliable data.

^aTotal includes 495 appeals terminated for which an offense category could not be determined, of which 296 were terminated on the merits and 199 were procedural terminations.

^bIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.5. Criminal appeals cases terminated on the merits, by offense, October 1, 2003 - September 30, 2004

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other
All offenses^a	8,135	79.7%	8.4%	3.6%	8.1%	0.3%
Violent offenses	427	78.5%	8.4%	4.7%	8.4%	0.0%
Murder ^b	69	63.8	13.0	17.4	5.8	0.0
Assault	48	79.2	10.4	2.1	8.3	0.0
Robbery	164	83.5	4.9	0.6	11.0	0.0
Sexual abuse ^b	98	75.5	14.3	3.1	7.1	0.0
Kidnapping	44	86.4	0.0	6.8	6.8	0.0
Threats against the President	4	^	^	^	^	^
Property offenses	1,156	74.2%	12.4%	6.3%	6.9%	0.2%
Fraudulent	912	73.9%	13.2%	5.8%	6.9%	0.2%
Embezzlement	41	90.2	9.8	0.0	0.0	0.0
Fraud ^b	770	72.3	13.8	6.8	6.9	0.3
Forgery	1	^	^	^	^	^
Counterfeiting	100	79.0	10.0	1.0	10.0	0.0
Other	244	75.4%	9.4%	8.2%	7.0%	0.0%
Burglary	5	^	^	^	^	^
Larceny ^b	116	79.3	5.2	9.5	6.0	0.0
Motor vehicle theft	41	82.9	4.9	7.3	4.9	0.0
Arson and explosives	47	61.7	23.4	10.6	4.3	0.0
Transportation of stolen property	31	80.6	9.7	3.2	6.5	0.0
Other property offenses ^b	4	^	^	^	^	^
Drug offenses	3,082	80.0%	7.1%	3.0%	9.6%	0.2%
Public-order offenses	562	68.7%	14.1%	8.2%	7.5%	1.6%
Regulatory	77	67.5%	15.6%	9.1%	6.5%	1.3%
Antitrust	6	^	^	^	^	^
Food and drug	5	^	^	^	^	^
Transportation	6	^	^	^	^	^
Civil rights	17	76.5	11.8	0.0	5.9	5.9
Communications	2	^	^	^	^	^
Custom laws	12	66.7	16.7	8.3	8.3	0.0
Postal laws	5	^	^	^	^	^
Other regulatory offenses	24	58.3	16.7	16.7	8.3	0.0
Other	485	68.9%	13.8%	8.0%	7.6%	1.6%
Tax law violations ^b	48	54.2	18.8	18.8	6.3	2.1
Bribery	8	^	^	^	^	^
Perjury, contempt, and intimidation	53	75.5	9.4	7.5	5.7	1.9
National defense	10	^	^	^	^	^
Escape	46	71.7	10.9	0.0	17.4	0.0
Racketeering and extortion	154	70.8	10.4	8.4	6.5	3.9
Gambling	2	^	^	^	^	^
Nonviolent sex offenses	95	66.3	21.1	4.2	8.4	0.0
Obscene material ^b	7	^	^	^	^	^
Traffic offenses	15	80.0	13.3	0.0	6.7	0.0
Wildlife	5	^	^	^	^	^
Environmental	2	^	^	^	^	^
All other offenses ^b	40	60.0	17.5	12.5	10.0	0.0
Weapon offenses	1,219	82.1%	8.8%	2.5%	6.2%	0.3%
Immigration offenses	1,393	86.6%	5.0%	1.5%	6.9%	0.0%

Note: For further information see *Chapter notes*, p. 88.

^ Too few cases to obtain statistically reliable data.

^aTotal includes 296 appeals terminated on the merits for which an offense category could not be determined.

^bIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

Chapter notes

Tables in chapter 6 were created from the AOUSC appeals database. Records of appeals filed or terminated during October 1, 2003, through September 30, 2004, were selected. Data include records of 12,517 criminal appeals filed during fiscal year 2004 and 11,076 appeals terminated during the same period.

The unit of analysis in the appeals data is a single case. Most records in the appeals data report on a single appellant. Appeals were classified into the offense categories that represent the underlying offense of conviction. Offenses represent the statutory offense charged against a defendant in a criminal appeal. Offenses were classified by the AOUSC into their four-digit offense codes. These were then aggregated into the offense categories shown in the tables.

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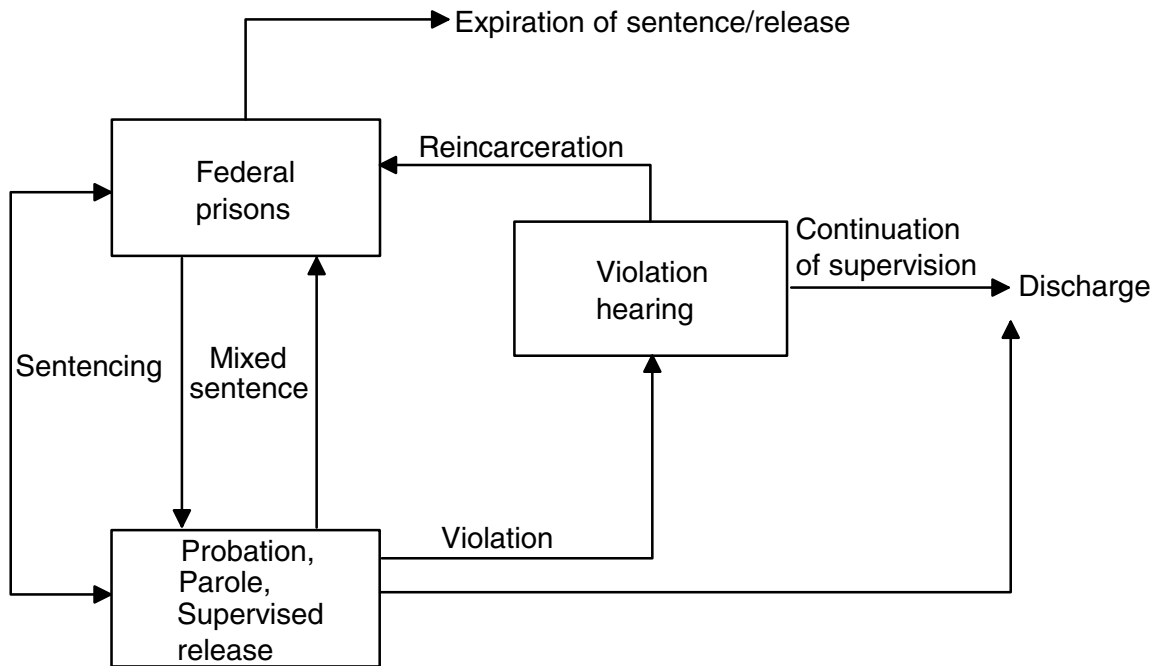
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Chapter 7

Corrections



Federal offenders under supervision (tables 7.1 and 7.2)

Post-conviction community supervision of Federal offenders is the responsibility of the Federal Probation System. United States probation officers serve as officers of the court and as agents of the U.S. Parole Commission. They are responsible for the supervision of all persons conditionally released to the community by the courts, the U.S. Parole Commission, the Federal Bureau of Prisons, and military authorities. Their supervision mission is “to execute the sentence, control risk, and promote law-abiding behavior.”*

The objectives of Federal supervision are to —

- enforce compliance with the conditions of release
- minimize risk to the public
- reintegrate the offender into a law-abiding lifestyle.

There are three major forms of Federal supervision:

- probation (a sentence in its own right imposed by the court)
- supervised release (a term of supervision that the court imposes to follow a period of imprisonment)
- parole (early release from prison at the discretion of the U.S. Parole Commission).

As of the end of fiscal year 2004, there were 109,712 offenders under active Federal supervision, of which most (91%) were felons. Seventy-three percent of these offenders received one of two forms of post-incarceration supervision: supervised release (77,332) or parole (3,098). The remainder (29,282) were under probation supervision. Most of the probationer population had been convicted of either a property felony (38%) or some type of misdemeanor offense (31%). Fifty-four percent of

**Supervision of Federal Offenders* (Monograph 109), Administrative Office of the U.S. Courts, Probation and Pretrial Services Division, 1993.

Offenders terminating parole or supervised release violated their terms of supervision at higher rates than offenders terminating probation

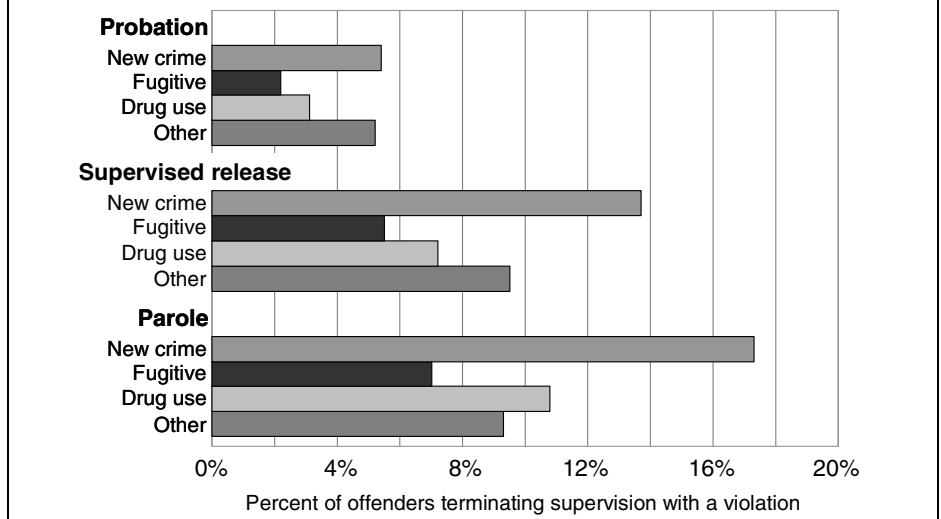


Figure 7.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation, October 1, 2003 - September 30, 2004

offenders under supervised release and 40% of parolees had been convicted of a drug offense. (Table 7.1)

Among the 109,712 offenders under active Federal supervision at the end of fiscal year 2004 —

- 78% were male
- 61% were white
- 80% were of non-Hispanic or Latino origin
- 37% were over age 40 (compared to 31% who were between 31 and 40 years old and 32% who were 30 or younger)
- 37% had a high school diploma only (compared to 31% who had at least some college and 33% who had less than a high school diploma)
- 59% had no known drug history.

Outcomes of offenders terminating supervision (tables 7.3, 7.5, and 7.7)

Probation (table 7.3) — During 2004, 15,721 offenders concluded one or more terms of active probation:

- 82% of offenders successfully completed their term of probation

- 16% violated their conditions of probation
- 2% were administrative closures.

Of offenders terminating probation, about 5% committed a new crime (figure 7.1). Most committed technical violations, including drug use (3%) or absconding (2%).

Offenders convicted of violent offenses were more likely than others to terminate supervision with a violation (figure 7.2). During 2004, 28% of probationers convicted of violent offenses violated their conditions of probation, as did —

- 22% of weapon offenders
- 14% of both immigration and drug offenders
- 13% of property offenders.

Violent, immigration, and weapon probationers were also more likely to commit new crimes (8-9%) than were probationers convicted of property (5%) or drug (4%) offenses.

Supervised release (table 7.5) — During 2004, 32,930 offenders concluded terms of supervised release:

- 62% of them successfully completed

Offenders convicted of violent offenses were more likely than others to terminate supervision with a violation

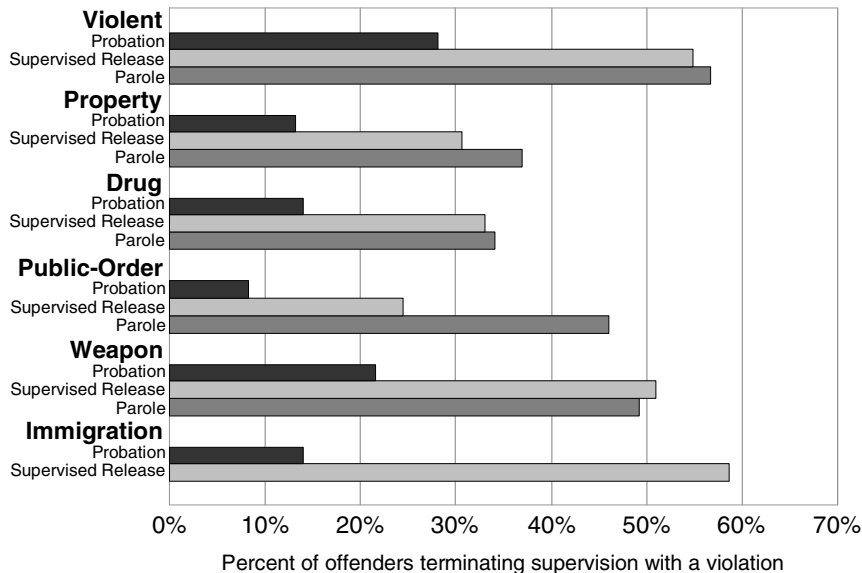


Figure 7.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense, October 1, 2003 - September 30, 2004

their term of supervised release

- 23% committed technical violations, such as drug use (7%) or absconding (6%)
- 14% of these offenders violated their supervision by committing a new crime
- 2% had their supervision administratively terminated.

Immigration and violent offenders were less likely than other offenders to complete a term of supervised release without a violation. Fifty-nine percent of immigration offenders and 55% of violent offenders violated conditions of supervised release, compared with 33% of drug and 31% of property offenders. Immigration offenders were also more likely to commit new crimes (36%) than offenders convicted of —

- weapon offenses (21%)
- violent offenses (18%)
- drug offenses (12%)
- property offenses (11%).

Parole (table 7.7) — During 2004, 1,391 offenders concluded terms of parole:

- 49% of them successfully completed their term of parole
- 17% of them violated their supervision by committing a new crime
- 26% committed technical violations, such as drug use (11%) or absconding (7%)
- 6% completed their parole term through an administrative case closure.

Offenders convicted of violent offenses were less likely than others to complete a term of parole without a violation. Fifty-seven percent of violent offenders violated conditions of parole, compared to —

- 46% of public-order offenders
- 37% of property offenders
- 34% of drug offenders.

Violent and property offenders were also more likely to commit new crimes (23% and 18%, respectively) than

offenders convicted of —

- weapon offenses (16%)
- public-order offenses (14%)
- drug offenses (13%).

