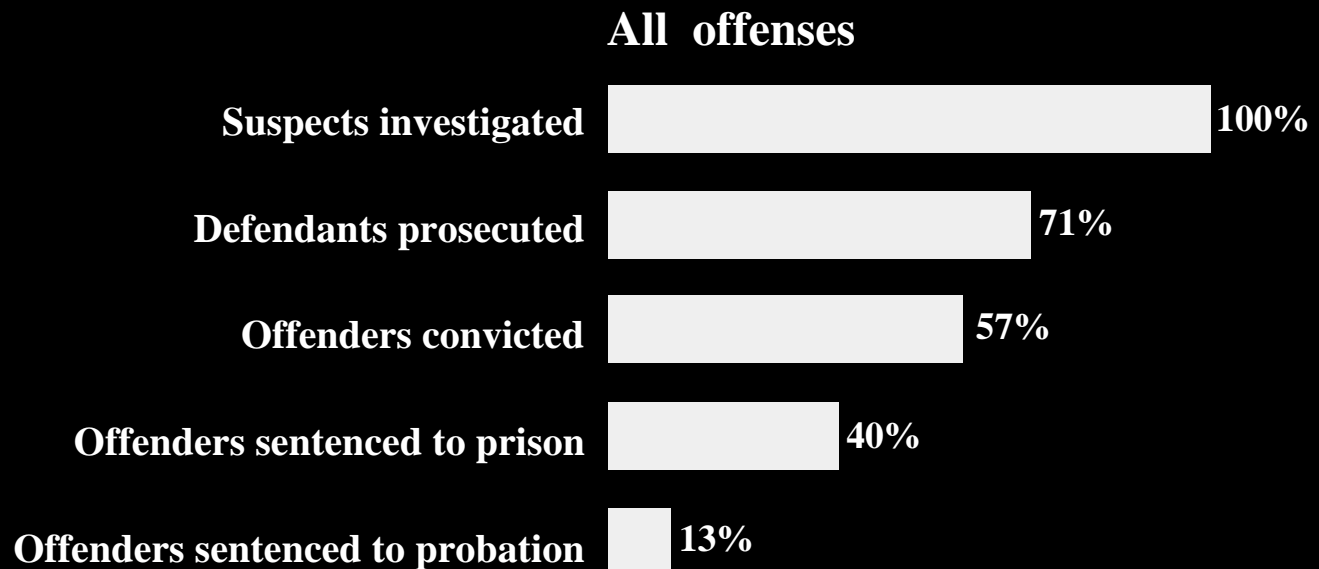




Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 1997

**Federal criminal case processing in matters
concluded by United States attorneys
October 1, 1996, through September 1997**



A Federal Justice Statistics Program Report

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

Janet Reno
Attorney General

Raymond C. Fisher
Associate Attorney General

Laurie Robinson
Assistant Attorney General

Noël Brennan
Deputy Assistant Attorney General

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

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

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

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

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics



Compendium of Federal Justice Statistics, 1997

October 1999, NCJ 176328

U.S. Department of Justice

Office of Justice Programs
Bureau of Justice Statistics

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

This Bureau of Justice Statistics Report was prepared by the Urban Institute under the supervision of Steven K. Smith and John Scalia, Jr., of the Bureau of Justice Statistics (BJS). The project is supported by BJS grant number 98-BJ-CX-K015. Principal staff for the project at the Urban Institute were William J. Sabol, Ph.D., William Adams, David Kirk, Barbara Parthasarathy, Harvey Meyerson, Yan Yuan, and Christine Arriola. Layout and design were by David Williams. Tom Hester of BJS provided editorial review.

This report is made possible through the cooperation of the following Federal agencies and their staffs: The Administrative Office of the United States Courts (AOUSC), the Executive Office for U.S. Attorneys (EOUSA), the U.S. Bureau of Prisons (BOP), the United States Sentencing Commission (USSC), and the Federal Judicial Center (FJC). The staff who provided expert advice about the source records include: Steven Schlesinger, Catherine Whitaker, and Pragati Patrick (AOUSC); Barbara Tone (EOUSA); Gerald Gaes and Christopher Innes (BOP); Richard McNeil (USSC); and David Rauma and George Cort (FJC).

The contents of this document do not necessarily reflect the views or policies of the Bureau of Justice Statistics or the U.S. Department of Justice.

BJS authorizes any person to reproduce, publish, translate, or otherwise use all or any part of the copyrighted material in this publication; citation to source, however, is appreciated.

An electronic version of this report and the data analyzed in the report may be found on the Internet at the following address: <http://www.ojp.usdoj.gov/bjs/>. Or visit the BJS-sponsored Federal Justice Statistics Resource Center (FJSRC) web site at: <http://fjsrc.urban.org/>, which provides online access to the FJSP database for conducting interactive tabulations of the FJSP data and downloading datasets.

Contents

Highlights, 1

Introduction, 3

Organization of the *Compendium*
Modifications to the 1997 *Compendium*
Notes to reader

System overview, 5

Chapter 1: Prosecution, 9

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

Tables, 15

Chapter notes, 20

Chapter 2: Pretrial release, 21

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, 27

Chapter notes, 36

Chapter 3: Adjudication, 37

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

Tables, 41

Chapter notes, 46

Chapter 4: Sentencing, 47

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

Tables, 53

Chapter notes, 59

Chapter 5: Appeals, 61

Appeals filed

Appeals terminated

Tables, 65

Chapter notes, 70

Chapter 6: Corrections, 71

Supervision

Federal offenders under supervision

Outcomes of offenders completing supervision

Characteristics of offenders completing supervision

Admissions, releases, and standing population of Federal prisoners

Federal prisoners: First releases and time served

Characteristics of Federal prisoners

Tables, 77

Chapter notes, 93

Methodology, 95

The Federal justice database

Table construction and interpretation

Offense classifications

Figure S.2.

Source agencies for *Compendium* data tables

Glossary, 99

Tables

Chapter 1: Prosecution, 15

October 1, 1996 - September 30, 1997

- 1.1. Suspects in matters received by U.S. attorneys, by offense
- 1.2. Disposition of suspects in matters concluded, by offense
- 1.3. Basis for declination of prosecution by U.S. attorneys
- 1.4. Disposition of matters declined for prosecution by U.S. attorneys, by offense
- 1.5. Mean and median processing times from receipt to filing or declination, by offense

Chapter 2: Pretrial release, 27

October 1, 1996 - September 30, 1997

- 2.1. Type of pretrial release, by offense
- 2.2. Type of pretrial release, by defendant characteristics
- 2.3. Form of pretrial detention, by offense
- 2.4. Form of pretrial detention, by defendant characteristics
- 2.5. Pretrial detention hearing outcomes, by offense
- 2.6. Pretrial detention hearing outcomes, by defendant characteristics
- 2.7. Behavior of defendants released prior to trial, by offense
- 2.8. Behavior of defendants released prior to trial, by type of release
- 2.9. Behavior of defendants released prior to trial, by defendant characteristics
- 2.10. Length of pretrial detention, by form of release or detention, and most serious offense charged

Chapter 3: Adjudication, 41

October 1, 1996 - September 30, 1997

- 3.1. Defendants in cases commenced, by offense
- 3.2. Disposition of cases terminated, by offense
- 3.3. Time from filing to disposition of cases terminated
- 3.4. Dispositions by U.S. magistrates
- 3.5. Characteristics of convicted offenders

Chapter 4: Sentencing, 53

October 1, 1996 - September 30, 1997

- 4.1. Sentence types in cases terminated, by offense
- 4.2. Type and length of sentences imposed, by offense
- 4.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition
- 4.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics
- 4.5. Average incarceration sentence lengths imposed, by offense and offender characteristics
- 4.6. Median incarceration sentence lengths imposed, by offense and offender characteristics

Chapter 5: Appeals, 65

October 1, 1996 - September 30, 1997

- 5.1. Criminal appeals filed, by type of criminal case and offense
- 5.2. Criminal appeals filed and criminal appeals terminated, by offense
- 5.3. Criminal appeals terminated, by type of criminal case and offense
- 5.4. Disposition of criminal appeals terminated on the merits, by offense
- 5.5. Criminal appeals cases terminated on the merits, by nature of offense

Chapter 6: Corrections, 77

October 1, 1996 - September 30, 1997

- 6.1. Federal offenders under supervision, by offense
- 6.2. Characteristics of Federal offenders under supervision, by offense
- 6.3. Outcomes of probation supervision, by offense
- 6.4. Characteristics of offenders terminating probation supervision
- 6.5. Outcomes of supervised release, by offense
- 6.6. Characteristics of offenders terminating supervised release
- 6.7. Outcomes of parole, by offense
- 6.8. Characteristics of offenders terminating parole
- 6.9. Admissions and releases of Federal prisoners, by offense

- 6.10. Characteristics of Federal prison population, by major offense category
- 6.11. Number of first releases from Federal prison, by release method and sentence length
- 6.12. Average time to first release and percent of sentence served, for prisoners released by standard methods
- 6.13. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods
- 6.14. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods
- 6.15. Characteristics of first releases from prison, by offense, all releases
- 6.16. 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, 1996 - September 30, 1997

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

System overview, 5

October 1, 1996 - September 30, 1997

- Figure S.1. System overview, Federal criminal case processing
- Figure S.2. Federal criminal case processing in matters concluded by U.S. attorneys

Chapter 1: Prosecution, 9

October 1, 1996 - September 30, 1997

- Figure 1.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate
- Figure 1.2. Of suspects in matters declined, percent referred or handled in other prosecutions or settled through alternative resolution

Chapter 2: Pretrial release, 21

October 1, 1996 - September 30, 1997

- Figure 2.1. Percent of defendants released prior to case disposition, by offense category
- Figure 2.2. Percent of defendants released or detained, by offense category
- Figure 2.3. Detention hearings held, by offense category
- Figure 2.4. Pretrial release rates, by defendant characteristics

Chapter 3: Adjudication, 37

October 1, 1996 - September 30, 1997

- Figure 3.1. Disposition of cases terminated
- Figure 3.2. Average time from filing to disposition of cases terminated, by offense

Chapter 4: Sentencing, 47

October 1, 1996 - September 30, 1997

- Figure 4.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated
- Figure 4.2. Incarceration sentence lengths (in months) of offenders convicted and sentenced in cases that terminated
- Figure 4.3. Average sentences imposed on defendants convicted at trial and defendants convicted by guilty plea

Chapter 5: Appeals, 61

October 1, 1996 - September 30, 1997

- Figure 5.1. Types of criminal appeal cases
- Figure 5.2. Appeals cases filed, by type of offense
- Figure 5.3. Disposition of criminal appeals terminated

Chapter 6: Corrections, 71

October 1, 1996 - September 30, 1997

- Figure 6.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation
- Figure 6.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense
- Figure 6.3. Rates of violation of conditions of supervision, by level of education
- Figure 6.4. Mean time to first release (months), by offense
- Figure 6.5. Characteristics of first releasees



Highlights

During 1997 just over 110,000 suspects were investigated by U.S. attorneys for possible violations of the U.S. code, and criminal charges were filed in U.S. district courts against about 70,300 defendants, almost a third of whom were prosecuted for drug offenses.

The majority (87%) of the 64,956 defendants whose cases were terminated in U.S. district courts during 1997 were convicted. Among those convicted, 70% were sentenced to prison for an average of 58.9 months. At the end of 1997, the Federal Bureau of Prisons held more than 98,944 prisoners who had been convicted of a Federal offense, an increase of 7% over 1996. Sixty percent of those held by the Bureau of Prisons were convicted and sentenced for drug offenses.

Prosecution

During 1997 U.S. attorneys initiated criminal investigations of 110,034 suspects, and they concluded their investigations of 99,459 suspects. Thirty-four percent of the suspects were investigated for public-order, 31% for drug, 28% for property, and 7% for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 60,383 in U.S. district courts (61% of all suspects in matters concluded) and declined to prosecute 29,069 suspects (29%), while U.S. magistrates disposed of another 10,007 suspects (10%).

Suspects in criminal matters involving drug or violent offenses were slightly more likely to be prosecuted in a U.S. district court (76% and 63%, respectively) than were the suspects involved in public-order or property offenses (54% and 51%, respectively). Suspects involved in property offenses (such as fraud) or regulatory public-order offenses were more likely to be declined for prosecution (43% and 65%, respectively) than were the suspects investigated for drug or violent offenses (18% and 31%, respectively).

Pretrial release

During 1997 about 51% of the 56,041 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses such as embezzlement, fraud, and larceny and those charged with regulatory public-order offenses or tax law violations were more likely to be released prior to trial (between 72% and 95% of these defendants were released) than were defendants charged with violent offenses, drug trafficking, weapons, or immigration offenses (between 11% and 48% of these 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-six percent of the defendants with a prior violent felony conviction were released before trial, while 61% of the defendants with no prior convictions were released. Fifty-four percent of defendants with one prior conviction were released, as compared to 41% of defendants having two to four prior convictions and 29% of defendants having five or more prior convictions.

About 84% of the defendants released prior to trial completed their periods of release without violating the conditions of their release. About 16% of defendants released violated the conditions of their release, and 6% of defendants had their release revoked. Defendants charged with drug and violent offenses were more likely to commit at least one violation of their conditions of release (26% and 18%, respectively) and to have their release revoked (10% and 8%, respectively) than were other defendants.

Adjudication

Criminal charges were filed in U.S. district courts against 69,351 defendants during 1997, about 82% of whom were charged with felonies. Of

the defendants charged with felonies, 41% were prosecuted for drug trafficking offenses, 26% for public-order offenses, 24% for property offenses, and 6% for violent offenses.

Criminal cases were concluded against 64,956 defendants during 1997, 82% of whom had been charged with felonies. Eighty-seven percent (or 56,570) of all defendants were convicted; 84% of these were felony convictions.

Ninety percent of defendants charged with felonies were convicted. This conviction rate was about the same for all major offense categories: 91% of public-order offenders, 90% of violent and property offenders, and 89% of drug offenders. Most felony convictions were obtained by guilty plea (93%).

Drug defendants comprised 42% of felony convictions; both property and public-order defendants comprised 26% of the felony convictions, and defendants charged with violent offenses comprised the remaining 6% of felony convictions.

Sentencing

Of the 56,570 offenders sentenced during 1997, about 70% were incarcerated, another 23% were placed on probation (either alone or with some incarceration), and 6% were ordered to pay a fine.

About 92% of felony drug offenders and 91% of violent felony offenders received prison sentences, as did 81% of felony public-order offenders and 59% of felony property offenders.

The 39,431 offenders sentenced to prison received, on average, 58.9 months of imprisonment, while the 12,801 offenders sentenced to probation received, on average, 33.8 months of probation. Offenders sentenced for violent felony offenses and felony drug offenses received longer average prison terms (85.7 and 80.6 months, respectively) than those convicted of felony property and public-order offenses (24.4 and 47.5 months, respectively).

Average length of sentences imposed, by offense, October 1, 1996 - September 30, 1997

Most serious offense of conviction	Average sentence length
All offenses	58.9 mo
Felonies	61.2
Violent offenses	85.7
Property offenses	24.4
Drug offenses	80.6
Public-order offenses	47.5
Misdemeanors	9.9

21% committed technical violations; and 12% committed new crimes.

A total of 3,859 offenders completed terms of parole during 1997. Of these offenders, 60% successfully completed their terms without violating conditions of release; 23% committed technical violations; and 13% committed new crimes.

Regardless of the type of supervision, violent offenders were less likely than others to successfully complete a term of supervision.

The Federal prison population increased by 6,565 offenders during 1997 to reach 98,944 persons. During 1997, 38,375 prisoners were received by the Bureau of Prisons from U.S. district court commitments. An additional 13,217 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.

During 1997, 31,894 prisoners were released for the first time from Federal prison after commitment by a U.S. district court. Of these, 29,080 were released by standard methods and 2,814 were released by extraordinary means (death, treaty transfer, sentence commutation, or drug treatment). The standard "first releases" served, on average, 28.8 months before their release, or about 91% of the sentence imposed. Drug offenders served an average of 42.5 months before first release, while property offenders served an average of 15.3 months before first release.

Average time to first release, standard releases, by offense, October 1, 1995 - September 30, 1996

Most serious original offense of conviction	Mean time served
All offenses	28.8 mo
Violent offenses	53.8
Property offenses	15.3
Drug offenses	42.5
Public-order offenses	17.9

An additional 13,133 prisoners were released from subsequent commitments to Federal prison.

Drug offenders — who comprised about 42% of persons admitted into Federal prison — comprised the largest percentage of persons in prison (59%) at the end of 1997.

Appeals

During 1997 the U.S. Courts of Appeals received 10,521 criminal appeals. Forty-six percent of the appeals filed challenged both the conviction and sentence imposed. Only 4% of appeals were filed by the Government. Of the 10,466 appeals terminated during 1997, 78% (or 8,178) were terminated on the merits. In 86% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

Corrections

At the end of 1997, there were 90,751 offenders under supervision. About 56% were serving terms of supervised release; another 36% were on probation; and 8% were on parole. Drug offenders comprised 52% of offenders under terms of supervised release, 54% of offenders on parole, and 11% of offenders on probation. Property offenders comprised 39% of offenders on probation, 28% of offenders serving terms of supervised release, and 11% of offenders on parole.

A total of 16,748 offenders completed their terms of probation during 1997. Most of these offenders (83%) completed their terms of probation successfully. Ten percent of probationers committed technical violations; 5% committed new crimes.

A total of 17,896 offenders completed terms of supervised release during 1997. Of these offenders, 65% successfully completed their terms without violating conditions of release;

Admissions to Federal Bureau of Prisons, releases, and prisoners at yearend, by offense, October 1, 1995 - September 30, 1996

Most serious offense of conviction	All admissions	All releases	Population at yearend
All offenses	51,592	45,027	98,944
Violent offenses	9.1%	9.6%	11.8%
Property offenses	19.2	21.4	8.2
Drug offenses	41.5	38.9	59.2
Public-order offenses	28.9	29.0	19.4

Introduction

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

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

- 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 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 1997 *Compendium*, 12th in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, and 1996 describes defendants processed at each stage of the Federal justice system — investigation and prosecution by the U.S. attorneys (chapter 1), pretrial release or detention (chapter 2), adjudication in the U.S. district courts (chapter 3), sentencing (chapter 4), appeal of the conviction and/or sentence imposed (chapter 5), and corrections (chapter 6) — for the 12-month period ending September 30, 1997 (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, 1996 - September 30, 1997. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention or tables showing defendants sentenced to incarceration. Juvenile offenders are included in the reported statistics. Felony and misdemeanor distinctions are provided where possible (see "Offense classifications" in *Methodology*).

Organization of the *Compendium*

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

Chapter 1. This chapter describes decisions made by Federal prosecutors in screening criminal matters and the characteristics of defendants in cases prosecuted or declined for prosecution.

Chapter 2. This chapter describes the pretrial release and detention practices of the Federal judiciary, including the characteristics of defendants detained or released pending trial.

Chapter 3. 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 4. This chapter describes the sentences imposed by the Federal judiciary on convicted defendants, including the characteristics of defendants sentenced.

Chapter 5. This chapter describes appeals of criminal convictions and sentences imposed in the Federal courts, including the original offense charged.

Chapter 6. This chapter describes defendants under Federal correctional supervision — probation, parole, and supervised release — including the outcome of the supervision (successful completion or violations), admissions to and releases from Federal prison, and time served by Federal inmates.

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

Glossary. This section contains definitions for terms used in the

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

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

Modifications to the 1997 Compendium

The corrections chapter (chapter 6) has been substantially reorganized, as some tables were added, and one table was eliminated. Appearing first are two tables describing Federal offenders under supervision; the second of these, displaying characteristics of the federally supervised population, is a new addition. The table showing characteristics of offenders terminating post-incarceration supervision (parole or supervised release) has been divided into two tables: one showing characteristics of offenders terminating supervised release and one showing characteristics of offenders terminating parole.

The table showing supervision outcomes for offenders entering supervision that appeared in previous compendia was deleted. A table showing demographic characteristics of the Federal prison population was added. The incarceration tables were reordered so that the table showing prisoner stocks and flows appears first, followed by the aforementioned new table showing characteristics of the Federal prison population. For the balance of the tables in chapter 6, the order from the previous *Compendium* is retained.

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, 1997

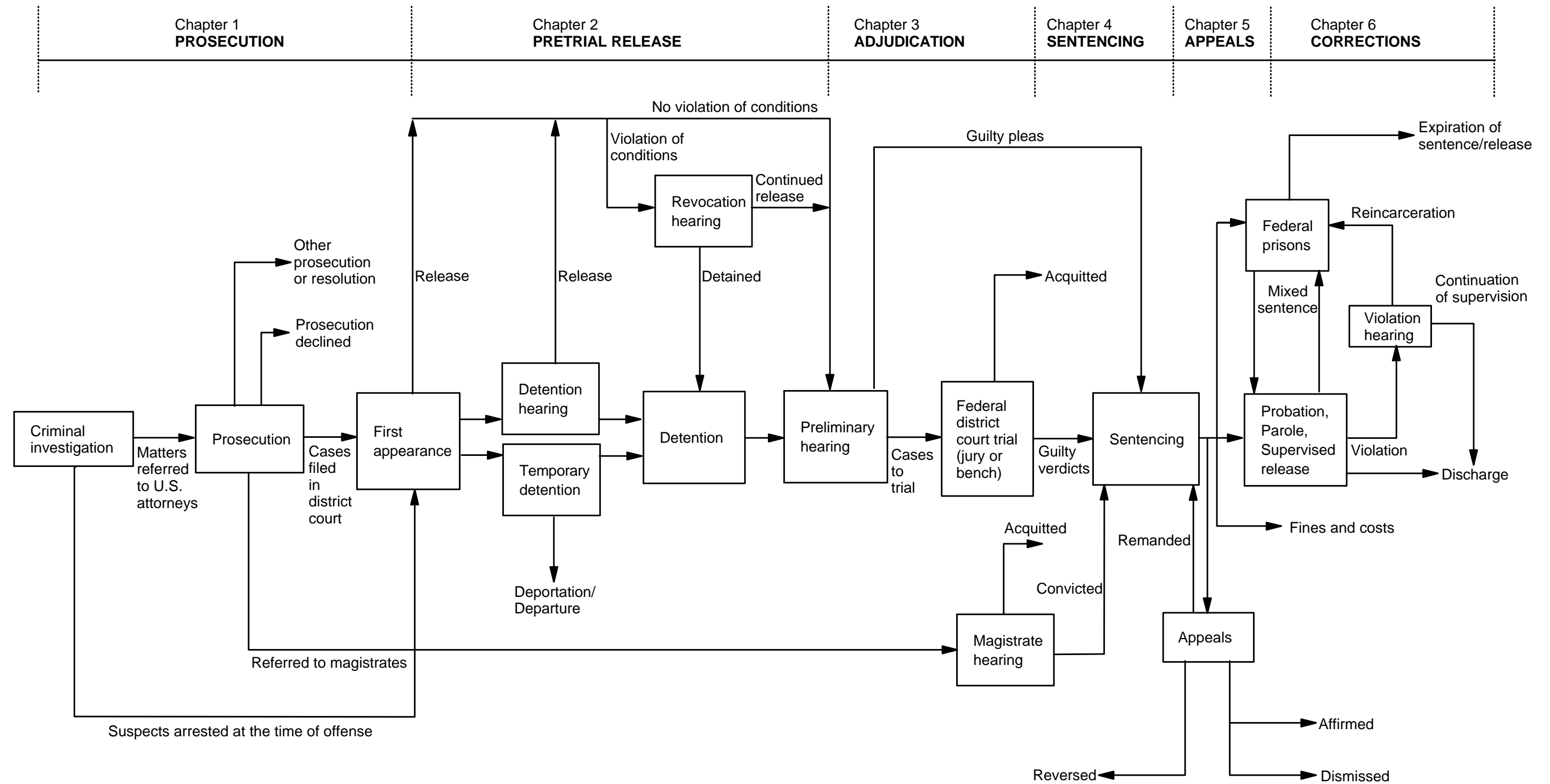
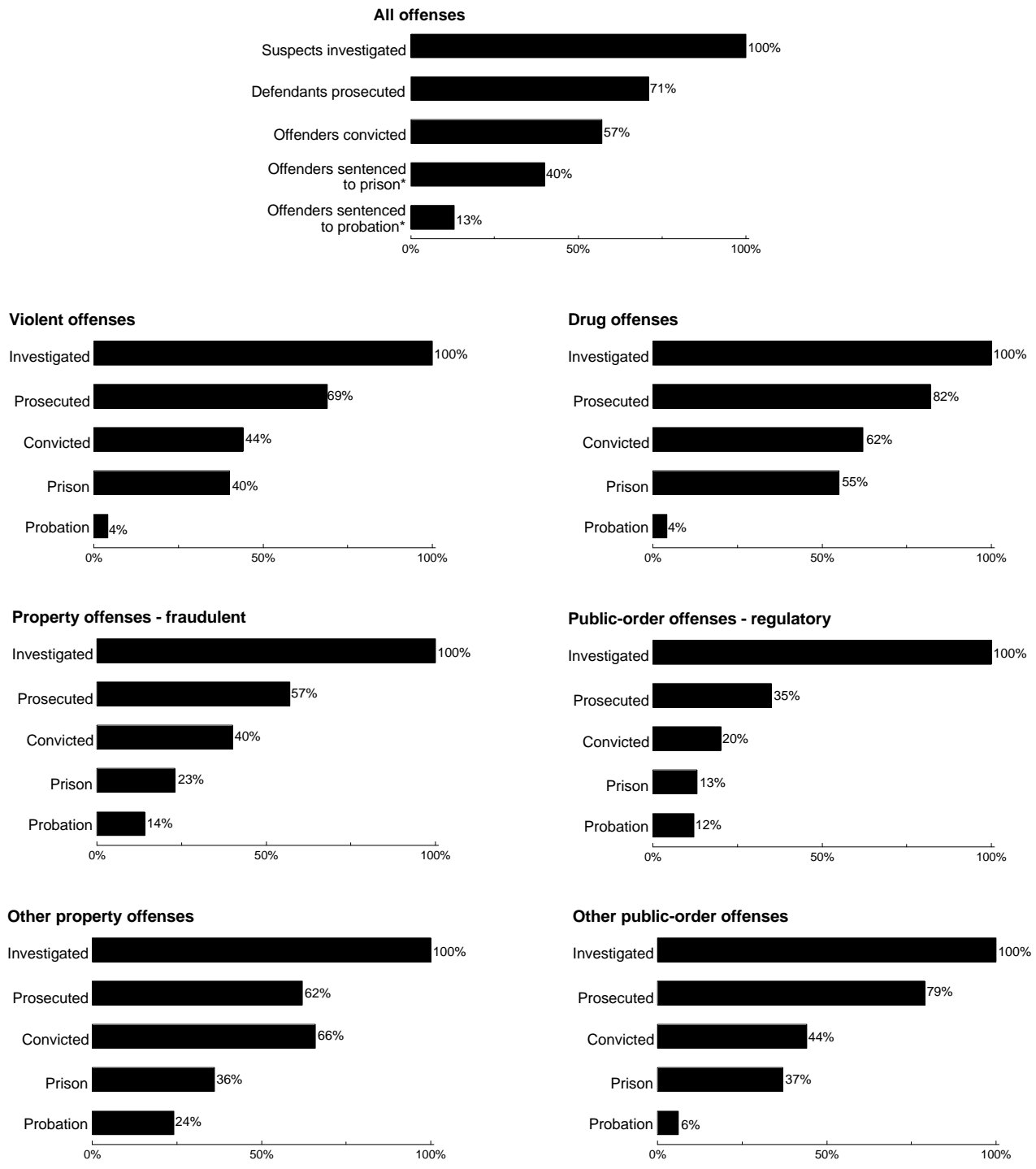


Figure S.1.

**Federal criminal case processing in matters concluded by U.S. attorneys,
October 1, 1996 - September 30, 1997**



Note: See "Figure S.2" in *Methodology*, p. 96-97.

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

Figure S.2.



Discussion 11

Tables

October 1, 1996 – September 30, 1997

1.1. Suspects in matters received by U.S. attorneys, by offense 15

1.2. Disposition of suspects in matters concluded, by offense 16

1.3. Basis for declination of prosecution by U.S. attorneys 17

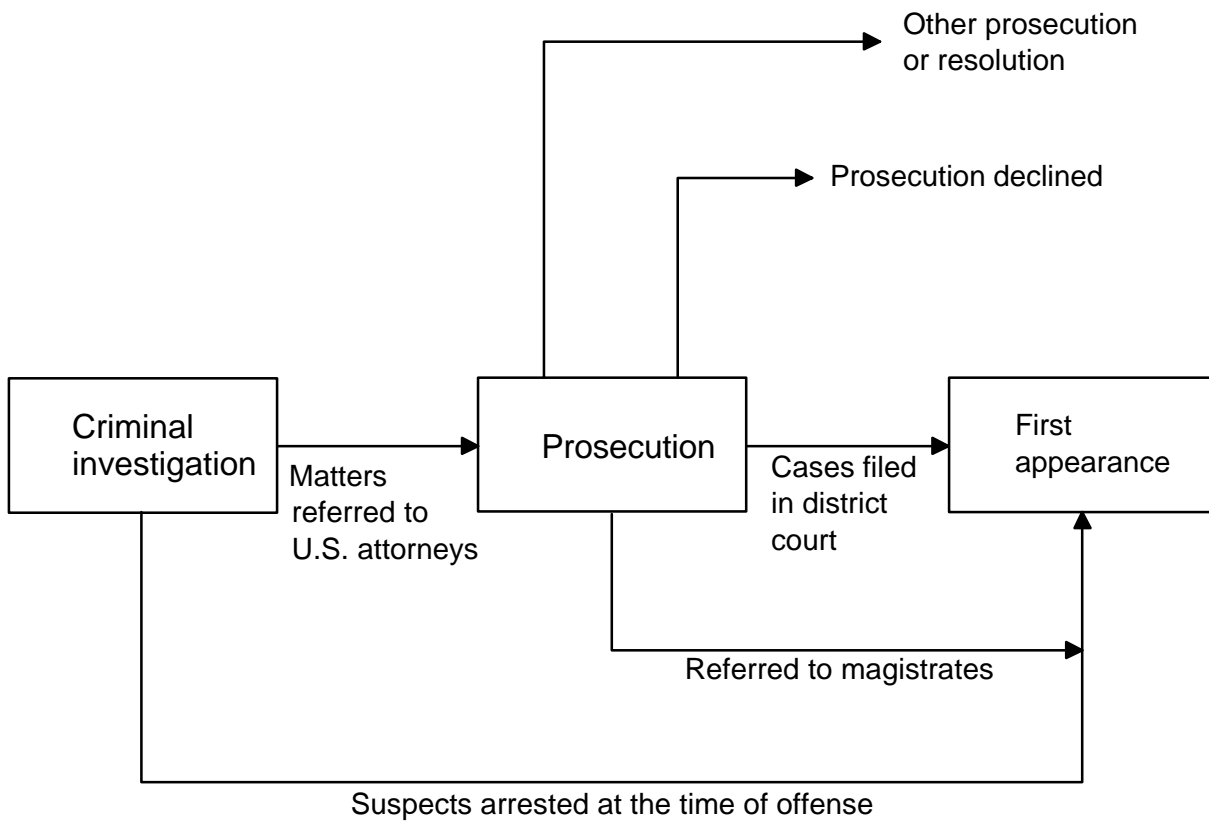
1.4. Disposition of matters declined for prosecution by U.S. attorneys, by offense 18

1.5. Mean and median processing times from receipt to filing or declination, by offense 19

Chapter notes 20

Chapter 1

Prosecution



Federal criminal cases may be brought by the U. S. Attorney's Office, by the Criminal Division of the U.S. Department of Justice, or by other authorized agencies. 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). U.S. attorneys consider these cases to be criminal matters because of their relatively less serious nature and because they are handled by 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 each type of offense, and the strength of evidence in each case.

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

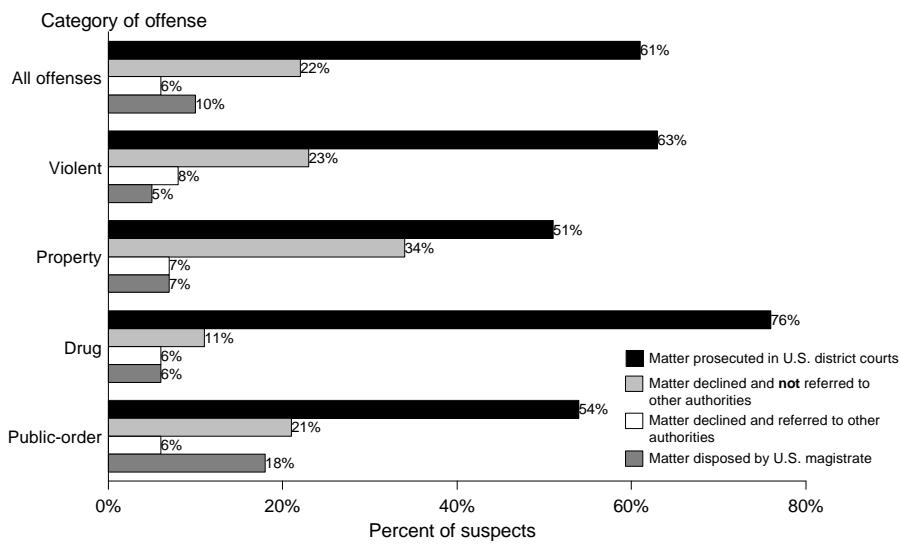


Figure 1.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate, October 1, 1996 - September 30, 1997

During 1997, 61% of suspects in all offense categories were prosecuted. 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 1.1). Suspects involved in drug offenses were the most likely (76%) to be prosecuted. Suspects involved in property offenses were the least likely to be prosecuted (51%). However, suspects involved in property offenses were more likely to have their matter declined and not referred to other authorities for prosecution than were suspects involved in other types of criminal matters (34%). These cases were resolved by other means, including restitution, civil/administrative procedures, and pre-trial diversion.

Suspects in matters received (table 1.1)

During 1997 there were 110,034 suspects in new matters received for in

vestigation by U.S. attorneys.¹ Of these suspects, about 34% were investigated for public-order offenses, 31% for drug offenses, and 28% for property offenses. Just under 7% of all suspects were investigated for violent crimes. Relative percentages of offenses reflect criminal activity as well as Federal investigative, prosecutorial, and statutory priorities. For example, during 1997 priority areas for U.S. attorneys included international and domestic terrorism, violent crimes (including firearms prosecutions and violent street gangs), narcotics prosecutions, immigration, organized crime, official corruption, labor management offenses, white collar crime, government regulatory offenses, child support recovery, and civil rights prosecutions (including the Church Arson Task Force).²

¹See *Chapter notes*, item 1, p. 20. The 1997 data are not directly comparable to the 1993 and prior compendia.

²*Statistical Report, United States Attorneys' Offices, Fiscal Year 1997*. 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

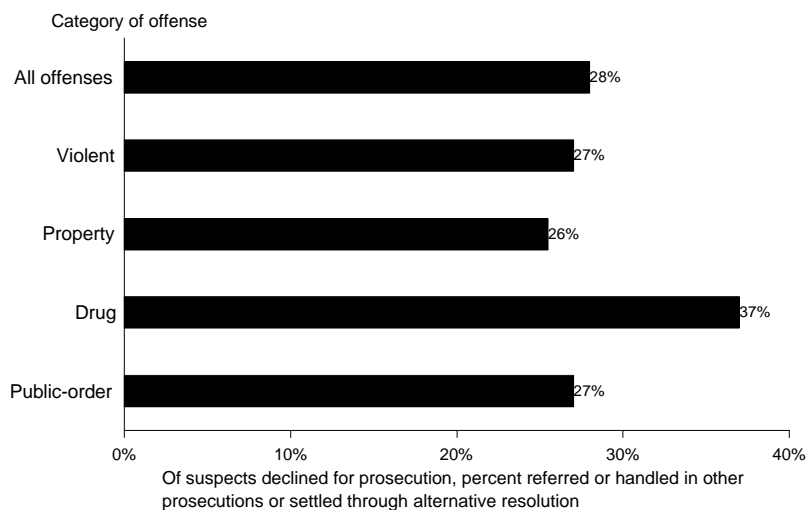


Figure 1.2. Of suspects in matters declined, percent referred or handled in other prosecutions, or settled through alternative resolution, October 1, 1996 - September 30, 1997

Suspects in matters concluded (tables 1.2-1.5)

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 99,459 suspects in criminal matters concluded during 1997, 61% were prosecuted in U.S. district court, 29% were declined for prosecution, and 10% were referred to U.S. magistrates.³

Suspects prosecuted (table 1.2) — 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 76% of suspects involved in drug offenses, 63% of those in violent offenses, 54%

of those in public-order offenses, and 51% of those in property offenses.

