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Federal Pretrial Release and Detention, 1996

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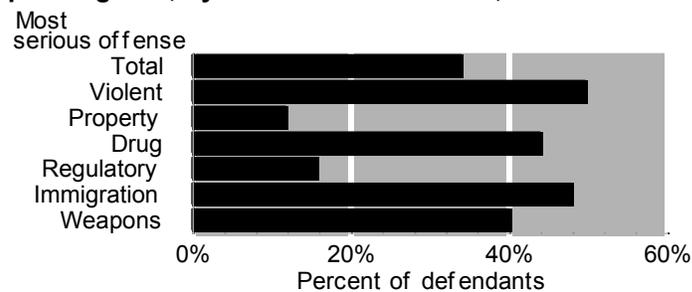
During 1996, 56,982 defendants were charged with a Federal offense. At their initial court appearance, a Federal judge or magistrate decided whether they were to be released or detained pending adjudication of the charges. In making the decision to release or detain the defendant, the Federal courts follow the requirements of the Bail Reform Act of 1984. This act attempts to strike a balance between the presumption of innocence and the possible threats of crime, intimidation of witnesses, and flight a defendant might pose.

Over half of the defendants charged (30,442) were released following the initial court appearance, provided any court-imposed conditions were satisfied. Almost two-thirds were released on their own recognizance or an unsecured bond. An additional 21% were eligible for release on bail. The remainder were released under restrictive conditions such as third-party supervision or home detention.

Nearly half of defendants charged (26,222) were not eligible for release following the initial appearance. At the request of the U.S. attorney, a subsequent hearing was held to determine whether any release conditions would reduce the threat of criminal activity by

Highlights

Percent of Federal defendants ordered detained by court pending trial, by most serious offense, 1996



- 34% of the 56,982 defendants charged with a Federal offense were ordered detained by the court pending adjudication of the charges.
- Of those defendants released pending trial, 59.7% were released on their own recognizance (21.7%) or on an unsecured bond (38%).
- About a quarter of those released were required to post bail to gain release; however, 61.2% were unable to post bail on the day they were eligible for release.
- Defendants charged with drug (35.5%) or immigration (55.6%) offenses were required to post bail more often than those charged with other offenses. Among those eligible for release, 55% of drug offenders and 92.3% of immigration offenders did not post bail on the day they were eligible for release.
- Defendants charged with violent (49.7%), immigration (47.9%), or drug trafficking (45.7%) offenses were detained by the court for the entire pretrial period at a greater rate than other offenders.
- Defendants with a criminal history were ordered detained at a greater rate than first-time arrestees: 38.4% of defendants with at least one prior arrest were ordered detained compared to 26.7% of first-time arrestees.
- Defendants without established ties to the community were generally more likely to be ordered detained than other defendants: 52.7% of noncitizens, 51.8% of transients, and 63.6% of the homeless were ordered detained.

the defendant. About three-quarters (19,254) were ordered detained by the court following this hearing. Of those defendants ordered detained, 42.3% were detained because they were considered a flight risk; 10.6% were considered a danger to a witness, juror, or the community; and 47% were detained for both reasons.

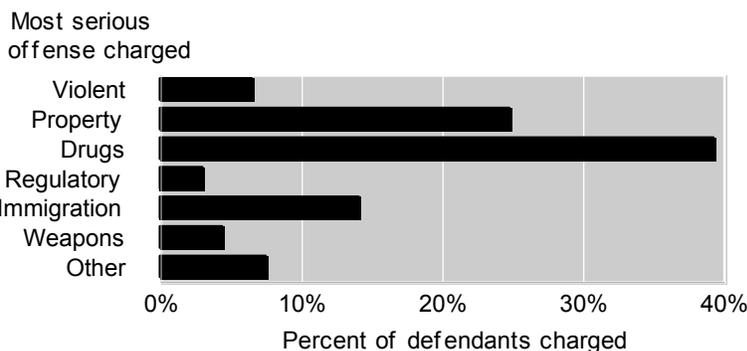
Recommendations to the court

While the decision to release or detain a defendant is the responsibility of the court, pursuant to the Bail Reform Act of 1984, both the U.S. attorneys and the pretrial services officers may make recommendations to the court regarding whether the defendant should be released or detained pending trial.

During 1996 U.S. attorneys and pretrial services officers recommended detention for nearly half of those charged (table 1). For about 15% of those charged, they recommended that the defendant be released on bail. The U.S. attorneys and the pretrial services officers concurred in their recommendations to the court about three-quarters of the time (not shown in a table).

The courts concurred about three-quarters of the time with the recommendations made by the U.S. attorneys and the pretrial services

Defendants charged with Federal offense, by most serious offense charged, 1996



Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

Figure 1

officers. In those cases where the courts did not concur with the U.S. attorneys' recommendations, the courts generally imposed less restrictive conditions than those recommended. During 1996 the courts released about 31% of those defendants for whom the U.S. attorney recommended detention. They released without a bail requirement 40% of those defendants for whom the U.S. attorney recommended bail.

Similarly, the courts released more than a third of those defendants for whom the pretrial services officer recommended detention. About 6% of those for whom the pretrial services

officer recommended release were detained by the court.

Federal pretrial release and detention practices

During 1996, 56,982 defendants were arraigned before a Federal judicial officer (district court judge or magistrate). The charges filed against 318 of these defendants were dismissed.¹ In more than three-quarters of the cases, the defendant was charged with a drug offense (39.3%), a property offense (24.8%), or an immigration offense (14.1%). Few defendants (6.5%) were charged with a violent offense (figure 1).

Decisions to release or detain pending trial

Of the 37,410 defendants eligible for release following the initial appearance or a detention hearing —

- 59.7% were released under minimal supervision or court-imposed conditions — 21.7% on their own recognizance and 38% on an unsecured bond; and

¹The 318 defendants for whom the charges filed were initially dismissed are excluded from further analyses.

Table 1. Recommendations by U.S. attorneys and pretrial services officers to release or detain a defendant pending trial, by court decision, 1996

Recommendation	Number	Court decision		
		Ordered detained	Release on —	
			Financial conditions	Nonfinancial conditions
Total*	56,664	34.0%	17.1%	49.0%
Pretrial service officer				
No recommendation	6,564	30.6%	9.5%	59.9%
Release	26,070	6.1	20.6	73.3
Financial conditions	8,506	11.4	51.1	37.5
Nonfinancial conditions	17,564	3.6	5.7	90.7
Detention	24,028	65.1	15.3	19.5
U.S. attorney				
No recommendation	5,512	10.3%	26.7%	63.0%
Release	24,336	1.0	22.4	76.7
Financial conditions	8,825	1.4	58.6	40.1
Nonfinancial conditions	15,511	0.7	1.8	97.5
Detention	26,811	68.8	10.3	20.9

*Includes defendants for whom specific characteristics are unknown.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

- 40.3% were eligible for release provided certain court-imposed conditions were satisfied — 25.8% on financial conditions, or bail, and 14.5% under restrictive conditions (figure 2).

Defendants charged with less serious offenses were more likely to be released under minimal supervision or conditions than defendants charged with more serious offenses. At least three-quarters of the defendants charged with property offenses or public-order offenses other than immigration and weapons offenses were released on either their own recognizance or an unsecured bond (table 2).

While 9,663 defendants were eligible for release on bail, 61% of these did not post the required bail. Those defendants who did not post the required bail were detained beyond the initial appearance or the detention hearing, where applicable.

Table 2. Type of release decision by U.S. district courts following initial appearance or detention hearing, by most serious offense, 1996

