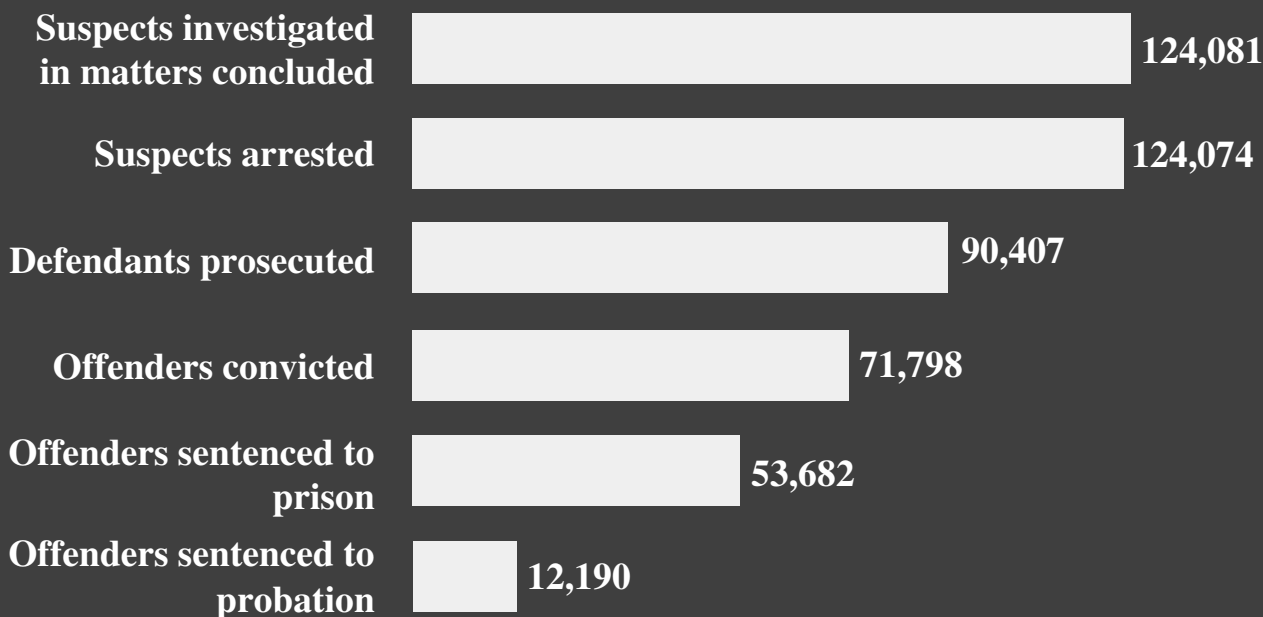




## Bureau of Justice Statistics

# Compendium of Federal Justice Statistics, 2002

### Federal criminal case processing, October 1, 2001-September 30, 2002



A Federal Justice Statistics Program Report

**U.S. Department of Justice**

Office of Justice Programs

810 Seventh Street, N.W.

Washington, D.C. 20531

John Ashcroft  
Attorney General

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**Office of Justice Programs**

Partnerships for Safer Communities

Deborah J. Daniels  
Assistant Attorney General

World Wide Web site:  
<http://www.ojp.usdoj.gov>

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**Bureau of Justice Statistics**

Lawrence A. Greenfeld  
Director

World Wide Web site:  
<http://www.ojp.usdoj.gov/bjs>

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For information contact  
**National Criminal Justice Reference Service**  
1-800-851-3420



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# Compendium of Federal Justice Statistics, 2002

September 2004, NCJ 205368

**U.S. Department of Justice**

Office of Justice Programs  
Bureau of Justice Statistics

Lawrence A. Greenfeld  
Director, BJS

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## Highlights

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The number of suspects investigated by U.S. attorneys increased between 2001 and 2002, from 121,818 to 124,335. 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 (11%) — and 27% of those investigated were not prosecuted by U.S. attorneys.

The number of defendants prosecuted in Federal courts increased slightly between 2001 and 2002, from 86,728 to 90,407.

The number of offenders under Federal correctional supervision increased 77% between 1990 and 2002. At the end of fiscal year 2002, the number of offenders in Federal prison or on community supervision was 250,398 compared to 141,790 during 1990.

At the end of fiscal year 2002, the number of Federal inmates serving a sentence of imprisonment was 143,031. The number under community supervision was 107,367. Over 70% of those under community supervision were on post-incarceration supervised release (73,229) or parole (3,561).

### Arrest

During 2002, 124,074 suspects were arrested by Federal law enforcement agencies for violations of Federal law. Twenty-seven percent of those arrested and booked by the U.S. Marshals Service were for drug offenses, 21% for immigration offenses, 18% for supervision violations, 14% for property offenses, 7% for public-order offenses, 6% for weapon offenses, 4% for violent offenses, and 3% to secure and safeguard a material witness.

About 70% of suspects booked by the U.S. Marshals Service were arrested by Department of Justice agencies, while Treasury Department agencies accounted for 12% of all arrests. Within the Department of Justice, the U.S. Marshals Service made 39%

of the arrests; the Immigration and Naturalization Service, 33%; the Drug Enforcement Administration 14%, and the Federal Bureau of Investigation 13%.

### Prosecution

During 2002 U.S. attorneys initiated criminal investigations involving 124,335 suspects, and they concluded their investigations of 124,081 suspects. Thirty-one percent of the suspects were investigated for drug, 22% for property, 19% for public order, 14% for immigration, 9% for weapon, and 5% for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 76,314 in U.S. district courts and 14,093 were disposed of before U.S. magistrates. During 2002, U.S. attorneys declined 27% of matters concluded.

Suspects in criminal matters involving immigration or drug offenses were more likely to be prosecuted in a U.S. district court (85% and 77%, respectively) than were suspects involved in weapon (70%), violent (54%), property (54%), or public-order offenses (30%). Suspects involved in property offenses (such as fraud), violent offenses, or public-order offenses were more likely to be declined for prosecution (about 40%) than were suspects investigated for weapon (28%), drug (18%), or immigration (3%) offenses.

### Pretrial release

Of 78,060 pretrial cases commenced in 2002, 37% of defendants were released after either an initial or detention hearing, while 62% were detained, and less than 1 % were dismissed.

During 2002, 45% of the 71,572 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 (79% and

69%, respectively) than were defendants charged with weapon (43%), drug (41%), violent (35%), or immigration (9%) offenses.

The proportion of defendants released prior to their trial decreased from 62% during 1990 to 45% during 2002.

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 25% of the defendants with a prior violent felony conviction were released before trial, while 61% of defendants with no prior convictions were released. Forty-six percent of defendants with one prior conviction were released, as compared to 37% of defendants having two to four prior convictions and about 28% of defendants having five or more prior convictions.

Eighty-one percent of defendants released prior to trial completed their periods of release without violating the conditions of their release. Nineteen 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 (31% and 30%, respectively), while defendants charged with weapon or violent offenses were more likely to have their release revoked (13% and 12%, respectively) than were other defendants.

Defendants released during 2002 were more likely to violate the conditions of their pretrial release than those released during 1990. During 2002, 20% of those released at some point prior to trial violated a condition of their release. During 1990, 12% violated their release conditions.

### Adjudication

During 2002, 87,727 defendants were charged in Federal courts with a criminal offense, 87% of whom were

charged with felonies. Of the defendants charged with felonies, 40% were prosecuted for drug, 21% for property, 17% for immigration, 11% for weapon, 6% for public-order, and 4% for violent offenses.

The number of defendants charged with a felony immigration offense increased by 14% between 2001 and 2002, from 11,504 to 13,101. The number charged with a felony weapon offense increased by 25%, from 6,495 to 8,104.

Criminal cases were concluded against 80,424 defendants during 2002, 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 2002. The proportion of convicted defendants who pleaded guilty increased from 87% during 1990 to 96% during 2002.

About 92% of defendants charged with felonies were convicted. The conviction rate was similar for the major offense categories: 95% of defendants charged with immigration offenses, 92% of both drug and violent defendants, 91% of property defendants, 89% of weapon defendants, and 88% of public-order defendants.

### Sentencing

Defendants convicted during 2002 were more likely to be sentenced to prison than those convicted during 1990. During 2002 about 75% 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 offenders, 91% of felony drug offenders, 89% of felony immigration offenders, 66% of felony public-order offenders, and 59% of felony property offenders.

Most serious offense of conviction	Average sentence length
<b>All offenses</b>	57.1 mo
<b>Felonies</b>	58.4
Violent offenses	88.5
Property offenses	25.0
Drug offenses	76.0
Public-order offenses	38.5
Weapon offenses	83.9
Immigration offenses	27.9
<b>Misdemeanors</b>	9.8

The 53,682 offenders sentenced to prison received, on average, 57.1 months of imprisonment. Offenders sentenced for felony violent offenses, felony weapon offenses, and felony drug offenses received longer average prison terms (88.5, 83.9, and 76 months, respectively) than those convicted of felony property, immigration, public-order offenses (25, 27.9, and 38.5 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 violent felony offenders, the average term imposed was 94.8 months; for drug felony offenders, the average term was 84.1 months.

### Appeals

Between 1994 and 2002, the number of appeals received by the U.S. Courts of Appeals remained relatively stable — between about 9,000 and 11,500 annually. However, the proportion of criminal defendants appealing some aspect of their conviction decreased from 21% during 1994 to 16% during 2002.

During 2002, 11,569 criminal appeals were filed, a 3% increase from FY2001 (11,281). Forty-nine percent of the appeals filed challenged both the conviction and sentence imposed. Only 4% of appeals were filed by the Government. Of the 11,695 appeals terminated during 2002, 75% (or 8,770) were terminated on the merits. In 83% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

### Corrections

#### *Community supervision*

Between 1990 and 2002, the number of offenders on community supervision increased by 27%, from 84,801 during 1990 to 107,367 during 2002. While nearly equal proportions of offenders were serving terms of probation and post-incarceration supervision (parole or supervised release) during 1990, during 2002, over 71% were serving a term of post-incarceration supervision (68% supervised release and 3% parole) while 28% were on probation.

Most serious offense of conviction	All admissions	All releases	Population at yearend
<b>All offenses</b>	67,877	60,832	143,031
Violent offenses	7.3%	7.7%	9.5%
Property offenses	16.5	18.4	7.1
Drug offenses	42.6	40.6	56.7
Public-order offenses	7.9	8.4	5.6
Weapon offenses	8.3	6.5	9.6
Immigration offenses	17.5	18.3	10.9

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 12% of offenders on probation, 54% of offenders serving terms of supervised release, and 45% of offenders on parole. Property offenders comprised 38% of offenders on probation, 24% of offenders serving terms of supervised release, and 8% of offenders on parole.

A total of 15,116 offenders terminated probation during 2002. Most of these offenders (80%) completed their terms of probation successfully. Twelve percent of probationers terminating supervision during 2002 committed technical violations; 7% committed new crimes.

A total of 27,678 offenders completed terms of supervised release during 2002. 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 1,817 offenders completed terms of parole during 2002. Of these offenders, 58% successfully completed their terms without violating conditions of release; 23% committed technical violations; and 13% committed new crimes.

#### *Prison*

Between 1990 and 2002, the number of inmates serving a sentence of imprisonment increased by 151%, from 56,989 during 1990 to 143,031 during 2002.

During 2002, 50,440 prisoners were received by the Bureau of Prisons from U.S. district court commitments. An additional 17,437 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 42% of persons admitted into Federal prison — comprised the largest percentage of persons in prison (57%) at the end of 2002.

During 2002, 44,339 prisoners were released for the first time from Federal prison after commitment by a U.S. district court. Of these, 39,568 were released by standard methods and 4,771 were released by extraordinary means (death, treaty transfer, sentence commutation, or drug treatment). An additional 16,493 prisoners were released from subsequent commitments to Federal prison.

Average time served by Federal offenders increased from 24 months during 1994 to 32 months during 2002. The proportion of the sentence served increased from 65% during 1990 to 91% during 2002.

Violent, weapon, and drug offenders were among those offenders who served the longest prison terms (59 months for violent offenders and 43 months each for weapon and drug offenders).

**Average time to first release, standard releases, by offense, October 1, 2001 - September 30, 2002**

Most serious original offense of conviction	Mean time served
<b>All offenses</b>	31.6 mo
Violent offenses	58.8
Property offenses	16.5
Drug offenses	42.9
Public-order offenses	24.8
Weapon offenses	42.9
Immigration offenses	19.2



# Introduction

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This Bureau of Justice Statistics (BJS) report presents an overview of case processing in the Federal criminal justice system. The data presented are compiled from the BJS Federal Justice Statistics Program (FJSP) database. The FJSP database includes data provided by the U.S. Marshals Service, Drug Enforcement Administration, Administrative Office of the U.S. Courts, Executive Office for the U.S. Attorneys, Federal Bureau of Prisons, and U.S. Sentencing Commission. The Administrative Office of the U.S. Courts, in addition to providing data describing defendants in 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. The BJS Federal Justice Statistics database is archived on CD-ROM, copies of which are available from the BJS Clearinghouse. The data can be downloaded from the Federal Justice Statistics Resource Center at <<http://fjsrc.urban.org>>.

Each agency reports on those defendants it 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 interagency 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 2002 *Compendium*, 17<sup>th</sup> in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, and 2001 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, 2002 (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, 2001 - September 30, 2002. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention, 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.

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.

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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 2002 *Compendium***

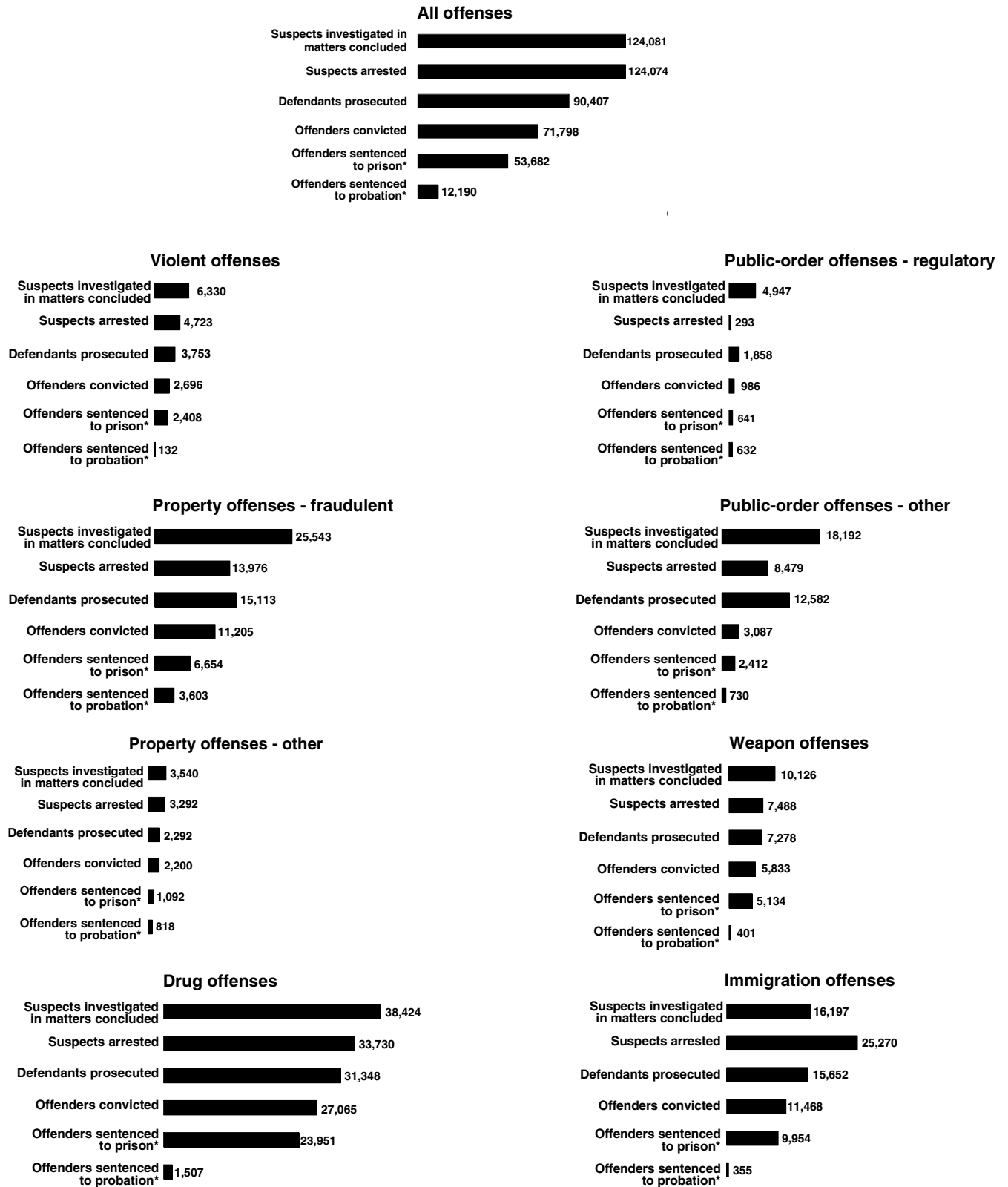
The FY2002 data marked the introduction of two new detailed offense categories: “Wildlife offenses” and “Environmental offenses”. According to the reporting practices of this report, these two detailed offenses are grouped under the major offense category, “Public-order offenses, Other” in the tables. The “Wildlife offenses” category supersedes the “Migratory birds” category that appeared in prior *Compendia* and includes other wildlife-related offenses as well.

### **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 subcategories not shown in the tabulations or may require other sources of information, such as knowledge of legislation or Federal agency procedures.

## Federal criminal case processing, October 1, 2001 - September 30, 2002



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

Figure S.2.





# Arrests for Federal offenses

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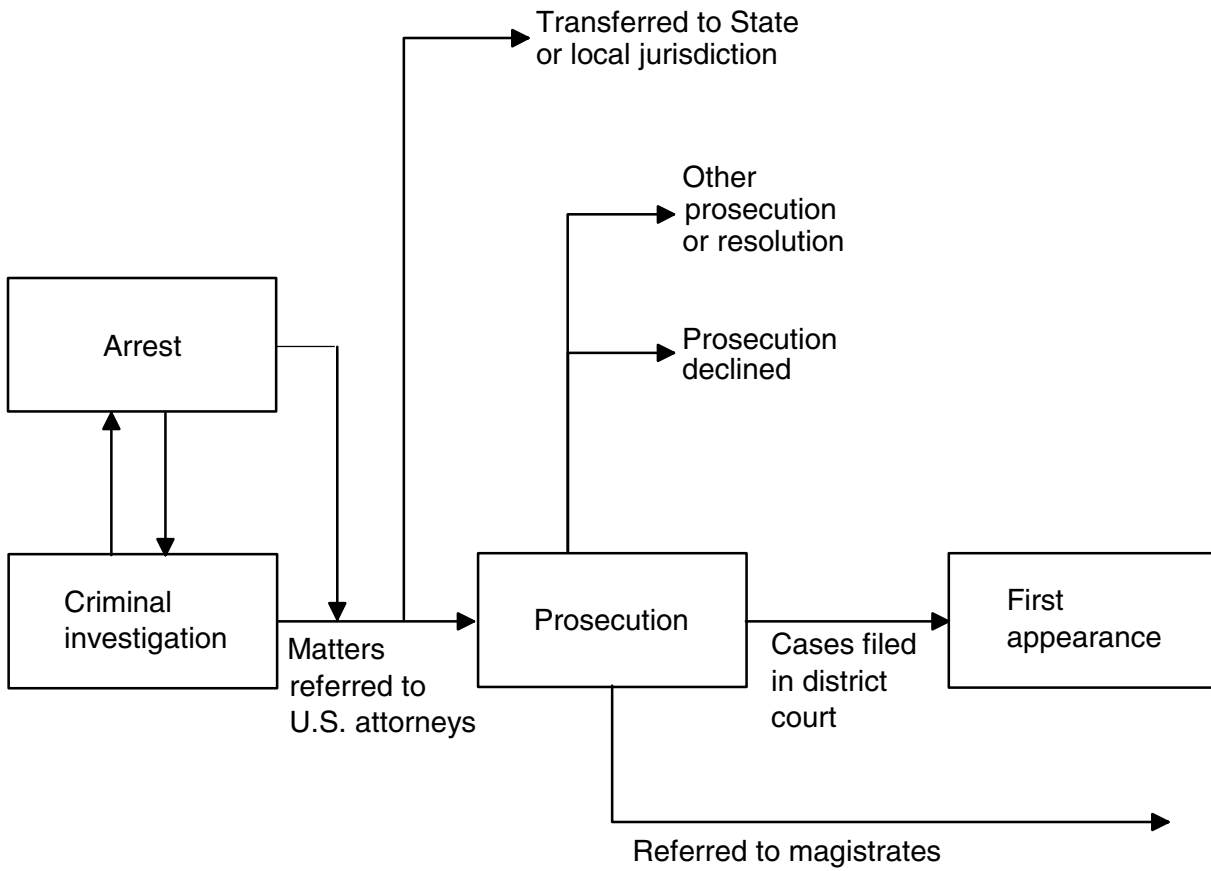
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# Chapter 1

## Arrests for Federal offenses

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A recent Bureau of Justice Statistics survey found that, in 2002, 67 Federal agencies employed over 93,000 full-time officers with the authority to carry firearms and make arrests.<sup>1</sup> Three-fifths of these officers were employed by four agencies: the Immigration and Naturalization Service (INS), Bureau of Prisons (BOP), Customs Service, and the Federal Bureau of Investigation (FBI). Certain military officers, Federal air marshals, and Central Intelligence Agency Security Protective Service officers are also authorized to make arrests, but were not included in the survey.

In 2002 the U.S. Marshals Service employed over 2,600 officers with arrest and firearm authority<sup>1</sup>. All suspects arrested by Federal agencies are transferred to the custody of the U.S. Marshals Service for processing, transportation, and detention.<sup>2</sup> During 2002, the U.S. Marshals Service received 124,074 suspects for processing from the Federal law enforcement agencies, including over 34,000 suspects arrested by deputy U.S. marshals, and over 12,000 arrested by the Drug Enforcement Administration (DEA).

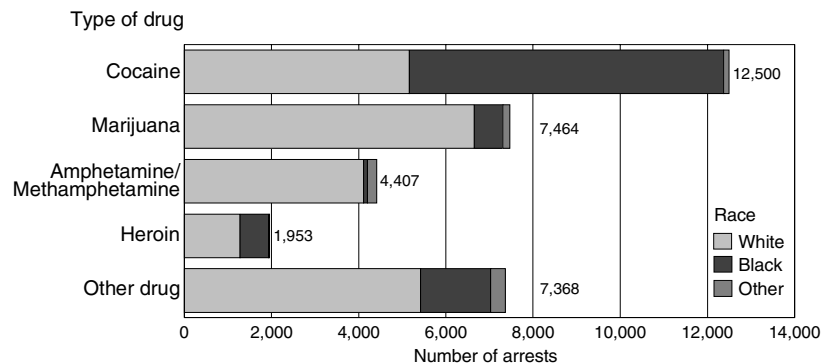
**Number arrested and booked by offense categories (table 1.1)**

During 2002, 124,074 suspects were arrested by law enforcement agencies for violations of Federal law and subsequently booked by the U.S. Marshals Service. Of those suspects arrested and booked, 27% were for drug offenses, 21% for immigration offenses, 18% for supervision violations, 14% for property offenses, 7%

<sup>1</sup>Brian A. Reaves and Lynn M. Bauer, *Federal Law Enforcement Officers, 2002*, Bureau of Justice Statistics, Washington, DC (NCJ-199995). This report preceded realignments specified in the Homeland Security Act of 2002.

<sup>2</sup>The 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."

**Most Federal drug arrests were for cocaine, and most drug arrestees were white**



Note: Not shown are 34 drug paraphernalia arrests and 4 drug arrests for which race was not specified. Hispanics are not shown separately, but are included among the white and black categories. The underlying data do not distinguish between Hispanics and non-Hispanics.

Figure 1.1. Type of drug involved in drug arrests, by race of arrestee, October 1, 2001 - September 30, 2002

for public-order offenses, 6% for weapon offenses, 4% for violent offenses, and 3% to secure and safeguard a material witness.

Examining drug arrests further, the greatest portion of drug arrests (37%) involved cocaine (crack or powder); 22%, marijuana; 13%, amphetamine (or methamphetamine); 6%, heroin; and the remainder involved other drugs or drug paraphernalia (figure 1.1).

Examining immigration offenses further, most (84%) of arrests for immigration offenses were for illegal entry into the United States; 12% involved alien smuggling; 2% involved false claims of citizenship by entrants to the United States; and 2% involved other immigration violations (figure 1.2).

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

During 2002, 70% of all arrests for Federal offenses were made by components of the Department of Justice and Department of Treasury components accounted for another 12% of all arrests. In addition, 5% of arrests were made by State and local agencies, and 7% of persons were arrested after voluntarily reporting to the U.S. Marshals following a summons.

Within the Department of Justice, 39% of arrests were made by the U.S. Marshals Service, 33% were made by the Immigration and Naturalization Service, 14% were made by the Drug Enforcement Administration, 13% were made by the Federal Bureau of

**Most immigration arrests were for illegal entry into the United States**

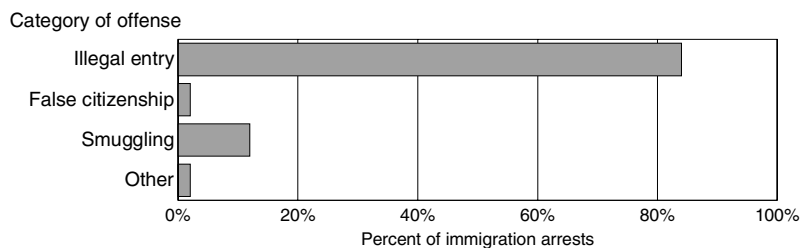


Figure 1.2. Type of immigration arrests, October 1, 2001- September 30, 2002

Investigation, and less than 1% were made by other Department of Justice components.

Within the Treasury Department, 52% of arrests were made by the U.S. Customs Service, 32% were made by the Bureau of Alcohol, Tobacco, and Firearms, 13% were made by the Secret Service, and 4% were made by the Internal Revenue Service.

### Suspects arrested and booked across demographic groups (table 1.3)

Most (86%) of the suspects arrested by Federal law enforcement agencies during 2002 were male. Over two-thirds (70%) were white and about one-quarter (26%) were black. Individuals between the ages of 21 and 40 years comprised 70% of all those arrested. More than one-third (37%) of those arrested were identified as noncitizens.

About two-thirds (68%) of the suspects arrested for drug offenses were white, and most of the remaining third (30%) were black. The racial distribution of suspects differed by the type of drug involved. Whites constituted the majority of suspects arrested for most drug types, including amphetamines (93%), marijuana (89%), heroin (63%), and other drugs (66%). The exception was cocaine-related drug arrests, with blacks comprising 58% of suspects and whites comprising 41%. (figure 1.1).

### Arrests reported by DEA agents

#### (tables 1.4-1.5)

During 2002, agents of the Drug Enforcement Administration arrested 29,145 suspects. Not all of these suspects were booked for violations of Federal law by the U.S. marshals: 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 (58%), male (84%), and U.S. citizens (74%). The greatest proportion of arrestees were between 21 and 30 years old (44%).

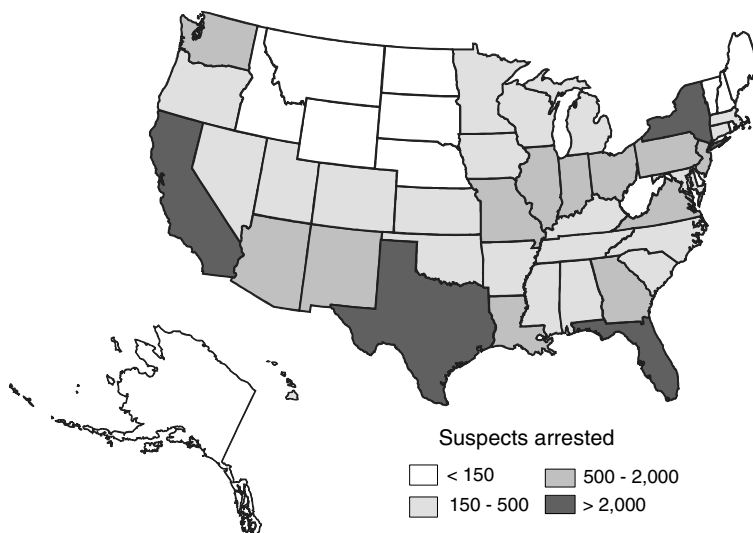
Cocaine was the predominant drug involved in arrests made by DEA agents, with cocaine powder comprising 25% of all arrests and crack cocaine, 15%. Twenty-two percent of DEA arrests involved methamphetamines; 19% involved marijuana; 8% involved opiates; and 11% involved other drugs or non-drug offenses. The majority of suspects arrested for each type of drug were white, with the exception of crack cocaine, for which the majority of suspects were black.

Five percent of all suspects were armed at the time of their arrest. Subjects armed at time of arrest differed across demographic groups. Males

were twice as likely to be armed at arrest compared to females (5% versus 3%). Blacks (5%) were more likely than whites (4%) to be armed at arrest. Non-Hispanics (5%) were more likely than Hispanics (4%) to be armed at arrest, and U.S. citizens (5%) were more likely to be armed at arrest than noncitizens (4%).

If armed at arrest, suspects from all demographic subgroups were more likely to be armed with a handgun than any other weapon. Of the 1,351 suspects who were armed, 87% were armed with a handgun, 22% were armed with a shotgun or rifle, and 9% were armed with another weapon.

### Most arrests reported by the DEA were in Texas (3,355), California (3,134), Florida (2,759), and New York (2,332).



Note: Not shown on map: District of Columbia (33), Guam (4), and Puerto Rico (199).  
Source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

Figure 1.3. Suspects arrested by the DEA, by State where arrested, October 1, 2001- September 30, 2002

**Table 1.1. Suspects arrested for Federal offenses and booked by USMS, by offense, October 1, 2001 - September 30, 2002**

Most serious offense	Number	Percent <sup>a</sup>
<b>All offenses<sup>b</sup></b>	124,074	100.0%
<b>Violent offenses</b>	4,723	3.8%
Murder <sup>c</sup>	345	0.3
Negligent manslaughter	41	—
Assault	1,132	0.9
Robbery	2,551	2.1
Sexual abuse <sup>c</sup>	261	0.2
Kidnaping	170	0.1
Threatening communication	190	0.2
Other violent offenses	33	—
<b>Property offenses</b>	17,268	14.0%
<b>Fraudulent</b>	13,976	11.4%
Embezzlement	984	0.8
Fraud <sup>c</sup>	11,262	9.2
Forgery	275	0.2
Counterfeiting	1,455	1.2
<b>Other</b>	3,292	2.7%
Burglary	146	0.1
Larceny <sup>c</sup>	1,935	1.6
Motor vehicle theft	313	0.3
Arson and explosives	109	0.1
Transportation of stolen property	646	0.5
Other property offenses <sup>c</sup>	143	0.1
<b>Drug offenses</b>	33,730	27.4%
<b>Public-order offenses</b>	8,772	7.1%
<b>Regulatory</b>	293	0.2%
Antitrust	4	—
Food and drug	124	0.1
Civil rights	52	—
Other regulatory offenses	113	0.1
<b>Other</b>	8,479	6.9%
Tax law violations <sup>c</sup>	771	0.6
Bribery	189	0.2
Perjury, contempt, and intimidation	304	0.2
National defense	2	—
Escape	1,152	0.9
Racketeering and extortion	601	0.5
Gambling	91	0.1
Obscene material <sup>c</sup>	512	0.4
Child Support Recovery	386	0.3
Nonviolent sex offenses	699	0.6
Obstruction of justice	493	0.4
Traffic offenses	2,403	2.0
Conspiracy, aiding and abetting, and jurisdictional offenses	91	0.1
Wildlife	99	0.1
Environmental	132	0.1
All other offenses <sup>c</sup>	554	0.5
<b>Weapon offenses</b>	7,488	6.1%
<b>Immigration offenses</b>	25,270	20.6%
<b>Supervision violations</b>	21,777	17.7%
<b>Material witness</b>	3,918	3.2%

—Less than .05%.

<sup>a</sup>Percentage distribution based on the suspects for whom the offense category could be determined.

<sup>b</sup>Includes 1,128 suspects for whom an offense category could not be determined.

<sup>c</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses"

excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

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, 2001 - September 30, 2002**

Arresting agency <sup>a</sup>	Most serious offense at arrest										
	All offenses <sup>b</sup>	Violent	Property			Public-order			Supervision violations	Material witness	
			Fraudulent	Other	Drug	Regulatory	Other	Weapon			Immigration
<b>All agencies</b>	124,074	4,723	13,976	3,292	33,730	524	8,248	7,488	25,270	21,777	3,918
<b>Department of Agriculture</b>	169	1	46	15	23	18	60	2	0	2	1
<b>Department of Defense</b>	521	26	31	62	29	4	345	8	0	8	0
<b>Department of the Interior</b>	863	99	21	63	122	45	359	31	5	87	1
Indian Affairs	200	66	8	18	24	0	10	6	0	66	1
Park Police	663	33	13	45	98	45	349	25	5	21	0
<b>Department of Justice</b>	87,093	3,561	6,392	1,333	21,078	165	4,227	2,705	25,063	17,993	3,832
Drug Enforcement Administration	12,461	56	43	9	12,028	16	76	109	25	28	20
Federal Bureau of Investigation	11,250	2,175	3,032	527	3,240	47	1,338	390	52	134	123
Immigration and Naturalization Service	29,173	22	971	13	153	0	160	97	24,006	252	3,482
Marshals Service	34,161	1,305	2,345	783	5,651	102	2,649	2,108	979	17,572	206
Other DOJ	48	3	1	1	6	0	4	1	1	7	1
<b>Department of State</b>	253	0	222	1	0	0	5	2	20	2	0
<b>Department of the Treasury</b>	14,538	115	2,161	152	7,546	12	624	3,664	28	90	27
Bureau of Alcohol, Tobacco, and Firearms	4,597	54	81	63	675	2	47	3,617	2	23	11
Customs Service	7,507	16	191	33	6,812	7	285	25	25	40	15
Internal Revenue Service	567	4	238	9	47	3	226	6	1	7	1
Secret Service	1,867	41	1,651	47	12	0	66	16	0	20	0
<b>Federal judiciary</b>	666	13	277	155	23	2	62	4	16	106	0
<b>U.S. Postal Service</b>	1,343	45	649	472	31	5	117	8	1	5	0
<b>Other</b>	18,628	863	4,177	1,039	4,878	273	2,449	1,064	137	3,484	57
Self-report, subpoena	8,902	179	3,222	626	1,166	151	1,198	395	44	1,836	5
State and local	5,599	481	137	228	2,160	14	566	514	61	1,350	27
Task force	1,010	1	31	3	917	1	24	16	2	12	0
Other	3,117	202	787	182	635	107	661	139	30	286	25

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.  
<sup>a</sup>This 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."  
<sup>b</sup>Includes 1,128 suspects for whom an offense category could not be determined.

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

**Table 1.3. Characteristics of Federal arrestees booked by USMS, October 1, 2001 - September 30, 2002**

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					
<b>All arrestees</b>	124,074	100.0%	3.8%	11.4%	2.7%	27.4%	0.4%	6.7%	6.1%	20.6%	17.7%	3.2%
<b>Male/female</b>												
Male	106,726	86.0%	91.1%	70.7%	72.6%	85.2%	88.0%	85.7%	95.4%	93.5%	87.0%	81.9%
Female	17,340	14.0	8.9	29.3	27.4	14.8	12.0	14.3	4.6	6.5	13.0	18.1
<b>Race</b>												
White	86,419	70.2%	44.2%	63.9%	60.2%	67.6%	87.5%	71.2%	48.6%	96.0%	58.8%	92.6%
Black	32,397	26.3	42.3	31.8	33.1	30.4	6.3	23.5	49.4	2.6	36.6	3.4
Native American	2,081	1.7	11.8	0.8	3.3	0.6	2.3	2.5	1.0	0.1	3.6	0.2
Asian/Pacific Islander	2,180	1.8	1.7	3.5	3.4	1.4	3.9	2.8	1.0	1.2	0.9	3.7
<b>Age</b>												
Under 19 years	2,181	1.8%	5.2%	0.5%	3.4%	2.0%	0.8%	1.1%	1.3%	2.0%	0.7%	6.6%
19-20 years	6,766	5.5	8.8	3.1	6.9	6.4	5.7	5.0	5.9	6.1	2.8	11.7
21-30 years	49,641	40.0	39.6	28.2	30.8	44.2	16.3	29.3	46.0	46.9	35.8	50.5
31-40 years	36,995	29.8	25.3	30.7	29.4	28.8	28.7	26.9	26.2	31.4	34.0	21.4
Over 40 years	28,430	22.9	21.0	37.6	29.5	18.7	48.6	37.7	20.6	13.7	26.8	9.8
<b>Citizenship</b>												
U.S. citizen	71,889	62.7%	92.6%	82.1%	91.7%	70.2%	92.3%	91.7%	94.4%	5.7%	85.1%	4.3%
Not U.S. citizen	42,742	37.3	7.4	17.9	8.3	29.8	7.7	8.3	5.6	94.3	14.9	95.7

Note: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic.  
 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, 2001 - September 30, 2002**

Arrestee characteristic	Total arrested	Percent arrested	Drug type					Other or non-drug
			Cocaine powder	Crack cocaine	Marijuana	Methamphetamine	Opiates	
<b>All arrestees*</b>	29,145	100%	7,261	4,400	5,402	6,406	2,387	3,289
<b>Male/female</b>								
Male	24,436	83.9%	6,239	3,794	4,620	5,158	1,991	2,634
Female	4,676	16.1	1,012	601	774	1,245	391	653
<b>Race</b>								
White	20,234	69.4	4,971	831	4,228	5,943	1,672	2,589
Black	7,839	26.9	2,108	3,516	958	134	644	479
Native American	139	0.5	39	7	42	39	5	7
Asian/Pacific Islander	534	1.8	42	20	86	199	20	167
<b>Ethnicity</b>								
Hispanic	11,304	38.8%	4,024	532	2,547	2,206	1,416	579
Non-Hispanic	16,786	57.6	2,989	3,683	2,668	3,998	882	2,566
<b>Age</b>								
Under 19 years	675	2.3%	122	125	161	143	47	77
19-20 years	1,805	6.2	352	342	409	347	113	242
21-30 years	12,778	44.0	3,243	2,296	2,252	2,495	924	1,568
31-40 years	8,314	28.7	2,224	1,042	1,420	2,050	751	827
Over 40 years	5,437	18.7	1,287	575	1,127	1,342	544	562
<b>Citizenship</b>								
U.S. citizen	21,456	73.6%	4,724	4,023	3,713	4,788	1,487	2,721
Not U.S. citizen	6,353	21.8	2,144	247	1,484	1,263	789	426

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. 19.

