

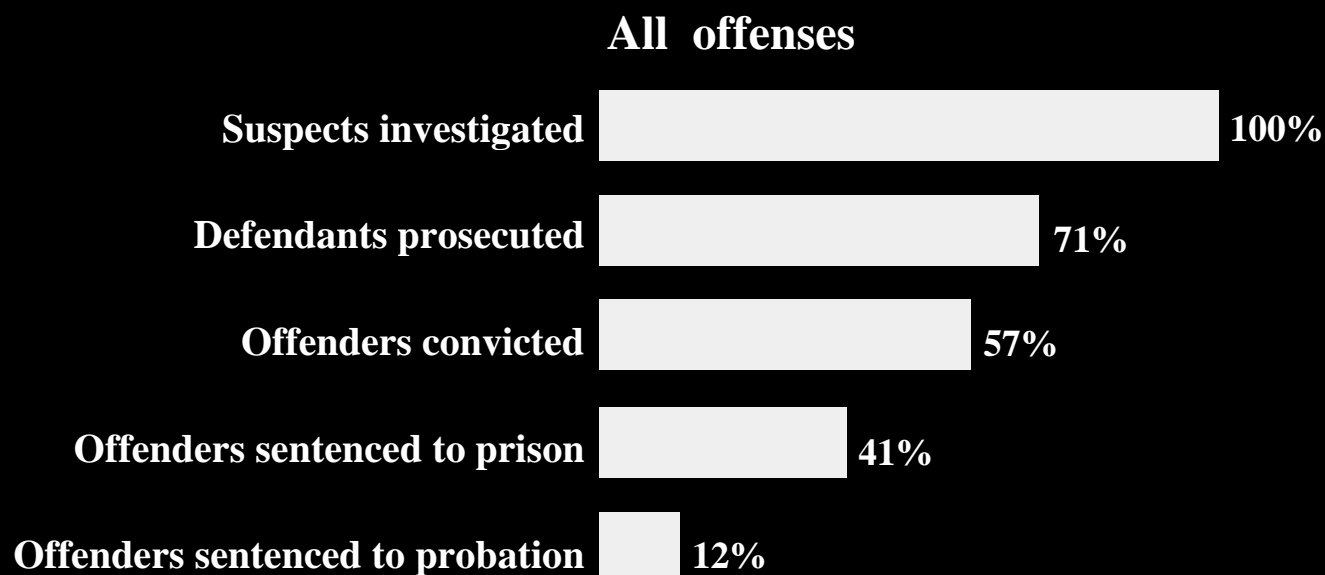


Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 1998

Federal criminal case processing in matters concluded by United States attorneys

October 1, 1997, through September 30, 1998



A Federal Justice Statistics Program Report

U.S. Department of Justice
Office of Justice Programs
810 Seventh Street, N.W.
Washington, D.C. 20531

Janet Reno
Attorney General

Daniel Marcus
Acting Associate Attorney General

Mary Lou Leary
Acting Assistant Attorney General

Jan M. Chaiken, Ph.D.
Director, Bureau of Justice Statistics

Office of Justice Programs
World Wide Web Homepage:
<http://www.ojp.usdoj.gov>

Bureau of Justice Statistics
World Wide Web Homepage:
<http://www.ojp.usdoj.gov/bjs/>

For information contact:
BJS Clearinghouse
1-800-732-3277



Compendium of Federal Justice Statistics, 1998

May 2000, NCJ 180258

Contents

Highlights, 1

Introduction, 5

Organization of the *Compendium*
Modifications to the *1998 Compendium*
Notes to reader

System overview, 7

Chapter 1: Arrests for Federal offenses, 11

Arrests by offense category
Arrests by law enforcement agencies
Arrests across demographic groups

Tables, 15

Chapter notes, 18

Chapter 2: Prosecution, 19

U.S. attorneys' decisions
Suspects in matters received
Suspects in matters concluded

Tables, 25

Chapter notes, 31

Chapter 3: Pretrial release, 33

Types of pretrial release
Factors relating to release or detention
Pretrial outcomes by offense categories
Pretrial outcomes across demographic groups
Length of pretrial detention

Tables, 39

Chapter notes, 48

Chapter 4: Adjudication, 49

Defendants in cases filed
Defendants in cases terminated
Case processing times
Convictions by U.S. magistrates
Characteristics of convicted defendants

Tables, 53

Chapter notes, 58

Chapter 5: Sentencing, 59

Offenders convicted and sentences imposed
Average prison sentences imposed
Relationship between sentence imposed and mode of conviction

Characteristics of offenders sentenced to prison

Tables, 65

Chapter notes, 71

Chapter 6: Appeals, 73

Appeals filed
Appeals terminated

Tables, 77

Chapter notes, 82

Chapter 7: Corrections, 83

Supervision
Federal offenders under supervision
Outcomes of offenders completing supervision
Characteristics of offenders completing supervision

Admissions, releases, and standing population of Federal prisoners

Federal prisoners: First releases and time served

Characteristics of Federal prisoners

Tables, 89

Chapter notes, 104

Methodology, 107

The Federal justice database
Table construction and interpretation
Offense classifications
Figure S.2.
Source agencies for *Compendium* data tables

Glossary, 111

Chapter 1: Arrests for Federal offenses, 15

October 1, 1997 - September 30, 1998

- 1.1. Arrests for Federal offenses, by offense
- 1.2. Arrests for Federal offenses, by Federal law enforcement agency
- 1.3. Characteristics of Federal arrestees

Chapter 2: Prosecution, 25

October 1, 1997 - September 30, 1998

- 2.1. Suspects in matters received by U.S. attorneys, by offense
- 2.2. Disposition of suspects in matters concluded, by offense
- 2.3. Suspects in matters concluded and declined, by investigating agency
- 2.4. Basis for declination of prosecution by U.S. attorneys
- 2.5. Disposition of matters declined for prosecution by U.S. attorneys, by offense
- 2.6. Mean and median processing times from receipt to filing or declination, by offense

Chapter 3: Pretrial release, 39

October 1, 1997 - September 30, 1998

- 3.1. Type of pretrial release, by offense
- 3.2. Type of pretrial release, by defendant characteristics
- 3.3. Form of pretrial detention, by offense
- 3.4. Form of pretrial detention, by defendant characteristics
- 3.5. Pretrial detention hearing outcomes, by offense
- 3.6. Pretrial detention hearing outcomes, by defendant characteristics
- 3.7. Behavior of defendants released prior to trial, by offense
- 3.8. Behavior of defendants released prior to trial, by type of release
- 3.9. Behavior of defendants released prior to trial, by defendant characteristics
- 3.10. Length of pretrial detention, by form of release or detention, and most serious offense charged

Chapter 4: Adjudication, 53

October 1, 1997 - September 30, 1998

- 4.1. Defendants in cases commenced, by offense
- 4.2. Disposition of cases terminated, by offense
- 4.3. Time from filing to disposition of cases terminated
- 4.4. Dispositions by U.S. magistrates
- 4.5. Characteristics of convicted offenders

Chapter 5: Sentencing, 65

October 1, 1997 - September 30, 1998

- 5.1. Sentence types in cases terminated, by offense
- 5.2. Type and length of sentences imposed, by offense
- 5.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition
- 5.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics
- 5.5. Average incarceration sentence lengths imposed, by offense and offender characteristics
- 5.6. Median incarceration sentence lengths imposed, by offense and offender characteristics

Chapter 6: Appeals, 77

October 1, 1997 - September 30, 1998

- 6.1. Criminal appeals filed, by type of criminal case and offense
- 6.2. Criminal appeals filed and criminal appeals terminated, by offense
- 6.3. Criminal appeals terminated, by type of criminal case and offense
- 6.4. Disposition of criminal appeals terminated on the merits, by offense
- 6.5. Criminal appeals cases terminated on the merits, by nature of offense

Chapter 7: Corrections, 89

October 1, 1997 - September 30, 1998

- 7.1. Federal offenders under supervision, by offense
- 7.2. Characteristics of Federal offenders under supervision, by offense

- 7.3. Outcomes of probation supervision, by offense
- 7.4. Characteristics of offenders terminating probation supervision
- 7.5. Outcomes of supervised release, by offense
- 7.6. Characteristics of offenders terminating supervised release
- 7.7. Outcomes of parole, by offense
- 7.8. Characteristics of offenders terminating parole
- 7.9. Admissions and releases of Federal prisoners, by offense
- 7.10. Characteristics of Federal prison population, by major offense category
- 7.11. Number of first releases from Federal prison, by release method and sentence length
- 7.12. Average time to first release and percent of sentence served, for prisoners released by standard methods
- 7.13. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods
- 7.14. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods
- 7.15. Characteristics of first releases from prison, by offense, all releases
- 7.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics

Figures

Highlights, 1

October 1, 1997 - September 30, 1998

Figure H.1. Average length of sentences imposed, by offense

Figure H.2. Average time to first release, standard releases, by offense

Figure H.3. Admissions to Federal Bureau of Prisons, releases, and prisoners at yearend, by offense

System overview, 7

October 1, 1997 - September 30, 1998

Figure S.1. System overview, Federal criminal case processing

Figure S.2. Federal criminal case processing in matters concluded by U.S. attorneys

Chapter 1: Arrests for Federal offenses, 11

October 1, 1997 - September 30, 1998

Figure 1.1. Type of drug involved in drug arrests, by race of arrestee

Figure 1.2. Type of immigration arrests

Chapter 2: Prosecution, 19

October 1, 1997 - September 30, 1998

Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate

Figure 2.2. Of suspects in matters declined, percent referred or handled in other prosecutions or settled through alternative resolution

Chapter 3: Pretrial release, 33

October 1, 1997 - September 30, 1998

Figure 3.1. Percent of defendants released prior to case disposition, by offense category

Figure 3.2. Percent of defendants released or detained, by offense category

Figure 3.3. Detention hearings held, by offense category

Figure 3.4. Pretrial release rates, by defendant characteristics

Chapter 4: Adjudication, 49

October 1, 1997 - September 30, 1998

Figure 4.1. Disposition of cases terminated

Figure 4.2. Average time from filing to disposition of cases terminated, by offense

Chapter 5: Sentencing, 59

October 1, 1997 - September 30, 1998

Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated

Figure 5.2. Incarceration sentence lengths (in months) of offenders convicted and sentenced in cases that terminated

Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea

Chapter 6: Appeals, 73

October 1, 1997 - September 30, 1998

Figure 6.1. Types of criminal appeal cases

Figure 6.2. Appeals cases filed, by type of offense

Figure 6.3. Disposition of criminal appeals terminated

Chapter 7: Corrections, 83

October 1, 1997 - September 30, 1998

Figure 7.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation

Figure 7.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense

Figure 7.3. Rates of violation of conditions of supervision, by level of education

Figure 7.4. Mean time to first release (months), by offense

Figure 7.5. Characteristics of first releasees

Highlights

The number of suspects investigations by U.S. attorneys increased by 5% between 1997 and 1998, from 110,034 to 115,692; between 1990 and 1998, the number of investigations increased by 15%. About three-quarters of those for which the investigation was concluded were prosecuted -- either before a U.S. district court judge (61%) or before a U.S. magistrate (12%) -- and 27% of those investigated were not prosecuted by U.S. attorneys.

The number of defendants prosecuted in Federal courts increased by 12% between 1997 and 1998, from 69,351 to 78,172. Almost 40% of the increase was attributable to the increase in the number of defendants prosecuted for drug offenses; 29% was attributable to the increase in the number prosecuted for immigration offenses.

The number of offenders under Federal correctional supervision increased 42% between 1990 and 1998. At the end of fiscal year 1998, the number of offenders under Federal correctional supervision was 201,693 compared to 141,790 during 1990.

At the end of fiscal year 1998, the number of Federal inmates serving a sentence of imprisonment surpassed 100,000 for the first time -- increasing by 9,670 to 108,925. The number under community supervision was 92,768. Almost two-thirds of those under community supervision were on post-incarceration supervised release (54,822) or were on parole (5,827).

Arrests

During 1998, 106,139 offenders were arrested by Federal law enforcement agencies for violations of Federal law. A third of all arrests were for public order offenses, 29% for drug offenses, 16% for property offenses, 14% for supervision violations, 5% for violent offenses, and 3% to secure and safeguard a material witness.

About 73% of all arrests for Federal offenses were made by agencies of

the Department of Justice, while Treasury Department agencies accounted for 11% of all arrests. Within the Department of Justice, 37% of arrests were made by the U.S. Marshals Service, one-third of arrests were made by the Immigration and Naturalization Service, 15% were made by the FBI, and 14% were made by the Drug Enforcement Administration.

Prosecution

During 1998 U.S. attorneys initiated criminal investigations involving 115,692 suspects, and they concluded their investigations of 106,022 suspects. Thirty-five percent of the suspects were investigated for public-order, 32% for drug, 26% for property, and about 7% for violent offenses.

The number of suspects investigated for immigration offenses increased by more than 50% between 1997 and 1998, from 9,366 to 14,114.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 64,993 in U.S. district courts and 12,243 were disposed of before U.S. Magistrates. Declinations by U.S. attorneys have reached an all time low of 27% of matters concluded during 1998.

Suspects in criminal matters involving drug or violent offenses were slightly more likely to be prosecuted in a U.S. district court (77% and 63%, respectively) than were the suspects involved in public-order or property offenses (54% and 52%, respectively). Suspects involved in property offenses (such as fraud) or regulatory public-order offenses were more likely to be declined for prosecution (40% and 64%, respectively) than were the suspects investigated for drug or violent offenses (18% and 33%, respectively).

Pretrial release

During 1998 about 43% of the 60,950 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses such as embezzlement, fraud, and larceny

and those charged with regulatory public-order offenses or tax law violations were more likely to be released prior to trial (between 68% and 95% of these defendants were released) than were defendants charged with violent offenses, drug trafficking, weapons, or immigration offenses (between 8% and 43% of these defendants were released).

The proportion of defendants released prior to their trial decreased by nearly a third, from 62% during 1990 to 43% during 1998. Violent, drug, weapon, and immigration offenders were considerably less likely to be released during 1998 than during 1990. During 1990, 45% of violent, 54% of drug, 63% of weapon, and 30% of immigration offenders were released at some point prior to trial. By contrast, during 1998, 32% of violent, 35% of drug, 43% of weapon, and 8% of immigration offenders were released.

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 more criminal history were less likely to be released than those with less criminal history. Twenty-two percent of the defendants with a prior violent felony conviction were released before trial, while 54% of the defendants with no prior convictions were released. Forty-six percent of defendants with one prior conviction were released, as compared to 34% of defendants having two to four prior convictions and 23% of defendants having five or more prior convictions.

About 84% of the defendants released prior to trial completed their periods of release without violating the conditions of their release. About 16% of defendants released violated the conditions of their release, and 6% of defendants had their release revoked. Defendants charged with drug and violent offenses were more likely to commit at least one violation of their conditions of release (27% and 18%, respectively) and to have their release revoked (10% and 9%,

respectively) than were other defendants.

Defendants released during 1998 were more likely to violate the conditions of their pretrial release than those released during 1990. During 1998, 16% of those released at some point prior to trial violated a condition of their release. During 1990, 12% violated their release conditions.

Adjudication

During 1998, 78,172 defendants were charged in Federal courts with a criminal offense, about 83% of whom were charged with felonies. Of the defendants charged with felonies, 43% were prosecuted for drug trafficking offenses, 28% for public-order offenses, 23% for property offenses, and 6% for violent offenses.

The number of defendants charged with a felony immigration offense increased by 38% between 1997 and 1998, from 6,726 to 9,254. The number charged with a felony drug offense increased by 13%, from 24,693 to 28,021.

Criminal cases were concluded against 69,769 defendants during 1997, 82% of whom had been charged with felonies. The proportion of defendants convicted in the Federal courts increased from 81% during 1990 to 87% during 1998. Additionally, the proportion of defendants pleading guilty increased from 88% during 1990 to 94% during 1998.

Ninety percent of defendants charged with felonies were convicted. The conviction rate was about the same for all major offense categories: 91% of public-order offenders, 90% of violent, property and drug offenders.

Sentencing

Defendants convicted during 1998 were more likely to be sentenced to prison than those convicted during 1990. During 1998, 71% of defendants were sentenced to prison compared to 60% of those sentenced during 1990.

About 92% of felony drug offenders and 91% of violent felony offenders

received prison sentences during 1998, as did 83% of felony public-order offenders and 60% of felony property offenders.

Average length of sentences imposed, by offense, October 1, 1997 - September 30, 1998	
Most serious offense of conviction	Average sentence length
All offenses	58.8 mo
Felonies	60.6
Violent offenses	84.2
Property offenses	25.4
Drug offenses	78.8
Public-order offenses	47.3
Misdemeanors	11.4

The 43,041 offenders sentenced to prison received, on average, 58.8 months of imprisonment. Offenders sentenced for violent felony offenses and felony drug offenses received longer average prison terms (84.2 and 78.8 months, respectively) than those convicted of felony property and public-order offenses (25.4 and 47.3 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 offenses, the average term imposed was 94.8 months; for drug felonies, the average term was 84.1 months.

Appeals

Between 1994 and 1998, the number of appeals received by the U.S. Courts of Appeals remained relatively

constant -- between 10,000 and 11,000 annually. However, the proportion of criminal defendants appealing some aspect of their decreased from 21% of convictions during 1994 to 17% during 1998.

During 1998, 10,535 criminal appeals were filed. Forty-seven percent of the appeals filed challenged both the conviction and sentence imposed. Only 4% of appeals were filed by the Government. Of the 10,105 appeals terminated during 1998, 76% (or 8,178) were terminated on the merits. In 82% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

Corrections

Community supervision

Between 1990 and 1998, the number of offenders on community supervision increased by 9% from 84,801 during 1990 to 92,768 during 1998. While nearly equal proportions of offenders were serving terms of probation and post-incarceration supervision (parole or supervised release) during 1990, during 1998, almost two-thirds were serving a term of post-incarceration supervision (59% supervised release and 6% parole) while 35% were on probation. Drug offenders comprised 53% of offenders under terms of supervised release during 1998, 52% of offenders on parole, and 11% of offenders on probation. Property offenders comprised 38% of offenders on probation, 27% of offenders serving terms of supervised release, and 11% of offenders on parole.

A total of 16,011 offenders completed their terms of probation during 1998.

Admissions to Federal Bureau of Prisons, releases, and prisoners at yearend, by offense, October 1, 1997 - September 30, 1998			
Most serious offense of conviction	All admissions	All releases	Population at yearend
All offenses	58,215	48,545	108,925
Violent offenses	8.9%	9.0%	11.6%
Property offenses	17.9	20.4	7.9
Drug offenses	40.2	38.3	57.8
Public-order offenses	31.0	30.9	20.4

Most of these offenders (81%) completed their terms of probation successfully. Eleven percent of probationers terminating supervision during 1998 committed technical violations; 5% committed new crimes.

A total of 19,878 offenders completed terms of supervised release during 1998. Of these offenders, 64% successfully completed their terms without violating conditions of release; 21% committed technical violations; and 12% committed new crimes.

A total of 3,077 offenders completed terms of parole during 1998. Of these offenders, 56% successfully completed their terms without violating conditions of release; 26% committed technical violations; and 13% committed new crimes.

Prison

Between 1990 and 1998, the number of inmates serving a sentence of imprisonment increased by 91% from 56,989 during 1990 to 108,925 during 1998. During 1998, the number of sentenced inmates increased by 9,670 to surpass 100,000 for the first time.

During 1998, 42,598 prisoners were received by the Bureau of Prisons from U.S. district court commitments. An additional 15,617 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 about 40% of persons admitted into Federal prison — comprised the largest percentage of persons in prison (58%) at the end of 1998.

During 1998, 34,504 prisoners were released for the first time from Federal prison after commitment by a U.S. district court. Of these, 31,200 were released by standard methods and 3,304 were released by extraordinary means (death, treaty transfer, sentence commutation, or drug treatment). An additional 14,041 prisoners were released from subsequent commitments to Federal prison.

Time served by Federal offenders increased from 17 months during 1990 to 28 months during 1998. Additionally, the proportion of the sentence served increased from 65% during 1990 to 87% during 1998.

Violent and drug offenders were among those offenders who served the longest prison terms. However, while time served for violent offenders remained relatively constant between 1990 and 1998, approximately 58 months, time served by drug offenders increased by 57%, from 26 months during 1990 to 41 months during 1998.

Average time to first release, standard releases, by offense, October 1, 1997 - September 30, 1998	
Most serious original offense of conviction	Mean time served
All offenses	28.0 mo
Violent offenses	53.7
Property offenses	15.5
Drug offenses	41.4
Public-order offenses	18.1

Introduction

This Bureau of Justice Statistics (BJS) report presents an overview of case processing in the Federal criminal justice system. The data presented are compiled from the BJS Federal Justice Statistics Program (FJSP) database. The FJSP database includes data provided by the Administrative Office of the U.S. Courts, the Executive Office for the U.S. Attorneys, the Federal Bureau of Prisons, the U.S. Marshals Service, and the 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 pretrial 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 located at <http://fjsrc.urban.org>.

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

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

BJS, through its FJSP, has recognized the incomparability of these annual statistical reports and has attempted to reconcile many of the differences identified by the working group. For instance, by combining databases from several years, BJS is able to report on those cases that actually occurred during the reporting period. Additionally, 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 1998 *Compendium*, 13th in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, and 1997, 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, 1998 (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, 1997 - September 30, 1998. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention or tables showing defendants sentenced to incarceration. Juvenile offenders 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. This chapter describes arrests made by Federal law enforcement agencies for violations of Federal law, including the characteristics of arrestees.

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

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

Chapter 4. This chapter 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. This chapter describes the sentences imposed by the Federal judiciary on convicted defendants, including the characteristics of defendants sentenced.

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

Chapter 7. This chapter 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.

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

Glossary. This section 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.

Comparing Case Processing Statistics. This document, prepared by an interagency working group tasked to reconcile differences in Federal criminal case processing statistics, identifies and describes the major differences in the way Federal criminal justice agencies collect, tabulate, and report criminal case processing events.

Modifications in the 1998 Compendium

A new chapter (chapter 1), which describes arrests made by Federal agencies for violations of Federal law, has been introduced in the 1998 *Compendium*. The chapter includes three tables: a table showing arrests for violations of Federal law, by offense; a table showing arrests for violations of Federal law, by the arresting Federal law enforcement agency, by major offense; and a table showing characteristics of suspects arrested for violations of Federal law, by major offense.

Due to the introduction of this new chapter on Federal arrests, chapter numbers for the chapters retained from the previous *Compendium* have been incremented by one. The prosecution chapter is now chapter 2; pre-trial release and detention, chapter 3; adjudication, chapter 4; sentencing, chapter 5; appeals, chapter 6; and corrections, chapter 7.

A new table has been introduced to the prosecution chapter which shows the declination rate by investigative agency and department (table 2.3).

In the corrections chapter, the table showing characteristics of first

releases from prison (table 7.15) and the table showing mean time served to first release (table 7.16) have changed. Rather than displaying statistics separately for new law cases as well as all cases, these tables now show only all cases, since new law cases comprise 98% of all first releases.

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.

System overview

Federal criminal case processing, 1998

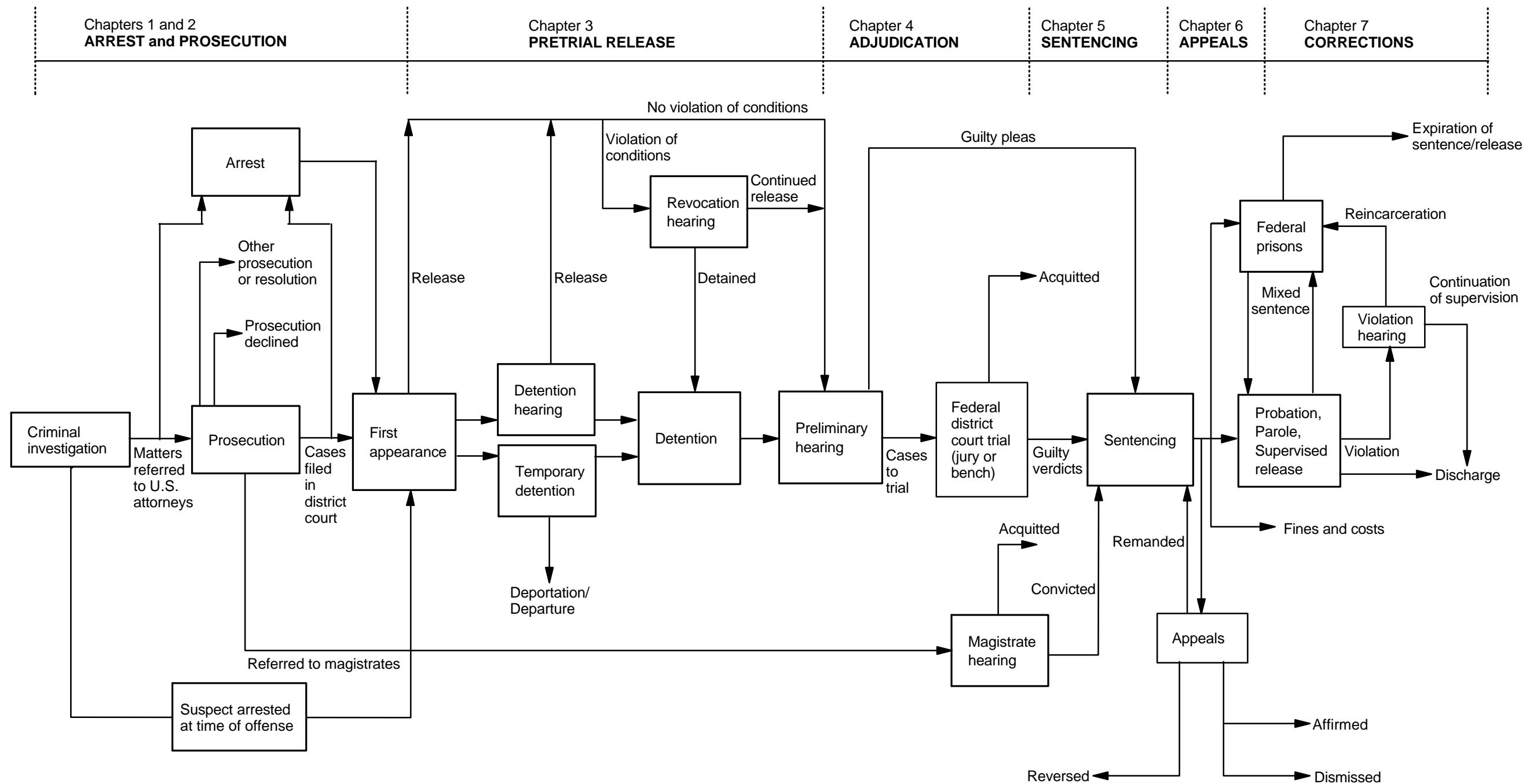
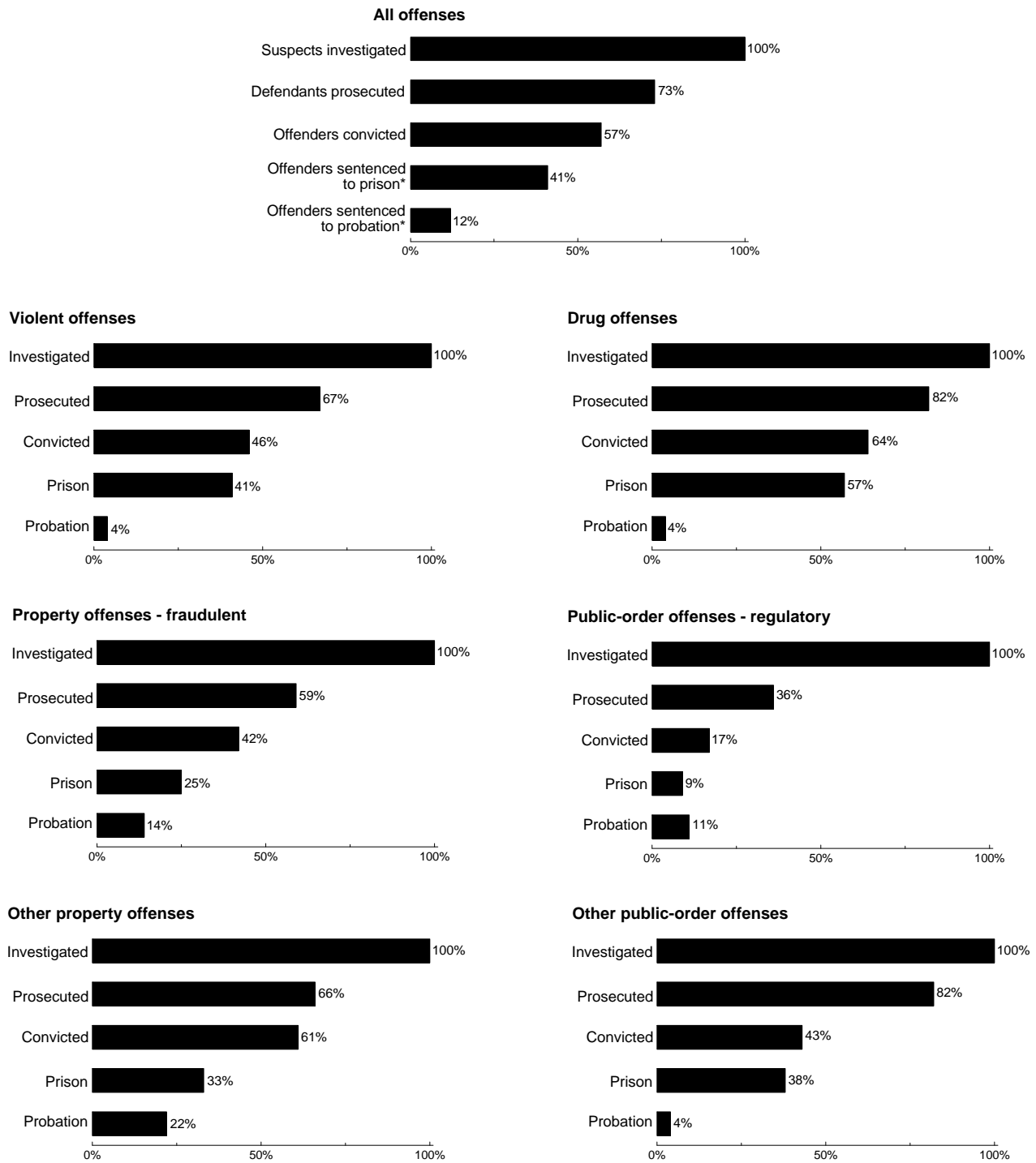


Figure S.1.

**Federal criminal case processing in matters concluded by U.S. attorneys,
October 1, 1997 - September 30, 1998**



Note: See "Figure S.2" in *Methodology*, p. 108-109.

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

Figure S.2.

Arrests for Federal offenses

Discussion 13

Tables

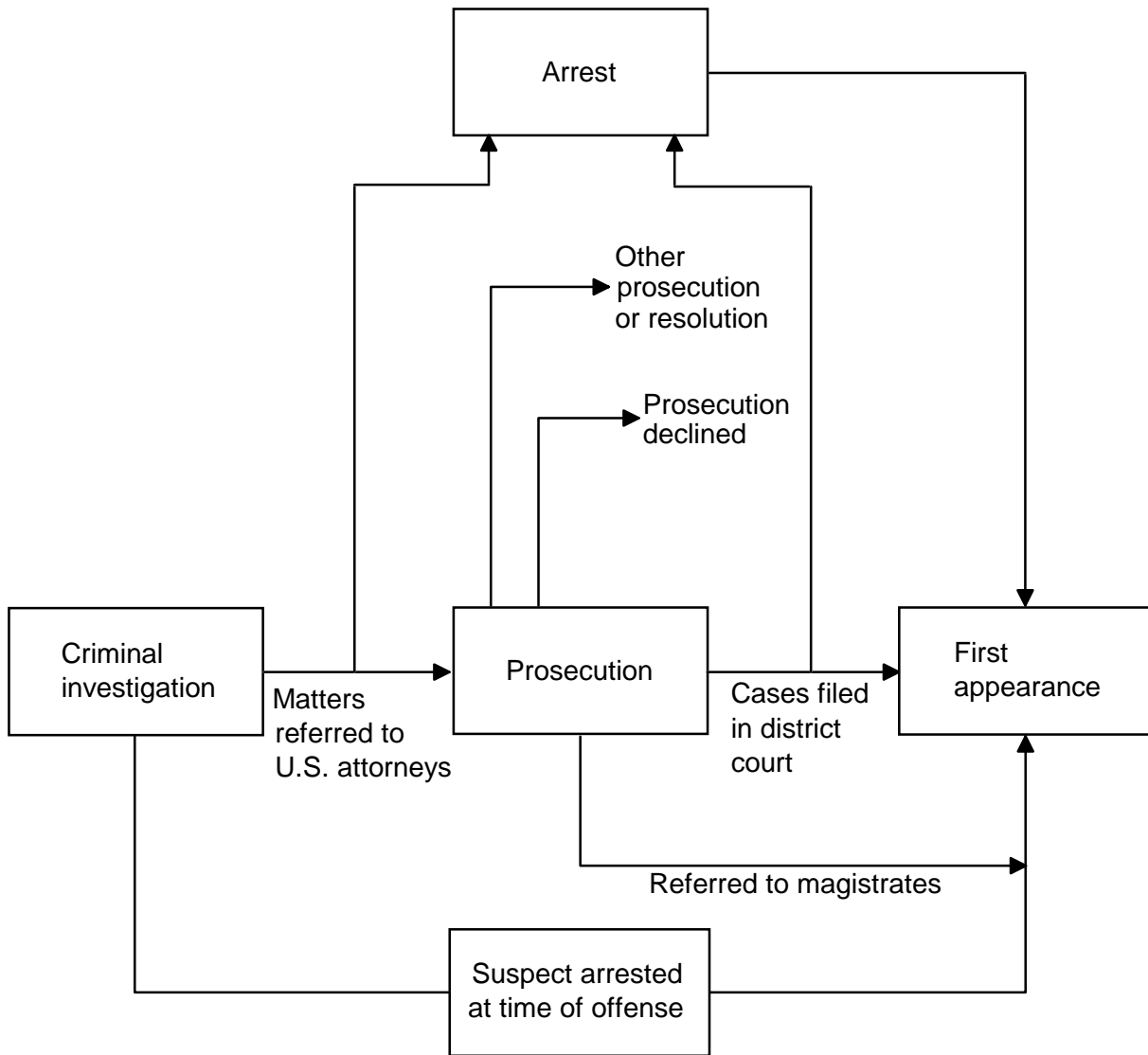
October 1, 1997 - September 30, 1998

1.1. Arrests for Federal offenses, by offense 15
1.2. Arrests for Federal offenses, by Federal
law enforcement agency 16
1.3. Characteristics of Federal arrestees 17

Chapter notes 18

Chapter 1

Arrests for Federal offenses



Sixty-six Federal agencies employ full-time personnel empowered to make arrests. As of June 1998, these agencies employed about 83,000 officers.¹ More than half (56%) of all law enforcement officers were employed by the Department of Justice. The Department of Treasury employed 24% of all officers.

Offenders arrested by Federal agencies are transferred to the custody of the U.S. Marshals Service for processing, transportation, and detention.² During 1998, the U.S. Marshals Service received 104,422 offenders for processing from the Federal law enforcement agencies, including nearly 29,000 offenders arrested by deputy U.S. marshals.

Arrests by offense category (table 1.1)

During 1998, 104,422 offenders were arrested by Federal law enforcement agencies for violations of Federal law. A third of all arrests were for public order offenses; 29% for drug offenses; 16% for property offenses; 15% for supervision violations; 5% for violent offenses; and 3% to secure and safeguard a material witness.

Approximately 41% of drug arrests involved cocaine; 28%, marijuana; 10%, amphetamine (or methamphetamine); 4%, heroin; and the remainder other drugs or drug paraphernalia (figure 1.1).

Almost two-thirds of arrests for public-order offenses were immigration offenses. Most (80%) of these were for illegal entry into the United States; 13% involved alien smuggling; 6% involved false claims of citizenship by entrants to the United States; and about 1% involved other immigration violations (figure 1.2).

¹Brian A. Reaves, Federal Law Enforcement, 1996, Bureau of Justice Statistics, Washington, DC (NCJ-164617).

²The Federal agency making the arrest may be different from the Federal agency initiating the investigation involving the arrestee. Statistics describing agencies initiating investigations are shown in table 2.3 of chapter 2, "Prosecution."

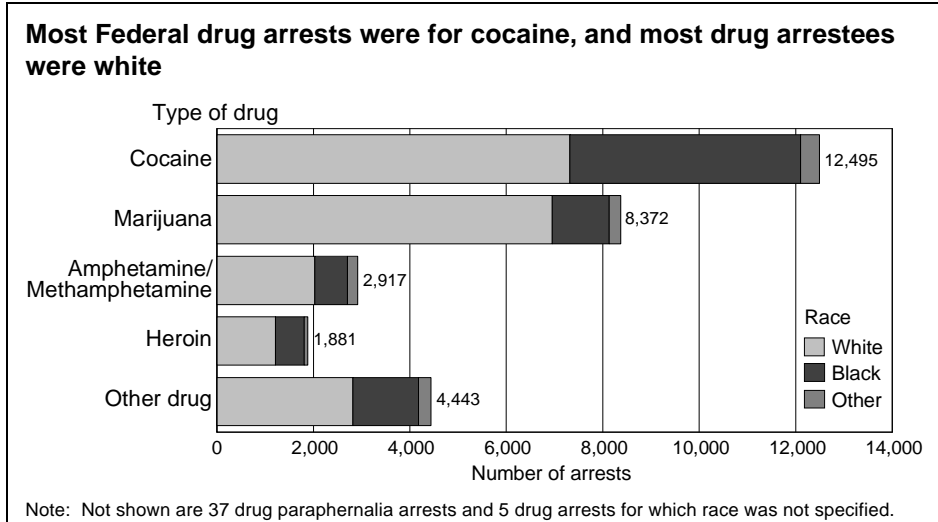


Figure 1.1. Type of drug involved in drug arrests, by race of arrestee, October 1, 1997 - September 30, 1998

Arrests by law enforcement agencies (table 1.2)

During 1998, 72% of all arrests for Federal offenses were made by components of the Department of Justice; the Treasury components accounted for 11% of all arrests. In addition, 3% of arrests were made by State and local agencies and 8% of offenders were arrested after voluntarily reporting to the U.S. marshals following a summons.