Characteristics of offenders terminating supervision (tables 7.4, 7.6, and 7.8)

Probation (table 7.4) — Among offenders whose term of probation was concluded —

- 69% were male
- 69% were white
- 82% were not of Hispanic or Latino origin
- 33% were less than age 31 (compared to 38% over age 40)
- 25% had less than a high school diploma (compared to 37% whose highest education was a high school diploma and 38% who had at least some college education)

- 88% had no known drug history.

Younger offenders, those with a history of drug abuse and those with a lower educational background, had higher probabilities of violating the conditions of probation. Offenders ages 16 to 20 were more likely (37%) to violate conditions of supervision than probationers in other age groups — 22% of those ages 21 to 30 and 12% of those over age 30.

Probationers with a history of drug abuse were 5 times more likely to violate probation for drug use than offenders who were not drug abusers. Probationers with known histories of drug abuse were also more likely to violate supervision for other reasons (fugitive status or new crimes) than were other probationers.

Probationers with lower levels of education were more likely to violate the conditions of probation than those with higher levels of education. Violation rates were:

- 22% among those who did not graduate high school

- 17% among those whose highest education was a high school diploma
- 11% among those with some college
- 5% among those with a college degree.

Supervised release (table 7.6) — Among those who concluded a term of supervised release —

- 83% were male
- 62% were white
- 77% were not of Hispanic or Latino origin
- 26% were less than age 31 (39% were over age 40)
- 38% had only some high school (36% whose highest education was a high school diploma and 25% had at least some college)
- 51% had no known drug history.

Younger offenders, those with a history of drug abuse, and those with a lower educational background had higher probabilities of violating the conditions of supervised release. Offenders under age 30 were more likely to violate conditions of supervision than offenders in other age groups — 53% of those under age 31 violated a condition of their supervision compared to 23% of those over age 40.

Releasees with a history of drug abuse were nearly 4 times more likely to terminate their supervision for technical violations of drug use as were releasees who were not drug abusers. Releasees with known histories of drug abuse were also more likely to violate supervision with technical violations or new crimes.

Similarly, releasees with lower levels of education were more likely to violate conditions of supervised release than those with higher levels of education. Violation rates were:

- 44% among those who did not graduate from high school
- 35% among those whose highest education was a high school diploma

Those having lower levels of education were more likely to violate conditions of supervision

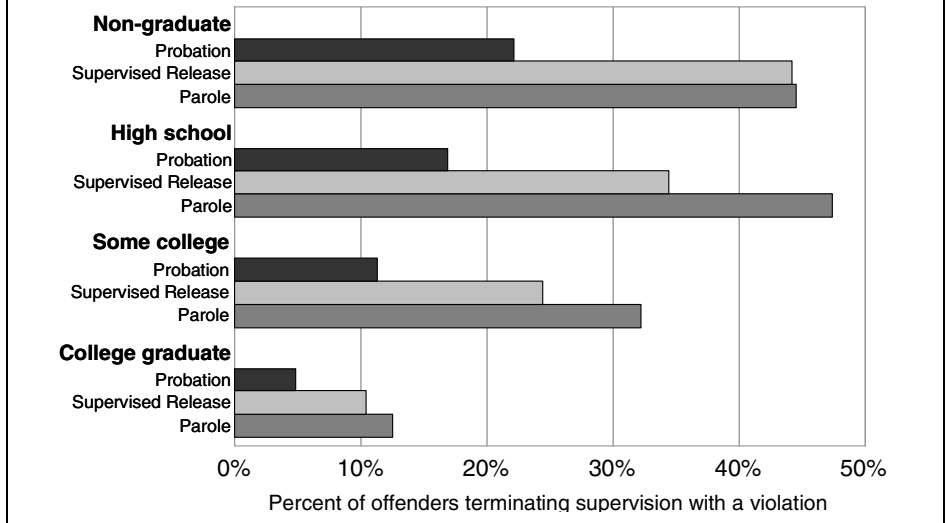


Figure 7.3. Rates of violation of conditions of supervision, by level of education, October 1, 2003 - September 30, 2004

- 24% among those with some college
 - 10% among those with a college degree.
- Parole (table 7.8) —** Among those who concluded a term of parole —
- 97% were male
 - 50% were black
 - 91% were not of Hispanic or Latino origin
 - 81% were over age 40
 - 45% had only some high school (38% whose highest education was a high school diploma and 17% had at least some college)
 - 47% had no known drug history.

Offenders with a history of drug abuse and those with a lower educational background had higher probabilities of violating the conditions of parole. Releasees with a history of drug abuse were more likely to terminate their supervision for technical violations of drug use than were releasees who were not drug abusers. Releasees with known histories of drug abuse were also more likely to violate by absconding or committing new crimes.

Releasees with lower levels of

education were usually more likely to violate conditions of parole than those with higher levels of education. Violation rates were:

- 47% among those whose highest education was a high school diploma
- 45% among those who did not graduate from high school
- 32% among those with some college
- 13% among those with a college degree.

Table 7.1. Federal offenders under supervision, by offense, September 30, 2004

Most serious offense of conviction ^a	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
			Number	Percent	Number	Percent	Number	Percent
All offenses^b	109,712	100.0%	29,282	100.0%	77,332	100.0%	3,098	100.0%
Felonies^c	99,999	91.3%	20,183	69.2%	76,728	99.3%	3,088	99.8%
Violent offenses	6,403	5.8%	405	1.4%	4,805	6.2%	1,193	38.6%
Murder ^d	420	0.4	13	—	207	0.3	200	6.5
Negligent manslaughter	8	—	0	0.0	6	—	2	0.1
Assault	674	0.6	106	0.4	477	0.6	91	2.9
Robbery	4,542	4.1	186	0.6	3,580	4.6	776	25.1
Sexual abuse ^d	491	0.4	82	0.3	374	0.5	35	1.1
Kidnapping	212	0.2	7	—	116	0.2	89	2.9
Threats against the President	56	0.1	11	—	45	0.1	0	0.0
Property offenses	28,618	26.1%	11,081	38.0%	17,281	22.4%	256	8.3%
Fraudulent	24,016	21.9%	9,031	31.0%	14,859	19.2%	126	4.1%
Embezzlement	2,756	2.5	848	2.9	1,899	2.5	9	0.3
Fraud ^d	18,518	16.9	7,015	24.1	11,404	14.8	99	3.2
Forgery	422	0.4	194	0.7	214	0.3	14	0.5
Counterfeiting	2,320	2.1	974	3.3	1,342	1.7	4	0.1
Other	4,602	4.2%	2,050	7.0%	2,422	3.1%	130	4.2%
Burglary	207	0.2	30	0.1	123	0.2	54	1.7
Larceny ^d	3,258	3.0	1,718	5.9	1,500	1.9	40	1.3
Motor vehicle theft	388	0.4	75	0.3	303	0.4	10	0.3
Arson and explosives	319	0.3	59	0.2	246	0.3	14	0.5
Transportation of stolen property	349	0.3	128	0.4	213	0.3	8	0.3
Other property offenses ^d	81	0.1	40	0.1	37	—	4	0.1
Drug offenses	46,415	42.4%	3,501	12.0%	41,681	53.9%	1,233	39.9%
Trafficking	41,814	38.2	3,140	10.8	37,578	48.6	1,096	35.4
Other drug offenses	4,601	4.2	361	1.2	4,103	5.3	137	4.4
Public-order offenses	8,881	8.1%	3,260	11.2%	5,370	7.0%	251	8.1%
Regulatory	2,471	2.3%	1,279	4.4%	1,167	1.5%	25	0.8%
Agriculture	7	—	4	—	3	—	0	0.0
Antitrust	19	—	13	—	6	—	0	0.0
Food and drug	89	0.1	66	0.2	23	—	0	0.0
Transportation	94	0.1	53	0.2	38	—	3	0.1
Civil rights	127	0.1	17	0.1	105	0.1	5	0.2
Communications	127	0.1	86	0.3	41	0.1	0	0.0
Custom laws	125	0.1	48	0.2	77	0.1	0	0.0
Postal laws	143	0.1	77	0.3	64	0.1	2	0.1
Other regulatory offenses	1,740	1.6	915	3.1	810	1.0	15	0.5
Other	6,410	5.9%	1,981	6.8%	4,203	5.4%	226	7.3%
Tax law violations ^d	1,059	1.0	521	1.8	533	0.7	5	0.2
Bribery	320	0.3	171	0.6	146	0.2	3	0.1
Perjury, contempt, and intimidation	335	0.3	124	0.4	205	0.3	6	0.2
National defense	46	—	8	—	23	—	15	0.5
Escape	267	0.2	52	0.2	193	0.2	22	0.7
Racketeering and extortion	2,342	2.1	472	1.6	1,765	2.3	105	3.4
Gambling	158	0.1	86	0.3	72	0.1	0	0.0
Nonviolent sex offenses	1,145	1.0	189	0.6	914	1.2	42	1.4
Obscene material ^d	92	0.1	26	0.1	66	0.1	0	0.0
Wildlife	55	0.1	35	0.1	20	—	0	0.0
Environmental	36	—	21	0.1	15	—	0	0.0
All other offenses	555	0.5	276	0.9	251	0.3	28	0.9
Weapon offenses	7,215	6.6%	1,088	3.7%	5,980	7.7%	147	4.8%
Immigration offenses	2,273	2.1%	730	2.5%	1,539	2.0%	4	0.1%
Misdemeanors^d	9,713	8.9%	9,099	31.2%	604	0.8%	10	0.3%
Fraudulent property offenses	981	0.9	900	3.1	81	0.1	0	0.0
Larceny	1,080	1.0	997	3.4	82	0.1	1	—
Drug possession ^d	1,847	1.7	1,665	5.7	180	0.2	2	0.1
Immigration misdemeanors	950	0.9	934	3.2	15	—	1	—
Traffic offenses	2,218	2.0	2,156	7.4	61	0.1	1	—
Other misdemeanors	2,637	2.4	2,447	8.4	185	0.2	5	0.2

—Less than .05%.

^aSee *Chapter notes* item 1, p. 104, and "Offense classifications" in *Methodology*, p. 105.

^bTotal includes offenders whose offense category could not be determined; see *Chapter notes*, item 2, p. 104.

^cThere are 194 felony offenders for whom an offense category was unknown or indeterminable. These include 118 offenders under probation, 72 under supervised release, and 4 under parole.

^dIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

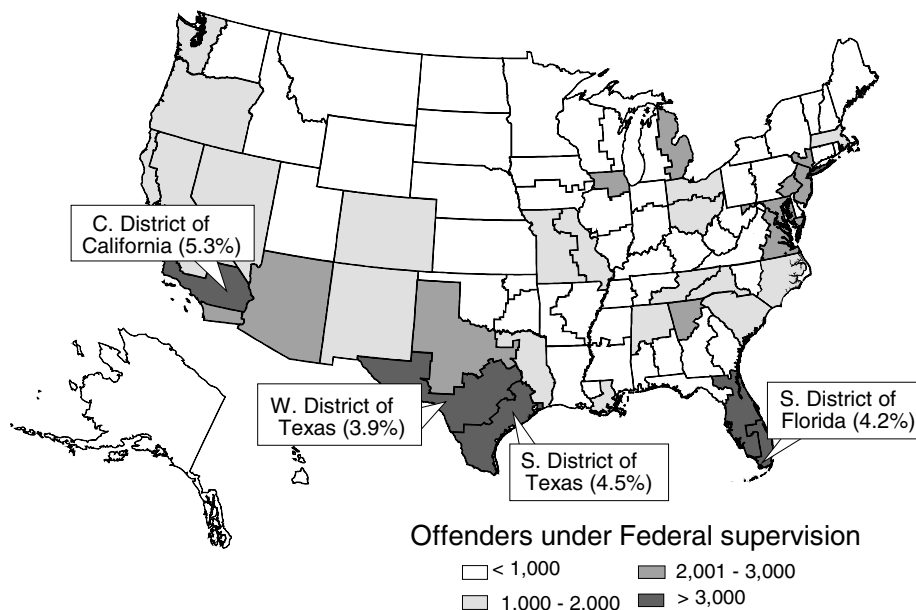
Table 7.2. Characteristics of Federal offenders under supervision, September 30, 2004

Offender characteristic	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
			Number	Percent	Number	Percent	Number	Percent
All offenders*	109,712	100.0%	29,282	100.0%	77,332	100.0%	3,098	100.0%
Male/female								
Male	85,993	78.4%	19,240	65.8%	63,752	82.5%	3,001	97.1%
Female	23,628	21.6	10,001	34.2	13,537	17.5	90	2.9
Race								
White	66,707	61.5%	19,314	66.9%	45,897	59.8%	1,496	51.2%
Black or African American	36,681	33.8	7,739	26.8	27,589	36.0	1,353	46.3
American Indian or Alaska Native	2,242	2.1	800	2.8	1,386	1.8	56	1.9
Asian/Native Hawaiian or Other Pacific Islander	2,884	2.7	999	3.5	1,869	2.4	16	0.5
Ethnicity								
Hispanic or Latino	21,414	19.7%	5,049	17.5%	16,001	20.9%	364	11.9%
Not Hispanic or Latino	87,223	80.3	23,822	82.5	60,704	79.1	2,697	88.1
Age								
16-18 years	442	0.4%	414	1.4%	28	—%	0	0.0%
19-20 years	2,159	2.0	1,257	4.3	901	1.2	1	—
21-30 years	32,429	29.6	8,988	30.8	23,280	30.1	161	5.2
31-40 years	33,814	30.8	7,756	26.5	25,561	33.1	497	16.0
Over 40 years	40,801	37.2	10,801	37.0	27,561	35.6	2,439	78.7
Education								
Less than high school graduate	33,619	32.6%	6,575	24.4%	25,794	35.2%	1,250	43.6%
High school graduate	37,854	36.8	9,522	35.3	27,296	37.3	1,036	36.1
Some college	22,839	22.2	7,299	27.1	15,086	20.6	454	15.8
College graduate	8,687	8.4	3,545	13.2	5,012	6.8	130	4.5
Drug abuse								
No known abuse	64,823	59.1%	22,463	76.7%	40,638	52.6%	1,722	55.6%
Drug history	44,889	40.9	6,819	23.3	36,694	47.4	1,376	44.4

—Less than .05%.

*Total includes offenders whose characteristics could not be determined.

Federal judicial districts in the States of California, Texas, and Florida had the greatest number of Federal offenders under supervision during 2004



Note: Districts not shown on map include the District of Columbia (1,442), District of Guam (158), District of Northern Mariana (50), District of Puerto Rico (1,265), and District of Virgin Islands (155).
Source: Federal Probation Supervision Information System (FPSIS) fiscal year.

