



STATISTICAL BRIEF

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Racketeer Influenced and Corrupt Organizations (RICO) Cases in Federal Courts, 2012–2022

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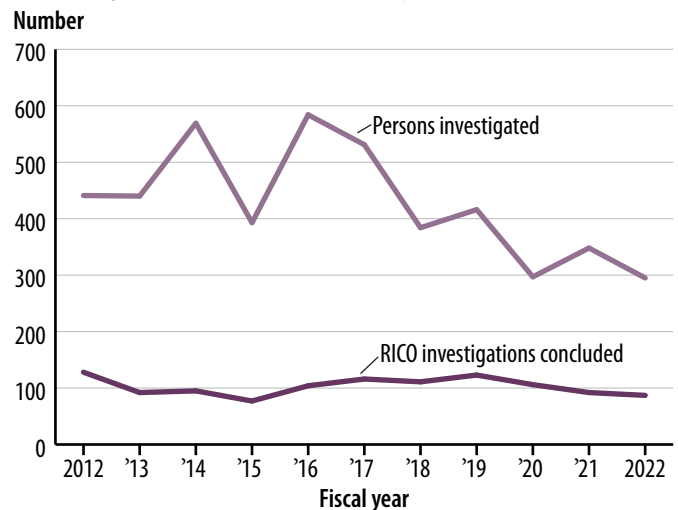
From fiscal year (FY) 2012 to FY 2022, U.S. attorneys offices concluded 1,131 investigations into violations under the Racketeer Influenced and Corrupt Organizations Act (RICO), in which 4,698 persons were investigated.¹ In that time, the annual number of persons in investigations concluded by U.S. attorneys declined 33%, from 441 in FY 2012 to 295 in FY 2022 (figure 1).

RICO is a federal law (codified as Title 18 U.S.C. §§ 1961–1968) that strengthens the ability of federal prosecutors to fight organized criminal groups by allowing the government to prosecute the leaders and associates of a criminal enterprise that affects interstate or foreign commerce. RICO allows prosecutors to charge persons for their role in a pattern of racketeering activity (see *Racketeer Influenced and Corrupt Organizations Act* below). This report uses data from the Bureau of Justice Statistics' (BJS) Federal Justice Statistics Program (FJSP) to describe persons investigated, convicted, and sentenced for federal offenses involving RICO violations. The FJSP collects, standardizes, and reports on administrative data received by six federal justice agencies: the U.S. Marshals Service, Drug Enforcement Administration, Administrative Office of the U.S. Courts, Executive Office of the U.S. Attorneys, Bureau of Prisons, and U.S. Sentencing Commission.

Charges filed under RICO must show that a pattern of racketeering activity occurred within a certain period of time. Racketeering activity includes the act or threat of murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in a controlled substance, and other serious crimes punishable by imprisonment for more than 1 year.

¹Annual federal justice data are reported for the fiscal year, which is from October 1 to September 30. (See appendix table 1.)

FIGURE 1
Number of RICO investigations concluded by U.S. attorneys and persons investigated, FY 2012–2022



Note: RICO denotes Racketeer Influenced and Corrupt Organizations Act. Includes persons in matters who were charged under Title 18 U.S.C. §§ 1961–1968. The lead charge is the primary basis for referring the matter to a U.S. attorney and is usually, but not always, the charge with the greatest possible sentence. See appendix table 1 for counts and additional data on the number of persons per investigation concluded and the average number of persons investigated.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System (LIONS) database, fiscal years 2012–2022.

Racketeer Influenced and Corrupt Organizations Act

The Racketeer Influenced and Corrupt Organizations Act (RICO) is a federal law codified in Title 18 U.S.C. §§ 1961–1968. RICO statutes define a number of prohibited activities that target persons working at the top levels of criminal organizations.

Title 18 U.S.C. § 1961 – Definitions

Pattern of racketeering activity—Requires at least two acts of racketeering activity, one of which occurred after the effective date of the RICO statute and the last of which occurred within 10 years after the commission of a prior act of racketeering activity.

Racketeering activity—The threat or commission of murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in a controlled substance, and other serious crimes punishable by imprisonment for more than 1 year.

Enterprise—Includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

Interstate commerce—Includes commerce between one state, territory, possession, or the District of Columbia and another state, territory, possession, or the District of Columbia.

