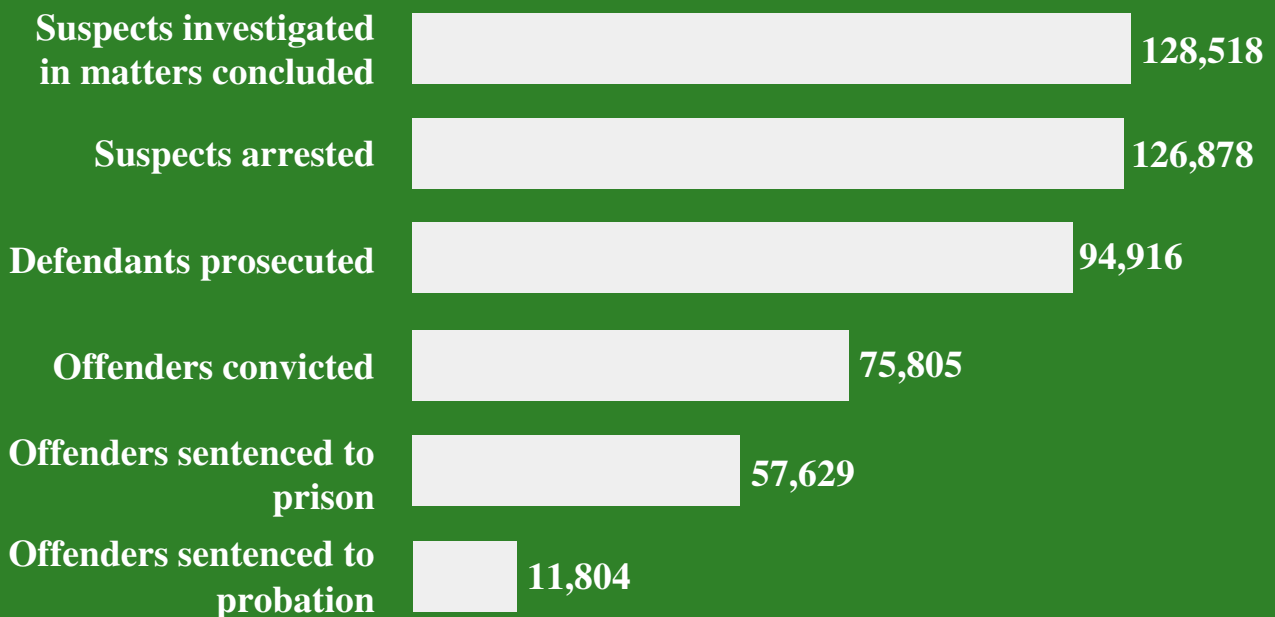




Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 2003

Federal criminal case processing, October 1, 2002-September 30, 2003



A Federal Justice Statistics Program Report

U.S. Department of Justice

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This Bureau of Justice Statistics Report was prepared by the Urban Institute under the supervision of Steven K. Smith and Mark Motivans of the Bureau of Justice Statistics (BJS). This report was prepared under BJS grant number 98-BJ-CX-K015. Principal staff at the Urban Institute were Laura Winterfield, William Adams, Avi Bhati, Kamala Mallik Kane, Barbara Parthasarathy, Christine Arriola, and Yan Yuan. Layout and design were by David Williams. Tom Hester of BJS provided editorial review.

This report is made possible through the cooperation of the following Federal agencies and their staffs: The United States Marshals Service (USMS), the Drug Enforcement Administration (DEA), the Administrative Office of the United States Courts (AOUSC), the Executive Office for U.S. Attorneys (EOUSA), and the Federal Bureau of Prisons (BOP). The staff who provided expert advice about the source records include: Joe Briggs (USMS); Steven Schlesinger and Catherine Whitaker (AOUSC); Barbara Tone, Siobhan Sperin, and Laurie Hamilton (EOUSA); Sue Allison (BOP); and Lou Reedt and Christine Kitchens (U.S. Sentencing Commission).

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Highlights

During 2003 the Homeland Security Act took effect, reorganizing several Federal law enforcement agencies into the Department of Homeland Security. The agencies that comprised the new department were responsible for roughly one-third of all Federal arrests and bookings in 2003. The number of suspects investigated by U.S. attorneys increased between 2002 and 2003, from 124,335 to 130,078. About three-quarters of those for which the investigation was concluded were prosecuted — either before a U.S. district court judge (62%) or before a U.S. magistrate (12%) — and 26% of those investigated were not prosecuted by U.S. attorneys.

The number of defendants prosecuted in Federal courts increased slightly between 2002 and 2003, from 90,407 to 94,916.

The number of offenders under Federal correctional supervision increased 84% between 1990 and 2003. At the end of fiscal year 2003, the number of offenders in Federal prison or on community supervision was 261,435 compared to 141,790 during 1990.

At the end of fiscal year 2003, the number of Federal inmates serving a sentence of imprisonment was 152,459. The number under community supervision was 108,976. Over 72% of those under community supervision were on post-incarceration supervised release (75,766) or parole (3,239).

Arrest

During 2003, 126,878 suspects were arrested by Federal law enforcement agencies for violations of Federal law. Twenty-six percent of those arrested and booked by the U.S. Marshals Service were for drug offenses, 22% for immigration offenses, 18% for supervision violations, 13% for property offenses, 7% each for public-order and weapon offenses, and 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 2003 the agencies that would comprise Homeland Security were responsible for about one-third of arrests and bookings. Within the Department of Justice, the U.S. Marshals Service made 28% of the arrests; the Drug Enforcement Administration 10%, and the Federal Bureau of Investigation 8%.

Prosecution

During 2003 U.S. attorneys initiated criminal investigations involving 130,078 suspects, and they concluded their investigations of 128,518 suspects. Twenty-nine percent of the suspects were investigated for drug, 21% for property, 18% for public order, 16% for immigration, 11% for weapon, and 4% for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 80,106 in U.S. district courts and 14,810 were disposed of before U.S. magistrates. During 2003, U.S. attorneys declined 26% of matters concluded.

Suspects in criminal matters involving immigration or drug offenses were more likely to be prosecuted in a U.S. district court (81% and 76%, respectively) than were suspects involved in weapon (71%), violent (56%), property (53%), or public-order offenses (30%). Suspects involved in property offenses (such as fraud) or violent offenses were more likely to be declined for prosecution (about 40%) than were suspects investigated for public-order offenses (38%), weapon (27%), drug (18%), or immigration (6%) offenses.

Pretrial release

Of 83,419 pretrial cases commenced in 2003, 35% of defendants were released after either an initial or detention hearing, while 64% were detained, and less than 1% were dismissed.

During 2003, 41% of the 76,305 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 (76% and 67%, respectively) than were defendants charged with weapon (42%), drug (39%), violent (36%), or immigration (8%) offenses.

The proportion of defendants released prior to trial decreased from 62% during 1990 to 41% during 2003.

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-two percent of defendants with one prior conviction were released, as compared to 33% of defendants having two to four prior convictions and about 25% 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 (32% and 30%, respectively), while defendants charged with weapon, violent, or drug offenses were more likely to have their release revoked (14% for weapon offenses and 11% each for violent or drug offenses) than were other defendants.

Defendants released during 2003 were more likely to violate the conditions of their pretrial release than those released during 1990 (20% compared to 12%).

Adjudication

During 2003, 92,085 defendants were charged in Federal courts with a criminal offense, 87% of whom were charged with felonies. Of the defendants charged with felonies, 38% were prosecuted for drug, 20% each for property, and immigration, 12% for weapon, 6% for public-order, and 4% for violent offenses.

The number of defendants charged with a felony immigration offense increased by 22% between 2002 and 2003, from 13,101 to 15,997. The number charged with a felony weapon offense increased by 23%, from 8,104 to 9,961.

Criminal cases were concluded against 85,106 defendants during 2003, 87% of whom had been charged with felonies. The proportion of defendants convicted in the Federal courts increased from 81% during 1990 to 89% during 2003. The proportion of convicted defendants who pleaded guilty increased from 87% during 1990 to 96% during 2003.

About 92% of defendants charged with felonies were convicted. The conviction rate was similar for the major offense categories: 97% of defendants charged with immigration offenses, 92% of drug defendants, 91% of property and violent defendants, 90% of weapon defendants, and 86% of public-order defendants.

Sentencing

Defendants convicted during 2003 were more likely to be sentenced to prison than those convicted during 1990. During 2003 about 76% 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 92% of felony weapon and drug offenders, 87% of felony immigration offenders, 70% of felony public-order offenders, and 60% of felony property offenders.

Average length of prison sentences imposed, by offense, October 1, 2002 - September 30, 2003

Most serious offense of conviction	Average sentence length
All offenses	58.7 mo
Felonies	60.3
Violent offenses	97.2
Property offenses	27.3
Drug offenses	81.4
Public-order offenses	42.9
Weapon offenses	83.7
Immigration offenses	26.7
Misdemeanors	9.1

The 57,629 offenders sentenced to prison received, on average, 58.7 months of imprisonment. Offenders sentenced for felony violent offenses, felony weapon offenses, and felony drug offenses received longer average prison terms (97.2, 83.7, and 81.4 months, respectively) than those convicted of felony property, immigration, public-order offenses (27.3, 26.7, and 42.9 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 2003 (97.2 months compared to 94.8 months in 1992).

Appeals

Between 1994 and 2003, 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 16% during 2003.

During 2003, 11,968 criminal appeals were filed, a 6% increase from FY2001 (11,281). Eighty-five percent of all appeals filed were appeals of convictions for offenses sentenced under the sentencing guidelines. Sixty-one percent of the guideline-based appeals filed challenged both the conviction and sentence imposed. Of the 11,678 appeals terminated during 2003, 75% (or 8,728) were terminated on the merits. In 84% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

Corrections

Community supervision

Between 1990 and 2003, the number of offenders on community supervision increased by 29%, from 84,801 during 1990 to 108,976 during 2003. While nearly equal proportions of offenders were serving terms of probation and post-incarceration supervision (parole or supervised release) during 1990, during 2003, over 72% were serving a term of post-incarceration supervision (70% supervised release and 3% parole) while 28% were on probation.

Admissions to Federal Bureau of Prisons, releases, and prisoners at yearend, by offense, October 1, 2002 - September 30, 2003

Most serious offense of conviction	All admissions	All releases	Population at yearend
All offenses	72,675	63,732	152,459
Violent offenses	6.7%	7.6%	8.9%
Property offenses	16.0	17.6	7.0
Drug offenses	41.9	40.4	56.7
Public-order offenses	7.3	7.7	5.6
Weapon offenses	9.8	7.6	10.6
Immigration offenses	18.3	19.0	11.2

Note: Percentages of offenses do not total to 100% due to offenders whose most serious offense of conviction is unknown or indeterminable.

Drug offenders comprised 18% of offenders on probation, 54% of offenders serving terms of supervised release, and 41% of offenders on parole. Property offenders comprised 45% of offenders on probation, 23% of offenders serving terms of supervised release, and 8% of offenders on parole.

A total of 15,294 offenders terminated probation during 2003. Most of these offenders (80%) completed their terms of probation successfully. Twelve percent of probationers terminating supervision during 2003 committed technical violations; 6% committed new crimes.

A total of 30,585 offenders completed terms of supervised release during 2003. Of these offenders, 62% successfully completed their terms without violating conditions of release; 23% committed technical violations; and 13% committed new crimes.

A total of 1,504 offenders completed terms of parole during 2003. Of these offenders, 52% successfully completed their terms without violating conditions of release; 28% committed technical violations; and 15% committed new crimes.

Prison

Between 1990 and 2003, the number of inmates serving a sentence of imprisonment increased by 168%, from 56,989 during 1990 to 152,459 during 2003.

During 2003, 53,562 prisoners were received by the Bureau of Prisons from U.S. district court commitments. An additional 19,113 prisoners were returned to Federal prison for violating conditions of probation, parole, or supervised release, or were admitted to Federal prison from elsewhere than a U.S. district court.

Drug offenders — who comprised 41% of persons admitted into Federal prison — comprised the largest percentage of persons in prison (56%) at the end of 2003.

During 2003, 45,820 prisoners were released for the first time from Federal prison after commitment by a U.S. district court. Of these, 40,780 were released by standard methods and 5,040 were released by extraordinary means (death, treaty transfer, sentence commutation, or drug treatment). An additional 17,912 prisoners were released from subsequent commitments to Federal prison.

Average time served by Federal offenders increased from 24 months during 1994 to 33 months during 2003. The proportion of the sentence served increased from 65% during 1990 to 91% during 2003.

Violent, weapon, and drug offenders were among those offenders who served the longest prison terms (64 months for violent offenders and 44 months for weapon offenders and 44 for drug offenders).

Average time to first release, standard releases, by offense, October 1, 2002 - September 30, 2003	
Most serious original offense of conviction	Mean time served
All offenses	32.9 mo
Violent offenses	63.5
Property offenses	16.4
Drug offenses	44.3
Public-order offenses	25.4
Weapon offenses	42.7
Immigration offenses	21.1

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 (DEA), 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 2003 *Compendium*, 18th in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001 and 2002, 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, 2003 (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, 2002 - September 30, 2003. 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, including the offense charged and characteristics of defendants convicted.

Chapter 5 describes the sentences imposed by the Federal judiciary on convicted defendants, including the characteristics of defendants sentenced.

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), admissions to and releases from Federal prison, and time served by Federal inmates.

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 2003 *Compendium*

Several Federal agencies that had been part of the Justice, Transportation, and Treasury departments 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. This reorganization affects the distribution of arrests across agencies in table 1.2 and does not permit direct comparisons with prior years' *Compendia*.

The FY2003 *Compendium* introduces data about fugitive investigations obtained from the U.S. Marshals Service's Warrant Information Network. Chapter 1 contains 4 new tables (1.6 --1.9) with data about warrants initiated and cleared, including time from warrant initiation to clearance.

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.

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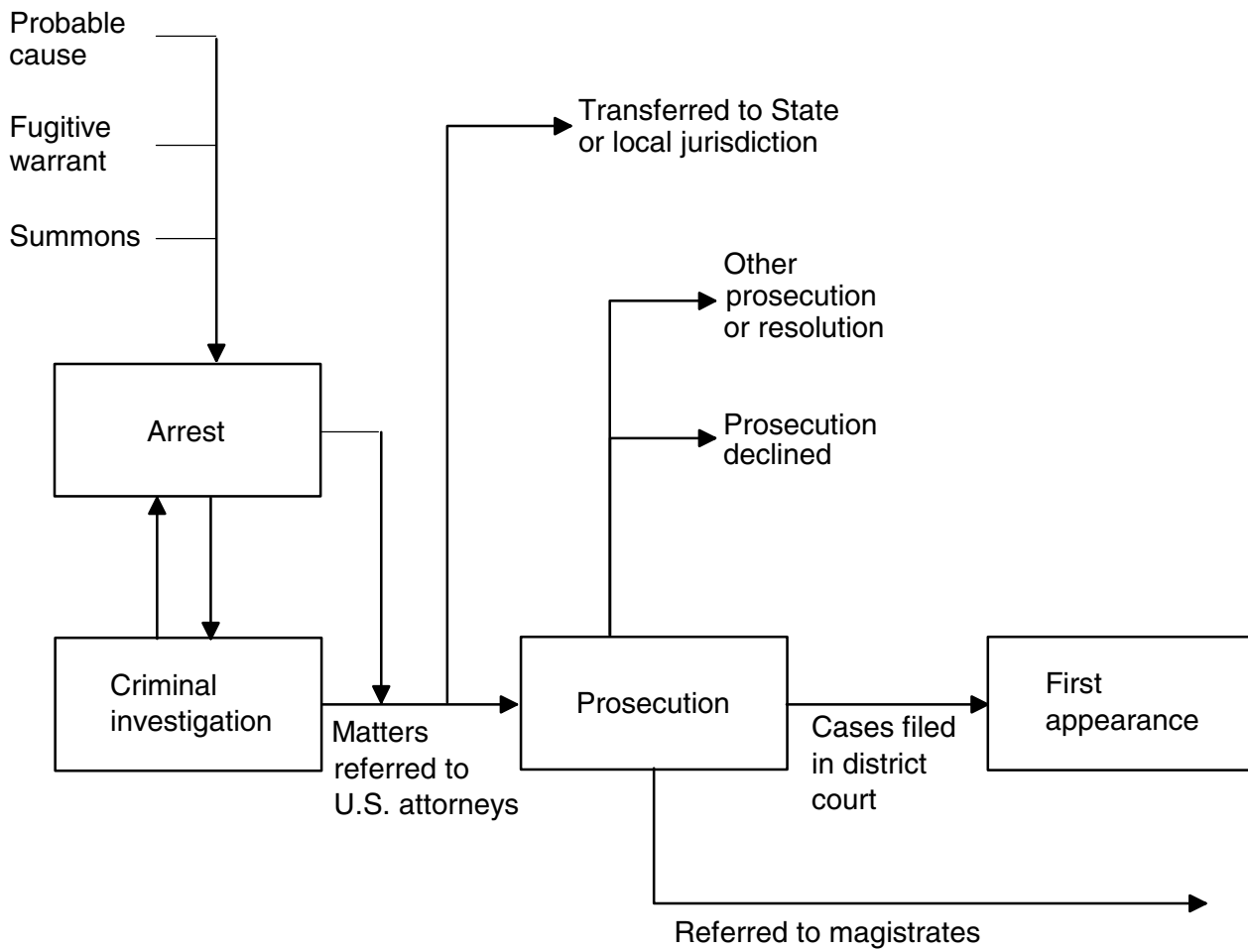
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Chapter 1

Arrests for Federal offenses



Persons suspected of violating Federal law may be arrested by any 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 67 Federal agencies employed over 93,000 full-time officers with the authority to carry firearms and make arrests.¹ Three-fifths of these officers were employed by four agencies: the Immigration and Naturalization Service (INS), Bureau of Prisons (BOP), the U.S. Customs Service, and the Federal Bureau of Investigation (FBI).

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 2003, USMS received 126,878 suspects for processing from Federal, State and local law enforcement agencies, including approximately 36,000 suspects arrested by USMS, 32,000 by the Immigration and Naturalization Service, 12,000 by the Drug Enforcement Administration (DEA), and 9,500 by the Federal Bureau of Investigation (FBI).

Number arrested and booked by offense categories (table 1.1)

During 2003, 126,878 suspects were arrested for violations of Federal law and subsequently booked by USMS. Of those suspects arrested and booked, 26% were arrested for drug offenses, 22% for immigration offenses, 18% for supervision violations, 13% for property offenses,

¹Brian A. Reeves and Lynn M. Bauer, *Federal Law Enforcement Officers, 2002*, Bureau of Justice Statistics, Washington, DC (NCJ-199995).

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.

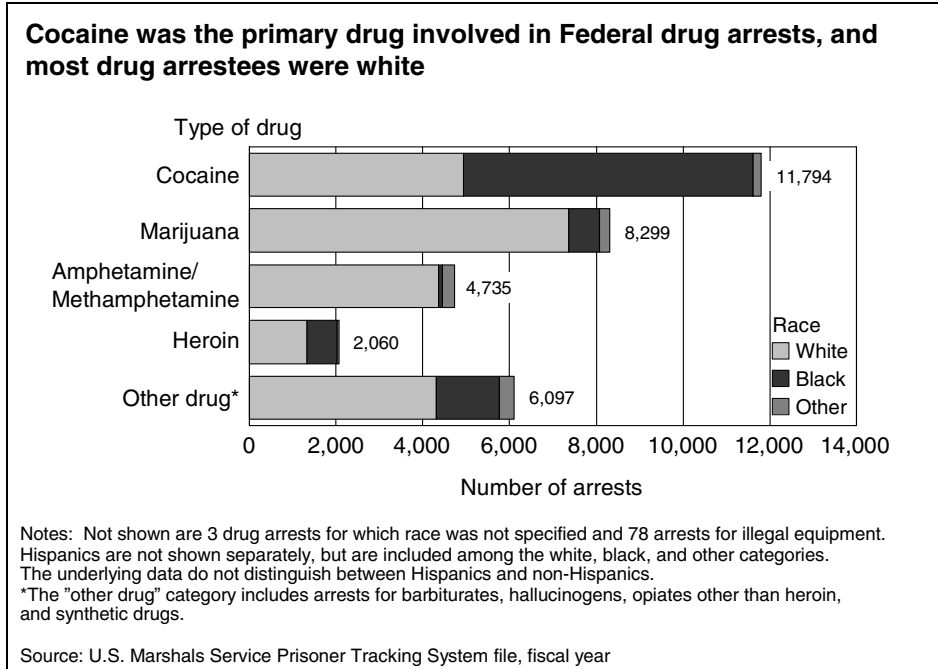


Figure 1.1. Type of drug involved in drug arrests, by race of arrestee, October 1, 2002 - September 30, 2003

7% each for weapon and public-order offenses, and 4% each for violent offenses and to secure and safeguard a material witness.

Examining drug arrests further, the greatest portion of drug arrests (36%) involved cocaine (crack or powder); 25% involved marijuana; 14% involved amphetamine or methamphetamine; 6% involved heroin; and the remainder involved other drugs or illegal drug equipment (figure 1.1).

Most arrests and bookings for immigration offenses (82%) were for illegal entry into the United States; 12% involved alien smuggling; and 3% each involved false claims of citizenship by

entrants to the United States and other immigration violations (figure 1.2).

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

Several Federal law enforcement agencies were reorganized in 2003 with the implementation of the Homeland Security Act of 2002 (P.L. 107-296). This Act, which took effect on March 1, 2003, created the Department of Homeland Security and ushered in a significant reorganization of Federal agencies. Several agencies that had been part of the Justice, Transportation, and Treasury

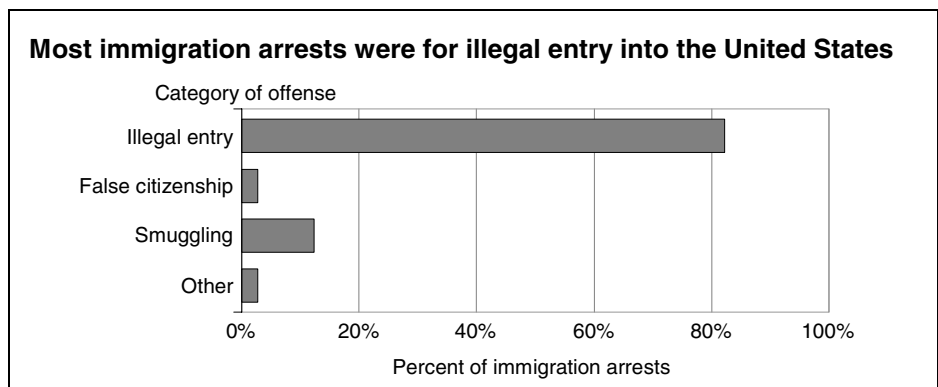


Figure 1.2. Type of immigration arrests, October 1, 2002 - September 30, 2003

departments were moved to Homeland Security during 2003.

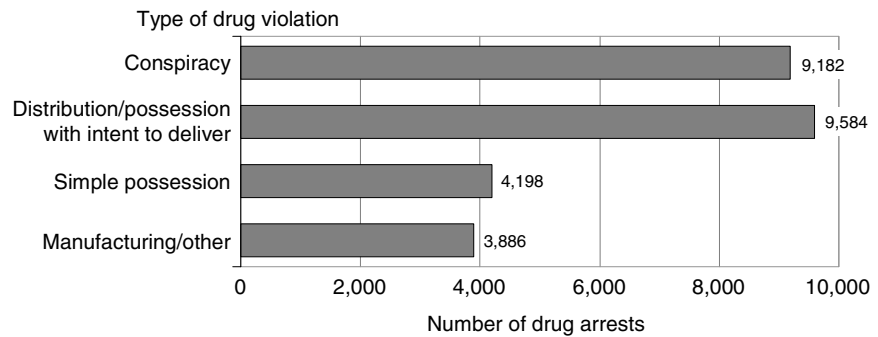
Among the many reorganizations, the Immigration and Naturalization Service moved from the Department of Justice to Homeland Security and was reorganized into three bureaus with different functional responsibilities: the Bureau of Citizenship and Immigration Services provides citizenship, asylum and refugee services; the Bureau of Immigration and Customs Enforcement is responsible for illegal alien detention and removal, as well as immigration intelligence and investigation programs; and the Bureau of Customs and Border Protection, which includes the U.S. Border Patrol, is responsible for border inspection and enforcement.

Furthermore, the Coast Guard and Transportation Security Administration moved from the Department of Transportation to Homeland Security. The Department of Homeland Security also incorporated the U.S. Customs Service and the Secret Service, both formerly part of the Treasury Department. In addition, the Bureau of Alcohol, Tobacco and Firearms moved from the Treasury Department to the Justice Department. More information about agency reorganizations, including reorganizations of agencies without arrest or investigatory powers, is available on the Department of Homeland Security Web site.⁴

The agencies that would ultimately comprise Homeland Security represented roughly one-third of all Federal arrests and bookings in 2003. Twenty-five percent of arrests and bookings were made by the Immigration and Naturalization Service, 6% were by the Customs Service, and an additional 2% were by the Secret Service.

The largest share of Federal arrests and bookings was from the U.S. Marshals Service (28%), followed by the Immigration and Naturalization Service (25%). Arrests by the Drug Enforcement Administration comprised

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



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

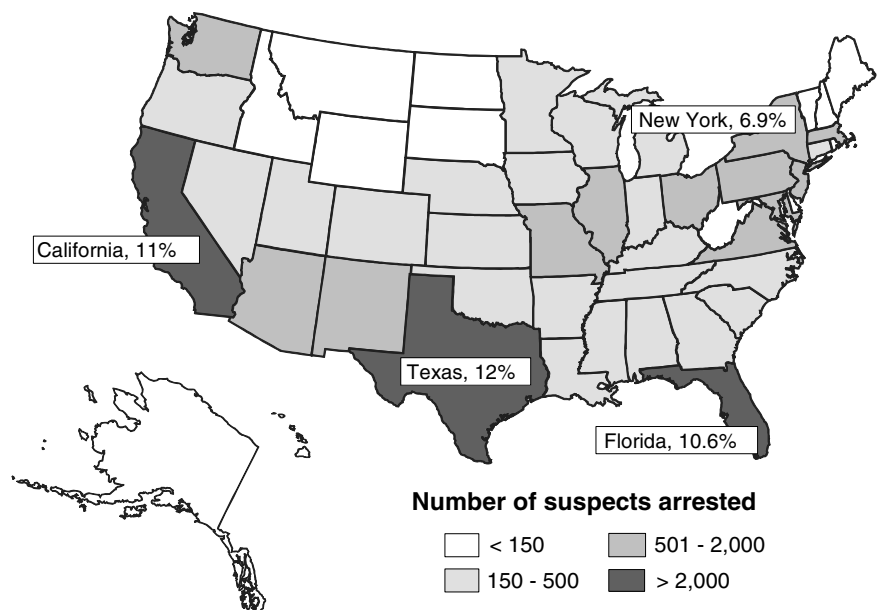
Figure 1.3. Type of drug violation, October 1, 2002 - September 30, 2003

10%; the Federal Bureau of Investigation, 8%; the U.S. Customs Service, 6%; and State and local law enforcement, 5%. An additional 7% of arrests and bookings were self-surrenders by suspects following the receipt of a summons.

Suspects arrested and booked across demographic groups (table 1.3)

Suspects arrested and booked for Federal offenses in 2003 were predominantly male (86%), white (71%), and between the ages of 21 and 40 years (70%). The majority (62%) were U.S. citizens. Of the

States with the greatest number of arrests reported in 2003 included Texas (3,224), California (2,947), Florida (2,857), and New York (1,842)



Note: Not shown on map: District of Columbia (47), Guam (1), and Puerto Rico (294). Source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

Figure 1.4. Suspects arrested by the DEA, by State where arrested, October 1, 2002 - September 30, 2003

⁴<http://www.dhs.gov>

approximately one-third (38%) who were identified as noncitizens, the most common reasons for arrest were immigration and drug offenses. (54% and 20% of noncitizens, respectively; data not shown).

Examining the demographics of drug offense arrestees further, about two-thirds (68%) were white, and most of the remaining third (29%) 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, including amphetamines (92%), marijuana (89%), heroin (64%), and other drugs (71%). The exception was cocaine-related drug arrests, for which blacks comprised 57% of suspects and whites, 42% (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 26,850 suspects in 2003. Not all were booked for violations of Federal law however; some were referred to U.S. attorneys for a prosecutorial decision while others were referred to a State prosecutor (see *Chapter notes*).

Suspects arrested by DEA agents were predominantly white (70%),

non-Hispanic (57%), male (84%), and U.S. citizens (77%). The greatest proportion of arrestees was between 21 and 30 years old (44%).

Cocaine was the predominant drug involved in arrests made by DEA agents, with cocaine powder comprising 24% of all arrests and crack cocaine, 14%. Twenty-one percent of DEA arrests involved methamphetamines; 21% involved marijuana; 8% involved opiates; and 10% involved other drugs or non-drug offenses.

The majority of suspects arrested for each type of drug was white, with the exception of crack cocaine, for which the majority of suspects was black.

The types of violations that suspects were arrested for were distribution or possession with intent to deliver, 36%; conspiracy, 34%; simple possession, 16%; 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. In 2003, one in ten DEA arrests occurred in a county directly adjacent to the U.S.-Mexico border (data not shown). Overall, four in ten DEA arrests in 2003 were made in four states: 12% in Texas, 11% in California, 11% in Florida, and 7% in New York (figure 1.4).

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

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 120,131 warrants for investigation during 2003. The majority (62%) of the warrants initiated were for felony offenses, including probation (12%), bond (5%) and parole violations (2%). One-quarter (26%) of warrants initiated were state and local warrants, and the remaining 12% were Federal non-felony warrants for traffic and misdemeanor offenses.

Warrants cleared (tables 1.7-1.9) — 122,900 warrants were cleared in 2003. As with warrants initiated, the majority (57%) of the warrants cleared were for felony offenses, including probation (11%), bond (5%) and parole violations (2%). About one-quarter (28%) of the warrants cleared in 2003 were State and local warrants, and the remaining 15% were Federal non-felony warrants

for traffic and misdemeanor offenses.

Warrants can be executed in many ways. In 2003, most warrants (72%) cleared with the arrest of a fugitive. About one-quarter (28%), however, were cleared through other means. Eighteen percent of warrants were dismissed by the court or returned unexecuted, and 10% of warrants cleared when a detainer was lodged against a fugitive already in custody elsewhere.

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%), and an additional 16% cleared when a detainer was lodged against a fugitive already in custody elsewhere. Similarly, most warrants

(93%) for State and local fugitives cleared with an arrest. By contrast, most non-felony warrants (81%) were dismissed by the court or returned unexecuted.

Warrants that cleared in 2003 typically cleared within one month of warrant initiation — the median time to warrant clearance was 22 days — and most (85%) cleared within one 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 one year (370 days) for Federal non-felony warrants.

The majority of warrants were cleared within one month of initiation

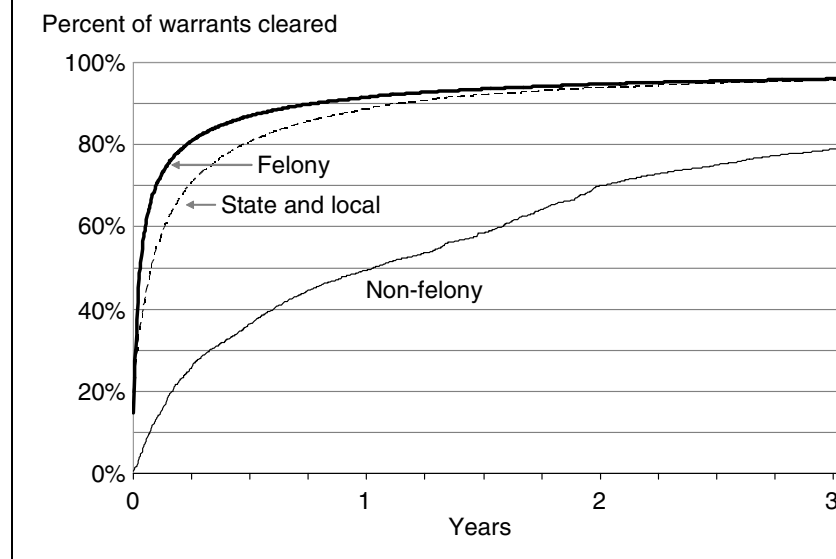


Figure 1.5. Time from warrant initiation to closing, by warrant type, October 1, 2002- September 30, 2003

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, 2002 - September 30, 2003

Most serious offense	Number	Percent ^a
All offenses^b	126,878	100%
Violent offenses	4,338	3.5%
Murder ^c	361	0.3
Negligent manslaughter	45	—
Assault	1,065	0.8
Robbery	2,243	1.8
Sexual abuse ^c	272	0.2
Kidnaping	133	0.1
Threatening communication	179	0.1
Other violent offenses	40	—
Property offenses	16,751	13.3%
Fraudulent	13,732	10.9%
Embezzlement	845	0.7
Fraud ^c	11,225	8.9
Forgery	358	0.3
Counterfeiting	1,304	1.0
Other	3,019	2.4%
Burglary	158	0.1
Larceny ^c	1,858	1.5
Motor vehicle theft	269	0.2
Arson and explosives	120	0.1
Transportation of stolen property	453	0.4
Other property offenses ^c	161	0.1
Drug offenses	33,066	26.3%
Public-order offenses	8,315	6.6%
Regulatory	420	0.3%
Antitrust	6	—
Food and drug	120	0.1
Civil rights	72	0.1
Other regulatory offenses	222	0.2
Other	7,895	6.3%
Tax law violations ^c	868	0.7
Bribery	175	0.1
Perjury, contempt, and intimidation	284	0.2
National defense	12	—
Escape	787	0.6
Racketeering and extortion	582	0.5
Gambling	145	0.1
Obscene material ^c	560	0.4
Child Support Recovery	276	0.2
Nonviolent sex offenses	643	0.5
Obstruction of justice	485	0.4
Traffic offenses	2,189	1.7
Conspiracy, aiding and abetting, and jurisdictional offenses	105	0.1
Wildlife	95	0.1
Environmental	126	0.1
All other offenses ^c	563	0.4
Weapon offenses	9,202	7.3%
Immigration offenses	27,347	21.8%
Supervision violations	22,039	17.5%
Material witness	4,592	3.7%

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 .05%.
^aPercentage distribution based on the suspects for whom the offense category could be determined.
^bIncludes 1,228 suspects for whom 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.

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, 2002 - September 30, 2003

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	126,878	4,338	13,732	3,019	33,066	420	7,895	9,202	27,347	22,039	4,592
Department of Agriculture	113	3	28	10	22	3	40	1	1	4	0
Department of Defense	534	30	48	44	46	0	341	12	0	7	1
Department of the Interior	887	109	13	54	84	51	376	54	2	100	1
Indian Affairs	194	73	4	20	16	8	8	8	0	56	1
Park Police	693	36	9	34	68	43	368	46	2	44	0
Department of Justice	89,239	3,286	6,109	1,209	20,799	148	3,947	3,382	26,668	18,390	4,499
Drug Enforcement Administration	12,303	30	35	4	11,909	14	81	113	13	20	20
Federal Bureau of Investigation	9,562	2,047	2,708	360	2,538	51	1,187	377	38	110	47
<i>Immigration and Naturalization Service^c</i>	31,556	49	991	4	317	1	140	135	25,589	72	4,237
Marshals Service	35,793	1,159	2,375	841	6,034	81	2,533	2,757	1,028	18,186	195
Other DOJ	25	1	0	0	1	1	6	0	0	2	0
Department of State	440	0	390	2	3	0	13	0	30	1	0
Department of the Treasury	15,274	155	2,314	194	7,037	9	753	4,419	191	66	38
<i>Bureau of Alcohol, Tobacco, and Firearms^c</i>	5,649	93	113	75	844	1	108	4,367	5	14	8
<i>Customs Service^c</i>	7,072	12	195	42	6,150	7	341	34	173	37	27
Internal Revenue Service	548	2	244	10	20	0	251	2	5	2	1
<i>Secret Service^c</i>	2,005	48	1,762	67	23	1	53	16	8	13	2
Federal judiciary	614	7	265	125	25	12	51	6	6	107	0
U.S. Postal Service	1,315	31	669	432	40	2	122	10	0	4	0
Other	18,462	717	3,896	949	5,010	195	2,252	1,318	449	3,360	53
Self-report, subpoena	8,303	154	2,925	549	1,101	87	1,140	438	27	1,781	3
State and local	5,956	415	152	193	2,590	8	400	720	44	1,354	6
Task force	734	1	12	1	675	1	18	12	0	9	0
Other	3,469	147	807	206	644	99	694	148	378	216	44

Notes: Arrests by the Department of Homeland Security (DHS) are not shown in this table. The Homeland Security Act of 2002 that established DHS and reorganized several Federal agencies took effect in March 2003, in the middle of the fiscal year, and agency data systems did not fully capture DHS arrests during this transitional period. Agencies that were reorganized by the Homeland Security Act are shown in italics. The Immigration and Naturalization Service, Customs Service, and Secret Service were moved to DHS, whereas the 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 1,228 suspects for whom an offense category could not be determined.

