



Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 1994

Federal criminal case processing, 1994



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



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Contents

Highlights, 1

Introduction, 3

Organization of the *Compendium*

Modifications to the 1994 *Compendium*

Notes to reader

System overview, 5

Chapter 1: Prosecution, 9

U.S. attorney processing

Suspects in matters received

Suspects in matters concluded

Tables, 15

Chapter notes, 20

Chapter 2: Pretrial release, 21

Release procedures

Types of pretrial release

Factors relating to release or detention

Pretrial outcomes by offense categories

Pretrial outcomes across demographic groups

Tables, 27

Chapter notes, 36

Chapter 3: Adjudication, 37

Defendants in cases filed

Defendants in cases terminated

Case processing times

Characteristics of convicted defendants

Convictions by U.S. magistrates

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, 51

Chapter notes, 57

Chapter 5: Appeals, 59

Appeals filed

Appeals terminated

Tables, 63

Chapter notes, 68

Chapter 6: Corrections, 69

Supervision

Probation outcomes

Parole and supervised release outcomes

Entrants into supervision

Characteristics of offenders completing supervision

Federal offenders under supervision

Federal prisoners: First releases and time served

Admissions, releases, and standing population of Federal prisoners

Characteristics of Federal prisoners

Sentences imposed and time served until first release

Tables, 75

Chapter notes, 86

Methodology, 89

The Federal justice database

Table construction and interpretation

Offense classifications

Figure S.2.

Source agencies for *Compendium* data tables

Glossary, 93

Tables

Chapter 1: Prosecution, 15

October 1, 1993–September 30, 1994

- 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, 1993–September 30, 1994

- 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, 1993–September 30, 1994

- 3.1. Defendants in cases filed, by offense
- 3.2. Disposition of cases terminated, by offense
- 3.3. Time from filing to disposition of cases terminated
- 3.4. Characteristics of convicted offenders

- 3.5. Dispositions by U.S. magistrates

Chapter 4: Sentencing, 51

October 1, 1993–September 30, 1994

- 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, 63

October 1, 1993–September 30, 1994

- 5.1. Criminal appeals filed, by type of criminal case and offense
- 5.2. Criminal appeals filed and percent of convictions appealed, 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, 75

October 1, 1993–September 30, 1994

- 6.1. Outcomes of probation supervision, by offense
- 6.2. Characteristics of offenders terminating probation supervision
- 6.3. Outcomes of parole or supervised release, by offense
- 6.4. Characteristics of offenders terminating parole or supervised release
- 6.5. Supervision outcomes for offenders entering supervision, by type of release
- 6.6. Average time to first release and percent of sentence served, for prisoners released

- 6.7. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released
- 6.8. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released
- 6.9. Admissions and releases of Federal prisoners, by offense
- 6.10. First releases from prison, by offense and offense characteristics
- 6.11. Mean time served to first release from Federal prison, by offense and offender characteristics

Figures

Highlights, 1

October 1, 1993–September 30, 1994

Figure H.1. Number of defendants and drug defendants in cases terminating in U.S. district courts, 1982–94

Figure H.2. Percent of convicted defendants sentenced to prison and the average prison sentence imposed in months, by category of offense

System overview, 5

October 1, 1993–September 30, 1994

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

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

Prosecution, 9

October 1, 1993–September 30, 1994

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. magistrates

Pretrial release, 21

October 1, 1993–September 30, 1994

Figure 2.1. Type of release for defendants released prior to case disposition

Figure 2.2. Characteristics of defendants released prior to case disposition in U.S. district court

Appeals, 59

October 1, 1993–September 30, 1994

Figure 5.1. Outcomes of criminal appeals terminated

Corrections, 69

October 1, 1993–September 30, 1994

Figure 6.1. Violation rates of offenders under parole, probation, or supervised release, by type of violation

Figure 6.2. Violation rates of offenders completing parole, probation, or supervised release, by category of offense

Figure 6.3. Offenders who entered probation, parole, or supervised release and violated terms of supervision within 12 months, by type of supervision

Figure 6.4. Rate of violation of conditions of supervision, by age group

Figure 6.5. Rate of violation of conditions of supervision, by level of education

Over the past 12 years the increase in the number of drug prosecutions has dramatically changed the size and offense composition of the Federal criminal justice system.

The number of drug defendants in cases terminating in U.S. district courts grew from 8,987 during 1987 to 24,127 during 1993 before declining to 21,584 during 1994. As a percentage of all defendants, drug defendants grew from 21% in 1987 to over 35% during 1994.

Suspects prosecuted

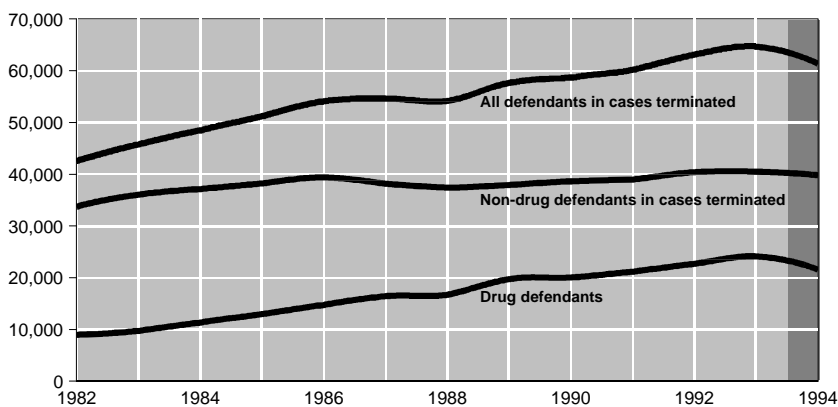
U.S. attorneys investigated 99,251 suspects in criminal matters and concluded investigations against 94,980 suspects during 1994. Of the suspects in criminal matters concluded, 53% were prosecuted in U.S. district court, about 10% were handled by U.S. magistrates, and 36% were declined for prosecution.

The likelihood that a suspect was prosecuted in U.S. district court during 1994 varied across major offense categories, with drug offenses being the most likely to be prosecuted (70%), while public-order and property offenses were the least likely (45% and 46%, respectively).

Similarly, the chances that a suspect was declined for prosecution varied across major offense categories, as well as within these categories. Property offenses were the most likely to be declined (48%) while drug offenses were the least likely (23%). Among public-order offenses, matters involving civil rights offenses were most likely to be declined for prosecution (95%).

Matters were declined for prosecution for a variety of reasons, such as weak evidence (21%) and lack of criminal intent (12%). However, not all suspects whose matters were declined by Federal prosecutors escaped prosecution. More than 25% of the suspects whose matters were declined for Federal prosecution were referred to other authorities for

The number of drug defendants has grown more rapidly (141%) than all other defendants in cases terminated in U.S. district courts (18%)



Note: Prior to 1994, data are based on a January 1 calendar year; starting with 1994, data are based on the Federal fiscal year of October 1 through September 30.

Figure H.1. Total number of defendants, non-drug defendants, and drug defendants in cases terminating in U.S. district courts, 1982–94

prosecution or had their matters resolved by alternative methods.

Pretrial outcomes

During 1994, 27,607 defendants were released prior to trial. This number constitutes more than half of all defendants (45,584) who terminated pretrial services during 1994. Of the defendants released, 15% violated the conditions of their release prior to going to trial and 5% had their release revoked.

The rates of release of defendants and the use of the several types of release varied among offense categories, with property offenders being the most likely to be released (84%) and violent offenders the least (38%). These rates also differed, sometimes quite dramatically, over certain defendant demographic characteristics.

During 1994, 26,299 defendants (58% of all defendants) were detained for all or part of the time prior to the disposition of their criminal case. Defendants charged with violent or drug offenses were more likely to be detained (80% and 74%, respectively) compared to those

charged with property offenses (27%).

Adjudication

Criminal charges were filed in U.S. district court against 62,327 defendants during 1994. More than 75% of the charges were for felony offenses and 33% were for drug offenses. Cases were terminated against 61,404 defendants during 1994, 77% of whom were felony defendants. Of defendants whose cases terminated during 1994, about 85% of felony defendants were convicted, regardless of offense category.

Of convicted offenders, 85% were men, 63% were white, 34% were black, 25% were Hispanic, and 78% were U.S. citizens. Most were over 31 years of age (59%) and the majority had completed high school or higher education (61%). Fewer than half (48%) had no prior convictions. These characteristics, however, varied among the offense types.

Sentencing outcomes

Of the 50,701 offenders sentenced during 1994, the majority (65%)

received a term of imprisonment. The likelihood of imprisonment varied across major offense categories, as did the average length of prison sentences imposed (figure H.3). Violent offenders, on average, received the longest prison term (90 months) while those convicted of property offenses received the shortest average prison sentence (26 months).

Of persons sentenced to prison, 85% were men, 63% were white, 34% were black, 25% were Hispanic, and 78% were U.S. citizens. Lengths of prison terms imposed varied with the offense severity and demographic characteristics, especially race and education.

Likelihood of imprisonment and length of sentence varied across categories

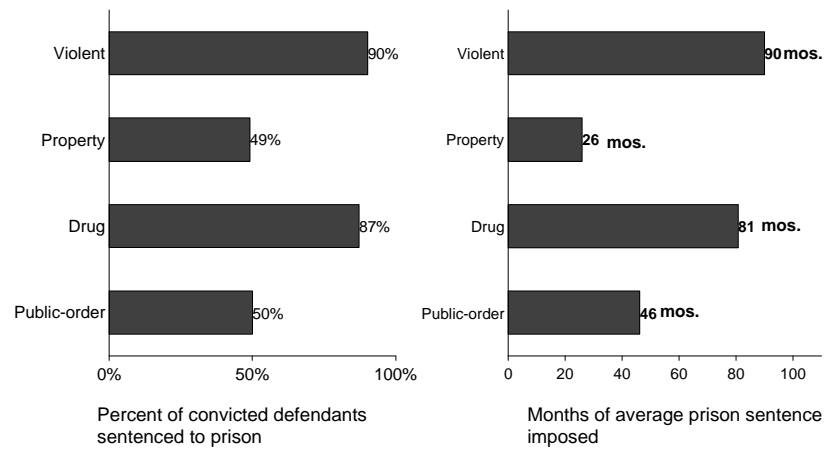


Figure H.2. Percent of convicted defendants sentenced to prison and the average prison sentence imposed in months, by category of offense, 1994

Criminal appeals

The U.S. Court of Appeals received 10,674 criminal appeals during 1994. Of the guidelines-based appeals, more than half (54%) were of both the sentence and conviction. The overall appeal rate varied significantly across offense categories. More than 77% of offenders convicted of murder and about 29% of those convicted of drug offenses filed an appeal. For other offense types, such as counterfeiting and embezzlement, the appeal rates were much lower. During 1994 a total of 11,708 appeals were terminated, of which 9,265 (or 79%) were terminated on the merits. Of the appeals terminated on the merits, the decision of the district court was affirmed, at least in part, in 7,936 (or 86%) cases.

Corrections

During 1994, 20,185 offenders completed 1 or more terms of active probation, and 19,187 offenders completed terms of either parole or supervised release. Offenders completing probation were more likely to conclude their term of supervision without a violation (80%) than offenders completing terms of parole or supervised release (56%). Offenders completing probation were most likely

to be sentenced for a misdemeanor offense (43%) while those completing parole or supervised release were most likely to be sentenced for a drug offense (43%).

During 1994, 28,069 prisoners were released for the first time from the custody of the Federal Bureau of Prisons (BOP) after serving an average of 25 months (89%) of their imposed sentence. An additional 12,264 prisoners were released from subsequent commitments, for a total of 40,333 prisoners released. BOP received 44,341 prisoners into its facilities during 1994. Of the total increase in prisoners (4,008), the largest were drug (2,539) and public-order offenders (1,538). The increase in public-order prisoners is primarily a reflection of an increase in weapons offenders.



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 data provided by the agencies are archived for public use at the National Archive of Criminal Justice Data (ICPSR 9296).

While each agency reports on those defendants it processed during a given year in an annual statistical report and because many of the case processing statistics reported vary across agencies, these annual statistical reports are often incomparable. 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 that the differences in reported statistics are attributable to:

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

BJS, through its Federal Justice Statistics Program, however, 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 the definitions used in the Federal Justice Statistics Program are consistent with those categories used in other BJS programs describing the defendants convicted, sentenced, and imprisoned at the State level, the comparison of Federal and State case processing statistics is facilitated.

The 1994 *Compendium*, ninth in a series which also includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, and 1993, 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, 1994 (the Federal fiscal year). Chapter 5 is new to the 1994 *Compendium*; future editions will incorporate additional data as the data become available.

Generally, the tables presented 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. Felony and misdemeanor distinctions are provided where possible (see "Table construction and interpretation" 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 contents of the *Compendium* include:

Chapter 1. This chapter describes decisions taken 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, any violations, and revocation), admissions to, and releases from Federal prison and time served by Federal inmates.

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

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

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

Modifications in the 1994 Compendium

This *Compendium* incorporates a number of modifications designed to improve the understanding of the Federal criminal justice system and to enhance comparability with other Federal criminal justice agencies' annual reports.

The reporting period was changed to reflect the Federal fiscal year — October 1 through September 30. This represents a departure from previous editions of the compendium and other BJS reports. The change to a fiscal year reporting period was made to facilitate the comparability of the compendium with the agencies' annual publications. (All of the agencies whose data are presented in this report publish an annual statistical report describing events occurring or reported, where applicable, between October 1 and September 30.)

In chapter 1, the tables describing defendants investigated and prosecuted by the U.S. attorneys were updated to distinguish between suspects in criminal matters from those in criminal appeals. Therefore, tables describing suspects investigated by the U.S. attorneys are not

directly comparable with prior years' compendia. However, included in the *Chapter notes* are tables describing criminal appeals handled by U.S. attorneys to facilitate that comparison.

In several tables included in chapter 2, the percentages reporting the type of pretrial release and method of pretrial detention were calculated from the base of defendants released or detained, where appropriate, rather than all defendants who terminated pretrial release or detention.

In chapter 3, a table describing defendants in criminal cases filed in U.S. district court was added. Additionally, the table describing defendants in cases handled by U.S. magistrates uses data provided by the Administrative Office of the U.S. Courts rather than the U.S. attorneys. The data provided by the U.S. attorneys includes a substantial number of fugitive criminal defendants whose cases were originally filed before a U.S. magistrate because the defendant crossed State boundaries to evade apprehension. Ultimately, these matters were dismissed by the U.S. attorney, and these defendants were prosecuted in State courts upon their apprehension and extradition.

A chapter on criminal appeals (chapter 5) was added in order to provide more complete coverage of the Federal criminal justice system.

Many of the tables in chapter 6 describing Federal prisoners were expanded to distinguish between defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984 ("new law") and the previous sentencing policies ("old law").

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 or

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, 1994

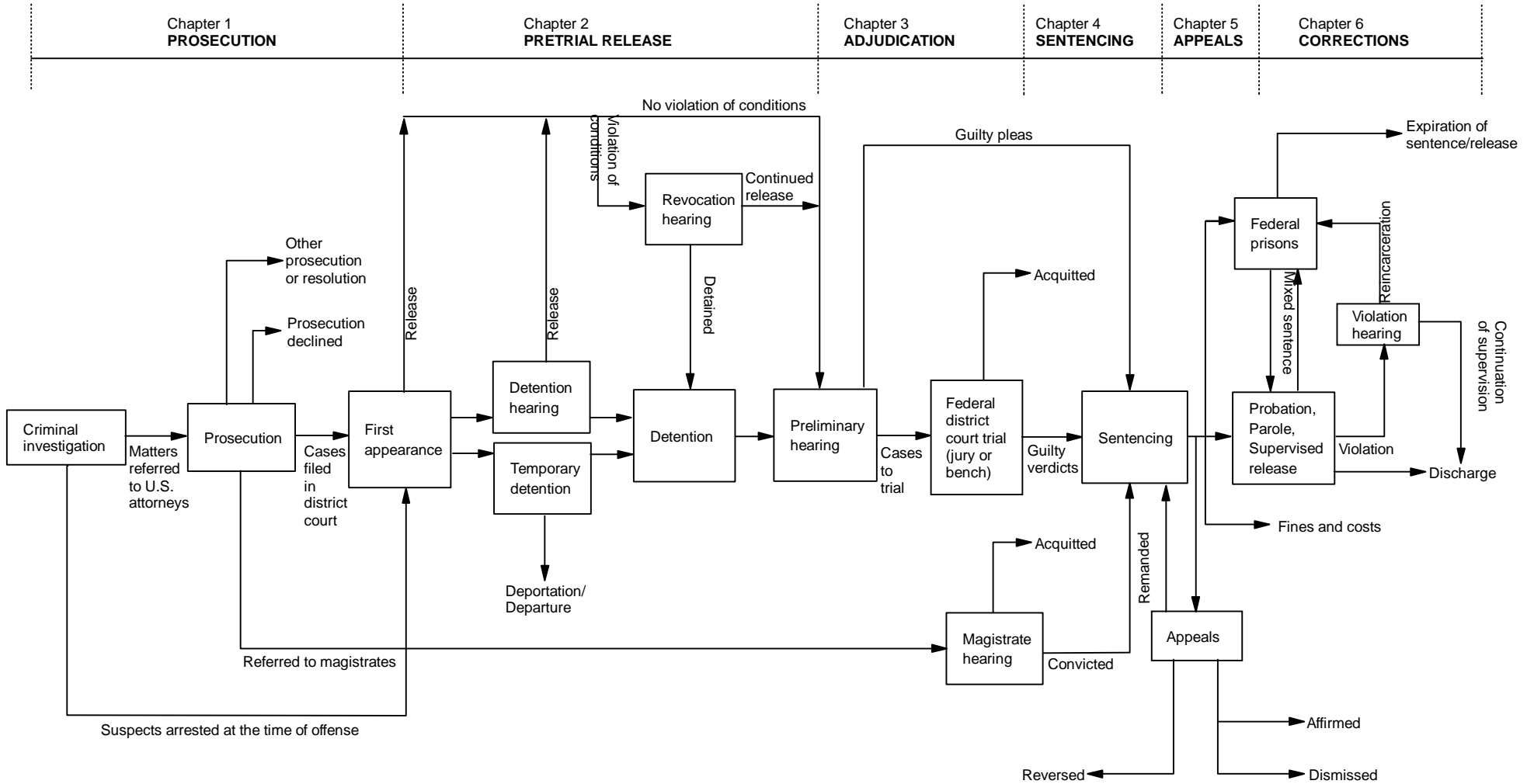
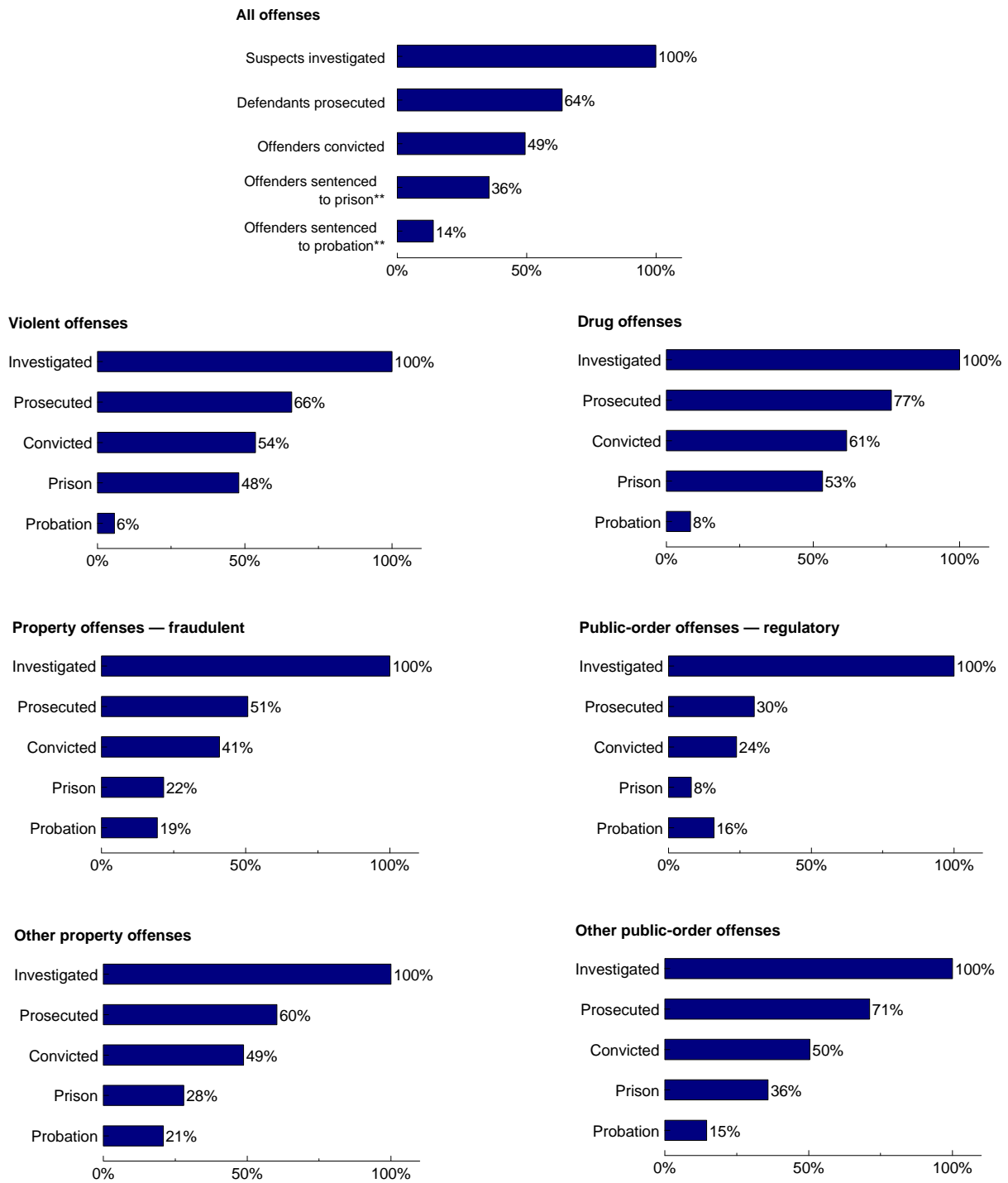


Figure S.1.

Federal criminal case processing, October 1, 1993–September 30, 1994

in matters concluded by U.S. attorneys*



*Note: See "Figure S.2" in methodology, p.89.

**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

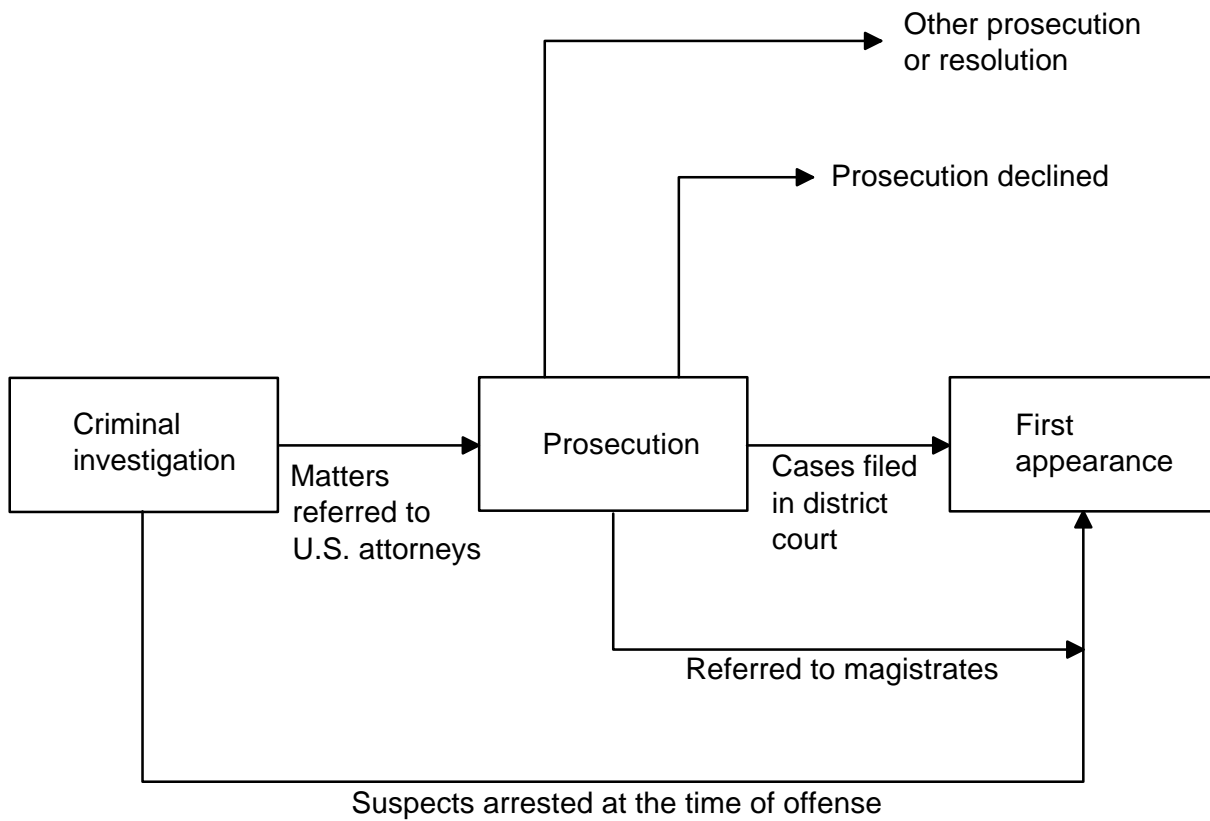
Tables

October 1, 1993–September 30, 1994

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

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.

Investigations are most commonly referred to a U.S. attorney by the Criminal Division, 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), 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 investigated, at least in part, by U.S. attorneys.

U.S. attorney processing

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 Federal offense or criminal intent. Matters that are declined may be referred to another authority for prosecution or be settled through alternative resolution procedures. The U.S. attorney may also file a case before a U.S. magistrate. U.S. magistrates have the authority to adjudicate misdemeanor offenses (18 U.S.C. § 3401). Because of the relatively less serious nature of these cases, and because they are handled by magistrates, the U.S. attorneys count these cases as criminal matters disposed by U.S. magistrates.

U.S. attorneys select offenses for prosecution at different rates. In the aggregate, there is little difference between the distribution of offenses in matters received and matters concluded during 1994. The similarity masks the differences in selection. In general, violent and drug offenses are more likely to be prosecuted before U.S. district court judges than

Drug and violent suspects were more likely to be prosecuted than property and public-order suspects

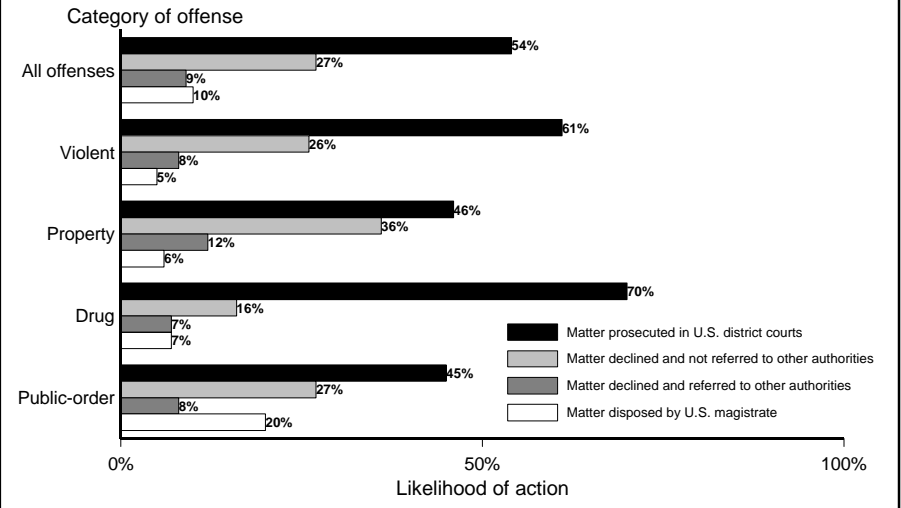


Figure 1.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate, October 1, 1993–September 30, 1994.

are property and public-order offenses. Violent and drug offenses are also less likely to be declined for prosecution than property or public-order offenses (figure 1.1). Further, those violent and drug offenses that are declined for prosecution are more likely to be referred to other prosecutions; or to be resolved through restitution, civil procedures, or administrative procedures; than are property and public-order offenses, weapons offenses excepted. Violent and drug offenses are more likely to be appealed than other offenses.

Differences between matters received and rates of prosecution may reflect a number of factors like prosecutorial priorities and laws governing each type of offense.

Suspects in matters received (table 1.1)

During 1994 there were 99,251 suspects in matters received by U.S. attorneys.¹ Of these suspects (table 1.1), about 33% were investigated for property offenses, 31% for public-order offenses, and 30% for drug offenses (table 1.1). Just under

6% of all suspects were investigated for violent crimes. The relative distribution of offenses during 1994 were comparable to those during 1993. Relative percentages of offenses reflect criminal activity as well as Federal investigative, prosecutorial, and statutory priorities. For example, during 1994 priority areas for prosecution by U.S. attorneys included violent crimes, narcotics prosecutions, organized crime, white collar crime, and civil rights.²

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 conduct further investigation, which can take from 1 hour to a few years. A matter may then be filed as a criminal case in a U.S. district court, referred to a U.S. magistrate, or declined for prosecution. Of the 94,980 suspects in criminal matters concluded during 1994, about 33% were investigated for property offenses, 31% for public-order offenses, 29% for drug

²Statistical Report, United States Attorneys' Offices, Fiscal Year 1994. U.S. Department of Justice, Executive Office for United States Attorneys, Washington, DC.

¹See Chapter notes, item 1, p.20. The 1994 data are not directly comparable to the 1993 or prior compendia.

offenses, and just under 6% were for violent offenses (table 1.2). Of the suspects in matters concluded, about 54% were prosecuted in U.S. district court, 10% were referred to U.S. magistrates, and 36% were declined for prosecution.³

Suspects prosecuted (table 1.2)—

The likelihood that a matter was prosecuted varied widely across offense categories during 1994. Drug and violent offenses were more likely to be prosecuted than property or public-order offenses. U.S. attorneys prosecuted approximately 70% of drug offenses, 61% of violent crimes, 46% of property offenses, and 45% of public-order offenses. Differences in rates of prosecution within specific categories can be substantial. For example, among violent offenses, 76% of robbery suspects were prosecuted while 57% of murder, 40% of rape, and 47% assault suspects were prosecuted. Among property offenses, counterfeiting was prosecuted at a much higher rate than fraud (69% compared to 44%), and among public-order offenses, tax law violations were more likely to be prosecuted than bribery (63% versus 48%).

