



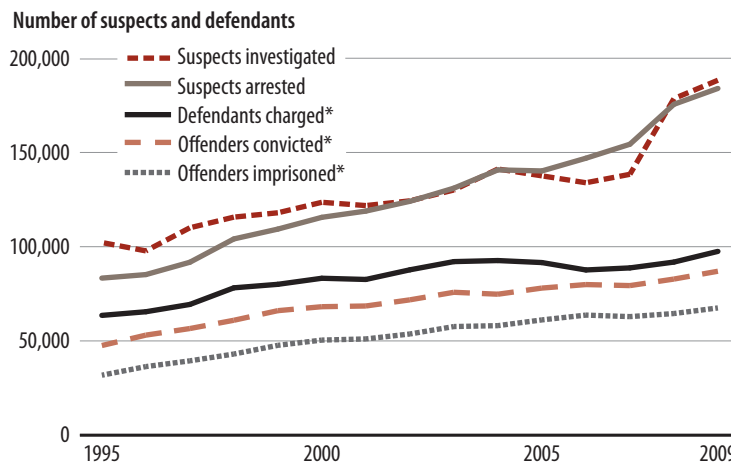
# Federal Justice Statistics, 2009

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During 2009, the number of suspects arrested for a federal offense reached a record level of 183,986 suspects—up from 140,200 in 2005. Since 1995, the number of suspects arrested by federal law enforcement has more than doubled (figure 1).

Stepped-up immigration enforcement along the U.S.-Mexico border has had a significant influence on the nature and outcomes of criminal cases handled in the federal justice system. Between 2005 and 2009, immigration arrests increased at an annual average rate of 23%. Immigration offenses (46%) were the most common of all arrest offenses in 2009, followed by drug (17%) and supervision (13%) violations.

**FIGURE 1**  
Suspects and defendants processed in the federal justice system, 1995–2009



\*Represents defendants charged with a felony or Class A misdemeanor offense as the most serious charge.

Sources: U.S. Marshals Service, Prisoner Tracking System; Executive Office for U.S. Attorneys, National LIONS data base; and Administrative Office of the U.S. Courts, criminal master file, fiscal years 1995–2009.

## HIGHLIGHTS

- Arrests made by federal law enforcement comprised 1% of arrests in the United States.
- From 2000 to 2006, the rate of arrests made by federal law enforcement increased at 8 times the rate of arrests by state and local law enforcement.
- Five judicial districts along the U.S.-Mexico border accounted for more than half (56%) of all federal arrests in 2009.
- In 2009, immigration was the most prevalent offense at arrest and investigation.
- About 2 in 3 (67%) immigration offenders were disposed by U.S. magistrates and processed as petty misdemeanants in 2009.
- Cocaine was the most common drug type involved in arrests by the Drug Enforcement Administration (DEA) in 2009.
- In 2009, marijuana was the most common drug in DEA matters referred to U.S. attorneys in five Southwest border districts.
- Felony convictions increased at a faster rate in federal court than in state court from 2000 to 2006. The federal share of U.S. felony convictions was 6% in 2006.
- Drug offenders' cases remained the most prevalent at adjudication and sentencing, in prison, and under supervision.
- Public defenders and appointed counsel handled the growth in federal criminal cases. The number of defendants retaining private counsel remained stable.
- In 2009, defendants charged with violent (87%), immigration (95%), or drug trafficking (81%) offenses were more likely than other defendants to be detained.

## Among processing stages, arrest and investigation increased at a faster rate than charging, conviction, and sentencing

Growth in federal law enforcement (arrest and investigation) increased at a faster pace than later stages of the federal justice process (charging, conviction, and sentencing). From 2005 to 2009, arrests increased at an annual average rate of 7.1%, and matters opened by U.S. attorneys (i.e., investigations) increased at an annual average rate of 8.3%. In comparison, the number of suspects charged increased by 2.5% over this period, the number of defendants convicted increased by 2.8%, and the number of offenders sentenced to prison increased by 2.5%.

From 2005 to 2009, growth in the enforcement stage was due largely to cases in which persons were arrested and charged with illegally entering the United States. In federal courts along the Southwest border, about two-thirds of arrests for illegal entry were processed by U.S. magistrates. Generally, first-time illegal entry defendants who agreed to plead guilty to a petty misdemeanor charge were sentenced to 30 days or less of confinement, and they were removed from the United States upon completion of the sentence.

In the federal justice system overall, 9 in 10 defendants charged with a federal criminal offense were convicted in 2009, and about 8 in 10 of those convicted received an imprisonment sentence. The average prison sentence imposed in 2009 was 57 months. Violent offenders received the longest average prison sentences (113 months), followed by offenders convicted for weapons (87 months) and drug (82 months) offenses. About 1 in 10 convicted offenders received a probation sentence.

At fiscal yearend 2009, nearly 400,000 offenders were under some form of federal correctional supervision: 47% were confined by the Federal Bureau of Prisons (BOP), 15% were confined in pre-trial detention, 31% were on post-conviction supervision in the community, and 7% were under pretrial supervision in the community.

Data in this report are from the Federal Justice Statistics Program (FJSP), which serves as a uniform reference on the annual activity, workloads, and outcomes associated with the federal criminal justice system.

## In 2009, the U.S. Marshals Service arrested and booked a record 183,986 suspects for violations of federal law

During 2009, federal law enforcement agencies arrested 183,986 suspects for violations of federal law (table 1). In 2009, 46% of federal arrests were for immigration charges, compared to 27% of all arrests in 2005. Another 17% of arrests in 2009 were for drug offenses, 13% were for supervision violations, and 9% were for property offenses.

Immigration offenses increased the most, with an annual average increase of 23% from 2005 to 2009. Arrests for the purpose of securing and safeguarding a material witness decreased the most (6% average annual decline from 2005 to 2009).

The percentage of federal suspects arrested for drug offenses declined

from 24% of arrests in 2005 to 17% of arrests in 2009. Over the same period, supervision violations decreased from 17% of arrests in 2005 to 13% in 2009, and weapons violations declined from 7% of arrests in 2005 to 5% in 2009.

## Federal justice agencies' workloads changed as a result of the increase in immigration enforcement

Agencies within the Department of Homeland Security (DHS) have primary immigration enforcement responsibility. DHS agencies referred 54% of all suspects to U.S. attorneys' offices in 2009, up from the 35% referred in 2005. In comparison, agencies with the Department of Justice (DOJ) referred 30% of suspects in 2009, a decrease from the 43% of referrals made in 2005.

## More than half of all federal arrests occurred within five judicial districts

Five federal judicial districts along the U.S.-Mexico border accounted for 56% of all federal arrests: Southern District of California, District of Arizona, District of New Mexico, and the Southern and Western Districts of Texas). In 2009, these five districts accounted for 50% of

**TABLE 1**  
Suspects arrested and booked by the U.S. Marshals Service, by offense and federal district at arrest, 2005 and 2009

	2009	2005	Average annual growth rate, 2005–2009*
<b>Offense at arrest</b>	100%	100%	
Violent	2.5%	3.1%	1.8%
Property	8.9	10.7	2.4
Drug	16.9	23.8	-1.6
Weapons	4.5	6.9	-3.5
Immigration	46.3	27.3	22.8
Material witness	2.5	4.4	-6.3
Public order	5.2	6.5	1.4
Supervision violations	13.3	17.4	--
<b>District of arrest</b>	100%	100%	
Southwest U.S. border districts	55.5%	39.6%	16.6%
Arizona	15.6	9.8	21.3
California-Southern	4.3	3.3	14.7
New Mexico	4.2	3.4	13.9
Texas-Southern	19.1	12.2	21.6
Texas-Western	12.4	10.9	12.3
Other districts	44.5%	60.4%	-0.9%
<b>Total suspects arrested</b>	183,986	140,200	7.1%

Note: Offense percentages based on available data. Data on type of offense were missing for 774 arrests in 2009, and 1,079 arrests in 2005.

\*Calculated using each fiscal year count from 2005 through 2009.

--Less than 0.05%.

Source: U.S. Marshals Service, Prisoner Tracking System, October 1 to September 30, 2005 and 2009.

suspects investigated by U.S. attorneys, 34% of defendants in cases filed in U.S. district court, 35% of defendants convicted, and 37% of offenders sentenced to federal prison.

### Drug Enforcement Administration arrests increased 10% from 2008 to 2009

The Drug Enforcement Administration (DEA) arrested 29,896 suspects for drug offenses in 2009, a nearly 10% increase from 27,235 arrests in 2008.

Suspects arrested for offenses involving cocaine powder and crack cocaine (11,361) accounted for 38% of all suspects arrested by the DEA in 2009 (table 2). Twenty-eight percent of suspects were arrested for offenses involving cocaine powder (8,491), and 10% were arrested for crack cocaine (2,870). Crack cocaine arrests declined by 12% from the 3,254 reported in 2008 (not shown in table). The remaining suspects were arrested for marijuana (7,294), methamphetamine (4,701), and for opiates (2,975).

Most suspects arrested by the DEA for drug violations were male (86%). Three in 10 male suspects were arrested for cocaine powder, followed by marijuana (25%) and methamphetamine (15%) offenses. In 2009, females accounted for 14% of all DEA drug arrests and 20% of all methamphetamine arrests. About 2 in 10 (22%) females arrested by the DEA for drug violations were arrested for methamphetamine, followed by cocaine powder (21%) and marijuana (20%) offenses.

Half of all suspects arrested by the DEA were age 31 or younger. Hispanic suspects constituted 46% of arrestees, followed by white and black suspects (26% each). Hispanic suspects made up more than half of arrests for cocaine powder (55%) and marijuana (52%) offenses and nearly half of arrests involving opiates (49%). Three-quarters (75%) of crack cocaine suspects were black, and less than half of all methamphetamine suspects were white (41%).

### Marijuana was the most common drug in DEA matters referred to U.S. attorneys in five Southwest border districts in 2009

More than 1 in 5 (21% of 19,353) matters were referred to U.S. attorneys by the DEA for prosecution in five federal judicial districts along the U.S.-Mexico border or the Southwest border. Marijuana (67%) accounted for the largest percentage of these matters referred for prosecution from the Southwest border districts, followed by cocaine (19%), methamphetamine (9%), and other drug offenses (5%) (not shown in table).

In 2009, most of the matters concluded by U.S. attorneys after DEA referral in the five Southwest border districts were prosecuted by federal prosecutors (84%) or disposed by U.S. magistrates (9%). The remaining 7% of matters were declined (not shown in table).