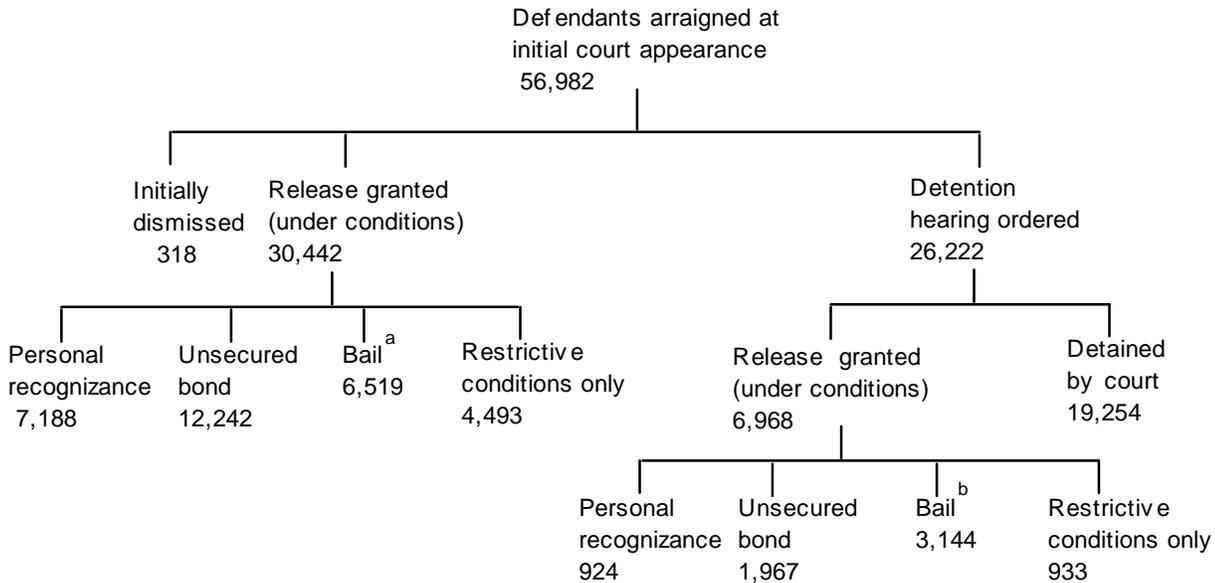
Most serious offense	Total	Type of release decision					
		Personal recognizance	Unsecured bond	Bail		Detained, bail not made ^a	Restrictive conditions
				Total	Released		
Total ^b	37,410	21.7%	38.0%	25.8%	10.0%	15.8%	14.5%
Violent offenses	1,849	28.7%	28.5%	15.6%	6.7%	8.9%	27.2%
Property offenses	12,402	29.5%	49.8%	14.2%	7.2%	7.0%	6.5%
Fraudulent	9,608	27.3	51.7	15.5	7.9	7.6	5.5
Other	2,794	37.2	43.2	9.6	4.8	4.8	10.0
Drug offenses	12,486	13.5%	35.2%	35.5%	16.0%	19.5%	15.7%
Trafficking	10,925	10.9	36.3	37.2	16.8	20.4	15.7
Possession and other	1,561	32.2	28.2	23.8	10.6	13.1	15.8
Public-order	10,512	20.4%	29.2%	30.2%	6.9%	23.3%	20.3%
Regulatory	1,432	31.6	43.4	15.2	9.2	6.0	9.8
Other	9,080	18.6	26.9	32.5	6.5	26.0	22.0
Immigration	4,160	2.1	12.5	55.6	4.3	51.3	29.9
Weapons	1,495	18.8	39.4	18.4	10.3	8.1	23.4
Other	3,425	38.6	39.0	10.7	7.5	3.2	11.7

^aRepresents defendants unable to post bail on the day of the initial appearance or detention hearing; 20% of those unable to post bail on the first day they were eligible were released within 9 days.

^bIncludes defendants for whom specific characteristics are unknown.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1993.

Federal pretrial release and detention, 1996



Notes: Excludes defendants who were transferred either initially or following a detention hearing. Restrictive conditions include only those defendants released under court-imposed restrictive conditions and do not include defendants released under a combination of restrictive conditions and other forms of pretrial release.

^aOf those initially released on bail, 66.8% were unable to post bail at the time of the initial appearance.

^bOf those released on bail following a detention hearing, 49.6% did not post bail on that day.

Figure 2

Defendants charged with an immigration offense were the least likely to post the required bail. During 1996 less than 8% of defendants charged with an immigration offense posted the required bail (not shown in a table).

Of the 19,254 defendants for whom detention was ordered by the court following a detention hearing, 42.3% were detained because they were considered a flight risk, 10.6% because they were considered a danger to either the community or prospective witnesses or jurors, and 47% for both reasons (table 3).

Pretrial practices across Federal judicial districts

During 1996, courts detained 34% of defendants charged with a Federal offense. The court-ordered detention rate varied considerably across the 94 judicial districts. While the court-ordered detention rate in more than half of the districts (48 districts) was between 20% and 40%, in 20 districts

Table 3. Reason for court ordered detention, by most serious offense, 1996

Most serious offense	Number	Defendants ordered detained pending adjudication			
		Risk of flight	Danger to —		Flight and danger
			Witness or juror	Community	
Total*	19,254	42.3%	0.6%	10.0%	47.0%
Violent offenses	1,826	11.3%	1.3%	22.9%	64.6%
Property offenses	1,672	55.1%	0.5%	7.3%	37.1%
Fraudulent	1,224	62.9	0.1	4.3	32.8
Other	448	33.7	1.8	15.6	48.9
Drug offenses	9,811	34.2%	0.5%	10.3%	55.0%
Trafficking	9,188	34.2	0.5	10.3	55.0
Possession and	623	34.5	0.2	11.2	54.1
Public-order offenses	5,910	61.9%	0.7%	6.2%	31.3%
Regulatory	268	48.9	0.8	8.6	41.8
Other	5,642	62.5	0.7	6.0	30.8
Immigration	3,827	80.1	0.1	0.5	19.3
Weapons	1,002	14.4	1.7	22.8	61.2
Other	813	39.1	2.2	11.6	47.1

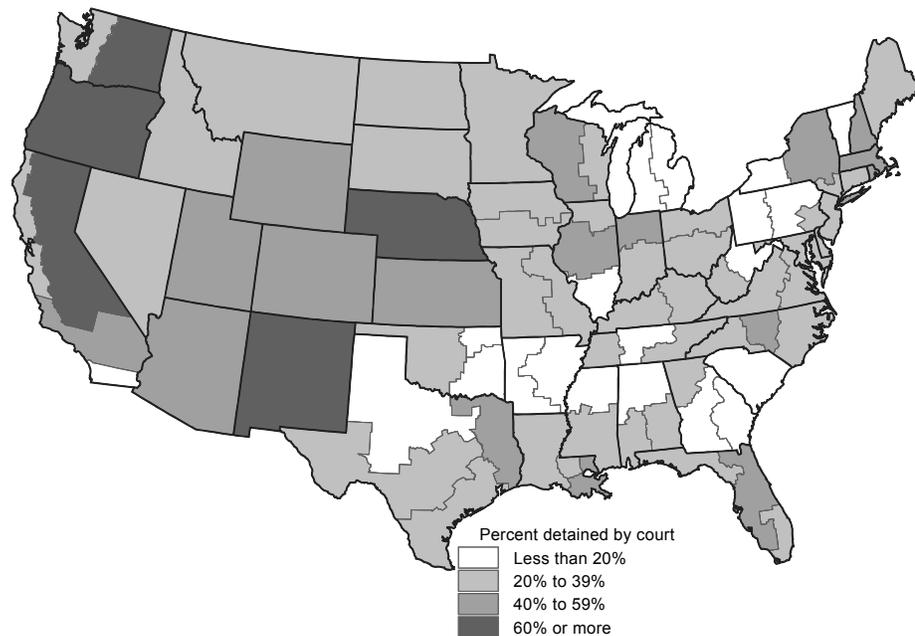
*Includes defendants for whom specific characteristics are unknown.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

the detention rate was less than 20%; in another 20 districts the detention rate was between 40% and 60%; and in 6 districts the detention rate was at least 60% (figure 3). Many factors contribute to a specific judicial district's court-ordered detention rate. These

factors include, in part, characteristics of the defendants charged, recommendations by the U.S. attorney and/or pretrial services officers, and district-specific policies regarding pretrial release and detention (see appendices A1, A2, A3).

Percent of defendants ordered detained by U.S. courts, by Federal judicial district, 1996



Note: Includes percent of defendants detained pursuant to 18 U.S.C. § 3142(e); it does not include defendants detained because they did not post the required bail. The following States and territories are not included in the map: Alaska (28.3%), Guam (23.2%), Hawaii (52.0%), Puerto Rico (30.9%), and Virgin Islands (74.9%).

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

Figure 3

For instance, by statute, the U.S. attorney makes detention recommendation to the court. Consequently, in those districts with the highest court-ordered detention rates — more than 56% of defendants charged — the U.S. attorneys, on average, recommended detention for 71% of the defendants (see appendix A3).

In those districts with the lowest court-ordered detention rates — less than 13% — the U.S. attorneys recommended detention for less than a third of those charged.

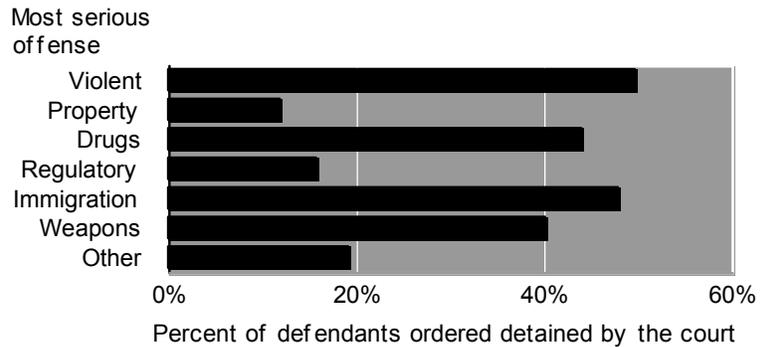
Other factors that influence a district's court-ordered detention rate include —

- the proportion of defendants presumed by statute to be a pretrial risk (see appendix A3)

- the proportion of defendants who were identified as noncitizens.

Judicial districts with a high proportion of defendants who were either presumed to be a pretrial risk or identified as noncitizens generally had higher rates of court-ordered detention.

