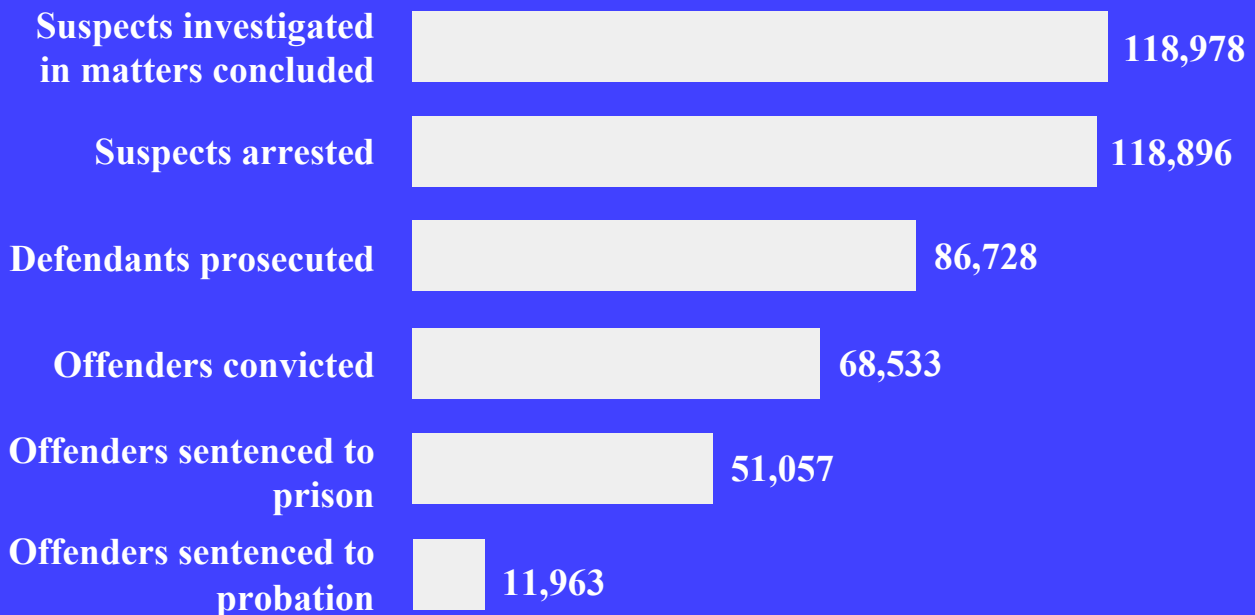




Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 2001

Federal criminal case processing, October 1, 2000-September 30, 2001



A Federal Justice Statistics Program Report

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Office of Justice Programs
Bureau of Justice Statistics

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Highlights

The number of suspects investigated by U.S. attorneys decreased between 2000 and 2001, from 123,559 to 121,818. 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 decreased slightly between 2000 and 2001, from 87,006 to 86,728.

The number of offenders under Federal correctional supervision increased 69% between 1990 and 2001. At the end of fiscal year 2001, the number of offenders in Federal prison or on community supervision was 239,743 compared to 141,790 during 1990.

At the end of fiscal year 2001, the number of Federal inmates serving a sentence of imprisonment increased by 7,066 to 136,395. The number under community supervision was 103,348. Over two-thirds of those under community supervision were on post-incarceration supervised release (68,496) or parole (4,070).

Arrest

During 2001, 118,896 suspects were arrested by Federal law enforcement agencies for violations of Federal law. Twenty-nine percent of those arrested and booked by the U.S. Marshals Service were for drug offenses, 21% for immigration offenses, 16% for supervision violations, 14% for property offenses, 8% for public-order offenses, 5% for weapon offenses, 4% for violent offenses, and 3% to secure and safeguard a material witness.

About 71% of suspects booked by the U.S. Marshals Service were arrested by Department of Justice agencies, while Treasury Department agencies accounted for 12% of all arrests. Within the Department of Justice, the U.S. Marshals Service made 38% of the arrests; the Immigration and

Naturalization Service, 34%; and the Federal Bureau of Investigation and the Drug Enforcement Administration 14% each.

Prosecution

During 2001 U.S. attorneys initiated criminal investigations involving 121,818 suspects, and they concluded their investigations of 118,978 suspects. Thirty-one percent of the suspects were investigated for drug, 24% for property, 20% for public order, 13% for immigration, 7% for weapon, and 5% for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 72,648 in U.S. district courts and 14,080 were disposed of before U.S. magistrates. During 2001, U.S. attorneys declined 27% of matters concluded.

Suspects in criminal matters involving immigration or drug offenses were slightly more likely to be prosecuted in a U.S. district court (81% and 79%, respectively) than were suspects involved in weapon (64%), violent (60%), property (52%), or public-order offenses (29%). Suspects involved in property offenses (such as fraud) or public-order offenses were more likely to be declined for prosecution (42% and 38%, respectively) than were suspects investigated for violent (35%), weapon (34%), drug (17%), or immigration (3%) offenses.

Pretrial release

Of 75,275 pretrial cases commenced in 2001, 39% were released after either an initial or detention hearing, while 61% were detained, and less than 1% were dismissed.

During 2001, 46% of the 68,214 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses or public-order offenses were more likely to be released prior to trial (78% and 72%, respectively) than were defendants charged with weapon (45%), drug (41%), violent (36%), or immigration (12%) offenses.

The proportion of defendants released prior to their trial decreased from 62% during 1990 to 46% during 2001.

Defendants having a prior criminal history of serious or violent crimes were less likely to be released than those without a prior criminal history; defendants with a greater number of prior convictions were less likely to be released than those with fewer prior convictions. About 26% of the defendants with a prior violent felony conviction were released before trial, while 60% of defendants with no prior convictions were released. Forty-nine percent of defendants with one prior conviction were released, as compared to 38% of defendants having two to four prior convictions and about 28% of defendants having five or more prior convictions.

Eighty-one percent of defendants released prior to trial completed their periods of release without violating the conditions of their release. Nineteen percent of defendants released violated the conditions of their release, and 7% of defendants had their release revoked. Defendants charged with weapon or drug offenses were more likely to commit at least one violation of their conditions of release (30% and 28%, respectively), while defendants charged with weapon or violent offenses were more likely to have their release revoked (13% for each offense category) than were other defendants.

Defendants released during 2001 were more likely to violate the conditions of their pretrial release than those released during 1990. During 2001, 19% of those released at some point prior to trial violated a condition of their release. During 1990, 12% violated their release conditions.

Adjudication

During 2001, 82,614 defendants were charged in Federal courts with a criminal offense, 86% of whom were charged with felonies. Of the defendants charged with felonies, 43% were prosecuted for drug, 21% for property, 16% for immigration, 9% for

weapon, 6% for public-order, and 4% for violent offenses.

The number of defendants charged with a felony immigration offense decreased by 4% between 2000 and 2001, from 12,036 to 11,504. The number charged with a felony drug offense increased by 3%, from 29,455 to 30,301.

Criminal cases were concluded against 77,145 defendants during 2001, 86% of whom had been charged with felonies. The proportion of defendants convicted in the Federal courts increased from 81% during 1990 to 89% during 2001. The proportion of convicted defendants who pleaded guilty increased from 87% during 1990 to 95% during 2001.

About 92% of defendants charged with felonies were convicted. The conviction rate was similar for the major offense categories: 95% of defendants charged with immigration offenses, 92% of drug defendants, 91% of property defendants, 90% of violent and weapon defendants, and 87% of public-order defendants.

Sentencing

Defendants convicted during 2001 were more likely to be sentenced to prison than those convicted during 1990. During 2001 about 75% of defendants were sentenced to prison compared to 60% of those sentenced during 1990.

Ninety-two percent of felony drug offenders, violent offenders, and weapon offenders received prison sentences during 2001, as did 90% of felony immigration offenders, 63% of felony property offenders, and 62% of felony public-order offenders.

Average length of prison sentences imposed, by offense, October 1, 2000 - September 30, 2001

Most serious offense of conviction	Average sentence length
All offenses	56.5 mo
Felonies	58.0
Violent offenses	90.8
Property offenses	24.1
Drug offenses	73.8
Public-order offenses	39.3
Weapon offenses	86.9
Immigration offenses	29.2
Misdemeanors	10.0

The 51,057 offenders sentenced to prison received, on average, 56.5 months of imprisonment. Offenders sentenced for violent felony offenses felony weapon offenses, and felony drug offenses received longer average prison terms (90.8, 86.9, and 73.8 months, respectively) than those convicted of felony property, immigration, public-order offenses (24.1, 29.2, and 39.3 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 offenders, the average term imposed was 94.8 months; for drug felony offenders, the average term was 84.1 months.

Appeals

Between 1994 and 2001, the number of appeals received by the U.S. Courts of Appeals remained relatively constant — between about 9,000 and 11,000 annually. However, the proportion of criminal defendants appealing some aspect of their conviction decreased from 21% during 1994 to 16% during 2001.

During 2001, 11,281 criminal appeals were filed, a 23% increase from FY2000 (9,162). Forty-nine percent of the appeals filed challenged both the conviction and sentence imposed. Only 4% of appeals were filed by the Government. Of the 11,165 appeals terminated during 2001, 77% (or 8,577) were terminated on the merits. In 83% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

Corrections

Community supervision

Between 1990 and 2001, the number of offenders on community supervision increased by 22%, from 84,801 during 1990 to 103,348 during 2001. While nearly equal proportions of offenders were serving terms of probation and post-incarceration supervision (parole or supervised release) during 1990, during 2001, over two-thirds were serving a term of post-incarceration supervision (66% supervised release and 4% parole) while 30% were on probation.

Admissions to Federal Bureau of Prisons, releases, and prisoners at yearend, by offense, October 1, 2000 - September 30, 2001

Most serious offense of conviction	All admissions	All releases	Population at yearend
All offenses	66,654	59,321	136,395
Violent offenses	6.8%	7.6%	9.8%
Property offenses	16.3	18.2	7.3
Drug offenses	41.0	39.1	56.6
Public-order offenses	7.3	8.3	5.6
Weapon offenses	7.3	5.5	8.9
Immigration offenses	19.8	19.7	11.0

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

Drug offenders comprised 12% of offenders on probation, 54% of offenders serving terms of supervised release, and 47% of offenders on parole. Property offenders comprised 37% of offenders on probation, 25% of offenders serving terms of supervised release, and 9% of offenders on parole.

A total of 14,961 offenders terminated probation during 2001. Most of these offenders (80%) completed their terms of probation successfully. Twelve percent of probationers terminating supervision during 2001 committed technical violations; 6% committed new crimes.

A total of 24,966 offenders completed terms of supervised release during 2001. Of these offenders, 64% successfully completed their terms without violating conditions of release; 21% committed technical violations; and 13% committed new crimes.

A total of 1,653 offenders completed terms of parole during 2001. Of these offenders, 56% successfully completed their terms without violating conditions of release; 25% committed technical violations; and 13% committed new crimes.

Prison

Between 1990 and 2001, the number of inmates serving a sentence of imprisonment more than doubled, from 56,989 during 1990 to 136,395 during 2001.

During 2001, 51,085 prisoners were received by the Bureau of Prisons from U.S. district court commitments. An additional 15,569 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 41% of persons admitted into Federal prison — comprised the largest percentage of persons in prison (57%) at the end of 2001.

During 2001, 43,803 prisoners were released for the first time from Federal prison after commitment by a U.S. district court. Of these, 39,428 were released by standard methods and 4,375 were released by extraordinary means (death, treaty transfer, sentence commutation, or drug treatment). An additional 15,518 prisoners were released from subsequent commitments to Federal prison.

Average time served by Federal offenders increased from 24 months during 1994 to 29 months during 2001. The proportion of the sentence served increased from 65% during 1990 to 88% during 2001.

Violent, weapon, and drug offenders were among those offenders who served the longest prison terms (55 months, 44 months, and 42 months, respectively).

Average time to first release, standard releases, by offense, October 1, 2000 - September 30, 2001	
Most serious original offense of conviction	Mean time served
All offenses	29.3 mo
Violent offenses	54.8
Property offenses	16.1
Drug offenses	41.8
Public-order offenses	24.2
Weapon offenses	43.7
Immigration offenses	15.2

Introduction

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

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

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

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

The 2001 *Compendium*, 16th in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000, 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, 2001 (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, 2000 - September 30, 2001. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention, tables showing defendants sentenced to incarceration, or tables describing offenders under post-conviction community supervision. Juvenile offenders charged as adults are included in the reported statistics. Felony and misdemeanor distinctions are provided

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

Organization of the *Compendium*

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

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

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

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

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

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

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

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

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

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

Modifications in the 2001 *Compendium*

Weapon and immigration offenses were elevated to major offense categories. Previously, weapon and immigration offenses were detailed offense categories classified under the major offense category of “public-order offenses”. Therefore, comparisons between public-order offenses in this *Compendium* to those in previous *Compendia* are not valid. To make such comparisons, weapon and immigration offense counts must be subtracted from “public-order offenses” in previous *Compendia*. Table 3.1 in chapter 3 describing pretrial hearing outcomes for cases commenced also has been added for 2001.

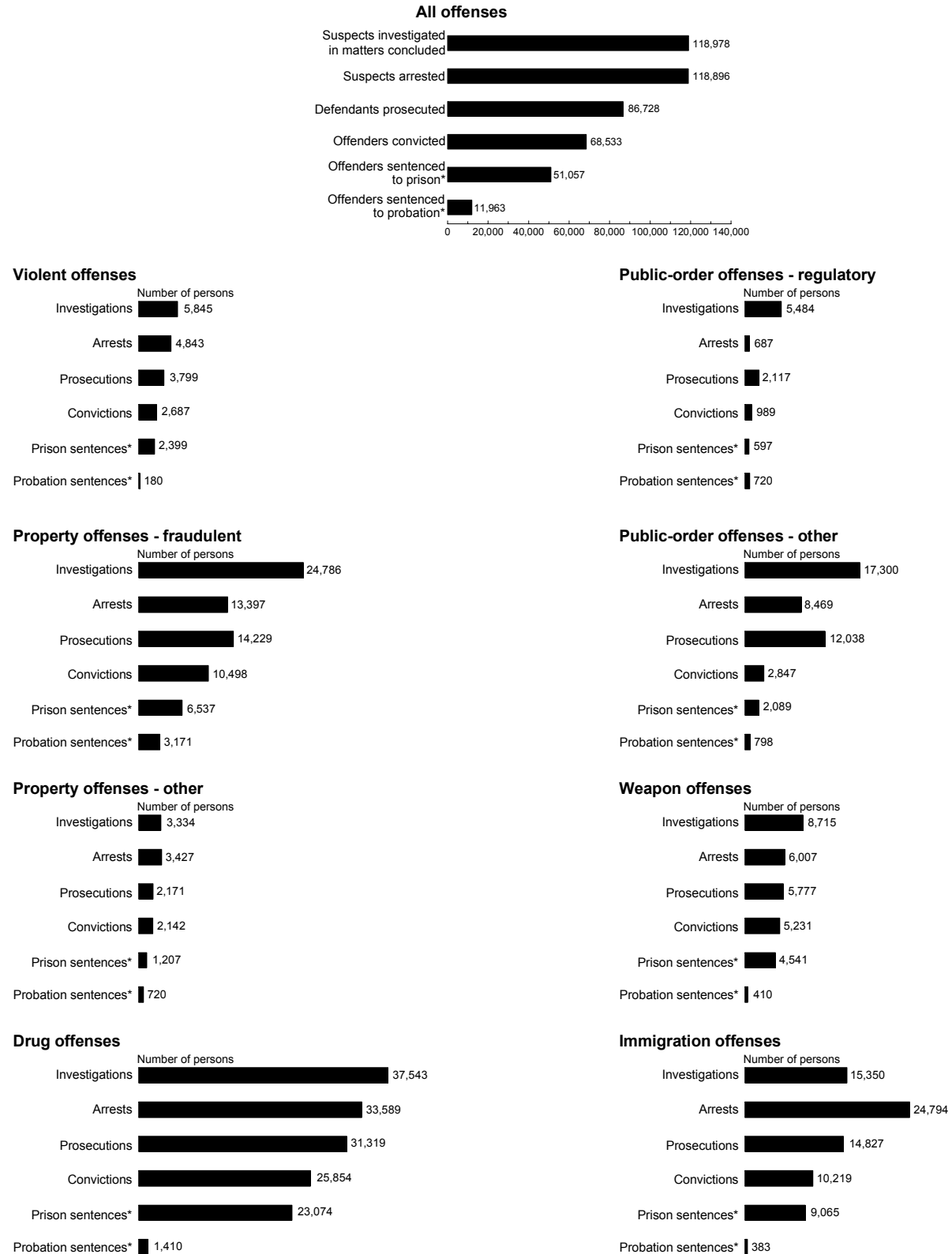
Several figures containing maps have been added to the chapters to supplement tables and text. These maps typically display the 94 judicial districts in the United States and show either the geographical distribution of a case processing statistic (such as the number of suspects in matters referred to U.S. attorneys), or a district’s rate or percentage on a case processing decision (such as the percent of cases concluded that went to trial). The new figures containing maps are figures 1.1, 1.4, 2.2, 4.3, 7.6, and 7.7.

Notes to reader

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

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

Federal criminal case processing, October 1, 2000 - September 30, 2001



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

Figure S.2.

Arrests for Federal offenses

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Chapter 1

Arrests for Federal offenses

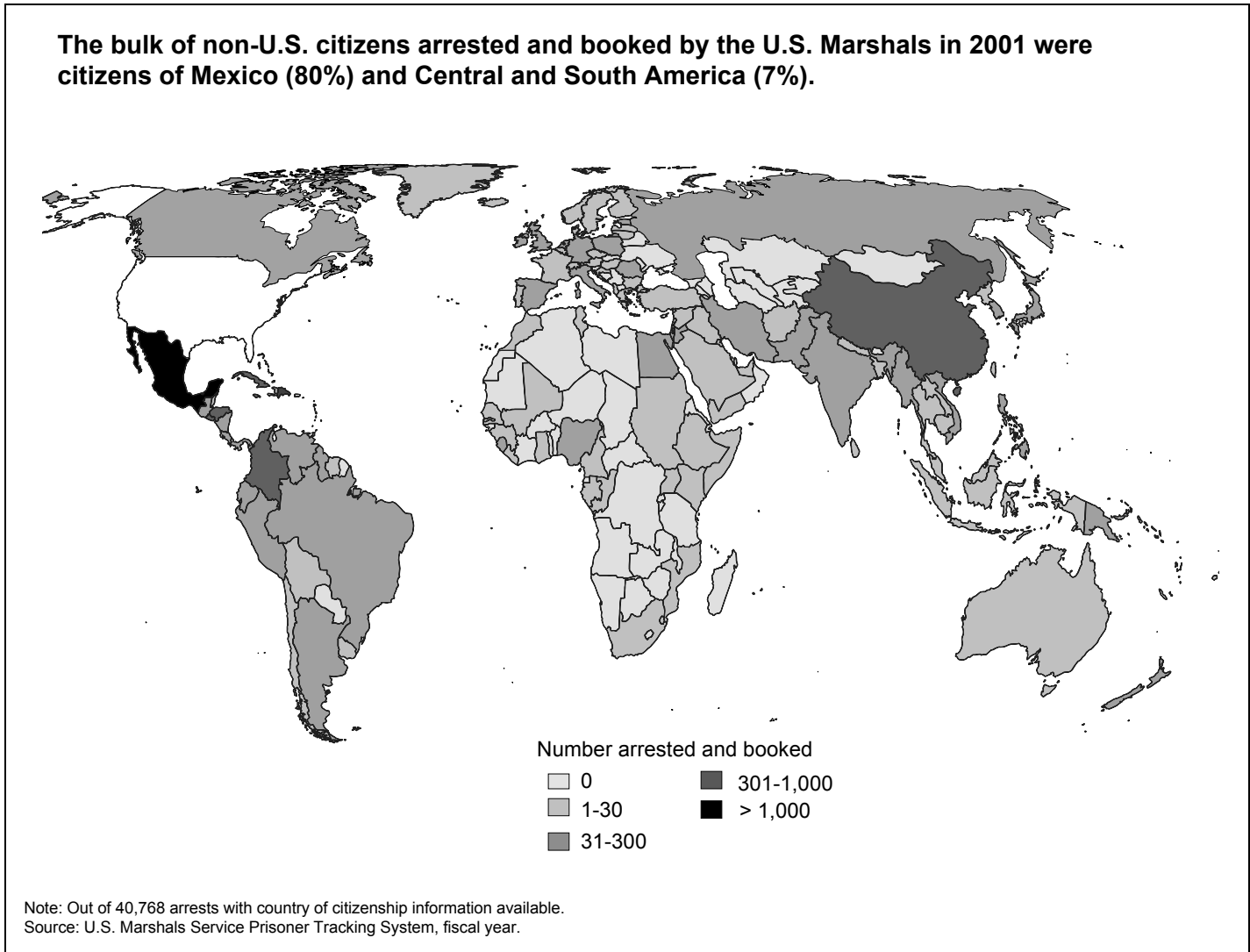


Figure 1.1. Country of citizenship of non-U.S. citizens arrested and booked by the U.S. Marshals Service, October 1, 2000- September 30, 2001

Sixty-nine Federal agencies employ full-time personnel empowered to make arrests. As of June 2000 these agencies employed about 88,000 officers.¹ The Department of Justice employed more than half (58%) of all law enforcement officers. The Department of Treasury employed 21% of all officers.

Suspects arrested by Federal agencies are transferred to the custody of the U.S. Marshals Service for processing, transportation, and detention.² During 2001 the U.S. Marshals Service received 118,896 suspects for processing from the Federal law enforcement agencies, including over 32,000 suspects arrested by deputy U.S. Marshals and nearly 12,000 by the Drug Enforcement Administration (DEA).

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

During 2001, 118,896 suspects were arrested by Federal law enforcement agencies for violations of Federal law and booked by the U.S. Marshals Service. Of those suspects arrested and booked, 28% were for drug offenses, 21% for immigration offenses, 16% for supervision violations, 14% for property offenses, 8% for public-order offenses, 5% for weapon offenses, 4% for violent offenses, and 3% to secure and safeguard a material witness.

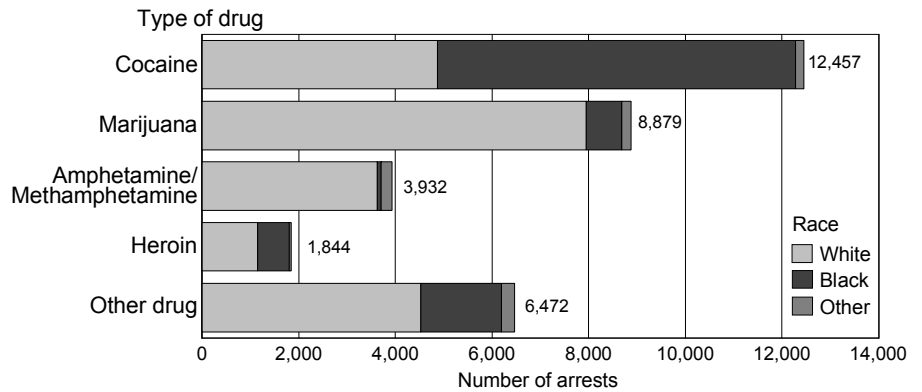
Thirty-seven percent of drug arrests involved cocaine (crack or powder); 26%, marijuana; 12%, amphetamine or methamphetamine; 6%, heroin; and the remainder, other drugs or drug paraphernalia (figure 1.2).

Most (84%) of arrests for immigration offenses were for illegal entry into the

¹Brian A. Reaves and Timothy C. Hart, *Federal Law Enforcement Officers, 2000*, Bureau of Justice Statistics, Washington, DC (NCJ 187231).

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."

Most suspects arrested and booked by the U.S. Marshals Service for drug offenses were white and cocaine was the most common drug



Note: Not shown are 27 drug paraphernalia arrests and 5 drug arrests for which race was not specified. Hispanics are not shown separately, but are included among the white and black categories. The underlying data do not distinguish between Hispanics and non-Hispanics.

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

Figure 1.2. Type of drug involved in drug arrests, by race of arrestee, October 1, 2000 - September 30, 2001

United States; 11% involved alien smuggling; 3% involved false claims of citizenship by entrants to the United States; and 2% involved other immigration violations (figure 1.3).

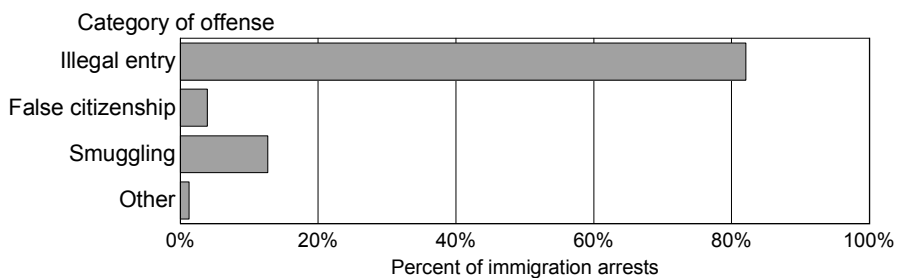
Number arrested and booked by law enforcement agencies (table 1.2)

During 2001 components of the Department of Justice made 71% of all arrests for Federal offenses, and Department of Treasury components accounted for another 12% of all arrests.

In addition, 4% of arrests were made by State and local agencies and 7% of suspects were arrested after voluntarily reporting to the U.S. Marshals following a summons.

Within the Department of Justice, 38% of arrests were made by the U.S. Marshals Service, 34% were made by the Immigration and Naturalization Service, 14% were made by both the Federal Bureau of Investigation and the Drug Enforcement Administration, and less than 1% were made by other Department of Justice components.

Illegal entry was the most common offense of suspects arrested and booked for an immigration offense



Note: The U.S. Marshals Service booked a total of 24,794 suspects arrested for an immigration offense. Source: U.S. Marshals Service Prisoner Tracking System, fiscal year.

Figure 1.3. Type of immigration offense of suspects arrested and booked, October 1, 2000 - September 30, 2001

Arrests reported by DEA agents (tables 1.4-1.5)

During 2001 the DEA reported their agents arrested 32,925 suspects, although not all of these suspects were booked for violations of Federal law by the U.S. Marshals (see *Chapter notes*). Some of these suspects were referred to U.S. attorneys for a prosecutorial decision; others were referred to a State prosecutor. Suspects arrested by DEA agents were predominantly white (70%), non-Hispanic (62%), male (83%), and U.S. citizens (77%). The greatest proportion of them were between 21 and 30 years old (44%).

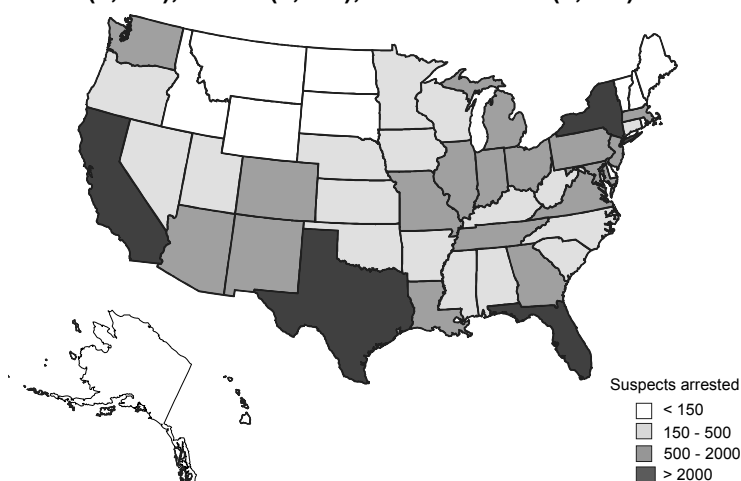
Cocaine was the predominant drug involved in arrests made by DEA agents, with cocaine powder comprising 23% of all arrests and crack cocaine, 16%. Twenty-two percent of DEA arrests involved methamphetamines; 20% involved marijuana; 10% involved opiates; and 11% involved other drugs or non-drug offenses. The majority of suspects arrested for each type of drug were white, except for crack cocaine, for which the majority of suspects were black.

About 5% of all suspects were armed at the time of their arrest. Whether a weapon was involved differed across demographic groups. Males were twice as likely to be armed at arrest as females (4% versus 2%). Blacks (5%) were more likely than whites (4%) to be armed at arrest. Non-Hispanics (5%) were more likely than Hispanics (3%) to be armed at arrest, and U.S. citizens (4.3%) were more

likely to be armed at arrest than non-citizens (3.6%).

If armed at arrest, suspects from all demographic subgroups were more likely to be armed with a handgun than any other weapon. Of the 1,370 suspects who were armed, 82% were armed with a handgun, and 22% were armed with a shotgun or rifle.

Most arrests reported by the DEA were in California (4,271), Florida (2,781), Texas (3,657), and New York (2,382).



Note: Not shown on map: District of Columbia (53), Guam (28), Puerto Rico (271), and the Virgin Islands (81).

Source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

Figure 1.4. Suspects arrested by the DEA, by the State where arrested, October 1, 2000 - September 30, 2001

Within the Treasury Department, 55% of arrests were made by the U.S. Customs Service, 26% were made by the Bureau of Alcohol, Tobacco and Firearms, 15% were made by the Secret Service, and 3% were made by the Internal Revenue Service.

Number arrested and booked across demographic groups (table 1.3)

Most (86%) of the suspects arrested by Federal law enforcement agencies during 2001 were male. Over two-thirds (70%) were white and about a quarter (27%) were black. Individuals between ages 21 and 40 comprised

70% of all those arrested. More than a third (38%) of those arrested were identified as noncitizens.

Two-thirds (66%) of the suspects arrested for drug offenses were white, and most of the remaining third (32%) were black. The racial distribution of suspects differed by the type of drug involved. Of those suspects arrested on charges involving marijuana, 90% were white and 8% were black. Of those suspects arrested on charges involving cocaine, 39% were white and 60% were black (figure 1.2).

Table 1.1. Suspects arrested for Federal offenses and booked by U.S. Marshals, by offense, October 1, 2000 - September 30, 2001

Most serious offense	Number	Percent ^a
All offenses^b	118,896	100%
Violent offenses	4,843	4.1%
Murder ^c	304	0.3
Negligent manslaughter	35	—
Assault	1,129	1.0
Robbery	2,800	2.4
Sexual abuse ^c	265	0.2
Kidnaping	161	0.1
Threatening communication	117	0.1
Other violent offenses	32	—
Property offenses	16,824	14.3%
Fraudulent	13,397	11.4%
Embezzlement	1,035	0.9
Fraud ^c	10,288	8.7
Forgery	329	0.3
Counterfeiting	1,745	1.5
Other	3,427	2.9%
Burglary	160	0.1
Larceny ^c	2,101	1.8
Motor vehicle theft	360	0.3
Arson and explosives	123	0.1
Transportation of stolen property	543	0.5
Other property offenses ^c	140	0.1
Drug offenses	33,589	28.5%
Public-order offenses	9,156	7.8%
Regulatory	687	0.6%
Antitrust	4	—
Food and drug	144	0.1
Civil rights	117	0.1
Other regulatory offenses	422	0.4
Other	8,469	7.2%
Tax law violations ^c	938	0.8
Bribery	229	0.2
Perjury, contempt, and intimidation	288	0.2
National defense	15	—
Escape	888	0.8
Racketeering and extortion	618	0.5
Gambling	119	0.1
Obscene material ^c	460	0.4
Child Support Recovery	371	0.3
Nonviolent sex offenses	512	0.4
Obstruction of justice	420	0.4
Traffic offenses	2,211	1.9
Conspiracy, aiding and abetting, and jurisdictional offenses	499	0.4
All other offenses ^c	901	0.8
Weapon offenses	6,007	5.1%
Immigration offenses	24,794	21.0%
Supervision violations	18,978	16.1%
Material witness	3,679	3.1%

—Less than .05%.

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

^bIncludes 1,026 suspects for whom an offense category could not be determined.

^cIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and

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

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

Table 1.2. Suspects arrested for Federal offenses and booked by U.S. Marshals, by Federal law enforcement agency, October 1, 2000 -September 30, 2001

Arresting agency ^a	Most serious offense at arrest											
	All offenses ^b	Violent	Property			Public-order			Weapon	Immigration	Supervision violations	Material witness
			Fraudulent	Other	Drug	Regulatory	Other					
All agencies	118,896	4,843	13,397	3,427	33,589	687	8,469	6,007	24,794	18,978	3,679	
Department of Agriculture	107	0	41	7	15	21	18	3	0	1	0	
Department of Defense	524	22	45	58	35	2	339	6	1	9	0	
Department of the Interior	891	96	13	46	96	55	357	30	2	154	0	
Indian Affairs	170	69	1	12	35	0	12	5	1	35	0	
Park Police	721	27	12	34	61	55	345	25	1	119	0	
Department of Justice	84,027	3,679	5,804	1,552	20,933	240	4,729	2,253	24,547	15,937	3,627	
Drug Enforcement Administration	11,778	34	64	8	11,400	27	80	68	13	34	14	
Federal Bureau of Investigation	11,573	2,356	2,955	563	3,638	78	1,431	260	24	138	44	
Immigration and Naturalization Service	28,308	33	382	23	324	0	400	79	23,412	260	3,371	
Marshals Service	32,336	1,253	2,403	956	5,568	135	2,810	1,846	1,097	15,498	198	
Other DOJ	32	3	0	2	3	0	8	0	1	7	0	
Department of State	308	0	273	2	3	0	4	0	24	2	0	
Department of the Treasury	14,070	115	2,427	165	7,714	17	590	2,839	77	62	15	
Bureau of Alcohol, Tobacco, and Firearms	3,666	55	75	59	594	5	48	2,791	5	11	5	
Customs Service	7,772	13	203	40	7,057	10	287	36	62	39	8	
Internal Revenue Service	470	4	189	4	51	0	211	1	5	0	2	
Secret Service	2,162	43	1,960	62	12	2	44	11	5	12	0	
Federal judiciary	612	10	257	156	35	0	42	7	16	78	3	
U.S. Postal Service	1,226	25	622	404	59	3	96	4	0	5	0	
Other	17,131	896	3,915	1,037	4,699	349	2,294	865	127	2,730	34	
Self-report, subpoena	8,427	150	3,251	674	1,074	201	1,221	295	38	1,467	3	
State and local	4,879	571	126	211	1,915	15	515	420	39	1,001	19	
Task force	1,367	6	23	3	1,245	2	21	30	7	22	1	
Other	2,458	169	515	149	465	131	537	120	43	240	11	

^aThis table displays data by the arresting Federal agency. The provisions of the Homeland Security Act of 2002 (P.L. 107-296) renamed the Treasury Department's Bureau of Alcohol, Tobacco and Firearms as the Bureau of Alcohol, Tobacco, Firearms and Explosives and transferred it to the Department of Justice. The Secret Service, U.S. Customs, and Immigration and Naturalization Service became a part of the Department of Homeland Security. This will be reflected in later editions of this report. 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."

^bIncludes 1,026 suspects for whom an offense category could not be determined.

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

Table 1.3. Characteristics of Federal arrestees booked by U.S. Marshals, October 1, 2000 - September 30, 2001

Arrestee characteristic	Number arrested	Percent of suspects arrested on—										
		All offenses	Violent	Property		Drug	Public-order		Weapon	Immigration	Supervision	Material witness
				Fraudulent	Other		Regulatory	Other				
All arrestees	118,896	100%	4.1%	11.4%	2.9%	28.5%	0.6%	7.2%	5.1%	21.0%	16.1%	3.1%
Male/female												
Male	101,637	85.5%	91.4%	70.4%	73.3%	84.7%	89.4%	85.2%	96.2%	91.7%	87.2%	81.9%
Female	17,249	14.5	8.6	29.6	26.7	15.3	10.6	14.8	3.8	8.3	12.8	18.1
Race												
White	81,858	69.6%	41.7%	62.6%	59.0%	66.3%	82.6%	72.5%	45.8%	95.5%	57.5%	92.0%
Black	31,934	27.1	45.6	33.7	33.6	31.6	8.7	22.7	52.4	3.2	38.3	4.4
Native American	1,869	1.6	11.5	0.6	3.7	0.7	5.4	1.9	1.1	0.1	3.1	0.1
Asian/Pacific Islander	2,013	1.7	1.2	3.1	3.7	1.3	3.3	2.9	0.7	1.3	1.1	3.5
Age												
Under 19 years	2,462	2.1%	5.8%	0.7%	3.0%	2.1%	2.0%	1.4%	1.9%	2.5%	0.6%	7.6%
19-20 years	7,045	5.9	10.4	3.5	7.4	6.7	4.4	5.2	7.5	6.7	2.8	11.3
21-30 years	48,440	40.8	39.0	29.6	32.9	44.1	21.7	30.0	46.5	48.7	36.2	51.4
31-40 years	34,474	29.0	26.3	30.1	28.5	28.3	27.8	26.6	24.6	29.9	33.0	21.9
Over 40 years	26,404	22.2	18.5	36.1	28.2	18.8	44.1	36.9	19.4	12.2	27.4	7.8
Citizenship												
U.S. citizen	68,200	62.2%	93.1%	85.2%	92.7%	70.1%	92.6%	89.7%	94.3%	4.8%	85.2%	3.4%
Not U.S. citizen	41,499	37.8	6.9	14.8	7.3	29.9	7.4	10.3	5.7	95.2	14.8	96.6

Note: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic.

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

Table 1.4. Characteristics of suspects arrested by DEA agents, by type of drug, October 1, 2000 - September 30, 2001

Arrestee characteristic	Total arrested	Percent arrested	Drug type					Other or non-drug
			Cocaine powder	Crack cocaine	Marijuana	Methamphetamine	Opiates	
All arrestees*	32,925	100%	7,534	5,278	6,351	7,220	3,137	3,405
Male/female								
Male	27,381	83.4%	6,563	4,555	5,360	5,669	2,566	2,668
Female	5,452	16.6	948	714	973	1,528	561	728
Race								
White	22,490	69.5%	4,734	1,217	4,807	6,792	2,150	2,790
Black	9,319	28.8	2,582	3,981	1,348	109	892	407
Native American	108	0.3	21	16	30	30	5	6
Asian/Pacific Islander	452	1.4	32	22	45	172	18	163
Ethnicity								
Hispanic	12,183	38.1%	3,848	802	2,906	2,269	1,777	581
Non-Hispanic	19,772	61.9	3,526	4,271	3,267	4,762	1,297	2,649
Age								
Under 19 years	196	0.6%	37	45	29	24	21	40
19-20 years	1,736	5.3	291	321	413	305	156	250
21-30 years	14,348	43.8	3,258	2,717	2,784	2,686	1,202	1,701
31-40 years	9,726	29.7	2,406	1,378	1,725	2,471	951	795
Over 40 years	6,735	20.6	1,495	801	1,356	1,690	792	601
Citizenship								
U.S. citizen	23,961	77.2%	4,893	4,569	4,441	5,361	1,993	2,704
Not U.S. citizen	7,094	22.8	2,191	424	1,616	1,467	958	438

Note: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic.

*Number of all arrestees will not match number of DEA arrests reported in table 1.2, as suspects arrested by DEA agents may be transferred to

State or local jurisdiction and are not booked by the U.S. Marshals Service. See *Chapter notes*, p. 19.