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, 2001 - September 30, 2002**

Arrestee characteristic	Total arrested	Total armed	Percent armed	If armed, percent with <sup>a</sup> —		
				Handgun	Shotgun or rifle	Other weapon
<b>All arrestees<sup>b</sup></b>	29,145	1,351	4.6%	87.0%	22.4%	8.6%
<b>Male/female</b>						
Male	24,436	1,230	5.0%	87.3%	21.6%	8.8%
Female	4,676	119	2.5	83.2	30.3	6.7
<b>Race</b>						
White	20,234	872	4.3%	85.7%	26.0%	9.2%
Black	7,839	434	5.5	91.0	15.4	6.7
Native American	139	6	4.3	—	—	—
Asian/Pacific Islander	534	23	4.3	78.3	8.7	17.4
<b>Ethnicity</b>						
Hispanic	11,304	461	4.1%	89.6%	20.6%	6.9%
Non-Hispanic	16,786	848	5.1	85.6	23.1	9.1
<b>Age</b>						
Under 19 years	675	37	5.5%	91.9%	18.9%	8.1%
19-20 years	1,805	82	4.5	78.0	19.5	11.0
21-30 years	12,778	663	5.2	89.3	18.6	6.6
31-40 years	8,314	338	4.1	84.3	24.6	9.2
Over 40 years	5,437	223	4.1	86.1	32.3	13.0
<b>Citizenship</b>						
U.S. citizen	21,456	1,031	4.8%	87.0%	23.2%	8.9%
Not U.S. citizen	6,353	250	3.9	88.0	19.2	6.8

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.

<sup>a</sup>Percentages can exceed 100% when suspects are armed with more than one type of weapon.

<sup>b</sup>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 not the U.S. Marshals Service. See *Chapter notes*, p. 19.

Source: Drug Enforcement Administration Defendant Statistical System, fiscal year



## Chapter notes

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- 1) Tables 1.1-1.3 were derived from the U.S. Marshals Prisoner Tracking System. Only records of arrests made during October 1, 2001, through September 30, 2002, were selected. Information on individual cases, offenses, and detainees were used to construct the tables.
- 2) Tables 1.4-1.5 were derived from the DEA Defendants Statistical System. Only records of arrests made during October 1, 2001, through September 30, 2002, 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.
- 3) The arrest of offense classification used by the U.S. Marshals were aggregated into the categories shown in the tables. These categories are similar, but may not be directly comparable, to categories used in other tables of this *Compendium*.



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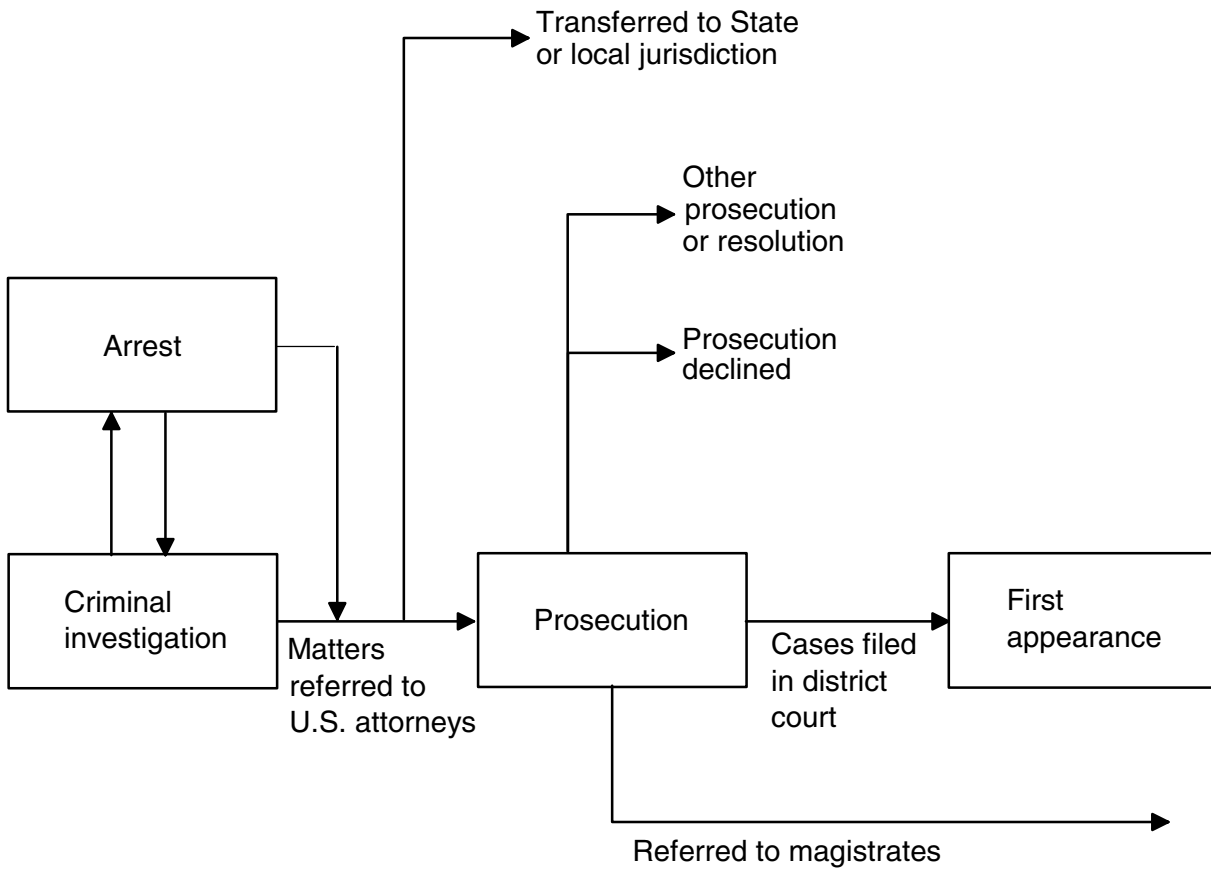
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Chapter 2  
**Prosecution**

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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 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.

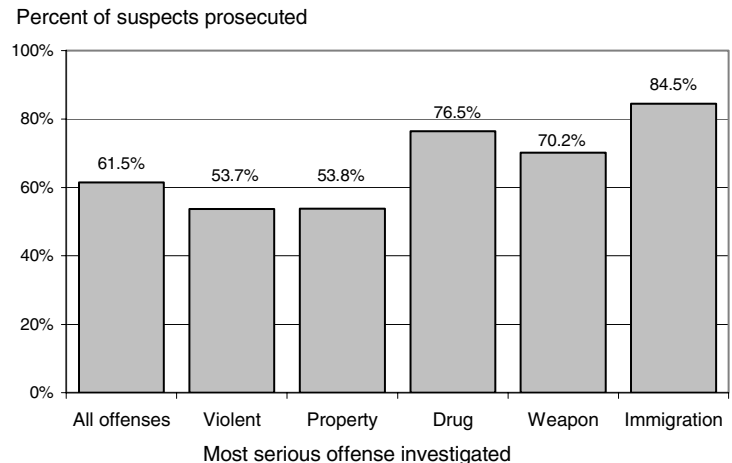
Investigations are most commonly referred to a U.S. attorney by a Federal investigative agency (primarily the Federal Bureau of Investigation; the Drug Enforcement Administration; the Immigration and Naturalization Service; the Customs Bureau; the Bureau of Alcohol, Tobacco and Firearms; and the Secret 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

### Immigration and drug suspects were the most likely to be prosecuted before a U.S. district court judge



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

Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted in U.S. district court, by most serious offense investigated, October 1, 2001 - September 30, 2002

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

During 2002, 62% of the suspects investigated by U.S. attorneys were prosecuted in U.S. district court, and U.S. magistrates handled an additional 11%. 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; 85% had charges filed against them in U.S. district court and an additional 12% had charges filed before a U.S. magistrate. The rate of prosecution was similar for drug offenses, with 77% of suspects having charges filed in district court and 5% having charges filed in magistrate court. About two-thirds of suspects in weapon and violent offense matters were prosecuted, with most (70% and 54%, respectively) being prosecuted in district court.

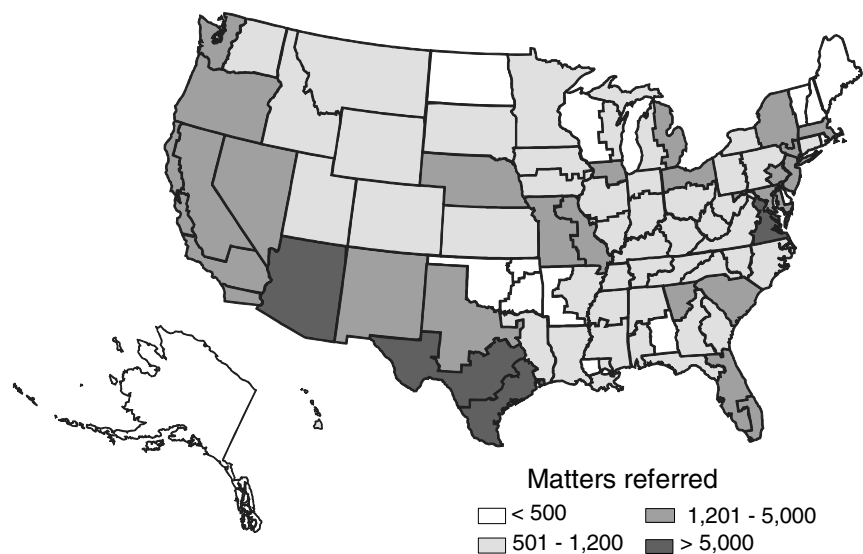
Public-order and property offenses were the least likely to be prosecuted.

Thirty percent of public-order suspects were prosecuted in U.S. district court, and 33% were concluded by magistrates. Fifty-four percent of property offense suspects were prosecuted in district court.

### Suspects in matters received (table 2.1)

During 2002 there were 124,335 suspects in new matters received for investigation by U.S. attorneys. Of these suspects, about one-third (31%) were investigated for drug offenses; about one-fifth (22%) for property offenses; 19% for public-order offenses; 14% for immigration offenses; 9% for weapon offenses; and 5% for violent offenses. Investigating and prosecuting terrorism threats and related persons and enterprises were the highest priority for 2002, although violent crimes — particularly those involving firearms — as well as identifying, disrupting, and dismantling drug trafficking organizations continued to be high

**Five Federal judicial districts (Western and Southern Districts of Texas, Southern District of California, District of Arizona, and Eastern District of Virginia) comprised 25% of all matters referred to U.S. attorneys in 2002**



Note: Districts not shown on map include the District of Columbia (1,250), District of Guam (154), District of Northern Mariana (67), District of Puerto Rico (1,134), and District of Virgin Islands (537).

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, 2001 - September 30, 2002

priorities. Other areas of special emphasis during 2002 included corporate fraud and civil rights prosecution — especially hate crimes arising out of terrorist attacks on the United States.<sup>1</sup>

#### 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 124,081 suspects in criminal

matters concluded during 2002, 62% were prosecuted in U.S. district court, 11% were referred to U.S. magistrates, and 27% were declined for Federal prosecution.<sup>2</sup>

**Suspects prosecuted in U.S. district court (table 2.2)** — U.S. attorneys prosecuted 76,314 suspects in U.S. district courts during 2002. 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 (85%) of the suspects involved in immigration offenses and

most (77%) of the suspects involved in drug offenses; 70% of those in weapon offenses; 54% of those in violent offenses; 54% 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, 78% of robbery suspects were prosecuted, while 23% of murder suspects, 46% of assault suspects, 37% of kidnaping suspects, and approximately 42% 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 (64%), while those investigated for arson and explosives had one of the lowest rates of prosecution (45%). Among suspects investigated for public-order offenses, those in antitrust (60%), tax law (56%), and customs law matters (48%) were much more likely to be prosecuted than suspects in escape (29%) and civil rights (4%) matters.

**Suspects in matters concluded by U.S. magistrates (table 2.2)** — During 2002 U.S. attorneys referred 11% of criminal matters investigated to U.S. magistrates. Cases concluded by U.S. magistrates are, by statute, misdemeanors.<sup>3</sup> Public-order offenses made up the majority (54%) of matters concluded by U.S. magistrates, including conspiracy, aiding and abetting, and jurisdictional offenses (33%) and escape violations (9%). Immigration (14%), drug (14%), and property offenses (13%) were also common. Violent and weapon offenses comprised the smallest portion of the matters disposed by magistrates (2% and 1% respectively).

<sup>3</sup>At 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.

<sup>1</sup>Statistical Report, *United States Attorneys' Offices, Fiscal Year 2002*. U.S. Department of Justice, Executive Office for United States Attorneys, Washington, DC.

<sup>2</sup>The number of suspects in criminal matters concluded is not comparable to the 1993 and prior compendia. See *Chapter notes*, item 2, p. 33, for details.

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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 (98%); liquor offenses (81%); conspiracy, aiding and abetting and jurisdictional offenses (84%); other property violations (70%); and escape violations (49%).

**Suspects in matters concluded and declined, by investigating agency (table 2.3)** — During 2002, 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 Immigration and Naturalization Service (4%), the National Park Service (4%), and the U.S. Army (5%) had among the lowest declination rates, while the Health and Human Service's Office of Inspector General (62%), the Small Business Administration (66%), and the Environmental Protection Agency (60%) were among those with the highest declination rates. The declination rate for matters investigated by components of the Department of Justice (28%) was about the same as the overall declination rate.

**Suspects in matters declined for Federal prosecution (tables 2.2, 2.4-2.5)** — Twenty-seven percent of the matters concluded by U.S. attorneys in 2002 were declined for Federal prosecution (table 2.2). Suspects in property and public-order matters were the most likely to have their matters declined (40% and 38%, respectively). Forty-one percent of matters involving violent offenses were declined, as were 28% of weapon and 18% of drug matters. Matters involving an immigration offense were the least likely to be declined (3%).

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 33,674 declinations during 2002, 27% occurred because of case-related reasons, mostly due to weak evidence (23%); 20% occurred because there was no crime or criminal intent was lacking; and 26% 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 3% were settled through alternative resolution procedures. Suspects involved in drug offenses constituted the largest number who were referred by U.S. attorneys to other authorities for prosecution or resolution. Thirty-one percent of the drug suspects whose matters were declined prosecution by U.S. attorneys were referred for other prosecution or resolution, as were 26% of the immigration, 22% of public-order, 22% of violent, 30% of weapon, and 20% of property offense 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 37% of persons involved in counterfeiting, compared to 18% of suspects in fraud cases. Within public-order offenses, 62% of escape suspects were referred to other authorities or had their case settled through alternative procedures, compared to 6% of suspects in civil rights cases.

**Processing times (table 2.6)** — 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 9.2 months (a median of 1.8 months). However, the time to

process matters varied with the outcome of the matter. U.S. attorneys took an average of 4.2 months to file charges in U.S. district court, but over half of the cases were filed within 1 month. Declinations took longer, with an average duration of almost 21 months, though half of the declinations occurred within 15 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 3.6 months to conclude, with half of the cases concluding within 1.9 months. Matters that did not result in a conviction took longer to conclude — an average of 13.6 months, with half concluding within 2.8 months.

Processing times also varied with the type of offense involved. Suspects involved in immigration offenses were processed most quickly, with an average case processing time of 1.8 months and a median time of less than 1 month. Matters involving weapon, drug, and violent offenses took longer to process (5.1 to 7.1 months, on average, and median times from 0.9 to 2.5 months), while public-order and property offense matters took the longest to conclude, with average times of 12.7 and 15 months, and median times of 4.1 and 8.1 months, respectively.





**Table 2.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 2001 - September 30, 2002**

Most serious offense investigated <sup>a</sup>	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent <sup>b</sup>
<b>All offenses<sup>c</sup></b>	124,335	100.0%
<b>Violent offenses</b>	6,392	5.2%
Murder <sup>d</sup>	1,163	0.9
Negligent manslaughter	0	0.0
Assault	1,362	1.1
Robbery	2,646	2.1
Sexual abuse <sup>d</sup>	807	0.7
Kidnaping	242	0.2
Threats against the President	172	0.1
<b>Property offenses</b>	27,321	22.2%
<b>Fraudulent</b>	24,019	19.5%
Embezzlement	3,353	2.7
Fraud <sup>d</sup>	18,718	15.2
Forgery	1,371	1.1
Counterfeiting	577	0.5
<b>Other</b>	3,302	2.7%
Burglary	33	—
Larceny <sup>d</sup>	1,545	1.3
Motor vehicle theft	368	0.3
Arson and explosives	776	0.6
Transportation of stolen property	75	0.1
Other property offenses <sup>d</sup>	505	0.4
<b>Drug offenses</b>	38,150	31.0%
<b>Public-order offenses</b>	23,472	19.0%
<b>Regulatory</b>	4,738	3.8%
Agriculture	7	—
Antitrust	39	—
Food and drug	159	0.1
Transportation	137	0.1
Civil rights	1,291	1.0
Communications	49	—
Custom laws	195	0.2
Postal laws	180	0.1
Other regulatory offenses	2,681	2.2
<b>Other</b>	18,734	15.2%
Tax law violations <sup>d</sup>	880	0.7
Bribery	257	0.2
Perjury, contempt, and intimidation	518	0.4
National defense	502	0.4
Escape	2,571	2.1
Racketeering and extortion	3,607	2.9
Gambling	105	0.1
Liquor offenses	19	—
Nonviolent sex offenses	2,042	1.7
Obscene material <sup>d</sup>	30	—
Traffic offenses	143	0.1
Wildlife	817	0.7
Environmental	17	—
Conspiracy, aiding and abetting, and jurisdictional offenses	5,926	4.8
All other offenses <sup>d</sup>	1,300	1.1
<b>Weapon offenses</b>	11,200	9.1%
<b>Immigration offenses</b>	16,699	13.6%

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. 33.

—Less than .05%.

<sup>a</sup>See *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Percentage distribution based on the suspects for whom the offense category could be determined.

<sup>c</sup>Includes 1,101 suspects for whom an offense category could not be determined; see *Chapter notes*, item 4, p. 33.

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

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

**Table 2.2. Disposition of suspects in matters concluded, by offense, October 1, 2001 - September 30, 2002**

Most serious offense investigated <sup>a</sup>	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court <sup>b</sup>	Disposed by U.S. magistrates	Declined	Total	Prosecuted in U.S. district court <sup>b</sup>	Disposed by U.S. magistrates	Declined
<b>All offenses<sup>c</sup></b>	124,081	76,314	14,093	33,674	100%	61.5%	11.4%	27.1%
<b>Violent offenses</b>	6,330	3,402	351	2,577	100%	53.7%	5.5%	40.7%
Murder <sup>d</sup>	1,217	279	47	891	100	22.9	3.9	73.2
Negligent manslaughter	0	0	0	0	...	...	...	...
Assault	1,307	606	203	498	100	46.4	15.5	38.1
Robbery	2,651	2,070	63	518	100	78.1	2.4	19.5
Sexual abuse <sup>d</sup>	742	315	15	412	100	42.5	2.0	55.5
Kidnaping	245	90	15	140	100	36.7	6.1	57.1
Threats against the President	168	42	8	118	100	25.0	4.8	70.2
<b>Property offenses</b>	29,083	15,634	1,771	11,678	100%	53.8%	6.1%	40.2%
<b>Fraudulent</b>	25,543	13,919	1,194	10,430	100%	54.5%	4.7%	40.8%
Embezzlement	3,709	1,838	435	1,436	100	49.6	11.7	38.7
Fraud <sup>d</sup>	19,602	10,673	682	8,247	100	54.4	3.5	42.1
Forgery	1,591	998	53	540	100	62.7	3.3	33.9
Counterfeiting	641	410	24	207	100	64.0	3.7	32.3
<b>Other</b>	3,540	1,715	577	1,248	100%	48.4%	16.3	35.3%
Burglary	26	15	0	11	100	57.7	0.0	42.3
Larceny <sup>d</sup>	1,647	982	140	525	100	59.6	8.5	31.9
Motor vehicle theft	470	253	21	196	100	53.8	4.5	41.7
Arson and explosives	757	339	22	396	100	44.8	2.9	52.3
Transportation of stolen property	77	48	0	29	100	62.3	0.0	37.7
Other property offenses <sup>d</sup>	563	78	394	91	100	13.9	70.0	16.2
<b>Drug offenses</b>	38,424	29,411	1,937	7,076	100%	76.5%	5.0%	18.4%
<b>Public-order offenses</b>	23,139	6,816	7,624	8,699	100%	29.5%	32.9%	37.6%
<b>Regulatory</b>	4,947	1,240	618	3,089	100%	25.1%	12.5%	62.4%
Agriculture	14	2	0	12	100	14.3	0.0	85.7
Antitrust	35	21	0	14	100	60.0	0.0	40.0
Food and drug	246	105	19	122	100	42.7	7.7	49.6
Transportation	109	41	13	55	100	37.6	11.9	50.5
Civil rights	1,484	64	2	1,418	100	4.3	0.1	95.6
Communications	64	19	0	45	100	29.7	0.0	70.3
Custom laws	222	107	17	98	100	48.2	7.7	44.1
Postal laws	166	91	44	31	100	54.8	26.5	18.7
Other regulatory offenses	2,607	790	523	1,294	100	30.3	20.1	49.6
<b>Other</b>	18,192	5,576	7,006	5,610	100%	30.7%	38.5%	30.8%
Tax law violations <sup>d</sup>	899	501	17	381	100	55.7	1.9	42.4
Bribery	284	136	11	137	100	47.9	3.9	48.2
Perjury, contempt, and intimidation	513	250	22	241	100	48.7	4.3	47.0
National defense	428	158	127	143	100	36.9	29.7	33.4
Escape	2,470	721	1,207	542	100	29.2	48.9	21.9
Racketeering and extortion	3,656	1,639	81	1,936	100	44.8	2.2	53.0
Gambling	164	37	1	126	100	22.6	0.6	76.8
Liquor offenses	26	3	21	2	100	11.5	80.8	7.7
Nonviolent sex offenses	1,809	945	37	827	100	52.2	2.0	45.7
Obscene material <sup>d</sup>	20	9	0	11	100	45.0	0.0	55.0
Traffic	126	0	124	2	100	0.0	98.4	1.6
Wildlife	842	148	532	162	100	17.6	63.2	19.2
Environmental	16	5	0	11	100	31.3	0.0	68.8
Conspiracy, aiding and abetting, and jurisdictional offenses	5,616	690	4,712	214	100	12.3	83.9	3.8
All other offenses <sup>d</sup>	1,323	334	114	875	100	25.2	8.6	66.1
<b>Weapon offenses</b>	10,126	7,105	173	2,848	100%	70.2%	1.7%	28.1%
<b>Immigration offenses</b>	16,197	13,693	1,959	545	100%	84.5%	12.1%	3.4%

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. 33.

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

<sup>a</sup>See *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>The 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. 33.

<sup>c</sup>Includes 782 suspects for whom an offense category could not be determined. These include 253 prosecuted in U.S. district court, 251 disposed by U.S. magistrates, and

170 that were declined. See *Chapter notes*, item 4, p. 33.

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

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

**Table 2.3. Suspects in matters concluded and declined, by investigating agency, October 1, 2001 - September 30, 2002**

Department/Agency	Suspects in criminal matters concluded		
	Number concluded	Number Declined	Percent
<b>All agencies*</b>	124,081	33,674	27.1%
<b>Agriculture</b>	988	329	33.3%
Forest Service	608	121	19.9
Food and Consumer Service	21	10	47.6
All other Agriculture	359	198	55.2
<b>Commerce</b>	60	36	60.0%
<b>Defense</b>	4,811	578	12.0%
Army	2,435	113	4.6
Air Force	639	133	20.8
Navy	742	113	15.2
Office of the Inspector General	144	76	52.8
All other Defense	851	143	16.8
<b>Education</b>	118	50	42.4%
<b>Energy</b>	19	5	26.3%
<b>Federal/State task forces</b>	4,575	1,118	24.4%
<b>Health and Human Services</b>	1,441	770	53.4%
Food and Drug Administration	285	157	55.1
Office of the Inspector General	392	245	62.5
All other HHS	764	368	48.2
<b>Housing and Urban Development</b>	285	122	42.8%
<b>Interior</b>	4,520	664	14.7%
National Park Service	2,767	101	3.7
Fish and Wildlife Service	959	172	17.9
Bureau of Indian Affairs	574	320	55.7
Land Management Bureau	93	25	26.9
All other Interior	127	46	36.2
<b>Justice</b>	68,393	19,045	27.8%
Federal Bureau of Investigation	29,992	13,566	45.2
Drug Enforcement Administration	17,937	3,578	19.9
Immigration and Naturalization Service	17,814	690	3.9
U.S. Marshals Service	1,475	638	43.3
Bureau of Prisons	76	25	32.9
All other Justice	1,099	548	49.9
<b>Labor</b>	496	240	48.4%
<b>State Department</b>	951	140	14.7%
<b>Transportation</b>	273	96	35.2%
Coast Guard	53	23	43.4
Federal Aviation Administration	24	10	41.7
All other Transportation	196	63	32.1
<b>Treasury</b>	24,666	6,155	25.0%
Customs Bureau	8,650	918	10.6
Bureau of Alcohol, Tobacco and Firearms	9,593	2,848	29.7
Secret Service Bureau	4,147	1,346	32.5
Internal Revenue Service	2,008	929	46.3
All other Treasury	268	114	42.5
<b>Other</b>	12,475	4,320	34.6%
<b>Independent Federal agencies</b>	12,002	4,165	34.7%
U.S. Postal Service	4,137	1,379	33.3
Environmental Protection Agency	294	176	59.9
Social Security Administration	1,192	308	25.8
U.S. Courts	463	228	49.2
Veterans Administration	431	132	30.6
Small Business Administration	65	43	66.2
Railroad Retirement Board	71	40	56.3
Central Intelligence Agency	106	12	11.3
Other independent Federal agencies	5,243	1,847	35.2
<b>State/local agencies</b>	473	155	32.8%

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 10 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, 2001 - September 30, 2002**

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent <sup>a</sup>
<b>Total declinations<sup>b</sup></b>	33,674	100.0%
<b>No crime</b>	6,576	20.4%
No true bill returned	23	0.1
No Federal offense	1,590	4.9
Lack of criminal intent	4,963	15.4
<b>Referred or handled in other prosecution</b>	6,645	20.6%
Removed	1,551	4.8
Prosecuted on other charges	1,324	4.1
Prosecuted by other authorities	3,769	11.7
Transferred to State authorities	1	—
<b>Alternative resolution</b>	1,079	3.3%
Restitution	67	0.2
Civil or administrative alternative	524	1.6
Pretrial diversion	488	1.5
<b>Suspect-related reasons</b>	904	2.8%
Suspect serving sentence	128	0.4
No known suspect	437	1.4
Suspect a fugitive	78	0.2
Suspect deceased	224	0.7
Suspect deported	37	0.1
<b>Case-related reasons</b>	8,695	26.9%
Stale case	540	1.7
Weak evidence	7,352	22.8
Statute of limitations exceeded	225	0.7
Jurisdiction or venue problems	214	0.7
Witness problems	364	1.1
<b>All other reasons</b>	8,409	26.0%
Minimal Federal interest	1,319	4.1
Petite policy	127	0.4
Lack of resources <sup>c</sup>	1,851	5.7
DOJ policy	551	1.7
U.S. attorney policy	1,169	3.6
Agency request	3,052	9.4
Juvenile suspect	62	0.2
Offender's health, age, prior record, or other personal circumstances	97	0.3
Suspect's cooperation	181	0.6

Note: For further information, see *Chapter notes*, items 1 and 2, p. 33.

—Less than .05%

<sup>a</sup>Percent based on suspects for whom a basis for declination could be determined.

<sup>b</sup>Includes 1,366 suspects for whom basis for declination could not be determined; *Chapter notes*, item 4, p. 33.

<sup>c</sup>The 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. 33.

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, 2001 - September 30, 2002**

Most serious offense investigated <sup>a</sup>	Number of suspects in declined matters				Percent of suspects in declined matters			
	Total <sup>b</sup>	Referred or handled in other prosecution <sup>c</sup>	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other	Total <sup>b</sup>	Referred or handled in other prosecution <sup>c</sup>	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other
<b>All offenses<sup>d</sup></b>	33,674	6,645	1,079	24,584	100%	20.6%	3.3%	76.1%
<b>Violent offenses</b>	2,577	394	31	1,511	100%	20.4%	1.6%	78.0%
Murder <sup>e</sup>	891	50	2	222	100	18.2	0.7	81.0
Assault	498	72	18	402	100	14.6	3.7	81.7
Negligent manslaughter	0	0	0	0	...	...	...	...
Robbery	518	185	7	314	100	36.6	1.4	62.1
Sexual abuse <sup>e</sup>	412	36	2	373	100	8.8	0.5	90.8
Kidnaping	140	43	2	91	100	31.6	1.5	66.9
Threats against the President	118	8	0	109	100	6.8	0.0	93.2
<b>Property offenses</b>	11,678	1,635	639	9,276	100%	14.2%	5.5%	80.3%
<b>Fraudulent</b>	10,430	1,401	595	8,322	100%	13.6%	5.8%	80.7%
Embezzlement	1,436	110	189	1,120	100	7.8	13.3	78.9
Fraud <sup>e</sup>	8,247	1,117	360	6,687	100	13.7	4.4	81.9
Forgery	540	107	39	387	100	20.1	7.3	72.6
Counterfeiting	207	67	7	128	100	33.2	3.5	63.4
<b>Other</b>	1,248	234	44	954	100%	19.0%	3.6%	77.4%
Burglary	11	2	0	9	100	18.2	0.0	81.8
Larceny <sup>e</sup>	525	100	19	403	100	19.2	3.6	77.2
Motor vehicle theft	196	41	4	144	100	21.7	2.1	76.2
Arson and explosives	396	68	7	316	100	17.4	1.8	80.8
Transportation of stolen property	29	12	1	16	100	41.4	3.4	55.2
Other property offenses <sup>e</sup>	91	11	13	66	100	12.2	14.4	73.3
<b>Drug offenses</b>	7,076	2,078	55	4,766	100%	30.1%	0.8%	69.1%
<b>Public-order offenses</b>	8,699	1,550	304	6,490	100%	18.6%	3.6%	77.8%
<b>Regulatory</b>	3,089	266	145	2,584	100%	8.9%	4.8%	86.3%
Agriculture	12	1	1	9	100	9.1	9.1	81.8
Antitrust	14	12	1	1	100	85.7	7.1	7.1
Food and drug	122	6	9	107	100	4.9	7.4	87.7
Transportation	55	8	1	45	100	14.8	1.9	83.3
Civil rights	1,418	58	34	1,321	100	4.1	2.4	93.5
Communications	45	2	5	38	100	4.4	11.1	84.4
Custom laws	98	8	6	82	100	8.3	6.3	85.4
Postal laws	31	4	10	17	100	12.9	32.3	54.8
Other regulatory offenses	1,294	167	78	964	100	13.8	6.5	79.7
<b>Other</b>	5,610	1,284	159	3,906	100%	24.0%	3.0%	73.0%
Tax law violations <sup>e</sup>	381	33	11	333	100	8.8	2.9	88.3
Bribery	137	13	3	121	100	9.5	2.2	88.3
Perjury, contempt, and intimidation	241	22	7	200	100	9.6	3.1	87.3
National defense	143	16	13	103	100	12.1	9.8	78.0
Escape	542	320	8	200	100	60.6	1.5	37.9
Racketeering and extortion	1,936	226	49	1,642	100	11.8	2.6	85.7
Gambling	126	8	3	115	100	6.3	2.4	91.3
Liquor offenses	2	0	0	2	—	—	—	—
Nonviolent sex offenses	827	171	6	646	100	20.8	0.7	78.5
Obscene material <sup>e</sup>	11	3	0	8	100	27.3	0.0	72.7
Traffic	2	1	1	0	—	—	—	—
Wildlife	162	39	26	94	100	24.5	16.4	59.1
Environmental	11	0	2	9	100	0.0	18.2	81.8
Conspiracy, aiding and abetting, and jurisdictional offenses	214	51	13	124	100	27.1	6.9	66.0
All other offenses <sup>e</sup>	875	381	17	309	100	53.9	2.4	43.7
<b>Weapon offenses</b>	2,848	816	19	1,985	100%	28.9%	0.7%	70.4%
<b>Immigration offenses</b>	545	125	12	388	100%	23.8%	2.3%	73.9%

Note: For further information, see *Chapter notes*, items 1 and 2, p. 33.

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

— Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Includes 476 suspects for whom a reason for declination could not be determined.

<sup>c</sup>Includes 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.

<sup>d</sup>Includes 251 suspects for whom an offense category could not be determined. These include 47 referred or handled in other prosecution; 19 resolved with restitution

civil/administrative procedure, or pretrial diversion; and 168 settled through another method. See *Chapter notes*, item 4, p. 33.

<sup>e</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud;

"Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

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, 2001 - September 30, 2002**

Most serious offense investigated <sup>a</sup>	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 <sup>b</sup>	Declined
<b>Mean</b>							
<b>All offenses<sup>c</sup></b>	9.2 mo	8.2 mo	3.6 mo	13.6 mo	9.3 mo	4.2 mo	20.8 mo
<b>Violent offenses</b>	7.1	7.4	4.8	8.9	7.1	3.0	12.5
<b>Property offenses</b>	15.5	13.6	6.7	18.5	15.6	8.5	25.2
Fraudulent offenses <sup>d</sup>	16.0	15.9	8.2	20.1	16	8.8	25.7
Other offenses <sup>e</sup>	11.7	8.8	4.9	13.7	12.3	5.8	21.3
<b>Drug offenses</b>	6.8	8.8	4.1	10.4	6.7	3.2	21.4
<b>Public-order offenses</b>	12.7	8.5	3.6	16.0	14.8	7.4	20.5
Regulatory offenses	16.5	9.8	6.2	14.8	17.4	9.8	20.5
Other offenses	11.7	8.3	3.4	16.1	13.7	6.9	20.5
<b>Weapon offenses</b>	5.1	6.4	14.5	5.7	5.1	2.7	11.1
<b>Immigration offenses</b>	1.8	2.3	1.1	5.2	1.8	1.2	16.7
<b>Median</b>							
<b>All offenses<sup>c</sup></b>	1.8 mo	2.2 mo	1.9 mo	2.8 mo	1.6 mo	0.8 mo	14.6 mo
<b>Violent offenses</b>	2.5	2.9	3.1	2.5	2.5	0.8	10.6
<b>Property offenses</b>	8.1	5.5	4.1	8.4	8.4	2.3	19.0
Fraudulent offenses <sup>d</sup>	8.7	6.8	5.3	9.1	8.8	2.5	19.4
Other offenses <sup>e</sup>	4.6	3.5	3.3	6.0	5.0	1.3	15.8
<b>Drug offenses</b>	0.9	1.0	1.3	1.0	0.9	0.7	17.2
<b>Public-order offenses</b>	4.1	2.6	2.3	3.6	7.0	1.3	14.0
Regulatory offenses	10.3	4.4	4.1	5.1	11.9	3.5	14.9
Other offenses	3.2	2.5	2.3	3.5	5.2	1.1	13.4
<b>Weapon offenses</b>	1.6	1.6	8.0	1.4	1.6	1.0	7.0
<b>Immigration offenses</b>	0.7	0.5	0.4	0.7	0.7	0.7	11.1
<b>Number of suspects<sup>f</sup></b>	124,073	14,093	7,626	6,467	109,980	76,309	33,671
<b>With unknown or indeterminable offense or processing time</b>	782	278	193	85	504	253	251

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. 33.

<sup>a</sup>See *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>The 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. 33.

<sup>c</sup>Includes suspects for whom an offense category could not be determined; see *Chapter notes*, item 4, p. 33.

<sup>d</sup>Excluding tax fraud.

<sup>e</sup>Including tax fraud.

<sup>f</sup>Excludes suspects with insufficient data to determine processing time.

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

## Chapter notes

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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 2002 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, 2001, through September 30, 2002, 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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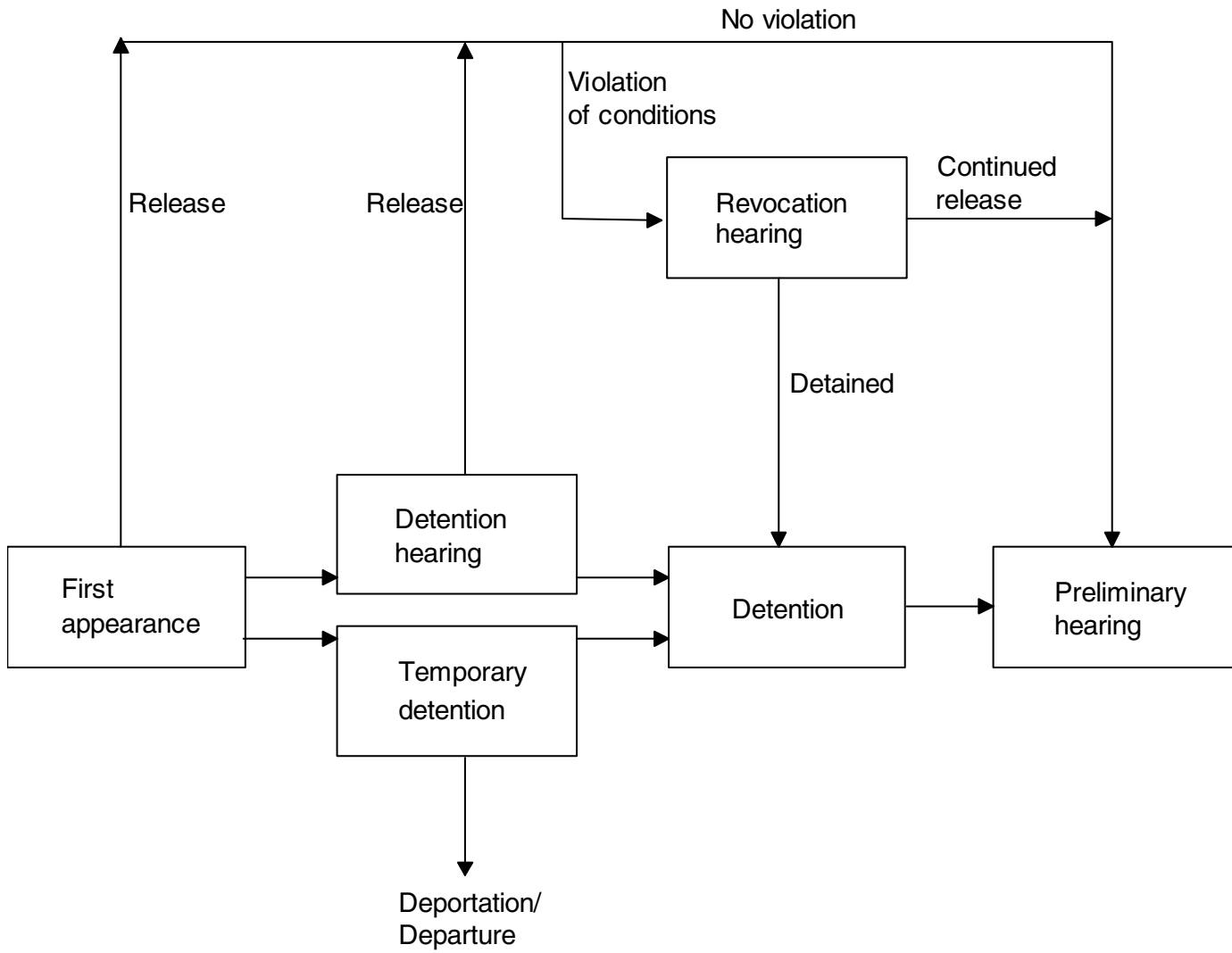
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# Chapter 3

## Pretrial release

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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 78,060 defendants whose cases commenced in 2002, 37% (or 28,993) were released after either an initial hearing or a detention hearing, and 62% of defendants were detained (table 3.1).

