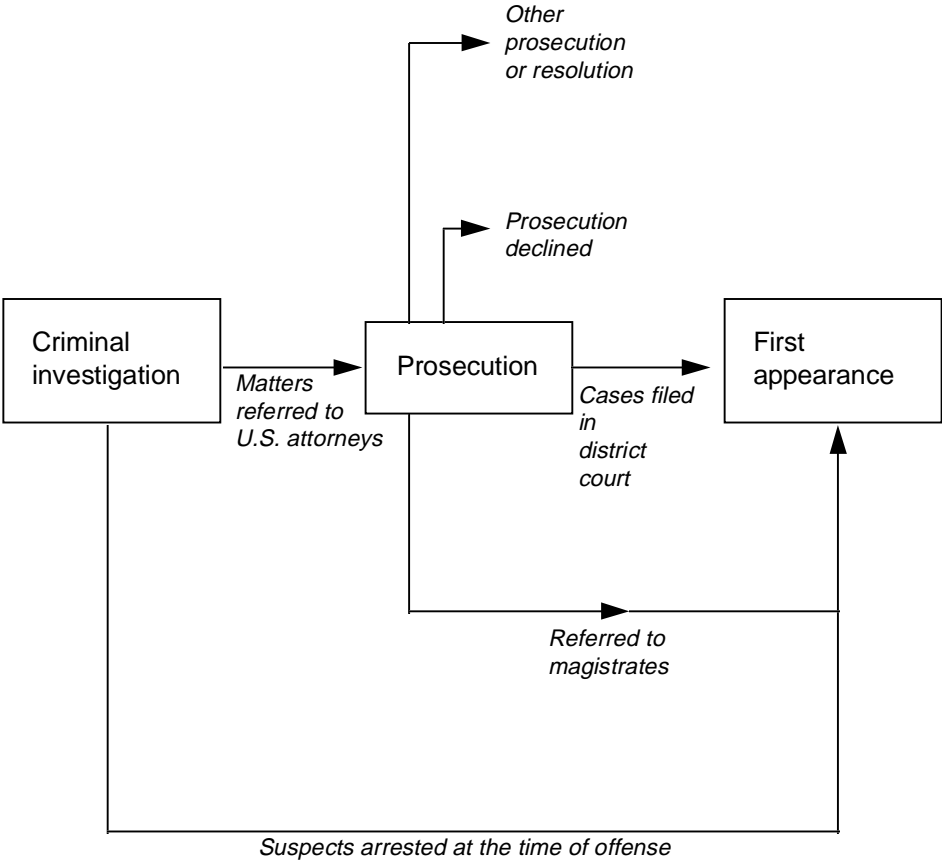


Prosecution



Federal criminal cases may be brought by the U.S. Attorney's Office, by the Criminal Division of the U.S. Department of Justice, or by other authorized agencies.

Most commonly, investigations are referred to the U.S. attorney by the Criminal Division of the U.S. Department of Justice, by a Federal investigative agency (primarily the Drug Enforcement Administration; Federal Bureau of Investigation; Postal Inspection Service; Bureau of Alcohol, Tobacco and Firearms; or Secret Service), or by a State or local investigative agency. Investigations may also be initiated and cases brought directly by U.S. attorneys or by the Criminal Division of the U.S. Department of Justice. This chapter reports only on suspects investigated by U.S. attorneys.

Investigations referred to the U.S. attorneys may be declined immediately for prosecution or pursued further. In the latter case, additional investigation may be conducted in order to determine whether the matter should be filed as a case in the Federal courts, referred to a U.S. magistrate for disposition, or declined for prosecution. Matters that are declined may be referred to another authority for prosecution or settled through alternative resolution procedures.

Declination policies frequently limit the types of matters that will be filed as cases or stipulate the level of investigation that must be completed before a presentation can be accepted as a matter. Individual policies vary widely across Federal districts and may be influenced by a variety of factors, including Federal prosecutorial policies, regional needs, and individual U.S. attorneys' priorities and staff resources.

For purposes of statistical calculations, only those investigations and other activities requiring over 1 hour's attention are classified as matters by the U.S. attorneys.

Matters received (table 1.1)

During 1993, 110,286 suspects were involved in matters received by the U.S. attorneys, 7,710 fewer than during 1992.

Drug offenses as a group accounted for 30% of all suspects in matters received. The total number of drug suspects investigated was 11% lower than during 1992. Drug offenses include possession, manufacturing, importing, and trafficking in narcotics, controlled substances, and marijuana, as well as any unspecified drug-related offense other than conspiracy.

