

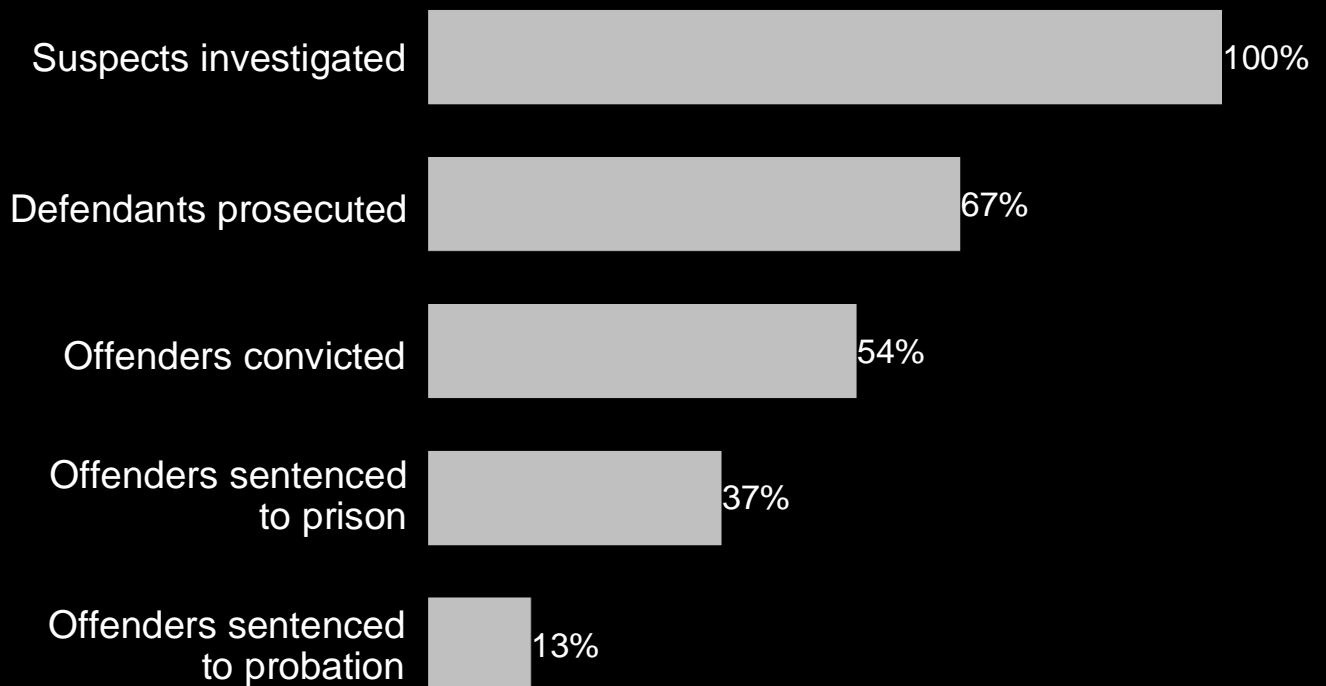


## Bureau of Justice Statistics

# Compendium of Federal Justice Statistics, 1996

Federal criminal case processing in matters concluded by United States attorneys, October 1, 1995 - September 30, 1996

### All offenses



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



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# Compendium of Federal Justice Statistics, 1996

November 1998, NCJ172849

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## **U.S. Department of Justice**

Office of Justice Programs  
Bureau of Justice Statistics

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

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## Highlights

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During 1996 nearly 98,000 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 65,500 defendants, a third of whom were prosecuted for drug offenses.

The majority (86%) of the 61,434 defendants whose cases were terminated in U.S. district courts during 1996 were convicted. Among those convicted, 68% were sentenced to prison for an average of 61 months. At the end of 1996, the Federal Bureau of Prisons held more than 92,650 prisoners who had been convicted of a Federal offense, an increase of 5% over 1995. Sixty percent of those held by the Bureau of Prisons were convicted and sentenced for drug offenses.

### Prosecution

During 1996 U.S. attorneys initiated criminal investigations of 97,776 suspects, and they concluded their investigations of 98,454 suspects. More than 30% of the suspects were investigated for each of three overall offense categories — property, drug, and public-order — while the remaining 7% were investigated for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 56,938 in U.S. district courts (58% of all suspects in matters concluded) and declined to prosecute 32,832 suspects (33%), while U.S. magistrates disposed of another 8,684 suspects (9%).

Suspects in criminal matters involving drug or violent offenses were slightly more likely to be prosecuted in a U.S. district court (70% and 62%, respectively) than were the suspects involved in public-order or property offenses (54% and 49%, respectively). Suspects involved in property offenses such as fraud or regulatory public-order offenses were more likely to be declined for prosecution (46% and 66%, respectively) than were the suspects investigated for

drug or violent offenses (23% and 33%, respectively).

### Pretrial release

During 1996 about 53% of the 51,063 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses such as embezzlement, fraud, and larceny and those charged with regulatory public-order offenses or tax law violations were more likely to be released prior to trial (between 76% and 95% of these defendants were released) than were defendants charged with violent offenses, drug trafficking, weapons, or immigration offenses (between 13% and 49% of these defendants were released).

Defendants having a prior criminal history of serious or violent crimes were less likely to be released than those without a prior criminal history; defendants with more criminal history were less likely to be released than those with less criminal history.

Twenty-six percent of the defendants with a prior violent felony conviction were released before trial, while 64% of the defendants with no prior convictions were released. Fifty-six percent of defendants with one prior conviction were released, as compared to 43% of defendants having two to four prior convictions and 29% of defendants having five or more prior convictions.

About 84% of the defendants released prior to trial completed their periods of release without violating the conditions of their release. 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 commit at least one violation of their conditions of release (26% and 21%, respectively) and to have their release revoked (10% each) than were other defendants.

### Adjudication

Criminal charges were filed in U.S. district courts against 65,480 defendants during 1996, about 80% of whom were charged with felonies. Of the defendants charged with felonies, 41% were prosecuted for drug trafficking offenses, 27% for property offenses, 25% for public-order offenses, and 7% for violent offenses.

Criminal cases were concluded against 61,434 defendants during 1996, 80% of whom had been charged with felonies. Eighty-six percent (or 53,076) of all defendants were convicted; 83% of these were felony convictions.

Eighty-nine percent of defendants charged with felonies were convicted. This conviction rate was about the same for all major offense categories: 88% of violent offenders, 90% of property offenders, 88% of drug offenders, and 90% of public-order offenders. Most felony convictions were obtained by guilty plea (91%).

Drug defendants comprised 41% of felony convictions; defendants charged with property and public-order offenses comprised 26% and 27%, respectively, of the felony convictions, and defendants charged with violent offenses comprised the remaining 6% of felony convictions.

### Sentencing

Of the 53,076 offenders sentenced during 1996, about 69% were incarcerated, another 24% 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 92% of drug trafficking offenders received prison sentences, as did 79% of felony public-order offenders and 59% of felony property offenders.

The 36,373 offenders sentenced to prison received, on average, 61 months of imprisonment, while the 12,644 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 (93 and 85 months, respectively) than those convicted of felony property and public-order offenses (24 and 51 months, respectively).

**Average length of sentences imposed, by offense, October 1, 1995 - September 30, 1996**

Most serious offense of conviction	Average sentence length
All offenses	61.2 mo
Felonies	64.2
Violent offenses	92.5
Property offenses	23.9
Drug offenses	84.5
Public-order offenses	50.8
Misdemeanors	11.0

**Appeals**

During 1996 the U.S. Courts of Appeals received 10,889 criminal appeals. Forty-six percent of the appeals filed challenged both the conviction and sentence imposed. Only 4% of appeals were filed by the Government. Of the 10,161 appeals terminated during 1996, 77% (or 7,820) 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 17,433 offenders were serving terms of probation supervision that terminated during 1996. 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 19,874 offenders completed terms of parole or supervised release during 1996. Sixty-four percent of these offenders successfully completed their terms without violating conditions of release; 11% committed new crimes; 22% 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 1996, there were 88,189 offenders under supervision. About 52% were under terms of supervised release; another 38% were on probation; and 10% were on parole. Drug offenders comprised 50% of offenders under terms of supervised release, 56% of offenders on parole, and 12% of offenders on probation. Property offenders comprised 40% of the offenders on probation, 28% of offenders serving terms of supervised release, and 12% of offenders on parole.

The Federal prison population increased by 4,676 offenders during 1996 to reach 92,672 persons. During 1996, 35,254 prisoners were received by the Bureau of Prisons from U.S. district court commitments. An additional 12,175 prisoners were returned to Federal prison for violating conditions of probation, parole, or supervised release, or were otherwise admitted to Federal prison from elsewhere than a U.S. district court.

During 1996, 30,251 prisoners were released for the first time from Federal prison after commitment by a U.S. district court. Of these, 28,073 were released by standard methods and 2,178 were released by extraordinary means (death, treaty transfer, sentence commutation, or drug treatment). The standard "first releases" served, on average, 28.2 months before their release, or about 92% of the sentence imposed. Drug offend-

ers served an average of 40 months before first release, while property offenders served an average of 16 months before first release.

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

Most serious original offense of conviction	Mean time served
All offenses	28.2 mo
Violent offenses	54.3
Property offenses	15.6
Drug offenses	40.3
Public-order offenses	17.2

An additional 12,502 prisoners were released from subsequent commitments to Federal prison.

Drug offenders — who comprised about 41% of persons admitted into Federal prison — comprised the largest percentage of persons in prison (60%) at the end of 1996.

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

Most serious offense of conviction	All admissions	All releases	Population at yearend
All offenses	47,429	42,753	92,672
Violent offenses	9.1%	9.8%	12.4%
Property offenses	20.2	22.4	8.4
Drug offenses	40.8	39.1	59.6
Public-order offenses	28.4	27.6	18.6



# Introduction

This Bureau of Justice Statistics (BJS) report presents an overview of case processing in the Federal criminal justice system. The data presented are compiled from the BJS Federal Justice Statistics Program (FJSP) database. The FJSP database includes data provided by the Administrative Office of the U.S. Courts, the Executive Office for the U.S. Attorneys, the Federal Bureau of Prisons, and the U.S. Sentencing Commission. The Administrative Office of the U.S. Courts, in addition to providing data describing defendants in cases processed by the Federal judiciary, provides data describing defendants processed by the Federal pretrial services agencies and the Federal probation and supervision service. The data provided by the agencies are archived for public use at the National Archive of Criminal Justice Data (ICPSR 9296).

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

- 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 *re-corded* during a particular period; and
- many of the commonly used case processing statistics — suspect/defendant processed, offense committed, disposition, and sentence imposed — are defined differently across agencies.

BJS, through its Federal Justice Statistics Program, however, has recognized the incomparability of these

annual statistical reports and has attempted to reconcile many of the differences identified by the working group. For instance, by combining databases from several years, BJS is able to report on those cases that actually occurred during the reporting period. Additionally, commonly used case processing statistics are made comparable across stages by applying uniform definitions to data obtained from each agency. Because definitions in the Federal Justice Statistics Program are consistent with those categories in BJS programs describing State defendants convicted, sentenced, or imprisoned, the comparison of Federal and State case processing statistics is facilitated.

The 1996 *Compendium*, 11<sup>th</sup> in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, and 1995, 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, 1996 (the Federal fiscal year). Prior to 1994, the *Compendium* was reported on a calendar-year basis.

The tables presented report events that occurred during the Federal fiscal year — October 1, 1995 - September 30, 1996. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing pretrial release and detention or tables showing defendants sentenced to incarceration. Juvenile offenders are included in the reported statistics. Felony and misdemeanor distinctions are provided where possible (see "Offense classifications" in *Methodology*).

## Organization of the *Compendium*

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

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

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

**Chapter 3.** This chapter describes actions by the Federal judiciary in adjudicating defendants in cases filed by the U.S. attorneys, including the offense charged and characteristics of defendants convicted.

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

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

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

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

**Glossary.** This section contains definitions for terms used in the

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

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

#### **Modifications to the 1996 *Compendium***

The 1996 *Compendium of Federal Justice Statistics* incorporates these changes: For tables based on AOUSC criminal data, carjacking offenses were reclassified, based on title and section, as robberies. This is a departure from AOUSC's classification of carjackings as motor vehicle theft. (See chapter 3, "Chapter notes.")

In the corrections chapter (chapter 6), a table describing the population of Federal offenders under supervision at fiscal yearend was added. Also, a table showing methods of release for Federal inmates released from prison — including both standard and "extraordinary" releases — was added. Extraordinary releases include releases for drug treatment, treaty transfer, sentence commutation, and death.

#### **Notes to reader**

The tables in the *Compendium* were constructed to permit valid comparisons within each table and to allow the reader to compare percentages (but not raw totals) across tables. It should be understood, however, that the total number of subjects/defendants shown in a particular table

may not equal the number of subjects/defendants involved in a particular stage of processing, since some records could not be linked and some data sources did not include information on particular data elements classified in a particular table. Data notes indicate the exact universe for individual tables.

The *Compendium* is a statistical presentation of Federal criminal justice information with limited analyses of trends or explanatory factors underlying the statistics. Analyses of Federal justice statistics may be found in special reports and other publications, some of which are cited in the *Compendium*. Assessment of changing patterns in the *Compendium* tabulations may depend on detailed examination of subcategories not shown in the tabulations or may require other sources of information, such as knowledge of legislation or Federal agency procedures.

# System overview

Federal criminal case processing, 1996

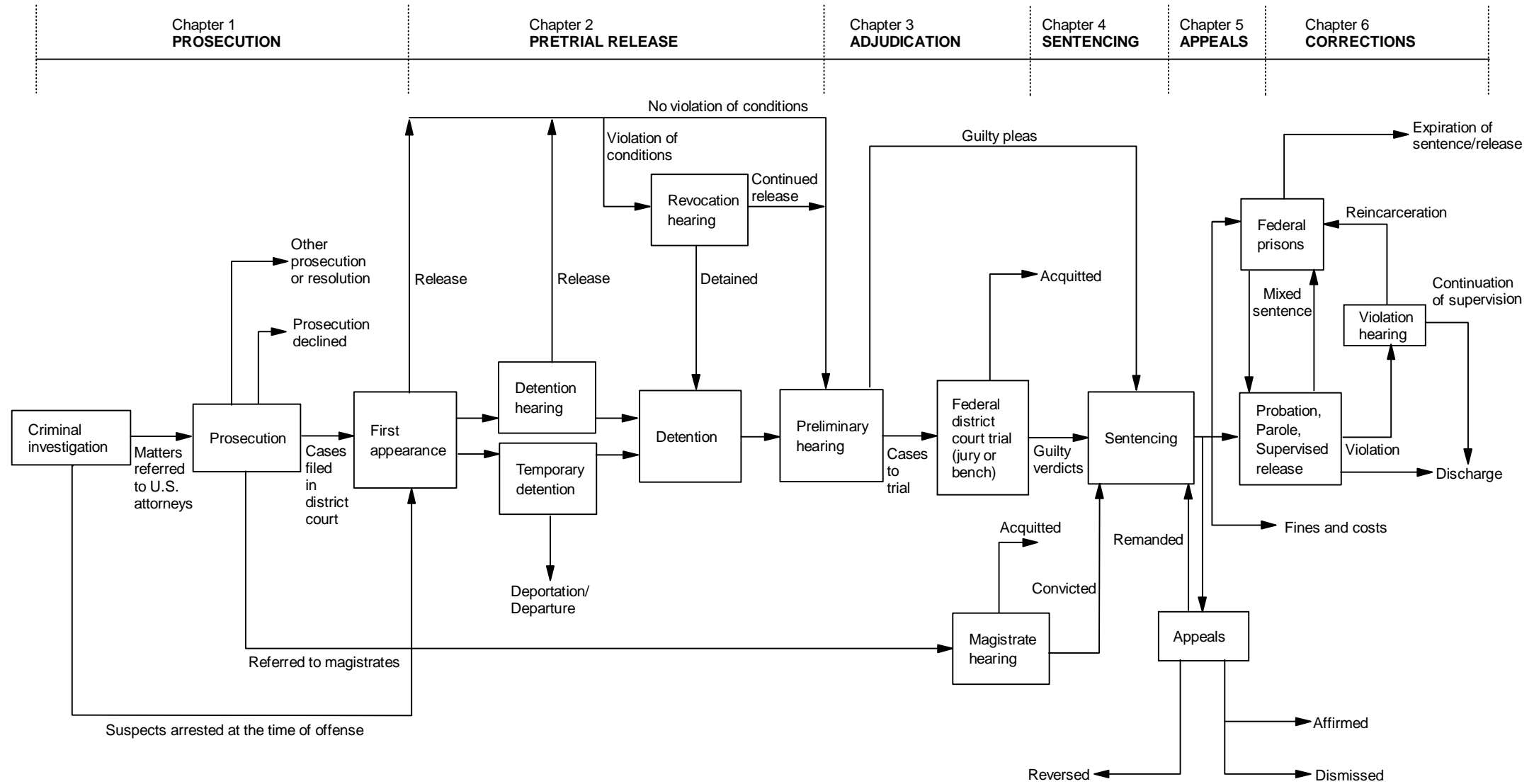
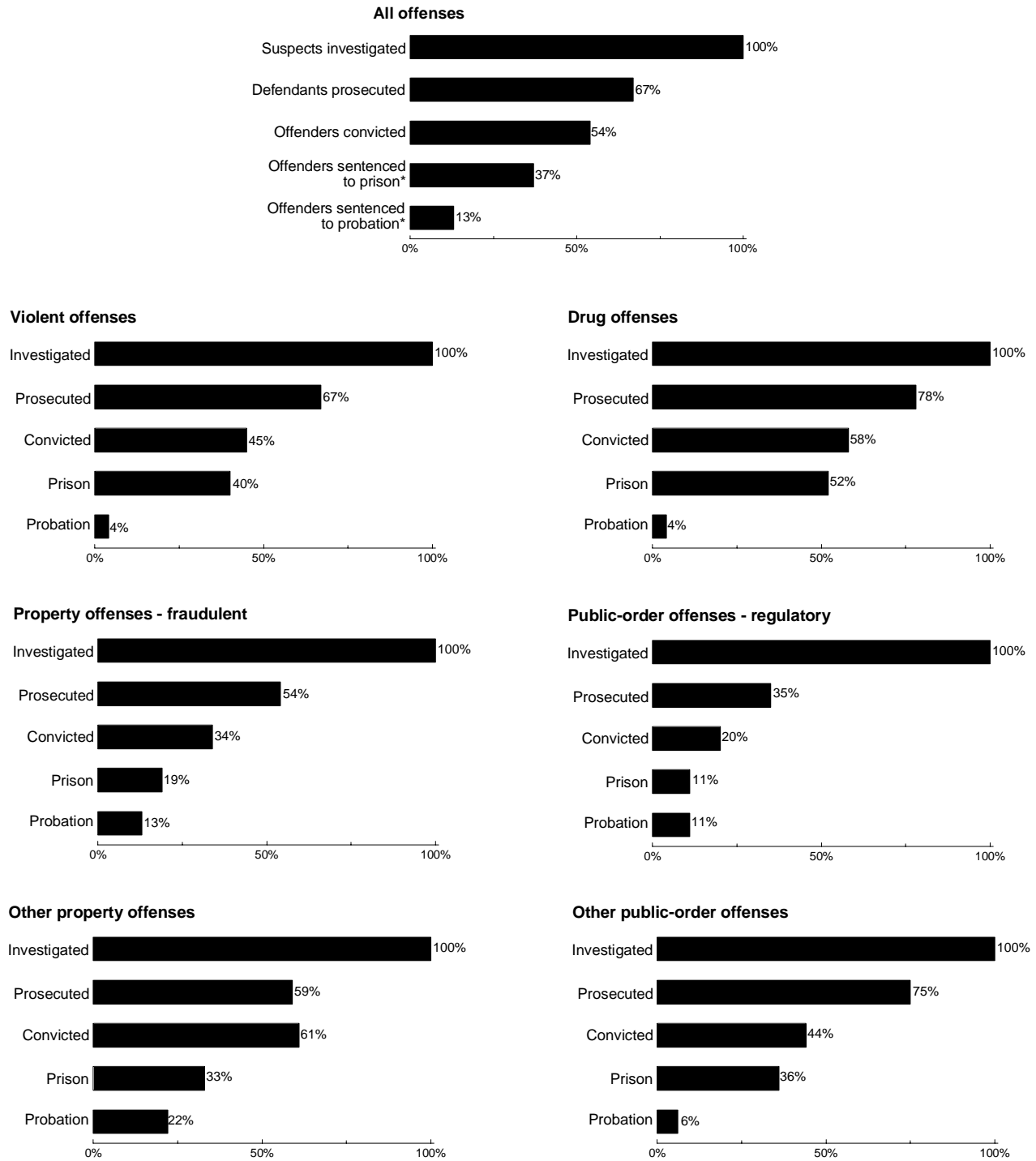


Figure S.1.

**Federal criminal case processing in matters concluded by U.S. attorneys, October 1, 1995 - September 30, 1996**



Note: See "Figure S.2" in *Methodology*, p. 91

\*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.

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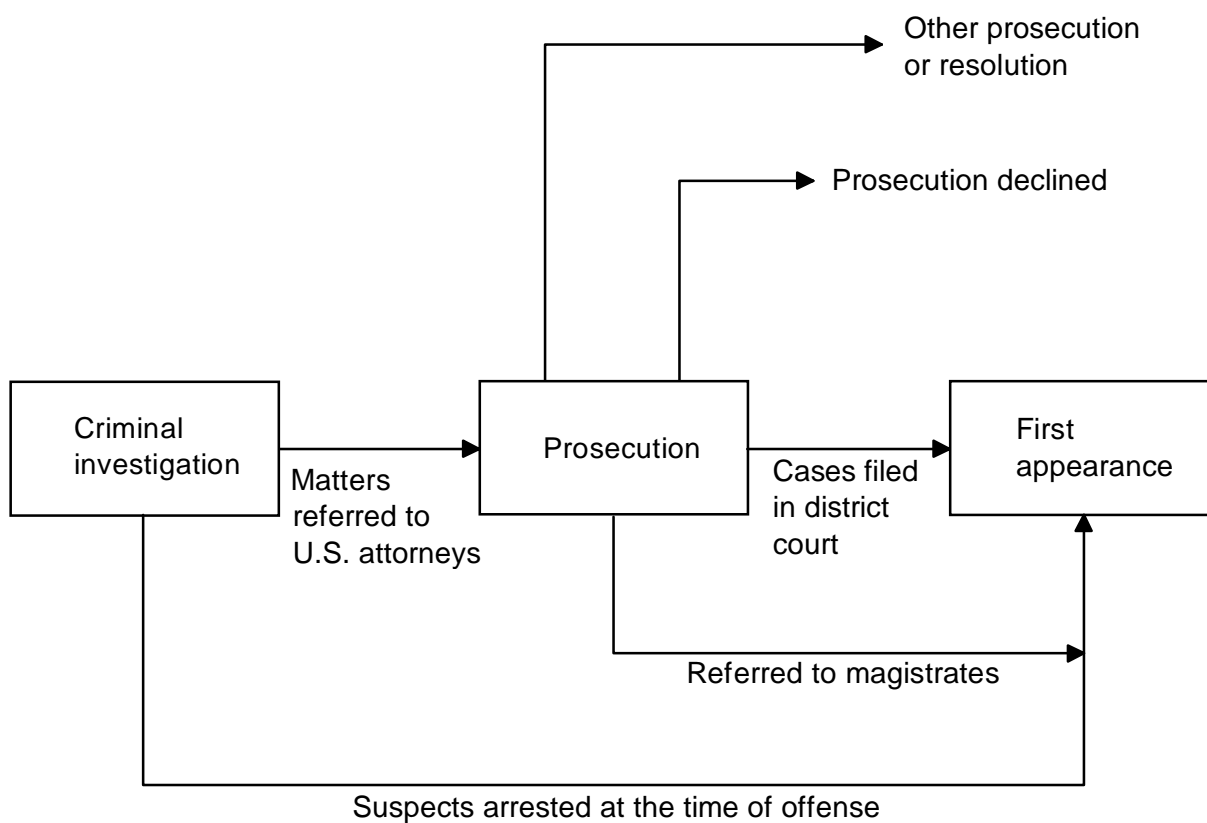
1.5. Mean and median processing times from receipt to filing or declination, by offense ..... 19

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# Chapter 1

## Prosecution

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Federal criminal cases may be brought by the U. S. Attorney's Office, by the Criminal Division of the U.S. Department of Justice, or by other authorized agencies. The 93 U.S. attorneys serve as the chief Federal law enforcement officers within their respective districts.

Investigations are most commonly referred to a U.S. attorney by a Federal investigative agency (primarily the Drug Enforcement Administration; the Federal Bureau of Investigation; the Postal Inspection Service; the Bureau of Alcohol, Tobacco, and Firearms; and the Secret Service), by the Criminal Division, or by a State or local investigative agency. Investigations may also be initiated — and cases brought directly — by U.S. attorneys or by the Criminal Division of the U.S. Department of Justice. This chapter reports only on suspects that were at least partially investigated by U.S. attorneys.

### U.S. attorneys' decisions

After criminal investigations are initiated and criminal suspects are referred to them, U.S. attorneys may file charges against defendants in a U.S. district court, or they may decline to file these charges for reasons such as weak or insufficient evidence, minimal Federal interest, lack of resources, or lack of criminal intent. Matters that are declined may be referred to another authority for prosecution or be settled through alternative resolution procedures. U.S. attorneys may also file cases before U.S. magistrates, who have the authority to adjudicate misdemeanor offenses (18 U.S.C. § 3401). U.S. attorneys consider these cases to be criminal matters because of their relatively less serious nature and because they are handled by magistrates.

The decision to prosecute a suspect in a criminal matter depends upon many factors, including the Attorney General's priorities, U.S. attorney priorities and resources, laws governing each type of offense, and the strength

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

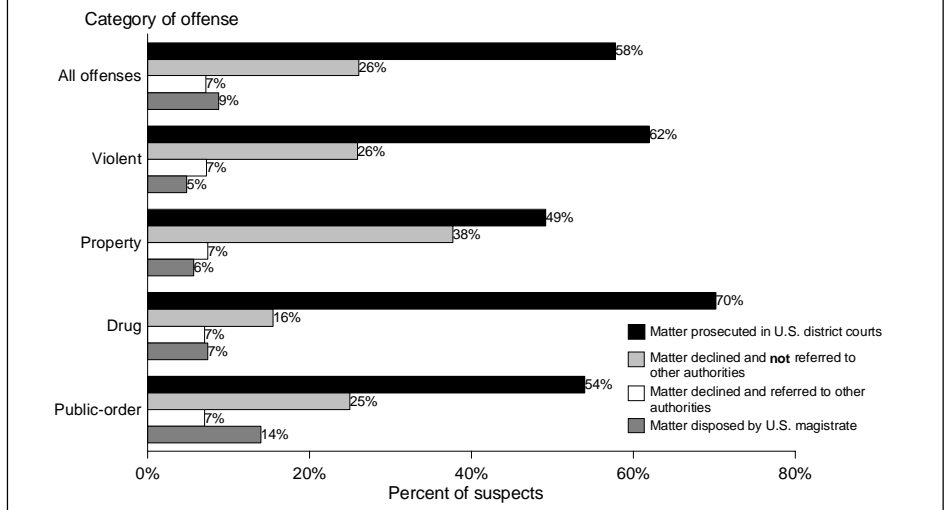


Figure 1.1. Suspects in matters concluded: Percentage of suspects that were prosecuted, declined, referred to other authorities for disposition, or disposed by U.S. magistrate, October 1, 1995 - September 30, 1996

of evidence in each case. During 1996, 58% of suspects in all offense categories were prosecuted. Suspects were prosecuted at different rates depending on their offense. Suspects involved in violent and drug offenses were more likely to be prosecuted before U.S. district court judges than were those involved in property and public-order offenses. Drug offense suspects were the most likely (70%) to be prosecuted (figure 1.1). Suspects in property offenses were the least likely to be prosecuted (49%). However, suspects involved in property offenses were more likely to be referred to other authorities — including authorities who resolved criminal matters by restitution or by civil or administrative procedures — than were suspects involved in other types of criminal matters.

### Suspects in matters received (table 1.1)

During 1996 there were 97,776 suspects in new matters received for investigation by U.S. attorneys.<sup>1</sup> Of these suspects, about 32% were

investigated for public-order offenses, 31% for drug offenses, and 30% for property offenses. Just under 7% of all suspects were investigated for violent crimes. Relative percentages of offenses reflect criminal activity as well as Federal investigative, prosecutorial, and statutory priorities. For example, during 1996 priority areas for U.S. attorneys included violent crimes (including firearms prosecutions and violent street gangs), international and domestic terrorism, narcotics prosecutions, immigration, organized crime, white collar crime, government regulatory offenses, child support recovery, and civil rights prosecutions.<sup>2</sup>

### Suspects in matters concluded (tables 1.2-1.5)

Upon receiving a matter, a U.S. attorney will either immediately decline it for prosecution or further investigate. Upon conclusion of the investigation, a matter may be filed as a criminal case in a U.S. district court, referred to a U.S. magistrate, or declined for

<sup>1</sup>See Chapter notes, item 1, p. 20. The 1996 data are not directly comparable to the 1993 and prior compendia.

<sup>2</sup>Statistical Report, United States Attorneys' Offices, Fiscal Year 1996. U.S. Department of Justice, Executive Office for United States Attorneys, Washington, DC.

**Of matters declined for prosecution, suspects in drug offenses were more likely than others to be referred to other authorities for prosecution or have their case settled through alternative resolution**

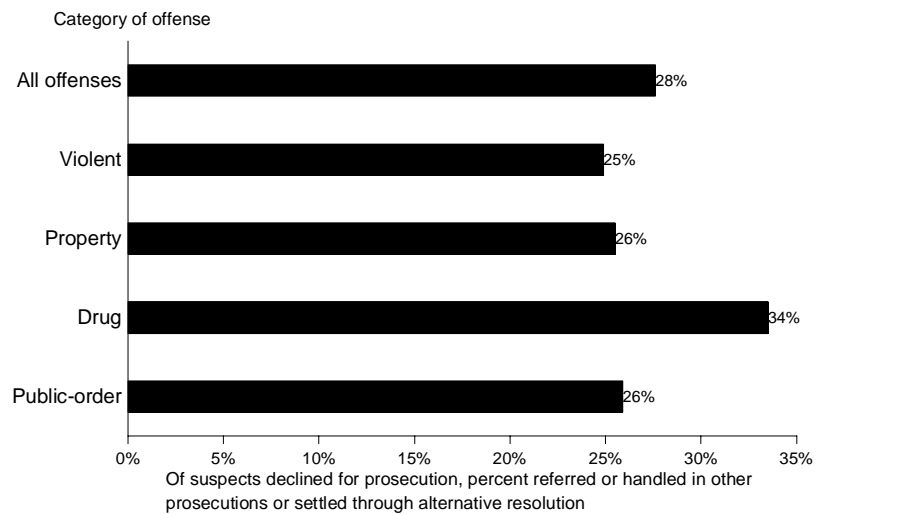


Figure 1.2. Of suspects in matters declined, percent referred or handled in other prosecutions or settled through alternative resolution, October 1, 1995 - September 30, 1996

prosecution. Of the 98,454 suspects in criminal matters concluded during 1996, 58% were prosecuted in U.S. district court, 33% were declined for prosecution, and 9% were referred to U.S. magistrates.<sup>3</sup>

**Suspects prosecuted (table 1.2)** — The likelihood of prosecution in U.S. district court varied widely across offense categories. Drug and violent offenders were more likely to be prosecuted than those involved in property and public-order offenses. U.S. attorneys prosecuted approximately 70% of suspects in drug offenses, 62% of those in violent offenses, 54% of those in public-order offenses, and 49% of those in property offenses.

Differences in rates of prosecution within major categories were substantial. For example, among violent offenders, 78% of robbery suspects were prosecuted, while 63% of murder, 48% of assault, and 39% of rape suspects were prosecuted. Among property offenders, suspects investigated for counterfeiting were

prosecuted at a higher rate than those involved in fraud (72% compared with 48%), and among suspects in public-order offenses, immigration (84%), weapons (63%), and tax law violators (61%) were much more likely to be prosecuted than suspects in communications (30%) and civil rights (6%) offenses.

**Suspects in matters declined (tables 1.3-1.4)** — Suspects in matters involving violent offenses were less likely to be declined for prosecution (33%) than those in property offenses (45%) but more likely than those in drug offenses (23%). Suspects in public-order offenses were slightly less likely to be declined for prosecution than those involved in violent offenses (32% compared to 33%).

The decision to decline prosecution is based on a number of factors, including the lack of prosecutable offense, alternative resolution, or case- and suspect-related reasons (table 1.3). Of the 32,832 declinations during 1996, 27% occurred because of case-related reasons, mostly due to weak evidence (23%); 23% occurred because there was no crime or criminal intent was lacking; and 19% occurred for other reasons, such as agency

requests (6%) and minimal Federal interest (4%).

Not all suspects whose matters were declined for prosecution avoided prosecution. Approximately 22% of the suspects in matters declined were referred to another authority for prosecution (table 1.4). An additional 6% were settled through alternative resolution procedures. While property offense suspects constituted the largest number of suspects who were referred by U.S. attorneys to other authorities for prosecution or resolution (figure 1.1), drug offense suspects were the most likely of suspects whose matters were declined to be referred to other authorities for prosecution or alternative resolution (figure 1.2). Thirty-four percent of the drug suspects whose matters were declined prosecution by U.S. attorneys were referred for other prosecution or resolution, as were 26% of the public-order, 26% of the property, and 25% of violent offense suspects.

Within major offense categories, the likelihood that suspects in matters declined for prosecution were referred to other authorities for prosecution or alternative resolution varied among specific offenses. Within property offenses, referral occurred with 38% of persons involved in motor vehicle theft, compared to 16% of suspects in arson and explosives cases. Within public-order offenses, referral occurred with 30% of weapons suspects were referred to other authorities or had their case settled through alternative procedures, compared to 8% of suspects in civil rights cases.

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

Cases concluded by U.S. magistrates are, by statute, misdemeanors.<sup>4</sup> Overall, U.S. magistrates disposed of

<sup>4</sup>At the time that U.S. attorneys receive them, matters may not be classifiable as felonies or misdemeanors. By the time a U.S. magistrate disposes of a case — or what the U.S. attorneys call a matter — its offense level has been determined and it is, by statute, a misdemeanor.

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



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about 9% of all criminal matters investigated by U.S. attorneys. For most offenses, the likelihood that a U.S. magistrate concluded the matter was also relatively low. The most notable exception was escape, for which 57% of matters were concluded by U.S. magistrates. The escape offense category accounted for 21% of all cases concluded by U.S. magistrates.

Most of the 3,369 escape violations were against defendants who absconded to avoid prosecution in State courts, the so-called "unlawful flight to avoid prosecution." Upon apprehension of the fugitive, these cases are normally dismissed by U.S. magistrates and turned over to the State for prosecution on the original warrant.

Other types of offenses having comparably high rates of disposal by U.S. magistrates included postal law violations (30%); conspiracy, aiding and abetting, traffic, and jurisdictional offenses (29%); and other property violations (20%).

**Processing times (table 1.5)** — For matters concluded during 1996, the average number of months from receipt of a matter to its conclusion by a U.S. attorney as a case filing or declination or its disposal by a U.S. magistrate was 10.3 months. However, the time to process matters varied with the outcome of the matter. Matters concluded by U.S. magistrates in which the suspect was convicted took the least amount of time — an average of 3.7 months, and at least 50% of these convictions occurred in about 43 days. Similarly, 50% of the matters declined for prosecution were declined within 12.9 months.

Overall, suspects in violent and drug offenses were processed more quickly than suspects in other offenses. For key decisions, such as whether to file a case or decline a matter for prosecution, violent offenses were concluded more quickly than drug offenses. At an average of 15.8 months, fraudulent property

offenses took longer to conclude than other offenses.