**TABLE 2**  
**Characteristics of suspects arrested by the Drug Enforcement Administration, by type of drug, 2009**

	Total arrested	Percent arrested	Type of drug					Other or non-drug <sup>a</sup>
			Cocaine powder	Crack cocaine	Marijuana	Methamphetamine	Opiates	
<b>All arrestees<sup>b</sup></b>	29,896	100%	8,491	2,870	7,294	4,701	2,975	3,565
<b>Sex</b>								
Male	25,561	85.5%	7,585	2,526	6,429	3,765	2,513	2,743
Female	4,331	14.5	905	344	865	934	461	822
<b>Race/Hispanic origin</b>								
White <sup>c</sup>	7,654	26.3%	1,135	251	1,888	1,921	600	1,859
Black/African American <sup>c</sup>	7,427	25.5	2,490	2,155	1,191	124	811	656
Hispanic/Latino	13,266	45.6	4,631	336	3,773	2,428	1,469	629
American Indian or Alaska Native <sup>c</sup>	197	0.7	30	9	101	35	5	17
Asian/Native Hawaiian/Other Pacific Islander <sup>c</sup>	551	1.9	46	6	162	110	17	210
<b>Age</b>								
17 or younger	66	0.2%	21	5	18	5	12	5
18–20	1,824	6.1	365	219	621	216	200	203
21–24	4,355	14.6	1,045	490	1,160	654	498	508
25–34	11,957	40.1	3,534	1,313	2,844	1,847	1,089	1,330
35–44	7,160	24.0	2,347	536	1,540	1,218	698	821
45–54	3,255	10.9	859	234	746	605	347	464
55 and older	1,173	3.9	282	64	342	141	117	227
<b>Median age</b>	31 yr.		32 yr.	30 yr.	31 yr.	32 yr.	31 yr.	32 yr.

<sup>a</sup>Other or non-drug offenses include pharmaceutical controlled substances, equipment used to manufacture controlled substances, and drug use paraphernalia.

<sup>b</sup>Percentages based on available data. Data unavailable for arrestee sex (4 cases), race/Hispanic origin (801 cases), and age (106 cases).

<sup>c</sup>Excludes persons of Hispanic or Latino origin.

Source: Drug Enforcement Administration, Defendant Statistical System, fiscal year 2009.

## Five judicial districts along U.S.-Mexico border accounted for more than half of all federal arrests in 2009

Nearly 2,000 miles of the U.S.-Mexico border are within the jurisdiction of five federal judicial districts: Southern and Western Districts of Texas, Arizona, New Mexico, and the Southern District of California (map 1). These five districts held about 9% of the U.S. population and accounted for 56% of all federal arrests in 2009. The Southern District of Texas contains 3 of the top 40 fastest growing metropolitan areas in the U.S. (Laredo, McAllen, and Brownsville). The Southern and Western Districts of Texas comprise 64% of the length of the U.S.-Mexico border.\*

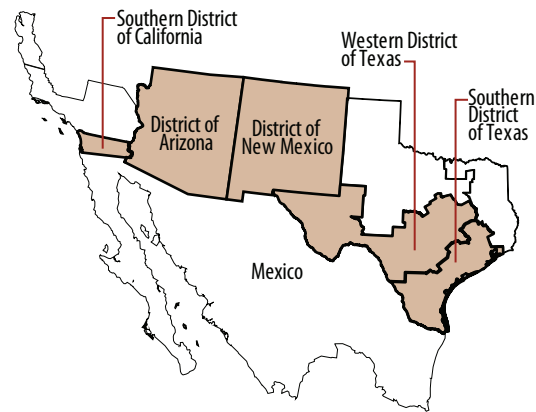
Federal immigration enforcement has impacted the five Southwest border districts across each stage of the federal justice process. Half of suspects in matters concluded by federal prosecutors in 2009 were referred from these judicial districts (figure 2). Arrests from the five districts comprised more than half of all arrests nationwide and a third or more of all federal defendants prosecuted, convicted, and sentenced to prison in 2009. In these districts, enforcement (arrest and investigation) outpaced prosecution, adjudication, and sentencing.

Between 1995 and 2009, a greater number of federal suspects were arrested and booked in the five border districts than in the remaining 89 non-Southwest border districts. Bookings increased at an average annual rate of 12.5% from 1995 to 2009 in border districts and 1.9% in non-border districts (not shown in table). By fiscal year 2007,

the five border districts together surpassed the rest of the United States in the total number of suspects arrested for a federal offense (figure 3). The number of arrests continued to increase from 2007 to 2009, while non-border districts remained at the same level.

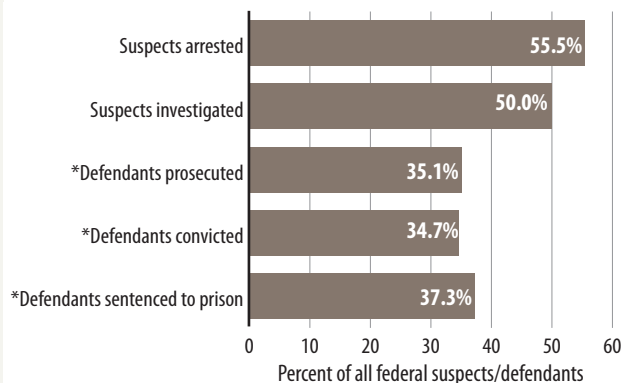
The rate at which arrests increased differed across the five districts. From 2005 to 2009, suspects arrested and booked by U.S. Marshals in the Southern District of Texas (22%) and the District of Arizona (21%) increased at the fastest rates among all districts. These were followed by the Southern District of California (15%), the District of New Mexico (14%), and the Western District of Texas (12%).

**MAP 1**  
Federal judicial districts along the U.S.-Mexico border



\*See *Undocumented Immigrants in U.S.-Mexico Border Counties: The Costs of Law Enforcement and Criminal Justice Services* (2007) <http://www.bordercounties.org>.

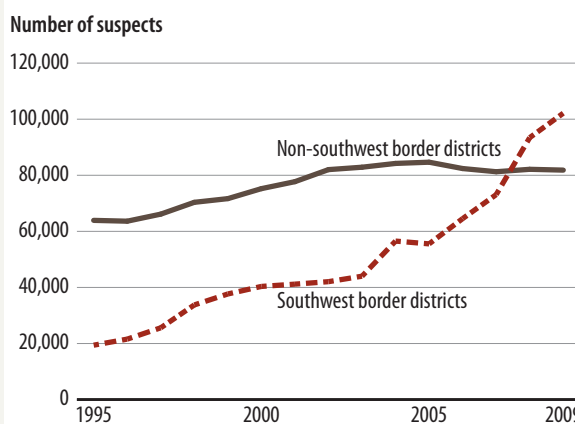
**FIGURE 2**  
Percent of federal caseload handled in five federal judicial districts along the Southwest border, 2009



\*Represents defendants charged with a felony or Class A misdemeanor offense as the most serious charge.

Sources: U.S. Marshals Service, Prisoner Tracking System; Executive Office for U.S. Attorneys, National LIONS data base; Administrative Office of the U.S. Courts, criminal master file, fiscal year 2009.

**FIGURE 3**  
Suspects arrested and booked by the U.S. Marshals Service, 1995–2009



Note: Southwest border federal judicial districts include Southern California, Arizona, New Mexico, and Western and Southern Texas.

Source: U.S. Marshals Service, Prisoner Tracking System, fiscal years 1995–2009.

### Increased criminal enforcement of immigration broadened the type of offender charged

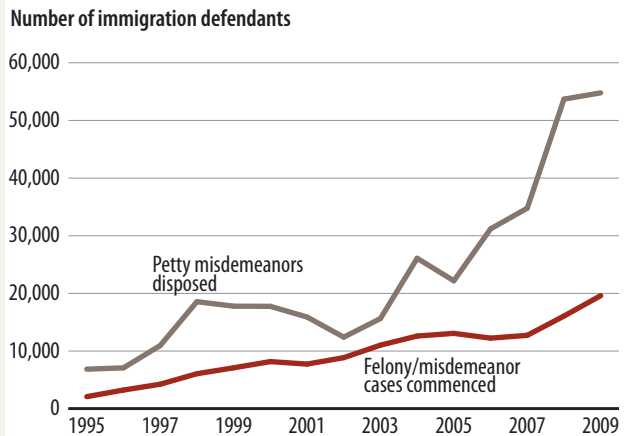
Operation Streamline, a federal zero-tolerance prosecutorial initiative, began in the Border Patrol's Del Rio Sector (located in the Western District of Texas) in December 2005. First-time offenders apprehended for crossing the border illegally were charged with a federal criminal offense. In the past, nonviolent immigration offenders were routed through federal civil deportation proceedings in which a removal might be ordered. Others were voluntarily returned across the border. Under Operation Streamline, offenders caught making their first illegal entry are charged with a misdemeanor and face up to 6 months in prison before being deported. The federal conviction counts toward the more serious charge of illegal reentry if the offender attempts to reenter the U.S. illegally (a felony punishable with up to 20 years in prison). The criminal conviction hinders the offender's future prospects of obtaining legal status in the United States. Versions of this approach have been expanded and implemented in the District of Arizona (Tucson and Yuma), the Southern District of Texas (Laredo, Brownsville, and McAllen), and the District of New Mexico (Las Cruces). El Paso in the Western District of Texas also has a Streamline-type program.

### Enforcement targeting illegal immigration increased court workload

In 2009, about 2 in 3 (67%) immigration offenders were disposed of by U.S. magistrates as petty misdemeanants in the five Southwest border districts. The remaining immigration offenders were charged with a more serious felony or with a Class A or B misdemeanor. From 2002 to 2009, petty immigration misdemeanors disposed of by U.S. magistrates increased at an annual average of 21%, compared to 13% annual average growth in immigration offenses filed in U.S. district courts (figure 4).

The time from receipt of a matter to disposition by a U.S. magistrate, prosecution in U.S. district court, or declination of the matter was substantially shorter in the five Southwest border districts than in non-border districts (figure 5). About 42% of matters concluded in these five districts in 2009 were concluded on the same day that the matter was received, compared to 11% non-border districts.

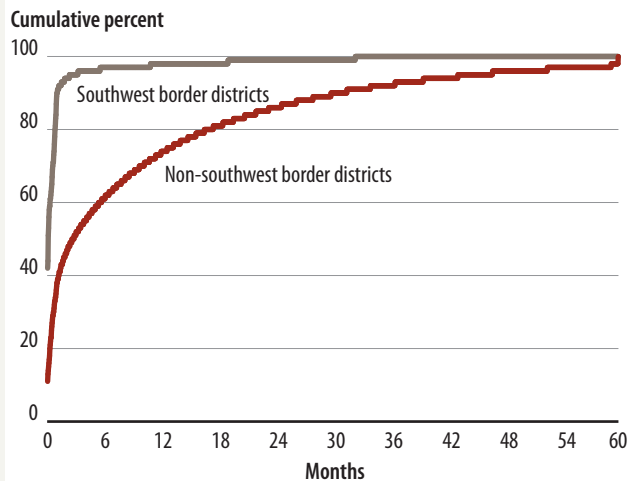
**FIGURE 4**  
Immigration defendants processed in federal court in five Southwest border districts, 1995–2009



Note: Southwest border federal judicial districts include Southern California, Arizona, New Mexico, and Western and Southern Texas.

Sources: Information on petty offense defendants disposed by U.S. magistrates obtained from Administrative Office of the U.S. Courts, Judicial Business of the U.S. Courts, Table M-1A (1995–1999) and Table M2 (2000–2009). Data on felony and class A & B misdemeanor defendants in cases commenced in U.S. district court from Administrative Office of the U.S. Courts, criminal master file (both lines are fiscal years 1995–2009).

