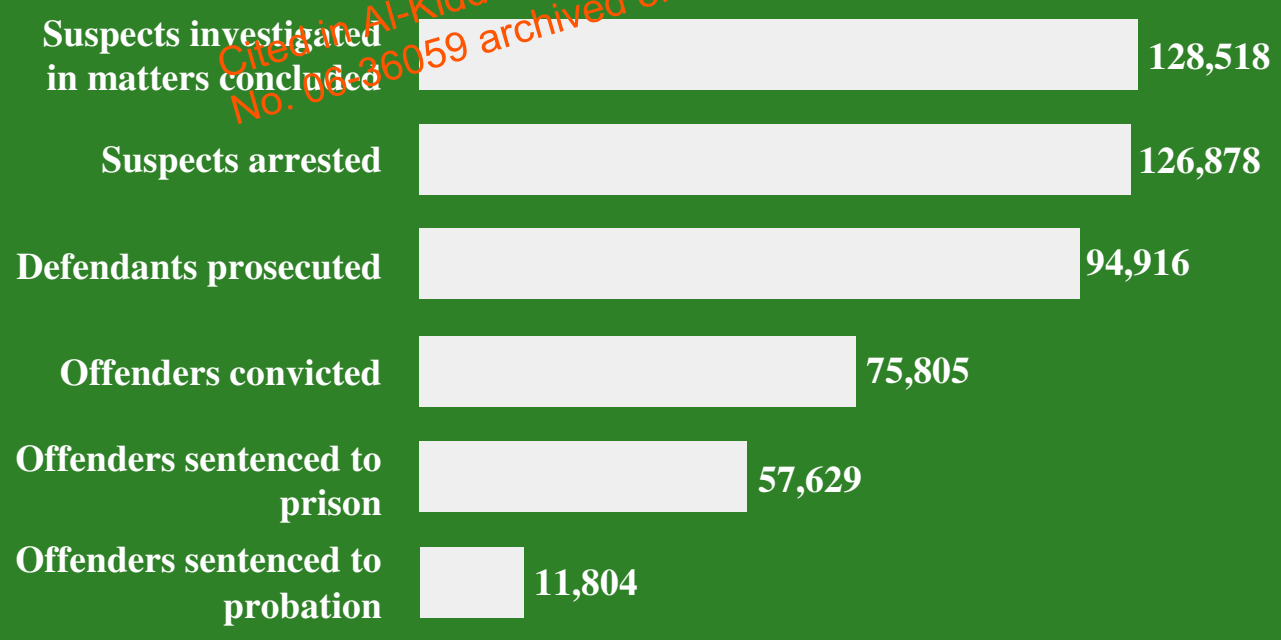
U.S. Department of Justice
Office of Justice Programs

Bureau of Justice Statistics

# Compendium of Federal Justice Statistics, 2003

## Federal criminal case processing, October 1, 2002-September 30, 2003

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009




A Federal Justice Statistics Program Report

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# Contents

**Highlights, 1**

Arrest
Prosecution
Pretrial release
Adjudication
Sentencing
Appeals
Corrections

**Introduction, 5**

Organization of the *Compendium*
Modifications in the 2003 *Compendium*
Notes to reader

**System overview, 7**

**Chapter 1. Arrests for Federal offenses, 11**

Number arrested and booked by offense categories
Number arrested and booked by law enforcement agencies
Suspects arrested and booked across demographic groups
Arrests reported by DEA agents
Fugitive investigations

Tables, 17

Chapter notes, 24

**Chapter 2. Prosecution, 25**

U.S. attorneys' decisions
Suspects in matters received
Disposition of suspects in matters concluded

Tables, 31

Chapter notes, 37

**Chapter 3. Pretrial release, 39**

Types of pretrial release
Factors relating to release or detention
Outcomes for pretrial cases commenced
Outcomes for pretrial cases terminated
Pretrial outcomes across demographic groups
Length of pretrial detention

Tables, 45

Chapter notes, 55

**Chapter 4. Adjudication, 57**

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

Tables, 61

Chapter notes, 66

**Chapter 5. Sentencing, 67**

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

Tables, 73

Chapter notes, 79

**Chapter 6. Appeals, 81**

Appeals filed
Appeals terminated

Tables, 85

Chapter notes, 90

**Chapter 7. Corrections, 91**

Federal offenders under supervision
Outcomes of offenders terminating supervision
Characteristics of offenders terminating supervision
Admissions, releases, and standing population of prisoners in the Federal Bureau of Prisons
Federal prisoners: First releases and time served
Characteristics of Federal prisoners

Tables, 99

Chapter notes, 113

**Methodology, 115**

The Federal justice database
Table construction and interpretation
Offense classifications
Source agencies for *Compendium* data tables

**Glossary, 119**

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

# Tables


## Chapter 1. Arrests for Federal offenses, 17

*October 1, 2002 - September 30, 2003*

1.1. Suspects arrested for Federal offenses and booked by USMS, by offense

1.2. Suspects arrested for Federal offenses and booked by USMS, by Federal law enforcement agency

1.3. Characteristics of Federal arrestees booked by USMS

1.4. Characteristics of suspects arrested by Drug Enforcement Administration agents, by type of drug

1.5. Characteristics of suspects arrested by Drug Enforcement Administration agents, by weapons involved at time of arrest

1.6. Warrants initiated, by warrant type

1.7. Warrants cleared, by warrant type

1.8. Time from warrant inititation to clearance, by warrant characteristics

1.9. Time from warrant initiation to clearance, by warrant type

## Chapter 2. Prosecution, 31

*October 1, 2002 - September 30, 2003*

2.1. Suspects in matters received by U.S. attorneys, by offense

2.2. Disposition of suspects in matters concluded, by offense

2.3. Suspects in matters concluded and declined, by investigating agency

2.4. Basis for declination of prosecution by U.S. attorneys

2.5. Disposition of matters declined for prosecution by U.S. Attorneys, by offense

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

## Chapter 3. Pretrial release, 45

*October 1, 2002 - September 30, 2003*

3.1. Outcomes of initial hearing and detention hearing for cases commenced, by offense

3.2. Type of pretrial release for cases terminated, by offense

3.3. Type of pretrial release for cases terminated, by defendant characteristics

3.4. Form of pretrial detention for cases terminated, by offense

3.5. Form of pretrial detention for cases terminated, by defendant characteristics

3.6. Pretrial detention hearing outcomes for cases terminated, by offense

3.7. Pretrial detention hearing outcomes for cases terminated, by defendant characteristics

3.8. Behavior of defendants released prior to trial for cases terminated, by offense

3.9. Behavior of defendants released prior to trial for cases terminated, by type of release

3.10. Behavior of defendants released prior to trial for cases terminated, by defendant characteristics

3.11. Length of pretrial detention for cases terminated, by form of release or detention, and most serious offense charged

## Chapter 4. Adjudication, 61

*October 1, 2002 - September 30, 2003*

4.1. Defendants in criminal cases commenced, by offense

4.2. Disposition of criminal cases terminated, by offense

4.3. Time from filing to disposition of criminal cases terminated

4.4. Dispositions by U.S. magistrates

4.5. Characteristics of convicted offenders

## Chapter 5. Sentencing, 73

*October 1, 2002 - September 30, 2003*

5.1. Sentence types for offenders sentenced in criminal cases terminated, by offense

5.2. Type and length of sentences imposed for sentenced offenders, by offense

5.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition

5.4. Convicted offenders sentenced to incarceration, by offense and offender characteristics

5.5. Average incarceration sentence lengths imposed, for sentenced offenders, by offense and offender characteristics

5.6. Median incarceration sentence lengths imposed, for sentenced offenders, by offense and offender characteristics

## Chapter 6. Appeals, 85

*October 1, 2002 - September 30, 2003*

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

6.2. Criminal appeals filed and criminal appeals terminated, by offense

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

6.4. Disposition of criminal appeals terminated, by offense

6.5. Criminal appeals cases terminated on the merits, by offense

## Chapter 7. Corrections, 99

*October 1, 2002 - September 30, 2003*

7.1. Federal offenders under supervision, by offense

7.2. Characteristics of Federal offenders under supervision, by offense

7.3. Outcomes of probation supervision, by offense

7.4. Characteristics of offenders terminating probation supervision

7.5. Outcomes of supervised release, by offense

7.6. Characteristics of offenders terminating supervised release

7.7. Outcomes of parole, by offense

7.8. Characteristics of offenders terminating parole

7.9. Admissions and releases of Federal prisoners, by offense

7.10. Characteristics of Federal prison population, by major offense category

7.11. Number of first releases from Federal prison, by release method and sentence length

7.12. Average time to first release and percent of sentence served, for prisoners released by standard methods

7.13. Mean time served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods


Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

7.14. Percent of sentence served to first release, by length of sentence imposed, offense, and type of case, for prisoners released by standard methods

7.15. Characteristics of first releases from prison, by offense, all releases

7.16. Mean time served to first release from Federal prison for prisoners released by standard methods, by offense and offender characteristics

Cited in Al-Kidd v. Ashcroft,
No. 06-36059 archived on September 8, 2009

# Figures


**Highlights, 1**

*October 1, 2002 - September 30, 2003*

Figure H.1. Average length of sentences imposed, by offense

Figure H.2. Admissions to Federal Bureau of Prisons, releases, and prisoners at yearend, by offense

Figure H.3. Average time to first release, standard releases, by offense

**System overview, 7**

*October 1, 2002 - September 30, 2003*

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

Figure S.2. Federal criminal case processing outcomes

**Chapter 1. Arrests for Federal offenses, 13**

*October 1, 2002 - September 30, 2003*

Figure 1.1. Type of drug involved in drug arrests, by race of arrestee

Figure 1.2. Type of immigration arrests

Figure 1.3. Type of drug violation

Figure 1.4. Suspects arrested by the DEA, by State where arrested

Figure 1.5. Time from warrant initiation to closing, by warrant type

**Chapter 2. Prosecution, 27**

*October 1, 2002 - September 30, 2003*

Figure 2.1. Suspects in matters concluded: Percentage of suspects that were prosecuted in U.S. district court, by most serious offense investigated

Figure 2.2. Suspects in matters referred by Federal judicial district

**Chapter 3. Pretrial release, 41**

*October 1, 2002 - September 30, 2003*

Figure 3.1. Percent of defendants released prior to case disposition, by offense category

Figure 3.2. Detention hearings held, by offense category

Figure 3.3. Pretrial release rates, by defendant characteristics

Figure 3.4. Pretrial release violation and revocation rates, for cases terminated

**Chapter 4. Adjudication, 59**

*October 1, 2002 - September 30, 2003*

Figure 4.1. Disposition of cases terminated

Figure 4.2. Average time from filing to disposition of cases terminated, by offense

Figure 4.3. Percent of cases concluded in 2003 that went to trial, by Federal judicial district

**Chapter 5. Sentencing, 69**

*October 1, 2002 - September 30, 2003*

Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated

Figure 5.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases that terminated

Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea

**Chapter 6. Appeals, 83**

*October 1, 2002 - September 30, 2003*

Figure 6.1. Types of criminal appeal cases filed

Figure 6.2. Appeals cases filed, by type of offense

Figure 6.3. Disposition of criminal appeals terminated

**Chapter 7. Corrections, 93**

*October 1, 2002 - September 30, 2003*

Figure 7.1. Violation rates of offenders terminating probation, supervised release, or parole, by type of violation

Figure 7.2. Violation rates of offenders completing probation, supervised release, or parole, by category of offense

Figure 7.3. Rates of violation of conditions of supervision, by level of education

Figure 7.4. Mean lengths of sentence imposed and time served (in months), for offenders released from prison for the first time, by offense

Figure 7.5. Characteristics of first releasees


Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

# Highlights

During 2003 the Homeland Security Act took effect, reorganizing several Federal law enforcement agencies into the Department of Homeland Security. The agencies that comprised the new department were responsible for roughly one-third of all Federal arrests and bookings in 2003. The number of suspects investigated by U.S. attorneys increased between 2002 and 2003, from 124,335 to 130,078. About three-quarters of those for which the investigation was concluded were prosecuted — either before a U.S. district court judge (62%) or before a U.S. magistrate (12%) — and 26% of those investigated were not prosecuted by U.S. attorneys.

