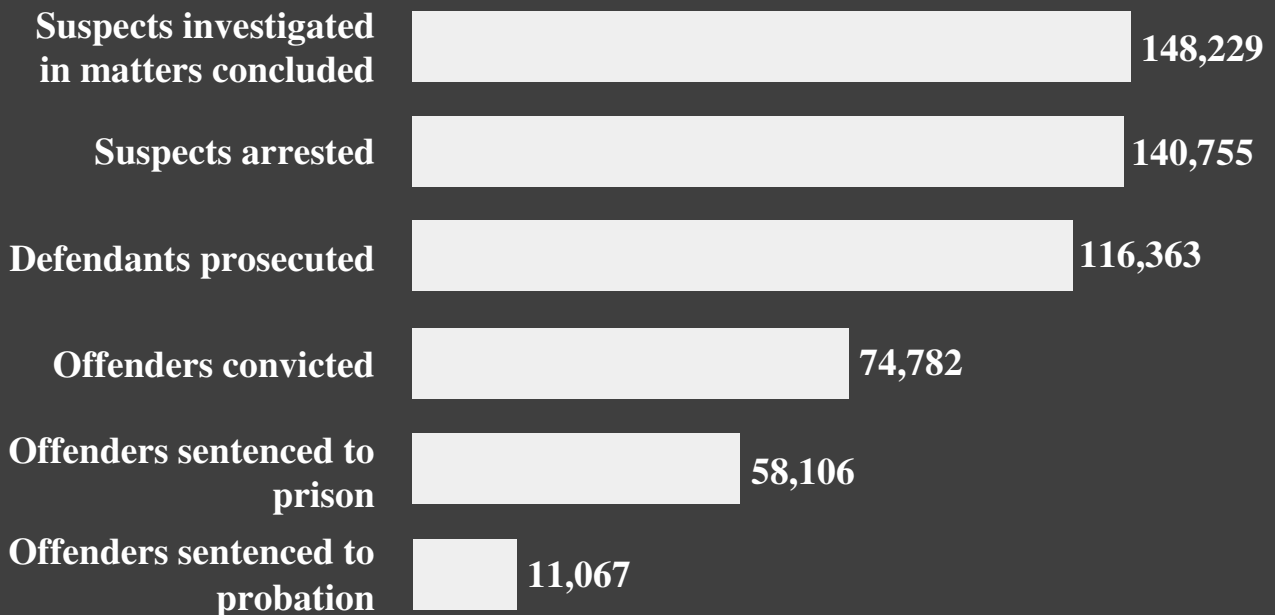




## Bureau of Justice Statistics

# Compendium of Federal Justice Statistics, 2004

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



A Federal Justice Statistics Program Report

**U.S. Department of Justice**

Office of Justice Programs

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# Compendium of Federal Justice Statistics, 2004

December 2006, NCJ 213476

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**U.S. Department of Justice**

Office of Justice Programs  
Bureau of Justice Statistics

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An electronic version of this report and the data underlying graphics are available on the BJS World Wide Web Internet site: <<http://www.ojp.usdoj.gov/bjs/cfjs04.htm>>. The BJS-sponsored Federal Justice Statistics Resource Center (FJSRC) Internet Home Page (available at <<http://fjsrc.urban.org>>) provides online access to the Federal Justice database. Users may download data from the Federal Justice database for independent analysis or use the online query system to quickly obtain customized statistics.

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## Highlights

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

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

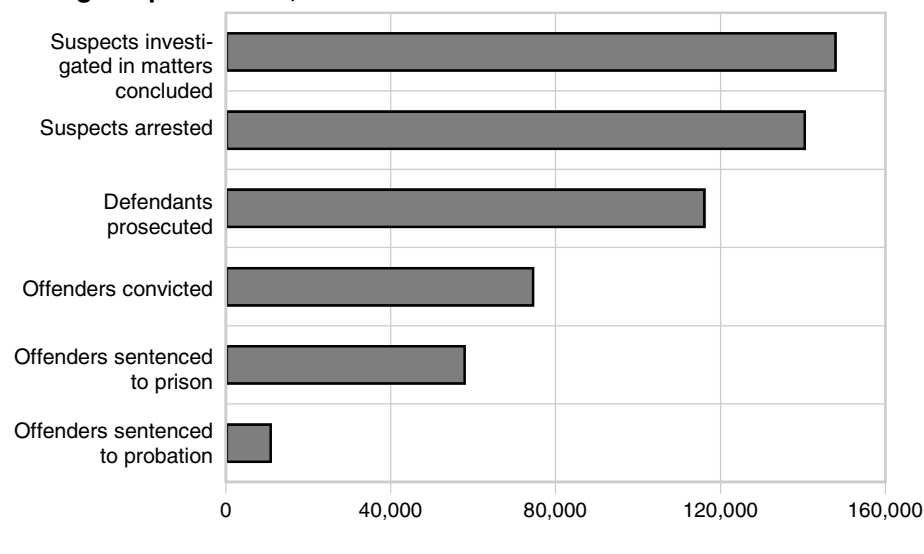
The number of offenders under post-conviction supervision increased 29% between 1990 and 2004. At the end of fiscal year 2004, the number of offenders on post-conviction community supervision was 109,712 compared to 84,801 during 1990. Over 73% of those under post-conviction community supervision were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

### Arrest

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

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

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



### Prosecution

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

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

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

### Pretrial release

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

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

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

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

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

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

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

### Adjudication

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

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

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

### Sentencing

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

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

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

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

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

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

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## Appeals

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

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

## Corrections

### *Community supervision*

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

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

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

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

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# Introduction

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

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

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

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

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

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

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

## Organization of the *Compendium*

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

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

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

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

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

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

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

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

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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 2004 *Compendium***

