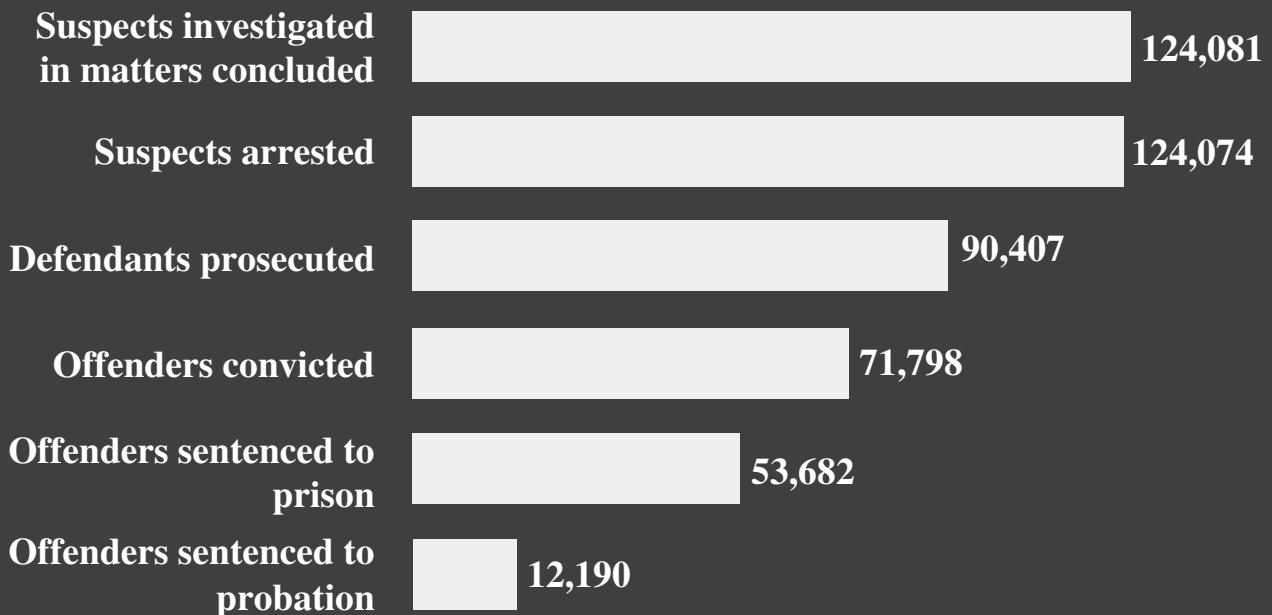




Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 2002

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



A Federal Justice Statistics Program Report

U.S. Department of Justice

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Compendium of Federal Justice Statistics, 2002

September 2004, NCJ 205368

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Office of Justice Programs
Bureau of Justice Statistics

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Highlights

The number of suspects investigated by U.S. attorneys increased between 2001 and 2002, from 121,818 to 124,335. About three-quarters of those for which the investigation was concluded were prosecuted — either before a U.S. district court judge (62%) or before a U.S. magistrate (11%) — and 27% of those investigated were not prosecuted by U.S. attorneys.

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

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

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

Arrest

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

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

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

Prosecution

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

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

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

Pretrial release

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

During 2002, 45% of the 71,572 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses or public-order offenses were more likely to be released prior to trial (79% and

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

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

Defendants having a prior criminal history of serious or violent crimes were less likely to be released than those without a prior criminal history; defendants with a greater number of prior convictions were less likely to be released than those with fewer prior convictions. About 25% of the defendants with a prior violent felony conviction were released before trial, while 61% of defendants with no prior convictions were released. Forty-six percent of defendants with one prior conviction were released, as compared to 37% of defendants having two to four prior convictions and about 28% of defendants having five or more prior convictions.

Eighty-one percent of defendants released prior to trial completed their periods of release without violating the conditions of their release. Nineteen percent of defendants released violated the conditions of their release, and 8% of defendants had their release revoked. Defendants charged with weapon or drug offenses were more likely to commit at least one violation of their conditions of release (31% and 30%, respectively), while defendants charged with weapon or violent offenses were more likely to have their release revoked (13% and 12%, respectively) than were other defendants.

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

Adjudication

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

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

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

Criminal cases were concluded against 80,424 defendants during 2002, 87% of whom had been charged with felonies. The proportion of defendants convicted in the Federal courts increased from 81% during 1990 to 89% during 2002. The proportion of convicted defendants who pleaded guilty increased from 87% during 1990 to 96% during 2002.

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

Sentencing

Defendants convicted during 2002 were more likely to be sentenced to prison than those convicted during 1990. During 2002 about 75% of defendants were sentenced to prison compared to 60% of those sentenced during 1990.

Ninety-three percent of felony violent offenders received prison terms, as did 92% of felony weapon offenders, 91% of felony drug offenders, 89% of felony immigration offenders, 66% of felony public-order offenders, and 59% of felony property offenders.

Average length of prison sentences imposed, by offense, October 1, 2001 - September 30, 2002

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

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

While the proportion of defendants sentenced to prison is at an all-time high, average prison sentences have declined from the peak attained during 1992. During 1992 the average prison term imposed was 62.6 months; for violent felony offenders, the average term imposed was 94.8 months; for drug felony offenders, the average term was 84.1 months.

Appeals

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

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

Corrections

Community supervision

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

Admissions to Federal Bureau of Prisons, releases, and prisoners at yearend, by offense, October 1, 2001 - September 30, 2002

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

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

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

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

A total of 27,678 offenders completed terms of supervised release during 2002. Of these offenders, 62% successfully completed their terms without violating conditions of release; 23% committed technical violations; and 13% committed new crimes.

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

Prison

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

During 2002, 50,440 prisoners were received by the Bureau of Prisons from U.S. district court commitments. An additional 17,437 prisoners were returned to Federal prison for violating conditions of probation, parole, or supervised release, or were admitted to Federal prison from elsewhere than a U.S. district court.

Drug offenders — who comprised 42% of persons admitted into Federal prison — comprised the largest percentage of persons in prison (57%) at the end of 2002.

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

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

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

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

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

Introduction

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

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

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

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

The 2002 *Compendium*, 17th in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, and 2001 describes defendants processed at each stage of the Federal justice system — arrest by Federal law enforcement agencies (chapter 1), investigation and prosecution by the U.S. attorneys (chapter 2), pretrial release or detention (chapter 3), adjudication in the U.S. district courts (chapter 4), sentencing (chapter 5), appeal of the conviction and/or sentence imposed (chapter 6), and corrections (chapter 7) — for the 12-month period ending September 30, 2002 (the Federal fiscal year). Prior to 1994, the *Compendium* was reported on a calendar-year basis.

The tables presented report events that occurred during the Federal fiscal year — October 1, 2001 - September 30, 2002. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention, tables showing defendants sentenced to incarceration, or tables describing offenders under post-conviction community supervision. Juvenile offenders charged as adults are included in the reported statistics. Felony and misdemeanor distinctions are provided

where possible (see "Offense classifications" in *Methodology*).

Organization of the *Compendium*

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

Chapter 1 describes arrests made by Federal law enforcement agencies for violations of Federal law, including the characteristics of arrestees.

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

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

Chapter 4 describes actions by the Federal judiciary in adjudicating defendants in cases filed by the U.S. attorneys, including the offense charged and characteristics of defendants convicted.

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

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

Chapter 7 describes defendants under Federal correctional supervision — probation, parole, and supervised release — including the outcome of the supervision (successful completion or violations), admissions to and releases from Federal prison, and time served by Federal inmates.