Of those arrests made by the Department of Justice, the U.S. Marshals Service made 37%; the Immigration and Naturalization Service, 33%; the FBI, 15%; the Drug Enforcement Administration, 14%; and other Department of Justice agencies, less than 1%.

Of those arrests made by the Treasury Department, the U.S. Customs Service made 57%; the Bureau of Alcohol, Tobacco, and Firearms, 18%; the Secret Service, 18%; and the IRS, 7%.

Arrests across demographic groups (table 1.3)

Most (85%) of offenders arrested by Federal law enforcement agencies during 1998 were male. Seventy percent were white and 25% were black. Individuals between 21 and 40 years old comprised nearly 70% of all those arrested. One-third of those arrested were identified as noncitizens.

Most (68%) offenders arrested for drug offenses were white, while 29% were black. Of those offenders arrested on charges involving cocaine, 59% were white and 38% were black.

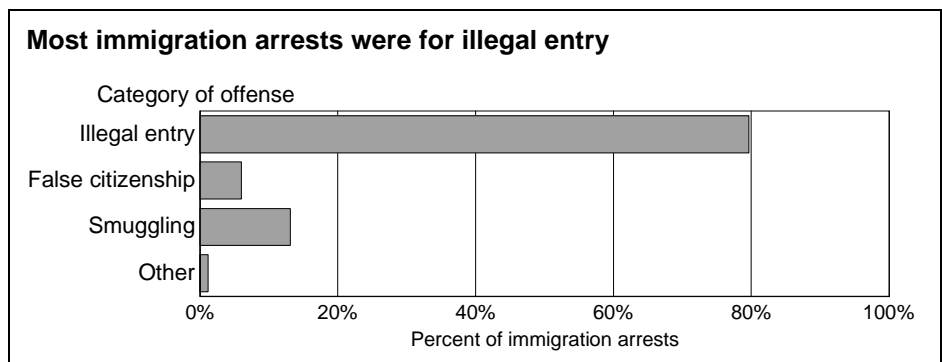


Figure 1.2. Type of immigration arrests, October 1, 1997 - September 30, 1998

Of those offenders arrested on charges involving marijuana, 83% were white and 14% were black (figure 1.1).

Table 1.1. Arrests for Federal offenses, by offense, October 1, 1997 - September 30, 1998

Most serious offense	Number	Percent
All offenses	104,422	100%
Violent offenses	5,033	4.8%
Murder*	272	0.3
Negligent manslaughter	45	—
Assault	881	0.8
Robbery	2,946	2.8
Rape	18	—
Other sex offenses*	526	0.5
Kidnaping	220	0.2
Threatening communication	95	0.1
Other violent offenses	30	—
Property offenses	16,867	16.2%
Fraudulent	13,287	12.7%
Embezzlement	1,245	1.2
Fraud*	10,084	9.7
Forgery	384	0.4
Counterfeiting	1,574	1.5
Other	3,580	3.4%
Burglary	177	0.2
Larceny*	2,289	2.2
Motor vehicle theft	318	0.3
Arson and explosives	121	0.1
Transportation of stolen property	548	0.5
Other property offenses*	127	0.1
Drug offenses	30,150	28.9%
Public-order offenses	33,774	32.3%
Regulatory	779	0.7%
Antitrust	19	—
Food and drug	295	0.3
Civil rights	79	0.1
Other regulatory offenses	386	0.4
Other	32,995	31.6%
Weapons	3,549	3.4
Immigration	20,947	20.1
Tax law violations*	1,245	1.2
Bribery	226	0.2
Civil rights	321	0.3
National defense	30	—
Escape	590	0.6
Racketeering and extortion	919	0.9
Gambling	203	0.2
Obscene material*	280	0.3
Child Support Recovery	308	0.3
Prostitution	43	—
Obstruction of justice	464	0.4
Traffic	1,816	1.7
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	1,564	1.5
All other offenses*	490	0.5
Supervision	15,200	14.6%
Material witness	3,398	3.3%

—Less than .05%.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Table 1.2. Arrests for Federal offenses, by Federal law enforcement agency, October 1, 1997 - September 30, 1998

Arresting agency*	Most serious offense at arrest								
	All	Violent	Property		Drug	Public-order		Supervision	Material witness
			Fraudulent	Other		Regulatory	Other		
All agencies	104,422	5,033	13,287	3,580	30,150	779	32,995	15,200	3,398
Department of Agriculture	229	10	30	9	71	2	82	23	2
Department of Defense	330	30	53	21	89	5	73	58	1
Department of the Interior	971	55	141	34	237	9	313	169	13
Indian Affairs	157	11	14	9	27	3	60	24	9
Park Police	814	44	127	25	210	6	253	145	4
Department of Justice	75,608	3,531	8,931	2,416	21,539	553	25,152	10,741	2,745
Drug Enforcement Administration	11,153	511	1,526	356	3,619	95	3,045	1,669	332
FBI	11,659	771	1,925	503	3,700	90	2,688	1,808	174
Immigration and Naturalization Service	24,143	625	1,310	420	5,653	79	12,025	2,324	1,707
Marshals Service	28,618	1,620	4,163	1,135	8,559	289	7,384	4,936	532
Other DOJ	35	4	7	2	8	0	10	4	0
Department of State	424	21	89	17	140	4	93	57	3
Department of the Treasury	11,386	501	1,413	362	3,583	68	3,454	1,570	435
Alcohol, Tobacco, and Firearms	2,068	131	323	81	660	18	475	362	18
Customs Service	6,460	210	555	158	2,045	26	2,346	744	376
Internal Revenue Service	855	40	144	37	277	9	183	149	16
Secret Service	2,003	120	391	86	601	15	450	315	25
Federal judiciary	841	37	171	53	257	11	178	122	12
U.S. Postal Service	1,016	58	186	50	287	13	232	174	16
Other	13,617	790	2,273	618	3,947	114	3,418	2,286	171
Self-report, subpoena	7,954	436	1,425	366	2,291	70	1,847	1,409	110
State and local	3,315	213	486	150	938	31	955	516	26
Task force	299	16	33	18	130	1	66	33	2
Other	2,049	125	329	84	588	12	550	328	33

*This table displays data by the arresting Federal agency. The arresting agency may be different from the Federal agency that initiated the investigation involving the arrestee. Statistics describing agencies initiating investigations are shown in table 2.3 of chapter 2, "Prosecution." Additionally, table does not include arrests by Federal agencies that were referred to State or local authorities for prosecution.

Table 1.3. Characteristics of Federal arrestees, October 1, 1997 - September 30, 1998

Arrestee characteristic	Number arrested	Percent of suspects arrested on—								
		All	Violent	Property		Drug	Public order		Supervision	Material witness
				Fraudulent	Other		Regulatory	Other		
All arrestees	104,422	100%	4.8%	12.7%	3.4%	28.9%	0.7%	31.6%	14.6%	3.3%
Male/female										
Male	88,998	85.2%	85.3%	83.6%	84.2%	85.1%	86.3%	86.0%	84.8%	86.7%
Female	15,473	14.8	14.7	16.4	15.8	14.9	13.7	14.0	15.2	13.3
Race										
White	73,091	70.0%	61.5%	61.3%	60.0%	67.6%	67.8%	77.8%	65.8%	91.0%
Black	26,457	25.3	31.1	33.6	33.5	28.5	26.2	17.5	29.3	6.0
Other	4,923	4.7	7.4	5.1	6.5	3.9	6.0	4.7	4.9	3.0
Age										
Under 18 years	2,510	2.4%	2.6%	1.6%	1.7%	2.1%	2.6%	3.0%	2.2%	3.3%
19-20 years	6,419	6.2	6.2	4.8	5.5	6.0	4.2	7.1	5.4	8.4
21-30 years	41,985	40.2	38.5	37.5	38.8	39.6	35.8	42.7	38.9	44.3
31-40 years	30,414	29.1	28.9	30.4	30.3	29.3	30.9	28.1	29.8	28.6
Over 40 years	23,035	22.1	23.9	25.8	23.7	23.0	26.4	19.1	23.7	15.5
Citizenship										
U.S. citizen	60,166	57.6%	68.4%	68.3%	68.6%	61.9%	63.9%	45.7%	64.5%	32.8%
Not U.S. citizen	34,600	33.1	21.8	20.4	20.2	29.2	15.9	46.3	24.6	61.8
Missing/indeterminate	9,714	9.3	9.8	11.3	11.2	8.9	20.2	8.0	10.9	5.4

Chapter notes

Tables 1.1-1.3 were derived from the U.S. Marshals Prisoner Tracking System database. Only records of arrests made during October 1, 1997, through September 30, 1998, were selected. Information on individual cases, offenses, and detainees were used to construct the tables.

Offenses of arrest were classified by the U.S. Marshals into their four-digit offense codes. These were then aggregated into the offense categories shown in the tables. These categories are similar, but may not be directly comparable, to the categories used in tables in other chapters of this *Compendium*.

Discussion 21

Tables

October 1, 1997 – September 30, 1998

2.1. Suspects in matters received by U.S. attorneys, by offense 25

2.2. Disposition of suspects in matters concluded, by offense 26

2.3. Suspects in matters concluded and declined, by investigating agency 27

2.4. Basis for declination of prosecution by U.S. attorneys 28

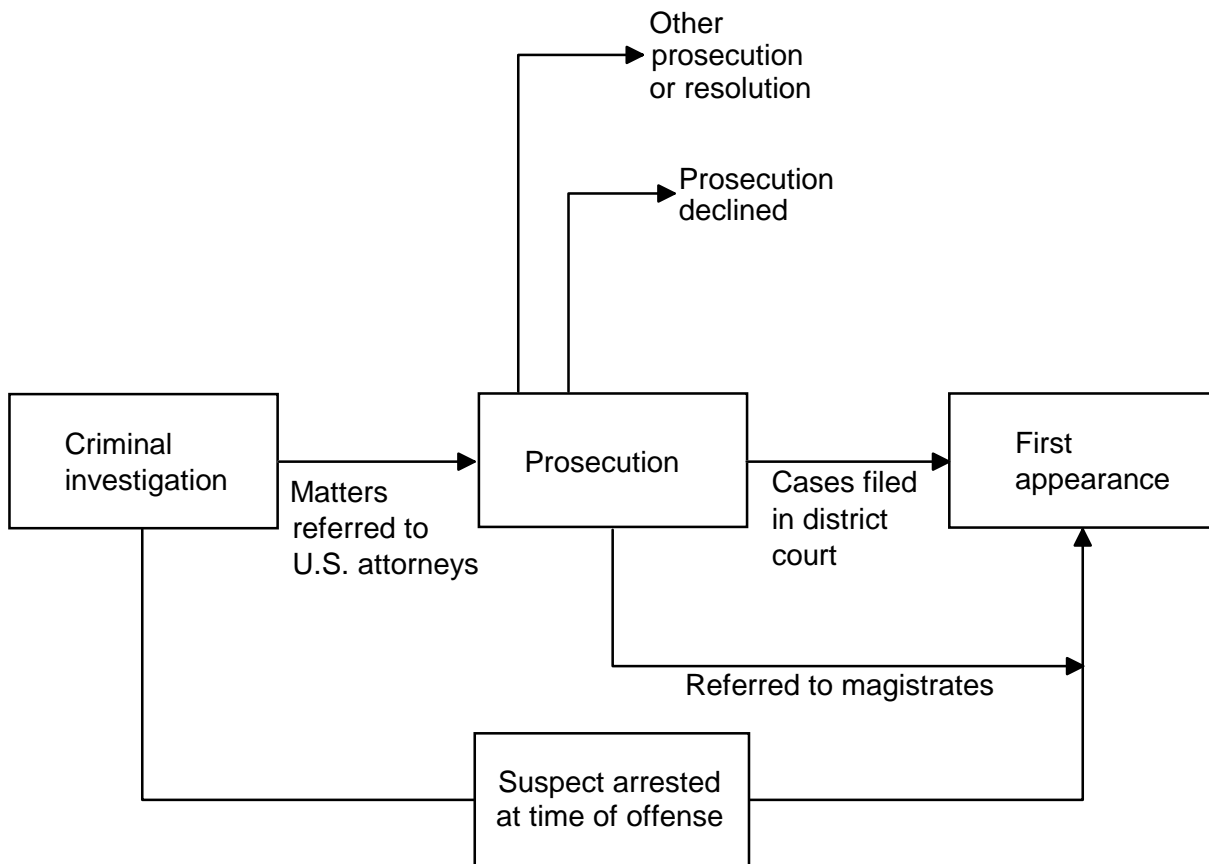
2.5. Disposition of matters declined for prosecution by U.S. attorneys, by offense 29

2.6. Mean and median processing times from receipt to filing or declination, by offense 30

Chapter notes 31

Chapter 2

Prosecution



Federal criminal cases may be brought by the U. S. Attorney's Office, by the Criminal Division of the U.S. Department of Justice, or by other authorized agencies such as the U.S. Marshals Service. The 93 U.S. attorneys serve as the chief Federal law enforcement officers within their respective districts.

Investigations are most commonly referred to a U.S. attorney by a Federal investigative agency (primarily the Drug Enforcement Administration; the Federal Bureau of Investigation; the Postal Inspection Service; the Bureau of Alcohol, Tobacco, and Firearms; and the Secret Service), by the Criminal Division, or by a State or local investigative agency. Investigations may also be initiated — and cases brought directly — by U.S. attorneys or by the Criminal Division of the U.S. Department of Justice. This chapter reports only on suspects that were at least partially investigated by U.S. attorneys.

U.S. attorneys' decisions

After criminal investigations are initiated and criminal suspects are referred to them, U.S. attorneys may file charges against defendants in a U.S. district court, or they may decline to file these charges for reasons such as weak or insufficient evidence, minimal Federal interest, lack of resources, or lack of criminal intent. Matters that are declined may be referred to another authority for prosecution or be settled through alternative resolution procedures. U.S. attorneys may also file cases before U.S. magistrates, who have the authority to adjudicate misdemeanor offenses (18 U.S.C. § 3401). Because of the relatively less serious nature of these cases, and because they are handled by magistrates, the U.S. attorneys count these cases as criminal matters disposed by U.S. magistrates.

The decision to prosecute a suspect in a criminal matter depends upon many factors, including the Attorney General's priorities, U.S. attorney priorities and resources, laws governing

Drug and violent suspects were more likely than property and public-order suspects to be prosecuted before a district court judge

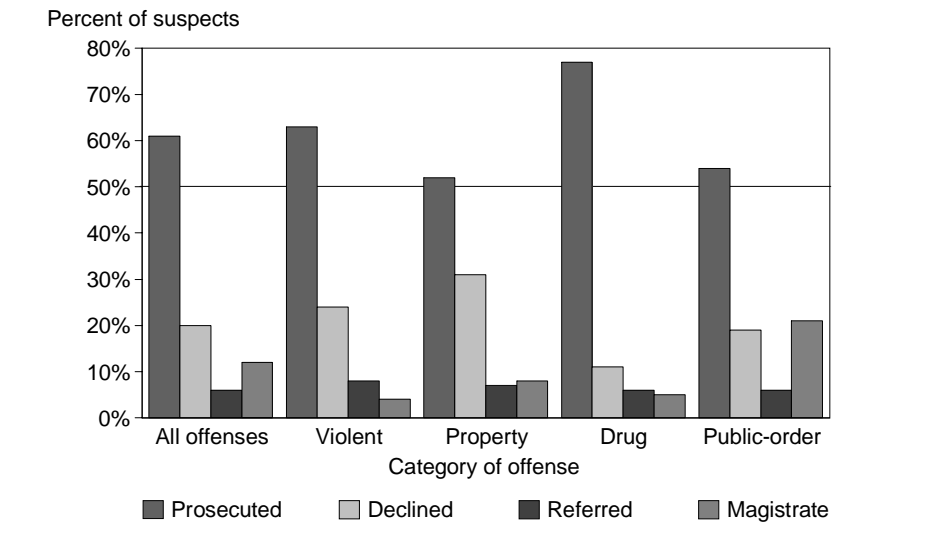


Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate, October 1, 1997 - September 30, 1998

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

During 1998, 61% of suspects in all offense categories were prosecuted before U.S. district court, while an additional 12% were handled by U.S. magistrates. Suspects were prosecuted at different rates depending on their offense. Suspects involved in violent and drug offenses were more likely to be prosecuted before U.S. district court judges than were those involved in property and public-order offenses (figure 2.1). Suspects involved in drug offenses were the most likely (77%) to be prosecuted. Suspects involved in property offenses were the least likely to be prosecuted (52%). However, suspects involved in property offenses were more likely to have their matters declined and not referred to other authorities for prosecution (31%) than were suspects involved in other types of criminal matters. These cases were resolved by other means, including restitution, civil/administrative procedures, and pretrial diversion.

Suspects in matters received (table 2.1)

During 1998 there were 115,692 suspects in new matters received for investigation by U.S. attorneys.¹ Of these suspects, about 35% were investigated for public-order offenses, 32% for drug offenses, and 26% for property offenses. Under 7% of all suspects were investigated for violent crimes. Relative percentages of offenses reflect criminal activity as well as Federal investigative, prosecutorial, and statutory priorities. For example, during 1998 priority areas for U.S. attorneys included the detention, educational and rehabilitation of juveniles, drug and violent crimes (including firearms prosecutions), international terrorism, and prosecution of those responsible for hate crimes and attacks on houses of worship (with the National Church Arson Task Force).²

¹See *Chapter notes*, item 1, p. 31. The 1998 data are not directly comparable to the 1993 and prior compendia.

²*Statistical Report, United States Attorneys' Offices, Fiscal Year 1998*. U.S. Department of Justice, Executive Office for United States Attorneys, Washington, DC.

Of matters declined for prosecution, suspects in drug offenses were more likely than others to be referred to other authorities for prosecution or to have their case settled through alternative resolution

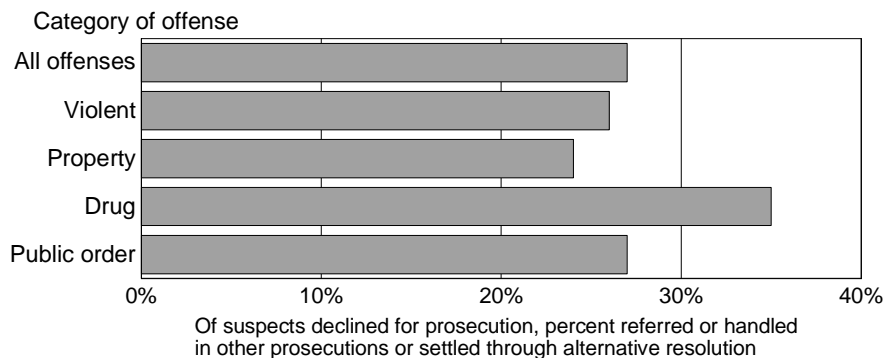


Figure 2.2. Of suspects in matters declined, percent referred or handled in other prosecutions, or settled through alternative resolution, October 1, 1997 - September 30, 1998

Suspects in matters concluded (tables 2.2-2.6)

Upon receiving a matter, a U.S. attorney will either immediately decline it for prosecution or investigate further. Upon conclusion of the investigation, a matter may be filed as a criminal case in a U.S. district court, referred to a U.S. magistrate, or declined for prosecution. Of the 106,022 suspects in criminal matters concluded during 1998, 61% were prosecuted in U.S. district court, 27% were declined for prosecution, and 12% were referred to U.S. magistrates.

Suspects prosecuted (table 2.2) — The likelihood of prosecution in U.S. district court varied widely across offense categories. Drug and violent offenders were more likely to be prosecuted than those involved in property and public-order offenses. U.S. attorneys prosecuted approximately 77% of suspects involved in drug offenses, 63% of those in violent offenses, 54% of those in public-order offenses, and 52% of those in property offenses.

Differences in rates of prosecution within major categories were substantial. For example, among violent offenders, 79% of robbery suspects were prosecuted, while 57% of murder, 50% of assault, and 41% of rape suspects were prosecuted. Among

property offenders, suspects investigated for counterfeiting were prosecuted at a higher rate than those involved in fraud (70% compared with 51%), and among suspects involved in public-order offenses, immigration (79%), weapons (70%), and tax law violators (65%) were much more likely to be prosecuted than suspects in escape (21%) and civil rights (6%) offenses.

Suspects in matters concluded and declined, by investigating agency (table 2.3) — During 1998, 59% of suspects in matters concluded were investigated by components of the Department of Justice; the Treasury Department investigated 19% of suspects in matters concluded. In addition, 10% of suspects in matters concluded were investigated by independent Federal agencies and State/local agencies.

Among the investigating agencies, the Immigration and Naturalization Service (3%) and the National Park Service (10%) had among the lowest declination rates, while the Indian Affairs Bureau (58%), agencies within the Department of Health and Human Services (53%), and the Environmental Protection Agency (53%) were among agencies with the highest declination rates. The declination rate for matters investigated by components

of the Department of Justice (28%) was quite close to the overall declination rate (27%).

Suspects in matters declined (tables 2.4-2.5) — Suspects in matters involving violent offenses were less likely to be declined for prosecution (33%) than those involved in property offenses (40%) but more likely than those in drug offenses (18%). Suspects in public-order offenses were slightly less likely to be declined for prosecution than those involved in violent offenses — 25% compared to 33% (table 2.2).

The decision to decline prosecution is based on a number of factors, including the lack of prosecutable offense, alternative resolution, or case- and suspect-related reasons (table 2.4). Of the 28,786 declinations during 1998, 27% occurred because of case-related reasons, mostly due to weak evidence (22%); 24% occurred because there was no crime or criminal intent was lacking; and 18% occurred for other reasons, such as agency requests (7%) and minimal Federal interest (4%).

Not all suspects whose matters were declined for prosecution avoided prosecution. Twenty-four percent of the suspects in matters declined were referred to another authority for prosecution (table 2.5). An additional 5% were settled through alternative resolution procedures. While suspects involved in property offenses constituted the largest number of suspects who were referred by U.S. attorneys to other authorities for prosecution or resolution, suspects involved in drug offenses were the most likely of suspects whose matters were declined to be referred to other authorities for prosecution or alternative resolution (figure 2.2). Thirty-six percent of the drug suspects whose matters were declined prosecution by U.S. attorneys were referred for other prosecution or resolution, as were 27% of the public-order, 27% of violent, and 25% of the property offense suspects.

Within major offense categories, the likelihood that suspects in matters

declined for prosecution were referred to other authorities for prosecution or alternative resolution varied among specific offenses. Within property offenses, referral occurred with 42% of persons involved in motor vehicle theft, compared to 18% of suspects in arson and explosives cases. Within public-order offenses, 39% of weapons suspects and 60% of escape suspects were referred to other authorities or had their case settled through alternative procedures, compared to 6% of suspects in civil rights cases.

Defendants in cases concluded by U.S. magistrates (table 2.2) —

Cases concluded by U.S. magistrates are, by statute, misdemeanors.³ Overall, U.S. magistrates disposed of 12% of all criminal matters investigated by U.S. attorneys. For most offenses, the likelihood that a U.S. magistrate concluded the matter was also relatively low. The most notable exception was escape, for which 55% of matters were concluded by U.S. magistrates. The escape offense category accounted for 13% of all cases concluded by U.S. magistrates.

Most of the 2,805 escape violations were against defendants who absconded to avoid prosecution in State courts, the so-called "unlawful flight to avoid prosecution." Upon apprehension of the fugitive, these cases are normally dismissed by U.S. magistrates and turned over to the State for prosecution on the original warrant.

Other types of offenses having comparably high rates of disposal by U.S. magistrates included migratory birds offenses (85%); conspiracy, aiding and abetting, traffic, and jurisdictional offenses (69%); and other property violations (61%).

Processing times (table 2.6) — For matters concluded during 1998, the

average number of months from receipt of a matter to its conclusion by a U.S. attorney as a case filing or declination or its disposal by a U.S. magistrate was 8.2 months. However, the time to process matters varied with the outcome of the matter. Matters concluded by U.S. magistrates in which the suspect was convicted took the least amount of time — an average of 3.0 months, and at least 50% of these convictions occurred in about 40 days. Similarly, 50% of the matters declined for prosecution were declined within 12.5 months.

Overall, suspects in violent and drug offenses were processed more quickly than suspects in other offenses. For key decisions, such as whether to file a case or decline a matter for prosecution, drug offenses were concluded slightly quicker than violent offenses (5.3 months compared to 5.8 months). At an average of 13.6 months, fraudulent property offenses took longer to conclude than other offenses.

³At the time that U.S. attorneys receive them, matters may not be classifiable as felonies or misdemeanors. If a U.S. magistrate disposes of a case — or what the U.S. attorneys call a "matter" — its offense level has been determined to be a misdemeanor.

Table 2.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 1997 - September 30, 1998

Most serious offense investigated ^a	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent ^b
All offenses^c	115,692	100%
Violent offenses	7,527	6.6%
Murder/manslaughter ^d	467	0.4
Assault	1,491	1.3
Robbery	3,235	2.8
Rape	757	0.7
Other sex offenses ^d	1,073	0.9
Kidnaping	333	0.3
Threats against the President	171	0.1
Property offenses	30,125	26.4%
Fraudulent	26,328	23.0%
Embezzlement	4,303	3.8
Fraud ^d	19,418	17.0
Forgery	2,004	1.8
Counterfeiting	603	0.5
Other	3,797	3.3%
Burglary	58	0.1
Larceny ^d	1,699	1.5
Motor vehicle theft	686	0.6
Arson and explosives	660	0.6
Transportation of stolen property	92	0.1
Other property offenses ^d	602	0.5
Drug offenses	36,355	31.8%
Public-order offenses	40,265	35.2%
Regulatory	6,541	5.7%
Agriculture	484	0.4
Antitrust	66	—
Food and drug	147	0.1
Transportation	302	0.3
Civil rights	2,432	2.1
Communications	111	0.1
Custom laws	357	0.3
Postal laws	222	0.2
Other regulatory offenses	2,420	2.1
Other	33,724	29.5%
Weapons	4,907	4.3
Immigration offenses	14,114	12.4
Tax law violations ^d	1,174	1.0
Bribery	392	0.3
Perjury, contempt, and intimidation	727	0.6
National defense	323	0.3
Escape	3,170	2.8
Racketeering and extortion	3,435	3.0
Gambling	175	0.2
Liquor offenses	17	—
Obscene material ^d	24	—
Migratory birds	682	0.6
Conspiracy, aiding and abetting, traffic, and jurisdictional	3,803	3.3
All other offenses ^d	781	0.7
Unknown or indeterminable offense	1,420	

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 31.

—Less than .05%.

^aSee *Chapter notes*, item 3, p. 31, and "Offense classifications" in *Methodology*, p. 107.

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

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 31.

^dIn this table, "Murder" includes non-negligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

Table 2.2. Disposition of suspects in matters concluded, by offense, October 1, 1997 - September 30, 1998

Most serious offense investigated ^a	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court ^b	Declined	Disposed by U.S. magistrates	Total	Prosecuted in U.S. district court ^b	Declined	Disposed by U.S. magistrates
All offenses^c	106,022	64,993	28,786	12,243	100%	61.3%	27.2%	11.5%
Violent offenses	6,865	4,294	2,266	305	100%	62.5%	33.0%	4.4%
Murder/manslaughter ^d	452	258	162	32	100	57.1	35.8	7.1
Assault	1,307	648	514	145	100	49.6	39.3	11.1
Robbery	3,088	2,430	585	73	100	78.7	18.9	2.4
Rape	746	307	430	9	100	41.2	57.6	1.2
Other sex offenses ^d	833	472	343	18	100	56.7	41.2	2.2
Kidnaping	318	146	149	23	100	45.9	46.9	7.2
Threats against the President	121	33	83	5	100	27.3	68.6	4.1
Property offenses	27,461	14,353	10,937	2,171	100%	52.3%	39.8%	7.9%
Fraudulent	23,712	12,408	9,653	1,651	100%	52.3%	40.7%	7.0%
Embezzlement	3,767	1,977	1,205	585	100	52.5	32.0	15.5
Fraud ^d	17,667	8,936	7,859	872	100	50.6	44.5	4.9
Forgery	1,838	1,189	474	175	100	64.7	25.8	9.5
Counterfeiting	440	306	115	19	100	69.5	26.1	4.3
Other	3,749	1,945	1,284	520	100%	51.9%	34.2%	13.9%
Burglary	63	44	18	1	100	69.8	28.6	1.6
Larceny ^d	1,706	1,080	501	125	100	63.3	29.4	7.3
Motor vehicle theft	675	357	294	24	100	52.9	43.6	3.6
Arson and explosives	659	304	336	19	100	46.1	51.0	2.9
Transportation of stolen property	79	36	40	3	100	45.6	50.6	3.8
Other property offenses ^d	567	124	95	348	100	21.9	16.8	61.4
Drug offenses	33,991	26,266	6,164	1,561	100%	77.3%	18.1%	4.6%
Public-order offenses	36,650	19,782	9,173	7,695	100%	54.0%	25.0%	21.0%
Regulatory	5,427	1,571	3,470	386	100%	28.9%	63.9%	7.1%
Agriculture	419	224	138	57	100	53.5	32.9	13.6
Antitrust	54	45	9	0	100	83.3	16.7	0
Food and drug	141	61	72	8	100	43.3	51.1	5.7
Transportation	278	103	167	8	100	37.1	60.1	2.9
Civil rights	2,153	119	2,031	3	100	5.5	94.3	0.1
Communications	89	35	54	0	100	39.3	60.7	0
Custom laws	349	189	135	25	100	54.2	38.7	7.2
Postal laws	209	115	41	53	100	55.0	19.6	25.4
Other regulatory offenses	1,735	680	823	232	100	39.2	47.4	13.4
Other	31,223	18,211	5,703	7,309	100%	58.3%	18.3%	23.4%
Weapons	4,742	3,347	1,279	116	100	70.6	27.0	2.4
Immigration offenses	13,249	10,505	370	2,374	100	79.3	2.8	17.9
Tax law violations ^d	1,024	661	339	24	100	64.6	33.1	2.3
Bribery	339	191	140	8	100	56.3	41.3	2.4
Perjury, contempt, and intimidation	600	261	309	30	100	43.5	51.5	5.0
National defense	319	119	121	79	100	37.3	37.9	24.8
Escape	2,805	579	677	1,549	100	20.6	24.1	55.2
Racketeering and extortion	3,223	1,580	1,595	48	100	49.0	49.5	1.5
Gambling	246	119	117	10	100	48.4	47.6	4.1
Liquor offenses	17	2	15	0	100	11.8	88.2	0
Obscene material ^d	23	7	15	1	100	30.4	65.2	4.3
Migratory birds	708	74	31	603	100	10.5	4.4	85.2
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	3,470	675	409	2,386	100	19.5	11.8	68.8
All other offenses ^d	458	91	286	81	100	19.9	62.4	17.7
Unknown or indeterminable offense	1,055	298	246	511	100%	28.2%	23.3%	48.4%

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 31.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 31, and "Offense classifications" in *Methodology*, p. 107.

^bThe suspects included in this column are limited to those whose cases were filed in U.S. district court before U.S. district court judges. These data are not directly comparable to the number in the 1993 or prior compendia, which included appeals cases handled by U.S. attorneys; see *Chapter notes*, item 2, p. 31.

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 31.

^dIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Table 2.3. Suspects in matters concluded and declined, by investigating agency, October 1, 1997 - September 30, 1998

Department/Agency	Suspects in criminal matters concluded		
	Number concluded	Number Declined	Percent
All agencies*	106,022	28,786	27.1%
Agriculture	1,117	330	29.5%
Forest Service	553	78	14.1
Food & Consumer Service	51	30	58.8
All other Agriculture	513	222	43.3
Commerce	65	39	60.0%
Defense	3,134	598	19.1%
Army	1,158	148	12.8
Air Force	760	168	22.1
Navy	746	136	18.2
Office of the Inspector General	55	20	36.4
All other Defense	405	126	31.1
Education	68	36	52.9%
Energy	25	19	76.0%
Federal/State Task Forces	2,274	354	15.6%
Health and Human Services	734	391	53.3%
Food and Drug Administration	155	61	39.4
Office of the Inspector General	102	51	50.0
All other HHS	477	279	58.5
Housing and Urban Development	214	82	38.3%
Interior	4,061	865	21.3%
National Park Service	2,022	199	9.8
Fish and Wildlife Service	1,080	151	14.0
Indian Affairs Bureau	717	415	57.9
Land Management Bureau	85	30	35.3
All other Interior	157	70	44.6
Justice	62,376	17,265	27.7%
Federal Bureau of Investigation	30,040	12,702	42.3
Drug Enforcement Administration	15,553	2,965	19.1
Immigration and Naturalization	14,557	472	3.2
U.S. Marshals Service	1,337	693	51.8
Bureau of Prisons	75	35	46.7
All other Justice	814	398	48.9
Labor	497	225	45.3%
State Department	660	94	14.2%
Transportation	206	101	49.0%
Federal Aviation Administration	55	45	81.8
All other Transportation	151	56	37.1
Treasury	20,134	4,918	24.4%
Customs Bureau	8,052	982	12.2
Alcohol, Tobacco, and Firearms	4,853	1,474	30.4
Secret Service Bureau	4,283	1,251	29.2
All Internal Revenue	2,833	1,170	41.3
All other Treasury	113	41	36.3
Other	10,328	3,437	33.3%
Independent Federal agencies	6,946	2,506	36.1%
U.S. Postal Service	4,251	1,583	37.5
Environmental Protection	399	212	53.1
Social Security Administration	365	126	34.5
U.S. Courts	355	49	13.8
Veterans Administration	262	64	24.4
Small Business Administration	82	32	39.0
Railroad Retirement Board	76	33	43.4
Central Intelligence Agency	57	1	1.8
Other independent Federal agencies	1,099	406	36.9
State/Local agencies	3,410	943	27.7%
Unknown	129	32	24.8%

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

Table 2.4. Basis for declination of prosecution by U.S. attorneys, October 1, 1997 - September 30, 1998

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent ^a
Total declinations^b	28,786	100%
No crime	6,590	23.8%
No true bill returned	33	0.1
No Federal offense	1,991	7.2
Lack of criminal intent	4,566	16.5
Referred or handled in other prosecution	6,551	23.6%
Removed	1,539	5.6
Prosecuted on other charges	1,506	5.4
Prosecuted by other authorities	3,506	12.7
Alternative resolution	1,349	4.9%
Restitution	163	0.6
Civil or administrative alternative	548	2.0
Pretrial diversion	638	2.3
Suspect-related reasons	766	2.8%
Suspect serving sentence	102	0.4
No known suspect	335	1.2
Suspect a fugitive	74	0.3
Suspect deceased	227	0.8
Suspect deported	28	0.1
Case-related reasons	7,410	26.7%
Stale case	587	2.1
Weak evidence	5,965	21.5
Statute of limitations exceeded	142	0.5
Jurisdiction or venue problems	306	1.1
Witness problems	410	1.5
All other reasons	5,049	18.2%
Minimal Federal interest	1,068	3.9
Petite policy	58	0.2
Lack of resources	42	0.2
DOJ policy	878	3.2
U.S. attorney policy	747	2.7
Agency request	1,930	7.0
Juvenile suspect	69	0.2
Offender's health, age, prior record, or other personal circumstances	78	0.3
Suspect's cooperation	179	0.6
Unknown or indeterminable reason	1,071	

Note: For further information, see *Chapter notes*, items 1 and 2, p. 31.

—Less than .05%

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

^bIncludes suspects for whom basis for declination could not be determined; *Chapter notes*, item 4, p. 31.

Table 2.5. Disposition of matters declined for prosecution by U.S. attorneys, by offense, October 1, 1997 - September 30, 1998

Most serious offense investigated ^a	Number of suspects in declined matters				Percent of suspects in declined matters			
	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other
All offenses^d	28,786	6,551	1,349	19,815	100%	23.6%	4.9%	71.5%
Violent offenses	2,266	543	41	1,618	100%	24.7%	1.9%	73.5%
Murder/manslaughter ^e	162	30	1	122	100	19.6	0.7	79.7
Assault	514	90	23	391	100	17.9	4.6	77.6
Robbery	585	227	0	345	100	39.7	0	60.3
Rape	430	49	3	360	100	11.9	0.7	87.4
Other sex offenses ^e	343	109	8	217	100	32.6	2.4	65.0
Kidnaping	149	30	3	112	100	20.7	2.1	77.2
Threats against the President	83	8	3	71	100	9.8	3.7	86.6
Property offenses	10,937	1,803	849	7,790	100%	17.3%	8.1%	74.6%
Fraudulent	9,653	1,511	782	6,918	100%	16.4%	8.5%	75.1%
Embezzlement	1,205	121	206	830	100	10.5	17.8	71.7
Fraud ^e	7,859	1,248	525	5,720	100	16.7	7.0	76.3
Forgery	474	103	47	301	100	22.8	10.4	66.7
Counterfeiting	115	39	4	67	100	35.5	3.6	60.9
Other	1,284	292	67	872	100%	23.7%	5.4%	70.8%
Burglary	18	1	1	16	100	5.6	5.6	88.9
Larceny ^e	501	105	36	339	100	21.9	7.5	70.6
Motor vehicle theft	294	102	15	164	100	36.3	5.3	58.4
Arson and explosives	336	55	3	265	100	17.0	0.9	82.0
Transportation of stolen property	40	13	1	26	100	32.5	2.5	65.0
Other property offenses ^e	95	16	11	62	100	18.0	12.4	69.7
Drug offenses	6,164	2,093	43	3,788	100%	35.3%	0.7%	63.9%
Public-order offenses	9,173	2,080	365	6,468	100%	23.3%	4.1%	72.6%
Regulatory	3,470	378	190	2,819	100%	11.2%	5.6%	83.2%
Agriculture	138	28	20	90	100	20.3	14.5	65.2
Antitrust	9	4	0	5	—	—	—	—
Food and drug	72	14	23	31	100	20.6	33.8	45.6
Transportation	167	19	18	124	100	11.8	11.2	77.0
Civil rights	2,031	85	42	1,866	100	4.3	2.1	93.6
Communications	54	4	4	45	100	7.5	7.5	84.9
Custom laws	135	28	11	84	100	22.8	8.9	68.3
Postal laws	41	10	7	24	100	24.4	17.1	58.5
Other regulatory offenses	823	186	65	550	100	23.2	8.1	68.7
Other	5,703	1,702	175	3,649	100%	30.8%	3.2%	66.0%
Weapons	1,279	451	27	761	100	36.4	2.2	61.4
Immigration offenses	370	107	7	242	100	30.1	2.0	68.0
Tax law violations ^e	339	46	11	275	100	13.9	3.3	82.8
Bribery	140	10	7	119	100	7.4	5.1	87.5
Perjury, contempt, and intimidation	309	36	15	245	100	12.2	5.1	82.8
National defense	121	24	8	87	100	20.2	6.7	73.1
Escape	677	376	17	267	100	57.0	2.6	40.5
Racketeering and extortion	1,595	315	16	1,200	100	20.6	1.0	78.4
Gambling	117	25	2	89	100	21.6	1.7	76.7
Liquor offenses	15	2	5	8	100	13.3	33.3	53.3
Obscene material ^e	15	5	2	8	100	33.3	13.3	53.3
Migratory birds	31	9	4	18	100	29.0	12.9	58.1
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	409	109	47	240	100	27.5	11.9	60.6
All other offenses ^e	286	187	7	90	100	65.8	2.5	31.7
Unknown or indeterminable offense	246	32	51	151	100%	13.7%	21.8%	64.5%

Note: For further information, see *Chapter notes*, items 1 and 2, p. 31.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 31, and "Offense classifications" in *Methodology*, p. 107.