The number of defendants prosecuted in Federal courts increased slightly between 2002 and 2003, from 90,407 to 94,916.

The number of offenders under Federal correctional supervision increased 84% between 1990 and 2003. At the end of fiscal year 2003, the number of offenders in Federal prison or on community supervision was 261,435 compared to 141,790 during 1990.

At the end of fiscal year 2003, the number of Federal inmates serving a sentence of imprisonment was 152,459. The number under community supervision was 108,976. Over 72% of those under community supervision were on post-incarceration supervised release (75,766) or parole (3,239).

### Arrest

During 2003, 126,878 suspects were arrested by Federal law enforcement agencies for violations of Federal law. Twenty-sIx percent of those arrested and booked by the U.S. Marshals Service were for drug offenses, 22% for immigration offenses, 18% for supervision violations, 13% for property offenses, 7% each for public-order and weapon offenses, and 4% each for violent offenses and to secure and safeguard a material witness.

Several Federal agencies were moved to the new Department of Homeland Security in 2003, including the Immigration and Naturalization Service, the Coast Guard, the Customs Service, and the Secret Service. During 2003 the agencies that would comprise Homeland Security were responsible for about one-third of arrests and bookings. Within the Department of Justice, the U.S. Marshals Service made 28% of the arrests; the Drug Enforcement Administration 10%, and the Federal Bureau of Investigation 8%.

### Prosecution

During 2003 U.S. attorneys initiated criminal investigations involving 130,078 suspects, and they concluded their investigations of 128,518 suspects. Twenty-nine percent of the suspects were investigated for drug, 21% for property, 18% for public order, 16% for immigration, 11% for weapon, and 4% for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 80,106 in U.S. district courts and 14,810 were disposed of before U.S. magistrates. During 2003, U.S. attorneys declined 26% of matters concluded.

Suspects in criminal matters involving immigration or drug offenses were more likely to be prosecuted in a U.S. district court (81% and 76%, respectively) than were suspects involved in weapon (71%), violent (56%), property (53%), or public-order offenses (30%). Suspects involved in property offenses (such as fraud) or violent offenses were more likely to be declined for prosecution (about 40%) than were suspects investigated for public-order offenses (38%), weapon (27%), drug (18%), or immigration (6%) offenses.

### Pretrial release

Of 83,419 pretrial cases commenced in 2003, 35% of defendants were released after either an initial or detention hearing, while 64% were detained, and less than 1 % were dismissed.

During 2003, 41% of the 76,305 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses or public-order offenses were more likely to be released prior to trial (76% and 67%, respectively) than were defendants charged with weapon (42%), drug (39%), violent (36%), or immigration (8%) offenses.

The proportion of defendants released prior to trial decreased from 62% during 1990 to 41% during 2003.

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 a greater number of prior convictions were less likely to be released than those with fewer prior convictions. About 21% of the defendants with a prior violent felony conviction were released before trial, while 60% of defendants with no prior convictions were released. Forty-two percent of defendants with one prior conviction were released, as compared to 33% of defendants having two to four prior convictions and about 25% of defendants having five or more prior convictions.

Eighty percent of defendants released prior to trial completed their periods of release without violating the conditions of their release. Twenty percent of defendants released violated the conditions of their release, and 8% of defendants had their release revoked. Defendants charged with weapon or drug offenses were more likely to commit at least one violation of their conditions of release (32% and 30%, respectively), while defendants charged with weapon, violent, or drug offenses were more likely to have their release revoked (14% for weapon offenses and 11% each for violent or drug offenses) than were other defendants.

Defendants released during 2003 were more likely to violate the conditions of their pretrial release than those released during 1990 (20% compared to 12%).

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

## Adjudication

During 2003, 92,085 defendants were charged in Federal courts with a criminal offense, 87% of whom were charged with felonies. Of the defendants charged with felonies, 38% were prosecuted for drug, 20% each for property, and immigration, 12% for weapon, 6% for public-order, and 4% for violent offenses.

The number of defendants charged with a felony immigration offense increased by 22% between 2002 and 2003, from 13,101 to 15,997. The number charged with a felony weapon offense increased by 23%, from 8,104 to 9,961.

Criminal cases were concluded against 85,106 defendants during 2003, 87% of whom had been charged with felonies. The proportion of defendants convicted in the Federal courts increased from 81% during 1990 to 89% during 2003. The proportion of convicted defendants who pleaded guilty increased from 87% during 1990 to 96% during 2003.

About 92% of defendants charged with felonies were convicted. The conviction rate was similar for the major offense categories: 97% of defendants charged with immigration offenses, 92% of drug defendants, 91% of property and violent defendants, 90% of weapon defendants, and 86% of public-order defendants.

## Sentencing

Defendants convicted during 2003 were more likely to be sentenced to prison than those convicted during 1990. During 2003 about 76% of defendants were sentenced to prison compared to 60% of those sentenced during 1990.

Ninety-three percent of felony violent offenders received prison terms, as did 92% of felony weapon and drug offenders, 87% of felony immigration offenders, 70% of felony public-order offenders, and 60% of felony property offenders.

**Average length of prison sentences imposed, by offense, October 1, 2002 - September 30, 2003**

| Most serious offense of conviction | Average sentence length |
|---|---|
| **All offenses** | 58.7 mo |
| **Felonies** | 60.3 |
| Violent offenses | 97.2 |
| Property offenses | 27.3 |
| Drug offenses | 81.4 |
| Public-order offenses | 42.9 |
| Weapon offenses | 83.7 |
| Immigration offenses | 26.7 |
| **Misdemeanors** | 9.1 |

The 57,629 offenders sentenced to prison received, on average, 58.7 months of imprisonment. Offenders sentenced for felony violent offenses, felony weapon offenses, and felony drug offenses received longer average prison terms (97.2, 83.7, and 81.4 months, respectively) than those convicted of felony property, immigration, public-order offenses (27.3, 26.7, and 42.9 months, respectively).

While the proportion of defendants sentenced to prison is at an all-time high, average prison sentences have declined from the peak attained during 1992. During 1992 the average prison term imposed was 62.6 months; for drug felony offenders, the average term was 84.1 months. Violent felony offenders, however, received a longer sentence in 2003 (97.2 months compared to 94.8 months in 1992).

## Appeals

Between 1994 and 2003, the number of appeals received by the U.S. Courts of Appeals remained relatively stable — between about 9,000 and 12,000 annually. However, the proportion of criminal defendants appealing some aspect of their conviction decreased from 21% during 1994 to 16% during 2003.

During 2003, 11,968 criminal appeals were filed, a 6% increase from FY2001 (11,281). Eighty-five percent of all appeals filed were appeals of convictions for offenses sentenced under the sentencing guidelines.SIxty-one percent of the guideline-based appeals filed challenged both the conviction and sentence imposed. Of the 11,678 appeals terminated during 2003, 75% (or 8,728) were terminated on the merits. In 84% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

## Corrections

*Community supervision*

Between 1990 and 2003, the number of offenders on community supervision increased by 29%, from 84,801 during 1990 to 108,976 during 2003. While nearly equal proportions of offenders were serving terms of probation and post-incarceration supervision (parole or supervised release) during 1990, during 2003, over 72% were serving a term of post-incarceration supervision (70% supervised release and 3% parole) while 28% were on probation.

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

**Admissions to Federal Bureau of Prisons, releases, and prisoners at yearend, by offense, October 1, 2002 - September 30, 2003**

| Most serious offense of conviction | All admissions | All releases | Population at yearend |
|---|---|---|---|
| **All offenses** | 72,675 | 63,732 | 152,459 |
| Violent offenses | 6.7% | 7.6% | 8.9% |
| Property offenses | 16.0 | 17.6 | 7.0 |
| Drug offenses | 41.9 | 40.4 | 56.7 |
| Public-order offenses | 7.3 | 7.7 | 5.6 |
| Weapon offenses | 9.8 | 7.6 | 10.6 |
| Immigration offenses | 18.3 | 19.0 | 11.2 |

Note: Percentages of offenses do not total to 100% due to offenders whose most serious offense of conviction is unknown or indeterminable.

Drug offenders comprised 18% of offenders on probation, 54% of offenders serving terms of supervised release, and 41% of offenders on parole. Property offenders comprised 45% of offenders on probation, 23% of offenders serving terms of supervised release, and 8% of offenders on parole.

A total of 15,294 offenders terminated probation during 2003. Most of these offenders (80%) completed their terms of probation successfully. Twelve percent of probationers terminating supervision during 2003 committed technical violations; 6% committed new crimes.

A total of 30,585 offenders completed terms of supervised release during 2003. Of these offenders, 62% successfully completed their terms without violating conditions of release; 23% committed technical violations; and 13% committed new crimes.

A total of 1,504 offenders completed terms of parole during 2003. Of these offenders, 52% successfully completed their terms without violating conditions of release; 28% committed technical violations; and 16% committed new crimes.

*Prison*

Between 1990 and 2003, the number of inmates serving a sentence of imprisonment increased by 168%, from 56,989 during 1990 to 152,459 during 2003.

During 2003, 53,562 prisoners were received by the Bureau of Prisons from U.S. district court commitments. An additional 19,113 prisoners were returned to Federal prison for violating conditions of probation, parole, or supervised release, or were admitted to Federal prison from elsewhere than a U.S. district court.

Drug offenders — who comprised 41% of persons admitted into Federal prison — comprised the largest percentage of persons in prison (56%) at the end of 2003.

During 2003, 45,820 prisoners were released for the first time from Federal prison after commitment by a U.S. district court. Of these, 40,780 were released by standard methods and 5,040 were released by extraordinary means (death, treaty transfer, sentence commutation, or drug treatment). An additional 17,912 prisoners were released from subsequent commitments to Federal prison.

Average time served by Federal offenders increased from 24 months during 1994 to 33 months during 2003. The proportion of the sentence served increased from 65% during 1990 to 91% during 2003.

Violent, weapon, and drug offenders were among those offenders who served the longest prison terms (64 months for violent offenders and 44 months for weapon offenders and 44 for drug offenders).

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

**Average time to first release, standard releases, by offense, October 1, 2002 - September 30, 2003**

| Most serious original offense of conviction | Mean time served |
|---|---|
| **All offenses** | 32.9 mo |
| Violent offenses | 63.5 |
| Property offenses | 16.4 |
| Drug offenses | 44.3 |
| Public-order offenses | 25.4 |
| Weapon offenses | 42.7 |
| Immigration offenses | 21.1 |

# 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 U.S. Marshals Service, Drug Enforcement Administration (DEA), Administrative Office of the U.S. Courts, Executive Office for the U.S. Attorneys, Federal Bureau of Prisons, and U.S. Sentencing Commission. The Administrative Office of the U.S. Courts, in addition to providing data describing defendants in criminal 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 can be downloaded from the Federal Justice Statistics Resource Center at <http://fjsrc.urban.org>.

Each agency reports on cases processed during a given year in an annual statistical report. These reports are often incomparable across agencies 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 *recorded* during a particular period; and
- many of the commonly used case processing statistics — suspect/defendant processed, offense committed, disposition, and sentence imposed — are defined differently across agencies.