Suspects in matters declined (tables 1.2–1.4) — As with the decision to prosecute a case, the likelihood that a matter is declined for prosecution varies across offense categories. Violent offenses are less likely to be declined for prosecution (34%) than property offenses (48%) but more likely than drug offenses (23%). Public-order offenses are only slightly more likely to be declined for prosecution than violent offenses (36% compared to 34%).

Suspects accused of civil rights violations were most likely to have their matters declined for prosecution (95%). Immigration offenses were the least likely (6%) of all offenses to be declined for prosecution. Most civil rights cases were declined be-

cause of weak evidence (30%) or departmental policy (26%), although a number were also declined due to the absence of a Federal offense (11%) and lack of criminal intent (12%) (not shown in a table).

The decision to decline prosecution is based on a number of factors, including the lack of a prosecutable offense, alternative resolution, or case- and suspect-related reasons (table 1.3). Of the 34,424 declinations during 1994, 20% were declined because there was no crime or criminal intent was lacking; 25% were declined because of case-related reasons, mostly due to weak evidence (22%); and another 25% were declined for other reasons, such as minimal Federal interest (6%) or U.S. attorney policy (5%).

The U.S. attorneys also reported that 2,314 cases (7%) were declined due to lack of resources. Over a third of these declinations were fraud cases and almost a fifth were drug offenses. Additionally, 177 racketeering and extortion cases, 133 weapons cases, and 113 embezzlement cases were declined due to lack of resources (not shown in a table).

Not all suspects whose matters are declined for prosecution avoid prosecution. Approximately 20% of the matters declined for prosecution by U.S. attorneys were referred to another authority for prosecution. An additional 6% were settled through alternative resolution procedures (table 1.4). Almost 33% of suspects in drug matters declined for prosecution were referred or handled in other prosecutions, as were 21% of suspects in violent offenses, 18% of public-order suspects, and 16% of property offense suspects. Within major offense categories, specific offenses were referred for prosecution by other authorities at different rates. For example, about 33% of robbery and kidnaping suspects were handled in other prosecutions compared to 12% of rapes. Within the property offense category, more than 33% of persons involved in motor vehicle thefts or burglaries were referred to

other authorities for prosecution, compared to 11% of suspects in fraud offenses.

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

Cases referred to U.S. magistrates are, by statute, misdemeanors. Overall, U.S. magistrates disposed of about 10% of all criminal matters originally handled by U.S. attorneys. For most offenses, the likelihood that a U.S. magistrate concluded the matter is also low. Exceptions include suspects in the escape and immigration offense categories. Fifty-eight percent of matters involving escape offenses and 42% of those involving immigration offenses were concluded by U.S. magistrates. Together, these two categories accounted for 45% of the 9,754 matters concluded by U.S. magistrates.

Most of the escape violations are against defendants who have absconded to avoid prosecution in State courts. 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 comparatively high rates of referral to U.S. magistrates include assault (14%), regulatory food and drug offenses (15%), postal law violations (28%), and conspiracy, aiding and abetting; traffic; and jurisdictional offenses (35%).

Processing times (table 1.5) — The time to process matters varies with the outcome of a matter. Matters concluded by U.S. magistrates in which the suspect was convicted took the least amount of time — an average of 1.8 months. Matters ultimately declined for prosecution by U.S. attorneys took the longest amount of time — an average of almost 17 months. Matters prosecuted in U.S. district court generally fell between these extremes. While the average processing time for a conviction by a U.S. magistrate was 1.8 months, at least 50% of those convictions occurred in about 3 days. Similarly, 50% of the matters declined for prosecution were declined in fewer than 13 months.

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

Overall, suspects in violent and drug offenses were processed more quickly than suspects in other types of offenses. For key decisions, such as whether to file a case or decline a matter for prosecution, suspects in matters involving violent offenses were processed more quickly than those in matters involving drug offenses. At an average of 14 months, fraudulent property offenses took longer to process than other offenses.

Table 1.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 1993–September 30, 1994

Most serious offense investigated ^a	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent ^b
All offenses^c	99,251	100 %
Violent offenses	5,570	5.7%
Murder/manslaughter ^d	328	0.3
Assault	1,210	1.2
Robbery	2,852	2.9
Rape	568	0.6
Other sex offenses ^d	220	0.2
Kidnaping	273	0.3
Threats against the President	119	0.1
Property offenses	32,579	33.2%
Fraudulent	28,491	29.0%
Embezzlement	4,603	4.7
Fraud ^d	21,805	22.2
Forgery	1,789	1.8
Counterfeiting	294	0.3
Other	4,088	4.2%
Burglary	74	0.1
Larceny	1,794	1.8
Motor vehicle theft	976	1.0
Arson and explosives	648	0.7
Transportation of stolen property	131	0.1
Other property offenses ^d	465	0.5
Drug offenses	29,311	29.9%
Public-order offenses	30,665	31.3%
Regulatory	5,059	5.2%
Agriculture	392	0.4
Antitrust	55	0.1
Food and drug	164	0.2
Transportation	274	0.3
Civil rights	2,016	2.1
Communications	131	0.1
Custom laws	306	0.3
Postal laws	259	0.3
Other regulatory offenses	1,462	1.5
Other	25,606	26.1%
Weapons	5,996	6.1
Immigration offenses	5,526	5.6
Tax law violations ^d	1,473	1.5
Bribery	574	0.6
Perjury, contempt, and intimidation	631	0.6
National defense	289	0.3
Escape	4,355	4.4
Racketeering and extortion	3,597	3.7
Gambling	227	0.2
Liquor offenses	15	—
Obscene material ^d	39	—
Migratory birds	132	0.1
Conspiracy, aiding and abetting, traffic, and jurisdictional	2,444	2.5
All other offenses	308	0.3
Unknown or indeterminable offense	1,126	

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. 89.

^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 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.

Table 1.2. Disposition of suspects in matters concluded, by offense, October 1, 1993–September 30, 1994

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	94,980	50,802	34,424	9,754	100%	53.5%	36.2%	10.3%
Violent offenses	5,339	3,256	1,819	264	100%	61.0%	34.1%	4.9%
Murder/manslaughter ^d	345	198	136	11	100	57.4	39.4	3.2
Assault	1,112	528	433	151	100	47.5	38.9	13.6
Robbery	2,737	2,075	585	77	100	75.8	21.4	2.8
Rape	548	221	323	4	100	40.3	58.9	0.7
Other sex offenses ^d	263	93	165	5	100	35.4	62.7	1.9
Kidnaping	234	111	112	11	100	47.4	47.9	4.7
Threats against the President	100	30	65	5	100	30.0	65.0	5.0
Property offenses	31,752	14,680	15,291	1,781	100%	46.2%	48.2%	5.6%
Fraudulent	28,038	12,683	13,819	1,536	100%	45.2%	49.3%	5.5%
Embezzlement	4,616	2,163	2,020	433	100	46.9	43.8	9.4
Fraud ^d	21,367	9,414	11,062	891	100	44.1	51.8	4.2
Forgery	1,823	946	679	198	100	51.9	37.2	10.9
Counterfeiting	232	160	58	14	100	69.0	25.0	6.0
Other	3,714	1,997	1,472	245	100%	53.8%	39.6%	6.6%
Burglary	66	37	28	1	100	56.1	42.4	1.5
Larceny ^d	1,851	1,061	649	141	100	57.3	35.1	7.6
Motor vehicle theft	793	477	292	24	100	60.2	36.8	3.0
Arson and explosives	590	244	326	20	100	41.4	55.3	3.4
Transportation of stolen property	110	59	51	0	100	53.6	46.4	0
Other property offenses ^d	304	119	126	59	100	39.1	41.4	19.4
Drug offenses	27,697	19,427	6,449	1,821	100%	70.1%	23.3%	6.6%
Public-order offenses	29,604	13,195	10,571	5,838	100%	44.6%	35.7%	19.7%
Regulatory	4,990	1,297	3,495	198	100%	26.0%	70.0%	4.0%
Agriculture	370	132	213	25	100	35.7	57.6	6.8
Antitrust	62	34	28	0	100	54.8	45.2	0
Food and drug	189	98	63	28	100	51.9	33.3	14.8
Transportation	235	83	152	0	100	35.3	64.7	0
Civil rights	1,916	88	1,827	1	100	4.6	95.4	0.1
Communications	131	27	104	0	100	20.6	79.4	0
Custom laws	349	154	187	8	100	44.1	53.6	2.3
Postal laws	232	112	54	66	100	48.3	23.3	28.4
Other regulatory offenses	1,506	569	867	70	100	37.8	57.6	4.6
Other	24,614	11,898	7,076	5,640	100%	48.3%	28.7%	22.9%
Weapons	5,992	3,821	1,982	189	100	63.8	33.1	3.2
Immigration offenses	5,299	2,789	293	2,217	100	52.6	5.5	41.8
Tax law violations ^d	1,478	927	502	49	100	62.7	34.0	3.3
Bribery	666	320	325	21	100	48.0	48.8	3.2
Perjury, contempt, and intimidation	628	276	331	21	100	43.9	52.7	3.3
National defense	338	99	160	79	100	29.3	47.3	23.4
Escape	3,782	845	768	2,169	100	22.3	20.3	57.4
Racketeering and extortion	3,533	1,588	1,881	64	100	44.9	53.2	1.8
Gambling	340	168	171	1	100	49.4	50.3	0.3
Liquor offenses	8	2	6	0	100	25.0	75.0	0
Obscene material ^d	69	22	46	1	100	31.9	66.7	1.4
Migratory birds	119	34	53	32	100	28.6	44.5	26.9
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	2,252	962	501	789	100	42.7	22.2	35.0
All other offenses ^d	110	45	57	8	100	40.9	51.8	7.3
Unknown or indeterminable offense	588	244	294	50	100%	41.5%	50.0%	8.5%

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. 89.

^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.

^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.

Table 1.3. Basis for declination of prosecution by U.S. attorneys, October 1, 1993–September 30, 1994

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent ^a
Total declinations^b	34,424	100 %
No crime	6,917	20.1%
No true bill returned	38	0.1
No Federal offense	2,791	8.1
Lack of criminal intent	4,088	11.9
Referred or handled in other prosecution	6,897	20.0%
Removed	943	2.7
Prosecuted on other charges	1,633	4.7
Prosecuted by other authorities	4,321	12.6
Alternative resolution	2,089	6.1%
Restitution	166	0.5
Civil or administrative alternative	854	2.5
Pretrial diversion	1,069	3.1
Suspect-related reasons	1,079	3.1%
Suspect serving sentence	171	0.5
No known suspect	533	1.5
Suspect a fugitive	109	0.3
Suspect deceased	244	0.7
Suspect deported	22	0.1
Case-related reasons	8,684	25.2%
State case	370	1.1
Weak evidence	7,411	21.5
Statute of limitations exceeded	168	0.5
Jurisdiction or venue problems	329	1.0
Witness problems	406	1.2
All other reasons	8,747	25.4%
Minimal Federal interest	1,935	5.6
Petite policy	153	0.4
Lack of resources	2,314	6.7
Court policy	1	—
DOJ policy	33	0.1
U.S. attorney policy	630	1.8
Speedy trial act	1,534	4.5
Agency request	1,629	4.7
Juvenile suspect	74	0.2
Offender's health, age, prior record, or other personal circumstances	123	0.4
Suspect's cooperation	305	0.9
Motion hearings	16	—
Unknown or indeterminable reason	11	—

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.

^bIncludes 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, 1993–September 30, 1994

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	34,424	6,897	2,089	25,427	100%	20.0%	6.1%	73.9%
Violent offenses	1,819	387	60	1,371	100%	21.3%	3.3%	75.4%
Murder/manslaughter ^e	136	29	0	107	100	21.3	0	78.7
Assault	433	62	26	345	100	14.3	6.0	79.7
Robbery	585	196	3	386	100	33.5	0.5	66.0
Rape	323	37	4	282	100	11.5	1.2	87.3
Other sex offenses ^e	165	23	23	119	100	13.9	13.9	72.1
Kidnaping	112	36	0	76	100	32.1	0	67.9
Threats against the President	65	4	4	56	100	6.3	6.3	87.5
Property offenses	15,291	2,386	1,492	11,410	100%	15.6%	9.8%	74.6%
Fraudulent	13,819	2,051	1,365	10,400	100%	14.8%	9.9%	75.3%
Embezzlement	2,020	230	393	1,397	100	11.4	19.5	69.2
Fraud ^e	11,062	1,689	878	8,493	100	15.3	7.9	76.8
Forgery	679	111	93	474	100	16.4	13.7	69.9
Counterfeiting	58	21	1	36	100	36.2	1.7	62.1
Other	1,472	335	127	1,010	100%	22.8%	8.6%	68.6%
Burglary	28	13	1	14	100	46.4	3.6	50.0
Larceny ^e	649	122	71	456	100	18.8	10.9	70.3
Motor vehicle theft	292	107	5	180	100	36.6	1.7	61.6
Arson and explosives	326	69	2	255	100	21.2	0.6	78.2
Transportation of stolen property	51	12	1	38	100	23.5	2.0	74.5
Other property offenses ^e	126	12	47	67	100	9.5	37.3	53.2
Drug offenses	6,449	1,993	76	4,376	100%	30.9%	1.2%	67.9%
Public-order offenses	10,571	2,027	427	8,114	100%	19.2%	4.0%	76.8%
Regulatory	3,495	300	172	3,021	100%	8.6%	4.9%	86.5%
Agriculture	213	42	26	145	100	19.7	12.2	68.1
Antitrust	28	4	5	19	100	14.3	17.9	67.9
Food and drug	63	9	14	39	100	14.5	22.6	62.9
Transportation	152	19	11	122	100	12.5	7.2	80.3
Civil rights	1,827	70	31	1,725	100	3.8	1.7	94.5
Communications	104	10	2	92	100	9.6	1.9	88.5
Custom laws	187	28	21	138	100	15.0	11.2	73.8
Postal laws	54	7	12	35	100	13.0	22.2	64.8
Other regulatory offenses	867	111	50	706	100	12.8	5.8	81.4
Other	7,076	1,727	255	5,093	100%	24.4%	3.6%	72.0%
Weapons	1,982	584	30	1,367	100	29.5	1.5	69.0
Immigration offenses	293	37	13	243	100	12.6	4.4	82.9
Tax law violations ^e	502	78	28	396	100	15.5	5.6	78.9
Bribery	325	25	23	277	100	7.7	7.1	85.2
Perjury, contempt, and intimidation	331	43	13	275	100	13.0	3.9	83.1
National defense	160	18	12	130	100	11.3	7.5	81.3
Escape	768	511	14	243	100	66.5	1.8	31.6
Racketeering and extortion	1,881	246	23	1,612	100	13.1	1.2	85.7
Gambling	171	32	8	131	100	18.7	4.7	76.6
Liquor offenses	6	3	0	3	100	—	—	—
Obscene material ^e	46	5	2	39	100	10.9	4.3	84.8
Migratory birds	53	7	17	29	100	13.2	32.1	54.7
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	501	105	71	325	100	21.0	14.2	64.9
All other offenses ^e	57	33	1	23	100	57.9	1.8	40.4
Unknown or indeterminable offense	294	104	34	156	100%	35.4%	11.6%	53.1%

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

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 89.

^bIncludes 11 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.

Table 1.5. Mean and median processing times from receipt to filing or declination, by offense, October 1, 1993–September 30, 1994

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	10.0 mo	6.8 mo	1.8 mo	11.2 mo	10.3 mo	5.7 mo	16.9 mo
Violent offenses	6.1	6.7	2.8	8.0	6.1	2.6	12.1
Property offenses	13.5	8.9	3.2	14.7	13.8	8.9	18.4
Fraudulent offenses ^d	14.0	9.0	3.1	15.4	14.3	9.4	18.6
Other offenses ^e	9.9	8.5	4.1	11.2	10.0	5.6	15.8
Drug offenses	7.0	6.0	1.8	9.1	7.0	3.9	16.0
Public-order offenses	9.6	6.5	1.4	11.2	10.4	5.5	16.3
Regulatory offenses	13.4	12.5	8.0	15.0	13.5	7.7	15.5
Other offenses	8.8	6.2	1.2	11.0	9.6	5.2	16.7
Median							
All offenses^c	3.3 mo	1.0 mo	0.1 mo	2.4 mo	3.9 mo	0.9 mo	12.7 mo
Violent offenses	1.4	1.8	1.9	1.7	1.3	0.7	8.3
Property offenses	8.2	1.9	1.0	4.4	8.7	3.3	14.5
Fraudulent offenses ^d	8.8	1.9	0.9	5.2	9.3	3.7	14.7
Other offenses ^e	4.5	1.9	1.7	1.9	4.8	1.4	12.6
Drug offenses	1.0	0.9	0.9	1.0	1.0	0.7	12.5
Public-order offenses	2.7	0.9	—	2.7	3.8	0.9	11.2
Regulatory offenses	8.5	5.1	5.0	5.1	8.7	2.2	11.1
Other offenses	1.9	0.8	—	2.7	2.7	0.9	11.2
Number of suspects^f							
With unknown or indeterminable offense or processing time	92,612	9,467	4,435	5,032	83,145	48,967	34,178

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.
 —Three or fewer days.

^aSee *Chapter notes*, item 3, p.20, and "Offense classifications" in *Methodology*, p. 89.

^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.

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 fiscal year 1994 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, 1993, through September 30, 1994, were selected. In all of these tables, matters “declined immediately” 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 previous compendia counts. In prior years, these statistics included appellants in appeals filed or appeals terminated. In table 1.1 of this *Compendium*, 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 individuals in those criminal appeals which involved U.S. attorneys. To obtain a number of suspects that is 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 filed which were handled by U.S. attorneys. The table below shows these data for the major offense categories.

Nature of the underlying offense	Number of appellants in appeals filed & handled by U.S. attorneys
All offenses	9,459
Violent offenses	704
Property offenses	1,805
Fraudulent property	1,473
Other property	332
Drug offenses	4,625
Public-order offenses	2,269
Regulatory public order	142
Other public order	2,127
Unknown or indeterminable offenses	56

In tables 1.2 and 1.5 of this *Compendium*, 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 these earlier 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 year 1994.

Nature of the underlying offense	Number of appellants in appeals concluded by U.S. attorneys
All offenses	9,547
Violent offenses	725
Property offenses	1,738
Fraudulent property	1,484
Other property	254
Drug offenses	4,840
Public-order offenses	2,199
Regulatory public order	146
Other public order	2,053
Unknown or indeterminable offenses	45

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 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 a fraud) unless the 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.

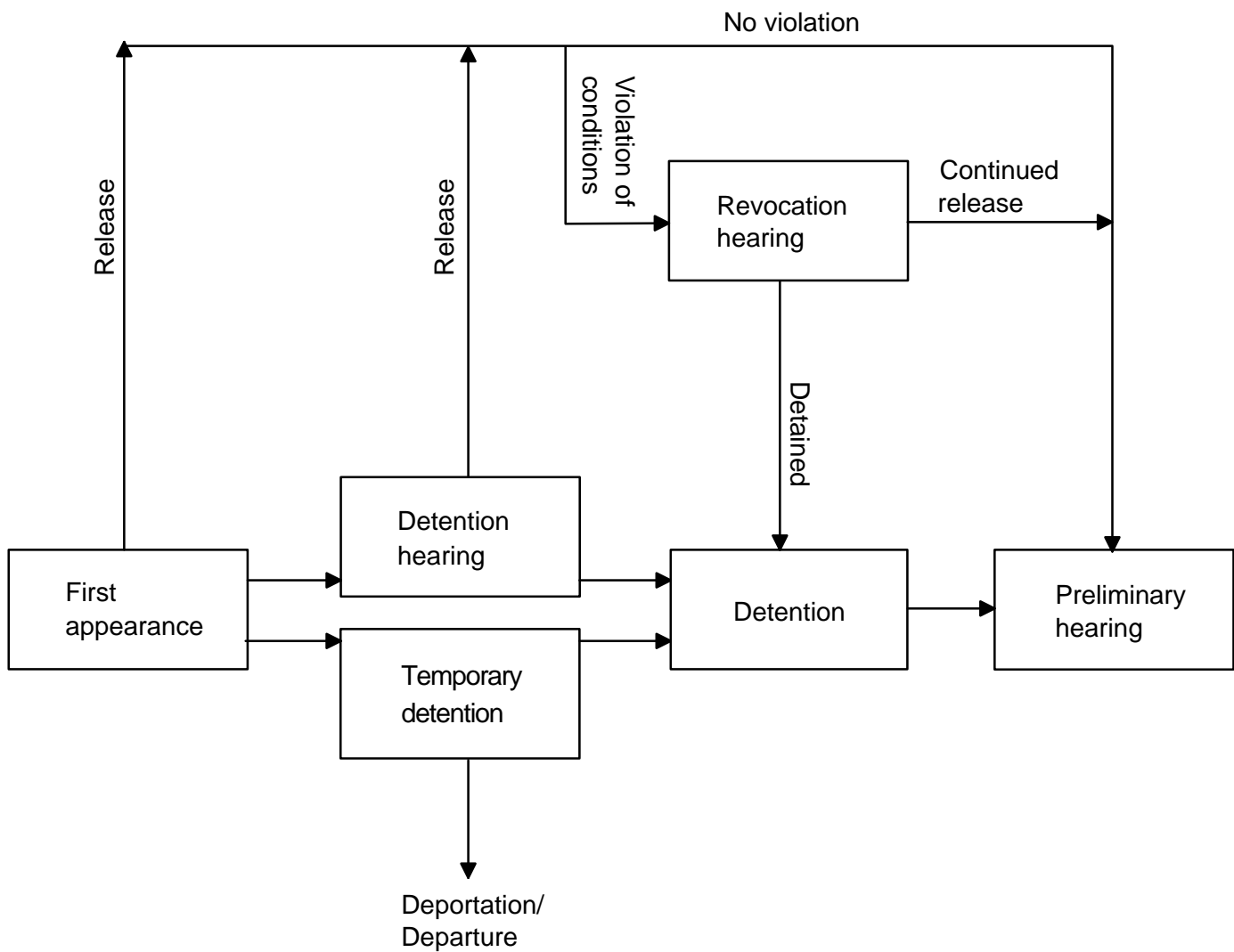
The most serious offense investigated is based on the criminal lead charge as determined by the assistant U.S. attorney responsible for the criminal matter.

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 indeterminable. The percentage distributions in these tables, however, are based on the number of observations with non-missing 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, 1993–September 30, 1994*

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



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 without bail after a hearing.¹

Federal defendants may be detained without bail if charged with specified categories of offenses, or if it is determined at a special hearing that no financial or other conditions will reasonably assure the required appearance of the person and/or guarantee the safety of any other person in the community. Defendants not detained under these criteria must be released, either on personal recognizance, unsecured bond, or such conditions as are necessary to assure their appearance at trial and the public safety.² The law explicitly states that the court may not impose a financial condition that results in the pretrial detention of the person.

According to 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 more than 3 days (or 5 days if the defendant requests).

Release procedures

Defendants may be released at any time before trial. Some defendants, therefore, are detained for a time and then released before trial. This generally occurs when an appeal results in a lowering of bail conditions or the

defendant requires additional time to arrange compliance with the originally set terms of release. Defendants who have been detained prior to their release are included in tabulations of both defendants detained and defendants released.

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, education, 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) a collateral bond (collateral equal to the full bail amount is required to be posted by the defendant prior to release). Financial conditions may occur in combination with non-financial conditions.

Factors relating to release or detention

In deciding whether to release a defendant and in setting release conditions, the court is directed to consider the nature and circumstances of the offense charged, 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 1994, 27,607 defendants were released prior to trial (table 2.1). Those defendants released made up nearly 61% of 45,584 defendants who terminated pretrial services during 1994. Of the defendants released, 85% completed pretrial services without violating the conditions of their release (table 2.8).

In the same year, 26,299 defendants were detained for some period of time prior to the disposition of their case (table 2.3). Those defendants detained comprised about 58% of all defendants terminating pretrial services during 1994. 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 26,299 defendants detained, 54% were denied bail, which guaranteed that they would remain detained through their case disposition.

Pretrial detention hearings were held for 18,608 defendants. Of these, 14,103, or more than 75%, were ordered detained (table 2.5).

Of the 27,607 defendants released prior to trial, 15% violated a condition of their release (table 2.7). The majority (72%) of these violations were technical violations of the bail conditions. Defendants released on financial conditions were most likely (24%) to incur some violation of the conditions of their release (table 2.8). Conversely, defendants given conditional release violated their release at the lowest rate (4%). Five percent of all released defendants had their release revoked.

Pretrial outcomes by offense categories

Releases (table 2.1) — The use of methods of release varied among major offense categories (figure 2.1).

¹18 U.S.C. § 3142(e) (1984)

²18 U.S.C. § 3142(c) (1984)

Within each offense category, the highest percentage of defendants released was on unsecured bond.

Violent offenders were the least likely to be released prior to criminal trial — only 38% were released during 1994 (table 2.1). However, among violent offenders the likelihood of release varies greatly; 23% of those charged with robbery were released compared to 70% of those charged with rape and 90% of those charged with negligent manslaughter. Of those defendants released on robbery charges, approximately 26% were released on personal recognizance. Of those defendants released on rape charges, 60% were released on personal recognizance. And of those defendants released on negligent manslaughter charges, 72% were released on personal recognizance.

About half of all drug defendants were released. Defendants facing non-trafficking charges were more likely to be released than the more numerous defendants accused of trafficking offenses. Moreover, among those released, defendants charged with drug offenses other than trafficking were 4 times more likely to be released on personal recognizance as those charged with trafficking.

Detentions (tables 2.3–2.6) —

Defendants charged with violent offenses were the most likely to be detained (table 2.3). Eighty percent of violent offenders were detained. Violent offenders also were the most likely to be denied bail (70% of those detained). Seventy-four percent of defendants charged with drug offenses were detained. Of drug offenders detained, 55% were denied bail. Property and public-order defendants were less likely to be detained than violent and drug defendants — 55% of public-order and 27% of property defendants were detained. Fifty percent of those public-order defendants detained and 44% of those property defendants detained were denied bail. Of public-order defendants, those charged with immigration offenses were the most likely to be detained (83%).

The use of methods of release varied among offense categories

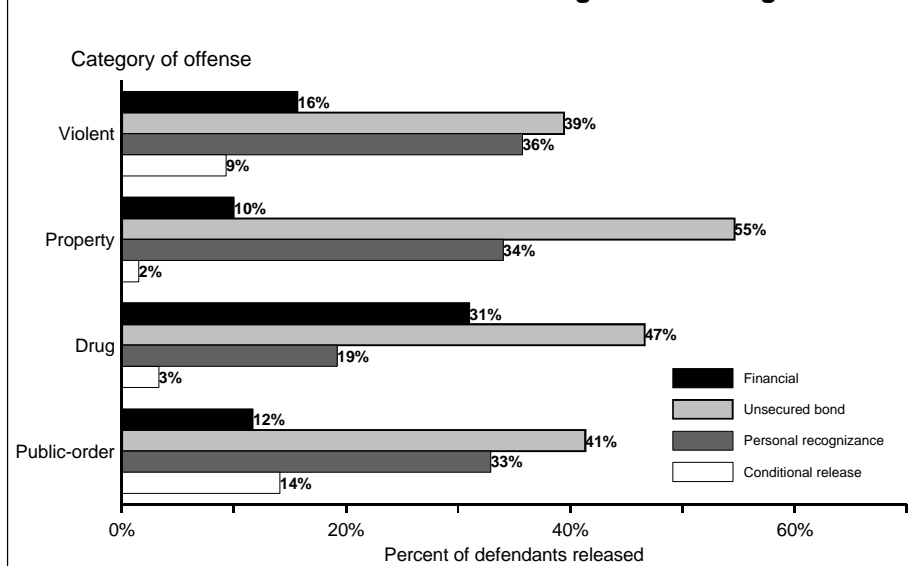


Figure 2.1. Type of release for defendants released prior to case disposition, October 1, 1993–September 30, 1994

For 67% of defendants charged with violent offenses, it was decided at the preliminary hearing that a detention hearing was warranted (table 2.5). By comparison, 55% of those charged with drug offenses, 33% of those charged with public-order offenses, and 18% of those charged with property offenses were ordered to have a detention hearing. Of defendants charged with violent offenses, those most likely to have a pretrial detention hearing were those charged with murder, kidnaping, rob-

bery, or threats against the President. The least likely were those charged with negligent manslaughter.

Almost 67% of those charged with violent offenses had a pretrial detention hearing. Of these, nearly 84% were ordered detained. Forty-five percent of those charged with weapons offenses had a pretrial detention hearing; however, 81% of these defendants were ordered detained. Similar patterns hold for those charged with immigration and escape

Defendants who were female, non-Hispanic, employed, or had no known history of drug abuse were more likely to be released prior to case disposition during 1994

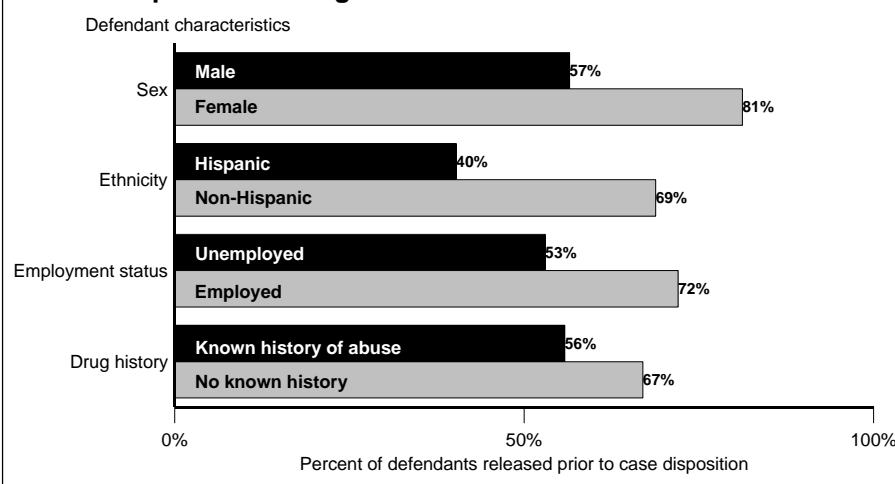


Figure 2.2. Characteristics of defendants released prior to case disposition in U.S. district court, October 1, 1993–September 30, 1994

offenses. Those charged with drug trafficking were more likely to have a detention hearing than those charged with other drug-related offenses (57% compared to 41%). However, once the hearing was held those in both categories had similar chances of being ordered detained (table 2.5).