**FIGURE 5**  
Time from receipt of matter to disposition for Southwest border and non-Southwest border federal judicial districts, 2009



Note: Southwest border federal judicial districts include Southern California, Arizona, New Mexico, and Western and Southern Texas. Time based on receipt of matter by federal prosecutor to disposition (whether to prosecute, decline to prosecute, or dispose by U.S. magistrate). The Southwest border districts had 96,802 matters concluded and an overall mean of 39 days from receipt of matter to disposition. The remaining federal judicial districts had 96,432 matters concluded and an overall mean of 307 days.

Source: Executive Office for U.S. Attorneys, National LIONS data base, fiscal year 2009.

### The Department of Homeland Security accounted for 54% of all referrals to U.S. attorneys in 2009

The Homeland Security Act of 2002 reorganized key federal law enforcement agencies. This act transferred the U.S. Customs Service and the Secret Service from the U.S. Department of Treasury (Treasury) to the DHS. Responsibility for the Immigration and Naturalization Service transferred from the DOJ to DHS, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives transferred from the Treasury to the DOJ.

DHS agencies accounted for 35% of all case referrals to U.S. attorneys in 2005 (2 years following the reorganization of federal law enforcement agencies under the Homeland Security Act of 2002) and 54% of all referrals to U.S. attorneys in 2009 (table 3). Law enforcement agencies within the DOJ referred 30% of suspects to U.S. attorneys in 2009, compared to 43% of referrals in 2005 and 58% of referrals in 2000. Suspects referred to U.S. attorneys by the Treasury decreased to 1% of the total referrals in 2009, down from 2% of all referrals in 2005 and 19% of referrals in 2000. Federal and state task forces declined from 3% of matters in 2000 to 2% of matters in 2009.

### Immigration and drug charges constituted more than half of all matters concluded by U.S. attorneys in 2009

Ninety-three U.S. attorneys offices serving the 94 federal judicial districts concluded 193,234 matters in 2009 (table 4). Two out of three matters concluded by U.S. attorneys that year involved either an immigration (46%) or drug (20%) charge. The basis for investigation (or the lead charge) in nearly half of all matters concluded in 2009 fell under 1 of 5 criminal statutes: illegal entry, illegal re-entry, drug conspiracy, drug trafficking, and unlawful firearms (not shown in table). Immigration matters referred surpassed drug offenses in 2007 (figure 6). The number of immigration matters concluded increased at an average annual rate of 31% from 2005 to 2009. The share of property offenses, mostly

fraud cases, decreased from 18% of all matters in 2005 to 14% in 2009.

The share of drug offenses declined from 28% of matters concluded in 2005 to 20% in 2009. Drug offenses declined by an average annual 1.4% from 2005 to 2009. Weapons offenses declined from 13,689 matters in 2005 to 11,749 in 2009 for an average annual decline of 3.7% over this period.

Suspects in matters concluded in Southwest border districts comprised

32% of matters concluded in 2005 and 50% of matters concluded in 2009.

The average annual growth rate from 2005 to 2009 was 25% for Southwest border districts and declined 1% for all other districts. Small districts (less than 1 million residents) declined by an average of 3% from 2005 to 2009, while medium districts (1 to 5 million residents) increased by 4% and large districts (over 5 million residents) increased by 12%.

**TABLE 3**  
Suspects in matters concluded by U.S. attorneys, by referring authority, 2000, 2005, and 2009

Department or authority	2009	2005	2000
Justice	29.6%	43.1%	58.3%
Homeland Security	54.3	35.3	...
Treasury	1.3	1.8	18.6
Interior	1.4	1.6	4.3
Defense	3.0	3.3	2.9
Federal and state task forces	2.0	2.9	2.9
Other*	8.6	12.0	13.0
Total suspects	193,234	143,640	117,450

\*Other includes U.S. Postal Service, Department of Health and Human Services, Department of Agriculture, Department of Labor, State Department, and others.

...Not available. Homeland Security transition was effective March 2003.

Source: Executive Office for U.S. Attorneys, National LIONS database, fiscal years 2000, 2005, and 2009.

**TABLE 4**  
Suspects in matters concluded by U.S. attorneys, by offense type, 2005 and 2009

	2009		2005		Average annual growth rate*
	Number	Percent	Number	Percent	
Total suspects	193,234	100%	143,640	100%	8.3%
<b>Lead charge</b>					
Violent	5,463	2.8%	5,485	3.8%	-0.1%
Property	26,161	13.6	25,570	17.9	0.6
Fraud	23,811	12.4	23,052	16.1	0.9
Other	2,350	1.2	2,518	1.8	-1.6
Drug	37,721	19.6	40,038	28.0	-1.4
Public order	23,067	12.0	21,583	15.1	1.7
Regulatory	5,308	2.8	5,037	3.5	1.5
Other	17,759	9.2	16,546	11.6	1.8
Weapons	11,749	6.1	13,689	9.6	-3.7
Immigration	88,313	45.9	36,559	25.6	30.8
<b>Southwest U.S. border district</b>					
Yes	96,802	50.1%	45,398	31.6%	24.6%
No	96,432	49.9	98,242	68.4	-0.5
<b>District population</b>					
Small	7,172	3.7%	8,599	6.0%	-3.1%
Medium	62,043	32.1	55,606	38.7	3.9
Large	124,019	64.2	79,435	55.3	12.3

Note: District population is divided into small (17 districts with fewer than 1 million U.S. residents), medium (54 districts with between 1 and 5 million), and large (23 districts with more than 5 million). See *Methodology*.

\*Calculated using each fiscal year count from 2005 through 2009. Percentages are based on records with non-missing offense information (716 records missing offense information in 2005; 760 records missing offense information in 2009).

Source: Executive Office for U.S. Attorneys, National LIONS database, fiscal years 2005 and 2009.

### Less than half of federal matters concluded in 2009 were prosecuted in U.S. district courts

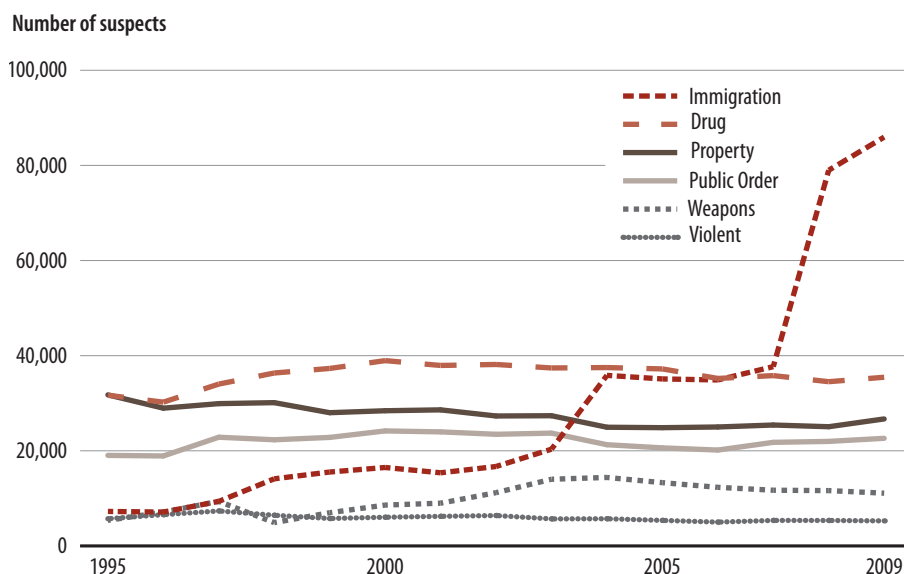
In 2009, 48% of the 193,234 suspects in matters concluded were prosecuted by U.S. attorneys (table 5). About 37% of all matters were disposed by U.S. magistrates, and 15% were declined for prosecution in 2009. U.S. magistrates disposed two-thirds of all immigration matters in 2009. In the five Southwest U.S. border districts, 3% of matters were declined, while 28% of matters were declined in other districts. Declinations were greater in small districts (24% of cases), compared to medium (17%) and large districts (14%).

### Drug and weapons suspects were the most likely to be prosecuted in 2009

Suspects charged with drug (77%) or weapons (69%) offenses had the highest prosecution rates in 2009, followed by those charged with violent (58%), property (50%), and public-order (43%) offenses. Suspects involved in public-order regulatory offenses were most likely to be declined for prosecution (50%). In 2009, U.S. attorneys declined to file charges for the following case-related reasons: weak evidence that did not support prosecution (27%), the matter was referred to or handled by another authority for prosecution (21%), criminal intent was not established, or the offense was not deemed to be a federal offense (21%). Matters settled through pretrial diversion and civil or administrative alternatives accounted for about 4% of all matters declined for prosecution in 2009 (not shown in table).

The median time from the receipt of a matter by a U.S. attorney's office to a decision to prosecute, decline, or dispose by magistrate was 18 days in 2009. The time from receipt of the matter to a decision took longer for matters declined (median of 453 days) than for prosecutions (median of 24 days) or matters disposed by a U.S. magistrate (half were disposed on the same day).

**FIGURE 6**  
Suspects investigated by U.S. attorneys, by type of offense, 1995–2009



Source: Executive Office for U.S. Attorneys, National LIONS data base, fiscal years 1995–2009.

**TABLE 5**  
Outcome and case processing time of suspects in matters concluded, 2009

	Matters concluded		Outcome of matters concluded		
			Prosecuted	Disposed by U.S. magistrate	Declined
	Number	Percent			
<b>Total suspects</b>	193,234	100%	47.6%	37.0%	15.4%
<b>Lead charge</b>					
Violent	5,463	100%	58.1	7.9	34.0
Property	26,161	100%	50.1	12.8	37.1
Fraud	23,811	100%	49.9	13.1	36.9
Other	2,350	100%	52.1	9.5	38.3
Drug	37,721	100%	76.7	7.9	15.4
Public order	23,067	100%	43.2	21.4	35.4
Regulatory	5,308	100%	37.8	11.9	50.3
Other	17,759	100%	44.8	24.3	31.0
Weapons	11,749	100%	69.0	2.9	28.1
Immigration	88,313	100%	31.9	67.2	0.9
<b>Southwest U.S. border district</b>					
Yes	96,432	100%	33.3%	64.1%	2.6%
No	96,802	100%	61.9	9.8	28.3
<b>District population</b>					
Small	7,172	100%	69.9%	6.2%	23.9%
Medium	62,043	100%	63.2	20.1	16.7
Large	124,019	100%	43.9	42.2	13.9
<b>Median days from receipt of matter to outcome</b>	18 days		24 days	0 days	453 days

Note: District populations are divided into small (17 districts with fewer than 1 million U.S. residents), medium (54 districts with between 1 and 5 million), and large (23 districts with more than 5 million). To improve comparability, percentages for district population have been adjusted for differences in the offense distribution of the three district populations. See appendix table 1 for confidence intervals and *Methodology* for calculation details.

Source: Executive Office for U.S. Attorneys, National LIONS database, fiscal year 2009.