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

#### **Notes to reader**

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

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

# System overview

Federal criminal case processing, 2004

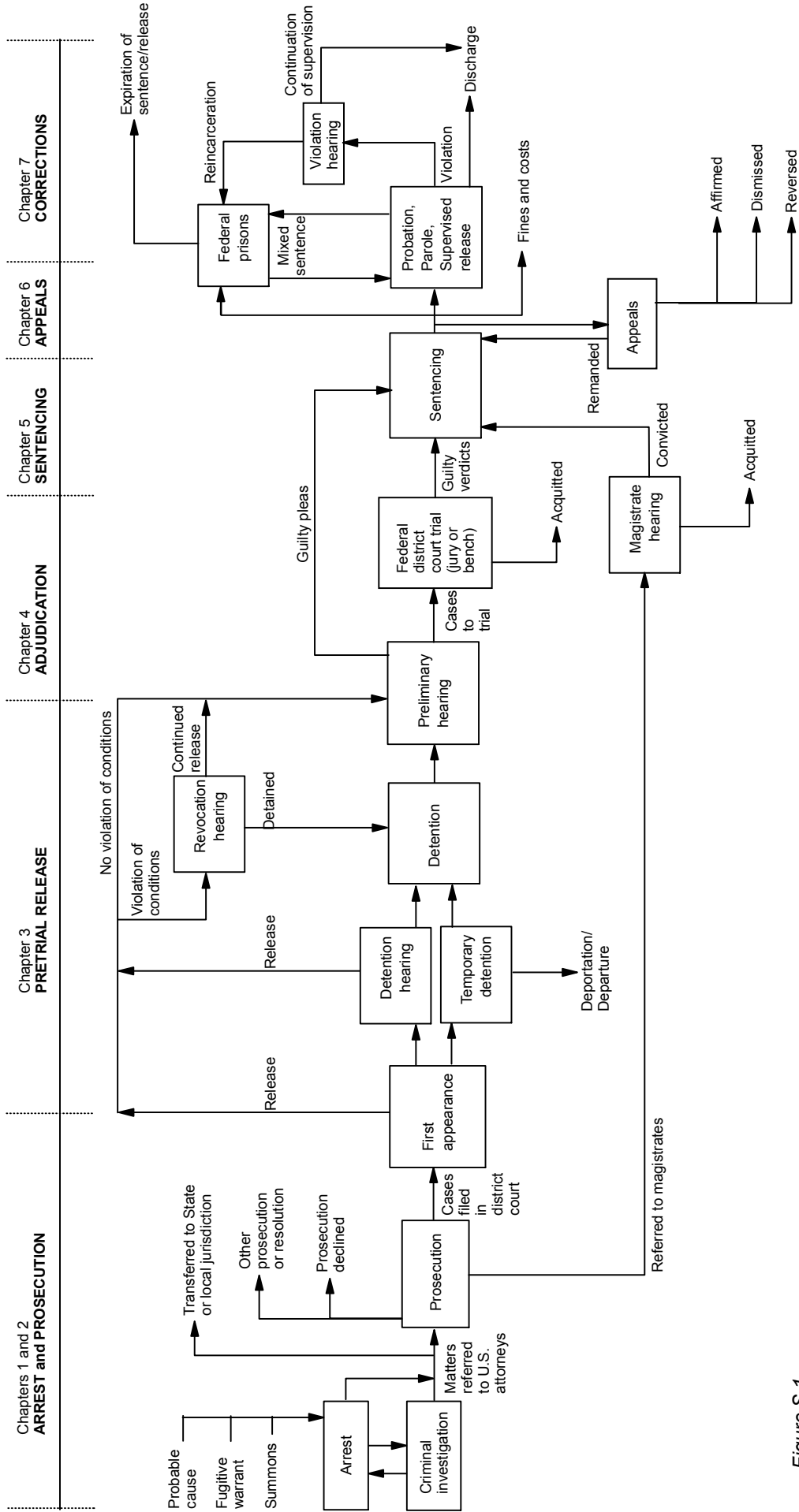
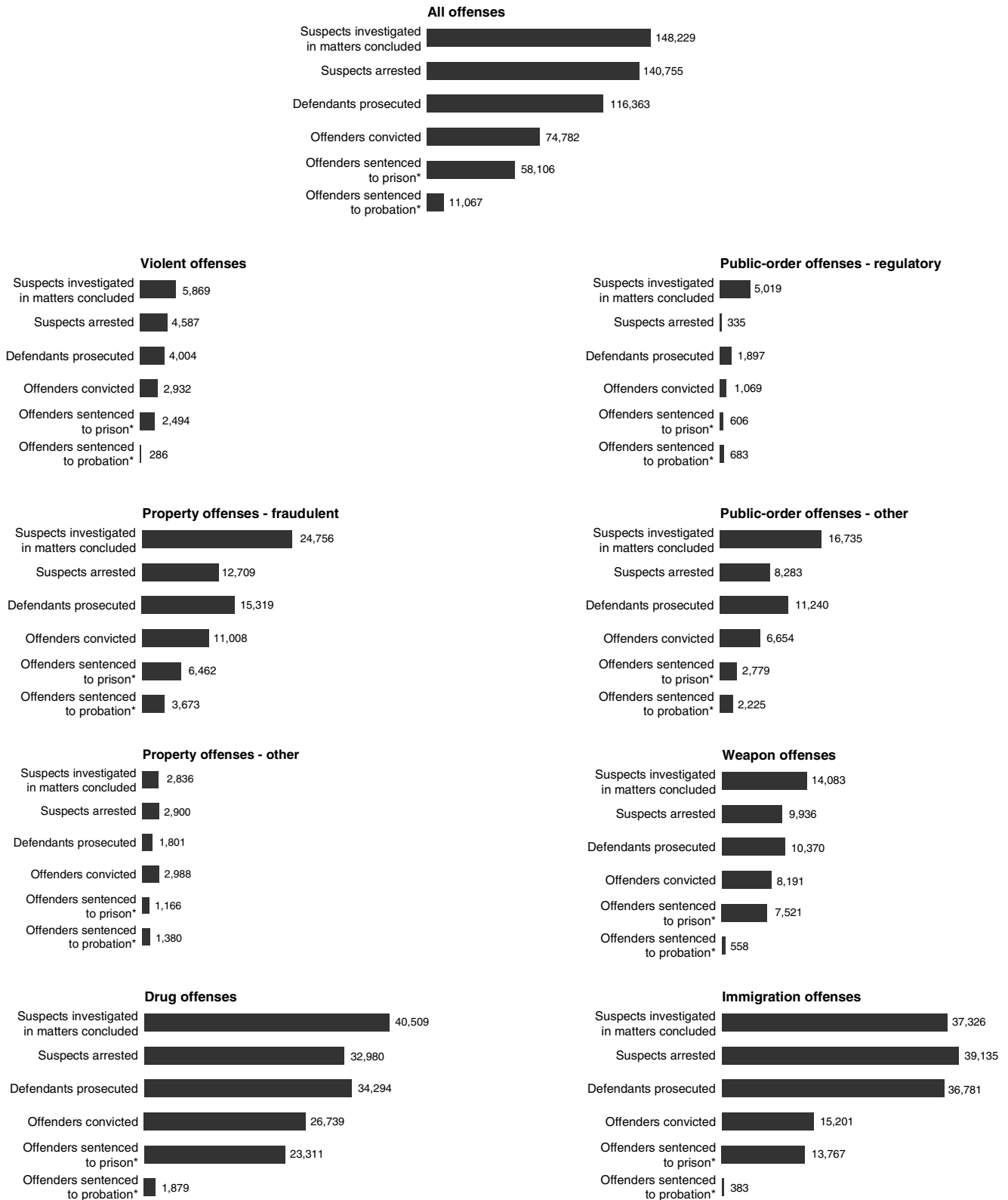