^cThe Immigration and Naturalization Service, Customs Service, and Secret Service were moved to DHS, whereas the 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, 2002 - September 30, 2003

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	126,878	100%	3.5%	10.9%	2.4%	26.3%	0.3%	6.3%	7.3%	21.8%	17.5%	3.7%
Male/female												
Male	109,131	86.0%	91.8%	69.7%	71.7%	85.3%	85.5%	85.1%	96.1%	93.0%	86.9%	79.6%
Female	17,736	14.0	8.2	30.3	28.3	14.7	14.5	14.9	3.9	7.0	13.1	20.4
Race												
White	88,676	70.5%	43.0%	63.3%	58.2%	68.1%	77.6%	73.0%	47.7%	96.5%	57.8%	93.9%
Black	32,507	25.8	40.2	31.6	34.4	29.4	9.6	21.3	50.0	2.5	37.8	2.6
Native American	2,305	1.8	15.0	0.8	3.9	0.8	11.8	3.1	1.1	0.2	3.3	0
Asian/Pacific Islander	2,291	1.8	1.9	4.4	3.4	1.7	1.0	2.5	1.2	0.8	1.1	3.5
Age												
Under 19 years	2,100	1.7%	4.0%	0.5%	3.0%	1.9%	0.5%	1.2%	1.1%	1.8%	0.5%	7.3%
19-20 years	6,463	5.1	9.0	2.6	6.6	6.1	4.8	4.4	5.7	5.3	2.5	12.1
21-30 years	50,372	39.7	37.7	28.4	31.9	43.9	25.2	29.7	44.9	45.2	35.3	48.6
31-40 years	38,366	30.3	27.4	30.4	28.0	29.1	24.5	26.7	28.1	32.7	33.7	22.5
Over 40 years	29,494	23.3	21.9	38.0	30.5	19.1	45.0	38.1	20.1	15.0	27.9	9.5
Citizenship												
U.S. citizen	73,045	61.9%	92.8%	79.7%	92.6%	70.4%	93.1%	90.6%	95.1%	6.4%	85.6%	2.5%
Not U.S. citizen	44,993	38.1	7.2	20.3	7.4	29.6	6.9	9.4	4.9	93.6	14.4	97.5

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, 2002 - September 30, 2003

Arrestee characteristic	Total arrested	Percent arrested	Drug type					Other or non-drug
			Cocaine powder	Crack cocaine	Marijuana	Methamphetamine	Opiates	
All arrestees*	26,850	100%	6,522	3,842	5,633	5,766	2,280	2,807
Male/female								
Male	22,616	84.2%	5,664	3,356	4,903	4,624	1,896	2,173
Female	4,234	15.8	858	486	730	1,142	384	634
Race								
White	18,558	70.0%	4,325	730	4,401	5,328	1,607	2,167
Black	7,285	27.5	2,016	3,050	1,022	142	603	452
Native American	137	0.5	21	12	44	42	3	15
Asian/Pacific Islander	518	2.0	39	20	80	186	33	160
Ethnicity								
Hispanic	10,862	43.0%	3,519	449	2,841	2,168	1,383	502
Non-Hispanic	14,370	57.0	2,682	3,066	2,508	3,222	785	2,107
Age								
Under 19 years	537	2.0%	96	89	177	99	36	40
19-20 years	1,512	5.7	307	241	385	306	119	154
21-30 years	11,732	43.9	2,835	1,996	2,367	2,347	925	1,262
31-40 years	7,837	29.3	2,071	986	1,578	1,787	658	757
Over 40 years	5,093	19.1	1,169	514	1,096	1,200	528	586
Citizenship								
U.S. citizen	19,882	76.8%	4,436	3,552	3,847	4,310	1,409	2,328
Not U.S. citizen	6,004	23.2	1,837	178	1,622	1,231	774	362

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, 2002 - September 30, 2003

Arrestee characteristic	Total arrested	Total armed	Percent armed	If armed, percent with ^a —		
				Handgun	Shotgun or rifle	Other weapon
All arrestees^b	26,850	1,279	4.8%	85.6%	20.6%	8.4%
Male/female						
Male	22,616	1,178	5.2%	85.7%	19.5%	8.3%
Female	4,234	101	2.4	84.2	32.7	9.9
Race						
White	18,558	783	4.2%	83.1%	25.0%	11.1%
Black	7,285	449	6.2	89.1	13.8	4.5
Native American	137	4	2.9	—	—	—
Asian/Pacific Islander	518	32	6.2	90.6	12.5	3.1
Ethnicity						
Hispanic	10,862	448	4.1%	89.3%	18.3%	5.4%
Non-Hispanic	14,370	752	5.2	83.9	22.7	9.3
Age						
Under 19 years	537	19	3.5%	84.2%	21.1%	5.3%
19-20 years	1,512	78	5.2	87.2	24.4	7.7
21-30 years	11,732	661	5.6	87.6	17.7	7.3
31-40 years	7,837	336	4.3	86.3	19.3	8.0
Over 40 years	5,093	174	3.4	75.9	32.2	14.9
Citizenship						
U.S. citizen	19,882	1,023	5.1%	86.0%	21.2%	8.7%
Not U.S. citizen	6,004	221	3.7	84.6	14.9	8.6

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

—Too few cases to obtain statistically reliable data.

^aPercentages 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, 2002 - September 30, 2003

	Number	Percent
All warrants initiated during FY 2003	120,131	100%
Federal	89,074	74.1%
Felony	74,213	61.8%
Escape	797	0.7
Bond violation	6,067	5.1
Parole violation	2,623	2.2
Probation violation	14,751	12.3
DEA related	11,944	9.9
Federal agency without arrest power	1,661	1.4
Other Federal agency with arrest power	34,825	29.0
Other	1,545	1.3
Non-felony	14,861	12.4%
Traffic	9,412	7.8
Misdemeanor	5,449	4.5
State and local	31,057	25.9%

Note: Analysis based on the cohort of all warrants initiated during FY 2003.
Source: U.S. Marshals Service Warrant Information Network, fiscal year.

Table 1.7. Warrants cleared, by warrant type, October 1, 2002 - September 30, 2003

	Number	Percent	Median days from initiation to clearance
All warrants cleared during FY 2003	122,900	100%	22 days
Federal	87,987	71.6%	20
Felony	69,736	56.7%	11
Escape	841	0.7	23
Bond violation	6,131	5.0	15
Parole violation	2,552	2.1	35
Probation violation	14,006	11.4	14
DEA related	11,463	9.3	7
Federal agency without arrest power	1,711	1.4	9
Other Federal agency with arrest power	31,658	25.8	8
Other	1,374	1.1	18
Non-felony	18,251	14.9%	370 days
Traffic	11,499	9.4	322
Misdemeanor	6,752	5.5	469
State and local	34,913	28.4%	28 days

Note: Analysis based on the cohort of all warrants initiated during FY 2003.
Source: U.S. Marshals Service Warrant Information Network, fiscal year.

Table 1.8. Time from warrant initiation to clearance, by warrant characteristics, October 1, 2002 - September 30, 2003

	All warrant types			Felony			Non-felony			State and local		
	Number	Percent	Median days	Number	Percent	Median days	Number	Percent	Median days	Number	Percent	Median days
All warrants cleared during FY 2003	122,900	100%	22 days	69,736	100%	11 days	18,251	100%	370 days	34,913	100%	28 days
By warrant execution type												
Warrants cleared by arrest	88,719	72.2%	12 days	53,088	76.1%	7 days	3,106	17.0%	56 days	32,525	93.2%	26 days
Alcohol, Tobacco, and Firearms	3,380	2.8	8	3,372	4.8	8	1	—*	—	7	—*	—
Drug Enforcement Administration	6,133	5.0	3	6,127	8.8	3	0	0	...	6	—*	—
Federal Bureau of Investigation	5,481	4.5	6	5,465	7.8	6	9	—*	—	7	—*	—
Immigration and Naturalization	4,121	3.4	2	4,118	5.9	2	0	0	...	3	—*	—
Self-surrender	5,968	4.9	20	3,743	5.4	12	1,786	9.8	54	439	1.3	33
Marshals Service	48,165	39.2	13	21,133	30.3	8	1,138	6.2	56	25,894	74.2	18
Other Federal	6,826	5.6	8	5,799	8.3	6	119	0.7	59	908	2.6	59
State/local	8,645	7.0	55	3,331	4.8	22	53	0.3	236	5,261	15.1	73
Warrants cleared by other means	34,165	27.8%	173 days	16,637	23.9%	48 days	15,145	83.0%	504 days	2,383	6.8%	173 days
Detainer	12,150	9.9	35	11,444	16.4	33	412	2.3	164	294	0.8	115
Dismissed	22,002	17.9	405	5,181	7.4	181	14,733	80.7	526	2,088	6.0	187
Other	13	—*	35	12	—*	29	0	0	...	1	—*	—
By offense												
Violent offenses	8,652	7.1%	19 days	2,976	4.3%	7 days	137	0.8%	440 days	5,539	15.9%	26 days
Property offenses	13,135	10.7%	16 days	8,308	12.0%	8 days	707	3.9%	571 days	4,120	11.8%	38 days
Fraudulent	8,336	6.8	11	6,919	10.0	8	54	0.3	305	1,363	3.9	61
Other	4,799	3.9	31	1,389	2.0	13	653	3.6	582	2,757	7.9	31
Drug offenses	28,738	23.5%	9 days	19,184	27.7%	7 days	421	2.3%	368 days	9,133	26.2%	14 days
Public-order offenses	22,931	18.7%	188 days	4,267	6.2%	21 days	15,210	83.3%	380 days	3,454	9.9%	32 days
Regulatory	926	0.8	546	64	0.1	2	829	4.5	572	33	0.1	34
Other	22,005	18.0	179	4,203	6.1	23	14,381	78.8	367	3,421	9.8	32
Weapon offenses	7,204	5.9%	14 days	6,339	9.1%	14 days	126	0.7%	477 days	739	2.1%	22 days
Immigration offenses	4,527	3.7%	2 days	4,488	6.5%	2 days	15	0.1%	11 days	24	0.1%	0 days
Supervision violations	36,810	30.0%	24 days	23,337	33.7%	16 days	1,593	8.7%	229 days	11,880	34.0%	37 days
Material witness	501	0.4%	7 days	447	0.6%	6 days	42	0.2%	1,190 days	12	—*	6 days

Notes: Analysis based on the cohort of all warrants cleared during FY 2003. 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, 2002 - September 30, 2003

	All warrant types		Felony		Non-felony		State and local	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All warrants cleared during FY 2003	122,900	100%	69,736	100%	18,251	100%	34,913	100%
On the same day	17,193	14.0%	10,166	14.6%	115	0.6%	6,912	19.8%
Within 1 week	25,759	21.0	21,244	30.5	460	2.5	4,055	11.6
Between 1 week and 1 month	24,789	20.2	16,131	23.1	1,604	8.8	7,054	20.2
Between 1 month and 1 year	36,215	29.5	16,333	23.4	6,876	37.7	13,006	37.3
Between 1 and 5 years	14,697	12.0	4,171	6.0	7,442	40.8	3,084	8.8
More than 5 years	4,246	3.5	1,691	2.4	1,754	9.6	801	2.3

Notes: Analysis based on the cohort of all warrants cleared during FY 2003. Table excludes 1 record that was 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 during October 1, 2002, through September 30, 2003, 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* because of changes in the data processing methodology. Prior *Compendia* (1998-2002) 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. The data presented in this *Compendium* reflect only the first booking associated with a given person-arrest.
- 3) Tables 1.4-1.5 were derived from the DEA Defendant Statistical System. Only records of arrests made during October 1, 2002, through September 30, 2003, 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, 2002, through September 30, 2003 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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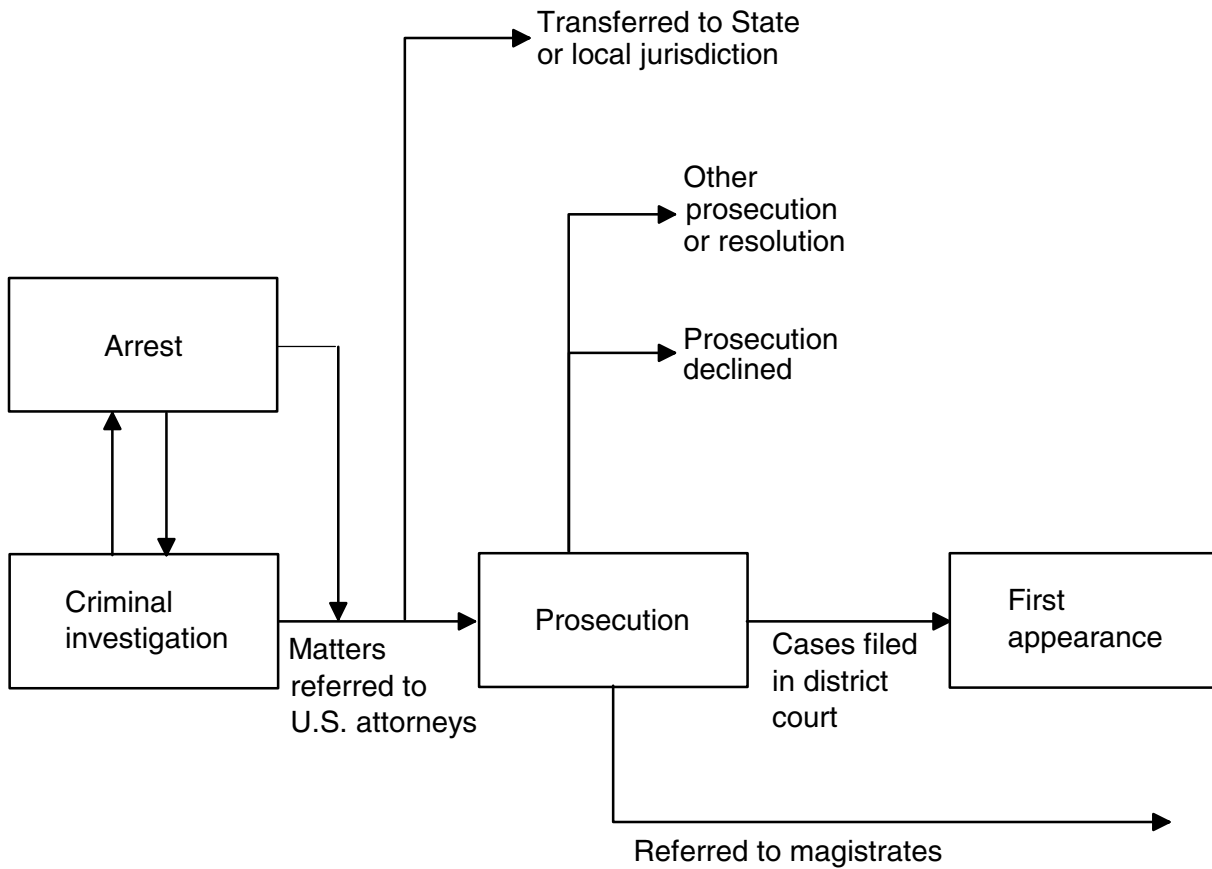
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Chapter 2

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 (primarily the Federal Bureau of Investigation; the Drug Enforcement Administration; the Immigration and Naturalization Service; the Customs Bureau; the Bureau of Alcohol, Tobacco, and Firearms; and the Secret Service) or 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.

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

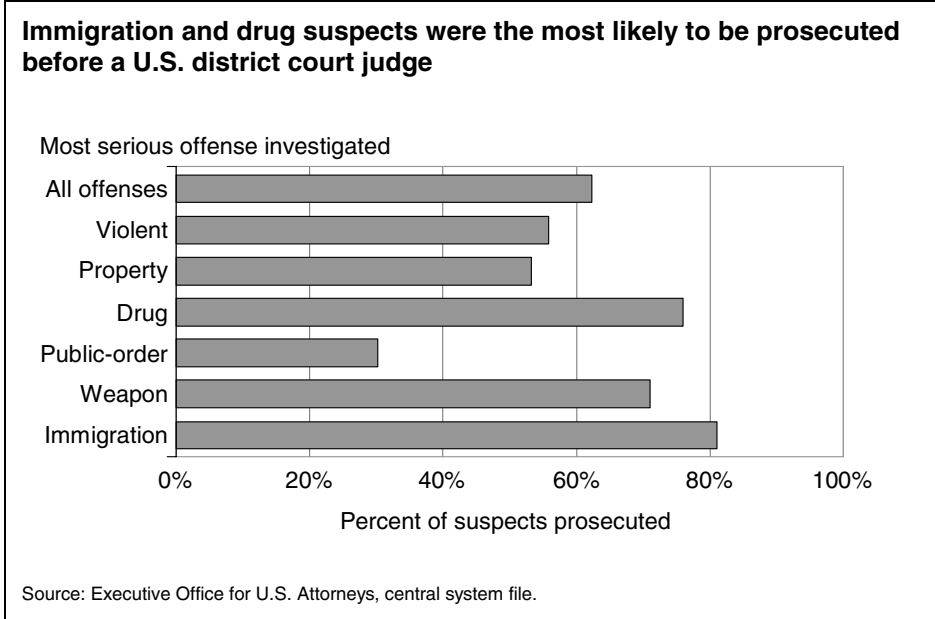


Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted in U.S. district court, by most serious offense investigated, October 1, 2002 - September 30, 2003

each type of offense, and the strength of evidence in each case.

During 2003, 62% of the suspects investigated by U.S. attorneys were prosecuted in U.S. district court, and U.S. magistrates handled an additional 12%. 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; 81% had charges filed against them in U.S. district court and an additional 13% had charges filed before a U.S. magistrate. The rate of prosecution was similar for drug offenses, with 76% of suspects having charges filed in district court and 6% having charges filed in magistrate court. About two-thirds of suspects in weapon and violent offense matters were prosecuted, with most (71% and 56%, respectively) being prosecuted in district court.

Public-order and property offenses were the least likely to be prosecuted. Thirty percent of public-order suspects were prosecuted in U.S. district court, and 32% were concluded by magistrates. Fifty-three percent of property

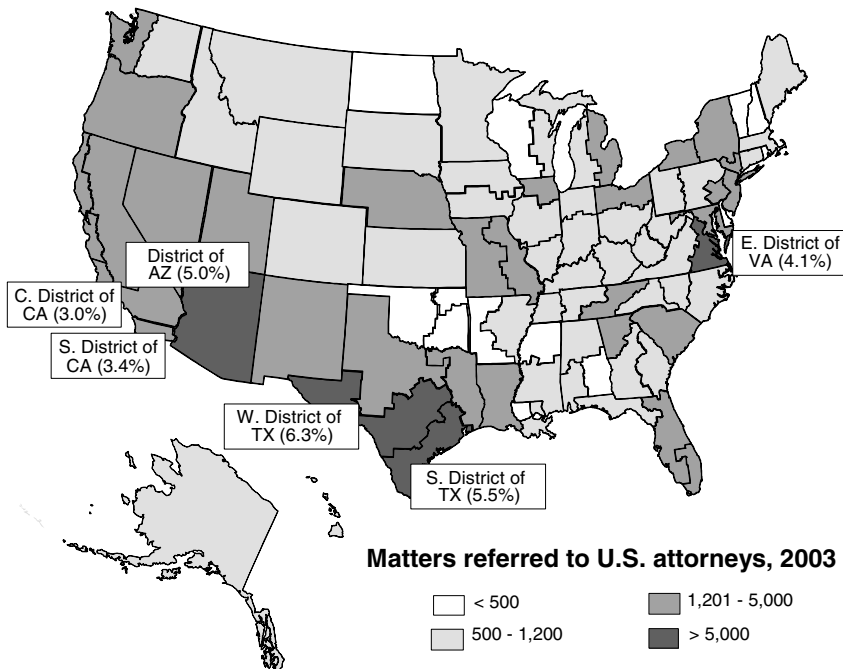
suspects were prosecuted in district court.

Suspects in matters received (table 2.1)

During 2003 there were 130,078 suspects in new matters received for investigation by U.S. attorneys. Of these suspects, nearly one-third (29%) were investigated for drug offenses; about one-fifth (21%) for property offenses; 18% for public-order offenses; 16% for immigration offenses; 11% for weapon offenses; and 4% for violent offenses. Investigating and prosecuting terrorism threats and related persons and enterprises was the highest priority for 2003, 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 2003 included corporate fraud and civil rights prosecution.¹

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

Six Federal judicial districts (Western and Southern Districts of Texas, Southern and Central Districts of California, District of Arizona, and Eastern District of Virginia) comprised 27% of all matters referred to U.S. attorneys in 2003



Note: Districts not shown on map include the District of Columbia (1,255), District of Guam (173), District of Northern Mariana (47), District of Puerto Rico (936), and District of Virgin Islands (334).
Source: Executive Office for U.S. Attorneys, central system file, fiscal year.

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

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 128,518 suspects in criminal matters concluded during 2003, 62% were prosecuted in U.S. district court, 12% were referred to U.S. magistrates, and 26% were declined for Federal prosecution.²

Suspects prosecuted in U.S. district court (table 2.2) — U.S. attorneys prosecuted 80,106 suspects in U.S. district courts during 2003. 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 most (81%) of the suspects involved in immigration offenses and most (76%) of the suspects involved in drug offenses; 71% of those in weapon offenses; 56% of those in violent offenses; 53% of those in property offenses; and 30% of those in public-order offenses.

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

offenses, 77% of robbery suspects were prosecuted, while 41% of murder suspects, 45% of assault suspects, 30% of kidnaping suspects, and approximately 38% of sexual abuse suspects were prosecuted in U.S. district courts. Among suspects investigated for property offenses, those in counterfeiting matters had the highest rate of prosecution (65%), while those investigated for arson and explosives had the lowest rate of prosecution (42%). Among suspects investigated for public-order offenses, those in antitrust (77%), tax law (66%), and gambling matters (61%) were much more likely to be prosecuted than suspects in civil rights (8%) and conspiracy (9%) matters.

Suspects in matters concluded by U.S. magistrates (table 2.2) — During 2003, U.S. attorneys referred 12% of all the criminal matters they investigated to U.S. magistrates. Cases concluded by U.S. magistrates are, by statute, misdemeanors.³ Public-order offenses comprised 48% of all matters concluded by U.S. magistrates; most of these were conspiracy, aiding and abetting, and jurisdictional offenses (27%) and escape violations (7%). Immigration (18%), drug (16%) and property offenses (13%) were also common. Violent and weapon offenses comprised the smallest portion of the matters disposed by magistrates (2% each).

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 (97%); conspiracy, aiding and abetting and jurisdictional offenses (86%); other property violations (74%); and wildlife offenses (67%).

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.

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.

Suspects in matters concluded and declined, by investigating agency (table 2.3)

— During 2003, 55% of suspects in matters concluded were investigated by components of the Department of Justice; the Treasury Department investigated 20% of suspects in matters concluded. In addition, independent Federal agencies and State/local agencies investigated 10% of suspects in matters concluded.

Among the investigating agencies, the National Park Service (4%), the Immigration and Naturalization Service (6%), and the U.S. Army (8%) had among the lowest declination rates, while the Railroad Retirement Board (75%), the Environmental Protection Agency (65%), and Bureau of Indian Affairs (59%) were among those with the highest declination rates. The declination rate for matters investigated by components of the Department of Justice (26%) was about the same as the overall declination rate.

Suspects in matters declined for Federal prosecution (tables 2.2, 2.4-2.5) — Twenty-six percent of the matters concluded by U.S. attorneys in 2003 were declined for Federal prosecution (table 2.2). Suspects in property (40%) and violent matters were the most likely to have their matters declined (39%). Thirty-eight percent of matters involving public-order offenses were also declined, as were 27% of weapon and 18% of drug matters. Matters involving an immigration offense were the least likely to be declined (6%).

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 33,602 declinations during 2003, 26% occurred because of case-related reasons, mostly due to weak evidence (22%); 22% occurred because there was no crime or criminal intent was lacking; and 24% occurred for other reasons, such as agency requests (9%) 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 30% of the drug, 22% of property offense, 20% of public-order, 16% of violent, and 12% 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 27% of persons involved in counterfeiting, compared to 21% of suspects in fraud cases. Within public-order offenses, 57% of escape suspects were referred to other authorities or had their case settled through alternative procedures, compared to 7% of suspects in civil rights cases.

Processing times (table 2.6) — For matters concluded during 2003, 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 8.8 months (a median of 1.7 months). 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 20 months, though one-half of declinations occurred within 14 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

3.3 months to conclude, with one-half of cases concluding within 1.8 months. Matters that did not result in a conviction took longer to conclude—an average of 16 months, with one-half concluding within 2.9 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 3.5 months and a median time of less than 1 month. Matters involving weapon, drug, and violent offenses took longer to process (ranging from 5.1 to 7.4 months, on average, and median times from 0.9 to 2.1 months), while public-order and property offense matters took the longest to conclude, with average times of 13.1 and 14.5 months, and median times of 4.4 and 7.1 months, respectively.



Table 2.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 2002 - September 30, 2003

Most serious offense investigated ^a	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent ^b
All offenses^c	130,078	100%
Violent offenses	5,688	4.4%
Murder ^d	690	0.5
Assault	1,416	1.1
Robbery	2,468	1.9
Sexual abuse ^d	704	0.5
Kidnaping	226	0.2
Threats against the President	184	0.1
Property offenses	27,375	21.3%
Fraudulent	24,261	18.9%
Embezzlement	3,550	2.8
Fraud ^d	18,729	14.6
Forgery	1,281	1.0
Counterfeiting	701	0.5
Other	3,114	2.4%
Burglary	25	—
Larceny ^d	1,398	1.1
Motor vehicle theft	357	0.3
Arson and explosives	646	0.5
Transportation of stolen property	68	0.1
Other property offenses ^d	620	0.5
Drug offenses	37,416	29.1%
Public-order offenses	23,717	18.4%
Regulatory	5,366	4.2%
Agriculture	13	—
Antitrust	39	—
Food and drug	193	0.2
Transportation	85	0.1
Civil rights	1,275	1.0
Communications	90	0.1
Custom laws	244	0.2
Postal laws	164	0.1
Other regulatory offenses	3,263	2.5
Other	18,351	14.3%
Tax law violations ^d	959	0.7
Bribery	253	0.2
Perjury, contempt, and intimidation	536	0.4
National defense	1,198	0.9
Escape	2,340	1.8
Racketeering and extortion	3,248	2.5
Gambling	150	0.1
Liquor offenses	45	—
Nonviolent sex offenses	2,402	1.9
Obscene material ^d	46	—
Traffic offenses	105	0.1
Wildlife	859	0.7
Environmental	18	—
Conspiracy, aiding and abetting, and jurisdictional offenses	4,821	3.8
All other offenses ^d	1,371	1.1
Weapon offenses	14,022	10.9%
Immigration offenses	20,341	15.8%

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. 109.

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

^cIncludes 1,519 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, central system file.

Table 2.2. Disposition of suspects in matters concluded, by offense, October 1, 2002 - September 30, 2003

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	128,518	80,106	14,810	33,602	100%	62.3%	11.5%	26.1%
Violent offenses	5,765	3,218	316	2,231	100%	55.8%	5.5%	38.7%
Murder ^d	722	297	57	368	100	41.1	7.9	51.0
Assault	1,354	603	160	591	100	44.5	11.8	43.6
Robbery	2,482	1,903	69	510	100	76.7	2.8	20.5
Sexual abuse ^d	788	301	12	475	100	38.2	1.5	60.3
Kidnaping	224	67	15	142	100	29.9	6.7	63.4
Threats against the President	195	47	3	145	100	24.1	1.5	74.4
Property offenses	28,270	15,046	1,917	11,307	100%	53.2%	6.8%	40.0%
Fraudulent	25,020	13,525	1,299	10,196	100%	54.1%	5.2%	40.8%
Embezzlement	3,395	1,691	401	1,303	100	49.8	11.8	38.4
Fraud ^d	19,620	10,577	826	8,217	100	53.9	4.2	41.9
Forgery	1,304	802	60	442	100	61.5	4.6	33.9
Counterfeiting	701	455	12	234	100	64.9	1.7	33.4
Other	3,250	1,521	618	1,111	100%	46.8%	19.0%	34.2%
Burglary	45	25	1	19	100	55.6	2.2	42.2
Larceny ^d	1,469	864	124	481	100	58.8	8.4	32.7
Motor vehicle theft	389	225	10	154	100	57.8	2.6	39.6
Arson and explosives	664	277	16	371	100	41.7	2.4	55.9
Transportation of stolen property	63	32	9	22	100	50.8	14.3	34.9
Other property offenses ^d	620	98	458	64	100	15.8	73.9	10.3
Drug offenses	38,537	29,259	2,426	6,852	100%	75.9%	6.3%	17.8%
Public-order offenses	22,023	6,640	7,077	8,306	100%	30.2%	32.1%	37.7%
Regulatory	4,902	1,305	781	2,816	100%	26.6%	15.9%	57.4%
Agriculture	14	2	3	9	100	14.3	21.4	64.3
Antitrust	13	10	0	3	100	76.9	0	23.1
Food and drug	183	95	13	75	100	51.9	7.1	41.0
Transportation	109	43	11	55	100	39.4	10.1	50.5
Civil rights	1,275	107	1	1,167	100	8.4	0.1	91.5
Communications	64	20	3	41	100	31.3	4.7	64.1
Custom laws	248	114	25	109	100	46.0	10.1	44.0
Postal laws	164	77	47	40	100	47.0	28.7	24.4
Other regulatory offenses	2,832	837	678	1,317	100	29.6	23.9	46.5
Other	17,121	5,335	6,296	5,490	100%	31.2%	36.8%	32.1%
Tax law violations ^d	778	513	9	256	100	65.9	1.2	32.9
Bribery	281	109	4	168	100	38.8	1.4	59.8
Perjury, contempt, and intimidation	525	241	28	256	100	45.9	5.3	48.8
National defense	695	202	198	295	100	29.1	28.5	42.4
Escape	2,352	698	1,089	565	100	29.7	46.3	24.0
Racketeering and extortion	3,327	1,413	90	1,824	100	42.5	2.7	54.8
Gambling	209	127	1	81	100	60.8	0.5	38.8
Liquor offenses	42	14	26	2	100	33.3	61.9	4.8
Nonviolent sex offenses	1,916	1,026	17	873	100	53.5	0.9	45.6
Obscene material ^d	37	23	0	14	100	62.2	0	37.8
Traffic	110	1	107	2	100	0.9	97.3	1.8
Wildlife	833	155	554	124	100	18.6	66.5	14.9
Environmental	15	3	2	10	100	20.0	13.3	66.7
Conspiracy, aiding and abetting, and jurisdictional offenses	4,705	424	4,062	219	100	9.0	86.3	4.7
All other offenses ^d	1,296	386	109	801	100	29.8	8.4	61.8
Weapon offenses	12,954	9,202	214	3,538	100%	71.0%	1.7%	27.3%
Immigration offenses	20,378	16,529	2,712	1,137	100%	81.1%	13.3%	5.6%

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. 109.

^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 591 suspects for whom an offense category could not be determined. These include 212 prosecuted in U.S. district court, 148 disposed by U.S. magistrates, and 231 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, central system file

Table 2.3. Suspects in matters concluded and declined, by investigating agency, October 1, 2002 - September 30, 2003

Department/Agency	Suspects in criminal matters concluded		
	Number concluded	Number Declined	Percent
All agencies*	128,518	33,602	26.1%
Agriculture	895	227	25.4%
Forest Service	607	94	15.5
All other Agriculture	288	133	46.2
Commerce	55	32	58.2%
Defense	4,564	562	12.3%
Army	1,879	149	7.9
Air Force	525	111	21.1
Navy	944	115	12.2
Office of the Inspector General	137	58	42.3
All other Defense	1,079	129	12.0
Education	101	44	43.6%
Energy	18	11	61.1%
Federal/State task forces	5,466	1,344	24.6%
Health and Human Services	1,242	682	54.9%
Food and Drug Administration	253	120	47.4
Office of the Inspector General	382	187	49.0
All other HHS	607	375	61.8
Housing and Urban Development	312	113	36.2%
Interior	4,155	684	16.5%
National Park Service	2,348	95	4.0
Fish and Wildlife Service	914	131	14.3
Bureau of Indian Affairs	657	386	58.8
Land Management Bureau	112	26	23.2
All other Interior	124	46	37.1
Justice	70,359	18,468	26.2%
Federal Bureau of Investigation	27,431	12,417	45.3
Drug Enforcement Administration	18,417	3,512	19.1
Immigration and Naturalization Service	21,891	1,278	5.8
U.S. Marshals Service	1,522	740	48.6
Bureau of Prisons	87	31	35.6
All other Justice	1,011	490	48.5
Labor	375	163	43.5%
State Department	1,332	273	20.5%
Transportation	305	130	42.6%
Coast Guard	42	12	28.6
Federal Aviation Administration	24	16	66.7
All other Transportation	239	102	42.7
Treasury	26,328	6,472	24.6%
Customs Bureau	8,396	978	11.6
Bureau of Alcohol, Tobacco and Firearms	11,507	3,170	27.5
Secret Service Bureau	4,078	1,317	32.3
Internal Revenue Service	2,040	861	42.2
All other Treasury	307	146	47.6
Other	12,994	4,387	33.8%
Independent Federal agencies	12,452	4,222	33.9%
U.S. Postal Service	4,272	1,433	33.5
Environmental Protection Agency	322	209	64.9
Social Security Administration	1,097	337	30.7
U.S. Courts	405	233	57.5
Veterans Administration	424	126	29.7
Small Business Administration	33	21	63.6
Railroad Retirement Board	118	88	74.6
Central Intelligence Agency	61	5	8.2
Other independent Federal agencies	5,720	1,770	30.9
State/local agencies	542	165	30.4%

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

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

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

Table 2.4. Basis for declination of prosecution by U.S. attorneys, October 1, 2002 - September 30, 2003

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent ^a
Total declinations^b	33,602	100%
No crime	7,086	21.6%
No true bill returned	50	0.2
No Federal offense	1,494	4.6
Lack of criminal intent	5,542	16.9
Referred or handled in other prosecution	6,795	20.7%
Removed	1,533	4.7
Prosecuted on other charges	1,274	3.9
Prosecuted by other authorities	3,988	12.2
Alternative resolution	1,147	3.5%
Restitution	106	0.3
Civil or administrative alternative	514	1.6
Pretrial diversion	527	1.6
Suspect-related reasons	1,424	4.3%
Suspect serving sentence	595	1.8
No known suspect	448	1.4
Suspect a fugitive	102	0.3
Suspect deceased	221	0.7
Suspect deported	58	0.2
Case-related reasons	8,373	25.5%
Stale case	497	1.5
Weak evidence	7,042	21.5
Statute of limitations exceeded	228	0.7
Jurisdiction or venue problems	261	0.8
Witness problems	345	1.1
All other reasons	7,951	24.3%
Minimal Federal interest	1,174	3.6
Petite policy	232	0.7
Lack of resources ^c	1,884	5.7
DOJ policy	412	1.3
U.S. attorney policy	874	2.7
Agency request	2,985	9.1
Juvenile suspect	80	0.2
Offender's health, age, prior record, or other personal circumstances	112	0.3
Suspect's cooperation	198	0.6

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

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

^bIncludes 826 suspects for whom basis for declination could not be determined; *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, central system file.

Table 2.5. Disposition of matters declined for prosecution by U.S. attorneys, by offense, October 1, 2002 - September 30, 2003

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	33,602	6,795	1,147	24,834	100%	20.7%	3.5%	75.8%
Violent offenses	2,231	341	16	1,819	100%	15.7%	0.7%	83.6%
Murder ^e	368	41	1	297	100	12.1	0.3	87.6
Assault	591	66	11	509	100	11.3	1.9	86.9
Robbery	510	153	3	336	100	31.1	0.6	68.3
Sexual abuse ^e	475	27	1	447	100	5.7	0.2	94.1
Kidnaping	142	43	0	96	100	30.9	0	69.1
Threats against the President	145	11	0	134	100	7.6	0	92.4
Property offenses	11,307	1,704	715	8,770	100%	15.2%	6.4%	78.4%
Fraudulent	10,196	1,498	675	7,914	100%	14.9%	6.7%	78.5%
Embezzlement	1,303	74	214	1,004	100	5.7	16.6	77.7
Fraud ^e	8,217	1,274	414	6,437	100	15.7	5.1	79.2
Forgery	442	91	44	302	100	20.8	10.1	69.1
Counterfeiting	234	59	3	171	100	25.3	1.3	73.4
Other	1,111	206	40	856	100%	18.7%	3.6%	77.7%
Burglary	19	3	0	16	100	15.8	0	84.2
Larceny ^e	481	86	20	375	100	17.9	4.2	78.0
Motor vehicle theft	154	48	2	103	100	31.4	1.3	67.3
Arson and explosives	371	52	10	307	100	14.1	2.7	83.2
Transportation of stolen property	22	4	0	18	100	18.2	0	81.8
Other property offenses ^e	64	13	8	37	100	22.4	13.8	63.8
Drug offenses	6,852	1,960	31	4,661	100%	29.5%	0.5%	70.1%
Public-order offenses	8,306	1,538	317	6,068	100%	19.4%	4.0%	76.6%
Regulatory	2,816	269	143	2,311	100%	9.9%	5.3%	84.9%
Agriculture	9	0	0	9	—	—	—	—
Antitrust	3	0	0	3	—	—	—	—
Food and drug	75	4	8	60	100	5.6	11.1	83.3
Transportation	55	9	5	41	100	16.4	9.1	74.5
Civil rights	1,167	58	17	1,091	100	5.0	1.5	93.6
Communications	41	5	0	36	100	12.2	0	87.8
Custom laws	109	17	20	72	100	15.6	18.3	66.1
Postal laws	40	3	8	29	100	7.5	20.0	72.5
Other regulatory offenses	1,317	173	85	970	100	14.1	6.9	79.0
Other	5,490	1,269	174	3,757	100%	24.4%	3.3%	72.3%
Tax law violations ^e	256	49	8	197	100	19.3	3.1	77.6
Bribery	168	12	9	146	100	7.2	5.4	87.4
Perjury, contempt, and intimidation	256	22	9	219	100	8.8	3.6	87.6
National defense	295	32	33	217	100	11.3	11.7	77.0
Escape	565	305	5	238	100	55.7	0.9	43.4
Racketeering and extortion	1,824	235	31	1,532	100	13.1	1.7	85.2
Gambling	81	13	6	62	100	16.0	7.4	76.5
Liquor offenses	2	0	0	2	—	—	—	—
Nonviolent sex offenses	873	187	14	661	100	21.7	1.6	76.7
Obscene material ^e	14	2	0	12	100	14.3	0	85.7
Traffic	2	0	0	2	—	—	—	—
Wildlife	124	30	10	80	100	25.0	8.3	66.7
Environmental	10	1	0	9	—	—	—	—
Conspiracy, aiding and abetting, and jurisdictional offenses	219	33	21	142	100	16.8	10.7	72.4
All other offenses ^e	801	348	28	238	100	56.7	4.6	38.8
Weapon offenses	3,538	1,102	27	2,375	100%	31.4%	0.8%	67.8%
Immigration offenses	1,137	116	14	980	100%	10.5%	1.3%	88.3%

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. 109.

^bIncludes 826 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 231 suspects for whom an offense category could not be determined. These include 34 referred or handled in other prosecution; 27 resolved with restitution

civil/administrative procedure, or pretrial diversion; and 161 settled through another method. See *Chapter notes*, item 4, p. 37.

^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.