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

The 2003 *Compendium*, 18th in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001 and 2002, describes defendants processed at each stage of the Federal justice system — arrest by Federal law enforcement agencies (chapter 1), investigation and prosecution by the U.S. attorneys (chapter 2), pretrial release or detention (chapter 3), adjudication in the U.S. district courts (chapter 4), sentencing (chapter 5), appeal of the conviction and/or sentence imposed (chapter 6), and corrections (chapter 7) — for the 12-month period ending September 30, 2003 (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, 2002 - September 30, 2003. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables showing defendants sentenced to incarceration, or tables describing offenders under post-conviction community supervision. Juvenile offenders charged as adults are included in the reported statistics. Felony and misdemeanor distinctions are provided where possible (see "Offense classifications" in *Methodology*).

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

### 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 describes arrests made by Federal law enforcement agencies for violations of Federal law, including the characteristics of arrestees; warrants initiated and cleared by the U.S. Marshals Service are also reported.

Chapter 2 describes decisions made by Federal prosecutors in screening criminal matters and the characteristics of defendants in cases prosecuted or declined for prosecution.

Chapter 3 describes the pretrial release and detention practices of the Federal judiciary, including the characteristics of defendants detained or released pending trial.

Chapter 4 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 5 describes the sentences imposed by the Federal judiciary on convicted defendants, including the characteristics of defendants sentenced.

Chapter 6 describes appeals of criminal convictions and sentences imposed in the Federal courts, including the original offense charged.

Chapter 7 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.

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

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

### Modifications in the 2003 *Compendium*

Several Federal agencies that had been part of the Justice, Transportation, and Treasury departments were moved to the new Department of Homeland Security in 2003, including the Immigration and Naturalization Service, the Coast Guard, the Customs Service, and the Secret Service. This reorganization affects the distribution of arrests across agencies in table 1.2 and does not permit direct comparisons with prior years' *Compendia*.

The FY2003 *Compendium* introduces data about fugitive investigations obtained from the U.S. Marshals Service's Warrant Information Network. Chapter 1 contains 4 new tables (1.6 --1.9) with data about warrants initiated and cleared, including time from warrant initiation to clearance.

### 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 sub-categories not shown in the tabulations or may require other sources of information, such as knowledge of legislation or Federal agency procedures.

Cited in Al-Kidd v. Ashcroft NO. 06-35059 archived on September 8, 2009

Chapter 1

# Arrests for Federal offenses

Cited in Al-Kidd v. Ashcroft,
No. 06-36059 archived on September 8, 2009

**Discussion** . . . . . **13**

**Tables**

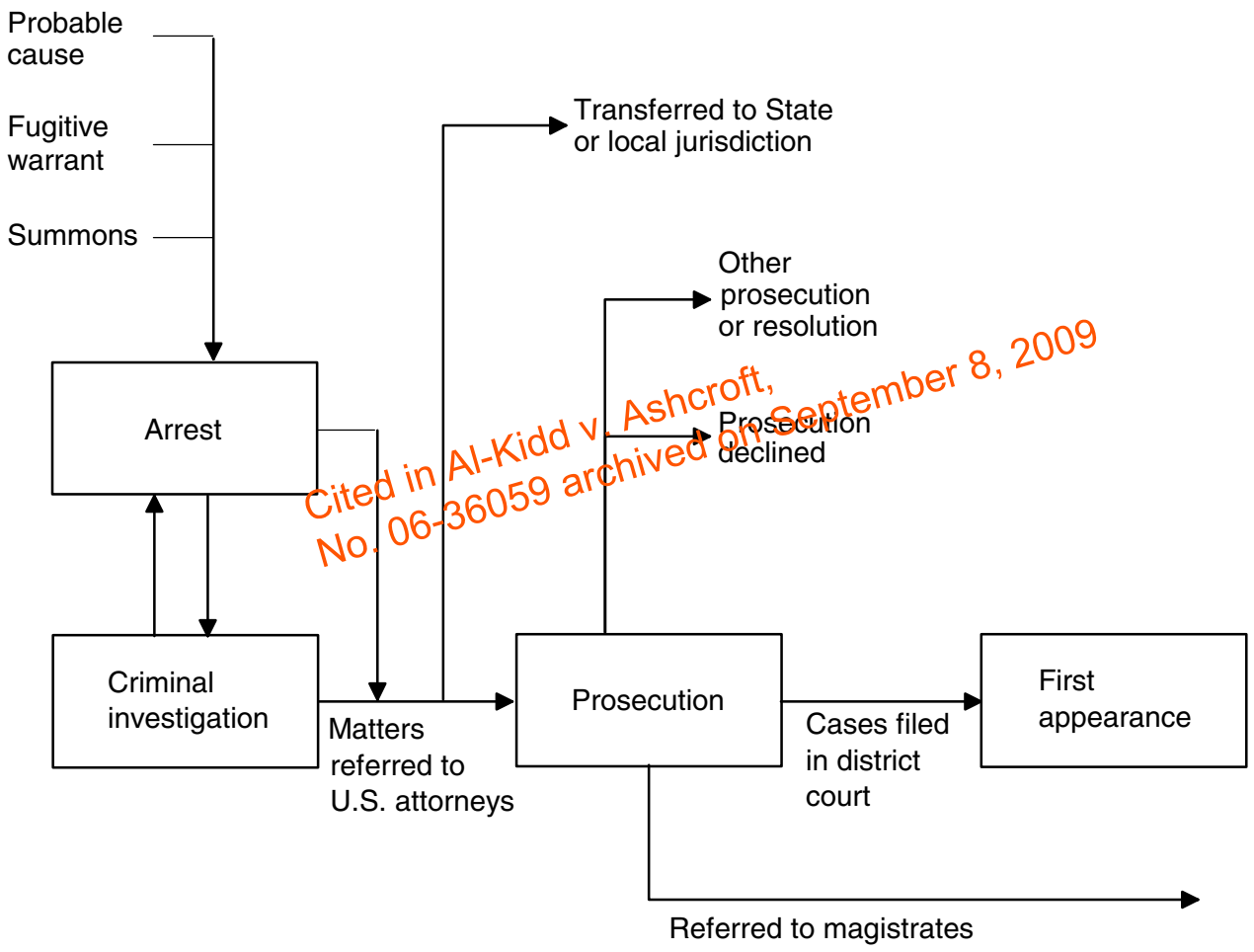
*October 1, 2002 - September 30, 2003*

1.1. Suspects arrested for Federal offenses and booked by USMS, by offense . . . . . 17
1.2. Suspects arrested for Federal offenses and booked by USMS, by Federal law enforcement agency . . . . . 18
1.3. Characteristics of Federal arrestees booked by USMS . . . . . 19
1.4. Characteristics of suspects arrested by Drug Enforcement Administration agents, by type of drug . . . . . 20
1.5. Characteristics of suspects arrested by Drug Enforcement Administration agents, by weapons involved at time of arrest . . . . . 20
1.6. Warrants initiated, by warrant type . . . . . 21
1.7. Warrants cleared, by warrant type . . . . . 21
1.8. Time from warrant inititation to clearance, by warrant characteristics . . . . . 22
1.9. Time from warrant initiation to clearance, by warrant type . . . . . 23

**Chapter notes** . . . . . **24**

Chapter 1

## Arrests for Federal offenses

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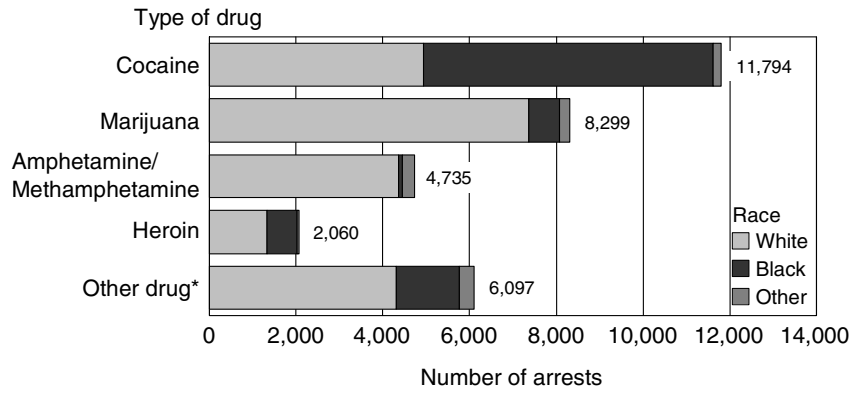
Persons suspected of violating Federal law may be arrested by any one of the many Federal agencies empowered to make arrests, or by State or local authorities. A recent survey by the Bureau of Justice Statistics found that 67 Federal agencies employed over 93,000 full-time officers with the authority to carry firearms and make arrests.[1] Three-fifths of these officers were employed by four agencies: the Immigration and Naturalization Service (INS), Bureau of Prisons (BOP), the U.S. Customs Service, and the Federal Bureau of Investigation (FBI).

Regardless of which agency makes the arrest, Federal suspects are typically transferred to the custody of the U.S. Marshals Service (USMS) for booking, processing and detention.[2,3] During 2003, USMS received 126,878 suspects for processing from Federal, State and local law enforcement agencies, including approximately 36,000 suspects arrested by USMS, 32,000 by the Immigration and Naturalization Service, 12,000 by the Drug Enforcement Administration (DEA), and 9,500 by the Federal Bureau of Investigation (FBI).

**Cocaine was the primary drug involved in Federal drug arrests, and most drug arrestees were white**




Notes: Not shown are 3 drug arrests for which race was not specified and 78 arrests for illegal equipment. Hispanics are not shown separately, but are included among the white, black, and other categories. The underlying data do not distinguish between Hispanics and non-Hispanics.
*The "other drug" category includes arrests for barbiturates, hallucinogens, opiates other than heroin, and synthetic drugs.

Source: U.S. Marshals Service Prisoner Tracking System file, fiscal year

*Figure 1.1. Type of drug involved in drug arrests, by race of arrestee, October 1, 2002 - September 30, 2003*

### Number arrested and booked by offense categories (table 1.1)

During 2003, 126,878 suspects were arrested for violations of Federal law and subsequently booked by USMS. Of those suspects arrested and booked, 26% were arrested for drug offenses, 22% for immigration offenses, 18% for supervision violations, 13% for property offenses, 7% each for weapon and public-order offenses, and 4% each for violent offenses and to secure and safeguard a material witness.

Examining drug arrests further, the greatest portion of drug arrests (36%) involved cocaine (crack or powder); 25% involved marijuana; 14% involved amphetamine or methamphetamine; 6% involved heroin; and the remainder involved other drugs or illegal drug equipment (figure 1.1).

Most arrests and bookings for immigration offenses (82%) were for illegal entry into the United States; 12% involved alien smuggling; and 3% each involved false claims of citizenship by entrants to the United States and other immigration violations (figure 1.2).

### Number arrested and booked by law enforcement agencies (table 1.2)

Several Federal law enforcement agencies were reorganized in 2003 with the implementation of the Homeland Security Act of 2002 (P.L. 107-296). This Act, which took effect on March 1, 2003, created the Department of Homeland Security and ushered in a significant reorganization of Federal agencies. Several agencies that had been part of the Justice, Transportation, and Treasury

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[1]Brian A. Reeves and Lynn M. Bauer, *Federal Law Enforcement Officers, 2002,* Bureau of Justice Statistics, Washington, DC (NCJ-199995).

[2]The Federal agency making the arrest may be different from the Federal agency initiating the investigation involving the arrestee. Statistics describing agencies initiating investigations are shown in table 2.3 of chapter 2, "Prosecution."

