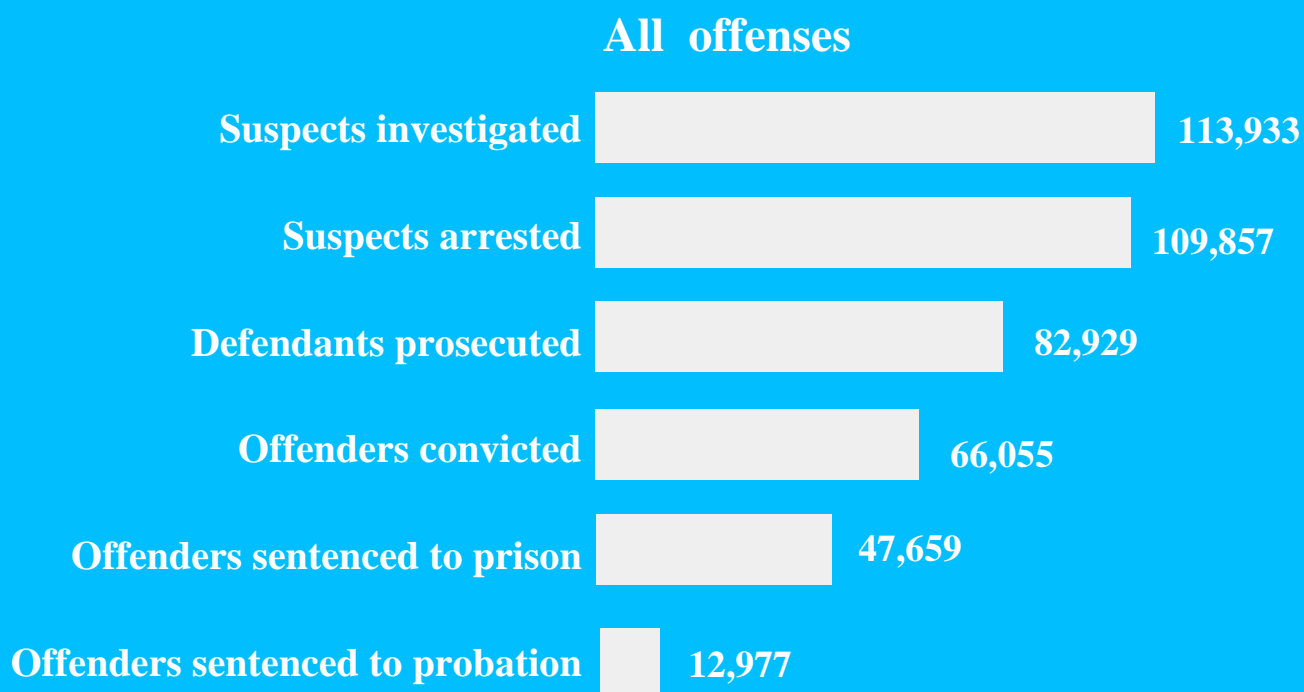




## Bureau of Justice Statistics

# Compendium of Federal Justice Statistics, 1999

### Federal criminal case processing, October 1, 1998, through September 30, 1999



A Federal Justice Statistics Program Report

**U.S. Department of Justice  
Office of Justice Programs**  
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Washington, D.C. 20531

John Ashcroft  
Attorney General

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# Compendium of Federal Justice Statistics, 1999

April 2001, NCJ 186179

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**U.S. Department of Justice**

Office of Justice Programs  
Bureau of Justice Statistics

Jan M. Chaiken, Ph.D.  
Director, BJS

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# Contents

---

## Highlights, 1

Arrest  
Prosecution  
Pretrial release  
Adjudication  
Sentencing  
Appeals  
Corrections

## Introduction, 5

Organization of the *Compendium*  
Modifications in the 1999 *Compendium*  
Notes to reader

## System overview, 7

### Chapter 1. Arrests for Federal offenses, 11

Arrests by offense categories  
Arrests by law enforcement agencies  
Arrests across demographic groups  
Arrests by Drug Enforcement Administration agents

Tables, 15

Chapter notes, 19

### Chapter 2. Prosecution, 21

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

Tables, 27

Chapter notes, 33

### Chapter 3. Pretrial release, 35

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

Tables, 41

Chapter notes, 50

### Chapter 4. Adjudication, 51

Defendants in cases filed  
Defendants in cases terminated  
Case processing times  
Convictions by U.S. magistrates

Characteristics of convicted defendants

Tables, 55

Chapter notes, 60

### Chapter 5. Sentencing, 61

Offenders convicted and sentences imposed  
Average prison sentences imposed  
Relationship between sentence imposed and mode of conviction  
Characteristics of offenders sentenced to prison

Tables, 67

Chapter notes, 73

### Chapter 6. Appeals, 75

Appeals filed  
Appeals terminated

Tables, 79

Chapter notes, 84

### Chapter 7. Corrections, 85

Federal offenders under supervision  
Outcomes of offenders completing supervision  
Characteristics of offenders completing supervision  
Admissions, releases, and standing population of Federal prisoners  
Federal prisoners: First releases and time served

Characteristics of Federal prisoners

Tables, 91

Chapter notes, 106

### Methodology, 109

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

### Glossary, 113

# Tables

## Chapter 1. Arrests for Federal offenses, 15

*October 1, 1998 - September 30, 1999*

- 1.1. Arrests for Federal offenses, by offense
- 1.2. Arrests for Federal offenses and booked by USMS, by Federal law enforcement agency
- 1.3. Characteristics of Federal arrestees
- 1.4. Characteristics of suspects arrested by Drug Enforcement Administration agents, by type of drug
- 1.5. Characteristics of suspects arrested by Drug Enforcement Administration agents, by weapon use at time of arrest

## Chapter 2. Prosecution, 27

*October 1, 1998 - September 30, 1999*

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

## Chapter 3. Pretrial release, 41

*October 1, 1998 - September 30, 1999*

- 3.1. Type of pretrial release, by offense
- 3.2. Type of pretrial release, by defendant characteristics
- 3.3. Form of pretrial detention, by offense
- 3.4. Form of pretrial detention, by defendant characteristics
- 3.5. Pretrial detention hearing outcomes, by offense
- 3.6. Pretrial detention hearing outcomes, by defendant characteristics
- 3.7. Behavior of defendants released prior to trial, by offense
- 3.8. Behavior of defendants released prior to trial, by type of release

- 3.9. Behavior of defendants released prior to trial, by defendant characteristics
- 3.10. Length of pretrial detention, by form of release or detention, and most serious offense charged

## Chapter 4. Adjudication, 55

*October 1, 1998 - September 30, 1999*

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

## Chapter 5. Sentencing, 67

*October 1, 1998 - September 30, 1999*

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

## Chapter 6. Appeals, 79

*October 1, 1998 - September 30, 1999*

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

## Chapter 7. Corrections, 91

*October 1, 1998 - September 30, 1999*

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

# Figures

---

## Highlights, 1

*October 1, 1998 - September 30, 1999*

- Figure H.1. Average length of sentences imposed, by offense
- Figure H.2. Admissions to Federal Bureau of Prisons, releases, and prisoners at yearend, by offense
- Figure H.3. Average time to first release, standard releases, by offense

## System overview, 7

*October 1, 1998 - September 30, 1999*

- Figure S.1. System overview, Federal criminal case processing
- Figure S.2. Federal criminal case processing

## Chapter 1. Arrests for Federal offenses, 11

*October 1, 1998 - September 30, 1999*

- Figure 1.1. Type of drug involved in drug arrests, by race of arrestee
- Figure 1.2. Type of immigration arrests

## Chapter 2. Prosecution, 21

*October 1, 1998 - September 30, 1999*

- Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate
- Figure 2.2. Of suspects in matters declined, percent referred or handled in other prosecutions or settled through alternative resolution

## Chapter 3. Pretrial release, 35

*October 1, 1998 - September 30, 1999*

- Figure 3.1. Percent of defendants released prior to case disposition, by offense category
- Figure 3.2. Detention hearings held, by offense category
- Figure 3.3. Pretrial release rates, by defendant characteristics

## Chapter 4. Adjudication, 51

*October 1, 1998 - September 30, 1999*

- Figure 4.1. Disposition of cases terminated

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

## Chapter 5. Sentencing, 61

*October 1, 1998 - September 30, 1999*

- Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases terminated
- Figure 5.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases terminated
- Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea

## Chapter 6. Appeals, 75

*October 1, 1998 - September 30, 1999*

- Figure 6.1. Types of criminal appeal cases
- Figure 6.2. Appeals cases filed, by type of offense
- Figure 6.3. Disposition of criminal appeals terminated

## Chapter 7. Corrections, 85

*October 1, 1998 - September 30, 1999*

- Figure 7.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation
- Figure 7.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense
- Figure 7.3. Rates of violation of conditions of supervision, by level of education
- Figure 7.4. Mean lengths of sentence imposed and time served (in months) for offenders released from prison for the first time
- Figure 7.5. Characteristics of first releasees





## Highlights

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The number of suspects investigated by U.S. attorneys increased by 2% between 1998 and 1999, from 115,692 to 117,994; between 1990 and 1999, the number of investigations increased by 17%. About three-quarters of those for which the investigation was concluded were prosecuted — either before a U.S. district court judge (60%) or before a U.S. magistrate (13%) — and 27% of those investigated were not prosecuted by U.S. attorneys.

The number of defendants prosecuted in Federal courts increased by 2% between 1998 and 1999, from 78,172 to 80,031.

The number of offenders under Federal correctional supervision increased 52% between 1990 and 1999. At the end of fiscal year 1999, the number of offenders under Federal correctional supervision was 215,687 compared to 141,790 during 1990.

At the end of fiscal year 1999, the number of Federal inmates serving a sentence of imprisonment increased by 10,260 to 119,185. The number under community supervision was 96,502. Almost two-thirds of those under community supervision were on post-incarceration supervised release (59,644) or parole (5,129).

### Arrest

During 1999, 109,857 offenders were arrested by Federal law enforcement agencies for violations of Federal law. A third of all arrests were for public order offenses, 29% for drug offenses, 15% for property offenses, 14% for supervision violations, 4% for violent offenses, and 4% to secure and safeguard a material witness.

About 72% of all arrests for Federal offenses were made by agencies of the Department of Justice, while Treasury Department agencies accounted for 11% of all arrests. Within the Department of Justice, 36% of arrests were made by the U.S. Marshals Service, 33% of arrests were made by the Immigration and Naturalization Service, 15% each were made by the

Federal Bureau of Investigation and the Drug Enforcement Administration.

### Prosecution

During 1999 U.S. attorneys initiated criminal investigations involving 117,994 suspects, and they concluded their investigations of 113,933 suspects. Thirty-nine percent of the suspects were investigated for public-order, 32% for drug, 24% for property, and about 5% for violent offenses.

The number of suspects investigated for immigration offenses increased between 1998 and 1999, from 14,114 to 15,539.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 68,384 in U.S. district courts and 14,545 were disposed of before U.S. magistrates. During 1999, U.S. attorneys declined 27% of matters concluded.

Suspects in criminal matters involving drug or violent offenses were slightly more likely to be prosecuted in a U.S. district court (77% and 59%, respectively) than were the suspects involved in public-order or property offenses (53% and 50%, respectively). Suspects involved in property offenses (such as fraud) or regulatory public-order offenses were more likely to be declined for prosecution (42% and 63%, respectively) than were suspects investigated for drug or violent offenses (17% and 35%, respectively).

### Pretrial release

During 1999 about 47% of the 65,559 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses such as embezzlement, forgery, and larceny and those charged with regulatory public-order offenses or tax law violations were more likely to be released prior to trial (between 80% and 96% of these defendants were released) than were defendants charged with violent offenses, drug trafficking, weapons, or immigration

offenses (between 10% and 46% of these defendants were released).

The proportion of defendants released prior to their trial decreased from 62% during 1990 to 47% during 1999. Defendants charged with violent, drug, weapon, or immigration offenses were considerably less likely to be released during 1999 than during 1990. During 1990, 45% of defendants charged with violent offenses, 54% of drug defendants, 63% of weapon defendants, and 30% of immigration defendants were released at some point prior to trial. By contrast, during 1999, 35% of defendants charged with violent offenses, 41% of drug defendants, 46% of weapon defendants, and 10% of immigration defendants were released.

Defendants having a prior criminal history of serious or violent crimes were less likely to be released than those without a prior criminal history; defendants with more criminal history were less likely to be released than those with less criminal history. Twenty-five percent of the defendants with a prior violent felony conviction were released before trial, while 59% 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 27% of defendants having five or more prior convictions.

About 82% of defendants released prior to trial completed their periods of release without violating the conditions of their release. About 18% of defendants released violated the conditions of their release, and 7% of defendants had their release revoked. Defendants charged with drug and violent offenses were more likely to commit at least one violation of their conditions of release (29% and 23%, respectively) and to have their release revoked (10% and 12%, respectively) than were other defendants.

Defendants released during 1999 were more likely to violate the conditions of their pretrial release than

those released during 1990. During 1999, 18% of those released at some point prior to trial violated a condition of their release. During 1990, 12% violated their release conditions.

### Adjudication

During 1999, 80,031 defendants were charged in Federal courts with a criminal offense, about 84% of whom were charged with felonies. Of the defendants charged with felonies, 41% were prosecuted for drug trafficking, 30% for public-order, 22% for property, and 4% for violent offenses.

The number of defendants charged with a felony immigration offense increased by 14% between 1998 and 1999, from 9,254 to 10,550. The number charged with a felony drug offense increased by 5%, from 28,021 to 29,306.

Criminal cases were concluded against 75,723 defendants during 1999, 83% of whom had been charged with felonies. The proportion of defendants convicted in the Federal courts increased from 81% during 1990 to 87% during 1999. Additionally, the proportion of defendants who pleaded guilty increased from 88% during 1990 to 95% during 1999.

Ninety-one percent of defendants charged with felonies were convicted. The conviction rate was about the same for all major offense categories: 92% of defendants charged with public-order offenses and 90% of violent, property, and drug defendants.

### Sentencing

Defendants convicted during 1999 were more likely to be sentenced to prison than those convicted during 1990. During 1999, 72% of defendants were sentenced to prison compared to 60% of those sentenced during 1990.

About 93% of felony drug offenders and 92% of violent felony offenders received prison sentences during 1999, as did 84% of felony public-order offenders and 59% of felony property offenders.

Most serious offense of conviction	Average sentence length
<b>All offenses</b>	57.8 mo
<b>Felonies</b>	59.4
Violent offenses	87.7
Property offenses	24.0
Drug offenses	75.4
Public-order offenses	48.7
<b>Misdemeanors</b>	10.7

The 47,659 offenders sentenced to prison received, on average, 57.8 months of imprisonment. Offenders sentenced for violent felony offenses and felony drug offenses received longer average prison terms (87.7 and 75.4 months, respectively) than those convicted of felony property and public-order offenses (24.0 and 48.7 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 1999, the number of appeals received by the U.S. Courts of Appeals remained relatively constant — between 10,000 and 11,000 annually. However, the proportion of criminal defendants

appealing some aspect of their conviction decreased from 21% during 1994 to 16% during 1999.

During 1999, 10,251 criminal appeals were filed. Forty-seven percent of the appeals filed challenged both the conviction and sentence imposed. Only 4% of appeals were filed by the Government. Of the 10,675 appeals terminated during 1999, 77% (or 8,260) were terminated on the merits. In 84% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

### Corrections

#### *Community supervision*

Between 1990 and 1999, the number of offenders on community supervision increased by 14%, from 84,801 during 1990 to 96,502 during 1999. While nearly equal proportions of offenders were serving terms of probation and post-incarceration supervision (parole or supervised release) during 1990, during 1999, almost two-thirds were serving a term of post-incarceration supervision (62% supervised release and 5% parole) while 33% were on probation. Drug offenders comprised 11% of offenders on probation, 53% of offenders serving terms of supervised release, and 52% of offenders on parole. Property offenders comprised 38% of offenders on probation, 26% of offenders serving terms of supervised release, and 11% of offenders on parole.

A total of 16,002 offenders completed their terms of probation during 1999. Most of these offenders (81%) completed their terms of probation

Most serious offense of conviction	All admissions	All releases	Population at yearend
<b>All offenses</b>	63,986	52,472	119,185
Violent offenses	8.1%	8.6%	11.2%
Property offenses	16.5	19.8	7.3
Drug offenses	41.4	39.2	57.4
Public-order offenses	32.3	31.0	22.2

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

successfully. Eleven percent of probationers terminating supervision during 1999 committed technical violations; 5% committed new crimes.

A total of 21,570 offenders completed terms of supervised release during 1999. Of these offenders, 64% successfully completed their terms without violating conditions of release; 20% committed technical violations; and 13% committed new crimes.

A total of 2,503 offenders completed terms of parole during 1999. Of these offenders, 55% successfully completed their terms without violating conditions of release; 26% committed technical violations; and 14% committed new crimes.

### *Prison*

Between 1990 and 1999, the number of inmates serving a sentence of imprisonment more than doubled, from 56,989 during 1990 to 119,185 during 1999.

During 1999, 47,391 prisoners were received by the Bureau of Prisons from U.S. district court commitments. An additional 16,595 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 a little over 50% of persons admitted into Federal prison — comprised the largest percentage of persons in prison (57%) at the end of 1999.

During 1999, 37,672 prisoners were released for the first time from Federal prison after commitment by a U.S. district court. Of these, 33,748 were released by standard methods and 3,924 were released by extraordinary means (death, treaty transfer, sentence commutation, or drug treatment). An additional 14,800 prisoners were released from subsequent commitments to Federal prison.

Time served by Federal offenders increased from 19 months during 1990 to 28 months during 1999. Additionally, the proportion of the sentence

served increased from 65% during 1990 to 87% during 1999.

Violent and drug offenders were among those offenders who served the longest prison terms (53 months and 40 months, respectively).

**Average time to first release, standard releases, by offense, October 1, 1998 - September 30, 1999**

Most serious original offense of conviction	Mean time served
<b>All offenses</b>	28.0 mo
Violent offenses	53.3
Property offenses	15.6
Drug offenses	40.1
Public-order offenses	19.1



# Introduction

This Bureau of Justice Statistics (BJS) report presents an overview of case processing in the Federal criminal justice system. The data presented are compiled from the BJS Federal Justice Statistics Program (FJSP) database. The FJSP database includes data provided by the 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 pretrial services agencies and the Federal probation and supervision service. The BJS Federal Justice Statistics database is archived on CD-ROM, copies of which are available from the BJS Clearinghouse. The data can be downloaded from the Federal Justice Statistics Resource Center located at <http://fjsrc.urban.org>.

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

- w 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
- w many of the commonly used case processing statistics — suspect/defendant processed, offense committed, disposition, and sentence imposed — are defined differently across agencies.

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

The 1999 *Compendium*, 14<sup>th</sup> in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, and 1998, 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, 1999 (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, 1998 - September 30, 1999. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention or tables showing defendants sentenced to incarceration. Juvenile offenders 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.** This chapter describes arrests made by Federal law enforcement agencies for violations of Federal law, including the characteristics of arrestees.

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

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

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

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

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

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

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

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

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

#### **Modifications in the 1999 Compendium**

Figure S.2 shows counts of suspects, defendants, and offenders in various stages of the Federal criminal justice system. Previously, this figure presented this information as a percent of suspects investigated.

Two new tables have been added to Chapter 1. These show characteristics of suspects arrested by DEA agents, the kinds of drugs for which these arrests were made (table 1.4), and the types of weapon used at the time of arrest, if suspect was armed (table 1.5).

Sex-related offenses have been renamed and reclassified in the 1999 *Compendium*. "Rape" has been renamed to "Sexual abuse" and now includes all violent sexual offenses. All "nonviolent sex offenses" are now reclassified under "Other public-order offenses." Tables in all chapters reflect this change.

Tables displaying the race of the suspect/defendant/offender now show four races, where previously two were displayed. In addition to "white" and "black," these tables now display relevant statistics for "Native American"

and "Asian/Pacific Islander" categories.

#### **Notes to reader**

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

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

# System overview

Federal criminal case processing, 1999

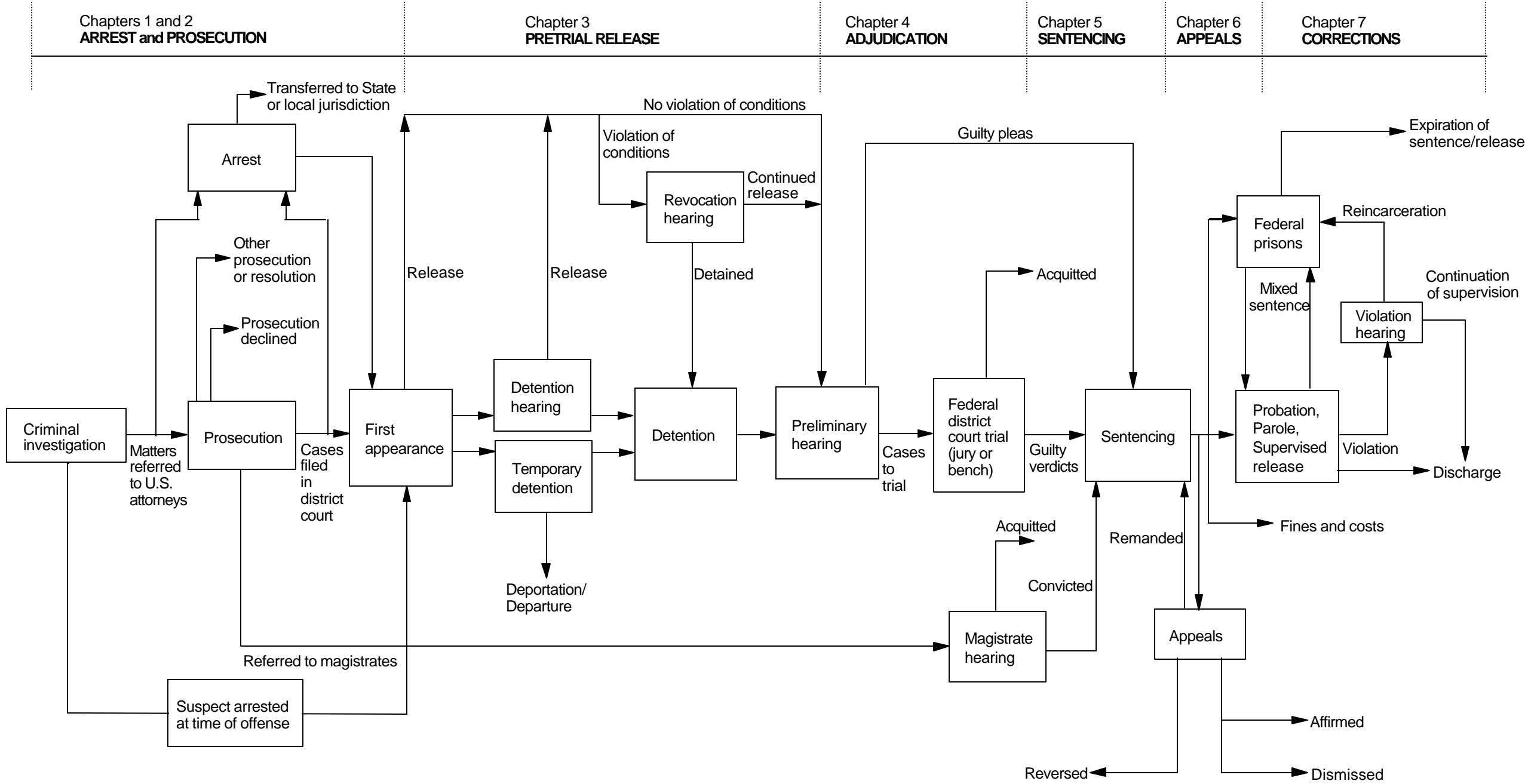
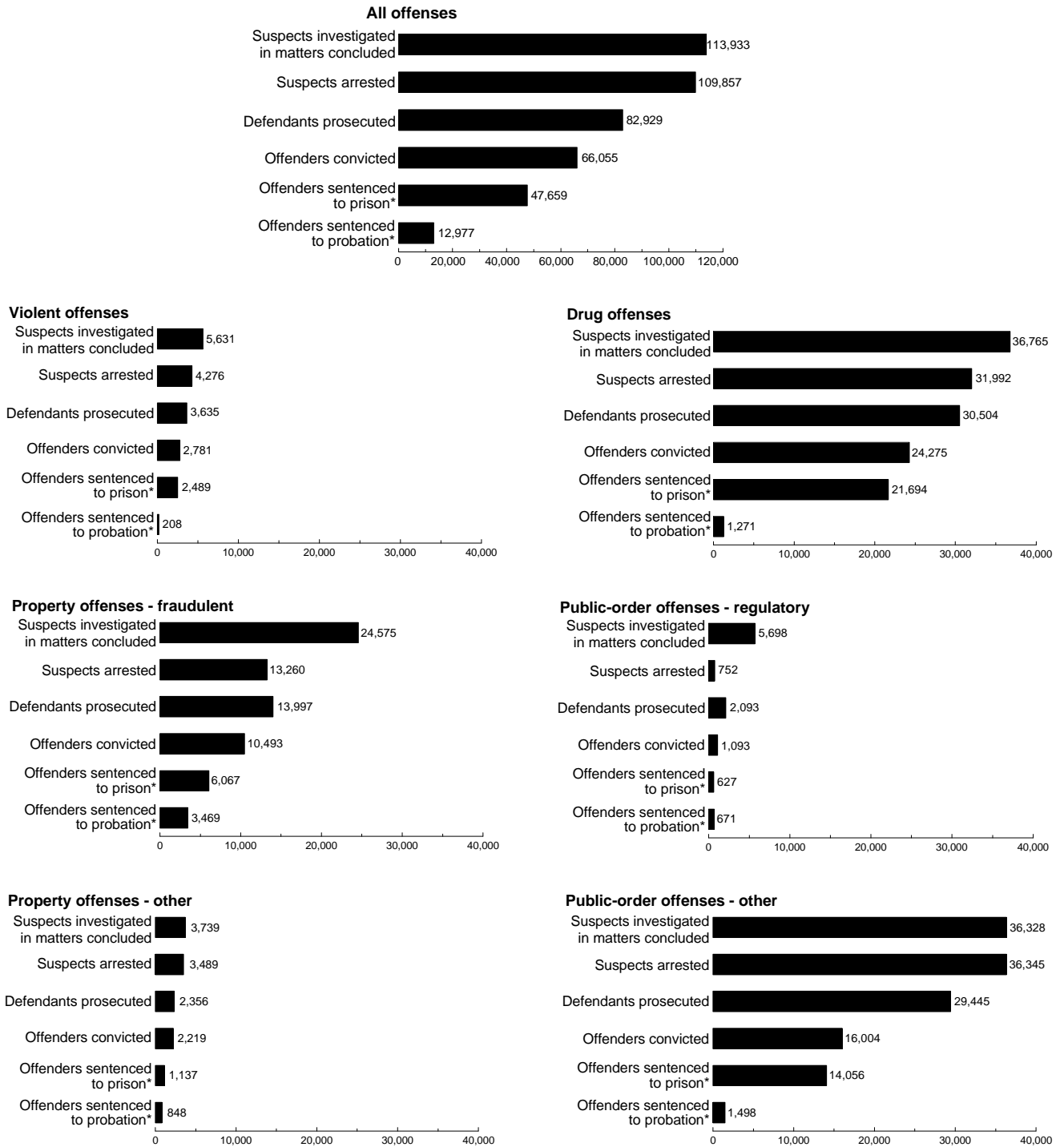


Figure S.1.

## Federal criminal case processing, October 1, 1998 - September 30, 1999



\*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 Probation excludes persons sentenced to prison.

Figure S.2.





# Arrests for Federal offenses

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---

**Discussion** ..... 13

**Tables**

*October 1, 1998 - September 30, 1999*

1.1. Arrests for Federal offenses, by offense ..... 15

1.2. Arrests for Federal offenses and booked by  
USMS, by Federal law enforcement agency ..... 16

1.3. Characteristics of Federal arrestees ..... 17

1.4. Characteristics of suspects arrested by  
Drug Enforcement Administration agents,  
by type of drug ..... 18

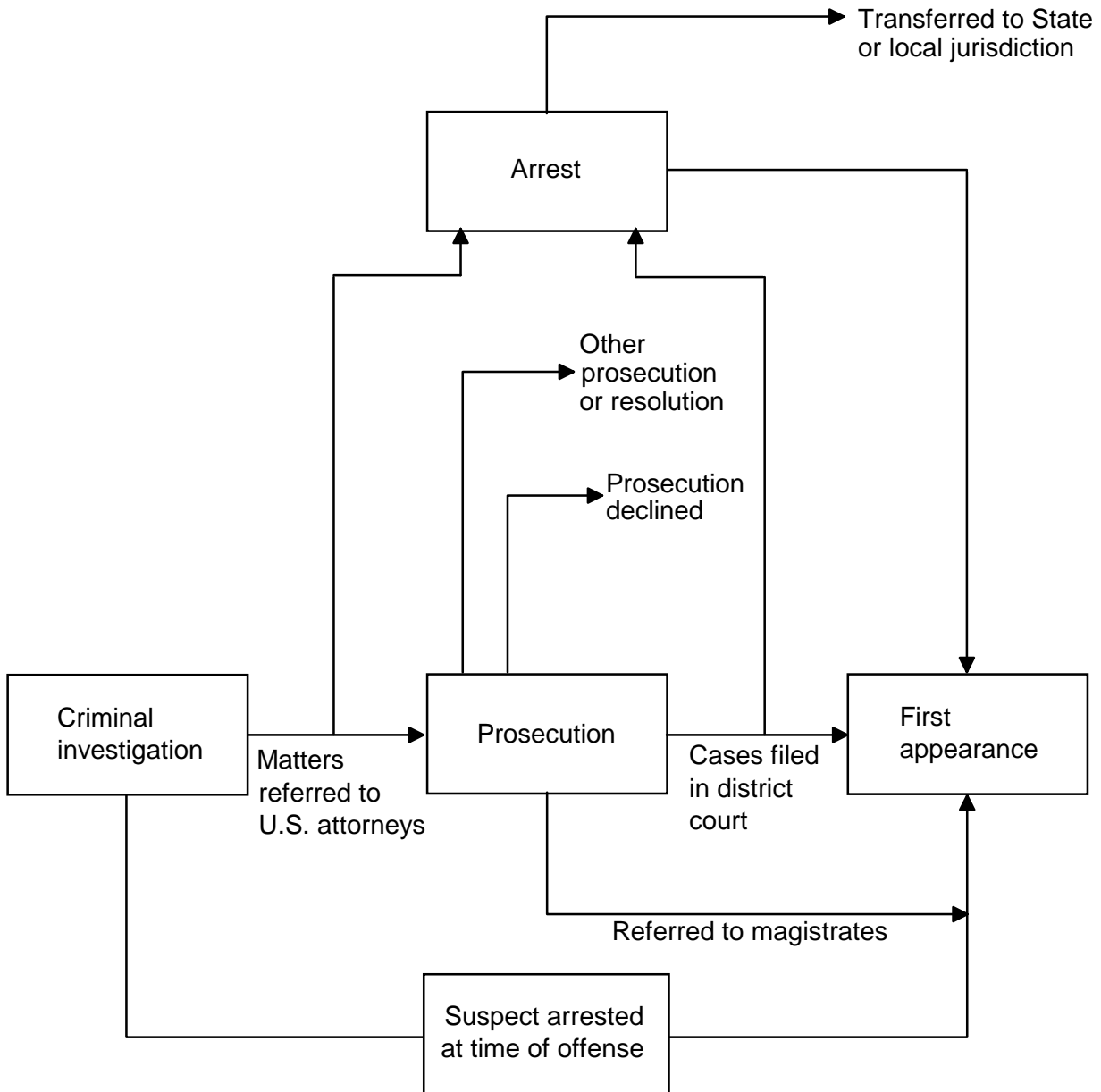
1.5. Characteristics of suspects arrested by  
Drug Enforcement Administration agents,  
by weapon use at time of arrest ..... 18

**Chapter notes** ..... 19

# Chapter 1

## Arrests for Federal offenses

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

Offenders arrested by Federal agencies are transferred to the custody of the U.S. Marshals Service for processing, transportation, and detention.<sup>2</sup> During 1999, the U.S. Marshals Service received 109,857 offenders for processing from the Federal law enforcement agencies, including nearly 29,000 offenders arrested by deputy U.S. Marshals.

**Arrests by offense categories (table 1.1)**

During 1999, 109,857 offenders were arrested by Federal law enforcement agencies for violations of Federal law. A third of all arrests were for public order offenses; 29% for drug offenses; 15% for property offenses; 14% for supervision violations; 4% for violent offenses; and 4% to secure and safeguard a material witness.

Approximately 39% of drug arrests involved cocaine; 29%, marijuana; 11%, amphetamine (or methamphetamine); 7%, heroin; and the remainder other drugs or drug paraphernalia (figure 1.1).

Almost two-thirds of arrests for public-order offenses were immigration offenses. Most (82%) of these were for illegal entry into the United States; 13% involved alien smuggling; 4% involved false claims of citizenship by entrants to the United States; and

<sup>1</sup>Brian A. Reaves and Timothy C. Hart, *Federal Law Enforcement Officers, 1998*, Bureau of Justice Statistics, Washington, DC (NCJ-177607).

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

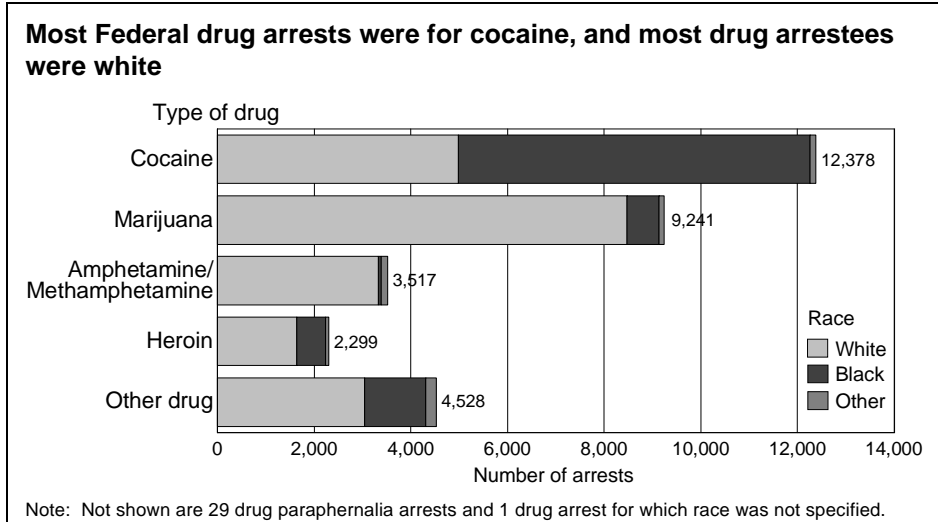


Figure 1.1. Type of drug involved in drug arrests, by race of arrestee, October 1, 1998 - September 30, 1999

about 2% involved other immigration violations (figure 1.2).

**Arrests by law enforcement agencies (table 1.2)**

During 1999, 72% of all arrests for Federal offenses were made by components of the Department of Justice; the Treasury components accounted for 11% of all arrests. In addition, 3% of arrests were made by State and local agencies and 7% of offenders were arrested after voluntarily reporting to the U.S. Marshals following a summons.

Within the Department of Justice, 36% of arrests were made by the U.S. Marshals Service, 34% were made by the Immigration and Naturalization Service, 15% each were made by the FBI and the Drug Enforcement Administration, and less than 1% were

made by other Department of Justice components.

Within the Treasury Department, 59% of arrests were made by the U.S. Customs Service, 20% were made by the Bureau of Alcohol, Tobacco, and Firearms, 15% were made by the Secret Service, and 6% were made by the IRS.

**Arrests across demographic groups (table 1.3)**

Most (85%) of offenders arrested by Federal law enforcement agencies during 1999 were male. Most (71%) were white and about a quarter were black. Individuals between the 21 and 40 years comprised nearly 70% of all those arrested. A third of those arrested were identified as noncitizens.

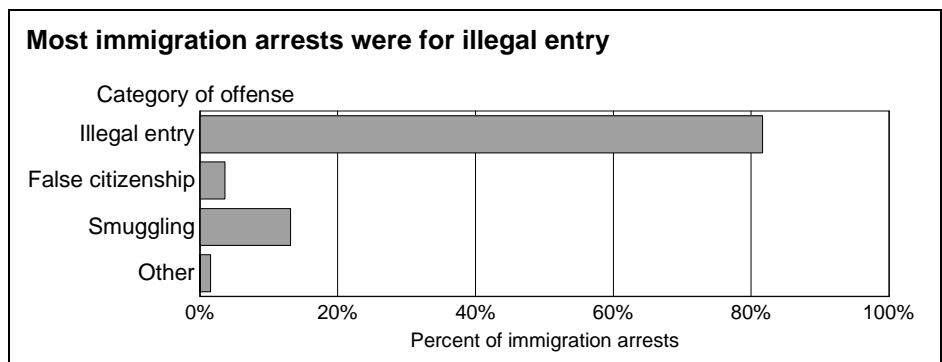


Figure 1.2. Type of immigration arrests, October 1, 1998 - September 30, 1999

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Most (67%) offenders arrested for drug offenses were white, while 31% were black. Of those offenders arrested on charges involving cocaine, 59% were white and 40% were black. Of those offenders arrested on charges involving marijuana, 92% were white and 7% were black (figure 1.1).

**Arrests by Drug Enforcement Administration agents (tables 1.4-1.5)**

During 1999, agents of the Drug Enforcement Administration arrested 37,746 suspects. Some of these suspects were referred to U.S. attorneys for a prosecutorial decisions; others were referred to a State prosecutor. Suspects arrested by DEA agents were predominantly white (67%) non-Hispanic (62%) male (83%) who were U.S. citizens (77%). The highest proportion of them were between 21 and 30 years old (43%).

Whites were usually the highest proportion of suspects arrested for all drug types, with the exception of crack cocaine, where blacks were the highest proportion.

A little over 4% of all suspects were armed at the time of arrest. Males were almost twice as likely to be armed at arrest as females (5% vs. 3%). Non-Hispanics (5%) and U.S. citizens (5%) were more likely to be armed at time of arrest than were Hispanics (3%) and non-U.S. citizens (3%).

If armed at arrest, offenders from all demographic subgroups were more likely to be armed with a handgun than any other weapon.

**Table 1.1. Arrests for Federal offenses, by offense, October 1, 1998 - September 30, 1999**

Most serious offense	Number	Percent
<b>All offenses</b>	109,857	100%
<b>Violent offenses</b>	4,276	3.9%
Murder*	287	0.3
Negligent manslaughter	28	—
Assault	876	0.8
Robbery	2,505	2.3
Sexual abuse*	247	0.2
Kidnaping	156	0.1
Threatening communication	142	0.1
Other violent offenses	35	—
<b>Property offenses</b>	16,749	15.3%
<b>Fraudulent</b>	13,260	12.1%
Embezzlement	1,211	1.1
Fraud*	10,164	9.3
Forgery	357	0.3
Counterfeiting	1,528	1.4
<b>Other</b>	3,489	3.2%
Burglary	153	0.1
Larceny*	2,124	1.9
Motor vehicle theft	385	0.4
Arson and explosives	124	0.1
Transportation of stolen property	587	0.5
Other property offenses*	116	0.1
<b>Drug offenses</b>	31,992	29.1%
<b>Public-order offenses</b>	37,097	33.8%
<b>Regulatory</b>	752	0.7%
Antitrust	6	—
Food and drug	255	0.2
Civil rights	82	0.1
Other regulatory offenses	409	0.4
<b>Other</b>	36,345	33.1%
Weapons	4,284	3.9
Immigration	22,851	20.8
Tax law violations*	1,305	1.2
Bribery	264	0.2
Civil rights	306	0.3
National defense	17	—
Escape	649	0.6
Racketeering and extortion	651	0.6
Gambling	139	0.1
Obscene material*	305	0.3
Child Support Recovery	387	0.4
Nonviolent sex offenses	451	0.4
Obstruction of justice	435	0.4
Traffic offenses	2,041	1.9
Conspiracy, aiding and abetting, and jurisdictional offenses	1,749	1.6
All other offenses*	511	0.5
<b>Supervision violations</b>	15,652	14.3%
<b>Material witness</b>	4,016	3.7%
<b>Unknown or indeterminable</b>	75	

—Less than .05%.