**Table 1.1. Suspects in matters received by U.S. attorneys, by offense, October 1, 1995 - September 30, 1996**

Most serious offense investigated <sup>a</sup>	Suspects in criminal matters received by U.S. attorneys	
	Number	Percent <sup>b</sup>
<b>All offenses<sup>c</sup></b>	97,776	100%
<b>Violent offenses</b>	6,570	6.8%
Murder/manslaughter <sup>d</sup>	540	0.6
Assault	1,184	1.2
Robbery	2,854	3.0
Rape	770	0.8
Other sex offenses <sup>d</sup>	697	0.7
Kidnaping	407	0.4
Threats against the President	118	0.1
<b>Property offenses</b>	28,962	30.1%
<b>Fraudulent</b>	25,245	26.2%
Embezzlement	4,114	4.3
Fraud <sup>d</sup>	19,220	20.0
Forgery	1,463	1.5
Counterfeiting	448	0.5
<b>Other</b>	3,717	3.9%
Burglary	53	0.1
Larceny <sup>d</sup>	1,753	1.8
Motor vehicle theft	800	0.8
Arson and explosives	686	0.7
Transportation of stolen property	109	0.1
Other property offenses <sup>d</sup>	316	0.3
<b>Drug offenses</b>	30,227	31.4%
<b>Public-order offenses</b>	30,502	31.7%
<b>Regulatory</b>	5,154	5.4%
Agriculture	276	0.3
Antitrust	32	—
Food and drug	231	0.2
Transportation	358	0.4
Civil rights	1,854	1.9
Communications	118	0.1
Custom laws	360	0.4
Postal laws	207	0.2
Other regulatory offenses	1,718	1.8
<b>Other</b>	25,348	26.3%
Weapons	4,462	4.6
Immigration offenses	7,122	7.4
Tax law violations <sup>d</sup>	1,428	1.5
Bribery	396	0.4
Perjury, contempt, and intimidation	722	0.8
National defense	266	0.3
Escape	3,590	3.7
Racketeering and extortion	3,507	3.6
Gambling	315	0.3
Liquor offenses	28	—
Obscene material <sup>d</sup>	27	—
Migratory birds	175	0.2
Conspiracy, aiding and abetting, traffic, and jurisdictional	2,827	2.9
All other offenses <sup>d</sup>	483	0.5
<b>Unknown or indeterminable offense</b>	1,515	

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 20.

—Less than .05%.

<sup>a</sup>See *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 91.

<sup>b</sup>Percentage distribution based on the suspects for whom the offense category could be determined.

<sup>c</sup>Includes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

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

**Table 1.2. Disposition of suspects in matters concluded, by offense, October 1, 1995 - September 30, 1996**

Most serious offense investigated <sup>a</sup>	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court <sup>b</sup>	Declined	Disposed by U.S. magistrates	Total	Prosecuted in U.S. district court <sup>b</sup>	Declined	Disposed by U.S. magistrates
<b>All offenses<sup>c</sup></b>	98,454	56,938	32,832	8,684	100%	57.8%	33.3%	8.8%
<b>Violent offenses</b>	6,107	3,784	2,028	295	100%	62.0%	33.2%	4.8%
Murder/manslaughter <sup>d</sup>	475	297	153	25	100	62.5	32.2	5.3
Assault	1,127	536	482	109	100	47.6	42.8	9.7
Robbery	2,691	2,099	478	114	100	78.0	17.8	4.2
Rape	705	275	426	4	100	39.0	60.4	0.6
Other sex offenses <sup>d</sup>	689	388	285	16	100	56.3	41.4	2.3
Kidnaping	317	164	130	23	100	51.7	41.0	7.3
Threats against the President	103	25	74	4	100	24.3	71.8	3.9
<b>Property offenses</b>	31,038	15,270	13,997	1,771	100%	49.2%	45.1%	5.7%
<b>Fraudulent</b>	27,294	13,337	12,446	1,511	100%	48.9%	45.6%	5.5%
Embezzlement	4,169	2,110	1,578	481	100	50.6	37.9	11.5
Fraud <sup>d</sup>	21,297	10,111	10,356	830	100	47.5	48.6	3.9
Forgery	1,395	803	412	180	100	57.6	29.5	12.9
Counterfeiting	433	313	100	20	100	72.3	23.1	4.6
<b>Other</b>	3,744	1,933	1,551	260	100%	51.6%	41.4%	6.9%
Burglary	50	31	19	0	100	62.0	38.0	0
Larceny <sup>d</sup>	1,751	1,080	531	140	100	61.7	30.3	8.0
Motor vehicle theft	827	389	411	27	100	47.0	49.7	3.3
Arson and explosives	676	251	398	27	100	37.1	58.9	4.0
Transportation of stolen property	150	80	61	9	100	53.3	40.7	6.0
Other property offenses <sup>d</sup>	290	102	131	57	100	35.2	45.2	19.7
<b>Drug offenses</b>	30,708	21,548	6,898	2,262	100%	70.2%	22.5%	7.4%
<b>Public-order offenses</b>	29,562	15,974	9,460	4,128	100%	54.0%	32.0%	14.0%
<b>Regulatory</b>	4,843	1,396	3,172	275	100%	28.8%	65.5%	5.7%
Agriculture	351	135	197	19	100	38.5	56.1	5.4
Antitrust	58	34	24	0	100	58.6	41.4	0
Food and drug	204	68	117	19	100	33.3	57.4	9.3
Transportation	328	141	179	8	100	43.0	54.6	2.4
Civil rights	1,559	97	1,459	3	100	6.2	93.6	0.2
Communications	102	31	66	5	100	30.4	64.7	4.9
Custom laws	375	173	164	38	100	46.1	43.7	10.1
Postal laws	252	117	59	76	100	46.4	23.4	30.2
Other regulatory offenses	1,614	600	907	107	100	37.2	56.2	6.6
<b>Other</b>	24,719	14,578	6,288	3,853	100%	59.0%	25.4%	15.6%
Weapons	4,673	2,935	1,601	137	100	62.8	34.3	2.9
Immigration offenses	6,929	5,830	324	775	100	84.1	4.7	11.2
Tax law violations <sup>d</sup>	1,403	862	509	32	100	61.4	36.3	2.3
Bribery	405	168	212	25	100	41.5	52.3	6.2
Perjury, contempt, and intimidation	681	283	367	31	100	41.6	53.9	4.6
National defense	267	93	142	32	100	34.8	53.2	12.0
Escape	3,369	784	681	1,904	100	23.3	20.2	56.5
Racketeering and extortion	3,673	1,718	1,838	117	100	46.8	50.0	3.2
Gambling	275	162	104	9	100	58.9	37.8	3.3
Liquor offenses	21	14	7	0	100	66.7	33.3	0
Obscene material <sup>d</sup>	32	15	13	4	100	46.9	40.6	12.5
Migratory birds	146	96	36	14	100	65.8	24.7	9.6
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	2,517	1,414	362	741	100	56.2	14.4	29.4
All other offenses <sup>d</sup>	328	204	92	32	100	62.2	28.0	9.8
<b>Unknown or indeterminable offense</b>	1,039	362	449	228	100%	34.8%	43.2%	21.9%

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 20.

<sup>a</sup>See *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 91.

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

<sup>c</sup>Includes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

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

**Table 1.3. Basis for declination of prosecution by U.S. attorneys, October 1, 1995 - September 30, 1996**

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent <sup>a</sup>
<b>Total declinations<sup>b</sup></b>	32,832	100%
<b>No crime</b>	7,483	23.4%
No true bill returned	41	0.1
No Federal offense	3,001	9.4
Lack of criminal intent	4,441	13.9
<b>Referred or handled in other prosecution</b>	6,926	21.6%
Removed	1,192	3.7
Prosecuted on other charges	1,755	5.5
Prosecuted by other authorities	3,978	12.4
Complaint combined with other indicators	1	—
<b>Alternative resolution</b>	1,915	6.0%
Restitution	119	0.4
Civil or administrative alternative	884	2.8
Pretrial diversion	912	2.8
<b>Suspect-related reasons</b>	897	2.8%
Suspect serving sentence	175	0.5
No known suspect	372	1.2
Suspect a fugitive	90	0.3
Suspect deceased	216	0.7
Suspect deported	44	0.1
<b>Case-related reasons</b>	8,716	27.2%
Stale case	443	1.4
Weak evidence	7,429	23.2
Statute of limitations exceeded	167	0.5
Jurisdiction or venue problems	296	0.9
Witness problems	381	1.2
<b>All other reasons</b>	6,074	19.0%
Minimal Federal interest	1,316	4.1
Petite policy	98	0.3
Lack of resources	921	2.9
Court policy	1	—
DOJ policy	497	1.6
U.S. attorney policy	930	2.9
Agency request	1,871	5.8
Juvenile suspect	60	0.2
Offender's health, age, prior record, or other personal circumstances	111	0.3
Suspect's cooperation	266	0.8
Motion hearings	3	—
<b>Unknown or indeterminable reason</b>	821	

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

—Less than .05%

<sup>a</sup>Percent based on suspects for whom a basis for declination could be determined.

<sup>b</sup>Includes suspects for whom basis for declination could not be determined; *Chapter notes*, item 4, p. 20.

**Table 1.4. Disposition of matters declined for prosecution by U.S. attorneys, by offense, October 1, 1995 - September 30, 1996**

Most serious offense investigated <sup>a</sup>	Number of suspects in declined matters				Percent of suspects in declined matters			
	Total <sup>b</sup>	Referred or handled in other prosecution <sup>c</sup>	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other	Total <sup>b</sup>	Referred or handled in other prosecution <sup>c</sup>	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other
<b>All offenses<sup>d</sup></b>	32,832	6,926	1,915	23,170	100%	21.6%	6.0%	72.4%
<b>Violent offenses</b>	2,028	436	57	1,485	100%	22.0%	2.9%	75.1%
Murder/manslaughter <sup>e</sup>	153	24	4	121	100	16.1	2.7	81.2
Assault	482	80	13	370	100	17.3	2.8	79.9
Robbery	478	176	18	279	100	37.2	3.8	59.0
Rape	426	38	3	372	100	9.2	0.7	90.1
Other sex offenses <sup>e</sup>	285	68	15	195	100	24.5	5.4	70.1
Kidnaping	130	45	1	82	100	35.2	0.8	64.1
Threats against the President	74	5	3	66	100	6.8	4.1	89.2
<b>Property offenses</b>	13,997	2,233	1,229	10,117	100%	16.4%	9.1%	74.5%
<b>Fraudulent</b>	12,446	1,871	1,141	9,053	100%	15.5%	9.5%	75.0%
Embezzlement	1,578	157	289	1,069	100	10.4	19.1	70.6
Fraud <sup>e</sup>	10,356	1,622	803	7,618	100	16.2	8.0	75.9
Forgery	412	68	47	292	100	16.7	11.5	71.7
Counterfeiting	100	24	2	74	100	24.0	2.0	74.0
<b>Other</b>	1,551	362	88	1,064	100%	23.9%	5.8%	70.3%
Burglary	19	4	2	13	100	21.1	10.5	68.4
Larceny <sup>e</sup>	531	128	61	333	100	24.5	11.7	63.8
Motor vehicle theft	411	140	11	250	100	34.9	2.7	62.3
Arson and explosives	398	61	2	326	100	15.7	0.5	83.8
Transportation of stolen property	61	12	1	44	100	21.1	1.8	77.2
Other property offenses <sup>e</sup>	131	17	11	98	100	13.5	8.7	77.8
<b>Drug offenses</b>	6,898	2,098	163	4,481	100%	31.1%	2.4%	66.5%
<b>Public-order offenses</b>	9,460	1,991	406	6,869	100%	21.5%	4.4%	74.1%
<b>Regulatory</b>	3,172	394	208	2,526	100%	12.6%	6.6%	80.8%
Agriculture	197	52	23	113	100	27.7	12.2	60.1
Antitrust	24	2	0	22	100	8.3	0	91.7
Food and drug	117	29	6	79	100	25.4	5.3	69.3
Transportation	179	24	30	119	100	13.9	17.3	68.8
Civil rights	1,459	90	29	1,329	100	6.2	2.0	91.8
Communications	66	9	4	53	100	13.6	6.1	80.3
Custom laws	164	16	21	124	100	9.9	13.0	77.0
Postal laws	59	16	15	28	100	27.1	25.4	47.5
Other regulatory offenses	907	156	80	659	100	17.4	8.9	73.6
<b>Other</b>	6,288	1,597	198	4,343	100%	26.0%	3.2%	70.8%
Weapons	1,601	445	25	1,078	100	28.7	1.6	69.6
Immigration offenses	324	62	11	240	100	19.8	3.5	76.7
Tax law violations <sup>e</sup>	509	100	17	378	100	20.2	3.4	76.4
Bribery	212	17	14	177	100	8.2	6.7	85.1
Perjury, contempt, and intimidation	367	51	31	275	100	14.3	8.7	77.0
National defense	142	24	12	101	100	17.5	8.8	73.7
Escape	681	432	11	234	100	63.8	1.6	34.6
Racketeering and extortion	1,838	324	30	1,452	100	17.9	1.7	80.4
Gambling	104	19	6	78	100	18.4	5.8	75.7
Liquor offenses	7	3	2	2	100	—	—	—
Obscene material <sup>e</sup>	13	1	1	11	100	7.7	7.7	84.6
Migratory birds	36	6	2	26	100	17.6	5.9	76.5
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	362	83	34	237	100	23.4	9.6	66.9
All other offenses <sup>e</sup>	92	30	2	54	100	34.9	2.3	62.8
<b>Unknown or indeterminable offense</b>	449	168	60	218	100%	37.7%	13.5%	48.9%

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

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 91.

<sup>b</sup>Includes 821 suspects for whom reason for declination could not be determined.

<sup>c</sup>Includes suspects in matters removed, prosecuted on other charges, prosecuted by other authorities, complaints filed with other indictments, youthful offenders, and those transferred to State authority.

<sup>d</sup>Includes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

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

**Table 1.5. Mean and median processing times from receipt to filing or declination, by offense, October 1, 1995 - September 30, 1996**

Most serious offense investigated <sup>a</sup>	Number of months from receipt of matter to decision						
	All suspects	Disposed by U.S. magistrate			Concluded by U.S. attorney		
		Total	Convicted	Not convicted	Total	Prosecuted in U.S. district court <sup>b</sup>	Declined
<b>Mean</b>							
<b>All offenses<sup>c</sup></b>	10.3 mo	10.5 mo	3.7 mo	13.0 mo	10.3 mo	5.3 mo	18.6 mo
<b>Violent offenses</b>	6.1	12.1	5.1	13.2	5.8	2.9	11.1
<b>Property offenses</b>	15.2	14.3	4.6	18.6	15.2	9.0	21.9
Fraudulent offenses <sup>d</sup>	15.8	14.7	4.6	19.3	15.9	9.5	22.6
Other offenses <sup>e</sup>	10.6	12.0	4.3	14.8	10.5	5.4	16.7
<b>Drug offenses</b>	6.7	7.2	2.2	9.2	6.7	3.7	15.6
<b>Public-order offenses</b>	9.9	10.9	4.1	13.4	9.7	4.5	17.9
Regulatory offenses	14.6	12.7	8.7	15.4	14.7	9.9	16.8
Other offenses	8.9	10.8	3.6	13.3	8.5	4.0	18.5
<b>Median</b>							
<b>All offenses<sup>c</sup></b>	2.8 mo	1.6 mo	1.4 mo	1.7 mo	3.0 mo	0.9 mo	12.9 mo
<b>Violent offenses</b>	1.4	1.3	2.1	1.1	1.5	0.7	6.6
<b>Property offenses</b>	8.5	2.7	2.7	2.7	8.9	3.0	16.6
Fraudulent offenses <sup>d</sup>	9.0	2.7	2.5	2.9	9.5	3.5	17.3
Other offenses <sup>e</sup>	4.5	2.5	3.2	2.1	4.7	1.4	12.9
<b>Drug offenses</b>	1.0	0.9	1.4	0.6	1.0	0.7	10.8
<b>Public-order offenses</b>	2.2	2.1	0.9	2.8	2.2	0.7	11.8
Regulatory offenses	8.3	6.3	5.8	8.3	8.5	2.3	11.1
Other offenses	1.6	2.0	0.7	2.6	1.5	0.7	12.4
<b>Number of suspects<sup>f</sup></b>	94,970	8,232	2,233	5,999	86,738	54,164	32,574
With unknown or indeterminable offense or processing time <sup>g</sup>	4,523	680	272	408	3,843	3,136	707

Note: The data in this table are not directly comparable to data in the 1993 or prior compendia; see *Chapter notes*, items 1 and 2, p. 20.

<sup>a</sup>See *Chapter notes*, item 3, p. 20, and "Offense classifications" in *Methodology*, p. 91.

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

<sup>c</sup>Includes suspects for whom offense category could not be determined; see *Chapter notes*, item 4, p. 20.

<sup>d</sup>Excluding tax fraud.

<sup>e</sup>Including tax fraud.

<sup>f</sup>Excludes suspects with insufficient data to determine processing time.

<sup>g</sup>May include some suspects with unknown or indeterminable offenses or processing time.

## Chapter notes

1) Tables 1.1-1.5 were created from the Central System data files of the EOUSA. For table 1.1, only records which showed a matter received during 1996 were selected. For tables 1.2-1.5, only records which show a matter terminated by reason of declination, disposition by a U.S. magistrate, or filed as a case in U.S. district court from October 1, 1995, through September 30, 1996, were selected. In all of these tables, matters “declined immediately” — those cases in which the U.S. attorney spent less than 1 hour investigating — were excluded.

2) The number of suspects in matters investigated in table 1.1, and the number of suspects in matters concluded in tables 1.2 and 1.5 are not directly comparable to counts in the 1993 and prior compendia. In those years, these statistics included appellants in appeals filed or appeals terminated. In table 1.1 of this *Compendium* and the 1994 and subsequent compendia, the number of suspects in matters received is limited to suspects in criminal matters that were filed as cases in U.S. district courts, handled by U.S. magistrates, or declined for prosecution. In the 1993 and prior compendia, the number of suspects in criminal matters received included criminal appeals. To obtain a number of suspects comparable to the statistic reported in the 1993 and prior compendia, add to the data in table 1.1 of this *Compendium*, the number of appellants in appeals that were handled by U.S. attorneys. The table below shows these data for major offense categories.

Nature of the underlying offense	Number of appellants in appeals filed and handled by U.S. attorneys
All offenses	9,503
Violent offenses	690
Property offenses	1,911
Fraudulent property	1,600
Other property	311
Drug offenses	4,600
Public-order offenses	2,191
Regulatory public order	123
Other public order	2,068
Unknown or indeterminate offenses	111

In tables 1.2 and 1.5 of this *Compendium* and in the 1994 and subsequent compendia, the number of suspects in matters concluded also is limited to those suspects whose matters were concluded by a case filing in a U.S. district court, by declination, or by disposition by a U.S. magistrate. In the 1993 and prior compendia, this number included appellants in criminal appeals terminated.

To obtain a number that is comparable to the number reported in the 1993 and prior compendia, the number of appellants in appeals terminated and handled by U.S. attorneys needs to be added to the totals in table 1.2. The table below shows the number of appellants in appeals cases terminated during fiscal 1996.

Nature of the underlying offense	Number of appellants in appeals concluded by U.S. attorneys
All offenses	8,542
Violent offenses	633
Property offenses	1,653
Fraudulent property	1,393
Other property	260
Drug offenses	4,159
Public-order offenses	2,012
Regulatory public order	129
Other public order	1,883
Unknown or indeterminate offenses	85

3) Offenses in the Central System data files are classified by the title and section of the United States Code for the most serious offense investigated, as determined by the assistant U.S. attorney responsible for the matter. For tables in this *Compendium*, these citations were translated into the corresponding four-digit offense codes used by the Administrative Office of the United States Courts (AOUSC). These four-digit codes were then aggregated into the categories shown in the tables.

U.S. Code citations often do not permit detailed classification of drug offenses by the type of criminal activity involved. A person charged with conspiracy is classified under the substantive offense alleged (for example, conspiracy to defraud is classified as fraud) unless type of conspiracy cannot be determined from the U.S. Code citation. Unclassified conspiracies are included among “conspiracy, aiding and abetting, traffic, and jurisdictional offenses” in tables 1.1, 1.2, 1.4, and 1.5.

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

4) In the tables in this chapter, the “all offenses” row or “total declinations” row (in table 1.3) includes records whose offense category (basis for declination) is missing or indeterminate. The percentage distributions in these tables, however, are based on the number of observations with non-missing offenses (basis for declination) values. The number of missing values are reported either on a separate line or in a footnote.



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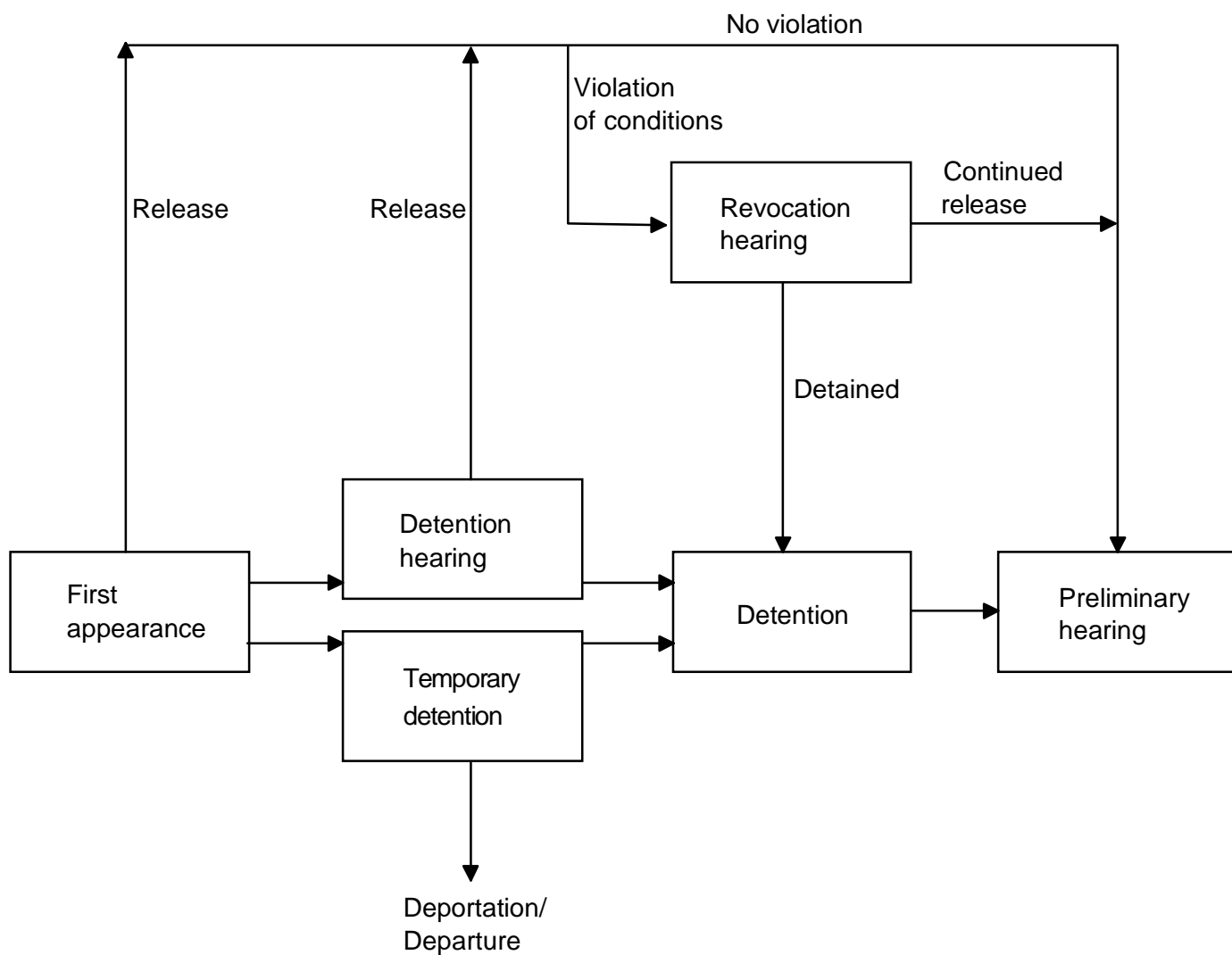
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## Chapter 2

### Pretrial release

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

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

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

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

similar State-level offense. Additionally, a detention recommendation may be made if there is a serious risk that the defendant would flee in an attempt to avoid prosecution or would obstruct justice or intimidate witnesses or jurors.

### Types of pretrial release

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

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

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

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

Defendants may also be released on financial conditions. Financial conditions include (1) deposit bond (the defendant is required to post a percentage of the total bail amount, usually 10%), (2) surety bond (the defendant is released subject to guarantees by a third person that the full amount will be paid), or (3) collateral bond (collateral equal to the full bail amount required to be posted by the defendant before release). Financial conditions may occur in combination with nonfinancial conditions.

### Factors relating to release or detention

In deciding whether to release a defendant and in settling release conditions, the court is directed to consider the nature and circumstances of the offense charges, the weight of evidence against the defendant, the defendant’s character, physical and

mental condition, family ties, employment, financial resources, length of residence in the community, community ties past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings.

During 1996, 26,801 defendants were released for some period of time prior to trial (table 2.1). Those defendants released made up nearly 53% of the 51,063 defendants who terminated pretrial services during 1996. Of the defendants released, 84% completed pretrial services without violating the conditions of their release (table 2.8).

In 1996, 31,895 defendants were detained for some period of time prior to the disposition of their case (table 2.3). Those defendants detained comprised about 63% of all defendants who terminated pretrial services during 1996. Included are those who were detained prior to having a preliminary hearing with the magistrate, at which point they could have been either released or ordered to have a detention hearing. Of the defendants detained, 53% were ordered detained by the court until case disposition.

Pretrial detention hearings were held for 22,890 defendants. Of these, 16,917, or 74%, were ordered detained (table 2.5).

Of the 26,801 defendants released prior to trial, 16% violated a condition of their release (table 2.7). The majority (82%) of these violations were technical violations of the bail conditions. Defendants released on collateral bond were more likely (21%) than other defendants to incur some violation of the conditions of their release (table 2.8). Conversely, defendants given conditional release violated their release at the lowest rates (7%). Slightly more than 6% of all released defendants had their release revoked.

\*18 U.S.C. § 3142(e) (1984)

## Pretrial outcomes by offense categories

**Releases (table 2.1)** — Defendants charged with violent offenses were less likely than other defendants to be released prior to criminal trial — only 38% of the 3,152 violent offenders were released during 1996 (figure 2.1). However, among defendants charged with violent offenses, the percent released varied greatly; 20% of those charged with robbery were released compared to 64% of those charged with assault and 63% of those charged with rape.

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

Slightly less than half of all drug defendants were released. Drug trafficking defendants were less likely to be released than those charged with non-trafficking offenses (44% compared to 58%), but defendants charged with trafficking offenses outnumbered those charged with non-trafficking offenses by 7 to 1.

The release types for those defendants who were released prior to trial varied among offense categories (table 2.1). Within each offense category, the highest percentage of defendants released was on unsecured bond, except for violent defendants. Of the 38% of violent defendants released, 40% were released on unsecured bond and 43% on personal recognizance compared to 81% of all property defendants released, of whom 53% were released on unsecured bond and 35% on personal recognizance.

**Detentions (tables 2.3 and 2.5)** — Defendants charged with violent offenses were more likely (78%) to be detained for some period of time than other defendants (table 2.3). Violent defendants were also more likely to be detained by the court following a

### Defendants charged with violent offenses were less likely than other defendants to be released prior to trial

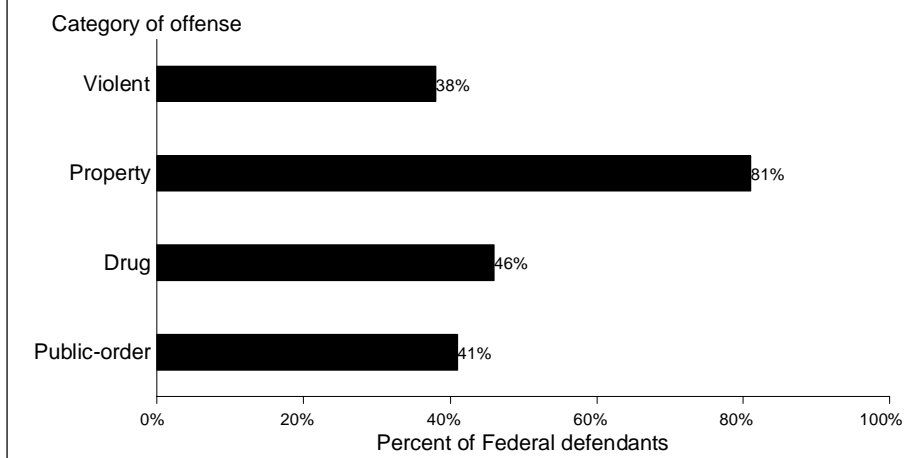


Figure 2.1. Percent of defendants released prior to case disposition, by offense category, October 1, 1995 - September 30, 1996

detention hearing (64% of those detained). Similarly, of those defendants charged with drug offenses, 76% were detained for some period of time — 57% following a detention hearing. Property and public-order defendants were less likely to be detained than violent and drug defendants. During 1996, 68% of public-order defendants were detained. Of public-order defendants, those charged with immigration offenses were the most likely to be detained (93%). In 1996, 30% of all defendants charged with property of-

fenses were detained. Of those defendants detained, 51% of public-order and 40% of property defendants were detained following a detention hearing.

For 65% of defendants charged with violent offenses, it was decided at the preliminary hearing that a detention hearing was warranted (table 2.5, figure 2.3). This rate varied by offense category, as 60% of those charged with drug-related offenses, 42% of those charged with public-order offenses, and 20% of those charged

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

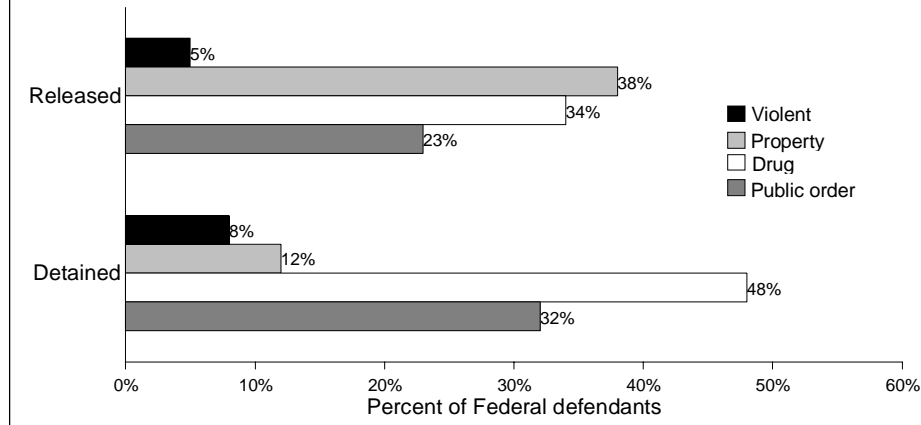


Figure 2.2. Percent of defendants released or detained, by offense category, October 1, 1995 - September 30, 1996

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

Once a defendant was ordered to have a detention hearing, the chances of being detained were less variable across offense categories (table 2.5). The highest rate of defendants ordered detained were those charged with public-order offenses (82%) — primarily immigration (90%) and weapons offenders (73%). Of the 65% of defendants charged with violent offenses and given a pretrial detention hearing, 77% were ordered detained. In 1996, 72% of those charged with drug offenses and 61% of those charged with property offenses were ordered detained.

**Violations (table 2.7)** — Of defendants released prior to trial and terminating pretrial services during 1996, those charged with drug offenses were more likely (26%) than other defendants to incur at least one violation during the release period. Those charged with property offenses were less likely (10%) than others to violate conditions of their release.

Those charged with violent offenses were more likely to have their release revoked (10% of all violent defendants, 51% of violent defendants incurring a violation), and property defendants were slightly less likely than public-order defendants to have their release revoked (3.5% versus 3.8%).

**Pretrial outcomes across demographic groups**

**Releases (table 2.2)** — Females were more likely (78%) than males (48%) to be released during 1996 (figure 2.4). Males had nearly twice the chance of having a financial condition imposed on them as females (19% versus 11%). Sixty-six percent

**Defendants charged with violent offenses were more likely to have a detention hearing**

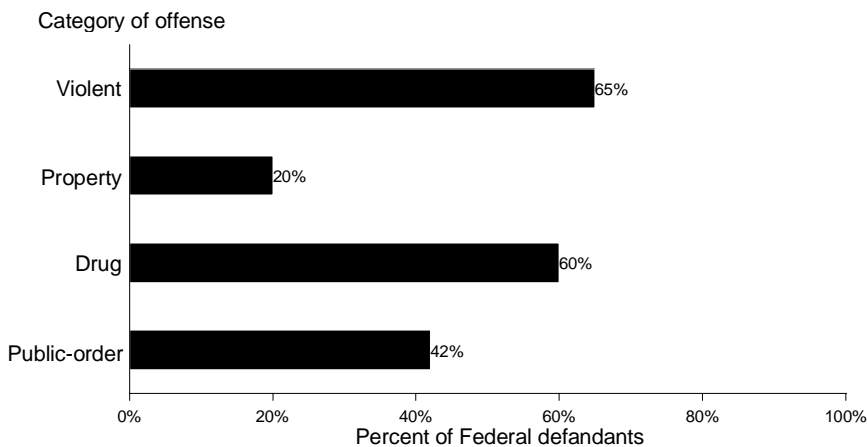


Figure 2.3. Detention hearings held, by offense category, October 1, 1995 - September 30, 1996

of all defendants identified as non-Hispanic were released during 1996 compared to 26% of Hispanics. Non-Hispanic releasees had nearly twice the chance of being released on personal recognizance.

The higher the education level of the defendant, the greater the probability of release. Less than half (44%) of defendants with less than a high school education were released in 1996, while 82% of those who had completed college were released. Releasees with a college degree were

slightly less likely to receive financial conditions (15%) and more likely to be released on personal recognizance (32%) than those who had less education.

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

**Males, Hispanics, unemployed defendants, and defendants with a history of drug abuse were less likely to be released**

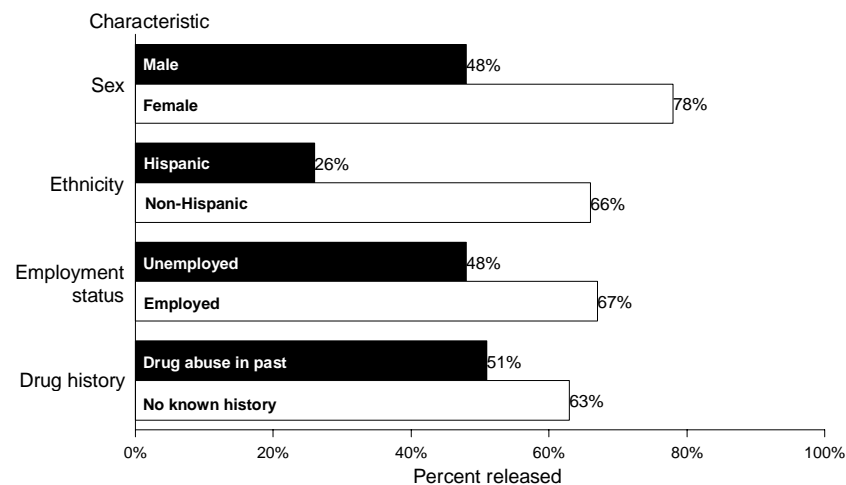


Figure 2.4. Pretrial release rates, by defendant characteristics, October 1, 1995 - September 30, 1996

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**Detentions (tables 2.4 and 2.6) —** Males were nearly twice as likely as females to be detained (table 2.4). Of all detainees, 55% of the men and 41% of the women were detained following a detention hearing. Hispanics had a substantially higher probability of being detained as compared with non-Hispanics. However, among those detained, Hispanics and non-Hispanics had nearly equal chances of being detained following a detention hearing.

Younger defendants were more likely than older ones to be detained, with the percentage peaking at defendants in their twenties. Sixty-nine percent of defendants between the ages of 21 and 30 years were detained compared to 64% of defendants between 16 and 18 years and 46% of those over 40. However, among all defendants detained, the chances of being detained following a detention hearing were similar across all age groups. These patterns were more dramatic with education levels. Those defendants with lower levels of education were more likely to be detained. Seventy-four percent of those who did not graduate from high school were detained versus 31% of college graduates. Of those detained, 54% of defendants without a high school diploma were detained following a detention hearing compared to 47% of college graduates.

Not only were male defendants nearly twice as likely as female defendants to have a detention hearing (48% versus 27%), they were also more likely to be ordered detained as a result of the hearing (table 2.6). Blacks had a higher chance of having a detention hearing (50%) than those of other races (42% for whites, 47% for other). However, once a detention hearing was held, there were only slight differences amongst racial groups in the probability of being ordered detained.

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

51% of those with a history of drug abuse had detention hearings as compared to 40% of those without such a past. Those with a known history of drug abuse were also more likely to be detained.

**Violations (table 2.9) —** Released males were more likely than females to incur a violation during the pretrial release period (17% versus 13%) and were more likely to have their release revoked. Defendants with no prior criminal history were less likely to have a pretrial release violation than those with a prior conviction. Released defendants with a known drug history had more than 3 times the likelihood of incurring a violation than those with no known drug history. Also, those with a history of drug use were more likely to have their release revoked.

**Length of pretrial detention (table 2.10)**

Among defendants detained for any time prior to case disposition, those charged with violent offenses were detained the longest (an average of 71.5 days) compared to drug defendants (59.8 days), public-order defendants (40.5 days), and property defendants (38.0 days).

Of defendants released, those released on conditional means spent the greatest average number of days detained (44.6 days) compared to those released on personal recognizance (34.0 days), unsecured bond (31.1 days), and financial conditions (28.2 days). However, this trend changed across major offense categories. For public-order defendants, those released on personal recognizance spent the greatest average number of days detained (34.1 days) compared to unsecured bond (28.1 days), conditional release (27.7 days), and financial conditions (22.4 days).