Over a fourth of all suspects (30,796) were investigated for fraudulent property offenses, which comprise fraud (except tax fraud), forgery, embezzlement, and counterfeiting. Of these, 23,483 persons (22% of all suspects in matters received) were investigated for frauds other than tax fraud. Four percent of the suspects were investigated for non-fraudulent property offenses, mostly larceny (2% of all suspects).

Regulatory offenses accounted for 5% of all suspects in matters received, an 11% decrease in the number of suspects investigated during 1992. Many (38%) of these cases involved suspects charged with civil rights violations. Among non-regulatory public-order offenses, the number of suspects investigated for weapons (7% of all suspects in matters received) decreased slightly between 1992 and 1993. And, the number of suspects investigated for

immigration offenses (5% of all suspects in matters received) decreased by 8% since 1992.

Violent offenses accounted for 6% of all suspects. More than half (56%) of these were investigated for robbery (3% of all suspects), while assault accounted for 19% of these cases (1% of all suspects).

Disposition of matters concluded (table 1.2)

Matters involving 108,854 suspects were concluded by U.S. attorneys during 1993, a 2% decrease from the number of suspects investigated during 1992.

U.S. attorneys filed cases against 59% of the suspects for prosecution in U.S. district court, declined to prosecute 31%, and referred 10% for disposition by U.S. magistrates. Of the 63,869 suspects in matters filed as cases for prosecution in U.S. district court, 40% (25,661 suspects) were investigated in connection with drug offenses, and 24% (15,225 suspects) with fraudulent property offenses.

Prosecution rates, by offense

Among matters concluded during 1993, U.S. attorneys prosecuted 75% of all suspects in drug offense matters, and 83% of suspects in robbery matters. Sixty-five percent of suspects in murder/manslaughter charges were prosecuted by U.S. attorneys. Seventy-one percent of suspects in tax law violations were prosecuted, compared with 50% of suspects in fraud matters other than tax fraud. Suspects in regulatory matters were prosecuted at a slightly lower rate during 1993 than during 1992 (29% and 31%, respectively), though the rate for prosecuting antitrust suspects increased

considerably from 54% during 1992 to 77% during 1993.

Magistrates

Some criminal cases are referred to U.S. magistrates for processing. U.S. magistrates primarily handle misdemeanors, but referral practices vary among U.S. district courts. Many of the matters opened before U.S. magistrates are against defendants who have fled to avoid prosecution in State courts. These matters (UFAPs-unlawful flight to avoid prosecution) usually are dismissed by magistrates and prosecuted in State courts. Overall, 10% of suspects in matters concluded during 1993 were disposed by U.S. magistrates. Forty-six percent of all immigration suspects were disposed by U.S. magistrates. Magistrate proceedings also played a significant role in the disposition of escape suspects (57%) and persons suspected of violating migratory bird laws (65%).

Basis for declination (tables 1.3 and 1.4)

A variety of factors influences the decision to decline prosecution of a case (table 1.3).

Twenty-one percent of suspects in matters declined were not prosecuted because the evidence was too weak. Another 21% were not prosecuted due to the lack of a prosecutable offense. The majority of these were declined either because U.S. attorneys ascertained that no Federal law was violated (9%) or because they found no proof of criminal intent (12%).

Another 23% of all suspects were not prosecuted for reasons ranging from minimal Federal interest (5%), to lack of resources (6%), to Justice

Department or U.S. attorney policy (7%). The U.S. attorneys' decisions not to prosecute, however, do not automatically relieve suspects of all further action: 21% of the 33,678 suspects in matters declined by U.S. attorneys were referred for criminal prosecution elsewhere or prosecuted in other actions; another 6% were subject to some noncriminal proceedings, such as pretrial diversion (3%) or civil or administrative alternative actions (2%).

Among matters declined, those involving escape, robbery, burglary, antitrust, and drug offenses were more often referred to other authorities for prosecution than were other declined offense types (table 1.4). Combining the 2,224 drug suspects referred to other prosecution with the 27,724 drug suspects prosecuted in Federal courts or heard by U.S. magistrates, 87% of drug suspects in matters concluded during 1993 were either prosecuted or referred for prosecution in another jurisdiction.

Noncriminal resolutions were most widely used in white collar matters such as forgery and embezzlement matters (16% and 22%, respectively), violations of postal regulations (18%), and in violations of migratory bird laws (30%).