^bIncludes 1,071 suspects for whom reason for declination could not be determined.

^cIncludes suspects in matters removed, prosecuted on other charges, prosecuted by other authorities, complaints filed with other indictments, youthful offenders, and those transferred to State authority.

^dIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 31.

^eIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Table 2.6. Mean and median processing times from receipt to filing or declination, by offense, October 1, 1997 - September 30, 1998

Most serious offense investigated ^a	Number of months from receipt of matter to decision						
	All suspects	Disposed by U.S. magistrate			Concluded by U.S. attorney		
		Total	Convicted	Not convicted	Total	Prosecuted in U.S. district court ^b	Declined
Mean							
All offenses^c	8.2 mo	7.5 mo	3.0 mo	12.2 mo	8.3 mo	3.7 mo	18.8 mo
Violent offenses	5.9	9.4	5.2	11.1	5.8	3.0	11.1
Property offenses	13.1	8.5	4.2	13.0	13.5	7.1	21.9
Fraudulent offenses ^d	13.6	9.0	4.3	13.9	14.0	7.5	22.2
Other offenses ^e	10.0	7.0	4.0	10.3	10.5	4.7	19.3
Drug offenses	5.4	7.1	3.7	7.9	5.3	2.4	17.7
Public-order offenses	7.7	7.5	2.7	13.9	7.7	3.1	17.8
Regulatory offenses	12.2	15.0	7.4	19.6	11.9	7.9	13.8
Other offenses	6.9	7.1	2.5	13.4	6.9	2.6	20.3
Median							
All offenses^c	1.6 mo	2.0 mo	1.3 mo	2.7 mo	1.5 mo	0.8 mo	12.5 mo
Violent offenses	1.6	3.0	3.9	2.3	1.5	0.8	6.5
Property offenses	6.4	3.4	2.6	5.2	6.9	2.4	16.5
Fraudulent offenses ^d	6.9	3.5	2.5	5.5	7.4	2.7	16.9
Other offenses ^e	4.0	3.1	2.8	4.4	4.1	1.4	13.8
Drug offenses	0.9	1.2	3.2	1.1	0.9	0.7	12.8
Public-order offenses	1.2	1.8	0.9	3.1	1.1	0.7	9.7
Regulatory offenses	6.4	7.1	5.5	9.3	6.4	2.1	8.6
Other offenses	1.0	1.6	0.9	2.8	0.9	0.7	10.5
Number of suspects^f	105,885	12,227	6,298	5,929	93,658	64,874	28,784
With unknown or indeterminable offense or processing time	1,192	527	394	133	665	417	248

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 31.

^aSee *Chapter notes*, item 3, p. 31, and "Offense classifications" in *Methodology*, p. 107.

^bThe suspects included in this column are limited to those whose cases were filed in U.S. district court before U.S. district court judges. These data are not directly comparable to the number in the 1993 or prior compendia, which included appeals cases handled by U.S. attorneys; see *Chapter notes*, item 2, p. 31.

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 31.

^dExcluding tax fraud.

^eIncluding tax fraud.

^fExcludes suspects with insufficient data to determine processing time.

Chapter notes

1) Tables 2.1-2.6 were created from the Central System data files of the EOUSA. For table 2.1, only records which showed a matter received during 1998 were selected. For tables 2.2-2.6, only records which show a matter terminated by reason of declination, disposition by a U.S. magistrate, or filed as a case in U.S. district court from October 1, 1997, through September 30, 1998, were selected. In all of these tables, matters “declined immediately” — those cases in which the U.S. attorney spent less than 1 hour investigating — were excluded.

2) The number of suspects in matters investigated in table 2.1, and the number of suspects in matters concluded in tables 2.2 and 2.6 are not directly comparable to counts in the 1993 and prior compendia. In those years, these statistics included appellants in appeals filed or appeals terminated. In table 2.1 of this *Compendium* and its corresponding tables in 1994 and subsequent compendia, the number of suspects in matters received is limited to suspects in criminal matters that were filed as cases in U.S. district courts, handled by U.S. magistrates, or declined for prosecution. In the 1993 and prior compendia, the number of suspects in criminal matters received included criminal appeals. To obtain a number of suspects comparable to the statistic reported in the 1993 and prior compendia, add to the data in table 2.1 of this *Compendium*, the number of appellants in appeals that were handled by U.S. attorneys.

In tables 2.2 and 2.6 of this *Compendium* and their corresponding tables in the 1994 and subsequent compendia, the number of suspects in matters concluded also is limited to those suspects whose matters were concluded by a case filing in a U.S. district court, by declination, or by disposition by a U.S. magistrate. In the 1993 and prior compendia, this number included

appellants in criminal appeals terminated.

To obtain a number that is comparable to the number reported in the 1993 and prior compendia, the number of appellants in appeals terminated and handled by U.S. attorneys needs to be added to the totals in table 2.2.

3) Offenses in the Central System data files are classified by the title and section of the United States Code for the most serious offense investigated, as determined by the assistant U.S. attorney responsible for the matter. For tables in this *Compendium*, these citations were translated into the corresponding four-digit offense codes used by the Administrative Office of the United States Courts (AOUSC). These four-digit codes were then aggregated into the categories shown in the tables.

U.S. Code citations often do not permit detailed classification of drug offenses by the type of criminal activity involved. A person charged with conspiracy is classified under the substantive offense alleged (for example, conspiracy to defraud is classified as fraud) unless type of conspiracy cannot be determined from the U.S. Code citation. Unclassified conspiracies are included among “conspiracy, aiding and abetting, traffic, and jurisdictional offenses” in tables 2.1, 2.2, 2.5, and 2.6.

The most serious offense investigated is based on the criminal lead charge as determined by the assistant U.S. attorney responsible for the criminal matter.

4) In the tables in this chapter, the “all offenses” row or “total declinations” row (in table 2.5) includes records whose offense category (basis for declination) is missing or indeterminable. The percentage distributions in these tables, however, are based on the number of observations with nonmissing offenses (basis for declination) values. The number of missing values are

reported either on a separate line or in a footnote.

Discussion	35
-------------------------	-----------

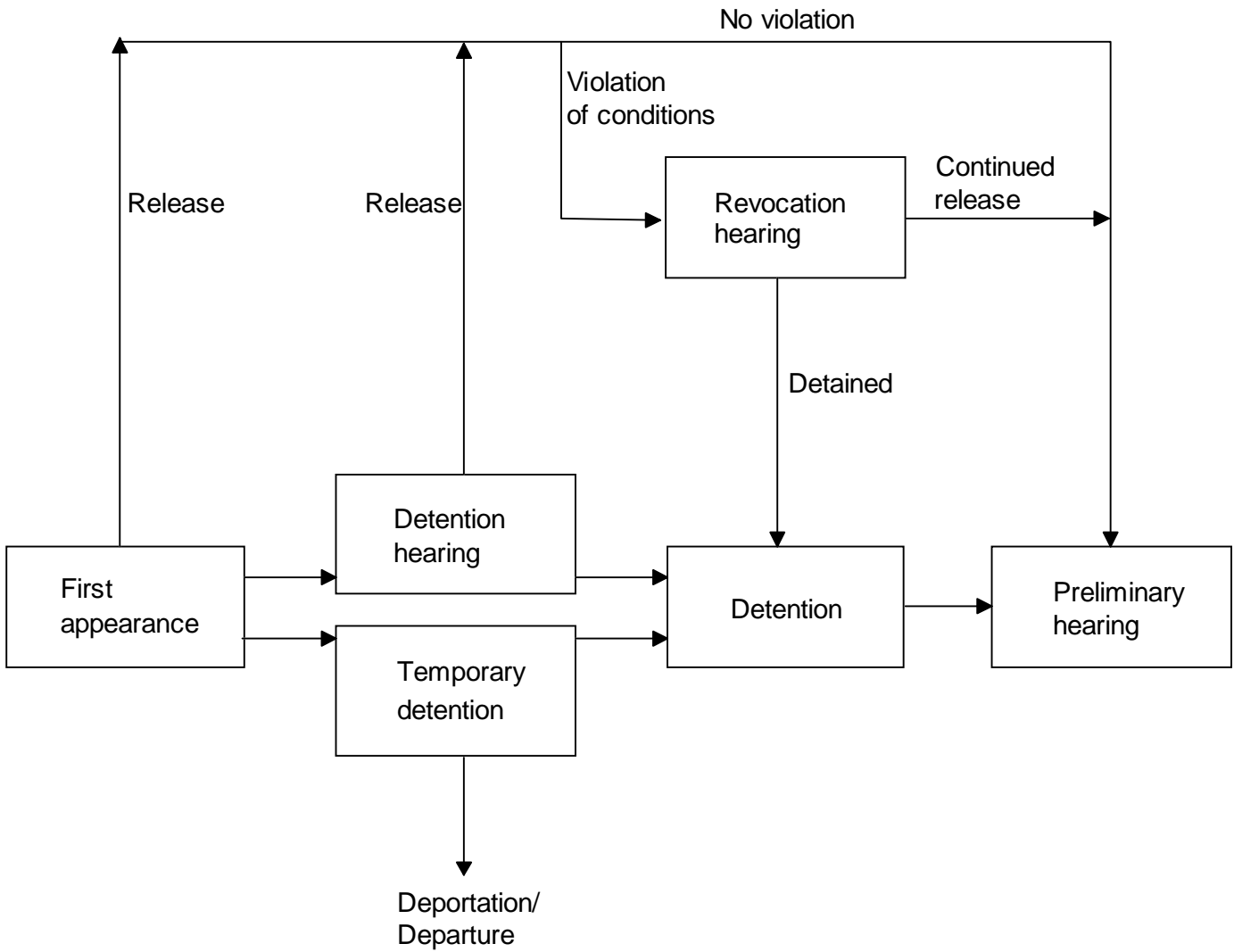
Tables*October 1, 1997 - September 30, 1998*

3.1. Type of pretrial release, by offense	39
3.2. Type of pretrial release, by defendant characteristics	40
3.3. Form of pretrial detention, by offense	41
3.4. Form of pretrial detention, by defendant characteristics	42
3.5. Pretrial detention hearing outcomes, by offense	43
3.6. Pretrial detention hearing outcomes, by defendant characteristics	44
3.7. Behavior of defendants released prior to trial, by offense	45
3.8. Behavior of defendants released prior to trial, by type of release	45
3.9. Behavior of defendants released prior to trial, by defendant characteristics	46
3.10. Length of pretrial detention, by form of release or detention, and most serious offense charged	47

Chapter notes	48
----------------------------	-----------

Chapter 3

Pretrial release



The Bail Reform Act of 1984 (18 U.S.C. § 3141) sets the terms for release and detention of defendants facing charges in Federal courts. At the time defendants first appear before a judicial officer, they may be (1) released on personal recognizance or unsecured bond; (2) released subject to conditions imposed by the court, possibly including traditional bail; (3) temporarily detained without bail (limited to 10 working days) to permit deportation, exclusion, or the revocation of previously granted conditional release; or (4) detained pending the outcome of a detention hearing.*

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

At the initial appearance a recommendation to detain the defendant is made by the U.S. attorney and/or the pretrial services officer. If the court concurs with the recommendation to detain the defendant, a pretrial detention hearing is scheduled — typically within 1 week of the initial appearance. At the pretrial detention hearing evidence is presented to show cause why the defendant should be detained pending adjudication of the charges.

Recommendations to detain a defendant are limited to those instances where the defendant was charged with (1) a crime of violence, (2) an offense with a statutory maximum sentence of life imprisonment or death, (3) a drug offense with a statutory maximum sentence of 10 years or more imprisonment, or (4) any felony offense if the defendant had been convicted on two or more occasions of an offense described above or a similar State-level offense. Additionally, a detention recommendation may

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

Types of pretrial release

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

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

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

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

Defendants may also be released on financial conditions. Financial conditions include (1) deposit bond (the defendant is required to post a percentage of the total bail amount, usually 10%), (2) surety bond (the defendant is released subject to guarantees by a third person that the full amount will be paid), or (3) collateral bond (collateral equal to the full bail amount required to be posted by the defendant before release). Financial conditions may occur in combination with non-financial conditions.

Factors relating to release or detention

In deciding whether to release a defendant and in setting release conditions, the court is directed to consider the nature and circumstances of the offense charges, the weight of evidence against the defendant, the defendant's character, physical and mental condition, family ties, employment, financial resources, length of

residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings.

During 1998, 26,260 defendants were released for some period of time prior to trial (table 3.1). Those defendants released made up 43% of the 60,950 defendants who terminated pretrial services during 1998. Of the defendants released, 84% completed pretrial services without violating the conditions of their release (table 3.8).

In 1998, 40,669 defendants were detained for some period of time prior to the disposition of their case (table 3.3). Those defendants detained comprised about 67% of all defendants who terminated pretrial services during 1998. Included are those who were detained prior to having a preliminary hearing with the magistrate, at which point they could have been either released or ordered to have a detention hearing. Of the defendants detained, 55% were ordered detained by the court until case disposition.

Pretrial detention hearings were held for 30,204 defendants. Of these, 22,143, or 73%, were ordered detained (table 3.5).

Of the 26,246 defendants released prior to trial, 16% violated a condition of their release (table 3.7). The majority (88%) of these violations were technical violations of the bail conditions. Defendants released on deposit bond were more likely (25%) than other defendants to incur some violation of the conditions of their release (table 3.8). Conversely, defendants given conditional release violated their release at the lowest rates (5%). Five percent of all released defendants had their release revoked.

Pretrial outcomes by offense categories

Releases (table 3.1) — Defendants charged with property offenses were more likely than other defendants to be released prior to criminal trial; in 1998, 77% of the 13,463 property offenders were released (figure 3.1).

*18 U.S.C. § 3142(e) (1984)

However, the percent released varied greatly across offense categories. Among violent offenders, 18% of those charged with robbery were released compared to 55% of those charged with assault and 66% of those charged with sex offenses other than rape. Among public order offenders, 8% of those charged with immigration offenses were released compared to 95% of those charged with tax law violations and 43% of those with weapons offenses.

Property defendants also made up the largest part of those defendants who were released, while drug defendants made up the largest part of those defendants who were detained. Violent defendants composed the smallest part of defendants in both groups.

About 35% of all drug defendants were released. Drug trafficking defendants were less likely to be released than those charged with nontrafficking offenses (33% compared to 53%), but defendants charged with trafficking offenses outnumbered those charged with nontrafficking offenses by more than 9 to 1.

The release types for those defendants who were released prior to trial varied among offense categories (table 3.1). Within each major offense category, the highest percentage of defendants released was on unsecured bond, except for violent defendants. Of the 32% of violent defendants released, 40% were released on unsecured bond and 43% on personal recognizance compared to 77% of all property defendants released, of whom 54% were released on unsecured bond and 34% on personal recognizance.

Detentions (tables 3.3 and 3.5) — Among the major offense categories, defendants charged with drug offenses were the most likely (80%) to be detained for some period of time (table 3.3, figure 3.1). Seventy-seven percent of defendants charged with violent offenses were detained for some period of time. But violent defendants were more likely than drug offenders (62% versus 55%) to be

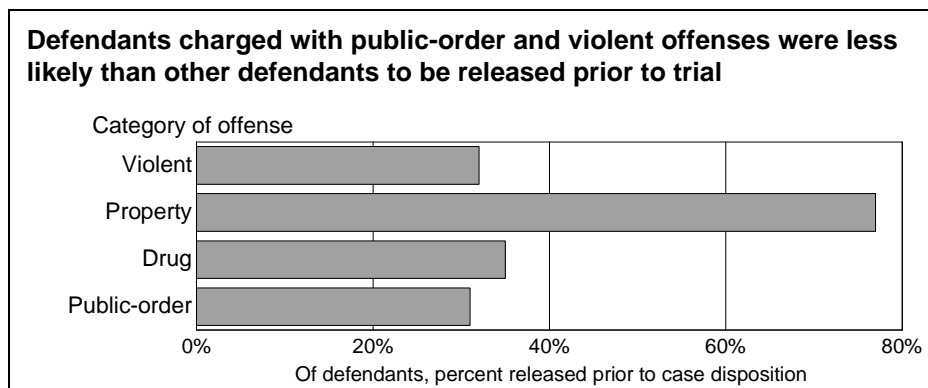


Figure 3.1. Percent of defendants released prior to case disposition, by offense category, October 1, 1997 - September 30, 1998

detained by the court. Property and public-order defendants were less likely to be detained than were drug and violent defendants. During 1998, 74% of public-order defendants were detained. Of public-order defendants, those charged with immigration offenses were the most likely to be detained (96%). In 1998, 30% of defendants charged with property offenses were detained. Of those defendants detained, 56% of public-order and 43% of property defendants were detained by the court.

For 66% of defendants charged with violent offenses, it was decided at the preliminary hearing that a detention hearing was warranted (table 3.5, figure 3.2). This rate varied by offense category: 62% of those charged with drug-related offenses, 50% of those charged with public-order offenses, and 22% of those charged with property offenses were ordered to have a detention hearing. Of those charged with violent offenses, the most likely to have a pretrial detention hearing were those charged with kidnaping, robbery, threats against the President, or murder. The least likely to have a pretrial detention hearing were those charged with sex offenses other than rape and those charged with assault.

Once a defendant was ordered to have a detention hearing, the chances of being detained were less variable across offense categories (table 3.5). The highest rate of defendants ordered detained were those charged with public-order offenses (83%) —

primarily immigration (89%) and weapons offenders (70%). Of the 66% of defendants charged with violent offenses and given a pretrial detention hearing, 73% were ordered detained. In 1998, 70% of those charged with drug offenses and 59% of those charged with property offenses were ordered detained following a pretrial hearing.

Violations (table 3.7) — Of defendants released prior to trial and terminating pretrial services during 1998, those charged with drug offenses were more likely (27%) than other defendants to incur at least one violation during the release period. Among major offense categories, those charged with property offenses were less likely (11%) than others to violate conditions of their release. Those charged with drug offenses and violent offenses were more likely to have their release revoked (10% of all released drug defendants, 9% of all released violent defendants), and public-order defendants were slightly more likely than property defendants to have their release revoked (4% versus 3%).

Pretrial outcomes across demographic groups

Releases (table 3.2) — Females were more likely (68%) than males (38%) to be released during 1998 (figure 3.3). Males were more likely to have a financial condition imposed on them as females (17% versus 11%). Fifty-eight percent of all defendants

identified as non-Hispanic were released during 1998 compared to 19% of Hispanics. Non-Hispanic releasees had more than twice the chance of being released on personal recognizance as Hispanics.

The higher the education level of the defendant, the greater the probability of release. A third (34%) of defendants with less than a high school education were released in 1998, while 75% of those who had completed college were released. Releasees with a college degree were less likely to receive financial conditions (13%) and more likely to be released on personal recognizance (31%) than those who had less education.

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

Detentions (tables 3.4 and 3.6) — Males were more likely (71% versus 44%) than females to be detained (table 3.4). Of all detainees, 56% of the men and 42% of the women were detained following a detention hearing. Hispanics had a substantially higher probability of being detained (nearly 9 out of 10) as compared with non-Hispanics (5 out of 10). Higher detention rates for Hispanics reflects a perceived greater risk of pretrial flight. In a previous BJS report, 70% of Hispanics prosecuted in the Federal courts were identified as noncitizens and 64% lived in the community in which they were arrested for less than 1 year. (Federal Pretrial Release and Detention, BJS Special Report, NCJ 168635.) Additionally, almost all of those charged with an immigration offense -- of which Hispanics comprise the majority -- were detained because of the perceived risk of pretrial flight.

Younger defendants were more likely than older ones to be detained, with the percentage peaking at defendants in their twenties. Seventy-two percent of defendants between the ages of 21

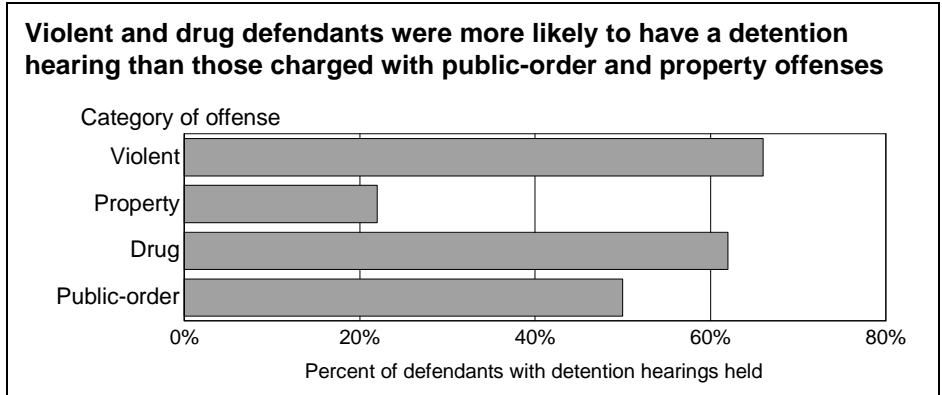


Figure 3.2. Detention hearings held, by offense category, October 1, 1997 - September 30, 1998

and 30 years were detained compared to 70% of defendants between 16 and 18 years and 48% of those over 40. However, among all defendants detained, the chances of being detained following a detention hearing were similar across all age groups. These patterns were more dramatic with education levels. Those defendants with lower levels of education were more likely to be detained. Seventy-seven percent of those who did not graduate from high school were detained versus 34% of college graduates. Of those detained, 54% of defendants without a high school diploma were detained following a detention hearing compared to 48% of college graduates.

Not only were male defendants nearly twice as likely as female defendants to have a detention hearing (53% versus 31%), they were also more likely to be ordered detained as a result of the hearing (table 3.6).

The likelihood of having a detention hearing increased with the number of prior convictions, severity of the defendant's criminal history, and current sentence of supervision. Furthermore, 55% of those with a history of drug abuse had detention hearings as compared to 42% of those without such a past. Those with a history of drug abuse were slightly more likely to be detained.

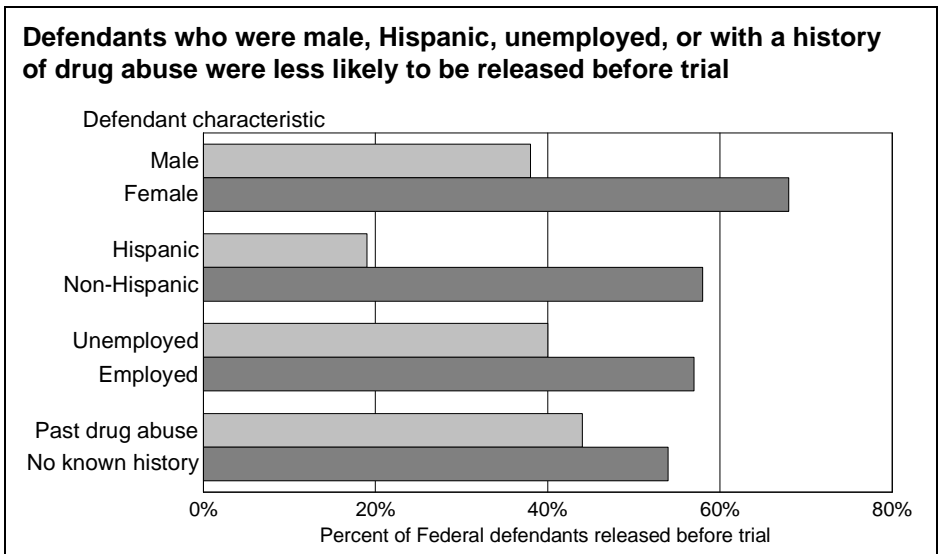


Figure 3.3. Pretrial release rates, by defendant characteristics, October 1, 1997 - September 30, 1998

Violations (table 3.9) — Released males were more likely than females to incur a violation during the pretrial release period (18% versus 13%) and were slightly more likely to have their release revoked. Blacks were more likely to incur a violation than whites (21% versus 14%). Defendants with no prior criminal history were less likely to have a pretrial release violation than those with a prior conviction. Released defendants with a known drug history had more than 3 times the likelihood of incurring a violation than those with no known drug history. Also, those with a history of drug use were substantially more likely to have their release revoked.

Length of pretrial detention (table 3.10)

Among defendants detained for any time prior to case disposition, those charged with drug offenses were detained the longest (an average of 88.7 days) compared to violent defendants (81.2 days), public-order defendants (62.5 days), and property defendants (50.0 days) — not in a table.

Of defendants released, those released on conditional means spent the greatest average number of days detained (65.2 days) compared to those released on personal recognizance (50.1 days), unsecured bond (46.1 days), or financial conditions (35.8 days). This trend varied only slightly across all major offense categories — defendants released on conditional means were detained more days than defendants who were released by any other means.

Of defendants not released, those detained following a detention hearing were detained longer, on average, than those held on financial conditions (105.0 days compared with 77.4 days). Only public order defendants held on financial conditions (74.2 days) were detained longer than those detained by the court (72.0 days).

Table 3.1. Type of pretrial release, by offense, October 1, 1997 - September 30, 1998

Most serious offense charged	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial ^a	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
All offenses^b	43.1%	15.8%	49.6%	30.3%	4.4%	26,246	60,950
Violent offenses	31.9%	10.7%	39.9%	43.0%	6.5%	1,271	3,986
Murder ^c	28.6	9.4	22.6	56.6	11.3	53	185
Negligent manslaughter	—	—	—	—	—	3	8
Assault	54.9	5.6	34.0	51.8	8.6	444	809
Robbery	17.8	19.0	44.3	31.9	4.8	395	2,214
Rape	51.4	5.6	20.6	63.5	10.3	126	245
Other sex offenses ^c	66.1	9.0	55.9	32.4	2.7	222	336
Kidnaping	13.8	14.3	71.4	14.3	0	21	152
Threats against the President	18.9	—	—	—	—	7	37
Property offenses	77.4%	8.6%	53.7%	34.3%	3.4%	10,414	13,463
Fraudulent	77.8%	9.5%	57.6%	30.6%	2.3%	7,948	10,218
Embezzlement	93.5	3.3	56.2	37.1	3.4	1,313	1,405
Fraud ^c	76.5	10.7	56.7	30.3	2.2	5,562	7,273
Forgery	78.3	4.8	66.5	26.4	2.2	227	290
Counterfeiting	67.7	12.6	62.9	23.4	1.1	846	1,250
Other	76.0%	5.5%	41.2%	46.0%	7.2%	2,466	3,245
Burglary	51.3	6.5	32.5	59.7	1.3	77	150
Larceny ^c	81.9	3.9	39.4	48.6	8.1	1,962	2,396
Motor vehicle theft	47.1	13.9	49.2	32.0	4.9	122	259
Arson and explosives	57.5	15.2	52.2	30.4	2.2	92	160
Transportation of stolen property	75.7	16.0	62.6	19.1	2.3	131	173
Other property offenses ^c	76.6	2.4	35.4	53.7	8.5	82	107
Drug offenses	35.1%	28.2%	48.2%	20.0%	3.6%	8,283	23,631
Trafficking	33.2	29.9	50.8	16.2	3.1	7,114	21,409
Other drug	52.6	18.1	32.6	42.7	6.6	1,169	2,222
Public-order offenses	31.3%	12.4%	46.9%	34.5%	6.3%	6,162	19,676
Regulatory	67.5%	11.8%	53.8%	30.9%	3.4%	1,312	1,945
Agriculture	94.9	9.7	54.8	33.3	2.2	93	98
Antitrust	100	0	25.0	58.3	16.7	12	12
Food and drug	98.3	3.4	77.6	19.0	0	58	59
Transportation	76.1	1.9	46.3	50.0	1.9	54	71
Civil rights	93.6	8.2	50.7	35.6	5.5	73	78
Communications	96.4	14.8	64.8	20.4	0	54	56
Custom laws	74.8	29.9	51.9	16.9	1.3	77	103
Postal laws	89.5	3.7	58.8	35.3	2.2	136	152
Other regulatory offenses	57.4	13.4	51.7	30.7	4.2	755	1,316
Other	27.4%	12.5%	45.0%	35.4%	7.1%	4,850	17,731
Weapons	42.5	12.8	55.8	27.7	3.7	1,059	2,490
Immigration offenses	7.7	27.3	37.9	15.5	19.4	847	11,014
Tax law violations ^c	94.7	4.8	56.9	35.4	2.8	703	742
Bribery	89.3	11.9	58.2	26.9	3.0	134	150
Perjury, contempt, and intimidation	66.3	9.4	62.5	26.6	1.6	128	193
National defense	62.2	10.9	37.0	43.5	8.7	46	74
Escape	12.6	18.9	43.2	32.4	5.4	74	589
Racketeering and extortion	54.7	24.0	53.2	21.0	1.7	462	844
Gambling	94.8	4.4	76.9	17.6	1.1	91	96
Liquor offenses	—	—	—	—	—	3	5
Obscene material ^c	78.1	5.3	66.7	28.1	0	57	73
Migratory birds	95.8	0	34.8	65.2	0	23	24
All other offenses ^c	85.1	3.4	24.8	64.1	7.8	1,223	1,437

Note: Released defendants include some defendants who were also detained prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in these tables are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 48.

—Too few cases to obtain statistically reliable data.

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

^bIncludes 194 defendants for whom an offense category could not be determined, 116 of whom were released.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Table 3.2. Type of pretrial release, by offense, October 1, 1997 - September 30, 1998

Most serious offense charged	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial ^a	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
All defendants^b	43.1%	15.8%	49.6%	30.3%	4.4%	26,246	60,950
Male/female							
Male	38.3%	17.4%	49.0%	29.2%	4.4%	19,593	51,163
Female	68.0	10.9	51.5	33.5	4.2	6,611	9,720
Race							
White	40.7%	16.3%	50.1%	29.1%	4.6%	16,709	41,007
Black	47.5	15.6	52.9	28.3	3.2	7,704	16,202
Other	49.0	12.0	31.5	49.6	6.9	1,833	3,741
Ethnicity							
Hispanic	18.5%	32.2%	44.6%	15.7%	7.5%	4,303	23,243
Non-Hispanic	58.3	12.7	51.4	32.4	3.5	21,413	36,733
Age							
16-18 years	43.4%	9.4%	38.7%	43.0%	8.9%	481	1,109
19-20 years	43.5	12.9	47.6	33.6	5.9	1,351	3,107
21-30 years	39.0	18.4	49.5	28.0	4.0	7,954	20,388
31-40 years	44.4	17.9	51.3	27.0	3.9	6,907	15,554
Over 40 years	61.3	13.8	54.3	29.1	2.8	7,823	12,752
Education							
Less than high school graduate	34.0%	20.8%	50.8%	24.5%	3.9%	6,333	18,621
High school graduate	54.7	15.2	51.5	30.0	3.3	8,380	15,326
Some college	65.0	14.4	52.6	30.4	2.6	6,202	9,546
College graduate	74.9	13.3	52.6	31.3	2.8	3,037	4,056
Marital status							
Never married	44.4%	15.5%	51.2%	29.8%	3.6%	8,562	19,301
Divorced/separated	54.2	14.3	54.0	28.8	2.9	4,844	8,931
Married	54.8	17.1	51.1	28.6	3.3	9,078	16,577
Common law	38.1	22.3	48.2	25.9	3.6	1,572	4,128
Other	18.2	10.0	28.8	45.5	15.8	2,190	12,013
Employment status at arrest							
Unemployed	39.6%	16.8%	51.2%	27.8%	4.2%	8,573	21,639
Employed	57.2	15.9	51.3	29.8	3.0	15,768	27,572
Criminal record							
No convictions ^c	53.5%	13.6%	48.3%	33.4%	4.8%	11,489	21,485
Misdemeanor only	52.7	15.0	49.6	31.7	3.6	5,164	9,793
Felony							
Nonviolent	29.7	18.4	53.7	23.5	4.3	3,803	12,788
Violent	21.6	21.6	49.9	23.4	5.2	1,858	8,607
Number of prior convictions							
1	45.5%	16.8%	51.3%	28.6%	3.2%	4,502	9,890
2 to 4	34.0	17.7	52.1	26.3	3.9	4,371	12,853
5 or more	23.1	17.7	48.5	27.1	6.7	1,952	8,445
Criminal justice status							
Not under supervision	49.8%	15.1%	49.3%	31.4%	4.2%	20,766	41,680
Pretrial release	48.1	22.6	50.7	24.8	1.8	1,248	2,593
Probation	37.3	18.6	52.6	26.8	2.0	1,252	3,357
Parole	15.1	19.1	51.1	25.0	4.8	272	1,801
Court appearance history							
No prior arrests	52.3%	13.7%	48.2%	33.3%	4.9%	11,699	22,350
Failure to appear							
None	40.1	17.9	51.2	27.4	3.5	12,379	30,846
1	28.8	14.7	50.1	28.9	6.3	1,184	4,109
More than 1	27.0	14.6	45.8	32.9	6.6	984	3,645
Drug abuse							
No known abuse	54.4%	15.6%	51.4%	29.7%	3.3%	17,441	32,074
Drug history	43.7	17.3	53.3	26.7	2.8	5,942	13,612

Note: Released defendants include some defendants who were also detained prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in these tables are not directly comparable to those in the 1993 and prior compendia; see Chapter notes, items 1 and 2, p. 48.

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

^bIncludes defendants for whom characteristics could not be determined.

^cIncludes only those defendants whose PSA records explicitly showed no prior convictions.

Table 3.3. Form of pretrial detention, by offense, October 1, 1997 - September 30, 1998

Most serious offense charged	Of defendants detained at any time prior to case disposition, percent detained by—							Number of defendants	
	Percent detained	Temporary detention ^a	Held on bail for—		Court	Other detentions	Detained	All defendants	
			Part of pre-trial period	All of pre-trial period					
All offenses^b	66.7%	2.4%	11.5%	16.2%	54.5%	15.4%	40,665	60,950	
Violent offenses	77.0%	0.7%	8.0%	5.7%	62.0%	23.6%	3,069	3,986	
Murder ^c	82.2	0	7.9	2.0	61.2	28.9	152	185	
Negligent manslaughter	—	—	—	—	—	—	5	8	
Assault	55.4	0.7	13.4	9.4	49.6	27.0	448	809	
Robbery	90.0	0.9	6.1	5.6	65.4	22.1	1,992	2,214	
Rape	62.4	0	11.8	2.0	57.5	28.8	153	245	
Other sex offenses ^c	42.0	0.7	16.3	4.3	51.1	27.7	141	336	
Kidnaping	94.1	0	4.9	4.9	75.5	14.7	143	152	
Threats against the President	94.6	0	8.6	8.6	54.3	28.6	35	37	
Property offenses	29.9%	1.4%	19.6%	12.7%	43.0%	23.3%	4,023	13,463	
Fraudulent	29.6%	1.4%	20.3%	13.3%	42.9%	22.1%	3,025	10,218	
Embezzlement	10.1	2.8	31.7	9.2	35.2	21.1	142	1,405	
Fraud ^c	31.0	1.1	19.3	13.4	44.5	21.7	2,251	7,273	
Forgery	27.6	1.3	16.3	11.3	36.3	35.0	80	290	
Counterfeiting	44.2	2.0	22.3	14.3	39.3	22.1	552	1,250	
Other	30.8%	1.5%	17.5%	11.0%	43.1%	26.9%	998	3,245	
Burglary	60.0	0	13.3	5.6	50.0	31.1	90	150	
Larceny ^c	23.5	1.4	19.0	14.4	40.1	25.0	563	2,396	
Motor vehicle theft	63.3	2.4	12.8	4.9	47.6	32.3	164	259	
Arson and explosives	60.0	3.1	19.8	7.3	43.8	26.0	96	160	
Transportation of stolen property	34.1	0	25.4	13.6	33.9	27.1	59	173	
Other property offenses ^c	24.3	0	3.8	3.8	73.1	19.2	26	107	
Drug offenses	79.9%	1.6%	14.3%	15.3%	54.6%	14.2%	18,873	23,631	
Trafficking	82.1	1.4	14.3	15.5	55.0	13.9	17,570	21,409	
Other drug offenses	58.6	4.8	15.2	12.8	49.3	18.0	1,303	2,222	
Public-order offenses	74.2%	4.0%	6.4%	20.5%	56.0%	13.0%	14,601	19,676	
Regulatory	40.6%	1.6%	17.2%	11.5%	42.2%	27.5%	790	1,945	
Agriculture	9.2	—	—	—	—	—	9	98	
Antitrust	0	...	...	...	...	...	0	12
Food and drug	1.7	—	—	—	—	—	1	59	
Transportation	28.2	0	15.0	20.0	25.0	40.0	20	71	
Civil rights	11.5	—	—	—	—	—	9	78	
Communications	23.2	0	53.8	0	38.5	7.7	13	56	
Custom laws	37.9	0	23.1	28.2	35.9	12.8	39	103	
Postal laws	16.4	0	24.0	4.0	40.0	32.0	25	152	
Other regulatory offenses	51.2	1.9	15.6	10.7	43.6	28.2	674	1,316	
Other	77.9%	4.2%	5.7%	21.0%	56.8%	12.2%	13,811	17,731	
Weapons	67.6	1.5	11.0	6.5	57.0	23.9	1,683	2,490	
Immigration offenses	96.4	5.0	4.0	25.2	57.3	8.5	10,617	11,014	
Tax law violations ^c	10.0	1.4	44.6	13.5	17.6	23.0	74	742	
Bribery	20.7	0	38.7	12.9	38.7	9.7	31	150	
Perjury, contempt, and intimidation	42.0	1.2	13.6	11.1	44.4	29.6	81	193	
National defense	39.2	0	6.9	31.0	37.9	24.1	29	74	
Escape	90.0	2.5	1.9	3.4	66.0	26.2	530	589	
Racketeering and extortion	57.7	0.2	15.0	8.4	56.5	19.9	487	844	
Gambling	5.2	—	—	—	—	—	5	96	
Liquor offenses	—	—	—	—	—	—	2	5	
Obscene material ^c	28.8	0	23.8	4.8	33.3	38.1	21	73	
Migratory birds	4.2	—	—	—	—	—	1	24	
All other offenses ^c	17.4	2.0	14.8	11.2	40.0	32.0	250	1,437	

Note: Detained defendants include some defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 48.