\*In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and

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

**Table 1.2. Arrests for Federal offenses and booked by USMS, by Federal law enforcement agency, October 1, 1998 - September 30, 1999**

Arresting agency*	Most serious offense at arrest								
	All	Violent	Property		Drug	Public-order		Supervision violations	Material witness
			Fraudulent	Other		Regulatory	Other		
<b>All agencies</b>	109,857	4,276	13,260	3,489	31,992	752	36,345	15,652	4,016
<b>Department of Agriculture</b>	195	3	54	14	21	75	27	1	0
<b>Department of Defense</b>	489	29	34	73	30	4	309	10	0
<b>Department of the Interior</b>	1,181	90	8	59	146	89	737	51	0
Indian Affairs	125	55	1	11	10	0	18	29	0
Park Police	1,056	35	7	48	136	89	719	22	0
<b>Department of Justice</b>	78,776	3,502	6,119	1,693	20,964	268	29,138	13,096	3,946
Drug Enforcement Administration	11,718	42	90	15	11,221	44	257	29	9
Federal Bureau of Investigation	11,760	2,224	2,950	696	4,030	71	1,608	133	41
Immigration and Naturalization Service	26,804	37	518	3	352	0	21,847	321	3,716
Marshals Service	28,466	1,198	2,561	977	5,358	152	5,413	12,605	180
Other DOJ	28	1	0	2	3	1	13	8	0
<b>Department of State</b>	304	1	270	1	4	0	27	0	1
<b>Department of the Treasury</b>	12,373	117	2,384	162	6,815	16	2,765	60	39
Alcohol, Tobacco, and Firearms	2,461	38	85	65	433	0	1,822	8	8
Customs Service	7,286	22	341	31	6,278	7	533	39	26
Internal Revenue Service	738	5	266	15	89	3	351	4	5
Secret Service	1,888	52	1,692	51	15	6	59	9	0
<b>Federal judiciary</b>	747	20	297	192	48	2	97	89	1
<b>U.S. Postal Service</b>	1,124	42	522	360	87	8	97	6	1
<b>Other</b>	14,668	472	3,572	935	3,877	290	3,148	2,339	28
Self-report, subpoena	7,967	146	2,898	660	965	186	1,696	1,407	7
State and local	3,434	183	164	101	1,583	17	697	686	2
Task force	1,007	9	12	2	878	0	94	11	1
Other	2,260	134	498	172	451	87	661	235	18

\*This table displays data by the arresting Federal agency. The arresting agency may be different from the Federal agency that initiated the investigation involving the arrestee. Statistics describing agencies initiating investigations are shown in table 2.3 of chapter 2, "Prosecution."

**Table 1.3. Characteristics of Federal arrestees, October 1, 1998 - September 30, 1999**

Arrestee characteristic	Number arrested	Percent of suspects arrested on—								
		All	Violent	Property		Drug	Public order		Supervision	Material witness
				Fraudulent	Other		Regulatory	Other		
<b>All arrestees</b>	109,857	100%	3.9%	12.1%	3.2%	29.1%	0.7%	33.1%	14.3%	3.7%
<b>Male/female</b>										
Male	93,365	85.0%	90.4%	70.5%	73.7%	84.6%	90.8%	90.3%	86.4%	85.4%
Female	16,479	15.0	9.6	29.5	26.3	15.4	9.2	9.7	13.6	14.6
<b>Race</b>										
White	77,599	70.6%	43.7%	63.6%	60.5%	67.2%	85.5%	82.3%	59.8%	93.3%
Black	27,052	24.6	38.8	31.0	31.9	30.8	7.3	12.9	34.7	2.2
Native American	1,875	1.7	14.1	0.7	4.4	0.4	1.6	0.9	3.5	0.3
Asian/Pacific Islander	2,549	2.3	3.0	4.0	2.5	1.0	4.1	3.0	1.4	3.5
Other	769	0.7	0.5	0.7	0.8	0.5	1.5	0.9	0.5	0.7
<b>Age</b>										
Under 19 years	2,472	2.3%	6.5%	0.6%	3.7%	2.1%	2.3%	2.3%	0.9%	7.6%
19-20 years	6,507	5.9	8.8	3.5	7.2	6.1	5.1	6.6	3.3	12.7
21-30 years	44,758	40.8	40.1	30.4	32.3	44.3	25.3	44.1	34.8	51.6
31-40 years	31,880	29.0	27.6	28.8	29.0	28.7	25.3	28.4	34.6	19.9
Over 40 years	24,126	22.0	17.0	36.8	27.8	18.9	42.0	18.5	26.4	8.3
<b>Citizenship</b>										
U.S. citizen	62,159	56.6%	84.8%	76.1%	85.6%	65.0%	74.6%	32.3%	78.1%	2.3%
Not U.S. citizen	38,010	34.6	6.4	13.2	5.4	26.6	7.2	59.1	13.5	90.2
Missing/indeterminate	9,688	8.8	8.7	10.6	9.0	8.4	18.2	8.7	8.5	7.4



**Table 1.4. Characteristics of suspects arrested by Drug Enforcement Administration agents, by type of drug, October 1, 1998 - September 30, 1999**

Arrestee characteristic	Total arrested	Percent arrested	Drug type					Other or non-drug
			Cocaine powder	Crack cocaine	Marijuana	Methamphetamine	Opiates	
<b>All arrestees*</b>	37,746	100%	9,318	6,227	8,053	8,646	3,232	2,270
<b>Male/female</b>								
Male	30,966	82.6%	7,909	5,299	6,642	6,686	2,700	1,730
Female	6,540	17.4	1,363	897	1,340	1,905	506	529
<b>Race</b>								
White	24,409	67.3%	5,559	1,079	6,028	7,943	2,029	1,771
Black	11,272	31.1	3,286	4,914	1,613	129	971	359
Native American	204	0.6	43	30	51	54	9	17
Asian/Pacific Islander	363	1.0	44	40	39	161	43	36
<b>Ethnicity</b>								
Hispanic	13,811	38.1%	4,472	657	3,724	2,670	1,895	393
Non-Hispanic	22,446	61.9	4,535	5,232	4,037	5,643	1,258	1,741
<b>Age</b>								
Under 19 years	278	0.7%	47	76	79	31	30	15
19-20 years	1,935	5.2	347	469	509	346	127	137
21-30 years	15,863	42.6	3,993	3,143	3,408	3,116	1,253	950
31-40 years	11,482	30.9	2,907	1,617	2,224	3,137	1,012	585
Over 40 years	7,655	20.6	1,885	851	1,716	1,883	760	560
<b>Citizenship</b>								
U.S. citizen	26,883	76.7%	5,970	5,528	5,359	6,428	1,787	1,811
Not U.S. citizen	8,187	23.3	2,639	343	2,103	1,596	1,209	297

\*Includes offenders for whom offense or characteristics are unknown.

**Table 1.5. Characteristics of suspects arrested by Drug Enforcement Administration agents, by weapon use at time of arrest, October 1, 1998 - September 30, 1999**

Arrestee characteristic	Total arrested	Total armed	Percent armed	If armed, percent with—		
				Handgun	Shotgun or rifle	Other weapon
<b>All arrestees*</b>	37,746	1,570	4.2%	79.4%	24.1%	8.1%
<b>Male/female</b>						
Male	30,966	1,388	4.5%	78.7%	23.1%	8.4%
Female	6,540	169	2.6	84.6	30.8	6.5
<b>Race</b>						
White	24,409	936	3.8%	74.7%	29.9%	9.9%
Black	11,272	553	4.9	87.2	14.6	5.2
Native American	204	10	4.9	—	—	—
Asian/Pacific Islander	363	16	4.4	87.5	31.3	0
<b>Ethnicity</b>						
Hispanic	13,811	445	3.2%	77.3%	20.2%	6.3%
Non-Hispanic	22,446	1,048	4.7	80.6	26.2	7.9
<b>Age</b>						
Under 19 years	278	13	4.7%	84.6%	38.5%	7.7%
19-20 years	1,935	96	5.0	80.2	28.1	6.3
21-30 years	15,863	707	4.5	81.9	18.2	7.6
31-40 years	11,482	430	3.7	77.7	27.4	8.1
Over 40 years	7,655	301	3.9	76.1	30.6	9.6
<b>Citizenship</b>						
U.S. citizen	26,883	1,209	4.5%	81.2%	24.5%	8.8%
Not U.S. citizen	8,187	265	3.2	75.8	22.3	6.0

\*Includes offenders for whom offense or characteristics are unknown. —Too few cases to obtain statistically reliable data.

## Chapter notes

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Tables 1.1-1.3 were derived from the U.S. Marshals Prisoner Tracking System. Only records of arrests made during October 1, 1998, through September 30, 1999, were selected. Information on individual cases, offenses, and detainees were used to construct the tables.

Tables 1.4-1.5 were derived from the DEA Defendants Statistical System. Only records of arrests made during October 1, 1998, through September 30, 1999, were selected. Some suspects arrested by DEA agents may be transferred to state or local jurisdiction and not the U.S. Marshals service. Therefore, counts of DEA arrests from tables 1.4-1.5 may be higher than those reported in table 1.2.

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

**Tables**

*October 1, 1998 – September 30, 1999*

2.1. Suspects in matters received by U.S. attorneys, by offense ..... 27

2.2. Disposition of suspects in matters concluded, by offense ..... 28

2.3. Suspects in matters concluded and declined, by investigating agency ..... 29

2.4. Basis for declination of prosecution by U.S. attorneys ..... 30

2.5. Disposition of matters declined for prosecution by U.S. attorneys, by offense ..... 31

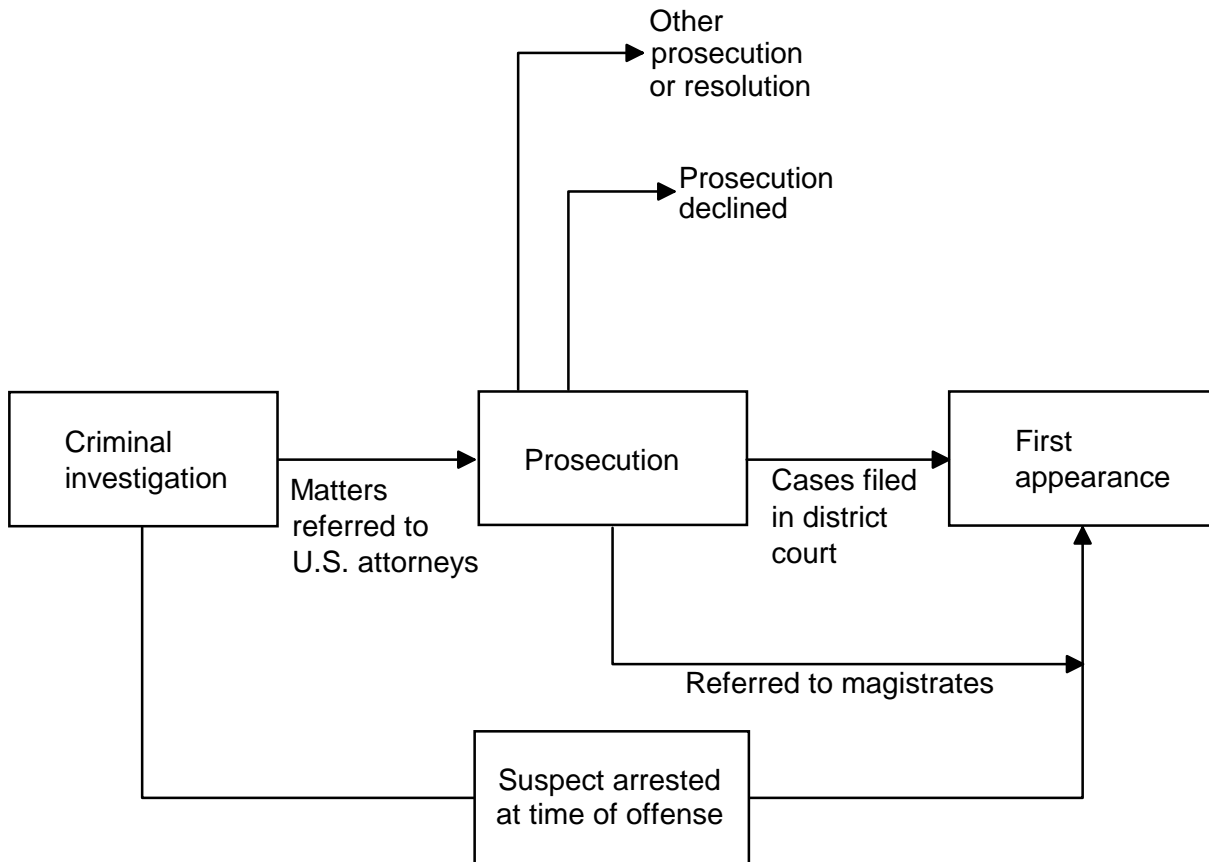
2.6. Mean and median processing times from receipt to filing or declination, by offense ..... 32

**Chapter notes** ..... 33

## Chapter 2

### Prosecution

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

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

### U.S. attorneys' decisions

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

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

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

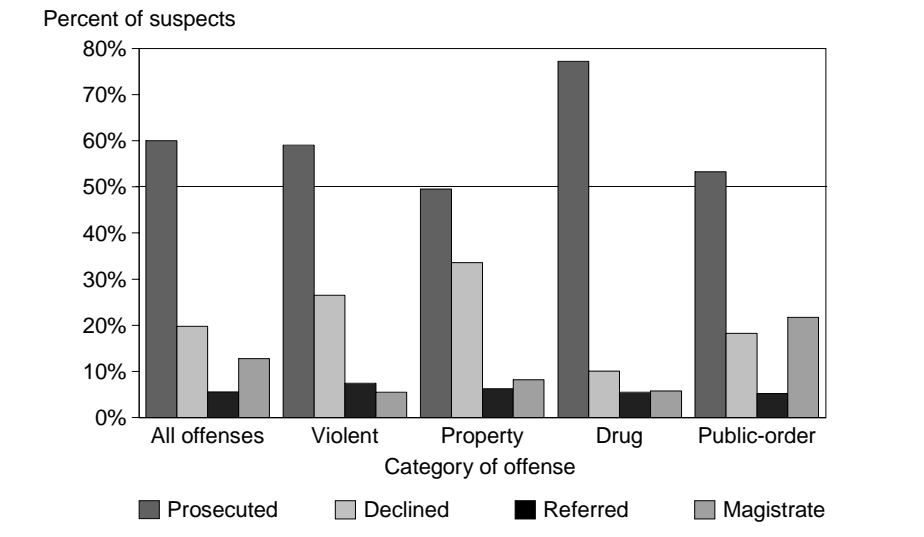


Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate, October 1, 1998 - September 30, 1999

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

During 1999, 60% of suspects in all offense categories were prosecuted before U.S. district court judges, while an additional 13% were handled by U.S. magistrates. Suspects were prosecuted at different rates depending on their offense. Suspects involved in violent and drug offenses were more likely to be prosecuted before U.S. district court judges than were those involved in property and public-order offenses (figure 2.1). Suspects involved in drug offenses were the most likely (77%) to be prosecuted. Suspects involved in property offenses were the least likely to be prosecuted (50%). However, suspects involved in property offenses were more likely to have their matters declined and not referred to other authorities for prosecution (34%) than were suspects involved in other types of criminal matters. These cases were resolved by other means, including restitution, civil/administrative procedures, and pretrial diversion.

### Suspects in matters received (table 2.1)

During 1999 there were 117,994 suspects in new matters received for investigation by U.S. attorneys.<sup>1</sup> Of these suspects, 39% were investigated for public-order offenses, 32% for drug offenses, and 24% for property offenses. Five percent of all suspects were investigated for violent crimes. Relative percentages of offenses reflect criminal activity as well as Federal investigative, prosecutorial, and statutory priorities. For example, during 1999 priority areas for U.S. attorneys included drug and violent crimes (including firearms prosecutions), international terrorism, white collar crimes, and prosecution of those responsible for hate crimes and attacks on houses of worship (with the National Church Arson Task Force).<sup>2</sup>

<sup>1</sup>See *Chapter notes*, item 1, p. 33. The 1999 data are not directly comparable to the 1993 and prior compendia.

<sup>2</sup>*Statistical Report, United States Attorneys' Offices, Fiscal Year 1999*. U.S. Department of Justice, Executive Office for United States Attorneys, Washington, DC.

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

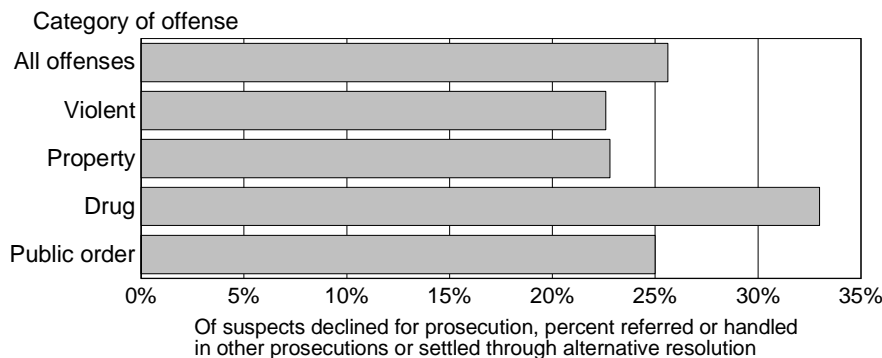


Figure 2.2. Of suspects in matters declined, percent referred or handled in other prosecutions, or settled through alternative resolution, October 1, 1998 - September 30, 1999

**Suspects in matters concluded (tables 2.2-2.6)**

Upon receiving a matter, a U.S. attorney will either immediately decline it for prosecution or investigate further. Upon conclusion of the investigation, a matter may be filed as a criminal case in a U.S. district court, referred to a U.S. magistrate, or declined for prosecution. Of the 113,933 suspects in criminal matters concluded during 1999, 60% were prosecuted in U.S. district court, 27% were declined for prosecution, and 13% were referred to U.S. magistrates.<sup>3</sup>

**Suspects prosecuted (table 2.2) —**

The likelihood of prosecution in U.S. district court varied widely across offense categories. Drug and violent offenders were more likely to be prosecuted than those involved in property and public-order offenses. U.S. attorneys prosecuted approximately 77% of suspects involved in drug offenses, 60% of those in violent offenses, 53% of those in public-order offenses, and 50% of those in property offenses.

Differences in rates of prosecution within major categories were substantial. For example, among violent offenders, 75% of robbery suspects were prosecuted, while 58% of murder, 44% of assault, and 43% sexual abuse suspects were prosecuted. Among property offenders, suspects investigated for counterfeiting were prosecuted at a higher rate than those involved in fraud (73% compared with 48%), and among suspects involved in public-order offenses, immigration (78%), weapon (70%), and tax law violation suspects (62%) were much more likely to be prosecuted than suspects in escape (24%) and civil rights (7%) offenses.

**Suspects in matters concluded and declined, by investigating agency (table 2.3) —**

During 1999, 59% of suspects in matters concluded were investigated by components of the Department of Justice; the Treasury Department investigated 19% of suspects in matters concluded. In addition, 10% of suspects in matters concluded were investigated by independent Federal agencies and State/local agencies (not shown in a table).

Among the investigating agencies, the Central Intelligence Agency (1%), the Immigration and Naturalization Service (3%) and the National Park

Service (7%) had among the lowest declination rates, while the Office of the Inspector General (54%), the Indian Affairs Bureau (53%), and the Environmental Protection Agency (61%) 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 (tables 2.4-2.5) —**

Suspects in matters involving violent offenses were less likely to be declined for prosecution (35%) than those involved in property offenses (42%) but more likely than those in drug offenses (17%). Suspects in public-order offenses were slightly less likely to be declined for prosecution than those involved in violent offenses — 25% compared to 35% (table 2.2).

The decision to decline prosecution is based on a number of factors, including the lack of prosecutable offense, alternative resolution, or case- and suspect-related reasons (table 2.4). Of the 31,004 declinations during 1999, 26% 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 23% occurred for other reasons, such as agency requests (6%) and lack of resources (4%).

Not all suspects whose matters were declined for prosecution avoided prosecution. Twenty-two percent of the suspects in matters declined were referred to another authority for prosecution (table 2.5). An additional 5% were settled through alternative resolution procedures. Suspects involved in property offenses constituted the largest number of suspects who were referred by U.S. attorneys to other authorities for prosecution or resolution. 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 (figure 2.2). Thirty-six percent of the drug suspects whose matters were

<sup>3</sup>The 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.

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declined prosecution by U.S. attorneys were referred for other prosecution or resolution, as were 27% of the public-order, 24% of violent and 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 37% of persons involved in counterfeiting, compared to 15% of suspects in arson and explosives cases. Within public-order offenses, 47% of agriculture suspects and 62% of escape suspects were referred to other authorities or had their case settled through alternative procedures, compared to 6% of suspects in civil rights cases.

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

Cases concluded by U.S. magistrates are, by statute, misdemeanors.<sup>4</sup> Overall, U.S. magistrates disposed of 13% of all criminal matters investigated by U.S. attorneys. For most offenses, the likelihood that a U.S. magistrate concluded the matter was also relatively low. The most notable exception was escape, for which 53% of matters were concluded by U.S. magistrates. The escape offense category accounted for 10% of all cases concluded by U.S. magistrates.

Most of the 2,829 escape violations were against defendants who absconded to avoid prosecution in State courts, the so-called "unlawful flight to avoid prosecution." Upon apprehension of the fugitive, these cases are normally dismissed by U.S. magistrates and turned over to the State for prosecution on the original warrant.

Other types of offenses having comparably high rates of disposal by U.S.

magistrates included migratory birds offenses (86%); conspiracy, aiding and abetting, traffic, and jurisdictional offenses (79%); and other property violations (68%).

**Processing times (table 2.6) —** For matters concluded during 1999, the average number of months from receipt of a matter to its conclusion by a U.S. attorney as a case filing or declination or its disposal by a U.S. magistrate was 8.3 months. However, the time to process matters varied with the outcome of the matter. Matters concluded by U.S. magistrates in which the suspect was convicted took the least amount of time — an average of 3.0 months, and at least 50% of these convictions occurred in about 30 days. Similarly, 50% of the matters declined for prosecution were declined within 13.8 months.

Overall, suspects in violent and drug offenses were processed more quickly than suspects in other offenses. For key decisions, such as whether to file a case or decline a matter for prosecution, drug offenses were concluded slightly quicker than violent offenses (5.6 months compared to 6.3 months). At an average of 15.0 months, fraudulent property offenses took longer to conclude than other offenses.

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

**Table 2.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 1998 - September 30, 1999**

Most serious offense investigated <sup>a</sup>	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent <sup>b</sup>
<b>All offenses<sup>c</sup></b>	117,994	100%
<b>Violent offenses</b>	5,768	5.0%
Murder <sup>d</sup>	547	0.5
Negligent manslaughter	3	—
Assault	1,276	1.1
Robbery	2,816	2.4
Sexual abuse <sup>d</sup>	698	0.6
Kidnaping	280	0.2
Threats against the President	148	0.1
<b>Property offenses</b>	28,011	24.1%
<b>Fraudulent</b>	24,200	20.8%
Embezzlement	4,071	3.5
Fraud <sup>d</sup>	17,759	15.3
Forgery	1,716	1.5
Counterfeiting	654	0.6
<b>Other</b>	3,811	3.3%
Burglary	42	—
Larceny <sup>d</sup>	1,646	1.4
Motor vehicle theft	618	0.5
Arson and explosives	613	0.5
Transportation of stolen property	100	0.1
Other property offenses <sup>d</sup>	792	0.7
<b>Drug offenses</b>	37,313	32.0%
<b>Public-order offenses</b>	45,337	38.9%
<b>Regulatory</b>	6,332	5.4%
Agriculture	345	0.3
Antitrust	72	0.1
Food and drug	238	0.2
Transportation	97	0.1
Civil rights	1,745	1.5
Communications	100	0.1
Custom laws	291	0.2
Postal laws	212	0.2
Other regulatory offenses	3,232	2.8
<b>Other</b>	39,005	33.5%
Weapons	6,982	6.0
Immigration offenses	15,539	13.3
Tax law violations <sup>d</sup>	982	0.8
Bribery	340	0.3
Perjury, contempt, and intimidation	620	0.5
National defense	308	0.3
Escape	3,082	2.6
Racketeering and extortion	3,533	3.0
Gambling	211	0.2
Liquor offenses	21	—
Nonviolent sex offenses	1,308	1.1
Obscene material <sup>d</sup>	20	—
Migratory birds	721	0.6
Conspiracy, aiding and abetting, traffic, and jurisdictional	4,468	3.8
All other offenses <sup>d</sup>	870	0.7
<b>Unknown or indeterminable offense</b>	1,565	

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%.

<sup>a</sup>See *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Percentage distribution based on the suspects for whom the offense category could be determined.

<sup>c</sup>Includes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 33.

<sup>d</sup>In this table, "Murder" includes non-negligent 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 2.2. Disposition of suspects in matters concluded, by offense, October 1, 1998 - September 30, 1999**

Most serious offense investigated <sup>a</sup>	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court <sup>b</sup>	Declined	Disposed by U.S. magistrates	Total	Prosecuted in U.S. district court <sup>b</sup>	Declined	Disposed by U.S. magistrates
<b>All offenses<sup>c</sup></b>	113,933	68,384	31,004	14,545	100%	60.0%	27.2%	12.8%
<b>Violent offenses</b>	5,631	3,327	1,996	308	100%	59.1%	35.4%	5.5%
Murder <sup>d</sup>	491	285	184	22	100	58.0	37.5	4.5
Negligent manslaughter	3	1	2	0	—	—	—	—
Assault	1,282	568	565	149	100	44.3	44.1	11.6
Robbery	2,734	2,045	586	103	100	74.8	21.4	3.8
Sexual abuse <sup>d</sup>	701	300	395	6	100	42.8	56.3	0.9
Kidnaping	256	106	129	21	100	41.4	50.4	8.2
Threats against the President	164	22	135	7	100	13.4	82.3	4.3
<b>Property offenses</b>	28,314	14,032	11,961	2,321	100%	49.6%	42.2%	8.2%
<b>Fraudulent</b>	24,575	12,319	10,578	1,678	100%	50.1%	43.0%	6.8%
Embezzlement	3,936	1,967	1,420	549	100	50.0	36.1	13.9
Fraud <sup>d</sup>	18,300	8,811	8,481	1,008	100	48.1	46.3	5.5
Forgery	1,720	1,091	523	106	100	63.4	30.4	6.2
Counterfeiting	619	450	154	15	100	72.7	24.9	2.4
<b>Other</b>	3,739	1,713	1,383	643	100%	45.8%	37.0%	17.2%
Burglary	44	30	14	0	100	68.2	31.8	0
Larceny <sup>d</sup>	1,611	933	533	145	100	57.9	33.1	9.0
Motor vehicle theft	697	374	307	16	100	53.7	44.0	2.3
Arson and explosives	623	227	381	15	100	36.4	61.2	2.4
Transportation of stolen property	81	42	36	3	100	51.9	44.4	3.7
Other property offenses <sup>d</sup>	683	107	112	464	100	15.7	16.4	67.9
<b>Drug offenses</b>	36,765	28,372	6,261	2,132	100%	77.2%	17.0%	5.8%
<b>Public-order offenses</b>	42,026	22,419	10,488	9,119	100%	53.3%	25.0%	21.7%
<b>Regulatory</b>	5,698	1,648	3,605	445	100%	28.9%	63.3%	7.8%
Agriculture	372	136	172	64	100	36.6	46.2	17.2
Antitrust	30	21	9	0	100	70.0	30.0	0
Food and drug	194	89	92	13	100	45.9	47.4	6.7
Transportation	108	52	47	9	100	48.1	43.5	8.3
Civil rights	1,705	119	1,583	3	100	7.0	92.8	0.2
Communications	105	20	85	0	100	19.0	81.0	0
Custom laws	325	148	161	16	100	45.5	49.5	4.9
Postal laws	205	105	43	57	100	51.2	21.0	27.8
Other regulatory offenses	2,654	958	1,413	283	100	36.1	53.2	10.7
<b>Other</b>	36,328	20,771	6,883	8,674	100%	57.2%	18.9%	23.9%
Weapons	5,919	4,149	1,660	110	100	70.1	28.0	1.9
Immigration offenses	15,201	11,794	472	2,935	100	77.6	3.1	19.3
Tax law violations <sup>d</sup>	1,193	737	421	35	100	61.8	35.3	2.9
Bribery	360	146	198	16	100	40.6	55.0	4.4
Perjury, contempt, and intimidation	624	227	363	34	100	36.4	58.2	5.4
National defense	275	77	119	79	100	28.0	43.3	28.7
Escape	2,829	688	637	1,504	100	24.3	22.5	53.2
Racketeering and extortion	3,224	1,528	1,620	76	100	47.4	50.2	2.4
Gambling	190	107	82	1	100	56.3	43.2	0.5
Liquor offenses	19	8	11	0	100	42.1	57.9	0
Nonviolent sex offenses	1,062	604	436	22	100	56.9	41.1	2.1
Obscene material <sup>d</sup>	25	3	21	1	100	12.0	84.0	4.0
Migratory birds	688	65	34	589	100	9.4	4.9	85.6
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	3,952	508	307	3,137	100	12.9	7.8	79.4
All other offenses <sup>d</sup>	767	130	502	135	100	16.9	65.4	17.6
<b>Unknown or indeterminable offense</b>	1,197	234	298	665	100%	19.5%	24.9%	55.6%

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.

<sup>a</sup>See *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>The 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.

<sup>c</sup>Includes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 33.

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

**Table 2.3. Suspects in matters concluded and declined, by investigating agency, October 1, 1998 - September 30, 1999**

Department/Agency	Suspects in criminal matters concluded		
	Number concluded	Number Declined	Percent
<b>All agencies*</b>	113,933	31,004	27.2%
<b>Agriculture</b>	1,060	327	30.8%
Forest Service	587	103	17.5
Food and Consumer Service	26	20	76.9
All other Agriculture	447	204	45.6
<b>Commerce</b>	67	29	43.3%
<b>Defense</b>	3,227	680	21.1%
Army	1,197	185	15.5
Air Force	658	142	21.6
Navy	685	131	19.1
Office of the Inspector General	98	39	39.8
All other Defense	589	183	31.1
<b>Education</b>	55	28	50.9%
<b>Energy</b>	23	18	78.3%
<b>Federal/State task forces</b>	2,803	555	19.8%
<b>Health and Human Services</b>	1,096	559	51.0%
Food and Drug Administration	224	82	36.6
Office of the Inspector General	177	96	54.2
All other HHS	695	381	54.8
<b>Housing and Urban Development</b>	274	100	36.5%
<b>Interior</b>	4,686	825	17.6%
National Park Service	2,646	194	7.3
Fish and Wildlife Service	1,109	191	17.2
Indian Affairs Bureau	667	350	52.5
Land Management Bureau	143	30	21.0
All other Interior	121	60	49.6
<b>Justice</b>	66,803	18,170	27.2%
Federal Bureau of Investigation	30,474	13,108	43.0
Drug Enforcement Administration	16,667	3,049	18.3
Immigration and Naturalization	16,884	570	3.4
U.S. Marshals Service	1,620	820	50.6
Bureau of Prisons	45	25	55.6
All other Justice	1,113	598	53.7
<b>Labor</b>	442	238	53.8%
<b>State Department</b>	660	167	25.3%
<b>Transportation</b>	215	116	54.0%
Federal Aviation Administration	45	38	84.4
All other Transportation	170	78	45.9
<b>Treasury</b>	21,526	5,524	25.7%
Customs Bureau	8,854	1,056	11.9
Alcohol, Tobacco, and Firearms	5,631	1,789	31.8
Secret Service Bureau	4,190	1,456	34.7
Internal Revenue Service	2,750	1,186	43.1
All other Treasury	101	37	36.6
<b>Other</b>	10,973	3,660	33.4%
<b>Independent Federal agencies</b>	7,456	2,687	36.0%
U.S. Postal Service	4,112	1,421	34.6
Environmental Protection Agency	434	263	60.6
Social Security Administration	557	210	37.7
U.S. Courts	529	170	32.1
Veterans Administration	307	88	28.7
Small Business Administration	54	31	57.4
Railroad Retirement Board	97	50	51.5
Central Intelligence Agency	151	1	0.7
Other independent Federal agencies	1,215	453	37.3
<b>State/Local agencies</b>	3,517	973	27.7%
<b>Unknown</b>	23	8	34.8%

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

**Table 2.4. Basis for declination of prosecution by U.S. attorneys, October 1, 1998 - September 30, 1999**

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent <sup>a</sup>
<b>Total declinations<sup>b</sup></b>	31,004	100%
<b>No crime</b>	6,571	21.7%
No true bill returned	35	0.1
No Federal offense	1,732	5.7
Lack of criminal intent	4,804	15.8
<b>Referred or handled in other prosecution</b>	6,408	21.1%
Removed	1,683	5.5
Prosecuted on other charges	1,297	4.3
Prosecuted by other authorities	3,428	11.3
<b>Alternative resolution</b>	1,524	5.0%
Restitution	102	0.3
Civil or administrative alternative	665	2.2
Pretrial diversion	757	2.5
<b>Suspect-related reasons</b>	883	2.9%
Suspect serving sentence	123	0.4
No known suspect	419	1.4
Suspect a fugitive	82	0.3
Suspect deceased	207	0.7
Suspect deported	52	0.2
<b>Case-related reasons</b>	7,915	26.1%
Stale case	582	1.9
Weak evidence	6,460	21.3
Statute of limitations exceeded	161	0.5
Jurisdiction or venue problems	315	1.0
Witness problems	397	1.3
<b>All other reasons</b>	7,027	23.2%
Minimal Federal interest	1,294	4.3
Petite policy	78	0.3
Lack of resources <sup>c</sup>	1,327	4.4
DOJ policy	625	2.1
U.S. attorney policy	1,401	4.6
Agency request	1,912	6.3
Juvenile suspect	86	0.3
Offender's health, age, prior record, or other personal circumstances	125	0.4
Suspect's cooperation	179	0.6
<b>Unknown or indeterminable reason</b>	676	

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

—Less than .05%

<sup>a</sup>Percent based on suspects for whom a basis for declination could be determined.

<sup>b</sup>Includes suspects for whom basis for declination could not be determined; *Chapter notes*, item 4, p. 33.

<sup>c</sup>The 1999 data on declination for lack of resources are not directly comparable to the 1998 data. See *Chapter notes*, item 5, p. 33.

**Table 2.5. Disposition of matters declined for prosecution by U.S. attorneys, by offense, October 1, 1998 - September 30, 1999**

Most serious offense investigated <sup>a</sup>	Number of suspects in declined matters				Percent of suspects in declined matters			
	Total <sup>b</sup>	Referred or handled in other prosecution <sup>c</sup>	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other	Total <sup>b</sup>	Referred or handled in other prosecution <sup>c</sup>	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other
<b>All offenses<sup>d</sup></b>	31,004	6,408	1,524	21,069	100%	22.1%	5.3%	72.6%
<b>Violent offenses</b>	1,996	414	37	1,453	100%	21.7%	1.9%	76.3%
Murder <sup>e</sup>	184	21	3	157	100	11.6	1.7	86.7
Negligent manslaughter	2	0	0	2	—	—	—	—
Assault	565	102	19	427	100	18.6	3.5	77.9
Robbery	586	206	2	334	100	38.0	0.4	61.6
Sexual abuse <sup>e</sup>	395	36	7	339	100	9.4	1.8	88.7
Kidnaping	129	42	1	79	100	34.4	0.8	64.8
Threats against the President	135	7	5	115	100	5.5	3.9	90.6
<b>Property offenses</b>	11,961	1,745	987	8,517	100%	15.5%	8.8%	75.7%
<b>Fraudulent</b>	10,578	1,480	909	7,546	100%	14.9%	9.1%	76.0%
Embezzlement	1,420	135	262	953	100	10.0	19.4	70.6
Fraud <sup>e</sup>	8,481	1,207	563	6,167	100	15.2	7.1	77.7
Forgery	523	84	82	332	100	16.9	16.5	66.7
Counterfeiting	154	54	2	94	100	36.0	1.3	62.7
<b>Other</b>	1,383	265	78	971	100%	20.2%	5.9%	73.9%
Burglary	14	2	0	11	100	15.4	0	84.6
Larceny <sup>e</sup>	533	112	33	349	100	22.7	6.7	70.6
Motor vehicle theft	307	80	20	203	100	26.4	6.6	67.0
Arson and explosives	381	45	8	313	100	12.3	2.2	85.5
Transportation of stolen property	36	6	1	28	100	17.1	2.9	80.0
Other property offenses <sup>e</sup>	112	20	16	67	100	19.4	15.5	65.0
<b>Drug offenses</b>	6,261	2,026	38	3,683	100%	35.3%	0.7%	64.1%
<b>Public-order offenses</b>	10,488	2,186	439	7,228	100%	22.2%	4.5%	73.4%
<b>Regulatory</b>	3,605	463	182	2,817	100%	13.4%	5.3%	81.4%
Agriculture	172	50	28	89	100	29.9	16.8	53.3
Antitrust	9	3	0	3	—	—	—	—
Food and drug	92	16	17	51	100	19.0	20.2	60.7
Transportation	47	19	2	26	100	40.4	4.3	55.3
Civil rights	1,583	67	31	1,470	100	4.3	2.0	93.8
Communications	85	9	5	67	100	11.1	6.2	82.7
Custom laws	161	26	5	126	100	16.6	3.2	80.3
Postal laws	43	3	11	23	100	8.1	29.7	62.2
Other regulatory offenses	1,413	270	83	962	100	20.5	6.3	73.2
<b>Other</b>	6,883	1,723	257	4,411	100%	27.0%	4.0%	69.0%
Weapons	1,660	436	97	1,051	100	27.5	6.1	66.4
Immigration offenses	472	95	24	315	100	21.9	5.5	72.6
Tax law violations <sup>e</sup>	421	41	6	364	100	10.0	1.5	88.6
Bribery	198	12	8	169	100	6.3	4.2	89.4
Perjury, contempt, and intimidation	363	43	18	284	100	12.5	5.2	82.3
National defense	119	12	2	93	100	11.2	1.9	86.9
Escape	637	367	11	235	100	59.9	1.8	38.3
Racketeering and extortion	1,620	227	20	1,286	100	14.8	1.3	83.9
Gambling	82	20	1	51	100	27.8	1.4	70.8
Liquor offenses	11	0	0	11	100	0	0	100
Nonviolent sex offenses	436	118	13	298	100	27.5	3.0	69.5
Obscene material <sup>e</sup>	21	3	1	17	100	14.3	4.8	81.0
Migratory birds	34	2	17	14	100	6.1	51.5	42.4
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	307	63	32	170	100	23.8	12.1	64.2
All other offenses <sup>e</sup>	502	284	7	53	100	82.6	2.0	15.4
<b>Unknown or indeterminable offense</b>	298	37	23	188	100%	14.9%	9.3%	75.8%

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

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Includes 2,003 suspects for whom reason for declination could not be determined.