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

Table 2.6. Mean and median processing times from receipt to filing or declination, by offense, October 1, 2002 - September 30, 2003

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	8.8 mo	9.3 mo	3.3 mo	16.1 mo	8.8 mo	4.0 mo	20.1 mo
Violent offenses	7.4	9.5	4.9	11.9	7.3	3.0	13.4
Property offenses	14.5	14.9	6.2	20.6	14.5	8.1	23.1
Fraudulent offenses ^d	15.0	17.9	7.6	22.2	14.9	8.3	23.5
Other offenses ^e	10.8	8.7	4.8	14.8	11.3	5.6	19.2
Drug offenses	6.5	9.0	3.1	12.6	6.4	3.1	20.3
Public-order offenses	13.1	10.3	3.7	19.6	14.4	8.5	19.2
Regulatory offenses	15.3	9.1	4.7	17.4	16.4	10.1	19.4
Other offenses	12.5	10.5	3.5	19.8	13.7	8.1	19.0
Weapon offenses	5.1	6.3	11.5	5.9	5.0	2.7	11.0
Immigration offenses	3.5	3.4	1.3	7.8	3.5	1.1	39.7
Median							
All offenses^c	1.7 mo	2.1 mo	1.8 mo	2.9 mo	1.6 mo	0.9 mo	13.7 mo
Violent offenses	2.1	3.8	3.7	4.2	2.0	0.8	8.8
Property offenses	7.1	4.8	4.0	6.6	7.4	2.6	17.9
Fraudulent offenses ^d	7.7	6.0	5.2	7.2	7.8	2.7	18.4
Other offenses ^e	4.3	3.9	3.6	5.1	4.6	1.4	13.0
Drug offenses	0.9	2.2	2.4	1.5	0.9	0.7	15.0
Public-order offenses	4.4	2.6	2.2	4.3	6.8	2.1	12.2
Regulatory offenses	8.3	3.4	2.6	6.7	10.1	2.4	13.8
Other offenses	3.6	2.6	2.2	4.1	5.5	2.0	11.5
Weapon offenses	1.6	2.0	11.6	1.9	1.6	1.0	5.8
Immigration offenses	0.7	0.5	0.5	0.8	0.7	0.7	43.9
Number of suspects^f	128,516	14,810	7,829	6,981	113,706	80,104	33,602
With unknown or indeterminable offense or processing time	591	148	97	51	443	212	231

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. 109.
^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, central system file.

Chapter notes

1) Tables 2.1-2.6 were created from the Central System data files of the EOUSA. For table 2.1, only records which showed a matter received during 2003 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, 2002, through September 30, 2003, 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 Central 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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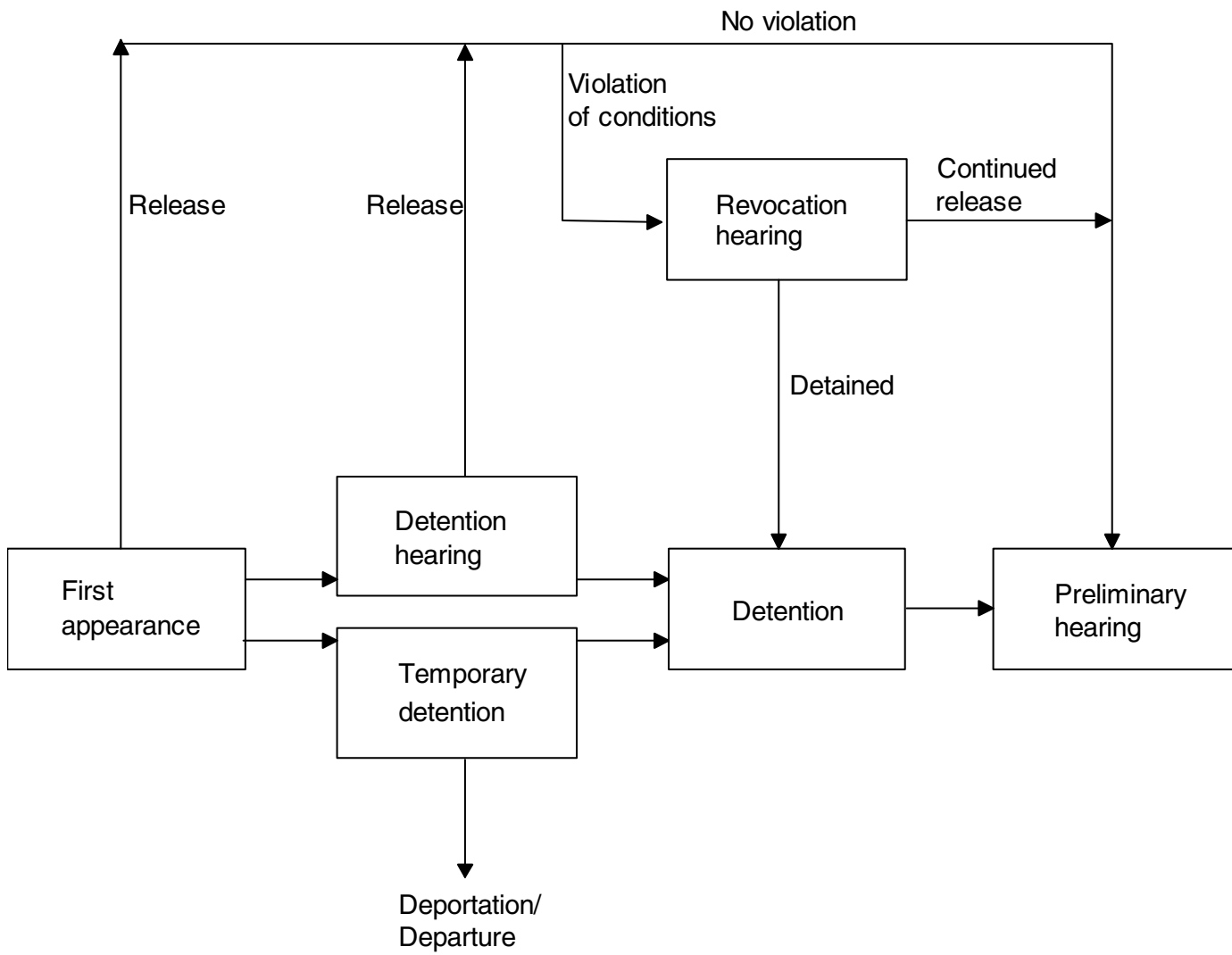
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Chapter 3

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 recognizance 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. Non-financial 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, the weight of evidence against the defendant, the 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, and 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 case may be continued, dismissed, or transferred.

Of the 83,419 defendants whose cases commenced in 2003, 35% (or 29,177) were released after either an initial hearing or a detention hearing, and 64% of defendants were detained (table 3.1).

Of the 76,305 defendants who terminated pretrial services during 2003, 41% (31,613) were released for some period of time prior to trial (table 3.2). Of those released defendants, 80% completed pretrial services without violating the conditions of their release (tables 3.8 and 3.9).

In 2003, 76% (57,856) 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, 55% were ordered detained by the court until case disposition.

Pretrial detention hearings were held for 42,564 defendants. Of these, 31,766, or 75%, were ordered detained (table 3.6).

Of the 31,613 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 rates (1%). Eight

*18 U.S.C. § 3142(e) (1984)

percent of all released defendants had their release revoked.

Those charged with violent offenses were detained longer on average (115 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 (110 days)

Outcomes for pretrial cases commenced

Releases and detentions after the first 2 hearings (table 3.1) — Of the 83,419 cases commenced in 2003, 35% were released after either an initial hearing or a detention hearing, 64% were detained, and less than 1% were dismissed (table 3.1). Seventy-seven percent of defendants receiving pretrial release were released after an initial hearing; 72% of detained defendants were detained after a detention hearing. After these two hearings, less than 1% of incoming defendants (295) were awaiting a release decision (not shown in a table).

Of those charged with property offenses, 70% were released, as were 64% of those charged with public-order offenses, 34% of weapon offense defendants, 30% of drug offense defendants, and 29% of violent offense defendants. Only 6% of those charged with immigration offenses were released after these two hearings.

Outcomes for pretrial cases terminated

Releases (table 3.2) — Of cases terminated in 2003, 41% were released. The percent released varied greatly across and within offense categories. Seventy-six percent of property offenders were released, compared with only 8% of immigration offenders (figure 3.1). Among violent offenders, 21% of those charged with robbery were released compared to 60% of those charged with sexual abuse and 61% of those charged with assault. Among public-order defendants, 57% of those charged with a racketeering

Of cases terminated, defendants charged with property or public-order offenses were more likely than others to be released prior to trial

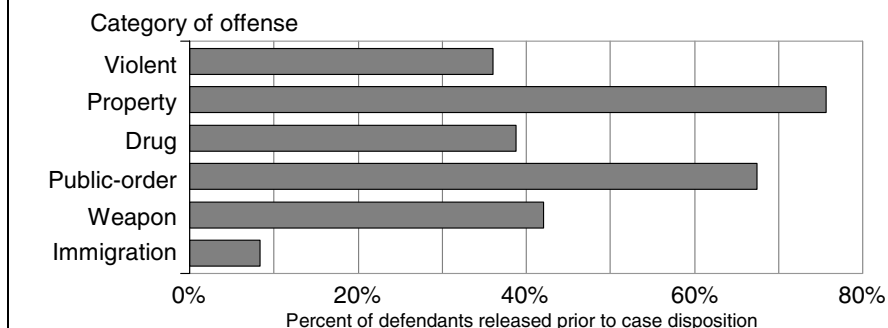


Figure 3.1. Percent of defendants released prior to case disposition, by offense category, October 1, 2002 - September 30, 2003

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 56%).

How defendants were released prior to trial varied among offense categories (table 3.2). Within each major offense category except for violent offenses, the highest percentage of defendants released was through unsecured bond. Thirty-six percent of violent defendants were released of whom 36% were released on unsecured bond and 48% on personal recognizance — compared to 76% of all property defendants released, of whom 54% were released on unsecured bond and 32% on personal recognizance.

Detentions (tables 3.4 and 3.6) — Among the major offense categories, defendants charged with immigration, drug, or violent offenses were the most likely (98, 85% and 81% respectively) to be detained for some period of time (table 3.4). However, violent defendants were more likely than immigration or drug defendants to be detained by the court (64% versus

56% and 57%). Of those charged with weapons offenses, 78% were detained, with 60% being detained by the court. Public-order and property defendants were less likely to be detained than were other defendants. During 2003, 47% of public-order defendants were detained, with 48% of these detained by the court. Forty-three percent of defendants charged with property offenses were detained, with 42% of these detained by the court.

Fifty-six percent of all defendants had a detention hearing. This rate varied by offense category: 70% of defendants charged with violent offenses, 68% of drug defendants, 60% of immigration defendants, 63% of weapons defendants, 35% of those charged with public-order offenses, and 31% of those charged with property offenses were ordered to have a detention hearing (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 (90%). Of the 70% of defendants charged with violent offenses and given a pretrial detention hearing, 75% were ordered detained. In 2003, 74% of those charged with weapon offenses, 71% of drug offenses, 66% of public-order offenses,

and 58% of property offenses were ordered detained following a pretrial hearing.

Violations (tables 3.8 and 3.9) — Of released defendants terminating pretrial services during 2003, those charged with weapon or drug offenses were more likely than other defendants (32% and 30% 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 (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 (14% of all released weapon defendants, and 11% of violent or drug defendants compared with 8% overall). Four percent of released property defendants and 9% of released immigration defendants were revoked.

Of the 31,613 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 (1%). This group was also the least likely to have a release revocation. Only 0.3% of defendants on conditional release who committed a violation were revoked.

Pretrial outcomes across demographic groups

Releases (table 3.3) — Females were more likely (70%) than males (36%) to be released during 2003 (figure 3.3). Males were more likely to have a financial condition imposed on them than females (21% versus 14%). Sixty percent of all defendants identified as non-Hispanic were released during 2003 compared to 19% of Hispanics. Non-Hispanic releasees were twice as likely as Hispanics to be released on personal recognizance. Sixty-one percent of Native Americans and 55% of Asian defendants were released compared with 48% of black defendants and 38% of white defendants.

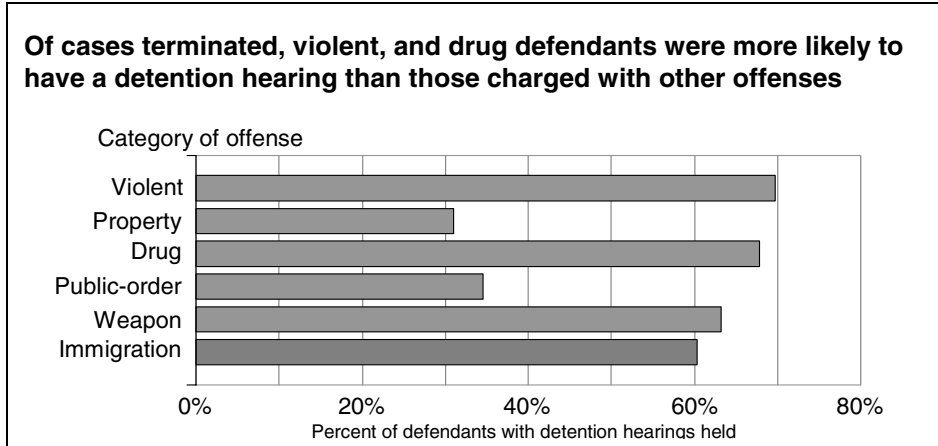


Figure 3.2. Detention hearings held, by offense category, October 1, 2002 - September 30, 2003

The higher the education level of the defendant, the greater the probability of release. Thirty-five percent of defendants with less than a high school education were released in 2003, while 77% of those who had completed college were released. Releasees with a college degree, when compared to those with less education, were less likely to receive financial conditions (19% versus 25%).

Defendants with a history of drug abuse were released less frequently than those defendants with no known drug history (48% versus 56%). 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 (80% versus 53%) than females to be detained (table 3.5). Of all detainees, 77% of the men and 58% of the women were detained following a detention hearing (table 3.7). Hispanics had a substantially higher probability of being detained (94%) compared with

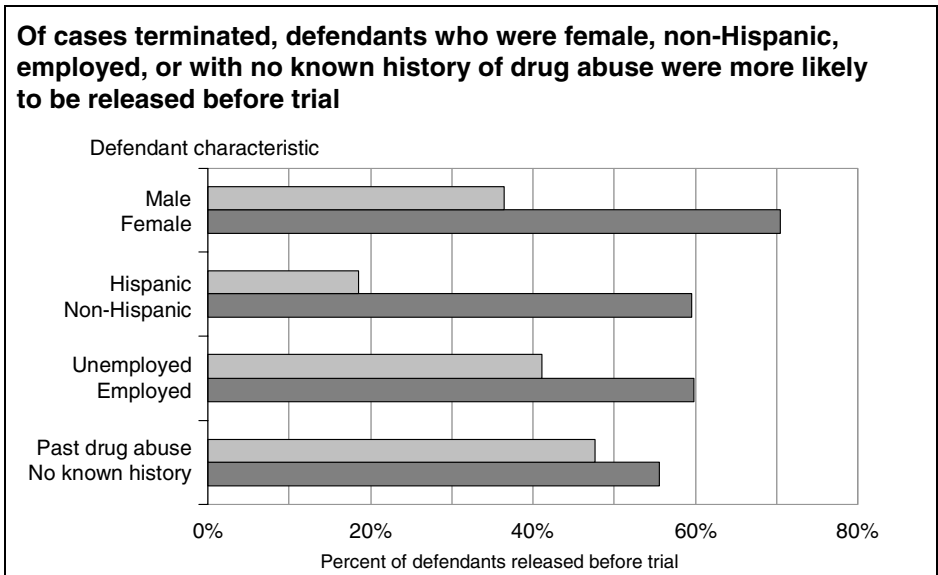


Figure 3.3. Pretrial release rates, by defendant characteristics, October 1, 2002 - September 30, 2003

non-Hispanics (62%). Almost all of those charged with an immigration offense (98%) — of which non-citizen Hispanics comprise the majority — were detained (table 3.4).

Younger defendants were more likely than older ones to be detained. Seventy-nine percent of defendants between ages 16 and 18 and 77% of defendants ages 19-20 were detained, compared to 63% of those over 40. However, among all defendants detained, the chances of being detained following a detention hearing were similar across all age groups (table 3.7).

Not only were male defendants more likely than female defendants to have a detention hearing (59% versus 38%), they were also more likely (77% versus 58%) to be ordered detained as a result of the hearing (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 17%) and more likely to have their release revoked. Native Americans were more likely to incur at least one violation than blacks, whites, or Asians (30% versus 24% for blacks, 18% for whites, and 13% for Asians). Native American defendants also were more likely to have their release revoked (17% versus 8% for blacks, 7% for whites, and 4% for Asians).

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

Defendants with no prior criminal history were 2 times less likely to have a

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

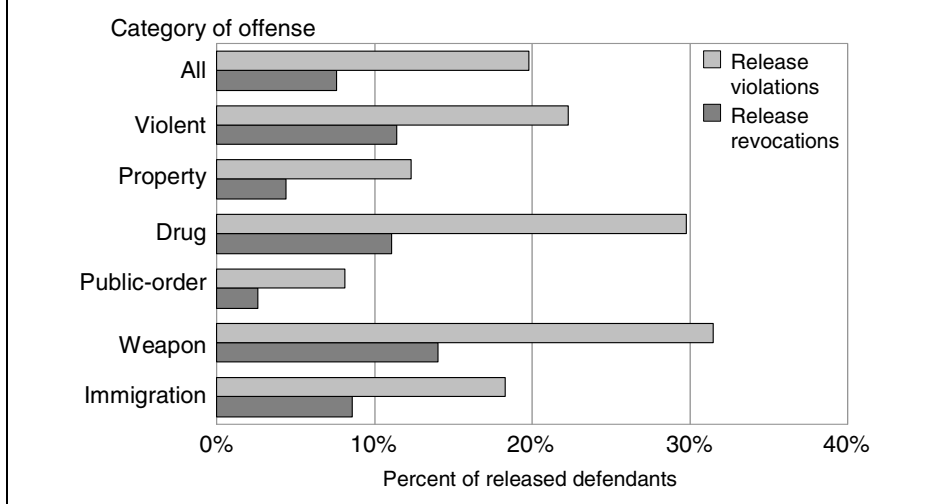


Figure 3.4. Pretrial release violation and revocation rates, for cases that terminated during October 1, 2002 - September 30, 2003, by offense category

pretrial release violation than those with a prior conviction. Released defendants with a known drug history were almost 3 times more likely to incur a violation than those with no known drug history and 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 115 days) compared to drug (88 days), weapon (81 days), immigration (60 days), public-order (55 days), or property (45 days), defendants (not shown in a table).

Of defendants released, those released conditionally spent the greatest average number of days detained (81 days) compared to those released on personal recognizance (39 days), unsecured bond (36 days), or financial conditions (26 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 (110 days compared with 70 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, 2002 - September 30, 2003

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	83,419	35.0%	22,377	15,226	260	45,556	6,800	38,417
Violent offenses	3,423	29.1%	674	413	13	2,323	321	1,983
Murder ^c	246	20.3	33	24	1	188	17	169
Negligent manslaughter	9	—	4	0	0	5	1	4
Assault	885	53.3	372	55	10	448	100	343
Robbery	1,777	14.7	154	279	2	1,342	107	1,227
Sexual abuse ^c	378	50.3	101	31	0	246	89	156
Kidnaping	75	13.3	4	11	0	60	6	51
Threats against the President	53	13.2	6	13	0	34	1	33
Property offenses	14,518	70.1%	9,021	1,152	46	4,299	1,163	3,116
Fraudulent	11,821	69.9%	7,311	979	19	3,512	957	2,539
Embezzlement	1,243	91.7	1,085	26	1	131	55	74
Fraud ^c	9,219	68.1	5,512	788	15	2,904	764	2,128
Forgery	160	71.9	98	9	1	52	17	35
Counterfeiting	1,199	61.5	616	156	2	425	121	302
Other	2,697	71.0%	1,710	173	27	787	206	577
Burglary	134	44.8	41	12	0	81	19	62
Larceny ^c	2,080	77.3	1,456	95	24	505	151	350
Motor vehicle theft	135	39.3	40	25	0	70	13	57
Arson and explosives	146	45.2	56	19	0	71	10	61
Transportation of stolen property	111	57.7	58	16	0	37	6	31
Other property offenses ^c	91	72.5	59	6	3	23	7	16
Drug offenses	30,054	29.6%	5,444	4,651	82	19,877	3,444	16,261
Trafficking	27,358	27.7	4,339	4,358	68	18,593	3,248	15,182
Other drug offenses	2,696	48.3	1,105	293	14	1,284	196	1,079
Public-order offenses	8,425	63.7%	4,755	793	76	2,801	612	2,169
Regulatory	2,394	56.5%	1,150	377	10	857	203	646
Agriculture	8	—	6	0	0	2	0	0
Antitrust	6	—	6	0	0	0	0	0
Food and drug	60	88.3	51	3	0	6	2	4
Transportation	125	74.4	71	8	0	46	22	24
Civil rights	67	79.1	49	1	0	17	4	13
Communications	49	85.7	38	3	0	8	4	4
Custom laws	71	54.9	30	11	0	30	9	21
Postal laws	134	91.0	113	5	0	16	9	7
Other regulatory offenses	1,874	50.1	786	346	10	732	153	573
Other	6,031	66.6%	3,605	416	66	1,944	409	1,523
Tax law violations ^c	527	91.5	439	15	0	73	43	30
Bribery	134	81.3	102	5	0	27	7	20
Perjury, contempt, and intimidation	240	66.7	140	20	0	80	20	60
National defense	181	81.2	138	4	0	39	9	30
Escape	782	11.1	55	118	10	599	32	565
Racketeering and extortion	962	46.8	347	90	0	525	103	419
Gambling	55	92.7	51	0	0	4	0	4
Liquor offenses	38	86.8	13	0	0	25	20	5
Nonviolent sex offenses	891	63.0	446	81	0	364	115	246
Obscene material ^c	63	82.5	47	2	0	14	5	9
Traffic offenses	1,393	92.6	1,277	36	40	40	13	26
Wildlife	97	99.0	94	1	0	2	2	0
Environmental	31	96.8	26	0	0	5	4	1
All other offenses ^c	637	73.2	430	44	16	147	36	108
Weapon offenses	7,673	34.4%	1,830	1,040	12	4,791	811	3,925
Immigration offenses	19,192	5.5%	601	7,159	31	11,401	445	10,903

—Too few cases to obtain statistically reliable data.

^aIncludes only those defendants whose detention hearing was within the fiscal year. There were 44 dismissals and 295 defendants whose release decision was still pending.

^bIncludes 134 defendants with unknown or indeterminable offenses.

^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.

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	41.4%	19.2%	45.9%	30.4%	4.5%	31,613	76,305
Violent offenses	36.0%	8.7%	35.6%	48.4%	7.3%	1,156	3,210
Murder ^c	29.4	3.6	23.6	70.9	1.8	55	187
Negligent manslaughter	83.3	—	—	—	—	10	12
Assault	61.2	4.7	31.0	50.7	13.6	507	828
Robbery	21.0	15.5	48.4	33.2	3.0	368	1,756
Sexual abuse ^c	60.3	4.9	27.5	67.0	0.5	182	302
Kidnaping	21.4	33.3	22.2	38.9	5.6	18	84
Threats against the President	39.0	18.8	43.8	31.3	6.3	16	41
Property offenses	75.6%	12.0%	54.3%	31.5%	2.1%	10,349	13,696
Fraudulent	75.5%	13.2%	57.5%	28.3%	1.0%	8,414	11,141
Embezzlement	94.0	4.9	55.6	38.0	1.5	1,185	1,260
Fraud ^c	74.0	14.8	57.2	27.0	1.1	6,380	8,617
Forgery	73.0	13.0	61.1	25.0	0.9	108	148
Counterfeiting	66.4	12.4	63.2	24.2	0.3	741	1,116
Other	75.7%	7.1%	40.4%	45.5%	6.9%	1,935	2,555
Burglary	53.1	7.8	23.5	66.7	2.0	51	96
Larceny ^c	81.0	5.3	40.2	46.6	7.9	1,561	1,926
Motor vehicle theft	47.4	18.1	56.6	24.1	1.2	83	175
Arson and explosives	55.8	15.6	41.6	40.3	2.6	77	138
Transportation of stolen property	68.6	20.2	45.7	34.0	0	94	137
Other property offenses ^c	83.1	7.2	30.4	53.6	8.7	69	83
Drug offenses	38.8%	29.4%	42.0%	25.7%	2.9%	10,776	27,763
Trafficking	37.1	31.5	43.9	22.7	1.9	9,364	25,230
Other drug offenses	55.7	15.8	30.0	45.1	9.1	1,412	2,533
Public-order offenses	67.5%	12.8%	37.9%	37.4%	11.8%	5,240	7,768
Regulatory	61.1%	13.1%	44.6%	37.2%	5.1%	1,354	2,216
Agriculture	—	—	—	—	—	4	6
Antitrust	—	—	—	—	—	10	10
Food and drug	97.1	13.4	40.3	44.8	1.5	67	69
Transportation	76.2	17.5	50.0	32.5	0	80	105
Civil rights	77.3	13.7	51.0	35.3	0	51	66
Communications	97.6	5.0	65.0	25.0	5.0	40	41
Custom laws	70.8	29.4	43.1	21.6	5.9	51	72
Postal laws	91.0	0.9	56.8	38.7	3.6	111	122
Other regulatory offenses	54.5	13.7	41.9	38.1	6.3	940	1,725
Other	70.0%	12.8%	35.6%	37.5%	14.1%	3,886	5,552
Tax law violations ^c	95.3	6.9	56.1	35.5	1.6	451	473
Bribery	85.7	15.8	50.9	31.6	1.8	114	133
Perjury, contempt, and intimidation	66.3	10.3	54.8	31.7	3.2	126	190
National defense	91.7	49.6	24.8	20.3	5.3	133	145
Escape	12.2	16.5	51.6	24.2	7.7	91	745
Racketeering and extortion	56.9	43.5	43.1	12.5	0.9	536	942
Gambling	95.5	9.5	42.9	47.6	0	21	22
Liquor offenses	84.6	0.0	9.1	90.9	0	22	26
Nonviolent sex offenses	67.8	13.2	48.7	35.9	2.2	499	736
Obscene material ^c	81.8	14.8	57.4	25.9	1.9	54	66
Traffic offenses	93.1	1.4	17.0	45.6	36.0	1,248	1,340
Wildlife	98.1	5.0	38.6	52.5	4.0	101	103
Environmental	100	6.5	41.9	45.2	6.5	31	31
All other offenses ^c	76.5	4.1	31.4	53.6	10.9	459	600
Weapon offenses	42.0%	14.5%	52.1%	31.3%	2.1%	2,562	6,094
Immigration offenses	8.3%	34.5%	41.7%	15.7%	8.1%	1,463	17,643

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. 55.

—Too few cases to obtain statistically reliable data.

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

^bIncludes 131 defendants for whom an offense category could not be determined, 51 of whom were released.

^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 3.3. Type of pretrial release for cases terminated, by defendant characteristics, October 1, 2002 - September 30, 2003

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	41.4%	19.2%	45.9%	30.4%	4.5%	31,613	76,305
Male/female							
Male	36.4%	20.9%	44.8%	29.6%	4.8%	23,604	64,907
Female	70.4	14.2	49.5	32.8	3.5	7,946	11,290
Race							
White	38.2%	20.7%	45.1%	30.0%	4.2%	20,336	53,275
Black	48.2	16.7	51.7	27.1	4.5	8,897	18,468
Native American	61.0	3.5	21.3	72.5	2.7	818	1,342
Asian/Pacific Islander	55.1	22.9	42.7	31.5	2.9	963	1,748
Ethnicity							
Hispanic	18.5%	39.0%	39.3%	17.4%	4.3%	6,198	33,497
Non-Hispanic	59.5	14.4	47.9	33.4	4.3	25,033	42,092
Age							
16-18 years	45.4%	18.5%	33.5%	41.0%	7.0%	585	1,289
19-20 years	43.6	15.6	42.3	33.9	8.2	1,756	4,031
21-30 years	36.2	20.6	45.3	28.7	5.4	11,049	30,491
31-40 years	37.7	21.3	46.6	28.5	3.6	8,502	22,523
Over 40 years	54.2	16.6	47.8	32.4	3.3	9,589	17,697
Education							
Less than high school graduate	34.9%	25.3%	45.4%	27.3%	2.0%	8,008	22,920
High school graduate	57.0	18.0	48.5	30.2	3.3	10,552	18,519
Some college	68.9	18.2	49.8	30.0	2.0	7,133	10,357
College graduate	77.1	19.3	48.6	30.1	2.0	3,338	4,328
Marital status							
Never married	47.2%	18.2%	47.5%	31.2%	3.0%	10,918	23,137
Divorced/separated	53.7	18.8	49.9	28.9	2.4	5,699	10,612
Married	55.4	21.7	48.2	28.0	2.1	10,224	18,451
Common law	41.6	26.4	43.2	28.9	1.6	2,258	5,424
Other	13.5	7.8	23.1	41.3	27.8	2,514	18,681
Employment status at arrest							
Unemployed	41.1%	18.5%	47.9%	31.2%	2.4%	11,057	26,877
Employed	59.8	21.0	47.8	28.6	2.6	18,239	30,522
Criminal record							
No conviction or arrest ^c	60.4%	18.7%	45.2%	31.0%	5.2%	12,363	20,482
Misdemeanor conviction only	53.9	17.2	45.3	33.0	4.4	6,894	12,795
Felony conviction							
Nonviolent	27.0	20.7	48.3	27.8	3.2	4,754	17,607
Violent	21.2	18.6	46.5	29.5	5.4	2,824	13,301
Number of prior convictions							
1	42.5%	20.6%	46.9%	29.0%	3.6%	5,300	12,476
2 to 4	32.9	19.4	46.5	30.6	3.5	5,887	17,884
5 or more	24.6	14.1	46.1	33.3	6.5	3,285	13,343
Criminal justice status							
Not under supervision	55.3%	18.9%	45.7%	30.7%	4.7%	24,427	44,195
Pretrial release	49.8	17.8	51.2	29.8	1.1	1,402	2,818
Probation	33.7	20.0	48.1	28.3	3.6	1,396	4,144
Parole	14.5	15.5	51.0	26.4	7.1	239	1,644
Court appearance history							
No prior arrests	54.1%	18.8%	45.1%	31.0%	5.2%	12,545	23,188
Failure to appear							
None	37.3	20.3	47.4	28.8	3.5	15,457	41,445
1	32.8	16.6	43.1	34.9	5.3	1,824	5,564
More than 1	29.3	15.1	42.3	35.6	7.0	1,787	6,108
Drug abuse							
No known abuse	55.5%	20.6%	47.1%	28.9%	3.4%	18,932	34,107
Drug history	47.6	19.1	49.5	29.8	1.6	9,102	19,128

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. 55.

^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, 2002 - September 30, 2003

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	75.8%	2.4%	19.6%	12.1%	54.9%	11.0%	57,856	76,305
Violent offenses	81.3%	0.6%	17.3%	3.1%	64.2%	14.8%	2,611	3,210
Murder ^c	88.2	1.2	17.0	0	66.1	15.8	165	187
Negligent manslaughter	66.7	—	—	—	—	—	8	12
Assault	58.1	0.2	28.1	3.7	56.3	11.6	481	828
Robbery	92.0	0.7	10.8	3.2	69.1	16.3	1,616	1,756
Sexual abuse ^c	74.5	0	40.9	2.2	48.9	8.0	225	302
Kidnaping	94.0	2.5	12.7	8.9	58.2	17.7	79	84
Threats against the President	90.2	0	16.2	0	59.5	24.3	37	41
Property offenses	43.3%	1.2%	39.0%	7.0%	41.5%	11.4%	5,930	13,696
Fraudulent	43.6%	1.4%	39.4%	7.8%	40.2%	11.2%	4,863	11,141
Embezzlement	15.5	1.5	58.5	4.6	26.7	8.7	195	1,260
Fraud ^c	46.2	1.4	39.2	7.9	40.9	10.6	3,977	8,617
Forgery	41.2	0	31.1	4.9	50.8	13.1	61	148
Counterfeiting	56.5	1.4	35.7	8.4	39.0	15.4	630	1,116
Other	41.8%	0.3%	36.9%	3.2%	47.2%	12.4%	1,067	2,555
Burglary	78.1	0	34.7	1.3	53.3	10.7	75	96
Larceny ^c	34.5	0.5	39.6	3.3	44.9	11.7	664	1,926
Motor vehicle theft	73.7	0	26.4	4.7	57.4	11.6	129	175
Arson and explosives	67.4	0	28.0	1.1	51.6	19.4	93	138
Transportation of stolen property	54.0	0	33.8	4.1	47.3	14.9	74	137
Other property offenses ^c	38.6	0	62.5	3.1	28.1	6.3	32	83
Drug offenses	84.9%	1.8%	23.3%	7.3%	56.7%	10.8%	23,578	27,763
Trafficking	87.3	1.5	23.3	7.6	57.0	10.6	22,014	25,230
Other drug offenses	61.7	5.9	23.5	3.8	52.9	14.0	1,564	2,533
Public-order offenses	47.1%	1.1%	28.5%	3.6%	48.3%	18.4%	3,655	7,768
Regulatory	55.0%	1.1%	25.4%	7.0%	41.7%	24.8%	1,219	2,216
Agriculture	—	—	—	—	—	—	3	6
Antitrust	—	—	—	—	—	—	1	10
Food and drug	18.8	0	69.2	0	23.1	7.7	13	69
Transportation	46.7	0	46.9	6.1	36.7	10.2	49	105
Civil rights	42.4	0	46.4	0	42.9	10.7	28	66
Communications	12.2	—	—	—	—	—	5	41
Custom laws	56.9	0	43.9	9.8	39.0	7.3	41	72
Postal laws	18.0	0	36.4	0	45.5	18.2	22	122
Other regulatory offenses	61.3	1.3	22.0	7.4	42.5	26.8	1,057	1,725
Other	43.9%	1.1%	30.0%	2.0%	51.7%	15.1%	2,436	5,552
Tax law violations ^c	22.4	0.9	78.3	2.8	11.3	6.6	106	473
Bribery	38.3	0	58.8	0	33.3	7.8	51	133
Perjury, contempt, and intimidation	54.2	0	34.0	2.9	40.8	22.3	103	190
National defense	14.5	0	38.1	4.8	47.6	9.5	21	145
Escape	93.2	0.3	5.9	0.9	74.6	18.3	694	745
Racketeering and extortion	71.4	2.2	31.5	1.9	52.7	11.6	673	942
Gambling	31.8	—	—	—	—	—	7	22
Liquor offenses	84.6	0	81.8	0	13.6	4.5	22	26
Nonviolent sex offenses	57.1	1.4	39.5	2.4	43.6	13.1	420	736
Obscene material ^c	43.9	0	58.6	3.4	17.2	20.7	29	66
Traffic offenses	7.6	2.9	47.1	5.9	19.6	24.5	102	1,340
Wildlife	10.7	0	72.7	9.1	18.2	0	11	103
Environment	19.4	—	—	—	—	—	6	31
All other offenses ^c	31.8	0.5	28.3	2.1	47.6	21.5	191	600
Weapon offenses	78.2%	1.1%	21.8%	3.0%	60.1%	14.1%	4,763	6,094
Immigration offenses	97.7%	4.4%	5.8%	25.9%	55.7%	8.2%	17,232	17,643

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. 55.

—Too 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 131 defendants for whom an offense category could not be determined, 87 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, 2002 - September 30, 2003

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	75.8%	2.4%	19.6%	12.1%	54.9%	11.0%	57,856	76,305
Male/female								
Male	79.8%	2.4%	17.3%	12.3%	56.6%	11.4%	51,790	64,907
Female	53.3	1.6	39.5	9.9	41.1	7.9	6,012	11,290
Race								
White	77.9%	2.5%	17.9%	14.8%	54.6%	10.1%	41,515	53,275
Black	70.9	1.6	22.9	4.6	56.9	14.0	13,097	18,468
Native American	73.2	0.1	39.5	0.8	51.5	8.0	982	1,342
Asian/Pacific Islander	70.5	1.7	30.4	3.2	55.8	8.8	1,232	1,748
Ethnicity								
Hispanic	93.8%	3.7%	11.5%	18.6%	57.2%	9.0%	31,413	33,497
Non-Hispanic	61.9	0.7	29.5	4.2	52.3	13.3	26,061	42,092
Age								
16-18 years	78.5%	2.0%	26.9%	13.1%	51.8%	6.2%	1,012	1,289
19-20 years	77.3	1.7	24.3	12.9	52.8	8.4	3,117	4,031
21-30 years	80.8	2.4	18.0	11.7	56.7	11.2	24,631	30,491
31-40 years	78.7	2.6	17.8	13.0	55.4	11.2	17,718	22,523
Over 40 years	63.3	2.2	24.1	11.0	51.4	11.4	11,206	17,697
Education								
Less than high school graduate	85.2%	4.9%	19.9%	13.6%	50.3%	11.2%	19,518	22,920
High school graduate	67.5	1.5	31.2	6.1	49.9	11.3	12,507	18,519
Some college	54.8	1.4	37.7	6.0	44.8	10.1	5,677	10,357
College graduate	43.5	1.3	43.1	6.2	39.3	10.1	1,882	4,328
Marital status								
Never married	75.5%	2.4%	25.7%	7.9%	52.7%	11.3%	17,478	23,137
Divorced/separated	68.8	2.4	27.9	8.1	49.0	12.6	7,300	10,612
Married	64.6	3.8	27.2	11.7	46.4	10.9	11,917	18,451
Common law	81.5	5.1	24.0	11.9	48.6	10.3	4,423	5,424
Other	89.6	0.5	3.2	18.4	67.6	10.4	16,738	18,681
Employment status at arrest								
Unemployed	79.8%	3.2%	21.8%	9.2%	51.8%	13.9%	21,455	26,877
Employed	63.0	3.1	31.9	10.2	45.4	9.4	19,215	30,522
Criminal record								
No conviction or arrest ^c	59.3%	2.3%	30.2%	13.4%	44.8%	9.4%	12,140	20,482
Misdemeanor conviction only	69.5	1.6	29.1	11.5	48.8	8.9	8,888	12,795
Felony conviction								
Nonviolent	86.6	2.9	13.0	13.8	58.7%	11.7	15,239	17,607
Violent	91.1	2.6	10.6	9.9	62.6	14.2	12,113	13,301
Number of prior convictions								
1	75.8%	2.7%	21.0%	14.1%	53.2%	9.0%	9,452	12,476
2 to 4	83.4	2.9	16.4	11.9	57.6	11.2	14,917	17,884
5 or more	89.0	1.9	12.0	10.2	60.9	15.0	11,871	13,343
Criminal justice status								
Not under supervision	65.4%	2.2%	27.9%	13.2%	47.5%	9.2%	28,912	44,195
Pretrial release	75.3	3.9	27.8	3.5	55.4	9.3	2,121	2,818
Probation	83.9	3.2	17.8	20.9	48.4	9.8	3,478	4,144
Parole	93.6	4.5	6.8	16.4	60.2	12.2	1,539	1,644
Court appearance history								
No prior arrests	63.7%	2.2%	25.4%	12.1%	51.0%	9.3%	14,770	23,188
Failure to appear								
None	79.6	2.9	18.2	13.4	54.4	11.1	32,988	41,445
1	85.1	1.4	17.2	8.8	58.5	14.1	4,737	5,564
More than 1	87.8	0.3	14.8	6.4	66.2	12.3	5,361	6,108
Drug abuse								
No known abuse	64.8%	3.4%	27.6%	12.3%	45.6%	11.0%	22,090	34,107
Drug history	78.0	2.0	27.7	6.4	52.2	11.7	14,921	19,128

Note: Detained defendants include 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. 55.

