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

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

**HIGHLIGHTS**

- The number of defendants with cases disposed in federal district courts more than doubled from 45,635 in 1995 to 100,622 in 2010.
- The percentage of defendants detained prior to case disposition increased from 59% in 1995 to 76% in 2010.
- The number of defendants with cases disposed who were detained pretrial increased by 184%, from 27,004 in 1995 to 76,589 in 2010.
- Growth in the number of pretrial detentions was driven primarily by immigration caseloads, which increased by 664%, from 5,103 cases in 1995 to 39,001 in 2010.
- The percentage of immigration defendants in cases disposed who were detained pretrial increased from 86% in 1995 to 98% in 2008, before declining to 88% in 2010.
- The percentage of drug defendants detained pretrial increased from 76% in 1995 to 84% in 2010.
- Weapons caseloads nearly tripled between 1995 and 2010, and the percentage of weapons defendants detained pretrial increased from 66% to 86% during the same period.
- For defendants released pretrial, the percentage committing pretrial misconduct peaked in 2006 at 22% and then declined to a percentage (17%) similar to that in 1995.
Federal defendants detained for the duration of a case increased from 42% in 1995 to 64% in 2010

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

Pretrial release and detention in the federal criminal justice system

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

The Bail Reform Act of 1984 (18 U.S.C. § 3141) further codified the pretrial release process in the federal courts. Under the act, when defendants first appear before a judicial officer they may be 1) released on personal recognizance or unsecured bond; 2) released subject to conditions imposed by the court; 3) temporarily detained to permit deportation, exclusion, or the revocation of previously granted conditional release; or 4) detained pending the outcome of a detention hearing. At a detention hearing, the act required the government to prove by clear and convincing evidence that no conditions of release would reasonably ensure that the defendant would appear for trial and not pose a risk to the community. The act also expanded the scope of factors federal courts could consider when making pretrial release decisions to include the degree of dangerousness that a defendant posed to the community.
Between 1995 and 2010, the number of defendants detained pretrial increased by 184%.

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

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

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

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

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Violent</th>
<th>Property</th>
<th>Drug</th>
<th>Public-order</th>
<th>Weapons</th>
<th>Immigration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of defendants</td>
<td>Percent detained</td>
<td>Number of defendants</td>
<td>Percent detained</td>
<td>Number of defendants</td>
<td>Percent detained</td>
</tr>
<tr>
<td>1995</td>
<td>2,706</td>
<td>78%</td>
<td>11,966</td>
<td>30%</td>
<td>17,893</td>
<td>76%</td>
</tr>
<tr>
<td>1996</td>
<td>3,152</td>
<td>78%</td>
<td>12,640</td>
<td>30%</td>
<td>20,017</td>
<td>76%</td>
</tr>
<tr>
<td>1997</td>
<td>3,639</td>
<td>76%</td>
<td>13,761</td>
<td>31%</td>
<td>21,740</td>
<td>78%</td>
</tr>
<tr>
<td>1998</td>
<td>3,986</td>
<td>77%</td>
<td>13,463</td>
<td>30%</td>
<td>23,631</td>
<td>80%</td>
</tr>
<tr>
<td>1999</td>
<td>3,453</td>
<td>81%</td>
<td>13,850</td>
<td>31%</td>
<td>26,291</td>
<td>81%</td>
</tr>
<tr>
<td>2000</td>
<td>3,133</td>
<td>83%</td>
<td>13,686</td>
<td>36%</td>
<td>26,455</td>
<td>84%</td>
</tr>
<tr>
<td>2001</td>
<td>3,225</td>
<td>80%</td>
<td>13,170</td>
<td>38%</td>
<td>26,802</td>
<td>84%</td>
</tr>
<tr>
<td>2002</td>
<td>3,104</td>
<td>82%</td>
<td>13,772</td>
<td>40%</td>
<td>27,771</td>
<td>84%</td>
</tr>
<tr>
<td>2003</td>
<td>3,210</td>
<td>81%</td>
<td>13,696</td>
<td>43%</td>
<td>27,763</td>
<td>85%</td>
</tr>
<tr>
<td>2004</td>
<td>3,134</td>
<td>83%</td>
<td>13,012</td>
<td>43%</td>
<td>27,014</td>
<td>85%</td>
</tr>
<tr>
<td>2005</td>
<td>3,104</td>
<td>83%</td>
<td>12,604</td>
<td>45%</td>
<td>26,046</td>
<td>86%</td>
</tr>
<tr>
<td>2006</td>
<td>3,076</td>
<td>86%</td>
<td>13,468</td>
<td>45%</td>
<td>28,097</td>
<td>86%</td>
</tr>
<tr>
<td>2007</td>
<td>2,861</td>
<td>88%</td>
<td>14,528</td>
<td>48%</td>
<td>26,854</td>
<td>87%</td>
</tr>
<tr>
<td>2008</td>
<td>3,141</td>
<td>89%</td>
<td>14,648</td>
<td>50%</td>
<td>29,028</td>
<td>88%</td>
</tr>
<tr>
<td>2009</td>
<td>2,861</td>
<td>89%</td>
<td>14,400</td>
<td>45%</td>
<td>27,853</td>
<td>85%</td>
</tr>
<tr>
<td>2010</td>
<td>2,977</td>
<td>87%</td>
<td>15,257</td>
<td>41%</td>
<td>27,555</td>
<td>84%</td>
</tr>
</tbody>
</table>