Table 7.3. Outcomes of probation supervision, by offense, October 1, 2003 - September 30, 2004

Most serious offense of conviction ^a	Number of probation terminations	Percent of probation supervisions terminating with—					
		No violation	Technical violations ^b			New crime ^c	Administrative case closures
			Drug use	Fugitive status	Other		
All offenses	15,721	82.3%	3.1%	2.2%	5.2%	5.4%	1.8%
Felonies	8,251	84.9%	2.8%	1.7%	4.4%	4.5%	1.7%
Violent offenses	171	69.6%	1.8%	5.8%	11.7%	8.8%	2.3%
Murder ^d	10	^	^	^	^	^	^
Assault	48	64.6	4.2	8.3	16.7	6.3	0.0
Robbery	63	79.4	0.0	1.6	3.2	11.1	4.8
Sexual abuse ^d	41	53.7	2.4	7.3	24.4	9.8	2.4
Kidnapping	4	^	^	^	^	^	^
Threats against the President	5	^	^	^	^	^	^
Property offenses	4,461	84.9%	2.6%	1.8%	4.2%	4.6%	1.8%
Fraudulent	3,634	86.3%	2.1%	1.8%	3.7%	4.4%	1.6%
Embezzlement	346	93.4	0.9	0.9	2.9	1.7	0.3
Fraud ^d	2,759	87.6	1.8	1.3	3.2	4.2	1.8
Forgery	76	73.7	5.3	5.3	5.3	9.2	1.3
Counterfeiting	453	74.6	4.6	5.3	7.3	6.6	1.5
Other	827	79.1%	4.8%	1.8%	6.2%	5.3%	2.8%
Burglary	23	56.5	13.0	0.0	21.7	8.7	0.0
Larceny ^d	676	77.8	5.3	1.9	6.2	5.9	2.8
Motor vehicle theft	41	87.8	2.4	2.4	7.3	0.0	0.0
Arson and explosives	24	87.5	0.0	0.0	0.0	0.0	12.5
Transportation of stolen property	49	95.9	0.0	0.0	2.0	0.0	2.0
Other property offenses ^d	14	78.6	0.0	7.1	0.0	14.3	0.0
Drug offenses	1,418	85.0%	3.9%	1.5%	4.7%	3.9%	0.9%
Trafficking	1,284	85.3	3.4	1.6	4.8	4.1	0.8
Possession and other drug offenses	134	82.8	9.0	0.0	3.7	2.2	2.2
Public-order offenses	1,431	89.9%	1.5%	1.0%	3.4%	2.4%	1.9%
Regulatory	604	88.7%	2.6%	1.7%	3.8%	2.0%	1.2%
Agriculture	1	^	^	^	^	^	^
Antitrust	11	100.0	0.0	0.0	0.0	0.0	0.0
Food and drug	32	87.5	3.1	0.0	3.1	3.1	3.1
Transportation	26	88.5	3.8	3.8	0.0	3.8	0.0
Civil rights	8	^	^	^	^	^	^
Communications	37	97.3	0.0	0.0	2.7	0.0	0.0
Custom laws	27	81.5	0.0	3.7	14.8	0.0	0.0
Postal laws	46	82.6	4.3	2.2	4.3	2.2	4.3
Other regulatory offenses	416	88.7	2.9	1.7	3.6	2.2	1.0
Other	827	90.8%	0.6%	0.5%	3.0%	2.7%	2.4%
Tax law violations ^d	270	94.1	0.0	0.0	1.1	2.2	2.6
Bribery	79	97.5	0.0	0.0	1.3	0.0	1.3
Perjury, contempt, and intimidation	60	86.7	1.7	1.7	5.0	1.7	3.3
National defense	3	^	^	^	^	^	^
Escape	27	92.6	0.0	0.0	3.7	0.0	3.7
Racketeering and extortion	158	93.0	0.6	0.0	2.5	0.6	3.2
Gambling	35	97.1	0.0	0.0	0.0	2.9	0.0
Nonviolent sex offenses	60	81.7	1.7	0.0	1.7	10.0	5.0
Obscene material ^d	10	^	^	^	^	^	^
Wildlife	21	85.7	0.0	4.8	0.0	9.5	0.0
Environmental	12	91.7	0.0	0.0	0.0	0.0	8.3
All other offenses	92	78.3	2.2	2.2	13.0	4.3	0.0
Weapon offenses	390	76.2%	5.4%	1.0%	6.7%	8.5%	2.3%
Immigration offenses	323	84.8%	2.2%	2.2%	1.9%	7.7%	1.2%
Misdemeanors^d	7,470	79.4%	3.4%	2.8%	6.0%	6.4%	1.9%
Fraudulent property offense	537	90.7	1.1	2.0	2.2	2.8	1.1
Larceny	717	79.5	3.1	3.3	6.4	6.8	0.8
Drug possession ^d	1,446	75.2	7.6	2.6	6.5	6.3	1.8
Immigration misdemeanors	949	73.8	3.0	4.0	4.7	14.2	0.3
Traffic offenses	2,039	81.4	2.3	2.5	6.0	5.0	2.9
Other misdemeanors	1,782	80.1	2.4	2.6	7.4	5.1	2.5

Note: Offenses for 57 felony offenders could not be classified (*Chapter notes*, 3, p. 104).

^ Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, p. 104, and "Offense classifications" in *Methodology*, p. 105.

^bSupervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

^cSupervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

^dIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 7.4. Characteristics of offenders terminating probation supervision, October 1, 2003 - September 30, 2004

Offender characteristic	Number of probation terminations	Percent terminating probation with—					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	15,721	82.3%	3.1%	2.2%	5.2%	5.4%	1.8%	
Male/female								
Male	10,781	81.2%	3.0%	2.3%	5.6%	5.9%	2.0%	
Female	4,915	84.6	3.2	2.0	4.3	4.3	1.5	
Race								
White	10,598	84.0%	2.9%	2.1%	4.0%	5.3%	1.7%	
Black or African American	3,935	78.1	3.7	2.4	7.5	6.1	2.2	
American Indian or Alaska Native	428	64.7	3.5	7.0	17.8	4.9	2.1	
Asian/Native Hawaiian or Other Pacific Islander	492	92.5	1.2	1.0	2.0	2.6	0.6	
Ethnicity								
Hispanic or Latino	2,818	80.8%	2.4%	2.9%	4.6%	8.3%	1.0%	
Not Hispanic or Latino	12,602	82.6	3.2	2.1	5.3	4.8	2.0	
Age								
16-18 years	114	67.5%	3.5%	5.3%	14.0%	7.9%	1.8%	
19-20 years	567	61.6	6.3	4.9	14.8	11.3	1.1	
21-30 years	4,762	76.3	4.5	3.3	6.9	7.4	1.5	
31-40 years	4,105	82.5	3.0	2.1	5.1	6.0	1.3	
Over 40 years	6,166	89.0	1.7	1.2	2.9	2.9	2.5	
Education								
Less than high school graduate	3,642	76.2%	4.4%	3.5%	6.3%	7.9%	1.6%	
High school graduate	5,254	81.4	3.7	2.4	5.7	5.1	1.6	
Some college	3,538	86.8	2.3	1.3	3.9	3.8	2.0	
College graduate	1,878	92.9	0.4	0.3	2.2	1.9	2.3	
Drug abuse								
No known abuse	12,664	92.6%	0.8%	0.8%	2.1%	2.4%	1.3%	
Drug history	1,691	84.5	3.6	1.6	3.8	4.1	2.5	

^aViolation of supervision conditions other than charges for new offenses.^bIncludes both "major" and "minor" offenses.^cTotal includes offenders whose characteristics could not be determined.

Table 7.5. Outcomes of supervised release, by offense, October 1, 2003 - September 30, 2004

Most serious offense of conviction ^a	Number of supervised release terminations	Percent of supervised releases terminating with—					
		No violation	Technical violations ^b			New crime ^c	Administrative case closures
			Drug use	Fugitive status	Other		
All offenses	32,930	62.1%	7.2%	5.5%	9.5%	13.7%	1.9%
Felonies	32,284	62.0%	7.2%	5.5%	9.5%	13.8%	1.9%
Violent offenses	2,486	42.8%	10.1%	10.0%	16.5%	18.2%	2.5%
Murder ^d	121	46.3	4.1	10.7	25.6	10.7	2.5
Negligent manslaughter	4	^	^	^	^	^	^
Assault	319	43.9	5.3	11.0	21.0	17.9	0.9
Robbery	1,802	42.5	12.0	9.7	14.2	19.0	2.7
Sexual abuse ^d	189	40.2	5.3	13.2	24.9	14.3	2.1
Kidnapping	35	57.1	2.9	2.9	11.4	20.0	5.7
Threats against the President	16	25.0	0.0	0.0	18.8	37.5	18.8
Property offenses	7,462	67.7%	4.9%	5.2%	9.5%	11.0%	1.7%
Fraudulent	6,171	70.8%	4.1%	4.3%	8.8%	10.4%	1.6%
Embezzlement	667	85.2	1.3	2.1	5.1	5.4	0.9
Fraud ^d	4,669	72.5	3.3	3.7	8.6	10.1	1.8
Forgery	105	56.2	10.5	8.6	13.3	11.4	0.0
Counterfeiting	730	49.5	10.4	8.9	13.3	16.3	1.6
Other	1,291	52.9%	8.8%	9.9%	12.6%	13.8%	2.0%
Burglary	86	27.9	12.8	18.6	20.9	19.8	0.0
Larceny ^d	803	52.9	9.5	10.8	12.0	13.0	1.9
Motor vehicle theft	171	55.6	5.3	5.8	13.5	17.5	2.3
Arson and explosives	127	52.8	7.9	7.9	14.2	12.6	4.7
Transportation of stolen property	81	75.3	7.4	3.7	2.5	9.9	1.2
Other property offenses ^d	23	47.8	4.3	8.7	26.1	13.0	0.0
Drug offenses	15,408	65.2%	8.0%	4.8%	8.2%	12.0%	1.8%
Trafficking	13,970	64.8	8.2	5.0	8.0	12.2	1.8
Possession and other drug offenses	1,438	69.1	6.5	3.1	9.8	10.1	1.5
Public-order offenses	2,701	73.2%	4.0%	3.5%	7.1%	9.8%	2.4%
Regulatory	747	69.7%	5.6%	2.9%	6.3%	13.0%	2.4%
Agriculture	1	^	^	^	^	^	^
Antitrust	6	^	^	^	^	^	^
Food and drug	9	^	^	^	^	^	^
Transportation	27	77.8	0.0	3.7	11.1	3.7	3.7
Civil rights	61	82.0	3.3	3.3	4.9	6.6	0.0
Communications	16	100.0	0.0	0.0	0.0	0.0	0.0
Custom laws	40	67.5	12.5	2.5	5.0	7.5	5.0
Postal laws	33	42.4	21.2	9.1	12.1	9.1	6.1
Other regulatory offenses	554	68.2	5.1	2.7	6.3	15.5	2.2
Other	1,954	74.6%	3.3%	3.7%	7.4%	8.6%	2.4%
Tax law violations ^d	316	90.8	0.0	0.9	2.8	4.4	0.9
Bribery	84	89.3	3.6	3.6	2.4	1.2	0.0
Perjury, contempt, and intimidation	76	75.0	2.6	3.9	1.3	11.8	5.3
National defense	7	^	^	^	^	^	^
Escape	153	37.9	11.8	12.4	16.3	20.3	1.3
Racketeering and extortion	690	78.4	2.9	2.6	6.4	6.7	3.0
Gambling	34	76.5	0.0	0.0	5.9	17.6	0.0
Nonviolent sex offenses	359	74.7	0.8	2.5	10.0	9.2	2.8
Obscene material ^d	24	66.7	4.2	4.2	8.3	12.5	4.2
Wildlife	19	94.7	0.0	5.3	0.0	0.0	0.0
Environmental	4	^	^	^	^	^	^
All other offenses	188	54.8	9.0	8.0	12.8	12.2	3.2
Weapon offenses	2,858	46.8%	10.8%	6.4%	13.3%	20.5%	2.3%
Immigration offenses	1,344	40.1%	4.6%	9.2%	8.6%	36.2%	1.3%
Misdemeanors^d	646	66.4%	7.9%	5.9%	8.5%	9.0%	2.3%
Fraudulent property offense	61	72.1	4.9	4.9	13.1	4.9	0.0
Larceny	100	57.0	12.0	11.0	10.0	10.0	0.0
Drug possession ^d	191	55.0	13.1	8.4	9.4	12.0	2.1
Immigration misdemeanors	17	64.7	0.0	0.0	23.5	0.0	11.8
Traffic offenses	79	77.2	6.3	0.0	6.3	6.3	3.8
Other misdemeanors	198	76.3	3.0	4.0	5.1	8.6	3.0

Note: Offenses for 25 felony offenders could not be determined; see *Chapter notes*, p. 104.

^a Too few cases to obtain statistically reliable data.

^b See *Chapter notes*, item 1, p. 104, and "Offense classifications" in *Methodology*, p. 105.

^c Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

^d Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

^e In this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 7.6. Characteristics of offenders terminating supervised release, October 1, 2003 - September 30, 2004

Offender characteristic	Number of supervised release terminations	Percent terminating supervised release with—					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	32,930	62.1%	7.2%	5.5%	9.5%	13.7%	1.9%	
Male/female								
Male	27,382	59.7%	7.6%	5.7%	9.9%	15.1%	2.1%	
Female	5,531	74.1	5.5	4.5	7.4	7.2	1.2	
Race								
White	20,373	65.2%	6.8%	5.7%	8.4%	12.1%	1.9%	
Black or African American	10,716	57.3	8.4	4.6	10.7	17.1	2.0	
American Indian or Alaska Native	871	36.4	5.2	14.8	24.9	16.9	1.8	
Asian/Native Hawaiian or Other Pacific Islander	738	76.8	5.3	3.3	6.4	7.0	1.2	
Ethnicity								
Hispanic or Latino	7,514	58.1%	6.7%	7.6%	9.8%	16.3%	1.5%	
Not Hispanic or Latino	25,178	63.3	7.4	4.9	9.4	13.0	2.0	
Age								
16-18 years	1	^	^	^	^	^	^	
19-20 years	148	11.5%	15.5%	17.6%	20.9%	31.1%	3.4%	
21-30 years	8,488	46.6	9.9	8.1	14.0	20.2	1.2	
31-40 years	11,291	60.1	7.8	5.7	9.7	15.2	1.5	
Over 40 years	13,001	74.6	4.8	3.6	6.2	8.1	2.7	
Education								
Less than high school graduate	12,021	53.8%	8.7%	7.1%	11.4%	17.0%	1.9%	
High school graduate	11,375	63.6	7.7	5.2	8.7	12.8	1.9	
Some college	5,926	74.0	5.0	3.2	7.0	9.2	1.6	
College graduate	2,042	88.1	1.4	1.2	3.3	4.5	1.6	
Drug abuse								
No known abuse	13,551	85.0%	1.4%	1.9%	3.5%	5.7%	2.5%	
Drug history	12,776	71.6	7.2	3.6	6.1	8.8	2.7	

^a Too few cases to obtain statistically reliable data.

