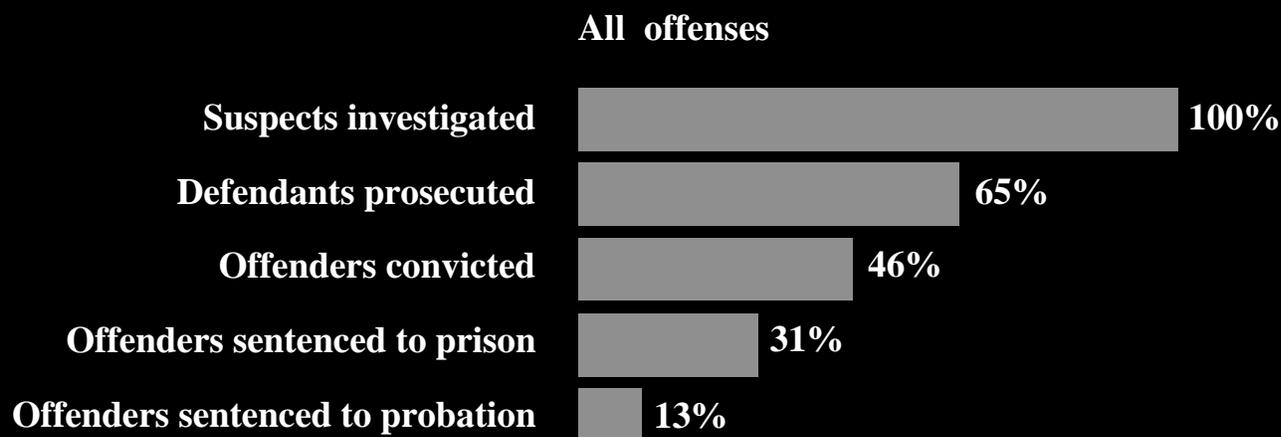




## Bureau of Justice Statistics

# Compendium of Federal Justice Statistics, 1995

### Federal criminal case processing, 1995





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# Compendium of Federal Justice Statistics, 1995

March 1998, NCJ-164259

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## U.S. Department of Justice

Bureau of Justice Statistics

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Director, BJS

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An electronic version of this report and the data analyzed in the report may be found on the Internet at the following address: <http://www.ojp.usdoj.gov/bjs/>

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# Highlights

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During 1995 more than 102,000 suspects were investigated by U.S. attorneys for possible violations of the U.S. code, and criminal charges were filed in U.S. district courts against about 64,000 defendants, one-third of whom were prosecuted for drug offenses.

The majority (84%) of the 56,480 defendants whose cases were terminated in U.S. district courts during 1995 were convicted. Among those convicted, 67% were sentenced to prison for an average of 61 months. At the end of 1995, the Federal Bureau of Prisons held more than 88,650 prisoners who had been convicted of a Federal offense, an increase of 6% over 1994. Sixty percent of those held by the Bureau of Prisons were convicted and sentenced for drug offenses.

## Prosecution

During 1995 U.S. attorneys initiated criminal investigations against 102,220 suspects, and they concluded their investigations against 102,309 suspects. Of the suspects investigated, slightly more than 31% were investigated for each of property, drug, and public-order offenses, while the remaining 6% were investigated for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 55,703 in U.S. district courts (54% of all suspects in matters concluded) and declined to prosecute 35,896 suspects (35%), while U.S. magistrates disposed of another 10,710 suspects (11%).

Suspects in criminal matters involving drug or violent offenses were slightly more likely to be prosecuted in a U.S. district court (69% and 60% respectively) than were the suspects involved in public-order or property offenses (48% and 47% respectively). Suspects involved in property offenses such as fraud or regulatory public-order offenses were more likely to be declined for prosecution (50% and 67% respectively) than

were the suspects investigated for drug or violent offenses (24% and 35% respectively).

## Pretrial release

During 1995 about 58% of the 45,635 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses such as embezzlement, fraud, and forgery and those charged with regulatory public-order offenses or tax law violations were more likely to be released prior to trial (between 80% and 96% of these defendants were released) than were defendants charged with violent offenses, drug trafficking, weapons, or immigration offenses (between 25% and 52% of these defendants were released).

Defendants having a prior criminal history of serious or violent crimes were less likely to be released than those without a prior criminal history, and as the extent of a defendant's criminal history increased, the likelihood of release decreased. Thirty-one percent of the defendants with a prior violent felony conviction were released prior to trial, while 70% of the defendants with no prior convictions were released. Sixty-one percent of defendants with one prior conviction were released, as compared to 47% of defendants having 2 to 4 prior convictions and 33% of defendants having 5 or more prior convictions.

