

## Glossary

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### A

**Acquittal**—a legal judgment that determines a defendant is free of a charge of an offense, by reasonable doubt, verdict, sentence, or other legal process.

**Administrative case closure**—terminating or closing a community supervision case for administrative reasons such as an offender's long-term hospitalization, death, deportation, incarceration in an unrelated case, or at the administrative discretion of the Chief Probation Officer.

**Affirmed**—to assert (as a judgment or decree) as valid or confirmed such as in the appellate courts, a decree or order declared valid stands as rendered in the lower court.

**Agriculture violations**—violations of federal statutes concerning agriculture and conservation. Federal statutes related to agriculture include the Agricultural Acts (7 U.S.C., except sections on food stamps related to fraud), Insecticide Act, Packers and Stockyards Act, 1921, laws concerning plant quarantine and inspection, and laws that protect animals used in research. Federal statutes related to conservation include laws concerning soil and water conservation and wildlife conservation.

**Antitrust violations**—offenses related to federal antitrust statutes enacted by Congress that protect trade and commerce from unlawful restraints, price fixing, monopolies, and discrimination in pricing or in furnishing services or facilities.

**Appeal**—a legal proceeding by which a case is brought before a higher court for the review of a judgment or decision of a lower court.

**Appeals, U.S. Court of**—intermediate appellate courts in the United States federal court system that review the final decisions of the district courts within their federal judicial circuits, when challenged. U.S. courts of appeal are higher than the U.S. district courts but lower than the U.S. Supreme Court (or court of last resort). There are 13 U.S. courts of appeal in the federal system, representing the 12 judicial circuits and the federal circuit.

**Appellant**—one who requests that a judicial decision or decree be reviewed by a higher court or by another jurisdiction; opposite of appellee.

**Appellee**—the party against whom an 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. See also, explosives.

**Assault**—the threat of, attempt to, or the intentional infliction of bodily harm against anyone within the special maritime and territorial jurisdiction of the United States or against any government official, foreign official, official guest, internationally protected person, or any officer or employee of the United States. Assault also includes certain violations of the Fair Housing Act of 1968.

## **B**

**Bail**—the temporary release of a defendant in exchange for security or money promised for the defendant's due appearance.

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

**Bribery**—offering or promising anything of value with the intent to influence a person unlawfully, especially a public official in a position of trust. This type of bribery generally applies to bank employees, officers or employees of the federal government, witnesses, or any common carrier. Bribery also includes soliciting or receiving anything of value in consideration of aiding a person to obtain employment with the federal government. Also, receiving or soliciting any remuneration, directly or indirectly, in cash or any kind in return for purchasing, ordering, leasing, or recommending purchasing any good, service, or facility.

**Burglary**—breaking and entering into property with the intent to steal within the special maritime and territorial jurisdiction of the United States. 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.

## C

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

**Case**—With respect to tables describing federal prisoners, a case is considered to be a judicial proceeding for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed, or any proceeding judicial in nature.

**Civil rights violations**—violations of civil liberties guaranteed to United States citizens by the Constitution and by acts of Congress. These include the 13<sup>th</sup> and 14<sup>th</sup> amendments to the Constitution and the Civil Rights Acts enacted after the Civil War, and more recently in 1957 and 1964.

**Collateral bond**—an agreement made as a condition of 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**—violations covering areas of communication such as the Communications Act of 1934 (including wire-tapping and wire interception). A communication is ordinarily considered a deliberate interchange of thoughts or opinions between two or more persons.

**Community confinement**—community confinement may be imposed as a condition of probation or supervised release. Community confinement means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility; and participation in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours. Under the federal sentencing guidelines, community confinement may be a substitute for imprisonment on a day-to-day basis for defendants with a guideline maximum of less than 16 months of imprisonment.

**Commutation of sentence**—a change of legal penalty or punishment to a lesser one such as having a federal criminal sentence reduced by the executive clemency of the President of the United States.

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

**Concurrent sentence**—a sentence such as a prison term to be served at the same time as another sentence or prison term, rather than one after the other. One 3-year sentence and one 5-year sentence, if served concurrently, result in a maximum sentence of five years. See also, consecutive sentence.