^a Violation of supervision conditions other than charges for new offenses.

^b Includes both "major" and "minor" offenses.

^c Total includes offenders whose characteristics could not be determined.

Table 7.7. Outcomes of parole, by offense, October 1, 2003 - September 30, 2004

Most serious offense of conviction ^a	Number of parole terminations	Percent of paroles terminating with—					New crime ^c	Administrative case closures
		No violation	Technical violations ^b					
			Drug use	Fugitive status	Other			
All offenses	1,391	49.3%	10.8%	7.0%	9.3%	17.3%	6.2%	
Felonies	1,385	49.2%	10.8%	7.1%	9.3%	17.4%	6.1%	
Violent offenses	525	36.6%	14.9%	9.1%	9.7%	23.0%	6.7%	
Murder ^d	59	28.8	15.3	3.4	8.5	35.6	8.5	
Assault	39	38.5	10.3	5.1	20.5	12.8	12.8	
Robbery	383	38.6	14.6	9.9	8.9	21.7	6.3	
Sexual abuse ^d	14	28.6	42.9	7.1	14.3	7.1	0.0	
Kidnapping	29	27.6	10.3	13.8	6.9	37.9	3.4	
Threats against the President	1	^	^	^	^	^	^	
Property offenses	127	55.1%	4.7%	5.5%	8.7%	18.1%	7.9%	
Fraudulent	57	64.9%	3.5%	3.5%	10.5%	12.3%	5.3%	
Embezzlement	3	^	^	^	^	^	^	
Fraud ^d	45	66.7	2.2	2.2	11.1	13.3	4.4	
Forgery	7	^	^	^	^	^	^	
Counterfeiting	2	^	^	^	^	^	^	
Other	70	47.1%	5.7%	7.1%	7.1%	22.9%	10.0%	
Burglary	29	31.0	6.9	0.0	10.3	34.5	17.2	
Larceny ^d	18	55.6	5.6	11.1	5.6	11.1	11.1	
Motor vehicle theft	14	50.0	7.1	14.3	7.1	21.4	0.0	
Arson and explosives	5	^	^	^	^	^	^	
Transportation of stolen property	1	^	^	^	^	^	^	
Other property offenses ^d	3	^	^	^	^	^	^	
Drug offenses	560	60.4%	8.0%	5.2%	8.4%	12.5%	5.5%	
Trafficking	484	62.6	7.4	4.8	7.6	12.6	5.0	
Possession and other drug offenses	76	46.1	11.8	7.9	13.2	11.8	9.2	
Public-order offenses	100	50.0%	9.0%	8.0%	15.0%	14.0%	4.0%	
Regulatory	11	63.6%	0.0%	0.0%	9.1%	27.3%	0.0%	
Transportation	2	^	^	^	^	^	^	
Custom laws	1	^	^	^	^	^	^	
Other regulatory offenses	8	^	^	^	^	^	^	
Other	89	48.3%	10.1%	9.0%	15.7%	12.4%	4.5%	
Tax law violations ^d	2	^	^	^	^	^	^	
Bribery	2	^	^	^	^	^	^	
Perjury, contempt, and intimidation	5	^	^	^	^	^	^	
Escape	9	^	^	^	^	^	^	
Racketeering and extortion	42	69.0	0.0	4.8	4.8	14.3	7.1	
Nonviolent sex offenses	12	33.3	33.3	0.0	16.7	8.3	8.3	
All other offenses	17	5.9	29.4	17.6	35.3	11.8	0.0	
Weapon offenses	69	43.5%	17.4%	8.7%	7.2%	15.9%	7.2%	
Immigration offenses	2	^	^	^	^	^	^	
Misdemeanors^d	6	^	^	^	^	^	^	
Drug possession ^d	3	^	^	^	^	^	^	
Immigration misdemeanors	1	^	^	^	^	^	^	
Other misdemeanors	2	^	^	^	^	^	^	

^a Too few cases to obtain statistically reliable data.

^b See *Chapter notes*, item 1, p. 104, and "Offense classifications" in *Methodology*, p. 105.

^c Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

^d Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

^e In this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Tax law violations" includes tax fraud; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 7.8. Characteristics of offenders terminating parole, October 1, 2003 - September 30, 2004

Offender characteristic	Number of parole terminations	Percent terminating parole with—					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	1,391	49.3%	10.8%	7.0%	9.3%	17.3%	6.2%	
Male/female								
Male	1,343	48.9%	10.9%	6.9%	9.3%	17.7%	6.3%	
Female	46	60.9	6.5	10.9	10.9	6.5	4.3	
Race								
White	622	61.9%	5.1%	6.4%	8.2%	12.9%	5.5%	
Black or African American	662	39.9	15.3	7.4	8.9	21.6	6.9	
American Indian or Alaska Native	25	36.0	8.0	4.0	16.0	36.0	0.0	
Asian/Native Hawaiian or Other Pacific Islander	4	^	^	^	^	^	^	
Ethnicity								
Hispanic or Latino	128	53.9%	3.9%	7.8%	11.7%	15.6%	7.0%	
Not Hispanic or Latino	1,245	49.1	11.5	7.0	9.1	17.3	6.1	
Age								
19-20 years	1	^	^	^	^	^	^	
21-30 years	67	46.3%	11.9%	7.5%	9.0%	16.4%	9.0%	
31-40 years	203	34.5	15.8	7.4	12.8	23.6	5.9	
Over 40 years	1,120	52.1	9.8	7.0	8.8	16.3	6.1	
Education								
Less than high school graduate	575	47.8%	9.7%	8.2%	8.9%	17.7%	7.7%	
High school graduate	478	48.1	13.2	6.3	10.3	17.6	4.6	
Some college	171	63.7	9.4	2.9	8.8	11.1	4.1	
College graduate	40	82.5	2.5	2.5	2.5	5.0	5.0	
Drug abuse								
No known abuse	636	62.5%	4.4%	4.4%	7.4%	8.8%	12.5%	
Drug history	719	58.0	5.0	5.9	5.0	14.3	11.8	

^ Too few cases to obtain statistically reliable data.

^aViolation of supervision conditions other than charges for new offenses.

^bIncludes both "major" and "minor" offenses.

^cTotal includes offenders whose characteristics could not be determined.

Data tables describing Federal prisoners are not included in this *Compendium*, as fiscal year 2004 data have not yet been received by BJS from the Bureau of Prisons

Chapter notes

1) Offenders were classified according to their most serious offense at conviction. In cases involving multiple offenses, the AOUSC offense severity hierarchy was applied.

The most serious offense was the one with the most severe penalty imposed. If equal prison terms were imposed, or there was no imprisonment, the offense with the highest severity code, as determined by the *U.S. Title and Code Criminal Offense Citations Manual*, was selected.

2) Tables 7.1 and 7.2 were created using the probation, parole, and supervision data files of the Federal Probations Supervision Information System (FPSIS), which is maintained by the AOUSC. Yearend pending cases (that is, records with offenders who were under active supervision as of the end of the fiscal year, September 30, 2004) were selected.

Corporate defendants were excluded from table 7.1.

3) Tables 7.3-7.8 were created using the FPSIS data files as well. Only records with one or more terminations of active supervision during October 1, 2003, through September 30, 2004, were selected. Each termination was counted separately. Technical violations and terminations for new crimes are shown only if supervision terminated with incarceration or removal from active supervision for reasons of a violation.

Corporate defendants were excluded from tables 7.3-7.8.

The Federal justice database

Source of data

The source of data for all tables in this *Compendium* is the Bureau of Justice Statistics (BJS) Federal justice database. The database is presently constructed from source files provided by the U.S. Marshals Service, the Drug Enforcement Administration, the Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, the United States Sentencing Commission, and the U.S. Bureau of Prisons. The Administrative Office of the U.S. Courts, in addition to providing data describing defendants in cases processed by the Federal judiciary, provides data describing defendants processed by the Federal pre-trial services agencies and the Federal probation and supervision service. Federal law prohibits the use of these files for any purposes other than research or statistics. A description of the source agency data files is provided in the table at the end of this section.

Reporting period

Wherever possible, matters or cases have been selected according to the event which occurred during fiscal year 2004 (October 1, 2003, through September 30, 2004). Files which are organized by their source agencies according to fiscal year nonetheless include some pertinent records in later years' files. For example, tabulations of suspects in matters concluded during fiscal year 2004 in this *Compendium* have been assembled from source files containing records of 2004 matters concluded which were entered into the data system during fiscal years 2004 or 2005.

Availability of data items

The availability of particular items of information is affected by the data source. For example, data on prosecutors' decisions prior to court filing are provided for cases investigated by U.S. attorneys but not for those handled by other litigating divisions of the U.S. Department of Justice. Criminal Division cases enter the data base

once they are filed in U.S. district court, however.

Table construction and interpretation

The tables presented report events that occurred during the Federal fiscal year — October 1, 2003 - September 30, 2004. Generally the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing defendants sentenced to incarceration, and offenders under post-conviction supervision. Juvenile offenders who are charged as adults are included in the reported statistics.

Unit of analysis

The unit of analysis in chapters 1 through 6 is a combination of a person (or corporation) and a matter or case. For example, if a single person is involved in three different criminal cases during the time period specified in the table, he or she is counted three times in the tabulation. Similarly, if a single criminal case involves a corporate defendant and four individual defendants, it counts five times in the tabulation. In chapter 7 the unit of analysis for incarceration, probation, parole, or other supervised release is a person entering custody or supervision, a person leaving custody or supervision, or a person in custody or supervision at year-end. For example, a person convicted in two concurrent cases and committed once to the custody of the Federal Bureau of Prisons in the indicated time period is counted as one admission to a term of incarceration. A person who terminates probation twice in the indicated time period, such as with a violation and again after reinstatement, is counted as two terminations of probation.

Interpretation

The tables in the *Compendium* are constructed to permit the user to make valid comparisons of numbers within each table and to compare percentage rates across tables. The total numbers of subjects in *Compendium* tables that are based on records linked between two files (for example,

the demographic tables in chapters 4 and 5) are generally less than the total number of records in either source file. Accordingly, comparisons of absolute numbers across two or more tables in this volume and other data sources are not necessarily valid.

Offense classifications

Procedure

The offense classification procedure used in this *Compendium* is based on the classification system followed by the Administrative Office of the U.S. Courts. Specific offenses are combined to form the BJS categories shown in the *Compendium* tables.*

Offense categories for Federal arrestees in chapter 1 are based on the FBI's National Crime Information Center (NCIC) offense classifications, which are converted into U.S. Marshals' four-digit offense codes, which, in turn, are aggregated into the offense categories shown in the tables. These categories are similar, but may not be directly comparable, to the BJS offense categories used in other chapters of this *Compendium*. For data from the Executive Office for U.S. Attorneys, which include United States Code citations but do not include the Administrative Office offense classifications, United States Code titles and sections are translated into the Administrative Office classification system and then aggregated into the offense categories used in the tables. Offense categories for prisoners in chapter 7 are based on combinations of offense designations used by the Bureau of Prisons. They are similar to the categories in other chapters and other tables in chapter 7, but may not be directly comparable.

Felony/misdemeanor distinctions

Felony and misdemeanor distinctions are provided where possible. Felony

*These categories correspond to the Bureau of Justice Statistics crime definitions and, to the extent possible, are organized and presented consistent with BJS publications on State criminal justice systems.

offenses are those with a maximum penalty of more than 1 year in prison. Misdemeanor offenses are those with a maximum penalty of 1 year or less. Felonies and misdemeanors are further classified using the maximum term of imprisonment authorized. Section 3559, U.S. Code, Title 18 classifies offenses according to the following schedule:

Felonies

Class A felony — life imprisonment, or if the maximum penalty is death.

Class B felony — 25 years or more.

Class C felony — less than 25 years but more than 10 years.

Class D felony — less than 10 years but more than 5 years.

Class E felony — less than 5 years but more than 1 year.

Misdemeanors

Class A misdemeanor — 1 year or less but more than 1 month.

Class B misdemeanor — 6 months or less but more than 30 days.

Class C misdemeanor — 30 days or less but more than 5 days.

Infraction — 5 days or less, or if no imprisonment is authorized.

In this *Compendium* felony and misdemeanor distinctions are provided where the data permit these distinctions. Chapters 1 and 2 do not use this distinction because many suspects cannot be so classified at the arrest and investigation stages in the criminal justice process. Chapter 3 no longer reports this distinction because the Pretrial Services Agency no longer gathers this information. Chapters 4 and 5 distinguish between felony and misdemeanor offenses, as do tables 7.1, 7.3, 7.5, and 7.7. Tables 7.9, and 7.11–7.14 follow the convention of other BJS publications by separately tabulating offenders whose actual imposed sentences are less than or equal to 1 year and those whose actual sentences are greater than 1 year.

Most serious offense selection

Where more than one offense is charged or adjudicated, the most serious offense (the one that may or did result in the most severe sentence) is used to classify offenses. The offense description may change as the criminal justice process proceeds. Tables indicate whether investigated, charged or adjudicated offenses are used. In chapter 2 the most serious offense is based on the criminal lead charge as determined by the assistant U.S. attorney responsible for the criminal proceeding. In chapter 3 the major charged offense is based upon the Administrative Office's offense severity classification system, as determined by the pretrial officer responsible for the case. To select this offense, the officer ranks offenses according to severity based on maximum imprisonment, type of crime, and maximum fines. In chapter 4 the most serious offense charged is the one that has the most severe potential sentence. For chapter 5 conviction offenses are based on statutory maximum penalties. In chapter 6 offenses are classified by the offense of conviction. In tables 7.1–7.8, the most serious offense of conviction is either the one having the longest sentence imposed or, if equal sentences were imposed or there was no imprisonment, the offense carrying the highest severity code as determined by the Administrative Office's offense severity code ranking. In tables 7.9–7.16, prisoners are classified according to the offense that bears the longest single incarceration sentence.

Offense categories

For offense categories in all text tables, the following conditions apply:

"Murder" includes nonnegligent manslaughter.