Percent change in federal dispositions from 1995 to 2010:

- Violent: 10%
- Property: 28%
- Drug: 54%
- Public-order: 48%
- Weapons: 177%
- Immigration: 664%

Note: Determined defendants include defendants who were released after a period of detention and defendants who were never released. Numbers do not sum to totals in Figure 1 because of missing information for offense type. Information on offense type was available for 98.4% to 99.9% of defendants during fiscal years 1995 to 2010. Source: Bureau of Justice Statistics, Federal Justice Statistics Program, based on files provided by the Administrative Office of the U.S. Courts, Office of Probation and Pretrial Services Automated Case Tracking System, FY 1995–2010.
detention rate for immigration defendants resulted in the number of immigration defendants detained pretrial increasing by 674%, from 4,411 in 1995 to 34,127 in 2010 (figure 4).

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

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

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

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

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

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

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

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

The growth in pretrial detentions can be further decomposed by the major federal offense categories. The rise in immigration cases contributed to 60% of the overall increase in the number of defendants detained pretrial in federal district courts between 1995 and 2010. In comparison, the change in the pretrial detention rate for immigration defendants accounted for 1% of the overall growth in the number of defendants detained pretrial.

The growth in federal drug dispositions accounted for 15% of the overall increase in pretrial detentions between 1995 and 2010, while the increase in the pretrial detention rate for drug defendants contributed to 5% of the overall growth in the number of defendants detained pretrial. The growth in weapons offenses contributed to 6% of the overall increase in pretrial detentions from 1995 to 2010. In addition, the increasing pretrial detention rate for defendants charged with weapons offenses accounted for 3% of the growth in the total number of defendants detained pretrial.

### Table 2

<table>
<thead>
<tr>
<th>Contribution to increases in pretrial detentions by changes in federal—</th>
<th>Percent contribution to pretrial detention growth</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>100%</td>
</tr>
<tr>
<td><strong>Dispositions</strong></td>
<td><strong>84%</strong></td>
</tr>
<tr>
<td>Immigration</td>
<td>60%</td>
</tr>
<tr>
<td>Drug</td>
<td>15%</td>
</tr>
<tr>
<td>Weapons</td>
<td>6%</td>
</tr>
<tr>
<td>Property</td>
<td>2%</td>
</tr>
<tr>
<td>Public-order</td>
<td>2%</td>
</tr>
<tr>
<td>Violent</td>
<td>--</td>
</tr>
<tr>
<td><strong>Pretrial detention rates</strong></td>
<td>16%</td>
</tr>
<tr>
<td>Immigration</td>
<td>1%</td>
</tr>
<tr>
<td>Drug</td>
<td>5%</td>
</tr>
<tr>
<td>Weapons</td>
<td>3%</td>
</tr>
<tr>
<td>Property</td>
<td>3%</td>
</tr>
<tr>
<td>Public-order</td>
<td>3%</td>
</tr>
<tr>
<td>Violent</td>
<td>--</td>
</tr>
</tbody>
</table>

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

-- Less than 0.5%

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

The 1984 Bail Reform Act requires judges and magistrates to consider a defendant’s criminal history when making pretrial detention decisions. Following the guidance of the act, defendants with more serious criminal histories should have a higher probability of pretrial detention compared to those with less substantial criminal backgrounds. This relationship between criminal history and pretrial detention is validated by the federal data which show that defendants with serious or lengthy criminal histories have a greater likelihood of pretrial detention than those with less severe criminal records. The percentage of defendants detained pretrial in 1995 was 47% for defendants with no prior arrest history, 63% for defendants with two to four prior arrests, and 79% for defendants with five or more prior arrests (table 3). In 2010, 64% of defendants with no prior arrest history were detained pretrial, while 79% of defendants with two to four prior arrests and 85% of defendants with five or more prior arrests were detained prior to case disposition.

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

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

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

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

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

Another change that has occurred in the federal district courts involves the criminal backgrounds of federal defendants. Between 1995 and 2010, criminal histories of these defendants became more serious. The growth in the severity of defendant criminal history is displayed by examining changes in the arrest and conviction history of federal defendants from 1995 to 2010. In 1995, 39% of defendants had no prior arrests, while by 2010, 28% of defendants had no prior arrests (figure 5). In comparison, the percentage of defendants with five or more prior arrests increased from 26% in 1995 to 37% in 2010.