**Conditional release**—With respect to tables describing federal prisoners, conditional release refers to a pretrial defendant released from detention to the community contingent upon any combination of restrictions deemed necessary to guarantee the defendant's appearance at trial or to safeguard the community.

**Consecutive sentence**—sentences or prison terms for two or more offenses that follow one after the other. Two 3-year sentences and one 5-year sentence, if served consecutively, result in a maximum sentence of 11 years. See also, 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 alleged substantive offense.

**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.

**Conviction**—the final judgment (or verdict) in a criminal trial, which finds the defendant guilty. A conviction includes pleas of guilty and nolo contendere, and excludes final judgments expunged by pardon, reversed, set aside, or otherwise rendered invalid.

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

**Corporate surety**—With respect to tables describing federal prisoners, a surety is one who has entered into a bond (or an agreement) to give surety for another. As a condition of pretrial 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 in court. 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. Counterfeiting applies to any 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 United States 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.

**Courts**—judicial power is vested pursuant to Article III of the Constitution 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. See also, Appeals U.S. Court of, and District court, U.S.

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

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

**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.

## D

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

**Declination**—a prosecutor's decision not to file a case in a matter received for investigation. With respect to tables describing federal prisoners, excluded are immediate declinations where a prosecutor spent less than one hour on the case.

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

**Departure**—under the federal sentencing guidelines, the term used to describe a sentence imposed that is 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. See also, substantial assistance.

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

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

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

**Detention**—the legally authorized confinement of persons after arrest, whether before or during prosecution. With respect to tables describing federal prisoners, only those persons held two or more days are classified as detained.

**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.

**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. With respect to tables describing federal prisoners, this jurisdiction includes federal offenses prosecuted in U.S. district courts and, except for tables based on data from the Federal Bureau of Prisons, excludes violations of the District of Columbia Code and cases prosecuted in the District of Columbia Superior Court.

**Drug distribution**—delivery (other than by administering or dispensing) of a controlled substance. 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 (Drug Abuse, Prevention, and Control), Title 21 (Food and Drugs). 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.

**Drug offenses**—offenses under federal or state laws prohibiting the manufacture, import, export, distribution, or dispensing of a controlled or counterfeit substance, or the possession of a controlled or counterfeit substance with the intent to manufacture, import, export, distribute, or dispense the substance. Drug offenses include using any communication facilities that cause or facilitate a felony under title 21, or furnishing fraudulent or false information concerning prescriptions, as well as any other unspecified drug-related offense. See also, distribution, possession, and drug trafficking.

**Drug 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). Drug trafficking includes manufacturing, distributing, dispensing, selling, or possessing with the intent to manufacture,

distribute, or sell a controlled substance or a counterfeit substance. It also includes exporting any controlled substance in schedules I through V, and the manufacture or distribution of a controlled substance in schedule I or II, for the purposes of unlawful importation. Also includes the making or distributing of 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. Knowingly opening, maintaining, or managing any place for manufacturing, distributing, or using any controlled substance are also included in drug trafficking.

**Dual and Successive Prosecution Policy (Petite Policy)**—Prosecutorial guidelines used to determine whether to bring a federal prosecution based substantially on a defendant's repetition of the same act(s) or transactions involved in a prior state or federal proceeding for a defendant.

## E

**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 United States Postal Service, officers of lending, credit, or insurance institutions, and any officer or employee of a corporation or association engaged in commerce as a common carrier. The fraudulent appropriations of property by court officers of the U.S. courts and officers or employees of the United States are also included. Stealing from employment and training funds, stealing from programs receiving federal funds and Indian tribal organizations, and selling, conveying, or disposing of any money, property, records, or thing of value to the United States or any department thereof without authority are also included in embezzlement.

**Environmental offenses**—violations of federal law enacted to protect the environment, such as the Clean Air Act and the Clean Water Act. Environmental protection laws protect the safety and well-being of communities from excessive and unnecessary emission of environmental pollutants.

**Escape**—departing or attempting to depart from the custody of a correctional institution; a judicial, correctional, or law enforcement officer; or a hospital where one is committed for drug abuse or drug dependency treatment. 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. 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 are also included.