"Sexual abuse" includes only violent sex offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

"Other property felonies" excludes fraudulent property offenses and includes destruction of property and trespass.

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

"Wildlife" includes offenses previously included in the "Migratory birds" category.

"Environmental" includes some offenses previously included in the "Agriculture" and "Other Regulatory" categories.

"All other offenses" includes felonies with unknown or unclassifiable offense type.

"Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels.

"Drug possession" also includes other drug misdemeanors.

Source agencies for *Compendium* data tables

Data source agency — data files	Description of data files contents	<i>Compendium</i> tables
United States Marshals Service (USMS) — Prisoner Tracking System (PTS) — Warrant Information Network	Contains data on suspects arrested for violations of Federal law, by Federal enforcement agencies and data about warrants initiated or cleared. The data include information on characteristics of Federal arrestees.	Arrest: 1.1, 1.2, 1.3 Warrant: 1.6, 1.7, 1.8, 1.9
Drug Enforcement Administration (DEA) — Defendant Statistical System	Contains data on suspects arrested by DEA agents, both within and outside the continental U.S. The data include information on characteristics of arrestees, type of drug for which arrested, as well as the type and number of weapons at time of arrest.	Arrest: 1.4, 1.5
Executive Office for U.S. Attorneys (EOUSA) — National LIONS System file	Contains information on the investigation and prosecution of suspects in criminal matters received and concluded, criminal cases filed and terminated, and criminal appeals filed and handled by U.S. attorneys. The central system files contain defendant-level records about the processing of matters and cases; the central charge files contain the records of the charges filed and disposed in criminal cases. Data are available on matters and cases filed, pending, and terminated.	Prosecution: 2.1, 2.2, 2.3, 2.4, 2.5, 2.6
AOUSC: Pretrial Services Agency (PSA) — Pretrial Services Act Information System	Contains data on defendants interviewed, investigated, or supervised by pretrial services. The information covers defendants' pretrial hearings, detentions, and releases from the time they are interviewed through the disposition of their cases in district court. The data describe pretrial defendants processed by Federal pretrial service agencies within each district. Defendants who received pretrial services through a local, non-Federal agency, such as the District of Columbia, are not included.	Pretrial release: 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10 Adjudication: 4.5 (defendant characteristics) Sentencing: 5.4, 5.5, 5.6 (defendant characteristics)
Administrative Office of the U.S. Courts (AOUSC) — Criminal Termination Files	Contains information about the criminal proceedings against defendants whose cases were filed in U.S. district courts. Includes information on felony defendants, Class A misdemeanants — whether handled by U.S. district court judges or U.S. magistrates — and other misdemeanants provided they were handled by U.S. district court judges. The information in the data files cover criminal proceedings from case filing through disposition and sentencing. Data are available on criminal defendants in cases filed, pending, and terminated.	Adjudication: 4.1, 4.2, 4.3, 4.4, 4.5 Sentencing: 5.1, 5.2, 5.3, 5.4, 5.5, 5.6
United States Sentencing Commission (USSC) — Monitoring Data Base	Contains information on criminal defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984. Data files are limited to those defendants whose court records have been obtained by the U.S. Sentencing Commission.	Adjudication: 4.5 (defendant characteristics) Sentencing: 5.4, 5.5, 5.6 (defendant characteristics)
AOUSC: Court of Appeals	Contains information on criminal appeals filed and terminated in U.S. Courts of Appeals. Records of appeals filed, pending, or terminated include information on the nature of the criminal appeal, the underlying offense, and the disposition of the appeal.	Appeals: 6.1, 6.2, 6.3, 6.4, 6.5
AOUSC — Federal Probation and Supervision Information System (FPSIS)	Contains information about supervisions provided by probation officers for persons placed on probation or supervised release from prison. The files contain records of individuals entering or currently on supervision, as well as records of offenders terminating supervision.	Corrections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8
Bureau of Prisons (BOP): Extract from BOP's online Sentry System	The data extracts contain information on all offenders released from prison over a specific period of time plus information about offenders in prison when the data extracts are made. The information covers the time from when offenders enter prison until their release from the jurisdiction of the Bureau of Prisons. Tables 7.9-7.16 exclude prisoners sentenced by a District of Columbia Superior Court judge for violations of the DC Criminal Code.	Corrections: 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16

Glossary

Acquittal — legal judgment that a criminal defendant has not been proven guilty beyond a reasonable doubt of the charges against him.

Administrative case closure — The termination of a community supervision case due to administrative reasons such as: long-term hospitalization, death, deportation, incarceration in an unrelated case, or at the administrative discretion of the Chief Probation Officer.

Affirmed — in the appellate courts, the decree or order is declared valid and will stand as rendered in the lower court.

Agriculture violations — violations of the Federal statutes on agriculture and conservation: for example, violations of the Agricultural Acts, Insecticide Act, and the Packers and Stockyards Act, 1921; also violations of laws concerning plant quarantine and the handling of animals pertaining to research (7 U.S.C., except sections on food stamps (fraud)); also 16 U.S.C. sections relating generally to violations in operating public parks, such as trespassing for hunting, shooting, and fishing).

Antitrust violations — offenses relating to Federal antitrust statutes, which aim to protect trade and commerce from unlawful restraints, price fixing, monopolies (*for example*, 15 U.S.C. §§ 1, 3, 8, 20, and 70(i)), and discrimination in pricing or in furnishing services or facilities (15 U.S.C. §§ 13(c) and 13(e)).

Appeal — a review by a higher court of a judgment or decision of a lower court.

Appeals, U.S. Court of — an intermediate Federal court, inferior to the U.S. Supreme Court, but higher than the U.S. district court. The function of the U.S. court of appeals is to review the final decisions of the district courts, if challenged. There are 13 courts of appeal in the Federal system representing the 12 judicial circuits and the Federal circuit (28 U.S.C. § 41).

Appellant — the party which takes an appeal from one court or jurisdiction to another; opposite of appellee.

Appellee — the party against whom the appeal is taken; opposite of appellant.

Arson — willfully or maliciously setting, or attempting to set, fire to any property within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7 (18 U.S.C. § 81; and 49A U.S.C. §§ 1804 and 1809). (*See also*, "Explosives.")

Assault — intentionally inflicting or attempting or threatening to inflict bodily injury to another person. Applies to anyone within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7, or to any Government official, foreign official, official guest, internationally protected person, or any officer or employee of the United States designated in 18 U.S.C. § 1114 (*for example*, 16 U.S.C. §§ 1857(e) and 1859; 18 U.S.C. §§ 111(a), 112(b), 113(c)(e), 114, 115(c), 351(d)(e), 372, 373, 1502, 1751(c), 1959, 2118(c), and 2231(a); 21 U.S.C. §§ 461(c), 675(b), and 1041(c); 26 U.S.C. §§ 7212(a)(b); 29 U.S.C. § 1141; 46 U.S.C. § 701; and 49A U.S.C. § 1472(k)); also certain violations of the Fair Housing Act of 1968 (42 U.S.C. §§ 3610 and 3631).

Bail — the sum of money promised as a condition of release, to be paid if a released defendant defaults (18 U.S.C. § 3142(c)).

Booking — a procedure following an arrest in which information about the arrest and the suspect is recorded.

Bribery — offering or promising anything of value with intent to unlawfully influence a public official in the discharge of official duties. Applies generally to bank employees, officers or employees of the U.S. Government, witnesses, or any common carrier. Includes soliciting or receiving anything of value in consideration of aiding a person to obtain employment in the U.S. Government. Also, receiving or soliciting any remuneration, directly or

indirectly, in cash or any kind in return for purchasing, ordering, leasing, or recommending to purchase any good, service, or facility (18 U.S.C. §§ 201(a), 203(a)(b), 204, 207(a)(c), 208, 210, 211, 213, 215, and 663; 21 U.S.C. § 622; 46 U.S.C. § 239(i); and 49 U.S.C. §§ 104, 917(b), and 11904(b)).

Burglary — breaking and entering into another's property with intent to steal within the special maritime and territorial jurisdiction of the United States, as defined in 18 U.S.C. § 7. Includes breaking and entering into any official bank, credit union, savings and loan institution, post office, vessel or steamboat assigned to the use of mail service, or personal property of the United States; or breaking the seal or lock of any carrier facility containing interstate or foreign shipments of freight or express (18 U.S.C. §§ 2111, 2113(a), and 2115-17).

Career offender — defendants are counted as career offenders if they are at least 18 years old at the time of the instant offense, if the instant offense of conviction is a felony — that is either a crime of violence or a drug crime — and if they have at least two prior felony convictions of either a crime of violence or a drug crime.

Case — in this *Compendium*, a judicial proceeding for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed; any proceeding judicial in its nature.

Civil rights — violations of civil liberties such as the personal, natural rights guaranteed and protected by the Constitution. Includes the Civil Rights Acts, such as those enacted after the Civil War, and more recently in 1957 and 1964.

Collateral bond — an agreement made by a defendant as a condition of his or her pretrial release that requires the defendant to post property valued at the full bail amount as an assurance of his or her intention to appear at trial.

Communication — violations covering areas of communication such as the Communications Act of 1934 (including wire tapping and wire interception). A communication is ordinarily considered to be a deliberate interchange of thoughts or opinions between two or more persons.

Community confinement — a form of commitment either as a substitute for Federal imprisonment or as a condition of probation in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility; and participation in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours. Under the Federal sentencing guidelines, community confinement may be a substitute for imprisonment on a day-to-day basis for defendants with a guideline maximum of less than 16 months of imprisonment. (*See also*, U.S.S.G. § 5C1.1(e).)

Commutation of sentence — the act of reducing a Federal criminal sentence resulting from a conviction by the executive clemency of the President of the United States.

Complaint — a written statement of the essential facts constituting the offense charged, with an offer to prove the fact, so that a prosecution may be instituted. The complaint can be "taken out" by the victim, the police officer, the district attorney, or other interested party.

Concurrent sentence — a sentence imposed which is to be served at the same time as another sentence imposed earlier or during the same proceeding (18 U.S.C. § 3584). (*See also*, "Consecutive sentence.")

Conditional release — in this *Compendium*, at the pretrial stage, a conditional release is release from detention contingent on any combination of restrictions that are deemed necessary to guarantee the defendant's

appearance at trial or the safety of the community (*see* text in Chapter 2 of this *Compendium*.)

Consecutive sentence — a sentence imposed that will follow another sentence imposed earlier or during the same proceeding; opposite of concurrent sentence.

Conspiracy — an agreement by two or more persons to commit or to effect the commission of an unlawful act or to use unlawful means to accomplish an act that is not in itself unlawful; also any overt act in furtherance of the agreement. A person charged with conspiracy is classified under the substantive offense alleged.

Continuing criminal enterprise — a felony committed as part of a continuing series of violations, which is undertaken by a person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and from which such person obtains substantial income or resources (21 U.S.C. § 848(c)).

Conviction — the result of a criminal trial which ends in a judgment that the defendant is guilty. The final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of *nolo contendere*, but does not include a final judgment which has been expunged by pardon, reversed, set aside, or otherwise rendered invalid.

Corporate defendant — the defendant in a case is an entity, a collection of persons, business or corporation, not an individual person.

Corporate surety — in this *Compendium*, a surety; one who has entered into a bond to give surety for another; for example, bail bondsman. As a condition of his or her release, the defendant enters into an agreement that requires a third party such as a bail bondsman to promise to pay the full bail amount in the event that the defendant fails to appear. (*See also*, "Surety bond.")

Counterfeiting — falsely making, forging, or altering obligations with a view to deceive or defraud, by passing the copy or thing forged for that which is original or genuine. Applies to obligation or security of the United States, foreign obligation or security, coin or bar stamped at any mint in the United States, money order issued by the Postal Service, domestic or foreign stamp, or seal of any department or agency of the United States. Includes passing, selling, attempting to pass or sell, or bringing into the United States any of the above falsely made articles. Also, making, selling, or possessing any plates or stones (or any other thing or instrument) used for printing counterfeit obligations or securities of the United States, foreign obligations or securities, Government transportation requests, or postal stamp; or knowingly and intentionally trafficking in falsified labels affixed to phono records, motion pictures, or audio visual works (*for example*, 18 U.S.C. §§ 471, 473, 477, 479, 481, 485, 487, 501, 507, 509, 513(b), 2318, and 2320).

Courts — *See* "Appeals, U.S. Court of" and "District court, U.S." Pursuant to Article III of the Constitution, judicial power is vested in the following Federal Courts: The U.S. Supreme Court, the U.S. Court of Appeals for the District of Columbia, and the U.S. district court for the District of Columbia.

Criminal career — the longitudinal sequence of crimes committed by an individual offender.

Criminal history category — under the Federal sentencing guidelines, a quantification of the defendant's prior criminal record and the defendant's propensity to recidivate. Guideline criminal history categories range from Category I (primarily first-time offenders) to Category VI (career criminals).

Custom laws — violations regarding taxes which are payable upon goods and merchandise imported or exported. Includes the duties, toll, tribute, or tariff payable upon merchandise exported or imported.

Deadly or dangerous weapon — an instrument capable of inflicting death or serious bodily injury.

Declination — the decision by a prosecutor not to file a case in a matter received for investigation. In this *Compendium*, immediate declinations (that is, where less than 1 hour of time is spent on a case) are excluded.

Defendant — the party against whom relief or recovery is sought in an action or suit, or the accused in a criminal case.

Departure — under the Federal sentencing guidelines, the term used to describe a sentence imposed outside the applicable guideline sentencing range. A court may depart when it finds an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described (18 U.S.C. § 3553(b); U.S.S.G. § 5K2.0). (*See also*, "Substantial assistance.")

Deportation or Treaty Transfer — the act of expelling a foreigner from a country, usually to the country of origin due to the commission of a crime — or prior criminal record.

Deposit bond — an agreement made by a defendant as a condition of his or her release that requires the defendant to post a fraction of the bail before he or she is released.

Detainer — a notification sent by a prosecutor, judge, or other official (such as, law enforcement officer) advising a prison official that a prisoner is wanted to answer criminal charges and requesting continued detention of the prisoner or notification of the prisoner's impending release.

Detention — the legally authorized confinement of persons after arrest, whether before or during prosecution. Only those persons held 2 or more days are classified as detained in this *Compendium*.

Dismissal — termination of a case before trial or other final judgment

(including nolle prosequi and deferred prosecution).

Disposition — the decision made on a case brought before a criminal court.

Distribution — delivery (other than by administering or dispensing) of a controlled substance (21 U.S.C. § 802(6)). The term "controlled substance" means any drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of subchapter I of Chapter 13 (title 21). The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986.