Continuing criminal enterprise (CCE) statute—This statute makes it a crime to commit or conspire to commit a continuing series of felony drug violations when acts involve five or more other persons. For conviction under this statute, the person must have been an organizer, manager, or supervisor of the continuing operation and have obtained substantial income or resources from the drug violations.

Predicate offenses—The threat or commission of the eight state offenses of murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in a controlled substance, and other serious crimes punishable by imprisonment for more than 1 year. The act also identifies 35 federal offenses related to bribery, counterfeiting, theft, embezzlement, extortion, trafficking (cigarettes, counterfeit goods, drugs, firearms, humans, illegal recordings), fraud (bank/credit institution, citizenship, foreign labor contracts, identity documents, mail, wire),

misuse of documents (citizenship, identity, passports, visas), gambling, obscene material, obstruction, illegal money transfers, money laundering, labor law violations, and copyright infringement.

RICO also can be charged as prohibited activities that can be charged under the statute Title 18 § 1962. The following subsections define the ways prohibited activities may be charged.

Title 18 U.S.C. § 1962(a) makes it a crime to use or invest any income earned from a pattern of racketeering activity or through the collection of an unlawful debt to establish, acquire an interest in, or operate any enterprise engaged in or affecting interstate commerce. The law requires the government to establish first that the defendant derived income from a pattern of racketeering and then used some of that income to establish or operate an enterprise affecting interstate commerce.

Title 18 U.S.C. § 1962(b) prohibits acquiring or maintaining an interest in, or control of, any enterprise that is engaged in or affects interstate commerce through a pattern of racketeering activity or through collection of an unlawful debt. This might involve trying to acquire a lawfully established business by threats, extortion, or other racketeering activity.

Title 18 U.S.C. § 1962(c) makes it unlawful for any person employed by or associated with any enterprise engaged in or affecting interstate commerce to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. The person and enterprise must be distinct. A person who operates an enterprise that employs only themselves would not be eligible because the person is not distinct from the enterprise.

Title 18 U.S.C. § 1962(d) makes it unlawful for any person to conspire to violate subsections (a), (b), or (c).

The remaining statutes under RICO identify the criminal penalties (Title 18 U.S.C. § 1963), civil remedies (Title 18 U.S.C. § 1964), venue and process (Title 18 U.S.C. § 1965), expedition of actions (Title 18 U.S.C. § 1966), evidence (Title 18 U.S.C. § 1967), and civil investigative demand (Title 18 U.S.C. § 1968).

The Organized Crime and Gang Section (OCGS) of the Criminal Division in the U.S. Department of Justice is a litigating section that plays a central role in the prosecution of RICO offenses. The review and approval function for all RICO matters has been centralized within OCGS. No RICO criminal charge can be filed without the prior approval of the OCGS.

From FY 2018 to FY 2022, a total of 1,740 persons were investigated in matters concluded by U.S. attorneys where a RICO violation was the most serious offense (table 1). During that period, 1,214 persons were prosecuted, 1,392 were adjudicated, 1,357 were convicted, and 1,224 were sentenced to prison in a federal case for which a RICO violation was the most serious

offense. From 2018 to 2022, the number of persons with RICO as the most serious offense charged declined at each stage from prosecution to sentencing: investigation (down 23%), case filing/prosecution (down 53%), adjudication (down 32%), conviction (down 31%), and sentenced to prison (down 37%).

The median prison term for persons sentenced for a RICO violation from FY 2018 to FY 2022 was 87 months, ranging from 57 months in FY 2018 to 120 months in FY 2022. Depending on the underlying racketeering activity, RICO violations are punishable by fine, by imprisonment for life in cases where the predicate offense carries a life sentence, or by imprisonment for not more than 20 years in all other cases.

TABLE 1
Persons prosecuted, adjudicated, and sentenced with a RICO violation as the most serious offense, FY 2018–2022

Fiscal year	Persons investigated by U.S. attorneys offices ^a				Persons adjudicated ^b				Persons sentenced ^c				
	Total persons investigated		Persons prosecuted		Total persons adjudicated		Persons convicted		Total persons convicted		Persons sentenced to prison		Length of prison term ^d
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Median
Total (2018–2022)	1,740	100%	1,214	69.8%	1,392	100%	1,357	97.5%	1,357	100%	1,224	90.2%	87 mos.
2018	384	100%	316	82.3	370	100%	363	98.1	363	100%	335	92.3	57 mos.
2019	416	100%	227	54.6	340	100%	328	96.5	328	100%	301	91.8	84 mos.
2020	297	100%	228	76.8	229	100%	218	95.2	218	100%	202	92.7	97 mos.
2021	348	100%	294	84.5	201	100%	199	99.0	199	100%	175	87.9	90 mos.
2022	295	100%	149	50.5	252	100%	249	98.8	249	100%	211	84.7	120 mos.
Percent change, 2018–2022	~	-23.2%	~	-52.8%	~	-31.9%	~	-31.4%	~	-31.4%	~	-37.0%	~

Note: RICO denotes Racketeer Influenced and Corrupt Organizations Act.

