



Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 2004

Federal criminal case processing, October 1, 2003, through September 30, 2004



A Federal Justice Statistics Program Report

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Highlights

The number of suspects investigated by U.S. attorneys increased between 2003 and 2004, from 130,078 to 141,242. About three-quarters of those for which the investigation was concluded were prosecuted — either before a U.S. district court judge (58%) or before a U.S. magistrate (20%) — and 22% of those investigated were not prosecuted by U.S. attorneys.

The number of defendants prosecuted in Federal courts increased by 23% between 2003 and 2004, from 94,916 to 116,363.

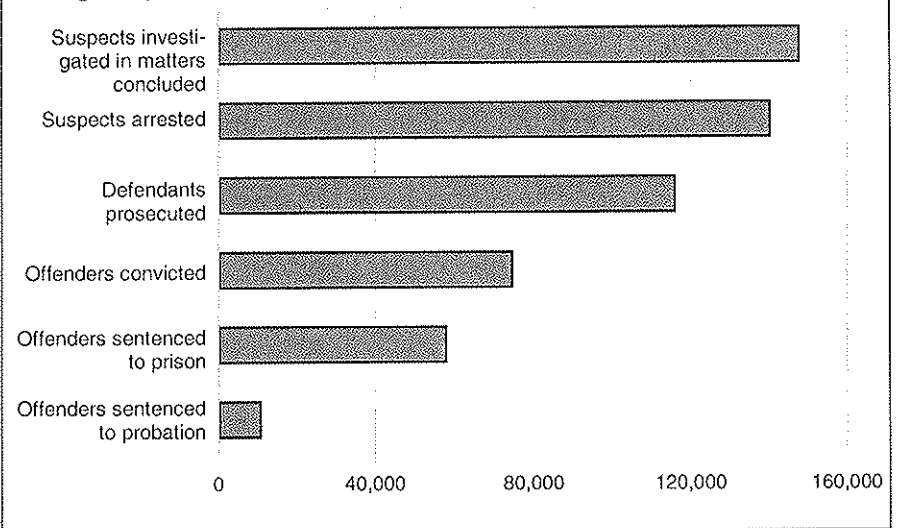
The number of offenders under post-conviction supervision increased 29% between 1990 and 2004. At the end of fiscal year 2004, the number of offenders on post-conviction community supervision was 109,712 compared to 84,801 during 1990. Over 73% of those under post-conviction community supervision were on post-incarceration supervised release (77,332) or parole (3,098).

Arrest

During 2004, Federal law enforcement agencies arrested 140,755 suspects for violations of Federal law. The U.S. Marshals Service arrested and booked 29% of those for immigration offenses, 25% for drug offenses, 17% for supervision violations, 12% for property offenses, 6-7% each for public-order and weapon offenses, and 3-4% 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 2004 the agencies that comprise Homeland Security were responsible for about 37% of arrests and bookings. Within the Department of Justice, the U.S. Marshals Service made 28% of the arrests, the Drug Enforcement Administration 9%, and the Federal Bureau of Investigation 7%.

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Prosecution

During 2004 U.S. attorneys initiated criminal investigations involving 141,212 suspects, and they concluded their investigations of 148,229 suspects. Twenty-seven percent of the suspects were investigated for drug, 26% for immigration, 18% for property, 15% for public-order, 10% for weapon, and 4% for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 86,482 in U.S. district courts and 29,881 were disposed of before U.S. magistrates. During 2004 U.S. attorneys declined 22% of matters concluded.

Suspects in criminal matters involving drug and weapon offenses were more likely to be prosecuted in a U.S. district court (75% and 70%, respectively) than were suspects involved in violent (59%), property (53%), immigration (51%), or public-order offenses (38%). Suspects involved in property offenses (such as fraud) or public-order offenses were more likely to be declined for prosecution (about 40%) than were suspects investigated for violent offenses (32%), weapon (26%), drug (15%), or immigration (1%) offenses.

