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Compendium of Federal Justice Statistics, 2004

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Office of Justice Programs
Bureau of Justice Statistics

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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.

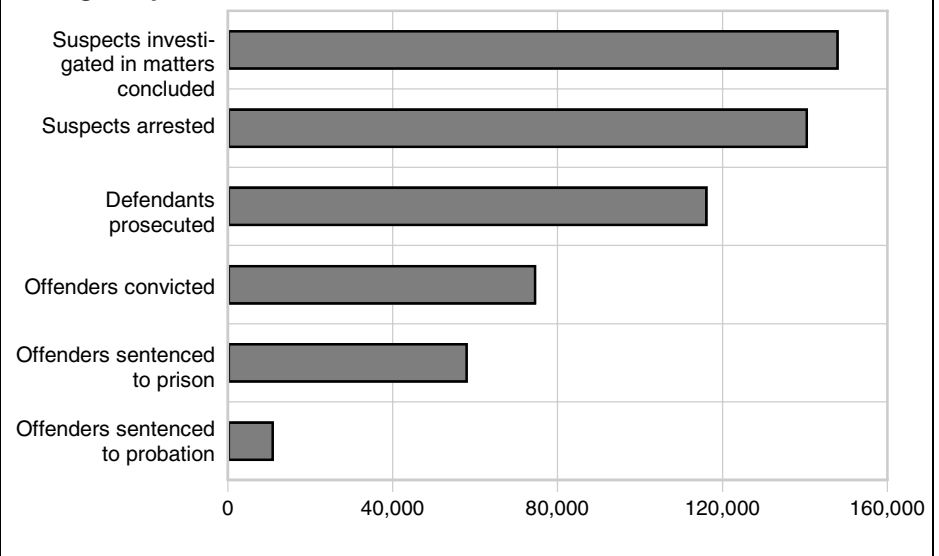
The number of offenders under post-conviction supervision increased 29% between 1990 and 2004. At the end of fiscal year 2004, the number of offenders on post-conviction community supervision was 109,712 compared to 84,801 during 1990. Over 73% of those under post-conviction community supervision were 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%.

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



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	61.2
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

Appeals

Between 1994 and 2004, 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 12% during 2004.

During 2003, 12,517 criminal appeals were filed. Eighty-seven percent of all appeals filed were appeals of convictions for offenses sentenced under the sentencing guidelines. Sixty percent of the guideline-based appeals filed challenged both the conviction and sentence imposed. Of the 11,076 appeals terminated during 2004, 73% (or 8,135) were terminated on the merits. In 83% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

Corrections

Community supervision

Between 1990 and 2004, the number of offenders on community supervision increased by 29%, from 84,801 during 1990 to 109,712 during 2004. While nearly equal proportions of offenders were serving terms of probation and post-incarceration supervision (parole or supervised release) during 1990, during 2004 over 73% were serving a term of post-incarceration supervision (70% supervised release and 3% parole) while 27% were on probation. Drug offenders comprised 12% of offenders on probation, 54% of offenders serving terms of supervised release, and 40% of offenders on parole. Property offenders comprised 38% of offenders on probation, 22% of offenders serving terms of supervised release, and 8% of offenders on parole.

A total of 15,721 offenders terminated probation during 2004. Most of these offenders (82%) completed their terms of probation successfully. Eleven percent of probationers terminating supervision during 2004 committed technical violations; 5% committed new crimes.

A total of 32,930 offenders completed terms of supervised release during 2004. Of these offenders, 62% successfully completed their terms without violating conditions of release; 22% committed technical violations; and 14% committed new crimes.

A total of 1,391 offenders completed terms of parole during 2004. Of these offenders, 49% successfully completed their terms without violating conditions of release; 27% committed technical violations; and 17% committed new crimes.

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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, 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 inter-agency working group, headed by BJS, the differences in the case processing statistics are attributable, in part, to the differing needs and missions of the agencies. The working group found 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 2004 *Compendium*, 19th in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, and 2003 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, 2004 (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, 2003 - September 30, 2004. 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*).

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.

Chapter 5 describes the sentences imposed by the Federal judiciary on convicted defendants.

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).

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 2004 *Compendium*

The 2004 *Compendium* does not contain text or tables describing the demographic characteristics of convicted offenders in chapters 4 and 5, as it has historically. Nor does it contain any text or tables describing Federal prisoners in chapter 7, as is usually the case. The reason for these exclusions is that BJS did not receive 2004 data from the United States Sentencing Commission nor from the Federal Bureau of Prisons, respectively.

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.