<sup>c</sup>Includes 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.

<sup>d</sup>Includes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 33.

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

**Table 2.6. Mean and median processing times from receipt to filing or declination, by offense, October 1, 1998 - September 30, 1999**

Most serious offense investigated <sup>a</sup>	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 <sup>b</sup>	Declined
<b>Mean</b>							
<b>All offenses<sup>c</sup></b>	8.3 mo	6.1 mo	3.0 mo	9.9 mo	8.7 mo	3.8 mo	19.3 mo
<b>Violent offenses</b>	6.4	7.7	5.3	8.8	6.3	2.5	12.8
<b>Property offenses</b>	14.0	7.8	4.2	12.3	14.6	7.7	22.8
Fraudulent offenses <sup>d</sup>	14.5	8.4	4.4	13.0	15.0	8.0	23.1
Other offenses <sup>e</sup>	11.0	5.9	3.8	9.8	12.0	5.4	20.2
<b>Drug offenses</b>	5.7	7.2	3.6	8.2	5.6	2.7	18.7
<b>Public-order offenses</b>	7.0	5.4	2.5	10.4	7.5	3.1	16.9
Regulatory offenses	12.8	7.9	7.8	8.0	13.3	6.8	16.2
Other offenses	6.1	5.3	2.2	10.5	6.4	2.8	17.3
<b>Median</b>							
<b>All offenses<sup>c</sup></b>	1.6 mo	1.6 mo	1.0 mo	2.4 mo	1.7 mo	0.8 mo	13.8 mo
<b>Violent offenses</b>	1.6	3.3	4.5	2.9	1.4	0.7	7.7
<b>Property offenses</b>	7.4	3.0	1.9	4.4	8.1	2.8	17.6
Fraudulent offenses <sup>d</sup>	8.0	3.5	1.7	5.1	8.6	3.0	18.1
Other offenses <sup>e</sup>	4.3	2.3	2.1	2.8	5.2	1.6	14.7
<b>Drug offenses</b>	0.8	1.2	1.5	1.1	0.8	0.7	13.5
<b>Public-order offenses</b>	1.2	1.3	0.8	2.5	1.2	0.7	10.9
Regulatory offenses	7.8	4.4	4.6	4.0	8.2	1.9	11.7
Other offenses	0.9	1.2	0.8	2.4	0.9	0.7	10.4
<b>Number of suspects<sup>f</sup></b>	113,931	14,545	8,067	6,478	99,386	68,382	31,004
With unknown or indeterminable offense or processing time	1,197	665	466	199	532	236	298

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.

<sup>a</sup>See *Chapter notes*, item 3, p. 33, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>The 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.

<sup>c</sup>Includes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 33.

<sup>d</sup>Excluding tax fraud.

<sup>e</sup>Including tax fraud.

<sup>f</sup>Excludes suspects with insufficient data to determine processing time.

## Chapter notes

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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 1999 were selected. For tables 2.2-2.6, only records which show a matter terminated by reason of declination, disposition by a U.S. magistrate, or filed as a case in U.S. district court from October 1, 1998, through September 30, 1999, were selected. In all of these tables, matters “declined immediately” — those cases in which the U.S. attorney spent less than 1 hour investigating — were excluded.

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

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

appellants in criminal appeals terminated.

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

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

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

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

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

reported either on a separate line or in a footnote.

5) In 1999, additional data for “lack of resources” as a reason for declination were discovered; 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 1998-99) is due in large part to this additional information and reclassification of declination reasons from “unknown and indeterminate.”

**Pretrial release**

<b>Discussion</b> .....	<b>37</b>
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**Tables**

*October 1, 1998 - September 30, 1999*

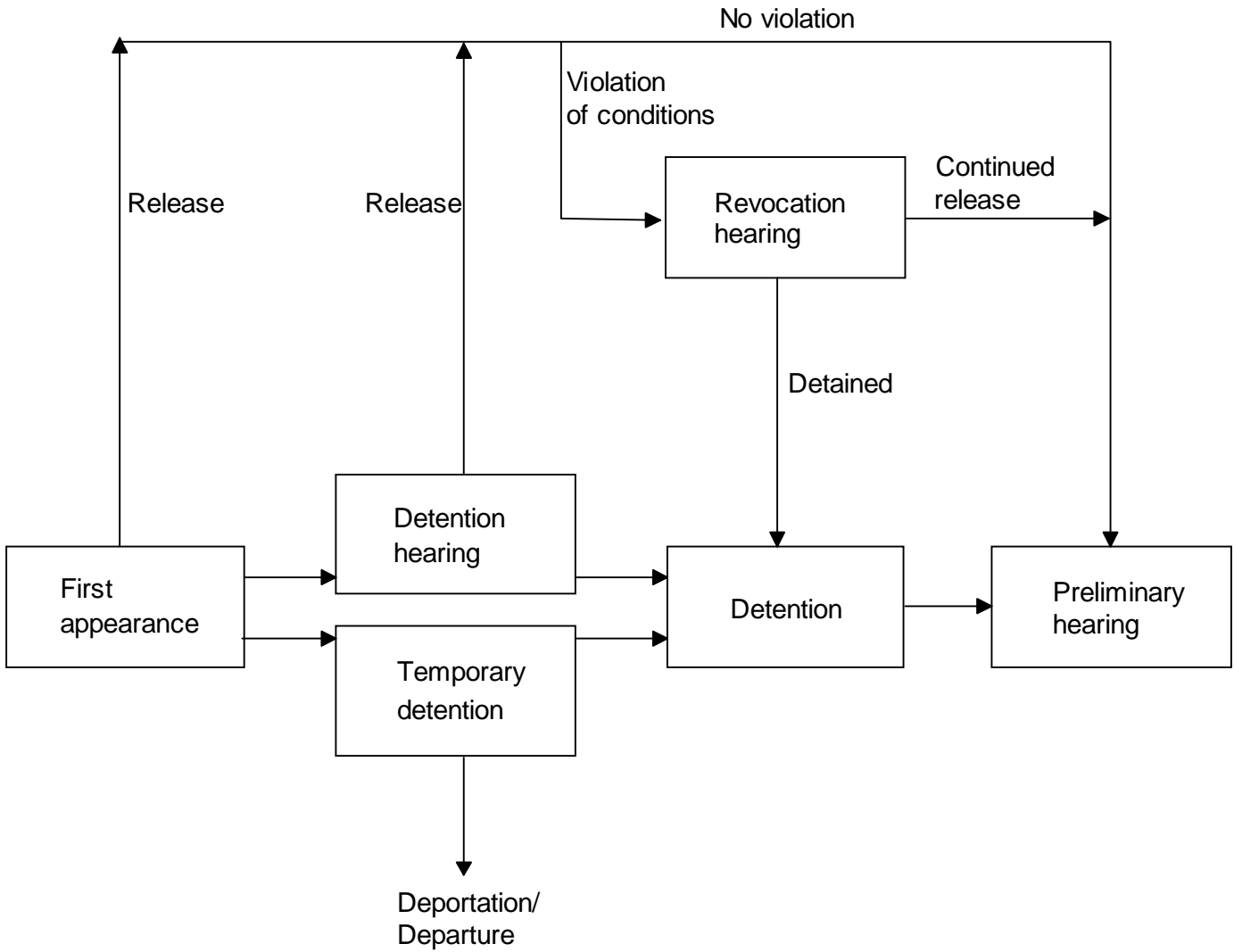
3.1. Type of pretrial release, by offense .....	41
3.2. Type of pretrial release, by defendant characteristics .....	42
3.3. Form of pretrial detention, by offense .....	43
3.4. Form of pretrial detention, by defendant characteristics .....	44
3.5. Pretrial detention hearing outcomes, by offense .....	45
3.6. Pretrial detention hearing outcomes, by defendant characteristics .....	46
3.7. Behavior of defendants released prior to trial, by offense .....	47
3.8. Behavior of defendants released prior to trial, by type of release .....	47
3.9. Behavior of defendants released prior to trial, by defendant characteristics .....	48
3.10. Length of pretrial detention, by form of release or detention, and most serious offense charged .....	49

<b>Chapter notes</b> .....	<b>50</b>
----------------------------	-----------

# Chapter 3

## Pretrial release

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

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

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

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

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

### Types of pretrial release

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

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

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

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

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

### Factors relating to release or detention

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

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

During 1999, 30,841 defendants were released for some period of time prior to trial (table 3.1). Those defendants released made up 47% of the 65,559 defendants who terminated pretrial services during 1999. Of the defendants released, 82% completed pretrial services without violating the conditions of their release (table 3.8).

In 1999, 44,626 defendants were detained for some period of time prior to the disposition of their case (table 3.3). Those defendants detained comprised about 68% of all defendants who terminated pretrial services during 1999. Included are those who were detained prior to having a preliminary hearing with the magistrate, at which point they could have been either released or ordered to have a detention hearing. Of the defendants detained, 55% were ordered detained by the court until case disposition.

Pretrial detention hearings were held for 33,188 defendants. Of these, 24,561, or 74%, were ordered detained (table 3.5).

Of the 30,841 defendants released prior to trial, 18% violated a condition of their release (table 3.7). The majority (91%) of these violations were technical violations of the bail conditions. Defendants released on deposit bond were more likely (26%) than other defendants to incur some violation of the conditions of their release (table 3.8). Conversely, defendants given conditional release violated their release at the lowest rates (4%). Seven percent of all released defendants had their release revoked.

### Pretrial outcomes by offense categories

**Releases (table 3.1)** — Defendants charged with property offenses were more likely than other defendants to be released prior to criminal trial; in 1999, 81% of the 13,850 property offenders were released (figure 3.1).

\*18 U.S.C. § 3142(e) (1984)

The percent released varied greatly across offense categories. Among violent offenders, 24% of those charged with robbery were released compared to 39% of those charged with murder and 59% of those charged with assault. Among public order offenders, 10% of those charged with immigration offenses were released compared to 96% of those charged with tax law violations and 46% of those with weapons offenses.

Nearly 41% 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 54%), but defendants charged with trafficking offenses outnumbered those charged with nontrafficking offenses 10 to 1.

The release types for those defendants who were released prior to trial varied among offense categories (table 3.1). Within each major offense category except violent offenses, the highest percentage of defendants released was on unsecured bond. Of the 35% of released violent defendants, 41% were released on unsecured bond and 44% on personal recognizance compared to 81% of all property defendants released, of whom 54% were released on unsecured bond and 32% on personal recognizance.

**Detentions (tables 3.3 and 3.5)** — Among the major offense categories, defendants charged with drug or violent offenses were the most likely (81% each) to be detained for some period of time (table 3.3). However, violent defendants were more likely than drug offenders to be detained by the court (64% versus 54%). Property and public-order defendants were less likely to be detained than were drug and violent defendants. During 1999, 75% of public-order defendants were detained, with 57% of these detained by the court. Of public-order defendants, those charged with immigration offenses were the most likely to be detained (97%). In 1999, 31% of defendants charged with property

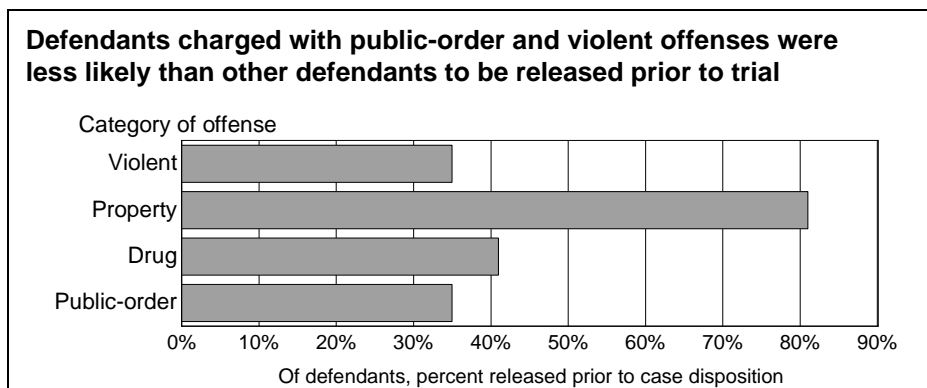


Figure 3.1. Percent of defendants released prior to case disposition, by offense category, October 1, 1998 - September 30, 1999

offenses were detained, with 45% of these detained by the court.

For 69% of defendants charged with violent offenses, it was decided at the initial appearance that a detention hearing was warranted (table 3.5, figure 3.2). This rate varied by offense category: 62% of those charged with drug-related offenses, 52% of those charged with public-order offenses, and 23% of those charged with property offenses were ordered to have a detention hearing. Of those charged with violent offenses, the offenders most likely to have a pretrial detention hearing were those charged with kidnapping, robbery, or murder. The least likely to have a pretrial detention hearing were those charged with sexual abuse and those charged with assault.

Once a defendant was ordered to have a detention hearing, the chances of being detained were less variable across offense categories (table 3.5). The highest rate of defendants ordered detained were those charged with public-order offenses (82%) - primarily immigration (89%) and weapons offenders (72%). Of the 69% of defendants charged with violent offenses and given a pretrial detention hearing, 74% were ordered detained. In 1999, 71% of those charged with drug offenses and 61% of those charged with property offenses were ordered detained following a pretrial hearing.

**Violations (table 3.7)** — Of defendants released prior to trial and terminating pretrial services during 1999, those charged with drug offenses were more likely (29%) than other defendants to incur at least one violation during the release period. Among major offense categories, those charged with property offenses were less likely (12%) than others to violate conditions of their release. Those charged with drug offenses and violent offenses were more likely to have their release revoked (10% of all released drug defendants, 12% of all released violent defendants). Only 4% of released public-order defendants were revoked, as were 5% of released property defendants.

**Pretrial outcomes across demographic groups**

**Releases (table 3.2)** — Females were more likely (73%) than males (42%) to be released during 1999 (figure 3.3). Males were more likely to have a financial condition imposed on them as females (20% versus 12%). Sixty-three percent of all defendants identified as non-Hispanic were released during 1999 compared to 23% of Hispanics. Non-Hispanic releasees were twice as likely to be released on personal recognizance as Hispanics.

The higher the education level of the defendant, the greater the probability of release. Forty percent of defendants with less than a high school education were released in 1999, while 80% of those who had

completed college were released. Releasees with a college degree were less likely to receive financial conditions (16%) and more likely to be released on personal recognizance (30%) than those who had less education.

Defendants with a history of drug abuse were released less frequently than those defendants with no known drug history (51% 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 3.4 and 3.6) —** Males were more likely (72% versus 46%) than females to be detained (table 3.4). Of all detainees, 57% of the men and 43% of the women were detained following a detention hearing. Hispanics had a substantially higher probability of being detained (91%) as compared with non-Hispanics (54%). However, among those detained, Hispanics and non-Hispanics had nearly equal chances of being detained following a detention hearing (56% compared to 54%).

Younger defendants were more likely than older ones to be detained. Seventy-two percent of defendants between the ages of 16-18 and 72% of defendants in their twenties were detained, compared to 50% of those over 40. However, among all defendants detained, the chances of being detained following a detention hearing were similar across all age groups. These patterns were more dramatic with education levels. Those defendants with lower levels of education were more likely to be detained. Seventy-eight percent of those who did not graduate from high school were detained versus 33% of college graduates. Of those detained, 54% of defendants without a high school diploma were detained following a detention hearing compared to 48% of college graduates.

Not only were male defendants nearly twice as likely as female defendants to have a detention hearing (54% versus 33%), they were also more likely

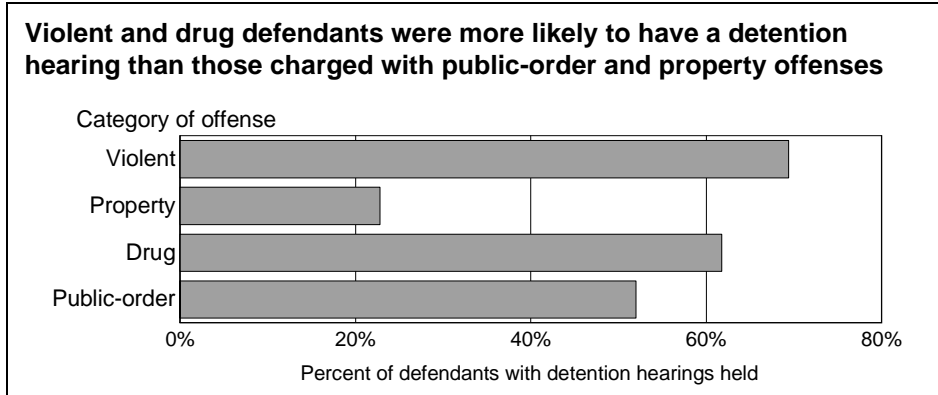


Figure 3.2. Detention hearings held, by offense category, October 1, 1998 - September 30, 1999

(76% versus 59%) to be ordered detained as a result of the hearing (table 3.6).

The likelihood of having a detention hearing increased with the number of prior convictions and severity of the defendant's criminal history. Furthermore, 55% of those with a history of drug abuse had detention hearings as compared to 43% of those without such a past. Those with a history of drug abuse were slightly more likely to be detained after a hearing.

**Violations (table 3.9) —** Released males were more likely than females to incur a violation during the pretrial release period (20% versus 14%) and were slightly more likely to have their release revoked. Native Americans

were more likely to incur at least one violation than were either blacks or whites (26% vs. 22% for black and 17% for whites), and to have their release revoked (17% vs. 8% for blacks and 6% for whites). Defendants with no prior criminal history were less likely to have a pretrial release violation than those with a prior conviction. Released defendants with a known drug history were nearly 3 times as likely to incur a violation than those with no known drug history. Also, those with a history of drug use were substantially more likely to have their release revoked (14% vs. 4%).

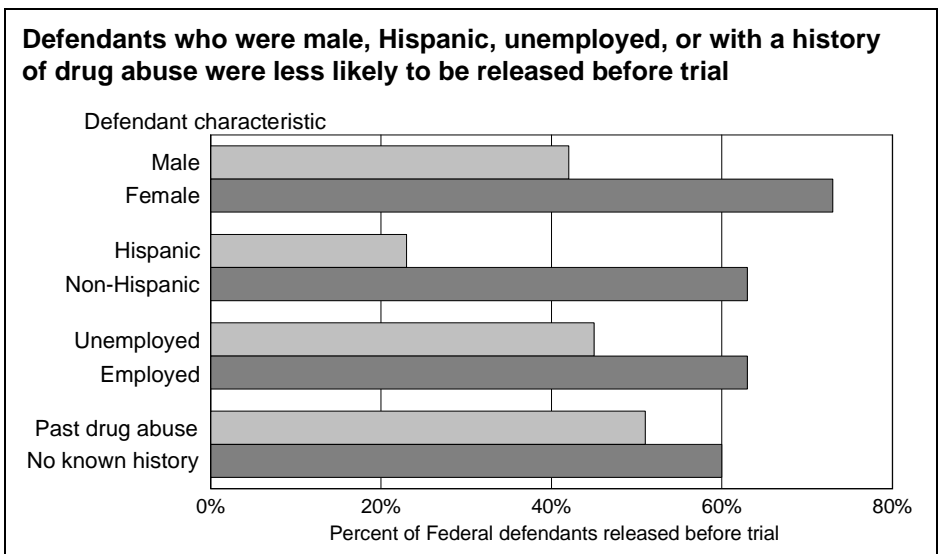


Figure 3.3. Pretrial release rates, by defendant characteristics, October 1, 1998 - September 30, 1999

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### **Length of pretrial detention (table 3.10)**

Among defendants detained for any time prior to case disposition, those charged with violent offenses were detained the longest (an average of 96.7 days) compared to drug (82.7 days), public-order (59.9 days), and property (43.1 days) defendants (not shown in a table).

Of defendants released, those released conditionally spent the greatest average number of days detained (71.4 days) compared to those released on personal recognizance (42.5 days), unsecured bond (34.5 days), or financial conditions (26.1 days). This trend varied only slightly across all major offense categories — in general, defendants released by conditional means were detained more days than defendants who were released by any other means.

Of defendants not released, those detained following a detention hearing were detained longer, on average, than those held on financial conditions (107.1 days compared with 83.9 days). This pattern was true across all major offense types.

**Table 3.1. Type of pretrial release, by offense, October 1, 1998 - September 30, 1999**

Most serious offense charged	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial <sup>a</sup>	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
<b>All offenses<sup>b</sup></b>	47.0%	17.8%	48.8%	27.8%	5.6%	30,841	65,559
<b>Violent offenses</b>	35.1%	10.6%	40.7%	43.6%	5.0%	1,212	3,453
Murder <sup>c</sup>	39.1	10.5	17.4	66.3	5.8	86	220
Negligent manslaughter	—	—	—	—	—	7	8
Assault	58.5	4.0	41.0	47.8	7.2	446	762
Robbery	24.0	18.2	48.6	29.6	3.6	500	2,081
Sexual abuse <sup>c</sup>	66.2	3.1	22.5	70.5	3.9	129	195
Kidnaping	25.9	18.4	47.4	31.6	2.6	38	147
Threats against the President	15.0	—	—	—	—	6	40
<b>Property offenses</b>	80.9%	9.3%	54.4%	31.8%	4.5%	11,201	13,850
<b>Fraudulent</b>	81.0%	10.2%	57.8%	29.7%	2.3%	8,754	10,808
Embezzlement	94.4	2.6	53.7	39.9	3.8	1,429	1,514
Fraud <sup>c</sup>	79.3	12.1	57.7	28.1	2.0	6,134	7,736
Forgery	80.8	5.8	66.0	25.2	2.9	206	255
Counterfeiting	75.6	10.2	62.1	25.9	1.8	985	1,303
<b>Other</b>	80.4%	6.0%	42.4%	39.0%	12.5%	2,447	3,042
Burglary	58.8	6.3	41.3	50.0	2.5	80	136
Larceny <sup>c</sup>	85.9	4.0	40.9	40.8	14.3	1,964	2,286
Motor vehicle theft	53.4	26.9	46.2	22.7	4.2	119	223
Arson and explosives	60.5	19.1	57.3	23.6	0	89	147
Transportation of stolen property	70.3	10.8	56.8	29.7	2.7	111	158
Other property offenses <sup>c</sup>	91.3	3.6	39.3	38.1	19.0	84	92
<b>Drug offenses</b>	40.9%	29.1%	47.9%	19.0%	4.1%	10,762	26,291
Trafficking	39.6	30.4	50.2	16.8	2.7	9,461	23,901
Other drug	54.4	19.6	31.5	34.7	14.1	1,301	2,390
<b>Public-order offenses</b>	34.5%	15.7%	43.4%	31.7%	9.2%	7,506	21,727
<b>Regulatory</b>	70.4%	16.3%	46.4%	33.0%	4.4%	1,678	2,382
Agriculture	93.7	8.4	53.8	33.6	4.2	119	127
Antitrust	100	0	14.3	85.7	0	28	28
Food and drug	95.1	12.8	41.0	38.5	7.7	39	41
Transportation	82.5	10.6	48.9	31.9	8.5	47	57
Civil rights	93.0	24.7	47.3	28.0	0	93	100
Communications	91.3	7.1	54.8	35.7	2.4	42	46
Custom laws	81.7	30.6	56.1	11.2	2.0	98	120
Postal laws	90.7	0.7	63.3	34.0	2.0	147	162
Other regulatory offenses	62.6	18.5	42.8	33.5	5.2	1,065	1,701
<b>Other</b>	30.1%	15.5%	42.6%	31.3%	10.7%	5,828	19,345
Weapons	45.6	14.9	53.2	28.7	3.2	1,225	2,687
Immigration offenses	9.7	33.0	41.0	18.3	7.7	1,150	11,859
Tax law violations <sup>c</sup>	95.7	5.3	53.7	37.8	3.3	641	670
Bribery	91.0	12.5	57.2	30.3	0	152	167
Perjury, contempt, and intimidation	72.4	10.4	53.2	32.9	3.5	173	239
National defense	65.4	11.8	35.3	41.2	11.8	34	52
Escape	15.2	18.5	35.9	39.1	6.5	92	604
Racketeering and extortion	56.4	32.0	49.2	16.6	2.3	482	855
Gambling	97.7	6.0	71.4	22.6	0	84	86
Liquor offenses	—	—	—	—	—	3	3
Nonviolent sex offenses	72.2	15.4	47.4	33.7	3.5	312	432
Obscene material <sup>c</sup>	79.0	14.3	53.1	30.6	2.0	49	62
Migratory birds	95.8	0	26.1	43.5	30.4	23	24
All other offenses <sup>c</sup>	87.7	2.5	22.1	45.1	30.3	1,408	1,605

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.

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

<sup>b</sup>Includes 238 defendants for whom an offense category could not be determined, 160 of whom were released.

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

Defendant characteristic	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial <sup>a</sup>	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
<b>All defendants<sup>b</sup></b>	47.0%	17.8%	48.8%	27.8%	5.6%	30,841	65,559
<b>Male/female</b>							
Male	42.0%	19.7%	47.7%	27.0%	5.6%	23,032	54,795
Female	72.5	12.1	52.1	30.2	5.7	7,754	10,689
<b>Race</b>							
White	44.5%	19.4%	48.1%	27.1%	5.5%	19,812	44,519
Black	52.5	15.6	54.1	25.1	5.2	8,970	17,098
Native American	64.0	2.4	19.9	67.6	10.0	787	1,229
Asian/Pacific Islander	46.6	20.1	37.4	37.4	5.1	904	1,939
<b>Ethnicity</b>							
Hispanic	22.7%	36.5%	43.3%	15.0%	5.2%	5,908	25,970
Non-Hispanic	63.1	13.5	50.9	30.7	4.8	24,312	38,541
<b>Age</b>							
16-18 years	51.4%	13.8%	43.2%	36.5%	6.5%	586	1,140
19-20 years	53.0	15.3	49.3	31.3	4.2	1,664	3,137
21-30 years	46.1	20.7	50.8	25.6	3.0	9,741	21,144
31-40 years	49.3	20.0	50.3	27.0	2.7	7,773	15,754
Over 40 years	65.6	16.0	51.8	29.4	2.9	8,660	13,210
<b>Education</b>							
Less than high school graduate	40.3%	23.9%	48.5%	24.0%	3.6%	7,955	19,756
High school graduate	60.9	16.7	50.0	28.4	5.0	9,796	16,098
Some college	71.7	16.0	52.8	28.2	3.0	7,288	10,165
College graduate	79.8	15.5	52.1	29.6	2.8	3,278	4,108
<b>Marital status</b>							
Never married	51.2%	16.9%	51.0%	28.1%	4.0%	10,425	20,381
Divorced/separated	59.0	17.5	51.3	27.3	3.9	5,675	9,611
Married	60.3	19.7	49.3	26.9	4.1	10,326	17,113
Common law	44.8	23.8	49.1	24.5	2.6	2,063	4,608
Other	17.0	8.8	30.2	34.7	26.3	2,352	13,846
<b>Employment status at arrest</b>							
Unemployed	44.8%	18.0%	51.3%	27.0%	3.8%	10,042	22,395
Employed	63.3	18.7	50.0	27.4	3.9	18,572	29,331
<b>Criminal record</b>							
No convictions <sup>c</sup>	59.1%	16.2%	47.4%	29.2%	7.3%	13,077	22,140
Misdemeanor only	59.5	16.2	50.1	28.6	5.0	6,141	10,328
Felony							
Nonviolent	31.9	20.6	50.6	25.0	3.9	4,529	14,219
Violent	25.2	21.2	47.1	26.8	4.9	2,407	9,568
<b>Number of prior convictions</b>							
1	48.9%	18.1%	51.0%	26.9%	4.1%	5,121	10,463
2 to 4	38.2	20.2	49.2	26.0	4.6	5,371	14,061
5 or more	27.0	16.4	48.4	29.5	5.6	2,585	9,591
<b>Criminal justice status</b>							
Not under supervision	57.1%	17.4%	48.8%	27.8%	5.9%	24,148	42,322
Pretrial release	54.4	22.6	50.0	24.8	2.6	1,458	2,681
Probation	41.0	20.0	50.4	26.8	2.8	1,451	3,541
Parole	17.6	17.6	54.8	23.3	4.3	301	1,710
<b>Court appearance history</b>							
No prior arrests	56.5%	16.2%	47.3%	29.2%	7.3%	13,260	23,477
Failure to appear							
None	44.0	19.6	50.9	25.4	4.1	14,664	33,329
1	34.9	17.2	44.7	33.4	4.7	1,561	4,470
More than 1	31.7	14.6	45.2	33.8	6.4	1,356	4,283
<b>Drug abuse</b>							
No known abuse	59.7%	18.4%	50.5%	27.0%	4.1%	19,623	32,861
Drug history	50.7	18.2	51.8	26.9	3.1	7,586	14,960

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.

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

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

<sup>c</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

**Table 3.3. Form of pretrial detention, by offense, October 1, 1998 - September 30, 1999**

Most serious offense charged	Of defendants detained at any time prior to case disposition, percent detained by—							Number of defendants	
	Percent detained	Temporary detention <sup>a</sup>	Held on bail for—		Court	Other detentions	Detained	All defendants	
			Part of pre-trial period	All of pre-trial period					
<b>All offenses<sup>b</sup></b>	68.1%	2.7%	18.8%	13.1%	55.1%	10.3%	44,626	65,559	
<b>Violent offenses</b>	80.5%	0.7%	14.7%	4.3%	64.2%	16.1%	2,778	3,453	
Murder <sup>c</sup>	79.1	0.6	10.3	1.1	78.2	9.8	174	220	
Negligent manslaughter	—	—	—	—	—	—	4	8	
Assault	61.7	0.6	24.3	9.1	53.6	12.3	470	762	
Robbery	88.8	0.8	11.4	3.7	66.9	17.2	1,847	2,081	
Sexual abuse <sup>c</sup>	57.4	0	35.7	0	54.5	9.8	112	195	
Kidnaping	90.5	0	13.5	3.0	59.4	24.1	133	147	
Threats against the President	95.0	2.6	7.9	5.3	50.0	34.2	38	40	
<b>Property offenses</b>	31.1%	1.2%	33.4%	8.1%	44.9%	12.4%	4,301	13,850	
<b>Fraudulent</b>	31.2%	1.3%	33.8%	7.6%	45.9%	11.4%	3,373	10,808	
Embezzlement	10.9	2.4	41.8	5.5	32.1	18.2	165	1,514	
Fraud <sup>c</sup>	33.5	1.2	33.2	7.0	46.9	11.7	2,588	7,736	
Forgery	28.2	0	30.6	8.3	38.9	22.2	72	255	
Counterfeiting	42.1	1.5	34.7	11.1	46.4	6.4	548	1,303	
<b>Other</b>	30.5%	0.9%	32.1%	9.6%	41.3%	16.2%	928	3,042	
Burglary	61.8	1.2	32.1	9.5	42.9	14.3	84	136	
Larceny <sup>c</sup>	23.2	0.6	35.8	10.2	39.4	14.0	530	2,286	
Motor vehicle theft	63.2	2.1	19.1	5.0	49.6	24.1	141	223	
Arson and explosives	58.5	1.2	29.1	9.3	41.9	18.6	86	147	
Transportation of stolen property	43.7	0	24.6	14.5	42.0	18.8	69	158	
Other property offenses <sup>c</sup>	19.6	0	66.7	11.1	16.7	5.6	18	92	
<b>Drug offenses</b>	80.7%	2.0%	22.5%	12.3%	54.2%	9.1%	21,221	26,291	
Trafficking	82.8	1.8	22.6	12.6	54.1	9.0	19,784	23,901	
Other drug offenses	60.1	5.1	21.3	7.3	55.0	11.2	1,437	2,390	
<b>Public-order offenses</b>	74.7%	4.4%	11.0%	17.1%	57.4%	10.2%	16,221	21,727	
<b>Regulatory</b>	44.1%	1.0%	30.3%	9.7%	43.0%	16.1%	1,050	2,382	
Agriculture	13.4	0	35.3	5.9	35.3	23.5	17	127	
Antitrust	46.4	0	100	0	0	0	13	28	
Food and drug	14.6	—	—	—	—	—	6	41	
Transportation	29.8	0	41.2	11.8	47.1	0	17	57	
Civil rights	13.0	0	38.5	0	30.8	30.8	13	100	
Communications	15.2	—	—	—	—	—	7	46	
Custom laws	49.2	0	55.9	20.3	22.0	1.7	59	120	
Postal laws	11.1	0	16.7	0	50.0	33.3	18	162	
Other regulatory offenses	52.9	1.1	27.2	9.6	45.1	17.0	900	1,701	
<b>Other</b>	78.4%	4.6%	9.6%	17.6%	58.4%	9.8%	15,171	19,345	
Weapons	70.7	2.4	18.7	4.2	57.4	17.3	1,900	2,687	
Immigration offenses	96.5	5.6	6.1	22.1	58.8	7.5	11,440	11,859	
Tax law violations <sup>c</sup>	11.0	0	56.8	2.7	27.0	13.5	74	670	
Bribery	19.8	6.1	48.5	12.1	33.3	0	33	167	
Perjury, contempt, and intimidation	44.4	0.9	27.4	2.8	51.9	17.0	106	239	
National defense	44.2	0	17.4	8.7	73.9	0	23	52	
Escape	91.1	0.7	5.6	1.1	71.1	21.5	550	604	
Racketeering and extortion	61.6	0.6	22.8	2.7	59.6	14.4	527	855	
Gambling	10.5	—	—	—	—	—	9	86	
Liquor offenses	—	...	...	...	...	...	0	3	
Nonviolent sex offenses	46.8	0.5	32.7	3.5	53.5	9.9	202	432	
Obscene material <sup>c</sup>	35.5	0	27.3	4.5	54.5	13.6	22	62	
Migratory birds	8.3	—	—	—	—	—	2	24	
All other offenses <sup>c</sup>	17.6	1.8	30.7	5.3	40.6	21.6	283	1,605	

Note: Detained defendants include some defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 50.

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

<sup>a</sup>Held under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

<sup>b</sup>Includes 238 defendants for whom offense category could not be determined, 105 of whom were detained.  
<sup>c</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

**Table 3.4. Form of pretrial detention, by defendant characteristics, October 1, 1998 - September 30, 1999**

Defendant characteristic	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention <sup>a</sup>	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre- trial period	All of pre- trial period				
<b>All defendants<sup>b</sup></b>	68.1%	2.7%	18.8%	13.1%	55.1%	10.3%	44,626	65,559
<b>Male/female</b>								
Male	72.4%	2.8%	16.8%	13.2%	56.6%	10.5%	39,691	54,795
Female	45.9	1.5	35.5	12.1	42.7	8.2	4,908	10,689
<b>Race</b>								
White	69.9%	3.0%	17.7%	16.5%	54.1%	8.8%	31,097	44,519
Black	64.0	1.6	21.3	5.8	58.3	13.0	10,949	17,098
Native American	62.1	0.3	32.8	1.2	54.1	11.7	763	1,229
Asian/Pacific Islander	68.7	1.1	19.1	3.5	58.4	18.0	1,332	1,939
<b>Ethnicity</b>								
Hispanic	90.6%	4.3%	13.0%	19.6%	56.3%	6.9%	23,516	25,970
Non-Hispanic	53.5	1.0	25.6	5.8	54.3	13.3	20,610	38,541
<b>Age</b>								
16-18 years	71.7%	1.8%	27.9%	10.9%	52.0%	7.3%	817	1,140
19-20 years	68.6	2.9	27.4	11.7	50.2	7.8	2,152	3,137
21-30 years	71.5	3.4	20.6	11.1	54.4	10.4	15,117	21,144
31-40 years	67.7	3.2	20.9	11.4	53.9	10.6	10,661	15,754
Over 40 years	50.4	2.0	27.0	9.8	49.9	11.2	6,663	13,210
<b>Education</b>								
Less than high school graduate	78.4%	4.7%	19.9%	10.9%	53.8%	10.7%	15,486	19,756
High school graduate	58.1	1.6	27.5	6.6	52.8	11.5	9,348	16,098
Some college	47.1	1.3	34.2	6.9	47.8	9.8	4,784	10,165
College graduate	33.4	1.2	33.8	6.6	48.1	10.4	1,371	4,108
<b>Marital status</b>								
Never married	68.0%	2.2%	23.5%	7.6%	55.4%	11.3%	13,853	20,381
Divorced/separated	59.7	2.4	26.1	9.2	50.4	11.9	5,740	9,611
Married	55.5	4.2	24.6	9.7	51.8	9.6	9,505	17,113
Common law	74.9	3.8	22.2	11.4	53.3	9.2	3,451	4,608
Other	87.2	1.9	4.5	24.4	60.0	9.2	12,077	13,846
<b>Employment status at arrest</b>								
Unemployed	73.3%	2.9%	20.4%	7.8%	54.7%	14.1%	16,422	22,395
Employed	54.5	3.1	28.2	9.9	50.9	7.9	15,992	29,331
<b>Criminal record</b>								
No convictions <sup>c</sup>	55.5%	2.5%	23.4%	15.0%	51.5%	7.6%	12,285	22,140
Misdemeanor only	60.6	2.2	28.2	13.4	47.4	8.9	6,256	10,328
Felony								
Nonviolent	80.9	3.3	12.7	14.0	57.9	12.1	11,506	14,219
Violent	87.0	2.5	10.5	10.5	62.0	14.5	8,327	9,568
<b>Number of prior convictions</b>								
1	67.6%	2.8%	21.0%	13.5%	53.0%	9.7%	7,078	10,463
2 to 4	77.1	3.1	16.3	12.7	56.4	11.5	10,843	14,061
5 or more	85.2	2.3	10.4	12.1	60.2	15.0	8,168	9,591
<b>Criminal justice status</b>								
Not under supervision	59.3%	2.1%	24.2%	14.2%	51.0%	8.5%	25,117	42,322
Pretrial release	67.5	1.8	25.6	6.3	57.8	8.5	1,810	2,681
Probation	76.1	4.8	18.4	13.8	53.3	9.6	2,696	3,541
Parole	90.6	6.0	7.0	19.5	56.9	10.7	1,549	1,710
<b>Court appearance history</b>								
No prior arrests	57.6%	2.9%	21.8%	14.3%	53.6%	7.4%	13,519	23,477
Failure to appear								
None	71.7	3.0	18.5	12.9	54.2	11.4	23,892	33,329
1	80.5	1.6	15.5	11.9	57.6	13.4	3,600	4,470
More than 1	84.4	1.1	13.4	10.9	63.7	11.0	3,615	4,283
<b>Drug abuse</b>								
No known abuse	57.0%	3.4%	25.4%	10.3%	50.8%	10.0%	18,727	32,861
Drug history	70.3	2.0	24.4	6.3	55.2	12.0	10,510	14,960

Note: Detained defendants include defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 50.

<sup>a</sup>Held under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

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

<sup>c</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.