Of the 71,572 defendants who terminated pretrial services during 2002, 45% (32,140) were released for some period of time prior to trial (table 3.2). Of those released defendants, 81% completed pretrial services without violating the conditions of their release (tables 3.8 and 3.9).

In 2002, 73% (52,515) 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, 54% were ordered detained by the court until case disposition.

Pretrial detention hearings were held for 38,764 defendants. Of these, 28,301, or 73%, were ordered detained (table 3.6).

Of the 32,140 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 (28%) than other defendants to incur some violation of the conditions of their release

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\*18 U.S.C. § 3142(e) (1984)

(table 3.9). Conversely, defendants given conditional release violated their release at the lowest rates (less than 1%). Eight percent of all released defendants had their release revoked.

Those charged with violent offenses were detained longer on average (112 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 (111 days)

### Outcomes for pretrial cases commenced

**Releases and detentions after the first 2 hearings (table 3.1)** — Of the 78,060 cases commenced in 2002, 37% were released after either an initial hearing or a detention hearing, 62% were detained, and less than 1% were dismissed (table 3.1). Seventy-six percent of defendants receiving pretrial release were released after an initial hearing; 73% of detained defendants were detained after a detention hearing. After these two hearings, less than 1% of incoming defendants (279) were awaiting a release decision (not shown in a table).

Of those charged with property offenses, 73% were released, as were 63% of those charged with public-order offenses, 37% of weapon offense defendants, 31% of drug offense defendants, and 28% of violent offense defendants. Only 5% 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 2002, 45% were released. The percent released varied greatly across and within offense categories. Seventy-nine percent of property offenders were released, compared with only 9% of immigration offenders (figure 3.1). Among violent offenders, 22% of those charged with robbery were released compared to 55% of

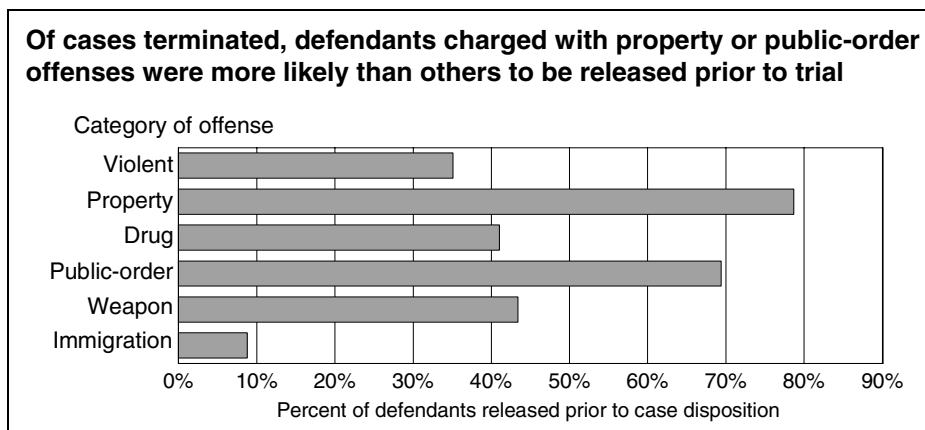


Figure 3.1. Percent of defendants released prior to case disposition, by offense category, October 1, 2001 - September 30, 2002

those charged with sexual abuse and 62% of those charged with assault. Among public-order defendants, 11% of those charged with an escape offense were released compared to 96% of those charged with tax law violations, 92% of traffic defendants, and 69% of nonviolent sex offense defendants. Forty-three percent of those charged with weapon offenses were released, while only 9% of immigration defendants were released.

Forty-one percent of all drug defendants were released. Drug trafficking defendants were less likely to be released than those charged with non-trafficking offenses (40% 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 and immigration offenses, the highest percentage of defendants released was through unsecured bond. Thirty-five percent of violent defendants were released of whom 34% were released on unsecured bond and 48% on personal recognizance — compared to 79% of all property defendants released, of whom 55% were released on unsecured bond and 33% 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, 84% and 82% 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 59% and 53%). Of those charged with weapons offenses, 78% were detained, with 57% being detained by the court. Public-order and property defendants were less likely to be detained than were other defendants. During 2002, 44% of public-order defendants were detained, with 47% of these detained by the court. Forty percent of defendants charged with property offenses were detained, with 42% of these detained by the court.

Seventy percent of defendants charged with violent offenses had a detention hearing (table 3.6, figure 3.2). This rate varied by offense category: 65% of drug or immigration defendants, 62% of weapons defendants, 31% of those charged with public-order offenses, and 29% of those charged with property offenses were ordered to have a detention hearing.

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 (88%). Of the 70% of defendants charged with violent offenses and given a pretrial detention

hearing, 75% were ordered detained. In 2002, 72% of those charged with weapon offenses, 69% of drug offenses, 65% of public-order offenses, and 59% of property offenses were ordered detained following a pretrial hearing.

**Violations (tables 3.8 and 3.9)** — Of released defendants terminating pre-trial services during 2002, those charged with weapon or drug offenses were more likely than other defendants (31% 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 least likely (8%) than others to violate conditions of their release. Those charged with weapon, violent, or drug offenses were more likely than others to have their release revoked (13% of all released weapon defendants, 12% of released violent defendants, and 11% of drug defendants compared with 8% overall). Five percent of released property defendants and released immigration defendants were revoked.

Of the 32,140 defendants released, those on deposit bond were more likely (28%) 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 0.2% of defendants on conditional release who committed a violation were revoked.

**Pretrial outcomes across demographic groups**

**Releases (table 3.3)** — Females were more likely (72%) than males (40%) to be released during 2002 (figure 3.3). Males were more likely to have a financial condition imposed on them than females (21% versus 13%). Sixty-two percent of all defendants identified as non-Hispanic were released during 2002 compared to 21% of Hispanics. Non-Hispanic releasees were twice as likely as Hispanics to be

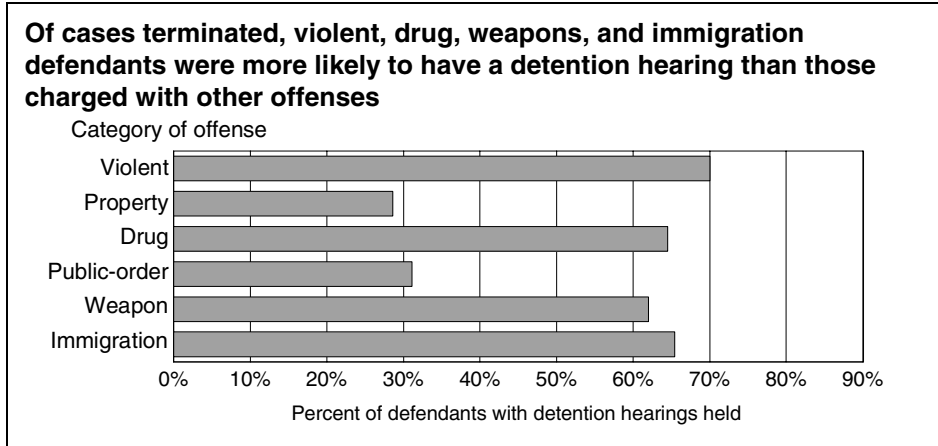


Figure 3.2. Detention hearings held, by offense category, October 1, 2001 - September 30, 2002

released on personal recognizance. Sixty-four percent of Native Americans and 59% of Asian defendants were released compared with 50% of black defendants and 42% of white defendants.

The higher the education level of the defendant, the greater the probability of release. Thirty-nine percent of defendants with less than a high school education were released in 2002, while 79% 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 (16% versus 26%) and

more likely to be released on personal recognizance (30% versus 25%) than those who had less education.

Defendants with a history of drug abuse were released less frequently than those defendants with no known drug history (50% versus 59%). However, among all released defendants, drug abuse history does not appear to have had a major effect on the form of pretrial release.

**Detentions (tables 3.5 and 3.7)** — Males were more likely (78% versus 52%) than females to be detained (table 3.5). Of all detainees, 75% of the men and 56% of the women were detained following a detention hearing

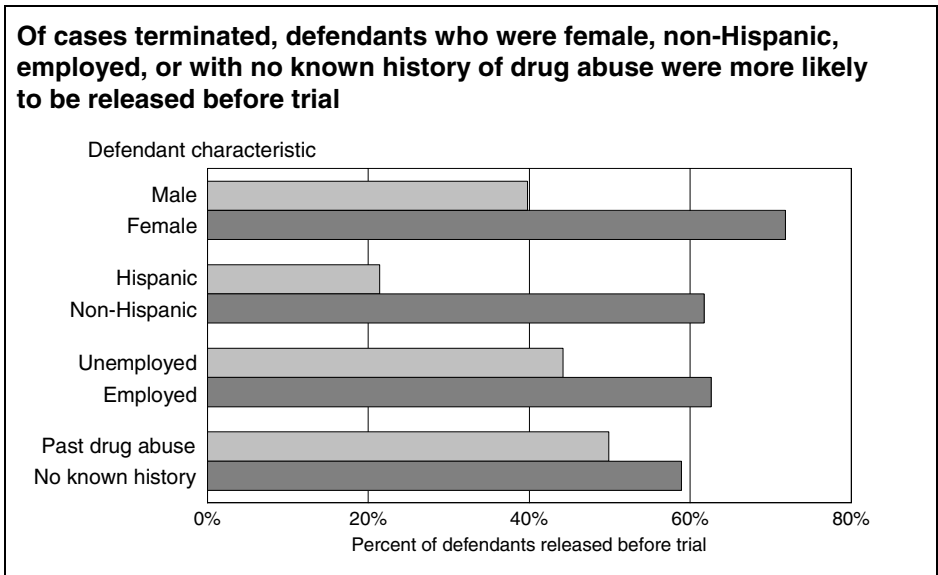


Figure 3.3. Pretrial release rates, by defendant characteristics, October 1, 2001 - September 30, 2002

(table 3.7). Hispanics had a substantially higher probability of being detained (93%) compared with non-Hispanics (60%). 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-five percent of defendants between ages 16 and 18 and 74% of defendants ages 19-20 were detained, compared to 60% 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 (58% versus 36%), they were also more likely (75% versus 56%) 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, 58% of those with a history of drug abuse had detention hearings as compared to 44% of those without such a past. However, those with a history of drug abuse were as likely to be detained after a hearing.

**Violations (table 3.10)** — Released males were more likely than females to incur a violation during the pretrial release period (21% versus 16%) and were slightly more likely to have their release revoked. Native Americans were more likely to incur at least one violation than blacks, whites, or Asians (29% versus 22% for blacks, 19% 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 5% for Asians).

Defendants without a high school diploma were more likely to have at least one violation than defendants

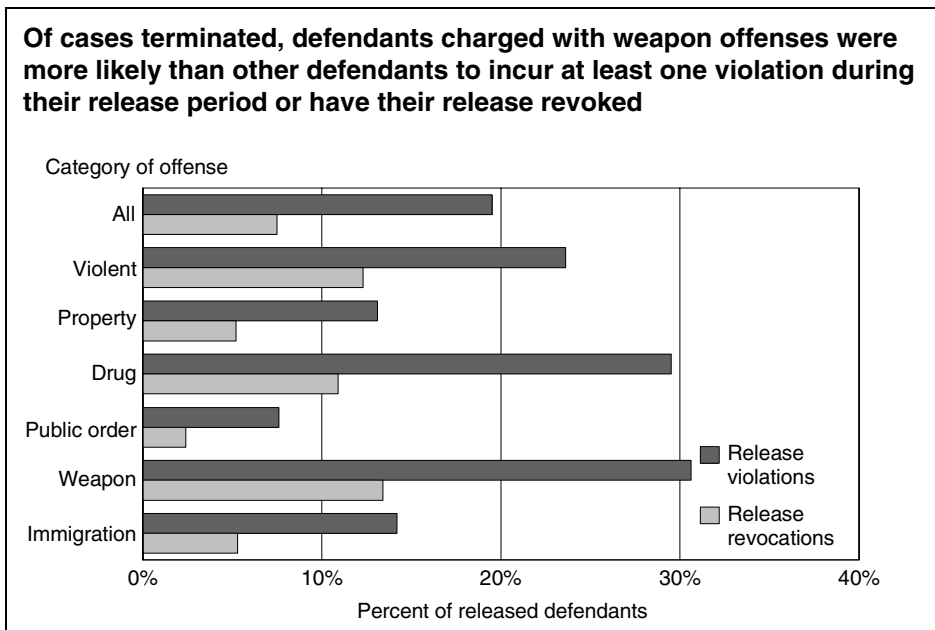


Figure 3.4. Pretrial release violation and revocation rates, for cases that terminated during October 1, 2001 - September 30, 2002, by offense category

with college degrees (28% versus 8%).

Defendants with no prior criminal history were 2 times less likely to have a 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 112 days) compared to drug (83 days), weapon (81 days), immigration (64 days), public-order (60 days), or property (46 days), defendants (not shown in a table).

Of defendants released, those released conditionally spent the greatest average number of days detained (61 days) compared to those released on personal recognizance (43 days), unsecured bond (34 days), or financial conditions (29 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 (111 days compared with 79 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, 2001 - September 30, 2002**

Most serious offense charged	All defendants	Percent released	After initial hearing				After detention hearing <sup>a</sup>	
			Released	Detained	Dismissed	Continued/ held	Released	Detained
<b>All offenses<sup>b</sup></b>	78,060	37.1%	22,101	12,825	280	42,854	6,892	35,648
<b>Violent offenses</b>	3,427	28.3%	655	415	20	2,337	315	1,999
Murder <sup>c</sup>	200	21.5	27	24	1	148	16	132
Negligent manslaughter	20	70.0	5	0	0	15	9	6
Assault	840	52.4	341	66	15	418	99	315
Robbery	1,890	15.0	156	284	1	1,449	128	1,307
Sexual abuse <sup>c</sup>	325	51.7	116	15	1	193	52	138
Kidnaping	109	14.7	8	12	2	87	8	78
Threats against the President	43	11.6	2	14	0	27	3	23
<b>Property offenses</b>	14,389	72.7%	9,021	896	35	4,437	1,433	2,955
<b>Fraudulent</b>	11,677	72.9%	7,324	745	11	3,597	1,190	2,368
Embezzlement	1,319	91.7	1,157	30	0	132	53	77
Fraud <sup>c</sup>	8,971	71.0	5,356	573	8	3,034	1,017	1,985
Forgery	154	69.5	96	14	1	43	11	32
Counterfeiting	1,233	66.8	715	128	2	388	109	274
<b>Other</b>	2,712	71.5%	1,697	151	24	840	243	587
Burglary	84	46.4	24	6	2	52	15	37
Larceny <sup>c</sup>	2,064	77.0	1,420	91	20	533	170	357
Motor vehicle theft	148	31.8	38	20	0	90	9	79
Arson and explosives	171	51.5	66	19	0	86	22	63
Transportation of stolen property	148	67.6	86	7	1	54	14	39
Other property offenses <sup>c</sup>	97	78.4	63	8	1	25	13	12
<b>Drug offenses</b>	29,835	31.0%	5,759	4,401	76	19,599	3,498	15,943
Trafficking	27,107	29.1	4,619	4,112	55	18,321	3,268	14,908
Other drug offenses	2,728	50.2	1,140	289	21	1,278	230	1,035
<b>Public-order offenses</b>	8,264	62.8%	4,540	846	108	2,770	649	2,107
<b>Regulatory</b>	2,508	56.1%	1,202	408	29	869	206	662
Agriculture	4	—	3	0	0	1	1	0
Antitrust	9	—	9	0	0	0	0	0
Food and drug	55	94.5	48	2	0	5	4	1
Transportation	125	72.8	70	9	0	46	21	24
Civil rights	45	80.0	32	0	1	12	4	8
Communications	53	86.8	37	1	0	15	9	6
Custom laws	72	52.8	32	15	0	25	6	19
Postal laws	140	85.7	111	3	0	26	9	17
Other regulatory offenses	2,005	50.5	860	378	28	739	152	587
<b>Other</b>	5,756	65.7%	3,338	438	79	1,901	443	1,445
Tax law violations <sup>c</sup>	520	94.2	446	13	1	60	44	16
Bribery	129	82.2	79	6	0	44	27	17
Perjury, contempt, and intimidation	204	63.2	98	23	0	83	31	50
National defense	113	76.1	80	6	1	26	6	20
Escape	753	9.7	47	152	7	547	26	517
Racketeering and extortion	1,059	50.6	398	90	0	571	138	430
Gambling	28	85.7	23	1	0	4	1	3
Liquor offenses	4	—	1	0	0	3	1	2
Nonviolent sex offenses	811	62.8	389	60	1	361	120	238
Obscene material <sup>c</sup>	64	60.9	33	9	0	22	6	16
Traffic offenses	1,309	91.6	1,187	34	54	34	12	22
Wildlife	118	94.1	107	4	0	7	4	3
Environmental	29	100.0	28	0	0	1	1	0
All other offenses <sup>c</sup>	615	72.8	422	40	15	138	26	111
<b>Weapon offenses</b>	6,009	36.5%	1,574	767	9	3,659	619	3,005
<b>Immigration offenses</b>	16,026	5.4%	499	5,487	32	10,008	367	9,606

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes only those defendants whose detention hearing was within the fiscal year. There were 35 dismissals and 279 defendants whose release decision was still pending.

<sup>b</sup>Includes 110 defendants with unknown or indeterminable offenses.

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

Most serious offense charged	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial <sup>a</sup>	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
<b>All offenses<sup>b</sup></b>	44.9%	19.0%	47.3%	29.1%	4.7%	32,140	71,572
<b>Violent offenses</b>	35.1%	11.2%	34.4%	47.9%	6.5%	1,091	3,104
Murder <sup>c</sup>	31.9	7.7	19.2	69.2	3.8	52	163
Negligent manslaughter	62.5	—	—	—	—	10	16
Assault	61.6	4.8	27.6	57.0	10.7	460	747
Robbery	22.0	20.4	45.2	29.8	4.6	392	1,785
Sexual abuse <sup>c</sup>	55.1	2.8	32.6	63.8	0.7	141	256
Kidnaping	26.3	46.2	30.8	19.2	3.8	26	99
Threats against the President	26.3	—	—	—	—	10	38
<b>Property offenses</b>	78.7%	10.7%	54.7%	32.6%	2.0%	10,838	13,772
<b>Fraudulent</b>	78.5%	11.7%	57.6%	29.5%	1.2%	8,701	11,087
Embezzlement	93.4	3.5	57.4	36.9	2.1	1,262	1,351
Fraud <sup>c</sup>	76.7	13.8	56.6	28.5	1.1	6,282	8,192
Forgery	74.6	7.9	63.5	27.8	0.8	126	169
Counterfeiting	75.0	9.2	63.3	26.7	0.8	1,031	1,375
<b>Other</b>	79.6%	7.0%	42.5%	45.3%	5.1%	2,137	2,685
Burglary	53.3	10.5	29.8	56.1	3.5	57	107
Larceny <sup>c</sup>	84.2	5.1	40.8	48.3	5.8	1,703	2,022
Motor vehicle theft	53.9	23.1	58.7	17.3	1.0	104	193
Arson and explosives	66.9	13.6	53.4	33.0	0.0	103	154
Transportation of stolen property	81.0	17.3	51.0	29.6	2.0	98	121
Other property offenses <sup>c</sup>	81.8	2.8	43.1	45.8	8.3	72	88
<b>Drug offenses</b>	41.0%	29.2%	45.0%	22.5%	3.3%	11,396	27,771
Trafficking	39.6	31.1	47.3	19.5	2.1	10,006	25,286
Other drug offenses	55.9	15.8	28.7	44.0	11.6	1,390	2,485
<b>Public-order offenses</b>	69.4%	12.5%	41.0%	35.5%	11.0%	5,441	7,841
<b>Regulatory</b>	64.9%	14.6%	46.6%	33.8%	5.0%	1,634	2,518
Agriculture	100.0	9.1	9.1	63.6	18.2	11	11
Antitrust	100.0	14.8	48.1	37.0	0.0	27	27
Food and drug	97.7	14.3	50.0	33.3	2.4	42	43
Transportation	80.7	14.8	43.2	38.6	3.4	88	109
Civil rights	84.9	17.7	43.5	38.7	0.0	62	73
Communications	90.3	12.5	55.4	32.1	0.0	56	62
Custom laws	73.4	36.2	44.8	17.2	1.7	58	79
Postal laws	92.6	2.4	50.4	45.6	1.6	125	135
Other regulatory offenses	58.9	14.8	46.5	32.5	6.2	1,165	1,979
<b>Other</b>	71.5%	11.7%	38.6%	36.1%	13.6%	3,807	5,323
Tax law violations <sup>c</sup>	96.0	7.8	55.8	35.0	1.3	523	545
Bribery	81.2	20.0	55.8	22.1	2.1	95	117
Perjury, contempt, and intimidation	72.8	12.7	45.8	41.5	0.0	142	195
National defense	80.2	11.7	23.4	14.3	50.6	77	96
Escape	10.6	4.1	50.0	33.8	12.2	74	699
Racketeering and extortion	63.1	38.8	39.7	20.3	1.1	536	850
Gambling	95.2	16.9	44.1	39.0	0.0	59	62
Liquor offenses	92.6	8.0	16.0	76.0	0.0	25	27
Nonviolent sex offenses	69.3	14.2	53.1	30.2	2.5	473	683
Obscene material <sup>c</sup>	71.8	28.6	67.9	3.6	0.0	28	39
Traffic offenses	92.1	2.2	21.8	42.8	33.2	1,160	1,259
Wildlife	98.4	4.0	38.1	51.6	6.3	126	128
Environmental	100.0	3.0	51.5	39.4	6.1	33	33
All other offenses <sup>c</sup>	77.3	5.9	38.4	45.6	10.1	456	590
<b>Weapon offenses</b>	43.4%	15.7%	52.9%	29.6%	1.8%	2,054	4,729
<b>Immigration offenses</b>	8.8%	37.8%	34.8%	11.3%	16.0%	1,253	14,262

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. 51.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes deposit bond, surety bond, and collateral bond.

<sup>b</sup>Includes 93 defendants for whom an offense category could not be determined, 67 of whom were released.

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



Defendant characteristic	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial <sup>a</sup>	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
<b>All defendants<sup>b</sup></b>	44.9%	19.0%	47.3%	29.1%	4.7%	32,140	71,572
<b>Male/female</b>							
Male	39.8%	20.9%	45.9%	28.1%	5.0%	23,870	60,049
Female	71.8	13.4	51.5	31.7	3.4	8,205	11,426
<b>Race</b>							
White	42.0%	20.0%	46.7%	28.7%	4.7%	20,948	49,868
Black	50.3	17.7	52.6	25.6	4.2	9,018	17,935
Native American	64.3	4.1	21.7	72.5	1.7	761	1,184
Asian/Pacific Islander	58.6	22.1	42.1	31.8	3.9	949	1,619
<b>Ethnicity</b>							
Hispanic	21.4%	36.7%	40.9%	15.7%	6.7%	6,380	29,790
Non-Hispanic	61.7	14.6	49.1	32.3	3.9	25,499	41,337
<b>Age</b>							
16-18 years	48.9%	16.6%	38.5%	37.7%	7.1%	631	1,290
19-20 years	47.6	15.7	44.6	32.7	7.1	2,049	4,305
21-30 years	38.7	20.8	47.0	27.2	5.1	10,929	28,235
31-40 years	42.1	20.9	46.9	27.8	4.4	8,757	20,812
Over 40 years	57.7	16.2	49.5	30.8	3.5	9,685	16,772
<b>Education</b>							
Less than high school graduate	38.6%	25.5%	47.9%	24.7%	2.0%	8,193	21,245
High school graduate	59.7	18.4	49.8	28.5	3.3	10,423	17,455
Some college	70.9	17.7	51.2	29.1	2.0	7,174	10,112
College graduate	79.2	16.3	51.0	29.6	3.1	3,526	4,453
<b>Marital status</b>							
Never married	50.0%	18.2%	50.1%	28.7%	3.0%	11,159	22,296
Divorced/separated	57.9	17.5	51.9	28.1	2.4	5,702	9,850
Married	59.0	21.9	48.2	27.5	2.4	10,438	17,698
Common law	45.1	26.1	47.2	25.2	1.5	2,250	4,994
Other	15.5	7.3	22.0	42.3	28.4	2,591	16,734
<b>Employment status at arrest</b>							
Unemployed	44.2%	18.4%	50.1%	29.0%	2.5%	10,861	24,597
Employed	62.6	20.6	49.2	27.5	2.6	18,839	30,101
<b>Criminal record</b>							
No convictions <sup>c</sup>	60.7%	17.9%	47.0%	30.5%	4.6%	12,630	20,803
Misdemeanor only	57.4	16.9	46.9	31.9	4.3	6,847	11,924
Felony							
Nonviolent	30.5	20.9	49.5	24.8	4.8	4,905	16,096
Violent	24.8	21.7	43.6	26.9	7.8	2,869	11,558
<b>Number of prior convictions</b>							
1	46.0%	20.2%	48.4%	27.9%	3.5%	5,302	11,533
2 to 4	37.1	19.6	47.8	28.1	4.5	5,999	16,165
5 or more	27.9	16.8	43.9	30.4	8.9	3,320	11,880
<b>Criminal justice status</b>							
Not under supervision	58.1%	18.7%	47.2%	29.7%	4.4%	24,751	42,592
Pretrial release	53.1	18.8	52.0	28.0	1.2	1,453	2,738
Probation	38.5	21.2	48.4	27.1	3.3	1,527	3,971
Parole	18.6	20.3	46.3	22.3	11.1	296	1,588
<b>Court appearance history</b>							
No prior arrests	55.5%	18.0%	46.8%	30.6%	4.6%	12,785	23,028
Failure to appear							
None	41.7	20.5	48.4	27.1	4.0	15,884	38,073
1	34.4	15.5	46.5	31.7	6.3	1,726	5,012
More than 1	32.0	16.0	42.1	33.1	8.7	1,745	5,459
<b>Drug abuse</b>							
No known abuse	58.9%	19.8%	48.8%	28.4%	3.0%	19,260	32,690
Drug history	49.9	19.8	51.4	26.9	1.8	9,044	18,117

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. 51.*

<sup>a</sup>Includes deposit bond, surety bond, and collateral bond.

<sup>b</sup>Includes defendants for whom characteristics could not be determined.

<sup>c</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

Most serious offense charged	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention <sup>a</sup>	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre-trial period	All of pre-trial period				
<b>All offenses<sup>b</sup></b>	73.4%	2.1%	21.8%	10.9%	53.9%	11.3%	52,515	71,572
<b>Violent offenses</b>	82.1%	0.6%	17.2%	2.3%	64.0%	15.8%	2,549	3,104
Murder <sup>c</sup>	90.2	0.0	15.6	0.7	68.7	15.0	147	163
Negligent manslaughter	75.0	0.0	50.0	8.3	41.7	0.0	12	16
Assault	59.6	0.2	30.6	3.8	53.5	11.9	445	747
Robbery	91.9	0.7	12.1	2.2	67.7	17.3	1,640	1,785
Sexual abuse <sup>c</sup>	70.3	0.6	30.0	1.1	55.0	13.3	180	256
Kidnaping	90.9	1.1	17.8	1.1	64.4	15.6	90	99
Threats against the President	92.1	2.9	17.1	2.9	57.1	20.0	35	38
<b>Property offenses</b>	40.2%	0.7%	41.8%	4.8%	42.3%	10.4%	5,531	13,772
<b>Fraudulent</b>	40.3%	0.7%	41.5%	5.0%	42.7%	10.1%	4,466	11,087
Embezzlement	16.9	0.0	56.1	3.5	32.9	7.5	228	1,351
Fraud <sup>c</sup>	42.4	0.7	39.9	4.9	44.7	9.8	3,472	8,192
Forgery	45.0	3.9	40.8	5.3	39.5	10.5	76	169
Counterfeiting	50.2	0.6	45.1	5.8	36.2	12.3	690	1,375
<b>Other</b>	39.7%	0.8%	42.8%	4.0%	40.7%	11.6%	1,065	2,685
Burglary	74.8	0.0	38.8	5.0	43.8	12.5	80	107
Larceny <sup>c</sup>	33.7	0.1	47.6	5.3	36.3	10.7	681	2,022
Motor vehicle theft	67.9	4.6	23.7	0.8	56.5	14.5	131	193
Arson and explosives	58.4	2.2	33.3	0.0	50.0	14.4	90	154
Transportation of stolen property	41.3	0.0	54.0	0.0	38.0	8.0	50	121
Other property offenses <sup>c</sup>	37.5	0.0	39.4	6.1	39.4	15.2	33	88
<b>Drug offenses</b>	84.1%	1.9%	25.6%	9.5%	53.1%	9.8%	23,346	27,771
Trafficking	86.4	1.6	25.7	9.7	53.6	9.4	21,846	25,286
Other drug offenses	60.4	7.1	25.1	6.4	45.5	15.9	1,500	2,485
<b>Public-order offenses</b>	43.5%	0.9%	28.6%	3.8%	46.7%	20.0%	3,407	7,841
<b>Regulatory</b>	50.2%	0.9%	28.1%	5.0%	41.2%	24.7%	1,265	2,518
Agriculture	18.2	—	—	—	—	—	2	11
Antitrust	55.6	0.0	100.0	0.0	0.0	0.0	15	27
Food and drug	14.0	—	—	—	—	—	6	43
Transportation	40.4	0.0	43.2	4.5	45.5	6.8	44	109
Civil rights	23.3	0.0	41.2	0.0	35.3	23.5	17	73
Communications	30.6	0.0	63.2	10.5	21.1	5.3	19	62
Custom laws	59.5	0.0	51.1	17.0	27.7	4.3	47	79
Postal laws	17.8	0.0	41.7	0.0	50.0	8.3	24	135
Other regulatory offenses	55.1	1.1	24.0	4.7	42.6	27.6	1,091	1,979
<b>Other</b>	40.2%	0.8%	28.8%	3.2%	50.0%	17.2%	2,142	5,323
Tax law violations <sup>c</sup>	16.3	0.0	71.9	6.7	14.6	6.7	89	545
Bribery	35.0	0.0	46.3	9.8	31.7	12.2	41	117
Perjury, contempt, and intimidation	49.2	1.0	41.7	2.1	29.2	26.0	96	195
National defense	29.2	3.6	32.1	3.6	42.9	17.9	28	96
Escape	94.1	1.4	4.9	2.3	67.6	23.9	658	699
Racketeering and extortion	64.2	0.5	33.0	2.9	52.6	11.0	546	850
Gambling	8.1	—	—	—	—	—	5	62
Liquor offenses	70.4	0.0	89.5	0.0	10.5	0.0	19	27
Nonviolent sex offenses	51.7	0.3	37.1	2.3	44.8	15.6	353	683
Obscene material <sup>c</sup>	48.7	0.0	36.8	0.0	52.6	10.5	19	39
Traffic offenses	7.9	2.0	53.5	11.1	18.2	15.2	99	1,259
Wildlife	7.0	—	—	—	—	—	9	128
Environment	9.1	—	—	—	—	—	3	33
All other offenses <sup>c</sup>	30.0	0.6	31.1	2.3	45.2	20.9	177	590
<b>Weapon offenses</b>	77.6%	1.0%	22.2%	3.2%	57.4%	16.1%	3,670	4,729
<b>Immigration offenses</b>	97.9%	3.8%	6.4%	21.0%	59.0%	9.7%	13,966	14,262

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. 51.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Held under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

<sup>b</sup>Includes 93 defendants for whom an offense category could not be determined, 46 of whom were detained.

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

**Table 3.5. Form of pretrial detention for cases terminated, by defendant characteristics, October 1, 2001 - September 30, 2002**

Defendant characteristic	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention <sup>a</sup>	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre-trial period	All of pre-trial period				
<b>All defendants<sup>b</sup></b>	73.4%	2.1%	21.8%	10.9%	53.9%	11.3%	52,515	71,572
<b>Male/female</b>								
Male	77.6%	2.2%	19.3%	11.1%	55.8%	11.6%	46,578	60,049
Female	51.7	1.3	41.3	9.6	39.3	8.5	5,902	11,426
<b>Race</b>								
White	75.3%	2.4%	20.4%	13.5%	53.1%	10.6%	37,572	49,868
Black	69.7	1.6	24.4	4.7	56.8	12.6	12,494	17,935
Native American	68.2	0.0	39.0	1.6	51.0	8.4	808	1,184
Asian/Pacific Islander	64.3	0.7	29.9	2.6	49.9	17.0	1,041	1,619
<b>Ethnicity</b>								
Hispanic	92.8%	3.3%	13.7%	16.6%	56.9%	9.5%	27,637	29,790
Non-Hispanic	59.6	0.8	30.9	4.6	50.7	13.1	24,634	41,337
<b>Age</b>								
16-18 years	74.9%	1.4%	29.0%	12.2%	50.9%	6.4%	966	1,290
19-20 years	74.3	1.8	26.5	12.4	49.7	9.7	3,197	4,305
21-30 years	79.4	2.2	19.8	10.9	55.6	11.6	22,417	28,235
31-40 years	75.8	2.2	20.4	11.2	54.9	11.3	15,777	20,812
Over 40 years	60.1	2.0	26.2	10.1	50.6	11.2	10,072	16,772
<b>Education</b>								
Less than high school graduate	83.2%	4.2%	22.6%	11.3%	50.1%	11.8%	17,667	21,245
High school graduate	65.2	1.4	33.4	5.4	48.3	11.4	11,389	17,455
Some college	52.9	1.3	39.7	5.2	44.6	9.2	5,350	10,112
College graduate	39.0	1.2	41.3	7.5	39.4	10.6	1,736	4,453
<b>Marital status</b>								
Never married	73.1%	1.8%	27.5%	6.9%	52.3%	11.5%	16,298	22,296
Divorced/separated	65.7	2.4	31.3	7.5	46.7	12.0	6,476	9,850
Married	61.7	3.7	29.4	9.2	46.5	11.2	10,914	17,698
Common law	79.6	4.5	26.5	11.0	47.6	10.4	3,974	4,994
Other	88.8	0.6	4.5	18.0	66.1	10.8	14,853	16,734
<b>Employment status at arrest</b>								
Unemployed	77.9%	2.5%	24.1%	7.3%	51.6%	14.4%	19,149	24,597
Employed	60.4	3.0	33.7	9.2	44.8	9.3	18,173	30,101
<b>Criminal record</b>								
No convictions <sup>c</sup>	58.3%	2.1%	30.0%	14.0%	45.0%	8.9%	12,121	20,803
Misdemeanor only	66.6	1.5	31.5	9.5	47.7	9.8	7,938	11,924
Felony								
Nonviolent	85.0	2.8	15.3	12.1	57.6	12.2	13,676	16,096
Violent	89.5	1.9	12.8	9.1	61.8	14.4	10,341	11,558
<b>Number of prior convictions</b>								
1	73.5%	2.4%	22.9%	11.6%	52.7%	10.3%	8,471	11,533
2 to 4	81.1	2.6	19.1	10.6	56.2	11.5	13,102	16,165
5 or more	87.4	1.6	14.1	9.3	59.9	15.0	10,382	11,880
<b>Criminal justice status</b>								
Not under supervision	63.0%	1.8%	30.1%	12.4%	46.7%	9.0%	26,829	42,592
Pretrial release	73.2	3.6	30.0	3.9	52.3	10.2	2,005	2,738
Probation	81.3	3.6	20.7	17.4	46.5	11.9	3,230	3,971
Parole	93.5	3.4	10.2	13.7	60.1	12.5	1,485	1,588
<b>Court appearance history</b>								
No prior arrests	62.0%	2.1%	26.0%	12.3%	50.8%	8.8%	14,272	23,028
Failure to appear								
None	76.9	2.5	21.1	11.4	53.1	11.9	29,297	38,073
1	83.9	1.1	17.9	8.2	58.7	14.1	4,205	5,012
More than 1	86.8	0.6	16.9	6.2	64.3	12.0	4,741	5,459
<b>Drug abuse</b>								
No known abuse	61.5%	3.0%	29.3%	9.8%	45.9%	11.9%	20,118	32,690
Drug history	77.1	2.0	30.1	6.3	50.3	11.3	13,968	18,117

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. 51.

<sup>a</sup>Held under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

<sup>b</sup>Includes defendants for whom these characteristics could not be determined.