Differences in rates of prosecution within major categories were substantial. For example, among violent offenders, 80% of robbery suspects were prosecuted, while 56% of murder, 52% of assault, and 40% of rape suspects were prosecuted. Among property offenders, suspects investigated for counterfeiting were prosecuted at a higher rate than those involved in fraud (70% compared with 49%), and among suspects involved in public-order offenses, immigration (83%), weapons (69%), and tax law violators (67%) were much more likely to be prosecuted than suspects in communications (33%) and civil rights (7%) offenses.

Suspects in matters declined (tables 1.3-1.4) — Suspects in matters involving violent offenses were less likely to be declined for prosecution (31%) than those involved in property offenses (43%) but more likely than those in drug offenses (18%). Suspects in public-order offenses were slightly less likely to be declined for prosecution than those involved in vio-

lent offenses (28% compared to 31%).

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 1.3). Of the 29,069 declinations during 1997, 28% occurred because of case-related reasons, mostly due to weak evidence (24%); 23% occurred because there was no crime or criminal intent was lacking; and 18% occurred for other reasons, such as agency requests (6%) and minimal Federal interest (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 1.4). An additional 6% were settled through alternative resolution procedures. While suspects involved in property offenses constituted the largest number of suspects who were referred by U.S. attorneys to other authorities for prosecution or resolution, suspects involved in drug offense were the most likely of suspects whose matters were declined to be referred to other authorities for prosecution or alternative resolution (figure 1.2). Thirty-seven percent of the drug suspects whose matters were declined prosecution by U.S. attorneys were referred for other prosecution or resolution, as were 27% of the public-order, 27% of violent, and 26% of the property offense suspects.

Within major offense categories, the likelihood that suspects in matters declined for prosecution were referred to other authorities for prosecution or alternative resolution varied among specific offenses. Within property offenses, referral occurred with 43% of persons involved in motor vehicle theft, compared to 20% of suspects in arson and explosives cases. Within public-order offenses, referral occurred with 33% of weapons suspects were referred to other authorities or had their case settled through alternative procedures, compared to 8% of suspects in civil rights cases.

³The number of suspects in criminal matters concluded is not comparable to the 1993 and prior compendia. See Chapter notes, item 2, p. 20, for details.

Defendants in cases concluded by U.S. magistrates (table 1.2) —

Cases concluded by U.S. magistrates are, by statute, misdemeanors.⁴

Overall, U.S. magistrates disposed of 10% 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 58% of matters were concluded by U.S. magistrates. The escape offense category accounted for 17% of all cases concluded by U.S. magistrates.

Most of the 2,933 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 postal law violations (25%); conspiracy, aiding and abetting, traffic, and jurisdictional offenses (61%); and other property violations (44%).

Processing times (table 1.5) — For matters concluded during 1997, 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 9.2 months. However, the time to process matters varied with the outcome of the matter. Matters concluded by U.S. magistrates in which the suspect was convicted took the least amount of time — an average of 3.1 months, and at least 50% of these convictions occurred in about 40 days. Similarly, 50% of the matters declined for prosecution were declined within 12.5 months.

Overall, suspects in violent and drug offenses were processed more quickly than suspects in other offenses. For key decisions, such as whether to file a case or decline a matter for prosecution, violent offenses were concluded more quickly than drug offenses. At an average of 15.2 months, fraudulent property offenses took longer to conclude than other offenses.

⁴At 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 1.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 1996 - September 30, 1997

Most serious offense investigated ^a	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent ^b
All offenses^c	110,034	100%
Violent offenses	7,354	6.8%
Murder/manslaughter ^d	641	0.6
Negligent manslaughter	1	—
Assault	1,252	1.2
Robbery	3,396	3.1
Rape	762	0.7
Other sex offenses ^d	836	0.8
Kidnaping	331	0.3
Threats against the President	135	0.1
Property offenses	29,916	27.6%
Fraudulent	25,854	23.9%
Embezzlement	4,133	3.8
Fraud ^d	19,331	17.8
Forgery	1,849	1.7
Counterfeiting	541	0.5
Other	4,062	3.7%
Burglary	65	0.1
Larceny ^d	1,742	1.6
Motor vehicle theft	792	0.7
Arson and explosives	831	0.8
Transportation of stolen property	181	0.2
Other property offenses ^d	451	0.4
Drug offenses	34,027	31.4%
Public-order offenses	37,093	34.2%
Regulatory	5,423	5.0%
Agriculture	395	0.4
Antitrust	34	—
Food and drug	244	0.2
Transportation	282	0.3
Civil rights	1,783	1.6
Communications	123	0.1
Custom laws	391	0.4
Postal laws	212	0.2
Other regulatory offenses	1,959	1.8
Other	31,670	29.2%
Weapons	4,870	4.5
Immigration offenses	9,366	8.6
Tax law violations ^d	1,403	1.3
Bribery	403	0.4
Perjury, contempt, and intimidation	745	0.7
National defense	358	0.3
Escape	3,438	3.2
Racketeering and extortion	3,483	3.2
Gambling	242	0.2
Liquor offenses	13	—
Obscene material ^d	12	—
Migratory birds	182	0.2
Conspiracy, aiding and abetting, traffic, and jurisdictional	4,582	4.2
All other offenses ^d	2,573	2.4
Unknown or indeterminable offense	1,644	

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. 20.

—Less than .05%.

^aSee *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 95.

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

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

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

Table 1.2. Disposition of suspects in matters concluded, by offense, October 1, 1996 - September 30, 1997

Most serious offense investigated ^a	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court ^b	Declined	Disposed by U.S. magistrates	Total	Prosecuted in U.S. district court ^b	Declined	Disposed by U.S. magistrates
All offenses^c	99,459	60,383	29,069	10,007	100%	60.7%	29.2%	10.1%
Violent offenses	6,570	4,153	2,065	352	100%	63.2%	31.4%	5.4%
Murder/manslaughter ^d	551	310	204	37	100	56.3	37.0	6.7
Negligent manslaughter	1	1	0	0	—	—	—	—
Assault	1,128	586	394	148	100	52.0	34.9	13.1
Robbery	3,047	2,438	499	110	100	80.0	16.4	3.6
Rape	734	291	435	8	100	39.6	59.3	1.1
Other sex offenses ^d	684	382	288	14	100	55.8	42.1	2.0
Kidnaping	307	115	165	27	100	37.5	53.7	8.8
Threats against the President	118	30	80	8	100	25.4	67.8	6.8
Property offenses	28,633	14,544	12,170	1,919	100%	50.8%	42.5%	6.7%
Fraudulent	25,157	12,663	10,859	1,635	100%	50.3%	43.2%	6.5%
Embezzlement	3,848	1,900	1,480	468	100	49.4	38.5	12.2
Fraud ^d	19,248	9,462	8,818	968	100	49.2	45.8	5.0
Forgery	1,586	970	446	170	100	61.2	28.1	10.7
Counterfeiting	475	331	115	29	100	69.7	24.2	6.1
Other	3,476	1,881	1,311	284	100	54.1	37.7	8.2
Burglary	63	33	27	3	100	52.4	42.9	4.8
Larceny ^d	1,579	927	536	116	100	58.7	33.9	7.3
Motor vehicle theft	669	385	264	20	100	57.5	39.5	3.0
Arson and explosives	706	336	351	19	100	47.6	49.7	2.7
Transportation of stolen property	174	118	54	2	100	67.8	31.0	1.1
Other property offenses ^d	285	82	79	124	100	28.8	27.7	43.5
Drug offenses	32,072	24,400	5,769	1,903	100%	76.1%	18.0%	5.9%
Public-order offenses	30,882	16,744	8,589	5,549	100%	54.2%	27.8%	18.0%
Regulatory	4,582	1,332	2,984	266	100%	29.1%	65.1%	5.8%
Agriculture	296	132	138	26	100	44.6	46.6	8.8
Antitrust	38	19	19	0	100	50.0	50.0	0
Food and drug	203	108	85	10	100	53.2	41.9	4.9
Transportation	335	128	204	3	100	38.2	60.9	0.9
Civil rights	1,684	116	1,566	2	100	6.9	93.0	0.1
Communications	102	34	60	8	100	33.3	58.8	7.8
Custom laws	319	166	133	20	100	52.0	41.7	6.3
Postal laws	194	97	48	49	100	50.0	24.7	25.3
Other regulatory offenses	1,411	532	731	148	100	37.7	51.8	10.5
Other	26,300	15,412	5,605	5,283	100%	58.6%	21.3%	20.1%
Weapons	4,646	3,192	1,301	153	100	68.7	28.0	3.3
Immigration offenses	8,774	7,243	302	1,229	100	82.6	3.4	14.0
Tax law violations ^d	1,349	897	415	37	100	66.5	30.8	2.7
Bribery	432	168	241	23	100	38.9	55.8	5.3
Perjury, contempt, and intimidation	650	249	343	58	100	38.3	52.8	8.9
National defense	355	121	135	99	100	34.1	38.0	27.9
Escape	2,933	634	592	1,707	100	21.6	20.2	58.2
Racketeering and extortion	3,365	1,689	1,577	99	100	50.2	46.9	2.9
Gambling	240	136	100	4	100	56.7	41.7	1.7
Liquor offenses	19	10	8	1	100	52.6	42.1	5.3
Obscene material ^d	17	5	12	0	100	29.4	70.6	0
Migratory birds	103	44	29	30	100	42.7	28.2	29.1
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	2,759	783	283	1,693	100	28.4	10.3	61.4
All other offenses ^d	658	241	267	150	100	36.6	40.6	22.8
Unknown or indeterminable offense	1,302	542	476	284	100%	41.6%	36.6%	21.8%

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. 20.

^a—Too few cases to obtain statistically reliable data.

^bSee *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 95.

^cThe 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. 20.

^dIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

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

Table 1.3. Basis for declination of prosecution by U.S. attorneys, October 1, 1996 - September 30, 1997

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent ^a
Total declinations^b	29,069	100%
No crime	6,471	23.0%
No true bill returned	15	0.1
No Federal offense	2,453	8.7
Lack of criminal intent	4,003	14.2
Referred or handled in other prosecution	6,312	22.4%
Removed	1,214	4.3
Prosecuted on other charges	1,481	5.3
Prosecuted by other authorities	3,608	12.8
Complaint combined with other indicators	9	—
Alternative resolution	1,669	5.9%
Restitution	119	0.4
Civil or administrative alternative	780	2.8
Pretrial diversion	770	2.7
Suspect-related reasons	787	2.8%
Suspect serving sentence	115	0.4
No known suspect	378	1.3
Suspect a fugitive	77	0.3
Suspect deceased	189	0.7
Suspect deported	28	0.1
Case-related reasons	7,856	27.9%
Stale case	343	1.2
Weak evidence	6,676	23.7
Statute of limitations exceeded	155	0.5
Jurisdiction or venue problems	279	1.0
Witness problems	403	1.4
All other reasons	5,096	18.1%
Minimal Federal interest	1,030	3.7
Petite policy	66	0.2
Lack of resources	787	2.8
Court policy	1	—
DOJ policy	455	1.6
U.S. attorney policy	821	2.9
Agency request	1,559	5.5
Juvenile suspect	69	0.2
Offender's health, age, prior record, or other personal circumstances	110	0.4
Suspect's cooperation	194	0.7
Motion hearings	4	—
Unknown or indeterminable reason	878	

Note: For further information, see *Chapter notes*, items 1 and 2, p. 20.

—Less than .05%

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

^dIncludes suspects for whom basis for declination could not be determined; *Chapter notes*, item 4, p. 20.

Table 1.4. Disposition of matters declined for prosecution by U.S. attorneys, by offense, October 1, 1996 - September 30, 1997

Most serious offense investigated ^a	Number of suspects in declined matters				Percent of suspects in declined matters			
	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other	Total ^b	Referred or handled in other prosecution ^c	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other
All offenses^d	29,069	6,312	1,669	20,210	100%	22.4%	5.9%	71.7%
Violent offenses	2,065	512	35	1,467	100%	25.4%	1.7%	72.8%
Murder/manslaughter ^e	204	40	3	157	100	20.0	1.5	78.5
Negligent manslaughter	0	0	0	0	...	...	...	...
Assault	394	62	14	299	100	16.5	3.7	79.7
Robbery	499	216	3	271	100	44.1	0.6	55.3
Rape	435	56	3	364	100	13.2	0.7	86.1
Other sex offenses ^e	288	76	9	198	100	26.9	3.2	70.0
Kidnaping	165	58	3	103	100	35.4	1.8	62.8
Threats against the President	80	4	0	75	100	5.1	0	94.9
Property offenses	12,170	1,923	1,065	8,773	100%	16.4%	9.1%	74.6%
Fraudulent	10,859	1,587	991	7,914	100%	15.1%	9.4%	75.4%
Embezzlement	1,480	152	257	1,022	100	10.6	18.0	71.4
Fraud ^e	8,818	1,277	682	6,557	100	15.0	8.0	77.0
Forgery	446	113	50	271	100	26.0	11.5	62.4
Counterfeiting	115	45	2	64	100	40.5	1.8	57.7
Other	1,311	336	74	859	100%	26.5%	5.8%	67.7%
Burglary	27	11	1	15	100	40.7	3.7	55.6
Larceny ^e	536	146	48	325	100	28.1	9.2	62.6
Motor vehicle theft	264	96	11	145	100	38.1	4.4	57.5
Arson and explosives	351	64	4	274	100	18.7	1.2	80.1
Transportation of stolen property	54	9	0	44	100	17.0	0	83.0
Other property offenses ^e	79	10	10	56	100	13.2	13.2	73.7
Drug offenses	5,769	1,965	96	3,565	100%	34.9%	1.7%	63.4%
Public-order offenses	8,589	1,819	430	6,071	100%	21.9%	5.2%	73.0%
Regulatory	2,984	358	180	2,398	100%	12.2%	6.1%	81.7%
Agriculture	138	32	25	76	100	24.1	18.8	57.1
Antitrust	19	13	0	6	100	68.4	0	31.6
Food and drug	85	15	18	51	100	17.9	21.4	60.7
Transportation	204	30	20	139	100	15.9	10.6	73.5
Civil rights	1,566	78	51	1,428	100	5.0	3.3	91.7
Communications	60	5	5	49	100	8.5	8.5	83.1
Custom laws	133	24	7	101	100	18.2	5.3	76.5
Postal laws	48	6	14	27	100	12.8	29.8	57.4
Other regulatory offenses	731	155	40	521	100	21.6	5.6	72.8
Other	5,605	1,461	250	3,673	100%	27.1%	4.6%	68.2%
Weapons	1,301	379	26	828	100	30.7	2.1	67.2
Immigration offenses	302	51	19	193	100	19.4	7.2	73.4
Tax law violations ^e	415	71	17	321	100	17.4	4.2	78.5
Bribery	241	24	21	185	100	10.4	9.1	80.4
Perjury, contempt, and	343	39	25	266	100	11.8	7.6	80.6
National defense	135	9	15	106	100	6.9	11.5	81.5
Escape	592	385	17	184	100	65.7	2.9	31.4
Racketeering and extortion	1,577	256	26	1,235	100	16.9	1.7	81.4
Gambling	100	21	5	71	100	21.6	5.2	73.2
Liquor offenses	8	3	0	5	—	—	—	—
Obscene material ^e	12	0	2	9	100	0	18.2	81.8
Migratory birds	29	1	6	18	100	4.0	24.0	72.0
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	283	59	65	158	100	20.9	23.0	56.0
All other offenses ^e	267	163	6	94	100	62.0	2.3	35.7
Unknown or indeterminable offense	476	93	43	334	100%	19.8%	9.1%	71.1%

Note: For further information, see *Chapter notes*, items 1 and 2, p. 20.

—Too few cases to obtain statistically reliable data.

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

^aSee *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 95.

^bIncludes 821 suspects for whom reason for declination could not be determined.

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

^dIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

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

Table 1.5. Mean and median processing times from receipt to filing or declination, by offense, October 1, 1996 - September 30, 1997

Most serious offense investigated ^a	Number of months from receipt of matter to decision						
	All suspects	Disposed by U.S. magistrate			Concluded by U.S. attorney		
		Total	Convicted	Not convicted	Total	Prosecuted in U.S. district court ^b	Declined
Mean							
All offenses^c	9.2 mo	6.5 mo	3.1 mo	8.5 mo	9.4 mo	5.1 mo	18.1 mo
Violent offenses	5.1	4.9	3.3	5.4	5.1	2.7	9.8
Property offenses	14.5	8.0	4.7	9.7	15.0	8.9	22.0
Fraudulent offenses ^d	15.2	8.1	4.7	9.9	15.7	9.5	22.7
Other offenses ^e	9.5	6.9	4.8	8.3	9.8	5.4	16.0
Drug offenses	6.0	4.9	3.5	5.2	6.1	3.7	15.9
Public-order offenses	8.3	6.8	2.6	9.9	8.6	4.5	16.2
Regulatory offenses	13.1	10.2	8.7	11.3	13.2	8.8	15.1
Other offenses	7.4	6.7	2.3	9.8	7.6	4.1	16.8
Median							
All offenses^c	2.1 mo	1.4 mo	1.3 mo	1.6 mo	2.2 mo	0.9 mo	12.5 mo
Violent offenses	1.3	1.5	2.6	1.3	1.3	0.7	6.4
Property offenses	7.7	2.8	2.8	2.8	8.3	2.6	16.9
Fraudulent offenses ^d	8.5	2.9	2.8	3.1	9.1	3.0	17.5
Other offenses ^e	3.4	2.5	3.0	1.9	3.5	1.2	11.0
Drug offenses	0.9	0.7	2.1	0.6	0.9	0.7	11.0
Public-order offenses	1.8	1.5	0.8	2.1	1.8	0.8	10.5
Regulatory offenses	7.9	5.2	5.2	5.2	8.2	2.1	10.9
Other offenses	1.3	1.4	0.7	2.0	1.3	0.7	10.2
Number of suspects^f	96,194	9,713	3,523	6,190	86,481	57,625	28,856
With unknown or indeterminable offense or processing time ^g	4,567	578	274	304	3,989	3,300	689

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. 20.

^aSee *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 95.

^bThe suspects included in this column are limited to those whose cases were filed in U.S. district court before U.S. district court judges. These data are not directly comparable to the number in the 1993 or prior compendia, which included appeals cases handled by U.S. attorneys; see *Chapter notes*, item 2, p. 20.

^cIncludes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

^dExcluding tax fraud.

^eIncluding tax fraud.

^fExcludes suspects with insufficient data to determine processing time.

^gMay include some suspects with unknown or indeterminable offenses or processing time.

Chapter notes

1) Tables 1.1-1.5 were created from the Central System data files of the EOUSA. For table 1.1, only records which showed a matter received during 1997 were selected. For tables 1.2-1.5, 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, 1996, through September 30, 1997, 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 1.1, and the number of suspects in matters concluded in tables 1.2 and 1.5 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 1.1 of this *Compendium* and the 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 1.1 of this *Compendium*, the number of appellants in appeals that were handled by U.S. attorneys. The table below shows these data for major offense categories.

Nature of the underlying offense	Number of appellants in appeals filed and handled by U.S. attorneys
All offenses	11,698
Violent offenses	1,045
Property offenses	2,206
Fraudulent property	1,839
Other property	367
Drug offenses	5,517
Public-order offenses	2,930
Regulatory public order	200
Other public order	2,730
Unknown or indeterminate offenses	118

In tables 1.2 and 1.5 of this *Compendium* and 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 1.2. The table below shows the number of appellants in appeals cases terminated during fiscal 1997.

Nature of the underlying offense	Number of appellants in appeals concluded by U.S. attorneys
All offenses	9,209
Violent offenses	719
Property offenses	1,807
Fraudulent property	1,543
Other property	264
Drug offenses	4,408
Public-order offenses	2,275
Regulatory public order	132
Other public order	2,143
Unknown or indeterminate offenses	92

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 1.1, 1.2, 1.4, and 1.5.

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 1.3) includes records whose offense category (basis for declination) is missing or indeterminate. The percentage distributions in these tables, however, are based on the number of observations with nonmissing offenses (basis for declination) values. The number of missing values are reported either on a separate line or in a footnote.

Discussion	23
-------------------------	-----------

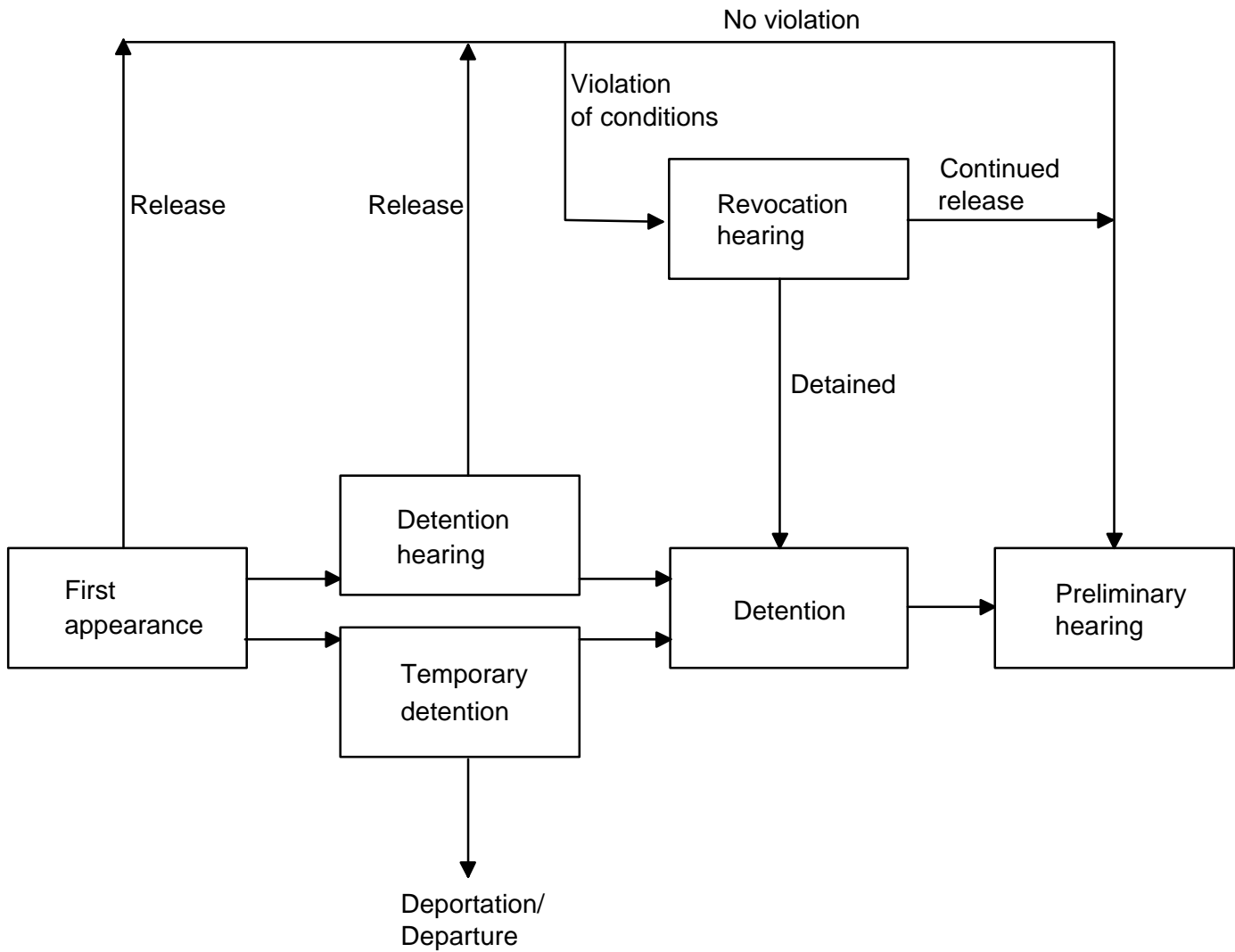
Tables*October 1, 1996 - September 30, 1997*

2.1. Type of pretrial release, by offense	27
2.2. Type of pretrial release, by defendant characteristics	28
2.3. Form of pretrial detention, by offense	29
2.4. Form of pretrial detention, by defendant characteristics	30
2.5. Pretrial detention hearing outcomes, by offense	31
2.6. Pretrial detention hearing outcomes, by defendant characteristics	32
2.7. Behavior of defendants released prior to trial, by offense	33
2.8. Behavior of defendants released prior to trial, by type of release	33
2.9. Behavior of defendants released prior to trial, by defendant characteristics	34
2.10. Length of pretrial detention, by form of release or detention, and most serious offense charged	35

Chapter notes	36
----------------------------	-----------

Chapter 2

Pretrial release



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

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

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

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

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

Types of pretrial release

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

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

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

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

Defendants may also be released on financial conditions. Financial conditions include (1) deposit bond (the defendant is required to post a percentage of the total bail amount, usually 10%), (2) surety bond (the defendant is released subject to guarantees by a third person that the full amount will be paid), or (3) collateral bond (collateral equal to the full bail amount required to be posted by the defendant before release). Financial conditions may occur in combination with nonfinancial 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 1997, 28,600 defendants were released for some period of time prior to trial (table 2.1). Those defendants released made up nearly 51% of the 56,041 defendants who terminated pretrial services during 1997. Of the defendants released, 84% completed pretrial services without violating the conditions of their release (table 2.8).

In 1997, 35,989 defendants were detained for some period of time prior to the disposition of their case (table 2.3). Those defendants detained comprised about 64% of all defendants who terminated pretrial services during 1997. 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, 53% were ordered detained by the court until case disposition.

Pretrial detention hearings were held for 26,152 defendants. Of these, 18,940, or 72%, were ordered detained (table 2.5).

Of the 28,600 defendants released prior to trial, 17% violated a condition of their release (table 2.7). The majority (87%) of these violations were technical violations of the bail conditions. Defendants released on corporate surety were more likely (22%) than other defendants to incur some violation of the conditions of their release (table 2.8). Conversely, defendants given conditional release violated their release at the lowest rates (7%). Slightly more than 6% of all released defendants had their release revoked.

Pretrial outcomes by offense categories

Releases (table 2.1) — Defendants charged with public-order and violent offenses were less likely than other defendants to be released prior to criminal trial; in 1997, 38% of the

*18 U.S.C. § 3142(e) (1984)

16,706 public-order offenders and 39% of 3,639 violent offenders were released (figure 2.1). However, the percent released varied greatly among these defendants. Among violent offenders, 23% of those charged with robbery were released compared to 66% of those charged with assault and 65% of those charged with rape. Among public order offenders, 11% of those charged with immigration offenses were released compared to 95% of those charged with tax law violations and 48% of those with weapons offenses.

Property defendants made up the largest part of those defendants who were released, while drug defendants made up the largest part of those defendants who were detained (figure 2.2). Violent defendants composed the smallest part of defendants in both groups.

About 44% of all drug defendants were released. Drug trafficking defendants were less likely to be released than those charged with nontrafficking offenses (43% compared to 56%), but defendants charged with trafficking offenses outnumbered those charged with nontrafficking offenses by 9 to 1.

The release types for those defendants who were released prior to trial varied among offense categories (table 2.1). Within each major offense category, the highest percentage of defendants released was on unsecured bond, except for violent defendants. Of the 39% of violent defendants released, 40% were released on unsecured bond and 44% on personal recognizance compared to 79% of all property defendants released, of whom 56% were released on unsecured bond and 31% on personal recognizance.

Detentions (tables 2.3 and 2.5) — Among the major offense categories, defendants charged with drug offenses were the most likely (78%) to be detained for some period of time (table 2.3). Seventy-six percent of defendants charged with violent offenses were detained for some period of time. But violent defendants were

Defendants charged with public-order and violent offenses were less likely than other defendants to be released prior to trial

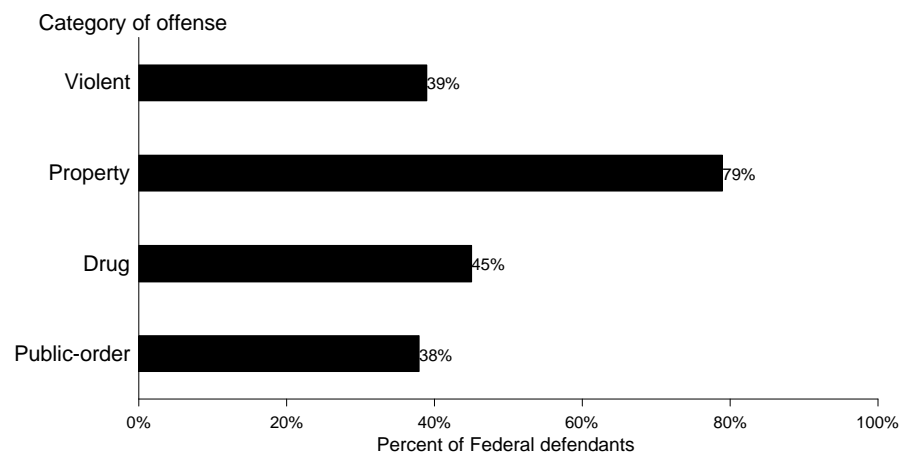


Figure 2.1. Percent of defendants released prior to case disposition, by offense category, October 1, 1996 - September 30, 1997

more likely (63% versus 55%) to be detained by the court following a detention hearing than those detained for drug offenses (not shown in a table). Property and public-order defendants were less likely to be detained than drug and violent defendants. During 1997, 71% of public-order defendants were detained. Of public-order defendants, those charged with immigration offenses were the most likely to be detained (95%). In 1997, 31% of defendants charged with property offenses were detained. Of those

defendants detained, 52% of public-order and 39% of property defendants were detained following a detention hearing (not shown in a table).

For 64% of defendants charged with violent offenses, it was decided at the preliminary hearing that a detention hearing was warranted (table 2.5, figure 2.3). This rate varied by offense category: 62% of those charged with drug-related offenses, 46% of those charged with public-order offenses, and 20% of those charged with property offenses were ordered to have a

Property defendants made up the largest percentage of those released, while drug defendants made up the largest percentage of those detained

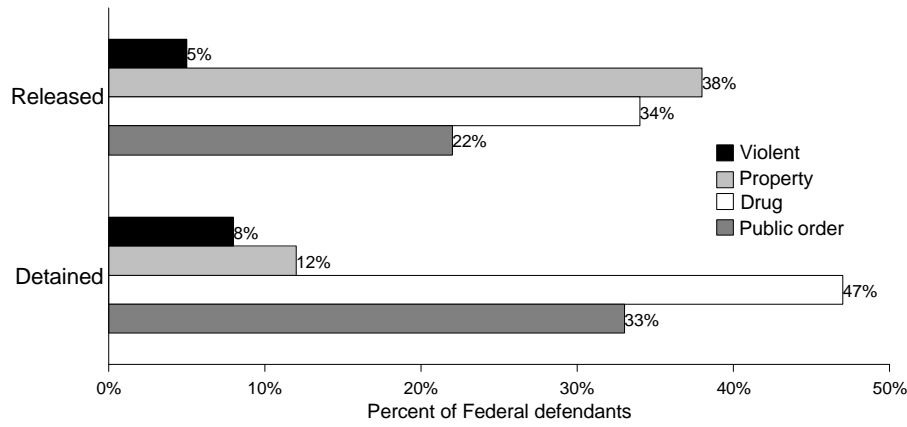


Figure 2.2. Percent of defendants released or detained, by offense category, October 1, 1996 - September 30, 1997

detention hearing. Of those charged with violent offenses, the most likely to have a pretrial detention hearing were those charged with robbery, kidnaping, murder, or threats against the President. The least likely were those charged with sex offenses other than rape and those charged with assault.

Once a defendant was ordered to have a detention hearing, the chances of being detained were less variable across offense categories (table 2.5). The highest rate of defendants ordered detained were those charged with public-order offenses (80%) — primarily immigration (87%) and weapons offenders (71%). Of the 64% of defendants charged with violent offenses and given a pretrial detention hearing, 74% were ordered detained. In 1997, 70% of those charged with drug offenses and 62% of those charged with property offenses were ordered detained following a pretrial hearing.

Violations (table 2.7) — Of defendants released prior to trial and terminating pretrial services during 1997, those charged with drug offenses were more likely (26%) than other defendants to incur at least one violation during the release period. Among major offense categories, those charged with property offenses were less likely (11%) than others to violate conditions of their release. Those charged with drug offenses were more likely to have their release revoked (10% of all released drug defendants, 38% of drug defendants incurring a violation), and public-order defendants were slightly less likely than property defendants to have their release revoked (3.6% versus 4.1%).

Pretrial outcomes across demographic groups

Releases (table 2.2) — Females were more likely (76%) than males (46%) to be released during 1997 (figure 2.4). Males had nearly twice the chance of having a financial condition imposed on them as females (20% versus 12%). Sixty-six percent of all defendants identified as non-Hispanic were released during 1997 compared

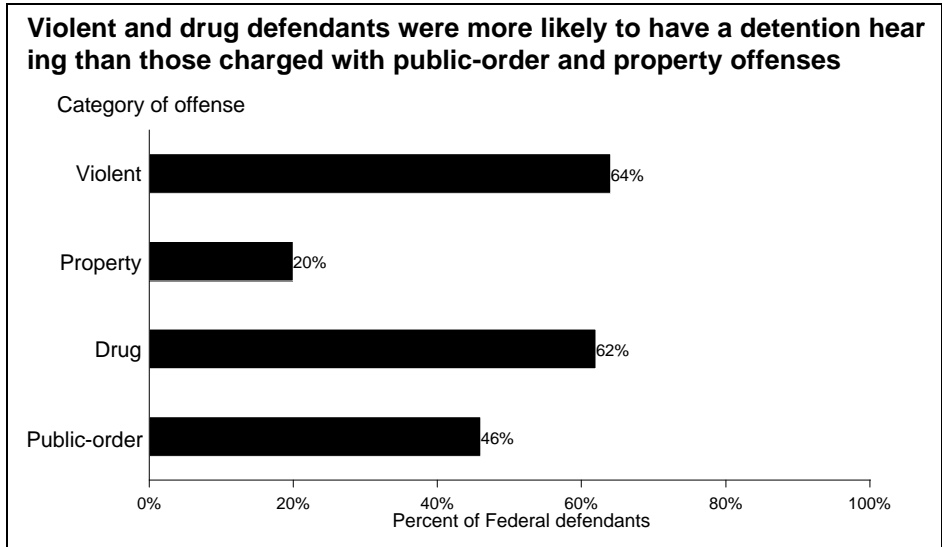


Figure 2.3. Detention hearings held, by offense category, October 1, 1996 - September 30, 1997

to 25% of Hispanics. Non-Hispanic releasees had more than twice the chance of being released on personal recognizance.

The higher the education level of the defendant, the greater the probability of release. Less than half (44%) of defendants with less than a high school education were released in 1997, while 80% of those who had completed college were released. Releasees with a college degree were slightly less likely to receive financial

conditions (16%) and more likely to be released on personal recognizance (28%) than those who had less education.

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

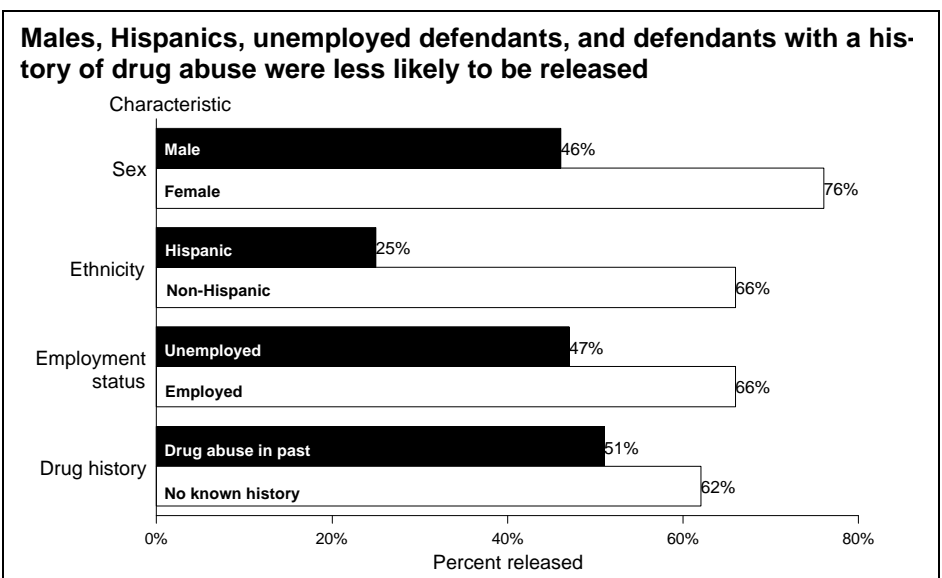


Figure 2.4. Pretrial release rates, by defendant characteristics, October 1, 1996 - September 30, 1997

Detentions (tables 2.4 and 2.6) — Males were more likely (69% versus 41%) than females to be detained (table 2.4). Of all detainees, 54% of the men and 41% of the women were detained following a detention hearing. Hispanics had a substantially higher probability of being detained (nearly 9 out of 10) as compared with non-Hispanics (5 out of 10). However, among those detained, Hispanics and non-Hispanics had nearly equal chances of being detained following a detention hearing (about 53%).