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

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

- **Percent**
  - 60
  - 50
  - 40
  - 30
  - 20
  - 10
  - 0

- **Fiscal year**
  - '95
  - '96
  - '97
  - '98
  - '99
  - '00
  - '01
  - '02
  - '03
  - '04
  - '05
  - '06
  - '07
  - '08
  - '09
  - '10

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

- **Percent**
  - 60
  - 50
  - 40
  - 30
  - 20
  - 10
  - 0

- **Fiscal year**
  - '95
  - '96
  - '97
  - '98
  - '99
  - '00
  - '01
  - '02
  - '03
  - '04
  - '05
  - '06
  - '07
  - '08
  - '09
  - '10

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

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

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

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

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

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Number of released defendants</th>
<th>At least one violation</th>
<th>Technical violations of bail conditions</th>
<th>Failed to appear</th>
<th>Rearrested for—</th>
<th>Rearrested for—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Felony offense</td>
<td>Misdemeanor offense</td>
</tr>
<tr>
<td>1995</td>
<td>26,380</td>
<td>16%</td>
<td>12%</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>1996</td>
<td>26,801</td>
<td>16</td>
<td>13</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>1997</td>
<td>28,600</td>
<td>17</td>
<td>14</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>1998</td>
<td>26,246</td>
<td>16</td>
<td>15</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>1999</td>
<td>30,841</td>
<td>18</td>
<td>17</td>
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Note: Detail may not sum to total because a defendant could have more than one type of violation.

/ Not reported or determined to be unreliable.

Methodology

Federal Justice Statistics Program (FJSP)

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

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

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

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

Offenses in the PACTS are based on the most serious charged offense, as determined by the probation officer responsible for interviewing the defendant. The probation officer classifies the major offense charged into AOUSC four-digit offense codes. For defendants charged with more than one offense on an indictment, the probation officer chooses the major charged offense as the one carrying the most severe penalty or, in the case of two or more charges carrying the same penalty, the one with the greatest offense severity. The offense severity is determined by the AOUSC, which ranks offenses according to the maximum sentence, type of crime, and maximum fine amount. These four-digit codes are then aggregated into the primary offense charges used in both the Federal Justice Statistics series and this report.

Defining pretrial detention within the PACTS data

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

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

Decomposing trends in the number of defendants detained pretrial

Changes to the number of defendants detained pretrial were decomposed between growth in the number of pretrial case depositions and increasing pretrial detention rates. The decomposition approach works by calculating the percentage change in the number of pretrial detentions from one fiscal year to the next as conditioned on changes in the number of federal dispositions and the percentages of pretrial detention for each offense category. The change in the number of pretrial detentions can be expressed as a
conditional probability of changes in the number of violent, property, drug, public-order, weapons, and immigration dispositions between two points of time and changes in the pretrial detention rates for each of these offense categories between two time points.

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

\[
\Delta PD = (V_2 - V_1) + (P_2 - P_1) + (D_2 - D_1) + (O_2 - O_1) + (W_2 - W_1)
\]

Where:

- \(\Delta PD\) = change in the number of defendants detained pretrial between time 2 and time 1.
- \(V_2\) = Number of violent dispositions, time 2.
- \(V_1\) = Number of violent dispositions, time 1.
- \(P_2\) = Number of property dispositions, time 2.
- \(P_1\) = Number of property dispositions, time 1.
- \(D_2\) = Number of drug dispositions, time 2.
- \(D_1\) = Number of drug dispositions, time 1.
- \(O_2\) = Number of public-order dispositions, time 2.
- \(O_1\) = Number of public-order dispositions, time 1.
- \(W_2\) = Number of weapons dispositions, time 2.
- \(W_1\) = Number of weapons dispositions, time 1.
- \(R_2\) = Pretrial detention rate per offense category (e.g., \(R_{V_2}\), \(R_{P_2}\), \(R_{D_2}\), \(R_{O_2}\), \(R_{W_2}\)), time 2.
- \(R_1\) = Pretrial detention rate per offense category (e.g., \(R_{V_1}\), \(R_{P_1}\), \(R_{D_1}\), \(R_{O_1}\), \(R_{W_1}\)), time 1.