**Table 3.5. Pretrial detention hearing outcomes, by offense, October 1, 1998- September 30, 1999**

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		
<b>All offenses<sup>a</sup></b>	65,559	33,188	24,561	50.6%	74.0%
<b>Violent offenses</b>	3,453	2,398	1,783	69.4%	74.4%
Murder <sup>b</sup>	220	163	136	74.1	83.4
Negligent manslaughter	8	4	1	—	—
Assault	762	387	252	50.8	65.1
Robbery	2,081	1,601	1,235	76.9	77.1
Sexual abuse <sup>b</sup>	195	104	61	53.3	58.7
Kidnaping	147	107	79	72.8	73.8
Threats against the President	40	32	19	80.0	59.4
<b>Property offenses</b>	13,850	3,157	1,927	22.8%	61.0%
<b>Fraudulent</b>	10,808	2,500	1,544	23.1%	61.8%
Embezzlement	1,514	107	53	7.1	49.5
Fraud <sup>b</sup>	7,736	1,953	1,210	25.2	62.0
Forgery	255	48	28	18.8	58.3
Counterfeiting	1,303	392	253	30.1	64.5
<b>Other</b>	3,042	657	383	21.6%	58.3%
Burglary	136	69	36	50.7	52.2
Larceny <sup>b</sup>	2,286	350	209	15.3	59.7
Motor vehicle theft	223	106	70	47.5	66.0
Arson and explosives	147	69	36	46.9	52.2
Transportation of stolen property	158	51	29	32.3	56.9
Other property offenses <sup>b</sup>	92	12	3	13.0	25.0
<b>Drug offenses</b>	26,291	16,251	11,482	61.8%	70.7%
Trafficking	23,901	15,086	10,692	63.1	70.9
Other drug	2,390	1,165	790	48.7	67.8
<b>Public-order offenses</b>	21,727	11,296	9,308	52.0%	82.4%
<b>Regulatory</b>	2,382	741	452	31.1%	61.0%
Agriculture	127	12	6	9.4	50.0
Antitrust	28	13	0	46.4	0
Food and drug	41	4	1	9.8	—
Transportation	57	12	8	21.1	66.7
Civil rights	100	13	4	13.0	30.8
Communications	46	6	4	13.0	—
Custom laws	120	31	13	25.8	41.9
Postal laws	162	14	9	8.6	64.3
Other regulatory offenses	1,701	636	407	37.4	64.0
<b>Other</b>	19,345	10,555	8,856	54.6%	83.9%
Weapons	2,687	1,525	1,091	56.8	71.5
Immigration offenses	11,859	7,544	6,722	63.6	89.1
Tax law violations <sup>b</sup>	670	47	20	7.0	42.6
Bribery	167	26	11	15.6	42.3
Perjury, contempt, and intimidation	239	90	55	37.7	61.1
National defense	52	22	17	42.3	77.3
Escape	604	467	391	77.3	83.7
Racketeering and extortion	855	424	313	49.6	73.8
Gambling	86	5	1	5.8	—
Liquor offenses	3	0	0	—	...
Nonviolent sex offenses	432	171	108	39.6	63.2
Obscene material <sup>b</sup>	62	18	12	29.0	66.7
Migratory birds	24	2	1	8.3	—
All other offenses <sup>b</sup>	1,605	214	114	13.3	53.3

Note: Defendants may also be detained for failure to meet bail conditions, or temporarily detained pending action of other agencies. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 50.

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>Includes 238 defendants for whom offense category could not be determined, 86 of whom had pretrial detention hearings.

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

**Table 3.6. Pretrial detention hearing outcomes, by defendant characteristics, October 1, 1998 - September 30, 1999**

Defendant characteristic	All defendants	Defendants with pretrial detention hearings			
		Number of defendants held	Ordered detained	Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
<b>All defendants<sup>a</sup></b>	65,559	33,188	24,561	50.6%	74.0%
<b>Male/female</b>					
Male	54,795	29,649	22,458	54.1%	75.7%
Female	10,689	3,518	2,087	32.9	59.3
<b>Race</b>					
White	44,519	22,179	16,792	49.8%	75.7%
Black	17,098	8,948	6,382	52.3	71.3
Native American	1,229	713	413	58.0	57.9
Asian/Pacific Islander	1,939	1,032	778	53.2	75.4
<b>Ethnicity</b>					
Hispanic	25,970	16,265	13,230	62.6%	81.3%
Non-Hispanic	38,541	16,697	11,185	43.3	67.0
<b>Age</b>					
16-18 years	1,140	613	424	53.8%	69.2%
19-20 years	3,137	1,575	1,079	50.2	68.5
21-30 years	21,144	11,422	8,213	54.0	71.9
31-40 years	15,754	8,084	5,736	51.3	71.0
Over 40 years	13,210	5,125	3,326	38.8	64.9
<b>Education</b>					
Less than high school graduate	19,756	11,511	8,331	58.3%	72.4%
High school graduate	16,098	7,415	4,938	46.1	66.6
Some college	10,165	3,768	2,284	37.1	60.6
College graduate	4,108	1,084	656	26.4	60.5
<b>Marital status</b>					
Never married	20,381	10,877	7,670	53.4%	70.5%
Divorced/separated	9,611	4,348	2,891	45.2	66.5
Married	17,113	7,171	4,919	41.9	68.6
Common law	4,608	2,619	1,840	56.8	70.3
Other	13,846	8,173	7,241	59.0	88.6
<b>Employment status at arrest</b>					
Unemployed	22,395	12,563	8,977	56.1%	71.5%
Employed	29,331	12,309	8,140	42.0	66.1
<b>Criminal record</b>					
No convictions <sup>b</sup>	22,140	8,915	6,320	40.3%	70.9%
Misdemeanor only	10,328	4,595	2,961	44.5	64.4
Felony					
Nonviolent	14,219	8,453	6,659	59.4	78.8
Violent	9,568	6,439	5,157	67.3	80.1
<b>Number of prior convictions</b>					
1	10,463	5,214	3,747	49.8%	71.9%
2 to 4	14,061	8,078	6,116	57.4	75.7
5 or more	9,591	6,195	4,914	64.6	79.3
<b>Criminal justice status</b>					
Not under supervision	42,322	18,443	12,799	43.6%	69.4%
Pretrial release	2,681	1,483	1,046	55.3	70.5
Probation	3,541	1,939	1,436	54.8	74.1
Parole	1,710	1,032	881	60.4	85.4
<b>Court appearance history</b>					
No prior arrests	23,477	9,919	7,242	42.2%	73.0%
Failure to appear					
None	33,329	17,628	12,945	52.9	73.4
1	4,470	2,759	2,075	61.7	75.2
More than 1	4,283	2,882	2,299	67.3	79.8
<b>Drug abuse</b>					
No known abuse	32,861	14,025	9,507	42.7%	67.8%
Drug history	14,960	8,281	5,792	55.4	69.9

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

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

<sup>b</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

**Table 3.7. Behavior of defendants released prior to trial, by offense, October 1, 1998 - September 30, 1999**

Most serious offense charged	Percent of released defendants who had—							Number of released defendants
	Violations while on release					Technical violations of bail conditions	Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged				
			Felony	Misdemeanor				
<b>All offenses*</b>	81.7%	18.3%	2.7%	1.8%	1.6%	16.6%	6.7%	30,841
<b>Violent offenses</b>	76.7%	23.3%	2.3%	2.0%	2.6%	21.4%	11.9%	1,212
<b>Property offenses</b>	88.1%	11.9%	1.8%	1.5%	1.1%	10.5%	4.6%	11,201
Fraudulent offenses	88.5	11.5	1.8	1.5	1.1	10.1	4.4	8,754
Other property offenses	86.5	13.5	1.9	1.6	1.3	12.1	5.2	2,447
<b>Drug offenses</b>	71.5%	28.5%	4.0%	2.4%	2.3%	26.3%	10.0%	10,762
<b>Public-order offenses</b>	87.5%	12.5%	2.1%	1.2%	1.3%	11.2%	4.2%	7,506
Regulatory offenses	91.4	8.6	1.7	0.5	0.8	7.7	2.1	1,678
Other public-order offenses	86.4	13.6	2.2	1.4	1.4	12.1	4.8	5,828

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1999. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 50.

\*Includes 160 defendants for whom offense category could not be determined.

**Table 3.8. Behavior of defendants released prior to trial, by type of release, October 1, 1998 - September 30, 1999**

Type of release	Percent of released defendants who had—							Number of released defendants
	Violations while on release					Technical violations of bail conditions	Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged				
			Felony	Misdemeanor				
<b>All releases</b>	81.7%	18.3%	2.7%	1.8%	1.6%	16.6%	6.7%	30,841
<b>Financial release</b>	75.4%	24.6%	5.6%	2.6%	1.8%	21.6%	6.4%	5,485
Deposit bond	73.6	26.4	7.5	2.7	2.3	22.3	6.6	2,600
Collateral bond	78.3	21.7	3.1	2.5	1.3	19.7	5.0	1,606
Corporate surety	75.1	24.9	4.9	2.5	1.5	22.4	7.8	1,279
<b>Unsecured bond</b>	81.9%	18.1%	1.9%	1.2%	1.8%	17.2%	7.5%	8,581
<b>Personal recognizance</b>	82.2%	17.8%	2.3%	2.0%	1.6%	16.0%	6.9%	15,048
<b>Conditional release</b>	95.9%	4.1%	1.0%	0.2%	0.5%	3.6%	1.7%	1,727

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1999. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the

sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 50.

**Table 3.9. Behavior of defendants released prior to trial, by defendant characteristics, October 1, 1998 - September 30, 1999**

Defendant characteristic	Percent of released defendants who had—							Number of released defendants
	Violations while on release					Technical violations of bail conditions	Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged				
			Felony	Misdemeanor				
<b>All defendants<sup>a</sup></b>	81.7%	18.3%	2.7%	1.8%	1.6%	16.6%	6.7%	30,841
<b>Male/female</b>								
Male	80.2%	19.8%	2.9%	1.9%	1.8%	17.9%	7.3%	23,032
Female	86.0	14.0	2.2	1.2	1.0	12.8	4.9	7,754
<b>Race</b>								
White	83.3%	16.7%	2.8%	1.6%	1.4%	15.1%	5.7%	19,812
Black	77.9	22.1	2.5	2.3	2.0	20.2	8.2	8,970
Native American	74.0	26.0	2.2	0.9	4.4	24.7	16.8	787
Asian/Pacific Islander	87.5	12.5	1.5	0.8	0.8	11.7	5.5	904
<b>Ethnicity</b>								
Hispanic	79.8%	20.2%	5.8%	1.6%	1.3%	17.7%	5.2%	5,908
Non-Hispanic	81.9	18.1	2.0	1.8	1.8	16.6	7.1	24,312
<b>Age</b>								
16-18 years	72.5%	27.5%	4.1%	3.2%	2.9%	24.6%	12.1%	586
19-20 years	72.5	27.5	3.7	2.8	2.4	24.9	11.3	1,664
21-30 years	76.7	23.3	3.1	2.2	2.5	21.4	8.5	9,741
31-40 years	80.6	19.4	2.9	1.9	1.4	17.7	7.1	7,773
Over 40 years	87.9	12.1	1.9	1.0	0.9	10.9	4.1	8,660
<b>Education</b>								
Less than high school graduate	74.0%	26.0%	4.5%	2.6%	2.4%	23.5%	9.9%	7,955
High school graduate	80.5	19.5	2.1	1.8	1.9	17.8	7.1	9,796
Some college	84.4	15.6	1.9	1.3	1.2	14.4	5.4	7,288
College graduate	91.2	8.8	1.3	1.1	0.5	8.0	3.2	3,278
<b>Marital status</b>								
Never married	75.3%	24.7%	3.1%	2.2%	2.3%	22.6%	9.5%	10,425
Divorced/separated	79.7	20.3	2.7	1.9	1.7	18.5	7.7	5,675
Married	88.1	11.9	2.1	1.2	1.0	10.6	3.7	10,326
Common law	75.6	24.4	3.6	2.8	2.2	22.1	8.4	2,063
Other	91.5	8.5	2.2	1.1	0.7	7.2	3.2	2,352
<b>Employment status at arrest</b>								
Unemployed	75.2%	24.8%	3.6%	2.3%	2.2%	22.7%	10.5%	10,042
Employed	84.1	15.9	2.2	1.5	1.4	14.4	5.0	18,572
<b>Criminal record</b>								
No convictions <sup>b</sup>	90.3%	9.7%	2.1%	0.8%	0.7%	8.6%	2.6%	13,077
Misdemeanor only	76.5	23.5	2.8	2.0	2.3	21.7	9.6	6,141
Felony								
Nonviolent	73.9	26.1	3.5	2.8	2.3	23.7	10.7	4,529
Violent	67.4	32.6	3.6	3.9	3.1	29.9	13.1	2,407
<b>Number of prior convictions</b>								
1	79.3%	20.7%	2.7%	2.3%	1.6%	18.7%	7.5%	5,121
2 to 4	72.9	27.1	3.3	2.6	2.5	25.0	11.3	5,371
5 or more	65.6	34.4	4.0	3.3	4.1	31.8	15.4	2,585
<b>Criminal justice status</b>								
Not under supervision	84.8%	15.2%	2.4%	1.3%	1.3%	13.7%	5.0%	24,148
Pretrial release	68.6	31.4	2.9	3.9	3.2	28.8	13.6	1,458
Probation	70.2	29.8	3.3	3.2	3.1	27.7	13.2	1,451
Parole	72.4	27.6	4.7	4.7	2.7	23.9	10.3	301
<b>Court appearance history</b>								
No prior arrests	90.2%	9.8%	2.1%	0.8%	0.7%	8.6%	2.7%	13,260
Failure to appear								
None	77.0	23.0	3.0	2.2	2.2	20.9	8.7	14,664
1	69.3	30.7	3.7	3.5	2.8	28.4	12.7	1,561
More than 1	62.2	37.8	3.7	4.3	3.3	35.3	17.3	1,356
<b>Drug abuse</b>								
No known abuse	87.5%	12.5%	2.2%	1.5%	1.3%	10.9%	4.2%	19,623
Drug history	64.5	35.5	3.8	2.7	2.8	33.5	14.0	7,586

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1999. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 50.

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

<sup>b</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

**Table 3.10. Length of pretrial detention, by form of release or detention, and most serious offense charged, October 1, 1998 - September 30, 1999**

Most serious offense charged	Among defendants detained for any time prior to case disposition, the average number of days detained <sup>a</sup>					
	Released on—				Not released	
	Financial conditions	Unsecured bond <sup>b</sup>	Personal recognizance	Conditional release	Financial condition	Detained by court
<b>All offenses</b>	26.1 days	34.5 days	42.5 days	71.4 days	83.9 days	107.1 days
<b>Violent offenses</b>	23.3 days	39.4 days	39.5 days	85.6 days	104.2 days	137.9 days
Murder <sup>c</sup>	—	73.8	61.5	—	—	220.2
Negligent manslaughter	...	—	—	...	...	—
Assault	16.6	38.3	34.1	108.4	102.3	133.2
Robbery	23.1	36.5	33.4	99.3	102.2	125.6
Sexual abuse <sup>c</sup>	—	27.1	28.7	—	...	106.2
Kidnaping	—	26.2	69.6	—	—	231.9
Threats against the President	...	—	—	...	—	179.6
<b>Property offenses</b>	26.6 days	33.1 days	37.1 days	110.2 days	89.0 days	89.4 days
<b>Fraudulent</b>	25.9 days	31.3 days	36.9 days	140.7 days	103.1 days	85.3 days
Embezzlement	38.7	44.0	23.0	135.0	—	85.6
Fraud <sup>c</sup>	26.4	32.6	40.8	188.8	128.3	85.5
Forgery	31.3	11.5	65.5	...	—	69.2
Counterfeiting	18.2	28.1	29.9	38.2	54.4	86.1
<b>Other</b>	30.3 days	39.9 days	37.5 days	52.2 days	45.1 days	106.9 days
Burglary	—	54.7	66.2	...	—	72.5
Larceny <sup>c</sup>	34.4	37.2	32.7	63.9	50.4	74.2
Motor vehicle theft	28.1	33.3	38.9	—	—	192.7
Arson and explosives	3.4	86.5	35.0	...	—	183.4
Transportation of stolen property	45.4	8.2	41.3	—	—	52.8
Other property offenses <sup>c</sup>	—	3.0	29.3	...	...	—
<b>Drug offenses</b>	27.4 days	35.9 days	48.3 days	70.4 days	93.3 days	127.1 days
Trafficking	28.0	36.3	49.7	71.5	95.2	128.4
Other drug offenses	21.3	29.1	23.3	52.4	64.2	110.6
<b>Public-order offenses</b>	21.7 days	30.0 days	37.3 days	61.5 days	73.6 days	77.6 days
<b>Regulatory</b>	21.5 days	29.5 days	18.9 days	72.2 days	66.8 days	73.5 days
<b>Other</b>	21.8 days	30.1 days	40.2 days	58.7 days	73.9 days	77.8 days
Weapons	28.1	35.3	63.8	113.2	88.0	110.0
Immigration offenses	18.2	20.2	18.6	51.9	70.1	67.0
Tax law violations <sup>c</sup>	22.1	24.5	2.5	...	—	84.5
Bribery	4.3	91.0	...	...	...	—
Perjury, contempt, and intimidation	42.1	41.8	24.5	—	—	113.6
National defense	...	16.5	13.0	...	...	119.9
Escape	37.7	49.7	25.7	—	—	64.2
Racketeering and extortion	27.8	56.7	97.4	108.3	52.3	188.4
Gambling	—	15.5	2.0	...	...	—
Liquor offenses	...	...	...	...	...	...
Nonviolent sex offenses	14.1	16.3	38.8	4.0	—	106.5
Obscene material <sup>c</sup>	—	23.7	9.0	...	...	—
Migratory birds	...	...	...	...	...	—
All other offenses <sup>c</sup>	7.8	20.7	15.3	52.5	—	46.8

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>Data describe 65,559 defendants who terminated pretrial services during fiscal year 1999. 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.

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

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

## Chapter notes

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1) All tables in chapter 3 were created from data in the Pretrial Services Information Act System data base, which is maintained by the Pretrial Services Agency (PSA) within the AOUSC. The data describe 65,559 defendants who terminated pretrial services during October 1, 1998, through September 30, 1999, and whose cases were filed by complaint, indictment, or information. In these tables, the totals (e.g., "all offenses") included records whose offense or other attributes were missing or indeterminable. The percentage distributions were based on nonmissing values, and missing values were reported in a separate row or in a footnote.

Offenses in the PSA are based on the most serious charged offense, as determined by the probation officer responsible for the interview with the defendant. The probation officer classifies the major offense charged into AOUSC four-digit offense codes. For defendants charged with more than one offense on an indictment, the probation officer chooses as the 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 1.

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

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

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

# Adjudication

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**Discussion** ..... **53**

**Tables**

*October 1, 1998 – September 30, 1999*

4.1. Defendants in cases commenced, by offense ..... 55

4.2. Disposition of cases terminated, by  
offense ..... 56

4.3. Time from filing to disposition of cases  
terminated ..... 57

4.4. Dispositions by U.S. magistrates ..... 58

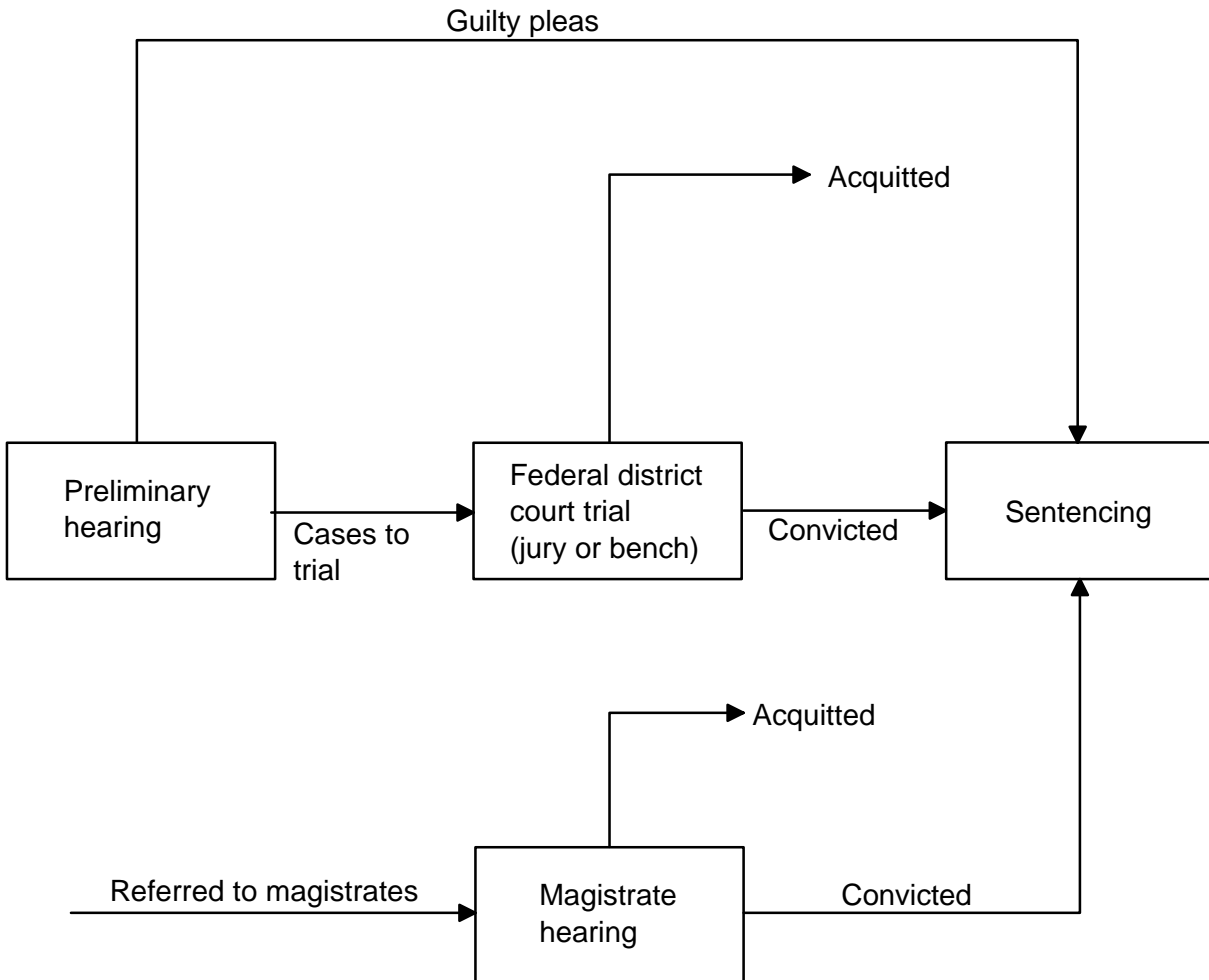
4.5. Characteristics of convicted offenders ..... 59

**Chapter notes** ..... **60**

# Chapter 4

## Adjudication

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

**Defendants in cases filed (table 4.1)**

During 1999, 80,031 defendants had criminal charges filed against them in U.S. district courts, and 67,442 (84%) of those defendants were charged with felonies. The 29,306 drug felony defendants comprised 37% of all criminal defendants in cases filed and 43% of all felony defendants. Felony property and public-order defendants comprised 19% and 26%, respectively, of all defendants in cases filed. The 12,474 misdemeanor defendants constituted 16% of all defendants in cases filed; 40% of those misdemeanor defendants were charged with traffic violations.

**Defendants in cases terminated (table 4.2)**

Cases were terminated against 75,723 defendants during 1999, 62,839 (91%) of whom were felony defendants. During 1999, the 27,008 drug-related felony defendants comprised nearly 36% of all defendants in cases terminated and 43% of all felony defendants.

Eighty-seven percent of all defendants, 91% of all felony defendants and 71% of misdemeanor defendants were convicted. For major felony offense categories, conviction rates remained around 90%. Within major offense categories, however, the conviction rates varied more widely. For example, within the violent offense category, the conviction rates ranged from 71% for those found guilty of making threats against the President, to 95% for robbery. Within the public-order category, the conviction rate

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

ranged from 60% for civil rights violations to 96% for tax law violations and 98% for antitrust offenses.

Most defendants who were convicted pleaded guilty (figure 4.1). Overall, over 94% of those convicted pleaded guilty, while only 5% were convicted at trial. For felony offenses, 95% pleaded guilty to their charges. For the major felony offense categories, guilty pleas were registered for 90% of violent offenders, 95% of drug offenders, and 96% each for public-order and property offenders.

During 1999, 4,352 defendants exercised their right to a trial. A higher percentage of violent offenders went to trial than drug, property, and public-order offenders. Ten percent of violent offenders went to trial as compared with 5% of both property and public-order offenders, and 7% of drug offenders.

Of defendants who exercised their right to a trial, 3,236 (74%) were convicted either by a jury or a bench trial. The felony trial conviction rate was 82%, while the misdemeanor

conviction rate was 44%. Among felony offenses, trial conviction rates ranged from 77% for property defendants to 85% for drug defendants. Violent and public-order offenders fell in between, as about 80% were convicted at trial for each respectively.

**Case processing times (table 4.3)**

The data in table 4.3 cover the interval from the time a case is filed in U.S. district court through sentencing for those convicted as well as the interval from case filing through disposition for those not convicted, or those whose cases are dismissed. Title I of the Speedy Trial Act of 1974, as amended, sets time requirements for processing criminal cases in Federal courts. Except for certain exclusions, indictment must occur within 30 days of arrest; defendants are guaranteed at least 30 days to prepare for trial; and the Government must be ready for trial within 70 days. The Speedy Trial Act does not specify an interval from trial to sentencing,<sup>2</sup> and the time limits set by the act exclude several enumerated periods of pretrial procedure such as time spent awaiting rulings on motions.<sup>3</sup> 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 9.2 months. For felony defendants, the overall processing time average was 9.8 months; for those charged with misdemeanor crimes, the average processing time was 5.8 months. Defendants who pleaded guilty were processed, on average, 4 months quicker than defendants who went to trial (figure 4.2). Overall, defendants whose cases were ultimately dismissed took

<sup>2</sup>The 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.)

<sup>3</sup>18 U.S.C. 3161 et. seq.



Figure 4.1. Disposition of cases terminating during October 1, 1998 - September 30, 1999

longest to process (16 months), on average. Among major felony offense categories, case processing times were similar to the overall pattern, except for violent offenses. Defendants convicted of violent offenses took a greater amount of time for trial (13 months), on average, than for dismissal (10.6 months).

**Convictions by U.S. magistrates (table 4.4)**

During 1999 U.S. magistrates disposed of 12,019 misdemeanor criminal defendants, 71% of whom were convicted. Public-order offenders comprised 58% of the defendants disposed by U.S. magistrates, with property offenders comprising another 29%. Drug offenses comprised a little over 11% of U.S. magistrates' cases.

**Characteristics of convicted defendants (table 4.5)**

Among defendants convicted, there were over 5 times as many men as women (85% versus 16%); over twice as many whites as blacks (67% versus 28%); and almost twice as many non-Hispanics as Hispanics (61% versus 39%). Most were U.S. citizens (66%), had graduated high school or completed some higher education (55%), and had some criminal history (55%). Persons over the age of 30 represented 55% of defendants.

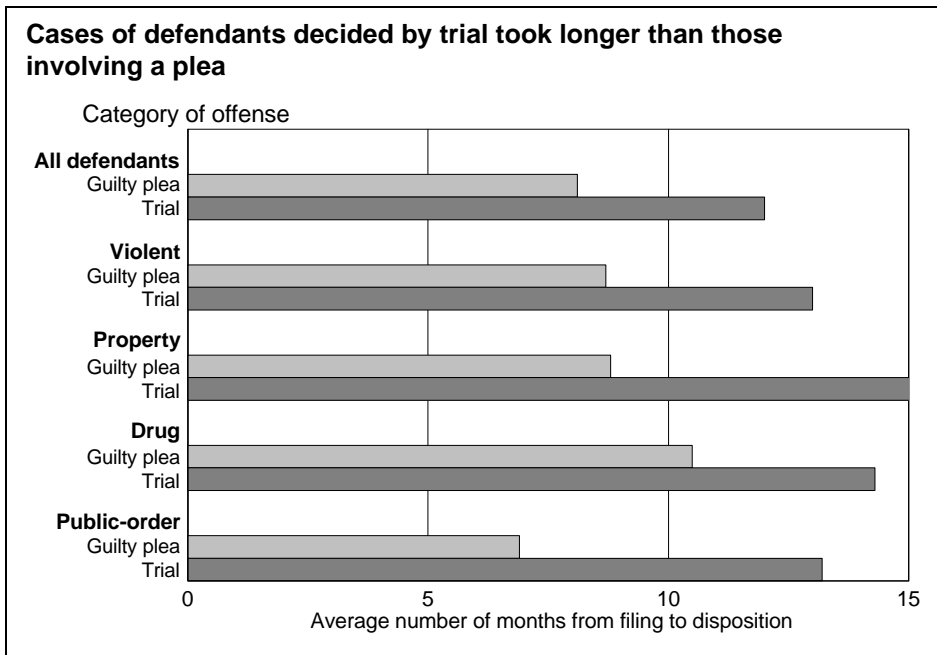


Figure 4.2. Average time from filing to disposition of cases terminating during October 1, 1998 - September 30, 1999, by offense

**Table 4.1. Defendants in cases commenced, by offense, October 1, 1998 - September 30, 1999**

Most serious offense charged	Defendants in cases commenced during 1999	
	Number	Percent <sup>a</sup>
<b>All offenses</b>	80,031	100%
<b>Felonies</b>	67,442	84.3%
<b>Violent offenses</b>	2,976	3.7%
Murder <sup>b</sup>	483	0.6
Negligent manslaughter	2	—
Assault	316	0.4
Robbery	1,642	2.1
Sexual abuse <sup>b</sup>	333	0.4
Kidnaping	183	0.2
Threats against the President	17	—
<b>Property offenses</b>	14,779	18.5%
<b>Fraudulent</b>	12,028	15.0%
Embezzlement	1,100	1.4
Fraud <sup>b</sup>	9,158	11.4
Forgery	144	0.2
Counterfeiting	1,626	2.0
<b>Other</b>	2,751	3.4%
Burglary	88	0.1
Larceny <sup>b</sup>	1,777	2.2
Motor vehicle theft	201	0.3
Arson and explosives	266	0.3
Transportation of stolen property	353	0.4
Other property offenses <sup>b</sup>	66	0.1
<b>Drug offenses</b>	29,306	36.6%
Trafficking	27,296	34.1
Possession and other drug offenses	2,010	2.5
<b>Public-order offenses</b>	20,381	25.5%
<b>Regulatory</b>	1,245	1.6%
Agriculture	92	0.1
Antitrust	45	0.1
Food and drug	38	—
Transportation	137	0.2
Civil rights	104	0.1
Communications	19	—
Custom laws	87	0.1
Postal laws	39	—
Other regulatory offenses	684	0.9
<b>Other</b>	19,136	23.9%
Weapons	4,924	6.2
Immigration offenses	10,550	13.2
Tax law violations <sup>b</sup>	661	0.8
Bribery	186	0.2
Perjury, contempt, and intimidation	317	0.4
National defense	69	0.1
Escape	589	0.7
Racketeering and extortion	997	1.2
Gambling	29	—
Liquor offenses	3	—
Nonviolent sex offenses	582	0.7
Obscene material <sup>b</sup>	10	—
Traffic offenses	27	—
Migratory birds	1	—
All other felonies <sup>b</sup>	191	0.2
<b>Misdemeanors<sup>b</sup></b>	12,474	15.6%
Fraudulent property offenses	1,376	1.7
Larceny	1,839	2.3
Drug possession <sup>b</sup>	1,381	1.7
Immigration	804	1.0
Traffic offenses	4,974	6.2
Other misdemeanors	2,100	2.6
<b>Unknown or indeterminable offense</b>	115	

Note: For further information, see *Chapter notes*, item 1, p. 60.

—Less than .05%.

<sup>a</sup>Percent distribution based on defendants whose categories could be determined.

<sup>b</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property

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

**Table 4.2. Disposition of cases terminating from October 1, 1998 - September 30, 1999, by offense**

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in cases terminating during 1999 who were—								
			Convicted					Not convicted			
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial	
			Jury	Non-jury			Jury <sup>a</sup>	Non-jury			
<b>All offenses</b>	75,723	87.2%	66,055	62,404	415	2,733	503	9,668	8,552	563	553
<b>Felonies</b>	62,839	90.5%	56,865	53,973	32	2,690	170	5,974	5,332	547	95
<b>Violent offenses</b>	3,093	89.9%	2,781	2,513	5	238	25	312	243	60	9
Murder <sup>b</sup>	461	83.1	383	324	0	50	9	78	56	18	4
Assault	383	84.1	322	291	1	25	5	61	44	15	2
Robbery	1,676	94.7	1,587	1,468	4	107	8	89	79	10	0
Sexual abuse <sup>b</sup>	354	87.3	309	274	0	32	3	45	32	12	1
Kidnaping	191	83.8	160	137	0	23	0	31	29	1	1
Threats against the President	28	71.4	20	19	0	1	0	8	3	4	1
<b>Property offenses</b>	14,055	90.4%	12,712	12,144	8	536	24	1,343	1,183	128	32
<b>Fraudulent</b>	11,587	90.6%	10,493	10,032	7	433	21	1,094	962	111	21
Embezzlement	1,103	91.7	1,012	981	0	30	1	91	79	6	6
Fraud <sup>b</sup>	8,755	90.1	7,892	7,507	7	362	16	863	756	93	14
Forgery	151	90.7	137	134	0	3	0	14	13	0	1
Counterfeiting	1,578	92.0	1,452	1,410	0	38	4	126	114	12	0
<b>Other</b>	2,468	89.9%	2,219	2,112	1	103	3	249	221	17	11
Burglary	84	91.7	77	75	0	2	0	7	6	1	0
Larceny <sup>b</sup>	1,560	90.5	1,412	1,376	0	36	0	148	134	6	8
Motor vehicle theft	158	88.6	140	134	0	4	2	18	16	1	1
Arson and explosives	241	88.4	213	178	1	33	1	28	20	7	1
Transportation of stolen property	370	88.9	329	302	0	27	0	41	38	2	1
Other property offenses <sup>b</sup>	55	87.3	48	47	0	1	0	7	7	0	0
<b>Drug offenses</b>	27,008	89.9%	24,275	22,956	11	1,258	50	2,733	2,502	202	29
Trafficking	25,334	89.8	22,748	21,525	11	1,167	45	2,586	2,367	192	27
Possession and other drug offenses	1,674	91.2	1,527	1,431	0	91	5	147	135	10	2
<b>Public-order offenses</b>	18,683	91.5%	17,097	16,360	8	658	71	1,586	1,404	157	25
<b>Regulatory</b>	1,306	83.7%	1,093	1,032	2	57	2	213	177	32	4
Agriculture	121	76.0	92	85	2	5	0	29	25	4	0
Antitrust	41	97.6	40	33	0	7	0	1	0	1	0
Food and drug	26	96.2	25	25	0	0	0	1	1	0	0
Transportation	92	83.7	77	67	0	8	2	15	11	4	0
Civil rights	126	60.3	76	65	0	11	0	50	31	19	0
Communications	22	81.8	18	17	0	1	0	4	3	0	1
Custom laws	101	84.2	85	84	0	1	0	16	13	1	2
Postal laws	41	80.5	33	32	0	1	0	8	8	0	0
Other regulatory offenses	736	87.9	647	624	0	23	0	89	85	3	1
<b>Other</b>	17,377	92.1%	16,004	15,328	6	601	69	1,373	1,227	125	21
Weapons	4,087	88.6	3,623	3,269	0	327	27	464	394	61	9
Immigration offenses	9,759	95.4	9,306	9,215	1	73	17	453	426	23	4
Tax law violations <sup>b</sup>	635	95.7	608	567	1	39	1	27	23	4	0
Bribery	202	87.6	177	170	0	6	1	25	20	5	0
Perjury, contempt, and intimidation	348	86.2	300	260	3	31	6	48	32	14	2
National defense	70	68.6	48	44	0	4	0	22	22	0	0
Escape	585	76.1	445	434	1	7	3	140	136	1	3
Racketeering and extortion	1,099	88.7	975	865	0	101	9	124	105	17	2
Gambling	20	90.0	18	15	0	3	0	2	2	0	0
Liquor offenses	1	—	0	0	0	0	0	1	1	0	0
Nonviolent sex offenses	432	91.0	393	384	0	8	1	39	38	0	1
Obscene material <sup>b</sup>	13	69.2	9	8	0	1	0	4	4	0	0
Traffic offenses	29	93.1	27	23	0	1	3	2	2	0	0
Migratory birds	1	—	1	1	0	0	0	0	0	0	0
All other felonies <sup>b</sup>	96	77.1	74	73	0	0	1	22	22	0	0
<b>Misdemeanors<sup>b</sup></b>	12,793	71.2%	9,115	8,365	383	40	327	3,678	3,207	16	455
Fraudulent property offense	1,418	92.1	1,306	1,296	7	2	1	112	110	1	1
Larceny	1,848	59.6	1,102	1,008	52	7	35	746	720	3	23
Drug possession <sup>b</sup>	1,344	74.8	1,005	971	14	10	10	339	331	1	7
Immigration	794	97.4	773	772	1	0	0	21	21	0	0
Traffic offenses	5,298	65.1	3,449	2,988	263	4	194	1,849	1,456	1	392
Other misdemeanors	2,091	70.8	1,480	1,330	46	17	87	611	569	10	32
<b>Unknown or indeterminable offense</b>	91	82.4%	75	66	0	3	6	16	13	0	3

Note: For further information, see *Chapter notes*, item 1, p. 60.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes mistrials.