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

^aHeld under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

^bIncludes 194 defendants for whom offense category could not be determined, 67 of whom were detained.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Table 3.4. Form of pretrial detention, by defendant characteristics, October 1, 1997 - September 30, 1998

Most serious offense charged	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention ^a	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre-trial period	All of pre-trial period				
All defendants^b	66.7%	2.4%	11.5%	16.2%	54.5%	15.4%	40,665	60,950
Male/female								
Male	71.1%	2.5%	10.2%	16.2%	55.9%	15.2%	36,386	51,163
Female	43.7	1.3	22.7	16.3	42.3	17.5	4,252	9,720
Race								
White	68.4%	2.7%	10.7%	19.7%	53.8%	13.1%	28,031	41,007
Black	63.5	1.4	13.4	8.5	56.8	19.9	10,290	16,202
Other	62.7	2.9	12.8	7.4	53.0	23.8	2,344	3,741
Ethnicity								
Hispanic	90.3%	3.9%	8.1%	22.6%	56.6%	8.7%	20,998	23,243
Non-Hispanic	52.1	0.8	15.2	9.3	52.6	22.1	19,155	36,733
Age								
16-18 years	70.3%	2.3%	16.2%	14.7%	48.1%	18.7%	780	1,109
19-20 years	68.6	2.2	15.0	17.2	50.4	15.3	2,131	3,107
21-30 years	72.2	3.0	12.0	17.5	51.9	15.7	14,727	20,388
31-40 years	66.5	2.5	12.8	17.4	51.4	15.9	10,351	15,554
Over 40 years	48.0	2.1	14.9	17.6	47.9	17.4	6,123	12,752
Education								
Less than high school graduate	77.2%	4.4%	11.3%	14.7%	54.0%	15.6%	14,376	18,621
High school graduate	57.0	1.5	15.6	11.1	52.1	19.7	8,730	15,326
Some college	46.5	1.3	19.6	12.5	46.2	20.4	4,436	9,546
College graduate	33.6	1.5	18.7	14.5	48.2	17.1	1,361	4,056
Marital status								
Never married	67.2%	2.4%	13.2%	11.7%	54.1%	18.6%	12,970	19,301
Divorced/separated	57.5	2.2	15.7	12.4	50.3	19.4	5,137	8,931
Married	55.0	3.7	13.9	15.7	51.1	15.6	9,112	16,577
Common law	74.7	3.7	12.9	16.0	52.4	14.9	3,085	4,128
Other	86.2	1.0	4.7	24.2	60.7	9.4	10,361	12,013
Employment status at arrest								
Unemployed	72.1%	2.6%	12.3%	10.8%	53.8%	20.4%	15,605	21,639
Employed	53.3	3.1	15.6	16.0	50.2	15.1	14,706	27,572
Criminal record								
No convictions ^c	55.6%	2.0%	13.4%	17.1%	54.9%	12.6%	11,945	21,485
Misdemeanor only	59.8	2.6	16.4	18.6	46.8	15.6	5,857	9,793
Felony								
Nonviolent	78.9	2.6	8.1	17.1	55.9	16.3	10,087	12,788
Violent	86.5	2.1	6.6	12.1	61.1	18.1	7,442	8,607
Number of prior convictions								
1	65.4%	2.6%	13.2%	17.4%	51.3%	15.5%	6,467	9,890
2 to 4	75.8	2.7	9.4	15.2	56.4	16.2	9,743	12,853
5 or more	85.0	1.9	7.0	15.5	57.3	18.4	7,176	8,445
Criminal justice status								
Not under supervision	60.1%	1.7%	13.3%	17.0%	53.8%	14.2%	25,040	41,680
Pretrial release	66.4	1.9	16.4	10.0	53.9	17.8	1,722	2,593
Probation	74.2	4.2	11.7	17.7	52.3	14.1	2,490	3,357
Parole	90.7	3.9	4.7	21.7	57.9	11.9	1,633	1,801
Court appearance history								
No prior arrests	56.7%	2.7%	13.2%	16.9%	54.8%	12.4%	12,682	22,350
Failure to appear								
None	70.1	2.6	11.4	16.4	52.9	16.7	21,610	30,846
1	80.9	1.2	8.5	14.5	57.3	18.4	3,324	4,109
More than 1	83.6	0.8	8.9	13.5	61.4	15.4	3,049	3,645
Drug abuse								
No known abuse	55.7%	3.1%	14.1%	15.6%	50.8%	16.4%	17,874	32,074
Drug history	69.7	2.1	14.9	9.6	53.5	19.9	9,488	13,612

Note: Detained defendants include defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 48.

^aHeld under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

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

^cIncludes only those defendants whose PSA records explicitly showed no prior convictions.

Table 3.5. Pretrial detention hearing outcomes, by offense, October 1, 1997- September 30, 1998

Most serious offense charged	All defendants	Defendants with pretrial detention hearings			
		Number of defendants		Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
		Hearings held	Ordered detained		
All offenses^a	60,950	30,204	22,143	49.6%	73.3%
Violent offenses	3,986	2,613	1,899	65.6%	72.7%
Murder ^b	185	131	92	70.8	70.2
Negligent manslaughter	8	5	0	—	—
Assault	809	360	221	44.5	61.4
Robbery	2,214	1,701	1,301	76.8	76.5
Rape	245	138	87	56.3	63.0
Other sex offenses ^b	336	117	72	34.8	61.5
Kidnaping	152	134	107	88.2	79.9
Threats against the President	37	27	19	73.0	70.4
Property offenses	13,463	2,917	1,727	21.7%	59.2%
Fraudulent	10,218	2,191	1,296	21.4%	59.2%
Embezzlement	1,405	92	50	6.5	54.3
Fraud ^b	7,273	1,657	1,001	22.8	60.4
Forgery	290	52	29	17.9	55.8
Counterfeiting	1,250	390	216	31.2	55.4
Other	3,245	726	431	22.4%	59.4%
Burglary	150	73	45	48.7	61.6
Larceny ^b	2,396	395	227	16.5	57.5
Motor vehicle theft	259	119	78	45.9	65.5
Arson and explosives	160	80	42	50.0	52.5
Transportation of stolen property	173	35	20	20.2	57.1
Other property offenses ^b	107	24	19	22.4	79.2
Drug offenses	23,631	14,683	10,285	62.1%	70.0%
Trafficking	21,409	13,686	9,644	63.9	70.5
Other drug	2,222	997	641	44.9	64.3
Public-order offenses	19,676	9,915	8,180	50.4%	82.5%
Regulatory	1,945	571	333	29.4%	58.3%
Agriculture	98	7	0	7.1	—
Antitrust	12	0	0	0	...
Food and drug	59	1	0	1.7	—
Transportation	71	18	5	25.4	27.8
Civil rights	78	6	5	7.7	—
Communications	56	9	5	16.1	—
Custom laws	103	24	14	23.3	58.3
Postal laws	152	19	10	12.5	52.6
Other regulatory offenses	1,316	487	294	37.0	60.4
Other	17,731	9,344	7,847	52.7%	84.0%
Weapons	2,490	1,361	958	54.7	70.4
Immigration offenses	11,014	6,807	6,085	61.8	89.4
Tax law violations ^b	742	40	13	5.4	32.5
Bribery	150	22	12	14.7	54.5
Perjury, contempt, and intimidation	193	64	36	33.2	56.3
National defense	74	21	11	28.4	52.4
Escape	589	421	350	71.5	83.1
Racketeering and extortion	844	404	275	47.9	68.1
Gambling	96	5	0	5.2	—
Liquor offenses	5	1	0	—	—
Obscene material ^b	73	17	7	23.3	41.2
Migratory birds	24	1	0	4.2	—
All other offenses ^b	1,437	180	100	12.5	55.6

Note: Defendants may also be detained for failure to meet bail conditions, or temporarily detained pending action of other agencies. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 48.

—Too few cases to obtain statistically reliable data.

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

^aIncludes 194 defendants for whom offense category could not be determined, 76 of whom had pretrial detention hearings.

^bIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Table 3.6. Pretrial detention hearing outcomes, by defendant characteristics, October 1, 1997 - September 30, 1998

Defendant characteristic	Defendants with pretrial detention hearings				
	All defendants	Number of defendants		Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
		Hearings held	Ordered detained		
All defendants^a	60,950	30,204	22,143	49.6%	73.3%
Male/female					
Male	51,163	27,130	20,333	53.0%	74.9%
Female	9,720	3,052	1,795	31.4	58.8
Race					
White	41,007	20,010	15,061	48.8%	75.3%
Black	16,202	8,327	5,842	51.4	70.2
Other	3,741	1,867	1,240	49.9	66.4
Ethnicity					
Hispanic	23,243	14,558	11,873	62.6%	81.6%
Non-Hispanic	36,733	15,362	10,061	41.8	65.5
Age					
16-18 years	1,109	586	374	52.8%	63.8%
19-20 years	3,107	1,552	1,072	50.0	69.1
21-30 years	20,388	10,742	7,628	52.7	71.0
31-40 years	15,554	7,578	5,318	48.7	70.2
Over 40 years	12,752	4,517	2,928	35.4	64.8
Education					
Less than high school graduate	18,621	10,711	7,746	57.5%	72.3%
High school graduate	15,326	6,907	4,538	45.1	65.7
Some college	9,546	3,497	2,046	36.6	58.5
College graduate	4,056	1,071	655	26.4	61.2
Marital status					
Never married	19,301	10,197	7,016	52.8%	68.8%
Divorced/separated	8,931	3,898	2,576	43.6	66.1
Married	16,577	6,775	4,651	40.9	68.6
Common law	4,128	2,363	1,615	57.2	68.3
Other	12,013	6,971	6,285	58.0	90.2
Employment status at arrest					
Unemployed	21,639	11,834	8,379	54.7%	70.8%
Employed	27,572	11,327	7,370	41.1	65.1
Criminal record					
No convictions ^b	21,485	9,100	6,549	42.4%	72.0%
Misdemeanor only	9,793	4,224	2,737	43.1	64.8
Felony					
Nonviolent	12,788	7,255	5,630	56.7	77.6
Violent	8,607	5,699	4,543	66.2	79.7
Number of prior convictions					
1	9,890	4,715	3,314	47.7%	70.3%
2 to 4	12,853	7,227	5,490	56.2	76.0
5 or more	8,445	5,236	4,106	62.0	78.4
Criminal justice status					
Not under supervision	41,680	18,962	13,456	45.5%	71.0%
Pretrial release	2,593	1,380	927	53.2	67.2
Probation	3,357	1,745	1,302	52.0	74.6
Parole	1,801	1,125	944	62.5	83.9
Court appearance history					
No prior arrests	22,350	9,573	6,942	42.8%	72.5%
Failure to appear					
None	30,846	15,770	11,427	51.1	72.5
1	4,109	2,503	1,905	60.9	76.1
More than 1	3,645	2,358	1,869	64.7	79.3
Drug abuse					
No known abuse	32,074	13,447	9,060	41.9%	67.4%
Drug history	13,612	7,464	5,071	54.8	67.9

Note: Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 48.

^aIncludes defendants for whom these characteristics are unknown.

^bIncludes only those defendants whose PSA records explicitly showed no prior convictions.

Most serious offense charged	Percent of released defendants who had—							Number of released defendants
	Violations while on release					Technical violations of bail conditions	Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged				
			Felony	Misdemeanor				
All offenses*	83.6%	16.4%	2.4%	1.8%	1.6%	14.5%	5.8%	26,246
Violent offenses	82.1%	17.9%	1.9%	1.7%	2.0%	16.1%	9.3%	1,271
Property offenses	89.3%	10.7%	1.8%	1.3%	1.2%	9.3%	3.2%	10,414
Fraudulent offenses	89.8	10.2	1.8	1.2	1.1	8.8	2.9	7,948
Other property offenses	87.7	12.3	1.8	1.7	1.3	11.1	4.1	2,466
Drug offenses	72.9%	27.1%	3.3%	3.0%	2.5%	24.3%	9.9%	8,283
Public-order offenses	88.7%	11.3%	2.1%	1.1%	1.0%	9.7%	3.8%	6,162
Regulatory offenses	91.8	8.2	1.7	0.8	0.9	7.0	2.9	1,312
Other public-order offenses	87.9	12.1	2.2	1.1	1.1	10.4	4.0	4,850

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1998. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 48.

*Includes 116 defendants for whom offense category could not be determined.

Most serious offense charged	Percent of released defendants who had—							Number of released defendants
	Violations while on release					Technical violations of bail conditions	Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged				
			Felony	Misdemeanor				
All releases	83.6%	16.4%	2.4%	1.8%	1.6%	14.5%	5.8%	26,246
Financial release	76.6%	23.4%	4.4%	3.0%	2.4%	20.0%	7.1%	4,137
Percentage/cash bond	75.3	24.7	6.2	3.0	2.8	21.1	6.7	1,904
Collateral bond	75.6	24.4	2.8	3.1	2.5	20.9	6.8	1,345
Corporate surety	80.7	19.3	3.0	2.8	1.5	16.2	8.3	888
Unsecured bond	84.5%	15.5%	1.5%	1.4%	1.4%	14.3%	5.1%	7,945
Personal recognizance	84.3%	15.7%	2.4%	1.8%	1.5%	13.7%	6.1%	13,019
Conditional release	95.5%	4.5%	1.0%	0.4%	0.4%	3.6%	1.4%	1,145

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1998. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 48.

Table 3.9. Behavior of defendants released prior to trial, by defendant characteristics, October 1, 1997 - September 30, 1998

Defendant characteristic	Percent of released defendants who had—							Release revoked	Number of released defendants
	Violations while on release					Technical violations of bail conditions			
	No violation	At least one violation	Failed to appear	New offense charged					
			Felony	Misdemeanor					
All defendants^a	83.6%	16.4%	2.4%	1.8%	1.6%	14.5%	5.8%	26,246	
Male/female									
Male	82.5%	17.5%	2.5%	2.0%	1.8%	15.4%	6.3%	19,593	
Female	86.8	13.2	2.1	1.1	0.9	11.8	4.3	6,611	
Race									
White	85.7%	14.3%	2.4%	1.4%	1.4%	12.5%	4.8%	16,709	
Black	79.5	20.5	2.4	2.8	1.9	18.4	7.3	7,704	
Other	82.7	17.3	1.6	1.3	2.2	15.9	7.9	1,833	
Ethnicity									
Hispanic	83.2%	16.8%	5.5%	1.3%	1.2%	13.8%	4.5%	4,303	
Non-Hispanic	83.5	16.5	1.8	1.9	1.7	14.8	6.1	21,413	
Age									
16-18 years	72.1%	27.9%	3.3%	3.3%	3.1%	25.2%	12.5%	481	
19-20 years	75.4	24.6	3.0	2.1	2.7	22.3	10.1	1,351	
21-30 years	79.3	20.7	2.9	2.6	2.1	18.2	7.1	7,954	
31-40 years	81.9	18.1	2.8	1.8	1.9	15.8	6.4	6,907	
Over 40 years	90.5	9.5	1.2	1.0	0.7	8.5	3.2	7,823	
Education									
Less than high school graduate	75.9%	24.1%	3.7%	2.6%	2.3%	21.5%	9.2%	6,333	
High school graduate	82.4	17.6	2.1	1.9	1.8	15.8	6.5	8,380	
Some college	86.1	13.9	1.5	1.4	1.3	12.4	4.1	6,202	
College graduate	92.6	7.4	1.4	1.2	0.8	6.1	2.6	3,037	
Marital status									
Never married	77.4%	22.6%	2.8%	2.6%	2.4%	20.5%	8.2%	8,562	
Divorced/separated	82.0	18.0	2.5	1.8	1.7	15.9	6.6	4,844	
Married	90.1	9.9	1.7	1.1	0.8	8.4	3.2	9,078	
Common law	74.9	25.1	2.9	2.9	2.4	22.5	9.2	1,572	
Other	91.1	8.9	2.6	0.8	0.9	6.8	2.7	2,190	
Employment status at arrest									
Unemployed	77.1%	22.9%	3.1%	2.5%	2.1%	20.6%	9.0%	8,573	
Employed	86.2	13.8	1.9	1.5	1.4	12.1	4.4	15,768	
Criminal record									
No convictions ^b	91.6%	8.4%	1.8%	0.7%	0.6%	7.3%	2.2%	11,489	
Misdemeanor only	78.0	22.0	2.6	2.0	2.5	19.7	8.4	5,164	
Felony									
Nonviolent	76.3	23.7	2.9	3.3	2.3	21.2	9.4	3,803	
Violent	68.4	31.6	3.6	4.5	3.7	27.9	13.8	1,858	
Number of prior convictions									
1	81.4%	18.6%	2.4%	1.8%	1.7%	16.5%	6.3%	4,502	
2 to 4	73.3	26.7	3.0	3.4	2.9	23.9	11.0	4,371	
5 or more	68.2	31.8	3.8	4.1	4.1	28.2	14.5	1,952	
Criminal justice status									
Not under supervision	86.4%	13.6%	2.2%	1.3%	1.2%	11.9%	4.4%	20,766	
Pretrial release	71.2	28.8	2.9	5.2	3.0	25.1	12.3	1,248	
Probation	72.4	27.6	3.0	3.9	3.6	24.8	10.4	1,252	
Parole	75.7	24.3	2.6	3.7	2.6	21.3	11.8	272	
Court appearance history									
No prior arrests	91.5%	8.5%	1.8%	0.7%	0.6%	7.4%	2.2%	11,699	
Failure to appear									
None	79.2	20.8	2.4	2.5	2.3	18.5	7.6	12,379	
1	69.0	31.0	4.9	3.2	2.7	27.5	12.5	1,184	
More than 1	64.1	35.9	5.0	4.0	3.3	32.6	16.4	984	
Drug abuse									
No known abuse	89.3%	10.7%	2.0%	1.4%	1.3%	8.9%	3.2%	17,441	
Drug history	65.4	34.6	3.3	3.4	2.7	32.2	13.8	5,942	

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1998. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 48.

^aIncludes defendants for whom these characteristics could not be determined.

^bIncludes only those defendants whose PSA records explicitly showed no prior convictions.

Table 3.10. Length of pretrial detention, by form of release or detention, and most serious offense charged, October 1, 1997 - September 30, 1998

Most serious offense charged	Among defendants detained for any time prior to case disposition, the average number of days detained ^a					
	Released on—				Not released	
	Financial conditions	Unsecured bond ^b	Personal recognizance	Conditional release	Financial condition	Detained by court
All offenses	35.8 days	46.1 days	50.1 days	65.2 days	77.4 days	105.0 days
Violent offenses	32.2 days	49.9 days	49.4 days	65.1 days	127.2 days	131.2 days
Murder ^c	—	205.3	38.4	—	—	303.7
Negligent manslaughter	...	—	—	...	...	...
Assault	15.8	29.7	51.4	61.6	59.6	103.4
Robbery	25.3	52.3	40.4	68.8	162.9	118.2
Rape	—	19.6	67.7	57.8	...	157.8
Other sex offenses ^c	49.1	43.0	55.4	...	...	152.6
Kidnaping	—	70.5	—	...	—	172.3
Threats against the President	...	—	—	...	—	129.4
Property offenses	33.2 days	42.6 days	42.4 days	96.1 days	60.0 days	92.7 days
Fraudulent	34.3 days	41.1 days	42.0 days	112.0 days	49.8 days	88.7 days
Embezzlement	24.5	12.6	63.4	...	—	122.6
Fraud ^c	36.2	40.8	42.6	101.6	48.3	87.4
Forgery	54.4	60.5	2.3	—	—	106.5
Counterfeiting	28.1	44.9	39.0	—	57.6	85.5
Other	25.0 days	46.4 days	43.1 days	78.7 days	82.0 days	105.0 days
Burglary	—	91.6	21.8	...	—	63.4
Larceny ^c	13.1	39.1	44.6	91.0	41.9	96.3
Motor vehicle theft	30.5	46.6	19.5	—	—	153.1
Arson and explosives	59.3	46.3	100.8	—	—	125.1
Transportation of stolen property	44.0	43.1	16.3	...	—	70.9
Other property offenses ^c	...	95.5	...	...	...	84.6
Drug offenses	37.7 days	48.4 days	52.5 days	63.4 days	81.8 days	126.8 days
Trafficking	38.8	48.5	53.0	63.6	81.4	127.3
Other drug offenses	26.7	47.0	46.2	61.7	88.5	117.8
Public-order offenses	31.2 days	41.1 days	53.9 days	62.1 days	74.2 days	72.0 days
Regulatory	22.0 days	43.0 days	31.8 days	89.6 days	61.8 days	73.8 days
Other	33.3 days	40.7 days	55.7 days	60.6 days	74.3 days	72.0 days
Weapons	61.8	49.9	47.3	58.0	66.1	123.1
Immigration offenses	17.9	33.4	44.7	62.0	74.7	58.2
Tax law violations ^c	14.3	2.9	18.8	...	...	156.3
Bribery	49.3	35.3	...	—	...	—
Perjury, contempt, and intimidation	12.2	24.1	71.0	...	—	168.1
National defense	—	1.0	55.0	...	—	—
Escape	20.5	36.7	15.3	—	—	45.7
Racketeering and extortion	41.9	51.5	147.2	...	—	195.5
Gambling	...	365.0	...	...	...	...
Liquor offenses	...	...	...	...	...	...
Obscene material ^c	...	32.0	32.0	...	...	—
Migratory birds	...	...	45.0	...	...	...
All other offenses ^c	25.5	39.7	28.6	8.0	42.3	51.0

—Too few cases to obtain statistically reliable data.

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

^aData describe 60,950 defendants who terminated pretrial services during fiscal year 1998. Data exclude defendants for whom periods of detention could not be determined or were unavailable. For further information, see *Chapter notes*, item 1, p. 48.

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

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Chapter notes

1) All tables in chapter 3 were created from data in the Pretrial Services Information Act System data base, which is maintained by the Pretrial Services Agency (PSA) within the AOUSC. The data describe 60,950 defendants who terminated pretrial services during October 1, 1997, through September 30, 1998, and whose cases were filed by complaint, indictment, or information. In these tables, the totals (e.g., "all offenses") included records whose offense or other attributes were missing or indeterminable. The percentage distributions were based on nonmissing values, and missing values were reported in a separate row or in a footnote.

Offenses in the PSA are based on the most serious charged offense, as determined by the probation officer responsible for the interview with the defendant. The probation officer classifies the major offense charged into AOUSC four-digit offense codes. For defendants charged with more than one offense on an indictment, the probation officer chooses as the most major charged offense the one carrying the most severe penalty or, in the case of two or more charges carrying the same penalty, the one with the highest offense severity. The offense severity level is determined by the AOUSC, which ranks offenses according to the maximum sentence, type of crime, and maximum fine amount. These four-digit codes are then aggregated into the same offense categories as those used in chapter 2.

For drug offenses, the type of drug activity — trafficking or possession — is obtained by the probation officers from their reading of the indictment or other charging documents. The AOUSC citation manual provides probation officers with detailed instructions on how to code drug crimes.

2) In tables 3.1–3.4, the percentages showing the methods of release or methods of detention were based on the number of defendants

released or the number of defendants detained. In tables 3.5 and 3.6, the percentages were based on the number of defendants who had hearings and were ordered detained. This method departs from the 1993 and prior compendia, in which the percentages were based on the number of defendants terminating pretrial services.

Adjudication

Discussion 51

Tables

October 1, 1997 – September 30, 1998

4.1. Defendants in cases commenced, by offense 53

4.2. Disposition of cases terminated, by
offense 54

4.3. Time from filing to disposition of cases
terminated 55

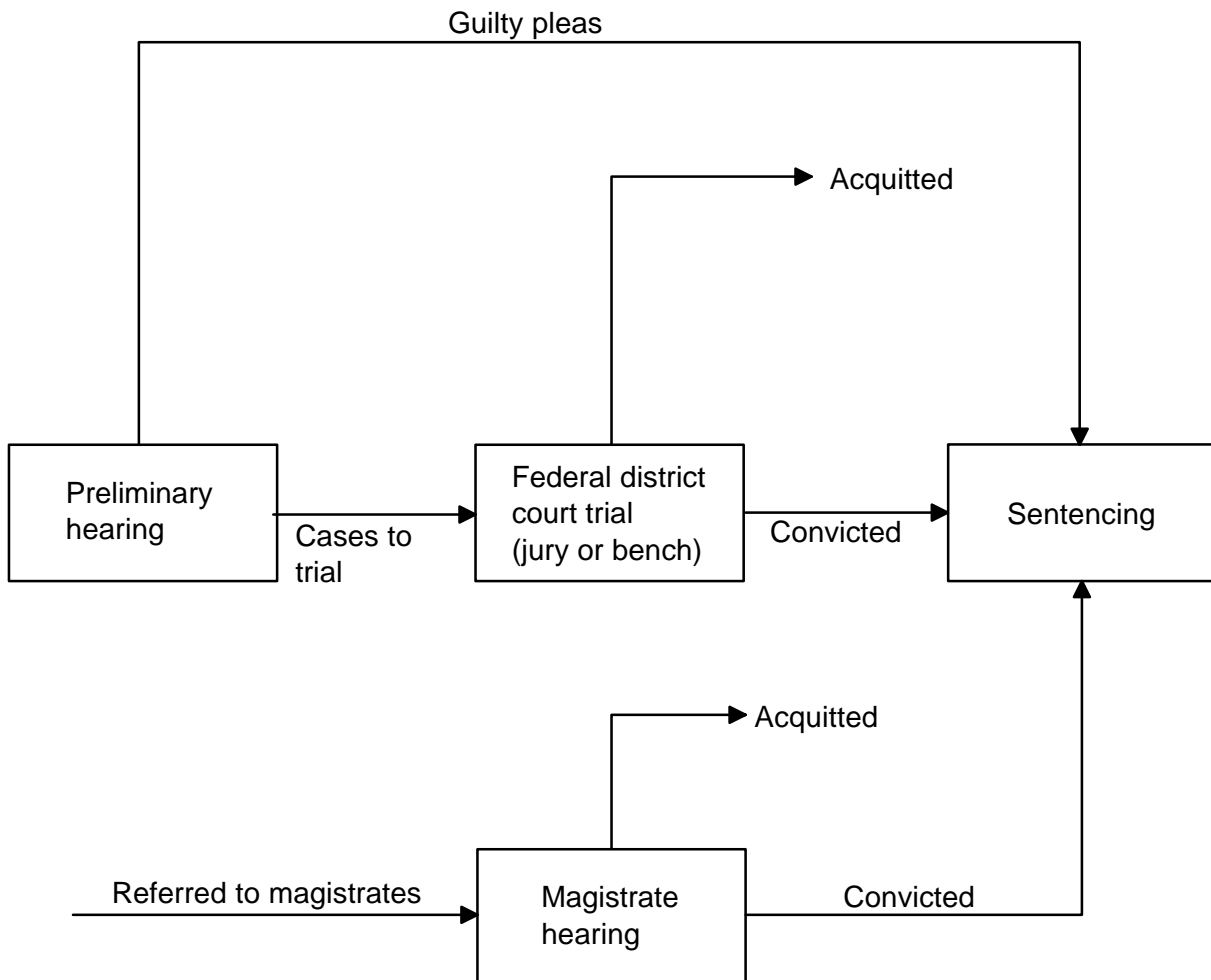
4.4. Dispositions by U.S. magistrates 56

4.5. Characteristics of convicted offenders 57

Chapter notes 58

Chapter 4

Adjudication



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

Defendants in cases commenced (table 4.1)

During 1998, 78,172 defendants had criminal cases commenced² against them in U.S. district courts, and 64,769 (83%) of those defendants were charged with felonies. The 28,021 felony drug defendants comprised 36% of all criminal defendants in cases filed and 43% of all felony defendants. Felony property and public-order defendants comprised 19% and 23%, respectively, of all defendants in cases filed. The 13,254 misdemeanor defendants constituted 17% of all defendants in cases filed, with 37% of those misdemeanor defendants charged with traffic violations.

Defendants in cases terminated (table 4.2)

Cases were terminated against 69,769 defendants during 1998, 57,054 (82%) of whom were felony defendants. During 1998, the 24,317 drug-related felony defendants comprised nearly 35% of all defendants in cases terminated and 43% of all felony defendants.

Over 87% of all defendants were convicted; 90% of all felony defendants and 75% of misdemeanor defendants. For major felony offense categories, conviction rates hovered around the 90% range. Within major offense categories, however, the conviction rates varied more widely. For example, within the violent offense

category, the conviction rates ranged from 80% for those found guilty of assault, to 96% for robbery. Within the public-order category, the conviction rate ranged from 66% for civil rights violations to 95% for immigration and gambling offenses.

Most defendants who were convicted pleaded guilty. Overall, over 93% of those convicted pleaded guilty, while only 6% were convicted at trial. For felony offenses, 94% pleaded guilty to their charges. For the major felony offense categories, guilty pleas were registered for 92% of violent offenders, 93% of drug offenders, and 95% each for public-order and property offenders.

During 1998, 4,882 defendants exercised their right to a trial. A higher percentage of violent offenders went to trial than drug, property, and public-order offenders. Ten percent of violent offenders went to trial as compared with 6% of both property and public-order offenders, and 7% of drug offenders.

Of defendants who exercised their right to a trial, 3,692 (76%) were convicted either by a jury or a bench trial. The felony trial conviction rate was 83%, while the misdemeanor conviction rate was 50%. Among felony offenses, trial conviction rates ranged from 79% for violent defendants to 86% for drug defendants. Property and public-order offenders fell in between, as 80% were convicted at trial for each respectively.

Case processing times (table 4.3)

The data in table 4.3 cover the interval from the time a case is filed in U.S. district court through sentencing for those convicted as well as the interval from case filing through disposition for those not convicted, or those whose cases are dismissed. Title I of the Speedy Trial Act of 1974, as amended, sets time requirements for processing criminal cases in Federal courts. Except for certain exclusions, indictment must occur within 30 days of arrest; defendants are guaranteed at least 30 days to prepare for trial; and the Government must be ready for trial within 70 days. The Speedy Trial Act does not specify a time interval from trial to sentencing,³ and the time limits set by the Act exclude several enumerated periods of pretrial procedure such as time spent awaiting rulings on motions.⁴ Additionally, defendants may waive their rights within the Speedy Trial Act. As a result, the actual processing time for most defendants can be longer than the statutory limits without violating the provisions of the Act.

Overall, the average time for processing defendants was 8.7 months (figure 4.1). For felony defendants, the overall processing time average was 9.7 months; for those charged



Figure 4.1. Disposition of cases terminating during October 1, 1997 - September 30, 1998

¹Unless otherwise noted, data describe felony and misdemeanor cases in U.S. district courts and include Class A misdemeanors handled by U.S. magistrates. The data also include Class B misdemeanors that are handled by U.S. district court judges, which occur infrequently.

²Cases are commenced on or after the date that charges are filed against defendants.

³The sentencing reform Act of 1984 specifies minimum intervals for the disclosure and objections to the presentence report. See rule 31, Federal Rules of Criminal Procedure)

⁴18 U.S.C. 3161 et. seq.

with misdemeanor crimes, the average processing time was 3.9 months. Defendants who pleaded guilty were processed faster (7.9 months) on average, than defendants who went to trial (11.6 months). Overall, defendants whose cases were ultimately dismissed took longest to process (12.7 months), on average. Among major felony offense categories, however, case processing times were not similar to the overall pattern. Only those convicted of drug offenses took a greater amount of time for dismissal, on average, than those who went to trial.

Convictions by U.S. Magistrates (table 4.4)

During 1998 U.S. magistrates disposed of 11,685 misdemeanor criminal defendants, almost 75% of whom were convicted. Traffic violators comprised 42% of the defendants disposed by U.S. magistrates, with property offenders comprising another 32%. Drug offenses comprised almost 10% of U.S. magistrates' cases.

Characteristics of convicted defendants (table 4.5)

Among defendants convicted, there were over 5 times as many men as women (85% versus 15%); over twice as many whites as blacks (67% versus 28%); and almost twice as many non-Hispanics as Hispanics (63% versus 37%). Most were U.S. citizens (67%), had graduated from high school or completed some higher education (57%), and had some criminal history (54%). Persons over the age of 30 represented 55% of defendants.

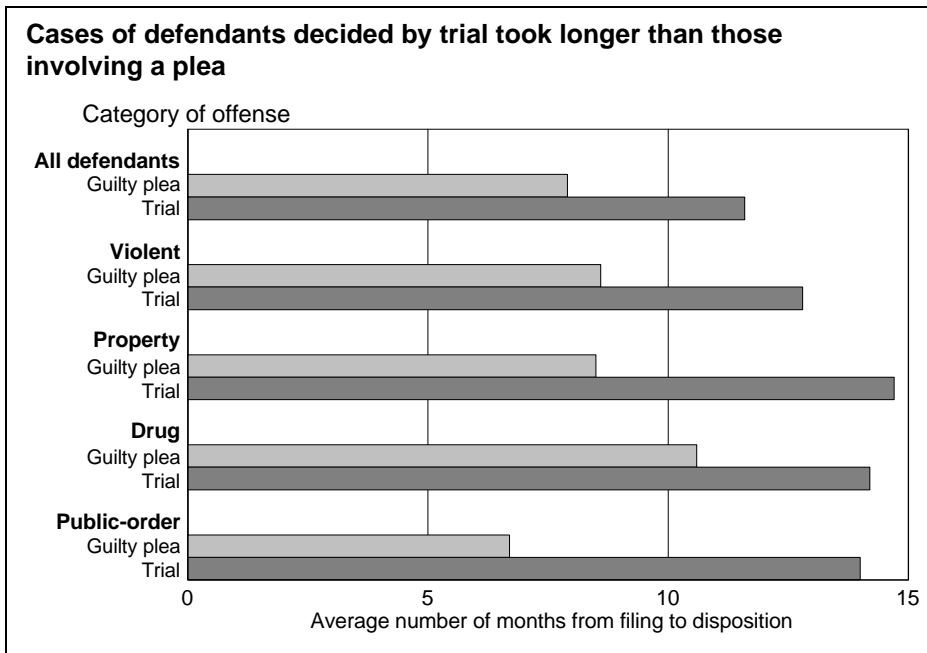


Figure 4.2. Average time from filing to disposition of cases terminating during October 1, 1997 - September 30, 1998, by offense

Table 4.1. Defendants in cases commenced, by offense, October 1, 1997 - September 30, 1998

Most serious offense charged	Defendants in cases commenced during 1998	
	Number	Percent ^a
All offenses	78,172	100%
Felonies	64,769	82.9%
Violent offenses	3,763	4.8%
Murder ^b	469	0.6
Negligent manslaughter	2	—
Assault	428	0.5
Robbery	1,839	2.4
Rape	291	0.4
Other sex offenses ^b	465	0.6
Kidnaping	241	0.3
Threats against the President	28	—
Property offenses	14,955	19.1%
Fraudulent	12,401	15.9%
Embezzlement	1,144	1.5
Fraud ^b	9,463	12.1
Forgery	186	0.2
Counterfeiting	1,608	2.1
Other	2,554	3.3%
Burglary	93	0.1
Larceny ^b	1,563	2.0
Motor vehicle theft	165	0.2
Arson and explosives	268	0.3
Transportation of stolen property	402	0.5
Other property offenses ^b	63	0.1
Drug offenses	28,021	35.8%
Trafficking	26,318	33.7
Possession and other drug offenses	1,703	2.2
Public-order offenses	18,030	23.1%
Regulatory	1,359	1.7%
Agriculture	128	0.2
Antitrust	36	—
Food and drug	37	—
Transportation	119	0.2
Civil rights	140	0.2
Communications	32	—
Custom laws	132	0.2
Postal laws	39	—
Other regulatory offenses	696	0.9
Other	16,671	21.3%
Weapons	4,287	5.5
Immigration offenses	9,254	11.8
Tax law violations ^b	673	0.9
Bribery	224	0.3
Perjury, contempt, and intimidation	392	0.5
National defense	67	0.1
Escape	520	0.7
Racketeering and extortion	1,186	1.5
Gambling	24	—
Obscene material ^b	7	—
Migratory birds	1	—
All other felonies ^b	36	—
Misdemeanors^b	13,254	17.0%
Fraudulent property offense	1,862	2.4
Larceny	2,061	2.6
Drug possession ^b	1,428	1.8
Immigration	705	0.9
Traffic offenses	4,948	6.3
Other misdemeanors	2,250	2.9
Unknown or indeterminable offense	149	

Note: For further information, see *Chapter notes*, item 1, p. 58.

—Less than .05%.