Violations (table 2.7) — Of defendants who terminated pretrial services during 1994, those charged with drug offenses, who were eventually released prior to trial, were the most likely (24%) to incur at least one violation during the release period (table 2.7). Those charged with violent offenses were the most likely (10%) to have their release revoked. Those charged with public-order offenses had the best pretrial release record; 9% incurred at least one violation during this release period, and 3% had their release revoked.

Pretrial outcomes across demographic groups

Releases (table 2.2) — Females were more likely (81%) than males (57%) to be released during 1994 (figure 2.2). Males had a greater chance of having a financial condition imposed than females (20% and 11%, respectively) (table 2.2). Sixty-nine percent of all defendants identified as non-Hispanic were released during 1994 compared to 40% of Hispanics. Non-Hispanic releasees were almost 3 times as likely to be released on personal recognizance as Hispanics.

Education level and the likelihood of release were positively correlated: about half the defendants with less than a high school education were released during 1994 while 81% of those who had completed college were released. Releasees with a college degree were less likely to receive financial conditions and slightly more likely to be released on personal recognizance than their counterparts who had less education.

Defendants with a known history of drug abuse were released less frequently than defendants with no known drug history. However, among all released defendants, drug

abuse history does not appear to have had a major effect on the form of pretrial release.

Detentions (tables 2.4 and 2.6) — Males were nearly twice as likely as females to be detained (table 2.4). Of all detainees, 55% of the men and 42% of the women were denied bail. Hispanics were nearly twice as likely as non-Hispanics to be detained. However, among detainees, Hispanics had a 50% chance and non-Hispanics a 57% chance of being denied bail.

Younger defendants were more likely to be detained. Sixty-eight percent of defendants between ages 16 and 18 were detained compared to 44% of those over age 40. However, of all defendants detained, the chance of being denied bail were similar across all age groups. The same patterns apply to education level.

Male defendants were nearly twice as likely as female defendants to have a detention hearing and were 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 than those of other races and were more likely to be ordered detained as a result of the hearing.

The likelihood of having a detention hearing increased with the number of prior convictions, the severity of the defendant's criminal history, and a current sentence to supervision. Further, 48% of those with a history of drug abuse had detention hearings compared to 37% of those without such a past. Those with a known history of drug abuse were also more likely to be ordered detained.

Violations (table 2.9) — Males who were released were more likely than females to incur a violation during the pretrial release period 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. Among defendants having prior convictions, those previously convicted for violent crimes were the most likely to incur a

violation. Released defendants with a known drug history were almost 3 times more likely to incur a violation than those with no known drug history. Violators with a history of drug use were more likely to have their release revoked.

Table 2.1. Type of pretrial release, by offense, October 1, 1993–September 30, 1994

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	60.6%	18.1%	47.7%	28.6%	5.6%	27,607	45,584
Violent offenses	38.0%	15.7%	39.4%	35.7%	9.3%	1,174	3,091
Murder ^c	49.3	19.6	30.4	34.8	15.2	112	227
Negligent manslaughter	90.0	16.7	5.6	72.2	5.6	18	20
Assault	64.8	6.8	42.8	40.2	10.2	383	591
Robbery	23.0	26.4	41.2	25.5	6.9	420	1,829
Rape	70.1	5.3	22.1	60.3	12.2	131	187
Other sex offenses ^c	73.9	13.2	51.5	29.4	5.9	68	92
Kidnaping	27.9	16.1	74.2	6.5	3.2	31	111
Threats against the President	32.4	9.1	27.3	45.5	18.2	11	34
Property offenses	83.8%	10.0%	54.6%	34.0%	1.5%	9,748	11,629
Fraudulent	85.3%	10.8%	56.0%	32.0%	1.2%	7,286	8,545
Embezzlement	94.9	2.8	54.6	42.0	0.6	1,405	1,481
Fraud ^c	83.7	12.6	55.8	30.3	1.3	4,965	5,930
Forgery	86.0	11.6	61.8	24.9	1.6	490	570
Counterfeiting	75.5	15.5	57.3	25.8	1.4	426	564
Other	79.8%	7.5%	50.2%	40.0%	2.3%	2,462	3,084
Burglary	41.0	14.1	40.8	39.4	5.6	71	173
Larceny ^c	85.8	6.0	49.9	41.7	2.3	1,875	2,185
Motor vehicle theft	54.6	9.8	64.3	25.0	0.9	112	205
Arson and explosives	73.8	20.7	45.5	31.4	2.5	121	164
Transportation of stolen property	77.4	13.2	61.0	24.7	1.1	182	235
Other property offenses ^c	82.8	2.0	32.7	62.4	3.0	101	122
Drug offenses	51.1%	31.0%	46.6%	19.2%	3.3%	9,814	19,218
Trafficking	50.0	33.0	48.0	15.6	3.5	8,697	17,404
Other drug offenses	61.6	15.0	35.6	47.2	2.1	1,117	1,814
Public-order offenses	58.9%	11.7%	41.3%	32.9%	14.1%	6,794	11,526
Regulatory	83.0%	10.7%	49.2%	38.7%	1.4%	1,111	1,339
Agriculture	96.6	1.8	36.6	60.7	0.9	112	116
Antitrust	100	3.3	30.0	66.7	...	30	30
Food and drug	97.6	12.2	56.1	31.7	...	41	42
Transportation	91.4	5.7	58.5	35.8	...	53	58
Civil rights	87.0	6.7	61.7	31.7	...	60	69
Communications	90.8	3.4	54.2	42.4	...	59	65
Custom laws	75.9	29.5	40.9	27.3	2.3	44	58
Postal laws	86.7	4.0	61.3	31.5	3.2	124	143
Other regulatory offenses	77.6	14.3	47.6	36.6	1.5	588	758
Other	55.8%	11.9%	39.7%	31.7%	16.6%	5,683	10,187
Weapons	54.0	17.9	54.0	25.1	3.0	1,478	2,739
Immigration offenses	35.1	12.9	19.9	6.4	60.8	1,357	3,866
Tax law violations ^c	96.2	3.8	61.4	34.5	0.3	655	681
Bribery	85.6	22.2	53.3	23.4	1.2	167	195
Perjury, contempt, and intimidation	77.0	12.3	57.1	27.9	2.6	154	200
National defense	82.0	23.2	43.9	18.3	14.6	82	100
Escape	26.2	14.7	54.1	20.2	11.0	109	416
Racketeering and extortion	61.9	25.8	55.5	16.9	1.8	337	544
Gambling	98.2	6.2	51.6	42.2	...	161	164
Liquor offenses	90.9	—	—	—	...	10	11
Obscene material ^c	90.9	13.3	63.3	23.3	...	30	33
Migratory birds	100	...	12.5	87.5	...	40	40
All other offenses ^c	92.1	1.8	19.9	74.9	3.4	1,103	1,198

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.

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

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

^bIncludes 120 defendants for whom an offense category could not be determined, 77 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.

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

Table 2.2. Type of pretrial release, by defendant characteristics, October 1, 1993–September 30, 1994

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 offenders^b	60.6%	18.1%	47.7%	28.6%	5.6%	27,607	45,584
Sex							
Male	56.5%	20.0%	46.6%	27.1%	6.3%	21,489	38,052
Female	81.2	11.3	52.0	33.7	3.0	6,096	7,507
Race							
White	62.2%	18.3%	46.8%	27.6%	7.3%	18,573	29,867
Black	55.7	18.5	53.2	26.7	1.5	7,456	13,390
Other	67.8	14.1	32.6	48.4	4.9	1,578	2,327
Ethnicity							
Hispanic	40.3%	29.5%	37.4%	11.1%	22.1%	5,271	13,078
Non-Hispanic	68.8	15.3	50.9	32.1	1.7	21,182	30,789
Age							
16-18 years	56.0%	14.6%	42.2%	28.3%	14.8%	431	770
19-20 years	57.2	15.6	46.2	30.0	8.2	1,386	2,422
21-30 years	54.8	19.3	46.7	26.6	7.4	9,121	16,653
31-40 years	59.7	20.4	48.3	26.3	5.1	7,914	13,256
Over 40 years	70.9	16.7	52.0	29.3	2.0	7,917	11,168
Education							
Less than high school graduate	51.5%	23.6%	50.1%	21.2%	5.1%	6,986	13,574
High school graduate	67.3	17.5	51.5	29.0	2.0	8,687	12,912
Some college	74.0	17.9	50.7	29.9	1.6	5,981	8,084
College graduate	80.8	15.7	52.9	30.6	0.8	2,771	3,428
Marital status							
Never married	57.7%	18.8%	51.3%	26.5%	3.3%	7,932	13,747
Divorced/separated	65.6	18.4	52.7	27.1	1.7	5,044	7,693
Married	70.8	19.0	50.6	28.1	2.3	9,922	14,007
Common law	51.8	25.7	47.8	21.7	4.9	1,559	3,009
Other	44.2	9.3	21.8	40.8	28.1	3,150	7,128
Employment status at arrest							
Unemployed	53.0%	18.7%	52.5%	25.3%	3.5%	9,298	17,544
Employed	72.0	19.0	49.6	29.3	2.1	15,711	21,831
Criminal record							
No convictions ^c	72.3%	14.9%	47.3%	32.1%	5.6%	12,351	17,078
Prior convictions							
Misdemeanor only	70.2	18.5	46.2	30.8	4.5	5,114	7,280
Felony							
Nonviolent	46.9	21.4	50.6	21.4	6.7	4,042	8,613
Violent	32.8	22.9	44.6	22.5	10.1	1,968	6,009
Number of prior convictions							
1	62.3%	21.0%	47.7%	26.6%	4.8%	4,613	7,403
2 to 4	50.5	20.0	47.7	25.1	7.3	4,530	8,974
5 or more	35.9	19.6	46.8	26.0	7.6	1,981	5,525
Criminal justice status							
Not under supervision	69.2%	17.1%	47.1%	29.8%	5.9%	22,075	31,909
Pretrial release	59.0	25.8	52.9	19.7	1.6	1,317	2,232
Probation	50.6	23.6	51.5	22.5	2.4	1,313	2,596
Parole	25.4	21.9	48.2	24.7	5.3	438	1,726
Court appearance history							
No prior arrests	71.2%	15.1%	47.4%	31.9%	5.6%	13,224	18,586
Failure to appear							
None	56.4	20.8	48.7	25.2	5.3	12,563	22,277
1	41.0	21.1	44.8	25.9	8.1	1,064	2,595
More than 1	35.5	20.4	43.0	29.8	6.8	754	2,124
Drug abuse							
No known abuse	67.0%	18.4%	51.8%	27.8%	2.0%	18,614	27,773
Drug history	55.8	21.2	52.8	24.6	1.4	4,951	8,866

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, 1993–September 30, 1994

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:		Denied bail	Other detentions	Detained	All defendants
			Part of pre- trial period	All of pre- trial period				
All offenses^b	57.7%	2.8%	24.7%	12.1%	53.9%	6.5%	26,299	45,584
Violent offenses	80.2%	1.4%	14.9%	6.1%	70.3%	7.3%	2,478	3,091
Murder ^c	71.8	1.2	16.0	...	75.5	7.4	163	227
Negligent manslaughter	35.0	...	57.1	28.6	14.3	...	7	20
Assault	56.0	1.2	27.5	7.3	54.4	9.7	331	591
Robbery	92.6	1.5	10.3	6.8	74.9	6.5	1,694	1,829
Rape	59.9	0.9	34.8	0.9	56.3	7.1	112	187
Other sex offenses ^c	47.8	...	40.9	13.6	34.1	11.4	44	92
Kidnaping	86.5	...	13.5	3.1	70.8	12.5	96	111
Threats against the President	91.2	9.7	6.5	...	74.2	9.7	31	34
Property offenses	27.0%	2.1%	34.8%	10.6%	43.8%	8.7%	3,138	11,629
Fraudulent	26.1%	2.0%	37.2%	11.1%	42.0%	7.8%	2,226	8,545
Embezzlement	8.9	0.8	40.2	11.4	37.9	9.8	132	1,481
Fraud ^c	28.4	2.0	36.2	10.7	43.0	8.1	1,683	5,930
Forgery	29.5	1.8	50.6	14.9	25.6	7.1	168	570
Counterfeiting	43.1	2.9	32.5	10.7	49.0	4.9	243	564
Other	29.6%	2.3%	29.1%	9.5%	48.4%	10.7%	912	3,084
Burglary	78.0	3.7	16.3	5.9	65.9	8.1	135	173
Larceny ^c	22.2	2.3	36.0	11.6	41.5	8.7	484	2,185
Motor vehicle theft	56.1	3.5	16.5	13.0	47.0	20.0	115	205
Arson and explosives	51.2	...	34.5	2.4	58.3	4.8	84	164
Transportation of stolen property	28.5	...	25.4	4.5	50.7	19.4	67	235
Other property offenses ^c	22.1	3.7	14.8	11.1	51.9	18.5	27	122
Drug offenses	74.4%	2.4%	26.2%	11.3%	55.0%	5.1%	14,292	19,218
Trafficking	76.4	2.2	26.4	11.3	55.2	4.9	13,305	17,404
Other drug offenses	54.4	5.8	23.2	10.3	53.4	7.3	987	1,814
Public-order offenses	55.0%	4.4%	20.4%	17.0%	49.9%	8.3%	6,343	11,526
Regulatory	26.7%	0.6%	33.6%	10.9%	46.2%	8.7%	357	1,339
Agriculture	6.9	...	—	—	—	...	8	116
Antitrust	3.3	...	—	...	...	...	1	30
Food and drug	16.7	...	—	...	—	...	7	42
Transportation	17.2	...	50.0	10.0	40.0	...	10	58
Civil rights	29.0	...	50.0	5.0	35.0	10.0	20	69
Communications	10.8	14.3	—	...	—	—	7	65
Custom laws	44.8	...	38.5	15.4	42.3	3.8	26	58
Postal laws	16.8	...	16.7	12.5	58.3	12.5	24	143
Other regulatory offenses	33.5	0.4	31.9	11.4	46.9	9.4	254	758
Other	58.8%	4.6%	19.7%	17.3%	50.1%	8.3%	5,986	10,187
Weapons	63.8	3.6	19.8	5.3	57.8	13.5	1,747	2,739
Immigration offenses	83.4	6.3	18.4	26.8	44.7	3.8	3,225	3,866
Tax law violations ^c	8.4	...	45.6	7.0	38.6	8.8	57	681
Bribery	26.7	...	50.0	15.4	30.8	3.8	52	195
Perjury, contempt, and intimidation	38.5	...	29.9	9.1	49.4	11.7	77	200
National defense	50.0	2.0	46.0	4.0	46.0	2.0	50	100
Escape	81.3	1.2	7.7	6.2	64.5	20.4	338	416
Racketeering and extortion	55.1	1.0	21.0	8.7	58.3	11.0	300	544
Gambling	7.9	...	61.5	...	38.5	...	13	164
Liquor offenses	27.3	...	—	...	—	...	3	11
Obscene material ^c	21.2	...	—	...	—	—	7	33
Migratory birds	7.5	...	—	...	...	...	3	40
All other offenses ^c	9.5	...	31.6	11.4	42.1	14.9	114	1,198

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 120 defendants for whom offense category could not be determined, 48 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.

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

Table 2.4. Form of pretrial detention, by defendant characteristics, October 1, 1993–September 30, 1994

Defendant characteristic	Of defendants detained at any time prior to case disposition, percent detained by						Number of defendants	
	Percent detained	Temporary detention ^a	Held on bail for:		Denied bail	Other detentions	Detained	All defendants
			Part of pre-trial period	All of pre-trial period				
All offenders^b	57.7%	2.8%	24.7%	12.1%	53.9%	6.5%	26,299	45,584
Sex								
Male	62.1%	2.8%	23.0%	12.2%	55.3%	6.7%	23,627	38,052
Female	35.5	2.1	39.8	10.9	41.9	5.3	2,668	7,507
Race								
White	56.2%	2.7%	25.9%	15.1%	50.6%	5.6%	16,778	29,867
Black	61.9	3.0	21.9	6.7	59.8	8.6	8,291	13,390
Other	52.9	1.2	28.0	6.7	58.9	5.3	1,230	2,327
Ethnicity								
Hispanic	82.6%	4.0%	22.4%	19.9%	49.8%	3.8%	10,807	13,078
Non-Hispanic	47.7	1.8	26.4	6.3	57.1	8.3	14,678	30,789
Age								
16-18 years	67.7%	1.9%	28.6%	10.9%	54.1%	4.4%	521	770
19-20 years	65.9	3.0	28.3	11.8	52.1	4.8	1,597	2,422
21-30 years	64.7	2.8	23.2	13.2	54.0	6.8	10,769	16,653
31-40 years	59.4	3.2	25.1	11.5	54.3	6.0	7,873	13,256
Over 40 years	44.0	2.0	27.3	11.1	52.6	6.9	4,913	11,168
Education								
Less than high school graduate	70.5%	4.2%	23.6%	10.9%	55.4%	6.0%	9,566	13,574
High school graduate	51.0	2.2	28.2	7.7	54.9	7.0	6,588	12,912
Some college	44.4	1.6	32.2	8.0	52.5	5.8	3,589	8,084
College graduate	31.8	1.6	31.7	8.3	52.8	5.6	1,090	3,428
Marital status								
Never married	62.8%	2.6%	25.0%	8.8%	56.8%	6.9%	8,628	13,747
Divorced/separated	53.0	2.5	27.6	8.5	53.7	7.6	4,076	7,693
Married	46.0	3.4	28.6	10.4	52.5	5.2	6,449	14,007
Common law	72.4	3.6	24.8	10.7	56.1	4.7	2,179	3,009
Other	69.7	2.0	16.9	23.6	49.9	7.6	4,967	7,128
Employment status at arrest								
Unemployed	66.4%	2.8%	22.2%	8.3%	57.9%	8.8%	11,650	17,544
Employed	46.3	3.0	30.9	10.3	51.4	4.3	10,111	21,831
Criminal record								
No convictions ^c	44.3%	2.0%	30.1%	13.6%	50.6%	3.7%	7,572	17,078
Prior convictions								
Misdemeanor only	52.0	1.8	33.4	13.0	47.3	4.5	3,787	7,280
Felony								
Nonviolent	70.5	3.7	19.0	11.9	56.7	8.7	6,072	8,613
Violent	83.2	3.4	13.9	9.7	62.8	10.1	5,002	6,009
Number of prior convictions								
1	58.5%	2.6%	27.6%	11.0%	53.0%	5.8%	4,333	7,403
2 to 4	68.5	3.3	21.6	10.8	56.1	8.3	6,147	8,974
5 or more	79.3	3.4	13.6	12.9	60.0	10.2	4,381	5,525
Criminal justice status								
Not under supervision	49.7%	1.6%	30.1%	13.5%	50.3%	4.5%	15,847	31,909
Pretrial release	63.6	3.3	26.4	6.2	59.7	4.4	1,419	2,232
Probation	69.7	5.1	23.8	8.3	57.6	5.2	1,810	2,596
Parole	86.2	9.4	9.6	8.7	65.5	6.7	1,487	1,726
Court appearance history								
No prior arrests	45.6%	2.4%	29.2%	13.4%	50.9%	4.1%	8,467	18,586
Failure to appear								
None	63.0	3.2	24.0	11.0	54.3	7.5	14,031	22,277
1	79.1	2.4	18.4	12.1	57.7	9.4	2,052	2,595
More than 1	82.3	1.3	16.2	14.5	60.9	7.1	1,748	2,124
Drug abuse								
No known abuse	50.5%	2.9%	27.7%	10.1%	53.5%	5.9%	14,025	27,773
Drug history	65.3	3.0	24.6	7.7	56.9	7.8	5,786	8,866

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, 1993–September 30, 1994

Most serious offense charged	All defendants	Defendants with pretrial detention hearings			
		Number of defendants Hearings held	Ordered detained	Percent of defendants with hearings held	Of defen- dants with hearings held, percent ordered detained
All offenses^a	45,584	18,608	14,103	40.8%	75.8%
Violent offenses	3,091	2,064	1,732	66.8%	83.9%
Murder ^b	227	150	123	66.1	82.0
Negligent manslaughter	20	5	1	25.0	20.0
Assault	591	245	178	41.5	72.7
Robbery	1,829	1,434	1,265	78.4	88.2
Rape	187	92	60	49.2	65.2
Other sex offenses ^b	92	26	14	28.3	53.8
Kidnaping	111	87	68	78.4	78.2
Threats against the President	34	25	23	73.5	92.0
Property offenses	11,629	2,049	1,370	17.6%	66.9%
Fraudulent	8,545	1,440	933	16.9%	64.8%
Embezzlement	1,481	80	51	5.4	63.8
Fraud ^b	5,930	1,103	719	18.6	65.2
Forgery	570	87	43	15.3	49.4
Counterfeiting	564	170	120	30.1	70.6
Other	3,084	609	437	19.7%	71.8%
Burglary	173	106	87	61.3	82.1
Larceny ^b	2,185	294	200	13.5	68.0
Motor vehicle theft	205	78	54	38.0	69.2
Arson and explosives	164	70	49	42.7	70.0
Transportation of stolen property	235	43	33	18.3	76.7
Other property offenses ^b	122	18	14	14.8	77.8
Drug offenses	19,218	10,639	7,821	55.4%	73.5%
Trafficking	17,404	9,898	7,295	56.9	73.7
Other drug offenses	1,814	741	526	40.8	71.0
Public-order offenses	11,526	3,822	3,155	33.2%	82.5%
Regulatory	1,339	240	163	17.9%	67.9%
Agriculture	116	7	5	6.0	71.4
Antitrust	30	1	0	3.3	0.0
Food and drug	42	5	1	11.9	20.0
Transportation	58	7	4	12.1	57.1
Civil rights	69	12	7	17.4	58.3
Communications	65	4	4	6.2	100
Custom laws	58	17	11	29.3	64.7
Postal laws	143	19	14	13.3	73.7
Other regulatory offenses	758	168	117	22.2	69.6
Other	10,187	3,582	2,992	35.2%	83.5%
Weapons	2,739	1,241	1,009	45.3	81.3
Immigration offenses	3,866	1,612	1,436	41.7	89.1
Tax law violations ^b	681	38	22	5.6	57.9
Bribery	195	28	16	14.4	57.1
Perjury, contempt, and intimidation	200	53	37	26.5	69.8
National defense	100	40	23	40.0	57.5
Escape	416	250	218	60.1	87.2
Racketeering and extortion	544	233	174	42.8	74.7
Gambling	164	6	4	3.7	—
Liquor offenses	11	2	2	18.2	—
Obscene material ^b	33	5	2	15.2	—
Migratory birds	40	2	0	5.0	—
All other offenses ^b	1,198	72	49	6.0	68.1

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.

^aIncludes 120 defendants for whom offense category could not be determined, 34 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. "All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 2.6. Pretrial detention hearings, by defendant characteristics, October 1, 1993–September 30, 1994

Defendant characteristic	All defendants	Defendants with pretrial detention hearings			
		Number of defendants		Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
		Hearings held	Ordered detained		
All offenders^a	45,584	18,608	14,103	40.8%	75.8%
Sex					
Male	38,052	16,830	12,997	44.2%	77.2%
Female	7,507	1,775	1,104	23.6	62.2
Race					
White	29,867	11,338	8,451	38.0%	74.5%
Black	13,390	6,288	4,940	47.0	78.6
Other	2,327	982	712	42.2	72.5
Ethnicity					
Hispanic	13,078	6,954	5,355	53.2%	77.0%
Non-Hispanic	30,789	11,145	8,340	36.2	74.8
Age					
16-18 years	770	377	281	49.0%	74.5%
19-20 years	2,422	1,108	832	45.7	75.1
21-30 years	16,653	7,527	5,787	45.2	76.9
31-40 years	13,256	5,582	4,252	42.1	76.2
Over 40 years	11,168	3,566	2,569	31.9	72.0
Education					
Less than high school graduate	13,574	6,899	5,276	50.8%	76.5%
High school graduate	12,912	5,008	3,603	38.8	71.9
Some college	8,084	2,728	1,870	33.7	68.5
College graduate	3,428	824	572	24.0	69.4
Marital status					
Never married	13,747	6,451	4,877	46.9%	75.6%
Divorced/separated	7,693	3,015	2,181	39.2	72.3
Married	14,007	4,719	3,365	33.7	71.3
Common law	3,009	1,597	1,215	53.1	76.1
Other	7,128	2,826	2,465	39.6	87.2
Employment status at arrest					
Unemployed	17,544	8,555	6,721	48.8%	78.6%
Employed	21,831	7,536	5,164	34.5	68.5
Criminal record					
No convictions ^b	17,078	5,436	3,807	31.8%	70.0%
Prior convictions					
Misdemeanor only	7,280	2,582	1,772	35.5	68.6
Felony					
Nonviolent	8,613	4,210	3,428	48.9	81.4
Violent	6,009	3,620	3,136	60.2	86.6
Number of prior convictions					
1	7,403	3,122	2,289	42.2%	73.3%
2 to 4	8,974	4,297	3,430	47.9	79.8
5 or more	5,525	2,993	2,617	54.2	87.4
Criminal justice status					
Not under supervision	31,909	11,209	7,920	35.1%	70.7%
Pretrial release	2,232	1,090	843	48.8	77.3
Probation	2,596	1,319	1,040	50.8	78.8
Parole	1,726	1,081	974	62.6	90.1
Court appearance history					
No prior arrests	18,586	6,042	4,279	32.5%	70.8%
Failure to appear					
None	22,277	9,848	7,581	44.2	77.0
1	2,595	1,441	1,178	55.5	81.7
More than 1	2,124	1,277	1,065	60.1	83.4
Drug abuse					
No known abuse	27,773	10,380	7,460	37.4%	71.9%
Drug history	8,866	4,242	3,279	47.8	77.3

Note: Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see Chapter notes, items 1 and 2, 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, 1993–September 30, 1994

Most serious offense charged	Percent of released defendants who had							Release revoked	Number of released defendants
	Violations while on release					Technical violations of bail conditions			
	No violation	At least one violation	Failed to appear	New offense charged					
			Felony	Misdemeanor					
All offenses*	84.8%	15.2%	2.3%	1.8%	1.5%	10.9%	5.2%	27,607	
Violent offenses	79.2%	20.8%	2.2%	2.1%	2.5%	15.8%	10.2%	1,174	
Property offenses	89.8%	10.2%	1.5%	1.6%	1.2%	6.9%	3.4%	9,748	
Fraudulent offenses	90.5	9.5	1.6	1.6	1.1	6.3	3.0	7,286	
Other property offenses	87.7	12.3	1.3	1.7	1.7	8.6	4.5	2,462	
Drug offenses	76.3%	23.7%	3.8%	2.3%	2.0%	17.7%	7.7%	9,814	
Public-order offenses	90.9%	9.1%	1.4%	1.2%	1.0%	6.2%	3.3%	6,794	
Regulatory offenses	92.3	7.7	1.2	0.5	0.3	6.0	2.3	1,111	
Other public-order offenses	90.6	9.4	1.5	1.3	1.2	6.3	3.5	5,683	

Note: Data describe defendants whose pretrial services were terminated during 1994. 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 note 1, p.36*.

*Includes 77 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, 1993–September 30, 1994

	Percent of released defendants who had							Release revoked	Number of released defendants
	Violations while on release					Technical violations of bail conditions			
	No violation	At least one violation	Failed to appear	New offense charged					
			Felony	Misdemeanor					
All releases	84.8%	15.2%	2.3%	1.8%	1.5%	10.9%	5.2%	27,607	
Financial release	76.1%	23.9%	4.8%	3.2%	2.3%	15.9%	7.2%	4,998	
Percentage/cash bond	75.0	25.0	5.8	3.2	2.3	16.3	8.4	2,440	
Collateral bond	76.5	23.5	3.2	3.5	2.7	16.1	6.6	1,833	
Corporate surety	78.8	21.2	5.7	2.3	1.5	14.1	4.7	725	
Unsecured bond	88.4%	11.6%	1.6%	1.0%	1.1%	8.7%	4.2%	7,887	
Personal recognizance	84.6%	15.4%	2.0%	1.8%	1.6%	11.4%	5.4%	13,181	
Conditional release	96.4%	3.6%	0.5%	0.5%	0.1%	2.5%	2.1%	1,541	

Note: Data describe defendants whose pretrial services were terminated during 1994. 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 note 1, p.36*.