Source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

Table 1.5. Characteristics of suspects arrested by DEA agents, by weapons involved at time of arrest, October 1, 2000 - September 30, 2001

Arrestee characteristic	Total arrested	Total armed	Percent armed	If armed, percent with ^a —		
				Handgun	Shotgun or rifle	Other weapon
All arrestees^b	32,925	1,370	4.2%	82.7%	22.3%	7.7%
Male/female						
Male	27,381	1,240	4.5%	83.0%	21.0%	7.7%
Female	5,452	126	2.3	79.4	34.9	7.9
Race						
White	22,490	869	3.9%	79.4%	27.6%	8.5%
Black	9,319	457	4.9	89.5	11.2	5.5
Native American	108	4	3.7	100	0	25.0
Asian/Pacific Islander	452	21	4.6	66.7	33.3	14.3
Ethnicity						
Hispanic	12,183	420	3.4%	82.9%	18.1%	6.7%
Non-Hispanic	19,772	914	4.6	82.3	24.5	8.2
Age						
Under 19 years	196	11	5.6%	100%	18.2%	0%
19-20 years	1,736	83	4.8	85.5	16.9	13.3
21-30 years	14,348	644	4.5	85.6	15.5	6.4
31-40 years	9,726	377	3.9	79.6	28.1	10.1
Over 40 years	6,735	249	3.7	78.3	33.7	5.6
Citizenship						
U.S. citizen	23,961	1,033	4.3%	82.5%	23.8%	8.5%
Not U.S. citizen	7,094	257	3.6	84.4	17.5	4.7

Note: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic.

^aPercentages can exceed 100% when suspects are armed with more than one type of weapon.

^bNumber of all arrestees will not match number of DEA arrests reported in table 1.2, as suspects arrested by DEA agents may be transferred to State or local jurisdiction and not the U.S. Marshals Service. See *Chapter notes*, p. 19.

Source: Drug Enforcement Administration Defendants Statistical System, fiscal year.

Chapter notes

- 1) Tables 1.1-1.3 were derived from the U.S. Marshals Service Prisoner Tracking System. Only records of arrests made from October 1, 2000, through September 30, 2001, were selected. Information on individual cases, offenses, and detainees were used to construct the tables.
- 2) Tables 1.4-1.5 were derived from the DEA Defendants Statistical System. Only records of arrests made from October 1, 2000, through September 30, 2001, were selected. Some suspects arrested by DEA agents may be transferred to State or local jurisdiction and are never booked by the U.S. Marshals Service. Therefore, counts of DEA arrests from tables 1.4-1.5 will be higher than those reported in table 1.2.
- 3) 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 categories used in other tables of this *Compendium*.

Discussion **23**

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October 1, 2000 – September 30, 2001

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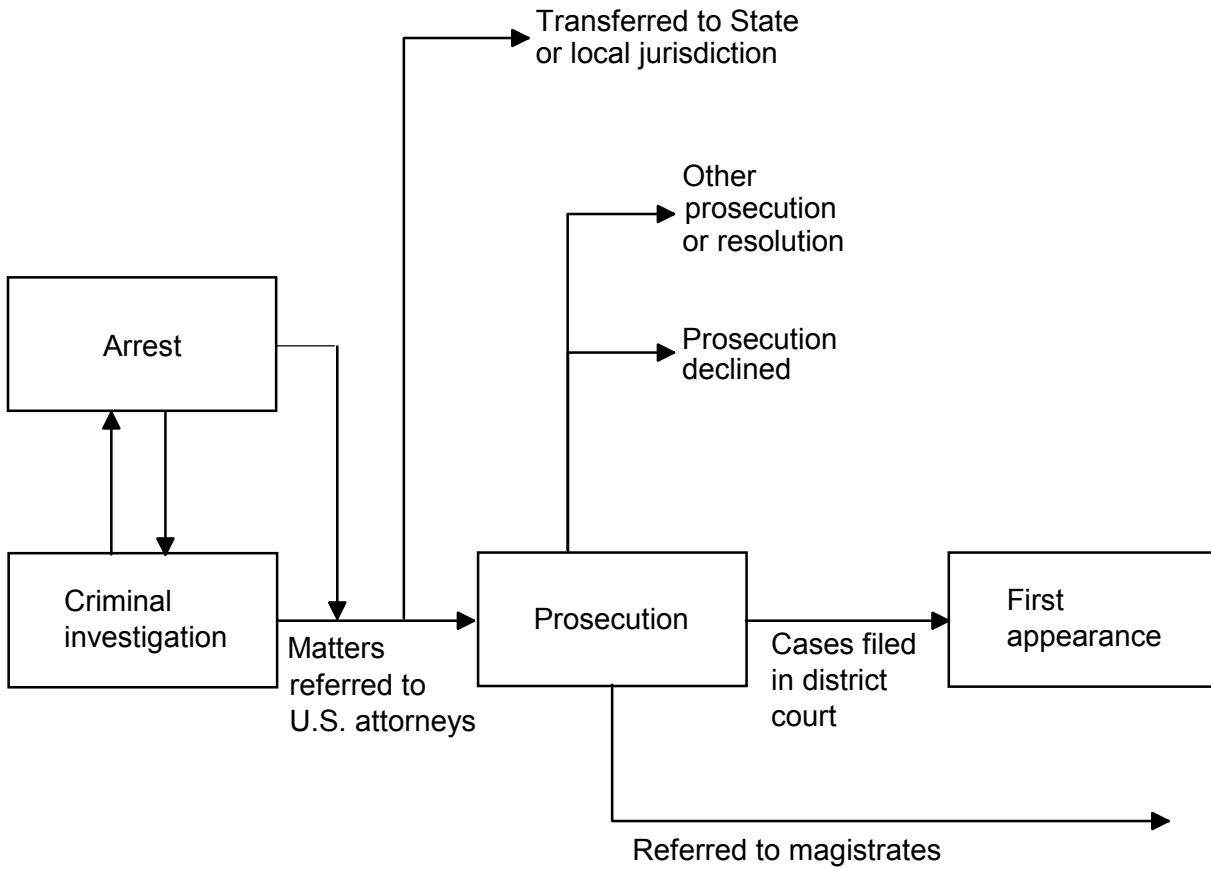
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Chapter 2

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 stationed throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands serve as the chief Federal law enforcement officers within their respective districts.

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

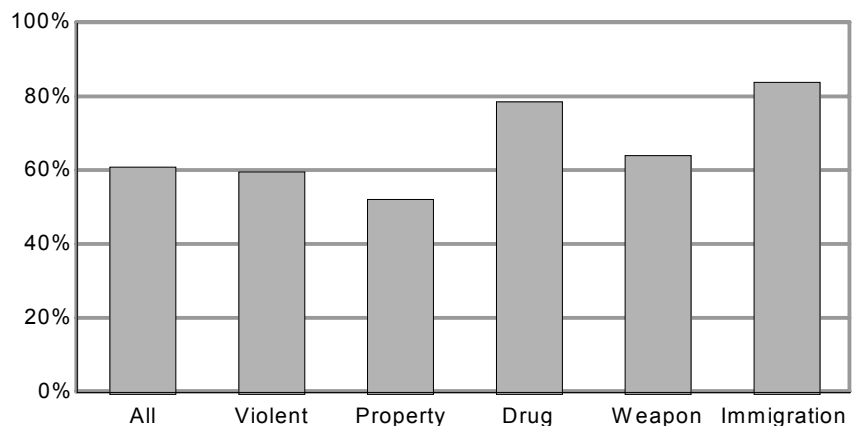
U.S. attorneys' decisions

After criminal investigations are initiated and criminal suspects are referred to them, U.S. attorneys may file charges against defendants in a U.S. district court or before U.S. magistrate judges, who have the authority to adjudicate misdemeanor offenses (18 U.S.C. § 3401). The U.S. attorneys count these misdemeanor cases as criminal matters disposed by U.S. magistrate judges.

U.S. attorneys may also decline to file charges for reasons such as weak or insufficient evidence, minimal Federal interest, lack of resources, or lack of criminal intent. Matters that are declined may be referred to another authority for prosecution or be settled through alternative resolution procedures.

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

Percent of suspects prosecuted in U.S. district courts



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

Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted in U.S. district court, by general offense category, October 1, 2000 - September 30, 2001

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

During 2001, 61% of the suspects investigated by U.S. attorneys were prosecuted in U.S. district court, and U.S. magistrate judges handled an additional 12%; 27% were declined. Suspects were prosecuted at different rates depending on the offense involved (figure 2.1). Suspects in immigration matters were the most likely to be prosecuted; 81% had charges filed against them in U.S. district court. The rate of prosecution was similar for drug offenses, with 79% of suspects having charges filed in district court. About two-thirds of suspects in weapon and violent offense matters were prosecuted (64% and 60%, respectively). Property offenses were the least likely to be prosecuted. Fifty-two percent of property offense suspects were prosecuted in district court.

Suspects in matters received (table 2.1)

During 2001 there were 121,818 suspects in new matters received for investigation by U.S. attorneys.¹ Of these suspects, about a third (31%) were investigated for drug offenses; about a quarter (24%) for property offenses; 20% for public-order offenses; 13% for immigration offenses; 7% for weapon offenses; and 5% for violent offenses. Relative percentages of offenses reflect criminal activity as well as Federal investigative, prosecutorial, and statutory priorities. Violent crimes and drug offenses continued to be high priorities in 2001 — particularly the operations of large drug organizations and illegal use of firearms — but terrorism became the top priority after the September 11, 2001, attacks against the United States.²

¹See *Chapter notes*, items 1 and 2, p. 33. The 2001 data are not directly comparable to the 1993 and prior compendia.

²*Statistical Report, United States Attorneys' Offices, Fiscal Year 2001*. U.S. Department of Justice, Executive Office for United States Attorneys, Washington, DC.

Disposition of suspects in matters concluded (tables 2.2-2.6)

Upon receiving a matter, a U.S. attorney may either decline it for prosecution immediately or investigate the matter further. Upon conclusion of the investigation, U.S. attorneys may file criminal charges in a U.S. district court, refer the matter to a U.S. magistrate, or decline the case for Federal prosecution. Of the 118,978 suspects in criminal matters concluded during 2001, 61% were prosecuted in U.S. district court, 12% were referred to U.S. magistrates, and 27% were declined for Federal prosecution.³

Suspects prosecuted in U.S. district court (table 2.2) — U.S. attorneys prosecuted 72,648 cases in U.S. district court in 2001. The likelihood of prosecution in U.S. district court varied widely across offense categories. Suspects involved in immigration and drug offenses were more likely to be prosecuted than suspects in other types of offenses. U.S. attorneys filed charges in district court against most (81%) of the suspects involved in immigration offenses and most (79%) of the suspects involved in drug offenses; 64% of those in weapon offenses; 60% of those in violent offenses; 52% of those in property offenses; and 28% of those in public-order offenses.

Differences in rates of prosecution within major categories were substantial. For example, among violent offenses, 78% of robbery suspects were prosecuted, while 52% of murder suspects, 44% of assault suspects, and approximately 40% of kidnaping and sexual abuse suspects were prosecuted. Among suspects investigated

for property offenses, those in counterfeiting matters had the highest rate of prosecution (66%), while those investigated for arson and explosives had the lowest rate of prosecution (42%). Among suspects investigated for public-order offenses, those in national defense (70%) and tax law matters (59%) were much more likely to be prosecuted than suspects in escape (25%) and civil rights (7%) matters.

Suspects in matters concluded by U.S. magistrates (table 2.2) — During 2001 U.S. attorneys referred 12% of all the criminal matters they investigated to U.S. magistrate judges. Cases concluded by U.S. magistrate judges are, by statute, misdemeanors.⁴ Public-order offenses made up the majority (54%) of matters concluded by U.S. magistrate judges; most of these were conspiracy, aiding and abetting, and jurisdictional offenses (32%) and escape violations (10%). Immigration (17%), drug (12%) and property offenses (12%) were also common. Violent and weapon offenses comprised the smallest portion of the matters disposed by magistrate judges (2% and 1% respectively).

For most offenses, the likelihood that a U.S. magistrate judge concluded the matter was relatively low. Offenses having comparably high rates of disposal by magistrate judges included traffic offenses (100%); migratory birds offenses (85%); conspiracy, aiding and abetting and jurisdictional offenses (88%); other property violations (67%); and escape violations (53%).

Suspects in matters concluded and declined, by investigating agency (table 2.3) — During 2001, 57% of suspects in matters concluded were investigated by components of the Department of Justice; the Treasury

⁴At the time that U.S. attorneys receive them, matters may not be classifiable as felonies or misdemeanors. If a U.S. magistrate judge disposes of a case — or what the U.S. attorneys call a “matter” — its offense level has been determined, by statute, to be a misdemeanor.

Department investigated 20% of suspects in matters concluded. In addition, independent Federal agencies and State/local agencies investigated 9% of suspects in matters concluded.

Among the investigating agencies, the Central Intelligence Agency (1%), the National Park Service (3%), and the Immigration and Naturalization Service (4%) had among the lowest declination rates, while the Bureau of Indian Affairs (59%), the Environmental Protection Agency (61%), and agencies within the Department of Energy (82%) were among those with the highest declination rates. The declination rate for matters investigated by components of the Department of Justice (27%) was the same as the overall declination rate.

Suspects in matters declined for Federal prosecution (tables 2.4-2.5)

— Twenty-seven percent of the matters concluded by U.S. attorneys in 2001 were declined for Federal prosecution (table 2.2). Suspects in property and public-order matters were the most likely to have their matters declined (42% and 38%, respectively). Thirty-five percent of matters involving violent offenses were declined, as were 34% of weapon and 17% of drug matters. Matters involving an immigration offense were the least likely to be declined (3%).

The decision to decline Federal prosecution is based on a number of factors, including the lack of a prosecutable offense, an available alternative resolution, or case- and suspect-related reasons (table 2.4). Of the 32,250 declinations during 2001, 25% occurred because of case-related reasons, mostly due to weak evidence (21%); 22% occurred because there was no crime or criminal intent was lacking; and 26% occurred for other reasons, such as agency requests (8%) and minimal Federal interest (6%).

³The number of suspects in criminal matters concluded is not comparable to the 1993 and prior compendia. See *Chapter notes*, item 2, p. 33, for details.

Not all suspects whose matters were declined by U.S. attorneys avoided prosecution. Twenty percent of the suspects in matters declined were referred to another authority for prosecution (table 2.5). An additional 4% were settled through alternative resolution procedures. The 1,984 suspects involved in drug offenses constituted the largest number referred by U.S. attorneys to other authorities for prosecution or resolution. Of the suspects whose matters were declined, those involved in drug offenses were the most likely to be referred to other authorities for prosecution or alternative resolution. Thirty-three percent of the drug suspects whose matters were declined prosecution by U.S. attorneys were referred for other prosecution or resolution, as were 26% of the immigration, 24% of public-order,

23% of violent, 22% of weapon, and 20% of property offense suspects.

Within major offense categories, the likelihood that suspects in matters declined for prosecution were referred to other authorities for prosecution or alternative resolution varied among specific offenses. Within property offenses, referral occurred with 21% of persons involved in counterfeiting, compared to 13% of suspects in fraud cases. Within public-order offenses, 63% of escape suspects were referred to other authorities or had their case settled through alternative procedures, compared to 6% of suspects in civil rights cases.

Processing times (table 2.6) — For matters concluded during 2001, the average number of months from receipt of a matter to its conclusion by a U.S. attorney as a case filing or decli-

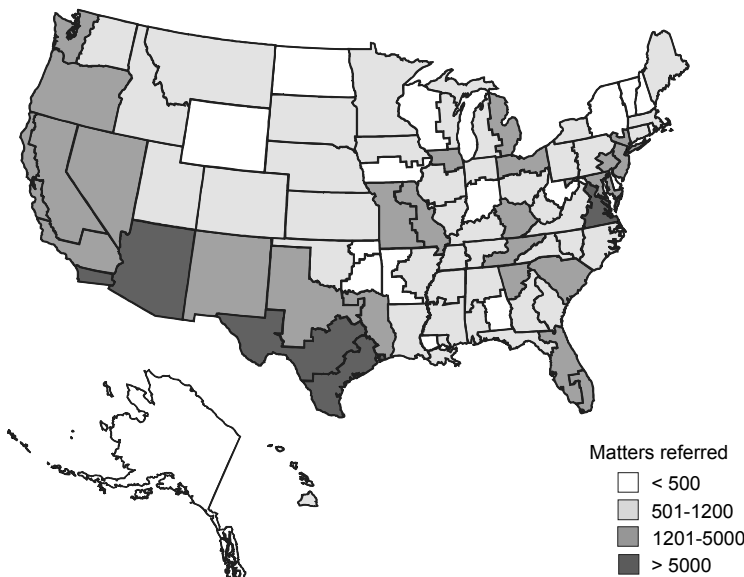
nation or its disposal by a U.S. magistrate judge was 8.6 months. However, the median processing time was 1.6 months, indicating that extreme outliers affected the mean time.

The amount of time needed to process matters varied with the outcome of the matter. U.S. attorneys took an average of 3.9 months to file charges in U.S. district court, but over half of cases were filed within 1 month. Declinations took longer, with an average duration of almost 20 months, though half of declinations occurred within 13 months.

The processing time for matters disposed by U.S. magistrate judges also differed by the outcome. Matters resulting in a conviction took an average of 3.5 months to conclude, with half of cases concluding within 1.6 months. Matters that did not result in a conviction took longer to conclude — an average of 11 months, with half concluding within 2.4 months.

Processing times also varied with the type of offense involved. Suspects involved in immigration offenses were processed most quickly, with an average case processing time of 1.7 months and a median time of less than 1 month. Matters involving weapon, drug, and violent offenses took longer to process (5.5 to 6.3 months, on average, and median times from 0.8 to 1.9 months), while public-order and property offense matters took the longest to conclude, with average times of 11.7 and 15 months, and median times of 4 and 7.5 months, respectively.

Five Federal judicial districts (Western and Southern Districts of Texas, Southern District of California, District of Arizona, and Eastern District of Virginia) comprised 25% of all matters referred to U.S. attorneys in 2001.



Source: Executive Office for U.S. attorneys, criminal master file, fiscal year.

Note: Districts not shown on map include: The District of Columbia (1,239), District of Guam (192), District of Northern Mariana Islands (52), District of Puerto Rico (1,724), and District of the Virgin Islands (582).

Figure 2.2. *Suspects in matters referred by Federal judicial district, October 1, 2000 - September 30, 2001*

Table 2.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 2000 - September 30, 2001

Most serious offense investigated ^a	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent ^b
All offenses^c	121,818	100%
Violent offenses	6,225	5.1%
Murder ^d	640	0.5
Negligent manslaughter	1	—
Assault	1,391	1.1
Robbery	2,936	2.4
Sexual abuse ^d	767	0.6
Kidnaping	262	0.2
Threats against the President	228	0.2
Property offenses	28,608	23.6%
Fraudulent	25,275	20.9%
Embezzlement	3,796	3.1
Fraud ^d	18,842	15.6
Forgery	1,877	1.5
Counterfeiting	760	0.6
Other	3,333	2.8%
Burglary	40	—
Larceny ^d	1,637	1.4
Motor vehicle theft	474	0.4
Arson and explosives	583	0.5
Transportation of stolen property	71	0.1
Other property offenses ^d	528	0.4
Drug offenses	37,944	31.3%
Public-order offenses	23,980	19.8%
Regulatory	5,411	4.5%
Agriculture	359	0.3
Antitrust	27	—
Food and drug	204	0.2
Transportation	74	0.1
Civil rights	1,475	1.2
Communications	68	0.1
Custom laws	238	0.2
Postal laws	220	0.2
Other regulatory offenses	2,746	2.3
Other	18,569	15.3%
Tax law violations ^d	733	0.6
Bribery	259	0.2
Perjury, contempt, and intimidation	547	0.5
National defense	698	0.6
Escape	3,013	2.5
Racketeering and extortion	2,873	2.4
Gambling	205	0.2
Liquor offenses	26	—
Nonviolent sex offenses	1,779	1.5
Obscene material ^d	21	—
Traffic offenses	299	0.2
Migratory birds	629	0.5
Conspiracy, aiding and abetting, and jurisdictional offenses	5,974	4.9
All other offenses ^d	1,513	1.2
Weapon offenses	8,989	7.4%
Immigration offenses	15,378	12.7%

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 33.

—Less than .05%.

^aSee *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

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

^cIncludes 694 suspects for whom an offense category could not be determined; see *Chapter notes*, item 4, p. 33.

^dIn this table, "Murder" includes nonnegligent manslaughter; "Sexual

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

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

Table 2.2. Disposition of suspects in matters concluded, by offense, October 1, 2000 - September 30, 2001

Most serious offense investigated ^a	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court ^b	Disposed by U.S. magistrates	Declined	Total	Prosecuted in U.S. district court ^b	Disposed by U.S. magistrates	Declined
All offenses^c	118,978	72,648	14,080	32,250	100%	61.1%	11.8%	27.1%
Violent offenses	5,845	3,493	306	2,046	100%	59.8%	5.2%	35.0%
Murder ^d	482	250	41	191	100	51.9	8.5	39.6
Negligent manslaughter	1	1	0	0	—	—	—	—
Assault	1,318	586	166	566	100	44.5	12.6	42.9
Robbery	2,865	2,239	68	558	100	78.2	2.4	19.5
Sexual abuse ^d	721	268	12	441	100	37.2	1.7	61.2
Kidnaping	260	105	15	140	100	40.4	5.8	53.8
Threats against the President	198	44	4	150	100	22.2	2.0	75.8
Property offenses	28,120	14,733	1,667	11,720	100%	52.4%	5.9%	41.7%
Fraudulent	24,786	13,044	1,185	10,557	100%	52.6%	4.8%	42.6%
Embezzlement	3,596	1,859	400	1,337	100	51.7	11.1	37.2
Fraud ^d	18,847	9,651	668	8,528	100	51.2	3.5	45.2
Forgery	1,720	1,120	80	520	100	65.1	4.7	30.2
Counterfeiting	623	414	37	172	100	66.5	5.9	27.6
Other	3,334	1,689	482	1,163	100%	50.7%	14.5%	34.9%
Burglary	55	27	2	26	100	49.1	3.6	47.3
Larceny ^d	1,605	1,001	123	481	100	62.4	7.7	30.0
Motor vehicle theft	532	301	22	209	100	56.6	4.1	39.3
Arson and explosives	576	239	21	316	100	41.5	3.6	54.9
Transportation of stolen property	101	42	2	57	100	41.6	2.0	56.4
Other property offenses ^d	465	79	312	74	100	17.0	67.1	15.9
Drug offenses	37,543	29,583	1,736	6,224	100%	78.8%	4.6%	16.6%
Public-order offenses	22,784	6,502	7,653	8,629	100%	28.5%	33.6%	37.9%
Regulatory	5,484	1,557	560	3,367	100%	28.4%	10.2%	61.4%
Agriculture	382	149	76	157	100	39.0	19.9	41.1
Antitrust	33	19	0	14	100	57.6	0	42.4
Food and drug	133	83	4	46	100	62.4	3.0	34.6
Transportation	62	24	5	33	100	38.7	8.1	53.2
Civil rights	1,682	111	2	1,569	100	6.6	0.1	93.3
Communications	93	34	2	57	100	36.6	2.2	61.3
Custom laws	266	137	25	104	100	51.5	9.4	39.1
Postal laws	197	94	53	50	100	47.7	26.9	25.4
Other regulatory offenses	2,636	906	393	1,337	100	34.4	14.9	50.7
Other	17,300	4,945	7,093	5,262	100%	28.6%	41.0%	30.4%
Tax law violations ^d	958	562	13	383	100	58.7	1.4	40.0
Bribery	302	143	3	156	100	47.4	1.0	51.7
Perjury, contempt, and intimidation	581	245	19	317	100	42.2	3.3	54.6
National defense	676	474	98	104	100	70.1	14.5	15.4
Escape	2,676	665	1,429	582	100	24.9	53.4	21.7
Racketeering and extortion	3,016	1,240	65	1,711	100	41.1	2.2	56.7
Gambling	178	87	15	76	100	48.9	8.4	42.7
Liquor offenses	12	0	2	10	100	0	16.7	83.3
Nonviolent sex offenses	1,499	783	17	699	100	52.2	1.1	46.6
Obscene material ^d	22	10	0	12	100	45.5	0	54.5
Traffic	318	0	318	0	100	0	100	0
Migratory birds	626	67	533	26	100	10.7	85.1	4.2
Conspiracy, aiding and abetting, and jurisdictional offenses	5,129	352	4,487	290	100	6.9	87.5	5.7
All other offenses ^d	1,307	317	94	896	100	24.3	7.2	68.6
Weapon offenses	8,715	5,599	178	2,938	100%	64.2%	2.0%	33.7%
Immigration offenses	15,350	12,488	2,339	523	100%	81.4%	15.2%	3.4%

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 33.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

^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. 33.

^cIncludes 621 suspects for whom an offense category could not be determined. These include 250 prosecuted in U.S. district court, 201 disposed by U.S. magistrate judges, and 170 that were declined. See *Chapter notes*, item 4, p. 33.

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

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

Table 2.3. Suspects in matters concluded and declined, by investigating agency, October 1, 2000 - September 30, 2001

Department/Agency	Suspects in criminal matters concluded		
	Number concluded	Number Declined	Percent
All agencies*	118,978	32,250	27.1%
Agriculture	770	237	30.8%
Forest Service	474	85	17.9
Food and Consumer Service	14	8	57.1
All other Agriculture	282	144	51.1
Commerce	87	46	52.9%
Defense	3,883	585	15.1%
Army	1,407	97	6.9
Air Force	600	141	23.5
Navy	995	117	11.8
Office of the Inspector General	121	58	47.9
All other Defense	760	172	22.6
District of Columbia	1	0	—
Education	168	68	40.5%
Energy	22	18	81.8%
Federal/State task forces	3,764	775	20.6%
Health and Human Services	1,153	612	53.1%
Food and Drug Administration	202	81	40.1
Office of the Inspector General	255	142	55.7
All other HHS	696	389	55.9
Housing and Urban Development	264	93	35.2%
Interior	4,962	764	15.4%
National Park Service	2,934	81	2.8
Fish and Wildlife Service	1,104	180	16.3
Bureau of Indian Affairs	717	425	59.3
Land Management Bureau	99	37	37.4
All other Interior	108	41	38.0
Justice	67,335	18,237	27.1%
Federal Bureau of Investigation	30,842	13,251	43.0
Drug Enforcement Administration	16,932	3,028	17.9
Immigration and Naturalization Service	16,936	663	3.9
U.S. Marshals Service	1,539	797	51.8
Bureau of Prisons	54	26	48.1
All other Justice	1,032	472	45.7
Labor	440	246	55.9%
State Department	712	159	22.3%
Transportation	222	102	45.9%
Federal Aviation Administration	20	14	70.0
All other Transportation	202	88	43.6
Treasury	23,937	6,329	26.4%
Customs Bureau	9,005	917	10.2
Bureau of Alcohol, Tobacco, and Firearms	8,307	2,938	35.4
Secret Service Bureau	4,178	1,377	33.0
Internal Revenue Service	2,128	1,003	47.1
All other Treasury	319	94	29.5
Other	11,257	3,978	35.3%
Independent Federal agencies	7,860	2,941	37.4%
U.S. Postal Service	4,035	1,318	32.7
Environmental Protection Agency	430	262	60.9
Social Security Administration	724	312	43.1
U.S. Courts	659	218	33.1
Veterans Administration	369	101	27.4
Small Business Administration	52	28	53.8
Railroad Retirement Board	103	68	66.0
Central Intelligence Agency	120	1	0.8
Other independent Federal agencies	1,368	633	46.3
State/Local agencies	3,397	1,037	30.5%

Note: The provisions of the Homeland Security Act of 2002 (P.L. 107-296) moved the Bureau of Alcohol, Tobacco and Firearms, Secret Service, U.S. Customs, and Bureau of Immigration and Naturalization to other departments and renamed some agencies. See the note on table 1.2 on page 16.

*Includes 1 suspect for whom an investigating agency could not be determined.

— Too few cases to obtain statistically reliable data.

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

Table 2.4. Basis for declination of prosecution by U.S. attorneys, October 1, 2000 - September 30, 2001

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent ^a
Total declinations^b	32,250	100%
No crime	6,860	21.7%
No true bill returned	21	0.1
No Federal offense	1,487	4.7
Lack of criminal intent	5,352	16.9
Referred or handled in other prosecution	6,430	20.3%
Removed	1,752	5.5
Prosecuted on other charges	1,204	3.8
Prosecuted by other authorities	3,472	11.0
Transferred to State authorities	2	—
Alternative resolution	1,192	3.8%
Restitution	62	0.2
Civil or administrative alternative	530	1.7
Pretrial diversion	600	1.9
Suspect-related reasons	904	2.9%
Suspect serving sentence	97	0.3
No known suspect	398	1.3
Suspect a fugitive	134	0.4
Suspect deceased	228	0.7
Suspect deported	47	0.1
Case-related reasons	7,945	25.1%
Stale case	493	1.6
Weak evidence	6,676	21.1
Statute of limitations exceeded	162	0.5
Jurisdiction or venue problems	276	0.9
Witness problems	338	1.1
All other reasons	8,319	26.3%
Minimal Federal interest	1,793	5.7
Petite policy	85	0.3
Lack of resources ^c	1,263	4.0
DOJ policy	524	1.7
U.S. attorney policy	1,727	5.5
Agency request	2,552	8.1
Juvenile suspect	93	0.3
Offender's health, age, prior record, or other personal circumstances	122	0.4
Suspect's cooperation	160	0.5

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

—Less than .05%

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

^bIncludes 600 suspects for whom basis for declination could not be determined; *Chapter notes*, item 4, p. 33.

^cThe data on declinations due to a lack of resources are not directly comparable to data in the 1998 or prior *Compendia*. See *Chapter notes*, item 5, p. 33.

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

Table 2.5. Disposition of matters declined for prosecution by U.S. attorneys, by offense, October 1, 2000 - September 30, 2001

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	32,250	6,430	1,192	24,028	100%	20.3%	3.8%	75.9%
Violent offenses	2,046	405	52	1,562	100%	20.1%	2.6%	77.4%
Murder ^e	191	17	2	170	100	9.0	1.1	89.9
Assault	566	78	34	450	100	13.9	6.0	80.1
Robbery	558	215	5	324	100	39.5	0.9	59.6
Sexual abuse ^e	441	46	6	386	100	10.5	1.4	88.1
Kidnaping	140	45	2	89	100	33.1	1.5	65.4
Threats against the President	150	4	3	143	100	2.7	2.0	95.3
Property offenses	11,720	1,566	763	9,321	100%	13.4%	6.5%	80.0%
Fraudulent	10,557	1,368	711	8,417	100%	13.0%	6.8%	80.2%
Embezzlement	1,337	112	200	1,011	100	8.5	15.1	76.4
Fraud ^e	8,528	1,107	463	6,914	100	13.0	5.5	81.5
Forgery	520	113	44	362	100	21.8	8.5	69.7
Counterfeiting	172	36	4	130	100	21.2	2.4	76.5
Other	1,163	198	52	904	100%	17.2%	4.5%	78.3%
Burglary	26	4	0	22	100	15.4	0	84.6
Larceny ^e	481	85	37	353	100	17.9	7.8	74.3
Motor vehicle theft	209	43	5	161	100	20.6	2.4	77.0
Arson and explosives	316	54	4	256	100	17.2	1.3	81.5
Transportation of stolen property	57	3	0	54	100	5.3	0	94.7
Other property offenses ^e	74	9	6	58	100	12.3	8.2	79.5
Drug offenses	6,224	1,984	44	4,069	100%	32.5%	0.7%	66.7%
Public-order offenses	8,629	1,727	282	6,312	100%	20.8%	3.4%	75.9%
Regulatory	3,367	258	141	2,911	100%	7.8%	4.3%	87.9%
Agriculture	157	18	24	115	100	11.5	15.3	73.2
Antitrust	14	0	0	14	100	0	0	100
Food and drug	46	8	4	34	100	17.4	8.7	73.9
Transportation	33	3	5	25	100	9.1	15.2	75.8
Civil rights	1,569	61	27	1,480	100	3.9	1.7	94.4
Communications	57	4	3	49	100	7.1	5.4	87.5
Custom laws	104	17	2	80	100	17.2	2.0	80.8
Postal laws	50	8	15	27	100	16.0	30.0	54.0
Other regulatory offenses	1,337	139	61	1,087	100	10.8	4.7	84.5
Other	5,262	1,469	141	3,401	100%	29.3%	2.8%	67.9%
Tax law violations ^e	383	30	5	346	100	7.9	1.3	90.8
Bribery	156	11	9	135	100	7.1	5.8	87.1
Perjury, contempt, and intimidation	317	45	11	246	100	14.9	3.6	81.5
National defense	104	9	7	85	100	8.9	6.9	84.2
Escape	582	339	21	213	100	59.2	3.7	37.2
Racketeering and extortion	1,711	255	22	1,420	100	15.0	1.3	83.7
Gambling	76	11	1	64	100	14.5	1.3	84.2
Liquor offenses	10	0	0	10	—	—	—	—
Nonviolent sex offenses	699	195	13	473	100	28.6	1.9	69.5
Obscene material ^e	12	2	1	9	100	16.7	8.3	75.0
Migratory birds	26	0	4	22	100	0	15.4	84.6
Conspiracy, aiding and abetting, and jurisdictional offenses	290	56	23	182	100	21.5	8.8	69.7
All other offenses ^e	896	516	24	196	100	70.1	3.3	26.6
Weapon offenses	2,938	611	27	2,283	100%	20.9%	0.9%	78.2%
Immigration offenses	523	112	13	358	100%	23.2%	2.7%	74.1%

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

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

^bIncludes 476 suspects for whom a 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 170 suspects for whom an offense category could not be determined.

These include 25 referred or handled in other prosecution; 11 resolved with restitution, civil/administrative procedure, or pretrial diversion; and 123 settled through another method. See *Chapter notes*, item 4, p. 33.

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

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

Table 2.6. Mean and median processing times from receipt to filing or declination, by offense, October 1, 2000 - September 30, 2001

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	8.6 mo	7.0 mo	3.5 mo	11.0 mo	8.9 mo	3.9 mo	19.9 mo
Violent offenses	6.3	7.6	4.7	9.1	6.2	2.5	12.5
Property offenses	15.0	10.5	6.2	14.9	15.3	7.6	24.9
Fraudulent offenses ^d	15.6	12.3	6.9	16.8	15.8	8.0	25.5
Other offenses ^e	10.3	6.1	4.8	8.1	11.0	5.3	19.3
Drug offenses	5.9	5.7	4.0	6.2	5.9	3.0	19.8
Public-order offenses	11.7	8.0	3.8	14.8	13.6	7.1	18.5
Regulatory offenses	15.0	8.3	6.8	10.1	15.7	8.4	19.1
Other offenses	10.7	8.0	3.5	15.2	12.6	6.7	18.1
Weapon offenses	5.5	9.1	6.2	9.4	5.4	2.5	11.1
Immigration offenses	1.7	1.9	1.1	3.3	1.6	1.1	13.3
Median							
All offenses^c	1.6 mo	1.9 mo	1.6 mo	2.4 mo	1.6 mo	0.8 mo	13.3 mo
Violent offenses	1.6	3.0	3.4	2.7	1.5	0.8	7.8
Property offenses	7.5	4.2	3.4	5.2	7.9	2.6	17.6
Fraudulent offenses ^d	8.1	4.7	4.2	5.9	8.3	2.8	18.2
Other offenses ^e	4.6	2.9	2.6	4.3	5.1	1.4	14.3
Drug offenses	0.8	0.9	1.3	0.9	0.8	0.7	13.9
Public-order offenses	4.0	2.6	2.2	3.6	6.5	1.4	12.4
Regulatory offenses	9.2	3.9	4.2	3.8	10.6	1.7	14.3
Other offenses	3.1	2.6	2.1	3.6	4.8	1.4	10.8
Weapon offenses	1.9	2.0	5.2	1.8	1.9	0.9	7.2
Immigration offenses	0.7	0.6	0.5	0.8	0.7	0.7	7.3
Number of suspects^f	118,963	14,080	7,522	6,558	104,883	72,633	32,250
With unknown or indeterminable offense or processing time	621	201	86	115	420	265	170

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 33.

^aSee *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

^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. 33.

^cIncludes suspects for whom an offense category could not be determined; see *Chapter notes*, item 4, p. 33.

^dExcluding tax fraud.

^eIncluding tax fraud.

^fExcludes suspects with insufficient data to determine processing time.

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

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 2001 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 judge, or filed as a case in U.S. district court from October 1, 2000, through September 30, 2001, 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. The lead charge is not necessarily the charge with the greatest potential sentence.

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 indeterminate. The percentage distributions in these tables, however, are based on the number of

observations with nonmissing offenses (basis for declination) values. The number of missing values are reported either on a separate line or in a footnote.

5) Additional data for "lack of resources" as a reason for declination were discovered in 1999; these cases previously were coded as "unknown or indeterminate" in 1998 and prior years. Therefore, in table 2.4, the apparent increase in "lack of resources" as a declination reason (between 1998 and future years) is due in large part to this additional information and reclassification of declination reasons from "unknown and indeterminate."

Pretrial release

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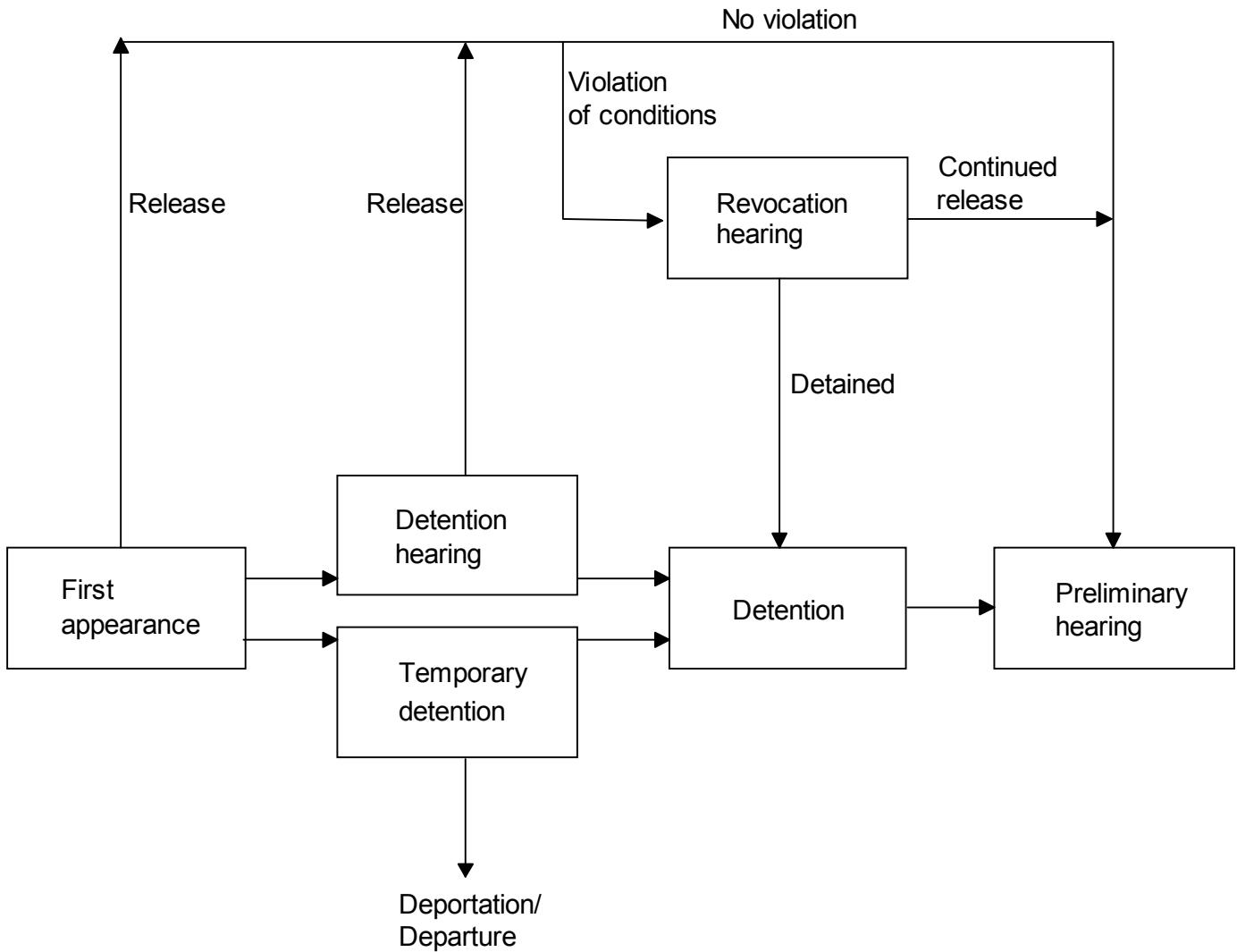
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Chapter 3

Pretrial release



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

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

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

According to the Bail Reform Act of 1984, preventive detention is applicable in instances where the defendant was charged with (1) a crime of violence, (2) an offense with a statutory maximum sentence of life imprisonment or death, (3) a drug offense with a statutory maximum sentence of 10 years or more imprisonment, or (4) any felony offense if the defendant had been convicted on two or more occasions of an offense described above or a similar State-level offense.