System overview

Federal criminal case processing, 2004

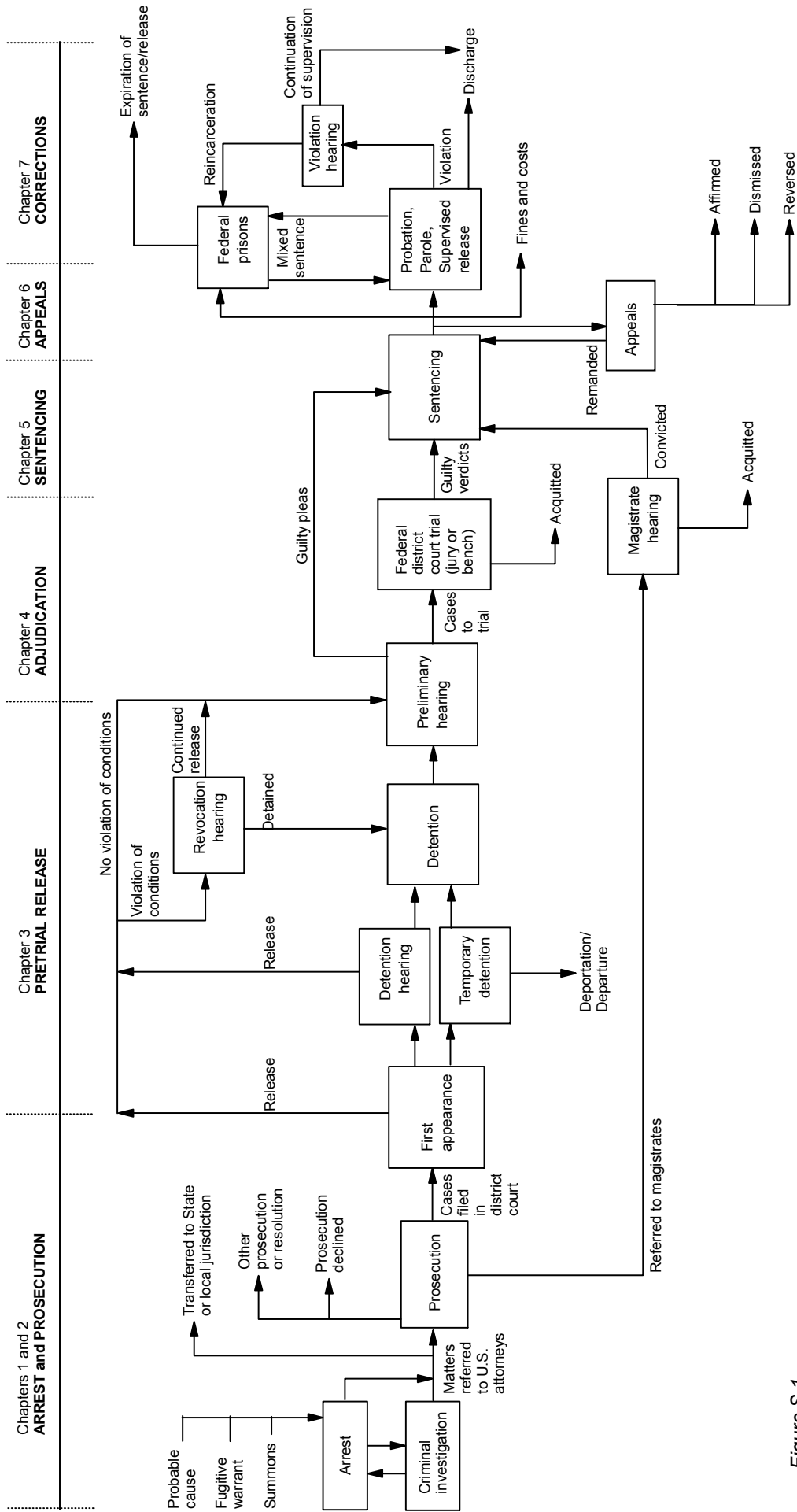
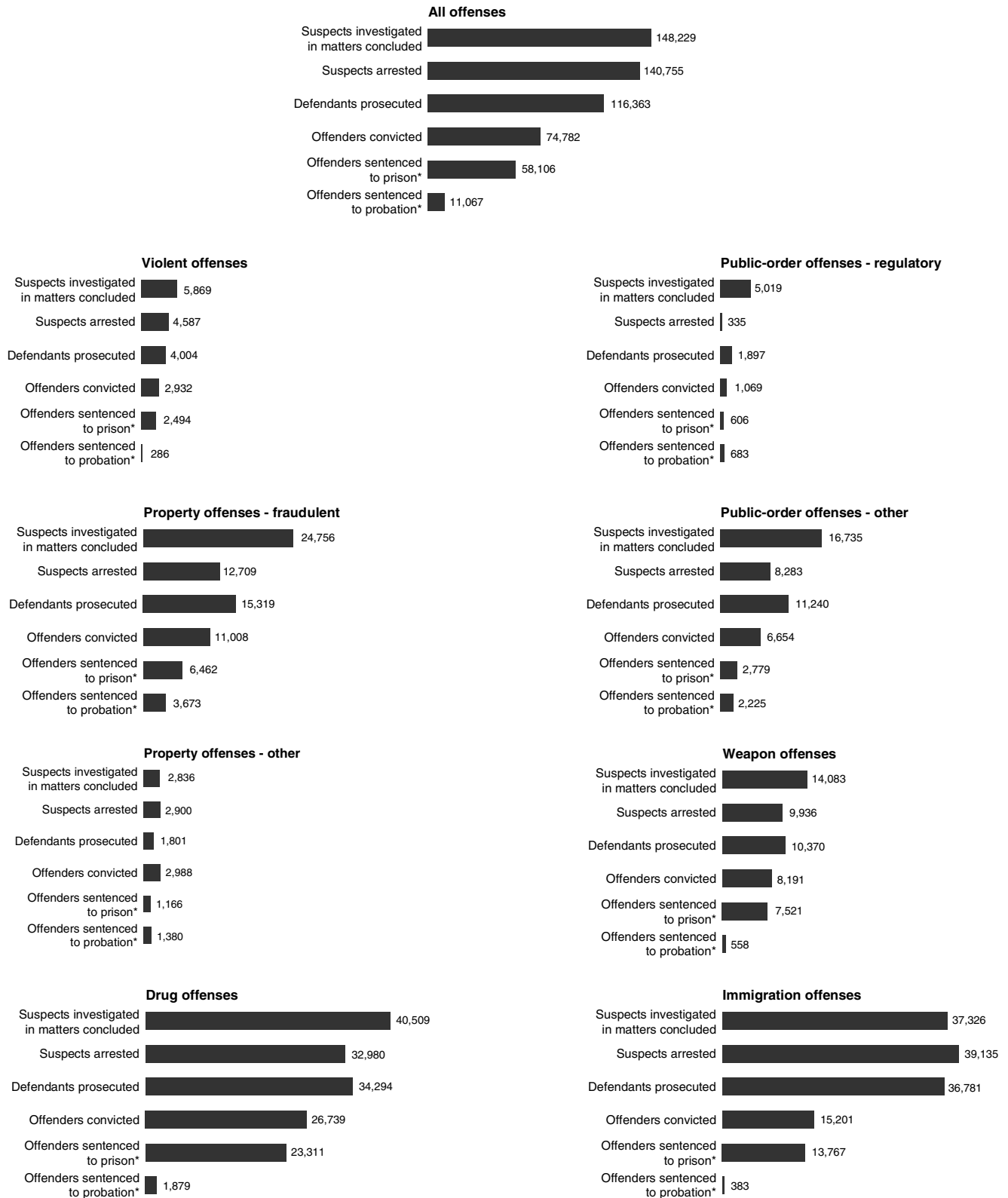