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

^bIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some non-violent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other

property offenses" 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 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 cases terminating from October 1, 1997 - September 30, 1998, by offense

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in cases terminating during 1998 who were—									
			Convicted					Not convicted				
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial		
					Jury	Non-jury			Jury ^a	Non-jury		
All offenses	69,769	87.4%	60,958	56,896	370	3,069	623	8,811	7,621	556	634	
Felonies	57,054	90.1%	51,388	48,194	38	3,019	137	5,666	5,014	542	110	
Violent offenses	3,470	90.3%	3,134	2,868	3	245	18	336	267	65	4	
Murder ^b	442	84.2	372	317	0	53	2	70	53	17	0	
Negligent manslaughter	1	—	0	0	0	0	0	1	1	0	0	
Assault	354	79.7	282	250	0	27	5	72	51	19	2	
Robbery	1,795	95.5	1,715	1,614	2	90	9	80	68	11	1	
Rape	273	85.0	232	207	1	23	1	41	30	11	0	
Other sex offenses ^b	409	90.0	368	346	0	21	1	41	36	5	0	
Kidnaping	169	82.8	140	109	0	31	0	29	27	2	0	
Threats against the President	27	92.6	25	25	0	0	0	2	1	0	1	
Property offenses	13,493	90.0%	12,144	11,480	19	624	21	1,349	1,192	117	40	
Fraudulent	10,965	90.0%	9,866	9,380	17	451	18	1,099	978	90	31	
Embezzlement	1,093	91.6	1,001	969	0	30	2	92	83	5	4	
Fraud ^b	8,218	89.5	7,357	6,953	15	376	13	861	759	77	25	
Forgery	196	83.2	163	159	0	4	0	33	33	0	0	
Counterfeiting	1,458	92.2	1,345	1,299	2	41	3	113	103	8	2	
Other	2,528	90.1%	2,278	2,100	2	173	3	250	214	27	9	
Burglary	100	90.0	90	88	0	2	0	10	9	1	0	
Larceny ^b	1,515	91.1	1,380	1,310	1	68	1	135	120	9	6	
Motor vehicle theft	174	88.5	154	134	0	20	0	20	18	2	0	
Arson and explosives	296	87.2	258	210	0	48	0	38	29	7	2	
Transportation of stolen property	377	90.5	341	317	0	22	2	36	30	5	1	
Other property offenses ^b	66	83.3	55	41	1	13	0	11	8	3	0	
Drug offenses	24,317	89.5%	21,754	20,230	8	1,461	55	2,563	2,313	210	40	
Trafficking	22,952	89.4	20,508	19,073	8	1,377	50	2,444	2,210	197	37	
Possession and other drug offenses	1,365	91.3	1,246	1,157	0	84	5	119	103	13	3	
Public-order offenses	15,774	91.0%	14,356	13,616	8	689	43	1,418	1,242	150	26	
Regulatory	1,104	84.9%	937	874	1	61	1	167	145	21	1	
Agriculture	71	77.5	55	55	0	0	0	16	16	0	0	
Antitrust	31	93.5	29	25	0	4	0	2	2	0	0	
Food and drug	23	91.3	21	19	1	1	0	2	2	0	0	
Transportation	121	90.1	109	96	0	13	0	12	10	2	0	
Civil rights	84	65.5	55	42	0	13	0	29	22	7	0	
Communications	35	91.4	32	31	0	1	0	3	2	0	1	
Custom laws	112	82.1	92	90	0	2	0	20	19	1	0	
Postal laws	36	72.2	26	26	0	0	0	10	7	3	0	
Other regulatory offenses	591	87.6	518	490	0	27	1	73	65	8	0	
Other	14,670	91.5%	13,419	12,742	7	628	42	1,251	1,097	129	25	
Weapons	3,901	87.5	3,413	3,047	1	347	18	488	405	72	11	
Immigration offenses	7,863	94.7	7,445	7,378	1	55	11	418	405	8	5	
Tax law violations ^b	732	94.1	689	638	3	46	2	43	37	4	2	
Bribery	225	85.8	193	182	0	11	0	32	17	14	1	
Perjury, contempt, and intimidation	282	85.8	242	199	0	39	4	40	27	12	1	
National defense	64	78.1	50	42	1	7	0	14	13	1	0	
Escape	506	81.4	412	396	0	13	3	94	90	3	1	
Racketeering and extortion	1,004	89.0	894	789	0	104	1	110	93	14	3	
Gambling	39	94.9	37	33	0	4	0	2	2	0	0	
Obscene material ^b	11	72.7	8	8	0	0	0	3	3	0	0	
Migratory birds	4	—	4	4	0	0	0	0	0	0	0	
All other felonies ^b	39	82.1	32	26	1	2	3	7	5	1	1	
Misdemeanors^b	12,611	75.2%	9,484	8,619	332	47	486	3,127	2,591	13	523	
Fraudulent property offense	1,755	94.6	1,660	1,640	14	4	2	95	92	0	3	
Larceny	1,917	63.8	1,224	1,131	46	8	39	693	665	0	28	
Drug possession ^b	1,183	75.6	894	871	5	2	16	289	280	2	7	
Immigration	671	94.9	637	634	0	1	2	34	34	0	0	
Traffic offenses	4,939	70.9	3,500	3,025	227	7	241	1,439	1,003	0	436	
Other misdemeanors	2,146	73.1	1,569	1,318	40	25	186	577	517	11	49	
Unknown or indeterminable offense	104	82.7%	86	83	0	3	0	18	16	1	1	

Note: For further information, see *Chapter notes*, item 1, p. 58.

—Too few cases to obtain statistically reliable data.

^aIncludes mistrials.

^bIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property

offenses" 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 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 cases terminating from October 1, 1997 - September 30, 1998

Most serious offense charged	Average time from filing to disposition for defendants in cases resulting in—			
	All outcomes	Dismissal ^a	Guilty plea	Trial ^b
All offenses	8.7 mo	12.7 mo	7.9 mo	11.6 mo
Felonies	9.7 mo	14.8 mo	8.9 mo	14.1 mo
Violent offenses	9.1 mo	10.0 mo	8.6 mo	12.8 mo
Murder ^c	11.6	11.5	10.7	15.5
Negligent manslaughter	—	—	...	...
Assault	7.8	7.8	7.6	8.7
Robbery	8.0	9.2	7.7	12.3
Rape	9.2	13.9	8.4	10.2
Other sex offenses ^c	9.6	10.5	9.3	11.9
Kidnaping	15.0	8.9	15.3	19.1
Threats against the President	7.7	—	8.0	—
Property offenses	9.4 mo	14.0 mo	8.5 mo	14.7 mo
Fraudulent	9.2 mo	13.1 mo	8.5 mo	15.0 mo
Embezzlement	7.2	9.7	6.5	17.5
Fraud ^c	9.7	13.6	8.9	15.3
Forgery	11.3	28.2	8.0	—
Counterfeiting	7.5	7.3	7.4	10.0
Other	10.0 mo	18.3 mo	8.8 mo	13.9 mo
Burglary	8.0	—	6.9	—
Larceny ^c	8.6	13.8	7.9	11.8
Motor vehicle theft	11.9	25.7	9.9	13.7
Arson and explosives	13.1	23.4	10.9	16.1
Transportation of stolen property	13.7	30.6	11.6	19.3
Other property offenses ^c	6.5	—	6.0	8.2
Drug offenses	11.4 mo	16.9 mo	10.6 mo	14.2 mo
Trafficking	11.5	17.1	10.6	14.4
Possession and other drug offenses	10.0	13.8	9.5	12.1
Public-order offenses	7.6 mo	12.7 mo	6.7 mo	14.0 mo
Regulatory	10.7 mo	17.1 mo	9.2 mo	16.2 mo
Agriculture	9.9	8.3	10.4	...
Antitrust	10.9	—	5.4	—
Food and drug	9.9	—	9.2	—
Transportation	10.5	17.6	7.7	24.0
Civil rights	11.3	5.6	13.7	12.6
Communications	6.9	—	6.9	—
Custom laws	10.5	27.3	7.9	—
Postal laws	9.2	—	11.3	—
Other regulatory offenses	11.1	21.8	9.4	16.0
Other	7.3 mo	12.1 mo	6.5 mo	13.7 mo
Weapons	10.1	12.9	9.4	12.7
Immigration offenses	3.9	6.3	3.7	11.2
Tax law violations ^c	10.2	17.0	9.6	12.1
Bribery	10.5	21.9	9.1	12.8
Perjury, contempt, and intimidation	12.2	10.2	11.3	16.2
National defense	17.2	31.6	11.3	—
Escape	14.8	26.8	12.4	17.4
Racketeering and extortion	14.9	17.1	14.2	18.0
Gambling	14.7	—	15.4	—
Obscene material ^c	19.3	—	—	...
Migratory birds	—	...	—	...
All other felonies ^c	6.1	—	6.5	—
Misdemeanors^c	3.9 mo	8.7 mo	2.6 mo	2.8 mo
Fraudulent property offense	2.3	7.0	2.0	—
Larceny	4.3	6.0	3.4	4.1
Drug possession ^c	5.0	8.4	3.9	5.1
Immigration	1.1	11.3	0.5	—
Traffic offenses	3.7	12.3	1.7	0.5
Other misdemeanors	5.3	5.4	4.8	7.9
Unknown or indeterminable offense	5.9 mo	7.4 mo	5.6 mo	—

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. 58.

—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; "Other sex

offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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 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, 1997 - September 30, 1998

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrates			
	Total	Convicted	Not convicted	Percent convicted
All offenses^a	11,685	8,728	2,957	74.7%
Violent offenses^b	245	174	71	71.0%
Murder ^c	11	8	3	72.7
Assault	206	149	57	72.3
Robbery	5	1	4	—
Rape	11	7	4	63.6
Other sex offenses ^c	12	9	3	75.0
Property offenses	3,753	2,907	846	77.5%
Fraudulent	1,741	1,659	82	95.3%
Embezzlement	224	203	21	90.6
Fraud ^c	1,413	1,357	56	96.0
Forgery	97	93	4	95.9
Counterfeiting	7	6	1	—
Other	2,012	1,248	764	62.0%
Burglary	4	1	3	—
Larceny ^c	1,836	1,169	667	63.7
Motor vehicle theft	1	1	0	—
Arson and explosives	7	7	0	—
Other property offenses ^c	164	70	94	42.7
Drug offenses	1,149	870	279	75.7%
Trafficking	1,079	812	267	75.3
Possession	66	54	12	81.8
Other drug offenses	4	4	0	—
Public-order offenses	6,533	4,773	1,760	73.1%
Regulatory	505	399	106	79.0%
Agriculture	101	80	21	79.2
Fair labor standards	15	13	2	86.7
Food and drug	17	16	1	94.1
Motor carrier	2	2	0	—
Other regulatory offenses	370	288	82	77.8
Other	6,028	4,374	1,654	72.6%
Weapons	85	47	38	55.3
Immigration offenses	498	434	64	87.1
Tax law violations ^c	93	90	3	96.8
Bribery	10	9	1	—
National defense	8	6	2	—
Escape	55	43	12	78.2
Racketeering and extortion	2	2	0	—
Gambling	2	2	0	—
Liquor offenses	2	1	1	—
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	4,881	3,478	1,403	71.3
Migratory birds	12	11	1	91.7
All other offenses ^c	380	251	129	66.1
Missing or indeterminable offense	5	4	1	—

Note: Data in this table are not directly comparable to data in the 1993 and prior compendia; see *Chapter notes*, item 1, p. 58.

—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; "Other sex

offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "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, 1997 - September 30, 1998

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders								
		All offenses ^a	Violent offenses	Felonies			Drug offenses	Public-order offenses		Misdemeanors
				Fraudulent	Other	Regulatory		Other		
All offenders^b	60,958	60,958	3,134	9,866	2,278	21,754	937	13,419	9,484	
Male/female										
Male	44,900	84.7%	93.5%	73.8%	76.7%	86.5%	74.9%	94.2%	74.8%	
Female	8,082	15.3	6.5	26.2	23.3	13.5	25.1	5.8	25.2	
Race										
White	34,781	67.0%	52.0%	64.5%	65.9%	63.3%	75.6%	78.3%	64.6%	
Black	14,389	27.7	30.2	28.9	27.9	34.3	17.3	17.7	25.2	
Other	2,774	5.3	17.9	6.7	6.2	2.4	7.1	4.0	10.3	
Ethnicity										
Hispanic	19,450	36.9%	8.4%	14.1%	7.9%	42.0%	32.7%	58.6%	31.9%	
Non-Hispanic	33,213	63.1	91.6	85.9	92.1	58.0	67.3	41.4	68.1	
Age										
16-18 years	458	0.9%	1.8%	0.2%	0.9%	0.8%	0.3%	0.9%	2.5%	
19-20 years	2,528	5.0	8.0	2.4	4.9	4.9	3.1	4.9	9.5	
21-30 years	19,663	38.7	36.6	28.8	31.1	43.6	29.9	41.1	36.5	
31-40 years	15,385	30.3	31.5	31.4	30.4	30.4	28.8	30.3	26.7	
Over 40 years	12,810	25.2	22.0	37.2	32.6	20.4	38.0	22.8	24.8	
Citizenship										
U.S. citizen	35,121	67.4%	94.5%	83.4%	91.4%	69.1%	72.7%	42.9%	66.7%	
Not U.S. citizen	16,993	32.6	5.5	16.6	8.6	30.9	27.3	57.1	33.3	
Education										
Less than high school graduate	21,045	43.3%	35.4%	22.0%	30.0%	49.9%	32.4%	59.4%	29.6%	
High school graduate	14,903	30.7	38.0	30.8	36.9	31.7	29.7	23.5	37.6	
Some college	9,098	18.7	20.0	31.1	23.2	15.3	24.2	11.5	23.0	
College graduate	3,536	7.3	6.5	16.1	9.9	3.1	13.8	5.6	9.9	
Criminal record										
No convictions	23,579	46.0%	35.0%	57.9%	47.6%	46.3%	70.4%	29.3%	66.0%	
Prior adult convictions ^c	27,652	54.0	65.0	42.1	52.4	53.7	29.6	70.7	34.0	

Note: Offender characteristics are not comparable with the 1993 and prior compendia; see *Chapter notes*, item 2, p. 58. 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. 58.

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, 1997, through September 30, 1998, 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 of 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 are not subject to guidelines, and they were not 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 and offenses.
- 3) A criminal record, as reported in table 4.5, is limited to prior adult convictions. For some defendants in this table, it is further limited to the portion that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within a 15-year period prior to the current offense and offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges includes their entire adult criminal history.

Discussion 61

Tables

October 1, 1997 – September 30, 1998

5.1. Sentence types in cases terminated,
by offense 65

5.2. Type and length of sentences imposed,
by offense 66

5.3. Sentences imposed on convicted offend-
ers, by offense of conviction and method
of disposition 67

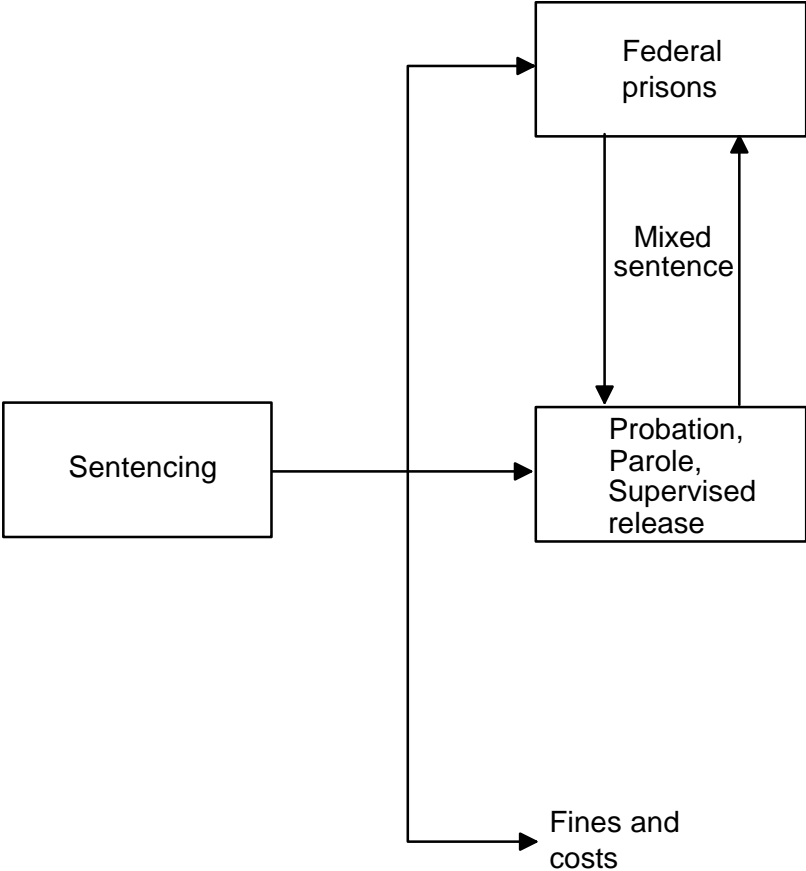
5.4. Convicted offenders sentenced to incar-
ceration, by offense and offender
characteristics 68

5.5. Average incarceration sentence lengths
imposed, by offense and offender
characteristics 69

5.6. Median incarceration sentence lengths
imposed, by offense and offender
characteristics 70

Chapter notes 71

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. 111.) 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. 107).

Offenders convicted and sentences imposed (table 5.1)

Of the 60,958 offenders sentenced during 1998, 43,041 (71%) were sentenced to prison; 12,744 (21%) were sentenced to probation; and 3,199 (5%) were ordered to pay only a fine. (Offenders given an intermediate sanction such as intermittent confinement or community confinement that also included probation supervision are counted among offenders given probation.) Of the 43,041 offenders sentenced to prison, 41,420 (96%) were convicted of felonies, and 82% of convicted felons were sentenced to prison. Defendants convicted of drug (92%) and violent (91%) felonies were more likely to receive prison sentences than were defendants convicted of property (60%) or public-order (83%) offenses (figure 5.1).

Among public-order offenders, persons convicted of weapons (92%), immigration offenses (91%), and escape (91%) were as likely as violent and drug offenders to receive prison sentences.

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

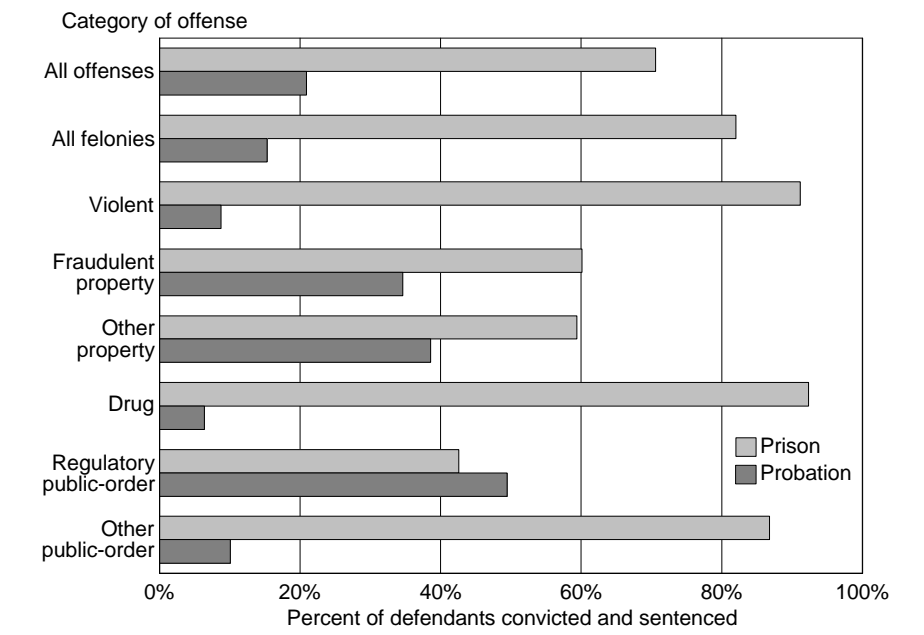


Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated during October 1, 1997 - September 30, 1998

Among property offenders, persons convicted of arson or the use of explosives (87%) were also almost as likely as violent and drug offenders to receive prison sentences.

Overall, 21% of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (48%) was three times that of convicted felons (15%). Among felons, persons convicted of communication violations (86%), postal law violations (84%), and agriculture violations (68%) were the most likely to be given probation.

While less than 1% of all convicted felons were ordered to only pay a fine, 45% of the felons convicted of antitrust violations were so ordered. Fines generally were reserved for misdemeanor offenders, 28% of whom received fines.

Average prison sentences imposed (table 5.2)

For all offenders given prison terms,

the average term of imprisonment imposed was 58.8 months. Persons convicted of felonies received an average prison term of 60.6 months.

The average length of prison sentence imposed varied among major offense categories (figure 5.2). Property offenders received the shortest sentence, on average, while violent offenders received the longest (25.4 months compared to 84.2 months). Drug offenders received 78.8 months, on average, and public-order offenders received 47.3 months. The average prison term for public-order offenders was primarily attributable to sentences imposed for weapons offenders. The 2,914 weapons offenders sentenced to prison comprised 24% of the 12,218 public-order offenders sent to prison; weapons offenders received an average prison term of 100.6 months, and public-order offenders other than weapons offenders received an average prison term of 30.6 months.

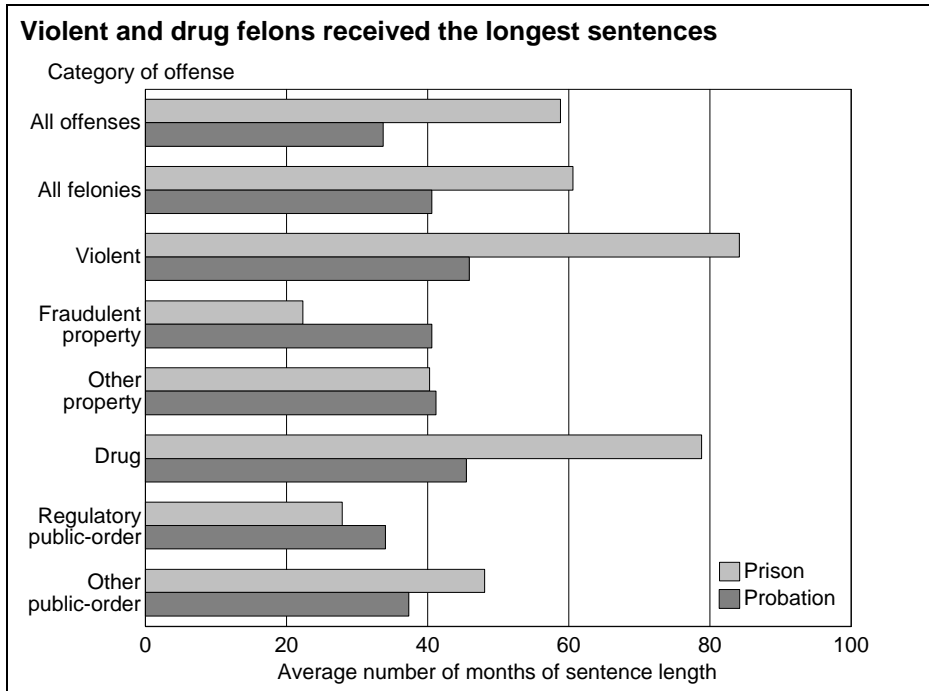


Figure 5.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases that terminated during October 1, 1997 - September 30, 1998

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

Offenders convicted by plea were less likely to receive prison sentences than those convicted at trial. Seventy percent of the offenders convicted by guilty plea received some prison time, while 84% of the offenders convicted at trial received prison sentences.

For violent offenders, 91% of those convicted by plea received prison sentences, as did 97% of those convicted at trial. For fraudulent property offenders, 59% of those convicted by plea received prison sentences, compared to 86% of those convicted at trial. And, for regulatory public-order offenders, 41% of those convicted by plea went to prison, but 70% of those convicted at trial did.

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 148.9 months, on average, while those convicted by plea received an

average of 52.3 months (figure 5.3). Drug offenders convicted at trial received an average of 188.4 months as compared to the 71 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 180.4 months as compared to the 75.8 months for those convicted by plea.

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

The majority of persons sentenced to prison during 1998 were male(85%), white (67%), non-Hispanic (63%), and U.S. citizens (67%). 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."*

Average sentences imposed were longest for males (61.8 months), blacks (90.2 months), non-Hispanics (69.1 months), and U.S. citizens (68.8 months). These longer terms were due in large part because these categories of offenders (males, blacks, non-Hispanics, and U.S. citizens) are more highly concentrated in the offense types (table 5.4) that also are associated with longer average sentences (table 5.2). For example, incarceration rates for blacks exceeded those of whites in the violent, drug, and nonregulatory public-order offense categories. These offenses are associated with longer average sentences (table 5.2, figure 5.2) than are property offenses or misdemeanors — the categories in which whites' incarceration rates exceeded those of blacks. In general, within categories of offender characteristics, average prison terms were longer for violent and drug offenses than for property and regulatory public-order offenses. These two offense categories generally are considered to be more serious under the Federal sentencing guidelines than are property and regulatory public-order offenses. As a result, for aggregate tables like the ones presented in this chapter, persons with a certain characteristic may appear to receive more severe

*Douglas C. McDonald and Kenneth E. Carlson, *Sentencing in the Federal Courts: Does Race Matter?* Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, December 1993 (NCJ145328).

sentences on average. The primary reason for the larger averages is the larger number of serious offenses that made up the average sentences.

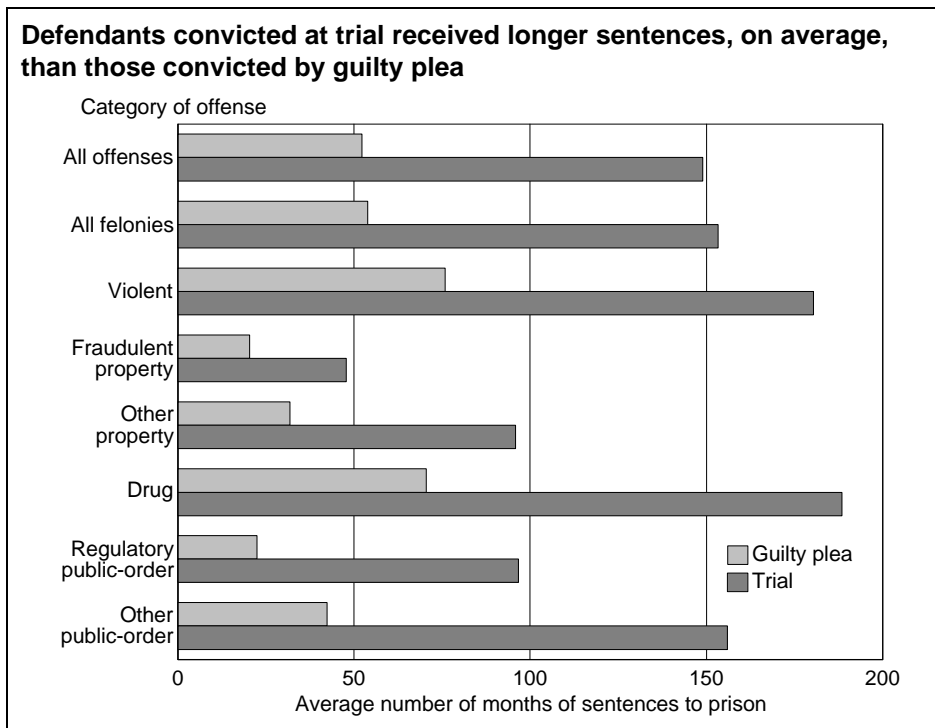


Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea, October 1, 1997 - September 30, 1998

Table 5.1. Sentence types in cases terminated, by offense, October 1, 1997 - September 30, 1998

Most serious offense of conviction	Total offenders sentenced ^a	Percent of offenders convicted and sentenced to—			
		Incarceration ^b	Probation ^c	Mixed sentence ^d	Fine (only)
All offenses^e	60,958	70.6%	20.9%	1.0%	5.2%
Felonies	50,494	82.0%	15.3%	1.1%	0.5%
Violent offenses	3,078	91.2%	8.8%	1.2%	0.2%
Murder ^f	297	90.9	8.8	1.0	0
Negligent manslaughter	3	—	—	—	—
Assault	276	73.6	23.2	0.4	1.1
Robbery	1,780	96.1	5.1	1.6	0.1
Rape	217	86.6	13.4	0.5	0
Other sex offenses ^f	365	85.8	14.5	1.1	0
Kidnaping	113	87.6	7.1	0	0.9
Threats against the President	27	77.8	7.4	0	0
Property offenses	11,862	60.0%	35.3%	1.2%	1.1%
Fraudulent	9,752	60.1%	34.6%	1.3%	1.2%
Embezzlement	916	54.3	31.9	1.0	2.9
Fraud ^f	7,532	60.9	34.3	1.4	1.2
Forgery	147	44.9	54.4	0	0.7
Counterfeiting	1,157	61.6	36.1	0.6	0.2
Other	2,110	59.4%	38.6%	0.9%	0.4%
Burglary	93	51.6	48.4	1.1	0
Larceny ^f	1,344	51.6	46.5	1.0	0.5
Motor vehicle theft	150	76.0	21.3	0.7	0
Arson and explosives	195	86.7	10.8	0	0
Transportation of stolen property	284	71.5	26.4	1.1	0.4
Other property offenses ^f	44	61.4	36.4	2.3	2.3
Drug offenses	20,867	92.4%	6.4%	1.2%	0.2%
Trafficking	19,417	92.8	6.1	1.2	0.2
Possession and other drug offenses	1,450	87.4	10.5	0.8	0.3
Public-order offenses	14,687	83.2%	13.3%	0.8%	0.6%
Regulatory	1,187	42.6%	49.5%	0.5%	3.9%
Agriculture	44	22.7	68.2	0	6.8
Antitrust	29	13.8	41.4	0	44.8
Food and drug	32	25.0	71.9	0	3.1
Transportation	98	26.5	65.3	2.0	9.2
Civil rights	60	90.0	10.0	3.3	0
Communications	35	5.7	85.7	0	8.6
Custom laws	106	39.6	47.2	0	5.7
Postal laws	24	16.7	83.3	0	0
Other regulatory offenses	759	46.9	46.5	0.3	1.4
Other	13,500	86.8%	10.1%	0.8%	0.3%
Weapons	3,160	92.2	8.4	1.8	0.2
Immigration offenses	7,569	90.9	4.0	0.4	0.1
Tax law violations ^f	752	50.0	49.9	2.1	1.2
Bribery	172	51.2	45.9	1.2	2.3
Perjury, contempt, and intimidation	231	61.5	36.8	0.4	0.9
National defense	46	54.3	41.3	2.2	6.5
Escape	435	90.6	7.1	0.7	0.5
Racketeering and extortion	1,053	80.1	16.7	0.3	0.3
Gambling	36	41.7	55.6	0	0
Obscene material ^f	11	54.5	45.5	0	0
Migratory birds	3	—	—	—	—
All other felonies ^f	32	87.5	12.5	3.1	0
Misdemeanors^f	10,375	15.3%	47.6%	0.9%	28.4%
Fraudulent property offense	1,810	21.8	56.5	0.5	2.6
Larceny	1,280	13.5	72.3	1.1	13.8
Drug possession ^f	985	22.1	64.1	1.2	6.2
Immigration	846	35.8	14.9	0.2	1.1
Traffic offenses	3,592	4.9	29.6	1.1	65.8
Other misdemeanors	1,862	17.5	62.7	0.8	15.6
Unknown or indeterminable offense	89	34.8%	66.3%	3.4%	0%

Note: For further information, see *Chapter notes*, item 1, p. 71.

—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.

^dSentences to probation combined with incarceration.

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

^fIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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 unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 5.2. Type and length of sentences imposed, by offense, October 1, 1997 - September 30, 1998

Most serious offense of conviction	Offenders convicted and sentenced in cases that terminated during fiscal year 1998							
	Total	Number			Sentence length			
		Incarceration ^a	Probation ^b	Fine (only)	Incarceration ^c		Probation ^c	
				Mean	Median	Mean	Median	
All offenses	60,958	43,041	12,744	3,199	58.8 mo	33.0 mo	33.7 mo	36.0 mo
Felonies	50,494	41,420	7,749	252	60.6 mo	35.0 mo	40.6 mo	36.0 mo
Violent offenses	3,078	2,808	272	6	84.2 mo	57.0 mo	45.9 mo	36.0 mo
Murder ^d	297	270	26	0	112.8	51.0	56.8	60.0
Negligent manslaughter	3	3	0	0	—	—	...	...
Assault	276	203	64	3	39.1	24.0	36.9	36.0
Robbery	1,780	1,711	90	2	90.8	63.0	44.8	36.0
Rape	217	188	29	0	74.5	36.0	44.6	36.0
Other sex offenses ^d	365	313	53	0	50.6	30.0	45.8	60.0
Kidnaping	113	99	8	1	136.4	72.0	—	—
Threats against the President	27	21	2	0	26.3	21.0	—	—
Property offenses	11,862	7,114	4,185	127	25.4 mo	15.0 mo	40.7 mo	36.0 mo
Fraudulent	9,752	5,860	3,371	118	22.3 mo	15.0 mo	40.6 mo	36.0 mo
Embezzlement	916	497	292	27	15.7	8.0	38.0	36.0
Fraud ^d	7,532	4,584	2,581	88	23.3	15.0	41.1	36.0
Forgery	147	66	80	1	17.9	12.0	40.7	36.0
Counterfeiting	1,157	713	418	2	20.5	14.0	39.3	36.0
Other	2,110	1,254	814	9	40.3 mo	18.5 mo	41.2 mo	36.0 mo
Burglary	93	48	45	0	27.0	24.0	47.5	48.0
Larceny ^d	1,344	693	625	7	32.6	15.0	40.7	36.0
Motor vehicle theft	150	114	32	0	28.0	21.0	37.9	36.0
Arson and explosives	195	169	21	0	102.6	57.0	40.6	36.0
Transportation of stolen property	284	203	75	1	27.8	21.0	42.2	36.0
Other property offenses ^d	44	27	16	1	28.7	16.0	48.3	36.0
Drug offenses	20,867	19,280	1,338	38	78.8 mo	57.0 mo	45.5 mo	36.0 mo
Trafficking	19,417	18,013	1,186	33	78.5	57.0	46.2	48.0
Possession and other drug offenses	1,450	1,267	152	5	84.2	60.0	40.4	36.0
Public-order offenses	14,687	12,218	1,954	81	47.3 mo	24.0 mo	36.3 mo	36.0 mo
Regulatory	1,187	506	588	46	27.9 mo	15.0 mo	34.0 mo	36.0 mo
Agriculture	44	10	30	3	—	—	30.2	36.0
Antitrust	29	4	12	13	—	—	45.0	60.0
Food and drug	32	8	23	1	—	—	30.3	24.0
Transportation	98	26	64	9	20.9	15.0	34.5	36.0
Civil rights	60	54	6	0	93.1	35.0	—	—
Communications	35	2	30	3	—	—	33.5	36.0
Custom laws	106	42	50	6	19.5	15.0	29.0	26.0
Postal laws	24	4	20	0	—	—	30.0	24.0
Other regulatory offenses	759	356	353	11	20.6	15.0	34.9	36.0
Other	13,500	11,712	1,366	35	48.1 mo	26.0 mo	37.3 mo	36.0 mo
Weapons	3,160	2,914	265	5	100.6	60.0	37.8	36.0
Immigration offenses	7,569	6,880	305	7	26.4	24.0	36.7	36.0
Tax law violations ^d	752	376	375	9	18.6	12.0	37.7	36.0
Bribery	172	88	79	4	21.2	12.0	39.1	36.0
Perjury, contempt, and intimidation	231	142	85	2	31.0	21.0	35.5	36.0
National defense	46	25	19	3	25.6	18.0	44.4	36.0
Escape	435	394	31	2	20.7	15.0	30.2	24.0
Racketeering and extortion	1,053	843	176	3	80.2	60.0	36.8	36.0
Gambling	36	15	20	0	44.3	24.0	35.1	27.0
Obscene material ^d	11	6	5	0	—	—	—	—
Migratory birds	3	1	2	0	—	—	—	—
All other felonies ^d	32	28	4	0	21.4	18.0	—	—
Misdemeanors^d	10,375	1,590	4,936	2,947	11.4 mo	4.0 mo	22.7 mo	12.0 mo
Fraudulent property offense	1,810	394	1,023	47	7.5	2.0	33.5	36.0
Larceny	1,280	173	926	177	10.8	6.0	19.4	12.0
Drug possession ^d	985	218	631	61	34.5	6.0	22.3	18.0
Immigration	846	303	126	9	5.5	3.0	15.7	6.0
Traffic offenses	3,592	176	1,062	2,363	5.8	2.0	14.1	12.0
Other misdemeanors	1,862	326	1,168	290	9.6	6.0	24.5	24.0
Unknown or indeterminable offense	89	31	59	0	31.9 mo	27.0 mo	48.2 mo	36.0 mo

Note: Total includes offenders with an indeterminable sentence and defendants with an indeterminable offense category. Total exceeds sum of individual sanctions, as split and mixed sentences are counted in both prison and probation. See *Chapter notes*, item 1, p. 71.

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

^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 incarcerations).

include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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 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, 1997 - September 30, 1998

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders in terminated cases convicted and sentenced to—			Offenders sentenced to some incarceration		
		Incarceration ^a	Probation ^b	Fine (only)	Percent of convicted offenders	Sentence length ^c	
						Mean	Median
All offenses	60,958	43,041	12,744	3,199	70.6%	58.8 mo	33.0 mo
Guilty plea ^d	57,266	39,954	12,389	2,995	69.8	52.3	30.0
Trial	3,692	3,087	355	204	83.6	148.9	108.0
Felonies	50,494	41,420	7,749	252	82.0%	60.6 mo	35.0 mo
Guilty plea	47,360	38,432	7,591	246	81.1	53.9	30.0
Trial	3,134	2,988	158	6	95.3	153.3	117.0
Violent offenses	3,078	2,808	272	6	91.2%	84.2 mo	57.0 mo
Guilty plea	2,813	2,552	262	6	90.7	75.8	56.0
Trial	265	256	10	0	96.6	180.4	120.0
Property offenses							
Fraudulent	9,752	5,860	3,371	118	60.1%	22.3 mo	15.0 mo
Guilty plea	9,275	5,450	3,304	114	58.8	20.4	14.0
Trial	477	410	67	4	86.0	47.8	30.0
Other	2,110	1,254	814	9	59.4%	40.3 mo	18.5 mo
Guilty plea	1,932	1,085	802	8	56.2	31.8	18.0
Trial	178	169	12	1	94.9	95.9	46.0
Drug offenses	20,867	19,280	1,338	38	92.4%	78.8 mo	57.0 mo
Guilty plea	19,365	17,795	1,311	38	91.9	70.5	48.0
Trial	1,502	1,485	27	0	98.9	188.4	168.0
Public-order offenses							
Regulatory	1,187	506	588	46	42.6%	27.9 mo	15.0 mo
Guilty plea	1,134	469	574	45	41.4	22.5	15.0
Trial	53	37	14	1	69.8	96.7	36.0
Other	13,500	11,712	1,366	35	86.8%	48.1 mo	26.0 mo
Guilty plea	12,841	11,081	1,338	35	86.3	42.3	24.0
Trial	659	631	28	0	95.8	155.9	87.0
Misdemeanors	10,375	1,590	4,936	2,947	15.3%	11.4 mo	4.0 mo
Guilty plea ^d	9,820	1,493	4,740	2,749	15.2	10.5	4.0
Trial	555	97	196	198	17.5	26.0	6.0
Unknown or indeterminable offense	89	31	59	0	34.8%	31.9 mo	27.0 mo

Note: Total includes offenders whose sentence could not be determined. Total includes defendants for whom offense category could not be determined. For further information, see *Chapter notes*, item 1, p. 71.
 —Too few cases to obtain statistically reliable data.
^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).
^dIncludes nolo contendere.