Table 2.9. Behavior of defendants released prior to trial, by defendant characteristics, October 1, 1993–September 30, 1994

Defendant characteristic	Percent of released defendants who had:							Number of released defendants
	Violations while on release					Technical violations of bail conditions	Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged				
			Felony	Misdemeanor				
All defendants^a	84.8%	15.2%	2.3%	1.8%	1.5%	10.9%	5.2%	27,607
Sex								
Male	83.7%	16.3%	2.5%	2.0%	1.7%	11.5%	5.7%	21,489
Female	88.6	11.4	1.7	1.0	0.9	8.9	3.6	6,096
Race								
White	86.8%	13.2%	2.3%	1.4%	1.3%	9.2%	4.0%	18,573
Black	79.6	20.4	2.3	2.8	1.9	15.3	7.9	7,456
Other	85.9	14.1	2.3	0.9	2.0	10.3	5.9	1,578
Ethnicity								
Hispanic	83.4%	16.6%	5.4%	1.5%	1.1%	9.9%	4.4%	5,271
Non-Hispanic	85.0	15.0	1.6	1.8	1.6	11.3	5.4	21,182
Age								
16-18 years	78.0%	22.0%	3.5%	3.7%	2.8%	16.2%	9.5%	431
19-20 years	79.7	20.3	3.0	2.5	2.5	14.5	7.6	1,386
21-30 years	81.6	18.4	2.8	2.3	1.9	13.2	6.5	9,121
31-40 years	82.6	17.4	2.4	1.8	1.7	12.9	5.8	7,914
Over 40 years	90.9	9.1	1.6	0.9	0.8	6.3	2.8	7,917
Education								
Less than high school graduate	78.5%	21.5%	3.6%	2.4%	2.1%	15.3%	8.1%	6,986
High school graduate	83.7	16.3	1.9	2.0	1.6	12.2	5.5	8,687
Some college	86.0	14.0	2.0	1.5	1.6	10.1	4.4	5,981
College graduate	92.2	7.8	1.3	1.0	0.7	5.5	1.9	2,771
Marital status								
Never married	78.9%	21.1%	2.7%	2.4%	2.4%	15.7%	7.6%	7,932
Divorced/separated	82.5	17.5	2.1	2.1	1.5	13.3	6.2	5,044
Married	89.5	10.5	2.0	1.2	1.0	7.1	3.2	9,922
Common law	76.4	23.6	3.8	2.8	2.4	16.7	8.3	1,559
Other	92.9	7.1	2.0	0.8	0.6	4.5	2.4	3,150
Employment status at arrest								
Unemployed	80.0%	20.0%	2.7%	2.4%	1.9%	14.9%	7.8%	9,298
Employed	86.4	13.6	2.1	1.6	1.4	9.6	4.1	15,711
Criminal record								
No convictions ^b	91.8%	8.2%	1.8%	0.8%	0.5%	5.6%	2.0%	12,351
Prior convictions								
Misdemeanor only	80.3	19.7	2.2	2.1	2.8	14.4	7.5	5,114
Felony								
Nonviolent	77.4	22.6	3.4	2.9	2.2	16.5	9.4	4,042
Violent	73.1	26.9	3.0	4.0	2.8	19.9	11.2	1,968
Number of prior convictions								
1	82.3%	17.7%	2.7%	2.0%	1.8%	12.9%	6.4%	4,613
2 to 4	76.6	23.4	2.6	2.8	2.8	17.4	9.7	4,530
5 or more	70.8	29.2	3.4	4.1	3.8	21.1	12.5	1,981
Criminal justice status								
Not under supervision	87.2%	12.8%	2.1%	1.3%	1.2%	9.3%	4.0%	22,075
Pretrial release	72.1	27.9	3.0	4.9	3.6	19.4	10.9	1,317
Probation	74.0	26.0	3.4	3.3	2.4	19.3	11.5	1,313
Parole	75.8	24.2	4.1	4.1	3.0	14.8	10.3	438
Court appearance history								
No prior arrests	91.5%	8.5%	1.8%	0.8%	0.6%	5.8%	2.1%	13,224
Failure to appear								
None	80.2	19.8	2.4	2.4	2.2	14.5	7.3	12,563
1	71.6	28.4	4.2	3.8	2.8	21.1	11.8	1,064
More than 1	63.0	37.0	6.5	4.6	4.4	26.0	15.6	754
Drug abuse								
No known abuse	88.4%	11.6%	2.1%	1.5%	1.3%	7.7%	3.5%	18,614
Drug history	68.1	31.9	2.9	3.1	2.5	26.2	12.7	4,951

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1994. 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, 1993–September 30, 1994

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	Denied bail
All offenses	34.0 days	38.1 days	39.8 days	52.9 days	77.9 days	118.8 days
Violent offenses	40.1 days	42.5 days	44.4 days	79.1 days	113.9 days	117.9 days
Murder ^c	58.5	71.4	56.7	52.2	...	201.6
Negligent manslaughter	...	...	12.6	—	—	...
Assault	14.3	37.0	26.4	35.8	69.3	110.8
Robbery	45.0	40.3	59.3	129.2	119.0	112.9
Rape	—	29.1	20.3	74.5	—	83.7
Other sex offenses ^c	—	92.3	135.8	—	—	62.1
Kidnaping	—	38.2	...	—	...	125.7
Threats against the President	...	—	—	—	...	129.6
Property offenses	30.4 days	32.0 days	31.6 days	43.6 days	62.6 days	84.7 days
Fraudulent	30.4 days	31.7 days	35.4 days	29.2 days	55.0 days	80.7 days
Embezzlement	26.5	41.6	27.3	—	67.6	85.1
Fraud ^c	30.5	32.6	33.7	18.6	51.8	80.6
Forgery	34.6	25.6	17.1	—	69.8	76.0
Counterfeiting	28.2	30.3	58.0	—	57.9	81.1
Other	30.7 days	32.5 days	22.5 days	73 days	83.7 days	92.8 days
Burglary	—	42.2	34.8	—	—	103.3
Larceny ^c	27.3	29.7	18.2	71.4	56.3	74.3
Motor vehicle theft	22.1	25.4	3.5	...	98.4	108.6
Arson and explosives	50.4	49.2	28.8	—	—	128.5
Transportation of stolen property	29.9	25.8	22.8	—	—	106.4
Other property offenses ^c	—	76.5	40.5	—	—	64.5
Drug offenses	34.6 days	39.4 days	43.9 days	96.5 days	92.2 days	138.1 days
Trafficking	35.3	41.1	46.3	96.7	93.3	141.4
Other drug offenses	21.4	19.2	14.8	93.1	70.0	86.6
Public-order offenses	33.8 days	37.9 days	34.6 days	25.1 days	56.7 days	85.9 days
Regulatory	22.5 days	46.8 days	45.9 days	51.6 days	62.1 days	66.6 days
Other	35.4 days	37.0 days	33.7 days	24.8 days	56.6 days	86.8 days
Weapons	45.7	51.9	42.6	70.8	98.3	121.9
Immigration offenses	20.6	16.4	18.0	20.9	50.7	63.5
Tax law violations ^c	12.4	69.4	4.0	—	—	117.1
Bribery	8.5	12.3	...	—	—	103.0
Perjury, contempt, and intimidation	49.6	41.3	54.5	—	—	114.4
National defense	20.2	17.5	3.3	4.0	—	153.9
Escape	29.5	45.1	31.2	76.3	52.0	48.5
Racketeering and extortion	69.9	45.0	50.1	—	218.8	149.7
Gambling	—	51.0	19.0	...	...	—
Liquor offenses	...	...	—	...	...	—
Obscene material ^c	—	5.0	...	...	...	...
Migratory birds	...	...	5.0	...	...	...
All other offenses ^c	12.1	6.8	16.2	...	—	31.3

—Too few cases to obtain statistically reliable data.

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

^aData describe 45,584 defendants who terminated pretrial services during fiscal year 1994. 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.

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

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 Administration (PSA) within the AOUSC. The data describe 45,584 defendants who terminated pretrial services during October 1, 1993, through September 30, 1994, 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 non-missing 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.

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 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.

Discussion **39**

Tables

October 1, 1993 - September 30, 1994

3.1 Defendants in cases filed, by offense 41

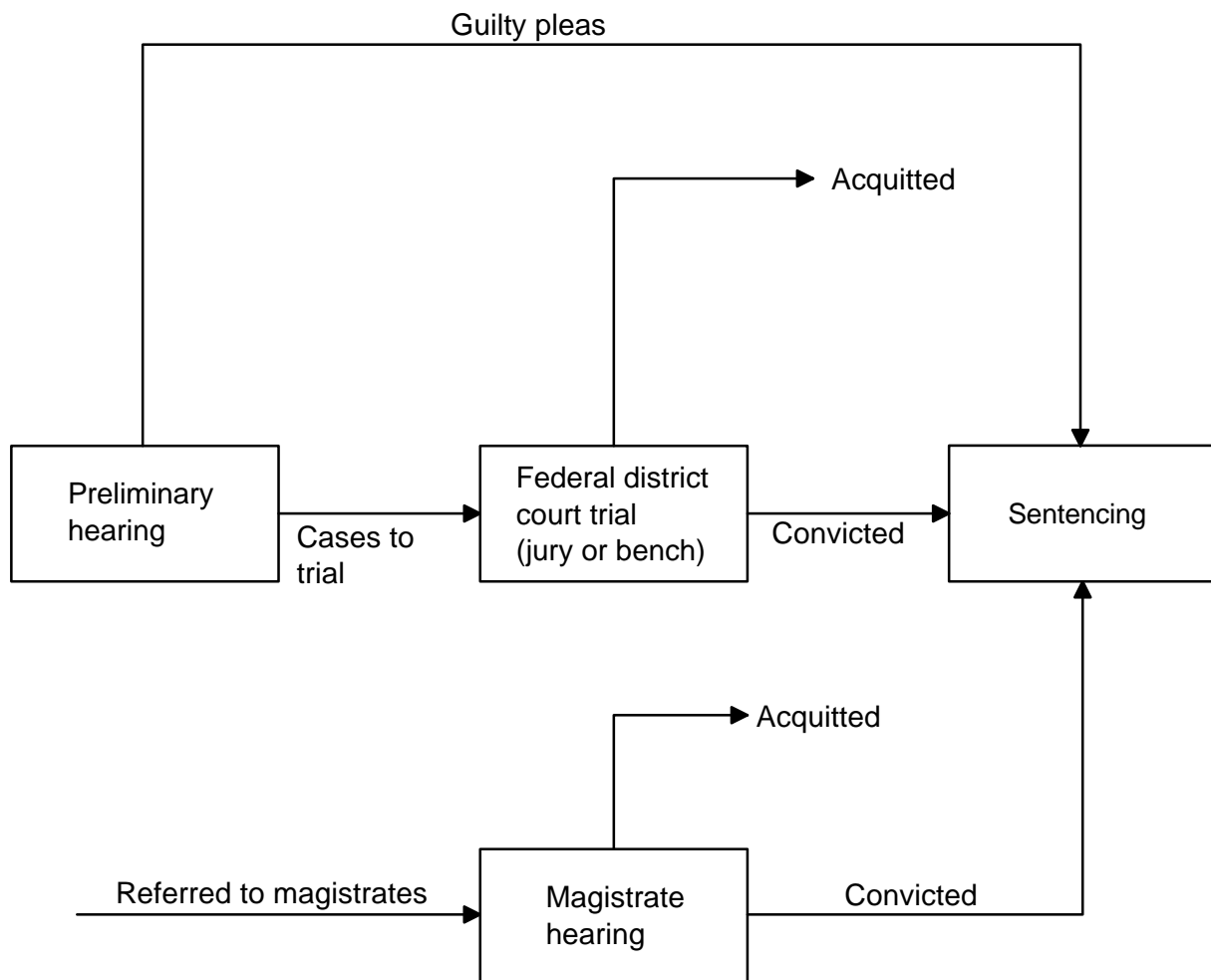
3.2 Disposition of cases terminated, by
offense 42

3.3 Time from filing to disposition of cases
terminated 43

3.4 Characteristics of convicted offenders 45

3.5 Dispositions by U.S. magistrates 44

Chapter notes **46**



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

Defendants in cases filed (table 3.1)

During 1994, 62,327 defendants had criminal charges filed against them in U.S. district courts, and more than 47,341 (76%) of these defendants were charged with felonies. The 20,052 drug trafficking defendants comprised almost one-third of all criminal defendants and 43% of all felony defendants. Felony property and public-order defendants comprised 21% and 17%, respectively, of all defendants in cases filed. Half the 14,980 misdemeanants were charged with traffic violations.

Defendants in cases terminated (table 3.2)

Cases were terminated against 61,404 defendants during 1994, 47,292 (77%) of whom were felony defendants. The 20,056 drug trafficking defendants comprised 33% of all defendants in cases terminated and 42% of all felony defendants.

Almost 83% of all defendants were convicted; the conviction rate for felony defendants (86%) was higher than for misdemeanants (70%). For major felony offense categories, conviction rates ranged from 85% for public-order offenses to 88% for violent offenses. Within major offense categories, however, the conviction rates varied more widely. For example, within the violent offense category, the conviction rate ranged from 94% for robbery to 74% for assault. Within the public-order category, conviction rates ranged from 51% for obscene materials violations to 92% for immigration and tax offenses to 96%

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. These types of cases occur infrequently.

for transportation offenses.

Most defendants who were convicted pleaded guilty. Overall, 91% of those convicted pleaded guilty while only 9% were convicted at trial. For the major offense categories, between 88% and 93% of defendants pleaded guilty (for drug offenses and property offenses, respectively).

Of the 5,689 defendants who exercised their right to a trial, 4,352 (77%) were convicted either by a jury or bench trial. Drug and violent offenders were more likely to go to trial than were property and public-order defendants. Drug defendants, for example, comprised 42% of all defendants adjudicated at trial, but they comprised 33% of all defendants in cases terminated. By contrast, property defendants comprised 16% of all defendants adjudicated at trial and 22% of all defendants in cases terminated.

Of those adjudicated at trial, the felony conviction rate was 82% while the misdemeanor conviction rate was 43%. Among felony offenses, conviction rates ranged from 85% for drug defendants to 78% for public-order defendants. Conviction rates of violent (81%) and property (80%) offenders fell between these extremes.

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, and the time limits set by the Act exclude several enumerated periods of pretrial procedure such as

time spent awaiting rulings on motions.² 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 these limits without violating the provisions of the Act.

Overall, the average time for processing defendants was 8.6 months. Defendants who pleaded guilty were processed faster (7.4 months) than defendants who went to trial (10 months). Defendants whose cases were ultimately dismissed took longest to process (13.4 months). Among major offense categories, case processing times were similar to the overall pattern. However, for violent offenses, this pattern occasionally changed. For example, cases of murder defendants disposed of by a guilty plea took almost 1 month longer to dispose than those whose cases were disposed of at trial (10.7 compared to 9.8 months). Similarly, for rape defendants, cases disposed of by plea took 7.2 months, on average, to complete, while rape defendants who went to trial had their cases disposed in 6.6 months, on average.

Characteristics of convicted defendants (table 3.4)

Of defendants who were convicted, 85% were men, 63% were white, 34% were black, and 25% were Hispanic. Most were U.S. citizens (78%), had graduated high school or completed some higher education (61%), and had some criminal history (52%).

Among defendants convicted there were over 5 times as many men as women (85% compared to 15%), almost twice as many whites as blacks (63% compared to 34%), and 3 times as many non-Hispanics as Hispanics (75% compared to 25%). U.S. citizens comprised 78% of defendants while non-citizens comprised 22%. Persons completing at least high school represented 61% of all defendants while persons over age 30

²18 U.S.C. § 3161 et. seq.

represented 59% of defendants, and persons with no known criminal history comprised just over half (52%) of convicted defendants.

**Convictions by U.S. magistrates
(table 3.5)**

During 1994 U.S. magistrates disposed of 12,976 misdemeanor criminal defendants, over 70% of whom were convicted. Traffic violators comprised 54% of the defendants disposed by U.S. magistrates, while misdemeanor property offenses comprised another 24% of U.S. magistrates' cases.

Table 3.1. Defendants in cases filed during October 1, 1993–September 30, 1994, by offense

Most serious offense charged	Defendants in cases filed during 1994	
	Number	Percent ^a
All offenses	62,327	100 %
Felonies	47,341	76.0%
Violent offenses	3,222	5.2%
Murder ^b	473	0.8
Negligent manslaughter	10	—
Assault	481	0.8
Robbery	1,733	2.8
Rape	260	0.4
Other sex offenses ^b	99	0.2
Kidnaping	134	0.2
Threats against the President	32	0.1
Property offenses	13,155	21.1%
Fraudulent	10,301	16.5%
Embezzlement	1,202	1.9
Fraud ^b	7,708	12.4
Forgery	514	0.8
Counterfeiting	877	1.4
Other	2,854	4.6%
Burglary	147	0.2
Larceny	1,561	2.5
Motor vehicle theft	502	0.8
Arson and explosives	201	0.3
Transportation of stolen property	375	0.6
Other property offenses ^b	68	0.1
Drug offenses	20,275	32.5%
Trafficking	20,052	32.2
Possession and other drug offenses	223	0.4
Public-order offenses	10,689	17.1%
Regulatory	1,256	2.0%
Agriculture	65	0.1
Antitrust	89	0.1
Food and drug	38	0.1
Transportation	67	0.1
Civil rights	92	0.1
Communications	49	0.1
Custom laws	117	0.2
Postal laws	32	0.1
Other regulatory offenses	707	1.1
Other	9,433	15.1%
Weapons	3,557	5.7
Immigration offenses	2,453	3.9
Tax law violations ^b	787	1.3
Bribery	367	0.6
Perjury, contempt, and intimidation	314	0.5
National defense	88	0.1
Escape	714	1.1
Racketeering and extortion	936	1.5
Gambling	138	0.2
Obscene material ^b	27	—
Migratory birds	8	—
All other felonies ^b	44	0.1
Misdemeanors^b	14,980	24.0%
Fraudulent property offense	1,290	2.1
Larceny	2,064	3.3
Drug possession ^b	1,596	2.6
Immigration	472	0.8
Traffic offenses	7,356	11.8
Other misdemeanors	2,202	3.5
Unknown or indeterminable offense	6	

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 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 unknown or 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 during October 1, 1993–September 30, 1994, by offense

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in cases terminating during 1994 who were								
			Convicted					Not convicted			
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial	
					Jury	Non-jury			Jury ^a	Non-jury	
All offenses	61,404	82.6%	50,701	45,958	391	3,857	495	10,703	9,366	782	555
Felonies	47,292	86.2%	40,765	36,736	97	3,799	133	6,527	5,659	756	112
Violent offenses	3,227	87.9%	2,836	2,508	12	299	17	391	316	63	12
Murder ^b	264	79.9	211	156	1	51	3	53	36	16	1
Negligent manslaughter	27	88.9	24	20	0	4	0	3	3	0	0
Assault	444	74.1	329	269	7	50	3	115	98	11	6
Robbery	2,033	94.0	1,912	1,750	4	150	8	121	105	16	0
Rape	230	79.6	183	166	0	0	2	47	33	14	0
Other sex offenses ^b	97	77.3	75	68	0	7	0	22	22	0	0
Kidnaping	108	77.8	84	62	0	21	1	24	15	4	5
Threats against the President	24	75.0	18	17	0	1	0	6	4	2	0
Property offenses	13,182	87.3%	11,504	10,722	42	713	27	1,678	1,493	161	24
Fraudulent	10,193	87.7%	8,936	8,378	35	501	22	1,257	1,118	116	23
Embezzlement	1,261	89.6	1,130	1,072	10	44	4	131	118	12	1
Fraud ^b	7,545	87.3	6,590	6,134	21	418	17	955	845	92	18
Forgery	611	85.6	523	505	1	16	1	88	78	6	4
Counterfeiting	776	89.3	693	667	3	23	0	83	77	6	0
Other	2,989	85.9%	2,568	2,344	7	212	5	421	375	45	1
Burglary	157	84.7	133	128	0	5	0	24	23	1	0
Larceny ^b	1,716	87.2	1,496	1,405	1	87	3	220	195	25	0
Motor vehicle theft	463	88.3	409	358	0	50	1	54	47	6	1
Arson and explosives	227	85.5	194	165	2	27	0	33	26	7	0
Transportation of stolen property	372	77.2	287	246	4	37	0	85	79	6	0
Other property offenses ^b	54	90.7	49	42	0	6	1	5	5	0	0
Drug offenses	20,219	85.9%	17,367	15,323	12	1,990	42	2,852	2,482	331	39
Trafficking	20,056	86.0	17,239	15,206	11	1,980	42	2,817	2,448	330	39
Possession and other drug offenses	163	78.5	128	117	1	10	0	35	34	1	0
Public-order offenses	10,664	84.9%	9,058	8,183	31	797	47	1,606	1,368	201	37
Regulatory	1,383	81.3%	1,125	1,019	10	95	1	258	208	41	9
Agriculture	76	73.7	56	46	0	10	0	20	15	5	0
Antitrust	98	82.7	81	71	5	5	0	17	9	8	0
Food and drug	67	91.0	61	56	0	5	0	6	3	3	0
Transportation	69	95.7	66	57	0	9	0	3	0	3	0
Civil rights	84	73.8	62	49	0	13	0	22	14	7	1
Communications	58	91.4	53	45	0	8	0	5	2	0	3
Custom laws	92	87.0	80	75	0	5	0	12	11	1	0
Postal laws	36	77.8	28	27	0	1	0	8	8	0	0
Other regulatory offenses	803	79.5	638	593	5	39	1	165	146	14	5
Other	9,281	85.5%	7,933	7,164	21	702	46	1,348	1,160	160	28
Weapons	3,673	85.2	3,131	2,710	3	397	21	542	448	85	9
Immigration offenses	2,371	92.2	2,185	2,129	5	38	13	186	181	3	2
Tax law violations ^b	741	92.2	683	631	4	47	1	58	47	8	3
Bribery	298	87.2	260	235	3	22	0	38	28	7	3
Perjury, contempt, and intimidation	350	71.4	250	202	1	42	5	100	77	23	0
National defense	67	61.2	41	40	0	1	0	26	26	0	0
Escape	592	75.8	449	421	2	26	0	143	135	7	1
Racketeering and extortion	854	83.1	710	581	1	123	5	144	113	23	8
Gambling	227	67.4	153	146	2	5	0	74	69	3	2
Obscene material ^b	51	51.0	26	26	0	0	0	25	25	0	0
Migratory birds	7	85.7	6	6	0	0	0	1	1	0	0
All other felonies ^b	50	78.0	39	37	0	1	1	11	10	1	0
Misdemeanors^b	14,111	70.4%	9,935	9,221	294	58	362	4,176	3,707	26	443
Fraudulent property offense	1,241	90.9	1,128	1,110	10	6	2	113	106	5	2
Larceny	1,926	69.4	1,337	1,246	50	8	33	589	549	4	36
Drug possession ^b	1,365	83.9	1,145	1,120	5	10	10	220	212	0	8
Immigration	420	96.4	405	405	0	0	0	15	15	0	0
Traffic offenses	7,182	61.4	4,411	4,003	180	10	218	2,771	2,407	4	360
Other misdemeanors	1,977	76.3	1,509	1,337	49	24	99	468	418	13	37
Unknown or indeterminable offense	1	100 %	1	1	0	0	0	0	0	0	0

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 unknown or 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 during October 1, 1993–September 30, 1994

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	8.6 mo	13.4 mo	7.4 mo	10.0 mo
Felonies	9.8 mo	15.1 mo	8.7 mo	11.6 mo
Violent offenses	7.8 mo	11.5 mo	7.1 mo	9.8 mo
Murder ^c	10.6	12.2	10.7	9.8
Negligent manslaughter	9.1	—	9.8	—
Assault	7.7	9.9	6.3	10.2
Robbery	7.2	12.0	6.7	10.0
Rape	7.2	7.9	7.2	6.6
Other sex offenses ^c	10.4	17.1	8.5	—
Kidnaping	12.2	—	11.1	11.5
Threats against the President	7.0	—	7.4	—
Property offenses	8.4 mo	12.9 mo	7.4 mo	12.0 mo
Fraudulent	8.3 mo	12.9 mo	7.4 mo	12.5 mo
Embezzlement	6.7	10.6	6.0	11.0
Fraud ^c	8.8	13.5	7.8	12.8
Forgery	7.7	13.8	6	8.2
Counterfeiting	7.3	9.8	6.7	14.3
Other	8.5 mo	13.0 mo	7.6 mo	10.8 mo
Burglary	7.8	16.2	6.2	—
Larceny ^c	8.1	13.9	7.1	11.4
Motor vehicle theft	8.0	10.2	7.8	7.4
Arson and explosives	10.4	13.0	9.8	11.3
Transportation of stolen property	10.5	12.2	9.3	14.2
Other property offenses ^c	6.2	—	6.7	—
Drug offenses	11.4 mo	17.3 mo	10.4 mo	11.8 mo
Trafficking	11.4	17.1	10.4	11.8
Possession and other drug offenses	12.1	30.6	7.7	7.7
Public-order offenses	9.0 mo	14.5 mo	7.8 mo	11.2 mo
Regulatory	9.6 mo	13.6 mo	8.4 mo	12.7 mo
Agriculture	8.1	10.9	7.1	8.1
Antitrust	5.8	—	5.2	10.3
Food and drug	11.3	—	11.1	—
Transportation	7.5	—	6.8	11.0
Civil rights	10.6	12.7	9.6	11.6
Communications	10.7	—	8.6	10.7
Custom laws	9.6	13.2	8.8	—
Postal laws	7.9	—	5.6	—
Other regulatory offenses	10.2	14.4	8.8	14.2
Other	8.9 mo	14.7 mo	7.7 mo	11.0 mo
Weapons	9.1	12.4	8.4	9.8
Immigration offenses	4.9	12.4	4.3	7.8
Tax law violations ^c	9.0	20.1	7.7	13.9
Bribery	9.8	13.6	8.8	14.0
Perjury, contempt, and intimidation	11.6	15.6	10.6	10.4
National defense	10.8	11.0	10.7	—
Escape	11.5	20.7	9.2	8.5
Racketeering and extortion	14.1	17.3	13.3	14.9
Gambling	14.3	15.9	13.5	15.7
Obscene material ^c	15.6	24.1	7.4	—
Migratory birds	—	—	—	—
All other felonies ^c	5.1	9.5	4.1	—
Misdemeanors^c	4.5 mo	11.0 mo	2.3 mo	1.4 mo
Fraudulent property offense	3.6	9.3	3.0	7.6
Larceny	3.5	5.7	2.6	2.7
Drug possession ^c	4.1	9.3	3.1	6.5
Immigration	1.2	7.4	1.0	—
Traffic offenses	5.3	13.0	1.5	0.4
Other misdemeanors	4.4	7.3	3.8	3.0

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.

^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 unknown or unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 3.4. Characteristics of convicted offenders, October 1, 1993—September 30, 1994

Offender characteristic	Total number of offenders	Percent of defendants convicted of							
		All offenses ^a	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
				Fraudulent	Other		Regulatory	Other	
Sex									
Male	34,291	84.6%	94.9%	72.1%	72.0%	88.2%	80.8%	90.5%	81.7%
Female	6,230	15.4	5.1	27.9	28.0	11.8	19.2	9.5	18.3
Race									
White	23,439	62.5%	48.3%	67.8%	61.5%	59.9%	67.8%	66.8%	53.6%
Black	12,597	33.6	42.0	27.7	34.2	38.0	25.7	28.9	37.5
Other	1,467	3.9	9.7	4.4	4.3	2.1	6.5	4.3	8.9
Ethnicity									
Hispanic	9,889	24.6%	6.3%	9.7%	8.3%	34.8%	8.7%	31.8%	1.8%
Non-Hispanic	30,284	75.4	93.7	90.3	91.7	65.2	91.3	68.2	98.2
Age									
16-18 years	251	0.6%	2.0%	0.1%	1.3%	0.6%	0.2%	0.5%	6.3%
19-20 years	1,663	4.1	8.8	1.7	6.2	4.6	3.3	3.4	11.1
21-30 years	14,572	36.2	41.5	28.1	34.0	40.7	27.4	35.3	44.4
31-40 years	12,556	31.2	28.7	31.4	27.4	32.6	30.2	30.6	25.4
Over 40 years	11,159	27.8	19.1	38.7	31.1	21.5	38.8	30.2	12.7
Citizenship									
U.S. citizen	30,782	77.6%	96.5%	86.8%	92.7%	72.2%	89.2%	67.6%	97.7%
Not U.S. citizen	8,862	22.4	3.5	13.2	7.3	27.8	10.8	32.4	2.3
Education									
Less than high school graduate	15,261	38.9%	39.3%	19.7%	25.9%	47.5%	25.2%	45.7%	30.4%
High school graduate	13,062	33.3	40.3	33.9	41.5	32.1	36.9	29.8	45.7
Some college	7,794	19.9	17.1	30.0	25.4	16.3	26.8	15.7	21.7
College graduate	3,076	7.8	3.4	16.3	7.2	4.1	11.1	8.8	2.2
Criminal record									
No convictions	18,889	48.2%	27.4%	61.8%	56.5%	47.1%	64.4%	39.6%	50.0%
Prior adult convictions ^b									
Never incarcerated	8,770	22.4	19.1	20.5	23.2	26.8	22.1	15.8	35.0
Incarcerated									
13 months or less	3,173	8.1	12.5	5.4	6.7	8.2	5.3	9.7	10.0
More than 13 months	8,334	21.3	41.0	12.2	13.6	17.8	8.2	34.9	5.0

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

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

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

Table 3.5. Dispositions by U.S. magistrates, October 1, 1993—September 30, 1994

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrates			
	Total	Convicted	Not convicted	Percent convicted
All offenses^a	12,976	9,133	3,843	70.4%
Violent offenses	109	70	39	64.2%
Murder/manslaughter	1	1	0	—
Assault	94	58	36	61.7
Robbery	2	1	1	—
Rape	2	1	1	—
Other sex offenses ^b	9	8	1	—
Threats against the President	1	1	0	—
Property offenses	3,061	2,367	694	77.3%
Fraudulent	1,103	1,014	89	91.9%
Embezzlement	321	294	27	91.6
Fraud ^b	662	621	41	93.8
Forgery	115	95	20	82.6
Counterfeiting	5	4	1	—
Other	1,958	1,353	605	69.1%
Burglary	7	4	3	—
Larceny ^b	1,821	1,264	557	69.4
Motor vehicle theft	5	1	4	—
Arson and explosives	5	5	0	—
Transportation of stolen property	1	1	0	—
Other property offenses ^b	119	78	41	65.5
Drug offenses	1,356	1,168	188	86.1%
Trafficking	1,213	1,036	177	85.4
Possession	139	131	8	—
Other drug offenses	4	1	3	—
Public-order offenses	8,450	5,528	2,922	65.4%
Regulatory	391	333	58	85.2%
Agriculture	94	78	16	83.0
Fair labor standards	12	12	0	100
Food and drug	24	24	0	100
Other regulatory offenses	261	219	42	83.9
Other	8,059	5,195	2,864	64.5%
Weapons	154	95	59	61.7
Immigration offenses	289	279	10	—
Tax law violations ^b	136	136	0	—
Bribery	10	10	0	—
National defense	39	34	5	—
Escape	26	20	6	—
Racketeering and extortion	9	6	3	—
Obscene material ^b	1	1	0	—
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	7,024	4,359	2,665	62.1
Migratory birds	9	9	0	—
All other offenses ^b	362	246	116	68.0

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.