Figure S. 1.

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



*Prison includes split, life, indeterminate, regular, and youth sentences. Offenders not shown as sentenced to prison or probation were sentenced by magistrates or received a fine-only sentence in Federal court. Probation excludes persons sentenced to prison.

Figure S.2.

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Tables

October 1, 2003 – September 30, 2004

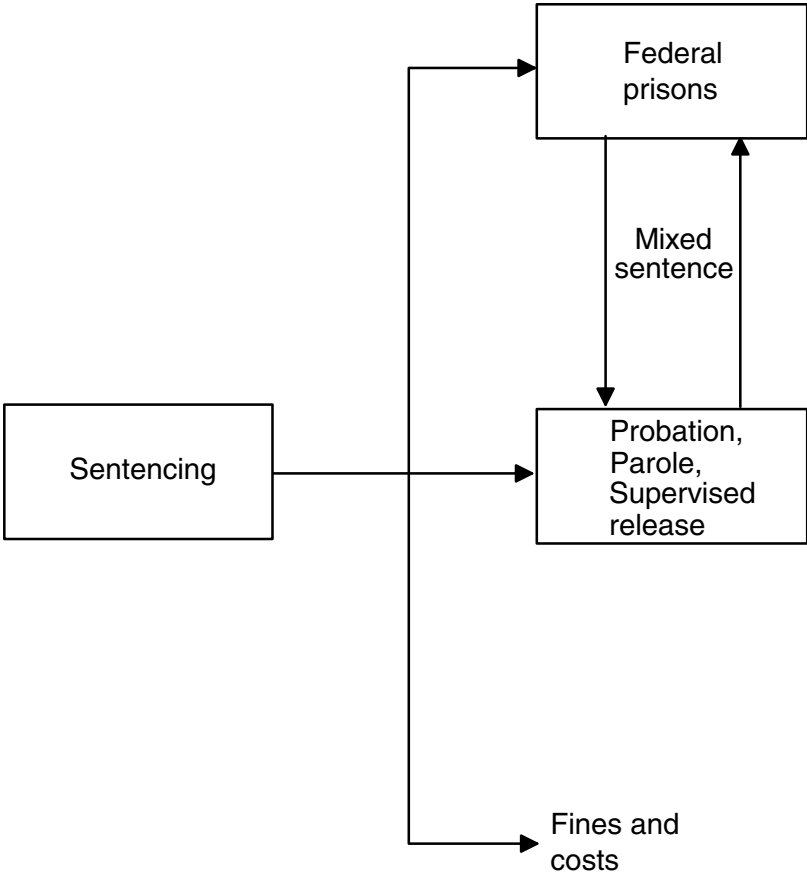
5.1. Sentence types for offenders sentenced in criminal cases terminated, by offense 73

5.2. Type and length of sentences imposed for sentenced offenders, by offense 74

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Sentencing



Depending upon the type and severity of the offense, convicted offenders may be sentenced to incarceration, probation, a fine, or a combination of sanctions such as a split or mixed sentence (imprisonment as well as a period of probation supervision). (For a definition of mixed sentences, see *Glossary*, p. 117.) The Federal sentencing guidelines require a term of supervised release following service of any prison sentence of more than 1 year. In addition, courts have the discretion to impose supervised release in any other case.