Of defendants not released, those detained following a detention hearing were detained longer, on average, than those held on financial condi-

tions (112.7 days compared with 56.8 days).

**Table 2.1. Type of pretrial release, by offense, October 1, 1995 - September 30, 1996**

Most serious offense charged	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial <sup>a</sup>	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
<b>All offenses<sup>b</sup></b>	52.5%	17.2%	49.1%	30.6%	3.0%	26,801	51,063
<b>Violent offenses</b>	38.0%	11.1%	40.3%	43.2%	5.4%	1,197	3,152
Murder <sup>c</sup>	41.3	13.5	24.3	55.4	6.8	74	179
Negligent manslaughter	100	...	36.4	63.6	...	11	11
Assault	64.3	4.9	39.8	47.6	7.6	445	692
Robbery	20.1	23.2	47.9	26.8	2.1	332	1,652
Rape	63.3	2.7	22.0	70.0	5.3	150	237
Other sex offenses <sup>c</sup>	74.1	7.9	52.9	34.3	5.0	140	189
Kidnaping	21.2	25.0	37.5	34.4	3.1	32	151
Threats against the President	31.7	7.7	38.5	30.8	23.1	13	41
<b>Property offenses</b>	80.8%	9.7%	53.1%	34.8%	2.3%	10,214	12,640
<b>Fraudulent</b>	81.1%	10.7%	55.5%	32.4%	1.4%	7,805	9,623
Embezzlement	94.1	3.1	52.6	43.0	1.3	1,309	1,391
Fraud <sup>c</sup>	79.3	12.0	54.9	31.7	1.4	5,681	7,164
Forgery	82.5	11.9	61.9	23.3	3.0	236	286
Counterfeiting	74.0	15.0	64.2	19.5	1.2	579	782
<b>Other</b>	79.8%	6.4%	45.6%	42.7%	5.3%	2,409	3,017
Burglary	57.9	7.4	38.3	43.2	11.1	81	140
Larceny <sup>c</sup>	86.5	4.7	44.8	45.1	5.4	1,900	2,196
Motor vehicle theft	47.6	17.3	59.1	19.1	4.5	110	231
Arson and explosives	62.4	20.4	58.4	19.5	1.8	113	181
Transportation of stolen property	80.6	12.8	56.0	28.0	3.2	125	155
Other property offenses <sup>c</sup>	70.2	2.5	18.8	72.5	6.3	80	114
<b>Drug offenses</b>	45.6%	28.7%	48.7%	21.1%	1.5%	9,130	20,017
Trafficking	43.9	30.6	49.7	18.3	1.4	7,747	17,628
Other drug	57.9	17.9	43.0	36.7	2.4	1,383	2,389
<b>Public-order offenses</b>	40.7%	14.0%	45.4%	34.7%	6.0%	6,132	15,081
<b>Regulatory</b>	76.0%	12.1%	51.4%	34.4%	2.1%	1,213	1,597
Agriculture	97.2	0.7	60.1	38.4	0.7	138	142
Antitrust	100	...	55.0	45.0	...	20	20
Food and drug	100	...	43.9	53.7	2.4	41	41
Transportation	83.6	3.9	52.9	37.3	5.9	51	61
Civil rights	85.7	5.6	73.6	20.8	...	72	84
Communications	87.3	14.5	48.4	35.5	1.6	62	71
Custom laws	75.9	36.4	40.9	22.7	...	66	87
Postal laws	89.8	5.3	60.7	32.7	1.3	150	167
Other regulatory offenses	66.3	16.2	46.3	34.7	2.8	613	924
<b>Other</b>	36.5%	14.4%	43.9%	34.8%	6.9%	4,919	13,484
Weapons	48.8	16.7	54.3	26.8	2.2	1,190	2,438
Immigration offenses	12.9	23.9	37.2	14.4	24.5	925	7,190
Tax law violations <sup>c</sup>	95.0	5.6	49.2	43.8	1.5	683	719
Bribery	88.6	21.6	48.5	29.8	...	171	193
Perjury, contempt, and intimidation	73.6	9.4	50.3	39.6	0.6	159	216
National defense	78.2	4.7	25.6	60.5	9.3	43	55
Escape	16.1	21.6	51.5	21.6	5.2	97	601
Racketeering and extortion	61.9	29.3	49.9	19.3	1.5	461	745
Gambling	98.2	9.3	51.4	39.3	...	107	109
Liquor offenses	100	...	30.8	69.2	...	13	13
Obscene material <sup>c</sup>	78.4	10.3	62.1	27.6	...	29	37
Migratory birds	100	...	31.8	68.2	...	22	22
All other offenses <sup>c</sup>	88.9	2.7	29.0	62.3	5.9	1,019	1,146

Note: Released defendants include some defendants who were also detained prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in these tables are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

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

<sup>a</sup>Includes deposit bond, surety bond, and collateral bond.

<sup>b</sup>Includes 173 defendants for whom an offense category could not be determined, 128 of whom were released.

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

**Table 2.2. Type of pretrial release, by defendant characteristics, October 1, 1995- September 30, 1996**

Defendant characteristic	Percent released	Of defendants released at any time prior to case disposition, percent released on—				Number of defendants	
		Financial <sup>a</sup>	Unsecured bond	Personal recognizance	Conditional release	Released	All defendants
<b>All defendants<sup>b</sup></b>	52.5%	17.2%	49.1%	30.6%	3.0%	26,801	51,063
<b>Sex</b>							
Male	47.7%	19.0%	48.7%	29.1%	3.2%	20,437	42,851
Female	77.5	11.3	50.5	35.6	2.5	6,321	8,152
<b>Race</b>							
White	51.4%	17.5%	49.5%	29.8%	3.2%	17,287	33,639
Black	53.2	17.2	52.9	28.0	1.8	7,636	14,365
Other	61.4	14.4	30.7	49.0	5.9	1,878	3,059
<b>Ethnicity</b>							
Hispanic	26.2%	32.1%	44.4%	16.6%	6.9%	4,553	17,352
Non-Hispanic	65.9	14.3	50.8	32.6	2.2	21,757	33,017
<b>Age</b>							
16-18 years	55.4%	10.6%	43.4%	38.7%	7.3%	509	918
19-20 years	52.1	14.7	48.6	31.5	5.3	1,235	2,372
21-30 years	47.8	18.5	49.2	28.7	3.6	8,478	17,749
31-40 years	53.6	19.1	50.3	28.1	2.5	7,562	14,107
Over 40 years	68.4	15.7	51.1	31.4	1.8	7,908	11,556
<b>Education</b>							
Less than high school graduate	43.7%	21.5%	51.1%	25.1%	2.4%	6,773	15,512
High school graduate	63.7	16.4	51.3	30.2	2.1	8,560	13,430
Some college	71.2	16.0	51.3	30.4	2.3	5,989	8,408
College graduate	81.5	15.2	51.4	31.9	1.5	2,871	3,521
<b>Marital status</b>							
Never married	52.5%	16.8%	52.1%	28.6%	2.5%	8,240	15,687
Divorced/separated	62.1	16.5	53.1	28.4	2.0	4,935	7,953
Married	65.5	18.1	49.6	30.4	1.9	9,509	14,522
Common law	46.8	23.3	49.5	24.8	2.4	1,693	3,616
Other	26.1	12.3	28.8	47.3	11.7	2,424	9,285
<b>Employment status at arrest</b>							
Unemployed	47.5%	17.1%	51.8%	28.7%	2.5%	9,098	19,157
Employed	67.3	17.9	50.6	29.6	1.9	15,952	23,700
<b>Criminal record</b>							
No convictions <sup>c</sup>	63.5%	14.4%	48.2%	34.1%	3.3%	11,523	18,155
Misdemeanor only	65.3	15.6	49.0	32.0	3.4	5,300	8,118
Felony							
Nonviolent	38.2%	20.3%	52.4%	24.6%	2.7%	3,992	10,451
Violent	26.0	24.5	49.7	22.5	3.3	1,915	7,373
<b>Number of prior convictions</b>							
1	56.2%	18.3%	50.5%	28.0%	3.1%	4,614	8,216
2 to 4	42.5	18.8	50.6	27.8	2.8	4,565	10,752
5 or more	29.1	20.1	49.4	26.8	3.7	2,028	6,974
<b>Criminal justice status</b>							
Not under supervision	60.8%	16.3%	48.7%	31.8%	3.2%	21,085	34,667
Pretrial release	54.9	23.5	52.2	23.4	0.9	1,417	2,582
Probation	46.8	19.5	55.2	24.2	1.1	1,267	2,705
Parole	22.8	27.3	47.6	23.5	1.7	422	1,853
<b>Court appearance history</b>							
No prior arrests	63.0%	14.4%	48.1%	34.2%	3.3%	12,016	19,086
Failure to appear							
None	49.1	19.5	50.8	27.0	2.8	12,704	25,870
1	35.5	21.0	44.7	31.5	2.8	1,160	3,272
More than 1	32.5	17.2	45.6	34.0	3.3	921	2,835
<b>Drug abuse</b>							
No known abuse	62.8%	17.4%	51.7%	28.9%	2.1%	18,003	28,659
Drug history	51.4	18.7	53.6	25.7	2.0	5,722	11,139

Note: Released defendants include some defendants who were also detained prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in these tables are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

<sup>a</sup>Includes deposit bond, surety bond, and collateral bond.

<sup>b</sup>Includes defendants for whom characteristics could not be determined.

<sup>c</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.



**Table 2.3. Form of pretrial detention, by offense, October 1, 1995 - September 30, 1996**

Most serious offense charged	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention <sup>a</sup>	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre-trial period	All of pre-trial period				
<b>All offenses<sup>b</sup></b>	62.5%	2.9%	20.5%	13.7%	53.2%	9.7%	31,895	51,063
<b>Violent offenses</b>	78.1%	1.3%	16.3%	4.5%	63.7%	14.3%	2,463	3,152
Murder <sup>c</sup>	81.6	...	19.9	0.7	69.2	10.3	146	179
Negligent manslaughter	9.1	—	—	—	—	—	1	11
Assault	56.6	1.3	29.6	7.9	45.4	15.8	392	692
Robbery	91.6	1.2	10.3	4.8	69.7	13.9	1,513	1,652
Rape	61.6	0.7	32.2	...	55.5	11.6	146	237
Other sex offenses <sup>c</sup>	44.4	...	33.3	1.2	42.9	22.6	84	189
Kidnaping	95.4	4.9	12.5	0.7	68.1	13.9	144	151
Threats against the President	90.2	...	18.9	8.1	54.1	18.9	37	41
<b>Property offenses</b>	30.0%	1.2%	32.5%	16.0%	39.8%	10.5%	3,791	12,640
<b>Fraudulent</b>	29.9%	1.4%	32.7%	18.4%	37.7%	9.7%	2,877	9,623
Embezzlement	10.7	0.7	40.3	10.1	32.9	16.1	149	1,391
Fraud <sup>c</sup>	31.9	1.7	31.0	20.6	37.4	9.3	2,287	7,164
Forgery	32.5	...	45.2	9.7	30.1	15.1	93	286
Counterfeiting	44.5	0.6	37.4	10.1	44.0	8.0	348	782
<b>Other</b>	30.3%	0.7%	31.7%	8.4%	46.2%	13.0%	914	3,017
Burglary	61.4	2.3	27.9	5.8	47.7	16.3	86	140
Larceny <sup>c</sup>	21.7	0.4	37.5	11.9	41.5	8.6	477	2,196
Motor vehicle theft	67.5	0.6	18.6	2.6	55.8	22.4	156	231
Arson and explosives	58.0	1.0	31.4	3.8	52.4	11.4	105	181
Transportation of stolen property	35.5	...	36.4	3.6	45.5	14.5	55	155
Other property offenses <sup>c</sup>	30.7	...	14.3	14.3	45.7	25.7	35	114
<b>Drug offenses</b>	76.4%	2.5%	24.2%	9.0%	56.5%	7.8%	15,292	20,017
Trafficking	78.6	2.2	24.2	8.9	57.0	7.7	13,847	17,628
Other drug	60.5	5.5	24.5	9.9	51.6	8.5	1,445	2,389
<b>Public-order offenses</b>	68.2%	4.4%	11.7%	22.1%	50.6%	11.2%	10,292	15,081
<b>Regulatory</b>	33.6%	0.9%	27.4%	9.5%	46.6%	15.5%	536	1,597
Agriculture	2.8	—	—	—	—	—	4	142
Antitrust	...	...	...	...	...	...	0	20
Food and drug	...	...	...	...	...	...	0	41
Transportation	18.0	...	27.3	27.3	36.4	9.1	11	61
Civil rights	25.0	...	38.1	...	57.1	4.8	21	84
Communications	21.1	...	40.0	6.7	13.3	40.0	15	71
Custom laws	50.6	...	52.3	13.6	34.1	...	44	87
Postal laws	13.8	...	21.7	8.7	56.5	13.0	23	167
Other regulatory offenses	45.2	1.2	24.2	8.9	48.6	17.2	418	924
<b>Other</b>	72.4%	4.6%	10.8%	22.8%	50.8%	11.0%	9,756	13,484
Weapons	67.6	2.7	20.0	6.0	55.5	15.8	1,649	2,438
Immigration offenses	93.3	5.8	6.2	30.5	49.3	8.3	6,706	7,190
Tax law violations <sup>c</sup>	10.6	1.3	51.3	...	31.6	15.8	76	719
Bribery	26.4	3.9	54.9	11.8	29.4	...	51	193
Perjury, contempt, and intimidation	40.7	1.1	27.3	5.7	53.4	12.5	88	216
National defense	29.1	...	12.5	6.3	75.0	6.3	16	55
Escape	89.7	1.5	6.1	4.8	58.6	28.9	539	601
Racketeering and extortion	57.4	0.2	24.5	5.4	58.2	11.7	428	745
Gambling	8.3	—	—	—	—	—	9	109
Liquor offenses	61.5	—	—	—	—	—	8	13
Obscene material <sup>c</sup>	37.8	...	28.6	7.1	50.0	14.3	14	37
Migratory birds	...	...	...	...	...	...	0	22
All other offenses <sup>c</sup>	15.0	1.7	37.2	11.6	36.6	12.8	172	1,146

Note: Detained defendants include some defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>Held under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

<sup>b</sup>Includes 173 defendants for whom offense category could not be determined, 57 of whom were detained.

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

**Table 2.4. Form of pretrial detention, by defendant characteristics, October 1, 1995 - September 30, 1996**

Defendant characteristic	Of defendants detained at any time prior to case disposition, percent detained by—						Number of defendants	
	Percent detained	Temporary detention <sup>a</sup>	Held on bail for—		Court	Other detentions	Detained	All defendants
			Part of pre- trial period	All of pre- trial period				
<b>All defendants<sup>b</sup></b>	62.5%	2.9%	20.5%	13.7%	53.2%	9.7%	31,895	51,063
<b>Sex</b>								
Male	66.9%	3.0%	18.5%	13.9%	54.5%	10.0%	28,669	42,851
Female	39.3	1.5	38.3	11.8	41.1	7.3	3,203	8,152
<b>Race</b>								
White	62.3%	3.4%	19.1%	17.8%	50.9%	8.9%	20,959	33,639
Black	64.0	2.2	22.8	6.2	57.5	11.3	9,193	14,365
Other	57.0	0.6	26.0	4.0	57.7	11.8	1,743	3,059
<b>Ethnicity</b>								
Hispanic	86.5%	4.5%	13.0%	22.5%	52.7%	7.2%	15,012	17,352
Non-Hispanic	50.3	1.4	27.3	5.9	53.5	11.9	16,623	33,017
<b>Age</b>								
16-18 years	64.3%	1.7%	29.5%	10.7%	48.3%	9.8%	590	918
19-20 years	66.6	2.8	24.6	14.0	50.5	8.0	1,580	2,372
21-30 years	68.9	2.7	20.4	15.0	53.4	8.5	12,223	17,749
31-40 years	62.4	2.9	21.9	13.2	53.7	8.3	8,800	14,107
Over 40 years	45.7	2.1	26.5	11.0	51.6	8.9	5,277	11,556
<b>Education</b>								
Less than high school graduate	73.6%	3.8%	20.1%	12.9%	54.3%	8.9%	11,423	15,512
High school graduate	54.7	2.2	29.0	7.3	51.5	9.9	7,351	13,430
Some college	45.0	1.7	31.0	7.7	50.3	9.3	3,782	8,408
College graduate	31.0	0.8	35.0	9.5	47.1	7.5	1,093	3,521
<b>Marital status</b>								
Never married	65.4%	2.4%	23.3%	9.7%	54.7%	10.0%	10,259	15,687
Divorced/separated	55.1	2.4	26.9	9.7	50.3	10.7	4,385	7,953
Married	49.6	3.2	26.5	12.1	50.1	8.0	7,207	14,522
Common law	72.7	3.6	22.4	11.7	54.9	7.3	2,628	3,616
Other	79.9	3.2	6.5	23.8	55.1	11.4	7,416	9,285
<b>Employment status at arrest</b>								
Unemployed	69.6%	2.6%	20.6%	10.0%	54.7%	12.1%	13,331	19,157
Employed	49.4	2.9	29.4	11.3	49.9	6.5	11,702	23,700
<b>Criminal record</b>								
No convictions <sup>c</sup>	49.5%	2.9%	23.2%	15.7%	51.4%	6.8%	8,992	18,155
Misdemeanor only	54.4	2.0	31.3	11.6	46.6	8.6	4,418	8,118
Felony								
Nonviolent	75.7	3.7	15.3	14.9	54.3	11.8	7,913	10,451
Violent	86.4	2.7	11.5	12.5	60.8	12.6	6,369	7,373
<b>Number of prior convictions</b>								
1	61.4%	2.7%	24.8%	11.5%	52.3%	8.7%	5,043	8,216
2 to 4	73.1	3.3	17.9	13.0	54.1	11.7	7,858	10,752
5 or more	83.2	2.6	11.6	15.2	57.6	13.0	5,799	6,974
<b>Criminal justice status</b>								
Not under supervision	54.3%	2.5%	24.5%	14.8%	50.5%	7.6%	18,836	34,667
Pretrial release	66.9	3.5	26.1	7.1	55.5	7.9	1,727	2,582
Probation	70.9	5.7	21.4	10.1	55.5	7.2	1,918	2,705
Parole	88.5	4.8	10.1	11.3	65.5	8.2	1,639	1,853
<b>Court appearance history</b>								
No prior arrests	50.1%	3.1%	22.9%	15.5%	51.3%	7.1%	9,561	19,086
Failure to appear								
None	67.3	3.1	20.8	12.9	52.5	10.7	17,415	25,870
1	78.6	2.3	15.4	12.8	57.0	12.5	2,572	3,272
More than 1	82.8	1.1	14.2	13.0	61.5	10.3	2,347	2,835
<b>Drug abuse</b>								
No known abuse	53.1%	2.8%	25.9%	11.7%	51.5%	8.1%	15,205	28,659
Drug history	68.3	2.9	24.4	8.5	53.9	10.4	7,605	11,139

Note: Detained defendants include defendants who were also released prior to trial. Total also includes defendants for whom release status data were unavailable. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

<sup>a</sup>Held under 18 U.S.C. § 3142 pending deportation, action on prior pretrial release, or probation or parole review.

<sup>b</sup>Includes defendants for whom these characteristics could not be determined.

<sup>c</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

**Table 2.5. Pretrial detention hearing outcomes, by offense, October 1, 1995- September 30, 1996**

Most serious offense charged	All defendants	Defendants with pretrial detention hearings			
		Hearings held	Ordered detained	Percent of defendants with hearings held	Of defendants with hearings held, percent ordered detained
<b>All offenses<sup>a</sup></b>	51,063	22,890	16,917	44.8%	73.9%
<b>Violent offenses</b>	3,152	2,046	1,567	64.9%	76.6%
Murder <sup>b</sup>	179	125	100	69.8	80.0
Negligent manslaughter	11	1	0	9.1	...
Assault	692	278	177	40.2	63.7
Robbery	1,652	1,289	1,055	78.0	81.8
Rape	237	135	81	57.0	60.0
Other sex offenses <sup>b</sup>	189	66	36	34.9	54.5
Kidnaping	151	123	98	81.5	79.7
Threats against the President	41	29	20	70.7	69.0
<b>Property offenses</b>	12,640	2,470	1,499	19.5%	60.7%
<b>Fraudulent</b>	9,623	1,807	1,077	18.8%	59.6%
Embezzlement	1,391	89	48	6.4	53.9
Fraud <sup>b</sup>	7,164	1,410	849	19.7	60.2
Forgery	286	54	27	18.9	50.0
Counterfeiting	782	254	153	32.5	60.2
<b>Other</b>	3,017	663	422	22.0%	63.7%
Burglary	140	58	41	41.4	70.7
Larceny <sup>b</sup>	2,196	342	198	15.6	57.9
Motor vehicle theft	231	115	87	49.8	75.7
Arson and explosives	181	87	55	48.1	63.2
Transportation of stolen property	155	37	25	23.9	67.6
Other property offenses <sup>b</sup>	114	24	16	21.1	66.7
<b>Drug offenses</b>	20,017	12,014	8,626	60.0%	71.8%
Trafficking	17,628	10,917	7,884	61.9	72.2
Other drug	2,389	1,097	742	45.9	67.6
<b>Public-order offenses</b>	15,081	6,315	5,191	41.9%	82.2%
<b>Regulatory</b>	1,597	396	250	24.8%	63.1%
Agriculture	142	1	1	0.7	—
Antitrust	20	0	0	...	...
Food and drug	41	0	0	...	...
Transportation	61	8	4	13.1	—
Civil rights	84	16	12	19.0	75.0
Communications	71	6	2	8.5	—
Custom laws	87	28	15	32.2	53.6
Postal laws	167	18	13	10.8	72.2
Other regulatory offenses	924	319	203	34.5	63.6
<b>Other</b>	13,484	5,919	4,941	43.9%	83.5%
Weapons	2,438	1,247	914	51.1	73.3
Immigration offenses	7,190	3,647	3,294	50.7	90.3
Tax law violations <sup>b</sup>	719	43	23	6.0	53.5
Bribery	193	28	15	14.5	53.6
Perjury, contempt, and intimidation	216	70	47	32.4	67.1
National defense	55	13	12	23.6	92.3
Escape	601	409	316	68.1	77.3
Racketeering and extortion	745	350	248	47.0	70.9
Gambling	109	6	2	5.5	—
Liquor offenses	13	0	0	...	...
Obscene material <sup>b</sup>	37	12	7	32.4	58.3
Migratory birds	22	0	0	...	...
All other offenses <sup>b</sup>	1,146	94	63	8.2	67.0

Note: Defendants may also be detained for failure to meet bail conditions, or temporarily detained pending action of other agencies. Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>Includes 173 defendants for whom offense category could not be determined, 45 of whom had pretrial detention hearings.

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

**Table 2.6. Pretrial detention hearing outcomes, by defendant characteristics, October 1, 1995 - September 30, 1996**

Defendant characteristic	All defendants	Defendants with pretrial detention hearings			
		Number of defendants Hearings held	Ordered detained	Percent of defendants with hear- ings held	Of defendants with hearings held, percent ordered detained
<b>All defendants<sup>a</sup></b>	51,063	22,890	16,917	44.8%	73.9%
<b>Sex</b>					
Male	42,851	20,654	15,594	48.2%	75.5%
Female	8,152	2,218	1,312	27.2	59.2
<b>Race</b>					
White	33,639	14,253	10,632	42.4%	74.6%
Black	14,365	7,197	5,285	50.1	73.4
Other	3,059	1,440	1,000	47.1	69.4
<b>Ethnicity</b>					
Hispanic	17,352	9,833	7,893	56.7%	80.3%
Non-Hispanic	33,017	12,859	8,874	38.9	69.0
<b>Age</b>					
16-18 years	918	446	284	48.6%	63.7%
19-20 years	2,372	1,111	796	46.8	71.6
21-30 years	17,749	8,857	6,510	49.9	73.5
31-40 years	14,107	6,390	4,719	45.3	73.8
Over 40 years	11,556	3,924	2,714	34.0	69.2
<b>Education</b>					
Less than high school graduate	15,512	8,363	6,185	53.9%	74.0%
High school graduate	13,430	5,614	3,782	41.8	67.4
Some college	8,408	2,916	1,898	34.7	65.1
College graduate	3,521	825	514	23.4	62.3
<b>Marital status</b>					
Never married	15,687	7,777	5,596	49.6%	72.0%
Divorced/separated	7,953	3,222	2,201	40.5	68.3
Married	14,522	5,251	3,608	36.2	68.7
Common law	3,616	2,015	1,441	55.7	71.5
Other	9,285	4,625	4,071	49.8	88.0
<b>Employment status at arrest</b>					
Unemployed	19,157	9,856	7,272	51.4%	73.8%
Employed	23,700	8,773	5,834	37.0	66.5
<b>Criminal record</b>					
No convictions <sup>b</sup>	18,155	6,403	4,605	35.3%	71.9%
Misdemeanor only	8,118	3,195	2,052	39.4	64.2
Felony					
Nonviolent	10,451	5,544	4,288	53.0	77.3
Violent	7,373	4,670	3,863	63.3	82.7
<b>Number of prior convictions</b>					
1	8,216	3,723	2,629	45.3%	70.6%
2 to 4	10,752	5,625	4,250	52.3	75.6
5 or more	6,974	4,061	3,324	58.2	81.9
<b>Criminal justice status</b>					
Not under supervision	34,667	13,441	9,494	38.8%	70.6%
Pretrial release	2,582	1,328	955	51.4	71.9
Probation	2,705	1,395	1,067	51.6	76.5
Parole	1,853	1,251	1,071	67.5	85.6
<b>Court appearance history</b>					
No prior arrests	19,086	6,784	4,892	35.5%	72.1%
Failure to appear					
None	25,870	12,449	9,119	48.1	73.3
1	3,272	1,886	1,466	57.6	77.7
More than 1	2,835	1,771	1,440	62.5	81.3
<b>Drug abuse</b>					
No known abuse	28,659	11,306	7,809	39.5%	69.1%
Drug history	11,139	5,679	4,091	51.0	72.0

Note: Percentages in this table are not directly comparable to those in the 1993 and prior compendia; see *Chapter notes*, items 1 and 2, p. 36.

<sup>a</sup>Includes defendants for whom these characteristics are unknown.

<sup>b</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

**Table 2.7. Behavior of defendants released prior to trial, by offense, October 1, 1995 - September 30, 1996**

Most serious offense charged	Percent of released defendants who had—							Number of released defendants
	Violations while on release						Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of bail conditions		
			Felony	Misdemeanor				
<b>All offenses*</b>	83.7%	16.3%	2.4%	1.8%	1.5%	13.3%	6.2%	26,801
<b>Violent offenses</b>	79.5%	20.5%	2.4%	2.2%	3.3%	16.2%	10.4%	1,197
<b>Property offenses</b>	89.7%	10.3%	1.8%	1.4%	1.0%	7.9%	3.5%	10,214
Fraudulent offenses	90.6	9.4	1.6	1.4	0.9	7.2	3.1	7,805
Other property offenses	86.5	13.5	2.5	1.2	1.2	10.4	4.9	2,409
<b>Drug offenses</b>	74.0%	26.0%	3.4%	2.6%	2.1%	21.9%	10.3%	9,130
<b>Public-order offenses</b>	88.8%	11.2%	1.9%	1.2%	1.0%	9.1%	3.8%	6,132
Regulatory offenses	92.6	7.4	1.2	0.7	0.5	6.3	1.4	1,213
Other public-order offenses	87.9	12.1	2.1	1.4	1.1	9.8	4.5	4,919

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1996. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 36.

\*Includes 128 defendants for whom offense category could not be determined.

**Table 2.8. Behavior of defendants released prior to trial, by type of release, October 1, 1995 - September 30, 1996**

Type of release	Percent of released defendants who had—							Number of released defendants
	Violations while on release						Release revoked	
	No violation	At least one violation	Failed to appear	New offense charged		Technical violations of bail conditions		
			Felony	Misdemeanor				
<b>All releases</b>	83.7%	16.3%	2.4%	1.8%	1.5%	13.3%	6.2%	26,801
<b>Financial release</b>	79.9%	20.1%	3.4%	3.0%	1.5%	15.9%	7.5%	4,609
Percentage/cash bond	80.7	19.3	4.1	2.7	1.3	15.4	7.5	2,316
Collateral bond	78.9	21.1	2.3	3.8	1.9	15.9	7.2	1,572
Corporate surety	79.6	20.4	3.3	2.1	1.0	17.5	8.0	721
<b>Unsecured bond</b>	85.2%	14.8%	2.0%	1.2%	1.3%	12.5%	5.2%	8,212
<b>Personal recognizance</b>	83.5%	16.5%	2.3%	1.8%	1.5%	13.4%	6.5%	13,170
<b>Conditional release</b>	92.7%	7.3%	1.6%	0.5%	1.1%	5.7%	3.8%	810

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1996. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 36.

**Table 2.9. Behavior of defendants released prior to trial, by defendant characteristics, October 1, 1995 - September 30, 1996**

Defendant characteristic	Percent of released defendants who had—							Release revoked	Number of released defendants
	Violations while on release					Technical violations of bail conditions			
	No violation	At least one violation	Failed to appear	New offense charged					
			Felony	Misdemeanor					
<b>All defendants<sup>a</sup></b>	83.7%	16.3%	2.4%	1.8%	1.5%	13.3%	6.2%	26,801	
<b>Sex</b>									
Male	82.7%	17.3%	2.5%	2.1%	1.6%	14.0%	6.8%	20,437	
Female	86.7	13.3	2.2	0.8	0.9	11.1	4.4	6,321	
<b>Race</b>									
White	85.8%	14.2%	2.3%	1.5%	1.2%	11.5%	4.9%	17,287	
Black	78.7	21.3	2.8	2.4	1.8	17.4	8.7	7,636	
Other	84.5	15.5	1.4	1.4	2.0	13.3	8.1	1,878	
<b>Ethnicity</b>									
Hispanic	83.7%	16.3%	4.4%	1.6%	1.0%	12.6%	4.6%	4,553	
Non-Hispanic	83.6	16.4	1.9	1.8	1.5	13.6	6.6	21,757	
<b>Age</b>									
16-18 years	70.1%	29.9%	4.5%	3.1%	3.5%	24.6%	15.1%	509	
19-20 years	76.7	23.3	3.5	2.7	2.8	18.9	8.4	1,235	
21-30 years	80.6	19.4	2.6	2.2	1.9	15.9	7.1	8,478	
31-40 years	81.6	18.4	2.6	2.0	1.6	15.1	7.4	7,562	
Over 40 years	90.0	10.0	1.6	1.0	0.7	8.2	3.7	7,908	
<b>Education</b>									
Less than high school graduate	78.1%	21.9%	3.2%	2.2%	1.8%	18.4%	8.8%	6,773	
High school graduate	82.3	17.7	2.0	1.9	1.8	14.7	7.1	8,560	
Some college	85.8	14.2	1.9	1.7	1.3	11.7	4.7	5,989	
College graduate	92.7	7.3	1.6	1.1	0.3	5.4	2.6	2,871	
<b>Marital status</b>									
Never married	78.4%	21.6%	2.7%	2.3%	2.0%	18.0%	8.6%	8,240	
Divorced/separated	81.1	18.9	2.5	1.7	1.7	15.9	7.7	4,935	
Married	89.7	10.3	1.7	1.4	0.9	8.1	3.5	9,509	
Common law	76.5	23.5	2.9	2.8	1.8	20.5	8.7	1,693	
Other	88.5	11.5	3.6	1.2	0.9	7.4	3.8	2,424	
<b>Employment status at arrest</b>									
Unemployed	78.4%	21.6%	3.2%	2.3%	2.1%	17.8%	9.1%	9,098	
Employed	86.1	13.9	1.7	1.6	1.2	11.5	4.9	15,952	
<b>Criminal record</b>									
No convictions <sup>b</sup>	91.9%	8.1%	1.7%	0.7%	0.6%	6.2%	2.3%	11,523	
Misdemeanor only	78.9	21.1	2.5	1.9	2.3	17.9	8.5	5,300	
Felony									
Nonviolent	75.4	24.6	3.5	3.2	2.1	20.1	10.7	3,992	
Violent	69.0	31.0	3.9	4.5	2.9	25.7	14.4	1,915	
<b>Number of prior convictions</b>									
1	81.2%	18.8%	2.6%	2.1%	1.7%	15.5%	6.9%	4,614	
2 to 4	74.7	25.3	3.1	2.8	2.3	21.5	10.7	4,565	
5 or more	66.9	33.1	4.0	4.4	3.8	27.0	17.1	2,028	
<b>Criminal justice status</b>									
Not under supervision	86.5%	13.5%	2.1%	1.3%	1.1%	10.9%	4.6%	21,085	
Pretrial release	72.3	27.7	3.3	4.1	2.3	23.8	14.3	1,417	
Probation	74.0	26.0	2.8	3.9	2.8	20.8	11.7	1,267	
Parole	73.0	27.0	4.3	3.1	1.4	21.1	12.3	422	
<b>Court appearance history</b>									
No prior arrests	91.6%	8.4%	1.7%	0.8%	0.6%	6.4%	2.4%	12,016	
Failure to appear									
None	79.0	21.0	2.6	2.3	1.9	17.6	8.6	12,704	
1	69.7	30.3	3.7	3.2	2.9	24.7	11.6	1,160	
More than 1	62.4	37.6	6.3	5.2	4.3	30.5	16.7	921	
<b>Drug abuse</b>									
No known abuse	89.3%	10.7%	1.9%	1.4%	1.1%	8.2%	3.8%	18,003	
Drug history	64.5	35.5	3.7	3.2	2.8	31.2	14.7	5,722	

Note: Data describe defendants whose pretrial services were terminated during fiscal year 1996. A defendant with more than one type of violation appears in more than one column. A defendant with more than one of the same type of violation appears only once in that column. Therefore, the sum of individual violations exceeds the total. Not all violations resulted in revocation. For further information, see *Chapter notes*, item 1, p. 36.

<sup>a</sup>Includes defendants for whom these characteristics could not be determined.

<sup>b</sup>Includes only those defendants whose PSA records explicitly showed no prior convictions.

**Table 2.10. Length of pretrial detention, by form of release or detention, and most serious offense charged, October 1, 1995 - September 30, 1996**

Most serious offense charged	Among defendants detained for any time prior to case disposition, the average number of days detained <sup>a</sup>					
	Released on—				Not released	
	Financial conditions	Unsecured bond <sup>b</sup>	Personal recognizance	Conditional release	Financial condition	Detained by court
<b>All offenses</b>	28.2 days	31.1 days	34.0 days	44.6 days	56.8 days	112.7 days
<b>Violent offenses</b>	32.0 days	38.3 days	37.6 days	91.1 days	98.8 days	131.1 days
Murder <sup>c</sup>	—	—	46.5	—	—	179.6
Negligent manslaughter	...	—	—	...	...	...
Assault	6.5	19.9	28.1	32.5	51.6	135.5
Robbery	32.1	36.7	46.0	—	120.4	127.3
Rape	—	99.1	30.0	—	...	152.6
Other sex offenses <sup>c</sup>	—	25.7	21.6	—	...	76.3
Kidnaping	—	—	—	—	—	114.7
Threats against the President	—	—	—	—	—	165.4
<b>Property offenses</b>	21.5 days	27.6 days	23.3 days	37.3 days	28.8 days	89.4 days
<b>Fraudulent</b>	19.4 days	30.0 days	19.7 days	23.2 days	25.7 days	84.0 days
Embezzlement	5.9	72.7	24.9	—	—	55.1
Fraud <sup>c</sup>	20.6	29.0	19.9	25.5	22.8	84.8
Forgery	29.0	28.0	11.5	—	—	61.8
Counterfeiting	12.7	21.5	18.1	—	53.8	91.7
<b>Other</b>	31.0 days	21.1 days	31.1 days	52.0 days	58.0 days	102.9 days
Burglary	—	—	38.2	—	—	83.7
Larceny <sup>c</sup>	28.8	17.7	34.1	52.0	62.1	81.5
Motor vehicle theft	26.5	27.5	—	...	—	119.9
Arson and explosives	58.5	47.1	—	—	—	167.9
Transportation of stolen property	16.5	4.9	—	—	—	51.2
Other property offenses <sup>c</sup>	—	—	—	—	—	140.5
<b>Drug offenses</b>	31.5 days	32.7 days	38.5 days	48.6 days	73.0 days	134.6 days
Trafficking	31.6	31.8	38.0	42.0	71.2	134.6
Other drug	30.3	39.3	43.5	—	88.6	134.4
<b>Public-order offenses</b>	22.4 days	28.1 days	34.1 days	27.7 days	52.9 days	77.7 days
<b>Regulatory</b>	17.5 days	16.4 days	24.6 days	—	68.5 days	60.4 days
<b>Other</b>	23.3 days	29.9 days	35.3 days	27.5 days	52.6 days	78.4 days
Weapons	42.0	39.7	56.7	27.5	110.6	124.1
Immigration offenses	14.3	17.5	21.9	28.9	49.5	64.2
Tax law violations <sup>c</sup>	11.3	6.3	—	—	...	63.4
Bribery	9.0	—	—	...	—	113.8
Perjury, contempt, and intimidation	—	20.3	37.8	—	—	130.9
National defense	—	—	—	...	...	—
Escape	5.7	11.8	—	...	66.7	37.6
Racketeering and extortion	26.5	84.7	61.7	—	126.4	178.0
Gambling	—	—	—	...	...	—
Liquor offenses	...	...	—	...	...	...
Obscene material <sup>c</sup>	—	—	—	...	—	—
Migratory birds	...	...	...	...	...	...
All other offenses <sup>c</sup>	—	17.5	4.8	—	36.7	47.0

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>Data describe 51,063 defendants who terminated pretrial services during fiscal year 1996. Data exclude defendants for whom periods of detention could not be determined or were unavailable. For further information, see *Chapter notes*, item 1, p. 36.