[3]A portion of immigration arrests result in administrative deportation and are not booked by USMS.

**Most immigration arrests were for illegal entry into the United States**

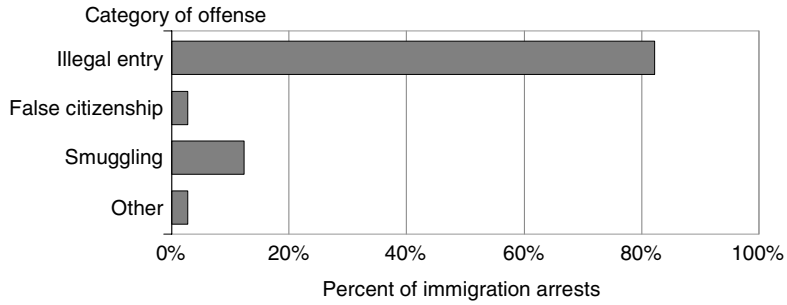



*Figure 1.2. Type of immigration arrests, October 1, 2002 - September 30, 2003*

departments were moved to Homeland Security during 2003.

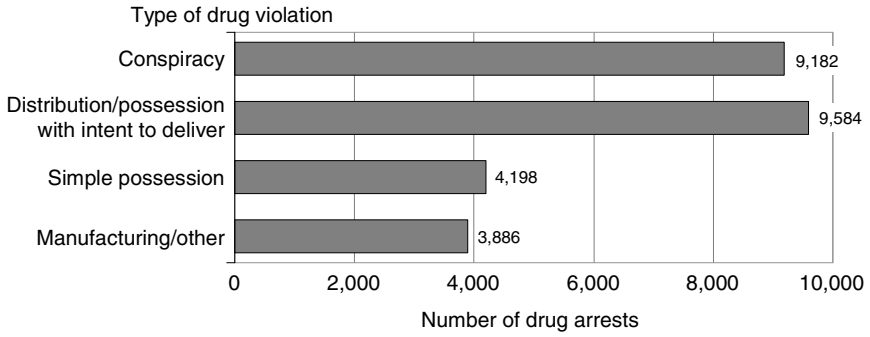
Among the many reorganizations, the Immigration and Naturalization Service moved from the Department of Justice to Homeland Security and was reorganized into three bureaus with different functional responsibilities: the Bureau of Citizenship and Immigration Services provides citizenship, asylum and refugee services; the Bureau of Immigration and Customs Enforcement is responsible for illegal alien detention and removal, as well as immigration intelligence and investigation programs; and the Bureau of Customs and Border Protection, which includes the U.S. Border Patrol, is responsible for border inspection and enforcement.

Furthermore, the Coast Guard and Transportation Security Administration moved from the Department of Transportation to Homeland Security. The Department of Homeland Security also incorporated the U.S. Customs Service and the Secret Service, both formerly part of the Treasury Department. In addition, the Bureau of Alcohol, Tobacco and Firearms moved from the Treasury Department to the Justice Department. More information about agency reorganizations, including reorganizations of agencies without arrest or investigatory powers, is available on the Department of Homeland Security Web site.[4]

The agencies that would ultimately comprise Homeland Security represented roughly one-third of all Federal arrests and bookings in 2003. Twenty-five percent of arrests and bookings were made by the Immigration and Naturalization Service, 6% were by the Customs Service, and an additional 2% were by the Secret Service.

The largest share of Federal arrests and bookings was from the U.S. Marshals Service (28%), followed by the Immigration and Naturalization Service (25%). Arrests by the Drug Enforcement Administration comprised 10%; the Federal Bureau of Investigation, 8%; the U.S. Customs Service, 6%; and State and local law enforcement, 5%. An additional 7% of arrests and bookings were self-surrenders by suspects following the receipt of a summons.

**Most drug arrests involved conspiracy, distribution, or possession with intent to deliver**




Data source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

*Figure 1.3. Type of drug violation, October 1, 2002 - September 30, 2003*

### Suspects arrested and booked across demographic groups (table 1.3)

Suspects arrested and booked for Federal offenses in 2003 were predominantly male (86%), white (71%), and between the ages of 21 and 40 years (70%). The majority (62%) were U.S. citizens. Of the

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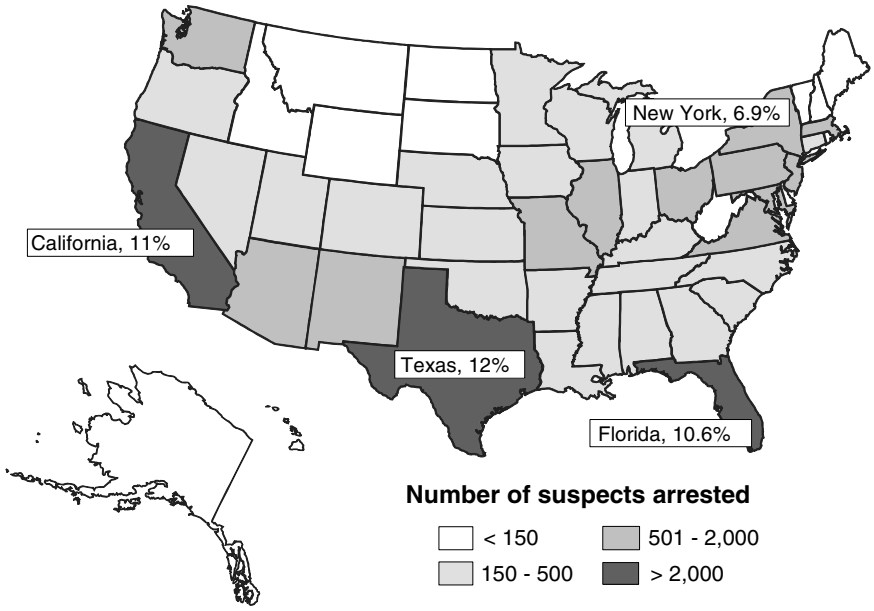
**States with the greatest number of arrests reported in 2003 included Texas (3,224), California (2,947), Florida (2,857), and New York (1,842)**




Note: Not shown on map: District of Columbia (47), Guam (1), and Puerto Rico (294).
Source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

*Figure 1.4. Suspects arrested by the DEA, by State where arrested, October 1, 2002 - September 30, 2003*

[4]http://www.dhs.gov

approximately one-third (38%) who were identified as noncitizens, the most common reasons for arrest were immigration and drug offenses. (54% and 20% of noncitizens, respectively; data not shown).

Examining the demographics of drug offense arrestees further, about two-thirds (68%) were white, and most of the remaining third (29%) were black. The racial distribution of suspects differed by the type of drug involved. Whites made up the majority of suspects arrested for most drug types, including amphetamines (92%), marijuana (89%), heroin (64%), and other drugs (71%). The exception was cocaine-related drug arrests, for which blacks comprised 57% of suspects and whites, 42% (figure 1.1).

**Arrests reported by DEA agents (tables 1.4-1.5)**

Created in 1973, the Drug Enforcement Administration (DEA) is the primary law enforcement agency responsible for enforcing U.S. drug laws. The DEA investigates major drug offenders at the national and international levels with a focus on organized gangs involved in drug trafficking, violent offending, and money laundering.

The DEA coordinates and works with Federal, State, and local agencies to investigate and assist in the prosecution of drug offenses spanning interstate and/or Federal jurisdictions. The DEA State and Local Task Force Program consists of approximately 200 state and local Task Forces.[5]

Altogether, agents of the Drug Enforcement Administration arrested 26,850 suspects in 2003. Not all were booked for violations of Federal law however; some were referred to U.S. attorneys for a prosecutorial decision while others were referred to a State prosecutor (see *Chapter notes*).

Suspects arrested by DEA agents were predominantly white (70%), non-Hispanic (57%), male (84%), and U.S. citizens (77%). The greatest proportion of arrestees was between 21 and 30 years old (44%).

Cocaine was the predominant drug involved in arrests made by DEA agents, with cocaine powder comprising 24% of all arrests and crack cocaine, 14%. Twenty-one percent of DEA arrests involved methamphetamines; 21% involved marijuana; 8% involved opiates; and 10% involved other drugs or non-drug offenses. The majority of suspects arrested for each type of drug was white, with the exception of crack cocaine, for which the majority of suspects was black.

The types of violations that suspects were arrested for were distribution or possession with intent to deliver, 36%; conspiracy, 34%; simple possession, 16%; and manufacturing or other offenses, 14% (figure 1.3).

Arrests by DEA agents were geographically concentrated. For example, the DEA-coordinated Southwest Border Initiative brings together multiple agencies (U.S. Attorneys, U.S. Customs, FBI) to target Mexico-based traffickers operating along the Southwest border. In 2003, one in ten DEA arrests occurred in a county directly adjacent to the U.S.-Mexico border (data not shown). Overall, four in ten DEA arrests in 2003 were made in four states: 12% in Texas, 11% in California, 11% in Florida, and 7% in New York (figure 1.4).

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[5]DEA web site, http://www.dea.gov/programs/ taskforces.htm (Accessed May 12, 2005).

**Fugitive investigations (tables 1.6-1.8)**

In addition to arrests and prosecutions, Federal law enforcement agencies are also responsible for fugitive investigations, which are typically initiated through the receipt of a warrant issued by a judicial officer. The U.S. Marshals Service (USMS) is the Federal government's lead agency for conducting investigations involving escaped Federal prisoners as well as probation, parole, and bond default violators. USMS compiles and maintains all Federal warrants through the computer-based Warrant Information Network (WIN). Deputy U.S. Marshals collaborate with Federal, State and local law enforcement through over 100 cooperative task forces to apprehend fugitives, including non-Federal fugitives who are wanted by State and local authorities.[6]

**Warrants initiated (table 1.6)** — USMS processed 120,131 warrants for investigation during 2003. The majority (62%) of the warrants initiated were for felony offenses, including probation (12%), bond (5%) and parole violations (2%). One-quarter (26%) of warrants initiated were state and local warrants, and the remaining 12% were Federal non-felony warrants for traffic and misdemeanor offenses.

**Warrants cleared (tables 1.7-1.9)** — 122,900 warrants were cleared in 2003. As with warrants initiated, the majority (57%) of the warrants cleared were for felony offenses, including probation (11%), bond (5%) and parole violations (2%). About one-quarter (28%) of the warrants cleared in 2003 were State and local warrants, and the remaining 15% were Federal non-felony warrants for traffic and misdemeanor offenses.

Warrants can be executed in many ways. In 2003, most warrants (72%) cleared with the arrest of a fugitive. About one-quarter (28%), however, were cleared through other means. Eighteen percent of warrants were dismissed by the court or returned unexecuted, and 10% of warrants cleared when a detainer was lodged against a fugitive already in custody elsewhere.

There were important differences in warrant execution across different warrant types. Warrants for more serious fugitives typically involved the arrest of a fugitive, while less serious warrants were most often dismissed by the court or returned unexecuted. Federal felony warrants typically cleared with an arrest (76%), and an additional 16% cleared when a detainer was lodged against a fugitive already in custody elsewhere. Similarly, most warrants (93%) for State and local fugitives cleared with an arrest. By contrast, most non-felony warrants (81%) were dismissed by the court or returned unexecuted.

Warrants that cleared in 2003 typically cleared within one month of warrant initiation — the median time to warrant clearance was 22 days — and most (85%) cleared within one year (figure 1.4). Again, there were important differences across warrant types. More serious fugitives tended to be apprehended within weeks, while warrants for less serious fugitives remained on the books for much longer. The median time from warrant initiation to clearance was 11 days for Federal felony warrants, 28 days for State and local warrants, and one year (370 days) for Federal non-felony warrants.

