



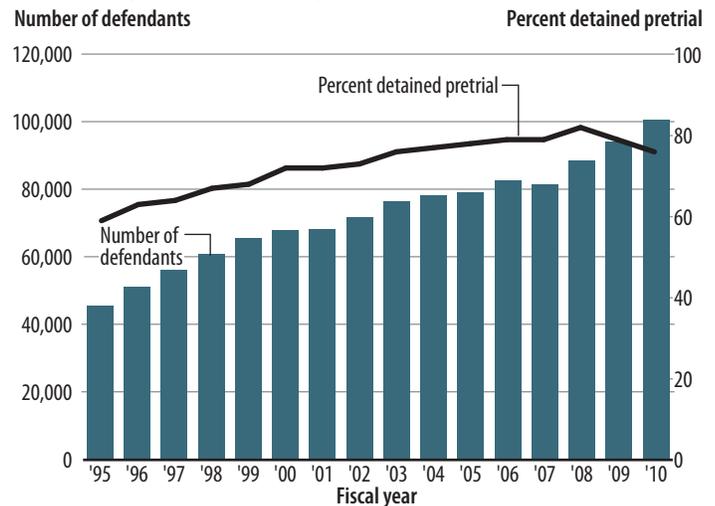
Pretrial Detention and Misconduct in Federal District Courts, 1995-2010

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Between fiscal years 1995 and 2010, the number of defendants with cases disposed in federal district courts increased by 120%, from 45,635 in 1995 to 100,622 in 2010 (figure 1). For this report, a defendant is a person with a case disposed in the federal courts, while a disposition involves the act of terminating the defendant's case through guilty plea or trial conviction, dismissal, or acquittal (see *Methodology*). From 1995 to 2010, the percentage of federal defendants who were detained pretrial increased from 59% to 76%.

Data for this report were provided to the Bureau of Justice Statistics' (BJS) Federal Justice Statistics Program (FJSP) by the Administrative Office of the U.S. Courts' (AOUSC) Office of Probation and Pretrial Services Automated Case Tracking System (PACTS). The PACTS data cover various aspects of pretrial release in the federal district courts, including the decision to release or detain a defendant and the behavior of defendants while on pretrial release. In addition, the data contain detailed information on defendants by most serious offense charged and criminal history (see *Methodology*). The PACTS data analyzed for this report include defendants whose cases were disposed by the federal courts between fiscal years 1995 and 2010.

FIGURE 1
Number of defendants with cases disposed in federal district courts and percent detained pretrial, FY 1995–2010



Note: Detained defendants include defendants who were released after a period of detention and defendants who were never released.

Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

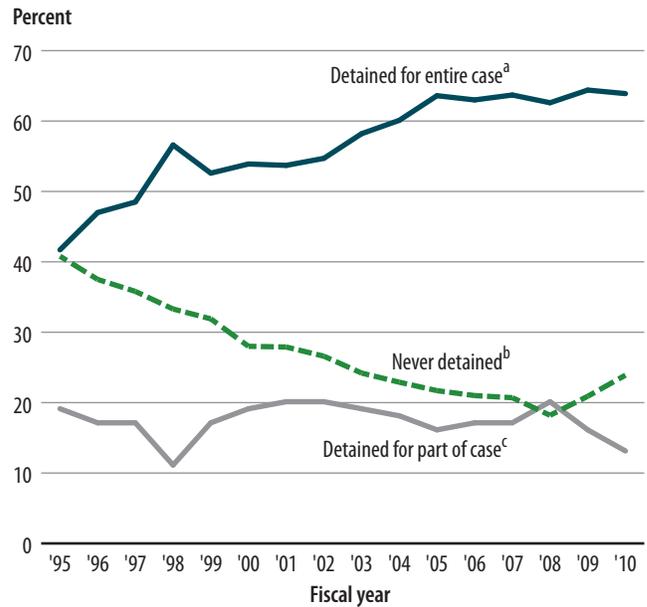
HIGHLIGHTS

- The number of defendants with cases disposed in federal district courts more than doubled from 45,635 in 1995 to 100,622 in 2010.
- The percentage of defendants detained prior to case disposition increased from 59% in 1995 to 76% in 2010.
- The number of defendants with cases disposed who were detained pretrial increased by 184%, from 27,004 in 1995 to 76,589 in 2010.
- Growth in the number of pretrial detentions was driven primarily by immigration caseloads, which increased by 664%, from 5,103 cases in 1995 to 39,001 in 2010.
- The percentage of immigration defendants in cases disposed who were detained pretrial increased from 86% in 1995 to 98% in 2008, before declining to 88% in 2010.
- The percentage of drug defendants detained pretrial increased from 76% in 1995 to 84% in 2010.
- Weapons caseloads nearly tripled between 1995 and 2010, and the percentage of weapons defendants detained pretrial increased from 66% to 86% during the same period.
- For defendants released pretrial, the percentage committing pretrial misconduct peaked in 2006 at 22% and then declined to a percentage (17%) similar to that in 1995.