^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, 2002 - September 30, 2003

Most serious offense charged	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 offenses^a	76,305	42,564	31,766	55.8%	74.6%
Violent offenses	3,210	2,236	1,675	69.7%	74.9%
Murder ^b	187	148	109	79.1	73.6
Negligent manslaughter	12	7	2	58.3	—
Assault	828	405	271	48.9	66.9
Robbery	1,756	1,381	1,115	78.6	80.7
Sexual abuse ^b	302	192	110	63.6	57.3
Kidnaping	84	71	46	84.5	64.8
Threats against the President	41	32	22	78.0	68.8
Property offenses	13,696	4,242	2,459	31.0%	58.0%
Fraudulent	11,141	3,457	1,955	31.0%	56.6%
Embezzlement	1,260	117	52	9.3	44.4
Fraud ^b	8,617	2,880	1,626	33.4	56.5
Forgery	148	46	31	31.1	67.4
Counterfeiting	1,116	414	246	37.1	59.4
Other	2,555	785	504	30.7%	64.2%
Burglary	96	59	40	61.5	67.8
Larceny ^b	1,926	487	298	25.3	61.2
Motor vehicle theft	175	98	74	56.0	75.5
Arson and explosives	138	70	48	50.7	68.6
Transportation of stolen property	137	49	35	35.8	71.4
Other property offenses ^b	83	22	9	26.5	40.9
Drug offenses	27,763	18,843	13,357	67.9%	70.9%
Trafficking	25,230	17,596	12,530	69.7	71.2
Other drug	2,533	1,247	827	49.2	66.3
Public-order offenses	7,768	2,685	1,766	34.6%	65.8%
Regulatory	2,216	824	508	37.2%	61.7%
Agriculture	6	3	0	—	—
Antitrust	10	0	0	—	...
Food and drug	69	7	3	10.1	—
Transportation	105	41	18	39.0	43.9
Civil rights	66	24	12	36.4	50.0
Communications	41	4	0	9.8	—
Custom laws	72	29	16	40.3	55.2
Postal laws	122	19	10	15.6	52.6
Other regulatory offenses	1,725	697	449	40.4	64.4
Other	5,552	1,861	1,258	33.5%	67.6%
Tax law violations ^b	473	60	12	12.7	20.0
Bribery	133	46	17	34.6	37.0
Perjury, contempt, and intimidation	190	77	42	40.5	54.5
National defense	145	16	10	11.0	62.5
Escape	745	592	517	79.5	87.3
Racketeering and extortion	942	531	355	56.4	66.9
Gambling	22	1	1	4.5	—
Liquor offenses	26	22	3	84.6	13.6
Nonviolent sex offenses	736	319	183	43.3	57.4
Obscene material ^b	66	17	5	25.8	29.4
Traffic offenses	1,340	36	20	2.7	55.6
Wildlife	103	7	2	6.8	—
Environmental	31	3	0	9.7	—
All other offenses ^b	600	134	91	22.3	67.9
Weapon offenses	6,094	3,852	2,860	63.2%	74.2%
Immigration offenses	17,643	10,638	9,594	60.3%	90.2%

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. 55. —Too few cases to obtain statistically reliable data. ...No case of this type occurred in the data.

^aIncludes 131 defendants for whom an offense category could not be determined, 68 of whom had pretrial detention hearings.

^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, 2002 - September 30, 2003

Defendant characteristic	All defendant	Defendants with pretrial detention hearings			
		Number of defendants		Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
		Hearings held	Ordered detained		
All defendants^a	76,305	42,564	31,766	55.8%	74.6%
Male/female					
Male	64,907	38,235	29,270	58.9%	76.6%
Female	11,290	4,297	2,471	38.1	57.5
Race					
White	53,275	29,664	22,665	55.7%	76.4%
Black	18,468	10,316	7,450	55.9	72.2
Native American	1,342	861	506	64.2	58.8
Asian/Pacific Islander	1,748	1,068	688	61.1	64.4
Ethnicity					
Hispanic	33,497	21,893	17,949	65.4%	82.0%
Non-Hispanic	42,092	20,382	13,618	48.4	66.8
Age					
16-18 years	1,289	737	524	57.2%	71.1%
19-20 years	4,031	2,290	1,644	56.8	71.8
21-30 years	30,491	18,285	13,946	60.0	76.3
31-40 years	22,523	12,921	9,808	57.4	75.9
Over 40 years	17,697	8,216	5,753	46.4	70.0
Education					
Less than high school graduate	22,920	13,532	9,817	59.0%	72.5%
High school graduate	18,519	9,628	6,242	52.0	64.8
Some college	10,357	4,332	2,541	41.8	58.7
College graduate	4,328	1,388	738	32.1	53.2
Marital status					
Never married	23,137	13,254	9,209	57.3%	69.5%
Divorced/separated	10,612	5,357	3,576	50.5	66.8
Married	18,451	8,439	5,530	45.7	65.5
Common law	5,424	3,127	2,151	57.7	68.8
Other	18,681	12,387	11,300	66.3	91.2
Employment status at arrest					
Unemployed	26,877	15,622	11,111	58.1%	71.1%
Employed	30,522	13,942	8,715	45.7	62.5
Criminal record					
No conviction or arrest ^b	20,482	8,751	5,429	42.7%	62.0%
Misdemeanor conviction only	12,795	6,396	4,337	50.0	67.8
Felony conviction					
Nonviolent	17,607	11,013	8,930	62.5	81.1
Violent	13,301	9,182	7,578	69.0	82.5
Number of prior convictions					
1	12,476	6,785	5,029	54.4%	74.1%
2 to 4	17,884	10,938	8,591	61.2	78.5
5 or more	13,343	8,868	7,225	66.5	81.5
Criminal justice status					
Not under supervision	44,195	20,784	13,723	47.0%	66.0%
Pretrial release	2,818	1,668	1,176	59.2	70.5
Probation	4,144	2,200	1,680	53.1	76.4
Parole	1,644	1,061	927	64.5	87.4
Court appearance history					
No prior arrests	23,188	11,077	7,527	47.8%	68.0%
Failure to appear					
None	41,445	23,524	17,924	56.8	76.2
1	5,564	3,596	2,767	64.6	76.9
More than 1	6,108	4,367	3,548	71.5	81.2
Drug abuse					
No known abuse	34,107	15,638	10,072	45.8%	64.4%
Drug history	19,128	11,276	7,785	59.0	69.0

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. 55.

^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, 2002 - September 30, 2003

Most serious offense charged	Percent of released defendants who had—							Number of released defendants
	Violations while on release						Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of bail conditions		
			Felony	Misdemeanor				
All offenses*	80.2%	19.8%	2.2%	1.8%	1.7%	18.2%	7.6%	31,613
Violent offenses	77.7%	22.3%	2.8%	1.1%	1.9%	20.9%	11.4%	1,156
Property offenses	87.7%	12.3%	1.4%	1.3%	0.9%	11.2%	4.4%	10,349
Fraudulent offenses	88.3	11.7	1.3	1.2	0.9	10.6	3.9	8,414
Other property offenses	85.4	14.6	1.5	1.8	0.9	13.6	6.3	1,935
Drug offenses	70.2%	29.8%	3.1%	2.5%	2.5%	27.8%	11.1%	10,776
Public-order offenses	91.9%	8.1%	1.0%	0.5%	0.8%	7.3%	2.6%	5,240
Regulatory offenses	91.4	8.6	1.2	0.8	0.7	7.9	2.8	1,354
Other public-order offenses	92.2	7.8	1.0	0.4	0.9	7.2	2.5	3,886
Weapon offenses	68.5%	31.5%	2.7%	3.4%	3.6%	28.7%	14.0%	2,562
Immigration offenses	81.7%	18.3%	4.3%	1.6%	0.7%	16.5%	8.6%	1,463

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2003. 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. 55. *Includes 67 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, 2002 - September 30, 2003

Type of release	Percent of released defendants who had—							Number of released defendants
	Violations while on release						Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of bail conditions		
			Felony	Misdemeanor				
All releases	80.2%	19.8%	2.2%	1.8%	1.7%	18.2%	7.6%	31,613
Financial release	77.1%	22.9%	3.6%	2.7%	1.9%	20.5%	7.7%	6,068
Deposit bond	74.3	25.7	3.7	2.6	1.9	23.1	8.3	2,690
Collateral bond	80.3	19.7	3.1	3.2	1.2	17.7	6.4	1,496
Corporate surety	78.6	21.4	3.9	2.4	2.5	19.0	8.0	1,882
Unsecured bond	80.6%	19.4%	2.1%	1.8%	1.7%	17.9%	7.5%	14,516
Personal recognizance	78.9%	21.1%	1.7%	1.4%	1.8%	20.0%	8.9%	9,613
Conditional release	99.4%	0.6%	0.3%	0%	0%	0.4%	0.3%	1,416

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2003. 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. 55.

Table 3.10. Behavior of defendants released prior to trial for cases terminated, by defendant characteristics, October 1, 2002 - September 30, 2003

Defendant characteristic	Percent of released defendants who had—						Release revoked	Number of released defendants
	Violations while on release							
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of conditions		
			Felony	Misdemeanor				
All defendants^a	80.2%	19.8%	2.2%	1.8%	1.7%	18.2%	7.6%	31,613
Male/female								
Male	79.1%	20.9%	2.3%	2.0%	1.9%	19.2%	8.1%	23,604
Female	83.4	16.6	1.8	1.1	1.2	15.5	6.2	7,946
Race								
White	81.6%	18.4%	2.2%	1.5%	1.4%	17.1%	7.3%	20,336
Black	76.5	23.5	2.2	2.5	2.4	21.4	8.2	8,897
Native American	70.5	29.5	3.2	1.5	2.7	27.4	16.5	818
Asian/Pacific Islander	87.2	12.8	2.0	0.8	0.8	12.0	4.3	963
Ethnicity								
Hispanic	77.5%	22.5%	4.2%	1.7%	1.5%	20.7%	7.5%	6,198
Non-Hispanic	80.7	19.3	1.7	1.8	1.8	17.8	7.7	25,033
Age								
16-18 years	71.6%	28.4%	2.4%	2.4%	3.8%	26.8%	12.6%	585
19-20 years	71.1	28.9	2.6	2.2	3.4	26.9	12.8	1,756
21-30 years	76.1	23.9	2.7	2.3	2.2	21.9	9.0	11,049
31-40 years	80.0	20.0	2.4	1.7	1.5	18.4	7.9	8,502
Over 40 years	87.3	12.7	1.3	1.1	0.8	11.8	4.6	9,589
Education								
Less than high school graduate	71.8%	28.2%	3.7%	2.4%	2.4%	26.2%	11.8%	8,008
High school graduate	77.7	22.3	2.1	2.0	1.8	20.7	8.6	10,552
Some college	84.1	15.9	1.4	1.5	1.6	14.6	5.2	7,133
College graduate	92.3	7.7	1.2	0.9	0.4	6.9	2.2	3,338
Marital status								
Never married	73.3%	26.7%	2.8%	2.4%	2.6%	24.7%	10.7%	10,918
Divorced/separated	78.8	21.2	2.1	1.8	1.4	19.8	8.2	5,699
Married	87.5	12.5	1.7	1.1	0.9	11.5	4.2	10,224
Common law	72.5	27.5	3.0	2.7	2.5	25.5	10.5	2,258
Other	91.6	8.4	1.2	0.8	0.8	7.6	4.1	2,514
Employment status at arrest								
Unemployed	73.7%	26.3%	2.9%	2.3%	2.2%	24.4%	11.4%	11,057
Employed	82.8	17.2	1.8	1.6	1.5	15.8	5.8	18,239
Criminal record								
No conviction or arrest ^b	89.7%	10.3%	1.6%	0.8%	0.8%	9.3%	3.2%	12,363
Misdemeanor conviction only	74.5	25.5	2.5	2.1	2.4	23.7	10.6	6,894
Felony conviction								
Nonviolent	72.6	27.4	2.7	2.6	2.1	25.2	11.6	4,754
Violent	67.2	32.8	3.3	3.6	3.1	30.3	14.5	2,824
Number of prior convictions								
1	77.7%	22.3%	2.1%	1.8%	1.8%	20.8%	8.1%	5,300
2 to 4	71.1	28.9	3.1	2.9	2.2	26.7	12.2	5,887
5 or more	66.5	33.5	3.0	3.3	3.8	30.8	16.4	3,285
Criminal justice status								
Not under supervision	83.3%	16.7%	1.8%	1.4%	1.3%	15.4%	6.0%	24,427
Pretrial release	67.2	32.8	3.1	3.4	3.4	30.2	14.1	1,402
Probation	70.1	29.9	2.7	3.8	3.7	26.4	12.0	1,396
Parole	75.3	24.7	3.3	3.3	3.8	21.8	10.0	239
Court appearance history								
No prior arrests	89.6%	10.4%	1.6%	0.8%	0.8%	9.4%	3.2%	12,545
Failure to appear								
None	76.0	24.0	2.3	2.2	2.1	22.2	9.5	15,457
1	67.5	32.5	2.9	2.9	3.0	29.9	13.4	1,824
More than 1	64.2	35.8	4.4	3.3	2.7	33.9	16.5	1,787
Drug abuse								
No known abuse	87.3%	12.7%	1.7%	1.3%	1.2%	11.4%	4.2%	18,932
Drug history	63.6	36.4	3.1	2.9	2.8	34.5	15.0	9,102

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2003. 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. 55.

^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, 2002 - September 30, 2003

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	26.2 days	36.0 days	39.1 days	81.0 days	70.1 days	109.6 days
Violent offenses	35.2 days	63.8 days	42.6 days	136.3 days	137.2 days	158.0 days
Murder ^c	—	4.3	35.8	—	...	232.8
Negligent manslaughter	...	—	—	...	...	—
Assault	47.8	84.0	39.2	11.0	77.3	127.7
Robbery	33.8	61.5	49.0	184.3	165.5	159.7
Sexual abuse ^c	—	33.6	31.9	—	—	142.4
Kidnaping	—	—	—	—	...	136.7
Threats against the President	—	—	—	—	...	193.1
Property offenses	23.6 days	38.1 days	29.7 days	70.1 days	68.7 days	93.9 days
Fraudulent	23.1 days	34.0 days	25.2 days	78.9 days	69.1 days	89.1 days
Embezzlement	11.6	36.6	22.4	...	—	112.6
Fraud ^c	24.0	32.2	21.7	78.9	72.4	88.2
Forgery	53.3	8.4	67.0	—	—	88.7
Counterfeiting	16.3	43.4	43.5	—	49.3	90.2
Other	27.1 days	57.5 days	38.2 days	35.0 days	64.3 days	114.0 days
Burglary	—	38.2	20.1	—	—	99.1
Larceny ^c	23.3	46.2	42.0	35.0	69.6	93.8
Motor vehicle theft	33.7	164.1	4.8	—	—	156.4
Arson and explosives	8.5	69.0	85.8	—	...	194.2
Transportation of stolen property	62.1	25.4	23.0	...	—	85.8
Other property offenses ^c	—	6.0	6.9	—	—	—
Drug offenses	27.1 days	35.2 days	43.7 days	72.1 days	89.0 days	133.4 days
Trafficking	28.0	34.8	44.3	72.4	89.3	134.0
Other drug offenses	16.0	40.3	35.8	68.9	86.6	124.8
Public-order offenses	25.8 days	34.7 days	36.1 days	90.0 days	61.6 days	102.8 days
Regulatory	18.7 days	51.7 days	31.4 days	77.2 days	47.9 days	78.6 days
Other	28.5 days	25.9 days	38.7 days	108.6 days	80.5 days	112.3 days
Tax law violations ^c	12.8	31.3	28.2	—	—	35.9
Bribery	23.0	5.5	4.5	—	...	120.2
Perjury, contempt, and intimidation	3.9	11.3	51.2	—	—	98.2
National defense	15.3	30.0	6.0	—	—	—
Escape	5.6	11.0	44.5	—	—	55.5
Racketeering and extortion	34.0	40.4	95.4	—	173.3	181.9
Gambling	—	—	—	...	...	—
Liquor offenses	...	—	4.2	...	...	—
Nonviolent sex offenses	23.5	20.0	39.4	...	—	120.1
Obscene material ^c	—	27.0	6.0	—	—	—
Traffic	...	30.7	27.4	31.5	—	26.8
Wildlife	—	13.0	44.0	—	...	—
Environmental	—	...	35.5	—	...	...
All other offenses ^c	43.4	27.7	29.5	14.0	—	68.2
Weapon offenses	35.3 days	39.4 days	43.6 days	146.9 days	105.2 days	117.5 days
Immigration offenses	16.2 days	18.4 days	16.8 days	70.6 days	52.9 days	69.8 days

—Too few cases to obtain statistically reliable data.

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

^aData describe 76,305 defendants who terminated pretrial services during fiscal year 2003. Data exclude defendants for whom periods of detention could not be determined or were unavailable. For further information, see *Chapter notes*, item 1, p. 55.

^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 data base, 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 83,419 defendants whose cases commenced and 76,305 defendants who terminated pretrial services during October 1, 2002, through September 30, 2003, and whose cases were filed by complaint, indictment, or information. In these tables, the totals (e.g., "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 separate row or 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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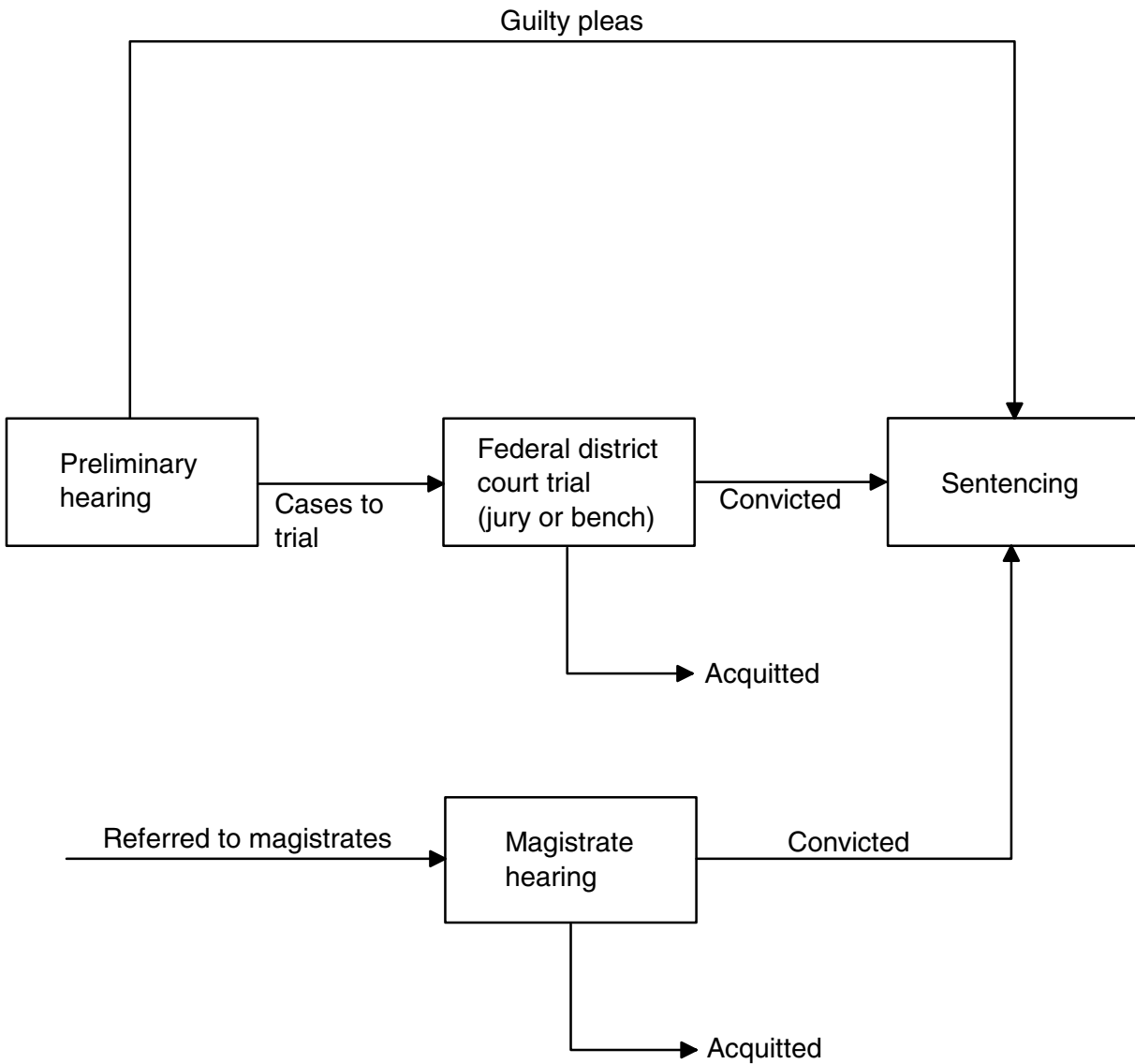
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Chapter 4

Adjudication



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

Defendants in criminal cases commenced (table 4.1)

During 2003, 92,085 defendants had criminal cases commenced against them in U.S. district courts, and 80,354 (87%) of those defendants were charged with felonies. The 30,668 drug felony defendants comprised 33% of all criminal defendants in cases commenced and 38% of all felony defendants. Felony property and immigration defendants each comprised 17% of all defendants in cases commenced. The 11,651 misdemeanor defendants constituted 13% of all defendants in cases commenced; 43% of those misdemeanor defendants were charged with traffic violations.

Defendants in criminal cases terminated (table 4.2)

Cases were terminated against 85,106 defendants during 2003, 74,370 (87%) of whom were felony defendants. During 2003 the 28,597 drug-related felony defendants comprised 34% of all defendants in cases terminated and 38% of all felony defendants.

Eighty-nine percent of all defendants, 92% of all felony defendants and 68% of misdemeanor defendants were convicted. Conviction rates for major felony offense categories were in the 86% to 97% range. Within major offense categories, however, the conviction rates varied more widely. For example, within the public-order category, the conviction rate ranged from 62% for civil rights violations to 79% for postal law violations to 100% for antitrust violations.

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, almost 96% of those convicted pleaded guilty, while only 4% were convicted at trial. For felony offenses, 96% pleaded guilty to their charges. For the major felony offense categories, guilty pleas were registered for 99% of immigration offenders, 96% for each drug and property offenders, 94% for public order, and 93% each for violent and weapon offenders. (Percents were calculated from numbers in table 4.2.)

During 2003, only 4% (3,524) of the 85,106 defendants in cases terminated exercised their right to a trial. Eight percent each of weapon and violent offenders went to trial as compared with 7% of public order offenders, 4% each of both property offenders and drug offenders, and 1% of immigration offenders. (Percents were calculated from numbers in table 4.2.)

Of defendants who exercised their right to a trial, 2,764 (78%) were convicted either by a jury or a bench trial.

The felony trial conviction rate was 82%, while the misdemeanor conviction rate was 52%. Among felony offenses, trial conviction rates ranged from 76% for public-order defendants to 89% 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 9.8 months. For felony defendants, the overall processing time average was 10.1 months; for those charged with misdemeanor crimes, the average processing time was 7.5 months. Defendants who pleaded guilty were processed, on average, 6.0 months faster than defendants who went to trial (figure 4.2). Overall, defendants whose

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.

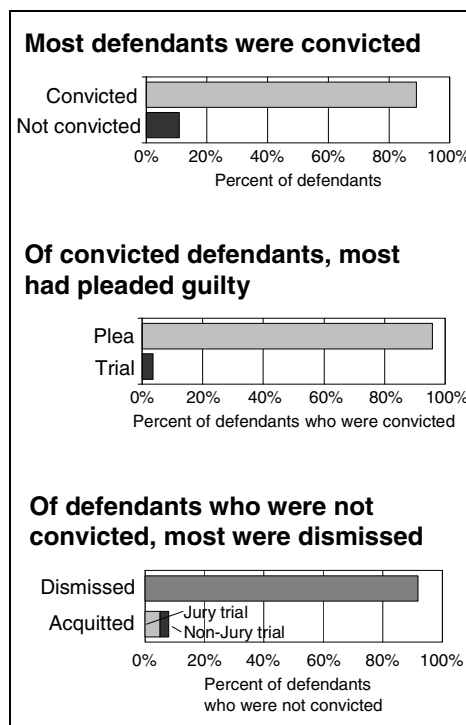


Figure 4.1. Disposition of cases terminating during October 1, 2002 - September 30, 2003

cases were dismissed took the longest to process (18.3 months), on average. Among major felony offense categories, defendants convicted of public-order and drug offenses took a greater amount of time for dismissal (19.6 and 25.1 months, respectively) on average, than for trial (18.7 and 17.5 months, respectively). However, defendants convicted of weapon offenses on average took a greater amount of time for trial (13.3 months) than for dismissal (9.8 months).

Convictions by U.S. magistrates (table 4.4)

During 2003 U.S. magistrates disposed of 10,803 misdemeanor criminal defendants, 69% of whom were convicted. Public-order offenders comprised nearly 54% of the defendants disposed by U.S. magistrates, with property offenders comprising another 19%. Drug offenses comprised 18% of U.S. magistrates' cases. (Percents were calculated from numbers in table 4.4.)

Characteristics of convicted defendants (table 4.5)

Among defendants convicted, there were 6.5 times as many men as women (87% versus 13%); and almost three times as many whites as blacks (71% versus 25%). Fifty-seven percent were non-Hispanics. Most were U.S. citizens (64%), had graduated high school or completed some higher education (52%), and had some criminal history (63%). Persons over the age of 30 represented 56% of defendants.

Cases of defendants decided by trial took longer than those involving a plea

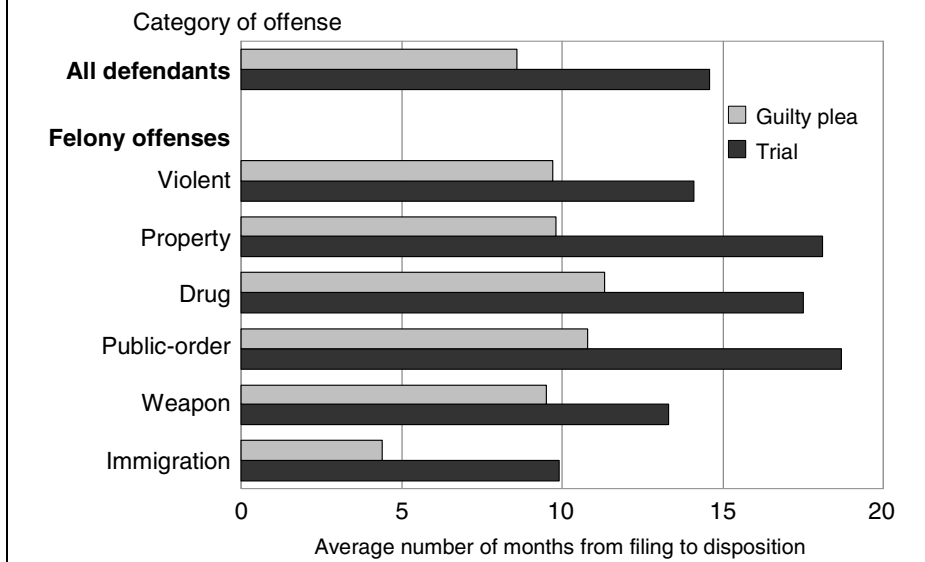


Figure 4.2. Average time from filing to disposition of cases terminating during October 1, 2002 - September 30, 2003, by offense

About 1 case in every 24 included in 2003 was decided by trial

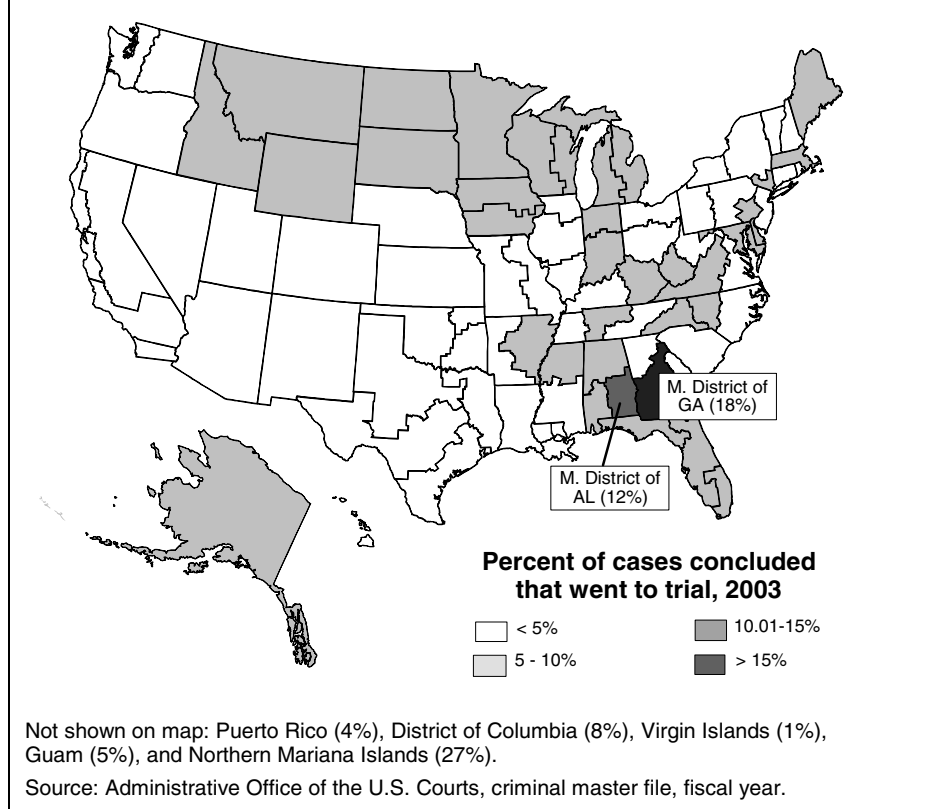


Figure 4.3. Percent of cases concluded in 2003 that went to trial during October 1, 2002 - September 30, 2003, by Federal judicial district

Table 4.1. Defendants in criminal cases commenced, by offense, October 1, 2002 - September 30, 2003, by offense

Most serious offense charged	Defendants in cases commenced during 2003	
	Number	Percent ^a
All offenses^b	92,085	100%
Felonies	80,354	87.3%
Violent offenses	3,167	3.4%
Murder ^c	397	0.4
Negligent manslaughter	0	...
Assault	488	0.5
Robbery	1,486	1.6
Sexual abuse ^c	568	0.6
Kidnaping	181	0.2
Threats against the President	47	0.1
Property offenses	15,732	17.1%
Fraudulent	13,142	14.3%
Embezzlement	853	0.9
Fraud ^c	10,728	11.7
Forgery	113	0.1
Counterfeiting	1,448	1.6
Other	2,590	2.8%
Burglary	61	0.1
Larceny ^c	1,855	2.0
Motor vehicle theft	70	0.1
Arson and explosives	296	0.3
Transportation of stolen property	246	0.3
Other property offenses ^c	62	0.1
Drug offenses	30,668	33.3%
Trafficking	28,532	31.0
Possession and other drug offenses	2,136	2.3
Public-order offenses	4,829	5.2%
Regulatory	1,006	1.1%
Agriculture	0	...
Antitrust	14	—
Food and drug	48	0.1
Transportation	175	0.2
Civil rights	88	0.1
Communications	37	—
Custom laws	72	0.1
Postal laws	41	—
Other regulatory offenses	531	0.6
Other	3,823	4.2%
Tax law violations ^c	463	0.5
Bribery	199	0.2
Perjury, contempt, and intimidation	367	0.4
National defense	90	0.1
Escape	516	0.6
Racketeering and extortion	905	1.0
Gambling	23	—
Liquor offenses	1	—
Nonviolent sex offenses	765	0.8
Obscene material ^c	55	0.1
Traffic offenses	29	—
Wildlife	49	0.1
Environmental	50	0.1
All other felonies ^c	311	0.3
Weapon offenses	9,961	10.8%
Immigration offenses	15,997	17.4%
Misdemeanors^c	11,651	12.7%
Fraudulent property offenses	526	0.6
Larceny	1,523	1.7
Drug possession ^c	2,229	2.4
Immigration offenses	141	0.2
Traffic offenses	5,045	5.5
Other misdemeanors	2,187	2.4

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

—Less than .05%.

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

^aPercent distribution based on defendants whose categories could be determined.

^bIncludes 80 defendants for whom 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; "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 4.2. Disposition of criminal cases terminating from October 1, 2002 - September 30, 2003, by offense

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in criminal cases terminating during 2003 who were—								
			Convicted						Not convicted		
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial	
			Jury	Non-jury			Jury ^a	Non-jury			
All offenses	85,106	89.1%	75,805	72,589	452	2,431	333	9,301	8,541	478	282
Felonies	74,370	92.1%	68,490	65,922	31	2,400	137	5,880	5,331	470	79
Violent offenses	3,040	90.5%	2,751	2,550	4	183	14	289	238	47	4
Murder ^b	322	88.8	286	252	0	33	1	36	28	7	1
Negligent manslaughter	1	—	1	1	0	0	0	0	0	0	0
Assault	443	87.1	386	360	1	24	1	57	43	12	2
Robbery	1,604	93.1	1,494	1,425	3	61	5	110	97	12	1
Sexual abuse ^b	474	88.8	421	379	0	39	3	53	42	11	0
Kidnaping	160	84.4	135	107	0	25	3	25	20	5	0
Threats against the President	36	77.8	28	26	0	1	1	8	8	0	0
Property offenses	14,965	91.2%	13,652	13,114	11	505	22	1,313	1,173	112	28
Fraudulent	12,468	91.2%	11,376	10,941	7	410	18	1,092	970	96	26
Embezzlement	891	92.4	823	802	1	19	1	68	60	5	3
Fraud ^b	10,016	91.2	9,133	8,754	6	357	16	883	778	84	21
Forgery	96	86.5	83	82	0	1	0	13	12	0	1
Counterfeiting	1,465	91.3	1,337	1,303	0	33	1	128	120	7	1
Other	2,497	91.1%	2,276	2,173	4	95	4	221	203	16	2
Burglary	57	82.5	47	44	0	3	0	10	10	0	0
Larceny ^b	1,677	91.3	1,531	1,475	3	52	1	146	140	5	1
Motor vehicle theft	90	92.2	83	82	0	1	0	7	7	0	0
Arson and explosives	357	91.6	327	303	0	22	2	30	20	9	1
Transportation of stolen property	277	91.7	254	235	1	17	1	23	21	2	0
Other property offenses ^b	39	87.2	34	34	0	0	0	5	5	0	0
Drug offenses	28,597	91.9%	26,277	25,297	10	932	38	2,320	2,171	140	9
Trafficking	26,495	91.9	24,345	23,425	9	874	37	2,150	2,014	127	9
Possession and other drug offenses	2,102	91.9	1,932	1,872	1	58	1	170	157	13	0
Public-order offenses	4,472	86.4%	3,866	3,622	2	233	9	606	531	54	21
Regulatory	906	82.9%	751	706	1	41	3	155	125	28	2
Agriculture	1	—	1	1	0	0	0	0	0	0	0
Antitrust	19	100	19	17	0	2	0	0	0	0	0
Food and drug	44	90.9	40	39	0	1	0	4	4	0	0
Transportation	183	77.0	141	136	0	4	1	42	38	3	1
Civil rights	92	62.0	57	45	0	12	0	35	12	22	1
Communications	24	91.7	22	22	0	0	0	2	2	0	0
Custom laws	74	83.8	62	60	0	1	1	12	12	0	0
Postal laws	38	78.9	30	28	1	1	0	8	7	1	0
Other regulatory offenses	431	87.9	379	358	0	20	1	52	50	2	0
Other	3,566	87.4%	3,115	2,916	1	192	6	451	406	26	19
Tax law violations ^b	414	93.7	388	353	0	33	2	26	24	2	0
Bribery	142	89.4	127	121	0	6	0	15	11	4	0
Perjury, contempt, and intimidation	309	81.2	251	226	0	24	1	58	48	10	0
National defense	56	83.9	47	42	0	5	0	9	4	1	4
Escape	557	84.6	471	462	0	9	0	86	85	0	1
Racketeering and extortion	910	87.9	800	719	0	81	0	110	97	4	9
Gambling	31	93.5	29	27	0	2	0	2	2	0	0
Liquor offenses	1	—	1	1	0	0	0	0	0	0	0
Nonviolent sex offenses	687	91.6	629	610	0	17	2	58	55	2	1
Obscene material ^b	59	81.4	48	46	0	2	0	11	11	0	0
Traffic offenses	42	83.3	35	35	0	0	0	7	6	0	1
Wildlife	56	69.6	39	36	0	3	0	17	15	1	1
Environmental	33	75.8	25	23	0	2	0	8	7	0	1
All other felonies ^b	269	83.6	225	215	1	8	1	44	41	2	1
Weapon offenses	8,147	89.8%	7,315	6,801	2	481	31	832	709	108	15
Immigration offenses	15,149	96.6%	14,629	14,538	2	66	23	520	509	9	2
Misdemeanors^b	10,736	68.1%	7,315	6,667	421	31	196	3,421	3,210	8	203
Fraudulent property offenses	534	88.4	472	462	3	3	4	62	61	1	0
Larceny	1,369	55.2	756	684	61	2	9	613	605	1	7
Drug possession ^b	1,911	79.1	1,511	1,460	34	4	13	400	390	2	8
Immigration offenses	126	88.9	112	112	0	0	0	14	14	0	0
Traffic offenses	4,736	63.8	3,021	2,630	287	1	103	1,715	1,536	0	179
Other misdemeanors	2,060	70.0	1,443	1,319	36	21	67	617	604	4	9

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 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 4.3. Time from filing to disposition of criminal cases terminating from October 1, 2002 - September 30, 2003, 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	9.8 mo	18.3 mo	8.6 mo	14.6 mo
Felonies	10.1 mo	18.7 mo	9.2 mo	16.4 mo
Violent offenses	10.3 mo	13.7 mo	9.7 mo	14.1 mo
Murder ^c	13.7	15.9	12.4	20.2
Negligent manslaughter	—	...	—	...
Assault	8.6	12.7	8.1	8.9
Robbery	9.4	10.2	9.1	13.6
Sexual abuse ^c	10.2	15.5	9.5	11.6
Kidnaping	18.7	27.0	17.4	18.1
Threats against the President	9.0	—	9.2	—
Property offenses	10.7 mo	17.7 mo	9.8 mo	18.1 mo
Fraudulent	10.6 mo	18.3 mo	9.6 mo	18.2 mo
Embezzlement	8.2	15.3	7.5	14.4
Fraud ^c	10.9	19.1	9.8	19.0
Forgery	10.9	24.8	8.9	—
Counterfeiting	9.8	14.4	9.3	12.1
Other	11.3 mo	14.6 mo	10.7 mo	17.7 mo
Burglary	9.5	—	7.9	—
Larceny ^c	10.4	11.5	10.1	16.1
Motor vehicle theft	18.5	—	18.3	—
Arson and explosives	12.4	22.6	11.1	18.6
Transportation of stolen property	13.9	24.8	12.5	21.7
Other property offenses ^c	9.3	—	9.2	...
Drug offenses	12.5 mo	25.1 mo	11.3 mo	17.5 mo
Trafficking	12.6	25.5	11.3	17.8
Possession and other drug offenses	11.4	20.4	10.6	13.6
Public-order offenses	12.3 mo	19.6 mo	10.8 mo	18.7 mo
Regulatory	10.3 mo	14.6 mo	8.8 mo	17.3 mo
Agriculture	—	...	—	...
Antitrust	8.7	...	7.6	—
Food and drug	7.9	—	8.1	—
Transportation	8.2	13.3	6.7	—
Civil rights	16.2	9.5	13.3	22.3
Communications	5.7	—	5.8	...
Custom laws	14.1	—	11.1	—
Postal laws	7.0	—	6.2	—
Other regulatory offenses	10.1	14.6	9.2	14.6
Other	12.9 mo	21.2 mo	11.3 mo	19.1 mo
Tax law violations ^c	13.8	38.6	12.1	17.7
Bribery	11.3	—	11.0	—
Perjury, contempt, and intimidation	10.2	14.4	9.2	11.1
National defense	11.7	—	12.1	—
Escape	14.5	36.2	11.3	—
Racketeering and extortion	16.4	24.6	14.2	24.9
Gambling	19.7	—	17.5	—
Liquor offenses	—	...	—	...
Nonviolent sex offenses	9.7	11.8	9.3	17.1
Obscene material ^c	8.6	—	8.6	—
Traffic offenses	6.4	—	6.5	—
Wildlife	9.6	7.5	9.3	—
Environmental	18.0	—	12.3	—
All other felonies ^c	9.9	10.2	9.5	15.7
Weapon offenses	9.9 mo	9.8 mo	9.5 mo	13.3 mo
Immigration offenses	4.6 mo	9.6 mo	4.4 mo	9.9 mo
Misdemeanors^c	7.5 mo	17.7 mo	3.2 mo	2.3 mo
Fraudulent property offenses	5.4	13.4	4.3	—
Larceny	7.1	10.6	4.3	3.6
Drug possession ^c	4.8	10.1	3.4	3.4
Immigration offenses	1.8	3.6	1.6	...
Traffic offenses	10.0	26.2	2.4	1.0
Other misdemeanors	5.6	9.0	4.1	5.0

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.