—Too few cases to obtain statistically reliable data.

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

^bIn this table, "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 offenses" includes offenses with unknown or unclassifiable offense type.

- 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, 1993, through September 30, 1994, 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.
- 2) Table 3.4 was derived from the USSC monitoring system files, which are limited to records of defendants sentenced under the Federal sentencing guidelines.
- 3) Criminal record, as reported in table 3.4, is limited to prior adult convictions. For some defendants in this table, 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.

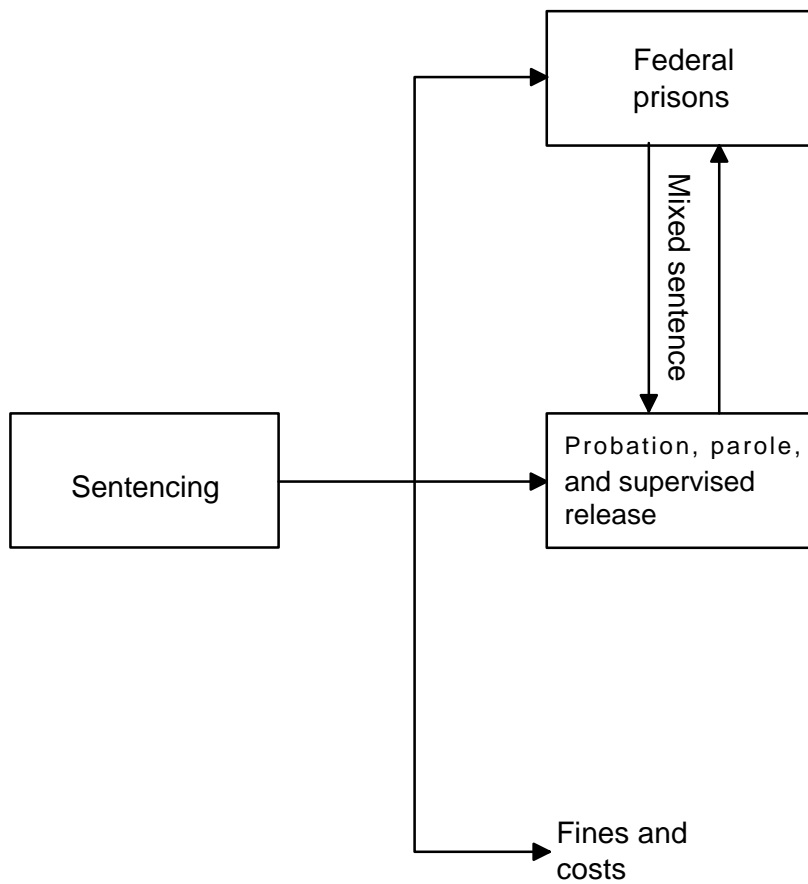
Discussion 49

Tables

October 1, 1993–September 30, 1994

4.1	Sentence types in cases terminated, by offense	51
4.2	Type and length of sentences imposed, by offense	52
4.3	Sentences imposed on convicted offend- ers, by offense of conviction and method of disposition	53
4.4	Convicted offenders sentenced to incar- ceration, by offense and offender characteristics	54
4.5	Average incarceration sentence lengths imposed, by offense and offender characteristics	55
4.6	Median incarceration sentence lengths imposed, by offense and offender characteristics	56

Chapter notes 57



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 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 *Methodology*, p.89).

Offenders convicted and sentences imposed (table 4.1)

Of the 50,701 offenders sentenced during 1994, 33,022 (65%) were sentenced to prison, 15,284 (30%) were sentenced to probation, and 4,043 (8%) were ordered to pay only a fine.²

The likelihood of a convicted felon being sentenced to prison was 78%. However the likelihood of being sentenced to prison varied widely by specific offense. Violent and drug offenders were more likely to receive prison sentences (93% compared to 91%) than were either property offenders or public-order offenders (58% compared to 76%).

Among public-order offenders, persons convicted of weapons, immigration, and escape offenses were about as likely as violent and drug offenders to receive prison sentences (90%, 86%, and 92%, respectively).

Among property offenders, burglars and persons convicted of arson and explosives offenders were also

almost as likely as violent and drug offenders to receive prison sentences (90% compared to 86%).

Overall, 30% of convicted offenders were sentenced to probation. Twenty-five percent of felons and 48% of misdemeanants were sentenced to probation terms. Among felons, persons convicted of postal law violations (65%), tax violations (64%), and gambling violations (71%) were among the most likely to be given probation.

While less than 1% of all convicted felons were ordered to pay only a fine, felons convicted of antitrust (40%) and obscene material (32%) offenses were most likely to be so ordered. Fines generally were reserved for misdemeanor offenders, 34% of whom were ordered to pay fines.

Average prison sentences imposed (table 4.2)

Average lengths of sentences imposed varied among major offense categories. For all offenders given prison terms, the average term of imprisonment imposed was 61 months. Persons convicted of felonies received an average prison term of 64 months.

Among major offense categories, property offenders received the shortest sentences, on average, while violent offenders received the longest (26 months compared to 90 months). Drug offenders received 83 months, on average, and public-order offenders received 51 months. The 2,901 weapons offenders comprised 41% of all public-order offenders sent to prison, and they received an average prison term of 81 months.

Relationship between sentence imposed and method of case disposition (table 4.3)

Of the 50,701 offenders convicted, 46,349 (91%) were convicted by guilty plea while the remainder (9%) were convicted at trial. Sixty-three percent of the offenders convicted by guilty plea received some prison while 87% of the offenders convicted at trial received prison. Across

offense categories, offenders convicted by plea were less likely to receive prison than those convicted at trial.

The difference in the likelihood of receiving prison by mode of conviction varied among offense categories. For violent offenders there was a 5 percentage point difference in the likelihood of receiving a prison term based on the mode of conviction. Ninety-three percent of violent offenders convicted by plea received prison as did 98% of those convicted at trial. By contrast, for fraudulent property offenders and regulatory public-order offenders, there was a 30 percentage point difference in the likelihood of receiving prison based on conviction by guilty plea or by 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 133 months on average, while those convicted by plea received an average 53 months. For drug offenders, the difference in average prison sentences between those convicted at trial versus those convicted by plea was 100 months. For fraudulent property offenders, the difference was nearly 24 months.

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

The majority of persons sentenced to prison during 1994 were male (84%), white (63%), non-Hispanic (75%), and U.S. citizens (78%). 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 categories of age, race, sex, education, or ethnicity (table 4.5). However, conclusions about the effect that offender 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

¹For a definition of mixed sentences, see *Glossary*, p.93.

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

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 (64 months), blacks (84 months), non-Hispanics (64 months), and U.S. citizens (65 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) than are property offenses or regulatory public-order offenses — 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 those 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, 1993—September 30, 1994

Most serious offense of conviction	Total offenders sentenced ^a	Percent of offenders convicted and sentenced to			
		Incarceration ^b	Probation ^c	Split or mixed sentence ^d	Fine (only)
All offenses^e	50,701	65.1%	30.1%	4.9%	8.0%
Felonies	39,624	78.4%	25.1%	5.8%	0.6%
Violent offenses	2,704	93.1%	13.6%	7.6%	0.1%
Murder ^f	161	91.3	10.6	2.5	—
Negligent manslaughter	20	70.0	30.0	5.0	—
Assault	311	82.3	21.9	6.4	1.0
Robbery	1,872	96.7	11.0	8.2	—
Rape	171	89.5	20.5	9.9	—
Other sex offenses ^f	76	68.4	34.2	5.3	—
Kidnaping	75	92.0	10.7	5.3	—
Threats against the President	18	94.4	16.7	11.1	—
Property offenses	11,113	57.7%	44.6%	5.6%	1.1%
Fraudulent	8,671	56.1%	45.7%	5.6%	1.3%
Embezzlement	1,051	50.8	46.7	5.6	1.8
Fraud ^f	6,547	57.1	45.3	5.8	1.4
Forgery	409	48.7	56.2	5.1	—
Counterfeiting	664	59.6	42.3	4.4	0.6
Other	2,442	63.2%	40.4%	5.6%	0.5%
Burglary	146	89.7	16.4	6.8	—
Larceny ^f	1,458	51.2	51.1	4.1	0.4
Motor vehicle theft	405	85.7	22.2	9.1	0.2
Arson and explosives	162	85.8	21.6	8.0	—
Transportation of stolen property	234	67.1	32.5	5.1	0.9
Other property offenses ^f	37	59.5	43.2	10.8	8.1
Drug offenses	16,400	91.3%	12.3%	5.0%	0.1%
Trafficking	16,197	91.6	12.0	5.0	0.1
Possession and other drug offenses	203	65.0	36.0	3.9	0.5
Public-order offenses	9,407	76.2%	27.8%	6.8%	1.1%
Regulatory	1,309	49.2%	47.7%	3.8%	4.9%
Agriculture	48	47.9	56.3	10.4	4.2
Antitrust	82	7.3	53.7	1.2	40.2
Food and drug	61	37.7	52.5	1.6	11.5
Transportation	73	52.1	39.7	1.4	8.2
Civil rights	62	72.6	41.9	14.5	—
Communications	50	26.0	78.0	4.0	—
Custom laws	75	46.7	45.3	4.0	10.7
Postal laws	34	35.3	64.7	2.9	2.9
Other regulatory offenses	824	54.5	45.1	3.3	0.8
Other	8,098	80.6%	24.6%	7.2%	0.5%
Weapons	3,232	89.8	16.7	7.5	0.2
Immigration offenses	2,152	86.3	19.0	8.9	0.3
Tax law violations ^f	712	44.1	63.5	9.0	1.1
Bribery	275	44.7	52.4	0.7	0.7
Perjury, contempt, and intimidation	237	67.1	38.0	5.5	—
National defense	27	66.7	40.7	11.1	3.7
Escape	451	91.8	11.8	4.4	—
Racketeering and extortion	779	84.2	19.1	5.3	0.3
Gambling	166	30.7	70.5	3.0	0.6
Obscene material ^f	25	20.0	56.0	8.0	32.0
Migratory birds	5	40.0	40.0	—	—
All other felonies ^f	37	64.9	37.8	5.4	2.7
Misdemeanors^f	11,072	17.6%	48.1%	2.0%	34.2%
Fraudulent property offense	1,332	20.0	73.9	2.3	4.7
Larceny	1,384	11.5	71.6	2.5	18.7
Drug possession ^f	1,485	40.5	55.7	2.8	4.5
Immigration	539	70.9	19.1	0.6	5.0
Traffic offenses	4,443	4.1	26.5	1.3	68.8
Other misdemeanors	1,889	18.9	65.6	2.9	16.8
Unknown or indeterminable offense	5	80.0%	20.0%	—	—

Note: For further information, see *Chapter notes*, item 1, p. 57.

—Too few cases to obtain statistically reliable data.

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

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

^cIncludes offenders with split and mixed sentences.

^dSentences to probation combined with incarceration.

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

^fIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; "All other felonies" includes felonies with unknown or 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, 1993—September 30, 1994

Most serious offense of conviction	Offenders convicted and sentenced in cases terminated during 1994							
	Total	Number			Sentence length			
		Incarceration ^a	Probation ^b	Fine (only)	Incarceration ^c		Probation ^c	
				Mean	Median	Mean	Median	
All offenses	50,701	33,022	15,284	4,043	61.2 mo	36 mo	34.0 mo	36 mo
Felonies	39,624	31,070	9,960	252	64.3 mo	37 mo	40.0 mo	36 mo
Violent offenses	2,704	2,518	369	3	89.8 mo	63 mo	43.0 mo	36 mo
Murder ^d	161	147	17	0	133.5	97	41.4	36
Negligent manslaughter	20	14	6	0	17.6	14	44.0	36
Assault	311	256	68	3	49.0	36	38.7	36
Robbery	1,872	1,810	206	0	93.9	70	44.5	36
Rape	171	153	35	0	68.5	33	47.7	48
Other sex offenses ^d	76	52	26	0	54.9	37	36.0	36
Kidnaping	75	69	8	0	162.1	136	43.5	36
Threats against the President	18	17	3	0	26.2	18	44.0	36
Property offenses	11,113	6,411	4,952	127	26.0 mo	15 mo	38.9 mo	36 mo
Fraudulent	8,671	4,868	3,966	115	19.7 mo	12 mo	38.6 mo	36 mo
Embezzlement	1,051	534	491	19	12.6	6	37.8	36
Fraud ^d	6,547	3,739	2,964	92	21.0	14	38.6	36
Forgery	409	199	230	0	20.8	12	41.6	36
Counterfeiting	664	396	281	4	17.1	12	37.3	36
Other	2,442	1,543	986	12	45.9 mo	23 mo	40.3 mo	36 mo
Burglary	146	131	24	0	53.8	37	43.0	36
Larceny ^d	1,458	747	745	6	26.0	14	40.3	36
Motor vehicle theft	405	347	90	1	89.2	60	39.0	36
Arson and explosives	162	139	35	0	67.8	46	41.1	36
Transportation of stolen property	234	157	76	2	25.4	20	41.4	36
Other property offenses ^d	37	22	16	3	17.5	10	35.3	36
Drug offenses	16,400	14,973	2,020	21	83.3 mo	60 mo	49.0 mo	48 mo
Trafficking	16,197	14,841	1,947	20	83.7	60	49.6	48
Possession and other drug offenses	203	132	73	1	44.1	24	32.3	36
Public-order offenses	9,407	7,168	2,619	101	50.7 mo	24 mo	34.7 mo	36 mo
Regulatory	1,309	644	625	64	29.9 mo	18 mo	36.4 mo	36 mo
Agriculture	48	23	27	2	14.7	8	41.3	36
Antitrust	82	6	44	33	—	—	38.1	36
Food and drug	61	23	32	7	21.0	18	30.5	36
Transportation	73	38	29	6	19.6	18	41.8	36
Civil rights	62	45	26	0	49.7	37	37.7	36
Communications	50	13	39	0	22.5	21	32.0	36
Custom laws	75	35	34	8	21.0	15	37.4	36
Postal laws	34	12	22	1	32.5	18	29.0	36
Other regulatory offenses	824	449	372	7	31.2	18	36.7	36
Other	8,098	6,524	1,994	37	52.7 mo	25 mo	34.2 mo	36 mo
Weapons	3,232	2,901	539	7	81.0	56	38.8	36
Immigration offenses	2,152	1,857	409	7	23.5	24	27.2	24
Tax law violations ^d	712	314	452	8	15.6	12	35.9	36
Bribery	275	123	144	2	22.0	13	33.0	36
Perjury, contempt, and intimidation	237	159	90	0	31.4	19	34.1	36
National defense	27	18	11	1	48.9	20	42.5	48
Escape	451	414	53	0	22.8	15	29.2	36
Racketeering and extortion	779	656	149	2	62.1	44	39.7	36
Gambling	166	51	117	1	34.8	12	27.3	24
Obscene material ^d	25	5	14	8	—	—	37.7	36
Migratory birds	5	2	2	0	—	—	—	—
All other felonies ^d	37	24	14	1	11.3	4	29.4	30
Misdemeanors^d	11,072	1,948	5,323	3,791	11.9 mo	4 mo	22.8 mo	12 mo
Fraudulent property offense	1,332	266	985	62	7.6	3	32.3	36
Larceny	1,384	159	991	259	12.4	6	19.6	12
Drug possession ^d	1,485	602	827	67	19.0	6	22.9	18
Immigration	539	382	103	27	4.9	2	25.0	24
Traffic offenses	4,443	182	1,178	3,059	7.0	3	14.9	12
Other misdemeanors	1,889	357	1,239	317	12.7	6	24.9	24
Unknown or indeterminable offense	5	4	1	0	—	—	—	—

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. 57.

—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, death sentences, and indeterminate sentences (1% of all incarcerations).

^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; "All other felonies" includes felonies with unknown or 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, 1993—September 30, 1994

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders in terminated cases convicted and sentenced to:				Percent of convicted offenders	Offenders sentenced to some incarceration	
		Incarceration ^a	Probation ^b	Fine (only)	Sentence length ^c			
					Mean		Median	
All offenses	50,701	33,022	15,284	4,043	65.1%	61.2 mo	36 mo	
Guilty plea ^d	46,349	29,242	14,678	3,818	63.1	52.5	30	
Trial	4,352	3,780	606	225	86.9	133.3	100	
Felonies	39,624	31,070	9,960	252	78.4%	64.3 mo	37 mo	
Guilty plea	35,714	27,358	9,521	239	76.6	55.3	34	
Trial	3,910	3,712	439	13	94.9	135.4	105	
Violent offenses	2,704	2,518	369	3	93.1%	89.8 mo	63 mo	
Guilty plea	2,405	2,225	350	3	92.5	81.6	60	
Trial	299	293	19	0	98.0	156.2	120	
Property offenses								
Fraudulent	8,671	4,868	3,966	115	56.1%	19.7 mo	12 mo	
Guilty plea	8,149	4,431	3,851	113	54.4	17.6	12	
Trial	522	437	115	2	83.7	41.3	27	
Other	2,442	1,543	986	12	63.2%	45.9 mo	23 mo	
Guilty plea	2,249	1,367	948	10	60.8	41.5	21	
Trial	193	176	38	2	91.2	81.7	47	
Drug offenses	16,400	14,973	2,020	21	91.3%	83.3 mo	60 mo	
Guilty plea	14,387	12,976	1,891	19	90.2	71.2	57	
Trial	2,013	1,997	129	2	99.2	171.0	141	
Public-order offenses								
Regulatory	1,309	644	625	64	49.2%	29.9 mo	18 mo	
Guilty plea	1,205	564	596	59	46.8	25.0	16	
Trial	104	80	29	5	76.9	65.0	40	
Other	8,098	6,524	1,994	37	80.6%	52.7 mo	25 mo	
Guilty plea	7,319	5,795	1,885	35	79.2	45.0	24	
Trial	779	729	109	2	93.6	116.0	70	
Misdemeanors	11,072	1,948	5,323	3,791	17.6%	11.9 mo	4 mo	
Guilty plea ^d	10,630	1,880	5,156	3,579	17.7	11.2	4	
Trial	442	68	167	212	15.4	29.2	7	
Unknown or indeterminable offense	5	4	1	0	—	—	—	

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. 57.

—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, 1993—September 30, 1994

Offender characteristic	Total number of offenders	Percent of all convicted offenders who were incarcerated in cases terminated during 1994								
		All offenses ^a	Violent offenses	Felonies			Drug offenses	Public-order offenses		Misdemeanors
				Property offenses	Fraudulent	Other		Regulatory	Other	
All offenders^a	40,538	77.2%	95.9%	58.0%	43.0%	91.2%	37.2%	78.7%	31.0%	
Sex										
Male	34,291	81.4%	96.6%	61.8%	52.4%	93.0%	40.1%	81.7%	34.5%	
Female	6,230	54.1	82.4	48.2	18.7	77.9	25.3	50.2	15.4	
Race										
White	23,439	75.0%	95.3%	59.6%	46.7%	89.0%	36.9%	76.0%	33.3%	
Black	12,597	80.9	97.0	56.7	38.4	94.6	36.5	84.0	38.1	
Other	1,467	67.9	93.5	47.8	42.4	88.2	42.3	64.0	20.0	
Ethnicity										
Hispanic	9,889	89.1%	96.6%	58.6%	52.0%	94.9%	48.6%	89.4%	0 %	
Non-Hispanic	30,284	73.7	95.8	58.1	43.4	89.4	36.2	74.1	34.5	
Age										
16-18 years	251	72.1%	94.5%	45.5%	16.2%	78.1%	66.7%	84.4%	75.0%	
19-20 years	1,663	79.6	98.3	52.7	36.0	88.8	40.0	85.2	0	
21-30 years	14,572	81.6	96.9	56.4	42.8	91.9	46.0	87.6	25.0	
31-40 years	12,556	78.8	96.5	60.0	46.0	91.5	38.5	80.4	43.8	
Over 40 years	11,159	69.5	91.6	57.5	43.4	90.9	29.8	65.7	37.5	
Citizenship										
U.S. citizen	30,782	74.7%	95.8%	57.7%	44.3%	89.5%	36.1%	74.4%	41.9%	
Not U.S. citizen	8,862	88.5	97.9	61.5	54.2	96.3	49.2	89.2	0	
Education										
Less than high school graduate	15,261	85.6%	97.4%	54.8%	55.7%	93.6%	44.0%	86.6%	35.7%	
High school graduate	13,062	75.5	95.7	57.2	43.0	90.1	36.7	75.9	38.1	
Some college	7,794	70.0	94.0	58.7	37.3	88.3	34.3	69.2	40.0	
College graduate	3,076	64.8	89.2	61.3	40.9	85.8	31.6	60.5	100	
Criminal record										
No convictions	18,889	66.7%	90.4%	49.4%	30.6%	88.3%	26.3%	60.1%	20.0%	
Prior adult convictions ^b										
Never incarcerated	8,770	78.9	94.8	60.4	45.3	91.2	43.8	75.7	42.9	
Incarcerated										
13 months or less ^c	3,173	91.8	98.0	78.4	75.0	96.2	79.7	93.1	50.0	
More than 13 months	8,334	96.4	99.5	88.9	90.3	97.9	85.7	97.4	100 %	

Note: Excludes corporations. Includes life sentences and indeterminate sentences. Offenders are classified by the most serious offense of conviction. The percentages in this table report the percent of convicted persons having a particular characteristic who were incarcerated. For example, 81.4% of all convicted males were incarcerated, and 96.6% 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. 57.

^aIncludes offenders for whom offense or characteristics are unknown.

^bPrior adult convictions are limited to those used in calculating guideline sentences; see *Chapter notes*, item 3, p. 57.

^cClassifications 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. 57.

Table 4.5. Average incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1993—September 30, 1994

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	61.4 mo	95.9 mo	15.8 mo	20.8 mo	81.1 mo	16.1 mo	45.0 mo	8.7 mo
Sex								
Male	64.4 mo	97.6 mo	17.3 mo	22.2 mo	83.7 mo	17.0 mo	46.2 mo	9.7 mo
Female	36.3	58.5	10.6	11.0	58.3	9.7	26.5	0.7
Race								
White	50.4 mo	86.4 mo	16.3 mo	23.0 mo	66.4 mo	16.4 mo	40.8 mo	15.3 mo
Black	83.6	113.4	15.6	17.3	106.7	14.9	61.6	3.4
Other	49.9	71.1	13.7	15.6	78.7	14.4	29.6	0.1
Ethnicity								
Hispanic	55.4 mo	85.6 mo	11.9 mo	17.7 mo	70.6 mo	18.8 mo	29.4 mo	...
Non-Hispanic	63.9	96.7	16.2	21.2	87.1	15.5	54.3	9.1
Age								
16-18 years	64.9 mo	119.1 mo	5.8 mo	16.8 mo	49.8 mo	41.5 mo	39.8 mo	2.2 mo
19-20 years	61.1	85.6	8.3	26.1	71.3	23.9	35.0	...
21-30 years	64.0	95.5	12.2	21.1	81.8	14.9	43.0	5.1
31-40 years	62.0	95.7	15.6	17.2	80.3	15.7	50.0	17.2
Over 40 years	57.3	98.1	19.0	23.2	83.9	16.6	45.5	...
Citizenship								
U.S. citizen	65.0 mo	96.7 mo	16.5 mo	21.4 mo	84.8 mo	16.9 mo	56.8 mo	9.6 mo
Not U.S. citizen	51.5	73.4	11.6	16.7	72.2	10.7	26.0	...
Education								
Less than high school graduate	66.2 mo	103.1 mo	14.7 mo	19.4 mo	79.3 mo	16.5 mo	45.5 mo	2.8 mo
High school graduate	65.0	94.0	15.3	23.1	84.8	15.9	53.0	6.1
Some college	54.9	86.9	16.3	18.3	81.6	16.5	42.4	22.6
College graduate	39.7	74.1	18.4	24.4	71.9	13.8	33.5	...
Criminal record								
No convictions	48.2 mo	68.4 mo	13.7 mo	20.3 mo	66.5 mo	16.3 mo	27.0 mo	0.5 mo
Prior adult convictions ^b								
Never incarcerated	58.8	74.3	14.2	16.3	78.1	14.8	31.4	29.7
Incarcerated								
13 months or less ^c	60.8	88.8	16.1	16.0	86.3	12.9	33.4	...
More than 13 months	86.9	124.8	24.6	28.0	118.7	18.6	66.5	24.0

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

^aIncludes offenders for whom offense or characteristics are unknown.

^bPrior adult convictions are limited to those used in calculating guideline sentences; see *Chapter notes*, item 3, p. 57.

^cClassifications 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. 57.

Table 4.6. Median incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1993—September 30, 1994

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	36.0 mo	70.0 mo	12.0 mo	12.0 mo	60.0 mo	12.0 mo	24.0 mo	2.0 mo
Sex								
Male	37.0 mo	72.0 mo	12.0 mo	13.0 mo	60.0 mo	12.0 mo	24.0 mo	2.0 mo
Female	18.0	41.0	6.0	6.0	36.0	5.0	18.0	0.7
Race								
White	28.0 mo	63.0 mo	12.0 mo	15.0 mo	48.0 mo	12.0 mo	24.0 mo	1.5 mo
Black	60.0	90.0	12.0	10.0	80.0	12.0	37.0	2.5
Other	27.0	41.0	8.0	8.5	60.0	6.0	21.0	0.1
Ethnicity								
Hispanic	30.0 mo	63.0 mo	7.0 mo	12.0 mo	51.0 mo	7.5 mo	24.0 mo	...
Non-Hispanic	36.0	70.0	12.0	12.0	60.0	12.0	30.0	2.0
Age								
16-18 years	38.0 mo	93.0 mo	3.0 mo	9.0 mo	30.0 mo	41.5 mo	18.0 mo	2.0 mo
19-20 years	41.0	63.0	6.0	14.0	60.0	13.5	24.0	...
21-30 years	37.0	71.0	10.0	12.0	60.0	10.0	24.0	3.0
31-40 years	36.0	70.0	12.0	12.0	60.0	12.0	24.0	2.0
Over 40 years	30.0	65.5	14.0	13.0	60.0	12.0	24.0	2.0
Citizenship								
U.S. citizen	37.0 mo	71.0 mo	12.0 mo	12.0 mo	60.0 mo	12.0 mo	33.0 mo	2.0 mo
Not U.S. citizen	28.0	51.0	6.0	12.0	57.0	6.0	21.0	...
Education								
Less than high school graduate	40.0 mo	78.0 mo	12.0 mo	12.0 mo	60.0 mo	11.0 mo	24.0 mo	2.0 mo
High school graduate	40.0	70.0	12.0	12.0	60.0	12.0	30.0	1.0
Some college	30.0	63.0	12.0	12.0	60.0	12.0	24.0	6.0
College graduate	21.0	46.0	13.0	14.0	48.0	12.0	21.0	1.0
Criminal record								
No convictions	28.0 mo	50.0 mo	10.0 mo	12.0 mo	48.0 mo	10.0 mo	15.0 mo	0.7 mo
Prior adult convictions ^b								
Never incarcerated	36.0	51.5	12.0	8.5	60.0	8.0	18.0	9.0
Incarcerated								
13 months or less ^c	36.0	70.0	12.0	12.0	60.0	8.0	24.0	12.0
More than 13 months	57.0	100.0	20.0	20.0	92.0	15.5	37.0	24.0

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

^aIncludes offenders for whom offense or characteristics are unknown.

^bPrior adult convictions are limited to those used in calculating guideline sentences; see *Chapter notes*, item 3, p. 57.

^cClassifications 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. 57.

- 1) Tables 4.1–4.3 were derived from the AOUSC criminal master data files. Only records of defendants sentenced during October 1, 1993, through September 30, 1994, 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 derived from the United States Sentencing Commission (USSC) monitoring system files, which are limited to records of defendants sentenced under the Federal sentencing guidelines only. Only records of defendants who were sentenced during fiscal year 1994 were selected. 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 tables 4.4–4.6; however, persons under 18 years of age who were sentenced as adults were included in these tables. Corporate defendants were excluded from them. Tables 4.4–4.6 indicate the number of records for which relevant data were available. Percentage distributions were based on records with known values of defendant characteristics and offenses. USSC offense codes were translated into the corresponding AOUSC four-digit offense codes, and these four-digit codes were then aggregated into the offense categories shown in the tables.
- 3) Criminal record, as reported in tables 4.4–4.6, is limited to the portion of a defendant's 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. Specifically, the number of prior adult incarcerations reported in tables 4.4–4.6 included two types of prison sentences covering different periods of time. First, it included prior sentences of imprisonment exceeding 13 months that were imposed or served (all or in part) during the 15 years prior to the commencement of the instant offense. Second, it included other prior sentences of shorter lengths imposed within 10 years of the defendant's commencement of the instant offense. Prior prison sentences not falling within these time periods or meeting these criteria were not counted.