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

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

Modifications in the 2002 *Compendium*

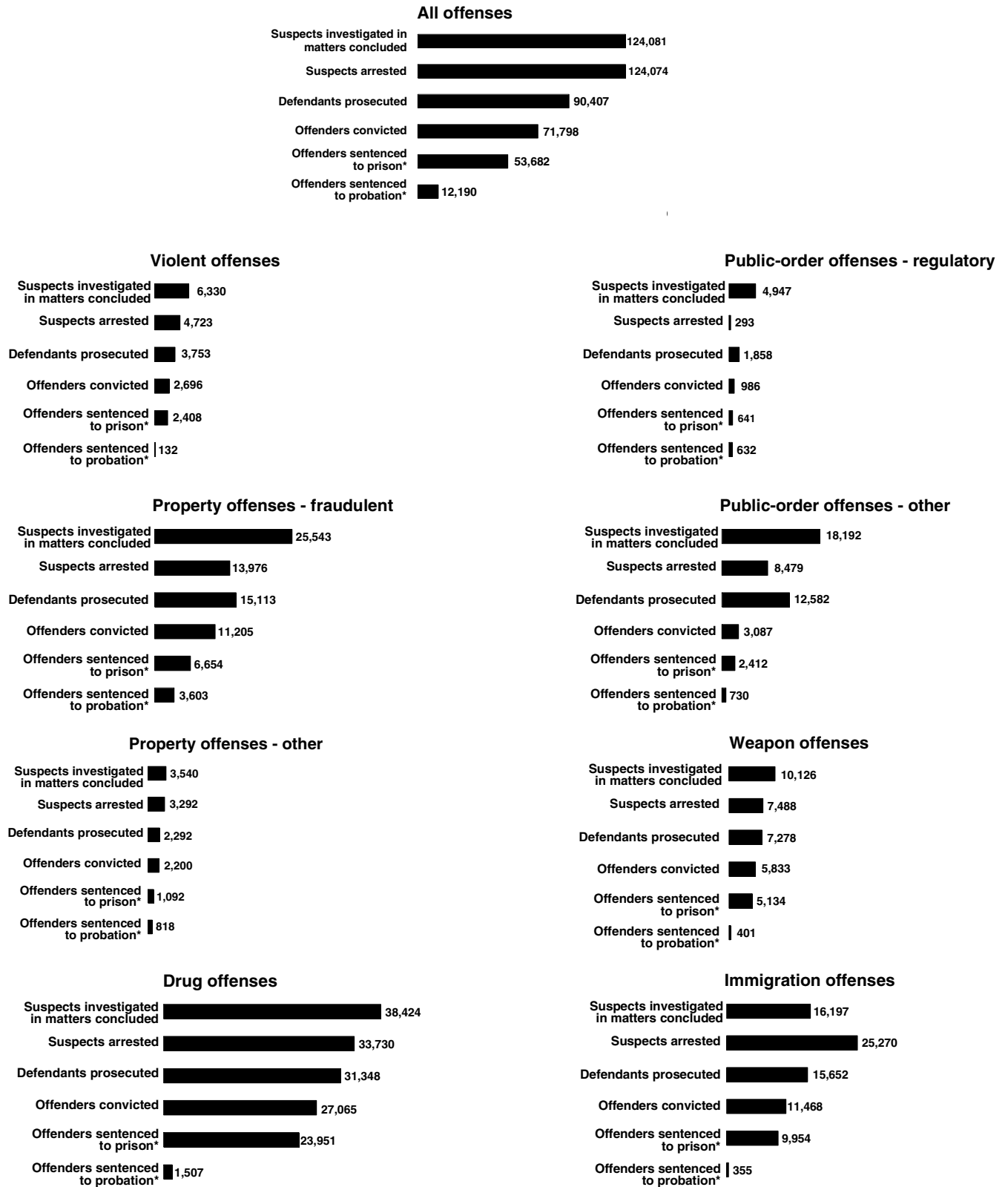
The FY2002 data marked the introduction of two new detailed offense categories: "Wildlife offenses" and "Environmental offenses". According to the reporting practices of this report, these two detailed offenses are grouped under the major offense category, "Public-order offenses, Other" in the tables.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

Notes to reader

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

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

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



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

Figure S.2.

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

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

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

—Less than .05%.

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

^bIncludes 71 defendants for whom an offense category could not be determined.

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

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

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

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

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

—Too few cases to obtain statistically reliable data.

^aIncludes mistrials.

^bIncludes 68 defendants for whom an offense category could not be determined, 62 of whom were convicted and 6 were not convicted.

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

Table 4.3. Time from filing to disposition of criminal cases terminating from October 1, 2001 - September 30, 2002, by offense

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

Note: Interval from filing to disposition includes periods which may be excluded under the Speedy Trial Act of 1974 (18 U.S.C. §3161, et seq.). See *Chapter notes*, item 1, p. 62.

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

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

^bIncludes mistrials.

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

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

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

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

—Too few cases to obtain statistically reliable data.

^aIncludes suspects for whom offense category could not be determined.

^bMay include some nonviolent offenses.

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

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

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

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

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

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

^cSee *Chapter notes*, item 3, p. 62.

Chapter notes

- 1) Tables 4.1-4.4 were derived from the Administrative Office of U.S. Courts (AOUSC) criminal master data files. Only records with cases filed in U.S. district court (table 4.1) or cases that terminated in U.S. district court during October 1, 2001, through September 30, 2002, were selected. Offenses were classified according to the most serious offense charged. In the case of multiple offenses, the offense carrying the most severe potential penalty was selected.

In this *Compendium*, carjacking offenses are classified as robberies, based on title and section of the U.S. Code. In compendia prior to the 1997 *Compendium*, they were classified as motor vehicle thefts, based on the AOUSC offense classifications.
- 2) Table 4.5 was created by matching the AOUSC master data files with the U.S. Sentencing Commission (USSC) monitoring system files and the Pretrial Services Agency (PSA) data files. These latter two data files contain information on the characteristics of defendants. The USSC monitoring system files are limited to records of defendants sentenced under the Federal sentencing guidelines only. These include defendants convicted of felonies or Class A misdemeanors. Excluded from the USSC data were defendants convicted only of Class B or C misdemeanors or infractions, defendants whose offenses were committed before November 1, 1987, and juvenile offenders. Juveniles charged as adults are included in table 4.5. Some of the defendants excluded from the USSC data files were included in the PSA data. (See Chapter 3 *Chapter notes* for more information on the PSA data.) Table 4.5 indicates the number of records for which relevant data were available. Percentage distributions were based on records with known values of defendant characteristics.
- 3) A criminal record, as reported in table 4.5, is limited to prior adult convictions. For some defendants in this table, it is further limited to the portion that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within a 15-year period prior to the current offense and offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges includes their entire adult criminal history.

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October 1, 2001 – September 30, 2002

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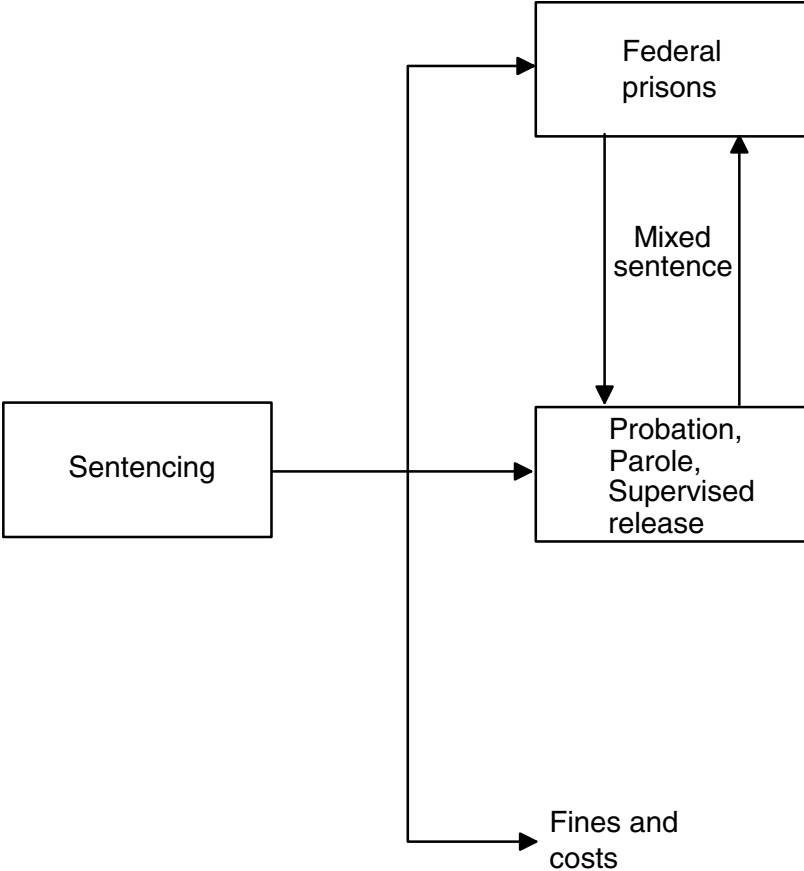
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Sentencing



Depending upon the type and severity of the offense, convicted offenders may be sentenced to incarceration, probation, a fine, or a combination of sanctions such as a split or mixed sentence (imprisonment as well as a period of probation supervision). (For a definition of mixed sentences, see *Glossary*, p. 113.) The Federal sentencing guidelines require a term of supervised release following service of any prison sentence of more than 1 year. In addition, courts have the discretion to impose supervised release in any other case.