<sup>b</sup>Includes deposit bond, surety bond, and collateral bond.

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

## Chapter notes

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1) All tables in chapter 2 were created from data in the Pretrial Services Information Act System data base, which is maintained by the Pretrial Services Agency (PSA) within the AOUSC. The data describe 51,063 defendants who terminated pretrial services during October 1, 1995, through September 30, 1996, and whose cases were filed by complaint, indictment, or information. In these tables, the totals (e.g., "all offenses") included records whose offense or other attributes were missing or indeterminable. The percentage distributions were based on non-missing values, and missing values were reported in a separate row or in a footnote.

Offenses in the PSA are based on the most serious charged offense, as determined by the probation officer responsible for the interview with the defendant. The probation officer classifies the major offense charged into AOUSC four-digit offense codes. For defendants charged with more than one offense on an indictment, the probation officer chooses as the most major charged offense the one carrying the most severe penalty or, in the case of two or more charges carrying the same penalty, the one with the highest offense severity. The offense severity level is determined by the AOUSC, which ranks offenses according to the maximum sentence, type of crime, and maximum fine amount. These four-digit codes are then aggregated into the same offense categories as those used in chapter 1.

For drug offenses, the type of drug activity — trafficking or possession — is obtained by the probation officers from their reading of the indictment or other charging documents. The AOUSC citation manual provides probation officers with detailed instructions on how to code drug crimes.

methods of detention were based on the number of defendants released or the number of defendants detained. In tables 2.5 and 2.6, the percentages were based on the number of defendants who had hearings and were ordered detained. This method departs from the 1993 and prior compendia, in which the percentages were based on the number of defendants terminating pretrial services.

2) In tables 2.1–2.4, the percentages showing the methods of release or



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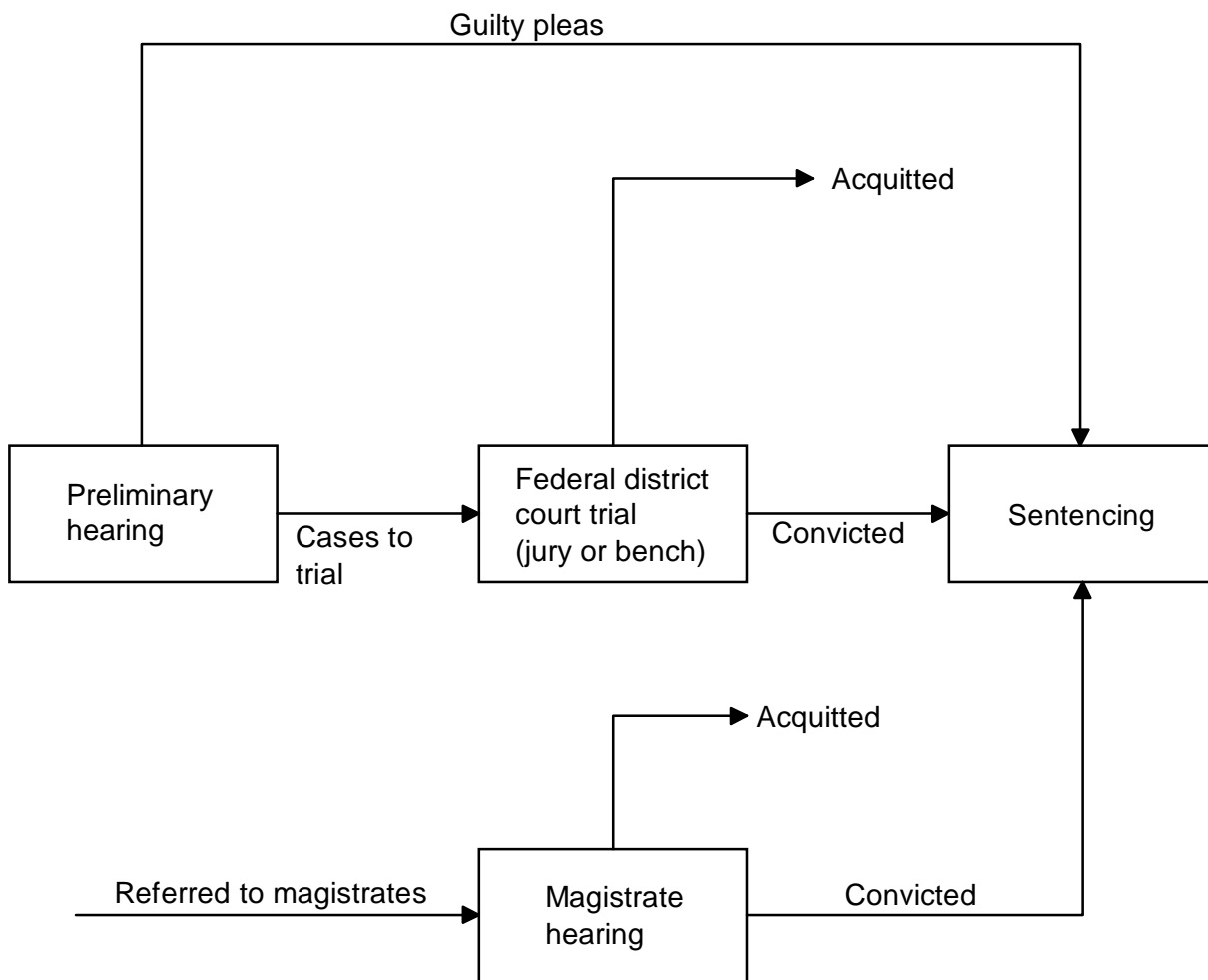
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## Chapter 3

### Adjudication

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

### Defendants in cases commenced (table 3.1)

During 1996, 65,480 defendants had criminal charges commenced against them in U.S. district courts, and 52,656 (80%) of those defendants were charged with felonies. The 21,677 felony drug defendants comprised one-third of all criminal defendants in cases commenced and 41% of all felony defendants. Felony property and public-order defendants comprised 22% and 20%, respectively, of all defendants in cases commenced. The number of misdemeanor cases commenced was 12,774 in 1996. Approximately 39% of all misdemeanors were charged with traffic violations during 1996.

### Defendants in cases terminated (table 3.2)

Cases were terminated against 61,434 defendants during 1996, 49,283 (80%) of whom were felony defendants. During 1996 the 20,305 felony drug defendants comprised 33% of all defendants and 41% of all felony defendants.

Over 86% of all defendants were convicted, as were 89% of all felony defendants and 76% of misdemeanor defendants. For major felony offense categories, conviction rates ranged from 88% for drug offenses to 90% for property and public-order offenses. Within major offense categories, however, the conviction rates varied more widely. For example, within violent offenses, the conviction rate ranged from 77% for those

<sup>1</sup>Unless otherwise noted, data describe felony and misdemeanor cases in U.S. district courts and include Class A misdemeanors handled by U.S. magistrates. The data also include infrequent Class B misdemeanors that are handled by U.S. district court judges.

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

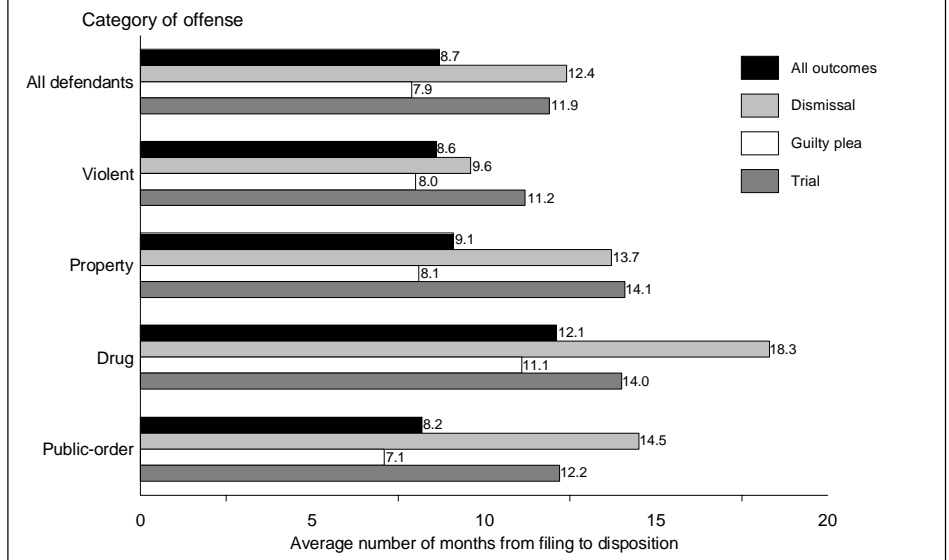


Figure 3.1. Average time from filing to disposition of cases terminating during October 1, 1995 - September 30, 1996

charged with making threats against the President to 95% for those charged with sex offenses other than rape. Within the public-order category, the conviction rate ranged from 65% for civil rights violations to 91% for tax law violations and 96% for immigration offenses.

Most (92%) defendants who were convicted pleaded guilty. For felony offenses, 91% pleaded guilty to their charges. For the major felony offense categories, guilty pleas were registered for 93% of property offenders, 92% of public-order offenders, 91% of drug offenders, and 88% of violent offenders.

During 1996, 5,085 defendants exercised their right to a trial. A higher percentage of violent offenders went to trial than drug, public-order, and property offenders. Fourteen percent of violent offenders went to trial, as did 9% of drug and public-order offenders and 7% of property offenders.

Of defendants who exercised their right to a trial, 4,104 (81%) were convicted either by a jury or bench trial. The felony trial conviction rate was 84%, while the misdemeanor conviction rate was 59%. Among felony

offenses, trial conviction rates ranged from 80% for violent and property defendants to 87% for drug defendants. Public-order offenders fell in between, as 83% of them were convicted at trial.

### Case processing times (table 3.3)

The data in table 3.3 cover the interval from the time a case is filed in U.S. district court to sentencing for those convicted as well as the interval from case filing to disposition for those not convicted or those whose cases are dismissed. Title I of the Speedy Trial Act of 1974, as amended, sets time requirements for processing criminal cases in Federal courts. Except for certain exclusions, indictment must occur within 30 days of arrest; defendants are guaranteed at least 30 days to prepare for trial; and the Government must be ready for trial within 70 days. The Speedy Trial Act does not specify a time interval from trial to sentencing,<sup>2</sup> and

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

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the time limits set by the Act exclude several enumerated periods of pre-trial procedure such as time spent awaiting rulings on motions.<sup>3</sup> Additionally, defendants may waive their rights within the Speedy Trial Act. As a result, the actual processing time for most defendants can be longer than the statutory limits without violating the provisions of the Act.

Overall, the average time for processing defendants was 8.7 months (figure 3.1). For felony defendants, the overall processing time average was 10 months; for those convicted of misdemeanor crimes, the average processing time was 3.6 months. Defendants who pleaded guilty were processed faster (7.9 months) on average than defendants who went to trial (11.9 months). Defendants whose cases were ultimately dismissed took longest to process (12.4 months), on average. Among major felony offense categories, case processing times were similar to the overall pattern, with two exceptions. For those convicted of violent offenses, those whose cases went to trial took longest to process. The same pattern applies to those convicted of property offenses.

some higher education (60%), and had some criminal history (53%).

Among defendants convicted there were over 5 times as many men as women (84% versus 16%); over twice as many whites as blacks (65% versus 30%); and over 2 times as many non-Hispanics as Hispanics (69% versus 31%). U.S. citizens comprised 72% of defendants; non citizens comprised 28%. Persons over age 30 represented 58% of defendants.

### **Convictions by U.S. magistrates (table 3.4)**

During 1996 U.S. magistrates disposed of 11,173 misdemeanor criminal defendants, over 76% of whom were convicted. Those charged with traffic violations comprised 41% of the defendants disposed by U.S. magistrates, while misdemeanor property offenses comprised another 31% of U.S. magistrates' cases.

### **Characteristics of convicted defendants (table 3.5)**

Of defendants who were convicted, 84% were men, 65% were white, 30% were black, and 31% were Hispanic. Most were U.S. citizens (72%), had graduated high school or completed

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<sup>3</sup>18 U.S.C. § 3161 et. seq.

**Table 3.1. Defendants in cases commenced from October 1, 1995 - September 30, 1996, by offense**

Most serious offense charged	Defendants in cases commenced during 1996	
	Number	Percent <sup>a</sup>
<b>All offenses</b>	65,480	100%
<b>Felonies</b>	52,656	80.4%
<b>Violent offenses</b>	3,457	5.3%
Murder <sup>b</sup>	422	0.6
Negligent manslaughter	2	—
Assault	379	0.6
Robbery	1,789	2.7
Rape	264	0.4
Other sex offenses <sup>b</sup>	352	0.5
Kidnaping	225	0.3
Threats against the President	24	—
<b>Property offenses</b>	14,130	21.6%
<b>Fraudulent</b>	11,525	17.6%
Embezzlement	1,115	1.7
Fraud <sup>b</sup>	9,105	13.9
Forgery	197	0.3
Counterfeiting	1,108	1.7
<b>Other</b>	2,605	4.0%
Burglary	77	0.1
Larceny <sup>b</sup>	1,646	2.5
Motor vehicle theft	133	0.2
Arson and explosives	243	0.4
Transportation of stolen property	447	0.7
Other property offenses <sup>b</sup>	59	0.1
<b>Drug offenses</b>	21,677	33.1%
Trafficking	20,522	31.3
Possession and other drug offenses	1,155	1.8
<b>Public-order offenses</b>	13,392	20.5%
<b>Regulatory</b>	1,123	1.7%
Agriculture	64	0.1
Antitrust	47	0.1
Food and drug	41	0.1
Transportation	83	0.1
Civil rights	102	0.2
Communications	24	—
Custom laws	128	0.2
Postal laws	32	—
Other regulatory offenses	602	0.9
<b>Other</b>	12,269	18.7%
Weapons	3,651	5.6
Immigration offenses	5,390	8.2
Tax law violations <sup>b</sup>	707	1.1
Bribery	196	0.3
Perjury, contempt, and intimidation	368	0.6
National defense	53	0.1
Escape	657	1.0
Racketeering and extortion	1,129	1.7
Gambling	25	—
Obscene material <sup>b</sup>	17	—
Migratory birds	11	—
All other felonies <sup>b</sup>	65	0.1
<b>Misdemeanors<sup>b</sup></b>	12,774	19.5%
Fraudulent property offense	1,466	2.2
Larceny	2,060	3.1
Drug possession <sup>b</sup>	1,402	2.1
Immigration	442	0.7
Traffic offenses	4,993	7.6
Other misdemeanors	2,411	3.7
<b>Unknown or indeterminable offense</b>	50	

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

—Less than .05%.

<sup>a</sup>Percent distribution based on defendants whose categories could be determined.

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

and includes destruction of property and trespass;

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

**Table 3.2. Disposition of cases terminating from October 1, 1995 - September 30, 1996, by offense**

Most serious offense charged	Total defendants	Percent of all defendants convicted	Number of defendants in cases terminating during 1996 who were—									
			Convicted						Not convicted			
			Total	Guilty plea	Nolo contendere	Trial		Total	Dismissed	Trial		
			Jury	Non-jury			Jury <sup>a</sup>	Non-jury				
<b>All offenses</b>	61,434	86.4%	53,076	48,694	278	3,623	481	8,358	7,377	643	338	
<b>Felonies</b>	49,283	89.0%	43,883	40,121	50	3,585	127	5,400	4,689	619	92	
<b>Violent offenses</b>	3,091	88.1%	2,722	2,382	7	309	24	369	284	77	8	
Murder <sup>b</sup>	412	81.1	334	255	1	69	9	78	55	22	1	
Negligent manslaughter	3	—	3	3	0	0	0	0	0	0	0	
Assault	398	78.4	312	270	0	42	0	86	68	17	1	
Robbery	1,630	93.5	1,524	1,380	4	134	6	106	91	13	2	
Rape	260	80.8	210	181	1	21	7	50	30	16	4	
Other sex offenses <sup>b</sup>	202	94.6	191	173	1	16	1	11	9	2	0	
Kidnaping	152	80.3	122	95	0	26	1	30	25	5	0	
Threats against the President	34	76.5	26	25	0	1	0	8	6	2	0	
<b>Property offenses</b>	12,816	89.5%	11,476	10,695	22	737	22	1,340	1,154	152	34	
<b>Fraudulent</b>	10,260	89.6%	9,189	8,606	19	547	17	1,071	921	123	27	
Embezzlement	1,095	91.1	997	940	4	53	0	98	86	10	2	
Fraud <sup>b</sup>	7,969	88.9	7,085	6,599	14	456	16	884	759	102	23	
Forgery	226	91.2	206	199	0	7	0	20	18	2	0	
Counterfeiting	970	92.9	901	868	1	31	1	69	58	9	2	
<b>Other</b>	2,556	89.5%	2,287	2,089	3	190	5	269	233	29	7	
Burglary	82	90.2	74	70	0	4	0	8	7	1	0	
Larceny <sup>b</sup>	1,540	90.3	1,390	1,331	3	54	2	150	131	15	4	
Motor vehicle theft	153	86.3	132	118	0	14	0	21	20	1	0	
Arson and explosives	289	89.6	259	193	0	63	3	30	21	9	0	
Transportation of stolen property	448	88.2	395	345	0	50	0	53	47	3	3	
Other property offenses <sup>b</sup>	44	84.1	37	32	0	5	0	7	7	0	0	
<b>Drug offenses</b>	20,305	88.3%	17,932	16,252	6	1,640	34	2,373	2,121	230	22	
Trafficking	19,486	88.3	17,210	15,582	5	1,589	34	2,276	2,036	218	22	
Possession and other drug offenses	819	88.2	722	670	1	51	0	97	85	12	0	
<b>Public-order offenses</b>	13,071	89.9%	11,753	10,792	15	899	47	1,318	1,130	160	28	
<b>Regulatory</b>	1,151	82.5%	949	881	1	60	7	202	166	33	3	
Agriculture	89	76.4	68	60	0	6	2	21	18	3	0	
Antitrust	50	66.0	33	30	0	3	0	17	6	11	0	
Food and drug	42	83.3	35	34	0	0	1	7	5	2	0	
Transportation	81	86.4	70	59	0	10	1	11	11	0	0	
Civil rights	104	65.4	68	58	0	9	1	36	24	10	2	
Communications	18	66.7	12	12	0	0	0	6	6	0	0	
Custom laws	97	84.5	82	79	0	3	0	15	13	1	1	
Postal laws	41	78.0	32	31	1	0	0	9	9	0	0	
Other regulatory offenses	629	87.3	549	518	0	29	2	80	74	6	0	
<b>Other</b>	11,920	90.6%	10,804	9,911	14	839	40	1,116	964	127	25	
Weapons	3,843	87.5	3,364	2,851	4	488	21	479	402	69	8	
Immigration offenses	5,111	96.1	4,912	4,837	2	64	9	199	196	1	2	
Tax law violations <sup>b</sup>	687	91.0	625	567	1	57	0	62	49	11	2	
Bribery	232	90.1	209	186	3	19	1	23	16	4	3	
Perjury, contempt, and intimidation	300	77.7	233	180	1	47	5	67	49	14	4	
National defense	57	77.2	44	40	0	4	0	13	12	1	0	
Escape	552	79.5	439	415	1	23	0	113	107	6	0	
Racketeering and extortion	1,016	86.7	881	744	2	133	2	135	111	21	3	
Gambling	38	73.7	28	27	0	1	0	10	10	0	0	
Obscene material <sup>b</sup>	17	82.4	14	14	0	0	0	3	3	0	0	
Migratory birds	18	83.3	15	14	0	1	0	3	3	0	0	
All other felonies <sup>b</sup>	49	81.6	40	36	0	2	2	9	6	0	3	
<b>Misdemeanors<sup>b</sup></b>	12,115	75.6%	9,164	8,545	228	38	353	2,951	2,682	24	245	
Fraudulent property offense	1,437	92.1	1,323	1,312	3	5	3	114	111	2	1	
Larceny	1,896	64.8	1,228	1,153	15	4	56	668	625	4	39	
Drug possession <sup>b</sup>	1,413	77.0	1,088	1,058	10	2	18	325	310	1	14	
Immigration	414	95.7	396	394	1	1	0	18	18	0	0	
Traffic offenses	4,693	75.0	3,519	3,195	143	12	169	1,174	1,009	4	161	
Other misdemeanors	2,262	71.2	1,610	1,433	56	14	107	652	609	13	30	
<b>Unknown or indeterminable offense</b>	36	80.6%	29	28	0	0	1	7	6	0	1	

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

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes mistrials.

<sup>b</sup>In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud;

"Larceny" excludes transportation of stolen property; "Other property

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

**Table 3.3. Time from filing to disposition of cases terminating from October 1, 1995 - September 30, 1996**

Most serious offense charged	Average time from filing to disposition for defendants in cases resulting in—			
	All outcomes	Dismissal <sup>a</sup>	Guilty plea	Trial <sup>b</sup>
<b>All offenses</b>	8.7 mo	12.4 mo	7.9 mo	11.9 mo
<b>Felonies</b>	10.0 mo	15.7 mo	9.0 mo	13.3 mo
<b>Violent offenses</b>	8.6 mo	9.6 mo	8.0 mo	11.2 mo
Murder <sup>c</sup>	10.9	10.3	10.5	12.3
Negligent manslaughter	—	—	—	—
Assault	8.3	11.6	7.1	9.8
Robbery	7.9	8.6	7.5	11.1
Rape	8.5	8.0	8.5	8.7
Other sex offenses <sup>c</sup>	8.1	—	7.6	13.6
Kidnaping	11.3	8.2	11.8	12.4
Threats against the President	9.4	—	7.9	—
<b>Property offenses</b>	9.1 mo	13.7 mo	8.1 mo	14.1 mo
<b>Fraudulent</b>	8.9 mo	13.5 mo	8.0 mo	14.1 mo
Embezzlement	7.6	8.8	6.8	18.5
Fraud <sup>c</sup>	9.3	14.1	8.3	14.0
Forgery	9.3	22.1	8.2	—
Counterfeiting	7.4	9.8	7.1	10.8
<b>Other</b>	9.6 mo	14.9 mo	8.6 mo	13.9 mo
Burglary	9.0	—	7.3	—
Larceny <sup>c</sup>	8.1	10.1	7.7	11.6
Motor vehicle theft	13.4	21.8	12.3	11.8
Arson and explosives	12.5	12.9	11.3	15.5
Transportation of stolen property	12.1	26.5	9.6	15.9
Other property offenses <sup>c</sup>	8.2	—	7.9	—
<b>Drug offenses</b>	12.1 mo	18.3 mo	11.1 mo	14.0 mo
Trafficking	12.2	18.7	11.2	14.2
Possession and other drug offenses	8.5	8.2	8.3	10.8
<b>Public-order offenses</b>	8.2 mo	14.5 mo	7.1 mo	12.2 mo
<b>Regulatory</b>	10.1 mo	14.2 mo	8.7 mo	15.6 mo
Agriculture	7.3	4.9	7.6	9.2
Antitrust	8.3	—	5.4	13.1
Food and drug	13.2	—	11.8	—
Transportation	8.9	—	7.9	16.4
Civil rights	8.7	6.4	9.7	8.5
Communications	11.7	—	5.1	—
Custom laws	7.8	12.1	7.1	—
Postal laws	6.7	—	7.1	—
Other regulatory offenses	11.4	19.8	9.3	24.1
<b>Other</b>	8.0 mo	14.5 mo	6.9 mo	11.9 mo
Weapons	9.8	12.5	9.2	10.7
Immigration offenses	4.0	8.0	3.7	9.0
Tax law violations <sup>c</sup>	10.4	22.6	8.9	16.1
Bribery	11.6	17.9	10.7	14.4
Perjury, contempt, and intimidation	12.4	12.6	11.7	14.0
National defense	12.2	—	11.1	—
Escape	13.4	26.9	10.9	7.5
Racketeering and extortion	14.3	21.2	13.0	15.4
Gambling	12.5	10.2	13.3	—
Obscene material <sup>c</sup>	11.2	—	11.3	—
Migratory birds	5.6	—	5.6	—
All other felonies <sup>c</sup>	5.1	—	5.2	—
<b>Misdemeanors<sup>c</sup></b>	3.6 mo	6.8 mo	2.7 mo	2.3 mo
Fraudulent property offense	2.6	7.6	2.2	7.4
Larceny	4.1	6.5	2.9	3.0
Drug possession <sup>c</sup>	4.8	8.4	3.9	3.1
Immigration	1.4	9.8	1.0	—
Traffic offenses	3.0	7.0	2.0	0.9
Other misdemeanors	4.5	5.8	4.0	4.1
<b>Unknown or indeterminable offense</b>	4.3 mo	—	4.6 mo	—

Note: Interval from filing to disposition includes periods which may be excluded under the Speedy Trial Act of 1974 (18 U.S.C. §3161, et seq.). See *Chapter notes*, item 1, p. 46.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes nolle prosequi, deferred prosecution, Narcotics Addicts Rehabilitation Act (NARA) Titles I and II, and all dismissals.

<sup>b</sup>Includes mistrials.

<sup>c</sup>In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax

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

**Table 3.4. Dispositions by U.S. magistrates, October 1, 1995 - September 30, 1996**

Most serious offense charged	Defendants in criminal cases concluded by U.S. magistrates			
	Total	Convicted	Not convicted	Percent convicted
<b>All offenses<sup>a</sup></b>	11,173	8,546	2,627	76.5%
<b>Violent offenses<sup>b</sup></b>	187	140	47	74.9%
Murder <sup>c</sup>	5	4	1	—
Assault	158	118	40	74.7
Robbery	1	0	1	—
Rape	8	7	1	—
Other sex offenses <sup>c</sup>	14	11	3	78.6
Kidnaping	1	0	1	—
<b>Property offenses</b>	3,413	2,588	825	75.8%
<b>Fraudulent</b>	1,341	1,253	88	93.4%
Embezzlement	234	197	37	84.2
Fraud <sup>c</sup>	996	958	38	96.2
Forgery	104	91	13	87.5
Counterfeiting	7	7	0	—
<b>Other</b>	2,072	1,335	737	64.4%
Burglary	4	3	1	—
Larceny <sup>c</sup>	1,862	1,214	648	65.2
Motor vehicle theft	2	2	0	—
Arson and explosives	3	3	0	—
Transportation of stolen property	1	1	0	—
Other property offenses <sup>c</sup>	200	112	88	56.0
<b>Drug offenses</b>	1,351	1,058	293	78.3%
Possession	1,278	998	280	78.1
Trafficking	69	57	12	82.6
Other drug offenses	4	3	1	—
<b>Public-order offenses</b>	6,220	4,758	1,462	76.5%
<b>Regulatory</b>	579	444	135	76.7%
Agriculture	105	86	19	81.9
Fair labor standards	12	11	1	91.7
Food and drug	21	20	1	95.2
Other regulatory offenses	441	327	114	74.1
<b>Other</b>	5,641	4,314	1,327	76.5%
Weapons	106	65	41	61.3
Immigration offenses	312	304	8	97.4
Tax law violations <sup>c</sup>	131	127	4	96.9
Bribery	4	4	0	—
National defense	24	15	9	62.5
Escape	58	38	20	65.5
Racketeering and extortion	4	4	0	—
Liquor offenses	12	12	0	100
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	4,554	3,465	1,089	76.1
Migratory birds	11	9	2	81.8
All other offenses <sup>c</sup>	425	271	154	63.8
<b>Missing or indeterminable offense</b>	2	2	0	—

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

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Includes suspects for whom offense category could not be determined.

<sup>b</sup>May include some nonviolent offenses.

<sup>c</sup>In this table, "Murder" includes nonnegligent manslaughter; "Other sex

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



**Table 3.5. Characteristics of convicted offenders, October 1, 1995 - September 30, 1996**

Offender characteristic	Total number of offenders	Percent of defendants convicted of—							
		All offenses <sup>a</sup>	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
				Fraudulent	Other		Regulatory	Other	
<b>All Offenders<sup>b</sup></b>	53,076	100%	5.1%	17.3%	4.3%	33.8%	1.8%	20.4%	17.3%
<b>Sex</b>									
Male	37,747	84.3%	93.3%	73.4%	77.8%	87.5%	75.6%	93.0%	74.5%
Female	7,011	15.7	6.7	26.6	22.2	12.5	24.4	7.0	25.5
<b>Race</b>									
White	28,508	65.0%	50.1%	66.7%	63.9%	60.1%	75.0%	73.6%	68.1%
Black	13,157	30.0	33.0	27.0	27.3	37.9	18.8	22.7	24.3
Other	2,181	5.0	16.9	6.3	8.8	2.0	6.3	3.7	7.6
<b>Ethnicity</b>									
Hispanic	13,951	31.3%	9.0%	12.0%	8.9%	37.6%	30.9%	48.3%	28.5%
Non-Hispanic	30,689	68.7	91.0	88.0	91.1	62.4	69.1	51.7	71.5
<b>Age</b>									
16-18 years	314	0.7%	2.8%	0.2%	0.8%	0.5%	0.4%	0.5%	2.2%
19-20 years	1,770	4.0	6.8	1.4	4.6	4.2	3.6	3.7	7.9
21-30 years	16,312	37.1	37.1	27.0	31.3	41.5	28.8	40.2	37.5
31-40 years	13,814	31.4	31.9	31.8	31.9	32.1	29.1	31.9	26.4
Over 40 years	11,749	26.7	21.4	39.6	31.4	21.6	38.2	23.8	26.0
<b>Citizenship</b>									
U.S. citizen	32,009	72.1%	93.7%	84.1%	91.7%	71.9%	74.9%	52.4%	71.9%
Not U.S. citizen	12,407	27.9	6.3	15.9	8.3	28.1	25.1	47.6	28.1
<b>Education</b>									
Less than high school graduate	17,166	40.5%	38.4%	20.4%	27.3%	47.3%	29.8%	54.5%	31.7%
High school graduate	12,600	29.7	35.8	29.3	34.7	30.5	30.1	24.2	34.0
Some college	9,295	21.9	20.5	33.3	27.7	18.7	25.9	14.9	24.3
College graduate	3,363	7.9	5.4	17.0	10.3	3.5	14.2	6.3	10.1
<b>Criminal record</b>									
No convictions	20,748	47.3%	32.5%	61.4%	50.3%	44.9%	72.0%	31.5%	65.4%
Prior adult convictions <sup>c</sup>	23,151	52.7	67.5	38.6	49.7	55.1	28.0	68.5	34.6

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

<sup>a</sup>Includes defendants for whom offense categories could not be determined.

<sup>b</sup>Includes offenders for whom these characteristics could not be determined.

<sup>c</sup>See *Chapter notes*, item 3, p. 46.

## Chapter notes

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- 1) Tables 3.1-3.4 were derived from the Administrative Office of U.S. Courts (AOUSC) criminal master data files. Only records with cases filed in U.S. district court (table 3.1) or cases that terminated in U.S. district court during October 1, 1995, through September 30, 1996, were selected. Offenses were classified according to the most serious offense charged. In the case of multiple offenses, the offense carrying the most severe potential penalty was selected.  
  
In this *Compendium*, carjacking offenses are classified as robberies, based on title and section of the U.S. Code. In prior compendia, they were classified as motor vehicle thefts, based on the AOUSC offense classifications. In the forthcoming *Federal Criminal Statistics: Reconciled Data*, which shows trends from 1994 through the present, carjackings are classified as robberies.
- 2) Table 3.5 was created by matching the AOUSC master data files with the U.S. Sentencing Commission (USSC) monitoring system files and the Pretrial Services Agency (PSA) data files. These latter two data files contain information on the characteristics of defendants. The USSC monitoring system files are limited to records of defendants sentenced under the Federal sentencing guidelines only. These include defendants convicted of felonies or Class A misdemeanors. Excluded from the USSC data were defendants convicted only of Class B or C misdemeanors or infractions, defendants whose offenses were committed before November 1, 1987, and juvenile offenders. Juveniles are not subject to guidelines, and they were not included in table 3.5. Some of the defendants excluded from the USSC data files were included in the PSA data. (See Chapter 2 *Chapter notes* for more information on the PSA data.) Table 3.5 indicates the number of records for which relevant data were available. Percentage distributions were based on records with known values of defendant characteristics and offenses.
- 3) A criminal record, as reported in table 3.5, is limited to prior adult convictions. For some defendants in this table, it is further limited to the portion that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within a 15-year period prior to the current offense and offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges includes their entire adult criminal history.

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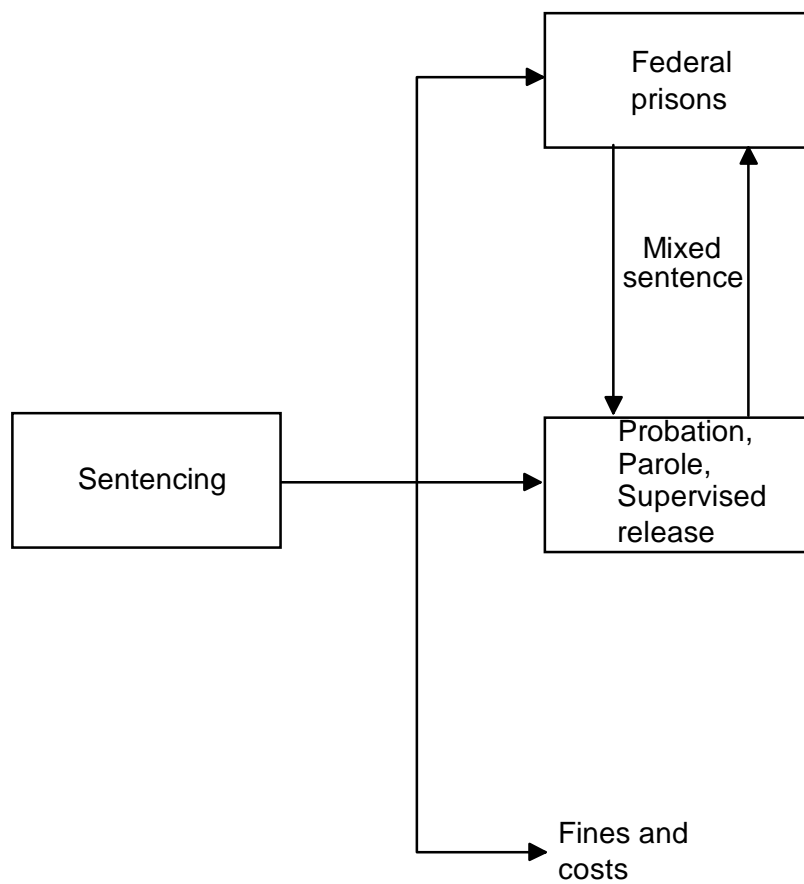
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## Chapter 4

### Sentencing

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Depending upon the type and severity of the offense, convicted offenders may be sentenced to incarceration, probation, a fine, or a combination of sanctions such as a split or mixed sentence (imprisonment as well as a period of probation supervision).<sup>1</sup> The Federal sentencing guidelines require a term of supervised release following service of any prison sentence of more than 1 year. In addition, courts have the discretion to impose supervised release in any other case.

Except where otherwise indicated, tables in this chapter are based on the most serious offense of conviction. They are not directly comparable with tables in earlier chapters that are based on the most serious offense investigated or most serious offense charged (see "Offense classifications" in *Methodology*, p. 91).

**Offenders convicted and sentences imposed (table 4.1)**

Of the 53,076 offenders sentenced during 1996, 36,373 (69%) were sentenced to prison; 12,644 (24%) were sentenced to probation; and 3,429 (7%) were ordered only to pay a fine.<sup>2</sup> Of the 36,373 offenders sentenced to prison, 34,345 (94%) were convicted of felonies. Eighty percent of convicted felons were sentenced to prison. Felony drug and violent offenders were more likely to receive prison sentences (92% and 91%, respectively) than were either public-order or property offenders (79% and 59%, respectively).

Among public-order offenders, persons convicted of civil rights (93%), escape (92%), and weapons offenses (91%) were as likely as violent and drug offenders to receive prison sentences.

<sup>1</sup>For a definition of mixed sentences, see *Glossary*, p. 95.

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

Among property offenders, persons convicted of arson (87%) and burglary offenses (85%) were almost as likely as violent and drug offenders to receive prison sentences.