—Too few cases to obtain statistically reliable data.
...No case of this type occurred in the data.

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

^bIncludes mistrials.

^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; "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 4.4. Dispositions by U.S. magistrates, October 1, 2002 - September 30, 2003

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrates			
	Total	Convicted	Not convicted	Percent convicted
All offenses	10,803	7,490	3,313	69.3%
Violent offenses^a	382	229	153	59.9%
Murder ^b	6	5	1	—
Assault	362	211	151	58.3
Sexual abuse ^b	13	12	1	92.3
Kidnaping	1	1	0	—
Property offenses	2,064	1,323	741	64.1%
Fraudulent	550	485	65	88.2%
Embezzlement	143	132	11	92.3
Fraud ^b	392	342	50	87.2
Forgery	9	8	1	—
Counterfeiting	6	3	3	—
Other	1,514	838	676	55.4%
Burglary	2	1	1	—
Larceny ^b	1,332	740	592	55.6
Motor vehicle theft	1	1	0	—
Arson and explosives	3	2	1	—
Other property offenses ^b	176	94	82	53.4
Drug offenses	1,902	1,512	390	79.5%
Trafficking	120	89	31	74.2
Possession	1,781	1,422	359	79.8
Other drug offenses	1	1	0	—
Public-order offenses	5,871	3,883	1,988	66.1%
Regulatory	297	248	49	83.5%
Food and drug	19	17	2	89.5
Transportation	64	60	4	93.8
Civil Rights	2	2	0	—
Communications	5	5	0	—
Custom Laws	3	3	0	—
Postal Laws	62	60	2	96.8
Other regulatory offenses	142	101	41	71.1
Other	5,574	3,635	1,939	65.2%
Tax law violations ^b	29	29	0	100
Bribery	2	2	0	—
Perjury, contempt, and intimidation	17	12	5	70.6
National defense	16	14	2	87.5
Escape	46	31	15	67.4
Racketeering and extortion	3	3	0	—
Liquor offenses	35	33	2	94.3
Non-violent sex offenses	1	1	0	—
Traffic offenses	4,671	2,986	1,685	63.9
Wildlife	232	212	20	91.4
Environmental	3	3	0	—
All other offenses ^b	519	309	210	59.5
Weapon offenses	73	44	29	60.3%
Immigration offenses	511	499	12	97.7%

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

—Too few cases to obtain statistically reliable data.

^aMay include some nonviolent offenses.

^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 4.5. Characteristics of convicted offenders, October 1, 2002 - September 30, 2003

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders											
		All offenses ^a	Felonies					Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses	Misdemeanors
			Violent offenses	Property offenses		Other	Regulatory		Other				
				Fraudulent	Other								
All offenders^b	75,859	75,859	2,644	11,323	1,988	25,582	1,136	3,195	6,970	14,199	8,775		
Male/female													
Male	60,186	86.8%	92.4%	74.5%	73.4%	87.4%	74.9%	88.1%	96.4%	95.2%	79.0%		
Female	9,127	13.2	7.6	25.5	26.6	12.6	25.1	11.9	3.6	4.8	21.0		
Race													
White	48,389	71.2%	53.2%	64.6%	66.9%	67.7%	79.9%	77.5%	49.9%	94.3%	72.8%		
Black	16,840	24.8	30.4	29.9	24.9	29.6	14.5	17.2	47.3	3.8	21.1		
Native American	1,023	1.5	14.3	0.7	4.6	0.9	0.4	1.4	1.3	0.4	2.6		
Asian/Pacific Islander	1,489	2.2	1.7	4.3	3.4	1.6	4.7	3.9	1.2	1.2	2.7		
Other	199	0.3	0.4	0.4	0.2	0.2	0.5	0.1	0.3	0.3	0.7		
Ethnicity													
Hispanic	29,335	42.6%	11.9%	20.8%	15.7%	43.5%	36.8%	16.8%	13.5%	89.8%	34.6%		
Non-Hispanic	39,519	57.4	88.1	79.2	84.3	56.5	63.2	83.2	86.5	10.2	65.4		
Age													
16-18 years	455	0.7%	1.1%	0.2%	0.3%	0.8%	0.5%	0.1%	0.4%	0.5%	2.3%		
19-20 years	2,803	4.2	7.1	2.1	3.6	4.7	4.3	1.6	4.6	3.4	8.3		
21-30 years	26,278	39.2	36.1	28.5	30.0	43.7	30.4	22.7	47.8	41.3	39.5		
31-40 years	20,770	31.0	28.1	31.5	29.1	30.6	30.2	28.2	27.6	36.8	24.8		
Over 40 years	16,672	24.9	27.5	37.7	37.0	20.2	34.7	47.3	19.6	18.0	25.1		
Citizenship													
U.S. citizen	43,865	64.1%	94.2%	75.9%	91.2%	71.3%	69.1%	89.2%	93.6%	11.5%	68.8%		
Not U.S. citizen	24,596	35.9	5.8	24.1	8.8	28.7	30.9	10.8	6.4	88.5	31.2		
Education													
Less than high school graduate	30,451	47.6%	37.1%	22.9%	28.9%	49.6%	32.7%	24.2%	46.2%	81.3%	36.2%		
High school graduate	19,026	29.7	39.8	31.3	36.4	32.0	29.7	33.3	39.8	12.6	34.1		
Some college	10,867	17.0	18.4	29.9	26.0	15.5	23.1	26.2	12.7	5.0	22.5		
College graduate	3,657	5.7	4.7	15.9	8.7	2.9	14.5	16.3	1.4	1.1	7.2		
Criminal record													
No convictions	26,042	37.4%	31.2%	52.9%	48.0%	44.2%	62.9%	53.1%	13.7%	17.1%	43.3%		
Prior adult convictions ^c	43,531	62.6	68.8	47.1	52.0	55.8	37.1	46.9	86.3	82.9	56.7		

Note: Offender characteristics are not comparable with the 1993 and prior compendia; see *Chapter notes*, item 2, p. 66. Offenders are classified by the most serious offense charged.

^aIncludes defendants for whom offense categories could not be determined.

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

^cSee *Chapter notes*, item 3, p. 66.

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, 2002, through September 30, 2003, 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.

2) Table 4.5 was created by matching the AOUSC master data files with the U.S. Sentencing Commission (USSC) monitoring system files and the Pretrial Services Agency (PSA) data files. These latter two data files contain information on the characteristics of defendants. The USSC monitoring system files are limited to records of defendants sentenced under the Federal sentencing guidelines only. These include defendants convicted of felonies or Class A misdemeanors. Excluded from the USSC data were defendants convicted only of Class B or C misdemeanors or infractions, defendants whose offenses were committed before November 1, 1987, and juvenile offenders. Juveniles charged as adults are included in table 4.5. Some of the defendants excluded from the USSC data files were included in the PSA data. (See Chapter 3 *Chapter notes* for more information on the PSA data.) Table 4.5 indicates the number of records for which relevant data were available. Percentage distributions were based on records with known values of defendant characteristics.

3) A criminal record, as reported in table 4.5, is limited to prior adult

convictions. For some defendants in this table, it is further limited to the portion that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within a 15-year period prior to the current offense and offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges includes their entire adult criminal history.

Discussion **69**

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October 1, 2002 – September 30, 2003

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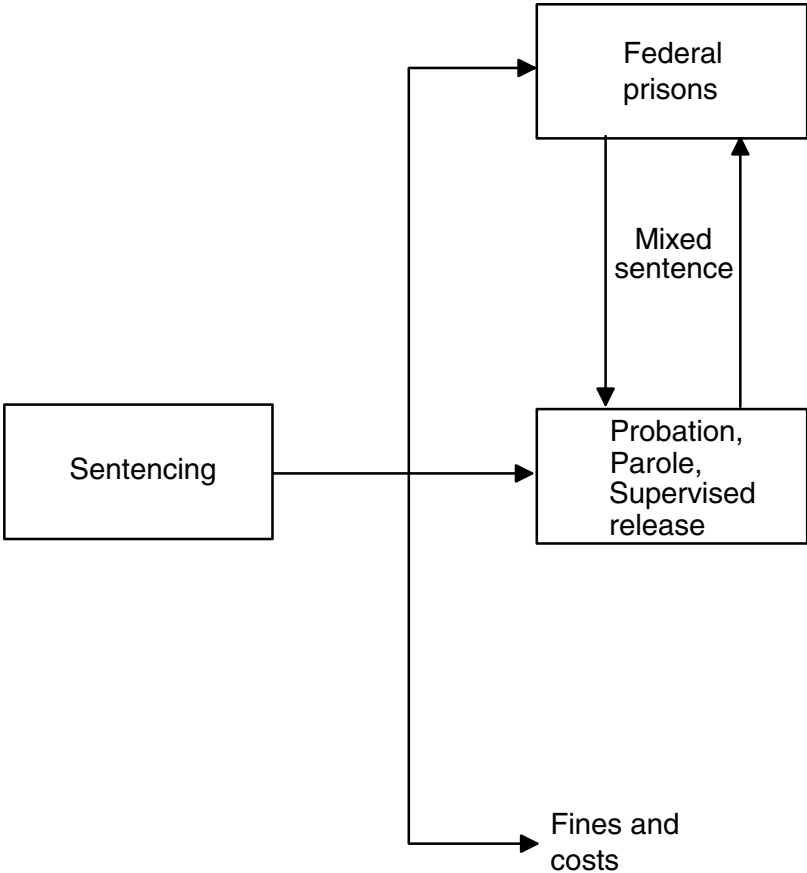
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Chapter notes **79**

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 75,805 offenders sentenced during 2003, 57,629 (76%) were sentenced to prison; 11,804 (16%) were sentenced to probation¹; and 2,847 (4%) were ordered to pay only a fine. During 2003, 55,811 defendants convicted of felonies were sentenced to prison representing 97% of all prison sentences and 83% of all convicted felons. Felony drug, violent, weapon, and immigration offenders were more likely to receive prison sentences (92%, 93%, 92%, and 87% respectively) than were property (60%) or public-order (70%) offenders (figure 5.1).

Among public-order offenders, persons convicted of nonviolent sex offenses (92%) and escape (91%) were almost as likely to receive prisons

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

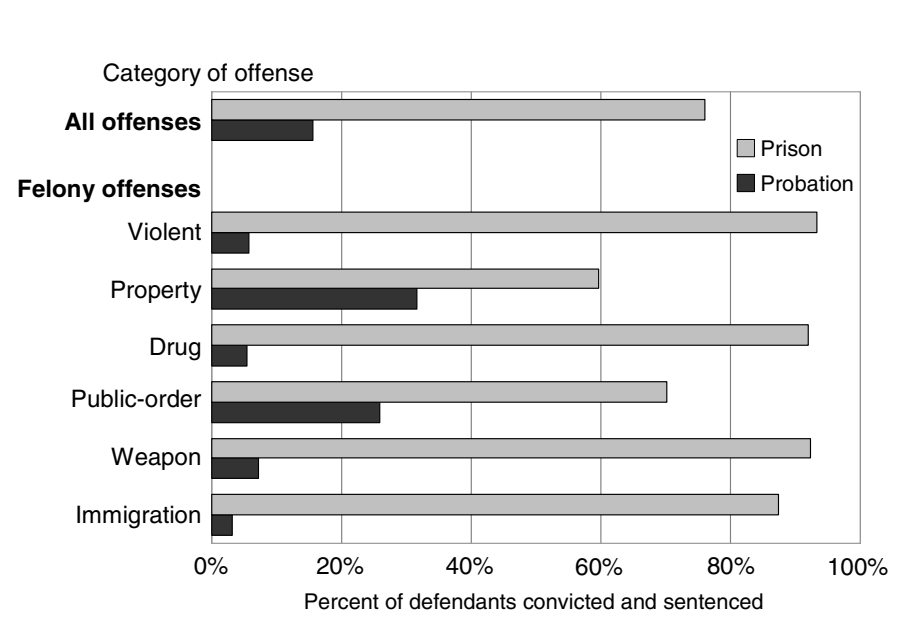


Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated during October 1, 2002 - September 30, 2003

sentences as were violent, drug, weapon, and immigration offenders.

Among property offenders, persons convicted of burglary (86%) were the most likely to receive prison sentences.

Overall, 16 % of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (45%) was nearly 4 times that of convicted felons (12%).

Persons convicted of postal law violations were the most likely to receive probation (74%), followed by persons convicted of larceny misdemeanors and environmental offenses (72% and 69% respectively).

While 4% of all convicted defendants were ordered to only pay a fine, 29% 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 58.7 months. Persons convicted of felonies received an average of 60.3 months.

The average length of prison sentence length imposed varied among major felony offense categories (figure 5.2). Immigration offenders received the shortest sentence, on average, while violent offenders received the longest (26.7 months compared to 97.2 months). Weapon offenders received an average prison term of 83.7 months, and drug offenders received 81.4 months. Lesser terms were administered for public-order offenders receiving 42.9 months, on average, and property offenders receiving an average prison term of 27.3 months. The average sentence length for felony offenses (60.3 months) was over 6 times longer than average sentence length

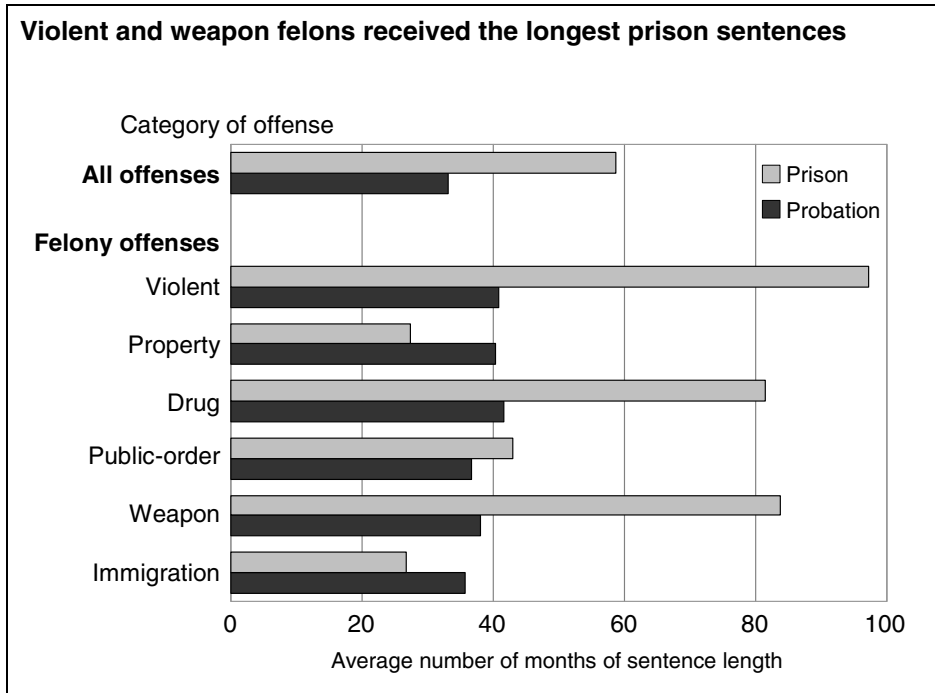


Figure 5.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases that terminated during October 1, 2002 - September 30, 2003

for misdemeanor offenses (9.1 months).

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

During 2003, offenders convicted by trial were more likely to receive prison sentences than those who pleaded guilty. Seventy-six percent of the offenders convicted by guilty plea received some prison time, while 89% of offenders convicted at trial received prison sentences.

For violent offenders, 93% of those convicted by plea received prison sentences, as did 97% of those convicted at trial. For property offenders, 59% of those convicted by plea received prison sentences, compared to 89% of those convicted at trial. For public-order offenders, 69% of those convicted by plea, as contrasted with 91% 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 153.7 months, on average (a median of 97 months), while those convicted by plea received an average of 54.7 months (a median of 33 months) (figure 5.3). Drug offenders convicted at trial received an average of 206.9 months as compared to 76.5 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 232.2 months as compared to the 87.4 months for those convicted by guilty plea. Those convicted at trial for weapon offenses received, on average, 174.0 months, compared to the 76.9 months for weapon offenders convicted by guilty plea.

Characteristics of offenders sentenced to prison (tables 5.4-5.6)

The majority of persons convicted during 2003 were male (87%), white (71%), non-Hispanic (57%), and U.S. citizens (64%). (Percents were calculated from numbers in table 5.4.) The percentage sentenced to prison was not uniform across all categories of

age, race, sex, education, and ethnicity. Similarly, the average sentences imposed varied across these categories (table 5.5). However, conclusions about the effect that characteristics may have had on sentencing cannot be drawn from the aggregate patterns in the data. Such an assessment would require detailed information for each category showing the presence or absence of factors that are legally intended to affect sentencing, such as offense severity, weapon use, role in the offense, victim injury, dollar loss, and so forth.

One such study of the factors affecting sentencing found that "nearly all of the aggregate differences among sentences for whites, blacks, and Hispanics during 1989-90 can be attributed to characteristics of offenses and offenders that current law and sentencing guidelines establish as legitimate considerations in sentencing decisions."²

Average sentences imposed were longest for males (60.5 months), blacks (88.3 months), non-Hispanics (71.0 months), and U.S. citizens (70.7 months). These categories of offenders (males, blacks, non-Hispanics, and U.S. citizens) are also more highly concentrated in the offense types associated with longer average sentences (table 5.2). In general, average prison terms were longer for violent, drug and weapon offenses than for property, public-order and immigration offenses. These three offense categories (violent, drug, and weapons) are generally considered to be more serious under the Federal sentencing guidelines than are property and public-order offenses.

²Douglas C. McDonald and Kenneth E. Carlson, *Sentencing in the Federal Courts: Does Race Matter?* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, December 1993 (NCJ 145328), p. 1.

Defendants convicted at trial received longer sentences than those convicted by guilty plea

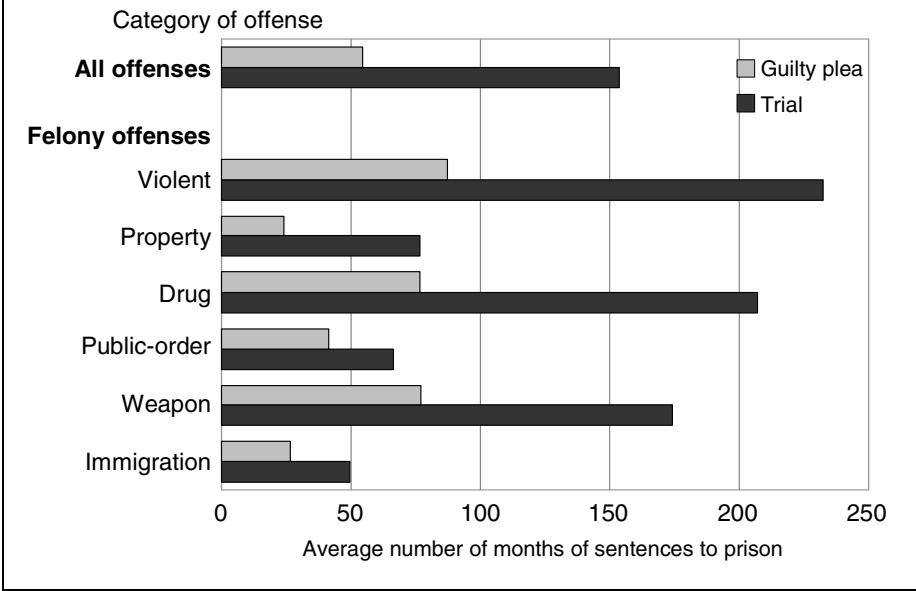


Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea, October 1, 2002 - September 30, 2003

Table 5.1. Sentence types for offenders sentenced in criminal cases terminated, by offense, October 1, 2002 - September 30, 2003

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	75,805	76.0%	15.6%	3.8%
Felonies	67,036	83.3%	11.7%	0.4%
Violent offenses	2,643	93.2%	5.8%	0.1%
Murder ^e	229	90.4	7.4	0.4
Negligent Manslaughter	1	—	—	—
Assault	374	84.8	12.8	0
Robbery	1,544	96.4	3.4	0.1
Sexual abuse ^e	381	92.4	7.3	0
Kidnaping	85	87.1	8.2	0
Threats against the President	29	79.3	3.4	0
Property offenses	13,311	59.7%	31.7%	0.9%
Fraudulent	11,323	59.5%	30.9%	1.0%
Embezzlement	786	49.7	36.4	2.0
Fraud ^e	9,373	59.7	30.4	0.9
Forgery	77	42.9	50.6	2.6
Counterfeiting	1,087	65.7	30.2	0.4
Other	1,988	60.9%	36.0%	0.6%
Burglary	44	86.4	9.1	0
Larceny ^e	1,442	54.2	42.2	0.6
Motor vehicle theft	86	77.9	18.6	1.2
Arson and explosives	200	85.5	14.0	0
Transportation of stolen property	186	73.7	24.7	0.5
Other property offenses ^e	30	56.7	40.0	3.3
Drug offenses	25,582	92.0%	5.4%	0.3%
Trafficking	23,521	92.3	5.2	0.3
Possession and other drug offenses	2,061	89.3	8.2	0.4
Public-order offenses	4,331	70.1%	25.9%	0.9%
Regulatory	1,136	47.7%	42.3%	1.9%
Agriculture	0	...	...	...
Antitrust	17	23.5	47.1	29.4
Food and drug	41	31.7	61.0	4.9
Transportation	126	31.0	50.0	2.4
Civil rights	57	87.7	12.3	0
Communications	26	34.6	65.4	0
Custom laws	91	50.5	24.2	3.3
Postal laws	35	17.1	74.3	2.9
Other regulatory offenses	743	50.5	42.1	1.1
Other	3,195	78.1%	20.1%	0.5%
Tax law violations ^e	404	61.9	37.6	0.2
Bribery	112	53.6	41.1	0
Perjury, contempt, and intimidation	208	69.2	28.8	0.5
National defense	43	60.5	37.2	0
Escape	505	91.1	5.9	0.2
Racketeering and extortion	965	80.3	15.9	0.9
Gambling	17	82.4	23.5	0
Liquor offenses	1	—	—	—
Nonviolent sex offenses	638	92.3	9.1	0.2
Obscene material ^e	58	65.5	34.5	0
Traffic offenses	30	86.7	13.3	0
Wildlife	22	36.4	54.5	9.1
Environmental	26	30.8	69.2	0
All other felonies ^e	166	57.8	41.0	0.6
Weapon offenses	6,970	92.3%	7.2%	0.2%
Immigration offenses	14,199	87.3%	3.1%	0.2%
Misdemeanors^e	8,767	20.7%	45.4%	29.4%
Fraudulent property offenses	755	26.1	62.1	4.1
Larceny	842	9.4	72.3	17.2
Drug possession ^e	1,603	40.7	43.4	5.8
Immigration offenses	648	81.0	11.7	0.5
Traffic offenses	3,124	4.2	36.7	58.7
Other misdemeanors	1,795	12.9	55.0	26.5

Note: For further information, see *Chapter notes*, item 1, p. 79.

—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 and 2 defendants for whom 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; "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 misde-

Table 5.2. Type and length of sentences imposed for sentenced offenders, by offense, October 1, 2002 - September 30, 2003

Most serious offense of conviction	Offenders convicted and sentenced in criminal cases that terminated during fiscal year 2003							
	Total ^a	Number			Sentence length			
		Incarceration ^b	Probation ^c	Fine (only)	Incarceration ^d		Probation ^d	
				Mean	Median	Mean	Median	
All offenses^e	75,805	57,629	11,804	2,847	58.7 mo	36.0 mo	33.1 mo	36.0 mo
Felonies	67,036	55,811	7,819	266	60.3 mo	37.0 mo	39.7 mo	36.0 mo
Violent offenses	2,643	2,462	153	2	97.2 mo	64.0 mo	40.9 mo	36.0 mo
Murder ^f	229	207	17	1	129.4	72.0	35.1	36.0
Negligent manslaughter	1	1	0	0	—	—	...	...
Assault	374	317	48	0	38.4	30.0	38.3	36.0
Robbery	1,544	1,488	52	1	100.7	75.0	41.7	36.0
Sexual abuse ^f	381	352	28	0	116.7	71.5	47.1	48.0
Kidnaping	85	74	7	0	128.2	94.5	—	—
Threats against the President	29	23	1	0	32.8	35.0	—	—
Property offenses	13,311	7,948	4,216	120	27.3 mo	18.0 mo	40.3 mo	36.0 mo
Fraudulent	11,323	6,737	3,501	108	24.8 mo	16.0 mo	40.0 mo	36.0 mo
Embezzlement	786	391	286	16	16.9	12.0	38.1	36.0
Fraud ^f	9,373	5,599	2,848	86	25.4	16.0	40.3	36.0
Forgery	77	33	39	2	20.3	18.0	47.1	36.0
Counterfeiting	1,087	714	328	4	24.5	18.0	38.7	36.0
Other	1,988	1,211	715	12	41.1 mo	21.0 mo	41.7 mo	36.0 mo
Burglary	44	38	4	0	29.3	30.0	—	—
Larceny ^f	1,442	781	609	9	31.7	16.0	41.7	36.0
Motor vehicle theft	86	67	16	1	34.4	27.0	36.9	36.0
Arson and explosives	200	171	28	0	99.3	60.0	42.9	38.5
Transportation of stolen property	186	137	46	1	33.0	24.0	42.6	36.0
Other property offenses ^f	30	17	12	1	20.9	18.0	40.2	36.0
Drug offenses	25,582	23,544	1,387	72	81.4 mo	60.0 mo	41.6 mo	36.0 mo
Trafficking	23,521	21,704	1,217	63	81.2	60.0	42.4	36.0
Possession and other drug offenses	2,061	1,840	170	9	82.7	63.0	35.7	36.0
Public-order offenses	4,331	3,036	1,123	38	42.9 mo	26.0 mo	36.7 mo	36.0 mo
Regulatory	1,136	542	481	22	33.2 mo	18.0 mo	34.2 mo	36.0 mo
Agriculture	0	0	0	0	...	...	...	...
Antitrust	17	4	8	5	—	—	—	—
Food and drug	41	13	25	2	188.0	33.0	27.8	30.0
Transportation	126	39	63	3	57.6	12.0	35.7	36.0
Civil rights	57	50	7	0	55.8	28.5	—	—
Communications	26	9	17	0	—	—	28.7	36.0
Custom laws	91	46	22	3	17.3	12.0	34.1	36.0
Postal laws	35	6	26	1	—	—	29.2	36.0
Other regulatory offenses	743	375	313	8	24.0	18.0	35.2	36.0
Other	3,195	2,494	642	16	45.0 mo	27.0 mo	38.7 mo	36.0 mo
Tax law violations ^f	404	250	152	1	21.9	15.0	36.0	36.0
Bribery	112	60	46	0	20.0	15.0	37.7	36.0
Perjury, contempt, and intimidation	208	144	60	1	43.2	27.0	34.1	36.0
National defense	43	26	16	0	59.2	30.0	42.8	30.0
Escape	505	460	30	1	19.4	15.0	25.9	24.0
Racketeering and extortion	965	775	153	9	72.5	46.0	38.4	36.0
Gambling	17	14	4	0	19.4	17.0	—	—
Liquor offenses	1	0	1	0	...	...	—	—
Nonviolent sex offenses	638	589	58	1	47.0	33.0	48.7	60.0
Obscene material ^f	58	38	20	0	42.7	37.0	44.4	36.0
Traffic offenses	30	26	4	0	20.5	18.0	—	—
Wildlife	22	8	12	2	—	—	41.0	36.0
Environmental	26	8	18	0	—	—	34.3	36.0
All other felonies ^f	166	96	68	1	24.1	14.0	46.0	60.0
Weapon offenses	6,970	6,431	501	12	83.7 mo	54.0 mo	38.1 mo	36.0 mo
Immigration offenses	14,199	12,390	439	22	26.7 mo	24.0 mo	35.8 mo	36.0 mo
Misdemeanors^f	8,767	1,818	3,983	2,581	9.1 mo	5.0 mo	20.2 mo	12.0 mo
Fraudulent property offenses	755	197	469	31	11.8	12.0	27.9	24.0
Larceny	842	79	609	145	7.6	6.0	22.3	12.0
Drug possession ^f	1,603	653	695	93	12.6	6.0	18.1	12.0
Immigration offenses	648	525	76	3	4.6	2.0	25.7	24.0
Traffic offenses	3,124	132	1,146	1,833	6.5	3.0	14.7	12.0
Other misdemeanors	1,795	232	988	476	8.8	6.0	22.4	12.0

—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 (1% of all incarcerations).

^eTotal 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.

^fIn 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, 2002 - September 30, 2003

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	75,805	57,629	11,804	2,847	76.0%	58.7 mo	36.0 mo
Guilty plea ^e	73,041	55,180	11,600	2,756	75.5	54.7	33.0
Trial	2,764	2,449	204	91	88.6	153.7	97.0
Felonies	67,036	55,811	7,819	266	83.3%	60.3 mo	37.0 mo
Guilty plea	64,510	53,402	7,723	262	82.8	56.3	36.0
Trial	2,526	2,409	96	4	95.4	156.1	97.0
Violent offenses	2,643	2,462	153	2	93.2%	97.2 mo	64.0 mo
Guilty plea	2,452	2,277	148	2	92.9	87.4	63.0
Trial	191	185	5	0	96.9	232.2	125.0
Property offenses	13,311	7,948	4,216	120	59.7	27.3 mo	18.0 mo
Guilty plea	12,768	7,467	4,167	118	58.5	24.1	15.0
Trial	543	481	49	2	88.6	76.5	40.0
Drug offenses	25,582	23,544	1,387	72	92.0%	81.4 mo	60.0 mo
Guilty plea	24,581	22,561	1,370	70	91.8	76.5	57.0
Trial	1,001	983	17	2	98.2	206.9	180.0
Public-order offenses	4,331	3,036	1,123	38	70.1%	42.9 mo	26.0 mo
Guilty plea	4,097	2,824	1,105	38	68.9	41.2	24.0
Trial	234	212	18	0	90.6	66.4	37.0
Weapon offenses	6,970	6,431	501	12	92.3%	83.7 mo	54.0 mo
Guilty plea	6,502	5,966	495	12	91.8	76.9	51.0
Trial	468	465	6	0	99.4	174.0	120.0
Immigration offenses	14,199	12,390	439	22	87.3%	26.7 mo	24.0 mo
Guilty plea	14,110	12,307	438	22	87.2	26.6	24.0
Trial	89	83	1	0	93.3	49.4	41.0
Misdemeanors	8,767	1,818	3,983	2,581	20.7%	9.1 mo	5.0 mo
Guilty plea ^e	8,529	1,778	3,875	2,494	20.8	8.9	5.0
Trial	238	40	108	87	16.8	16.5	6.0

^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. 79.

^eIncludes nolo contendere.

Table 5.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics, October 1, 2002 - September 30, 2003

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders sentenced to incarceration in criminal cases terminated during 2003									
		All offenses	Violent offenses	Felonies		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses	Misdemeanors
				Fraudulent	Other		Regulatory	Other			
All offenders^a	75,859	76.0%	93.2%	59.5%	60.9%	92.0%	47.7%	78.1%	92.3%	87.3%	20.7%
Male/female											
Male	60,186	82.8%	95.0%	63.6%	68.3%	93.6%	54.3%	81.8%	93.2%	88.8%	32.5%
Female	9,127	57.5	76.4	48.0	40.8	82.3	35.4	57.8	69.5	65.5	13.3
Race											
White	48,389	80.7%	93.6%	61.3%	63.8%	91.1%	48.3%	78.6%	90.2%	89.5%	36.7%
Black	16,840	81.4	94.6	59.1	52.4	95.3	58.7	85.9	94.5	71.6	18.6
Native American	1,023	74.7	92.6	44.6	69.0	88.1	—	73.2	94.4	54.0	18.1
Asian/Pacific Islander	1,489	60.2	82.1	53.2	59.4	86.2	51.0	61.1	92.5	36.6	8.9
Other	199	58.8	—	38.3	—	95.2	—	—	94.7	50.0	24.2
Ethnicity											
Hispanic	29,335	86.6%	90.5%	61.8%	66.9%	93.2%	52.3%	86.1%	93.0%	89.9%	60.2%
Non-Hispanic	39,519	74.9	93.9	59.2	60.0	91.4	47.9	77.6	92.2	68.0	14.3
Age											
16-18 years	455	65.3%	77.8%	47.6%	—	79.4%	—	—	96.4%	82.9%	20.2%
19-20 years	2,803	76.2	97.6	55.0	64.7	88.0	59.1	80.0	96.1	81.5	22.3
21-30 years	26,278	82.3	92.8	55.3	61.8	92.5	55.4	84.5	93.9	87.7	32.2
31-40 years	20,770	83.1	94.4	62.3	65.8	93.3	50.3	82.3	92.8	91.4	34.4
Over 40 years	16,672	74.7	93.2	58.2	56.5	91.6	42.9	73.9	86.7	90.6	22.3
Citizenship											
U.S. citizen	43,865	77.1%	94.2%	59.5%	59.0%	91.4%	48.8%	78.5%	92.5%	78.0%	15.9%
Not U.S. citizen	24,596	85.5	83.3	60.8	81.8	94.3	51.4	83.5	91.2	88.9	64.3
Education											
Less than high school graduate	30,451	87.7%	94.0%	59.5%	66.3%	94.0%	55.9%	86.4%	94.6%	91.0%	51.5%
High school graduate	19,026	78.9	94.9	56.4	60.7	92.5	51.0	79.2	92.0	85.5	17.9
Some college	10,867	71.0	92.3	59.3	53.9	88.8	42.6	75.1	86.3	75.1	14.9
College graduate	3,657	64.2	87.2	61.8	66.7	81.1	43.9	73.5	82.6	57.7	13.3
Criminal record											
No convictions	26,042	69.1%	87.4%	49.5%	48.7%	88.8%	44.6%	70.9%	75.8%	70.4%	29.2%
Prior adult convictions ^b	43,531	85.4	96.3	70.9	72.5	94.9	57.5	87.8	94.9	91.1	26.8

—Too few cases to obtain statistically reliable data.

Note: By definition, corporations are excluded from the offender characteristics reported. Offenders serving life sentences and indeterminate sentences are included. Offenders are classified by the most serious offense of conviction. The percentages in this table report the percent of convicted persons having a particular characteristic who were incarcerated. For example, 82.8% of all convicted males were incarcerated, and 95% of males convicted of a violent offense were incarcerated. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 79.