Except where otherwise indicated, tables in this chapter are based on the most serious offense of conviction. They are not directly comparable with tables in earlier chapters that are based on the most serious offense investigated or most serious offense charged. (See "Offense classifications" in *Methodology*, p. 109.)

Offenders convicted and sentences imposed (table 5.2)

Of the 71,798 offenders sentenced during 2002, 53,682 (75%) were sentenced to prison; 12,190 (17%) were sentenced to probation¹; and 2,897 (4%) were ordered to pay only a fine. During 2002, 52,246 defendants convicted of felonies were sentenced to prison representing 97% of all prison sentences and 83% of all convicted felons. Felony drug, violent, weapon, and immigration offenders were more likely to receive prison sentences (91%, 93%, 92%, and 89% respectively) than were property (59%) or public-order (66%) offenders (figure 5.1).

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

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

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

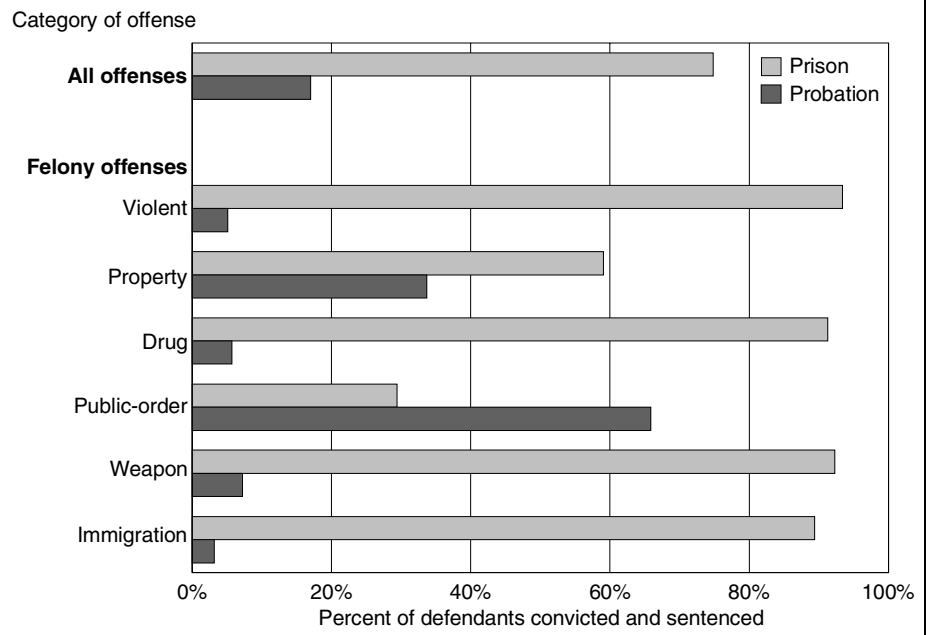


Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated during October 1, 2001 - September 30, 2002

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

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

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

While 4% of all convicted felons were ordered to only pay a fine, 30% of the felons convicted of antitrust violations were so ordered. Fines were generally reserved for misdemeanor offenders, 31% of whom received fines.

Average prison sentences imposed (table 5.2)

For all offenders sentenced to prison terms, the average term of imprisonment imposed was 57.1 months. Persons convicted of felonies received an average of 58.4 months.

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



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

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

During 2002, offenders convicted by trial were more likely to receive prison sentences than those who pleaded guilty. Seventy-four percent of the offenders convicted by guilty plea received some prison time, while 87% of offenders convicted at trial received prison sentences.

For violent offenders, 93% of those convicted by plea received prison sentences, as did 97% of those convicted at trial. For property offenders, 58% of those convicted by plea received prison sentences, compared to 86% of those convicted at trial. For public-order offenders, 65% of those convicted by plea, as contrasted with 90% of those convicted at trial, went to prison.

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

months, on average (a median of 84 months), while those convicted by plea received an average of 53.3 months (a median of 33 months) (figure 5.3). Drug offenders convicted at trial received an average of 195.8 months as compared to 71.4 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 204.4 months as compared to the 81.3 months for those convicted by guilty plea. Those convicted at trial for weapon offenses received, on average, 188.5 months, compared to the 75.4 months for weapon offenders convicted by guilty plea.

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

The majority of persons convicted during 2002 were male (86%), white (70%), non-Hispanic (60%), and U.S. citizens (66%). (Percents were calculated from numbers in table 5.4.) The percentage sentenced to prison was not uniform across all categories of age, race, sex, education, and

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

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

Average sentences imposed were longest for males (59.2 months), blacks (84.5 months), non-Hispanics (67.2 months), and U.S. citizens (66.9 months). These categories of offenders (males, blacks, non-Hispanics, and U.S. citizens) are also more highly concentrated in the offense types associated with longer average sentences (table 5.2). In general, average prison terms were longer for violent, drug and weapon offenses than for property, public-order and immigration offenses. These three offense categories (violent, drug, and weapons) are generally considered to be more serious under the Federal sentencing guidelines than are property and public-order offenses.

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

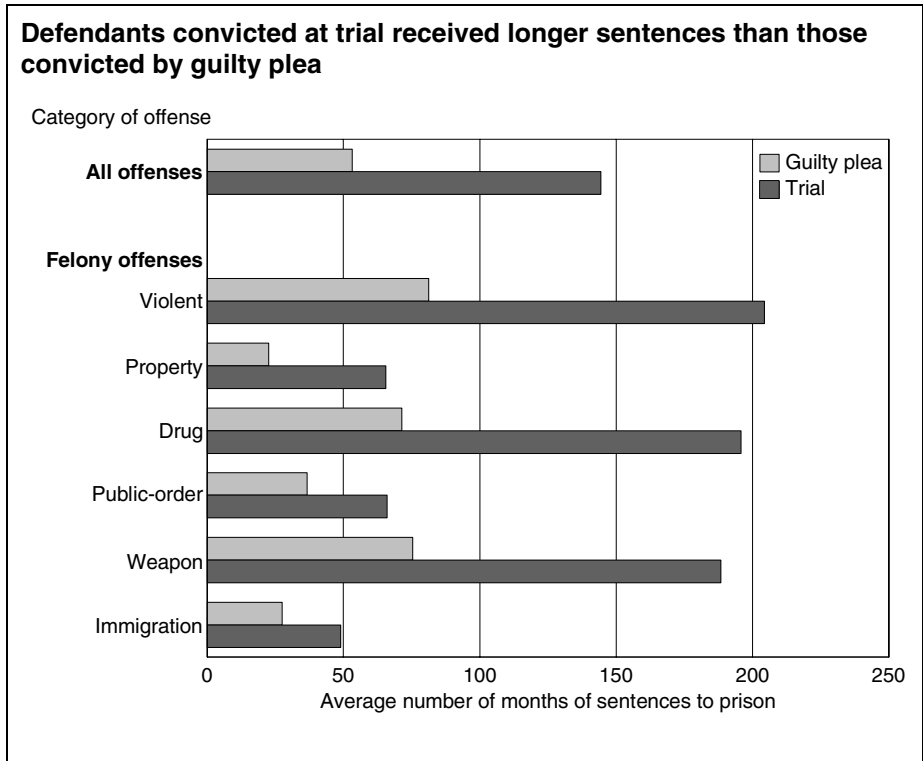


Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea, October 1, 2001 - September 30, 2002

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

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

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

—Too few cases to obtain statistically reliable data.

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

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

^cIncludes offenders with split and mixed sentences.

^dTotal includes offenders whose sentence could not be determined and 61 defendants for whom offense category could not be determined.

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

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

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

—Too few cases to obtain statistically reliable data.

^a—No cases of this type occurred in the data.

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

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

^dIncludes offenders with split and mixed sentences.

^eExcludes sentences of life, death, and indeterminate sentences (1% of all incarcerations).