Table 5.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics, October 1, 1997 - September 30, 1998

Offender characteristic	Total number of convicted offenders	Percent of all convicted offenders who were incarcerated in cases terminated during 1998							
		All offenses ^a	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
				Fraudulent	Other		Regulatory	Other	
All offenders^a	60,958	70.6%	91.2%	60.1%	59.4%	92.4%	42.6%	86.8%	15.3%
Male/female									
Male	44,900	80.5%	93.6%	65.4%	67.6%	94.3%	50.6%	88.7%	24.0%
Female	8,082	54.8	76.0	48.6	38.6	82.1	38.7	61.7	13.2
Race									
White	34,781	77.0%	90.9%	62.1%	63.5%	91.6%	46.2%	86.9%	22.9%
Black	14,389	79.9	96.0	60.5	56.0	95.2	58.0	91.5	19.5
Other	2,774	60.9	90.9	52.1	53.7	85.2	34.7	73.1	12.8
Ethnicity									
Hispanic	19,450	85.4%	93.1%	62.0%	65.2%	94.9%	51.8%	91.9%	33.0%
Non-Hispanic	33,213	71.8	92.4	60.8	60.5	91.1	45.3	80.5	16.0
Age									
16-18 years	458	60.7%	85.7%	50.0%	52.9%	80.4%	33.3%	75.5%	15.9%
19-20 years	2,528	74.1	95.5	51.8	54.2	92.2	71.0	88.9	15.2
21-30 years	19,663	81.3	93.6	59.0	58.8	93.8	57.3	92.5	19.3
31-40 years	15,385	79.4	93.4	63.0	63.5	93.0	47.1	89.1	23.2
Over 40 years	12,810	70.8	88.9	60.9	62.8	90.6	39.3	75.7	18.9
Citizenship									
U.S. citizen	35,121	73.5%	92.6%	60.5%	59.6%	91.3%	45.5%	80.4%	17.0%
Not U.S. citizen	16,993	84.3	89.4	63.1	73.4	95.9	52.7	92.5	30.1
Education									
Less than high school graduate	21,045	86.2%	95.3%	63.2%	65.7%	94.7%	58.6%	91.4%	32.6%
High school graduate	14,903	75.3	93.3	59.7	58.9	92.1	43.4	83.3	17.7
Some college	9,098	69.1	88.7	59.5	57.2	89.1	47.5	78.4	15.3
College graduate	3,536	61.5	81.9	62.6	61.7	84.3	33.3	64.0	14.7
Criminal record									
No convictions	23,579	65.0%	84.1%	51.2%	46.2%	89.9%	41.3%	68.6%	14.1%
Prior adult convictions ^b	27,652	87.8	96.9	74.3	74.1	95.1	62.1	94.9	35.8

Note: Excludes corporations. Includes life sentences and indeterminate sentences. 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, 78.4% of all convicted males were incarcerated, and 92.3% 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. 71.

^aIncludes offenders for whom offense or characteristics are unknown.

^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 71. 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. 71.

Table 5.5. Average incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1997 - September 30, 1998

Offender characteristic	Mean sentence length for offenders convicted of—							
	All offenses ^a	Felonies						Misdemeanors
		Violent offenses	Property offenses		Drug offenses	Public-order offenses		
			Fraudulent	Other		Regulatory	Other	
All offenders^a	58.8 mo	84.2 mo	22.3 mo	40.3 mo	78.8 mo	27.9 mo	48.1 mo	11.4 mo
Male/female								
Male	61.8 mo	85.3 mo	23.3 mo	40.1 mo	82.4 mo	29.6 mo	48.7 mo	14.0 mo
Female	36.2	54.4	16.6	19.4	50.0	21.7	34.0	9.0
Race								
White	46.7 mo	78.0 mo	22.0 mo	37.6 mo	61.8 mo	24.1 mo	36.9 mo	11.5 mo
Black	90.2	100.1	22.3	35.7	109.8	42.2	97.2	21.1
Other	50.3	69.2	18.5	29.2	68.7	25.6	47.4	5.8
Ethnicity								
Hispanic	44.7 mo	86.3 mo	19.0 mo	48.0 mo	61.3 mo	20.1 mo	30.6 mo	9.9 mo
Non-Hispanic	69.1	83.4	22.3	35.5	91.7	32.4	76.6	16.7
Age								
16-18 years	52.7 mo	107.1 mo	36.6 mo	21.9 mo	36.6 mo	5.0 mo	65.0 mo	3.4 mo
19-20 years	47.3	74.8	15.2	27.8	49.3	29.9	46.3	16.0
21-30 years	63.2	83.1	18.0	35.9	79.3	29.6	52.4	15.5
31-40 years	61.1	88.9	21.0	34.6	82.2	25.7	48.2	16.8
Over 40 years	55.7	76.8	25.9	39.3	79.8	28.1	46.2	14.2
Citizenship								
U.S. citizen	68.8 mo	83.5 mo	22.1 mo	35.7 mo	86.9 mo	30.9 mo	76.1 mo	18.3 mo
Not U.S. citizen	42.3	84.2	21.1	43.2	61.1	21.5	30.8	7.5
Education								
Less than high school graduate	60.3 mo	90.0 mo	20.2 mo	37.0 mo	75.5 mo	26.3 mo	45.4 mo	16.7 mo
High school graduate	68.1	86.5	20.8	32.0	83.6	28.2	70.6	18.1
Some college	58.5	72.8	22.3	43.6	80.3	27.6	67.9	12.7
College graduate	39.6	48.2	25.2	35.0	69.3	35.7	35.9	12.7
Criminal record								
No convictions	44.0 mo	58.4 mo	20.1 mo	35.2 mo	55.9 mo	26.6 mo	34.7 mo	10.4 mo
Prior adult convictions ^b	69.8	95.4	23.6	37.4	97.3	30.3	54.0	16.2

Note: Excludes corporations, 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. 71.

^aIncludes offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 71. 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. 71.

Table 5.6. Median incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1997 - September 30, 1998

Offender characteristic	Median sentence length for offenders convicted of—							
	All offenses ^a	Felonies						Misdemeanors
		Violent offenses	Property offenses		Drug offenses	Public-order offenses		
			Fraudulent	Other		Regulatory	Other	
All offenders^a	33.0 mo	57.0 mo	15.0 mo	18.5 mo	57.0 mo	15.0 mo	26.0 mo	4.0 mo
Male/female								
Male	36.0 mo	57.0 mo	15.0 mo	21.0 mo	60.0 mo	15.5 mo	27.0 mo	5.0 mo
Female	21.0	40.0	12.0	12.0	33.0	12.0	18.0	3.0
Race								
White	27.0 mo	51.0 mo	15.0 mo	21.0 mo	41.0 mo	13.0 mo	24.0 mo	4.0 mo
Black	60.0	70.0	15.0	18.0	78.0	21.0	60.0	6.0
Other	28.0	37.0	12.0	18.0	57.0	21.0	27.0	3.0
Ethnicity								
Hispanic	27.0 mo	51.0 mo	12.0 mo	27.0 mo	41.0 mo	12.0 mo	24.0 mo	3.0 mo
Non-Hispanic	37.0	57.0	15.0	18.0	63.0	18.0	42.0	6.0
Age								
16-18 years	27.0 mo	60.0 mo	33.0 mo	16.0 mo	24.0 mo	5.0 mo	24.0 mo	1.0 mo
19-20 years	27.0	48.0	11.0	13.5	30.0	18.0	21.0	4.0
21-30 years	37.0	57.0	12.0	18.0	57.0	18.0	30.0	5.0
31-40 years	36.0	57.0	14.0	18.0	60.0	15.0	30.0	6.0
Over 40 years	30.0	51.0	16.0	24.0	57.0	13.0	24.0	6.0
Citizenship								
U.S. citizen	39.0 mo	57.0 mo	15.0 mo	18.0 mo	60.0 mo	18.0 mo	41.0 mo	6.0 mo
Not U.S. citizen	24.0	51.0	12.0	27.0	41.0	12.0	24.0	2.0
Education								
Less than high school graduate	36.0 mo	57.0 mo	14.0 mo	21.0 mo	51.0 mo	18.0 mo	27.0 mo	6.0 mo
High school graduate	41.0	58.0	15.0	18.0	60.0	15.0	41.0	6.0
Some college	30.0	48.0	14.0	18.0	57.0	15.0	30.0	6.0
College graduate	21.0	30.0	15.0	21.0	48.0	12.0	18.0	8.0
Criminal record								
No convictions	24.0 mo	36.0 mo	12.0 mo	15.0 mo	37.0 mo	12.0 mo	12.0 mo	3.0 mo
Prior adult convictions ^b	41.0	63.0	16.0	21.0	70.0	20.0	30.0	6.0

Note: Excludes corporations, 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. 71.

^aIncludes offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 71. 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. 71.

Chapter notes

- 1) Tables 5.1-5.3 were derived from the AOUSC criminal master data files. Only records of defendants sentenced during October 1, 1997, through September 30, 1998, 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 created 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 defendants. Table 5.4 indicates the number of records for which relevant data were available. Percentage 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.

Discussion **75**

Tables

October 1, 1997 – September 30, 1998

6.1. Criminal appeals filed, by type of criminal case and offense 77

6.2. Criminal appeals filed and criminal appeals terminated, by offense 78

6.3. Criminal appeals terminated, by type of criminal case and offense 79

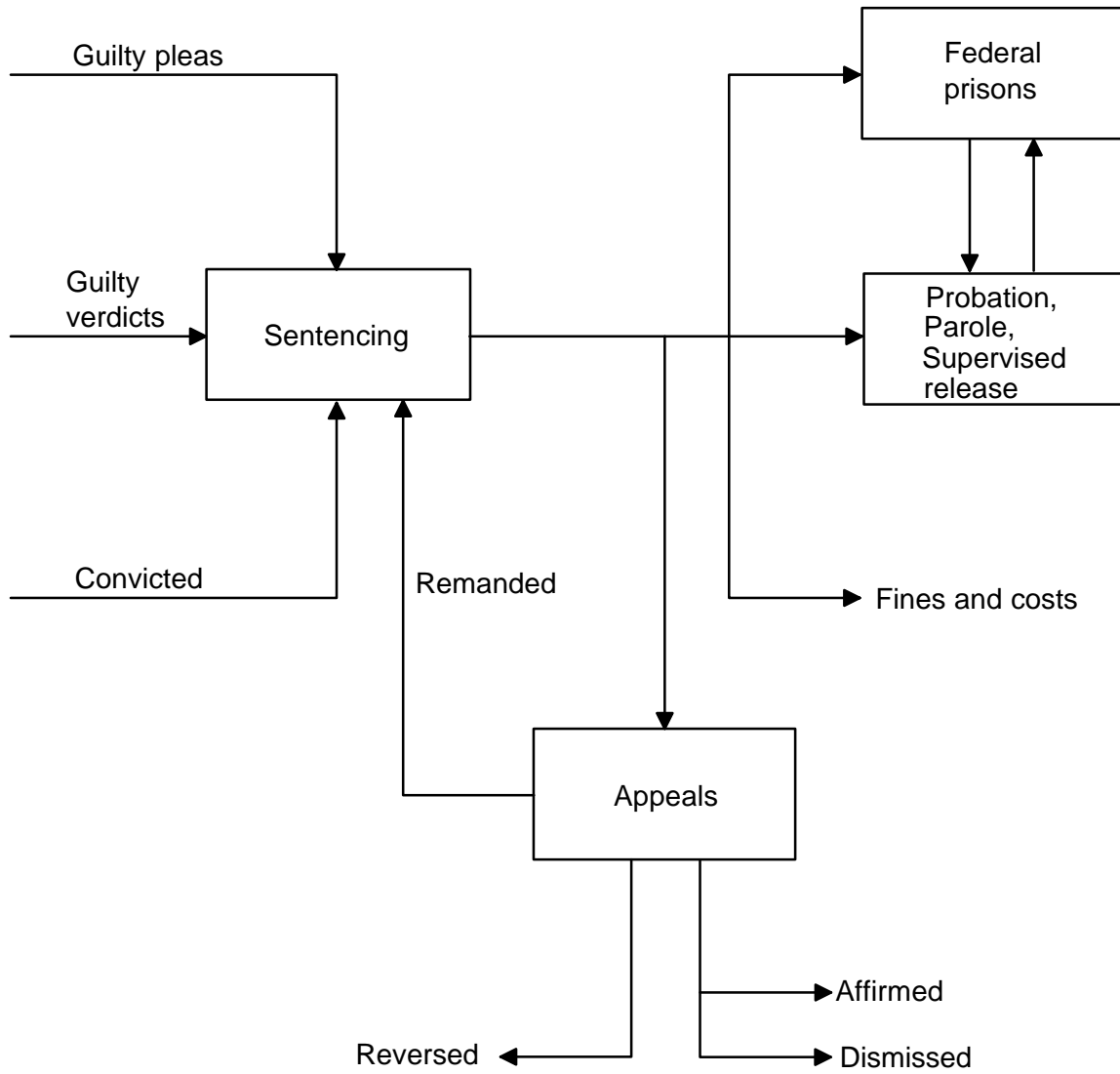
6.4. Disposition of criminal appeals terminated on the merits, by offense 80

6.5. Criminal appeals cases terminated on the merits, by nature of offense 81

Chapter notes **82**

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 (18 U.S.C. § 3742).

Appeals filed (tables 6.1 and 6.2)

During 1998 the U.S. Court of Appeals received 10,535 criminal appeals. Of all appeals, 4% were filed by the Government (not shown in a table).

Forty-seven percent of appeals filed in 1998 challenged both the conviction and the sentence imposed. Twice as many appeals challenged only the sentence imposed as those that challenged only the conviction (24% versus 12%). Fifteen percent of appeals filed were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect (figure 6.1).

The distribution of appeals by type of appeal filed (sentence, conviction, or both) was relatively similar across the major offense categories underlying the appeal. However, 56% of appeals filed for immigration offenses appealed both the sentence and the conviction, compared to 48% for public-order offenses and 47% for all criminal categories.

Nearly half of all appeals filed were for drug convictions (48%). Appeals for public-order convictions comprised 25% of all appeals filed, property offenses comprised 19%, and the remaining 7% of appeals filed were for violent offenses (figure 6.2).

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

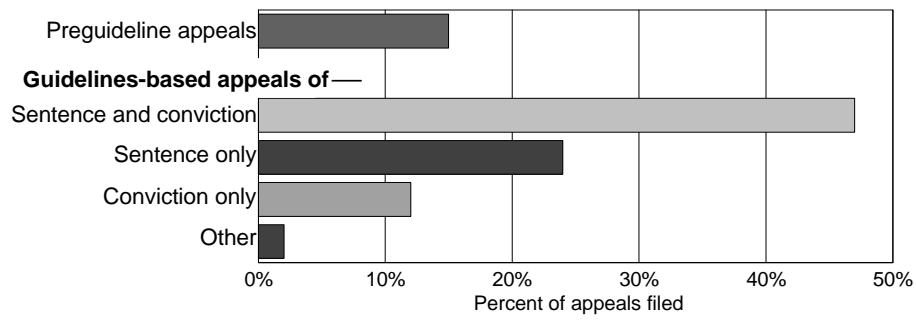


Figure 6.1. Types of criminal appeal cases during October 1, 1997 - September 30, 1998

Appeals terminated (tables 6.3-6.5)

A total of 10,105 appeals terminated during 1998. Of these, 47% were appeals of both the sentence and conviction, 24% were appeals of the sentence only, and 14% were appeals of the conviction only. Fourteen percent were appeals of convictions for offenses sentenced under laws in effect prior to the sentencing guidelines.

In nearly half of all appeals terminated in 1998, drug offense convictions underlie the appeal (46%); the underlying offense in 24% of the appeals was a public-order offense; 19% were property offense appeals; and 7% were appeals for violent offense convictions. For 43% of public-order appeals, the underlying offense of conviction was for weapons. Robbery offenses composed 42% and murder composed 16% of the underlying offenses for appeals of a violent

conviction. Sixty-two percent of property offense appeals were for fraud convictions.

Of the 10,105 appeals terminated during 1998, 76% were terminated on the merits, while the remainder were terminated on procedural grounds (figure 6.3). For appeals based on a conviction of a drug offense or a public-order offense, 78% were terminated on the merits. Also terminated on the merits were 79% of appeals based on a violent conviction and 72% of appeals based on a property conviction. Within these major offense categories, the appeals having the highest rates of termination on the merits were those based on a conviction for a weapons offense (83%), a rape or a murder conviction (81%), or a conviction for racketeering and extortion (80%).

In 82% of appeals terminated on the

Nearly half of all appeals filed were for drug convictions

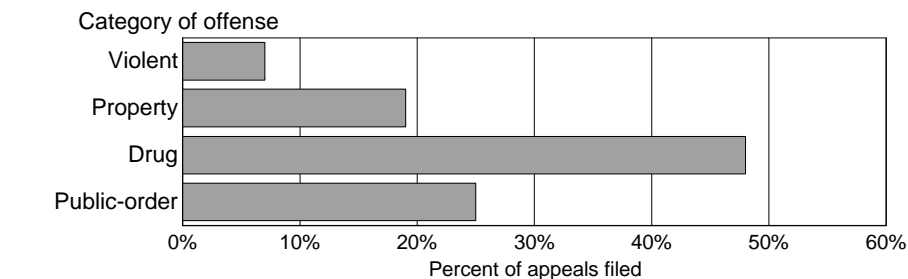


Figure 6.2. Appeals cases filed, by type of offense during October 1, 1997 - September 30, 1998

merits, the district court ruling was affirmed. In another 4% it was partially affirmed. Eighty-three percent of all drug offense appeals were affirmed, as were 80% of violent offense appeals and property appeals. Eighty-two percent of public-order offense appeals were affirmed.

District court decisions were reversed or remanded back to the court in 8% of the cases. Violent offenses had the highest rate of reversal or being remanded back to the court (12%). Nine percent of property offense appeals were reversed or remanded, as were 8% of public-order and 7% of drug offense appeals.

Overall, appeals were dismissed in 5% of cases. Across major offense categories, this dismissal rate remained relatively constant.

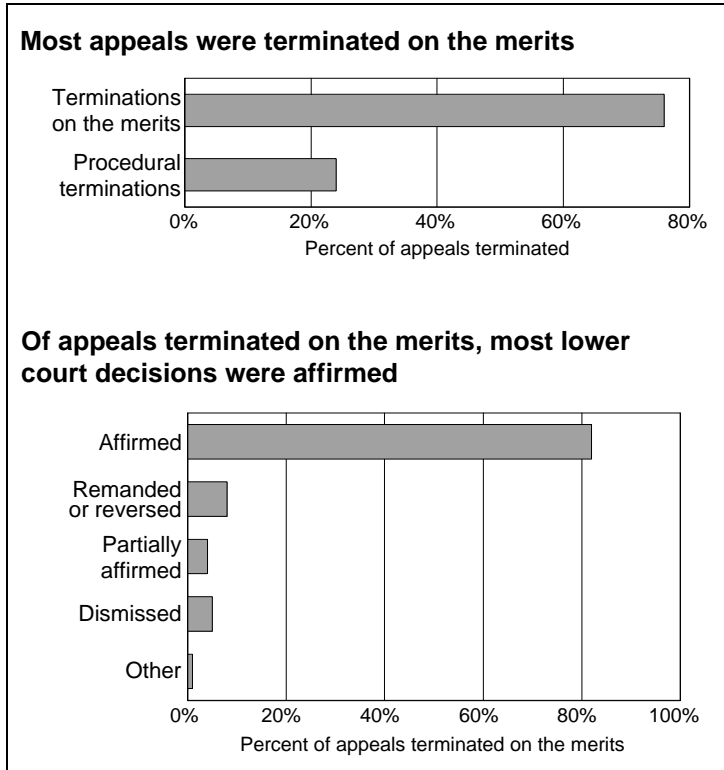


Figure 6.3. Disposition of criminal appeals terminating during October 1, 1997 - September 30, 1998

Table 6.1. Criminal appeals filed, by type of criminal case and offense, October 1, 1997 - September 30, 1998

Offense of conviction	Number of criminal appeals filed						
			Guidelines-based appeals				
	Total	Preguideline	Total	Sentence only	Conviction only	Sentence and conviction	Other
All offenses	10,535	1,592	8,943	2,493	1,258	4,996	196
Violent offenses	742	111	631	177	101	347	6
Murder*	118	24	94	15	14	64	1
Negligent manslaughter	1	0	1	1	0	0	0
Assault	79	14	65	16	14	34	1
Robbery	307	34	273	79	39	152	3
Rape	56	13	43	14	6	22	1
Other sex offenses*	114	11	103	40	16	47	0
Kidnaping	63	15	48	12	12	24	0
Threats against the President	4	0	4	0	0	4	0
Property offenses	1,947	333	1,614	464	233	870	47
Fraudulent	1,439	248	1,191	359	170	623	39
Embezzlement	130	21	109	38	13	56	2
Fraud*	1,151	191	960	285	142	501	32
Forgery	15	3	12	3	1	4	4
Counterfeiting	143	33	110	33	14	62	1
Other	508	85	423	105	63	247	8
Burglary	12	3	9	3	1	4	1
Larceny*	202	38	164	46	30	85	3
Motor vehicle theft	94	7	87	19	10	57	1
Arson and explosives	110	25	85	17	12	55	1
Transportation of stolen property	67	10	57	15	6	34	2
Other property offenses*	23	2	21	5	4	12	0
Drug offenses	4,845	652	4,193	1,216	567	2,308	102
Public-order offenses	2,553	295	2,258	553	313	1,358	34
Regulatory	178	26	152	35	31	85	1
Agriculture	8	2	6	4	0	2	0
Antitrust	3	1	2	0	2	0	0
Food and drug	3	0	3	1	0	2	0
Transportation	15	2	13	4	4	5	0
Civil rights	42	5	37	3	5	29	0
Communications	5	0	5	2	2	1	0
Custom laws	16	1	15	6	6	3	0
Postal laws	3	0	3	1	0	2	0
Other regulatory offenses	83	15	68	14	12	41	1
Other	2,375	269	2,106	518	282	1,273	33
Weapons	982	116	866	180	149	523	14
Immigration offenses	693	28	665	208	68	389	0
Tax law violations*	122	21	101	20	10	64	7
Bribery	30	5	25	3	4	18	0
Perjury, contempt, and intimidation	90	11	79	12	7	57	3
National defense	17	4	13	7	0	5	1
Escape	88	10	78	21	5	52	0
Racketeering and extortion	298	61	237	57	31	141	8
Gambling	13	4	9	1	1	7	0
Obscene material*	2	0	2	1	0	1	0
Traffic	16	3	13	3	3	7	0
Migratory birds	3	0	3	0	1	2	0
All other offenses*	21	6	15	5	3	7	0
Unknown or indeterminable offense	448	201	247	83	44	113	7

Note: For further information, see *Chapter notes*, p. 82.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.2. Criminal appeals filed and criminal appeals terminated, by offense, October 1, 1997 - September 30, 1998

Offense of conviction	Criminal appeals filed during 1998		Criminal appeals terminated during 1998	
	Number	Percent	Number	Percent
All offenses	10,535	100%	10,105	100%
Violent offenses	742	7.4%	716	7.4%
Murder ^b	118	1.2	113	1.2
Negligent manslaughter	1	—	0	...
Assault	79	0.8	82	0.8
Robbery	307	3.0	299	3.1
Rape	56	0.6	66	0.7
Other sex offenses ^b	114	1.1	90	0.9
Kidnaping	63	0.6	61	0.6
Threats against the President	4	—	5	0.1
Property offenses	1,947	19.3%	1,887	19.5%
Fraudulent	1,439	14.3%	1,425	14.7%
Embezzlement	130	1.3	112	1.2
Fraud ^b	1,151	11.4	1,172	12.1
Forgery	15	0.1	16	0.2
Counterfeiting	143	1.4	125	1.3
Other	508	5.0%	462	4.8%
Burglary	12	0.1	10	0.1
Larceny ^b	202	2.0	182	1.9
Motor vehicle theft	94	0.9	80	0.8
Arson and explosives	110	1.1	95	1.0
Transportation of stolen property	67	0.7	81	0.8
Other property offenses ^b	23	0.2	14	0.1
Drug offenses	4,845	48.0%	4,643	48.0%
Public-order offenses	2,553	25.3%	2,434	25.1%
Regulatory	178	1.8%	200	2.1%
Agriculture	8	0.1	13	0.1
Antitrust	3	—	3	—
Food and drug	3	—	1	—
Transportation	15	0.1	27	0.3
Civil rights	42	0.4	27	0.3
Communications	5	—	8	0.1
Custom laws	16	0.2	10	0.1
Postal laws	3	—	7	0.1
Other regulatory offenses	83	0.8	104	1.1
Other	2,375	23.5%	2,234	23.1%
Weapons	982	9.7	1,038	10.7
Immigration offenses	693	6.9	453	4.7
Tax law violations ^b	122	1.2	156	1.6
Bribery	30	0.3	31	0.3
Perjury, contempt, and intimidation	90	0.9	97	1.0
National defense	17	0.2	23	0.2
Escape	88	0.9	77	0.8
Racketeering and extortion	298	3.0	297	3.1
Gambling	13	0.1	11	0.1
Liquor offenses	0	...	2	—
Obscene material ^b	2	—	5	0.1
Traffic	16	0.2	22	0.2
Migratory birds	3	—	1	—
All other offenses ^b	21	0.2	21	0.2
Unknown or indeterminable offense	448		425	

Note: For further information, see *Chapter notes*, p. 82.

—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.

^bIn this table, "Murder" includes nonnegligent manslaughter;

"Other sex offenses" may include some nonviolent offenses;

"Fraud" excludes tax fraud; "Larceny" excludes transportation of

stolen property; "Other property offenses" 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; 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, 1997 - September 30, 1998

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
All offenses	10,105	1,452	8,653	2,440	1,370	4,770	73
Violent offenses	716	95	621	174	98	347	2
Murder*	113	18	95	12	19	64	0
Assault	82	15	67	13	16	37	1
Robbery	299	27	272	93	33	145	1
Rape	66	15	51	14	9	28	0
Other sex offenses*	90	12	78	28	13	37	0
Kidnaping	61	8	53	14	7	32	0
Threats against the President	5	0	5	0	1	4	0
Property offenses	1,887	247	1,640	487	263	876	14
Fraudulent	1,425	174	1,251	377	193	670	11
Embezzlement	112	14	98	31	18	49	0
Fraud*	1,172	143	1,029	313	162	544	10
Forgery	16	5	11	4	1	6	0
Counterfeiting	125	12	113	29	12	71	1
Other	462	73	389	110	70	206	3
Burglary	10	2	8	3	1	2	2
Larceny*	182	36	146	55	22	68	1
Motor vehicle theft	80	7	73	23	13	37	0
Arson and explosives	95	15	80	13	15	52	0
Transportation of stolen property	81	11	70	12	15	43	0
Other property offenses*	14	2	12	4	4	4	0
Drug offenses	4,643	606	4,037	1,146	614	2,239	38
Public-order offenses	2,434	320	2,114	536	358	1,207	13
Regulatory	200	35	165	38	37	89	1
Agriculture	13	2	11	2	5	4	0
Antitrust	3	0	3	0	3	0	0
Food and drug	1	0	1	0	1	0	0
Transportation	27	7	20	4	7	9	0
Civil rights	27	5	22	5	5	12	0
Communications	8	0	8	3	4	1	0
Custom laws	10	3	7	4	1	2	0
Postal laws	7	1	6	2	0	4	0
Other regulatory offenses	104	17	87	18	11	57	1
Other	2,234	285	1,949	498	321	1,118	12
Weapons	1,038	122	916	224	156	530	6
Immigration offenses	453	35	418	135	60	223	0
Tax law violations*	156	36	120	25	16	78	1
Bribery	31	5	26	9	4	13	0
Perjury, contempt, and intimidation	97	18	79	18	11	47	3
National defense	23	2	21	7	3	11	0
Escape	77	13	64	22	13	29	0
Racketeering and extortion	297	46	251	50	39	160	2
Gambling	11	3	8	0	1	7	0
Liquor offenses	2	0	2	0	0	2	0
Obscene material*	5	0	5	1	1	3	0
Traffic	22	2	20	3	11	6	0
Migratory birds	1	0	1	0	1	0	0
All other offenses*	21	3	18	4	5	9	0
Unknown or indeterminable offense	425	184	241	97	37	101	6

Note: For further information, see *Chapter notes*, p. 82.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.4. Disposition of criminal appeals terminated on the merits, by offense, October 1, 1997 - September 30, 1998

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	10,105	7,699	76.2%	6,292	621	311	377	98	2,406
Violent offenses	716	565	78.9%	454	66	18	19	8	151
Murder*	113	92	81.4	77	6	6	1	2	21
Assault	82	61	74.4	49	8	2	2	0	21
Robbery	299	242	80.9	202	21	3	13	3	57
Rape	66	50	75.8	35	13	1	1	0	16
Other sex offenses*	90	69	76.7	53	13	0	0	3	21
Kidnaping	61	47	77.0	35	4	6	2	0	14
Threats against the President	5	4	—	3	1	0	0	0	1
Property offenses	1,887	1,359	72.0%	1,081	116	92	53	17	528
Fraudulent	1,425	1,028	72.1%	816	87	62	49	14	397
Embezzlement	112	88	78.6	71	6	7	2	2	24
Fraud*	1,172	854	72.9	674	77	51	44	8	318
Forgery	16	11	68.8	7	2	1	1	0	5
Counterfeiting	125	75	60.0	64	2	3	2	4	50
Other	462	331	71.6%	265	29	30	4	3	131
Burglary	10	6	—	5	1	0	0	0	4
Larceny*	182	129	70.9	97	12	15	2	3	53
Motor vehicle theft	80	61	76.3	56	3	1	1	0	19
Arson and explosives	95	70	73.7	57	8	4	1	0	25
Transportation of stolen property	81	56	69.1	43	3	10	0	0	25
Other property offenses*	14	9	64.3	7	2	0	0	0	5
Drug offenses	4,643	3,604	77.6%	3,003	250	134	172	45	1,039
Public-order offenses	2,434	1,895	77.9%	1,551	156	63	103	22	539
Regulatory	200	153	76.5%	112	28	7	4	2	47
Agriculture	13	10	76.9	5	3	1	0	1	3
Antitrust	3	3	—	3	0	0	0	0	0
Food and drug	1	1	—	1	0	0	0	0	0
Transportation	27	23	85.2	13	10	0	0	0	4
Civil rights	27	19	70.4	11	1	4	2	1	8
Communications	8	3	—	0	2	0	1	0	5
Custom laws	10	6	—	3	2	1	0	0	4
Postal laws	7	3	—	3	0	0	0	0	4
Other regulatory offenses	104	85	81.7	73	10	1	1	0	19
Other	2,234	1,742	78.0%	1,439	128	56	99	20	492
Weapons	1,038	859	82.8	726	51	31	43	8	179
Immigration offenses	453	327	72.2	252	23	9	40	3	126
Tax law violations*	156	104	66.7	92	3	1	2	6	52
Bribery	31	21	67.7	15	3	2	0	1	10
Perjury, contempt, and intimidation	97	77	79.4	51	17	8	0	1	20
National defense	23	21	91.3	14	6	1	0	0	2
Escape	77	52	67.5	45	2	1	3	1	25
Racketeering and extortion	297	237	79.8	207	16	3	11	0	60
Gambling	11	9	81.8	5	4	0	0	0	2
Liquor offenses	2	2	—	2	0	0	0	0	0
Obscene material*	5	4	—	3	1	0	0	0	1
Traffic	22	16	72.7	15	1	0	0	0	6
Migratory birds	1	1	—	1	0	0	0	0	0
All other offenses*	21	12	57.1	11	1	0	0	0	9
Unknown or indeterminable offense	425	276	64.9%	203	33	4	30	6	149

Note: For further information, see *Chapter notes*, p. 82.

—Too few cases to obtain statistically reliable data.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.5. Criminal appeals cases terminated on the merits, by nature of offense, October 1, 1997 - September 30, 1998

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other
All offenses	7,699	81.7%	8.1%	4.0%	4.9%	1.3%
Violent offenses	565	80.4%	11.7%	3.2%	3.4%	1.4%
Murder*	92	83.7	6.5	6.5	1.1	2.2
Assault	61	80.3	13.1	3.3	3.3	0
Robbery	242	83.5	8.7	1.2	5.4	1.2
Rape	50	70.0	26.0	2.0	2.0	0
Other sex offenses*	69	76.8	18.8	0	0	4.3
Kidnaping	47	74.5	8.5	12.8	4.3	0
Threats against the President	4	—	—	—	—	—
Property offenses	1,359	79.5%	8.5%	6.8%	3.9%	1.3%
Fraudulent	1,028	79.4%	8.5%	6.0%	4.8%	1.4%
Embezzlement	88	80.7	6.8	8.0	2.3	2.3
Fraud*	854	78.9	9.0	6.0	5.2	0.9
Forgery	11	63.6	18.2	9.1	9.1	0
Counterfeiting	75	85.3	2.7	4.0	2.7	5.3
Other	331	80.1%	8.8%	9.1%	1.2%	0.9%
Burglary	6	—	—	—	—	—
Larceny*	129	75.2	9.3	11.6	1.6	2.3
Motor vehicle theft	61	91.8	4.9	1.6	1.6	0
Arson and explosives	70	81.4	11.4	5.7	1.4	0
Transportation of stolen property	56	76.8	5.4	17.9	0	0
Other property offenses*	9	—	—	—	—	—
Drug offenses	3,604	83.3%	6.9%	3.7%	4.8%	1.2%
Public-order offenses	1,895	81.8%	8.2%	3.3%	5.4%	1.2%
Regulatory	153	73.2%	18.3%	4.6%	2.6%	1.3%
Agriculture	10	—	—	—	—	—
Antitrust	3	—	—	—	—	—
Food and drug	1	—	—	—	—	—
Transportation	23	56.5	43.5	0	0	0
Civil rights	19	57.9	5.3	21.1	10.5	5.3
Communications	3	—	—	—	—	—
Custom laws	6	—	—	—	—	—
Postal laws	3	—	—	—	—	—
Other regulatory offenses	85	85.9	11.8	1.2	1.2	0
Other	1,742	82.6%	7.3%	3.2%	5.7%	1.1%
Weapons	859	84.5	5.9	3.6	5.0	0.9
Immigration offenses	327	77.1	7.0	2.8	12.2	0.9
Tax law violations*	104	88.5	2.9	1.0	1.9	5.8
Bribery	21	71.4	14.3	9.5	0	4.8
Perjury, contempt, and intimidation	77	66.2	22.1	10.4	0	1.3
National defense	21	66.7	28.6	4.8	0	0
Escape	52	86.5	3.8	1.9	5.8	1.9
Racketeering and extortion	237	87.3	6.8	1.3	4.6	0
Gambling	9	—	—	—	—	—
Liquor offenses	2	—	—	—	—	—
Obscene material*	4	—	—	—	—	—
Traffic	16	93.8	6.3	0	0	0
Migratory birds	1	—	—	—	—	—
All other offenses*	12	91.7	8.3	0	0	0
Unknown or indeterminable offense	276	73.6%	12.0%	1.4%	10.9%	2.2%

Note: For further information, see *Chapter notes*, p. 82.

—Too few cases to obtain statistically reliable data.

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

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses"

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; 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, 1997, through September 30, 1998, were selected. Data include records of 10,535 criminal appeals filed during fiscal year 1998 and 10,105 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.