Percent of defendants ordered detained by U.S. district courts, by most serious offense charged, 1996



Note: Includes defendants pursuant to 18 U.S.C. § 3142 (e); does not include defendants detained because they did not post the required bail.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

Figure 4

For example, in those judicial districts where —

- more than a third of the defendants were presumed to be a pretrial risk, the average rate of court-ordered detention was 43%
- more than half of the defendants were noncitizens, the average rate of court-ordered detention was 50%.

Characteristics of defendants detained following a Federal detention hearing

A detention hearing is held to determine whether any condition, or combination of conditions, would assure the appearance of the defendant at trial and the safety of the community and prospective witnesses. A U.S. attorney can request detention if the defendant was charged with —

Pretrial release and detention in the Federal criminal justice system

Bail has traditionally been used to ensure an accused person's appearance at trial. Under a bail system, a person accused of a crime remains free pending trial by posting security — property or money — to ensure he or she will stand trial and submit to a sentence if found guilty. If the defendant fails to appear at trial, the posted security — or bail — is forfeited. If the defendant does not post bail, the defendant is detained pending adjudication of the charges.

Pretrial release of criminal defendants —

- furthers the presumption of innocence by avoiding unduly detention
- permits a defendant to more fully assist in the preparation of a defense

- reduces the possibility that the defendant might be incarcerated for a longer period than would otherwise be appropriate for the offense committed.

Prior to 1966 the Federal courts relied almost exclusively on bail to ensure a defendant's appearance at trial. In 1966 Congress, in an effort to reform Federal bail practices, de-emphasized the use of bail. The Bail Reform Act of 1966 required the courts to release any defendant charged with a noncapital offense on his or her own recognizance or on an unsecured appearance bond unless the court determined that the defendant would fail to appear for trial under such minimal supervision.^a

^aH.R. REP. 1541, 89th Cong. 2nd Sess. (1966).

In cases where the defendant could not be released under minimal supervision, the court could impose other conditions such as third-party supervision, limited travel and association, bail, and/or any other condition deemed necessary by the court to assure the defendant's appearance at trial.

The decision to release or detain a defendant pending adjudication of the charges has traditionally been predicated on the likelihood of the defendant's appearance at trial. Bail reform legislation enacted during 1984, expanded the courts' consideration of factors when deciding whether to grant pretrial release.^b

^bS. REP. No. 225, 98th Cong. 1st Sess. (1984).

- a crime of violence
- an offense for which the maximum sentence is life imprisonment or death
- a drug offense for which the maximum sentence is 10 years or more imprisonment
- any felony if the defendant had been convicted on two or more occasions
- those offenses described above or similar State-level offenses.

Regardless of the U.S. attorney's recommendation, the court can order a detention hearing if there is a serious risk that the defendant will attempt to avoid prosecution by fleeing or the defendant will attempt to obstruct justice or intimidate prospective witnesses or jurors.²

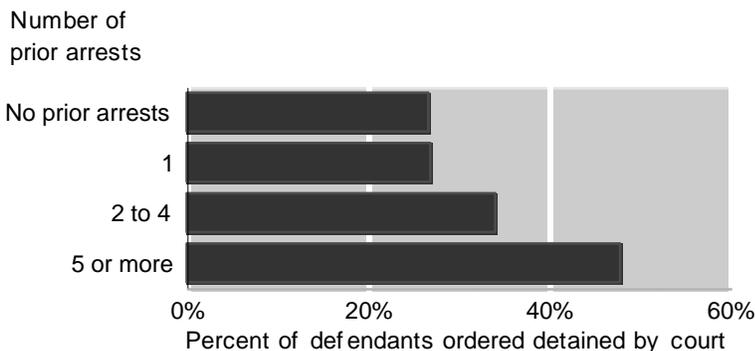
Statutorily prescribed factors

Federal law requires judicial officers (district court judges and magistrates) to consider certain factors when making pretrial detention decisions. The factors identified by statute are —

- the nature and circumstances of the offense charged
- the weight of the evidence
- the financial resources

²18 U.S.C. § 3142(g).

Percent of defendants ordered detained by U.S. district courts, by number of prior arrests, 1996



Note: Includes defendants pursuant to 18 U.S.C. § 3142 (e); does not include defendants detained because they did not to post the required bail.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

Figure 5

- character and mental condition of the defendant
- family ties
- employment status
- community ties and length of residency in the community
- record of appearance at court proceedings
- prior criminal convictions
- whether at the time of the current offense the defendant was under criminal justice supervision
- the nature and seriousness of the danger to the community or any person

that the defendant's release would pose.³

Community safety includes the risk that the defendant would continue to engage in other criminal activity regardless of whether physical violence was involved,⁴ including the risk that the defendant would continue to distribute controlled substances.⁵

³18 U.S.C. § 3142(f).

⁴See, *U.S. v. Provenzano*, 605 F.2d 85 (3rd Cir. 1979).

⁵S. Rep. No. 225, 98th Cong., 1st Sess. (1983); See, also, *U.S. v. Hawkins*, 617 F.2d 59 (5th Cir. 1980) cert. denied, 449 U.S. 952 (1980); *U.S. v. Cook*, 880 F. 2d 1158 (10th Cir. 1989); *U.S. v. Strong*, 775 F.2d 504 (3rd Cir. 1985).

Pretrial release and detention in the Federal criminal justice system (cont.)

The Bail Reform Act of 1984 expanded the authority of the courts to regulate pretrial release for reasons such as protecting the community and specific individuals — particularly prospective witnesses and jurors — from defendants considered too dangerous to be released.^c As a result, the Bail Reform Act of 1984 created a three-tiered approach toward pretrial release —

- consistent with the existing policy, the 1984 act required the pretrial release of defendants who do not pose a risk of flight or a danger to another person or the community

^c18 U.S.C. § 3142(g)(4).

- if the defendant poses either a risk of flight or a threat to the community, the court could release the defendant pending trial under conditions that mitigate the risks posed
- the court could detain the defendant pending trial if it is determined that the defendant poses a risk of flight or is a danger to another person or the community *and* that no condition, or combination of conditions, would mitigate those risks.^d

At a detention hearing (typically held within 3 to 5 days of the defendant's arrest), the Bail Reform Act of 1984 requires the Government to prove by

^d18 U.S.C. § 3142(a).

clear and convincing evidence that no condition(s) of release would reasonably ensure that the defendant would appear for trial and not pose a risk to the community.^e

If the defendant is a violent recidivist or is accused of committing the current offense while carrying a firearm or while on pretrial release for another offense, the statute presumes the defendant to pose a pretrial risk. That defendant is presumptively detained and bears the burden to show why he should be released.^f

^e19 U.S.C. § 3142(f).

^f18 U.S.C. § 3142(e).

Offense charged

The likelihood of being ordered detained varied considerably with the offense charged. Consistent with the statutory guidelines, defendants charged with more serious offenses — such as violent and drug trafficking offenses — were among the most likely to be detained. During 1996, 49.7% of defendants charged with a violent offense and 45.7% of those charged with a drug trafficking offense were detained by the court (figure 3).

Additionally, 40.1% of defendants charged with a weapons offense were detained

While in more than half of the cases the court cited both flight and danger to the community as the reasons for the detention decision, defendants charged with violent, drug, or weapons offenses were generally more likely than other defendants to be detained solely because they were a danger to either the community or prospective witnesses or jurors. About a quarter of those charged with a violent or weapons offense and 10.7% of those charged with a drug trafficking offense were ordered detained solely for this reason.

Defendants charged with immigration offenses were detained at a rate comparable to violent, weapons, and drug offenders. During 1996, 47.9% of immigration offenders were detained (figure 4). The courts considered these defendants — generally noncitizens — to pose a greater risk of pretrial flight than other defendants. Almost all (99.4%) immigration offenders who were detained were detained because the court considered them a flight risk — 80.1% solely because the defendant was a flight risk and 19.3% because the defendant was both a flight risk and a danger to the community (table 3).

By contrast, defendants charged with property or regulatory offenses were less likely to be detained — fewer than 1 in 6. Generally, those defendants who were considered as a flight risk were ordered detained because the courts considered them to pose a flight risk.

Defendant characteristics

Criminal history

Nearly two-thirds of defendants charged with a Federal offense during 1996 had been arrested at least once prior to the current offense; half had been previously convicted; and about a third were under some form of criminal justice supervision at the time of the offense (table 4). Of those defendants with at least one prior arrest, 77.3% had been arrested on more than one occasion: 33.9%, two to four times and 43.4%, five or more times.

The court-ordered detention rate varied considerably with the defendant's criminal history. Defendants with a history of criminal misconduct were ordered detained at a higher rate than first-time arrestees. During 1996, 38.4% of defendants with at least one prior arrest were ordered detained by the court compared to 26.7% of first-time arrestees. The likelihood of being detained increased with the number of prior arrests: 26.9% of defendants with one prior arrest were detained compared to 34.1% of those with two to four prior arrests and 47.9% of those with five or more prior arrests (figure 5).

Defendants with a history of committing more serious offenses were detained at a greater rate than those with a history of less serious offenses —

- 47.3% of defendants previously convicted of a felony were detained compared to 25.9% of those previously convicted of a misdemeanor

- 54% of defendants previously convicted of a violent felony were detained compared to 48.1% of those previously convicted of a drug felony and 33.3% of those convicted of other felony offenses (table 4).

