



## Bureau of Justice Statistics

# Compendium of Federal Justice Statistics, 1995

### Federal criminal case processing, 1995



# Methodology

## 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 Offices. 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 1995 (October 1, 1994, through September 30, 1995). 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 1995 in this *Compendium* have been assembled

from source files containing records of 1995 matters concluded which were entered into the data system during fiscal years 1995 or 1996.

### Availability of data items

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

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

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. Courts. Specific offenses in the Administrative Office classification are combined to form the BJS categories shown in the *Compendium* tables.\*

\*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.

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.

#### *Misdemeanors*

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

\*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.

**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"** includes 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.

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### 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, 1994, through September 30, 1995. (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 1995 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 1995 (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 1995, whether before U.S. district court judges or U.S. magistrates. Forty-six percent of the defendants in cases terminating during 1995 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**

<b>Data source agency—data files</b>	<b>Description of data files contents</b>	<b><i>Compendium</i> tables</b>
Executive Office for U.S. Attorneys (EOUSA)—Central System and Central Charge Files	Contains information on the investigation and prosecution of suspects in criminal matters received and concluded, criminal cases filed and terminated, and criminal appeals filed and handled by U.S. attorneys. The central system files contain defendant-level records about the processing of matters and cases; the central charge files contain the records of the charges filed and disposed in criminal cases. Data are available on matters and cases filed, pending, and terminated.	<b>Prosecution:</b> 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.	<b>Pretrial release:</b> 2.1, 2.2., 2.3., 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10 <b>Adjudication:</b> 3.5 (defendant characteristics)
Administrative Office of the U.S. Courts (AOUSC): Criminal Termination Files	Contains information about the criminal proceedings against defendants whose cases were filed in U.S. district courts. Includes information on felony defendants, Class A misdemeanants — whether handled by U.S. district court judges or U.S. magistrates — and other misdemeanants provided they were handled by U.S. district court judges. The information in the data files cover criminal proceedings from case filing through disposition and sentencing. Data are available on criminal defendants in cases filed, pending, and terminated.	<b>Adjudication:</b> 3.1, 3.2, 3.3, 3.5 <b>Sentencing:</b> 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.	<b>Adjudication:</b> 3.5 (defendant characteristics) <b>Sentencing:</b> 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.	<b>Appeals:</b> 5.1, 5.2, 5.3, 5.4
AOUSC—Federal Probation and Supervision Information System (FPSIS)	Contains information about supervisions provided by probation officers for persons placed on probation or supervised release from prison. The files contain records of individuals entering, or currently on supervision, as well as records of offenders terminating supervision.	<b>Corrections:</b> 6.1, 6.2, 6.3, 6.4, 6.5, 6.6
Bureau of Prisons (BOP): Extract from BOP's online Sentry System	The data extracts contain information on all offenders released from prison over a specific period of time plus information about the offenders in prison when the data extracts are made. The information covers the time that offenders enter prison until their release from the jurisdiction of the Bureau of Prisons.	<b>Corrections:</b> 6.7, 6.8, 6.9, 6.10, 6.11, 6.12

## Glossary

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

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

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

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

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

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

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

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

**Arson** — willfully or maliciously setting, or attempting to set, fire to any property within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7 (18 U.S.C. § 81; and 49A U.S.C. §§ 1804 and 1809). (*See also*, "Explosives.")

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

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

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

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

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

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

**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 returned to prison after their first release, such as probation, parole, etc.).

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

**Forgery** — falsely making or materially altering a document with the intent to defraud. Includes such falsification with intent to pass off as genuine any of the following: U.S. Postal Service money order; 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, *FACTS 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, *FACTS 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 kidnapping 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

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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)).