Younger defendants were more likely than older ones to be detained, with the percentage peaking at defendants in their twenties. Seventy percent of defendants between the ages of 21 and 30 years were detained compared to 68% of defendants between 16 and 18 years and 47% 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-five percent of those who did not graduate from high school were detained versus 33% of college graduates. Of those detained, 55% of defendants without a high school diploma were detained following a detention hearing compared to 46% of college graduates.

Not only were male defendants nearly twice as likely as female defendants to have a detention hearing (50% versus 28%), they were also more likely to be ordered detained as a result of the hearing (table 2.6). Blacks had a higher chance of having a detention hearing (51%) than those of other races (45% for whites, 47% for other). However, once a detention hearing was held, there were only slight differences amongst racial groups in the probability of being ordered detained.

The likelihood of having a detention hearing increased with the number of prior convictions, severity of the defendant's criminal history, and current sentence of supervision. Further,

53% of those with a history of drug abuse had detention hearings as compared to 41% of those without such a past. Those with a known history of drug abuse were slightly more likely to be detained.

Violations (table 2.9) — Released males were more likely than females to incur a violation during the pretrial release period (18% versus 13%) and were more likely to have their release revoked. Defendants with no prior criminal history were less likely to have a pretrial release violation than those with a prior conviction. Released defendants with a known drug history had more than 3 times the likelihood of incurring a violation than those with no known drug history. Also, those with a history of drug use were substantially more likely to have their release revoked.

Length of pretrial detention (table 2.10)

Among defendants detained for any time prior to case disposition, those charged with violent offenses were detained the longest (an average of 77.3 days) compared to drug defendants (59.3 days), public-order defendants (47.8 days), and property defendants (31.3 days).

Of defendants released, those released on conditional means spent the greatest average number of days detained (57.6 days) compared to those released on personal recognizance (31.5 days), financial conditions (27.1 days), and unsecured bond (25.6 days). However, with the exception of drug offenders, this trend varied across all major offense categories. For violent, property, and public-order defendants, more time was spent in detention for offenders released on unsecured bond than by those released on financial conditions. For example, for violent offenders, those released on unsecured bond spent a greater average number of days detained (35.9 days) compared to those released on financial conditions (30.0 days).

Of defendants not released, those detained following a detention hearing were detained longer, on average, than those held on financial conditions (107.9 days compared with 51.2 days).

Table 2.1. Type of pretrial release, by offense, October 1, 1996 - September 30, 1997

Most serious offense charged	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial ^a	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
All offenses^b	51.0%	18.2%	50.7%	28.2%	2.8%	28,600	56,041
Violent offenses	39.4%	11.9%	40.3%	44.3%	3.6%	1,435	3,639
Murder ^c	43.2	8.9	22.8	65.8	2.5	79	183
Negligent manslaughter	—	—	—	—	—	7	8
Assault	66.3	6.0	36.6	51.9	5.4	464	700
Robbery	22.9	21.2	47.6	29.7	1.5	458	2,001
Rape	65.2	5.2	14.9	73.0	6.9	174	267
Other sex offenses ^c	73.0	7.7	59.6	31.3	1.4	208	285
Kidnaping	21.3	35.3	41.2	17.6	5.9	34	160
Threats against the President	31.4	18.2	63.6	18.2	0	11	35
Property offenses	79.4%	10.2%	56.2%	30.9%	2.8%	10,930	13,761
Fraudulent	79.7%	10.8%	59.4%	27.9%	2.0%	8,390	10,533
Embezzlement	94.6	3.7	58.9	35.7	1.7	1,277	1,350
Fraud ^c	77.5	12.0	58.2	27.7	2.1	6,129	7,906
Forgery	82.9	5.3	70.8	23.0	0.8	243	293
Counterfeiting	75.3	14.8	66.1	17.1	1.9	741	984
Other	78.7%	8.0%	45.7%	40.8%	5.5%	2,540	3,228
Burglary	57.8	7.7	50.0	41.0	1.3	78	135
Larceny ^c	84.8	6.4	44.0	43.0	6.5	1,990	2,346
Motor vehicle theft	52.3	11.6	57.1	31.3	0	147	281
Arson and explosives	61.8	17.6	48.0	31.4	2.9	102	165
Transportation of stolen property	73.6	20.8	59.1	18.2	1.9	159	216
Other property offenses ^c	75.3	3.1	28.1	65.6	3.1	64	85
Drug offenses	44.5%	30.5%	48.7%	18.9%	1.9%	9,670	21,740
Trafficking	43.2	31.9	50.3	16.2	1.6	8,481	19,617
Other drug	56.0	20.7	37.3	37.8	4.1	1,189	2,123
Public-order offenses	38.4%	15.1%	47.4%	33.4%	4.2%	6,415	16,706
Regulatory	72.2%	13.4%	48.7%	33.5%	4.4%	1,309	1,813
Agriculture	94.6	4.6	48.3	40.2	6.9	87	92
Antitrust	—	—	—	—	—	4	4
Food and drug	100	2.2	56.5	39.1	2.2	46	46
Transportation	85.3	14.1	37.5	42.2	6.3	64	75
Civil rights	84.2	4.7	60.0	35.3	0	85	101
Communications	91.7	22.7	47.7	25.0	4.5	44	48
Custom laws	76.0	35.5	48.7	14.5	1.3	76	100
Postal laws	90.0	3.4	52.1	41.9	2.6	117	130
Other regulatory offenses	64.6	14.9	47.5	32.6	5.1	786	1,217
Other	34.3%	15.5%	47.1%	33.3%	4.1%	5,106	14,893
Weapons	48.2	18.4	53.1	26.4	2.2	1,114	2,312
Immigration offenses	11.2	32.4	45.7	13.3	8.6	943	8,397
Tax law violations ^c	95.0	5.9	53.8	37.8	2.5	809	852
Bribery	91.8	15.0	68.9	16.2	0	167	182
Perjury, contempt, and intimidation	73.1	12.3	57.3	29.8	0.6	171	234
National defense	70.6	18.3	38.3	43.3	0	60	85
Escape	19.5	17.4	51.3	27.8	3.5	115	590
Racketeering and extortion	53.4	27.3	52.2	19.5	1.0	406	760
Gambling	91.9	7.7	56.0	34.1	2.2	91	99
Liquor offenses	100	5.3	26.3	57.9	10.5	19	19
Obscene material ^c	89.5	3.9	56.9	39.2	0	51	57
Migratory birds	100	0	33.3	57.1	9.5	21	21
All other offenses ^c	88.6	2.9	30.6	60.4	6.1	1,139	1,285

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. 36.

—Too few cases to obtain statistically reliable data.

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

^bIncludes 195 defendants for whom an offense category could not be determined, 150 of whom were released.

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

Table 2.2. Type of pretrial release, by defendant characteristics, October 1, 1996 - September 30, 1997

Defendant characteristic	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial ^a	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
All defendants^b	51.0%	18.2%	50.7%	28.2%	2.8%	28,600	56,041
Sex							
Male	46.3%	20.2%	50.0%	27.1%	2.7%	21,817	47,089
Female	75.8	11.9	52.8	32.0	3.3	6,737	8,892
Race							
White	48.9%	18.8%	51.0%	27.4%	2.7%	18,414	37,663
Black	53.7	17.6	54.6	25.3	2.5	8,205	15,288
Other	64.1	15.0	31.4	48.0	5.5	1,981	3,090
Ethnicity							
Hispanic	25.1%	36.2%	46.0%	14.4%	3.5%	5,098	20,325
Non-Hispanic	65.6	14.5	52.7	30.1	2.7	22,888	34,877
Age							
16-18 years	50.6%	10.8%	45.2%	39.9%	4.1%	511	1,010
19-20 years	50.8	16.5	47.5	31.0	5.0	1,306	2,572
21-30 years	46.8	20.8	51.4	25.1	2.6	9,077	19,401
31-40 years	51.7	19.3	51.5	26.7	2.5	7,763	15,018
Over 40 years	67.6	16.9	52.7	28.4	2.1	8,608	12,733
Education							
Less than high school graduate	43.9%	24.5%	50.6%	22.5%	2.4%	7,410	16,889
High school graduate	63.3	16.9	52.8	27.7	2.7	9,080	14,343
Some college	71.8	16.2	53.1	28.4	2.3	6,528	9,092
College graduate	79.9	15.7	53.7	28.4	2.2	3,140	3,932
Marital status							
Never married	51.7%	17.5%	53.0%	26.8%	2.6%	8,854	17,111
Divorced/separated	61.1	16.4	53.8	27.6	2.2	5,268	8,625
Married	64.2	19.7	51.3	26.4	2.6	10,238	15,954
Common law	47.7	26.8	48.6	22.9	1.7	1,945	4,076
Other	22.3	11.3	33.6	48.0	7.1	2,295	10,275
Employment status at arrest							
Unemployed	47.2%	18.4%	52.7%	26.3%	2.6%	9,680	20,495
Employed	65.8	19.0	51.5	27.1	2.4	17,088	25,957
Criminal record							
No convictions ^c	60.7%	15.8%	50.0%	30.9%	3.3%	12,374	20,386
Misdemeanor only	64.1	17.5	49.9	29.6	3.0	5,498	8,576
Felony							
Nonviolent	36.2	20.9	53.4	23.6	2.1	4,188	11,573
Violent	25.5	23.3	49.9	24.2	2.5	1,976	7,747
Number of prior convictions							
1	54.4%	19.1%	51.9%	26.5%	2.5%	4,838	8,888
2 to 4	40.7	20.5	50.4	26.7	2.3	4,691	11,527
5 or more	28.5	19.2	51.0	26.5	3.3	2,133	7,481
Criminal justice status							
Not under supervision	58.0%	17.4%	50.6%	29.1%	3.0%	22,643	39,032
Pretrial release	55.9	25.3	52.4	20.8	1.5	1,453	2,599
Probation	45.0	21.1	52.8	24.3	1.8	1,329	2,953
Parole	20.8	23.0	50.8	24.2	2.0	356	1,711
Court appearance history							
No prior arrests	60.0%	16.0%	49.7%	30.9%	3.4%	12,746	21,253
Failure to appear							
None	48.5%	20.4%	52.1%	25.2%	2.3%	13,493	27,841
1	34.6	18.6	48.2	28.7	4.5	1,273	3,676
More than 1	33.3	16.5	47.3	34.1	2.0	1,088	3,271
Drug abuse							
No known abuse	62.4%	18.5%	52.4%	26.6%	2.5%	19,205	30,758
Drug history	51.4	19.8	54.1	23.8	2.2	6,271	12,202

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. 36.

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

^bIncludes defendants for whom characteristics could not be determined.

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

Table 2.3. Form of pretrial detention, by offense, October 1, 1996 - September 30, 1997

Most serious offense charged	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention ^a	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre-trial period	All of pre-trial period				
All offenses^b	64.2%	2.1%	20.3%	15.2%	52.7%	9.7%	35,989	56,041
Violent offenses	76.4%	1.1%	16.5%	4.6%	62.8%	15.0%	2,780	3,639
Murder ^c	78.7	0.7	18.8	0.7	69.4	10.4	144	183
Negligent manslaughter	—	—	—	—	—	—	3	8
Assault	51.9	1.4	28.1	6.6	48.2	15.7	363	700
Robbery	90.4	1.2	11.8	4.9	66.6	15.5	1,809	2,001
Rape	63.7	0	36.5	1.2	54.1	8.2	170	267
Other sex offenses ^c	41.1	0.9	27.4	4.3	56.4	11.1	117	285
Kidnaping	90.0	1.4	11.1	4.2	62.5	20.8	144	160
Threats against the President	85.7	0	13.3	3.3	56.7	26.7	30	35
Property offenses	31.3%	1.6%	30.5%	17.3%	38.6%	12.0%	4,307	13,761
Fraudulent	31.0%	1.3%	30.6%	20.2%	37.2%	10.7%	3,270	10,533
Embezzlement	9.2	2.4	37.9	13.7	33.9	12.1	124	1,350
Fraud ^c	33.4	1.1	29.0	22.3	36.8	10.8	2,642	7,906
Forgery	30.0	0	44.3	6.8	29.5	19.3	88	293
Counterfeiting	42.3	1.9	36.3	11.5	42.1	8.2	416	984
Other	32.1%	2.6%	30.0%	8.3%	43.2%	15.9%	1,037	3,228
Burglary	61.5	0	26.5	8.4	49.4	15.7	83	135
Larceny ^c	25.1	2.5	36.8	10.5	37.5	12.6	589	2,346
Motor vehicle theft	59.8	1.2	14.3	3.0	58.9	22.6	168	281
Arson and explosives	54.5	0	24.4	3.3	46.7	25.6	90	165
Transportation of stolen property	39.4	11.8	24.7	9.4	42.4	11.8	85	216
Other property offenses ^c	25.9	0	22.7	4.5	40.9	31.8	22	85
Drug offenses	78.3%	2.1%	24.3%	10.3%	55.3%	8.0%	17,028	21,740
Trafficking	80.2	1.5	24.3	10.5	55.8	7.9	15,735	19,617
Other drug offenses	60.9	8.7	24.2	8.8	48.5	9.7	1,293	2,123
Public-order offenses	70.7%	2.7%	11.8%	23.9%	51.8%	9.9%	11,804	16,706
Regulatory	38.4%	1.4%	28.3%	9.5%	42.5%	18.4%	697	1,813
Agriculture	10.9	—	—	—	—	—	10	92
Antitrust	—	...	...	...	...	...	0	4
Food and drug	4.3	—	—	—	—	—	2	46
Transportation	28.0	0	47.6	9.5	42.9	0	21	75
Civil rights	24.8	0	36.0	4.0	40.0	20.0	25	101
Communications	18.8	—	—	—	—	—	9	48
Custom laws	42.0	2.4	45.2	9.5	33.3	9.5	42	100
Postal laws	20.0	0	46.2	11.5	34.6	7.7	26	130
Other regulatory offenses	46.2	1.6	24.2	8.7	44.8	20.6	562	1,217
Other	74.6%	2.7%	10.7%	24.8%	52.4%	9.3%	11,107	14,893
Weapons	69.1	2.3	21.0	4.6	56.0	16.0	1,597	2,312
Immigration offenses	95.0	3.1	6.4	32.6	51.5	6.4	7,981	8,397
Tax law violations ^c	11.3	0	47.9	4.2	33.3	14.6	96	852
Bribery	20.9	0	55.3	15.8	21.1	7.9	38	182
Perjury, contempt, and intimidation	49.1	1.7	40.0	4.3	33.0	20.9	115	234
National defense	44.7	0	28.9	10.5	57.9	2.6	38	85
Escape	87.5	2.1	7.0	2.5	65.5	22.9	516	590
Racketeering and extortion	61.6	0.2	18.8	5.3	63.0	12.6	468	760
Gambling	7.1	—	—	—	—	—	7	99
Liquor offenses	5.3	—	—	—	—	—	1	19
Obscene material ^c	26.3	0	53.3	6.7	26.7	13.3	15	57
Migratory birds	4.8	—	—	—	—	—	1	21
All other offenses ^c	18.2	1.3	35.5	9.4	33.8	20.1	234	1,285

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. 36.

—Too few cases to obtain statistically reliable data.

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

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

^bIncludes 195 defendants for whom offense category could not be determined, 70 of whom were detained.

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

Table 2.4. Form of pretrial detention, by defendant characteristics, October 1, 1996 - September 30, 1997

Defendant characteristic	Percent detained	Of defendants detained at any time prior to case disposition, percent detained by—					Number of defendants	
		Temporary detention ^a	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre-trial period	All of pre-trial period				
All defendants^b	64.2%	2.1%	20.3%	15.2%	52.7%	9.7%	35,989	56,041
Sex								
Male	68.7%	2.2%	18.5%	15.4%	54.0%	9.9%	32,336	47,089
Female	40.8	1.3	36.3	13.5	41.0	7.9	3,632	8,892
Race								
White	65.1%	2.4%	18.8%	19.4%	50.7%	8.7%	24,527	37,663
Black	63.6	1.6	22.5	6.5	57.3	12.0	9,728	15,288
Other	56.1	1.4	29.1	4.2	54.6	10.6	1,734	3,090
Ethnicity								
Hispanic	88.6%	3.2%	13.7%	23.7%	53.3%	6.1%	18,003	20,325
Non-Hispanic	50.7	1.0	27.1	6.6	52.1	13.2	17,695	34,877
Age								
16-18 years	67.8%	1.6%	25.3%	14.5%	50.2%	8.5%	685	1,010
19-20 years	69.0	2.5	25.0	17.5	48.2	6.8	1,775	2,572
21-30 years	70.4	2.4	20.6	17.3	50.8	8.8	13,652	19,401
31-40 years	64.3	2.4	21.3	15.4	51.4	9.6	9,656	15,018
Over 40 years	47.2	1.8	26.5	12.7	49.0	10.0	6,004	12,733
Education								
Less than high school graduate	75.1%	3.6%	21.4%	10.7%	54.8%	9.4%	12,683	16,889
High school graduate	54.8	1.8	28.1	7.6	51.3	11.2	7,859	14,343
Some college	45.5	1.4	32.6	7.8	47.7	10.5	4,138	9,092
College graduate	32.5	1.3	33.1	9.9	46.4	9.2	1,277	3,932
Marital status								
Never married	66.5%	2.0%	23.1%	10.7%	53.7%	10.4%	11,379	17,111
Divorced/separated	56.4	2.4	26.2	10.3	49.3	11.9	4,863	8,625
Married	51.6	3.2	26.4	12.0	49.5	8.9	8,235	15,954
Common law	73.5	3.1	24.6	12.1	52.8	7.3	2,997	4,076
Other	82.9	0.8	5.9	28.0	56.3	9.0	8,515	10,275
Employment status at arrest								
Unemployed	70.9%	2.2%	21.1%	10.1%	53.6%	13.0%	14,537	20,495
Employed	50.9	2.8	28.6	12.3	49.4	6.9	13,216	25,957
Criminal record								
No convictions ^c	52.7%	2.1%	22.8%	18.8%	51.0%	5.4%	10,748	20,386
Misdemeanor only	56.1	1.4	30.7	12.9	46.7	8.3	4,808	8,576
Felony								
Nonviolent	77.6	2.6	14.7	16.3	53.9	12.5	8,986	11,573
Violent	86.4	1.9	10.9	11.0	61.8	14.4	6,692	7,747
Number of prior convictions								
1	63.0%	2.7%	23.6%	11.9%	52.1%	9.8%	5,595	8,888
2 to 4	74.8	2.1	17.2	14.2	54.2	12.3	8,627	11,527
5 or more	83.7	1.6	11.4	15.0	58.0	14.0	6,264	7,481
Criminal justice status								
Not under supervision	57.3%	1.4%	23.5%	17.7%	50.2%	7.2%	22,377	39,032
Pretrial release	66.6	2.6	27.2	6.4	54.7	9.1	1,730	2,599
Probation	73.7	5.6	21.0	11.5	53.1	8.8	2,176	2,953
Parole	90.5	4.3	9.4	14.9	62.6	8.9	1,549	1,711
Court appearance history								
No prior arrests	53.5%	2.3%	22.5%	18.7%	50.6%	5.8%	11,373	21,253
Failure to appear								
None	68.1	2.2	20.7	13.8	52.0	11.3	18,962	27,841
1	80.8	1.9	15.2	13.8	56.3	12.9	2,970	3,676
More than 1	82.1	0.7	14.0	11.4	62.6	11.3	2,684	3,271
Drug abuse								
No known abuse	53.8%	2.6%	25.9%	10.6%	52.0%	8.9%	16,551	30,758
Drug history	69.1	2.4	25.3	7.2	53.0	12.1	8,429	12,202

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. 36.

^aHeld under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.
^bIncludes defendants for whom these characteristics could not be determined.
^cIncludes only those defendants whose PSA records explicitly showed no prior convictions.

Table 2.5. Pretrial detention hearing outcomes, by offense, October 1, 1996- September 30, 1997

Most serious offense charged	Defendants with pretrial detention hearings				
	All defendants	Number of defendants		Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
		Hearings held	Ordered detained		
All offenses^a	56,041	26,152	18,940	46.7%	72.4%
Violent offenses	3,639	2,343	1,740	64.4%	74.3%
Murder ^b	183	132	99	72.1	75.0
Negligent manslaughter	8	2	1	—	—
Assault	700	268	172	38.3	64.2
Robbery	2,001	1,551	1,203	77.5	77.6
Rape	267	150	92	56.2	61.3
Other sex offenses ^b	285	96	66	33.7	68.8
Kidnaping	160	120	90	75.0	75.0
Threats against the President	35	24	17	68.6	70.8
Property offenses	13,761	2,683	1,659	19.5%	61.8%
Fraudulent	10,533	1,971	1,211	18.7%	61.4%
Embezzlement	1,350	80	42	5.9	52.5
Fraud ^b	7,906	1,544	969	19.5	62.8
Forgery	293	54	26	18.4	48.1
Counterfeiting	984	293	174	29.8	59.4
Other	3,228	712	448	22.1%	62.9%
Burglary	135	64	41	47.4	64.1
Larceny ^b	2,346	374	221	15.9	59.1
Motor vehicle theft	281	134	99	47.7	73.9
Arson and explosives	165	70	42	42.4	60.0
Transportation of stolen property	216	52	36	24.1	69.2
Other property offenses ^b	85	18	9	21.2	50.0
Drug offenses	21,740	13,401	9,398	61.6%	70.1%
Trafficking	19,617	12,436	8,772	63.4	70.5
Other drug	2,123	965	626		64.9
Public-order offenses	16,706	7,676	6,115	45.9%	79.7%
Regulatory	1,813	515	296	28.4%	57.5%
Agriculture	92	4	0	4.3	—
Antitrust	4	0	0	—	...
Food and drug	46	1	0	2.2	—
Transportation	75	17	9	22.7	52.9
Civil rights	101	17	10	16.8	58.8
Communications	48	6	2	12.5	—
Custom laws	100	28	14	28.0	50.0
Postal laws	130	16	9	12.3	56.3
Other regulatory offenses	1,217	426	252	35.0	59.2
Other	14,893	7,161	5,819	48.1%	81.3%
Weapons	2,312	1,268	894	54.8	70.5
Immigration offenses	8,397	4,742	4,106	56.5	86.6
Tax law violations ^b	852	66	32	7.7	48.5
Bribery	182	19	8	10.4	42.1
Perjury, contempt, and intimidation	234	72	38	30.8	52.8
National defense	85	34	22	40.0	64.7
Escape	590	407	339	69.0	83.3
Racketeering and extortion	760	391	294	51.4	75.2
Gambling	99	5	3	5.1	—
Liquor offenses	19	0	0	0	...
Obscene material ^b	57	10	4	17.5	—
Migratory birds	21	1	0	4.8	—
All other offenses ^b	1,285	146	79	11.4	54.1

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. 36.

—Too few cases to obtain statistically reliable data.

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

^aIncludes 195 defendants for whom offense category could not be determined, 49 of whom had pretrial detention hearings.

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

Table 2.6. Pretrial detention hearing outcomes, by defendant characteristics, October 1, 1996 - September 30, 1997

Defendant characteristic	All defendants	Defendants with pretrial detention hearings		Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
		Hearings held	Ordered detained		
All defendants^a	56,041	26,152	18,940	46.7%	72.4%
Sex					
Male	47,089	23,625	17,444	50.2%	73.8%
Female	8,892	2,513	1,487	28.3	59.2
Race					
White	37,663	16,970	12,423	45.1%	73.2%
Black	15,288	7,725	5,573	50.5	72.1
Other	3,090	1,457	944	47.2	64.8
Ethnicity					
Hispanic	20,325	12,162	9,579	59.8%	78.8%
Non-Hispanic	34,877	13,774	9,201	39.5	66.8
Age					
16-18 years	1,010	503	342	49.8%	68.0%
19-20 years	2,572	1,225	855	47.6	69.8
21-30 years	19,401	9,749	6,933	50.2	71.1
31-40 years	15,018	6,980	4,950	46.5	70.9
Over 40 years	12,733	4,412	2,934	34.7	66.5
Education					
Less than high school graduate	16,889	9,678	6,942	57.3%	71.7%
High school graduate	14,343	6,122	4,029	42.7	65.8
Some college	9,092	3,171	1,972	34.9	62.2
College graduate	3,932	988	591	25.1	59.8
Marital status					
Never married	17,111	8,672	6,107	50.7%	70.4%
Divorced/separated	8,625	3,595	2,394	41.7	66.6
Married	15,954	6,150	4,075	38.5	66.3
Common law	4,076	2,272	1,578	55.7	69.5
Other	10,275	5,463	4,786	53.2	87.6
Employment status at arrest					
Unemployed	20,495	10,878	7,774	53.1%	71.5%
Employed	25,957	9,987	6,521	38.5	65.3
Criminal record					
No convictions ^b	20,386	7,722	5,470	37.9%	70.8%
Misdemeanor only	8,576	3,530	2,239	41.2	63.4
Felony					
Nonviolent	11,573	6,351	4,837	54.9	76.2
Violent	7,747	5,118	4,127	66.1	80.6
Number of prior convictions					
1	8,888	4,177	2,910	47.0%	69.7%
2 to 4	11,527	6,282	4,667	54.5	74.3
5 or more	7,481	4,540	3,626	60.7	79.9
Criminal justice status					
Not under supervision	39,032	16,095	11,216	41.2%	69.7%
Pretrial release	2,599	1,357	949	52.2	69.9
Probation	2,953	1,549	1,152	52.5	74.4
Parole	1,711	1,122	965	65.6	86.0
Court appearance history					
No prior arrests	21,253	8,104	5,750	38.1%	71.0%
Failure to appear					
None	27,841	13,772	9,842	49.5	71.5
1	3,676	2,188	1,670	59.5	76.3
More than 1	3,271	2,088	1,678	63.8	80.4
Drug abuse					
No known abuse	30,758	12,705	8,595	41.3%	67.7%
Drug history	12,202	6,448	4,463	52.8	69.2

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. 36.

^aIncludes defendants for whom these characteristics are unknown.

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

Table 2.7. Behavior of defendants released prior to trial, by offense, October 1, 1996 - September 30, 1997

Most serious offense charged	Percent of released defendants who had—							Number of released defendants
	Violations while on release						Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of bail conditions		
			Felony	Misdemeanor				
All offenses*	83.5%	16.5%	2.6%	1.7%	1.4%	14.3%	6.2%	28,600
Violent offenses	82.0%	18.0%	1.7%	1.5%	1.5%	16.7%	8.4%	1,435
Property offenses	89.2%	10.8%	1.8%	1.2%	1.1%	9.1%	4.1%	10,930
Fraudulent offenses	90.2	9.8	1.5	1.2	0.9	8.4	3.5	8,390
Other property offenses	86.1	13.9	2.8	1.3	1.5	11.4	5.9	2,540
Drug offenses	73.6%	26.4%	3.9%	2.5%	2.0%	23.3%	10.0%	9,670
Public-order offenses	88.8%	11.2%	2.2%	1.3%	1.0%	9.2%	3.6%	6,415
Regulatory offenses	91.1	8.9	1.3	1.2	1.1	7.7	2.1	1,309
Other public-order offenses	88.2	11.8	2.4	1.3	0.9	9.6	4.0	5,106

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1997. 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. 36.

*Includes 150 defendants for whom offense category could not be determined.

Table 2.8. Behavior of defendants released prior to trial, by type of release, October 1, 1996 - September 30, 1997

Type of release	Percent of released defendants who had—							Number of released defendants
	Violations while on release						Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of bail conditions		
			Felony	Misdemeanor				
All releases	83.5%	16.5%	2.6%	1.7%	1.4%	14.3%	6.2%	28,600
Financial release	80.2%	19.8%	3.9%	2.6%	1.5%	16.5%	6.2%	5,211
Percentage/cash bond	80.7	19.3	4.9	2.2	1.1	15.9	5.5	2,490
Collateral bond	80.9	19.1	2.6	3.0	2.1	15.8	6.4	1,688
Corporate surety	77.7	22.3	3.4	2.7	1.5	19.4	7.7	1,033
Unsecured bond	84.0%	16.0%	2.1%	1.4%	1.4%	14.0%	5.8%	8,077
Personal recognizance	83.9%	16.1%	2.5%	1.6%	1.4%	14.1%	6.6%	14,498
Conditional release	93.1%	6.9%	1.7%	0.1%	0.6%	6.1%	2.9%	814

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1997. 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. 36.

Table 2.9. Behavior of defendants released prior to trial, by defendant characteristics, October 1, 1996 - September 30, 1997

Defendant characteristic	Percent of released defendants who had—						Technical violations of bail conditions	Release revoked	Number of released defendants
	Violations while on release								
	No violation	At least one violation	Failed to appear	New offense charged					
			Felony	Misdemeanor					
All defendants^a	83.5%	16.5%	2.6%	1.7%	1.4%	14.3%	6.2%	28,600	
Sex									
Male	82.5%	17.5%	2.8%	1.9%	1.6%	15.1%	6.7%	21,817	
Female	86.8	13.2	2.0	1.0	0.8	11.7	4.7	6,737	
Race									
White	85.5%	14.5%	2.4%	1.4%	1.1%	12.4%	4.9%	18,414	
Black	78.9	21.1	3.2	2.4	1.9	18.3	8.6	8,205	
Other	83.6	16.4	2.1	1.4	1.3	14.9	7.9	1,981	
Ethnicity									
Hispanic	83.2%	16.8%	4.6%	1.3%	1.0%	13.7%	4.8%	5,098	
Non-Hispanic	83.5	16.5	2.0	1.8	1.5	14.6	6.6	22,888	
Age									
16-18 years	74.0%	26.0%	4.1%	2.2%	3.3%	23.1%	11.5%	511	
19-20 years	73.5	26.5	3.8	2.5	2.4	23.0	11.7	1,306	
21-30 years	79.8	20.2	3.0	2.3	1.8	17.5	7.8	9,077	
31-40 years	81.7	18.3	2.8	1.6	1.6	16.0	6.9	7,763	
Over 40 years	90.2	9.8	1.7	1.1	0.5	8.5	3.2	8,608	
Education									
Less than high school graduate	76.7%	23.3%	4.0%	2.2%	1.9%	20.4%	9.4%	7,410	
High school graduate	82.7	17.3	1.9	1.8	1.6	15.5	6.6	9,080	
Some college	86.2	13.8	1.8	1.4	1.1	12.3	4.7	6,528	
College graduate	93.0	7.0	1.4	1.0	0.4	5.9	2.7	3,140	
Marital status									
Never married	77.6%	22.4%	3.0%	2.1%	2.0%	20.1%	9.3%	8,854	
Divorced/separated	81.7	18.3	2.2	2.1	1.2	16.3	7.0	5,268	
Married	89.5	10.5	1.9	1.1	1.1	8.9	3.4	10,238	
Common law	77.6	22.4	3.1	2.5	1.5	19.8	8.7	1,945	
Other	88.8	11.2	4.8	1.1	0.9	6.7	2.7	2,295	
Employment status at arrest									
Unemployed	78.1%	21.9%	3.5%	2.2%	1.8%	19.2%	9.3%	9,680	
Employed	86.0	14.0	1.9	1.4	1.2	12.3	4.7	17,088	
Criminal record									
No convictions ^b	91.2%	8.8%	2.0%	0.7%	0.7%	7.2%	2.6%	12,374	
Misdemeanor only	78.4	21.6	2.4	1.7	2.1	19.3	8.3	5,498	
Felony									
Nonviolent	76.6	23.4	3.4	3.2	1.8	20.4	10.1	4,188	
Violent	69.6	30.4	4.0	3.7	2.9	27.0	14.0	1,976	
Number of prior convictions									
1	81.6%	18.4%	2.5%	1.8%	1.6%	16.0%	6.6%	4,838	
2 to 4	74.6	25.4	3.0	2.8	2.1	22.3	10.6	4,691	
5 or more	67.5	32.5	4.5	4.1	3.2	29.5	16.2	2,133	
Criminal justice status									
Not under supervision	86.4%	13.6%	2.1%	1.2%	1.2%	11.8%	4.8%	22,643	
Pretrial release	70.1	29.9	4.7	3.4	2.3	26.1	13.4	1,453	
Probation	72.8	27.2	3.2	3.4	2.7	24.3	10.8	1,329	
Parole	74.7	25.3	5.3	3.1	1.4	21.3	10.4	356	
Court appearance history									
No prior arrests	90.9%	9.1%	2.0%	0.8%	0.7%	7.5%	2.8%	12,746	
Failure to appear									
None	79.4	20.6	2.8	2.2	1.8	18.1	8.0	13,493	
1	70.5	29.5	4.9	3.5	2.3	26.4	12.4	1,273	
More than 1	63.1	36.9	4.6	4.1	3.6	32.6	16.2	1,088	
Drug abuse									
No known abuse	89.2%	10.8%	2.1%	1.3%	1.0%	9.0%	3.7%	19,205	
Drug history	65.7	34.3	3.3	2.7	2.6	31.7	14.2	6,271	

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1997. 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. 36.

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

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

Table 2.10. Length of pretrial detention, by form of release or detention, and most serious offense charged, October 1, 1996 - September 30, 1997

Most serious offense charged	Among defendants detained for any time prior to case disposition, the average number of days detained ^a					
	Released on—				Not released	
	Financial conditions	Unsecured bond ^b	Personal recognizance	Conditional release	Financial condition	Detained by court
All offenses	27.1 days	25.6 days	31.5 days	57.6 days	51.2 days	107.9 days
Violent offenses	30.0 days	35.9 days	37.8 days	42.5 days	77.8 days	124.3 days
Murder ^c	—	22.7	32.6	—	...	298.1
Negligent manslaughter	...	...	—	...	...	—
Assault	14.9	27.4	36.0	37.6	59.8	120.4
Robbery	27.5	42.1	42.9	—	78.8	112.1
Rape	—	7.1	34.4	—	—	114.1
Other sex offenses ^c	50.5	23.9	26.0	...	—	120.8
Kidnaping	3.3	30.1	—	—	—	130.6
Threats against the President	—	—	—	...	...	173.4
Property offenses	19.5 days	21.9 days	26.5 days	66.1 days	24.8 days	87.7 days
Fraudulent	18.2 days	20.3 days	27.3 days	72.2 days	18.3 days	81.6 days
Embezzlement	11.0	10.0	10.4	...	38.1	70.5
Fraud ^c	19.8	21.7	32.6	82.1	15.4	80.3
Forgery	3.0	15.3	10.5	—	—	59.5
Counterfeiting	14.7	20.7	18.0	1.0	53.5	95.2
Other	25.2 days	26.6 days	24.4 days	55.2 days	88.6 days	105.7 days
Burglary	—	10.9	18.6	—	—	102.3
Larceny ^c	30.8	16.9	20.6	83.0	92.6	95.5
Motor vehicle theft	23.3	90.0	16.3	...	—	129.6
Arson and explosives	13.0	43.2	26.8	—	—	117.5
Transportation of stolen property	8.9	28.7	73.7	—	—	85.5
Other property offenses ^c	—	5.3	3.0	...	—	—
Drug offenses	31.1 days	27.0 days	33.3 days	84.9 days	68.1 days	132.2 days
Trafficking	31.0	27.1	33.5	88.9	64.8	131.1
Other drug	32.6	25.6	30.1	16.5	119.1	147.2
Public-order offenses	19.7 days	22.8 days	28.4 days	41.3 days	47.3 days	72.9 days
Regulatory	18.0 days	15.0 days	10.1 days	25.6 days	24.2 days	72.2 days
Other	20.0 days	24.1 days	31.9 days	42.4 days	47.7 days	72.9 days
Weapons	22.3	29.1	42.6	22.9	76.8	126.9
Immigration offenses	18.1	20.8	28.7	53.2	47.0	56.5
Tax law violations ^c	9.0	16.8	17.5	28.0	—	52.8
Bribery	5.5	29.3	1.0	...	—	—
Perjury, contempt, and intimidation	5.5	13.7	42.8	—	—	189.9
National defense	12.3	22.2	...	...	—	97.7
Escape	21.0	20.5	24.0	—	26.9	45.4
Racketeering and extortion	33.2	47.9	71.4	...	72.9	179.1
Gambling	—	1.0	...	...	...	—
Liquor offenses	—	...	...	...	...	...
Obscene material ^c	...	7.4	6.0	...	—	—
Migratory birds	...	...	1.0	...	...	...
All other offenses ^c	33.0	10.1	9.5	1.6	46.1	84.1

—Too few cases to obtain statistically reliable data.