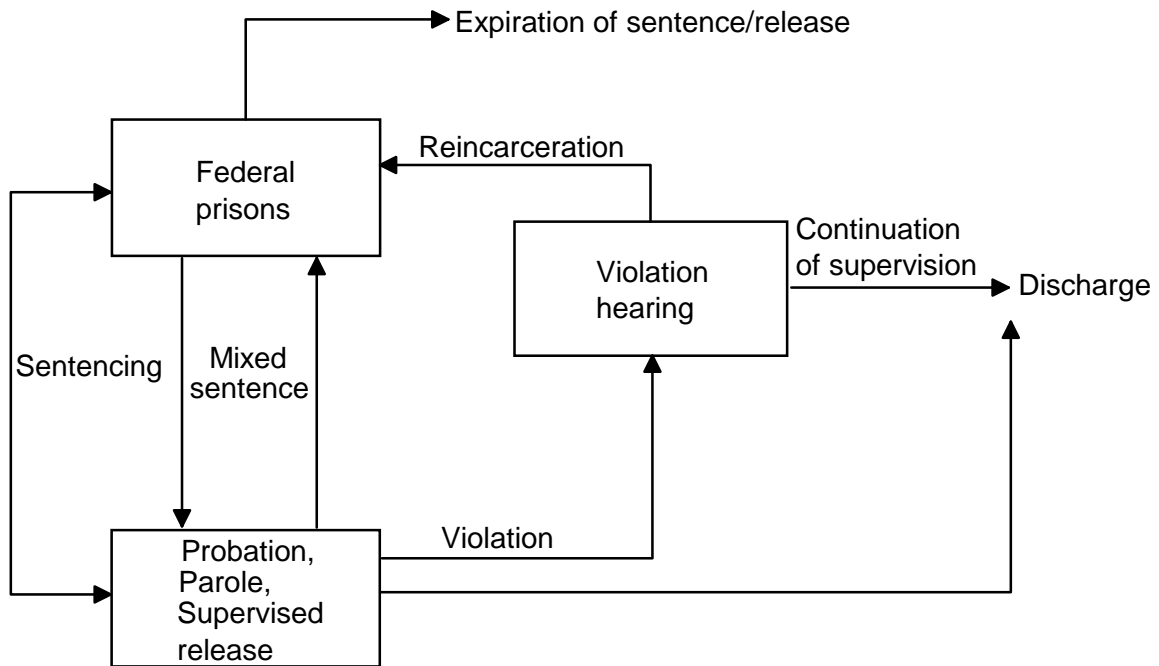
Discussion 85**Tables***October 1, 1997 - September 30, 1998*

7.1. Federal offenders under supervision, by offense	89
7.2. Characteristics of Federal offenders under supervision, by offense	90
7.3. Outcomes of probation supervision, by offense	91
7.4. Characteristics of offenders terminating probation supervision	92
7.5. Outcomes of supervised release, by offense	93
7.6. Characteristics of offenders terminating supervised release	94
7.7. Outcomes of parole, by offense	95
7.8. Characteristics of offenders terminating parole	96
7.9. Admissions and releases of Federal prisoners, by offense	97
7.10. Characteristics of Federal prison population, by major offense category	98
7.12. Number of first releases from Federal prison, by release method and sentence length	99
7.12. Average time to first release and percent of sentence served, for prisoners released by standard methods	100
7.13. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods	101
7.14. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods	102
7.15. Characteristics of first releases from prison, by offense, all releases	103
7.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics	103

Chapter notes 104

Chapter 7

Corrections



Federal offenders under supervision (table 7.1)

As of the end of the fiscal year 1998, there were 92,768 offenders under active Federal supervision, of which most (88%) were felons. About 65% of these offenders were receiving one of two forms of post-incarceration supervision: supervised release (54,822) or parole (5,827). The remainder (32,119) were under probation supervision. Most of the probationer population had been convicted of either a property felony (38%) or some type of misdemeanor offense (33%). Nearly 53% of offenders under supervised release and over 52% of parolees had been convicted of a drug offense.

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

Probation (table 7.3) — During 1998, 16,011 offenders completed one or more terms of active probation. Overall, 81% of offenders successfully completed their term of probation, another 17% violated their conditions of probation, and the remaining 2% were administrative closures. Of offenders terminating probation, 5% committed a new crime (figure 7.1). Most committed technical violations, including drug use (4%) and absconding (2%).

Offenders convicted of violent offenses were less likely than others to successfully complete a term of probation without a violation (figure 7.2). During 1998, 30% of probationers convicted of violent offenses violated their conditions of probation, as did 16% of drug, 14% of property, and 9% of public-order offenders. Violent offenders were also more likely to commit new crimes (9%) than were probationers convicted of property (4%), drug (5%), and public-order (4%) offenses.

Supervised release (table 7.5) — During 1998, 19,878 offenders completed terms of supervised release. Overall, 64% of them successfully completed their term of supervised release; 21% committed technical violations, such as drug use (8%) and

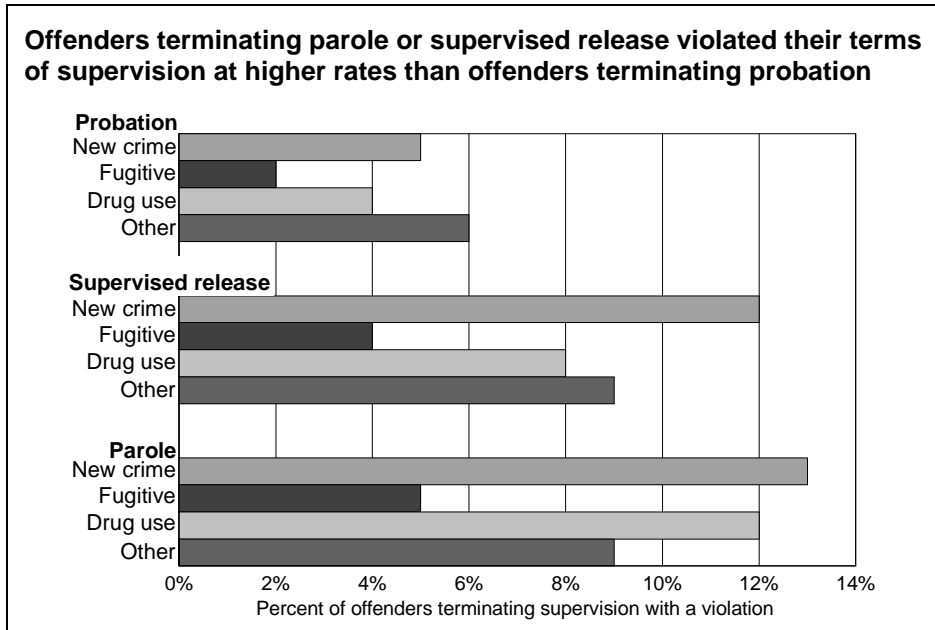


Figure 7.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation, October 1, 1997 - September 30, 1998

absconding (4%); and 12% of these offenders violated their probation supervision by committing a new crime. The remaining 3% had their supervision administratively terminated.

Violent offenders were less likely than others to complete a term of supervised release without a violation. Fifty-four percent of violent offenders violated conditions of supervised release, while 32% of drug, 32% of public-order, and 28% of property offenders violated supervised release. Violent offenders were also more likely to commit new crimes (18%) than offenders convicted of property (10%), drug (12%), or public-order (13%) offenses.

Parole (table 7.7) — During 1998, 3,077 offenders completed terms of parole. Overall, 56% of these offenders successfully completed their term of parole. During 1998, 13% of these offenders violated their supervision by committing a new crime; 26% committed technical violations, such as drug use (12%) and absconding (5%); and 5% completed their parole term through an administrative case closure.

Offenders convicted of violent offenses were less likely than others to

complete a term of parole without a violation. Sixty-two percent of violent offenders violated conditions of parole, while 35% of public-order, and 33% of property and 29% of drug offenders violated parole. Violent offenders were also more likely to commit new crimes (20%) than offenders convicted of property (14%), public order (12%), or drug (10%) offenses.

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

Probation (table 7.4) — Among offenders who completed a term of probation, 74% were male; 68% were white and 88% were of non-Hispanic origin; 25% were less than age 31 (compared to 53% over age 40); 25% had less than a high school diploma (compared to 38% whose highest education was a high school diploma and 37% who had at least some college education); and 80% had no known drug history.

Younger offenders, those with a history of drug abuse, and those with a lower educational background had higher probabilities of violating the conditions of probation. Offenders ages 16 to 20 were more likely (41%) to violate conditions of supervision

Offenders convicted of violent offenses were less likely than others to successfully complete a term of supervision

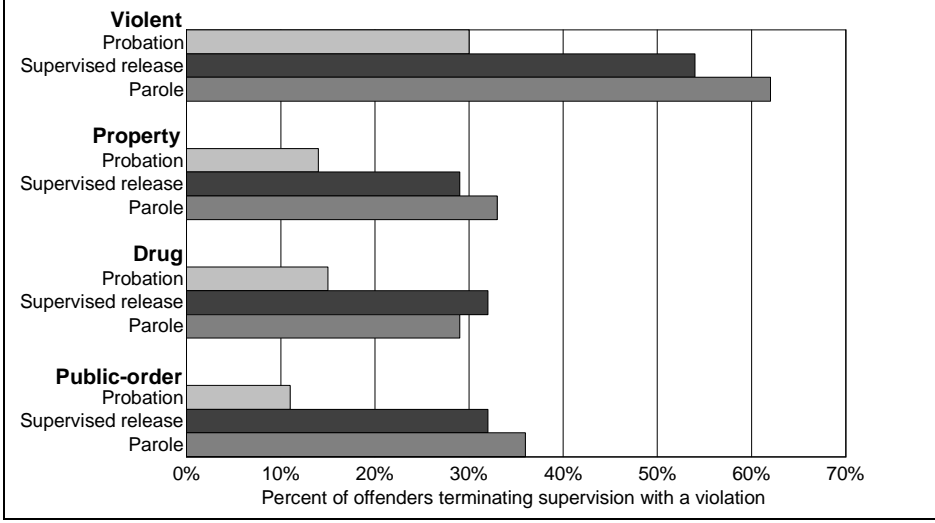


Figure 7.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense, October 1, 1998 - September 30, 1998

than probationers in other age groups — 25% of those ages 21 to 30 and 13% of those over age 30.

Probationers with a history of drug abuse were almost 9 times more likely to violate probation for drug use than offenders who were not drug abusers. Probationers with known histories of drug abuse were also more likely to violate supervision for other reasons (fugitive status and new crimes) than were other probationers.

Probationers with lower levels of education were more likely to violate the conditions of probation than those with higher levels of education. Those who did not graduate high school had a 25% violation rate, those who were high school graduates had a 17% violation rate, those with some college had a 13% violation rate, and those with a college degree had only a 5% violation rate.

Supervised release (table 7.6) — Among those who completed a term of supervised release, 85% were male; 66% were white; 83% were of non-Hispanic origin; 20% were less than age 31 (52% were over age 40); 37% had only some high school (34% had a high school diploma and 28% had at least some college); and 56% had no known drug history.

Younger offenders, those with a history of drug abuse, and those with a lower educational background had higher probabilities of violating the conditions of supervised release. Offenders under age 30 were more likely to violate conditions of their supervision than offenders in other age groups — 46% of those under age 30 violated a condition of their supervision compared to 23% of those over age 40.

Releasees with a history of drug abuse were 4 times more likely to terminate their supervision for technical violations of drug use as were releasees who were not drug abusers. Releasees with known histories of drug abuse were also more likely to violate supervision with technical violations or new crimes.

Similarly, releasees with lower levels of education were more likely to violate conditions of supervised release than those with higher levels of education. Those who did not graduate from high school had a 41% violation rate, those who were high school graduates had a 33% violation rate, those with some college had a 25% violation rate, and those with a college degree had a 12% violation rate.

Parole (table 7.8) — Among those

who completed a term of parole, 96% were male; 63% were white; 86% were of non-Hispanic origin; 79% were over age 40; 43% had only some high school (33% had a high school diploma and 18% had at least some college); and 48% had no known drug history.

Offenders with a history of drug abuse and those with a lower educational background had higher probabilities of violating the conditions of parole. Releasees with a history of drug abuse were three times more likely to terminate their supervision for technical violations of drug use than were releasees who were not drug abusers. Releasees with known histories of drug abuse were also more likely to violate supervision with technical violations or new crimes.

Similarly, releasees with lower levels of education were more likely to violate conditions of supervised release than those with higher levels of education. Those who did not graduate from high school had a 45% violation rate, those who were high school graduates had a 42% violation rate, those with some college had a 28% violation rate, and those with a college degree had a 15% violation rate.

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

The Federal prison population grew by 9,670 persons during fiscal year 1998, increasing from 99,255 sentenced prisoners to 108,925. The greatest growth was among drug and public-order offenders, particularly immigration offenders. The number of drug offenders in prison grew by 4,847 in 1998. The number of immigration offenders increased by 1,970. In contrast, the number of weapons offenders grew at a slower rate, increasing by 680. Violent offenders increased by 815 offenders.

Federal prisoners: First releases and time served (tables 7.12-7.14)

During 1998, 34,504 prisoners were released from Federal prison for the first time after serving a sentence

imposed by a U.S. district court.¹ Of these, 31,200 were released by standard means. These standard releases served an average of 28.0 months (table 7.12) in prison — 91% of the sentence imposed, on average (table 7.14).²

The remaining 3,304 first releases were released by extraordinary means: 2,085 were released early due to participation in a drug treatment program; 223 had their sentences commuted; 400 were deported; 205 died; and 391 were released for other reasons including escape and an intensive confinement program (table 7.12). Drug offenders made up the vast majority of those released by extraordinary means (81%).

Time served until first release varied by offense: Violent offenders served an average of 53.7 months; drug offenders served an average of 41.4 months; public-order offenders served an average of 18.1 months; and property offenders served an average of 15.5 months (figure 7.4). During 1998 the average time to first release for public-order offenders was influenced heavily by the relatively short time served by immigration offenders. Immigration offenders composed 61% of all released public-order offenders and, on average, served 11.1 months until first release. This was only half of the average time served for all public-order offenders (18.1 months). Exclusive of immigration offenders, public-order offenders served an average of 28.9 months until first release (not shown in a table).

While violent and drug offenders served more time before first release, property and public-order offenders

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

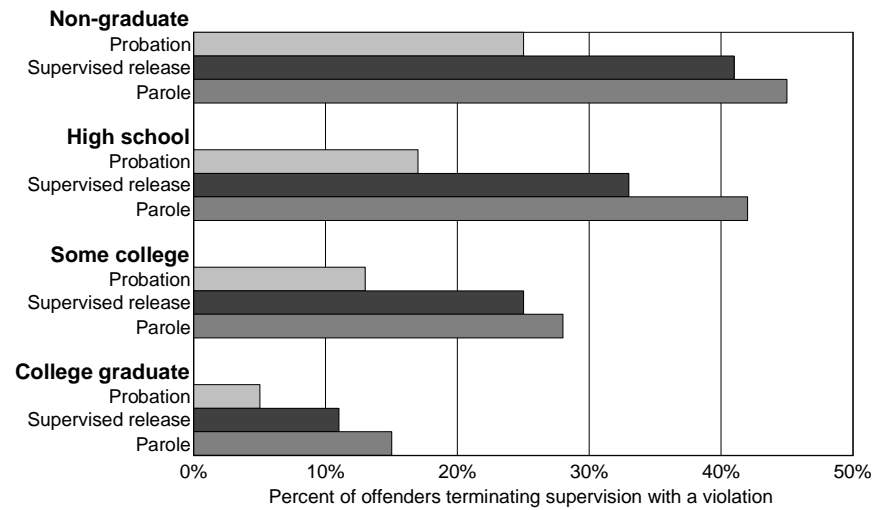


Figure 7.3. Rates of violation of conditions of supervision, by level of education, October 1, 1997 - September 30, 1998

served more of their sentences than violent and drug offenders (figure 7.4).

Old law offenders — those who committed crimes before the implementation of Federal Sentencing Guidelines in November 1987 — that were released in 1998 are not shown

separately in any table. Only 3%, or 996, of released offenders were old law offenders. New law offenders released during 1998 served, on average, 26.3 months in prison (92% of the sentence imposed). Since the guidelines became effective as of November 1987, new law offenders sentenced to terms of imprisonment

Violent and drug offenders had longer imposed sentences on average, and served more time than property and public-order offenders

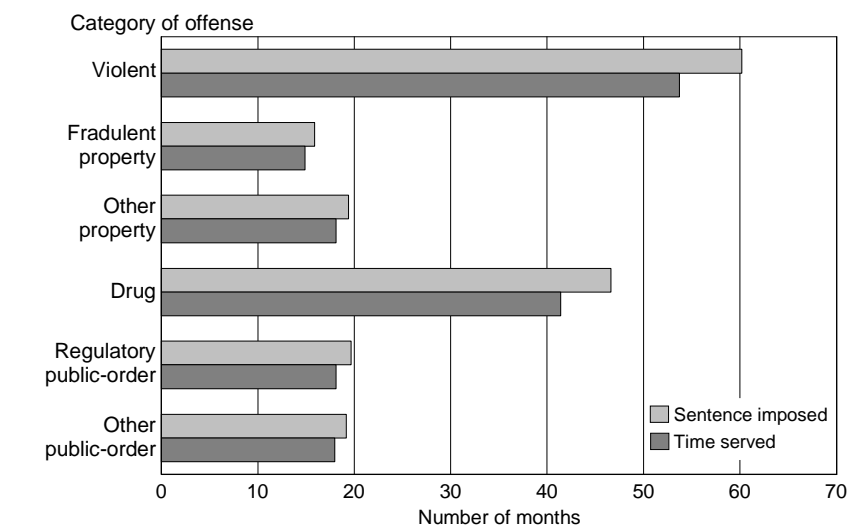
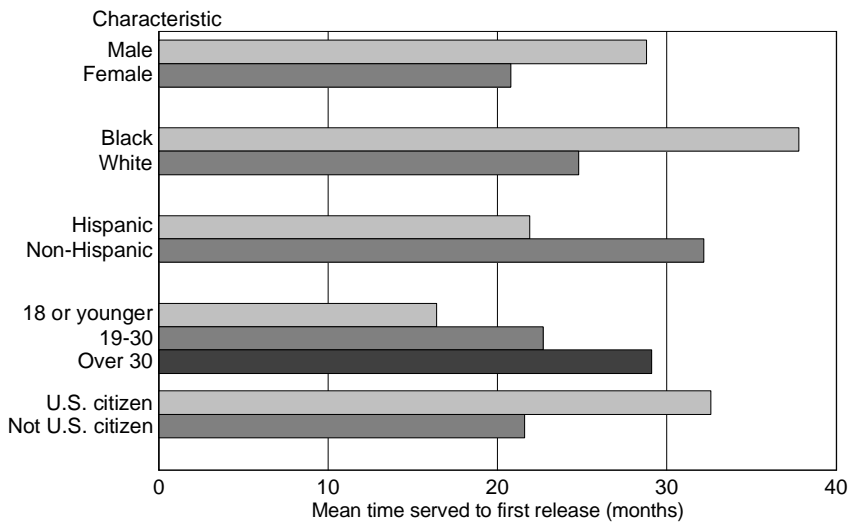


Figure 7.4. Mean lengths of sentence imposed and time served (in months), for offenders released from prison for the first time, by offense, October 1, 1997 - September 30, 1998

¹Tables 7.12-7.14 include only prisoners first released by the BOP during 1998.

² Average time to first release is the number of months in Bureau of Prison facilities. Time to first release does not include time detained pending adjudication and/or sentencing. Percent of sentence served is the average percentage of each individual prisoner's percent of total sentence obligation served until first release.

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



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

Figure 7.5. Characteristics of first releasees, October 1, 1997 - September 30, 1998

greater than 149 months could not have been released by standard means as of the end of fiscal year 1998.³ They could have been released for extraordinary

reasons such as death, commutation, or treaty transfer.⁴

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

Standing population (table 7.10) — Of prisoners in Federal prison at the end of 1998, 93% were male, 57% were white, 40% were black, 28% were Hispanic, and 74% were U.S. citizens. Fifty-seven percent of the yearend population were 31 years of age or older. This portrait of the Federal prison population was similar across offenses and for new law

offenders, except for the ethnicity and citizenship of violent and property offenders. More than 88% of these offenders were non-Hispanic and U.S. citizens.

Prisoners released (table 7.15) — Of prisoners released during 1998, 88% were male, 73% were white, 24% were black, 40% were Hispanic, and 61% were U.S. citizens. Fifty-five

percent were 31 years of age or older at the time they were committed to Federal prison. These patterns were similar across offenses and for new law offenders, except for nonregulatory public-order offenses. Of released offenders convicted of those offenses, 64% were Hispanic and 66% were not U.S. citizens.

Time served to first release (table 7.16) — Of prisoners released by standard methods, males served more time than females, blacks served more time than whites, non-Hispanics served more time than Hispanics, older persons served more time than younger (until over age 40), and U.S. citizens served more time than noncitizens (figure 7.5). However, among the offenses, the overall pattern does not apply. For example,

blacks served more time on average than whites, but among property offenders released from prison, whites served more time than blacks.

³The Federal Sentencing Guidelines allow a prisoner up to 54 days per year for good behavior, so a prisoner sentenced to 149 months in prison in November 1987 could have served 127 months of his or her sentence and been released in 1998.

⁴Prisoners released for extraordinary reasons have been excluded from all time served and percent of sentence served calculations.

Table 7.1. Federal offenders under supervision, by offense, September 30, 1998

Most serious offense of conviction ^a	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
			Number	Percent	Number	Percent	Number	Percent
All offenses^b	92,768	100%	32,119	100%	54,822	100%	5,827	100%
Felonies	81,784	88.4%	21,685	67.9%	54,285	99.2%	5,814	99.8%
Violent offenses	5,577	6.0%	797	2.5%	3,231	5.9%	1,549	26.6%
Murder ^c	259	0.3	41	0.1	96	0.2	122	2.1
Negligent manslaughter	135	0.1	5	—	8	—	122	2.1
Assault	474	0.5	155	0.5	272	0.5	47	0.8
Robbery	3,805	4.1	330	1.0	2,258	4.1	1,217	20.9
Rape	347	0.4	98	0.3	207	0.4	42	0.7
Other sex offenses ^c	463	0.5	150	0.5	290	0.5	23	0.4
Kidnaping	166	0.2	8	—	61	0.1	97	1.7
Threats against the President	50	0.1	10	—	39	0.1	1	—
Property offenses	27,493	29.7%	12,072	37.8%	14,799	27.0%	622	10.7%
Fraudulent	22,655	24.5%	9,735	30.5%	12,535	22.9%	385	6.6%
Embezzlement	3,529	3.8	1,197	3.7	2,302	4.2	30	0.5
Fraud ^c	16,834	18.2	7,374	23.1	9,165	16.7	295	5.1
Forgery	617	0.7	311	1.0	272	0.5	34	0.6
Counterfeiting	1,675	1.8	853	2.7	796	1.5	26	0.4
Other	4,838	5.2%	2,337	7.3%	2,264	4.1%	237	4.1%
Burglary	268	0.3	78	0.2	137	0.3	53	0.9
Larceny ^c	3,296	3.6	1,815	5.7	1,378	2.5	103	1.8
Motor vehicle theft	407	0.4	137	0.4	248	0.5	22	0.4
Arson and explosives	317	0.3	85	0.3	199	0.4	33	0.6
Transportation of stolen property	468	0.5	182	0.6	261	0.5	25	0.4
Other property offenses ^c	82	0.1	40	0.1	41	0.1	1	—
Drug offenses	35,401	38.3%	3,586	11.2%	28,766	52.6%	3,049	52.4%
Trafficking	31,415	34.0	3,152	9.9	25,477	46.5	2,786	47.8
Other drug offenses	3,986	4.3	434	1.4	3,289	6.0	263	4.5
Public-order offenses	13,049	14.1%	5,055	15.8%	7,403	13.5%	591	10.1%
Regulatory	2,182	2.4%	1,299	4.1%	845	1.5%	38	0.7%
Agriculture	84	0.1	60	0.2	23	—	1	—
Antitrust	18	—	13	—	4	—	1	—
Food and drug	66	0.1	51	0.2	14	—	1	—
Transportation	92	0.1	56	0.2	31	0.1	5	0.1
Civil rights	140	0.2	35	0.1	100	0.2	5	0.1
Communications	114	0.1	76	0.2	37	0.1	1	—
Custom laws	126	0.1	74	0.2	51	0.1	1	—
Postal laws	134	0.1	85	0.3	47	0.1	2	—
Other regulatory offenses	1,410	1.5	849	2.7	538	1.0	23	0.4
Other	10,867	11.7%	3,756	11.8%	6,558	12.0%	553	9.5%
Weapons	4,038	4.4	608	1.9	3,243	5.9	187	3.2
Immigration offenses	1,272	1.4	639	2.0	623	1.1	10	0.2
Tax law violations ^c	1,857	2.0	1,166	3.7	646	1.2	45	0.8
Bribery	394	0.4	226	0.7	163	0.3	5	0.1
Perjury, contempt, and intimidation	344	0.4	136	0.4	193	0.4	15	0.3
National defense	47	0.1	23	0.1	18	—	6	0.1
Escape	305	0.3	52	0.2	222	0.4	31	0.5
Racketeering and extortion	1,885	2.0	502	1.6	1,145	2.1	238	4.1
Gambling	289	0.3	178	0.6	108	0.2	3	0.1
Obscene material ^c	72	0.1	36	0.1	34	0.1	2	—
Migratory birds	16	—	10	—	4	—	2	—
All other offenses	350	0.4	180	0.6	159	0.3	11	0.2
Misdemeanors^c	10,984	11.9%	10,434	32.7%	537	1.0%	13	0.2%
Fraudulent property offenses	1,392	1.5	1,307	4.1	83	0.2	2	—
Larceny	1,479	1.6	1,390	4.4	88	0.2	1	—
Drug possession ^c	1,886	2.0	1,756	5.5	125	0.2	5	0.1
Immigration misdemeanors	391	0.4	372	1.2	14	—	5	0.1
Traffic offenses	2,861	3.1	2,784	8.7	72	0.1	5	0.1
Other misdemeanors	2,985	3.2	2,825	8.8	155	0.3	5	0.1
Unknown or indeterminable offense	264		175		86		3	

—Less than .05%.

^aSee *Chapter notes*, item 1, p. 104, and "Offense classifications" in *Methodology*, p. 107.

^bTotal includes offenders whose offense category could not be determined; see *Chapter notes*, item 2, p. 104.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud;

"Larceny" excludes transportation of stolen property; "Other property offenses" 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; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 7.2. Characteristics of Federal offenders under supervision, by offense, September 30, 1998

Offender characteristic	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
			Number	Percent	Number	Percent	Number	Percent
All offenders*	92,768	100%	5,827	100%	54,822	100%	32,119	100%
Male/female								
Male	73,424	79.3%	5,591	96.0%	45,140	82.5%	22,693	70.7%
Female	19,224	20.7	230	4.0	9,607	17.5	9,387	29.3
Race								
White	60,783	66.3%	3,826	66.8%	35,433	65.4%	21,524	67.8%
Black	26,392	28.8	1,778	31.0	16,536	30.5	8,078	25.5
Other	4,440	4.8	124	2.2	2,191	4.0	2,125	6.7
Ethnicity								
Hispanic	14,540	15.7%	854	14.7%	9,365	17.1%	4,321	13.5%
Non-Hispanic	78,228	84.3	4,973	85.3	45,457	82.9	27,798	86.5
Age								
16-18 years	21	—	0	0%	0	0%	21	0.1%
19-20 years	83	0.1	0	0	30	0.1	53	0.2
21-30 years	1,104	1.2	16	0.3	708	1.3	380	1.2
31-40 years	1,213	1.3	89	1.5	758	1.4	366	1.1
Over 40 years	90,339	97.4	5,721	98.2	53,324	97.3	31,294	97.4
Education								
Less than high school graduate	29,098	31.8%	2,440	42.2%	18,753	34.5%	7,905	25.1%
High school graduate	32,462	35.4	1,989	34.4	19,469	35.8	11,004	35.0
Some college	21,107	23.0	999	17.3	11,695	21.5	8,413	26.7
College graduate	8,972	9.8	354	6.1	4,465	8.2	4,153	13.2
Drug abuse								
No known abuse	60,657	65.4%	3,125	53.6%	31,981	58.3%	25,551	79.6%
Drug history	32,111	34.6	2,702	46.4	22,841	41.7	6,568	20.4

—Less than .05%.

*Includes offenders with unknown characteristics.

Table 7.3. Outcomes of probation supervision, by offense, October 1, 1997 - September 30, 1998

Most serious offense of conviction ^a	Number of probation terminations	Percent of probation supervisions terminating with—					
		No violation	Technical violations ^b			New crime ^c	Administrative case closures
			Drug use	Fugitive status	Other		
All offenses	16,011	81.3%	3.5%	2.1%	5.8%	5.4%	1.9%
Felonies	8,192	83.9%	3.0%	1.9%	4.6%	4.5%	2.1%
Violent offenses	244	66.7%	4.9%	3.7%	11.9%	9.1%	3.7%
Murder ^d	15	66.7	0	0	13.3	13.3	6.7
Negligent manslaughter	4	—	—	—	—	—	—
Assault	67	66.7	6.1	6.1	9.1	10.6	1.5
Robbery	78	67.9	7.7	5.1	9.0	7.7	2.6
Rape	37	48.6	2.7	0	29.7	13.5	5.4
Other sex offenses ^d	38	81.6	0	2.6	2.6	5.3	7.9
Kidnaping	2	—	—	—	—	—	—
Threats against the President	3	—	—	—	—	—	—
Property offenses	4,615	84.4%	2.8%	1.9%	5.0%	4.1%	1.9%
Fraudulent	3,669	85.8%	2.6%	1.7%	4.3%	3.7%	1.9%
Embezzlement	455	89.7	1.3	1.1	4.4	2.6	0.9
Fraud ^d	2,821	86.5	2.5	1.8	3.9	3.5	1.8
Forgery	129	81.3	4.7	1.6	3.9	5.5	3.1
Counterfeiting	264	74.2	4.2	1.9	8.3	7.2	4.2
Other	946	78.7%	3.6%	2.4%	7.6%	5.7%	1.9%
Burglary	29	58.6	6.9	3.4	13.8	13.8	3.4
Larceny ^d	728	78.1	4.0	2.6	8.0	5.2	2.1
Motor vehicle theft	53	81.1	0	1.9	5.7	9.4	1.9
Arson and explosives	33	84.8	0	3.0	12.1	0	0
Transportation and stolen property	91	89.0	1.1	1.1	2.2	5.5	1.1
Other property offenses ^d	12	58.3	16.7	0	8.3	16.7	0
Drug offenses	1,322	81.5%	4.0%	2.6%	4.0%	4.8%	3.0%
Trafficking	1,163	81.6	4.0	2.5	3.8	5.1	3.1
Possession and other drug offenses	159	81.0	4.4	3.2	5.7	3.2	2.5
Public-order offenses	1,960	87.4%	2.4%	1.4%	3.0%	4.1%	1.7%
Regulatory	495	89.1%	2.4%	1.2%	2.4%	3.6%	1.2%
Agriculture	26	92.3	3.8	0	0	3.8	0
Antitrust	10	—	—	—	—	—	—
Food and drug	12	100	0	0	0	0	0
Transportation	16	87.5	0	0	6.3	6.3	0
Civil rights	13	100	0	0	0	0	0
Communications	31	96.8	0	0	3.2	0	0
Custom laws	32	96.9	0	0	0	3.1	0
Postal laws	56	73.2	10.7	7.1	1.8	5.4	1.8
Other regulatory offenses	299	89.0	1.7	0.7	3.0	4.0	1.7
Other	1,465	86.8%	2.4%	1.5%	3.2%	4.2%	1.8%
Weapons	236	80.5	5.5	1.3	3.8	7.6	1.3
Immigration offenses	233	70.8	2.6	5.6	6.9	9.9	4.3
Tax law violations ^d	486	94.4	0.8	0	1.4	2.1	1.2
Bribery	90	87.8	2.2	2.2	3.3	1.1	3.3
Perjury, contempt, and intimidation	55	92.7	1.8	0	1.8	3.6	0
National defense	7	—	—	—	—	—	—
Escape	36	69.4	11.1	2.8	8.3	5.6	2.8
Racketeering and extortion	163	92.0	0.6	1.2	3.1	1.2	1.8
Gambling	87	97.7	1.1	0	0	1.1	0
Obscene material ^d	14	100	0	0	0	0	0
Migratory birds	7	—	—	—	—	—	—
All other offenses	51	82.4	3.9	2.0	3.9	5.9	2.0
Misdemeanors^d	7,819	78.6%	4.0%	2.3%	7.0%	6.3%	1.7%
Fraudulent property offense	1,928	82.0	2.8	2.5	6.7	4.8	1.2
Larceny	678	83.2	5.0	2.9	3.7	3.4	1.8
Drug possession ^d	1,050	78.7	5.2	1.9	6.4	6.2	1.6
Immigration	1,362	74.2	7.5	2.3	7.5	6.5	2.1
Traffic offenses	233	51.5	1.7	4.3	15.5	24.9	2.1
Other misdemeanors	2,568	79.7	2.5	2.1	7.3	6.5	1.8

Note: Offenses for 51 felony offenders could not be classified. See *Chapter notes*, item 3, p. 104.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, p. 104, and "Offense classifications" in *Methodology*, p. 107.

^bSupervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

^cSupervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

^dIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 7.4. Characteristics of offenders terminating probation supervision, October 1, 1997 - September 30, 1998

Offender characteristic	Number of probation terminations	Percent terminating probation with—					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	16,011	81.3%	3.5%	2.1%	5.8%	5.4%	1.9%	
Male/female								
Male	11,851	80.3%	3.5%	2.2%	6.1%	5.9%	2.0%	
Female	4,148	84.4	3.5	1.8	4.9	3.9	1.5	
Race								
White	10,728	84.2%	2.9%	1.7%	4.6%	4.8%	1.8%	
Black	4,157	75.0	5.2	3.1	8.1	6.7	1.9	
Other	856	74.5	3.2	2.5	10.2	7.0	2.7	
Ethnicity								
Hispanic	1,864	73.2%	3.8%	3.6%	8.9%	7.9%	2.6%	
Non-Hispanic	14,147	82.4	3.5	1.9	5.4	5.0	1.8	
Age								
16-18 years	105	44.8%	7.6%	6.7%	15.2%	21.0%	4.8%	
19-20 years	487	58.7	9.4	3.3	13.3	13.8	1.4	
21-30 years	3,476	73.8	4.5	3.3	8.7	8.1	1.6	
31-40 years	3,519	78.0	4.9	2.8	6.6	6.3	1.4	
Over 40 years	8,412	87.7	2.1	1.2	3.6	3.1	2.2	
Education								
Less than high school graduate	3,941	73.2%	5.4%	3.5%	8.4%	7.3%	2.3%	
High school graduate	5,823	81.6	3.6	2.0	6.0	5.1	1.7	
Some college	3,844	85.6	2.9	1.4	4.1	4.2	1.7	
College graduate	1,862	92.7	0.7	0.8	2.2	1.7	1.9	
Drug abuse								
No known abuse	12,777	85.4%	1.7%	1.6%	4.7%	4.6%	1.9%	
Drug history	3,234	65.0	10.5	4.1	9.9	8.4	2.1	

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

^cIncludes offenders with unknown characteristics.

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

Table 7.5. Outcomes of supervised release, by offense, October 1, 1997 - September 30, 1998

	Number of supervised release terminations	Percent of supervised releases terminating with—					
		No violation	Technical violations ^b			New crime ^c	Administrative case closures
Most serious offense of conviction ^a			Drug use	Fugitive status	Other		
All offenses	19,878	64.0%	8.2%	3.9%	8.7%	11.8%	3.3%
Felonies	19,161	64.0%	8.2%	3.9%	8.7%	11.9%	3.3%
Violent offenses	1,472	43.2%	13.3%	7.3%	15.6%	17.6%	2.9%
Murder ^d	48	54.2	4.2	10.4	22.9	6.3	2.1
Negligent manslaughter	9	—	—	—	—	—	—
Assault	171	44.4	7.6	6.4	14.0	26.3	1.2
Robbery	1,034	40.8	16.6	7.4	14.4	17.7	3.2
Rape	115	44.3	6.1	7.8	26.1	14.8	0.9
Other sex offenses ^d	58	72.4	1.7	1.7	13.8	5.2	5.2
Kidnaping	23	60.9	4.3	13.0	4.3	8.7	8.7
Threats against the President	14	21.4	7.1	7.1	21.4	35.7	7.1
Property offenses	5,697	68.9%	5.7%	4.1%	8.9%	9.8%	2.7%
Fraudulent	4,540	72.3%	4.8%	3.5%	7.9%	8.7%	2.7%
Embezzlement	699	86.3	1.4	1.1	5.2	4.3	1.7
Fraud ^d	3,288	71.2	4.6	3.6	8.2	9.4	3.0
Forgery	156	66.0	7.7	5.1	8.3	9.0	3.8
Counterfeiting	397	58.4	12.1	6.3	10.3	10.8	2.0
Other	1,157	55.9%	9.1%	6.1%	12.6%	13.8%	2.4%
Burglary	93	41.9	14.0	8.6	14.0	20.4	1.1
Larceny ^d	696	53.1	10.5	7.1	13.2	13.7	2.4
Motor vehicle theft	121	62.0	4.1	5.8	9.9	14.9	3.3
Arson and explosives	104	62.5	7.7	0	14.4	14.4	1.0
Transportation and stolen property	126	70.6	2.4	4.8	10.3	8.7	3.2
Other property offenses ^d	17	52.9	17.6	5.9	5.9	11.8	5.9
Drug offenses	8,165	64.1%	9.9%	2.9%	7.6%	11.6%	3.9%
Trafficking	7,311	63.9	9.9	2.9	7.7	11.8	3.9
Possession and other drug offenses	854	66.1	9.6	2.9	6.8	10.6	4.0
Public-order offenses	3,782	64.2%	6.5%	4.5%	8.0%	13.4%	3.4%
Regulatory	526	80.6%	3.4%	2.5%	6.1%	5.7%	1.7%
Agriculture	13	76.9	0	0	15.4	7.7	0
Antitrust	1	—	—	—	—	—	—
Food and drug	19	94.7	0	0	0	5.3	0
Transportation	24	75.0	4.2	0	4.2	12.5	4.2
Civil rights	32	81.3	3.1	3.1	9.4	3.1	0
Communications	25	68.0	8.0	4.0	12.0	8.0	0
Custom laws	17	82.4	0	0	0	5.9	11.8
Postal laws	23	47.8	13.0	0	13.0	26.1	0
Other regulatory offenses	372	83.0	3.0	3.0	5.4	4.0	1.6
Other	3,256	61.5%	7.0%	4.9%	8.3%	14.6%	3.7%
Weapons	1,492	57.1	10.9	4.7	9.4	15.3	2.6
Immigration offenses	634	49.2	2.4	5.7	8.5	25.9	8.2
Tax law violations ^d	274	86.9	2.6	1.5	4.0	3.6	1.5
Bribery	80	91.3	1.3	1.3	2.5	1.3	2.5
Perjury, contempt, and intimidation	94	69.1	5.3	7.4	5.3	9.6	3.2
National defense	16	81.3	6.3	0	6.3	0	6.3
Escape	165	40.9	10.4	13.4	14.6	17.7	3.0
Racketeering and extortion	368	76.4	3.3	3.5	6.0	7.3	3.5
Gambling	50	84.0	4.0	2.0	6.0	4.0	0
Obscene material ^d	10	—	—	—	—	—	—
Migratory birds	0	...	...	...	...	...	...
All other offenses	73	72.2	4.2	5.6	8.3	8.3	1.4
Misdemeanors^d	717	65.5%	8.0%	4.3%	9.5%	10.8%	2.0%
Fraudulent property offense	66	66.7	1.5	6.1	7.6	15.2	3.0
Larceny	127	50.0	10.3	3.2	15.1	19.8	1.6
Drug possession ^d	188	63.8	13.8	6.9	6.9	6.9	1.6
Immigration	13	84.6	0	7.7	0	7.7	0
Traffic offenses	131	71.8	3.8	3.8	9.9	8.4	2.3
Other misdemeanors	192	71.2	6.3	2.1	9.4	8.9	2.1

Note: Offenses for 45 felony offenders could not be determined; see *Chapter notes*, item 3, p. 104.