Figure S. 1.

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



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

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**Pretrial release**

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**Tables**

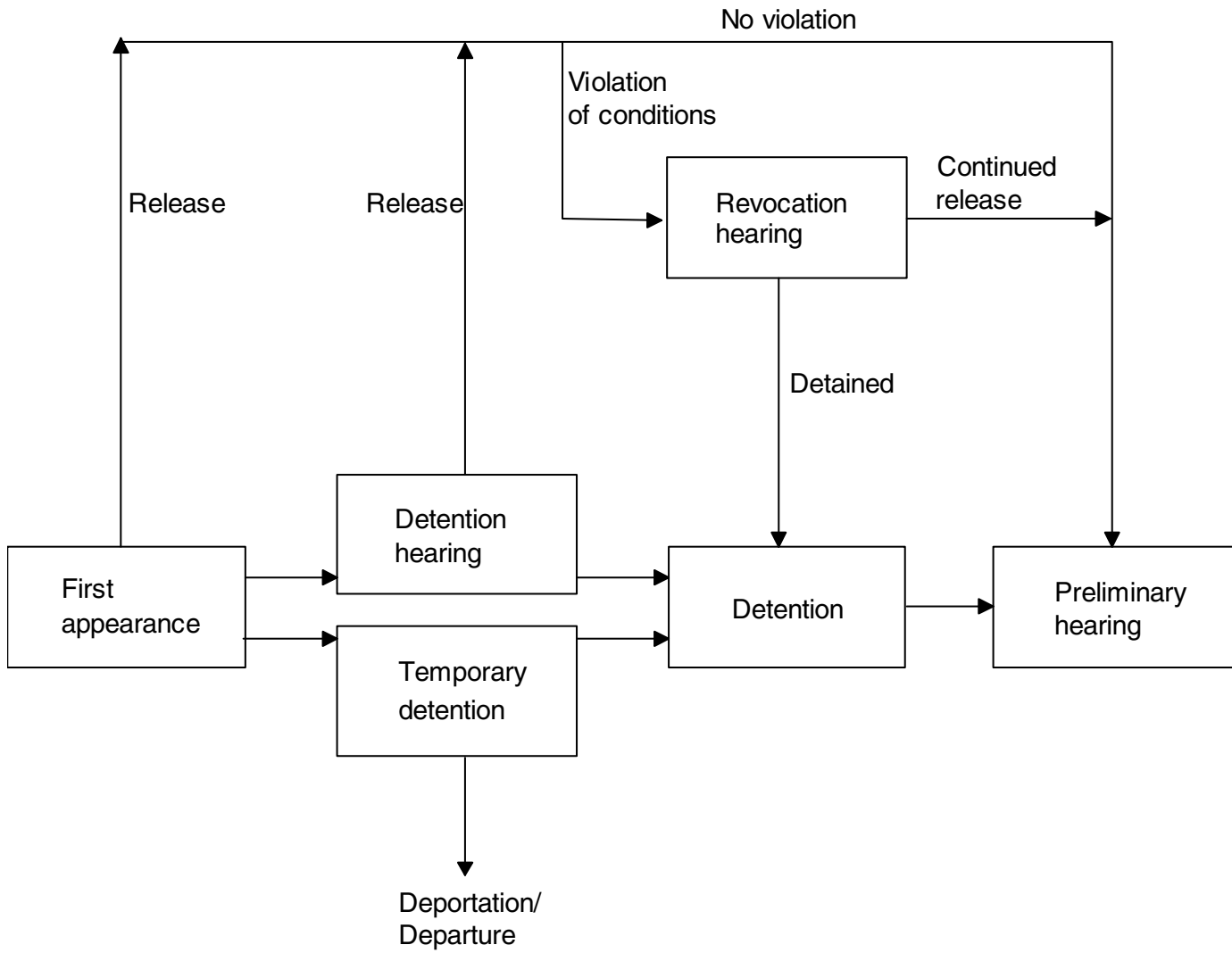
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# Chapter 3

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

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

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

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

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

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

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

#### Types of pretrial release

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

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

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

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

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

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

Financial conditions may occur in combination with nonfinancial conditions.