Federal defendants detained for the duration of a case increased from 42% in 1995 to 64% in 2010

A defendant could be detained for the duration of a case, released after a period of detention, or never be detained pretrial. Eighteen percent of defendants were released after a period of pretrial detention in 1995 (figure 2). During the same year, a similar percentage of defendants were never detained (41%) or were detained for the duration of a case (42%). Between 1995 and 2010, the percentage of defendants never detained declined from 41% to 24%, while the percentage detained for the entire duration of a case rose from 42% to 64%. During this period, the percentage of defendants released after a period of detention declined from 18% to 12%.

FIGURE 2
Detention period of defendants for cases disposed in federal district courts, FY 1995–2010



^aIncludes defendants who were never released.

^bIncludes defendants who remained on pretrial release for the entire period.

^cIncludes defendants who were released after a period of detention.

Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

Pretrial release and detention in the federal criminal justice system

Traditionally, courts have used financial bond to ensure that an accused person makes all scheduled court appearances and does not become a flight risk. In a bond system, persons accused of criminal conduct can remain free pending case disposition by posting a security bond, usually property or money, as a guarantee that they will make all court appearances. In most situations, defendants post a bond with the court through a deposit bond program or through a bail bondsman. Before 1966, the federal courts relied almost exclusively on financial bond. The Bail Reform Act of 1966 reformed federal pretrial practices and deemphasized the use of financial bail. The act mandated that federal courts release any defendant charged with noncapital offenses on either his or her own recognizance or an unsecured appearance bond. For cases in which additional supervision was needed, the court could impose other conditions necessary to assure that a defendant made all court appearances.

The Bail Reform Act of 1984 (18 U.S.C. § 3141) further codified the pretrial release process in the federal courts. Under the act, when defendants first appear before a judicial officer they may be 1) released on personal recognizance or unsecured bond; 2) released subject to conditions imposed by the court; 3) temporarily detained to permit deportation, exclusion, or the revocation of previously granted conditional release; or 4) detained pending the outcome of a detention hearing. At a detention hearing, the act required the government to prove by clear and convincing evidence that no conditions of release would reasonably ensure that the defendant would appear for trial and not pose a risk to the community. The act also expanded the scope of factors federal courts could consider when making pretrial release decisions to include the degree of dangerousness that a defendant posed to the community.

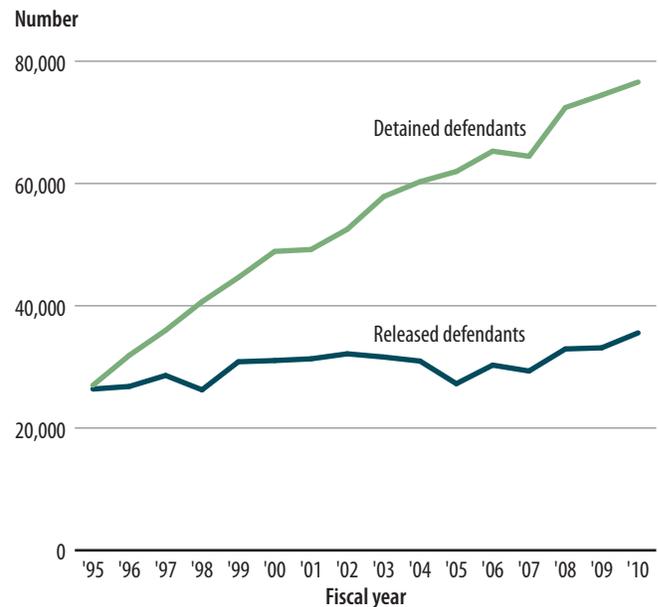
Between 1995 and 2010, the number of defendants detained pretrial increased by 184%

The number of federal defendants detained at any time in the pretrial process increased by 184%, from 27,004 in 1995 to 76,589 in 2010 (figure 3). Both increases in the number of federal case dispositions and the pretrial detention rate contributed to the rise in defendants detained pretrial. The number of defendants with cases disposed by federal courts doubled from 45,635 in 1995 to 100,622 in 2010. The percentage of defendants detained prior to case disposition increased from 59% in 1995 to 76% in 2010, peaking at 82% in 2008. In comparison to pretrial detentions, the number of defendants released pretrial increased by 35% between 1995 and 2010.

Growth in the number of pretrial detentions were driven by immigration caseloads, which increased by 664% between 1995 and 2010

The number of immigration defendants with cases disposed in federal courts increased by 664%, from 5,103 in 1995 to 39,001 in 2010 (table 1). In 2009, immigration was the largest category of cases handled by the federal courts. The percentage of immigration defendants detained pretrial increased from 86% in 1995 to 98% in 2008, before declining to 88% in 2010. The combination of rising caseloads and, to a much lesser degree, the small increase in the pretrial

FIGURE 3
Number of defendants detained and released pretrial for cases disposed in federal district courts, FY 1995–2010



Note: Numbers do not sum to those in figure 1, as defendants released after a period of detention were counted both as detained and released (see Methodology).

Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

TABLE 1
Defendants detained pretrial for cases disposed in federal district courts, by most serious offense charged, FY 1995–2010

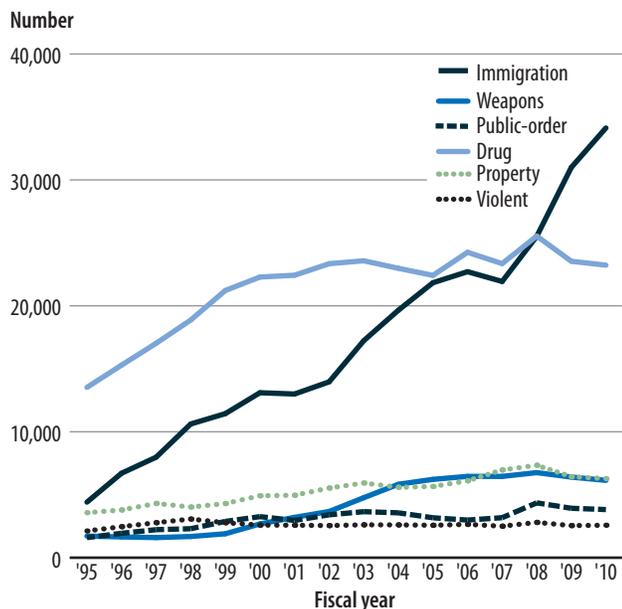
Fiscal year	Violent		Property		Drug		Public-order		Weapons		Immigration	
	Number of defendants	Percent detained										
1995	2,706	78%	11,966	30%	17,893	76%	5,185	31%	2,591	66%	5,103	86%
1996	3,152	78	12,640	30	20,017	76	5,453	36	2,438	68	7,190	93
1997	3,639	76	13,761	31	21,740	78	5,997	37	2,312	69	8,397	95
1998	3,986	77	13,463	30	23,631	80	6,172	37	2,490	68	11,014	96
1999	3,453	81	13,850	31	26,291	81	7,181	40	2,687	71	11,859	97
2000	3,133	83	13,686	36	26,455	84	7,420	44	3,548	76	13,523	97
2001	3,225	80	13,170	38	26,802	84	7,275	41	4,214	76	13,405	97
2002	3,104	82	13,772	40	27,771	84	7,841	44	4,729	78	14,262	98
2003	3,210	81	13,696	43	27,763	85	7,768	47	6,094	78	17,643	98
2004	3,134	83	13,012	43	27,014	85	7,715	46	7,182	81	20,042	98
2005	3,104	83	12,604	45	26,046	86	7,451	43	7,534	83	22,275	98
2006	3,076	86	13,468	45	28,097	86	6,888	43	7,709	84	23,229	98
2007	2,861	88	14,528	48	26,854	87	6,924	46	7,663	84	22,401	98
2008	3,141	89	14,648	50	29,028	88	7,870	55	7,716	88	26,009	98
2009	2,861	89	14,400	45	27,853	85	7,484	52	7,433	86	32,625	95
2010	2,977	87	15,257	41	27,555	84	7,660	50	7,176	86	39,001	88
Percent change in federal dispositions from 1995 to 2010	10%		28%		54%		48%		177%		664%	

Note: Detained defendants include defendants who were released after a period of detention and defendants who were never released. Numbers do not sum to totals in figure 1 because of missing information for offense type. Information on offense type was available for 98.4% to 99.9% of defendants during fiscal years 1995 to 2010.

Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

detention rate for immigration defendants resulted in the number of immigration defendants detained pretrial increasing by 674%, from 4,411 in 1995 to 34,127 in 2010 (figure 4).

FIGURE 4
Number of defendants detained pretrial for cases disposed in federal district courts, by offense type, FY 1995–2010



Note: Detained defendants include defendants who were released after a period of detention and defendants who were never released.

Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

Between 1995 and 2010, the percentage of drug defendants detained pretrial rose from 76% to 84%

Between 1995 and 2008, dispositions involving drug cases constituted the largest offense category within the federal court system, but was surpassed by immigration cases in 2009. The number of drug defendants with federal case dispositions increased by 54%, from 17,893 in 1995 to 27,555 in 2010. The percentage of drug defendants detained prior to case disposition increased from 76% in 1995 to 88% in 2008. In 2009 and 2010, the pretrial detention rate for drug defendants declined to 84%—a level last seen in 2002. As a result of an increase in case dispositions and an increase in the pretrial detention rate, the number of drug defendants detained pretrial increased by 72%, from 13,524 in 1995 to 23,232 in 2010.

Weapons caseloads nearly tripled from 1995 to 2010, while the percentage of these defendants detained pretrial increased from 66% to 86%

Both the percentage of weapons defendants detained pretrial and the number of weapons defendants increased between 1995 and 2010. The number of defendants charged with weapons violations disposed by the federal courts increased by 177%, from 2,591 in 1995 to 7,176 in 2010. In 1995, 66% of weapons defendants were detained pretrial, while 86% of these defendants were detained before case disposition in 2010. The growth in the number of defendants with weapons case dispositions, combined with an increase in the pretrial detention rate for defendants charged with weapons offenses, resulted in a 258% increase in the number of defendants detained pretrial on weapons charges, from 1,716 in 1995 to 6,142 in 2010.