Defendants who were on parole at the time of the current offense were among the most likely to be denied bail.

During 1996, 58.5% of parolees were detained compared to 38.6% of those

Table 4: Defendants ordered detained by U.S. district courts, by selected criminal history characteristics, 1996

Characteristic	Defendants in U.S. district court	
	Number	Percent ordered detained
Total*	56,664	34.0%
Number of prior arrests		
No prior arrests	21,487	26.7%
1	7,991	26.9
2 to 4	11,909	34.1
5 or more	15,277	47.9
Number of prior convictions		
No prior convictions	28,326	27.3%
1	9,100	32.5
2 to 4	11,637	41.0
5 or more	7,601	49.7
Nature of prior convictions		
No prior convictions	28,326	27.3%
Misdemeanor only	8,814	25.9
Felony	19,524	47.3
Violent	7,998	54.0
Drug	7,244	48.1
Other	4,282	33.3
Criminal justice status at arrest		
Not under supervision	39,015	28.4%
Pretrial release	3,219	39.4
Probation	2,853	38.6
Parole/supervised release	1,871	58.5
Other	9,705	48.6

*Includes defendants for whom specific characteristics are unknown.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

arrested while on probation, 39.4% of those arrested while on pretrial release, and 28.4% of those not under criminal justice supervision at the time of the offense.

History of pretrial misconduct

Approximately 22% of defendants charged with a Federal offense during 1996 and who had previously been arrested had a history of significant pretrial misconduct; 19.9% had previously failed to make a scheduled court appearance and 3.6% had previously been re-arrested while awaiting trial.

About half of the defendants with a history of pretrial misconduct were detained by the court: 48.5% of those with a history of failing to appear and 41.5% of those who had been re-arrested while awaiting trial.

Community ties

About half of the defendants charged with a Federal offense during 1996 lived in the community in which they were arrested for at least 1 year.

About 1 in 5 lived in the community for less than 30 days (table 5). Defendants without established ties to the community were detained more often than defendants with more established ties to the community. Defendants identified as "transients" — living in the community for less than 30 days — were detained nearly 2 times more often than those who reported living in the community for at least 5 years. During 1996, 51.8% of transients were detained compared to 27.3% of those living in the community for at least 5 years.

Nearly a third of those charged with a Federal offense during 1996 were identified as noncitizens. Noncitizens were detained about twice as often as U.S. citizens: 52.7% of noncitizens were denied bail compared to 25.9% of citizens. About two-thirds (68.3%) of the noncitizens detained were detained solely because the court considered them to be a flight risk; 1.7% because the court considered them to be a danger to either the community or prospective witnesses or jurors; and 30% for both reasons (not shown in a table).

Table 5. Defendants ordered detained by U.S. district courts, by community ties, 1996

Characteristic	Defendants in U.S. district court	
	Number	Percent ordered detained
Total*	56,664	34.0%
Citizenship		
U.S. citizen	38,158	25.9%
Noncitizen	15,872	52.7
Residence status		
Own	10,254	16.5%
Renting	18,963	30.9
No contribution	11,256	38.2
Homeless	634	63.6
Other	5,109	40.8
Time in area		
Transient	8,468	51.8%
Less than 1 year	13,613	37.0
1 to 3 years	6,669	31.5
3 to 5 years	2,769	29.7
More than 5 years	13,226	27.3
Marital status		
Single	17,730	36.2%
Married	16,273	25.8
Common-law	4,142	40.5
Previously married	9,341	28.5
Employment status		
Employed	26,362	25.3%
Unemployed	21,139	39.1

*Includes defendants for whom specific characteristics are unknown.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

Administering Federal pretrial services

The Federal Pretrial Services Act of 1982 established pretrial services for defendants prosecuted in U.S. district courts.* (Because the District of Columbia had a pretrial services agency that serviced both the local court and the U.S. district court, the District of Columbia was exempted from establishing a separate pretrial services agency for Federal offenders.) In 42 of the 94 Federal judicial districts — primarily those districts that include large metropolitan areas — pretrial services are administered by a Federal pretrial services agency. In the remaining districts Federal pretrial services are administered by the Federal probation agency.

Federal pretrial services officers have two main functions: investigation of persons charged with a Federal

offense and supervision of defendants released into their custody. The purpose of the pretrial investigation is to provide the court with verified information on which a release or detention decision can be made.

As part of the investigation process, the pretrial services officer interviews the defendant. The officer conducts a computerized criminal history background check and verifies any gathered information with the defendant's family, friends, employer, and others known to the defendant.

While pretrial services officers are charged with supervising each defendant released into their custody, not every defendant is actively supervised. Some defendants — primarily those the court determined

to pose no flight risk or danger to the community — are released only under the condition that they do not commit any offense.

Other defendants are released under more restrictive release conditions. These defendants are typically required to report to a pretrial services officer on a predetermined reporting schedule or reside in a community treatment facility or halfway house. During the release period, the pretrial services officer monitors the defendant's compliance with the release conditions and reports to the court and the U.S. attorney any violations. Additionally, pretrial services officers might assist released individuals with securing employment, medical, legal, or social services.

Source: Thomas J. Wolf, "What United States Pretrial Services Officers Do," *Federal Probation*, Vol. 61, No. 1, pp 19-24 (1997).

*18 U.S.C. § 3152-3155.

Nearly two-thirds (63.6%) of defendants charged indicated that they either owned (including those buying) or rented their residence. About a quarter indicated that they had no fixed address — homeless — or otherwise made no monetary contribution to their housing. Defendants without a permanent residence were more likely to be detained than those with a permanent residence. Nearly two-thirds of defendants identified as homeless and 38.2% of those who made no monetary contribution to their housing were detained. By contrast, 16.5% of those defendants who reported owning or buying their home and 30.9% of those who were renting were detained.

Detention rates also varied according to the defendant's employment status. Defendants who were unemployed at the time of the offense were detained at a greater rate than those who were employed: 39.1% of defendants who were unemployed at the time of the offense were detained by the court compared to 25.3% of those who were employed.

Threat to the community

Under certain circumstances the defendant, rather than the Government, bears the responsibility for proving that the defendant is an acceptable pretrial risk and that the defendant should be released pending trial. Pursuant to the Bail Reform Act

of 1984, a defendant is presumed to be a pretrial risk if —

- the defendant was charged with a drug-related offense with a statutory maximum of 10 years or more
- the defendant was charged as a felon in possession of a firearm pursuant to 18 U.S.C. § 924(c)
- the defendant:
 - had previously been convicted of an offense with a statutory maximum of life imprisonment or death, a crime of violence, or a drug-related offense with a statutory maximum of 10 years or more
 - the offense was committed while the defendant was on release pending trial for another offense; and
 - the offense was committed within 5 years of a previous conviction or release from imprisonment.⁶

During 1996, 14.4% of defendants charged with a Federal offense were presumed to pose a pretrial risk.

Among these defendants —

- 78% because the current offense was a serious drug offense or because the defendant was charged as a felon in possession of a firearm
- 22% because an offense was committed while the defendant was on pretrial release for another offense, the

⁶ 18 U.S.C. § 3142(e).

Table 6. Defendants ordered detained by U.S. district courts, by selected demographic characteristics, 1996

Characteristic	Defendants in U.S. district court	
	Number	Percent ordered detained
Total*	56,664	34.0%
Race/ethnicity		
White	18,871	19.3%
Black	14,495	35.9
Hispanic	20,042	46.7
Other	2,788	32.8
Sex		
Male	47,683	37.3%
Female	8,909	16.2
Education		
Less than high school	18,620	40.5%
High school	13,894	29.3
Some college	9,463	22.1
College graduate	4,068	14.6
Age		
Under 21 years	2,803	40.3%
21-30 years	18,828	43.3
31-40 years	14,596	41.0
41 years or older	10,976	31.5

*Includes defendants for whom specific characteristics are unknown.

Data source: Administrative Office of the U.S. Courts, pretrial services data file 1996.

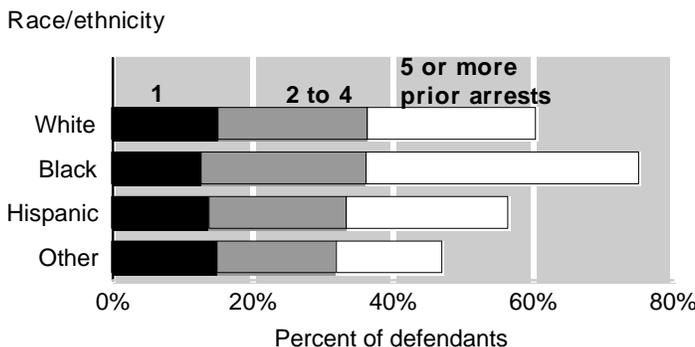
offense was committed within 5 years of a previous conviction or release from prison; and the defendant had previously been convicted of a serious offense (not shown in a table).

Of those defendants presumed to pose a pretrial risk, 85% were ordered detained by the court following the detention hearing (not shown in a table).