<sup>c</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

**Table 3.6. Pretrial detention hearing outcomes for cases terminated, by offense, October 1, 2001-September 30, 2002**

Most serious offense charged	All defendants	Defendants with pretrial detention hearings			
		Number of defendants Hearings held	Ordered detained	Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
<b>All offenses<sup>a</sup></b>	71,572	38,764	28,301	54.2%	73.0%
<b>Violent offenses</b>	3,104	2,174	1,632	70.0%	75.1%
Murder <sup>b</sup>	163	133	101	81.6	75.9
Negligent manslaughter	16	11	5	68.8	45.5
Assault	747	373	238	49.9	63.8
Robbery	1,785	1,393	1,111	78.0	79.8
Sexual abuse <sup>b</sup>	256	161	99	62.9	61.5
Kidnaping	99	75	58	75.8	77.3
Threats against the President	38	28	20	73.7	71.4
<b>Property offenses</b>	13,772	3,942	2,340	28.6%	59.4%
<b>Fraudulent</b>	11,087	3,174	1,907	28.6%	60.1%
Embezzlement	1,351	138	75	10.2	54.3
Fraud <sup>b</sup>	8,192	2,560	1,552	31.3	60.6
Forgery	169	50	30	29.6	60.0
Counterfeiting	1,375	426	250	31.0	58.7
<b>Other</b>	2,685	768	433	28.6%	56.4%
Burglary	107	58	35	54.2	60.3
Larceny <sup>b</sup>	2,022	476	247	23.5	51.9
Motor vehicle theft	193	105	74	54.4	70.5
Arson and explosives	154	72	45	46.8	62.5
Transportation of stolen property	121	36	19	29.8	52.8
Other property offenses <sup>b</sup>	88	21	13	23.9	61.9
<b>Drug offenses</b>	27,771	17,920	12,377	64.5%	69.1%
Trafficking	25,286	16,764	11,697	66.3	69.8
Other drug	2,485	1,156	680	46.5	58.8
<b>Public-order offenses</b>	7,841	2,437	1,589	31.1%	65.2%
<b>Regulatory</b>	2,518	841	520	33.4%	61.8%
Agriculture	11	0	0	0.0	...
Antitrust	27	0	0	0.0	...
Food and drug	43	4	1	9.3	—
Transportation	109	37	20	33.9	54.1
Civil rights	73	10	6	13.7	—
Communications	62	15	4	24.2	26.7
Custom laws	79	26	13	32.9	50.0
Postal laws	135	19	12	14.1	63.2
Other regulatory offenses	1,979	730	464	36.9	63.6
<b>Other</b>	5,323	1,596	1,069	30.0%	67.0%
Tax law violations <sup>b</sup>	545	45	13	8.3	28.9
Bribery	117	23	13	19.7	56.5
Perjury, contempt, and intimidation	195	67	28	34.4	41.8
National defense	96	19	12	19.8	63.2
Escape	699	539	444	77.1	82.4
Racketeering and extortion	850	420	287	49.4	68.3
Gambling	62	4	2	6.5	—
Liquor offenses	27	19	2	70.4	10.5
Nonviolent sex offenses	683	274	158	40.1	57.7
Obscene material <sup>b</sup>	39	15	10	38.5	66.7
Traffic offenses	1,259	36	18	2.9	50.0
Wildlife	128	4	2	3.1	—
Environmental	33	3	0	9.1	—
All other offenses <sup>b</sup>	590	128	80	21.7	62.5
<b>Weapon offenses</b>	4,729	2,934	2,108	62.0%	71.8%
<b>Immigration offenses</b>	14,262	9,328	8,237	65.4%	88.3%

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. 51.

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

<sup>a</sup>Includes 93 defendants for whom an offense category could not be

determined, 29 of whom had pretrial detention hearings.

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

**Table 3.7. Pretrial detention hearing outcomes for cases terminated, by defendant characteristics, October 1, 2001 - September 30, 2002**

Defendant characteristic	Defendants with pretrial detention hearings				
	All defendant	Number of defendants		Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
		Hearings held	Ordered detained		
<b>All defendants<sup>a</sup></b>	71,572	38,764	28,301	54.2%	73.0%
<b>Male/female</b>					
Male	60,049	34,600	25,968	57.6%	75.1%
Female	11,426	4,143	2,317	36.3	55.9
<b>Race</b>					
White	49,868	26,758	19,944	53.7%	74.5%
Black	17,935	9,891	7,087	55.1	71.7
Native American	1,184	702	412	59.3	58.7
Asian/Pacific Islander	1,619	912	519	56.3	56.9
<b>Ethnicity</b>					
Hispanic	29,790	19,589	15,717	65.8%	80.2%
Non-Hispanic	41,337	19,000	12,474	46.0	65.7
<b>Age</b>					
16-18 years	1,290	707	491	54.8%	69.4%
19-20 years	4,305	2,294	1,587	53.3	69.2
21-30 years	28,235	16,651	12,447	59.0	74.8
31-40 years	20,812	11,701	8,648	56.2	73.9
Over 40 years	16,772	7,349	5,086	43.8	69.2
<b>Education</b>					
Less than high school graduate	21,245	12,569	8,848	59.2%	70.4%
High school graduate	17,455	8,652	5,502	49.6	63.6
Some college	10,112	4,028	2,385	39.8	59.2
College graduate	4,453	1,236	684	27.8	55.3
<b>Marital status</b>					
Never married	22,296	12,409	8,516	55.7%	68.6%
Divorced/separated	9,850	4,710	3,024	47.8	64.2
Married	17,698	7,835	5,071	44.3	64.7
Common law	4,994	2,835	1,893	56.8	66.8
Other	16,734	10,975	9,797	65.6	89.3
<b>Employment status at arrest</b>					
Unemployed	24,597	14,272	9,886	58.0%	69.3%
Employed	30,101	13,088	8,132	43.5	62.1
<b>Criminal record</b>					
No convictions <sup>b</sup>	20,803	8,599	5,444	41.3%	63.3%
Misdemeanor only	11,924	5,732	3,781	48.1	66.0
Felony					
Nonviolent	16,096	9,940	7,870	61.8	79.2
Violent	11,558	7,962	6,383	68.9	80.2
<b>Number of prior convictions</b>					
1	11,533	6,135	4,460	53.2%	72.7%
2 to 4	16,165	9,643	7,359	59.7	76.3
5 or more	11,880	7,856	6,215	66.1	79.1
<b>Criminal justice status</b>					
Not under supervision	42,592	19,308	12,532	45.3%	64.9%
Pretrial release	2,738	1,553	1,048	56.7	67.5
Probation	3,971	2,062	1,498	51.9	72.6
Parole	1,588	1,064	893	67.0	83.9
<b>Court appearance history</b>					
No prior arrests	23,028	10,591	7,247	46.0%	68.4%
Failure to appear					
None	38,073	21,090	15,544	55.4	73.7
1	5,012	3,255	2,464	64.9	75.7
More than 1	5,459	3,828	3,046	70.1	79.6
<b>Drug abuse</b>					
No known abuse	32,690	14,427	9,231	44.1%	64.0%
Drug history	18,117	10,435	7,021	57.6	67.3

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. 51.

<sup>a</sup>Includes defendants for whom these characteristics are unknown.  
<sup>b</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

**Table 3.8. Behavior of defendants released prior to trial for cases terminated, by offense, October 1, 2001 - September 30, 2002**

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				
<b>All offenses*</b>	80.5%	19.5%	2.2%	1.9%	1.8%	17.9%	7.5%	32,140
<b>Violent offenses</b>	76.4%	23.6%	1.8%	1.6%	2.4%	22.8%	12.3%	1,091
<b>Property offenses</b>	86.9%	13.1%	1.6%	1.6%	1.2%	11.8%	5.2%	10,838
Fraudulent offenses	87.8	12.2	1.6	1.7	1.0	10.9	4.5	8,701
Other property offenses	83.3	16.7	1.6	1.2	1.7	15.6	8.0	2,137
<b>Drug offenses</b>	70.5%	29.5%	3.3%	2.4%	2.8%	27.3%	10.9%	11,396
<b>Public-order offenses</b>	92.4%	7.6%	0.9%	1.0%	0.7%	6.7%	2.4%	5,441
Regulatory offenses	91.8	8.2	1.0	0.8	0.6	7.6	2.4	1,634
Other public-order offenses	92.7	7.3	0.8	1.1	0.8	6.3	2.4	3,807
<b>Weapon offenses</b>	69.4%	30.6%	2.6%	3.9%	3.0%	28.5%	13.4%	2,054
<b>Immigration offenses</b>	85.8%	14.2%	3.3%	1.4%	1.2%	12.1%	5.3%	1,253

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2002. 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. 51. \*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, 2001 - September 30, 2002**

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				
<b>All releases</b>	80.5%	19.5%	2.2%	1.9%	1.8%	17.9%	7.5%	32,140
<b>Financial release</b>	76.1%	23.9%	3.8%	2.8%	1.9%	21.4%	7.4%	6,098
Deposit bond	71.7	28.3	5.0	2.7	2.4	25.1	7.7	2,692
Collateral bond	80.9	19.1	1.9	2.6	1.7	17.1	6.4	1,662
Corporate surety	78.3	21.7	3.7	3.0	1.3	19.7	7.9	1,744
<b>Unsecured bond</b>	80.2%	19.8%	1.8%	1.5%	1.8%	18.8%	8.4%	9,339
<b>Personal recognizance</b>	80.6%	19.4%	2.0%	2.1%	2.0%	17.7%	7.7%	15,208
<b>Conditional release</b>	99.5%	0.5%	0.2%	0.0%	0.0%	0.4%	0.2%	1,495

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2002. 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. 51.

**Table 3.10. Behavior of defendants released prior to trial for cases terminated, by defendant characteristics, October 1, 2001 - September 30, 2002**

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				
<b>All defendants<sup>a</sup></b>	80.5%	19.5%	2.2%	1.9%	1.8%	17.9%	7.5%	32,140
<b>Male/female</b>								
Male	79.4%	20.6%	2.3%	2.2%	2.1%	18.8%	8.0%	23,870
Female	83.6	16.4	1.9	1.1	1.1	15.3	6.2	8,205
<b>Race</b>								
White	81.4%	18.6%	2.3%	1.8%	1.7%	17.0%	7.1%	20,948
Black	77.8	22.2	2.0	2.5	2.2	20.4	8.1	9,018
Native American	71.2	28.8	3.2	2.2	3.2	26.9	17.3	761
Asian/Pacific Islander	87.0	13.0	0.9	0.7	0.6	12.2	5.1	949
<b>Ethnicity</b>								
Hispanic	77.4%	22.6%	4.7%	1.9%	1.6%	20.3%	7.0%	6,380
Non-Hispanic	81.2	18.8	1.6	2.0	1.9	17.4	7.7	25,499
<b>Age</b>								
16-18 years	71.8%	28.2%	4.1%	2.5%	3.6%	25.2%	12.2%	631
19-20 years	71.8	28.2	2.9	2.5	3.3	26.0	11.3	2,049
21-30 years	76.2	23.8	2.6	2.5	2.4	21.8	8.9	10,929
31-40 years	80.2	19.8	2.3	1.8	1.7	18.2	7.7	8,757
Over 40 years	87.9	12.1	1.5	1.2	0.8	11.1	4.6	9,685
<b>Education</b>								
Less than high school graduate	72.5%	27.5%	3.5%	2.4%	2.7%	25.2%	11.0%	8,193
High school graduate	77.8	22.2	2.1	2.4	2.0	20.5	8.7	10,423
Some college	83.7	16.3	1.5	1.8	1.5	14.9	5.5	7,174
College graduate	91.7	8.3	1.1	1.1	0.6	7.5	2.8	3,526
<b>Marital status</b>								
Never married	74.0%	26.0%	2.5%	2.8%	2.4%	23.9%	10.2%	11,159
Divorced/separated	78.5	21.5	2.6	2.0	1.8	19.9	8.8	5,702
Married	87.1	12.9	1.7	1.3	1.3	11.7	4.4	10,438
Common law	74.0	26.0	2.8	2.2	2.6	24.2	10.0	2,250
Other	92.0	8.0	1.6	0.3	0.7	7.1	3.3	2,591
<b>Employment status at arrest</b>								
Unemployed	73.7%	26.3%	2.9%	2.7%	2.2%	24.4%	11.3%	10,861
Employed	83.1	16.9	1.8	1.7	1.7	15.4	5.8	18,839
<b>Criminal record</b>								
No convictions <sup>b</sup>	89.4%	10.6%	1.7%	1.0%	0.7%	9.6%	3.1%	12,630
Misdemeanor only	75.3	24.7	2.2	1.8	2.9	23.0	10.3	6,847
Felony								
Nonviolent	73.0	27.0	2.8	3.4	2.2	25.0	11.5	4,905
Violent	69.7	30.3	2.8	4.2	3.7	27.5	13.1	2,869
<b>Number of prior convictions</b>								
1	78.7%	21.3%	2.3%	1.8%	2.2%	19.7%	7.6%	5,302
2 to 4	72.1	27.9	2.5	3.2	2.8	25.8	11.5	5,999
5 or more	67.2	32.8	2.9	3.8	3.9	30.3	16.5	3,320
<b>Criminal justice status</b>								
Not under supervision	83.3%	16.7%	2.0%	1.5%	1.5%	15.3%	5.9%	24,751
Pretrial release	69.6	30.4	2.5	3.8	4.1	27.6	12.9	1,453
Probation	71.3	28.7	3.2	4.1	3.9	26.3	11.4	1,527
Parole	73.0	27.0	2.7	3.7	4.1	24.3	8.8	296
<b>Court appearance history</b>								
No prior arrests	89.4%	10.6%	1.7%	1.0%	0.7%	9.6%	3.1%	12,785
Failure to appear								
None	76.7	23.3	2.4	2.3	2.4	21.4	9.1	15,884
1	67.7	32.3	2.9	3.5	3.4	30.1	14.6	1,726
More than 1	62.5	37.5	3.4	4.2	3.4	35.0	18.5	1,745
<b>Drug abuse</b>								
No known abuse	87.2%	12.8%	2.0%	1.6%	1.4%	11.2%	4.3%	19,260
Drug history	63.7	36.3	2.9	2.9	3.2	34.4	14.9	9,044

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2002. 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. 51.

<sup>a</sup>Includes defendants for whom these characteristics could not be determined.

<sup>b</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

**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 <sup>a</sup>					
	Released on—				Not released	
	Financial conditions	Unsecured bond <sup>b</sup>	Personal recognizance	Conditional release	Financial condition	Detained by court
<b>All offenses</b>	29.3 days	33.6 days	42.8 days	60.7 days	78.5 days	110.9 days
<b>Violent offenses</b>	38.0 days	43.6 days	50.7 days	44.9 days	140.8 days	157.6 days
Murder <sup>c</sup>	—	—	52.9	—	—	267.3
Negligent manslaughter	...	—	—	...	...	—
Assault	53.9	46.4	58.9	56.3	258.8	172.4
Robbery	34.1	44.1	43.7	35.8	98.4	148.1
Sexual abuse <sup>c</sup>	—	22.1	37.5	—	—	130.7
Kidnaping	62.8	—	—	—	—	139.1
Threats against the President	...	—	—	...	—	206.7
<b>Property offenses</b>	24.7 days	34.6 days	36.5 days	104.3 days	82.2 days	97.0 days
<b>Fraudulent</b>	25.6 days	34.2 days	35.0 days	125.6 days	76.0 days	93.5 days
Embezzlement	34.1	20.8	21.3	0.0	—	97.0
Fraud <sup>c</sup>	26.8	39.1	36.3	140.0	76.8	92.2
Forgery	—	14.5	59.8	—	—	96.0
Counterfeiting	16.0	25.0	34.0	—	79.3	100.4
<b>Other</b>	19.3 days	36.4 days	39.4 days	43.8 days	114.1 days	114.3 days
Burglary	—	17.1	18.5	—	—	112.3
Larceny <sup>c</sup>	18.8	31.9	42.7	52.4	86.0	94.3
Motor vehicle theft	11.9	46.6	51.4	—	—	171.6
Arson and explosives	34.9	87.4	22.8	...	...	152.5
Transportation of stolen property	17.4	23.7	33.8	—	...	47.4
Other property offenses <sup>c</sup>	—	23.7	23.8	—	—	—
<b>Drug offenses</b>	28.6 days	34.0 days	39.5 days	63.8 days	88.2 days	131.2 days
Trafficking	29.2	33.7	39.9	61.6	87.7	130.7
Other drug offenses	20.9	38.2	32.6	114.4	95.9	140.2
<b>Public-order offenses</b>	47.6 days	27.8 days	55.8 days	65.4 days	66.7 days	119.9 days
<b>Regulatory</b>	22.2 days	23.5 days	52.5 days	55.7 days	43.2 days	76.2 days
<b>Other</b>	63.2 days	31.5 days	57.2 days	85.8 days	79.2 days	140.9 days
Tax law violations <sup>c</sup>	5.0	51.6	3.3	—	—	—
Bribery	6.0	2.0	...	—	—	154.5
Perjury, contempt, and intimidation	34.1	22.5	49.5	...	—	87.7
National defense	—	29.0	0.0	0.0	...	220.7
Escape	—	42.4	35.4	—	28.1	57.8
Racketeering and extortion	91.9	48.0	133.6	—	131.4	263.4
Gambling	—	0.0	0.0	...	...	—
Liquor offenses	—	—	4.3	...	...	—
Nonviolent sex offenses	32.9	28.5	28.1	15.8	—	137.3
Obscene material <sup>c</sup>	—	38.0	—	...	...	—
Traffic	2.5	11.6	15.2	0.0	—	22.7
Wildlife	—	2.0	13.0	—	—	...
Environmental	—	0.0	0.0	—	...	...
All other offenses <sup>c</sup>	6.9	6.3	46.3	0.0	—	79.0
<b>Weapon offenses</b>	40.3 days	34.7 days	62.9 days	83.2 days	89.6 days	118.4 days
<b>Immigration offenses</b>	17.0 days	25.4 days	21.6 days	50.5 days	66.5 days	69.0 days

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

<sup>a</sup>Data describe 71,572 defendants who terminated pretrial services during fiscal year 2002. Data exclude defendants for whom periods of detention could not be determined or were unavailable. For further information, see *Chapter notes*, item 1, p. 51.

<sup>b</sup>Includes deposit bond, surety bond, and collateral bond.

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



## Chapter notes

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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 78,060 defendants whose cases commenced and 71,572 defendants who terminated pretrial services during October 1, 2001, through September 30, 2002, and whose cases were filed by complaint, indictment, or information. In these tables, the totals ("all offenses") included records whose offense or other attributes were missing or indeterminable. The percentage distributions were based on non-missing 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 2.

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.



# Adjudication

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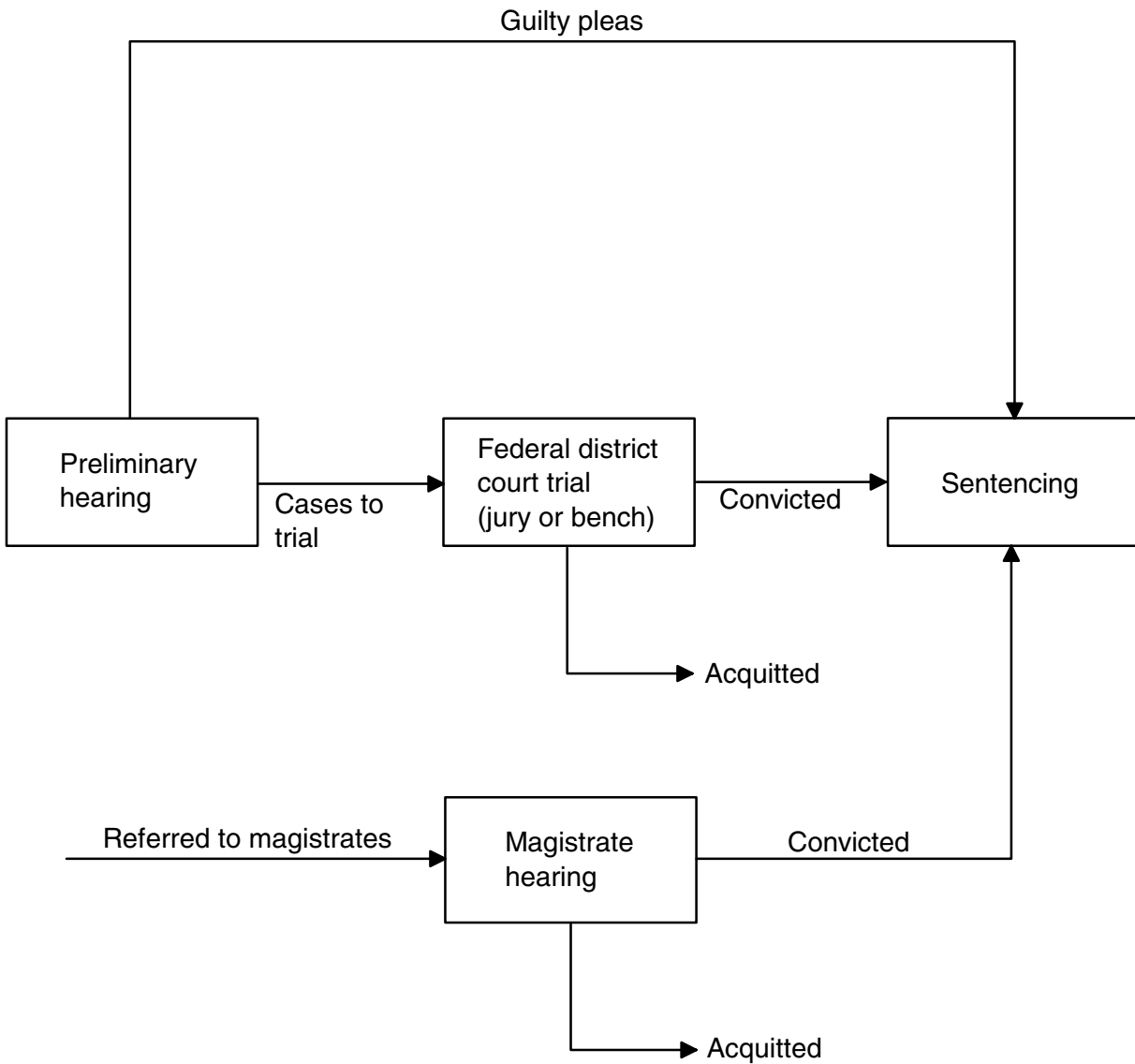
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## Chapter 4

### Adjudication

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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.<sup>1</sup>

**Defendants in criminal cases commenced (table 4.1)**

During 2002, 87,727 defendants had criminal cases commenced against them in U.S. district courts, and 76,163 (87%) of those defendants were charged with felonies. The 30,673 drug felony defendants comprised 35% of all criminal defendants in cases commenced and 40% of all felony defendants. Felony property and immigration defendants comprised 18% and 15%, respectively, of all defendants in cases commenced. The 11,493 misdemeanor defendants constituted 13% of all defendants in cases commenced; 45% of those misdemeanor defendants were charged with traffic violations.

**Defendants in criminal cases terminated (table 4.2)**

Cases were terminated against 80,424 defendants during 2002, 70,225 (87%) of whom were felony defendants. During 2002 the 29,300 drug-related felony defendants comprised 36% of all defendants in cases terminated and 42% of all felony defendants.

Eighty-nine percent of all defendants, 92% of all felony defendants and 71% of misdemeanor defendants were convicted. Conviction rates for major felony offense categories were in the 87% to 95% range. Within major offense categories, however, the conviction rates varied more widely. For example, within the public-order category, the conviction rate ranged from 51% for national defense violations to 69% for postal law violations to 96% for tax law violations.

<sup>1</sup>Unless 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 of drug and property offender, 94% and 93% for public order and violent offenders, respectively, and 93% of weapon offenders. (Percents were calculated from numbers in table 4.2.)

During 2002, only 4% (3,500) of the 80,424 defendants in cases terminated exercised their right to a trial. Eight percent of weapon offenders went to trial as compared with 7% of violent offenders, 6% of public order offenders, 4% each of property 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, 2,726 (78%) were

convicted either by a jury or a bench trial. The felony trial conviction rate was 82%, while the misdemeanor conviction rate was 56%. Among felony offenses, trial conviction rates ranged from 78% for public-order defendants to 88% 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,<sup>2</sup> and the time limits set by the act exclude several enumerated periods of pretrial procedure such as time spent awaiting rulings on motions.<sup>3</sup> Additionally, defendants may waive their rights within the Speedy Trial Act. As a result, the actual processing time for most defendants can be longer than the statutory limits without violating the provisions of the act.

Overall, the average time for processing defendants was 9.5 months. For felony defendants, the overall processing time average was 10.2 months; for those charged with misdemeanor crimes, the average processing time was 4.6 months. Defendants who pleaded guilty were processed, on average, 5.0 months quicker than defendants who went to

<sup>2</sup>The 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.)

<sup>3</sup>18 U.S.C. 3161 et. seq.

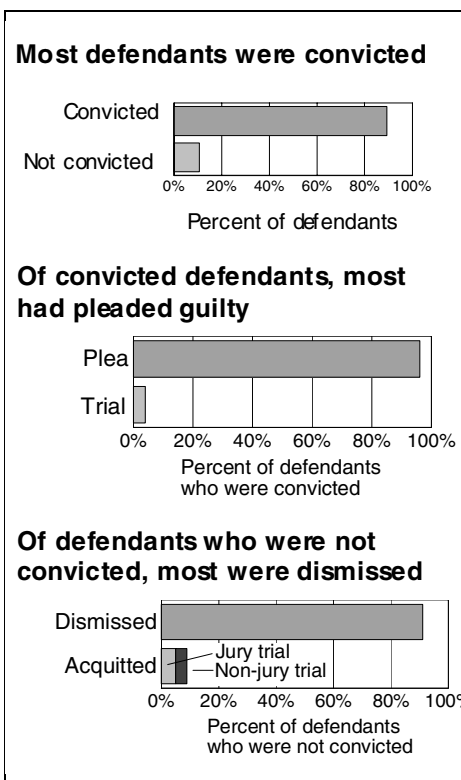


Figure 4.1. Disposition of cases terminating during October 1, 2001 - September 30, 2002

trial (figure 4.2). Overall, defendants whose cases went to trial took the longest to process (13.8 months), on average. Among major felony offense categories, case processing times were similar to the overall pattern, except when comparing the time until dismissal to the time of trial. Defendants convicted of public-order and drug offenses took a greater amount of time for dismissal (19.6 and 20.3 months, respectively) on average, than for trial (17.9 and 17.5 months, respectively).

#### Convictions by U.S. magistrates (table 4.4)

During 2002 U.S. magistrates disposed of 10,045 misdemeanor criminal defendants, 71% of whom were convicted. Public-order offenders comprised nearly 55% of the defendants disposed by U.S. magistrates, with property offenders comprising another 22%. Drug offenses comprised a little over 14% 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 times as many men as women (86% versus 14%); over twice as many whites as blacks (70% versus 26%); and 1½ times as many non-Hispanics as Hispanics (60% versus 40%). Most were U.S. citizens (66%), had graduated high school or completed some higher education (54%), and had some criminal history (60%). Persons over the age of 30 represented 56% of defendants.

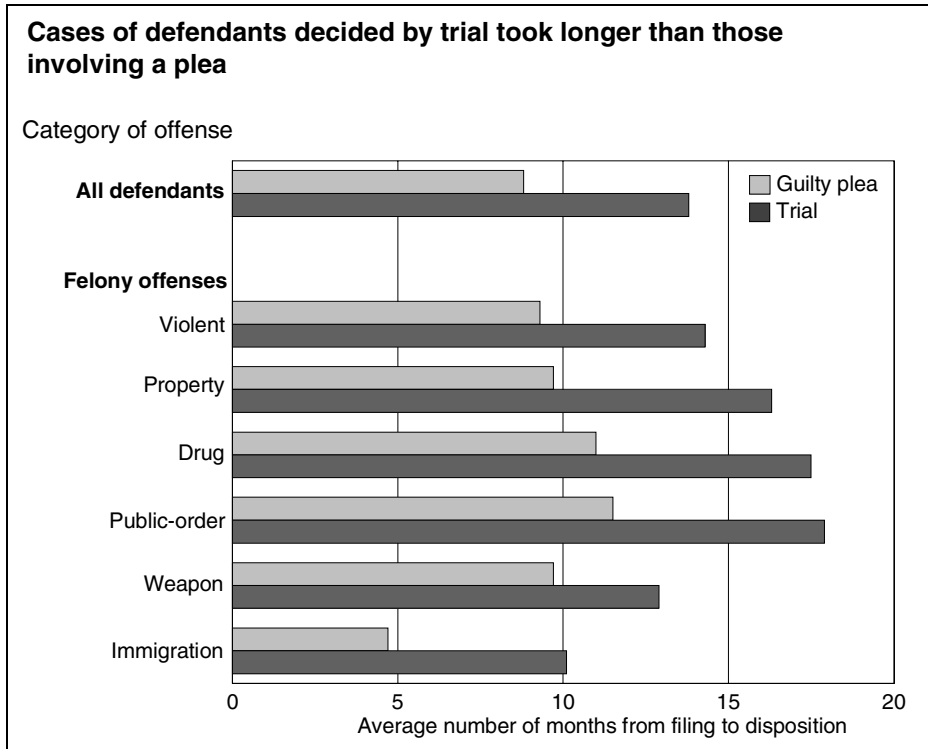


Figure 4.2. Average time from filing to disposition of cases terminating during October 1, 2001 - September 30, 2002, by offense

**Table 4.1. Defendants in criminal cases commenced, by offense, October 1, 2001 - September 30, 2002**

Most serious offense charged	Defendants in cases commenced during 2002	
	Number	Percent <sup>a</sup>
<b>All offenses<sup>b</sup></b>	87,727	100%
<b>Felonies</b>	76,163	86.9%
<b>Violent offenses</b>	3,308	3.8%
Murder <sup>c</sup>	470	0.5
Negligent manslaughter	2	—
Assault	381	0.4
Robbery	1,699	1.9
Sexual abuse <sup>c</sup>	536	0.6
Kidnaping	179	0.2
Threats against the President	41	—
<b>Property offenses</b>	16,126	18.4%
<b>Fraudulent</b>	13,511	15.4%
Embezzlement	966	1.1
Fraud <sup>c</sup>	10,783	12.3
Forgery	97	0.1
Counterfeiting	1,665	1.9
<b>Other</b>	2,615	3.0%
Burglary	51	0.1
Larceny <sup>c</sup>	1,735	2.0
Motor vehicle theft	67	0.1
Arson and explosives	391	0.4
Transportation of stolen property	324	0.4
Other property offenses <sup>c</sup>	47	0.1
<b>Drug offenses</b>	30,673	35.0%
Trafficking	28,406	32.4
Possession and other drug offenses	2,267	2.6
<b>Public-order offenses</b>	4,851	5.5%
<b>Regulatory</b>	1,021	1.2%
Agriculture	1	—
Antitrust	30	—
Food and drug	38	—
Transportation	253	0.3
Civil rights	87	0.1
Communications	26	—
Custom laws	65	0.1
Postal laws	35	—
Other regulatory offenses	486	0.6
<b>Other</b>	3,830	4.4%
Tax law violations <sup>c</sup>	442	0.5
Bribery	138	0.2
Perjury, contempt, and intimidation	396	0.5
National defense	56	0.1
Escape	558	0.6
Racketeering and extortion	1,068	1.2
Gambling	26	—
Liquor offenses	0	—
Nonviolent sex offenses	674	0.8
Obscene material <sup>c</sup>	44	0.1
Traffic offenses	34	—
Wildlife	65	0.1
Environmental	28	—
All other felonies <sup>c</sup>	301	0.3
<b>Weapon offenses</b>	8,104	9.2%
<b>Immigration offenses</b>	13,101	14.9%
<b>Misdemeanors<sup>c</sup></b>	11,493	13.1%
Fraudulent property offenses	684	0.8
Larceny	1,518	1.7
Drug possession <sup>c</sup>	1,804	2.1
Immigration offenses	198	0.2
Traffic offenses	5,109	5.8
Other misdemeanors	2,180	2.5

Note: For further information, see *Chapter notes*, item 1, p. 62.

—Less than .05%.

<sup>a</sup>Percent distribution based on defendants whose categories could be determined.

<sup>b</sup>Includes 71 defendants for whom an offense category could not be determined.

<sup>c</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes

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

**Table 4.2. Disposition of criminal cases terminating from October 1, 2001 - September 30, 2002, by offense**

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in criminal cases terminating during 2001 who were—								
			Convicted					Not convicted			
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial	
					Jury	Non-jury			Jury <sup>a</sup>	Non-jury	
<b>All offenses<sup>b</sup></b>	80,424	89.3%	71,798	68,722	350	2,292	434	8,626	7,852	444	330
<b>Felonies</b>	70,225	91.9%	64,540	62,097	16	2,263	164	5,685	5,146	431	108
<b>Violent offenses</b>	2,927	92.1%	2,696	2,519	3	163	11	231	197	30	4
Murder <sup>c</sup>	366	89.9	329	286	0	41	2	37	32	4	1
Negligent manslaughter	2	—	1	1	0	0	0	1	1	0	0
Assault	333	87.1	290	267	0	21	2	43	33	8	2
Robbery	1,630	95.3	1,554	1,495	2	54	3	76	67	8	1
Sexual abuse <sup>c</sup>	421	87.9	370	343	0	23	4	51	42	9	0
Kidnaping	145	87.6	127	104	0	23	0	18	17	1	0
Threats against the President	30	83.3	25	23	1	1	0	5	5	0	0
<b>Property offenses</b>	14,767	90.8%	13,405	12,901	2	476	26	1,362	1,235	97	30
<b>Fraudulent</b>	12,324	90.9%	11,205	10,779	2	404	20	1,119	1,018	78	23
Embezzlement	921	90.0	829	808	1	17	3	92	86	5	1
Fraud <sup>c</sup>	9,597	90.9	8,719	8,359	1	345	14	878	790	67	21
Forgery	110	89.1	98	97	0	1	0	12	12	0	0
Counterfeiting	1,696	91.9	1,559	1,515	0	41	3	137	130	6	1
<b>Other</b>	2,443	90.1%	2,200	2,122	0	72	6	243	217	19	7
Burglary	55	90.9	50	49	0	0	1	5	5	0	0
Larceny <sup>c</sup>	1,629	91.5	1,490	1,444	0	41	5	139	130	6	3
Motor vehicle theft	113	89.4	101	100	0	1	0	12	12	0	0
Arson and explosives	271	85.6	232	214	0	18	0	39	32	7	0
Transportation of stolen property	319	86.8	277	266	0	11	0	42	33	6	3
Other property offenses <sup>c</sup>	56	89.3	50	49	0	1	0	6	5	0	1
<b>Drug offenses</b>	29,300	92.4%	27,065	26,082	4	932	47	2,235	2,050	150	35
Trafficking	27,254	92.4	25,174	24,249	3	879	43	2,080	1,909	138	33
Possession and other drug offenses	2,046	92.4	1,891	1,833	1	53	4	155	141	12	2
<b>Public-order offenses</b>	4,645	87.7%	4,073	3,843	2	210	18	572	507	54	11
<b>Regulatory</b>	1,129	87.3%	986	935	0	48	3	143	120	19	4
Agriculture	7	—	7	7	0	0	0	0	0	0	0
Antitrust	39	89.7	35	31	0	4	0	4	0	4	0
Food and drug	44	93.2	41	40	0	1	0	3	3	0	0
Transportation	229	91.3	209	202	0	6	1	20	17	3	0
Civil rights	97	72.2	70	55	0	15	0	27	16	10	1
Communications	46	91.3	42	40	0	1	1	4	3	0	1
Custom laws	91	82.4	75	70	0	5	0	16	15	0	1
Postal laws	45	68.9	31	31	0	0	0	14	14	0	0
Other regulatory offenses	531	89.6	476	459	0	16	1	55	52	2	1
<b>Other</b>	3,516	87.8%	3,087	2,908	2	162	15	429	387	35	7
Tax law violations <sup>c</sup>	507	95.9	486	453	0	31	2	21	18	2	1
Bribery	167	91.6	153	145	0	8	0	14	11	3	0
Perjury, contempt, and intimidation	318	80.8	257	230	0	23	4	61	55	5	1
National defense	69	50.7	35	32	0	3	0	34	30	2	2
Escape	513	86.5	444	435	0	6	3	69	63	6	0
Racketeering and extortion	928	87.0	807	739	0	64	4	121	105	13	3
Gambling	22	81.8	18	18	0	0	0	4	4	0	0
Liquor offenses	1	—	1	1	0	0	0	0	0	0	0
Nonviolent sex offenses	576	91.1	525	508	1	15	1	51	50	1	0
Obscene material <sup>c</sup>	19	100.0	19	19	0	0	0	0	0	0	0
Traffic offenses	16	93.8	15	14	1	0	0	1	1	0	0
Wildlife	79	86.1	68	65	0	2	1	11	11	0	0
Environmental	30	90.0	27	27	0	0	0	3	3	0	0
All other felonies <sup>c</sup>	271	85.6	232	222	0	10	0	39	36	3	0
<b>Weapon offenses</b>	6,556	89.0%	5,833	5,405	1	393	34	723	611	92	20
<b>Immigration offenses</b>	12,030	95.3%	11,468	11,347	4	89	28	562	546	8	8
<b>Misdemeanors<sup>c</sup></b>	10,131	71.0%	7,196	6,566	334	26	270	2,935	2,701	13	221
Fraudulent property offenses	669	89.7	600	595	4	1	0	69	68	0	1
Larceny	1,435	58.0	832	772	43	3	14	603	593	3	7
Drug possession <sup>c</sup>	1,475	72.7	1,072	1,047	20	1	4	403	392	3	8
Immigration offenses	189	96.8	183	181	1	0	1	6	6	0	0
Traffic offenses	4,383	69.9	3,063	2,710	229	2	122	1,320	1,133	2	185
Other misdemeanors	1,980	73.0	1,466	1,261	37	19	129	534	509	5	20

Note: For further information, see *Chapter notes*, item 1, p. 62.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes mistrials.

<sup>b</sup>Includes 68 defendants for whom an offense category could not be determined, 62 of whom were convicted and 6 were not convicted.