Cited in Al-Kidd v. Ashcroft, No. 06-36033 archived on September 8, 2009

**The majority of warrants were cleared within one month of initiation**

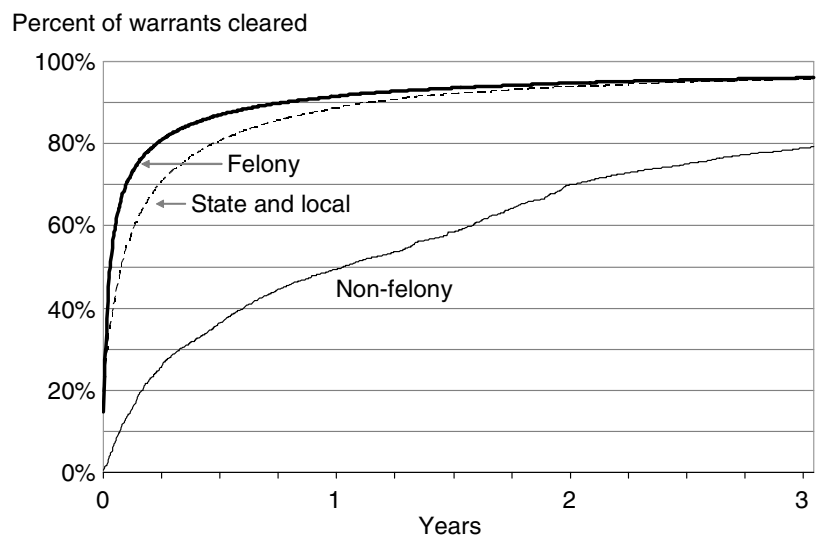


*Figure 1.5. Time from warrant initiation to closing, by warrant type, October 1, 2002- September 30, 2003*

[6]U.S. Marshals Service Web site, http://www.usmarshals.gov/investigations/index.html, accessed June 29, 2005.

**Table 1.1. Suspects arrested for Federal offenses and booked by USMS, by offense, October 1, 2002 - September 30, 2003**

| Most serious offense | Number | Percent[a] |
|---|---|---|
| **All offenses[b]** | 126,878 | 100% |
| **Violent offenses** | 4,338 | 3.5% |
| Murder[c] | 361 | 0.3 |
| Negligent manslaughter | 45 | — |
| Assault | 1,065 | 0.8 |
| Robbery | 2,243 | 1.8 |
| Sexual abuse[c] | 272 | 0.2 |
| Kidnaping | 133 | 0.1 |
| Threatening communication | 179 | 0.1 |
| Other violent offenses | 40 | — |
| **Property offenses** | 16,751 | 13.3% |
| **Fraudulent** | 13,732 | 10.9% |
| Embezzlement | 845 | 0.7 |
| Fraud[c] | 11,225 | 8.9 |
| Forgery | 358 | 0.3 |
| Counterfeiting | 1,304 | 1.0 |
| **Other** | 3,019 | 2.4% |
| Burglary | 158 | 0.1 |
| Larceny[c] | 1,858 | 1.5 |
| Motor vehicle theft | 269 | 0.2 |
| Arson and explosives | 120 | 0.1 |
| Transportation of stolen property | 453 | 0.4 |
| Other property offenses[c] | 161 | 0.1 |
| **Drug offenses** | 33,066 | 26.3% |
| **Public-order offenses** | 8,315 | 6.6% |
| **Regulatory** | 420 | 0.3% |
| Antitrust | 6 | — |
| Food and drug | 120 | 0.1 |
| Civil rights | 72 | 0.1 |
| Other regulatory offenses | 222 | 0.2 |
| **Other** | 7,895 | 6.3% |
| Tax law violations[c] | 868 | 0.7 |
| Bribery | 175 | 0.1 |
| Perjury, contempt, and intimidation | 284 | 0.2 |
| National defense | 12 | — |
| Escape | 787 | 0.6 |
| Racketeering and extortion | 582 | 0.5 |
| Gambling | 145 | 0.1 |
| Obscene material[c] | 560 | 0.4 |
| Child Support Recovery | 276 | 0.2 |
| Nonviolent sex offenses | 643 | 0.5 |
| Obstruction of justice | 485 | 0.4 |
| Traffic offenses | 2,189 | 1.7 |
| Conspiracy, aiding and abetting, and jurisdictional offenses | 105 | 0.1 |
| Wildlife | 95 | 0.1 |
| Environmental | 126 | 0.1 |
| All other offenses[c] | 563 | 0.4 |
| **Weapon offenses** | 9,202 | 7.3% |
| **Immigration offenses** | 27,347 | 21.8% |
| **Supervision violations** | 22,039 | 17.5% |
| **Material witness** | 4,592 | 3.7% |

Note: The data in this table are not directly comparable to the data in 2002 and prior compendia. See *Chapter Notes,* p. 24.
—Less than .05%.
[a]Percentage distribution based on the suspects for whom the offense category could be determined.
[b]Includes 1,228 suspects for whom an offense category could not be determined.
[c]In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Source: U.S. Marshals Service Prisoner Tracking System file, fiscal year.

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**Table 1.2. Suspects arrested for Federal offenses and booked by USMS, by Federal law enforcement agency, October 1, 2002 - September 30, 2003**

| Arresting agency[a] | Most serious offense at arrest | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | All offenses[b] | Violent | Property | | Drug | Public-order | | Weapon | Immigration | Supervision violations | Material witness |
| | | | Fraudulent | Other | | Regulatory | Other | | | | |
| **All agencies** | 126,878 | 4,338 | 13,732 | 3,019 | 33,066 | 420 | 7,895 | 9,202 | 27,347 | 22,039 | 4,592 |
| **Department of Agriculture** | 113 | 3 | 28 | 10 | 22 | 3 | 40 | 1 | 1 | 4 | 0 |
| **Department of Defense** | 534 | 30 | 48 | 44 | 46 | 0 | 341 | 12 | 0 | 7 | 1 |
| **Department of the Interior** | 887 | 109 | 13 | 54 | 84 | 51 | 376 | 54 | 2 | 100 | 1 |
| Indian Affairs | 194 | 73 | 4 | 20 | 16 | 8 | 8 | 8 | 0 | 56 | 1 |
| Park Police | 693 | 36 | 9 | 34 | 68 | 43 | 368 | 46 | 2 | 44 | 0 |
| **Department of Justice** | 89,239 | 3,286 | 6,109 | 1,209 | 20,799 | 148 | 3,947 | 3,382 | 26,668 | 18,390 | 4,499 |
| Drug Enforcement Administration | 12,303 | 30 | 35 | 4 | 11,909 | 14 | 81 | 113 | 13 | 20 | 20 |
| Federal Bureau of Investigation | 9,562 | 2,047 | 2,708 | 360 | 2,538 | 51 | 1,187 | 377 | 38 | 110 | 47 |
| *Immigration and Naturalization Service*[c] | 31,556 | 49 | 991 | 4 | 317 | 1 | 140 | 135 | 25,589 | 72 | 4,237 |
| Marshals Service | 35,793 | 1,159 | 2,375 | 841 | 6,034 | 81 | 2,533 | 2,757 | 1,028 | 18,186 | 195 |
| Other DOJ | 25 | 1 | 0 | 0 | 1 | 1 | 6 | 0 | 0 | 2 | 0 |
| **Department of State** | 440 | 0 | 390 | 2 | 3 | 0 | 13 | 0 | 30 | 1 | 0 |
| **Department of the Treasury** | 15,274 | 155 | 2,314 | 194 | 7,037 | 9 | 753 | 4,419 | 191 | 66 | 38 |
| *Bureau of Alcohol, Tobacco, and Firearms*[c] | 5,649 | 93 | 113 | 75 | 844 | 1 | 108 | 4,367 | 5 | 14 | 8 |
| *Customs Service*[c] | 7,072 | 12 | 195 | 42 | 6,150 | 7 | 341 | 34 | 173 | 37 | 27 |
| Internal Revenue Service | 548 | 2 | 244 | 10 | 20 | 0 | 251 | 2 | 5 | 2 | 1 |
| *Secret Service*[c] | 2,005 | 48 | 1,762 | 67 | 23 | 1 | 53 | 16 | 8 | 13 | 2 |
| **Federal judiciary** | 614 | 7 | 265 | 125 | 25 | 12 | 51 | 6 | 6 | 107 | 0 |
| **U.S. Postal Service** | 1,315 | 31 | 669 | 432 | 40 | 2 | 122 | 10 | 0 | 4 | 0 |
| **Other** | 18,462 | 717 | 3,896 | 949 | 5,010 | 195 | 2,252 | 1,318 | 449 | 3,360 | 53 |
| Self-report, subpoena | 8,303 | 154 | 2,925 | 549 | 1,101 | 87 | 1,140 | 438 | 27 | 1,781 | 3 |
| State and local | 5,956 | 415 | 152 | 193 | 2,590 | 8 | 400 | 720 | 44 | 1,354 | 6 |
| Task force | 734 | 1 | 12 | 1 | 675 | 1 | 18 | 12 | 0 | 9 | 0 |
| Other | 3,469 | 147 | 807 | 206 | 644 | 99 | 694 | 148 | 378 | 216 | 44 |

Notes: Arrests by the Department of Homeland Security (DHS) are not shown in this table. The Homeland Security Act of 2002 that established DHS and reorganized several Federal agencies took effect in March 2003, in the middle of the fiscal year, and agency data systems did not fully capture DHS arrests during this transitional period. Agencies that were reorganized by the Homeland Security Act are shown in italics. The Immigration and Naturalization Service , Customs Service, and Secret Service were moved to DHS, whereas the Bureau of Alcohol, Tobacco and Firearms was moved to the Department of Justice.

[a]This table displays data by the arresting Federal agency. The arresting agency may be different from the Federal agency that initiated the investigation involving the arrestee. Statistics describing agencies initiating investigations are shown in table 2.3 of chapter 2, "Prosecution."

[b]Includes 1,228 suspects for whom an offense category could not be determined.

[c] The Immigration and Naturalization Service, Customs Service, and Secret Service were moved to DHS, whereas the Bureau of Alcohol, Tobacco and Firearms was moved to the Department of Justice.

Source: U.S. Marshals Service Prisoner Tracking System file, fiscal year.