District court, U.S. — trial courts with general Federal jurisdiction over cases involving Federal laws or offenses and actions between citizens of different States.

District of Columbia — the jurisdiction of the U.S. district court for the District of Columbia. This *Compendium* includes Federal offenses prosecuted in U.S. district courts, and except for tables based on data from the Bureau of Prisons, excludes violations of the District of Columbia Code and cases prosecuted in the District of Columbia Superior Court.

Drug offenses — offenses under Federal or State laws prohibiting the manufacture, import, export, distribution, or dispensing of a controlled substance (or counterfeit substance), or the possession of a controlled substance (or a counterfeit substance) with intent to manufacture, import, export, distribute, or dispense. Also using any communication facilities which causes or facilitates a felony under title 21, or furnishing of fraudulent or false information concerning prescriptions as well as any other unspecified drug-related offense. (*See also*, "Distribution," "Possession," and "Trafficking.")

Dual and Successive Prosecution Policy ("Petite Policy") — Prosecutorial guidelines used to determine whether to bring a Federal

prosecution based on substantially the same act(s) or transactions involved in a prior state or Federal proceeding. *See Rinaldi v. United States*, 434 U.S. 22, 27, (1977); *Petite v. United States*, 361 U.S. 529 (1960).

Embezzlement — the fraudulent appropriation of property by a person to whom such property has been lawfully entrusted. Includes offenses committed by bank officers or employees; officers or employees of the Postal Service; officers of lending, credit, or insurance institutions; any officer or employee of a corporation or association engaged in commerce as a common carrier; court officers of the U.S. courts; or officers or employees of the United States. Also, stealing from employment and training funds, programs receiving Federal funds, and Indian tribal organizations; or selling, conveying, or disposing of any money, property, records, or thing of value to the United States or any department thereof without authority (*for example*, 15 U.S.C. § 645(c); 18 U.S.C. §§ 153, 334, 642-57, 665(a)(b), 666(b), 1163, 1709, 1711, 1956, and 1957; 25 U.S.C. § 450(d); 29 U.S.C. § 502(b); and 42 U.S.C. §§ 1760, 2971, and 3220(b)).

Environmental offenses — violations of Federal law enacted to protect the environment, such as the Clean Air Act (42 U.S.C. §§ 7401-7491), and the Clean Water Act (33 U.S.C. §§ 1251-1376). Environmental protection laws protect the safety and well-being of communities from excessive and unnecessary emission of environmental pollutants.

Escape — departing or attempting to depart from the custody of a correctional institution; a judicial, correctional, or law enforcement officer; or a hospital where one is committed for drug abuse and drug dependency problems. Knowingly advising, aiding, assisting, or procuring the escape or attempted escape of any person from a correctional facility, an officer, or the above-mentioned hospital as well as concealing an escapee. Providing or attempting to provide to an inmate in prison a prohibited object; or making,

possessing, obtaining, or attempting to make or obtain a prohibited object (as defined in 18 U.S.C. § 1791 (d)(1)(A)). Instigating, assisting, attempting to cause, or causing any mutiny or riot at any Federal penal, detention, or correctional facility, or conveying into any of these institutions any dangerous instrumentalities (*for example*, 18 U.S.C. §§ 751(a)(b), 752(a), 753, 755-56, 1071, 1073, 1791(a)(c), (d)(1)(A), 1792, 3146(a)(b)(d), 3147 and 3615; 28 U.S.C. § 1826; 42 U.S.C. §§ 261 and 3425; and 50 U.S.C § 823).

Exclusion — the rule that evidence secured by illegal means and in bad faith cannot be introduced in a criminal trial.

Expiration of sentence — the completion of an offender's prison sentence by standard means (see Releases from prison).

Explosives — violations of Federal law involving importation, manufacture, distribution, and storage of explosive material. Includes unlawful receipt, possession or transportation of explosives without a license (18 U.S.C. § 842(a)), where prohibited by law (18 U.S.C. § 842(c), or using explosives during commission of a felony (18 U.S.C. § 844(h)). Also includes violations relating to dealing in stolen explosives (18 U.S.C. § 842(h)), using mail or other form of communication to threaten an individual with explosives (18 U.S.C. § 844(e), and possessing explosive materials at an airport (18 U.S.C. § 844(g), and 49A U.S.C. §§ 1804 and 1809). (*See also*, "Arson" and 18 U.S.C. §§ 842(e)(g)(i)(k); and § 844(b).)

Failure to appear — willful absence from any court appointment.

Felony — a criminal offense punishable by death or imprisonment for a term exceeding 1 year. According to 18 U.S.C. § 3559, felonies are classified into 5 grades based on maximum terms of imprisonment: Class A felony, if the maximum term is life imprisonment, or if the maximum penalty is death; Class B, if 25 years or

more; Class C, if less than 25 years, but 10 years or more; Class D, if less than 10 years, but five or more years; and Class E, if less than 5 years, but more than 1.

Filing — the initiation of a criminal case in U.S. district court by formal submission to the court of a charging document alleging that one or more named persons have committed one or more specified offenses. In this *Compendium*, each defendant in a case is counted separately, and only the most serious alleged offense is considered.

Financial conditions — monetary conditions upon which release of a defendant before trial is contingent. Includes deposit bond, surety bond, and collateral bond. (*See also*, "Specific definitions.")

Fine — a monetary penalty imposed as punishment for an offense.

First release — in this *Compendium*, prisoners who are released from the Bureau of Prisons for the first time after their commitment by a U.S. district court (that is, excludes offenders who are returned to prison after their first release to supervision).

Food and drug violations — violations of the Federal Food, Drug, and Cosmetic Act such as regulations for clean and sanitary movement of animals (21 U.S.C. § 134(b)), adulteration or misbranding of any food or drug (21 U.S.C. § 331(a)), failure to transmit information about prescription drugs (21 U.S.C. § 331(o)), and intent to defraud and distribute adulterated material (21 U.S.C. § 676). (*See also*, 18 U.S.C. § 1365(b); 21 U.S.C. §§ 17, 22, 63, 115, 122, 126, 134(d), 142, 144, 151, 153, 155, 158, 201, 205, 209, 210, 212, 331(b)-(g), 331(i)-(n)(p)(t), 333(a), 458(a), 459, 460(a)-(d), 461(a), 463, 466, 610(a)(c), 611(a), 620, 642, 1037, 1041(a), and 1175.)

Forgery — falsely making or materially altering a document with the intent to defraud. Includes such falsification with intent to pass off as genuine any of the following: U.S. Postal Service

money order; postmarking stamp or impression; obligation or security of the United States; foreign obligation, security, or bank note; contractors' bond, bid, or public record; deed; power of attorney; letters patent; seal of a court or any department or agency of the U.S. Government; the signature of a judge or court officer; ships' papers; documents on entry of vessels; customs matters; coin or bar; and so forth. Also includes making, possessing, selling, or printing plates or stones for counterfeiting obligations or securities, and detaching, altering, or defacing any official, device, mark or certificate (*for example*, 18 U.S.C. §§ 483, 493, 495, 497, 503, 505, 510(a)(b), and 511; 19 U.S.C. § 1436; and 21 U.S.C. §§ 458(b)(c)).

Fraud — unlawfully depriving a person of his or her property or legal rights through intentional misrepresentation of fact or deceit other than forgery or counterfeiting. Includes violations of statutes pertaining to lending and credit institutions, the Postal Service, interstate wire, radio, television, computer, credit card, veterans benefits, allotments, bankruptcy, marketing agreements, commodity credit, the Securities and Exchange Commission, railroad retirement, unemployment, Social Security, food stamp, false personation, citizenship, passports, conspiracy, and claims and statements, excluding tax fraud. The category excludes fraud involving tax violations that are shown in a separate category under "Public-order, other offenses." (*See also*, specific offenses in this glossary for citations.)

Fraudulent property offenses — *see* "Property offenses, fraudulent."

Fugitive — a person convicted or accused of a crime who hides from law enforcement or flees across jurisdictional lines to avoid arrest or punishment.

Fugitive investigation — a fugitive investigation is initiated upon receipt of a warrant typically involving persons violating conditions of probation, parole, or bond release, as well as escaped prisoners. The U.S. Marshals

Service has administrative responsibility for all Federal fugitive investigations.

Gambling — the Federal offense of transporting, manufacturing, selling, possessing, or using any gambling device in the District of Columbia or any possession of the United States or within Indian country or the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7. Includes transporting gambling devices in the jurisdiction of the United States (except under authority of the Federal Trade Commission or any State that has a law providing for their exemption from these provisions), transmitting wagering information in interstate or foreign commerce, interstate transporting of wagering paraphernalia, importing or transporting lottery tickets, or mailing lottery tickets or related matter (*for example*, 15 U.S.C. §§ 1173 and 1175; and 18 U.S.C. §§ 1082(a), 1084, 1302, 1956, and 1962).

Good-time — time credited toward early release to an offender for good behavior in imprisonment. Under the 1984 Sentencing Reform Act, two classes of prisoners are ineligible to receive good-time credits: (1) misdemeanants serving a term of imprisonment of 1 year or less; and (2) felons serving life sentences. All other Federal prisoners receive a flat allocation of 54 days per year of sentence served; credit for a partial year remaining at the end of the sentence is prorated. The annual allotment does not change according to the length of time a Federal inmate already has spent in prison (18 U.S.C. § 3624(b)).

Guideline sentencing range — under the Federal sentencing guidelines, the range of imprisonment corresponding to the applicable guideline offense level and criminal history category. The guideline offense level incorporates any minimum terms of imprisonment required by statute as well as the statutory maximum term of imprisonment, where applicable.

Guilty plea — a plea in response to formal charges admitting that the

defendant committed offenses as charged. In this *Compendium*, this category also includes pleas of *nolo contendere*.

Hispanic — ethnic category based on classification by reporting agency. Hispanic persons may be of any race.

Home detention — a form of confinement and supervision either as a substitute for imprisonment or as a condition of probation that restricts the defendant to his place of residence continuously (except for authorized absences) and enforced by appropriate means of surveillance by the probation office. Under the Federal sentencing guidelines, home detention may be a substitute for imprisonment on a day-to-day basis for defendants with a guideline maximum sentence of less than 16 months imprisonment. (*See also*, U.S.S.G. § 5C1.1.)

Homicide — see "Murder."

Immigration offenses — offenses involving illegal entrance into the United States, illegally reentering after being deported, willfully failing to deport when so ordered, willfully remaining beyond days allowed on conditional permit, or falsely representing oneself to be a citizen of the United States. Includes violations relating to provisions for special agricultural workers and to those relating to limitations on immigrant status (such as employment). Also includes bringing in or harboring any aliens not duly admitted by an immigration officer (*for example*, 8 U.S.C. §§ 1160, 1252(d), 1255, 1282(a), 1286, 1324-25, and 1326(a)).

Incarceration — any sentence of confinement, including prison, jail, and other residential placements.

Indeterminate sentence — a prison sentence whose maximum or minimum term is not specifically established at the time of sentencing (18 U.S.C. §§ 4205(b)(1)(2)).

Indictment — the formal charging of the defendant with a particular crime by a grand jury. In the Federal system, a defendant may waive

indictment and be proceeded against through an information. (*See also*, Fed. R. Crim. P. 7(b).)

Information — the formal accusation charging the defendant with a particular crime but brought by the U.S. attorney rather than by the grand jury.

Infraction — an offense for which the maximum term of imprisonment is 5 days or less, or where no imprisonment is authorized, according to 18 U.S.C. § 3559.

Initial appearance/hearing — the first appearance of a criminal defendant before a judge or a magistrate.

Instant offense — the offense of conviction and all relevant conduct under U.S.S.G. § 1B1.3.

Intermittent confinement — a form of commitment, in a prison or jail, either as a substitute for imprisonment or as a condition of probation. Under the Federal sentencing guidelines, intermittent confinement may be a substitute for imprisonment (each 24 hours of intermittent confinement is credited as 1 day of incarceration) for defendants with a guideline maximum of less than 16 months imprisonment. (*See also*, U.S.S.G. § 5C1.1.)

Jail credit — the number of days deducted from an offender's sentence for time spent in custody prior to being sentenced to prison.

Jurisdictional offenses — acts that are Federal crimes because of the place in which they occur (such as on an aircraft, on Federal land or property) and for certain crimes on Indian reservations or at sea, but which cannot be classified in a more specific substantive category.

Juvenile — a person who has not attained the age of 18 years; or for the purposes of a juvenile delinquency hearing, a person who has not attained the age of 21 years (18 U.S.C. § 5031).

Juvenile delinquency — a violation of Federal law committed by a person prior to the age of 18 years that would

have been a crime if committed by an adult (18 U.S.C. § 5031).

Kidnapping — unlawfully seizing any person as defined in 18 U.S.C. § 1201 for ransom or reward, except in the case of a minor by a parent. Includes receiving, possessing, or disposing of any money or other property that has been delivered as ransom or reward in connection with a kidnapping as well as conspiring to kidnap. Also, includes kidnapping or attempting to kidnap any Government official, the President of the United States, the President-elect, the Vice President, any foreign official, any official guest, or any internationally protected person. (See also, 18 U.S.C. § 351(b); and hostage taking as defined in 18 U.S.C. § 1203.)

Labor law violations — violations of, for example, the Fair Labor Standards Act of 1938 and the Taft-Hartley Act, which govern a broad spectrum of activities relating to labor-management relations (for example, 29 U.S.C. §§ 186(a), 461(a), 463, 1021(b), 1022, 1023(b)(d), 1024(a)(c), 1027, 1111(a)(b), 1112(c), 1811, 1816, 1821 and 1851).

Larceny — the act of taking and carrying away any personal property of another with intent to steal or convert it to one's own use or gain. Includes stealing, possessing or illegally selling or disposing of anything of value to the United States or any of its departments or agencies; or stealing from a bank, the Postal Service, or any interstate or foreign shipments by carrier. Also encompasses receiving or possessing stolen property or pirate property; and stealing or obtaining by fraud any funds, assets, or that belong to, or are entrusted to, the custody of an Indian tribal organization (for example, 18 U.S.C. §§ 641, 659, 661-62, 667, 1168(a), 1704, 1707, and 2113(b)). (This offense category excludes the transportation of stolen property.)