~Not applicable.

^aPersons in investigations concluded by U.S. attorneys. Persons investigated in more than one investigation are counted separately. Lead charge is Title 18 U.S.C. §§ 1961–1968. Lead charge is the substantive statute that is the primary basis for the referral.

^bIncludes persons in cases adjudicated with a felony or Class A misdemeanor offense in U.S. district court. An adjudication is the disposition decision reached by the court. Persons in more than one terminated case are counted separately. Most serious offense at case termination is Title 18 U.S.C. §§ 1961–1968. Most serious offense is determined based on the charge with the greatest maximum statutory penalty (when there is more than one charge). Total includes persons in cases adjudicated by guilty plea, bench or jury trial, acquittal, or dismissal.

^cIncludes persons sentenced to prison only, probation only, a split sentence, fine only, or a suspended sentence.

^dIncludes persons sentenced to life in prison.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System (LIONS) database and the Administrative Office of the U.S. Courts, Criminal Master File, fiscal years 2018–2022.

Multiple suspects investigated for federal offenses including RICO

RICO charges focus on organized criminal activity and can involve charges against more than one person. In the 5-year period from FY 2018 to FY 2022, 37% of RICO investigations closed by U.S. attorneys involved more than one person (table 2). This is a greater share than those of other offense types, including drug (25%), property (18%), and public order (10%) offenses. The number

of persons in a RICO matter ranged from 1 to 58 (not shown in table), with an average of 3 persons per opened investigation. This is greater than the average number of persons in drug (2), property (1), violent (1), public order (1), weapons (1), and immigration (1) investigations over this same period.

TABLE 2
Investigations concluded by U.S. attorneys with multiple persons investigated, by type of offense, FY 2018–2022

Lead charge	Persons in investigations concluded Number	Total investigations concluded		Persons per investigation concluded				Average number of persons investigated
				One person		Multiple persons		
		Number	Percent	Number	Percent	Number	Percent	
Total	740,843	623,278	100%	570,972	91.6%	52,306	8.4%	1.2
RICO	1,740	519	100%	325	62.6	194	37.4	3.4
Violent	23,254	20,855	100%	19,375	92.9	1,480	7.1	1.1
Property	85,780	62,725	100%	51,287	81.8	11,438	18.2	1.4
Drug	151,269	89,403	100%	67,341	75.3	22,062	24.7	1.7
Public order	85,302	71,646	100%	64,698	90.3	6,948	9.7	1.2
Weapons	71,199	63,815	100%	59,393	93.1	4,422	6.9	1.1
Immigration	322,161	314,190	100%	308,440	98.2	5,750	1.8	1.0

Note: Includes persons in investigations who were charged under Title 18 U.S.C. §§ 1961–1968. The lead charge is the primary basis for referring the matter to a U.S. attorney and is usually, but not always, the charge with the greatest possible sentence. There were 138 persons in investigations concluded missing lead charge. There were 125 investigations concluded missing lead charge. RICO denotes Racketeer Influenced and Corrupt Organizations Act.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System (LIONS) database, fiscal years 2018–2022.

Most persons convicted of a RICO violation in fiscal years 2018–2022 were male (92%) and U.S. citizens (86%) (table 3). About 43% of persons convicted of RICO violations were black, 39% were Hispanic, and 16% were white. Persons convicted of a RICO violation had a median age of 33 years, and almost a quarter (24%) were between the ages of 25 to 29. Seventy-one percent of persons convicted with a RICO violation had a prior adult criminal conviction.