Except where otherwise indicated, tables in this chapter are based on the most serious offense of conviction. They are not directly comparable with tables in earlier chapters that are based on the most serious offense investigated or most serious offense charged. (See "Offense classifications" in *Methodology*, p. 113.)

Offenders convicted and sentences imposed (tables 5.1 and 5.2)

Of the 74,782 offenders sentenced during 2004 —

- 58,106 (78%) were sentenced to prison
- 11,067 (15%) were sentenced to probation¹
- 2,639 (4%) were ordered to pay only a fine.

During 2004, 56,509 defendants convicted of felonies were sentenced to prison representing 97% of all prison sentences and 85% of all convicted felons. Receiving prison sentences were defendants convicted of felony —

- violent offenses (94%)
- drug and weapon offenses (93%)
- immigration offenses (90%)
- public-order offenses (71%)
- property offenses (60%) (figure 5.1).

¹Offenders given an intermediate sanction such as intermittent confinement or community confinement that also included probation supervision are counted among offenders given probation.

Defendants convicted of drug, violent, immigration, and weapon felonies had the highest imprisonment rates, while those convicted of property and public-order offenses had the highest rates of probation

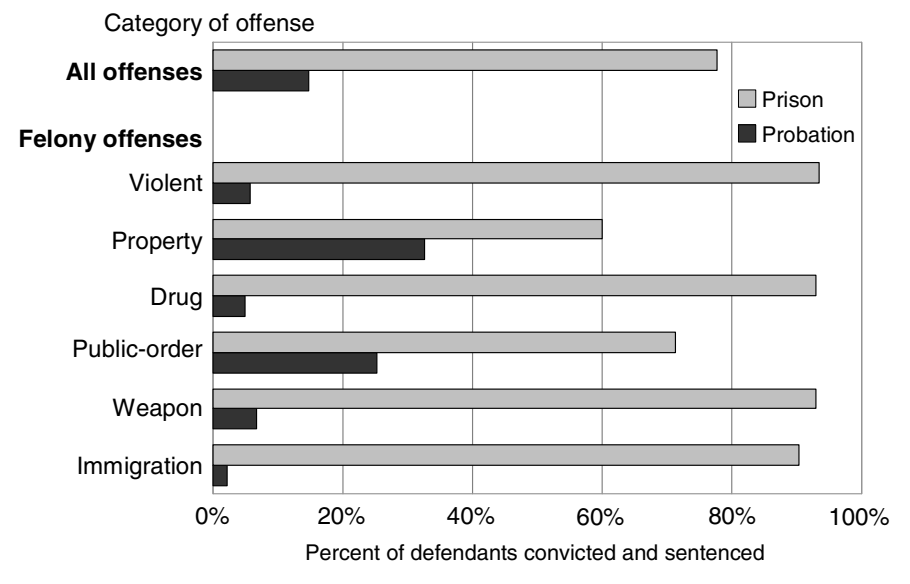


Figure 5.1. Rates of incarceration and probation for offenders convicted and sentenced in cases that terminated during October 1, 2003 - September 30, 2004

Among public-order offenders persons convicted of nonviolent sex offenses (96%) and escape (92%) were almost as likely to receive prison sentences as violent, drug, weapon, and immigration offenders.

Among property offenders persons convicted of burglary (83%) were the most likely to receive prison sentences.

Overall, 15% of convicted offenders were sentenced to probation. The percentage of misdemeanants sentenced to probation (46%) was over 4 times that of convicted felons (11%).

Persons convicted of gambling violations were the most likely to receive probation (72%), followed by persons convicted of communication violations and larceny misdemeanors (70% and 69% respectively).

While 4% of all convicted defendants were ordered to pay only a fine, 18% of the felons convicted of antitrust violations were so ordered. Fines were generally reserved for misdemeanor offenders, 29% of whom received fines.

Average prison sentences imposed (table 5.2)

For all offenders sentenced to prison terms, the average term of imprisonment imposed was 59.7 months. Persons convicted of felonies received an average of 61.2 months.

The average length of prison sentence length imposed varied among major felony offense categories:

- violent offenses (96.2 months)
- weapon offenses (84.3 months)
- drug offenses (83.6 months)
- public-order offenses (43.6 months)
- property offenses (27.4 months)
- immigration offenses (26.9 months) (figure 5.2).