Discussion **61**

Tables

October 1, 1993–September 30, 1994

5.1 Criminal appeals filed, by type of criminal case and offense 63

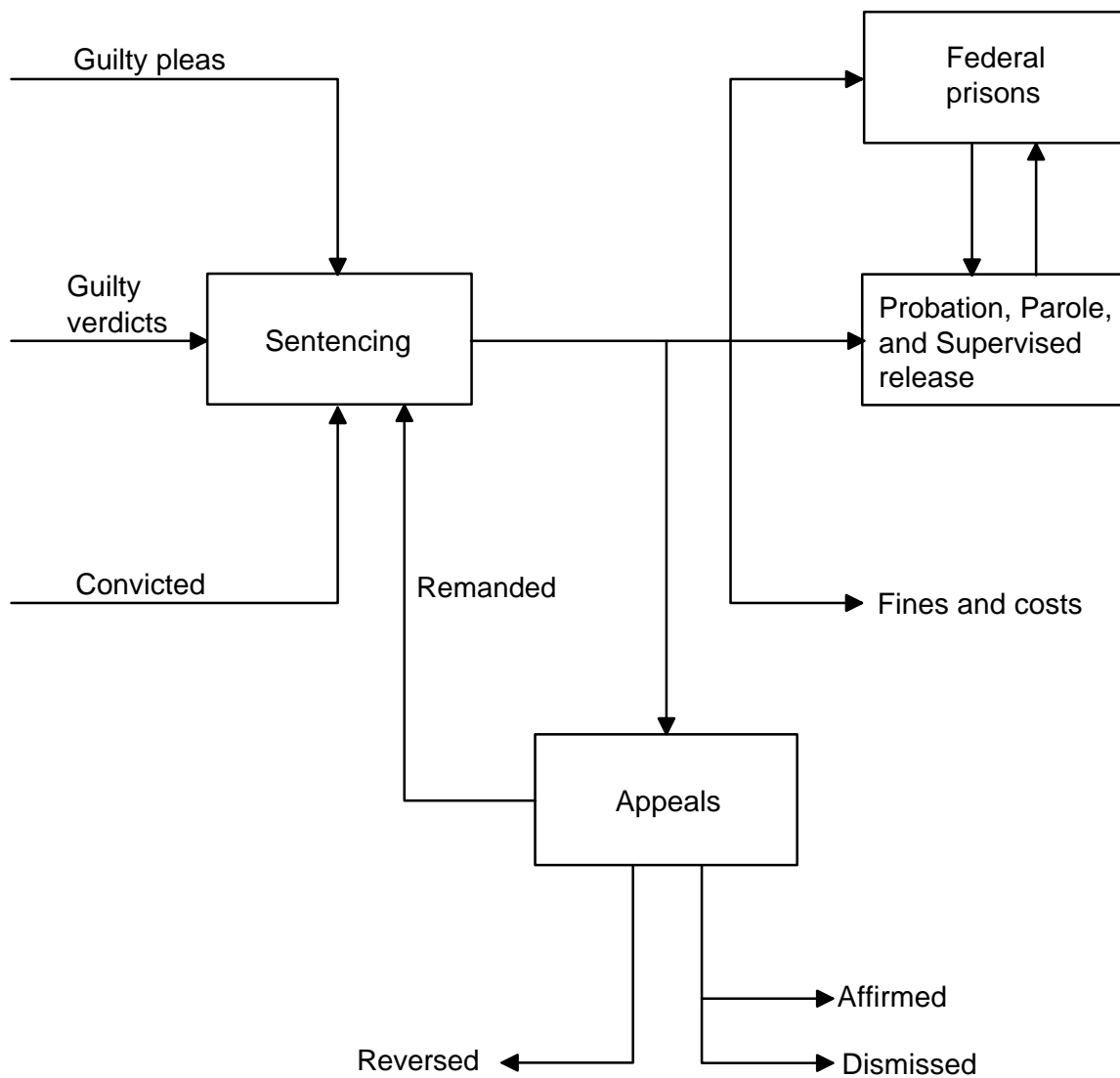
5.2 Criminal appeals filed and percent of convictions appealed, by offense 64

5.3 Criminal appeals terminated, by type of criminal case and offense 65

5.4 Disposition of criminal appeals terminated on the merits, by offense 66

5.5 Criminal appeals cases terminated on the merits, by nature of offense 67

Chapter notes **68**



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 provided 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 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 1994 the U.S. Court of Appeals received 10,674 criminal appeals. About 21% of all criminal cases resulted in an appeal and fewer than 5% of appeals (522) were filed by the Government. The appeal rate varied substantially across offense categories. More than 75% of murder convictions were appealed. Other offenses with high rates of appeal included kidnaping, threats against the President, civil rights offenses, perjury, contempt and intimidation charges, and weapons charges. Offenses with lower rates of appeal included immigration offenses, counterfeiting, larceny, embezzlement, postal law violations and gambling offenses.

Forty-five percent of these appeals challenged both the conviction and the sentence imposed. About 1 in 4 challenged only the sentence imposed, and about 14% were appeals of convictions for crimes committed before the sentencing guidelines took effect in 1987.

The type of appeal filed (sentence, conviction, or both) was relatively constant across the offense categories underlying the appeal. However, for immigration offenders, almost 40% of those convicted appealed only their sentences, compared to 24% for public-order offenses and 25% for all criminal categories.

Appeals from drug convictions comprised almost half (48%) of all

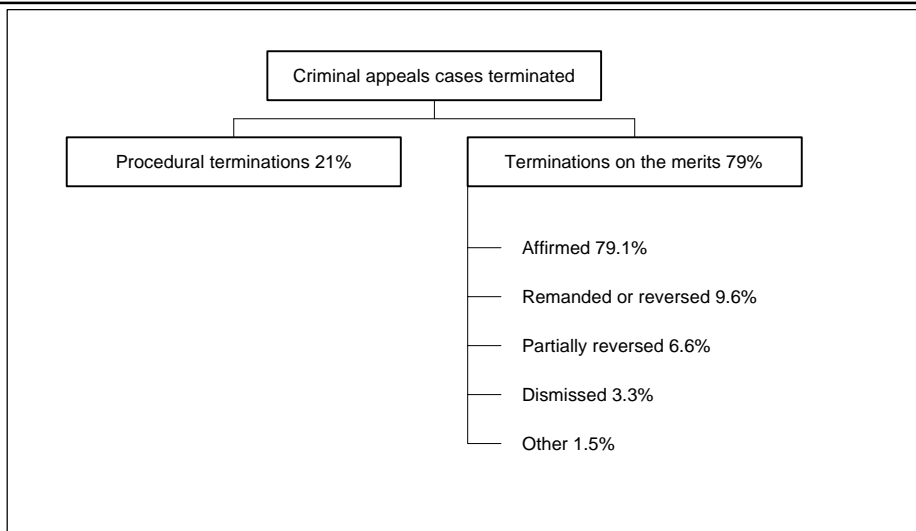


Figure 5.1. Outcomes of criminal appeals terminated during October 1, 1993–September 30, 1994

appeals filed. Public-order offenses were about 23% of all appeals, and property offenses made up another 18% of appeals. Violent offenders comprised 8% of appeals filed.

Appeals terminated (tables 5.3–5.5)

Of the 11,708 appeals terminated during 1994, 9,265 (79% of all appeals) were terminated on the merits. In 86% of cases terminated on the merits, at least part of the district court ruling was affirmed. District court decisions were remanded or reversed in approximately 10% of these cases. Cases were dismissed or remanded to criminal court relatively infrequently. In addition, 2,443 appeals were terminated on procedural grounds.

Table 5.1. Criminal appeals filed, by type of criminal case and offense, October 1, 1993–September 30, 1994

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
All offenses	10,674	1,450	9,224	2,614	1,344	4,824	442
Violent offenses	856	124	732	256	91	342	43
Murder*	125	57	68	9	11	43	5
Negligent manslaughter	1	0	1	1	0	0	0
Assault	103	19	84	28	12	40	4
Robbery	504	40	464	181	55	201	27
Rape	44	3	41	18	5	18	0
Other sex offenses*	26	1	25	6	6	12	1
Kidnaping	45	2	43	12	2	25	4
Threats against the President	8	2	6	1	0	3	2
Property offenses	1,949	244	1,705	556	227	845	77
Fraudulent	1,410	183	1,227	412	159	595	61
Embezzlement	101	14	87	22	12	46	7
Fraud*	1,182	150	1,032	351	130	503	48
Forgery	68	12	56	22	12	20	2
Counterfeiting	59	7	52	17	5	26	4
Other	539	61	478	144	68	250	16
Burglary	23	3	20	7	4	8	1
Larceny*	240	28	212	74	34	98	6
Motor vehicle theft	135	11	124	31	16	76	1
Arson and explosives	66	11	55	12	9	31	3
Transportation of stolen property	62	6	56	17	2	33	4
Other property offenses*	13	2	11	3	3	4	1
Drug offenses	5,102	607	4,495	1,160	675	2,445	215
Public-order offenses	2,439	329	2,110	577	319	1,118	96
Regulatory	288	59	229	63	35	121	10
Agriculture	12	1	11	3	1	7	0
Antitrust	7	0	7	1	1	5	0
Food and drug	12	2	10	5	0	4	1
Transportation	13	0	13	2	3	6	2
Civil rights	26	8	18	1	6	10	1
Communications	8	2	6	1	2	2	1
Custom laws	18	4	14	4	2	7	1
Postal laws	12	1	11	3	6	1	1
Other regulatory offenses	180	41	139	43	14	79	3
Other	2,151	270	1,881	514	284	997	86
Weapons	1,141	115	1,026	246	167	570	43
Immigration offenses	261	24	237	103	23	106	5
Tax law violations*	146	38	108	26	13	62	7
Bribery	54	5	49	15	6	26	2
Perjury, contempt, and intimidation	108	16	92	16	23	46	7
National defense	19	6	13	4	4	5	0
Escape	119	18	101	37	12	47	5
Racketeering and extortion	259	37	222	58	27	125	12
Gambling	9	2	7	1	2	2	2
Liquor offenses	2	0	2	2	0	0	0
Obscene material*	5	1	4	3	0	0	1
Traffic	21	4	17	3	5	7	2
Migratory birds	2	1	1	0	1	0	0
All other offenses*	5	3	2	0	1	1	0
Unknown or indeterminable offense	328	146	182	65	32	74	11

Note: For further information, see *Chapter notes*, p. 68.

*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; and "Obscene material" denotes the mail or transport thereof, and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 5.2. Criminal appeals filed, percent of convictions appealed, by offense, October 1, 1993–September 30, 1994

Offense of conviction	Number of criminal appeals filed	Number of criminal convictions	Percent of criminal convictions appealed	Percent of appeals filed ^a
All offenses	10,674	50,701	21.1%	100 %
Violent offenses	856	2,836	30.2%	8.0%
Murder ^b	125	161	77.6	1.2
Negligent manslaughter	1	21	—	—
Assault	103	423	24.3	1.0
Robbery	504	1,872	26.9	4.7
Rape	44	182	24.2	0.4
Other sex offenses ^b	26	84	31.0	0.2
Kidnaping	45	75	60.0	0.4
Threats against the President	8	18	—	—
Property offenses	1,949	13,977	13.9%	18.3%
Fraudulent	1,410	10,003	14.1%	13.2%
Embezzlement	101	1,440	7.0	0.9
Fraud ^b	1,182	7,341	16.1	11.1
Forgery	68	541	12.6	0.6
Counterfeiting	59	681	8.7	0.6
Other	539	3,974	13.6%	5.0%
Burglary	23	151	15.2	0.2
Larceny ^b	240	2,842	8.4	2.2
Motor vehicle theft	135	407	33.2	1.3
Arson and explosives	66	179	36.9	0.6
Transportation of stolen property	62	238	26.1	0.6
Other property offenses ^b	13	157	8.3	0.1
Drug offenses	5,102	17,885	28.5%	47.8%
Public-order offenses	2,439	15,998	15.2%	22.8%
Regulatory	288	1,965	14.7%	2.7%
Agriculture	12	171	7.0	0.1
Antitrust	7	82	—	—
Food and drug	12	106	11.3	0.1
Transportation	13	114	11.4	0.1
Civil rights	26	69	37.7	0.2
Communications	8	57	—	—
Custom laws	18	92	19.6	0.2
Postal laws	12	261	4.6	0.1
Other regulatory offenses	180	1,013	17.8	1.7
Other	2,151	14,033	15.3%	20.2%
Weapons	1,141	3,343	34.1	10.7
Immigration offenses	261	2,691	9.7	2.4
Tax law violations ^b	146	1,037	14.1	1.4
Bribery	54	298	18.1	0.5
Perjury, contempt, and intimidation	108	277	39.0	1.0
National defense	19	120	15.8	0.2
Escape	119	522	22.8	1.1
Racketeering and extortion	259	786	33.0	2.4
Gambling	9	166	—	0.1
Liquor offenses	2	4	—	—
Obscene material ^b	5	25	—	—
Traffic	21	4,460	0.5	0.2
Migratory birds	2	30	—	—
All other offenses ^b	5	274	—	—
Unknown or indeterminable offense	328	5		3.1%

Note: For further information, see *Chapter notes*, p. 68.

Note: Liquor offenses were excluded, due to too few cases for statistically reliable data.

—Less than .05%.

—*Too few cases to obtain statistically reliable data.

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

^bIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses;

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

Table 5.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 1993–September 30, 1994

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and convicted	
All offenses	11,708	1,721	9,987	2,710	1,496	5,347	434
Violent offenses	913	108	805	250	132	405	18
Murder*	108	38	70	5	24	38	3
Negligent manslaughter	1	0	1	1	0	0	0
Assault	105	12	93	16	18	53	6
Robbery	548	46	502	190	68	236	8
Rape	60	2	58	19	11	28	0
Other sex offenses*	32	3	29	2	6	21	0
Kidnaping	49	7	42	13	5	23	1
Threats against the President	10	0	10	4	0	6	0
Property offenses	2,024	358	1,666	538	244	815	69
Fraudulent	1,564	292	1,272	415	180	623	54
Embezzlement	151	31	120	35	9	66	10
Fraud*	1,271	242	1,029	343	150	496	40
Forgery	62	13	49	17	6	24	2
Counterfeiting	80	6	74	20	15	37	2
Other	460	66	394	123	64	192	15
Burglary	31	5	26	8	5	12	1
Larceny*	188	24	164	66	22	70	6
Motor vehicle theft	69	5	64	13	14	35	2
Arson and explosives	74	12	62	17	15	28	2
Transportation of stolen property	86	16	70	16	7	43	4
Other property offenses*	12	4	8	3	1	4	0
Drug offenses	5,870	728	5,142	1,272	749	2,871	250
Public-order offenses	2,594	387	2,207	587	350	1,183	87
Regulatory	298	59	239	65	44	116	14
Agriculture	12	2	10	2	2	6	0
Antitrust	10	0	10	3	3	4	0
Food and drug	11	6	5	3	1	1	0
Transportation	12	0	12	1	3	6	2
Civil rights	33	8	25	2	6	14	3
Communications	6	0	6	2	3	1	0
Custom laws	12	3	9	3	1	5	0
Postal laws	11	2	9	1	5	1	2
Other regulatory offenses	191	38	153	48	20	78	7
Other	2,296	328	1,968	522	306	1,067	73
Weapons	1,246	150	1,096	268	187	605	36
Immigration offenses	254	25	229	90	14	120	5
Tax law violations*	170	37	133	28	28	71	6
Bribery	52	15	37	10	2	24	1
Perjury, contempt, and intimidation	114	16	98	21	20	50	7
National defense	21	9	12	5	3	4	0
Escape	111	18	93	42	9	38	4
Racketeering and extortion	266	48	218	48	32	128	10
Gambling	10	1	9	0	1	6	2
Liquor offenses	3	0	3	2	0	1	0
Obscene material*	14	4	10	4	0	5	1
Traffic	26	3	23	4	7	11	1
Migratory birds	2	0	2	0	1	1	0
All other offenses*	7	2	5	0	2	3	0
Unknown or indeterminable offense	307	140	167	63	21	73	10

Note: For further information, see *Chapter notes*, p. 68.

*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 unknown or unclassifiable offense type.

Table 5.4. Disposition of criminal appeals terminated on the merits, by offense, October 1, 1993–September 30, 1994

Offense of conviction	Total criminal appeals	Criminal appeals terminated on the merits							Procedural terminations
		Total	Percent	Affirmed	Remanded or reversed	Partial part	Dismissed	Other	
All offenses	11,708	9,265	79.1%	7,324	885	612	309	135	2,443
Violent offenses	913	764	83.7%	583	78	41	36	26	149
Murder*	108	91	84.3	72	7	8	0	4	17
Negligent manslaughter	1	0	—	0	0	0	0	0	1
Assault	105	86	81.9	66	13	4	2	1	19
Robbery	548	458	83.6	342	47	19	32	18	90
Rape	60	51	85.0	42	4	1	1	3	9
Other sex offenses*	32	27	84.4	21	2	4	0	0	5
Kidnaping	49	42	85.7	35	1	5	1	0	7
Threats against the President	10	9	—	5	4	0	0	0	1
Property offenses	2,024	1,504	74.3%	1,118	187	118	51	30	520
Fraudulent	1,564	1,153	73.7%	858	142	92	35	26	411
Embezzlement	151	115	76.2	88	13	11	2	1	36
Fraud*	1,271	926	72.9	688	117	70	27	24	345
Forgery	62	52	83.9	37	5	6	4	0	10
Counterfeiting	80	60	75.0	45	7	5	2	1	20
Other	460	351	76.3%	260	45	26	16	4	109
Burglary	31	25	80.6	18	3	0	2	2	6
Larceny*	188	133	70.7	91	19	10	12	1	55
Motor vehicle theft	69	55	79.7	45	6	4	0	0	14
Arson and explosives	74	56	75.7	48	3	4	1	0	18
Transportation of stolen property	86	71	82.6	53	8	8	1	1	15
Other property offenses*	12	11	91.7	5	6	0	0	0	1
Drug offenses	5,870	4,775	81.3%	3,897	364	325	140	49	1,095
Public-order offenses	2,594	2,031	78.3%	1,568	241	126	71	25	563
Regulatory	298	231	77.5%	157	38	21	9	6	67
Agriculture	12	12	100	11	1	0	0	0	0
Antitrust	10	10	—	5	0	4	0	1	0
Food and drug	11	10	90.9	8	1	0	1	0	1
Transportation	12	11	91.7	9	1	0	0	1	1
Civil rights	33	27	81.8	17	6	4	0	0	6
Communications	6	6	—	6	0	0	0	0	0
Custom laws	12	10	83.3	3	2	5	0	0	2
Postal laws	11	6	54.5	6	0	0	0	0	5
Other regulatory offenses	191	139	72.8	92	27	8	8	4	52
Other	2,296	1,800	78.4%	1,411	203	105	62	19	496
Weapons	1,246	1,025	82.3	808	119	54	35	9	221
Immigration offenses	254	195	76.8	165	13	2	9	6	59
Tax law violations*	170	115	67.6	93	8	11	3	0	55
Bribery	52	35	67.3	25	3	4	3	0	17
Perjury, contempt, and intimidation	114	77	67.5	58	11	7	1	0	37
National defense	21	17	81.0	11	4	0	2	0	4
Escape	111	71	64.0	61	4	2	2	2	40
Racketeering and extortion	266	220	82.7	163	31	17	7	2	46
Gambling	10	8	—	3	5	0	0	0	2
Liquor offenses	3	1	—	1	0	0	0	0	2
Obscene material*	14	12	85.7	3	1	8	0	0	2
Traffic	26	16	61.5	13	3	0	0	0	10
Migratory birds	2	2	—	1	1	0	0	0	0
All other offenses*	7	6	—	6	0	0	0	0	1
Unknown or indeterminable offense	307	191	62.2%	158	15	2	11	5	116

Note: For further information, see *Chapter notes*, p. 68.

—Too few cases to obtain statistically reliable data.

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

Table 5.5. Criminal appeals cases terminated on the merits, by nature of offense, October 1, 1993–September 30, 1994

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partial part	Dismissed	Other
All offenses	9,265	79.1%	9.6%	6.6%	3.3%	1.5%
Violent offenses	764	76.3%	10.2%	5.4%	4.7%	3.4%
Murder*	91	79.1	7.7	8.8	0	4.4
Negligent manslaughter	0	...	...	...	...	...
Assault	86	76.7	15.1	4.7	2.3	1.2
Robbery	458	74.7	10.3	4.1	7.0	3.9
Rape	51	82.4	7.8	2.0	2.0	5.9
Other sex offenses*	27	77.8	7.4	14.8	0	0
Kidnaping	42	83.3	2.4	11.9	2.4	0
Threats against the President	9	—	—	—	—	—
Property offenses	1,504	74.3%	12.4%	7.8%	3.4%	2.0%
Fraudulent	1,153	74.4%	12.3%	8.0%	3.0%	2.3%
Embezzlement	115	76.5	11.3	9.6	1.7	0.9
Fraud*	926	74.3	12.6	7.6	2.9	2.6
Forgery	52	71.2	9.6	11.5	7.7	0
Counterfeiting	60	75.0	11.7	8.3	3.3	1.7
Other	351	74.1%	12.8%	7.4%	4.6%	1.1%
Burglary	25	72.0	12.0	0	8.0	8.0
Larceny*	133	68.4	14.3	7.5	9.0	0.8
Motor vehicle theft	55	81.8	10.9	7.3	0	0
Arson and explosives	56	85.7	5.4	7.1	1.8	0
Transportation of stolen property	71	74.6	11.3	11.3	1.4	1.4
Other property offenses*	11	45.5	54.5	0	0	0
Drug offenses	4,775	81.6%	7.6%	6.8%	2.9%	1.0%
Public-order offenses	2,031	77.2%	11.9%	6.2%	3.5%	1.2%
Regulatory	231	68.0%	16.5%	9.1%	3.9%	2.6%
Agriculture	12	91.7	8.3	0	0	0
Antitrust	10	50.0	0	40.0	0	10.0
Food and drug	10	80.0	10.0	0	10.0	0
Transportation	11	81.8	9.1	0	0	9.1
Civil rights	27	63.0	22.2	14.8	0	0
Communications	6	—	—	—	—	—
Custom laws	10	30.0	20.0	50.0	0	0
Postal laws	6	—	—	—	—	—
Other regulatory offenses	139	66.2	19.4	5.8	5.8	2.9
Other	1,800	78.4%	11.3%	5.8%	3.4%	1.1%
Weapons	1,025	78.8	11.6	5.3	3.4	0.9
Immigration offenses	195	84.6	6.7	1.0	4.6	3.1
Tax law violations*	115	80.9	7.0	9.6	2.6	0
Bribery	35	71.4	8.6	11.4	8.6	0
Perjury, contempt, and intimidation	77	75.3	14.3	9.1	1.3	0
National defense	17	64.7	23.5	0	11.8	0
Escape	71	85.9	5.6	2.8	2.8	2.8
Racketeering and extortion	220	74.1	14.1	7.7	3.2	0.9
Gambling	8	—	—	—	—	—
Liquor offenses	1	—	—	—	—	—
Obscene material*	12	25.0	8.3	66.7	0	0
Traffic	16	81.3	18.8	0	0	0
Migratory birds	2	—	—	—	—	—
All other offenses*	6	—	—	—	—	—
Unknown or indeterminable offense	191	82.7%	7.9%	1.0%	5.8%	2.6%

Note: For further information, see *Chapter notes*, p. 68.
 —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 unknown or unclassifiable offense type.

Tables in chapter 5 were created from the AOUSC appeals database. Records of appellants in appeals filed or terminated during October 1, 1993, through September 30, 1994, were selected. Data include records of 10,162 appellants in criminal appeals filed during fiscal year 1994 and 10,852 appellants in appeals terminated during the same period. 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.

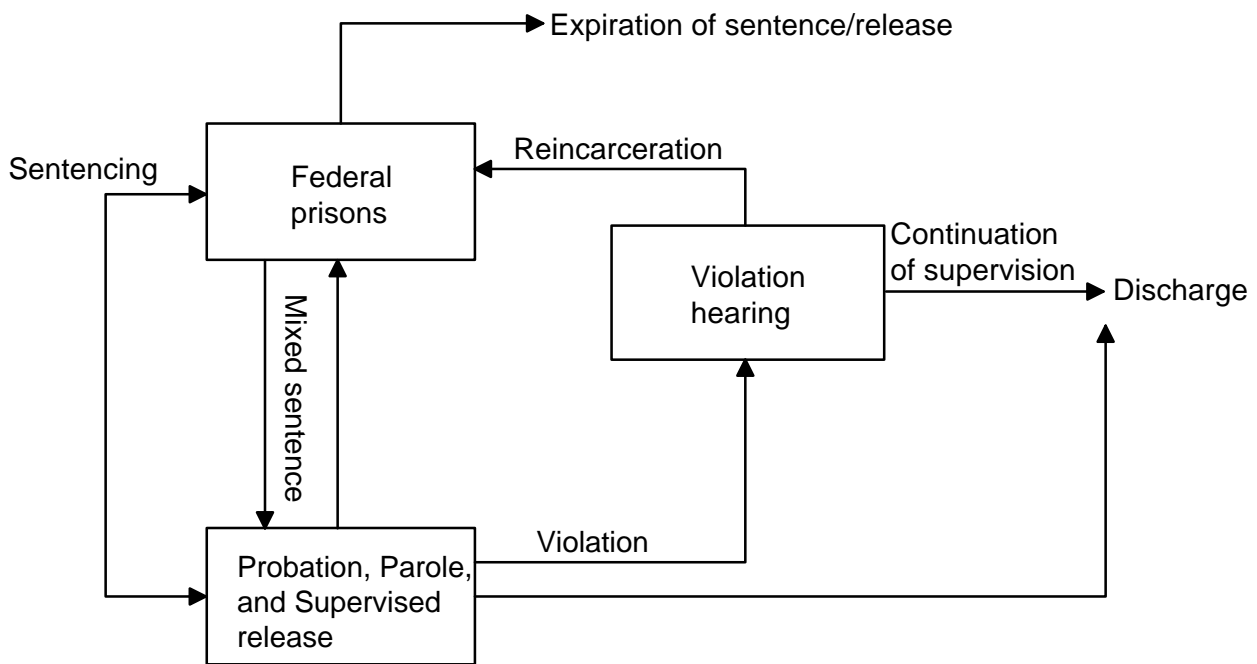
Discussion 71

Tables

October 1, 1994 - September 30, 1995

6.1	Outcomes of probation supervision, by offense	75
6.2	Characteristics of offenders terminating probation supervision	76
6.3	Outcomes of parole or supervised release, by offense	77
6.4	Characteristics of offenders terminating parole or supervised release	78
6.5	Supervision outcomes for offenders entering supervision, by type of release	79
6.6	Average time to first release and percent of sentence served, for prisoners released	80
6.7	Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released	81
6.8	Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released	82
6.9	Admissions and releases of Federal prisoners, by offense	83
6.10	First releases from prison, by offense and offense characteristics	84
6.11	Mean time served to first release from Federal prison, by offense and offender characteristics	85

Chapter notes 86



Supervision

During 1994, 39,372 offenders terminated an 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.

Probation outcomes (table 6.1)

During 1994, 20,185 offenders completed one or more terms of active probation. Overall, 80% of these offenders successfully completed their term of probation, another 17% violated their conditions of probation, and the remaining 3% were

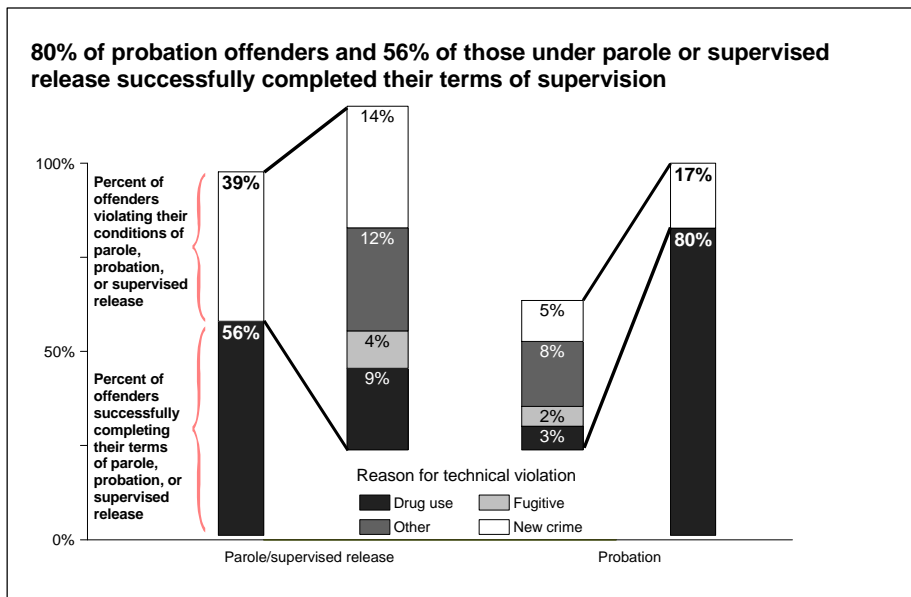


Figure 6.1. Violation rates of offenders under parole, probation, or supervised release, by type of violation, October 1, 1993–September 30, 1994

administrative closures. Of those who violated their conditions of probation, 5% committed a new crime. Most committed technical violations, such as drug use (3%) and absconding (2%) (figure 6.1).

Offenders convicted of violent offenses were the least likely to successfully complete a term of probation without a violation. Thirty-three percent of probationers convicted of violent offenses violated the conditions of their probation. By

contrast, 16% of property, 16% of drug, and 12% of public-order offenders violated their conditions of probation (figure 6.2). Violent offenders were also more likely to commit new crimes (12%) than were probationers convicted of property (5%), drug (5%), and public-order (4%) offenses.