<sup>b</sup>In 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 cases terminating from October 1, 1998 - September 30, 1999, by offense**

Most serious offense charged	Average time from filing to disposition for defendants in cases resulting in—			
	All outcomes	Dismissal <sup>a</sup>	Guilty plea	Trial <sup>b</sup>
<b>All offenses</b>	9.2 mo	16.0 mo	8.1 mo	12.0 mo
<b>Felonies</b>	9.8 mo	16.6 mo	8.9 mo	14.2 mo
<b>Violent offenses</b>	9.3 mo	10.6 mo	8.7 mo	13.0 mo
Murder <sup>c</sup>	11.6	11.4	10.4	16.6
Assault	8.2	11.7	7.7	8.1
Robbery	8.3	9.1	7.9	12.7
Sexual abuse <sup>c</sup>	8.9	11.3	8.3	11.3
Kidnaping	15.8	10.4	16.8	16.1
Threats against the President	7.8	—	7.5	—
<b>Property offenses</b>	9.7 mo	16.0 mo	8.8 mo	15.9 mo
<b>Fraudulent</b>	9.7 mo	15.5 mo	8.8 mo	15.9 mo
Embezzlement	7.0	9.3	6.4	15.5
Fraud <sup>c</sup>	10.4	16.6	9.4	16.3
Forgery	11.2	25.9	9.3	—
Counterfeiting	7.8	11.2	7.4	11.3
<b>Other</b>	9.9 mo	18.1 mo	8.7 mo	15.9 mo
Burglary	6.4	—	6.6	—
Larceny <sup>c</sup>	8.9	15.8	8.0	15.8
Motor vehicle theft	9.9	15.1	9.2	—
Arson and explosives	12.8	14.4	11.4	17.9
Transportation of stolen property	13.0	32.2	10.3	15.9
Other property offenses <sup>c</sup>	8.3	—	7.8	—
<b>Drug offenses</b>	11.4 mo	18.9 mo	10.5 mo	14.3 mo
Trafficking	11.5	19.4	10.5	14.5
Possession and other drug offenses	10.3	10.3	10.2	12.3
<b>Public-order offenses</b>	7.8 mo	14.1 mo	6.9 mo	13.2 mo
<b>Regulatory</b>	10.9 mo	20.3 mo	9.0 mo	16.5 mo
Agriculture	9.6	12.3	8.4	—
Antitrust	13.8	...	11.1	—
Food and drug	8.6	—	8.7	—
Transportation	9.3	5.3	7.1	—
Civil rights	13.3	16.4	12.6	11.8
Communications	10.2	—	6.0	—
Custom laws	12.1	9.7	11.7	—
Postal laws	5.8	—	5.9	—
Other regulatory offenses	11.0	29.5	8.6	14.6
<b>Other</b>	7.5 mo	13.2 mo	6.8 mo	12.8 mo
Weapons	9.8	11.0	9.5	11.5
Immigration offenses	4.5	8.9	4.2	10.3
Tax law violations <sup>c</sup>	11.9	26.6	10.9	17.1
Bribery	12.1	24.3	10.7	14.4
Perjury, contempt, and intimidation	11.2	9.5	11.2	12.5
National defense	19.2	30.6	15.5	—
Escape	15.9	31.3	12.8	12.4
Racketeering and extortion	16.0	18.9	15.2	18.7
Gambling	6.8	—	7.3	—
Liquor offenses	—	—	...	...
Nonviolent sex offenses	8.9	11.4	8.7	—
Obscene material <sup>c</sup>	8.1	—	—	—
Traffic offenses	4.9	—	4.7	—
Migratory birds	—	...	—	...
All other felonies <sup>c</sup>	6.9	5.5	7.3	—
<b>Misdemeanors<sup>c</sup></b>	5.8 mo	15.1 mo	2.7 mo	2.6 mo
Fraudulent property offense	3.3	11.4	2.6	—
Larceny	5.1	6.3	4.3	5.6
Drug possession <sup>c</sup>	5.0	8.9	3.5	9.5
Immigration	0.6	6.1	0.4	...
Traffic offenses	7.8	24.0	1.8	0.5
Other misdemeanors	5.4	7.8	4.1	8.6
<b>Unknown or indeterminable offense</b>	5.6 mo	5.9 mo	5.8 mo	—

Note: Interval from filing to disposition includes periods which may be excluded under the Speedy Trial Act of 1974 (18 U.S.C. § 3161, et seq.). See *Chapter notes*, item 1, p. 60.

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>Includes nolle prosequi, deferred prosecution, Narcotics Addicts Rehabilitation Act (NARA) Titles I and II, and all dismissals.

<sup>b</sup>Includes mistrials.

<sup>c</sup>In this table, "Murder" includes nonnegligent manslaughter;

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

**Table 4.4. Dispositions by U.S. magistrates, October 1, 1998 - September 30, 1999**

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrates			
	Total	Convicted	Not convicted	Percent convicted
<b>All offenses<sup>a</sup></b>	12,019	8,566	3,453	71.3%
<b>Violent offenses<sup>b</sup></b>	248	165	83	66.5%
Murder <sup>c</sup>	6	4	2	—
Assault	230	152	78	66.1
Sexual abuse <sup>c</sup>	12	9	3	75.0
<b>Property offenses</b>	3,438	2,547	891	74.1%
<b>Fraudulent</b>	1,462	1,360	102	93.0%
Embezzlement	280	254	26	90.7
Fraud <sup>c</sup>	1,131	1,059	72	93.6
Forgery	42	38	4	90.5
Counterfeiting	9	9	0	—
<b>Other</b>	1,976	1,187	789	60.1%
Burglary	10	6	4	—
Larceny <sup>c</sup>	1,803	1,084	719	60.1
Motor vehicle theft	1	1	0	—
Arson and explosives	6	5	1	—
Other property offenses <sup>c</sup>	156	91	65	58.3
<b>Drug offenses</b>	1,328	996	332	75.0%
Trafficking	75	64	11	85.3
Possession	1,251	930	321	74.3
Other drug offenses	2	2	0	—
<b>Public-order offenses</b>	7,004	4,858	2,146	69.4%
<b>Regulatory</b>	516	408	108	79.1%
Agriculture	112	97	15	86.6
Fair labor standards	25	24	1	96.0
Food and drug	23	23	0	100
Motor carrier	2	2	0	—
Other regulatory offenses	354	262	92	74.0
<b>Other</b>	6,488	4,450	2,038	68.6%
Weapons	86	46	40	53.5
Immigration offenses	547	534	13	97.6
Tax law violations <sup>c</sup>	77	75	2	97.4
Bribery	9	9	0	—
Perjury	2	0	2	—
National defense	26	22	4	84.6
Escape	51	33	18	64.7
Racketeering and extortion	4	3	1	—
Gambling	5	5	0	—
Nonviolent sex offenses	3	2	1	—
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	5,215	3,420	1,795	65.6
Migratory birds	10	9	1	—
All other offenses <sup>c</sup>	453	292	161	64.5
<b>Missing or indeterminable offense</b>	1	0	1	—

Note: Data in this table are not directly comparable to data in the 1993 and prior compendia; see *Chapter notes*, item 1, p. 60.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes suspects for whom offense category could not be determined.

<sup>b</sup>May include some nonviolent offenses.

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

**Table 4.5. Characteristics of convicted offenders, October 1, 1998 - September 30, 1999**

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders							
		All offenses <sup>a</sup>	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
				Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>b</sup></b>	66,055	66,055	2,715	10,203	2,029	23,476	1,410	16,031	10,118
<b>Male/female</b>									
Male	48,092	84.5%	91.0%	73.3%	73.8%	85.9%	75.0%	94.1%	73.7%
Female	8,844	15.5	9.0	26.7	26.2	14.1	25.0	5.9	26.3
<b>Race</b>									
White	37,566	67.4%	45.8%	62.8%	62.5%	64.5%	76.2%	79.0%	64.7%
Black	15,423	27.7	33.1	31.4	30.0	33.3	18.3	17.4	24.7
Native American	959	1.7	18.4	0.9	4.0	0.7	0.9	0.8	1.9
Asian/Pacific Islander	1,544	2.8	2.2	4.3	3.1	1.2	4.2	2.4	8.1
Other	223	0.4	0.4	0.5	0.4	0.3	0.3	0.5	0.5
<b>Ethnicity</b>									
Hispanic	21,892	38.7%	9.5%	15.2%	9.1%	42.6%	36.0%	60.1%	27.2%
Non-Hispanic	34,642	61.3	90.5	84.8	90.9	57.4	64.0	39.9	72.8
<b>Age</b>									
16-18 years	459	0.8%	1.6%	0.1%	0.5%	0.9%	0.9%	0.6%	2.3%
19-20 years	2,695	4.9	8.9	2.7	4.8	5.3	3.9	4.3	8.4
21-30 years	21,531	39.3	39.2	29.0	32.1	44.5	27.7	41.0	35.6
31-40 years	16,556	30.2	29.0	30.6	31.5	29.6	29.8	32.2	25.8
Over 40 years	13,548	24.7	21.2	37.5	31.2	19.7	37.6	22.0	27.8
<b>Citizenship</b>									
U.S. citizen	36,975	65.7%	93.9%	82.6%	92.8%	68.7%	68.2%	41.5%	69.0%
Not U.S. citizen	19,267	34.3	6.1	17.4	7.2	31.3	31.8	58.5	31.0
<b>Education</b>									
Less than high school graduate	23,442	44.8%	39.6%	22.8%	29.0%	50.8%	34.0%	59.7%	27.1%
High school graduate	15,746	30.1	37.7	30.5	36.3	31.1	29.4	23.4	39.0
Some college	9,632	18.4	18.7	30.0	26.8	15.4	22.2	11.9	24.3
College graduate	3,507	6.7	4.0	16.8	7.9	2.7	14.5	5.0	9.6
<b>Criminal record</b>									
No convictions	25,794	45.3%	31.3%	57.0%	49.1%	45.5%	71.5%	30.2%	65.7%
Prior adult convictions <sup>c</sup>	31,186	54.7	68.7	43.0	50.9	54.5	28.5	69.8	34.3

Note: Offender characteristics are not comparable with the 1993 and prior compendia; see *Chapter notes*, item 2, p. 60. Offenders are classified by the most serious offense charged.

<sup>a</sup>Includes defendants for whom offense categories could not be determined.

<sup>b</sup>Includes offenders for whom these characteristics could not be determined.

<sup>c</sup>See *Chapter notes*, item 3, p. 60.

## Chapter notes

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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, 1998, through September 30, 1999, 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 and offenses.

3) A criminal record, as reported in

table 4.5, is limited to prior adult convictions. For some defendants in this table, it is further limited to the portion that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within a 15-year period prior to the current offense and offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges includes their entire adult criminal history.



**Discussion** ..... **63**

**Tables**

*October 1, 1998 – September 30, 1999*

5.1. Sentence types in cases terminated,  
by offense ..... 67

5.2. Type and length of sentences imposed,  
by offense ..... 68

5.3. Sentences imposed on convicted  
offenders, by offense of conviction  
and method of disposition ..... 69

5.4. Convicted offenders sentenced to  
incarceration, by offense and offender  
characteristics ..... 70

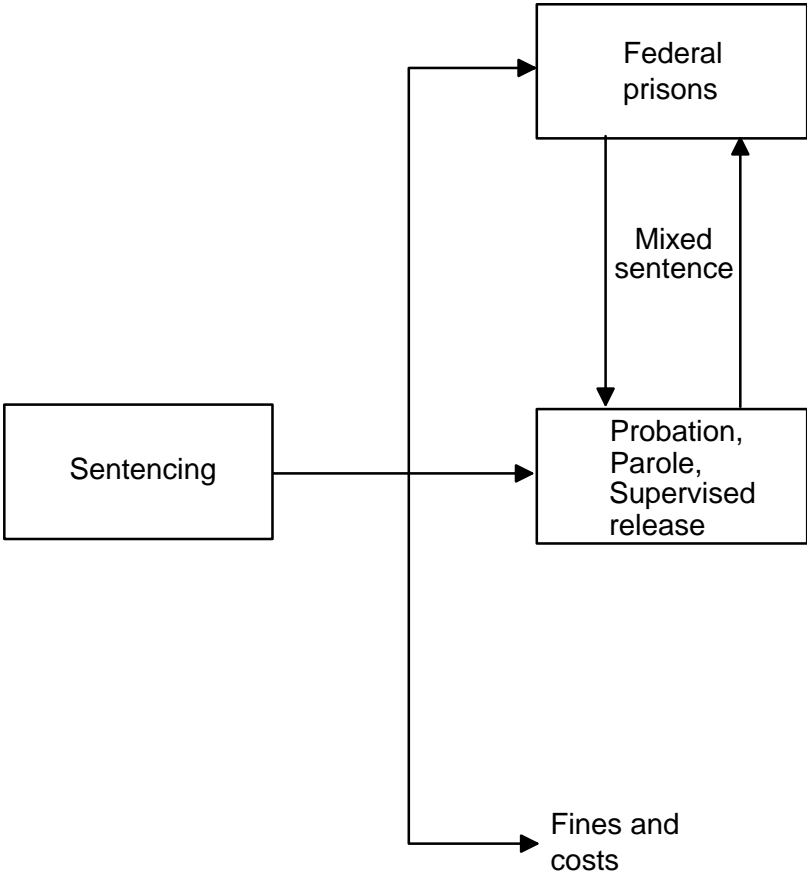
5.5. Average incarceration sentence lengths  
imposed, by offense and offender  
characteristics ..... 71

5.6. Median incarceration sentence lengths  
imposed, by offense and offender  
characteristics ..... 72

**Chapter notes** ..... **73**

**Sentencing**

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

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

**Offenders convicted and sentences imposed (table 5.1)**

Of the 66,055 offenders sentenced during 1999, 47,659 (72%) were sentenced to prison; 12,977 (20%) were sentenced to probation; and 3,148 (5%) were ordered to pay only a fine. (Offenders given an intermediate sanction such as intermittent confinement or community confinement that also included probation supervision are counted among offenders given probation.) Of the 47,659 offenders sentenced to prison, 46,070 (97%) were convicted of felonies, and 83% of convicted felons were sentenced to prison. Felony drug and violent offenders were more likely to receive prison sentences (92% and 91% respectively) than were either property (59%) or public-order (84%) offenders (figure 5.1).

Among public-order offenders, persons convicted of weapons (93%), immigration offenses (90%), and escape (91%) were almost as likely to receive prison sentences as were violent and drug offenders.

Among property offenders, persons convicted of arson or the use of

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

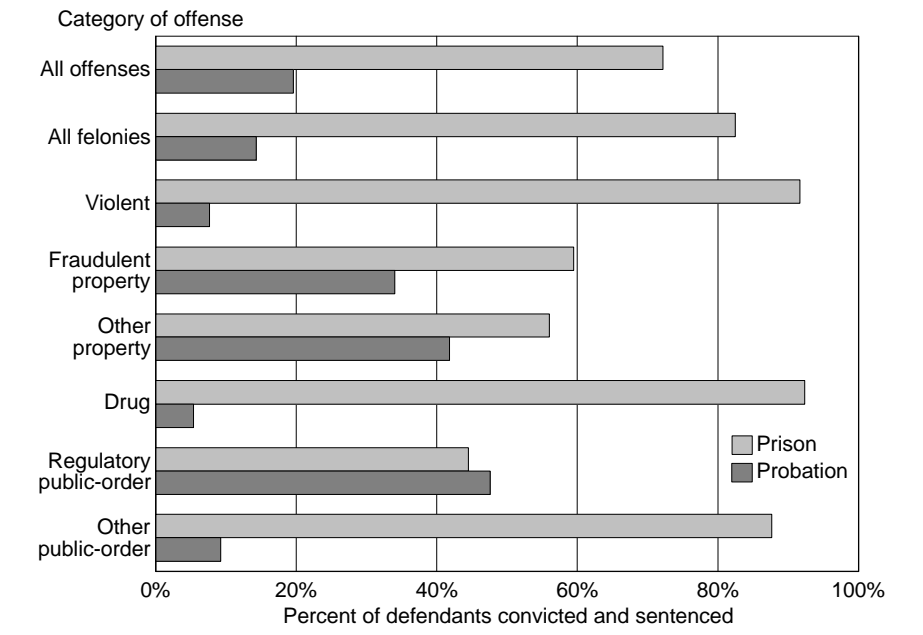


Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated during October 1, 1998 - September 30, 1999

explosives (82%) were the most likely to receive prison sentences.

Overall, 20% of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (49%) was three times that of convicted felons (14%). Among felons, persons convicted of postal law violations were the most likely to be given probation (91%) followed by persons convicted of communication (65%) and agriculture (64%) violations.

While less than 1% of all convicted felons were ordered to only pay a fine, 31% of the felons convicted of anti-trust violations were so ordered. Fines generally were reserved for misdemeanor offenders, 28% of whom received fines.

**Average prison sentences imposed (table 5.2)**

For all offenders given prison terms, the average term of imprisonment imposed was 57.8 months. Persons

convicted of felonies received an average prison term of 59.4 months.

The average length of prison sentence imposed varied among major offense categories (figure 5.2). Property offenders received the shortest sentence, on average, while violent offenders received the longest (24.0 months compared to 87.7 months). Drug offenders received 75.4 months, on average, and public-order offenders received 48.7 months. The average prison term for public-order offenders was primarily attributable to sentences imposed for weapons offenders. The 3,191 weapons offenders sentenced to prison comprised 22% of the 14,683 public-order offenders sent to prison; weapons offenders received an average prison term of 98.7 months, and public-order offenders other than weapons offenders received an average prison term of 34.8 months.

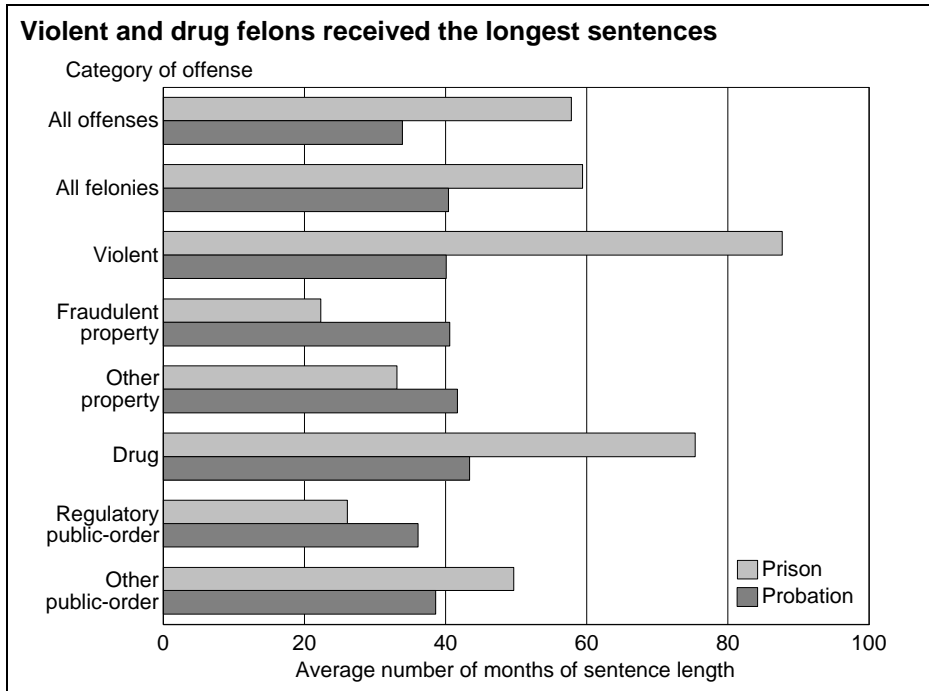


Figure 5.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases that terminated during October 1, 1998 - September 30, 1999

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

Offenders convicted by plea were less likely to receive prison sentences than those convicted at trial. Seventy-two percent of the offenders convicted by guilty plea received some prison time, while 85% of the offenders convicted at trial received prison sentences.

For violent offenders, 91% of those convicted by plea received prison sentences, as did 97% of those convicted at trial. For fraudulent property offenders, 58% of those convicted by plea received prison sentences, compared to 84% of those convicted at trial. And, for regulatory public-order offenders, 43% of those convicted by plea went to prison, but 79% of those convicted at trial did.

The average prison term imposed on defendants convicted at trial was longer than the term imposed on defendants convicted by plea. Defendants convicted at trial received 155.4 months, on average, while those convicted by plea received an average of

52.3 months (figure 5.3). Drug offenders convicted at trial received an average of 209.7 months as compared to the 67.9 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 163.4 months as compared to the 80.6 months for those convicted by plea.

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

The majority of persons convicted during 1999 were male (84%), white (67%), non-Hispanic (58%), and U.S. citizens (66%). (Percents were calculated from numbers in table 5.4.) The percentage sentenced to prison was not uniform across all categories of age, race, sex, education, and ethnicity. Similarly, the average sentences imposed were not uniform across these categories (table 5.5). However, conclusions about the effect that characteristics may have had on sentencing cannot be drawn from the aggregate patterns in the data. Such an assessment would require detailed information for each category showing the

presence or absence of factors that are legally intended to affect sentencing, such as offense severity, weapon use, role in the offense, victim injury, dollar loss, and so forth.

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

Average sentences imposed were longest for males (60.5 months), blacks (86.8 months), non-Hispanics (67.2 months), and U.S. citizens (67.2 months). These longer terms are due in large part because these categories of offenders (males, blacks, non-Hispanics, and U.S. citizens) are more highly concentrated in the offense types (table 5.4) that also are associated with longer average sentences (table 5.2). For example, incarceration rates for blacks exceed those of whites in the violent, drug, as well as regulatory and nonregulatory public-order offense categories. These offenses are associated with longer average sentences (table 5.2, figure 5.2) than are property offenses or misdemeanors — the categories in which whites' incarceration rates exceed those of blacks. In general, within categories of offender characteristics, average prison terms were longer for violent and drug offenses than for property and regulatory public-order offenses. These two offense categories generally are considered to be more serious under the Federal sentencing guidelines than are property and regulatory public-order offenses. As a result, for aggregate tables like the ones presented in this chapter, persons with a certain

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

characteristic may appear to receive more severe sentences on average. The primary reason for the longer averages is the larger number of serious offenses that made up the average sentences.

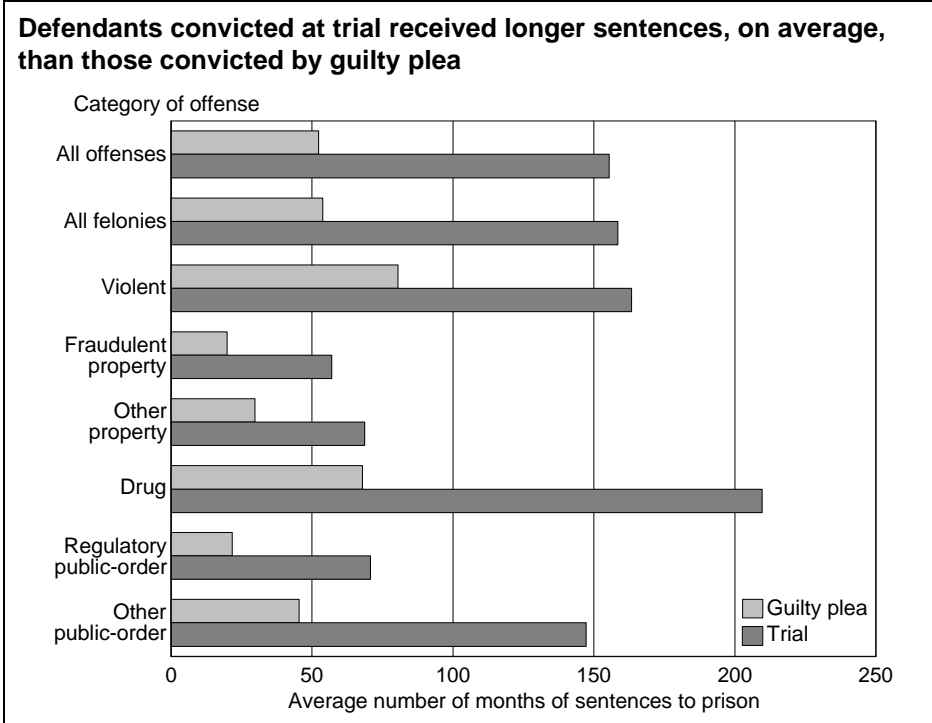


Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea, October 1, 1998 - September 30, 1999

**Table 5.1. Sentence types in cases terminated, by offense, October 1, 1998 - September 30, 1999**

Most serious offense of conviction	Total offenders sentenced <sup>a</sup>	Percent of offenders convicted and sentenced to—			
		Incarceration <sup>b</sup>	Probation <sup>c</sup>	Mixed sentence <sup>d</sup>	Fine (only)
<b>All offenses<sup>e</sup></b>	66,055	72.2%	19.6%	0.9%	4.8%
<b>Felonies</b>	55,864	82.5%	14.3%	0.8%	0.5%
<b>Violent offenses</b>	2,715	91.7%	7.7%	1.0%	0.1%
Murder <sup>f</sup>	296	88.9	8.8	0	0.3
Assault	304	74.7	22.4	1.0	0
Robbery	1,656	96.6	3.7	1.2	0.1
Sexual abuse <sup>f</sup>	299	85.3	14.7	0.7	0
Kidnaping	138	92.0	2.9	0.7	0.7
Threats against the President	22	81.8	18.2	0	0
<b>Property offenses</b>	12,232	58.9%	35.3%	1.2%	1.2%
<b>Fraudulent</b>	10,203	59.5%	34.0%	1.3%	1.3%
Embezzlement	903	51.9	32.1	0.9	2.1
Fraud <sup>f</sup>	7,920	60.5	33.4	1.4	1.4
Forgery	128	41.4	55.5	0	0
Counterfeiting	1,252	60.4	37.0	0.9	0.3
<b>Other</b>	2,029	56.0%	41.8%	0.8%	0.5%
Burglary	76	65.8	34.2	2.6	0
Larceny <sup>f</sup>	1,339	47.9	50.1	0.9	0.5
Motor vehicle theft	139	69.8	25.9	0.7	0
Arson and explosives	168	82.1	14.3	1.2	0.6
Transportation of stolen property	269	72.1	26.0	0	1.1
Other property offenses <sup>f</sup>	38	44.7	55.3	0	0
<b>Drug offenses</b>	23,476	92.4%	5.4%	0.6%	0.2%
Trafficking	21,698	92.7	5.1	0.6	0.1
Possession and other drug offenses	1,778	88.7	9.2	0.6	0.7
<b>Public-order offenses</b>	17,441	84.2%	12.4%	0.9%	0.5%
<b>Regulatory</b>	1,410	44.5%	47.6%	0.4%	3.2%
Agriculture	56	33.9	64.3	1.8	1.8
Antitrust	45	20.0	46.7	0	31.1
Food and drug	42	23.8	59.5	0	14.3
Transportation	73	42.5	53.4	1.4	4.1
Civil rights	75	77.3	24.0	1.3	0
Communications	26	26.9	65.4	0	7.7
Custom laws	102	46.1	45.1	0	4.9
Postal laws	33	9.1	90.9	0	0
Other regulatory offenses	958	46.2	45.8	0.3	1.5
<b>Other</b>	16,031	87.7%	9.3%	1.0%	0.3%
Weapons	3,423	93.2	8.0	2.5	0.1
Immigration offenses	9,357	90.1	4.7	0.3	0.2
Tax law violations <sup>f</sup>	653	52.7	48.2	2.5	0.5
Bribery	165	53.9	46.7	2.4	1.2
Perjury, contempt, and intimidation	274	65.0	30.7	0.7	2.6
National defense	44	54.5	34.1	0	9.1
Escape	496	90.9	7.9	0.8	0
Racketeering and extortion	1,127	84.3	13.8	0.4	0.3
Gambling	24	45.8	54.2	0	0
Nonviolent sex offenses	399	88.0	15.0	3.3	0
Obscene material <sup>f</sup>	10	—	—	—	—
Traffic offenses	22	86.4	9.1	0	4.5
Migratory birds	2	—	—	—	—
All other felonies <sup>f</sup>	35	37.1	60.0	2.9	2.9
<b>Misdemeanors<sup>f</sup></b>	10,118	15.4%	49.2%	0.9%	28.4%
Fraudulent property offense	1,492	21.5	67.0	0.6	3.6
Larceny	1,224	13.2	73.1	0.9	13.6
Drug possession <sup>f</sup>	1,078	24.3	62.5	0.9	5.5
Immigration	1,011	37.2	12.2	0.6	5.1
Traffic offenses	3,543	5.2	32.5	1.0	62.3
Other misdemeanors	1,770	14.2	63.9	1.2	18.9
<b>Unknown or indeterminable offense</b>	73	45.2%	53.4%	1.4%	0

Note: For further information, see *Chapter notes*, item 1, p. 73.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes 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.

<sup>b</sup>All sentences to incarceration, including split, mixed, life, and indeterminate.

<sup>c</sup>Includes offenders with split and mixed sentences.

<sup>d</sup>Sentences to probation combined with incarceration.

<sup>e</sup>Total includes offenders whose sentence could not be determined and defendants for whom offense category could not be determined.

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

**Table 5.2. Type and length of sentences imposed, by offense, October 1, 1998 - September 30, 1999**

Most serious offense of conviction	Offenders convicted and sentenced in cases that terminated during fiscal year 1999							
	Total	Number			Sentence length			
		Incarceration <sup>a</sup>	Probation <sup>b</sup>	Fine (only)	Incarceration <sup>c</sup>		Probation <sup>c</sup>	
				Mean	Median	Mean	Median	
<b>All offenses</b>	66,055	47,659	12,977	3,148	57.8 mo	33.0 mo	33.9 mo	36.0 mo
<b>Felonies</b>	55,864	46,070	7,965	275	59.4 mo	36.0 mo	40.4 mo	36.0 mo
<b>Violent offenses</b>	2,715	2,489	208	3	87.7 mo	60.0 mo	40.1 mo	36.0 mo
Murder <sup>d</sup>	296	263	26	1	87.1	51.0	37.3	36.0
Assault	304	227	68	0	39.8	30.0	34.6	36.0
Robbery	1,656	1,599	62	1	95.5	70.0	41.5	36.0
Sexual abuse <sup>d</sup>	299	255	44	0	73.3	42.0	45.8	60.0
Kidnaping	138	127	4	1	114.1	70.0	—	—
Threats against the President	22	18	4	0	33.3	31.5	—	—
<b>Property offenses</b>	12,232	7,204	4,317	141	24.0 mo	15.0 mo	40.8 mo	36.0 mo
<b>Fraudulent</b>	10,203	6,067	3,469	130	22.3 mo	14.0 mo	40.6 mo	36.0 mo
Embezzlement	903	469	290	19	14.2	8.0	38.7	36.0
Fraud <sup>d</sup>	7,920	4,789	2,645	107	23.5	15.0	41.3	36.0
Forgery	128	53	71	0	20.5	12.0	40.9	36.0
Counterfeiting	1,252	756	463	4	19.9	13.0	37.9	36.0
<b>Other</b>	2,029	1,137	848	11	33.1 mo	18.0 mo	41.7 mo	36.0 mo
Burglary	76	50	26	0	31.3	24.0	44.0	37.5
Larceny <sup>d</sup>	1,339	641	671	7	27.1	13.0	41.6	36.0
Motor vehicle theft	139	97	36	0	27.2	18.0	46.7	48.0
Arson and explosives	168	138	24	1	70.3	57.0	36.5	36.0
Transportation of stolen property	269	194	70	3	31.9	21.0	44.2	36.0
Other property offenses <sup>d</sup>	38	17	21	0	14.3	10.0	33.0	24.0
<b>Drug offenses</b>	23,476	21,694	1,271	45	75.4 mo	51.0 mo	43.4 mo	36.0 mo
Trafficking	21,698	20,117	1,108	32	74.8	48.0	44.5	36.0
Possession and other drug offenses	1,778	1,577	163	13	83.4	60.0	36.1	36.0
<b>Public-order offenses</b>	17,441	14,683	2,169	86	48.7 mo	30.0 mo	37.9 mo	36.0 mo
<b>Regulatory</b>	1,410	627	671	45	26.1 mo	15.0 mo	36.1 mo	36.0 mo
Agriculture	56	19	36	1	19.5	12.0	36.5	25.0
Antitrust	45	9	21	14	—	—	27.4	24.0
Food and drug	42	10	25	6	—	—	34.5	36.0
Transportation	73	31	39	3	20.9	12.0	38.5	36.0
Civil rights	75	58	18	0	59.2	31.0	38.2	36.0
Communications	26	7	17	2	—	—	39.5	36.0
Custom laws	102	47	46	5	18.7	10.0	31.5	36.0
Postal laws	33	3	30	0	—	—	36.6	36.0
Other regulatory offenses	958	443	439	14	23.4	15.0	36.6	36.0
<b>Other</b>	16,031	14,056	1,498	41	49.7 mo	30.0 mo	38.6 mo	36.0 mo
Weapons	3,423	3,191	275	2	98.7	60.0	38.0	36.0
Immigration offenses	9,357	8,427	438	17	30.7	27.0	39.2	36.0
Tax law violations <sup>d</sup>	653	344	315	3	21.0	12.0	37.1	36.0
Bribery	165	89	77	2	18.8	15.0	38.2	36.0
Perjury, contempt, and intimidation	274	178	84	7	43.7	21.0	32.1	36.0
National defense	44	24	15	4	71.0	29.0	34.4	36.0
Escape	496	451	39	0	22.6	15.0	33.1	36.0
Racketeering and extortion	1,127	950	156	3	87.9	57.0	42.0	36.0
Gambling	24	11	13	0	39.9	34.0	36.9	36.0
Nonviolent sex offenses	399	351	60	0	41.6	30.0	45.3	36.0
Obscene material <sup>d</sup>	10	7	3	0	—	—	—	—
Traffic offenses	22	19	2	1	12.7	12.0	—	—
Migratory birds	2	1	0	1	—	—	...	...
All other felonies <sup>d</sup>	35	13	21	1	17.1	13.0	49.9	60.0
<b>Misdemeanors<sup>d</sup></b>	10,118	1,556	4,973	2,873	10.7 mo	4.0 mo	23.3 mo	18.0 mo
Fraudulent property offense	1,492	321	1,000	54	4.6	1.0	30.2	36.0
Larceny	1,224	161	895	167	10.0	6.0	22.3	12.0
Drug possession <sup>d</sup>	1,078	262	674	59	19.7	6.0	22.2	18.0
Immigration	1,011	376	123	52	9.3	4.0	26.8	24.0
Traffic offenses	3,543	184	1,150	2,207	10.6	3.0	14.3	12.0
Other misdemeanors	1,770	252	1,131	334	11.8	6.0	27.7	24.0
<b>Unknown or indeterminable offense</b>	73	33	39	0	61.4 mo	36.0 mo	37.5 mo	36.0 mo

Note: Total includes offenders with an indeterminable sentence and defendants with an indeterminable offense category. Total exceeds sum of individual sanctions, as split and mixed sentences are counted in both prison and probation. See *Chapter notes*, item 1, p. 73.

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

<sup>a</sup>All sentences to incarceration, including split, mixed, life, and indeterminate sentences.

<sup>b</sup>Includes offenders with split and mixed sentences.

<sup>c</sup>Excludes sentences of life, death, and indeterminate sentences (1% of all incarcerations).

<sup>d</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent

sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "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, 1998 - September 30, 1999**

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders in terminated cases convicted and sentenced to—			Offenders sentenced to some incarceration		
		Incarceration <sup>a</sup>	Probation <sup>b</sup>	Fine (only)	Percent of convicted offenders	Sentence length <sup>c</sup>	
						Mean	Median
<b>All offenses</b>	66,055	47,659	12,977	3,148	72.2%	57.8 mo	33.0 mo
Guilty plea <sup>d</sup>	62,819	44,900	12,670	2,957	71.5	52.3	30.0
Trial	3,236	2,759	307	191	85.3	155.4	113.0
<b>Felonies</b>	55,864	46,070	7,965	275	82.5%	59.4 mo	36.0 mo
Guilty plea	53,012	43,369	7,801	271	81.8	53.8	33.0
Trial	2,852	2,701	164	4	94.7	158.5	120.0
<b>Violent offenses</b>	2,715	2,489	208	3	91.7%	87.7 mo	60.0 mo
Guilty plea	2,473	2,254	198	3	91.1	80.6	60.0
Trial	242	235	10	0	97.1	163.4	121.0
<b>Property offenses</b>							
<b>Fraudulent</b>	10,203	6,067	3,469	130	59.5%	22.3 mo	14.0 mo
Guilty plea	9,736	5,677	3,395	129	58.3	19.9	13.0
Trial	467	390	74	1	83.5	57.0	36.0
<b>Other</b>	2,029	1,137	848	11	56.0%	33.1 mo	18.0 mo
Guilty plea	1,928	1,042	841	11	54.0	29.8	16.0
Trial	101	95	7	0	94.1	68.7	54.5
<b>Drug offenses</b>	23,476	21,694	1,271	45	92.4%	75.4 mo	51.0 mo
Guilty plea	22,160	20,396	1,246	44	92.0	67.9	48.0
Trial	1,316	1,298	25	1	98.6	209.7	168.0
<b>Public-order offenses</b>							
<b>Regulatory</b>	1,410	627	671	45	44.5%	26.1 mo	15.0 mo
Guilty plea	1,340	572	658	43	42.7	21.8	14.0
Trial	70	55	13	2	78.6	70.8	41.0
<b>Other</b>	16,031	14,056	1,498	41	87.7%	49.7 mo	30.0 mo
Guilty plea	15,375	13,428	1,463	41	87.3	45.4	30.0
Trial	656	628	35	0	95.7	147.3	87.0
<b>Misdemeanors</b>	10,118	1,556	4,973	2,873	15.4%	10.7 mo	4.0 mo
Guilty plea <sup>d</sup>	9,742	1,502	4,834	2,686	15.4	10.4	4.0
Trial	376	54	139	187	14.4	19.6	6.0
<b>Unknown or indeterminable offense</b>	73	33	39	0	45.2%	61.4 mo	36.0 mo

Note: Total includes offenders whose sentence could not be determined. Total includes defendants for whom offense category could not be determined. For further information, see *Chapter notes*, item 1, p. 73.

<sup>a</sup>All sentences to incarceration, including split, mixed, life, and indeterminate sentences.

<sup>b</sup>Includes offenders with split and mixed sentences.

<sup>c</sup>Excludes sentences of life, death, and indeterminate sentences (1% of all incarceration).

<sup>d</sup>Includes nolo contendere.



**Table 5.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics, October 1, 1998 - September 30, 1999**

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders sentenced to incarceration in cases terminated during 1999							
		All offenses <sup>a</sup>	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
				Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>a</sup></b>	66,055	72.2%	91.7%	59.5%	56.0%	92.4%	44.5%	87.7%	15.4%
<b>Male/female</b>									
Male	48,092	81.4%	93.8%	64.2%	64.1%	94.2%	51.9%	89.7%	22.7%
Female	8,844	56.6	80.2	48.7	34.6	82.9	37.3	64.6	12.7
<b>Race</b>									
White	37,566	78.2%	91.6%	60.9%	59.0%	91.7%	47.8%	88.3%	21.6%
Black	15,423	79.9	95.5	59.2	51.5	95.0	51.2	91.3	19.2
Native American	959	71.9	90.6	50.0	56.8	72.0	36.4	71.8	24.7
Asian/Pacific Islander	1,544	53.7	84.6	55.0	50.0	93.1	50.0	69.8	6.0
Other	223	72.6	100	73.5	71.4	82.8	50.0	79.2	17.4
<b>Ethnicity</b>									
Hispanic	21,892	86.6%	87.8%	63.3%	63.2%	94.4%	50.9%	91.8%	34.5%
Non-Hispanic	34,642	72.2	93.1	59.5	55.9	91.3	46.7	83.1	14.9
<b>Age</b>									
16-18 years	459	65.1%	92.1%	69.2%	22.2%	84.4%	54.5%	80.2%	10.1%
19-20 years	2,695	74.9	89.4	52.0	56.2	89.9	60.9	87.3	14.1
21-30 years	21,531	82.0	93.2	59.2	49.7	93.5	52.7	91.6	18.2
31-40 years	16,556	80.5	94.1	62.2	62.7	93.0	48.7	89.6	22.6
Over 40 years	13,548	71.6	92.3	59.4	57.3	91.1	42.6	80.3	18.8
<b>Citizenship</b>									
U.S. citizen	36,975	74.0%	92.9%	58.9%	55.2%	91.4%	46.3%	82.8%	16.1%
Not U.S. citizen	19,267	85.4	86.7	65.8	73.1	95.2	51.8	92.1	29.8
<b>Education</b>									
Less than high school graduate	23,442	86.7%	93.4%	63.8%	62.0%	94.5%	55.4%	91.8%	28.1%
High school graduate	15,746	75.8	92.8	58.3	56.2	92.4	48.7	85.3	14.7
Some college	9,632	68.8	92.7	58.8	49.4	88.5	40.5	79.2	13.4
College graduate	3,507	61.6	82.4	59.9	59.6	82.9	40.8	72.9	16.5
<b>Criminal record</b>									
No convictions	25,794	65.3%	83.0%	50.3%	41.7%	89.4%	41.2%	73.6%	14.2%
Prior adult convictions <sup>b</sup>	31,186	87.6	96.8	72.9	70.7	95.3	65.1	94.6	31.7

Note: Excludes corporations. Includes life sentences and indeterminate sentences. Offenders are classified by the most serious offense of conviction. The percentages in this table report the percent of convicted persons having a particular characteristic who were incarcerated. For example, 81.4% of all convicted males were incarcerated, and 93.8% of males convicted of a violent offense were incarcerated. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 73.