The average sentence length for felony offenses (61.2 months) was almost 11 times longer than average sentence length for misdemeanor offenses (5.6 months).

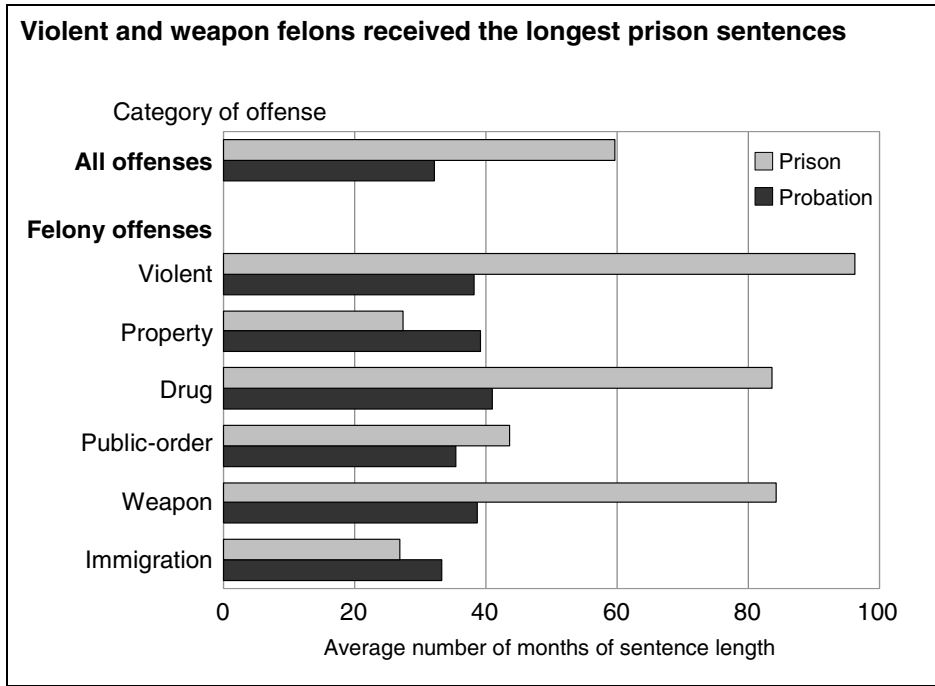


Figure 5.2. Incarceration and probation sentence lengths (in months) of offenders convicted and sentenced in cases that terminated during October 1, 2003 - September 30, 2004

Relationship between sentence imposed and mode of conviction (table 5.3)

During 2004 offenders convicted by trial were more likely to receive prison sentences than those who pleaded guilty. Seventy-seven percent of the offenders convicted by guilty plea received some prison time, while 88% of offenders convicted at trial received prison sentences.

For violent offenders 93% of those convicted by plea received prison sentences, as did 96% of those convicted at trial. For property offenders 59% of those convicted by plea received prison sentences, compared to 86% of those convicted at trial. For public-order offenders 70% of those convicted by plea received sentences. In contrast, 94% of those convicted at trial went to prison.

The average prison term imposed on defendants convicted at trial was almost three times longer than the term imposed on defendants convicted by plea. Defendants convicted at trial received 148.2 months on average (a

median of 97 months), while those convicted by plea received an average of 56.2 months (a median of 36 months) (figure 5.3). Drug offenders convicted at trial received an average of 195.9 months as compared to 79.5 months for drug offenders convicted by a guilty plea. Violent offenders who went to trial received an average sentence of 177.5 months as compared to the 90.4 months for those convicted by guilty plea. Those convicted at trial for weapon offenses received, on average, 186.8 months compared to the 77.1 months for weapon offenders convicted by guilty plea.