Growth in immigration caseloads accounted for 60% of the increase in the number of federal pretrial detentions between 1995 and 2010

Decomposition analysis can be used to assess the contribution of each offense category's changing caseloads and pretrial detention rates to the 184% growth in federal pretrial detentions (see *Methodology*). This analysis shows that 84% of the growth in the number of defendants detained pretrial was due to increases in federal caseloads, while changes in the pretrial detention rate accounted for 16% of the growth (table 2).

The growth in pretrial detentions can be further decomposed by the major federal offense categories. The rise in immigration cases contributed to 60% of the overall increase in the number of defendants detained pretrial in federal district courts between 1995 and 2010. In comparison, the change in the pretrial detention rate for immigration defendants accounted for 1% of the overall growth in the number of defendants detained pretrial. The growth in federal drug dispositions accounted for 15% of the overall increase in pretrial detentions between 1995 and 2010, while the increase in the pretrial detention rate for drug defendants contributed to 5% of the overall growth in the number of defendants detained pretrial. The growth in weapons offenses contributed to 6% of the overall increase in pretrial detentions from 1995 to 2010. In addition, the increasing pretrial detention rate for defendants charged with weapons offenses accounted for 3% of the growth in the total number of defendants detained pretrial.

TABLE 2

Decomposition of the 184% increase in number of defendants detained pretrial for cases disposed in federal district courts, by offense type, FY 1995–2010

Contribution to increases in pretrial detentions by changes in federal—	Percent contribution to pretrial detention growth
Total	100%
Dispositions	84%
Immigration	60
Drug	15
Weapons	6
Property	2
Public-order	2
Violent	--
Pretrial detention rates	16%
Immigration	1
Drug	5
Weapons	3
Property	3
Public-order	3
Violent	--

Note: Decomposition techniques used to assess contribution of changes in federal dispositions and pretrial detention rates to the 184% increase in the number of defendants detained pretrial. Percentages may not sum to totals because of rounding error. See *Methodology* for more details about decomposition calculations.

-- Less than 0.5%.

Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

Defendants with serious or lengthy criminal histories had the highest percentages of pretrial detention

The 1984 Bail Reform Act requires judges and magistrates to consider a defendant's criminal history when making pretrial detention decisions. Following the guidance of the act, defendants with more serious criminal histories should have a higher probability of pretrial detention compared to those with less substantial criminal backgrounds. This relationship between criminal history and pretrial detention is validated by the federal data which show that defendants with serious

or lengthy criminal histories have a greater likelihood of pretrial detention than those with less severe criminal records. The percentage of defendants detained pretrial in 1995 was 47% for defendants with no prior arrest history, 63% for defendants with two to four prior arrests, and 79% for defendants with five or more prior arrests (table 3). In 2010, 64% of defendants with no prior arrest history were detained pretrial, while 79% of defendants with two to four prior arrests and 85% of defendants with five or more prior arrests were detained prior to case disposition.

TABLE 3
Criminal history of defendants detained pretrial for cases disposed in federal district courts, FY 1995, 2000, 2005, and 2010

Defendant criminal history	1995		2000		2005		2010	
	Number of defendants	Percent detained						
Number of prior arrests								
None	17,749	47%	23,803	62%	22,504	64%	28,331	64%
1	6,329	51	9,270	64	10,433	73	12,218	73
2 to 4	9,745	63	14,587	74	17,542	81	22,549	79
5 or more	11,812	79	20,243	86	28,658	90	37,511	85
Number of prior convictions								
None	23,049	49%	32,015	63%	31,232	67%	40,094	67%
1	7,212	58	10,991	71	13,030	79	15,787	78
2 to 4	9,252	71	14,639	81	19,158	86	24,561	82
5 or more	6,122	81	10,258	87	15,717	91	20,167	87
Nature of prior convictions								
Misdemeanor conviction only	7,172	52%	10,572	65%	13,293	73%	18,727	75%
Felony conviction	15,414	78	25,316	86	34,612	91	41,788	85
Nonviolent	3,571	63	5,640	76	7,238	85	10,105	79
Drug	5,621	81	9,181	88	12,249	92	15,018	86
Violent	6,222	84	10,495	89	15,125	92	16,665	89
Court appearance history								
None*	40,449	56%	58,662	70%	66,274	76%	85,573	75%
1	2,866	80	4,627	84	5,748	87	6,505	82
2 or more	2,318	83	4,614	87	7,115	90	8,531	86

Note: Detained defendants include defendants who were released after a period of detention and defendants who were never released. Information on number of prior arrests, number of prior convictions, nature of prior convictions, and failure to appear history was available for 99% to 100% of defendants for fiscal years 1995, 2000, 2005, and 2010.

*Includes defendants with no prior criminal history and defendants with prior arrest or conviction history with no previous missed court appearances.

Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

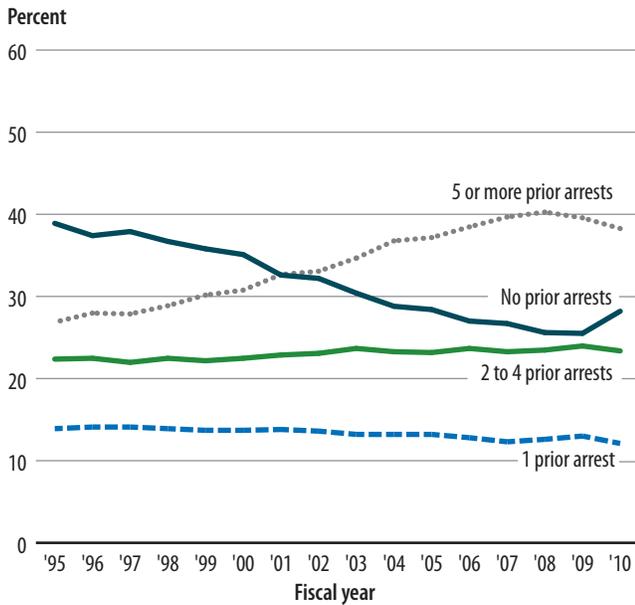
Criminal history profile of defendants processed by federal courts increased in severity between 1995 and 2010

Another change that has occurred in the federal district courts involves the criminal backgrounds of federal defendants. Between 1995 and 2010, criminal histories of these defendants became more serious. The growth in the severity of defendant criminal history is displayed by examining changes in the arrest and conviction history of federal defendants from 1995 to 2010. In 1995, 39% of defendants had no prior arrests, while by 2010, 28% of

defendants had no prior arrests (figure 5). In comparison, the percentage of defendants with five or more prior arrests increased from 26% in 1995 to 37% in 2010.

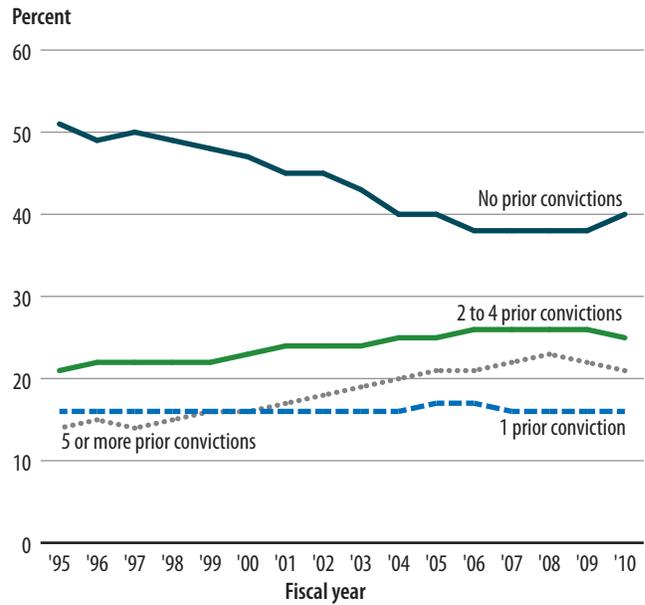
Between 1995 and 2010, prior felony and misdemeanor conviction trends among federal defendants mirrored prior arrest trends. The percentage of federal defendants with no conviction record declined from 51% in 1995 to 40% in 2010 (figure 6). The percentage of defendants with five or more prior felony and misdemeanor convictions increased from 13% in 1995 to 20% in 2010.

FIGURE 5
Arrest history of defendants in cases disposed in federal district courts, FY 1995–2010



Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

FIGURE 6
Conviction history of defendants in cases disposed in federal district courts, FY 1995–2010



Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

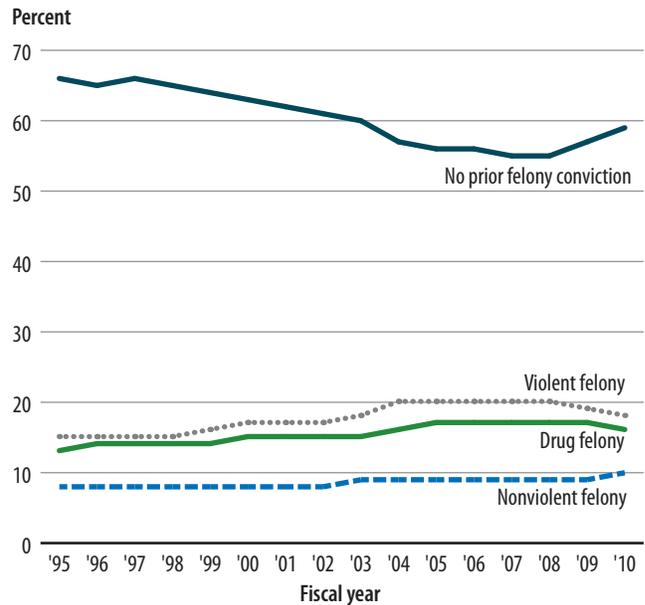
The nature of federal defendants' criminal convictions also became more severe between 1995 and 2010. In 1995, 34% of federal defendants had a prior felony conviction, which increased to 41% by 2010 (figure 7). Fourteen percent of defendants had a prior violent felony conviction in 1995, while 17% reported a prior violent felony conviction in 2010.