Pretrial release

Of 83,364 pretrial cases commenced in 2004, 33% of defendants were released after either an initial or detention hearing, while 67% were detained, and less than 1% were dismissed.

During 2004, 40% of the 78,219 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 (70% and 63%, respectively) than were defendants charged with weapon (32%), drug (29%), violent (27%), or immigration (5%) offenses.

The proportion of defendants released prior to trial decreased from 62% during 1990 to 40% during 2004.

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 percent of defendants with one prior

conviction were released, as compared to 31% of defendants having two to four prior convictions and about 24% 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 (34% and 29%, respectively), while defendants charged with weapon, violent, or drug offenses were more likely to have their release revoked (16% for weapon offenses and 11% each for violent or drug offenses) than were other defendants.

Defendants released during 2004 were more likely to violate the conditions of their pretrial release than those released during 1990 (20% compared to 12%).

Adjudication

During 2004, 92,645 defendants were charged in Federal courts with a criminal offense, 88% of whom were charged with felonies. Of the defendants charged with felonies, 37% were prosecuted for drug, 22% for immigration, 18% for property, 13% for weapon, 6% for public-order, and 4% for violent offenses. The number of defendants charged with a felony immigration offense increased by 11% between 2003 and 2004, from 15,997 to 17,687.

Criminal cases were concluded against 83,391 defendants during 2004, 87% of whom had been charged with felonies. The proportion of defendants convicted in the Federal courts increased from 81% during 1990 to 90% during 2004. The proportion of convicted defendants who pleaded guilty increased from 87% during 1990 to 96% during 2004.

About 92% of defendants charged with felonies were convicted. The conviction rate was similar for the major offense categories: 96% of defendants charged with immigration offenses, 92% of drug defendants, 91% of property and violent defendants, 90% of weapon defendants, and 87% of public-order defendants.

Sentencing

Defendants convicted during 2004 were more likely to be sentenced to prison than those convicted during 1990. During 2004 about 78% 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 94% of felony weapon and drug offenders, 90% of felony immigration offenders, 70% of felony public-order offenders, and 60% of felony property offenders.

The 58,106 offenders sentenced to prison received, on average, 59.7 months of imprisonment. Offenders sentenced for felony violent offenses, felony weapon offenses, and felony drug offenses received longer average prison terms (96.2, 84.3, and 83.6 months, respectively) than those convicted of felony property, immigration, or public-order offenses (27.4, 26.9, and 43.6 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 2004 (96.2 months compared to 94.8 months in 1992).

Average length of prison sentences imposed, by offense, October 1, 2003 - September 30, 2004

Most serious offense of conviction	Average sentence length
All offenses	59.7 mo
Felonies	
Violent offenses	97.2
Property offenses	27.4
Drug offenses	83.6
Public-order offenses	43.6
Weapon offenses	84.3
Immigration offenses	26.9
Misdemeanors	5.6

Fifty-nine percent of all defendants identified as non-Hispanic were released during 2004 compared to 17% of Hispanics. Non-Hispanic releasees were twice as likely as Hispanics to be released on personal recognizance. Released defendants by race were:

- 58% of Asian/Native Hawaiian or Pacific Islander defendants
- 53% of Native American or Alaskan Native defendants
- 47% of black or African American defendants
- 36% of white defendants.

The higher the education level of the defendant, the greater the probability of release. Thirty-two percent of defendants with less than a high school education were released in 2004, while 77% of those who had completed college were released.

Defendants with a history of drug abuse were released less frequently than those defendants with no known drug history (46% versus 53%). However, among all released defendants, drug abuse history does not appear to have had a major effect on the form of pretrial release.

Sixty percent of defendants with no prior convictions were released compared with only 21% of defendants with prior violent felony convictions.

Detentions (tables 3.5 and 3.7) — Males were more likely (81% versus 54%) than females to be detained (table 3.5). Of all detainees 81% of the men and 63% of the women were detained following a detention hearing (table 3.7). Hispanics had a much higher probability of being detained (94%) compared with non-Hispanics (63%). Almost all of those charged with an immigration offense (98%) — of whom noncitizen Hispanics comprise the majority — were detained (table 3.4).