**Exclusion**—the rule of evidence that disallows evidence secured by illegal means and in bad faith to be introduced in a criminal trial.

**Expiration of sentence**—the completion of a prison sentence by standard means. See releases from prison.

**Explosives**—violations of federal law involving the importation, manufacture, distribution, and storage of explosive material. Includes the unlawful receipt, possession or transportation of explosives without a license, where prohibited by law, or using explosives during the commission of a felony. Also includes violations relating to dealing in stolen explosives, using mail or other form of communication to threaten an individual with explosives, and possessing explosive materials at an airport. See also, arson.

## F

**Failure to appear**—willful absence from any court appointment.

**Felony**—a crime which involves a potential punishment of 1 year or longer in prison or a crime punishable by death. According to 18 U.S.C. § 3559, felonies are classified based on the maximum imprisonment term authorized by the law describing the offense. The five felony classes—A, B, C, D, and E—include life imprisonment or if the maximum penalty is death (Class A felony), if the maximum penalty is 25 years or more (Class B felony), if the maximum penalty is less than 25 years but more than 10 years (Class C felony), if the maximum penalty is less than 10 years but more than 5 years (Class D felony), and if the maximum penalty is less than 5 years but more than 1 year (Class E felony).

**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.

**Financial conditions**—monetary conditions upon which the release of a defendant before trial are contingent, including deposit bond, surety bond, and collateral bond. See also the specific definitions for these bond types.

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

**First release**— With respect to federal prisoners, first release refers to prisoners released from the Federal Bureau of Prisons for the first time after their commitment by a U.S. district court, and excludes offenders returned to prison after their first release to supervision.

**Food and drug violations**—violations of the Federal Food, Drug, and Cosmetic Act, including regulations for clean and sanitary movement of animals, adulteration or misbranding of any food or drug, failure to transmit information about prescription drugs, and intent to defraud and distribute adulterated material.

**Forgery**—falsely making or materially altering a document with the intent to defraud. Forgery includes the intent to pass-off as genuine falsified documents such as a United States Postal Service money order, postmarking stamp or impression, obligation or security of the United States, a foreign obligation, security, or bank note. Also included are a contractors' bond, bid, or public record; deed; power of attorney; letters patent; seal of a court or any department or agency of the United States government; the signature of a judge or court officer; ships' papers; documents on entry of vessels; customs matters; or coin or bar. Forgery 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.

**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. Fraud includes violations of statutes pertaining to lending and credit institutions, the United States Postal Service, interstate wire, radio, television, computer, credit card, veteran's benefits, allotments, bankruptcy, marketing agreements, commodity credit, the Securities and Exchange Commission, railroad retirement, unemployment, Social Security, food stamps, false personation, citizenship, passports, conspiracy, and claims and statements. Excludes fraud involving tax violations included in a separate category under public-order, other offenses. See also, specific offenses in this glossary for citations.

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

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

**Fugitive investigation**—initiated upon receipt of a warrant and typically involves persons who have violated their conditions of probation, parole, or bond release, as well as escaped prisoners. The U.S. Marshals Service has administrative responsibility for all investigations involving federal fugitives.



## G

**Gambling offense**—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. Federal gambling offenses include transporting gambling devices within the jurisdiction of the United States, except under the authority of the Federal Trade Commission or under the authority of a state law that provides an exemption from these provisions. Offenses also include transmitting wagering information on interstate or foreign commerce, interstate transporting of wagering paraphernalia, importing or transporting lottery tickets, or mailing lottery tickets or related matter.

**Good-time credit**—time credited based on a prisoner's good behavior while imprisoned that is applied toward the prisoner's early release. 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 based on the length of time a federal prisoner has already spent in prison.

**Guideline sentencing range**—the range of imprisonment length for a prisoner sentenced to a federal institution based on the federal sentencing guideline for the particular level of offense committed, and the offender's criminal history. The federal sentencing guideline 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 the offenses as charged. With respect to tables describing federal prisoners, a guilty plea also includes pleas of nolo contendere.

## H

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

**Home detention**—a form of confinement and supervision used as a substitute either for imprisonment or as a condition of probation. Except for authorized absences, home detention is a measure in which a person is confined by authorities to his or her place of residence, and restriction is 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 of imprisonment.