^fTotal includes offenders whose sentence could not be determined and 61 defendants for whom offense category could not be determined, 28 of whom received a sentence of

incarceration and 32 received a sentence of probation.

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

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

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

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

^bIncludes offenders with split and mixed sentences.

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

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

^eIncludes nolo contendere.

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

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

—Too few cases to obtain statistically reliable data.

Note: By definition, corporations are excluded from the offender characteristics reported. Offenders serving life sentences and indeterminate sentences are included. Offenders are classified by the most serious offense of conviction. The percentages in this table report the percent of convicted persons having a particular characteristic who were incarcerated. For example, 82.7% of all convicted males were incarcerated, and 95% of males convicted of a violent offense were incarcerated. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 75.

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

^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 75. Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 75.

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

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

—Too few cases to obtain statistically reliable data.

Note: By definition, corporations are excluded from the offender characteristics reported. Excludes life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 75.

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

^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 75. Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 75.

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

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

Note: By definition, corporations are excluded from the offender characteristics reported. Excludes life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 75.

^aIncludes corporations and offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited. Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 75.

Chapter notes

- 1) Tables 5.1-5.3 were generated from the AOUSC criminal master data files. Only records of defendants sentenced between October 1, 2001 and September 30, 2002 were selected. Offenses shown in these tables – offenses of conviction – are based on the longest actual sentence imposed.

- 2) Tables 5.4-5.6 were generated from AOUSC criminal master data files supplemented with linked data on offender characteristics from two sources: The United States Sentencing Commission (USSC) monitoring system files (which are limited to records of defendants sentenced under the Federal sentencing guidelines); and the Pretrial Services Information Act System database, maintained by the Pretrial Services Agency (PSA). These two supplemental data files contain information on the characteristics of offenders. Table 5.4 indicates the number of records for which relevant data were available. Percent distributions were based on records with known values of defendant characteristics and offenses. Means and medians in tables 5.5 and 5.6 were based on the number of records shown in table 5.4

- 3) Criminal record, as reported in tables 5.4-5.6, is limited to prior adult convictions. For some defendants in these tables, it is further limited to the portion of their criminal record that is relevant for calculating sentences under the Federal Sentencing Guidelines. In general, this is limited to sentences imposed within 15 years of the current offense and sentences for offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges is the same as their adult criminal history.

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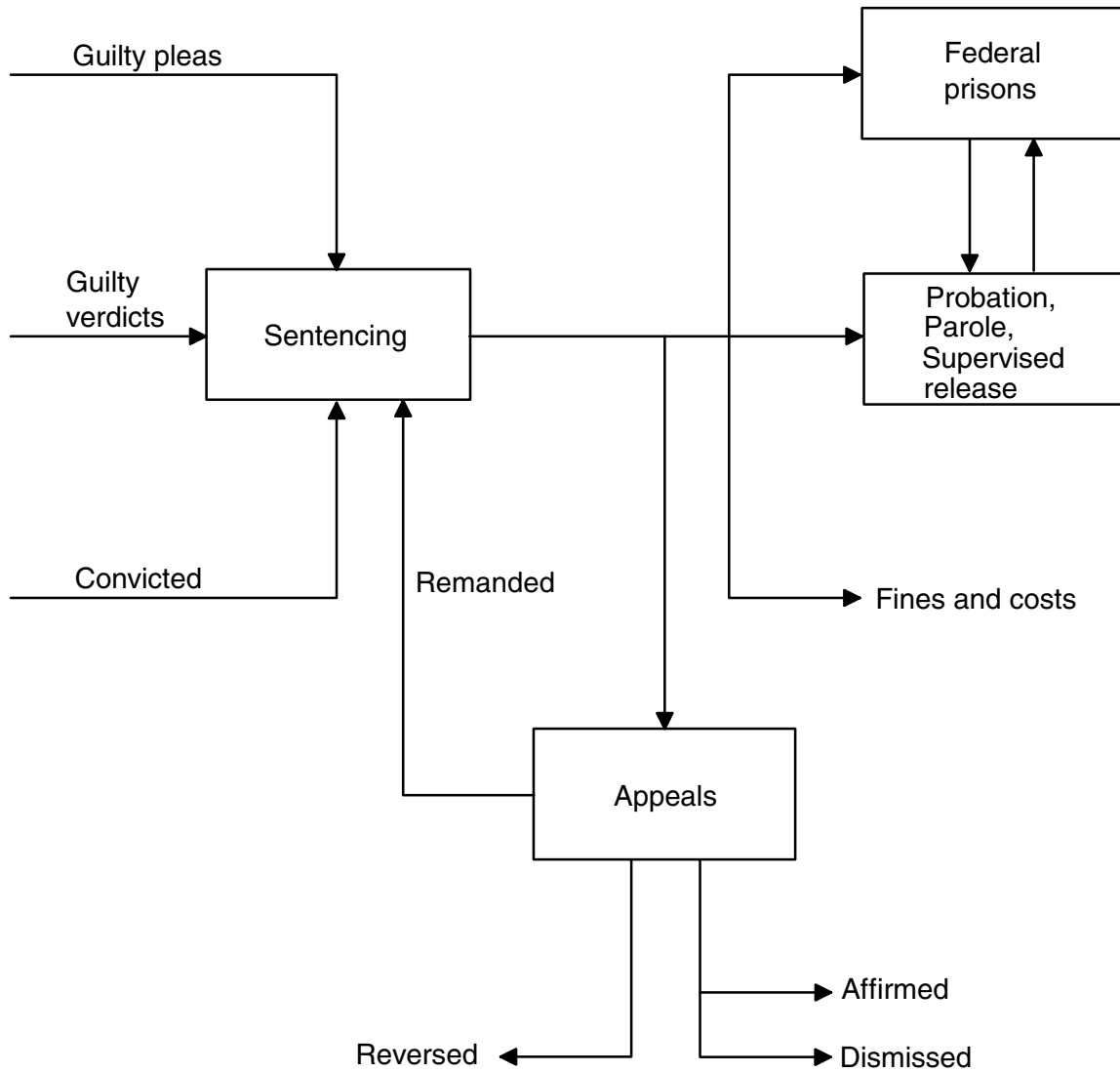
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Chapter 6

Appeals



Prior to implementation of the Sentencing Reform Act of 1984, only criminal convictions could be appealed. However, the Sentencing Reform Act provided for the appellate review of sentences imposed given that the sentence was (1) imposed in violation of the law; (2) imposed as the result of an incorrect sentencing guideline application; (3) outside the recommended guideline sentencing range; or (4) imposed for an offense for which no sentencing guideline exists and is plainly unreasonable. Both the defendant and the Government have the right to appeal an imposed sentence.*

Appeals filed (tables 6.1 and 6.2)

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

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

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

The distribution of guideline-based appeals by type of appeal filed (sentence, conviction, or both) was relatively constant across the major offense categories underlying the appeal. However, 63% of post-guideline

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

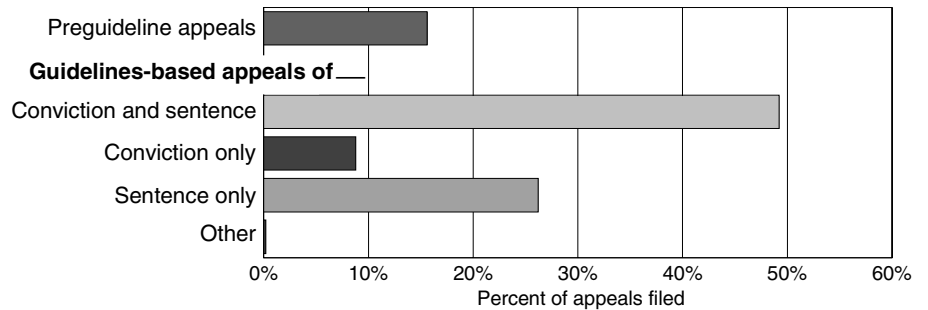


Figure 6.1. Types of criminal appeal cases during October 1, 2001 - September 30, 2002

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

Appeals terminated (tables 6.2-6.5)

A total of 11,695 appeals terminated during 2002. Sixteen percent were appeals of convictions for offenses sentenced under laws in effect prior to the sentencing guidelines. The remaining 84% of appeals terminated were guidelines-based appeals. Of these, 58% were appeals of both the conviction and sentence, 11% were appeals of the conviction only, and 31% were appeals of the sentence only.