## The use of public defenders and appointed counsel increased with the growth in the federal criminal caseload from 2002 to 2009

The Criminal Justice Act (CJA) was enacted in 1964 (Title 18 U.S.C. §3006A) and requires that attorneys be appointed to represent defendants unable to pay for their own counsel. The Administrative Office of the U.S. Courts provides for two types of counsel for federal indigent defendants: federal public defenders and panels of private attorneys (referred to as panel-appointed attorneys) who accept appointments to represent eligible defendants for reimbursement from the government.

Almost all (96%) of the more than 95,000 defendants in cases concluded in 2009 had some type of counsel. Public defenders represented 40% of defendants (up from 22% in 1995), panel-appointed attorneys represented 36% (up from 32% in 1995), and private attorneys represented 21% of defendants (down from 37% in 1995). The remaining defendants (4%) waived representation or were self-represented in cases that were mostly misdemeanors.

From 1995 to 2009, the use of public defenders increased at an annual average rate of 7.4%, and the use of CJA-assigned attorneys increased at an annual average rate of 4.1%. Use of private attorneys decreased by 0.6%, and defendants waiving counsel or representing themselves decreased by 2.2% (figure 7).

### Growth in immigration cases increased public defender and panel-appointed attorney caseloads

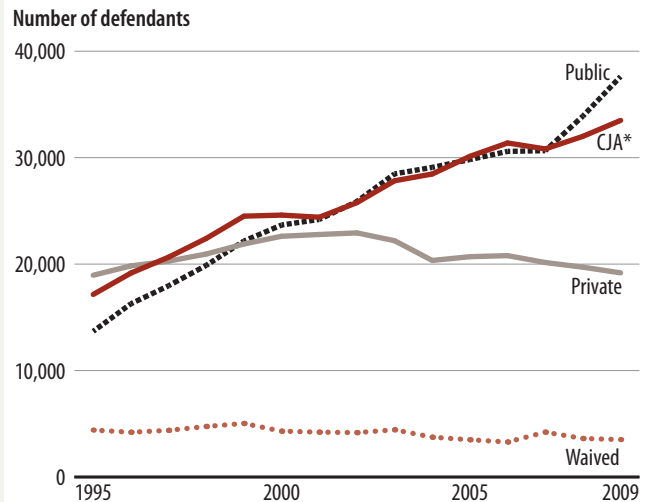
In 2009, immigration offenses made up the largest share of cases terminated with a public defender (49%), followed by drug offenses (18%). Drug offenses accounted for the largest share of cases terminated with a CJA (44%) or private attorney (42%) in 2009 (table 6).

In 2009, about 43% of cases terminated with a public defender were in five federal judicial districts along the U.S.-Mexico border: Southern California, Arizona, New Mexico, and Western and Southern Texas. About 35% of cases terminated with a CJA attorney and about 18% of cases terminated with a private attorney were in these five Southwest border districts.

### Cases handled by public defenders were disposed relatively quicker with conviction rates similar to those with other counsel

The median case processing time (from case filing to disposition) was 8 months for cases terminated with a CJA attorney, 8 months with private counsel, and 7 months for cases terminated with a public defender (table 7). After adjusting for offense type, conviction rates were similar

**FIGURE 7**  
Defendants in federal criminal cases, by type of representation at termination, 1995–2009



\*Criminal Justice Act-appointed attorney for defendants unable to pay for their own counsel.

Source: Administrative Office of the U.S. Courts, criminal master file, fiscal years 1995–2009.

across all types of counsel in 2009; 94% of cases terminated with a CJA attorney ended in a conviction, as did cases terminated with a private attorney and cases terminated with a public defender. The percentage of terminated cases heard by a jury in 2009 was slightly less for cases represented by a public defender (2%) than for cases represented by a private or CJA attorney (4% each).

### About 80% of defendants represented by a CJA attorney or by a public defender received a prison sentence

Defendants represented by a CJA attorney (80%) or by a public defender were more likely to receive a prison sentence (79%), compared to 73% of defendants represented by a private attorney. Among defendants sentenced to prison in 2009, the mean prison term was shorter for defendants represented by a public defender (52 months) than for defendants represented by CJA attorneys (62 months) or private attorneys (59 months). Although sentence lengths were adjusted for type of offense, differences in sentence length may have been due to criminal history, offense severity, and other factors.



**TABLE 6****Characteristics of cases terminated in U.S. district court, by type of counsel, 2009**

Most serious offense at termination	Total cases	Type of counsel at case termination			
		Assigned counsel*	Private	Public defender	Self/waived
<b>All offenses</b>	100%	100%	100%	100%	100%
Felonies	88.4%	94.0%	91.4%	90.7%	4.0%
Violent	3.1%	3.1%	1.6%	3.9%	4.3%
Property	14.7%	12.6%	23.2%	11.6%	27.0%
Fraud	12.9	11.1	21.0	9.6	25.6
Other	1.8	1.5	2.2	2.0	1.4
Drug	33.1%	44.2%	41.7%	17.9%	33.3%
Public order	8.5%	6.2%	18.2%	5.3%	19.2%
Regulatory	1.1	0.5	3.0	0.6	6.4
Other	7.4	5.8	15.2	4.7	12.8
Weapons	10.4%	9.8%	8.1%	12.3%	9.2%
Immigration	30.3%	24.1%	7.3%	49.0%	7.1%
Misdemeanors	11.6%	6.0%	8.6%	9.3%	96.0%
<b>Southwest U.S. border district</b>	100%	100%	100%	100%	100%
Yes	32.9%	35.3%	17.8%	42.7%	0.4%
No	67.1	64.7	82.2	57.3	99.6
<b>District population</b>	100%	100%	100%	100%	100%
Small	5.2%	5.7%	4.9%	5.2%	0.7%
Medium	42.8	47.4	40.6	38.6	54.8
Large	52.0	46.9	54.5	56.3	44.5
<b>Total cases terminated</b>	95,891	33,470	19,126	37,564	3,502

Note: District populations are divided into small (17 districts with fewer than 1 million U.S. residents), medium (54 districts with between 1 and 5 million), and large (23 districts with more than 5 million). See *Methodology*.

\*Criminal Justice Act-appointed attorney.

Source: Administrative Office of the U.S. Courts, criminal master file, fiscal year 2009.

**TABLE 7****Outcomes of cases terminated in U.S. district court, by type of counsel, 2009**

	Total cases	Type of counsel			
		Assigned counsel <sup>a</sup>	Private	Public defender	Self/waived
<b>Total</b>	100%	100%	100%	100%	100%
<b>Convicted</b>	90.7%	93.8%	93.6%	94.0%	58.4%
Plea	87.9	90.4	90.1	92.2	56.6
Trial	2.8	3.5	3.5	1.8	1.8
<b>Not convicted</b>	9.3%	6.2%	6.4%	6.0%	41.6%
Dismissed	8.8	5.7	5.9	5.6	40.8
Trial	0.5	0.5	0.5	0.4	0.8
<b>Cases terminated</b>	95,891	33,470	19,126	37,564	3,502
<b>Median months from filing to disposition</b>	6.5 mo.	7.9 mo.	7.5 mo.	6.7 mo.	1.4 mo.
<b>Sentence imposed<sup>b</sup></b>					
Prison <sup>c</sup>	78.2%	79.7%	72.9%	79.0%	5.8%
Probation only	10.9	8.8	16.7	9.9	30.0
Fine only	3.2	1.4	3.3	1.9	64.0
Suspended sentence	7.7	9.3	6.2	8.3	0.3
<b>Cases sentenced</b>	86,975	31,522	17,839	35,558	2,046
<b>Mean prison term imposed (months)<sup>d</sup></b>	57.2 mo.	62.4 mo.	59.0 mo.	52.1 mo.	67.6 mo.

Note: To improve comparability, percentages, mean sentence length, and median case processing time have been adjusted for differences in the offense distribution of the three types of counsel. Total cases were not adjusted. Self/waived counsel was not adjusted due to the small number of cases. See appendix table 2 for confidence intervals and *Methodology* for calculation details.

<sup>a</sup>Criminal Justice Act-appointed attorney.

<sup>b</sup>Convicted defendants only.

<sup>c</sup>Includes split sentences (combination of confinement and community supervision sentence).

<sup>d</sup>Excludes sentences of life and death.

Source: Administrative Office of the U.S. Courts, criminal master file, fiscal year 2009.

### Most defendants were detained prior to case disposition

In 2009, more than 3 in 4 defendants (77%) in cases terminated had been detained by the court prior to case disposition (table 8). A federal judge or U.S. magistrate determines whether the defendant will be released or detained pending case disposition at several stages, including the defendant's initial court appearance or detention hearing. The Bail Reform Act of 1984 requires the court to weigh risk of flight, threat of crime commission, and presumption of innocence in deciding whether to order detention or release of a defendant.

### Immigration defendants were most likely to be detained prior to case disposition

The defendants most likely to be detained for some period of time were those charged with offenses involving immigration (95%), violent crime (87%), weapons (82%), and drugs (81%). Immigration defendants comprised 35% of all defendants in cases terminated in 2009 and 43% of all defendants detained prior to case disposition. Property and public-order defendants were less likely than other defendants to be detained. During 2009, 40% of defendants charged with property offenses and 48% of defendants charged with public order offenses were detained.

### The likelihood of being detained prior to case disposition increased with the number of prior convictions in the defendant's criminal history

About 89% of defendants with five or more prior convictions were detained, compared to 85% of defendants with two to four prior convictions and 78% with one prior conviction. Defendants with no prior convictions were the least likely to be detained (64%).

**TABLE 8**  
Defendants detained at any time prior to case termination, 2009

	Total number defendants	Defendants detained	
		Number	Percent
<b>Total</b>	94,184	72,056	76.5%
<b>Offense type</b>			
Violent	2,860	2,485	86.9%
Property	14,395	5,781	40.2
Fraud	11,860	5,018	42.3
Other	2,535	763	30.1
Drug	27,845	22,601	81.2
Public order	7,483	3,555	47.5
Regulatory	1,159	451	38.9
Other	6,324	3,104	49.1
Weapons	7,429	6,110	82.3
Immigration	32,623	30,917	94.8
<b>Number of prior convictions</b>			
No prior	35,900	22,915	63.8%
1	15,103	11,815	78.2
2-4	23,387	19,819	84.7
5 or more	19,656	17,413	88.6
<b>Type of prior convictions</b>			
Misdemeanor only	17,689	13,299	75.2%
Felony nonviolent	23,579	20,483	86.9
Felony violent	16,878	15,359	90.4
<b>Court appearance history</b>			
No prior arrests	23,955	14,127	59.0%
Failure to appear			
None	54,470	44,577	81.8
One	6,904	5,740	83.1
Two or more	8,717	7,518	86.3
<b>Southwest U.S. border district</b>			
Yes	39,676	35,021	88.3%
No	54,508	37,035	67.9
<b>District population</b>			
Small	4,132	2,781	73.7%
Medium	35,297	25,655	73.3
Large	53,206	43,013	79.6

Note: Detained defendants included those who were detained at any time prior to case termination. Percentages are based on available data. Data on offense type (1,549) and convictions/court appearance history (138) were missing. District populations are divided into small (17 districts with fewer than 1 million U.S. residents), medium (54 districts with between 1 and 5 million), and large (23 districts with more than 5 million). To improve comparability, percentages for district population have been adjusted for differences in the offense distribution of the three district populations. See appendix table 3 for confidence intervals and *Methodology* for calculation details.