—Too few cases to obtain statistically reliable data.

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

^aSee *Chapter notes*, item 1, p. 104, and "Offense classifications" in *Methodology*, p. 107.

^bSupervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

^cSupervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

^dIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 7.6. Characteristics of offenders terminating supervised release, October 1, 1997 - September 30, 1998

Offender characteristic	Number of supervised release terminations	Percent terminating supervised release with—					
		No violation	Technical violations ^a			New crime ^b	Administrative case closures
			Drug use	Fugitive status	Other		
All offenders^c	19,878	64.0%	8.2%	3.9%	8.7%	11.8%	3.3%
Male/female							
Male	16,887	62.0%	8.7%	4.0%	9.2%	12.7%	3.5%
Female	2,984	75.5	5.8	3.4	6.1	7.2	2.0
Race							
White	13,117	69.6%	6.7%	3.5%	7.3%	9.5%	3.5%
Black	5,707	52.6	12.2	4.6	11.2	16.7	2.8
Other	898	56.0	6.4	5.3	13.9	14.7	3.8
Ethnicity							
Hispanic	3,536	59.6%	6.7%	4.4%	10.1%	13.1%	6.0%
Non-Hispanic	16,342	65.0	8.5	3.8	8.4	11.6	2.7
Age							
16-18 years	6	—	—	—	—	—	—
19-20 years	81	23.8	16.3	10.0	22.5	26.3	1.3
21-30 years	3,962	46.5	11.4	5.5	13.6	20.4	2.6
31-40 years	5,547	59.1	10.6	4.3	9.6	13.4	3.1
Over 40 years	10,282	73.7	5.7	3.1	6.2	7.6	3.7
Education							
Less than high school graduate	7,447	54.8%	11.0%	4.9%	10.2%	14.9%	4.3%
High school graduate	6,720	65.0	8.2	3.7	8.8	11.8	2.5
Some college	3,997	72.6	5.6	3.1	7.4	8.5	2.7
College graduate	1,501	85.0	2.0	2.1	3.4	3.9	3.5
Drug abuse							
No known abuse	11,164	72.9%	3.0%	3.3%	7.1%	9.9%	3.8%
Drug history	8,714	52.6	14.9	4.7	10.8	14.4	2.6

—Too few cases to obtain statistically reliable data.

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

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

^cIncludes offenders with unknown characteristics.

Table 7.7. Outcomes of parole, by offense, October 1, 1997 - September 30, 1998

Most serious offense of conviction ^a	Number of parole terminations	Percent of paroles terminating with—					
		No violation	Technical violations ^b			New crime ^c	Administrative case closures
			Drug use	Fugitive status	Other		
All offenses	3,077	55.8%	11.6%	5.2%	9.3%	13.4%	4.7%
Felonies	3,075	55.8%	11.6%	5.2%	9.3%	13.3%	4.7%
Violent offenses	868	34.1%	20.6%	8.6%	12.7%	20.1%	4.0%
Murder ^d	48	35.4	22.9	8.3	12.5	16.7	4.2
Negligent manslaughter	0	...	...	...	...	...	...
Assault	22	40.9	13.6	9.1	13.6	18.2	4.5
Robbery	728	33.0	22.2	8.2	12.3	20.7	3.6
Rape	20	57.9	0	5.3	10.5	26.3	0
Other sex offenses ^d	9	—	—	—	—	—	—
Kidnaping	39	33.3	7.7	12.8	17.9	17.9	10.3
Threats against the President	2	—	—	—	—	—	—
Property offenses	342	63.7%	6.4%	4.1%	8.2%	14.0%	3.5%
Fraudulent	207	69.6%	4.3%	3.4%	9.7%	10.6%	2.4%
Embezzlement	22	86.4	0	0	4.5	9.1	0
Fraud ^d	143	72.7	1.4	2.8	11.2	8.4	3.5
Forgery	32	53.1	18.8	0	9.4	18.8	0
Counterfeiting	10	—	—	—	—	—	—
Other	135	54.8%	9.6%	5.2%	5.9%	19.3%	5.2%
Burglary	22	31.8	18.2	9.1	9.1	27.3	4.5
Larceny ^d	62	50.0	11.3	4.8	8.1	19.4	6.5
Motor vehicle theft	18	55.6	11.1	11.1	0	22.2	0
Arson and explosives	19	84.2	0	0	5.3	5.3	5.3
Transportation and stolen property	13	76.9	0	0	0	15.4	7.7
Other property offenses ^d	1	—	—	—	—	—	—
Drug offenses	1,600	65.0%	7.8%	3.9%	7.9%	9.7%	5.7%
Trafficking	1,473	64.9	8.0	3.8	8.0	9.7	5.5
Possession and other drug offenses	127	65.4	5.5	4.7	7.1	9.4	7.9
Public-order offenses	264	61.5%	11.5%	3.8%	8.0%	12.2%	3.1%
Regulatory	23	63.6%	9.1%	0%	9.1%	9.1%	9.1%
Other	241	61.3%	11.7%	4.2%	7.9%	12.5%	2.5%
Weapons	89	40.9	25.0	3.4	11.4	15.9	3.4
Immigration offenses	6	—	—	—	—	—	—
Tax law violations ^d	21	90.5	0	4.8	0	4.8	0
Bribery	1	—	—	—	—	—	—
Perjury, contempt, and intimidation	6	—	—	—	—	—	—
National defense	3	—	—	—	—	—	—
Escape	16	31.3	6.3	12.5	12.5	37.5	0
Racketeering and extortion	92	72.8	4.3	3.3	6.5	9.8	3.3
Gambling	2	—	—	—	—	—	—
Obscene material ^d	1	—	—	—	—	—	—
Migratory birds	0	...	...	...	...	...	...
All other offenses	4	—	—	—	—	—	—
Misdemeanors^d	2	—	—	—	—	—	—

Note: The offense for 1 felony offender could not be determined; see *Chapter notes*, item 3, p. 104.

—Too few cases to obtain statistically reliable data.

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

^aSee *Chapter notes*, item 1, p. 104, and "Offense classifications" in *Methodology*, p. 107.

^bSupervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

^cSupervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

^dIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" 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; and "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels.

Table 7.8. Characteristics of offenders terminating parole, October 1, 1997 - September 30, 1998

Offender characteristic	Number of parole terminations	Percent terminating parole with—					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	3,077	55.8%	11.6%	5.2%	9.3%	13.4%	4.7%	
Male/female								
Male	2,952	55.2%	11.7%	5.3%	9.4%	13.6%	4.8%	
Female	124	72.4	8.9	3.3	5.7	6.5	3.3	
Race								
White	1,946	63.3%	7.7%	5.2%	7.9%	11.3%	4.6%	
Black	1,008	41.6	19.5	5.2	11.9	17.0	4.9	
Other	77	49.4	9.1	6.5	13.0	18.2	3.9	
Ethnicity								
Hispanic	423	60.1%	9.3%	5.3%	11.9%	9.8%	3.6%	
Non-Hispanic	2,654	55.2	11.9	5.2	8.9	13.9	4.9	
Age								
16-18 years	0	...	...	...	...	...	...
19-20 years	0	...	...	...	...	...	...
21-30 years	28	46.4	14.3	3.6	17.9	7.1	10.7	
31-40 years	608	47.1	15.4	5.6	13.6	15.5	2.8	
Over 40 years	2,441	58.1	10.6	5.1	8.1	12.9	5.1	
Education								
Less than high school graduate	1,317	49.6%	13.0%	6.1%	11.2%	14.8%	5.3%	
High school graduate	1,008	54.3	13.2	5.5	9.1	14.2	3.8	
Some college	540	66.7	8.0	3.9	6.1	10.2	5.0	
College graduate	184	79.9	1.6	2.2	4.3	7.1	4.9	
Drug abuse								
No known abuse	1,469	67.0%	5.3%	3.6%	6.8%	11.3%	6.0%	
Drug history	1,608	45.6	17.3	6.7	11.6	15.2	3.6	

Note: Total includes terminations of supervision for 1 offender whose offense category was missing or indeterminable; see *Chapter notes*, item 3, p. 104.
 ...No cases of this type occurred within the data.

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

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

^cIncludes offenders with unknown characteristics.

Table 7.9. Admissions and releases of Federal prisoners, by offense, October 1, 1997 - September 30, 1998

Most serious original offense of conviction ^a	Population at start of year	Prisoners received			Prisoners released			Population at end of year	Net population change
		District court		All other	First release		All other		
		1 year or less	Over 1 year		1 year or less	Over 1 year			
All offenses	99,255	9,767	32,831	15,617	9,485	25,019	14,041	108,925	9,670
Violent offenses	11,841	145	2,265	2,795	149	1,713	2,528	12,656	815
Murder/manslaughter ^b	1,260	10	96	190	10	68	134	1,344	84
Assault	673	75	239	478	77	180	369	839	166
Robbery	8,371	39	1,624	1,693	43	1,240	1,671	8,773	402
Rape	128	0	3	25	0	5	19	132	4
Other sex offenses ^b	727	19	218	260	17	159	195	853	126
Kidnaping	625	0	69	82	0	53	72	651	26
Threats against the President	57	2	16	67	2	8	68	64	7
Property offenses	8,072	2,520	4,098	3,831	2,523	3,768	3,603	8,627	555
Fraudulent	6,090	2,031	3,328	2,295	2,036	3,059	2,184	6,465	375
Embezzlement	318	282	154	157	289	171	151	300	-18
Fraud ^b	5,231	1,478	2,796	1,724	1,494	2,583	1,657	5,495	264
Forgery	178	80	97	188	74	86	153	230	52
Counterfeiting	363	191	281	226	179	219	223	440	77
Other	1,982	489	770	1,536	487	709	1,419	2,162	180
Burglary	155	15	58	235	13	60	141	249	94
Larceny ^b	719	323	288	855	330	250	838	767	48
Motor vehicle theft	203	24	80	77	17	75	87	205	2
Arson and explosives	192	3	60	52	1	50	40	216	24
Transportation of stolen property	209	33	99	68	40	97	66	206	-3
Other property offenses ^b	504	91	185	249	86	177	247	519	15
Drug offenses	58,164	1,096	17,208	5,118	1,002	12,977	4,596	63,011	4,847
Trafficking	57,748	982	17,147	4,584	869	12,916	4,112	62,564	4,816
Possession and other drug offenses	416	114	61	534	133	61	484	447	31
Public-order offenses	19,220	5,747	8,931	3,356	5,564	6,380	3,037	22,273	3,053
Regulatory	994	209	508	251	214	456	233	1,059	65
Other	18,226	5,538	8,423	3,105	5,350	5,924	2,804	21,214	2,988
Weapons	8,062	136	2,193	912	126	1,651	784	8,742	680
Immigration offenses	5,460	4,549	4,387	826	4,333	2,785	674	7,430	1,970
Tax law violations ^b	377	178	209	119	190	196	121	376	-1
Bribery	64	28	32	24	30	32	20	66	2
Perjury, contempt, and intimidation	112	26	48	27	32	50	20	111	-1
National defense	65	2	14	6	5	15	5	62	-3
Escape	273	76	97	135	69	121	121	270	-3
Racketeering and extortion	3,353	73	1,197	173	78	873	189	3,656	303
Gambling	3	1	0	1	1	3	0	1	-2
Liquor	3	2	0	0	3	0	0	2	-1
Obscene material ^b	203	14	141	24	17	114	33	218	15
Traffic	143	374	39	737	390	34	743	126	-17
Migratory birds	14	10	8	15	9	5	16	17	3
All other offenses	94	69	58	106	67	45	78	137	43
Unknown or indeterminable offenses	1,958	259	329	517	247	181	277	2,358	400

Note: For further information, see *Chapter notes*, items 4, 5, and 8, p. 104.

^aSee *Chapter notes*, item 4, p. 104, and "Offense classifications" in *Methodology*, p. 107.

^bIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes

transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

Table 7.10. Characteristics of Federal prison population, by major offense category, October 1, 1997 - September 30, 1998

Offender characteristic	Total prisoners	Percent of Federal prison population serving for ^a —						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
All cases^b								
All prisoners	108,925	108,925	12,656	6,465	2,162	63,011	1,059	21,214
Male/female								
Male	100,761	92.5%	96.1%	82.8%	90.1%	91.5%	90.9%	96.4%
Female	8,146	7.5	3.9	17.2	9.9	8.5	9.1	3.6
Race								
White	61,818	57.0%	47.0%	68.3%	62.3%	53.9%	75.1%	67.8%
Black	43,240	39.9	41.6	27.6	32.0	44.7	22.7	29.7
Other	3,329	3.1	11.4	4.1	5.7	1.4	2.3	2.5
Ethnicity								
Hispanic	30,165	27.8%	7.0%	8.0%	6.6%	31.6%	14.0%	38.9%
Non-Hispanic	78,222	72.2	93.0	92.0	93.4	68.4	86.0	61.1
Age								
16-18 years	510	0.5%	1.5%	0.1%	1.3%	0.2%	0.2%	0.6%
19-20 years	3,852	3.6	5.1	1.2	5.0	3.5	3.2	3.1
21-30 years	41,669	38.7	36.2	21.3	30.6	40.8	28.4	40.4
31-40 years	35,171	32.6	34.3	30.3	33.7	32.4	29.4	33.5
Over 40 years	26,551	24.6	22.9	47.0	29.4	23.1	38.8	22.5
Citizenship								
U.S. citizen	80,883	75.0%	96.6%	88.9%	94.1%	72.9%	90.3%	60.2%
Not U.S. citizen	26,933	25.0	3.4	11.1	5.9	27.1	9.7	39.8
New law cases								
All prisoners	101,429	101,429	9,819	6,189	1,809	61,193	982	20,522
Male/female								
Male	93,702	92.4%	96.4%	82.6%	90.8%	91.4%	90.6%	96.5%
Female	7,727	7.6	3.6	17.4	9.2	8.6	9.4	3.5
Race								
White	58,165	57.4%	48.3%	68.1%	64.3%	53.8%	75.4%	67.9%
Black	40,147	39.6	38.9	27.8	29.2	44.8	22.3	29.6
Other	3,077	3.0	12.8	4.2	6.5	1.4	2.3	2.5
Ethnicity								
Hispanic	29,187	28.8%	6.9%	8.1%	6.6%	31.8%	13.4%	39.7%
Non-Hispanic	72,202	71.2	93.1	91.9	93.4	68.2	86.6	60.3
Age								
16-18 years	483	0.5%	1.7%	0.1%	1.4%	0.2%	0.2%	0.6%
19-20 years	3,757	3.7	5.9	1.2	5.6	3.6	3.5	3.2
21-30 years	40,033	39.5	37.7	21.7	31.3	41.5	29.3	41.0
31-40 years	33,039	32.6	34.6	30.7	33.6	32.4	28.7	33.5
Over 40 years	24,077	23.7	20.1	46.2	28.1	22.4	38.3	21.8
Citizenship								
U.S. citizen	74,584	73.9%	96.5%	88.7%	94.0%	72.7%	89.9%	59.2%
Not U.S. citizen	26,286	26.1	3.5	11.3	6.0	27.3	10.1	40.8

Note: Percentages in this table are based on nonmissing characteristics. Total includes 1,958 prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 104.

^bOf the 108,925 prisoners in BOP facilities, 7% (7,496) were old law offenders.

^aSee *Chapter notes*, item 4, p. 104, and "Offense classifications" in *Methodology*, p. 107.

Table 7.11. Number of first releases from Federal prison, by release method and sentence length, October 1, 1997 - September 30, 1998

Most serious original offense of conviction ^a	Total	Standard ^b	Extraordinary means				
			Drug treatment	Treaty transfer	Sentence commutation	Death	Other ^c
All cases							
All prisoners	34,504	31,200	2,085	400	223	205	391
Violent offenses	1,862	1,775	12	2	15	53	5
Property offenses	6,291	6,060	104	4	33	20	70
Fraudulent	5,095	4,888	96	3	28	19	61
Other	1,196	1,172	8	1	5	1	9
Drug offenses	13,979	11,303	1,832	384	110	90	260
Public-order offenses	11,944	11,644	134	10	59	41	56
Regulatory	670	625	16	1	4	5	19
Other	11,274	11,019	118	9	55	36	37
Other prisoners^d	428	418	3	0	6	1	0
Sentences greater than 1 year							
All prisoners	25,019	21,767	2,084	400	177	201	390
Violent offenses	1,713	1,628	12	2	13	53	5
Property offenses	3,768	3,552	104	4	22	17	69
Fraudulent	3,059	2,866	96	3	18	16	60
Other	709	686	8	1	4	1	9
Drug offenses	12,977	10,305	1,832	384	107	89	260
Public-order offenses	6,380	6,106	133	10	34	41	56
Regulatory	456	415	16	1	0	5	19
Other	5,924	5,691	117	9	34	36	37
Other prisoners^d	181	176	3	0	1	1	0

Note: Total includes prisoners whose offense category could not be determined. Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 4-7, p. 104.

^aSee *Chapter notes*, item 4, p. 104, and "Offense classifications" in *Methodology*, p. 107.

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

^cOther extraordinary releases include escape and intensive confinement programs.

^dOffense not classifiable or not a violation of U.S. Code.

Table 7.12. Average time to first release and percent of sentence served, for prisoners released by standard methods, October 1, 1997 - September 30, 1998

Most serious original offense of conviction ^a	All offenders			Prisoners with sentences of 1 year or less			Prisoners with sentences over 1 year			
	Number of prisoners released ^b	Mean time served	Median time served	Number of prisoners released ^b	Mean time served	Median time served	Number of prisoners released ^b	Mean time served	Median time served	Percent of sentence served
All prisoners	31,200	28.0 mo	18.3 mo	9,433	4.7 mo	4.1 mo	21,767	38.0 mo	26.6 mo	87.1%
Violent offenses	1,775	53.7 mo	44.5 mo	147	5.4 mo	5.9 mo	1,628	58.1 mo	49.7 mo	84.9%
Murder/manslaughter ^c	72	59.1	38.8	10	—	—	62	67.6	45.1	82.8
Assault	253	25.4	17.4	76	4.9	4.7	177	34.2	27.4	87.5
Robbery	1,221	60.7	53.5	43	6.1	6.0	1,178	62.7	54.9	84.6
Rape	5	—	—	0	...	...	5	—	—	—
Other sex offenses ^c	167	30.3	20.9	16	4.8	5.0	151	33.0	21.0	87.5
Kidnaping	47	97.0	68.0	0	...	...	47	97.0	68.0	76.4
Threats against the President	10	—	—	2	—	—	8	—	—	—
Property offenses	6,060	15.5 mo	12.0 mo	2,508	5.1 mo	5.0 mo	3,552	22.8 mo	18.3 mo	87.8%
Fraudulent	4,888	14.9 mo	12.0 mo	2,022	5.1 mo	5.0 mo	2,866	21.8 mo	17.0 mo	87.8%
Embezzlement	449	8.6	5.0	288	3.5	4.0	161	17.5	13.1	87.7
Fraud ^c	3,895	15.7	12.0	1,483	5.2	5.0	2,412	22.1	18.2	87.8
Forgery	155	13.8	10.5	74	6.0	5.9	81	20.8	15.7	86.5
Counterfeiting	389	14.3	10.6	177	6.1	6.0	212	21.2	15.7	88.1
Other	1,172	18.1 mo	12.0 mo	486	5.1 mo	5.0 mo	686	27.4 mo	20.9 mo	87.7%
Burglary	71	25.7	15.8	13	6.9	6.0	58	30.0	18.7	86.7
Larceny ^c	575	11.3	9.0	329	5.1	5.0	246	19.6	15.7	88.6
Motor vehicle theft	91	23.5	18.3	17	7.4	7.7	74	27.2	23.1	87.2
Arson and explosives	48	40.8	35.7	1	—	—	47	41.6	35.7	87.6
Transportation and stolen property	127	21.2	15.6	40	6.0	6.0	87	28.2	20.9	86.7
Other property offenses ^c	260	23.5	20.9	86	4.1	4.0	174	33.2	27.7	87.4
Drug offenses	11,303	41.4 mo	32.3 mo	998	6.3 mo	6.0 mo	10,305	44.8 mo	36.6 mo	87.0%
Trafficking	11,114	41.9	32.3	865	6.6	6.0	10,249	44.9	36.7	87.0
Possession and other drug offenses	189	11.2	6.0	133	4.4	4.0	56	27.4	18.3	92.1
Public-order offenses	11,644	18.1 mo	10.5 mo	5,538	4.2 mo	3.9 mo	6,106	30.6 mo	21.0 mo	87.5%
Regulatory	625	18.1 mo	13.1 mo	210	5.4 mo	5.0 mo	415	24.6 mo	18.3 mo	87.4%
Other	11,019	18.0 mo	10.5 mo	5,328	4.2 mo	3.9 mo	5,691	31.0 mo	21.0 mo	87.5%
Weapons	1,714	41.9	36.6	126	6.5	6.0	1,588	44.7	40.2	87.4
Immigration offenses	7,090	11.1	6.0	4,316	4.1	3.9	2,774	22.0	20.9	88.2
Tax law violations ^c	371	12.1	10.0	190	5.4	5.0	181	19.1	15.7	87.7
Bribery	60	14.3	10.2	30	4.9	5.0	30	23.7	20.9	87.1
Perjury, contempt, and intimidation	78	15.4	12.0	30	5.6	5.4	48	21.6	17.4	88.8
National defense	18	42.7	17.0	5	—	—	13	56.9	49.7	83.2
Escape	185	17.3	12.2	67	6.0	6.0	118	23.8	20.9	88.6
Racketeering and extortion	824	40.2	32.2	78	6.4	5.0	746	43.8	35.7	84.7
Gambling	3	—	—	1	—	—	2	—	—	—
Liquor	3	—	—	3	—	—	0	...	...	...
Obscene material ^c	130	15.9	13.1	17	6.9	6.0	113	17.2	13.1	87.8
Traffic	423	3.2	1.5	390	2.2	1.0	33	14.9	12.0	94.8
Migratory birds	12	6.9	6.0	9	—	—	3	—	—	—
All other offenses	108	10.7	6.0	66	4.3	4.2	42	20.7	12.6	86.8
Other prisoners^d	418	12.3 mo	6.0 mo	242	3.6 mo	3.0 mo	176	24.4 mo	19.2 mo	88.2%

Note: Total includes prisoners whose offense category could not be determined. Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 4-7, p. 104.

—Too few cases to obtain statistically reliable data.

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

^aSee *Chapter notes*, item 4, p. 104, and "Offense classifications" in *Methodology*, p. 107.

^bThis column excludes prisoners who left Federal prison by extraordinary means, such as death, sentence commutation, and treaty transfer. The total number of prisoners who left prison due to extraordinary means in fiscal year 1998 was 3,304. See table 7.11, p. 99.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

^dOffense not classifiable or not a violation of U.S. Code.

Table 7.13. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods during October 1, 1997 - September 30, 1998

Sentence imposed ^a	Number of months served for ^b —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
All cases							
All releases	28.0 mo	53.7 mo	14.9 mo	18.1 mo	41.4 mo	18.1 mo	18.0 mo
1-12 mo ^c	4.7	5.4	5.1	5.1	6.3	5.4	4.2
13-24	13.9	14.1	13.7	14.1	14.0	14.2	13.9
25-36	23.8	25.3	24.1	24.3	24.5	24.3	22.7
37-48	35.3	35.6	34.3	35.2	35.3	33.9	35.6
49-60	45.7	47.2	45.4	47.4	45.0	45.2	46.2
61-72	54.8	57.6	51.5	53.8	54.7	54.5	54.4
73-84	66.7	67.4	64.0	64.4	66.5	67.7	67.3
85-96	76.5	77.4	72.8	77.7	76.4	62.0	76.6
97-108	85.3	87.3	77.6	86.5	84.3	84.1	87.4
109-120	95.7	97.0	62.3	...	96.1	98.6	95.1
121-144	105.0	105.6	79.7	84.2	105.8	90.3	100.8
145-180	97.8	108.3	70.0	88.4	100	...	89.2
181-240	115.4	122.7	94.2	118.5	113.0	...	114.5
241-300	133.5	140.6	82.7	142.2	129.7	122.0	136.3
Over 300	158.5	175.8	121.8	127.3	142.9	168.0	151.7
New law cases							
All releases	26.3 mo	44.6 mo	14.4 mo	16.8 mo	39.9 mo	16.8 mo	17.1 mo
1-12 mo ^c	4.7	5.4	5.1	5.1	6.4	5.4	4.2
13-24	13.9	14.1	13.7	14.1	14.0	14.2	14.0
25-36	23.8	25.3	24.1	24.3	24.6	24.3	22.7
37-48	35.3	35.7	34.5	35.2	35.2	33.9	35.8
49-60	45.9	47.2	45.8	47.4	45.2	45.2	46.5
61-72	55.1	57.4	53.7	56.1	54.8	57.5	54.9
73-84	67.0	67.6	66.8	67.2	66.7	67.7	67.5
85-96	76.9	77.9	76.2	77.7	76.7	77.9	77.0
97-108	86.3	87.9	86.9	86.5	85.6	84.1	87.8
109-120	97.2	98.4	...	...	96.7	98.6	97.6
121-144	107.2	109.3	105.2	110.0	107.1	108.9	107.0
145-180	—	—	...	...	—	...	...
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 4-7, p. 104.

Note: Of the 31,200 first releases by standard methods, 30,467 were new law and 733 were old law.

—Too few cases to obtain statistically reliable data.

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

**As of fiscal year 1998, new law inmates who were sentenced to more than 149 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and

death), because the Federal Sentencing Guidelines took effect as of November 1987. See table 7.11, p. 99. However, in 1998, there were 4 new law standard releases who were sentenced to more than 149 months.

^aSentence for the single most serious offense.

^bSee *Chapter notes*, item 4, p. 104, and "Offense classifications" in *Methodology*, p. 107.

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

Table 7.14. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods during October 1, 1997 - September 30, 1998

Sentence imposed ^a	Percent of sentence served for ^b —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
All cases							
All releases	90.9%	86.0%	93.1%	92.7%	88.1%	91.5%	93.3%
1-12 mo	99.9	99.5	100.8	99.9	100.2	99.6	99.6
13-24	88.9	89.7	89.2	89.6	88.5	88.3	88.9
25-36	87.6	87.3	87.2	87.9	87.5	87.9	87.7
37-48	87.4	87.7	86.6	87.6	87.6	87.6	87.4
49-60	87.4	88.2	86.7	87.7	87.4	87.4	87.3
61-72	87.2	87.8	84.0	84.5	87.4	84.1	87.0
73-84	87.3	87.9	83.7	84.5	87.2	87.0	87.7
85-96	87.2	87.9	84.4	87.5	87.3	72.1	87.2
97-108	86.5	87.5	78.7	88.2	86.2	87.0	87.3
109-120	86.5	87.0	57.6	...	87.0	87.1	85.5
121-144	85.6	84.9	66.3	66.8	86.4	75.2	82.0
145-180	64.2	71.2	45.2	61.3	64.9	...	61.9
181-240	59.8	62.6	52.3	59.8	58.2	...	60.8
241-300	54.4	56.9	34.4	56.2	53.3	50.8	55.3
Over 300	43.3	47.3	29.3	35.4	39.5	50.2	45.3
New law cases							
All releases	91.7%	89.2%	93.6%	93.4%	88.9%	92.0%	93.8%
1-12 mo	100	99.7	100.9	99.9	100.2	99.6	99.6
13-24	88.9	89.7	89.2	89.6	88.6	88.4	89.0
25-36	87.7	87.4	87.3	88.1	87.6	87.9	87.8
37-48	87.6	87.9	87.0	87.6	87.6	87.6	87.7
49-60	87.7	88.2	87.3	87.7	87.7	87.4	87.6
61-72	87.7	88.0	87.3	87.7	87.6	87.8	87.9
73-84	87.6	88.1	87.0	87.6	87.5	87.0	87.8
85-96	87.7	88.4	88.1	87.5	87.6	89.4	87.6
97-108	87.6	88.1	87.1	88.2	87.4	87.0	87.6
109-120	87.7	88.1	...	...	87.6	87.1	87.6
121-144	87.4	87.8	87.5	87.2	87.4	90.6	87.2
145-180	—	—	...	...	—	...	...
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia; see *Chapter notes*, items 4-7, p. 104.

Note: Of the 31,200 first releases by standard methods, 30,467 were new law and 733 were old law.

—Too few cases to obtain statistically reliable data.

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

**As of fiscal year 1998 new law inmates who were sentenced to more than 149 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and death), since the Federal Sentencing Guidelines took effect as of November 1987. See table 7.11, p. 99. In 1998, there were 4

new law standard releases who were sentenced to more than 149 months.

^aSentence for the single most serious offense.

^bSee *Chapter notes*, item 4, p. 104, and "Offense classifications" in *Methodology*, p. 107.

Table 7.15. Characteristics of first releases from prison, by offense, all releases, October 1, 1997 - September 30, 1998

Offender characteristic	Total number of released offenders	Percent of released offenders convicted of ^a —						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
Number of releases^b	34,504	34,504	1,862	5,095	1,196	13,979	670	11,274
Male/female								
Male	30,412	88.3%	92.9%	77.7%	84.0%	87.3%	82.4%	94.4%
Female	4,017	11.7	7.1	22.3	16.0	12.7	17.6	5.6
Race								
White	25,231	73.3%	53.5%	67.2%	63.5%	69.5%	75.0%	84.8%
Black	8,098	23.5	30.3	28.2	30.8	28.9	21.8	13.1
Other	1,100	3.2	16.3	4.6	5.8	1.6	3.1	2.1
Ethnicity								
Hispanic	13,889	40.3%	7.2%	11.5%	6.3%	40.6%	21.5%	63.5%
Non-Hispanic	20,540	59.7	92.8	88.5	93.7	59.4	78.5	36.5
Age								
16-18 years	337	1.0%	3.0%	0.1%	0.9%	0.5%	1.2%	1.5%
19-20 years	1,632	4.7	6.9	1.8	6.4	4.7	4.6	5.6
21-30 years	13,470	39.1	40.7	26.5	36.1	40.0	28.8	44.5
31-40 years	10,707	31.1	30.1	31.7	27.8	32.7	30.2	29.7
Over 40 years	8,282	24.1	19.3	39.9	28.8	22.1	35.1	18.6
Citizenship								
U.S. citizen	20,721	60.7%	94.7%	83.3%	93.3%	65.4%	82.8%	33.9%
Not U.S. citizen	13,436	39.3	5.3	16.7	6.7	34.6	17.2	66.1

Note: Totals include prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 104. Percentages in this table are based on nonmissing characteristics.

^aSee *Chapter notes*, item 4, p. 104, and "Offense classifications" in *Methodology*, p. 107.

^bOf the 34,504 total cases, 33,725 (or 98%) were new law cases.

Table 7.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics, October 1, 1997 - September 30, 1998

Offender characteristic	Number of prisoners released	Mean time served for ^a —						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
All releases^b	31,200	28.0 mo	53.7 mo	14.9 mo	18.1 mo	41.4 mo	18.1 mo	18.0 mo
Male/female								
Male	27,598	28.8 mo	55.0 mo	15.8 mo	20.0 mo	42.5 mo	19.2 mo	18.3 mo
Female	3,536	20.8	35.1	11.6	8.3	32.5	12.5	13.2
Race								
White	22,932	24.8 mo	55.6 mo	15.0 mo	19.9 mo	38.0 mo	17.7 mo	15.4 mo
Black	7,149	37.8	59.5	14.6	14.6	49.2	20.5	34.6
Other	1,053	26.9	36.2	13.6	18.2	39.7	11.9	22.1
Ethnicity								
Hispanic	13,078	21.9 mo	53.5 mo	11.9 mo	22.4 mo	36.9 mo	15.7 mo	12.2 mo
Non-Hispanic	18,056	32.2	53.6	15.2	17.8	44.7	18.7	28.6
Age								
16-18 years	331	16.4 mo	38.2 mo	3.1 mo	25.5 mo	21.2 mo	15.7 mo	7.0 mo
19-20 years	1,521	22.7	37.5	11.9	16.2	35.4	22.2	10.9
21-30 years	12,199	27.1	55.7	12.7	18.4	40.0	18.0	16.4
31-40 years	9,623	29.2	57.9	14.8	16.9	41.8	17.4	19.7
Over 40 years	7,459	29.0	50.9	16.5	19.1	44.6	18.2	22.2
Citizenship								
U.S. citizen	17,985	32.6 mo	54.4 mo	15.4 mo	18.4 mo	42.7 mo	19.2 mo	29.5 mo
Not U.S. citizen	12,884	21.6	41.1	12.6	16.6	39.2	13.5	12.4

Note: Totals include prisoners whose offense category could not be determined, and exclude prisoners released by extraordinary methods such as commutation and death; see *Chapter notes*, items 4-7, p. 104.

^aSee *Chapter notes*, item 4, p. 104, and "Offense classifications" in *Methodology*, p. 107.

^bOf the 31,200 total cases, 30,467 (or 98%) were new law cases.

Chapter notes

- 1) Offenders were classified according to their most serious offense at conviction. In cases involving multiple offenses, the AOUSC offense severity hierarchy was applied. The most serious offense was the one with the most severe penalty imposed. If equal prison terms were imposed, or there was no imprisonment, the offense with the highest severity code, as determined by the *U.S. Title and Code Criminal Offense Citations Manual*, was selected.
- 2) Tables 7.1 and 7.2 were created using the probation, parole, and supervision data files of the Federal Probations Supervision Information System (FPSIS), which is maintained by the AOUSC. Yearend pending cases (that is, records with offenders who were under active supervision as of the end of the fiscal year, September 30, 1998) 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, 1997, through September 30, 1998, 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 1998. Tables 7.11-7.16 include only prisoners committed by U.S. district courts or released by the BOP during fiscal year 1998.

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 1998, 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 or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. 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 1998. 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 courts martial or District of Columbia Superior Court — were excluded from tables 7.11-7.16, as were other persons admitted to Federal prison but not committed from a U.S. district court.
- 7) In tables 7.11-7.16, time served was calculated for prisoner's arrival into jurisdiction of the BOP until first release from prison, plus any jail time served and credited. The calculation is the same as that currently used by the BOP. Prisoners serving consecutive sentences may have total imposed sentences exceeding the longest single sentence length. Accordingly, time actually served may exceed the longest single imposed sentence. The percent of sentenced served (in tables 7.12 and 7.14) is the average of each individual prisoner's percent of sentence served. Because other publications may include different groups of prisoners, calculate time served differently, or use a different offense classification, data in tables in this *Compendium* may differ from estimates of time served in previous publications by 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.

the BOP or in publications based on other data sources.

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

- 8) Table 7.9 shows all persons admitted to, or released from, the jurisdiction of the BOP during fiscal year 1998. 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 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 also maintains the data collected by the Pretrial Services Agency, the U.S. Court of Appeals, and the U.S. Probation 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 some event which occurred during fiscal year 1998 (October 1, 1997, through September 30, 1998). Some data files provided by source agencies are organized according to a calendar year time frame; these have been combined and divided into fiscal years for purposes of the *Compendium*. 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 1998 in this *Compendium* have

been assembled from source files containing records of 1998 matters concluded which were entered into the data system during fiscal years 1998 or 1999.

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 sex, race, ethnicity, and prior record information.

Table construction and interpretation

The tables presented report events that occurred during the Federal fiscal year — October 1, 1997 - September 30, 1998. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention or tables showing defendants sentenced to incarceration. 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 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,

*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.

which are converted into U.S. Marshals' four-digit offense codes, which, in turn are aggregated into the offense categories shown in the tables. These categories are similar, but may not be directly comparable to the BJS offense categories used in other chapters of this *Compendium*. For data from the Executive Office for U.S. Attorneys, which include United States Code citations but do not include the Administrative Office 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. Chapter 2 does not use this distinction because many suspects cannot be so classified at the investigation stage 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.

"Other sex offenses" may include some nonviolent 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.

Figure S.2.

Figure S.2. uses data from the Executive Office for U.S. Attorneys and the Administrative Office of the U.S. Courts to provide an overview of case processing in the Federal criminal justice system. The figure uses data from two separate cohorts of

persons involved in criminal proceedings. The data on suspects in criminal matters concluded and defendants prosecuted come from the cohort of suspects in matters concluded during October 1, 1997, through September 30, 1998. (The filing of charges in a criminal case is one conclusion of a matter; the other is the declination of the matter for prosecution.) For the other three outcomes in figure S.2. — offenders convicted, sentenced to prison, or given a term of probation — the data come from the cohort of defendants in cases terminating during fiscal year 1998 in U.S. district courts (by either a judge or a magistrate).

A total of 106,022 suspects were investigated in matters concluded by U.S. attorneys during 1998 (table 2.2). Seventy-three percent of these suspects were prosecuted in U.S. district court, either before U.S. district court judges (64,993/106,022 = 61.3%) or before U.S. magistrates (12,243/106,022 = 11.5%). The conviction data in figure S.2. refer to defendants in cases terminated in U.S. district court during 1998, whether before U.S. district court judges or U.S. magistrates. Fifty-seven percent (60,958/106,022) of the defendants in cases terminating during 1998 were convicted (table 4.2).

Of the defendants investigated, 41% (43,041/106,022) were reported as sentenced to a term of imprisonment, and 12% (12,744/106,022) were sentenced to a term of probation without imprisonment (table 5.2). These figures are based on all charges, whether they eventually were felony or misdemeanor offenses.

Source agencies for *Compendium* data tables

Data source agency — data files	Description of data files contents	<i>Compendium</i> tables
United States Marshals Service (USMS) — Prisoner Tracking System (PTS)	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
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.	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 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 offender 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.	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 phonorecords, 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 (i.e., excludes offenders who are returned to prison after their first release, such as probation, parole, etc.).

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. (See also, "Split sentence.")

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(ii)).

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.

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).

Rape — 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)).

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.

Sex offenses, other — 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).

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, rape, other sex offenses (some of which may be nonviolent), 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)).