^aIncludes corporations and offenders for whom offense or characteristics are unknown.

^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 79. Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 79.

Table 5.5. Average incarceration sentence lengths imposed, for sentenced offenders, by offense and offender characteristics, October 1, 2002 - September 30, 2003

Offender characteristic	Mean sentence length for offenders convicted of—									
	All offenses	Felonies						Weapon offenses	Immigration offenses	Misdemeanors
		Violent offenses	Property offenses		Drug offenses	Public-order offenses				
			Fraudulent	Other		Regulatory	Other			
All offenders^a	58.7 mo	97.2 mo	24.8 mo	41.1 mo	81.4 mo	33.2 mo	45.0 mo	83.7 mo	26.7 mo	9.1 mo
Male/female										
Male	60.5 mo	98.4 mo	25.7 mo	45.9 mo	84.5 mo	32.5 mo	45.6 mo	83.1 mo	27.0 mo	10.0 mo
Female	36.3	65.0	18.3	20.3	49.5	18.5	35.0	56.8	18.3	6.7
Race										
White	47.9 mo	91.2 mo	24.4 mo	40.3 mo	67.6 mo	27.0 mo	43.5 mo	70.5 mo	26.5 mo	8.8 mo
Black	88.3	109.7	24.5	48.6	110.5	43.7	50.5	94.8	34.3	15.3
Native American	63.9	85.2	19.6	38.6	58.9	—	28.5	72.6	16.6	20.3
Asian/Pacific Islander	48.6	85.2	21.9	24.4	69.6	33.5	38.2	77.4	20.9	12.3
Other	50.9	—	16.8	—	74.3	...	—	76.8	33.5	—
Ethnicity										
Hispanic	43.4 mo	85.3 mo	18.3 mo	41.6 mo	65.7 mo	26.9 mo	57.0 mo	68.3 mo	26.9 mo	8.3 mo
Non-Hispanic	71.0	97.7	25.9	41.4	92.3	32.1	42.0	84.6	25.1	12.8
Age										
16-18 years	29.8 mo	71.3 mo	—	—	30.0 mo	—	—	62.6 mo	9.7 mo	3.9 mo
19-20 years	43.5	71.6	16.4	37.8	48.3	17.5	45.0	69.5	16.0	5.1
21-30 years	59.5	99.6	18.9	37.8	78.9	25.6	48.4	79.0	24.1	8.9
31-40 years	62.2	96.6	24.8	39.2	89.1	37.3	49.5	90.1	30.2	12.8
Over 40 years	57.5	96.5	30.7	46.9	80.3	27.9	40.1	83.1	30.9	12.0
Citizenship										
U.S. citizen	70.7 mo	96.3 mo	26.4 mo	42.2 mo	87.6 mo	34.1 mo	44.7 mo	84.1 mo	22.0 mo	12.8 mo
Not U.S. citizen	38.3	89.3	17.9	36.2	63.8	21.8	43.7	56.7	27.3	8.1
Education										
Less than high school graduate	56.8 mo	98.6 mo	21.6 mo	51.2 mo	78.6 mo	28.9 mo	49.6 mo	79.6 mo	27.2 mo	10.0 mo
High school graduate	70.2	98.7	24.2	37.5	86.9	28.7	44.4	86.4	30.0	14.5
Some college	57.3	82.8	25.1	34.4	76.7	28.5	46.1	80.0	26.3	13.7
College graduate	43.7	79.1	31.2	43.3	65.2	41.0	37.7	65.6	26.0	8.9
Criminal record										
No convictions	44.4 mo	79.6 mo	24.3 mo	36.5 mo	56.2 mo	26.4 mo	39.8 mo	59.6 mo	13.9 mo	6.5 mo
Prior adult convictions ^b	65.0	103.1	24.9	44.3	98.7	34.7	49.3	85.3	28.8	12.2

—Too few cases to obtain statistically reliable data.

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

Note: By definition, corporations are excluded from the offender characteristics reported. Excludes life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 79.

^aIncludes corporations and offenders for whom offense or characteristics are unknown.

^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 79. Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 79.

Table 5.6. Median incarceration sentence lengths imposed, for sentenced offenders, by offense and offender characteristics, October 1, 2002 - September 30, 2003

Offender characteristic	Median sentence length for offenders convicted of—									
	All offenses ^a	Felonies						Weapon offenses	Immigration offenses	Misdemeanors
		Violent offenses	Property offenses		Drug offenses	Public-order offenses				
			Fraudulent	Other		Regulatory	Other			
All offenders^a	36.0 mo	64.0 mo	16.0 mo	21.0 mo	60.0 mo	18.0 mo	27.0 mo	54.0 mo	24.0 mo	5.0 mo
Male/female										
Male	37.0 mo	63.0 mo	18.0 mo	24.0 mo	60.0 mo	18.0 mo	27.0 mo	54.0 mo	24.0 mo	6.0 mo
Female	24.0	46.0	13.0	12.0	37.0	15.0	18.0	30.0	15.0	4.0
Race										
White	30.0 mo	60.0 mo	15.0 mo	21.0 mo	46.0 mo	15.0 mo	27.0 mo	46.0 mo	24.0 mo	6.0 mo
Black	60.0	77.0	18.0	18.0	84.0	21.0	27.0	60.0	30.0	6.0
Native American	36.0	45.0	15.0	24.0	37.0	—	15.5	60.0	15.0	6.0
Asian/Pacific Islander	30.0	58.5	15.0	18.0	51.0	18.0	24.0	38.5	12.5	4.0
Other	31.5	—	13.5	—	60.0	...	—	31.5	30.0	—
Ethnicity										
Hispanic	30.0 mo	58.0 mo	12.0 mo	24.0 mo	46.0 mo	15.0 mo	27.0 mo	46.0 mo	24.0 mo	6.0 mo
Non-Hispanic	43.0	63.0	18.0	21.0	66.0	18.0	27.0	56.0	18.0	6.0
Age										
16-18 years	16.0 mo	49.0 mo	—	—	22.5 mo	—	—	40.0 mo	8.0 mo	3.0 mo
19-20 years	27.0	46.0	12.0	21.0	33.0	17.0	28.5	49.0	13.0	5.0
21-30 years	37.0	63.0	14.0	21.0	60.0	16.0	27.0	52.0	19.5	6.0
31-40 years	37.0	71.0	18.0	21.0	60.0	21.0	27.0	57.0	27.0	6.0
Over 40 years	35.0	63.0	18.0	24.0	58.0	15.0	27.0	48.0	27.0	6.0
Citizenship										
U.S. citizen	45.0 mo	63.0 mo	18.0 mo	21.0 mo	60.0 mo	18.0 mo	27.0 mo	57.0 mo	18.0 mo	6.0 mo
Not U.S. citizen	27.0	39.0	12.0	24.0	46.0	15.0	27.0	27.0	24.0	6.0
Education										
Less than high school graduate	36.0 mo	63.0 mo	15.0 mo	24.0 mo	57.0 mo	18.0 mo	27.0 mo	53.0 mo	24.0 mo	6.0 mo
High school graduate	46.0	65.0	16.0	18.0	60.0	15.0	27.0	57.0	24.0	6.0
Some college	36.0	60.0	18.0	21.0	57.0	15.0	27.0	48.0	21.0	6.0
College graduate	27.0	50.0	20.0	30.0	46.0	21.0	27.0	46.0	21.0	6.0
Criminal record										
No convictions	27.0 mo	46.0 mo	15.0 mo	20.0 mo	37.0 mo	15.0 mo	27.0 mo	27.0 mo	12.0 mo	5.0 mo
Prior adult convictions ^b	37.0	72.0	18.0	21.0	70.0	21.0	27.0	57.0	24.0	6.0

—Too few cases to obtain statistically reliable data.
 ...No cases of this type occurred in the data.
 Note: By definition, corporations are excluded from the offender characteristics reported. Excludes life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 79.

^aIncludes corporations and offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited. Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 79.

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, 2002, and September 30, 2003, were selected. Offenses shown in these tables — offenses of conviction — are based on the longest actual sentence imposed.
- 2) Tables 5.4-5.6 were generated from AOUSC criminal master data files supplemented with linked data on offender characteristics from two sources: The United States Sentencing Commission (USSC) monitoring system files (which are limited to records of defendants sentenced under the Federal sentencing guidelines); and the Pretrial Services Information Act System database, maintained by the Pretrial Services Agency (PSA). These two supplemental data files contain information on the characteristics of offenders. Table 5.4 indicates the number of records for which relevant data were available. Percent distributions were based on records with known values of defendant characteristics and offenses. Means and medians in tables 5.5 and 5.6 were based on the number of records shown in table 5.4
- 3) Criminal record, as reported in tables 5.4-5.6, is limited to prior adult convictions. For some defendants in these tables, it is further limited to the portion of their criminal record that is relevant for calculating sentences under the Federal Sentencing Guidelines. In general, this is limited to sentences imposed within 15 years of the current offense and sentences for offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges is the same as their adult criminal history.



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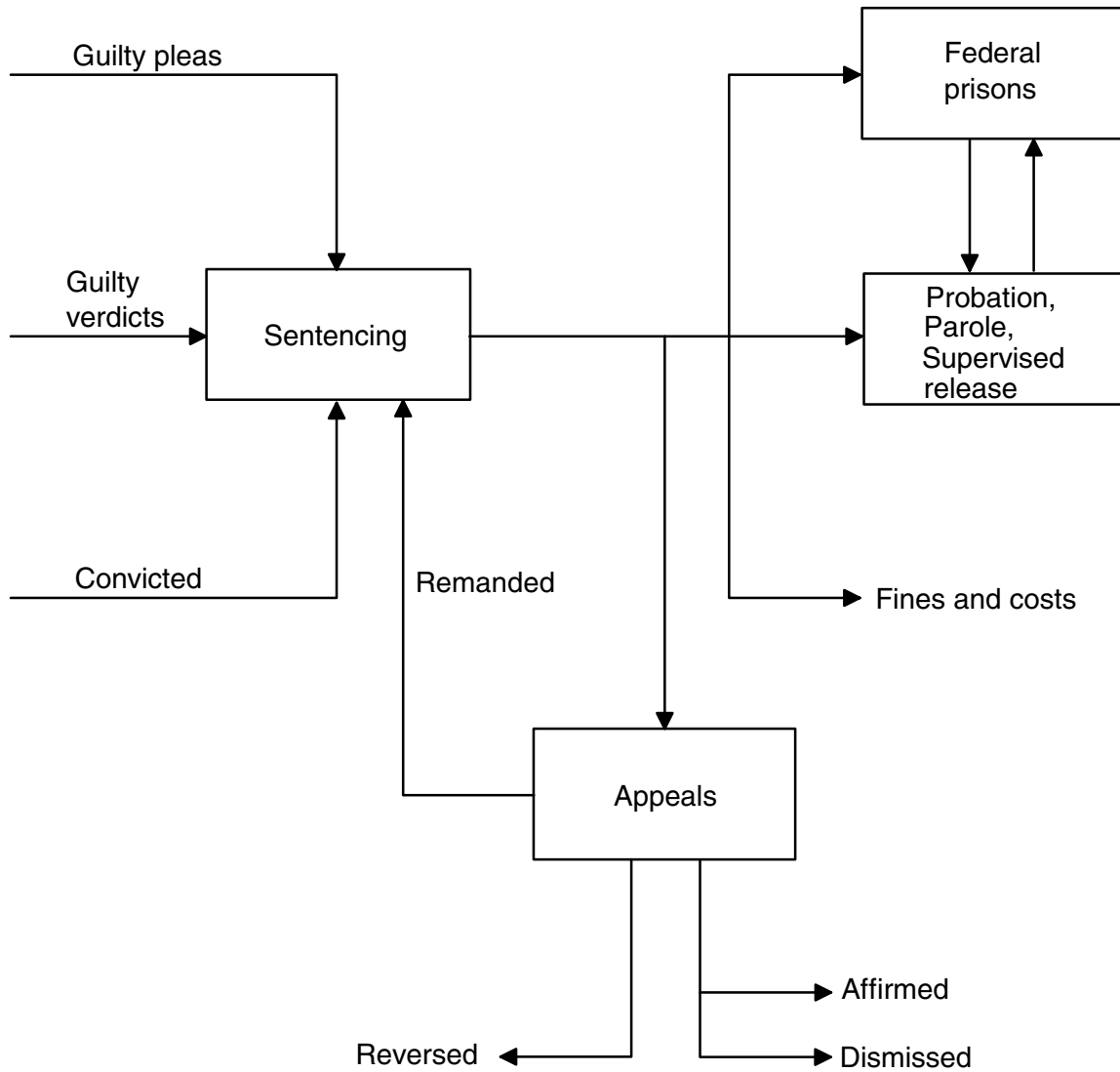
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Chapter 6

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 2003 the U.S. Court of Appeals received 11,968 criminal appeals, a small increase (up 3% from 2002) when compared to the increase between 2000 to 2001 (23%). Of all appeals, 4% were filed by the Government (not shown in a table). Forty percent of all appeals filed (for which the offense is known) were for drug convictions. Appeals for property and immigration offense convictions comprised 16% of all appeals filed, weapons offenses were 15%, and 5% of appeals filed were for violent offenses (figure 6.2).

Eighty-five percent of all appeals filed in 2003 were guidelines-based appeals. Fifteen percent of appeals filed were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect (figure 6.1). Sixty-one 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 (29% 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. However, 66% of post-guideline

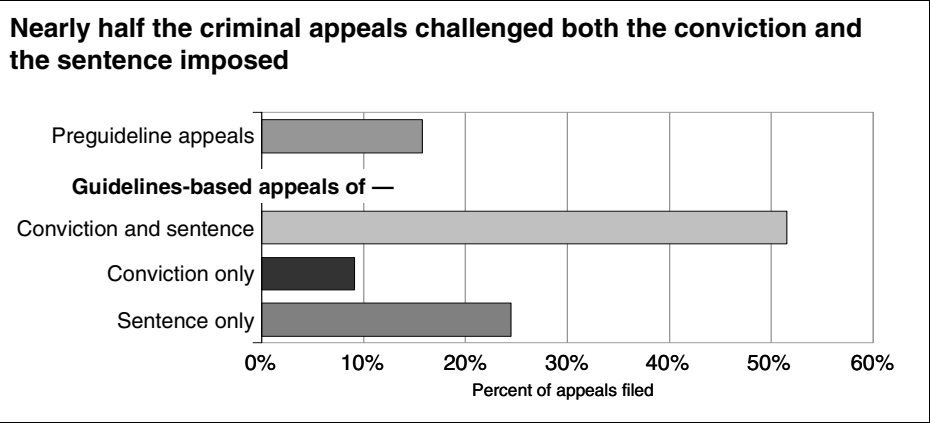


Figure 6.1. Types of criminal appeal cases filed during October 1, 2002 - September 30, 2003

appeals filed for immigration offenses appealed both the conviction and the sentence, compared to 61% for all criminal offense categories.

Appeals terminated (tables 6.2-6.5)

A total of 11,678 appeals terminated during 2003. Sixteen percent were appeals of convictions for offenses sentenced under laws in effect prior to the sentencing guidelines. The remaining 84% of appeals terminated were guidelines-based appeals. Of these, 59% were appeals of both the conviction and sentence, 11% were appeals of the conviction only, and 29% were appeals of the sentence only.

In over forty percent of all appeals terminated in 2003 (for which the offense is known), drug offense convictions underlie the appeal (42%); the

underlying offense in 16% of the appeals was for a property offense; 17% were for immigration offenses; 13% were for weapon offenses; and 5% were appeals for violent offense convictions. Robbery offenses composed 47% and sexual abuse offenses composed 18% of the underlying offenses for appeals of a violent conviction. Sixty-seven percent of property offense appeals were for fraud convictions.

Of the 11,678 appeals terminated during 2003, 75% were terminated on the merits, while the remainder were terminated on procedural grounds (figure 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

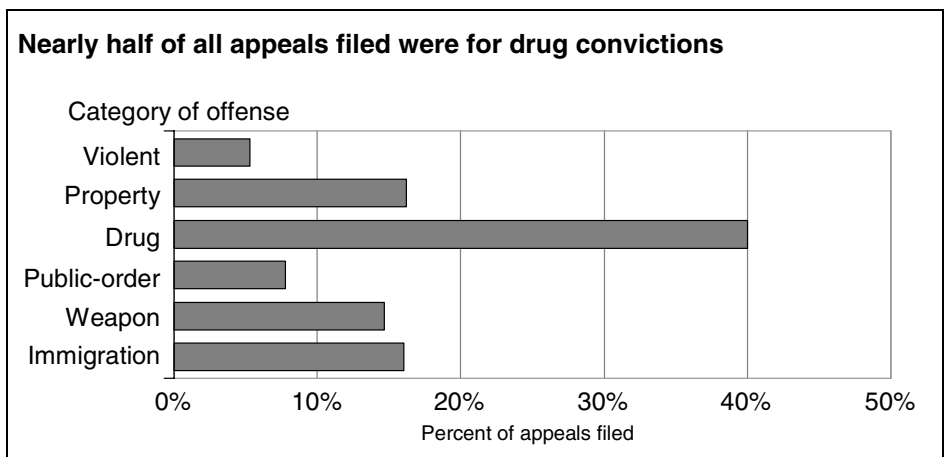


Figure 6.2. Appeals cases filed, by type of offense during October 1, 2002 - September 30, 2003

*18 U.S.C. § 3742

conviction, 80% of weapon offense appeals and 79% of immigration offense appeals were terminated on the merits. Also terminated on the merits were 77% of appeals based on a violent offense conviction, 74% of appeals based on a drug conviction, and 72% of property offense appeals. Within these major offense categories, 87% of appeals based on kidnapping convictions were terminated on the merits, as were 79% of murder convictions, and 72% of fraud convictions.

In most (81%) of the appeals terminated on the merits, the district court ruling was affirmed. In another 3% it was partially affirmed. Among appeals terminated on merits, 81% of all drug and weapon appeals were affirmed, 84% of all immigration and 77% of property appeals were affirmed, as were 80% of violent offense 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 (11% and 10%). Eight percent of weapon offense appeals were reversed or remanded, as were 9% of violent offense appeals. Six percent of appeals were reversed or remanded for drug or immigration offenses.

Overall, appeals were dismissed in 8% of cases. Among major offense categories, the highest dismissal rates were for drug and immigration offenses (9%).

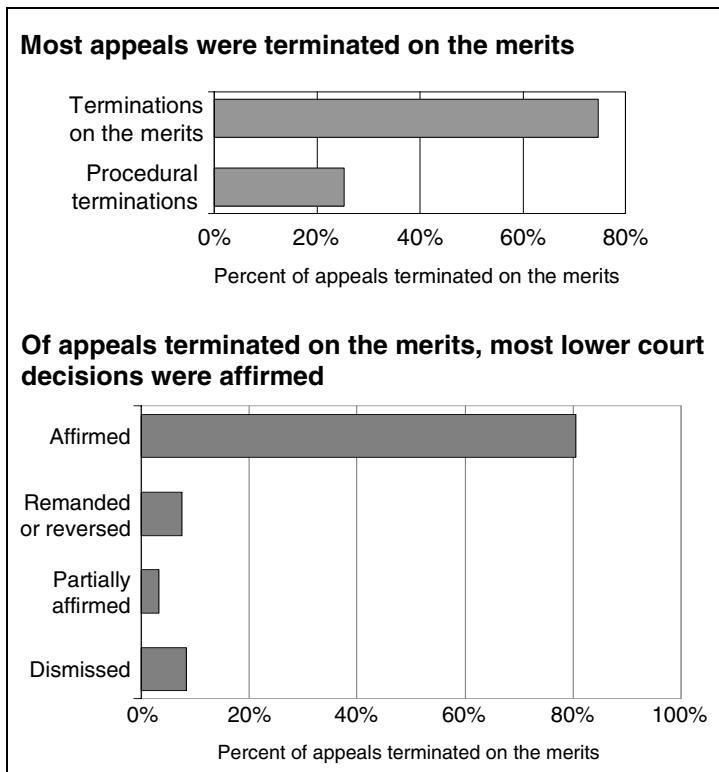


Figure 6.3. Disposition of criminal appeals terminating during October 1, 2002 - September 30, 2003

Table 6.1. Criminal appeals filed, by type of criminal case and offense, October 1, 2002 - September 30, 2003

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	11,968	1,790	10,178	1,088	2,927	6,160	3
Violent offenses	601	102	499	52	143	304	0
Murder ^b	79	19	60	11	16	33	0
Assault	79	15	64	10	11	43	0
Robbery	265	36	229	15	82	132	0
Sexual abuse ^b	126	24	102	12	25	65	0
Kidnaping	50	8	42	4	9	29	0
Threats against the President	2	0	2	0	0	2	0
Property offenses	1,842	324	1,518	186	478	853	1
Fraudulent	1,478	252	1,226	153	388	684	1
Embezzlement	66	10	56	6	18	32	0
Fraud ^b	1,265	210	1,055	138	327	589	1
Forgery	5	2	3	0	2	1	0
Counterfeiting	142	30	112	9	41	62	0
Other	364	72	292	33	90	169	0
Burglary	4	1	3	0	1	2	0
Larceny ^b	178	34	144	12	44	88	0
Motor vehicle theft	54	5	49	5	16	28	0
Arson and explosives	64	15	49	11	12	26	0
Transportation of stolen property	57	17	40	3	15	22	0
Other property offenses ^b	7	0	7	2	2	3	0
Drug offenses	4,565	555	4,010	409	1,178	2,421	2
Public-order offenses	894	154	740	103	195	442	0
Regulatory	137	22	115	16	32	67	0
Agriculture	3	0	3	0	2	1	0
Food and drug	6	0	6	0	4	2	0
Transportation	18	2	16	4	3	9	0
Civil rights	25	6	19	2	0	17	0
Communications	4	0	4	0	1	3	0
Custom laws	17	2	15	2	3	10	0
Postal laws	3	0	3	0	2	1	0
Other regulatory offenses	61	12	49	8	17	24	0
Other	757	132	625	87	163	375	0
Tax law violations ^b	87	20	67	4	15	48	0
Bribery	10	0	10	1	1	8	0
Perjury, contempt, and intimidation	70	15	55	6	16	33	0
National defense	18	1	17	1	2	14	0
Escape	63	6	57	9	17	31	0
Racketeering and extortion	263	51	212	32	40	140	0
Gambling	4	1	3	0	1	2	0
Nonviolent sex offenses	149	13	136	22	50	64	0
Obscene material ^b	10	2	8	0	4	4	0
Traffic offenses	19	5	14	5	5	4	0
Wildlife	7	2	5	2	0	3	0
Environmental	4	1	3	0	1	2	0
All other offenses ^b	53	15	38	5	11	22	0
Weapon offenses	1,681	233	1,448	205	351	892	0
Immigration offenses	1,821	89	1,732	104	486	1,142	0

Note: For further information, see *Chapter notes*, p. 90.

^aTotal includes 564 filed for which an offense category could not be determined, of which 333 preguideline appeals and 231 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, 2002 - September 30, 2003

Offense of conviction	Criminal appeals filed during 2003		Criminal appeals terminated during 2003	
	Number	Percent ^a	Number	Percent ^a
All offenses^b	11,968	100%	11,678	100%
Violent offenses	601	5.3%	592	5.3%
Murder ^c	79	0.7	95	0.9
Assault	79	0.7	63	0.6
Robbery	265	2.3	279	2.5
Sexual abuse ^c	126	1.1	104	0.9
Kidnaping	50	0.4	45	0.4
Threats against the President	2	—	6	0.1
Property offenses	1,842	16.2%	1,739	15.6%
Fraudulent	1,478	13.0%	1,373	12.4%
Embezzlement	66	0.6	58	0.5
Fraud ^c	1,265	11.1	1,165	10.5
Forgery	5	—	6	0.1
Counterfeiting	142	1.2	144	1.3
Other	364	3.2%	366	3.3%
Burglary	4	—	9	0.1
Larceny ^c	178	1.6	176	1.6
Motor vehicle theft	54	0.5	55	0.5
Arson and explosives	64	0.6	60	0.5
Transportation of stolen property	57	0.5	53	0.5
Other property offenses ^c	7	0.1	13	0.1
Drug offenses	4,565	40.0%	4,675	42.1%
Public-order offenses	894	7.8%	858	7.7%
Regulatory	137	1.2%	122	1.1%
Agriculture	0	...	1	—
Antitrust	3	—	2	—
Food and drug	6	0.1	5	—
Transportation	18	0.2	19	0.2
Civil rights	25	0.2	24	0.2
Communications	4	—	6	0.1
Custom laws	17	0.1	6	0.1
Postal laws	3	—	1	—
Other regulatory offenses	61	0.5	58	0.5
Other	757	6.6%	736	6.6%
Tax law violations ^c	87	0.8	95	0.9
Bribery	10	0.1	26	0.2
Perjury, contempt, and intimidation	70	0.6	77	0.7
National defense	18	0.2	14	0.1
Escape	63	0.6	71	0.6
Racketeering and extortion	263	2.3	237	2.1
Gambling	4	—	4	—
Liquor offenses	0	...	2	—
Nonviolent sex offenses	149	1.3	143	1.3
Obscene material ^c	10	0.1	4	—
Traffic offenses	19	0.2	16	0.1
Wildlife	7	0.1	6	0.1
Environmental	4	—	1	—
All other offenses ^c	53	0.5	40	0.4
Weapon offenses	1,681	14.7%	1,400	12.6%
Immigration offenses	1,821	16.0%	1,852	16.7%

Note: For further information, see *Chapter notes*, p. 90.

—Less than .05%.

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

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

^bTotals include 564 appeals filed and 562 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, 2002 - September 30, 2003

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	11,678	1,847	9,831	1,128	2,869	5,834	0
Violent offenses	592	101	491	53	148	290	0
Murder ^b	95	16	79	10	20	49	0
Assault	63	12	51	9	11	31	0
Robbery	279	43	236	25	76	135	0
Sexual abuse ^b	104	24	80	7	28	45	0
Kidnaping	45	5	40	1	13	26	0
Threats against the President	6	1	5	1	0	4	0
Property offenses	1,739	317	1,422	202	450	770	0
Fraudulent	1,373	232	1,141	169	361	611	0
Embezzlement	58	14	44	3	17	24	0
Fraud ^b	1,165	195	970	148	306	516	0
Forgery	6	1	5	0	1	4	0
Counterfeiting	144	22	122	18	37	67	0
Other	366	85	281	33	89	159	0
Burglary	9	4	5	0	3	2	0
Larceny ^b	176	41	135	15	48	72	0
Motor vehicle theft	55	7	48	4	15	29	0
Arson and explosives	60	10	50	11	11	28	0
Transportation of stolen property	53	21	32	2	10	20	0
Other property offenses ^b	13	2	11	1	2	8	0
Drug offenses	4,675	601	4,074	455	1,201	2,418	0
Public-order offenses	858	155	703	109	199	395	0
Regulatory	122	22	100	13	36	51	0
Agriculture	1	0	1	0	0	1	0
Antitrust	2	0	2	0	1	1	0
Food and drug	5	1	4	1	2	1	0
Transportation	19	3	16	3	5	8	0
Civil rights	24	4	20	1	10	9	0
Communications	6	0	6	1	1	4	0
Custom laws	6	0	6	0	2	4	0
Postal laws	1	0	1	0	1	0	0
Other regulatory offenses	58	14	44	7	14	23	0
Other	736	133	603	96	163	344	0
Tax law violations ^b	95	22	73	4	26	43	0
Bribery	26	2	24	2	2	20	0
Perjury, contempt, and intimidation	77	13	64	8	12	44	0
National defense	14	1	13	0	0	13	0
Escape	71	6	65	10	27	28	0
Racketeering and extortion	237	59	178	36	35	107	0
Gambling	4	0	4	3	0	1	0
Liquor offenses	2	0	2	0	0	2	0
Nonviolent sex offenses	143	11	132	19	47	66	0
Obscene material ^b	4	1	3	1	1	1	0
Traffic offenses	16	3	13	7	3	3	0
Wildlife	6	0	6	1	2	3	0
Environmental	1	0	1	0	1	0	0
All other offenses ^b	40	15	25	5	7	13	0
Weapon offenses	1,400	210	1,190	189	296	705	0
Immigration offenses	1,852	131	1,721	90	480	1,151	0

Note: For further information, see *Chapter notes*, p. 90.

^aTotal includes 562 appeals terminated for which an offense category could not be determined, of which 332 are preguideline appeals and 230 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

Table 6.4. Disposition of criminal appeals terminated, by offense, October 1, 2002 - September 30, 2003

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	11,678	8,728	74.7%	7,036	657	287	728	20	2,950
Violent offenses	592	457	77.2%	367	43	13	34	0	135
Murder ^b	95	75	78.9	56	12	4	3	0	20
Assault	63	44	69.8	33	3	0	8	0	19
Robbery	279	213	76.3	178	16	4	15	0	66
Sexual abuse ^b	104	82	78.8	64	10	3	5	0	22
Kidnaping	45	39	86.7	32	2	2	3	0	6
Threats against the President	6	4	—	4	0	0	0	0	2
Property offenses	1,739	1,249	71.8%	959	132	54	101	3	490
Fraudulent	1,373	991	72.2%	753	112	39	84	3	382
Embezzlement	58	40	69.0	30	9	0	1	0	18
Fraud ^b	1,165	840	72.1	643	93	35	66	3	325
Forgery	6	6	—	5	1	0	0	0	0
Counterfeiting	144	105	72.9	75	9	4	17	0	39
Other	366	258	70.5%	206	20	15	17	0	108
Burglary	9	7	—	5	1	1	0	0	2
Larceny ^b	176	120	68.2	92	7	7	14	0	56
Motor vehicle theft	55	38	69.1	33	3	2	0	0	17
Arson and explosives	60	49	81.7	43	5	0	1	0	11
Transportation of stolen property	53	35	66.0	29	3	1	2	0	18
Other property offenses ^b	13	9	69.2	4	1	4	0	0	4
Drug offenses	4,675	3,460	74.0%	2,793	215	119	324	9	1,215
Public-order offenses	858	612	71.3%	484	62	35	30	1	246
Regulatory	122	94	77.0%	73	13	4	4	0	28
Agriculture	1	1	—	1	0	0	0	0	0
Antitrust	2	1	—	1	0	0	0	0	1
Food and drug	5	4	—	2	2	0	0	0	1
Transportation	19	17	89.5	13	3	0	1	0	2
Civil rights	24	22	91.7	19	2	0	1	0	2
Communications	6	5	—	5	0	0	0	0	1
Custom laws	6	2	—	2	0	0	0	0	4
Postal laws	1	1	—	0	1	0	0	0	0
Other regulatory offenses	58	41	70.7	30	5	4	2	0	17
Other	736	518	70.4%	411	49	31	26	1	218
Tax law violations ^b	95	52	54.7	45	1	6	0	0	43
Bribery	26	22	84.6	14	1	4	3	0	4
Perjury, contempt, and intimidation	77	62	80.5	50	4	6	2	0	15
National defense	14	6	42.9	6	0	0	0	0	8
Escape	71	55	77.5	45	4	2	4	0	16
Racketeering and extortion	237	166	70.0	130	16	6	14	0	71
Gambling	4	3	—	3	0	0	0	0	1
Liquor offenses	2	2	—	2	0	0	0	0	0
Nonviolent sex offenses	143	108	75.5	79	18	7	3	1	35
Obscene material ^b	4	2	—	1	1	0	0	0	2
Traffic offenses	16	13	81.3	13	0	0	0	0	3
Wildlife	6	5	—	2	3	0	0	0	1
Environmental	1	1	—	1	0	0	0	0	0
All other offenses ^b	40	21	52.5	20	1	0	0	0	19
Weapon offenses	1,400	1,124	80.3%	913	88	44	79	0	276
Immigration offenses	1,852	1,470	79.4%	1,227	88	17	133	5	382

Note: For further information, see *Chapter notes*, p. 90.
 —Too few cases to obtain statistically reliable data.

^aTotal includes 562 appeals terminated for which an offense category could not be determined, of which 356 were terminated on the merits and 206 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, 2002 - September 30, 2003

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other
All offenses^a	8,728	80.6%	7.5%	3.3%	8.3%	0.2%
Violent offenses	457	80.3%	9.4%	2.8%	7.4%	0%
Murder ^b	75	74.7	16.0	5.3	4.0	0
Assault	44	75.0	6.8	0	18.2	0
Robbery	213	83.6	7.5	1.9	7.0	0
Sexual abuse ^b	82	78.0	12.2	3.7	6.1	0
Kidnaping	39	82.1	5.1	5.1	7.7	0
Threats against the President	4	—	—	—	—	—
Property offenses	1,249	76.8%	10.6%	4.3%	8.1%	0.2%
Fraudulent	991	76.0%	11.3%	3.9%	8.5%	0.3%
Embezzlement	40	75.0	22.5	0	2.5	0
Fraud ^b	840	76.5	11.1	4.2	7.9	0.4
Forgery	6	—	—	—	—	—
Counterfeiting	105	71.4	8.6	3.8	16.2	0
Other	258	79.8%	7.8%	5.8%	6.6%	0%
Burglary	7	—	—	—	—	—
Larceny ^b	120	76.7	5.8	5.8	11.7	0
Motor vehicle theft	38	86.8	7.9	5.3	0	0
Arson and explosives	49	87.8	10.2	0	2.0	0
Transportation of stolen property	35	82.9	8.6	2.9	5.7	0
Other property offenses ^b	9	—	—	—	—	—
Drug offenses	3,460	80.7%	6.2%	3.4%	9.4%	0.3%
Public-order offenses	612	79.1%	10.1%	5.7%	4.9%	0.2%
Regulatory	94	77.7%	13.8%	4.3%	4.3%	0%
Agriculture	1	—	—	—	—	—
Antitrust	1	—	—	—	—	—
Food and drug	4	—	—	—	—	—
Transportation	17	76.5	17.6	0	5.9	0
Civil rights	22	86.4	9.1	0	4.5	0
Communications	5	—	—	—	—	—
Custom laws	2	—	—	—	—	—
Postal laws	1	—	—	—	—	—
Other regulatory offenses	41	73.2	12.2	9.8	4.9	0
Other	518	79.3%	9.5%	6.0%	5.0%	0.2%
Tax law violations ^b	52	86.5	1.9	11.5	0	0
Bribery	22	63.6	4.5	18.2	13.6	0
Perjury, contempt, and intimidation	62	80.6	6.5	9.7	3.2	0
National defense	6	—	—	—	—	—
Escape	55	81.8	7.3	3.6	7.3	0
Racketeering and extortion	166	78.3	9.6	3.6	8.4	0
Gambling	3	—	—	—	—	—
Liquor offenses	2	—	—	—	—	—
Nonviolent sex offenses	108	73.1	16.7	6.5	2.8	0.9
Obscene material ^b	2	—	—	—	—	—
Traffic offenses	13	100	0	0	0	0
Wildlife	5	—	—	—	—	—
Environmental	1	—	—	—	—	—
All other offenses ^b	21	95.2	4.8	0	0	0
Weapon offenses	1,124	81.2%	7.8%	3.9%	7.0%	0%
Immigration offenses	1,470	83.5%	6.0%	1.2%	9.0%	0.3%

Note: For further information, see *Chapter notes*, p. 90.

—Too few cases to obtain statistically reliable data.

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

^aTotal includes 356 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, 2002, through September 30, 2003, were selected. Data include records of 11,968 criminal appeals filed during fiscal year 2003 and 11,678 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.

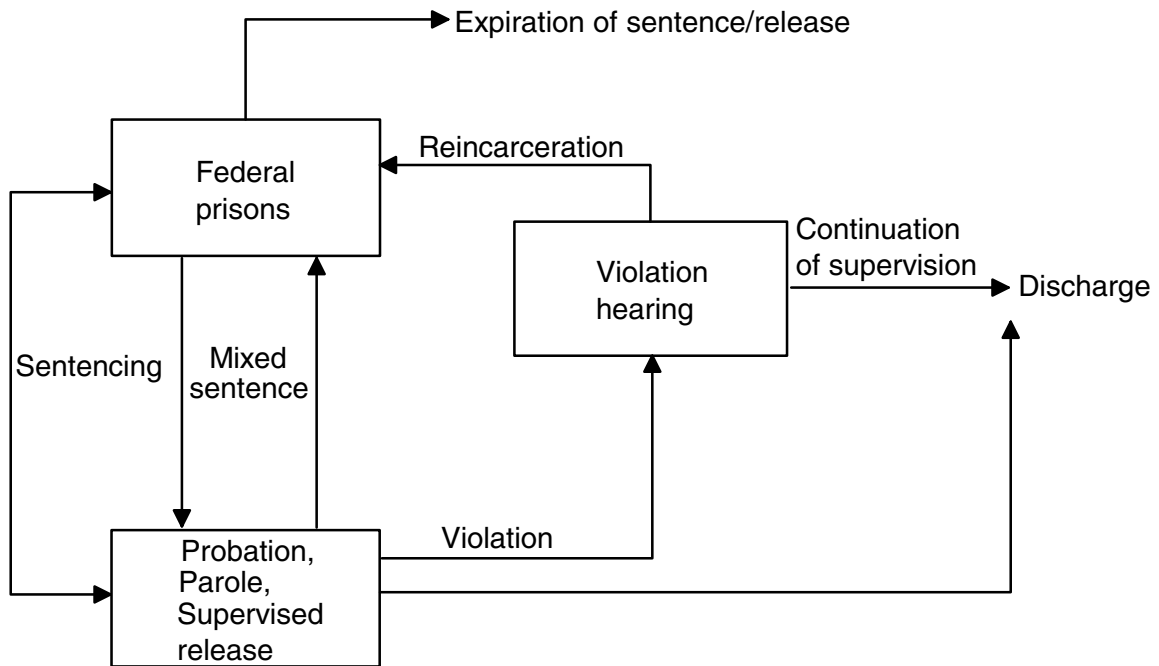
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Chapter 7

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”.¹

The objectives of Federal supervision are to enforce compliance with the conditions of release, minimize risk to the public, and 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) and parole (early release from prison at the discretion of the U.S. Parole Commission).