Demographic characteristics

The proportion of defendants ordered detained during 1996 varied across racial and ethnic groups. Without considering any other defendant or offense characteristics, nonwhite defendants were detained at a higher rate than white defendants: 46.7% of Hispanic defendants, 35.9% of black defendants, and 32.8% of other nonwhite defendants were detained by the court compared to 19.3% of white defendants (table 6).

Percent of defendants with a prior arrest, by number of prior arrests and race and ethnicity, 1996



Note: Includes defendants pursuant to 18 U.S.C. § 3142 (e); does not include defendants detained because they did not post the required bail.

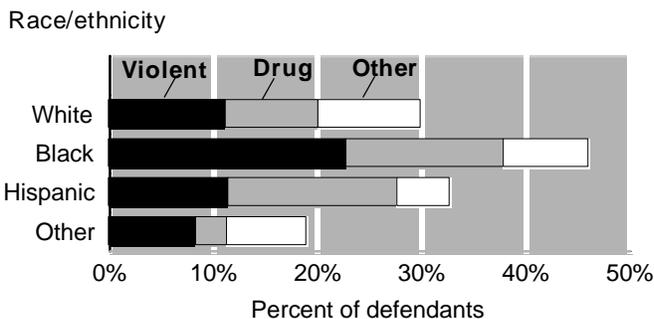
Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

Figure 6

Younger defendants were more likely than older defendants to be detained. About 40% of those under the age of 40 were detained compared to 31.5% of those over 40. Additionally, the likelihood that the defendant would be detained decreased as the defendant's educational level increased: 40.5% of defendants without a high school education were detained compared to 29.3% of those with a high school education (or equivalent), 22.1% of those with some college; and 14.6% of those with a college degree.

The detention rate for specific racial/ethnic groups was influenced by factors the courts were required, by statute, to consider. In general, minority defendants were more likely to be characterized by these statutory factors than white defendants. For example, the relatively high detention rate for Hispanic defendants was attributable, in part, to the high proportion (69.8%) of Hispanics who were identified as noncitizens (not shown in table). Additionally, 64.2% of Hispanics charged with a Federal offense during 1996 lived in the community for less than 1 year at the time of the arrest.

Percent of defendants with a prior felony conviction, by type of felony offense charged and race and ethnicity, 1996



Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

Figure 7

Compared to white defendants, a greater proportion of black and Hispanic defendants were charged with a drug trafficking offense: 43.6% of black defendants and 42.5% of Hispanic defendants were charged with a drug trafficking offense compared to 25.5% of white defendants (table 7). White defendants were more likely to be charged with property or regulatory offenses: 43.2% of white defendants were charged with a property offense or a regulatory offense compared to

28.7% of black defendants and 11.5% of Hispanic defendants.

Black defendants generally had more extensive criminal histories than white or Hispanic defendants. Three-quarters of black defendants had been arrested on at least one prior occasion compared to 60.5% of whites and 56.6% of Hispanics (figure 6). Of those defendants who had been arrested on at least one prior occasion, 38.9% of black defendants had been arrested at least five times compared to 23.1% of Hispanics, 24% of whites, and 15% of other nonwhite defendants.

Forty-six percent of the black defendants charged with a Federal offense during 1996 had been previously convicted of a felony. Most (82.4%) of these prior felony convictions were for either a violent (49.6%) or drug (32.8%) offense (figure 7). By contrast, fewer than 1 in 3 defendants of other racial or ethnic groups had previously been convicted of a felony.

Black and Hispanic defendants were also more likely than whites to meet the statutory criteria for presumptive detention. During 1996, 20.9% of black defendants and 15.9% of Hispanic defendants were presumed to pose a pretrial risk. By contrast, 10.6% of other nonwhite defendants and 8.5% of white defendants were presumed to pose a pretrial risk (not shown in a table).

Table 7. Defendants charged in U.S. district court, by most serious offense and race and ethnicity, 1996

Characteristic	Defendants charged in U.S. district court					
	Number	Percent				
		Total	White	Black	Hispanic	Other
Total*	56,664	100.0%	100.0%	100.0%	100.0%	100.0%
Violent offenses	3,672	6.5%	7.4%	8.3%	1.9%	24.3%
Property offenses	14,046	24.8%	38.1%	26.8%	9.7%	32.9%
Fraudulent	10,807	19.1	30.1	19.2	7.9	24.6
Other	3,239	5.7	8.0	7.6	1.8	8.3
Drug offenses	22,288	39.4%	29.4%	47.9%	46.3%	15.5%
Trafficking	20,107	35.5	25.5	43.6	42.5	13.8
Possession and other	2,181	3.8	3.9	4.3	3.8	1.7
Public-order offenses	31,100	29.0%	24.7%	16.8%	42.1%	26.0%
Regulatory	1,696	3.0	5.1	1.9	1.8	3.0
Other	14,702	26.0	19.6	14.9	40.3	23.0
Immigration	7,972	14.1	1.5	1.9	35.7	8.5
Weapons	2,496	4.4	5.4	7.0	1.7	4.6
Other	4,234	7.5	12.7	6.0	2.9	10.3

*Includes defendants for whom specific characteristics are unknown.

Data source: Administrative Office of the U.S. Courts, pretrial services data file 1996.

Methodology

Data Sources

The source of the data for tables that describe Federal defendants is the BJS Federal Justice Statistics Program (FJSP) database (ICPSR 9296). The FJSP database is presently constructed from source files provided by the Executive Office for the United States Attorneys, the Administrative Office of the U.S. Courts, the United States Sentencing Commission, and the Federal Bureau of Prisons. The Administrative Office of the U.S. Courts also maintains data collected by the Federal pretrial services agencies.

The pretrial services agency data describes defendants charged with a Federal offense and interviewed and investigated by Federal pretrial service officers. Data tabulations, except where otherwise indicated, were prepared from BJS or contractor analysis of the source agency datasets. (Because the District of Columbia operates its pretrial services agency separate from the Administrative Office of the U.S. Courts, data describing defendants prosecuted in the U.S. district court for the District of Columbia but processed by the D.C. pretrial services agency are not included in this analysis.)

Statistics describing State defendants is BJS's State Court Processing Statistics Program (SCPS) — formerly the National Pretrial Reporting Program. The SCPS program collects data describing the processing of felony defendants in the courts of the Nation's 75 most populous counties. For a complete description of the SCPS program, see *Felony Defendants in Large Urban Counties, 1994*, BJS report (NCJ-164616).

The offense categories used in this report are based primarily on the offense codes established by the Administrative Office of the U.S. Courts. The *Compendium of Federal Justice Statistics* provides a detailed description of the United States Criminal Code titles and sections included in each offense category.

The forms of pretrial release reported are reported as mutually exclusive categories. In practice, however, a single defendant may be release on more than one form, or condition, of pretrial release. For example, a defendant released on his or her own recognizance may also be required to submit to periodic drug testing while on release. Where a defendant was released on multiple forms of release, the form of release selected for reporting purposes was selected according to the following hierarchy: personal recognizance, unsecured bond, bail, restrictive conditions only.

Unlike other BJS publications describing the Federal criminal justice system, this report describes pretrial release and detention decisions made by the court either initially — at initial appearance — or following a pretrial detention hearing held pursuant to 18 U.S.C. § 3142(f). This report focuses on the incoming cohort to Federal pretrial sentences. In addition, the events reported reflect those events occurring at the initial appearance or at detention hearing. Events occurring after these proceedings such as the posting of bail are not reported.

By contrast, in the *Compendium of Federal Justice Statistics*, statistics describing defendants released or detained reflect the entire pretrial period. A released defendant may have been subsequently detained due to misconduct. In *Compendium* tabulations, these defendants are included in both counts of defendants released and defendants detained pending trial. In addition, the *Compendium* reports statistics describing the exiting cohort — those defendants whose cases were terminated by the Federal courts.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is the director.

BJS Special Reports address a specific topic in depth from one or more datasets that cover many topics.

John Scalia, BJS statistician, wrote this report. William J. Sabol of the Urban Institute provided statistical review. Priscilla Middleton, assisted by Tom Hester, produced and edited this report. Marilyn Marbrook supervised Yvonne Boston in preparing the document for printing and for the Internet.