A detention recommendation may be made if there is a serious risk that the

defendant would flee in an attempt to avoid prosecution or would obstruct justice or intimidate witnesses or jurors.

Types of pretrial release

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

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

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

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

Defendants may also be released on financial conditions. Financial conditions include (1) deposit bond (the defendant is required to post a percentage of the total bail amount, usually 10%), (2) surety bond (the defendant is released subject to guarantees by a third person that the full amount will be paid), or (3) collateral bond (collateral equal to the full bail amount required to be posted by the defendant before release). Financial conditions may occur in combination with 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. These factors are considered at an initial hearing where the defendant may be released, detained, held for a detention hearing, or the case may be continued or dismissed. At the detention hearing, a defendant may be released, given preventive detention, temporarily detained, detained with no bail set or made, or the case may be continued, dismissed, or transferred.

Of the 75,275 defendants whose cases commenced in 2001, 39% (or 29,145) were released after either an initial hearing or a detention hearing, and 60% of defendants were detained (table 3.1).

Of the 68,214 defendants who terminated pretrial services during 2001, 46% (31,320) were released for some period of time prior to trial (table 3.2). Of those released defendants, 81% completed pretrial services without violating the conditions of their release (tables 3.8 and 3.9).

In 2001, 72% (49,199) of defendants terminating pretrial services were detained for some period of time prior to the disposition of their case (table 3.4). This includes those who were detained prior to having a preliminary hearing with the magistrate, at which point they could have been either released or ordered to have a detention hearing. Of the defendants detained, 53% were ordered detained by the court until case disposition.

Pretrial detention hearings were held for 35,657 defendants. Of these, 26,263, or 74%, were ordered detained (table 3.6).

Of the 31,320 defendants released prior to trial, 19% violated a condition of their release (table 3.8). The majority (92%) of these violations were technical violations of the bail conditions. Defendants released on deposit bond were more likely (29%) than other defendants to incur some violation of the conditions of their release (table 3.9). Conversely, defendants

*18 U.S.C. § 3142(e) (1984)

given conditional release violated their release at the lowest rates (3%). Seven percent of all released defendants had their release revoked.

Those charged with violent offenses were detained longer on average (104 days) than defendants charged with other offenses (table 3.11). Defendants who were never released and were detained by the court were detained longer than were defendants detained for financial conditions (110 days)

Outcomes for pretrial cases commenced

Releases and detentions after the first 2 hearings (table 3.1) — Of the 75,275 cases commenced in 2001, 39% were released after either an initial hearing or a detention hearing, 61% were detained, and less than 1% were dismissed (table 3.1). Seventy-nine percent of defendants receiving pretrial release were released after an initial hearing; 72% of defendants receiving pretrial detention were detained after a detention hearing. After the initial and detention hearings, less than 1% of incoming defendants (269) were awaiting a release decision.

Of those charged with property offenses, 74% were released, as were 67% of those charged with public-order offenses, 37% of weapon offense defendants, 31% of drug offense defendants, and 29% of violent offense defendants. Only 6% of those charged with immigration offenses were released after these two hearings.

Outcomes for pretrial cases terminated

Releases (table 3.2) — Of cases terminated in 2001, 78% of 13,170 property offenders were released (figure 3.1). The percent released varied greatly across and within offense categories. Among violent offenders, 22% of those charged with robbery were released compared to 59% of those charged with sexual abuse and 63% of those charged with assault. Among public-order defendants, 15% of those charged with an escape

Of cases terminated, defendants charged with property offenses were more likely than other defendants to be released prior to trial

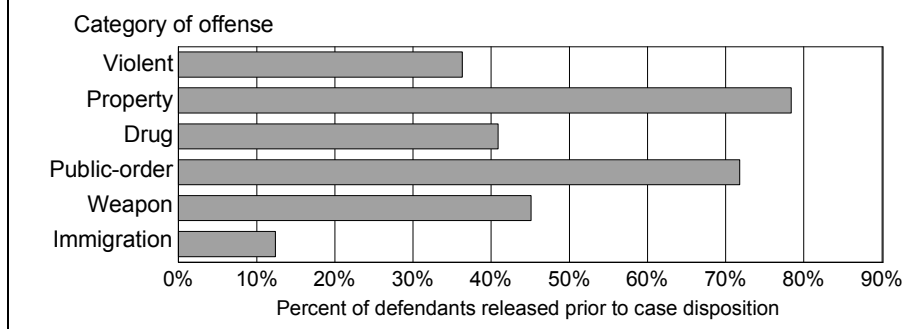


Figure 3.1. Percent of defendants released prior to case disposition, by offense category, October 1, 2000 - September 30, 2001

offense were released compared to 97% of those charged with tax law violations, 94% of traffic defendants, and 74% of nonviolent sex offense defendants. Forty-five percent of those charged with weapon offenses were released, while only 12% of immigration defendants were released.

Forty-one percent of all drug defendants were released. Drug trafficking defendants were less likely to be released than those charged with non-trafficking offenses (40% compared to 52%).

For those defendants who were released prior to trial, how they were released varied among offense categories (table 3.2). Within each major offense category except violent offenses, the highest percentage of defendants released was through unsecured bond. Thirty-six percent of violent defendants were released of whom 36% were released on unsecured bond and 48% on personal recognizance — compared to 78% of all property defendants released, of whom 55% were released on unsecured bond and 33% on personal recognizance.

Detentions (tables 3.4 and 3.6) — Among the major offense categories, defendants charged with immigration, drug, or violent offenses were the most likely (97, 84%, and 80% respectively) to be detained for some period of time (table 3.4). However, violent defendants were more likely

than immigration or drug defendants to be detained by the court (63% versus 57% and 53%). Of those charged with weapons offenses, 76% were detained, with 57% being detained by the court. Public-order and property and defendants were less likely to be detained than were other defendants. During 2001, 41% of public-order defendants were detained, with 48% of these detained by the court. Thirty-eight percent of defendants charged with property offenses were detained, with 42% of these detained by the court.

Sixty-seven percent of defendants charged with violent offenses had a detention hearing (table 3.6, figure 3.2). This rate varied by offense category: 64% of those charged with drug-related offenses, 62% of immigration defendants, 61% of weapons defendants, 30% of those charged with public-order offenses, and 26% of those charged with property offenses had a detention hearing.

Once a defendant was ordered to have a detention hearing, the chances of being detained were less variable across offense categories. The highest rate of defendants ordered detained were those charged with immigration offenses (89%). Of the 67% of defendants charged with violent offenses and given a pretrial detention hearing, 74% were ordered detained. In 2001, 71% of those charged with weapon offenses, 70% with drug

offenses, 66% with public-order offenses, and 61% with property offenses were ordered detained following a pretrial hearing.

Violations (tables 3.8 and 3.9) — Of released defendants terminating pretrial services during 2001, those charged with weapon or drug offenses were more likely than other defendants (30% and 28% compared with 19% overall) to incur at least one violation during the release period (figure 3.4). Among other major offense categories, those charged with public-order offenses were least likely (9%) than others to violate conditions of their release. Those charged with weapon or violent offenses were more likely than others to have their release revoked (13% of all released weapon and released violent defendants compared with 7% overall). Ten percent of released drug defendants, 5% of released property defendants, and 4% of released immigration defendants were revoked.

Of the 31,320 defendants released, those on deposit bond were more likely (29%) than other defendants (19% overall) to incur a violation of the conditions of their release (table 3.9). Defendants with the lowest rate of release violations were those given conditional release (3%). This group was also the least likely to have a release revocation. Only 0.1% of defendants on conditional release who committed a violation were revoked.

Pretrial outcomes across demographic groups

Releases (table 3.3) — Females were more likely (72%) than males (41%) to be released during 2001 (figure 3.3). Males were more likely to have a financial condition imposed on them than females (20% versus 12%). Sixty-two percent of all defendants identified as non-Hispanic were released during 2001 compared to 23% of Hispanics. Non-Hispanic releasees were twice as likely as Hispanics to be released on personal recognizance. Sixty-five percent of Native Americans and 57% of Asian defendants were released compared with 50% of black

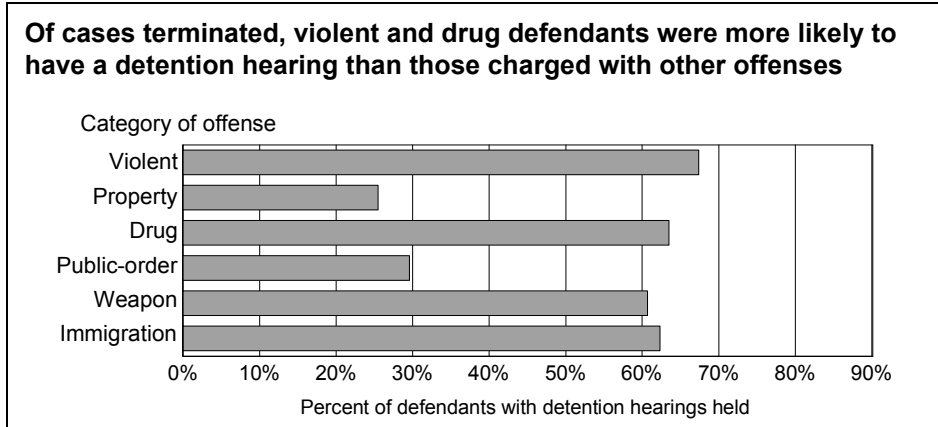


Figure 3.2. Detention hearings held, by offense category, October 1, 2000 - September 30, 2001

defendants and 43% of white defendants.

The higher the education level of the defendant, the greater the probability of release. Thirty-nine percent of defendants with less than a high school education were released in 2001, while 80% of those who had completed college were released. Releasees with a college degree, when compared to those with less education, were less likely to receive financial conditions (15% versus 25%) and more likely to be released on personal recognizance (30% versus 24%) than those who had less than a high school education.

Defendants with a history of drug abuse were released less frequently than those defendants with no known drug history (50% versus 60%). However, among all released defendants, drug abuse history does not appear to have had a major effect on the form of pretrial release.

Detentions (tables 3.5 and 3.7) — Males were more likely (76% versus 51%) than females to be detained (table 3.5). Of all detainees, 75% of the men and 60% of the women were detained following a detention hearing (table 3.7). Hispanics had a substantially higher probability of being detained (92%) compared with

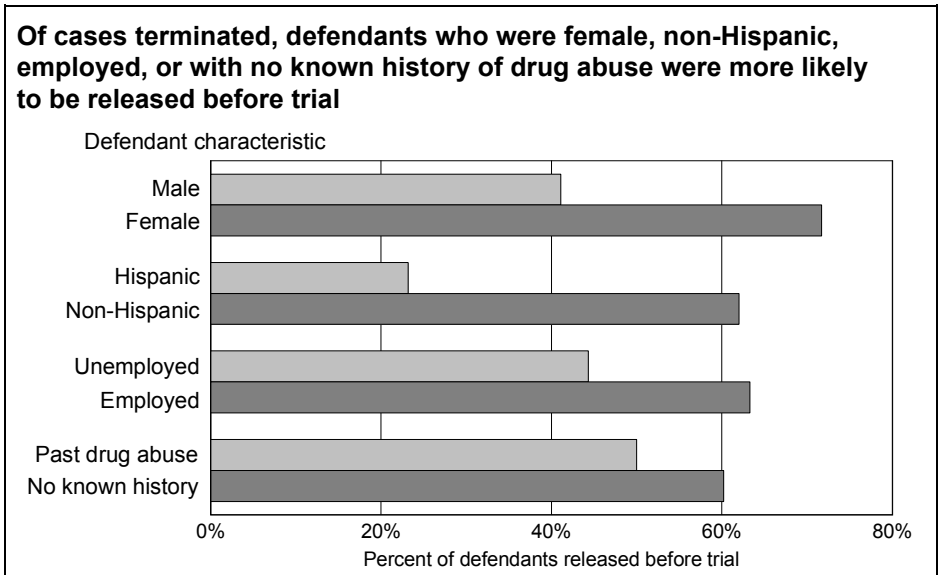


Figure 3.3. Pretrial release rates, by defendant characteristics, October 1, 2000 - September 30, 2001

non-Hispanics (58%). Almost all of those charged with an immigration offense (97%) — of which non-citizen Hispanics comprise the majority — were detained.

Younger defendants were more likely than older ones to be detained. Seventy-seven percent of defendants between the ages of 16 and 18 and 73% of defendants 19-20 years of age were detained, compared to 58% of those over 40. However, among all defendants detained, the chances of being detained following a detention hearing were similar across all age groups.

Not only were male defendants more likely than female defendants to have a detention hearing (56% versus 34%), they were also more likely (75% versus 60%) to be ordered detained as a result of the hearing.

The likelihood of having a detention hearing increased with the number of prior convictions and severity of the defendant's criminal history. Furthermore, 56% of those with a history of drug abuse had detention hearings as compared to 43% of those without such a past. However, those with a history of drug abuse were as likely to be detained after a hearing.

Violations (table 3.10) — Released males were more likely than females to incur at least one violation during the pretrial release period (20% versus 16%) and were slightly more likely to have their release revoked. Native Americans and blacks were more likely to incur at least one violation than whites or Asians (23% for Native Americans and blacks versus 17% for whites, and 10% for Asians). Native American defendants were more likely to have their release revoked (16% versus 8% for blacks, 6% for whites, and 4% for Asians).

Defendants without a high school diploma had a higher percentage of release violations than did defendants with high school or college degrees (28% versus 8%).

Defendants with no prior criminal history were half as likely to have a

Of cases terminated, defendants charged with weapon offenses were more likely than other defendants to incur at least one violation during their release period or have their release revoked

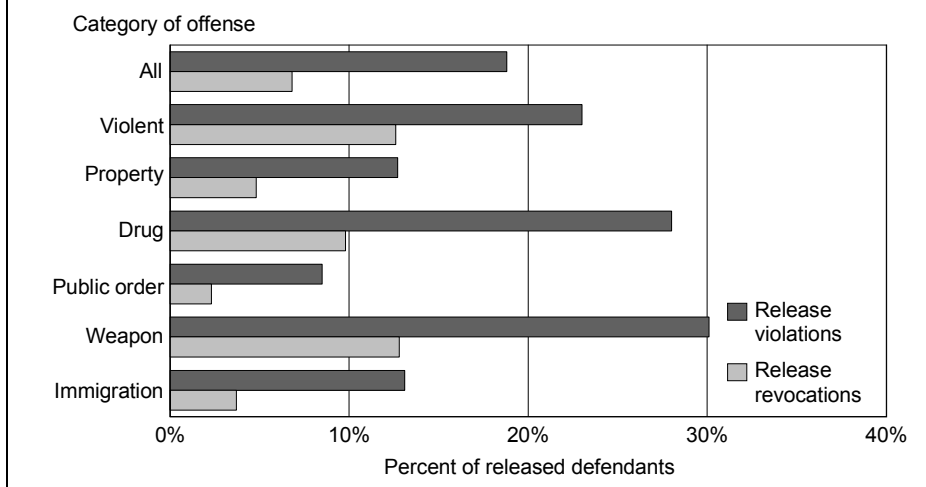


Figure 3.4. Pretrial release violation and revocation rates, for cases that terminated during October 1, 2000 - September 30, 2001, by offense category

pretrial release violation than those with a prior conviction. Released defendants with a known drug history were nearly 3 times more likely to incur a violation than those with no known drug history. Those with a history of drug use were more likely to have their release revoked (14% versus 4%).

Length of pretrial detention (table 3.11)

Among defendants detained for any time prior to case disposition, those charged with violent offenses were detained the longest (an average of 104 days) compared to drug (81 days), weapon (81 days), immigration (59 days), public-order (52 days), or property (45 days) defendants (not shown in a table).

Of defendants released, those released conditionally spent the greatest average number of days detained (42 days) compared to those released on personal recognizance (40 days), unsecured bond (34 days), or financial conditions (almost 25 days). This trend varied only slightly across all major offense categories — in general, defendants released conditionally were detained more days than

defendants who were released by any other means.

Of defendants not released, those detained by the court were detained longer, on average, than those held on financial conditions (110 days compared with 81 days). This pattern was true across all major offense types, except for those charged with public-order offenses.

Table 3.1. Outcomes of initial hearing and detention hearing for cases commenced, by offense, October 1, 2000 - September 30, 2001

Most serious offense charged	All defendants	Percent released	After initial hearing				After detention hearing ^a	
			Released	Detained	Dismissed	Continued/ held over	Released	Detained
All offenses^b	75,275	38.7%	22,956	12,651	284	39,384	6,189	32,887
Violent offenses	3,559	29.3%	704	431	32	2,392	338	2,031
Murder ^c	164	17.7	19	16	1	128	10	117
Negligent manslaughter	11	36.4	4	1	0	6	0	6
Assault	861	55.5	384	66	28	383	94	286
Robbery	2,122	17.4	200	306	3	1,613	169	1,430
Sexual abuse ^c	272	50.7	85	14	0	173	53	119
Kidnaping	88	20.5	8	22	0	58	10	46
Threats against the President	41	14.6	4	6	0	31	2	27
Property offenses	14,757	73.9%	9,801	994	35	3,927	1,106	2,790
Fraudulent	11,802	74.3%	7,879	781	10	3,132	889	2,216
Embezzlement	1,461	91.6	1,281	33	0	147	57	90
Fraud ^c	8,605	72.8	5,568	565	7	2,465	695	1,743
Forgery	199	69.3	124	18	2	55	14	41
Counterfeiting	1,537	66.9	906	165	1	465	123	342
Other	2,955	72.4%	1,922	213	25	795	217	574
Burglary	121	44.6	40	18	2	61	14	46
Larceny ^c	2,249	78.0	1,604	135	18	492	150	340
Motor vehicle theft	245	44.5	93	34	0	118	16	102
Arson and explosives	123	56.9	53	6	2	62	17	44
Transportation of stolen property	136	69.1	82	14	0	40	12	28
Other property offenses ^c	81	71.6	50	6	3	22	8	14
Drug offenses	29,690	31.1%	5,903	4,874	93	18,820	3,345	15,290
Trafficking	27,109	29.9	4,998	4,599	70	17,442	3,121	14,150
Other drug	2,581	43.7	905	275	23	1,378	224	1,140
Public-order offenses	7,833	67.1%	4,715	731	54	2,333	543	1,777
Regulatory	2,550	63.1%	1,412	361	10	767	197	562
Agriculture	121	97.5	113	1	0	7	5	2
Antitrust	13	100	13	0	0	0	0	0
Food and drug	66	89.4	55	0	0	11	4	7
Transportation	95	63.2	51	3	0	41	9	31
Civil rights	90	75.6	63	4	0	23	5	18
Communications	67	82.1	48	5	0	14	7	7
Custom laws	87	52.9	30	17	0	40	16	24
Postal laws	158	88.6	135	8	0	15	5	10
Other regulatory offenses	1,853	56.7	904	323	10	616	146	463
Other	5,283	69.1%	3,303	370	44	1,566	346	1,215
Tax law violations ^c	529	95.7	477	9	0	43	29	14
Bribery	125	76.0	85	7	0	33	10	23
Perjury, contempt, and intimidation	196	61.2	99	26	1	70	21	48
National defense	89	65.2	54	4	0	31	4	27
Escape	666	11.0	46	131	3	486	27	459
Racketeering and extortion	773	46.7	267	67	0	439	94	342
Gambling	47	100	47	0	0	0	0	0
Liquor offenses	19	94.7	2	0	0	17	16	1
Nonviolent sex offenses	744	71.1	448	37	4	255	81	173
Obscene material ^c	52	80.8	36	3	0	13	6	7
Traffic offenses	1,323	93.6	1,220	37	22	44	18	26
Migratory birds	25	96.0	23	0	0	2	1	1
All other offenses ^c	695	77.4	499	49	14	133	39	94
Weapon offenses	4,793	36.5%	1,251	635	12	2,895	500	2,363
Immigration offenses	14,514	5.9%	506	4,976	58	8,974	350	8,601

^aIncludes only those defendants whose detention hearing was within the fiscal year. There were 39 dismissals and 269 defendants whose release decision was still pending.

^bIncludes 129 defendants with unknown or indeterminable offenses.

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

Table 3.2. Type of pretrial release for cases terminated, by offense, October 1, 2000 - September 30, 2001

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	45.9%	18.2%	47.2%	28.2%	6.3%	31,320	68,214
Violent offenses	36.3%	6.6%	36.0%	47.9%	9.6%	1,170	3,225
Murder ^c	30.2	2.1	22.9	75.0	0	48	159
Negligent manslaughter	78.6	0	0	100	0	11	14
Assault	63.2	3.5	27.4	51.4	17.8	518	820
Robbery	22.1	11.3	53.2	31.1	4.4	408	1,845
Sexual abuse ^c	58.9	4.7	25.5	69.1	0.7	149	253
Kidnaping	26.0	11.5	38.5	46.2	3.8	26	100
Threats against the President	29.4	—	—	—	—	10	34
Property offenses	78.4%	10.2%	54.8%	33.0%	2.0%	10,322	13,170
Fraudulent	78.4%	11.1%	58.4%	29.4%	1.2%	8,120	10,361
Embezzlement	92.7	3.4	55.3	39.3	2.0	1,292	1,394
Fraud ^c	76.6	13.0	57.6	28.4	1.1	5,775	7,541
Forgery	77.9	8.6	65.4	25.9	0	162	208
Counterfeiting	73.2	10.2	66.8	22.2	0.8	891	1,218
Other	78.4%	7.0%	41.7%	46.3%	5.0%	2,202	2,809
Burglary	48.8	6.5	33.9	59.7	0	62	127
Larceny ^c	84.3	6.0	39.7	48.6	5.8	1,773	2,103
Motor vehicle theft	52.0	15.3	55.1	28.0	1.7	118	227
Arson and explosives	59.8	8.2	63.0	28.8	0	73	122
Transportation of stolen property	73.8	16.8	57.0	26.2	0	107	145
Other property offenses ^c	81.2	4.3	31.9	58.0	5.8	69	85
Drug offenses	40.9%	29.3%	46.3%	20.5%	4.0%	10,968	26,802
Trafficking	39.8	30.4	48.2	18.1	3.3	9,740	24,458
Other drug	52.4	20.6	31.1	39.3	9.0	1,228	2,344
Public-order offenses	71.8%	11.0%	39.3%	35.5%	14.3%	5,227	7,275
Regulatory	69.6%	14.1%	46.0%	34.7%	5.2%	1,591	2,286
Agriculture	98.1	1.9	33.7	52.9	11.5	104	106
Antitrust	—	—	—	—	—	9	9
Food and drug	86.0	16.3	46.5	30.2	7.0	43	50
Transportation	76.5	5.8	44.2	46.2	3.8	52	68
Civil rights	83.1	10.9	70.3	18.8	0	64	77
Communications	91.2	8.1	54.8	37.1	0	62	68
Custom laws	77.2	31.0	49.3	19.7	0	71	92
Postal laws	91.9	2.2	56.2	36.5	5.1	137	149
Other regulatory offenses	62.9	16.6	43.9	34.1	5.4	1,049	1,667
Other	72.9%	9.6%	36.4%	35.8%	18.2%	3,636	4,989
Tax law violations ^c	96.8	4.8	60.9	33.5	0.8	516	533
Bribery	84.3	22.5	45.0	32.6	0	129	153
Perjury, contempt, and intimidation	68.8	13.1	56.2	29.2	1.5	137	199
National defense	76.5	15.4	32.3	9.2	43.1	65	85
Escape	14.8	19.6	40.2	30.4	9.8	92	621
Racketeering and extortion	57.1	34.4	47.4	16.7	1.4	424	743
Gambling	97.8	11.4	45.5	43.2	0	44	45
Liquor offenses	—	—	—	—	—	7	7
Nonviolent sex offenses	74.4	11.1	45.6	32.1	11.1	467	628
Obscene material ^c	80.7	15.2	71.7	10.9	2.2	46	57
Traffic offenses	93.6	1.0	16.9	41.0	41.0	1,145	1,223
Migratory birds	100	0	21.4	60.7	17.9	28	28
All other offenses ^c	80.4	5.0	27.2	51.7	16.0	536	667
Weapon offenses	45.1%	14.9%	53.8%	29.5%	1.8%	1,900	4,214
Immigration offenses	12.4%	30.5%	32.6%	10.0%	26.8%	1,658	13,405

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. 50.

—Too few cases to obtain statistically reliable data.

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

^bIncludes 138 defendants for whom an offense category could not be determined, 98 of whom were released.

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

Table 3.3. Type of pretrial release for cases terminated, by defendant characteristics, October 1, 2000 - September 30, 2001							
Defendant characteristic	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	45.9%	18.2%	47.2%	28.2%	6.3%	31,320	68,214
Male/female							
Male	41.1%	20.2%	45.8%	27.0%	6.9%	23,568	57,385
Female	71.7	12.3	51.6	31.7	4.4	7,712	10,756
Race							
White	43.3%	19.5%	46.3%	27.4%	6.9%	20,333	46,999
Black	50.3	16.7	52.8	25.9	4.6	8,843	17,576
Native American	64.5	3.7	22.7	71.1	2.6	820	1,272
Asian/Pacific Islander	57.4	20.8	45.1	29.0	5.1	907	1,580
Ethnicity							
Hispanic	23.2%	36.1%	37.8%	14.1%	12.0%	6,558	28,233
Non-Hispanic	62.0	13.6	50.0	31.8	4.7	24,523	39,542
Age							
16-18 years	46.4%	17.2%	38.0%	37.0%	7.8%	605	1,304
19-20 years	46.0	15.2	45.0	31.1	8.6	1,878	4,080
21-30 years	39.8	20.0	46.3	26.4	7.4	10,972	27,549
31-40 years	43.1	20.2	46.7	26.9	6.2	8,444	19,582
Over 40 years	60.0	15.3	50.0	30.0	4.7	9,329	15,546
Education							
Not high school graduate	38.9%	25.3%	48.8%	23.8%	2.1%	7,821	20,095
High school graduate	60.4	17.8	49.6	28.5	4.1	10,064	16,663
Some college	71.7	16.8	50.9	29.7	2.6	7,098	9,902
College graduate	79.7	15.2	50.6	30.2	4.1	3,331	4,180
Marital status							
Never married	50.6%	17.8%	50.2%	28.0%	4.0%	10,893	21,522
Divorced/separated	59.2	17.8	51.6	28.1	2.5	5,590	9,442
Married	60.4	20.6	48.5	27.8	3.1	9,940	16,448
Common law	44.4	25.7	46.8	26.2	1.4	2,065	4,647
Other	17.5	7.1	23.0	32.2	37.7	2,832	16,155
Employment status at arrest							
Unemployed	44.3%	18.5%	50.8%	28.0%	2.7%	9,976	22,509
Employed	63.3	19.6	49.0	27.9	3.5	18,699	29,559
Criminal record							
No convictions ^c	60.4%	16.8%	46.6%	29.9%	6.7%	12,160	20,132
Misdemeanor only	59.4	16.7	48.1	30.0	5.3	6,670	11,223
Felony							
Nonviolent	32.2	20.6	48.2	25.3	5.9	4,882	15,150
Violent	25.5	18.0	43.8	27.0	11.2	2,823	11,062
Number of prior convictions							
1	48.8%	18.9%	49.4%	27.0%	4.6%	5,415	11,090
2 to 4	38.4	19.1	47.2	27.6	6.2	5,902	15,366
5 or more	27.9	15.6	43.7	29.5	11.2	3,058	10,979
Criminal justice status							
Not under supervision	58.9%	18.0%	47.1%	29.0%	5.9%	23,882	40,558
Pretrial release	53.9	18.5	53.0	27.0	1.4	1,501	2,786
Probation	39.0	19.6	49.9	26.4	4.1	1,579	4,048
Parole	20.2	13.1	38.7	24.8	23.4	367	1,816
Court appearance history							
No prior arrests	55.3%	16.9%	46.6%	29.8%	6.7%	12,308	22,258
Failure to appear							
None	43.4	19.9	48.6	26.2	5.3	15,626	36,010
1	35.4	15.7	45.1	30.5	8.7	1,740	4,915
More than 1	32.7	14.8	40.8	33.4	11.0	1,646	5,031
Drug abuse							
No known abuse	60.2%	19.1%	48.7%	28.4%	3.8%	18,879	31,337
Drug history	50.0	19.2	52.4	26.4	1.9	8,292	16,597

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. 50.

^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 3.4. Form of pretrial detention for cases terminated, by offense, October 1, 2000 - September 30, 2001

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	72.1%	2.2%	22.0%	11.6%	53.4%	10.8%	49,199	68,214
Violent offenses	80.0%	0.7%	16.6%	3.6%	62.8%	16.4%	2,579	3,225
Murder ^c	89.3	0.7	16.9	2.1	66.2	14.1	142	159
Negligent manslaughter	57.1	—	—	—	—	—	8	14
Assault	55.6	0	30.3	3.1	51.5	15.1	456	820
Robbery	90.9	0.8	11.3	4.3	66.8	16.8	1,677	1,845
Sexual abuse ^c	68.8	0	32.8	0.6	53.4	13.2	174	253
Kidnaping	91.0	3.3	13.2	2.2	60.4	20.9	91	100
Threats against the President	91.2	0	9.7	0	64.5	25.8	31	34
Property offenses	37.7%	0.9%	38.6%	5.8%	41.6%	13.0%	4,960	13,170
Fraudulent	37.7%	1.0%	38.6%	6.1%	41.4%	12.9%	3,901	10,361
Embezzlement	15.8	1.4	51.8	7.3	29.5	10.0	220	1,394
Fraud ^c	39.8	1.0	36.8	6.1	42.9	13.1	2,998	7,541
Forgery	40.9	0	45.9	4.7	37.6	11.8	85	208
Counterfeiting	49.1	0.7	41.6	6.0	38.8	12.9	598	1,218
Other	37.7%	0.8%	38.6%	4.6%	42.3%	13.7%	1,059	2,809
Burglary	72.4	0	30.4	3.3	44.6	21.7	92	127
Larceny ^c	31.0	0.5	45.2	4.9	37.9	11.5	652	2,103
Motor vehicle theft	65.6	1.3	22.8	4.7	55.0	16.1	149	227
Arson and explosives	62.3	3.9	27.6	1.3	53.9	13.2	76	122
Transportation of stolen property	44.1	0	29.7	9.4	45.3	15.6	64	145
Other property offenses ^c	30.6	0	46.2	0	30.8	23.1	26	85
Drug offenses	83.7%	2.3%	25.2%	9.7%	53.2%	9.5%	22,430	26,802
Trafficking	85.3	2.0	25.2	10.1	53.5	9.2	20,864	24,458
Other drug offenses	66.8	6.9	25.4	4.3	49.4	14.0	1,566	2,344
Public-order offenses	40.7%	1.0%	28.3%	4.7%	47.8%	18.1%	2,960	7,275
Regulatory	44.9%	1.6%	29.0%	7.4%	39.8%	22.2%	1,027	2,286
Agriculture	7.5	—	—	—	—	—	8	106
Antitrust	—	...	...	...	...	...	0	9
Food and drug	32.0	0	50.0	6.3	37.5	6.3	16	50
Transportation	38.2	0	30.8	0	69.2	0	26	68
Civil rights	27.3	0	23.8	0	52.4	23.8	21	77
Communications	20.6	0	42.9	7.1	35.7	14.3	14	68
Custom laws	62.0	0	52.6	12.3	35.1	0	57	92
Postal laws	21.5	0	62.5	3.1	21.9	12.5	32	149
Other regulatory offenses	51.2	1.9	25.2	7.7	40.0	25.2	853	1,667
Other	38.7%	0.7%	28.0%	3.3%	52.1%	15.9%	1,933	4,989
Tax law violations ^c	15.4	0	78.0	2.4	14.6	4.9	82	533
Bribery	38.6	0	54.2	3.4	40.7	1.7	59	153
Perjury, contempt, and intimidation	52.8	1.0	36.2	3.8	43.8	15.2	105	199
National defense	34.1	0	24.1	3.4	58.6	13.8	29	85
Escape	92.3	0.9	6.8	1.7	70.7	19.9	573	621
Racketeering and extortion	64.6	0.8	24.8	2.7	58.5	13.1	480	743
Gambling	11.1	—	—	—	—	—	5	45
Liquor offenses	—	—	—	—	—	—	2	7
Nonviolent sex offenses	43.9	0.4	40.2	4.3	39.5	15.6	276	628
Obscene material ^c	43.9	0	48.0	4.0	36.0	12.0	25	57
Traffic offenses	9.0	1.8	47.3	9.1	25.5	16.4	110	1,223
Migratory birds	10.7	—	—	—	—	—	3	28
All other offenses ^c	27.6	0.5	32.6	4.9	39.7	22.3	184	667
Weapon offenses	76.0%	1.3%	23.5%	2.6%	56.8%	15.8%	3,204	4,214
Immigration offenses	97.0%	3.4%	9.3%	22.4%	56.9%	8.0%	12,998	13,405

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, page 50.

—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 138 defendants for whom an offense category could not be determined, 63 of whom were detained.

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

Table 3.5. Form of pretrial detention for cases terminated, by defendant characteristics, October 1, 2000 - September 30, 2001

Defendant characteristic	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	72.1%	2.2%	22.0%	11.6%	53.4%	10.8%	49,199	68,214
Male/female								
Male	76.2%	2.3%	19.7%	11.7%	55.1%	11.1%	43,721	57,385
Female	50.6	1.4	40.2	10.1	40.5	7.9	5,439	10,756
Race								
White	74.0%	2.5%	20.8%	14.4%	52.5%	9.7%	34,770	46,999
Black	69.2	1.5	24.2	4.8	56.2	13.2	12,166	17,576
Native American	66.4	0.2	37.4	1.4	49.5	11.4	844	1,272
Asian/Pacific Islander	61.3	0.3	26.1	3.3	55.7	14.6	968	1,580
Ethnicity								
Hispanic	91.9%	3.4%	14.9%	17.5%	55.6%	8.5%	25,953	28,233
Non-Hispanic	58.2	0.8	30.0	5.0	51.0	13.2	23,006	39,542
Age								
16-18 years	77.4%	2.1%	28.2%	10.7%	50.8%	8.1%	1,009	1,304
19-20 years	73.4	1.7	24.4	12.6	52.7	8.6	2,993	4,080
21-30 years	78.2	2.4	20.3	11.4	55.0	10.9	21,555	27,549
31-40 years	74.7	2.3	20.7	12.0	54.2	10.8	14,618	19,582
Over 40 years	57.5	1.9	26.7	11.1	49.1	11.3	8,945	15,546
Education								
Not high school graduate	81.9%	4.3%	22.0%	10.0%	52.3%	11.4%	16,463	20,095
High school graduate	62.9	1.6	32.1	5.3	49.3	11.6	10,474	16,663
Some college	51.3	1.4	39.8	4.6	43.6	10.7	5,078	9,902
College graduate	37.2	1.1	41.1	6.1	41.4	10.4	1,553	4,180
Marital status								
Never married	71.4%	2.0%	26.7%	6.5%	53.2%	11.6%	15,376	21,522
Divorced/separated	63.4	2.3	31.1	8.1	46.0	12.4	5,989	9,442
Married	59.0	3.6	29.0	8.0	48.5	10.9	9,702	16,448
Common law	78.4	5.0	25.3	9.3	49.7	10.8	3,643	4,647
Other	89.7	0.7	7.6	21.4	61.0	9.2	14,489	16,155
Employment status at arrest								
Unemployed	77.0%	2.6%	23.4%	6.5%	53.0%	14.6%	17,321	22,509
Employed	58.2	3.1	33.0	8.5	46.5	9.0	17,207	29,559
Criminal record								
No convictions ^c	57.5%	2.4%	28.0%	14.0%	48.0%	7.6%	11,570	20,132
Misdemeanor only	64.2	1.7	32.8	10.5	45.9	9.0	7,203	11,223
Felony								
Nonviolent	84.0	2.7	16.5	12.3	55.7	12.9	12,725	15,150
Violent	89.4	1.8	13.7	10.5	59.9	14.0	9,890	11,062
Number of prior convictions								
1	70.9%	2.5%	25.0%	11.9%	50.3%	10.3%	7,861	11,090
2 to 4	80.2	2.4	20.0	11.4	54.5	11.7	12,329	15,366
5 or more	87.7	1.6	14.4	10.6	58.6	14.8	9,628	10,979
Criminal justice status								
Not under supervision	61.9%	1.7%	29.9%	12.7%	47.1%	8.6%	25,096	40,558
Pretrial release	70.5	3.4	30.3	3.7	53.0	9.7	1,964	2,786
Probation	80.3	3.6	20.7	19.1	45.8	10.7	3,250	4,048
Parole	92.8	3.7	11.8	17.2	56.6	10.7	1,685	1,816
Court appearance history								
No prior arrests	61.1%	2.6%	24.2%	12.3%	53.2%	7.7%	13,601	22,258
Failure to appear								
None	75.4	2.4	22.0	11.7	51.7	12.2	27,161	36,010
1	82.8	1.2	18.4	10.2	57.8	12.4	4,070	4,915
More than 1	86.8	0.6	18.5	9.5	61.1	10.1	4,367	5,031
Drug abuse								
No known abuse	59.4%	2.8%	28.9%	9.1%	47.8%	11.4%	18,610	31,337
Drug history	75.4	2.3	29.3	5.7	51.1	11.6	12,513	16,597

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, page 50.