**Homicides**—see murder.

## I

**Immigration offenses**—offenses involving illegal entry into the United States, illegally reentering the United States after deportation, willfully failing to deport when so ordered, willfully remaining beyond days allowed on conditional permit, or falsely representing oneself to be a United States citizen. Immigration offenses include violations relating to provisions for special agricultural workers and to provisions relating to limitations on immigrant status such as employment. Also includes bringing in or harboring any aliens not duly admitted by an immigration officer.

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

**Indeterminate sentence**—a prison sentence with a maximum or minimum term that was not specifically established at the time of sentencing.

**Indictment**—the formal accusation issued by a grand jury, stating that the defendant is charged with allegedly committing a particular crime. In the federal system, a defendant may waive indictment and be proceeded against through an information.

**Information**—the formal accusation issued by the United States attorney (instead of a grand jury) stating that the defendant is charged with allegedly committing a particular crime.

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

**Initial appearance or hearing**—a criminal defendant's first appearance before a judge or a magistrate.

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

**Intermittent confinement**—a form of commitment, in a prison or jail, either as a substitute for imprisonment or as a condition of probation. Under the federal sentencing guidelines, intermittent confinement may be a substitute for imprisonment for defendants with a guideline maximum of less than 16 months of imprisonment. Each 24 hours of intermittent confinement is credited as one day of incarceration.

## J

**Jail credit**—the number of days deducted from an offender's sentence for time spent in custody before a prison sentence was imposed.

**Jurisdictional offenses**—offenses considered to be federal crimes because of the place in which they occurred, such as on an aircraft or on federal land or property. Jurisdictional offenses include certain crimes on Indian reservations or at sea, that 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.

**Juvenile delinquency**—a violation of federal law committed by a person prior to the age of 18 years, which would have been a federal offense had the same crime been committed by an adult.

## **K**

**Kidnapping**—unlawfully seizing any person as defined in 18 U.S.C. § 1201 for ransom or reward, except in the case of a minor seized by a parent. Includes receiving, possessing, or disposing of any money or other property delivered as ransom or as a reward in connection with a kidnapping as well as conspiring to kidnap any person, including 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.

## L

**Labor law violations**—violations of federal laws governing a broad spectrum of activities relating to labor-management relations such as the Fair Labor Standards Act of 1938 and the Taft-Hartley Act.

**Larceny**—the act of taking and carrying away any personal property of another with the intent to steal or convert it to one's own use or gain. Larceny 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 United States 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 or assets, or that belong to, or are entrusted to, the custody of an Indian tribal organization. Larceny excludes transporting stolen property.

**Liquor violations**—violations of the Internal Revenue Service laws on liquor, as well as violations of liquor laws not cited under these laws. Liquor violations include 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, and shipping liquor by collect-on-delivery method (C.O.D.). Violations also include 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.

## M

**Magistrates (U.S.) (Federal)**—judicial officers appointed by judges of federal district courts who have many but not all of the powers of a judge. Magistrates are designated to hear a wide variety of motions and other pretrial matters in both criminal and civil cases. With consent of the parties, magistrates may conduct civil or misdemeanor criminal trials. Magistrates 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.

**Major offense while on conditional release**—allegation, arrest, or conviction of a crime for which the minimum sentence is incarceration for more than 90 days or probation for a period greater than 1 year.

**Mandatory release**—the release of an inmate from prison after confinement for a period equal to the inmate's full sentence minus any statutory good time. Federal prisoners exiting prison on mandatory release may still be subject to a period of post-release community supervision.

**Mandatory sentence**—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.

**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. Mandatory sentencing enhancements include 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 and 18 U.S.C. § 844(h), which provides for a 5-year enhancement for the use of firearms or explosives during the commission of a crime. Also included is 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.

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

**Matter**—With respect to tables describing federal prisoners, matter refers to a potential case under review by a U.S. attorney and on which more than 1 hour is spent.

**Matters concluded**—With respect to tables describing federal prisoners, matters concluded refers to matters in which a U.S. attorney has reached a final decision. 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 included is the misuse or non-use of a migratory-bird hunting and conservation stamp.