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

^aData describe 56,041 defendants who terminated pretrial services during fiscal year 1997. Data exclude defendants for whom periods of detention could not be determined or were unavailable. For further information, see *Chapter notes*, item 1, p. 36.

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

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

Chapter notes

1) All tables in chapter 2 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 56,041 defendants who terminated pretrial services during October 1, 1996, through September 30, 1997, and whose cases were filed by complaint, indictment, or information. In these tables, the totals (e.g., "all offenses") included records whose offense or other attributes were missing or indeterminable. The percentage distributions were based on nonmissing values, and missing values were reported in a separate row or in a footnote.

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

released or the number of defendants detained. In tables 2.5 and 2.6, 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.

2) In tables 2.1–2.4, the percentages showing the methods of release or methods of detention were based on the number of defendants

Adjudication

Discussion 39

Tables

October 1, 1996 – September 30, 1997

3.1. Defendants in cases commenced, by offense 41

3.2. Disposition of cases terminated, by
offense 42

3.3. Time from filing to disposition of cases
terminated 43

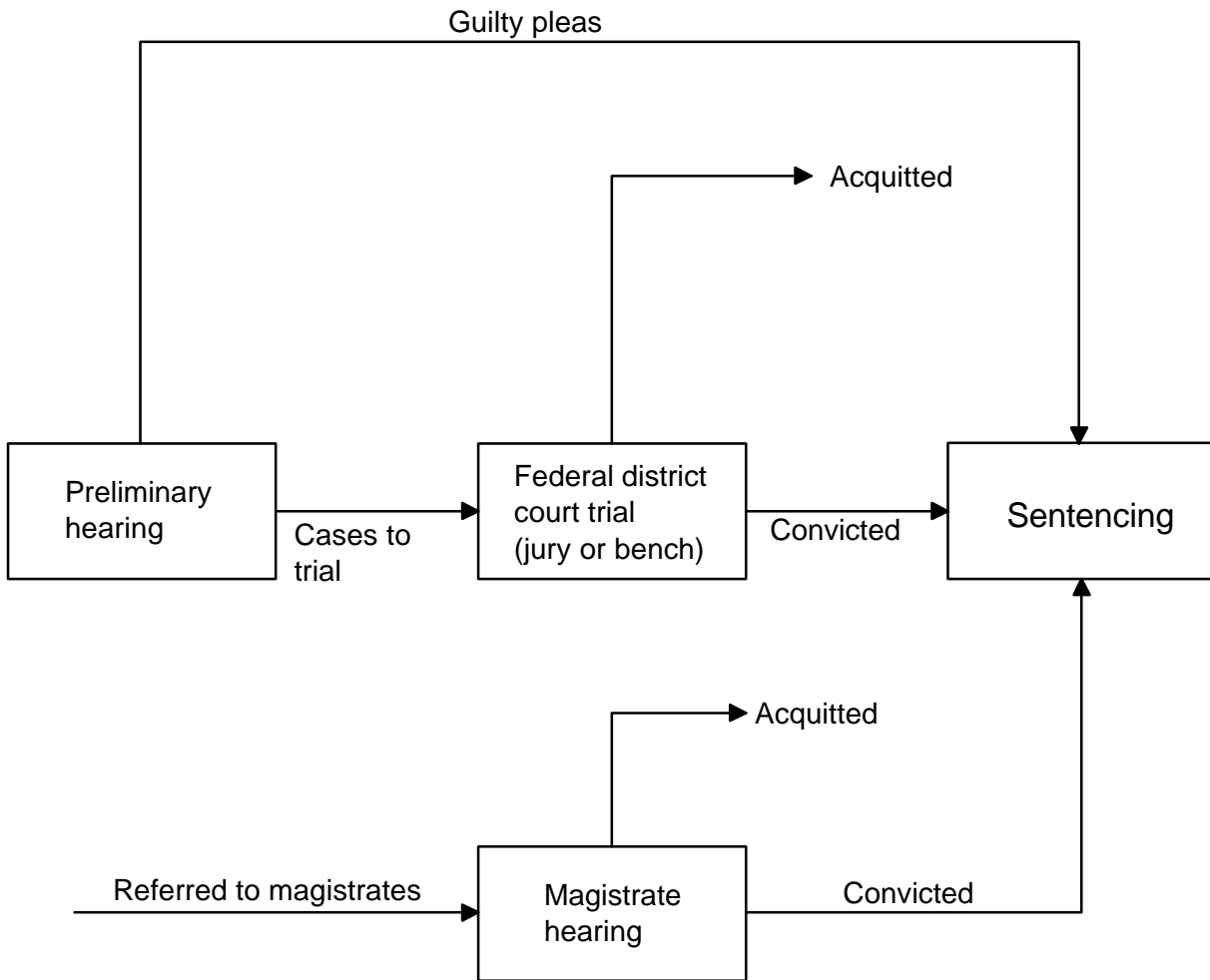
3.4. Dispositions by U.S. magistrates 44

3.5. Characteristics of convicted offenders 45

Chapter notes 46

Chapter 3

Adjudication



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

Defendants in cases filed (table 3.1)

During 1997, 69,351 defendants had criminal charges filed against them in U.S. district courts, and 57,022 (82%) of those defendants were charged with felonies. The 24,693 drug felony defendants comprised over a third of all criminal defendants in cases filed and 43% of all felony defendants. Felony property and public-order defendants comprised 20% and 21%, respectively, of all defendants in cases filed. The 12,267 misdemeanor defendants constituted 18% of all defendants in cases filed, with 40% of those misdemeanor defendants charged with traffic violations.

Defendants in cases terminated (table 3.2)

Cases were terminated against 64,956 defendants during 1997, 53,097 (82%) of whom were felony defendants. During 1997 the 22,374 drug-related felony defendants comprised nearly 35% of all defendants in cases terminated and 42% of all felony defendants.

Over 87% of all defendants were convicted; 90% of all felony defendants and 75% of misdemeanor defendants. For major felony offense categories, conviction rates ranged from 89% for drug offenses to 91% for public-order offenses. Within major offense categories, however, the conviction rates varied more widely. For example, within the violent offense category, the conviction rates ranged from 83% for those found guilty of rape to 93% for sex offenses other than rape. Within the public-order category, the

conviction rate ranged from 71% for national defense violations to 96% for communications and immigration offenses.

Most defendants who were convicted pleaded guilty (figure 3.1). Overall, 93% of those convicted pleaded guilty, while 7% were convicted at trial. For felony offenses, 93% pleaded guilty to their charges. For major felony offenses, guilty pleas were registered for 90% of violent offenders, 92% of drug offenders, and 94% each for public-order and property offenders.

During 1997, 4,756 defendants exercised their right to a trial. A higher percentage of violent offenders went to trial than drug, property, and public-order offenders. Twelve percent of violent offenders went to trial

as compared with 9% of both drug and public-order offenders, and 8% of property offenders.

Of defendants who exercised their right to a trial, 3,781 (79%) were convicted either by a jury or a bench trial. The felony trial conviction rate was 83%, while the misdemeanor conviction rate was 59%. Among felony offenses, trial conviction rates ranged from 79% for violent and property defendants to 87% for drug defendants. Public-order offenders fell in between, as 82% of them were convicted at trial.

Case processing times (table 3.3)

The data in table 3.3 cover the interval from the time a case is filed in U.S. district court through sentencing for those convicted as well as the interval from case filing through disposition for those not convicted, or those whose cases are dismissed. Title I of the Speedy Trial Act of 1974, as amended, sets time requirements for processing criminal cases in Federal courts. Except for certain exclusions, indictment must occur within 30 days of arrest; defendants are guaranteed at least 30 days to prepare for trial; and the Government must be ready for trial within 70 days. The Speedy Trial Act does not specify a time interval from trial to sentencing,² and the time limits set by the act exclude several enumerated periods of pretrial procedure such as time spent awaiting rulings on motions.³ Additionally, defendants may waive their rights within the Speedy Trial Act. As a result, the actual processing time for most defendants can be longer than the statutory limits without violating the provisions of the act.

Overall, the average time for processing defendants was 8.9 months (figure 3.2). For felony defendants, the

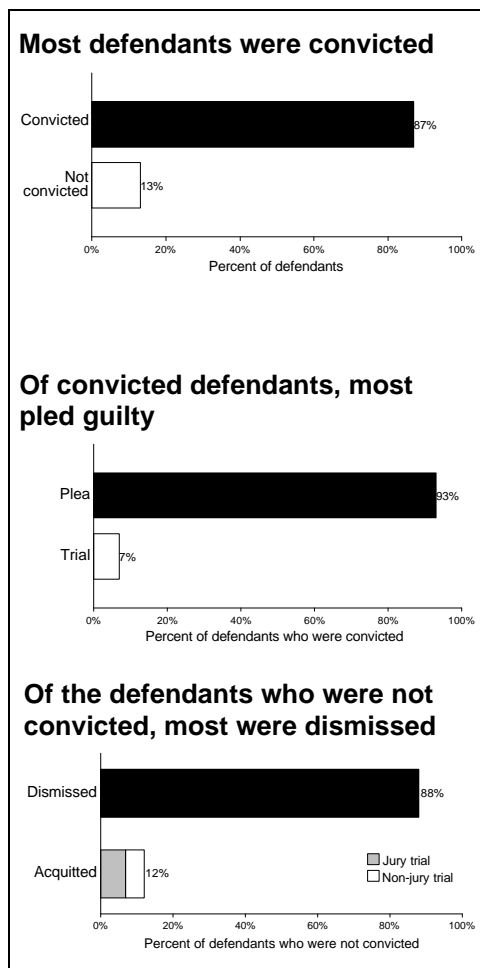


Figure 3.1. Disposition of cases terminating during October 1, 1996 - September 30, 1997

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

²The Sentencing Reform Act of 1984 specifies minimum intervals for the disclosure and objections to the presentence report. See Rule 31, Federal Rules of Criminal Procedure.

³18 U.S.C. § 3161 et. seq.

overall processing time average was 10 months; for those convicted of misdemeanor crimes, the average processing time was 3.6 months. Defendants who pleaded guilty were processed faster (8.2 months) on average, than defendants who went to trial (11.7 months). Defendants whose cases were ultimately dismissed took longest to process (12 months), on average. Among major felony offense categories, case processing times were similar to the overall pattern, with two exceptions. For those convicted of violent offenses, those whose cases went to trial took longest to process.

Convictions by U.S. magistrates (table 3.4)

During 1997 U.S. magistrates disposed of 11,045 misdemeanor criminal defendants, over 75% of whom were convicted. Traffic violators comprised 41% of the defendants disposed by U.S. magistrates, with property offenders comprising another 33%. Drug offenses comprised almost 10% of U.S. magistrates' cases.

Characteristics of convicted defendants (table 3.5)

Among defendants convicted there were over 5 times as many men as women (85% versus 15%); over twice as many whites as blacks (66% versus 29%); and almost twice as many non-Hispanics as Hispanics (66% versus 34%). Most were U.S. citizens (70%), had graduated high school or completed some higher education (58%), and had some criminal history (52%). Persons over age 30 represented 57% of defendants.

Cases of defendants convicted at trial took longer than those convicted by plea

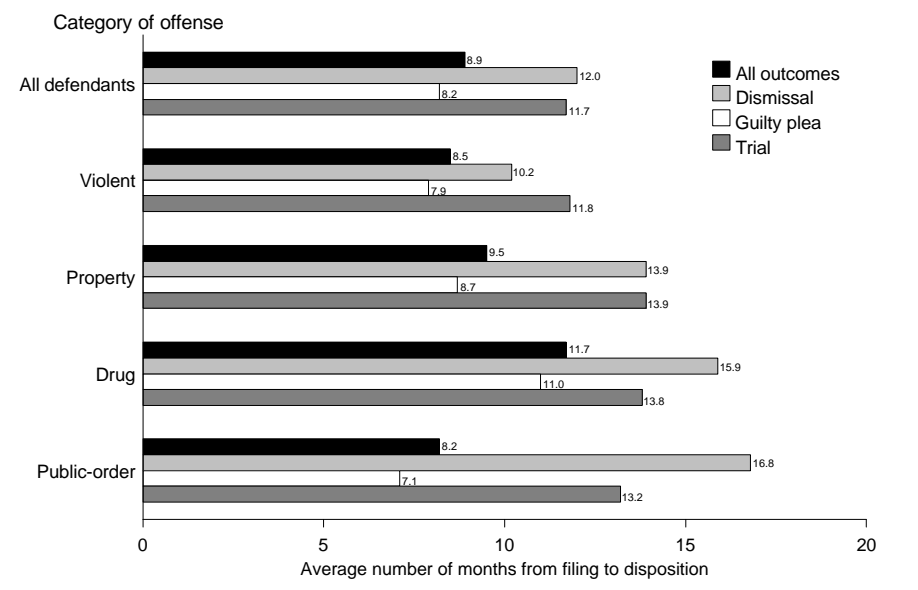


Figure 3.2. Average time from filing to disposition of cases terminating during October 1, 1996 - September 30, 1997, by offense

Table 3.1. Defendants in cases commenced from October 1, 1996 - September 30, 1997, by offense

Most serious offense charged	Defendants in cases commenced during 1997	
	Number	Percent ^a
All offenses	69,351	100%
Felonies	57,022	82.3%
Violent offenses	3,603	5.2%
Murder ^b	436	0.6
Negligent manslaughter	0	0
Assault	333	0.5
Robbery	1,930	2.8
Rape	287	0.4
Other sex offenses ^b	389	0.6
Kidnaping	200	0.3
Threats against the President	28	—
Property offenses	13,890	20.0%
Fraudulent	11,371	16.4%
Embezzlement	1,084	1.6
Fraud ^b	8,681	12.5
Forgery	162	0.2
Counterfeiting	1,444	2.1
Other	2,519	3.6%
Burglary	74	0.1
Larceny ^b	1,492	2.2
Motor vehicle theft	161	0.2
Arson and explosives	319	0.5
Transportation of stolen property	416	0.6
Other property offenses ^b	57	0.1
Drug offenses	24,693	35.6%
Trafficking	23,403	33.8
Possession and other drug offenses	1,290	1.9
Public-order offenses	14,836	21.4%
Regulatory	1,117	1.6%
Agriculture	66	0.1
Antitrust	47	0.1
Food and drug	34	—
Transportation	101	0.1
Civil rights	101	0.1
Communications	32	—
Custom laws	118	0.2
Postal laws	48	0.1
Other regulatory offenses	570	0.8
Other	13,719	19.8%
Weapons	3,837	5.5
Immigration offenses	6,726	9.7
Tax law violations ^b	788	1.1
Bribery	232	0.3
Perjury, contempt, and intimidation	337	0.5
National defense	75	0.1
Escape	537	0.8
Racketeering and extortion	1,060	1.5
Gambling	32	—
Obscene material ^b	18	—
Migratory birds	6	—
All other felonies ^b	71	0.1
Misdemeanors^b	12,267	17.7%
Fraudulent property offense	1,642	2.4
Larceny	1,887	2.7
Drug possession ^b	1,191	1.7
Immigration	348	0.5
Traffic offenses	4,940	7.1
Other misdemeanors	2,259	3.3
Unknown or indeterminable offense	62	

Note: For further information, see *Chapter notes*, item 1, p. 46.

—Less than .05%.

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

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

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

Table 3.2. Disposition of cases terminating from October 1, 1996 - September 30, 1997, by offense

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in cases terminating during 1997 who were—									
			Convicted					Not convicted				
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial		
			Jury	Non-jury			Jury ^a	Non-jury				
All offenses	64,956	87.1%	56,570	52,514	275	3,260	521	8,386	7,411	570	405	
Felonies	53,097	89.8%	47,689	44,295	55	3,208	131	5,408	4,734	554	120	
Violent offenses	3,241	89.9%	2,915	2,620	8	268	19	326	248	67	11	
Murder ^b	398	84.7	337	255	1	79	2	61	38	19	4	
Negligent manslaughter	1	—	0	0	0	0	0	1	1	0	0	
Assault	320	83.1	266	227	3	32	4	54	39	13	2	
Robbery	1,775	93.2	1,654	1,542	2	105	5	121	104	15	2	
Rape	283	82.7	234	206	2	18	8	49	30	17	2	
Other sex offenses ^b	321	93.1	299	278	0	21	0	22	21	0	1	
Kidnaping	116	87.9	102	91	0	11	0	14	12	2	0	
Threats against the President	27	85.2	23	21	0	2	0	4	3	1	0	
Property offenses	13,725	89.7%	12,311	11,563	18	709	21	1,414	1,219	140	55	
Fraudulent	11,152	89.8%	10,013	9,444	14	539	16	1,139	987	107	45	
Embezzlement	1,073	91.2	979	930	2	46	1	94	83	10	1	
Fraud ^b	8,675	89.4	7,754	7,297	11	434	12	921	794	87	40	
Forgery	201	91.5	184	181	0	3	0	17	16	1	0	
Counterfeiting	1,203	91.1	1,096	1,036	1	56	3	107	94	9	4	
Other	2,573	89.3%	2,298	2,119	4	170	5	275	232	33	10	
Burglary	63	87.3	55	54	0	1	0	8	8	0	0	
Larceny ^b	1,545	90.2	1,393	1,335	4	52	2	152	135	13	4	
Motor vehicle theft	151	88.7	134	123	0	11	0	17	14	2	1	
Arson and explosives	277	91.3	253	203	0	49	1	24	10	12	2	
Transportation of stolen property	466	85.6	399	344	0	53	2	67	58	6	3	
Other property offenses ^b	71	90.1	64	60	0	4	0	7	7	0	0	
Drug offenses	22,374	89.3%	19,973	18,417	10	1,489	57	2,401	2,168	202	31	
Trafficking	21,379	89.3	19,087	17,605	10	1,418	54	2,292	2,074	191	27	
Possession and other drug offenses	995	89.0	886	812	0	71	3	109	94	11	4	
Public-order offenses	13,757	90.8%	12,490	11,695	19	742	34	1,267	1,099	145	23	
Regulatory	1,069	85.7%	916	850	4	62	0	153	122	27	4	
Agriculture	55	78.2	43	41	0	2	0	12	12	0	0	
Antitrust	31	93.5	29	29	0	0	0	2	0	2	0	
Food and drug	44	90.9	40	35	0	5	0	4	2	2	0	
Transportation	86	87.2	75	69	0	6	0	11	8	1	2	
Civil rights	92	73.9	68	53	0	15	0	24	12	12	0	
Communications	26	96.2	25	23	0	2	0	1	1	0	0	
Custom laws	124	78.2	97	93	0	4	0	27	24	2	1	
Postal laws	42	81.0	34	32	1	1	0	8	8	0	0	
Other regulatory offenses	569	88.8	505	475	3	27	0	64	55	8	1	
Other	12,688	91.2%	11,574	10,845	15	680	34	1,114	977	118	19	
Weapons	3,485	87.6	3,052	2,687	1	347	17	433	376	51	6	
Immigration offenses	6,165	95.9	5,912	5,849	5	51	7	253	240	11	2	
Tax law violations ^b	727	93.7	681	630	3	47	1	46	34	12	0	
Bribery	215	92.1	198	179	1	18	0	17	15	1	1	
Perjury, contempt, and intimidation	374	81.6	305	242	1	56	6	69	50	17	2	
National defense	62	71.0	44	43	0	1	0	18	15	2	1	
Escape	560	79.8	447	427	4	16	0	113	110	1	2	
Racketeering and extortion	997	85.7	854	719	0	134	1	143	117	21	5	
Gambling	27	88.9	24	17	0	6	1	3	2	1	0	
Obscene material ^b	15	80.0	12	12	0	0	0	3	3	0	0	
Migratory birds	3	—	3	2	0	1	0	0	0	0	0	
All other felonies ^b	58	72.4	42	38	0	3	1	16	15	1	0	
Misdemeanors^b	11,795	74.8%	8,828	8,168	220	52	388	2,967	2,667	16	284	
Fraudulent property offense	1,656	94.2	1,560	1,552	2	5	1	96	92	2	2	
Larceny	1,859	62.2	1,156	1,074	33	4	45	703	681	3	19	
Drug possession ^b	1,154	74.4	858	836	6	4	12	296	290	0	6	
Immigration	343	92.7	318	315	0	0	3	25	22	0	3	
Traffic offenses	4,681	73.1	3,420	3,085	99	13	223	1,261	1,032	4	225	
Other misdemeanors	2,102	72.1	1,516	1,306	80	26	104	586	550	7	29	
Unknown or indeterminable offense	64	82.8%	53	51	0	0	2	11	10	0	1	

Note: For further information, see *Chapter notes*, item 1, p. 46.

—Too few cases to obtain statistically reliable data.

^aIncludes mistrials.

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

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

Table 3.3. Time from filing to disposition of cases terminating from October 1, 1996 - September 30, 1997

Most serious offense charged	Average time from filing to disposition for defendants in cases resulting in—			
	All outcomes	Dismissal ^a	Guilty plea	Trial ^b
All offenses	8.9 mo	12.0 mo	8.2 mo	11.7 mo
Felonies	10.0 mo	15.3 mo	9.2 mo	13.5 mo
Violent offenses	8.5 mo	10.2 mo	7.9 mo	11.8 mo
Murder ^c	12.8	18.3	11.7	13.3
Negligent manslaughter	—	—	...	...
Assault	7.7	10.1	6.8	10.0
Robbery	7.7	7.1	7.5	11.1
Rape	8.6	9.2	7.6	12.5
Other sex offenses ^c	7.7	10.2	7.2	10.7
Kidnaping	11.4	14.6	10.6	13.9
Threats against the President	10.2	—	10.1	—
Property offenses	9.5 mo	13.9 mo	8.7 mo	13.9 mo
Fraudulent	9.5 mo	14.2 mo	8.7 mo	13.6 mo
Embezzlement	7.5	10.1	7.0	12.6
Fraud ^c	10.0	15.2	9.1	14.1
Forgery	10.1	26.5	8.5	—
Counterfeiting	7.5	7.9	7.2	10.5
Other	9.7 mo	12.5 mo	8.9 mo	14.7 mo
Burglary	8.6	—	6.2	—
Larceny ^c	8.1	10.4	7.6	13.4
Motor vehicle theft	12.0	18.6	11.0	14.5
Arson and explosives	11.5	—	11.3	12.9
Transportation of stolen property	13.1	16.7	11.7	17.3
Other property offenses ^c	9.8	—	9.5	—
Drug offenses	11.7 mo	15.9 mo	11.0 mo	13.8 mo
Trafficking	11.8	16.3	11.1	13.9
Possession and other drug offenses	9.2	8.4	8.9	12.4
Public-order offenses	8.2 mo	16.8 mo	7.1 mo	13.2 mo
Regulatory	11.1 mo	21.7 mo	9.1 mo	15.2 mo
Agriculture	10.0	12.8	9.0	—
Antitrust	2.3	...	1.9	—
Food and drug	8.5	—	6.3	—
Transportation	7.2	—	6.4	—
Civil rights	10.9	7.4	11.7	11.1
Communications	11.0	—	9.3	—
Custom laws	17.6	51.2	10.4	—
Postal laws	7.0	—	6.4	—
Other regulatory offenses	11.4	19.9	9.8	18.4
Other	8.0 mo	16.1 mo	6.9 mo	12.9 mo
Weapons	10.3	11.8	9.8	11.8
Immigration offenses	4.0	11.5	3.6	12.1
Tax law violations ^c	10.6	29.4	9.2	14.6
Bribery	11.9	22.8	10.9	13.5
Perjury, contempt, and intimidation	11.1	15.3	9.9	12.1
National defense	17.3	32.1	13.6	—
Escape	15.3	28.8	12.7	9.6
Racketeering and extortion	16.1	25.6	14.4	16.6
Gambling	12.6	—	12.9	—
Obscene material ^c	5.6	—	3.6	...
Migratory birds	—	...	—	—
All other felonies ^c	6.2	4.9	6.5	—
Misdemeanors^c	3.6 mo	6.5 mo	2.8 mo	2.2 mo
Fraudulent property offense	2.3	11.3	1.8	—
Larceny	4.3	5.7	3.5	3.9
Drug possession ^c	5.6	7.6	5.0	4.4
Immigration	2.0	8.9	1.6	—
Traffic offenses	2.8	6.1	2.0	0.6
Other misdemeanors	5.1	6.8	4.5	5.2
Unknown or indeterminable offense	4.4 mo	—	4.4 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. 46.

—Too few cases to obtain statistically reliable data.

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

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

^bIncludes mistrials.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex

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

Table 3.4. Dispositions by U.S. magistrates, October 1, 1996 - September 30, 1997

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrates			
	Total	Convicted	Not convicted	Percent convicted
All offenses^a	11,045	8,348	2,697	75.6%
Violent offenses^b	223	164	59	73.5%
Murder ^c	5	5	0	—
Assault	183	129	54	70.5
Robbery	4	2	2	—
Rape	13	13	0	100
Other sex offenses ^c	17	14	3	82.4
Threats against the President	1	1	0	—
Property offenses	3,665	2,805	860	76.5%
Fraudulent	1,629	1,552	77	95.3%
Embezzlement	193	162	31	83.9
Fraud ^c	1,332	1,293	39	97.1
Forgery	98	91	7	92.9
Counterfeiting	6	6	0	—
Other	2,036	1,253	783	61.5%
Burglary	4	3	1	—
Larceny ^c	1,823	1,140	683	62.5
Motor vehicle theft	2	1	1	—
Arson and explosives	3	2	1	—
Other property offenses ^c	204	107	97	52.5
Drug offenses	1,075	789	286	73.4%
Trafficking	81	65	16	80.2
Possession	994	724	270	72.8
Public-order offenses	6,080	4,588	1,492	75.5%
Regulatory	490	402	88	82.0%
Agriculture	101	91	10	90.1
Fair labor standards	17	13	4	76.5
Food and drug	11	11	0	100
Other regulatory offenses	361	287	74	79.5
Other	5,590	4,186	1,404	74.9%
Weapons	77	46	31	59.7
Immigration offenses	275	266	9	96.7
Tax law violations ^c	91	87	4	95.6
Bribery	6	6	0	—
National defense	13	10	3	76.9
Escape	61	32	29	52.5
Racketeering and extortion	2	2	0	—
Liquor offenses	3	2	1	—
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	4,579	3,386	1,193	73.9
Migratory birds	4	4	0	—
All other offenses ^c	479	345	134	72.0
Missing or indeterminable offense	2	2	0	—

Note: Data in this table are not directly comparable to data in the 1993 and prior compendia; see *Chapter notes*, item 1, p. 46.

—Too few cases to obtain statistically reliable data.

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

^bMay include some nonviolent offenses.

^cIn this table, "Murder" includes nonnegligent manslaughter; "Other sex

offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

Table 3.5. Characteristics of convicted offenders, October 1, 1996 - September 30, 1997

Offender characteristic	Total number of convicted offenders	Percent of convicted offenders							
		All offenses ^a	Felonies						Misdemeanors
			Violent offenses	Property offenses		Drug offenses	Public-order offenses		
				Fraudulent	Other		Regulatory	Other	
All offenders^b	56,570	56,570	2,915	10,013	2,298	19,973	916	11,574	8,828
Sex									
Male	42,116	85.0%	93.2%	75.3%	78.3%	87.4%	80.3%	93.3%	76.4%
Female	7,445	15.0	6.8	24.7	21.7	12.6	19.7	6.7	23.6
Race									
White	31,784	66.3%	51.4%	64.7%	64.6%	62.3%	75.8%	76.6%	68.9%
Black	13,799	28.8	31.0	27.7	28.4	35.5	17.7	20.0	25.6
Other	2,382	5.0	17.5	7.6	7.0	2.2	6.5	3.4	5.5
Ethnicity									
Hispanic	16,633	33.8%	8.8%	11.7%	9.1%	40.4%	32.3%	54.1%	31.2%
Non-Hispanic	32,540	66.2	91.2	88.3	90.9	59.6	67.7	45.9	68.8
Age									
16-18 years	427	0.9%	1.7%	0.2%	0.6%	0.7%	0.6%	0.8%	2.8%
19-20 years	2,068	4.3	7.6	1.8	4.2	4.5	4.0	3.8	7.9
21-30 years	18,237	37.7	38.8	26.8	35.0	42.2	29.9	40.9	37.1
31-40 years	14,733	30.5	29.9	30.8	29.4	31.3	27.8	30.7	27.4
Over 40 years	12,902	26.7	21.9	40.5	30.8	21.4	37.7	23.8	24.8
Citizenship									
U.S. citizen	34,020	70.3%	95.4%	84.7%	90.2%	71.1%	71.3%	47.8%	66.3%
Not U.S. citizen	14,384	29.7	4.6	15.3	9.8	28.9	28.7	52.2	33.7
Education									
Less than high school graduate	18,822	41.5%	35.6%	22.2%	27.1%	49.9%	30.0%	56.3%	25.8%
High school graduate	13,552	29.9	36.3	29.4	34.1	29.9	31.6	24.8	37.7
Some college	9,358	20.7	22.0	30.6	30.0	17.1	23.9	12.9	26.0
College graduate	3,585	7.9	6.1	17.8	8.7	3.2	14.4	5.9	10.5
Criminal record									
No convictions	22,588	47.6%	35.6%	59.9%	49.2%	46.5%	70.9%	30.3%	66.9%
Prior adult convictions ^c	24,847	52.4	64.4	40.1	50.8	53.5	29.1	69.7	33.1

Note: Offender characteristics are not comparable with the 1993 and prior compendia; see *Chapter notes*, item 2, p. 46. Offenders are classified by the most serious offense charged.

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

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

^cSee *Chapter notes*, item 3, p. 46.

Chapter notes

1) Tables 3.1-3.4 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 3.1) or cases that terminated in U.S. district court during October 1, 1996, through September 30, 1997, 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 prior compendia, they were classified as motor vehicle thefts, based on the AOUSC offense classifications. In the forthcoming *Federal Criminal Statistics: Reconciled Data*, which shows trends from 1994 through the present, carjackings are classified as robberies.

2) Table 3.5 was created by matching the AOUSC master data files with the U.S. Sentencing Commission (USSC) monitoring system files and the Pretrial Services Agency (PSA) data files. These latter two data files contain information on the characteristics of defendants. The USSC monitoring system files are limited to records of defendants sentenced under the Federal sentencing guidelines only. These include defendants convicted of felonies or Class A misdemeanors. Excluded from the USSC data were defendants convicted only of Class B or C misdemeanors or infractions, defendants whose offenses were committed before November 1, 1987, and juvenile offenders. Juveniles are not subject to guidelines, and they were not included in table 3.5. Some of the defendants excluded from the USSC data files were included in the PSA data. (See Chapter 2 *Chapter notes* for more information on the PSA data.) Table 3.5 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 3.5, 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	49
-------------------------	-----------

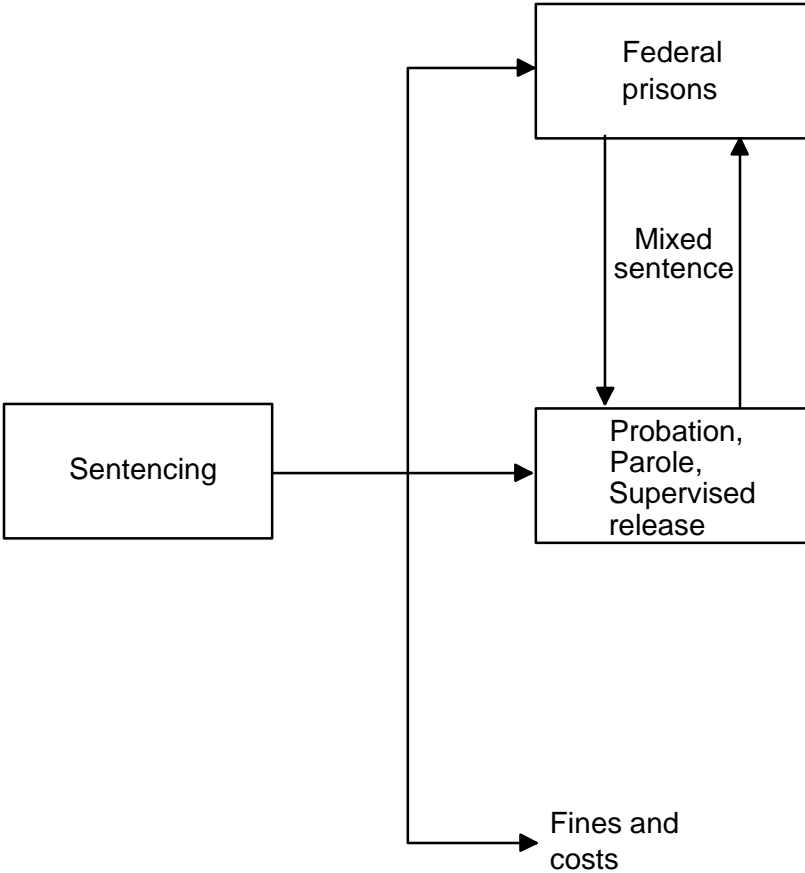
Tables

October 1, 1996 – September 30, 1997

4.1. Sentence types in cases terminated, by offense	53
4.2. Type and length of sentences imposed, by offense	54
4.3. Sentences imposed on convicted offend- ers, by offense of conviction and method of disposition	55
4.4. Convicted offenders sentenced to incar- ceration, by offense and offender characteristics	56
4.5. Average incarceration sentence lengths imposed, by offense and offender characteristics	57
4.6. Median incarceration sentence lengths imposed, by offense and offender characteristics	58

Chapter notes	59
----------------------------	-----------

Sentencing



Depending upon the type and severity of the offense, convicted offenders may be sentenced to incarceration, probation, a fine, or a combination of sanctions such as a split or mixed sentence (imprisonment as well as a period of probation supervision).¹ 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. 95).

Offenders convicted and sentences imposed (table 4.1)

Of the 56,570 offenders sentenced during 1997, 39,431 (70%) were sentenced to prison; 12,801 (23%) were sentenced to probation; and 3,184 (6%) were ordered to pay only a fine.² Of the 39,431 offenders sentenced to prison, 37,747 (96%) were convicted of felonies. Over 80% of convicted felons were sentenced to prison. Drug and violent offenders were more likely to receive prison sentences (92% and 91%, respectively) than were either public-order (81%) or property (59%) offenders (figure 4.1).

Among public-order offenders, persons convicted of weapons (93%), escape (89%), and immigration offenses (87%) were about as likely as violent and drug offenders to receive prison sentences.

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

¹For a definition of mixed sentences, see *Glossary*, p. 99.

²Offenders given an intermediate sanction such as intermittent confinement or community confinement that also included probation supervision are counted among offenders given probation.

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

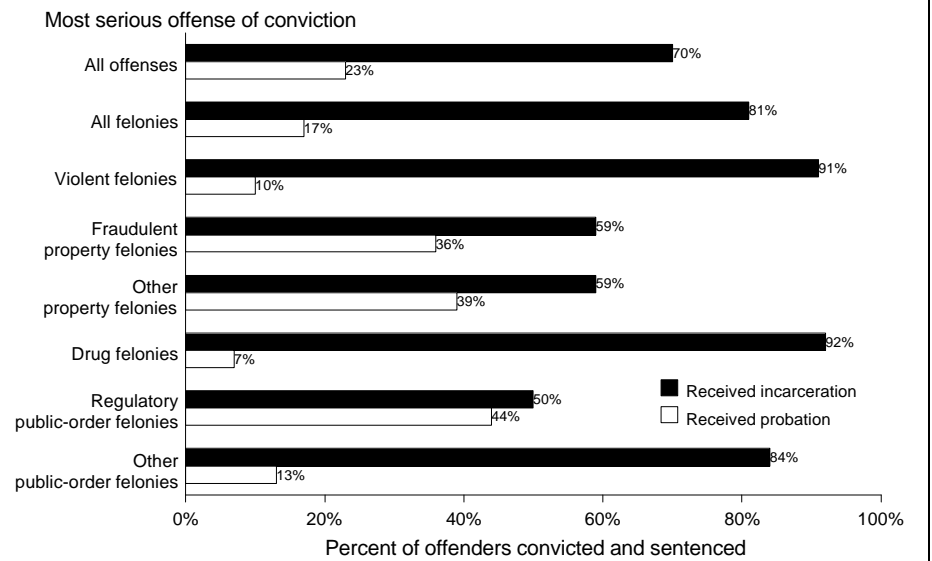


Figure 4.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated during October 1, 1996 - September 30, 1997

explosives (85%) were also almost as likely as violent and drug offenders to receive prison sentences.