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Data from the Federal Justice Statistics Program (ICPSR 9296) can be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The archive, as well as the report and supporting documentation, is also accessible through the BJS Web site: <http://www.ojp.usdoj.gov/bjs>

Appendix table A1. Percent of defendants released or detained pending trial, by form of pretrial release or detention and Federal judicial district, 1996

Federal judicial district	Number of defendants	Ordered detained by court	Form of pretrial release					
			Bail		Restrictive conditions	Personal recognizance	Unsecured bond	
			Total	Released, bail made				Detained, bail not made
Total	56,664	34.0%	17.1%	6.6%	10.4%	9.6%	14.3%	25.1%
Alabama, Middle	179	27.4	1.1	1.1	0	5.0	0.6	65.9
Alabama, Northern	415	3.1	5.3	5.1	0.2	26.0	0.5	65.1
Alabama, Southern	389	38.8	0.5	0.5	0	8.0	46.5	6.2
Alaska	159	28.3	5.0	2.5	2.5	30.8	19.5	16.4
Arizona	3,461	59.8	2.2	2.0	0.2	21.1	12.3	4.7
Arkansas, Eastern	325	8.6	0.3	0.3	0	19.4	69.8	1.8
Arkansas, Western	115	13.0	3.5	2.6	0.9	38.3	0.9	44.3
California, Central	2,289	56.9	21.2	15.9	5.4	0.7	0.5	20.7
California, Eastern	785	74.6	9.7	6.1	3.6	1.0	8.0	6.6
California, Northern	920	27.1	9.0	7.6	1.4	22.3	20.8	20.9
California, Southern	3,310	9.6	63.2	3.5	59.6	7.1	0.9	19.2
Colorado	513	49.9	7.0	6.4	0.6	0.2	16.2	26.7
Connecticut	301	35.5	8.3	8.3	0.0	3.7	9.6	42.9
Delaware	100	37.0	4.0	3.0	1.0	13.0	29.0	17.0
District of Columbia	n/a	--	--	--	--	--	--	--
Florida, Middle	1,343	40.7	14.1	6.9	7.3	7.7	4.8	32.8
Florida, Northern	349	39.0	3.7	3.4	0.3	11.7	22.6	22.9
Florida, Southern	2,742	35.7	41.1	9.6	31.5	4.3	0.1	18.7
Georgia, Middle	438	4.6	20.1	15.3	4.8	6.6	45.2	23.5
Georgia, Northern	688	34.6	28.3	8.6	19.8	4.7	0.4	32.0
Georgia, Southern	230	8.7	31.7	13.9	17.8	20.0	19.1	20.4
Guam	116	23.3	1.7	1.7	0	8.6	52.6	13.8
Hawaii	352	52.0	5.7	5.1	0.6	5.1	2.0	35.2
Idaho	139	29.5	2.2	2.2	0	4.3	42.4	21.6
Illinois, Central	243	48.1	0.8	0.8	0	1.6	7.0	42.4
Illinois, Northern	544	21.9	9.9	8.5	1.5	11.4	1.5	55.3
Illinois, Southern	230	40.9	8.3	6.1	2.2	13.9	1.3	35.7
Indiana, Northern	223	16.1	2.7	2.7	0	7.6	16.1	57.4
Indiana, Southern	245	27.3	0	0	0	28.2	38.0	6.5
Iowa, Northern	205	36.1	0.5	0.5	0	16.6	34.6	12.2
Iowa, Southern	222	25.7	1.4	0.9	0.5	23.4	0	49.5
Kansas	345	40.6	6.7	5.5	1.2	2.9	2.9	47.0
Kentucky, Eastern	331	25.1	10.0	4.2	5.7	2.1	7.9	55.0
Kentucky, Western	279	31.9	2.2	1.1	1.1	3.2	4.3	58.4
Louisiana, Eastern	463	45.6	19.2	5.2	14.0	0.2	0	35.0
Louisiana, Middle	87	24.1	9.2	5.7	3.4	2.3	57.5	6.9
Louisiana, Western	260	34.6	5.0	3.5	1.5	3.1	23.8	33.5
Maine	179	22.9	18.4	16.2	2.2	22.3	7.8	28.5
Maryland	616	36.9	7.3	7.1	0.2	3.4	44.3	8.1
Massachusetts	638	40.4	3.0	3.0	0	13.6	14.6	28.4
Michigan, Eastern	1,327	16.8	0.7	0.6	0.1	5.7	3.9	72.9
Michigan, Western	320	15.9	3.4	1.9	1.6	8.4	3.4	68.8
Minnesota	338	39.6	0.6	0.6	0	0.6	3.8	55.3
Mississippi, Northern	179	9.5	33.0	26.3	6.7	15.6	2.2	39.7
Mississippi, Southern	268	21.6	12.7	9.0	3.7	14.2	7.1	44.4
Missouri, Eastern	460	25.7	32.4	15.4	17.0	13.5	3.3	25.2
Missouri, Western	467	24.4	4.1	2.1	1.9	8.4	22.3	40.9
Montana	288	28.1	1.0	1.0	0	4.9	65.3	0.7
Nebraska	249	61.0	0.8	0.8	0	2.8	31.7	3.6
Nevada	855	35.8	1.3	0.9	0.4	0.6	60.9	1.4

Appendix table A1. Percent of defendants released or detained pending trial, by form of pretrial release or detention and Federal judicial district, 1996 (cont.)

Federal judicial district	Number of defendants	Ordered detained by court	Form of pretrial release					
			Bail		Restrictive conditions	Personal recognizance	Unsecured bond	
			Total	Released, bail made				Detained, bail not made
New Hampshire	183	43.2%	0.5%	0.5%	0	2.7%	9.3%	44.3%
New Jersey	1,131	27.3	15.2	8.1	7.1	9.8	9.5	38.1
New Mexico	984	62.0	4.9	4.0	0.9	1.3	18.0	13.8
New York, Eastern	1,466	49.9	10.0	8.8	1.2	0.0	11.6	28.6
New York, Northern	465	46.5	14.6	10.8	3.9	0.4	21.9	16.6
New York, Southern	1,529	33.0	18.7	12.5	6.2	3.9	14.6	29.8
New York, Western	503	14.5	26.4	11.9	14.5	8.9	26.8	23.3
North Carolina, Eastern	913	26.8	1.3	1.2	0.1	2.8	45.8	23.2
North Carolina, Middle	238	41.6	11.3	9.2	2.1	9.2	31.5	6.3
North Carolina, Western	552	36.2	0.4	0.4	0	11.1	0	52.4
North Dakota	230	28.3	1.3	0.9	0.4	21.3	45.2	3.9
Northern Marinas Islands	27	33.3	14.8	14.8	0	11.1	7.4	33.3
Ohio, Northern	705	25.8	8.8	5.1	3.7	8.9	1.4	55.0
Ohio, Southern	562	20.5	7.8	5.5	2.3	3.2	53.0	15.5
Oklahoma, Eastern	69	7.2	2.9	1.4	1.4	23.2	1.4	65.2
Oklahoma, Northern	261	9.6	5.0	4.6	0.4	29.1	6.1	50.2
Oklahoma, Western	415	23.4	3.6	1.9	1.7	2.2	65.1	5.8
Oregon	659	73.4	0.2	0.2	0	0	26.4	0
Pennsylvania, Eastern	898	36.2	10.9	10.7	0.2	1.4	2.2	49.2
Pennsylvania, Middle	338	16.0	3.8	3.0	0.9	28.7	35.2	16.3
Pennsylvania, Western	236	17.8	6.4	4.2	2.1	3.4	6.4	66.1
Puerto Rico	614	30.9	29.3	18.2	11.1	23.8	8.0	8.0
Rhode Island	102	57.8	20.6	9.8	10.8	0	0	21.6
South Carolina	996	10.6	24.0	3.9	20.1	16.1	1.3	48.0
South Dakota	389	32.6	0.3	0.3	0	31.9	21.1	14.1
Tennessee, Eastern	332	21.7	11.4	9.6	1.8	16.9	13.6	36.4
Tennessee, Middle	209	13.4	7.7	7.7	0	21.5	7.7	49.8
Tennessee, Western	305	31.8	35.4	35.1	0.3	0	25.2	7.5
Texas, Eastern	524	41.6	3.4	2.1	1.3	4.6	16.2	34.2
Texas, Northern	987	19.5	17.1	7.3	9.8	23.5	25.4	14.5
Texas, Southern	2,830	22.0	44.9	11.0	33.9	15.6	0.7	16.7
Texas, Western	3,078	37.6	30.0	10.6	19.3	12.8	0.8	18.7
Utah	267	58.4	1.1	1.1	0.0	2.6	34.1	3.7
Vermont	111	19.8	8.1	6.3	1.8	21.6	36.9	13.5
Virgin Islands	367	74.9	9.5	8.4	1.1	4.1	1.1	10.4
Virginia, Eastern	1,406	23.2	1.7	1.3	0.4	10.7	44.2	20.1
Virginia, Western	404	20.8	13.4	6.7	6.7	18.6	14.1	33.2
Washington, Eastern	266	60.5	9.8	6.0	3.8	0	27.8	1.9
Washington, Western	623	38.4	8.0	7.9	0.2	0.5	50.7	2.4
West Virginia, Northern	165	18.2	3.0	2.4	0.6	11.5	2.4	64.8
West Virginia, Southern	254	20.9	0	0	0	18.9	5.9	54.3
Wisconsin, Eastern	329	23.4	7.0	4.6	2.4	25.5	35.0	9.1
Wisconsin, Western	98	42.9	0	0	0	2.0	53.1	2.0
Wyoming	125	43.2	4.0	3.2	0.8	0.8	4.0	48.0

Note: The U.S. district court for the District of Columbia does not participate in the Federal pretrial services program; pretrial services for Federal defendants are provided by the local pretrial services agency for the District of Columbia.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

Appendix table A2. Most serious offense charged, by Federal judicial district, 1996