**Minor offense while on conditional release**—conviction of a crime for which the maximum sentence is incarceration for 90 days or less, probation for 1 year or less, or a fine of \$500 or less.

**Misdemeanor**—a criminal offense punishable by a jail term not to exceed 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 three letter grades—A, B, and C—based on the maximum terms of imprisonment. Class A denotes an imprisonment term of one year or less, but more than six months; Class B denotes an imprisonment term of six months or less, but more than 30 days; and Class C denotes an imprisonment term of 30 days or less, but more than five days. Misdemeanor includes offenses previously called minor offenses that were reclassified under the Federal Magistrate Act of 1979.

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

**Mixed sentence**—a sentence requiring the convicted offender to serve a term of imprisonment, followed by a term of probation.

**Most serious offense**—the offense charged that has the greatest potential sentence; or with respect to tables describing federal prisoners, the offense with the greatest imposed sentence.

**Motor carrier violations**—violations of the federal statutes relating to the Motor Carrier Act, which regulates the routes and rates of freight motor carriers and passenger motor carriers in interstate commerce. The Interstate Commerce Commission administers the Motor Carrier Act.

**Motor vehicle theft**—interstate or foreign transporting, receiving, concealing, storing, bartering, selling, or disposing of any stolen motor vehicle or aircraft.

**Murder**—the unlawful killing of a human being with malice aforethought that was either expressed or implied. 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. 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. Nonnegligent manslaughter is the unlawful killing of a human being without malice.



## N

**National defense violations**—violations of national defense laws under the Military Selective Service Act, the Defense Production Act of 1950, the Economic Stabilization Act of 1970, which includes prices, rents, and wages, and the Subversive Activities Control Act. Included are violations relating to alien registration and treason, including espionage, sabotage, sedition, and the Smith Act of 1940. Also includes 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 federal statutes concerning national defense.

**Negligent manslaughter**—causing the death of a person within the special maritime and territorial jurisdiction of the United States, 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.

**New law**—with respect to tables describing federal prisoners, new law refers to federal defendants convicted and sentenced pursuant to the Sentencing Reform Act of 1984. See also, old law.

**Nolle prosequi**—Latin for "we shall no longer prosecute." The statement is an admission by the prosecutor that the charges cannot be proved or that evidence has demonstrated the defendant's innocence.

**Nolo contendere**—Latin for "I do not wish to contend." A defendant's plea in a criminal case indicating that he or she will not contest the charges, but not admitting or denying guilt. Nolo contendere is also referred to as a plea of "no contest."

**Non-citizen**—a person who is without United States citizenship, including legal aliens—resident aliens, tourists, and refugees/asylees—and illegal aliens.

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

**Nonnegligent manslaughter**—see murder.

**Nonviolent sex offenses**—coercing, or enticing an individual (including minors) in the District of Columbia, or in any territory or possession of the United States, with the intent and purpose of engaging in prostitution, or any sexual activity for which any person can be charged with a criminal offense. Also includes transporting an individual (including minors) from one place to another in interstate or foreign commerce with the intent and purpose of engaging in prostitution, or any sexual activity for which any person can be charged with a criminal offense.

**Not convicted**—an acquittal or setting free by bench or jury trial, mistrial, or 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. A verdict of "not guilty" in a criminal trial means that a defendant was acquitted of the charges against him or her by the court. .

## O

**Offense**—a violation of United States criminal law. Where more than one offense is charged, the offense with the greatest potential penalty is reported.

**Offense level**—under the federal sentencing guidelines, an offense level is 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**—With respect to tables describing federal prisoners, old law refers to defendants convicted and sentenced pursuant to laws applicable before the Sentencing Reform Act of 1984. See also, new law.

## P

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

**Perjury**—a false material declaration under oath in any proceeding before or ancillary to any court or grand jury of the United States. Includes knowingly or willfully giving false evidence or swearing to false statements under oath or by any means procuring or instigating any person to commit perjury. This offense also includes any officers or 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 statements.

**Personal recognizance**—a pretrial release condition in which the defendant promises to appear at trial and no financial conditions are imposed.

**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-bargain**—a 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 or licentious literature. 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.

**Possession**—an 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 through 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 onboard a United States vessel or vessels within custom waters of the United States, or by any United States citizen on board a vessel. In addition, 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 is included in this offense category.