<sup>a</sup>Includes offenders for whom offense or characteristics are unknown.  
<sup>b</sup>Prior adult convictions are limited; see *Chapter notes*, item 3, p. 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, p. 73.

**Table 5.5. Average incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1998 - September 30, 1999**

Offender characteristic	Mean sentence length for offenders convicted of—							
	All offenses <sup>a</sup>	Felonies						Misdemeanors
		Violent offenses	Property offenses		Drug offenses	Public-order offenses		
			Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>a</sup></b>	57.8 mo	87.7 mo	22.3 mo	33.1 mo	75.4 mo	26.1 mo	49.7 mo	10.7 mo
<b>Male/female</b>								
Male	60.5 mo	89.8 mo	23.3 mo	34.3 mo	78.4 mo	27.3 mo	50.2 mo	11.2 mo
Female	35.9	50.2	16.8	17.6	48.4	18.8	33.6	5.8
<b>Race</b>								
White	45.9 mo	82.8 mo	22.8 mo	33.1 mo	57.5 mo	24.7 mo	40.0 mo	9.8 mo
Black	86.8	101.4	20.1	28.6	106.9	31.0	90.1	14.4
Native American	55.8	66.3	21.3	26.7	57.2	23.5	51.8	11.2
Asian/Pacific Islander	53.5	87.8	21.3	36.8	79.7	11.8	61.2	7.1
Other	48.3	37.1	25.5	29.6	83.4	21.5	38.9	31.0
<b>Ethnicity</b>								
Hispanic	45.3 mo	99.0 mo	19.5 mo	38.8 mo	58.8 mo	18.4 mo	35.3 mo	6.5 mo
Non-Hispanic	67.2	85.1	22.2	30.8	86.9	29.9	72.8	13.9
<b>Age</b>								
16-18 years	34.3 mo	84.9 mo	19.8 mo	44.5 mo	28.7 mo	14.0 mo	29.2 mo	7.0 mo
19-20 years	49.1	95.2	15.6	24.1	51.5	23.6	44.0	11.0
21-30 years	59.9	79.7	17.2	28.2	73.5	27.5	51.5	11.0
31-40 years	60.7	94.0	22.5	31.7	79.4	21.3	51.4	11.5
Over 40 years	55.7	86.0	25.3	35.5	77.6	28.8	49.3	16.2
<b>Citizenship</b>								
U.S. citizen	67.2 mo	85.2 mo	22.3 mo	31.2 mo	83.2 mo	30.5 mo	71.8 mo	15.0 mo
Not U.S. citizen	42.3	103.5	19.9	36.7	56.7	15.7	35.2	5.4
<b>Education</b>								
Less than high school graduate	58.5 mo	90.0 mo	20.2 mo	31.4 mo	71.0 mo	23.4 mo	47.4 mo	12.2 mo
High school graduate	67.8	90.1	21.3	30.1	81.2	29.3	70.4	15.3
Some college	55.3	73.8	22.5	31.3	75.1	21.5	57.5	12.6
College graduate	38.7	60.7	24.7	38.6	67.7	30.5	36.4	16.1
<b>Criminal record</b>								
No convictions	41.3 mo	65.6 mo	19.8 mo	31.0 mo	51.1 mo	23.7 mo	35.8 mo	7.5 mo
Prior adult convictions <sup>b</sup>	67.9	95.0	23.7	31.9	93.3	28.8	54.0	12.6

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

<sup>a</sup>Includes offenders for whom offense or characteristics are unknown.  
<sup>b</sup>Prior adult convictions are limited; see *Chapter notes*, item 3, p. 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, p. 73.

**Table 5.6. Median incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1998 - September 30, 1999**

Offender characteristic	Median sentence length for offenders convicted of—							
	All offenses <sup>a</sup>	Felonies						Misdemeanors
		Violent offenses	Property offenses		Drug offenses	Public-order offenses		
			Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>a</sup></b>	33.0 mo	60.0 mo	14.0 mo	18.0 mo	51.0 mo	15.0 mo	30.0 mo	4.0 mo
<b>Male/female</b>								
Male	37.0 mo	60.0 mo	15.0 mo	18.0 mo	57.0 mo	16.0 mo	30.0 mo	5.0 mo
Female	21.0	37.0	12.0	12.0	33.0	12.0	16.0	3.0
<b>Race</b>								
White	30.0 mo	57.0 mo	15.0 mo	18.0 mo	37.0 mo	13.5 mo	30.0 mo	4.0 mo
Black	60.0	70.0	13.0	15.0	78.0	24.0	57.0	6.0
Native American	30.0	41.0	12.0	22.5	24.0	21.0	24.0	11.0
Asian/Pacific Islander	30.0	55.5	12.0	16.5	60.0	7.0	33.0	1.0
Other	27.0	41.0	11.0	14.0	63.0	21.5	24.0	15.0
<b>Ethnicity</b>								
Hispanic	30.0 mo	52.0 mo	12.0 mo	25.0 mo	37.0 mo	12.5 mo	30.0 mo	3.0 mo
Non-Hispanic	37.0	60.0	14.5	16.5	60.0	18.0	40.0	6.0
<b>Age</b>								
16-18 years	18.0 mo	37.0 mo	12.0 mo	44.5 mo	18.0 mo	13.5 mo	12.0 mo	6.0 mo
19-20 years	28.0	51.0	10.0	12.0	30.0	13.0	24.0	6.0
21-30 years	37.0	52.0	12.0	15.0	48.0	16.0	30.0	5.0
31-40 years	37.0	70.0	15.0	18.0	57.0	14.0	30.0	6.0
Over 40 years	30.0	60.5	15.0	24.0	54.0	15.0	30.0	6.0
<b>Citizenship</b>								
U.S. citizen	37.0 mo	60.0 mo	14.0 mo	16.0 mo	60.0 mo	20.0 mo	37.0 mo	6.0 mo
Not U.S. citizen	30.0	54.5	12.0	26.5	37.0	12.0	30.0	2.0
<b>Education</b>								
Less than high school graduate	37.0 mo	60.0 mo	13.0 mo	18.0 mo	46.0 mo	17.0 mo	30.0 mo	6.0 mo
High school graduate	41.0	63.0	13.0	15.0	59.0	18.0	41.0	6.0
Some college	30.0	52.0	13.0	18.0	48.0	12.0	30.0	6.0
College graduate	21.0	46.0	15.0	24.0	46.0	12.0	21.0	6.0
<b>Criminal record</b>								
No convictions	24.0 mo	41.0 mo	12.0 mo	15.0 mo	37.0 mo	12.0 mo	18.0 mo	2.0 mo
Prior adult convictions <sup>b</sup>	41.0	66.0	16.0	18.0	63.0	24.0	34.0	6.0

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

<sup>a</sup>Includes offenders for whom offense or characteristics are unknown.  
<sup>b</sup>Prior adult convictions are limited; see *Chapter notes*, item 3, p. 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, p. 73.

## Chapter notes

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- 1) Tables 5.1-5.3 were derived from the AOUSC criminal master data files. Only records of defendants sentenced during October 1, 1998, through September 30, 1999, were selected. Offenses shown in these tables — offenses of conviction — are based on the longest actual sentence imposed.
- 2) Tables 5.4-5.6 were created from AOUSC criminal master data files, supplemented with linked data on offender characteristics from two sources: the United States Sentencing Commission (USSC) monitoring system files (which are limited to records of defendants sentenced under the Federal sentencing guidelines); and the Pretrial Services Information Act System database, maintained by the Pretrial Services Agency (PSA). These two supplemental data files contain information on the characteristics of defendants. Table 5.4 indicates the number of records for which relevant data were available. Percentage distributions were based on records with known values of defendant characteristics and offenses. Means and medians in tables 5.5 and 5.6 were based on the number of records shown in table 5.4.
- 3) Criminal record, as reported in tables 5.4-5.6, is limited to prior adult convictions. For some defendants in these tables, it is further limited to the portion of their criminal record that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within 15 years of the current offense and sentences for offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges is the same as their adult criminal history.

**Discussion** ..... **77**

**Tables**

*October 1, 1998 – September 30, 1999*

6.1. Criminal appeals filed, by type of criminal case and offense ..... 79

6.2. Criminal appeals filed and criminal appeals terminated, by offense ..... 80

6.3. Criminal appeals terminated, by type of criminal case and offense ..... 81

6.4. Disposition of criminal appeals terminated on the merits, by offense ..... 82

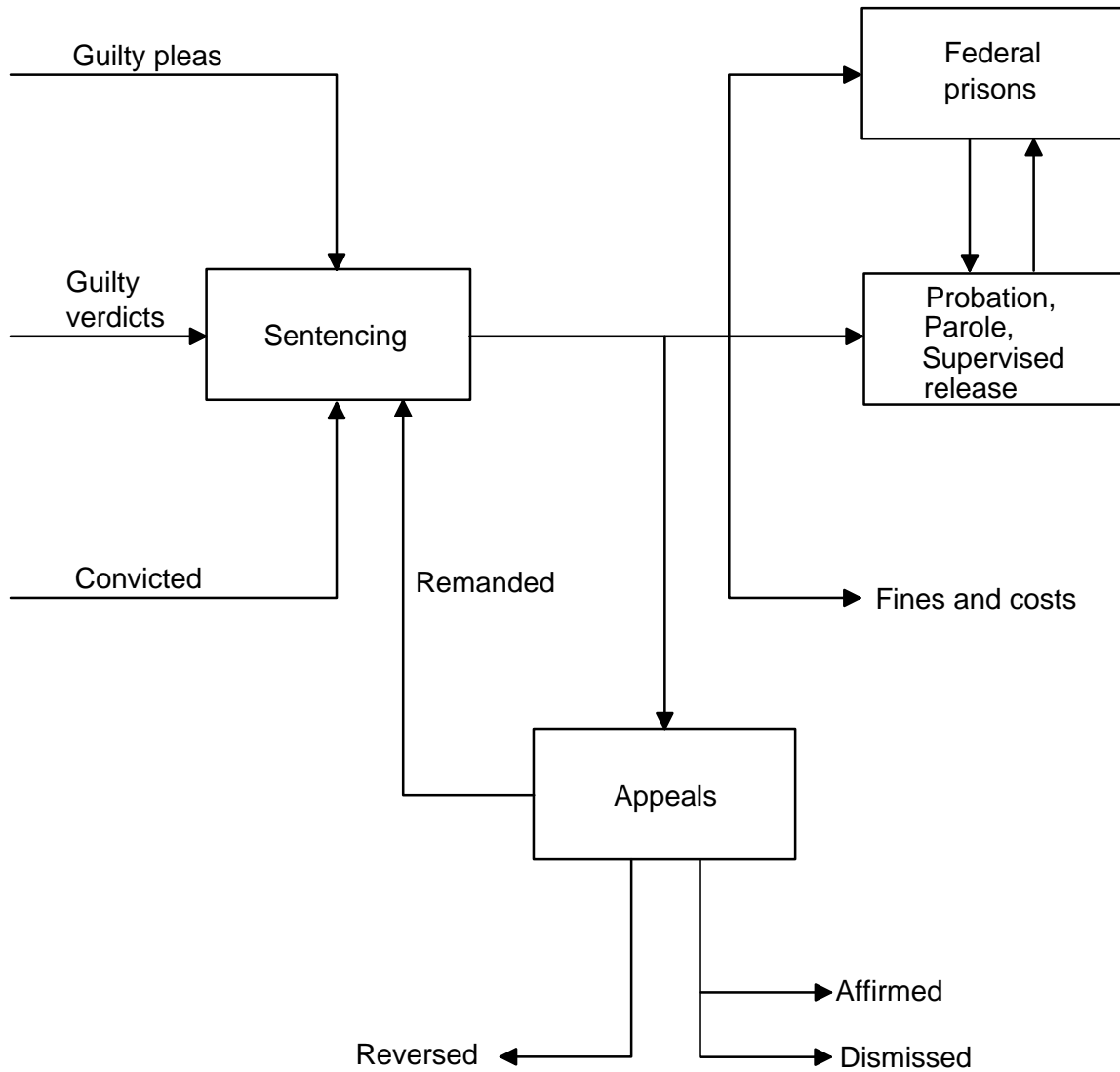
6.5. Criminal appeals cases terminated on the merits, by nature of offense ..... 83

**Chapter notes** ..... **84**

# Chapter 6

## Appeals

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

### Appeals filed (tables 6.1 and 6.2)

During 1999 the U.S. Court of Appeals received 10,251 criminal appeals. Of all appeals, 4% were filed by the Government (not shown in a table).

Forty-seven percent of appeals filed in 1999 challenged both the conviction and the sentence imposed. About twice as many appeals challenged only the sentence imposed as those that challenged only the conviction (23% versus 13%). Fifteen percent of appeals filed were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect (figure 6.1).

The distribution of appeals by type of appeal filed (sentence, conviction, or both) was relatively constant across the major offense categories underlying the appeal. However, 54% of appeals filed for immigration offenses appealed both the sentence and the conviction, compared to 47% for all criminal categories.

Nearly half of all appeals filed (for which the offense is known) were for drug convictions (46%). Appeals for public-order convictions comprised 30% of all appeals filed, property offenses comprised 18%, and the remaining 6% of appeals filed were for violent offenses (figure 6.2).

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

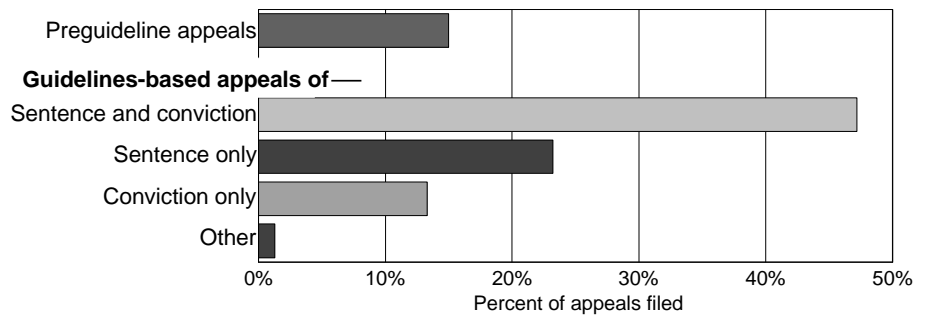


Figure 6.1. Types of criminal appeal cases during October 1, 1998 - September 30, 1999

### Appeals terminated (tables 6.2-6.5)

A total of 10,675 appeals terminated during 1999. Of these, 49% were appeals of both the sentence and conviction, 24% were appeals of the sentence only, and 12% were appeals of the conviction only. Fifteen percent were appeals of convictions for offenses sentenced under laws in effect prior to the sentencing guidelines.

In nearly half of all appeals terminated in 1999 (for which the offense is known), drug offense convictions underlie the appeal (48%); the underlying offense in 27% of the appeals was a public-order offense; 19% were property offense appeals; and 6% were appeals for violent offense convictions. For 38% of public-order appeals, the underlying offense of conviction was for weapons. Robbery offenses composed 47% and murder composed 24% of the underlying offenses for appeals of a violent

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

Of the 10,675 appeals terminated during 1999, 77% were terminated on the merits, while the remainder were terminated on procedural grounds (figure 6.3). For appeals based on a conviction of a drug offense or a public-order offense, 78% were terminated on the merits. Also terminated on the merits were 82% of appeals based on a violent conviction and 76% of appeals based on a property conviction. Within these major offense categories, 92% of appeals based on murder convictions were terminated on the merits, as were 81% of weapons offenses, and 78% of robbery offenses.

In 79% of appeals terminated on the merits, the district court ruling was affirmed. In another 5% it was partially affirmed. Eighty-two percent of all

### Nearly half of all appeals filed were for drug convictions

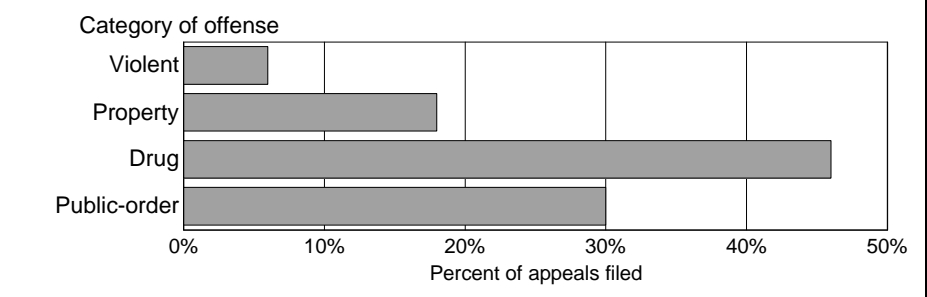


Figure 6.2. Appeals cases filed, by type of offense during October 1, 1998 - September 30, 1999

\*18 U.S.C. § 3742

drug offense appeals were affirmed, as were 83% of violent offense appeals and 74% of property appeals. Seventy-six percent of public-order offense appeals were affirmed.

District court decisions were reversed or remanded back to the court in 9% of the cases. Property offenses had the highest rate of reversal or being remanded back to the court (12%). Nine percent of violent and public order offense appeals were reversed or remanded, as were 7% of drug offense appeals.

Overall, appeals were dismissed in 7% of cases. The highest dismissal rate was for public-order appeals (9%).

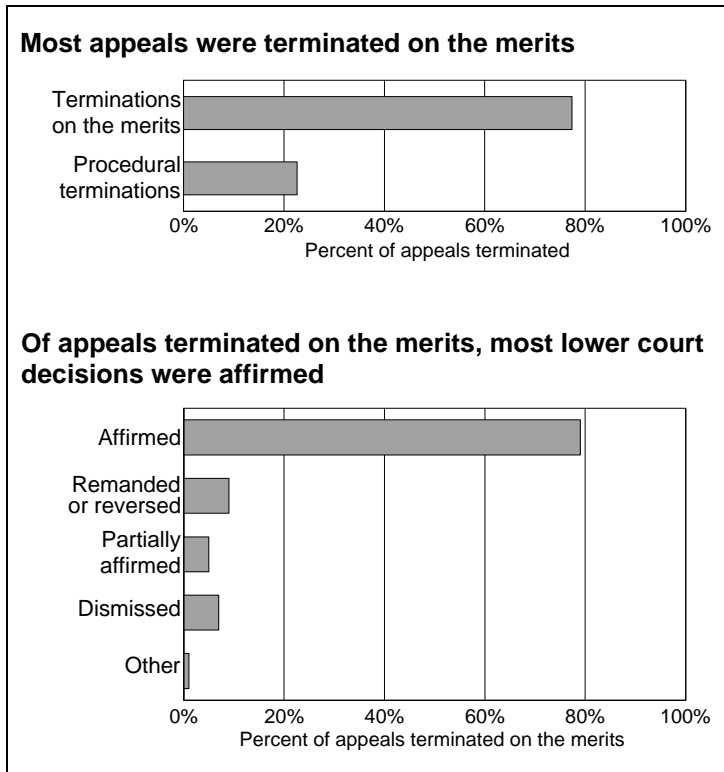


Figure 6.3. Disposition of criminal appeals terminating during October 1, 1998 - September 30, 1999



**Table 6.1. Criminal appeals filed, by type of criminal case and offense, October 1, 1998 - September 30, 1999**

Offense of conviction	Number of criminal appeals filed						
			Guidelines-based appeals				
	Total	Preguideline	Total	Sentence only	Conviction only	Sentence and conviction	Other
<b>All offenses</b>	10,251	1,535	8,716	2,379	1,368	4,839	130
<b>Violent offenses</b>	559	87	472	114	80	270	8
Murder*	118	30	88	14	19	54	1
Assault	71	11	60	9	12	38	1
Robbery	263	29	234	71	34	126	3
Sexual abuse*	46	9	37	5	7	24	1
Kidnaping	60	8	52	15	7	28	2
Threats against the President	1	0	1	0	1	0	0
<b>Property offenses</b>	1,739	264	1,475	389	216	840	30
<b>Fraudulent</b>	1,338	195	1,143	312	164	642	25
Embezzlement	84	17	67	14	13	38	2
Fraud*	1,101	156	945	266	132	527	20
Forgery	17	1	16	3	3	10	0
Counterfeiting	136	21	115	29	16	67	3
<b>Other</b>	401	69	332	77	52	198	5
Burglary	5	0	5	2	1	2	0
Larceny*	147	26	121	37	16	67	1
Motor vehicle theft	93	6	87	15	11	58	3
Arson and explosives	75	28	47	8	8	31	0
Transportation of stolen property	74	8	66	13	14	38	1
Other property offenses*	7	1	6	2	2	2	0
<b>Drug offenses</b>	4,513	621	3,892	1,044	631	2,160	57
<b>Public-order offenses</b>	2,958	348	2,610	716	402	1,460	32
<b>Regulatory</b>	162	31	131	38	18	74	1
Agriculture	17	4	13	7	1	5	0
Antitrust	6	1	5	0	0	5	0
Transportation	17	0	17	5	1	10	1
Civil rights	30	5	25	4	6	15	0
Communications	3	1	2	1	0	1	0
Custom laws	10	3	7	2	1	4	0
Postal laws	6	3	3	0	2	1	0
Other regulatory offenses	73	14	59	19	7	33	0
<b>Other</b>	2,796	317	2,479	678	384	1,386	31
Weapons	1,070	136	934	225	157	537	15
Immigration offenses	934	30	904	291	108	504	1
Tax law violations*	91	16	75	15	14	46	0
Bribery	23	4	19	7	0	10	2
Perjury, contempt, and intimidation	101	25	76	13	16	44	3
National defense	13	0	13	1	3	9	0
Escape	79	9	70	23	13	34	0
Racketeering and extortion	315	75	240	59	46	126	9
Gambling	7	3	4	0	0	4	0
Nonviolent sex offenses	111	11	100	34	16	50	0
Obscene material*	2	1	1	0	0	1	0
Traffic	17	5	12	5	2	4	1
Migratory birds	3	0	3	0	1	2	0
All other offenses*	30	2	28	5	8	15	0
<b>Unknown or indeterminable offense</b>	482	215	267	116	39	109	3

Note: For further information, see *Chapter notes*, p. 84.

\*In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes

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

**Table 6.2. Criminal appeals filed and criminal appeals terminated, by offense, October 1, 1998 - September 30, 1999**

Offense of conviction	Criminal appeals filed during 1999		Criminal appeals terminated during 1999	
	Number	Percent	Number	Percent
<b>All offenses</b>	10,251	100%	10,675	100%
<b>Violent offenses</b>	559	5.7%	645	6.3%
Murder <sup>b</sup>	118	1.2	157	1.5
Assault	71	0.7	79	0.8
Robbery	263	2.7	304	3.0
Sexual abuse <sup>b</sup>	46	0.5	49	0.5
Kidnaping	60	0.6	53	0.5
Threats against the President	1	—	3	—
<b>Property offenses</b>	1,739	17.8%	1,923	18.8%
<b>Fraudulent</b>	1,338	13.7%	1,462	14.3%
Embezzlement	84	0.9	98	1.0
Fraud <sup>b</sup>	1,101	11.3	1,211	11.8
Forgery	17	0.2	20	0.2
Counterfeiting	136	1.4	133	1.3
<b>Other</b>	401	4.1%	461	4.5%
Burglary	5	0.1	6	0.1
Larceny <sup>b</sup>	147	1.5	164	1.6
Motor vehicle theft	93	1.0	86	0.8
Arson and explosives	75	0.8	107	1.0
Transportation of stolen property	74	0.8	82	0.8
Other property offenses <sup>b</sup>	7	0.1	16	0.2
<b>Drug offenses</b>	4,513	46.2%	4,888	47.8%
<b>Public-order offenses</b>	2,958	30.3%	2,778	27.1%
<b>Regulatory</b>	162	1.7%	180	1.8%
Agriculture	17	0.2	10	0.1
Antitrust	6	0.1	3	—
Food and drug	0	...	2	—
Transportation	17	0.2	18	0.2
Civil rights	30	0.3	41	0.4
Communications	3	—	2	—
Custom laws	10	0.1	13	0.1
Postal laws	6	0.1	2	—
Other regulatory offenses	73	0.7	89	0.9
<b>Other</b>	2,796	28.6%	2,598	25.4%
Weapons	1,070	11.0	1,057	10.3
Immigration offenses	934	9.6	696	6.8
Tax law violations <sup>b</sup>	91	0.9	92	0.9
Bribery	23	0.2	38	0.4
Perjury, contempt, and intimidation	101	1.0	100	1.0
National defense	13	0.1	25	0.2
Escape	79	0.8	83	0.8
Racketeering and extortion	315	3.2	324	3.2
Gambling	7	0.1	15	0.1
Nonviolent sex offenses	111	1.1	125	1.2
Obscene material <sup>b</sup>	2	—	0	...
Traffic	17	0.2	19	0.2
Migratory birds	3	—	2	—
All other offenses <sup>b</sup>	30	0.3	22	0.2
<b>Unknown or indeterminable offense</b>	482		441	

Note: For further information, see *Chapter notes*, p. 84.  
 —Less than .05%.

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

<sup>a</sup>Percentage distribution based on appeals for which an offense category could be determined.

<sup>b</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of

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

**Table 6.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 1998 - September 30, 1999**

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
<b>All offenses</b>	10,675	1,564	9,111	2,547	1,327	5,188	49
<b>Violent offenses</b>	645	105	540	138	88	312	2
Murder*	157	33	124	21	23	80	0
Assault	79	14	65	11	12	42	0
Robbery	304	36	268	88	36	142	2
Sexual abuse*	49	11	38	10	4	24	0
Kidnaping	53	11	42	8	13	21	0
Threats against the President	3	0	3	0	0	3	0
<b>Property offenses</b>	1,923	336	1,587	441	228	903	15
<b>Fraudulent</b>	1,462	265	1,197	351	173	663	10
Embezzlement	98	19	79	25	11	41	2
Fraud*	1,211	218	993	290	148	549	6
Forgery	20	4	16	5	3	7	1
Counterfeiting	133	24	109	31	11	66	1
<b>Other</b>	461	71	390	90	55	240	5
Burglary	6	2	4	0	1	3	0
Larceny*	164	20	144	42	20	80	2
Motor vehicle theft	86	5	81	14	11	54	2
Arson and explosives	107	34	73	13	11	49	0
Transportation of stolen property	82	9	73	17	11	44	1
Other property offenses*	16	1	15	4	1	10	0
<b>Drug offenses</b>	4,888	639	4,249	1,226	590	2,417	16
<b>Public-order offenses</b>	2,778	292	2,486	655	368	1,447	16
<b>Regulatory</b>	180	24	156	40	31	85	0
Agriculture	10	1	9	6	0	3	0
Antitrust	3	1	2	0	2	0	0
Food and drug	2	0	2	0	0	2	0
Transportation	18	2	16	5	4	7	0
Civil rights	41	3	38	2	8	28	0
Communications	2	1	1	0	0	1	0
Custom laws	13	2	11	5	2	4	0
Postal laws	2	0	2	0	0	2	0
Other regulatory offenses	89	14	75	22	15	38	0
<b>Other</b>	2,598	268	2,330	615	337	1,362	16
Weapons	1,057	119	938	215	168	547	8
Immigration offenses	696	22	674	209	76	388	1
Tax law violations*	92	12	80	18	10	51	1
Bribery	38	4	34	4	6	23	1
Perjury, contempt, and intimidation	100	16	84	11	7	65	1
National defense	25	2	23	7	3	13	0
Escape	83	5	78	23	4	51	0
Racketeering and extortion	324	67	257	75	46	133	3
Gambling	15	2	13	1	1	11	0
Nonviolent sex offenses	125	8	117	45	8	64	0
Traffic	19	5	14	2	5	6	1
Migratory birds	2	0	2	0	0	2	0
All other offenses*	22	6	16	5	3	8	0
<b>Unknown or indeterminable offense</b>	441	192	249	87	53	109	0

Note: For further information, see *Chapter notes*, p. 84.

\*In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes

fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

**Table 6.4. Disposition of criminal appeals terminated on the merits, by offense, October 1, 1998 - September 30, 1999**

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	
<b>All offenses</b>	10,675	8,260	77.4%	6,493	719	423	543	82	2,415
<b>Violent offenses</b>	645	530	82.2%	442	49	18	20	1	115
Murder*	157	144	91.7	116	15	9	3	1	13
Assault	79	65	82.3	57	4	1	3	0	14
Robbery	304	238	78.3	197	22	7	12	0	66
Sexual abuse*	49	40	81.6	34	4	0	2	0	9
Kidnaping	53	40	75.5	35	4	1	0	0	13
Threats against the President	3	3	—	3	0	0	0	0	0
<b>Property offenses</b>	1,923	1,455	75.7%	1,080	167	104	87	17	468
<b>Fraudulent</b>	1,462	1,075	73.5%	801	122	83	58	11	387
Embezzlement	98	70	71.4	48	9	6	5	2	28
Fraud*	1,211	897	74.1	664	103	74	47	9	314
Forgery	20	11	55.0	7	2	2	0	0	9
Counterfeiting	133	97	72.9	82	8	1	6	0	36
<b>Other</b>	461	380	82.4%	279	45	21	29	6	81
Burglary	6	6	—	6	0	0	0	0	0
Larceny*	164	125	76.2	92	20	5	6	2	39
Motor vehicle theft	86	75	87.2	59	3	4	9	0	11
Arson and explosives	107	86	80.4	64	6	3	12	1	21
Transportation of stolen property	82	75	91.5	51	11	8	2	3	7
Other property offenses*	16	13	81.3	7	5	1	0	0	3
<b>Drug offenses</b>	4,888	3,809	77.9%	3,104	279	180	223	23	1,079
<b>Public-order offenses</b>	2,778	2,182	78.5%	1,649	199	112	190	32	596
<b>Regulatory</b>	180	143	79.4%	114	11	13	5	0	37
Agriculture	10	3	—	2	1	0	0	0	7
Antitrust	3	3	—	1	2	0	0	0	0
Food and drug	2	2	—	2	0	0	0	0	0
Transportation	18	15	83.3	12	1	2	0	0	3
Civil rights	41	38	92.7	30	1	6	1	0	3
Communications	2	1	—	1	0	0	0	0	1
Custom laws	13	9	69.2	8	1	0	0	0	4
Postal laws	2	2	—	2	0	0	0	0	0
Other regulatory offenses	89	70	78.7	56	5	5	4	0	19
<b>Other</b>	2,598	2,039	78.5%	1,535	188	99	185	32	559
Weapons	1,057	854	80.8	687	72	44	33	18	203
Immigration offenses	696	530	76.1	336	44	18	123	9	166
Tax law violations*	92	67	72.8	51	2	9	3	2	25
Bribery	38	29	76.3	25	2	2	0	0	9
Perjury, contempt, and intimidation	100	81	81.0	65	11	2	1	2	19
National defense	25	24	96.0	19	2	3	0	0	1
Escape	83	62	74.7	47	8	0	7	0	21
Racketeering and extortion	324	243	75.0	190	29	11	12	1	81
Gambling	15	14	93.3	13	0	1	0	0	1
Nonviolent sex offenses	125	103	82.4	78	13	8	4	0	22
Traffic	19	14	73.7	12	1	1	0	0	5
Migratory birds	2	2	—	1	1	0	0	0	0
All other offenses*	22	16	72.7	11	3	0	2	0	6
<b>Unknown or indeterminable offense</b>	441	284	64.4%	218	25	9	23	9	157

Note: For further information, see *Chapter notes*, p. 84.  
 —Too few cases to obtain statistically reliable data.

\*In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent

property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

**Table 6.5. Criminal appeals cases terminated on the merits, by nature of offense, October 1, 1998 - September 30, 1999**

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other
<b>All offenses</b>	8,260	78.6%	8.7%	5.1%	6.6%	1.0%
<b>Violent offenses</b>	530	83.4%	9.2%	3.4%	3.8%	0.2%
Murder*	144	80.6	10.4	6.3	2.1	0.7
Assault	65	87.7	6.2	1.5	4.6	0
Robbery	238	82.8	9.2	2.9	5.0	0
Sexual abuse*	40	85.0	10.0	0	5.0	0
Kidnaping	40	87.5	10.0	2.5	0	0
Threats against the President	3	—	—	—	—	—
<b>Property offenses</b>	1,455	74.2%	11.5%	7.1%	6.0%	1.2%
<b>Fraudulent</b>	1,075	74.5%	11.3%	7.7%	5.4%	1.0%
Embezzlement	70	68.6	12.9	8.6	7.1	2.9
Fraud*	897	74.0	11.5	8.2	5.2	1.0
Forgery	11	63.6	18.2	18.2	0	0
Counterfeiting	97	84.5	8.2	1.0	6.2	0
<b>Other</b>	380	73.4%	11.8%	5.5%	7.6%	1.6%
Burglary	6	—	—	—	—	—
Larceny*	125	73.6	16.0	4.0	4.8	1.6
Motor vehicle theft	75	78.7	4.0	5.3	12.0	0
Arson and explosives	86	74.4	7.0	3.5	14.0	1.2
Transportation of stolen property	75	68.0	14.7	10.7	2.7	4.0
Other property offenses*	13	53.8	38.5	7.7	0	0
<b>Drug offenses</b>	3,809	81.5%	7.3%	4.7%	5.9%	0.6%
<b>Public-order offenses</b>	2,182	75.6%	9.1%	5.1%	8.7%	1.5%
<b>Regulatory</b>	143	79.7%	7.7%	9.1%	3.5%	0%
Agriculture	3	—	—	—	—	—
Antitrust	3	—	—	—	—	—
Food and drug	2	—	—	—	—	—
Transportation	15	80.0	6.7	13.3	0	0
Civil rights	38	78.9	2.6	15.8	2.6	0
Communications	1	—	—	—	—	—
Custom laws	9	—	—	—	—	—
Postal laws	2	—	—	—	—	—
Other regulatory offenses	70	80.0	7.1	7.1	5.7	0
<b>Other</b>	2,039	75.3%	9.2%	4.9%	9.1%	1.6%
Weapons	854	80.4	8.4	5.2	3.9	2.1
Immigration offenses	530	63.4	8.3	3.4	23.2	1.7
Tax law violations*	67	76.1	3.0	13.4	4.5	3.0
Bribery	29	86.2	6.9	6.9	0	0
Perjury, contempt, and intimidation	81	80.2	13.6	2.5	1.2	2.5
National defense	24	79.2	8.3	12.5	0	0
Escape	62	75.8	12.9	0	11.3	0
Racketeering and extortion	243	78.2	11.9	4.5	4.9	0.4
Gambling	14	92.9	0	7.1	0	0
Nonviolent sex offenses	103	75.7	12.6	7.8	3.9	0
Traffic	14	85.7	7.1	7.1	0	0
Migratory birds	2	—	—	—	—	—
All other offenses*	16	68.8	18.8	0	12.5	0
<b>Unknown or indeterminable offense</b>	284	76.8%	8.8%	3.2%	8.1%	3.2%

Note: For further information, see *Chapter notes*, p. 84.

—Too few cases to obtain statistically reliable data.

\*In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses"

excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

## Chapter notes

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Tables in chapter 6 were created from the AOUSC appeals database. Records of appeals filed or terminated during October 1, 1998, through September 30, 1999, were selected. Data include records of 10,251 criminal appeals filed during fiscal year 1999 and 10,675 appeals terminated during the same period.

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

<b>Discussion</b> .....	<b>87</b>
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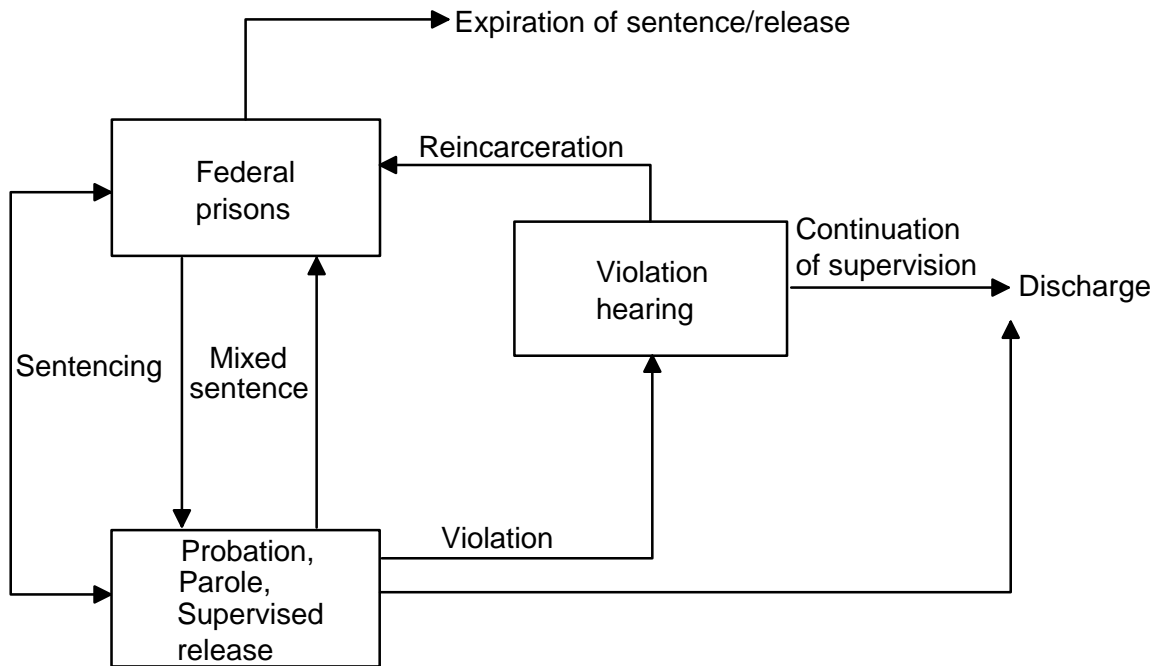
**Tables***October 1, 1998 - September 30, 1999*

7.1. Federal offenders under supervision, by offense .....	91
7.2. Characteristics of Federal offenders under supervision, by offense .....	92
7.3. Outcomes of probation supervision, by offense .....	93
7.4. Characteristics of offenders terminating probation supervision .....	94
7.5. Outcomes of supervised release, by offense .....	95
7.6. Characteristics of offenders terminating supervised release .....	96
7.7. Outcomes of parole, by offense .....	97
7.8. Characteristics of offenders terminating parole .....	98
7.9. Admissions and releases of Federal prisoners, by offense .....	99
7.10. Characteristics of Federal prison population, by major offense category .....	100
7.11. Number of first releases from Federal prison, by release method and sentence length .....	101
7.12. Average time to first release and percent of sentence served, for prisoners released by standard methods .....	102
7.13. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods .....	103
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 .....	104
7.15. Characteristics of first releases from prison, by offense, all releases .....	105
7.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics .....	105
<b>Chapter notes</b> .....	<b>106</b>

# Chapter 7

## Corrections

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**Federal offenders under supervision (tables 7.1 and 7.2)**

As of the end of the fiscal year 1999, there were 96,502 offenders under active Federal supervision, of which most (89%) were felons. Sixty-seven percent of these offenders were receiving one of two forms of post-incarceration supervision: supervised release (59,644) or parole (5,129). The remainder (31,729) 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-three percent of offenders under supervised release and nearly 52% of parolees had been convicted of a drug offense.

Among the 96,502 offenders under active Federal supervision at the end of the fiscal year 1999, 79% were male; 65% were white; 84% were of non-Hispanic origin; 39% were over age 40 (compared to 31% who were between 31-40 years of age and 31% who were 30 or younger); 36% had a high school diploma only (compared to 33% who had at least some college and 32% who had less than a high school diploma); and 64% had no known drug history.

