

Methodology

Data sources | Reporting period | Table construction and interpretation | Unit of analysis | Offense classification | Related reading

Data sources

The Bureau of Justice Statistics (BJS) Federal Justice Statistics Program (FJSP) database is the data source for *Federal Justice Statistics 2008 – Statistical Tables*. The FJSP is presently constructed from source files provided by the U.S. Marshals Service, Drug Enforcement Administration, Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, United States (AOUSC) Sentencing Commission, and Federal Bureau of Prisons. In addition to providing data describing defendants in cases processed by the federal judiciary, the AOUSC 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.

Reporting period

Wherever possible, matters or cases have been selected according to the event which occurred during fiscal year 2008 (October 1, 2007, through September 30, 2008). Files, which are organized by their source agencies according to fiscal year, nonetheless include some pertinent records in later years' files. Tabulations of suspects in matters concluded during fiscal year 2008 have been assembled from source files containing records of 2008 matters concluded, which were entered into the data system during fiscal years 2007 or 2008.

The availability of particular items of information is affected by the data source. 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 (DOJ). In comparison, cases handled by the DOJ criminal division enter the database once they are filed in U.S. district court.

Table construction and interpretation

The tables report events that occurred during fiscal year 2008. Generally the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing defendants sentenced to incarceration, and offenders under post-conviction supervision. Juvenile offenders who are charged as adults are included in the reported statistics.

Unit of analysis

In federal law enforcement and prosecution (section 1) and federal pretrial, adjudication, sentencing, and appeals (section 2), the unit of analysis is a combination of a person (or corporation) and a matter or case. If the same person is involved in three different criminal cases during the period specified in the table, then the person is counted three times in the tabulation. A single criminal case involving a corporate defendant and four individual defendants is counted five times in the tabulation. In section 3 on federal corrections and supervision, the unit of analysis is a person entering custody or supervision, a person leaving custody or supervision, or a person in custody or supervision at yearend. A person who terminated probation twice in the indicated period is counted as two terminations of probation. For instance, probation might be terminated because of a violation, reinstated, and then terminated again for another violation.

Interpretation

The tables 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 the tables that are based on records linked between two files are generally less than the total number of records in either source file. Comparisons of absolute numbers across two or more of these tables and other data sources are not necessarily valid.

Offense classifications

Procedure

The offense classification procedure used in this publication is based on the system followed by the AOUSC. Specific offenses are combined to form the BJS categories shown in the *Federal Justice Statistics, 2008—Statistical Tables*.

Offense categories for federal arrestees are based on the FBI's National Crime Information Center (NCIC) offense classifications, which are converted into U.S. Marshals' four-digit offense codes, and 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 tables for 2008. For data from the Executive Office for U.S. Attorneys, which include United States Code citations but do not include the AOUSC offense classifications, United States Code titles and sections are translated into the AOUSC classification system and then aggregated into the offense categories used in the tables.

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 up to 1 year. 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.

Felony and misdemeanor distinctions are provided where the data permit these distinctions. Arrest and prosecution tables do not use this distinction because many suspects cannot be so classified at the arrest and investigation stages in the criminal justice process. This distinction is not made for pretrial release or detention because the Pretrial Services Agency no longer gathers

this information. Adjudication and sentencing tables distinguish between felony and misdemeanor offenses, as do supervision tables.

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 during the criminal justice process. Tables indicate whether investigated, charged, or adjudicated offenses are used. In the prosecution tables, 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 pretrial tables, the major charged offense is based on the AOUSC's offense severity classification system, as determined by the pretrial officer responsible for the case. To select this offense, the officer ranks offenses according to severity based on maximum imprisonment, type of crime, and maximum fines. In adjudication tables, the most serious offense charged is the one that has the most severe potential sentence. For sentencing tables, conviction offenses are based on statutory maximum penalties. In appeals tables, the offenses are classified by the offense of conviction. In the supervision tables, the most serious offense of conviction is either the one having the longest sentence imposed or, if equal sentences were imposed or there was no imprisonment, the offense carrying the highest severity code as determined by the AOUSC's offense severity code ranking.

Offense categories

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

- **"Murder"** includes nonnegligent manslaughter.
- **"Sexual abuse"** includes only violent sex offenses.
- **"Fraud"** excludes tax fraud.
- **"Larceny"** excludes transportation of stolen property.
- **"Other property felonies"** excludes fraudulent property offenses and includes destruction of property and trespass.
- **"Tax law violations"** includes tax fraud.
- **"Obscene material"** denotes the mail or transport thereof.
- **"Wildlife"** includes offenses previously included in the "Migratory birds" category.
- **"Environmental"** includes some offenses previously included in the "Agriculture" and "Other Regulatory" categories.
- **"All other offenses"** includes felonies with unknown or unclassifiable offense type.
- **"Misdemeanors"** includes misdemeanors, petty offenses, and unknown offense levels.
- **"Drug possession"** also includes other drug misdemeanors.