Processing time (table 1.5)

Processing time for matters is measured in months from the time a matter is received by the U.S. attorney to the time of declination, filing as a case, or disposition by a U.S. magistrate.

The mean processing time for all matters concluded during 1993 was 9.6 months, 0.4 months longer than during 1992. Mean processing time was higher where prosecution was declined (15 months) than where a

matter was filed as a case (7 months).

The mean processing time for actions by U.S. magistrates was 2 months where suspects were convicted and 11 months where suspects were acquitted.

Across all offenses, mean processing time for cases prosecuted in U.S. district court was longest for suspects charged with regulatory offenses (10 months). Suspects in regulatory crimes who were disposed by U.S. magistrates had an average processing time of 8 months if convicted and 14 months if not convicted. The mean processing time was shortest for suspect in non-regulatory public-order offenses who were convicted by a U.S. magistrate.

Median processing times generally were lower than mean processing times. The gap between the median and mean times suggests that the distribution of processing times was skewed to the right, indicating that the means were influenced by some matters with relatively long processing times.

For all offenses, the median processing time was 3.1 months, as compared to the 9.6 months of the mean processing time, and the median time ranged from about three-fourths of the mean time to about one-eighth of the mean. The gap between the mean and median times was smallest for matters declined, even though the average length of time to decline matters was the longest of all outcomes, whether measured by the median or mean processing times.

The median processing time until matters were prosecuted by U.S. attorneys for all offenses was 1.2 months. Of matters that were prosecuted, the median time until

prosecution was longest for fraudulent property offenses (4 months) and shortest for drug and violent offenses (0.8 months). As with the mean processing time, the median time until conviction by a U.S. magistrate (0.1 month) was less than the median time until acquittal by a U.S. magistrate (2.1 months).

Most serious offense investigated	Suspects in criminal matters received by U.S. attorneys ^a	
	Number	Percent
All offenses^b	110,286	100 %
Violent offenses	6,506	6.0%
Murder/manslaughter ^c	380	.3
Assault	1,218	1.1
Robbery	3,634	3.3
Rape	630	.6
Other sex offenses ^c	289	.3
Kidnaping	237	.2
Threats against the President	118	.1
Property offenses	35,342	32.4%
Fraudulent	30,796	28.2%
Embezzlement	5,057	4.6
Fraud ^c	23,483	21.5
Forgery	2,025	1.9
Counterfeiting	231	.2
Other	4,546	4.2%
Burglary	66	.1
Larceny ^c	2,141	2.0
Motor vehicle theft	1,045	1.0
Arson and explosives	671	.6
Transportation of stolen property	166	.2
Other property offenses ^c	457	.4
Drug offenses	32,790	30.1%
Public-order offenses	34,396	31.5%
Regulatory	5,393	4.9%
Agriculture	381	.3
Antitrust	100	.1
Food and drug	272	.2
Transportation	257	.2
Civil rights	2,046	1.9
Communications	136	.1
Custom laws	344	.3
Postal laws	251	.2
Other regulatory offenses	1,606	1.5
Other	29,003	26.6%
Weapons	7,178	6.6
Immigration offenses	5,934	5.4
Tax law violations ^c	1,511	1.4
Bribery	655	.6
Perjury, contempt and intimidation	759	.7
National defense	461	.4
Escape	4,771	4.4
Racketeering and extortion	3,632	3.3
Gambling	281	.3
Liquor offenses	18	—
Obscene material ^c	72	.1
Migratory birds	262	.2
Conspiracy, aiding and abetting, traffic, and jurisdictional	3,123	2.9
All other offenses	346	.3
—Less than .05%.		
^c See data note 1.		
^a Percentage distribution based on the 109,034 suspects for whom the offense category could be determined.		
^b Includes 1,252 suspects for whom offense category could not be determined.		
See also data notes 3 and 4.		