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

**Probation (table 7.3)** — During 1999, 16,002 offenders completed one or more terms of active probation. Overall, 81% of offenders successfully completed their term of probation, another 17% violated their conditions of probation, and the remaining 2% were administrative closures. Of offenders terminating probation, 5% committed a new crime (figure 7.1). Most committed technical violations, including drug use (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 1999, almost 39% of probationers convicted of violent offenses violated their conditions of probation, as did 17% of drug, 14% of property,

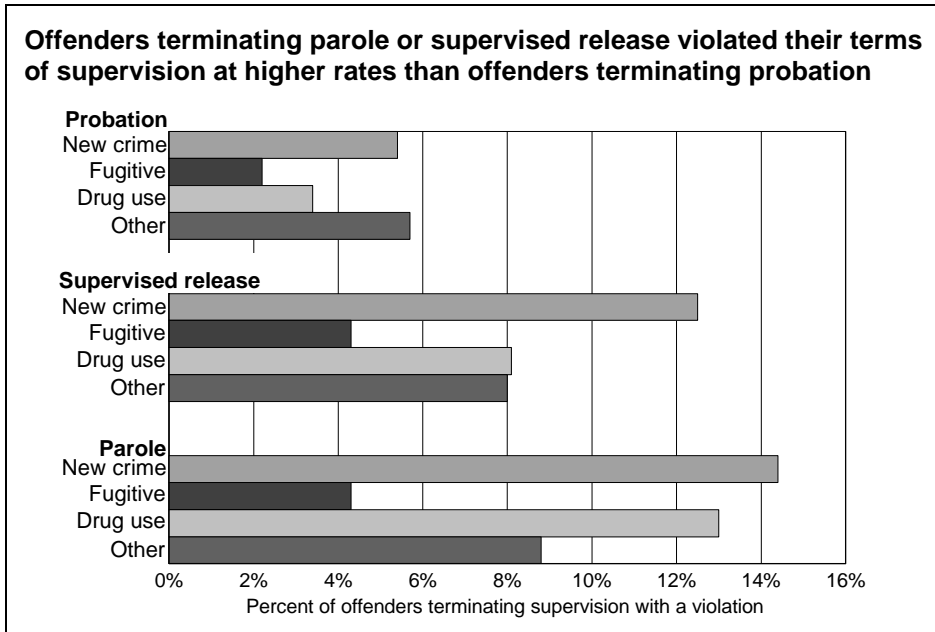


Figure 7.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation, October 1, 1998 - September 30, 1999

and 12% of public-order offenders. Violent offenders were also more likely to commit new crimes (17%) than were probationers convicted of drug (6%), property (5%), and public-order (4%) offenses.

**Supervised release (table 7.5)** — During 1999, 21,570 offenders completed terms of supervised release. Overall, 64% of them successfully completed their term of supervised release; 20% committed technical violations, such as drug use (8%) or absconding (4%); and almost 13% of these offenders violated their probation supervision by committing a new crime. The remaining 3% had their supervision administratively terminated.

Violent offenders were less likely than others to complete a term of supervised release without a violation. Fifty-seven percent of violent offenders violated conditions of supervised release, while 33% of public-order, 32% of drug, and 28% of property offenders violated supervised release. Violent offenders were also more likely to commit new crimes (19%) than offenders convicted of public-order (16%), drug (12%), or property (10%) offenses.

**Parole (table 7.7)** — During 1999, 2,503 offenders completed terms of parole. Overall, 55% of these offenders successfully completed their term of parole. During 1999, 14% of these offenders violated their supervision by committing a new crime; 26% committed technical violations, such as drug use (13%) or absconding (4%); and 4% completed their parole term through an administrative case closure.

Offenders convicted of violent offenses were less likely than others to complete a term of parole without a violation. Sixty-one percent of violent offenders violated conditions of parole, while 35% of public-order, and 31% of property and drug offenders violated parole. Violent offenders were also more likely to commit new crimes (23%) than offenders convicted of property (15%), public-order (12%), or drug (10%) offenses.

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

**Probation (table 7.4)** — Among offenders who completed a term of probation, 73% were male; 68% were white and 87% were of non-Hispanic origin; 34% were less than age 31

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

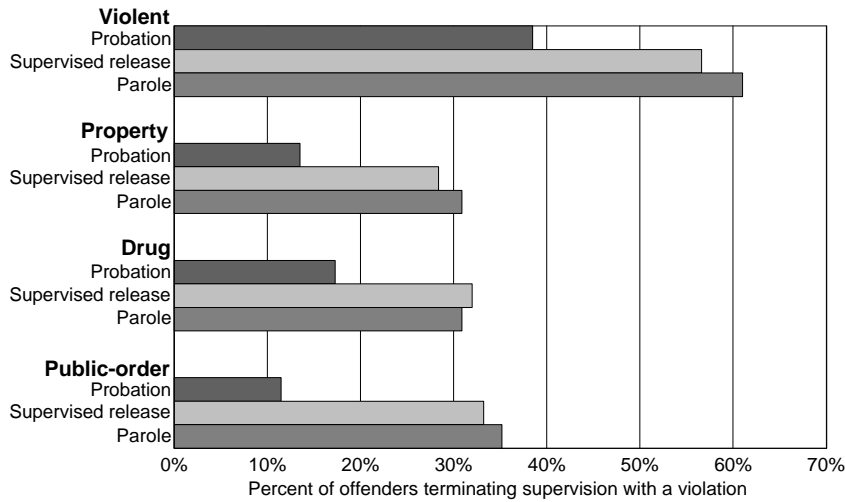


Figure 7.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense, October 1, 1998 - September 30, 1999

(compared to 39% over age 40); 26% had less than a high school diploma (compared to 37% whose highest education was a high school diploma and 37% who had at least some college education); and 78% 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 (36%) to violate conditions of supervision than probationers in other age groups — 24% of those ages 21 to 30 and 12% 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 25% violation rate, those whose highest education was a high

school diploma had a 16% violation rate, those with some college had a 12% violation rate, and those with a college degree had only a 5% violation rate.

**Supervised release (table 7.6)** — Among those who completed a term of supervised release, 84% were male; 65% were white; 82% were of non-Hispanic origin; 25% were less than age 31 (40% 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 56% had no known drug history.

Younger offenders, those with a history of drug abuse, and those with a lower educational background had higher probabilities of violating the conditions of supervised release. Offenders under age 30 were more likely to violate conditions of their supervision than offenders in other age groups — 51% of those under age 31 violated a condition of their supervision compared to 19% of those over age 40.

Releasees with a history of drug abuse were almost 4 times more likely to terminate their supervision for technical violations of drug use as were releasees who were not drug abusers.

Releasees with known histories of drug abuse were also more likely to violate supervision with technical violations or new crimes.

Similarly, releasees with lower levels of education were more likely to violate conditions of supervised release than those with higher levels of education. Those who did not graduate from high school had a 41% violation rate, those whose highest education was a high school diploma 32% violation rate, those with some college had a 24% violation rate, and those with a college degree had a 11% violation rate.

**Parole (table 7.8)** — Among those who completed a term of parole, 95% were male; 62% were white; 86% were of non-Hispanic origin; 79% were over age 40; 45% had only some high school (34% whose highest education was a high school diploma and 21% 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 almost 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 44% violation rate, those who did not graduate from high school had a 42% violation rate, those with some college had a 35% violation rate, and those with a college degree had a 16% violation rate.

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

The Federal prison population grew

by 11,514 persons during fiscal year 1999, increasing from 107,671 sentenced prisoners to 119,185. The greatest growth was among drug and public-order offenders, particularly immigration and weapons offenses. In 1999 the number of drug offenders in prison grew by 5,922 and the number of immigration offenders increased by 3,006.

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

During 1999, 37,672 prisoners were released from Federal prison for the first time after serving a sentence imposed by a U.S. district court.<sup>1</sup> Of these, 33,748 were released by standard means. These standard releases served an average of 28.0 months (table 7.12) in prison — 91% of the sentence imposed, on average (table 7.14).<sup>2</sup>

The remaining 3,924 first releases were released by extraordinary means: 2,671 were released early due to participation in a drug treatment program; 371 were deported; 200 had their sentences commuted; 228 died; and 454 were released for other reasons — including completion of an intensive confinement program (table 7.11). Drug offenders made up the majority of those released by extraordinary means (83%).

Time served until first release varied by offense: Violent offenders served an average of 53.3 months; drug offenders served an average of 40.1 months; public-order offenders served an average of 19.1 months; and property offenders served an average of 15.6 months (figure 7.4). During 1999 the average time to first release for public-order offenders was influenced

<sup>1</sup>Tables 7.11-7.16 include only prisoners first released by the BOP during 1999.

<sup>2</sup>Average time to first release is the number of months in Bureau of Prisons facilities minus credits for time spent in jail prior to final disposition or sentencing. Percent of sentence served is the average percentage of each individual prisoner's percent of total sentence obligation served until first release.

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

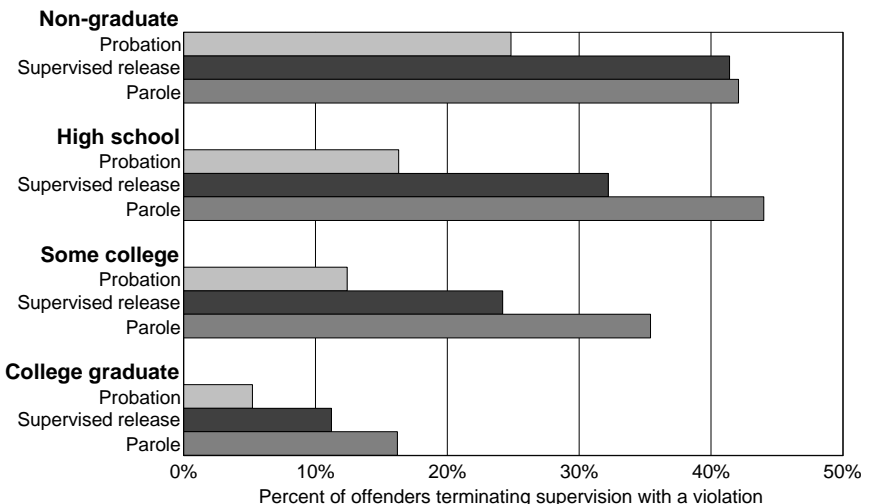


Figure 7.3. Rates of violation of conditions of supervision, by level of education, October 1, 1998 - September 30, 1999

heavily by the relatively short time served by immigration offenders. Immigration offenders composed 64% of all released public-order offenders and, on average, served 12.2 months until first release. This was nearly seven months fewer than the average time served for all public-order offenders (19.1 months). Exclusive of immigration offenders, public-order

offenders served an average of 31.4 months until first release (not shown in a table).

While violent and drug offenders served more time before first release, property and public-order offenders served more of their sentences than violent and drug offenders (figure 7.4).

Old law offenders — those who

**On average, violent and drug offenders had longer imposed sentences, and served more time than property and public-order offenders**

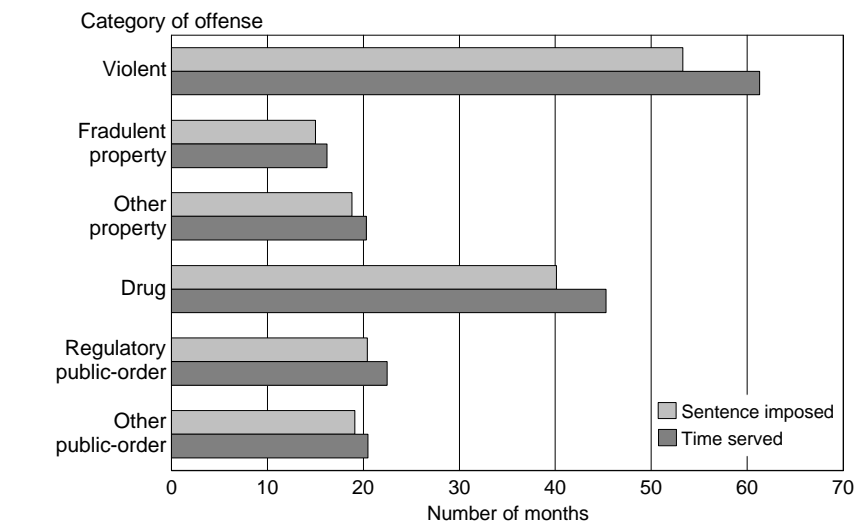
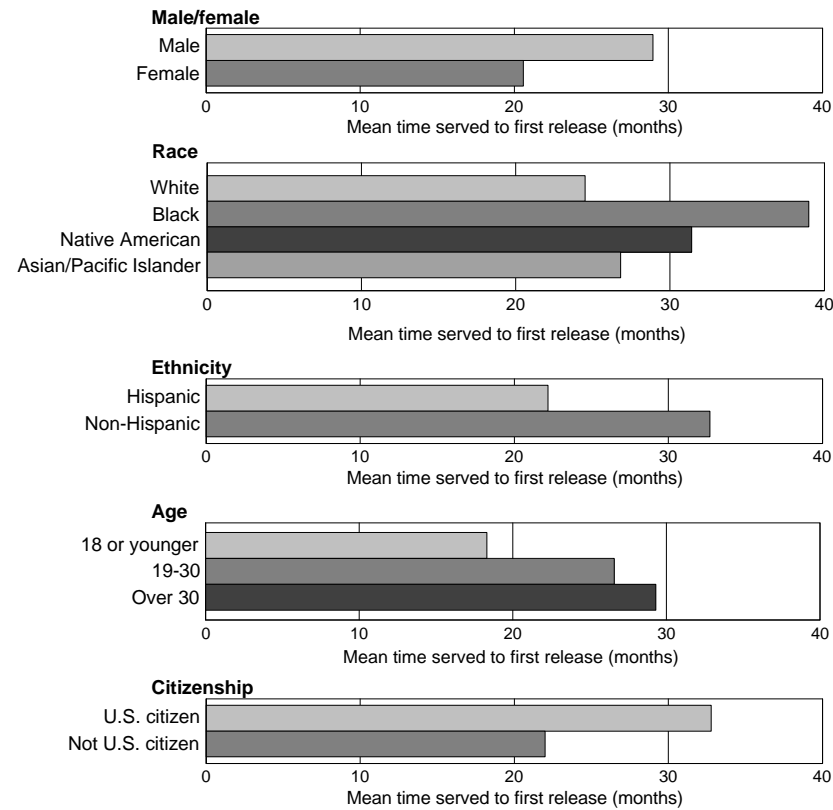


Figure 7.4. Mean lengths of sentence imposed and time served (in months), for offenders released from prison for the first time, by offense, October 1, 1998 - September 30, 1999

**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, 1998 - September 30, 1999

committed crimes before implementation of Federal Sentencing Guidelines in November 1987 — that were released in 1999 are not shown separately in any table. Only 2%, or 639, of released offenders were old law offenders. New law offenders released during 1999 served, on average, 26.6 months in prison (92% of the sentence imposed). Since the Guidelines became effective as of November 1987, new law offenders sentenced to terms of imprisonment greater than 163 months could not have been released by standard means as of the end of fiscal year 1999.<sup>3</sup> They could

have been released for extraordinary reasons such as death, commutation, or treaty transfer.<sup>4</sup>

**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 1999, 93% were male, 57% were white, 40% were black, 29% were Hispanic, and 74% were U.S. citizens. Fifty-seven percent of the yearend population were 31 years of age or older. This portrait of the Federal prison population was similar across offenses and for new law offenders, except for the ethnicity and

citizenship of violent and property offenders. More than 88% of these offenders were non-Hispanic and U.S. citizens.

**Prisoners released (table 7.15)** — Of prisoners released during 1999, 88% were male, 73% were white, 24% were black, 42% were Hispanic, and 60% were U.S. citizens. Fifty-five 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 violent offenses. Ninety-four percent of released violent offenders were male, 52% were white, 33% were black, 8% were Hispanic and 95% were U.S. citizens.

**Time served to first release (table 7.16)** — Of prisoners released by standard methods, males served more time than females (29.0 months vs. 20.6 months); blacks served more time than whites (39.0 months vs. 24.5 months); and non-Hispanics served more time than Hispanics (32.7 months vs. 22.2 months). Older persons served more time than younger (until over age 40), and U.S. citizens served more time than non-citizens (figure 7.5). However, across offenses, the overall pattern does not apply. For example, blacks served more time on average than whites, but among property offenders released from prison, whites served more time than blacks. White offenders served an average of 21.0 months for non-fraudulent property offenses compared to 14.9 months by black offenders. Among violent offenders, Hispanics and non-Hispanics both served about 53 months in prison before being released.

<sup>3</sup>The Federal Sentencing Guidelines allow a prisoner up to 54 days per year for good behavior, so a prisoner sentenced to 163 months in prison in November 1987 could have served 142 months of his or her sentence and been released in 1999.

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

**Table 7.1. Federal offenders under supervision, by offense, September 30, 1999**

Most serious offense of conviction <sup>a</sup>	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
			Number	Percent	Number	Percent	Number	Percent
<b>All offenses<sup>b</sup></b>	96,502	100%	31,729	100%	59,644	100%	5,129	100%
<b>Felonies<sup>c</sup></b>	85,759	89.1%	21,527	68.3%	59,111	99.3%	5,121	99.9%
<b>Violent offenses</b>	5,439	5.7%	680	2.2%	3,376	5.7%	1,383	27.0%
Murder <sup>d</sup>	278	0.3	35	0.1	132	0.2	111	2.2
Negligent manslaughter	10	—	2	—	8	—	0	0
Assault	533	0.6	172	0.5	319	0.5	42	0.8
Robbery	4,033	4.2	352	1.1	2,589	4.3	1,092	21.3
Sexual abuse <sup>d</sup>	373	0.4	106	0.3	226	0.4	41	0.8
Kidnaping	171	0.2	6	—	71	0.1	94	1.8
Threats against the President	41	—	7	—	31	0.1	3	0.1
<b>Property offenses</b>	28,262	29.4%	11,996	38.0%	15,718	26.4%	548	10.7%
<b>Fraudulent</b>	23,381	24.3%	9,647	30.6%	13,401	22.5%	333	6.5%
Embezzlement	3,404	3.5	1,093	3.5	2,283	3.8	28	0.5
Fraud <sup>d</sup>	17,355	18.0	7,229	22.9	9,867	16.6	259	5.1
Forgery	591	0.6	295	0.9	271	0.5	25	0.5
Counterfeiting	2,031	2.1	1,030	3.3	980	1.6	21	0.4
<b>Other</b>	4,881	5.1%	2,349	7.4%	2,317	3.9%	215	4.2%
Burglary	256	0.3	80	0.3	127	0.2	49	1.0
Larceny <sup>d</sup>	3,339	3.5	1,860	5.9	1,387	2.3	92	1.8
Motor vehicle theft	422	0.4	125	0.4	271	0.5	26	0.5
Arson and explosives	328	0.3	75	0.2	225	0.4	28	0.5
Transportation of stolen property	450	0.5	168	0.5	264	0.4	18	0.4
Other property offenses <sup>d</sup>	86	0.1	41	0.1	43	0.1	2	—
<b>Drug offenses</b>	37,929	39.4%	3,477	11.0%	31,790	53.4%	2,662	51.9%
Trafficking	33,774	35.1	3,064	9.7	28,290	47.5	2,420	47.2
Other drug offenses	4,155	4.3	413	1.3	3,500	5.9	242	4.7
<b>Public-order offenses</b>	13,840	14.4%	5,179	16.4%	8,135	13.7%	526	10.3%
<b>Regulatory</b>	2,331	2.4%	1,385	4.4%	913	1.5%	33	0.6%
Agriculture	95	0.1	75	0.2	20	—	0	0
Antitrust	17	—	13	—	4	—	0	0
Food and drug	49	0.1	37	0.1	12	—	0	0
Transportation	81	0.1	45	0.1	33	0.1	3	0.1
Civil rights	171	0.2	45	0.1	122	0.2	4	0.1
Communications	117	0.1	80	0.3	36	0.1	1	—
Custom laws	146	0.2	91	0.3	54	0.1	1	—
Postal laws	134	0.1	91	0.3	41	0.1	2	—
Other regulatory offenses	1,521	1.6	908	2.9	591	1.0	22	0.4
<b>Other</b>	11,509	12.0%	3,794	12.0%	7,222	12.1%	493	9.6%
Weapons	4,123	4.3	588	1.9	3,364	5.6	171	3.3
Immigration offenses	1,334	1.4	673	2.1	657	1.1	4	0.1
Tax law violations <sup>d</sup>	1,733	1.8	1,042	3.3	665	1.1	26	0.5
Bribery	394	0.4	223	0.7	167	0.3	4	0.1
Perjury, contempt, and intimidation	386	0.4	149	0.5	223	0.4	14	0.3
National defense	61	0.1	26	0.1	23	—	12	0.2
Escape	301	0.3	52	0.2	223	0.4	26	0.5
Racketeering and extortion	1,903	2.0	476	1.5	1,231	2.1	196	3.8
Gambling	282	0.3	176	0.6	105	0.2	1	—
Nonviolent sex offenses	549	0.6	176	0.6	345	0.6	28	0.5
Obscene material <sup>d</sup>	77	0.1	33	0.1	44	0.1	0	0
Migratory birds	5	—	3	—	2	—	0	0
All other offenses	361	0.4	177	0.6	173	0.3	11	0.2
<b>Misdemeanors<sup>d</sup></b>	10,743	11.2%	10,202	32.4%	533	0.9%	8	0.2%
Fraudulent property offenses	1,459	1.5	1,392	4.4	67	0.1	0	0
Larceny	1,386	1.4	1,281	4.1	105	0.2	0	0
Drug possession <sup>d</sup>	1,817	1.9	1,685	5.3	128	0.2	4	0.1
Immigration misdemeanors	547	0.6	538	1.7	9	—	0	0
Traffic offenses	2,518	2.6	2,450	7.8	67	0.1	1	—
Other misdemeanors	3,016	3.1	2,856	9.1	157	0.3	3	—

—Less than .05%.

<sup>a</sup>See Chapter notes, item 1, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Total includes offenders whose offense category could not be determined; see Chapter notes, item 2, p. 106.

<sup>c</sup>There are 289 felony offenders for whom an offense category was unknown or indeterminable. This includes 195 offenders under probation, 92 under supervised release, and 2 under parole.

<sup>d</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "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, 1999**

Offender characteristic	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
			Number	Percent	Number	Percent	Number	Percent
<b>All offenders*</b>	96,502	100%	31,729	100%	59,644	100%	5,129	100%
<b>Male/female</b>								
Male	75,949	78.8%	22,059	69.6%	48,973	82.2%	4,917	95.9%
Female	20,455	21.2	9,635	30.4	10,612	17.8	208	4.1
<b>Race</b>								
White	62,153	65.2%	21,085	67.2%	37,815	64.1%	3,253	64.9%
Black	28,634	30.0	8,154	26.0	18,828	31.9	1,652	33.0
Native American	1,917	2.0	934	3.0	917	1.6	66	1.3
Asian/Pacific Islander	2,669	2.8	1,195	3.8	1,436	2.4	38	0.8
<b>Ethnicity</b>								
Hispanic	15,617	16.3%	4,380	13.9%	10,543	17.8%	694	13.6%
Non-Hispanic	80,144	83.7	27,088	86.1	48,665	82.2	4,391	86.4
<b>Age</b>								
16-18 years	537	0.6%	506	1.6%	31	0.1%	0	0%
19-20 years	2,043	2.1	1,359	4.3	684	1.1	0	0
21-30 years	26,870	27.9	9,084	28.8	17,613	29.5	173	3.4
31-40 years	29,746	30.9	8,942	28.3	19,702	33.0	1,102	21.5
Over 40 years	37,149	38.6	11,683	37.0	21,613	36.2	3,853	75.1
<b>Education</b>								
Less than high school graduate	30,562	32.1%	7,819	25.1%	20,618	34.9%	2,125	41.8%
High school graduate	33,818	35.5	10,877	35.0	21,177	35.8	1,764	34.7
Some college	21,824	22.9	8,325	26.8	12,617	21.3	882	17.4
College graduate	9,131	9.6	4,087	13.1	4,732	8.0	312	6.1
<b>Drug abuse</b>								
No known abuse	62,139	64.4%	25,101	79.1%	34,305	57.5%	2,733	53.3%
Drug history	34,363	35.6	6,628	20.9	25,339	42.5	2,396	46.7

\*Includes offenders with unknown characteristics.

**Table 7.3. Outcomes of probation supervision, by offense, October 1, 1998 - September 30, 1999**

Most serious offense of conviction <sup>a</sup>	Number of probation terminations	Percent of probation supervisions terminating with—					
		No violation	Technical violations <sup>b</sup>			New crime <sup>c</sup>	Administrative case closures
			Drug use	Fugitive status	Other		
<b>All offenses</b>	16,002	81.3%	3.4%	2.2%	5.7%	5.4%	2.0%
<b>Felonies</b>	7,972	83.1%	3.1%	2.0%	4.5%	5.0%	2.3%
<b>Violent offenses</b>	226	59.7%	6.2%	4.4%	10.6%	17.3%	1.8%
Murder <sup>d</sup>	12	75.0	0	0	0	25.0	0
Negligent manslaughter	1	—	—	—	—	—	—
Assault	72	54.2	5.6	5.6	12.5	19.4	2.8
Robbery	99	61.6	10.1	5.1	9.1	13.1	1.0
Sexual abuse <sup>d</sup>	31	58.1	0	3.2	16.1	19.4	3.2
Kidnaping	5	—	—	—	—	—	—
Threats against the President	6	—	—	—	—	—	—
<b>Property offenses</b>	4,350	84.5%	2.9%	1.8%	4.3%	4.5%	2.0%
<b>Fraudulent</b>	3,489	86.0%	2.5%	1.5%	3.7%	4.1%	2.1%
Embezzlement	457	89.5	1.8	0.2	2.2	4.6	1.8
Fraud <sup>d</sup>	2,606	87.5	1.8	1.6	3.5	3.4	2.2
Forgery	114	82.5	4.4	0	2.6	7.9	2.6
Counterfeiting	312	70.2	8.3	3.8	7.7	8.0	1.9
<b>Other</b>	861	78.4%	4.8%	3.0%	6.5%	5.9%	1.4%
Burglary	28	39.3	7.1	17.9	10.7	25.0	0
Larceny <sup>d</sup>	652	77.9	5.1	2.5	7.5	5.7	1.4
Motor vehicle theft	55	81.8	0	5.5	7.3	3.6	1.8
Arson and explosives	28	89.3	0	7.1	0	3.6	0
Transportation and stolen property	84	89.3	3.6	0	0	4.8	2.4
Other property offenses <sup>d</sup>	14	78.6	21.4	0	0	0	0
<b>Drug offenses</b>	1,280	80.2%	4.3%	2.6%	4.1%	6.3%	2.7%
Trafficking	1,118	79.8	4.3	2.9	4.0	6.4	2.7
Possession and other drug offenses	162	82.7	4.3	0.6	4.3	5.6	2.5
<b>Public-order offenses</b>	2,032	85.7%	2.1%	1.5%	4.1%	3.8%	2.8%
<b>Regulatory</b>	509	86.4%	2.8%	0.6%	3.9%	3.9%	2.4%
Agriculture	24	91.7	0	4.2	4.2	0	0
Antitrust	6	—	—	—	—	—	—
Food and drug	18	100	0	0	0	0	0
Transportation	21	90.5	0	0	9.5	0	0
Civil rights	8	—	—	—	—	—	—
Communications	25	96.0	0	0	0	0	4.0
Custom laws	28	78.6	7.1	0	0	7.1	7.1
Postal laws	39	79.5	2.6	0	10.3	7.7	0
Other regulatory offenses	340	85.6	3.2	0.6	3.8	4.4	2.4
<b>Other</b>	1,523	85.5%	1.8%	1.8%	4.2%	3.7%	3.0%
Weapons	235	78.3	2.6	1.7	7.7	8.9	0.9
Immigration offenses	294	74.1	3.7	3.4	5.8	7.8	5.1
Tax law violations <sup>d</sup>	463	94.4	0.4	0.2	2.8	0.6	1.5
Bribery	85	88.2	3.5	1.2	0	2.4	4.7
Perjury, contempt, and intimidation	54	88.9	1.9	3.7	5.6	0	0
National defense	9	—	—	—	—	—	—
Escape	21	71.4	9.5	4.8	9.5	0	4.8
Racketeering and extortion	185	87.6	0.5	1.6	1.6	2.7	5.9
Gambling	57	93.0	0	0	3.5	0	3.5
Nonviolent sex offenses	36	86.1	2.8	2.8	0	2.8	5.6
Obscene material <sup>d</sup>	9	—	—	—	—	—	—
Migratory birds	8	—	—	—	—	—	—
All other offenses	67	83.6	1.5	4.5	9.0	1.5	0
<b>Misdemeanors<sup>d</sup></b>	8,030	79.4%	3.7%	2.4%	6.9%	5.8%	1.7%
Fraudulent property offense	625	82.9	4.5	3.0	4.6	2.9	2.1
Larceny	1,063	81.2	3.9	2.9	5.5	5.2	1.4
Drug possession <sup>d</sup>	1,481	75.2	7.9	2.0	7.4	5.5	2.0
Immigration	255	34.9	2.7	6.3	13.7	40.8	1.6
Traffic offenses	2,725	82.6	2.2	1.8	7.6	4.5	1.2
Other misdemeanors	1,881	82.0	2.3	2.6	6.2	4.7	2.2

Note: Offenses for 84 felony offenders could not be classified. See *Chapter notes*, item 3, p. 106.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 1, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

<sup>d</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "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, 1998 - September 30, 1999**

Offender characteristic	Number of probation terminations	Percent terminating probation with—					New crime <sup>b</sup>	Administrative case closures
		No violation	Technical violations <sup>a</sup>					
			Drug use	Fugitive status	Other			
<b>All offenders<sup>c</sup></b>	16,002	81.3%	3.4%	2.2%	5.7%	5.4%	2.0%	
<b>Male/female</b>								
Male	11,732	80.2%	3.4%	2.4%	6.0%	6.1%	2.1%	
Female	4,248	84.3	3.4	1.8	5.0	3.7	1.8	
<b>Race</b>								
White	10,676	83.2%	2.8%	1.9%	4.7%	5.1%	2.2%	
Black	3,985	76.6	5.1	2.9	8.0	6.1	1.4	
Native American	422	58.3	5.2	5.9	13.5	13.3	3.8	
Asian/Pacific Islander	567	89.4	1.6	1.1	3.5	2.3	2.1	
<b>Ethnicity</b>								
Hispanic	2,041	72.4%	3.2%	4.0%	7.3%	10.1%	2.9%	
Non-Hispanic	13,744	82.6	3.4	2.0	5.4	4.8	1.8	
<b>Age</b>								
16-18 years	205	55.6%	4.4%	7.8%	13.2%	15.6%	3.4%	
19-20 years	710	63.9	7.6	4.9	12.3	9.3	2.0	
21-30 years	4,457	74.8	4.8	3.1	8.0	7.8	1.5	
31-40 years	4,305	81.1	4.0	1.9	6.2	5.2	1.6	
Over 40 years	6,301	88.9	1.4	1.3	2.7	3.1	2.6	
<b>Education</b>								
Less than high school graduate	3,929	72.3%	5.2%	3.8%	8.1%	7.7%	2.9%	
High school graduate	5,698	81.9	3.8	2.0	6.0	4.5	1.8	
Some college	3,831	86.0	2.3	1.5	4.4	4.2	1.6	
College graduate	1,840	93.0	0.6	0.7	1.7	2.2	1.8	
<b>Drug abuse</b>								
No known abuse	12,537	85.3%	1.6%	1.7%	4.8%	4.5%	2.0%	
Drug history	3,465	66.6	9.7	4.0	9.0	8.8	2.0	

<sup>a</sup>Violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Includes offenders with unknown characteristics.

<sup>b</sup>Includes both "major" and "minor" offenses.



**Table 7.5. Outcomes of supervised release, by offense, October 1, 1998 - September 30, 1999**

Most serious offense of conviction <sup>a</sup>	Number of supervised release terminations	Percent of supervised releases terminating with—					
		No violation	Technical violations <sup>b</sup>			New crime <sup>c</sup>	Administrative case closures
			Drug use	Fugitive status	Other		
<b>All offenses</b>	21,570	63.8%	8.1%	4.3%	8.0%	12.5%	3.3%
<b>Felonies</b>	20,976	63.6%	8.1%	4.3%	8.0%	12.7%	3.4%
<b>Violent offenses</b>	1,576	40.4%	13.3%	9.1%	14.8%	19.4%	3.0%
Murder <sup>d</sup>	46	39.1	4.3	10.9	21.7	23.9	0
Negligent manslaughter	5	—	—	—	—	—	—
Assault	195	52.8	3.6	6.7	16.4	19.5	1.0
Robbery	1,156	37.4	16.3	9.9	13.4	19.6	3.3
Sexual abuse <sup>d</sup>	123	45.5	5.7	5.7	19.5	17.9	5.7
Kidnaping	27	48.1	7.4	7.4	25.9	7.4	3.7
Threats against the President	24	54.2	8.3	0	16.7	20.8	0
<b>Property offenses</b>	6,060	69.2%	5.9%	4.3%	8.5%	9.7%	2.4%
<b>Fraudulent</b>	4,907	71.8%	5.2%	3.9%	7.9%	8.7%	2.6%
Embezzlement	740	87.1	2.4	1.6	4.5	3.2	1.1
Fraud <sup>d</sup>	3,601	71.2	4.8	3.9	8.2	8.9	2.9
Forgery	146	58.2	6.8	4.1	15.1	11.0	4.8
Counterfeiting	420	55.0	12.1	6.9	9.0	15.0	1.9
<b>Other</b>	1,153	58.1%	9.1%	6.2%	11.3%	14.0%	1.3%
Burglary	102	38.2	9.8	6.9	19.6	25.5	0
Larceny <sup>d</sup>	717	57.7	10.7	6.4	11.4	12.6	1.1
Motor vehicle theft	115	66.1	6.1	6.1	4.3	14.8	2.6
Arson and explosives	82	56.1	4.9	6.1	12.2	18.3	2.4
Transportation and stolen property	110	74.5	3.6	4.5	9.1	7.3	0.9
Other property offenses <sup>d</sup>	27	48.1	11.1	7.4	11.1	18.5	3.7
<b>Drug offenses</b>	9,171	64.2%	9.5%	3.5%	6.9%	12.1%	3.8%
Trafficking	8,090	63.6	9.5	3.5	7.1	12.3	3.8
Possession and other drug offenses	1,081	68.3	9.0	3.4	5.1	10.8	3.4
<b>Public-order offenses</b>	4,132	62.9%	6.3%	4.2%	7.0%	15.7%	4.0%
<b>Regulatory</b>	502	78.1%	5.2%	3.6%	3.2%	7.4%	2.6%
Agriculture	15	93.3	0	0	0	0	6.7
Antitrust	4	—	—	—	—	—	—
Food and drug	15	86.7	0	0	0	6.7	6.7
Transportation	17	88.2	5.9	0	5.9	0	0
Civil rights	37	81.1	5.4	0	2.7	10.8	0
Communications	17	76.5	5.9	0	0	17.6	0
Custom laws	30	73.3	3.3	6.7	3.3	13.3	0
Postal laws	23	69.6	4.3	8.7	8.7	8.7	0
Other regulatory offenses	344	77.0	5.8	4.1	3.2	6.7	3.2
<b>Other</b>	3,630	60.8%	6.4%	4.2%	7.6%	16.8%	4.2%
Weapons	1,598	55.8	11.1	4.3	8.9	17.0	2.8
Immigration offenses	671	37.1	2.7	6.1	8.3	34.7	11.0
Tax law violations <sup>d</sup>	335	92.8	1.5	0.9	2.4	2.1	0.3
Bribery	72	87.5	1.4	1.4	4.2	1.4	4.2
Perjury, contempt, and intimidation	86	72.1	2.3	3.5	9.3	7.0	5.8
National defense	8	—	—	—	—	—	—
Escape	141	44.0	5.7	12.1	8.5	26.2	3.5
Racketeering and extortion	476	78.4	3.2	2.7	5.7	6.9	3.2
Gambling	51	90.2	2.0	0	0	7.8	0
Nonviolent sex offenses	99	73.7	2.0	3.0	12.1	7.1	2.0
Obscene material <sup>d</sup>	9	—	—	—	—	—	—
Migratory birds	2	—	—	—	—	—	—
All other offenses	82	72.8	2.5	6.2	6.2	9.9	2.5
<b>Misdemeanors<sup>d</sup></b>	594	71.0%	6.9%	4.9%	8.8%	6.6%	1.9%
Fraudulent property offense	77	80.5	3.9	3.9	6.5	5.2	0
Larceny	119	58.0	5.9	9.2	11.8	12.6	2.5
Drug possession <sup>d</sup>	140	65.0	15.7	6.4	5.7	5.7	1.4
Immigration	20	90.0	0	0	0	5.0	5.0
Traffic offenses	80	73.8	1.3	3.8	11.3	8.8	1.3
Other misdemeanors	158	77.8	5.1	1.9	10.1	2.5	2.5

Note: Offenses for 37 felony offenders could not be determined; see *Chapter notes*, item 3, p. 106.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 1, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

<sup>d</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "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, 1998 - September 30, 1999**

Offender characteristic	Number of supervised release terminations	Percent terminating supervised release with—					New crime <sup>b</sup>	Administrative case closures
		No violation	Technical violations <sup>a</sup>					
			Drug use	Fugitive status	Other			
<b>All offenders<sup>c</sup></b>	21,570	63.8%	8.1%	4.3%	8.0%	12.5%	3.3%	
<b>Male/female</b>								
Male	18,136	61.3%	8.5%	4.5%	8.4%	13.8%	3.6%	
Female	3,414	77.4	5.6	3.1	6.1	5.8	2.0	
<b>Race</b>								
White	13,933	68.7%	6.4%	3.9%	6.5%	11.0%	3.5%	
Black	6,383	54.2	12.1	4.7	10.6	15.7	2.7	
Native American	543	40.7	6.1	9.9	18.4	21.5	3.3	
Asian/Pacific Islander	523	73.4	4.8	3.3	6.9	5.7	5.9	
<b>Ethnicity</b>								
Hispanic	3,939	55.7%	7.0%	5.6%	8.5%	17.0%	6.2%	
Non-Hispanic	17,471	65.6	8.3	4.0	7.9	11.5	2.7	
<b>Age</b>								
16-18 years	5	—	—	—	—	—	—	
19-20 years	133	18.8	14.3	12.8	23.3	26.3	4.5	
21-30 years	5,211	47.3	10.8	7.3	12.1	19.8	2.8	
31-40 years	7,555	61.1	10.1	4.0	8.3	13.5	3.0	
Over 40 years	8,665	76.8	4.6	2.6	5.1	7.1	3.9	
<b>Education</b>								
Less than high school graduate	8,034	54.2%	10.6%	5.6%	9.7%	15.5%	4.4%	
High school graduate	7,439	65.2	8.4	3.9	7.9	12.0	2.5	
Some college	4,155	73.4	5.0	3.5	6.8	8.9	2.5	
College graduate	1,619	85.8	1.7	1.4	3.0	5.1	3.1	
<b>Drug abuse</b>								
No known abuse	12,130	72.3%	3.5%	3.5%	6.2%	10.7%	3.8%	
Drug history	9,440	52.9	13.9	5.3	10.3	14.8	2.7	

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Violation of supervision conditions other than charges for new offenses.