Parole and supervised release outcomes (table 6.3)

During 1994, 19,187 offenders completed terms of either parole or

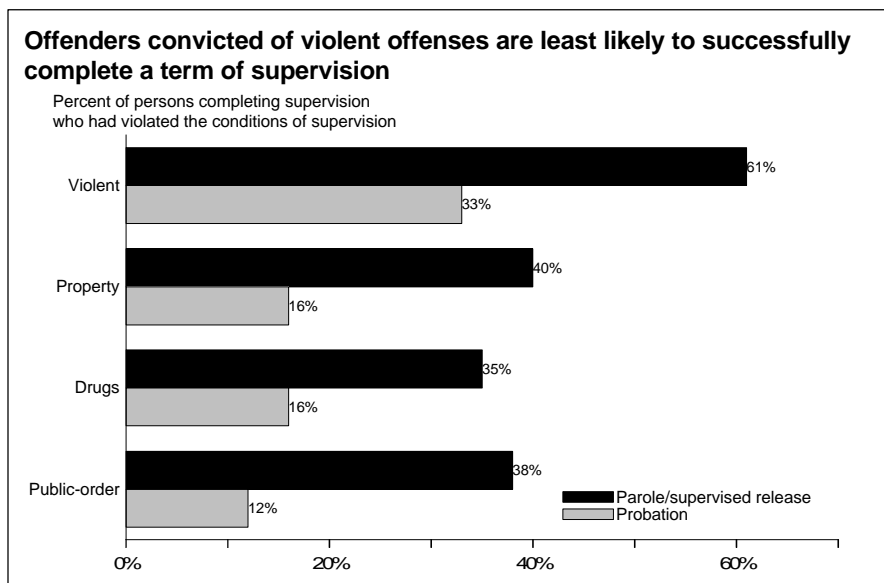


Figure 6.2. Violation rates of offenders completing parole, probation, or supervised release, by category of offense, October 1, 1993–September 30, 1994

The rate of violating conditions of supervision was highest for parolees and lowest for probationers

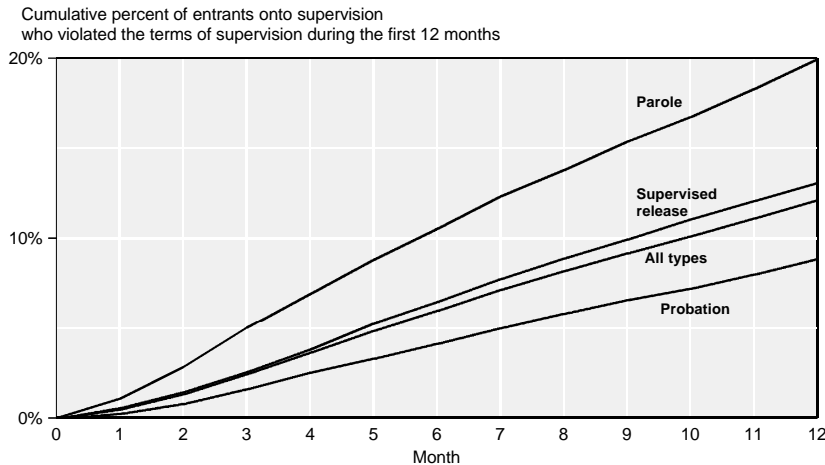


Figure 6.3. Offenders who entered probation, parole, or supervised release and violated terms of supervision within 12 months, by type of supervision, October 1, 1993–September 30, 1994

supervised release. Overall, 56% of these offenders successfully completed their term of parole or supervised release; 14% violated by committing a new crime; 26% committed technical violations, such as drug use (9%) and absconding (4%); and 4% completed their parole term through an administrative case closure (table 6.3, figure 6.1).

Offenders convicted of violent offenses were the least likely to complete a term of parole or supervised release without a violation. Sixty-one percent of violent offenders violated conditions of parole or supervised release, while 40% of property, 35% of drug, and 38% of public-order offenders violated parole or supervised release (figure 6.2). Violent offenders were also more likely to commit new crimes (23%) than offenders convicted of property (14%), drug (12%), and public-order (14%) offenses.

Entrants into supervision (table 6.5)

Figure 6.3 displays the percentages of offenders entering supervision (with sentences of at least 12 months) during 1994 who violated conditions of supervision over a 12-month period, by type of supervision. The rate of violating conditions of supervision was highest for

parolees and lowest for probationers. After 12 months of supervision, 21% of parolees had violated conditions of release, compared to 9% of probationers. Overall, about 12% of offenders entering supervision during 1994 had violated conditions of release within 12 months of their entry into supervision.

Characteristics of offenders completing supervision (tables 6.2 and 6.4)

Probation (table 6.2) — Among offenders who completed a term of probation, 75% were male; 70% were white and 92% were of non-Hispanic origin; 30% were under age 31 (compared to 39% over age 40); 27% had less than a high school diploma (compared to 34% who had a high school diploma and 39% who had at least some college education); and 81% had no known drug history.

Offender characteristics — such as age, history of drug abuse, and education — were associated with the probability of violating terms of supervision. Offenders ages 16 to 20 were more likely (38%) to violate conditions of supervision than probationers in other age groups — 19% of those ages 21 to 30 and 12% of those over age 30 (figure 6.4).

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 known histories of drug abuse were also more likely to violate supervision for other reasons (technical violations and new crimes) than were other probationers.

Younger offenders were more likely to violate conditions of supervision

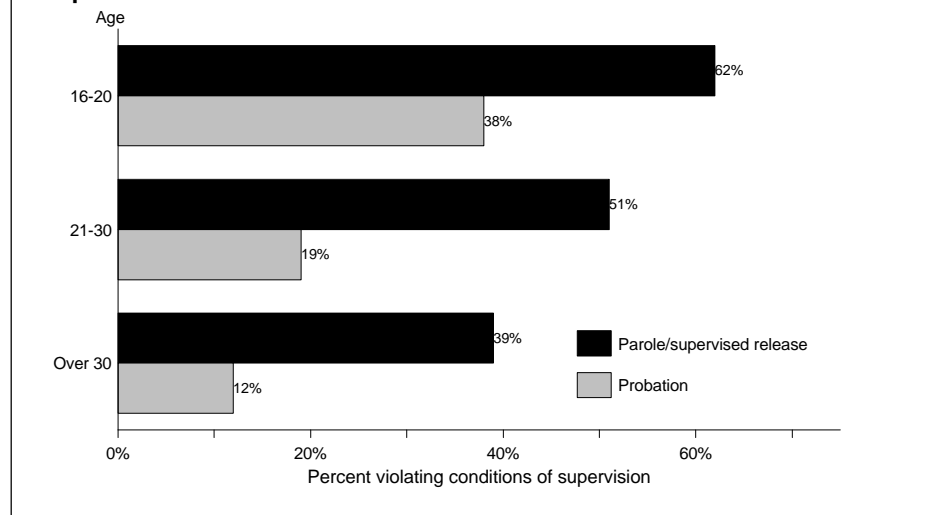


Figure 6.4. Rate of violation of conditions of supervision, by age group, October 1, 1993–September 30, 1994

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

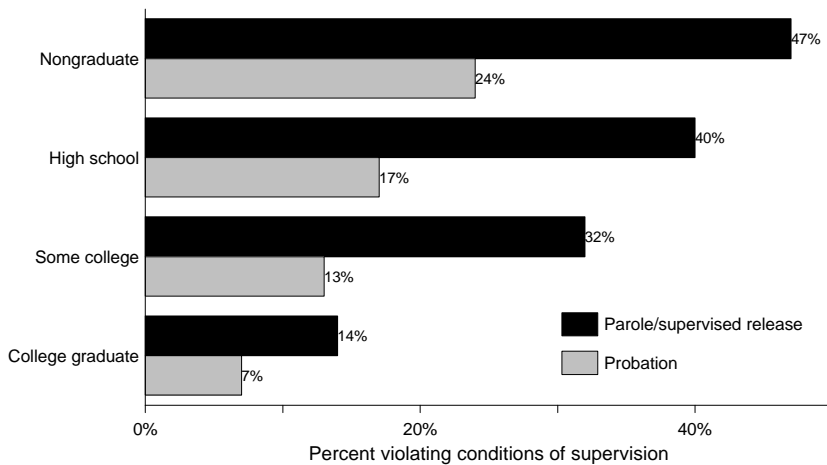


Figure 6.5. Rate of violation of conditions of supervision, by level of education, October 1, 1993–September 30, 1994

Probationers with lower levels of education were more likely to violate the conditions of probation than those with higher levels of education. Those who did not graduate high school had a 24% violation rate, those who were high school graduates had a 17% violation rate, those with some college had a 13% violation rate, and those with a college degree had only a 7% violation rate (figure 6.5).

Parole and supervised release (table 6.4) — Among those who completed a term of parole or supervised release, 89% were male, 67% were white, 85% were of non-Hispanic origin, 22% were less than age 31 (41% were over age 40), 42% had only some high school (34% had a high school diploma and 24% had at least some college), and 54% had no known drug history.

¹Tables 6.6 and 6.7 include only prisoners committed by U.S. district courts and released by the Bureau of Prisons during 1994.

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.

Offender characteristics — such as age, history of drug abuse, and education — were associated with the probability of violating terms of supervised release and parole. Offenders ages 16 to 20 were more likely (60%) to violate conditions of supervision than offenders in other age groups — 51% of those ages 21 to 30 and 37% of those over age 30.

Releasees with a history of drug abuse were about 5 times more likely to terminate their supervision for technical violations of drug use as were releasees who were not drug abusers. Releasees with known histories of drug abuse were also more likely to violate supervision with technical violations or new crimes.

Similarly, releasees with lower levels of education were more likely to violate conditions of parole or supervised release than those with higher levels of education. Those who did not graduate high school had a 47% violation rate, those who were high school graduates had a 40% violation rate, those with some college had a 32% violation rate, and those with a college degree had a 14% violation rate (figure 6.5).

Federal prisoners: First releases and time served (tables 6.6 and 6.7)

During 1994, 28,409 prisoners were released from Federal prison for the first time after serving a sentence imposed by a U.S. district court.¹ These releasees served an average of 25 months in prison (88% of the sentence imposed, on average) (table 6.8).² About two-thirds of the first releases had been sentenced to a term of imprisonment exceeding one year.

Time served until first release varied by offense: Violent offenders served an average of 53 months; drug offenders served an average of 34 months; and public-order offenders served an average of 13 months, while property offenders served an average of just over 15 months. However, the average time to first release for public-order offenders was influenced heavily by the relatively short time served by immigration offenders. On average, immigration offenders served about 6 months until first release. This was less than half of the average time served for all public-order offenders. Exclusive of immigration offenders, public-order offenders served an average of 22 months until first release (not shown in a table).

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

The Federal prison population grew by more than 6,000 persons during fiscal year 1994, increasing from 78,265 to 84,362. The greatest growth was for drug and public-order offenses, particularly weapons offenders. The number of drug offenders in prison grew by 3,728, and the number of weapon offenders grew by 1,066. The number of property offenders, however, decreased by 143.

Characteristics of Federal prisoners (tables 6.10 and 6.11)

Prisoners released (table 6.10) — Of prisoners released during 1994, 88% were male, 76% were white,

22% were black, 39% were Hispanic, and 62% were U.S. citizens. Fifty-five percent were 31 years of age or older. These patterns held across offenses and between old and new law offenders.

Time served to first release

(table 6.11) — Of persons released, 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, and U.S. citizens served more time than noncitizens. 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.

Sentences imposed and time served until first release

Prison terms imposed on offenders sentenced since the Federal sentencing guidelines were implemented have increased. During 1989 the average term of imprisonment was about 55 months; during 1994 it was 61 months (table 1.5). Prisoners sentenced pursuant to the Federal sentencing guidelines (new law) released during 1994 served an average of 20 months in prison, or 91% of the sentence imposed (tables 6.7 and 6.8). Prisoners sentenced pursuant to old law sentencing policy and released during 1994 served an average of 60 months (table 6.7), or 60% of the sentence imposed (table 6.8).

For new law prisoners, the difference between the average sentence imposed (61 months) and the average time to first release (20 months) stems primarily from the fact that the prisoners released from new law sentences are primarily those released from shorter terms. For example, during 1994, 83% of the new law prisoners released for the first time were released from sentences of 4 or fewer years (not shown in a table). Most new law prisoners sentenced to longer sentences — terms exceeding

8 years — are still in prison. As more offenders serving longer prison terms are released from prison, the average time served to first release should increase.

Table 6.1. Outcomes of probation supervision, by offense, October 1, 1993–September 30, 1994

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	20,185	80.2%	2.7%	2.3%	7.5%	4.7%	2.7%
Felonies	11,505	81.5%	2.7%	1.7%	6.6%	4.6%	3.0%
Violent offenses	286	60.8%	4.5%	2.1%	15.0%	11.5%	5.9%
Murder ^d	14	64.3	0	0	14.3	21.4	0
Negligent manslaughter	4	—	—	—	—	—	—
Assault	78	60.3	6.4	0	17.9	10.3	5.1
Robbery	96	50.0	7.3	4.2	17.7	14.6	6.3
Rape	30	60.0	0	3.3	16.7	10.0	10.0
Other sex offenses ^d	52	88.5	0	0	1.9	5.8	3.8
Kidnaping	7	—	—	—	—	—	—
Threats against the President	5	—	—	—	—	—	—
Property offenses	6,576	81.2%	2.4%	1.8%	7.2%	4.6%	2.8%
Fraudulent	5,278	82.8%	2.1%	1.5%	6.5%	4.2%	2.9%
Embezzlement	1,196	89.7	1.3	0.9	3.8	2.5	1.8
Fraud ^d	3,460	82.9	1.6	1.5	6.4	4.2	3.2
Forgery	402	64.7	7.2	2.2	14.7	8.0	3.2
Counterfeiting	220	75.0	4.5	3.6	7.7	6.4	2.7
Other	1,298	74.9%	3.9%	2.8%	9.9%	6.0%	2.5%
Burglary	38	57.9	0	10.5	10.5	15.8	5.3
Larceny ^d	928	73.5	4.6	2.8	10.6	6.0	2.5
Motor vehicle theft	135	77.0	3.7	0.7	8.9	6.7	3.0
Arson and explosives	59	86.4	1.7	3.4	6.8	1.7	0
Transportation of stolen property	122	81.1	1.6	2.5	7.4	4.9	2.5
Other property offenses ^d	16	87.5	0	0	12.5	0	0
Drug offenses	1,853	80.3%	4.5%	1.5%	5.1%	5.1%	3.6%
Trafficking	1,789	80.8	4.5	1.5	5.0	4.9	3.4
Possession and other drug offenses	64	67.2	3.1	1.6	9.4	9.4	9.4
Public-order offenses	2,788	85.0%	1.8%	1.5%	5.1%	3.7%	2.9%
Regulatory	655	84.9%	2.1%	2.0%	4.6%	4.1%	2.3%
Agriculture	28	96.4	0	0	0	3.6	0
Antitrust	17	100	0	0	0	0	0
Food and drug	46	91.3	0	0	0	4.3	4.3
Transportation	46	95.7	0	0	0	4.3	0
Civil rights	14	71.4	0	7.1	0	7.1	14.3
Communications	53	94.3	1.9	0	3.8	0	0
Custom laws	43	86.0	0	4.7	2.3	7.0	0
Postal laws	44	65.9	6.8	9.1	13.6	4.5	0
Other regulatory offenses	364	82.4	2.7	1.6	5.8	4.4	3.0
Other	2,133	85.0%	1.6%	1.4%	5.3%	3.6%	3.1%
Weapons	533	72.3	3.6	1.5	12.4	6.6	3.6
Immigration offenses	297	79.8	2.0	5.1	5.4	5.7	2.0
Tax law violations ^d	621	92.3	0.2	0	3.2	1.6	2.7
Bribery	142	92.3	1.4	0	1.4	1.4	3.5
Perjury, contempt, and intimidation	94	88.3	2.1	0	2.1	2.1	5.3
National defense	17	88.2	0	11.8	0	0	0
Escape	31	61.3	6.5	3.2	6.5	12.9	9.7
Racketeering and extortion	156	95.5	1.3	0.6	1.3	0	1.3
Gambling	189	94.7	0	0	0.5	1.6	3.2
Obscene material ^d	35	85.7	0	5.7	0	2.9	5.7
Migratory birds	5	—	—	—	—	—	—
All other offenses	13	46.2	7.7	0	15.4	23.1	7.7
Misdemeanors^d	8,680	78.5%	2.7%	3.0%	8.7%	4.7%	2.3%
Fraudulent property offense	941	81.5	2.7	3.3	8.4	2.2	1.9
Larceny	1,012	80.2	2.5	3.1	6.7	5.6	1.9
Drug possession ^d	1,250	72.4	7.1	5.0	8.7	4.2	2.6
Immigration	217	69.6	1.8	10.1	12.4	5.1	0.9
Traffic offenses	2,971	78.3	1.9	2.2	10.0	5.5	2.3
Other misdemeanors	2,289	81.2	1.6	2.3	7.7	4.6	2.6

Note: Total includes 5 offenders whose reason for termination could not be determined; percentages were based on the 18,139 offenders whose reason could be determined. Offenses for 11 felony offenders could not be classified. See *Chapter notes*, item 1, p. 86.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 2, p. 86, and "Offense classifications" in *Methodology*, p. 89.

^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 6.2. Characteristics of offenders terminating probation supervision, October 1, 1993–September 30, 1994

Offender characteristic	Number of probation terminations	Percent of probation supervisions terminating with					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	20,185	80.2%	2.7%	2.3%	7.5%	4.7%	2.7%	
Sex								
Male	15,035	78.6%	2.8%	2.4%	7.9%	5.3%	3.0%	
Female	5,149	84.9	2.4	1.7	6.2	2.8	1.9	
Race								
White	14,217	83.3%	2.2%	1.8%	5.9%	3.9%	2.8%	
Black	5,114	71.0	4.3	3.5	11.8	6.9	2.4	
Other	770	82.7	0.8	2.1	7.0	4.7	2.7	
Ethnicity								
Hispanic	1,663	73.3%	4.3%	4.9%	9.7%	5.1%	2.6%	
Non-Hispanic	18,522	80.8	2.5	2.0	7.3	4.6	2.7	
Age								
16-18 years	121	50.4%	4.1%	10.7%	16.5%	13.2%	5.0%	
19-20 years	499	59.9	4.6	5.8	14.0	12.6	3.0	
21-30 years	5,511	74.0	3.7	3.2	10.5	6.5	2.0	
31-40 years	6,154	78.4	3.6	2.3	8.5	4.8	2.4	
Over 40 years	7,852	87.7	1.1	1.2	4.0	2.6	3.4	
Education								
Less than high school graduate	5,386	72.3%	4.2%	3.4%	10.3%	6.4%	3.3%	
High school graduate	7,820	80.7	2.6	2.1	7.7	4.8	2.2	
Some college	4,526	84.2	2.1	1.5	5.7	3.8	2.8	
College graduate	2,327	90.2	0.5	1.0	3.3	2.0	3.0	
Drug abuse								
No known abuse	16,314	83.9%	1.3%	2.0%	6.0%	4.0%	2.7%	
Drug history	3,838	64.5	8.6	3.3	13.6	7.4	2.6	

Note: Total includes terminations of supervision for 11 offenders whose offense category was missing or indeterminable; see *Chapter notes*, item 1, p. 86.

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

^cIncludes offenders with unknown characteristics.

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

Table 6.3. Outcomes of parole or supervised release, by offense, October 1, 1993–September 30, 1994

Most serious offense of conviction ^a	Number of terminations of parole or supervised release	Percent of supervisions terminating with					New crime ^c	Administrative case closures
		No violation	Technical violations ^b					
			Drug use	Fugitive status	Other			
All offenses	19,187	55.9%	9.4%	4.4%	11.9%	14.0%	4.4%	
Felonies	18,409	55.6%	9.5%	4.3%	11.8%	14.2%	4.5%	
Violent offenses	2,254	34.4%	15.8%	6.4%	16.4%	22.7%	4.4%	
Murder ^d	99	39.4	8.1	3.0	16.2	26.3	7.1	
Negligent manslaughter	30	80.0	3.3	0	6.7	10.0	0	
Assault	192	48.4	6.8	5.2	19.3	16.1	4.2	
Robbery	1,658	28.4	19.3	7.3	16.4	24.4	4.2	
Rape	105	50.5	3.8	1.0	22.9	18.1	3.8	
Kidnaping	91	74.7	2.2	5.5	6.6	7.7	3.3	
Threats against the President	64	32.8	12.5	3.1	14.1	26.6	10.9	
15	15	40.0	0	13.3	26.7	20.0	0	
Property offenses	4,741	56.7%	6.9%	4.9%	13.6%	14.2%	3.6%	
Fraudulent	3,256	59.9%	6.1%	4.7%	12.9%	12.8%	3.7%	
Embezzlement	514	74.9	4.1	2.7	8.9	6.8	2.5	
Fraud ^d	2,072	59.6	4.9	5.1	13.6	12.8	4.1	
Forgery	426	46.7	14.1	2.8	13.8	19.0	3.5	
Counterfeiting	244	54.1	6.1	8.2	13.9	15.2	2.5	
Other	1,485	49.8%	8.6%	5.5%	15.1%	17.3%	3.6%	
Burglary	172	34.3	12.2	8.1	15.7	23.3	6.4	
Larceny ^d	860	47.1	10.4	5.4	16.7	17.6	2.9	
Motor vehicle theft	186	58.6	3.2	6.5	10.8	17.2	3.8	
Arson and explosives	109	69.7	3.7	2.8	11.0	9.2	3.7	
Transportation of stolen property	142	57.0	4.9	4.2	14.1	15.5	4.2	
Other property offenses ^d	16	62.5	6.3	6.3	12.5	12.5	0	
Drug offenses	8,279	59.9%	9.8%	3.1%	9.6%	12.1%	5.3%	
Trafficking	8,080	60.4	9.8	3.1	9.5	12.1	5.2	
Possession and other drug offenses	199	40.7	12.6	4.5	17.6	15.1	9.5	
Public-order offenses	3,133	58.0%	8.3%	4.9%	11.4%	13.7%	3.7%	
Regulatory	366	76.5%	4.9%	3.8%	7.7%	4.1%	3.0%	
Agriculture	13	92.3	7.7	0	0	0	0	
Antitrust	6	—	—	—	—	—	—	
Food and drug	14	92.9	0	0	7.1	0	0	
Transportation	15	80.0	6.7	0	13.3	0	0	
Civil rights	25	88.0	0	0	0	8.0	4.0	
Communications	13	69.2	7.7	0	7.7	0	15.4	
Custom laws	24	50.0	4.2	16.7	8.3	12.5	8.3	
Postal laws	17	47.1	17.6	0	11.8	17.6	5.9	
Other regulatory offenses	239	77.8	4.6	4.2	8.4	2.9	2.1	
Other	2,767	55.5%	8.8%	5.1%	11.9%	15.0%	3.8%	
Weapons	1,400	44.6	12.2	4.6	14.5	19.7	4.4	
Immigration offenses	406	59.4	2.2	8.4	10.8	15.3	3.9	
Tax law violations ^d	212	81.1	1.4	1.9	6.1	5.2	4.2	
Bribery	80	78.8	1.3	7.5	5.0	3.8	3.8	
Perjury, contempt, and intimidation	90	74.4	1.1	3.3	7.8	10.0	3.3	
National defense	14	84.6	0	7.7	0	7.7	0	
Escape	201	33.3	20.4	8.0	19.9	17.4	1.0	
Racketeering and extortion	262	77.1	5.0	4.2	6.1	4.2	3.4	
Gambling	74	90.5	2.7	0	2.7	2.7	1.4	
Obscene material ^d	10	100	0	0	0	0	0	
Migratory birds	1	—	—	—	—	—	—	
All other offenses	17	58.8	5.9	5.9	0	29.4	0	
Misdemeanors^d	778	62.3%	6.4%	7.1%	13.1%	8.2%	2.8%	
Fraudulent property offense	82	54.9	8.5	17.1	8.5	7.3	3.7	
Larceny	124	49.2	9.7	7.3	18.5	12.1	3.2	
Drug possession ^d	259	60.1	8.5	8.9	14.3	5.8	2.3	
Immigration	13	69.2	7.7	15.4	0	7.7	0	
Traffic offenses	151	74.2	1.3	2.0	10.6	9.9	2.0	
Other misdemeanors	149	68.5	4.0	2.7	12.8	8.1	4.0	

Note: Total includes termination of supervision for 2 offenders whose outcomes were missing. Percentages were based on the offenders whose reason for termination could be determined. In addition, offenses for 2 felony offenders could not be determined; see *Chapter notes*, item 1, p. 86.

—Too few cases to obtain statistically reliable data.

^aSee *Chapter notes*, item 2, p. 86, and "Offense classifications" in *Methodology*, p. 89.

^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 parole or supervised release, October 1, 1993–September 30, 1994

Offender characteristic	Number of terminations of parole or supervised release	Percent terminating supervisions with					New crime ^b	Administrative case closures
		No violation	Technical violations ^a					
			Drug use	Fugitive status	Other			
All offenders^c	19,187	55.9%	9.4%	4.4%	11.9%	14.0%	4.4%	
Sex								
Male	17,042	54.4%	9.5%	4.5%	12.2%	14.9%	4.5%	
Female	2,145	67.9	8.8	3.7	8.9	7.0	3.7	
Race								
White	12,812	62.1%	7.4%	4.3%	10.5%	11.6%	4.2%	
Black	5,639	41.5	14.7	4.7	14.6	19.3	5.2	
Other	581	54.6	3.4	4.5	17.2	17.2	3.1	
Ethnicity								
Hispanic	2,818	51.5%	10.5%	6.9%	12.1%	13.8%	5.2%	
Non-Hispanic	16,369	56.7	9.2	4.0	11.8	14.0	4.3	
Age								
16-18 years	5	0 %	20.0%	0 %	40.0%	40.0%	0. %	
19-20 years	82	36.6	12.2	13.4	22.0	12.2	3.7	
21-30 years	4,100	45.3	9.6	6.0	16.8	18.4	3.9	
31-40 years	7,184	52.7	11.5	4.6	12.4	14.4	4.3	
Over 40 years	7,774	64.6	7.3	3.3	8.6	11.3	4.8	
Education								
Less than high school graduate	8,017	48.5%	11.5%	5.1%	13.8%	16.3%	4.8%	
High school graduate	6,473	55.8	9.1	4.4	12.2	14.3	4.1	
Some college	3,385	64.4	8.1	3.5	9.0	11.0	4.0	
College graduate	1,211	81.0	1.5	1.6	5.6	5.7	4.6	
Drug abuse								
No known abuse	10,305	66.5%	3.4%	4.1%	9.9%	11.8%	4.5%	
Drug history	8,868	43.7	16.4	4.8	14.2	16.5	4.4	

Note: Total includes terminations of supervision for 2 offenders whose offense category was missing or indeterminable; see *Chapter notes*, item 1, p. 86.
 —Too few cases to obtain statistically reliable data.

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

Table 6.5. Supervision outcomes for offenders entering supervision, by type of release, October 1, 1993–September 30, 1994

Type of release	Total offenders entering supervision during 1994	Total offenders with 12 or more months of supervision ordered	Percent of offenders entering supervision during 1994 who had violations during the first year of supervision				
			All violations	Technical violations ^a		Other	New crime ^b
				Drug use	Fugitive status		
All offenders	36,821	33,620	12.4%	2.9%	1.7%	4.4%	3.4%
Parole	3,188	2,920	21	7	2	5	6
Supervised release	17,078	16,497	13	3	2	5	4
Mandatory release	1,378	887	18	5	2	5	5
Probation imposed	15,177	13,311	9	2	1	4	2
Felonies	7,256	6,921	5.8	1.2	0.8	2.4	1.4
Misdemeanors	7,921	6,387	13.0	2.2	1.9	5.8	3.1

^aRemoval to inactive supervision or return to incarceration for violation of supervision conditions other than charges for new offenses; see *Chapter notes*, item 3, p. 86.

^bRemoval to inactive supervision or return to incarceration after arrest for a "major" or "minor" offense.

Table 6.6. Average time to first release and percent of sentence served, for prisoners released, October 1, 1993–September 30, 1994

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	Mean time served	Median time served	Number of prisoners released	Mean time served	Median time served	Number of prisoners released	Mean time served	Median time served	Percent of sentence served
All prisoners	28,409	24.5 mo	17.2 mo	9,481	4.5 mo	4.0 mo	18,928	34.6 mo	26.2 mo	81.7%
Violent offenses	1,667	53.0 mo	41.8 mo	155	5.3 mo	5.7 mo	1,512	57.9 mo	44.5 mo	74.8%
Murder/manslaughter ^b	69	67.8	40.1	6	—	—	63	73.8	45.4	71.3
Assault	246	26.6	15.7	83	4.6	4.0	163	37.9	28.8	84.2
Robbery	1,145	59.4	48.0	52	6.2	6.0	1,093	61.9	49.7	73.1
Rape	6	—	—	...	...	...	6	—	—	—
Other sex offenses ^b	143	29.9	21.0	11	6.9	6.0	132	31.8	23.6	82.8
Kidnaping	42	89.3	72.7	...	...	...	42	89.3	72.7	62.0
Threats against the President	16	28.2	19.8	3	—	—	13	33.2	23.6	86.9
Property offenses	6,202	15.4 mo	12.0 mo	2,612	5.3 mo	5.0 mo	3,590	22.7 mo	18.3 mo	84.3%
Fraudulent	4,779	14.6 mo	11.9 mo	2,059	5.2 mo	5.0 mo	2,720	21.6 mo	17.6 mo	84.0%
Embezzlement	508	9.8	6.0	310	4.0	4.0	198	18.8	15.7	86.2
Fraud ^b	3,821	14.9	12.0	1,562	5.4	5.0	2,259	21.5	18.2	83.7
Forgery	191	14.5	10.0	96	6.3	6.0	95	22.8	15.7	84.8
Counterfeiting	259	19.0	12.0	91	5.8	6.0	168	26.2	18.3	85.5
Other	1,423	18.1 mo	13.0 mo	553	5.4 mo	5.9 mo	870	26.1 mo	20.9 mo	85.2%
Burglary	77	21.6	18.3	16	5.0	5.0	61	26.0	22.2	86.4
Larceny ^b	698	13.4	9.0	393	5.2	5.0	305	24.0	15.7	86.3
Motor vehicle theft	162	21.8	13.9	43	7.7	8.0	119	26.9	18.3	83.1
Arson and explosives	38	38.0	31.8	5	—	—	33	43.0	32.3	75.1
Transportation of stolen property	127	22.8	15.7	38	6.4	6.0	89	29.8	21.3	82.0
Other property offenses ^b	321	21.1	21.0	58	4.7	4.0	263	24.8	23.6	87.0
Drug offenses	11,650	33.9 mo	28.8 mo	1,382	5.7 mo	5.9 mo	10,268	37.7 mo	32.3 mo	81.0%
Trafficking	10,946	35.7	31.4	769	6.6	6.0	10,177	37.9	32.3	80.9
Possession and other drug offenses	704	7.3	4.9	613	4.7	4.0	91	24.7	13.1	90.6
Public-order offenses	8,727	13.3 mo	6.0 mo	5,250	3.8 mo	3.0 mo	3,477	27.6 mo	21.0 mo	84.0%
Regulatory	547	19.5 mo	13.1 mo	192	5.9 mo	6.0 mo	355	26.9 mo	21.0 mo	83.2%
Agriculture	4	—	—	3	—	—	1	—	—	—
Antitrust	11	5.8	5.0	9	—	—	2	—	—	—
Labor law	8	—	—	3	—	—	5	—	—	—
Food and drug	6	—	—	4	—	—	2	—	—	—
Transportation	1	—	—	...	...	...	1	—	—	—
Other regulatory offenses	517	20.1	13.9	173	6.0	6.0	344	27.3	21.0	83.2
Other	8,180	12.9 mo	6.0 mo	5,058	3.7 mo	3.0 mo	3,122	27.7 mo	21.0 mo	84.1%
Weapons	1,397	26.5	21.0	201	6.5	6.0	1,196	29.8	23.6	85.0
Immigration offenses	4,777	5.9	3.9	4,025	3.5	3.0	752	19.0	20.9	88.5
Tax law violations ^b	432	13.7	10.0	200	5.0	4.5	232	21.2	16.2	78.2
Bribery	115	14.1	12.0	50	5.4	5.0	65	20.8	15.7	85.8
Perjury, contempt, and intimidation	67	15.6	12.0	22	5.2	5.0	45	20.7	18.3	85.0
National defense	19	20.7	13.1	7	—	—	12	30.4	20.1	81.3
Escape	150	20.2	15.7	35	6.8	6.0	115	24.2	18.3	86.2
Racketeering and extortion	642	36.5	29.4	78	6.3	6.0	564	40.7	32.6	77.8
Gambling	2	—	—	2	—	—	...	...	...	...
Liquor	1	—	—	1	—	—	...	...	...	...
Obscene material ^b	49	32.3	21.0	4	—	—	45	34.7	26.1	81.1
Traffic	401	2.9	1.0	373	2.2	1.0	28	12.7	12.0	92.5
Migratory birds	20	5.7	4.3	17	4.4	4.0	3	—	—	—
All other offenses	108	14.5	12.6	43	4.6	5.0	65	21.1	15.7	86.1
Other prisoners^c	163	12.3 mo	10.0 mo	82	4.8 mo	5.0 mo	81	19.8 mo	15.7 mo	86.7%

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 4-8, p. 86.