<sup>c</sup>In 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, 2001 - September 30, 2002, by offense**

Most serious offense charged	Average time from filing to disposition for defendants in criminal cases resulting in—			
	All outcomes	Dismissal <sup>a</sup>	Guilty plea	Trial <sup>b</sup>
<b>All offenses</b>	9.5 mo	13.6 mo	8.8 mo	13.8 mo
<b>Felonies</b>	10.2 mo	16.3 mo	9.4 mo	15.9 mo
<b>Violent offenses</b>	10.0 mo	15.1 mo	9.3 mo	14.3 mo
Murder <sup>c</sup>	12.9	23.2	10.6	19.5
Negligent manslaughter	—	—	—	...
Assault	8.5	10.3	8.2	8.8
Robbery	9.2	16.3	8.7	13.0
Sexual abuse <sup>c</sup>	9.3	6.9	9.2	13.3
Kidnaping	17.8	26.1	16.7	16.6
Threats against the President	8.1	—	7.2	—
<b>Property offenses</b>	10.5 mo	16.3 mo	9.7 mo	16.3 mo
<b>Fraudulent</b>	10.5 mo	16.3 mo	9.6 mo	16.3 mo
Embezzlement	9.1	20.4	7.6	19.7
Fraud <sup>c</sup>	10.9	16.3	10.1	16.6
Forgery	10.2	16.0	9.4	—
Counterfeiting	9.0	13.7	8.5	12.1
<b>Other</b>	10.7 mo	16.1 mo	9.9 mo	16.0 mo
Burglary	7.0	—	6.9	—
Larceny <sup>c</sup>	9.7	13.9	9.1	15.5
Motor vehicle theft	16.9	—	15.8	—
Arson and explosives	12.7	15.6	11.6	18.2
Transportation of stolen property	12.5	22.9	11.2	15.1
Other property offenses <sup>c</sup>	11.2	—	10.1	—
<b>Drug offenses</b>	11.9 mo	20.3 mo	11.0 mo	17.5 mo
Trafficking	12.0	20.6	11.1	17.7
Possession and other drug offenses	10.7	15.6	10.3	13.5
<b>Public-order offenses</b>	12.7 mo	19.6 mo	11.5 mo	17.9 mo
<b>Regulatory</b>	10.4 mo	17.1 mo	9.2 mo	14.7 mo
Agriculture	—	...	—	...
Antitrust	15.6	...	15.3	—
Food and drug	8.0	—	7.5	—
Transportation	6.8	11.9	6.2	11.2
Civil rights	11.3	5.8	12.5	12.0
Communications	6.5	—	5.2	—
Custom laws	12.0	23.6	9.1	—
Postal laws	6.9	8.1	6.4	...
Other regulatory offenses	12.0	23.7	10.4	17.3
<b>Other</b>	13.5 mo	20.4 mo	12.2 mo	19.0 mo
Tax law violations <sup>c</sup>	14.2	24.7	13.6	17.0
Bribery	14.4	24.8	12.8	25.3
Perjury, contempt, and intimidation	12.2	13.4	11.7	13.5
National defense	28.5	54.9	13.5	—
Escape	13.2	26.6	11.8	7.4
Racketeering and extortion	17.0	23.2	15.3	24.8
Gambling	18.7	—	21.4	...
Liquor offenses	—	...	—	...
Nonviolent sex offenses	8.9	9.1	8.6	15.7
Obscene material <sup>c</sup>	8.5	...	8.5	...
Traffic offenses	7.3	—	6.3	...
Wildlife	11.9	13.9	10.8	—
Environmental	9.1	—	9.2	...
All other felonies <sup>c</sup>	9.3	11.1	8.9	10.4
<b>Weapon offenses</b>	10.1 mo	10.6 mo	9.7 mo	12.9 mo
<b>Immigration offenses</b>	4.8 mo	6.2 mo	4.7 mo	10.1 mo
<b>Misdemeanors<sup>c</sup></b>	4.6 mo	8.7 mo	3.2 mo	2.3 mo
Fraudulent property offenses	5.0	11.7	4.3	—
Larceny	6.1	8.4	4.5	3.5
Drug possession <sup>c</sup>	4.7	8.1	3.4	7.8
Immigration offenses	1.2	—	1.2	—
Traffic offenses	4.1	9.4	2.3	0.9
Other misdemeanors	4.7	7.5	3.8	4.1

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. 62.

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

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

<sup>b</sup>Includes mistrials.

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

**Table 4.4. Dispositions by U.S. magistrates, October 1, 2001 - September 30, 2002**

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrates			
	Total	Convicted	Not convicted	Percent convicted
<b>All offenses<sup>a</sup></b>	10,045	7,149	2,896	71.2%
<b>Violent offenses<sup>b</sup></b>	290	200	90	69.0%
Murder <sup>c</sup>	6	5	1	—
Assault	257	172	85	66.9
Robbery	1	1	0	—
Sexual abuse <sup>c</sup>	21	17	4	81.0
Kidnaping	5	5	0	—
<b>Property offenses</b>	2,229	1,502	727	67.4%
<b>Fraudulent</b>	710	625	85	88.0%
Embezzlement	168	151	17	89.9
Fraud <sup>c</sup>	513	448	65	87.3
Forgery	18	15	3	83.3
Counterfeiting	11	11	0	100.0
<b>Other</b>	1,519	877	642	57.7%
Larceny <sup>c</sup>	1,398	813	585	58.2
Arson and explosives	7	5	2	—
Transportation of stolen property	1	1	0	—
Other property offenses <sup>c</sup>	113	58	55	51.3
<b>Drug offenses</b>	1,433	1,039	394	72.5%
Trafficking	72	56	16	77.8
Possession	1,359	981	378	72.2
Other drug offenses	2	2	0	—
<b>Public-order offenses</b>	5,503	3,947	1,556	71.7%
<b>Regulatory</b>	297	251	46	84.5%
Agriculture	2	1	1	—
Food and drug	28	26	2	92.9
Transportation	42	42	0	100.0
Civil Rights	1	1	0	—
Communications	3	3	0	—
Custom Laws	5	5	0	—
Postal Laws	63	61	2	96.8
Other regulatory offenses	153	112	41	73.2
<b>Other</b>	5,206	3,696	1,510	71.0%
Tax law violations <sup>c</sup>	36	34	2	94.4
Bribery	6	6	0	—
Perjury	27	22	5	81.5
National defense	65	56	9	86.2
Escape	37	26	11	70.3
Racketeering and extortion	8	5	3	—
Liquor offenses	22	20	2	90.9
Non-violent sex offenses	4	2	2	—
Traffic offenses	4,302	3,024	1,278	70.3
Wildlife	139	125	14	89.9
Environmental	4	4	0	—
All other offenses <sup>c</sup>	556	372	184	66.9
<b>Weapon offenses</b>	76	36	40	47.4%
<b>Immigration offenses</b>	509	421	88	82.7%

Note: Data in this table are not directly comparable to data in the 1993 and prior compendia; see *Chapter notes*, item 1, p. 62.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes suspects for whom offense category could not be determined.

<sup>b</sup>May include some nonviolent offenses.

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

**Table 4.5. Characteristics of convicted offenders, October 1, 2001 - September 30, 2002**

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders											
		All offenses <sup>a</sup>	Felonies					Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses	Misdemeanors
			Violent offenses	Property offenses		Other	Regulatory		Other				
				Fraudulent	Other								
<b>All offenders<sup>b</sup></b>	71,798	71,798	2,578	11,107	1,994	26,234	1,403	3,227	5,563	11,132	8,504		
<b>Male/female</b>													
Male	55,576	85.7%	92.4%	73.0%	73.3%	86.5%	77.2%	88.4%	96.8%	95.4%	76.5%		
Female	9,268	14.3	7.6	27.0	26.7	13.5	22.8	11.6	3.2	4.6	23.5		
<b>Race</b>													
White	44,377	69.7%	50.2%	63.1%	67.7%	67.8%	80.2%	74.7%	47.5%	93.6%	70.4%		
Black	16,744	26.3	32.4	31.9	24.0	29.8	14.9	18.2	50.1	4.2	23.8		
Native American	945	1.5	15.5	0.6	4.2	0.8	0.8	1.4	1.1	0.3	1.8		
Asian/Pacific Islander	1,441	2.3	1.5	3.9	3.8	1.4	3.9	5.4	1.1	1.6	3.4		
Other	192	0.3	0.3	0.5	0.3	0.2	0.2	0.2	0.2	0.2	0.6		
<b>Ethnicity</b>													
Hispanic	26,042	40.3%	10.1%	18.0%	13.7%	43.8%	40.3%	15.8%	13.2%	90.7%	27.2%		
Non-Hispanic	38,561	59.7	89.9	82.0	86.3	56.2	59.7	84.2	86.8	9.3	72.8		
<b>Age</b>													
16-18 years	406	0.7%	1.5%	0.2%	0.9%	0.8%	0.3%	0.1%	0.3%	0.5%	2.0%		
19-20 years	2,916	4.7	7.0	2.4	4.9	5.6	2.6	1.7	5.7	3.2	8.7		
21-30 years	23,996	38.5	37.0	28.2	28.3	42.8	31.5	22.0	48.0	41.9	36.8		
31-40 years	19,079	30.6	29.9	31.3	27.7	30.3	29.6	28.7	26.5	36.6	24.4		
Over 40 years	15,925	25.6	24.6	37.9	38.2	20.6	36.1	47.4	19.6	17.9	28.1		
<b>Citizenship</b>													
U.S. citizen	42,361	66.0%	94.4%	80.1%	91.2%	70.1%	68.3%	88.1%	93.2%	8.6%	75.0%		
Not U.S. citizen	21,823	34.0	5.6	19.9	8.8	29.9	31.7	11.9	6.8	91.4	25.0		
<b>Education</b>													
Less than high school graduate	27,274	45.6%	35.7%	21.8%	28.8%	50.5%	37.4%	24.1%	46.7%	80.5%	25.2%		
High school graduate	18,451	30.9	41.5	31.5	37.4	32.3	29.5	31.0	39.6	13.2	39.7		
Some college	10,196	17.1	17.9	30.0	24.9	14.4	20.9	25.6	12.3	4.8	24.2		
College graduate	3,874	6.5	4.9	16.7	8.9	2.9	12.2	19.3	1.4	1.5	10.9		
<b>Criminal record</b>													
No convictions	25,783	39.7%	30.4%	53.6%	48.0%	44.6%	61.4%	53.6%	14.6%	17.1%	49.7%		
Prior adult convictions <sup>c</sup>	39,180	60.3	69.6	46.4	52.0	55.4	38.6	46.4	85.4	82.9	50.3		

Note: Offender characteristics are not comparable with the 1993 and prior compendia; see *Chapter notes*, item 2, p. 62. Offenders are classified by the most serious offense charged.

<sup>a</sup>Includes defendants for whom offense categories could not be determined.

<sup>b</sup>Includes offenders for whom these characteristics could not be determined.

<sup>c</sup>See *Chapter notes*, item 3, p. 62.

## Chapter notes

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- 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, 2001, through September 30, 2002, 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.

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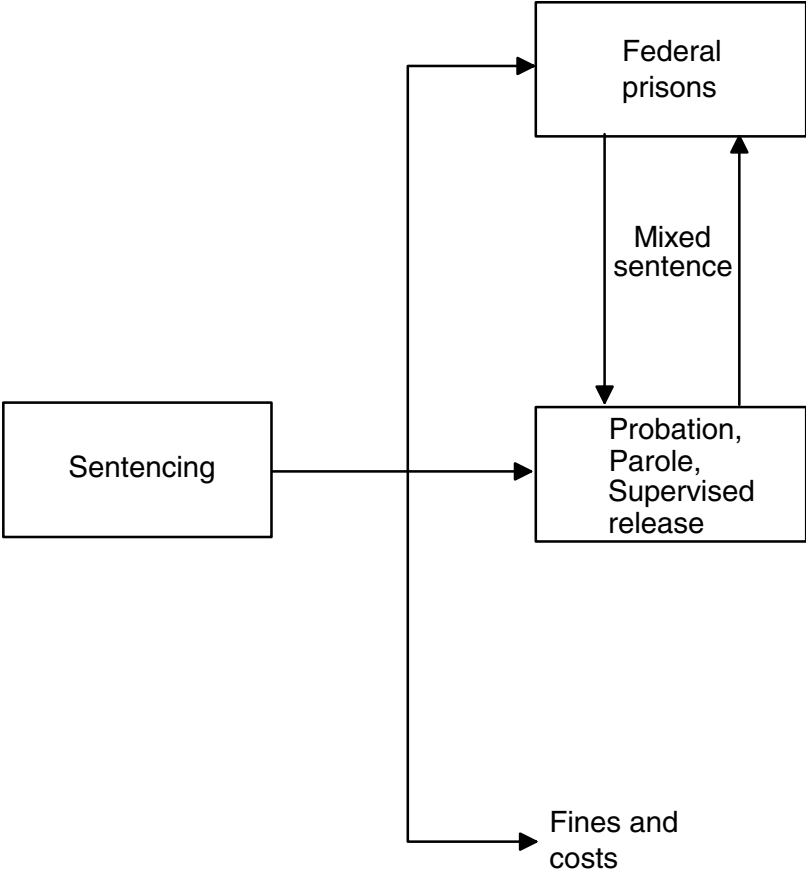
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**Sentencing**

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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. 113.) 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. 109.)

### Offenders convicted and sentences imposed (table 5.2)

Of the 71,798 offenders sentenced during 2002, 53,682 (75%) were sentenced to prison; 12,190 (17%) were sentenced to probation<sup>1</sup>; and 2,897 (4%) were ordered to pay only a fine. During 2002, 52,246 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 (91%, 93%, 92%, and 89% respectively) than were property (59%) or public-order (66%) offenders (figure 5.1).

Among public-order offenders, persons convicted of nonviolent sex offenses (91%) and escape (90%) were almost as likely to receive prison sentences as were violent, drug, weapon, and immigration offenders.

<sup>1</sup>Offenders 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

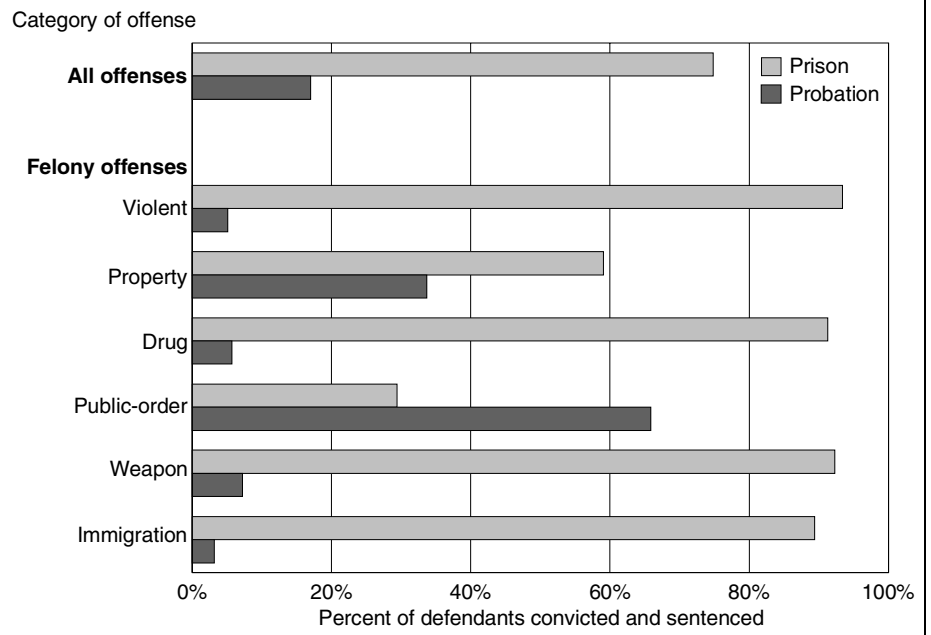


Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated during October 1, 2001 - September 30, 2002

Among property offenders, persons convicted of arson or the use of explosives (76%) were the most likely to receive prison sentences.

Overall, 17 % of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (47%) was nearly 4 times that of convicted felons (13%).

Persons convicted of food and drug offenses were the most likely to receive probation (78%), followed by persons convicted of postal law violations and larceny misdemeanors (74%).

While 4% of all convicted felons were ordered to only pay a fine, 30% of the felons convicted of antitrust violations were so ordered. Fines were generally reserved for misdemeanor offenders, 31% 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 57.1 months. Persons convicted of felonies received an average of 58.4 months.

The average length of prison sentence length imposed varied among major felony offense categories (figure 5.2). Property offenders received the shortest sentence, on average, while violent offenders received the longest (25.0 months compared to 88.5 months). Weapon offenders received an average prison term of 83.9 months, and drug offenders received 76.0 months. Lesser terms were administered for public-order offenders receiving 38.5 months, on average, and immigration offenders receiving an average prison term of 27.9 months. The average sentence length for violent offenses (58.4 months) was almost 6 times longer than average sentence length for misdemeanor offenses (9.8 months).

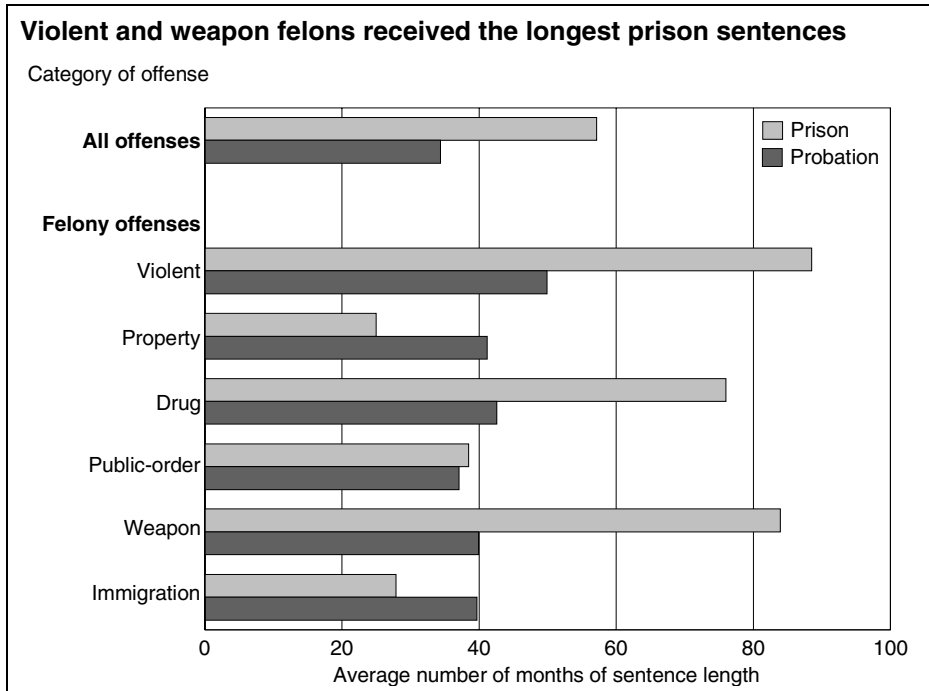


Figure 5.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases that terminated during October 1, 2001 - September 30, 2002

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

During 2002, offenders convicted by trial were more likely to receive prison sentences than those who pleaded guilty. Seventy-four percent of the offenders convicted by guilty plea received some prison time, while 87% 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, 58% of those convicted by plea received prison sentences, compared to 86% of those convicted at trial. For public-order offenders, 65% of those convicted by plea, as contrasted with 90% of those convicted at trial, went to prison.

The average prison term imposed on defendants convicted at trial was longer than the term imposed on defendants convicted by plea. Defendants convicted at trial received 144.4

months, on average (a median of 84 months), while those convicted by plea received an average of 53.3 months (a median of 33 months) (figure 5.3). Drug offenders convicted at trial received an average of 195.8 months as compared to 71.4 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 204.4 months as compared to the 81.3 months for those convicted by guilty plea. Those convicted at trial for weapon offenses received, on average, 188.5 months, compared to the 75.4 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 2002 were male (86%), white (70%), non-Hispanic (60%), and U.S. citizens (66%). (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 were not uniform 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."<sup>2</sup>

Average sentences imposed were longest for males (59.2 months), blacks (84.5 months), non-Hispanics (67.2 months), and U.S. citizens (66.9 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.

<sup>2</sup>Douglas 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.



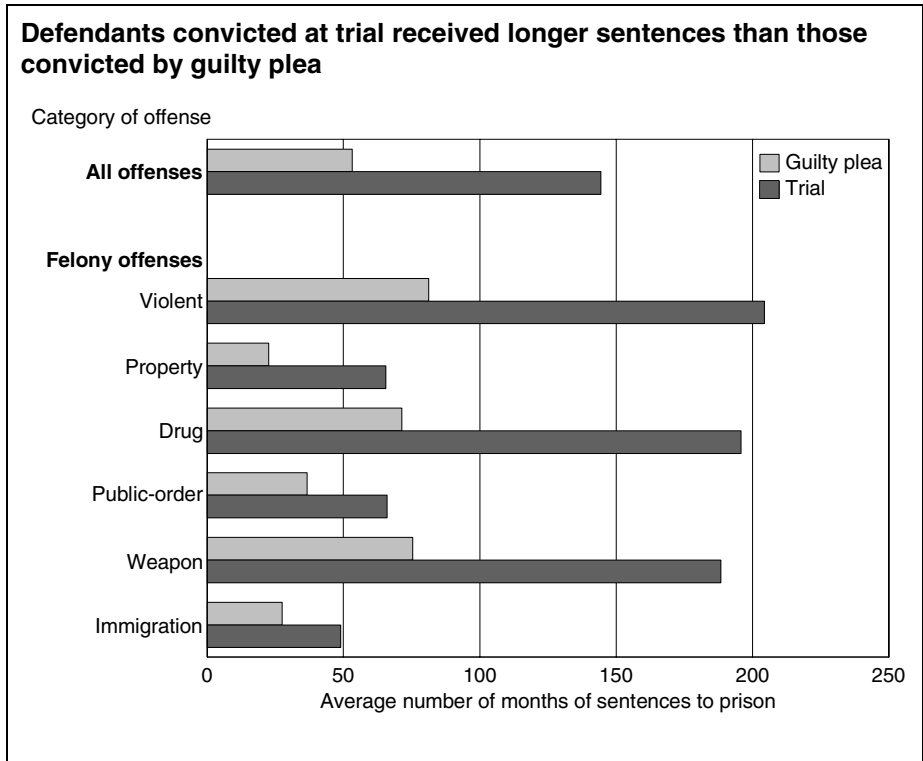


Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea, October 1, 2001 - September 30, 2002



**Table 5.1. Sentence types for offenders sentenced in criminal cases terminated, by offense, October 1, 2001 - September 30, 2002**

Most serious offense of conviction	Total offenders sentenced <sup>a</sup>	Percent of offenders convicted and sentenced to—		
		Incarceration <sup>b</sup>	Probation <sup>c</sup>	Fine (only)
<b>All offenses<sup>d</sup></b>	71,798	74.8%	17.0%	4.0%
<b>Felonies</b>	63,238	82.6%	12.9%	0.4%
<b>Violent offenses</b>	2,578	93.4%	5.1%	0.2%
Murder <sup>e</sup>	274	93.1	6.2	0.4
Negligent Manslaughter	1	—	—	—
Assault	271	78.6	15.9	1.1
Robbery	1,591	96.9	2.5	0.0
Sexual abuse <sup>e</sup>	313	90.4	8.0	0.0
Kidnaping	101	93.1	5.0	0.0
Threats against the President	27	77.8	11.1	0.0
<b>Property offenses</b>	13,101	59.1%	33.7%	0.8%
<b>Fraudulent</b>	11,107	59.9%	32.4%	0.9%
Embezzlement	763	49.9	35.0	1.6
Fraud <sup>e</sup>	8,926	60.8	31.5	0.9
Forgery	90	47.8	50.0	0.0
Counterfeiting	1,328	60.5	35.8	0.7
<b>Other</b>	1,994	54.8%	41.0%	0.6%
Burglary	49	73.5	26.5	0.0
Larceny <sup>e</sup>	1,431	47.9	47.4	0.6
Motor vehicle theft	99	72.7	27.3	0.0
Arson and explosives	178	75.8	18.5	0.6
Transportation of stolen property	196	71.9	24.5	1.0
Other property offenses <sup>e</sup>	41	53.7	43.9	2.4
<b>Drug offenses</b>	26,234	91.3%	5.7%	0.1%
Trafficking	24,174	91.4	5.5	0.1
Possession and other drug offenses	2,060	89.5	8.7	0.2
<b>Public-order offenses</b>	4,630	65.9%	29.4%	1.3%
<b>Regulatory</b>	1,403	45.7%	45.0%	2.9%
Agriculture	6	—	—	—
Antitrust	37	24.3	45.9	29.7
Food and drug	54	16.7	77.8	5.6
Transportation	146	35.6	54.1	4.1
Civil rights	66	86.4	13.6	0.0
Communications	48	31.3	56.3	8.3
Custom laws	123	50.4	26.0	3.3
Postal laws	34	20.6	73.5	2.9
Other regulatory offenses	889	47.7	45.1	1.3
<b>Other</b>	3,227	74.7%	22.6%	0.7%
Tax law violations <sup>e</sup>	517	56.9	41.4	0.4
Bribery	137	44.5	48.9	1.5
Perjury, contempt, and intimidation	245	69.8	25.3	1.6
National defense	37	56.8	37.8	5.4
Escape	474	89.9	7.2	0.4
Racketeering and extortion	949	80.0	17.3	0.5
Gambling	18	72.2	27.8	0.0
Liquor offenses	2	—	—	—
Nonviolent sex offenses	574	91.1	8.9	0.0
Obscene material <sup>e</sup>	23	60.9	26.1	0.0
Traffic offenses	15	100.0	0.0	0.0
Wildlife	30	36.7	53.3	3.3
Environmental	21	38.1	47.6	14.3
All other felonies <sup>e</sup>	185	51.9	45.9	0.0
<b>Weapon offenses</b>	5,563	92.3%	7.2%	0.2%
<b>Immigration offenses</b>	11,132	89.4%	3.2%	0.3%
<b>Misdemeanors<sup>e</sup></b>	8,499	16.6%	46.8%	31.0%
Fraudulent property offenses	819	27.1	58.4	2.6
Larceny	931	11.0	73.5	14.8
Drug possession <sup>e</sup>	1,113	20.3	60.0	10.8
Immigration offenses	625	66.2	10.9	0.6
Traffic offenses	3,157	5.0	34.5	60.1
Other misdemeanors	1,854	15.5	53.5	24.7

Note: For further information, see *Chapter notes*, item 1, p. 75.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes 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.

<sup>b</sup>All sentences to incarceration, including split, mixed, life, and indeterminate.

<sup>c</sup>Includes offenders with split and mixed sentences.

<sup>d</sup>Total includes offenders whose sentence could not be determined and 61 defendants for whom offense category could not be determined.

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

**Table 5.2. Type and length of sentences imposed for sentenced offenders, by offense, October 1, 2001 - September 30, 2002**

Most serious offense of conviction	Offenders convicted and sentenced in criminal cases that terminated during fiscal year 2002							
	Total <sup>a</sup>	Number			Sentence length			
		Incarceration <sup>b</sup>	Probation <sup>c</sup>	Fine (only)	Incarceration <sup>d</sup>		Probation <sup>d</sup>	
					Mean	Median	Mean	Median
<b>All offenses<sup>e</sup></b>	71,798	53,682	12,190	2,897	57.1 mo	33.0 mo	34.4 mo	36.0 mo
<b>Felonies</b>	63,238	52,246	8,178	257	58.4 mo	36.0 mo	40.8 mo	36.0 mo
<b>Violent offenses</b>	2,578	2,408	132	4	88.5 mo	60.0 mo	49.9 mo	36.0 mo
Murder <sup>f</sup>	274	255	17	1	108.8	46.0	45.4	60.0
Negligent manslaughter	1	1	0	0	—	—	—	—
Assault	271	213	43	3	38.3	27.0	36.7	36.0
Robbery	1,591	1,541	39	0	90.9	70.0	45.8	36.0
Sexual abuse <sup>f</sup>	313	283	25	0	96.0	52.5	84.1	57.0
Kidnaping	101	94	5	0	105.8	51.0	—	—
Threats against the President	27	21	3	0	29.9	33.0	—	—
<b>Property offenses</b>	13,101	7,746	4,421	111	25.0 mo	15.0 mo	41.2 mo	36.0 mo
<b>Fraudulent</b>	11,107	6,654	3,603	99	23.4 mo	15.0 mo	40.7 mo	36.0 mo
Embezzlement	763	381	267	12	15.3	6.0	38.1	36.0
Fraud <sup>f</sup>	8,926	5,426	2,816	78	24.4	16.0	40.6	36.0
Forgery	90	43	45	0	14.8	12.0	42.7	36.0
Counterfeiting	1,328	804	475	9	21.4	15.0	42.6	36.0
<b>Other</b>	1,994	1,092	818	12	34.7 mo	18.0 mo	43.7 mo	36.0 mo
Burglary	49	36	13	0	33.4	16.0	73.6	48.0
Larceny <sup>f</sup>	1,431	686	679	8	29.1	15.0	44.0	36.0
Motor vehicle theft	99	72	27	0	30.8	24.0	45.3	48.0
Arson and explosives	178	135	33	1	74.6	37.0	40.3	36.0
Transportation of stolen property	196	141	48	2	30.8	21.0	38.4	36.0
Other property offenses <sup>f</sup>	41	22	18	1	16.6	8.0	31.7	36.0
<b>Drug offenses</b>	26,234	23,951	1,507	35	76.0 mo	57.0 mo	42.6 mo	36.0 mo
Trafficking	24,174	22,107	1,327	31	75.7	57.0	43.1	36.0
Possession and other drug offenses	2,060	1,844	180	4	79.4	60.0	38.9	36.0
<b>Public-order offenses</b>	4,630	3,053	1,362	62	38.5 mo	24.0 mo	37.1 mo	36.0 mo
<b>Regulatory</b>	1,403	641	632	41	25.9 mo	18.0 mo	33.9 mo	36.0 mo
Agriculture	6	6	0	0	—	—	—	—
Antitrust	37	9	17	11	—	—	41.6	36.0
Food and drug	54	9	42	3	—	—	33.3	36.0
Transportation	146	52	79	6	28.6	15.5	24.9	24.0
Civil rights	66	57	9	0	63.8	41.0	—	—
Communications	48	15	27	4	26.2	12.0	37.3	36.0
Custom laws	123	62	32	4	21.1	13.0	33.8	36.0
Postal laws	34	7	25	1	—	—	31.7	36.0
Other regulatory offenses	889	424	401	12	21.8	18.0	35.3	36.0
<b>Other</b>	3,227	2,412	730	21	41.9 mo	27.0 mo	39.9 mo	36.0 mo
Tax law violations <sup>f</sup>	517	294	214	2	22.2	15.0	39.3	36.0
Bribery	137	61	67	2	27.7	15.0	37.6	36.0
Perjury, contempt, and intimidation	245	171	62	4	39.1	24.0	34.7	36.0
National defense	37	21	14	2	40.3	18.0	29.1	30.0
Escape	474	426	34	2	19.9	13.5	34.0	36.0
Racketeering and extortion	949	759	164	5	65.3	48.0	41.1	36.0
Gambling	18	13	5	0	14.5	14.0	—	—
Liquor offenses	2	0	2	0	—	—	—	—
Nonviolent sex offenses	574	523	51	0	44.7	33.0	45.9	48.0
Obscene material <sup>f</sup>	23	14	6	0	29.5	22.5	—	—
Traffic offenses	15	15	0	0	18.3	15.0	—	—
Wildlife	30	11	16	1	17.5	20.0	34.5	36.0
Environmental	21	8	10	3	—	—	—	—
All other felonies <sup>f</sup>	185	96	85	0	30.7	18.0	48.2	60.0
<b>Weapon offenses</b>	5,563	5,134	401	11	83.9 mo	51.0 mo	39.7 mo	36.0 mo
<b>Immigration offenses</b>	11,132	9,954	355	34	27.9 mo	24.0 mo	39.9 mo	36.0 mo
<b>Misdemeanors<sup>f</sup></b>	8,499	1,408	3,980	2,638	9.8 mo	4.0 mo	21.1 mo	12.0 mo
Fraudulent property offenses	819	222	478	21	8.5	6.0	27.5	24.0
Larceny	931	102	684	138	9.9	6.0	24.6	12.0
Drug possession <sup>f</sup>	1,113	226	668	120	19.7	6.0	18.1	12.0
Immigration offenses	3,157	157	1,090	1,897	8.1	2.0	14.9	12.0
Traffic offenses	1,854	287	992	458	11.2	6.0	24.7	24.0
Other misdemeanors	625	414	68	4	4.7	3.0	21.6	12.0

—Too few cases to obtain statistically reliable data.

<sup>a</sup>—No cases of this type occurred in the data.

<sup>b</sup>Total 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.

<sup>c</sup>All sentences to incarceration, including split, mixed, life, and indeterminate sentences.

<sup>d</sup>Includes offenders with split and mixed sentences.

<sup>e</sup>Excludes sentences of life, death, and indeterminate sentences (1% of all incarcerations).

<sup>f</sup>Total includes offenders whose sentence could not be determined and 61 defendants for whom offense category could not be determined, 28 of whom received a sentence of

incarceration and 32 received a sentence of probation.

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

**Table 5.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition, October 1, 2001 - September 30, 2002**

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 <sup>a</sup>	Probation <sup>b</sup>	Fine (only)	Percent of convicted offenders	Sentence length <sup>c</sup>	
						Mean	Median
<b>All offenses<sup>d</sup></b>	71,798	53,682	12,190	2,897	74.8%	57.1 mo	33.0 mo
Guilty plea <sup>e</sup>	69,072	51,308	11,973	2,774	74.3	53.3	33.0
Trial	2,726	2,374	217	123	87.1	144.4	84.0
<b>Felonies</b>	63,238	52,246	8,178	257	82.6%	58.4 mo	36.0 mo
Guilty plea	60,816	49,949	8,060	252	82.1	54.5	33.0
Trial	2,422	2,297	118	5	94.8	149.2	90.5
<b>Violent offenses</b>	2,578	2,408	132	4	93.4%	88.5 mo	60.0 mo
Guilty plea	2,414	2,249	128	4	93.2	81.3	60.0
Trial	164	159	4	0	97.0	204.4	108.0
<b>Property offenses</b>	13,101	7,746	4,421	111	59.1	25.0 mo	15.0 mo
Guilty plea	12,589	7,307	4,359	108	58.0	22.6	15.0
Trial	512	439	62	3	85.7	65.6	36.0
<b>Drug offenses</b>	26,234	23,951	1,507	35	91.3%	76.0 mo	57.0 mo
Guilty plea	25,241	22,966	1,493	35	91.0	71.4	52.0
Trial	993	985	14	0	99.2	195.8	151.0
<b>Public-order offenses</b>	4,630	3,053	1,362	62	65.9%	38.5 mo	24.0 mo
Guilty plea	4,407	2,852	1,342	61	64.7	36.7	24.0
Trial	223	201	20	1	90.1	66.0	41.0
<b>Weapon offenses</b>	5,563	5,134	401	11	92.3%	83.9 mo	51.0 mo
Guilty plea	5,154	4,732	387	10	91.8	75.4	49.0
Trial	409	402	14	1	98.3	188.5	120.0
<b>Immigration offenses</b>	11,132	9,954	355	34	89.4%	27.9 mo	24.0 mo
Guilty plea	11,011	9,843	351	34	89.4	27.6	24.0
Trial	121	111	4	0	91.7	48.9	41.0
<b>Misdemeanors</b>	8,499	1,408	3,980	2,638	16.6%	9.8 mo	4.0 mo
Guilty plea <sup>e</sup>	8,198	1,334	3,881	2,520	16.3	10.0	4.5
Trial	301	74	99	118	24.6	5.7	3.0

<sup>a</sup>All sentences to incarceration, including split, mixed, life, and indeterminate sentences.

<sup>b</sup>Includes offenders with split and mixed sentences.

<sup>c</sup>Excludes sentences of life, death, and indeterminate sentences (1% of all incarceration).

<sup>d</sup>Total includes offenders whose sentence could not be determined and 61 defendants for whom offense category could not be determined, 28 of whom received a sentence of incarceration and 32 received a sentence of probation. For further information, see *Chapter notes*, item 1, p. 75.

<sup>e</sup>Includes nolo contendere.

**Table 5.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics, October 1, 2001 - September 30, 2002**

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders sentenced to incarceration in criminal cases terminated during 2002									
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses	Misdemeanors
				Fraudulent	Other		Regulatory	Other			
<b>All offenders<sup>a</sup></b>	71,798	74.8%	93.4%	59.9%	54.8%	91.3%	45.7%	74.7%	92.3%	89.4%	16.6%
<b>Male/female</b>											
Male	55,576	82.7%	95.0%	65.4%	62.2%	93.1%	52.0%	78.1%	93.4%	91.2%	26.0%
Female	9,268	57.1	80.3	46.9	34.5	80.4	38.5	59.1	67.3	63.2	14.6
<b>Race</b>											
White	44,377	79.5%	93.1%	60.9%	58.3%	90.0%	49.2%	74.9%	89.2%	91.5%	27.4%
Black	16,744	81.6	96.6	61.3	46.8	95.0	53.0	83.6	95.9	82.1	17.9
Native American	945	73.8	92.5	47.8	51.3	78.9	—	76.2	91.4	59.5	20.0
Asian/Pacific Islander	1,441	56.8	74.3	53.8	47.1	86.7	34.0	63.5	82.5	33.7	5.8
Other	192	61.5	—	56.4	—	94.3	—	—	92.3	40.0	11.5
<b>Ethnicity</b>											
Hispanic	26,042	86.7%	90.3%	63.8%	59.5%	91.8%	53.4%	82.7%	93.5%	92.0%	46.7%
Non-Hispanic	38,561	74.2	94.2	59.7	54.0	91.1	45.7	74.7	92.4	69.7	15.0
<b>Age</b>											
16-18 years	406	62.1%	82.9%	50.0%	50.0%	79.2%	—	—	78.6%	73.9%	8.7%
19-20 years	2,916	75.0	95.7	46.1	44.6	87.0	58.1	74.5	93.8	84.2	14.4
21-30 years	23,996	83.2	93.4	57.6	52.7	92.3	55.4	82.3	94.9	91.2	29.4
31-40 years	19,079	82.7	95.2	62.4	62.0	92.4	52.2	78.7	92.7	93.0	30.3
Over 40 years	15,925	73.5	93.0	59.1	52.9	90.0	41.0	71.0	86.0	91.1	20.1
<b>Citizenship</b>											
U.S. citizen	42,361	75.7%	94.1%	58.7%	53.4%	90.6%	48.0%	75.3%	92.6%	78.0%	16.0%
Not U.S. citizen	21,823	86.5	89.3	67.6	68.9	93.2	51.9	80.1	92.3	91.1	48.0
<b>Education</b>											
Less than high school graduate	27,274	87.2%	92.8%	61.3%	55.9%	93.0%	57.2%	81.9%	94.1%	92.9%	32.5%
High school graduate	18,451	77.9	95.6	58.1	54.9	91.3	46.0	76.6	92.4	87.8	14.9
Some college	10,196	70.5	92.2	58.0	52.0	88.4	46.8	75.0	89.1	81.7	14.3
College graduate	3,874	63.2	92.0	62.5	56.1	82.9	40.0	67.0	75.3	65.9	18.0
<b>Criminal record</b>											
No convictions	25,783	67.2%	86.5%	50.6%	42.5%	86.9%	42.9%	67.9%	79.5%	69.7%	14.9%
Prior adult convictions <sup>b</sup>	39,180	86.7	97.1	71.6	66.3	94.9	57.6	85.1	94.7	94.1	31.5

—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, 82.7% 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. 75.

<sup>a</sup>Includes corporations and offenders for whom offense or characteristics are unknown.

<sup>b</sup>Prior adult convictions are limited; see *Chapter notes*, item 3, p. 75. 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. 75.