As of the end of fiscal year 2003, there were 108,976 offenders under active Federal supervision, of which most (91%) were felons. Seventy-two percent of these offenders received one of two forms of post-incarceration supervision: supervised release (75,766) or parole (3,239). The remainder (29,971) 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 offenders under supervised release and 41% of parolees had been convicted of a drug offense. (Table 7.1)

Among the 108,976 offenders under active Federal supervision at the end

¹*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

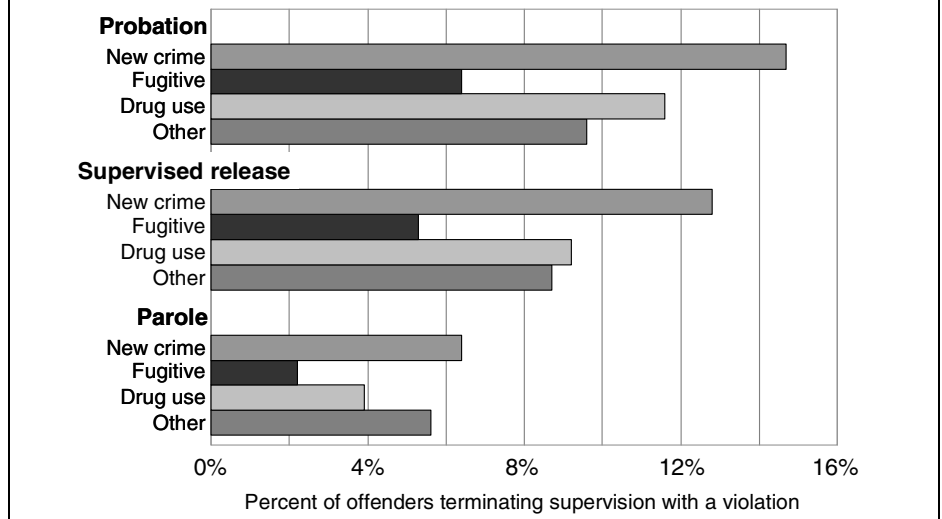


Figure 7.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation, October 1, 2002 - September 30, 2003

of fiscal year 2003, 78% were male; 61% were white; 81% were of non-Hispanic origin; 37% were over age 40 (compared to 31% who were between 31 and 40 years of age 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); and 60% had no known drug history.

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

Probation (table 7.3) — During 2003, 15,294 offenders concluded one or more terms of active probation. Overall, 80% of offenders successfully completed their term of probation, another 18% violated their conditions of probation, and the remaining 2% were administrative closures. Of offenders terminating probation, about 6% committed a new crime (figure 7.1). Most committed technical violations, including drug use (4%) or absconding (2%).

Offenders convicted of violent offenses were more likely than others to terminate supervision with a violation (figure 7.2). During 2003, 32% of

probationers convicted of violent offenses violated their conditions of probation, as did 25% of immigration, 22% of weapon, 19% of drug, and 16% of property offenders. Violent and immigration probationers were also more likely to commit new crimes (10-11%) than were probationers convicted of weapon (9%), drug (6%), or property (5%) offenses.

Supervised release (table 7.5) — During 2003, 30,585 offenders concluded terms of supervised release. Overall, 62% of them successfully completed their term of supervised release; 23% committed technical violations, such as drug use (9%) or absconding (5%); and 13% of these offenders violated their supervision by committing a new crime. The remaining 2% had their supervision administratively terminated.

Immigration and weapon offenders were less likely than other offenders to complete a term of supervised release without a violation. Fifty-eight percent of immigration offenders and 51% of weapon offenders violated conditions of supervised release, compared with 34% of drug, and 31% of property offenders. Immigration offenders were also more likely to

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

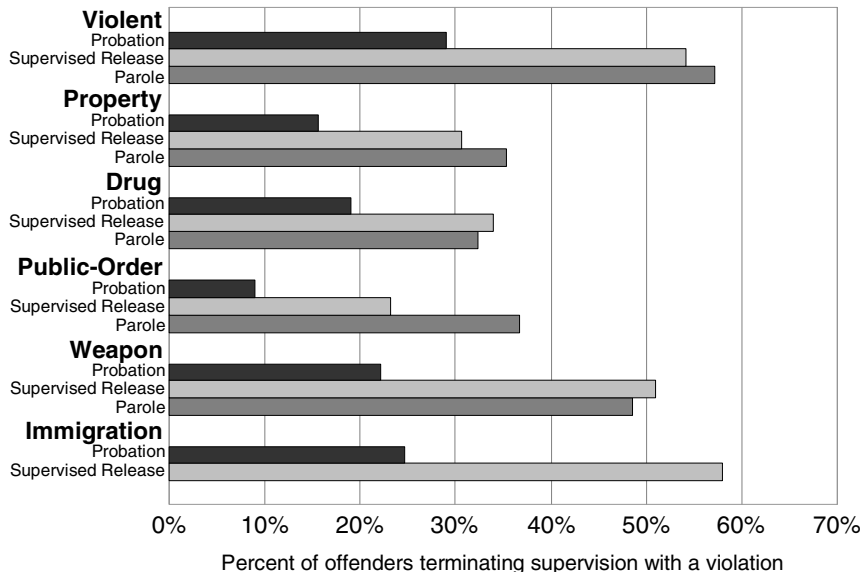


Figure 7.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense, October 1, 2002 - September 30, 2003

commit new crimes (30%) than of offenders convicted of weapon (18%), violent (17%), drug (12%), or property (10%) offenses.

Parole (table 7.7) — During 2003, 1,504 offenders concluded terms of parole. Overall, 52% of these offenders successfully completed their term of parole. Fifteen percent of these parolees violated their supervision by committing a new crime; 28% committed technical violations, such as drug use (12%) or absconding (6%); and 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, while 37% of public order, 36% of property, and 32% of drug offenders violated parole. Weapon and violent offenders were also more likely to commit new crimes (24% and 20%, respectively) than offenders convicted of public order or drug (12% and 10%, respectively) offenses.

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

Probation (table 7.4) — Among of offenders whose term of probation was concluded, 71% were male; 69% were white and 83% were of non-Hispanic origin; 35% were less than age 31 (compared to 39% over age 40); 26% had less than a high school diploma (compared to 39% whose highest education was a high school diploma and 36% who had at least some college education); and 77% 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 (38%) to violate conditions of supervision than probationers in other age groups — 25% of those ages 21 to 30 and 13% 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. Those who did not graduate high school had a 26% violation rate, those whose highest education was a high school diploma had a 18% violation rate, those with some college had a 13% violation rate, and those with a college degree had only a 6% violation rate.

Supervised release (table 7.6) — Among those who concluded a term of supervised release, 83% were male; 62% were white; 78% were of non-Hispanic origin; 26% were less than age 31 (40% were over age 40); 39% had only some high school (36% whose highest education was a high school diploma and 26% had at least some college); and 52% 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. Those who did not graduate from high school had a 45% violation rate, those whose highest education was a high school diploma had a 35% violation rate, those with some college had a 26% violation rate, and those with a college degree had a 11% violation rate.

Parole (table 7.8) — Among those who concluded a term of parole, 97% were male; 50% were white; 89% were of non-Hispanic origin; 81% were over age 40; 46% had only some high school (37% whose highest education was a high school diploma and 14% had at least some college); and 49% 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 than twice as 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. Those whose highest education was a high school diploma had a 41% violation rate, those who did not graduate from high school had a 46% violation rate, those with some college had a 34% violation rate, and those with a college degree had a 26% violation rate.

Admissions, releases, and standing population of prisoners in the Federal Bureau of Prisons (table 7.9)

The Federal Bureau of Prisons (BOP) was created by Congress in 1930 to oversee the development and integration of the Federal prison system. Its mission is to “protect public safety by ensuring that Federal offenders serve their sentences of imprisonment in facilities that are safe, humane, cost-efficient, and appropriately secure.

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

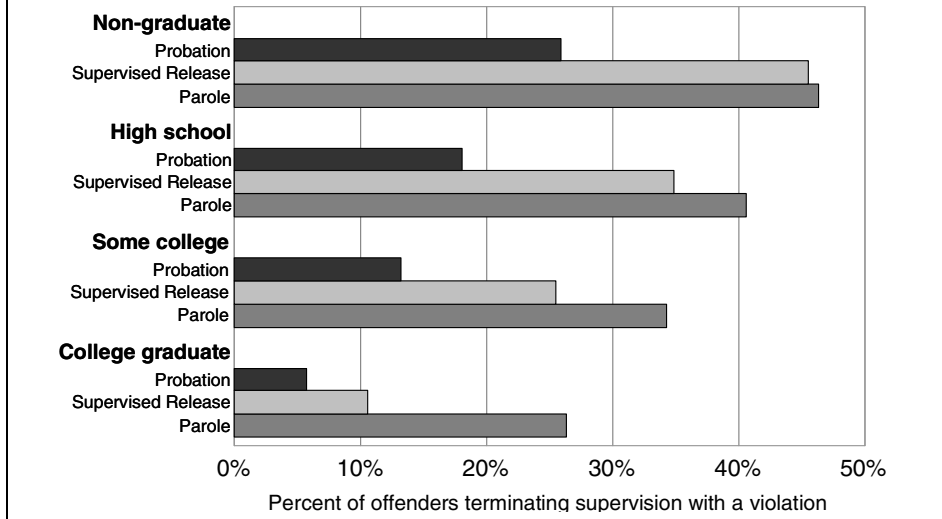


Figure 7.3. Rates of violation of conditions of supervision, by level of education, October 1, 2002 - September 30, 2003

The Bureau helps reduce the potential for future criminal activity by encouraging inmates to participate in a range of programs that have been proven to reduce recidivism.²

material witnesses, probation and other supervision violators, prisoners held for other jurisdictions, and offenders convicted of violating the District of Columbia Criminal Code or

Most inmates in BOP facilities were convicted of Federal crimes in U.S. district courts. The BOP also houses

²<http://www.bop.gov/about/index.jsp>: 'About the Bureau of Prisons'

On average, violent, drug, and weapon offenders had longer imposed sentences, and served more time than other offenders

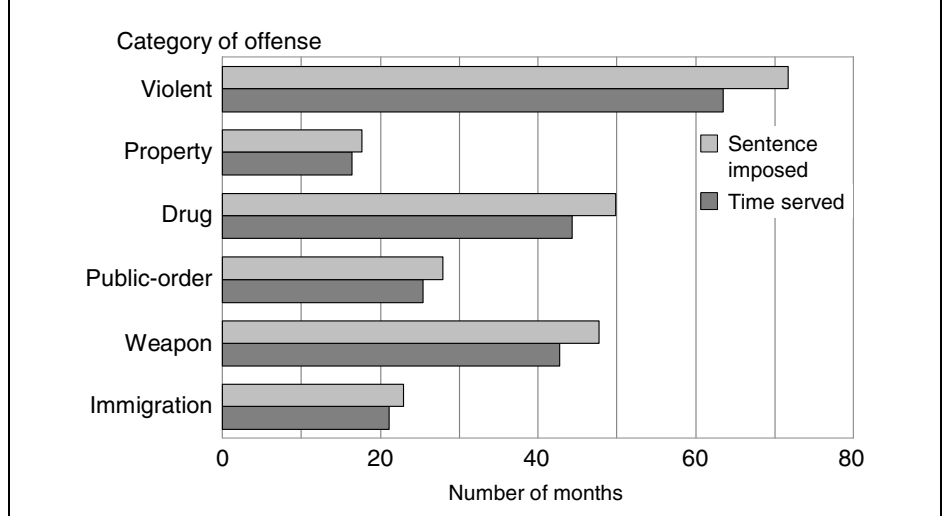
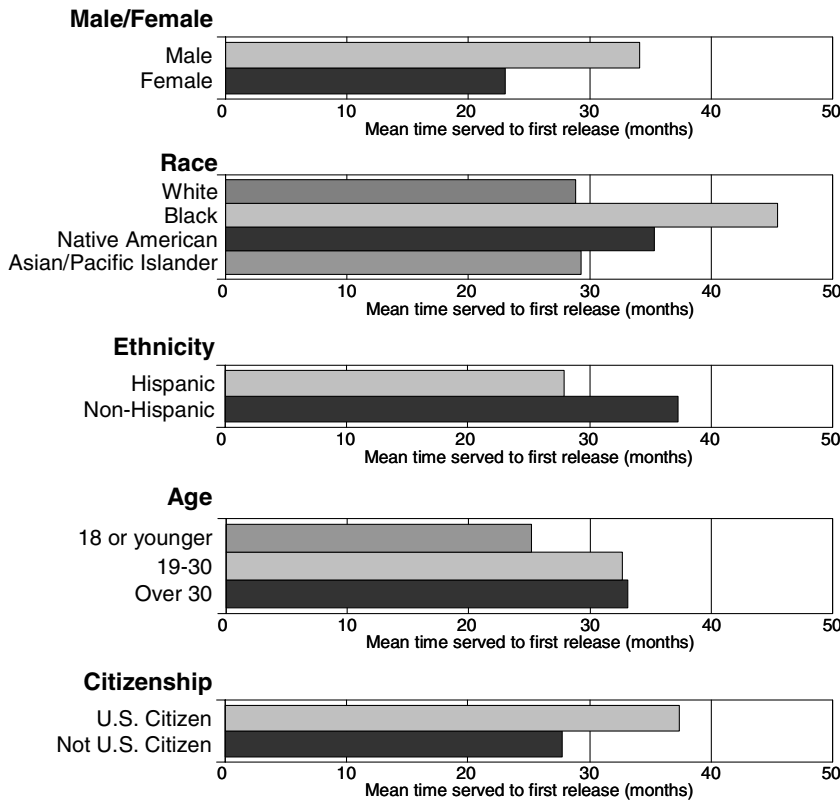


Figure 7.4. Mean lengths of sentence imposed and time served (in months), for offenders released from prison for the first time, by offense, October 1, 2002 - September 30, 2003

Males, blacks, non-Hispanics, older persons, and U.S. citizens served more time before first release



Note: Age reflects the age at which the offender entered Federal prison.

Figure 7.5. Characteristics of first releasees, October 1, 2002 - September 30, 2003

sentenced by District of Columbia Superior Court.

The Federal prison population grew by 8,943 persons during fiscal year 2003, increasing from 143,516 sentenced prisoners to 152,459.³ The greatest growth was among drug, weapons, and immigration offenders. In 2003 the number of drug offenders in prison grew by 4,621, weapon offenders by 2,272, and immigration offenders by 1,155.

Federal prisoners: First releases and time served (tables 7.11-7.14)

During 2003, 45,820 prisoners were released from Federal prison for the

³Tables 7.9-7.16 exclude prisoners sentenced by a District of Columbia Superior Court judge for violations of the DC Criminal Code.

first time after serving a sentence imposed by a U.S. district court.⁴ Of these, 40,780 were released by standard means. These standard releasees served an average of 32.9 months (table 7.12) in prison — 91% of the sentence imposed, on average (table 7.14).⁵

The remaining 5,040 first releases were released by extraordinary means: 3,877 were released early due to participation in a drug treatment

⁴Tables 7.11-7.16 include only prisoners first released by the BOP during 2003.

⁵Average time to first release is the number of months in Bureau of Prisons facilities minus credits for time spent in jail prior to final disposition or sentencing. Percent of sentence served is the average percentage of each individual prisoner's percent of total sentence obligation served until first release.

program; 303 were deported; and 860 were released for other reasons — including commutation, death, or completion of an intensive confinement program (table 7.11). Drug offenders made up the majority of those released by extraordinary means (77%).

Time served until first release varied by offense: Violent offenders served an average of 63.5 months; drug offenders served an average of 44.3 months; weapons offenders served an average of 42.7 months; the average number of months served by immigration offenders was 21.1; and property offenders served an average of 16.4 months (figure 7.4).

Violent, weapon, and drug offenders served more time before first release than did other prisoners. However, property, immigration, and public-order offenders served more of their sentences than did violent, drug, or weapon offenders (figure 7.4).

Old law offenders — those who committed crimes before implementation of Federal Sentencing Guidelines in November 1987 — that were released in 2003 are not shown separately in any table. Less than 1%, or 218, of all released offenders were old law offenders. New law offenders released during 2003 served, on average, 32.4 months in prison (91% of the sentence imposed). Since the Guidelines became effective as of November 1987, new law offenders sentenced to terms of imprisonment greater than 218 months could not have been released by standard means as of the end of fiscal year 2003.⁶ They could have been released only for extraordinary reasons such as death, commutation, or treaty transfer.⁷

⁶The Federal Sentencing Guidelines allow a prisoner up to 54 days per year for good behavior, so a prisoner sentenced to 218 months in prison in November 1987 could have served 190 months of his or her sentence and been released in 2003.

⁷Prisoners released for extraordinary reasons have been excluded from all time served and percent of sentence served calculations.

Characteristics of Federal prisoners (tables 7.10, 7.15, and 7.16)

Standing population (table 7.10) —

Of prisoners in Federal prison at the end of 2003, 93% were male, 58% were white, 39% were black, 32% were Hispanic, and 72% were U.S. citizens. Fifty-five percent of the year-end population were 31 years of age or older. This portrait of the Federal prison population was similar across offenses, with several exceptions. Ninety-five percent of immigration offenders were white, 90% were Hispanic and only 4% were U.S. citizens. More than 92% of violent offenders were non-Hispanic and U.S. citizens.

Prisoners released (table 7.15) —

Of prisoners released during 2003, 89% were male, 72% were white, 25% were black, 45% were Hispanic, and 58% were U.S. citizens. Fifty-four percent were age 31 or older. These patterns were most similar for those released for drug offenses, and least similar for offenders released for immigration, weapon, and violent offenses. Ninety-seven percent of released immigration offenders were male, 96% were white, 3% were black, 91% were Hispanic and 5% were U.S. citizens.

Time served to first release (table 7.16) —

Of prisoners released by standard methods, males served more time than females (an average of 34.1 months versus 23.0 months); blacks served more time than whites (45.5 months versus 28.8 months); and non-Hispanics served more time than Hispanics (37.3 months versus 27.9 months). Older persons served more time than younger (until over age 40), and U.S. citizens served more time than noncitizens (figure 7.5). However, across offenses, this pattern does not apply. For example, blacks served an average of 17 months longer than whites, but among property offenders released from prison, whites served nearly the same amount of time as blacks. Black offenders served an average of 59 months for drug offenses, compared to 39 months for white offenders.

Among immigration offenders, non-citizens were in prison an average of 7 months longer than U.S. citizens before being released. Offenders under 19 years old that were convicted of a weapon offense served an average of 17 months longer than did weapons offenders between 19 and 20 years old.

Table 7.1. Federal offenders under supervision, by offense, September 30, 2003

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	108,976	100%	29,971	100%	75,766	100%	3,239	100%
Felonies^c	99,172	91.2%	20,774	69.6%	75,168	99.3%	3,230	99.9%
Violent offenses	6,328	5.8%	428	1.4%	4,683	6.2%	1,217	37.6%
Murder ^d	422	0.4	19	0.1	204	0.3	199	6.2
Negligent manslaughter	6	—	0	0	5	—	1	—
Assault	651	0.6	102	0.3	462	0.6	87	2.7
Robbery	4,515	4.1	202	0.7	3,506	4.6	807	25.0
Sexual abuse ^d	486	0.4	91	0.3	356	0.5	39	1.2
Kidnaping	199	0.2	8	—	107	0.1	84	2.6
Threats against the President	49	—	6	—	43	0.1	0	0
Property offenses	29,011	26.7%	11,386	38.1%	17,366	22.9%	259	8.0%
Fraudulent	24,300	22.3%	9,255	31.0%	14,926	19.7%	119	3.7%
Embezzlement	2,903	2.7	917	3.1	1,979	2.6	7	0.2
Fraud ^d	18,616	17.1	7,117	23.8	11,399	15.1	100	3.1
Forgery	411	0.4	202	0.7	200	0.3	9	—
Counterfeiting	2,370	2.2	1,019	3.4	1,348	1.8	3	—
Other	4,711	4.3%	2,131	7.1%	2,440	3.2%	140	4.3%
Burglary	232	0.2	36	0.1	132	0.2	64	2.0
Larceny ^d	3,313	3.0	1,775	5.9	1,499	2.0	39	1.2
Motor vehicle theft	431	0.4	93	0.3	326	0.4	12	0.4
Arson and explosives	320	0.3	63	0.2	242	0.3	15	0.5
Transportation of stolen property	341	0.3	129	0.4	206	0.3	6	—
Other property offenses ^d	74	0.1	35	0.1	35	0.3	4	—
Drug offenses	45,981	42.3%	3,714	12.4%	40,934	0.3	1,333	41.2%
Trafficking	41,380	38.0	3,370	11.3	36,821	0.3	1,189	36.8
Other drug offenses	4,601	4.2	344	1.2	4,113	0.3	144	4.5
Public-order offenses	8,838	8.1%	3,372	11.3%	5,211	0.3	255	7.9%
Regulatory	2,484	2.3%	1,316	4.4%	1,144	0.3	24	0.7%
Agriculture	4	—	1	—	3	0.3	0	0
Antitrust	27	—	17	0.1	10	—	0	0
Food and drug	94	0.1	70	0.2	24	—	0	0
Transportation	97	0.1	53	0.2	40	0.1	4	—
Civil rights	139	0.1	18	0.1	118	0.2	3	—
Communications	126	0.1	88	0.3	38	0.1	0	0
Custom laws	125	0.1	44	0.1	80	0.1	1	—
Postal laws	139	0.1	82	0.3	55	0.1	2	—
Other regulatory offenses	1,733	1.6	943	3.2	776	1.0	14	0.4
Other	6,354	5.8%	2,056	6.9%	4,067	5.4%	231	7.1%
Tax law violations ^d	1,161	1.1	599	2.0	557	0.7	5	—
Bribery	350	0.3	185	0.6	162	0.2	3	—
Perjury, contempt, and intimidation	328	0.3	127	0.4	192	0.3	9	—
National defense	46	—	9	—	21	—	16	0.5
Escape	257	0.2	50	0.2	184	0.2	23	0.7
Racketeering and extortion	2,261	2.1	444	1.5	1,705	2.3	112	3.5
Gambling	149	0.1	73	0.2	76	0.1	0	0
Nonviolent sex offenses	1,083	1.0	204	0.7	836	1.1	43	1.3
Obscene material ^d	86	0.1	28	0.1	58	0.1	0	0
Wildlife	69	0.1	43	0.1	26	—	0	0
Environmental	36	—	24	0.1	12	—	0	0
All other offenses	528	0.5	270	0.9	238	0.3	20	0.6
Weapon offenses	6,648	6.1%	1,014	3.4%	5,476	7.2%	158	4.9%
Immigration offenses	2,180	2.0%	746	2.5%	1,431	1.9%	3	—
Misdemeanors^d	9,804	9.0%	9,197	30.8%	598	0.8%	9	—
Fraudulent property offenses	1,066	1.0	997	3.3	69	0.1	0	0
Larceny	1,115	1.0	1,031	3.5	83	0.1	1	—
Drug possession ^d	1,845	1.7	1,677	5.6	164	0.2	4	—
Immigration misdemeanors	929	0.9	916	3.1	12	—	1	—
Traffic offenses	2,113	1.9	2,043	6.8	70	0.1	0	0
Other misdemeanors	2,736	2.5	2,533	8.5	200	0.3	3	—

—Less than .05%.

^aSee *Chapter notes*, item 1, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^bTotal includes offenders whose offense category could not be determined; see *Chapter notes*, item 2, p. 111.

^cThere are 186 felony offenders for whom an offense category was unknown or indeterminable. These include 114 offenders under probation, 67 under supervised release, and 5 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, 2003

Offender characteristic	Total offenders under supervision		Probation		Type of supervision		Parole	
	Number	Percent	Number	Percent	Supervised release Number	Percent	Number	Percent
All offenders*	108,976	100%	29,971	100%	75,766	100%	3,239	100%
Male/female								
Male	85,154	78.2%	19,777	66.1%	62,245	82.2%	3,132	96.9%
Female	23,732	21.8	10,149	33.9	13,482	17.8	101	3.1
Race								
White	66,530	61.7%	19,826	67.1%	45,138	60.0%	1,566	51.4%
Black	36,152	33.5	7,890	26.7	26,855	35.7	1,407	46.2
Native American	2,236	2.1	820	2.8	1,358	1.8	58	1.9
Asian/Pacific Islander	2,870	2.7	1,012	3.4	1,841	2.4	17	0.6
Ethnicity								
Hispanic	20,933	19.4%	5,073	17.1%	15,503	20.6%	357	11.1%
Non-Hispanic	87,080	80.6	24,526	82.9	59,704	79.4	2,850	88.9
Age								
16-18 years	475	0.4%	442	1.5%	33	0%	0	0%
19-20 years	2,262	2.1	1,348	4.5	914	1.2	0	0
21-30 years	32,250	29.6	9,039	30.2	23,035	30.4	176	5.4
31-40 years	33,396	30.7	7,951	26.6	24,908	32.9	537	16.6
Over 40 years	40,511	37.2	11,110	37.2	26,875	35.5	2,526	78.0
Education								
Less than high school graduate	33,899	32.6%	6,979	24.8%	25,583	35.1%	1,337	43.8%
High school graduate	38,269	36.8	9,965	35.4	27,207	37.4	1,097	36.0
Some college	23,019	22.1	7,522	26.7	15,006	20.6	491	16.1
College graduate	8,862	8.5	3,713	13.2	5,024	6.9	125	4.1
Drug abuse								
No known abuse	65,239	59.9%	23,086	77.0%	40,352	53.3%	1,801	55.6%
Drug history	43,737	40.1	6,885	23.0	35,414	46.7	1,438	44.4

*Total includes offenders whose characteristics could not be determined.

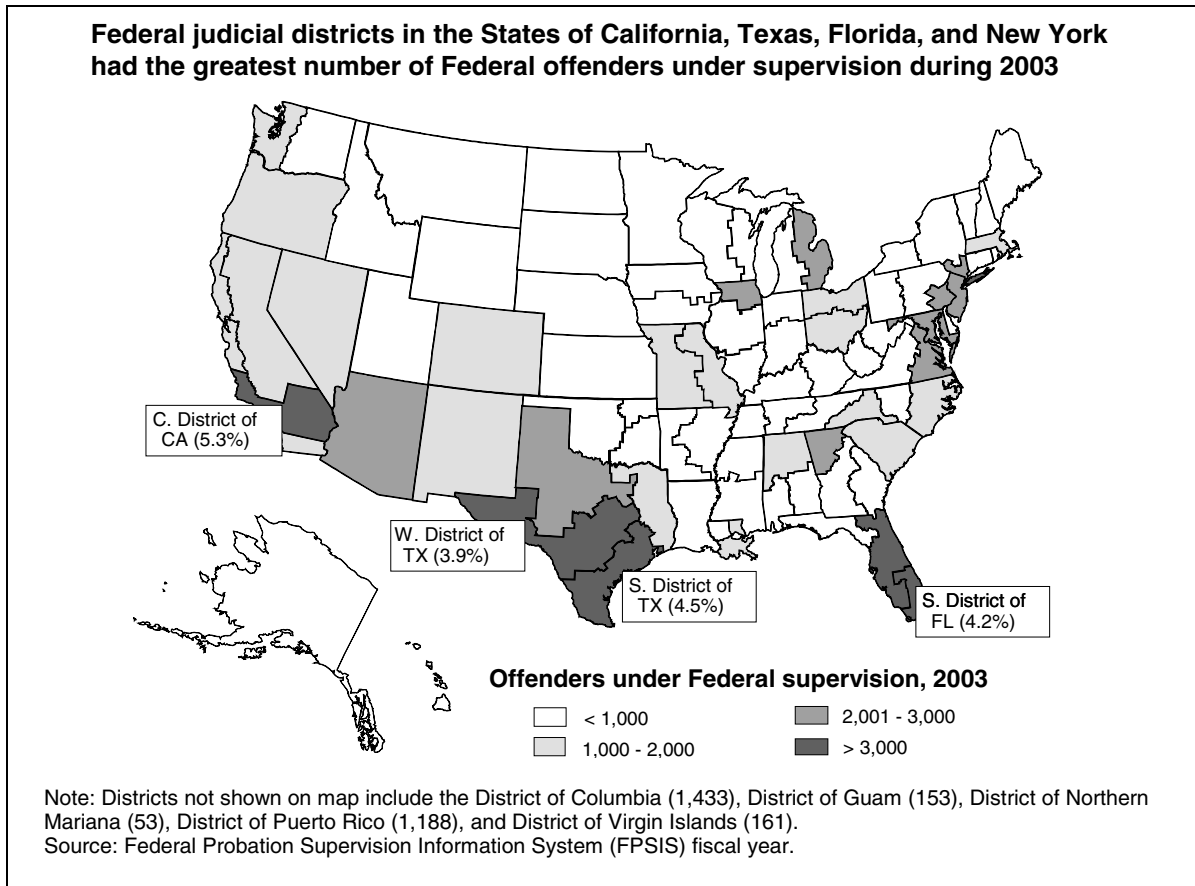


Figure 7.6. Federal offenders under supervision, September 30, 2003, by Federal judicial district

Table 7.3. Outcomes of probation supervision, by offense, October 1, 2002 - September 30, 2003

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	15,294	80.1%	3.9%	2.2%	5.6%	6.4%	1.9%
Felonies	8,070	81.9%	3.8%	1.8%	4.9%	5.7%	1.9%
Violent offenses	235	68.5%	2.1%	4.3%	12.8%	9.8%	2.6%
Murder ^d	13	38.5	7.7	15.4	15.4	23.1	0
Negligent manslaughter	1	—	—	—	—	—	—
Assault	81	56.8	2.5	7.4	18.5	9.9	4.9
Robbery	99	86.9	1.0	0	3.0	8.1	1.0
Sexual abuse ^d	37	54.1	2.7	5.4	24.3	10.8	2.7
Kidnaping	4	—	—	—	—	—	—
Property offenses	4,230	82.4%	3.6%	1.7%	5.0%	5.3%	1.9%
Fraudulent	3,403	84.2%	3.0%	1.4%	4.6%	5.1%	1.8%
Embezzlement	337	89.6	2.4	0	4.2	2.1	1.8
Fraud ^d	2,521	86.1	2.2	1.1	4.3	4.4	1.9
Forgery	73	79.5	4.1	2.7	4.1	8.2	1.4
Counterfeiting	472	70.8	7.8	3.6	6.8	10.0	1.1
Other	827	75.3%	6.2%	2.9%	6.4%	6.5%	2.7%
Burglary	33	63.6	6.1	9.1	6.1	6.1	9.1
Larceny ^d	665	74.6	6.3	2.9	6.8	7.1	2.4
Motor vehicle theft	46	87.0	4.3	2.2	2.2	2.2	2.2
Transportation and stolen property	47	89.4	0	0	4.3	4.3	2.1
Other property offenses ^d	11	90.9	9.1	0	0	0	0
Drug offenses	1,361	79.5%	6.0%	1.8%	4.9%	6.3%	1.4%
Trafficking	1,211	78.5	6.4	2.1	5.0	6.6	1.3
Possession and other drug offenses	150	87.3	2.7	0	4.0	4.0	2.0
Public-order offenses	1,469	89.1%	1.8%	1.1%	2.9%	3.2%	1.9%
Regulatory	614	88.1%	2.8%	1.8%	2.9%	2.6%	1.8%
Agriculture	3	—	—	—	—	—	—
Antitrust	5	—	—	—	—	—	—
Food and drug	30	90.0	0	0	3.3	0	6.7
Transportation	31	90.3	0	3.2	3.2	0	3.2
Civil rights	18	94.4	0	0	0	0	5.6
Communications	33	100	0	0	0	0	0
Custom laws	43	95.3	0	2.3	2.3	0	0
Postal laws	47	74.5	8.5	0	8.5	2.1	6.4
Other regulatory offenses	404	87.1	3.2	2.2	2.7	3.7	1.0
Other	855	89.8%	1.2%	0.6%	2.8%	3.6%	2.0%
Tax law violations ^d	306	96.4	0.7	0	0	1.3	1.6
Bribery	67	95.5	3.0	0	0	1.5	0
Perjury, contempt, and intimidation	61	90.2	0	0	4.9	4.9	0
National defense	11	90.9	0	0	9.1	0	0
Escape	20	70.0	5.0	10.0	10.0	5.0	0
Racketeering and extortion	158	86.1	1.3	0.6	4.4	3.2	4.4
Gambling	33	87.9	0	0	6.1	3.0	3.0
Nonviolent sex offenses	61	82.0	3.3	0	0	11.5	3.3
Obscene material ^d	12	100	0	0	0	0	0
Wildlife	26	92.3	0	3.8	0	0	3.8
Environmental	7	—	—	—	—	—	—
All other offenses	93	78.5	1.1	1.1	8.6	9.7	1.1
Weapon offenses	361	74.0%	3.9%	1.9%	6.9%	9.4%	3.9%
Immigration offenses	357	73.4%	5.9%	2.8%	4.8%	11.2%	2.0%
Misdemeanors^d	7,224	78.0%	3.9%	2.6%	6.3%	7.2%	1.9%
Fraudulent property offense	512	86.1	2.5	0.8	3.7	3.9	2.9
Larceny	721	79.8	2.9	2.5	6.4	6.2	2.2
Drug possession ^d	1,409	75.4	8.4	1.6	7.2	5.4	2.1
Immigration misdemeanors	693	63.2	3.9	4.9	4.6	22.8	0.6
Traffic offenses	2,075	80.0	2.7	2.3	6.5	6.6	1.9
Other misdemeanors	1,814	80.5	2.6	3.5	6.9	4.6	1.9

Note: Offenses for 57 felony offenders could not be classified (*Chapter notes*, 3, p. 111).
 —Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^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, 2002 - September 30, 2003

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	15,294	80.1%	3.9%	2.2%	5.6%	6.4%	1.9%	
Male/female								
Male	10,703	79.0%	4.0%	2.2%	5.9%	7.0%	2.0%	
Female	4,567	82.5	3.6	2.0	4.9	5.2	1.7	
Race								
White	10,375	81.5%	3.8%	2.1%	4.5%	6.1%	2.1%	
Black	3,683	77.0	4.1	2.1	7.9	7.4	1.5	
Native American	483	62.9	4.3	6.0	13.9	10.4	2.5	
Asian/Pacific Islander	498	87.6	3.8	1.2	3.2	2.4	1.8	
Ethnicity								
Hispanic	2,636	75.7%	3.7%	3.4%	5.1%	10.6%	1.5%	
Non-Hispanic	12,470	80.9	3.9	1.9	5.7	5.5	2.0	
Age								
16-18 years	124	56.5%	3.2%	6.5%	16.1%	14.5%	3.2%	
19-20 years	584	60.4	7.5	6.0	11.3	12.5	2.2	
21-30 years	4,656	73.1	5.7	3.0	7.7	8.8	1.6	
31-40 years	3,919	79.8	4.1	2.1	5.7	7.2	1.1	
Over 40 years	6,005	88.1	1.9	1.1	3.1	3.3	2.6	
Education								
Less than high school graduate	3,756	71.9%	5.5%	3.7%	7.4%	9.3%	2.2%	
High school graduate	5,478	80.2	4.2	2.0	5.9	5.9	1.9	
Some college	3,379	85.2	3.1	1.0	4.4	4.7	1.6	
College graduate	1,851	92.3	0.8	0.8	2.3	1.8	2.0	
Drug abuse								
No known abuse	11,730	84.3%	1.9%	1.7%	4.7%	5.5%	2.0%	
Drug history	3,564	66.2	10.3	3.8	8.6	9.4	1.8	

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

^cTotal includes offenders whose characteristics could not be determined.