#### Factors relating to release or detention

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

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

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

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

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

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

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

\*18 U.S.C. § 3142(e) (1984)

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

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

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

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

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

### Outcomes for pretrial cases commenced

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

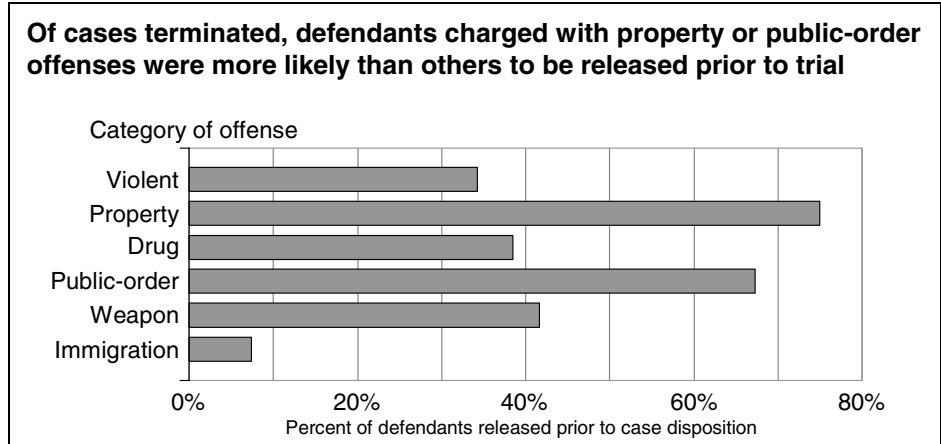


Figure 3.1. Percent of defendants released prior to case disposition, by offense category, October 1, 2003 - September 30, 2004

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

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

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

### Outcomes for pretrial cases terminated

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

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

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

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

### Detentions (tables 3.4 and 3.6) —

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

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

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

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

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

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

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

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

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

**Of cases terminated, violent and drug defendants were more likely to have a detention hearing than those charged with other offenses**

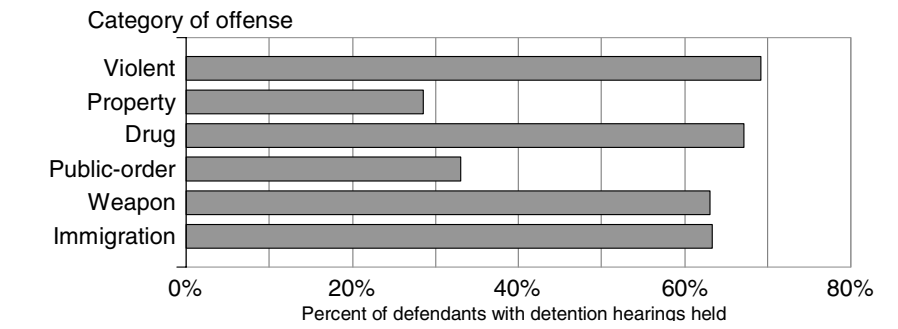


Figure 3.2. Detention hearings held, by offense category, October 1, 2003 - September 30, 2004

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

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

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

**Pretrial outcomes across demographic groups**

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

**Of cases terminated, defendants who were female, non-Hispanic, employed, or with no known history of drug abuse were more likely to be released before trial**

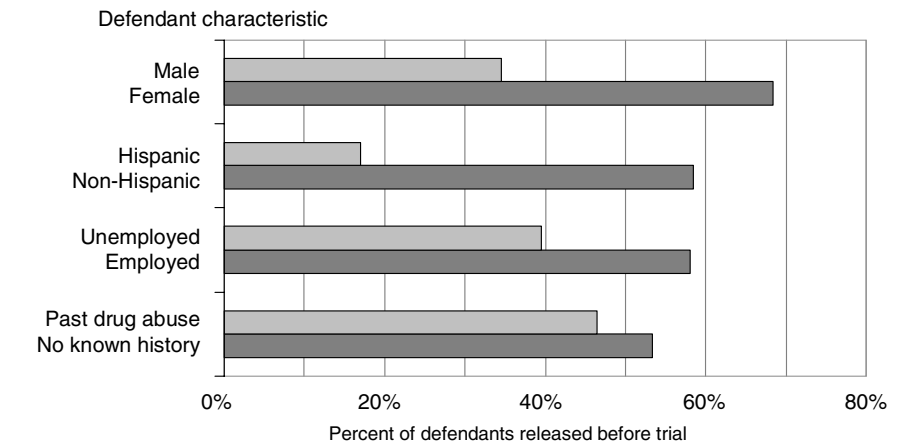


Figure 3.3. Pretrial release rates, by defendant characteristics, October 1, 2003 - September 30, 2004

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

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

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

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

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

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

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

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

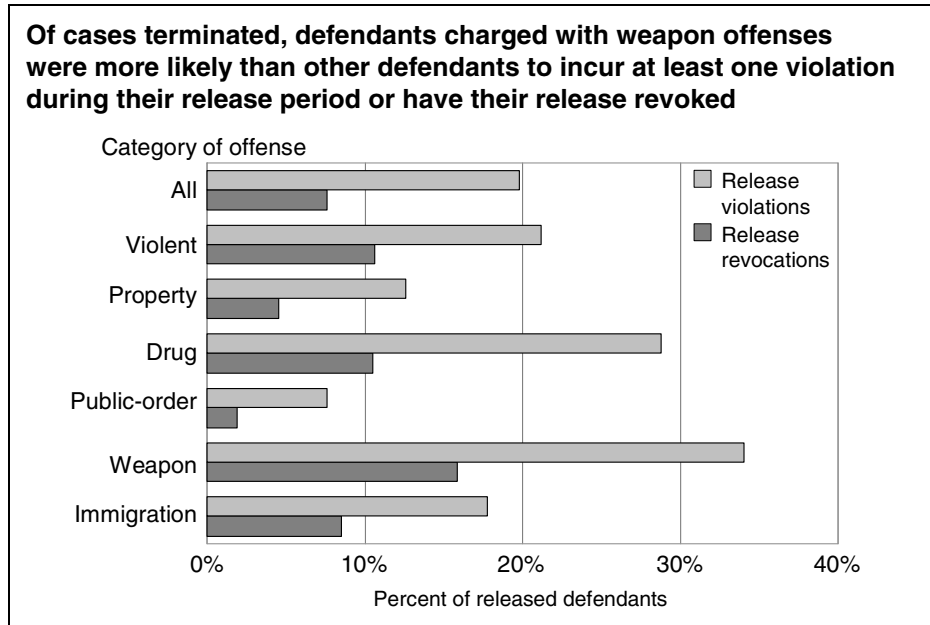


Figure 3.4. Pretrial release violation and revocation rates, for cases that terminated during October 1, 2003 - September 30, 2004, by offense category

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

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

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

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

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

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

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

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

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

**Length of pretrial detention (table 3.11)**

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

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

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

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

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

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



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

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

<sup>^</sup>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 65 dismissals and 386 defendants whose release decision was still pending.