Of the defendants released prior to trial, about 84% of them completed their periods of release without violating the conditions of their release. Sixteen percent of defendants released violated the conditions of their release, and about 6% of defendants had their release revoked. Defendants charged with drug and violent offenses were more likely to have at least one violation of their conditions of release (26% and 21% respectively) and to have their release revoked (9% and 10% respectively) than were other defendants.

## Adjudication

Criminal charges were filed in U.S. district courts against 63,547 defendants during 1995, about 80% of whom were charged with felonies. Of the defendants charged with felonies, 40% were prosecuted for drug trafficking offenses, 27% for property offenses, 25% for public-order offenses, and 6% for violent offenses.

Criminal cases were concluded against 56,480 defendants during 1995, 79% of whom had been charged with felonies. Eighty-four percent (or 47,584) of all defendants were convicted; 81% of these were felony convictions.

Eighty-seven percent of defendants charged with felonies were convicted; this rate was about the same for all major offense categories. For example, 89% of violent offenders, 87% of property offenders, 86% of drug offenders, and 87% of public-order offenders were convicted. Most felony convictions were obtained by guilty plea (91%).

Drug defendants comprised 40% of felony convictions; defendants charged with property and public-order offenses comprised 28% and 25%, respectively, of the felony convictions, and defendants charged with violent offenses comprised the remaining 7% of felony convictions.

## Sentencing

Of the 47,556 offenders sentenced during 1995, about 67% were incarcerated, another 27% were placed on probation (either alone or with some incarceration), and 7% were ordered to pay a fine.

About 91% of violent felony offenders and 91% of drug trafficking offenders received prison sentences, as did 79% of felony public-order offenders and 59% of felony property offenders.

The 31,805 offenders sentenced to prison received, on average, 61 months of imprisonment, while the

12,986 offenders sentenced to probation received, on average, 33 months of probation. Offenders sentenced for violent felony offenses and felony drug offenses received longer average prison terms (92 and 85 months, respectively) than those convicted of felony property and public-order offenses (26 and 51 months, respectively).

**Average length of sentences imposed, by offense, October 1, 1994 - September 30, 1995**

Most serious offense of conviction	Average sentence length
All offenses	60.9 mo
Felonies	64.5
Violent offenses	92.3
Property offenses	26.4
Drug offenses	85.4
Public-order offenses	51.1
Misdemeanors	9.5

**Appeals**

During 1995 the U.S. Court of Appeals received 10,162 criminal appeals. Forty-four percent of the appeals filed challenged both the conviction and sentence imposed. Only four percent of appeals were filed by the Government. Of the 10,852 appeals terminated during 1995, 80% (or 8,684) were terminated on the merits. In 86% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

**Corrections**

A total of 18,144 offenders were serving terms of probation supervision that terminated during 1995. Most of these offenders (84%) completed their terms of probation successfully. About 14% of offenders violated their conditions of probation; 4% of probationers committed new crimes.

A total of 17,879 offenders completed terms of parole or supervised release during 1995. Sixty-one percent of these offenders successfully completed their terms without violating conditions of release; 12% committed new crimes; 24% committed technical violations.

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

At the end of 1995, there were 85,662 offenders under supervision. About 47% were under terms of supervised release; another 42% were on probation; and 11% were on parole. Drug offenders comprised 48% of offenders under terms of supervised release, 58% of offenders on parole, and 12% of offenders on probation. Property offenders comprised 40% of the offenders on probation, 29% of offenders serving terms of supervised release, and 13% of offenders on parole.

The Federal prison population increased by 4,787 offenders during 1995 to reach 88,658 persons in prison. During 1995, 32,566 prisoners were received by the Bureau of Prisons from U.S. district court commitments, and an additional 12,527 prisoners were returned to Federal prison for violating conditions of probation, parole, supervised release, or

otherwise admitted to Federal prison but not committed from a U.S. district court.

During 1995, 27,127 prisoners were released for the first time from Federal prison after commitment from a U.S. district court. These "first releases" served, on average, 26.5 months before their release, or about 90% of the sentence imposed. Drug offenders served an average of 38 months before first release, while property offenders served an average of 16 months before first release.

**Average time to first release, by offense, October 1, 1994 - September 30, 1995**

Most serious original offense of conviction	Mean time served
All offenses	26.5 mo
Violent offenses	51.9
Property offenses	15.7
Drug offenses	37.6
Public-order offenses	14.7

An additional 13,179 prisoners were released from subsequent commitments to Federal prison.