In 2010, the percentage of released defendants committing pretrial misconduct had declined to levels last seen in the mid-1990s

For defendants released pretrial, the percentage who committed pretrial misconduct peaked in 2006 (22%) and then declined to 17% in 2010, returning to a level similar to the mid-1990s (table 4). The percentage of released defendants that committed technical violations increased from 12% in 1995 to 19% between 2005 and 2008, then declined to 15% in 2010.

In comparison, the percentage of defendants released pretrial who failed to make court appearances or were rearrested for new offenses have remained relatively stable. Between 1995 and 2010, the percentage of released defendants who failed to make court appearances ranged from 1% to 3%, and the percentage rearrested for felony or misdemeanor offenses ranged from 1% to 2%.

FIGURE 7
Nature of prior felony convictions of defendants in cases disposed in federal district courts, FY 1995–2010



Note: The percentage of defendants with no prior felony convictions includes defendants with no conviction record and defendants with a misdemeanor only. Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

TABLE 4
Percent of defendants released pretrial who committed pretrial misconduct for cases disposed in federal district courts, FY 1995–2010

Fiscal year	Number of released defendants	Percent of released defendants who had—				
		At least one violation	Technical violations of bail conditions	Failed to appear	Rearrested for—	
					Felony offense	Misdemeanor offense
1995	26,380	16%	12%	3%	2%	2%
1996	26,801	16	13	2	2	2
1997	28,600	17	14	3	2	1
1998	26,246	16	15	2	2	2
1999	30,841	18	17	3	2	2
2000	31,040	18	17	3	2	2
2001	31,320	19	17	3	2	2
2002	32,140	20	18	2	2	2
2003	31,613	20	18	2	2	2
2004	30,952	20	18	2	2	2
2005	27,253	21	19	2	2	2
2006	30,289	22	19	/	/	/
2007	29,325	21	19	/	/	/
2008	32,936	21	19	2	2	2
2009	33,122	19	17	2	2	2
2010	35,564	17	15	1	2	2

Note: Detail may not sum to total because a defendant could have more than one type of violation.

/ Not reported or determined to be unreliable.

Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.

Methodology

Federal Justice Statistics Program (FJSP)

Data used in this report are from the Bureau of Justice Statistics' (BJS) Federal Justice Statistics Program (FJSP) database. The FJSP is constructed from source files provided by the U.S. Marshals Service, Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts (AOUSC), United States Sentencing Commission, and Federal Bureau of Prisons. In addition to providing data describing defendants in cases processed by the federal judiciary, the AOUSC provides data describing defendants processed by the federal pretrial services agencies and the federal probation and supervision service. For more information about the FJSP, see *Federal Justice Statistics, 2009*, NCJ 234184, BJS website, December 2011.

Office of Probation and Pretrial Services Automated Case Tracking System (PACTS)

For this report, all tables were created from data in the AOUSC's Office of Probation and Pretrial Services Automated Case Tracking System (PACTS), which were subsequently processed for the FJSP. The PACTS data contain information on defendants interviewed, investigated, or supervised by federal pretrial services. The information covers defendants' pretrial hearings, detentions, and releases from the time they were interviewed through the disposition of their cases in federal district courts. The data describe defendants processed by federal pretrial service agencies within each district. Defendants who received pretrial services through a local, nonfederal agency were excluded. Since the District of Columbia operates its pretrial services agency separately from the AOUSC, data describing defendants prosecuted in the U.S. district court for the District of Columbia but processed by the D.C. pretrial services agency were excluded in this analysis.

The data include defendants who were under the jurisdiction of federal pretrial services during fiscal years 1995 through 2010, and whose cases were filed by complaint, indictment, or information. Federal pretrial service agencies have jurisdiction over both released and detained defendants from the time of arrest until their case is disposed by federal courts. A disposition occurs through a guilty plea or trial conviction, dismissal, or acquittal. For this report, the totals include records for defendants whose offense or other attributes were missing or unknown.

Offenses in the PACTS are based on the most serious charged offense, as determined by the probation officer responsible for interviewing the defendant. The probation officer classifies the major offense charged into AOUSC four-digit offense codes. For defendants charged with more than one offense on an indictment, the probation officer chooses the major charged offense as the one carrying the

most severe penalty or, in the case of two or more charges carrying the same penalty, the one with the greatest offense severity. The offense severity is determined by the AOUSC, which ranks offenses according to the maximum sentence, type of crime, and maximum fine amount. These four-digit codes are then aggregated into the primary offense charges used in both the *Federal Justice Statistics* series and this report.