**Postal laws**—offenses relating to the mail; pertaining to the United States Postal Service.

**Pre-sentence Investigation Report (PSI) (Federal)**—after conviction and before sentencing, a federal probation officer conducts an investigation mandated 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. The PSI is intended to help the sentencing judges and others in the criminal justice system to evaluate the offender by providing a comprehensive background on the offender, which includes a summary of the current offense, prior criminal record, personal and family data, evaluation, and sentencing recommendations.

**Presentment**—an accusation initiated by the grand jury that is 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, or education, during a stated period.

**Pretrial release**—a defendant’s release from custody to the community, for all or part of the time, before trial or during prosecution. The defendant may be released on personal recognizance, unsecured bond or under financial conditions. Pretrial release includes defendants released within 2 days after arrest and defendants who were released after posting bail or having release conditions changed at a subsequent hearing.

**Pretrial revocation**—the decision to detain a defendant for violating conditions of pretrial release or for committing a new crime while in a pretrial release status.

**Preventive detention**—the detention of a defendant awaiting trial for the purpose of preventing further misconduct.

**Probation**—sentence imposed for commission of a crime whereby the convicted criminal offender is released into the community under the supervision of a probation officer in lieu of incarceration. An act of clemency available only to those found eligible by the court, probation offers a chance for reform and rehabilitation for the defendant. For this purpose, the defendant must agree to specified standards of conduct; violation of such standards subjects the offender’s liberty to revocation.

**Procedural termination**—a judgment based on the methods and mechanics of the legal process, including all the rules and laws governing that process. Procedural law is distinguished from substantive law, which involves the statutes and legal precedents upon which cases are tried and judgments made. See also, administrative case closure and terminated on the merits.

**Property offenses, fraudulent**—property offenses that involve elements of deceit or intentional misrepresentation. These offenses specifically include embezzlement, fraud (excluding tax fraud), forgery, and counterfeiting.

**Property offenses, non-fraudulent**—violent offenses against property, including burglary, larceny, motor vehicle theft, arson, transportation of stolen property, and other property offenses, such as the destruction of property and trespassing. These offenses are termed non-fraudulent to distinguish them from the category of property offenses, fraudulent, within the glossary.

**Property offenses, other**—offenses that involve the destruction of property moving in interstate or foreign commerce and in the possession of a common or contract carrier. Also includes the malicious destruction of government property, or injury to United States postal property such as to mailboxes or mailbags. Trespassing on timber and government lands is also included in this offense category.

**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 to distinguish them from the category public-order offenses, regulatory within this glossary.

**Public-order offenses, other**—violations of laws pertaining to bigamy, disorderly conduct on the United States Capitol grounds, civil disorder, and travel to incite to riot. Also 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.

## R

**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 expressed or implied. Extortion is the obtaining of money or property from another without the person's consent and 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. Also included are: obtaining property or money from another (with the person's consent and induced by actual or threatened force, violence, blackmail) or committing unlawful interference with the person's employment or business. Racketeering and extortion includes 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 kidnapping any person with intent to extort. Applies to officers or employees of the United States, or anyone representing him or herself as such.

**Release - Extraordinary**—unusual methods by which a federal prisoner exits prison, such as death, commutation, or a transfer to another facility.

**Release - Standard**—the usual way by which a federal prisoner exits 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 returning a case to a 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 a mandatory release order because of a rule violation or a new offense which forces the offender to begin or to 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. Includes robbery of bank property, United States postal property, or personal property of the United States. Also included is 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.

**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. See also, Federal Rules of Criminal Procedure-Rule 20.

**Rule 40 transfer**—upon petition by the U.S. attorney, commitment to another district; transfer proceedings of a defendant arrested in a district for an alleged offense committed in another district. See also, Federal Rules of Criminal Procedure-Rule 40.

## S

**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 U.S. 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 age 16 who is not one's wife, within the territorial and special maritime jurisdictions of the United States. Also includes cases of sexual abuse, including sexual abuse of a minor and cases of sexual abuse in federal prisons.