Table 1.2. Disposition of suspects in matters concluded, by offense, 1993

Most serious offense investigated	Suspects in criminal matters concluded							
	Number				Percent			
	Total	Prosecuted in U.S. district court ^a	Declined	Disposed by magistrate	Total	Prosecuted in U.S. district court ^a	Declined	Disposed by magistrate
All offenses^b	108,854	63,869	33,678	11,307	100%	58.7%	30.9%	10.4%
Violent offenses	6,192	4,154	1,745	293	100%	67.1%	28.2%	4.7%
Murder/manslaughter ^c	366	237	124	5	100	64.8	33.9	1.4
Assault	1,190	595	430	165	100	50.0	36.1	13.9
Robbery	3,416	2,828	506	82	100	82.8	14.8	2.4
Rape	567	239	322	6	100	42.2	56.8	1.1
Other sex offenses ^c	312	111	194	7	100	35.6	62.2	2.2
Kidnaping	233	115	97	21	100	49.4	41.6	9.0
Threats against the President	108	29	72	7	100	26.9	66.7	6.5
Property offenses	34,424	17,707	14,508	2,209	100%	51.4%	42.1%	6.4%
Fraudulent	30,073	15,225	12,953	1,895	100%	50.6%	43.1%	6.3%
Embezzlement	5,229	2,646	2,014	569	100	50.6	38.5	10.9
Fraud ^c	22,717	11,350	10,278	1,089	100	50.0	45.2	4.8
Forgery	1,909	1,074	613	222	100	56.3	32.1	11.6
Counterfeiting	218	155	48	15	100	71.1	22.0	6.9
Other	4,351	2,482	1,555	314	100%	57.0%	35.7%	7.2%
Burglary	62	35	25	2	100	56.5	40.3	3.2
Larceny ^c	2,134	1,247	710	177	100	58.4	33.3	8.3
Motor vehicle theft	913	559	320	34	100	61.2	35.0	3.7
Arson and explosives	727	396	319	12	100	54.5	43.9	1.7
Transportation of stolen property	170	98	72	...	100	57.6	42.4	...
Other property offenses ^c	345	147	109	89	100	42.6	31.6	25.8
Drug offenses	34,396	25,661	6,672	2,063	100%	74.6%	19.4%	6.0%
Public-order offenses	33,113	15,965	10,472	6,676	100%	48.2%	31.6%	20.2%
Regulatory	5,556	1,626	3,701	229	100%	29.3%	66.6%	4.1%
Agriculture	436	210	192	34	100	48.2	44.0	7.8
Antitrust	81	62	19	...	100	76.5	23.5	...
Food and drug	228	154	56	18	100	67.5	24.6	7.9
Transportation	294	121	169	4	100	41.2	57.5	1.4
Civil rights	2,252	80	2,169	3	100	3.6	96.3	0.1
Communications	164	36	126	2	100	22.0	76.8	1.2
Custom laws	326	150	152	24	100	46.0	46.6	7.4
Postal laws	268	119	81	68	100	44.4	30.2	25.4
Other regulatory offenses	1,507	694	737	76	100	46.1	48.9	5.0
Other	27,557	14,339	6,771	6,447	100%	52.0%	24.6%	23.4%
Weapons	7,660	5,365	2,112	183	100	70.0	27.6	2.4
Immigration offenses	5,626	2,822	236	2,568	100	50.2	4.2	45.6
Tax law violations ^c	1,670	1,182	437	51	100	70.8	26.2	3.1
Bribery	549	274	262	13	100	49.9	47.7	2.4
Perjury, contempt, and intimidation	729	385	322	22	100	52.8	44.2	3.0
National defense	455	241	128	86	100	53.0	28.1	18.9
Escape	3,894	843	840	2,211	100	21.6	21.6	56.8
Racketeering and extortion	3,440	1,820	1,573	47	100	52.9	45.7	1.4
Gambling	331	151	180	...	100	45.6	54.4	...
Liquor offenses	23	6	16	1	100	26.1	69.6	4.3
Obscene material ^c	79	24	54	1	100	30.4	68.4	1.3
Migratory birds	231	43	37	151	100	18.6	16.0	65.4
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	2,733	1,110	520	1,103	100	40.6	19.0	40.4
All other offenses	137	73	54	10	100	53.3	39.4	7.3
Unknown or indeterminable offense	729	382	281	66	100%	52.4%	38.5%	9.1%

^a...No case of this type occurred in the data.

See also data notes 3 and 4.

^bProcessed in U.S. district court or U.S. court of appeals.

^cIncludes suspects for whom offense category could not be determined.

^dSee data note 1.