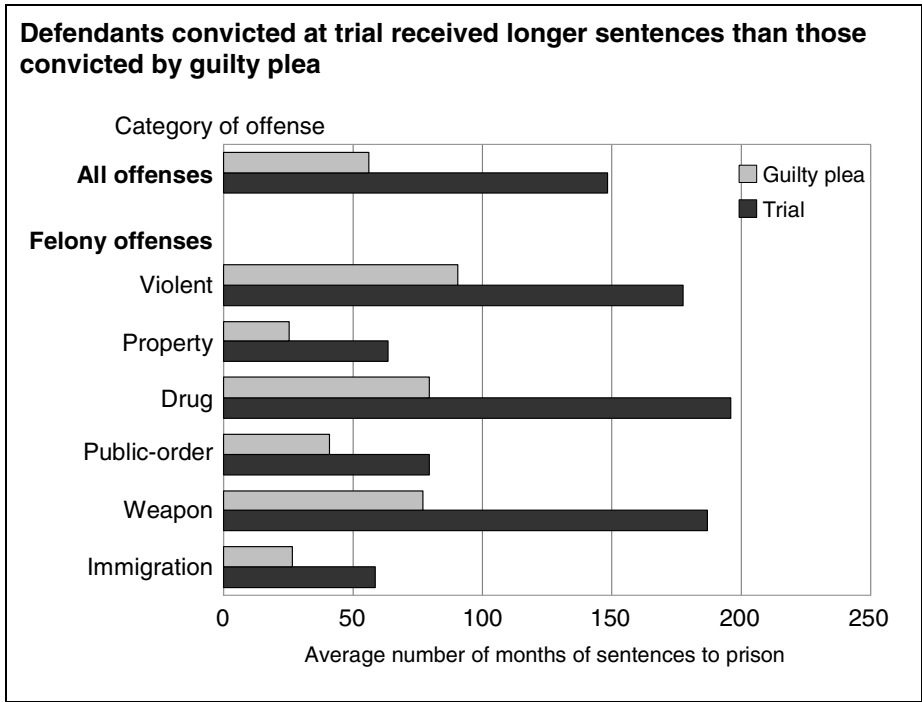


Figure 5.3. Average prison sentences imposed on defendants convicted at trial or by guilty plea, October 1, 2003 - September 30, 2004

Table 5.1. Sentence types for offenders sentenced in criminal cases terminated, by offense, October 1, 2003 - September 30, 2004

Most serious offense of conviction	Total offenders sentenced ^a	Percent of offenders convicted and sentenced to—		
		Incarceration ^b	Probation ^c	Fine (only)
All offenses^d	74,782	77.7%	14.8%	3.5%
Felonies	66,542	84.9%	10.9%	0.3%
Violent offenses	2,569	93.5%	5.8%	0.2%
Murder ^e	190	92.1	6.3	0.5
Negligent manslaughter	1	^	^	^
Assault	465	82.6	14.2	0.2
Robbery	1,380	98.1	2.5	0.0
Sexual abuse ^e	415	94.2	5.5	0.5
Kidnapping	86	84.9	10.5	0.0
Threats against the President	32	75.0	15.6	0.0
Property offenses	12,202	60.0%	32.6%	0.8%
Fraudulent	10,403	60.2%	31.6%	0.9%
Embezzlement	646	46.7	40.4	2.2
Fraud ^e	8,677	60.8	30.7	0.8
Forgery	73	60.3	34.2	1.4
Counterfeiting	1,007	63.9	33.8	0.8
Other	1,799	58.7%	38.2%	0.6%
Burglary	53	83.0	15.1	0.0
Larceny ^e	1,307	53.2	43.8	0.5
Motor vehicle theft	58	67.2	15.5	0.0
Arson and explosives	165	82.4	17.0	0.6
Transportation of stolen property	166	69.3	28.3	1.8
Other property offenses ^e	50	54.0	44.0	0.0
Drug offenses	24,472	92.9%	4.9%	0.2%
Trafficking	22,450	93.2	4.7	0.2
Possession and other drug offenses	2,022	90.4	6.3	0.5
Public-order offenses	4,398	71.3%	25.2%	0.7%
Regulatory	1,106	52.4%	39.3%	1.4%
Antitrust	17	23.5	52.9	17.6
Food and drug	28	32.1	67.9	3.6
Transportation	113	36.3	56.6	2.7
Civil rights	55	89.1	12.7	0.0
Communications	23	26.1	69.6	4.3
Custom laws	61	44.3	44.3	1.6
Postal laws	18	27.8	66.7	0.0
Other regulatory offenses	791	55.5	35.5	0.8
Other	3,292	77.6%	20.4%	0.4%
Tax law violations ^e	425	62.4	36.5	0.2
Bribery	138	50.0	50.7	0.0
Perjury, contempt, and intimidation	208	70.7	25.0	0.5
National defense	52	71.2	19.2	5.8
Escape	415	91.6	5.5	0.2
Racketeering and extortion	844	77.1	20.0	0.5
Gambling	25	28.0	72.0	0.0
Liquor offenses	1	^	^	^
Nonviolent sex offenses	724	95.6	5.2	0.0
Obscene material ^e	32	78.1	18.8	0.0
Traffic offenses	26	80.8	15.4	0.0
Wildlife	34	44.1	47.1	5.9
Environmental	24	37.5	62.5	0.0
All other felonies ^e	344	68.6	27.9	0.6
Weapon offenses	8,082	93.0%	6.7%	0.1%
Immigration offenses	14,819	90.3%	2.1%	0.1%
Misdemeanors^e	8,240	19.4%	46.0%	29.3%
Fraudulent property offenses	774	25.2	49.9	4.1
Larceny	919	11.3	69.2	18.4
Drug possession ^e	1,464	38.7	47.2	7.4
Immigration offenses	520	73.1	12.9	1.3
Traffic offenses	2,906	4.1	38.1	57.5
Other misdemeanors	1,657	14.1	54.8	26.0

Note: For further information, see *Chapter notes*, item 1, p. 77.

[^]Too few cases to obtain statistically reliable data.

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

^bAll sentences to incarceration, including split, mixed, life, and indeterminate.

^cIncludes offenders with split and mixed sentences.

^dTotal includes offenders whose sentence could not be determined.