^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 3.6. Pretrial detention hearing outcomes for cases terminated, by offense, October 1, 2000-September 30, 2001

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	68,214	35,657	26,263	52.3%	73.7%
Violent offenses	3,225	2,174	1,618	67.4%	74.4%
Murder ^b	159	124	94	78.0	75.8
Negligent manslaughter	14	6	1	42.9	—
Assault	820	372	234	45.4	62.9
Robbery	1,845	1,417	1,121	76.8	79.1
Sexual abuse ^b	253	152	93	60.1	61.2
Kidnaping	100	74	55	74.0	74.3
Threats against the President	34	29	20	85.3	69.0
Property offenses	13,170	3,360	2,062	25.5%	61.4%
Fraudulent	10,361	2,632	1,614	25.4%	61.3%
Embezzlement	1,394	125	65	9.0	52.0
Fraud ^b	7,541	2,081	1,285	27.6	61.7
Forgery	208	50	32	24.0	64.0
Counterfeiting	1,218	376	232	30.9	61.7
Other	2,809	728	448	25.9%	61.5%
Burglary	127	60	41	47.2	68.3
Larceny ^b	2,103	434	247	20.6	56.9
Motor vehicle theft	227	116	82	51.1	70.7
Arson and explosives	122	60	41	49.2	68.3
Transportation of stolen property	145	43	29	29.7	67.4
Other property offenses ^b	85	15	8	17.6	53.3
Drug offenses	26,802	17,008	11,915	63.5%	70.1%
Trafficking	24,458	15,775	11,144	64.5	70.6
Other drug	2,344	1,233	771	52.6	62.5
Public-order offenses	7,275	2,153	1,413	29.6%	65.6%
Regulatory	2,286	676	408	29.6%	60.4%
Agriculture	106	6	1	5.7	—
Antitrust	9	0	0	—	...
Food and drug	50	11	6	22.0	54.5
Transportation	68	25	18	36.8	72.0
Civil rights	77	19	11	24.7	57.9
Communications	68	8	5	11.8	—
Custom laws	92	37	20	40.2	54.1
Postal laws	149	19	7	12.8	36.8
Other regulatory offenses	1,667	551	340	33.1	61.7
Other	4,989	1,477	1,005	29.6%	68.0%
Tax law violations ^b	533	35	12	6.6	34.3
Bribery	153	44	24	28.8	54.5
Perjury, contempt, and intimidation	199	72	46	36.2	63.9
National defense	85	24	17	28.2	70.8
Escape	621	485	404	78.1	83.3
Racketeering and extortion	743	409	280	55.0	68.5
Gambling	45	3	1	6.7	—
Liquor offenses	7	1	1	—	—
Nonviolent sex offenses	628	211	109	33.6	51.7
Obscene material ^b	57	14	9	24.6	64.3
Traffic offenses	1,223	50	28	4.1	56.0
Migratory birds	28	3	1	10.7	—
All other offenses ^b	667	126	73	18.9	57.9
Weapon offenses	4,214	2,560	1,818	60.7%	71.0%
Immigration offenses	13,405	8,352	7,400	62.3%	88.6%

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, page 50.

—Too few cases to obtain statistically reliable data.

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

^aIncludes 138 defendants for whom an offense category could not be determined, 35 of whom had pretrial detention hearings.

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

Table 3.7. Pretrial detention hearing outcomes for cases terminated, by defendant characteristics, October 1, 2000 - September 30, 2001

Defendant characteristic	All defendants	Defendants with pretrial detention hearings			
		Number of defendants Hearings held	Ordered detained	Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
All defendants^a	68,214	35,657	26,263	52.3%	73.7%
Male/female					
Male	57,385	31,951	24,054	55.7%	75.3%
Female	10,756	3,687	2,196	34.3	59.6
Race					
White	46,999	24,225	18,246	51.5%	75.3%
Black	17,576	9,555	6,837	54.4	71.6
Native American	1,272	712	417	56.0	58.6
Asian/Pacific Islander	1,580	849	536	53.7	63.1
Ethnicity					
Hispanic	28,233	17,835	14,422	63.2%	80.9%
Non-Hispanic	39,542	17,654	11,730	44.6	66.4
Age					
16-18 years	1,304	718	511	55.1%	71.2%
19-20 years	4,080	2,106	1,577	51.6	74.9
21-30 years	27,549	15,846	11,843	57.5	74.7
31-40 years	19,582	10,540	7,920	53.8	75.1
Over 40 years	15,546	6,397	4,383	41.1	68.5
Education					
Not high school graduate	20,095	11,964	8,607	59.5%	71.9%
High school graduate	16,663	7,944	5,164	47.7	65.0
Some college	9,902	3,765	2,210	38.0	58.7
College graduate	4,180	1,122	641	26.8	57.1
Marital status					
Never married	21,522	11,652	8,179	54.1%	70.2%
Divorced/separated	9,442	4,299	2,754	45.5	64.1
Married	16,448	7,117	4,700	43.3	66.0
Common law	4,647	2,670	1,809	57.5	67.8
Other	16,155	9,919	8,821	61.4	88.9
Employment status at arrest					
Unemployed	22,509	12,972	9,175	57.6%	70.7%
Employed	29,559	12,521	7,989	42.4	63.8
Criminal record					
No convictions ^b	20,132	8,155	5,550	40.5%	68.1%
Misdemeanor only	11,223	5,068	3,303	45.2	65.2
Felony					
Nonviolent	15,150	9,160	7,077	60.5	77.3
Violent	11,062	7,422	5,924	67.1	79.8
Number of prior convictions					
1	11,090	5,544	3,951	50.0%	71.3%
2 to 4	15,366	8,943	6,715	58.2	75.1
5 or more	10,979	7,163	5,638	65.2	78.7
Criminal justice status					
Not under supervision	40,558	17,855	11,805	44.0%	66.1%
Pretrial release	2,786	1,463	1,040	52.5	71.1
Probation	4,048	2,023	1,488	50.0	73.6
Parole	1,816	1,121	954	61.7	85.1
Court appearance history					
No prior arrests	22,258	9,971	7,223	44.8%	72.4%
Failure to appear					
None	36,010	19,249	14,025	53.5	72.9
1	4,915	3,039	2,348	61.8	77.3
More than 1	5,031	3,398	2,667	67.5	78.5
Drug abuse					
No known abuse	31,337	13,405	8,896	42.8%	66.4%
Drug history	16,597	9,359	6,390	56.4	68.3

Note: Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, page 50.

^aIncludes defendants for whom these characteristics are unknown.

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

Table 3.8. Behavior of defendants released prior to trial for cases terminated, by offense, October 1, 2000 - September 30, 2001

Most serious offense charged	Percent of released defendants who had—						Technical violations of bail conditions	Release revoked	Number of released defendants
	Violations while on release								
	No violation	At least one violation	Failed to appear	New offense charged					
			Felony	Misdemeanor					
All offenses*	81.2%	18.8%	2.6%	1.9%	1.9%	17.3%	6.8%	31,320	
Violent offenses	77.0%	23.0%	2.8%	2.1%	2.7%	22.2%	12.6%	1,170	
Property offenses	87.3%	12.7%	1.4%	1.6%	1.4%	11.3%	4.8%	10,322	
Fraudulent offenses	88.2	11.8	1.4	1.5	1.3	10.5	4.3	8,120	
Other property offenses	84.2	15.8	1.5	1.8	1.8	14.4	6.3	2,202	
Drug offenses	72.0%	28.0%	3.9%	2.5%	2.6%	26.1%	9.8%	10,968	
Public-order offenses	91.5%	8.5%	1.6%	0.5%	0.9%	7.7%	2.3%	5,227	
Regulatory offenses	91.8	8.2	1.0	0.7	1.1	7.5	2.1	1,591	
Other public-order offenses	91.4	8.6	1.9	0.4	0.9	7.8	2.4	3,636	
Weapon offenses	69.9%	30.1%	2.5%	4.4%	3.6%	28.2%	12.8%	1,900	
Immigration offenses	86.9%	13.1%	4.1%	1.3%	0.8%	11.3%	3.7%	1,658	

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2001. 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, page 50.

*Includes 65 defendants for whom an offense category could not be determined.

Table 3.9. Behavior of defendants released prior to trial for cases terminated, by type of release, October 1, 2000 - September 30, 2001

Type of release	Percent of released defendants who had—						Technical violations of bail conditions	Release revoked	Number of released defendants
	Violations while on release								
	No violation	At least one violation	Failed to appear	New offense charged					
			Felony	Misdemeanor					
All releases	81.2%	18.8%	2.6%	1.9%	1.9%	17.3%	6.8%	31,320	
Financial release	75.5%	24.5%	4.6%	2.7%	2.7%	21.8%	7.1%	5,710	
Deposit bond	71.3	28.7	6.0	2.7	3.4	25.0	6.7	2,631	
Collateral bond	80.6	19.4	2.5	3.2	2.1	17.3	7.0	1,565	
Corporate surety	77.4	22.6	4.4	2.0	2.0	20.9	8.1	1,514	
Unsecured bond	81.3%	18.7%	2.3%	2.1%	1.9%	17.2%	6.9%	14,795	
Personal recognizance	81.3%	18.7%	1.5%	1.4%	1.8%	17.7%	8.0%	8,838	
Conditional release	96.8%	3.2%	3.1%	0%	0%	3.2%	0.1%	1,977	

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2001. 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, page 50.

Table 3.10. Behavior of defendants released prior to trial for cases terminated, by defendant characteristics, October 1, 2000 - September 30, 2001

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	81.2%	18.8%	2.6%	1.9%	1.9%	17.3%	6.8%	31,320
Male/female								
Male	80.2%	19.8%	2.6%	2.1%	2.1%	18.3%	7.4%	23,568
Female	84.3	15.7	2.3	1.3	1.3	14.5	5.1	7,712
Race								
White	82.8%	17.2%	2.6%	1.6%	1.6%	15.8%	6.1%	20,333
Black	76.7	23.3	2.7	2.8	2.5	21.4	8.3	8,843
Native American	76.2	23.8	1.0	1.8	3.4	22.9	15.6	820
Asian/Pacific Islander	90.0	10.0	0.9	0.4	0.8	9.8	3.7	907
Ethnicity								
Hispanic	79.9%	20.1%	4.8%	1.6%	1.7%	18.1%	5.2%	6,558
Non-Hispanic	81.5	18.5	2.0	2.0	1.9	17.2	7.3	24,523
Age								
16-18 years	73.2%	26.8%	3.6%	4.1%	4.0%	24.8%	12.1%	605
19-20 years	74.5	25.5	3.1	3.6	2.7	23.9	10.4	1,878
21-30 years	77.0	23.0	3.1	2.4	2.6	21.2	8.1	10,972
31-40 years	80.7	19.3	2.7	1.7	1.8	17.7	7.2	8,444
Over 40 years	88.4	11.6	1.7	1.0	0.9	10.7	4.0	9,329
Education								
Less than high school graduate	72.4%	27.6%	4.3%	3.0%	2.9%	25.2%	10.4%	7,821
High school graduate	79.5	20.5	2.3	2.0	2.1	19.1	7.4	10,064
Some college	84.4	15.6	1.6	1.5	1.5	14.3	5.8	7,098
College graduate	92.0	8.0	0.8	1.0	0.9	7.3	2.5	3,331
Marital status								
Never married	74.9%	25.1%	2.6%	2.6%	2.7%	23.5%	9.6%	10,893
Divorced/separated	80.2	19.8	2.8	1.7	1.8	18.3	7.3	5,590
Married	87.4	12.6	2.1	1.4	1.3	11.3	4.1	9,940
Common law	73.7	26.3	3.5	2.6	2.6	24.1	9.8	2,065
Other	91.6	8.4	3.2	0.6	0.7	7.9	2.7	2,832
Employment status at arrest								
Unemployed	74.4%	25.6%	3.3%	2.6%	2.5%	23.7%	10.5%	9,976
Employed	83.5	16.5	2.0	1.7	1.8	15.1	5.4	18,699
Criminal record								
No convictions ^b	89.8%	10.2%	1.8%	0.8%	0.9%	9.2%	2.7%	12,160
Misdemeanor only	77.3	22.7	2.9	1.9	2.5	21.4	8.8	6,670
Felony								
Nonviolent	73.1	26.9	3.1	3.0	2.5	24.9	10.9	4,882
Violent	70.4	29.6	2.9	3.9	3.5	27.6	12.7	2,823
Number of prior convictions								
1	79.5%	20.5%	2.5%	2.2%	2.1%	19.1%	7.2%	5,415
2 to 4	73.8	26.2	3.2	2.4	2.8	24.5	10.2	5,902
5 or more	67.2	32.8	3.5	3.9	3.7	30.6	15.9	3,058
Criminal justice status								
Not under supervision	84.1%	15.9%	2.3%	1.4%	1.5%	14.6%	5.3%	23,882
Pretrial release	69.2	30.8	2.6	3.8	3.7	28.4	13.7	1,501
Probation	73.0	27.0	3.0	4.1	3.2	25.0	11.0	1,579
Parole	76.0	24.0	1.9	2.2	3.5	21.8	10.4	367
Court appearance history								
No prior arrests	89.8%	10.2%	1.8%	0.8%	1.0%	9.2%	2.8%	12,308
Failure to appear								
None	77.7	22.3	2.7	2.5	2.3	20.7	8.5	15,626
1	70.6	29.4	3.9	2.7	3.0	27.6	12.4	1,740
More than 1	62.4	37.6	5.7	3.7	4.1	34.9	16.1	1,646
Drug abuse								
No known abuse	87.3%	12.7%	2.0%	1.5%	1.5%	11.3%	4.4%	18,879
Drug history	64.8	35.2	3.2	3.1	3.3	33.6	13.5	8,292

Note: Data describe defendants whose pretrial services were terminated during fiscal year 2001. 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, page 50.

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

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

Table 3.11. Length of pretrial detention for cases terminated, by form of release or detention, and most serious offense charged, October 1, 2000 - September 30, 2001

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	24.5 days	34.0 days	39.9 days	42.0 days	80.9 days	110.1 days
Violent offenses	34.4 days	42.3 days	45.2 days	156.3 days	84.0 days	144.3 days
Murder ^c	—	66.6	62.1	...	...	255.7
Negligent manslaughter	...	...	38.4	...	...	—
Assault	7.9	62.6	36.3	180.5	33.8	134.1
Robbery	26.4	35.0	50.2	164.6	104.6	133.7
Sexual abuse ^c	—	26.0	50.4	—	—	138.9
Kidnaping	—	—	37.4	—	—	162.2
Threats against the President	—	—	—	...	...	353.3
Property offenses	30.9 days	35.7 days	33.6 days	70.6 days	91.8 days	96.0 days
Fraudulent	27.4 days	37.6 days	35.0 days	95.6 days	95.4 days	92.5 days
Embezzlement	24.5	64.3	13.4	0	46.8	75.2
Fraud ^c	27.1	34.7	34.3	127.6	102.7	94.3
Forgery	44.4	23.6	169.5	...	—	81.9
Counterfeiting	28.1	42.3	31.6	—	84.2	88.8
Other	49.6 days	28.1 days	31.6 days	12.3 days	74.2 days	109.3 days
Burglary	—	14.9	27.8	...	—	116.0
Larceny ^c	26.2	26.2	24.8	12.3	74.4	81.0
Motor vehicle theft	154.5	17.3	112.7	—	—	141.9
Arson and explosives	—	34.5	64.0	...	—	149.0
Transportation of stolen property	68.3	6.0	15.2	...	—	182.2
Other property offenses ^c	—	162.0	10.7	—	...	—
Drug offenses	24.4 days	33.4 days	40.6 days	39.8 days	88.7 days	129.0 days
Trafficking	24.7	33.2	41.0	38.1	86.3	130.3
Other drug offenses	21.7	37.1	35.8	76.8	131.9	109.5
Public-order offenses	18.5 days	26.2 days	32.7 days	67.5 days	143.7 days	120.2 days
Regulatory	14.6 days	18.9 days	38.0 days	66.8 days	129.4 days	92.8 days
Other	21.1 days	31.2 days	31.1 days	69.1 days	172.3 days	131.3 days
Tax law violations ^c	6.4	45.1	15.3	—	—	69.6
Bribery	7.6	74.8	49.0	...	—	131.4
Perjury, contempt, and intimidation	55.1	20.3	35.1	—	—	124.1
National defense	—	4.0	—	0	—	226.6
Escape	4.1	21.3	18.9	—	—	63.7
Racketeering and extortion	28.6	43.2	65.1	—	218.5	240.0
Gambling	—	8.0	7.0	...	...	—
Liquor offenses	...	—	—	...	...	...
Nonviolent sex offenses	10.5	31.2	20.5	0	—	97.7
Obscene material ^c	—	12.0	—	—	—	—
Traffic	5.0	6.8	9.9	0	—	35.0
Migratory birds	...	—	84.0	—	...	...
All other offenses ^c	12.2	23.5	44.8	0	—	63.7
Weapon offenses	36.7 days	45.3 days	48.0 days	98.4 days	91.9 days	121.0 days
Immigration offenses	13.5 days	22.3 days	30.8 days	37.1 days	56.8 days	67.8 days

— Too few cases to obtain statistically reliable data.

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

^aData describe 68,214 defendants who terminated pretrial services during fiscal year 2001. Data exclude defendants for whom periods of detention could not be determined or were unavailable. For further information, see *Chapter notes*, item 1, p. 50.

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

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

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 pretrial defendants processed by Federal pretrial service agencies within each district. Defendants who received pretrial services through a local, non-Federal agency, such as the District of Columbia, are not included. The data describe 75,275 defendants whose cases commenced and 68,214 defendants who terminated pretrial services during October 1, 2000, through September 30, 2001, and whose cases were filed by complaint, indictment, or information. In these tables, the totals (that is, "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 major charged offense the one carrying the most severe penalty or, in the case of two or more charges carrying the same penalty, the one with the highest offense severity. The offense severity level is determined by the AOUSC, which ranks offenses according to the maximum sentence, type of crime, and maximum fine amount. These four-digit codes are then aggregated into the same offense categories as those used in chapter 2.

For drug offenses, the type of drug activity — trafficking or possession — is obtained by the probation officers from their reading of the

indictment or other charging documents. The AOUSC citation manual provides probation officers with detailed instructions on how to code drug crimes.

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

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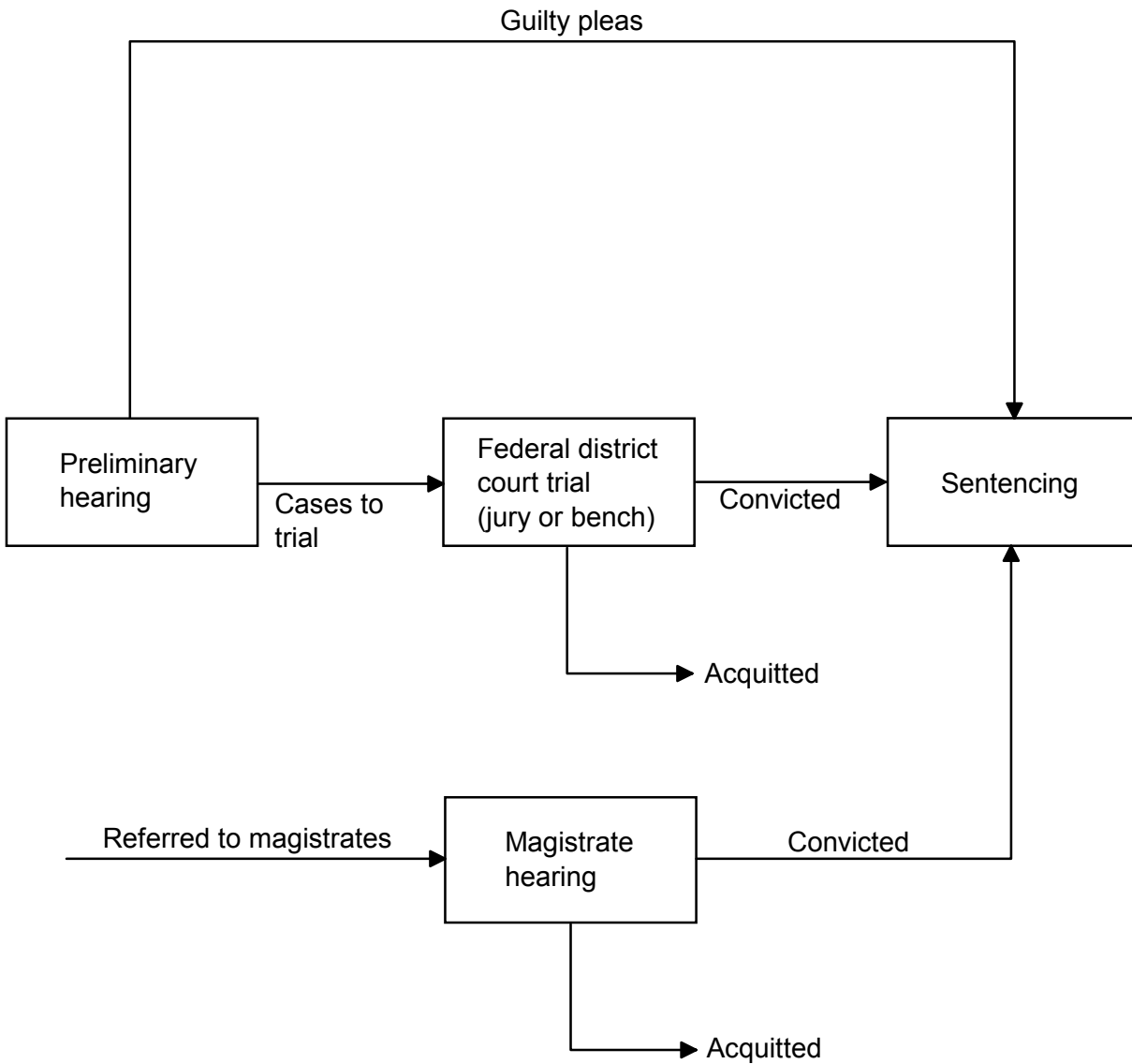
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Chapter 4

Adjudication



Federal criminal cases may result in conviction of the defendant following a guilty plea or trial. They may also result in non-conviction in which a defendant is acquitted after trial or the case is dismissed.¹

Defendants in criminal cases commenced (table 4.1)

During 2001, 82,614 defendants had criminal cases commenced against them in U.S. district courts, and 70,837(86%) of those defendants were charged with felonies. The 30,301 drug felony defendants comprised 37% of all criminal defendants in cases commenced and 43% of all felony defendants. Felony property and immigration defendants comprised 18% and 14%, respectively, of all defendants in cases commenced. The 11,703 misdemeanor defendants constituted 14% of all defendants in cases commenced; 42% of those misdemeanor defendants were charged with traffic violations.

Defendants in criminal cases terminated (table 4.2)

Cases were terminated against 77,145 defendants during 2001, 66,112 (86%) of whom were felony defendants. During 2001, the 28,227 drug-related felony defendants comprised nearly 37% of all defendants in cases terminated and 43% of all felony defendants.

Eighty-nine percent of all defendants, 92% of all felony defendants and 73% of misdemeanor defendants were convicted. Conviction rates for major felony offense categories were in the 90% range. Within major offense categories, however, the conviction rates varied more widely. For example, within public-order, the conviction rate ranged from 69% for civil rights violations to 96% for tax law violations and 100% for gambling cases.

¹Unless otherwise noted, data describe felony and misdemeanor cases in U.S. district courts and include Class A misdemeanors handled by U.S. magistrate judges. The data also include the infrequent Class B misdemeanors handled by U.S. district court judges.

Most defendants who were convicted pleaded guilty (figure 4.1). Overall, over 95% of those convicted pleaded guilty, while 5% were convicted at trial. For felony offenses, 96% pleaded guilty to their charges. For the major felony offense categories, guilty pleas were registered for 99% of immigration offenders, 96% each for drug and property offenders, 93% for each of violent and public-order offenders, and 92% of weapon offenders. (Percentages were calculated from numbers in table 4.2.)

During 2001, 6% (4,356) of the 77,145 defendants in cases terminated exercised their right to a trial. Eight percent of violent and weapon offenders went to trial as compared with 7% of public-order offenders, 5% of property offenders, 4% of drug offenders, and 1% of immigration offenders. (Percentages were calculated from numbers in table 4.2.)

Of defendants who exercised their right to a trial, 3,365 (77%) were convicted either by a jury or a bench trial. The felony trial conviction rate was

80%, while the misdemeanor conviction rate was 70%. Among felony offenses, trial conviction rates ranged from 75% for public-order defendants to 86% for immigration defendants. (Percentages were calculated from numbers in table 4.2.)

Case processing times (table 4.3)

The data in table 4.3 cover the interval from the time a case is filed in U.S. district court through sentencing for those convicted as well as the interval from case filing through disposition for those not convicted, or those whose cases were dismissed. Title I of the Speedy Trial Act of 1974, as amended, sets time requirements for processing criminal cases in Federal courts. Except for certain exclusions, indictment must occur within 30 days of arrest; defendants are guaranteed at least 30 days to prepare for trial; and the Government must be ready for trial within 70 days. The Speedy Trial Act does not specify an interval from trial to sentencing,² and the time limits set by the act exclude several enumerated periods of pretrial procedure such as time spent awaiting rulings on motions.³ 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 8.9 months. For felony defendants, the overall processing time average was 9.7 months; for those charged with misdemeanor crimes, the average processing time was 4.0 months. Defendants who pleaded guilty were processed, on average, 2.8 months quicker than defendants who went to trial (figure 4.2).

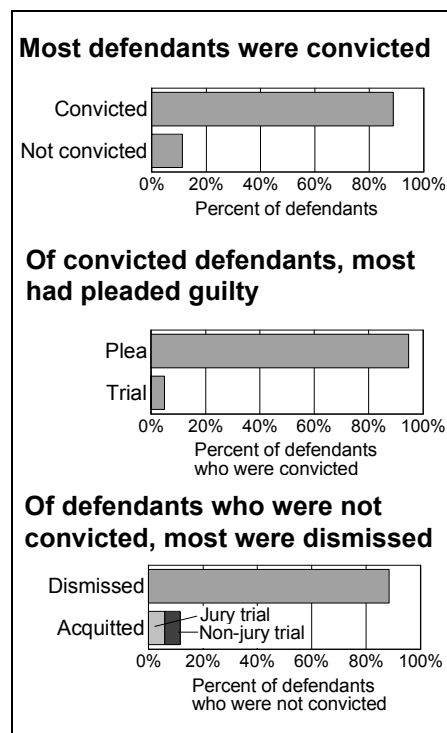


Figure 4.1. Disposition of cases terminating during October 1, 2000 - September 30, 2001

²The 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.)

³18 U.S.C. 3161 et. seq.

Overall, defendants whose cases were ultimately dismissed took longest to process (11.7 months), on average. Among major felony offense categories, case processing times were similar to the overall pattern, except when comparing the time until dismissal to the time of trial. Defendants convicted of violent, property, weapon, and immigration offenses took a greater amount of time for trial (13.2, 16.7, 11.6 and 8.6 months respectively), on average, than for dismissal (12.4, 14.9, 10.2 and 6.1 months respectively).

Convictions by U.S. magistrate judges (table 4.4)

During 2001 U.S. magistrate judges disposed of 9,742 misdemeanor criminal defendants, 72% of whom were convicted. Public-order offenders comprised 56% of the defendants disposed by U.S. magistrate judges, with property offenders comprising another 25%. Drug offenses comprised a little over 11% of U.S. magistrates' cases. (Percents were calculated from numbers in table 4.4.)

Characteristics of convicted defendants (table 4.5)

Among defendants convicted, there were almost 6 times as many men as women (85% versus 15%); over 4 times as many whites as blacks (77% versus 19%); and 1½ times as many non-Hispanics as Hispanics (60% versus 40%). Most were U.S. citizens (67%), had graduated from high school or completed some higher education (55%), and had some criminal history (60%). Persons over age 30 represented 55% of defendants.

Cases of defendants decided by trial took longer than those involving a plea

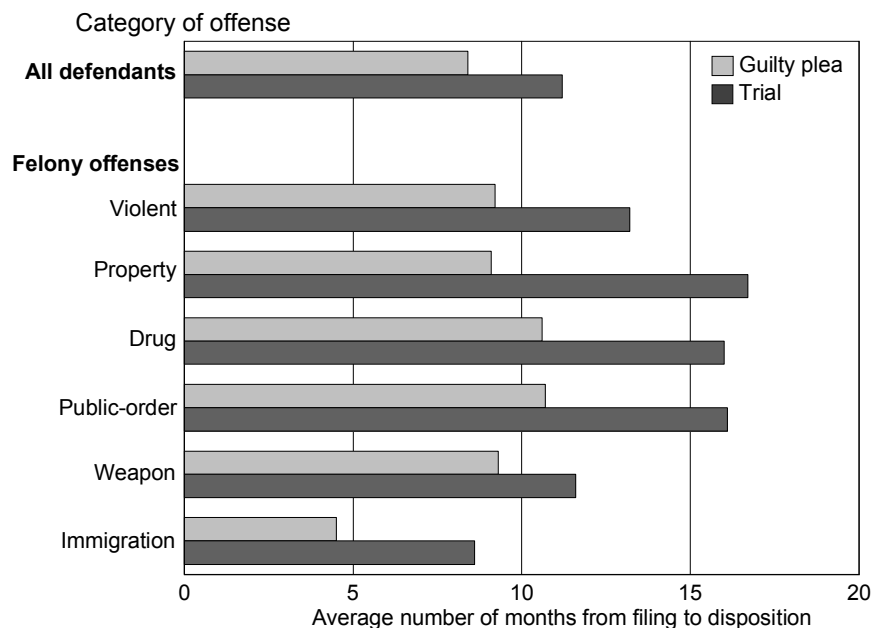


Figure 4.2. Average time from filing to disposition of cases terminating during October 1, 2000 - September 30, 2001, by offense

About 1 in 20 cases concluded in 2001 were decided by trial

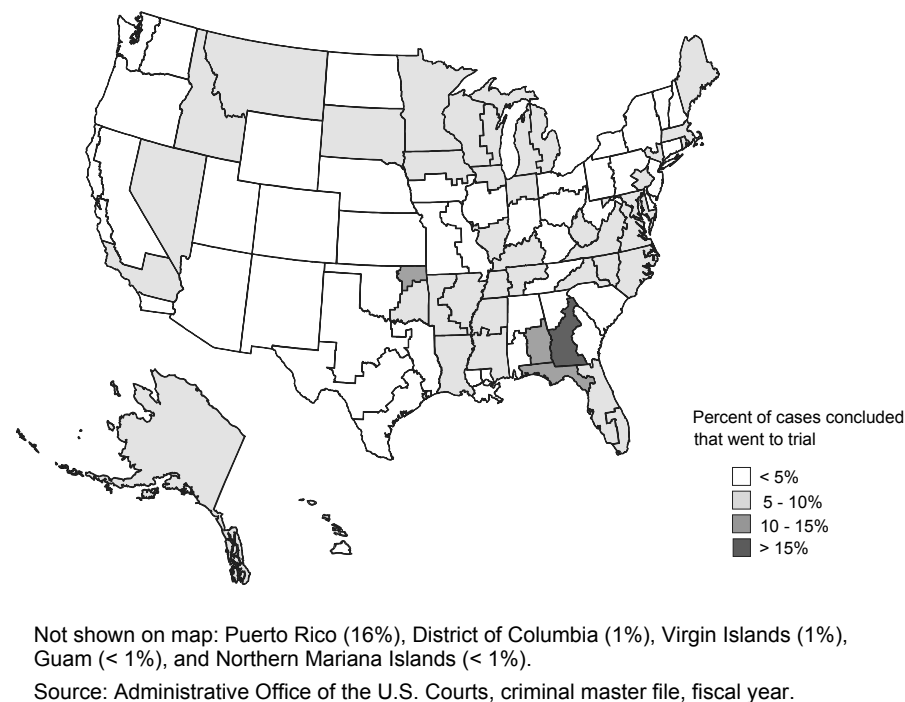


Figure 4.3. Percent of cases concluded in 2001 that went to trial during October 1, 2000 - September 30, 2001, by Federal judicial district

Table 4.1. Defendants in criminal cases commenced, by offense, October 1, 2000 - September 30, 2001

Most serious offense charged	Defendants in cases commenced during 2001	
	Number	Percent ^a
All offenses^b	82,614	100%
Felonies	70,837	85.7%
Violent offenses	3,178	3.8%
Murder ^c	418	0.5
Negligent manslaughter	1	—
Assault	366	0.4
Robbery	1,765	2.1
Sexual abuse ^c	420	0.5
Kidnaping	183	0.2
Threats against the President	25	—
Property offenses	14,764	17.9%
Fraudulent	12,293	14.9%
Embezzlement	954	1.2
Fraud ^c	9,548	11.6
Forgery	106	0.1
Counterfeiting	1,685	2.0
Other	2,471	3.0%
Burglary	61	0.1
Larceny ^c	1,668	2.0
Motor vehicle theft	114	0.1
Arson and explosives	254	0.3
Transportation of stolen property	306	0.4
Other property offenses ^c	68	0.1
Drug offenses	30,301	36.7%
Trafficking	28,315	34.3
Possession and other drug offenses	1,986	2.4
Public-order offenses	4,595	5.6%
Regulatory	1,218	1.5%
Agriculture	93	0.1
Antitrust	42	0.1
Food and drug	47	0.1
Transportation	169	0.2
Civil rights	118	0.1
Communications	51	0.1
Custom laws	86	0.1
Postal laws	47	0.1
Other regulatory offenses	565	0.7
Other	3,377	4.1%
Tax law violations ^c	471	0.6
Bribery	156	0.2
Perjury, contempt, and intimidation	368	0.4
National defense	77	0.1
Escape	554	0.7
Racketeering and extortion	780	0.9
Gambling	14	—
Liquor offenses	2	—
Nonviolent sex offenses	615	0.7
Obscene material ^c	12	—
Traffic offenses	19	—
Migratory birds	4	—
All other felonies ^c	305	0.4
Weapon offenses	6,495	7.9%
Immigration offenses	11,504	13.9%
Misdemeanors^c	11,703	14.2%
Fraudulent property offenses	866	1.0
Larceny	1,701	2.1
Drug possession ^c	1,238	1.5
Immigration offenses	498	0.6
Traffic offenses	4,931	6.0
Other misdemeanors	2,469	3.0

Note: For further information, see *Chapter notes*, item 1, page 64.

—Less than .05%.

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

^bIncludes 74 defendants for whom an offense category could not be determined.

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

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

Table 4.2. Disposition of criminal cases terminating from October 1, 2000 - September 30, 2001, by offense

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in criminal cases terminating during 2001 who were—								
			Convicted					Not convicted			
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial	
			Jury	Non-jury			Jury ^a	Non-jury			
All offenses^b	77,145	88.8%	68,533	64,894	274	2,313	1,052	8,612	7,621	507	484
Felonies	66,112	91.5%	60,467	58,039	23	2,272	133	5,645	5,059	496	90
Violent offenses	2,977	90.3%	2,687	2,512	2	164	9	290	240	46	4
Murder ^c	404	86.1	348	304	0	40	4	56	47	7	2
Negligent manslaughter	1	—	0	0	0	0	0	1	1	0	0
Assault	316	81.3	257	229	2	25	1	59	46	12	1
Robbery	1,689	94.1	1,590	1,530	0	57	3	99	84	14	1
Sexual abuse ^c	382	88.2	337	311	0	25	1	45	34	11	0
Kidnaping	163	87.1	142	125	0	17	0	21	20	1	0
Threats against the President	22	59.1	13	13	0	0	0	9	8	1	0
Property offenses	13,950	90.6%	12,640	12,124	5	491	20	1,310	1,182	108	20
Fraudulent	11,563	90.8%	10,498	10,097	5	380	16	1,065	973	75	17
Embezzlement	933	91.6	855	827	0	27	1	78	72	6	0
Fraud ^c	9,028	90.6	8,180	7,837	5	323	15	848	769	64	15
Forgery	107	92.5	99	93	0	6	0	8	6	1	1
Counterfeiting	1,495	91.2	1,364	1,340	0	24	0	131	126	4	1
Other	2,387	89.7%	2,142	2,027	0	111	4	245	209	33	3
Burglary	64	84.4	54	52	0	2	0	10	9	1	0
Larceny ^c	1,591	90.8	1,445	1,378	0	63	4	146	126	17	3
Motor vehicle theft	112	90.2	101	96	0	5	0	11	10	1	0
Arson and explosives	239	83.7	200	181	0	19	0	39	29	10	0
Transportation of stolen property	310	89.0	276	254	0	22	0	34	30	4	0
Other property offenses ^c	71	93.0	66	66	0	0	0	5	5	0	0
Drug offenses	28,227	91.6%	25,854	24,889	9	922	34	2,373	2,142	198	33
Trafficking	26,501	91.5	24,253	23,353	7	863	30	2,248	2,030	186	32
Possession and other drug offenses	1,726	92.8	1,601	1,536	2	59	4	125	112	12	1
Public-order offenses	4,402	87.1%	3,836	3,586	3	236	11	566	483	67	16
Regulatory	1,166	84.8%	989	951	1	35	2	177	145	27	5
Agriculture	109	80.7	88	79	0	8	1	21	18	2	1
Antitrust	34	94.1	32	32	0	0	0	2	2	0	0
Food and drug	48	89.6	43	40	0	3	0	5	5	0	0
Transportation	128	79.7	102	99	0	2	1	26	14	12	0
Civil rights	87	69.0	60	55	0	5	0	27	15	10	2
Communications	62	95.2	59	56	0	3	0	3	3	0	0
Custom laws	70	85.7	60	56	0	4	0	10	9	0	1
Postal laws	44	77.3	34	33	1	0	0	10	10	0	0
Other regulatory offenses	584	87.5	511	501	0	10	0	73	69	3	1
Other	3,236	88.0%	2,847	2,635	2	201	9	389	338	40	11
Tax law violations ^c	484	95.5	462	433	1	25	3	22	16	5	1
Bribery	237	89.5	212	201	0	11	0	25	19	4	2
Perjury, contempt, and intimidation	334	83.2	278	243	0	35	0	56	44	9	3
National defense	46	93.5	43	35	0	8	0	3	3	0	0
Escape	497	84.5	420	400	1	18	1	77	75	1	1
Racketeering and extortion	827	83.9	694	627	0	66	1	133	113	18	2
Gambling	25	100	25	25	0	0	0	0	0	0	0
Liquor offenses	7	—	7	5	0	2	0	0	0	0	0
Nonviolent sex offenses	498	94.2	469	442	0	24	3	29	27	2	0
Obscene material ^c	11	100	11	10	0	1	0	0	0	0	0
Traffic offenses	29	89.7	26	22	0	3	1	3	3	0	0
Migratory birds	4	—	4	3	0	1	0	0	0	0	0
All other felonies ^c	237	82.7	196	189	0	7	0	41	38	1	2
Weapon offenses	5,814	90.0%	5,231	4,829	3	363	36	583	508	62	13
Immigration offenses	10,742	95.1%	10,219	10,099	1	96	23	523	504	15	4
Misdemeanors^c	10,952	73.0%	7,995	6,789	251	38	917	2,957	2,552	11	394
Fraudulent property offenses	882	91.3	805	799	2	2	2	77	77	0	0
Larceny	1,515	59.0	894	808	60	6	20	621	609	2	10
Drug possession ^c	1,063	73.0	776	758	6	2	10	287	279	1	7
Immigration offenses	452	94.2	426	426	0	0	0	26	26	0	0
Traffic offenses	4,426	68.2	3,018	2,694	140	3	181	1,408	1,066	1	341
Other misdemeanors	2,614	79.4	2,076	1,304	43	25	704	538	495	7	36

Note: For further information, see *Chapter notes*, item 1, page 64.