The equation can then be rearranged into the following:

\[
\Delta PD = (V_2 - V_1)(R_{V_2} - R_{V_1}) + (P_2 - P_1)(R_{P_2} - R_{P_1}) + (D_2 - D_1)(R_{D_2} - R_{D_1}) + (O_2 - O_1)(R_{O_2} - R_{O_1}) + (W_2 - W_1)(R_{W_2} - R_{W_1}) + (I_2 - I_1)(R_{I_2} - R_{I_1})
\]

The first part of the equation \((V_2 - V_1)(R_{V_2} - R_{V_1})\) measures the contribution of violent offenses to the overall change in the number of pretrial detentions between time 1 and time 2. The first term \((V_2 - V_1)\) calculates the contribution of the change in the number of violent dispositions between the two time points, while the term \((R_{V_2} - R_{V_1})\) calculates the contribution of the change in the pretrial detention rate for violent offenses between the two time points. The second part of the equation \((P_2 - P_1)(R_{P_2} - R_{P_1})\) calculates the contribution of the property offense category to the changes in the pretrial detention numbers, and so on.

**Key terms**

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

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

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

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

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

The following types of events are included under pretrial misconduct:

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

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

**Rearrest for new offenses**—Occurs when a defendant is rearrested for felony or misdemeanor offenses committed while out on pretrial release.
Definitions of major offense categories

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

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

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

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

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

Drug distribution—Delivery (other than by administering or dispensing) of a controlled substance. The term "controlled substance" means any drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of subchapter I of Chapter 13 (Drug Abuse, Prevention, and Control), Title 21 (Food and Drugs). The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986.

Drug trafficking—Knowingly and intentionally importing or exporting any controlled substance in schedule I, II, III, IV, or V (as defined by 21 U.S.C. § 812). Drug trafficking includes manufacturing, distributing, dispensing, selling, or possessing with the intent to manufacture, distribute, or sell a controlled substance or a counterfeit substance. It also includes exporting any controlled substance in schedules I through V, and the manufacture or distribution of a controlled substance in schedule I or II, for the purposes of unlawful importation. Also includes the making or distributing of any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container, or removing or obliterating the label or symbol of any drug or container. Knowingly opening, maintaining, or managing any place for manufacturing, distributing, or using any controlled substance are also included in drug trafficking.

Drug possession—An offense involving the possession of a controlled substance, acquiring a controlled substance by misrepresentation or fraud, attempting or conspiring to possess, or simple possession of a controlled substance in schedules I through V, as defined by 21 U.S.C. § 812. Includes possession of a controlled substance in schedule I or II, or a narcotic drug in schedule III or IV onboard a United States vessel or vessels within custom waters of the United States, or by any United States citizen on board a vessel. In addition, possessing any punch, die, plate, stone, or any other thing designed to reproduce the label upon any drug or container is an offense under this category. Distributing a small amount of marijuana for no remuneration is treated as simple possession and is included in this offense category.

Public-order offenses, regulatory—Violations of regulatory laws and regulations in agriculture, antitrust, labor law, food and drug, motor carrier, and other regulatory offenses that are not specifically listed in the category public-order offenses, non-regulatory.

Public-order offenses, non-regulatory—Offenses concerning tax law violations (tax fraud); bribery; perjury; national defense; escape; racketeering and extortion; gambling; liquor; mail or transporting of obscene materials; traffic; migratory birds; conspiracy, aiding and abetting, and jurisdictional offenses; and other public-order offenses. These offenses are termed non-regulatory to distinguish them from the category public-order offenses, regulatory within this glossary.

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

Weapons violation offenses—Violations of any provisions of 18 U.S.C. §§ 922 (unlawful acts) and 923 (licensing) with regard to the manufacturing, importing, possessing, receiving, and licensing of firearms and ammunition. Includes manufacturing, selling, possessing, or transporting any switchblade knife; or making, receiving, possessing, or transporting a firearm not registered in the National Firearms Registration Transfer Record within any territory.
or possession of the United States, within Indian country, or within the special maritime and territorial jurisdiction of the United States. Also, engaging in importing, manufacturing, or dealing in firearms if not registered with the secretary in the Internal Revenue Service District in which the business is conducted or not having paid a special occupational tax. In addition, this code covers cases wherein a crime of violence or drug trafficking enhanced punishment is handed down when the crime was committed with a deadly weapon.

**Immigration offenses**—Offenses involving illegal entry into the United States, illegally reentering the United States after deportation, willfully failing to deport when so ordered, willfully remaining beyond days allowed on conditional permit, or falsely representing oneself to be a United States citizen. Immigration offenses include violations relating to provisions for special agricultural workers and to provisions relating to limitations on immigrant status such as employment. Also includes bringing in or harboring any aliens not duly admitted by an immigration officer.
The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. William J. Sabol is the acting director.

This report was written by Thomas H. Cohen. Mark Motivans verified the report. Barbara Parthasarathy of the Urban Institute provided comments.

Brian Higgins of Lockheed Martin, Jill Thomas, and Morgan Young edited the report, and Barbara Quinn and Morgan Young produced the report under the supervision of Doris J. James.

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