**Table 5.5. Average incarceration sentence lengths imposed, for sentenced offenders, by offense and offender characteristics, October 1, 2001 - September 30, 2002**

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			
<b>All offenders<sup>a</sup></b>	57.1 mo	88.5 mo	23.4 mo	34.7 mo	76.0 mo	25.9 mo	41.9 mo	83.9 mo	27.9 mo	9.8 mo
<b>Male/female</b>										
Male	59.2 mo	87.7 mo	24.1 mo	37.8 mo	79.1 mo	27.2 mo	42.5 mo	84.4 mo	28.1 mo	10.3 mo
Female	35.6	50.9	19.6	16.7	47.4	19.8	30.9	56.9	18.4	8.8
<b>Race</b>										
White	46.6 mo	82.3 mo	23.1 mo	34.9 mo	62.0 mo	25.4 mo	39.9 mo	69.1 mo	27.6 mo	9.4 mo
Black	84.5	100.2	23.1	34.8	104.9	29.3	49.8	97.5	33.6	11.9
Native American	54.1	66.1	20.1	29.2	54.0	—	25.6	64.6	16.9	17.7
Asian/Pacific Islander	44.9	56.3	23.0	16.6	65.3	20.1	37.2	87.2	19.4	—
Other	57.3	—	15.4	—	94.7	—	—	57.7	—	—
<b>Ethnicity</b>										
Hispanic	43.8 mo	87.2 mo	18.0 mo	37.9 mo	61.4 mo	20.1 mo	45.1 mo	63.9 mo	28.0 mo	8.6 mo
Non-Hispanic	67.2	85.3	24.4	33.6	86.3	30.5	40.7	86.8	25.9	11.5
<b>Age</b>										
16-18 years	26.5 mo	52.8 mo	—	—	23.8 mo	—	—	55.3 mo	10.9 mo	—
19-20 years	43.1	74.8	12.7	20.8	43.9	18.6	44.6	70.1	16.2	5.7
21-30 years	58.9	87.1	18.1	27.6	74.7	29.2	46.3	82.2	25.2	10.6
31-40 years	60.3	88.3	23.2	32.8	81.5	24.7	47.8	89.8	32.0	11.5
Over 40 years	55.7	85.0	28.8	41.4	77.7	23.8	34.9	83.8	31.1	9.8
<b>Citizenship</b>										
U.S. citizen	66.9 mo	85.3 mo	24.4 mo	34.1 mo	82.2 mo	29.5 mo	41.3 mo	84.8 mo	20.5 mo	11.7 mo
Not U.S. citizen	40.1	87.4	18.9	33.6	59.9	19.3	44.2	70.0	28.4	8.3
<b>Education</b>										
Less than high school graduate	56.6 mo	83.6 mo	20.2 mo	28.9 mo	72.3 mo	21.0 mo	49.3 mo	79.6 mo	29.1 mo	11.7 mo
High school graduate	67.8	88.7	22.8	34.4	83.2	28.7	42.1	85.3	30.4	12.0
Some college	56.1	86.1	25.7	32.6	72.0	31.0	37.8	97.2	26.9	15.2
College graduate	38.5	69.4	27.0	49.4	57.4	33.0	36.6	57.2	20.7	6.4
<b>Criminal record</b>										
No convictions	43.0 mo	61.5 mo	22.8 mo	33.9 mo	52.8 mo	25.1 mo	34.6 mo	71.7 mo	14.3 mo	7.6 mo
Prior adult convictions <sup>b</sup>	63.8	94.6	23.5	34.4	92.1	26.8	47.7	85.5	29.8	11.2

—Too few cases to obtain statistically reliable 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. 75.

<sup>a</sup>Includes corporations and offenders for whom offense or characteristics are unknown.

<sup>b</sup>Prior adult convictions are limited; see *Chapter notes*, item 3, p. 75. 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. 75.

**Table 5.6. Median incarceration sentence lengths imposed, for sentenced offenders, by offense and offender characteristics, October 1, 2001 - September 30, 2002**

Offender characteristic	Median sentence length for offenders convicted of—									
	All offenses <sup>a</sup>	Felonies						Weapon offenses	Immigration offenses	Misdemeanors
		Violent offenses	Property offenses		Drug offenses	Public-order offenses				
			Fraudulent	Other		Regulatory	Other			
<b>All offenders<sup>a</sup></b>	33.0 mo	60.0 mo	15.0 mo	18.0 mo	57.0 mo	18.0 mo	27.0 mo	51.0 mo	24.0 mo	4.0 mo
<b>Male/female</b>										
Male	36.0 mo	60.0 mo	16.0 mo	20.5 mo	58.0 mo	18.0 mo	27.0 mo	52.0 mo	24.0 mo	6.0 mo
Female	23.0	41.0	12.0	12.0	33.0	16.0	18.0	36.0	15.0	3.0
<b>Race</b>										
White	30.0 mo	57.0 mo	15.0 mo	18.0 mo	43.0 mo	18.0 mo	27.0 mo	42.0 mo	24.0 mo	6.0 mo
Black	57.0	70.0	16.0	15.5	78.0	21.0	30.0	60.0	30.0	6.0
Native American	30.0	37.0	13.5	18.0	30.0	—	16.0	46.0	17.0	12.0
Asian/Pacific Islander	27.0	37.0	14.0	13.0	50.0	18.0	24.0	41.0	12.0	—
Other	34.0	—	12.0	—	65.0	—	—	61.5	—	—
<b>Ethnicity</b>										
Hispanic	30.0 mo	60.0 mo	12.0 mo	24.0 mo	41.0 mo	18.0 mo	24.0 mo	41.0 mo	24.0 mo	5.0 mo
Non-Hispanic	41.0	60.0	16.0	18.0	60.0	21.0	27.0	57.0	21.0	6.0
<b>Age</b>										
16-18 years	16.5 mo	48.0 mo	—	—	18.0 mo	—	—	60.0 mo	7.0 mo	—
19-20 years	24.0	51.0	11.0	12.0	30.0	18.0	30.0	42.0	12.5	4.0
21-30 years	36.0	57.0	13.0	15.0	57.0	21.0	30.0	54.0	21.0	6.0
31-40 years	37.0	63.5	18.0	20.0	60.0	18.0	28.0	57.0	30.0	6.0
Over 40 years	33.0	60.0	18.0	21.0	57.0	15.0	24.0	46.0	27.0	6.0
<b>Citizenship</b>										
U.S. citizen	41.0 mo	60.0 mo	17.0 mo	18.0 mo	60.0 mo	21.0 mo	27.0 mo	55.0 mo	18.0 mo	6.0 mo
Not U.S. citizen	27.0	51.0	12.0	24.0	40.0	15.0	24.0	30.0	24.0	4.0
<b>Education</b>										
Less than high school graduate	36.0 mo	60.0 mo	15.0 mo	15.0 mo	50.0 mo	18.0 mo	28.0 mo	51.0 mo	24.0 mo	4.0 mo
High school graduate	42.0	63.0	15.0	18.0	60.0	21.0	30.0	55.0	27.0	6.0
Some college	33.0	57.0	18.0	18.0	51.0	18.0	27.0	56.0	24.0	6.0
College graduate	24.0	41.0	18.0	25.5	46.0	18.0	24.0	33.0	18.0	6.0
<b>Criminal record</b>										
No convictions	27.0 mo	38.0 mo	13.0 mo	18.0 mo	37.0 mo	15.5 mo	25.0 mo	30.0 mo	12.0 mo	3.0 mo
Prior adult convictions <sup>b</sup>	37.0	69.0	17.0	18.0	66.0	21.0	30.0	57.0	27.0	6.0

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. 75.

<sup>a</sup>Includes corporations and offenders for whom offense or characteristics are unknown.  
<sup>b</sup>Prior 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. 75.



## Chapter notes

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- 1) Tables 5.1-5.3 were generated from the AOUSC criminal master data files. Only records of defendants sentenced between October 1, 2001 and September 30, 2002 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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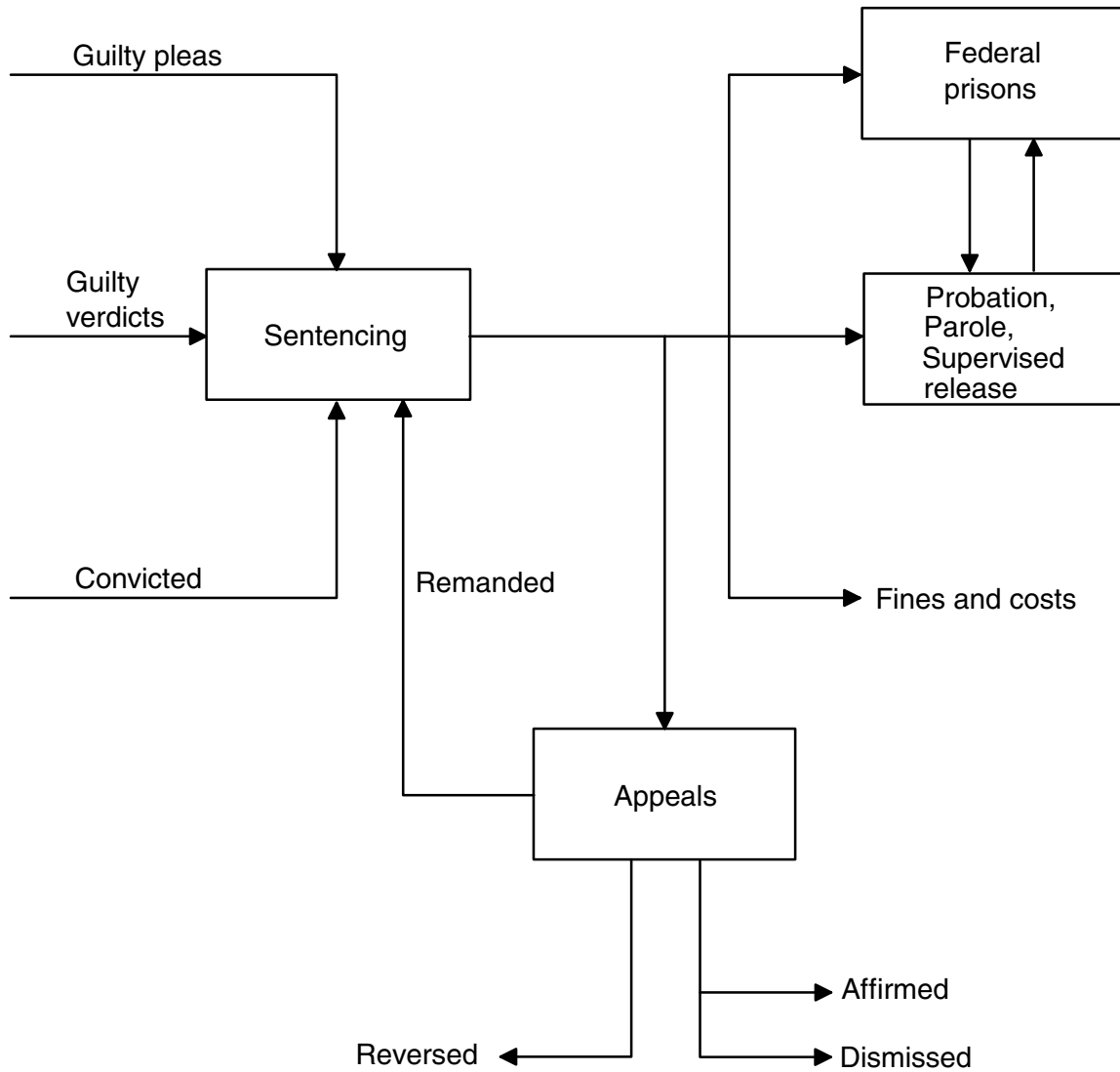
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# Chapter 6

## Appeals

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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 2002 the U.S. Court of Appeals received 11,569 criminal appeals, a small increase (up 3% from 2001) when compared to that of 2000 to 2001 (23%). Of all appeals, 4% were filed by the Government (not shown in a table). Almost 43% of all appeals filed (for which the offense is known) were for drug convictions. Appeals for property offense convictions comprised 16% of all appeals filed, immigration offenses comprised 15% as well, weapons offenses were 13%, and 6% of appeals filed were for violent offenses (figure 6.2).

Eighty-four percent of all appeals filed in 2002 were guidelines-based appeals. Sixteen percent of appeals filed were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect (figure 6.1). Forty-nine percent of all appeals challenged both the conviction and the sentence imposed.

Nearly 3 times as many appeals challenged only the sentence imposed as those that challenged only the conviction (26% versus 9%).

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, 63% of post-guideline

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

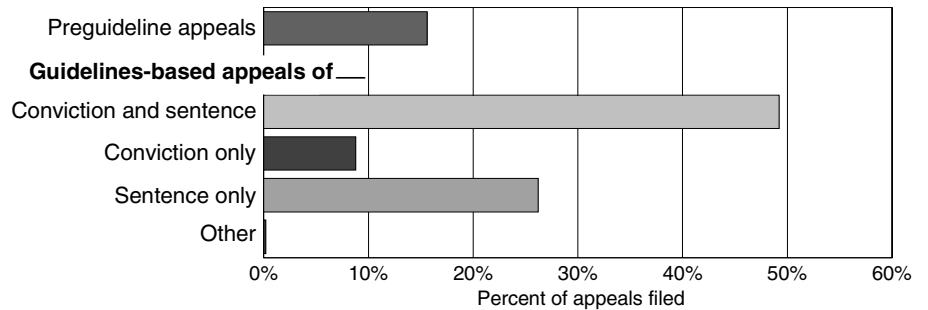


Figure 6.1. Types of criminal appeal cases during October 1, 2001 - September 30, 2002

appeals filed for immigration offenses appealed both the conviction and the sentence, compared to 58% for all criminal offense categories.

**Appeals terminated (tables 6.2-6.5)**

A total of 11,695 appeals terminated during 2002. 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, 58% were appeals of both the conviction and sentence, 11% were appeals of the conviction only, and 31% were appeals of the sentence only.

In nearly half of all appeals terminated in 2002 (for which the offense is known), drug offense convictions underlie the appeal (44%); the underlying offense in 16% of the appeals was

for a property offense; 14% were for an immigration offense; 12% were for weapon offense appeals; and 6% were appeals for violent offense convictions. Robbery offenses composed 54% and murder composed 17% of the underlying offenses for appeals of a violent conviction. Sixty-eight percent of property offense appeals were for fraud convictions.

Of the 11,695 appeals terminated during 2002, 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 conviction, 75% of drug offenses and 69% of public-order offenses were terminated on the merits. Also

**Nearly half of all appeals filed were for drug convictions**

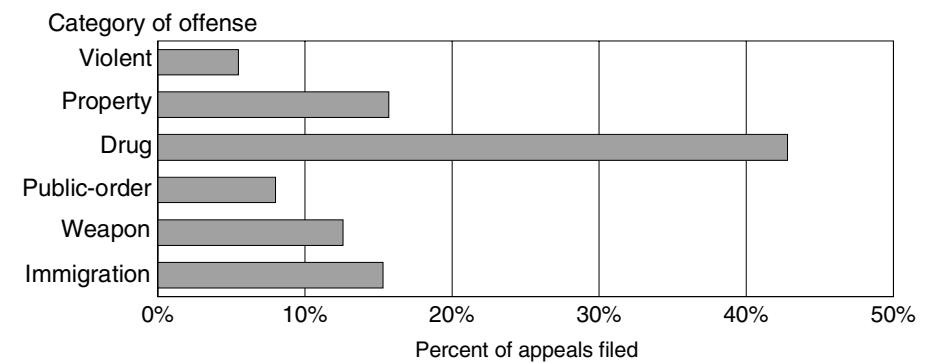


Figure 6.2. Appeals cases filed, by type of offense during October 1, 2001 - September 30, 2002

\*18 U.S.C. § 3742

terminated on the merits were 81% of appeals based on a weapon conviction, 78% of appeals based on an immigration or a violent conviction, and 74% of appeals based on a property conviction. Within these major offense categories, 66% of appeals based on murder convictions were terminated on the merits, as were 82% of robbery convictions, and 74% of fraud convictions.

In 79% of appeals terminated on the merits, the district court ruling was affirmed. In another 4% it was partially affirmed. Among appeals terminated on merits, 81% of all drug and weapon appeals were affirmed, 75% of all immigration and public order appeals were affirmed, as were 76% 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 rate of reversal or being remanded back to the court (11% and 13%). Nine percent of weapon offense appeals were reversed or remanded, as were 8% of violent offense appeals. Less than 8% 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 rate was for immigration offenses (16%), an increase of 8 percentage points from fiscal year 2001 when only 8% of immigration appeals were dismissed.

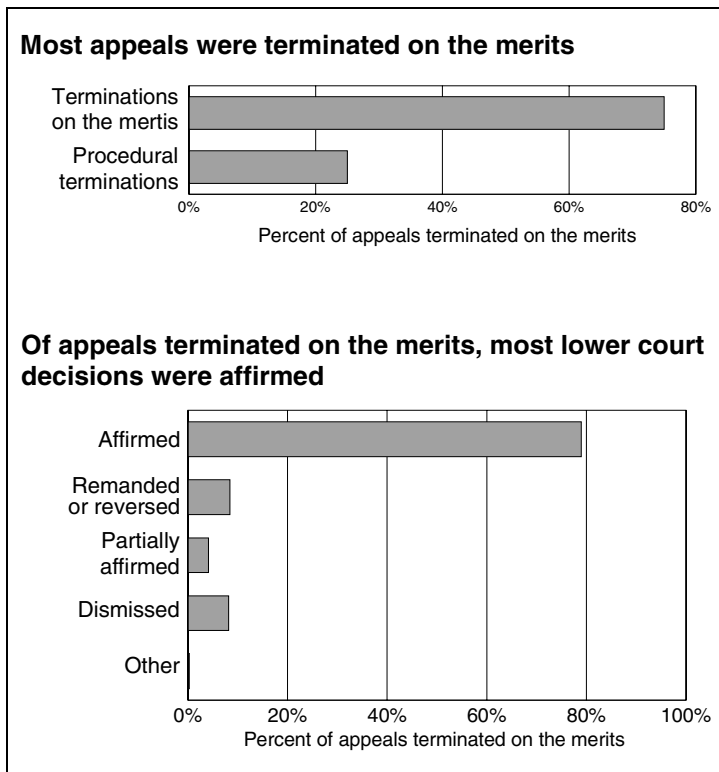


Figure 6.3. Disposition of criminal appeals terminating during October 1, 2001 - September 30, 2002

**Table 6.1. Criminal appeals filed, by type of criminal case and offense, October 1, 2001 - September 30, 2002**

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Conviction only	Sentence only	Sentence and conviction	
<b>All offenses<sup>a</sup></b>	11,569	1,805	9,764	1,014	3,032	5,693	25
<b>Violent offenses</b>	606	108	498	49	158	289	2
Murder <sup>b</sup>	121	31	90	11	24	54	1
Assault	61	15	46	6	14	26	0
Robbery	287	42	245	24	82	139	0
Sexual abuse <sup>b</sup>	94	14	80	6	25	48	1
Kidnaping	35	4	31	1	13	17	0
Threats against the President	8	2	6	1	0	5	0
<b>Property offenses</b>	1,726	283	1,443	191	454	793	5
<b>Fraudulent</b>	1,389	217	1,172	156	370	642	4
Embezzlement	62	15	47	6	18	23	0
Fraud <sup>b</sup>	1,163	182	981	135	309	533	4
Forgery	4	0	4	0	1	3	0
Counterfeiting	160	20	140	15	42	83	0
<b>Other</b>	337	66	271	35	84	151	1
Burglary	8	3	5	0	3	2	0
Larceny <sup>b</sup>	165	32	133	15	44	73	1
Motor vehicle theft	54	6	48	6	13	29	0
Arson and explosives	48	11	37	8	8	21	0
Transportation of stolen property	46	11	35	3	12	20	0
Other property offenses <sup>b</sup>	16	3	13	3	4	6	0
<b>Drug offenses</b>	4,689	600	4,089	407	1,333	2,343	6
<b>Public-order offenses</b>	876	145	731	90	199	440	2
<b>Regulatory</b>	128	27	101	12	30	59	0
Agriculture	7	2	5	0	3	2	0
Food and drug	5	0	5	1	0	4	0
Transportation	4	2	2	0	1	1	0
Civil rights	17	4	13	3	4	6	0
Communications	27	5	22	1	9	12	0
Custom laws	3	0	3	1	0	2	0
Postal laws	8	0	8	1	1	6	0
Other regulatory offenses	1	0	1	0	1	0	0
<b>Other</b>	56	14	42	5	11	26	0
Tax law violations <sup>b</sup>	748	118	630	78	169	381	2
Bribery	106	24	82	7	29	46	0
Perjury, contempt, and intimidation	26	4	22	3	6	13	0
National defense	86	10	76	9	15	52	0
Escape	29	5	24	1	0	23	0
Racketeering and extortion	75	5	70	7	29	33	1
Gambling	237	42	195	27	45	122	1
Liquor offenses	5	1	4	3	0	1	0
Nonviolent sex offenses	2	0	2	0	0	2	0
Obscene material <sup>b</sup>	124	18	106	10	34	62	0
Traffic offenses	13	3	10	3	1	6	0
Wildlife	1	0	1	0	0	1	0
Environmental	0	0	0	0	0	0	0
All other offenses <sup>b</sup>	44	6	38	8	10	20	0
<b>Weapon offenses</b>	1,386	185	1,201	152	314	731	4
<b>Immigration offenses</b>	1,679	148	1,531	87	475	969	0

Note: For further information, see *Chapter notes*, p. 86.

<sup>a</sup>Total includes 607 filed for which an offense category could not be determined, of which 336 preguideline appeals and 271 are guidelines-based appeals.

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

**Table 6.2. Criminal appeals filed and criminal appeals terminated, by offense, October 1, 2001 - September 30, 2002**

Offense of conviction	Criminal appeals filed during 2002		Criminal appeals terminated during 2002	
	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>
<b>All offenses<sup>b</sup></b>	11,569	100.0%	11,695	100.0%
<b>Violent offenses</b>	606	5.5%	609	5.5%
Murder <sup>c</sup>	121	1.1	105	0.9
Negligent manslaughter	0	...	0	...
Assault	61	0.6	62	0.6
Robbery	287	2.6	329	3.0
Sexual abuse <sup>c</sup>	94	0.9	81	0.7
Kidnaping	35	0.3	29	0.3
Threats against the President	8	0.1	3	—
<b>Property offenses</b>	1,726	15.7%	1,755	15.8%
<b>Fraudulent</b>	1,389	12.7%	1,397	12.5%
Embezzlement	62	0.6	74	0.7
Fraud <sup>c</sup>	1,163	10.6	1,186	10.6
Forgery	4	—	10	0.1
Counterfeiting	160	1.5	127	1.1
<b>Other</b>	337	3.1%	358	3.2%
Burglary	8	0.1	8	0.1%
Larceny <sup>c</sup>	165	1.5	174	1.6
Motor vehicle theft	54	0.5	55	0.5
Arson and explosives	48	0.4	46	0.4
Transportation of stolen property	46	0.4	62	0.6
Other property offenses <sup>c</sup>	16	0.1	13	0.1
<b>Drug offenses</b>	4,689	42.8%	4,880	43.8%
<b>Public-order offenses</b>	876	8.0%	1,050	9.4%
<b>Regulatory</b>	128	1.2%	154	1.4%
Agriculture	7	0.1	19	0.2
Antitrust	5	—	1	—
Food and drug	4	—	8	0.1
Transportation	17	0.2	17	0.2
Civil rights	27	0.2	39	0.4
Communications	3	—	1	—
Custom laws	8	0.1	4	—
Postal laws	1	—	3	—
Other regulatory offenses	56	0.5	62	0.6
<b>Other</b>	748	6.8%	896	8.0%
Tax law violations <sup>c</sup>	106	1.0	112	1.0
Bribery	26	0.2	25	0.2
Perjury, contempt, and intimidation	86	0.8	92	0.8
National defense	29	0.3	158	1.4
Escape	75	0.7	73	0.7
Racketeering and extortion	237	2.2	243	2.2
Gambling	5	—	5	—
Liquor offenses	2	—	1	—
Nonviolent sex offenses	124	1.1	120	1.1
Obscene material <sup>c</sup>	0	—	3	—
Traffic offenses	13	0.1	12	0.1
Wildlife	1	—	2	—
Environmental	0	...	...	...
All other offenses <sup>c</sup>	44	0.4	50	0.4
<b>Weapon offenses</b>	1,386	12.6%	1,316	11.8%
<b>Immigration offenses</b>	1,679	15.3%	1,530	13.7%

Note: For further information, see *Chapter notes*, p. 86.

—Less than .05%.

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

<sup>a</sup>Percentage distribution based on appeals for which an offense category could be determined.

<sup>b</sup>Totals include 607 appeals filed and 555 appeals terminated for which an offense category could not be determined.

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



**Table 6.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 2001 - September 30, 2002**

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Conviction only	Sentence only	Sentence and conviction	
<b>All offenses<sup>a</sup></b>	11,695	1,882	9,813	1,075	3,074	5,659	5
<b>Violent offenses</b>	609	113	496	72	162	261	1
Murder <sup>b</sup>	105	38	67	17	14	36	0
Negligent manslaughter	0	0	0	0	0	0	0
Assault	62	16	46	4	10	32	0
Robbery	329	38	291	39	110	142	0
Sexual abuse <sup>b</sup>	81	15	66	8	21	36	1
Kidnaping	29	5	24	4	7	13	0
Threats against the President	3	1	2	0	0	2	0
<b>Property offenses</b>	1,755	291	1,464	192	462	808	2
<b>Fraudulent</b>	1,397	227	1,170	148	371	650	1
Embezzlement	74	6	68	8	28	32	0
Fraud <sup>b</sup>	1,186	196	990	130	302	557	1
Forgery	10	2	8	0	4	4	0
Counterfeiting	127	23	104	10	37	57	0
<b>Other</b>	358	64	294	44	91	158	1
Burglary	8	4	4	0	2	2	0
Larceny <sup>b</sup>	174	31	143	20	42	80	1
Motor vehicle theft	55	6	49	5	16	28	0
Arson and explosives	46	14	32	8	7	17	0
Transportation of stolen property	62	7	55	7	19	29	0
Other property offenses <sup>b</sup>	13	2	11	4	5	2	0
<b>Drug offenses</b>	4,880	703	4,177	442	1,424	2,311	0
<b>Public-order offenses</b>	1,050	184	866	94	187	585	0
<b>Regulatory</b>	154	38	116	17	28	71	0
Agriculture	19	3	16	0	4	12	0
Antitrust	1	0	1	1	0	0	0
Food and drug	8	1	7	1	2	4	0
Transportation	17	5	12	3	2	7	0
Civil rights	39	10	29	3	4	22	0
Communications	1	0	1	0	0	1	0
Custom laws	4	2	2	2	0	0	0
Postal laws	3	1	2	0	1	1	0
Other regulatory offenses	62	16	46	7	15	24	0
<b>Other</b>	896	146	750	77	159	514	0
Tax law violations <sup>b</sup>	112	28	84	7	27	50	0
Bribery	25	2	23	1	5	17	0
Perjury, contempt, and intimidation	92	17	75	12	26	37	0
National defense	158	5	153	3	1	149	0
Escape	73	8	65	9	20	36	0
Racketeering and extortion	243	49	194	25	45	124	0
Gambling	5	2	3	0	0	3	0
Liquor offenses	1	0	1	0	0	1	0
Nonviolent sex offenses	120	23	97	9	27	61	0
Obscene material <sup>b</sup>	3	0	3	0	0	3	0
Traffic offenses	12	4	8	1	0	7	0
Wildlife	2	0	2	1	0	1	0
Environmental	0	0	0	0	0	0	0
All other offenses <sup>b</sup>	50	8	42	9	8	25	0
<b>Weapon offenses</b>	1,316	192	1,124	135	284	704	1
<b>Immigration offenses</b>	1,530	90	1,440	104	461	875	0

Note: For further information, see *Chapter notes*, p. 86.

<sup>a</sup>Total includes 555 appeals terminated for which an offense category could not be determined, of which 309 are preguideline appeals and 246 are guidelines-based appeals.

<sup>b</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable

**Table 6.4. Disposition of criminal appeals terminated, by offense, October 1, 2001 - September 30, 2002**

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	
<b>All offenses<sup>a</sup></b>	11,695	8,770	75.0%	6,932	737	358	716	27	2,925
<b>Violent offenses</b>	609	475	78.0%	392	39	8	34	2	134
Murder <sup>b</sup>	105	69	65.7	51	11	3	3	1	36
Negligent manslaughter	0	0	...	0	0	0	0	0	0
Assault	62	44	71.0	39	3	0	2	0	18
Robbery	329	269	81.8	231	11	3	23	1	60
Sexual abuse <sup>b</sup>	81	68	84.0	50	12	2	4	0	13
Kidnaping	29	23	79.3	20	1	0	2	0	6
Threats against the President	3	2	—	1	1	0	0	0	1
<b>Property offenses</b>	1,755	1,295	73.8%	999	140	72	71	13	460
<b>Fraudulent</b>	1,397	1,026	73.4%	794	109	52	60	11	371
Embezzlement	74	59	79.7	45	9	5	0	0	15
Fraud <sup>b</sup>	1,186	874	73.7	674	92	44	53	11	312
Forgery	10	7	—	2	1	3	1	0	3
Counterfeiting	127	86	67.7	73	7	0	6	0	41
<b>Other</b>	358	269	75.1%	205	31	20	11	2	89
Burglary	8	7	—	6	1	0	0	0	1
Larceny <sup>b</sup>	174	123	70.7	90	17	10	5	1	51
Motor vehicle theft	55	42	76.4	32	2	3	5	0	13
Arson and explosives	46	38	82.6	28	4	4	1	1	8
Transportation of stolen property	62	50	80.6	40	7	3	0	0	12
Other property offenses <sup>b</sup>	13	9	69.2	9	0	0	0	0	4
<b>Drug offenses</b>	4,880	3,671	75.2%	2,960	252	150	300	9	1,209
<b>Public-order offenses</b>	1,050	729	69.4%	549	93	55	31	1	321
<b>Regulatory</b>	154	107	69.5%	69	24	9	4	1	47
Agriculture	19	13	68.4	8	4	0	0	1	6
Antitrust	1	1	—	1	0	0	0	0	0
Food and drug	8	6	—	1	5	0	0	0	2
Transportation	17	11	64.7	7	1	2	1	0	6
Civil rights	39	31	79.5	19	9	3	0	0	8
Communications	1	1	—	1	0	0	0	0	0
Custom laws	4	1	—	1	0	0	0	0	3
Postal laws	3	3	—	3	0	0	0	0	0
Other regulatory offenses	62	40	64.5	28	5	4	3	0	22
<b>Other</b>	896	622	69.4%	480	69	46	27	0	274
Tax law violations <sup>b</sup>	112	76	67.9	61	3	10	2	0	36
Bribery	25	17	68.0	14	2	0	1	0	8
Perjury, contempt, and intimidation	92	71	77.2	51	12	7	1	0	21
National defense	158	69	43.7	60	9	0	0	0	89
Escape	73	51	69.9	40	2	4	5	0	22
Racketeering and extortion	243	181	74.5	143	10	17	11	0	62
Gambling	5	5	—	2	3	0	0	0	0
Liquor offenses	1	0	—	0	0	0	0	0	1
Nonviolent sex offenses	120	99	82.5	64	23	6	6	0	21
Obscene material <sup>b</sup>	3	2	—	1	1	0	0	0	1
Traffic offenses	12	9	75.0	9	0	0	0	0	3
Wildlife	2	1	—	1	0	0	0	0	1
Environmental	0	0	...	0	0	0	0	0	0
All other offenses <sup>b</sup>	50	41	82.0	34	4	2	1	0	9
<b>Weapon offenses</b>	1,316	1,062	80.7%	864	95	47	56	0	254
<b>Immigration offenses</b>	1,530	1,192	77.9%	888	91	19	192	2	338

Note: For further information, see *Chapter notes*, p. 86.  
 ...No case of this type occurred in the data.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Total includes 555 terminated for which an offense category could not be determined, of which 346 were terminated on the merits and 294 were procedural terminations.

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

**Table 6.5. Criminal appeals cases terminated on the merits, by offense, October 1, 2001 - September 30, 2002**

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other
<b>All offenses<sup>a</sup></b>	8,770	79.0%	8.4%	4.1%	8.2%	0.3%
<b>Violent offenses</b>	475	82.5%	8.2%	1.7%	7.2%	0.4%
Murder <sup>b</sup>	69	73.9	15.9	4.3	4.3	1.4
Negligent manslaughter	0	...	...	...	...	...
Assault	44	88.6	6.8	0.0	4.5	0.0
Robbery	269	85.9	4.1	1.1	8.6	0.4
Sexual abuse <sup>b</sup>	68	73.5	17.6	2.9	5.9	0.0
Kidnaping	23	87.0	4.3	0.0	8.7	0.0
Threats against the President	2	—	—	—	—	—
<b>Property offenses</b>	1,295	77.1%	10.8%	5.6%	5.5%	1.0%
<b>Fraudulent</b>	1,026	77.4%	10.6%	5.1%	5.8%	1.1%
Embezzlement	59	76.3	15.3	8.5	0.0	0.0
Fraud <sup>b</sup>	874	77.1	10.5	5.0	6.1	1.3
Forgery	7	—	—	—	—	—
Counterfeiting	86	84.9	8.1	0.0	7.0	0.0
<b>Other</b>	269	76.2%	11.5%	7.4%	4.1%	0.7%
Burglary	7	—	—	—	—	—
Larceny <sup>b</sup>	123	73.2	13.8	8.1	4.1	0.8
Motor vehicle theft	42	76.2	4.8	7.1	11.9	0.0
Arson and explosives	38	73.7	10.5	10.5	2.6	2.6
Transportation of stolen property	50	80.0	14.0	6.0	0.0	0.0
Other property offenses <sup>b</sup>	9	—	—	—	—	—
<b>Drug offenses</b>	3,671	80.6%	6.9%	4.1%	8.2%	0.2%
<b>Public-order offenses</b>	729	75.3%	12.8%	7.5%	4.3%	0.1%
<b>Regulatory</b>	107	64.5%	22.4%	8.4%	3.7%	0.9%
Agriculture	13	61.5	30.8	0.0	0.0	7.7
Antitrust	1	—	—	—	—	—
Food and drug	6	—	—	—	—	—
Transportation	11	63.6	9.1	18.2	9.1	0.0
Civil rights	31	61.3	29.0	9.7	0.0	0.0
Communications	1	—	—	—	—	—
Custom laws	1	—	—	—	—	—
Postal laws	3	—	—	—	—	—
Other regulatory offenses	40	70.0	12.5	10.0	7.5	0.0
<b>Other</b>	622	77.2%	11.1%	7.4%	4.3%	0.0%
Tax law violations <sup>b</sup>	76	80.3	3.9	13.2	2.6	0.0
Bribery	17	82.4	11.8	0.0	5.9	0.0
Perjury, contempt, and intimidation	71	71.8	16.9	9.9	1.4	0.0
National defense	69	87.0	13.0	0.0	0.0	0.0
Escape	51	78.4	3.9	7.8	9.8	0.0
Racketeering and extortion	181	79.0	5.5	9.4	6.1	0.0
Gambling	5	—	—	—	—	—
Liquor offenses	0	...	...	...	...	...
Nonviolent sex offenses	99	64.6	23.2	6.1	6.1	0.0
Obscene material <sup>b</sup>	2	—	—	—	—	—
Traffic offenses	9	—	—	—	—	—
Wildlife	1	—	—	—	—	—
Environmental	0	...	...	...	...	...
All other offenses <sup>b</sup>	41	82.9	9.8	4.9	2.4	0.0
<b>Weapon offenses</b>	1,062	81.4%	8.9%	4.4%	5.3%	0.0%
<b>Immigration offenses</b>	1,192	74.5%	7.6%	1.6%	16.1%	0.2%

Note: For further information, see *Chapter notes*, p. 86.

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>Total includes 346 appeals terminated on the merits for which an offense category could not be determined.

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

## Chapter notes

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Tables in chapter 6 were created from the AOUSC appeals database. Records of appeals filed or terminated during October 1, 2001, through September 30, 2002, were selected. Data include records of 11,569 criminal appeals filed during fiscal year 2002 and 11,695 appeals terminated during the same period.

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

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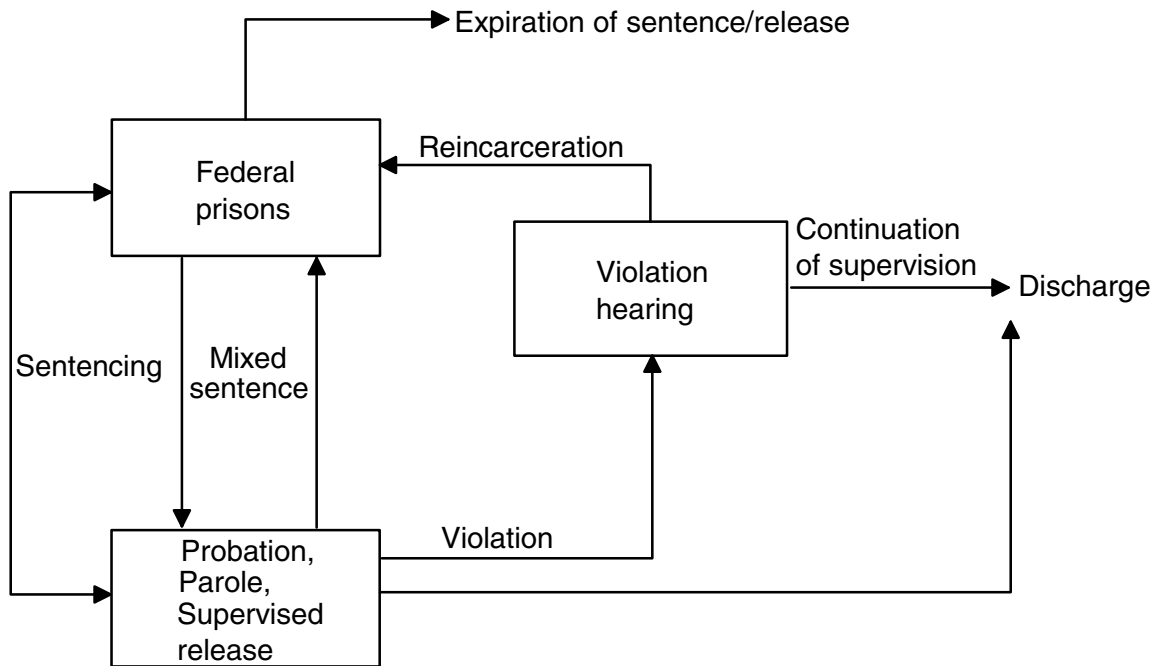
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# Chapter 7

## Corrections

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**Federal offenders under supervision (tables 7.1 and 7.2)**

As of the end of fiscal year 2002, there were 107,367 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 (73,229) or parole (3,561). The remainder (30,577) 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 45% of parolees had been convicted of a drug offense. (Table 7.1)

Among the 107,367 offenders under active Federal supervision at the end of fiscal year 2002, 78% were male; 63% 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 61% had no known drug history.