Source: Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services, Pretrial Services Act Information System, fiscal year 2009.

The likelihood of being detained also increased with the severity of the defendant's criminal history. About 90% of defendants with a prior violent felony conviction were detained by the court, compared to defendants with prior nonviolent felony (87%) or misdemeanor (75%) convictions. Defendants with one or more prior failures to appear in court were also more likely to be detained by the court prior to case disposition.

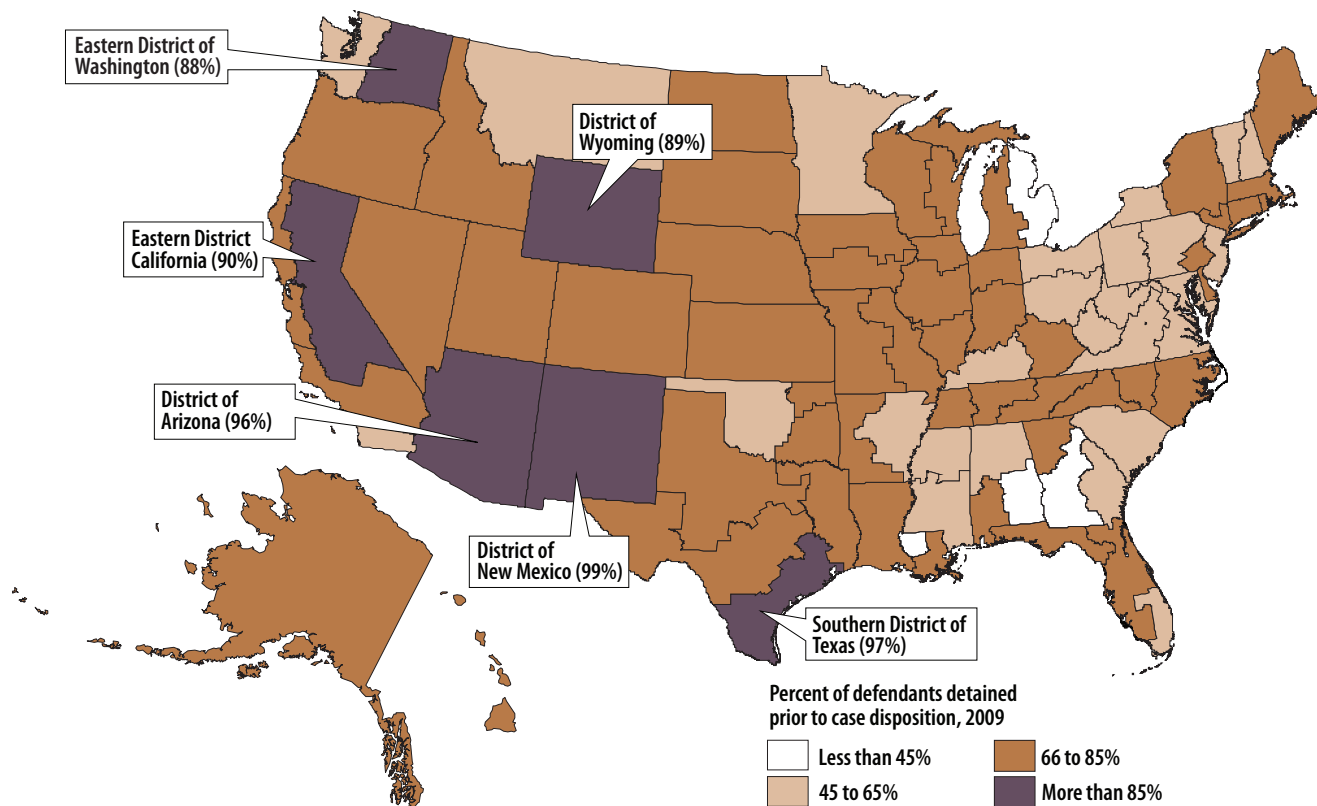
### 88% of defendants charged in Southwest border districts were detained in 2009

About 9 in 10 defendants charged in the five districts adjacent to the U.S.-Mexico border were detained by federal courts prior to case disposition. Nearly all defendants in the district of New Mexico (99%), Southern District of Texas (97%), and District of Arizona (96%) were detained (map 2). In comparison, about 7 in 10 defendants

in non-Southwest border courts were detained. Defendants in large districts were more likely to be detained (80%) than defendants in medium (73%) or small districts (74%).

## MAP 2

Percent of defendants detained prior to case disposition, by federal judicial district, 2009



Note: Includes defendants who were detained at any time prior to case termination. The following districts are not shown: Puerto Rico (66–85%), Virgin Islands (66–85%), Northern Mariana Islands (66–85%), and Guam (less than 45%). The national rate of defendants detained at any time prior to case termination was 76.5% of 94,184 defendants in pretrial cases closed in fiscal year 2009.

Source: Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services, Pretrial Services Act Information System, fiscal year 2009.

**91% of all defendants were convicted in 2009; 97% of immigration defendants were convicted**

Of the 95,891 defendants adjudicated in 2009, 91% were convicted (table 9). Almost all immigration violation defendants (97%) in 2009 were convicted, as were most defendants with weapons (92%) and drug (92%) violations. In 2009, most adjudicated defendants were convicted following either a guilty plea (88%) or by bench or jury trial (3%). In 2009, about 1 in 10 (9%) adjudicated defendants were dismissed, and less than 1% were acquitted. Violent offenses (9%) and regulatory offenses (8%) had the highest percentage of trials. Misdemeanants had the highest percentage of dismissals (27%).

In 2009, defendants adjudicated in the Southwest U.S. border districts had a higher conviction rate (96%) than defendants in districts not located on a border (88%). After adjusting for offense type differences, conviction rates were similar between large, medium, and small districts.

In 2009, the median time from case filing to disposition was 6.5 months. Dismissals and guilty pleas took less time to process than trials.

Ninety-seven percent of convictions in U.S. district court in 2009 were the result of guilty pleas, compared to 96% in 2005 (table 10). The number of defendants pleading guilty increased by 3% from 2005 to 2009. The number of cases concluded by a bench or jury trial decreased from 3,930 in 2005 to 3,140 in 2009.

**TABLE 9**  
**Disposition and case processing time of defendants in cases terminated in U.S. district court, 2009**

Most serious offense at termination	Total cases terminated		Percent convicted		Percent not convicted	
	Number	Percent	Guilty plea	Bench/ jury trial	Bench/ jury trial	Dismissed
<b>All offenses</b>	95,891	100%	87.9%	2.8%	0.5%	8.8%
Felonies	84,767	100%	90.2	3.0	0.5	6.3
Violent	2,591	100%	84.3	7.0	1.5	7.2
Property	12,411	100%	86.4	3.3	0.7	9.6
Fraud	10,863	100%	86.5	3.4	0.7	9.4
Other	1,548	100%	86.2	2.5	0.6	10.7
Drug	27,955	100%	89.3	3.2	0.4	7.1
Public order	7,166	100%	84.5	5.7	1.2	8.7
Regulatory	904	100%	82.5	5.6	2.4	9.4
Other	6,262	100%	84.8	5.7	1.0	8.6
Weapons	8,794	100%	86.9	5.3	1.0	6.9
Immigration	25,587	100%	96.4	0.5	0.1	3.0
Misdemeanors	11,124	100%	70.7	1.2	0.6	27.5
<b>Southwest U.S. border district</b>						
Yes	31,513	100%	94.9%	0.8%	0.2%	4.1%
No	64,378	100%	84.5	3.7	0.7	11.1
<b>District population</b>						
Small	4,904	100%	87.6%	3.2%	0.8%	8.3%
Medium	40,922	100%	86.7	2.5	0.4	10.3
Large	49,793	100%	89.1	3.0	0.5	7.4
<b>Median months from filing to disposition</b>	6.5 mo.		6.3 mo.	15 mo.	8.1 mo.	7.0 mo.

Note: Percentages are based on available data. Offense missing in 272 records. District populations are divided into small (17 districts with fewer than 1 million U.S. residents), medium (54 districts with between 1 and 5 million), and large (23 districts with more than 5 million). To improve comparability, percentages for district population have been adjusted for differences in the offense distribution of the three district populations. See appendix table 4 for confidence intervals and *Methodology* for calculation details.

Source: Administrative Office of the U.S. Courts, criminal master file, fiscal year 2009.

**TABLE 10**  
**Verdict, disposition, and sentence received in cases terminated in U.S. district court, 2005 and 2009**

	2009		2005		Average annual growth rate, 2005-2009*
	Number	Percent	Number	Percent	
<b>Total cases terminated</b>	95,891	100%	86,680	100%	2.5%
<b>Convicted</b>	86,975	90.7%	78,042	90.0%	2.8%
Plea	84,326	87.9	74,681	86.2	3.1
Bench/jury trial	2,649	2.8	3,361	3.9	-5.7
<b>Not convicted</b>	8,916	9.3%	8,638	10.0%	1.0%
Dismissed	8,425	8.8	8,069	9.3	1.3
Bench/jury trial	491	0.5	569	0.7	-3.4
<b>Sentence imposed<sup>a</sup></b>					
Total convicted defendants	86,975	100%	78,042	100%	2.8%
Prison <sup>b</sup>	67,499	78.2	61,151	79.0	2.5
Probation only	9,401	10.9	10,140	13.1	-1.9
Fine only	2,747	3.2	2,438	3.2	3.3
Suspended sentence	6,626	7.7	3,655	4.7	17.9

Note: Percentages are based on available data. Sentence type was missing for 658 records in 2005 and 702 records in 2009.

\*Calculated using each fiscal year count from 2005 through 2009.

<sup>a</sup>Detail does not include cases missing sentence imposed.

<sup>b</sup>Includes all sentences to incarceration including split sentences.

Source: Administrative Office of the U.S. Courts, criminal master file, fiscal years 2005 and 2009.

## 78% of convicted defendants were sentenced to prison in 2009

More than three-quarters (78%) of defendants convicted in 2009 were sentenced to prison, similar to 2005 (79%) (table 11). In 2009, defendants convicted of weapons (92%), violent crime (94%), and drug (91%) offenses were most likely to receive a prison sentence. Defendants convicted of regulatory public order offenses (48%) and other property offenses (50%) were least likely to receive a prison sentence. Defendants convicted in one of the five Southwest border districts (84%) were more likely to receive a prison sentence than defendants in all other districts (75%). After adjusting for offense type, the likelihood of a prison sentence in 2009 was greater for medium (78%) and large (78%) districts than for small (70%) districts.