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

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

Of the 11,695 appeals terminated during 2002, 75% were terminated on the merits, while the remainder were terminated on procedural grounds (figure 6.3). An appeal terminated on the merits is an appeal that is terminated based on the factors of the case, not because of technical or procedural reasons. For appeals based on a conviction, 75% of drug offenses and 69% of public-order offenses were terminated on the merits. Also

Nearly half of all appeals filed were for drug convictions

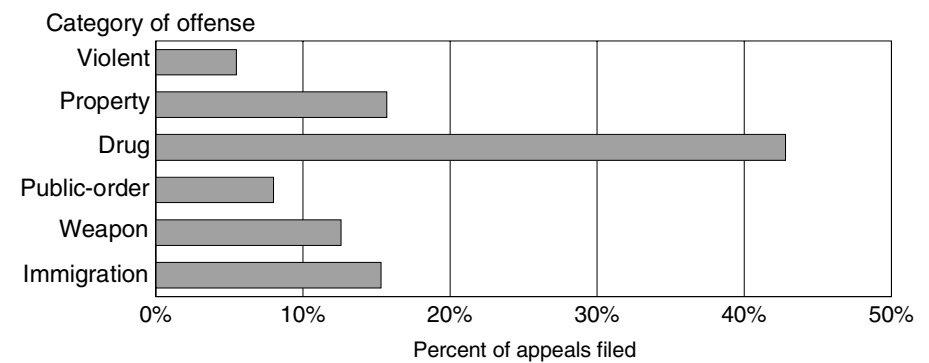


Figure 6.2. Appeals cases filed, by type of offense during October 1, 2001 - September 30, 2002

*18 U.S.C. § 3742

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

In 79% of appeals terminated on the merits, the district court ruling was affirmed. In another 4% it was partially affirmed. Among appeals terminated on merits, 81% of all drug and weapon appeals were affirmed, 75% of all immigration and public order appeals were affirmed, as were 76% of violent offense appeals.

District court decisions were reversed or remanded back to the court in 8% of the cases. Property and public order offenses had the highest rate of reversal or being remanded back to the court (11% and 13%). Nine percent of weapon offense appeals were reversed or remanded, as were 8% of violent offense appeals. Less than 8% of appeals were reversed or remanded for drug or immigration offenses.

Overall, appeals were dismissed in 8% of cases. Among major offense categories, the highest dismissal rate was for immigration offenses (16%), an increase of 8 percentage points from fiscal year 2001 when only 8% of immigration appeals were dismissed.

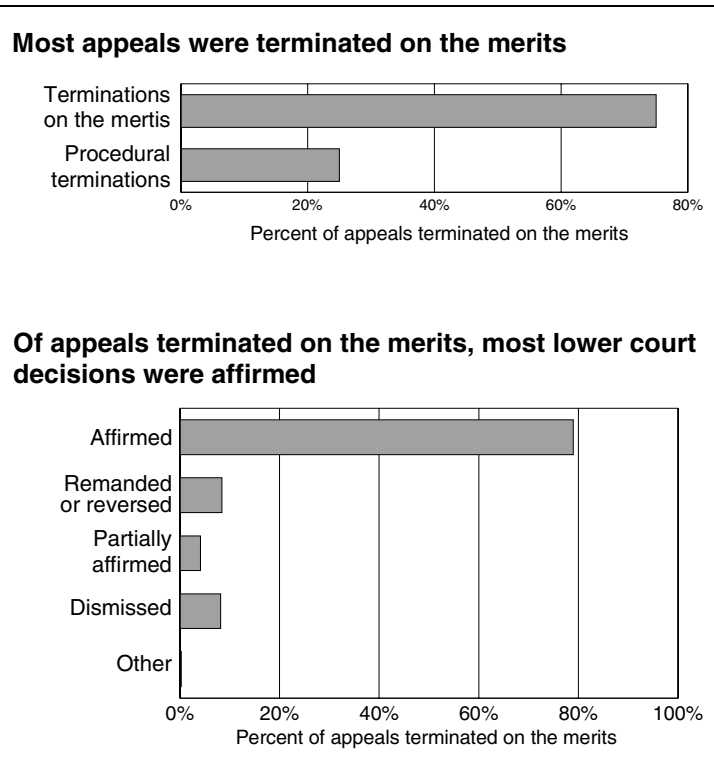


Figure 6.3. Disposition of criminal appeals terminating during October 1, 2001 - September 30, 2002

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

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

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

^aTotal includes 607 filed for which an offense category could not be determined, of which 336 preguideline appeals and 271 are guidelines-based appeals.

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

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

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

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

—Less than .05%.

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

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

^bTotals include 607 appeals filed and 555 appeals terminated for which an offense category could not be determined.

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

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

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

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

^aTotal includes 555 appeals terminated for which an offense category could not be determined, of which 309 are preguideline appeals and 246 are guidelines-based appeals.

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

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

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

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

—Too few cases to obtain statistically reliable data.

^aTotal includes 555 terminated for which an offense category could not be determined, of which 346 were terminated on the merits and 294 were procedural terminations.

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

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

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

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

—Too few cases to obtain statistically reliable data.

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

^aTotal includes 346 appeals terminated on the merits for which an offense category could not be determined.

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

Chapter notes

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

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

Chapter notes

- 1) Offenders were classified according to their most serious offense at conviction. In cases involving multiple offenses, the AOUSC offense severity hierarchy was applied. The most serious offense was the one with the most severe penalty imposed. If equal prison terms were imposed, or there was no imprisonment, the offense with the highest severity code, as determined by the *U.S. Title and Code Criminal Offense Citations Manual*, was selected.
- 2) Tables 7.1 and 7.2 were created using the probation, parole, and supervision data files of the Federal Probations Supervision Information System (FPSIS), which is maintained by the AOUSC. Yearend pending cases (that is, records with offenders who were under active supervision as of the end of the fiscal year, September 30, 2002) were selected.

Corporate defendants were excluded from table 7.1.
- 3) Tables 7.3-7.8 were created using the FPSIS data files as well. Only records with one or more terminations of active supervision during October 1, 2001, through September 30, 2002, were selected. Each termination was counted separately. Technical violations and terminations for new crimes are shown only if supervision terminated with incarceration or removal from active supervision for reasons of a violation.

Corporate defendants were excluded from tables 7.3-7.8.
- 4) Table 7.9-7.16 were created from the Federal Bureau of Prisons (BOP) data files.

Tables 7.9 and 7.10 show sentenced prisoners in the custody of the BOP at the end of fiscal year 2002. Tables 7.11-7.16 include only prisoners committed by U.S. district courts or released by the BOP during fiscal year 2002.

In these tables, a single person may be counted more than once if that person was committed into, or released from, the BOP more than one time during fiscal year 2002, or if that person appears in more than one column in a table, e.g., commitment and population.

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

In these tables offenses were classified according to the offense associated with the longest single sentence actually imposed. Classifications in other tables may have been based on the longest potential sentence allowed by law.
- 5) Tables 7.9-7.16 distinguish between prisoners committed by U.S. district courts for violations of the U.S. Code and other prisoners. Prisoners released after commitment from U.S. district court are called “first releases.” The other admissions and releases include offenders who returned to prison after their first release (such as probation, parole, or supervised release violators), offenders convicted in other courts (such as military courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. Tables 7.9-7.16 exclude prisoners sentenced by a District of Columbia Superior Court judge for violations of the DC Criminal Code. Offenders who entered or left a prison temporarily — such as for transit to another location, for health care, or to serve a weekend sentence — were not counted as admitted or released. Persons who were detained for deportation by the Immigration and Naturalization Service and who were not criminal offenders were also not included in the tables.
- 6) Tables 7.11-7.16 include only prisoners committed by U.S. district courts and released by the BOP during fiscal year 2002. Prisoners committed by U.S. district court — but not for a violation of the U.S. Code, or whose offense could not be classified — were included in the total but are not shown separately. Table 7.9, however, shows these prisoners separately. Other prisoners — such as probation and parole violators and prisoners committed by other courts, such as military courts or District of Columbia Superior Court — were excluded from tables 7.11-7.16, as were other persons admitted to Federal prison but not committed from a U.S. district court.
- 7) In tables 7.11-7.16, time served was calculated for prisoner’s arrival into jurisdiction of the BOP until first release from prison, plus any jail time served and credited. The calculation is the same as that currently used by the BOP. Prisoners serving consecutive sentences may have total imposed sentences exceeding the longest single sentence length. Accordingly, time actually served may exceed the longest single imposed sentence. The percent of sentenced served (in tables 7.12 and 7.14) is the average of each individual prisoner’s percent of sentence served. Because other publications may include different groups of prisoners, calculate time served differently, or use a different offense classification, Table 7.11 distinguishes between standard and extraordinary methods of release from prison. “Standard” releases include the usual methods of exiting from prison, such as full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole. Extraordinary releases are unusual exits from prison, such as death, commutation, and transfer to another facility.