Federal judicial district	Number of defendants	Ordered detained by court	Most serious offense charged						
			Violent	Property	Drugs	Public-order			
						Regulatory	Weapons	Immigration	Other
Total	56,664	34.0%	6.5%	24.9%	39.5%	3.0%	4.4%	14.1%	7.5%
Alabama, Middle	179	27.4	6.7	21.8	59.8	3.4	5.0	0	3.4
Alabama, Northern	415	3.1	10.8	32.0	36.9	1.9	4.1	1.2	13.0
Alabama, Southern	389	38.8	4.1	14.1	69.2	2.3	6.2	0	4.1
Alaska	159	28.3	5.7	30.2	18.9	17.0	3.1	6.9	18.2
Arizona	3,461	59.8	6.5	6.2	30.9	1.2	2.0	51.2	2.0
Arkansas, Eastern	325	8.6	7.1	28.0	51.1	0.6	8.0	2.8	2.5
Arkansas, Western	115	13.0	8.7	23.5	41.7	2.6	9.6	12.2	1.7
California, Central	2,289	56.9	13.3	35.1	26.4	2.9	2.6	7.4	12.4
California, Eastern	785	74.6	8.3	11.4	33.2	2.2	3.6	34.5	6.7
California, Northern	920	27.1	8.3	30.7	21.1	6.0	3.6	23.2	7.3
California, Southern	3,310	9.6	2.8	5.7	38.9	1.8	0.5	48.6	1.6
Colorado	513	49.9	6.0	24.8	48.5	0.8	5.7	10.5	3.7
Connecticut	301	35.5	7.3	27.9	28.2	5.0	11.6	4.3	15.6
Delaware	100	37.0	7.0	35.0	24.0	1.0	16.0	10.0	7.0
District of Columbia	n/a	--	--	--	--	--	--	--	--
Florida, Middle	1,343	40.7	7.0	27.7	44.2	3.2	4.3	4.7	9.0
Florida, Northern	349	39.0	7.2	23.2	50.1	0.9	10.6	1.1	6.9
Florida, Southern	2,742	35.7	3.0	22.3	55.2	3.8	4.7	5.6	5.4
Georgia, Middle	438	4.6	2.7	31.7	34.7	1.4	1.1	0.9	27.4
Georgia, Northern	688	34.6	7.1	26.0	44.2	4.7	7.0	8.1	2.9
Georgia, Southern	230	8.7	13.2	24.1	42.5	2.2	3.9	2.2	11.8
Guam	116	23.3	0	35.3	35.3	1.7	17.2	6.9	3.4
Hawaii	352	52.0	12.8	29.0	41.5	0.9	1.7	9.7	4.5
Idaho	139	29.5	19.4	29.5	18.7	13.7	7.9	4.3	6.5
Illinois, Central	243	48.1	5.3	21.4	49.8	0.4	11.1	4.9	7.0
Illinois, Northern	544	21.9	13.6	46.7	22.6	3.5	2.0	2.0	9.6
Illinois, Southern	230	40.9	4.3	11.7	64.3	4.8	9.6	0.9	4.3
Indiana, Northern	223	16.1	6.8	45.7	16.3	4.1	7.7	0	19.5
Indiana, Southern	245	27.3	7.1	39.4	25.3	4.1	10.8	0.8	12.4
Iowa, Northern	205	36.1	0.5	17.1	57.1	1.5	7.8	13.7	2.4
Iowa, Southern	222	25.7	2.7	12.2	63.1	0.5	8.6	7.2	5.9
Kansas	345	40.6	15.1	22.1	41.9	2.0	6.7	2.3	9.9
Kentucky, Eastern	331	25.1	4.2	25.7	57.1	4.2	3.9	1.2	3.6
Kentucky, Western	279	31.9	7.5	34.1	34.1	1.4	5.7	3.2	14.0
Louisiana, Eastern	463	45.6	3.7	31.6	44.8	2.8	4.3	3.0	9.7
Louisiana, Middle	87	24.1	0	42.5	24.1	12.6	3.4	12.6	4.6
Louisiana, Western	260	34.6	2.7	36.4	32.6	7.0	5.4	4.3	11.6
Maine	179	22.9	8.4	27.5	38.8	2.2	16.3	3.4	3.4
Maryland	616	36.9	9.3	28.8	31.9	4.9	11.3	3.4	10.5
Massachusetts	638	40.4	5.2	24.3	44.1	5.7	7.8	3.0	9.9
Michigan, Eastern	1,327	16.8	6.4	39.8	32.6	2.8	9.1	1.7	7.6
Michigan, Western	320	15.9	7.5	38.1	31.9	4.4	3.4	4.4	10.3
Minnesota	338	39.6	11.8	29.9	39.9	3.8	5.9	3.6	5.0
Mississippi, Northern	179	9.5	8.4	34.8	42.1	2.8	7.3	0	4.5
Mississippi, Southern	268	21.6	8.6	28.0	36.2	9.7	3.4	2.2	11.9
Missouri, Eastern	460	25.7	5.4	26.1	46.6	7.2	9.6	0.4	4.6
Missouri, Western	467	24.4	3.9	26.5	51.2	3.5	5.2	0.7	9.1
Montana	288	28.1	18.5	26.1	34.8	1.8	9.4	3.6	5.8
Nebraska	249	61.0	5.6	28.1	41.0	0.4	8.0	12.0	4.8
Nevada	855	35.8	9.0	49.6	18.8	3.5	2.6	2.4	14.2

Appendix table A2. Most serious offense charged, by Federal judicial district, 1996 (cont.)

Federal judicial district	Number of defendants	Ordered detained by court	Most serious offense charged						
			Violent	Property	Drugs	Public-order			
						Regulatory	Weapons	Immigration	Other
New Hampshire	183	43.2%	5.5%	22.4%	60.7%	1.6%	2.2%	1.6%	6.0%
New Jersey	1,131	27.3	6.7	41.1	30.1	7.0	2.7	1.4	11.0
New Mexico	984	62.0	15.2	6.0	46.4	0.4	2.1	26.0	3.8
New York, Eastern	1,466	49.9	2.6	29.3	48.6	3.8	2.3	4.0	9.3
New York, Northern	465	46.5	3.4	17.2	56.1	2.6	1.3	10.5	8.8
New York, Southern	1,529	33.0	6.9	40.3	32.9	1.9	4.2	3.2	10.6
New York, Western	503	14.5	7.8	29.5	41.3	3.2	3.4	9.6	5.2
North Carolina, Eastern	913	26.8	6.3	35.1	34.0	0.9	3.2	0.2	20.3
North Carolina, Middle	238	41.6	6.7	30.3	47.9	2.5	3.8	0.8	8.0
North Carolina, Western	552	36.2	8.2	25.4	57.2	1.1	2.7	0.7	4.7
North Dakota	230	28.3	19.9	21.3	16.2	3.7	8.8	26.9	3.2
Northern Marinas Islands	27	33.3	0	25.9	70.4	0	3.7	0	0
Ohio, Northern	705	25.8	6.5	37.0	33.5	4.3	8.8	1.0	8.9
Ohio, Southern	562	20.5	4.3	31.8	30.5	2.0	3.6	0.9	27.0
Oklahoma, Eastern	69	7.2	10.1	39.1	34.8	5.8	7.2	0	2.9
Oklahoma, Northern	261	9.6	6.1	42.9	24.5	5.0	4.2	1.1	16.1
Oklahoma, Western	415	23.4	5.6	28.5	43.2	1.0	3.6	1.9	16.2
Oregon	659	73.4	12.1	12.4	27.6	2.0	5.6	35.4	4.9
Pennsylvania, Eastern	898	36.2	6.8	39.2	34.4	2.8	5.0	3.2	8.6
Pennsylvania, Middle	338	16.0	8.0	26.6	35.2	1.5	6.2	2.7	19.8
Pennsylvania, Western	236	17.8	6.4	45.1	32.3	2.6	7.2	0.9	5.5
Puerto Rico	614	30.9	4.2	22.6	54.4	7.7	2.4	7.8	0.8
Rhode Island	102	57.8	2.0	34.3	42.2	2.0	7.8	6.9	4.9
South Carolina	996	10.6	6.6	31.6	46.1	3.4	6.3	0	5.9
South Dakota	389	32.6	40.3	24.3	13.4	1.3	6.5	10.1	4.1
Tennessee, Eastern	332	21.7	7.6	24.8	51.8	2.4	5.5	0.3	7.6
Tennessee, Middle	209	13.4	8.2	34.1	40.9	4.8	3.8	0.5	7.7
Tennessee, Western	305	31.8	4.9	28.5	49.8	2.0	6.9	1.3	6.6
Texas, Eastern	524	41.6	4.2	21.4	55.0	1.9	8.2	3.1	6.3
Texas, Northern	987	19.5	5.3	39.3	36.1	3.0	3.8	7.5	5.0
Texas, Southern	2,830	22.0	1.9	8.4	52.0	1.9	1.6	31.6	2.7
Texas, Western	3,078	37.6	1.8	19.1	39.0	1.6	2.5	27.9	8.1
Utah	267	58.4	17.9	22.6	29.0	4.0	7.9	14.7	4.0
Vermont	111	19.8	0	21.6	45.0	3.6	9.9	15.3	4.5
Virgin Islands	367	74.9	3.0	9.8	14.4	1.6	5.7	64.6	0.8
Virginia, Eastern	1,406	23.2	3.1	34.5	44.9	5.1	3.5	2.7	6.3
Virginia, Western	404	20.8	5.7	33.1	42.8	3.5	8.0	0.7	6.2
Washington, Eastern	266	60.5	10.5	9.4	38.7	1.5	12.8	22.9	4.1
Washington, Western	623	38.4	7.0	26.6	27.6	6.2	5.7	5.7	21.4
West Virginia, Northern	165	18.2	2.4	18.2	57.0	3.0	9.1	0	10.3
West Virginia, Southern	254	20.9	1.2	27.0	48.4	10.3	7.1	0	6.0
Wisconsin, Eastern	329	23.4	14.6	29.8	41.9	3.6	6.1	0.6	3.3
Wisconsin, Western	98	42.9	8.5	27.7	39.4	6.4	4.3	0	13.8
Wyoming	125	43.2	12.5	16.7	45.8	5.0	10.0	5.8	4.2

Note: The U.S. district court for the District of Columbia does not participate in the Federal pretrial services program; pretrial services for Federal defendants are provided by the local pretrial services agency for the District of Columbia.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.