^eIn 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; "All other felonies" includes felonies with unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 5.2. Type and length of sentences imposed for sentenced offenders, by offense, October 1, 2003 - September 30, 2004

Offenders convicted and sentenced in criminal cases that terminated during fiscal year 2004

Most serious offense of conviction	Total ^a	Number		Sentence length				
		Incarceration ^b	Probation ^c	Incarceration ^d		Probation ^d		
				Fine (only)	Mean	Median	Mean	Median
All offenses^e	74,782	58,106	11,067	2,639	59.70 mo	37.0 mo	32.2 mo	36.0 mo
Felonies	66,542	56,509	7,273	222	61.20 mo	37.0 mo	38.6 mo	36.0 mo
Violent offenses	2,569	2,402	150	4	96.20 mo	70.0 mo	38.2 mo	36.0 mo
Murder ^f	190	175	12	1	111.20	60.0	42.0	36.0
Negligent manslaughter	1	1	0	0	^	^
Assault	465	384	66	1	44.80	33.0	32.7	36.0
Robbery	1,380	1,354	35	0	105.30	78.0	42.8	36.0
Sexual abuse ^f	415	391	23	2	112.20	97.0	44.3	41.0
Kidnapping	86	73	9	0	108.00	61.5	^	^
Threats against the President	32	24	5	0	28.20	24.0	^	^
Property offenses	12,202	7,323	3,974	102	27.40 mo	18.0 mo	39.2 mo	36.0 mo
Fraudulent	10,403	6,267	3,287	92	25.80 mo	18.0 mo	38.9 mo	36.0 mo
Embezzlement	646	302	261	14	16.00	12.0	40.1	36.0
Fraud ^f	8,677	5,278	2,661	69	26.60	18.0	38.9	36.0
Forgery	73	44	25	1	20.00	18.0	42.2	36.0
Counterfeiting	1,007	643	340	8	24.10	18.0	38.4	36.0
Other	1,799	1,056	687	10	36.70 mo	21.0 mo	40.2 mo	36.0 mo
Burglary	53	44	8	0	28.40	24.0	^	^
Larceny ^f	1,307	695	573	6	31.30	18.0	40.3	36.0
Motor vehicle theft	58	39	9	0	27.10	18.0	^	^
Arson and explosives	165	136	28	1	75.20	43.0	34.8	36.0
Transportation of stolen property	166	115	47	3	35.00	24.0	47.7	48.0
Other property offenses ^f	50	27	22	0	18.10	6.0	27.2	24.0
Drug offenses	24,472	22,744	1,188	58	83.60 mo	60.0 mo	41.0 mo	36.0 mo
Trafficking	22,450	20,916	1,060	47	83.80	60.0	41.7	36.0
Possession and other drug offenses	2,022	1,828	128	11	81.90	60.0	35.5	36.0
Public-order offenses	4,398	3,135	1,107	29	43.60 mo	27.0 mo	35.4 mo	36.0 mo
Regulatory	1,106	580	435	15	32.30 mo	18.5 mo	33.4 mo	36.0 mo
Antitrust	17	4	9	3	^	^	^	^
Food and drug	28	9	19	1	^	^	29.4	30.0
Transportation	113	41	64	3	68.60	18.0	33.6	36.0
Civil rights	55	49	7	0	46.90	37.0	^	^
Communications	23	6	16	1	^	^	39.8	36.0
Custom laws	61	27	27	1	23.50	18.0	29.2	36.0
Postal laws	18	5	12	0	^	^	37.3	36.0
Other regulatory offenses	791	439	281	6	28.10	18.0	33.1	36.0
Other	3,292	2,555	672	14	46.20 mo	27.0 mo	36.7 mo	36.0 mo
Tax law violations ^f	425	265	155	1	26.50	16.0	34.3	36.0
Bribery	138	69	70	0	27.40	21.0	38.9	36.0
Perjury, contempt, and intimidation	208	147	52	1	37.90	24.0	36.7	36.0
National defense	52	37	10	3	68.40	37.0	^	^
Escape	415	380	23	1	18.70	13.0	27.8	24.0
Racketeering and extortion	844	651	169	4	70.90	51.0	34.9	36.0
Gambling	25	7	18	0	^	^	35.3	36.0
Liquor offenses	1	1	0	0	^	^
Nonviolent sex offenses	724	692	38	0	57.00	41.0	48.0	42.0
Obscene material ^f	32	25	6	0	32.70	27.0	^	^
Traffic offenses	26	21	4	0	22.60	14.0	^	^
Wildlife	34	15	16	2	21.20	14.0	26.9	24.0
Environmental	24	9	15	0	^	^	38.5	36.0
All other felonies ^f	344	236	96	2	27.80	18.0	42.7	36.0
Weapon offenses	8,082	7,518	538	10	84.30 mo	57.0 mo	38.7 mo	36.0 mo
Immigration offenses	14,819	13,387	316	19	26.90 mo	24.0 mo	33.2 mo	36.0 mo
Misdemeanors^f	8,240	1,597	3,794	2,417	5.60 mo	6.0 mo	19.8 mo	12.0 mo
Fraudulent property offenses	774	195	386	32	5.30	3.0	28.3	24.0
Larceny	919	104	636	169	6.40	6.0	21.6	12.0
Drug possession ^f	1,464	567	691	108	6.30	6.0	17.9	12.0
Immigration offenses	520	380	67	7	4.50	6.0	38.6	36.0
Traffic offenses	2,906	118	1,106	1,671	3.20	1.5	14.4	12.0
Other misdemeanors	1,657	233	908	430	6.50	5.0	21.8	12.0

^a Too few cases to obtain statistically reliable data.