—Too few cases to obtain statistically reliable data.

^aIncludes mistrials.

^bIncludes 81 defendants for whom an offense category could not be determined, 71 of whom were convicted and 10 were not convicted.

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

Table 4.3. Time from filing to disposition of criminal cases terminating from October 1, 2000 - September 30, 2001, by offense

Most serious offense charged	Average time from filing to disposition for defendants in criminal cases resulting in—			
	All outcomes	Dismissal ^a	Guilty plea	Trial ^b
All offenses	8.9 mo	11.7 mo	8.4 mo	11.2 mo
Felonies	9.7 mo	14.0 mo	9.1 mo	14.9 mo
Violent offenses	9.8 mo	12.4 mo	9.2 mo	13.2 mo
Murder ^c	12.0	19.9	10.1	16.3
Negligent manslaughter	—	—	...	...
Assault	8.2	9.6	7.8	8.9
Robbery	8.8	9.4	8.5	13.1
Sexual abuse ^c	9.2	8.7	9.1	9.7
Kidnaping	18.9	18.9	18.4	22.0
Threats against the President	9.0	—	7.0	—
Property offenses	10.0 mo	14.9 mo	9.1 mo	16.7 mo
Fraudulent	9.9 mo	15.4 mo	9.0 mo	16.6 mo
Embezzlement	7.4	8.0	7.2	7.2
Fraud ^c	10.4	16.9	9.4	16.9
Forgery	8.3	—	8.0	—
Counterfeiting	8.4	10.8	8.1	12.7
Other	10.5 mo	12.6 mo	9.7 mo	17.1 mo
Burglary	8.7	—	8.7	—
Larceny ^c	9.3	10.3	8.8	17.1
Motor vehicle theft	14.6	—	14.5	—
Arson and explosives	13.7	15.2	12.3	21.1
Transportation of stolen property	13.0	21.7	12.1	12.5
Other property offenses ^c	8.5	—	8.3	...
Drug offenses	11.2 mo	16.1 mo	10.6 mo	16.0 mo
Trafficking	11.3	16.3	10.6	16.0
Possession and other drug offenses	10.6	13.3	10.2	15.0
Public-order offenses	11.7 mo	16.4 mo	10.7 mo	16.1 mo
Regulatory	9.8 mo	12.4 mo	9.1 mo	13.0 mo
Agriculture	10.1	11.9	8.9	15.3
Antitrust	10.0	—	9.6	...
Food and drug	11.1	—	11.1	—
Transportation	7.5	7.3	7.9	4.8
Civil rights	9.8	6.4	10.5	10.3
Communications	6.9	—	6.4	—
Custom laws	11.7	—	9.4	—
Postal laws	5.2	—	5.5	...
Other regulatory offenses	10.5	14.4	9.6	24.5
Other	12.4 mo	18.1 mo	11.3 mo	16.9 mo
Tax law violations ^c	13.0	23.7	12.3	17.3
Bribery	9.7	20.8	8.2	15.5
Perjury, contempt, and intimidation	11.7	16.7	10.6	13.0
National defense	13.9	—	13.6	—
Escape	13.2	28.0	10.6	12.1
Racketeering and extortion	16.3	16.2	15.5	21.7
Gambling	11.2	...	11.2	...
Liquor offenses	—	...	—	—
Nonviolent sex offenses	9.1	13.9	8.4	15.7
Obscene material ^c	7.1	...	—	—
Traffic offenses	8.5	—	6.8	—
Migratory birds	—	...	—	—
All other felonies ^c	7.8	6.7	7.9	12.0
Weapon offenses	9.5 mo	10.2 mo	9.3 mo	11.6 mo
Immigration offenses	4.7 mo	6.1 mo	4.5 mo	8.6 mo
Misdemeanors^c	4.0 mo	7.2 mo	3.0 mo	3.1 mo
Fraudulent property offenses	4.1	11.5	3.3	—
Larceny	5.1	6.4	4.1	4.9
Drug possession ^c	5.0	8.9	3.6	4.7
Immigration offenses	0.7	5.5	0.4	...
Traffic offenses	3.2	6.8	2.3	0.7
Other misdemeanors	4.9	7.3	4.1	4.6

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, page 64.

—Too few cases to obtain statistically reliable data.

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

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

^bIncludes mistrials.

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

Table 4.4. Dispositions by U.S. magistrate judges, October 1, 2000 - September 30, 2001

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrate judges			
	Total	Convicted	Not convicted	Percent convicted
All offenses^a	9,742	6,995	2,747	71.8%
Violent offenses^b	338	196	142	58.0%
Murder ^c	6	6	0	—
Assault	304	170	134	55.9
Robbery	3	2	1	—
Sexual abuse ^c	23	16	7	69.6
Kidnaping	2	2	0	—
Property offenses	2,473	1,749	724	70.7%
Fraudulent	852	783	69	91.9%
Embezzlement	188	174	14	92.6
Fraud ^c	641	590	51	92.0
Forgery	16	13	3	81.3
Counterfeiting	7	6	1	—
Other	1,621	966	655	59.6%
Burglary	6	6	0	—
Larceny ^c	1,482	875	607	59.0
Arson and explosives	10	6	4	—
Transportation of stolen property	2	1	1	—
Other property offenses ^c	121	78	43	64.5
Drug offenses	1,049	771	278	73.5%
Trafficking	94	62	32	66.0
Possession	955	709	246	74.2
Public-order offenses	5,419	3,843	1,576	70.9%
Regulatory	373	325	48	87.1%
Agriculture	71	62	9	87.3
Fair labor standards	13	12	1	92.3
Food and drug	15	15	0	100
Other regulatory offenses	274	236	38	86.1
Other	5,046	3,518	1,528	69.7%
Tax law violations ^c	48	47	1	97.9
Bribery	5	5	0	—
National defense	39	38	1	97.4
Escape	34	27	7	79.4
Racketeering and extortion	3	2	1	—
Liquor offenses	2	0	2	—
Traffic offenses	4,355	2,980	1,375	68.4
Migratory birds	28	26	2	92.9
All other offenses ^c	532	393	139	73.9
Weapon offenses	80	60	20	75.0%
Immigration offenses	383	376	7	98.2%

Note: Data in this table are not directly comparable to data in the 1993 and prior compendia; see *Chapter notes*, item 1, page 64.

—Too few cases to obtain statistically reliable data.

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

^bMay include some nonviolent offenses.

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

Table 4.5. Characteristics of convicted offenders, October 1, 2000 - September 30, 2001

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders											
		All offenses ^a	Felonies					Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses	Misdemeanors
			Violent offenses	Property offenses		Other	Regulatory		Other				
				Fraudulent	Other								
All offenders^b	68,533	68,533	2,604	10,359	1,990	25,088	1,410	2,937	4,925	10,050	9,100		
Male/female													
Male	51,535	85.3%	92.9%	74.1%	74.2%	86.1%	76.1%	86.5%	96.6%	94.8%	74.9%		
Female	8,898	14.7	7.1	25.9	25.8	13.9	23.9	13.5	3.4	5.2	25.1		
Race													
White	40,877	76.6%	54.7%	71.2%	69.5%	77.3%	83.0%	82.5%	55.3%	95.7%	70.0%		
Black	9,997	18.7	21.6	22.5	20.8	20.5	9.0	10.9	41.6	2.6	21.4		
Native American	1,022	1.9	21.0	0.8	5.2	0.8	1.7	1.7	1.7	0.4	2.8		
Asian/Pacific Islander	1,322	2.5	2.6	5.0	4.2	1.2	5.6	4.6	1.3	1.1	5.4		
Other	138	0.3	0.2	0.5	0.2	0.2	0.6	0.2	0.2	0.2	0.4		
Ethnicity													
Hispanic	23,904	39.6%	8.6%	17.5%	11.9%	43.9%	34.4%	16.8%	13.5%	91.0%	23.9%		
Non-Hispanic	36,482	60.4	91.4	82.5	88.1	56.1	65.6	83.2	86.5	9.0	76.1		
Age													
16-18 years	421	0.7%	1.9%	0.1%	0.4%	0.9%	0.1%	0.2%	0.6%	0.5%	2.1%		
19-20 years	2,764	4.8	8.7	2.3	4.8	5.4	4.9	1.6	6.4	3.6	7.5		
21-30 years	22,982	39.6	38.2	29.3	33.9	44.3	26.9	23.5	47.5	43.5	36.6		
31-40 years	17,404	30.0	29.6	30.4	30.5	29.2	28.8	28.2	26.8	35.9	25.7		
Over 40 years	14,408	24.9	21.7	37.9	30.4	20.2	39.3	46.5	18.7	16.5	28.1		
Citizenship													
U.S. citizen	39,568	66.5%	94.9%	81.6%	91.2%	69.0%	70.5%	87.1%	92.7%	9.5%	75.9%		
Not U.S. citizen	19,963	33.5	5.1	18.4	8.8	31.0	29.5	12.9	7.3	90.5	24.1		
Education													
Less than high school graduate	24,918	45.0%	37.7%	20.7%	27.3%	50.7%	33.0%	23.8%	47.9%	80.0%	25.5%		
High school graduate	17,235	31.2	40.1	32.1	38.1	32.0	31.8	33.1	38.6	14.2	38.6		
Some college	9,584	17.3	18.8	30.5	25.3	14.7	22.1	23.9	11.7	4.5	24.0		
College graduate	3,587	6.5	3.5	16.7	9.3	2.7	13.2	19.3	1.7	1.3	11.9		
Criminal record													
No convictions	24,310	40.2%	31.0%	54.2%	44.9%	44.5%	66.4%	53.7%	14.3%	19.0%	47.0%		
Prior adult convictions ^c	36,162	59.8	69.0	45.8	55.1	55.5	33.6	46.3	85.7	81.0	53.0		

Note: Offender characteristics are not comparable with the 1993 and prior compendia; see *Chapter notes*, item 2, page 64. 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, page 64.

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, 2000, through September 30, 2001, were selected. Offenses were classified according to the most serious offense charged. In the case of multiple offenses, the offense carrying the most severe potential penalty was selected.

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

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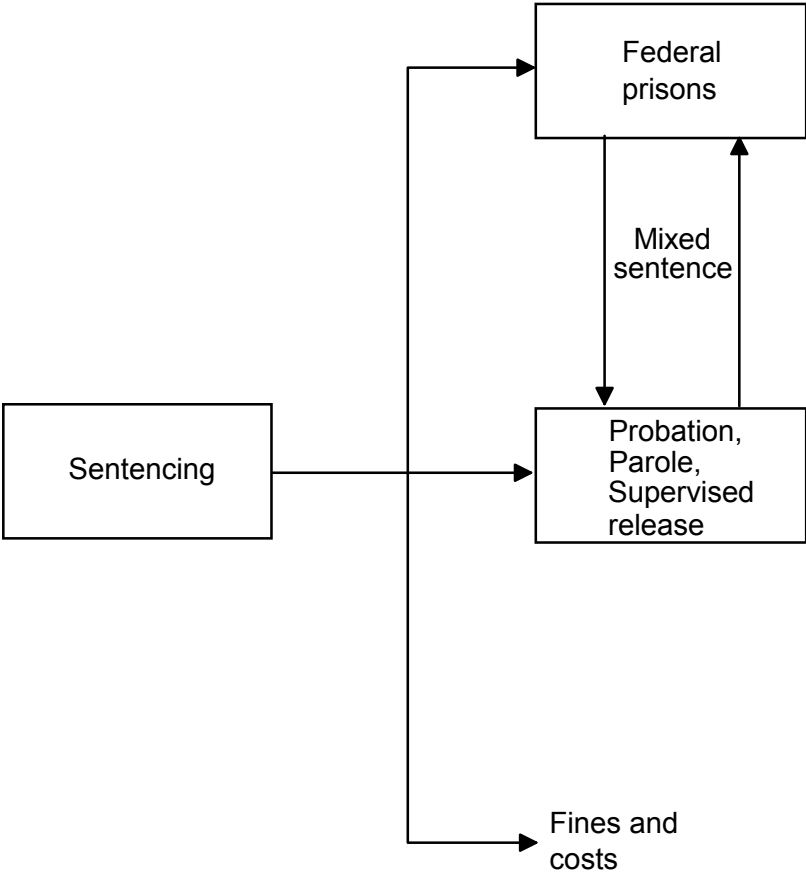
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Chapter 5

Sentencing



Depending on 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*, page 113.) The Federal sentencing guidelines require a term of supervised release following 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*, page 109.)

Offenders convicted and sentences imposed (table 5.1)

Of the 68,533 offenders sentenced during 2001, 51,057 (75%) were sentenced to prison; 11,963 (18%) were sentenced to probation;¹ and 2,814 (4%) were ordered to pay only a fine. During 2001, 49,509 defendants convicted of felonies were sentenced to prison representing 97% of all prison sentences and 83% of all convicted felons. Felony drug, violent, weapon, and immigration offenders were more likely to receive prison sentences (92%, 92%, 92%, and 90%, respectively) than were property (63%) or public-order (62%) offenders (figure 5.1).

Among public-order offenders, persons convicted of escape (89%) and nonviolent sex offenses (86%) were almost as likely to receive prison sentences as were violent, drug, weapon, and immigration offenders.

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

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

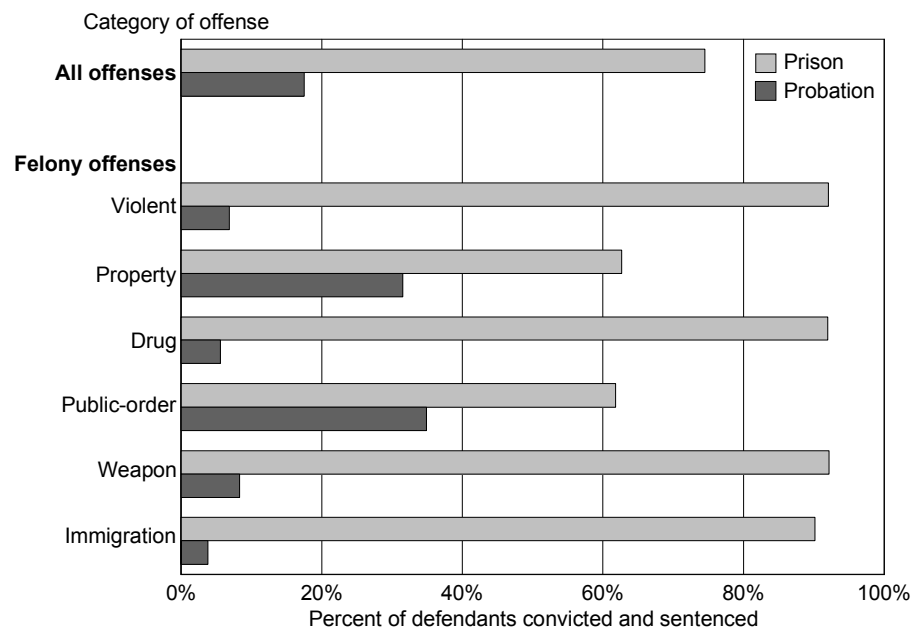


Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated during October 1, 2000 - September 30, 2001

Among property offenders, persons convicted of arson and explosive offenses (86%) were the most likely to receive prison sentences.

Overall, 18% of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (45%) was 3 times that of convicted felons (13%). Among felons, persons convicted of postal law violations were the most likely to be given probation (87%), followed by persons convicted of communication (82%).

While less than 1% of all convicted felons were ordered to only pay a fine, 16% of the felons convicted of national defense 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 sentenced to prison, the average term of imprisonment imposed was 56.5 months. Persons

convicted of felonies received an average prison term of 58.0 months.

The average length of prison sentence imposed varied among major felony offense categories (figure 5.2). Property offenders received the shortest sentence, on average, while violent offenders received the longest (24.1 months compared to 90.8 months). Weapons offenders received an average prison term of 86.9 months, and drug offenders received 73.8 months. Lesser terms were administered for public-order offenders receiving 39.3 months, on average, and immigration offenders receiving an average prison term of 29.2 months.

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

During 2001 offenders convicted by plea were slightly more likely to receive prison sentences than those convicted at trial. Seventy-five percent of the offenders convicted by guilty

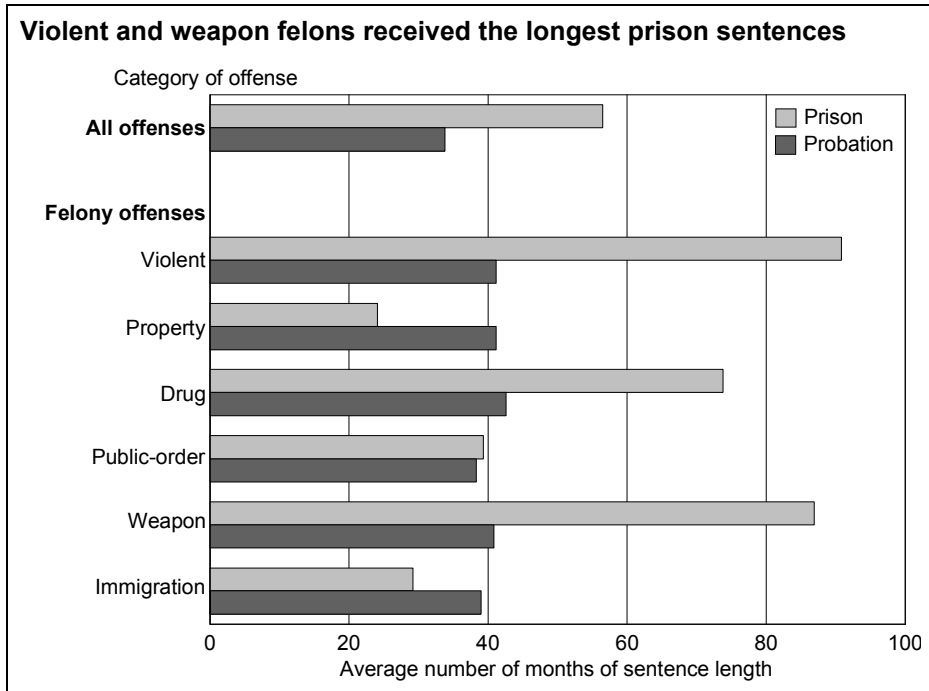


Figure 5.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases that terminated during October 1, 2000 - September 30, 2001

plea received some prison time, while 73% of the offenders convicted at trial received prison sentences.

For violent offenders, 92% of those convicted by plea received prison sentences, as did 96% of those convicted at trial. For property offenders, 62% of those convicted by plea received prison sentences, compared to 90% of those convicted at trial. For public-order offenders, 60% of those convicted by plea, as contrasted with 91% of those convicted at trial, went to prison.

The average prison term imposed on defendants convicted at trial was longer than the term imposed on defendants convicted by plea. Defendants convicted at trial received 137.5 months, on average, while those convicted by plea received an average of 52.7 months (figure 5.3). Drug offenders convicted at trial received an average of 203.8 months as compared to the 68.7 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 171.8 months as compared to the 85.8 months for

those convicted by plea. Those convicted at trial for weapon offenses received, on average, 195.1 months, compared to the 78.0 months for weapon offenders convicted by a guilty plea.

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

The majority of persons convicted during 2001 were male (85%), white (77%), non-Hispanic (60%), and U.S. citizens (66%). (Percentages were calculated from numbers in table 5.4.) The percentage sentenced to prison was not uniform across all categories of age, race, sex, education, and ethnicity. Similarly, the average sentences imposed were not uniform across these categories (table 5.5). However, conclusions about the effect that characteristics may have had on sentencing cannot be drawn from the aggregate patterns in the data. Such an assessment would require detailed information for each category showing the presence or absence of factors that are legally intended to affect sentencing, such as offense severity,

weapon use, role in the offense, victim injury, dollar loss, and so forth.

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

Average sentences imposed were longest for males (59.3 months), blacks (80.9 months), non-Hispanics (66.5 months), and U.S. citizens (65.8 months). These categories of offenders (males, blacks, non-Hispanics, and U.S. citizens) are also more highly concentrated in the offense types associated with longer average sentences (table 5.2). In general, average prison terms were longer for violent, drug, and weapon offenses than for property, public-order, and immigration offenses. These three offense categories generally are considered to be more serious under the Federal sentencing guidelines than property and public-order offenses.

²Douglas 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 (NCJ 145328).

Defendants convicted at trial received longer sentences than those convicted by guilty plea

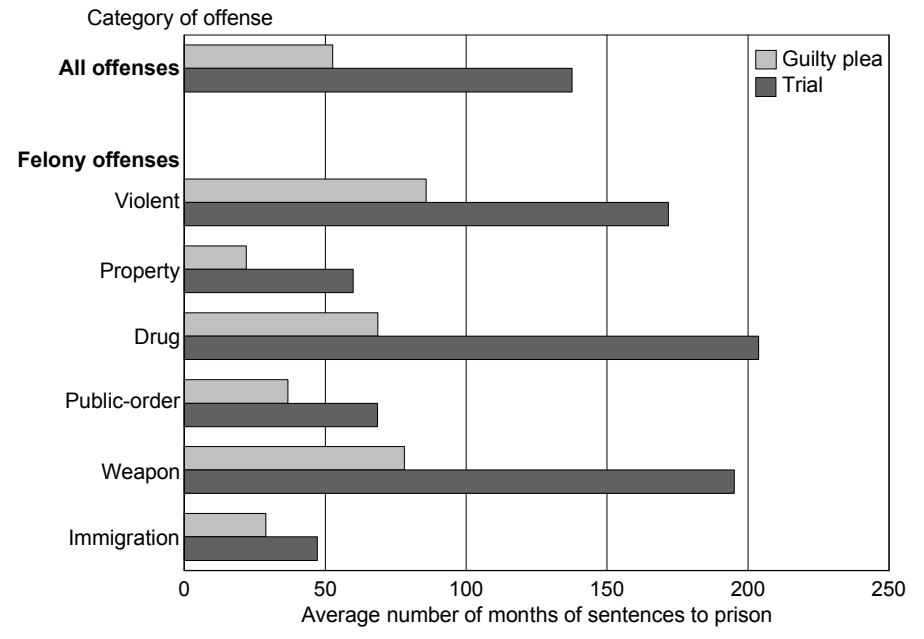


Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea, October 1, 2000 - September 30, 2001

Table 5.1. Sentence types for offenders sentenced in criminal cases terminated, by offense, October 1, 2000 - September 30, 2001

Most serious offense of conviction	Total offenders sentenced ^a	Percent of offenders convicted and sentenced to—		
		Incarceration ^b	Probation ^c	Fine (only)
All offenses^d	68,533	74.5%	17.5%	4.1%
Felonies	59,363	83.4%	13.1%	0.4%
Violent offenses	2,604	92.1%	6.9%	0.1%
Murder ^e	280	88.6	8.6	0.4
Assault	225	76.0	17.8	0.4
Robbery	1,659	96.4	3.8	0
Sexual abuse ^e	306	89.9	10.1	0
Kidnaping	121	79.3	15.7	0
Threats against the President	13	69.2	23.1	0
Property offenses	12,349	62.7%	31.5%	1.0%
Fraudulent	10,359	63.1%	30.6%	1.1%
Embezzlement	780	59.4	30.4	1.9
Fraud ^e	8,328	63.9	29.7	1.1
Forgery	105	55.2	40.0	1.0
Counterfeiting	1,146	60.9	36.4	0.1
Other	1,990	60.7%	36.2%	0.4%
Burglary	59	88.1	6.8	0
Larceny ^e	1,393	54.2	41.8	0.5
Motor vehicle theft	101	77.2	23.8	0
Arson and explosives	159	85.5	13.2	0
Transportation of stolen property	234	69.7	29.1	0
Other property offenses ^e	44	52.3	47.7	0
Drug offenses	25,088	92.0%	5.6%	0.2%
Trafficking	23,248	92.1	5.4	0.2
Possession and other drug offenses	1,840	89.8	8.0	0.4
Public-order offenses	4,347	61.8%	34.9%	1.0%
Regulatory	1,410	42.3%	51.1%	1.8%
Agriculture	67	41.8	55.2	1.5
Antitrust	28	25.0	67.9	7.1
Food and drug	52	34.6	61.5	1.9
Transportation	93	26.9	64.5	4.3
Civil rights	59	83.1	16.9	1.7
Communications	60	18.3	81.7	0
Custom laws	94	54.3	26.6	2.1
Postal laws	37	13.5	86.5	0
Other regulatory offenses	920	43.8	49.6	1.5
Other	2,937	71.1%	27.2%	0.6%
Tax law violations ^e	492	56.1	44.3	0.6
Bribery	219	38.4	58.0	0.9
Perjury, contempt, and intimidation	220	65.9	32.3	0.5
National defense	31	48.4	32.3	16.1
Escape	451	89.1	8.4	0.2
Racketeering and extortion	822	78.1	20.1	0.2
Gambling	8	—	—	—
Liquor offenses	5	—	—	—
Nonviolent sex offenses	491	85.5	14.3	0.4
Obscene material ^e	21	76.2	23.8	0
Traffic offenses	27	74.1	18.5	3.7
Migratory birds	3	—	—	—
All other felonies ^e	147	42.9	53.7	0
Weapon offenses	4,925	92.2%	8.3%	0.1%
Immigration offenses	10,050	90.2%	3.8%	0.2%
Misdemeanors^e	9,100	16.6%	45.4%	28.4%
Fraudulent property offenses	997	28.7	59.1	3.4
Larceny	997	15.1	70.8	14.9
Drug possession ^e	866	31.2	55.4	7.6
Immigration offenses	748	39.6	17.2	0.8
Traffic offenses	3,136	5.3	34.7	59.2
Other misdemeanors	2,356	14.6	48.4	19.9

Note: For further information, see *Chapter notes*, item 1, p. 77.

—Too few cases to obtain statistically reliable data.

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

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

^cIncludes offenders with split and mixed sentences.

^dTotal includes offenders whose sentence could not be determined and 70 defendants for whom offense category could not be determined.

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

Table 5.2. Type and length of sentences imposed for sentenced offenders, by offense, October 1, 2000 - September 30, 2001

Most serious offense of conviction	Offenders convicted and sentenced in criminal cases that terminated during fiscal year 2001							
	Total ^a	Number			Sentence length			
		Incarceration ^b	Probation ^c	Fine (only)	Incarceration ^d		Probation ^d	
					Mean	Median	Mean	Median
All offenses^e	68,533	51,057	11,963	2,814	56.5 mo	35.0 mo	33.8 mo	36.0 mo
Felonies	59,363	49,509	7,792	234	58.0 mo	37.0 mo	40.7 mo	36.0 mo
Violent offenses	2,604	2,399	180	2	90.8 mo	63.0 mo	41.2 mo	36.0 mo
Murder ^f	280	248	24	1	84.9	46.0	43.3	39.0
Assault	225	171	40	1	37.6	30.0	31.6	36.0
Robbery	1,659	1,600	63	0	98.3	70.0	43.5	36.0
Sexual abuse ^f	306	275	31	0	87.8	66.5	47.1	53.0
Kidnaping	121	96	19	0	88.2	60.0	41.3	36.0
Threats against the President	13	9	3	0	—	—	—	—
Property offenses	12,349	7,744	3,891	119	24.1 mo	15.0 mo	41.2 mo	36.0 mo
Fraudulent	10,359	6,537	3,171	112	22.2 mo	15.0 mo	40.7 mo	36.0 mo
Embezzlement	780	463	237	15	16.5	8.0	39.9	36.0
Fraud ^f	8,328	5,318	2,475	95	22.9	15.0	41.0	36.0
Forgery	105	58	42	1	19.6	12.0	41.5	36.0
Counterfeiting	1,146	698	417	1	20.5	15.0	39.4	36.0
Other	1,990	1,207	720	7	34.7 mo	18.0 mo	43.3 mo	36.0 mo
Burglary	59	52	4	0	23.2	19.5	—	—
Larceny ^f	1,393	755	582	7	28.3	18.0	44.4	36.0
Motor vehicle theft	101	78	24	0	26.9	19.5	29.3	33.0
Arson and explosives	159	136	21	0	86.2	48.0	38.0	36.0
Transportation of stolen property	234	163	68	0	33.7	23.0	42.8	36.0
Other property offenses ^f	44	23	21	0	20.1	12.0	38.3	36.0
Drug offenses	25,088	23,074	1,410	45	73.8 mo	51.0 mo	42.6 mo	36.0 mo
Trafficking	23,248	21,422	1,262	37	73.5	51.0	43.3	36.0
Possession and other drug offenses	1,840	1,652	148	8	79.0	60.0	36.6	36.0
Public-order offenses	4,347	2,686	1,518	42	39.3 mo	24.0 mo	38.3 mo	36.0 mo
Regulatory	1,410	597	720	25	23.5 mo	15.0 mo	33.9 mo	36.0 mo
Agriculture	67	28	37	1	22.5	13.5	36.0	36.0
Antitrust	28	7	19	2	—	—	40.4	36.0
Food and drug	52	18	32	1	17.7	13.5	37.5	36.0
Transportation	93	25	60	4	14.9	7.0	34.3	36.0
Civil rights	59	49	10	1	60.4	31.0	—	—
Communications	60	11	49	0	7.4	5.0	30.0	24.0
Custom laws	94	51	25	2	16.2	13.0	42.6	24.0
Postal laws	37	5	32	0	—	—	27.2	24.0
Other regulatory offenses	920	403	456	14	21.8	18.0	33.7	36.0
Other	2,937	2,089	798	17	43.8 mo	27.0 mo	42.3 mo	36.0 mo
Tax law violations ^f	492	276	218	3	21.8	15.0	38.6	36.0
Bribery	219	84	127	2	26.7	14.0	49.8	60.0
Perjury, contempt, and intimidation	220	145	71	1	34.1	24.0	34.8	36.0
National defense	31	15	10	5	47.8	35.5	—	—
Escape	451	402	38	1	19.9	12.0	31.2	36.0
Racketeering and extortion	822	642	165	2	74.3	51.0	41.4	36.0
Gambling	8	2	6	0	—	—	—	—
Liquor offenses	5	4	1	0	—	—	—	—
Nonviolent sex offenses	491	420	70	2	45.4	33.0	49.0	48.0
Obscene material ^f	21	16	5	0	47.4	30.0	—	—
Traffic offenses	27	20	5	1	30.0	21.0	—	—
Migratory birds	3	0	3	0	...	...	—	—
All other felonies ^f	147	63	79	0	27.5	15.0	48.7	60.0
Weapon offenses	4,925	4,541	410	7	86.9 mo	54.0 mo	40.8 mo	36.0 mo
Immigration offenses	10,050	9,065	383	19	29.2 mo	24.0 mo	39.0 mo	36.0 mo
Misdemeanors^f	9,100	1,515	4,133	2,580	10.0 mo	6.0 mo	20.6 mo	12.0 mo
Fraudulent property offenses	997	286	589	34	10.1	6.0	27.6	24.0
Larceny	997	151	706	149	9.6	6.0	21.2	12.0
Drug possession ^f	866	270	480	66	17.4	6.0	19.7	12.0
Immigration offenses	748	296	129	6	6.9	6.0	22.1	12.0
Traffic offenses	3,136	167	1,089	1,856	8.1	2.0	14.0	12.0
Other misdemeanors	2,356	345	1,140	469	7.9	4.0	23.4	12.0

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

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

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

^cIncludes offenders with split and mixed sentences.

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

^eTotal includes offenders whose sentence could not be determined and 70 defendants for whom offense category could not be determined, 33 of whom received a sentence of incarceration, and 38 received a sentence of probation.

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

Table 5.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition, October 1, 2000 - September 30, 2001

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders convicted and sentenced in criminal cases who received—			Offenders sentenced to some incarceration		
		Incarceration ^a	Probation ^b	Fine (only)	Percent of convicted offenders	Sentence length ^c	
						Mean	Median
All offenses^d	68,533	51,057	11,963	2,814	74.5%	56.5 mo	35.0 mo
Guilty plea ^e	65,168	48,612	11,624	2,590	74.6	52.7	33.0
Trial	3,365	2,445	339	224	72.7	137.5	78.0
Felonies	59,363	49,509	7,792	234	83.4%	58.0 mo	37.0 mo
Guilty plea	56,979	47,226	7,693	228	82.9	53.9	36.0
Trial	2,384	2,283	99	6	95.8	147.2	92.0
Violent offenses	2,604	2,399	180	2	92.1%	90.8 mo	63.0 mo
Guilty plea	2,447	2,249	174	2	91.9	85.8	63.0
Trial	157	150	6	0	95.5	171.8	120.0
Property offenses	12,349	7,744	3,891	119	62.7	24.1 mo	15.0 mo
Guilty plea	11,838	7,284	3,848	115	61.5	21.9	15.0
Trial	511	460	43	4	90.0	60.0	36.5
Drug offenses	25,088	23,074	1,410	45	92.0%	73.8 mo	51.0 mo
Guilty plea	24,117	22,113	1,400	45	91.7	68.7	48.0
Trial	971	961	10	0	99.0	203.8	162.0
Public-order offenses	4,347	2,686	1,518	42	61.8%	39.3 mo	24.0 mo
Guilty plea	4,097	2,458	1,492	40	60.0	36.7	21.0
Trial	250	228	26	2	91.2	68.6	41.0
Weapon offenses	4,925	4,541	410	7	92.2%	86.9 mo	54.0 mo
Guilty plea	4,557	4,178	402	7	91.7	78.0	51.0
Trial	368	363	8	0	98.6	195.1	117.0
Immigration offenses	10,050	9,065	383	19	90.2%	29.2 mo	24.0 mo
Guilty plea	9,923	8,944	377	19	90.1	28.9	24.0
Trial	127	121	6	0	95.3	47.2	41.0
Misdemeanors	9,100	1,515	4,133	2,580	16.6%	10.0 mo	6.0 mo
Guilty plea ^e	8,125	1,358	3,894	2,362	16.7	10.5	6.0
Trial	975	157	239	218	16.1	6.1	1.0

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

^bIncludes offenders with split and mixed sentences.

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

^dTotal includes offenders whose sentence could not be determined and 70 defendants for whom offense category could not be determined, 33 of whom received a sentence of incarceration, and 38 received a sentence of probation. For further information, see *Chapter notes*, item 1, page 77.

^eIncludes nolo contendere.

Table 5.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics, October 1, 2000 - September 30, 2001

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders sentenced to incarceration in criminal cases terminated during 2001									
		All offenses ^a	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses	Misdemeanors
				Fraudulent	Other		Regulatory	Other			
All offenders^a	68,533	74.5%	92.1%	63.1%	60.7%	92.0%	42.3%	71.1%	92.2%	90.2%	16.6%
Male/female											
Male	51,535	83.0%	94.2%	67.3%	67.6%	93.7%	48.4%	74.3%	93.1%	91.7%	26.6%
Female	8,898	59.4	77.4	52.5	39.5	81.9	30.4	53.4	71.4	69.8	15.1
Race											
White	40,877	80.2%	92.4%	64.4%	62.6%	91.1%	43.3%	71.2%	88.5%	91.5%	27.3%
Black	9,997	79.2	95.1	59.6	51.9	94.6	41.3	75.9	95.5	77.6	18.9
Native American	1,022	71.7	89.3	40.3	51.2	75.9	55.0	73.2	94.0	54.3	29.4
Asian/Pacific Islander	1,322	57.2	84.6	55.9	58.6	91.8	26.2	60.4	96.0	61.0	5.6
Other	138	64.5	—	57.5	—	89.2	—	—	—	63.6	7.1
Ethnicity											
Hispanic	23,904	87.5%	89.9%	67.8%	68.2%	93.6%	47.2%	66.5%	93.1%	91.8%	46.9%
Non-Hispanic	36,482	74.4	93.3	62.5	59.2	90.9	42.1	72.5	92.3	78.0	16.6
Age											
16-18 years	421	71.0%	81.4%	—	—	86.5%	—	—	96.3%	73.9%	16.9%
19-20 years	2,764	78.2	94.9	50.9	48.3	89.8	53.3	82.9	96.0	83.1	17.4
21-30 years	22,982	83.5	94.1	61.6	55.8	92.6	49.4	80.6	94.7	91.0	29.6
31-40 years	17,404	82.2	93.0	65.1	64.9	92.8	45.6	73.1	90.9	92.1	31.2
Over 40 years	14,408	73.8	92.3	62.1	62.8	91.1	38.9	65.0	87.1	89.1	20.7
Citizenship											
U.S. citizen	39,568	76.2%	93.7%	62.1%	59.6%	90.8%	41.4%	72.3%	92.3%	74.2%	19.1%
Not U.S. citizen	19,963	87.4	79.7	68.2	68.1	95.0	50.4	64.4	94.2	92.4	42.4
Education											
Not high school graduate	24,918	87.9%	92.7%	63.8%	64.7%	94.0%	54.8%	78.5%	94.1%	92.3%	36.0%
High school graduate	17,235	78.4	94.1	61.8	58.3	92.0	39.0	70.8	92.0	86.8	19.0
Some college	9,584	71.2	92.7	63.3	56.3	88.0	40.4	69.0	87.1	74.8	15.4
College graduate	3,587	61.0	87.2	59.8	64.9	82.2	33.5	65.8	87.7	69.8	16.8
Criminal record											
No convictions	24,310	68.5%	85.5%	54.0%	47.6%	88.8%	37.5%	60.5%	78.5%	73.6%	12.0%
Prior adult convictions ^b	36,162	87.0	96.4	74.6	70.7	94.7	56.4	84.2	94.7	94.5	34.1

Note: By definition, corporations are excluded from the offender characteristics reported. 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 reported data for a particular characteristic who were incarcerated. For example, 83% of all convicted males were incarcerated, and 94.2% 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, page 77.

^aIncludes corporations and offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited; see *Chapter notes*, item 3, page 77. 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, page 77.