Defining pretrial detention within the PACTS data

Defendants are identified as detained pretrial if they were detained at any time during the period between the initial appearance hearing and case disposition. A detained defendant may have been detained at the initial appearance hearing and released at the detention or bond hearing, or detained for the entire duration of a case. For this report, defendants detained at any time before case disposition, including those initially detained and then subsequently released, are counted as detained. Due to this method of counting detained defendants, it is not possible to obtain totals for defendants with federal court dispositions by summing the numbers of released and detained defendants. Figure 1 provides annual totals for the number of defendants with federal dispositions.

In addition, the percentage of detained defendants reported in BJS's *Federal Justice Statistics* reports for fiscal years 2008 and 2009 will differ from those in this report due to recent adjustments with the PACTS data. For the 2008 and 2009 reports, defendants were identified as being detained pretrial only if they were detained during the initial appearance or detention hearing stages of a criminal case. Pretrial detentions did not cover defendants detained after these events. The 2008 and 2009 PACTS files analyzed for this report were adjusted so that defendants detained anytime during the course of a case were coded as detained pretrial. This method of identifying detained defendants encompasses a broader range of pretrial detentions and is similar to those used in BJS's *Federal Justice Statistics* reports that were published prior to 2008. For more information, see *Federal Justice Statistics, 2008 - Statistical Tables*, NCJ 231822, BJS website, November 2008, and *Federal Justice Statistics, 2009*, NCJ 234184, BJS website, December 2011.

Decomposing trends in the number of defendants detained pretrial

Changes to the number of defendants detained pretrial were decomposed between growth in the number of pretrial case dispositions and increasing pretrial detention rates. The decomposition approach works by calculating the percentage change in the number of pretrial detentions from one fiscal year to the next as conditioned on changes in the number of federal dispositions and the percentages of pretrial detention for each offense category. The change in the number of pretrial detentions can be expressed as a

conditional probability of changes in the number of violent, property, drug, public-order, weapons, and immigration dispositions between two points of time and changes in the pretrial detention rates for each of these offense categories between two time points.

Changes in the number of defendants detained pretrial between any two time points can be expressed through the following equation:

$$\Delta PD = (V_2 R_{v2} - V_1 R_{v1}) + (P_2 R_{p2} - P_1 R_{p1}) + (D_2 R_{d2} - D_1 R_{d1}) + (O_2 R_{o2} - O_1 R_{o1}) + (W_2 R_{w2} - W_1 R_{w1}) + (I_2 R_{i2} - I_1 R_{i1})$$

Where:

ΔPD = change in the number of defendants detained pretrial between time 2 and time 1.

V_2 = Number of violent dispositions, time 2.

V_1 = Number of violent dispositions, time 1.

P_2 = Number of property dispositions, time 2.

P_1 = Number of property dispositions, time 1.

D_2 = Number of drug dispositions, time 2.

D_1 = Number of drug dispositions, time 1.

O_2 = Number of public-order dispositions, time 2.

O_1 = Number of public-order dispositions, time 1.

W_2 = Number of weapons dispositions, time 2.

W_1 = Number of weapons dispositions, time 1.

I_2 = Number of immigration dispositions, time 2.

I_1 = Number of immigration dispositions, time 1.

R_2 = Pretrial detention rate per offense category (e.g., R_{v2} , R_{p2} , R_{d2} , R_{o2} , R_{w2} , R_{i2}), time 2.

R_1 = Pretrial detention rate per offense category (e.g., R_{v1} , R_{p1} , R_{d1} , R_{o1} , R_{w1} , R_{i1}), time 1.

The equation can then be rearranged into the following:

$$\Delta PD = [(V_2 - V_1)(R_{v1}) + (V_2)(R_{v2} - R_{v1})] + [(P_2 - P_1)(R_{p1}) + (P_2)(R_{p2} - R_{p1})] + [(D_2 - D_1)(R_{d1}) + (D_2)(R_{d2} - R_{d1})] + [(O_2 - O_1)(R_{o1}) + (O_2)(R_{o2} - R_{o1})] + [(W_2 - W_1)(R_{w1}) + (W_2)(R_{w2} - R_{w1})] + [(I_2 - I_1)(R_{i1}) + I_2(R_{i2} - R_{i1})]$$

The first part of the equation $[(V_2 - V_1)(R_{v1}) + (V_2)(R_{v2} - R_{v1})]$ measures the contribution of violent offenses to the overall change in the number of pretrial detentions between time 1 and time 2. The first term $(V_2 - V_1)(R_{v1})$ calculates the contribution of the change in the number of violent dispositions between the two time points, while the term

$(V_2)(R_{v2} - R_{v1})$ calculates the contribution of the change in the pretrial detention rate for violent offenses between the two time points. The second part of the equation $[(P_2 - P_1)(R_{p1}) + (P_2)(R_{p2} - R_{p1})]$ calculates the contribution of the property offense category to the changes in the pretrial detention numbers, and so on.

Key terms

Detained defendant—Defendant is counted as detained if the courts detains him or her any time during the period from initial appearance hearing to case disposition. In some instances, a defendant will be detained and then released at a later time. Under this definition, that defendant is counted as detained.