Overall, 24% of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (48%) was more than twice that of convicted felons (18%). Among felons, persons convicted of migratory birds (100%), postal laws (88%), communications (82%), and food and drug violations (72%) were the most likely to be given probation.

While less than 1% of all convicted felons were ordered to only pay a fine, 46% of the felons convicted of antitrust violations were so ordered. Fines generally were reserved for misdemeanor offenders, 32% of whom received fines.

**Average prison sentences imposed (table 4.2)**

For all offenders given prison terms, the average term of imprisonment imposed was 61.2 months. Persons convicted of felonies received an average prison term of 64.2 months.

The average length of prison sentence imposed varied among major offense categories. Property offenders received the shortest sentence, on average, while violent offenders received the longest (23.9 months compared to 92.5 months). Drug offenders received 84.5 months, on average, and public-order offenders received 50.8 months. The average prison term for public-order offenders was primarily attributable to the sentences imposed for weapons offenders. The 2,773 weapons offenders sentenced to prison comprised 30% of the 9,383 public-order offenders sent to prison; weapons offenders received an average prison term of 99.8 months, and public-order offenders *other* than weapons offenders received an average prison term of 30.3 months.

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

Offenders convicted by plea were less likely to receive prison than those convicted at trial. Sixty-seven percent of the offenders convicted by guilty plea received some prison, while 88% of the offenders convicted at trial received prison.

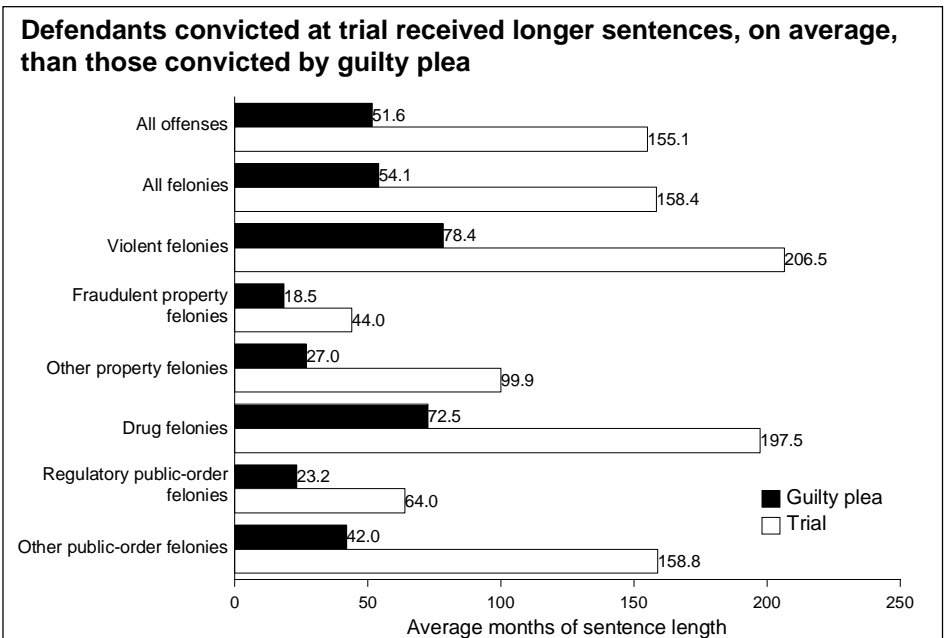


Figure 4.1. Average sentences imposed on defendants convicted at trial and defendants convicted by guilty plea, October 1, 1995 - September 30, 1996

For violent offenders, 91% of those convicted by plea received prison sentences, as did 94% of those convicted at trial. However, for fraudulent property offenders, 57% of those convicted by plea received prison compared to 88% of those convicted at trial. And, for regulatory offenders, 45% of those convicted by plea went to prison, compared with 70% of those convicted at trial.

The average prison term imposed on defendants convicted at trial was longer than the term imposed on defendants convicted by plea. Defendants convicted at trial received 155.1 months, on average, while those convicted by plea received an average of 51.6 months (figure 4.1). Drug offenders convicted at trial received an average of 197.5 months as compared to the 72.5 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 206.5 months as compared to the 78.4 months for those convicted by plea.

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

The majority of persons sentenced to prison during 1996 were male (89%), white (64%), non-Hispanic (57%), and U.S. citizens (69%). The percentage sentenced to prison was not uniform across all categories of age, race, sex, education, and ethnicity. Similarly, the average sentences imposed were not uniform across these categories (table 4.5). However, conclusions about the effect that characteristics may have had on sentencing cannot be drawn from the aggregate patterns in the data. Such an assessment would require detailed information for each category showing the presence or absence of factors that are legally intended to affect sentencing, such as offense severity, weapon use, role in the offense, victim injury, dollar loss, and so forth.

One such study of the factors affecting sentencing found that “nearly all of the aggregate differences among

sentences for whites, blacks, and Hispanics during 1989–90 can be attributed to characteristics of offenses and offenders that current law and sentencing guidelines establish as legitimate considerations in sentencing decisions.”<sup>3</sup>

Average sentences imposed were longest for males (65.3 months), blacks (91.1 months), non-Hispanics (69.6 months), and U.S. citizens (69.7 months). These longer terms are due in large part because these categories of offenders (males, blacks, non-Hispanics, and U.S. citizens) are more highly concentrated in the offense types (table 4.4) that also are associated with longer average sentences (table 4.2). For example, incarceration rates for blacks exceed those of whites in the violent, drug, and nonregulatory public-order offense categories. These offenses are associated with longer average sentences (table 4.2, figure 4.2) than are

property offenses or misdemeanors — the categories in which whites' incarceration rates exceed those of blacks.

In general, within categories of offender characteristics, average prison terms were longer for violent and drug offenses than for property and regulatory public-order offenses. These two offense categories generally are considered to be more serious under the Federal sentencing guidelines than are property and regulatory public-order offenses. As a result, for aggregate tables like the ones presented in this chapter, persons with a certain characteristic may appear to receive more severe sentences on average. The primary reason for the longer averages is the larger number of serious offenses that made up the average sentences.

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

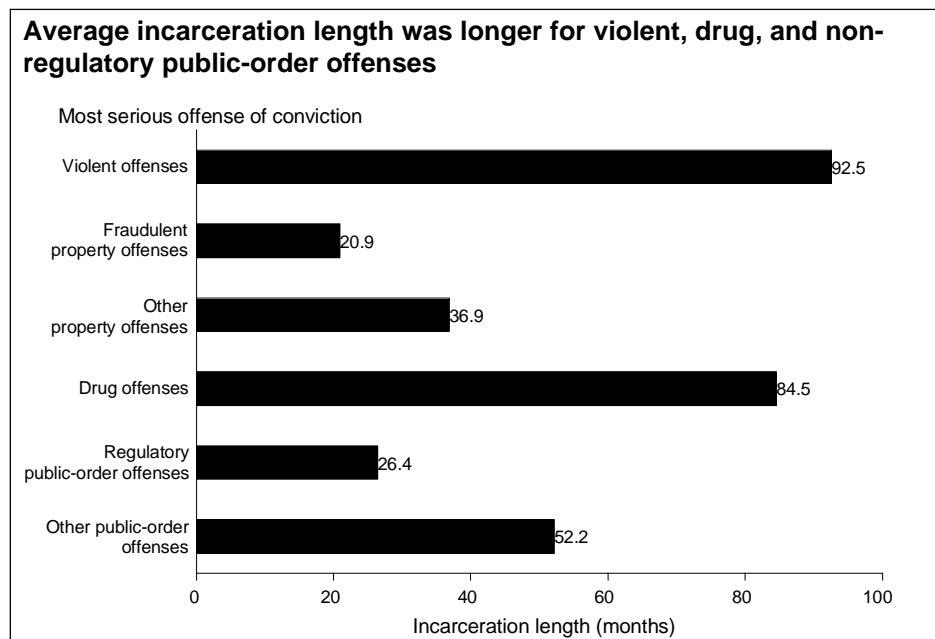


Figure 4.2. Incarceration sentence lengths (in months) of offenders convicted and sentenced in cases that terminated during October 1, 1995 - September 30, 1996

**Table 4.1. Sentence types in cases terminated, by offense, October 1, 1995 - September 30, 1996**

Most serious offense of conviction	Total offenders sentenced <sup>a</sup>	Percent of offenders convicted and sentenced to—			
		Incarceration <sup>b</sup>	Probation <sup>c</sup>	Mixed sentence <sup>d</sup>	Fine (only)
<b>All offenses<sup>e</sup></b>	53,076	68.5%	23.8%	1.6%	6.5%
<b>Felonies</b>	42,992	79.9%	18.3%	1.7%	0.6%
<b>Violent offenses</b>	2,660	90.9%	9.3%	1.5%	0.3%
Murder <sup>f</sup>	264	87.5	12.1	1.1	0.8
Negligent manslaughter	2	—	—	—	—
Assault	292	75.3	23.3	1.7	0.3
Robbery	1,578	96.0	4.6	1.5	0.1
Rape	201	87.1	13.4	1.5	0.5
Other sex offenses <sup>f</sup>	189	79.9	20.1	1.6	0.5
Kidnaping	107	94.4	6.5	0.9	0
Threats against the President	27	88.9	14.8	3.7	0
<b>Property offenses</b>	11,125	59.0%	38.1%	1.8%	1.0%
<b>Fraudulent</b>	9,055	58.8%	37.7%	2.0%	1.1%
Embezzlement	920	55.7	35.5	2.5	1.6
Fraud <sup>f</sup>	7,123	59.0	38.1	2.0	1.1
Forgery	202	55.9	42.1	1.0	0.5
Counterfeiting	810	60.6	36.0	1.0	0.7
<b>Other</b>	2,070	59.8%	39.8%	1.3%	0.3%
Burglary	68	85.3	16.2	1.5	0
Larceny <sup>f</sup>	1,311	48.2	51.3	1.4	0.4
Motor vehicle theft	121	77.7	19.8	0	0
Arson and explosives	216	86.6	12.5	1.4	0.5
Transportation of stolen property	329	77.2	23.7	1.5	0.3
Other property offenses <sup>f</sup>	25	48.0	48.0	0	0
<b>Drug offenses</b>	17,365	92.0%	7.2%	1.3%	0.2%
Trafficking	16,485	92.5	6.7	1.4	0.2
Possession and other drug offenses	880	83.6	14.8	0.8	0.5
<b>Public-order offenses</b>	11,842	79.2%	17.9%	2.0%	0.9%
<b>Regulatory</b>	1,169	46.2%	47.4%	1.0%	4.4%
Agriculture	36	36.1	63.9	5.6	5.6
Antitrust	33	6.1	42.4	0	45.5
Food and drug	39	23.1	71.8	0	5.1
Transportation	67	37.3	50.7	3.0	13.4
Civil rights	67	92.5	9.0	3.0	1.5
Communications	11	18.2	81.8	0	0
Custom laws	82	42.7	41.5	1.2	11.0
Postal laws	33	12.1	87.9	0	0
Other regulatory offenses	801	48.4	47.1	0.6	1.6
<b>Other</b>	10,673	82.9%	14.7%	2.1%	0.5%
Weapons	3,033	91.4	9.0	1.5	0.1
Immigration offenses	4,929	84.9	10.4	2.8	0.2
Tax law violations <sup>f</sup>	655	47.5	55.1	3.5	0.9
Bribery	199	52.3	39.2	0	5.5
Perjury, contempt, and intimidation	212	69.8	29.2	1.4	0.9
National defense	34	38.2	29.4	0	32.4
Escape	472	92.2	7.4	1.3	0.2
Racketeering and extortion	1,033	80.0	18.1	1.2	0.7
Gambling	30	33.3	60.0	0	6.7
Obscene material <sup>f</sup>	17	64.7	23.5	0	11.8
Migratory birds	11	0	100	0	0
All other felonies <sup>f</sup>	48	60.4	33.3	4.2	0
<b>Misdemeanors<sup>f</sup></b>	10,054	20.1%	47.5%	1.4%	31.5%
Fraudulent property offense	1,451	29.6	59.3	0.3	8.4
Larceny	1,298	13.3	70.3	1.5	16.2
Drug possession <sup>f</sup>	1,192	42.6	48.8	1.4	6.4
Immigration	572	54.0	32.2	1.0	4.9
Traffic offenses	3,622	6.8	27.7	1.4	65.8
Other misdemeanors	1,919	18.4	64.2	2.3	18.1
<b>Unknown or indeterminable offense</b>	30	26.7%	66.7%	0%	6.7%

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

—Too few cases to obtain statistically reliable data.

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

<sup>b</sup>All sentences to incarceration, including split, mixed, life, and indeterminate.

<sup>c</sup>Includes offenders with split and mixed sentences.

<sup>d</sup>Sentences to probation combined with incarceration.

<sup>e</sup>Total includes offenders whose sentence could not be determined and defendants for whom offense category could not be determined.

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

**Table 4.2. Type and length of sentences imposed, by offense, October 1, 1995 - September 30, 1996**

Most serious offense of conviction	Offenders convicted and sentenced in cases that terminated during fiscal year 1996							
	Total	Number			Sentence length			
		Incarceration <sup>a</sup>	Probation <sup>b</sup>	Fine (only)	Incarceration <sup>c</sup>		Probation <sup>c</sup>	
				Mean	Median	Mean	Median	
<b>All offenses</b>	53,076	36,373	12,644	3,429	61.2 mo	33.0 mo	33.1 mo	36.0 mo
<b>Felonies</b>	42,992	34,345	7,850	260	64.2 mo	36.0 mo	39.1 mo	36.0 mo
<b>Violent offenses</b>	2,660	2,419	248	7	92.5 mo	60.0 mo	43.4 mo	36.0 mo
Murder <sup>d</sup>	264	231	32	2	97.7	60.0	50.3	36.0
Negligent manslaughter	2	2	0	0	—	—	...	...
Assault	292	220	68	1	32.1	26.0	38.1	36.0
Robbery	1,578	1,515	72	2	104.6	66.0	43.9	36.0
Rape	201	175	27	1	72.5	46.0	47.7	54.0
Other sex offenses <sup>d</sup>	189	151	38	1	39.4	18.0	41.9	36.0
Kidnaping	107	101	7	0	172.1	84.0	—	—
Threats against the President	27	24	4	0	35.8	18.0	—	—
<b>Property offenses</b>	11,125	6,559	4,239	110	23.9 mo	15.0 mo	39.6 mo	36.0 mo
<b>Fraudulent</b>	9,055	5,322	3,415	103	20.9 mo	13.0 mo	39.8 mo	36.0 mo
Embezzlement	920	512	327	15	16.0	10.0	40.7	36.0
Fraud <sup>d</sup>	7,123	4,206	2,711	81	22.0	15.0	39.9	36.0
Forgery	202	113	85	1	14.8	10.0	38.8	36.0
Counterfeiting	810	491	292	6	18.3	14.0	38.2	36.0
<b>Other</b>	2,070	1,237	824	7	36.9 mo	18.0 mo	39.2 mo	36.0 mo
Burglary	68	58	11	0	26.0	18.0	30.5	36.0
Larceny <sup>d</sup>	1,311	632	672	5	25.8	12.0	38.9	36.0
Motor vehicle theft	121	94	24	0	37.2	18.0	38.5	36.0
Arson and explosives	216	187	27	1	91.3	58.0	38.4	24.0
Transportation of stolen property	329	254	78	1	30.1	24.0	44.6	36.0
Other property offenses <sup>d</sup>	25	12	12	0	16.7	11.0	33.5	36.0
<b>Drug offenses</b>	17,365	15,984	1,242	36	84.5 mo	60.0 mo	44.2 mo	36.0 mo
Trafficking	16,485	15,248	1,112	32	84.9	60.0	45.2	36.0
Possession and other drug offenses	880	736	130	4	76.9	57.0	35.9	36.0
<b>Public-order offenses</b>	11,842	9,383	2,121	107	50.8 mo	24.0 mo	34.6 mo	36
<b>Regulatory</b>	1,169	540	554	51	26.4 mo	16.0 mo	34.7 mo	36.0 mo
Agriculture	36	13	23	2	15.4	12.0	27.9	24.0
Antitrust	33	2	14	15	—	—	32.6	36.0
Food and drug	39	9	28	2	—	—	27.4	24.0
Transportation	67	25	34	9	33.7	18.0	36.4	36.0
Civil rights	67	62	6	1	43.5	33.0	—	—
Communications	11	2	9	0	—	—	—	—
Custom laws	82	35	34	9	19.4	18.0	40.0	36.0
Postal laws	33	4	29	0	—	—	27.1	24.0
Other regulatory offenses	801	388	377	13	24.8	15.0	35.9	36.0
<b>Other</b>	10,673	8,843	1,567	56	52.2 mo	24.0 mo	34.5 mo	36.0 mo
Weapons	3,033	2,773	273	2	99.8	60.0	40.4	36.0
Immigration offenses	4,929	4,183	512	12	22.9	24.0	30.2	36.0
Tax law violations <sup>d</sup>	655	311	361	6	31.9	15.0	37.4	36.0
Bribery	199	104	78	11	22.4	15.0	35.2	36.0
Perjury, contempt, and intimidation	212	148	62	2	38.5	20.0	28.0	24.0
National defense	34	13	10	11	74.1	30.0	—	—
Escape	472	435	35	1	21.1	15.0	31.4	36.0
Racketeering and extortion	1,033	826	187	7	73.9	48.0	35.1	36.0
Gambling	30	10	18	2	—	—	25.3	24.0
Obscene material <sup>d</sup>	17	11	4	2	30.5	30.0	—	—
Migratory birds	11	0	11	0	...	...	29.5	24.0
All other felonies <sup>d</sup>	48	29	16	0	25.3	18.0	34.1	36.0
<b>Misdemeanors<sup>d</sup></b>	10,054	2,020	4,774	3,167	11.0 mo	3.0 mo	23.3 mo	12.0 mo
Fraudulent property offense	1,451	429	860	122	5.1	2.0	34.4	36.0
Larceny	1,298	173	912	210	9.2	6.0	18.0	12.0
Drug possession <sup>d</sup>	1,192	508	582	76	16.0	6.0	23.1	24.0
Immigration	572	309	184	28	10.9	1.0	44.8	60.0
Traffic offenses	3,622	248	1,004	2,383	8.4	1.0	14.2	12.0
Other misdemeanors	1,919	353	1,232	348	13.8	5.0	23.7	24.0
<b>Unknown or indeterminable offense</b>	30	8	20	2	23.0 mo	19.0 mo	31.6 mo	36.0 mo

Note: Total includes offenders with an indeterminable sentence and defendants with an indeterminable offense category. Total exceeds sum of individual sanctions, as split and mixed sentences are counted in both prison and probation. See *Chapter notes*, item 1, p. 57.

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

<sup>a</sup>All sentences to incarceration, including split, mixed, life, and indeterminate sentences.

<sup>b</sup>Includes offenders with split and mixed sentences.

<sup>c</sup>Excludes life sentences, death sentences, and indeterminate sentences (1% of all incarcerations).

<sup>d</sup>In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include

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



**Table 4.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition, October 1, 1995 - September 30, 1996**

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders in terminated cases convicted and sentenced to—			Offenders sentenced to some incarceration		
		Incarceration <sup>a</sup>	Probation <sup>b</sup>	Fine (only)	Percent of convicted offenders	Sentence length <sup>c</sup>	
						Mean	Median
<b>All offenses</b>	53,076	36,373	12,644	3,429	68.5%	61.2 mo	33.0 mo
Guilty plea <sup>d</sup>	48,972	32,783	12,310	3,229	66.9	51.6	30.0
Trial	4,104	3,590	334	200	87.5	155.1	105.0
<b>Felonies</b>	42,992	34,345	7,850	260	79.9%	64.2 mo	36.0 mo
Guilty plea	39,299	30,835	7,670	242	78.5	54.1	33.0
Trial	3,693	3,510	180	18	95.0	158.4	110.0
<b>Violent offenses</b>	2,660	2,419	248	7	90.9%	92.5 mo	60.0 mo
Guilty plea	2,344	2,121	226	6	90.5	78.4	56.0
Trial	316	298	22	1	94.3	206.5	119.0
<b>Property offenses</b>							
<b>Fraudulent</b>	9,055	5,322	3,415	103	58.8%	20.9 mo	13.0 mo
Guilty plea	8,475	4,810	3,357	96	56.8	18.5	12.0
Trial	580	512	58	7	88.3	44.0	27.0
<b>Other</b>	2,070	1,237	824	7	59.8%	36.9 mo	18.0 mo
Guilty plea	1,877	1,060	809	6	56.5	27.0	16.0
Trial	193	177	15	1	91.7	99.9	57.0
<b>Drug offenses</b>	17,365	15,984	1,242	36	92.0%	84.5 mo	60.0 mo
Guilty plea	15,658	14,302	1,213	34	91.3	72.5	57.0
Trial	1,707	1,682	29	2	98.5	197.5	165.0
<b>Public-order offenses</b>							
<b>Regulatory</b>	1,169	540	554	51	46.2%	26.4 mo	16.0 mo
Guilty plea	1,105	495	537	48	44.8	23.2	15.0
Trial	64	45	17	3	70.3	64.0	37.0
<b>Other</b>	10,673	8,843	1,567	56	82.9%	52.2 mo	24.0 mo
Guilty plea	9,840	8,047	1,528	52	81.8	42.0	24.0
Trial	833	796	39	4	95.6	158.8	91.0
<b>Misdemeanors</b>	10,054	2,020	4,774	3,167	20.1%	11.0 mo	3.0 mo
Guilty plea <sup>d</sup>	9,644	1,941	4,620	2,985	20.1	10.7	3.0
Trial	410	79	154	182	19.3	18.0	6.0
<b>Unknown or indeterminable offense</b>	30	8	20	2	26.7%	—	—

Note: Total includes offenders whose sentence could not be determined. Total includes defendants for whom offense category could not be determined. For further information, see *Chapter notes*, item 1, p. 57.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>All sentences to incarceration, including split, mixed, life, and indeterminate sentences.

<sup>b</sup>Includes offenders with split and mixed sentences.

<sup>c</sup>Excludes life sentences and death sentences and indeterminate sentences (1% of all incarceration).

<sup>d</sup>Includes nolo contendere.

**Table 4.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics, October 1, 1995 - September 30, 1996**

Offender characteristic	Total number of offenders	Percent of all convicted offenders who were incarcerated in cases terminated during 1996							
		All offenses <sup>a</sup>	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
				Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>a</sup></b>	53,076	68.5%	90.9%	58.8%	59.8%	92.0%	46.2%	82.9%	20.1%
<b>Sex</b>									
Male	37,747	79.8%	92.7%	63.4%	67.4%	93.9%	54.8%	86.3%	34.1%
Female	7,011	53.1	78.3	49.0	37.6	81.1	37.8	53.9	15.4
<b>Race</b>									
White	28,508	74.3%	90.0%	59.8%	62.5%	90.7%	48.9%	82.8%	32.2%
Black	13,157	80.2	96.0	60.6	56.6	95.3	57.5	88.8	20.8
Other	2,181	63.1	88.6	52.7	60.1	84.5	45.2	71.0	23.3
<b>Ethnicity</b>									
Hispanic	13,951	84.9%	91.7%	58.9%	66.5%	94.7%	54.2%	88.6%	52.0%
Non-Hispanic	30,689	71.5	91.8	59.6	60.1	90.9	48.9	79.8	20.3
<b>Age</b>									
16-18 years	314	62.7%	85.1%	37.5%	68.8%	75.6%	50.0%	85.4%	23.8%
19-20 years	1,770	75.2	96.3	56.2	55.2	92.6	61.1	88.5	24.3
21-30 years	16,312	80.0	92.9	57.6	54.6	93.8	58.3	89.9	30.8
31-40 years	13,814	78.0	92.0	61.7	64.0	91.9	52.9	85.2	31.3
Over 40 years	11,749	69.2	89.3	59.3	64.2	90.5	42.9	72.0	22.1
<b>Citizenship</b>									
U.S. citizen	32,009	72.8%	91.9%	59.3%	59.7%	91.0%	49.9%	80.1%	20.3%
Not U.S. citizen	12,407	83.8	90.1	60.6	70.6	95.7	53.2	88.4	53.9
<b>Education</b>									
Less than high school graduate	17,166	84.5%	94.4%	59.3%	66.7%	94.5%	57.6%	88.3%	42.8%
High school graduate	12,600	74.6	93.5	59.1	57.0	91.3	50.8	82.7	21.4
Some college	9,295	69.1	86.4	59.9	57.1	89.7	49.2	74.5	17.6
College graduate	3,363	60.7	81.1	59.7	65.8	87.0	40.4	62.7	15.9
<b>Criminal record</b>									
No convictions	20,748	63.2%	82.6%	50.6%	47.7%	89.0%	45.2%	62.1%	22.5%
Prior adult convictions <sup>b</sup>	23,151	87.1	96.2	73.8	74.0	95.1	65.1	93.7	38.9

Note: Excludes corporations. Includes life sentences and indeterminate sentences. Offenders are classified by the most serious offense of conviction. The percentages in this table report the percent of convicted persons having a particular characteristic who were incarcerated. For example, 79.8% of all convicted males were incarcerated, and 92.7% of males convicted of a violent offense were incarcerated. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 57.

<sup>a</sup>Includes offenders for whom offense or characteristics are unknown.

<sup>b</sup>Prior adult convictions are limited; see *Chapter notes*, item 3, p. 57. Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 57.

**Table 4.5. Average incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1995 - September 30, 1996**

Offender characteristic	Mean sentence length for offenders convicted of—							
	All offenses <sup>a</sup>	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
			Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>a</sup></b>	61.2 mo	92.5 mo	20.9 mo	36.9 mo	84.5 mo	26.4 mo	52.2 mo	11.0 mo
<b>Sex</b>								
Male	65.3 mo	95.6 mo	21.8 mo	38.7 mo	87.8 mo	27.0 mo	53.7 mo	12.0 mo
Female	37.8	44.4	16.1	18.7	57.5	24.4	36.3	9.6
<b>Race</b>								
White	48.9 mo	79.3 mo	21.2 mo	36.1 mo	67.4 mo	24.8 mo	40.7 mo	10.5 mo
Black	91.1	118.2	19.7	36.1	110.8	30.4	92.7	19.5
Other	55.9	78.0	16.0	35.9	84.7	35.6	63.2	6.9
<b>Ethnicity</b>								
Hispanic	48.9 mo	100.2 mo	19.3 mo	34.0 mo	70.9 mo	20.1 mo	27.5 mo	10.0 mo
Non-Hispanic	69.6	92.1	20.7	36.2	93.1	29.6	79.6	13.3
<b>Age</b>								
16-18 years	68.1 mo	130.9 mo	23.5 mo	29.5 mo	58.8 mo	21.0 mo	45.4 mo	6.8 mo
19-20 years	60.4	92.3	13.8	20.9	71.9	23.3	52.3	10.2
21-30 years	66.7	103.4	16.5	30.2	87.4	20.5	52.2	12.5
31-40 years	61.5	82.4	19.9	37.9	84.2	26.1	51.9	13.9
Over 40 years	58.1	84.1	23.8	40.8	82.0	33.5	57.4	17.9
<b>Citizenship</b>								
U.S. citizen	69.7 mo	90.1 mo	21.2 mo	34.3 mo	89.5 mo	29.0 mo	79.0 mo	14.5 mo
Not U.S. citizen	46.2	135.6	17.0	52.2	72.4	19.8	27.5	9.1
<b>Education</b>								
Less than high school graduate	64.9 mo	98.2 mo	19.6 mo	38.2 mo	83.8 mo	23.1 mo	46.3 mo	13.7 mo
High school graduate	69.7	92.9	18.9	31.8	88.2	22.9	73.5	16.6
Some college	59.8	86.9	20.5	34.9	81.9	33.5	71.4	13.6
College graduate	41.3	60.0	24.8	45.4	70.6	28.4	37.7	29.0
<b>Criminal record</b>								
No convictions	47.1 mo	65.8 mo	18.8 mo	38.6 mo	65.3 mo	24.4 mo	33.1 mo	11.8 mo
Prior adult convictions <sup>b</sup>	73.2	104.3	22.5	34.3	99.3	30.2	60.3	13.3

Note: Excludes corporations, life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 57.

<sup>a</sup>Includes offenders for whom offense or characteristics are unknown.  
<sup>b</sup>Prior adult convictions are limited; see *Chapter notes*, item 3, p. 57. Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 57.

**Table 4.6. Median incarceration sentence lengths imposed, by offense and offender characteristics, October 1, 1995 - September 30, 1996**

Offender characteristic	Median sentence length for offenders convicted of—							
	All offenses <sup>a</sup>	Violent offenses	Felonies		Drug offenses	Public-order offenses		Misdemeanors
			Fraudulent	Other		Regulatory	Other	
<b>All offenders<sup>a</sup></b>	33.0 mo	60.0 mo	13.0 mo	18.0 mo	60.0 mo	16.0 mo	24.0 mo	3.0 mo
<b>Sex</b>								
Male	37.0 mo	60.0 mo	15.0 mo	18.0 mo	60.0 mo	16.0 mo	24.0 mo	4.0 mo
Female	21.0	30.0	11.0	10.0	37.0	15.0	18.0	2.0
<b>Race</b>								
White	27.0 mo	51.0 mo	14.0 mo	18.0 mo	46.0 mo	15.0 mo	24.0 mo	4.0 mo
Black	60.0	75.0	12.0	15.0	81.0	21.0	60.0	6.0
Other	24.0	39.0	12.0	18.0	58.5	18.0	27.0	3.0
<b>Ethnicity</b>								
Hispanic	27.0 mo	58.5 mo	10.0 mo	17.0 mo	48.0 mo	12.0 mo	24.0 mo	3.0 mo
Non-Hispanic	37.0	57.0	14.0	18.0	63.0	18.0	41.0	6.0
<b>Age</b>								
16-18 years	30.0 mo	70.0 mo	16.5 mo	24.0 mo	30.0 mo	21.0 mo	33.0 mo	3.0 mo
19-20 years	33.0	51.0	7.0	15.0	48.0	21.0	27.0	5.0
21-30 years	37.0	57.0	12.0	16.0	60.0	15.0	24.0	4.0
31-40 years	36.0	60.0	13.0	18.0	60.0	15.0	24.0	6.0
Over 40 years	30.0	56.0	15.0	20.0	60.0	17.5	24.0	6.0
<b>Citizenship</b>								
U.S. citizen	38.0 mo	60.0 mo	15.0 mo	18.0 mo	60.0 mo	18.0 mo	42.0 mo	6.0 mo
Not U.S. citizen	24.0	51.0	11.5	19.5	48.0	12.0	24.0	2.0
<b>Education</b>								
Less than high school graduate	37.0 mo	60.0 mo	12.0 mo	18.0 mo	60.0 mo	18.0 mo	24.0 mo	5.0 mo
High school graduate	41.0	60.0	12.0	15.0	60.0	15.0	37.0	6.0
Some college	32.0	53.5	14.0	21.0	60.0	18.0	30.5	6.0
College graduate	21.0	37.0	15.0	24.0	46.0	18.0	20.5	5.5
<b>Criminal record</b>								
No convictions	27.0 mo	37.0 mo	12.0 mo	18.0 mo	46.0 mo	15.0 mo	12.0 mo	3.0 mo
Prior adult convictions <sup>b</sup>	41.0	66.0	15.0	18.0	70.0	21.0	27.0	6.0

Note: Excludes corporations, life sentences, and indeterminate sentences. Includes prison portion of split or mixed sentences. Offender characteristics are not comparable to the 1993 and prior compendia; see *Chapter notes*, item 2, p. 57.

<sup>a</sup>Includes offenders for whom offense or characteristics are unknown.  
<sup>b</sup>Prior adult convictions are limited; see *Chapter notes*, item 3, p. 57. Classifications of lengths of prior sentences of incarceration differ from the 1993 and prior compendia and are not directly comparable to those earlier years; see *Chapter notes*, item 3, p. 57.

## Chapter notes

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- 1) Tables 4.1-4.3 were derived from the AOUSC criminal master data files. Only records of defendants sentenced during October 1, 1995, through September 30, 1996, were selected. Offenses shown in these tables — offenses of conviction — are based on the longest actual sentence imposed.
- 2) Tables 4.4-4.6 were created from AOUSC criminal master data files, supplemented with linked data on offender characteristics from two sources: the United States Sentencing Commission (USSC) monitoring system files (which are limited to records of defendants sentenced under the Federal sentencing guidelines); and the Pretrial Services Information Act System database, maintained by the Pretrial Services Agency (PSA). These two supplemental data files contain information on the characteristics of defendants. Table 4.4 indicates the number of records for which relevant data were available. Percentage distributions were based on records with known values of defendant characteristics and offenses. Means and medians in tables 4.5 and 4.6 were based on the number of records shown in table 4.4.
- 3) Criminal record, as reported in tables 4.4-4.6, is limited to prior adult convictions. For some defendants in these tables, it is further limited to the portion of their criminal record that is relevant for calculating sentences under the Federal sentencing guidelines. In general, this is limited to sentences imposed within a 15-year period prior to the current offense and offenses committed within the United States. For most defendants, the criminal history used to calculate sentencing guideline ranges is tantamount to their entire adult criminal history.

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*October 1, 1995 – September 30, 1996*

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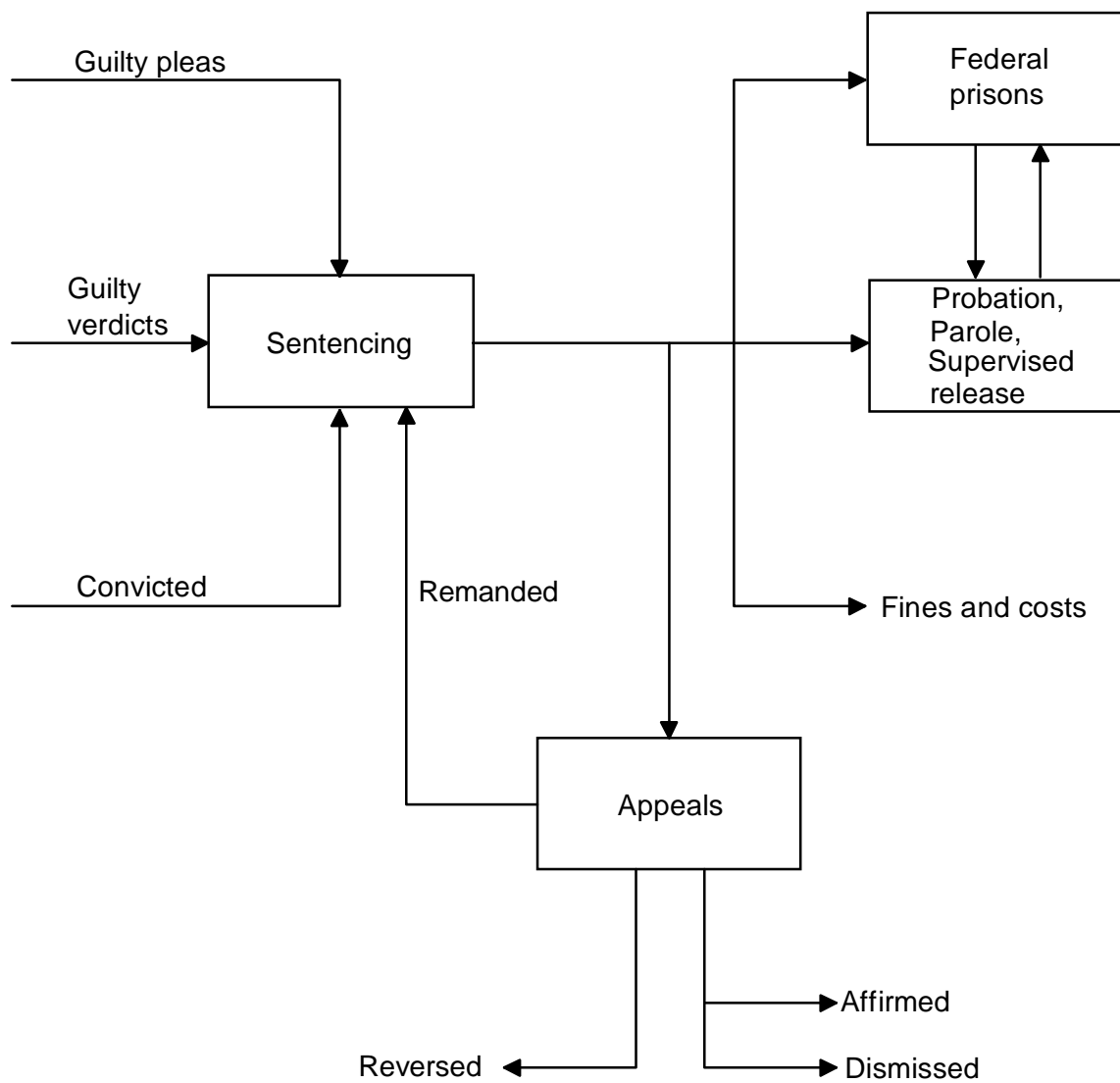
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# Appeals

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

**Appeals filed (tables 5.1 and 5.2)**

During 1996 the U.S. Court of Appeals received 10,889 criminal appeals. Of all appeals, 408 (4%) were filed by the Government (not shown in a table).