Table 5.5. Average incarceration sentence lengths imposed, for sentenced offenders, by offense and offender characteristics, October 1, 2000 - September 30, 2001

Offender characteristic	Mean sentence length for offenders convicted of—									
	All offenses ^a	Felonies					Weapon offenses	Immigration offenses	Misdemeanors	
		Violent offenses	Property offenses		Drug offenses	Public-order offenses				
			Fraudulent	Other		Regulatory	Other			
All offenders^a	56.5 mo	90.8 mo	22.2 mo	34.7 mo	73.8 mo	23.5 mo	43.8 mo	86.9 mo	29.2 mo	10.0 mo
Male/female										
Male	59.3 mo	90.7 mo	23.4 mo	34.8 mo	77.3 mo	22.1 mo	44.5 mo	86.7 mo	29.6 mo	12.4 mo
Female	33.1	42.5	16.4	23.3	44.7	18.3	28.4	55.4	19.8	6.6
Race										
White	46.1 mo	84.2 mo	22.3 mo	34.5 mo	59.3 mo	19.9 mo	41.0 mo	73.8 mo	29.0 mo	11.1 mo
Black	80.9	108.8	21.4	29.9	102.2	22.2	43.4	86.6	38.5	15.0
Native American	53.5	62.8	21.9	23.8	56.3	38.7	35.2	71.5	20.7	8.4
Asian/Pacific Islander	55.3	70.7	20.8	21.3	75.0	23.5	54.8	228.3	18.7	6.6
Other	44.2	—	25.7	—	64.2	—	—	—	35.4	9.0
Ethnicity										
Hispanic	43.3 mo	86.9 mo	17.1 mo	30.1 mo	57.8 mo	16.1 mo	46.3 mo	67.5 mo	29.4 mo	11.2 mo
Non-Hispanic	66.5	88.0	23.0	33.3	85.8	24.7	42.2	88.7	26.9	11.8
Age										
16-18 years	35.4 mo	75.5 mo	—	—	27.2 mo	—	—	86.3 mo	15.1 mo	3.9 mo
19-20 years	44.6	76.3	13.3	38.0	44.6	20.2	59.2	69.2	16.3	7.7
21-30 years	58.7	82.1	18.9	30.3	73.1	21.2	50.8	83.2	27.6	13.5
31-40 years	60.4	97.1	21.3	34.5	79.2	24.1	45.5	95.5	34.5	12.4
Over 40 years	54.6	93.0	26.4	33.0	74.7	19.4	36.0	84.4	32.8	11.3
Citizenship										
U.S. citizen	65.8 mo	87.5 mo	23.0 mo	33.2 mo	81.2 mo	24.5 mo	42.4 mo	86.1 mo	21.4 mo	12.8 mo
Not U.S. citizen	40.9	92.6	18.7	30.1	56.6	16.2	47.0	81.7	30.1	10.0
Education										
Not high school graduate	57.5 mo	91.4 mo	21.6 mo	29.5 mo	70.0 mo	20.4 mo	55.1 mo	79.5 mo	31.5 mo	13.3 mo
High school graduate	65.9	88.2	21.6	33.3	79.1	24.4	42.3	93.6	32.7	13.0
Some college	54.4	83.2	21.8	33.2	73.2	22.4	39.2	89.6	26.7	11.7
College graduate	38.7	70.8	27.3	37.4	63.5	18.6	31.6	65.4	23.5	8.1
Criminal record										
No convictions	41.5 mo	60.7 mo	19.8 mo	33.2 mo	51.1 mo	19.2 mo	39.2 mo	76.4 mo	12.8 mo	8.4 mo
Prior adult convictions ^b	64.3	98.8	23.8	32.7	90.1	24.5	45.8	87.1	32.2	12.5

Note: By definition, corporations are excluded from the offender characteristics reported. Excludes life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, page 77.

^aIncludes corporations and offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited; see *Chapter notes*, item 3, page 77. 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, page 77.

Table 5.6. Median incarceration sentence lengths imposed, for sentenced offenders, by offense and offender characteristics, October 1, 2000 - September 30, 2001

Offender characteristic	Median sentence length for offenders convicted of—									
	All offenses ^a	Felonies					Weapon offenses	Immigration offenses	Misdemeanors	
		Violent offenses	Property offenses		Drug offenses	Public-order offenses				
			Fraudulent	Other		Regulatory	Other			
All offenders^a	35.0 mo	63.0 mo	15.0 mo	18.0 mo	51.0 mo	15.0 mo	27.0 mo	54.0 mo	24.0 mo	6.0 mo
Male/female										
Male	37.0 mo	63.0 mo	15.0 mo	21.0 mo	57.0 mo	15.0 mo	27.0 mo	53.0 mo	26.0 mo	6.0 mo
Female	21.0	37.0	12.0	14.0	33.0	15.0	18.0	30.0	13.0	5.0
Race										
White	30.0 mo	63.0 mo	15.0 mo	19.0 mo	40.0 mo	15.0 mo	27.0 mo	46.0 mo	24.0 mo	6.0 mo
Black	57.0	77.0	15.0	18.0	77.0	21.0	24.0	57.0	41.0	6.0
Native American	31.0	37.0	12.0	19.5	30.0	18.0	22.5	60.0	18.0	6.0
Asian/Pacific Islander	24.0	54.0	13.0	12.0	57.0	18.0	35.0	67.5	12.0	4.0
Other	29.5	—	16.0	—	38.5	—	—	—	28.5	9.0
Ethnicity										
Hispanic	30.0 mo	63.0 mo	12.0 mo	21.0 mo	37.0 mo	13.0 mo	21.0 mo	44.0 mo	24.0 mo	6.0 mo
Non-Hispanic	40.0	63.0	15.0	18.0	60.0	18.0	27.0	55.0	21.0	6.0
Age										
16-18 years	18.0 mo	63.5 mo	—	—	18.0 mo	—	—	72.0 mo	12.0 mo	3.0 mo
19-20 years	27.0	52.0	12.0	18.0	30.0	19.5	45.5	42.0	12.0	5.5
21-30 years	37.0	57.0	13.0	18.0	51.0	18.0	30.0	52.0	24.0	6.0
31-40 years	37.0	70.0	15.0	18.0	57.0	15.0	27.0	57.0	30.0	6.0
Over 40 years	33.0	66.0	18.0	21.0	55.0	15.0	24.0	46.0	30.0	6.0
Citizenship										
U.S. citizen	40.0 mo	63.0 mo	15.0 mo	18.0 mo	60.0 mo	18.0 mo	27.0 mo	54.0 mo	18.0 mo	6.0 mo
Not U.S. citizen	30.0	57.0	12.0	19.0	37.0	13.0	27.0	36.0	27.0	6.0
Education										
Not high school graduate	37.0 mo	60.0 mo	15.0 mo	18.0 mo	48.0 mo	15.0 mo	30.0 mo	51.0 mo	27.0 mo	6.0 mo
High school graduate	41.0	64.5	15.0	18.0	60.0	18.0	27.0	57.0	30.0	6.0
Some college	30.0	60.0	15.0	18.0	48.0	15.0	27.0	54.0	20.5	6.0
College graduate	24.0	46.0	18.0	27.0	46.0	12.0	24.0	30.0	18.0	6.0
Criminal record										
No convictions	24.0 mo	41.0 mo	12.0 mo	18.0 mo	37.0 mo	13.0 mo	26.0 mo	34.0 mo	10.0 mo	4.0 mo
Prior adult convictions ^b	41.0	70.0	16.0	20.0	63.0	18.0	27.0	55.0	30.0	6.0

Note: By definition, corporations are excluded from the offender characteristics reported. Excludes life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, page 73.

^aIncludes corporations and offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited; see *Chapter notes*, item 3, page 73. 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, page 73.

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, 2000, through September 30, 2001, 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.

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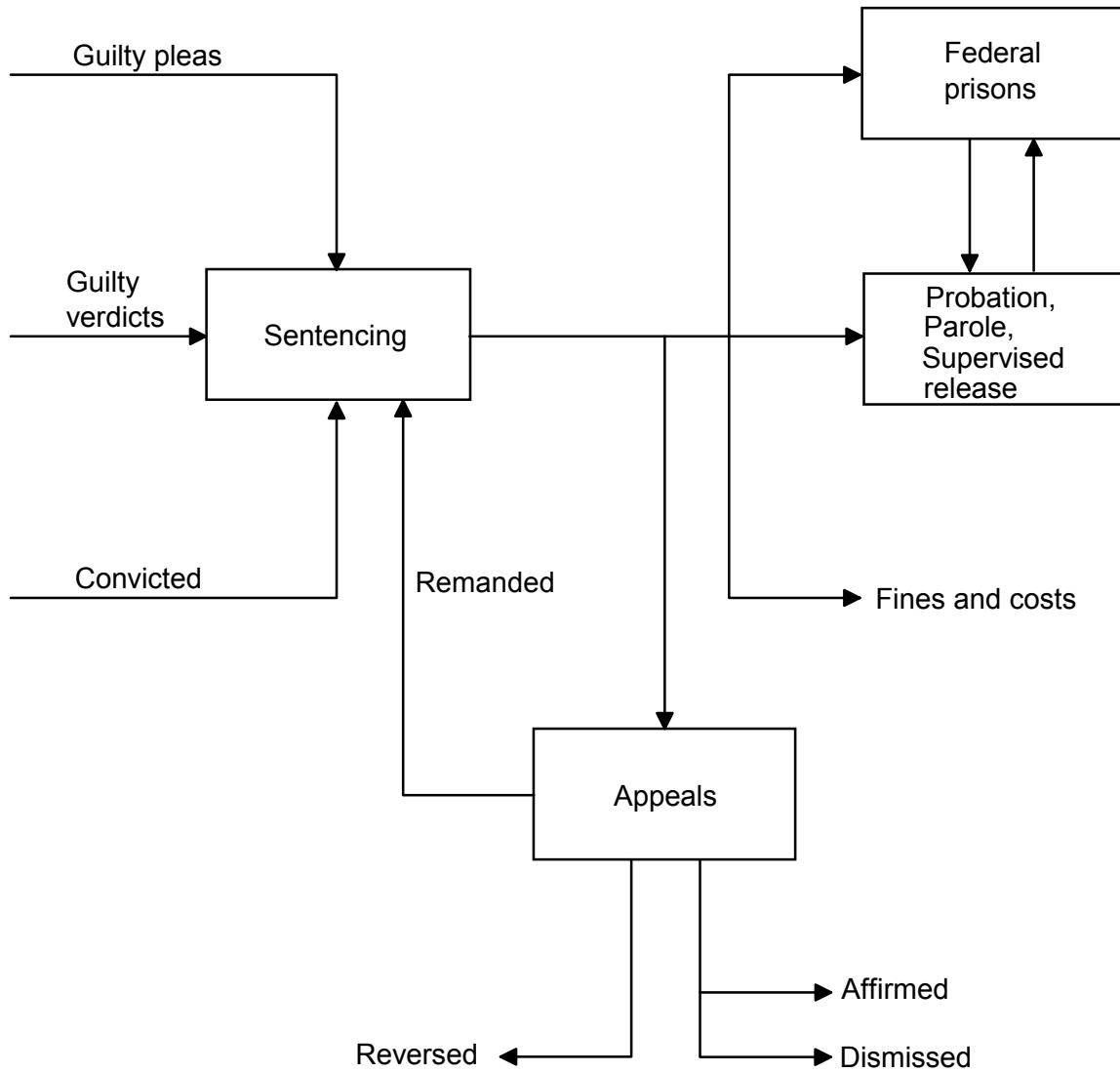
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Chapter 6

Appeals



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

Appeals filed (tables 6.1 and 6.2)

During 2001 the U.S. Court of Appeals received 11,281 criminal appeals, a 23% increase from FY2000. Of all appeals, 4% were filed by the Government (not shown in a table). Forty-two percent of all appeals filed (for which the offense is known or 10,745) were for drug convictions. Appeals for property offense convictions comprised 16% of all appeals filed, immigration offenses comprised 15%, weapons offenses were 12%, and 6% of appeals filed were for violent offenses (figure 6.2).

Eighty-five percent of all appeals filed in 2001 were guidelines-based appeals. Fifteen percent of appeals filed were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect (figure 6.1). Forty-nine percent of all appeals challenged both the conviction and the sentence imposed. Nearly 3 times as many appeals challenged only the sentence imposed as those that challenged only the conviction (25% versus 9%).

The distribution of guideline-based appeals by type of appeal filed (sentence, conviction, or both) was relatively constant across the major offense categories underlying the appeal. However, 65% of appeals filed for public-order offenses appealed

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

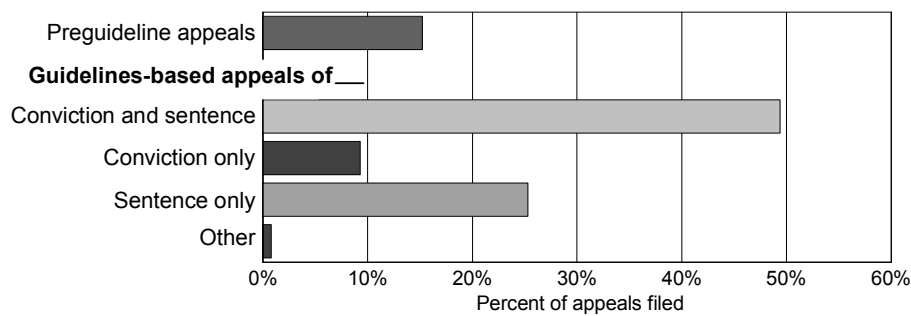


Figure 6.1. Types of criminal appeal cases during October 1, 2000 - September 30, 2001

both the conviction and the sentence, compared to 58% for all criminal offense categories.

Appeals terminated (tables 6.2-6.5)

A total of 11,165 appeals terminated during 2001. Fifteen percent were appeals of convictions for offenses sentenced under laws in effect prior to the sentencing guidelines. The remaining 85% of appeals terminated were guidelines-based appeals. Of these, 58% were appeals of both the conviction and sentence, 12% were appeals of the conviction only, and 29% were appeals of the sentence.

In nearly half of all appeals terminated in 2001 (for which the offense is known), drug offense convictions underlie the appeal (42%); the underlying offense in 16% of the appeals was for an immigration or property

offense; 11% were for weapon offense appeals; and 6% were appeals for violent offense convictions. Robbery offenses composed 50% and murder composed 17% of the underlying offenses for appeals of a violent conviction. Sixty-six percent of property offense appeals were for fraud convictions.

Of the 11,165 appeals terminated during 2001, 77% were terminated on the merits, while the remainder were terminated on procedural grounds (figure 6.3). An appeal terminated on the merits is an appeal that is terminated based on the factors of the case, not because of technical or procedural reasons. For appeals based on a conviction, 77% of drug offenses and 75% of public-order offenses were terminated on the merits. Also terminated on the merits were 82% of

Nearly half of all appeals filed were for drug convictions

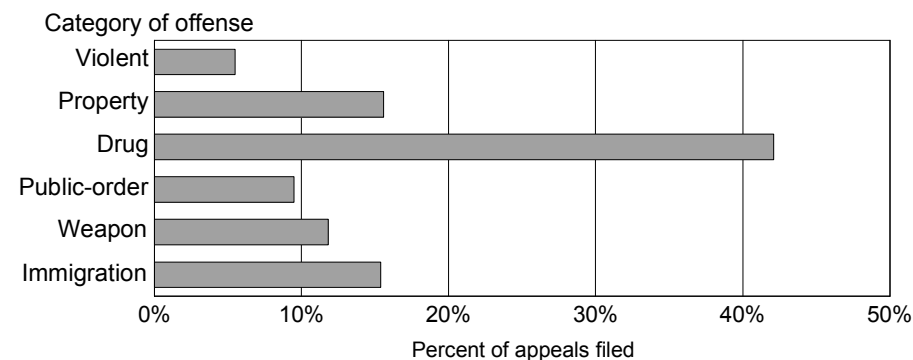


Figure 6.2. Appeals cases filed, by type of offense during October 1, 2000 - September 30, 2001

*18 U.S.C. § 3742

appeals based on an immigration conviction, 81% of appeals based on a violent or weapon conviction and 74% of appeals based on a property conviction. Within these major offense categories, 82% of appeals based on murder convictions were terminated on the merits, as were 77% of robbery convictions, and 71% of fraud convictions.

In 79% of appeals terminated on the merits, the district court ruling was affirmed. In another 4% it was partially affirmed. Among appeals terminated on merits, 84% of all immigration appeals were affirmed, 83% of weapon appeals were affirmed, 78% of all drug and property appeals were affirmed, as were 76% of violent offense appeals.

District court decisions were reversed or remanded back to the court in 9% of the cases. Violent offenses and public order offenses had the highest rate of reversal or being remanded back to the court (13% and 12%). Ten percent of property offense appeals were reversed or remanded, as were 9% of weapon offense appeals. Less than 9% of appeals were reversed or remanded for drug or immigration offenses.

Overall, appeals were dismissed in 7% of cases. Among major offense categories, the highest dismissal rate was for immigration offenses (8%), a 13% decrease from fiscal year 2000 when 21% of immigration appeals were dismissed.

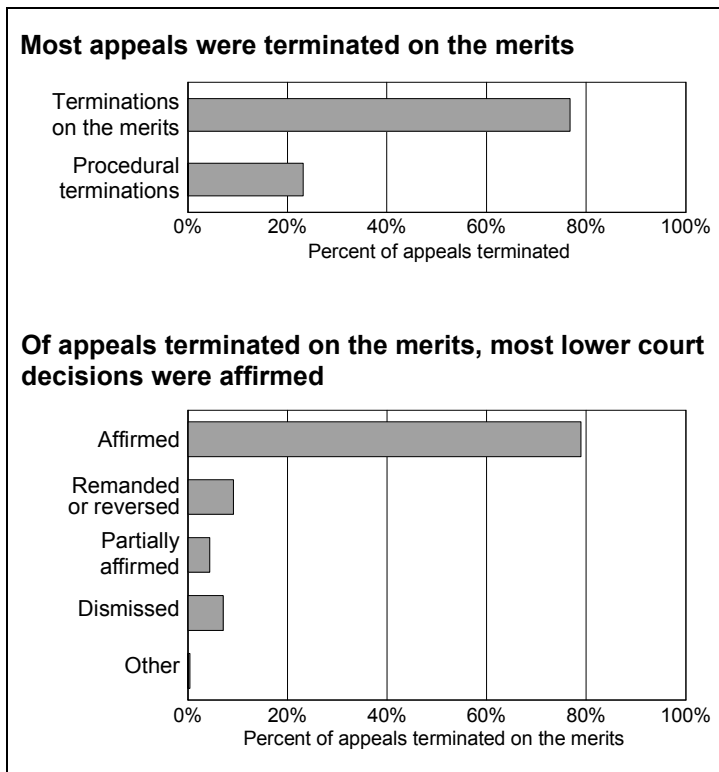


Figure 6.3. Disposition of criminal appeals terminating during October 1, 2000 - September 30, 2001

Table 6.1. Criminal appeals filed, by type of criminal case and offense, October 1, 2000 - September 30, 2001

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Conviction only	Sentence only	Sentence and conviction	
All offenses^a	11,281	1,711	9,570	1,049	2,856	5,572	93
Violent offenses	591	97	494	71	155	266	2
Murder ^b	90	29	61	13	10	38	0
Assault	49	10	39	6	3	30	0
Robbery	310	40	270	33	104	132	1
Sexual abuse ^b	86	10	76	16	26	34	0
Kidnaping	54	8	46	3	10	32	1
Threats against the President	2	0	2	0	2	0	0
Property offenses	1,681	298	1,383	204	411	751	17
Fraudulent	1,299	223	1,076	162	326	576	12
Embezzlement	60	4	56	8	19	26	3
Fraud ^b	1,122	203	919	137	275	499	8
Forgery	10	2	8	0	3	5	0
Counterfeiting	107	14	93	17	29	46	1
Other	382	75	307	42	85	175	5
Burglary	8	5	3	0	1	1	1
Larceny ^b	183	34	149	19	43	85	2
Motor vehicle theft	58	6	52	5	15	31	1
Arson and explosives	67	21	46	10	8	27	1
Transportation of stolen property	58	8	50	6	16	28	0
Other property offenses ^b	8	1	7	2	2	3	0
Drug offenses	4,529	643	3,886	415	1,272	2,162	37
Public-order offenses	1,024	162	862	108	177	563	14
Regulatory	144	35	109	23	26	58	2
Agriculture	20	0	20	2	4	14	0
Food and drug	7	1	6	2	1	3	0
Transportation	15	3	12	3	4	5	0
Civil rights	30	11	19	1	4	12	2
Communications	2	0	2	0	0	2	0
Custom laws	5	3	2	2	0	0	0
Postal laws	3	2	1	1	0	0	0
Other regulatory offenses	62	15	47	12	13	22	0
Other	880	127	753	85	151	505	12
Tax law violations ^b	110	25	85	6	23	55	1
Bribery	28	3	25	3	5	17	0
Perjury, contempt, and intimidation	78	20	58	11	21	24	2
National defense	171	5	166	4	2	160	0
Escape	81	5	76	13	23	38	2
Racketeering and extortion	228	42	186	27	38	116	5
Gambling	4	0	4	1	0	3	0
Liquor offenses	1	0	1	0	0	1	0
Nonviolent sex offenses	129	16	113	9	35	69	0
Obscene material ^b	5	0	5	1	1	3	0
Traffic offenses	10	3	7	1	1	5	0
Migratory birds	3	0	3	3	0	0	0
All other offenses ^b	32	8	24	6	2	14	2
Weapon offenses	1,266	171	1,095	133	260	685	17
Immigration offenses	1,654	51	1,603	89	482	1,029	3

Note: For further information, see *Chapter notes*, page 88.

^aTotal includes 536 appeals filed for which an offense category could not be determined, of which 289 are preguideline appeals, and 247 are guidelines-based appeals.

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

Table 6.2. Criminal appeals filed and criminal appeals terminated, by offense, October 1, 2000 - September 30, 2001

Offense of conviction	Criminal appeals filed during 2001		Criminal appeals terminated during 2001	
	Number	Percent ^a	Number	Percent ^a
All offenses^b	11,281	100%	11,165	100%
Violent offenses	591	5.5%	615	5.8%
Murder ^c	90	0.8	103	1.0
Negligent manslaughter	0	...	1	—
Assault	49	0.5	63	0.6
Robbery	310	2.9	302	2.8
Sexual abuse ^c	86	0.8	92	0.9
Kidnaping	54	0.5	50	0.5
Threats against the President	2	—	4	—
Property offenses	1,681	15.6%	1,722	16.2%
Fraudulent	1,299	12.1%	1,342	12.6%
Embezzlement	60	0.6	88	0.8
Fraud ^c	1,122	10.4	1,140	10.7
Forgery	10	0.1	13	0.1
Counterfeiting	107	1.0	101	0.9
Other	382	3.6%	380	3.6%
Burglary	8	0.1	4	—
Larceny ^c	183	1.7	164	1.5
Motor vehicle theft	58	0.5	74	0.7
Arson and explosives	67	0.6	76	0.7
Transportation of stolen property	58	0.5	54	0.5
Other property offenses ^c	8	0.1	8	0.1
Drug offenses	4,529	42.1%	4,510	42.4%
Public-order offenses	1,024	9.5%	1,006	9.5%
Regulatory	144	1.3%	176	1.7%
Agriculture	20	0.2	14	0.1
Antitrust	0	...	7	0.1
Food and drug	7	0.1	7	0.1
Transportation	15	0.1	20	0.2
Civil rights	30	0.3	33	0.3
Communications	2	—	1	—
Custom laws	5	—	13	0.1
Postal laws	3	—	5	—
Other regulatory offenses	62	0.6	76	0.7
Other	880	8.2%	830	7.8%
Tax law violations ^c	110	1.0	116	1.1
Bribery	28	0.3	27	0.3
Perjury, contempt, and intimidation	78	0.7	95	0.9
National defense	171	1.6	34	0.3
Escape	81	0.8	77	0.7
Racketeering and extortion	228	2.1	310	2.9
Gambling	4	—	3	—
Liquor offenses	1	—	2	—
Nonviolent sex offenses	129	1.2	112	1.1
Obscene material ^c	5	—	3	—
Traffic offenses	10	0.1	13	0.1
Migratory birds	3	—	2	—
All other offenses ^c	32	0.3	36	0.3
Weapon offenses	1,266	11.8%	1,133	10.7%
Immigration offenses	1,654	15.4%	1,651	15.5%

Note: For further information, see *Chapter notes*, page 88.

—Less than .05%.

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

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

^bTotals include 536 appeals filed and 528 appeals terminated for which an offense category could not be determined.

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

Table 6.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 2000 - September 30, 2001

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Conviction only	Sentence only	Sentence and conviction	
All offenses^a	11,165	1,675	9,490	1,174	2,783	5,530	3
Violent offenses	615	84	531	67	142	322	0
Murder ^b	103	26	77	15	12	50	0
Negligent manslaughter	1	0	1	0	1	0	0
Assault	63	10	53	8	9	36	0
Robbery	302	33	269	25	92	152	0
Sexual abuse ^b	92	8	84	15	15	54	0
Kidnaping	50	7	43	3	10	30	0
Threats against the President	4	0	4	1	3	0	0
Property offenses	1,722	273	1,449	221	422	806	0
Fraudulent	1,342	211	1,131	164	350	617	0
Embezzlement	88	18	70	9	20	41	0
Fraud ^b	1,140	180	960	134	304	522	0
Forgery	13	3	10	3	1	6	0
Counterfeiting	101	10	91	18	25	48	0
Other	380	62	318	57	72	189	0
Burglary	4	0	4	0	1	3	0
Larceny ^b	164	38	126	24	33	69	0
Motor vehicle theft	74	3	71	6	16	49	0
Arson and explosives	76	14	62	12	9	41	0
Transportation of stolen property	54	6	48	13	12	23	0
Other property offenses ^b	8	1	7	2	1	4	0
Drug offenses	4,510	642	3,868	493	1,200	2,173	2
Public-order offenses	1,006	204	802	130	199	472	1
Regulatory	176	35	141	28	34	79	0
Agriculture	14	0	14	5	3	6	0
Antitrust	7	2	5	0	0	5	0
Food and drug	7	3	4	1	1	2	0
Transportation	20	2	18	3	7	8	0
Civil rights	33	9	24	2	8	14	0
Communications	1	1	0	0	0	0	0
Custom laws	13	1	12	3	6	3	0
Postal laws	5	2	3	2	0	1	0
Other regulatory offenses	76	15	61	12	9	40	0
Other	830	169	661	102	165	393	1
Tax law violations ^b	116	23	93	15	13	65	0
Bribery	27	5	22	3	8	11	0
Perjury, contempt, and intimidation	95	28	67	7	13	47	0
National defense	34	3	31	3	4	24	0
Escape	77	7	70	9	25	36	0
Racketeering and extortion	310	79	231	40	58	133	0
Gambling	3	0	3	1	0	2	0
Liquor offenses	2	0	2	0	1	1	0
Nonviolent sex offenses	112	10	102	12	33	57	0
Obscene material ^b	3	0	3	0	2	1	0
Traffic offenses	13	3	10	3	3	4	0
Migratory birds	2	0	2	2	0	0	0
All other offenses ^b	36	11	25	7	5	12	1
Weapon offenses	1,133	160	973	135	254	584	0
Immigration offenses	1,651	43	1,608	91	474	1,043	0

Note: For further information, see *Chapter notes*, p. 88.

^aTotal includes 528 appeals terminated for which an offense category could not be determined, of which 269 are preguideline appeals and 259 are guidelines-based appeals.

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

Table 6.4. Disposition of criminal appeals terminated, by offense, October 1, 2000 - September 30, 2001

Offense of conviction	Total criminal appeals terminated	Criminal appeals terminated on the merits							Procedural terminations
		Total	Percent	Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other	
All offenses^a	11,165	8,577	76.8%	6,776	779	379	605	38	2,588
Violent offenses	615	498	81.0%	380	64	19	33	2	117
Murder ^b	103	84	81.6	64	9	4	7	0	19
Negligent manslaughter	1	1	—	0	1	0	0	0	0
Assault	63	51	81.0	39	8	1	3	0	12
Robbery	302	233	77.2	186	27	10	10	0	69
Sexual abuse ^b	92	79	85.9	61	7	3	8	0	13
Kidnaping	50	47	94.0	29	11	1	4	2	3
Threats against the President	4	3	—	1	1	0	1	0	1
Property offenses	1,722	1,269	73.7%	986	123	73	77	10	453
Fraudulent	1,342	973	72.5%	761	92	51	61	8	369
Embezzlement	88	69	78.4	52	3	7	5	2	19
Fraud ^b	1,140	809	71.0	625	87	41	50	6	331
Forgery	13	12	92.3	10	0	1	1	0	1
Counterfeiting	101	83	82.2	74	2	2	5	0	18
Other	380	296	77.9%	225	31	22	16	2	84
Burglary	4	4	—	3	0	1	0	0	0
Larceny ^b	164	121	73.8	97	12	7	5	0	43
Motor vehicle theft	74	64	86.5	48	4	8	2	2	10
Arson and explosives	76	57	75.0	42	9	4	2	0	19
Transportation of stolen property	54	45	83.3	31	5	2	7	0	9
Other property offenses ^b	8	5	—	4	1	0	0	0	3
Drug offenses	4,510	3,449	76.5%	2,695	285	182	273	14	1,061
Public-order offenses	1,006	756	75.1%	567	92	58	34	5	250
Regulatory	176	140	79.5%	93	32	9	6	0	36
Agriculture	14	13	92.9	6	6	1	0	0	1
Antitrust	7	7	—	7	0	0	0	0	0
Food and drug	7	6	—	5	1	0	0	0	1
Transportation	20	14	70.0	8	3	3	0	0	6
Civil rights	33	21	63.6	12	8	1	0	0	12
Communications	1	1	—	0	0	0	1	0	0
Custom laws	13	12	92.3	9	2	0	1	0	1
Postal laws	5	3	—	2	1	0	0	0	2
Other regulatory offenses	76	63	82.9	44	11	4	4	0	13
Other	830	616	74.2%	474	60	49	28	5	214
Tax law violations ^b	116	71	61.2	60	4	5	1	1	45
Bribery	27	15	55.6	14	1	0	0	0	12
Perjury, contempt, and intimidation	95	73	76.8	39	11	20	2	1	22
National defense	34	12	35.3	12	0	0	0	0	22
Escape	77	63	81.8	44	8	3	8	0	14
Racketeering and extortion	310	256	82.6	208	22	14	12	0	54
Gambling	3	2	—	2	0	0	0	0	1
Liquor offenses	2	1	—	1	0	0	0	0	1
Nonviolent sex offenses	112	88	78.6	67	9	6	5	1	24
Obscene material ^b	3	3	—	3	0	0	0	0	0
Traffic offenses	13	7	53.8	6	1	0	0	0	6
Migratory birds	2	1	—	1	0	0	0	0	1
All other offenses ^b	36	24	66.7	17	4	1	0	2	12
Weapon offenses	1,133	915	80.8%	762	78	27	45	3	218
Immigration offenses	1,651	1,357	82.2%	1,146	89	8	113	1	294

Note: For further information, see *Chapter notes*, page 88.

—Too few cases to obtain statistically reliable data.

^aTotal includes 528 appeals terminated for which an offense category could not be determined, of which 333 were terminated on the merits, and 195 were procedural terminations.

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

Table 6.5. Criminal appeals cases terminated on the merits, by offense, October 1, 2000 - September 30, 2001

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other
All offenses^a	8,577	79.0%	9.1%	4.4%	7.1%	0.4%
Violent offenses	498	76.3%	12.9%	3.8%	6.6%	0.4%
Murder ^b	84	76.2	10.7	4.8	8.3	0
Negligent manslaughter	1	—	—	—	—	—
Assault	51	76.5	15.7	2.0	5.9	0
Robbery	233	79.8	11.6	4.3	4.3	0
Sexual abuse ^b	79	77.2	8.9	3.8	10.1	0
Kidnaping	47	61.7	23.4	2.1	8.5	4.3
Threats against the President	3	—	—	—	—	—
Property offenses	1,269	77.7%	9.7%	5.8%	6.1%	0.8%
Fraudulent	973	78.2%	9.5%	5.2%	6.3%	0.8%
Embezzlement	69	75.4	4.3	10.1	7.2	2.9
Fraud ^b	809	77.3	10.8	5.1	6.2	0.7
Forgery	12	83.3	0	8.3	8.3	0
Counterfeiting	83	89.2	2.4	2.4	6.0	0
Other	296	76.0%	10.5%	7.4%	5.4%	0.7%
Burglary	4	—	—	—	—	—
Larceny ^b	121	80.2	9.9	5.8	4.1	0
Motor vehicle theft	64	75.0	6.3	12.5	3.1	3.1
Arson and explosives	57	73.7	15.8	7.0	3.5	0
Transportation of stolen property	45	68.9	11.1	4.4	15.6	0
Other property offenses ^b	5	—	—	—	—	—
Drug offenses	3,449	78.1%	8.3%	5.3%	7.9%	0.4%
Public-order offenses	756	75.0%	12.2%	7.7%	4.5%	0.7%
Regulatory	140	66.4%	22.9%	6.4%	4.3%	0%
Agriculture	13	46.2	46.2	7.7	0	0
Antitrust	7	—	—	—	—	—
Food and drug	6	—	—	—	—	—
Transportation	14	57.1	21.4	21.4	0	0
Civil rights	21	57.1	38.1	4.8	0	0
Communications	1	—	—	—	—	—
Custom laws	12	75.0	16.7	0	8.3	0
Postal laws	3	—	—	—	—	—
Other regulatory offenses	63	69.8	17.5	6.3	6.3	0
Other	616	76.9%	9.7%	8.0%	4.5%	0.8%
Tax law violations ^b	71	84.5	5.6	7.0	1.4	1.4
Bribery	15	93.3	6.7	0	0	0
Perjury, contempt, and intimidation	73	53.4	15.1	27.4	2.7	1.4
National defense	12	100	0	0	0	0
Escape	63	69.8	12.7	4.8	12.7	0
Racketeering and extortion	256	81.3	8.6	5.5	4.7	0
Gambling	2	—	—	—	—	—
Liquor offenses	1	—	—	—	—	—
Nonviolent sex offenses	88	76.1	10.2	6.8	5.7	1.1
Obscene material ^b	3	—	—	—	—	—
Traffic offenses	7	—	—	—	—	—
Migratory birds	1	—	—	—	—	—
All other offenses ^b	24	70.8	16.7	4.2	0	8.3
Weapon offenses	915	83.3%	8.5%	3.0%	4.9%	0.3%
Immigration offenses	1,357	84.5%	6.6%	0.6%	8.3%	0.1%

Note: For further information, see *Chapter notes*, page 88.

—Too few cases to obtain statistically reliable data.

^aTotal includes 333 appeals terminated on the merits for which an offense category could not be determined.

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

Chapter notes

- 1) Tables in chapter 6 were created from the AOUSC appeals database. Records of appeals filed or terminated during October 1, 2000, through September 30, 2001, were selected. Data include records of 11,281 criminal appeals filed during fiscal year 2001 and 11,165 appeals terminated during the same period.
- 2) The unit of analysis in the appeals data is a single case. Most records in the appeals data report on a single appellant. Appeals were classified into the offense categories that represent the underlying offense of conviction. Offenses represent the statutory offense charged against a defendant in a criminal appeal. Offenses were classified by the AOUSC into their four-digit offense codes. These were then aggregated into the offense categories shown in the tables.

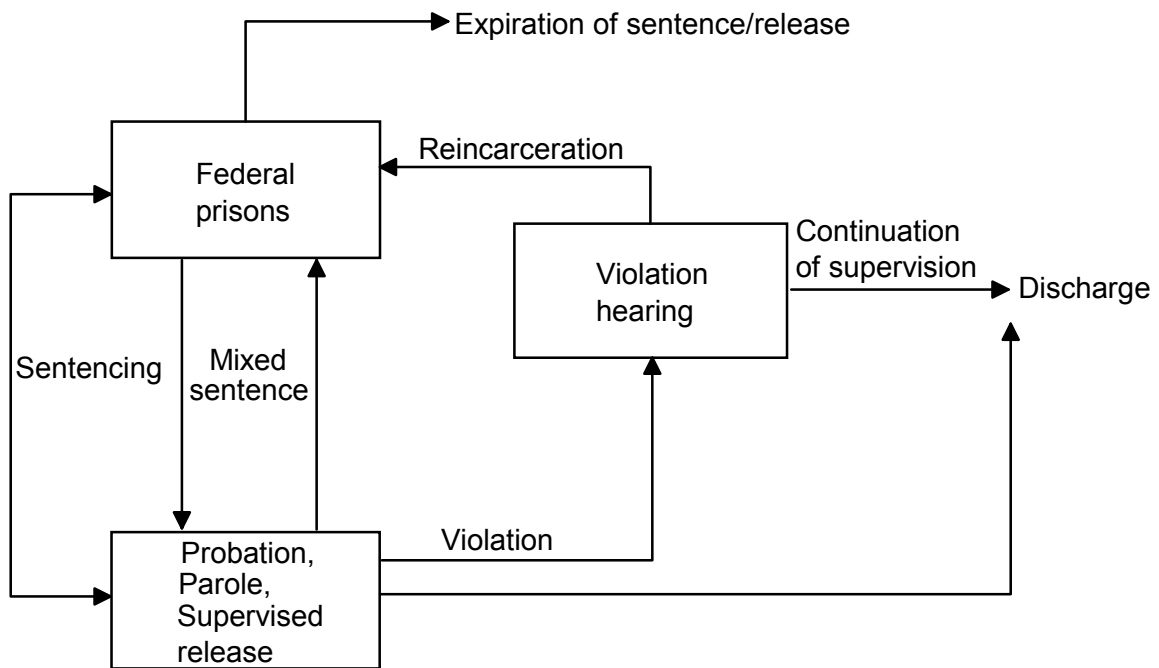
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Chapter 7

Corrections



Federal offenders under supervision (tables 7.1 and 7.2)

As of the end of fiscal year 2001, there were 103,348 offenders under active Federal supervision, of which most (90%) were felons. Sixty-nine percent of these offenders received one of two forms of post-incarceration supervision: supervised release (68,496) or parole (4,070). The remainder (30,782) were under probation supervision. Most of the probationer population had been convicted of either a property felony (38%) or some type of misdemeanor offense (32%). Fifty-four percent of offenders under supervised release and 47% of parolees had been convicted of a drug offense.

Among the 103,348 offenders under active Federal supervision at the end of fiscal year 2001, 78% were male; 63% were white; 82% were of non-Hispanic origin; 38% were over age 40 (compared to 30% who were between 31-40 years of age and 32% who were 30 or younger); 36% had a high school diploma only (compared to 31% who had at least some college and 32% who had less than a high school diploma); and 62% had no known drug history.

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

Probation (table 7.3) — During 2001, 14,961 offenders completed one or more terms of active probation. Overall, 80% of offenders successfully completed their term of probation, another 18% violated their conditions of probation, and the remaining 2% were administrative closures. Of offenders terminating probation, 6% committed a new crime (figure 7.1). Most committed technical violations, including drug use (3%) or 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 2001, 27% of probationers convicted of violent offenses violated their conditions of probation, as did 25% of weapon and immigration, 18%

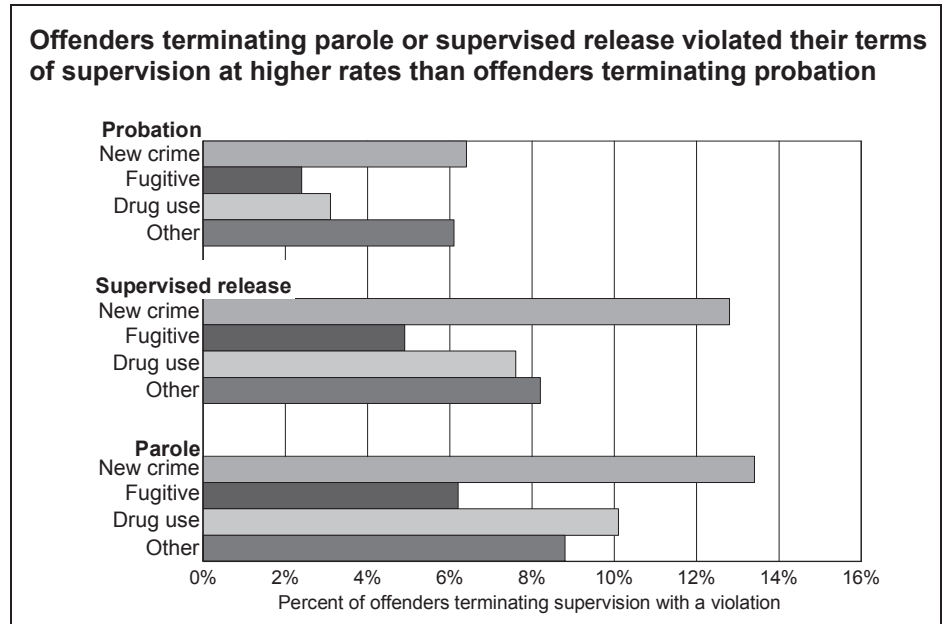


Figure 7.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation, October 1, 2000 - September 30, 2001

of drug, and 15% of property offenders. Violent and immigration probationers were also more likely to commit new crimes (12%) than were probationers convicted of weapon (10%), drug (7%), or property (5%) offenses.