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

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

- 8) Table 7.9 shows all persons admitted to, or released from, the jurisdiction of the BOP during fiscal year 2002, except those prisoners who were committed by a District of Columbia Superior Court judge. Prisoners counted in this column are the same as prisoners included in tables 7.11, 7.12, and 7.13. Table 7.9 shows in separate columns, as well as in the total, prisoners committed by a U.S. district court — but not for a violation of the U.S. code, or whose offense could not be classified. Other columns in table 7.9 include prisoners who were committed by other courts, returned to prison for violation of the conditions of supervision, or were received for examination, treatment, or transfer to another jurisdiction. Offenders who returned to prison for a violation of the conditions of supervision without a new court commitment, were classified according to the offense with the longest single sentence originally imposed at conviction.

The Federal justice database

Source of data

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

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

Reporting period

Wherever possible, matters or cases have been selected according to the event which occurred during fiscal year 2002 (October 1, 2001, through September 30, 2002). Files which are organized by their source agencies according to fiscal year nonetheless include some pertinent records in later years' files. For example, tabulations of suspects in matters concluded during fiscal year 2002 in this *Compendium* have been assembled from source files containing records of 2002 matters concluded which were

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

Availability of data items

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

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

Table construction and interpretation

The tables presented report events that occurred during the Federal fiscal year — October 1, 2001 - September 30, 2002. Generally the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing defendants under pretrial release and detention, defendants sentenced to incarceration, and offenders under post-conviction supervision. Juvenile offenders are included in the reported statistics.

Unit of analysis

The unit of analysis in chapters 1 through 6 is a combination of a person (or corporation) and a matter or case. For example, if a single person is involved in three different criminal cases during the time period specified in the table, he or she is counted three times in the tabulation. Similarly, if a single criminal case involves a corporate defendant and four individual defendants, it counts five times in the tabulation. In chapter 7 the unit of analysis for incarceration, probation,

parole, or other supervised release is a person entering custody or supervision, or a person leaving custody or supervision. For example, a person convicted in two concurrent cases and committed once to the custody of the Federal Bureau of Prisons in the indicated time period is counted as one admission to a term of incarceration. A person who terminates probation twice in the indicated time period, such as with a violation and again after reinstatement, is counted as two terminations of probation.

Interpretation

The tables in the *Compendium* are constructed to permit the user to make valid comparisons of numbers within each table and to compare percentage rates across tables. The total numbers of subjects in *Compendium* tables that are based on records linked between two files are generally less than the total number of records in either source file. Accordingly, comparisons of absolute numbers across two or more tables in this volume and other data sources are not necessarily valid.

Offense classifications

Procedure

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

Offense categories for Federal arrestees in chapter 1 are based on the FBI's National Crime Information Center (NCIC) offense classifications, which are converted into U.S. Marshals' four-digit offense codes, which, in turn are aggregated into the offense categories shown in the tables. These categories are similar, but may

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

not be directly comparable to the BJS offense categories used in other chapters of this *Compendium*. For data from the Executive Office for U.S. Attorneys, which include United States Code citations but do not include the Administrative Office of offense classifications, United States Code titles and sections are translated into the Administrative Office classification system and then aggregated into the offense categories used in the tables. Offense categories for prisoners in chapter 7 are based on combinations of offense designations used by the Bureau of Prisons. They are similar to the categories in other chapters and other tables in chapter 7, but may not be directly comparable.

Felony/misdemeanor distinctions

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

Felonies

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

Class B felony — 25 years or more.

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

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

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

Misdemeanors

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

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

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

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

In this *Compendium*, felony and misdemeanor distinctions are provided where the data permit these distinctions. Chapters 1 and 2 do not use this distinction because many suspects cannot be so classified at the arrest and investigation stages in the criminal justice process. Chapter 3 no longer reports this distinction because the Pretrial Services Agency no longer gathers this information. Chapters 4 and 5 distinguish between felony and misdemeanor offenses, as do tables 7.1–7.6. Tables 7.7–7.11 follow the convention of other BJS publications by separately tabulating offenders whose actual imposed sentences are less than or equal to 1 year and those whose actual sentences are greater than 1 year.

Most serious offense selection

Where more than one offense is charged or adjudicated, the most serious offense (the one that may or did result in the most severe sentence) is used to classify offenses. The offense description may change as the criminal justice process proceeds. Tables indicate whether investigated, charged or adjudicated offenses are used. In chapter 2 the most serious offense is based on the criminal lead charge as determined by the assistant U.S. attorney responsible for the criminal proceeding. In chapter 3 the major charged offense is based upon the Administrative Office's offense severity classification system, as determined by the pretrial officer responsible for the case. To select this offense, the officer ranks offenses according to severity based on maximum imprisonment, type of crime, and maximum fines. In chapter 4 the most serious offense charged is the one that has the most severe potential sentence. For chapter 5 conviction offenses are based on statutory maximum penalties. In chapter 6 offenses are classified by the offense of conviction. In tables 7.1–7.6, the most serious offense of conviction is either the one having the longest sentence imposed or, if equal sentences were

imposed or there was no imprisonment, it was the offense carrying the highest severity code as determined by the Administrative Office's offense severity code ranking. In tables 7.7–7.13, prisoners are classified according to the offense which bears the longest single incarceration sentence.

Offense categories

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

“Murder” includes nonnegligent manslaughter.

“Sexual abuse” includes only violent sex offenses.

“Fraud” excludes tax fraud.

“Larceny” excludes transportation of stolen property.

“Other property felonies” excludes fraudulent property offenses, and includes destruction of property and trespass.

“Tax law violations” includes tax fraud.

“Obscene material” denotes the mail or transport thereof.

“All other felonies” includes felonies with unknown or unclassifiable offense type.

“Misdemeanors” includes misdemeanors, petty offenses, and unknown offense levels.

“Drug possession” also includes other drug misdemeanors.