Overall, almost 23% of convicted offenders were sentenced to probation. The percentage of misdemeanants

sentenced to probation (49%) was almost thrice more than that of convicted felons (17%). Among felons, persons convicted of postal law violations (86%), communication violations (85%), and food and drug violations

Violent and drug felons received the longest sentences

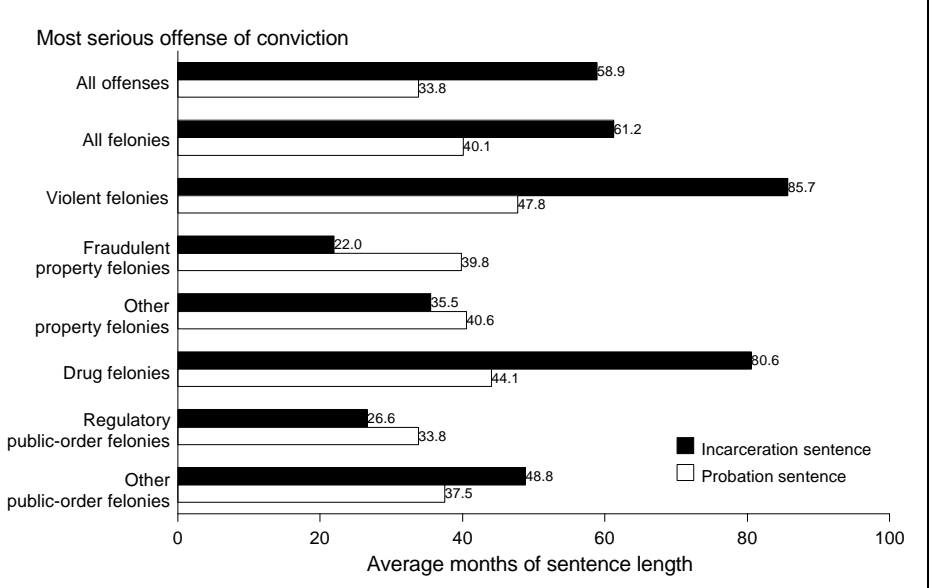


Figure 4.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases that terminated during October 1, 1996 - September 30, 1997

(71%) were the most likely to be given probation.

While less than 1% of all convicted felons were ordered to only pay a fine, 70% of the felons convicted of anti-trust violations were so ordered. Fines generally were reserved for misdemeanor offenders, 30% of whom received fines.

Average prison sentences imposed (table 4.2)

For all offenders given prison terms, the average term of imprisonment imposed was 58.9 months (figure 4.2). Persons convicted of felonies received an average prison term of 61.2 months.

The average length of prison sentence imposed varied among major offense categories. Property offenders received the shortest sentence, on average, while violent offenders received the longest (24.4 months compared to 85.7 months). Drug offenders received 80.6 months, on average, and public-order offenders received 47.5 months. The average prison term for public-order offenders was primarily attributable to sentences imposed for weapons offenders. The 2,663 weapons offenders sentenced to prison comprised over 25% of the 10,381 public-order offenders sent to prison. Weapons offenders received an average prison term of 101.8 months, and public-order offenders *other than* weapons offenders received an average prison term of 28.8 months (not shown in a table).

Relationship between sentence imposed and mode of conviction (table 4.3)

Offenders convicted by plea were less likely to receive prison sentences than those convicted at trial. Sixty-nine percent of the offenders convicted by guilty plea received some prison time, while 86% of the offenders convicted at trial received prison sentences.

For drug offenders, 92% of those convicted by plea went to prison, as did 99% of those convicted at trial. For

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

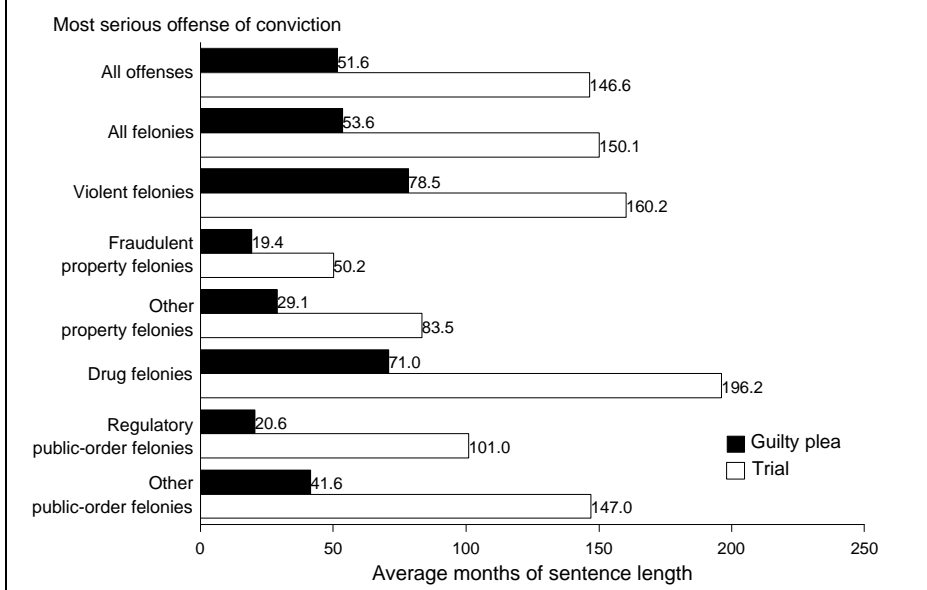


Figure 4.3. Average sentences imposed on defendants convicted at trial and defendants convicted by guilty plea, October 1, 1996 - September 30, 1997

violent offenders, 91% of those convicted by plea received prison sentences, as did 94% of those convicted at trial. For fraudulent property offenders, 57% of those convicted by plea received prison sentences, compared to 88% of those convicted at trial. And, for regulatory public-order offenders, 48% of those convicted by plea went to prison, as did 77% of those convicted at trial.

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 146.6 months, on average, while those convicted by plea received an average of 51.6 months (figure 4.3). Drug offenders convicted at trial received an average of 196.2 months as compared to the 71.0 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 160.2 months as compared to the 78.5 months for violent offenders convicted by guilty plea.

Characteristics of offenders sentenced to prison (tables 4.4-4.6)

The majority of persons sentenced to prison during 1997 were male (89%), white (66%), non-Hispanic (63%), and U.S. citizens (68%). 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 4.5). 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."³

Average sentences imposed were longest for males (62.4 months), blacks (87.8 months), non-Hispanics (67.8 months), and U.S. citizens (68.7 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 4.4) that also are associated with longer average sentences (table 4.2). For example, incarceration rates for blacks exceed those of whites in the violent, drug, and nonregulatory public-order offense categories. These offenses are associated with longer average sentences (table 4.2, figure 4.2) 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 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.

³Douglas C. McDonald and Kenneth E. Carlson, *Sentencing in the Federal Courts: Does Race Matter?*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, December 1993 (NCJ-145328).

Table 4.1. Sentence types in cases terminated, by offense, October 1, 1996 - September 30, 1997

Most serious offense of conviction	Total offenders sentenced ^a	Percent of offenders convicted and sentenced to—			
		Incarceration ^b	Probation ^c	Mixed sentence ^d	Fine (only)
All offenses^e	56,570	69.7%	22.6%	1.3%	5.6%
Felonies	46,878	80.5%	17.2%	1.4%	0.6%
Violent offenses	2,876	91.1%	9.5%	1.8%	0.1%
Murder ^f	267	87.3	12.7	0.4	0
Negligent manslaughter	0	...	...	...	...
Assault	244	70.1	26.2	1.6	1.2
Robbery	1,740	97.2	4.0	2.0	0
Rape	225	85.8	16.4	2.2	0
Other sex offenses ^f	289	79.2	21.1	1.4	0.3
Kidnaping	89	94.4	5.6	2.2	0
Threats against the President	22	81.8	13.6	4.5	0
Property offenses	12,010	59.2%	36.9%	1.3%	1.1%
Fraudulent	9,919	59.2%	36.4%	1.3%	1.3%
Embezzlement	892	56.5	31.8	1.7	2.0
Fraud ^f	7,911	59.5	36.5	1.4	1.3
Forgery	166	55.4	42.8	0	1.2
Counterfeiting	950	59.6	38.3	0.7	0.3
Other	2,091	59.3%	39.3%	1.1%	0.1%
Burglary	60	63.3	36.7	1.7	0
Larceny ^f	1,349	50.8	47.7	0.9	0.2
Motor vehicle theft	126	73.0	24.6	0.8	0
Arson and explosives	200	85.0	16.5	3.5	0
Transportation of stolen property	304	75.7	23.0	0.3	0
Other property offenses ^f	52	46.2	42.3	0	0
Drug offenses	19,115	92.3%	7.0%	1.5%	0.2%
Trafficking	18,057	92.6	6.7	1.5	0.2
Possession and other drug offenses	1,058	86.9	12.1	1.3	0.3
Public-order offenses	12,877	80.6%	15.7%	1.5%	0.8%
Regulatory	1,211	49.8%	44.2%	1.1%	4.6%
Agriculture	36	22.2	69.4	0	5.6
Antitrust	30	0	30.0	0	70.0
Food and drug	42	21.4	71.4	0	4.8
Transportation	84	32.1	58.3	1.2	7.1
Civil rights	67	83.6	16.4	1.5	1.5
Communications	20	15.0	85.0	0	0
Custom laws	93	38.7	51.6	0	5.4
Postal laws	42	14.3	85.7	0	0
Other regulatory offenses	797	57.5	38.9	1.4	2.4
Other	11,666	83.8%	12.7%	1.5%	0.4%
Weapons	2,871	92.8	7.9	1.6	0
Immigration offenses	6,044	87.1	6.7	1.6	0.2
Tax law violations ^f	715	44.3	54.8	1.8	2.1
Bribery	172	45.9	52.9	2.3	1.7
Perjury, contempt, and intimidation	285	70.9	27.7	1.8	0.4
National defense	28	64.3	21.4	0	14.3
Escape	463	88.6	9.9	0.9	0.2
Racketeering and extortion	1,000	78.5	19.5	0.5	1.1
Gambling	26	46.2	50.0	0	3.8
Obscene material ^f	18	38.9	55.6	0	5.6
Migratory birds	2	—	—	—	—
All other felonies ^f	42	54.8	45.2	2.4	0
Misdemeanors^f	9,636	17.4%	48.7%	0.8%	30.1%
Fraudulent property offense	1,697	24.2	62.1	0.5	3.8
Larceny	1,198	13.8	72.9	0.8	13.2
Drug possession ^f	978	33.4	56.3	1.4	5.8
Immigration	479	50.1	18.4	0.8	8.6
Traffic offenses	3,535	6.1	28.9	0.7	64.5
Other misdemeanors	1,749	18.4	63.1	1.1	17.4
Unknown or indeterminable offense	56	8.9%	83.9%	0%	0%

Note: For further information, see *Chapter notes*, item 1, p. 59.

—Too few cases to obtain statistically reliable data.

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

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

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

^cIncludes offenders with split and mixed sentences.

^dSentences to probation combined with incarceration.

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

In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "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. Type and length of sentences imposed, by offense, October 1, 1996 - September 30, 1997

Most serious offense of conviction	Offenders convicted and sentenced in cases that terminated during fiscal year 1997							
	Total	Number			Sentence length			
		Incarceration ^a	Probation ^b	Fine (only)	Incarceration ^c		Probation ^c	
				Mean	Median	Mean	Median	
All offenses	56,570	39,431	12,801	3,184	58.9 mo	30.0 mo	33.8 mo	36.0 mo
Felonies	46,878	37,747	8,063	280	61.2 mo	34.0 mo	40.1 mo	36.0 mo
Violent offenses	2,876	2,619	274	4	85.7 mo	60.0 mo	47.8 mo	36.0 mo
Murder ^d	267	233	34	0	114.8	60.0	46.1	50.0
Negligent manslaughter	0	0	0	0	...	...	...	...
Assault	244	171	64	3	37.3	24.0	36.3	36.0
Robbery	1,740	1,691	70	0	92.6	63.0	45.9	36.0
Rape	225	193	37	0	73.1	50.0	46.7	45.0
Other sex offenses ^d	289	229	61	1	36.5	19.0	63.1	48.0
Kidnaping	89	84	5	0	154.6	108.0	—	—
Threats against the President	22	18	3	0	24.3	19.5	—	—
Property offenses	12,010	7,110	4,430	131	24.4 mo	15.0 mo	40.0 mo	36.0 mo
Fraudulent	9,919	5,871	3,608	128	22.0 mo	15.0 mo	39.8 mo	36.0 mo
Embezzlement	892	504	284	18	14.5	7.0	41.6	36.0
Fraud ^d	7,911	4,709	2,889	105	22.5	15.0	39.9	36.0
Forgery	166	92	71	2	15.1	10.5	40.5	36.0
Counterfeiting	950	566	364	3	25.7	15.0	37.7	36.0
Other	2,091	1,239	822	3	35.5 mo	18.0 mo	40.6 mo	36.0 mo
Burglary	60	38	22	0	20.9	19.5	53.5	60.0
Larceny ^d	1,349	685	644	3	25.0	13.0	39.3	36.0
Motor vehicle theft	126	92	31	0	29.6	24.0	43.7	36.0
Arson and explosives	200	170	33	0	92.4	60.0	46.5	48.0
Transportation of stolen property	304	230	70	0	31.1	20.5	44.8	36.0
Other property offenses ^d	52	24	22	0	43.9	57.0	40.4	36.0
Drug offenses	19,115	17,637	1,337	39	80.6 mo	57.0 mo	44.1 mo	36.0 mo
Trafficking	18,057	16,718	1,209	36	80.8	57.0	44.9	36.0
Possession and other drug offenses	1,058	919	128	3	77.0	60.0	36.7	36.0
Public-order offenses	12,877	10,381	2,022	106	47.5 mo	24.0 mo	36.5 mo	36.0 mo
Regulatory	1,211	603	535	56	26.6 mo	15.0 mo	33.8 mo	36.0 mo
Agriculture	36	8	25	2	—	—	27.6	24.0
Antitrust	30	0	9	21	...	...	—	—
Food and drug	42	9	30	2	—	—	32.9	36.0
Transportation	84	27	49	6	23.6	12.0	30.6	24.0
Civil rights	67	56	11	1	35.6	24.0	44.7	36.0
Communications	20	3	17	0	—	—	30.9	36.0
Custom laws	93	36	48	5	15.1	11.0	40.4	36.0
Postal laws	42	6	36	0	—	—	30.7	24.0
Other regulatory offenses	797	458	310	19	26.2	15.0	34.2	36.0
Other	11,666	9,778	1,487	50	48.8 mo	24.0 mo	37.5 mo	36.0 mo
Weapons	2,871	2,663	228	1	101.8	60.0	38.6	36.0
Immigration offenses	6,044	5,262	406	12	23.0	22.0	35.5	36.0
Tax law violations ^d	715	317	392	15	20.9	15.0	37.2	36.0
Bribery	172	79	91	3	30.1	16.0	42.5	36.0
Perjury, contempt, and intimidation	285	202	79	1	34.0	24.0	38.2	36.0
National defense	28	18	6	4	69.7	28.0	—	—
Escape	463	410	46	1	19.9	12.0	36.8	36.0
Racketeering and extortion	1,000	785	195	11	77.3	51.0	39.6	36.0
Gambling	26	12	13	1	24.5	24.0	36.9	36.0
Obscene material ^d	18	7	10	1	—	—	—	—
Migratory birds	2	0	2	0	...	...	—	—
All other felonies ^d	42	23	19	0	17.0	13.0	32.2	24.0
Misdemeanors^d	9,636	1,679	4,691	2,904	9.9 mo	3.0 mo	22.8 mo	12.0 mo
Fraudulent property offense	1,697	411	1,053	64	3.8	1.0	33.2	36.0
Larceny	1,198	165	873	158	7.0	4.0	19.2	12.0
Drug possession ^d	978	327	551	57	21.4	6.0	21.2	12.0
Immigration	479	240	88	41	6.8	2.5	27.7	24.0
Traffic offenses	3,535	215	1,023	2,280	9.3	2.0	13.8	12.0
Other misdemeanors	1,749	321	1,103	304	10.1	6.0	24.6	24.0
Unknown or indeterminable offense	56	5	47	0	—	—	42.3 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. 59.

^aToo few cases to obtain statistically reliable data. ... No cases of this type occurred in the data.
^bAll sentences to incarceration, including split, mixed, life, and indeterminate sentences.
^cIncludes offenders with split and mixed sentences.
^dExcludes life sentences, death sentences, and indeterminate sentences (1% of all incarcerations).
^eIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include

some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "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. Sentences imposed on convicted offenders, by offense of conviction and method of disposition, October 1, 1996 - September 30, 1997

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders in terminated cases convicted and sentenced to—			Offenders sentenced to some incarceration		
		Incarceration ^a	Probation ^b	Fine (only)	Percent of convicted offenders	Sentence length ^c	
						Mean	Median
All offenses	56,570	39,431	12,801	3,184	69.7%	58.9 mo	30.0 mo
Guilty plea ^d	52,789	36,178	12,457	2,988	68.5	51.6	30.0
Trial	3,781	3,253	344	196	86.0	146.6	96.5
Felonies	46,878	37,747	8,063	280	80.5%	61.2 mo	34.0 mo
Guilty plea	43,546	34,572	7,894	277	79.4	53.6	30.0
Trial	3,332	3,175	169	3	95.3	150.1	98.0
Violent offenses	2,876	2,619	274	4	91.1%	85.7 mo	60.0 mo
Guilty plea	2,600	2,359	256	4	90.7	78.5	57.0
Trial	276	260	18	0	94.2	160.2	110.5
Property offenses							
Fraudulent	9,919	5,871	3,608	128	59.2%	22.0 mo	15.0 mo
Guilty plea	9,349	5,369	3,541	126	57.4	19.4	13.0
Trial	570	502	67	2	88.1	50.2	30.0
Other	2,091	1,239	822	3	59.3%	35.5 mo	18.0 mo
Guilty plea	1,925	1,085	812	3	56.4	29.1	18.0
Trial	166	154	10	0	92.8	83.5	48.0
Drug offenses	19,115	17,637	1,337	39	92.3%	80.6 mo	57.0 mo
Guilty plea	17,590	16,127	1,314	39	91.7	71.0	48.0
Trial	1,525	1,510	23	0	99.0	196.2	165.0
Public-order offenses							
Regulatory	1,211	603	535	56	49.8%	26.6 mo	15.0 mo
Guilty plea	1,149	555	519	56	48.3	20.6	15.0
Trial	62	48	16	0	77.4	101.0	41.0
Other	11,666	9,778	1,487	50	83.8%	48.8 mo	24.0 mo
Guilty plea	10,933	9,077	1,452	49	83.0	41.6	24.0
Trial	733	701	35	1	95.6	147.0	80.0
Misdemeanors	9,636	1,679	4,691	2,904	17.4%	9.9 mo	3.0 mo
Guilty plea ^d	9,189	1,601	4,518	2,711	17.4	9.8	3.0
Trial	447	78	173	193	17.4	12.5	6.0
Unknown or indeterminable offense	56	5	47	0	8.9%	—	—

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. 59.

—Too few cases to obtain statistically reliable data.

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

^bIncludes offenders with split and mixed sentences.

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

^dIncludes nolo contendere.

Table 4.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics, October 1, 1996 - September 30, 1997

Offender characteristic	Total number of convicted offenders	Percent of all convicted offenders who were incarcerated in cases terminated during 1997							
		All offenses ^a	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
				Fraudulent	Other		Regulatory	Other	
All offenders^a	56,570	69.7%	91.1%	59.2%	59.3%	92.3%	49.8%	83.9%	17.4%
Sex									
Male	42,116	78.4%	92.3%	63.0%	66.4%	94.1%	55.0%	86.5%	26.2%
Female	7,445	53.8	81.6	50.1	33.2	81.5	47.6	54.0	14.3
Race									
White	31,784	74.6%	90.1%	60.9%	60.4%	91.1%	53.3%	83.6%	25.5%
Black	13,799	79.4	96.9	59.0	56.1	95.4	57.1	89.7	23.0
Other	2,382	63.0	86.7	54.3	58.7	86.4	49.3	63.2	18.5
Ethnicity									
Hispanic	16,633	83.2%	92.6%	58.6%	65.0%	93.9%	68.2%	88.4%	35.6%
Non-Hispanic	32,540	71.0	91.6	60.0	58.6	91.6	47.0	79.5	18.6
Age									
16-18 years	427	52.0%	84.4%	44.4%	66.7%	80.7%	66.7%	64.7%	9.8%
19-20 years	2,068	73.5	95.5	50.3	59.0	92.7	55.8	89.4	17.4
21-30 years	18,237	78.8	93.4	58.5	57.5	93.2	60.0	89.2	22.0
31-40 years	14,733	77.5	92.2	61.9	61.2	92.6	57.6	87.0	24.0
Over 40 years	12,902	68.9	88.1	59.4	58.9	91.5	45.4	72.9	19.8
Citizenship									
U.S. citizen	34,020	73.0%	92.0%	59.7%	57.6%	91.3%	49.2%	79.5%	19.9%
Not U.S. citizen	14,384	81.8	83.3	60.7	73.6	95.4	65.1	89.1	34.5
Education									
Less than high school graduate	18,822	85.2%	93.8%	62.0%	69.1%	94.3%	64.2%	88.9%	33.4%
High school graduate	13,552	74.4	93.5	58.6	55.4	91.6	56.1	82.5	21.1
Some college	9,358	68.7	89.4	59.4	53.8	90.1	47.4	74.8	17.0
College graduate	3,585	59.5	75.3	60.2	61.4	85.7	38.6	60.8	12.4
Criminal record									
No convictions	22,588	63.6%	83.2%	50.9%	45.1%	89.4%	48.7%	62.5%	17.6%
Prior adult convictions ^b	24,847	87.2	96.3	73.4	73.0	95.3	66.5	94.3	36.7

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, 78.4% of all convicted males were incarcerated, and 92.3% of males convicted of a violent offense were incarcerated. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 59.

^aIncludes offenders for whom offense or characteristics are unknown.

^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 59. 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. 59.

Table 4.5. Average incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1996 - September 30, 1997

Offender characteristic	Mean sentence length for offenders convicted of—							
	All offenses ^a	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
			Fraudulent	Other		Regulatory	Other	
All offenders^a	58.9 mo	85.7 mo	22.0 mo	35.5 mo	80.6 mo	26.6 mo	48.8 mo	9.9 mo
Sex								
Male	62.4 mo	87.0 mo	23.3 mo	37.2 mo	84.0 mo	27.9 mo	50.6 mo	11.0 mo
Female	35.5	51.0	16.2	17.5	52.6	13.7	30.0	7.2
Race								
White	48.0 mo	76.6 mo	22.8 mo	39.5 mo	64.1 mo	23.2 mo	39.6 mo	8.7 mo
Black	87.8	103.5	20.8	26.9	109.4	36.8	91.6	15.9
Other	47.6	73.3	16.9	20.9	69.1	18.8	44.9	8.5
Ethnicity								
Hispanic	45.7 mo	93.2 mo	17.1 mo	30.7 mo	64.1 mo	17.3 mo	28.8 mo	7.9 mo
Non-Hispanic	67.8	84.0	22.5	35.2	92.0	31.0	77.3	13.0
Age								
16-18 years	44.6 mo	95.7 mo	5.8 mo	18.3 mo	39.1 mo	15.8 mo	38.7 mo	7.0 mo
19-20 years	52.9	82.4	13.5	19.5	57.6	23.8	51.7	4.7
21-30 years	63.8	86.4	17.1	30.9	83.3	24.0	50.7	12.9
31-40 years	59.4	88.9	20.6	34.4	79.2	21.5	50.4	12.6
Over 40 years	56.7	75.4	26.1	41.6	82.8	31.2	49.5	14.2
Citizenship								
U.S. citizen	68.7 mo	85.3 mo	22.8 mo	35.4 mo	87.8 mo	27.3 mo	78.9 mo	14.3 mo
Not U.S. citizen	41.1	77.6	16.7	31.1	63.7	22.1	26.8	6.2
Education								
Less than high school graduate	62.8 mo	93.0 mo	19.1 mo	40.5 mo	79.1 mo	23.6 mo	46.2 mo	14.8 mo
High school graduate	65.9	80.7	20.5	32.3	82.9	26.7	71.8	15.1
Some college	59.8	86.5	23.0	30.4	82.7	24.1	66.6	15.9
College graduate	41.0	46.1	25.4	37.6	72.9	22.6	47.2	14.3
Criminal record								
No convictions	45.0 mo	57.9 mo	20.4 mo	33.6 mo	59.8 mo	22.2 mo	35.0 mo	6.8 mo
Prior adult convictions ^b	70.8	97.9	23.4	35.5	97.8	31.4	56.4	15.3

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. 59.

^aIncludes offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 59. 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. 59.

Table 4.6. Median incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1996 - September 30, 1997

Offender characteristic	Median sentence length for offenders convicted of—							
	All offenses ^a	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
			Fraudulent	Other		Regulatory	Other	
All offenders^a	30.0 mo	60.0 mo	15.0 mo	18.0 mo	57.0 mo	15.0 mo	24.0 mo	3.0 mo
Sex								
Male	36.0 mo	60.0 mo	15.0 mo	20.0 mo	60.0 mo	15.0 mo	24.0 mo	3.0 mo
Female	21.0	37.5	12.0	12.0	36.0	12.0	15.0	2.0
Race								
White	27.0 mo	51.0 mo	15.0 mo	21.0 mo	41.0 mo	15.0 mo	24.0 mo	3.0 mo
Black	60.0	70.0	12.0	12.0	75.0	21.0	60.0	6.0
Other	24.0	44.0	12.0	12.0	41.0	12.0	24.0	5.5
Ethnicity								
Hispanic	24.0 mo	57.0 mo	11.0 mo	21.0 mo	42.0 mo	12.5 mo	24.0 mo	1.0 mo
Non-Hispanic	37.0	57.0	15.0	18.0	60.0	18.0	42.0	6.0
Age								
16-18 years	23.0 mo	49.0 mo	4.0 mo	18.0 mo	24.0 mo	15.5 mo	9.0 mo	3.0 mo
19-20 years	30.0	50.0	7.5	12.0	37.0	12.0	24.0	2.0
21-30 years	36.0	60.0	12.0	15.0	57.0	15.0	24.0	4.0
31-40 years	33.0	63.0	14.0	18.0	57.0	17.0	24.0	5.0
Over 40 years	30.0	51.0	15.0	21.0	57.0	15.0	24.0	6.0
Citizenship								
U.S. citizen	37.0 mo	57.0 mo	15.0 mo	18.0 mo	60.0 mo	18.0 mo	46.0 mo	6.0 mo
Not U.S. citizen	24.0	46.0	12.0	21.0	40.0	12.0	24.0	1.0
Education								
Less than high school graduate	37.0 mo	63.0 mo	12.0 mo	21.0 mo	51.0 mo	15.0 mo	24.0 mo	5.0 mo
High school graduate	37.0	57.0	13.0	15.0	57.0	18.0	37.0	6.0
Some college	33.0	57.0	15.0	18.0	60.0	15.0	33.0	6.0
College graduate	22.0	24.0	15.0	19.5	48.0	13.0	21.0	6.0
Criminal record								
No convictions	27.0 mo	37.0 mo	12.0 mo	15.0 mo	37.0 mo	14.0 mo	12.0 mo	2.0 mo
Prior adult convictions ^b	41.0	70.0	16.0	20.0	66.0	18.0	27.0	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. 59.

^aIncludes offenders for whom offense or characteristics are unknown.
^bPrior adult convictions are limited; see *Chapter notes*, item 3, p. 59. 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. 59.

Chapter notes

- 1) Tables 4.1-4.3 were derived from the AOUSC criminal master data files. Only records of defendants sentenced during October 1, 1996, through September 30, 1997, were selected. Offenses shown in these tables — offenses of conviction — are based on the longest actual sentence imposed.
- 2) Tables 4.4-4.6 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 4.4 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 4.5 and 4.6 were based on the number of records shown in table 4.4.
- 3) Criminal record, as reported in tables 4.4-4.6, 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 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 is tantamount to their entire adult criminal history.

Discussion **63**

Tables

October 1, 1996 – September 30, 1997

5.1. Criminal appeals filed, by type of criminal case and offense 65

5.2. Criminal appeals filed and criminal appeals terminated, by offense 66

5.3. Criminal appeals terminated, by type of criminal case and offense 67

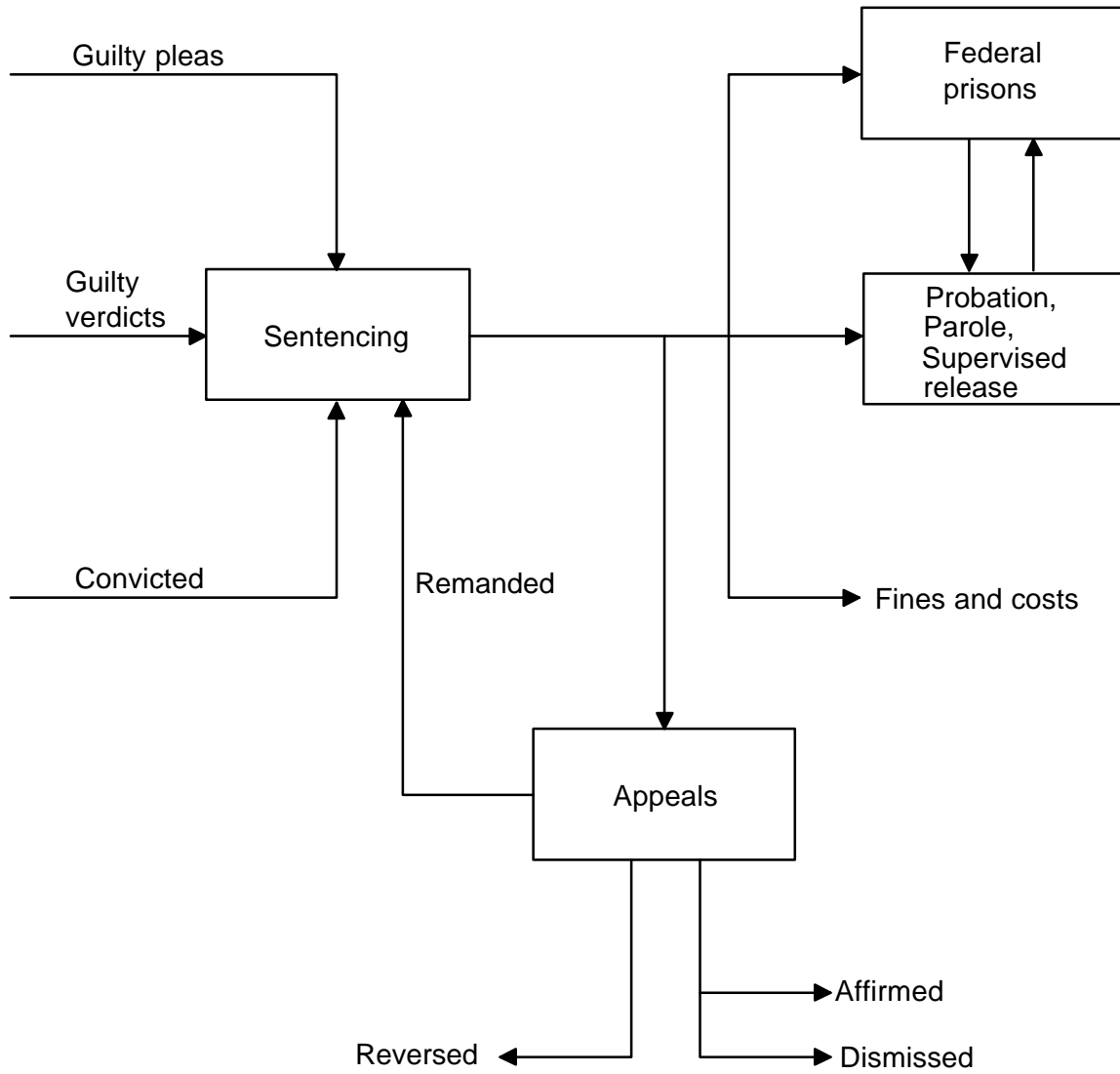
5.4. Disposition of criminal appeals terminated on the merits, by offense 68

5.5. Criminal appeals cases terminated on the merits, by nature of offense 69

Chapter notes **70**

Chapter 5

Appeals



Prior to implementation of the Sentencing Reform Act of 1984, only criminal convictions could be appealed. However, the Sentencing Reform Act provided for the appellate review of sentences imposed given that the sentence was (1) imposed in violation of the law; (2) imposed as the result of an incorrect sentencing guideline application; (3) outside the recommended guideline sentencing range; or (4) imposed for an offense for which no sentencing guideline exists and is plainly unreasonable. Both the defendant and the Government have the right to appeal an imposed sentence (18 U.S.C. § 3742).

Appeals filed (tables 5.1 and 5.2)

During 1997 the U.S. Court of Appeals received 10,521 criminal appeals. Of all appeals, 4% were filed by the Government (not shown in a table).

Forty-six percent of appeals filed in 1997 challenged both the conviction and the sentence imposed. Nearly twice as many appeals challenged only the sentence imposed as those that challenged only the conviction (25% versus 13%). Fourteen percent of appeals filed were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect (figure 5.1).

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, 32% of appeals filed for immigration offenses appealed only the sentence, compared to 23% for public-order offenses and 25% for all criminal categories. Thirty-four percent of appeals filed for robbery convictions were appealing only the sentence.

Nearly half of all appeals filed (for which the offense is known) were for drug convictions (47%). Appeals for public-order convictions comprised 26% of all appeals filed, property offenses comprised 20%, and the remaining 7% of appeals filed were for violent offenses (figure 5.2).

Nearly half of all appeals filed challenged both the conviction and the sentence imposed

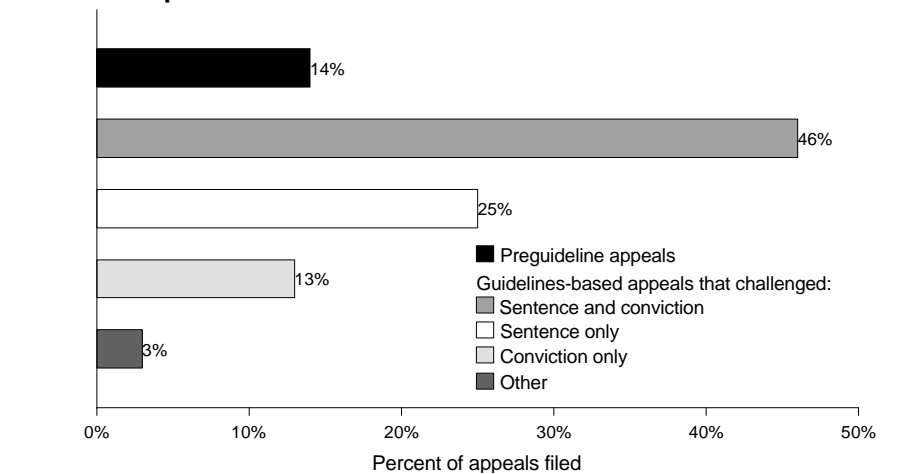


Figure 5.1. Types of criminal appeal cases during October 1, 1996 - September 30, 1997

Appeals terminated (tables 5.3-5.5)

A total of 10,466 appeals terminated during 1997. Of these, 46% were appeals of both the sentence and conviction, 25% were appeals of the sentence only, and 12% were appeals of the conviction only. Fourteen percent were appeals of convictions for offenses sentenced under laws in effect prior to the sentencing guidelines.

In nearly half of all appeals terminated in 1997 (for which the offense is known), drug offense convictions underlie the appeal (49%); for 25%, the

underlying offense was a public-order offense; for 19%, the underlying offense was a property offense; and 7% were appeals for violent offense convictions. For 46% of public-order appeals, the underlying offense of conviction was for weapons. Robbery offenses composed 43% and murder composed 20% of the underlying offenses for appeals of a violent conviction.