Supervised release (table 7.5) — During 2001, 24,966 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%) or absconding (5%); and almost 13% of these offenders violated their supervision by committing a new crime. The remaining 2% had their supervision administratively terminated.

Immigration offenders were less likely than others to complete a term of supervised release without a violation. Sixty-seven percent of immigration offenders violated conditions of supervised release, while 44% of weapon, 32% of drug, and 28% of property offenders violated supervised release. Immigration offenders were also more likely to commit new crimes (40%) than offenders convicted of violent (20%), weapon (17%), drug (12%), or property (9%) offenses.

Parole (table 7.7) — During 2001, 1,653 offenders completed terms of parole. Overall, 56% of these offenders successfully completed their term of parole. Thirteen percent of these parolees violated their supervision by committing a new crime; 39% committed technical violations, such as drug use (10%) or absconding (6%); and 6% 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. Fifty-seven percent of violent offenders violated conditions of parole, while 30% of drug, and 23% of property offenders violated parole. Violent offenders were also more likely to commit new crimes (20%) than offenders convicted of drug or property (9%) 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, 72% were male; 67% were white and 85% were of non-Hispanic origin; 33% were less than age 31 (compared to 40% over age 40);

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

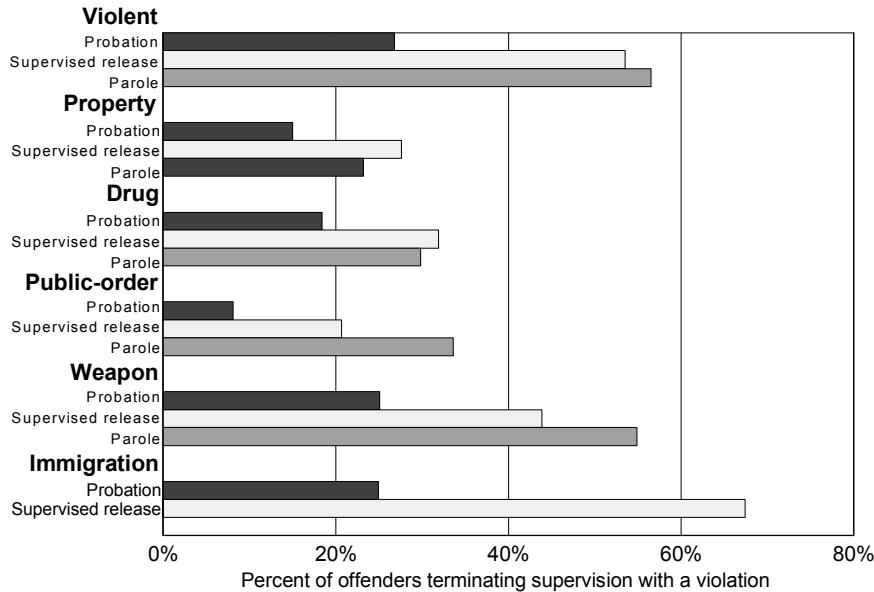


Figure 7.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense, October 1, 2000 - September 30, 2001

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 79% had no known drug history.

Younger offenders, those with a history of drug abuse, and those with a lower educational background had higher probabilities of violating the conditions of probation. Offenders ages 16 to 20 were more likely (40%) to violate conditions of supervision than probationers in other age groups — 26% of those ages 21 to 30 and 13% of those over age 30.

Probationers with a history of drug abuse were 6 times more likely to violate probation for drug use than offenders who were not drug abusers. Probationers with known histories of drug abuse were also more likely to violate supervision for other reasons (fugitive status or new crimes) than were other probationers.

Probationers with lower levels of education were more likely to violate the conditions of probation than those with higher levels of education. Those who did not graduate high school had

a 28% violation rate, those whose highest education was a high school diploma had a 17% violation rate, those with some college had a 13% violation rate, and those with a college degree had a 6% violation rate.

Supervised release (table 7.6) — Among those who completed a term of supervised release, 84% were male; 64% were white; 80% were of non-Hispanic origin; 26% were less than age 31 (41% were over age 40); 38% had only some high school (35% whose highest education was a high school diploma and 27% had at least some college); and 26% had no known drug history.

Younger offenders, those with a history of drug abuse, and those with a lower educational background had higher probabilities of violating the conditions of supervised release. Offenders under age 30 were more likely to violate conditions of supervision than offenders in other age groups — 36% of those under age 31 violated a condition of their supervision compared to 20% of those over age 40.

Releasees with a history of drug abuse were 3 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 44% violation rate, those whose highest education was a high school diploma had a 32% violation rate, those with some college had a 23% violation rate, and those with a college degree had a 10% violation rate.

Parole (table 7.8) — Among those who completed a term of parole, 96% were male; 58% were white; 87% were of non-Hispanic origin; 82% were over age 40; 43% had only some high school (37% whose highest education was a high school diploma and 20% had at least some college); and 47% had no known drug history.

Offenders with a history of drug abuse and those with a lower educational background had higher probabilities of violating the conditions of parole. Releasees with a history of drug abuse were 3 times more likely to terminate their supervision for technical violations of drug use than were releasees who were not drug abusers. Releasees with known histories of drug abuse were also more likely to violate supervision with technical violations or new crimes.

Releasees with lower levels of education were usually more likely to violate conditions of parole than those with higher levels of education. Those whose highest education was a high school diploma had a 39% violation rate, those who did not graduate from high school had a 44% violation rate, those with some college had a 26% 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 7,333 persons during fiscal year 2001, increasing from 129,062 sentenced prisoners to 136,395.¹ The greatest growth was among drug, immigration, and weapon offenders. In 2001 the number of drug offenders in prison grew by 4,060, immigration offenders by 1,456, and weapon offenders by 1,593.

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

During 2001, 43,803 prisoners were released from Federal prison for the first time after serving a sentence imposed by a U.S. district court.² Of these, 39,428 were released by standard means. These standard releases served an average of 29.3 months (table 7.12) in prison — 91% of the sentence imposed, on average (table 7.14).³

The remaining 4,375 first releases were released by extraordinary means: 3,242 were released early due to participation in a drug treatment program; 273 were deported; and 860 were released for other reasons — including commutation, death or completion of an intensive confinement program (table 7.11). Drug offenders made up the majority of those released by extraordinary means (85%).

Time served until first release varied by offense: Violent offenders served an average of 54.8 months; drug offenders served an average of 41.8 months; weapons offenders served

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

²Tables 7.11-7.16 include only prisoners first released by the BOP during 2001.

³Average time to first release is the number of months in BOP facilities minus credits for time spent in jail prior to final disposition or sentencing. Percent of sentence served is the average of all individual prisoners' percent of total sentence obligation served until first release.

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

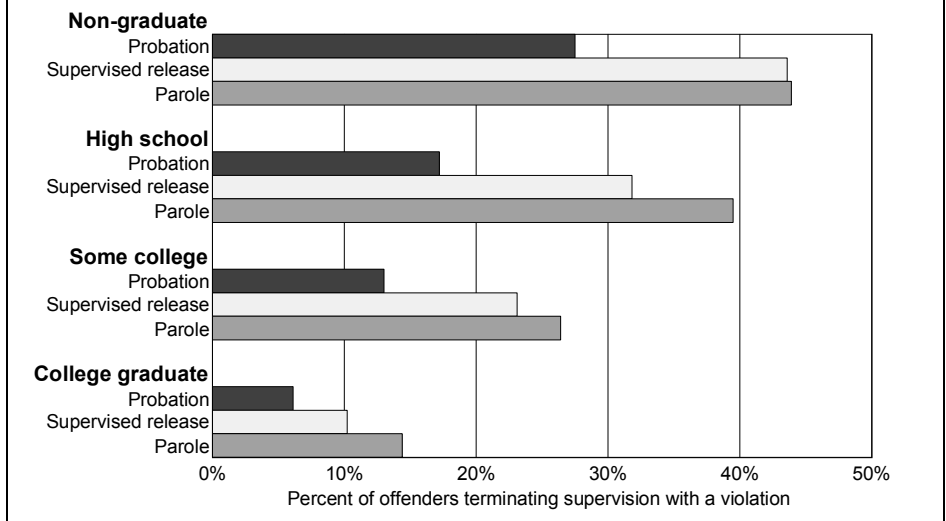


Figure 7.3. Rates of violation of conditions of supervision, by level of education, October 1, 2000 - September 30, 2001

43.7 months; property offenders served an average of 16.1 months; and the average number of months served by immigration offenders was 15.2 (figure 7.4).

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

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

Old law offenders — those who committed crimes before implementation of Federal Sentencing Guidelines in November 1987 — that were released in 2001 are not shown separately in any table. Less than 1%, or 340, of

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

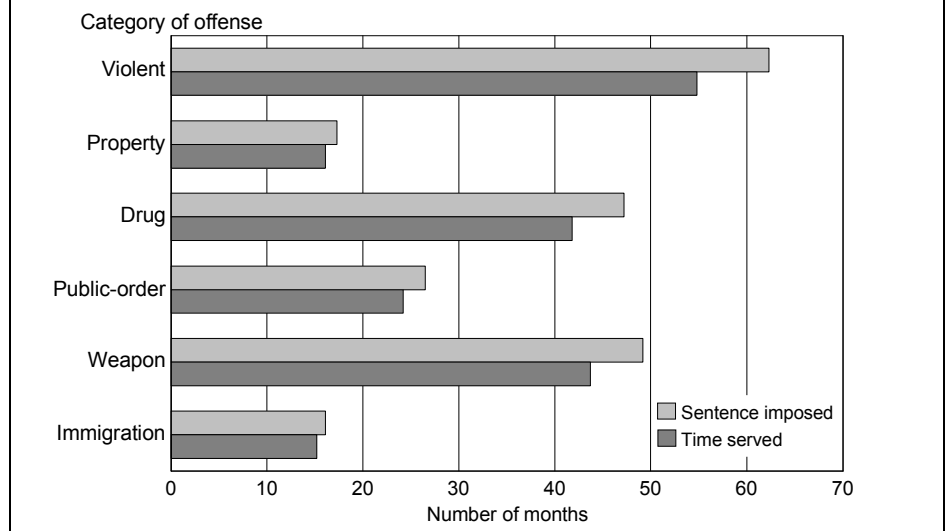
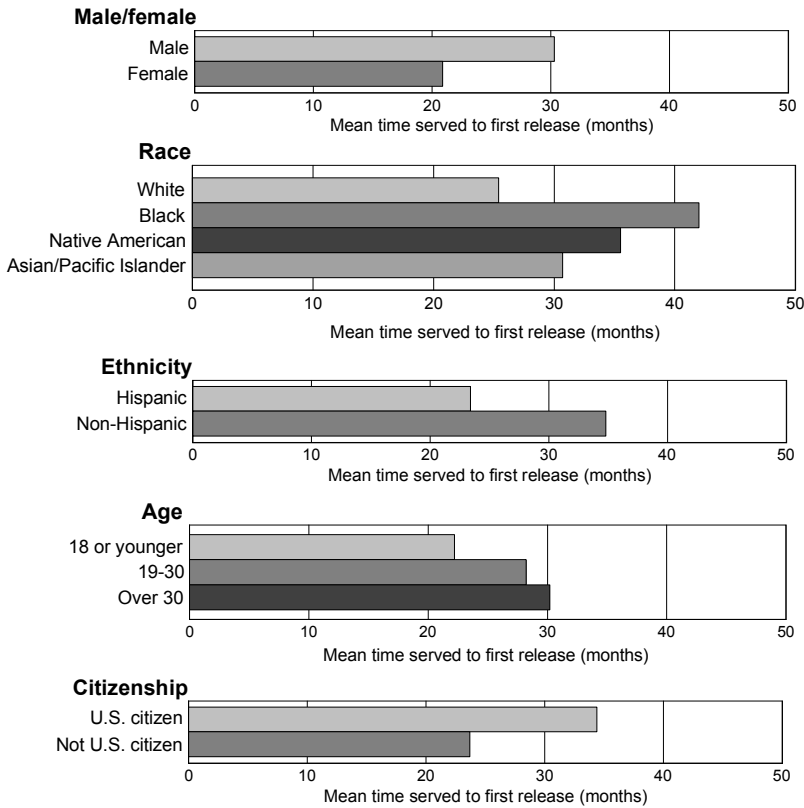


Figure 7.4. Mean lengths of sentence imposed and time served (in months), for offenders released from prison for the first time, by offense, October 1, 2000 - September 30, 2001

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, 2000 - September 30, 2001

released offenders were old law offenders. New law offenders released during 2001 served, on average, 28.5 months in prison (91% of the sentence imposed). Since the Guidelines became effective as of November 1987, new law offenders sentenced to terms of imprisonment greater than 191 months could not have been released by standard means as of the end of fiscal year 2001.⁴ They could have been released only for extraordinary

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

nary reasons such as death, commutation, or treaty transfer.⁵

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 2001, 93% were male, 58% were white, 39% were black, 32% were Hispanic, and 71% were U.S. citizens. Fifty-four percent of the yearend population were 31 years of age or older. This portrait of the Federal prison population was similar across offenses, with a few exceptions. Ninety-five percent of

⁵Prisoners released for extraordinary reasons have been excluded from all time served and percent of sentence served calculations.

immigration offenders were white, 88% were Hispanic, and 4% were U.S. citizens. More than 92% of violent and property offenders were non-Hispanic and U.S. citizens.

Prisoners released (table 7.15) — Of prisoners released during 2001, 88% were male, 74% were white, 23% were black, 46% were Hispanic, and 56% were U.S. citizens. Fifty-four percent were 31 years of age or older. These patterns were most similar for those released for drug offenses, and least similar for offenders released for immigration, weapon, and violent offenses. Ninety-five percent of released immigration offenders were male, 97% were white, 2% were black, 93% were Hispanic, and 5% were U.S. citizens.

Time served to first release (table 7.16) — Of prisoners released by standard methods, males served more time than females (an average of 30.3 months versus 20.9 months); blacks served more time than whites (42.0 months versus 25.4 months); and non-Hispanics served more time than Hispanics (34.8 months versus 23.4 months). Older persons served more time than younger (until over age 40), and U.S. citizens served more time than noncitizens (figure 7.5). However, across offenses, the overall pattern does not apply. For example, blacks served an average of 17 months longer than whites, but among violent and property offenders released from prison, whites served slightly more time than blacks. White offenders served an average of 57.8 months for violent offenses compared to 55.3 months by black offenders. Among violent offenders, Hispanics were in prison an average of 6 months longer than non-Hispanics before being released. U.S. citizens served slightly less time for immigration offenses than did noncitizens (11.9 versus 15.4).

Table 7.1. Federal offenders under supervision, by offense, September 30, 2001

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	103,348	100%	30,782	100%	68,496	100%	4,070	100%
Felonies^c	93,113	90.3%	21,104	68.9%	67,945	99.3%	4,064	100%
Violent offenses	6,163	6.0%	587	1.9%	4,273	6.2%	1,303	32.0%
Murder ^d	410	0.4	31	0.1	211	0.3	168	4.1
Negligent manslaughter	8	—	0	0	6	—	2	—
Assault	627	0.6	162	0.5	401	0.6	64	1.6
Robbery	4,471	4.3	288	0.9	3,244	4.7	939	23.1
Sexual abuse ^d	403	0.4	92	0.3	277	0.4	34	0.8
Kidnaping	200	0.2	9	—	96	0.1	95	2.3
Threats against the President	44	—	5	—	38	0.1	1	—
Property offenses	28,851	28.0%	11,458	37.4%	17,020	24.9%	373	9.2%
Fraudulent	23,947	23.2%	9,195	30.0%	14,555	21.3%	197	4.8%
Embezzlement	3,174	3.1	953	3.1	2,208	3.2	13	0.3
Fraud ^d	17,993	17.4	6,918	22.6	10,915	15.9	160	3.9
Forgery	466	0.5	253	0.8	198	0.3	15	0.4
Counterfeiting	2,314	2.2	1,071	3.5	1,234	1.8	9	0.2
Other	4,904	4.8%	2,263	7.4%	2,465	3.6%	176	4.3%
Burglary	254	0.2	59	0.2	132	0.2	63	1.5
Larceny ^d	3,406	3.3	1,840	6.0	1,501	2.2	65	1.6
Motor vehicle theft	429	0.4	120	0.4	294	0.4	15	0.4
Arson and explosives	341	0.3	66	0.2	257	0.4	18	0.4
Transportation of stolen property	397	0.4	142	0.5	242	0.4	13	0.3
Other property offenses ^d	77	0.1	36	0.1	39	0.1	2	—
Drug offenses	42,333	41.0%	3,644	11.9%	36,771	53.7%	1,918	47.2%
Trafficking	38,001	36.8	3,301	10.8	32,968	48.2	1,732	42.6
Other drug offenses	4,332	4.2	343	1.1	3,803	5.6	186	4.6
Public-order offenses	8,773	8.5%	3,720	12.1%	4,747	6.9%	306	7.5%
Regulatory	2,604	2.5%	1,481	4.8%	1,089	1.6%	34	0.8%
Agriculture	85	0.1	54	0.2	30	—	1	—
Antitrust	24	—	19	0.1	5	—	0	0
Food and drug	73	0.1	51	0.2	22	—	0	0
Transportation	81	0.1	49	0.2	29	—	3	0.1
Civil rights	156	0.2	35	0.1	117	0.2	4	0.1
Communications	125	0.1	84	0.3	41	0.1	0	0
Custom laws	156	0.2	75	0.2	81	0.1	0	0
Postal laws	136	0.1	92	0.3	42	0.1	2	—
Other regulatory offenses	1,768	1.7	1,022	3.3	722	1.1	24	0.6
Other	6,169	6.0%	2,239	7.3%	3,658	5.3%	272	6.7%
Tax law violations ^d	1,421	1.4	777	2.5	635	0.9	9	0.2
Bribery	415	0.4	235	0.8	176	0.3	4	0.1
Perjury, contempt, and intimidation	338	0.3	129	0.4	199	0.3	10	0.2
National defense	49	—	17	0.1	17	—	15	0.4
Escape	291	0.3	48	0.2	223	0.3	20	0.5
Racketeering and extortion	2,113	2.0	436	1.4	1,518	2.2	159	3.9
Gambling	195	0.2	114	0.4	81	0.1	0	0
Nonviolent sex offenses	855	0.8	214	0.7	597	0.9	44	1.1
Obscene material ^d	61	0.1	27	0.1	34	—	0	0
Migratory birds	5	—	5	—	0	0	0	0
All other offenses	426	0.4	237	0.8	178	0.3	11	0.3
Weapon offenses	4,977	4.8%	803	2.6%	4,017	5.9%	157	3.9%
Immigration offenses	1,807	1.8%	735	2.4%	1,069	1.6%	3	0.1%
Misdemeanors^d	10,235	9.9%	9,678	31.6%	551	0.8%	6	0.1%
Fraudulent property offenses	1,219	1.2	1,149	3.8	69	0.1	1	—
Larceny	1,237	1.2	1,148	3.7	89	0.1	0	0
Drug possession ^d	1,598	1.5	1,452	4.7	143	0.2	3	0.1
Immigration misdemeanors	768	0.7	760	2.5	8	—	0	0
Traffic offenses	2,263	2.2	2,205	7.2	57	0.1	1	—
Other misdemeanors	3,150	3.1	2,964	9.7	185	0.3	1	—

—Less than .05%.

^aSee *Chapter notes*, item 1, page 109, and "Offense classifications" in *Methodology*, page 113.

^bTotal includes offenders whose offense category could not be determined; see *Chapter notes*, item 2, page 109.

^cThere are 209 felony offenders for whom an offense category was unknown or indeterminable. These include 157 offenders under probation, 48 under supervised release, and 4 under parole.

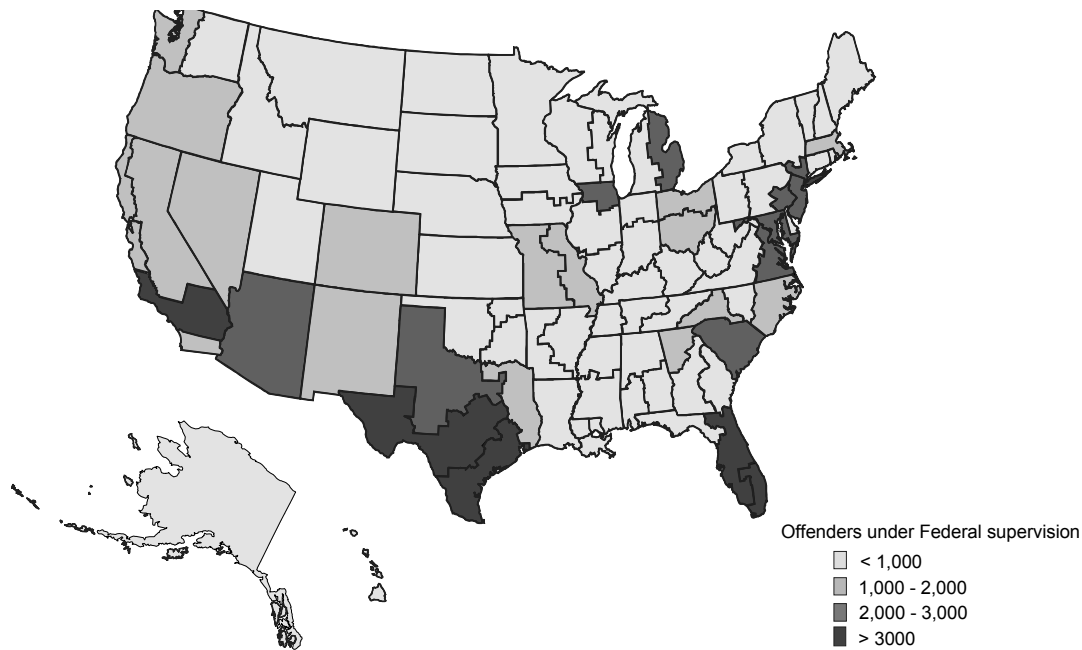
^dIn this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and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

Table 7.2. Characteristics of Federal offenders under supervision, September 30, 2001

Offender characteristic	Total offenders under supervision		Probation		Type of supervision Supervised release		Parole	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All offenders*	103,348	100%	30,782	100%	68,496	100%	4,070	100%
Male/female								
Male	80,964	78.4%	20,952	68.2%	56,092	81.9%	3,920	96.5%
Female	22,290	21.6	9,785	31.8	12,362	18.1	143	3.5
Race								
White	64,415	63.1%	20,496	67.6%	41,593	61.3%	2,326	59.1%
Black	32,664	32.0	7,827	25.8	23,309	34.4	1,528	38.8
Native American	2,249	2.2	960	3.2	1,231	1.8	58	1.5
Asian/Pacific Islander	2,787	2.7	1,049	3.5	1,712	2.5	26	0.7
Ethnicity								
Hispanic	18,387	17.9%	4,966	16.3%	12,906	19.0%	515	12.7%
Non-Hispanic	84,200	82.1	25,572	83.7	55,100	81.0	3,528	87.3
Age								
16-18 years	486	0.5%	456	1.5%	30	0%	0	0%
19-20 years	2,265	2.2	1,410	4.6	855	1.2	0	0
21-30 years	30,280	29.3	9,150	29.9	20,965	30.6	165	4.1
31-40 years	31,318	30.3	8,279	27.0	22,276	32.5	763	18.7
Over 40 years	38,855	37.6	11,343	37.0	24,370	35.6	3,142	77.2
Education								
Not high school graduate	32,937	32.4%	7,485	25.0%	23,741	35.0%	1,711	43.0%
High school graduate	36,774	36.2	10,650	35.5	24,715	36.5	1,409	35.4
Some college	22,730	22.3	7,760	25.9	14,324	21.1	646	16.2
College graduate	9,275	9.1	4,064	13.6	4,997	7.4	214	5.4
Drug abuse								
No known abuse	64,544	62.5%	24,270	78.8%	38,047	55.5%	2,227	54.7%
Drug history	38,804	37.5	6,512	21.2	30,449	44.5	1,843	45.3

*Includes offenders with unknown characteristics.

Federal judicial districts in the States of California, Texas, Florida, and New York had the greatest number of Federal offenders under supervision during 2001



Not shown on map: Puerto Rico (999), District of Columbia (1,406), Virgin Islands (207), Guam (172), and Northern Mariana Islands (60).
 Source: Federal Probation Supervision Information System (FPSIS), fiscal year.

Figure 7.6. Federal offenders under supervision, September 30, 2001, by Federal judicial district

Table 7.3. Outcomes of probation supervision, by offense, October 1, 2000 - September 30, 2001

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	14,961	80.4%	3.1%	2.4%	6.1%	6.4%	1.6%
Felonies	7,573	82.8%	2.8%	2.3%	4.7%	5.6%	1.7%
Violent offenses	239	71.1%	2.1%	3.8%	9.2%	11.7%	2.1%
Murder ^d	12	41.7	0	8.3	33.3	16.7	0
Assault	67	62.7	3.0	4.5	10.4	13.4	6.0
Robbery	115	80.0	2.6	2.6	6.1	7.8	0.9
Sexual abuse ^d	38	65.8	0	5.3	10.5	18.4	0
Kidnaping	4	—	—	—	—	—	—
Threats against the President	3	—	—	—	—	—	—
Property offenses	4,173	83.3%	2.8%	2.0%	5.0%	5.2%	1.6%
Fraudulent	3,380	85.3%	2.3%	1.7%	4.5%	4.5%	1.6%
Embezzlement	366	87.7	2.5	0.8	4.9	3.0	1.1
Fraud ^d	2,496	86.8	1.7	1.6	4.0	4.2	1.8
Forgery	90	75.6	5.6	5.6	6.7	4.4	2.2
Counterfeiting	428	76.2	5.1	2.8	7.0	7.9	0.9
Other	793	75.0%	4.7%	3.2%	7.2%	8.2%	1.8%
Burglary	30	53.3	0	20.0	6.7	16.7	3.3
Larceny ^d	621	75.4	5.6	2.4	6.6	8.4	1.6
Motor vehicle theft	40	65.0	5.0	5.0	15.0	7.5	2.5
Arson and explosives	31	74.2	0	3.2	12.9	9.7	0
Transportation and stolen property	54	90.7	0	0	5.6	1.9	1.9
Other property offenses ^d	17	76.5	0	5.9	5.9	5.9	5.9
Drug offenses	1,167	79.6%	4.5%	2.7%	4.4%	6.8%	2.1%
Trafficking	1,023	79.4	4.8	2.7	4.4	6.6	2.1
Possession and other drug offenses	144	81.3	2.8	2.1	4.2	7.6	2.1
Public-order offenses	1,425	90.4%	1.4%	1.5%	2.5%	2.7%	1.5%
Regulatory	552	90.2%	1.6%	1.8%	2.4%	3.1%	0.9%
Agriculture	35	94.3	2.9	0	0	0	2.9
Antitrust	5	—	—	—	—	—	—
Food and drug	22	95.5	0	0	0	4.5	0
Transportation	24	95.8	0	0	4.2	0	0
Civil rights	9	—	—	—	—	—	—
Communications	31	93.5	3.2	0	0	0	3.2
Custom laws	33	93.9	0	3.0	0	0	3.0
Postal laws	37	83.8	0	8.1	8.1	0	0
Other regulatory offenses	356	89.3	2.0	1.7	2.2	4.2	0.6
Other	873	90.5%	1.3%	1.4%	2.5%	2.5%	1.8%
Tax law violations ^d	390	93.6	0.3	0.8	2.3	1.3	1.8
Bribery	90	95.6	0	1.1	1.1	1.1	1.1
Perjury, contempt, and intimidation	68	92.6	0	0	1.5	2.9	2.9
National defense	12	83.3	0	8.3	0	8.3	0
Escape	24	62.5	12.5	0	12.5	12.5	0
Racketeering and extortion	137	87.6	2.9	0.7	3.6	2.9	2.2
Gambling	52	94.2	0	1.9	0	1.9	1.9
Nonviolent sex offenses	34	76.5	0	5.9	2.9	11.8	2.9
Obscene material ^d	6	—	—	—	—	—	—
Migratory birds	3	—	—	—	—	—	—
All other offenses	57	82.5	5.3	5.3	3.5	1.8	1.8
Weapon offenses	255	73.3%	3.9%	4.7%	6.3%	10.2%	1.6%
Immigration offenses	261	73.6%	1.9%	6.1%	5.0%	11.9%	1.5%
Misdemeanors^d	7,388	77.9%	3.5%	2.5%	7.5%	7.1%	1.4%
Fraudulent property offense	619	88.2	1.9	1.8	4.4	2.3	1.5
Larceny	907	79.8	4.3	3.2	6.4	5.1	1.2
Drug possession ^d	1,175	74.7	7.2	2.0	6.8	7.5	1.8
Immigration misdemeanors	466	42.5	3.0	3.9	15.9	33.9	0.9
Traffic offenses	2,277	80.0	2.6	2.2	8.1	6.0	1.1
Other misdemeanors	1,944	81.7	2.6	2.8	6.7	4.4	1.8

Note: Offenses for 53 felony offenders could not be classified.

See *Chapter notes*, item 3, page 109.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, page 109, and "Offense classifications" in *Methodology*, page 113.

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

Table 7.4. Characteristics of offenders terminating probation supervision, October 1, 2000 - September 30, 2001

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	14,961	80.4%	3.1%	2.4%	6.1%	6.4%	1.6%	
Male/female								
Male	10,759	78.8%	3.3%	2.5%	6.6%	7.1%	1.7%	
Female	4,174	84.4	2.7	2.2	4.9	4.4	1.4	
Race								
White	9,862	82.0%	2.9%	1.9%	5.3%	6.3%	1.6%	
Black	3,793	75.8	4.4	3.2	8.4	6.8	1.5	
Native American	429	62.9	1.4	7.9	12.4	12.1	3.3	
Asian/Pacific Islander	547	90.7	1.8	1.3	2.2	2.4	1.6	
Ethnicity								
Hispanic	2,171	73.1%	3.0%	3.2%	7.1%	12.5%	1.1%	
Non-Hispanic	12,673	81.6	3.2	2.3	6.0	5.3	1.7	
Age								
16-18 years	145	49.0%	7.6%	7.6%	17.2%	16.6%	2.1%	
19-20 years	543	60.1	5.7	5.9	11.6	14.6	2.0	
21-30 years	4,237	73.1	4.3	3.2	8.8	9.5	1.1	
31-40 years	4,003	80.1	3.7	2.5	6.1	6.5	1.1	
Over 40 years	6,025	88.4	1.6	1.3	3.4	3.1	2.1	
Education								
Less than high school graduate	3,558	70.5%	4.7%	4.4%	9.6%	8.8%	2.0%	
High school graduate	5,177	81.5	3.4	2.3	6.0	5.5	1.3	
Some college	3,614	85.4	2.4	1.4	5.0	4.2	1.6	
College graduate	1,796	92.4	0.7	0.7	2.6	2.1	1.5	
Drug abuse								
No known abuse	11,862	84.3%	1.5%	1.8%	5.4%	5.4%	1.6%	
Drug history	3,099	65.6	9.4	4.7	8.8	10.0	1.5	

^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, 2000 - September 30, 2001

	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	24,966	64.2%	7.6%	4.9%	8.2%	12.8%	2.3%
Felonies	24,323	64.2%	7.5%	4.9%	8.2%	12.8%	2.3%
Violent offenses	1,828	43.6%	11.5%	8.7%	13.8%	19.5%	2.9%
Murder ^d	79	39.2	6.3	12.7	22.8	15.2	3.8
Negligent manslaughter	4	—	—	—	—	—	—
Assault	228	47.8	6.6	10.5	14.0	20.2	0.9
Robbery	1,308	42.4	14.1	8.1	11.9	20.3	3.2
Sexual abuse ^d	163	48.5	2.5	10.4	22.1	14.1	2.5
Kidnaping	19	52.6	10.5	5.3	5.3	21.1	5.3
Threats against the President	27	37.0	3.7	3.7	29.6	22.2	3.7
Property offenses	6,653	70.6%	5.8%	4.5%	8.0%	9.3%	1.9%
Fraudulent	5,480	73.5%	5.0%	4.0%	7.2%	8.4%	1.8%
Embezzlement	741	85.3	2.8	1.6	3.9	4.9	1.5
Fraud ^d	4,022	74.3	4.6	3.8	7.4	8.0	1.9
Forgery	137	64.2	10.2	8.8	7.3	8.8	0.7
Counterfeiting	580	55.0	9.3	7.4	10.0	15.9	2.4
Other	1,173	56.8%	9.5%	6.6%	11.7%	13.2%	2.1%
Burglary	78	35.9	15.4	9.0	20.5	19.2	0
Larceny ^d	732	53.7	10.8	7.7	13.3	13.4	1.2
Motor vehicle theft	126	64.3	7.1	4.8	3.2	16.7	4.0
Arson and explosives	102	67.6	2.0	3.9	7.8	13.7	4.9
Transportation and stolen property	104	74.0	7.7	1.9	6.7	6.7	2.9
Other property offenses ^d	31	58.1	6.5	9.7	16.1	0	9.7
Drug offenses	11,073	65.4%	8.1%	4.3%	7.1%	12.4%	2.6%
Trafficking	9,894	64.8	8.1	4.4	7.2	12.7	2.7
Possession and other drug offenses	1,179	70.2	7.7	3.5	6.6	10.2	1.8
Public-order offenses	2,109	77.5%	3.8%	3.7%	6.3%	6.9%	1.9%
Regulatory	572	74.5%	4.4%	4.4%	6.5%	8.9%	1.4%
Agriculture	10	—	—	—	—	—	—
Antitrust	3	—	—	—	—	—	—
Food and drug	6	—	—	—	—	—	—
Transportation	20	85.0	0	10.0	0	5.0	0
Civil rights	49	79.6	2.0	0	4.1	12.2	2.0
Communications	21	85.7	9.5	0	0	4.8	0
Custom laws	34	67.6	17.6	8.8	2.9	2.9	0
Postal laws	24	54.2	4.2	8.3	20.8	8.3	4.2
Other regulatory offenses	405	74.8	3.2	4.4	7.2	8.9	1.5
Other	1,537	78.7%	3.6%	3.4%	6.2%	6.1%	2.1%
Tax law violations ^d	322	91.6	1.6	1.9	1.2	1.9	1.9
Bribery	65	92.3	3.1	0	3.1	1.5	0
Perjury, contempt, and intimidation	109	76.1	7.3	0.9	7.3	7.3	0.9
National defense	7	—	—	—	—	—	—
Escape	149	41.6	10.1	19.5	12.8	14.8	1.3
Racketeering and extortion	516	82.0	3.5	1.0	6.2	5.0	2.3
Gambling	50	84.0	4.0	0	2.0	6.0	4.0
Nonviolent sex offenses	171	73.1	0	4.1	9.9	8.8	4.1
Obscene material ^d	25	88.0	0	0	4.0	4.0	4.0
Migratory birds	3	—	—	—	—	—	—
All other offenses	120	75.0	4.2	3.3	7.5	9.2	0.8
Weapon offenses	1,838	53.4%	11.5%	5.3%	10.6%	16.5%	2.6%
Immigration offenses	790	31.3%	5.4%	9.2%	13.3%	39.5%	1.3%
Misdemeanors^d	643	63.3%	10.4%	4.8%	8.4%	11.7%	1.4%
Fraudulent property offense	57	80.7	5.3	0	5.3	8.8	0
Larceny	130	56.2	16.2	2.3	7.7	16.9	0.8
Drug possession ^d	170	53.5	15.9	8.2	10.6	11.2	0.6
Immigration misdemeanors	11	72.7	9.1	18.2	0	0	0
Traffic offenses	81	63.0	2.5	4.9	12.3	14.8	2.5
Other misdemeanors	194	71.1	6.7	4.1	6.7	8.8	2.6

Note: Offenses for 32 felony offenders could not be determined; see *Chapter notes*, item 3, page 109.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, page 109, and "Offense classifications"

ⁿ *Methodology*, page 113.

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

Table 7.6. Characteristics of offenders terminating supervised release, October 1, 2000 - September 30, 2001

Offender characteristic	Number of supervised release terminations	Percent terminating supervised release with—					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	24,966	64.2%	7.6%	4.9%	8.2%	12.8%	2.3%	
Male/female								
Male	20,965	61.9%	8.0%	5.1%	8.6%	13.9%	2.5%	
Female	3,989	76.4	5.4	3.8	6.2	6.7	1.5	
Race								
White	15,749	67.4%	6.6%	4.7%	7.2%	11.7%	2.4%	
Black	7,759	58.2	10.0	4.8	9.6	15.1	2.3	
Native American	638	43.3	7.4	11.8	16.9	18.8	1.9	
Asian/Pacific Islander	609	76.2	5.6	3.1	9.4	4.1	1.6	
Ethnicity								
Hispanic	4,930	55.6%	7.3%	7.4%	10.0%	17.9%	1.8%	
Non-Hispanic	19,874	66.4	7.7	4.2	7.8	11.5	2.4	
Age								
16-18 years	2	—	—	—	—	—	—	
19-20 years	147	14.3	9.5	19.7	27.9	26.5	2.0	
21-30 years	6,326	47.3	10.8	7.8	12.8	19.6	1.5	
31-40 years	8,286	63.0	8.5	4.8	8.4	13.5	1.7	
Over 40 years	10,205	76.3	4.8	2.9	4.9	7.8	3.3	
Education								
Not high school graduate	9,434	54.0%	9.7%	6.7%	10.9%	16.3%	2.5%	
High school graduate	8,680	66.1	7.8	4.3	7.7	12.0	2.1	
Some college	4,649	74.6	5.7	3.2	5.6	8.6	2.2	
College graduate	1,786	87.5	1.5	1.4	3.3	4.0	2.3	
Drug abuse								
Drug history	11,319	53.6%	12.4%	6.6%	10.4%	14.8%	2.2%	

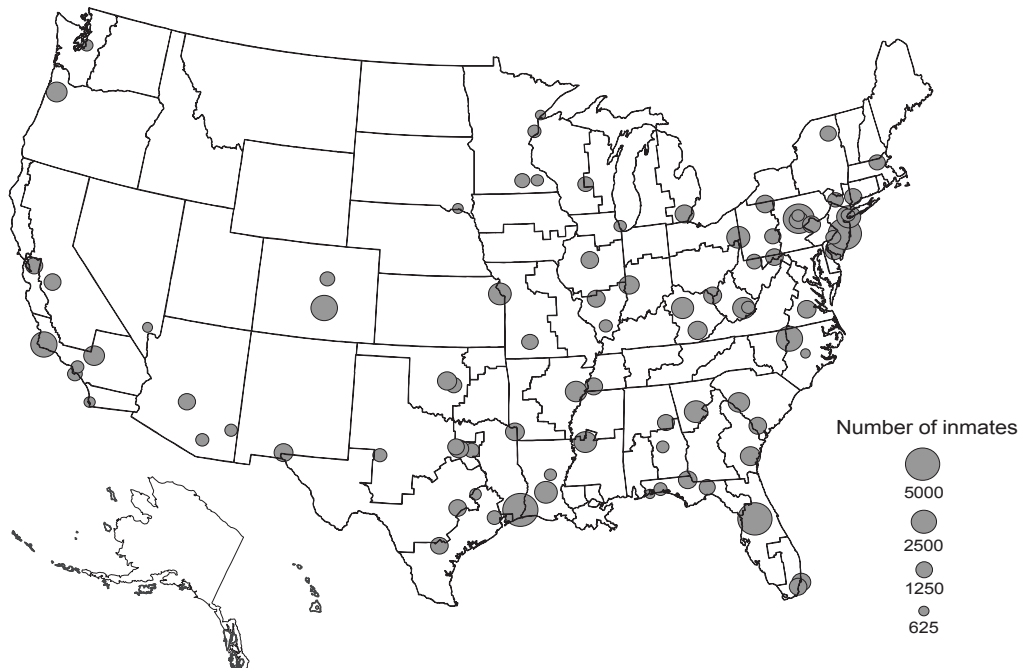
—Too few cases to obtain statistically reliable data.