Forty-six percent of appeals filed in 1996 challenged both the conviction and the sentence imposed. Twice as many appeals challenged only the sentence imposed as those that challenged only the conviction (23% versus 11%). Only 14% of appeals filed were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect (figure 5.1).

The type of appeal filed (sentence, conviction, or both) was relatively constant across the offense categories underlying the appeal. However, for immigration offenders, 29% of those convicted appealed only their sentences, compared to 22% for public-order offenses and 23% for all criminal categories.

Nearly half of all appeals filed were for drug convictions (49%). Of these, 47% appealed both the sentence and the conviction. Public-order offenses were 24% of all appeals, and property offenses comprised 20% of all appeals. Violent offenders were only 7% of all appeals filed (figure 5.2).

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

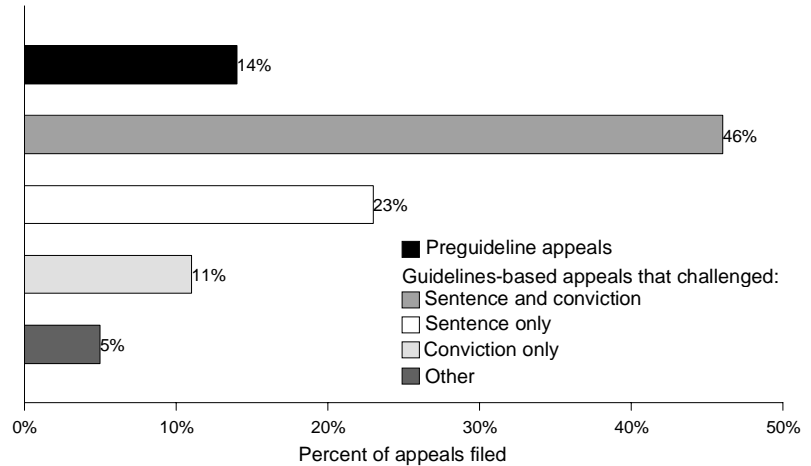


Figure 5.1. Types of criminal appeal cases during October 1, 1995 - September 30, 1996

**Appeals terminated (tables 5.3-5.5)**

A total of 10,161 appeals terminated during 1996. Of these, 1,441 (14%) were appeals of convictions for offenses sentenced under laws in effect prior to the sentencing guidelines. Of the 8,720 guideline-based appeals, 4,536 (52%) were appeals of sentence and conviction, 2,568 (29%) were appeals of the sentence only, and 1,196 (14%) were appeals of the conviction only.

In half of all appeals terminated in 1996 (for which offense is known), drug offense convictions underlay the

appeal; for 23%, the underlying offense was a public-order offense; for 20%, the underlying offense was a property offense; and 7% were appeals for violent offense convictions. For 52% of public-order appeals, the underlying offense of conviction was for weapons. Robbery offenses composed 46% and murder composed 20% of the underlying offenses for appeals of a violent conviction.

Of the 10,161 appeals terminated during 1996, 77% were terminated on the merits, while the remainder were terminated on procedural grounds.

**Nearly half of all appeals filed were for drug convictions**

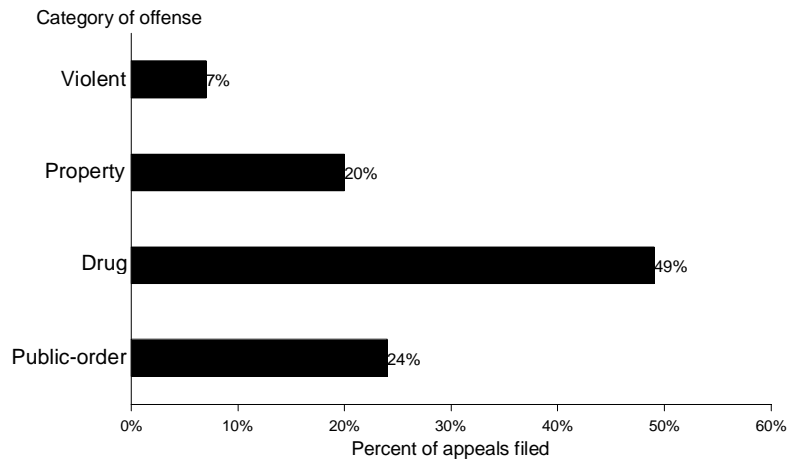


Figure 5.2. Appeals cases filed, by type of offense during October 1, 1995 - September 30, 1996



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For appeals based on a conviction of a violent offense, 85% were terminated on the merits. Also terminated on the merits were 79% of appeals based on a public-order conviction, 78% of appeals based on a drug conviction, and 74% of appeals based on a property conviction. Having the highest rates of termination on the merits were appeals based on a forgery conviction (97%), rape conviction (92%), or kidnaping conviction (90%).

In 79% of appeals terminated on the merits, the district court ruling was affirmed. In another 7% it was partially affirmed. Eighty-two percent of all violent offense appeals were affirmed, as were 80% of drug offense appeals. Property offense and public-order offense appeals were affirmed in 76% and 77% of cases, respectively. District court decisions were reversed or remanded back to the court in approximately 1 out of 10 cases (9%). Public-order offenses had the highest rate of reversal or being remanded back to the court (12.1%) including perjury, contempt, and intimidation (33.3%) and traffic (21.4%). Appeals were dismissed in 4% of cases.

**Table 5.1. Criminal appeals filed, by type of criminal case and offense, October 1, 1995 - September 30, 1996**

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
<b>All offenses</b>	10,889	1,571	9,318	2,551	1,207	4,963	597
<b>Violent offenses</b>	685	70	615	151	85	341	38
Murder*	139	19	120	17	15	77	11
Negligent manslaughter	3	1	2	0	0	2	0
Assault	80	11	69	14	15	36	4
Robbery	281	22	259	82	34	131	12
Rape	57	10	47	10	10	25	2
Other sex offenses*	59	5	54	14	4	28	8
Kidnaping	61	1	60	13	7	39	1
Threats against the President	5	1	4	1	0	3	0
<b>Property offenses</b>	2,093	321	1,772	488	240	931	113
<b>Fraudulent</b>	1,581	247	1,334	387	167	695	85
Embezzlement	113	21	92	23	12	50	7
Fraud*	1,328	199	1,129	326	136	597	70
Forgery	24	7	17	3	5	7	2
Counterfeiting	116	20	96	35	14	41	6
<b>Other</b>	512	74	438	101	73	236	28
Burglary	8	0	8	0	0	7	1
Larceny*	165	34	131	38	24	63	6
Motor vehicle theft	112	11	101	26	12	54	9
Arson and explosives	103	13	90	17	15	55	3
Transportation of stolen property	113	14	99	20	19	51	9
Other property offenses*	11	2	9	0	3	6	0
<b>Drug offenses</b>	5,099	668	4,431	1,254	521	2,382	274
<b>Public-order offenses</b>	2,521	315	2,206	547	313	1,200	146
<b>Regulatory</b>	196	46	150	39	29	64	18
Agriculture	17	5	12	6	4	2	0
Antitrust	2	1	1	0	0	1	0
Food and drug	3	1	2	0	1	1	0
Transportation	17	7	10	3	3	2	2
Civil rights	26	2	24	6	2	9	7
Communications	4	0	4	0	0	4	0
Custom laws	15	3	12	3	3	3	3
Postal laws	7	3	4	1	2	1	0
Other regulatory offenses	105	24	81	20	14	41	6
<b>Other</b>	2,325	269	2,056	508	284	1,136	128
Weapons	1,183	100	1,083	250	169	594	70
Immigration offenses	353	30	323	103	28	185	7
Tax law violations*	140	25	115	30	19	57	9
Bribery	41	3	38	9	4	22	3
Perjury, contempt, and intimidation	92	17	75	21	11	41	2
National defense	26	2	24	2	4	18	0
Escape	78	5	73	27	3	40	3
Racketeering and extortion	354	72	282	63	35	152	32
Gambling	10	3	7	0	0	6	1
Obscene material*	3	0	3	1	0	2	0
Traffic	21	4	17	1	5	10	1
Migratory birds	4	2	2	0	0	2	0
All other offenses*	20	6	14	1	6	7	0
<b>Unknown or indeterminable offense</b>	491	197	294	111	48	109	26

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

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

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

**Table 5.2. Criminal appeals filed and criminal appeals terminated, by offense, October 1, 1995 - September 30, 1996**

Offense of conviction	Criminal appeals filed during 1996		Criminal appeals terminated during 1996	
	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>
<b>All offenses</b>	10,889	100%	10,161	100%
<b>Violent offenses</b>	685	6.6%	678	7.0%
Murder <sup>b</sup>	139	1.3	134	1.4
Negligent manslaughter	3	—	2	—
Assault	80	0.8	90	0.9
Robbery	281	2.7	315	3.3
Rape	57	0.5	49	0.5
Other sex offenses <sup>b</sup>	59	0.6	36	0.4
Kidnaping	61	0.6	48	0.5
Threats against the President	5	—	4	—
<b>Property offenses</b>	2,093	20.1%	1,909	19.8%
<b>Fraudulent</b>	1,581	15.2%	1,446	15.0%
Embezzlement	113	1.1	110	1.1
Fraud <sup>b</sup>	1,328	12.8	1,203	12.4
Forgery	24	0.2	32	0.3
Counterfeiting	116	1.1	101	1.0
<b>Other</b>	512	4.9%	463	4.8%
Burglary	8	0.1	9	0.1
Larceny <sup>b</sup>	165	1.6	200	2.1
Motor vehicle theft	112	1.1	91	0.9
Arson and explosives	103	1.0	70	0.7
Transportation of stolen property	113	1.1	80	0.8
Other property offenses <sup>b</sup>	11	0.1	13	0.1
<b>Drug offenses</b>	5,099	49.0%	4,849	50.2%
<b>Public-order offenses</b>	2,521	24.2%	2,228	23.1%
<b>Regulatory</b>	196	1.9%	207	2.1%
Agriculture	17	0.2	16	0.2
Antitrust	2	—	1	—
Food and drug	3	—	8	0.1
Transportation	17	0.2	14	0.1
Civil rights	26	0.3	24	0.2
Communications	4	—	7	0.1
Custom laws	15	0.1	3	—
Postal laws	7	0.1	5	0.1
Other regulatory offenses	105	1.0	129	1.3
<b>Other</b>	2,325	22.4%	2,021	20.9%
Weapons	1,183	11.4	1,057	10.9
Immigration offenses	353	3.4	251	2.6
Tax law violations <sup>b</sup>	140	1.3	118	1.2
Bribery	41	0.4	46	0.5
Perjury, contempt, and intimidation	92	0.9	77	0.8
National defense	26	0.3	11	0.1
Escape	78	0.8	95	1.0
Racketeering and extortion	354	3.4	318	3.3
Gambling	10	0.1	9	0.1
Liquor offenses	0	...	1	—
Obscene material <sup>b</sup>	3	—	5	0.1
Traffic	21	0.2	20	0.2
Migratory birds	4	—	3	—
All other offenses <sup>b</sup>	20	0.2	10	0.1
<b>Unknown or indeterminable offense</b>	491		497	

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

—Less than .05%.

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

<sup>a</sup>Percentage distribution based on appeals for which an offense category could be determined.

<sup>b</sup>In this table, "Murder" includes nonnegligent manslaughter;

"Other sex offenses" may include some nonviolent offenses;

"Fraud" excludes tax fraud; "Larceny" excludes transportation

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

**Table 5.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 1995 - September 30, 1996**

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
<b>All offenses</b>	10,161	1,441	8,720	2,568	1,196	4,536	420
<b>Violent offenses</b>	678	60	618	181	81	328	28
Murder*	134	17	117	19	13	82	3
Negligent manslaughter	2	1	1	1	0	0	0
Assault	90	7	83	17	16	46	4
Robbery	315	24	291	110	33	133	15
Rape	49	4	45	12	7	25	1
Other sex offenses*	36	4	32	11	8	11	2
Kidnaping	48	2	46	10	4	29	3
Threats against the President	4	1	3	1	0	2	0
<b>Property offenses</b>	1,909	277	1,632	492	216	844	80
<b>Fraudulent</b>	1,446	213	1,233	398	154	618	63
Embezzlement	110	19	91	20	18	45	8
Fraud*	1,203	178	1,025	341	117	518	49
Forgery	32	2	30	9	7	14	0
Counterfeiting	101	14	87	28	12	41	6
<b>Other</b>	463	64	399	94	62	226	17
Burglary	9	1	8	1	1	6	0
Larceny*	200	34	166	40	25	95	6
Motor vehicle theft	91	8	83	19	10	48	6
Arson and explosives	70	10	60	15	6	38	1
Transportation of stolen property	80	10	70	17	17	32	4
Other property offenses*	13	1	12	2	3	7	0
<b>Drug offenses</b>	4,849	633	4,216	1,242	570	2,200	204
<b>Public-order offenses</b>	2,228	259	1,969	534	292	1,048	95
<b>Regulatory</b>	207	47	160	44	33	75	8
Agriculture	16	4	12	6	2	4	0
Antitrust	1	0	1	0	1	0	0
Food and drug	8	0	8	5	0	3	0
Transportation	14	4	10	1	2	6	1
Civil rights	24	5	19	5	3	10	1
Communications	7	1	6	0	0	4	2
Custom laws	3	2	1	0	1	0	0
Postal laws	5	2	3	1	2	0	0
Other regulatory offenses	129	29	100	26	22	48	4
<b>Other</b>	2,021	212	1,809	490	259	973	87
Weapons	1,057	82	975	211	168	552	44
Immigration offenses	251	17	234	98	20	110	6
Tax law violations*	118	24	94	25	14	48	7
Bribery	46	2	44	12	9	23	0
Perjury, contempt, and intimidation	77	11	66	27	9	29	1
National defense	11	2	9	2	2	5	0
Escape	95	9	86	35	5	43	3
Racketeering and extortion	318	56	262	74	26	138	24
Gambling	9	0	9	0	0	8	1
Liquor offenses	1	0	1	0	1	0	0
Obscene material*	5	1	4	1	0	3	0
Traffic	20	4	16	4	3	8	1
Migratory birds	3	2	1	0	0	1	0
All other offenses*	10	2	8	1	2	5	0
<b>Unknown or indeterminable offense</b>	497	212	285	119	37	116	13

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

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

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

**Table 5.4. Disposition of criminal appeals terminated on the merits, by offense, October 1, 1995 - September 30, 1996**

Offense of conviction	Total criminal appeals	Criminal appeals terminated on the merits							Procedural terminations
		Total	Percent	Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other	
<b>All offenses</b>	10,161	7,820	77.0%	6,136	719	604	328	33	2,341
<b>Violent offenses</b>	678	576	85.0%	470	47	41	17	1	102
Murder*	134	118	88.1	89	7	21	1	0	16
Negligent manslaughter	2	1	—	0	0	1	0	0	1
Assault	90	78	86.7	63	5	4	5	1	12
Robbery	315	259	82.2	224	18	8	9	0	56
Rape	49	45	91.8	31	10	3	1	0	4
Other sex offenses*	36	30	83.3	24	4	2	0	0	6
Kidnaping	48	43	89.6	37	3	2	1	0	5
Threats against the President	4	2	—	2	0	0	0	0	2
<b>Property offenses</b>	1,909	1,407	73.7%	1,075	142	128	52	10	502
<b>Fraudulent</b>	1,446	1,054	72.9%	791	107	109	39	8	392
Embezzlement	110	85	77.3	63	11	9	0	2	25
Fraud*	1,203	869	72.2	646	86	95	36	6	334
Forgery	32	31	96.9	24	2	4	1	0	1
Counterfeiting	101	69	68.3	58	8	1	2	0	32
<b>Other</b>	463	353	76.2%	284	35	19	13	2	110
Burglary	9	8	—	7	0	0	1	0	1
Larceny*	200	144	72.0	115	16	9	4	0	56
Motor vehicle theft	91	79	86.8	67	7	3	1	1	12
Arson and explosives	70	55	78.6	46	3	2	3	1	15
Transportation of stolen property	80	59	73.8	45	6	5	3	0	21
Other property offenses*	13	8	61.5	4	3	0	1	0	5
<b>Drug offenses</b>	4,849	3,758	77.5%	3,005	280	309	150	14	1,091
<b>Public-order offenses</b>	2,228	1,749	78.5%	1,339	211	115	78	6	479
<b>Regulatory</b>	207	152	73.4%	100	31	19	2	0	55
Agriculture	16	10	62.5	7	2	1	0	0	6
Antitrust	1	1	—	1	0	0	0	0	0
Food and drug	8	8	—	4	4	0	0	0	0
Transportation	14	10	71.4	7	2	1	0	0	4
Civil rights	24	18	75.0	14	4	0	0	0	6
Communications	7	7	—	2	0	5	0	0	0
Custom laws	3	1	—	1	0	0	0	0	2
Postal laws	5	0	...	0	0	0	0	0	5
Other regulatory offenses	129	97	75.2	64	19	12	2	0	32
<b>Other</b>	2,021	1,597	79.0%	1,239	180	96	76	6	424
Weapons	1,057	877	83.0	692	91	62	28	4	180
Immigration offenses	251	195	77.7	137	28	5	25	0	56
Tax law violations*	118	82	69.5	65	10	2	5	0	36
Bribery	46	36	78.3	31	0	4	1	0	10
Perjury, contempt, and intimidation	77	60	77.9	35	20	3	2	0	17
National defense	11	6	54.5	5	0	0	1	0	5
Escape	95	73	76.8	57	8	1	7	0	22
Racketeering and extortion	318	230	72.3	188	16	18	6	2	88
Gambling	9	9	—	9	0	0	0	0	0
Liquor offenses	1	1	—	1	0	0	0	0	0
Obscene material*	5	5	—	4	0	0	1	0	0
Traffic	20	14	70.0	10	3	1	0	0	6
Migratory birds	3	1	—	1	0	0	0	0	2
All other offenses*	10	8	—	4	4	0	0	0	2
<b>Unknown or indeterminable offense</b>	497	330	66.4%	247	39	11	31	2	167

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

—Too few cases to obtain statistically reliable data.

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

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

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

**Table 5.5. Criminal appeals cases terminated on the merits, by nature of offense, October 1, 1995 - September 30, 1996**

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other
<b>All offenses</b>	7,820	78.5%	9.2%	7.7%	4.2%	0.4%
<b>Violent offenses</b>	576	81.6%	8.2%	7.1%	3.0%	0.2%
Murder*	118	75.4	5.9	17.8	0.8	0
Negligent manslaughter	1	—	—	—	—	—
Assault	78	80.8	6.4	5.1	6.4	1.3
Robbery	259	86.5	6.9	3.1	3.5	0
Rape	45	68.9	22.2	6.7	2.2	0
Other sex offenses*	30	80.0	13.3	6.7	0	0
Kidnaping	43	86.0	7.0	4.7	2.3	0
Threats against the President	2	—	—	—	—	—
<b>Property offenses</b>	1,407	76.4%	10.1%	9.1%	3.7%	0.7%
<b>Fraudulent</b>	1,054	75.0%	10.2%	10.3%	3.7%	0.8%
Embezzlement	85	74.1	12.9	10.6	0	2.4
Fraud*	869	74.3	9.9	10.9	4.1	0.7
Forgery	31	77.4	6.5	12.9	3.2	0
Counterfeiting	69	84.1	11.6	1.4	2.9	0
<b>Other</b>	353	80.5%	9.9%	5.4%	3.7%	0.6%
Burglary	8	—	—	—	—	—
Larceny*	144	79.9	11.1	6.3	2.8	0
Motor vehicle theft	79	84.8	8.9	3.8	1.3	1.3
Arson and explosives	55	83.6	5.5	3.6	5.5	1.8
Transportation of stolen property	59	76.3	10.2	8.5	5.1	0
Other property offenses*	8	—	—	—	—	—
<b>Drug offenses</b>	3,758	80.0%	7.5%	8.2%	4.0%	0.4%
<b>Public-order offenses</b>	1,749	76.6%	12.1%	6.6%	4.5%	0.3%
<b>Regulatory</b>	152	65.8%	20.4%	12.5%	1.3%	0%
Agriculture	10	—	—	—	—	—
Antitrust	1	—	—	—	—	—
Food and drug	8	—	—	—	—	—
Transportation	10	—	—	—	—	—
Civil rights	18	77.8	22.2	0	0	0
Communications	7	—	—	—	—	—
Custom laws	1	—	—	—	—	—
Postal laws	0	...	...	...	...	...
Other regulatory offenses	97	66.0	19.6	12.4	2.1	0
<b>Other</b>	1,597	77.6%	11.3%	6.0%	4.8%	0.4%
Weapons	877	78.9	10.4	7.1	3.2	0.5
Immigration offenses	195	70.3	14.4	2.6	12.8	0
Tax law violations*	82	79.3	12.2	2.4	6.1	0
Bribery	36	86.1	0	11.1	2.8	0
Perjury, contempt, and intimidation	60	58.3	33.3	5.0	3.3	0
National defense	6	—	—	—	—	—
Escape	73	78.1	11.0	1.4	9.6	0
Racketeering and extortion	230	81.7	7.0	7.8	2.6	0.9
Gambling	9	—	—	—	—	—
Liquor offenses	1	—	—	—	—	—
Obscene material*	5	—	—	—	—	—
Traffic	14	71.4	21.4	7.1	0	0
Migratory birds	1	—	—	—	—	—
All other offenses*	8	—	—	—	—	—
<b>Unknown or indeterminable offense</b>	330	74.8%	11.8%	3.3%	9.4%	0.6%

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

—Too few cases to obtain statistically reliable data.

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

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

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

## Chapter notes

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Tables in chapter 5 were created from the AOUSC appeals database. Records of appeals filed or terminated during October 1, 1995, through September 30, 1996, were selected. Data include records of 10,889 criminal appeals filed during fiscal year 1996 and 10,161 appeals terminated during the same period.

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

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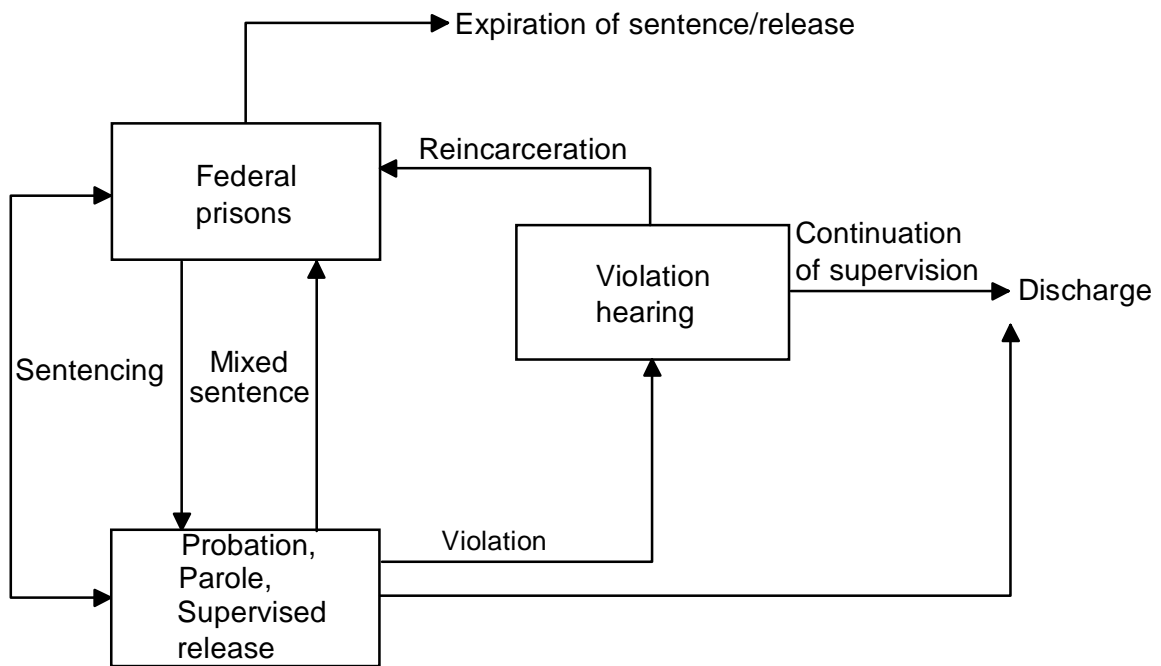
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# Chapter 6

## Corrections

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## Supervision

During 1996, 37,307 offenders terminated active supervision of probation, parole or mandatory release, or a term of supervised release.

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

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

### Probation outcomes (table 6.1)

During 1996, 17,433 offenders completed 1 or more terms of active probation. Overall, 84% of offenders successfully completed their term of probation, another 14% violated their

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

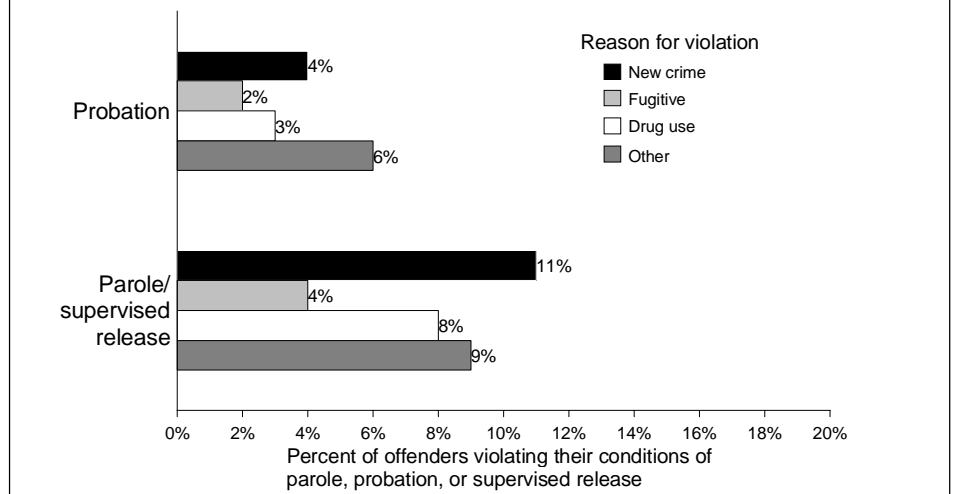


Figure 6.1. Violation rates of offenders under parole, probation, or supervised release, by type of violation, October 1, 1995 - September 30, 1996

conditions of probation, and the remaining 2% were administrative closures. Of those who violated their conditions of probation, 4% committed a new crime. Most committed technical violations, including drug use (3%) and absconding (2%) (figure 6.1).

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

bation without a violation. During 1996, 26% of probationers convicted of violent offenses violated their conditions of probation, as did 13% of drug, 12% of property, and 8% of public-order offenders. During 1996 violent offenders were also more likely to commit new crimes (10%) than were probationers convicted of property (4%), drug (3%), and public-order (2%) offenses.

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

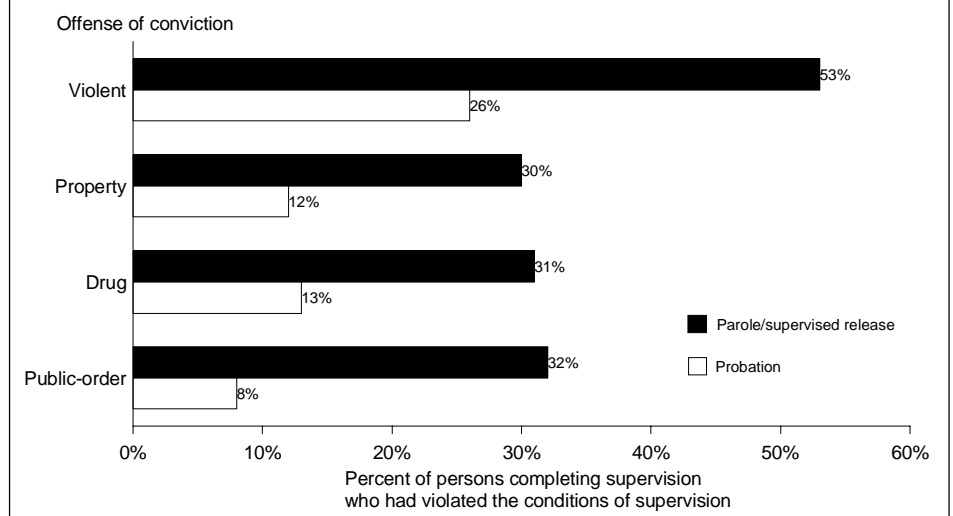


Figure 6.2. Violation rates of offenders completing parole, probation, or supervised release, by category of offense, October 1, 1995 - September 30, 1996

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

Cumulative percent of entrants into supervision who violated the terms of supervision during the first 12 months

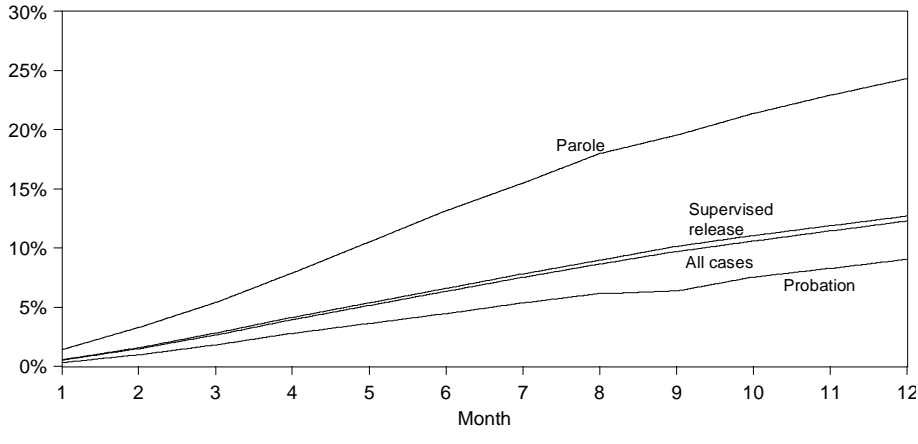


Figure 6.3. Offenders who entered probation, parole, or supervised release and violated terms of supervision within 12 months, by type of supervision, October 1, 1995 - September 30, 1996

or supervised release (figure 6.2). Violent offenders were more likely to commit new crimes (18%) than offenders convicted of public-order (12%), property (11%), or drug (11%) offenses.

**Entrants into supervision (table 6.5)**

The rate of violating conditions of supervision was highest for parolees and lowest for probationers (figure 6.3). After 12 months of supervision, 26% of parolees had violated conditions of release, compared to 9% of probationers. Overall, 12% of offenders entering supervision during 1996 had violated conditions of release within 12 months of their entry into supervision.

**Characteristics of offenders completing supervision (tables 6.2 and 6.4)**

**Probation (table 6.2)** — Among offenders who completed a term of probation, 74% were male; 70% were white and 91% were of non-Hispanic origin; 30% were less than age 31 (compared to 40% over age 40); 26% had less than a high school diploma (compared to 38% who had a high school diploma and 36% who had at least some college education); and 81% had no known drug history.

absconding (4%); and 3% completed their parole term through an administrative case closure (figure 6.1).

Offenders convicted of violent offenses were less likely than others to complete a term of parole or supervised release without a violation. Fifty-three percent of violent offenders violated conditions of parole or supervised release, while 32% of public-order, 31% of drug, and 30% of property offenders violated parole

Offender characteristics — such as age, history of drug abuse, and education — were associated with the probability of violating terms of supervision. Offenders ages 16 to 20 were more likely (28%) to violate conditions of supervision than probationers in other age groups — 21% of those age 21 to 30 and 11% of those over age 30 (figure 6.4).

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

**Parole and supervised release outcomes (table 6.3)**

Of the 19,874 offenders who completed their term of either parole or supervised release during 1996, 64% successfully completed parole or supervised release. During 1996, 11% of the offenders violated their probation supervision by committing a new crime; 22% committed technical violations, such as drug use (8%) and

**Younger offenders were more likely to violate conditions of supervision**

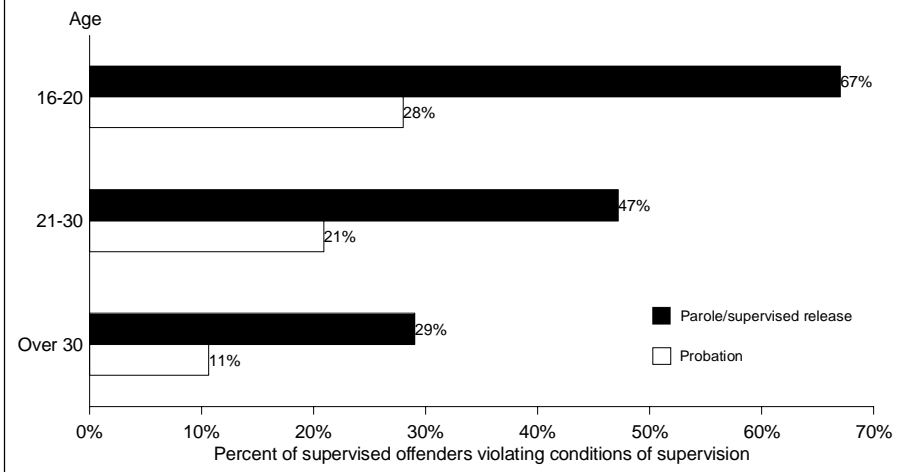


Figure 6.4. Rates of violation of conditions of supervision, by age group, October 1, 1995 - September 30, 1996

Probationers with lower levels of education were more likely to violate the conditions of probation than those with higher levels of education. Those who did not graduate high school had a 19% violation rate, those who were high school graduates had a 15% violation rate, those with some college had a 11% violation rate, and those with a college degree had a 6% violation rate (figure 6.5).

### Parole and supervised release (table 6.4)

— Among those who completed a term of parole or supervised release, 87% were male; 68% were white; 85% were of non-Hispanic origin; 22% were less than age 31 (43% were over age 40); 40% had only some high school (34% had a high school diploma and 26% had at least some college); and 55% had no known drug history.

Offender characteristics — such as age, history of drug abuse, and education — were associated with the probability of violating terms of supervised release and parole. Offenders ages 16 to 20 were more likely (67%) to violate conditions of supervision than offenders in other age groups — 47% of those ages 21 to 30 and 29% of those over age 30.

Releasees with a history of drug abuse were 5.5 times more likely to terminate their supervision for technical violations of drug use as were releasees who were not drug abusers. Releasees with known histories of drug abuse were also more likely to violate supervision with technical violations or new crimes.

Releasees with lower levels of education were more likely to violate conditions of parole or supervised release than those with higher levels of education. Those who did not graduate from high school had a 40% violation rate, those who were high school graduates had a 32% violation rate, those with some college had a 27% violation rate, and those with a college degree had a 13% violation rate (figure 6.5).

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

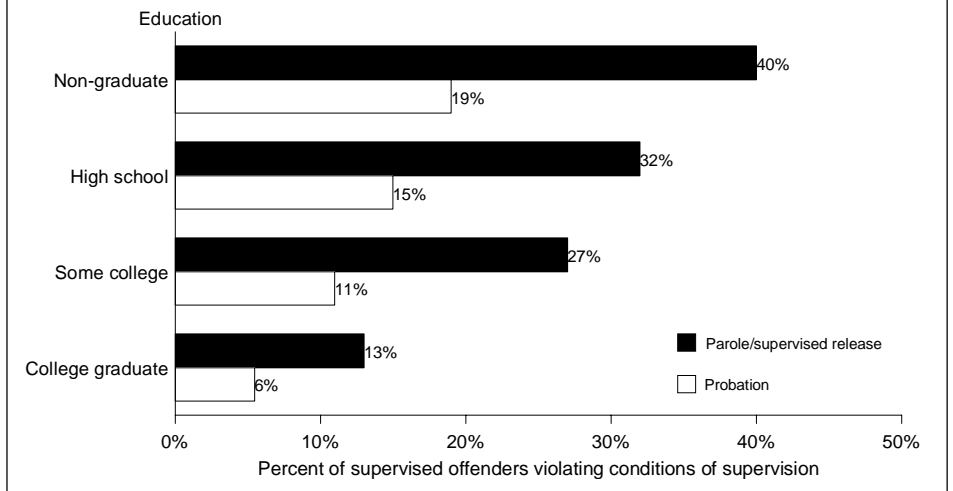


Figure 6.5. Rates of violation of conditions of supervision, by level of education, October 1, 1995 - September 30, 1996

### Federal offenders under supervision (table 6.6)

As of the end of the fiscal year 1996, there were 88,189 offenders under active Federal supervision, of which most (87%) were felons. About 62% of these offenders were receiving one of two forms of post-incarceration supervision: supervised release (45,975) or parole (8,569). The remainder (33,645) were under probation supervision. Most of the probationer population had been convicted of either a property felony (40%) or some type of misdemeanor offense (32%). Over 50% of offenders under supervised release and 56% of parolees had been convicted of a drug offense.