TABLE 3
Persons convicted in federal court with a RICO violation as the most serious offense, by selected characteristics, FY 2018–2022

Characteristic	Number	Percent
Total	1,357	100%
Sex		
Male	1,150	91.9%
Female	101	8.1
Race/ethnicity		
White ^a	201	16.1%
Black ^a	538	43.2
Hispanic	487	39.1
Other ^b	19	1.5
Age		
24 or younger	193	15.4
25–29	304	24.3
30–34	216	17.3
35–39	191	15.3
40–44	143	11.4
45–49	86	6.9
50–54	50	4.0
55–59	27	2.2
60–64	21	1.7
65 or older	20	1.6
Median age	33 yrs.	
Citizenship		
U.S. citizen	1,077	86.3%
Non-U.S. citizen	171	13.7
Education		
Less than high school	502	40.8%
High school graduate	482	39.2
Some college	174	14.2
College graduate	71	5.8
Prior record		
No prior adult convictions	367	29.3%
Prior adult convictions	886	70.7

Note: Details may not sum to totals due to rounding. The unit of count is a person in a case adjudicated with a conviction in U.S. district court. Persons charged in more than one case are counted separately. There were 106 records missing sex, 112 missing race or ethnicity, 106 missing age, 109 missing citizenship status, 128 missing education, and 104 missing prior adult convictions. RICO denotes Racketeer Influenced and Corrupt Organizations Act.

^aExcludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons). Race and ethnicity were self-reported during the pretrial interview. Information was collected for one race and one ethnicity category.

^bIncludes Asian/Native Hawaiian/Other Pacific Islander and American Indian/Alaska Native. Excludes persons of Hispanic origin.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, Criminal Master File, and Probation and Pretrial Services Automated Case Tracking System; and U.S. Sentencing Commission, individual offender data file, fiscal years 2018–2022.

As with other criminal offenses, RICO charges can be the most serious charge brought in a court filing or a lesser charge. Whether RICO is charged as the most serious offense or as a secondary offense is tied to the predicate offense. The predicate offense is the offense on which RICO convictions are based, so a predicate offense of murder committed under RICO, for example, would have RICO charged as the most serious offense. (Administrative Office of the U.S. Courts data include the primary predicate offense associated with the RICO violation.) From FY 2018 to FY 2022, 1,357 persons were convicted in federal court with RICO as the most serious charge. The most common predicate offense at conviction was bribery (66%), followed by fraud (10%) and extortion (6%) (table 4).

TABLE 4
Persons convicted in federal court with RICO as the most serious offense, by predicate offense, FY 2018–2022

Predicate offense	Number	Percent
Total	1,357	100%
Violent	68	5.0%
Murder	68	5.0
Property	221	16.3%
Embezzlement	27	2.0
Fraud	130	9.6
Counterfeiting	64	4.7
Public order	1,068	78.7%
Bribery	900	66.3
Extortion	77	5.7
Child pornography/obscenity	28	2.1
Use of interstate commerce	36	2.7
Other*	27	2.0

Note: Title 18 U.S.C. §§ 1961–1968. Details may not sum to totals due to rounding. The unit of count is a person in a case adjudicated with a conviction in U.S. district court. Persons charged in more than one case are counted separately. RICO denotes Racketeer Influenced and Corrupt Organizations Act.

*Includes gambling, liquor violations, and narcotics.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, Criminal Master File, fiscal years 2018–2022.

RICO as a secondary offense

From FY 2018 to FY 2022, Racketeer Influenced and Corrupt Organizations (RICO) violations were a secondary offense to a more serious offense in 1,099 cases. The Administrative Office of the U.S. Courts data include up to five offenses at conviction, so it is possible to describe cases where RICO violations were charged but another offense was the most serious offense at conviction. In cases where there are multiple offenses charged, the most serious offense at conviction is the offense with the greatest statutory maximum sentence. Drug trafficking (49%) was the most serious offense charged in the largest portion of cases where RICO was a secondary offense, followed by weapons (22%) and racketeering and extortion (14%) offenses (table 5).