Of the 10,466 appeals terminated during 1997, 78% were terminated on the merits, while the remainder were terminated on procedural grounds (figure

Nearly half of all appeals filed were for drug convictions

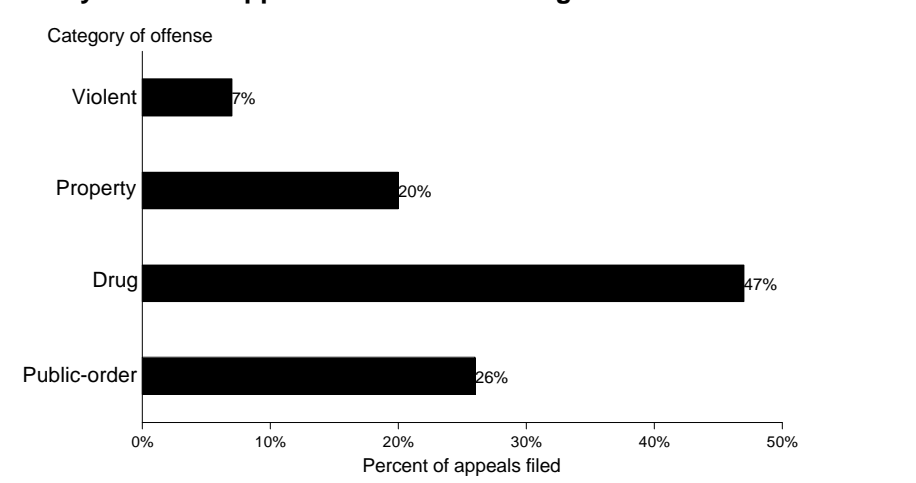


Figure 5.2. Appeals cases filed, by type of offense during October 1, 1996 - September 30, 1997

5.3). For appeals based on a conviction of a violent offense or a public-order offense, 80% were terminated on the merits. Also terminated on the merits were 79% of appeals based on a drug conviction and 76% of appeals based on a property conviction. Within these major offense categories, the appeals having the highest rates of termination on the merits were based on a conviction for a custom law violation (94%), a rape conviction (92%), and a conviction for escaping from a Federal prison (91%).

In 80% of appeals terminated on the merits, the district court ruling was affirmed. In another 6% it was partially affirmed. Eighty-three percent of all drug offense appeals were affirmed, as were 79% of violent offense appeals and public-order appeals. Seventy-seven percent of property offense appeals were affirmed.

District court decisions were reversed or remanded back to the court in 8% of the cases. Public-order offenses had the highest rate of reversal or being remanded back to the court (11%). Nine percent of property offense appeals were reversed or remanded, as were 8% of violent and 7% of drug offense appeals.

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

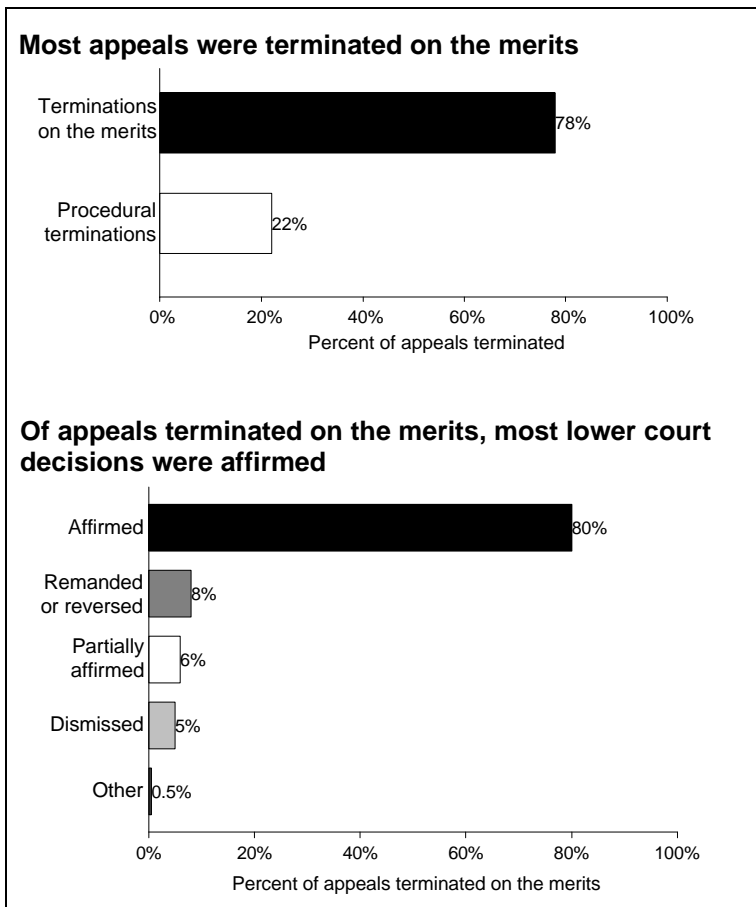


Figure 5.3. Disposition of criminal appeals terminating during October 1, 1996 - September 30, 1997

Table 5.1. Criminal appeals filed, by type of criminal case and offense, October 1, 1996 - September 30, 1997

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
All offenses	10,521	1,421	9,100	2,585	1,400	4,799	316
Violent offenses	739	90	649	189	91	359	10
Murder*	140	25	115	19	21	74	1
Negligent manslaughter	0	0	0	0	0	0	0
Assault	89	13	76	9	12	53	2
Robbery	299	27	272	101	30	136	5
Rape	53	8	45	12	5	26	2
Other sex offenses*	100	7	93	35	11	47	0
Kidnaping	52	8	44	13	10	21	0
Threats against the President	6	2	4	0	2	2	0
Property offenses	1,972	219	1,753	493	288	893	79
Fraudulent	1,519	160	1,359	387	216	692	64
Embezzlement	107	17	90	26	20	41	3
Fraud*	1,269	131	1,138	336	182	571	49
Forgery	24	4	20	9	2	9	0
Counterfeiting	119	8	111	16	12	71	12
Other	453	59	394	106	72	201	15
Burglary	6	2	4	0	2	1	1
Larceny*	176	24	152	53	21	74	4
Motor vehicle theft	76	9	67	22	10	33	2
Arson and explosives	86	11	75	15	17	41	2
Transportation of stolen property	99	12	87	14	19	49	5
Other property offenses*	10	1	9	2	3	3	1
Drug offenses	4,750	595	4,155	1,204	587	2,220	144
Public-order offenses	2,602	321	2,281	599	390	1,224	68
Regulatory	224	41	183	38	30	111	4
Agriculture	16	3	13	1	5	7	0
Antitrust	4	0	4	1	3	0	0
Food and drug	1	0	1	0	1	0	0
Transportation	24	7	17	4	2	10	1
Civil rights	28	7	21	6	2	13	0
Communications	4	0	4	1	2	1	0
Custom laws	6	1	5	1	1	3	0
Postal laws	6	2	4	0	1	3	0
Other regulatory offenses	135	21	114	24	13	74	3
Other	2,378	280	2,098	561	360	1,113	64
Weapons	1,135	122	1,013	267	170	553	23
Immigration offenses	417	31	386	133	55	194	4
Tax law violations*	150	29	121	29	25	59	8
Bribery	42	5	37	8	8	20	1
Perjury, contempt, and intimidation	105	16	89	18	9	60	2
National defense	13	2	11	4	2	5	0
Escape	85	9	76	32	18	24	2
Racketeering and extortion	368	57	311	65	51	173	22
Gambling	11	2	9	0	1	8	0
Liquor offenses	2	0	2	0	0	1	1
Obscene material*	2	0	2	0	1	1	0
Traffic	27	5	22	2	14	6	0
Migratory birds	1	0	1	1	0	0	0
All other offenses*	20	2	18	2	6	9	1
Unknown or indeterminable offense	458	196	262	100	44	103	15

Note: For further information, see *Chapter notes*, p. 70.

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

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

Table 5.2. Criminal appeals filed and criminal appeals terminated, by offense, October 1, 1996 - September 30, 1997

Offense of conviction	Criminal appeals filed during 1997		Criminal appeals terminated during 1997	
	Number	Percent	Number	Percent
All offenses	10,521	100%	10,466	100%
Violent offenses	739	7.3%	733	7.3%
Murder ^b	140	1.4	143	1.4
Negligent manslaughter	0	0	3	—
Assault	89	0.9	83	0.8
Robbery	299	3.0	313	3.1
Rape	53	0.5	51	0.5
Other sex offenses ^b	100	1.0	69	0.7
Kidnaping	52	0.5	65	0.6
Threats against the President	6	0.1	6	0.1
Property offenses	1,972	19.6%	1,915	19.1%
Fraudulent	1,519	15.1%	1,467	14.7%
Embezzlement	107	1.1	119	1.2
Fraud ^b	1,269	12.6	1,206	12.0
Forgery	24	0.2	32	0.3
Counterfeiting	119	1.2	110	1.1
Other	453	4.5%	448	4.5%
Burglary	6	0.1	10	0.1
Larceny ^b	176	1.7	141	1.4
Motor vehicle theft	76	0.8	97	1.0
Arson and explosives	86	0.9	83	0.8
Transportation of stolen property	99	1.0	106	1.1
Other property offenses ^b	10	0.1	11	0.1
Drug offenses	4,750	47.2%	4,859	48.5%
Public-order offenses	2,602	25.9%	2,503	25.0%
Regulatory	224	2.2%	222	2.2%
Agriculture	16	0.2	16	0.2
Antitrust	4	—	3	—
Food and drug	1	—	3	—
Transportation	24	0.2	17	0.2
Civil rights	28	0.3	25	0.2
Communications	4	—	5	—
Custom laws	6	0.1	16	0.2
Postal laws	6	0.1	10	0.1
Other regulatory offenses	135	1.3	127	1.3
Other	2,378	23.6%	2,281	22.8%
Weapons	1,135	11.3	1,160	11.6
Immigration offenses	417	4.1	376	3.8
Tax law violations ^b	150	1.5	143	1.4
Bribery	42	0.4	41	0.4
Perjury, contempt, and intimidation	105	1.0	101	1.0
National defense	13	0.1	14	0.1
Escape	85	0.8	84	0.8
Racketeering and extortion	368	3.7	308	3.1
Gambling	11	0.1	6	0.1
Liquor offenses	2	—	0	0
Obscene material ^b	2	—	2	—
Traffic	27	0.3	24	0.2
Migratory birds	1	—	2	—
All other offenses ^b	20	0.2	20	0.2
Unknown or indeterminable offense	458		456	

Note: For further information, see *Chapter notes*, p. 70.

—Less than .05%.

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

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

"Other sex offenses" may include some nonviolent offenses;

"Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent

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

Table 5.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 1996 - September 30, 1997

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
All offenses	10,466	1,442	9,024	2,570	1,232	4,822	400
Violent offenses	733	76	657	187	91	355	24
Murder*	143	23	120	22	16	73	9
Negligent manslaughter	3	0	3	1	0	2	0
Assault	83	12	71	11	10	48	2
Robbery	313	27	286	101	41	138	6
Rape	51	6	45	9	7	28	1
Other sex offenses*	69	2	67	24	8	32	3
Kidnaping	65	4	61	18	8	32	3
Threats against the President	6	2	4	1	1	2	0
Property offenses	1,915	256	1,659	468	246	854	91
Fraudulent	1,467	195	1,272	363	173	667	69
Embezzlement	119	23	96	27	20	46	3
Fraud*	1,206	149	1,057	301	134	567	55
Forgery	32	7	25	8	5	11	1
Counterfeiting	110	16	94	27	14	43	10
Other	448	61	387	105	73	187	22
Burglary	10	1	9	1	1	7	0
Larceny*	141	19	122	40	24	54	4
Motor vehicle theft	97	13	84	27	10	42	5
Arson and explosives	83	14	69	17	14	33	5
Transportation of stolen property	106	13	93	20	22	44	7
Other property offenses*	11	1	10	0	2	7	1
Drug offenses	4,859	600	4,259	1,237	531	2,326	165
Public-order offenses	2,503	313	2,190	572	327	1,194	97
Regulatory	222	45	177	44	20	104	9
Agriculture	16	4	12	2	2	8	0
Antitrust	3	1	2	1	0	1	0
Food and drug	3	1	2	0	1	1	0
Transportation	17	5	12	3	0	8	1
Civil rights	25	3	22	3	0	16	3
Communications	5	0	5	1	0	4	0
Custom laws	16	0	16	6	3	6	1
Postal laws	10	3	7	1	3	3	0
Other regulatory offenses	127	28	99	27	11	57	4
Other	2,281	268	2,013	528	307	1,090	88
Weapons	1,160	99	1,061	258	173	588	42
Immigration offenses	376	37	339	127	29	179	4
Tax law violations*	143	32	111	33	23	48	7
Bribery		4	37	6	2	26	3
Perjury, contempt, and intimidation	101	18	83	18	13	50	2
National defense	14	3	11	0	0	11	0
Escape	84	4	80	35	10	33	2
Racketeering and extortion	308	56	252	49	42	135	26
Gambling	6	4	2	0	0	2	0
Liquor offenses	0	0	0	0	0	0	0
Obscene material*	2	0	2	1	0	1	0
Traffic	24	5	19	0	7	11	1
Migratory birds	2	0	2	1	0	1	0
All other offenses*	20	6	14	0	8	5	1
Unknown or indeterminable offense	456	197	259	106	37	93	23

Note: For further information, see *Chapter notes*, p. 70.

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

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

Table 5.4. Disposition of criminal appeals terminated on the merits, by offense, October 1, 1996 - September 30, 1997

Offense of conviction	Total criminal appeals	Criminal appeals terminated on the merits							Procedural terminations
		Total	Percent	Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other	
All offenses	10,466	8,178	78.1%	6,581	690	482	383	42	2,288
Violent offenses	733	587	80.1%	463	46	43	32	3	146
Murder*	143	114	79.7	94	6	7	7	0	29
Negligent manslaughter	3	2	—	2	0	0	0	0	1
Assault	83	69	83.1	57	5	4	3	0	14
Robbery	313	250	79.9	201	16	14	17	2	63
Rape	51	47	92.2	29	12	3	3	0	4
Other sex offenses*	69	48	69.6	35	6	5	1	1	21
Kidnaping	65	53	81.5	41	1	10	1	0	12
Threats against the President	6	4	—	4	0	0	0	0	2
Property offenses	1,915	1,455	76.0%	1,124	130	128	66	7	460
Fraudulent	1,467	1,100	75.0%	837	96	109	53	5	367
Embezzlement	119	90	75.6	65	6	14	4	1	29
Fraud*	1,206	903	74.9	684	83	87	45	4	303
Forgery	32	22	68.8	19	3	0	0	0	10
Counterfeiting	110	—	77.3	69	4	8	4	0	25
Other	448	355	79.2%	287	34	19	13	2	93
Burglary	10	9	—	7	0	1	0	1	1
Larceny*	141	109	77.3	90	8	5	6	0	32
Motor vehicle theft	97	83	85.6	71	6	1	4	1	14
Arson and explosives	83	66	79.5	48	13	4	1	0	17
Transportation of stolen property	106	78	73.6	63	6	7	2	0	28
Other property offenses*	11	10	90.9	8	1	1	0	0	1
Drug offenses	4,859	3,841	79.0%	3,187	262	199	177	16	1,018
Public-order offenses	2,503	1,995	79.7%	1,578	212	105	87	13	508
Regulatory	222	158	71.2%	112	25	18	3	0	64
Agriculture	16	10	62.5	7	3	0	0	0	6
Antitrust	3	1	—	0	1	0	0	0	2
Food and drug	3	3	—	2	1	0	0	0	0
Transportation	17	7	41.2	6	1	0	0	0	10
Civil rights	25	19	76.0	11	2	6	0	0	6
Communications	5	5	—	5	0	0	0	0	0
Custom laws	16	15	93.8	10	5	0	0	0	1
Postal laws	10	8	—	3	0	5	0	0	2
Other regulatory offenses	127	90	70.9	68	12	7	3	0	37
Other	2,281	1,837	80.5%	1,466	187	87	84	13	444
Weapons	1,160	994	85.7	813	92	49	34	6	166
Immigration offenses	376	292	77.7	216	38	9	27	2	84
Tax law violations*	143	101	70.6	76	15	5	5	0	42
Bribery	41	25	61.0	19	0	5	1	0	16
Perjury, contempt, and intimidation	101	77	76.2	59	8	6	2	2	24
National defense	14	12	85.7	11	1	0	0	0	2
Escape	84	76	90.5	59	6	3	6	2	8
Racketeering and extortion	308	221	71.8	183	19	10	8	1	87
Gambling	6	2	—	2	0	0	0	0	4
Liquor offenses	0	0	...	0	0	0	0	0	0
Obscene material*	2	2	—	2	0	0	0	0	0
Traffic	24	16	66.7	11	5	0	0	0	8
Migratory birds	2	2	—	2	0	0	0	0	0
All other offenses*	20	17	85.0	13	3	0	1	0	3
Unknown or indeterminable offense	456	300	65.8%	229	40	7	21	3	156

Note: For further information, see *Chapter notes*, p. 70.

—Too few cases to obtain statistically reliable data.

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

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

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

Table 5.5. Criminal appeals cases terminated on the merits, by nature of offense, October 1, 1996 - September 30, 1997

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other
All offenses	8,178	80.5%	8.4%	5.9%	4.7%	0.5%
Violent offenses	587	78.9%	7.8%	7.3%	5.5%	0.5%
Murder*	114	82.5	5.3	6.1	6.1	0
Negligent manslaughter	2	—	—	—	—	—
Assault	69	82.6	7.2	5.8	4.3	0
Robbery	250	80.4	6.4	5.6	6.8	0.8
Rape	47	61.7	25.5	6.4	6.4	0
Other sex offenses*	48	72.9	12.5	10.4	2.1	2.1
Kidnaping	53	77.4	1.9	18.9	1.9	0
Threats against the President	4	—	—	—	—	—
Property offenses	1,455	77.3%	8.9%	8.8%	4.5%	0.5%
Fraudulent	1,100	76.1%	8.7%	9.9%	4.8%	0.5%
Embezzlement	90	72.2	6.7	15.6	4.4	1.1
Fraud*	903	75.7	9.2	9.6	5.0	0.4
Forgery	22	86.4	13.6	0	0	0
Counterfeiting	85	81.2	4.7	9.4	4.7	0
Other	355	80.8%	9.6%	5.4%	3.7%	0.6%
Burglary	9	—	—	—	—	—
Larceny*	109	82.6	7.3	4.6	5.5	0
Motor vehicle theft	83	85.5	7.2	1.2	4.8	1.2
Arson and explosives	66	72.7	19.7	6.1	1.5	0
Transportation of stolen property	78	80.8	7.7	9.0	2.6	0
Other property offenses*	10	—	—	—	—	—
Drug offenses	3,841	83.0%	6.8%	5.2%	4.6%	0.4%
Public-order offenses	1,995	79.1%	10.6%	5.3%	4.4%	0.7%
Regulatory	158	70.9%	15.8%	11.4%	1.9%	0%
Agriculture	10	—	—	—	—	—
Antitrust	1	—	—	—	—	—
Food and drug	3	—	—	—	—	—
Transportation	7	—	—	—	—	—
Civil rights	19	57.9	10.5	31.6	0	0
Communications	5	—	—	—	—	—
Custom laws	15	66.7	33.3	0	0	0
Postal laws	8	—	—	—	—	—
Other regulatory offenses	90	75.6	13.3	7.8	3.3	0
Other	1,837	79.8%	10.2%	4.7%	4.6%	0.7%
Weapons	994	81.8	9.3	4.9	3.4	0.6
Immigration offenses	292	74.0	13.0	3.1	9.2	0.7
Tax law violations*	101	75.2	14.9	5.0	5.0	0
Bribery	25	76.0	0	20.0	4.0	0
Perjury, contempt, and intimidation	77	76.6	10.4	7.8	2.6	2.6
National defense	12	91.7	8.3	0	0	0
Escape	76	77.6	7.9	3.9	7.9	2.6
Racketeering and extortion	221	82.8	8.6	4.5	3.6	0.5
Gambling	2	—	—	—	—	—
Liquor offenses	0	...	...	...	...	...
Obscene material*	2	—	—	—	—	—
Traffic	16	68.8	31.3	0	0	0
Migratory birds	2	—	—	—	—	—
All other offenses*	17	76.5	17.6	0	5.9	0
Unknown or indeterminable offense	300	76.3%	13.3%	2.3%	7.0%	1.0%

Note: For further information, see *Chapter notes*, p. 70.

—Too few cases to obtain statistically reliable data.

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

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

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

Chapter notes

Tables in chapter 5 were created from the AOUSC appeals database. Records of appeals filed or terminated during October 1, 1996, through September 30, 1997, were selected. Data include records of 10,521 criminal appeals filed during fiscal year 1997 and 10,466 appeals terminated during the same period.

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

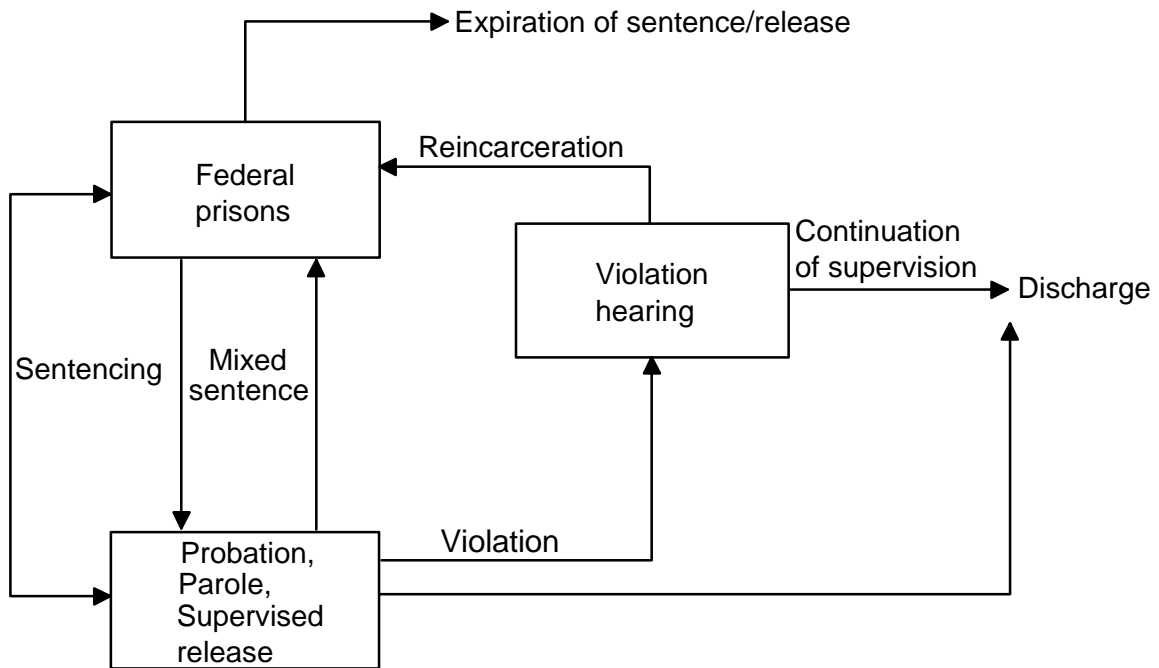
Discussion 73**Tables***October 1, 1996 - September 30, 1997*

6.1. Federal offenders under supervision, by offense	77
6.2. Characteristics of Federal offenders under supervision, by offense	78
6.3. Outcomes of probation supervision, by offense	79
6.4. Characteristics of offenders terminating probation supervision	80
6.5. Outcomes of supervised release, by offense	81
6.6. Characteristics of offenders terminating supervised release	82
6.7. Outcomes of parole, by offense	83
6.8. Characteristics of offenders terminating parole	84
6.9. Admissions and releases of Federal prisoners, by offense	85
6.10. Characteristics of Federal prison population, by major offense category	86
6.11. Number of first releases from Federal prison, by release method and sentence length	87
6.12. Average time to first release and percent of sentence served, for prisoners released by standard methods	88
6.13. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods	89
6.14. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods	90
6.15. Characteristics of first releases from prison, by offense, all releases	91
6.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics	92

Chapter notes 93

Chapter 6

Corrections



Supervision

During 1997, 38,503 offenders terminated active supervision of probation, parole or mandatory release, or a term of supervised release.

Active supervision can terminate upon one of two events: (1) a temporary removal or (2) a permanent closure. A temporary removal to inactive status can occur because of a violation (usually absconding, a warrant for arrest, or failure to appear for a hearing) or for some other reason, such as long-term hospitalization. A permanent closure of supervision occurs in one of three ways: (1) the offender successfully completes the supervision term without violating conditions; (2) the offender is returned to prison following a violation of conditions or conviction for a new crime; or (3) the offender's supervision is closed for administrative reasons. The tables in this chapter classify termination of active supervision as "no violation" (a successful completion or a removal without violations), as technical violations or new crimes (removals with violations or returns to prison), or as administrative case closures.

Violation of the conditions of supervision or arrest for a new offense can result in imposition of additional restrictions or in removal from active supervision. Removal from active supervision may entail incarceration of a probationer or reincarceration of an offender who was under parole or supervised release. Offenders who are removed from active supervision with violations, but who are not incarcerated, may have some other action taken against them, such as deportation, issuance of an arrest warrant, assignment to community corrections, or supervision by some other State or local authority.

Federal offenders under supervision (table 6.1)

As of the end of the fiscal year 1997, there were 90,751 offenders under active Federal supervision, of which 88% had been convicted of a felony. Almost two-thirds were serving a term of post-incarceration supervision:

Offenders terminating parole or supervised release violated their terms of supervision at higher rates than offenders terminating probation

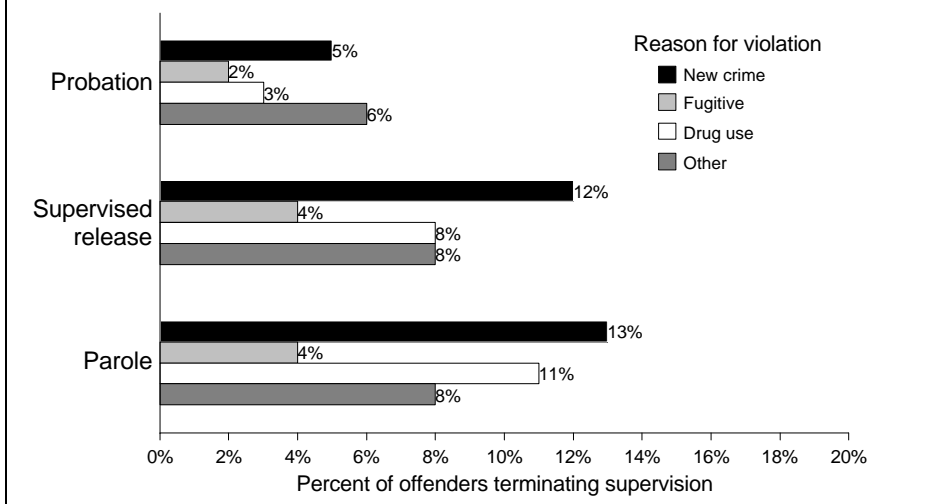


Figure 6.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation, October 1, 1996 - September 30, 1997

supervised release (51,140) or parole (6,872). The remainder (32,739) were on probation. Most of those on probation had been convicted of either a felony property offense (39%) or a misdemeanor (32%). More than half of offenders under supervised release (52%) and parolees (54%) had been convicted of a drug offense.

Outcomes of offenders completing supervision (tables 6.3, 6.5, and 6.7)

Probation (table 6.3) — During 1997, 16,748 offenders completed one or more terms of active probation. Overall, 83% of offenders successfully completed their term of probation, another 15% violated the conditions of supervision, and 2% had their supervision administratively terminated. Of offenders terminating probation, 5% committed a new crime (figure 6.1). Most committed technical violations, including drug use (3%) and absconding (2%).

Offenders convicted of violent offenses were less likely than others to successfully complete a term of probation without a violation (figure 6.2). During 1997, 34% of probationers convicted of violent offenses violated their conditions of probation, as did

14% of drug, 13% of property, and 9% of public-order offenders. Violent offenders were also more likely to commit new crimes (11%) than were drug (6%), property (5%), and public-order (4%) offenders.

Supervised release (table 6.5) — During 1997, 17,896 offenders completed terms of supervised release. Overall, 65% of these offenders successfully completed their term of supervised release; 21% committed technical violations, such as drug use (8%) and absconding (4%); and 12% committed a new crime (figure 6.1). The remaining 3% had their supervision administratively terminated.

Offenders convicted of violent offenses were less likely than others to complete a term of supervised release without a violation (figure 6.2). Fifty-five percent of violent offenders violated conditions of supervised release, while 33% of drug, 32% of public-order, and 27% of property offenders violated supervised release. Violent offenders were also more likely to commit new crimes (17%) than were public-order (13%), drug (12%), or property (10%) offenders.

Parole (table 6.7) — During 1997, 3,859 offenders completed terms of

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

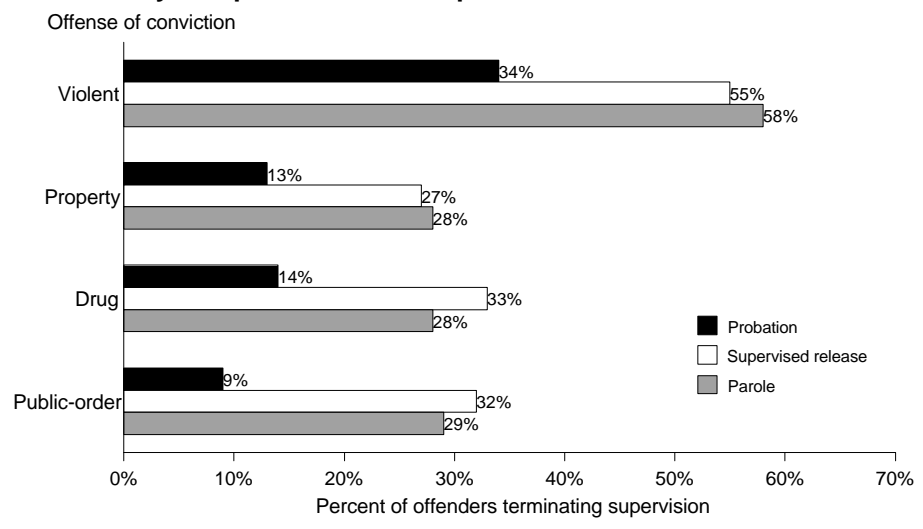


Figure 6.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense, October 1, 1996 - September 30, 1997

parole. Overall, 60% of these offenders successfully completed their term of parole; 23% committed technical violations, such as drug use (11%) and absconding (4%); and 13% committed a new crime. The remaining 5% had their supervision administratively terminated.

Offenders convicted of violent offenses were less likely than others to complete a term of parole without a violation (figure 6.2). Fifty-eight percent of violent offenders violated conditions of parole, while 29% of public-order, and 28% of both property and drug offenders violated parole. Violent offenders were also more likely to commit new crimes (21%) than offenders convicted of public-order (15%), property (10%), or drug (10%) offenses.

Characteristics of offenders completing supervision (tables 6.4, 6.6, and 6.8)

Probation (table 6.4) — Among offenders who completed a term of probation, 74% were male; 69% were white; 90% were of non-Hispanic origin; 31% were less than age 31 (compared to 40% over age 40); 26% had less than a high school diploma (compared to 38% who had a high school

diploma and 37% who had at least some college education); and 81% 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 (33%) to violate probation conditions than probationers in other age groups — 22% of those ages 21 to 30 and 12% of those over age 30.

Probationers with a history of drug abuse were almost 7 times more likely to violate probation for drug use than offenders who were not drug abusers. Probationers with a history of drug abuse were also more likely to violate supervision for other reasons (fugitive status and new crimes) than were other probationers.

Probationers with lower levels of education were more likely to violate the conditions of probation than those with higher levels of education (figure 6.3). Those who did not graduate high school had a 22% violation rate, those who were high school graduates had a 16% violation rate, those with some college had a 12% violation

rate, and those with a college degree had a 6% violation rate.

Supervised release (table 6.6) — Among those who completed a term of supervised release, 85% were male; 67% were white; 84% were of non-Hispanic origin; 26% were less than age 31 (38% were over age 40); 38% had only some high school (35% had 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 ages 16 to 20 were more likely to violate conditions of their supervision compared to 46% of those ages 21 to 30 and 27% of those over age 30.

Releasees with a history of drug abuse were almost 5 times more likely to terminate their supervision for technical violations of drug use than were releasees who were not drug abusers. Releasees with a history of drug abuse were also more likely to violate supervision because of fugitive status 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 (figure 6.3). Those who did not graduate from high school had a 41% violation rate, those who were high school graduates had a 32% violation rate, those with some college had a 23% violation rate, and those with a college degree had a 12% violation rate.

Parole (table 6.8) — Among those who completed a term of parole, 96% were male; 66% were white; 86% were of non-Hispanic origin; 72% were over age 40; 44% had only some high school (33% had a high school diploma and 22% had at least some college); and 48% had no known drug history.

Offenders with a history of drug abuse and those with a lower educational background had higher probabilities of violating the conditions of parole. Releasees with a history of drug abuse were almost 5 times more likely to terminate their supervision for technical violations of drug use as were releasees who were not drug abusers. Releasees with a history of drug abuse were also more likely to violate supervision because of fugitive status 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 (figure 6.3). Those who did not graduate from high school had a 41% violation rate, those who were high school graduates had a 35% violation rate, those with some college had a 31% violation rate, and those with a college degree had a 10% violation rate.

Admissions, releases, and standing population of Federal prisoners (table 6.9)

The Federal prison population grew by 6,565 persons during fiscal year 1997, increasing from 92,379 sentenced prisoners to 98,944. The greatest growth was among drug and public-order offenders, particularly immigration offenders. The number of drug offenders in prison grew by 3,868 in 1997. The number of immigration offenders increased by 945. In contrast, the number of weapons offenders grew at a slower rate, increasing by 317.

Federal prisoners: First releases and time served (tables 6.11-6.14)

During 1997, 31,894 prisoners were released from Federal prison for the first time after serving a sentence imposed by a U.S. district court.¹ Of these, 29,080 were released by standard means. These standard releases served an average of 28.8 months (table 6.12) in prison — 91%

¹Tables 6.11-6.13 include only prisoners first released by the BOP during 1997.

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

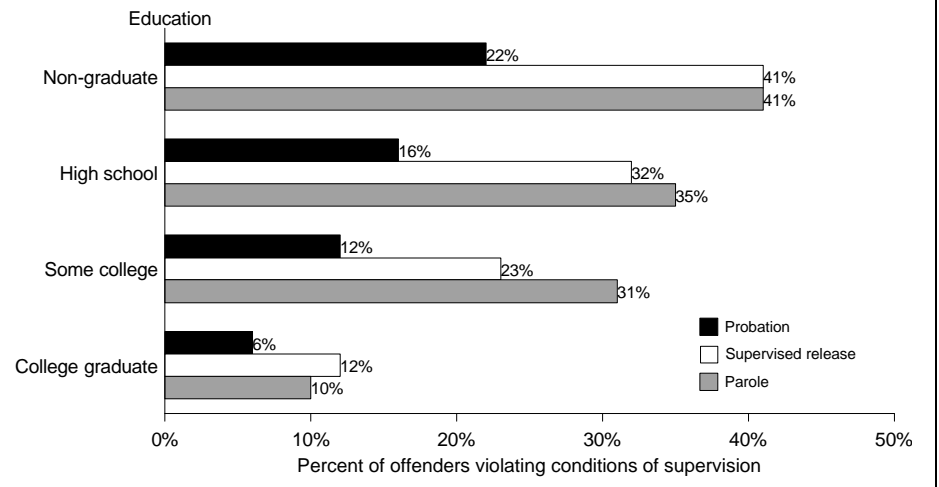


Figure 6.3. Rates of violation of conditions of supervision, by level of education, October 1, 1996 - September 30, 1997

of the sentence imposed, on average (table 6.14).²

The remaining 2,814 first releases were released by extraordinary means: 1,689 were released early due to participation in a drug treatment program; 291 had their sentences commuted; 338 were deported; 212 died; and 284 were released for other reasons including escape and an intensive confinement program (table 6.11). Drug offenders made up the vast majority of those released by extraordinary means (79%).

Time served until first release varied by offense: Violent offenders served an average of 53.8 months; drug offenders served an average of 42.5 months; public-order offenders served an average of 17.9 months; and property offenders served an average of fewer than 15.3 months (figure 6.4). During 1997 the average time to first release for public-order offenders was

²Average 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.

influenced heavily by the relatively short time served by immigration offenders. Immigration offenders composed 59% of all public-order offenders and, on average, served 10.9 months until first release. This was slightly more than half of the average time served for all public-order offenders (17.9). Exclusive of immigration offenders, public-order offenders served an average of 28.1 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 6.4).