Source agencies for *Compendium* data tables

Data source agency — data files	Description of data files contents	Compendium tables
United States Marshals Service (USMS) — Prisoner Tracking System (PTS)	Contains data on suspects arrested for violations of Federal law, by Federal enforcement agencies. The data include information on characteristics of Federal arrestees.	Arrest: 1.1, 1.2, 1.3
Drug Enforcement Administration (DEA) — Defendant Statistical System	Contains data on suspects arrested by DEA agents, both within and outside the continental U.S. The data include information on characteristics of arrestees, type of drug for which arrested, as well as the type and number of weapons at time of arrest.	Arrest: 1.4, 1.5
Executive Office for U.S. Attorneys (EOUSA) — Central System and Central Charge Files	Contains information on the investigation and prosecution of suspects in criminal matters received and concluded, criminal cases filed and terminated, and criminal appeals filed and handled by U.S. attorneys. The central system files contain defendant-level records about the processing of matters and cases; the central charge files contain the records of the charges filed and disposed in criminal cases. Data are available on matters and cases filed, pending, and terminated.	Prosecution: 2.1, 2.2, 2.3, 2.4, 2.5, 2.6
AOUSC: Pretrial Services Agency (PSA) — Pretrial Services Act Information System	Contains data on defendants interviewed, investigated, or supervised by pretrial services. The information covers defendants' pretrial hearings, detentions, and releases from the time they are interviewed through the disposition of their cases in district court. The data describe pretrial defendants processed by Federal pretrial service agencies within each district. Defendants who received pretrial services through a local, non-Federal agency, such as the District of Columbia, are not included.	Pretrial release: 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10 Adjudication: 4.5 (defendant characteristics) Sentencing: 5.4, 5.5, 5.6 (defendant characteristics)
Administrative Office of the U.S. Courts (AOUSC) — Criminal Termination Files	Contains information about the criminal proceedings against defendants whose cases were filed in U.S. district courts. Includes information on felony defendants, Class A misdemeanants — whether handled by U.S. district court judges or U.S. magistrates — and other misdemeanants provided they were handled by U.S. district court judges. The information in the data files cover criminal proceedings from case filing through disposition and sentencing. Data are available on criminal defendants in cases filed, pending, and terminated.	Adjudication: 4.1, 4.2, 4.3, 4.4, 4.5 Sentencing: 5.1, 5.2, 5.3, 5.4, 5.5, 5.6
United States Sentencing Commission (USSC) — Monitoring Data Base	Contains information on criminal defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984. It is estimated that more than 90% of felony defendants in the Federal criminal justice system are sentenced pursuant to the SRA of 1984. Data files are limited to those defendants whose records have been obtained by the U.S. Sentencing Commission.	Adjudication: 4.5 (defendant characteristics) Sentencing: 5.4, 5.5, 5.6 (defendant characteristics)
AOUSC: Court of Appeals	Contains information on criminal appeals filed and terminated in U.S. Courts of Appeals. Records of appeals filed, pending, or terminated include information on the nature of the criminal appeal, the underlying offense, and the disposition of the appeal.	Appeals: 6.1, 6.2, 6.3, 6.4, 6.5
AOUSC — Federal Probation and Supervision Information System (FPSIS)	Contains information about supervisions provided by probation officers for persons placed on probation or supervised release from prison. The files contain records of individuals entering, or currently on supervision, as well as records of offenders terminating supervision.	Corrections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8
Bureau of Prisons (BOP): Extract from BOP's online Sentry System	The data extracts contain information on all offenders released from prison over a specific period of time plus information about the offenders in prison when the data extracts are made. The information covers the time that offenders enter prison until their release from the jurisdiction of the Bureau of Prisons. Tables 7.9-7.16 exclude prisoners sentenced by a District of Columbia Superior Court judge for violations of the DC Criminal Code.	Corrections: 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16

Glossary

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

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

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

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

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

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

Appellant — the party which takes an appeal from 1 court or jurisdiction to another; opposite of appellee.

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

Arson — willfully or maliciously setting, or attempting to set, fire to any

property within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7 (18 U.S.C. § 81; and 49A U.S.C. §§ 1804 and 1809). (*See also*, "Explosives.")

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

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

Bribery — offering or promising anything of value with intent to unlawfully influence a public official in the discharge of official duties. Applies generally to bank employees, officers or employees of the U.S. Government, witnesses, or any common carrier. Includes soliciting or receiving anything of value in consideration of aiding a person to obtain employment in the U.S. Government. Also, receiving or soliciting any remuneration, directly or indirectly, in cash or any kind in return for purchasing, ordering, leasing, or recommending to purchase any good, service, or facility (18 U.S.C. §§ 201(a), 203(a)(b), 204, 207(a)(c), 208, 210, 211, 213, 215, and 663; 21 U.S.C. § 622; 46 U.S.C. § 239(i); and 49 U.S.C. §§ 104, 917(b), and 11904(b)).

Burglary — breaking and entering into another's property with intent to steal within the special maritime and

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

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

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

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

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

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

Community confinement — a form of commitment either as a substitute for Federal imprisonment or as a condition of probation in a community

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

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

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

Conditional release — in this *Compendium*, at the pretrial stage, a conditional release is release from detention contingent on any combination of restrictions that are deemed necessary to guarantee the defendant's appearance at trial or the safety of the community (see text in Chapter 2 of this *Compendium*.)

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

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

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

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

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

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

works (for example, 18 U.S.C. §§ 471, 473, 477, 479, 481, 485, 487, 501, 507, 509, 513(b), 2318, and 2320).

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

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

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

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

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

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

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

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

U.S.S.G. § 5K2.0). (See also, "Substantial assistance.")

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

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

Dismissal — termination of a case before trial or other final judgment (including nolle prosequi and deferred prosecution).

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

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

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

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

Drug offenses — offenses under a Federal or State laws prohibiting the manufacture, import, export, distribution, or dispensing of a controlled substance (or counterfeit substance), or

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

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

Escape — departing or attempting to depart from the custody of a correctional institution; a judicial, correctional, or law enforcement officer; or a hospital where one is committed for drug abuse and drug dependency problems. Knowingly advising, aiding, assisting, or procuring the escape or attempted escape of any person from a correctional facility, an officer, or the above-mentioned hospital as well as concealing an escapee. Providing or attempting to provide to an inmate in prison a prohibited object; or making, possessing, obtaining, or attempting to make or obtain a prohibited object (as defined in 18 U.S.C. § 1791 (d)(1)(A)). Instigating, assisting,

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

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

Failure to appear — willful absence from any court appointment.

Felony — a criminal offense punishable by death or imprisonment for a term exceeding 1 year. According to 18 U.S.C. § 3559, felonies are classified into 5 grades based on maximum terms of imprisonment: Class A felony, if the maximum term is life imprisonment, or if the maximum penalty is death; Class B, if 25 years or more; Class C, if less than 25 years, but 10 years or more; Class D, if less than 10 years, but five or more years; and Class E, if less than 5 years, but more than 1.

Filing — the initiation of a criminal case in U.S. district court by formal submission to the court of a charging document alleging that one or more named persons have committed one or more specified offenses. In this *Compendium*, each defendant in a

case is counted separately, and only the most serious alleged offense is considered.

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

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

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

Forgery — falsely making or materially altering a document with the intent to defraud. Includes such falsification with intent to pass off as genuine any of the following: U.S. Postal Service money order; postmarking stamp or impression; obligation or security of the United States; foreign obligation, security, or bank note; contractors' bond, bid, or public record; deed; power of attorney; letters patent; seal of a court or any department or agency of the U.S. Government; the signature of a judge or court officer; ships' papers; documents on entry of vessels; customs matters; coin or bar; and so forth. Also includes making, possessing, selling, or printing plates or stones for counterfeiting obligations or securities, and detaching, altering,

or defacing any official, device, mark or certificate (*for example*, 18 U.S.C. §§ 483, 493, 495, 497, 503, 505, 510(a)(b), and 511; 19 U.S.C. § 1436; and 21 U.S.C. §§ 458(b)(c)).

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

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

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

Good-time — time credited toward early release to an offender for good behavior in imprisonment. Under the

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

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

Guilty plea — a plea in response to formal charges admitting that the defendant committed offenses as charged. In this *Compendium*, this category also includes pleas of *nolo contendere*.

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

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

Homicide — see "Murder."

Immigration offenses — offenses involving illegal entrance into the United States, illegally reentering after being deported, willfully failing to deport when so ordered, willfully remaining

beyond days allowed on conditional permit, or falsely representing oneself to be a citizen of the United States. Includes violations relating to provisions for special agricultural workers and to those relating to limitations on immigrant status (such as employment). Also includes bringing in or harboring any aliens not duly admitted by an immigration officer (*for example*, 8 U.S.C. §§ 1160, 1252(d), 1255, 1282(a), 1286, 1324-25, and 1326(a)).

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

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

Indictment — the formal charging of the defendant with a particular crime by a grand jury. In the Federal system, a defendant may waive indictment and be proceeded against through an information. (*See also*, Fed. R. Crim. P. 7(b).)

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

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

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

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

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

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

Juvenile delinquency — a violation of Federal law committed by a person prior to the age of 18 years which would have been a crime if committed by an adult (18 U.S.C. § 5031).

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

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

Larceny — the act of taking and carrying away any personal property of another with intent to steal or convert it to one's own use or gain. Includes stealing, possessing or illegally selling or disposing of anything of value to the United States or any of its departments or agencies; or stealing from a

bank, the Postal Service, or any interstate or foreign shipments by carrier. Also encompasses receiving or possessing stolen property or pirate property; and stealing or obtaining by fraud any funds, assets, or that belong to, or are entrusted to, the custody of an Indian tribal organization (*for example*, 18 U.S.C. §§ 641, 659, 661-62, 667, 1168(a), 1704, 1707, and 2113(b)). (This offense category excludes the transportation of stolen property.)