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

Table 7.5. Outcomes of supervised release, by offense, October 1, 2002 - September 30, 2003

	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		
Most serious offense of conviction^a							
All offenses	30,585	61.9%	9.2%	5.3%	8.7%	12.8%	2.2%
Felonies	29,958	61.9%	9.2%	5.3%	8.6%	12.9%	2.2%
Violent offenses	2,298	42.8%	13.5%	8.7%	14.8%	17.2%	3.0%
Murder ^d	108	47.2	5.6	13.0	17.6	13.9	2.8
Negligent manslaughter	4	—	—	—	—	—	—
Assault	290	42.4	11.4	10.3	15.9	16.9	3.1
Robbery	1,662	42.5	15.4	7.7	13.5	17.9	2.9
Sexual abuse ^d	165	38.8	6.1	13.9	24.8	13.9	2.4
Kidnaping	52	55.8	5.8	7.7	7.7	19.2	3.8
Threats against the President	17	52.9	11.8	11.8	17.6	0	5.9
Property offenses	7,544	67.4%	6.8%	4.9%	8.6%	10.3%	2.0%
Fraudulent	6,180	70.8%	5.6%	4.2%	7.7%	9.7%	2.0%
Embezzlement	758	87.3	2.1	1.7	3.0	4.6	1.2
Fraud ^d	4,606	71.4	5.0	4.2	7.7	9.5	2.1
Forgery	114	55.3	9.6	6.1	14.9	14.0	0
Counterfeiting	702	51.3	13.0	6.6	11.4	15.8	2.0
Other	1,364	51.8%	12.1%	8.1%	12.6%	13.1%	2.2%
Burglary	110	31.8	13.6	12.7	18.2	22.7	0.9
Larceny ^d	846	51.4	13.9	8.0	12.4	12.4	1.8
Motor vehicle theft	142	51.4	11.3	6.3	13.4	15.5	2.1
Arson and explosives	141	59.6	7.8	7.1	12.1	9.9	3.5
Transportation and stolen property	106	67.9	2.8	6.6	6.6	11.3	4.7
Other property offenses ^d	19	42.1	10.5	15.8	21.1	5.3	5.3
Drug offenses	13,997	64.0%	10.0%	4.7%	7.2%	12.1%	2.1%
Trafficking	12,633	63.4	10.3	4.8	7.2	12.3	2.1
Possession and other drug offenses	1,364	69.9	7.6	3.7	6.9	10.1	1.8
Public-order offenses	2,568	74.8%	4.7%	3.7%	6.3%	8.5%	2.0%
Regulatory	691	72.4%	5.8%	4.3%	4.2%	11.1%	2.2%
Agriculture	1	—	—	—	—	—	—
Antitrust	9	—	—	—	—	—	—
Food and drug	14	92.9	0	0	0	0	7.1
Transportation	18	77.8	0	5.6	11.1	5.6	0
Civil rights	43	83.7	2.3	2.3	4.7	4.7	2.3
Communications	22	72.7	4.5	0	0	22.7	0
Custom laws	49	73.5	4.1	6.1	8.2	6.1	2.0
Postal laws	27	55.6	3.7	7.4	3.7	25.9	3.7
Other regulatory offenses	508	70.9	6.9	4.5	3.9	11.6	2.2
Other	1,877	75.7%	4.3%	3.5%	7.1%	7.5%	1.9%
Tax law violations ^d	314	94.3	0.6	0.6	1.6	1.6	1.3
Bribery	85	90.6	0	0	4.7	2.4	2.4
Perjury, contempt, and intimidation	96	72.9	10.4	1.0	6.3	7.3	2.1
National defense	8	—	—	—	—	—	—
Escape	181	45.3	12.7	13.8	12.2	14.9	1.1
Racketeering and extortion	719	77.9	3.2	2.6	6.5	7.6	2.1
Gambling	35	80.0	2.9	5.7	2.9	5.7	2.9
Nonviolent sex offenses	291	70.4	2.4	3.1	11.7	10.0	2.4
Obscene material ^d	14	57.1	0	7.1	28.6	7.1	0
Wildlife	21	85.7	0	0	9.5	0	4.8
Environmental	6	—	—	—	—	—	—
All other offenses	107	61.7	13.1	5.6	6.5	11.2	1.9
Weapon offenses	2,433	46.3%	13.0%	6.8%	12.7%	18.4%	2.8%
Immigration offenses	1,087	40.6%	8.5%	8.4%	11.3%	29.8%	1.5%
Misdemeanors^d	627	61.2%	8.9%	4.6%	12.8%	10.0%	2.4%
Fraudulent property offense	59	72.9	3.4	0	6.8	13.6	3.4
Larceny	121	59.5	9.9	4.1	14.9	9.9	1.7
Drug possession ^d	148	52.0	11.5	7.4	16.9	9.5	2.7
Immigration misdemeanors	14	50.0	7.1	0	14.3	28.6	0
Traffic offenses	97	67.0	7.2	3.1	13.4	8.2	1.0
Other misdemeanors	188	63.8	9.0	5.3	9.6	9.0	3.2

Note: Offenses for 31 felony offenders could not be determined; see *Chapter notes*.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^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 7.6. Characteristics of offenders terminating supervised release, October 1, 2002 - September 30, 2003

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	30,585	61.9%	9.2%	5.3%	8.7%	12.8%	2.2%	
Male/female								
Male	25,514	59.4%	9.6%	5.5%	9.2%	14.0	2.3%	
Female	5,051	73.9	7.1	4.3	6.3	6.8	1.6	
Race								
White	18,922	64.7%	8.6%	5.3%	7.8%	11.4%	2.2%	
Black	9,892	57.0	10.6	4.8	9.8	15.8	2.1	
Native American	824	39.2	7.9	14.1	21.1	15.2	2.5	
Asian/Pacific Islander	707	76.0	8.3	2.7	6.1	6.5	0.4	
Ethnicity								
Hispanic	6,552	57.2%	9.3%	7.2%	9.2%	15.2%	1.8%	
Non-Hispanic	23,836	63.1	9.1	4.7	8.6	12.2	2.2	
Age								
16-18 years	2	—	—	—	—	—	—	
19-20 years	170	13.5	22.9	17.1	24.1	20.6	1.8	
21-30 years	7,833	45.6	12.7	7.8	12.6	19.3	1.9	
31-40 years	10,399	60.3	10.1	5.2	9.0	14.0	1.5	
Over 40 years	12,181	74.3	6.0	3.5	5.7	7.6	2.9	
Education								
Less than high school graduate	11,483	52.2%	11.6%	7.0%	10.7%	16.2%	2.4%	
High school graduate	10,591	63.0	9.3	4.9	8.4	12.2	2.2	
Some college	5,742	72.7	7.0	3.0	6.7	8.8	1.7	
College graduate	2,002	87.7	1.4	1.1	3.3	4.8	1.6	
Drug abuse								
No known abuse	15,923	72.2%	4.1%	4.1%	6.3%	11.1%	2.2%	
Drug history	14,662	50.6	14.7	6.6	11.4	14.7	2.1	

—Too few cases to obtain statistically reliable data.

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

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

^cTotal includes offenders whose characteristics could not be determined.

Table 7.7. Outcomes of parole, by offense, October 1, 2002 - September 30, 2003

Most serious offense of conviction ^a	Number of parole terminations	Percent of paroles terminating with—					
		Technical violations ^b				New crime ^c	Administrative case closures
		No violation	Drug use	Fugitive status	Other		
All offenses	1,504	51.9%	11.6%	6.4%	9.6%	14.7%	5.8%
Felonies	1,502	51.9%	11.6%	6.4%	9.7%	14.7%	5.8%
Violent offenses	519	36.6%	16.8%	8.5%	12.1%	19.7%	6.4%
Murder ^d	42	35.7	14.3	9.5	14.3	14.3	11.9
Assault	24	37.5	20.8	4.2	16.7	8.3	12.5
Robbery	401	36.2	18.0	8.2	11.5	20.2	6.0
Sexual abuse ^d	16	56.3	0	6.3	12.5	25.0	0
Kidnaping	35	34.3	11.4	11.4	14.3	25.7	2.9
Threats against the President	1	—	—	—	—	—	—
Property offenses	161	60.2%	6.8%	6.2%	11.2%	11.2%	4.3%
Fraudulent	72	69.4%	6.9%	5.6%	11.1%	2.8%	4.2%
Embezzlement	2	—	—	—	—	—	—
Fraud ^d	56	71.4	1.8	7.1	14.3	3.6	1.8
Forgery	9	—	—	—	—	—	—
Counterfeiting	5	—	—	—	—	—	—
Other	89	52.8%	6.7%	6.7%	11.2%	18.0%	4.5%
Burglary	44	52.3	6.8	4.5	4.5	25.0	6.8
Larceny ^d	22	50.0	4.5	4.5	18.2	18.2	4.5
Motor vehicle theft	13	46.2	7.7	23.1	15.4	7.7	0
Arson and explosives	3	—	—	—	—	—	—
Transportation and stolen property	6	—	—	—	—	—	—
Other property offenses ^d	1	—	—	—	—	—	—
Drug offenses	642	62.5%	9.8%	5.5%	6.2%	10.9%	5.1%
Trafficking	579	61.8	10.4	5.5	5.9	11.2	5.2
Possession and other drug offenses	63	68.3	4.8	4.8	9.5	7.9	4.8
Public-order offenses	109	53.2%	9.2%	0.9%	14.7%	11.9%	10.1%
Regulatory	12	58.3%	8.3%	0%	16.7%	16.7%	0%
Other	97	52.6%	9.3%	1.0%	14.4%	11.3%	11.3%
Tax law violations ^d	2	—	—	—	—	—	—
Perjury, contempt, and intimidation	2	—	—	—	—	—	—
National defense	3	—	—	—	—	—	—
Escape	21	57.1	4.8	0	14.3	14.3	9.5
Racketeering and extortion	47	66.0	10.6	0	8.5	4.3	10.6
Nonviolent sex offenses	14	14.3	7.1	7.1	14.3	35.7	21.4
All other offenses	8	—	—	—	—	—	—
Weapon offenses	68	47.1%	4.4%	8.8%	11.8%	23.5%	4.4%
Immigration offenses	2	—	—	—	—	—	—
Misdemeanors^d	2	—	—	—	—	—	—

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^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; "Tax law violations" includes tax fraud; and "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels.

Table 7.8. Characteristics of offenders terminating parole, October 1, 2002 - September 30, 2003

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	1,504	51.9%	11.6%	6.4%	9.6%	14.7%	5.8%	
Male/female								
Male	1,460	51.5%	11.6%	6.4%	9.7%	14.9%	5.9%	
Female	42	66.7	9.5	7.1	7.1	7.1	2.4	
Race								
White	710	61.3%	8.3%	5.1%	7.6%	11.0%	6.8%	
Black	668	44.3	15.9	6.4	11.5	18.3	3.6	
Native American	17	52.9	0	23.5	17.6	5.9	0	
Asian/Pacific Islander	12	83.3	16.7	0	0	0	0	
Ethnicity								
Hispanic	163	66.9%	9.8%	7.4%	3.1%	9.2%	3.7%	
Non-Hispanic	1,323	50.2	11.7	6.1	10.6	15.3	6.1	
Age								
21-30 years	62	33.9%	4.8%	12.9%	17.7%	19.4%	11.3%	
31-40 years	227	44.1	14.1	7.0	10.1	21.1	3.5	
Over 40 years	1,215	54.3	11.4	5.9	9.1	13.3	5.9	
Education								
Less than high school graduate	663	48.6%	13.3%	7.2%	9.2%	16.6%	5.1%	
High school graduate	526	52.9	10.6	5.1	9.7	15.2	6.5	
Some college	195	60.5	9.7	6.7	8.2	9.7	5.1	
College graduate	57	70.2	7.0	1.8	10.5	7.0	3.5	
Drug abuse								
No known abuse	740	58.9%	6.6%	5.0%	10.3%	12.4%	6.8%	
Drug history	764	45.2	16.4	7.7	9.0	16.9	4.8	

—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.

Table 7.9. Admissions and releases of Federal prisoners, by offense, October 1, 2002 - September 30, 2003

Most serious original offense of conviction ^a	Estimated population at start of year	Prisoners received			Prisoners released			Prison population at end of year	Net population change
		District court		All other	First release				
		1 year or less	Over 1 year			1 year or less	Over 1 year	All other	
All prisoners^b	143,516	8,753	44,809	19,113	8,996	36,824	17,912	152,459	8,943
Violent offenses	13,550	122	1,933	2,719	122	1,913	2,764	13,525	-25
Murder/manslaughter ^c	1,236	10	92	155	13	72	151	1,257	21
Assault	978	66	243	481	64	239	505	960	-18
Robbery	9,590	31	1,338	1,651	33	1,380	1,645	9,552	-38
Sexual abuse ^c	990	15	188	296	12	147	317	1,013	23
Kidnaping	655	0	57	56	0	62	63	643	-12
Threats against the President	101	0	15	80	0	13	83	100	-1
Property offenses	10,233	2,397	4,675	4,348	2,464	4,350	4,205	10,634	401
Fraudulent	7,926	1,978	3,906	2,909	2,030	3,653	2,809	8,227	301
Embezzlement	288	166	155	140	169	142	140	298	10
Fraud ^c	6,674	1,629	3,296	2,199	1,680	3,092	2,069	6,957	283
Forgery	237	40	73	125	43	66	144	222	-15
Counterfeiting	727	143	382	445	138	353	456	750	23
Other	2,307	419	769	1,439	434	697	1,396	2,407	100
Burglary	243	10	63	164	11	51	180	238	-5
Larceny ^c	882	262	290	867	257	302	830	912	30
Motor vehicle theft	232	11	60	72	15	63	78	219	-13
Arson and explosives	185	1	49	75	2	38	59	211	26
Transportation of stolen property	198	22	73	63	22	69	56	209	11
Other property offenses ^c	567	113	234	198	127	174	193	618	51
Drug offenses	81,168	1,483	22,104	6,406	1,520	17,849	6,003	85,789	4,621
Trafficking	80,716	1,160	22,046	6,077	1,272	17,773	5,665	85,289	4,573
Possession and other drug offenses	452	323	58	329	248	76	338	500	48
Public-order offenses	8,045	861	2,708	1,673	897	2,341	1,611	8,438	393
Regulatory	1,238	188	535	302	187	537	290	1,249	11
Other	6,807	673	2,173	1,371	710	1,804	1,321	7,189	382
Tax law violations ^c	399	91	170	55	93	172	55	395	-4
Bribery	76	17	45	17	18	36	21	80	4
Perjury, contempt, and intimidation	108	28	42	29	30	47	24	106	-2
National defense	84	8	18	13	9	21	13	80	-4
Escape	388	49	111	131	61	124	125	369	-19
Racketeering and extortion	4,415	97	1,189	323	105	1,020	307	4,592	177
Gambling	2	0	0	0	0	1	0	1	-1
Liquor offenses	4	1	3	0	2	2	0	4	0
Nonviolent sex offenses	187	4	69	59	5	41	45	228	41
Obscene material ^c	869	15	438	99	19	257	84	1,061	192
Traffic offenses	105	316	29	509	312	24	520	103	-2
Wildlife	7	4	2	13	5	6	9	6	-1
Environmental	19	7	10	7	9	8	6	20	1
All other offenses	144	36	47	116	42	45	112	144	0
Weapon offenses	13,742	250	5,034	1,749	256	3,004	1,501	16,014	2,272
Immigration offenses	15,748	3,374	7,968	1,758	3,477	7,063	1,405	16,903	1,155

Note: For further information, see *Chapter notes*, items 4, 5, and 8, p. 111.

^aSee *Chapter notes*, item 4, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^bAn offense category could not be determined for 1,030 prisoners at the start of fiscal year 2003 and 1,083 prisoners at the end of fiscal year 2003.

^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; and "Obscene material" denotes the mail or transport thereof.

Table 7.10. Characteristics of Federal prison population, by major offense category, September 30, 2003

Prisoner characteristic	Total prisoners	Percent of Federal prison population serving for ^a —								
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
				Fraudulent	Other		Regulatory	Other		
All prisoners^b	152,459	152,459	13,525	8,227	2,407	85,789	1,249	7,189	16,014	16,903
Male/female										
Male	141,966	93.1%	96.4%	82.0%	90.0%	92.0%	85.6%	93.0%	98.2%	97.7%
Female	10,493	6.9	3.6	18.0	10.0	8.0	14.4	7.0	1.8	2.3
Race										
White	88,528	58.1%	44.8%	63.1%	62.2%	53.9%	73.4%	68.0%	42.6%	95.3%
Black	59,441	39.0	42.6	33.5	30.4	44.5	23.4	26.4	55.2	4.1
Native American	2,438	1.6	11.3	0.5	5.4	0.4	0.9	1.3	1.2	0.1
Asian/Pacific Islander	2,052	1.3	1.3	2.9	2.1	1.2	2.3	4.3	1.0	0.4
Ethnicity										
Hispanic	48,921	32.1%	7.4%	12.5%	8.9%	33.0%	17.0%	17.7%	9.9%	89.5%
Non-Hispanic	103,538	67.9	92.6	87.5	91.1	67.0	83.0	82.3	90.1	10.5
Age										
Under 19 years	568	0.4%	1.6%	0.1%	1.2%	0.2%	0.2%	0.2%	0.4%	0.3%
19-20 years	5,055	3.3	5.9	1.3	5.9	3.2	3.0	1.8	4.4	2.1
21-30 years	62,922	41.3	38.1	24.6	34.0	44.2	30.8	28.8	46.8	40.0
31-40 years	50,263	33.0	32.8	32.6	31.7	32.3	29.9	30.6	30.5	40.8
Over 40 years	33,623	22.1	21.6	41.5	27.1	20.2	36.0	38.6	17.9	16.8
Citizenship										
U.S. citizen	109,760	72.2%	96.6%	85.2%	94.3%	74.1%	87.4%	86.4%	94.9%	4.3%
Not U.S. citizen	42,256	27.8	3.4	14.8	5.7	25.9	12.6	13.6	5.1	95.7

Note: Percentages in this table are based on non-missing characteristics. Total includes 1,156 prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 111.

^aSee *Chapter notes*, item 4, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^bOf the 152,459 prisoners in BOP facilities, 5% were old law offenders.

Table 7.11. Number of first releases from Federal prison, by release method and sentence length, October 1, 2002 - September 30, 2003

Most serious original offense of conviction ^a	Total	Standard ^b	Extraordinary means		
			Drug treatment	Treaty transfer	Other ^c
All releases					
All prisoners^d	45,820	40,780	3,877	303	860
Violent offenses	2,035	1,971	3	1	60
Property offenses	6,814	6,533	208	0	73
Fraudulent	5,683	5,422	193	0	68
Other	1,131	1,111	15	0	5
Drug offenses	19,369	15,052	3,455	295	567
Public-order offenses	3,238	3,013	174	1	50
Regulatory	724	683	32	0	9
Other	2,514	2,330	142	1	41
Weapon offenses	3,260	3,184	17	1	58
Immigration offenses	10,540	10,479	10	3	48
Sentences greater than 1 year					
All prisoners^e	36,824	31,806	3,871	302	845
Violent offenses	1,913	1,849	3	1	60
Property offenses	4,350	4,076	207	0	67
Fraudulent	3,653	3,399	192	0	62
Other	697	677	15	0	5
Drug offenses	17,849	13,537	3,452	294	566
Public-order offenses	2,341	2,119	172	1	49
Regulatory	537	496	32	0	9
Other	1,804	1,623	140	1	40
Weapon offenses	3,004	2,932	17	1	54
Immigration offenses	7,063	7,003	10	3	47

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 4-7, p. 111.

^aSee *Chapter notes*, item 4, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^bStandard releases include expirations, mandatory release, and release to parole.

^cOther extraordinary releases include escape, death, sentence commutation, and intensive confinement programs.

^dIncludes 564 prisoners for whom offense was not classifiable or not a violation of U.S. Code.

^eIncludes 304 prisoners for whom offense was not classifiable or not a violation of U.S. Code.

Table 7.12. Average time to first release and percent of sentence served, for prisoners released by standard methods, October 1, 2002 - September 30, 2003

Most serious original offense of conviction ^a	All offenders			Prisoners with sentences of 1 year or less			Prisoners with sentences over 1 year			
	Number of prisoners released ^b	Mean time served	Median time served	Number of prisoners released ^b	Mean time served	Median time served	Number of prisoners released ^b	Mean time served	Median time served	Percent of sentence served
All releases^c	40,780	32.9 mo	22.7 mo	8,974	5.2 mo	5.0 mo	31,806	40.7 mo	29.4 mo	88.0%
Violent offenses	1,971	63.5 mo	49.7 mo	122	5.5 mo	5.9 mo	1,849	67.3 mo	53.2 mo	87.7%
Murder/manslaughter ^d	82	85.6	43.6	13	6.3	5.0	69	100.5	49.6	88.5
Assault	300	30.7	25.6	64	5.1	5.9	236	37.6	28.8	88.9
Robbery	1,370	69.0	57.1	33	6.2	5.9	1,337	70.5	58.6	87.6
Sexual abuse ^c	150	53.5	33.6	12	5.3	5.0	138	57.7	44.4	87.2
Kidnaping	57	106.1	73.2	0	...	...	57	106.1	73.2	83.3
Threats against the President	12	26.9	24.2	0	...	...	12	26.9	24.2	90.5
Property offenses	6,533	16.4 mo	12.2 mo	2,457	5.0 mo	5.0 mo	4,076	23.3 mo	18.3 mo	88.2%
Fraudulent	5,422	15.9 mo	12.2 mo	2,023	5.0 mo	5.0 mo	3,399	22.4 mo	18.0 mo	88.2%
Embezzlement	305	9.7	7.0	168	3.7	4.9	137	17.0	13.9	87.5
Fraud ^c	4,533	16.4	12.2	1,675	5.0	5.0	2,858	23.0	18.3	88.1
Forgery	104	14.5	11.9	43	5.7	6.0	61	20.7	15.7	88.3
Counterfeiting	480	16.0	13.1	137	6.3	6.0	343	19.8	15.7	88.7
Other	1,111	18.6 mo	12.5 mo	434	4.8 mo	5.0 mo	677	27.5 mo	20.9 mo	88.5%
Burglary	61	28.7	18.3	11	4.9	5.0	50	33.9	22.5	87.7
Larceny ^c	547	13.3	10.5	257	5.2	5.0	290	20.5	17.0	89.1
Motor vehicle theft	75	23.0	18.2	15	7.5	7.4	60	26.9	22.4	87.6
Arson and explosives	39	49.5	52.4	2	—	—	37	51.9	52.6	87.7
Transportation and stolen property	89	19.4	15.7	22	6.2	5.0	67	23.7	18.3	88.1
Other property offenses ^d	300	20.9	15.7	127	3.5	3.0	173	33.7	26.2	88.3
Drug offenses	15,052	44.3 mo	32.3 mo	1,515	6.7 mo	6.0 mo	13,537	48.6 mo	36.6 mo	87.7%
Trafficking	14,744	45.0	32.3	1,267	7.0	6.0	13,477	48.6	36.6	87.6
Possession and other drug offenses	308	11.6	6.0	248	5.1	6.0	60	38.7	24.9	89.9
Public-order offenses	3,013	25.4 mo	15.7 mo	894	4.2 mo	4.0 mo	2,119	34.4 mo	23.6 mo	87.7%
Regulatory	683	20.6 mo	15.6 mo	187	5.6 mo	5.0 mo	496	26.3 mo	18.3 mo	88.1%
Other	2,330	26.8 mo	18.3 mo	707	3.8 mo	4.0 mo	1,623	36.8 mo	26.2 mo	87.6%
Tax law violations ^d	258	14.0	10.5	93	5.6	5.0	165	18.7	15.7	87.9
Bribery	50	24.4	13.1	18	5.2	5.0	32	35.3	22.3	87.4
Perjury, contempt, and intimidation	74	14.7	12.0	30	4.3	4.0	44	21.9	18.3	88.7
National defense	28	30.4	20.9	9	—	—	19	42.4	27.1	85.9
Escape	176	17.7	13.1	59	6.1	6.0	117	23.5	15.7	88.8
Racketeering and extortion	973	42.4	35.6	104	5.7	5.9	869	46.8	40.1	87.3
Gambling	1	—	—	0	...	...	1	—	—	—
Liquor	4	—	—	2	—	—	2	—	—	—
Nonviolent sex offenses	45	28.1	21.0	5	—	—	40	31.2	25.2	89.2
Obscene material ^d	274	27.1	23.6	19	6.6	6.0	255	28.6	23.6	86.9
Traffic offenses	334	2.7	0.9	312	1.6	0.5	22	17.5	12.8	92.0
Wildlife	11	14.0	10.4	5	—	—	6	—	—	—
Environmental	16	13.5	10.0	9	—	—	7	—	—	—
All other offenses	86	14.5	10.5	42	4.5	5.9	44	24.0	16.6	89.3
Weapon offenses	3,184	42.7 mo	32.1 mo	252	6.4 mo	6.0 mo	2,932	45.8 mo	33.1 mo	88.3%
Immigration offenses	10,479	21.1 mo	17.4 mo	3,476	4.9 mo	5.0 mo	7,003	29.2 mo	26.1 mo	88.5%

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 4-7, p. 111.

—Too few cases to obtain statistically reliable data.

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

^aSee *Chapter notes*, item 4, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^bThis column excludes prisoners who left Federal prison by extraordinary means, such as death, sentence commutation, and treaty transfer. The total number of prisoners who left prison due to extraordinary means in fiscal year 2003 was 5,040. See table 7.11.

^cIncludes 548 prisoners whose offense was unclassifiable or not a violation of U.S. Code.

^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; and "Obscene material" denotes the mail or transport thereof.

Table 7.13. Mean time served to first release, by length of sentence imposed, and offense, for prisoners released by standard methods during October 1, 2002 - September 30, 2003

Sentence imposed ^a	Number of months served for ^b —								
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
			Fraudulent	Other		Regulatory	Other		
All releases	32.9 mo	63.5 mo	15.9 mo	18.6 mo	44.3 mo	20.6 mo	26.8 mo	42.7 mo	21.1 mo
1-12 mo ^c	5.2	5.5	5.0	4.8	6.7	5.6	3.8	6.4	4.9
13-24	14.0	14.7	13.8	14.1	13.8	14.3	13.8	14.5	14.0
25-36	24.5	26.1	24.1	24.5	24.6	24.1	24.3	25.1	24.4
37-48	35.9	36.4	35.0	35.0	35.3	34.6	35.1	35.9	37.1
49-60	46.8	46.6	46.1	47.4	46.2	47.3	46.5	46.6	48.3
61-72	56.5	57.9	54.7	55.8	56.2	55.7	54.7	55.7	59.1
73-84	67.6	68.2	66.4	—	67.0	65.9	68.1	68.0	68.7
85-96	77.0	77.5	75.4	76.2	76.8	—	76.2	78.3	75.9
97-108	86.7	87.5	85.8	—	86.1	—	86.1	87.9	86.8
109-120	96.9	99.3	96.8	—	95.6	—	96.1	99.7	—
121-144	109.4	114.1	—	—	109.0	—	107.9	108.0	—
145-180	137.1	139.2	—	—	136.7	—	134.9	136.4	...
181-240 ^d	161.9	163.6	—	—	163.5	—	—	159.6	...
241-300 ^d	154.5	—	—	—	155.8	...	—	—	...
Over 300 ^d	203.5	211.2	—	—	190.9	...	—	—	...

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia; see *Chapter notes*, items 4-7, p. 111. Of the 40,780 first releases by standard methods, 40,572 were new law and 208 were old law. —Too few cases to obtain statistically reliable data. ...No case of this type occurred within the data.

^aSentence for the single most serious offense.

^bSee *Chapter notes*, item 4, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^cThe interval includes days up through the upper bound and days to upper bound of the previous interval.

^dAs of fiscal year 2003, new law inmates who were sentenced to more than 218 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and death), because the Federal Sentencing Guidelines took effect as of November 1987. See table 7.11.

Table 7.14. Percent of sentence served to first release, by length of sentence imposed, and offense, for prisoners released by standard methods during October 1, 2002 - September 30, 2003

Sentence imposed ^a	Percent of sentence served for ^b —								
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
			Fraudulent	Other		Regulatory	Other		
All releases	90.6%	88.4%	92.8%	92.8%	88.9%	91.2%	91.2%	89.3%	92.2%
1-12 mo ^c	100	99.6	100.7	99.6	99.9	99.5	99.6	100.6	99.8
13-24	88.6	90.0	88.6	89.4	88.2	88.5	88.6	88.9	88.5
25-36	87.9	88.5	87.7	87.9	87.8	87.4	87.4	88.1	88.2
37-48	88.0	88.3	87.8	88.0	87.6	87.8	87.6	88.4	88.3
49-60	88.0	88.4	87.6	88.4	87.6	88.6	88.0	87.9	88.8
61-72	88.1	88.8	87.6	87.9	87.8	87.4	87.5	88.2	89.4
73-84	88.1	88.8	86.7	—	87.7	85.8	87.8	88.3	89.2
85-96	88.0	88.5	87.2	88.3	87.7	—	87.9	88.8	88.5
97-108	87.6	88.2	87.7	—	87.5	—	87.4	87.6	87.9
109-120	87.8	89.1	87.3	—	87.4	—	87.8	88.7	—
121-144	87.5	88.3	—	—	87.4	—	86.8	87.6	—
145-180	87.3	87.9	—	—	87.2	—	87.4	86.1	...
181-240 ^d	86.9	87.7	—	—	86.7	—	—	88.1	...
241-300 ^d	62.3	—	—	—	62.2	...	—	—	...
Over 300 ^d	53.1	54.4	—	—	52.3	...	—	—	...

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia; see *Chapter notes*, items 4-7, p. 111. Of the 40,780 first releases by standard methods, 40,572 were new law and 208 were old law. —Too few cases to obtain statistically reliable data. ...No case of this type occurred within the data.

^aSentence for the single most serious offense.

^bSee *Chapter notes*, item 4, p. 111, and "Offense classifications" in *Methodology*, p. 113.

^cThe interval includes days up through the upper bound and days to upper bound of the previous interval.

^dAs of fiscal year 2003, new law inmates who were sentenced to more than 218 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and death), because the Federal Sentencing Guidelines took effect as of November 1987. See table 7.11.

Table 7.15. Characteristics of first releases from prison, by offense, all releases, October 1, 2002 - September 30, 2003

Offender characteristic	Number of prisoners released	Percent of released offenders convicted of ^a —								
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
				Fraudulent	Other		Regulatory	Other		
All releases^b	45,820	45,820	2,035	5,683	1,131	19,369	724	2,514	3,260	10,540
Male/female										
Male	40,537	88.6%	92.9%	77.3%	81.2%	86.3%	80.5%	88.7%	97.1%	96.6%
Female	5,234	11.4	7.1	22.7	18.8	13.7	19.5	11.3	2.9	3.4
Race										
White	33,020	72.1%	46.6%	64.9%	68.1%	68.0%	74.7%	73.0%	47.5%	96.1%
Black	11,412	24.9	36.2	31.7	24.5	30.2	21.0	21.4	49.6	3.3
Native American	615	1.3	15.4	0.4	4.0	0.6	1.0	1.1	1.3	0.1
Asian/Pacific Islander	724	1.6	1.8	3.0	3.5	1.1	3.3	4.5	1.6	0.5
Ethnicity										
Hispanic	20,411	44.6%	7.7%	17.4%	11.2%	43.6%	28.9%	16.1%	12.0%	90.9%
Non-Hispanic	25,360	55.4	92.3	82.6	88.8	56.4	71.1	83.9	88.0	9.1
Age										
Less than 19 years	229	0.5%	1.4%	0.1%	0.9%	0.6%	0.3%	0.1%	0.5%	0.4%
19-20 years	2,017	4.4	8.1	2.1	6.3	5.4	4.0	1.8	4.7	3.5
21-30 years	18,258	39.9	41.5	28.4	31.0	42.5	26.3	26.0	49.1	43.9
31-40 years	14,321	31.3	28.5	32.0	29.9	29.7	31.4	29.1	26.5	36.3
Over 40 years	10,946	23.9	20.5	37.4	31.9	21.8	38.0	42.9	19.2	15.8
Citizenship										
U.S. citizen	26,466	58.0%	95.5%	74.9%	93.2%	66.2%	74.8%	85.5%	91.7%	4.6%
Not U.S. citizen	19,142	42.0	4.5	25.1	6.8	33.8	25.2	14.5	8.3	95.4

Note: Totals include prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 111. Percentages in this table are based on non-missing characteristics.

^aSee *Chapter notes*, item 4, p. 111, and "Offense classifications" in *Methodology*, p. 113.
^bOf the 45,820 total releases, 45,602 (or 99.5%) were new law releases.

Table 7.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics, October 1, 2002 - September 30, 2003

Offender characteristic	Number of prisoners released	Mean time served for ^a —								
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
				Fraudulent	Other		Regulatory	Other		
All releases^b	40,780	32.9 mo	63.5 mo	16.0 mo	18.6 mo	44.3 mo	20.6 mo	26.8 mo	42.7 mo	21.1 mo
Male/female										
Male	36,223	34.1 mo	65.4 mo	17.0 mo	20.6 mo	46.2 mo	22.0 mo	27.0 mo	43.2 mo	21.3 mo
Female	4,510	23.0	36.7	12.5	9.6	32.1	14.1	21.2	26.3	16.2
Race										
White	29,843	28.8 mo	61.7 mo	16.2 mo	19.0 mo	38.6 mo	20.6 mo	24.5 mo	39.4 mo	20.8 mo
Black	9,663	45.5	74.7	15.6	16.9	58.7	21.9	31.0	45.9	30.0
Native American	579	35.3	42.6	12.1	26.6	26.4	6.6	28.9	45.1	13.6
Asian/Pacific Islander	648	29.3	54.4	13.8	13.1	44.7	16.1	33.3	36.5	23.0
Ethnicity										
Hispanic	19,256	27.9 mo	60.7 mo	12.4 mo	15.9 mo	38.2 mo	18.3 mo	31.6 mo	37.7 mo	20.9 mo
Non-Hispanic	21,477	37.3	63.5	16.7	18.9	50.2	21.5	25.4	43.4	24.1
Age										
Less than 19 years	216	25.2 mo	51.7 mo	7.6 mo	24.6 mo	21.8 mo	27.6 mo	27.8 mo	57.3 mo	7.8 mo
19-20 years	1,841	28.4	51.0	12.5	20.4	32.6	25.1	20.5	40.7	11.6
21-30 years	16,198	33.2	62.6	13.7	19.4	43.5	19.4	31.3	41.9	19.8
31-40 years	12,771	33.8	70.4	15.6	18.8	46.4	20.9	26.0	45.5	23.6
Over 40 years	9,707	32.1	60.4	18.2	17.1	46.9	20.5	23.9	40.9	21.9
Citizenship										
U.S. citizen	21,847	37.4 mo	63.7 mo	17.1 mo	18.4 mo	46.5 mo	21.9 mo	25.3 mo	44.0 mo	14.3 mo
Not U.S. citizen	18,729	27.7	55.9	12.9	20.5	41.4	17.1	33.8	28.6	21.5

Note: Totals include prisoners whose offense category could not be determined, and exclude prisoners released by extraordinary methods such as commutation and death; see *Chapter notes*, items 4-7, p. 111.

^aSee *Chapter notes*, item 4, p. 111, and "Offense classifications" in *Methodology*, p. 113.
^bOf the 40,780 releases, 40,572 (or 99.5%) were new law releases.

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.

In these tables, a single person may be counted more than once if that person was committed into, or released from, the BOP more than one time during fiscal year 2003, or if that person appears in more than one column in a table, e.g., commitment and population.

Offense categories in these tables were based on combinations of offense designations used by the BOP. They are similar, but may not be directly comparable, to the categories used in other tables of this *Compendium*. Offenses for some prisoners admitted or released could not be classified; these offenders were included in the totals and are shown as "other prisoners" on the last line of tables.

In these tables, offenses were classified according to the offense associated with the longest single sentence actually imposed. Classifications in other tables may have been based on the longest potential sentence allowed by law.
- 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, 2003) 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, 2002, through September 30, 2003, 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.
- 4) Tables 7.9-7.16 were created from the Federal Bureau of Prisons (BOP) data files.

Tables 7.9 and 7.10 show sentenced prisoners in the custody of the BOP at the end of fiscal year 2003. Tables 7.11-7.16 include only prisoners committed by U.S. district courts or released by the BOP during fiscal year 2003.

Table 7.11 distinguishes between standard and extraordinary methods of release from prison. "Standard" releases include the usual methods of exiting from prison, such as full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole. Extraordinary releases are unusual exits from prison, such as death, commutation, and transfer to another facility.
- 5) Tables 7.9-7.16 distinguish between prisoners committed by U.S. district courts for violations of the U.S. Code and other prisoners. Prisoners released after commitment from U.S. district court are called "first releases." The other admissions and releases include offenders who returned to prison after their first release (such as probation, parole, or supervised release violators), offenders convicted in other courts (such as military courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. Tables 7.9-7.16 exclude prisoners sentenced by a District of Columbia Superior Court judge for violations of the DC Criminal Code. Offenders who entered or left a prison temporarily — such as for transit to another location, for health care, or to serve a weekend sentence — were not counted as admitted or released. Persons who were detained for deportation by the Immigration and Naturalization Service and who were not criminal offenders were also not included in the tables.
- 6) Tables 7.11-7.16 include only prisoners committed by U.S. district courts and released by the BOP during fiscal year 2003. Prisoners committed by U.S. district court — but not for a violation of the U.S. Code, or whose offense could not be classified — were included in the total but are not shown separately. Table 7.9, however, shows these prisoners separately. Other prisoners — such as probation and parole violators and prisoners committed by other courts, such as military courts or District of Columbia Superior Court — were excluded from tables 7.11-7.16, as were other persons admitted to Federal prison but not committed from a U.S. district court.
- 7) In tables 7.11-7.16, time served was calculated for prisoner's arrival into jurisdiction of the BOP until first release from prison, plus any jail time served and credited. The calculation is the same as that currently used by the BOP. Prisoners serving consecutive sentences may have total imposed sentences exceeding the longest single sentence length. Accordingly, time actually served may exceed the longest single imposed sentence. The percent of sentenced served (in tables 7.12 and 7.14) is the average of each individual prisoner's percent of sentence served. Because other publications may include different groups of prisoners, calculate time served differently, or use a different offense classification,

data in tables in this *Compendium* may differ from estimates of time served in previous publications by the BOP or in publications based on other data sources.

Time served, as reported in tables 7.11-7.16 in this *Compendium*, may not be directly comparable to the calculation of time served in the 1993 and prior compendia. The methodology in this report uses additional information to identify prison commitment dates and account for jail credit. In previous reports, jail credits were overestimated in some cases. In addition, time served estimates reported in tables 7.12-7.14 and 7.16 include only prisoners released by standard methods (expirations, mandatory releases, and releases to parole). Prisoners released by extraordinary means (death, commutation, transfer, etc.) are excluded from the time served calculations in these tables.

8) Table 7.9 shows all persons admitted to, or released from, the jurisdiction of the BOP during fiscal year 2003, except those prisoners who were committed by a District of Columbia Superior Court judge. Prisoners counted in this column are the same as prisoners included in tables 7.11, 7.12, and 7.13. Table 7.9 shows in separate columns, as well as in the total, prisoners committed by a U.S. district court — but not for a violation of the U.S. code, or whose offense could not be classified. Other columns in table 7.9 include prisoners who were committed by other courts, returned to prison for violation of the conditions of supervision, or were received for examination, treatment, or transfer to another jurisdiction. Offenders who returned to prison for a violation of the conditions of supervision without a new court commitment, were classified according to the offense with the longest single sentence originally imposed at conviction.

At the end of fiscal year 2003, 152,459 Federal prisoners were

under the jurisdiction of the Bureau of Prisons in 103 facilities. The total population under the jurisdiction of the BOP included 146,212 inmates in the 180 BOP facilities such as penitentiaries, Federal correctional institutions, prison camps, and medical centers, 7,862 inmates in contract facilities such as halfway houses or were under home confinement, and 18,425 inmates in privately-managed secure facilities.

Federal Bureau of Prisons Population by type of facility and inmate

Inmates under the jurisdiction of the BOP	FY2003
Total	172,499
In BOP facilities	146,212
In contract facilities	26,287
All sentenced Federal prisoners ^a	152,459

Source: Data extract prepared for FJSRC by the BOP of all inmates under their jurisdiction; Federal Bureau of Prisons, "State of the Bureau, 2003"

^a Includes inmates sentenced for Federal offenses and committed to BOP or contract facilities

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 2003 (October 1, 2002, through September 30, 2003). 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 2003 in this *Compendium* have been assembled from source files containing records of 2003 matters concluded which were entered into the data system during fiscal years 2003 or 2004.

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, 2002 - September 30, 2003. 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 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 (e.g., 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, it was 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 which 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) — Central System and Central Charge Files	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. It is estimated that more than 90% of felony defendants in the Federal criminal justice system are sentenced pursuant to the SRA of 1984. Data files are limited to those defendants whose 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 the offenders in prison when the data extracts are made. The information covers the time that 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 1 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 non-residential 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 (i.e., 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 (e.g., 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 a 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 which

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

Kidnaping — 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 kidnaping as well as conspiring to kidnap. Also, includes kidnaping 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 1 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, parole is being phased out.

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 the 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.