<sup>b</sup>Includes 144 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.

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

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

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

<sup>a</sup> Too few cases to obtain statistically reliable data.

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

<sup>b</sup> Includes 120 defendants for whom an offense category could not be determined, 56 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.

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

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

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

<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 defendants whose PSA records explicitly show no prior arrest or conviction.

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

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

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

<sup>a</sup> 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 120 defendants for whom an offense category could not be determined, 77 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, 2003 - September 30, 2004**

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

Note: Detained defendants include defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable.  
<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 defendants whose PSA records explicitly show no prior arrest or conviction.

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

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

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

^ Too few cases to obtain statistically reliable data.

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

<sup>a</sup>Includes 120 defendants for whom 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; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

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

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

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

<sup>a</sup>Includes defendants for whom these characteristics are unknown.

<sup>b</sup>Includes only defendants whose PSA records explicitly show no prior arrest or conviction.

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

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

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

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

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

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

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

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



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

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

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

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

<sup>b</sup>Includes only defendants whose PSA records explicitly show no prior arrest or conviction.

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

Most serious offense charged	Among defendants detained for any time prior to case disposition, the average number of days detained <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>	27.2 days	36.9 days	35.9 days	112.4 days	71.2 days	108.3 days
<b>Violent offenses</b>	40.8 days	50.8 days	46.9 days	272.3 days	60.8 days	156.2 days
Murder <sup>c</sup>	^	^	60.9	^	...	179.9
Negligent manslaughter	...	^	^	...	...	^
Assault	43.2	53.2	43.4	358.2	^	123.7
Robbery	27.0	48.3	63.0	^	74.8	160.5
Sexual abuse <sup>c</sup>	23.7	48.7	31.7	^	...	151.8
Kidnapping	^	^	^	...	^	177.4
Threats against the President	^	^	^	...	^	257.3
<b>Property offenses</b>	25.4 days	41.9 days	32.9 days	68.0 days	95.0 days	97.5 days
<b>Fraudulent</b>	26.3 days	39.7 days	30.5 days	70.7 days	94.2 days	93.4 days
Embezzlement	15.4	17.9	6.3	...	^	92.1
Fraud <sup>c</sup>	26.9	38.3	29.9	69.7	97.1	94.9
Forgery	41.5	17.3	69.8	^	^	84.1
Counterfeiting	22.8	53.0	34.2	^	86.5	83.7
<b>Other</b>	17.0 days	50.8 days	37.3 days	57.3 days	100.1 days	114.5 days
Burglary	^	13.2	23.3	^	^	96.2
Larceny <sup>c</sup>	19.4	62.8	43.4	34.0	89.7	87.7
Motor vehicle theft	^	17.9	14.5	^	^	150.3
Arson and explosives	^	26.8	13.8	^	^	170.8
Transportation of stolen property	^	92.4	67.0	...	^	212.4
Other property offenses <sup>c</sup>	^	5.3	4.7	^	...	^
<b>Drug offenses</b>	27.9 days	34.5 days	35.7 days	112.6 days	94.7 days	133.9 days
Trafficking	27.7	34.3	35.4	117.3	95.3	133.9
Other drug offenses	30.1	37.0	39.9	74.1	89.3	134.8
<b>Public-order offenses</b>	23.5 days	34.5 days	25.1 days	117.0 days	78.1 days	104.4 days
<b>Regulatory</b>	19.1 days	50.2 days	23.1 days	148.5 days	46.0 days	76.1 days
<b>Other</b>	27.0 days	26.9 days	26.5 days	95.4 days	118.2 days	115.3 days
Tax law violations <sup>c</sup>	4.6	34.8	23.1	...	...	109.3
Bribery	81.6	25.0	1.0	^	^	^
Perjury, contempt, and intimidation	^	33.3	59.8	^	^	114.3
National defense	8.0	55.0	2.0	^	^	111.7
Escape	10.3	18.1	32.5	^	57.5	65.5
Racketeering and extortion	32.0	28.1	22.1	^	224.4	183.0
Gambling	^	1.0	...	^	...	^
Liquor offenses	...	...	6.1	...	...	^
Nonviolent sex offenses	21.2	22.3	38.2	^	^	134.3
Obscene material <sup>c</sup>	^	...	^	^	^	^
Traffic	2.5	26.4	12.4	56.0	...	34.5
Wildlife	^	...	...	^	^	^
Environmental	^	...	^	^	^	...
All other offenses <sup>c</sup>	13.0	35.5	21.9	28.0	^	80.4
<b>Weapon offenses</b>	33.9 days	44.1 days	44.5 days	131.9 days	90.6 days	126.6 days
<b>Immigration offenses</b>	20.6 days	23.8 days	17.6 days	100.1 days	52.4 days	68.1 days

<sup>a</sup> Too few cases to obtain statistically reliable data.