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

**Probation (table 7.3)** — During 2002, 15,116 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 7% committed a new crime (figure 7.1). Most committed technical violations, including drug use (4%) or absconding (3%).

Offenders convicted of violent offenses were less likely than others to successfully complete a term of probation without a violation (figure 7.2). During 2002, 32% of probationers convicted of violent offenses violated their conditions of probation, as did

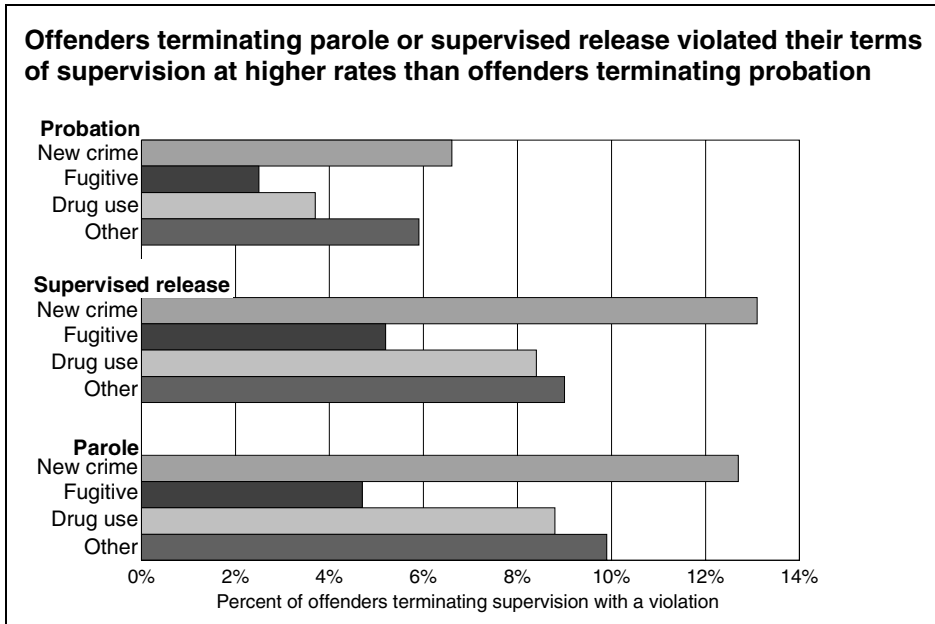


Figure 7.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation, October 1, 2001 - September 30, 2002

29% of weapon, 22% of drug, 21% of immigration, and 16% of property offenders. Violent and weapon probationers were also more likely to commit new crimes (12%) than were probationers convicted of weapon (10%), drug (7%), or property (5%) offenses.

**Supervised release (table 7.5)** — During 2002, 27,678 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 (8%) 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 offenders were less likely than others to complete a term of supervised release without a violation. Sixty-four percent of immigration offenders violated conditions of supervised release, while 48% of weapon, 33% of drug, and 29% of property offenders violated supervised release. Immigration offenders were also more likely to commit new crimes (38%) than offenders convicted of violent (17%), weapon (17%), drug (12%), or property (10%) offenses.

**Parole (table 7.7)** — During 2002, 1,817 offenders concluded terms of parole. Overall, 58% of these offenders successfully completed their term of parole. Thirteen percent of these parolees violated their supervision by committing a new crime; 23% committed technical violations, such as drug use (9%) or absconding (5%); and 7% 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. Forty-nine percent of violent offenders violated conditions of parole, while 34% of public order and property, and 26% of drug offenders violated parole. Violent and property offenders were also more likely to commit new crimes (16%) than offenders convicted of drug or public order (10%) offenses.

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

**Probation (table 7.4)** — Among offenders whose term of probation was concluded, 72% were male; 67% were white and 84% were of non-Hispanic origin; 35% were less than

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

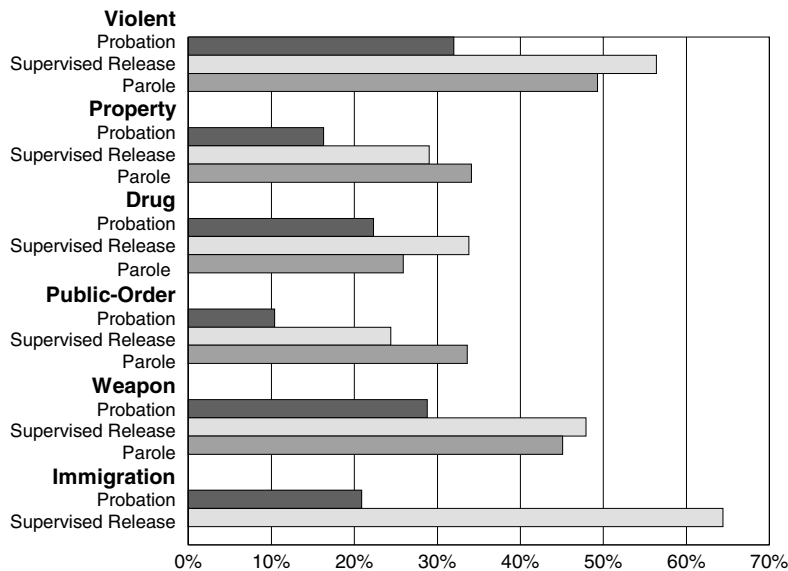


Figure 7.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense, October 1, 2001 - September 30, 2002

age 31 (compared to 39% over age 40); 26% had less than a high school diploma (compared to 38% whose highest education was a high school diploma and 37% who had at least some college education); and 79% 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 (42%) to violate conditions of supervision than probationers in other age groups — 26% of those ages 21 to 30 and 14% 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 28% violation rate, those whose highest education was a high school diploma had a 18% violation rate, those with some college had a 12% violation rate, and those with a college degree had only a 7% violation rate.

**Supervised release (table 7.6)** — Among those who concluded a term of supervised release, 84% were male; 63% were white; 79% were of non-Hispanic origin; 26% were less than age 31 (40% were over age 40); 39% had only some high school (35% whose highest education was a high school diploma and 26% had at least some college); and 54% 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 — 54% of those under age 31 violated a condition of their supervision compared to 22% 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 25% 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; 59% were white; 87% were of non-Hispanic origin; 82% were over age 40; 46% had only some high school (35% whose highest education was a high school diploma and 18% had at least some college); and 53% 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 3 times more likely to terminate their supervision for technical violations of drug use than were releasees who were not drug abusers. Releasees with known histories of drug abuse were also more likely to violate supervision with technical violations or 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 38% violation rate, those who did not graduate from high school had a 39% violation rate, those with some college had a 26% violation rate, and those with a college degree had a 17% violation rate.



**Admissions, releases, and standing population of Federal prisoners (table 7.9)**

The Federal prison population grew by 7,045 persons during fiscal year 2002, increasing from 135,986 sentenced prisoners to 143,031.<sup>1</sup> The greatest growth was among drug, weapons, and immigration offenders. In 2002 the number of drug offenders in prison grew by 4,111, weapon offenders by 1,648, and immigration offenders by 712.

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

During 2002, 44,339 prisoners were released from Federal prison for the first time after serving a sentence imposed by a U.S. district court.<sup>2</sup> Of these, 39,568 were released by standard means. These standard releases served an average of 31.6 months (table 7.12) in prison — 91% of the sentence imposed, on average (table 7.14).<sup>3</sup>

The remaining 4,771 first releases were released by extraordinary means: 3,563 were released early due to participation in a drug treatment program; 324 were deported; and 884 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 (84%).

Time served until first release varied by offense: Violent offenders served an average of 58.8 months; drug

<sup>1</sup>Tables 7.9-7.16 exclude prisoners sentenced by a District of Columbia Superior Court judge for violations of the DC Criminal Code.

<sup>2</sup>Tables 7.11-7.16 include only prisoners first released by the BOP during 2002.

<sup>3</sup>Average 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.

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

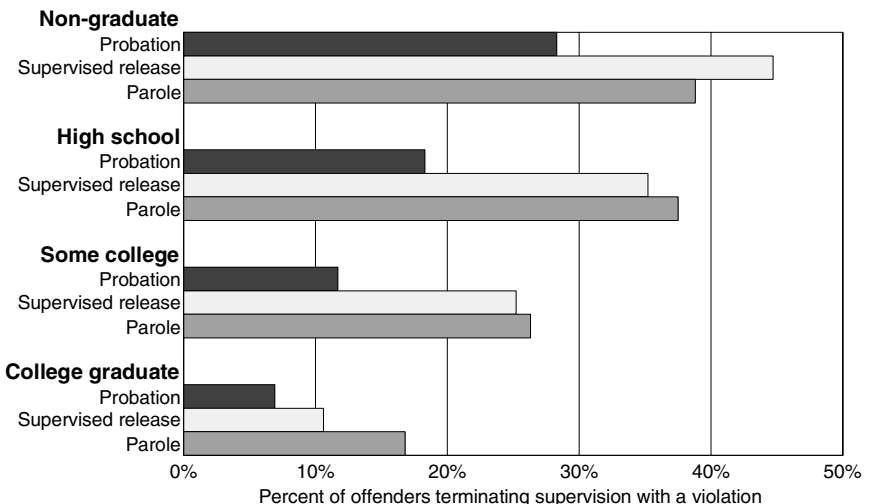


Figure 7.3. Rates of violation of conditions of supervision, by level of education, October 1, 2001 - September 30, 2002

offenders and weapons offenders served an average of 42.9 months; the average number of months served by immigration offenders was 19.2; and property offenders served an average of 16.5 months (figure 7.4). While violent, weapon, and drug offenders served more time before first release, property, immigration, and public-order offenders served more of their sentences than violent and drug offenders (figure 7.4).

Old law offenders — those who committed crimes before implementation of Federal Sentencing Guidelines in November 1987 — that were released in 2002 are not shown separately in any table. Less than 1%, or 265, of all released offenders were old law offenders. New law offenders released during 2002 served, on average, 30.9 months in prison (91% of the sentence imposed). Since the Guidelines became effective as of November

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

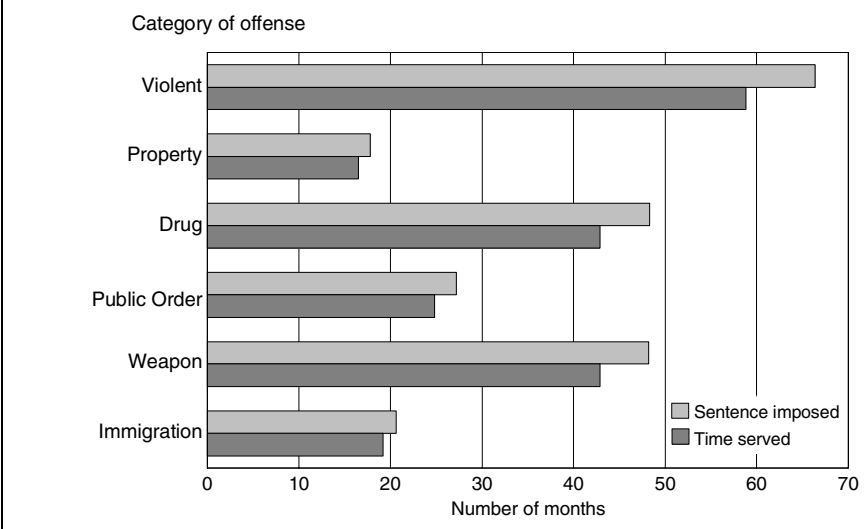
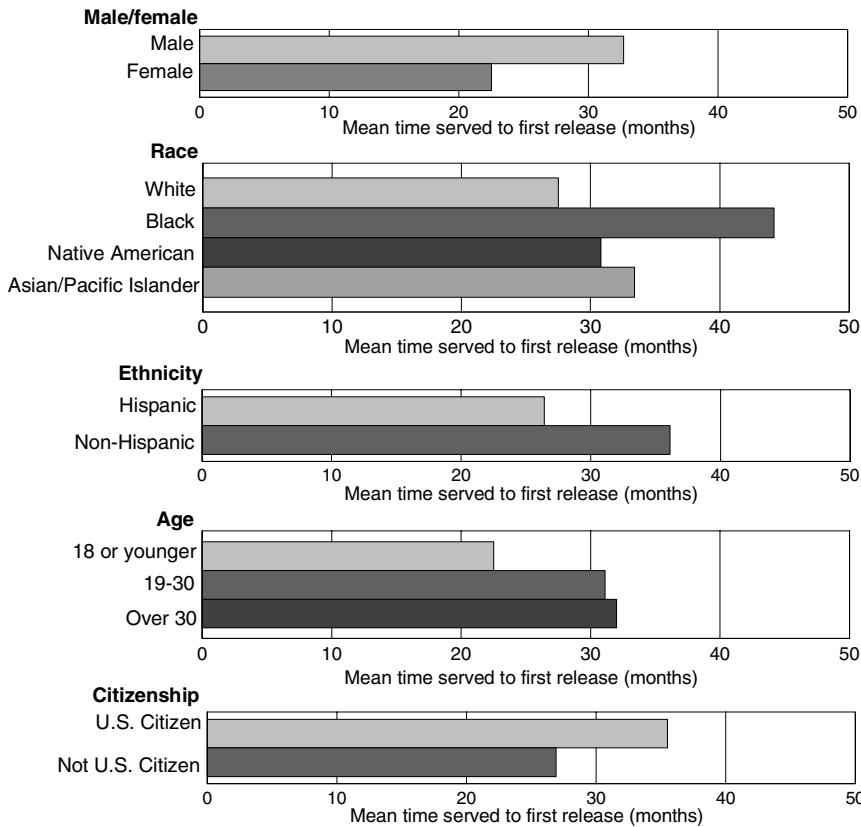


Figure 7.4. Mean lengths of sentence imposed and time served (in months), for offenders released from prison for the first time, by offense, October 1, 2001 - September 30, 2002

**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, 2001 - September 30, 2002

1987, new law offenders sentenced to terms of imprisonment greater than 204 months could not have been released by standard means as of the end of fiscal year 2002.<sup>4</sup> They could have been released only for extraordinary reasons such as death, commutation, or treaty transfer.<sup>5</sup>

<sup>4</sup>The Federal Sentencing Guidelines allow a prisoner up to 54 days per year for good behavior, so a prisoner sentenced to 191 months in prison in November 1987 could have served 166 months of his or her sentence and been released in 2001.

<sup>5</sup>Prisoners 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 2002, 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 a few exceptions. Ninety-five percent of immigration offenders were white, 89% 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 2002, 88% were male, 73% were white, 24% were black, 45% were Hispanic, and 58% were U.S. citizens. Fifty-five 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-six 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 32.7 months versus 22.5 months); blacks served more time than whites (44.2 months versus 27.5 months); and non-Hispanics served more time than Hispanics (36.1 months versus 26.4 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, the overall 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 the same amount of time as blacks. Black offenders served an average of 57 months for drug offenses, compared to 37 months for white offenders. Among immigration offenders, non-citizens were in prison an average of 5 months longer than U.S. citizens before being released.

**Table 7.1. Federal offenders under supervision, by offense, September 30, 2002**

Most serious offense of conviction <sup>a</sup>	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>All offenses<sup>b</sup></b>	107,367	100.0%	30,577	100.0%	73,229	100.0%	3,561	100.0%
<b>Felonies<sup>c</sup></b>	97,518	90.8%	21,290	69.5%	72,673	99.2%	3,555	99.8%
<b>Violent offenses</b>	6,281	5.9%	527	1.7%	4,518	6.2%	1,236	34.7%
Murder <sup>d</sup>	427	0.4	21	0.1	217	0.3	189	5.3
Negligent manslaughter	9	—	—	—	7	—	2	0.1
Assault	647	0.6	138	0.5	440	0.6	69	1.9
Robbery	4,490	4.2	255	0.8	3,384	4.6	851	23.9
Sexual abuse <sup>d</sup>	460	0.4	97	0.3	324	0.4	39	1.1
Kidnaping	206	0.2	11	—	109	0.1	86	2.4
Threats against the President	42	—	5	—	37	0.1	0	0.0
<b>Property offenses</b>	29,268	27.3%	11,506	37.8%	17,462	23.9%	300	8.4%
<b>Fraudulent</b>	24,439	22.8%	9,310	30.6%	14,983	20.5%	146	4.1%
Embezzlement	3,138	2.9	948	3.1	2,183	3.0	7	0.2
Fraud <sup>d</sup>	18,486	17.2	7,042	23.1	11,324	15.5	120	3.4
Forgery	415	0.4	200	0.7	203	0.3	12	0.3
Counterfeiting	2,400	2.2	1,120	3.7	1,273	1.7	7	0.2
<b>Other</b>	4,829	4.5%	2,196	7.2%	2,479	3.4%	154	4.3%
Burglary	276	0.3	54	0.2	149	0.2	73	2.1
Larceny <sup>d</sup>	3,367	3.1	1,803	5.9	1,524	2.1	40	1.1
Motor vehicle theft	431	0.4	110	0.4	307	0.4	14	0.4
Arson and explosives	329	0.3	61	0.2	254	0.3	14	0.4
Transportation of stolen property	356	0.3	133	0.4	214	0.3	9	0.3
Other property offenses <sup>d</sup>	70	0.1	35	0.1	31	—	4	0.1
<b>Drug offenses</b>	44,980	42.0%	3,850	12.6%	39,536	54.0%	1,594	44.8%
Trafficking	40,414	37.7	3,487	11.5	35,491	48.5	1,436	40.4
Other drug offenses	4,566	4.3	363	1.2	4,045	5.5	158	4.4
<b>Public-order offenses</b>	9,039	8.4%	3,657	12.0%	5,119	7.0%	263	7.4%
<b>Regulatory</b>	2,570	2.4%	1,426	4.7%	1,115	1.5%	29	0.8%
Agriculture	4	—	2	—	2	—	0	0.0
Antitrust	27	—	17	0.1	10	—	0	0.0
Food and drug	95	0.1	72	0.2	23	—	0	0.0
Transportation	98	0.1	62	0.2	33	—	3	0.1
Civil rights	149	0.1	29	0.1	116	0.2	4	0.1
Communications	136	0.1	92	0.3	44	0.1	0	0.0
Custom laws	153	0.1	69	0.2	83	0.1	1	—
Postal laws	130	0.1	81	0.3	48	0.1	1	—
Other regulatory offenses	1,778	1.7	1,002	3.3	756	1.0	20	0.6
<b>Other</b>	6,469	6.0%	2,231	7.3%	4,004	5.5%	234	6.6%
Tax law violations <sup>d</sup>	1,336	1.2	735	2.4	595	0.8	6	0.2
Bribery	386	0.4	201	0.7	182	0.2	3	0.1
Perjury, contempt, and intimidation	334	0.3	140	0.5	185	0.3	9	0.3
National defense	47	—	14	—	17	—	16	0.4
Escape	282	0.3	49	0.2	210	0.3	23	0.6
Racketeering and extortion	2,246	2.1	434	1.4	1,681	2.3	131	3.7
Gambling	164	0.2	79	0.3	85	0.1	0	0.0
Nonviolent sex offenses	1,006	0.9	208	0.7	764	1.0	34	1.0
Obscene material <sup>d</sup>	66	0.1	23	0.1	43	0.1	0	0.0
Wildlife	99	0.1	58	0.2	41	0.1	0	0.0
Environmental	40	—	26	0.1	14	—	0	0.0
All other offenses	463	0.4	264	0.9	187	0.3	12	0.3
<b>Weapon offenses</b>	5,662	5.3%	889	2.9%	4,618	6.3%	155	4.4%
<b>Immigration offenses</b>	2,095	2.0%	727	2.4%	1,364	1.9%	4	0.1%
<b>Misdemeanors<sup>d</sup></b>	9,849	9.2%	9,287	30.5%	556	0.8%	6	0.2%
Fraudulent property offenses	1,104	1.0	1,042	3.4	62	0.1	0	0.0
Larceny	1,187	1.1	1,090	3.6	97	0.1	0	0.0
Drug possession <sup>d</sup>	1,715	1.6	1,589	5.2	122	0.2	4	0.1
Immigration misdemeanors	817	0.8	805	2.6	12	—	0	0.0
Traffic offenses	2,162	2.0	2,077	6.8	85	0.1	0	0.0
Other misdemeanors	2,864	2.7	2,684	8.8	178	0.2	2	0.1

—Less than .05%.

<sup>a</sup>See *Chapter notes*, item 1, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Total includes offenders whose offense category could not be determined; see *Chapter notes*, item 2, p. 107.

<sup>c</sup>There are 193 felony offenders for whom an offense category was unknown or indeterminable. These include 134 offenders under probation, 56 under supervised release, and 3 under parole.

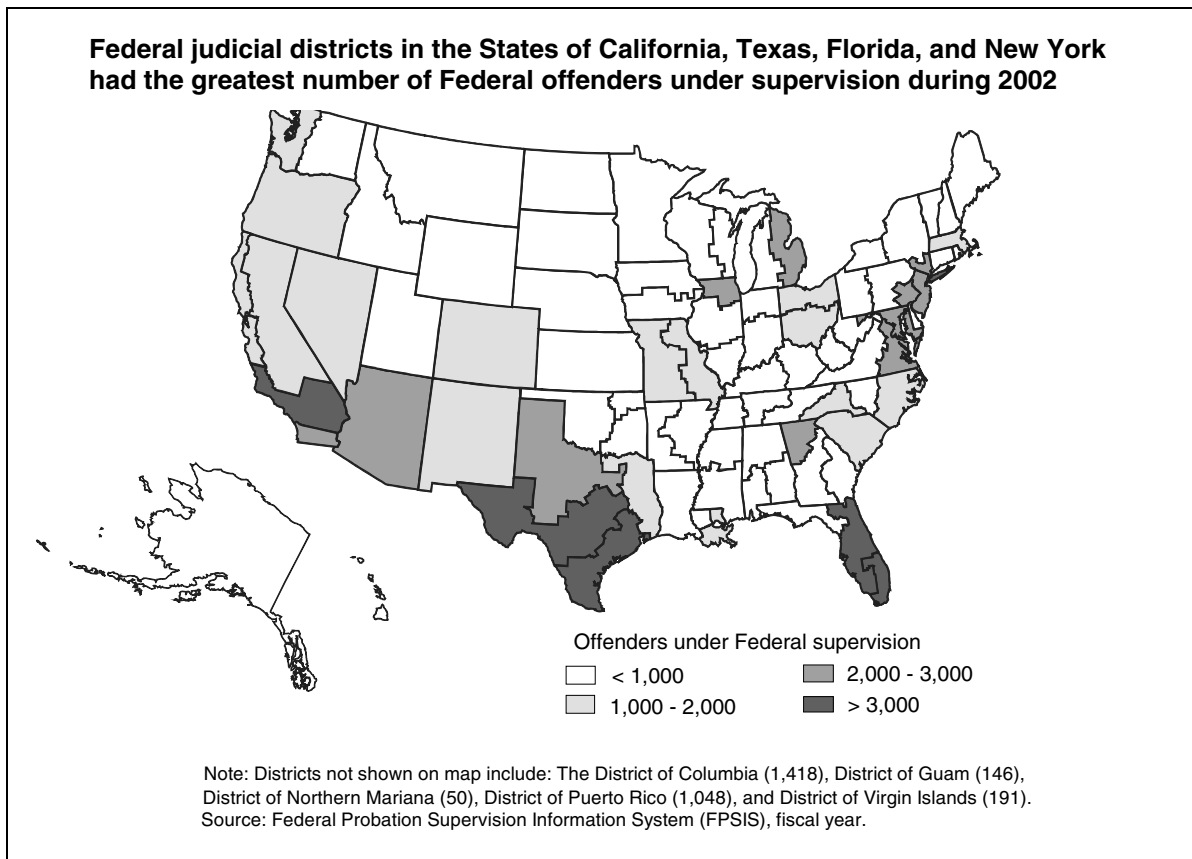
<sup>d</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property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

**Table 7.2. Characteristics of Federal offenders under supervision, September 30, 2002**

Offender characteristic	Total offenders under supervision		Probation		Supervised release		Parole	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>All offenders*</b>	107,367	100.0%	30,577	100.0%	73,229	100.0%	3,561	100.0%
<b>Male/female</b>								
Male	83,884	78.2%	20,372	66.7%	60,071	82.1%	3,441	96.8%
Female	23,394	21.8	10,165	33.3	13,117	17.9	112	3.2
<b>Race</b>								
White	66,427	62.6%	20,515	67.9%	44,102	60.7%	1,810	53.7%
Black	34,622	32.6	7,747	25.6	25,391	35.0	1,484	44.0
Native American	2,275	2.1	885	2.9	1,335	1.8	55	1.6
Asian/Pacific Islander	2,862	2.7	1,058	3.5	1,783	2.5	21	0.6
<b>Ethnicity</b>								
Hispanic	20,178	18.9%	5,027	16.6%	14,732	20.3%	419	11.9%
Non-Hispanic	86,374	81.1	25,267	83.4	57,994	79.7	3,113	88.1
<b>Age</b>								
16-18 years	480	0.4%	443	1.5%	37	0.1%	0	0.0%
19-20 years	2,369	2.2	1,468	4.8	900	1.2	1	—
21-30 years	31,696	29.6	9,084	29.8	22,442	30.6	170	4.8
31-40 years	32,713	30.5	8,172	26.8	23,890	32.6	651	18.3
Over 40 years	40,003	37.3	11,304	37.1	25,960	35.5	2,739	76.9
<b>Education</b>								
Less than high school graduate	34,135	32.5%	7,360	24.8%	25,292	35.1%	1,483	43.2%
High school graduate	38,391	36.5	10,593	35.8	26,558	36.8	1,240	36.2
Some college	23,287	22.1	7,678	25.9	15,058	20.9	551	16.1
College graduate	9,327	8.9	3,990	13.5	5,181	7.2	156	4.5
<b>Drug abuse</b>								
No known abuse	65,653	61.1%	23,708	77.5%	39,994	54.6%	1,951	54.8%
Drug history	41,714	38.9	6,869	22.5	33,235	45.4	1,610	45.2

— less than .05%

\*Total includes offenders whose characteristics could not be determined.



*Figure 7.6. Federal offenders under supervision, September 20, 2002, by Federal judicial district*

**Table 7.3. Outcomes of probation supervision, by offense, October 1, 2001 - September 30, 2002**

Most serious offense of conviction <sup>a</sup>	Number of probation terminations	Percent of probation supervisions terminating with—					
		No violation	Technical violations <sup>b</sup>			New crime <sup>c</sup>	Administrative case closures
			Drug use	Fugitive status	Other		
<b>All offenses</b>	15,116	79.5%	3.7%	2.5%	5.9%	6.6%	1.9%
<b>Felonies</b>	7,733	80.4%	3.7%	2.8%	5.1%	6.0%	2.0%
<b>Violent offenses</b>	266	66.9%	4.5%	7.5%	8.3%	11.7%	1.1%
Murder <sup>d</sup>	17	64.7	5.9	5.9	0.0	23.5	0.0
Negligent manslaughter	0	...	...	...	...	...	...
Assault	98	49.0	6.1	15.3	13.3	15.3	1.0
Robbery	105	85.7	3.8	1.9	1.9	5.7	1.0
Sexual abuse <sup>d</sup>	42	61.9	2.4	4.8	14.3	14.3	2.4
Kidnaping	1	—	—	—	—	—	—
Threats against the President	3	—	—	—	—	—	—
<b>Property offenses</b>	4,146	81.9%	3.4%	2.6%	5.2%	5.1%	1.7%
<b>Fraudulent</b>	3,257	84.2%	3.1%	2.0%	4.6%	4.5%	1.6%
Embezzlement	299	89.3	2.3	1.3	3.3	2.0	1.7
Fraud <sup>d</sup>	2,406	87.0	2.0	1.9	3.7	3.7	1.7
Forgery	119	73.1	6.7	4.2	5.9	7.6	2.5
Counterfeiting	433	67.9	8.8	2.3	10.2	10.2	0.7
<b>Other</b>	889	73.7%	4.8%	4.9%	7.1%	7.3%	2.1%
Burglary	24	29.2	12.5	25.0	25.0	8.3	0.0
Larceny <sup>d</sup>	704	74.4	5.1	4.7	7.1	6.5	2.1
Motor vehicle theft	56	80.4	3.6	1.8	1.8	12.5	0.0
Arson and explosives	32	81.3	0.0	6.3	6.3	6.3	0.0
Transportation and stolen property	57	77.2	3.5	3.5	3.5	7.0	5.3
Other property offenses <sup>d</sup>	16	56.3	0.0	0.0	12.5	25.0	6.3
<b>Drug offenses</b>	1,215	75.3%	6.5%	2.3%	5.8%	7.7%	2.4%
Trafficking	1,086	75.1	6.6	2.1	6.2	7.8	2.1
Possession and other drug offenses	129	76.7	5.4	3.9	3.1	6.2	4.7
<b>Public-order offenses</b>	1,458	87.2%	1.5%	1.9%	3.0%	4.0%	2.4%
<b>Regulatory</b>	578	85.5%	1.7%	2.8%	2.6%	4.7%	2.8%
Agriculture	1	—	—	—	—	—	—
Antitrust	13	100.0	0.0	0.0	0.0	0.0	0.0
Food and drug	20	80.0	0.0	0.0	5.0	0.0	15.0
Transportation	17	100.0	0.0	0.0	0.0	0.0	0.0
Civil rights	15	86.7	0.0	0.0	0.0	0.0	13.3
Communications	34	94.1	0.0	0.0	2.9	2.9	0.0
Custom laws	29	93.1	0.0	3.4	3.4	0.0	0.0
Postal laws	43	81.4	2.3	7.0	2.3	4.7	2.3
Other regulatory offenses	406	83.7	2.2	3.0	2.7	5.9	2.5
<b>Other</b>	880	88.4%	1.4%	1.4%	3.2%	3.5%	2.2%
Tax law violations <sup>d</sup>	289	95.5	0.3	0.3	0.7	1.4	1.7
Bribery	81	88.9	1.2	2.5	1.2	3.7	2.5
Perjury, contempt, and intimidation	55	85.2	0.0	3.7	0.0	5.6	5.6
National defense	6	—	—	—	—	—	—
Escape	26	65.4	3.8	0.0	11.5	15.4	3.8
Racketeering and extortion	167	87.4	1.8	1.8	3.6	3.0	2.4
Gambling	59	96.6	1.7	0.0	0.0	1.7	0.0
Nonviolent sex offenses	60	76.7	0.0	1.7	11.7	8.3	1.7
Obscene material <sup>d</sup>	10	—	—	—	—	—	—
Wildlife	25	96.0	4.0	0.0	0.0	0.0	0.0
Environmental	14	78.6	0.0	0.0	7.1	0.0	14.3
All other offenses	88	76.1	4.5	2.3	9.1	6.8	1.1
<b>Weapon offenses</b>	298	67.8%	5.0%	2.3%	8.4%	13.1%	3.4%
<b>Immigration offenses</b>	283	78.4%	4.2%	5.7%	3.2%	7.8%	0.7%
<b>Misdemeanors<sup>d</sup></b>	7,383	78.5%	3.6%	2.2%	6.7%	7.2%	1.8%
Fraudulent property offense	585	88.2	1.2	1.0	4.4	2.7	2.4
Larceny	808	77.5	5.9	3.3	6.1	5.4	1.7
Drug possession <sup>d</sup>	1,207	75.0	7.6	2.7	6.5	6.6	1.6
Immigration misdemeanors	599	53.1	1.8	3.8	9.7	30.9	0.7
Traffic offenses	2,288	82.0	2.3	1.4	7.1	5.3	1.8
Other misdemeanors	1,896	81.9	2.8	2.3	6.5	4.6	2.0

Note: Offenses for 67 felony offenders could not be classified (*Chapter notes*, 3, p. 107).

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

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 1, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

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

**Table 7.4. Characteristics of offenders terminating probation supervision, October 1, 2001 - September 30, 2002**

Offender characteristic	Number of probation terminations	Percent terminating probation with—					New crime <sup>b</sup>	Administrative case closures
		No violation	Technical violations <sup>a</sup>					
			Drug use	Fugitive status	Other			
<b>All offenders<sup>c</sup></b>	15,116	79.5%	3.7%	2.5%	5.9%	6.6%	1.9%	
<b>Male/female</b>								
Male	10,836	77.8%	3.8%	2.5%	6.3%	7.6%	2.0%	
Female	4,253	83.6	3.4	2.5	4.9	4.1	1.5	
<b>Race</b>								
White	9,980	81.3%	3.3%	2.2%	4.7%	6.5%	1.9%	
Black	3,864	76.0	4.7	2.4	8.0	7.0	1.9	
Native American	485	53.8	5.4	10.1	18.4	10.7	1.6	
Asian/Pacific Islander	492	90.2	1.6	1.8	2.8	2.6	0.8	
<b>Ethnicity</b>								
Hispanic	2,408	74.3%	2.4%	3.2%	5.0%	12.9%	2.1%	
Non-Hispanic	12,556	80.4	3.9	2.3	6.1	5.4	1.8	
<b>Age</b>								
16-18 years	157	47.1%	10.2%	8.3%	15.9%	17.2%	1.3%	
19-20 years	615	59.0	8.1	5.5	12.2	13.2	2.0	
21-30 years	4,465	72.1	5.0	3.5	8.0	9.9	1.5	
31-40 years	4,023	80.4	4.0	2.4	5.9	6.0	1.4	
Over 40 years	5,851	87.5	1.8	1.3	3.4	3.5	2.5	
<b>Education</b>								
Less than high school graduate	3,679	69.6%	5.9%	4.1%	9.1%	9.2%	2.1%	
High school graduate	5,419	80.1	4.0	2.5	6.2	5.7	1.6	
Some college	3,368	86.5	2.2	1.4	3.9	4.3	1.7	
College graduate	1,881	90.9	1.1	0.9	2.8	2.3	2.2	
<b>Drug abuse</b>								
No known abuse	11,894	84.0%	1.8%	1.8%	4.7%	5.8%	1.9%	
Drug history	3,222	62.9	10.3	5.1	10.4	9.5	1.8	

<sup>a</sup>Violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Total includes offenders whose characteristics could not be determined.

<sup>b</sup>Includes both "major" and "minor" offenses.

**Table 7.5. Outcomes of supervised release, by offense, October 1, 2001 - September 30, 2002**

	Number of supervised release terminations	Percent of supervised releases terminating with—					
		No violation	Technical violations <sup>b</sup>			New crime <sup>c</sup>	Administrative case closures
			Drug use	Fugitive status	Other		
<b>Most serious offense of conviction<sup>a</sup></b>							
<b>All offenses</b>	27,678	62.2%	8.4%	5.1%	9.0%	13.1%	2.2%
<b>Felonies</b>	27,067	62.1%	8.4%	5.1%	9.0%	13.1%	2.2%
<b>Violent offenses</b>	2,121	41.4%	12.5%	8.7%	16.7%	17.3%	3.4%
Murder <sup>d</sup>	104	40.4	7.7	22.1	15.4	13.5	1.0
Negligent manslaughter	5	—	—	—	—	—	—
Assault	272	38.2	6.6	12.5	20.2	19.5	2.9
Robbery	1,522	42.4	14.8	7.2	15.1	17.4	3.2
Sexual abuse <sup>d</sup>	166	38.6	7.8	9.6	24.7	14.5	4.8
Kidnaping	31	54.8	—	—	16.1	25.8	3.2
Threats against the President	21	19.0	9.5	9.5	33.3	4.8	23.8
<b>Property offenses</b>	7,195	69.2%	5.5%	4.7%	9.0%	9.8%	1.8%
<b>Fraudulent</b>	5,898	71.7%	4.9%	4.0%	8.4%	9.1%	1.9%
Embezzlement	736	84.0	1.8	2.7	5.8	5.0	0.7
Fraud <sup>d</sup>	4,381	72.6	4.5	3.8	8.2	8.7	2.2
Forgery	109	53.2	8.3	4.6	16.5	17.4	—
Counterfeiting	672	55.5	10.6	7.0	11.2	14.1	1.6
<b>Other</b>	1,297	57.7%	8.2%	7.9%	11.8%	13.0%	1.5%
Burglary	99	34.3	5.1	10.1	23.2	24.2	3.0
Larceny <sup>d</sup>	791	56.0	9.9	8.6	12.3	12.0	1.3
Motor vehicle theft	152	60.5	8.6	6.6	7.9	14.5	2.0
Arson and explosives	116	67.2	3.4	6.0	12.9	8.6	1.7
Transportation and stolen property	119	75.6	4.2	5.0	2.5	11.8	0.8
Other property offenses <sup>d</sup>	20	55.0	5.0	5.0	15.0	20.0	—
<b>Drug offenses</b>	12,320	64.1%	9.6%	4.5%	7.5%	12.3%	2.1%
Trafficking	11,090	63.5	9.8	4.7	7.4	12.4	2.1
Possession and other drug offenses	1,230	69.3	8.0	2.1	7.6	11.0	2.0
<b>Public-order offenses</b>	2,295	73.2%	4.3%	4.0%	6.8%	9.3%	2.4%
<b>Regulatory</b>	654	69.7%	5.2%	6.7%	5.7%	10.1%	2.6%
Agriculture	0	...	...	...	...	...	...
Antitrust	5	—	—	—	—	—	—
Food and drug	16	81.3	12.5	—	—	—	6.3
Transportation	19	89.5	—	—	10.5	—	—
Civil rights	58	77.6	5.2	3.4	1.7	10.3	1.7
Communications	23	87.0	4.3	0.0	4.3	4.3	—
Custom laws	48	58.3	4.2	10.4	6.3	8.3	12.5
Postal laws	20	55.0	5.0	10.0	30.0	—	—
Other regulatory offenses	465	68.2	5.4	7.5	5.2	11.8	1.9
<b>Other</b>	1,641	74.6%	4.0%	2.9%	7.3%	9.0%	2.3%
Tax law violations <sup>d</sup>	351	91.5	0.9	1.4	2.8	2.3	1.1
Bribery	60	91.7	1.7	—	—	5.0	1.7
Perjury, contempt, and intimidation	102	76.5	5.9	—	5.9	9.8	2.0
National defense	11	81.8	—	—	—	9.1	9.1
Escape	179	39.7	10.6	10.1	13.4	23.5	2.8
Racketeering and extortion	564	75.7	4.8	1.8	5.7	8.5	3.5
Gambling	37	91.9	—	2.7	5.4	—	—
Nonviolent sex offenses	195	69.2	1.0	4.1	14.9	9.7	1.0
Obscene material <sup>d</sup>	20	70.0	—	—	15.0	15.0	—
Wildlife	8	—	—	—	—	—	—
Environmental	7	—	—	—	—	—	—
All other offenses	107	63.6	6.5	4.7	11.2	12.1	1.9
<b>Weapon offenses</b>	2,128	49.0%	11.8%	6.2%	11.8%	18.1%	3.1%
<b>Immigration offenses</b>	972	34.1%	7.3%	9.1%	9.8%	38.3%	1.5%
<b>Misdemeanors<sup>d</sup></b>	611	63.2%	8.8%	4.1%	10.8%	10.6%	2.5%
Fraudulent property offense	66	68.2	9.1	1.5	10.6	7.6	3.0
Larceny	114	64.0	8.8	3.5	10.5	11.4	1.8
Drug possession <sup>d</sup>	173	56.6	12.7	5.2	11.0	14.5	—
Immigration misdemeanors	12	75.0	—	8.3	—	16.7	—
Traffic offenses	69	68.1	7.2	1.4	13.0	8.7	1.4
Other misdemeanors	177	64.4	6.2	5.1	10.7	7.9	5.6

Note: Offenses for 36 felony offenders could not be determined; see *Chapter notes*.