<sup>b</sup>Includes both "major" and "minor" offenses.

<sup>c</sup>Includes offenders with unknown characteristics.

**Table 7.7. Outcomes of parole, by offense, October 1, 1998 - September 30, 1999**

Most serious offense of conviction <sup>a</sup>	Number of parole terminations	Percent of paroles terminating with—					
		Technical violations <sup>b</sup>				New crime <sup>c</sup>	Administrative case closures
		No violation	Drug use	Fugitive status	Other		
<b>All offenses</b>	2,503	55.1%	13.0%	4.3%	8.8%	14.4%	4.4%
<b>Felonies</b>	2,497	55.1%	13.1%	4.3%	8.8%	14.4%	4.4%
<b>Violent offenses</b>	772	35.5%	19.4%	7.0%	11.9%	22.7%	3.5%
Murder <sup>d</sup>	45	35.6	13.3	2.2	11.1	35.6	2.2
Assault	24	33.3	4.2	4.2	8.3	41.7	8.3
Robbery	639	36.2	21.3	7.4	11.7	20.0	3.4
Sexual abuse <sup>d</sup>	17	29.4	5.9	0	29.4	29.4	5.9
Kidnaping	47	29.8	12.8	10.6	10.6	34.0	2.1
<b>Property offenses</b>	256	65.2%	5.1%	3.1%	8.2%	14.5%	3.9%
<b>Fraudulent</b>	163	68.1%	3.7%	3.1%	7.4%	14.7%	3.1%
Embezzlement	13	92.3	0	0	0	0	7.7
Fraud <sup>d</sup>	117	69.2	2.6	1.7	7.7	17.1	1.7
Forgery	24	50.0	8.3	12.5	8.3	16.7	4.2
Counterfeiting	9	—	—	—	—	—	—
<b>Other</b>	93	60.2%	7.5%	3.2%	9.7%	14.0%	5.4%
Burglary	23	52.2	13.0	0	13.0	17.4	4.3
Larceny <sup>d</sup>	38	55.3	7.9	5.3	7.9	15.8	7.9
Motor vehicle theft	7	—	—	—	—	—	—
Arson and explosives	12	75.0	0	8.3	0	16.7	0
Transportation and stolen property	12	75.0	0	0	16.7	8.3	0
Other property offenses <sup>d</sup>	1	—	—	—	—	—	—
<b>Drug offenses</b>	1,247	64.1%	11.5%	2.6%	7.1%	9.7%	5.1%
Trafficking	1,133	64.3	11.3	2.5	7.3	9.4	5.3
Possession and other drug offenses	114	62.3	13.2	3.5	5.3	13.2	2.6
<b>Public-order offenses</b>	221	60.6%	9.0%	5.9%	8.1%	12.2%	4.1%
<b>Regulatory</b>	16	75.0%	6.3%	6.3%	12.5%	0%	0%
<b>Other</b>	205	59.5%	9.3%	5.9%	7.8%	13.2%	4.4%
Weapons	71	42.3	18.3	8.5	5.6	21.1	4.2
Immigration offenses	4	—	—	—	—	—	—
Tax law violations <sup>d</sup>	20	80.0	0	0	5.0	10.0	5.0
Perjury, contempt, and intimidation	6	—	—	—	—	—	—
Escape	21	57.1	9.5	9.5	9.5	14.3	0.0
Racketeering and extortion	71	78.9	2.8	1.4	8.5	4.2	4.2
Gambling	1	—	—	—	—	—	—
Nonviolent sex offenses	7	—	—	—	—	—	—
Obscene material <sup>d</sup>	2	—	—	—	—	—	—
All other offenses	2	—	—	—	—	—	—
<b>Misdemeanors<sup>d</sup></b>	6	—	—	—	—	—	—

Note: The offense for 1 felony offender could not be determined; see *Chapter notes*, item 3, p. 106.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 1, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

<sup>d</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels.

**Table 7.8. Characteristics of offenders terminating parole, October 1, 1998 - September 30, 1999**

Offender characteristic	Number of parole terminations	Percent terminating parole with—					New crime <sup>b</sup>	Administrative case closures
		No violation	Technical violations <sup>a</sup>					
			Drug use	Fugitive status	Other			
<b>All offenders<sup>c</sup></b>	2,503	55.1%	13.0%	4.3%	8.8%	14.4%	4.4%	
<b>Male/female</b>								
Male	2,388	54.4%	13.3%	4.3%	9.0%	14.7%	4.4%	
Female	114	70.2	7.9	3.5	3.5	9.6	5.3	
<b>Race</b>								
White	1,540	61.2%	10.3%	3.8%	7.5%	11.9%	5.2%	
Black	862	45.4	18.0	5.0	10.6	18.2	2.9	
Native American	49	30.6	12.2	4.1	18.4	30.6	4.1	
Asian/Pacific Islander	16	62.5	12.5	0	6.3	18.8	0	
<b>Ethnicity</b>								
Hispanic	346	63.6%	13.0%	2.3%	10.1%	7.5%	3.5%	
Non-Hispanic	2,139	53.7	12.9	4.6	8.6	15.5	4.6	
<b>Age</b>								
21-30 years	34	41.2%	11.8%	8.8%	11.8%	23.5%	2.9%	
31-40 years	496	50.8	15.1	3.6	9.3	18.5	2.6	
Over 40 years	1,973	56.4	12.5	4.4	8.6	13.2	4.9	
<b>Education</b>								
Less than high school graduate	1,123	53.1%	13.6%	5.0%	8.8%	14.7%	4.8%	
High school graduate	846	52.4	14.5	4.0	9.7	15.8	3.5	
Some college	376	59.6	11.2	3.5	8.5	12.2	5.1	
College graduate	136	78.7	4.4	1.5	2.9	7.4	5.1	
<b>Drug abuse</b>								
No known abuse	1,180	63.9%	6.4%	3.8%	8.1%	12.7%	5.1%	
Drug history	1,323	47.2	18.9	4.7	9.4	15.9	3.8	

<sup>a</sup>Violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Includes offenders with unknown characteristics.

<sup>b</sup>Includes both "major" and "minor" offenses.

**Table 7.9. Admissions and releases of Federal prisoners, by offense, October 1, 1998 - September 30, 1999**

Most serious original offense of conviction <sup>a</sup>	Population at start of year	Prisoners received			Prisoners released			Population at end of year	Net population change
		District court		All other	First release		All other		
		1 year or less	Over 1 year		1 year or less	Over 1 year			
<b>All offenses</b>	107,671	10,449	36,942	16,595	10,133	27,539	14,800	119,185	11,514
<b>Violent offenses</b>	12,675	184	2,158	2,826	162	1,797	2,529	13,355	680
Murder/manslaughter <sup>b</sup>	1,354	13	125	213	7	75	125	1,498	144
Assault	754	90	249	531	88	217	423	896	142
Robbery	9,040	68	1,506	1,708	56	1,302	1,610	9,354	314
Sexual abuse <sup>b</sup>	805	12	171	243	10	132	232	857	52
Kidnaping	652	0	95	64	0	59	71	681	29
Threats against the President	70	1	12	67	1	12	68	69	-1
<b>Property offenses</b>	8,484	2,516	4,086	3,987	2,541	4,035	3,815	8,682	198
<b>Fraudulent</b>	6,424	2,114	3,413	2,425	2,129	3,331	2,363	6,553	129
Embezzlement	301	270	162	160	272	159	160	302	1
Fraud <sup>b</sup>	5,456	1,597	2,845	1,759	1,586	2,809	1,734	5,528	72
Forgery	229	69	68	202	77	91	188	212	-17
Counterfeiting	438	178	338	304	194	272	281	511	73
<b>Other</b>	2,060	402	673	1,562	412	704	1,452	2,129	69
Burglary	188	15	54	313	15	48	195	312	124
Larceny <sup>b</sup>	754	299	272	823	297	284	838	729	-25
Motor vehicle theft	198	20	65	90	26	82	87	178	-20
Arson and explosives	214	1	50	36	3	42	44	212	-2
Transportation of stolen property	199	21	84	53	21	86	66	184	-15
Other property offenses <sup>b</sup>	507	46	148	247	50	162	222	514	7
<b>Drug offenses</b>	62,438	1,489	19,502	5,509	1,366	14,371	4,841	68,360	5,922
Trafficking	61,990	1,351	19,416	4,968	1,243	14,310	4,337	67,835	5,845
Possession and other drug offenses	448	138	86	541	123	61	504	525	77
<b>Public-order offenses</b>	22,047	6,018	10,818	3,838	5,817	7,169	3,279	26,456	4,409
<b>Regulatory</b>	1,087	196	461	236	192	502	238	1,048	-39
<b>Other</b>	20,960	5,822	10,357	3,602	5,625	6,667	3,041	25,408	4,448
Weapons	8,701	141	2,386	1,017	136	1,711	904	9,494	793
Immigration offenses	7,150	4,919	5,929	1,009	4,703	3,373	775	10,156	3,006
Tax law violations <sup>b</sup>	392	135	174	87	146	204	108	330	-62
Bribery	71	22	32	15	24	29	16	71	0
Perjury, contempt, and intimidation	117	43	43	30	39	54	41	99	-18
National defense	62	5	11	6	3	17	9	55	-7
Escape	282	45	115	171	62	113	101	337	55
Racketeering and extortion	3,628	94	1,323	231	82	939	200	4,055	427
Gambling	2	0	0	1	1	0	2	0	-2
Liquor offenses	1	1	4	0	0	3	0	3	2
Nonviolent sex offenses	161	2	47	47	3	35	44	175	14
Obscene material <sup>b</sup>	219	9	214	29	11	98	26	336	117
Traffic offenses	127	327	36	701	325	37	697	132	5
Migratory birds	13	10	8	11	14	8	12	8	-5
All other offenses	34	69	35	247	76	46	106	157	123
<b>Unknown or indeterminable offenses</b>	2,027	242	378	435	247	167	336	2,332	305

Note: For further information, see *Chapter notes*, items 4, 5, and 8, p. 106.

<sup>a</sup>See *Chapter notes*, item 4, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes

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

**Table 7.10. Characteristics of Federal prison population, by major offense category, October 1, 1998 - September 30, 1999**

Offender characteristic	Total prisoners	Percent of Federal prison population serving for <sup>a</sup> —						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
<b>All cases<sup>b</sup></b>								
<b>All prisoners</b>	119,185	119,185	13,355	6,553	2,129	68,360	1,048	25,408
<b>Male/female</b>								
Male	110,231	92.5%	95.5%	82.6%	89.3%	91.5%	88.8%	96.4%
Female	8,936	7.5	4.5	17.4	10.7	8.5	11.2	3.6
<b>Race</b>								
White	67,535	57.0%	45.1%	66.0%	60.2%	53.4%	73.6%	69.4%
Black	47,301	39.9	43.7	30.3	33.0	45.2	24.0	28.0
Native American	1,916	1.6	10.0	0.5	4.7	0.3	0.4	0.9
Asian/Pacific Islander	1,700	1.4	1.2	3.3	2.0	1.1	2.1	1.8
<b>Ethnicity</b>								
Hispanic	34,749	29.3%	7.5%	9.0%	7.0%	31.8%	14.5%	42.7%
Non-Hispanic	83,703	70.7	92.5	91.0	93.0	68.2	85.5	57.3
<b>Age</b>								
Under 19 years	542	0.5%	1.7%	0.1%	1.5%	0.2%	0.2%	0.5%
19-20 years	4,139	3.6	5.9	1.6	4.3	3.5	3.8	3.1
21-30 years	45,523	39.4	37.1	22.0	31.0	41.8	29.0	40.2
31-40 years	37,813	32.7	32.9	31.4	34.6	32.1	28.7	34.5
Over 40 years	27,545	23.8	22.3	44.9	28.7	22.4	38.4	21.7
<b>Citizenship</b>								
U.S. citizen	86,774	73.6%	96.4%	88.4%	94.1%	73.2%	87.9%	55.8%
Not U.S. citizen	31,095	26.4	3.6	11.6	5.9	26.8	12.1	44.2
<b>New law cases</b>								
<b>All prisoners</b>	110,671	110,671	10,502	6,315	1,734	65,935	966	24,517
<b>Male/female</b>								
Male	102,321	92.5%	95.8%	82.6%	90.1%	91.5%	88.7%	96.5%
Female	8,349	7.5	4.2	17.4	9.9	8.5	11.3	3.5
<b>Race</b>								
White	63,883	57.8%	46.3%	65.9%	63.7%	53.8%	73.3%	69.8%
Black	43,393	39.2	41.2	30.3	28.5	44.8	24.1	27.5
Native American	1,711	1.5	11.1	0.5	5.4	0.3	0.3	0.9
Asian/Pacific Islander	1,610	1.5	1.4	3.3	2.4	1.1	2.3	1.8
<b>Ethnicity</b>								
Hispanic	33,696	30.5%	7.3%	9.1%	7.5%	32.2%	14.7%	43.8%
Non-Hispanic	76,901	69.5	92.7	90.9	92.5	67.8	85.3	56.2
<b>Age</b>								
Under 19 years	510	0.5%	1.9%	0.1%	1.6%	0.2%	0.2%	0.5%
19-20 years	4,021	3.7	6.6	1.6	4.6	3.6	4.0	3.1
21-30 years	43,944	40.1	38.3	22.2	31.5	42.3	29.6	40.7
31-40 years	35,822	32.7	33.4	31.7	34.0	32.0	28.2	34.6
Over 40 years	25,339	23.1	19.8	44.4	28.3	21.9	38.0	21.1
<b>Citizenship</b>								
U.S. citizen	79,672	72.4%	96.5%	88.2%	93.5%	72.8%	87.2%	54.6%
Not U.S. citizen	30,385	27.6	3.5	11.8	6.5	27.2	12.8	45.4

Note: Percentages in this table are based on nonmissing characteristics. Total includes 2,332 prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 106.

<sup>b</sup>Of the 119,185 prisoners in BOP facilities, 7% (7,940) were old law offenders.

<sup>a</sup>See *Chapter notes*, item 4, p. 106, and "Offense classifications" in *Methodology*, p. 109.

**Table 7.11. Number of first releases from Federal prison, by release method and sentence length, October 1, 1998 - September 30, 1999**

Most serious original offense of conviction <sup>a</sup>	Total	Standard <sup>b</sup>	Extraordinary means				
			Drug treatment	Treaty transfer	Sentence commutation	Death	Other <sup>c</sup>
<b>All cases</b>							
<b>All prisoners</b>	37,672	33,748	2,671	371	200	228	454
<b>Violent offenses</b>	1,959	1,897	4	0	7	50	1
<b>Property offenses</b>	6,576	6,317	147	6	29	15	62
Fraudulent	5,460	5,235	130	4	24	13	54
Other	1,116	1,082	17	2	5	2	8
<b>Drug offenses</b>	15,737	12,473	2,352	351	117	105	339
<b>Public-order offenses</b>	12,986	12,657	164	13	44	56	52
Regulatory	694	641	25	0	4	2	22
Other	12,292	12,016	139	13	40	54	30
<b>Other prisoners<sup>d</sup></b>	414	404	4	1	3	2	0
<b>Sentences greater than 1 year</b>							
<b>All prisoners</b>	27,539	23,645	2,668	371	174	227	454
<b>Violent offenses</b>	1,797	1,737	4	0	5	50	1
<b>Property offenses</b>	4,035	3,786	146	6	21	14	62
Fraudulent	3,331	3,115	129	4	17	12	54
Other	704	671	17	2	4	2	8
<b>Drug offenses</b>	14,371	11,112	2,350	351	114	105	339
<b>Public-order offenses</b>	7,169	6,851	164	13	33	56	52
Regulatory	502	450	25	0	3	2	22
Other	6,667	6,401	139	13	30	54	30
<b>Other prisoners<sup>d</sup></b>	167	159	4	1	1	2	0

Note: Total includes prisoners whose offense category could not be determined. Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 4-7, p. 106.  
<sup>a</sup>See *Chapter notes*, item 4, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Standard releases include expirations, mandatory release, and release to parole.  
<sup>c</sup>Other extraordinary releases include escape and intensive confinement programs.  
<sup>d</sup>Offense not classifiable or not a violation of U.S. Code.

**Table 7.12. Average time to first release and percent of sentence served, for prisoners released by standard methods, October 1, 1998 - September 30, 1999**

Most serious original offense of conviction <sup>a</sup>	All offenders			Prisoners with sentences of 1 year or less			Prisoners with sentences over 1 year			
	Number of prisoners released <sup>b</sup>	Mean time served	Median time served	Number of prisoners released <sup>b</sup>	Mean time served	Median time served	Number of prisoners released <sup>b</sup>	Mean time served	Median time served	Percent of sentence served
<b>All prisoners</b>	33,748	28.0 mo	18.3 mo	10,103	5.0 mo	5.0 mo	23,645	37.9 mo	26.2 mo	87.4%
<b>Violent offenses</b>	1,897	53.3 mo	43.6 mo	160	5.5 mo	5.8 mo	1,737	57.7 mo	46.2 mo	85.8%
Murder/manslaughter <sup>c</sup>	82	59.9	39.2	7	—	—	75	64.9	41.9	85.3
Assault	299	25.4	19.5	87	4.7	5.0	212	33.9	28.6	88.1
Robbery	1,309	59.5	51.4	55	6.6	6.0	1,254	61.9	52.6	85.6
Sexual abuse <sup>c</sup>	138	36.4	20.9	10	—	—	128	38.8	21.0	87.8
Kidnaping	57	91.7	75.8	0	...	...	57	91.7	75.8	78.8
Threats against the President	12	31.1	21.1	1	—	—	11	33.4	23.5	89.7
<b>Property offenses</b>	6,317	15.6 mo	12.0 mo	2,531	5.1 mo	5.0 mo	3,786	22.6 mo	18.2 mo	87.9%
<b>Fraudulent</b>	5,235	15.0 mo	12.0 mo	2,120	5.1 mo	5.0 mo	3,115	21.7 mo	16.5 mo	87.9%
Embezzlement	421	9.2	5.0	271	3.5	4.0	150	19.4	13.1	87.9
Fraud <sup>c</sup>	4,196	15.9	12.0	1,580	5.2	5.0	2,616	22.3	18.2	87.8
Forgery	165	12.1	10.5	77	5.5	5.0	88	17.8	14.8	88.5
Counterfeiting	453	13.1	11.0	192	6.0	6.0	261	18.4	13.9	89.0
<b>Other</b>	1,082	18.8 mo	12.8 mo	411	5.5 mo	5.1 mo	671	26.9 mo	20.9 mo	88.1%
Burglary	60	22.1	16.3	15	6.8	6.3	45	27.2	21.0	88.1
Larceny <sup>c</sup>	570	12.9	10.0	297	5.4	5.0	273	21.0	15.7	89.2
Motor vehicle theft	103	20.6	13.9	26	7.2	6.1	77	25.1	20.0	87.2
Arson and explosives	44	52.4	34.4	3	—	—	41	55.6	36.5	84.9
Transportation and stolen property	95	19.3	15.7	21	6.3	6.0	74	22.9	16.3	87.2
Other property offenses <sup>c</sup>	210	25.8	21.5	49	4.8	5.0	161	32.2	26.2	87.9
<b>Drug offenses</b>	12,473	40.1 mo	31.4 mo	1,361	6.7 mo	6.0 mo	11,112	44.2 mo	33.1 mo	87.2%
Trafficking	12,296	40.5	31.4	1,238	6.9	6.3	11,058	44.2	33.1	87.2
Possession and other drug offenses	177	12.4	6.0	123	4.4	4.0	54	30.8	18.4	90.6
<b>Public-order offenses</b>	12,657	19.1 mo	11.4 mo	5,806	4.6 mo	4.1 mo	6,851	31.5 mo	21.2 mo	87.9%
<b>Regulatory</b>	641	20.4 mo	13.1 mo	191	5.7 mo	5.9 mo	450	26.6 mo	20.9 mo	87.4%
<b>Other</b>	12,016	19.1 mo	11.0 mo	5,615	4.6 mo	4.0 mo	6,401	31.8 mo	21.4 mo	87.9%
Weapons	1,777	45.2	41.3	136	6.7	6.0	1,641	48.4	46.1	87.4
Immigration offenses	8,058	12.2	6.0	4,695	4.6	4.0	3,363	22.8	20.9	88.6
Tax law violations <sup>c</sup>	338	14.0	10.5	145	5.3	5.0	193	20.5	15.7	87.5
Bribery	49	12.7	10.4	24	4.8	5.0	25	20.2	13.1	87.9
Perjury, contempt, and intimidation	86	16.0	11.9	39	5.2	5.0	47	24.9	16.2	87.2
National defense	20	67.4	24.0	3	—	—	17	78.3	31.4	79.9
Escape	169	19.6	13.3	62	7.3	7.9	107	26.8	23.5	89.4
Racketeering and extortion	869	38.2	31.2	82	5.5	5.0	787	41.6	32.2	86.0
Gambling	1	—	—	1	—	—	0	...	...	...
Liquor offenses	3	—	—	0	...	...	3	—	—	—
Nonviolent sex offenses	37	39.6	21.4	3	—	—	34	42.4	27.1	85.4
Obscene material <sup>c</sup>	106	19.4	15.7	11	5.8	6.0	95	21.0	15.7	87.5
Traffic offenses	361	3.3	1.0	324	2.2	1.0	37	13.7	12.0	93.2
Migratory birds	22	8.2	6.0	14	4.7	4.0	8	—	—	—
All other offenses	120	10.5	6.0	76	4.3	5.0	44	21.1	14.8	91.2
<b>Other prisoners<sup>d</sup></b>	404	11.6 mo	6.0 mo	245	4.4 mo	4.0 mo	159	22.7 mo	15.7 mo	88.3%

Note: Total includes prisoners whose offense category could not be determined. Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 4-7, p. 106.

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>See *Chapter notes*, item 4, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>This 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 1999 was 3,924. See table 7.11, p. 101.

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

<sup>d</sup>Offense not classifiable or not a violation of U.S. Code.



**Table 7.13. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods during October 1, 1998 - September 30, 1999**

Sentence imposed <sup>a</sup>	Number of months served for <sup>b</sup> —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
<b>All cases</b>							
All releases	28.0 mo	53.3 mo	15.0 mo	18.8 mo	40.1 mo	20.4 mo	19.1 mo
1-12 mo <sup>c</sup>	5.0	5.5	5.1	5.5	6.7	5.7	4.6
13-24	13.8	14.5	13.6	14.0	13.7	14.0	13.9
25-36	23.8	25.5	23.9	24.4	24.6	24.4	22.8
37-48	35.2	35.9	34.7	34.8	35.2	33.2	35.4
49-60	45.9	46.3	45.4	45.5	45.7	45.5	46.5
61-72	55.0	56.6	52.9	55.7	55.1	52.0	54.6
73-84	66.9	68.2	68.3	68.2	66.6	—	67.0
85-96	76.8	78.6	67.9	—	76.2	—	77.5
97-108	86.0	87.9	77.8	—	85.5	—	86.8
109-120	96.6	98.2	—	...	95.7	—	97.9
121-144	106.6	107.5	81.1	—	107.0	—	106.6
145-180	122.5	112.0	—	—	126.7	...	110.5
181-240	115.9	126.6	—	—	114.7	—	114.8
241-300	142.9	147.0	—	—	140.5	—	149.0
Over 300	170.7	185.4	—	—	157.8	—	171.0
<b>New law cases</b>							
All releases	26.6 mo	45.6 mo	14.6 mo	17.7 mo	38.5 mo	18.4 mo	18.4 mo
1-12 mo <sup>c</sup>	5.0	5.6	5.1	5.6	6.7	5.7	4.6
13-24	13.8	14.5	13.6	14.0	13.7	14.0	13.9
25-36	23.9	25.5	24.0	24.4	24.6	24.4	22.8
37-48	35.3	35.9	35.0	34.8	35.2	34.1	35.5
49-60	46.0	46.3	45.9	45.9	45.7	45.5	46.6
61-72	55.3	56.8	55.0	56.4	55.2	54.8	55.0
73-84	67.2	68.3	68.3	68.2	66.8	—	67.4
85-96	77.1	78.6	—	—	76.5	—	77.6
97-108	86.6	88.2	—	—	85.9	—	87.1
109-120	96.9	98.2	—	...	96.1	—	98.3
121-144	108.4	110.3	—	—	108.1	—	111.5
145-180	130.4	—	...	...	130.5	...	—
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 4-7, p. 106.  
 Note: Of the 33,748 first releases by standard methods, 33,109 were new law and 639 were old law.  
 —Too few cases to obtain statistically reliable data.  
 ...No case of this type occurred within the data.  
 \*\*As of fiscal year 1999, new law inmates who were sentenced to more than 163 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and

death), because the Federal Sentencing Guidelines took effect as of November 1987. See table 7.11, p. 101.  
<sup>a</sup>Sentence for the single most serious offense.  
<sup>b</sup>See *Chapter notes*, item 4, p. 106, and "Offense classifications" in *Methodology*, p. 109.  
<sup>c</sup>The interval includes days up through the upper bound and days to upper bound of the previous interval.

**Table 7.14. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods during October 1, 1998 - September 30, 1999**

Sentence imposed <sup>a</sup>	Percent of sentence served for <sup>b</sup> —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
<b>All cases</b>							
All releases	91.1%	87.0%	92.7%	92.5%	88.5%	90.8%	93.3%
1-12 mo <sup>c</sup>	99.7	99.7	99.9	99.8	100.1	99.0	99.6
13-24	89.0	89.8	89.1	90.1	88.6	89.3	89.1
25-36	87.7	87.8	87.2	87.7	87.6	87.7	88.0
37-48	87.5	88.2	86.6	87.9	87.4	86.0	87.5
49-60	87.4	87.4	86.7	86.6	87.3	87.9	87.8
61-72	87.3	87.7	84.5	87.6	87.5	84.1	87.2
73-84	87.6	88.8	87.2	88.0	87.5	—	87.5
85-96	87.5	88.7	77.3	—	87.4	—	87.7
97-108	87.2	88.0	79.4	—	87.1	—	87.4
109-120	87.4	88.6	—	...	87.0	—	87.4
121-144	86.1	85.9	66.6	—	86.6	—	84.5
145-180	81.5	74.7	—	—	84.4	...	73.2
181-240	59.7	63.2	—	—	58.8	—	60.9
241-300	58.3	60.2	—	—	57.6	—	58.7
Over 300	47.1	50.7	—	—	43.4	—	46.8
<b>New law cases</b>							
All releases	91.7%	89.3%	93.1%	93.1%	89.2%	91.7%	93.6%
1-12 mo <sup>c</sup>	99.8	99.7	100	99.8	100.1	99.0	99.6
13-24	89.1	89.9	89.2	90.1	88.6	89.4	89.2
25-36	87.8	87.8	87.5	87.7	87.6	87.7	88.1
37-48	87.6	88.2	87.3	87.9	87.5	88.1	87.7
49-60	87.4	87.4	87.3	87.2	87.3	87.9	88.0
61-72	87.7	87.9	87.4	88.5	87.7	88.3	87.8
73-84	87.9	89.0	87.2	88.0	87.8	—	87.9
85-96	87.8	88.7	—	—	87.6	—	87.8
97-108	87.7	88.2	—	—	87.6	—	87.8
109-120	87.6	88.6	—	...	87.3	—	87.7
121-144	87.5	88.0	—	—	87.4	—	88.2
145-180	87.5	—	...	...	87.4	...	—
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia; see *Chapter notes*, items 4-7, p. 106.

Note: Of the 33,748 first releases by standard methods, 33,109 were new law and 639 were old law.

—Too few cases to obtain statistically reliable data.

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

\*\*As of fiscal year 1999 new law inmates who were sentenced to more than 163 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and death), since the Federal Sentencing Guidelines took effect as of November 1987. See table 7.11, p. 101.

<sup>a</sup>Sentence for the single most serious offense.

<sup>b</sup>See *Chapter notes*, item 4, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>c</sup>The interval includes days up through the upper bound and days to upper bound of the previous interval.

**Table 7.15. Characteristics of first releases from prison, by offense, all releases, October 1, 1998 - September 30, 1999**

Offender characteristic	Total number of released offenders	Percent of released offenders convicted of <sup>a</sup> —						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
<b>Number of releases<sup>b</sup></b>	37,672	37,672	1,959	5,460	1,116	15,737	694	12,292
<b>Male/female</b>								
Male	33,119	88.1%	93.9%	77.8%	84.3%	86.5%	84.7%	94.0%
Female	4,494	11.9	6.1	22.2	15.7	13.5	15.3	6.0
<b>Race</b>								
White	27,555	73.3%	51.5%	67.5%	62.3%	69.1%	77.9%	85.4%
Black	8,895	23.6	32.8	28.2	31.2	29.3	18.9	12.7
Native American	521	1.4	14.3	0.5	3.8	0.5	0.9	0.6
Asian/Pacific Islander	642	1.7	1.4	3.8	2.8	1.1	2.3	1.4
<b>Ethnicity</b>								
Hispanic	15,940	42.4%	8.2%	11.8%	7.2%	42.6%	26.3%	66.0%
Non-Hispanic	21,673	57.6	91.8	88.2	92.8	57.4	73.7	34.0
<b>Age</b>								
Less than 19 years	306	0.8%	2.4%	0.1%	1.5%	0.6%	0.4%	1.1%
19-20 years	1,820	4.8	8.1	2.0	6.5	5.1	4.3	5.2
21-30 years	14,964	39.8	38.5	28.1	29.9	41.2	28.9	45.2
31-40 years	11,577	30.8	32.4	30.0	32.4	31.2	29.6	30.2
Over 40 years	8,946	23.8	18.7	39.8	29.7	21.9	36.8	18.3
<b>Citizenship</b>								
U.S. citizen	22,247	59.5%	95.0%	82.3%	93.9%	64.8%	79.4%	32.4%
Not U.S. citizen	15,169	40.5	5.0	17.7	6.1	35.2	20.6	67.6

Note: Totals include prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 106. Percentages in this table are based on nonmissing characteristics.

<sup>a</sup>See *Chapter notes*, item 4, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Of the 37,672 total cases, 37,011 (or 98%) were new law cases.

**Table 7.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics, October 1, 1998 - September 30, 1999**

Offender characteristic	Number of prisoners released	Mean time served for <sup>a</sup> —						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
<b>All releases<sup>b</sup></b>	33,748	28.0 mo	53.3 mo	15.0 mo	18.8 mo	40.1 mo	20.4 mo	19.1 mo
<b>Male/female</b>								
Male	29,768	29.0 mo	54.3 mo	16.2 mo	20.2 mo	41.5 mo	21.1 mo	19.3 mo
Female	3,927	20.6	36.3	10.7	11.2	30.1	15.8	14.8
<b>Race</b>								
White	24,894	24.5 mo	54.4 mo	15.3 mo	21.0 mo	35.9 mo	20.0 mo	16.2 mo
Black	7,717	39.0	58.8	14.2	14.9	50.1	22.7	37.1
Native American	489	31.4	36.7	14.9	19.4	26.7	—	29.7
Asian/Pacific Islander	595	26.8	52.0	14.9	13.9	43.2	15.8	27.7
<b>Ethnicity</b>								
Hispanic	15,065	22.2 mo	52.5 mo	12.7 mo	21.5 mo	34.7 mo	18.7 mo	13.5 mo
Non-Hispanic	18,630	32.7	53.3	15.3	18.6	44.8	20.9	30.4
<b>Age</b>								
Less than 19 years	290	18.3 mo	40.2 mo	—	15.1 mo	23.8 mo	—	8.6 mo
19-20 years	1,669	23.1	39.9	10.8	17.3	31.5	26.6	13.1
21-30 years	13,499	27.0	55.1	12.3	19.6	38.4	18.0	17.5
31-40 years	10,294	29.5	57.6	14.7	17.6	41.0	21.9	21.4
Over 40 years	7,943	29.0	49.0	17.3	19.8	44.2	20.0	21.3
<b>Citizenship</b>								
U.S. citizen	18,834	32.8 mo	53.6 mo	15.3 mo	19.0 mo	42.0 mo	21.5 mo	31.3 mo
Not U.S. citizen	14,666	22.0	46.8	13.7	17.4	37.4	16.4	13.5

Note: Totals include prisoners whose offense category could not be determined, and exclude prisoners released by extraordinary methods such as commutation and death; see *Chapter notes*, items 4-7, p. 106.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 4, p. 106, and "Offense classifications" in *Methodology*, p. 109.

<sup>b</sup>Of the 33,748 total cases, 33,109 (or 98%) were new law cases.

## Chapter notes

- 1) Offenders were classified according to their most serious offense at conviction. In cases involving multiple offenses, the AOUSC offense severity hierarchy was applied. The most serious offense was the one with the most severe penalty imposed. If equal prison terms were imposed, or there was no imprisonment, the offense with the highest severity code, as determined by the *U.S. Title and Code Criminal Offense Citations Manual*, was selected.
- 2) Tables 7.1 and 7.2 were created using the probation, parole, and supervision data files of the Federal Probations Supervision Information System (FPSIS), which is maintained by the AOUSC. Yearend pending cases (that is, records with offenders who were under active supervision as of the end of the fiscal year, September 30, 1999) 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, 1998, through September 30, 1999, 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 1999. Tables 7.11-7.16 include only prisoners committed by U.S. district courts or released by the BOP during fiscal year 1999.

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 1999, or if that person appears in more than one column in a table, e.g., commitment and population.

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

In these tables, offenses were classified according to the offense associated with the longest single sentence actually imposed. Classifications in other tables may have been based on the longest potential sentence allowed by law.
- 5) Tables 7.9-7.16 distinguish between prisoners committed by U.S. district courts for violations of the U.S. Code and other prisoners. Prisoners released after commitment from U.S. district court are called "first releases." The other admissions and releases include offenders who returned to prison after their first release (such as probation, parole, or supervised release violators), offenders convicted in other courts (such as military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. Offenders who entered or left a prison temporarily — such as for transit to another location, for health care, or to serve a weekend sentence — were not counted as admitted or released. Persons who were detained for deportation by the Immigration and Naturalization Service and who were not criminal offenders were also not included in the tables.
- 6) Tables 7.11-7.16 include only prisoners committed by U.S. district courts and released by the BOP during fiscal year 1999. Prisoners committed by U.S. district court — but not for a violation of the U.S. Code, or whose offense could not be classified — were included in the total but are not shown separately. Table 7.9, however, shows these prisoners separately. Other prisoners — such as probation and parole violators and prisoners committed by other courts, such as courts martial or District of Columbia Superior Court — were excluded from tables 7.11-7.16, as were other persons admitted to Federal prison but not committed from a U.S. district court.
- 7) In tables 7.11-7.16, time served was calculated for prisoner's arrival into jurisdiction of the BOP until first release from prison, plus any jail time served and credited. The calculation is the same as that currently used by the BOP. Prisoners serving consecutive sentences may have total imposed sentences exceeding the longest single sentence length. Accordingly, time actually served may exceed the longest single imposed sentence. The percent of sentenced served (in tables 7.12 and 7.14) is the average of each individual prisoner's percent of sentence served. Because other publications may include different groups of prisoners, calculate time served differently, or use a different offense classification, data in tables in this *Compendium* may differ from estimates of time served in previous publications by Table 7.11 distinguishes between standard and extraordinary methods of release from prison. "Standard" releases include the usual methods of exiting from prison, such as full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole. Extraordinary releases are unusual exits from prison, such as death, commutation, and transfer to another facility.

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the BOP or in publications based on other data sources.

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

- 8) Table 7.9 shows all persons admitted to, or released from, the jurisdiction of the BOP during fiscal year 1999. Prisoners counted in this column are the same as prisoners included in tables 7.11, 7.12, and 7.13. Table 7.9 shows in separate columns, as well as in the total, prisoners committed by a U.S. district court — but not for a violation of the U.S. code, or whose offense could not be classified. Other columns in table 7.9 include prisoners who were committed by other courts, returned to prison for violation of the conditions of supervision, or were received for examination, treatment, or transfer to another jurisdiction. Offenders who returned to prison for a violation of the conditions of supervision without a new court commitment, were classified according to the offense with the longest single sentence originally imposed at conviction.

### The Federal justice database

#### *Source of data*

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

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

#### *Reporting period*

Wherever possible, matters or cases have been selected according to some event which occurred during fiscal year 1999 (October 1, 1998, through September 30, 1999). 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 1999 in this *Compendium* have been assembled from source files containing records of 1999 matters concluded which were entered into the data system during fiscal years 1999 or 2000.

#### *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 presentence 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, 1998 - September 30, 1999. 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 combined to form the BJS categories shown in the *Compendium* tables.\*

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

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

#### *Felony/misdemeanor distinctions*

Felony and misdemeanor distinctions are provided where possible. Felony 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

finer. 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	<i>Compendium</i> tables
United States Marshals Service (USMS) — Prisoner Tracking System (PTS)	Contains data on suspects arrested for violations of Federal law, by Federal enforcement agencies. The data include information on characteristics of Federal arrestees.	<b>Arrest:</b> 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.	<b>Arrest:</b> 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.	<b>Prosecution:</b> 2.1, 2.2, 2.3, 2.4, 2.5, 2.6
AOUSC: Pretrial Services Agency (PSA) — Pretrial Services Act Information System	Contains data on defendants interviewed, investigated, or supervised by pretrial services. The information covers defendants' pretrial hearings, detentions, and releases from the time they are interviewed through the disposition of their cases in district court.	<b>Pretrial release:</b> 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10 <b>Adjudication:</b> 4.5 (defendant characteristics) <b>Sentencing:</b> 5.4, 5.5, 5.6 (defendant characteristics)
Administrative Office of the U.S. Courts (AOUSC) — Criminal Termination Files	Contains information about the criminal proceedings against defendants whose cases were filed in U.S. district courts. Includes information on felony defendants, Class A misdemeanants — whether handled by U.S. district court judges or U.S. magistrates — and other misdemeanants provided they were handled by U.S. district court judges. The information in the data files cover criminal proceedings from case filing through disposition and sentencing. Data are available on criminal defendants in cases filed, pending, and terminated.	<b>Adjudication:</b> 4.1, 4.2, 4.3, 4.4, 4.5 <b>Sentencing:</b> 5.1, 5.2, 5.3, 5.4, 5.5, 5.6
United States Sentencing Commission (USSC) — Monitoring Data Base	Contains information on criminal defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984. 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.	<b>Adjudication:</b> 4.5 (defendant characteristics) <b>Sentencing:</b> 5.4, 5.5, 5.6 (defendant characteristics)
AOUSC: Court of Appeals	Contains information on criminal appeals filed and terminated in U.S. Courts of Appeals. Records of appeals filed, pending, or terminated include information on the nature of the criminal appeal, the underlying offense, and the disposition of the appeal.	<b>Appeals:</b> 6.1, 6.2, 6.3, 6.4, 6.5
AOUSC — Federal Probation and Supervision Information System (FPSIS)	Contains information about supervisions provided by probation officers for persons placed on probation or supervised release from prison. The files contain records of individuals entering, or currently on supervision, as well as records of offenders terminating supervision.	<b>Corrections:</b> 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8
Bureau of Prisons (BOP): Extract from BOP's online Sentry System	The data extracts contain information on all offenders released from prison over a specific period of time plus information about 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.	<b>Corrections:</b> 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16



## Glossary

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

**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 pro-rated. 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 pretrial matters in both criminal and civil cases. With consent of the parties, they may conduct civil or misdemeanor criminal trials. Magistrates, however, may not preside over felony trials or over jury selection in felony cases.

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

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

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

**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

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goods, stolen securities, stolen monies, 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)).