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

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

^cIncludes offenders with unknown characteristics.

As of September 30, 2001, 130,327 inmates were incarcerated in 100 Federal institutions



Note: Map depicts Federal correctional institutions, penitentiaries, camps, and administrative facilities (metropolitan correctional and detention centers, federal detention centers, and federal medical centers) operated by the Bureau of Prisons. An additional 18,354 inmates were confined in privately managed facilities and state and local facilities. There were 7,981 inmates that were housed in contract halfway houses or under home confinement. The Metropolitan Detention Center in Guaynabo, Puerto Rico held 1,303 inmates (not shown on map).

Source: State of the Bureau 2001. Federal Bureau of Prisons.

Figure 7.7. Federal offenders incarcerated, September 30, 2001, by Federal correctional institution

Table 7.7. Outcomes of parole, by offense, October 1, 2000 - September 30, 2001

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	1,653	55.8%	10.1%	6.2%	8.8%	13.4%	5.7%
Felonies	1,649	55.8%	10.1%	6.2%	8.7%	13.4%	5.8%
Violent offenses	504	37.5%	16.1%	9.7%	10.9%	19.8%	6.0%
Murder ^d	41	34.1	12.2	9.8	17.1	17.1	9.8
Assault	12	41.7	16.7	8.3	25.0	0	8.3
Robbery	403	37.0	17.1	9.7	9.9	20.3	6.0
Sexual abuse ^d	16	43.8	6.3	12.5	12.5	25.0	0
Kidnaping	32	43.8	12.5	9.4	9.4	21.9	3.1
Property offenses	185	71.4%	4.3%	4.3%	5.4%	9.2%	5.4%
Fraudulent	101	76.2%	3.0%	3.0%	2.0%	8.9%	6.9%
Embezzlement	4	—	—	—	—	—	—
Fraud ^d	80	78.8	2.5	2.5	1.3	8.8	6.3
Forgery	9	—	—	—	—	—	—
Counterfeiting	8	—	—	—	—	—	—
Other	84	65.5%	6.0%	6.0%	9.5%	9.5%	3.6%
Burglary	28	57.1	10.7	3.6	10.7	7.1	10.7
Larceny ^d	30	76.7	3.3	10.0	3.3	6.7	0
Motor vehicle theft	12	50.0	0	0	16.7	33.3	0
Arson and explosives	11	72.7	9.1	0	18.2	0	0
Transportation and stolen property	3	—	—	—	—	—	—
Drug offenses	786	64.4%	8.3%	5.0%	7.1%	9.4%	5.9%
Trafficking	715	63.6	8.7	4.9	6.9	9.8	6.2
Possession and other drug offenses	71	71.8	4.2	5.6	9.9	5.6	2.8
Public-order offenses	110	60.0%	5.5%	1.8%	12.7%	13.6%	6.4%
Regulatory	10	—	—	—	—	—	—
Other	100	60.0%	6.0%	2.0%	12.0%	13.0%	7.0%
Tax law violations ^d	14	92.9	0	0	7.1	0	0
Perjury, contempt, and intimidation	6	—	—	—	—	—	—
National defense	1	—	—	—	—	—	—
Escape	13	46.2	15.4	0	15.4	23.1	0
Racketeering and extortion	47	59.6	6.4	2.1	12.8	12.8	6.4
Gambling	1	—	—	—	—	—	—
Nonviolent sex offenses	10	—	—	—	—	—	—
All other offenses	8	—	—	—	—	—	—
Weapon offenses	62	41.9%	11.3%	6.5%	14.5%	22.6%	3.2%
Immigration offenses	2	—	—	—	—	—	—
Misdemeanors^d	4	—	—	—	—	—	—

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, p. 109, and "Offense classifications" in *Methodology*, p. 113.

^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; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Tax law violations" includes tax fraud; and "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels.

Table 7.8. Characteristics of offenders terminating parole, October 1, 2000 - September 30, 2001

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	1,653	55.8%	10.1%	6.2%	8.8%	13.4%	5.7%	
Male/female								
Male	1,582	55.1%	10.3%	6.2%	9.0%	13.7%	5.8%	
Female	71	71.8	5.6	5.6	4.2	8.5	4.2	
Race								
White	940	63.1%	6.7%	5.4%	7.1%	11.3%	6.4%	
Black	638	46.6	14.9	6.6	10.0	16.8	5.2	
Native American	32	40.6	9.4	12.5	15.6	18.8	3.1	
Asian/Pacific Islander	6	—	—	—	—	—	—	
Ethnicity								
Hispanic	207	59.4%	10.1%	6.3%	6.8%	11.1%	6.3%	
Non-Hispanic	1,444	55.3	10.1	6.2	9.1	13.8	5.6	
Age								
21-30 years	33	48.5%	3.0%	9.1%	12.1%	21.2%	6.1%	
31-40 years	262	48.1	13.4	6.5	11.1	17.2	3.8	
Over 40 years	1,358	57.4	9.6	6.0	8.2	12.5	6.1	
Education								
Not high school graduate	697	49.4%	12.9%	6.6%	9.9%	14.5%	6.7%	
High school graduate	593	55.5	9.4	7.6	8.8	13.7	5.1	
Some college	255	70.2	5.9	2.0	6.3	12.2	3.5	
College graduate	69	81.2	2.9	2.9	4.3	4.3	4.3	
Drug abuse								
No known abuse	774	64.3%	4.9%	5.7%	8.1%	10.5%	6.5%	
Drug history	879	48.2	14.7	6.6	9.3	16.0	5.1	

—Too few cases to obtain statistically reliable 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, 2000 - September 30, 2001

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	Over 1 year	All other	First release	Over 1 year	All other		
		1 year or less	1 year		1 year or less	1 year			
All offenses^b	129,062	11,196	39,889	15,569	11,107	32,696	15,518	136,395	7,333
Violent offenses	13,370	151	2,006	2,396	147	1,912	2,479	13,385	15
Murder/manslaughter ^c	1,244	11	106	157	7	79	193	1,239	-5
Assault	887	71	259	421	72	213	426	927	40
Robbery	9,527	50	1,394	1,438	47	1,407	1,480	9,475	-52
Sexual abuse ^c	959	14	174	261	17	151	260	980	21
Kidnaping	673	2	59	53	2	53	60	672	-1
Threats against the President	80	3	14	66	2	9	60	92	12
Property offenses	9,938	2,579	4,514	3,758	2,592	4,344	3,865	9,988	50
Fraudulent	7,527	2,064	3,759	2,459	2,075	3,641	2,488	7,605	78
Embezzlement	367	272	145	153	263	175	156	343	-24
Fraud ^c	6,179	1,573	3,225	1,782	1,591	3,039	1,787	6,342	163
Forgery	329	69	68	153	75	78	200	266	-63
Counterfeiting	652	150	321	371	146	349	345	654	2
Other	2,411	515	755	1,299	517	703	1,377	2,383	-28
Burglary	300	13	51	152	14	50	195	257	-43
Larceny ^c	940	294	344	729	302	276	774	955	15
Motor vehicle theft	222	22	73	84	24	66	77	234	12
Arson and explosives	212	1	41	41	5	39	42	209	-3
Transportation of stolen property	220	16	73	51	18	99	56	187	-33
Other property offenses ^c	517	169	173	242	154	173	233	541	24
Drug offenses	73,150	1,503	20,745	5,064	1,455	16,640	5,157	77,210	4,060
Trafficking	72,536	1,361	20,672	4,737	1,307	16,570	4,734	76,695	4,159
Possession and other drug offenses	614	142	73	327	148	70	423	515	-99
Public-order offenses	7,633	872	2,417	1,604	923	2,304	1,690	7,609	-24
Regulatory	1,185	190	489	258	207	494	273	1,148	-37
Other	6,448	682	1,928	1,346	716	1,810	1,417	6,461	13
Tax law violations ^c	496	115	196	57	129	240	73	422	-74
Bribery	96	24	39	20	29	39	19	92	-4
Perjury, contempt, and intimidation	111	34	36	25	28	44	32	102	-9
National defense	61	6	16	2	6	15	5	59	-2
Escape	387	55	94	112	65	120	117	346	-41
Racketeering and extortion	4,209	64	1,108	235	72	1,043	225	4,276	67
Gambling	2	2	0	1	2	0	1	2	0
Liquor offenses	1	0	1	0	0	0	0	2	1
Nonviolent sex offenses	211	6	50	46	8	55	47	203	-8
Obscene material ^c	517	14	309	64	14	181	51	658	141
Traffic offenses	191	295	25	632	295	14	688	146	-45
Migratory birds	13	7	10	10	6	6	12	16	3
All other offenses	153	60	44	142	62	53	147	137	-16
Weapon offenses	10,557	215	3,518	1,113	169	2,050	1,034	12,150	1,593
Immigration offenses	13,556	5,584	6,342	1,241	5,537	5,159	1,015	15,012	1,456

Note: For further information, see *Chapter notes*, items 4, 5, and 8, p. 109.
^aSee *Chapter notes*, item 4, page 109, and "Offense classifications" in *Methodology*, page 113.
^bAn offense category could not be determined for 858 prisoners at the start of fiscal year 2001 and 1,041 prisoners at the end of fiscal year 2001.

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

Table 7.10. Characteristics of Federal prison population, by major offense category, September 30, 2001

Offender characteristic	Total prisoners	Percent of Federal prison population serving time for ^a —								
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
				Fraudulent	Other		Regulatory	Other		
All cases^b										
All prisoners	136,395	136,395	13,385	7,605	2,383	77,210	1,148	6,461	12,150	15,012
Male/female										
Male	126,791	93.0%	96.5%	83.3%	89.9%	91.8%	87.5%	92.2%	98.4%	97.6%
Female	9,604	7.0	3.5	16.7	10.1	8.2	12.5	7.8	1.6	2.4
Race										
White	79,152	58.0%	45.2%	65.5%	61.4%	53.6%	72.4%	65.3%	42.5%	95.2%
Black	53,205	39.0	42.6	31.2	31.3	45.0	24.6	28.5	55.0	4.1
Native American	2,181	1.6	10.8	0.4	5.5	0.4	0.7	1.3	1.4	0.1
Asian/Pacific Islander	1,857	1.4	1.4	2.9	1.9	1.0	2.4	4.9	1.1	0.6
Ethnicity										
Hispanic	43,504	31.9%	7.2%	13.1%	8.6%	32.7%	18.5%	17.5%	10.0%	88.8%
Non-Hispanic	92,891	68.1	92.8	86.9	91.4	67.3	81.5	82.5	90.0	11.2
Age										
Under 19 years	626	0.5%	1.8%	0.1%	1.1%	0.2%	0.3%	0.3%	0.6%	0.4%
19-20 years	4,904	3.6	6.1	1.6	5.4	3.5	3.9	1.9	4.9	2.2
21-30 years	56,788	41.6	38.9	26.1	34.9	43.8	29.1	30.7	45.8	44.8
31-40 years	44,277	32.5	32.6	31.6	31.7	31.8	30.8	30.5	30.7	38.7
Over 40 years	29,760	21.8	20.5	40.6	26.9	20.6	35.8	36.6	18.0	14.0
Citizenship										
U.S. citizen	97,001	71.4%	96.6%	84.0%	94.0%	73.1%	86.1%	85.4%	94.3%	3.6%
Not U.S. citizen	38,945	28.6	3.4	16.0	6.0	26.9	13.9	14.6	5.7	96.4
New law cases										
All prisoners	127,415	127,415	9,865	7,161	1,930	74,419	1,003	5,881	11,580	14,737
Male/female										
Male	118,139	92.7%	96.0%	82.9%	89.0%	91.6%	86.2%	91.7%	98.4%	97.6%
Female	9,276	7.3	4.0	17.1	11.0	8.4	13.8	8.3	1.6	2.4
Race										
White	73,709	57.8%	43.1%	65.2%	62.9%	53.2%	71.4%	64.5%	41.8%	95.2%
Black	50,014	39.3	42.8	31.4	29.3	45.4	25.2	28.9	55.6	4.1
Native American	1,919	1.5	12.6	0.4	5.5	0.4	0.8	1.2	1.4	0.1
Asian/Pacific Islander	1,773	1.4	1.5	3.0	2.3	1.0	2.6	5.3	1.2	0.6
Ethnicity										
Hispanic	41,877	32.9%	7.3%	13.4%	8.7%	32.8%	19.0%	18.0%	9.9%	88.8%
Non-Hispanic	85,538	67.1	92.7	86.6	91.3	67.2	81.0	82.0	90.1	11.2
Age										
Under 19 years	573	0.4%	2.1%	0.1%	1.2%	0.2%	0.4%	0.3%	0.6%	0.4%
19-20 years	4,712	3.7	7.4	1.6	5.5	3.6	4.3	2.0	5.1	2.2
21-30 years	54,265	42.6	41.5	26.3	35.1	44.6	29.8	31.5	46.6	44.8
31-40 years	41,104	32.3	32.0	31.7	31.2	31.6	30.1	29.9	30.4	38.7
Over 40 years	26,761	21.0	17.0	40.3	26.9	20.0	35.4	36.2	17.2	14.0
Citizenship										
U.S. citizen	89,199	70.2%	96.5%	83.4%	93.8%	72.9%	85.1%	84.8%	94.3%	3.4%
Not U.S. citizen	37,789	29.8	3.5	16.6	6.2	27.1	14.9	15.2	5.7	96.6

Note: Percentages in this table are based on nonmissing characteristics. Total includes 1,041 prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, page 109.

^aSee *Chapter notes*, item 4, page 109, and "Offense classifications" in *Methodology*, page 113.

^bOf the 136,395 prisoners in BOP facilities, 7% (8,940) were old law offenders.

Table 7.11. Number of first releases from Federal prison, by release method and sentence length, October 1, 2000 - September 30, 2001

Most serious original offense of conviction ^a	Total	Standard ^b	Extraordinary means		
			Drug treatment	Treaty transfer	Other ^c
All cases					
All prisoners^d	43,803	39,428	3,242	273	860
Violent offenses	2,059	2,006	4	1	48
Property offenses	6,936	6,666	183	9	78
Fraudulent	5,716	5,487	158	9	62
Other	1,220	1,179	25	0	16
Drug offenses	18,095	14,393	2,852	255	595
Public-order offenses	3,227	2,978	171	5	73
Regulatory	701	646	31	0	24
Other	2,526	2,332	140	5	49
Weapon offenses	2,219	2,171	14	2	32
Immigration offenses	10,696	10,653	11	1	31
Sentences greater than 1 year					
All prisoners^e	32,696	28,345	3,241	273	837
Violent offenses	1,912	1,859	4	1	48
Property offenses	4,344	4,079	183	9	73
Fraudulent	3,641	3,415	158	9	59
Other	703	664	25	0	14
Drug offenses	16,640	12,947	2,851	255	587
Public-order offenses	2,304	2,060	171	5	68
Regulatory	494	441	31	0	22
Other	1,810	1,619	140	5	46
Weapon offenses	2,050	2,002	14	2	32
Immigration offenses	5,159	5,120	11	1	27
<p>Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See <i>Chapter notes</i>, items 4-7, page 109.</p> <p>^aSee <i>Chapter notes</i>, item 4, page 109, and "Offense classifications" in <i>Methodology</i>, page 113.</p>			<p>^bStandard releases include expirations, mandatory release, and release to parole.</p> <p>^cOther extraordinary releases include escape, death, sentence commutation, and intensive confinement programs.</p> <p>^dIncludes 571 prisoners for whom offense was not classifiable or not a violation of U.S. Code.</p> <p>^eIncludes 287 prisoners for whom offense was not classifiable or not a violation of U.S. Code.</p>		

Table 7.12. Average time to first release and percent of sentence served, for prisoners released by standard methods, October 1, 2000 - September 30, 2001

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^c	39,428	29.3 mo	20.8 mo	11,083	4.9 mo	4.9 mo	28,345	38.9 mo	27.0 mo	87.8%
Violent offenses	2,006	54.8 mo	43.5 mo	147	5.6 mo	5.9 mo	1,859	58.7 mo	45.9 mo	87.0%
Murder/manslaughter ^d	82	80.8	48.9	7	—	—	75	87.8	52.3	84.1
Assault	282	27.9	23.5	72	5.0	5.2	210	35.7	28.3	88.9
Robbery	1,417	59.3	49.7	47	6.4	5.9	1,370	61.1	50.4	87.0
Sexual abuse ^d	163	42.1	26.1	17	4.9	6.0	146	46.4	28.7	87.3
Kidnaping	51	84.3	66.2	2	—	—	49	87.5	67.9	83.4
Threats against the President	11	21.5	22.1	2	—	—	9	—	—	—
Property offenses	6,666	16.1 mo	12.0 mo	2,587	5.1 mo	5.0 mo	4,079	23.0 mo	18.2 mo	88.5%
Fraudulent	5,487	15.8 mo	12.0 mo	2,072	5.2 mo	5.0 mo	3,415	22.2 mo	17.4 mo	88.4%
Embezzlement	426	9.0	5.0	263	3.9	4.0	163	17.3	13.1	87.6
Fraud ^d	4,435	16.5	12.0	1,588	5.4	5.0	2,847	22.7	18.2	88.5
Forgery	150	12.7	10.2	75	4.3	4.0	75	21.1	15.7	89.2
Counterfeiting	476	15.9	12.2	146	6.2	6.0	330	20.2	15.7	88.4
Other	1,179	17.5 mo	12.0 mo	515	4.5 mo	4.0 mo	664	27.6 mo	20.9 mo	88.9%
Burglary	63	21.5	15.7	14	6.0	5.0	49	26.6	18.3	87.7
Larceny ^d	555	11.9	10.0	300	5.3	5.0	255	19.7	15.6	89.7
Motor vehicle theft	88	16.8	13.0	24	7.0	7.8	64	20.5	15.7	88.2
Arson and explosives	42	46.3	34.1	5	—	—	37	51.8	44.8	88.2
Transportation and stolen property	109	22.1	16.6	18	5.4	5.0	91	25.4	20.8	90.3
Other property offenses ^d	322	21.2	12.5	154	2.1	1.3	168	38.7	31.8	87.5
Drug offenses	14,393	41.8 mo	31.4 mo	1,446	6.5 mo	6.0 mo	12,947	45.8 mo	33.3 mo	87.4%
Trafficking	14,185	42.3	32.1	1,298	6.7	6.0	12,887	45.8	33.5	87.4
Possession and other drug offenses	208	11.9	6.0	148	4.3	4.0	60	30.7	18.3	91.0
Public-order offenses	2,978	24.2 mo	15.7 mo	918	4.4 mo	4.2 mo	2,060	33.0 mo	23.6 mo	87.5%
Regulatory	646	19.8 mo	13.1 mo	205	5.9 mo	5.0 mo	441	26.2 mo	20.9 mo	88.0%
Other	2,332	25.4 mo	15.7 mo	713	3.9 mo	4.0 mo	1,619	34.9 mo	26.1 mo	87.4%
Tax law violations ^d	347	15.9	12.0	127	5.2	5.0	220	22.1	15.7	87.7
Bribery	64	12.8	10.4	29	5.6	5.9	35	18.7	13.1	87.0
Perjury, contempt, and intimidation	67	18.0	12.2	28	5.4	5.0	39	26.9	20.1	88.5
National defense	20	33.9	23.4	6	—	—	14	45.2	29.2	84.9
Escape	180	17.4	13.1	65	6.0	6.0	115	23.8	18.0	88.7
Racketeering and extortion	966	40.7	32.3	72	6.3	5.9	894	43.5	35.7	86.9
Gambling	2	—	—	2	—	—	0	...	...	...
Nonviolent sex offenses	60	29.1	23.6	8	—	—	52	33.1	26.1	88.5
Obscene material ^d	193	22.8	20.9	14	5.3	6.0	179	24.1	23.5	87.4
Traffic offenses	308	2.4	1.0	294	1.8	0.9	14	16.4	13.9	90.6
Migratory birds	12	16.2	10.2	6	—	—	6	—	—	—
All other offenses	113	13.2	9.0	62	4.5	5.0	51	23.8	18.3	91.5
Weapon offenses	2,171	43.7 mo	34.8 mo	169	6.2 mo	5.3 mo	2,002	46.9 mo	40.0 mo	88.1%
Immigration offenses	10,653	15.2 mo	10.0 mo	5,533	4.5 mo	4.0 mo	5,120	26.8 mo	24.8 mo	88.6%
Other prisoners	561	13.5 mo	10.4 mo	283	3.9 mo	3.0 mo	278	23.4 mo	20.8 mo	88.9%

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, page 109.

—Too few cases to obtain statistically reliable data.

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

^aSee *Chapter notes*, item 4, page 109, and "Offense classifications" in *Methodology*, page 113.

^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 2001 was 4,375. See table 7.11.

^cTotal includes 561 prisoners for whom offense was not classifiable or not a violation of U.S. Code. These include 283 prisoners with sentences of 1 year or less and 278 prisoners with sentences over 1 year.

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

Table 7.13. 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, 2000 - September 30, 2001

Sentence imposed ^a	Number of months served for ^b —								
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
			Fraudulent	Other		Regulatory	Other		
All releases	29.3 mo	54.8 mo	15.8 mo	17.5 mo	41.8 mo	19.8 mo	25.4 mo	43.7 mo	15.2 mo
1-12 mo ^c	4.9	5.6	5.2	4.5	6.5	5.9	3.9	6.2	4.5
13-24	13.8	14.8	13.6	13.8	13.6	14.0	13.9	14.1	14.1
25-36	24.4	25.7	24.2	24.4	24.4	24.7	24.6	25.0	24.3
37-48	35.6	36.1	34.8	34.8	35.4	34.2	35.5	36.2	36.1
49-60	46.2	46.9	45.5	45.4	46.0	45.8	45.5	46.0	47.3
61-72	55.7	56.7	54.2	54.7	55.6	56.7	54.8	55.4	58.0
73-84	66.5	68.0	63.4	67.5	66.3	—	64.5	67.0	67.8
85-96	76.5	77.7	77.2	78.4	76.2	—	74.5	77.4	76.2
97-108	86.8	88.1	—	—	86.1	—	85.8	88.0	87.5
109-120	96.9	97.1	—	—	96.3	—	95.8	98.4	—
121-144	107.9	112.0	107.3	—	107.6	—	107.6	107.9	—
145-180 ^d	135.3	135.5	—	—	135.9	...	114.5	138.2	—
181-240 ^d	139.4	—	—	—	140.4	—	—	147.3	...
241-300 ^d	143.5	148.0	—	...	142.6	—	—	—	...
Over 300 ^d	195.0	206.7	—	—	178.1	—	—	—	...

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, page 109. Of the 39,428 first releases by standard methods, 39,088 were new law and 340 were old law.

—Too few cases to obtain statistically reliable data.

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

^aSentence for the single most serious offense.

^bSee *Chapter notes*, item 4, page 109, and "Offense classifications" in *Methodology*, page 113.

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

^dAs of fiscal year 2001, new law inmates who were sentenced to more than 191 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and death), because the Federal Sentencing Guidelines took effect as of November 1987. See table 7.11.

Table 7.14. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods during October 1, 2000 - September 30, 2001

Sentence imposed ^a	Percent of sentence served for ^b —								
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
			Fraudulent	Other		Regulatory	Other		
All releases	91.1%	87.9%	92.7%	93.6%	88.6%	91.7%	91.1%	88.9%	94.3%
1-12 mo ^c	99.7	99.3	99.8	100	99.9	99.7	99.6	100.4	99.5
13-24	88.7	89.3	89.1	90.0	88.0	88.8	89.1	89.2	88.8
25-36	87.9	88.2	87.5	88.2	87.6	87.8	87.5	88.0	88.5
37-48	87.9	88.5	87.5	87.5	87.8	88.0	87.4	87.9	88.3
49-60	87.8	88.2	87.4	87.6	87.6	87.8	87.2	87.9	88.5
61-72	87.6	88.1	87.5	84.4	87.5	87.4	87.2	87.6	88.9
73-84	87.2	88.0	84.4	88.5	87.0	—	85.4	88.0	88.2
85-96	87.5	88.2	87.2	87.5	87.3	—	86.4	87.9	87.9
97-108	87.8	88.5	—	—	87.6	—	87.5	87.8	88.5
109-120	87.5	87.5	—	—	87.5	—	86.8	87.9	—
121-144	87.1	88.1	87.3	—	87.0	—	86.0	88.5	—
145-180 ^d	87.1	87.8	—	—	87.4	...	76.4	87.4	—
181-240 ^d	74.9	—	—	—	76.0	—	—	80.8	...
241-300 ^d	58.2	60.5	—	...	57.5	—	—	—	...
Over 300 ^d	51.4	51.4	—	—	50.6	—	—	—	...

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia; see *Chapter notes*, items 4-7, p. 109.

Note: Of the 39,428 first releases by standard methods, 39,088 were new law and 340 were old law.

—Too few cases to obtain statistically reliable data.

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

^aSentence for the single most serious offense.

^bSee *Chapter notes*, item 4, p. 109, and "Offense classifications" in *Methodology*, p. 113.

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

^dAs of fiscal year 2001, new law inmates who were sentenced to more than 191 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and death), because the Federal Sentencing Guidelines took effect as of November 1987. See table 7.11.

Table 7.15. Characteristics of first releases from prison, by offense, all releases, October 1, 2000 - September 30, 2001

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		Weapon offenses	Immigration offenses
				Fraudulent	Other		Regulatory	Other		
Number of releases^b	43,803	43,803	2,059	5,716	1,220	18,095	701	2,526	2,219	10,696
Male/female										
Male	38,622	88.3%	91.5%	79.1%	82.9%	86.1%	83.8%	88.3%	97.6%	95.0%
Female	5,133	11.7	8.5	20.9	17.1	13.9	16.2	11.7	2.4	5.0
Race										
White	32,237	73.7%	50.0%	66.3%	62.8%	68.8%	75.4%	71.8%	49.4%	96.9%
Black	10,122	23.1	32.9	29.2	30.6	29.4	20.3	21.7	47.6	2.3
Native American	551	1.3	15.1	0.5	3.8	0.4	0.6	1.2	1.4	0.1
Asian/Pacific Islander	845	1.9	1.9	4.0	2.9	1.4	3.7	5.3	1.5	0.7
Ethnicity										
Hispanic	19,995	45.7%	8.6%	17.2%	16.0%	43.1%	23.3%	14.9%	13.7%	92.7%
Non-Hispanic	23,760	54.3	91.4	82.8	84.0	56.9	76.7	85.1	86.3	7.3
Age										
Less than 19 years	346	0.8%	2.9%	0.1%	0.9%	0.7%	0.4%	0.3%	0.6%	1.1%
19-20 years	2,063	4.7	7.4	1.6	6.0	5.5	3.1	1.9	5.4	5.0
21-30 years	17,939	41.0	42.6	28.9	28.6	42.7	27.2	25.4	48.1	49.0
31-40 years	13,392	30.6	28.0	32.5	29.1	30.3	30.6	28.5	27.4	32.0
Over 40 years	10,015	22.9	19.1	36.8	35.4	20.8	38.6	44.0	18.5	12.9
Citizenship										
U.S. citizen	24,607	56.4%	95.5%	77.0%	93.4%	64.5%	76.4%	85.7%	91.0%	4.5%
Not U.S. citizen	19,005	43.6	4.5	23.0	6.6	35.5	23.6	14.3	9.0	95.5

Note: Totals include prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, page 109. Percentages in this table are based on nonmissing characteristics.

^aSee *Chapter notes*, item 4, page 109, and "Offense classifications" in *Methodology*, page 113.

^bOf the 43,803 total cases, 43,442 (or 99%) were new law cases.

Table 7.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics, October 1, 2000 - September 30, 2001

Offender characteristic	Number of prisoners released	Mean time served for ^a —								
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses		Weapon offenses	Immigration offenses
				Fraudulent	Other		Regulatory	Other		
All releases^b	39,428	29.3 mo	54.8 mo	15.8 mo	17.5 mo	41.8 mo	19.8 mo	25.4 mo	43.7 mo	15.2 mo
Male/female										
Male	34,908	30.3 mo	56.8 mo	16.9 mo	18.9 mo	43.5 mo	20.5 mo	26.1 mo	44.0 mo	15.6 mo
Female	4,474	20.9	31.3	11.4	10.6	30.6	15.7	18.8	32.6	8.1
Race										
White	29,479	25.4 mo	57.8 mo	15.8 mo	18.2 mo	36.3 mo	19.0 mo	24.2 mo	40.7 mo	14.9 mo
Black	8,603	42.0	55.3	15.5	16.0	55.4	22.5	27.8	47.5	27.5
Native American	524	35.5	44.6	16.0	17.4	31.1	11.1	18.1	27.9	13.8
Asian/Pacific Islander	776	30.7	39.1	16.2	19.5	51.9	21.7	30.6	37.2	20.0
Ethnicity										
Hispanic	19,036	23.4 mo	59.6 mo	13.1 mo	13.8 mo	36.0 mo	17.4 mo	29.0 mo	37.1 mo	14.7 mo
Non-Hispanic	20,346	34.8	54.2	16.3	18.2	47.2	20.5	24.6	44.8	21.8
Age										
Less than 19 years	329	22.2 mo	41.5 mo	11.3 mo	17.4 mo	24.8 mo	12.9 mo	63.1 mo	58.1 mo	5.5 mo
19-20 years	1,894	25.6	51.2	12.2	15.7	32.8	20.5	22.2	42.4	8.2
21-30 years	16,172	28.5	53.5	13.7	18.9	40.3	21.4	27.1	43.6	13.8
31-40 years	12,030	31.0	61.0	15.9	20.3	44.4	20.5	25.8	45.2	18.1
Over 40 years	8,957	29.2	51.1	17.5	14.3	44.1	18.0	23.7	41.5	16.8
Citizenship										
U.S. citizen	20,627	34.4 mo	55.1 mo	16.4 mo	17.0 mo	43.8 mo	21.4 mo	24.3 mo	44.6 mo	11.9 mo
Not U.S. citizen	18,614	23.7	46.6	13.7	24.2	39.2	14.9	32.4	35.3	15.4

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, page 109.

^aSee *Chapter notes*, item 4, page 109, and "Offense classifications" in *Methodology*, page 113.

^bOf the 43,803 total cases, 43,442 (or 99%) were new law cases.

Chapter notes

1) Offenders were classified according to their most serious offense at conviction. In cases involving multiple offenses, the AOUSC offense severity hierarchy was applied. The most serious offense was the one with the most severe penalty imposed. If equal prison terms were imposed, or there was no imprisonment, the offense with the highest severity code, as determined by the *U.S. Title and Code Criminal Offense Citations Manual*, was selected.

2) Tables 7.1 and 7.2 were created using the probation, parole, and supervision data files of the Federal Probations Supervision Information System (FPSIS), which is maintained by the AOUSC. Yearend pending cases (that is, records with offenders who were under active supervision as of the end of the fiscal year, September 30, 2001) 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, 2000, through September 30, 2001, 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 2001. Tables 7.11-7.16 include only prisoners committed by U.S. district courts or released by the BOP during fiscal year 2001.

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 2001, or if that person appears in more than one column in a table, that is, in commitment and population.

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

In these tables, offenses were classified according to the offense associated with the longest single sentence actually imposed. Classifications in other tables may have been based on the longest potential sentence allowed by law.

5) Tables 7.9-7.16 distinguish between prisoners committed by U.S. district courts for violations of the U.S. Code and other prisoners. Prisoners released after commitment from U.S. district court are called "first releases." The other admissions and releases include offenders who returned to prison after their first release (such as probation, parole, or supervised release violators), offenders convicted in other courts (such as military courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. Tables 7.9-7.16 exclude prisoners sentenced by a District of Columbia Superior Court judge for violations of the DC Criminal Code. Offenders who entered or left a prison temporarily — such as for transit to another location, for health care, or to serve a weekend sentence — were not counted as admitted or released. Persons who were detained for deportation by the Immigration and Naturalization

Service and who were not criminal offenders were also not included in the tables.

Table 7.11 distinguishes between standard and extraordinary methods of release from prison. "Standard" releases include the usual methods of exiting from prison, such as full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole. Extraordinary releases are unusual exits from prison, such as death, commutation, and transfer to another facility.

6) Tables 7.11-7.16 include only prisoners committed by U.S. district courts and released by the BOP during fiscal year 2001. Prisoners committed by U.S. district court — but not for a violation of the U.S. Code, or whose offense could not be classified — were included in the total but are not shown separately. Table 7.9, however, shows these prisoners separately. Other prisoners — such as probation and parole violators and prisoners committed by other courts, such as military courts or District of Columbia Superior Court — were excluded from tables 7.11-7.16, as were other persons admitted to Federal prison but not committed from a U.S. district court.

7) In tables 7.11-7.16, time served was calculated for prisoner's arrival into jurisdiction of the BOP until first release from prison, plus any jail time served and credited. The calculation is the same as that currently used by the BOP. Prisoners serving consecutive sentences may have total imposed sentences exceeding the longest single sentence length. Accordingly, time actually served may exceed the longest single imposed sentence. The percent of sentenced served (in tables 7.12 and 7.14) is the average of each individual prisoner's percent of sentence served. Because other publications may include different groups of prisoners, calculate time served differently, or use a different offense classification,

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

Time served, as reported in tables 7.11-7.16 in this *Compendium*, may not be directly comparable to the calculation of time served in the 1993 and prior compendia. The methodology in this report uses additional information to identify prison commitment dates and account for jail credit. In previous reports, jail credits were overestimated in some cases. In addition, time served estimates reported in tables 7.12-7.14 and 7.16 include only prisoners released by standard methods (expirations, mandatory releases, and releases to parole). Prisoners released by extraordinary means (such as death, commutation, and transfer) 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 2001, except those prisoners who were committed by a District of Columbia Superior Court judge. Prisoners counted in this column are the same as prisoners included in tables 7.11, 7.12, and 7.13. Table 7.9 shows in separate columns, as well as in the total, prisoners committed by a U.S. district court — but not for a violation of the U.S. code, or whose offense could not be classified. Other columns in table 7.9 include prisoners who were committed by other courts, returned to prison for violation of the conditions of supervision, or were received for examination, treatment, or transfer to another jurisdiction. Offenders who returned to prison for a violation of the conditions of supervision without a new court commitment, were classified according to the offense with the longest single sentence originally imposed at conviction.

The Federal justice database

Source of data

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

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

Reporting period

Wherever possible, matters or cases have been selected according to the event which occurred during fiscal year 2001 (October 1, 2000, through September 30, 2001). 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 2001 in this *Compendium* have been assembled from source files containing records of 2001 matters concluded which were entered into the data system during fiscal years 2001 or 2002.

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, 2000 - September 30, 2001. Generally the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing defendants under pretrial release and detention, defendants sentenced to incarceration, and offenders under post-conviction supervision. Juvenile offenders are included in the reported statistics.

Unit of analysis

The unit of analysis in chapters 1 through 6 is a combination of a person (or corporation) and a matter or case. For example, if a single person is involved in three different criminal cases during the time period specified in the table, he or she is counted three

times in the tabulation. Similarly, if a single criminal case involves a corporate defendant and four individual defendants, it counts five times in the tabulation. In chapter 7 the unit of analysis for incarceration, probation, parole, or other supervised release is a person entering custody or supervision, or a person leaving custody or supervision. For example, a person convicted in two concurrent cases and committed once to the custody of the Federal Bureau of Prisons in the indicated time period is counted as one admission to a term of incarceration. A person who terminates probation twice in the indicated time period, such as with a violation and again after reinstatement, is counted as two terminations of probation.

Interpretation

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

Offense classifications

Procedure

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

Offense categories for Federal arrestees in chapter 1 are based on the FBI's National Crime Information

*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.

Center (NCIC) offense classifications, which are converted into U.S. Marshals' four-digit offense codes, which, in turn are aggregated into the offense categories shown in the tables.

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

Felony/misdemeanor distinctions

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

Felonies

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

Class B felony — 25 years or more.

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

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

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

Misdemeanors

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

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

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

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

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

Most serious offense selection

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

are classified by the offense of conviction. In tables 7.1–7.6, the most serious offense of conviction is either the one having the longest sentence imposed or, if equal sentences were imposed or there was no imprisonment, it was the offense carrying the highest severity code as determined by the Administrative Office's offense severity code ranking. In tables 7.7–7.13, prisoners are classified according to the offense which bears the longest single incarceration sentence.

Offense categories

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

"Murder" includes nonnegligent manslaughter.

"Sexual abuse" includes only violent sex offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

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

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

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

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

"Drug possession" also includes other drug misdemeanors.

Source agencies for *Compendium* data tables

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

Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

effect, an instruction that an indictment be drawn.

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

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

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

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

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

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

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

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

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

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

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

Release

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

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

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

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

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

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

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

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

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

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

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

Sentencing Guidelines (Federal) — guidelines established by the United

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Trial conviction — conviction by judge or jury after trial.

True bill — an indictment.

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

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

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

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

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

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

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

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The Bureau of Justice Statistics, the statistical agency of the U.S. Department of Justice, can supply you with data from its censuses and surveys and from cooperating government agencies.

At the BJS website, <http://www.ojp.usdoj.gov/bjs/>, you can copy the data from hundreds of graphical figures in **Key Facts at a Glance**.

Data for analysis, available on the BJS website, are aggregated data from published sources. You can access them in spreadsheet format. The sources include BJS statistical programs, the Uniform Crime Reporting program of the FBI, and the Census Bureau.

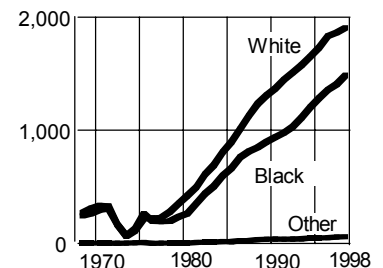
The National Archive of Criminal Justice Data, the archive maintained by the University of Michigan and supported by BJS, gives you access to 1,000's of datasets. Visit their website at <http://www.icpsr.umich.edu/NACJD/>

The National Corrections Reporting Program, 1983-2000, CD-ROM's are available for cost of handling through the BJS website or by calling 1-800-851-3420. The CD-ROM's have three datasets: prison admissions and releases and parole releases.

The Federal Justice Statistics Resource Center, which the Urban Institute maintains for BJS, contains the Federal Justice Statistics Program database. It compiles information about the Federal system and suspects, defendants, and prisoners. The website is at <http://fjsrc.urban.org/index.shtml>

	White	Black	Other
1968	243	271	3
1969	263	310	2
1970	293	335	3
1971	306	332	4
1972	167	166	1

Prisoners under sentence of death



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U.S. Department of Justice
Office of Justice Programs
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