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>See *Chapter notes*, item 1, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

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

**Table 7.6. Characteristics of offenders terminating supervised release, October 1, 2001 - September 30, 2002**

Offender characteristic	Number of supervised release terminations	Percent terminating supervised release with—					New crime <sup>b</sup>	Administrative case closures
		No violation	Technical violations <sup>a</sup>					
			Drug use	Fugitive status	Other			
<b>All offenders<sup>c</sup></b>	27,678	62.2%	8.4%	5.1%	9.0%	13.1%	2.2%	
<b>Male/female</b>								
Male	23,103	59.9%	8.7%	5.3%	9.5%	14.3%	2.4%	
Female	4,563	73.6	7.1	4.0	6.5	7.2	1.6	
<b>Race</b>								
White	17,331	64.9%	7.8%	5.2%	7.6%	12.3%	2.2%	
Black	8,639	57.3	9.9	4.4	10.9	15.2	2.3	
Native American	781	36.9	8.2	14.5	22.0	16.4	2.0	
Asian/Pacific Islander	715	78.3	6.7	2.7	7.3	3.6	1.4	
<b>Ethnicity</b>								
Hispanic	5,684	56.8%	8.0%	7.6%	8.0%	17.8%	1.8%	
Non-Hispanic	21,824	63.5	8.6	4.5	9.3	11.9	2.3	
<b>Age</b>								
16-18 years	1	—	—	—	—	—	—	
19-20 years	136	16.9	11.8	17.6	21.3	31.6	0.7	
21-30 years	7,146	46.8	11.5	7.8	13.6	18.8	1.5	
31-40 years	9,378	59.8	9.5	5.0	9.2	14.7	1.8	
Over 40 years	11,017	74.7	5.4	3.3	5.7	7.8	3.1	
<b>Education</b>								
Less than high school graduate	10,543	53.0%	10.2%	6.8%	11.0%	16.7%	2.3%	
High school graduate	9,539	62.7	9.4	4.7	8.9	12.2	2.1	
Some college	5,249	72.5	5.8	3.2	7.1	9.2	2.2	
College graduate	1,850	87.2	1.7	1.7	3.7	3.6	2.2	
<b>Drug abuse</b>								
No known abuse	14,902	71.1%	3.8%	3.8%	7.2%	11.7%	2.4%	
Drug history	12,776	51.7	13.8	6.6	11.1	14.7	2.1	

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Violation of supervision conditions other than charges for new offenses.

<sup>b</sup>Includes both "major" and "minor" offenses.

<sup>c</sup>Total includes offenders whose characteristics could not be determined.



**Table 7.7. Outcomes of parole, by offense, October 1, 2001 - September 30, 2002**

Most serious offense of conviction <sup>a</sup>	Number of parole terminations	Percent of paroles terminating with—					New crime <sup>c</sup>	Administrative case closures
		No violation	Technical violations <sup>b</sup>					
			Drug use	Fugitive status	Other			
<b>All offenses</b>	1,817	57.5%	8.8%	4.7%	9.9%	12.7%	6.5%	
<b>Felonies</b>	1,807	57.5%	8.9%	4.7%	9.8%	12.7%	6.5%	
<b>Violent offenses</b>	610	43.3%	14.4%	6.7%	11.8%	16.4%	7.4%	
Murder <sup>d</sup>	46	41.3	13.0	4.3	21.7	10.9	8.7	
Assault	33	48.5	3.0	12.1	12.1	18.2	6.1	
Robbery	470	43.8	15.5	6.0	10.9	15.5	8.3	
Sexual abuse <sup>d</sup>	17	47.1	5.9	23.5	11.8	11.8	0.0	
Kidnaping	42	33.3	14.3	7.1	11.9	33.3	0.0	
<b>Property offenses</b>	179	62.0%	2.8%	2.8%	12.3%	16.2%	3.9%	
<b>Fraudulent</b>	97	69.1%	0.0%	1.0%	9.3%	17.5%	3.1%	
Embezzlement	10	—	—	—	—	—	—	
Fraud <sup>d</sup>	78	69.2	0.0	1.3	10.3	15.4	3.8	
Forgery	6	—	—	—	—	—	—	
Counterfeiting	3	—	—	—	—	—	—	
<b>Other</b>	82	53.7%	6.1%	4.9%	15.9%	14.6%	4.9%	
Burglary	28	42.9	3.6	3.6	17.9	25.0	7.1	
Larceny <sup>d</sup>	27	63.0	11.1	3.7	14.8	3.7	3.7	
Motor vehicle theft	10	—	—	—	—	—	—	
Arson and explosives	7	—	—	—	—	—	—	
Transportation and stolen property	9	—	—	—	—	—	—	
<b>Drug offenses</b>	809	67.7%	6.4%	2.7%	6.7%	10.0%	6.4%	
Trafficking	735	68.4	6.3	2.7	6.3	9.9	6.4	
Possession and other drug offenses	74	60.8	8.1	2.7	10.8	10.8	6.8	
<b>Public-order offenses</b>	125	58.4%	5.6%	5.6%	12.8%	9.6%	8.0%	
<b>Regulatory</b>	15	46.7%	13.3%	6.7%	20.0%	6.7%	6.7%	
<b>Other</b>	110	60.0%	4.5%	5.5%	11.8%	10.0%	8.2%	
Escape	19	42.1	10.5	5.3	26.3	5.3	10.5	
Racketeering and extortion	56	66.1	0.0	7.1	1.8	17.9	7.1	
Nonviolent sex offenses	17	47.1	11.8	5.9	29.4	0.0	5.9	
<b>Weapon offenses</b>	82	51.2%	8.5%	12.2%	15.9%	8.5%	3.7%	
<b>Immigration offenses</b>	1	—	—	—	—	—	—	
<b>Misdemeanors<sup>d</sup></b>	10	—	—	—	—	—	—	

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 1, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

<sup>d</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Tax law violations" includes tax fraud; and "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels.

**Table 7.8. Characteristics of offenders terminating parole, October 1, 2001 - September 30, 2002**

Offender characteristic	Number of parole terminations	Percent terminating parole with—					New crime <sup>b</sup>	Administrative case closures
		No violation	Technical violations <sup>a</sup>					
			Drug use	Fugitive status	Other			
<b>All offenders<sup>c</sup></b>	1,817	57.5%	8.8%	4.7%	9.9%	12.7%	6.5%	
<b>Male/female</b>								
Male	1,756	57.0%	9.1%	4.6%	9.8%	12.9%	6.6%	
Female	57	71.9	1.8	8.8	8.8	5.3	3.5	
<b>Race</b>								
White	1,027	63.8%	7.2%	3.9%	6.0%	12.1%	7.0%	
Black	678	49.1	11.7	5.8	13.3	14.2	6.0	
Native American	31	48.4	3.2	9.7	25.8	12.9	0.0	
Asian/Pacific Islander	10	—	—	—	—	—	—	
<b>Ethnicity</b>								
Hispanic	227	62.1%	11.5%	3.5%	6.2%	12.8%	4.0%	
Non-Hispanic	1,579	56.8	8.5	4.9	10.3	12.6	6.9	
<b>Age</b>								
21-30 years	47	53.2%	8.5%	8.5%	10.6%	14.9%	4.3%	
31-40 years	271	48.7	12.9	4.1	17.3	12.9	4.1	
Over 40 years	1,499	59.2	8.1	4.7	8.5	12.5	7.0	
<b>Education</b>								
Less than high school graduate	824	53.4%	10.2%	5.5%	10.0%	13.2%	7.8%	
High school graduate	624	56.9	9.5	4.3	10.7	13.0	5.6	
Some college	236	67.8	5.5	4.7	5.5	10.6	5.9	
College graduate	89	78.7	0.0	0.0	7.9	9.0	4.5	
<b>Drug abuse</b>								
No known abuse	966	66.1%	4.7%	3.6%	8.4%	11.1%	6.1%	
Drug history	851	47.6	13.5	6.0	11.5	14.5	6.9	

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Violation of supervision conditions other than charges for new offenses.

<sup>b</sup>Includes both "major" and "minor" offenses.

<sup>c</sup>Total includes offenders whose characteristics could not be determined.

**Table 7.9. Admissions and releases of Federal prisoners, by offense, October 1, 2001 - September 30, 2002**

Most serious original offense of conviction <sup>a</sup>	Population at start of year	Prisoners received			Prisoners released			Population at end of year	Net population change
		District court	Over 1 year	All other	First release	Over 1 year	All other		
		1 year or less	1 year		1 year or less	1 year			
<b>All offenses<sup>b</sup></b>	135,986	9,094	41,346	17,437	9,422	34,917	16,493	143,031	7,045
<b>Violent offenses</b>	13,319	159	2,060	2,638	159	1,851	2,617	13,549	230
Murder/manslaughter <sup>c</sup>	1,235	12	112	153	10	70	181	1,251	16
Assault	926	82	237	505	86	230	479	955	29
Robbery	9,425	45	1,489	1,527	44	1,325	1,532	9,585	160
Sexual abuse <sup>c</sup>	967	15	160	313	13	149	300	993	26
Kidnaping	673	2	43	59	3	63	52	659	-14
Threats against the President	93	3	19	81	3	14	73	106	13
<b>Property offenses</b>	10,072	2,434	4,550	4,080	2,512	4,507	4,017	10,100	28
<b>Fraudulent</b>	7,654	1,997	3,857	2,699	2,061	3,733	2,615	7,798	144
Embezzlement	337	192	145	153	237	163	160	267	-70
Fraud <sup>c</sup>	6,399	1,586	3,267	1,970	1,597	3,168	1,891	6,566	167
Forgery	265	55	74	131	53	80	152	240	-25
Counterfeiting	653	164	371	445	174	322	412	725	72
<b>Other</b>	2,418	437	693	1,381	451	774	1,402	2,302	-116
Burglary	248	18	52	166	19	60	175	230	-18
Larceny <sup>c</sup>	970	277	296	837	299	358	824	899	-71
Motor vehicle theft	246	17	59	84	17	64	100	225	-21
Arson and explosives	211	4	35	43	3	50	42	198	-13
Transportation of stolen property	186	18	71	47	18	69	42	193	7
Other property offenses <sup>c</sup>	557	103	180	204	95	173	219	557	0
<b>Drug offenses</b>	76,941	1,550	21,131	5,800	1,513	17,404	5,453	81,052	4,111
Trafficking	76,416	1,425	21,059	5,470	1,391	17,332	5,051	80,596	4,180
Possession and other drug offenses	525	125	72	330	122	72	402	456	-69
<b>Public-order offenses</b>	7,744	942	2,598	1,719	938	2,430	1,684	7,951	207
<b>Regulatory</b>	1,145	190	560	297	178	506	291	1,217	72
<b>Other</b>	6,599	752	2,038	1,422	760	1,924	1,393	6,734	135
Tax law violations <sup>c</sup>	467	112	181	63	115	246	59	403	-64
Bribery	93	18	19	13	20	46	12	65	-28
Perjury, contempt, and intimidation	106	29	42	22	33	36	19	111	5
National defense	60	3	27	12	1	11	8	82	22
Escape	403	59	98	114	80	133	116	345	-58
Racketeering and extortion	4,287	98	1,141	290	86	1,081	268	4,381	94
Gambling	1	4	1	0	4	0	0	2	1
Liquor offenses	3	2	1	0	0	0	0	6	3
Nonviolent sex offenses	198	4	45	46	4	48	48	193	-5
Obscene material <sup>c</sup>	662	19	408	81	18	222	67	863	201
Traffic offenses	139	340	18	622	329	23	644	123	-16
Wildlife	17	16	3	10	17	9	11	9	-8
Environmental	28	11	6	6	13	11	8	19	-9
All other offenses	135	37	48	143	40	58	133	132	-3
<b>Weapon offenses</b>	12,077	219	3,962	1,359	230	2,421	1,241	13,725	1,648
<b>Immigration offenses</b>	14,859	3,598	6,701	1,407	3,865	5,999	1,130	15,571	712

Note: For further information, see *Chapter notes*, items 4, 5, and 8, p. 107.

<sup>a</sup>See *Chapter notes*, item 4, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>An offense category could not be determined for 974 prisoners at the start of fiscal year 2002 and 1,083 prisoners at the end of fiscal year 2002.

<sup>c</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

**Table 7.10. Characteristics of Federal prison population, by major offense category, September 30, 2002**

Offender characteristic	Total prisoners	Percent of Federal prison population serving for <sup>a</sup> —								
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
				Fraudulent	Other		Regulatory	Other		
<b>All cases<sup>b</sup></b>										
<b>All prisoners</b>	143,031	143,031	13,549	7,798	2,302	81,052	1,217	6,734	13,725	15,571
<b>Male/female</b>										
Male	133,026	93.0%	96.5%	82.3%	90.0%	91.8%	87.3%	92.5%	98.4%	97.8%
Female	10,005	7.0	3.5	17.7	10.0	8.2	12.7	7.5	1.6	2.2
<b>Race</b>										
White	82,767	57.9%	45.3%	64.3%	62.5%	53.6%	71.2%	66.5%	42.4%	95.2%
Black	56,070	39.2	42.5	32.6	30.1	44.9	25.8	27.5	55.1	4.2
Native American	2,302	1.6	10.8	0.4	5.7	0.4	0.4	1.4	1.3	0.1
Asian/Pacific Islander	1,892	1.3	1.3	2.6	1.7	1.1	2.5	4.7	1.2	0.5
<b>Ethnicity</b>										
Hispanic	45,551	31.8%	7.3%	11.9%	8.9%	32.8%	19.3%	17.2%	9.8%	89.4%
Non-Hispanic	97,480	68.2	92.7	88.1	91.1	67.2	80.7	82.8	90.2	10.6
<b>Age</b>										
Under 19 years	604	0.4%	1.7%	0.1%	1.5%	0.2%	0.3%	0.3%	0.6%	0.3%
19-20 years	4,999	3.5	6.1	1.5	5.6	3.4	3.0	2.0	4.7	2.0
21-30 years	59,407	41.5	38.5	25.3	35.1	44.0	30.8	30.3	46.4	42.8
31-40 years	46,616	32.6	32.5	31.9	31.0	31.9	30.8	30.2	30.9	39.6
Over 40 years	31,364	21.9	21.2	41.3	26.8	20.5	35.0	37.3	17.5	15.4
<b>Citizenship</b>										
U.S. citizen	102,473	71.9%	96.5%	84.8%	94.7%	73.7%	85.7%	85.9%	94.6%	3.5%
Not U.S. citizen	40,068	28.1	3.5	15.2	5.3	26.3	14.3	14.1	5.4	96.5
<b>New law cases</b>										
<b>All prisoners</b>	134,541	134,541	10,181	7,363	1,912	78,467	1,078	6,207	13,135	15,336
<b>Male/female</b>										
Male	124,841	92.8%	96.0%	81.9%	89.0%	91.7%	86.2%	92.1%	98.4%	97.8%
Female	9,700	7.2	4.0	18.1	11.0	8.3	13.8	7.9	1.6	2.2
<b>Race</b>										
White	77,633	57.7%	43.3%	64.0%	64.0%	53.2%	70.5%	66.2%	41.7%	95.2%
Black	53,037	39.4	42.7	32.8	28.1	45.4	26.3	27.7	55.7	4.2
Native American	2,057	1.5	12.6	0.4	5.9	0.4	0.5	1.2	1.3	0.1
Asian/Pacific Islander	1,814	1.3	1.4	2.7	2.0	1.1	2.8	5.0	1.2	0.4
<b>Ethnicity</b>										
Hispanic	44,047	32.7%	7.4%	12.1%	9.0%	32.9%	20.1%	17.6%	9.8%	89.4%
Non-Hispanic	90,494	67.3	92.6	87.9	91.0	67.1	79.9	82.4	90.2	10.6
<b>Age</b>										
Under 19 years	549	0.4%	1.9%	0.1%	1.5%	0.2%	0.4%	0.3%	0.6%	0.3%
19-20 years	4,802	3.6	7.1	1.5	6.0	3.5	3.2	2.0	4.8	1.9
21-30 years	56,994	42.4	40.9	25.3	34.7	44.6	31.4	31.0	47.3	42.8
31-40 years	43,653	32.4	32.0	32.1	30.8	31.8	30.0	29.6	30.5	39.6
Over 40 years	28,542	21.2	18.0	41.0	27.0	19.9	35.1	37.0	16.7	15.4
<b>Citizenship</b>										
U.S. citizen	95,053	70.9%	96.4%	84.4%	94.5%	73.5%	84.6%	85.4%	94.6%	3.3%
Not U.S. citizen	39,024	29.1	3.6	15.6	5.5	26.5	15.4	14.6	5.4	96.7

Note: Percentages in this table are based on non-missing characteristics. Total includes 1,083 prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 107.

<sup>a</sup>See *Chapter notes*, item 4, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Of the 143,031 prisoners in BOP facilities, 6% (8,490) were old law offenders.

**Table 7.11. Number of first releases from Federal prison, by release method and sentence length, October 1, 2001 - September 30, 2002**

Most serious original offense of conviction <sup>a</sup>	Total	Standard <sup>b</sup>	Extraordinary means		
			Drug treatment	Treaty transfer	Other <sup>c</sup>
<b>All cases</b>					
<b>All prisoners<sup>d</sup></b>	44,339	39,568	3,563	324	884
<b>Violent offenses</b>	2,010	1,959	4	0	47
<b>Property offenses</b>	7,019	6,731	203	5	80
Fraudulent	5,794	5,535	183	5	71
Other	1,225	1,196	20	0	9
<b>Drug offenses</b>	18,917	14,897	3,142	303	575
<b>Public-order offenses</b>	3,368	3,092	178	9	89
Regulatory	684	628	30	1	25
Other	2,684	2,464	148	8	64
<b>Weapon offenses</b>	2,651	2,582	16	5	48
<b>Immigration offenses</b>	9,864	9,808	15	2	39
<b>Other offenses<sup>d</sup></b>	510	499	5	0	6
<b>Sentences greater than 1 year</b>					
<b>All prisoners<sup>e</sup></b>	34,917	30,175	3,559	322	861
<b>Violent offenses</b>	1,851	1,801	4	0	46
<b>Property offenses</b>	4,507	4,225	202	5	75
Fraudulent	3,733	3,479	182	5	67
Other	774	746	20	0	8
<b>Drug offenses</b>	17,404	13,396	3,140	302	566
<b>Public-order offenses</b>	2,430	2,158	177	8	87
Regulatory	506	451	30	1	24
Other	1,924	1,707	147	7	63
<b>Weapon offenses</b>	2,421	2,353	16	5	47
<b>Immigration offenses</b>	5,999	5,945	15	2	37

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. 107.

<sup>a</sup>See *Chapter notes*, item 4, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Standard releases include expirations, mandatory release, and release to parole.

<sup>c</sup>Other extraordinary releases include escape, death, sentence commutation, and intensive confinement programs.

<sup>d</sup>Includes 305 prisoners for whom offense was not classifiable or not a violation of U.S. Code.

<sup>e</sup>Includes 297 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, 2001 - September 30, 2002**

Most serious original offense of conviction <sup>a</sup>	All offenders			Prisoners with sentences of 1 year or less			Prisoners with sentences over 1 year			
	Number of prisoners released <sup>b</sup>	Mean time served	Median time served	Number of prisoners released <sup>b</sup>	Mean time served	Median time served	Number of prisoners released <sup>b</sup>	Mean time served	Median time served	Percent of sentence served
<b>All prisoners</b>	39,568	31.6 mo	20.9 mo	9,393	5.1 mo	5.0 mo	30,175	39.8 mo	28.7 mo	88.0%
<b>Violent offenses</b>	1,959	58.8 mo	48.8 mo	158	5.8 mo	6.0 mo	1,801	63.5 mo	52.3 mo	87.5%
Murder/manslaughter <sup>c</sup>	79	63.8	35.3	10	6.2	5.5	69	72.2	44.7	87.1
Assault	313	28.4	22.1	86	5.4	5.9	227	37.2	29.9	88.9
Robbery	1,329	65.3	55.1	43	6.4	6.0	1,286	67.3	55.9	87.4
Sexual abuse <sup>c</sup>	160	48.8	31.3	13	6.0	6.0	147	52.6	35.7	87.4
Kidnaping	63	100.5	83.6	3	7.8	6.9	60	105.0	86.2	84.9
Threats against the President	15	22.9	15.7	3	5.8	5.6	12	27.2	25.1	90.4
<b>Property offenses</b>	6,731	16.5 mo	12.0 mo	2,506	5.2 mo	5.0 mo	4,225	23.2 mo	17.4 mo	88.4%
<b>Fraudulent</b>	5,535	15.8 mo	12.0 mo	2,056	5.2 mo	5.0 mo	3,479	22.0 mo	16.2 mo	88.3%
Embezzlement	388	9.6	6.0	237	4.0	4.0	151	18.3	15.5	88.0
Fraud <sup>c</sup>	4,540	16.5	12.2	1,592	5.3	5.0	2,948	22.5	17.4	88.3
Forgery	131	14.7	10.8	53	5.2	5.0	78	21.1	16.6	88.7
Counterfeiting	476	14.4	12.0	174	5.9	5.9	302	19.2	15.7	89.0
<b>Other</b>	1,196	19.8 mo	12.2 mo	450	5.0 mo	5.0 mo	746	28.7 mo	20.1 mo	88.5%
Burglary	77	28.9	17.4	19	6.8	7.1	58	36.2	21.8	86.3
Larceny <sup>c</sup>	641	13.3	10.5	298	5.2	5.0	343	20.4	15.7	89.9
Motor vehicle theft	78	22.9	20.8	17	6.8	6.1	61	27.3	23.5	87.9
Arson and explosives	51	49.8	44.5	3	7.5	8.0	48	52.5	49.9	85.0
Transportation and stolen property	83	24.8	15.7	18	6.8	6.0	65	29.8	20.9	87.7
Other property offenses <sup>c</sup>	266	24.4	15.9	95	3.2	2.9	171	36.2	26.2	87.8
<b>Drug offenses</b>	14,897	42.9 mo	32.2 mo	1,501	6.7 mo	6.9 mo	13,396	47.0 mo	33.9 mo	87.7%
Trafficking	14,715	43.3	32.2	1,380	6.9	7.9	13,335	47.0	34.0	87.6
Possession and other drug offenses	182	13.3	6.0	121	4.3	4.0	61	31.1	13.0	92.5
<b>Public-order offenses</b>	3,092	24.8 mo	16.0 mo	934	4.3 mo	4.0 mo	2,158	33.7 mo	23.6 mo	87.8%
<b>Regulatory</b>	628	19.8 mo	15.0 mo	177	5.8 mo	5.9 mo	451	25.3 mo	18.3 mo	88.4%
<b>Other</b>	2,464	26.1 mo	18.2 mo	757	3.9 mo	4.0 mo	1,707	36.0 mo	26.2 mo	87.7%
Tax law violations <sup>c</sup>	341	15.8	12.0	114	5.7	5.0	227	20.8	16.1	88.1
Bribery	63	18.1	10.7	20	4.8	4.9	43	24.3	15.7	87.4
Perjury, contempt, and intimidation	63	13.4	10.0	33	4.4	4.0	30	23.2	16.3	88.4
National defense	12	36.9	22.2	1	8.0	8.0	11	39.5	23.5	74.8
Escape	209	16.8	12.2	79	5.9	6.0	130	23.4	17.2	90.3
Racketeering and extortion	994	42.9	35.7	86	6.5	6.0	908	46.3	40.1	87.2
Gambling	4	—	—	4	—	—	0	—	—	—
Liquor	0	...	...	0	...	...	0	...	...	...
Nonviolent sex offenses	51	34.4	23.9	4	4.7	4.5	47	36.9	26.2	87.0
Obscene material <sup>c</sup>	234	25.5	23.5	17	5.2	5.0	217	27.1	23.6	87.1
Traffic offenses	352	2.6	0.9	329	1.7	0.5	23	16.4	14.0	93.0
Wildlife	25	8.9	6.0	17	3.8	3.3	8	19.7	12.4	88.9
Environmental	24	10.8	7.0	13	5.2	5.0	11	17.5	14.0	86.9
All other offenses	92	13.5	11.6	40	5.0	4.0	52	20.1	15.6	90.4
<b>Weapon offenses</b>	2,582	42.9 mo	32.2 mo	229	6.3 mo	5.6 mo	2,353	46.4 mo	34.8 mo	88.2%
<b>Immigration offenses</b>	9,808	19.2 mo	15.7 mo	3,863	4.7 mo	4.8 mo	5,945	28.7 mo	26.2 mo	88.7%
<b>Other prisoners<sup>d</sup></b>	499	16.7 mo	12.0 mo	202	4.7 mo	4.9 mo	297	24.9 mo	20.9 mo	88.6%

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. 107.

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>See *Chapter notes*, item 4, p. 109, and "Offense classifications" in *Methodology*, p. 113.

<sup>b</sup>This 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 2002 was 4,771. See table 7.11.

<sup>c</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

<sup>d</sup>Offense not classifiable or not a violation of U.S. Code.

**Table 7.13. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods during October 1, 2001 - September 30, 2002**

Sentence imposed <sup>a</sup>	Number of months served for <sup>b</sup> —								
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
			Fraudulent	Other		Regulatory	Other		
<b>All releases</b>	31.6 mo	58.8 mo	15.8 mo	19.8 mo	42.9 mo	19.8 mo	26.1 mo	42.9 mo	19.2 mo
1-12 mo <sup>c</sup>	5.1	5.8	5.2	5.0	6.7	5.8	3.9	6.3	4.7
13-24	13.9	14.4	13.8	14.0	13.8	14.3	14.1	14.5	13.9
25-36	24.6	25.8	24.1	24.2	24.6	24.4	24.6	25.1	24.6
37-48	35.7	36.4	34.8	35.3	35.2	32.6	34.8	35.6	36.9
49-60	46.8	47.3	45.5	45.7	46.1	43.7	46.2	47.1	48.1
61-72	55.9	57.4	53.8	55.5	55.8	55.1	54.7	55.3	58.1
73-84	67.2	67.8	67.0	67.5	66.9	—	66.7	67.6	67.8
85-96	76.9	77.1	77.0	76.2	76.5	—	76.4	78.3	77.7
97-108	86.7	87.7	87.3	—	85.9	—	86.4	88.1	85.0
109-120	96.5	98.5	—	—	95.5	—	95.7	98.2	—
121-144	108.7	110.6	109.3	—	108.5	—	108.1	108.2	—
145-180	136.7	140.2	—	—	136.1	—	136.4	138.1	...
181-240 <sup>d</sup>	154.7	153.1	—	—	156.6	...	—	154.4	...
241-300 <sup>d</sup>	156.0	189.3	—	—	144.3	—	—	—	...
Over 300 <sup>d</sup>	197.1	209.8	—	—	187.7	—	—	—	—

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. 107. Of the 39,568 first releases by standard methods, 39,324 were new law and 244 were old law. —Too few cases to obtain statistically reliable data. ...No case of this type occurred within the data.

<sup>a</sup>Sentence for the single most serious offense.

<sup>b</sup>See *Chapter notes*, item 4, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>c</sup>The interval includes days up through the upper bound and days to upper bound of the previous interval.

<sup>d</sup>As of fiscal year 2002, new law inmates who were sentenced to more than 204 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, offense, and type of case, for prisoners released by standard methods during October 1, 2001 - September 30, 2002**

Sentence imposed <sup>a</sup>	Percent of sentence served for <sup>b</sup> —								
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
			Fraudulent	Other		Regulatory	Other		
<b>All releases</b>	90.7%	88.6%	92.5%	92.7%	88.8%	90.8%	91.4%	89.0%	93.0%
1-12 mo <sup>c</sup>	99.8	100.9	100.1	100.0	99.8	99.1	99.8	99.2	99.6
13-24	88.7	89.6	88.7	89.6	88.2	89.0	89.0	88.6	88.8
25-36	88.0	88.5	87.4	87.8	87.8	87.6	87.6	88.1	88.5
37-48	87.8	88.4	87.6	88.5	87.5	82.5	87.3	88.1	88.4
49-60	88.1	88.6	86.5	87.6	87.7	85.2	87.5	88.7	88.9
61-72	87.9	88.5	87.2	87.1	87.7	87.5	87.1	87.9	89.2
73-84	88.1	88.4	87.8	88.0	87.9	—	88.1	88.0	88.5
85-96	87.7	88.4	87.8	87.3	87.5	—	87.6	87.7	89.0
97-108	87.7	88.3	87.3	—	87.4	—	87.5	88.0	87.5
109-120	87.5	88.2	—	—	87.2	—	87.7	87.7	—
121-144	87.2	87.4	87.7	—	87.3	—	86.3	86.9	—
145-180	87.5	88.1	—	—	87.3	—	87.7	88.2	...
181-240 <sup>d</sup>	84.1	83.4	—	—	84.5	...	—	85.3	...
241-300 <sup>d</sup>	63.1	—	—	—	59.2	—	—	—	...
Over 300 <sup>d</sup>	52.6	52.7	—	—	53.5	—	—	—	—

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. 107. Of the 39,568 first releases by standard methods, 39,324 were new law and 244 were old law. —Too few cases to obtain statistically reliable data. ...No case of this type occurred within the data.

<sup>a</sup>Sentence for the single most serious offense.

<sup>b</sup>See *Chapter notes*, item 4, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>c</sup>The interval includes days up through the upper bound and days to upper bound of the previous interval.

<sup>d</sup>As of fiscal year 2002, new law inmates who were sentenced to more than 204 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, 2001 - September 30, 2002**

Offender characteristic	Total number of released offenders	Percent of released offenders convicted of <sup>a</sup> —								
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
				Fraudulent	Other		Regulatory	Other		
<b>Number of releases<sup>b</sup></b>	44,339	44,339	2,010	5,794	1,225	18,917	684	2,684	2,651	9,864
<b>Male/female</b>										
Male	39,130	88.4%	92.5%	79.0%	82.4%	86.0%	82.1%	89.0%	97.4%	96.1%
Female	5,149	11.6	7.5	21.0	17.6	14.0	17.9	11.0	2.6	3.9
<b>Race</b>										
White	32,148	72.6%	45.0%	66.9%	64.6%	68.9%	76.6%	72.0%	47.5%	96.1%
Black	10,761	24.3	36.4	29.7	26.4	29.3	19.5	22.8	49.7	3.0
Native American	642	1.4	16.9	0.3	4.7	0.6	1.0	1.3	1.7	0.1
Asian/Pacific Islander	728	1.6	1.7	3.1	4.2	1.2	2.9	3.9	1.2	0.7
<b>Ethnicity</b>										
Hispanic	19,717	44.5%	7.6%	18.3%	13.2%	43.9%	26.2%	15.7%	12.9%	91.4%
Non-Hispanic	24,562	55.5	92.4	81.7	86.8	56.1	73.8	84.3	87.1	8.6
<b>Age</b>										
Less than 19 years	265	0.6%	2.2%	0.2%	0.9%	0.6%	0.6%	0.3%	0.3%	0.7%
19-20 years	2,013	4.5	8.0	1.9	5.0	5.5	4.4	1.8	6.2	3.9
21-30 years	17,774	40.1	41.9	28.0	30.6	43.4	27.5	25.4	45.7	45.6
31-40 years	13,825	31.2	29.4	32.0	30.4	29.7	32.7	29.1	27.5	35.7
Over 40 years	10,402	23.5	18.4	37.8	33.1	20.8	34.8	43.4	20.3	14.2
<b>Citizenship</b>										
U.S. citizen	25,733	58.3%	95.8%	76.9%	90.9%	64.8%	78.6%	86.9%	91.2%	4.9%
Not U.S. citizen	18,389	41.7	4.2	23.1	9.1	35.2	21.4	13.1	8.8	95.1

Note: Totals include prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 107. Percentages in this table are based on non-missing characteristics.

<sup>a</sup>See *Chapter notes*, item 4, p. 107, and "Offense classifications" in *Methodology*, p. 109.  
<sup>b</sup>Of the 44,339 total cases, 44,074 (or 99%) were new law cases.

**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, 2001 - September 30, 2002**

Offender characteristic	Number of prisoners released	Mean time served for <sup>a</sup> —								
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
				Fraudulent	Other		Regulatory	Other		
<b>All releases<sup>b</sup></b>	39,568	31.6 mo	58.8 mo	15.8 mo	19.8 mo	42.9 mo	19.8 mo	26.1 mo	42.9 mo	19.2 mo
<b>Male/female</b>										
Male	35,060	32.7 mo	60.4 mo	16.8 mo	21.6 mo	44.7 mo	21.2 mo	26.6 mo	43.1 mo	19.5 mo
Female	4,450	22.5	39.5	12.0	11.1	31.1	13.2	18.9	34.0	13.0
<b>Race</b>										
White	29,072	27.5 mo	58.8 mo	15.8 mo	19.8 mo	37.2 mo	19.9 mo	24.3 mo	40.1 mo	18.8 mo
Black	9,173	44.2	68.1	15.7	19.8	57.2	19.4	29.8	45.2	32.9
Native American	606	33.4	40.0	12.7	23.8	25.0	19.0	17.9	42.5	15.4
Asian/Pacific Islander	659	30.8	47.9	15.8	14.9	49.0	19.0	32.1	50.1	22.0
<b>Ethnicity</b>										
Hispanic	18,612	26.4 mo	52.8 mo	13.4 mo	18.2 mo	36.8 mo	17.1 mo	33.4 mo	37.5 mo	18.7 mo
Non-Hispanic	20,898	36.1	59.3	16.3	20.0	48.7	20.8	24.3	43.6	25.2
<b>Age</b>										
Less than 19 years	254	22.5 mo	38.7 mo	17.6 mo	13.8 mo	22.4 mo	16.3 mo	53.4 mo	51.1 mo	7.3 mo
19-20 years	1,809	27.7	46.6	14.1	18.2	31.8	25.6	17.5	44.1	10.6
21-30 years	15,801	31.5	59.7	13.7	20.2	41.2	22.5	27.6	41.5	18.2
31-40 years	12,426	32.6	64.3	15.2	21.6	45.2	19.2	26.7	47.0	21.2
Over 40 years	9,220	31.2	55.6	17.9	18.0	46.7	17.5	24.2	39.4	20.5
<b>Citizenship</b>										
U.S. citizen	21,388	35.5 mo	59.4 mo	16.4 mo	19.5 mo	44.7 mo	20.7 mo	24.6 mo	43.7 mo	14.7 mo
Not U.S. citizen	17,966	26.9	48.8	14.2	22.5	40.4	17.0	33.5	33.9	19.5

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. 107.

<sup>a</sup>See *Chapter notes*, item 4, p. 107, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Of the 44,339 total cases, 44,074 (or 99%) were new law cases.



## Chapter notes

- 1) Offenders were classified according to their most serious offense at conviction. In cases involving multiple offenses, the AOUSC offense severity hierarchy was applied. The most serious offense was the one with the most severe penalty imposed. If equal prison terms were imposed, or there was no imprisonment, the offense with the highest severity code, as determined by the *U.S. Title and Code Criminal Offense Citations Manual*, was selected.
- 2) Tables 7.1 and 7.2 were created using the probation, parole, and supervision data files of the Federal Probations Supervision Information System (FPSIS), which is maintained by the AOUSC. Yearend pending cases (that is, records with offenders who were under active supervision as of the end of the fiscal year, September 30, 2002) 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, 2001, through September 30, 2002, 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) Table 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 2002. Tables 7.11-7.16 include only prisoners committed by U.S. district courts or released by the BOP during fiscal year 2002.
- 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 2002, 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 were not able to 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.
- 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.
- 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.
- 6) Tables 7.11-7.16 include only prisoners committed by U.S. district courts and released by the BOP during fiscal year 2002. 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,

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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, and so on) 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 2002, 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.

## 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.

Some records in the Federal justice database are matched according to a statistically weighted combination of names, other personal identifiers, dates of court appearances, types of offenses, and other relevant information contained in the files. Using the matched data files, it is possible to combine information about two or more stages of the processing of a criminal matter or case, for example from adjudication to probation or parole supervision.

### Reporting period

Wherever possible, matters or cases have been selected according to the event which occurred during fiscal year 2002 (October 1, 2001, through September 30, 2002). 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 2002 in this *Compendium* have been assembled from source files containing records of 2002 matters concluded which were

entered into the data system during fiscal years 2002 or 2003.

### 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.

Many items of social and demographic information come from pre-sentence investigation records, supervision records, or sentencing records, and are available only for arrested defendants who were convicted and/or began serving a sentence involving supervised release. This particularly affects gender, race, ethnicity, and prior record information.

### Table construction and interpretation

The tables presented report events that occurred during the Federal fiscal year — October 1, 2001 - September 30, 2002. Generally the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing defendants under pretrial release and detention, 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, or a person leaving custody or supervision. 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 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

\*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.

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 of 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 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 7.1–7.6. Tables 7.7–7.11 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 7.1–7.6, 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 7.7–7.13, 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.

**“All other felonies”** 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	Compendium tables
United States Marshals Service (USMS) — Prisoner Tracking System (PTS)	Contains data on suspects arrested for violations of Federal law, by Federal enforcement agencies. The data include information on characteristics of Federal arrestees.	<b>Arrest:</b> 1.1, 1.2, 1.3
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.	<b>Arrest:</b> 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.	<b>Prosecution:</b> 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.	<b>Pretrial release:</b> 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10 <b>Adjudication:</b> 4.5 (defendant characteristics) <b>Sentencing:</b> 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.	<b>Adjudication:</b> 4.1, 4.2, 4.3, 4.4, 4.5 <b>Sentencing:</b> 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.	<b>Adjudication:</b> 4.5 (defendant characteristics) <b>Sentencing:</b> 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.	<b>Appeals:</b> 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.	<b>Corrections:</b> 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.	<b>Corrections:</b> 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16



## Glossary

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

**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)).

**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).)

**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 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.")

**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.

**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.")

**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)).

**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).

**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.")

**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."

**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.

**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.)

**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 pre-trial 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.

**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, *FACTS 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.)

**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.")

**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.

**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.

**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.

**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.

**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).

**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



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threats against the President. (See *also*, specific offenses for citations.)

**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)).