The distribution of offenders under supervision, in terms of supervision type, varied according to major offense category. Of the 5,036 offenders convicted of violent offenses, 49% received supervised release, 39% were on parole, and about 12% were on probation. Of the 27,208 property offenders, 49% received probation, 47% were on supervised release, and 4% were on parole. Of the 31,859 drug offenders under supervision, most (73%) were on supervised release, 15% were on parole,

and 12% were on probation. Finally, of the 12,590 public-order offenders under supervision, 53% received a term of supervised release, 41% were under probation, and 6% were on parole supervision.

### Federal prisoners: First releases and time served (tables 6.7-6.10)

During 1996, 30,251 prisoners were released from Federal prison for the first time after serving a sentence imposed by a U.S. district court.<sup>1</sup> Of these, 28,073 were released by standard means. These standard releases served an average of 28.2 months (table 6.8) in prison — 92% of the sentence imposed, on average (table 6.10).<sup>2</sup>

The remaining 2,178 first releases were released by extraordinary means: 852 were released early due

<sup>1</sup>Tables 6.7-6.9 include only prisoners first released by the BOP during 1996.

<sup>2</sup>Average time to first release is the number of months in Bureau of Prisons facilities minus credits for time spent in jail prior to final disposition or sentencing. Percent of sentence served is the average percentage of each individual prisoner's percent of total sentence obligation served until first release.

to participation in a drug treatment program; 512 had their sentences commuted; 441 were deported; 210 died; and 163 were released for other reasons including escape and an intensive confinement program (table 6.7). Drug offenders make up the vast majority of those released by extraordinary means (77%).

Time served until first release varied by offense: Violent offenders served an average of 54.3 months; drug offenders served an average of 40.3 months; public-order offenders served an average of 17.2 months; and public-order offenders served an average of fewer than 15.6 months. During 1996 the average time to first release for public-order offenders was influenced heavily by the relatively short time served by immigration offenders. On average, immigration offenders served 8.3 months until first release during 1996. This was less than half of the average time served for all public-order offenders (17.2). Exclusive of immigration offenders, public-order offenders served an average of 27.2 months until first release (not shown in table).

Old law offenders — those who committed crimes before the implementation of Federal Sentencing Guidelines in November 1987 — that were released in 1996 served an average of 81 months in prison — 58% of the sentence imposed, on average (tables 6.9 and 6.10). New law offenders released during 1996 served, on average, 26 months in prison (92% of the sentence imposed). Since the Federal Sentencing Guidelines became effective as November 1987, new law offenders sentenced to terms of imprisonment greater than 126 months could not have been released by standard means as of the end of 1996.<sup>3</sup> They could have been released for extraordinary reasons such

as death, commutation, or treaty transfer.<sup>4</sup>

### **Admissions, releases, and standing population of Federal prisoners (table 6.11)**

The Federal prison population grew by 4,676 persons during fiscal year 1996, increasing from 87,996 sentenced prisoners to 92,672. The greatest growth was among drug and public-order offenders, particularly immigration offenders. The number of drug offenders in prison grew by 2,604 during 1996. The number of immigration offenders increased by 1,151. In contrast, the number of weapons offenders grew at a slower rate in 1996, increasing by 265.

### **Characteristics of Federal prisoners (table 6.12 and 6.13)**

**Prisoners released (table 6.12)** — Of prisoners released during 1996, 88% were male, 74% were white, 24% were black, 34% were Hispanic, and 66% were U.S. citizens. Fifty-eight percent were 31 years of age or older. These patterns held across offenses and between old and new law offenders, except with non-regulatory public-order offenses. Of released offenders convicted of those offenses, 56% were Hispanic and 59% were not U.S. citizens.

**Time served to first release (table 6.13)** — Of prisoners released by standard methods, males served more time than females, blacks served more time than whites, non-Hispanics served more time than Hispanics, older persons served more time than younger (until over age 40), and U.S. citizens served more time than noncitizens. However, among the offenses, the overall pattern does not always hold, except for males and females. For example, blacks served more time on average than whites, but among property offenders

released from prison, whites served more time than blacks.

<sup>3</sup>The Federal Sentencing Guidelines allow a prisoner up to 54 days per year for good behavior, so a prisoner sentenced to 126 months in November 1987 *could have* served 107 months of his or her sentence and been released in 1996.

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

**Table 6.1. Outcomes of probation supervision, by offense, October 1, 1995 - September 30, 1996**

Most serious offense of conviction <sup>a</sup>	Number of probation terminations	Percent of probation supervisions terminating with—					
		No violation	Technical violations <sup>b</sup>			New crime <sup>c</sup>	Administrative case closures
			Drug use	Fugitive status	Other		
<b>All offenses</b>	17,433	83.9%	2.6%	1.7%	6.0%	3.8%	1.9%
<b>Felonies</b>	9,410	86.4%	2.2%	1.2%	4.7%	3.4%	2.1%
<b>Violent offenses</b>	233	73.0%	5.2%	2.6%	8.6%	9.9%	0.9%
Murder <sup>d</sup>	18	83.3	0	0	11.1	5.6	0
Negligent manslaughter	7	—	—	—	—	—	—
Assault	45	64.4	6.7	6.7	11.1	8.9	2.2
Robbery	86	61.6	10.5	3.5	8.1	15.1	1.2
Rape	25	80.0	0	0	12.0	8.0	0
Other sex offenses <sup>d</sup>	43	90.7	0	0	4.7	4.7	0
Kidnaping	7	—	—	—	—	—	—
Threats against the President	2	—	—	—	—	—	—
<b>Property offenses</b>	5,315	86.1%	1.8%	1.3%	5.2%	3.6%	2.1%
<b>Fraudulent</b>	4,269	87.3%	1.4%	1.2%	4.9%	3.2%	2.1%
Embezzlement	723	92.0	0.8	1.0	3.3	2.1	0.8
Fraud <sup>d</sup>	3,023	87.4	1.2	1.1	4.8	3.2	2.2
Forgery	265	80.4	2.3	1.9	8.7	4.9	1.9
Counterfeiting	258	80.2	3.9	1.6	7.0	3.5	3.9
<b>Other</b>	1,046	80.9%	3.7%	1.6%	6.4%	5.3%	2.1%
Burglary	30	76.7	0	0	6.7	13.3	3.3
Larceny <sup>d</sup>	770	79.3	4.0	2.0	7.3	5.3	2.1
Motor vehicle theft	91	86.8	4.4	0	4.4	2.2	2.2
Arson and explosives	40	90.0	2.5	0	2.5	2.5	2.5
Transportation and stolen property	99	85.9	3.0	1.0	3.0	5.1	2.0
Other property offenses <sup>d</sup>	16	75.0	0	6.3	6.3	12.5	0
<b>Drug offenses</b>	1,564	85.3%	3.8%	1.4%	3.9%	3.4%	2.2%
Trafficking	1,451	85.6	3.7	1.4	3.6	3.4	2.3
Possession and other drug offenses	113	81.4	5.3	0.9	8.0	3.5	0.9
<b>Public-order offenses</b>	2,277	89.4%	1.6%	0.8%	3.6%	2.3%	2.4%
<b>Regulatory</b>	545	91.4%	1.3%	0.9%	3.1%	1.3%	2.0%
Agriculture	24	95.8	0	0	0	0	4.2
Antitrust	16	100	0	0	0	0	0
Food and drug	28	96.4	0	3.6	0	0	0
Transportation	32	87.5	3.1	0	3.1	3.1	3.1
Civil rights	13	84.6	7.7	0	0	0	7.7
Communications	32	90.6	3.1	0	3.1	3.1	0
Custom laws	24	91.7	4.2	0	0	0	4.2
Postal laws	31	87.1	0	3.2	6.5	0	3.2
Other regulatory offenses	345	91.3	0.9	0.9	3.8	1.4	1.7
<b>Other</b>	1,732	88.7%	1.7%	0.8%	3.8%	2.6%	2.5%
Weapons	375	81.9	5.1	0.5	5.3	4.5	2.7
Immigration offenses	193	77.2	1.0	4.1	10.4	4.7	2.6
Tax law violations <sup>d</sup>	574	95.1	0.5	0.2	1.4	1.0	1.7
Bribery	135	97.8	0	0	1.5	0	0.7
Perjury, contempt, and intimidation	71	91.5	0	2.8	0	1.4	4.2
National defense	9	—	—	—	—	—	—
Escape	42	76.2	7.1	0	4.8	9.5	2.4
Racketeering and extortion	135	88.9	0	0	3.7	3.0	4.4
Gambling	143	96.5	0.7	0	0.7	0	2.1
Obscene material <sup>d</sup>	11	81.8	0	0	0	0	18.2
Migratory birds	1	—	—	—	—	—	—
All other offenses	43	72.1	2.3	0	14.0	9.3	2.3
<b>Misdemeanors<sup>d</sup></b>	8,023	81.0%	3.1%	2.3%	7.5%	4.3%	1.7%
Fraudulent property offense	2,074	83.5	2.1	2.3	6.3	4.0	1.9
Larceny	766	86.3	2.7	1.7	4.8	2.5	2.0
Drug possession <sup>d</sup>	942	79.6	3.8	2.3	7.9	4.8	1.6
Immigration	1,472	77.0	6.2	1.8	8.7	4.8	1.5
Traffic offenses	250	74.4	2.0	7.6	7.2	7.6	1.2
Other misdemeanors	2,519	80.9	2.1	2.4	8.5	4.5	1.6

Note: Total includes 1 offender whose reason for termination could not be determined; percentages were based on the 17,432 offenders whose reason could be determined. Offenses for 21 felony offenders could not be classified. See *Chapter notes*, item 1, p. 88.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 2, p. 88, and "Offense classifications" in *Methodology*, p. 91.

<sup>b</sup>Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

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

**Table 6.2. Characteristics of offenders terminating probation supervision, October 1, 1995 - September 30, 1996**

Offender characteristic	Number of probation terminations	Percent of probation supervisions terminating with—					New crime <sup>b</sup>	Administrative case closures
		No violation	Technical violations <sup>a</sup>					
			Drug use	Fugitive status	Other			
<b>All offenders<sup>c</sup></b>	17,433	83.9%	2.6%	1.7%	6.0%	3.8%	1.9%	
<b>Sex</b>								
Male	12,875	82.9%	2.6%	1.9%	6.3%	4.2%	2.0%	
Female	4,550	86.8	2.6	1.2	5.1	2.7	1.6	
<b>Race</b>								
White	12,149	86.8%	2.2%	1.4%	4.6%	3.2%	1.9%	
Black	4,275	76.4	4.0	2.5	9.5	5.6	2.1	
Other	871	81.1	1.8	2.3	8.3	4.7	1.8	
<b>Ethnicity</b>								
Hispanic	1,609	88.6%	0%	2.3%	4.5%	4.5%	0%	
Non-Hispanic	15,824	83.9	2.6	1.7	6.0	3.8	1.9	
<b>Age</b>								
16-18 years	129	69.0%	3.1%	3.1%	14.0%	7.0%	3.9%	
19-20 years	517	70.2	5.2	2.7	11.6	8.5	1.7	
21-30 years	4,642	78.3	3.7	2.4	8.5	5.9	1.3	
31-40 years	5,142	82.8	3.4	2.1	6.5	3.7	1.5	
Over 40 years	6,976	89.8	1.2	0.9	3.4	2.2	2.6	
<b>Education</b>								
Less than high school graduate	4,457	78.7%	3.9%	2.3%	8.0%	4.8%	2.4%	
High school graduate	6,579	83.5	2.8	1.9	5.9	4.3	1.6	
Some college	4,136	86.9	2.0	1.2	5.1	2.8	2.1	
College graduate	1,961	92.9	0.7	0.5	3.1	1.3	1.6	
<b>Drug abuse</b>								
No known abuse	14,062	87.1%	1.2%	1.6%	5.0%	3.1%	2.0%	
Drug history	3,366	70.9	8.5	2.4	10.0	6.7	1.6	

Note: Total includes terminations of supervision for 1 offender whose offense category was missing or indeterminable; see *Chapter notes*, item 1, p. 88.

<sup>a</sup>Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

<sup>b</sup>Supervision terminated with incarceration or removal to inactive status after arrest for a "major" or "minor" offense.

<sup>c</sup>Includes offenders with unknown characteristics.

**Table 6.3. Outcomes of parole or supervised release, by offense, October 1, 1995 - September 30, 1996**

Most serious offense of conviction <sup>a</sup>	Number of parole or supervised release terminations	Percent of probation supervisions terminating with—					
		No violation	Technical violations <sup>b</sup>			New crime <sup>c</sup>	Administrative case closures
			Drug use	Fugitive status	Other		
<b>All offenses</b>	19,874	63.6%	8.3%	4.0%	9.3%	11.4%	3.4%
<b>Felonies</b>	19,129	63.5%	8.4%	4.0%	9.2%	11.5%	3.4%
<b>Violent offenses</b>	2,085	43.2%	15.4%	7.4%	12.7%	17.6%	3.7%
Murder <sup>d</sup>	94	61.7	3.2	5.3	8.5	16.0	5.3
Negligent manslaughter	13	76.9	0	7.7	0	15.4	0
Assault	192	55.7	5.2	4.2	8.3	22.9	3.6
Robbery	1,508	37.5	19.2	7.8	13.9	18.0	3.6
Rape	108	57.4	3.7	8.3	20.4	7.4	2.8
Other sex offenses <sup>d</sup>	85	78.8	4.7	3.5	2.4	7.1	3.5
Kidnaping	67	34.3	14.9	10.4	7.5	25.4	7.5
Threats against the President	18	44.4	5.6	22.2	11.1	16.7	0
<b>Property offenses</b>	5,338	67.6%	5.2%	4.5%	9.9%	10.6%	2.3%
<b>Fraudulent</b>	4,018	70.6%	4.4%	4.0%	9.2%	9.6%	2.3%
Embezzlement	681	83.1	2.5	3.1	6.3	4.1	0.9
Fraud <sup>d</sup>	2,756	69.7	3.8	3.9	9.3	10.6	2.6
Forgery	277	59.9	10.1	5.4	13.0	9.4	2.2
Counterfeiting	304	60.2	8.2	5.9	11.2	12.5	2.0
<b>Other</b>	1,320	58.4%	7.6%	5.9%	12.0%	13.6%	2.5%
Burglary	131	40.5	9.9	5.3	17.6	21.4	5.3
Larceny <sup>d</sup>	725	56.0	9.4	6.6	12.8	13.1	2.1
Motor vehicle theft	199	62.3	3.0	6.5	8.0	17.1	3.0
Arson and explosives	94	70.2	8.5	4.3	7.4	8.5	1.1
Transportation and stolen property	157	72.0	1.9	3.8	10.2	9.6	2.5
Other property offenses <sup>d</sup>	14	64.3	14.3	0	21.4	0	0
<b>Drug offenses</b>	8,171	65.2%	9.4%	2.7%	8.1%	10.5%	4.1%
Trafficking	7,696	66.4	9.2	2.6	7.7	10.3	3.8
Possession and other drug offenses	475	45.7	13.1	4.4	14.9	13.9	8.0
<b>Public-order offenses</b>	3,517	65.2%	6.7%	4.4%	8.7%	11.7%	3.4%
<b>Regulatory</b>	502	78.3%	4.8%	4.8%	5.0%	4.8%	2.4%
Agriculture	18	77.8	0	5.6	5.6	0	11.1
Antitrust	11	100	0	0	0	0	0
Food and drug	9	—	—	—	—	—	—
Transportation	24	79.2	4.2	12.5	4.2	0	0
Civil rights	28	82.1	7.1	0	0	7.1	3.6
Communications	23	78.3	4.3	0	8.7	4.3	4.3
Custom laws	27	63.0	7.4	14.8	7.4	0	7.4
Postal laws	20	45.0	10.0	10.0	20.0	15.0	0
Other regulatory offenses	342	80.4	4.7	3.8	4.4	5.0	1.8
<b>Other</b>	3,015	63.1%	7.0%	4.3%	9.3%	12.9%	3.5%
Weapons	1,457	56.3	10.3	4.3	11.8	13.9	3.4
Immigration offenses	423	52.0	1.7	6.4	8.3	24.3	7.3
Tax law violations <sup>d</sup>	266	89.1	1.1	0	5.6	1.9	2.3
Bribery	99	88.9	2.0	1.0	3.0	4.0	1.0
Perjury, contempt, and intimidation	91	73.6	6.6	1.1	5.5	11.0	2.2
National defense	15	86.7	0	6.7	0	6.7	0
Escape	179	35.8	11.7	15.6	12.3	21.8	2.8
Racketeering and extortion	349	79.9	5.2	2.3	5.7	4.9	2.0
Gambling	69	94.2	1.4	0	1.4	0	2.9
Obscene material <sup>d</sup>	13	100	0	0	0	0	0
Migratory birds	2	—	—	—	—	—	—
All other offenses	52	61.5	3.8	1.9	13.5	15.4	3.8
<b>Misdemeanors<sup>d</sup></b>	745	66.8%	7.9%	3.2%	10.7%	8.2%	3.1%
Fraudulent property offense	158	70.9	3.8	1.9	6.3	12.0	5.1
Larceny	81	63.0	11.1	2.5	12.3	7.4	3.7
Drug possession <sup>d</sup>	116	60.3	7.8	4.3	12.9	11.2	3.4
Immigration	251	63.3	12.4	4.0	11.2	7.6	1.6
Traffic offenses	8	—	—	—	—	—	—
Other misdemeanors	131	76.3	3.1	1.5	13.0	3.1	3.1

Note: Total includes termination of supervision for 1 offender whose outcomes was missing. Percentages were based on the 19,873 offenders whose reason for termination could be determined. In addition, offenses for 18 felony offenders could not be determined; see *Chapter notes*, item 1, p. 88.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>See *Chapter notes*, item 2, p. 88, and "Offense classifications" in *Methodology*, p. 91.

<sup>b</sup>Supervision terminated with incarceration or removal to inactive status for violation of supervision conditions other than charges for new offenses.

<sup>c</sup>Supervision terminated with incarceration or removal to inactive status after arrest

for a "major" or "minor" offense.

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



**Table 6.4. Characteristics of offenders terminating parole or supervised release, October 1, 1995 - September 30, 1996**

Offender characteristic	Number of terminations of parole or supervised release	Percent terminating supervisions with—					New crime <sup>b</sup>	Administrative case closures
		No violation	Technical violations <sup>a</sup>					
			Drug use	Fugitive status	Other			
<b>All offenders<sup>c</sup></b>	19,874	63.6%	8.3%	4.0%	9.3%	11.4%	3.4%	
<b>Sex</b>								
Male	17,193	61.7%	8.6%	4.2%	9.6%	12.3%	3.6%	
Female	2,677	75.9	6.5	2.7	7.3	5.6	1.9	
<b>Race</b>								
White	13,468	69.3%	6.6%	3.8%	7.4%	9.4%	3.4%	
Black	5,597	50.0	12.9	4.3	13.4	16.1	3.3	
Other	675	61.2	6.2	5.2	12.1	13.0	2.2	
<b>Ethnicity</b>								
Hispanic	3,017	76.4%	1.8%	0%	5.5%	10.9%	5.5%	
Non-Hispanic	16,857	63.6	8.4	4.0	9.3	11.4	3.4	
<b>Age</b>								
16-18 years	3	—	—	—	—	—	—	
19-20 years	92	31.5	9.8	7.6	23.9	26.1	1.1	
21-30 years	4,210	49.8	12.0	5.7	14.0	15.6	2.9	
31-40 years	7,044	61.5	9.3	3.9	10.0	12.3	3.0	
Over 40 years	8,514	72.5	5.7	3.1	6.2	8.4	4.1	
<b>Education</b>								
Less than high school graduate	7,860	56.1%	10.3%	5.1%	10.9%	14.1%	3.6%	
High school graduate	6,735	64.6	8.7	3.5	9.2	10.9	3.0	
Some college	3,695	70.2	6.3	3.1	8.0	9.1	3.2	
College graduate	1,446	84.9	1.4	1.7	4.5	4.9	2.6	
<b>Drug abuse</b>								
No known abuse	10,922	73.2%	2.7%	3.5%	7.3%	9.7%	3.7%	
Drug history	8,951	51.9	15.2	4.6	11.7	13.6	3.1	

Note: Total includes terminations of supervision for 1 offender whose offense category was missing or indeterminable; see *Chapter notes*, item 1, p. 88.

—Too few cases to obtain statistically reliable data.

<sup>a</sup>Violation of supervision conditions other than charges for new offenses.

<sup>b</sup>Includes both "major" and "minor" offenses.

<sup>c</sup>Includes offenders with unknown characteristics.

**Table 6.5. Supervision outcomes for offenders entering supervision, by type of release, October 1, 1995 - September 30, 1996**

Type of release	Total offenders entering supervision during 1996	Total offenders with 12 or more months of supervision ordered	Percent of offenders entering supervision during 1996 who had violations during the first year of supervision				
			All violations	Technical violations <sup>a</sup>			New crime <sup>b</sup>
				Drug use	Fugitive status	Other	
<b>All offenders</b>	39,740	35,663	12.4%	3.3%	1.9%	3.6%	3.6%
<b>Parole</b>	2,321	2,103	26.3%	9.8%	3.2%	5.9%	7.4%
<b>Supervised release</b>	21,503	20,431	12.7%	3.5%	2.1%	3.4%	3.8%
<b>Mandatory release</b>	881	581	17.0%	4.5%	2.6%	3.6%	6.4%
<b>Probation imposed</b>	15,035	12,548	9.3%	1.9%	1.4%	3.6%	2.5%
Felonies	7,163	6,467	6.0	1.3	0.8	2.1	1.7
Misdemeanors	7,872	6,081	12.9	2.5	2.0	5.1	3.3

<sup>a</sup>Removal to inactive supervision or return to incarceration for violation of supervision conditions other than charges for new offenses; see *Chapter notes*, item 3, p. 88.

<sup>b</sup>Removal to inactive supervision or return to incarceration after arrest for a "major" or "minor" offense.

**Table 6.6. Federal offenders under supervision, by offense, September 30, 1996**

Most serious offense of conviction <sup>a</sup>	Total offenders under supervision		Type of supervision					
	Number	Percent	Probation		Supervised release		Parole	
			Number	Percent	Number	Percent	Number	Percent
<b>All offenses<sup>b</sup></b>	88,189	100%	33,645	100%	45,975	100%	8,569	100%
<b>Felonies</b>	76,851	87.3%	23,001	68.6%	45,296	98.7%	8,554	99.9%
<b>Violent offenses</b>	5,036	5.7%	618	1.8%	2,462	5.4%	1,956	22.8%
Murder <sup>c</sup>	267	0.3	47	0.1	87	0.2	133	1.6
Negligent manslaughter	25	—	13	—	12	—	0	...
Assault	426	0.5	135	0.4	237	0.5	54	0.6
Robbery	3,531	4.0	216	0.6	1,745	3.8	1,570	18.3
Rape	306	0.3	81	0.2	173	0.4	52	0.6
Other sex offenses <sup>c</sup>	269	0.3	104	0.3	133	0.3	32	0.4
Kidnaping	176	0.2	12	—	49	0.1	115	1.3
Threats against the President	36	—	10	—	26	0.1	0	...
<b>Property offenses</b>	27,208	30.9%	13,243	39.5%	12,930	28.2%	1,035	12.1%
<b>Fraudulent</b>	22,034	25.0%	10,692	31.9%	10,710	23.3%	632	7.4%
Embezzlement	3,711	4.2	1,519	4.5	2,123	4.6	69	0.8
Fraud <sup>c</sup>	16,173	18.4	8,133	24.2	7,585	16.5	455	5.3
Forgery	822	0.9	425	1.3	331	0.7	66	0.8
Counterfeiting	1,328	1.5	615	1.8	671	1.5	42	0.5
<b>Other</b>	5,174	5.9%	2,551	7.6%	2,220	4.8%	403	4.7%
Burglary	270	0.3	45	0.1	154	0.3	71	0.8
Larceny <sup>c</sup>	3,453	3.9	1,982	5.9	1,298	2.8	173	2.0
Motor vehicle theft	485	0.6	160	0.5	280	0.6	45	0.5
Arson and explosives	324	0.4	83	0.2	180	0.4	61	0.7
Transportation of stolen property	578	0.7	247	0.7	279	0.6	52	0.6
Other property offenses <sup>c</sup>	64	0.1	34	0.1	29	0.1	1	—
<b>Drug offenses</b>	31,859	36.2%	3,891	11.6%	23,141	50.4%	4,827	56.4%
Trafficking	28,517	32.4	3,443	10.3	20,563	44.8	4,511	52.7
Other drug offenses	3,342	3.8	448	1.3	2,578	5.6	316	3.7
<b>Public-order offenses</b>	12,590	14.3%	5,157	15.4%	6,701	14.6%	732	8.5%
<b>Regulatory</b>	2,104	2.4%	1,209	3.6%	840	1.8%	55	0.6%
Agriculture	81	0.1	43	0.1	36	0.1	2	—
Antitrust	34	—	27	0.1	7	—	0	...
Food and drug	66	0.1	41	0.1	25	0.1	0	...
Transportation	84	0.1	45	0.1	33	0.1	6	0.1
Civil rights	95	0.1	18	0.1	65	0.1	12	0.1
Communications	121	0.1	76	0.2	45	0.1	0	...
Custom laws	91	0.1	55	0.2	34	0.1	2	—
Postal laws	128	0.1	84	0.3	40	0.1	4	—
Other regulatory offenses	1,404	1.6	820	2.4	555	1.2	29	0.3
<b>Other</b>	10,486	11.9%	3,948	11.8%	5,861	12.8%	677	7.9%
Weapons	3,832	4.4	675	2.0	2,947	6.4	210	2.5
Immigration offenses	1,180	1.3	548	1.6	620	1.4	12	0.1
Tax law violations <sup>c</sup>	1,978	2.2	1,354	4.0	535	1.2	89	1.0
Bribery	483	0.5	273	0.8	200	0.4	10	0.1
Perjury, contempt, and intimidation	327	0.4	133	0.4	170	0.4	24	0.3
National defense	50	0.1	19	0.1	28	0.1	3	—
Escape	350	0.4	79	0.2	227	0.5	44	0.5
Racketeering and extortion	1,611	1.8	484	1.4	859	1.9	268	3.1
Gambling	356	0.4	230	0.7	120	0.3	6	0.1
Obscene material <sup>c</sup>	61	0.1	32	0.1	26	0.1	3	—
Migratory birds	16	—	14	—	2	—	0	...
All other offenses	242	0.3	107	0.3	127	0.3	8	0.1
<b>Misdemeanors<sup>c</sup></b>	11,338	12.9%	10,644	31.7%	679	1.5%	15	0.2%
Fraudulent property offenses	3,039	3.5	2,882	8.6	148	0.3	9	0.1
Larceny	1,544	1.8	1,473	4.4	70	0.2	1	—
Drug possession <sup>c</sup>	1,459	1.7	1,367	4.1	90	0.2	2	—
Immigration misdemeanors	2,100	2.4	1,876	5.6	221	0.5	3	—
Traffic offenses	292	0.3	281	0.8	11	—	0	...
Other misdemeanors	2,904	3.3	2,765	8.2	139	0.3	0	...
<b>Unknown or indeterminable offense</b>	158		92		62		4	

—Less than .05%.

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

<sup>a</sup>See Chapter notes, item 2, p. 88, and "Offense classifications" in *Methodology*, p. 91.

<sup>b</sup>Total includes offenders whose offense category could not be determined; see Chapter notes, item 4, p. 88.

<sup>c</sup>In this table, "Murder" includes nonnegligent manslaughter; "Other sex

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

**Table 6.7. Number of first releases from Federal prison, by release method and sentence length, October 1, 1995 - September 30, 1996**

Most serious original offense of conviction <sup>a</sup>	Total	Standard <sup>b</sup>	Extraordinary means				
			Drug treatment	Treaty transfer	Sentence commutation	Death	Other <sup>c</sup>
<b>All cases</b>							
<b>All prisoners</b>	30,251	28,073	852	441	512	210	163
<b>Violent offenses</b>	1,757	1,681	14	3	13	44	2
<b>Property offenses</b>	6,090	5,958	31	2	49	14	36
Fraudulent	4,933	4,828	25	1	38	11	30
Other	1,157	1,130	6	1	11	3	6
<b>Drug offenses</b>	12,786	11,116	754	419	273	115	109
<b>Public-order offenses</b>	9,378	9,086	51	17	172	36	16
Regulatory	596	574	7	2	7	0	6
Other	8,782	8,512	44	15	165	36	10
<b>Other prisoners<sup>d</sup></b>	240	232	2	0	5	1	0
<b>Sentences greater than 1 year</b>							
<b>All prisoners</b>	21,832	19,691	852	441	479	206	163
<b>Violent offenses</b>	1,626	1,553	14	3	11	43	2
<b>Property offenses</b>	3,571	3,451	31	2	37	14	36
Fraudulent	2,852	2,755	25	1	30	11	30
Other	719	696	6	1	7	3	6
<b>Drug offenses</b>	11,809	10,144	754	419	269	114	109
<b>Public-order offenses</b>	4,704	4,428	51	17	158	34	16
Regulatory	416	394	7	2	7	0	6
Other	4,288	4,034	44	15	151	34	10
<b>Other prisoners<sup>d</sup></b>	122	115	2	0	4	1	0

Note: Total includes prisoners whose offense category could not be determined. Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 5-8, p. 88.

<sup>a</sup>See *Chapter notes*, item 5, p. 88, and "Offense classifications" in *Methodology*, p. 91.

<sup>b</sup>Standard releases include expirations, mandatory release, and release to parole.

<sup>c</sup>Other extraordinary releases include escape and intensive confinement programs.

<sup>d</sup>Offense not classifiable or not a violation of U.S. Code.

**Table 6.8. Average time to first release and percent of sentence served, for prisoners released by standard methods, October 1, 1995 - September 30, 1996**

Most serious original offense of conviction <sup>a</sup>	All offenders			Prisoners with sentences of 1 year or less			Prisoners with sentences over 1 year			
	Number of prisoners released <sup>b</sup>	Mean time served	Median time served	Number of prisoners released <sup>b</sup>	Mean time served	Median time served	Number of prisoners released <sup>b</sup>	Mean time served	Median time served	Percent of sentence served
<b>All prisoners</b>	28,073	28.2 mo	20.9 mo	8,382	4.8 mo	4.0 mo	19,691	38.2 mo	31.4 mo	87.0%
<b>Violent offenses</b>	1,681	54.3 mo	43.5 mo	128	5.3 mo	5.9 mo	1,553	58.3 mo	45.2 mo	81.8%
Murder/manslaughter <sup>c</sup>	68	74.0	49.7	12	6.6	6.0	56	88.4	65.4	75.9
Assault	241	27.8	23.6	70	4.6	4.5	171	37.3	31.4	87.9
Robbery	1,199	59.9	49.6	30	6.0	5.5	1,169	61.3	49.7	81.1
Rape	5	—	—	0	...	...	5	—	—	—
Other sex offenses <sup>c</sup>	122	31.8	20.9	15	6.2	6.0	107	35.4	23.6	85.4
Kidnaping	32	87.2	52.3	0	...	...	32	87.2	52.3	74.6
Threats against the President	14	29.9	20.3	1	—	—	13	31.9	22.2	86.1
<b>Property offenses</b>	5,958	15.6 mo	12.0 mo	2,507	5.2 mo	5.0 mo	3,451	23.2 mo	18.3 mo	86.9%
<b>Fraudulent</b>	4,828	14.8 mo	11.4 mo	2,073	5.1 mo	5.0 mo	2,755	22.0 mo	18.3 mo	86.8%
Embezzlement	401	8.9	5.9	250	4.1	4.0	151	17.0	13.1	86.7
Fraud <sup>c</sup>	3,982	15.5	12.0	1,622	5.2	5.0	2,360	22.6	18.3	86.6
Forgery	166	11.8	10.0	88	5.6	5.6	78	18.9	15.7	87.7
Counterfeiting	279	14.5	12.0	113	6.1	6.0	166	20.3	15.7	89.3
<b>Other</b>	1,130	19.3 mo	13.1 mo	434	5.5 mo	5.0 mo	696	27.9 mo	20.9 mo	87.4%
Burglary	57	27.8	20.9	10	—	—	47	32.2	23.5	85.6
Larceny <sup>c</sup>	583	13.1	9.0	323	5.4	5.0	260	22.5	15.7	90.4
Motor vehicle theft	103	23.8	17.5	21	5.6	5.9	82	28.4	20.9	84.0
Arson and explosives	42	36.6	26.2	5	—	—	37	40.7	30.1	83.5
Transportation and stolen property	121	23.6	18.6	29	6.6	6.0	92	28.9	23.6	84.1
Other property offenses <sup>c</sup>	224	25.6	21.6	46	4.4	4.0	178	31.0	23.9	87.5
<b>Drug offenses</b>	11,116	40.3 mo	36.5 mo	972	7.1 mo	6.0 mo	10,144	43.5 mo	40.7 mo	87.6%
Trafficking	10,733	41.4	39.1	676	8.0	6.0	10,057	43.7	41.0	87.6
Possession and other drug offenses	383	9.3	6.0	296	4.9	5.9	87	24.3	12.2	95.5
<b>Public-order offenses</b>	9,086	17.2 mo	10.0 mo	4,658	4.0 mo	3.9 mo	4,428	31.1 mo	21.3 mo	87.5%
<b>Regulatory</b>	574	19.1 mo	15.0 mo	180	5.8 mo	5.0 mo	394	25.2 mo	18.3 mo	86.8%
Agriculture	2	—	—	0	...	...	2	—	—	—
Antitrust	6	—	—	5	—	—	1	—	—	—
Labor law	1	—	—	0	...	...	1	—	—	—
Food and drug	6	—	—	2	—	—	4	—	—	—
Other regulatory offenses	559	19.3	15.6	173	5.8	5.0	386	25.4	18.3	86.7
<b>Other</b>	8,512	17.1 mo	9.0 mo	4,478	4.0 mo	3.8 mo	4,034	31.6 mo	21.6 mo	87.5%
Weapons	1,692	37.9	32.3	154	7.7	6.0	1,538	40.9	35.9	89.1
Immigration offenses	4,794	8.3	5.0	3,498	3.9	3.3	1,296	20.0	20.9	88.0
Tax law violations <sup>c</sup>	332	15.4	11.6	142	5.1	5.0	190	23.2	15.7	84.4
Bribery	82	16.0	12.0	30	5.7	5.0	52	22.0	16.6	87.7
Perjury, contempt, and intimidation	56	18.1	14.8	18	5.3	5.0	38	24.2	18.3	85.3
National defense	20	29.1	24.8	3	—	—	17	33.1	26.4	83.4
Escape	188	22.0	15.7	50	7.0	7.0	138	27.5	19.3	87.7
Racketeering and extortion	734	35.7	28.8	74	5.7	5.0	660	39.1	32.2	84.0
Gambling	1	—	—	1	—	—	0	...	...	...
Liquor	1	—	—	1	—	—	0	...	...	...
Obscene material <sup>c</sup>	48	17.9	13.7	11	4.2	4.0	37	22.0	15.7	88.0
Traffic	465	2.1	0.4	445	1.6	0.3	20	12.9	12.0	95.9
Migratory birds	30	7.0	4.9	22	3.6	4.0	8	—	—	—
All other offenses	69	15.3	12.0	29	4.9	6.0	40	22.8	15.7	87.2
<b>Other prisoners<sup>d</sup></b>	232	14.9 mo	10.2 mo	117	4.5 mo	5.0 mo	115	25.4 mo	20.9 mo	90.1%

Note: Total includes prisoners whose offense category could not be determined. Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 5-8, p. 88.

—Too few cases to obtain statistically reliable data.

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

<sup>a</sup>See *Chapter notes*, item 5, p. 88, and "Offense classifications" in *Methodology*, p. 91.

<sup>b</sup>This column excludes prisoners who left Federal prison by extraordinary means, such as death, sentence commutation, and treaty transfer. The total number of prisoners who left prison due to extraordinary means in fiscal year 1996 was 2,178. See table 6.7, p. 81.

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

<sup>d</sup>Offense not classifiable or not a violation of U.S. Code.