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

^aTotal may not equal the sum of individual sanctions. The sum may exceed the total because split and mixed sentences are counted in incarceration and probation. Alternatively, the total may exceed the sum as the total includes offenders receiving deportation, suspended sentences, sealed sentences, imprisonment of 4 days or less, and no sentences.

^bAll sentences to incarceration, including split, mixed, life, and indeterminate sentences.

^cIncludes offenders with split and mixed sentences.

^dExcludes sentences of life, death, and indeterminate sentences.

^eTotal includes offenders whose sentence could not be determined.

"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; "All other felonies" includes felonies with unclassifiable offense type; "Misdemeanors" includes misdemeanors, petty offenses, and unknown offense levels; and "Drug possession" also includes other drug misdemeanors.

Table 5.3. Sentences imposed on convicted offenders, by offense of conviction and method of disposition, October 1, 2003 - September 30, 2004

Offense of conviction and method of disposition	Number of convicted offenders	Number of offenders convicted and sentenced in criminal cases who received—			Offenders sentenced to some incarceration		
		Incarceration ^a	Probation ^b	Fine (only)	Percent of convicted offenders	Sentence length ^c	
						Mean	Median
All offenses^d	74,782	58,106	11,067	2,639	77.7%	59.7 mo	37.0 mo
Guilty plea ^e	72,152	55,780	10,850	2,548	77.3	56.2	36.0
Trial	2,630	2,326	217	91	88.4	148.2	97.0
Felonies	66,542	56,509	7,273	222	84.9%	61.2 mo	37.0 mo
Guilty plea	64,119	54,204	7,155	216	84.5	57.7	37.0
Trial	2,423	2,305	118	6	95.1	149.6	97.0
Violent offenses	2,569	2,402	150	4	93.5%	96.2 mo	70.0 mo
Guilty plea	2,381	2,221	143	4	93.3	90.4	63.5
Trial	188	181	7	0	96.3	177.5	120.0
Property offenses	12,202	7,323	3,974	102	60.0%	27.4 mo	18.0 mo
Guilty plea	11,754	6,937	3,920	98	59.0	25.4	17.0
Trial	448	386	54	4	86.2	63.4	37.0
Drug offenses	24,472	22,744	1,188	58	92.9%	83.6 mo	60.0 mo
Guilty plea	23,570	21,855	1,169	57	92.7	79.5	60.0
Trial	902	889	19	1	98.6	195.9	151.0
Public-order offenses	4,398	3,135	1,107	29	71.3%	43.6 mo	27.0 mo
Guilty plea	4,150	2,902	1,092	29	69.9	40.8	27.0
Trial	248	233	15	0	94.0	79.4	48.0
Weapon offenses	8,082	7,518	538	10	93.0%	84.3 mo	57.0 mo
Guilty plea	7,562	7,012	518	10	92.7	77.1	51.0
Trial	520	506	20	0	97.3	186.8	120.0
Immigration offenses	14,819	13,387	316	19	90.3%	26.9 mo	24.0 mo
Guilty plea	14,702	13,277	313	18	90.3	26.7	24.0
Trial	117	110	3	1	94.0	58.8	47.0
Misdemeanors	8,240	1,597	3,794	2,417	19.4%	5.6 mo	6.0 mo
Guilty plea ^e	8,033	1,576	3,695	2,332	19.6	5.6	6.0
Trial	207	21	99	85	10.1	5.4	4.0

^aAll sentences to incarceration, including split, mixed, life, and indeterminate sentences.

^bIncludes offenders with split and mixed sentences.

^cExcludes sentences of life, death, and indeterminate sentences (1% of all incarceration).

^dTotal includes offenders whose sentence could not be determined and 2 defendants for whom offense category could not be determined, both of whom received a sentence of probation. For further information see *Chapter notes*, item 1, p. 77.

^eIncludes nolo contendere.

Data tables describing demographic characteristics of sentenced offenders are not shown in this *Compendium*, as fiscal year 2004 data have not yet been received by BJS from the United States Sentencing Commission.

Chapter notes

- 1) Tables 5.1-5.3 were generated from the AOUSC criminal master data files. Only records of defendants sentenced between October 1, 2003, and September 30, 2004, were selected. Offenses shown in these tables — offenses of conviction — are based on the longest actual sentence imposed.