Appendix table A3. Selected characteristics of defendants, by Federal judicial district, 1996

Federal judicial district	Number of defendants	Characteristics				
		Ordered detained by court	Defendant presumptively detained	Noncitizens	Recommendation for detention by —	
					U.S. attorney	Pretrial services officer
Total	56,664	34.0%	14.4%	29.4%	47.3%	42.4%
Alabama, Middle	179	27.4	33.5	0	38.0	20.7
Alabama, Northern	415	3.1	2.2	1.5	23.9	22.4
Alabama, Southern	389	38.8	35.2	2.8	55.8	39.3
Alaska	159	28.3	26.4	19.2	38.4	39.6
Arizona	3,461	59.8	18.6	73.7	60.2	27.6
Arkansas, Eastern	325	8.6	3.4	4.6	24.0	24.6
Arkansas, Western	115	13.0	7.0	20.2	44.3	40.9
California, Central	2,289	56.9	27.0	30.9	68.5	59.9
California, Eastern	785	74.6	29.6	55.8	88.4	78.7
California, Northern	920	27.1	3.7	43.9	56.5	32.6
California, Southern	3,310	9.6	2.0	66.4	19.7	57.6
Colorado	513	49.9	17.5	35.3	63.5	53.8
Connecticut	301	35.5	27.6	12.8	44.9	32.6
Delaware	100	37.0	16.0	16.9	54.0	54.0
District of Columbia	n/a	--	--	--	--	--
Florida, Middle	1,343	40.7	27.6	16.3	56.2	42.3
Florida, Northern	349	39.0	16.0	6.3	53.3	41.8
Florida, Southern	2,742	35.7	8.4	44.2	58.6	41.2
Georgia, Middle	438	4.6	0.9	3.9	7.5	9.4
Georgia, Northern	688	34.6	22.1	25.3	49.7	38.2
Georgia, Southern	230	8.7	6.1	3.6	29.1	29.1
Guam	116	23.3	2.6	27.0	30.2	23.3
Hawaii	352	52.0	36.9	26.0	68.8	57.1
Idaho	139	29.5	13.7	11.6	46.0	38.8
Illinois, Central	243	48.1	24.7	6.8	58.4	43.6
Illinois, Northern	544	21.9	6.8	19.7	40.3	20.8
Illinois, Southern	230	40.9	15.7	3.5	68.7	53.9
Indiana, Northern	223	16.1	8.5	6.4	26.0	21.1
Indiana, Southern	245	27.3	8.2	2.0	49.4	48.6
Iowa, Northern	205	36.1	15.6	26.2	53.2	47.3
Iowa, Southern	222	25.7	33.3	24.1	59.0	34.2
Kansas	345	40.6	25.5	9.7	52.2	49.3
Kentucky, Eastern	331	25.1	2.7	4.9	36.6	31.1
Kentucky, Western	279	31.9	19.4	4.7	36.6	23.7
Louisiana, Eastern	463	45.6	37.1	11.9	51.2	48.6
Louisiana, Middle	87	24.1	12.6	13.8	34.5	31.0
Louisiana, Western	260	34.6	19.6	4.9	42.3	38.1
Maine	179	22.9	11.7	6.4	51.4	48.6
Maryland	616	36.9	24.2	7.4	46.4	32.6
Massachusetts	638	40.4	27.9	20.4	63.2	57.1
Michigan, Eastern	1,327	16.8	5.9	6.4	25.7	22.3
Michigan, Western	320	15.9	7.2	9.4	29.7	26.6
Minnesota	338	39.6	0	13.2	47.6	45.6
Mississippi, Northern	179	9.5	8.9	0	23.5	18.4
Mississippi, Southern	268	21.6	7.1	2.6	37.7	38.8
Missouri, Eastern	460	25.7	5.4	2.2	44.8	35.0
Missouri, Western	467	24.4	9.2	6.3	37.9	26.8
Montana	288	28.1	19.8	5.6	32.3	27.8
Nebraska	249	61.0	16.1	25.2	64.3	61.4
Nevada	855	35.8	6.9	14.1	45.3	39.6

Appendix table A3. Selected characteristics of defendants, by Federal judicial district, 1996 (cont.)

Federal judicial district	Number of defendants	Ordered detained by court	Defendant presumptively detained	Characteristics		
				Noncitizens	U.S. attorney	Recommendation for detention by — Pretrial services officer
New Hampshire	183	43.2%	46.4%	16.3%	53.0%	47.5%
New Jersey	1,131	27.3	4.3	21.3	39.3	36.6
New Mexico	984	62.0	8.5	46.2	68.7	62.4
New York, Eastern	1,466	49.9	40.1	44.1	57.4	48.3
New York, Northern	465	46.5	17.8	20.5	52.0	44.9
New York, Southern	1,529	33.0	12.3	33.9	45.5	33.3
New York, Western	503	14.5	7.4	20.1	27.6	20.5
North Carolina, Eastern	913	26.8	15.1	2.7	31.5	24.4
North Carolina, Middle	238	41.6	33.6	11.2	53.4	44.5
North Carolina, Western	552	36.2	6.0	1.1	49.8	38.4
North Dakota	230	28.3	0	31.6	46.5	40.0
Northern Marinas Islands	27	33.3	3.7	50.0	37.0	11.1
Ohio, Northern	705	25.8	20.6	5.4	35.7	36.2
Ohio, Southern	562	20.5	16.3	3.7	25.3	21.4
Oklahoma, Eastern	69	7.2	15.9	2.9	39.1	31.9
Oklahoma, Northern	261	9.6	0.4	5.8	38.3	31.8
Oklahoma, Western	415	23.4	5.5	11.0	32.5	19.5
Oregon	659	73.4	3.3	53.1	81.0	73.4
Pennsylvania, Eastern	898	36.2	17.1	8.4	41.8	39.8
Pennsylvania, Middle	338	16.0	14.2	11.9	37.6	40.2
Pennsylvania, Western	236	17.8	16.1	2.6	28.4	18.6
Puerto Rico	614	30.9	41.2	30.5	69.2	56.4
Rhode Island	102	57.8	39.2	36.6	62.7	56.9
South Carolina	996	10.6	6.0	3.0	26.0	24.2
South Dakota	389	32.6	3.1	13.4	56.3	46.3
Tennessee, Eastern	332	21.7	19.0	1.8	44.3	39.2
Tennessee, Middle	209	13.4	10.5	4.8	44.5	37.3
Tennessee, Western	305	31.8	25.9	11.9	41.6	29.2
Texas, Eastern	524	41.6	32.4	8.0	54.6	41.4
Texas, Northern	987	19.5	7.0	15.2	40.3	36.7
Texas, Southern	2,830	22.0	7.8	50.9	38.0	66.2
Texas, Western	3,078	37.6	4.8	55.4	58.1	61.9
Utah	267	58.4	16.9	34.5	62.9	53.6
Vermont	111	19.8	3.6	27.5	45.9	39.6
Virgin Islands	367	74.9	0.5	73.9	80.9	39.2
Virginia, Eastern	1,406	23.2	18.0	12.1	32.5	22.3
Virginia, Western	404	20.8	22.0	3.7	41.1	33.9
Washington, Eastern	266	60.5	1.9	41.9	69.5	60.2
Washington, Western	623	38.4	19.1	21.0	44.3	43.2
West Virginia, Northern	165	18.2	17.0	6.2	25.5	42.9
West Virginia, Southern	254	20.9	16.5	3.4	42.1	19.4
Wisconsin, Eastern	329	23.4	16.4	9.7	51.4	41.0
Wisconsin, Western	98	42.9	38.8	6.2	48.0	48.0
Wyoming	125	43.2	32.8	16.8	51.2	40.0

Note: The U.S. district court for the District of Columbia does not participate in the Federal pretrial services program; pretrial services for Federal defendants are provided by the local pretrial services agency for the District of Columbia.

Data Source: Administrative Office of the U.S. Courts, pretrial services data file, 1996.