**Table 6.9. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods during October 1, 1995 - September 30, 1996**

Sentence imposed <sup>a</sup>	Number of months served for <sup>b</sup> —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
<b>All offenders</b>							
All releases	28.2 mo	54.3 mo	14.8 mo	19.3 mo	40.3 mo	19.1 mo	17.1 mo
1-12 mo <sup>c</sup>	4.8	5.3	5.1	5.5	7.1	5.8	4.0
13-24	14.4	14.6	13.6	14.3	15.1	14.5	14.3
25-36	24.4	25.4	24.1	25.0	25.2	24.5	23.2
37-48	35.2	36.2	33.8	35.6	35.1	33.6	35.6
49-60	45.3	46.6	43.9	44.7	45.1	43.8	45.7
61-72	54.2	56.8	48.6	53.6	54.5	53.6	53.0
73-84	66.3	67.4	59.7	—	66.6	—	65.5
85-96	74.8	76.0	59.8	—	75.0	—	75.2
97-108	82.8	82.1	—	—	83.4	—	83.7
109-120	90.8	—	—	...	91.2	—	88.9
121-144	**	**	**	**	**	**	**
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence	**	**	**	**	**	**	**
<b>Old law offenders</b>							
All releases	80.9 mo	127.3 mo	33.0 mo	70.7 mo	82.4 mo	52.6 mo	70.1 mo
1-12 mo <sup>c</sup>	5.0	...	4.5	—	—	—	6.3
13-24	11.9	—	11.1	—	—	—	11.3
25-36	20.4	—	18.5	—	19.2	—	18.8
37-48	24.2	—	23.5	—	25.1	—	—
49-60	30.8	—	26.6	—	—	—	—
61-72	39.5	—	37.0	—	38.1	—	38.8
73-84	46.5	—	—	—	47.3	—	—
85-96	53.9	—	—	...	55.7	—	—
97-108	58.3	—	—	—	58.8	—	—
109-120	68.0	—	—	...	—	...	—
121-144	71.0	79.3	—	—	71.6	—	63.6
145-180	85.9	103.9	—	—	84.5	...	—
181-240	104.0	113.1	80.2	—	102.4	—	106.4
241-300	120.9	131.2	—	—	108.4	—	130.8
Over 300	148.0	155.6	—	—	132.6	—	145.7
Life sentence	—	—	...	...	...	...	...
<b>New law offenders</b>							
All releases	25.3 mo	39.0 mo	13.9 mo	16.6 mo	37.7 mo	17.5 mo	15.5 mo
1-12 mo <sup>c</sup>	4.8	5.3	5.2	5.4	7.1	5.8	4.0
13-24	14.4	14.6	13.7	14.3	15.2	14.5	14.4
25-36	24.5	25.5	24.3	24.5	25.3	24.6	23.3
37-48	35.5	36.2	35.1	35.9	35.3	33.7	35.9
49-60	45.6	46.7	46.0	47.4	45.2	45.6	46.0
61-72	54.8	56.4	53.7	56.9	54.8	55.6	54.0
73-84	67.2	67.6	—	—	67.3	—	66.5
85-96	76.4	76.3	—	—	76.4	—	76.9
97-108	85.4	85.4	—	...	85.3	...	86.7
109-120	95.6	—	—	...	95.4	—	96.3
121-144	**	**	**	**	**	**	**
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence	**	**	**	**	**	**	**

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia. See *Chapter notes*, items 5-8, p. 88.  
 —Too few cases to obtain statistically reliable data.  
 ...No case of this type occurred within the data.  
 \*\*As of fiscal year 1996, new law inmates who were sentenced to more than 126 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and

death), because the Federal Sentencing Guidelines took effect as of November 1987. See table 6.7, p. 81.  
<sup>a</sup>Sentence for the single most serious offense.  
<sup>b</sup>See *Chapter notes*, item 5, p. 88, and "Offense classifications" in *Methodology*, p. 91.  
<sup>c</sup>The interval includes days up through the upper bound and days to upper bound of the previous interval.

**Table 6.10. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods during October 1, 1995 - September 30, 1996**

Sentence imposed <sup>a</sup>	Percent of sentence served for <sup>b</sup> —						
	All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
			Fraudulent	Other		Regulatory	Other
<b>All offenders</b>							
All releases	89.9%	83.0%	92.2%	91.6%	87.0%	90.8%	93.3%
1-12 mo <sup>c</sup>	99.4	99.8	99.4	99.9	99.6	99.6	99.4
13-24	89.3	89.6	89.2	89.7	89.4	89.2	89.1
25-36	87.3	87.5	86.7	87.5	87.5	87.1	87.3
37-48	87.2	87.9	84.5	88.0	87.4	86.8	87.2
49-60	87.0	88.0	83.6	84.4	87.3	85.0	87.1
61-72	86.7	87.7	79.3	83.2	87.1	84.7	86.1
73-84	86.8	87.9	78.6	—	87.0	—	86.3
85-96	85.9	87.9	70.4	—	86.1	—	85.7
97-108	84.5	82.6	—	—	85.4	—	84.7
109-120	83.1	—	—	...	83.6	—	80.9
121-144	**	**	**	**	**	**	**
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence <sup>d</sup>	**	**	**	**	**	**	**
<b>Old law offenders</b>							
All releases	57.8%	53.6%	63.9%	58.0%	55.9%	62.6%	61.9%
1-12 mo <sup>c</sup>	82.8	...	81.9	—	—	—	84.6
13-24	75.7	—	73.2	—	—	—	78.2
25-36	70.7	—	69.8	—	69.6	—	73.0
37-48	65.2	—	62.4	—	68.9	—	—
49-60	61.9	—	53.0	—	—	—	—
61-72	62.9	—	61.6	—	61.3	—	64.0
73-84	63.3	—	—	—	64.6	—	—
85-96	63.1	—	—	...	65.4	—	—
97-108	59.9	—	—	—	60.3	—	—
109-120	62.9	—	—	...	—	...	—
121-144	58.6	65.7	—	—	59.0	—	53.0
145-180	55.8	66.3	—	—	55.0	...	—
181-240	56.1	59.6	43.1	—	55.5	—	58.3
241-300	49.3	53.8	—	—	44.2	—	53.0
Over 300	40.5	44.0	—	—	33.8	—	40.9
Life sentence <sup>d</sup>	—	—	...	...	...	...	...
<b>New law offenders</b>							
All releases	91.7%	89.1%	93.5%	93.3%	89.0%	92.2%	94.2%
1-12 mo <sup>c</sup>	99.5	99.8	99.7	99.9	99.7	99.8	99.4
13-24	89.5	89.6	89.5	89.9	89.5	89.4	89.3
25-36	87.6	87.7	87.4	87.7	87.6	87.4	87.6
37-48	87.7	88.0	87.2	88.3	87.6	87.3	87.8
49-60	87.6	88.1	87.3	88.8	87.5	87.8	87.6
61-72	87.7	87.9	87.2	87.5	87.7	87.5	87.6
73-84	87.8	88.2	—	—	87.8	—	87.6
85-96	87.7	88.3	—	—	87.6	—	87.6
97-108	87.2	85.8	—	...	87.4	...	87.4
109-120	87.4	—	—	...	87.4	—	87.2
121-144	**	**	**	**	**	**	**
145-180	**	**	**	**	**	**	**
181-240	**	**	**	**	**	**	**
241-300	**	**	**	**	**	**	**
Over 300	**	**	**	**	**	**	**
Life sentence <sup>d</sup>	**	**	**	**	**	**	**

Note: Methods for calculating average time served and percent of sentence served differ from those used in the 1993 and prior compendia; see *Chapter notes*, items 5-8, p. 88.

—Too few cases to obtain statistically reliable data.

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

\*\*As of fiscal year 1996 new law inmates who were sentenced to more than 126 months of imprisonment and were released could only have been released by extraordinary means (such as commutation and death), since the Federal Sentencing Guidelines took effect as of

November 1987. See table 6.7, p. 81.

<sup>a</sup>Sentence for the single most serious offense.

<sup>b</sup>See *Chapter notes*, item 5, p. 88, and "Offense classifications" in *Methodology*, p. 91.

<sup>c</sup>The interval includes days up through the upper bound and days to upper bound of the previous interval.

<sup>d</sup>Life sentence served is based on a life sentence set equal to 470 months, the average life expectancy of a male Federal prisoner with an average age of 32.

**Table 6.11. Admissions and releases of Federal prisoners, by offense, October 1, 1995 - September 30, 1996**

Most serious original offense of conviction <sup>a</sup>	Population at start of year	Prisoners received			Prisoners released			Population at end of year	Net population change
		District court		All other	First release		All other		
		1 year or less	Over 1 year		1 year or less	Over 1 year			
<b>All offenses</b>	87,996	8,118	27,136	12,175	8,419	21,832	12,502	92,672	4,676
<b>Violent offenses</b>	11,401	137	1,886	2,304	131	1,626	2,448	11,523	122
Murder/manslaughter <sup>b</sup>	1,065	12	86	132	13	59	139	1,084	19
Assault	620	72	197	336	71	175	334	645	25
Robbery	8,384	39	1,318	1,494	31	1,227	1,643	8,334	-50
Rape	124	0	1	20	0	5	17	123	-1
Other sex offenses <sup>b</sup>	605	10	199	180	15	113	178	688	83
Kidnaping	536	2	70	58	0	34	61	571	35
Threats against the President	67	2	15	84	1	13	76	78	11
<b>Property offenses</b>	7,780	2,470	3,703	3,410	2,519	3,571	3,492	7,781	1
<b>Fraudulent</b>	5,738	2,023	2,976	2,190	2,081	2,852	2,187	5,807	69
Embezzlement	332	224	178	150	250	154	163	317	-15
Fraud <sup>b</sup>	4,830	1,612	2,544	1,599	1,629	2,448	1,561	4,947	117
Forgery	245	86	72	234	89	79	263	206	-39
Counterfeiting	331	101	182	207	113	171	200	337	6
<b>Other</b>	2,042	447	727	1,220	438	719	1,305	1,974	-68
Burglary	187	14	52	68	10	47	83	181	-6
Larceny <sup>b</sup>	763	319	267	781	326	266	815	723	-40
Motor vehicle theft	204	20	63	95	22	84	100	176	-28
Arson and explosives	178	3	47	30	5	38	39	176	-2
Transportation of stolen property	233	28	100	79	29	94	95	222	-11
Other property offenses <sup>b</sup>	477	63	198	167	46	190	173	496	19
<b>Drug offenses</b>	52,554	868	14,672	3,822	977	11,809	3,936	55,194	2,640
Trafficking	52,170	611	14,592	3,488	680	11,712	3,599	54,870	2,700
Possession and other drug offenses	384	257	80	334	297	97	337	324	-60
<b>Public-order offenses</b>	15,575	4,490	6,574	2,384	4,674	4,704	2,418	17,227	1,652
<b>Regulatory</b>	923	177	421	198	180	416	204	919	-4
Agriculture	3	2	0	0	0	2	1	2	-1
Antitrust	3	4	2	2	5	2	3	1	-2
Labor law	1	0	3	1	0	1	1	3	2
Food and drug	10	2	4	3	2	4	5	8	-2
Transportation	0	1	2	0	0	0	0	3	3
Other regulatory offenses	906	168	410	192	173	407	194	902	-4
<b>Other</b>	14,652	4,313	6,153	2,186	4,494	4,288	2,214	16,308	1,656
Weapons	7,431	142	2,015	758	157	1,711	782	7,696	265
Immigration offenses	3,325	3,340	2,603	309	3,503	1,310	288	4,476	1,151
Tax law violations <sup>b</sup>	385	141	190	122	145	197	149	347	-38
Bribery	118	22	48	14	31	55	18	98	-20
Perjury, contempt, and intimidation	81	26	40	23	18	39	23	90	9
National defense	57	6	20	8	3	17	5	66	9
Escape	303	40	112	83	50	143	110	235	-68
Racketeering and extortion	2,655	78	982	175	75	709	162	2,944	289
Gambling	0	2	0	1	1	0	1	1	1
Liquor	2	0	3	2	1	0	0	6	4
Obscene material <sup>b</sup>	95	10	64	24	11	37	21	124	29
Traffic	70	458	27	601	448	21	573	114	44
Migratory birds	18	18	10	17	22	8	22	11	-7
All other offenses	112	30	39	49	29	41	60	100	-12
<b>Unknown or indeterminable offenses</b>	686	153	301	255	118	122	208	947	261

Note: For further information, see *Chapter notes*, items 5, 6, and 9, p. 88.

<sup>a</sup>See *Chapter notes*, item 5, p. 88, and "Offense classifications" in *Methodology*, p. 91.

<sup>b</sup>In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes

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



**Table 6.12. First releases from prison, by offense and offender characteristics, all releases, October 1, 1995 - September 30, 1996**

Offender characteristic	Total number of released offenders	Percent of released offenders convicted of*—						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
<b>All cases</b>								
Number of releases	30,251	30,251	1,757	4,933	1,157	12,786	596	8,782
<b>Sex</b>								
Male	26,683	88.4%	93.1%	78.9%	88.4%	87.7%	86.4%	94.0%
Female	3,498	11.6	6.9	21.1	11.6	12.3	13.6	6.0
<b>Race</b>								
White	22,216	73.6%	54.1%	71.9%	64.1%	71.2%	81.0%	82.7%
Black	7,100	23.5	32.8	24.1	32.4	27.4	15.8	15.1
Other	865	2.9	13.1	4.0	3.5	1.4	3.2	2.2
<b>Ethnicity</b>								
Hispanic	10,321	34.2%	8.2%	12.6%	8.4%	34.8%	18.7%	55.6%
Non-Hispanic	19,860	65.8	91.8	87.4	91.6	65.2	81.3	44.4
<b>Age</b>								
16-18 years	241	0.8%	1.7%	0.1%	0.8%	0.6%	0.3%	1.4%
19-20 years	1,268	4.2	5.9	1.5	5.6	4.3	2.5	5.2
21-30 years	11,174	37.0	40.8	25.6	32.2	36.9	31.6	44.1
31-40 years	9,923	32.9	33.7	32.1	32.5	35.2	28.9	29.9
Over 40 years	7,575	25.1	17.9	40.6	28.9	23.0	36.6	19.5
<b>Citizenship</b>								
U.S. citizen	19,650	66.0%	95.7%	83.1%	91.8%	69.3%	83.3%	41.0%
Not U.S. citizen	10,127	34.0	4.3	16.9	8.2	30.7	16.7	59.0
<b>New law cases</b>								
Number of releases	28,699	28,699	1,458	4,714	1,102	12,091	567	8,533
<b>Sex</b>								
Male	25,216	88.0%	92.3%	78.4%	88.1%	87.3%	85.7%	93.8%
Female	3,424	12.0	7.7	21.6	11.9	12.7	14.3	6.2
<b>Race</b>								
White	21,066	73.6%	53.9%	71.0%	63.3%	70.8%	80.6%	83.0%
Black	6,744	23.5	31.3	24.9	33.2	27.8	16.0	14.8
Other	830	2.9	14.8	4.1	3.5	1.4	3.4	2.2
<b>Ethnicity</b>								
Hispanic	10,007	34.9%	7.8%	12.9%	8.4%	34.9%	19.4%	56.7%
Non-Hispanic	18,633	65.1	92.2	87.1	91.6	65.1	80.6	43.3
<b>Age</b>								
16-18 years	239	0.8%	2.0%	0.1%	0.8%	0.6%	0.4%	1.4%
19-20 years	1,252	4.4	6.7	1.6	5.9	4.5	2.6	5.2
21-30 years	10,911	38.1	42.1	26.6	32.6	38.2	32.5	44.9
31-40 years	9,374	32.7	31.8	32.9	32.4	34.9	29.6	29.8
Over 40 years	6,864	24.0	17.4	38.8	28.2	21.8	34.9	18.6
<b>Citizenship</b>								
U.S. citizen	18,379	65.1%	95.2%	82.5%	91.8%	69.2%	82.9%	39.6%
Not U.S. citizen	9,869	34.9	4.8	17.5	8.2	30.8	17.1	60.4

Note: Totals include prisoners whose offense category could not be determined; see *Chapter notes*, items 5-8, p. 88.  
 \*See *Chapter notes*, item 5, p. 88, and "Offense classifications" in *Methodology*, p. 91.

**Table 6.13. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics, October 1, 1995 - September 30, 1996**

Offender characteristic	Number of prisoners released	Mean time served for*—						
		All offenses	Violent offenses	Property offenses		Drug offenses	Public-order offenses	
				Fraudulent	Other		Regulatory	Other
<b>All cases</b>								
<b>All prisoners</b>	28,073	28.2 mo	54.3 mo	14.8 mo	19.3 mo	40.3 mo	19.1 mo	17.1 mo
<b>Sex</b>								
Male	24,821	29.0 mo	55.5 mo	15.7 mo	20.5 mo	41.2 mo	19.9 mo	17.2 mo
Female	3,186	21.8	35.2	11.2	9.6	33.5	14.0	14.4
<b>Race</b>								
White	20,610	25.9 mo	55.2 mo	15.1 mo	20.6 mo	38.8 mo	18.9 mo	14.5 mo
Black	6,565	35.3	59.0	14.0	17.0	43.6	20.7	31.2
Other	832	27.1	37.3	13.7	15.6	45.7	17.0	17.3
<b>Ethnicity</b>								
Hispanic	9,647	22.6 mo	55.8 mo	11.1 mo	20.6 mo	39.0 mo	14.5 mo	10.3 mo
Non-Hispanic	18,360	31.1	53.9	15.3	19.1	41.0	20.2	25.8
<b>Age</b>								
16-18 years	235	17.0 mo	38.3 mo	7.5 mo	15.0 mo	26.5 mo	14.9 mo	6.8 mo
19-20 years	1,203	24.6	42.0	10.0	17.4	36.1	15.8	12.0
21-30 years	10,431	26.8	52.9	12.0	18.8	39.0	18.9	14.8
31-40 years	9,117	29.9	60.3	14.2	19.3	41.1	21.4	18.6
Over 40 years	7,021	28.9	50.7	17.2	20.2	42.3	17.8	21.9
<b>Citizenship</b>								
U.S. citizen	18,171	32.2 mo	55.2 mo	15.7 mo	19.3 mo	40.5 mo	19.8 mo	27.7 mo
Not U.S. citizen	9,441	21.0	33.8	11.3	21.4	40.2	16.4	10.1
<b>New law cases</b>								
<b>All prisoners</b>	26,576	25.3 mo	39.0 mo	13.9 mo	16.6 mo	37.7 mo	17.5 mo	15.5 mo
<b>Sex</b>								
Male	23,406	25.8 mo	39.8 mo	14.8 mo	17.7 mo	38.3 mo	18.1 mo	15.6 mo
Female	3,115	21.1	30.1	10.9	8.7	32.7	14.0	14.3
<b>Race</b>								
White	19,507	23.1 mo	40.4 mo	14.0 mo	17.4 mo	36.0 mo	17.1 mo	13.2 mo
Black	6,217	32.0	40.0	13.9	15.2	41.5	19.6	29.0
Other	797	24.0	32.3	13.5	15.8	40.1	17.0	15.6
<b>Ethnicity</b>								
Hispanic	9,346	20.6 mo	37.5 mo	10.9 mo	17.0 mo	36.2 mo	14.2 mo	10.0 mo
Non-Hispanic	17,175	27.7	39.2	14.4	16.6	38.4	18.3	23.1
<b>Age</b>								
16-18 years	233	16.7 mo	35.9 mo	8.1 mo	15.0 mo	26.5 mo	14.9 mo	6.8 mo
19-20 years	1,187	23.6	35.1	10.0	17.4	35.5	15.8	11.6
21-30 years	10,173	24.8	39.3	11.8	16.5	37.8	17.8	14.2
31-40 years	8,586	26.3	42.1	13.9	16.4	37.8	20.2	16.5
Over 40 years	6,342	25.0	34.7	15.6	17.0	37.8	15.2	18.8
<b>Citizenship</b>								
U.S. citizen	16,939	28.6 mo	39.6 mo	14.7 mo	16.7 mo	37.9 mo	18.2 mo	24.7 mo
Not U.S. citizen	9,199	19.5	30.6	11.0	17.9	37.3	14.7	9.9

Note: Totals include prisoners whose offense category could not be determined, and exclude prisoners released by extraordinary means such as commutation and death; see *Chapter notes*, items 5-8, p. 88.

\*See *Chapter notes*, item 5, p. 88, and "Offense classifications" in *Methodology*, p. 91.

## Chapter notes

- 1) Tables 6.1-6.4 were created from the probation, parole, and supervision data files of the Federal Probations Supervision Information System (FPSIS), which is maintained by the AOUSC. Only records with one or more terminations of active supervision during October 1, 1995, through September 30, 1996, were selected. Each termination was counted separately. Technical violations and terminations for new crimes are shown only if supervision terminated with incarceration or removal from active supervision for reasons of a violation.  
  
Corporate defendants were excluded from tables 6.1-6.4.
- 2) Offenders were classified according to their most serious offense at conviction. In cases involving multiple offenses, the AOUSC offense severity hierarchy was applied. The most serious offense was the one with the most severe penalty imposed. If equal prison terms were imposed, or there was no imprisonment, the offense with the highest severity code, as determined by the *U.S. Title and Code Criminal Offense Citations Manual*, was selected.
- 3) Table 6.5 was also created from FPSIS data files. Records with supervision opened or reinstated during fiscal year 1996 were selected and tracked for a period of 12 months, or, if the offender violated their supervision before the 12-month period concluded, until the time of the violation. This represents a departure from the 1993 and prior compendia, which only considered time that fell within the calendar year in which an offender began supervision. Therefore, direct comparisons between this *Compendium* and the 1993 and prior compendia are not valid.  
  
Corporate defendants were also excluded from table 6.5.
- 4) Table 6.6 was created using the FPSIS data files as well. Year end pending cases (that is, records with offenders who were under active supervision as of the end of the fiscal year, September 30, 1996) were selected.  
  
Corporate defendants were excluded from table 6.6.
- 5) Tables 6.7-6.13 were created from the Federal Bureau of Prisons (BOP) data files.  
  
Tables 6.7-6.10 and 6.12-6.13 include only prisoners committed by U.S. district courts or released by the BOP during fiscal year 1996. Table 6.11 also shows sentenced prisoners in the custody of the BOP at the end of fiscal year 1996.  
  
In these tables, a single person may be counted more than once if that person was committed into, or released from, the BOP more than one time during fiscal year 1996, or if that person appears in more than one column in a table, e.g., commitment and population.  
  
Offense categories in these tables were based on combinations of offense designations used by the BOP. They are similar, but may not be directly comparable, to the categories used in other tables of this *Compendium*. Offenses for some prisoners admitted or released were not able to be classified; these offenders were included in the totals and are shown as "other prisoners" on the last line of tables.  
  
In these tables, offenses were classified according to the offense associated with the longest single sentence actually imposed. Classifications in other tables may have been based on the longest potential sentence allowed by law.
- 6) Tables 6.7-6.13 distinguish between prisoners committed by U.S. district courts for violations of the U.S. Code and other prisoners. Prisoners released after commitment from U.S. district court are called "first releases." The other admissions and releases include offenders who returned to prison after their first release (such as probation, parole, or supervised release violators), offenders convicted in other courts (such as military or District of Columbia courts), and persons admitted to prison as material witnesses or for purposes of treatment, examination, or transfer to another authority. Offenders who entered or left a prison temporarily — such as for transit to another location, for health care, or to serve a weekend sentence — were not counted as admitted or released. Persons who were detained for deportation by the Immigration and Naturalization Service and who were not criminal offenders were also not included in the tables.  
  
Table 6.7 distinguishes between standard and extraordinary methods of release from prison. "Standard" releases include the usual methods of exiting from prison, such as full-term sentence expirations, expirations with good time, mandatory releases, and releases to parole. Extraordinary releases are unusual exits from prison, such as death, commutation, and transfer to another facility.
- 7) Tables 6.7-6.10 and 6.12-6.13 include only prisoners committed by U.S. district courts and released by the BOP during fiscal year 1996. Prisoners committed by U.S. district court — but not for a violation of the U.S. Code, or whose offense could not be classified — were included in the total but are not shown separately. Table 6.11, however, shows these prisoners separately. Other prisoners — such as probation and parole violators and prisoners committed by other courts, such as courts martial or District of Columbia Superior Court — were excluded from tables 6.7-6.10 and 6.12-6.13, as were other persons admitted to Federal prison but not committed from a U.S. district court.

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8) In tables 6.7-6.10 and 6.12-6.13, time served was calculated for prisoner's arrival into jurisdiction of the BOP until first release from prison, plus any jail time served and credited. The calculation is the same as that currently used by the BOP. Prisoners serving consecutive sentences may have total imposed sentences exceeding the longest single sentence length. Accordingly, time actually served may exceed the longest single imposed sentence. The percent of sentenced served (in tables 6.8, 6.9, and 6.10) is the average of each individual prisoner's percent of sentence served. Because other publications may include different groups of prisoners, calculate time served differently, or use a different offense classification, data in tables in this *Compendium* may differ from estimates of time served in previous publications by the BOP or in publications based on other data sources.

Time served, as reported in tables 6.7-6.10 and 6.12-6.13 in this *Compendium*, may not be directly comparable to the calculation of time served in the 1993 and prior compendia. The methodology in this report uses additional information to identify prison commitment dates and account for jail credit. In previous reports, jail credits were overestimated in some cases. In addition, time served estimates reported in tables 6.8-6.10 and 6.13 include only prisoners released by standard methods (expirations, mandatory releases, and releases to parole). Prisoners released by extraordinary means (death, commutation, transfer, etc.) are excluded from the time served calculations in these tables.

9) Table 6.11 shows all persons admitted to, or released from, the jurisdiction of the BOP during fiscal year 1996. Prisoners counted in this column are the same as prisoners included in tables 6.8-6.10. Table 6.11 shows in separate columns, as well as in the total,

prisoners committed by a U.S. district court — but not for a violation of the U.S. code, or whose offense could not be classified. Other columns in table 6.11 include prisoners who were committed by other courts, returned to prison for violation of the conditions of supervision, or were received for examination, treatment, or transfer to another jurisdiction. Offenders who returned to prison for a violation of the conditions of supervision without a new court commitment, were classified according to the offense with the longest single sentence originally imposed at conviction.

## The Federal justice database

### Source of data

The source of data for all tables in this *Compendium* is the Bureau of Justice Statistics (BJS) Federal justice database. The database is presently constructed from source files provided by the Executive Office for U.S. Attorneys, the Administrative Office of the U.S. Courts, the United States Sentencing Commission, and the U.S. Bureau of Prisons. The Administrative Office of the U.S. Courts also maintains the data collected by the Pretrial Services Agency, the U.S. Court of Appeals, and the U.S. Probation Service. Federal law prohibits the use of these files for any purposes other than research or statistics. A description of the source agency data files is provided in the table at the end of this section.

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

### Reporting period

Wherever possible, matters or cases have been selected according to some event which occurred during fiscal year 1996 (October 1, 1995, through September 30, 1996). 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 1996 in this *Compendium* have been assembled from source files

containing records of 1996 matters concluded which were entered into the data system during fiscal years 1996 or 1997.

### Availability of data items

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

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

### Table construction and interpretation

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

### Unit of analysis

The unit of analysis in chapters 1 through 5 is a combination of a person (or corporation) and a matter or case. For example, if a single person is involved in three different criminal cases during the time period specified in the table, he or she is counted three times in the tabulation. Similarly, if a single criminal case involves a corporate defendant and four individual defendants, it counts

five times in the tabulation. In chapter 6, the unit of analysis for incarceration, probation, parole, or other supervised release is a person entering custody or supervision, or a person leaving custody or supervision. For example, a person convicted in two concurrent cases and committed once to the custody of the Federal Bureau of Prisons in the indicated time period is counted as one admission to a term of incarceration. A person who terminates probation twice in the indicated time period, such as with a violation and again after reinstatement, is counted as two terminations of probation.

### Interpretation

The tables in the *Compendium* are constructed to permit the user to make valid comparisons of numbers within each table and to compare percentage rates across tables. The total numbers of subjects in *Compendium* tables that are based on records linked between two files are generally less than the total number of records in either source file. Accordingly, comparisons of absolute numbers across two or more tables in this volume and other data sources are not necessarily valid.

### Offense classifications

#### Procedure

The offense classification procedure used in this *Compendium* is based on the classification system followed by the Administrative Office of the U.S. Courts. Specific offenses combined to form the BJS categories shown in the *Compendium* tables.\*

For data from the Executive Office for U.S. Attorneys, which include United States Code citations but do not include the Administrative Office offense classifications, United States

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

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 month.

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

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

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

In this *Compendium*, felony and misdemeanor distinctions are provided where the data permit these distinctions. Chapter 1 does not use this distinction because many suspects

cannot be so classified at the investigation stage in the criminal justice process. Chapter 2 no longer reports this distinction because the Pretrial Services Agency no longer gathers this information. Chapters 3 and 4 distinguish between felony and misdemeanor offenses, as do tables 6.1–6.6. Tables 6.7–6.11 follow the convention of other BJS publications by separately tabulating offenders whose actual imposed sentences are less than or equal to 1 year and those whose actual sentences are greater than 1 year.

#### *Most serious offense selection*

Where more than one offense is charged or adjudicated, the most serious offense (the one that may or did result in the most severe sentence) is used to classify offenses. The offense description may change as the criminal justice process proceeds. Tables indicate whether investigated, charged or adjudicated offenses are used. In chapter 1, the most serious offense is based on the criminal lead charge as determined by the assistant U.S. attorney responsible for the criminal proceeding. In chapter 2, the major charged offense is based upon the Administrative Office's offense severity classification system, as determined by the pretrial officer responsible for the case. To select this offense, the officer ranks offenses according to severity based on maximum imprisonment, type of crime, and maximum fines. In chapter 3, the most serious offense charged is the one that has the most severe potential sentence. For chapter 4, conviction offenses are based on statutory maximum penalties. In chapter 5, offenses are classified by the offense of conviction. In tables 6.1–6.6, the most serious offense of conviction is either the one having the longest sentence imposed or, if equal sentences were imposed or there was no imprisonment, it was the offense carrying the highest severity code as determined by the Administrative Office's offense severity code ranking. In tables 6.7–6.13, prisoners are classified according to the

offense which bears the longest single incarceration sentence.

#### *Offense categories*

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

**"Murder"** includes nonnegligent manslaughter.

**"Other sex offenses"** may include some nonviolent offenses.

**"Fraud"** excludes tax fraud.

**"Larceny"** excludes transportation of stolen property.

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

**"Tax law violations"** includes tax fraud.

**"Obscene material"** denotes the mail or transport thereof.

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

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

**"Drug possession"** also includes other drug misdemeanors.

#### **Figure S.2.**

Figure S.2. uses data from the Executive Office for U.S. Attorneys to provide an overview of case processing in the Federal criminal justice system. The figure uses data from two separate cohorts of persons involved in criminal proceedings. The data on suspects in criminal matters concluded and defendants prosecuted come from the cohort of suspects in matters concluded during October 1, 1995, through September 30, 1996. (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

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probation — the data come from the cohort of defendants in cases terminating during fiscal year 1996 in U.S. district courts (by either a judge or a magistrate).

A total of 98,454 suspects were investigated in matters concluded by U.S. attorneys during 1996 (table 1.2). Sixty-seven percent of these suspects were prosecuted in U.S. district court, either before U.S. district court judges (56,938/98,454 = 57.8%) or before U.S. magistrates (8,684/98,454 = 8.8%). The conviction data in figure S.2. refer to defendants in cases terminated in U.S. district court during 1996, whether before U.S. district court judges or U.S. magistrates. Fifty-four percent of the defendants in cases terminating during 1996 were convicted (53,076/98,454).

Of the defendants investigated, 37% (36,373/98,454) were reported as sentenced to a term of imprisonment, and 13% (12,644/98,454) 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) <b>Sentencing:</b> 4.4, 4.5, 4.6 (defendant characteristics)
Administrative Office of the U.S. Courts (AOUSC) — Criminal Termination Files	Contains information about the criminal proceedings against defendants whose cases were filed in U.S. district courts. Includes information on felony defendants, Class A misdemeanants — whether handled by U.S. district court judges or U.S. magistrates — and other misdemeanants provided they were handled by U.S. district court judges. The information in the data files cover criminal proceedings from case filing through disposition and sentencing. Data are available on criminal defendants in cases filed, pending, and terminated.	<b>Adjudication:</b> 3.1, 3.2, 3.3, 3.4, 3.5 <b>Sentencing:</b> 4.1, 4.2, 4.3, 4.4, 4.5, 4.6
United States Sentencing Commission (USSC) — Monitoring Data Base	Contains information on criminal defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984. It is estimated that more than 90% of felony defendants in the federal criminal justice system are sentenced pursuant to the SRA of 1984. Data files are limited to those defendants whose records have been obtained by the U.S. Sentencing Commission.	<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, 6.13



## 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 pre-trial matters in both criminal and civil cases. With consent of the parties, they may conduct civil or misdemeanor criminal trials. Magistrates, however, may not preside over felony trials or over jury selection in felony cases.

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

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

**Major offense (while on conditional release)** — allegation, arrest, or conviction of a crime for which the minimum sentence is incarceration for over 90 days or greater than 1 year on probation. (See also, *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 2,300 Federal inmates were paroled by the U.S. Parole Commission during 1996.

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

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

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

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

**Pornographic** — that which is of or pertaining to obscene literature; obscene, licentious. Material is pornographic or obscene if the average person, applying contemporary community standards, would find that the work taken as a whole appeals to the prurient interest; and if it depicts in a patently offensive way sexual conduct; and if the work taken as a whole lacks serious literary, artistic, political, or scientific value. (See *Milla v. California*, 113 U.S. 15 (1973).)

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

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

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

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

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

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

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

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

**Property offenses, other** — offenses that involve the destruction of property moving in interstate or

foreign commerce in the possession of a common or contract carrier. Includes the malicious destruction of Government property, or injury to U.S. postal property such as mailboxes or mailbags. Trespassing on timber and Government lands is also included in this category of offenses (*for example*, 2 U.S.C. § 167(c)(g); 15 U.S.C. § 1281; 16 U.S.C. §§ 3, 45(d), 114, 121, 123, 152, 430(q), 433, 470, 478, 481, 551, and 605; 18 U.S.C. §§ 1164, 1361-62, 1364, 1852, 1854, 1856, 1858, 1860, 1863, 1864(c), and 2071(b); 40 U.S.C. §§ 193 (h)(q)(r)(s); 43 U.S.C. § 316; and 47 U.S.C. §§ 13 and 22).

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

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

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

**Racketeering and extortion** — racketeering is demanding, soliciting, or receiving anything of value from the owner, proprietor or other person



having a financial interest in a business, by means of a threat or promise, either express or implied. Extortion is the obtaining of money or property from another, without his consent, induced by the wrongful use of force or fear. This offense code covers using interstate or foreign commerce or any facility in interstate or foreign commerce to aid racketeering enterprises such as arson, bribery, gambling, liquor, narcotics, prostitution, and extortionate credit transactions; obtaining property or money from another, with his or her consent induced by actual or threatened force; violence, blackmail, or committing unlawful interference with employment or business; transmitting by interstate commerce or through the mail any threat to injure the property, the person, or the reputation of the addressee or of another; or kidnaping any person with intent to extort. Applies to officers or employees of the United States, or anyone representing himself or herself as such (*for example*, 18 U.S.C. §§ 831, 872, 874, 875(b)(d), 877, 878(b), 892, 894, 1365(d), 1952-53, 1955-60, 1962-63).

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

**Regulatory offenses, other** — violations covering areas such as civil rights, election laws, the Communication Act of 1934 (including wire tapping and wire interception), custom laws (except narcotics and liquor), interstate commerce (the Hot Oil Act, transportation or importation of prison-made goods, and the railroad and transportation acts), maritime and shipping laws, laws regarding stowaways, the Federal Boat Safety Act of 1971, U.S. postal laws

(excluding injury to postal property), intimidation of witness laws, aircraft regulations, and any other regulatory offenses not listed above. (For citations refer to the United States Title and Code Criminal Offense Citations, Administrative Office of the U.S. Courts, June, 1995.)

#### **Release**

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

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

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

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

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

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

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

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

§§ 1661, 1991, 2112, 2113(c) (d), 2114, 2116, and 2118(a)).

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

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

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

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

**Sex offenses, other** — transporting, coercing, or enticing any individual (including minors) to go from one place to another in interstate or foreign commerce, in the District of Columbia, or in any territory or possession of the United States with the intent and purpose to engage in prostitution, or any sexual activity for which any person can be charged

with a criminal offense (8 U.S.C. § 1328 and 18 U.S.C. §§ 1460, 1466, 2251-52, 2257, 2421 and 2423).

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

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

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

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

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

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

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

event that the defendant fails to appear.

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

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

**Technical violation** — failure to comply with any of the conditions of pretrial release, probation, or parole, excluding alleged new criminal activity. May result in revocation of release status. Examples of conditions that may be imposed and then violated include remaining within a specified jurisdiction, or appearing at specified intervals for drug tests.

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

**Threats against the President** — knowingly and willfully depositing in

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

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

**Trafficking** — knowingly and intentionally importing or exporting any controlled substance in schedule I, II, III, IV, or V (as defined by 21 U.S.C. §§ 812). Includes manufacturing, distributing, dispensing, selling, or possessing with intent to manufacture, distribute, or sell a controlled substance or a counterfeit substance; exporting any controlled substance in schedules I-V; manufacturing or distributing a controlled substance in schedule I or II for purposes of unlawful importation; or making or distributing any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container, or removing or obliterating the label or symbol of any drug or container. Also includes knowingly opening, maintaining or managing any place for the purpose of manufacturing, distributing, or using any controlled substance (*for example*, 19 U.S.C. § 1590; 21 U.S.C. §§ 333(e), 825(a)-(d), 830(a), 841(a)-(b)(d)(e)(g), 842(a), 843(a)(b), 845, 846, 848, 854, 856, 858, 859(a)(b), 860(a), 861(c)(f), 952(a)(b), 953(a)(e), 957, 959, 960(a)(b)(d), 961, 962, and 963; and 46A U.S.C. §§ 1903(g) and (j)).

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

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**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)).