Basis for declination	Suspects in criminal matters declined by U.S. attorneys	
	Number	Percent
Total declinations*	33,678	100 %
No crime	7,099	21.1%
No true bill returned	50	.1
No Federal offense	2,905	8.6
Lack of criminal intent	4,144	12.3
Referred or handled in other prosecution	7,122	21.1%
Removed	1,104	3.3
Prosecuted on other charges	1,813	5.4
Prosecuted by other authorities	4,205	12.5
Alternative resolution	2,003	5.9%
Restitution	172	.5
Civil or administrative alternative	726	2.2
Pretrial diversion	1,105	3.3
Suspect-related reasons	1,036	3.1%
Suspect serving sentence	194	.6
No known suspect	465	1.4
Suspect a fugitive	109	.3
Suspect deceased	239	.7
Suspect deported	29	.1
Case-related reasons	8,542	25.4%
Stale case	444	1.3
Weak evidence	7,150	21.2
Statute of limitations exceeded	191	.6
Jurisdiction or venue problems	305	.9
Witness problems	452	1.3
All other reasons	7,875	23.4%
Minimal Federal interest	1,772	5.3
Petite policy	124	.4
Lack of resources	1,953	5.8
Court policy	22	.1
DOJ policy	798	2.4
U.S. attorney policy	1,124	3.3
Speedy trial act	4	—
Agency request	1,497	4.4
Juvenile suspect	76	.2
Offender's health, age, prior record, or other personal circumstances	154	.5
Suspect's cooperation	339	1.0
Motion hearings	12	—

—Less than .05%.

*Includes 1 suspect for whom basis for declination could not be determined.
See data note 3.

Table 1.4 Disposition of matters declined for prosecution by U.S. attorneys, by offense, 1993

Most serious offense investigated	Number of suspects in declined matters				Percent of suspects in declined matters			
	Total ^a	Referred or handled in other prosecution ^b	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other	Total	Referred or handled in other prosecution ^b	Resolved with restitution, civil/administrative procedure, pre-trial diversion	Other
All offenses^c	33,678	7,122	2,003	24,552	100%	21.1%	5.9%	72.9%
Violent offenses	1,745	354	76	1,315	100%	20.3%	4.4%	75.4%
Murder/manslaughter ^d	124	34	1	89	100	27.4	.8	71.8
Assault	430	54	29	347	100	12.6	6.7	80.7
Robbery	506	182	11	313	100	36.0	2.2	61.9
Rape	322	29	4	289	100	9.0	1.2	89.8
Other sex offenses ^d	194	23	29	142	100	11.9	14.9	73.2
Kidnaping	97	27	0	70	100	27.8	0	72.2
Threats against the President	72	5	2	65	100	6.9	2.8	90.3
Property offenses	14,508	2,279	1,453	10,776	100%	15.7%	10.0%	74.3%
Fraudulent	12,953	1,953	1,327	9,673	100%	15.1%	10.2%	74.7%
Embezzlement	2,014	201	440	1,373	100	10.0	21.8	68.2
Fraud ^d	10,278	1,644	786	7,848	100	16.0	7.6	76.4
Forgery	613	94	99	420	100	15.3	16.2	68.5
Counterfeiting	48	14	2	32	100	29.2	4.2	66.7
Other	1,555	326	126	1,103	100%	21.0%	8.1%	70.9%
Burglary	25	12	1	12	100	48.0	4.0	48.0
Larceny ^d	710	151	90	469	100	21.3	12.7	66.1
Motor vehicle theft	320	90	7	223	100	28.1	2.2	69.7
Arson and explosives	319	59	2	258	100	18.5	.6	80.9
Transportation of stolen property	72	7	3	62	100	9.7	4.2	86.1
Other property offenses ^d	109	7	23	79	100	6.4	21.1	72.5
Drug offenses	6,672	2,224	102	4,346	100%	33.3%	1.5%	65.1%
Public-order offenses	10,472	2,165	345	7,961	100%	20.7%	3.3%	76.0%
Regulatory	3,701	283	149	3,268	100%	7.6%	4.0%	88.3%
Agriculture	192	37	18	137	100	19.3	9.4	71.4
Antitrust	19	8	1	10	100	42.1	5.3	52.6
Food and drug	56	6	7	43	100	10.7	12.5	76.8
Transportation	169	21	17	131	100	12.4	10.1	77.5
Civil rights	2,169	74	27	2,067	100	3.4	1.2	95.3
Communications	126	10	16	100	100	7.9	12.7	79.4
Custom laws	152	14	11	127	100	9.2	7.2	83.6
Postal laws	81	12	15	54	100	14.8	18.5	66.7
Other regulatory offenses	737	101	37	599	100	13.7	5.0	81.3
Other	6,771	1,882	196	4,693	100%	27.8%	2.9%	69.3%
Weapons	2,112	678	43	1,391	100	32.1	2.0	65.9
Immigration offenses	236	57	9	170	100	24.2	3.8	72.0
Tax law violations ^d	437	71	5	361	100	16.2	1.1	82.6
Bribery	262	17	17	228	100	6.5	6.5	87.0
Perjury, contempt, and intimidation	322	43	15	264	100	13.4	4.7	82.0
National defense	128	21	2	105	100	16.4	1.6	82.0
Escape	840	581	14	245	100	69.2	1.7	29.2
Racketeering and extortion	1,573	247	10	1,316	100	15.7	.6	83.7
Gambling	180	25	4	151	100	13.9	2.2	83.9
Liquor offenses	16	2	0	14	100	12.5	0	87.5
Obscene material ^d	54	9	1	44	100	16.7	1.9	81.5
Migratory birds	37	5	11	21	100	13.5	29.7	56.8
Conspiracy, aiding and abetting, traffic, and jurisdictional offenses	520	102	63	355	100	19.6	12.1	68.3
All other offenses	54	24	2	28	100	44.4	3.7	51.9
Unknown or indeterminable offense	281	100	27	154	100%	35.6%	9.6%	54.8%