TABLE 5
Persons convicted in federal court with RICO as a secondary offense, by most serious offense, FY 2018–2022

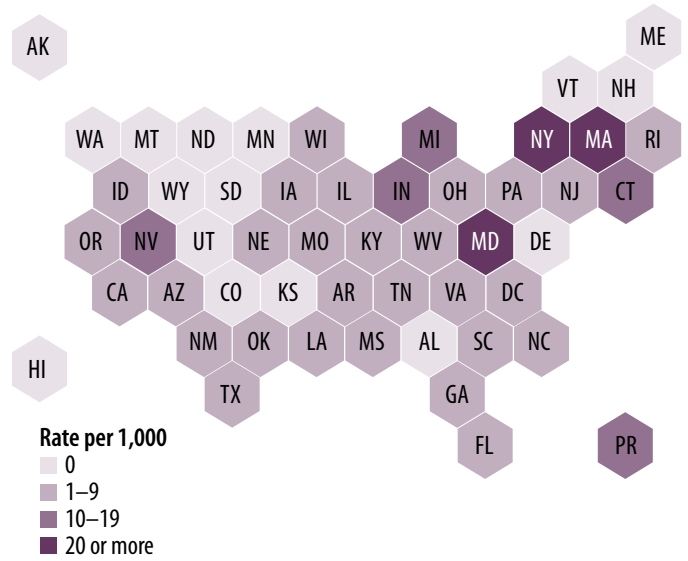
Most serious offense when RICO is a secondary charge	Number	Percent
Total	1,099	100%
Violent	22	2.0%
Assault	3	0.3
Robbery	10	0.9
Sexual abuse	7	0.6
Kidnapping	2	0.2
Property	90	8.2%
Embezzlement	1	0.1
Fraud	75	6.8
Larceny-felony	1	0.1
Arson and explosives	13	1.2
Drug trafficking	537	48.9%
Public order	208	18.9%
Food and drug	1	0.1
Civil rights	5	0.5
Other regulatory felonies	7	0.6
Perjury-contempt/intimidation	10	0.9
Escape	2	0.2
Racketeering/extortion	156	14.2
Gambling	24	2.2
Other misdemeanor	3	0.3
Weapons	242	22.0%

Note: Details may not sum to totals due to rounding. The unit of count is a person in a case adjudicated with a conviction in U.S. district court. Persons charged in more than one case are counted separately. RICO denotes Racketeer Influenced and Corrupt Organizations Act.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, Criminal Master File, fiscal years 2018–2022.

The number of defendants convicted under RICO statutes varied geographically. **Map 1** shows the rates of defendants convicted under RICO per 1,000 total defendants convicted in each state from FY 2018 to FY 2022. Sixteen states, Guam, and the U.S. Virgin Islands had zero defendants convicted under RICO statutes during this period. Maryland (45 convicted per 1,000 persons) had the highest rate of defendants convicted under RICO per total convictions in U.S. district court, followed by Massachusetts (43 per 1,000) and New York (20 per 1,000). (See appendix table 2.)

MAP 1
Rate of RICO defendants convicted per 1,000 total defendants convicted, by state or territory, FY 2018–2022



Note: The rate is computed as the number of persons convicted in U.S. district court with Title 18 U.S.C. §§ 1961–1968 as the most serious offense at conviction divided by the total number of persons convicted in U.S. district court by state and multiplied by 1,000. RICO denotes Racketeer Influenced and Corrupt Organizations Act. Not shown on map: Guam (0), Northern Mariana Islands (0), and U.S. Virgin Islands (0). See appendix table 2 for counts.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, Criminal Master File, fiscal years 2018–2022.

Methodology

Findings in this report are based on data provided to the Bureau of Justice Statistics' Federal Justice Statistics Program (FJSP) by the Executive Office for U.S. Attorneys (EOUSA), the Administrative Office of the U.S. Courts (AOUSC) Criminal Master File and Pretrial Services Automated Case Tracking System, and the U.S. Sentencing Commission (USSC). EOUSA makes available information on the investigation and prosecution of persons in Racketeer Influenced and Corrupt Organizations (RICO) matters received and concluded. AOUSC provides information about criminal proceedings against defendants charged with RICO violations in U.S. district courts. USSC data contain information on persons sentenced for RICO violations

pursuant to the provisions of the Sentencing Reform Act of 1984. This report includes records for fiscal year (FY) 2012 through FY 2022 (October 1 to September 30 annually). For additional information on FJSP data, see *Federal Justice Statistics, 2022* (NCJ 307553, BJS, January 2024) and the FJSP webpage (<https://bjs.ojp.gov/data-collection/federal-justice-statistics-program-fjsp>). FJSP data are also available in the Federal Criminal Case Processing Statistics Tool, an interactive BJS web tool that permits users to query the federal data and download the results (see: <https://fccps.bjs.ojp.gov>). It provides statistics by the stage of the federal criminal case process, including law enforcement, prosecution and courts, and incarceration. Users can also generate queries by the title and section of the U.S. criminal code.