Liquor violations — violations of Internal Revenue Service laws on liquor, as well as violations of liquor laws not cited under these laws, such as dispensing or unlawfully

possessing intoxicants in Indian country; transporting intoxicating liquors into any State, territory, district, or possession where sale is prohibited; shipping packages containing unmarked and unlabeled intoxicants; shipping liquor by C.O.D.; knowingly delivering a liquor shipment to someone other than to whom it has been consigned; and violating in any way the Federal Alcohol Administration Act (for example, 18 U.S.C. §§ 1154, 1156, 1263 and 1265; 26 U.S.C. §§ 5113, 5171(c), 5179, 5214, 5222, 5291, 5301(b), 5601, 5603(a), 5604, 5606, 5608(a), 5661(a), 5662, 5672, 5681(a)(c), 5683, 5685(b) and 5687; and 27 U.S.C. §§ 203, 205(f), 206(b) and 208(a)).

Magistrates (U.S.) (Federal) — judicial officers appointed by judges of Federal district courts having many but not all of the powers of a judge. Magistrates are designated to hear a wide variety of motions and other pretrial matters in both criminal and civil cases. With consent of the parties, they may conduct civil or misdemeanor criminal trials. Magistrates, however, may not preside over felony trials or over jury selection in felony cases.

Mailing or transportation of obscene materials — a violation of Federal law relating to knowingly using the mail for mailing obscene or crime-inciting matter, as defined in 18 U.S.C. § 1461 and 39 U.S.C. § 3001(e). Also includes transporting for sale or distribution, importing, or transporting any obscene matter in interstate or foreign commerce. (See also, 18 U.S.C. §§ 1462-63.)

Major offense (while on conditional release) — allegation, arrest, or conviction of a crime for which the minimum sentence is incarceration for over 90 days or greater than 1 year on probation. (See also *FACTS Statistical Reporting Guide*, Version 1.0, Administrative Office of the U.S. Courts.)

Mandatory sentences — a sentence that includes a minimum term of imprisonment that the sentencing court is statutorily required to impose

barring the government's motion of substantial assistance. See, for example, 18 U.S.C. §§ 841 and 960, which provide for mandatory sentences ranging from 5 years imprisonment to life imprisonment depending on the quantity of drugs involved.

Mandatory sentencing enhancement — a form of mandatory sentence in which the minimum term of imprisonment is to be imposed consecutive to any other term of imprisonment imposed. See, for example, 18 U.S.C. § 924(c), which provides for a 5-year to lifetime enhancement for the use of a firearm during the commission of a crime; 18 U.S.C. § 844(h), which provides for a 5-year enhancement for use of firearms or explosives during the commission of a crime; and 18 U.S.C. § 929 which provides for a 5-year enhancement for the use of armor-piercing ammunition during the commission of a crime.

Mandatory release — the release of an inmate from prison after confinement for a time period equal to his or her full sentence minus statutory good-time, if any. Federal prisoners released on mandatory release may still be subject to a period of post-release community supervision.

Material witness — a person with significant information about the subject matter of a criminal prosecution necessary to resolve the matter.

Matter — in this *Compendium*, a potential case under review by a U.S. attorney on which more than 1 hour is expended.

Matters concluded — in this *Compendium*, matters about which a final decision has been reached by a U.S. attorney. Specifically includes matters filed as cases, matters declined after investigation, matters referred for disposition by U.S. magistrates, and matters otherwise terminated without reaching court.

Migratory birds offenses — violations of acts relating to birds which move from one place to another in season. Includes taking, killing, or possessing migratory birds, or any

part, nest, or egg thereof, in violation of Federal regulations or the transportation laws of the State, territory, or district from which the bird was taken. Also, misuse or non-use of a migratory-bird hunting and conservation stamp (*for example*, 16 U.S.C. §§ 690(g), 701, 703, 704-6, 707(b), 708, 711, and 718(a)(e)(g)).

Minor offense (while on conditional release) — conviction of a crime for which the maximum sentence is incarceration for 90 days or less, probation of 1 year or less, or a fine of \$500 or less. (*See also*, *PACTS Statistical Reporting Guide*, Version 1.0, Administrative Office of the U.S. Courts.)

Misdemeanor — a criminal offense punishable by a jail term not exceeding 1 year and any offense specifically defined as a misdemeanor by the Administrative Office of the U.S. Courts for the purposes of data collection. According to 18 U.S.C. § 3559, misdemeanors are classified in 3 letter grades, based on the maximum terms of imprisonment: Class A, if 1 year or less, but more than 6 months; Class B, if 6 months or less, but more than 30 days; and Class C, 30 days or less, but more than 5 days. (This category includes offenses previously called minor offenses that were reclassified under the Federal Magistrate Act of 1979.)

Mistrial — the termination of a trial before its normal conclusion because of a procedural error, statements by a witness, judge or attorney which prejudice a jury, a deadlock by a jury without reaching a verdict after lengthy deliberation (a "hung" jury), or the failure to complete a trial within the time set by the court.

Mixed sentence — a sentence requiring the convicted offender to serve a term of imprisonment, followed by a term of probation. Unless otherwise noted, offenders receiving mixed sentences are included in both incarceration and probation categories.

Most serious offense — in this *Compendium*, the offense with the greatest potential sentence; or with respect to

tables describing Federal prisoners, the offense with the greatest imposed sentence (*for example*, prison data in Chapter 6).

Motor carrier violations — violations of the Federal statutes relating to the Motor Carrier Act, which regulates (routes, rates) of motor carriers of freight and passengers in interstate commerce. The Act is administered by the Interstate Commerce Commission (*for example*, 15 U.S.C. §§ 1984, 1986, 1988 and 1990; 49 U.S.C. §§ 117(a), 301(f), 303(f), 322(a)(d), 411, 526, 917(f), 1021(b)(f), 11703, 11903(a), 11904, 11907, 11909(a), 11909(c), 11910, 11913, and 11914; and 49A U.S.C. § 120).

Motor vehicle theft — interstate or foreign transporting, receiving, concealing, storing, bartering, selling, or disposing of any stolen motor vehicle or aircraft (*for example*, 18 U.S.C. §§ 2119, 2313, and 2322; and 49A U.S.C. § 1472(i)).

Murder — the unlawful killing of a human being with malice aforethought, either express or implied. Nonnegligent manslaughter is the unlawful killing of a human being without malice. This offense covers committing or attempting to commit murder (first or second degree) or voluntary manslaughter within the special maritime and territorial jurisdiction of the United States (18 U.S.C. § 7). Includes killing or attempting to kill any Government official, the President of the United States, the President-elect, the Vice President, any officers and employees of the United States, any foreign officials, any official guests, or any internationally protected persons. As applied to the owner or charterer of any steamboat or vessel, knowingly and willfully causing or allowing fraud, neglect, misconduct, or violation of any law resulting in loss of life (18 U.S.C. §§ 113(a), 115(a), 1111-13, 1115, 1117, 1512(a)(1), 1751(a), and 2332(b)).

National defense violations — violations of the national defense laws on the Military Selective Service Act, the Defense Production Act of 1950, the

Economic Stabilization Act of 1970 (which includes prices, rents, and wages), the Subversive Activities Control Act, alien registration, treason (including espionage, sabotage, sedition, and the Smith Act of 1940); also violations relating to energy facilities, curfew and restricted areas, exportation of war materials, trading with an enemy, illegal use of uniform and any other violations of the Federal statutes concerning national defense (*for example*, 8 U.S.C. §§ 1304(e) and 1306(b)(d); 10 U.S.C. §§ 976 and 2408; 18 U.S.C. §§ 703, 705, 711, 713, 792, 794, 797, 799, 953, 961, 965, 967, 970, 1366(a), 1382, 2152, 2153(b), 2154(b), 2155(b), 2156(b), 2382, 2384, 2386, 2388(a)(c), and 2390; 22 U.S.C. §§ 253, 286, 447, 447(c), 450, 455, 612, 614(b)(f), 617, 1178(c), 1182, 1199, 1978(c), 2778(b), 4198, 4202 and 5113(c); 42 U.S.C. §§ 2274(b), 2276, 2278(b) and 2384(b); and 50A U.S.C. §§ 2, 3(a)(c), 16, 167, 210, 322, 324, 326, 328, 421(a)(c), 462, 468(b), 643(a), 781, 783(b)(d), 789, 794, 797, 851, 1152, 1705, 1436(e), 1809(c), 2062, 2071(b), 2073, 2405(a)(b), and 2410(b)).

Negligent manslaughter — causing the death of another, within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7, by wanton or reckless disregard for human life. Also negligent manslaughter of any Government official, the President of the United States, the President-elect, the Vice President, any officers and employees of the United States, any foreign officials, any official guests, or any internationally protected persons. This offense category also includes misconduct, negligence, or inattention to duties by ship officers on a steamboat or vessel resulting in death to any person (18 U.S.C. § 1112).

New law — In this *Compendium* defendants convicted and sentenced pursuant to the Sentencing Reform Act of 1984. (*See also* "Old law.")

Nolle prosequi — Latin for "we shall no longer prosecute," the statement is an admission by the prosecutor that

the charges cannot be proved or that evidence has demonstrated the defendant's innocence.

Nolo contendere — defendant's plea in a criminal case indicating that he or she will not contest charges, but not admitting or denying guilt.

Non-citizen — a person who is without U.S. citizenship, including legal aliens (for example, resident aliens, tourists, and refugees/asylees) and illegal aliens.

Non-jury trial — a trial in which the judge alone decides factual as well as legal questions, and makes the final judgment.

Nonviolent sex offenses — transporting, coercing, or enticing any individual (including minors) to go from one place to another in interstate or foreign commerce, in the District of Columbia, or in any territory or possession of the United States with the intent and purpose to engage in prostitution, or any sexual activity for which any person can be charged with a criminal offense (8 U.S.C. § 1328 and 18 U.S.C. §§ 1460, 1466, 2251-52, 2257, 2421 and 2423).

Not convicted — acquittal by bench or jury trial, mistrial, and dismissal (including nolle prosequi and deferred prosecution).

Not guilty — plea entered by the accused to a criminal charge. If the defendant refuses to plead, the court will enter a plea of not guilty. Also the form of a verdict in a criminal trial where the jury acquits the defendant.

Offense — violation of U.S. criminal law. In this *Compendium*, where more than one offense is charged, the offense with the greatest potential penalty is reported.

Offense level — under the Federal sentencing guidelines, a quantification of the relative seriousness of the offense of conviction and any offense-specific aggravating or mitigating factors. Guideline offense levels range from level 1 (the least serious offense) to level 43 (the most serious offense).

Old law — in this *Compendium*, defendants convicted and sentenced pursuant to laws applicable before the Sentencing Reform Act of 1984. (See also, "New law.")

Parole — period of supervision after release from custody before the expiration of sentence. The U.S. Parole Commission is empowered to grant, modify or revoke the parole of all Federal offenders. Pursuant to the Sentencing Reform Act of 1984, parole was abolished and defendants are required to serve the imposed sentence (less 54 days per year good-time for sentences greater than 1 year, but not life imprisonment), followed by a term of supervised release. Because of the number of Federal inmates sentenced under pre-Sentencing Reform provisions, the number of offenders on parole is declining.

Perjury — a false material declaration under oath in any proceeding before or ancillary to any court or grand jury of the United States. Includes knowingly or willfully giving false evidence or swearing to false statements under oath or by any means procuring or instigating any person to commit perjury. This offense also includes any officers and employees of the Government listed under 13 U.S.C. §§ 21-25 who willfully or knowingly furnish, or cause to be furnished, any false information or statement (*for example*, 2 U.S.C. § 192; 13 U.S.C. § 213; 15 U.S.C. § 2614; 18 U.S.C. §§ 401, 402, 1504, 1506, 1508, 1510, 1512(b), 1513, and 1622; 28 U.S.C. § 1866(g); 42 U.S.C. § 5411; 43 U.S.C. § 104; and 49A U.S.C. §§ 1472 (m)(o)).

Personal recognizance — pretrial release condition in which the defendant promises to appear at trial and no financial conditions are required to be met.

Petty offense — a Class B misdemeanor, a Class C misdemeanor, or an infraction with fines as specified in 18 U.S.C. §§ 3571. (See also, "Misdemeanor" and "Infraction.")

Plea bargaining — practice whereby a defendant in a criminal proceeding

agrees to plead guilty to a charge in exchange for the prosecution's cooperation in securing a more lenient sentence or some other mitigation.

Pornographic — that which is of or pertaining to obscene literature; obscene, licentious. Material is pornographic or obscene if the average person, applying contemporary community standards, would find that the work taken as a whole appeals to the prurient interest; and if it depicts in a patently offensive way sexual conduct; and if the work taken as a whole lacks serious literary, artistic, political, or scientific value. (See *Milla v. California*, 113 U.S. 15 (1973).)

Possession — offense involving the possession of a controlled substance, acquiring a controlled substance by misrepresentation or fraud, attempting or conspiring to possess, or simple possession of a controlled substance in schedules I-V (as defined by 21 U.S.C. § 812). Includes possession of a controlled substance in schedule I or II, or a narcotic drug in schedule III or IV on board a vessel of the United States or vessels within custom waters of the United States, or by any citizen of the United States on board a vessel. Also, possessing any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container is an offense under this category. Distributing a small amount of marijuana for no remuneration is treated as simple possession and, therefore, is included in this offense category (*for example*, 21 U.S.C. §§ 829 (a)(b)(c), 841(a)(b)(d)(g), 842(a)(c), 843(a), 844(a), 846, 955, and 962).

Postal laws — offenses relating to the mail; pertaining to the post office.

Presentence Investigation Report (PSR) — following a presentence investigation, a report to the court prepared by the probation officer before the imposition of sentence, as required by law; unless the court finds that there is information in the record sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. § 3553, and the

court explains this finding on the record.

Presentment — an accusation initiated by the grand jury itself, and in effect, an instruction that an indictment be drawn.

Pretrial diversion — an agreement to defer (and possibly drop) prosecution conditioned on the defendant's good behavior and/or participation in programs (such as job training, counseling, education) during a stated period.

Pretrial release — the release of a defendant from custody, for all or part of the time, before or during prosecution. The defendant may be released either on personal recognizance or unsecured bond or on financial conditions. The category includes defendants released within 2 days after arrest and defendants who were initially detained but subsequently released after raising bail or having release conditions changed at a subsequent hearing.

Pretrial revocation — the decision to detain a defendant on pretrial release for violating conditions of release or committing a new crime.

Preventive detention — the detention of a defendant awaiting trial for the purpose of preventing further misconduct.

Probation — sentence imposed for commission of a crime whereby the convicted criminal offender is released into the community under the supervision of a probation officer in lieu of incarceration. An act of clemency available only to those found eligible by the court, probation offers a chance for reform and rehabilitation for the defendant. For this purpose, the defendant must agree to specified standards of conduct; violation of such standards subjects his liberty to revocation.