^a Includes 1 suspect for whom reason for declination could not be determined.
^b Includes suspects in matters removed, prosecuted on other charges, prosecuted by other authorities, complaints filed with other indictments, youthful offenders, and those transferred to State authority.

^c Includes suspects for whom offense category could not be determined.
^d See data note 1.
 See also data notes 3 and 4.

Most serious offense investigated	Average number of months from receipt of matter to decision						
	Disposed by magistrate				Concluded by U.S. attorney		
	Total	Total	Convicted	Not convicted	Total	Prosecuted in U.S. district court	Declined
Mean time							
All offenses^a	9.6 mo	6.2 mo	1.8 mo	10.7 mo	9.9 mo	7.0 mo	15.4 mo
Violent offenses	6.2 mo	5.0 mo	3.0 mo	5.6 mo	6.3 mo	4.1 mo	11.5 mo
Property offenses	12.8 mo	7.7 mo	3.1 mo	12.7 mo	13.1 mo	9.4 mo	17.6 mo
Fraudulent offenses ^b	13.2	7.3	2.8	12.2	13.6	9.9	18.0
Other offenses ^c	9.8	10.2	4.8	15.7	9.7	6.6	14.8
Drug offenses	7.8 mo	8.5 mo	1.9 mo	13.6 mo	7.7 mo	6.0 mo	14.3 mo
Public-order offenses	8.7 mo	5.1 mo	1.3 mo	9.3 mo	9.6 mo	6.8 mo	13.9 mo
Regulatory offenses	12.1	11.4	7.5	13.6	12.1	10.1	13.0
Other offenses	8.0	4.8	1.2	9.1	9.0	6.4	14.3
Median time							
All offenses^a	3.1 mo	.9 mo	.1 mo	2.1 mo	3.8 mo	1.2 mo	10.9 mo
Violent offenses	1.5 mo	1.1 mo	1.1 mo	1.1 mo	1.6 mo	.8 mo	7.9 mo
Property offenses	6.9 mo	1.5 mo	.5 mo	2.8 mo	7.5 mo	3.5 mo	13.4 mo
Fraudulent offenses ^b	7.5	1.4	.2	2.9	8.2	4.0	13.8
Other offenses	4.2	1.8	1.6	2.1	4.6	1.6	10.8
Drug offenses	1.2 mo	.9 mo	.6 mo	1.6 mo	1.2 mo	.8 mo	10.2 mo
Public-order offenses	2.5 mo	.7 mo	.0 mo	2.2 mo	3.7 mo	1.0 mo	9.1 mo
Regulatory offenses	6.8	4.1	4.8	4.1	6.9	2.8	8.2
Other offenses ^c	1.8	.6	.0	2.1	2.6	1.0	9.6
Number of suspects^d	106,641	11,083	5,566	5,517	95,558	62,164	33,394
With unknown or indeterminable offense ^e	696	64	31	33	632	360	272
With unknown or indeterminable processing times ^f	2,213	224	147	77	1,989	1,705	284
^a Includes suspects for whom offense category could not be determined.				^e May include some suspects with unknown or indeterminable processing time.			
^b Excluding tax fraud.				^f May include some suspects with unknown or indeterminable offenses.			
^c Including tax fraud.				See data note 3.			
^d Excludes suspects with insufficient data to determine processing time.							