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**Table 1.3. Characteristics of Federal arrestees booked by USMS, October 1, 2002 - September 30, 2003**

| Arrestee characteristic | Number arrested | Percent of suspects arrested on— All offenses | Violent | Property: Fraudulent | Property: Other | Drug | Public-order: Regulatory | Public-order: Other | Weapon | Immigration | Supervision | Material witness |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **All arrestees** | 126,878 | 100% | 3.5% | 10.9% | 2.4% | 26.3% | 0.3% | 6.3% | 7.3% | 21.8% | 17.5% | 3.7% |
| **Male/female** | | | | | | | | | | | | |
| Male | 109,131 | 86.0% | 91.8% | 69.7% | 71.7% | 85.3% | 85.5% | 85.1% | 96.1% | 93.0% | 86.9% | 79.6% |
| Female | 17,736 | 14.0 | 8.2 | 30.3 | 28.3 | 14.7 | 14.5 | 14.9 | 3.9 | 7.0 | 13.1 | 20.4 |
| **Race** | | | | | | | | | | | | |
| White | 88,676 | 70.5% | 43.0% | 63.3% | 58.2% | 68.1% | 77.6% | 73.0% | 47.7% | 96.5% | 57.8% | 93.9% |
| Black | 32,507 | 25.8 | 40.2 | 31.6 | 34.4 | 29.4 | 9.6 | 21.3 | 50.0 | 2.5 | 37.8 | 2.6 |
| Native American | 2,305 | 1.8 | 15.0 | 0.8 | 3.9 | 0.8 | 11.8 | 3.1 | 1.1 | 0.2 | 3.3 | 0 |
| Asian/Pacific Islander | 2,291 | 1.8 | 1.9 | 4.4 | 3.4 | 1.7 | 1.0 | 2.5 | 1.2 | 0.8 | 1.1 | 3.5 |
| **Age** | | | | | | | | | | | | |
| Under 19 years | 2,100 | 1.7% | 4.0% | 0.5% | 3.0% | 1.9% | 0.5% | 1.2% | 1.1% | 1.8% | 0.5% | 7.3% |
| 19-20 years | 6,463 | 5.1 | 9.0 | 2.6 | 6.6 | 6.1 | 4.8 | 4.4 | 5.7 | 5.3 | 2.5 | 12.1 |
| 21-30 years | 50,372 | 39.7 | 37.7 | 28.4 | 31.9 | 43.9 | 25.2 | 29.7 | 44.9 | 45.2 | 35.3 | 48.6 |
| 31-40 years | 38,366 | 30.3 | 27.4 | 30.4 | 28.0 | 29.1 | 24.5 | 26.7 | 28.1 | 32.7 | 33.7 | 22.5 |
| Over 40 years | 29,494 | 23.3 | 21.9 | 38.0 | 30.5 | 19.1 | 45.0 | 38.1 | 20.1 | 15.0 | 27.9 | 9.5 |
| **Citizenship** | | | | | | | | | | | | |
| U.S. citizen | 73,045 | 61.9% | 92.8% | 79.7% | 92.6% | 70.4% | 93.1% | 90.6% | 95.1% | 6.4% | 85.6% | 2.5% |
| Not U.S. citizen | 44,993 | 38.1 | 7.2 | 20.3 | 7.4 | 29.6 | 6.9 | 9.4 | 4.9 | 93.6 | 14.4 | 97.5 |

Notes: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic. The data in this table are not directly comparable to the data in 2002 and prior compendia. See *Chapter Notes,* p. 24.

Source: U.S. Marshals Service Prisoner Tracking System file, fiscal year.

Cited in Al-Kidd v. Ashcroft,
No. 06-36059 archived on September 8, 2009

**Table 1.4. Characteristics of suspects arrested by Drug Enforcement Administration agents, by type of drug, October 1, 2002 - September 30, 2003**

| Arrestee characteristic | Total arrested | Percent arrested | Drug type: Cocaine powder | Crack cocaine | Marijuana | Methamphet-amine | Opiates | Other or non-drug |
|---|---|---|---|---|---|---|---|---|
| **All arrestees*** | 26,850 | 100% | 6,522 | 3,842 | 5,633 | 5,766 | 2,280 | 2,807 |
| **Male/female** | | | | | | | | |
| Male | 22,616 | 84.2% | 5,664 | 3,356 | 4,903 | 4,624 | 1,896 | 2,173 |
| Female | 4,234 | 15.8 | 858 | 486 | 730 | 1,142 | 384 | 634 |
| **Race** | | | | | | | | |
| White | 18,558 | 70.0% | 4,325 | 730 | 4,401 | 5,328 | 1,607 | 2,167 |
| Black | 7,285 | 27.5 | 2,016 | 3,050 | 1,022 | 142 | 603 | 452 |
| Native American | 137 | 0.5 | 21 | 12 | 44 | 42 | 3 | 15 |
| Asian/Pacific Islander | 518 | 2.0 | 39 | 20 | 80 | 186 | 33 | 160 |
| **Ethnicity** | | | | | | | | |
| Hispanic | 10,862 | 43.0% | 3,519 | 449 | 2,841 | 2,168 | 1,383 | 502 |
| Non-Hispanic | 14,370 | 57.0 | 2,682 | 3,066 | 2,508 | 3,222 | 785 | 2,107 |
| **Age** | | | | | | | | |
| Under 19 years | 537 | 2.0% | 96 | 89 | 177 | 99 | 36 | 40 |
| 19-20 years | 1,512 | 5.7 | 307 | 241 | 385 | 306 | 119 | 154 |
| 21-30 years | 11,732 | 43.9 | 2,835 | 1,996 | 2,367 | 2,347 | 925 | 1,262 |
| 31-40 years | 7,837 | 29.3 | 2,071 | 986 | 1,578 | 1,787 | 658 | 757 |
| Over 40 years | 5,093 | 19.1 | 1,169 | 514 | 1,096 | 1,200 | 528 | 586 |
| **Citizenship** | | | | | | | | |
| U.S. citizen | 19,882 | 76.8% | 4,436 | 3,552 | 3,847 | 4,310 | 1,409 | 2,328 |
| Not U.S. citizen | 6,004 | 23.2 | 1,837 | 178 | 1,622 | 1,231 | 774 | 362 |

Note: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic.
*Number of all arrestees will not match number of DEA arrests reported in table 1.2, as suspects arrested by DEA agents may be transferred to State or local jurisdiction and are never booked by the U.S. Marshals Service. See *Chapter notes*, p. 24.

Source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

Cited in Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

**Table 1.5. Characteristics of suspects arrested by Drug Enforcement Administration agents, by weapons involved at time of arrest, October 1, 2002 - September 30, 2003**

| Arrestee characteristic | Total arrested | Total armed | Percent armed | If armed, percent with[a]— Handgun | Shotgun or rifle | Other weapon |
|---|---|---|---|---|---|---|
| **All arrestees[b]** | 26,850 | 1,279 | 4.8% | 85.6% | 20.6% | 8.4% |
| **Male/female** | | | | | | |
| Male | 22,616 | 1,178 | 5.2% | 85.7% | 19.5% | 8.3% |
| Female | 4,234 | 101 | 2.4 | 84.2 | 32.7 | 9.9 |
| **Race** | | | | | | |
| White | 18,558 | 783 | 4.2% | 83.1% | 25.0% | 11.1% |
| Black | 7,285 | 449 | 6.2 | 89.1 | 13.8 | 4.5 |
| Native American | 137 | 4 | 2.9 | — | — | — |
| Asian/Pacific Islander | 518 | 32 | 6.2 | 90.6 | 12.5 | 3.1 |
| **Ethnicity** | | | | | | |
| Hispanic | 10,862 | 448 | 4.1% | 89.3% | 18.3% | 5.4% |
| Non-Hispanic | 14,370 | 752 | 5.2 | 83.9 | 22.7 | 9.3 |
| **Age** | | | | | | |
| Under 19 years | 537 | 19 | 3.5% | 84.2% | 21.1% | 5.3% |
| 19-20 years | 1,512 | 78 | 5.2 | 87.2 | 24.4 | 7.7 |
| 21-30 years | 11,732 | 661 | 5.6 | 87.6 | 17.7 | 7.3 |
| 31-40 years | 7,837 | 336 | 4.3 | 86.3 | 19.3 | 8.0 |
| Over 40 years | 5,093 | 174 | 3.4 | 75.9 | 32.2 | 14.9 |
| **Citizenship** | | | | | | |
| U.S. citizen | 19,882 | 1,023 | 5.1% | 86.0% | 21.2% | 8.7% |
| Not U.S. citizen | 6,004 | 221 | 3.7 | 84.6 | 14.9 | 8.6 |

Note: Summing arrestees on a characteristic may not yield the total number of arrestees because some arrestees lack information on that characteristic.
—Too few cases to obtain statistically reliable data.
[a]Percentages can exceed 100% when suspects are armed with more than one type of weapon.
[b]Number of all arrestees will not match number of DEA arrests reported in table 1.2, as suspects arrested by DEA agents may be transferred to State or local jurisdiction and not the U.S. Marshals Service. See *Chapter notes*, p. 24.
Source: Drug Enforcement Administration Defendant Statistical System, fiscal year.

**Table 1.6. Warrants initiated, by warrant type, October 1, 2002 - September 30, 2003**

| | Number | Percent |
|---|---|---|
| **All warrants initiated during FY 2003** | 120,131 | 100% |
| **Federal** | 89,074 | 74.1% |
| **Felony** | 74,213 | 61.8% |
| Escape | 797 | 0.7 |
| Bond violation | 6,067 | 5.1 |
| Parole violation | 2,623 | 2.2 |
| Probation violation | 14,751 | 12.3 |
| DEA related | 11,944 | 9.9 |
| Federal agency without arrest power | 1,661 | 1.4 |
| Other Federal agency with arrest power | 34,825 | 29.0 |
| Other | 1,545 | 1.3 |
| **Non-felony** | 14,861 | 12.4% |
| Traffic | 9,412 | 7.8 |
| Misdemeanor | 5,449 | 4.5 |
| **State and local** | 31,057 | 25.9% |

Note: Analysis based on the cohort of all warrants initiated during FY 2003.
Source: U.S. Marshals Service Warrant Information Network, fiscal year.

**Table 1.7. Warrants cleared, by warrant type, October 1, 2002 - September 30, 2003**

| | Number | Percent | Median days from initiation to clearance |
|---|---|---|---|
| **All warrants cleared during FY 2003** | 122,900 | 100% | 22 days |
| **Federal** | 87,987 | 71.6% | 20 |
| **Felony** | 69,736 | 56.7% | 11 |
| Escape | 841 | 0.7 | 23 |
| Bond violation | 6,131 | 5.0 | 15 |
| Parole violation | 2,552 | 2.1 | 35 |
| Probation violation | 14,006 | 11.4 | 14 |
| DEA related | 11,463 | 9.3 | 7 |
| Federal agency without arrest power | 1,711 | 1.4 | 9 |
| Other Federal agency with arrest power | 31,658 | 25.8 | 8 |
| Other | 1,374 | 1.1 | 18 |
| **Non-felony** | 18,251 | 14.9% | 370 days |
| Traffic | 11,499 | 9.4 | 322 |
| Misdemeanor | 6,752 | 5.5 | 469 |
| **State and local** | 34,913 | 28.4% | 28 days |

Note: Analysis based on the cohort of all warrants initiated during FY 2003.
Source: U.S. Marshals Service Warrant Information Network, fiscal year.