Procedural termination — a judgment based on the methods and mechanics of the legal process, including all the rules and laws governing that process. Procedural law is

distinguished from "substantive" law, which involves the statutes and legal precedents upon which cases are tried and judgments made. See also, "Administrative case closure" and "Terminated on the merits."

Property offenses, fraudulent — property offenses involving the elements of deceit or intentional misrepresentation. Specifically includes embezzlement, fraud (excluding tax fraud), forgery, and counterfeiting.

Property offenses, non-fraudulent — violent offenses against property: burglary, larceny, motor vehicle theft, arson, transportation of stolen property, and other property offenses (destruction of property and trespassing). These offenses are termed "non-fraudulent" only for the purpose of distinguishing them from the category "Property offenses, fraudulent," above.

Property offenses, other — offenses that involve the destruction of property moving in interstate or foreign commerce in the possession of a common or contract carrier. Includes the malicious destruction of Government property, or injury to U.S. postal property such as mailboxes or mailbags. Trespassing on timber and Government lands is also included in this category of offenses (*for example*, 2 U.S.C. § 167(c)(g); 15 U.S.C. § 1281; 16 U.S.C. §§ 3, 45(d), 114, 121, 123, 152, 430(q), 433, 470, 478, 481, 551, and 605; 18 U.S.C. §§ 1164, 1361-62, 1364, 1852, 1854, 1856, 1858, 1860, 1863, 1864(c), and 2071(b); 40 U.S.C. §§ 193 (h)(q)(r)(s); 43 U.S.C. § 316; and 47 U.S.C. §§ 13 and 22).

Public-order offenses, non-regulatory — offenses concerning weapons; immigration; tax law violations (tax fraud); bribery; perjury; national defense; escape; racketeering and extortion; gambling; liquor; mailing or transporting of obscene materials; traffic; migratory birds; conspiracy, aiding and abetting, and jurisdictional offenses; and "other public-order offenses." These offenses are termed "non-regulatory" only for the purpose of distinguishing

them from the category "Public-order offenses, regulatory" below.

Public-order offenses, other — violations of laws pertaining to bigamy, disorderly conduct on the U.S. Capitol grounds, civil disorder, and travel to incite to riot (*for example*, 18 U.S.C. §§ 228, 231, 1367, and 1385; 40 U.S.C. §§ 193(b)(d)(g)(o)(p); and 47 U.S.C. §§ 223(a)(b)). Included in "Public-order offenses, non-regulatory."

Public-order offenses, regulatory — violations of regulatory laws and regulations in agriculture, antitrust, labor law, food and drug, motor carrier, and other regulatory offenses that are not specifically listed in the category "Public-order offenses, non-regulatory."

Racketeering and extortion — racketeering is demanding, soliciting, or receiving anything of value from the owner, proprietor or other person having a financial interest in a business, by means of a threat or promise, either express or implied. Extortion is the obtaining of money or property from another, without his consent, induced by the wrongful use of force or fear. This offense code covers using interstate or foreign commerce or any facility in interstate or foreign commerce to aid racketeering enterprises such as arson, bribery, gambling, liquor, narcotics, prostitution, and extortionate credit transactions; obtaining property or money from another, with his or her consent induced by actual or threatened force; violence, blackmail, or committing unlawful interference with employment or business; transmitting by interstate commerce or through the mail any threat to injure the property, the person, or the reputation of the addressee or of another; or kidnaping any person with intent to extort. Applies to officers or employees of the United States, or anyone representing himself or herself as such (*for example*, 18 U.S.C. §§ 831, 872, 874, 875(b)(d), 877, 878(b), 892, 894, 1365(d), 1952-53, 1955-60, 1962-63).

Release

Extraordinary release — unusual methods of prisoners exiting prison, such as death, commutation, and transfer to another facility.

Standard release — the usual way prisoners exit prison, including full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole.

Remand — to send back. The act of an appellate court in sending a case back to the lower court for further action.

Remove — transfer from Federal court (usually to a State court).

Restitution — the action of restoring or giving back something to its proper owner or making reparations to one for loss or injury previously inflicted.

Reversal — the act of an appellate court annulling a judgment of a lower court because of an error.

Revocation — termination of a probation, parole, or mandatory release order because of either a rule violation or a new offense and forcing the offender to begin or continue serving his or her sentence.

Robbery — taking anything of value from the person or presence of another by force or by intimidation, within the special maritime and territorial jurisdiction of the United States (18 U.S.C. §§ 7). Includes robbery of bank property, U.S. postal property, or personal property of the United States. Also, assaulting or putting the life of any person in jeopardy by the use of a dangerous weapon while committing or attempting to commit such robbery (*for example*, 18 U.S.C. §§ 1661, 1991, 2112, 2113(c) (d), 2114, 2116, and 2118(a)).

Rule 20 transfer — upon petition by a defendant, a transfer of proceedings to the district in which the defendant is arrested, when the defendant is arrested, held, or present in a district other than that in which an indictment or information is pending against him. In this case, the defendant may state

in writing a wish to plead guilty or nolo contendere, to waive trial in the district in which the indictment or information is pending, and to consent to the disposition of the case in the district in which the defendant was arrested (Fed. R. Crim. P. 20).

Rule 40 transfer — upon petition by the U.S. attorney, commitment to another district; transfer proceedings of a defendant arrested in a district for an alleged offense committed in another district (Fed. R. Crim. P. 40).

Sentence — sanction imposed on a convicted offender. For sentences to incarceration, the maximum time the offender may be held in custody is reported. (*See also*, "Split sentence," "Mixed sentence," "Indeterminate sentence," and "Mandatory sentence.")

Sentencing Guidelines (Federal) — guidelines established by the United States Sentencing Commission to be followed by the Federal courts in the sentencing of those convicted of Federal offenses. Established pursuant to the Sentencing Reform Act of 1984, the sentencing guidelines prescribe a range of sentences for each class of convicted persons as determined by categories of offense behavior and offender characteristics.

Sexual abuse — rape, assault with intent to commit rape, and carnal knowledge of a female under 16 who is not one's wife, within the territorial and special maritime jurisdictions of the United States as defined in 18 U.S.C. § 7 (*for example*, 22D U.S.C. § 2801). Also includes cases of sexual abuse, including of a minor (18 U.S.C. §§ 2241(a) (c), 2242(2)(B), and 2243) and in Federal prisons (18 U.S.C. § 2244(a)).

Shock incarceration — an intense confinement program, consisting of a highly regimented schedule that provides the strict discipline, physical training, hard labor, drill, and ceremony characteristic of military basic training.

Special maritime and territorial jurisdiction — areas of Federal jurisdiction outside the jurisdiction of any

State, including (1) the high seas, Great Lakes, and connecting waterways; (2) Federal lands; and (3) U.S.-owned aircraft in flight over the high seas (18 U.S.C. § 7).

Split sentence — *See*, "Mixed sentence."

Stale — the case/matter is too old to support successful prosecution.

Substantial assistance — a form of cooperation with the government in which the defendant provides the government with information, testimony, or other assistance relating to the criminal activities of other persons in exchange for a sentence reduction. Substantial assistance provides the only mechanism for judges to impose a sentence below an applicable mandatory sentence (U.S.S.G. 5K1.1 as codified at 18 U.S.C. § 3553(e)).

Supervised release — under the Sentencing Reform Act of 1984, a form of post-imprisonment supervision to be imposed by the court as a part of the sentence of imprisonment at the time of initial sentencing. Unlike parole, a term of supervised release does not replace a portion of the sentence of imprisonment, but rather is an order of supervision in addition to any term of imprisonment imposed by the court (compare also with probation).

Surety bond — an agreement by the defendant as a condition of his or her release that requires a third party (usually a bail bondsman) to promise to pay the full bail amount in the event that the defendant fails to appear.

Suspect — a person who is under investigation or interrogation as a likely perpetrator of a specific criminal offense.

Tax law violations — tax fraud offenses, such as income tax evasion and fraud; counterfeiting any stamps with intent to defraud the collection or payment of tax; willfully failing to collect or pay tax; failure to obey summons to produce any papers concerning taxes; failing to furnish receipts for employees of tax withheld; failing to

furnish information relating to certain trusts, annuity, and bond purchase plans; putting fraudulent or false statements on tax returns; and not obtaining a license for a business that makes a profit from foreign items. Also included in this offense category are violations of excise and wagering tax laws and any other laws listed below from the Internal Revenue Service Code (*for example*, 26 U.S.C. §§ 3402, 4412, 5751, 5762(a1), 6047(a)(c), 6331, 6420(e2), 6674, 7121, 7201, 7203(c), 7204, 7206(a)(c), 7208(a)(c), 7210, 7213(b), (d), 7214(b), 7216, 7232, 7513, 7602, and 7604(b)).

Technical violation — failure to comply with any of the conditions of pretrial release, probation, or parole, excluding alleged new criminal activity. May result in revocation of release status. Examples of conditions that may be imposed and then violated include remaining within a specified jurisdiction or appearing at specified intervals for drug tests.

Terminated on the merits — a judgment made after consideration of the substantive as distinguished from procedural issues in a case. See also, "Procedural termination."

Termination — at the pretrial services stage: execution of sentence, acquittal, dismissal, diversion, or fugitive status; in the U.S. district court: conviction, acquittal, or dismissal; and at probation or supervised release: the removal of a person from supervision either for successful completion of the term of supervision or as the result of a revocation.

Threats against the President — knowingly and willfully depositing in the mail, at any post office, or by any letter carrier a letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President, Vice President, or any other officer in order of succession to the Presidency. Knowingly and willfully making such threats in any way to the above-named people (18 U.S.C. § 871).

Time served — the portion of the imposed sentence that was spent in prison, from the prisoner's arrival into jurisdiction of the Bureau of Prisons until release from prison, plus any jail time served and credited. For prisoners serving concurrent sentences, time served may exceed the longest single sentence imposed.

Traffic offenses — driving while intoxicated, or any moving or parking violations on Federal lands (*for example*, 40 U.S.C. § 212(b)).

Trafficking — knowingly and intentionally importing or exporting any controlled substance in schedule I, II, III, IV, or V (as defined by 21 U.S.C. § 812). Includes manufacturing, distributing, dispensing, selling, or possessing with intent to manufacture, distribute, or sell a controlled substance or a counterfeit substance; exporting any controlled substance in schedules I-V; manufacturing or distributing a controlled substance in schedule I or II for purposes of unlawful importation; or making or distributing any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container, or removing or obliterating the label or symbol of any drug or container. Also includes knowingly opening, maintaining or managing any place for the purpose of manufacturing, distributing, or using any controlled substance (*for example*, 19 U.S.C. § 1590; 21 U.S.C. §§ 333(e), 825(a)-(d), 830(a), 841(a)-(b) (d)(e)(g), 842(a), 843(a)(b), 845, 846, 848, 854, 856, 858, 859(a)(b), 860(a), 861(c)(f), 952(a)(b), 953(a)(e), 957, 959, 960(a)(b)(d), 961, 962, and 963; and 46A U.S.C. §§ 1903(g) and (j)).

Transportation — violations of the Federal statutes relating to the Motor Carrier Act, which regulates (routes, rates) motor carriers of freight and passengers in interstate commerce.

Transportation of stolen property — transporting, selling, or receiving stolen goods, stolen securities, stolen moneys, stolen cattle, fraudulent State tax stamps, or articles used in counterfeiting, if the above articles or

goods involve or constitute interstate or foreign commerce (18 U.S.C. §§ 2315, 2317).

Trial conviction — conviction by judge or jury after trial.

True bill — an indictment.

United States — includes the outlying territories (Guam, Puerto Rico, Northern Marianas Islands, and the U.S. Virgin Islands) and the territory occupied by the 50 States and the District of Columbia.

U.S. attorneys — all United States attorneys. Prosecutorial data in this *Compendium* come from the Central System and Central Charge Files of the Executive Office for U.S. Attorneys.

Unsecured bond — an agreement by the defendant as a condition of his or her release in which the defendant agrees to pay full bond amount in the event of nonappearance at trial, but is not required to post security as a condition to release.

Violation (of pretrial release, probation, or parole) — allegation of a new crime or a technical violation while on pretrial release, probation, or parole.

Violent offenses — threatening, attempting, or actually using physical force against a person. Includes murder, negligent manslaughter, assault, robbery, sexual abuse, kidnaping, and threats against the President. (*See also*, specific offenses for citations.)

Warrant — an order (writ) of a court that directs a law enforcement officer to arrest and bring a person before the judge, such as those charged with a crime, escaped Federal prisoners, or probation, parole, or bond default violators.

Warrant clearance or execution — refers to the closing of a fugitive investigation. Warrants can be cleared or executed in many ways, such as with the arrest or surrender of a fugitive, dismissed by the court, or when a detainer is lodged against a fugitive already in custody (*see* Detainer).

Warrant initiation — refers to the opening of a fugitive investigation upon receipt of a warrant.

Weapons violations — violations of any of the provisions of 18 U.S.C. §§ 922 and 923 concerning the manufacturing, importing, possessing, receiving, and licensing of firearms and ammunition. Includes manufacturing, selling, possessing, or transporting (within any territory or possession of the United States, within Indian country, or within the special maritime and territorial jurisdiction of the United States) (18 U.S.C. §§ 7) any switchblade knife; or making, receiving, possessing, or transporting a firearm not registered in the National Firearms Registration Transfer Record. Also, engaging in importing, manufacturing, or dealing in firearms if not registered with the secretary in the Internal Revenue Service District in which the business is conducted or not having paid a special occupational tax. In addition, this code covers cases where in a crime of violence or drug trafficking enhanced punishment is handed down when committed with a deadly weapon (*for example*, 15 U.S.C. § 1242; 18 U.S.C. §§ 922(a)(c)(e)(g)(i)(k)(m)(n) (q), 923, 924(a)(c)(f)(h) and 930; 26 U.S.C. §§ 5801, 5811, 5821, 5841, 5843, 5851, and 5861(b)(d)(h)(j)(l); 40 U.S.C. § 193f(a); and 49A U.S.C. § 1472(q)).

Wildlife offenses — violations of Federal law enacted to protect endangered or threatened species, as well as migratory birds. The Endangered Species Act (16 U.S.C. §1531(b)) makes it unlawful for any person to take, import, sell or ship endangered or threatened wildlife, and the Migratory Bird Treaty Act (16 U.S.C. §§ 703) protects migratory birds. The Lacey Act (16 U.S.C. § 3372) prohibits the trade in illegally taken fish and wildlife.