APPENDIX TABLE 1**Counts for figure 1. Number of RICO investigations concluded by U.S. attorneys and persons investigated, FY 2012–2022**

Fiscal year	RICO investigations concluded	Persons investigated	Persons per investigation concluded		Average number of persons investigated
			One person	Multiple persons	
Total (2012–2022)	1,131	4,698	59.2%	40.8%	4.2
2012	128	441	64.8	35.2	3.4
2013	92	440	54.3	45.7	4.8
2014	95	569	49.5	50.5	6.0
2015	77	393	51.9	48.1	5.1
2016	104	584	50.0	50.0	5.6
2017	116	531	62.1	37.9	4.6
2018	111	384	62.2	37.8	3.5
2019	123	416	64.2	35.8	3.4
2020	106	297	66.0	34.0	2.8
2021	92	348	59.8	40.2	3.8
2022	87	295	59.8	40.2	3.4

Note: Includes persons in matters who were charged under Title 18 U.S.C. §§ 1961–1968. The lead charge is the primary basis for referring the matter to a U.S. attorney and is usually, but not always, the charge with the greatest possible sentence. RICO denotes Racketeer Influenced and Corrupt Organizations Act.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network (LIONS) database, fiscal years 2012–2022.

APPENDIX TABLE 2**Counts for Map 1: Rate of RICO defendants convicted per 1,000 total defendants convicted, by state or territory, FY 2018–2022**

State	Total number of defendants convicted	Number of defendants convicted under RICO	Rates of defendants convicted under RICO per 1,000 total convictions
Alabama	4,827	0	0.0
Alaska	782	0	0.0
Arizona	23,849	5	0.2
Arkansas	3,700	2	0.5
California	30,480	151	5.0
Colorado	2,200	0	0.0
Connecticut	1,707	18	10.5
Delaware	428	0	0.0
District of Columbia	1,423	2	1.4
Florida	16,142	8	0.5
Georgia	7,090	52	7.3
Guam	264	0	0.0
Hawaii	766	0	0.0
Idaho	1,676	4	2.4
Illinois	5,735	47	8.2
Indiana	4,113	68	16.5
Iowa	4,187	2	0.5
Kansas	2,219	0	0.0
Kentucky	4,074	14	3.4
Louisiana	3,485	6	1.7
Maine	868	0	0.0
Maryland	3,722	167	44.9
Massachusetts	2,324	101	43.5
Michigan	5,190	62	11.9
Minnesota	1,601	0	0.0
Mississippi	2,503	4	1.6
Missouri	8,601	8	0.9
Montana	1,718	0	0.0
Nebraska	2,376	1	0.4
Nevada	1,980	19	9.6
New Hampshire	953	0	0.0
New Jersey	3,205	3	0.9
New Mexico	14,816	11	0.7
New York	12,864	252	19.6
North Carolina	9,796	67	6.8
North Dakota	1,591	0	0.0
Ohio	7,197	25	3.5
Oklahoma	4,213	1	0.2
Oregon	2,166	6	2.8
Pennsylvania	7,302	14	1.9
Puerto Rico	4,716	70	14.8
Rhode Island	523	3	5.7
South Carolina	3,837	26	6.8
South Dakota	2,618	0	0.0
Tennessee	6,911	19	2.7
Texas	86,906	90	1.0
U.S. Virgin Islands	284	0	0.0
Utah	3,465	0	0.0
Vermont	751	0	0.0
Virginia	6,459	24	3.7
Washington	3,951	0	0.0
West Virginia	2,700	1	0.4
Wisconsin	2,156	4	1.9
Wyoming	948	0	0.0

Note: The rate is computed as the number of persons convicted in U.S. district court with Title 18 U.S.C. §§ 1961–1968 as the most serious offense at conviction divided by the total number of persons convicted in U.S. district court by state and multiplied by 1,000. RICO denotes Racketeer Influenced and Corrupt Organizations Act.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, Criminal Master File, fiscal years 2018–2022.

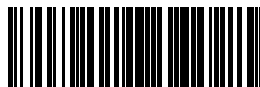


The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Kevin M. Scott, PhD, is the acting director.

This report was written by Suzanne Strong, PhD, and Mark Motivans, PhD. Ryan Kling verified the report.

Becky Lewis edited the report. Jeffrey Link produced the report.

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