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**Table 1.8. Time from warrant inititation to clearance, by warrant characteristics, October 1, 2002 - September 30, 2003**

| | All warrant types | | | Felony | | | Non-felony | | | State and local | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number | Percent | Median days | Number | Percent | Median days | Number | Percent | Median days | Number | Percent | Median days |
| **All warrants cleared during FY 2003** | 122,900 | 100% | 22 days | 69,736 | 100% | 11 days | 18,251 | 100% | 370 days | 34,913 | 100% | 28 days |
| **By warrant execution type** | | | | | | | | | | | | |
| **Warrants cleared by arrest** | 88,719 | 72.2% | 12 days | 53,088 | 76.1% | 7 days | 3,106 | 17.0% | 56 days | 32,525 | 93.2% | 26 days |
| Alcohol, Tobacco, and Firearms | 3,380 | 2.8 | 8 | 3,372 | 4.8 | 8 | 1 | —* | — | 7 | —* | — |
| Drug Enforcement Administration | 6,133 | 5.0 | 3 | 6,127 | 8.8 | 3 | 0 | 0 | … | 6 | —* | — |
| Federal Bureau of Investigation | 5,481 | 4.5 | 6 | 5,465 | 7.8 | 6 | 9 | —* | — | 7 | —* | — |
| Immigration and Naturalization | 4,121 | 3.4 | 2 | 4,118 | 5.9 | 2 | 0 | 0 | … | 3 | —* | — |
| Self-surrender | 5,968 | 4.9 | 20 | 3,743 | 5.4 | 12 | 1,786 | 9.8 | 54 | 439 | 1.3 | 33 |
| Marshals Service | 48,165 | 39.2 | 13 | 21,133 | 30.3 | 8 | 1,138 | 6.2 | 56 | 25,894 | 74.2 | 18 |
| Other Federal | 6,826 | 5.6 | 8 | 5,799 | 8.3 | 6 | 119 | 0.7 | 59 | 908 | 2.6 | 59 |
| State/local | 8,645 | 7.0 | 55 | 3,331 | 4.8 | 22 | 53 | 0.3 | 236 | 5,261 | 15.1 | 73 |
| **Warrants cleared by other means** | 34,165 | 27.8% | 173 days | 16,637 | 23.9% | 48 days | 15,145 | 83.0% | 504 days | 2,383 | 6.8% | 173 days |
| Detainer | 12,150 | 9.9 | 35 | 11,444 | 16.4 | 33 | 412 | 2.3 | 164 | 294 | 0.8 | 115 |
| Dismissed | 22,002 | 17.9 | 405 | 5,181 | 7.4 | 181 | 14,733 | 80.7 | 526 | 2,088 | 6.0 | 187 |
| Other | 13 | —* | 35 | 12 | —* | 29 | 0 | 0 | … | 1 | —* | — |
| **By offense** | | | | | | | | | | | | |
| **Violent offenses** | 8,652 | 7.1% | 19 days | 2,976 | 4.3% | 7 days | 137 | 0.8% | 440 days | 5,539 | 15.9% | 26 days |
| **Property offenses** | 13,135 | 10.7% | 16 days | 8,308 | 12.3% | 8 days | 707 | 3.9% | 571 days | 4,120 | 11.8% | 38 days |
| Fraudulent | 8,336 | 6.8 | 11 | 6,919 | 10.0 | 8 | 54 | 0.3 | 305 | 1,363 | 3.9 | 61 |
| Other | 4,799 | 3.9 | 31 | 1,389 | 2.0 | 13 | 653 | 3.6 | 582 | 2,757 | 7.9 | 31 |
| **Drug offenses** | 28,738 | 23.5% | 9 days | 19,184 | 27.7% | 7 days | 421 | 2.3% | 368 days | 9,133 | 26.2% | 14 days |
| **Public-order offenses** | 22,931 | 18.7% | 188 days | 4,267 | 6.2% | 21 days | 15,210 | 83.3% | 380 days | 3,454 | 9.9% | 32 days |
| Regulatory | 926 | 0.8 | 546 | 64 | 0.1 | 2 | 829 | 4.5 | 572 | 33 | 0.1 | 34 |
| Other | 22,005 | 18.0 | 179 | 4,203 | 6.1 | 23 | 14,381 | 78.8 | 367 | 3,421 | 9.8 | 32 |
| **Weapon offenses** | 7,204 | 5.9% | 14 days | 6,339 | 9.1% | 14 days | 126 | 0.7% | 477 days | 739 | 2.1% | 22 days |
| **Immigration offenses** | 4,527 | 3.7% | 2 days | 4,488 | 6.5% | 2 days | 15 | 0.1% | 11 days | 24 | 0.1% | 0 days |
| **Supervision violations** | 36,810 | 30.0% | 24 days | 23,337 | 33.7% | 16 days | 1,593 | 8.7% | 229 days | 11,880 | 34.0% | 37 days |
| **Material witness** | 501 | 0.4% | 7 days | 447 | 0.6% | 6 days | 42 | 0.2% | 1,190 days | 12 | —* | 6 days |

Notes: Analysis based on the cohort of all warrants cleared during FY 2003. Summing warrants on a characteristic may not yield the total because some warrants were missing data on some characteristics.
…No cases of this type occurred in the data.
—Too few cases to obtain statistically reliable data.
—*Less than .05%.

Source: U.S. Marshals Service Warrant Information Network, fiscal year.

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

**Table 1.9. Time from warrant initiation to clearance, by warrant type, October 1, 2002 - September 30, 2003**

| | All warrant types | | Felony | | Non-felony | | State and local | |
|---|---|---|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| **All warrants cleared during FY 2003** | 122,900 | 100% | 69,736 | 100% | 18,251 | 100% | 34,913 | 100% |
| On the same day | 17,193 | 14.0% | 10,166 | 14.6% | 115 | 0.6% | 6,912 | 19.8% |
| Within 1 week | 25,759 | 21.0 | 21,244 | 30.5 | 460 | 2.5 | 4,055 | 11.6 |
| Between 1 week and 1 month | 24,789 | 20.2 | 16,131 | 23.1 | 1,604 | 8.8 | 7,054 | 20.2 |
| Between 1 month and 1 year | 36,215 | 29.5 | 16,333 | 23.4 | 6,876 | 37.7 | 13,006 | 37.3 |
| Between 1 and 5 years | 14,697 | 12.0 | 4,171 | 6.0 | 7,442 | 40.8 | 3,084 | 8.8 |
| More than 5 years | 4,246 | 3.5 | 1,691 | 2.4 | 1,754 | 9.6 | 801 | 2.3 |

Notes: Analysis based on the cohort of all warrants cleared during FY 2003.
Table excludes 1 record that was missing data on time to warrant clearance.

Source: U.S. Marshals Service Warrant Information Network, fiscal year.

Cited in Al-Kidd v. Ashcroft,
No. 06-36059 archived on September 8, 2009

## Chapter notes

1) Tables 1.1-1.3 were derived from the U.S. Marshals Service Prisoner Tracking System. Only records of arrests made during October 1, 2002, through September 30, 2003, were selected. Information on individual cases, offenses, and detainees were used to construct the tables.

2) The data in tables 1.1-1.3 are not directly comparable to tables 1.1-1.3 in prior *Compendia* because of changes in the data processing methodology. Prior *Compendia* (1998-2002) overstated the number of Federal arrests by about 4,000 or 3% because some suspects were booked in more than one Federal district following their arrests. For example, a suspect who is arrested and booked in district A may be transferred to district B because of an outstanding warrant in district B. Upon arrival in district B, the suspect is booked a second time. The data presented in this *Compendium* reflect only the first booking associated with a given person-arrest.

Cited in Al-Kidd v. Ashcroft,
No. 06-36059 archived on September 8, 2009

3) Tables 1.4-1.5 were derived from the DEA Defendant Statistical System. Only records of arrests made during October 1, 2002, through September 30, 2003, were selected. Counts of DEA arrests from tables 1.4-1.5 will be higher than those reported as DEA arrests by the U.S. Marshals (in table 1.2) because some suspects arrested by DEA agents are transferred to State or local jurisdiction and are, therefore, never booked by the U.S. Marshals Service.

4) Tables 1.6-1.9 were derived from the U.S. Marshals Service Warrant Information Network. Only records of warrants initiated or warrants cleared during October 1, 2002, through September 30, 2003 were selected. Information on warrant type, warrant execution, and warrant offense were used to construct the tables.

5) The offense classification codes used by the U.S. Marshals Service were aggregated into the categories shown in tables 1.1-1.3 and table 1.8. These categories are similar, but may not be directly comparable, to categories used in other tables of this *Compendium*.

## 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 U.S. Marshals Service, the Drug Enforcement Administration, 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, 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. 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.

### *Reporting period*

Wherever possible, matters or cases have been selected according to the event which occurred during fiscal year 2003 (October 1, 2002, through September 30, 2003). 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 2003 in this *Compendium* have been assembled from source files containing records of 2003 matters concluded which were entered into the data system during fiscal years 2003 or 2004.

### *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.

## Table construction and interpretation

The tables presented report events that occurred during the Federal fiscal year — October 1, 2002 - September 30, 2003. Generally the tables include both individual and organizational defendants. Organizational defendants are not included in tables describing defendants sentenced to incarceration, and offenders under post-conviction supervision. Juvenile offenders are included in the reported statistics.

### *Unit of analysis*

The unit of analysis in chapters 1 through 6 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 7 the unit of analysis for incarceration, probation, parole, or other supervised release is a person entering custody or supervision, a person leaving custody or supervision, or a person in custody or supervision at year-end. 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 (e.g., the demographic tables in chapters 4 and 5) 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 are combined to form the BJS categories shown in the *Compendium* tables.*

Offense categories for Federal arrestees in chapter 1 are based on the FBI's National Crime Information Center (NCIC) offense classifications, which are converted into U.S. Marshals' four-digit offense codes, which, in turn are aggregated into the offense categories shown in the tables. These categories are similar, but may not be directly comparable to the BJS offense categories used in other chapters of this *Compendium.* For data from the Executive Office for U.S. Attorneys, which include United States Code citations but do not include the Administrative Office offense classifications, United States Code titles and sections are translated into the Administrative Office classification system and then aggregated into the offense categories used in the tables. Offense categories for prisoners in chapter 7 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 7, but may not be directly comparable.

### *Felony/misdemeanor distinctions*

Felony and misdemeanor distinctions are provided where possible. Felony

*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.

Cited in Al-Kidd v. Ashcroft, No. 06-36059, archived on September 8, 2009

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. Chapters 1 and 2 do not use this distinction because many suspects cannot be so classified at the arrest and investigation stages in the criminal justice process. Chapter 3 no longer reports this distinction because the Pretrial Services Agency no longer gathers this information. Chapters 4 and 5 distinguish between felony and misdemeanor offenses, as do tables 7.1, 7.3, 7.5, and 7.7. Tables 7.9, and 7.11--7.14 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 2 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 3 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 4 the most serious offense charged is the one that has the most severe potential sentence. For chapter 5 conviction offenses are based on statutory maximum penalties. In chapter 6 offenses are classified by the offense of conviction. In tables 7.1–7.8, 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 7.9–7.16, 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.