Federal court disposition—The act of terminating a case proceeding through a guilty plea or trial conviction, dismissal, or acquittal. The defendant is no longer under supervision of the federal pretrial authority after disposition.

Defendant (unit of analysis)—In the Federal Justice Statistics Program, the unit of analysis is a combination of a person and a case. For example, if the same person is involved in three different criminal cases during the period specified in this report, then these cases are counted as three defendants, or three cases disposed. Similarly, a single criminal case involving four defendants is counted as four cases disposed.

Initial appearance—The first time that a defendant charged with a federal offense appears before a federal judicial officer, typically a magistrate judge. At the initial appearance stage, the defendant can either be released pretrial or detained for additional hearings. For those defendants not released at initial appearance, pretrial release can occur at subsequent events including detention or bond hearings, or the defendant can be held for the duration of the entire case.

Pretrial misconduct—Instances in which a released defendant violated their pretrial release conditions.

The following types of events are included under pretrial misconduct:

Technical violation—Events in which the defendant failed to comply with their pretrial release conditions, including failing a drug test, failing to maintain or seek employment, refusing to maintain contact with a pretrial supervision officer, or violating weapons prohibitions.

Failure to appear—Occurs when a defendant misses a scheduled court appearance.

Rearrest for new offenses—Occurs when a defendant is rearrested for felony or misdemeanor offenses committed while out on pretrial release.

Definitions of major offense categories

Violent offenses—Threatening, attempting, or actually using physical force against a person. Includes murder, negligent manslaughter, assault, robbery, sexual abuse, kidnapping, and threats against the President.

Property offenses, fraudulent—Property offenses that involve elements of deceit or intentional misrepresentation. These offenses specifically include embezzlement, fraud (excluding tax fraud), forgery, and counterfeiting.

Property offenses, non-fraudulent—Violent offenses against property, including burglary, larceny, motor vehicle theft, arson, transportation of stolen property, and other property offenses, such as the destruction of property and trespassing. These offenses are termed non-fraudulent to distinguish them from the category of property offenses, fraudulent, within the glossary.

Property offenses, other—Offenses that involve the destruction of property moving in interstate or foreign commerce and in the possession of a common or contract carrier. Also includes the malicious destruction of government property, or injury to United States postal property such as to mailboxes or mailbags. Trespassing on timber and government lands is also included in this offense category.

Drug offenses—Offenses under federal or state laws prohibiting the manufacture, import, export, distribution, or dispensing of a controlled or counterfeit substance, or the possession of a controlled or counterfeit substance with the intent to manufacture, import, export, distribute, or dispense the substance. Drug offenses include using any communication facilities that cause or facilitate a felony under title 21, or furnishing fraudulent or false information concerning prescriptions, as well as any other unspecified drug-related offense. See also, distribution, possession, and drug trafficking.

Drug distribution—Delivery (other than by administering or dispensing) of a controlled substance. 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 (Drug Abuse, Prevention, and Control), Title 21 (Food and Drugs). 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.

Drug 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). Drug trafficking includes manufacturing, distributing, dispensing, selling, or possessing with the intent to manufacture, distribute, or sell a controlled substance or a counterfeit substance. It also includes exporting any

controlled substance in schedules I through V, and the manufacture or distribution of a controlled substance in schedule I or II, for the purposes of unlawful importation. Also includes the making or distributing of 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. Knowingly opening, maintaining, or managing any place for manufacturing, distributing, or using any controlled substance are also included in drug trafficking.

Drug possession—An 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 through 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 onboard a United States vessel or vessels within custom waters of the United States, or by any United States citizen on board a vessel. In addition, 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 is included in this offense category.

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.

Public-order offenses, non-regulatory—Offenses concerning 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 to distinguish them from the category public-order offenses, regulatory within this glossary.

Public-order offenses, other—Violations of laws pertaining to bigamy, disorderly conduct on the United States Capitol grounds, civil disorder, and travel to incite to riot. Also included in public-order offenses, non-regulatory.

Weapons violation offenses—Violations of any provisions of 18 U.S.C. §§ 922 (unlawful acts) and 923 (licensing) with regard to the manufacturing, importing, possessing, receiving, and licensing of firearms and ammunition. Includes manufacturing, selling, possessing, or transporting any switchblade knife; or making, receiving, possessing, or transporting a firearm not registered in the National Firearms Registration Transfer Record within any territory

or possession of the United States, within Indian country, or within the special maritime and territorial jurisdiction of the United States. 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 wherein a crime of violence or drug trafficking enhanced punishment is handed down when the crime was committed with a deadly weapon.

Immigration offenses—Offenses involving illegal entry into the United States, illegally reentering the United States after deportation, willfully failing to deport when so ordered, willfully remaining beyond days allowed on conditional permit, or falsely representing oneself to be a United States citizen. Immigration offenses include violations relating to provisions for special agricultural workers and to provisions relating to limitations on immigrant status such as employment. Also includes bringing in or harboring any aliens not duly admitted by an immigration officer.



The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. William J. Sabol is the acting director.

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