Old law offenders — those who committed crimes before the implementation of Federal Sentencing Guidelines in November 1987 — that were released in 1997 are not separately shown in any tables. Only 3%, or 956, released offenders were old law offenders. New law offenders released during 1997 served, on average, 26.7 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 139 months could not have been released by standard means as of the

Violent and drug offenders were released from longer prison terms and served more time than property and public-order offenders

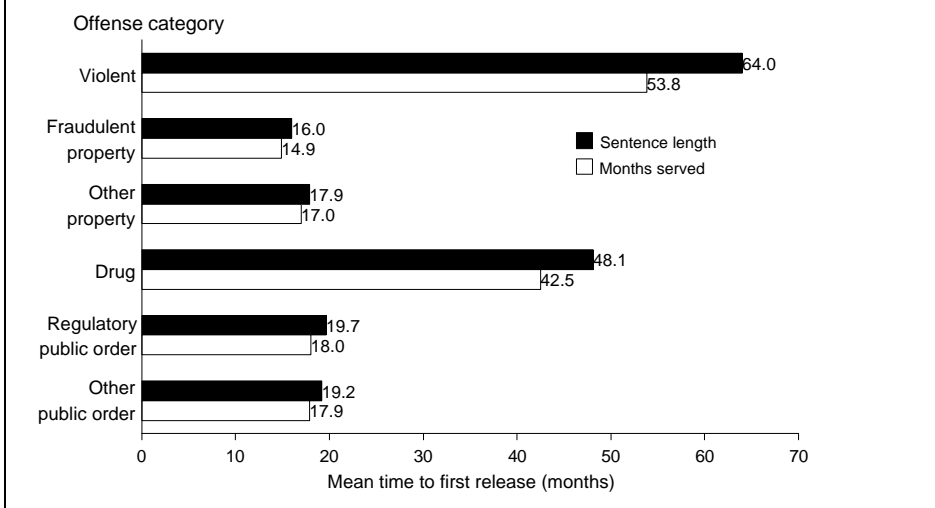


Figure 6.4. Mean time to first release (months), by offense, October 1, 1996 - September 30, 1997

Hispanic and 64% were not U.S. citizens.

Time served to first release (table 6.16) — Of prisoners released by standard methods, males served more time than females, blacks served more time than whites, non-Hispanics served more time than Hispanics, older persons served more time than younger (until over age 40), and U.S. citizens served more time than noncitizens (figure 6.5). However, among the offenses, the overall pattern does not always hold, except for males and females. For example, blacks served more time on average than whites, but among property offenders released from prison, whites served more time than blacks.

end of 1997.³ They could have been released for extraordinary reasons such as death, commutation, or treaty transfer.⁴

Characteristics of Federal prisoners (tables 6.10, 6.15, and 6.16)

Standing population (table 6.10) — Of prisoners in Federal prison at the end of 1997, 93% were male, 58% were white, 39% were black, 27% were Hispanic, and 76% were U.S. citizens. Fifty-eight 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 90% of these offenders were non-Hispanic and U.S. citizens.

Prisoners released (table 6.15) — Of prisoners released during 1997, 89% were male, 73% were white, 24% were black, 38% were Hispanic, and 63% were U.S. citizens. Fifty-six percent were 31 years of age or older. These patterns were similar across offenses and for new law offenders, except with nonregulatory public-order offenses. Of released offenders convicted of those offenses, 61% were

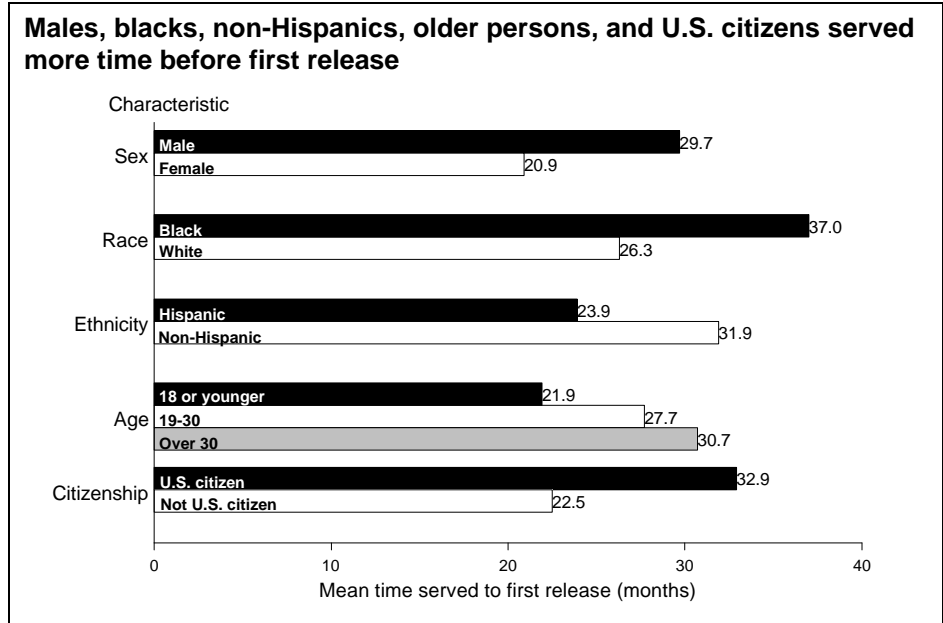


Figure 6.5. Characteristics of first releasees, October 1, 1996 - September 30, 1997

³The Federal Sentencing Guidelines allow a prisoner up to 54 days per year for good behavior, so a prisoner sentenced to 139 months in prison in November 1987 could have served 118 months of his or her sentence and been released in 1997.

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

Table 6.1. Federal offenders under supervision, by offense, September 30, 1997

	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
Most serious offense of conviction ^a	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All offenses^b	90,751	100%	32,739	100%	51,140	100%	6,872	100%
Felonies	79,804	88.2%	22,442	68.9%	50,498	98.9%	6,864	99.9%
Violent offenses	5,270	5.8%	711	2.2%	2,869	5.6%	1,690	24.6%
Murder ^c	255	0.3	39	0.1	91	0.2	125	1.8
Negligent manslaughter	18	—	8	—	10	—	0	0
Assault	461	0.5	150	0.5	264	0.5	47	0.7
Robbery	3,647	4.0	263	0.8	2,039	4.0	1,345	19.6
Rape	326	0.4	94	0.3	185	0.4	47	0.7
Other sex offenses ^c	353	0.4	140	0.4	189	0.4	24	0.3
Kidnaping	164	0.2	7	—	56	0.1	101	1.5
Threats against the President	46	0.1	10	—	35	0.1	1	—
Property offenses	27,585	30.5%	12,774	39.2%	14,034	27.5%	777	11.3%
Fraudulent	22,621	25.0%	10,360	31.8%	11,782	23.1%	479	7.0%
Embezzlement	3,636	4.0	1,329	4.1	2,263	4.4	44	0.6
Fraud ^c	16,864	18.6	7,985	24.5	8,526	16.7	353	5.1
Forgery	704	0.8	348	1.1	300	0.6	56	0.8
Counterfeiting	1,417	1.6	698	2.1	693	1.4	26	0.4
Other	4,964	5.5%	2,414	7.4%	2,252	4.4%	298	4.3%
Burglary	261	0.3	55	0.2	150	0.3	56	0.8
Larceny ^c	3,352	3.7	1,869	5.7	1,350	2.6	133	1.9
Motor vehicle theft	429	0.5	147	0.5	250	0.5	32	0.5
Arson and explosives	331	0.4	92	0.3	191	0.4	48	0.7
Transportation of stolen property	522	0.6	214	0.7	280	0.5	28	0.4
Other property offenses ^c	69	0.1	37	0.1	31	0.1	1	—
Drug offenses	33,743	37.3%	3,655	11.2%	26,365	51.7%	3,723	54.2%
Trafficking	29,942	33.1	3,204	9.8	23,316	45.7	3,422	49.8
Other drug offenses	3,801	4.2	451	1.4	3,049	6.0	301	4.4
Public-order offenses	12,942	14.3%	5,138	15.8%	7,134	14.0%	670	9.8%
Regulatory	2,187	2.4%	1,278	3.9%	860	1.7%	49	0.7%
Agriculture	78	0.1	50	0.2	27	0.1	1	—
Antitrust	22	—	19	0.1	3	—	0	0
Food and drug	60	0.1	38	0.1	22	—	0	0
Transportation	95	0.1	54	0.2	37	0.1	4	0.1
Civil rights	140	0.2	44	0.1	84	0.2	12	0.2
Communications	105	0.1	64	0.2	41	0.1	0	0
Custom laws	114	0.1	71	0.2	41	0.1	2	—
Postal laws	151	0.2	103	0.3	45	0.1	3	—
Other regulatory offenses	1,422	1.6	835	2.6	560	1.1	27	0.4
Other	10,755	11.9%	3,860	11.8%	6,274	12.3%	621	9.0%
Weapons	3,908	4.3	612	1.9	3,094	6.1	202	2.9
Immigration offenses	1,405	1.6	637	2.0	754	1.5	14	0.2
Tax law violations ^c	1,890	2.1	1,251	3.8	574	1.1	65	0.9
Bribery	429	0.5	248	0.8	176	0.3	5	0.1
Perjury, contempt, and intimidation	320	0.4	126	0.4	175	0.3	19	0.3
National defense	45	—	19	0.1	22	—	4	0.1
Escape	323	0.4	65	0.2	226	0.4	32	0.5
Racketeering and extortion	1,728	1.9	474	1.5	990	1.9	264	3.8
Gambling	312	0.3	203	0.6	105	0.2	4	0.1
Obscene material ^c	68	0.1	40	0.1	24	—	4	0.1
Migratory birds	13	—	12	—	1	—	0	0
All other offenses	314	0.3	173	0.5	133	0.3	8	0.1
Misdemeanors^c	10,947	12.1%	10,297	31.6%	642	1.3%	8	0.1%
Fraudulent property offenses	3,049	3.4	2,866	8.8	180	0.4	3	—
Larceny	1,375	1.5	1,301	4.0	73	0.1	1	—
Drug possession ^c	1,469	1.6	1,374	4.2	93	0.2	2	—
Immigration misdemeanors	1,863	2.1	1,691	5.2	170	0.3	2	—
Traffic offenses	324	0.4	311	1.0	13	—	0	0
Other misdemeanors	2,867	3.2	2,754	8.5	113	0.2	0	0
Unknown or indeterminable offense	264		164		96		4	

—Less than .05%.

^aSee Chapter notes, item 1, p. 93, and "Offense classifications" in *Methodology*, p. 95.

^bTotal includes offenders whose offense category could not be determined; see Chapter notes, item 2, p. 93.

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

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

Table 6.2. Characteristics of Federal offenders under supervision, by offense, September 30, 1997

Offender characteristic	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
			Number	Percent	Number	Percent	Number	Percent
All offenders*	91,371	100%	6,872	100%	51,140	100%	32,739	100%
Sex								
Male	73,017	80.1%	6,580	95.9%	42,347	82.9%	23,494	71.9%
Female	18,194	19.9	283	4.1	8,716	17.1	9,174	28.1
Race								
White	61,190	67.9%	4,571	67.7%	33,991	67.3%	22,267	69.0%
Black	24,939	27.7	2,033	30.1	14,611	28.9	8,073	25.0
Other	4,036	4.5	148	2.2	1,921	3.8	1,954	6.1
Ethnicity								
Hispanic	14,075	15.4%	1,005	14.6%	8,857	17.3%	4,177	12.8%
Non-Hispanic	77,296	84.6	5,867	85.4	42,283	82.7	28,562	87.2
Age								
16-18 years	542	0.6%	0	0%	28	0.1%	514	1.6%
19-20 years	1,649	1.8	1	—	482	0.9	1,157	3.5
21-30 years	24,397	26.7	260	3.8	14,741	28.8	9,141	28.0
31-40 years	29,212	32.0	1,908	27.8	17,646	34.5	9,438	28.9
Over 40 years	35,406	38.8	4,691	68.4	18,210	35.6	12,369	37.9
Education								
Less than high school graduate	28,443	31.5%	2,817	41.3%	17,523	34.5%	8,049	25.0%
High school graduate	31,943	35.3	2,306	33.8	17,989	35.4	11,286	35.1
Some college	20,988	23.2	1,247	18.3	11,079	21.8	8,530	26.5
College graduate	8,989	9.9	458	6.7	4,182	8.2	4,307	13.4
Drug abuse								
No known abuse	60,747	66.5%	3,766	54.8%	30,090	58.8%	26,420	80.7%
Drug history	30,623	33.5	3,105	45.2	21,050	41.2	6,319	19.3

—Less than .05%.

*Includes offenders with unknown characteristics.

Table 6.3. Outcomes of probation supervision, by offense, October 1, 1996 - September 30, 1997

Most serious offense of conviction ^a	Number of probation terminations	Percent of probation supervisions terminating with—					
		No violation	Technical violations ^b			New crime ^c	Administrative case closures
			Drug use	Fugitive status	Other		
All offenses	16,748	82.7%	2.7%	2.1%	5.6%	5.0%	1.9%
Felonies	8,639	84.9%	2.1%	1.7%	4.3%	4.7%	2.2%
Violent offenses	250	65.2%	4.1%	7.8%	11.1%	10.7%	1.2%
Murder ^d	21	76.2	0	9.5	9.5	4.8	0
Negligent manslaughter	7	—	—	—	—	—	—
Assault	74	50.0	8.6	12.9	10.0	15.7	2.9
Robbery	76	70.7	2.7	6.7	6.7	12.0	1.3
Rape	38	60.5	5.3	5.3	23.7	5.3	0
Other sex offenses ^d	26	76.9	0	3.8	7.7	11.5	0
Kidnaping	6	—	—	—	—	—	—
Threats against the President	2	—	—	—	—	—	—
Property offenses	4,884	84.9%	1.9%	1.6%	4.8%	4.7%	2.1%
Fraudulent	3,923	86.1%	1.6%	1.4%	4.4%	4.2%	2.3%
Embezzlement	562	91.3	1.4	0.5	2.7	3.0	1.1
Fraud ^d	2,900	86.5	1.3	1.4	4.5	3.6	2.7
Forgery	197	75.0	2.6	3.6	5.1	12.2	1.5
Counterfeiting	264	79.5	4.5	1.9	6.1	7.2	0.8
Other	961	79.9%	3.1%	2.2%	6.6%	7.0%	1.2%
Burglary	17	52.9	5.9	5.9	23.5	11.8	0
Larceny ^d	755	79.0	3.6	2.1	6.7	7.5	1.2
Motor vehicle theft	62	80.6	1.6	3.2	4.8	8.1	1.6
Arson and explosives	26	80.8	3.8	0	7.7	3.8	3.8
Transportation and stolen property	91	91.1	0	2.2	3.3	3.3	0
Other property offenses ^d	10	—	—	—	—	—	—
Drug offenses	1,391	84.0%	3.3%	1.5%	3.6%	5.6%	2.0%
Trafficking	1,251	83.9	3.3	1.5	3.6	5.5	2.2
Possession and other drug offenses	140	84.7	2.9	1.5	3.6	7.3	0
Public-order offenses	2,086	88.2%	1.6%	1.5%	2.8%	3.2%	2.6%
Regulatory	512	86.2%	2.0%	1.8%	3.6%	3.6%	3.0%
Agriculture	15	92.3	0	0	0	0	7.7
Antitrust	20	100	0	0	0	0	0
Food and drug	22	90.9	0	0	4.5	4.5	0
Transportation	21	85.7	0	9.5	4.8	0	0
Civil rights	9	—	—	—	—	—	—
Communications	35	82.9	0	0	5.7	2.9	8.6
Custom laws	25	88.0	0	0	0	4.0	8.0
Postal laws	39	79.5	2.6	5.1	7.7	5.1	0
Other regulatory offenses	326	86.4	2.8	0.9	3.4	3.7	2.8
Other	1,574	88.8%	1.5%	1.4%	2.6%	3.1%	2.5%
Weapons	270	81.8	3.7	0.7	4.1	6.3	3.3
Immigration offenses	228	79.2	2.2	5.8	4.4	6.2	2.2
Tax law violations ^d	526	93.7	0	0.2	1.7	1.9	2.5
Bribery	101	95.0	0	1.0	1.0	0	3.0
Perjury, contempt, and intimidation	63	93.7	3.2	0	1.6	0	1.6
National defense	5	—	—	—	—	—	—
Escape	31	90.3	3.2	3.2	0	3.2	0
Racketeering and extortion	186	88.2	2.7	2.2	1.6	2.7	2.7
Gambling	113	94.7	0.9	0	0.9	0	3.5
Obscene material ^d	11	100	0	0	0	0	0
Migratory birds	6	—	—	—	—	—	—
All other offenses	34	79.4	0	0	14.7	5.9	0
Misdemeanors^d	8,109	80.3%	3.3%	2.5%	7.0%	5.3%	1.7%
Fraudulent property offense	2,024	83.4	2.0	2.4	6.1	4.5	1.6
Larceny	738	82.8	3.3	4.0	5.0	3.0	1.9
Drug possession ^d	1,027	80.7	4.1	2.2	5.7	6.3	1.1
Immigration	1,497	77.8	5.7	1.6	7.1	5.9	1.8
Traffic offenses	185	61.2	3.8	3.8	16.9	10.9	3.3
Other misdemeanors	2,638	79.8	2.6	2.6	8.0	5.3	1.7

Note: Offenses for 28 felony offenders could not be classified. See *Chapter notes*, item 3, p. 93.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, p. 93, and "Offense classifications" in *Methodology*, p. 95.

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

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

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

Table 6.4. Characteristics of offenders terminating probation supervision, October 1, 1996 - September 30, 1997

Offender characteristic	Number of probation terminations	Percent terminating probation with—					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	16,748	82.7%	2.7%	2.1%	5.6%	5.0%	1.9%	
Sex								
Male	12,380	81.4%	2.7%	2.2%	6.2%	5.5%	2.0%	
Female	4,338	86.3	2.6	1.8	4.0	3.5	1.8	
Race								
White	11,432	85.4%	2.1%	1.7%	4.4%	4.3%	2.0%	
Black	4,233	75.4	4.3	2.9	8.7	6.8	1.8	
Other	873	81.4	2.7	3.0	6.2	5.0	1.7	
Ethnicity								
Hispanic	1,668	76.9%	2.7%	3.0%	7.2%	7.3%	2.9%	
Non-Hispanic	15,080	83.3	2.7	2.0	5.4	4.7	1.8	
Age								
16-18 years	172	57.7%	4.2%	10.1%	8.9%	16.7%	2.4%	
19-20 years	572	66.9	5.9	2.7	12.3	10.7	1.6	
21-30 years	4,499	76.4	3.9	3.0	7.8	7.3	1.6	
31-40 years	4,804	82.1	3.2	2.5	5.9	4.6	1.6	
Over 40 years	6,688	89.3	1.2	0.9	3.3	2.9	2.4	
Education								
Less than high school graduate	4,177	75.3%	4.1%	3.5%	7.4%	7.2%	2.4%	
High school graduate	6,100	82.5	3.2	1.8	6.0	4.9	1.6	
Some college	4,014	87.2	1.6	1.4	4.1	3.9	1.8	
College graduate	1,968	91.6	0.5	0.7	2.6	2.4	2.1	
Drug abuse								
No known abuse	13,499	86.2%	1.3%	1.7%	4.8%	4.0%	2.0%	
Drug history	3,249	67.7	8.7	3.7	9.0	9.0	1.8	

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

^cIncludes offenders with unknown characteristics.

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

Table 6.5. Outcomes of supervised release, by offense, October 1, 1996 - September 30, 1997

	Number of supervised release terminations	Percent of supervised releases terminating with—					
		No violation	Technical violations ^b			New crime ^c	Administrative case closures
			Drug use	Fugitive status	Other		
Most serious offense of conviction^a							
All offenses	17,896	64.8%	7.9%	4.2%	8.4%	11.7%	3.0%
Felonies	17,150	64.8%	7.9%	4.2%	8.3%	11.8%	3.0%
Violent offenses	1,296	43.4%	12.8%	9.1%	15.7%	17.0%	2.0%
Murder ^d	56	67.9	1.8	8.9	10.7	8.9	1.8
Negligent manslaughter	9	—	—	—	—	—	—
Assault	161	46.5	7.6	10.8	16.6	17.2	1.3
Robbery	893	37.0	15.7	9.1	17.4	18.3	2.5
Rape	91	59.3	5.5	5.5	9.9	19.8	0
Other sex offenses ^d	52	78.0	8.0	4.0	2.0	6.0	2.0
Kidnaping	21	38.1	14.3	28.6	4.8	14.3	0
Threats against the President	13	53.8	7.7	0	30.8	7.7	0
Property offenses	5,010	70.8%	5.0%	3.9%	8.0%	9.9%	2.4%
Fraudulent	3,908	73.3%	4.1%	3.7%	7.3%	9.0%	2.5%
Embezzlement	615	85.5	2.1	2.1	3.4	5.1	1.8
Fraud ^d	2,817	72.7	4.2	3.7	7.8	9.0	2.6
Forgery	169	61.1	7.2	7.8	12.0	12.0	0
Counterfeiting	307	61.5	6.0	5.3	7.6	15.6	4.0
Other	1,102	61.6%	8.0%	4.5%	10.8%	13.1%	1.9%
Burglary	94	43.5	8.7	6.5	17.4	21.7	2.2
Larceny ^d	633	58.7	8.4	4.8	12.4	13.7	2.1
Motor vehicle theft	153	66.9	8.6	2.0	7.9	12.6	2.0
Arson and explosives	79	74.4	9.0	2.6	5.1	9.0	0
Transportation and stolen property	127	74.4	5.6	5.6	4.0	8.8	1.6
Other property offenses ^d	16	68.8	0	6.3	18.8	0	6.3
Drug offenses	7,306	64.0%	9.8%	3.5%	7.6%	11.6%	3.5%
Trafficking	6,600	64.7	9.5	3.5	7.4	11.3	3.5
Possession and other drug offenses	706	57.6	11.7	3.5	9.1	14.6	3.6
Public-order offenses	3,518	65.5%	6.5%	4.4%	7.5%	13.1%	3.1%
Regulatory	486	78.6%	3.3%	3.1%	5.6%	7.5%	1.9%
Agriculture	17	94.1	0	0	0	5.9	0
Antitrust	4	—	—	—	—	—	—
Food and drug	9	—	—	—	—	—	—
Transportation	15	100	0	0	0	0	0
Civil rights	23	69.6	4.3	0	13.0	13.0	0
Communications	27	85.2	3.7	0	3.7	7.4	0
Custom laws	17	82.4	0	11.8	0	5.9	0
Postal laws	22	71.4	0	4.8	9.5	9.5	4.8
Other regulatory offenses	352	76.5	4.0	3.4	6.0	7.7	2.3
Other	3,032	63.3%	7.0%	4.6%	7.9%	14.0%	3.3%
Weapons	1,422	56.3	10.8	4.2	9.3	15.9	3.5
Immigration offenses	494	52.6	4.1	7.2	10.1	21.1	4.9
Tax law violations ^d	258	90.6	0.4	2.7	1.2	3.9	1.2
Bribery	96	88.5	0	1.0	3.1	4.2	3.1
Perjury, contempt, and intimidation	86	75.6	4.7	3.5	3.5	9.3	3.5
National defense	16	87.5	6.3	0	0	6.3	0
Escape	173	41.7	14.7	13.5	11.7	17.2	1.2
Racketeering and extortion	337	80.0	1.2	2.1	6.3	7.2	3.3
Gambling	58	94.8	0	0	0	5.2	0
Obscene material ^d	14	64.3	7.1	0	14.3	7.1	7.1
Migratory birds	1	—	—	—	—	—	—
All other offenses	77	67.1	3.9	2.6	5.3	17.1	3.9
Misdemeanors^d	746	66.2%	8.1%	4.4%	10.0%	8.3%	3.0%
Fraudulent property offense	65	71.9	9.4	3.1	9.4	4.7	1.6
Larceny	124	48.3	13.3	7.5	13.3	12.5	5.0
Drug possession ^d	232	62.8	9.7	4.9	12.8	7.5	2.2
Immigration	16	56.3	0	6.3	6.3	12.5	18.8
Traffic offenses	157	78.2	4.5	0.6	5.8	8.3	2.6
Other misdemeanors	152	71.8	5.4	5.4	8.1	7.4	2.0

Note: Offenses for 20 felony offenders could not be determined; see *Chapter notes*, item 3, p. 93.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 1, p. 93, and "Offense classifications" in *Methodology*, p. 95.

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

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

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

Table 6.6. Characteristics of offenders terminating supervised release, October 1, 1996 - September 30, 1997

Offender characteristic	Number of supervised release terminations	Percent terminating supervised release with—					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	17,896	64.8%	7.9%	4.2%	8.4%	11.7%	3.0%	
Sex								
Male	15,147	62.7%	8.2%	4.5%	8.8%	12.6%	3.2%	
Female	2,737	76.3	6.2	2.9	6.0	6.7	1.9	
Race								
White	11,813	70.3%	6.5%	3.6%	6.8%	9.8%	2.9%	
Black	5,177	52.5	11.3	5.1	11.5	16.1	3.4	
Other	777	61.6	6.1	7.0	12.2	11.2	2.0	
Ethnicity								
Hispanic	2,959	59.5%	8.0%	5.0%	10.1%	13.6%	3.7%	
Non-Hispanic	14,937	65.9	7.9	4.1	8.0	11.3	2.8	
Age								
16-18 years	4	—	—	—	—	—	—	
19-20 years	107	27.6	16.3	11.2	19.4	22.4	3.1	
21-30 years	4,525	51.3	10.0	5.7	12.6	17.9	2.4	
31-40 years	6,462	61.9	9.8	4.7	8.4	12.3	2.9	
Over 40 years	6,789	77.1	4.7	2.7	5.4	6.8	3.4	
Education								
Less than high school graduate	6,811	55.7%	10.3%	5.4%	10.3%	15.1%	3.2%	
High school graduate	6,121	65.2	7.9	3.9	8.5	11.4	3.0	
Some college	3,432	74.7	6.0	3.2	6.2	7.6	2.2	
College graduate	1,372	85.0	1.1	1.8	3.5	5.4	3.2	
Drug abuse								
No known abuse	10,067	74.2%	3.0%	3.4%	6.5%	9.8%	3.1%	
Drug history	7,829	52.6	14.3	5.3	10.8	14.1	2.9	

—Too few cases to obtain statistically reliable data.

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

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

^cIncludes offenders with unknown characteristics.

Table 6.7. Outcomes of parole, by offense, October 1, 1996 - September 30, 1997

Most serious offense of conviction ^a	Number of parole terminations	Percent of paroles terminating with—					
		No violation	Technical violations ^b			New crime ^c	Administrative case closures
			Drug use	Fugitive status	Other		
All offenses	3,859	59.9%	11.4%	3.5%	7.7%	13.0%	4.6%
Felonies	3,852	59.9%	11.4%	3.5%	7.7%	13.0%	4.6%
Violent offenses	983	37.2%	18.3%	6.6%	11.9%	21.0%	4.9%
Murder ^d	53	51.9	3.8	3.8	3.8	28.8	7.7
Negligent manslaughter	0	...	...	...	...	...	...
Assault	26	53.8	7.7	7.7	19.2	11.5	0
Robbery	824	33.7	21.1	6.9	12.8	20.6	5.0
Rape	17	75.0	6.3	0	6.3	6.3	6.3
Other sex offenses ^d	19	57.9	0	10.5	0	31.6	0
Kidnaping	43	50.0	4.8	4.8	9.5	26.2	4.8
Threats against the President	1	—	—	—	—	—	—
Property offenses	518	67.1%	8.2%	2.5%	7.0%	10.1%	5.1%
Fraudulent	295	74.7%	5.1%	1.4%	5.5%	8.2%	5.1%
Embezzlement	34	88.2	0	0	2.9	5.9	2.9
Fraud ^d	204	77.7	3.0	2.0	5.9	5.4	5.9
Forgery	33	45.5	21.2	0	6.1	21.2	6.1
Counterfeiting	24	69.6	8.7	0	4.3	17.4	0
Other	223	57.2%	12.2%	4.1%	9.0%	12.6%	5.0%
Burglary	36	47.2	25.0	8.3	5.6	8.3	5.6
Larceny ^d	98	54.6	13.4	1.0	11.3	14.4	5.2
Motor vehicle theft	27	66.7	7.4	7.4	0	11.1	7.4
Arson and explosives	28	67.9	7.1	3.6	3.6	10.7	7.1
Transportation and stolen property	33	60.6	3.0	6.1	15.2	15.2	0
Other property offenses ^d	1	—	—	—	—	—	—
Drug offenses	2,061	68.0%	9.7%	2.6%	5.9%	9.6%	4.2%
Trafficking	1,957	68.4	9.7	2.5	5.7	9.4	4.3
Possession and other drug offenses	104	59.4	9.9	4.0	10.9	12.9	3.0
Public-order offenses	289	65.7%	5.7%	1.4%	7.1%	14.8%	5.3%
Regulatory	20	60.0%	0%	0%	20.0%	15.0%	5.0%
Other	269	66.2%	6.1%	1.5%	6.1%	14.8%	5.3%
Weapons	105	53.5	8.9	1.0	7.9	25.7	3.0
Immigration offenses	3	—	—	—	—	—	—
Tax law violations ^d	34	88.2	0	0	2.9	5.9	2.9
Bribery	5	—	—	—	—	—	—
Perjury, contempt, and intimidation	13	69.2	0	7.7	0	7.7	15.4
National defense	2	—	—	—	—	—	—
Escape	30	31.0	17.2	6.9	10.3	24.1	10.3
Racketeering and extortion	72	84.5	2.8	0	4.2	2.8	5.6
Gambling	3	—	—	—	—	—	—
Obscene material ^d	0	...	...	...	...	...	...
Migratory birds	0	...	...	...	...	...	...
All other offenses	2	—	—	—	—	—	—
Misdemeanors^d	7	—	—	—	—	—	—

Note: The offense for 1 felony offender could not be determined; see *Chapter notes*, item 3, p. 93.

— Too few cases to obtain statistically reliable data.

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

^aSee *Chapter notes*, item 1, p. 93, and "Offense classifications" in *Methodology*, p. 95.

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

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

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

Table 6.8. Characteristics of offenders terminating parole, October 1, 1996 - September 30, 1997

Offender characteristic	Number of parole terminations	Percent terminating parole with—					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	3,859	59.9%	11.4%	3.5%	7.7%	13.0%	4.6%	
Sex								
Male	3,698	59.1%	11.7%	3.5%	7.9%	13.3%	4.5%	
Female	160	79.2	2.5	2.5	3.1	6.9	5.7	
Race								
White	2,506	66.2%	8.1%	3.1%	6.8%	11.2%	4.5%	
Black	1,218	46.7	18.2	4.4	9.8	16.2	4.8	
Other	79	50.0	10.5	1.3	7.9	27.6	2.6	
Ethnicity								
Hispanic	529	64.0%	13.1%	3.1%	6.7%	9.6%	3.5%	
Non-Hispanic	3,330	59.3	11.1	3.5	7.8	13.5	4.8	
Age								
16-18 years	0	...	...	...	...	...	...
19-20 years	0	...	...	...	...	...	...
21-30 years	65	68.8	7.8	3.1	4.7	10.9	4.7	
31-40 years	1,012	55.5	13.2	3.6	7.8	16.9	3.0	
Over 40 years	2,779	61.3	10.8	3.4	7.7	11.6	5.1	
Education								
Less than high school graduate	1,698	54.5%	12.7%	4.1%	8.5%	15.3%	4.9%	
High school graduate	1,279	59.9	11.5	3.7	7.9	12.2	4.8	
Some college	632	64.4	11.0	2.2	7.0	11.2	4.2	
College graduate	229	88.1	1.8	1.3	1.8	5.3	1.8	
Drug abuse								
No known abuse	1,842	72.4%	3.9%	2.4%	5.6%	10.9%	4.9%	
Drug history	2,017	48.4	18.3	4.5	9.6	14.9	4.3	

Note: Total includes terminations of supervision for 1 offender whose offense category was missing or indeterminable; see *Chapter notes*, item 3, p. 93.
 ...No cases of this type occurred within the data.

^aViolation of supervision conditions other than charges for new offenses.
^bIncludes both "major" and "minor" offenses.
^cIncludes offenders with unknown characteristics.

Table 6.9. Admissions and releases of Federal prisoners, by offense, October 1, 1996 - September 30, 1997

Most serious original offense of conviction ^a	Population at start of year	Prisoners received			Prisoners released			Population at end of year	Net population change
		District court		All other	First release				
		1 year or less	Over 1 year		1 year or less	Over 1 year	All other		
All offenses	92,379	8,539	29,836	13,217	8,310	23,584	13,133	98,944	6,565
Violent offenses	11,287	163	2,087	2,430	142	1,651	2,516	11,658	371
Murder/manslaughter ^b	997	9	89	116	8	62	126	1,015	18
Assault	636	80	194	390	75	160	395	670	34
Robbery	8,244	54	1,511	1,574	41	1,237	1,641	8,464	220
Rape	122	0	1	18	0	9	19	113	-9
Other sex offenses ^b	665	16	200	197	13	124	183	758	93
Kidnaping	553	1	80	63	2	46	76	573	20
Threats against the President	70	3	12	72	3	13	76	65	-5
Property offenses	7,876	2,497	3,882	3,513	2,442	3,608	3,567	8,151	275
Fraudulent	5,907	2,006	3,179	2,114	1,936	2,897	2,225	6,148	241
Embezzlement	326	264	164	148	254	175	148	325	-1
Fraud ^b	5,046	1,557	2,746	1,574	1,527	2,476	1,640	5,280	234
Forgery	201	78	68	183	81	61	210	178	-23
Counterfeiting	334	107	201	209	74	185	227	365	31
Other	1,969	491	703	1,399	506	711	1,342	2,003	34
Burglary	158	16	51	137	23	54	104	181	23
Larceny ^b	704	365	266	807	364	277	802	699	-5
Motor vehicle theft	189	21	88	99	20	69	96	212	23
Arson and explosives	178	2	51	42	3	38	41	191	13
Transportation of stolen property	217	30	90	73	25	93	86	206	-11
Other property offenses ^b	523	57	157	241	71	180	213	514	-9
Drug offenses	54,742	933	16,088	4,382	836	12,456	4,243	58,610	3,868
Trafficking	54,422	777	16,009	3,839	663	12,366	3,817	58,201	3,779
Possession and other drug offenses	320	156	79	543	173	90	426	409	89
Public-order offenses	17,313	4,767	7,513	2,652	4,735	5,722	2,591	19,197	1,884
Regulatory	912	198	501	222	202	382	236	1,013	101
Other	16,401	4,569	7,012	2,430	4,533	5,340	2,355	18,184	1,783
Weapons	7,765	103	1,968	772	100	1,641	785	8,082	317
Immigration offenses	4,509	3,602	3,325	373	3,631	2,398	326	5,454	945
Tax law violations ^b	340	151	173	115	129	183	109	358	18
Bribery	104	25	22	11	25	59	11	67	-37
Perjury, contempt, and intimidation	85	24	64	18	26	37	18	110	25
National defense	61	6	15	4	7	7	6	66	5
Escape	238	65	115	122	54	103	120	263	25
Racketeering and extortion	2,953	68	1,119	209	63	764	199	3,323	370
Gambling	1	1	3	2	1	0	2	4	3
Liquor	4	1	0	1	0	0	3	3	-1
Obscene material ^b	123	21	130	33	18	61	30	198	75
Traffic	104	444	37	694	435	30	674	140	36
Migratory birds	11	6	4	15	3	8	14	11	0
All other offenses	103	52	37	61	41	49	58	105	2
Unknown or indeterminable offenses	1,161	179	266	240	155	147	216	1,328	167

Note: For further information, see *Chapter notes*, items 4, 5, and 8, p. 93.

^aSee *Chapter notes*, item 4, p. 93, and "Offense classifications" in *Methodology*, p. 95.