**"Sexual abuse"** includes only violent sex 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.

**"Wildlife"** includes offenses previously included in the "Migratory birds" category

**"Environmental"** includes some offenses previously included in the "Agriculture" and "Other Regulatory" categories

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

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

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

Cited in Al Kidd v. Ashcroft No. 06-36055 archived on September 8, 2009

## Source agencies for *Compendium* data tables

| Data source agency — data files | Description of data files contents | *Compendium* tables |
|---|---|---|
| United States Marshals Service (USMS) — Prisoner Tracking System (PTS) --- Warrant Information Network | Contains data on suspects arrested for violations of Federal law, by Federal enforcement agencies and data about warrants initiated or cleared. The data include information on characteristics of Federal arrestees. | **Arrest:** 1.1, 1.2, 1.3 **Warrant:** 1.6, 1.7, 1.8, 1.9 |
| Drug Enforcement Administration (DEA) — Defendant Statistical System | Contains data on suspects arrested by DEA agents, both within and outside the continental U.S. The data include information on characteristics of arrestees, type of drug for which arrested, as well as the type and number of weapons at time of arrest. | **Arrest:** 1.4, 1.5 |
| Executive Office for U.S. Attorneys (EOUSA) — Central System and Central Charge Files | Contains information on the investigation and prosecution of suspects in criminal matters received and concluded, criminal cases filed and terminated, and criminal appeals filed and handled by U.S. attorneys. The central system files contain defendant-level records about the processing of matters and cases; the central charge files contain the records of the charges filed and disposed in criminal cases. Data are available on matters and cases filed, pending, and terminated. | **Prosecution:** 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 |
| 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. The data describe pretrial defendants processed by Federal pretrial service agencies within each district. Defendants who received pretrial services through a local, non-Federal agency, such as the District of Columbia, are not included. | **Pretrial release:** 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10 **Adjudication:** 4.5 (defendant characteristics) **Sentencing:** 5.4, 5.5, 5.6 (defendant characteristics) |
| Administrative Office of the U.S. Courts (AOUSC) — Criminal Termination Files | Contains information about the criminal proceedings against defendants whose cases were filed in U.S. district courts. Includes information on felony defendants, Class A misdemeanants — whether handled by U.S. district court judges or U.S. magistrates — and other misdemeanants provided they were handled by U.S. district court judges. The information in the data files cover criminal proceedings from case filing through disposition and sentencing. Data are available on criminal defendants in cases filed, pending, and terminated. | **Adjudication:** 4.1, 4.2, 4.3, 4.4, 4.5 **Sentencing:** 5.1, 5.2, 5.3, 5.4, 5.5, 5.6 |
| United States Sentencing Commission (USSC) — Monitoring Data Base | Contains information on criminal defendants sentenced pursuant to the provisions of the Sentencing Reform Act of 1984. It is estimated that more than 90% of felony defendants in the Federal criminal justice system are sentenced pursuant to the SRA of 1984. Data files are limited to those defendants whose records have been obtained by the U.S. Sentencing Commission. | **Adjudication:** 4.5 (defendant characteristics) **Sentencing:** 5.4, 5.5, 5.6 (defendant characteristics) |
| AOUSC: Court of Appeals | Contains information on criminal appeals filed and terminated in U.S Courts of Appeals. Records of appeals filed, pending, or terminated include information on the nature of the criminal appeal, the underlying offense, and the disposition of the appeal. | **Appeals:** 6.1, 6.2, 6.3, 6.4, 6.5 |
| AOUSC — Federal Probation and Supervision Information System (FPSIS) | Contains information about supervisions provided by probation officers for persons placed on probation or supervised release from prison. The files contain records of individuals entering, or currently on supervision, as well as records of offenders terminating supervision. | **Corrections:** 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 |
| Bureau of Prisons (BOP): Extract from BOP's online Sentry System | The data extracts contain information on all offenders released from prison over a specific period of time plus information about the offenders in prison when the data extracts are made. The information covers the time that offenders enter prison until their release from the jurisdiction of the Bureau of Prisons. Tables 7.9-7.16 exclude prisoners sentenced by a District of Columbia Superior Court judge for violations of the DC Criminal Code. | **Corrections:** 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16 |

Cited in Arkidy v. Ashcroft No. 06-36035 archived on September 8, 2009

Cited in Al-Kidd v. Ashcroft,
No. 06-36059 archived on September 8, 2009

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

**Administrative case closure —** The termination of a community supervision case due to administrative reasons such as: long-term hospitalization, death, deportation, incarceration in an unrelated case, or at the administrative discretion of the Chief Probation Officer.

**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).

Cited in Al-Kidd v. Ashcroft, No. 06-36059, archived on September 8, 2009

**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)).

**Booking —** a procedure following an arrest in which information about the arrest and the suspect is recorded.

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

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

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

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

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

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

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

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

**Commutation of sentence** — the act of reducing a Federal criminal sentence resulting from a conviction by the executive clemency of the President of the United States.

**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 defendant** — the defendant in a case is an entity, a collection of persons, business or corporation, not an individual person.

**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 phono records, motion pictures, or audio visual works (*for example,* 18 U.S.C. §§ 471, 473, 477, 479, 481, 485, 487, 501, 507, 509, 513(b), 2318, and 2320).

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

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

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

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

Cited in Al-Kidd v. Ashcroft, No. 06-36038 archived on September 8, 2009

**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.")

**Deportation** or **Treaty Transfer —** the act of expelling a foreigner from a country, usually to the country of origin due to the commission of a crimeo or prior criminal record

**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.

**Detainer —** a notification sent by a prosecutor, judge, or other official (e.g., law enforcement officer) advising a prison official that a prisoner is wanted to answer criminal charges and requesting continued detention of the prisoner or notification of the prisoner's impending release.

**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.")

**Dual and Successive Prosecution Policy ("Petite Policy")** — Prosecutoral guidelines used to determine whether to bring a federal prosecution based on substantially the same act(s) or transactions involved in a prior state or Federal proceeding. *See Rinaldi v. United States,* 434 U.S. 22, 27, (1977); *Petite v. United States,* 361 U.S. 529 (1960).

**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)).

**Environmental offenses —** violations of Federal law enacted to protect the environment, such as the Clean Air Act (42 U.S.C. §§ 7401-7491), and the Clean Water Act (33 U.S.C. §§ 1251-1376). Environmental protection laws protect the safety and well-being of communities from excessive and unnecessary emission of environmental pollutants.

**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,

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

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).

**Exclusion** — the rule that evidence secured by illegal means and in bad faith cannot be introduced in a criminal trial.

**Expiration of sentence** — the completion of an offender's prison sentence by standard means (see Releases from prison).

**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.")

**Fine —** a monetary penalty imposed as punishment for an offense.

**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 (that is, excludes offenders who are returned to prison after their first release to supervision).

Cited in Al-Kidd v. Ashcroft, No. 06-2600, archived on September 8, 2009

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

**Forgery** — falsely making or materially altering a document with the intent to defraud. Includes such falsification with intent to pass off as genuine any of the following: U.S. Postal Service money order; postmarking stamp or impression; obligation or security of the United States; foreign obligation, security, or bank note; contractors' bond, bid, or public record; deed; power of attorney; letters patent; seal of a court or any department or agency of the U.S. Government; the signature of a judge or court officer; ships' papers; documents on entry of vessels; customs matters; coin or bar; and so forth. Also includes making, possessing, selling, or printing plates or stones for counterfeiting obligations or securities, and detaching, altering, or defacing any official, device, mark or certificate (*for example,* 18 U.S.C. §§ 483, 493, 495, 497, 503, 505, 510(a)(b), and 511; 19 U.S.C. § 1436; and 21 U.S.C. §§ 458(b)(c)).

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

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

**Fugitive —** a person convicted or accused of a crime who hides from law enforcement or flees across jurisdictional lines to avoid arrest or punishment.

**Fugitive investigation —** a fugitive investigation is initiated upon receipt of a warrant typically involving persons violating conditions of probation, parole, or bond release, as well as escaped prisoners. The U.S. Marshals

Service has administrative responsibility for all Federal fugitive investigations.

**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. (S*ee 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.

**Initial appearance/hearing —** the first appearance of a criminal defendant before a judge or a magistrate.

**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.)

**Jail credit —** the number of days deducted from an offender's sentence for time spent in custody prior to being sentenced to prison.

**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

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

would have been a crime if committed by an adult (18 U.S.C. § 5031).

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

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

**Larceny** — the act of taking and carrying away any personal property of another with intent to steal or convert it to one's own use or gain. Includes stealing, possessing or illegally selling or disposing of anything of value to the United States or any of its departments or agencies; or stealing from a bank, the Postal Service, or any interstate or foreign shipments by carrier. Also encompasses receiving or possessing stolen property or pirate property; and stealing or obtaining by fraud any funds, assets, or that belong to, or are entrusted to, the custody of an Indian tribal organization (*for example,* 18 U.S.C. §§ 641, 659, 661-62, 667, 1168(a), 1704, 1707, and 2113(b)). (This offense category excludes the transportation of stolen property.)

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

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

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

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

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

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

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

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

**Material witness —** a person with significant information about the subject matter of a criminal prosecution necessary to resolve the matter.

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

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

**Migratory birds offenses** — violations of acts relating to birds which move from one place to another in season. Includes taking, killing, or

possessing migratory birds, or any part, nest, or egg thereof, in violation of Federal regulations or the transportation laws of the State, territory, or district from which the bird was taken. Also, misuse or non-use of a migratory-bird hunting and conservation stamp (*for example,* 16 U.S.C. §§ 690(g), 701, 703, 704-6, 707(b), 708, 711, and 718(a)(e)(g)).

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

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

**Mistrial —** the termination of a trial before its normal conclusion because of a procedural error, statements by a witness, judge or attorney which prejudice a jury, a deadlock by a jury without reaching a verdict after lengthy deliberation (a "hung" jury), or the failure to complete a trial within the time set by the court.

**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.

**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.")

**Nolle prosequi —** Latin for "we shall no longer prosecute," the statement is

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

an admission by the prosecutor that the charges cannot be proved or that evidence has demonstrated the defendant's innocence.

**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.

**Non-jury trial —** a trial in which the judge alone decides factual as well as legal questions, and makes the final judgment.

**Nonviolent sex offenses** — 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).

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

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

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

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

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

**Parole** — period of supervision after release from custody before the expiration of sentence. The U.S. Parole Commission is empowered to grant, modify or revoke the parole of all Federal offenders. Pursuant to the Sentencing Reform Act of 1984, parole was abolished and defendants are required to serve the imposed sentence (less 54 days per year good-time for sentences greater than 1 year, but not life imprisonment), followed by a term of supervised release. Because of the number of Federal inmates sentenced under pre-Sentencing Reform provisions, parole is being phased out.

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

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

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

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

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

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

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

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

**Presentence Investigation Report (PSR)** — following a presentence investigation, a report to the court prepared by the probation officer before the imposition of sentence, as required by law; unless the court finds that there is information in the record sufficient to enable the meaningful

exercise of sentencing authority pursuant to 18 U.S.C. § 3553, and the court explains this finding on the record.

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

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

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

**Pretrial revocation —** the decision to detain a defendant on pretrial release for violating conditions of release or committing a new crime.

**Preventive detention —** the detention of a defendant awaiting trial for the purpose of preventing further misconduct.

**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.

**Procedural termination —** a judgment based on the methods and mechanics of the legal process, including all the rules and laws governing that process. Procedural law is distinguished from "substantive" law, which involves the statutes and legal precedents upon which cases are tried and judgments made. See also, "Administrative case closure" and "Terminated on the merits".

**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).

Cited in Al-Kidd v. Ashcroft No. 06-36059 archived on September 8, 2009

**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.

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009

**Sexual abuse** — 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)).

**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.

**Terminated on the merits —** a judgment made after consideration of the substantive as distinguished from procedural issues in a case. See also "Procedural termination".

**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).

**Time served —** the portion of the imposed sentence that was spent in prison, from the prisoner's arrival into jurisdiction of the Bureau of Prisons until release from prison, plus any jail time served and credited. For prisoners serving concurrent sentences, time served may exceed the longest single sentence imposed.

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

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

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

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

**Trial conviction** — conviction by judge or jury after trial.

**True bill** — an indictment.

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

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

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

**Violation (of pretrial release, probation, or parole)** — 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, sexual abuse, kidnaping, and threats against the President. (*See also*, specific offenses for citations.)

**Warrant —** an order (writ) of a court that directs a law enforcement officer to arrest and bring a person before the judge, such as those charged with a crime, escaped Federal prisoners, or probation, parole, or bond default violators.

**Warrant clearance** or **execution —** refers to the closing of a fugitive investigation. Warrants can be cleared or executed in many ways, such as with the arrest or surrender of a fugitive, dismissed by the court, or when a detainer is lodged against a fugitive already in custody (see Detainer).

Cited in Al-Kidd v. Ashcroft, No. 08-36059 archived on September 8, 2009

**Warrant initiation —** refers to the opening of a fugitive investigation upon receipt of a warrant.

**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)).

**Wildlife offenses —** violations of Federal law enacted to protect endangered or threatened species, as well as migratory birds. The Endangered Species Act (16 U.S.C. §1531(b)) makes it unlawful for any person to take, import, sell or ship endangered or threatened wildlife, and the Migratory Bird Treaty Act (16 U.S.C. §§ 703) protects migratory birds. The Lacey Act (16 U.S.C. § 3372) prohibits the trade in illegally taken fish and wildlife.

Cited in Al-Kidd v. Ashcroft, No. 06-36059 archived on September 8, 2009