## The average prison term imposed in 2009 was 57 months, down from 61 months in 2005

Prison sentences for drug offenses were an average of 82 months in 2009, compared to 113 months for violent offenses and 87 months for weapons offenses. In 2009, 11% of defendants were sentenced to probation, down from 13% in 2005. Three percent of defendants were ordered only to pay a fine in 2009.

The number of offenders sentenced to prison increased from 61,151 in 2005 to 67,499 in 2009, and the average prison term imposed decreased from 61 months in 2005 to 57 months in 2009.

Between 2005 and 2009, the average prison sentence increased most for violent offenders (from 96 months to 113 months), public order offenders

(from 50 months to 65 months), and regulatory offenders (from 31 months to 37 months). During those years, the average prison sentence decreased for immigration offenders (from 25 months to 21 months) and remained about the same for drug offenders (from 83 months to 82 months).

The average prison sentence in Southwest border districts declined from 35 months in 2005 to 28 months in 2009. All other 89 federal judicial districts imposed a similar average prison term between the two time periods (75 months in 2009 and 74 months in 2005).

After adjusting for offense type, defendants sentenced in 2009 to prison in small districts received a sentence that was slightly less (56 months), on average, than the 57-month sentence imposed in medium districts and the 58-month sentence imposed in large districts.

The decline in average prison terms imposed from 2005 to 2009 were similar among small and medium districts (declining by 4 to 5 months, on average) and somewhat less in large districts (declining by 2 months, on average).

## In 2009, 11% of federal defendants were sentenced to probation

In 2009, about 11% of convicted defendants (9,401 out of 86,975) were sentenced to a term of probation only. This is an annual average decline of 2% from 2005.

Suspended sentences comprised 8% of sentences imposed in 2009 (6,626 defendants). This percentage was up from the 5% of sentences imposed in 2005. Suspended sentences increased at an annual average rate of 18% from 2005 to 2009.

**TABLE 11**

**Defendants convicted and sentenced to a federal prison term, by type of offense, 2005 and 2009**

Most serious offense at termination	Number convicted		Percent sentenced to prison		Average prison term imposed*	
	2009	2005	2009	2005	2009	2005
<b>All offenses</b>	86,975	78,042	78.2%	79.0%	57 mo.	61 mo.
Felonies	78,974	70,864	83.8%	85.3%	59 mo.	62 mo.
Violent	2,365	2,500	94.2	93.4	113	96
Property	11,138	11,259	62.0	59.7	28	26
Fraud	9,765	9,837	63.7	60.2	27	25
Other	1,373	1,422	50.1	55.7	34	32
Drug	25,874	25,576	91.0	93.1	82	83
Public order	6,459	5,823	76.7	72.8	65	50
Regulatory	797	754	47.8	46.3	37	31
Other	5,662	5,069	80.7	76.7	67	52
Weapons	8,108	8,834	91.6	93.0	87	84
Immigration	24,803	16,872	84.3	89.6	21	25
Misdemeanors	8,001	7,178	23.6%	17.1%	5 mo.	5 mo.
<b>Southwest U.S. border district</b>						
Yes	30,160	22,875	84.1%	87.7%	28 mo.	35 mo.
No	56,815	55,167	75.1	75.4	75	74
<b>District population</b>						
Small	4,397	4,390	69.8%	70.0%	55.7 mo.	63.6 mo.
Medium	36,494	33,209	78.2	79.2	56.9	62.0
Large	45,849	40,443	77.7	78.4	58.1	60.4

Note: Percentages based on available data. In 2009, offense type (224) and sentence type (702) were missing. In 2005, offense type (227) and sentence type (658) were missing. District populations are divided into small (17 districts with fewer than 1 million U.S. residents), medium (54 districts with between 1 and 5 million), and large (23 districts with more than 5 million). To improve comparability, percentages and sentence length for district population have been adjusted for differences in the offense distribution of the three district populations. See appendix table 5 for confidence intervals and *Methodology* for calculation details.

\*Excludes sentences of life and death.

Source: Administrative Office of the U.S. Courts, criminal master file, fiscal years 2005 and 2009.

**At the end of fiscal year 2009, a total of 123,371 offenders were under active federal post-conviction supervision**

Eighty-two percent of offenders under federal post-conviction supervision received one of two forms of supervision following release from prison: supervised release (98,465) or parole (2,158) (table 12). The remainder (22,748) were on probation supervision, which a judge sentences an offender to serve instead of a prison sentence.

Among the 123,371 offenders under federal supervision, 81% were male and 19% were female. Females comprised 36% of offenders on probation and 3% of offenders on parole supervision. White offenders comprised the largest share on supervision (38%), followed by black (36%) and Hispanic (21%) offenders. Black offenders comprised 38% of offenders on supervised release, and white offenders made up nearly half of offenders on probation. The median age was 39 years of age for offenders on supervised release.

**Relatively few non-U.S. citizen offenders (4%) were under federal post-conviction supervised release in the community**

In 2009, 4% of offenders under federal supervision were non-U.S. citizens. Among offenders on probation, 6% were non-U.S. citizens. Fifteen percent of offenders under federal supervision in the community (18,595) were in the five Southwest border districts in 2009. Large districts had a greater share of offenders on supervised release and probation. Small districts had a greater share of offenders on parole than larger districts.

**About a fifth of the growth in the population under federal community supervision occurred in the Southwest border districts**

Between 2000 and 2009, the number of persons on federal supervision in the community increased by 23,162 persons, and 21% of this increase was in the five Southwest border districts (map 3). The Western District of Texas comprised the largest share of this increase (9.3%), followed by the Southern District of Texas (6.3%), the Southern District of California (0.6%), the District of Arizona (3.5%), and the District of New Mexico (1.6%). Among non-border districts, the Eastern District of Virginia and the Eastern District of Missouri each comprised 4% of the increase in offenders on federal supervision in the community from 2000 to 2009.

**Most federal prisoners in 2009 were imprisoned for a drug offense**

Drug offenses were the most prevalent offense of federal prison inmates in 2009 (figure 8), although they declined slightly from 57% of the prison population in 2000 to 53% in 2009. Weapons offenders increased from 8% of the prison population in 2000 to 15% in 2009. The share of violent offenders decreased from 10% in 2000 to 7% in 2009. Immigration offenders comprised 12% of the prison population in 2009, up slightly from 11% in 2000.

**TABLE 12**  
**Characteristics of offenders under post-conviction federal supervision in the community, 2009**

Offender characteristics	Type of supervised release			
	Total	Supervised release	Probation	Parole
<b>Sex</b>	100%	100%	100%	100%
Male	80.9%	84.4%	63.8%	97.1%
Female	19.1	15.6	36.2	2.9
<b>Race/Hispanic origin</b>	100%	100%	100%	100%
White <sup>a</sup>	37.9%	35.6%	49.2%	28.2%
Black/African American <sup>a</sup>	36.2	37.8	26.9	59.7
Hispanic/Latino	20.9	22.1	16.9	10.0
American Indian or Alaska Native <sup>a</sup>	2.2	2.0	3.0	1.6
Asian/Native Hawaiian/ Other Pacific Islander <sup>a</sup>	2.8	2.5	4.1	0.5
<b>Age at fiscal yearend</b>	100%	100%	100%	100%
17 or younger	--	--	0.2%	--
18–20	0.6	0.2	2.0	0.1
21–24	4.4	3.5	8.5	1.4
25–34	29.8	31.0	26.8	9.1
35–44	31.6	33.4	24.7	18.7
45–54	20.4	20.2	20.2	32.3
55 or older	13.2	11.6	17.7	38.5
<b>Median age</b>	39 yr.	39 yr.	39 yr.	51 yr.
<b>Citizenship</b>	100%	100%	100%	100%
U.S. citizen	95.6%	95.9%	93.8%	97.3%
Non-U.S. citizen	4.4	4.1	6.2	2.7
<b>Southwest U.S. border district</b>	100%	100%	100%	100%
Yes	15.1%	15.9%	12.6%	5.8%
No	84.9	84.1	87.4	94.2
<b>District size</b>	100%	100%	100%	100%
Small	7.6%	6.8%	7.7%	39.1%
Medium	42.9	44.2	38.7	26.1
Large	49.6	49.0	53.6	34.8
<b>Number of offenders<sup>b</sup></b>	123,371	98,465	22,748	2,158

Note: Percentages are based on available data. Total includes 377 organizational defendants under federal supervision. Organizations were excluded from sex, race/Hispanic origin, age, and citizenship. Data were missing for the following: age (6), sex (69), race/Hispanic origin (1,621), and citizenship (739). District population is divided into small (17 districts with fewer than 1 million U.S. residents), medium (54 districts with between 1 and 5 million), and large (23 districts with more than 5 million). See *Methodology*.

--Less than 0.05%.

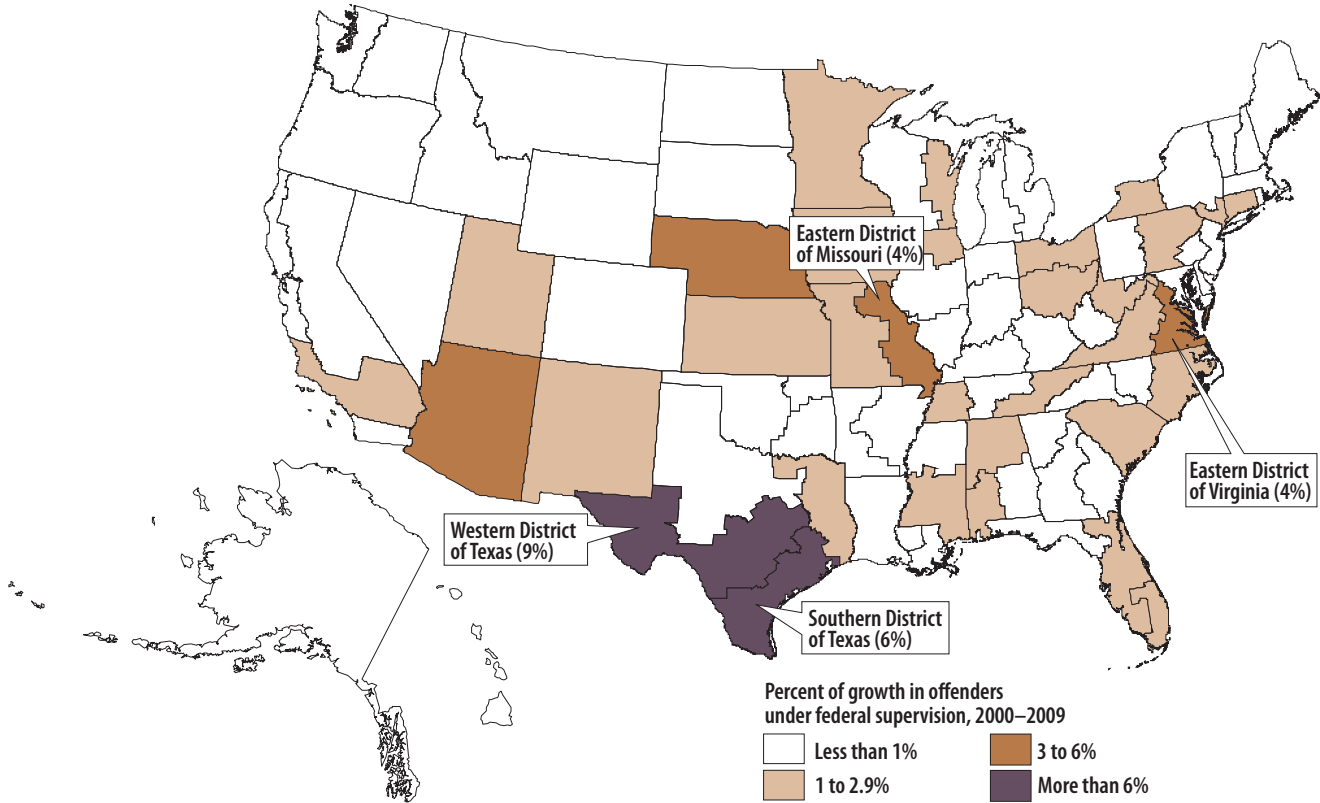
<sup>a</sup>Excludes persons of Hispanic or Latino origin.