—Too few cases to obtain statistically reliable data.

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

^aSee *Chapter notes*, items 4 and 5, p. 86, and "Offense classifications" in *Methodology*, p. 89.

^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.

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

Table 6.7. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released during 1994

Sentence imposed ^a	Mean number of months served for:						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
Old law							
All releases	59.6 mo	102.2 mo	30.2 mo	52.3 mo	62.5 mo	45.2 mo	43.7 mo
1-12 mo ^b	5.3	5.2	4.3	4.9	15.5	4.4	4.6
13-24	11.9	9.2	11.4	12.7	12.4	10.1	12.5
25-36	18.2	13.8	18.2	19.2	18.8	14.5	18.3
37-48	24.4	23.9	23.2	23.9	25.4	26.1	24.3
49-60	31.3	24.6	30.2	26.6	32.0	29.8	33.1
61-72	36.6	43.2	34.7	37.8	37.6	33.9	36.0
73-84	44.4	52.1	39.9	51.7	45.4	24.1	44.0
85-96	51.0	63.1	48.5	62.0	50.4	...	49.3
97-108	56.2	65.3	48.0	51.6	57.8	69.6	51.8
109-120	66.0	79.6	56.6	...	63.8	95.0	66.2
121-144	69.7	75.3	61.0	68.5	69.5	75.3	68.9
145-180	79.8	89.2	70.5	87.8	78.1	84.6	74.3
181-240	93.8	101.8	75.4	95.7	88.3	88.3	98.6
241-300	104.2	111.2	78.2	84.3	97.1	100.9	110.2
Over 300	138.2	142.3	148.1	159.0	127.7	117.8	122.6
Life sentence	161.5	174.7	...	...	87.0	...	...
New law							
All releases	20.2 mo	31.6 mo	12.7 mo	14.9 mo	30.1 mo	16.2 mo	10.8 mo
1-12 mo ^b	4.5	5.3	5.3	5.4	5.7	6.0	3.7
13-24	14.3	14.4	13.9	14.5	14.5	14.0	14.4
25-36	24.3	25.6	23.6	24.6	24.8	23.8	23.4
37-48	34.3	35.8	34.0	35.1	34.1	34.5	33.8
49-60	44.5	46.2	45.2	45.0	44.2	46.1	42.8
61-72	52.2	55.1	51.2	54.7	51.9	54.2	52.5
73-84	62.2	63.8	37.4	70.2	62.1	65.6	63.4
85-96	63.6	74.2	...	73.3	63.5	...	47.0
97-108	**	**	**	**	**	**	**
109-120	**	**	**	**	**	**	**
121-144	**	**	**	**	**	**	**
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence	**	**	**	**	**	**	**
All cases							
All releases	24.5 mo	53.0 mo	14.6 mo	18.1 mo	33.9 mo	19.5 mo	12.9 mo
1-12 mo ^b	4.5	5.3	5.2	5.4	5.7	5.9	3.7
13-24	14.2	14.4	13.7	14.4	14.5	13.7	14.3
25-36	24.1	25.3	22.9	24.4	24.6	23.2	23.3
37-48	33.4	35.7	31.2	33.7	33.6	33.6	32.1
49-60	43.0	46.0	39.9	40.8	43.3	40.0	40.5
61-72	50.4	54.1	38.7	46.0	51.1	44.0	48.6
73-84	59.3	63.1	39.5	65.5	59.8	51.8	58.0
85-96	58.7	71.2	48.5	67.6	59.0	...	48.3
97-108	52.3	63.6	48.0	49.6	51.4	69.6	51.4
109-120	60.7	74.5	55.6	...	59.0	95.0	54.5
121-144	62.9	74.0	60.4	68.5	60.7	65.8	65.4
145-180	75.8	84.4	70.5	79.8	73.9	84.6	72.5
181-240	89.1	99.6	75.4	95.7	83.0	88.3	88.9
241-300	97.9	108.7	78.2	84.3	85.5	100.9	110.2
Over 300	129.7	141.0	148.1	159.0	107.3	117.8	105.0
Life sentence	142.1	165.5	...	...	57.6	...	...

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 4-8, p. 86.

—Too few cases to obtain statistically reliable data.

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

**New law offenders released by extraordinary means. See *Chapter notes*, item 6, p. 86.

^aSentence for the single most serious offense.

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

Table 6.8. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released during 1994

Sentence imposed ^a	Percent of sentence served for:						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
Old law							
All releases	59.4%	52.2%	63.4%	61.0%	57.8%	61.2%	65.9%
1-12 mo ^b	93.5	82.9	84.2	81.5	180.1	86.8	89.8
13-24	79.2	76.7	73.4	76.9	82.7	70.9	87.1
25-36	69.5	51.9	69.6	72.7	70.3	57.5	72.1
37-48	65.9	66.2	61.9	65.1	68.8	67.8	66.8
49-60	63.9	51.2	62.1	53.3	65.3	60.3	66.9
61-72	60.4	69.4	57.5	62.4	62.1	56.4	59.4
73-84	61.0	69.6	55.0	71.7	62.3	33.4	60.4
85-96	60.0	73.5	56.1	73.7	59.6	...	58.1
97-108	58.3	67.8	49.9	53.7	59.8	72.4	53.7
109-120	60.8	73.0	52.4	...	58.9	82.9	61.2
121-144	57.5	62.1	50.3	57.0	57.3	61.4	56.9
145-180	53.6	60.2	47.4	60.1	52.5	58.6	49.3
181-240	49.9	53.5	41.6	48.3	47.6	49.0	51.7
241-300	42.3	45.1	31.4	35.1	39.4	42.0	44.7
Over 300	37.1	37.0	44.2	40.1	35.4	39.2	37.4
Life sentence ^c	34.4	37.2	...	...	18.5	...	...
New law							
All releases	91.2%	87.8%	94.2%	93.8%	86.9%	92.6%	95.3%
1-12 mo ^b	99.9	99.0	100.2	100.3	101.0	100.7	99.4
13-24	90.5	89.4	90.6	90.4	90.7	89.5	90.4
25-36	87.1	87.6	86.3	88.2	86.9	87.3	87.8
37-48	85.9	86.9	85.5	87.5	85.7	87.7	85.7
49-60	86.3	87.4	86.4	86.2	86.4	87.3	82.7
61-72	83.9	86.3	84.3	85.6	83.5	87.2	86.1
73-84	82.5	84.2	50.3	89.3	82.3	87.4	84.3
85-96	74.3	84.9	...	87.1	74.4	...	54.5
97-108	**	**	**	**	**	**	**
109-120	**	**	**	**	**	**	**
121-144	**	**	**	**	**	**	**
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence ^c	**	**	**	**	**	**	**
All cases							
All releases	87.8%	77.0%	90.8%	91.0%	83.5%	89.0%	93.5%
1-12 mo ^b	99.8	98.6	99.8	100.1	101.5	100.3	99.3
13-24	90.1	89.3	89.6	89.9	90.6	88.4	90.2
25-36	86.4	86.8	84.3	87.6	86.5	85.5	87.3
37-48	84.1	86.8	79.2	84.7	84.8	85.7	82.2
49-60	83.7	87.0	77.8	78.6	84.7	77.2	78.9
61-72	81.2	84.8	64.0	73.6	82.3	71.8	79.7
73-84	78.9	83.4	54.3	84.9	79.6	69.4	77.7
85-96	68.7	81.8	56.1	80.4	69.3	...	56.6
97-108	54.1	65.9	49.9	51.5	53.2	72.4	53.3
109-120	55.9	68.3	51.3	...	54.4	82.9	50.1
121-144	51.7	61.0	49.9	57.0	49.9	53.9	54.0
145-180	50.9	56.9	47.4	54.5	49.6	58.6	47.9
181-240	47.3	52.2	41.6	48.3	44.6	49.0	46.6
241-300	39.7	44.1	31.4	35.1	34.5	42.0	44.7
Over 300	34.8	36.6	44.2	40.1	29.8	39.2	31.7
Life sentence ^c	30.2	35.2	...	...	12.3	...	...

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 4-8, p. 86.

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

**New law offenders released by extraordinary means. See *Chapter notes*, item 6, p. 86.

^aSentence for the single most serious offense.

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

^cPercent of life sentence served is based on a life sentence set equal to 470 months, the average life expectancy of Federal prisoners.

Table 6.9. Admissions and releases of Federal prisoners, by offense, October 1, 1993–September 30, 1994

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 ^b		
All offenses	78,265	9,203	25,204	12,502	9,481	18,928	12,403	84,362	6,097
Violent offenses	10,468	156	2,256	2,232	155	1,512	2,266	11,179	711
Murder/manslaughter ^c	964	6	76	136	6	63	149	964	0
Assault	609	81	174	283	83	163	278	623	14
Robbery	7,700	52	1,801	1,534	52	1,093	1,586	8,356	656
Rape	126	0	3	19	0	6	24	118	-8
Other sex offenses ^c	508	14	143	124	11	132	103	543	35
Kidnaping	503	2	49	62	0	42	61	513	10
Threats against the President	58	1	10	74	3	13	65	62	4
Property offenses	8,031	2,491	3,630	3,667	2,612	3,590	3,729	7,888	-143
Fraudulent	5,679	1,991	2,836	2,282	2,059	2,720	2,284	5,725	46
Embezzlement	393	287	166	189	310	198	202	325	-68
Fraud ^c	4,633	1,504	2,416	1,582	1,562	2,259	1,567	4,747	114
Forgery	311	81	77	289	96	95	308	259	-52
Counterfeiting	342	119	177	222	91	168	207	394	52
Other	2,352	500	794	1,385	553	870	1,445	2,163	-189
Burglary	194	16	57	111	16	61	120	181	-13
Larceny ^c	916	360	295	929	393	305	962	840	-76
Motor vehicle theft	255	32	90	105	43	119	105	215	-40
Arson and explosives	149	5	49	22	5	33	26	161	12
Transportation of stolen property	255	34	106	72	38	89	82	258	3
Other property offenses ^c	583	53	197	146	58	263	150	508	-75
Drug offenses	46,851	1,277	14,068	3,753	1,382	10,268	3,720	50,579	3,728
Trafficking	46,362	771	13,971	3,413	769	10,177	3,374	50,197	3,835
Possession and other drug offenses	489	506	97	340	613	91	346	382	-107
Public-order offenses	12,032	5,193	5,167	2,606	5,250	3,477	2,495	13,776	1,744
Regulatory	852	191	379	255	192	355	252	878	26
Other	11,180	5,002	4,788	2,351	5,058	3,122	2,243	12,898	1,718
Weapons	5,708	180	2,206	820	201	1,196	743	6,774	1,066
Immigration offenses	2,023	3,994	1,206	314	4,025	752	274	2,486	463
Tax law violations ^c	407	207	182	155	200	232	155	364	-43
Bribery	133	43	58	14	50	65	16	117	-16
Perjury, contempt, and intimidation	97	22	40	28	22	45	30	90	-7
National defense	52	8	18	4	7	12	9	54	2
Escape	270	31	135	123	35	115	112	297	27
Racketeering and extortion	2,146	82	822	165	78	564	164	2,409	263
Gambling	0	1	0	2	2	0	1	0	0
Liquor	1	1	1	0	1	0	0	2	1
Obscene material ^c	83	1	25	29	4	45	21	68	-15
Traffic	138	362	27	609	373	28	627	108	-30
Migratory birds	15	18	6	14	17	3	13	20	5
All other offenses	107	52	62	74	43	65	78	109	2
Unknown or indeterminable offenses	883	86	83	244	82	81	193	940	57

Note: For further information, see *Chapter notes*, items 4, 5, 6, and 9, pp. 86-87.

^aSee *Chapter notes*, item 5, p. 86, and "Offense classifications" in *Methodology*, p. 89.

^bAll other releases includes prisoners released by extraordinary means, including death and commutation.

^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.

Table 6.10. First releases from prison, by offense and offense characteristics, October 1, 1993–September 30, 1994

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
New law cases								
Number of releases	24,919	24,919	1,148	4,161	1,280	10,152	472	7,555
Sex								
Male	21,896	87.9%	91.4%	77.7%	87.1%	87.5%	84.7%	93.8%
Female	3,023	12.1	8.6	22.3	12.9	12.5	15.3	6.2
Race								
White	18,862	75.7%	55.1%	71.4%	62.0%	73.9%	82.0%	85.7%
Black	5,351	21.5	26.7	25.7	33.7	24.6	15.9	12.3
Other	706	2.8	18.3	2.9	4.3	1.5	2.1	2.0
Ethnicity								
Hispanic	9,641	38.7%	7.0%	9.3%	7.7%	40.8%	24.2%	63.5%
Non-Hispanic	15,278	61.3	93.0	90.7	92.3	59.2	75.8	36.5
Age								
16-18 years	201	0.8%	2.6%	0.1%	0.6%	0.5%	...	1.4%
19-20 years	1,146	4.6	5.7	1.6	6.0	4.7	3.0	5.8
21-30 years	9,997	40.1	44.4	26.1	35.2	42.0	33.5	46.0
31-40 years	8,005	32.1	30.0	34.3	34.9	33.0	29.9	29.8
Over 40 years	5,570	22.4	17.2	37.8	23.2	19.8	33.7	17.0
Citizenship								
U.S. citizen	15,328	61.5%	95.6%	87.4%	92.3%	62.0%	80.9%	34.6%
Not U.S. citizen	9,591	38.5	4.4	12.6	7.7	38.0	19.1	65.4
All cases								
Number of releases		28,409	1,667	4,779	1,423	11,650	547	8,180
Sex								
Male	25,105	88.6%	93.1%	79.1%	87.8%	88.4%	86.3%	93.8%
Female	3,236	11.4	6.9	20.9	12.2	11.6	13.7	6.2
Race								
White	21,400	75.5%	53.6%	72.5%	63.9%	74.4%	83.2%	85.0%
Black	6,137	21.7	31.8	24.7	32.0	24.1	14.7	12.8
Other	804	2.8	14.6	2.8	4.0	1.5	2.2	2.2
Ethnicity								
Hispanic	10,233	36.1%	6.4%	8.7%	7.8%	39.4%	22.2%	59.8%
Non-Hispanic	18,108	63.9	93.6	91.3	92.2	60.6	77.8	40.2
Age								
16-18 years	205	0.7%	2.0%	0.1%	0.6%	0.4%	...	1.3%
19-20 years	1,181	4.2	4.5	1.4	5.7	4.3	2.7	5.4
21-30 years	10,727	37.8	43.4	24.0	33.7	39.4	31.7	43.9
31-40 years	9,191	32.4	33.2	33.0	34.7	33.9	29.5	29.6
Over 40 years	7,037	24.8	17.0	41.5	25.4	22.0	36.1	19.7
Citizenship								
U.S. citizen	17,908	64.0%	96.4%	88.3%	92.4%	63.1%	82.4%	38.0%
Not U.S. citizen	10,084	36.0	3.6	11.7	7.6	36.9	17.6	62.0

Note: Totals include prisoners whose offense category could not be determined; and excludes prisoners released by extraordinary means such as commutation and death; see *Chapter notes*, items 4-9, p. 86.

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

*See *Chapter notes*, item 5, p. 86, and "Offense classifications" in *Methodology*, p. 89

Table 6.11. Mean time served to first release from Federal prison, by offense and offender characteristics, October 1, 1993–September 30, 1994

Offender characteristic	Total number of prisoners released	Mean time served for*						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
New law cases								
All prisoners	24,919	20.3 mo	31.8 mo	12.7 mo	15.0 mo	30.2 mo	16.3 mo	10.8 mo
Sex								
Male	21,896	20.6 mo	32.3 mo	13.5 mo	15.8 mo	30.5 mo	16.5 mo	10.9 mo
Female	3,023	18.2	27.0	10.0	9.4	28.1	15.0	9.6
Race								
White	18,862	19.0 mo	33.6 mo	12.9 mo	16.1 mo	29.1 mo	16.5 mo	9.4 mo
Black	5,351	24.7	32.6	12.5	12.7	33.1	15.6	20.5
Other	706	21.0	25.3	12.0	16.8	34.8	12.3	10.7
Ethnicity								
Hispanic	9,641	17.3 mo	32.6 mo	11.0 mo	14.7 mo	29.6 mo	16.8 mo	7.0 mo
Non-Hispanic	15,278	22.2	31.8	12.9	15.0	30.6	16.1	17.5
Age								
16-18 years	201	14.1 mo	31.4 mo	15.9 mo	11.8 mo	23.5 mo	...	4.8 mo
19-20 years	1,146	17.0	27.7	11.1	13.5	25.9	16.0	7.2
21-30 years	9,997	19.8	30.8	11.3	15.7	29.7	17.2	9.3
31-40 years	8,005	21.3	34.9	13.0	14.6	30.7	16.2	12.1
Over 40 years	5,570	20.9	30.6	13.5	14.9	31.4	15.5	14.2
Citizenship								
U.S. citizen	15,328	22.3 mo	32.1 mo	12.8 mo	14.8 mo	29.8 mo	16.6 mo	18.1 mo
Not U.S. citizen	9,591	17.1	25.7	12.0	16.9	30.7	14.9	7.0
All cases								
All prisoners	28,409	24.5 mo	53.0 mo	14.6 mo	18.1 mo	33.9 mo	19.5 mo	12.9 mo
Sex								
Missing	68	44.7 mo	54.2 mo	21.5 mo	...	42.7 mo	15.7 mo	66.3 mo
Male	25,105	25.2	54.5	15.6	19.2	34.5	19.9	12.9
Female	3,236	19.4	33.0	10.7	10.1	29.3	17.1	10.7
Race								
White	21,400	23.0 mo	53.2 mo	14.9 mo	20.2 mo	33.1 mo	19.7 mo	11.3 mo
Black	6,137	29.7	62.4	13.8	13.8	36.2	18.3	22.6
Other	804	24.6	32.0	12.2	18.1	38.3	20.5	12.4
Ethnicity								
Hispanic	10,233	20.0 mo	52.1 mo	12.6 mo	17.9 mo	33.3 mo	19.0 mo	7.5 mo
Non-Hispanic	18,108	27.1	53.1	14.8	18.1	34.3	19.7	20.7
Age								
16-18 years	205	15.1 mo	36.1 mo	15.9 mo	11.8 mo	23.5 mo	...	4.8 mo
19-20 years	1,181	18.3	35.5	11.1	14.8	27.0	15.8	7.5
21-30 years	10,727	23.0	53.2	11.8	17.9	31.9	20.5	10.2
31-40 years	9,191	26.1	58.5	14.5	16.6	35.1	18.4	14.3
Over 40 years	7,037	26.0	48.5	16.4	21.1	37.2	19.9	18.2
Citizenship								
U.S. citizen	17,908	27.5 mo	53.9 mo	14.9 mo	18.0 mo	33.7 mo	20.2 mo	21.8 mo
Not U.S. citizen	10,084	19.5	35.0	12.9	20.3	34.4	17.2	7.4

Note: Totals include prisoners whose offense category could not be determined ;and excludes prisoners released by extraordinary means such as commutation and death; see *Chapter notes*, items 4-9, p. 86.

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

*See *Chapter notes*, item 5, p. 86, and "Offense classifications" in *Methodology*, p. 89

- 1) Tables 6.1-6.4 were created from the probation, parole, and supervision data files of the Federal Probation Supervision Information System (FPSIS), which is maintained by the AOUSC. Only records with one or more terminations of active supervision during October 1, 1993, through September 30, 1994, 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 6.1-6.4.
- 2) 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.
- 3) Table 6.5 was also created from the FPSIS data files. Records with supervision opened or reinstated during fiscal year 1994 were selected and tracked for a period of 12 months, or, if the offender violated their supervision before the 12-month period concluded, until the time of the violation. This represents a departure from the 1993 and prior compendia, which only considered time that fell within the calendar year in which an offender began supervision. Therefore, direct comparisons between this *Compendium* and the 1993 and prior compendia are not valid.
- Corporate defendants were also excluded from table 6.5.
- 4) Tables 6.6-6.11 were created from the Federal Bureau of Prisons (BOP) data files.
- Tables 6.6-6.8 and 6.10-6.11 include only prisoners committed by U.S. district courts or released by standard methods by the BOP during fiscal year 1994. Standard methods of release include full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole. Table 6.9 also shows sentenced prisoners in the custody of the BOP at the end of fiscal year 1995.
- 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 1994, or if that person appears in more than one column in a table, e.g., commitment and population.
- 5) 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.
- 6) Tables 6.6-6.11 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." Only first releases that have standard methods of release are included in these tables. 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.
- 7) Tables 6.6, 6.7, 6.8, 6.10, and 6.11 include only prisoners committed by U.S. district courts and released by standard means by the BOP during fiscal year 1994. Standard methods of release include full-term expiration of sentence, expiration with good time, mandatory releases, and releases onto parole. 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 6.6, 6.7, 6.8, 6.10, and 6.11, as were other persons admitted to Federal prison but not committed from a U.S. district court.
- 8) In tables 6.6, 6.7, 6.8, 6.10, and 6.11, time served was calculated for prisoners committed from U.S. district courts only. Time served in prison is the number of months from the 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 sentence served (in tables 6.6, 6.7, and 6.8) 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 6.6, 6.7, 6.8, 6.10, and 6.11 in this *Compendium*, may not be directly comparable to the calculation of time served in the 1993 and prior compendia.

- 9) Table 6.9 shows all persons admitted to, or released from, the jurisdiction of the BOP during fiscal year 1994 and those persons in Federal prisons at the start and end of the fiscal year. A single person may be counted in one or more columns of this table. The column heading "first release" refers to those prisoners whose commitment to the BOP was by a U.S. district court during any year, but who were first released during fiscal year 1994. Prisoners counted in this column are the same as prisoners included in tables 6.6, 6.7, and 6.8. The release column labeled "All other" includes prisoners released by extraordinary means, which include death, commutation, and release by transfer. 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 Administration, the U.S. Court of Appeals, and the U.S. Probation officer. 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 1994 (October 1, 1993, through September 30, 1994). 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 1994 in this *Compendium* have

been assembled from source files containing records of 1994 matters concluded which were entered into the data system during fiscal years 1994 or 1995.

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

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.

Data on offender characteristics in chapters 3 and 4 are limited to offenders convicted and sentenced pursuant to the Federal sentencing guidelines whose records have been reported to the U.S. Sentencing Commission. Currently, it is estimated that more than 90% of the felony defendants convicted in U.S. district courts are sentenced pursuant to the Federal sentencing guidelines. The Federal sentencing guidelines do not cover class B and C misdemeanors or infractions or traffic offenses occurring on Federal land.

Table construction and interpretation

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 U.S. 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.

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

Courts. Specific offenses in the Administrative Office classification are 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 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.

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

Misdemeanors

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

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 6.7–6.10 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 chapters 3 and 4, the most serious offense charged is based on statutory maximum penalties. 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 6.7–6.12, 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 (EOUSA) 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, 1993, through September 30, 1994. (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 1994 in U.S. district courts (by either a judge or a magistrate).

A total of 102,309 suspects were investigated in matters concluded by U.S. attorneys during 1994 (table 1.2). Sixty-five percent of these suspects were prosecuted in U.S. district court, either before U.S. district court judges ($55,703/102,309 = 54.4\%$) or before U.S. magistrates ($10,710/102,309 = 10.5\%$). The conviction data in figure S.2. refer to defendants in cases terminated in U.S. district court during 1994, whether before U.S. district court judges or U.S. magistrates. Forty-six percent of the defendants in cases terminating during 1994 were convicted ($47,556/102,309$).

Of the defendants investigated, 31% ($31,805/102,309$) were reported as sentenced to a term of imprisonment, and 13% ($12,986/102,309$) were sentenced to a term of probation without imprisonment. 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: 3.4 (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
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: 3.4 (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
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: 6.6, 6.7, 6.8, 6.9, 6.10, 6.11

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 controlled substance; and if they have at least two prior felony convictions of either a crime of violence or a controlled substance.

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.

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.

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).

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

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

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

Mandatory sentences — a sentence that includes a minimum term of imprisonment that the sentencing court is statutorily required to impose barring the government's motion of substantial assistance. See, for example, 18 U.S.C. §§ 841 and 960, which provide for mandatory sentences ranging from 5 years imprisonment to life imprisonment depending on the quantity of drugs involved.

Mandatory sentencing enhancement — a form of mandatory

sentence in which the minimum term of imprisonment is to be imposed consecutive to any other term of imprisonment imposed. See, for example, 18 U.S.C. § 924(c), which provides for a 5-year to lifetime enhancement for the use of a firearm during the commission of a crime; 18 U.S.C. § 844(h), which provides for a 5-year enhancement for use of firearms or explosives during the commission of a crime; and 18 U.S.C. § 929 which provides for a 5-year enhancement for the use of armor-piercing ammunition during the commission of a crime.

Mandatory release — the release of an inmate from prison after confinement for a time period equal to his or her full sentence minus statutory good-time, if any. Federal prisoners released on mandatory release may still be subject to a period of post-release community supervision.

Matter — in this *Compendium*, a potential case under review by a U.S. attorney on which more than 1 hour is expended.

Matters concluded — in this *Compendium*, matters about which a final decision has been reached by a U.S. attorney. Specifically includes matters filed as cases, matters declined after investigation, matters referred for disposition by U.S. magistrates, and matters otherwise terminated without reaching court.

Migratory birds offenses — violations of acts relating to birds which move from one place to another in season. Includes taking, killing, or possessing migratory birds, or any part, nest, or egg thereof, in violation of Federal regulations or the transportation laws of the State, territory, or district from which the bird was taken. Also, misuse or non-use of a migratory-bird hunting and conservation stamp (for example, 16 U.S.C. §§ 690(g), 701, 703, 704-6, 707(b), 708, 711, and 718(a)(e)(g)).

Minor offense (while on conditional release) — conviction of a

crime for which the maximum sentence is incarceration for 90 days or less, probation of 1 year or less, or a fine of \$500 or less. (See also, *PACTS Statistical Reporting Guide*, Version 1.0, Administrative Office of the U.S. Courts.)

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

Mixed sentence — a sentence requiring the convicted offender to serve a term of imprisonment, followed by a term of probation. Unless otherwise noted, offenders receiving mixed sentences are included in both incarceration and probation categories. (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. Approximately 2,500 Federal inmates were paroled by the U.S. Parole Commission during 1995.

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).

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)).

Regulatory offenses, other — violations covering areas such as civil rights, election laws, the Communication Act of 1934 (including wire tapping and wire interception), custom laws (except narcotics and liquor), interstate commerce (the Hot Oil Act, transportation or importation of prison-made goods, and the railroad and transportation acts), maritime and shipping laws, laws regarding stowaways, the Federal Boat Safety Act of 1971, U.S. postal laws (excluding injury to postal property), intimidation of witness laws, aircraft regulations, and any other regulatory offenses not listed above. (For citations refer to the United States Title and Code Criminal Offense Citations, Administrative Office of the U.S. Courts, June, 1995.)

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

Trial conviction — conviction by judge or jury after trial.

True bill — an indictment.

United States — includes the outlying territories (Guam, Puerto Rico, Northern Marianas Islands, and the U.S. Virgin Islands) and the territory

occupied by the 50 states and the District of Columbia.

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

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

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

Violent offenses — threatening, attempting, or actually using physical force against a person. Includes murder, negligent manslaughter, assault, robbery, rape, other sex offenses (some of which may be nonviolent), kidnaping, and threats against the President. (*See also*, specific offenses for citations.)

Weapons violations — violations of any of the provisions of 18 U.S.C. §§ 922 and 923 concerning the manufacturing, importing, possessing, receiving, and licensing of firearms and ammunition. Includes manufacturing, selling, possessing, or transporting (within any territory or possession of the United States, within Indian country, or within the special maritime and territorial jurisdiction of the United States) (18 U.S.C. §§ 7) any switchblade knife; or making, receiving, possessing, or transporting a firearm not registered in the National Firearms Registration Transfer Record. Also, engaging in importing, manufacturing, or dealing in firearms if not registered with the secretary in the Internal Revenue Service District in which the business is conducted or not having paid a special occupational tax. In addition, this code covers cases where in a crime of

violence or drug trafficking enhanced punishment is handed down when committed with a deadly weapon (*for example*, 15 U.S.C. § 1242; 18 U.S.C. §§ 922(a)(c)(e)(g)(i)(k)(m)(n)(q), 923, 924(a)(c)(f)(h) and 930; 26 U.S.C. §§ 5801, 5811, 5821, 5841, 5843, 5851, and 5861(b)(d)(h)(j)(l); 40 U.S.C. § 193f(a); and 49A U.S.C. § 1472(q)).