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

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

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

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

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

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

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

## The Federal justice database

### *Source of data*

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

### *Reporting period*

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

### *Availability of data items*

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

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

## Table construction and interpretation

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

### *Unit of analysis*

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

### *Interpretation*

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

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

## Offense classifications

### *Procedure*

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

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

### *Felony/misdemeanor distinctions*

Felony and misdemeanor distinctions are provided where possible. Felony

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

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

#### *Felonies*

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

**Class B felony** — 25 years or more.

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

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

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

#### *Misdemeanors*

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

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

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

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

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

#### *Most serious offense selection*

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

#### *Offense categories*

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

**"Murder"** includes nonnegligent manslaughter.

**"Sexual abuse"** includes only violent sex offenses.

**"Fraud"** excludes tax fraud.

**"Larceny"** excludes transportation of stolen property.

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

**"Tax law violations"** includes tax fraud.

**"Obscene material"** denotes the mail or transport thereof.

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

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

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

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

**"Drug possession"** also includes other drug misdemeanors.

## Source agencies for *Compendium* data tables

Data source agency — data files	Description of data files contents	<i>Compendium</i> tables
United States Marshals Service (USMS) — Prisoner Tracking System (PTS) — Warrant Information Network	Contains data on suspects arrested for violations of Federal law, by Federal enforcement agencies and data about warrants initiated or cleared. The data include information on characteristics of Federal arrestees.	<b>Arrest:</b> 1.1, 1.2, 1.3 <b>Warrant:</b> 1.6, 1.7, 1.8, 1.9
Drug Enforcement Administration (DEA) — Defendant Statistical System	Contains data on suspects arrested by DEA agents, both within and outside the continental U.S. The data include information on characteristics of arrestees, type of drug for which arrested, as well as the type and number of weapons at time of arrest.	<b>Arrest:</b> 1.4, 1.5
Executive Office for U.S. Attorneys (EOUSA) — National LIONS System file	Contains information on the investigation and prosecution of suspects in criminal matters received and concluded, criminal cases filed and terminated, and criminal appeals filed and handled by U.S. attorneys. The central system files contain defendant-level records about the processing of matters and cases; the central charge files contain the records of the charges filed and disposed in criminal cases. Data are available on matters and cases filed, pending, and terminated.	<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. Data files are limited to those defendants whose court 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 offenders in prison when the data extracts are made. The information covers the time from when offenders enter prison until their release from the jurisdiction of the Bureau of Prisons. Tables 7.9-7.16 exclude prisoners sentenced by a District of Columbia Superior Court judge for violations of the DC Criminal Code.	<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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(including nolle prosequi and deferred prosecution).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Service has administrative responsibility for all Federal fugitive investigations.

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

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

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

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

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

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

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

**Homicide** — see "Murder."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Plea bargaining** — practice whereby a defendant in a criminal proceeding

agrees to plead guilty to a charge in exchange for the prosecution's cooperation in securing a more lenient sentence or some other mitigation.

**Pornographic** — that which is of or pertaining to obscene literature; obscene, licentious. Material is pornographic or obscene if the average person, applying contemporary community standards, would find that the work taken as a whole appeals to the prurient interest; and if it depicts in a patently offensive way sexual conduct; and if the work taken as a whole lacks serious literary, artistic, political, or scientific value. (See *Milla v. California*, 113 U.S. 15 (1973).)

**Possession** — offense involving the possession of a controlled substance, acquiring a controlled substance by misrepresentation or fraud, attempting or conspiring to possess, or simple possession of a controlled substance in schedules I-V (as defined by 21 U.S.C. § 812). Includes possession of a controlled substance in schedule I or II, or a narcotic drug in schedule III or IV on board a vessel of the United States or vessels within custom waters of the United States, or by any citizen of the United States on board a vessel. Also, possessing any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container is an offense under this category. Distributing a small amount of marijuana for no remuneration is treated as simple possession and, therefore, is included in this offense category (*for example*, 21 U.S.C. §§ 829 (a)(b)(c), 841(a)(b)(d)(g), 842(a)(c), 843(a), 844(a), 846, 955, and 962).

**Postal laws** — offenses relating to the mail; pertaining to the post office.

**Presentence Investigation Report (PSR)** — following a presentence investigation, a report to the court prepared by the probation officer before the imposition of sentence, as required by law; unless the court finds that there is information in the record sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. § 3553, and the

court explains this finding on the record.

**Presentment** — an accusation initiated by the grand jury itself, and in effect, an instruction that an indictment be drawn.

**Pretrial diversion** — an agreement to defer (and possibly drop) prosecution conditioned on the defendant's good behavior and/or participation in programs (such as job training, counseling, education) during a stated period.

**Pretrial release** — the release of a defendant from custody, for all or part of the time, before or during prosecution. The defendant may be released either on personal recognizance or unsecured bond or on financial conditions. The category includes defendants released within 2 days after arrest and defendants who were initially detained but subsequently released after raising bail or having release conditions changed at a subsequent hearing.

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

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

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

**Procedural termination** — a judgment based on the methods and mechanics of the legal process, including all the rules and laws governing that process. Procedural law is

distinguished from "substantive" law, which involves the statutes and legal precedents upon which cases are tried and judgments made. See also, "Administrative case closure" and "Terminated on the merits."

**Property offenses, fraudulent** — property offenses involving the elements of deceit or intentional misrepresentation. Specifically includes embezzlement, fraud (excluding tax fraud), forgery, and counterfeiting.

**Property offenses, non-fraudulent** — violent offenses against property: burglary, larceny, motor vehicle theft, arson, transportation of stolen property, and other property offenses (destruction of property and trespassing). These offenses are termed "non-fraudulent" only for the purpose of distinguishing them from the category "Property offenses, fraudulent," above.

**Property offenses, other** — offenses that involve the destruction of property moving in interstate or foreign commerce in the possession of a common or contract carrier. Includes the malicious destruction of Government property, or injury to U.S. postal property such as mailboxes or mailbags. Trespassing on timber and Government lands is also included in this category of offenses (*for example*, 2 U.S.C. § 167(c)(g); 15 U.S.C. § 1281; 16 U.S.C. §§ 3, 45(d), 114, 121, 123, 152, 430(q), 433, 470, 478, 481, 551, and 605; 18 U.S.C. §§ 1164, 1361-62, 1364, 1852, 1854, 1856, 1858, 1860, 1863, 1864(c), and 2071(b); 40 U.S.C. §§ 193 (h)(q)(r)(s); 43 U.S.C. § 316; and 47 U.S.C. §§ 13 and 22).