Liquor violations — violations of Internal Revenue Service laws on liquor, as well as violations of liquor laws not cited under these laws, such as dispensing or unlawfully possessing intoxicants in Indian country; transporting intoxicating liquors into any State, territory, district, or possession where sale is prohibited; shipping packages containing unmarked and unlabeled intoxicants; shipping liquor by C.O.D.; knowingly delivering a liquor shipment to someone other than to whom it has been consigned; and violating in any way the Federal Alcohol Administration Act (*for example*, 18 U.S.C. §§ 1154, 1156, 1263 and 1265; 26 U.S.C. §§ 5113, 5171(c), 5179, 5214, 5222, 5291, 5301(b), 5601, 5603(a), 5604, 5606, 5608(a), 5661(a), 5662, 5672, 5681(a)(c), 5683, 5685(b) and 5687; and 27 U.S.C. §§ 203, 205(f), 206(b) and 208(a)).

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

Mailing or transportation of obscene materials — a violation of Federal law relating to knowingly using the mail for mailing obscene or crime-inciting matter, as defined in 18 U.S.C. § 1461 and 39 U.S.C. § 3001(e). Also includes transporting for

sale or distribution, importing, or transporting any obscene matter in interstate or foreign commerce. (See also, 18 U.S.C. §§ 1462-63.)

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

Mandatory sentences — a sentence that includes a minimum term of imprisonment that the sentencing court is statutorily required to impose barring the government's motion of substantial assistance. See, for example, 18 U.S.C. §§ 841 and 960, which provide for mandatory sentences ranging from 5 years imprisonment to life imprisonment depending on the quantity of drugs involved.

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

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

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

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

Migratory birds offenses — violations of acts relating to birds which move from one place to another in season. Includes taking, killing, or possessing migratory birds, or any part, nest, or egg thereof, in violation of Federal regulations or the transportation laws of the State, territory, or district from which the bird was taken. Also, misuse or non-use of a migratory-bird hunting and conservation stamp (for example, 16 U.S.C. §§ 690(g), 701, 703, 704-6, 707(b), 708, 711, and 718(a)(e)(g)).

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

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

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

incarceration and probation categories.

Most serious offense — in this *Compendium*, the offense with the greatest potential sentence; or with respect to tables describing Federal prisoners, the offense with the greatest imposed sentence (for example, prison data in Chapter 6).

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

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

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

1117, 1512(a)(1), 1751(a), and 2332(b)).

National defense violations — violations of the national defense laws on the Military Selective Service Act, the Defense Production Act of 1950, the Economic Stabilization Act of 1970 (which includes prices, rents, and wages), the Subversive Activities Control Act, alien registration, treason (including espionage, sabotage, sedition, and the Smith Act of 1940); also violations relating to energy facilities, curfew and restricted areas, exportation of war materials, trading with an enemy, illegal use of uniform and any other violations of the Federal statutes concerning national defense (*for example*, 8 U.S.C. §§ 1304(e) and 1306(b)(d); 10 U.S.C. §§ 976 and 2408; 18 U.S.C. §§ 703, 705, 711, 713, 792, 794, 797, 799, 953, 961, 965, 967, 970, 1366(a), 1382, 2152, 2153(b), 2154(b), 2155(b), 2156(b), 2382, 2384, 2386, 2388(a)(c), and 2390; 22 U.S.C. §§ 253, 286, 447, 447(c), 450, 455, 612, 614(b)(f), 617, 1178(c), 1182, 1199, 1978(c), 2778(b), 4198, 4202 and 5113(c); 42 U.S.C. §§ 2274(b), 2276, 2278(b) and 2384(b); and 50A U.S.C. §§ 2, 3(a)(c), 16, 167, 210, 322, 324, 326, 328, 421(a)(c), 462, 468(b), 643(a), 781, 783(b)(d), 789, 794, 797, 851, 1152, 1705, 1436(e), 1809(c), 2062, 2071(b), 2073, 2405(a)(b), and 2410(b)).

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

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

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

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

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

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

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

Offense — violation of U.S. criminal law. In this *Compendium*, where more than 1 offense is charged, the offense with the greatest potential penalty is reported.

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

Old law — in this *Compendium*, defendants convicted and sentenced pursuant to laws applicable before the

Sentencing Reform Act of 1984. (See *also*, "New law.")

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

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

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

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

Plea bargaining — practice whereby a defendant in a criminal proceeding agrees to plead guilty to a charge in exchange for the prosecution's cooperation in securing a more lenient sentence or some other mitigation.

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

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

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

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

Presentment — an accusation initiated by the grand jury itself, and in

effect, an instruction that an indictment be drawn.

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

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

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

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

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

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

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

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

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

Racketeering and extortion — racketeering is demanding, soliciting, or receiving anything of value from the

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

Release

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

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

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

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

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

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

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

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

Rule 20 transfer — upon petition by a defendant, a transfer of proceedings to the district in which the defendant is arrested, when the defendant is arrested, held, or present in a district other than that in which an indictment or information is pending against him. In this case, the defendant may state in writing a wish to plead guilty or nolo contendere, to waive trial in the district in which the indictment or information is pending, and to consent to the disposition of the case in the district in which the defendant was arrested (Fed. R. Crim. P. 20).

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

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

Sentencing Guidelines (Federal) — guidelines established by the United

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

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

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

Special maritime and territorial jurisdiction — areas of Federal jurisdiction outside the jurisdiction of any State, including (1) the high seas, Great Lakes, and connecting waterways; (2) Federal lands; and (3) U.S.-owned aircraft in flight over the high seas (18 U.S.C. § 7).

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

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

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

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

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

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

Tax law violations — tax fraud offenses such as income tax evasion and fraud; counterfeiting any stamps with intent to defraud the collection or payment of tax; willfully failing to collect or pay tax; failure to obey summons to produce any papers concerning taxes; failing to furnish receipts for employees of tax withheld; failing to furnish information relating to certain trusts, annuity, and bond purchase plans; putting fraudulent or false statements on tax returns; and not obtaining a license for a business that makes a profit from foreign items. Also included in this offense category are violations of excise and wagering tax laws and any other laws listed below from the Internal Revenue Service Code (*for example*, 26 U.S.C. §§ 3402, 4412, 5751, 5762(a1), 6047(a)(c), 6331, 6420(e2), 6674, 7121, 7201, 7203(c), 7204, 7206(a)(c), 7208(a)(c), 7210, 7213(b), (d), 7214(b), 7216, 7232, 7513, 7602, and 7604(b)).

Technical violation — failure to comply with any of the conditions of pretrial release, probation, or parole, excluding alleged new criminal activity. May result in revocation of release status. Examples of conditions that

may be imposed and then violated include remaining within a specified jurisdiction or appearing at specified intervals for drug tests.

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

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

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

Trafficking — knowingly and intentionally importing or exporting any controlled substance in schedule I, II, III, IV, or V (as defined by 21 U.S.C. § 812). Includes manufacturing, distributing, dispensing, selling, or possessing with intent to manufacture, distribute, or sell a controlled substance or a counterfeit substance; exporting any controlled substance in schedules I-V; manufacturing or distributing a controlled substance in schedule I or II for purposes of unlawful importation; or making or distributing any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container, or removing or obliterating the label or symbol of any drug or container. Also includes knowingly opening, maintaining or managing any place for the purpose of manufacturing, distributing, or using any controlled substance (*for example*, 19 U.S.C. § 1590; 21 U.S.C. §§ 333(e), 825(a)-(d), 830(a),

841(a)-(b) (d)(e)(g), 842(a), 843(a)(b), 845, 846, 848, 854, 856, 858, 859(a)(b), 860(a), 861(c)(f), 952(a)(b), 953(a)(e), 957, 959, 960(a)(b)(d), 961, 962, and 963; and 46A U.S.C. §§ 1903(g) and (j)).

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

Transportation of stolen property — transporting, selling, or receiving stolen goods, stolen securities, stolen moneys, stolen cattle, fraudulent State tax stamps, or articles used in counterfeiting, if the above articles or goods involve or constitute interstate or foreign commerce (18 U.S.C. §§ 2315, 2317).

Trial conviction — conviction by judge or jury after trial.

True bill — an indictment.

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

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

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

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

Violent offenses — threatening, attempting, or actually using physical force against a person. Includes murder, negligent manslaughter, assault, robbery, sexual abuse, kidnaping, and

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

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