<sup>b</sup>Includes suspects for whom characteristics are not known.

Source: Administrative Office of the U.S. Courts, Federal Probation and Supervision Information System, fiscal year 2009.

**MAP 3**

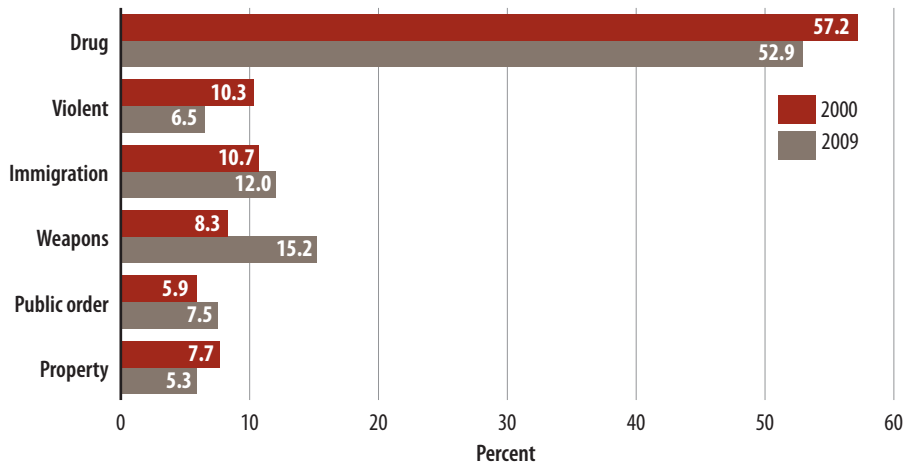
**Growth in the number of defendants under post-conviction federal supervision, by federal judicial district, 2000–2009**



Note: The map shows the percent distribution of the net increase in offenders under federal supervision between 2000 and 2009 (23,162) by federal judicial district. Source: Administrative Office of the U.S. Courts, Federal Probation and Supervision Information System, fiscal years 2000–2009.

**FIGURE 8**

**Offenders in the custody of the Federal Bureau of Prisons, by type of commitment offense, 2000 and 2009**



Note: Percentages are based on available data. Excludes D.C. Superior Court offenders. Includes 185,273 offenders in custody in 2009, excluding 1,391 for whom type of offense was unknown. In 2000, 129,278 offenders were in custody, excluding 935 for whom type of offense was unknown.

Source: Federal Bureau of Prisons, SENTRY data base, one-day counts of offenders in custody on September 30th, 2000 and 2009.

Blacks comprised 37% of inmates in 2009, followed by Hispanics (33%), whites (28%), American Indians (2%) and Asians (2%) (table 13). The Hispanic share of the prison population increased from 31% in 2000 to 33% in 2009, and the share of American Indians in the prison population increased from 1.6% in 2000 to 1.8% in 2009. The share of U.S. citizens in custody of the Federal Bureau of Prisons increased from 72% of all inmates in 2000 to 74% of inmates in 2009.

**The median age of prisoners was 37 years in 2009, compared to 35 years in 2000**

With the exception of offenders in the 18 to 20 year-old group in the Federal Bureau of Prisons, the average annual growth rate between 2000 and 2009 increased with the age group of the prisoner. The average annual growth rate for prisoners 55 years and older increased by 7% and nearly doubled in number—from 8,221 in 2000 to 15,323 in 2009 (not shown in table).

**TABLE 13**  
**Characteristics of offenders in the custody of the Federal Bureau of Prisons, 2000 and 2009**

Offender characteristics	2009	2000	Average annual growth rate <sup>a</sup>
<b>Sex</b>	100%	100%	
Male	93.4%	92.8%	4.2%
Female	6.6	7.2	3.1
<b>Race/Hispanic origin</b>	100%	100%	
White <sup>c</sup>	27.5%	28.5	3.7%
Black or African American <sup>b</sup>	36.6	37.1	4.0
Hispanic or Latino	32.5	31.4	4.5
American Indian/ Alaska Native <sup>b</sup>	1.8	1.6	5.4
Asian/Native Hawaiian/ Other Pacific Islander <sup>b</sup>	1.5	1.5	4.6
<b>Age at fiscal yearend</b>	100%	100%	
17 or younger	--	--	-3.8%
18-20	0.6	1.3	-3.8
21-24	5.4	8.1	-0.6
25-34	35.4	38.8	3.0
35-44	32.7	30.1	5.0
45-54	17.7	15.2	5.8
55 and older	8.3	6.4	7.2
<b>Median age</b>	37 years	35 years	
<b>Citizenship</b>	100%	100%	
U.S. citizen	73.7%	71.6%	4.5%
Non-U.S. citizen	26.3	28.4	3.3
<b>All inmates<sup>c</sup></b>	185,273	129,246	4.1%

-- less than 0.5.

<sup>a</sup>Calculated using each fiscal year-end count from 2000 through 2009.

<sup>b</sup>Excludes persons of Hispanic or Latino origin.

<sup>c</sup>Includes suspects for whom characteristics are not known. Excludes D.C. Superior Court offenders.

Source: Federal Bureau of Prisons, SENTRY data base, fiscal years 2000 and 2009.



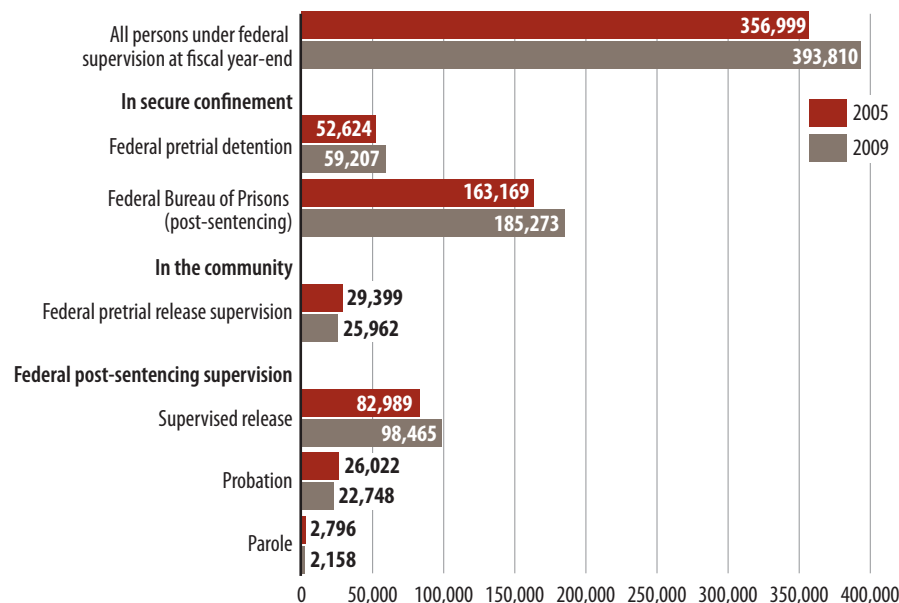
**About 393,810 persons were under some form of federal supervision on September 30, 2009**

Of the almost 400,000 offenders under some form of federal supervision at fiscal yearend 2009, 3 in 5 offenders (244,480) were in secure confinement (figure 9). Seventy-six percent of persons in secure confinement were serving a prison term following a conviction, and 24% of persons in secure confinement were awaiting case disposition (not shown in table). Of the 2 in 5 persons under federal supervision in the community, most (83%) were under post conviction supervision, having served a prison sentence (e.g., supervised release and parole) or were serving a sentence to probation. A smaller share (17%) were under supervised released pending the outcome of their case (pretrial release).

**Federal law enforcement handled a fraction of the nation's arrests**

One out of every 100 arrests was made by federal law enforcement agencies. Felony convictions in federal court comprised 6% of the nation's felony convictions in 2000 and 2006 (table 14). Felony convictions in federal court increased at a greater rate (9% per year) than felony convictions in state court (7% per year) from 2000 to 2006. In 2006, federal courts handled 19% of all state and federal felony weapons convictions, a slight decrease from 20% in 2004.

**FIGURE 9**  
Number of federal offenders in confinement and under supervision in the community at yearend, 2005 and 2009



Source: Administration Office of the U.S. Courts, Federal Probation and Supervision Information System; U.S. Marshals Service, Prisoner Tracking System; and Federal Bureau of Prisons, SENTRY data base, fiscal years 2005 and 2009.

**TABLE 14**  
Suspects arrested and felony defendants convicted and sentenced by federal and state/local agencies, 2000, 2002, 2004, and 2006

	2006	2004	2002	2000	Average annual growth rate, 2000-2006 <sup>a</sup>
<b>Total arrests</b>	14,529,845	14,082,355	13,874,374	14,095,886	1.0%
Federal	1.0%	1.0%	0.9%	0.8%	8.4
State/local	99.0	99.0	99.1	99.2	1.0
<b>Total felony convictions</b>	1,205,273	1,145,467	1,114,217	983,938	7.1%
Federal	6.1%	5.8%	5.7%	6.0%	9.1
State	93.9	94.2	94.3	94.0	7.1
<b>Total sentenced to prison</b>	844,045	799,093	777,660	676,388	7.8%
Federal	7.4%	7.1%	6.7%	7.3%	8.2
State	92.6	92.9	93.3	92.7	7.8
<b>Mean custody sentence<sup>b</sup></b>					
Federal	65 mo.	61 mo.	58 mo.	58 mo.	
State	38	37	36	36	

Note: State data based on calendar year; federal data based on fiscal year.

<sup>a</sup>Calculated using annual data from 2000, 2002, 2004, and 2006.

<sup>b</sup>Includes felons sentenced to jail.

Source: U.S. Marshals Service, Prisoner Tracking System, fiscal year (federal arrests); Federal Bureau of Investigation, Uniform Crime Reporting System, calendar year (state and local arrests); Administrative Office of the U.S. Courts, criminal master file, fiscal year (federal convictions/sentences); National Judicial Reporting Program, calendar year (state convictions/sentences).

Federal courts sentenced 7% of the nation's convicted felons to incarceration in 2006. In 2006, federal courts convicted 19% of all state and federal weapons felons. This represented an increase from 9% of weapons felons convicted in federal courts in 1994 (figure 10).