**Public-order offenses, non-regulatory** — offenses concerning weapons; immigration; tax law violations (tax fraud); bribery; perjury; national defense; escape; racketeering and extortion; gambling; liquor; mailing or transporting of obscene materials; traffic; migratory birds; conspiracy, aiding and abetting, and jurisdictional offenses; and "other public-order offenses." These offenses are termed "non-regulatory" only for the purpose of distinguishing

them from the category "Public-order offenses, regulatory" below.

**Public-order offenses, other** — violations of laws pertaining to bigamy, disorderly conduct on the U.S. Capitol grounds, civil disorder, and travel to incite to riot (*for example*, 18 U.S.C. §§ 228, 231, 1367, and 1385; 40 U.S.C. §§ 193(b)(d)(g)(o)(p); and 47 U.S.C. §§ 223(a)(b)). Included in "Public-order offenses, non-regulatory."

**Public-order offenses, regulatory** — violations of regulatory laws and regulations in agriculture, antitrust, labor law, food and drug, motor carrier, and other regulatory offenses that are not specifically listed in the category "Public-order offenses, non-regulatory."

**Racketeering and extortion** — racketeering is demanding, soliciting, or receiving anything of value from the owner, proprietor or other person having a financial interest in a business, by means of a threat or promise, either express or implied. Extortion is the obtaining of money or property from another, without his consent, induced by the wrongful use of force or fear. This offense code covers using interstate or foreign commerce or any facility in interstate or foreign commerce to aid racketeering enterprises such as arson, bribery, gambling, liquor, narcotics, prostitution, and extortionate credit transactions; obtaining property or money from another, with his or her consent induced by actual or threatened force; violence, blackmail, or committing unlawful interference with employment or business; transmitting by interstate commerce or through the mail any threat to injure the property, the person, or the reputation of the addressee or of another; or kidnaping any person with intent to extort. Applies to officers or employees of the United States, or anyone representing himself or herself as such (*for example*, 18 U.S.C. §§ 831, 872, 874, 875(b)(d), 877, 878(b), 892, 894, 1365(d), 1952-53, 1955-60, 1962-63).



## Release

**Extraordinary release** — unusual methods of prisoners exiting prison, such as death, commutation, and transfer to another facility.

**Standard release** — the usual way prisoners exit prison, including full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole.

**Remand** — to send back. The act of an appellate court in sending a case back to the lower court for further action.

**Remove** — transfer from Federal court (usually to a State court).

**Restitution** — the action of restoring or giving back something to its proper owner or making reparations to one for loss or injury previously inflicted.

**Reversal** — the act of an appellate court annulling a judgment of a lower court because of an error.

**Revocation** — termination of a probation, parole, or mandatory release order because of either a rule violation or a new offense and forcing the offender to begin or continue serving his or her sentence.

**Robbery** — taking anything of value from the person or presence of another by force or by intimidation, within the special maritime and territorial jurisdiction of the United States (18 U.S.C. §§ 7). Includes robbery of bank property, U.S. postal property, or personal property of the United States. Also, assaulting or putting the life of any person in jeopardy by the use of a dangerous weapon while committing or attempting to commit such robbery (*for example*, 18 U.S.C. §§ 1661, 1991, 2112, 2113(c) (d), 2114, 2116, and 2118(a)).

**Rule 20 transfer** — upon petition by a defendant, a transfer of proceedings to the district in which the defendant is arrested, when the defendant is arrested, held, or present in a district other than that in which an indictment or information is pending against him. In this case, the defendant may state

in writing a wish to plead guilty or nolo contendere, to waive trial in the district in which the indictment or information is pending, and to consent to the disposition of the case in the district in which the defendant was arrested (Fed. R. Crim. P. 20).

**Rule 40 transfer** — upon petition by the U.S. attorney, commitment to another district; transfer proceedings of a defendant arrested in a district for an alleged offense committed in another district (Fed. R. Crim. P. 40).

**Sentence** — sanction imposed on a convicted offender. For sentences to incarceration, the maximum time the offender may be held in custody is reported. (*See also*, "Split sentence," "Mixed sentence," "Indeterminate sentence," and "Mandatory sentence.")

**Sentencing Guidelines (Federal)** — guidelines established by the United States Sentencing Commission to be followed by the Federal courts in the sentencing of those convicted of Federal offenses. Established pursuant to the Sentencing Reform Act of 1984, the sentencing guidelines prescribe a range of sentences for each class of convicted persons as determined by categories of offense behavior and offender characteristics.

**Sexual abuse** — rape, assault with intent to commit rape, and carnal knowledge of a female under 16 who is not one's wife, within the territorial and special maritime jurisdictions of the United States as defined in 18 U.S.C. § 7 (*for example*, 22D U.S.C. § 2801). Also includes cases of sexual abuse, including of a minor (18 U.S.C. §§ 2241(a) (c), 2242(2)(B), and 2243) and in Federal prisons (18 U.S.C. § 2244(a)).

**Shock incarceration** — an intense confinement program, consisting of a highly regimented schedule that provides the strict discipline, physical training, hard labor, drill, and ceremony characteristic of military basic training.

**Special maritime and territorial jurisdiction** — areas of Federal jurisdiction outside the jurisdiction of any

State, including (1) the high seas, Great Lakes, and connecting waterways; (2) Federal lands; and (3) U.S.-owned aircraft in flight over the high seas (18 U.S.C. § 7).

**Split sentence** — *See*, "Mixed sentence."

**Stale** — the case/matter is too old to support successful prosecution.

**Substantial assistance** — a form of cooperation with the government in which the defendant provides the government with information, testimony, or other assistance relating to the criminal activities of other persons in exchange for a sentence reduction. Substantial assistance provides the only mechanism for judges to impose a sentence below an applicable mandatory sentence (U.S.S.G. 5K1.1 as codified at 18 U.S.C. § 3553(e)).

**Supervised release** — under the Sentencing Reform Act of 1984, a form of post-imprisonment supervision to be imposed by the court as a part of the sentence of imprisonment at the time of initial sentencing. Unlike parole, a term of supervised release does not replace a portion of the sentence of imprisonment, but rather is an order of supervision in addition to any term of imprisonment imposed by the court (compare also with probation).