Younger defendants were more likely than older ones to be detained. Defendants detained by age were:

- between ages 16 and 18 (77%)

Of cases terminated, defendants charged with weapon offenses were more likely than other defendants to incur at least one violation during their release period or have their release revoked

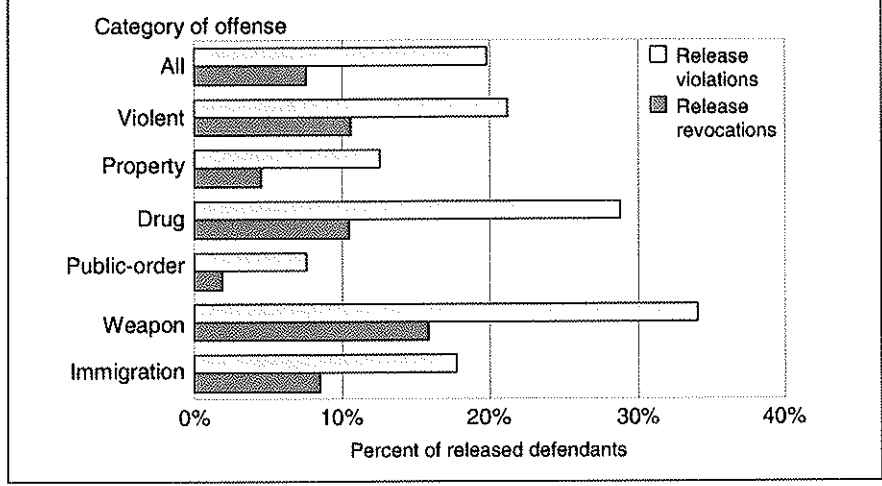


Figure 3.4. Pretrial release violation and revocation rates, for cases that terminated during October 1, 2003 - September 30, 2004, by offense category

- between ages 19 and 20 (78%)
- over age 40 (66%).

However, among all defendants detained, the chances of being detained following a detention hearing were similar across all age groups (table 3.7).

The likelihood of having a detention hearing increased with the number of prior convictions and severity of the defendant's criminal history. Furthermore, 59% of those with a history of drug abuse had detention hearings as compared to 46% of those without such a past. However, those with a history of drug abuse were as likely to be detained after a hearing.

Violations (table 3.10) — Released males were more likely than females to incur a violation during the pretrial release period (21% versus 16%) and more likely to have their release revoked. Native Americans were more likely (30%) to incur at least one violation than —

- blacks or African Americans (24%)
- whites (18%)
- Asians/Native Hawaiians or Pacific Islanders (12%).

Native American defendants also were more likely to have their release revoked (18%) than —

- blacks or African Americans (8%)
- whites (7%)
- Asians/Native Hawaiians or Pacific Islanders (5%).

Defendants without a high school diploma were three times more likely to have at least one violation than defendants with college degrees (28% versus 8%).

Defendants with no prior criminal history were 50% less likely to have a pretrial release violation than those with a prior conviction. Released defendants with a known drug history were nearly 3 times more likely to incur a violation than those with no known drug history and nearly 4 times more likely to have their release revoked (15% versus 4%).

Length of pretrial detention (table 3.11)

Among defendants detained for any time prior to case disposition, those charged with violent offenses were detained the longest (an average of 118 days) compared to —

-
- drug defendants (89 days)
 - weapon defendants (87 days)
 - immigration defendants (61 days)
 - public-order defendants (54 days)
 - property defendants (50 days) (not shown in a table).

Of defendants released those released conditionally spent the greatest average number of days detained (112 days) compared to those released on —

- personal recognizance (36 days)
- unsecured bond (37 days)
- financial conditions (27 days).

This trend varied only slightly across all major offense categories — in general, defendants released by conditional means were detained more days than defendants who were released by any other means.

Of defendants not released those detained by the court were detained longer, on average, than those held on financial conditions (108 days compared with 71 days). This pattern was true across all major offense types.