Felons convicted in federal court (86%) in 2006 were more likely to receive a prison sentence than felons convicted in state courts (69%) (not shown in table). On average, felons received a longer prison sentence from a federal court (65 months) than those convicted in state court (38 months).

### Almost half of appeals terminated in 2009 were related to drug offense convictions

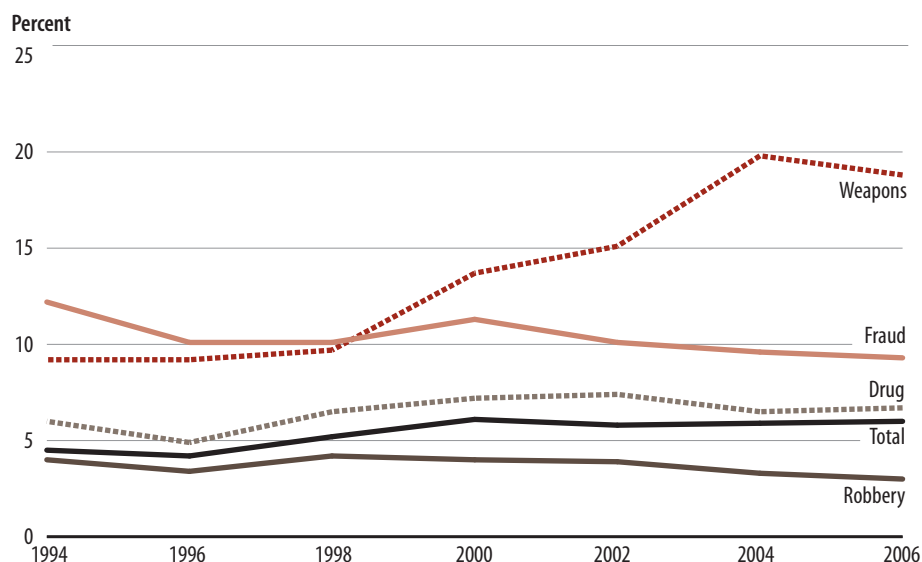
Almost 14,000 appeals were terminated during 2009. Forty-seven percent of those terminated were appealing convictions for drug offenses. The next most common types of cases with appeals terminated in 2009 were for weapons (15%), property (13%), immigration (11%), and public order (9%) offenses (table 15).

The greatest annual increases in appeals terminated from 2000 to 2009 were for weapons and immigration offenses (8%). The number of appeals terminated declined over this same period for public order regulatory (down 0.7%) and property (down 0.1%) offenses.

### Southwest border districts comprised 15% of appeals terminated in 2009

The five Southwest border districts made up about 15% of appeals terminated in 2009, up slightly from 14% in 2000. The rate of increase in appeals terminated from 2000 to 2009 was similar (between 3 and 4%) across districts of differing population size.

**FIGURE 10**  
Federal percent of state and federal felony convictions for selected offenses, 1994–2006



Sources: Administrative Office of the U.S. Courts, criminal master file, fiscal year; and Bureau of Justice Statistics, National Judicial Reporting Program (NJR), calendar year.

**TABLE 15**  
Criminal appeals terminated in U.S. district court, 2000 and 2009

Most serious offense at termination	Total appeals terminated		
	2009	2000	Average annual growth rate, 2000–2009*
<b>All offenses</b>	100%	100%	
Violent	5.3%	5.5%	3.2%
Property	13.0	18.0	-0.1
Fraud	10.7	13.5	0.9
Other	2.3	4.5	-3.4
Drug	46.6	46.4	3.8
Public order	9.1	9.5	3.3
Regulatory	1.1	1.6	-0.7
Other	8.0	7.9	4.1
Weapons	14.8	10.4	8.1
Immigration	11.3	10.1	7.9
<b>Southwest U.S. border district</b>	100%	100%	
Yes	14.7%	14.3%	5.2%
No	85.3	85.7	3.4
<b>District population</b>	100%	100%	
Small	6.4%	6.4%	3.6%
Medium	42.5	40.9	4.0
Large	51.1	52.7	3.4
<b>All offenses</b>	13,974	10,580	3.5%

Note: District population is divided into small (17 districts with fewer than 1 million U.S. residents), medium (54 districts with between 1 and 5 million), and large (23 districts with more than 5 million). See *Methodology*.

\*Calculated using each fiscal year count from 2000 through 2009.

Source: Administrative Office of the U.S. Courts, U.S. Court of Appeals data file and criminal master file, fiscal years 2000 and 2009.

## Methodology

This report uses data from the Bureau of Justice Statistics' (BJS) Federal Justice Statistics Program (FJSP), including source files from the U.S. Marshals Service (federal arrests and bookings); the Drug Enforcement Administration (drug arrests); the Executive Office for the U.S. Attorneys (investigations/prosecutions/declinations); the Administrative Office of the U.S. Courts (criminal filings and case disposition, including sentencing); and the Federal Bureau of Prisons (persons confined in federal prison). The U.S. Office of Probation and Pretrial Services is a part of the Administrative Office of the U.S. Courts. That office provides data on pretrial and federal supervision in the community, including probation and parole supervision.

The data received from participating agencies are standardized by applying unified offense and case disposition categories across agencies and a common unit of analysis, where possible. The reporting period is based on the fiscal year, October 1 to September 30.

For suspects in matters investigated and concluded by U.S. attorneys, the lead charge is the basis for investigation. In cases terminated in U.S. district court, the most serious terminating offense is the offense charge that yields the maximum statutory penalty. In criminal appeals terminated, offenses represent the statutory offense charged against the defendant in the appeal.

District size was derived by aggregating the U.S. Census Bureau's County Population Estimate 2009 file to the judicial district level. (See <http://www.census.gov/popest/estimates.html>

for more information.) Each of the 94 federal districts was classified into large (23 districts with over 5 million residents), medium (54 districts with between 1 and 5 million residents), or small (17 districts with less than 1 million residents) categories, based on the district's U.S. resident population in 2009. The median number of authorized judgeships and the median number of federal prosecutors in 2009 coincides with the district size classification as shown in table 16.

**TABLE 16**  
**Judgeships and prosecutors in federal judicial districts, 2009**

District	Median population	Median number of authorized judgeships	Median number of federal prosecutors
Small	707,924	3	19
Medium	2,227,638	5	35
Large	6,475,960	13	117

Note: District population is divided into small (17 districts with fewer than 1 million U.S. residents), medium (54 districts with between 1 and 5 million), and large (23 districts with more than 5 million). See *Methodology*.

The average annual growth rate over a period is the sum of the year-to-year percent change divided by the number of years in the period.

The estimated number of state and local arrests is reported on a calendar year basis in the FBI's Crime in the United States. State felony rates of conviction and imprisonment and the average prison sentence were computed using data from BJS's National Judicial Reporting Program (NJRP). The NJRP collects data every 2 years on felony convictions in a nationally representative stratified clustered sample of state courts from 300 counties. (See <http://www.icpsr.umich.edu/NACJD>.

htm.) NJRP data are reported on a calendar year basis.

Direct standardization is used to adjust for differences in offense composition when comparing categorical outcomes by district population groups (small, medium, and large) and type of counsel (assigned counsel, private, and public defender). The adjusted percentages holds offense composition constant to improve comparability. The formula to compute offense-adjusted percentages using direct standardization is:

$$\sum_{i=1}^6 W_i P_i$$

Where  $P_i$  is the offense specific percentage for an outcome (e.g., prosecution) for offense type  $i$  and  $W_i$  (or the weight) is the proportion of the standard population for offense type  $i$ . Six offense types are used for tables 5 and 8 (violent, property, drug, public order, weapons, and immigration). Seven offense types are used for tables 7, 9, and 11 (violent felony, property felony, drug felony, public order felony, weapons felony, immigration felony, and misdemeanor). Means for length of prison sentence imposed (tables 7 and 11) are adjusted using linear regression with offense types entered as covariates. Medians for length of case processing time by type of counsel (table 7) are adjusted using quantile regression with offense types entered as covariates. This specifies median case processing time by type of counsel adjusting for offense composition.

Detailed data tables are available in *Federal Justice Statistics, 2009 – Statistical Tables*, NCJ 233464. Also, visit the Federal Criminal Case Processing Statistics query tool. Both are available at [www.bjs.gov](http://www.bjs.gov).

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**APPENDIX TABLE 1****Confidence intervals for outcome of suspects in matters concluded, by district population, 2009**

District population	95% confidence interval around the estimate		
	Prosecuted	Disposed by U.S. magistrate	Declined
Small	3.8%	1.2%	1.4%
Medium	0.8	0.5	0.3
Large	0.4	0.3	0.4

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**APPENDIX TABLE 2****Confidence intervals for outcomes of cases terminated in U.S. district court, by type of counsel, 2009**

	95% confidence interval around the estimate		
	Assigned counsel	Private	Public defender
<b>Convicted</b>	1.0%	1.8%	1.1%
Plea	1.0	0.8	1.0
Jury/bench	0.2	0.2	0.2
<b>Not convicted</b>	0.3	0.4	0.3
Jury/bench	0.1	0.1	0.1
Dismissed	0.3	0.4	0.3
<b>Median months from filing to disposition</b>	0.1 mo.	--	0.1 mo.
<b>Sentence imposed</b>			
Prison	1.0%	1.7%	1.1%
Probation only	0.3	0.7	0.4
Fine only	0.2	0.3	0.2
Suspended sentence	0.4	0.6	0.3
<b>Mean prison term imposed (months)</b>	0.8 mo.	0.5 mo.	0.8 mo.

--Less than 0.05 months.

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**APPENDIX TABLE 3****Confidence intervals for defendants detained at any time prior to case termination, by district population, 2009**

District population	95% confidence interval around the estimate
Small	3.7%
Medium	1.1
Large	0.8

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**APPENDIX TABLE 4****Confidence intervals for disposition of defendants in cases terminated in U.S. district court, by district population, 2009**

District population	95% confidence interval around the estimate			
	Convicted		Non convicted	
	Guilty plea	Bench/jury trial	Bench/jury trial	Dismissed
Small	3.2%	0.5%	0.2%	1.1%
Medium	1.0	0.2	0.2	0.7
Large	0.9	1.0	0.2	0.3

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**APPENDIX TABLE 5****Confidence intervals for defendants convicted and sentenced to a federal prison term, by district populations, 2005 and 2009**

District population	95% confidence interval around the estimate			
	Percent sentenced to prison		Mean prison term imposed	
	2009	2005	2009	2005
Small	2.9%	2.7%	1.4 mo.	1.6 mo.
Medium	0.9	1.0	0.7	0.8
Large	0.8	0.9	0.7	0.8



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The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. James P. Lynch is the director.

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The full text of each report is available in PDF and ASCII formats on the BJS website at [www.bjs.gov](http://www.bjs.gov). Tables are also available in PDF and CSV formats. Related datasets are made available on the National Archive of Criminal Justice Data website at <http://www.icpsr.umich.edu/icpsrweb/NACJD/index.jsp>.