**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) United States -owned aircraft in flight over the high seas.

**Split sentence**—See, mixed sentence.

**Stale**—a case or matter that 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 a mandatory sentence applicable by the law that describes the offense.

**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 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 in court.

**Suspect**—a person who is under investigation or interrogation as a likely perpetrator of a specific criminal offense.

## T

**Tax law violations**—federal tax fraud offenses include violations of laws within the Internal Revenue Service Code (26 U.S.C.). Included are 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, and failure to obey summons to produce any papers concerning taxes. Also included are offenses such as failing to furnish receipts for employees of tax withheld, failing to furnish information relating to certain trusts, annuity, and bond purchase plans, and putting fraudulent or false statements on tax returns. Violations of excise and wagering tax laws and not obtaining a license for a business that makes a profit from foreign items are also included in this offense category.

**Technical violation**—failure to comply with any of the conditions of pretrial release, probation, or parole, excluding alleged new criminal activity. Technical violations may result in revocation of an offender's release status. Conditions that may be imposed and then violated include remaining within a specified jurisdiction or appearing at specified intervals for drug tests.

**Terminated on the merits**—a judgment made after consideration of the substantive as distinguished from procedural issues in a case. See also, procedural termination.

**Termination**—at the pretrial services stage: execution of sentence, acquittal, dismissal, diversion, or fugitive status; in the U.S. district court: conviction, acquittal, or dismissal; and at probation or supervised release: the removal of a person from supervision either for successful completion of the term of supervision or as the result of a revocation.

**Threats against the President**—knowingly and willfully depositing in the mail, at any post office, or by any letter carrier a letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President, Vice President, or any other officer in order of succession to the Presidency. Knowingly and willfully making such threats in any way to the above-named people is included in this offense.

**Time served**—the portion of a prisoner's imposed sentence spent in prison (from arrival into jurisdiction of the Federal Bureau of Prisons until release from prison) plus any jail time served and credited. For prisoners serving concurrent sentences, time served may exceed the longest single sentence imposed.

**Traffic offenses**—driving while intoxicated, or any moving or parking violations on federal lands.

**Transportation violations**—violations of the federal statutes relating to the Motor Carrier Act, which regulates the routes and rates of freight motor carriers and passenger motor carriers 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.

**Trial conviction**—conviction by judge or jury after trial.

**True bill**—an indictment.

## U

**United States** — includes the territory occupied by the 50 States and the District of Columbia, and the outlying territories of Guam, Puerto Rico, Northern Marianas Islands, and the U.S. Virgin Islands.

**U.S. attorneys**—all United States attorneys. Prosecutorial data with respect to tables describing federal prisoners are drawn 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 pretrial 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.



## V

**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, kidnapping, and threats against the President. See also, specific offenses for citations.

## **W**

**Warrant**—an order (writ) of a court that directs a law enforcement officer to arrest and bring a person before the judge, such as persons charged with a crime, escaped federal prisoners, or probation, parole, or bond default violators.

**Warrant clearance or execution**—refers to the closing of a fugitive investigation. Warrants can be cleared or executed in many ways, including the arrest or surrender of a fugitive, dismissal by the court, and lodging a detainer against a fugitive in custody. See also, detainer.

**Warrant initiation**—refers to the opening of a fugitive investigation upon receipt of a warrant.

**Weapons violations**—violations of any provisions of 18 U.S.C. §§ 922 (unlawful acts) and 923 (licensing) with regard to the manufacturing, importing, possessing, receiving, and licensing of firearms and ammunition. Includes manufacturing, selling, possessing, or transporting any switchblade knife; or making, receiving, possessing, or transporting a firearm not registered in the National Firearms Registration Transfer Record within any territory or possession of the United States, within Indian country, or within the special maritime and territorial jurisdiction of the United States. 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 wherein a crime of violence or drug trafficking enhanced punishment is handed down when the crime was committed with a deadly weapon.

**Wildlife offenses**—violations of federal law enacted to protect endangered or threatened species, as well as migratory birds. The Endangered Species Act (16 U.S.C. Conservation) makes it unlawful for any person to take, import, sell or ship endangered or threatened wildlife. Under this code, the Migratory Bird Treaty Act protects migratory birds, and the Lacey Act prohibits the trade of illegally taken fish and wildlife.