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

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

Table 6.10. Characteristics of Federal prison population, by major offense category, October 1, 1996 - September 30, 1997

Offender characteristic	Total prisoners	Percent of Federal prison population serving for*—						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
All cases								
All prisoners	98,944	98,944	11,658	6,148	2,003	58,610	1,013	18,184
Sex								
Male	89,511	92.5%	96.6%	83.1%	91.9%	91.5%	88.8%	96.6%
Female	7,209	7.5	3.4	16.9	8.1	8.5	11.2	3.4
Race								
White	56,178	58.1%	49.1%	67.7%	64.5%	55.7%	74.9%	66.7%
Black	37,612	38.9	39.6	28.1	30.4	42.9	22.7	31.0
Other	2,930	3.0	11.3	4.2	5.1	1.4	2.3	2.3
Ethnicity								
Hispanic	26,165	27.1%	7.2%	7.8%	6.3%	31.7%	14.2%	34.9%
Non-Hispanic	70,555	72.9	92.8	92.2	93.7	68.3	85.8	65.1
Age								
16-18 years	489	0.5%	1.7%	0.1%	1.2%	0.2%	0.7%	0.5%
19-20 years	3,457	3.6	4.9	1.1	4.9	3.6	4.7	3.0
21-30 years	36,683	37.9	36.2	21.6	32.8	39.8	28.2	39.5
31-40 years	31,931	33.0	34.7	30.6	31.4	32.9	29.6	34.1
Over 40 years	24,160	25.0	22.6	46.6	29.7	23.5	36.8	22.8
Citizenship								
U.S. citizen	72,473	75.6%	96.6%	89.1%	94.5%	72.4%	90.1%	64.5%
Not U.S. citizen	23,384	24.4	3.4	10.9	5.5	27.6	9.9	35.5
New law cases								
All prisoners	90,949	90,949	8,920	5,816	1,709	55,633	903	17,285
Sex								
Male	83,894	92.2%	96.3%	82.4%	91.0%	91.3%	88.6%	96.6%
Female	7,055	7.8	3.7	17.6	9.0	8.7	11.4	3.4
Race								
White	52,729	58.0%	49.0%	67.4%	65.1%	55.3%	74.6%	66.6%
Black	35,499	39.0	38.6	28.3	29.2	43.2	22.8	31.1
Other	2,721	3.0	12.5	4.3	5.7	1.5	2.5	2.3
Ethnicity								
Hispanic	25,187	27.7%	6.7%	7.9%	5.7%	31.7%	13.5%	35.7%
Non-Hispanic	65,762	72.3	93.3	92.1	94.3	68.3	86.5	64.3
Age								
16-18 years	464	0.5%	1.9%	0.1%	1.4%	0.2%	0.8%	0.6%
19-20 years	3,377	3.7	5.7	1.1	5.3	3.7	5.0	3.1
21-30 years	35,388	38.9	38.1	22.5	33.8	40.6	29.1	40.3
31-40 years	29,971	33.0	34.5	31.0	30.8	32.9	29.2	34.1
Over 40 years	21,749	23.9	19.9	45.3	28.8	22.6	35.9	21.9
Citizenship								
U.S. citizen	67,322	74.7%	96.7%	88.7%	94.5%	72.2%	89.8%	63.4%
Not U.S. citizen	22,787	25.3	3.3	11.3	5.5	27.8	10.2	36.6

Note: Percentages in this table are based on nonmissing characteristics. Total includes prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 93.

*See *Chapter notes*, item 4, p. 93, and "Offense classifications" in *Methodology*, p. 95.

Table 6.11. Number of first releases from Federal prison, by release method and sentence length, October 1, 1996 - September 30, 1997

Most serious original offense of conviction ^a	Total	Standard ^b	Extraordinary means				
			Drug treatment	Treaty transfer	Sentence commutation	Death	Other ^c
All cases							
All prisoners	31,894	29,080	1,689	338	291	212	284
Violent offenses	1,793	1,724	9	3	10	46	1
Property offenses	6,050	5,808	97	11	50	17	67
Fraudulent	4,833	4,625	89	11	38	12	58
Other	1,217	1,183	8	0	12	5	9
Drug offenses	13,292	11,075	1,478	312	133	110	184
Public-order offenses	10,457	10,176	105	10	95	39	32
Regulatory	584	556	15	0	5	2	6
Other	9,873	9,620	90	10	90	37	26
Other prisoners^d	302	297	0	2	3	0	0
Sentences greater than 1 year							
All prisoners	23,584	20,796	1,689	338	268	209	284
Violent offenses	1,651	1,583	9	3	9	46	1
Property offenses	3,608	3,378	97	11	40	15	67
Fraudulent	2,897	2,696	89	11	32	11	58
Other	711	682	8	0	8	4	9
Drug offenses	12,456	10,244	1,478	312	128	110	184
Public-order offenses	5,722	5,448	105	10	89	38	32
Regulatory	382	357	15	0	2	2	6
Other	5,340	5,091	90	10	87	36	26
Other prisoners^d	147	143	0	2	2	0	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. 93.

^aSee *Chapter notes*, item 4, p. 93, and "Offense classifications" in *Methodology*, p. 95.

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

^cOther extraordinary releases include escape and intensive confinement programs.

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

Table 6.12. Average time to first release and percent of sentence served, for prisoners released by standard methods, October 1, 1996 - September 30, 1997

Most serious original offense of conviction ^a	All offenders			Prisoners with sentences of 1 year or less			Prisoners with sentences over 1 year			
	Number of prisoners released ^b	Mean time served	Median time served	Number of prisoners released ^b	Mean time served	Median time served	Number of prisoners released ^b	Mean time served	Median time served	Percent of sentence served
All prisoners	29,080	28.8 mo	20.9 mo	8,284	4.6 mo	4.2 mo	20,796	38.5 mo	28.8 mo	87.0%
Violent offenses	1,724	53.8 mo	44.4 mo	141	5.6 mo	6.0 mo	1,583	58.1 mo	49.6 mo	83.5%
Murder/manslaughter ^c	65	61.7	40.1	8	—	—	57	69.3	52.2	79.2
Assault	230	28.2	18.3	74	5.1	5.5	156	39.1	28.7	87.4
Robbery	1,229	59.9	50.5	41	5.9	6.0	1,188	61.8	52.3	83.3
Rape	8	—	—	0	...	...	8	—	—	—
Other sex offenses ^c	132	28.7	20.8	13	6.3	6.0	119	31.2	20.9	86.7
Kidnaping	45	82.0	53.3	2	—	—	43	85.6	54.9	75.1
Threats against the President	15	22.4	22.2	3	—	—	12	26.3	22.6	78.6
Property offenses	5,808	15.3 mo	12.0 mo	2,430	5.2 mo	5.0 mo	3,378	22.6 mo	17.9 mo	87.6%
Fraudulent	4,625	14.9 mo	12.0 mo	1,929	5.2 mo	5.0 mo	2,696	21.8 mo	17.4 mo	87.6%
Embezzlement	417	9.0	6.0	254	3.9	4.0	163	17.1	13.1	88.3
Fraud ^c	3,819	15.6	12.0	1,521	5.3	5.0	2,298	22.4	18.2	87.4
Forgery	138	10.8	9.0	80	5.5	5.9	58	18.1	14.1	90.6
Counterfeiting	251	15.9	13.0	74	5.8	5.0	177	20.1	15.7	88.7
Other	1,183	17.0 mo	12.0 mo	501	5.1 mo	5.0 mo	682	25.7 mo	18.6 mo	87.6%
Burglary	75	20.4	15.7	23	6.2	6.0	52	26.7	20.9	86.4
Larceny ^c	628	11.0	8.0	361	5.0	5.0	267	19.0	14.0	88.6
Motor vehicle theft	85	19.1	15.7	20	5.0	5.0	65	23.4	17.4	86.4
Arson and explosives	39	41.3	26.1	3	—	—	36	44.3	26.2	84.1
Transportation and stolen property	113	20.8	15.7	25	7.3	5.9	88	24.7	19.0	85.4
Other property offenses ^c	243	24.9	20.9	69	4.2	4.1	174	33.1	26.1	88.5
Drug offenses	11,075	42.5 mo	40.0 mo	831	6.2 mo	6.0 mo	10,244	45.5 mo	41.8 mo	87.1%
Trafficking	10,824	43.2	40.1	658	6.6	6.0	10,166	45.6	41.9	87.0
Possession and other drug offenses	251	11.4	6.0	173	4.5	5.0	78	26.6	20.9	90.7
Public-order offenses	10,176	17.9 mo	12.0 mo	4,728	4.0 mo	3.9 mo	5,448	30.0 mo	21.0 mo	87.5%
Regulatory	556	18.0 mo	13.0 mo	199	5.7 mo	5.0 mo	357	24.8 mo	18.3 mo	86.8%
Other	9,620	17.9 mo	12.0 mo	4,529	3.9 mo	3.4 mo	5,091	30.4 mo	21.0 mo	87.6%
Weapons	1,646	40.3	35.7	100	6.3	6.0	1,546	42.5	37.9	87.6
Immigration offenses	6,003	10.9	6.0	3,629	4.0	3.3	2,374	21.4	20.9	88.3
Tax law violations ^c	303	12.9	12.0	129	5.3	5.0	174	18.5	15.6	86.5
Bribery	79	17.0	13.0	25	6.3	6.0	54	21.9	17.9	86.0
Perjury, contempt, and intimidation	62	19.7	11.6	26	6.6	6.0	36	29.1	20.4	87.5
National defense	14	32.9	11.5	7	—	—	7	—	—	—
Escape	154	18.2	13.0	53	5.2	5.9	101	25.1	20.9	89.3
Racketeering and extortion	719	37.9	28.8	63	6.3	6.0	656	41.0	32.2	84.3
Gambling	1	—	—	1	—	—	0	...	...	...
Liquor	0	...	...	0	...	...	0	...	...	...
Obscene material ^c	77	18.2	13.0	18	5.6	5.0	59	22.0	13.1	87.9
Traffic	465	2.6	1.0	435	1.9	0.7	30	13.1	12.0	95.1
Migratory birds	11	13.5	11.9	3	—	—	8	—	—	—
All other offenses	86	15.5	11.3	40	3.6	3.0	46	25.9	20.0	89.6
Other prisoners^d	297	12.6 mo	10.0 mo	154	3.7 mo	4.0 mo	143	22.2 mo	17.5 mo	87.0%

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. 93.

—Too few cases to obtain statistically reliable data.

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

^aSee *Chapter notes*, item 4, p. 93, and "Offense classifications" in *Methodology*, p. 95.

^bThis column excludes prisoners who left Federal prison by extraordinary means, such as death, sentence commutation, and treaty transfer. The total number of prisoners who left prison due to extraordinary means in fiscal year 1997 was 2,814. See table 6.11, p. 87.

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

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

Table 6.13. 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, 1996 - September 30, 1997

Sentence imposed ^a	Number of months served for ^b —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
All offenders							
All releases	28.8 mo	53.8 mo	14.9 mo	17.0 mo	42.5 mo	18.0 mo	17.9 mo
1-12 mo ^c	4.6	5.6	5.2	5.1	6.2	5.7	3.9
13-24	14.1	14.1	13.9	14.1	14.1	13.9	14.4
25-36	23.7	25.2	24.0	24.1	24.8	23.7	22.5
37-48	35.3	36.1	34.7	35.0	35.3	33.0	35.4
49-60	45.4	46.9	45.1	45.7	45.0	46.9	45.9
61-72	54.4	57.2	52.2	51.1	54.3	56.2	54.0
73-84	66.6	68.0	64.8	—	66.6	—	66.1
85-96	76.1	77.1	—	—	75.8	—	76.6
97-108	84.8	85.7	77.2	—	84.7	—	85.7
109-120	93.7	96.8	—	—	93.8	—	95.5
121-144	99.1	100.2	72.8	—	100.8	—	93.3
145-180	91.3	110.9	—	...	88.2	—	—
181-240	111.6	121.7	—	—	108.2	—	109.6
241-300	130.4	136.2	—	—	124.7	—	135.2
Over 300	149.4	158.9	—	—	132.2	—	153.9
Life sentence	—	—	...	...	...	...	...
New law offenders							
All releases	26.7 mo	41.8 mo	14.3 mo	15.7 mo	40.7 mo	16.6 mo	16.9 mo
1-12 mo ^c	4.6	5.6	5.2	5.1	6.2	5.6	3.9
13-24	14.1	14.1	13.9	14.1	14.1	14.0	14.5
25-36	23.8	25.2	24.1	24.2	24.8	23.8	22.5
37-48	35.4	36.1	35.2	35.3	35.3	34.1	35.5
49-60	45.7	46.9	45.7	46.6	45.2	46.9	46.1
61-72	54.6	57.2	54.5	56.1	54.4	56.2	54.4
73-84	67.1	68.0	66.8	—	67.1	—	66.5
85-96	76.5	77.1	—	—	76.2	—	77.7
97-108	86.3	87.1	—	—	85.9	—	87.8
109-120	96.2	96.8	...	—	96.0	...	97.2
121-144	105.5	106.2	—	—	105.4	...	105.8
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence	**	**	**	**	**	**	**

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. 93.
 Note: Of the 29,080 first releases by standard methods, 28,124 were new law and 956 were old law.
 —Too few cases to obtain statistically reliable data.
 ...No case of this type occurred within the data.
 **As of fiscal year 1997, new law inmates who were sentenced to more than 139 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 6.11, p. 87.
^aSentence for the single most serious offense.
^bSee *Chapter notes*, item 4, p. 93, and "Offense classifications" in *Methodology*, p. 95.
^cThe interval includes days up through the upper bound and days to upper bound of the previous interval.

Table 6.14. 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, 1996 - September 30, 1997

Sentence imposed ^a	Percent of sentence served for ^b —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
All offenders							
All releases	90.9%	84.9%	93.0%	94.9%	88.3%	91.6%	93.4%
1-12 mo ^c	100.7	101.0	100.4	104.9	104.1	100.2	99.9
13-24	89.6	89.2	89.1	90.2	89.8	88.8	89.7
25-36	87.9	87.5	87.2	87.3	88.7	86.6	87.7
37-48	87.6	88.0	86.0	87.1	88.0	84.7	87.4
49-60	87.5	87.7	86.1	86.0	87.6	88.0	87.4
61-72	87.3	88.3	83.8	80.4	87.5	87.8	87.4
73-84	87.1	88.0	85.3	—	87.1	—	87.1
85-96	87.2	88.1	—	—	87.2	—	86.7
97-108	86.3	87.2	78.7	—	86.5	—	85.8
109-120	85.2	87.2	—	—	85.6	—	86.1
121-144	81.9	82.7	59.7	—	83.3	—	76.6
145-180	60.3	71.3	—	...	58.6	—	—
181-240	59.4	64.1	—	—	57.3	—	59.8
241-300	53.3	55.6	—	—	50.8	—	56.1
Over 300	40.5	42.9	—	—	36.9	—	41.8
Life sentence ^d	—	—	...	...	...	...	...
New law offenders							
All releases	92.0%	89.3%	93.6%	95.9%	89.5%	92.6%	93.9%
1-12 mo ^c	100.8	101.0	100.5	104.9	104.2	100.3	99.9
13-24	89.7	89.2	89.3	90.2	89.9	88.9	89.8
25-36	88.0	87.5	87.6	87.4	88.5	86.7	87.8
37-48	87.9	88.0	87.1	87.5	88.1	87.4	87.6
49-60	87.8	87.7	87.2	87.5	87.9	88.0	87.8
61-72	87.7	88.4	87.2	87.7	87.6	87.8	88.0
73-84	87.7	88.0	87.7	—	87.7	—	87.5
85-96	87.7	88.1	—	—	87.5	—	87.9
97-108	87.7	88.6	—	—	87.6	—	87.9
109-120	87.5	87.2	...	—	87.5	...	87.5
121-144	87.2	87.7	—	—	87.2	...	87.2
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence ^d	**	**	**	**	**	**	**

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. 93.
 Note: Of the 29,080 first releases by standard methods, 28,124 were new law and 956 were old law.
 —Too few cases to obtain statistically reliable data.
 ...No cases of this type occurred within the data.
 **As of fiscal year 1997 new law inmates who were sentenced to more than 139 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 6.11, p. 87.

^aSentence for the single most serious offense.
^bSee *Chapter notes*, item 4, p. 93, and "Offense classifications" in *Methodology*, p. 95.
^cThe interval includes days up through the upper bound and days to upper bound of the previous interval.
^dLife sentence served is based on a life sentence set equal to 470 months, the average life expectancy of a male Federal prisoner with an average age of 32.

Table 6.15. Characteristics of first releases from prison, by offense, all releases, October 1, 1996 - September 30, 1997

Offender characteristic	Total number of released offenders	Percent of released offenders convicted of*—						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
All cases								
Number of releases	31,894	31,894	1,793	4,833	1,217	13,292	584	9,873
Sex								
Male	28,385	89.2%	93.8%	78.8%	85.8%	88.7%	87.2%	94.6%
Female	3,443	10.8	6.2	21.2	14.2	11.3	12.8	5.4
Race								
White	23,262	73.1%	53.1%	68.0%	63.0%	69.8%	76.7%	84.7%
Black	7,598	23.9	32.6	27.0	30.2	28.8	20.5	13.6
Other	968	3.0	14.3	4.9	6.8	1.4	2.7	1.7
Ethnicity								
Hispanic	11,926	37.5%	7.4%	10.6%	6.7%	37.3%	19.5%	61.4%
Non-Hispanic	19,902	62.5	92.6	89.4	93.3	62.7	80.5	38.6
Age								
16-18 years	221	0.7%	2.1%	0.1%	0.9%	0.4%	0.9%	1.1%
19-20 years	1,393	4.4	6.3	1.5	5.3	4.6	5.1	4.9
21-30 years	12,264	38.5	41.1	25.6	32.6	39.1	28.8	45.2
31-40 years	10,046	31.6	32.8	31.4	31.6	32.9	28.1	29.9
Over 40 years	7,904	24.8	17.7	41.4	29.5	23.0	37.2	18.9
Citizenship								
U.S. citizen	19,923	63.3%	96.4%	83.7%	93.2%	68.1%	83.7%	35.9%
Not U.S. citizen	11,555	36.7	3.6	16.3	6.8	31.9	16.3	64.1
New law cases								
Number of releases	30,898	30,898	1,566	4,729	1,189	12,867	568	9,683
Sex								
Male	27,426	88.9%	93.1%	78.5%	85.6%	88.4%	87.0%	94.6%
Female	3,414	11.1	6.9	21.5	14.4	11.6	13.0	5.4
Race								
White	22,521	73.0%	53.2%	67.6%	62.6%	69.4%	76.4%	84.8%
Black	7,380	23.9	31.6	27.4	30.5	29.2	21.0	13.5
Other	939	3.0	15.2	5.0	6.9	1.4	2.6	1.7
Ethnicity								
Hispanic	11,704	38.0%	7.0%	10.8%	6.6%	37.3%	19.7%	62.3%
Non-Hispanic	19,136	62.0	93.0	89.2	93.4	62.7	80.3	37.7
Age								
16-18 years	218	0.7%	2.2%	0.1%	0.9%	0.4%	0.9%	1.1%
19-20 years	1,386	4.5	6.9	1.6	5.5	4.8	5.3	5.0
21-30 years	12,068	39.1	40.7	26.1	33.3	39.9	29.0	45.7
31-40 years	9,698	31.4	32.0	31.7	31.6	32.7	28.0	29.8
Over 40 years	7,470	24.2	18.1	40.5	28.7	22.2	36.8	18.3
Citizenship								
U.S. citizen	19,100	62.6%	96.2%	83.5%	93.4%	68.0%	83.8%	34.9%
Not U.S. citizen	11,396	37.4	3.8	16.5	6.6	32.0	16.3	65.1

Note: Totals include prisoners whose offense category could not be determined; see *Chapter notes*, items 4-7, p. 93. Percentages in this table are based on nonmissing characteristics.

*See *Chapter notes*, item 4, p. 93, and "Offense classifications" in *Methodology*, p. 95.

Table 6.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics, October 1, 1996 - September 30, 1997

Offender characteristic	Number of prisoners released	Mean time served for*—						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
All cases								
All prisoners	29,080	28.8 mo	53.8 mo	14.9 mo	17.0 mo	42.5 mo	17.9 mo	17.9 mo
Sex								
Male	25,953	29.7 mo	55.4 mo	15.8 mo	18.2 mo	43.5 mo	18.7 mo	18.2 mo
Female	3,064	20.9	29.6	11.3	9.6	33.7	12.1	12.6
Race								
White	21,232	26.3 mo	55.4 mo	15.3 mo	18.3 mo	40.4 mo	18.1 mo	15.5 mo
Black	6,857	37.0	59.0	14.1	15.2	47.4	17.3	32.8
Other	928	25.5	36.0	12.9	12.3	39.9	17.8	21.5
Ethnicity								
Hispanic	11,256	23.9 mo	58.6 mo	12.3 mo	20.8 mo	40.8 mo	16.6 mo	12.2 mo
Non-Hispanic	17,761	31.9	53.4	15.2	16.6	43.5	18.3	27.3
Age								
16-18 years	211	21.9 mo	40.7 mo	10.8 mo	12.7 mo	37.3 mo	27.2 mo	9.7 mo
19-20 years	1,305	25.0	40.5	10.4	16.8	37.8	19.1	10.9
21-30 years	11,276	28.0	54.7	12.0	16.0	41.4	18.5	16.3
31-40 years	9,044	30.5	59.2	14.2	17.1	43.4	20.8	20.0
Over 40 years	7,181	28.7	47.7	17.3	17.8	44.2	15.0	20.6
Citizenship								
U.S. citizen	17,675	32.9 mo	54.6 mo	15.5 mo	17.1 mo	42.9 mo	18.8 mo	28.4 mo
Not U.S. citizen	11,010	22.5	35.4	12.5	14.5	42.1	14.1	12.3
New law cases								
All prisoners	28,124	26.7 mo	41.8 mo	14.3 mo	15.7 mo	40.7 mo	16.5 mo	16.9 mo
Sex								
Male	25,031	27.4 mo	42.8 mo	15.2 mo	16.8 mo	41.6 mo	17.1 mo	17.1 mo
Female	3,037	20.5	27.8	11.1	9.4	33.3	11.9	12.1
Race								
White	20,524	24.2 mo	43.9 mo	14.7 mo	16.4 mo	38.2 mo	16.4 mo	14.5 mo
Black	6,645	34.9	44.5	13.8	15.0	46.4	17.2	31.3
Other	899	22.5	28.3	12.3	12.1	38.3	14.7	19.8
Ethnicity								
Hispanic	11,047	22.6 mo	41.9 mo	11.9 mo	18.4 mo	38.9 mo	15.5 mo	11.9 mo
Non-Hispanic	17,021	29.3	41.7	14.6	15.5	41.8	16.7	25.2
Age								
16-18 years	208	20.6 mo	33.7 mo	10.8 mo	12.7 mo	37.3 mo	27.2 mo	9.8 mo
19-20 years	1,298	24.4	35.5	10.4	16.8	37.5	19.1	10.9
21-30 years	11,085	26.4	41.9	11.9	15.7	40.4	17.0	15.9
31-40 years	8,707	27.9	45.7	13.8	16.2	41.1	18.8	18.4
Over 40 years	6,770	26.1	37.6	16.4	14.9	41.2	13.8	18.5
Citizenship								
U.S. citizen	16,883	30.0 mo	42.3 mo	14.8 mo	15.9 mo	40.9 mo	17.2 mo	26.0 mo
Not U.S. citizen	10,859	21.7	29.0	12.3	13.7	40.6	13.4	12.1

Note: Totals include prisoners whose offense category could not be determined, and exclude prisoners released by extraordinary means such as commutation and death; see *Chapter notes*, items 4-7, p. 93.

*See *Chapter notes*, item 4, p. 93, and "Offense classifications" in *Methodology*, p. 95.

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) Table 6.1 was created using the probation, parole, and supervision data files of the Federal Probations Supervision Information System (FPSIS), which is maintained by the AOUSC. Year end pending cases (that is, records with offenders who were under active supervision as of the end of the fiscal year, September 30, 1997) were selected.

Corporate defendants were excluded from table 6.1.

3) Tables 6.3-6.8 were created using the FPSIS data files as well. Only records with one or more terminations of active supervision during October 1, 1996, through September 30, 1997, 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 6.3-6.8.

4) Table 6.9-6.16 were created from the Federal Bureau of Prisons (BOP) data files.

Tables 6.9 and 6.10 show sentenced prisoners in the custody of the BOP at the end of fiscal year 1997. Tables 6.11-6.16 include only prisoners committed by U.S. district courts or released by the BOP during fiscal year 1997.

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 1997, 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 6.9-6.16 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.

Table 6.11 distinguishes between standard and extraordinary methods of release from prison. "Standard" releases include the usual methods of exiting from prison, such as full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole. Extraordinary releases are unusual exits from prison, such as death, commutation, and transfer to another facility.

6) Tables 6.11-6.16 include only prisoners committed by U.S. district courts and released by the BOP during fiscal year 1997. 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 6.9, 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 6.11-6.16, as were other persons admitted to Federal prison but not committed from a U.S. district court.

7) In tables 6.11-6.16, 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 6.12 and 6.14) is the average of each individual prisoner's percent of sentence served. Because other publications may include different groups of prisoners, calculate time served differently, or use a different offense classification, data in tables in this *Compendium* may differ from estimates of time served in previous publications by

the BOP or in publications based on other data sources.

Time served, as reported in tables 6.11-6.16 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 6.12-6.14 and 6.16 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 6.9 shows all persons admitted to, or released from, the jurisdiction of the BOP during fiscal year 1997. Prisoners counted in this column are the same as prisoners included in tables 6.11, 6.12, and 6.13. Table 6.9 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 6.9 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 Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, the United States Sentencing Commission, and the U.S. Bureau of Prisons. The Administrative Office of the U.S. Courts also maintains the data collected by the Pretrial Services Agency, the U.S. Court of Appeals, and the U.S. Probation Service. Federal law prohibits the use of these files for any purposes other than research or statistics. A description of the source agency data files is provided in the table at the end of this section.

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

Reporting period

Wherever possible, matters or cases have been selected according to some event which occurred during fiscal year 1997 (October 1, 1996, through September 30, 1997). 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 1997 in this *Compendium* have been assembled from source files containing records of 1997 matters

concluded which were entered into the data system during fiscal years 1997 or 1998.

Availability of data items

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

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

Table construction and interpretation

The tables presented report events that occurred during the Federal fiscal year — October 1, 1995 - September 30, 1996. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention or tables showing defendants sentenced to incarceration. Juvenile offenders are included in the reported statistics.

Unit of analysis

The unit of analysis in chapters 1 through 5 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 6, 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.*

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

*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.

in the tables. Offense categories for prisoners in chapter 6 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 6, but may not be directly comparable.

Felony/misdemeanor distinctions

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

Felonies

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

Class B felony — 25 years or more.

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

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

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

Misdemeanors

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

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

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

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

In this *Compendium*, felony and misdemeanor distinctions are provided where the data permit these distinctions. Chapter 1 does not use this distinction because many suspects cannot be so classified at the investigation stage in the criminal justice process. Chapter 2 no longer reports this distinction because the Pretrial Services Agency no longer gathers

this information. Chapters 3 and 4 distinguish between felony and misdemeanor offenses, as do tables 6.1–6.6. Tables 6.7–6.11 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 1, 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 2, the major charged offense is based upon the Administrative Office's offense severity classification system, as determined by the pretrial officer responsible for the case. To select this offense, the officer ranks offenses according to severity based on maximum imprisonment, type of crime, and maximum fines. In chapter 3, the most serious offense charged is the one that has the most severe potential sentence. For chapter 4, conviction offenses are based on statutory maximum penalties. In chapter 5, offenses are classified by the offense of conviction. In tables 6.1–6.6, 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 6.7–6.13, prisoners are classified according to the offense which bears the longest single incarceration sentence.

Offense categories

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

"Murder" includes nonnegligent manslaughter.

"Other sex offenses" may include some nonviolent offenses.

"Fraud" excludes tax fraud.

"Larceny" excludes transportation of stolen property.

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

"Tax law violations" includes tax fraud.

"Obscene material" denotes the mail or transport thereof.

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

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

"Drug possession" also includes other drug misdemeanors.

Figure S.2.

Figure S.2. uses data from the Executive Office for U.S. Attorneys to provide an overview of case processing in the Federal criminal justice system. The figure uses data from two separate cohorts of persons involved in criminal proceedings. The data on suspects in criminal matters concluded and defendants prosecuted come from the cohort of suspects in matters concluded during October 1, 1996, through September 30, 1997. (The filing of charges in a criminal case is one conclusion of a matter; the other is the declination of the matter for prosecution.) For the other three outcomes in figure S.2. — offenders convicted, sentenced to prison, or given a term of probation — the data come from the cohort of defendants in cases terminating during fiscal year 1997 in U.S. district courts (by either a judge or a magistrate).

A total of 99,459 suspects were investigated in matters concluded by U.S. attorneys during 1997 (table 1.2).

Sixty-seven percent of these suspects were prosecuted in U.S. district court, either before U.S. district court judges (60,383/99,459 = 60.7%) or before U.S. magistrates (10,007/99,459 = 10.1%). The conviction data in figure S.2. refer to defendants in cases terminated in U.S. district court during 1997, whether before U.S. district court judges or U.S. magistrates. Fifty-seven percent (56,570/99,459) of the defendants in cases terminating during 1997 were convicted (table 3.2).

Of the defendants investigated, 40% (39,431/99,459) were reported as sentenced to a term of imprisonment, and 13% (12,801/99,459) were sentenced to a term of probation without imprisonment (table 4.2). These figures are based on all charges, whether they eventually were felony or misdemeanor offenses.

Source agencies for *Compendium* data tables

Data source agency — data files	Description of data files contents	<i>Compendium</i> tables
Executive Office for U.S. Attorneys (EOUSA) — Central System and Central Charge Files	Contains information on the investigation and prosecution of suspects in criminal matters received and concluded, criminal cases filed and terminated, and criminal appeals filed and handled by U.S. attorneys. The central system files contain defendant-level records about the processing of matters and cases; the central charge files contain the records of the charges filed and disposed in criminal cases. Data are available on matters and cases filed, pending, and terminated.	Prosecution: 1.1, 1.2., 1.3., 1.4, 1.5
AOUSC: Pretrial Services Agency (PSA) — Pretrial Services Act Information System	Contains data on defendants interviewed, investigated, or supervised by pretrial services. The information covers defendants' pretrial hearings, detentions, and releases from the time they are interviewed through the disposition of their cases in district court.	Pretrial release: 2.1, 2.2., 2.3., 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10 Adjudication: 3.5 (defendant characteristics) Sentencing: 4.4, 4.5, 4.6 (defendant characteristics)
Administrative Office of the U.S. Courts (AOUSC) — Criminal Termination Files	Contains information about the criminal proceedings against defendants whose cases were filed in U.S. district courts. Includes information on felony defendants, Class A misdemeanants — whether handled by U.S. district court judges or U.S. magistrates — and other misdemeanants provided they were handled by U.S. district court judges. The information in the data files cover criminal proceedings from case filing through disposition and sentencing. Data are available on criminal defendants in cases filed, pending, and terminated.	Adjudication: 3.1, 3.2, 3.3, 3.4, 3.5 Sentencing: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6
United States Sentencing Commission (USSC) — Monitoring Data Base	Contains information on criminal defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984. It is estimated that more than 90% of felony defendants in the Federal criminal justice system are sentenced pursuant to the SRA of 1984. Data files are limited to those defendants whose records have been obtained by the U.S. Sentencing Commission.	Adjudication: 3.5 (defendant characteristics) Sentencing: 4.4, 4.5, 4.6 (defendant characteristics)
AOUSC: Court of Appeals	Contains information on criminal appeals filed and terminated in U.S. Courts of Appeals. Records of appeals filed, pending, or terminated include information on the nature of the criminal appeal, the underlying offense, and the disposition of the appeal.	Appeals: 5.1, 5.2, 5.3, 5.4, 5.5
AOUSC — Federal Probation and Supervision Information System (FPSIS)	Contains information about supervisions provided by probation officers for persons placed on probation or supervised release from prison. The files contain records of individuals entering, or currently on supervision, as well as records of offenders terminating supervision.	Corrections: 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8
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.	Corrections: 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16

Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

described (18 U.S.C. § 3553(b); U.S.S.G. § 5K2.0). (See also, "Substantial assistance.")

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

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

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

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

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

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

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

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

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

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

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

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

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

Failure to appear — willful absence from any court appointment.

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

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

Compendium, each defendant in a case is counted separately, and only the most serious alleged offense is considered.

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

First release — in this *Compendium*, prisoners who are released from the Bureau of Prisons for the first time after their commitment by a U.S. district court (i.e., excludes offenders who are returned to prison after their first release, such as probation, parole, etc.).

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

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

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

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

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

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

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

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

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

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

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

Homicide — see "Murder."

Immigration offenses — offenses involving illegal entrance into the United

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

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

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

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

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

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

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

Intermittent confinement — a form of commitment, in a prison or jail, either as a substitute for imprisonment or as a condition of probation. Under the Federal sentencing guidelines, intermittent confinement may be a substitute for imprisonment (each 24 hours of intermittent confinement is credited as 1 day of incarceration) for defendants with a guideline maximum

of less than 16 months imprisonment. (*See also*, U.S.S.G. § 5C1.1.)

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

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

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

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

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

Larceny — the act of taking and carrying away any personal property of another with intent to steal or convert it to one's own use or gain. Includes stealing, possessing or illegally selling

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

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

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

Mailing or transportation of obscene materials — a violation of Federal law relating to knowingly using the mail for mailing obscene or

crime-inciting matter, as defined in 18 U.S.C. § 1461 and 39 U.S.C. § 3001(e). Also includes transporting for sale or distribution, importing, or transporting any obscene matter in interstate or foreign commerce. (See also, 18 U.S.C. §§ 1462-63.)

Major offense (while on conditional release) — allegation, arrest, or conviction of a crime for which the minimum sentence is incarceration for over 90 days or greater than 1 year on probation. (See also, *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. (See also, "Split sentence.")

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

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

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

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

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

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

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

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

Parole — period of supervision after release from custody before the expiration of sentence. The U.S. Parole Commission is empowered to grant, modify or revoke the parole of all Federal offenders. Pursuant to the Sentencing Reform Act of 1984, parole was abolished and defendants are

required to serve the imposed sentence (less 54 days per year good-time for sentences greater than 1 year, but not life imprisonment), followed by a term of supervised release. Because of the number of Federal inmates sentenced under pre-Sentencing Reform provisions, parole is being phased out.

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

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

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

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

Pornographic — that which is of or pertaining to obscene literature; obscene, licentious. Material is pornographic or obscene if the average person, applying contemporary community standards, would find that the work taken as a whole appeals to the prurient interest; and if it depicts in a patently offensive way sexual conduct; and if the work taken as a whole

lacks serious literary, artistic, political, or scientific value. (See *Milla v. California*, 113 U.S. 15 (1973).)

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

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

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

Presentment — an accusation initiated by the grand jury itself, and in effect, an instruction that an indictment be drawn.

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

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

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

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

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

Property offenses, other — offenses that involve the destruction of property moving in interstate or foreign commerce in the possession of a common or contract carrier. Includes the malicious destruction of Government property, or injury to U.S. postal property such as mailboxes or mailbags. Trespassing on timber and Government lands is also included in this category of offenses (*for example*, 2

U.S.C. § 167(c)(g); 15 U.S.C. § 1281; 16 U.S.C. §§ 3, 45(d), 114, 121, 123, 152, 430(q), 433, 470, 478, 481, 551, and 605; 18 U.S.C. §§ 1164, 1361-62, 1364, 1852, 1854, 1856, 1858, 1860, 1863, 1864(c), and 2071(b); 40 U.S.C. §§ 193 (h)(q)(r)(s); 43 U.S.C. § 316; and 47 U.S.C. §§ 13 and 22).

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

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

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

Racketeering and extortion — racketeering is demanding, soliciting, or receiving anything of value from the owner, proprietor or other person having a financial interest in a business, by means of a threat or promise, either express or implied. Extortion is the obtaining of money or property from another, without his consent, induced by the wrongful use of force or fear. This offense code covers using interstate or foreign commerce or any facility in interstate or foreign commerce to aid racketeering enterprises

such as arson, bribery, gambling, liquor, narcotics, prostitution, and extortionate credit transactions; obtaining property or money from another, with his or her consent induced by actual or threatened force; violence, blackmail, or committing unlawful interference with employment or business; transmitting by interstate commerce or through the mail any threat to injure the property, the person, or the reputation of the addressee or of another; or kidnaping any person with intent to extort. Applies to officers or employees of the United States, or anyone representing himself or herself as such (*for example*, 18 U.S.C. §§ 831, 872, 874, 875(b)(d), 877, 878(b), 892, 894, 1365(d), 1952-53, 1955-60, 1962-63).

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

Release

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

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

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

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

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

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

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

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

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

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

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

Sentencing Guidelines (Federal) — guidelines established by the United

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Trial conviction — conviction by judge or jury after trial.

True bill — an indictment.

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

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

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

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

Violent offenses — threatening, attempting, or actually using physical force against a person. Includes murder, negligent manslaughter, assault, robbery, rape, other sex offenses (some of which may be nonviolent),

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

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