Drug offenders — who comprised about 40% of persons admitted into Federal prison— comprised the largest percentage of persons in prison (60%) at the end of 1995.

**Distribution of admissions, releases, and prisoners at yearend, by offense, October 1, 1994 - September 30, 1995**

Most serious offense of conviction	All admissions	All releases	Population at yearend
All offenses	45,093	40,306	88,658
Violent offenses	9.6%	9.8%	12.9%
Property offenses	21.2	23.9	8.8
Drug offenses	39.1	38.0	59.5
Public-order offenses	28.9	27.3	17.7

# Introduction

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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 not comparable. 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 lack of comparability 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 1995 *Compendium*, tenth in a series which also includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, and 1994, 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, 1995 (the Federal fiscal year). Chapter 5 is new to the 1995 *Compendium*; future editions will incorporate additional data as they 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.

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**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 1995 Compendium**

This *Compendium* continues the modifications started with the 1994 *Compendium*. These were 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, 1995

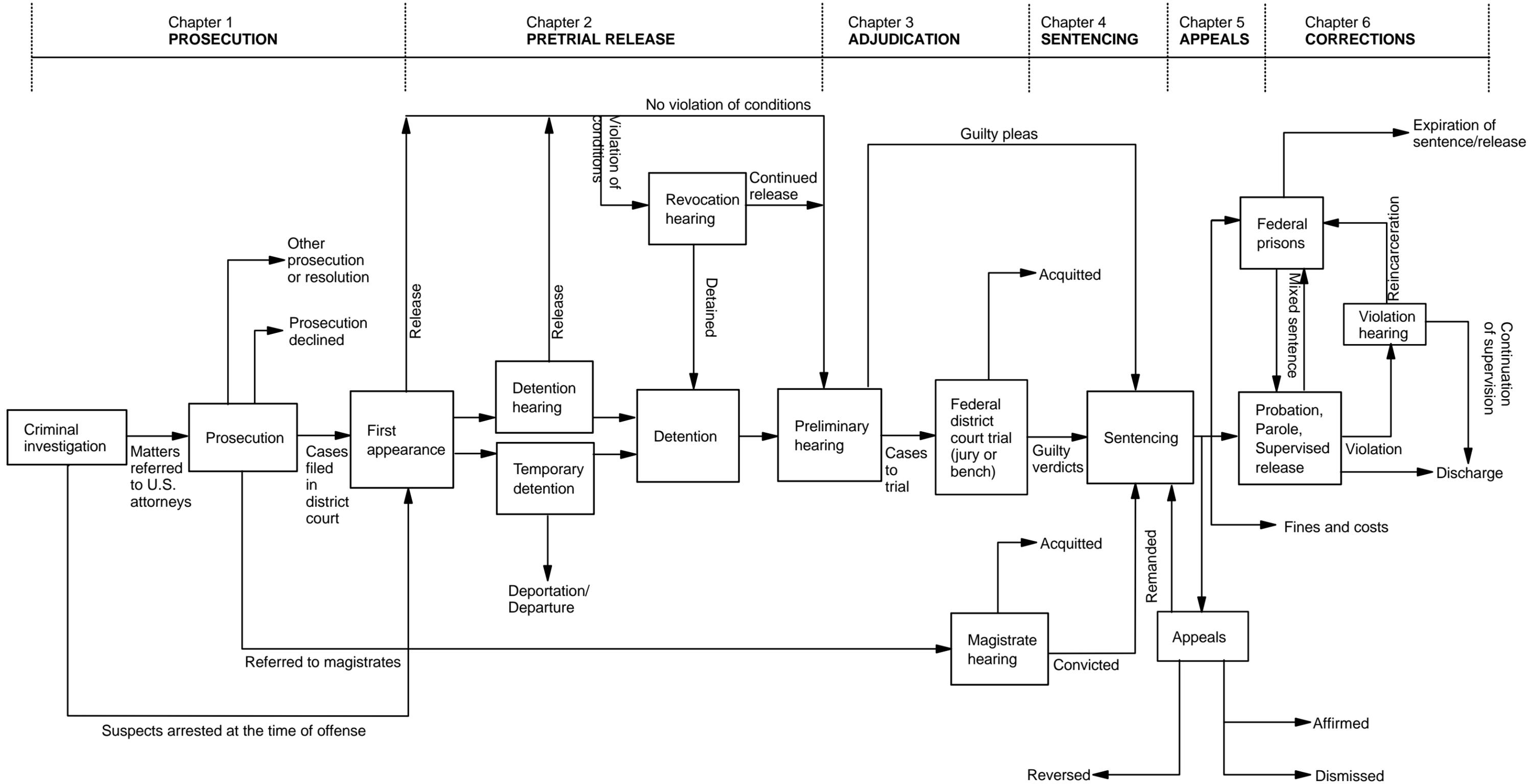
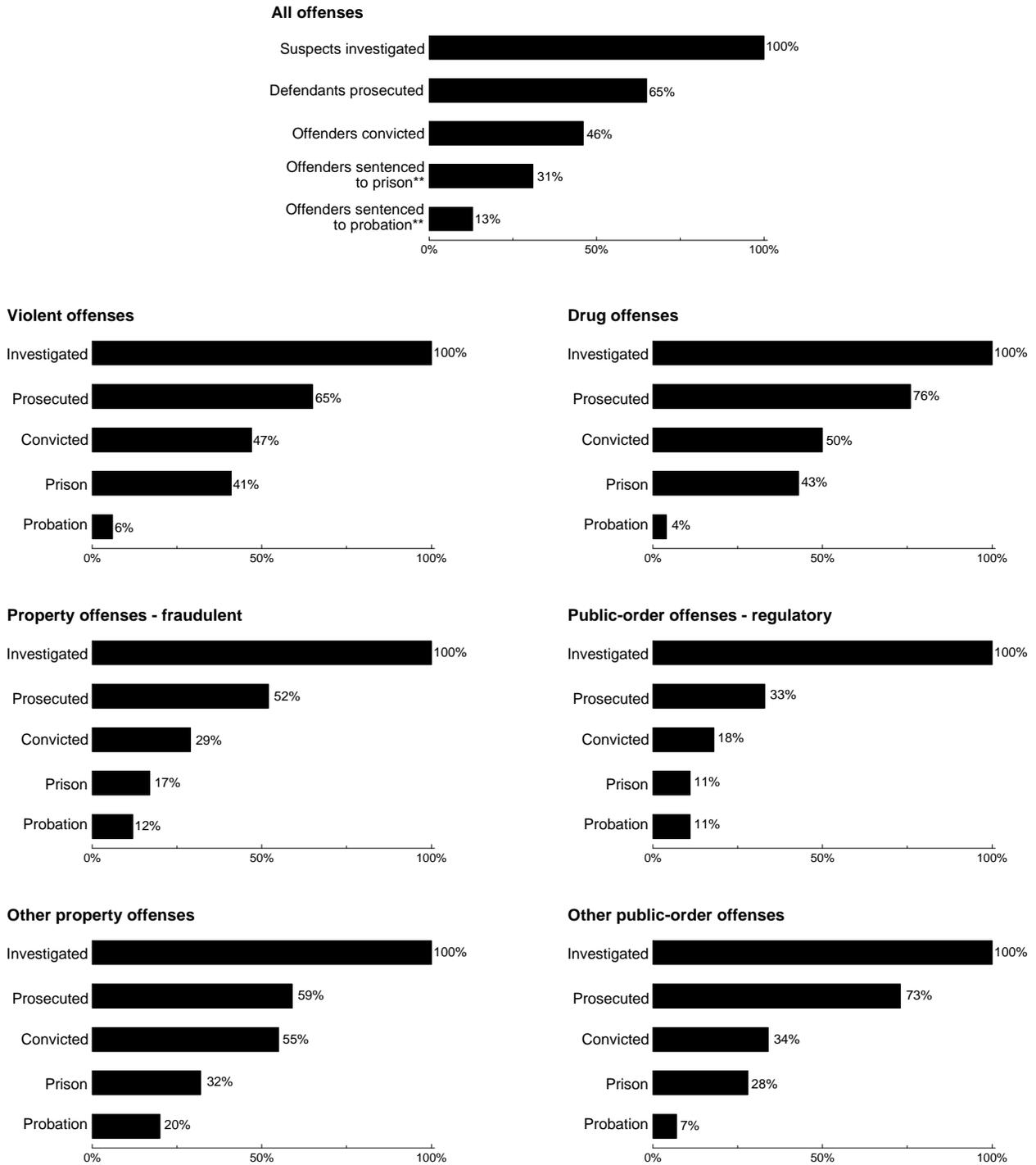


Figure S.1.

## Federal criminal case processing, 1995



\*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.