**Surety bond** — an agreement by the defendant as a condition of his or her release that requires a third party (usually a bail bondsman) to promise to pay the full bail amount in the event that the defendant fails to appear.

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

**Tax law violations** — tax fraud offenses, such as income tax evasion and fraud; counterfeiting any stamps with intent to defraud the collection or payment of tax; willfully failing to collect or pay tax; failure to obey summons to produce any papers concerning taxes; failing to furnish receipts for employees of tax withheld; failing to

furnish information relating to certain trusts, annuity, and bond purchase plans; putting fraudulent or false statements on tax returns; and not obtaining a license for a business that makes a profit from foreign items. Also included in this offense category are violations of excise and wagering tax laws and any other laws listed below from the Internal Revenue Service Code (*for example*, 26 U.S.C. §§ 3402, 4412, 5751, 5762(a1), 6047(a)(c), 6331, 6420(e2), 6674, 7121, 7201, 7203(c), 7204, 7206(a)(c), 7208(a)(c), 7210, 7213(b), (d), 7214(b), 7216, 7232, 7513, 7602, and 7604(b)).

**Technical violation** — failure to comply with any of the conditions of pre-trial release, probation, or parole, excluding alleged new criminal activity. May result in revocation of release status. Examples of conditions that may be imposed and then violated include remaining within a specified jurisdiction or appearing at specified intervals for drug tests.

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

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

**Threats against the President** — knowingly and willfully depositing in the mail, at any post office, or by any letter carrier a letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President, Vice President, or any other officer in order of succession to the Presidency. Knowingly and willfully making such threats in any way to the above-named people (18 U.S.C. § 871).

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

**Traffic offenses** — driving while intoxicated, or any moving or parking violations on Federal lands (*for example*, 40 U.S.C. § 212(b)).

**Trafficking** — knowingly and intentionally importing or exporting any controlled substance in schedule I, II, III, IV, or V (as defined by 21 U.S.C. § 812). Includes manufacturing, distributing, dispensing, selling, or possessing with intent to manufacture, distribute, or sell a controlled substance or a counterfeit substance; exporting any controlled substance in schedules I-V; manufacturing or distributing a controlled substance in schedule I or II for purposes of unlawful importation; or making or distributing any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container, or removing or obliterating the label or symbol of any drug or container. Also includes knowingly opening, maintaining or managing any place for the purpose of manufacturing, distributing, or using any controlled substance (*for example*, 19 U.S.C. § 1590; 21 U.S.C. §§ 333(e), 825(a)-(d), 830(a), 841(a)-(b) (d)(e)(g), 842(a), 843(a)(b), 845, 846, 848, 854, 856, 858, 859(a)(b), 860(a), 861(c)(f), 952(a)(b), 953(a)(e), 957, 959, 960(a)(b)(d), 961, 962, and 963; and 46A U.S.C. §§ 1903(g) and (j)).

**Transportation** — violations of the Federal statutes relating to the Motor Carrier Act, which regulates (routes, rates) motor carriers of freight and passengers in interstate commerce.

**Transportation of stolen property** — transporting, selling, or receiving stolen goods, stolen securities, stolen moneys, stolen cattle, fraudulent State tax stamps, or articles used in counterfeiting, if the above articles or

goods involve or constitute interstate or foreign commerce (18 U.S.C. §§ 2315, 2317).

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

**True bill** — an indictment.

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

**U.S. attorneys** — all United States attorneys. Prosecutorial data in this *Compendium* come from the Central System and Central Charge Files of the Executive Office for U.S. Attorneys.

**Unsecured bond** — an agreement by the defendant as a condition of his or her release in which the defendant agrees to pay full bond amount in the event of nonappearance at trial, but is not required to post security as a condition to release.

**Violation (of pretrial release, probation, or parole)** — allegation of a new crime or a technical violation while on pretrial release, probation, or parole.

**Violent offenses** — threatening, attempting, or actually using physical force against a person. Includes murder, negligent manslaughter, assault, robbery, sexual abuse, kidnaping, and threats against the President. (*See also*, specific offenses for citations.)

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

**Warrant clearance or execution** — refers to the closing of a fugitive investigation. Warrants can be cleared or executed in many ways, such as with the arrest or surrender of a fugitive, dismissed by the court, or when a detainer is lodged against a fugitive already in custody (*see* Detainer).

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

**Weapons violations** — violations of any of the provisions of 18 U.S.C. §§ 922 and 923 concerning the manufacturing, importing, possessing, receiving, and licensing of firearms and ammunition. Includes manufacturing, selling, possessing, or transporting (within any territory or possession of the United States, within Indian country, or within the special maritime and territorial jurisdiction of the United States) (18 U.S.C. §§ 7) any switchblade knife; or making, receiving, possessing, or transporting a firearm not registered in the National Firearms Registration Transfer Record. Also, engaging in importing, manufacturing, or dealing in firearms if not registered with the secretary in the Internal Revenue Service District in which the business is conducted or not having paid a special occupational tax. In addition, this code covers cases where in a crime of violence or drug trafficking enhanced punishment is handed down when committed with a deadly weapon (*for example*, 15 U.S.C. § 1242; 18 U.S.C. §§ 922(a)(c)(e)(g)(i)(k)(m)(n) (q), 923, 924(a)(c)(f)(h) and 930; 26 U.S.C. §§ 5801, 5811, 5821, 5841, 5843, 5851, and 5861(b)(d)(h)(j)(l); 40 U.S.C. § 193f(a); and 49A U.S.C. § 1472(q)).

**Wildlife offenses** — violations of Federal law enacted to protect endangered or threatened species, as well as migratory birds. The Endangered Species Act (16 U.S.C. §1531(b)) makes it unlawful for any person to take, import, sell or ship endangered or threatened wildlife, and the Migratory Bird Treaty Act (16 U.S.C. §§ 703) protects migratory birds. The Lacey Act (16 U.S.C. § 3372) prohibits the trade in illegally taken fish and wildlife.